

**Smart Sanctions, the Next Step: Arms Embargoes and Travel  
Sanctions**

**Second Expert Seminar, Berlin, December 3-5, 2000**

**THE EXPERIENCE OF THE UNITED NATIONS IN  
ADMINISTERING ARMS EMBARGOES AND  
TRAVEL SANCTIONS**

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## I. INTRODUCTION

1. Security Council sanctions imposed under Chapter VII of the UN Charter are today seen by the international community as an important tool in seeking to maintain or restore international peace or security. The use of targeted sanctions has not only increased, but the range of purposes for which they are intended has widened. The Security Council has used them as a tool to repel aggression, restore democracy and human rights, and pressure regimes supporting terrorist activities and others charged with international crimes<sup>1</sup>. Whereas sanctions have traditionally been used against States, the Council also has recently imposed sanctions against non-State actors.
2. In recent years there has been increasing concern regarding the negative effects of economic sanctions on vulnerable civilian populations, as well as the collateral effects on third states. The concept of targeted, or “smart”, sanctions has emerged in response to these concerns. Such measures include targeted financial sanctions, arms embargoes, travel bans and diplomatic sanctions. Through improved targeting of mandatory measures and more effective implementation, the Security Council can enhance the prospect of achieving its stated objectives while minimizing unintended negative consequences.
3. As policy instruments, sanctions have gained in attractiveness because they enable Security Council members to forge shared responses during crises in which their policies might otherwise diverge.

## II. EFFORTS TO IMPROVE THE EFFECTIVENESS OF SANCTIONS

4. The debate that was generated following the submission of Secretary-General Boutros Boutros-Ghali’s reports on “An Agenda for Peace” (A/47/277-S/24111) and its Supplement (A/50/60-S/1995/1) facilitated the process of review of the effectiveness of Security Council imposed sanctions and their oft negative effects. Resolution 51/242, Annex II, adopted by the General Assembly, contains a number of recommendations, several of them applicable to arms embargoes and travel bans.
5. In his reports to the General Assembly on the Work of the Organization, as well as in his reports to the Security Council on the situation in Africa, Secretary-General Kofi Annan has stressed that the use of mandatory sanctions is a valuable tool available to the Security Council, permitting the United Nations to bring pressure to bear upon the target while avoiding recourse to military force. At the same time, the Secretary-General acknowledged the need to address the negative effects of economic sanctions and encouraged consideration by the General Assembly and the Security Council of possible ways to render sanctions a less blunt and more effective instrument.

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<sup>1</sup> Cf. J Stremlau, *Sharpening Economic Sanctions: Toward a Stronger Role for the United Nations*, Report to the Carnegie Commission on Preventing Deadly Conflict, New York: Carnegie Corporation, November 1996.

6. In an address to the International Rescue Committee on 15 November 2000, the Secretary-General noted that clearly, sanctions needed refining. He welcomed the recent emphasis on “smart sanctions” which prevent the travel – or freeze the foreign bank accounts – of individuals or classes of individuals. The Secretary-General further noted that “if we want to punish, let us punish the guilty. And if we want to bring about change, let us target the powerful, not the powerless. But merely making sanctions ‘smarter’ will not be enough. The challenge is to achieve consensus about the precise and specific aims of the sanctions, and then provide the necessary means and will for them to succeed”.
7. The UN Secretariat seeks to encourage efforts by Member States for better targeted sanctions. It has cooperated with the Organization for Security and Cooperation in Europe (OSCE) and the European Union (EU) in convening the Copenhagen Round Table (24-25 June 1996), which took stock of lessons learned from the Yugoslav sanctions regime. The report of the Round Table, including its recommendations, was made available to the members of the Security Council<sup>2</sup>. The Secretariat also assisted in the preparation of the Report on Preventing Deadly Conflict by the Carnegie Commission in 1996, which included a chapter on sanctions reform. A Symposium on Targeted Sanctions, sponsored by eight non-governmental organizations with a track record of support for UN activities, was held in New York in December 1998, with substantive support from the Secretariat. The Chairmen of the various Sanctions Committees and other members of the Security Council made presentations to the symposium. Smart sanctions were also the subject of a conference organized in London in December 1998 sponsored by the Overseas Development Institute (ODI) in the United Kingdom. In order to explore the feasibility of better-targeted sanctions, in particular arms embargoes and travel bans, the Government of Germany, with substantive support from the Secretariat, regional organizations, non-governmental (NGOs) and academic institutions, initiated the “Bonn–Berlin Process” leading to concrete recommendations for their strengthening. In addition to the first expert seminar held on 21-23 November 1999 in Bonn, a second was held on 3-5 December 2000. On 17 April 2000, a symposium on sanctions, entitled “Towards Smarter, More Effective UN Sanctions”, sponsored by the International Peace Academy, was held in New York.
8. Since 1997, the Government of Switzerland has facilitated a dialogue between sanctions practitioners and experts, known as the “Interlaken process”. Its goal has been to explore the potential effectiveness of targeted financial sanctions, which may include freezing the financial assets and blocking the financial transactions of targeted entities or individuals. Although their efficacy remains to be tested, and several issues require resolution, the technical feasibility of such sanctions has now been established, as reflected in a report submitted to the Security Council in June

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<sup>2</sup> United Nations, *Letter Dated 24 September 1996 from the Chairman of the Security Council Committee Established Pursuant to Resolution 724 (1991) Concerning Yugoslavia Addressed to the President of the Security Council*, S/1996/776, New York: 1996.

1999.

9. In turn, the Security Council began to address the need to enhance the effectiveness of arms embargoes by adopting resolution 1196 (1998) concerning Africa, which recommended a number of steps for improving the effectiveness of arms embargoes, including better national implementation, the closing of loopholes in national laws, the strengthening of legal and administrative authority in supplier countries, better communication and coordination of the UN Sanctions Committees with regional organizations, improved border monitoring, and the use of investigative commissions to uncover and report on violations of arms embargoes. The resolution endorsed a number of proposals that were included in the Secretary-General's report on "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa" of April 1998<sup>3</sup>. In September 1999, the Security Council considered the situation in Africa on the basis of the Secretary-General's report (S/1999/1008), in which he reported on the implementation of the recommendations contained in his earlier report (S/1998/318). That report, *inter alia*, dealt with such issues as targeting sanctions, criminalizing the violation of Security Council arms embargoes and addressing the problem of illicit arms flows and small arms.
10. In January 1999, the President of the Security Council issued a "Note on the Work of the Sanctions Committees," which reaffirmed the commitment of all Council members to a series of recommendations designed to improve the work of Sanctions Committees in the implementation of sanctions (S/1999/92).
11. In September 1999, the Security Council also held meetings on Small Arms and the Protection of Civilians in Armed Conflict, which, *inter alia*, called for more effective implementation of arms embargoes. In 1998, the General Assembly decided to convene a conference on all aspects of the illicit trade in small arms and light weapons no later than 2001.
12. During the current 55th General Assembly, there have been calls for the increased use of targeted sanctions, particularly as a tool to reduce third-party costs.
13. On 17 April 2000, the Security Council decided to establish on a temporary basis an informal working group to develop general recommendations on how to improve the effectiveness of United Nations sanctions. The working group should report its findings to the Council (Note by the President of the SC; S/2000/319).

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<sup>3</sup> United Nations, *Report on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, A/52/871-S/1998/318, New York: 1998.

### III. THE MIXED RECORD OF ARMS EMBARGOES AND TRAVEL BANS

#### *South Africa*

14. Security Council resolution 418 (1977) imposed a mandatory arms embargo against South Africa. It had taken almost thirty years for the Security Council to reach a common understanding that the *apartheid* regime, its attacks against neighbouring independent States and its acquisition of arms and related *matériel* constituted a threat to the maintenance of international peace and security. Resolution 421 (1977) subsequently established a Sanctions Committee but did not include any provision for a monitoring mechanism to enhance the effective implementation of the arms embargo.
15. By resolution 473 (1980) the Security Council called on the Committee to redouble its efforts to secure full implementation of the established prohibitions and called upon all States to strictly implement resolution 418 (1977) and enact, as appropriate, effective national legislation for that purpose. The arms embargo was further strengthened by resolutions 558 (1984) and 591 (1986).
16. To promote more effective implementation of the embargo, the Committee established contacts with a number of non-governmental organizations, which provided information concerning the implementation of the mandatory arms embargo at the national level. It also established contacts with experts in the field, including journalists, union leaders, academics and parliamentarians, and held a number of hearings on the embargo.
17. The Security Council terminated the sanctions on 25 May 1994, by resolution 919 (1994), after the first government elected by universal suffrage was formed in South Africa.
18. From reports on violations received by the Committee, it became clear that arms and related *matériel* continued to reach South Africa. The Committee appealed to states to: tighten their monitoring efforts; increase their vigilance regarding licensing procedures; ensure that the provisions were fully implemented in national legislation; and mount thorough investigations of any violations that were brought to their attention. The Committee also maintained that where their activities had revealed deficiencies in the interpretation and implementation of the arms embargo, governments should take all necessary steps to ensure that any loopholes were closed.
19. Overall, the arms embargo failed to degrade South Africa's military hardware and capabilities. On the contrary, the racist regime succeeded in building up its endogenous military production capacity. There were frequent reports that South Africa maintained secret arms exchanges with other States and the arms embargo was not universally respected.

## *Iraq*

20. In the case of Iraq, the arms embargo is a component part of a more general and comprehensive sanctions regime, which also includes economic sanctions and an air embargo. By resolution 700 (1991), the Security Council approved guidelines for facilitating full implementation of the provisions related to the arms embargo. By paragraph 5 of that resolution, the Council entrusted the 661 Committee with the responsibility for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established in paragraph 24 of resolution 687 (1991).
21. Under the above guidelines, all States and international organizations are required to: assist in ensuring full compliance with the arms and related sanctions against Iraq; report to the Committee any information that may have come to their attention relating to possible violations by other States or foreign nationals of the arms and related sanctions against Iraq; and consult the Committee on whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991) as well as the possible dual-use nature of certain items. Pursuant to paragraph 6, subparagraph (f), of the guidelines, the Committee has so far submitted more than 30 reports to the Security Council. In recent years, the arms embargo has been effectively enforced in general terms and there have been only a few reports of alleged violations brought to the attention of the Committee.
22. Travel restrictions have played a limited role in the comprehensive sanctions imposed against Iraq. Resolution 670 (1990) called on all States to deny landing and overflight rights to aircraft destined for Iraq, unless such aircraft landed at a designated airfield to be inspected for contraband or had a humanitarian clearance from the Sanctions Committee. In practice, this stopped all flights into and out of Iraq. Since 22 September 2000, there has been an exponential increase in the number of international flights to Iraq. The Committee is currently considering procedures for dealing with such flights.
23. The Committee has depended, to a large extent, on the good will and cooperation of States, especially those that have developed means and resources in the area, to enforce and monitor the sanctions. Nevertheless, the arms embargo could be more effective if the Committee, with the necessary mandate from the Council, had more means under its direct control to monitor and enforce the sanctions.

## *Libyan Arab Jamahiriya*

24. Although Security Council resolution 748 (1992) imposed an arms embargo on Libya, the Committee rarely had occasion to deal with it. It was aimed at bringing an end to Libya's alleged support for terrorism and, in particular, its refusal to hand over to foreign jurisdiction two Libyan citizens who were allegedly involved in the destruction of Pan Am flight 103 over Lockerbie, Scotland as well as those responsible for the downing of UTA flight 772 over Niger. The effectiveness of the

arms embargo against Libya was not adequately tested by the respective Sanctions Committee given the lack of appropriate monitoring arrangements and the absence of regular information on possible violations of the arms embargo. Only one incident of an alleged violation was brought to the Committee's attention but never fully considered given the lack of substantial evidence.

### *Somalia*

25. Security Council resolution 751 (1992) established a Committee to monitor the embargo, imposed under Security Council resolution 733 (1992), on the supply of weapons and military equipment to Somalia. The arms embargo was imposed by the Security Council as the international community's response to the rapid deterioration of the situation in that country involving bloody factional fighting resulting in heavy loss of life, widespread material damage, and a consequent refugee crisis.
26. The Committee has limited its activities to appealing to Somalia's neighbouring States and others in the region for information on reported or suspected violations. The Committee does not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo. It relies solely on the cooperation of States and organizations in a position to provide information on violations. In a statement to the press on 27 October 1999, the Security Council reiterated its call upon States to observe the arms embargo and to refrain from any actions that might exacerbate the situation in Somalia. On 12 November 1999, the Council urged Member States holding information on violations of the provisions of resolution 733 (1992) to provide that information to the Sanctions Committee, with a view to supporting its work (S/PRST/1999/31).

### *Haiti*

27. The objectives of the sanctions measures imposed on Haiti were to ensure the departure of the *de facto* authorities and the restoration of the legitimate institutions in Haiti, in particular the return from exile of the democratically elected President Jean-Bertrand Aristide. By its resolution 841 (1993), the Security Council determined that the situation in Haiti was caused by the illegitimacy of the military government who, on 30 September 1991, overthrew democratically elected President Aristide in a *coup d'état* and forced him into exile. The Council expressed concern that a climate of fear of persecution and economic dislocation could increase the number of Haitians seeking refuge in neighbouring States and have negative repercussions on the whole region.
28. Although the comprehensive sanctions regime on Haiti covered, *inter alia*, an arms embargo and travel restrictions, no violations of the regime in these two areas were considered by the Committee. It may have been that the deployment of Canadian and

United States personnel (in civilian uniform), who established a monitoring/inspection mechanism along the Haitian/Dominican Republic frontier, as well as the presence of a Security Council authorized multinational naval force, could have succeeded in preventing violations. It should be noted that the sanctions regime on Haiti is considered to have been the first example of targeting sanctions against decision-makers, and of the need to reinforce sanctions by stating of readiness to use force if necessary.

### *Angola*

29. Security Council resolution 864 (1993) established a Committee to oversee the mandatory sanctions imposed against UNITA relating to the sale or supply of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, as well as of petroleum and petroleum products. The embargo came into effect on 15 September 1993 and was targeted only at UNITA. Security Council resolution 1127 (1997) imposed additional measures against UNITA, including restrictions on the travel of senior officials of UNITA and adult members of their immediate families, and closure of all UNITA offices.
30. On 31 October 1997, the Committee adopted the new consolidated guidelines for the conduct of its work, which included additional tasks mandated by resolution 1127 (1997). By a *note verbale* of 19 December 1997, a list of senior officials of UNITA whose entry or transit is to be prevented by all States and whose travel documents, visas or residence permits are to be suspended or cancelled in accordance with resolution 1127 (1997), was transmitted to all States, international organizations and specialized agencies. On 19 February 1998, a further list of senior officials of UNITA and adult members of their immediate families was transmitted to all States, international organizations and specialized agencies. The list is updated by the Committee on a regular basis, and any additions or deletions are transmitted to all States, international organizations and specialized agencies.
31. By resolution 1237 (1999) of 7 May 1999, the Security Council established a panel of experts to collect information, investigate reports and make recommendations concerning the five categories established by the Security Council, namely, diamonds, finances, petroleum products, representation and travel, and weapons.
32. The experience of the Secretariat in dealing with the UNITA case suggests that national authorities are often constrained by inadequate domestic legislation that hinders effective action against banned UNITA officials. The Security Council may wish to consider authorizing secondary sanctions against individuals and companies who travel to meet UNITA leaders, as part of the overall travel sanctions measures. UNITA control of valuable resources has weakened the impact of travel sanctions by attracting business contacts with tempting diamond and oil concessions.

33. Subsequently, on 15 March 2000, the Security Council considered in an open briefing the report of the Panel of experts (S/2000/203), established pursuant to resolution 1237 (1999) on the situation in Angola.
34. On 18 April 2000, the Council adopted resolution 1295 (2000) which requested the Secretary-General to establish a monitoring mechanism composed of five experts, for a period of six months, to collect additional relevant information and investigate relevant leads initiated by the Panel of Experts. The first interim report of the Monitoring Mechanism was submitted to the Security Council on 25 October 2000 (S/2000/1026). The final report of the Monitoring Mechanism was made available on 21 December 2000 (S/2000/1225).
35. By its resolution 1336 (2001) of 23 January 2001, the Security Council decided to extend the mandate of the Monitoring Mechanism for a period of three months. The Council requested the Mechanism to report periodically to the 864 Sanctions Committee and to provide a written addendum to the final report by 19 April 2001.

#### *Rwanda*

36. The Security Council adopted the sanctions measures in the case of Rwanda as a response by the international community to civil strife, large-scale massacres and military hostilities accompanied by factional fighting, which resulted in the deaths of hundreds of thousands of civilians, the internal displacement of a significant percentage of the Rwandan population and the exodus of refugees to neighbouring countries. The Security Council, concerned by the magnitude of the human suffering caused by the conflict in Rwanda and worried that the situation posed a threat to peace and security in the region, imposed the arms embargo against Rwanda by resolution 918 (1994), acting under Chapter VII of the Charter of the United Nations.
37. By the same resolution, the Council also established a committee to monitor the mandatory sanctions relating to the sale or supply to Rwanda of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts. The embargo entered into force on 17 May 1994.
38. Security Council resolution 1011 (1995) lifted those restrictions with regard to the sale or supply of arms and related *matériel* to the Government of Rwanda through named points of entry. The Council also confirmed the continuing prohibitions in respect of the sale or supply of arms and related *matériel* to non-governmental forces, or to persons in neighbouring states, for use in Rwanda.
39. The Security Council does not conduct periodic reviews of the effectiveness of the arms embargo but the issue of the situation in Rwanda is under consideration by the Council. No review of international enforcement or monitoring of the arms embargo was established but the International Commission of Inquiry (UNICOI) played an

important role in investigating problems in the implementation of the arms embargo in Rwanda, Eastern Congo and the Great Lakes region. In its final two reports UNICOI formulated recommendations for enhancing the effectiveness of the arms embargo.

### *Liberia*

40. The arms embargo in the case of Liberia was imposed by Security Council resolution 788 (1992) as a response of the international community to the serious deterioration of the internal situation in the country. The Security Council noted that the deterioration of the situation in Liberia hindered the creation of conditions conducive to the holding of free and fair elections, which, in the view of the Council, offered the best possible framework for a peaceful resolution to the Liberian conflict. Security Council resolution 985 (1995) subsequently established a Committee to monitor the arms embargo imposed under Security Council resolution 788 (1992) on the supply of weapons and military equipment to Liberia.
41. The Committee does not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo. It relies solely upon the cooperation of States and organizations in a position to provide it with pertinent information.
42. As of 25 January 2001, the Security Council was considering a draft resolution that would impose a range of mandatory measures against Liberia.

### *Sudan*

43. The Security Council adopted certain measures against the Sudan but did not establish a sanctions committee. The Council determined that the Government of the Sudan had not complied with its request set out in paragraph 4 of resolution 1044 (1996), in which it condemned the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa, Ethiopia, on 26 June 1995, and called upon the Government of the Sudan to comply with the requests of the Organization of African Unity without further delay to undertake immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the above mentioned assassination attempt. The Government of the Sudan claimed that its investigations in respect of two of the suspects had produced no trace of their presence in the Sudan and that the identity of the third suspect was unknown.
44. On 26 April, the Security Council adopted, on the basis of the report of the Secretary-General of 11 March 1996 (S/1996/179), resolution 1054 (1996) by which the Council, acting under Chapter VII of the Charter of the United Nations, adopted measures against the Sudan consisting of significant diplomatic reductions in the number and the level of the staff at Sudanese diplomatic missions and consular posts and restriction or control of the movement of all such staff who remained in the

territory of other States, para 3 (a). Further, the Council imposed restrictions on the entry into or transit through the territory of other States members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces, para 3 (b). In this regard States were requested to report to the Secretary-General on the steps they had taken to implement these measures. This request was reiterated in resolution 1070 (1996), adopted by the Council on 16 August 1996. Sixty-six replies were received from States. The replies were initially published as documents of the Security Council and later reflected in the reports of the Secretary-General and its addenda (S/1996/541 and Adds. 1-3, S/1996/940 and Add. 1). The Council also called on all international and regional organizations not to convene any conferences in the Sudan.

45. By resolution 1070 (1996), adopted on 16 August 1996, the Security Council decided that all States should deny aircraft permission to take off from, land in, or over fly their territories if the aircraft was registered in the Sudan, or owned, leased or operated or substantially owned or controlled by the Government or public authorities of the Sudan. However, the adopted sanctions measures were to enter into force pending a decision by the Council, within 90 days after the date of the adoption of resolution 1070, unless the Council decided before on the basis of a report by the Secretary-General (S/1996/940 of 14 November 1996). The aforementioned measures were not imposed against the Sudan.

#### *Sierra Leone*

46. By resolution 1132 (1997), adopted on 8 October 1997, the Security Council imposed a regime of mandatory sanctions under Chapter VII of the UN Charter against Sierra Leone. Paragraphs 5 and 6 of this resolution prevented the sale or supply to Sierra Leone of petroleum and petroleum products, arms and related *matériel* of all types as well as imposed restrictions on the travel of members of the military *junta* of Sierra Leone and adult members of their families. Such measures were imposed in view of the Council's concerns over the continued violence following the military coup of 25 May 1997, which was deemed as a threat to international peace and security in the region.
47. Under paragraph 8 of resolution 1132 (1997), the Security Council, acting under Chapter VIII of the UN Charter, authorized the Economic Community of West African States (ECOWAS), in cooperation with the democratically elected Government of Sierra Leone, to ensure strict implementation of the provisions of paragraphs 5 and 6 of that resolution. By paragraph 9 of that resolution, ECOWAS was required to report to the Committee every 30 days on all activities undertaken in that regard.
48. The Sanctions Committee was mandated by paragraph 10(f) of resolution 1132 (1997) to designate members of the military *junta* of Sierra Leone and adult members of their families whose entry or transit is to be prevented by all States. On 8 January 1998, the Committee issued the first list of members of the military *junta* of Sierra

Leone, which was transmitted by the Chairperson of the Committee to all States and International Organizations/Specialized Agencies (SC/6464). This list was subsequently issued as a press release on 28 January 1998 (SC/6472).

49. In February 1998, the Côte d'Ivoire informed the Committee that the competent Ivorian authorities had taken expulsion measures with respect to Mr. Paolo Bangoura (Minister for Foreign Affairs of the Sierra Leone military *junta*) and two other persons who were accompanying him, in implementation of the travel restrictions imposed by resolution 1132 (1997). The Committee took note of this communication.
50. In accordance with paragraphs 3 and 4 of resolution 1196 (1998), the Committee has maintained contact with ECOWAS and its Military Observer Group (ECOMOG) with regard to the implementation of the arms embargo and related measures. The Committee had, on several occasions, considered alleged violations of the sanctions regime and, in some cases; the Chairperson had requested additional information from the Member States concerned.
51. In December 1997, the Chairperson of the Committee visited Guinea for discussions with the elected President of Sierra Leone, Guinean authorities, UN agencies and non-governmental organizations. The purpose of the visit was to assess the implementation of resolution 1132 (1997). In December 1998, the Chairperson visited Sierra Leone and Liberia to assess the implementation of the mandatory measures.
52. Prior to the signing of the cease-fire agreement in Lomé, Togo, on 18 May 1999, between President Kabbah of Sierra Leone and Corporal Foday Sankoh, leader of the Revolutionary United Front (RUF), arms and ammunition crossed the Sierra Leone borders from neighbouring countries, in violation of resolution 1171 (1998). It should be recognized, however, that geographical conditions along the border between Sierra Leone and its neighbours are such that full governmental control or monitoring of the border is virtually impossible given the resources available in the region, unless an appropriate mechanism is put in place with the aid of the international community.
53. The Security Council adopted resolution 1306 (2000) on 5 July 2000 imposing a ban on the direct or indirect import of rough diamonds from Sierra Leone not controlled by the Government of Sierra Leone through a Certificate of origin regime.
54. In accordance with paragraph 12 of resolution 1306 (2000), the Sierra Leone Sanctions Committee held exploratory hearings on 31 July and 1 August 2000 (S/2000/1150) to assess the role of diamonds in the Sierra Leone conflict and the link between trade in Sierra Leone diamonds and trade in arms and related materiel in violation of resolution 1171 (1998). In accordance with paragraph 19 of the same resolution, the Secretary-General on 2 August 2000 established a panel of experts (S/2000/756) to: a) Collect information on possible violations of the arms embargo and the link between trade in diamonds and trade in arms and related matériel; b)

Consider the adequacy of air traffic control systems in the region; c) Report to the Council with observations and recommendations. The Panel of Experts' report was made available on 20 December 2000 (S/2000/1195) and the Security Council discussed the report in a formal meeting on 25 January 2001 (S/PV.4264).

*The former Yugoslavia*

55. Deeply concerned by the fighting in Yugoslavia and its consequences for the countries of the region, the Security Council imposed by its resolution 713 (1991) an arms embargo on all the constituent republics of the former Socialist Federal Republic of Yugoslavia. In 1992, the relevant Sanctions Committee noted with concern in its report to the Security Council (S/23800) that a number of Member States had not responded to the requests addressed to them on the measures they were expected to institute for meeting the obligations set out in paragraph 6 of resolution 713 (1991).
56. The Committee dealt with a limited number of actual or suspected violations of the arms embargo brought to its attention by the North Atlantic treaty Organization (NATO) and Western European Union (WEU) naval forces in the Adriatic Sea, and UNPROFOR. In addition, some information was retrieved by the Secretariat from press reports. This resulted in the addressing of requests for investigation to several States who either refuted the allegations or failed to reply.
57. In 1995, the Committee was apprised by the EU/OSCE Sanctions Coordinator that arms smuggling involved very sophisticated techniques and in his view, arms and other military equipment were entering the former Yugoslavia, mostly by air, therefore necessitating control of the movement of airfreight in the region. The need for tighter cooperation between the competent investigation services of the various countries and the strengthening of the Committee's coordinating role were identified as essential for preventing violations.
58. The Committee reported to the Security Council that the effectiveness of the arms embargo in the case of the former Yugoslavia would have been significantly greater if there had been in place a system for monitoring the air and land freight traffic parallel to the existing NATO/WEU arrangements in the Adriatic Sea and the monitoring by the SAMs of the land entry points and traffic on the Danube. The Committee felt that consideration might be given to ways and means of promoting the effectiveness of future arms embargo regimes in general.
59. On several occasions, the Committee dealt with queries as to whether the participation of individuals or delegations from the Federal Republic of Yugoslavia in activities not related to the peace process would be in conformity with sanctions requirements (paras. 7 and 8 of resolution 757 (1992)). As a rule, the Committee did not object to such participation provided the request was not submitted on behalf of the Government of the Federal Republic of Yugoslavia. The Committee also established a series of specific conditions, under which Yugoslav athletes might

participate in international sporting events, including the 1992 Barcelona Olympic Games. In July 1993, the Committee determined that it was not in a position to reach a consensus on whether participation by a parliamentary delegation from the Federal Republic of Yugoslavia in the Conference of the Inter-Parliamentary Union (IPU) would be consistent with resolution 757 (1992).

60. The Committee was unable to establish a list of Bosnian Serb individuals whose travel to other countries was prohibited in accordance with paragraph 14 of resolution 942 (1994), although in June 1995, the United States submitted information to that effect. Despite the absence of such a list, the Committee received and approved requests from Canada and the United States to authorize the entry into their respective territories of certain individuals for participation in legal proceedings and to attend the Dayton peace talks.

#### *The Federal Republic of Yugoslavia, including Kosovo*

61. On 31 March 1998, acting under Chapter VII of the UN Charter, the Security Council adopted resolution 1160 (1998) by which, in paragraph 8, it decided that all States should prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related *matériel* of all types and spare parts thereof, as well as arming and training for terrorist activities there and, in paragraph 10, called on all States and all international and regional organizations to act strictly in conformity with the resolution. By imposing the above prohibitions the Council sought to contribute towards fostering peace and stability in Kosovo.
62. The Committee, in its initial report to the Security Council (S/1999/216) in 1999, and its following report (S/2000/633) expressed concern at continued serious violations of the arms embargo and other prohibitions. The Committee also recognized that due to the lack of a comprehensive monitoring mechanism, its information was limited, and that it therefore could not report conclusively on violations. It urged States, particularly those neighbouring the Federal Republic of Yugoslavia, to make every effort to comply fully with resolution 1160 (1998) and the subsequently adopted resolution 1199 (1998). It also reiterated the responsibility of all States to support international efforts aimed at stabilizing the situation in Kosovo and enhancing the prospect of peace in the region by observing strictly the prohibitions contained in resolutions 1160 (1998) and 1199 (1998) and acting promptly when violations occur.
63. Following the adoption of Security Council resolution 1244 (1999), the Committee reiterated the importance it attached to reports on possible violations from UNMIK, KFOR and organizations participating in the monitoring of the arms embargo.

#### *Afghanistan*

64. On 15 October 1999, the Security Council adopted resolution 1267 (1999) demanding the turnover of Usama bin Laden to appropriate authorities. Since this condition was

not met by 14 November 1999, the Security Council imposed a flight ban on any aircraft owned, leased or operated by or on behalf of the Taliban, as well as a freeze on funds directly or indirectly owned or controlled by the Taliban. As the latest sanctions regime imposed by the Security Council, the language of resolution 1267 (1999) is much clearer and better focused than in previous resolutions imposing similar measures.

65. By its resolution 1333 (2000) of 19 December 2000, the Security Council decided that all States shall: prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control of arms and related matériel of all types of weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts; prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control of technical advice, assistance or training related to the military activities of the armed personnel under the control of the Taliban; and withdraw any of their officials, agents, advisors and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters and urge other nationals to leave the country. The Council also decided that all States shall take further measures: to close immediately and completely all Taliban offices in their territories; to close immediately all offices of Ariana Afghan Airlines in their territories; and to freeze without delay funds and other financial assets of Usama bin Laden and individuals and entities associated with him. Furthermore, it decided that all States are required to deny any aircraft permission to take off from, land in or over-fly their territories if that aircraft has taken off from or is destined to land at a place in the territory of Afghanistan designated by the Committee as being under Taliban control, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need or on the grounds that the flight promotes discussion of a peaceful resolution of the conflict in Afghanistan or is likely to promote Taliban compliance with relevant resolutions. The above measures came into force on 19 January 2001, one month after the date of the adoption of the resolution.

#### *Eritrea/Ethiopia*

66. By its resolution 1298 (2000), the Security Council established a Sanctions Committee to monitor the implementation of the prohibitions contained in paragraph 6 of the resolution: the sale or supply to Eritrea and Ethiopia of arms and related matériel of all types of the provision to Eritrea and Ethiopia of technical assistance or training related to the prohibited items.

#### IV. STRENGTHENING ARMS EMBARGOES AND TRAVEL BANS

67. Given the true potential of arms embargoes and travel bans, the Security Council, in considering future sanctions regimes, could ensure that the goals of such regimes are fully defined in the text of the relevant resolution and that appropriate monitoring and enforcement arrangements are made to enable a regular flow of accurate information concerning sanctions implementation to the respective Sanctions Committee. In this

regard, the elaboration of clear monitoring procedures to be followed either by the Sanctions Committees or by the Council might be equally useful.

68. The primary responsibility for the enforcement and observance of arms embargoes and travel bans rests with Members States. They should be encouraged to provide the Sanctions Committees with information on possible violations that would allow them to fulfil their mandates. At the same time, the Sanctions Committees should maintain appropriate arrangements and channels of communication with States, international organizations and other parties concerned in order to improve the monitoring of the established prohibitions<sup>4</sup>. Visits by Chairpersons or delegations of Sanctions Committees could assist States, especially neighbouring States, in dealing with difficulties they encounter in the implementation of the sanctions regimes as well as identifying the means with which to overcome them.
69. Regarding travel bans, States should be encouraged to have in place the necessary domestic legislation<sup>5</sup>. Good cooperation amongst States, especially those neighbouring the target State, is of crucial importance to the success of arms embargoes and other sanctions regimes. A permanent mechanism to improve cooperation and coordination amongst UN organs and agencies, States and international organizations, especially those actively involved in the implementation of arms embargoes and travel bans could be set up with support from competent regional organizations.
70. Such a monitoring mechanism was most effectively established in connection with the implementation of the comprehensive economic sanctions in the case of the Federal Republic of Yugoslavia (1991-1996). The EU, the OSCE, NATO, the WEU, the Danube Committee and other organizations demonstrated the capacity to establish an effective monitoring regime, to share and exchange information, to develop more efficient operating procedures, and to provide reliable data on the effectiveness of the sanctions regime. They also played a major role in training customs and investigative services in neighbouring States.
71. The deployment of international observers at airfields, ports and crossing points in and around the targeted states to monitor the implementation of the established prohibitions can dramatically reduce violations provided the necessary material and human resources could be secured.
72. The Secretariat should be equipped with the necessary resources and specialized expertise to enable it to administer effectively the various sanctions regimes and should be given the necessary means to establish a reliable database of sanctions violations. The Secretariat, duly reorganized and reinforced, would be ready to undertake, at the request of the Security Council or of the respective Sanctions

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<sup>4</sup> Note from the President of the Security Council: Work of the Sanctions Committees (S/1999/92).

<sup>5</sup> Evidence from the Rwanda and Yugoslavia Criminal Tribunals suggests that indictments against individual leaders caused them to halt their foreign travels for fear of being arrested.

Committees, analysis and assessment of the effectiveness of the mandatory measures, including arms embargoes and travel bans.

## V. CONCLUSION

73. Both arms embargoes and travel bans have become an integral part of the concept of “smart” sanctions, which, in the words of the Secretary-General, “seek to pressure regimes rather than people.” Smart sanctions offer the possibility of concentrating coercive pressure on decision-making élites, while minimizing humanitarian and third party damage. It is hard to question their legitimacy and they are therefore more likely to enjoy the support they need from Member States and regional organizations.
74. The challenge now is to identify the means to effectively implement and sharpen the focus of such smart sanctions. Such a strategy should be based upon the lessons learned from past sanctions regimes, as outlined above. It is essential to take stock of past successes and failures to make arms embargoes and travel bans as efficient as possible.
75. Because arms embargoes and travel bans by themselves may not always succeed in inducing early compliance of the target with the resolutions of the Security Council, they should be integrated within an overall diplomatic strategy to induce compliance by the target.
76. The clear advantage of arms embargoes, travel bans and other targeted measures lies in the fact that they are likely to have little or no humanitarian impact or other collateral effects. Their objective is to isolate and help contain ruling élites, whilst denying them any prospect of manipulating the civilian population into blaming the hardships they may encounter on the sanctions imposed by the Security Council.

**Annex:**  
**REVIEW OF MANDATORY SANCTIONS MEASURES ESTABLISHED BY THE  
SECURITY COUNCIL: ARMS EMBARGOES AND TRAVEL BANS**

<b>Sanctions regime</b>	<b>Resolutions (paragraphs): arms embargoes (A), travel bans (T) and diplomatic restrictions (D)<sup>6</sup></b>	<b>Committee's report to the SC</b>
<b>Southern Rhodesia</b> 1966 – 1979	No mandatory arms embargo or travel bans instituted	11 reports between 1968 and 1977
<b>South Africa</b> 1977 - 1994	418 (1977) para. 2 (A) and 4 (A) <b>421 (1977)<sup>7</sup></b> 473 (1980) para. 11 (A) (request to the Committee) 558 (1984) para. 2 (A) and 3 (A) 591 (1986) para. 4, 5, 6, 10 as well 11 (A)	S/13708 (1979) S/13721 (1979) S/14179 (1980) S/21015 (1989)
<b>Iraq</b> 1990- to date	<b>661 (1990)</b> para. 3c (A) 670 (1990) para. 2-6 (T) 687 (1991) para. 24 (A) 1051 (1996) para. 5-9 (A) 1137 (1997) para. 4 (T) and 5 (T) (not applied)	S/1996/700 S/1997/672 S/1998/1239 S/2000/133
<b>Former Yugoslavia</b> 1991 - 1996	713 (1991) para. 6 (A) <b>724 (1991)</b> para. 5 (A) 727 (1992) para. 6 (A) (confirmation) 757 (1992) para. 7 (T), 8a (D) and 8b (T) 942 (1994) para. 14 (T)	S/23800 (1992) S/25027 (1992) S/1996/946
<b>Somalia</b> 1992 - to date	733 (1992) para. 5 (A) <b>751 (1992)</b>	S/1996/17 S/1997/16 S/1997/1029 S/1998/1226 S/1999/1283 S/2000/1226
<b>Libyan Arab Jamahiriya</b> 1992 - to date	<b>748 (1992)</b> para. 4 (T), para. 5 (A) and para. 6 (T, D) 883 (1993) para. 6 (T, A) and para. 7 (D) (confirmation)	S/1996/2 S/1996/1079 S/1997/1030 S/1998/1237 S/1999/1299
<b>Liberia</b> 1992 - to date	788 (1992) para. 8 (A) and 9 (exemption) <b>985 (1995)</b>	S/1996/72 S/1996/1077 S/1997/1026 S/1998/1220 S/1999/1301 S/2000/1233
<b>Haiti</b> 1993 – 1994	<b>841 (1993)</b> para. 5 (A) and 6 (A) 861 (1993) para. 1 (A) (suspension) 873 (1993) para. 1 (A) (reimposition) 875 (1993) para. 1 (A) 917 (1994) para. 2 (T) and 3 (T)	No reports

<sup>6</sup> Added because of their closeness to travel bans

<sup>7</sup> Boldfaced resolutions indicate the establishment of the relevant Sanctions Committee

<b>UNITA (Angola)</b> 1993 - to date	<b>864 (1993)</b> para. 19 (A) 976 (1995) para. 12 (A) (confirmation) 1127 (1997) para. 4 (T), 5 (exemption) and 12 (T) 1237 (1999) para. 6 (expert panels) 1295 (2000) para. 3 (monitoring mechanism) 1336 (2001) para. 3 (extension of mandate of mechanism)	S/1996/37 S/1997/33 S/1997/1027 S/1998/1227 S/1999/147 S/2000/83 S/2000/1255
<b>Rwanda</b> 1994 - to date	<b>918 (1994)</b> para. 13 (A) 1005 (1995) (exemption) 1011 (1995) (exemption) 1013 (1995) para. 1 (A) (International Commission of Inquiry)	S/1996/82 S/1997/15 S/1997/1028 S/1998/1219 S/1999/1292 S/2000/1227
<b>Sudan</b> 1996 - to date	1054 (1996) para. 3 (T, D) 1070 (1996) para. 3 (T) (pending)	No Committee
<b>Sierra Leone</b> 1997 - to date	<b>1132 (1997)</b> para. 5 (T), 6 (A) and 8 (A) 1171 (1998) para. 2 (A), 3 (exemption), 4 (A) and para. 5 (T) 1306 (2000) para. 19 (panel of experts)	S/1998/1236 S/1999/1300 S/1999/1300/Corr.1 S/2000/1238
<b>FRY, Kosovo</b> 1998 - to date	<b>1160 (1998)</b> para. 8 (A) 1203 (1998) para. 15 (A) (exemption) 1244 (1999) para. 16 (A) (exemption)	S/1999/216 S/2000/633
<b>Afghanistan</b> 1999 - to date	<b>1267 (1999)</b> para. 4 (T) <b>1333 (2000)</b> para. 5(A), 8 (D), 11 (T)	S/2000/1254
<b>Eritrea/Ethiopia</b> 2000 – to date	<b>1298 (2000)</b> para 6 (a) (b) (A) para 7 (exemption)	S/2001/39

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