

## **Monitoring UN sanctions in Africa: the role of panels of experts**

Alex Vines

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The early 1990s saw a dramatic increase in the number of sanctions imposed on countries by the United Nations Security Council. Until then sanctions had only been imposed on two countries: Rhodesia in 1966 and South Africa in 1977. During the 1990s and up to 2003 the Council imposed sanctions on: Iraq in 1990; the former Yugoslavia in 1991, 1992 and 1998; Libya in 1992; Liberia in 1992 and 2001; Somalia in 1992; Haiti in 1993; parts of Angola in 1993, 1997 and 1998; Rwanda in 1994; Sudan in 1996, Sierra Leone in 1997; Afghanistan in 1999; Ethiopia and Eritrea in 2000; and parts of the Democratic Republic of the Congo (DRC) from July 2003.<sup>1</sup>

Instruments vested in the Council as part of the peace and security mechanisms envisioned in Chapter VII of the UN Charter provide the basis for the imposition of sanctions by the Council. Such sanctions have been the cause of significant debate and controversy, not least because of the humanitarian crisis in Iraq during the 1990s, which was related to, if not directly caused by, the imposition of UN sanctions. Sanctions have been a particular tool used in response to crises in Africa in recent years. UN Secretary-General Kofi Annan noted in his 1998 report that 'sanctions, as preventive or punitive measures, have the potential to encourage political dialogue, while the application of rigorous economic and political sanctions can diminish the capacity of the protagonists to sustain a prolonged fight'.<sup>2</sup>

The most widespread type of sanction used in Africa is the arms embargo, such as those imposed on Angola, Ethiopia/Eritrea, Liberia, Rwanda, Sierra Leone and Somalia, and in 2003 on parts of the DRC. There have also been embargoes on the export of diamonds imposed on Angola, Sierra Leone and Liberia, travel bans on Angola, Sierra Leone and Liberia, and a ban on the sale of petroleum products to

the Angolan rebel movement UNITA (União Nacional para a Independência Total de Angola, National Union for the Total Independence of Angola). The UN imposed a timber embargo on Liberia in July 2003 and financial sanctions on UNITA in 1998.<sup>3</sup>

Only since the late 1990s have UN sanctions appeared to have had some influence on those they have been targeted against in Africa. This is due mainly to greater efforts in monitoring compliance with them. The revitalisation of sanctions committees at the UN has helped. These committees are made up of members of the Security Council and meet regularly to review compliance with sanctions. They report to the Council through their chair (one of the member states on the Council). Over the past two years independent investigative teams of experts have increasingly been appointed to provide additional reports to the sanctions committees in respect of sanctions on Angola, Liberia and Somalia. The committees are fed with information provided by their members or by interested parties via the UN Secretariat. Where there are UN peacekeeping operations present, there can also be some monitoring and feedback from them, as in Sierra Leone and the DRC.

However, the new enthusiasm with which sanctions have been imposed has not always been backed up by the political will to implement, verify and enforce them. For example, there was virtually no enforcement of the Rwanda arms embargo imposed by Resolution 918 in May 1994. Recognising this, the Council, in September 1995, adopted Resolution 1013, establishing, for the first time, a UN International Commission of Inquiry (UNICOI) to investigate and report on violations of the arms embargo to the Rwanda Sanctions Committee. The commission was designed to be independent and many of its members were chosen for their investigative skills. UNICOI assembled detailed documentation on the extensive arms-trafficking networks and financing schemes that sustained and strengthened the Hutu extremists in Rwanda and fuelled the war as it spread into eastern Zaire. It issued five reports between January 1996 and November 1998 and established a benchmark for more aggressive, independent monitoring of violations of UN sanctions.<sup>4</sup>

This chapter considers the monitoring of compliance with UN sanctions in Africa since the 1990s by examining the cases of Angola, Sierra Leone and Liberia. It assesses the effectiveness of sanctions monitoring and draws lessons for improving future monitoring endeavours.

## Angola

Sanctions were a visible failure in Angola up to 1999. There were three packages of sanctions imposed on the UNITA rebels by Security Council Resolutions 864 (September 1993), 1127 (August 1997) and 1173 (June 1998).<sup>5</sup> Table 1 lists the resolutions and summarises their provisions.

**Table 1 Angola: Security Council sanctions resolutions**

**Resolution 864, 15 September 1993**

Imposes arms embargo on UNITA; petroleum embargo except through ports of entry designated by Angolan government; and creates sanctions committee

**Resolution 890, 15 December 1993**

Threatens stronger sanctions, on Secretary-General's recommendation, but gives no timetable for action

**Resolution 1075, 11 October 1996**

Threatens additional sanctions against UNITA for its failure to comply with 1994 Lusaka Protocol

**Resolution 1127, 28 August 1997**

Bans travel of senior UNITA officials and flights to and from UNITA-held territory; imposes diplomatic sanctions, including closing UNITA offices abroad; stronger sanctions to be enacted in October 1997

**Resolution 1173, 12 June 1998**

Freezes UNITA's financial assets; bans all financial transactions with UNITA; imposes embargo on diamond exports not certified by Angolan government; bans travel to UNITA areas

**Resolution 1237, 7 May 1999**

Establishes panel of experts with 6-month mandate to investigate violations of sanctions and make recommendations

**Resolution 1295, 18 April 2000**

Establishes monitoring mechanism with 6-month mandate to investigate relevant leads initiated by panel of experts

**Resolution 1336, 23 January 2001**

Extends mandate of monitoring mechanism for 3 months

**Resolution 1348, 19 April 2001**

Extends mandate of monitoring mechanism for additional 6 months

**Resolution 1374, 19 October 2001**

Extends monitoring mechanism for 6 months and reduces number of experts from 5 to 4

**Resolution 1404, 18 April 2002**

Extends monitoring mechanism for further 6 months

**Resolution 1412, 17 May 2002**

Suspends travel ban on UNITA for 90 days

**Resolution 1432, 15 August 2002**

Suspends travel ban on UNITA for further 90 days

**Resolution 1439, 18 October 2002**

Lifts travel ban, effective 14 November, and extends monitoring mechanism for 2 months and reduces number of experts to 2

**Resolution 1448, 9 December 2002**

Abolishes sanctions committee and lifts sanctions

When it imposed its 1993 arms and oil embargo, the Security Council established a sanctions committee to examine reports that countries were asked to submit regarding their fulfilment of their obligations under the embargo. In practice, the committee remained passive and only at its fourth meeting, on 12 November 1993, did it decide to take the very timid step of making a 'special appeal' to the countries neighbouring Angola. Precious little ensued, and the Council continued to refrain from acting against governments suspected of violating the embargo. In 1998 the Angola Sanctions Committee began to become more visible, mounting trips to southern and western Africa in an attempt to investigate the situation.

The pace changed in January 1999, when a new chair of the sanctions committee was appointed—Ambassador Robert Fowler, permanent UN representative of Canada, one of the 10 non-permanent members of the Security Council in 1999. Fowler took over just after Angola had returned to all-out war. Two UN aircraft had been shot down in Angola on 26 December 1998 and 2 January 1999, resulting in the deaths of 15 passengers and eight crew. Many at the time suspected that UNITA was responsible, as its leader, Jonas Savimbi, had announced that the UN would be a legitimate target following its imposition of further sanctions on the rebels.

Fowler and his aide, fellow Canadian diplomat David Angell, helped transform the Angola Sanctions Committee over the next year. They consulted widely with business, non-governmental organisations (NGOs), and government and law enforcement agencies, and immediately commissioned a report on the progress of the sanctions regime. Given the ineffectiveness of the committee in the past, this was a positive start. On 7 May 1999 the Security Council authorised establishment of two panels of experts with a six-month mandate to investigate violations of sanctions imposed on UNITA. These panels were soon merged into one 10-member panel recruited mainly from government and law enforcement circles. Two of the experts had worked for UNICOI. A former Swedish ambassador to Angola, Anders Mollander, chaired this combined panel.

Fowler dominated the panel's work during the next six months. In June and July 1999 he issued reports that contained 19 recommendations for improving the implementation of sanctions and maintained an iron grip on the panel's progress.<sup>6</sup> The panel's March 2000 report had strong editorial input from Fowler, and is

still remembered today as the 'Fowler Report'. It had a dramatic impact, as it ignored diplomatic niceties and named and shamed specific individuals, including serving presidents, such as those of Togo and Burkina Faso.<sup>7</sup> The report provoked heated debate in the Security Council, where a number of African and European nations challenged its methodology.

The report did have undeniable flaws. Unlike the UNICOF reports it relied heavily on videotaped testimonies of senior defectors. There was also some political editing: reference to Zambia was excluded, as the authors feared that this could provide a pretext for Angola to invade it. This gave the report an anti-francophone flavour—an issue that was used to try to undermine the report and the panel of experts.

The publication of the Fowler Report was a watershed for monitoring of UN sanctions. Never before had a UN panel attracted such press attention (nor has it happened since). Fowler showed that independent panels of experts could be used in an innovative way to make it possible for the Security Council to apply pressure on sanctions violators. Sanctions committees and the Council are normally bogged down by diplomatic procedure, protocol and consensus-seeking, but independent panels are not tied to these norms and can provide information that members of the Council may disassociate themselves from.

The political storm over the Fowler Report resulted in the creation of a new body, the Monitoring Mechanism on Angola Sanctions, in 18 April 2000. It was set up to investigate leads on reported violations and develop means of improving the effectiveness of sanctions. Ambassador Fowler had hoped that at least one member of the original panel would be appointed to the monitoring mechanism, but failed to obtain consensus for this from a Security Council that was still shell-shocked by the original panel's report. A completely new five-person team was finally appointed, headed by former Chilean diplomat Juan Larrain. The label 'monitoring mechanism' was chosen to distinguish it from the previous panel of experts.

### *From panel of experts to monitoring mechanism*

From April 2000 to December 2002 the monitoring mechanism ran almost continuously.<sup>8</sup> Following the death of Jonas Savimbi in April 2002 and the peace protocol that quickly ensued, the mechanism entered a rapid winding-down phase that resulted in the lifting of all sanctions in December 2002.

Unlike the Fowler panel, the Monitoring Mechanism on Angola Sanctions emphasised the importance of education and quiet diplomacy to maintain dialogue on sanctions compliance. Ireland took over as chair of the Angola Sanctions Committee from Canada in January 2001 and this also contributed to a change in approach. However, the choice of experts also contributed greatly to the different style and content of the reports that the mechanism produced. The monitoring mechanism's reports were increasingly noted for their dryness and historical content, with the result that they received scant media attention, in contrast to the reports of other panels operating at this time. The monitoring mechanism developed a reputation for preferring quiet diplomacy. This gradually resulted in a noticeable swing, among some Security Council members, back in favour of ad hoc panels of experts that focused on investigation and were not based in the Secretariat.

The setting up of the monitoring mechanism should also be understood in its political context. The backlash in reaction to Fowler's style was a contributing factor, but so was the growing strategic value of Angola for key countries on the Security Council and in the UN Secretariat itself. The humiliation of the UN in Angola by UNITA's rejection of two peace accords and UNITA's suspected shooting down of the two UN aircraft created a strong desire to see UNITA brought to its knees. Angola's growing importance as an oil producer for France, the United Kingdom and the United States and for the Russian Federation as a major market for weapons also ensured that the Angolan government enjoyed strong support from four of the five permanent members for sanctions against the rebels.

In this context there was little incentive for innovative investigation. Sanctions had become a solidarity tool and by mid-2001 were being used to offset the Angolan government's displeasure at the UN Secretariat's efforts to seek a negotiated settlement to the conflict. One diplomat who sat on the Angola Sanctions Committee in this period admitted that: 'The Mechanism is our gift to Angola. Luanda loves it, and it's helped improve our bilateral relations. The mechanism fulfils our political requirements exactly.'<sup>9</sup> The Panel of Experts on Angola and the monitoring mechanism never reported on corrupt Angolan officials helping UNITA to violate sanctions. This contributed to UN sanctions being seen by Angolan civil society as partisan.

The monitoring mechanism did try to enhance its investigative capacity in 2001 by commissioning the political risk consultancy Kroll Associates to assist it. The

results were disappointing and demonstrated to the UN Secretariat that subcontracting to the private sector might not be appropriate for this type of work.

There were successes as well. The monitoring mechanism's efforts to shut down UNITA's overseas bank accounts and international offices were given a boost after 11 September 2001. Portugal agreed to freeze accounts and, although the amounts were small, the symbolism was important. Shortly after the death of Savimbi, one of his aides, Alcides Sakala, admitted that the impact of sanctions was 'mostly psychological on us. In the last two years we found communicating more difficult with our outside supporters because of them and some of our old friends became more cautious'.<sup>10</sup> UN sanctions increased UNITA's sense of isolation, and this was helped by consensus in the Security Council. The Angolan government was the keenest advocate of the sanctions, using them to its advantage. Paradoxically, although the monitoring of sanctions was weak, by 2001 the sanctions themselves were among the best observed in Africa. A key factor must have been the political will in the Security Council, backed by an aggressive advocate—the Angolan government in this case.

The drawing-down phase began in October 2001. Following the death of Savimbi in April 2002 the pace quickened, and on 9 December 2002 the Security Council abolished the sanctions committee and lifted the sanctions. To the surprise of the UN, the Angolan government wanted the sanctions ended quickly so that the Lusaka Peace Process could be declared complete before Angola took its seat as a non-permanent member of the Council in January 2003. In its final 18 months the monitoring mechanism found that the Angolan government became less co-operative—a result of its strengthened position on the battlefield and its suspicion of UN efforts to seek a negotiated settlement with UNITA.

### **Sierra Leone and Liberia**

Sanctions on Sierra Leone and Liberia have fared differently. They have both had proactive monitoring through panels of experts but, as the case of Liberia will show, this has only had a limited impact on compliance.

Sanctions were first imposed on Sierra Leone in response to the May 1997 overthrow of the government of President Ahmad Tejan Kabbah by disaffected members of the armed forces, with subsequent backing from the Revolutionary United Front

(RUF) rebels. Security Council Resolution 1132 of October 1997 imposed an arms embargo, an oil embargo and a travel ban on members of the Armed Forces Revolutionary Council (AFRC) and their associates. In March 1998 the oil embargo was lifted following the ousting of the junta, and in June 1998 sanctions were lifted from the Kabbah government, which had been reinstated. However, an arms and travel ban were reimposed on the RUF and former members of the junta. In July 2000, following attacks by the RUF rebels and the capture of UN peacekeepers, Resolution 1306 increased the pressure on the rebels. As part of this decision, the Security Council set up a panel of experts to report on violations of the sanctions, and especially the links between the diamond trade and arms trafficking. This five-member panel submitted its report in December 2000 and confirmed that diamonds had played a central role in sustaining the RUF. The report's recommendations included the imposition of wider sanctions on Liberia.<sup>11</sup>

Sanctions on Liberia were not new. An arms embargo had been placed on the country in 1992 following a request from the Economic Community of West African States (ECOWAS) after it intervened militarily in the Liberian civil war to prevent Charles Taylor and his National Patriotic Front of Liberia (NPFL) rebels from taking power. Liberia was once again an example of the lack of implementation of sanctions.

**Table 2 Sierra Leone: Security Council sanctions resolutions**

**Resolution 1132, 8 October 1997**

Imposes oil embargo, arms embargo and travel sanctions on AFRC junta members and their families. Makes lifting of sanctions conditional on junta relinquishing power. Creates sanctions committee

**Resolution 1156, 16 March 1998**

Lifts oil embargo

**Resolution 1171, 6 June 1998**

Confirms removal of sanctions on government; reimposes arms embargo and travel ban on RUF and members of former junta

**Resolution 1306, 5 July 2000**

Sets up 5-member panel of experts; imposes embargo on all diamond exports not under government control

**Resolution 1385, 19 December 2001**

Extends by 11 months prohibition on all imports of Sierra Leonean rough diamonds except those controlled by government under Certificate of Origin Scheme

**Resolution 1446, 4 December 2002**

Extends by 6 months prohibition on all imports of Sierra Leonean rough diamonds except those controlled by government under Certificate of Origin Scheme



**Table 3 Liberia: Security Council sanctions resolutions****Resolution 788, 19 November 1992**

Imposes limited arms embargo (exempts forces of ECOWAS Monitoring Group, ECOMOG)

**Resolution 985, 13 April 1995**

Creates sanctions committee

**Resolution 1343, 7 March 2001**

Demands cessation of Liberia's support for RUF in Sierra Leone. Reimposes arms embargo and creates new sanctions committee; imposes freeze on assets, travel ban and embargo on exports of diamonds after 2-month grace period. Establishes panel of experts for 6 months, 1 month following adoption of resolution

**Resolution 1395, 27 February 2002**

Re-establishes panel of experts for 5 weeks

**Resolution 1408, 6 May 2002**

Reaffirms Resolution 1343 for another year but also calls on all states to stop support of armed groups in the region and re-establishes panel for 3 months

**Resolution 1458, 28 January 2003**

Re-establishes panel of experts for 3 months

**Resolution 1478, 6 May 2003**

Extends sanctions for 1 year and expands travel ban to Liberians United for Reconciliation and Democracy (LURD) and other rebel groups. Sanctions on timber exports introduced on 7 July for 10 months; Secretary-General is requested to submit report on socio-economic impact of such prohibitions, and sanctions committee is asked to establish list of aviation and maritime companies whose aircraft and vessels have been used in violation of UN sanctions. Panel of experts re-established for 5 months

It even took two years for a sanctions committee to be established, and the sanctions had no impact at all on Liberia. Farcically, they were maintained even after Taylor was elected president in 1997.

It was in March 2001 that this changed. In response to the report of the Panel of Experts on Sierra Leone, the Security Council decided to approve new sanctions on Liberia, to start in May 2001. Resolution 1343 reauthorised the arms embargo but also imposed a travel ban on key officials, their spouses and business associates of Charles Taylor, and mandated the freezing of all financial assets of the RUF and its expulsion from Liberia. An embargo was also imposed on all exports of diamonds, and in July 2003 an embargo on the export of timber was added.

The Panel of Experts on Liberia was also created to monitor compliance with the Liberian sanctions. Drawing its members originally from the Sierra Leone panel of five, it has since been mandated five times for periods ranging from five weeks to six months.

Resolution 1343 marked the first time the Security Council had imposed sanctions on one country for its refusal to comply with sanctions on another. The Liberia sanctions were at their core designed to shore up the peace process in Sierra Leone. This they did. The diamond embargo in particular resulted in an almost complete halt to the traffic in illicit diamonds from Sierra Leone to Liberia and encouraged the redirection of the indigenous product to Freetown, the Sierra Leonean capital. The Liberian diamond trade also changed, with some Liberian rough diamonds passing to Sierra Leone to be sold there.<sup>12</sup>

Events in Sierra Leone in late 2000 and 2001 also show that the threat and imposition of sanctions on Liberia probably contributed to the RUF's decision to sign an unconditional ceasefire in November 2000 and its reaffirmation of the agreement in May 2001. However, sanctions on their own did not achieve this. The deployment of hundreds of troops by the UK in May 2000 to support the UN, along with sustained, hard-hitting Guinean military operations against the RUF and Liberian territory, also played a role. Sanctions on Liberia within this context helped to loosen Monrovia's grip on the RUF, and this in turn assisted the RUF's efforts to transform itself into a political party that was able to contest the parliamentary and presidential elections in Sierra Leone in December 2002.

By early 2003, following the successful elections in Sierra Leone, the original justification for sanctions on Liberia was weakened. In late 2002 and mid-2003 the panel of experts submitted reports demonstrating that its mandate was increasingly outdated and that if the sanctions were to continue they needed to be put on a new basis.<sup>13</sup> Their effectiveness had also deteriorated over time. Increasingly, the Liberian government gave up trying to observe them even minimally. The travel ban was widely violated and weekly sanctions-busting flights of ammunition were arriving in Monrovia. The panel also found its investigations in Liberia more difficult, with people less willing to talk and the authorities becoming obstructive and hostile. Public sympathy for sanctions had declined in the face of a growing rebel insurgency in the country, backed by neighbouring Guinea.

It was not possible to obtain a consensus in the Security Council on a new basis for sanctions in 2002. A continuation of the existing sanctions was preferred by a handful of states whose ultimate goal was regime change in Liberia. The involvement of Liberian troops in support of rebels in western Côte d'Ivoire in September

2002 also led France to drop its opposition to a US proposal for timber sanctions on Liberia. These sanctions were used to signal to President Taylor's supporters that they should drop him and by Liberia's rebels as encouragement for their efforts to remove Taylor. Following a bloody chain of events, with the Liberian rebels vigorously increasing their efforts to overthrow him, Taylor handed over the presidency to a stop-gap government, which in mid-October 2003 gave way to a transitional administration of national unity. Liberia is now entering its own drawdown stage in respect of sanctions and a debate has already begun about how this should be done. There are lessons from both Sierra Leone and Angola on how to go about this. For Sierra Leone, no panel of experts was reappointed in 2001 and much of the travel ban was lifted in 2002 in the run-up to presidential and parliamentary elections in December 2002. An arms embargo remains in place on Sierra Leone for non-state actors.

The Sierra Leone diamond embargo imposed in 2000 finally expired on 4 June 2003 and could prove to be a model for Liberia. Diamond exports started in late 2000 following the work of a trilateral mission sent to Sierra Leone by the UK, the US and Belgium in July 2000 to inspect a Certificate of Origin Monitoring System for imports of rough diamonds from the country. The certification regime was approved by the Security Council on 6 October 2000 and activated shortly afterwards. Since then there has been a huge upsurge in diamond exports. More than 1,000 diamond-mining licences have been issued in 44 chiefdoms, although smuggling still accounts for over 50 percent of the trade. Such a scheme could be replicated in Liberia. The Ministry of Lands, Mines and Energy is already at an advanced stage in discussions about establishing a credible Kimberley Process diamond certification scheme.<sup>14</sup>

The sanctions on Liberia are due to run until May 2004, with a formal review by the Security Council in December 2003. A review of many of the names on the travel ban list would signal progress in the post-Taylor period. The export of diamonds through the government should be permitted once a credible certification scheme is established and, as in Sierra Leone, the sanctions committee could monitor progress over several years prior to an eventual lifting of the embargo. The basis of the sanctions will change to take account of the new context after the removal of Charles Taylor, and the size of the panel of experts could be reduced

from its peak of six members: keeping it at this size is unnecessary. This would save money, in addition to signalling the start of a drawdown in response to positive political developments. What happens after the expiry of the sanctions in May 2004 will depend on how the peace is holding in Liberia at that time.

### **Panels of experts: their role and future**

Panels of experts have increasingly played an important role in documenting violations of sanctions. Their reports have become an important source of information for sanctions committees, although many of their recommendations are never ultimately adopted by the Security Council.

The use of panels of experts and monitoring mechanisms may have peaked in 2002. The Angola Monitoring Mechanism has since ended and the DRC Panel of Experts was wound up on 31 October 2003. Liberia's panel is in a drawdown phase; investigations of violations of the Somalia arms embargo are the most likely to be mandated to continue for the foreseeable future.<sup>15</sup> The Somalia panel provides an opportunity for further refinement of monitoring systems and experimentation with how to monitor and implement sanctions better.<sup>16</sup> There is also growing momentum in the Security Council for a sanctions committee and investigative panel to be created to monitor the arms embargo on the Ituri and north and south Kivu regions of the DRC.<sup>17</sup>

Monitoring of sanctions is important. It is vital that the experts recruited to panels are competent and technically equipped for the task. Over time the appointment of experts has become less politically driven, with the UN Secretariat creating its own roster of potential experts to call on. Although geographical spread is important, to reflect the ethos of the UN, this carries the risk of politics trumping technical expertise. The solution is to ensure a creative balance of political spread and technical expertise. Here the UN Secretariat has a vital role to play. Experts appointed to panels mostly enjoy the prospect of automatic reappointment if their mandate is extended.<sup>18</sup> This system lacks any performance-related assessment, and the introduction of a system of rotation could avoid this. Such a system would bring in fresh ideas and skills, rotate off poor performers and ensure that cliques of experts with a self-interest in the indefinite perpetuation of the panels are less likely to emerge. (The most frequent recommendation made by panels of experts is that

the Council renew their mandate.<sup>19</sup>) However, the downsizing and termination of panels is always perceived as sending a political signal and such decisions should remain the Council's prerogative.

Panels also need to be encouraged to meet the highest standards of evidence. This was a key recommendation of the Stockholm Process on implementing targeted sanctions.<sup>20</sup> The controversy about the findings of the Panel on the Illegal Exploitation of Natural Resources of the Congo is salutary.<sup>21</sup> Some of its major findings were not supported by the annexed documentation, exposing the panel to unnecessary criticism and threats of litigation. The result was that Security Council members opposed to the work of the panel were strengthened in their opposition and it was wound up on 31 October 2003. The controversy also resulted in the final report of the panel focusing mostly on justifying its previous findings.<sup>22</sup>

The number of threats of litigation made against panels has been increasing and this should result in more rigorous investigations and more carefully worded reports.<sup>23</sup> The UN system is used to dealing with the complaints of governments, but dealing with commercial entities and individuals is unfamiliar territory. A due diligence assessment of panel reports by the UN Secretariat should be conducted before being submitted to sanctions committees.<sup>24</sup> There is also a case for some sort of system of peer review prior to submission to the committee. This need not undermine the independence of the reports, but could ensure greater consistency in quality. Pressure by the UN Secretariat for reports to be shorter—30 pages double-spaced at the maximum—will also encourage greater focus.

There have been a number of assessments of UN sanctions, most notably by the International Peace Academy (IPA), the Stockholm Process on the Implementation of Targeted Sanctions sponsored by the Swedish government, the Swiss Interlaken Process on financial sanctions, and Germany's Bonn–Berlin Process on arms embargoes, aviation sanctions and travel bans.<sup>25</sup> However, there has been no detailed lessons-learned assessment of a particular sanction and its monitoring. An opportunity was missed following the lifting of UN sanctions on Angola. The Trust Fund for Angola retained US\$200,000 which could have funded an independent assessment, but the unspent funds were returned to the respective donors.

The purpose of panels should be to ensure that there are penalties for violating UN sanctions. In the case of the Sierra Leone and Liberia panels, great efforts were

made to obtain documents and evidence of a sufficiently high standard so as to permit law enforcement agencies to act. Sadly, although there have been a number of individuals cited in UN panel reports, there has as yet been no successful national prosecution for violation of UN sanctions. In terms of weapons trafficking, UN sanctions may have raised the costs, but they have certainly not significantly stopped violators from obtaining weapons.<sup>26</sup>

A key impediment to the better monitoring of sanctions is the weak capacity of the Subsidiary Organs Branch of the Security Council Affairs Division in the UN Department of Political Affairs, which administers the sanctions committees and supports the panels of experts. Currently the Branch only really provides administrative support to experts, although in the cases of Angola and now Somalia one staff member has been tasked to compile databases and assist with follow-up. The Subsidiary Organs Branch should be provided with extra analytical and budgetary capacity. Databases need to be improved, archives created and a follow-up system for panel reports established.

Currently there is no real advocacy system for the reports of panels of experts except by the experts themselves, by the media and through UN member states' permanent missions in New York. Given that panels are currently appointed on an ad hoc basis, this results in a lack of consistency and professionalism in the publicising of and follow-up to various reports.

## Conclusion

The ad hoc character of the panels of experts helps to ensure their flexibility and independent authority. Mandates of between three and six months work well. Ad hoc panels are not, however, much of a deterrent to sanctions-busters, and even the best panel reports are simply comprehensive catalogues of sanctions violations. To change this would require the creation of a semi-permanent sanctions monitoring effort, led by a handful of technical experts who are employed on a set-term contract at the UN, and which could draw on a roster of independent experts for specific tasks. In 2002 France and the UK circulated non-papers on this subject, and there was some further debate during meetings of the Stockholm Process. Little further progress was made in 2003, mainly because of the UN's preoccupation with Iraq, but this debate is likely to become more visible again

in 2004. For the time being, the key to monitoring compliance with sanctions will remain the ad hoc panels, while the best way forward would be to strengthen the Subsidiary Organs Branch in the UN Secretariat.

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**Alex Vines** is Head of the Africa Programme at the Royal Institute of International Affairs, Chatham House, London, and a senior researcher at Human Rights Watch. Until May 2003 he was a member of the UN Panel of Experts on Liberia and is the author of *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, Human Rights Watch, New York, 1999.

## Endnotes

<sup>1</sup> David Cortright and George Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner, Boulder, CO, 2000; and David Cortright and George Lopez, *Sanctions and the Search for Security*, Lynne Rienner, Boulder, CO, 2002.

<sup>2</sup> United Nations, 'The causes of conflict and the promotion of durable peace and sustainable development in Africa: the Secretary-General's report to the United Nations Security Council', UN document A/52/871-S/1998/318, 13 April 1998, p. 25, available at [www.un.org/ecosocdev/geninfo/afrec/sgreport/report.htm#intro](http://www.un.org/ecosocdev/geninfo/afrec/sgreport/report.htm#intro).

<sup>3</sup> A number of the sanctions have been lifted or reduced. Sanctions have been lifted, for example, from Eritrea and Ethiopia in 2001 and from Libya in 2003.

<sup>4</sup> See United Nations, 'Interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan Government forces in violation of the Security Council arms embargo . . .', UN document S/1996/67, 29 January 1996; 'Final report of the International Commission of Inquiry for the investigation of arms flows to former Rwandan government forces in the Great Lakes Region', UN document S/1996/195, 14 March 1996; '3rd report of the International Commission of Inquiry (Rwanda)', UN document S/1997/1010, 24 December 1997; 'Addendum to the 3rd report of the International Commission of Inquiry (Rwanda)', UN document S/1998/63, 26 January 1998; 'Interim report of the International Commission of Inquiry (Rwanda)', UN document S/1998/777, 19 August 1998; and 'Final report of the International Commission of Inquiry (Rwanda)', UN document S/1998/1096, 18 November 1998.

<sup>5</sup> See Alex Vines, 'La troisième guerre angolaise', *L'Angola dans la guerre: Politique Africaine*, no. 57, March 1995, pp. 27–40; and Alex Vines, *One Hand Tied: Angola and the UN*, Catholic Institute of International Relations, London, 1993.

<sup>6</sup> United Nations, Security Council, Committee Established pursuant to Resolution 864 (1993) concerning the situation in Angola, 'Report of the Chairman's visit to Central and Southern Africa, May 1999', UN document S/1999/644, 4 June 1999; and 'Report on the Chairman's visit to Europe and participation in the 70th ordinary session of the Organization of African Unity, July 1999', UN document S/1999/829, 28 July 1999.

<sup>7</sup> United Nations, 'Report of the Panel of Experts on Violations of Security Council Sanctions against UNITA', UN document S/2000/203, 10 March 2000.

<sup>8</sup> Its reports were: United Nations, 'Interim report of the Monitoring Mechanism on Angola Sanctions established by the Security Council in Resolution 1295 (2000) of 18 April 2000', UN document S/2000/1026, 25 October 2000; 'Final report of the Monitoring Mechanism on Angola Sanctions', UN document S/2000/1225, 21 December 2000; 'Addendum to the final report of the Monitoring Mechanism on Sanctions against UNITA, 11 April 2001', UN document S/2001/363, 18 April 2001; 'Supplementary report of the UN Monitoring Mechanism on Angola Sanctions established by Security Council Resolution 1295 (2000), in accordance with paragraph 6 of Security Council Resolution 1348 (2001)', UN document S/2001/966, 12 October 2001; 'Additional report of the Monitoring Mechanism on Sanctions against UNITA', UN document S/2002/486, 26 April 2002; 'Additional report of the UN Monitoring Mechanism on Sanctions against UNITA', UN document S/2002/1119, 16 October 2002; and 'Final report of the Monitoring Mechanism on Sanctions against UNITA submitted in accordance with paragraph 4 of Resolution 1439 (2002)', UN document S/2002/1339, 10 December 2002.

<sup>9</sup> Interview with a diplomat, UN Secretariat, New York, 20 March 2002.

<sup>10</sup> Interview with Alcides Sakala, Washington, DC, June 2002.

<sup>11</sup> United Nations, 'Report of the Panel of Experts appointed pursuant to Security Council Resolution 1306 (2000), paragraph 19 in relation to Sierra Leone', UN document S/2000/1195, 20 December 2000.

<sup>12</sup> United Nations, 'Report of the Panel of Experts pursuant to Security Council Resolution 1343 (2001), paragraph 19, concerning Liberia', UN document S/2001/1015, 26 October 2001.



<sup>13</sup> Its reports were: United Nations, 'Report of the Panel of Experts appointed pursuant to Security Council Resolution 1408 (2002), paragraph 16, concerning Liberia', UN document S/2002/1115, 25 October 2002; 'Report of the Panel of Experts appointed pursuant to Security Council Resolution 1395 (2002), paragraph 4, in relation to Liberia', UN document S/2002/470, 19 April 2002; 'Report of the Panel of Experts appointed pursuant to Security Council Resolution 1458 (2003), paragraph 4, concerning Liberia', UN document S/2003/498, 24 April 2003; and 'Report of the Panel of Experts appointed pursuant to paragraph 25 of Security Council Resolution 1478 (2003) concerning Liberia', UN document S/2003/937, 28 October 2003.

<sup>14</sup> 'Report of the Panel of Experts appointed pursuant to paragraph 25 of Security Council Resolution 1478 (2003) concerning Liberia', UN document S/2003/937, 28 October 2003.

<sup>15</sup> The appointment of panels to investigate Somalia arms embargo violations is innovative. A first panel was mandated on 22 August 2002 (UN document S/2002/951) and a second in May 2003 for 6 months.

<sup>16</sup> See United Nations, 'Report of the Panel of Experts on Somalia pursuant to Security Council Resolution 1425 (2002)', UN document S/2003/223, 25 March 2003.

<sup>17</sup> Just as in Angola after the Fowler Report, some Security Council members prefer appointing a monitoring mechanism rather than a panel in order to make a clear distinction from previous controversial panels.

<sup>18</sup> There have been some exceptions. The chair of the first Congo panel was not reappointed and an underperforming expert on one panel was replaced by another expert.

<sup>19</sup> United Nations, 'Report of the Panel of Experts in Somalia pursuant to Security Council Resolution 1474 (2003)', UN document S/2003/1035, 4 November 2003. Even when this does not appear in panel reports, it may be a key recommendation of panel members during their consultations with their sanctions committee.

<sup>20</sup> Peter Wallensteen et al., *Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options. Results from the Stockholm Process on the Implementation of Targeted Sanctions*, University of Uppsala, Department of Peace and Conflict Research, Uppsala, 2003.

<sup>21</sup> United Nations, 'Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo', UN document S/2002/1146, 16 October 2002.

<sup>22</sup> United Nations, 'Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo', UN document S/2003/1027, 23 October 2003. Some confidential material was also provided by the panel in a separate confidential report to the Security Council. This report named actors and countries and was eventually leaked to the BBC, which broadcast a feature on it on its Newsnight and Reporters television programmes on 19 and 24 November 2003. This illustrated the dangers of panels presenting a confidential written report in addition to a public one. The chair of the panel justified the action to the BBC on the grounds that the information in the confidential report 'could be abused to endanger the peace process'.

<sup>23</sup> There have been legal challenges by individuals and companies to information published in the reports of the Angola, DRC, Somalia, Sierra Leone and Liberia panels.

<sup>24</sup> Poor drafting resulted in the Panel of Experts on Liberia needing to issue an addendum on 6 November 2003. See United Nations, 'Letter dated 28 October 2003 from the chairman of the Security Council Committee established pursuant to Resolution 1343 (2001) concerning Liberia addressed to the President of the Council', UN document S/2003/937/add.1, 6 November 2003.

<sup>25</sup> First Expert Seminar on Smart Sanctions, 'The next step: arms embargoes and travel sanctions', Bonn International Center for Conversion, Bonn, November 1999; and Swiss Confederation, United Nations Secretariat and Watson Institute for International Studies at Brown University, *Targeted Financial Sanctions: A Manual for Design from the Interlaken Process*, Institute for International Studies, Geneva, 2001.

<sup>26</sup> One UN report claims that monitoring has resulted in a decline in violations of the arms embargo. United Nations, 'Report of the Panel of Experts in Somalia pursuant to Security Council Resolution 1474 (2003) of October 2003, paragraph 9', UN document S/2003/1035, 4 November 2003.