

Monitoring UN Arms Embargoes Observations from Panels of Experts

By Emile LeBrun and Christelle Rigual



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Abbreviations and acronyms

DPA	United Nations Department of Public Affairs
DRC	Democratic Republic of the Congo
HLR	High Level Review of United Nations Sanctions
IAWG	United Nations Interagency Working Group on Sanctions
NGO	Non-governmental organization
PoE	Panel of Experts
P5	The five permanent members of the UN Security Council
SCAD	Security Council Affairs Division
TSC	Targeted Sanctions Consortium
UN	United Nations
UNSCR	United Nations Security Council resolution

About the authors

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Foreword

UK Foreign & Commonwealth Office

UN arms embargoes are a cornerstone of the international community's efforts to support peace and security in areas affected by conflict or at risk of falling into conflict. Part of the power of UN sanctions is that, unlike those imposed unilaterally or by regional organizations, they are legally binding on all States. But without rigorous and effective monitoring, arms embargoes would almost certainly fail to constrain targeted actors. They are an important tool for the international community and Security Council. An effective arms embargo works to ensure the weapons that fuel conflict do not end up in the wrong hands and deters those that seek to defy it.

That is why the work of UN Panels of Experts is so important. Panels are small teams of researchers empowered, amongst other things, to investigate possible sanctions violations, reporting their findings to the Security Council Sanctions Committees that oversee implementation of sanctions and attempt to deliver tangible action on the basis of these findings. Panels have evolved into essential sources of information and analysis not only on sanctions implementation but also in assisting assessments of issues such as conflict trends, humanitarian effects, and regional dynamics. Their importance in sanctions monitoring requires that we continually assess the use of Panels, and look for ways to improve their functioning.

This independent report by the Small Arms Survey brings important insights to the discussion on these issues. Building on previous investigations and processes, it collects and analyses the insights and ideas of the Panel members themselves on operational aspects of their work—the particular challenges they face, as well as their evolving best practices—to suggest steps that can be taken to improve their effectiveness. As such, it should serve as an important point of reference for the UN community.

—**Jessica Hand**

Head, Arms Export Policy Department

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March 2016

I. Introduction and key findings

The UN's approach to sanctions regimes has evolved considerably over the last decade in response to developments both inside and outside the UN system. The most significant shift has been the reorientation from comprehensive to targeted sanctions. But the evolution continues, and the release of the extensive recommendations of the High Level Review of United Nations Sanctions (HLR) (UNGA, 2015) ensures that discussions on how to improve the way in which UN sanctions are conceptualized, implemented, and monitored will remain on member states' agendas into the future.

The present research contributes to the ongoing dialogue by concentrating on a particular set of concerns and actors within the broader sanctions context: the work of UN Panels of Experts (PoEs)¹—and, in particular, the arms experts that serve on them—to monitor the conventional arms embargo components of UN sanctions.² By focusing on a selection of PoEs—those covering UN sanctions regimes in Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Eritrea, Libya, Somalia, and Sudan—the current paper provides a snapshot, as of late 2015, of their work to monitor UN arms embargoes.

Given this focus, the paper engages only tangentially with wider, but important issues such as improving the design of targeted sanctions or the effectiveness of arms embargoes in achieving their intended objectives. Instead, it highlights how important actors charged with monitoring UN arms embargoes go about fulfilling their mandate, their self-identified best practices, and the challenges that they encounter. Specifically, experts were asked to reflect on their experiences in the following areas:

- expert recruitment and training;
- investigation practices (arms embargo monitoring);
- information sharing;
- report writing;
- internal evaluation and review; and
- the impacts of PoE work on compliance with arms embargoes.

PoEs play a central role in the UN's monitoring of sanctions. Evidence collected by these panels forms a primary evidentiary basis for actionable steps by member states and the UN Security Council to respond to sanctions violations. It is in the interests of the entire UN system and the international community that PoEs function efficiently and professionally, that their members' freedom of movement and access is unimpeded, and that their independence is preserved.

A focus on PoEs is timely for other reasons. In recent years UN member states have increasingly relied on PoEs composed of external expert consultants to carry out an ever-expanding set of functions. Since their emergence in the early 2000s,³ PoEs have been asked not only to monitor sanctions, but to report on key indicators such as conflict dynamics, humanitarian impacts, human rights violations, and more. Nevertheless, in most cases PoEs remain small bodies (comprising five people on average) with modest budgets and strictly limited employment mandates.

Based on 28 key informant interviews, including 17 experts and 11 external analysts and UN staff, this paper benefits from the reflections of those closest to the work of PoEs to monitor UN arms embargoes, while setting these reflections in the context of existing and planned improvement processes, including those arising from the HLR.⁴ Many of the issues highlighted here have been raised in previous forums and reports;⁵ the value of the current study is in providing current, informed reflections on such discussions from a set of key interlocutors, as well as analytic rigour arising from the use of a standardized questionnaire.

Among the paper's key findings:

Key determinants of success

- The interviewed experts said that collaboration with UN peacekeeping operations remains fundamental to their successful monitoring of arms embargoes—regardless of whether the operation has a dedicated 'embargo cell'. But experts reported that UN country mission support to PoEs and arms experts is highly uneven.
- Inter- and intra-PoE cooperation is an essential factor in arms experts' ability to undertake their investigations, and this is highly dependent on the individual team members and their interpersonal dynamics.

- According to interviews, the recruitment of qualified and self-motivated experts remains an essential factor in the PoEs' ability to function effectively. Much depends on the skills, talents, and underlying motivations of specific individuals—with *professionalism and diplomatic skills* seen by many to be just as important as technical skills.
- Arms experts often appear to function most effectively when conducting investigations in tandem with another expert, for example when arms embargo violations are intimately connected to issues—such as financing, armed groups, or aviation—under the purview of another team member.

Impediments to investigations

- PoE members ranked *impediments to investigations* and *expert recruitment* as the most pressing issues preventing the execution of their monitoring functions. *Impediments to investigations* include target governments' preventing panel members from following investigation leads by denying them access to specific areas, and lack of response to requests for information.
- In aggregate, the experts ranked their experiences of *member states' responsiveness to actionable findings* as the poorest among a set of criteria that included budget challenges, experts' skills and capacity, intra-group cooperation, collaboration with other PoEs, and support from the UN Secretariat, among others.
- Almost all the experts suggested that the brevity of their employment term—one year on paper, but in practice shorter—is burdensome and constraining, limiting the actual investigation period in some cases to seven or eight months.

Challenges of and to independence

- As independent consultants, not UN staff, PoE experts do not enjoy the full and complete protection of or full access to UN bodies. The countervailing benefit is that experts' findings should not be subject to political influence by the UN Secretariat, member states, or the Security Council. But experts interviewed for this report raised numerous instances of interference in PoE investigations and report writing as well as instances of retaliation against PoE members for what they perceived to be the conscientious fulfilment of their duties.

Impacts on arms embargo compliance

- PoE members noted examples of how monitoring efforts increased the costs of potential embargo violations and probably prevented certain types of violations. But respondents in this study urged against measuring PoEs' success strictly in terms of reduced arms flows, suggesting instead that panels should function in conjunction with other measures—political and diplomatic—to create an atmosphere of enhanced peace and security.
- Some successful outcomes of PoE investigations of arms embargoes are not reflected in final panel reports, but happen 'off the (public) record'—in consultation with member states, national authorities, prosecutors, and other law enforcement officials during the course of investigations. PoE members' visible presence on the ground can also provide tangible benefits and act as a deterrent. Capturing these impacts is important to evaluating the roles of PoEs in monitoring UN arms embargoes.

Tools, methods, and team construction

- UN-provided investigative methodology guidelines have not evolved significantly over the past few years, but arms experts and their PoE colleagues continue to develop innovative methods to assess and quantify evidence of sanctions violations. Examples include the use of 'levels of confidence' when identifying embargo violations in PoE reports, which provides a qualitative indication of the evidentiary basis for reported violations, protocols for information sharing between external bodies and panels that maintain standards of evidence, and the use of integrated and systematized case studies in PoE reports.

Administrative support to PoEs

- Experts noted that the UN Secretariat had taken steps in improving its support to PoEs, notably the introduction in 2013 of inter-panel meetings in New York; more recently instituted investigation training programmes; the adoption of new information management tools; and steps to expand the expert roster.
- At the same time, experts reported that while PoE members' job descriptions have expanded, the administrative support structure has not evolved to fit

their evolving duties. To do so, they suggested increased flexibility regarding travel arrangements; the allocation of information-gathering budgets; and the provision of additional training in investigation, safety, and evidence handling.

- While information management systems have reportedly improved recently, data sharing between outgoing and incoming experts remains limited and current information systems are sub-optimal.

Based on a selection of five of the 11 ongoing mandated panels monitoring arms embargoes as of December 2015,⁶ as well as a number of key informants, the findings in this paper cannot be taken as comprehensive or fully representative of all UN PoEs. Furthermore, because confidentiality and anonymity were preconditions for respondents' participation, the findings of this paper are presented according to thematic/topic focus area rather than by PoE/country.

The present study represents the reflections and experiences of one type of actor, primarily, within the broader community of parties engaged in the development, monitoring, and implementation of UN sanctions. Although efforts were made to engage key interlocutors in the UN Secretariat, for example, it was beyond the scope of the study to survey the full range of relevant stakeholders—including the Security Council, relevant UN country offices, and member states. The findings of the study must be viewed in this context.

Underpinning the research presented here is a review of the literature on targeted sanctions and PoEs. In addition to the HLR Working Group materials and final compendium document, this paper is informed by the outputs of a number of previous processes and investigations, including the Interlaken process (1989–99), the Bonn–Berlin process (1999–2000), the Stockholm process (2001–03), and the 2007 symposium sponsored by Greece on 'Enhancing the Implementation of United Nations Security Council Sanctions'.

Of particular relevance to the current study is the 2009 report by Alix J. Boucher and Victoria K. Holt, *Targeting Spoilers: The Role of United Nations Expert Panels*, published by the Stimson Center. Although seven years old, *Targeting Spoilers* and a follow up report, *UN Panels of Experts and UN Peace Operations: Exploiting Synergies for Peacebuilding* (Boucher, 2010) remain two of the most important references for understanding the roles and challenges facing PoEs. The Small Arms Survey also wishes to acknowledge the work of the Programme

for the Study of International Governance at the Graduate Institute for International and Development Studies, Geneva (where the Small Arms Survey is located), which is a co-founder of the Targeted Sanctions Consortium (TSC).

Section II of this study briefly describes the key actors engaged in UN arms embargo implementation and monitoring, and some recent trends. Section III reviews the PoEs and experts contacted for this research and the rationale for their selection, and describes the methods employed to collect information from respondents. Section IV highlights cross-cutting themes that emerged in discussions with the experts. Section V sets their comments in the context of existing sanctions and review and reform processes. Section VI provides final reflections and thoughts on further possibly fruitful areas for research. Section VII considers the prospects for further improvements in the operational work of arms experts and PoEs in their efforts to monitor arms embargoes, and sanctions more broadly. 📄

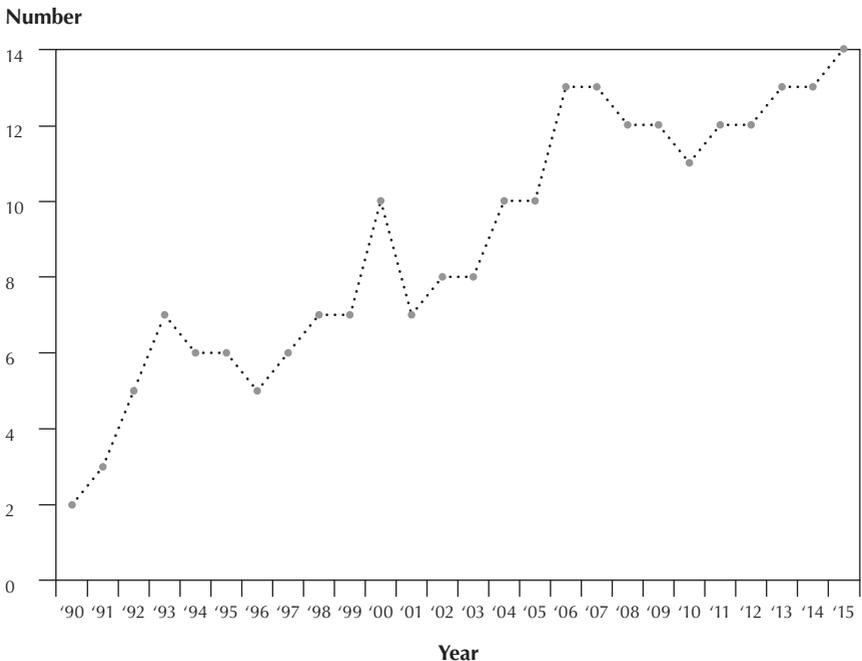
II. UN arms embargo actors and bodies

This sections briefly describes the main components of the administration and monitoring of UN arms embargoes.

UN arms embargoes

Arms embargoes are one tool among many that the UN can use to influence states and non-state actors to change their behaviours in the interest of international peace and security. Mandatory arms embargoes⁷ are imposed by the

Figure 1 **Mandatory UN arms embargoes in force, 1990–2015**



Sources: Fruchart et al. (2007, p. 4); SIPRI (n.d.); Small Arms Survey (2015); UNSC Subsidiary Organs (2016)

UN Security Council under its Chapter VII mandate,⁸ and typically prohibit the transfer of conventional arms, ammunition, military equipment, and related material and services to specific actors involved in conflict; areas at risk of conflict; or post-conflict areas at heightened risk of returning to conflict. Violations of embargoes may occur all along the transfer chain: by exporting countries and their agents; by middlemen, intermediaries, and transport agents; and by targeted recipients and parties.

According to the TSC, arms embargoes are the most frequently imposed type of sanctions, constituting 54 of the 62 episodes⁹ of targeted sanctions applied since 1992, or 87 per cent of all targeted sanctions episodes over that period (Biersteker et al., 2013, pp. 8, 16). As of December 2015, 14 mandatory UN arms embargoes were in force (see Figure 1).

Arms embargoes can vary significantly in their terms and objectives. Fruchart et al. (2007, p. 6) propose a typology based on end goals and demands, separating those related to global security, government authority, and conflict management. The TSC and other analysts distinguish among sanctions regimes that are designed to coerce a change in a target's behaviour, to constrain a target from engaging in a proscribed activity, or to signal and stigmatize a target regarding the violation of an international norm (Biersteker et al., 2013, p. 40). It is important to remember that every sanctions regime is unique, and applies different combinations of tools and purposes.¹⁰

Arms embargoes are almost never used in isolation from other types of sanctions, such as travel bans and financial restrictions, and are almost always accompanied by measures other than sanctions, such as diplomatic and political initiatives.¹¹ The imposition of UN embargoes creates certain obligations on member states to implement and enforce the embargoes, as well as report on progress in implementation.

Sanctions committees

Sanctions committees are the bodies charged with administering UN sanctions, including arms embargoes. Established by Security Council resolutions and composed of representatives from all 15 members of the council, sanctions committees

regularly report to the UNSC [UN Security Council] on suspected and reported violations of the sanctions regime that have been reported to them by UN members, regional organizations, UN peacekeepers and, in a limited number of cases, specially tasked UN sanctions monitors located in the region in which sanctions are in force (Fruchart et al., 2007, p. 2).

Among other tasks, these committees request information from all states on their measures to implement sanctions, and are required to consider information concerning violations, report periodically to the Security Council on alleged violations, and adjudicate requests for exceptions to sanctions. They are also responsible for the hiring of special teams of expert independent consultants to serve on PoEs, whose primary purpose is to independently identify, investigate, and report on sanctions violations.

UN Secretariat ('Sanctions Branch')

While the sanctions committee has oversight over the implementation of the sanctions, the Security Council Subsidiary Organs Branch, known as the Sanctions Branch, has administrative oversight over the work of PoEs. This branch is located in the Security Council Affairs Division (SCAD) of the UN Department of Political Affairs (DPA). The key actors in SCAD are the secretary of the specific committee, the chief of branch, and the director of SCAD. Most importantly for the present study, the Sanctions Branch is responsible for supporting PoEs at all stages of their mandates, including: the recruitment, basic training, and payment of experts; liaising between PoEs and other UN bodies regarding the execution of panel business; authorization of experts' travel; and political and editorial support during the completion of the reports.

Panels of Experts

UN PoEs are small teams of independent consultants recruited to monitor the implementation of targeted sanctions. PoEs are the Security Council's 'eyes and ears on the ground' (UNGA, 2015, p. 36). In parallel to the growth in the use of arms embargoes in recent years, the number of PoEs has grown significantly since their use began in earnest in 2000 (see Table 1).

Table 1 Ongoing mandatory conventional UN arms embargoes and related monitoring mechanisms featuring PoEs as of December 2015¹²

Target (UN Security Council resolution)	Entry into force	Sanction Committee established	PoE established	UN peacekeeping present
Al-Qaeda and associated individuals and entities (UNSCR 1390)	16-01-2002	1999	2001	Yes (2001)
Central African Republic (UNSCR 2127)	05-12-2013	2013	2014	Yes (2014)
Côte d'Ivoire (UNSCR 1572) ¹³	15-11-2004	2004	2005	Yes (2004)
Democratic People's Republic of Korea (UNSCR 1718)	14-10-2006	2006	2009	No
DRC (NGF ^a) (UNSCR 1493)	28-07-2003	2004	2004	Yes (1999)
Liberia (NGF ^a since 2009) (UNSCR 788)	19-11-1992	1995	2004	Yes (1993)
Libya (UNSCR 1970)	26-02-2011	2011	2011	No
Somalia (UNSCR 733) and Eritrea (UNSCR 1907, from 23-12-2009)	23-01-1992	1992	2002	Yes (1992)
Sudan (Darfur) (UNSCR 1556)	30-07-2004	2005	2005	Yes (2004)
Taliban (UNSCR 1390)	16-01-2002	1999	2001	Yes (2001)
Yemen (UNSCR 2216)	15-04-2015	1995	2014	No

^a Non-governmental forces.

The composition of PoEs depends on the set of sanctions applied, but can typically include experts in the areas of arms, armed groups, finance, international humanitarian law, transportation (aviation or maritime), and regional dynamics. One panel member is also designated coordinator, who, in addition to his/her investigative duties, is tasked with liaising between the PoE and the UN Secretariat, the relevant Sanctions Committee, and other official bodies.

Because UN sanctions are reviewed and come up for reauthorization annually, experts generally have one-year mandates¹⁴ (with a maximum of five consecutive years on any one panel). Within an annual mandate, experts are expected, among other things, to:

- conduct significant investigations;
- meet with targeted government officials and other experts;
- carry out fieldwork;
- consult with regional stakeholders and representatives of bilateral actors and NGOs;
- make recommendations to contribute to strengthen the implementation of the arms embargo;
- assist the committee in investigating reasons to list/delist individuals;
- provide capacity-building recommendations to assist the target state in implementing the arms embargo; and
- provide an assessment of progress in capacity-building in the targeted state (notably on weapons tracing infrastructure) to contribute to assessing the termination of the sanction regime.

Panels must typically deliver a mid-term report to the related Sanctions Committee halfway through their mandate, and a final comprehensive report at the end—both of which are usually made available to the public—as well as confidential monthly reports to the committee. If the sanctions regime is reauthorized and the work of the panel member is deemed satisfactory by the sanctions committee, the expert may be rehired for the subsequent mandate (experts must in any case reapply for their position against new candidates). Occasionally, an expert's hire or re-hire may be put 'on hold' based on objections from a member of the Security Council or from another member state—in effect blocking that individual's appointment.

In practice, experts typically have less than 12 months to fulfil their duties, since the initial recruitment process can only proceed once a panel has been authorized—although its end date is fixed. The Sanctions Branch maintains a roster of experts from which to recruit suitable candidates, including members of previous panels or mandates and other recognized experts. Final candidates must be approved by the relevant sanctions committee and, ultimately, the Security Council in a process that can add delays to the final recruitment of an expert and the issuing of a contract.

The HLR notes that

A clear tension exists between the role and character of expert groups, as envisaged in Security Council resolutions, and the contractual and administrative arrangements under which they operate. Expert groups are independent but act on behalf of the Security Council and Sanctions Committees, thus sitting both inside and outside the system (UNGA, 2015, p. 37).

This tension to some extent defines the work of experts, and affects all aspects of their operations. The expansion of mandates beyond sanctions compliance to ‘support governments toward peaceful transition’ (UNSC Subsidiary Organs, 2016) adds a layer of tension in the design of the roles of the expert groups.

Arms experts

The role of the ‘arms expert’ is to monitor the arms embargo aspects of a targeted sanctions regime. On paper, however, the terms of reference for the arms expert are more or less identical to those of the other expert positions—the terms are generic. Qualifications are similarly general and refer to competencies ‘in the relevant area’, as well as skills such as professionalism, planning and organizing, communications, teamwork, and technological awareness that are standard across all PoE positions.¹⁵

The UN Secretariat maintains a roster of experts that it uses to solicit applications for PoE positions as they become available. While improvements to the roster system have been made recently, the pool of qualified arms experts on the roster is limited. Also, as consultants, experts may not be available at a particular time or may be busy working on other PoEs. The Secretariat is required

to maintain gender, national, and regional diversity in hiring experts, and maintaining this balance can be challenging. Expert candidates are also located through professional networks: many of those contacted for the present study were solicited outside the roster system, including by word of mouth.¹⁶

UN member states

Security Council resolutions require UN member states to implement UN arms embargoes, which normally involves incorporating their terms into national law. Member states are therefore not only expected to cooperate with PoEs, sanctions committees, and Security Council requests for information and assistance, but are supposed to take proactive steps to implement arms embargoes and to regularly report on such steps.

According to the HLR,

Once an expert group has submitted its conclusions and recommendations to the relevant committee, the responsibility for taking action on the report, including any action to strengthen, facilitate or improve implementation by Member States, or in response to alleged non-compliance with the measures, rests with the Sanctions Committee. This transition from the expert group to the committee represents a transition from the technical (information gathering, investigation) to the political (engagement with Member States, action) dimension of implementation and compliance monitoring (UNGA, 2015, pp. 26–27).

In practice, however, UN member state implementation of arms embargoes and formal follow-up actions based on PoE report recommendations remains limited.¹⁷ 📄

III. Study scope, methods, and contextualization

Study scope

The present study is based on a review of the reflections of PoE experts' experiences of monitoring UN embargoes in the following countries:

- Côte d'Ivoire;
- the DRC;
- Eritrea;
- Libya;
- Somalia; and
- Sudan.

Factors that guided the selection of these countries were as follows:

- the sanctions regime includes a conventional arms embargo component;
- the sanctions regime does not include a nuclear non-proliferation component;
- the embargo aims at 'conflict management'¹⁸; and
- the PoE has cycled through at least three annual mandates.

Characteristics of arms embargoes in the sample

While the countries selected exhibit similarities, as reflected in the criteria noted above, they also feature important differences in the terms of their arms embargo components, which can in turn have an influence on the particular issues and challenges facing the arms experts involved and thus the background experience required by such experts. For example, as of 2015, in Côte d'Ivoire and the DRC, the embargoes cover non-state forces only; in Sudan, both government forces and non-state groups are under embargo—but only in one geographical region (Darfur). In Somalia, the arms embargo was partially lifted in 2013 to exclude conventional weapons transfers to the government (with the exception of some light weapons such as man-portable air defence systems and

anti-tank guided missiles).¹⁹ The situation in Libya has changed repeatedly: as of the time of writing arms transfers to the National Transitional Council are permitted only if pre-approved by the Sanctions Committee.

Methods

The study was designed to be qualitative and interview based, supplemented by reviews of the reports of the expert panels in question, as well as related Security Council resolutions, statements by the UN Secretary-General, and previous relevant external (non-UN) reports.

Panel experts were identified and contacted through professional networks and publicly available information, and asked if they were willing to participate in a telephone/Skype interview using a uniform questionnaire. Priority was given to the arms experts on Panels, but interviews with arms experts often led to follow up and additional perspective from other Panel members (e.g. finance, aviation, armed groups, humanitarian experts). Most respondents agreed to participate only if their anonymity would be ensured, and it was decided to extend anonymity to all participants uniformly.²⁰ All but two interviews were recorded and transcribed for reference and information analysis.

The structured questionnaire contained more than 30 questions based on a review of the literature on PoEs, and a series of informal discussions with former arms experts who had served on PoEs and other key informants, with special attention given to discussions in Boucher and Holt (2009). The questions were divided into the following categories:

- expert recruitment and training;
- investigation practices (arms embargo monitoring);
- information sharing;
- report writing;
- internal evaluation and review; and
- the impacts of a PoE's work on arms embargo compliance.

During the semi-structured interviews, respondents were encouraged to expand on issues that they found particularly important. Interviews lasted from 45 to 90 minutes and averaged 60 minutes. As part of the interview process,

respondents were also asked to respond to two quantitative questions by e-mail or, if they preferred, to answer the quantitative questions verbally with the interviewer, who filled in the answers. The survey instrument is found in Annexe 1. Interviews were conducted from July through December 2015, with additional follow-up interviews in January 2016. A number of PoE members and external experts provided additional feedback and comments on a draft of this paper as part of a peer review process, in early 2016.

In total, 17 experts, five of whom had experience of serving on multiple PoEs, participated in this research. In addition, another 11 UN and non-UN experts took part (see Box 1). The answers were rich in detail, well considered, and for the most part balanced. The picture that emerged was not of a broken system, but one in which the successful monitoring of embargoes was determined as much by factors under a particular panel's control as those external to it, and where some improvements were being made while other remained to be implemented. Where experts recommended further changes to operational tools, procedures, and methods, the recommendations were often practical, seemingly achievable, and incremental rather than wholesale in nature.

Box 1 **Respondent characteristics**

17 PoE members were interviewed, including (some categories overlap):

- 12 arms experts;
- 5 respondents who had served on at least two embargo panels; and
- 6 who had had multiple mandates on the same country PoE.

The respondents had served on the expert panels for the following countries:

- the Central African Republic;
- Côte d'Ivoire;
- the DRC;
- Eritrea;²¹
- Liberia;
- Libya;
- Somalia; and
- Sudan.

In addition, 11 key informants were interviewed, including 7 external thematic experts and 4 UN staff members. Insights from these discussions inform Section V of this paper, especially.

Fundamentally, the present study was designed to gain perspectives directly from PoE members on the conduct of their work. As the interviews progressed, however, it became apparent that it would be important to contextualize panel members' responses within ongoing efforts to reform the operations of PoEs and sanctions committees.²² For this reason, this paper presents PoE members' comments in the context of existing sanctions reform processes. For example, experts have indicated that more care is needed in the recruitment, hiring, and vetting process for PoE members. This forms part of a series of reforms being undertaken by the UN Secretariat (see Section V). 🗨️

IV. Cross-cutting themes

This section summarizes the main themes that emerged in conversation with the 17 experts interviewed. These themes include expert recruitment, working methods (inter-panel cooperation, report writing), Secretariat support, coordination with UN peacekeeping operations, cooperation with member states, maintaining panel independence, and the impacts of panel work. The section also discusses how experts ranked the challenges they faced.

Expert recruitment

Serving as an expert on a UN PoE is demanding work and requires a diverse set of skills—technical, investigative, diplomatic, and interpersonal. All the experts agreed on the importance of particular talents and personalities to the outcome of panel work. As one expert said, ‘Personalities are everything. Groups with personality problems are falling apart.’²³

Interestingly, several experts reported that investigative, diplomatic, and teamwork skills are the most important assets that an expert can bring to a panel, and that the required technical talents—which appear to be the most critical qualifications needed to serve on a PoE—can to some extent be acquired on the job. According to one expert:

*In my experience, the importance of diplomatic and investigative skills is paramount, but often neglected. Technical skills can be learned on the job, but diplomatic skills cannot.*²⁴

One senior expert suggested that the appropriate skill set that was needed was dependent on the specific panel: some contexts require highly refined technical skills, while others can be limited to more or less general small arms and light weapons identification knowledge.²⁵

In practice, respondents indicated that they had been recruited and hired in a variety of ways, including being on the expert roster and being recommended

by a former panel member. Most felt that they were sufficiently prepared for PoE work and that the training was useful (but basic), although real training began ‘on the job’. A few respondents suggested that the pool of qualified arms experts was getting smaller due to the fact that some experts had been prevented from serving on PoEs and that, perhaps most importantly, the requirement to maintain national, regional, and gender balance—in addition to the need for technical and professional skills—reduced the qualified pool even further.²⁶ They also suggested factors that make panel work unattractive for senior experts in their fields: the fact that remuneration is not comparable with some other positions they might be able to secure; the lack of security guarantees; the lack of specialized insurance, vacation time, or pension contributions; the new travel regime; and the short mandate of PoEs, with short notice for renewal.

A number of experts suggested that it would be useful if they themselves were consulted in the hiring process of other experts: ‘Involving former experts in the hiring of new experts would help ensure [the] baseline knowledge of incoming experts.’²⁷ Another expert suggested that ‘Ideally, there should be five people interviewed for each position’.²⁸

Working methods

Experts had much to say about how the working methods adopted by a particular panel affects its ability to conduct its work efficiently and effectively, and about some of the key factors that influence its ability to function smoothly. These include panel dynamics and cooperation, including effective panel coordination, information management and handover, and report-writing best practices.

Panel dynamics and cooperation

The experts reported that the dynamics within a panel team can ‘make or break it’, and that much of the success of a panel’s activities depends on the working relationships among its members. Here the experts’ reflections echoed earlier statements that ‘people skills’ were as relevant to the strong functioning of a panel as technical skills:

It's better to have an unskilled but cooperative person than a competent but non-cooperative one. Groups with [large ego-driven] personalities fall apart, usually quickly.²⁹

There are examples on public record of panels collapsing as a result of internal conflict. Most notably, three members of the Sudan PoE resigned in August and September 2011 over claims of bad panel management, lack of cooperation, accusations of incompetence, and lack of neutrality.³⁰ Ultimately, the departing panel members released their own unofficial report. The Somalia and Eritrea Monitoring Group and the Yemen PoE have also been deeply affected by personality clashes and lack of mutual trust,³¹ which reportedly impacted all aspects of their work, from the conducting of investigations to the determination of the mandate, decisions on which leads to follow, and the drafting of the final report.³²

The experts noted that when a completely new team is constituted, relationships have to be built from scratch, and the panel's work often proceeded with difficulty until working methods and styles and communication styles were established. Sometimes senior experts have 'huge personalities' (egos) that can make cooperation difficult; in other cases the departure of an expert in mid-mandate can make it problematic for the replacement expert to pick up the previous expert's relationships—especially if that expert had been asked to resign. Repeatedly, the lack of face-to-face communication between an outgoing and an incoming expert was considered a significant missed opportunity for continuity, information sharing, and institutional knowledge retention.

Similar comments were heard about the role of the panel coordinator. A strong coordinator can make a PoE work smoothly and efficiently; a poor or absent coordinator can result in a situation in which, as one respondent put it, 'there is no mechanism to keep the team a team'.³³ Conversely, a coordinator who thinks he/she is the 'boss' of the panel or who seeks to micro-manage the group can be a major handicap to team dynamics.

A number of experts remarked on the lack of special terms of reference, or designation, for coordinators—noting that they are simply given additional coordination and reporting roles (with only modest additional remuneration) over and above their full-time investigative duties,³⁴ even though coordination

can consume upwards of 40 per cent of the coordinator's time, according to one expert's estimate.³⁵ In fact, experts rarely seek the role of coordinator because of the significant additional workload and diplomatic representation that is required, and the consequent reduction in the time available to carry out investigations.

The experts discussed cases in which the coordinator more or less failed to perform his or her coordination duties, which were effectively taken over by another panel member. A strong coordinator was described as being

*good at dealing with all types of characters, good at mediating, leading the team and coordinating. [A good coordinator] listens, but gives strong direction in terms of organization and report writing.*³⁶

Another expert commented, 'A strong coordinator can fight for access to the field with the target state.'³⁷

Information management and handover

Respondents were asked to describe and assess their record-keeping processes, and their access and contribution to institutional knowledge-enhancing mechanisms. Many of their comments revolved around the previous information management system known as POEIMS ('Panel of Experts Information Management System') employed by sanctions committees, which was deemed to be 'ineffective', 'archaic', and 'not a massive asset' (according to multiple experts interviewed). One particular challenge noted was the need to be physically present in New York in order to upload information to the database. Access to the data management tool while experts were in the field was also often impossible because of slow or non-existent internet access. A follow-on system that has recently come online, UNITE, was regarded as an improvement insofar as it permitted remote access—but it, too, remains fundamentally a storage mechanism rather than a relational database that facilitates experts' ability to record and analyse patterns in arms flows, actors, and weapons.

While the introduction of annual inter-panel meetings was seen as useful, and an important opportunity to share information and contacts, one expert spoke for many others when he said that

[Information sharing] is one of the biggest challenges for the expert. There remains a need for support from the Secretariat, but also for improving ourselves in the process. There should be a very clear system of archiving and handing over information [from one mandate to the next].³⁸

Report writing

Report-writing processes reportedly varied from one panel to another, with some teams writing in a collaborative fashion step by step, and some delegating the writing to a single individual, who may or may not be the coordinator. The experts described varying degrees of burden sharing and collaboration in the preparing of reports, from strong cooperation to near complete dysfunction, and this had an important effect on team dynamics and, ultimately, the panel's final report.

For some experts, the report-writing process was a fraught one, with pressure to limit investigation to the leads set out in the resolution mandate and the leakage of information about violation incidents into the public domain. Delays in hiring experts in some cases made the on-time delivery of mid-term reports almost impossible. Short report-writing timelines also limited the possibilities of giving states and actors mentioned in the reports in the context of sanctions violations the right of reply.

On the positive side, PoEs that worked cohesively and professionally have developed new standards and practices to provide more valid criteria for what to include in the report and how to characterize the evidentiary basis for violations described in it. One example is the Sudan PoE's introduction of levels of confidence for statements in its report that assert sanctions violations. These levels, which the panel collectively assigns, provide rigorous qualitative standards for such statements.

While guidance from the Secretariat has tended to focus on report presentation—such as front-loading evidence and ensuring its factual accuracy—panels have increasingly organized reports around integrated case studies in a way that pulls strands of investigations together into a coherent set of findings reflecting the input of all the experts involved. This is another of several potential 'best practices' that could be adopted by other panels, although the experts

themselves should be consulted to ensure that such standardized procedures do not ‘constrain the expert groups’ dexterity and quality of work’ (UNGA, 2015, p. 26).

UN Secretariat support

There was some divergence in the experts’ comments concerning the support provided to panels by the UN Secretariat. While noting that the level of support is partly dependent on relationships and personalities, on the one hand, and the realities of operating within a large bureaucracy, on the other, in general experts who had served only in earlier panels (2009–12) or who had left the expert roster pool perceived the Secretariat’s involvement in their work negatively. As one expert said:

Obstacles were set in front of us at every stop, from the budget situation, travel logistics, people not being reimbursed, miscommunication, lack of understanding of what was happening on the ground, pretty much complete isolation, with more focus and more attention paid to their own internal political [issues] within the Secretariat than to the reality of trying to do something in a conflict-affected country.³⁹

According to another,

The Secretariat seeks to avoid waves, while the panels are designed to dig up the dirt, and those mandates collide. The Secretariat won’t directly intervene, but they can apply passive resistance to some investigations.⁴⁰

However, more recently hired and in particular some more senior experts who had served on multiple panel mandates were less critical in their assessment, indicating that the Secretariat had made ‘massive leaps forward’ and should be given credit for incremental administrative improvements made under difficult bureaucratic and budgetary conditions.⁴¹ These improvements include the introduction in 2013 of inter-panel meetings in New York, investigation training programmes, new information management tools, and steps to expand the expert roster.

Administrative issues that continued to concern experts focused on three areas: travel coordination, budgets for investigations, and data policy issues.

Almost universally, experts bemoaned the way in which travel was authorized, especially the booking of flights and limitations on revising schedules when meetings are cancelled (a frequent occurrence). The inability to use budget funds to facilitate access to information needed to carry out investigations (or to move funds from one budget line to another), which would be normal practice for intelligence units, was repeatedly mentioned. Finally, the fact that important software such as specialist analytical tools or subscription reference materials could not be installed on experts' own computers was seen as hindering their work.

Support from UN peacekeeping missions

The experts said that collaboration with UN peacekeeping operations⁴² remains fundamental to panels' success in monitoring arms embargoes, but in practice PoEs' working relationships with UN peacekeeping missions and country teams are mixed, and dependent on the mission, personal relationships between the panel and the country teams, and whether the latter had structures in place to facilitate embargo monitoring. Even if a mission is mandated to share information with panel members, the peace operation may not be functional in this regard, and team members can lack the skills and capacities needed to manage arms seizure datasets. Panel experts indicated that despite having a mandate or instructions to cooperate with a PoE, peacekeeping missions sometimes viewed working with panel experts as undermining their relationship with the targeted state.⁴³ Also, turnover in the mission or country office teams can hinder institutional knowledge retention and significantly alter working relations with the panel, for better or worse.

According to interviewees, even the existence of an 'embargo cell' (a specialized unit consisting of representatives of various UN country and other bodies with a mandate to focus on and support embargo monitoring, including that of the PoE) is not a guarantee of a smooth working relationship. One arms experts described a situation in which the mission issued a report on a delivery of weapons that the panel was not informed about, for example.⁴⁴ Mission personnel have also reportedly prevented panel staff from photographing weapons or communicating by e-mail about arms embargo matters. While one PoE

member suggested that this was ‘understandable, given [peacekeepers’] mandates’,⁴⁵ in most cases peacekeeping missions are required by Security Council resolutions to cooperate with PoE investigations. In the worst cases, however,

*[the mission] did not want to share information, [and] did not like to see new people coming and investigating immediately, asking for information. They had already been on the ground conducting their own investigations.*⁴⁶

In the best cases,

*Mission support is excellent with the whole country team . . . they provide us with a significant percentage of our data on small arms ammunition finds we document, freeing us up to follow leads on larger equipment and conflict analysis.*⁴⁷

Protocols for information sharing between PoEs and UN country missions and peacekeepers, which are a relatively new development, appear to be an essential means for panels to obtain and use technical information—such as documentation of small arms and light weapons found in the field—in panel investigations. Protocols such as those developed by the Sudan PoE also help to ensure that continuity-of-evidence standards are maintained.

While the arms experts indicated that embargo cells were generally supportive of the collection of arms data (one called the embargo cell ‘the brawn’ and the panel ‘the brains’ of embargo monitoring), nonetheless, ‘Everything always depends on good personal relationships and good will’.⁴⁸ Face-to-face meetings were seen as more important than written communications, as are proper protocol and diplomatic communications, said the experts.

Target and member state cooperation

The arms experts characterized relations with targeted states and neighbouring (‘frontline’) states as ranging from generally cooperative to fully obstructionist—including repeatedly denying permission to travel and blocking or restricting access. Such a lack of compliance typically goes unaddressed, leading to a form of impunity.⁴⁹ More seriously, targeted states may physically obstruct and detain panel members (see next section).

Even when targeted states were relatively cooperative, it was noted that poor internal controls over arms stocks and poor record keeping limited the utility of government-supplied information.⁵⁰ A number of arms experts noted that cooperation from targeted governments frequently depended on the type of lead being investigated and whether the likely outcome of the investigation would shine a positive light on the relevant government's arms control efforts.⁵¹ Once more, arms experts' diplomatic skills, technical knowledge, and ability to know which questions to ask and how to ask them were described as key factors in interacting with the targeted state. From most of the experts interviewed, low levels of cooperation from targeted states were not unexpected and, while frustrating, were seen as 'par for the course'.

The experts noted that PoE mandates are evolving to include, in some cases, awareness raising and capacity building to improve a target state's legislation and stockpile management practices, and to encourage sanctions compliance can complicate a panel's relations with the target state. Indeed, PoEs are increasingly mandated to provide assistance while simultaneously seeking to expose violations, which some experts said created complications for their monitoring functions.⁵²

The lack of cooperation from member states other than the target and front-line states, but whose assistance is often necessary to carry out investigations, remains one of the main challenges faced by experts and one of the most difficult to overcome, the experts said. For example, supplier and third-party states sometimes ignore information and tracing requests, or block the release of reports that implicate them or their allies as supplier states or intermediaries. The experts said that member states often have both their own agendas and political and economic interests that can conflict with panel investigations and findings. The experts highlighted not merely cases of poor cooperation, but ones of actual obstruction (see next section).

Maintaining independence

PoE experts are hired as independent investigators. They are not UN staff and their independence is meant to ensure that their investigations are not subject

to political interference. In practice, however, experts are routinely exposed to political pressures. Some experts who were interviewed suggested that this was an inevitable part of their work, while several others noted increased political pressure that could potentially alter the independence of their findings; such pressures occurred, they said, at all stages of the panel creation and mandate process. Examples provided included:

- the blockage of experts during the hiring process;
- reductions in funding and lack of flexibility over spending;
- limitations on the countries/governments that experts can visit or engage;
- increased interference in decisions on case/lead candidates;
- strongly worded comments on reports' wording aimed at diluting the content;
- pressure to 'not make waves' at the political level;
- pressure to obtain the approval of the targeted government to conduct particular aspects of panel investigations;
- blockage of an expert's reappointment as retaliation;⁵³
- the lack of security provision to experts facing death threats.

The experts found particularly troubling a number of cases in which member states asked for the alteration or removal of findings, which threw the experts' independence into question:

Some member states have their own interests in targeting some groups or individuals and interact with panels on that basis, rather than according to the terms of the panel mandate.⁵⁴

These are serious claims, and while they cannot be verified with information in the public domain, the fact that such statements were made by a number of experts suggests that they have some currency and may be indicative of the experiences some experts face.⁵⁵

In one case described to the interviewers, the relevant Sanctions Committee sought to impose a preconceived narrative and set of investigatory targets that were limited to non-state groups.⁵⁶ When the investigators uncovered leads that implicated government actors in violations and indicated their intention of following them, travel authorization and support were denied. Less critically,

one expert suggested that the transformation of an investigative report into a UN document facilitated editorial alterations by UN staff, and sometimes diluted the sharpness and clarity of the writing.⁵⁷

In addition, two experts noted that while PoEs were well positioned to shed light on ongoing criminal and military activities on the ground, they are usually not consulted during any strategic decision-making process at the UN.⁵⁸ Despite these criticisms, several other experts noted that they did not perceive the Secretariat's involvement in the report development process as interference and felt that they always owned 'their' content in the respective reports.⁵⁹

Impacts of PoE work

Panel monitoring is one piece of an interlocking series of efforts to ensure sanction compliance. Experts noted numerous instances of changes in the behaviour of individuals, companies, and other entities following their identification in PoE reports as possible embargo violators. Sometimes, in work not documented by panels in reports, experts work with international law enforcement agencies to identify listed individuals, or individuals identified as likely embargo violators, which in the past has led to arrests and legal proceedings. Other tangible outcomes include the revocation of transport companies' licences to operate, the listing of new embargoed items, improvements in weapons and ammunition marking and record-keeping practices, and a reduction in the support given to sanctioned groups by elements in neighbouring countries. While panels are not granted legal investigative powers, their uncovering and reporting of violations have in some cases led to further investigations and prosecutions.

At the same time, some experts suggested that expectations of PoEs' impacts should not be set too high. As one panel expert said,

Reductions in flows of weapons cannot be a criterion [for] judging panel impacts —impacts are much broader, and relate to the increase of peace and stability. You have to see the big picture, to create a better political environment to encourage peace.⁶⁰

In a view expressed by several experts, the best case is when the targeted parties view the panel's work as increasing the costs of violations (in terms of time, effort, money, risk to reputation, and attempts to avoid being caught) by identifying them as violating international law, for example, or by creating a context in which violations are more likely to be documented among all actors.

Another expert noted that

There are roles beyond the writing of the report that are important—it's crucial to be visible on the ground, constantly meeting and seeing military forces, the militia. . . . This is essential, regardless of what is put in the report.⁶¹

Experts' recommendations

Following the specific thematic questions, respondents were asked a single open-ended question: 'How might the capacity of the panel be improved, in your opinion, with regard to monitoring compliance with arms embargoes?' Among the recurring responses were the following:

- expansion of the 12-month mandate limit (even for an additional three months) (four responses);
- improvements in screening processes to ensure high-quality panel members (preferring professionalism, and diplomatic, investigative, and people skills over technical skills)—a number of experts suggested that panel members should make hiring recommendations to the relevant sanctions committee (four responses);
- additional flexibility in budgets and the distribution of funds to cover travel and information access (four responses);
- the encouragement of better cooperation and information sharing from member states (three responses);
- access to better analytical tools, such as maps and network analysis (two responses);
- improvements to panel members' security for fieldwork in dangerous zones (two responses); and
- the expansion of the time required to be dedicated to fieldwork (as opposed to home-based research) (two responses).

Some experts highlighted improvements to the terms of embargoes as outlined in UN Security Council resolutions, noting that resolution wording can affect awareness and understanding among key actors of the operative provisions—in particular, the definitions of weapons terminology.

Ranking challenges

At the conclusion of the interviews respondents were presented with a set of five challenges and asked to rank the most pressing in terms of the effectiveness of PoEs, drawn from the areas highlighted in the interview, which included:

- recruiting and/or training qualified experts;
- impediments to investigations;
- ineffective panel cooperation/collaboration;
- interference in the report-writing process; and
- the lack of follow-up on actionable findings.

Respondents said ‘recruitment’ (of qualified experts) was the most pressing challenge, followed closely by ‘impediments to investigations’ (see Figure 2).

Figure 2 ‘Most pressing’ issues identified by PoE experts⁶²

■ Most pressing issue ■ Second most pressing issue

Number of experts

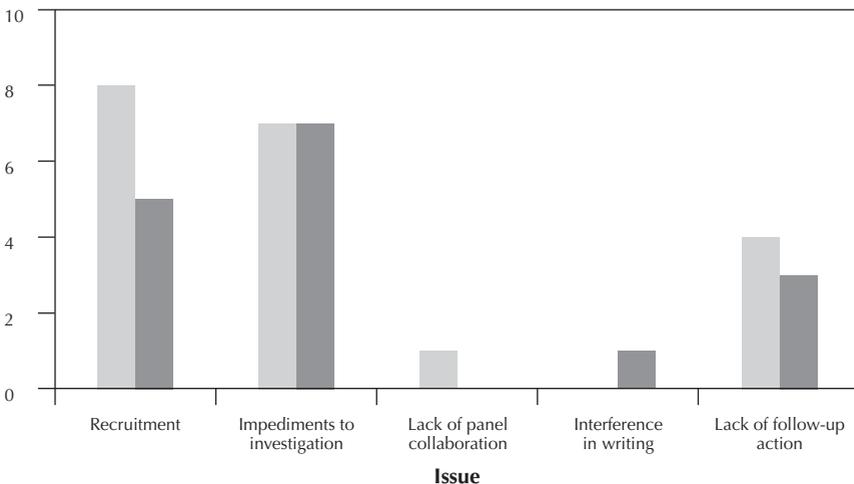
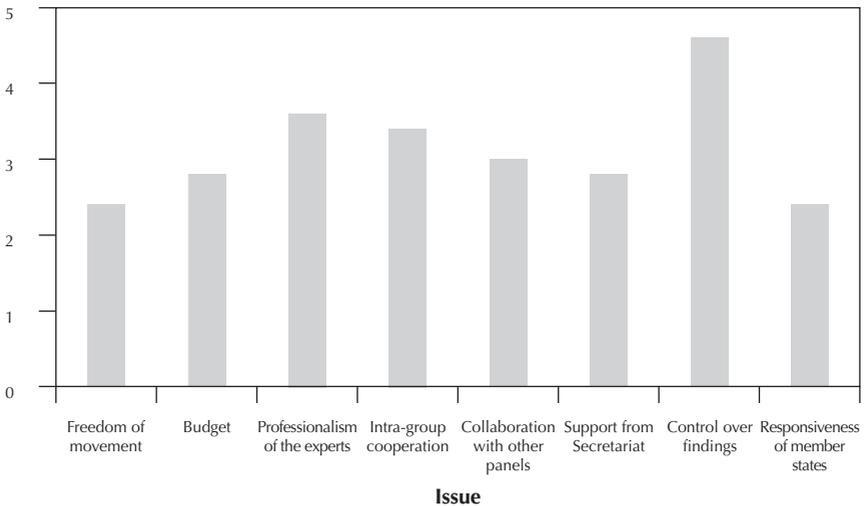


Figure 3 **Experts' rating of criteria critical to the execution of their mandate**

Ranking from 1 (poor) to 5 (best) experience



Respondents were then also asked to rate on a scale of 1 to 5 their experience as a PoE member in terms of the following criteria (1 = very poor, 5 = excellent):

- freedom of movement/cooperation of the target state;
- the budget for conducting effective investigations;
- the professionalism/capacities of panel members;
- cooperation among panel members;
- collaboration/information sharing with other PoEs;
- support from the UN Secretariat;
- control over the text of reports in their area(s) of expertise;
- the responsiveness of member states to actionable findings; and
- other.

This question was designed to identify the relative significance of problem areas. Figure 3 provides the average answers to this question (N = 17).⁶³ Interestingly, none of the ratings averaged below 2 (out of 5), suggesting that none of the issues was *critically problematic* to experts' ability to fulfil their mandate to monitor arms embargoes—although, as noted above, freedom of movement and the responsiveness of member states received the lowest scores. Similarly, the

experts ranked 'control over findings' as the most satisfactory, although in the interviews some experts raised serious concerns in this regard. While these differences are interesting, they are not contradictory, because in the rating exercise the experts were asked to compare the relative importance of the issues raised rather than their seriousness.

When asked to suggest 'other' categories, the experts mentioned 'support from DPKO [Department of Peacekeeping Operations]' (average: 4); 'security of panel members' (2.5); 'cooperation with member states on information and findings' (1); and 'support of the local UN staff' (1). 📄

V. Experts' comments in context

The observations captured in this survey do not appear in a void. Almost since PoEs began to be fielded in support of sanctions, experts inside and outside the UN system have been engaged in discussions about how to improve the efficiency and capacities of sanctions-monitoring processes. Among the most relevant processes and associated reports are those of the Bonn–Berlin process (1999–2000), the Stockholm process (2001–03), and the 2007 symposium sponsored by Greece on ‘Enhancing the Implementation of United Nations Security Council Sanctions’. Together with Fruchart et al. (2007) and Biersteker et al. (2013), many of the outcomes and recommendations of these processes focus on improving the effectiveness of targeted sanctions, with some attention paid to the operational aspects of arms embargo monitoring by PoEs.

Regarding the particular issues raised by the experts in this study, it is important to note the report of the UN’s Informal Working Group of the Security Council on the General Issue of Sanctions (UNSC, 2006); *Targeting Spoilers* (Boucher and Holt, 2009); *UN Panels of Experts and UN Peace Operations* (Boucher, 2010); the UN’s Interagency Working Group on Sanctions’ submission to the HLR (UN IAWG, 2014); and the *Compendium of the High-level Review of United Nations Sanctions* (UNGA, 2015).

In its December 2006 report to the Security Council, the Informal Working Group of the Security Council on General Issues of Sanctions, which was designed to ‘develop general recommendations on how to improve the effectiveness of UN sanctions’, included a number of recommendations aimed at improving the functioning of PoEs (UNSC, 2006), noting that ‘The working methods of expert groups have developed through a system of trial and error’ (para. 9). Among other things, the Working Group called for, ‘clear guidelines for expert groups to consult in order to ensure that, while these groups maintain their independence’, ‘minimum standard criteria for the format of expert group reports’, ‘increased cooperation and interaction among the various expert

groups to increase efficiency and decrease duplication of effort', and efforts to 'address the problem concerning the time required for the Secretariat to appoint monitoring mechanisms and process their reports' (UNSC, 2006), all of which find echo in the present study.

In the most detailed assessment to date of the roles of PoEs in monitoring UN sanctions, *Targeting Spoilers* (Boucher, 2009) presented a range of recommendations for improving panel work. These included the following (Boucher, 2009, p. 2):

- Increase the organizational, administrative, and financial support for PoEs from the Secretariat and the Security Council (including improving DPA's professional capacity and the organization, recruitment, and performance evaluations of experts).
- Clarify the methodology and standards of evidence for including material in reports.
- Improve cooperation between member states and PoEs and consider sanctioning member states that do not cooperate with or even impede panels' work.
- Create a system to match the gaps in institutional capacity that PoEs identify by involving member state or international organizations willing to provide such assistance.
- Expand panel mandates to monitor progress towards requirements for lifting sanctions (and create such requirements where they do not exist).
- Extend cooperation between UN peacekeeping operations and PoEs.
- When appropriate, encourage UN peacekeeping operations to implement PoE recommendations.

Targeting Spoilers (Boucher, 2009) was to some degree 'maximalist' in orientation, and many of the recommendations have challenging budgetary and organizational implications. A subsequent Stimson Center report focusing on the relationship between PoEs and UN peacekeeping operations documented how panels and peace support operations have complementary objectives, but their interaction is uneven and often difficult (Boucher, 2010). Six years later, the present analysis suggests the situation is largely unchanged.

In 2014, in preparation for the HLR, DPA instituted the Interagency Working Group on Sanctions (IAWG) to 'consolidate UN system inputs' into the HLR.

Box 2 **Selected HLR recommendations focusing on PoEs**

Note: Text in italics is directly quoted from the HLR Compendium Report (UNGA, 2015).

13. *Expert groups, in consultation with UN bodies with analogous investigative mandates, such as the Office of the Ombudsperson and UN human rights bodies, should develop evidentiary and investigative standards, using as a starting point the 2006 report (UNSC, 2006).*

14. *The Secretariat should facilitate training on standards for expert groups, including on the conduct of an investigation, [and] the management and protection of informants and information, to be provided by specialized investigators from UN bodies such as the Office of the Ombudsperson or the International Criminal Tribunals (for the Former Yugoslavia and for Rwanda), or from the Secretariat, including the Office of Legal Affairs or the Office of Internal Oversight Services.*

15. *Expert Groups should establish standard procedures for engaging Member States in the preparation of their reports. These standards should provide that during the preparation of their reports, expert groups hold interactive discussions on their draft conclusions with both the target state and any other states to be named in their reports, and allow sufficient time in reporting timelines for such states to forward additional information relevant to a particular conclusion. In the event that the state concerned continues to dispute the conclusion, the state's position should be included in the report itself. Such procedures would not only provide a form of 'due process', but have the potential to improve the quality of engagement by member states in the process, including the quality of information provided.*

36. *The Secretary-General should ensure that appointments of experts are made on the basis of expertise and merit, to deliver a consistent standard of expertise across all expert groups, free of conflict of interests.*

37. *The Council should request the Secretary-General to review present arrangements and recommend options for the establishment of a sustainable system for appointing and supporting Security Council mandated experts. Their conditions of service should facilitate the performance of experts' functions, attract and retain the very best professionals for this role, and provide them with timely and high-quality administrative and logistical support.*

38. *DPA, OHRM [Office of Human Resources Management], and representatives of expert groups should consult on terms and conditions that are reflective of their important specialised role.*

39. *The Security Council should request that the Secretary-General ensure that expert groups receive the necessary administrative and substantive support to effectively, safely, and in a timely manner, fulfil their mandates, including with regard to duty of care in high-risk environments.*

40. *The Security Council should request an improved performance assessment system for expert groups to include both an assessment of expert groups, and an assessment of the UN's administrative and logistical support to expert groups, based on structured feedback from experts themselves.*

Twenty UN entities nominated focal points to serve on the working groups associated with the IAWG. Monitoring groups and PoEs were among the topics addressed. As part of its 2014 report, the IAWG noted the evolution of the Secretariat’s support to UN sanctions monitoring and implementation over time, while noting that ‘many adjustments are still needed’, including (UN IAWG, 2014):

- further strengthening the independence and professionalization of PoEs, in particular in terms of methodology, evidentiary standards, and due process;
- increasing advisory and technical support to member states implementing sanctions;
- utilizing specialized databases for PoEs’ investigative work; and,
- developing a roster outreach strategy to increase the pool of potential experts.

In its final compendium report the HLR went further and elaborated a much longer and more detailed list of recommendations relevant not only to PoEs, but other bodies across the UN system, including the Secretariat, sanctions committees, the Security Council, and member states. Box 2 notes a selection of recommendations made in the compendium report (UNGA, 2015) that are particularly relevant to the issues and themes raised by experts participating in the present study.⁶⁴

In essence, reform-minded states and NGOs have been focusing on the same relatively small set of challenges to PoEs’ monitoring functions for at least ten years. Thus, many of the issues that the experts interviewed for this study identify as hindering their operations have long been on the agenda and, while incremental improvements have occurred along some criteria—such as UN Secretariat support to the PoEs—much room remains for continued improvements. ▣

VI. Reflections and areas for future research

Based on interviews with the experts, as well as the existing body of literature on sanctions panels, this section extracts some lessons from the present research and suggests possible fruitful areas for future study.

The human factor(s)

While PoEs are at the vanguard of embargo violation investigations, the experts serving on such panels indicated that their effectiveness is dependent on the active cooperation of a range of actors, beginning with the other members of their panel. For example, arms experts often said they function most effectively when conducting investigations in tandem with another expert, as when arms embargo violations are intimately connected to issues—such as financing, armed groups, or aviation—that are the purview of another team member.

As such, the ability of panel members to forge and/or maintain good working relationships with key interlocutors is essential to their work. Because experts are consultants (not UN staff), this is up to the experts themselves—and they must do so on very short order and with stakeholders who have seen experts come and go, in some cases year in and year out. This requires significant ‘people skills’, which many (though not all) experts said was as important in a prospective PoE member as technical arms expertise.

The corollary is that an investigator with poor people skills is not going to be an effective expert. There are many examples of this occurring, but perhaps surprisingly few, given the expanding number of PoEs. Panels are fragile operations built around the talents, skills, and motivations of individuals. While this is no different from any other type of work or team operation, it points to the importance of effective staff hiring and evaluation processes. According to the experts interviewed for this study, while the expert roster system has seen

improvements, arms experts are in shorter supply than ever. They speculated as to the reasons for this: the increasing number of PoEs; the relatively low compensation for experts, given the relative seniority required for their appointment; the terms and conditions of employment (particularly travel); the short employment window; and the possible ‘drying up’ of the consultant pool as a number of arms experts are blocked from rehire or have joined independent research operations. The experts also noted that no standardized system to evaluate experts is in place.

At the same time, proactive, self-motivated, and engaged experts can improve embargo-monitoring methods and reporting. Examples include the Sudan panel’s introduction of ‘levels of certainty’ to measure statements asserting embargo violations; the increasing use of protocols for information sharing between other bodies and panels; and the development of new technical capacities by PoE experts. These are all potential bottom-up ‘best practices’ that other panels can be encouraged to adopt.

Relations with peacekeeping operations

In terms of collaboration, experts singled out UN peacekeeping operations for special mention. In some countries the peacekeeping operation is reportedly responsible for significant contributions to PoEs’ documentation of small arms and light weapons ammunition. A strong working relationship with the country mission (whether with a Joint Military Assessment Cell, a so-called ‘embargo cell’,⁶⁵ or through direct contact with ranking military personnel) allows experts to cover vastly more ground than they would if they had to be present at the site of weapons seizures or discoveries—which in any case would be often physically impossible.

Previous reports have highlighted the problem of perceived mandate conflict or mandate confusion between PoEs and, for example, peacekeeping operations (Boucher, 2010), and the experts interviewed for this project echoed this message. They also highlighted problems such as identifying the right contact in the mission, or operational issues in the mission that prevented effective coordination.

Administrative improvements

Experts who had served on multiple, consecutive PoEs over the last few years described a number of new processes and tools related to their work, some of which were intended to address some of the challenges they highlighted. These included the establishment in 2013 of annual two-day gatherings of all panel members in New York called inter-panel coordination workshops. These meetings cover working methods and methodology, engagement with UN actors, and thematic discussions. While the experts interviewed for this project expressed a range of opinions regarding the utility of specific discussions, they agreed that the holding of such meetings was a positive development and provided useful opportunities for cross-panel communication. These workshops also offer the chance for experts to interact directly with senior members of various UN agencies and the representatives of UN Security Council members in both formal and informal settings.

Other improvements that are seemingly simple to implement have not been instituted, such as contact lists of all active experts serving on all PoEs, including e-mail addresses (in effect, an up-to-date staff list), which would enable much quicker and more effective cross-panel contact. Currently, experts must search the web for Security Council resolutions establishing the panel in question, and then continue their searches using other sources or by asking the Secretariat in order to locate an e-mail address and other contact information.⁶⁶ Another important example is the facilitation of face-to-face consultations between outgoing and incoming experts, which almost all the experts said would significantly improve knowledge transfer and the effectiveness of incoming experts.

In general, the experts said they felt supported by the Secretariat and understood the administrative limitations imposed by working in a large bureaucracy. They even understood the recent downgrading of all air travel from business to economy class—although, given the amount of travel involved, this represented a significant reduction not only in comfort, but also in work efficiency, and risked the loss of sensitive and secure information due to the long routes, the timing of flights, and the lack of access to more secure airport lounges during long stop-overs. But more flexibility in making and changing

travel arrangements, more flexibility in using funds to access information needed for investigations, and software access issues were all areas where the experts said that improvements could be made.

Areas of additional research

Many of the challenges the experts discussed as part of this project are those of operating in complex, high-risk environments, and as part of a large bureaucracy, and many are characteristic of difficulties experienced across the UN system. On the whole, the experts indicated that the tools, administration, and functioning of PoEs have improved in recent years, but that there is much room for additional improvement. The system is not broken, but the pace of incremental change is slow.

Much of what has been documented here is in line with previous explorations of UN sanctions monitoring and the work of PoEs; many experts consulted for this review also participated in the HLR. While the HLR recommendations constitute a strong set of potential improvements to the issues the experts raised here, there are a number of additional areas for research that could inform this work.

A larger study of all PoEs that supplements this review of selected expert panels would provide a fuller picture of the key issues from the point of view of the experts involved. Ideally, such a study would:

- focus on the effects of recently instituted administrative and policy changes;
- provide a more systematic assessment of the kinds of technical assistance and training that panel members would benefit from;
- take fuller stock of the responses of sanctions committees and the Sanctions Branch to experts' assessments; and
- look more carefully at instances of perceived interference with panel independence and investigatory freedom.

In 2014 the IAWG proposed

a study on sanctions monitoring performed by peacekeeping missions, such as the Integrated Embargo Monitoring Unit (IEMU) in UNOCI [UN Operation in Côte

d'Ivoire], as well as sanctions monitoring undertaken by other peacekeeping missions. Such a study should develop best practices for sanctions monitoring by peacekeeping missions (UN IAWG, 2014, p. 7).

This is an area of continued importance in light of the findings of the current study.

The IAWG also proposed that

the concept and practice of expert Panels be subject to a comprehensive review with the aim of enhancing that important tool of the Security Council and the Sanctions Committees. The assessment could look at questions such as what it means to be independent, the degree and nature of oversight of expert Panels, and what type of training and team dynamics make for the most effective expert Panels (UN IAWG, 2014).

The experts interviewed for this study suggested that such an assessment would be beneficial. 📌

VII. Looking ahead

This study has shown that, from the point of view of the experts themselves, some progress has been made in improving the operational work of expert panels, but it has proceeded quite slowly. This is also evident from the persistence of the issues raised in this investigation in comparison to previous processes and studies.

Future improvements are likely to be led by the concerted efforts of like-minded states focusing on specific thematic areas, working in tandem with reform-oriented non-governmental actors. Panels themselves have also managed to introduce new tools and methodologies to improve their capacities to capture and report relevant information, and hopefully this will continue and spread. If the reflections of the experts themselves are to be credited, their ability to continuously innovate tools, methods, and processes will depend at least in part on the recruitment of the ‘right’ experts.

It also remains to be seen how peacekeeping and UN country missions support to panels can be enhanced. With so much potential value to panels’ arms embargo monitoring functions, in particular, the synergies between these two sets of organs have so far resisted institutionalization, depending in some cases on particular individuals and relationships. This would seem to be a case of the UN system needing to work towards full implementation of policies of cooperation and support that already exist on paper.

Some other issues are probably more resilient to change. Given the fundamentally political nature of sanctions, for example, it is hard to see political influence on the work of panels reducing. After the completion of this report, the Sudan PoE’s final 2015 report was blocked from being transmitted to the Security Council, because a P5 member objected to particular findings; the rehiring of all the panel members was also put ‘on hold’ indefinitely. As of late May 2016 the report had not yet been released, and the experts had still not been unblocked for the Sudan panel—an unprecedented situation.⁶⁷ But although

such political interventions are perhaps inevitable, more transparency around them is needed. The facts of each specific case deserve to come to light, even if this requires independent investigations by journalists.⁶⁸ Moreover, the political nature of sanctions monitoring should not excuse attempts by member states to obstruct investigations or to force experts into abandoning legitimate leads or altering unpalatable facts in their reports.

If the Security Council's use of targeted sanctions and PoEs continues to increase in line with recent trends, these challenges will remain and—under current budget constraints—probably worsen. Another trend that could increase is the inclusion of technical assistance activities in experts' terms of reference, which further complicates their monitoring obligations. Such assistance to targeted states, while vitally needed, may be better provided by actors other than those tasked with monitoring sanctions compliance. 📄

Endnotes

- 1 In this report, the term 'Panel of Experts' (PoE) is used to cover both panels and monitoring groups. Of the five bodies contacted for this study, four employ PoEs. The sole monitoring group in the selected group covers Somalia and Eritrea (the group functions as a single body, in a single sanctions regime established by two resolutions and operating in two countries).
- 2 This study does not consider PoEs dedicated to nuclear non-proliferation sanctions.
- 3 PoEs emerged as a coherent tool following the early experiences of the Commission of Inquiry on Rwanda (1993) and the Angola Sanctions Committee (1993).
- 4 In addition to peer reviews of an early draft of this paper by panel experts and others, a series of three briefings associated with this project were held at the UK Foreign & Commonwealth Office (25 January 2015), UN Headquarters in New York (29 January 2016), and the UN Office in Geneva (4 February 2016). Feedback received at those briefings was incorporated into this paper.
- 5 Some of the experts interviewed for this study also provided input to the HLR.
- 6 That is, of the 11 PoEs covering mandated conventional weapons embargoes as of December 2015. After the completion of this research project, the Côte d'Ivoire embargo was lifted, as were sanctions on Iran. Note that the UN Sanctions Branch counts Eritrea and Somalia as a single regime.
- 7 As opposed to voluntary, or symbolic, arms embargoes.
- 8 At least 9 of the 15 Security Council members must support the embargo resolution, including all 5 permanent members.
- 9 The TSC defines 'episodes' as 'periods in which the sanction regime remains stable in term of purposes, types, targets, and context' (Biersteker et al., 2013, p. 12, also quoting Eriksson, 2011).
- 10 For this reason, this paper does not attempt to unpack findings based on arms embargo characteristics, for example. Nor does it engage in the larger, robust discussion about the effectiveness of targeted sanctions or about how sanctions should be evaluated.
- 11 UN arms embargoes may also encourage the creation of national or regional embargoes that mirror or, in some cases, go beyond UN sanctions.
- 12 As of December 2015.
- 13 The Côte d'Ivoire sanctions regime was lifted on 28 April 2016 (UNSC, 2016).
- 14 In early iterations of some panels, such as that for Somalia, the mandate was six months.
- 15 Based on recent panel expert terms of reference viewed by the authors and discussions with experts.
- 16 Interviews with experts, June–December 2015.
- 17 Interviews with experts, June–December 2015.
- 18 According to the typology described in Fruchart et al. (2007).
- 19 See UNSC (2013, para. 6 and Annexe).
- 20 Anonymity requires that 1) respondents are not named in project outputs, and 2) it is not possible to identify respondents by the context of passages in the paper in which respondents' comments are summarized.

- 21 Since 2009, when sanctions were imposed on Eritrea, the group that monitored Somalia's sanctions regime was broadened to include Eritrea and is known as the Somalia and Eritrea Monitoring Group. It is considered a single sanction regime, composed of experts for either one or the other countries—although the experts generally operate as a single team.
- 22 The authors had a limited exchange with the UN Sanctions Branch and were able to review publicly available documents that reflected the Secretariat's perspective and concerns. The UN Secretariat, in particular, conveyed concerns that an uncritical presentation of experts' criticisms could be counterproductive to effective operations of the PoE, especially in the current context in which the UN system is still absorbing and sifting through the recommendations of the HLR. (Author interview with UN Secretariat staff member, 16 October 2015.) This is important because the current study did not systematically review the roles of DPA and the UN Secretariat's support for PoEs and arms embargo implementation.
- 23 Author interview with PoE expert, 4 September 2015.
- 24 Author interview with PoE expert, 18 August 2015.
- 25 Author interview with PoE expert, 7 January 2016. One panel member added: 'On-the-job-learning also depends on the individual being mentored by other arms experts, being provided with all technical source material by other experts, and so on. Time taken learning is time that cannot be used for investigations, and leads will be missed due to a lack of technical knowledge' (communication with PoE member, January 2016).
- 26 The failure to locate a qualified expert—whether due to candidates being blocked from being appointed or small candidate pools—can have serious consequences. The Somalia and Eritrea Working Group functioned without a qualified arms expert for an extended period of time, despite the centrality of the arms embargo to the sanctions regime. It can also delay the development of PoEs' mid-term and final reports.
- 27 Author interview with PoE expert, 17 August 2015.
- 28 Author interview with PoE expert, 4 September 2015.
- 29 Author interview with PoE expert, 4 September 2015.
- 30 Author interview with PoE expert, 18 August 2015.
- 31 Communications with PoE members, January 2016.
- 32 Author interview with PoE expert, 24 August 2015.
- 33 Author interview with PoE expert, 24 August 2015.
- 34 Coordination roles include reporting to and liaising with the related sanctions committee and other UN and external bodies.
- 35 Author interview with PoE expert, 14 September 2015.
- 36 Author interview with PoE expert, 28 August 2015.
- 37 Author interview with PoE expert, 17 August 2015.
- 38 Author interview with PoE expert, 16 September 2015.
- 39 Author interview with PoE expert, 4 September 2015.
- 40 Author interview with PoE expert, 4 September 2015.
- 41 Author interview with PoE expert, 7 January 2016.
- 42 Or, in the case of Libya, the political mission.
- 43 Author interviews with PoE experts, 24 June 2015; 17 August 2015; 26 August 2015.
- 44 Author interview with PoE expert, 4 September 2015.
- 45 Author interview with PoE expert, 26 August 2015.

46 Author interview with PoE expert, 26 June 2015.
47 Author interview with PoE expert, 19 August 2015.
48 Author interview with PoE expert, 14 October 2015.
49 Author interview with PoE expert, 7 September 2015.
50 Author interview with PoE expert, 28 August 2015.
51 Author interviews with PoE experts, 24 June 2015; 10 September 2015; 23 September 2015.
52 Author interview with PoE expert, 27 October 2015.
53 One expert claimed to have received explicit threats of employment termination if he/she insisted on publishing particular findings. Two other experts said they were denied reappointment as a result of their investigations.
54 Author interview with PoE expert, 24 June 2015.
55 A file in the possession of the Small Arms Survey contains additional information related to the issues raised in this section.
56 Author interview with PoE expert, 24 June 2015.
57 Author interview with PoE expert, 7 September 2015.
58 Author interviews with PoE experts, 4 and 7 September 2015.
59 Author interviews with PoE experts, 17, 18, and 28 August 2015; 10 September 2015.
60 Author interview with PoE expert, 14 October 2015.
61 Author interview with PoE expert, 28 October 2015.
62 Totals exceed the number of experts interviewed (17) because some experts served on multiple mandates and/or multiple panels and they provided separate answers for each mandate or panel.
63 17 experts were interviewed but a number of them served on multiple mandates or multiple panels, leading a total of 24 answers being scored.
64 Note that the entire HLR compendium report provides proposals for mutually supportive improvements across the entire UN system.
65 As of the time of writing, only the UN operation in Côte d'Ivoire has such a structure, but one is also being established for the UN mission in the DRC.
66 Panel reports themselves are often difficult to locate and download—even for the experts, who are quite familiar with the labyrinthine aspects of the UN's online infrastructure.
67 It would have normally appeared in January or February 2016; its blocking keeps the results of the panel's work out of the public domain and out of the hands of researchers and advocates.
68 See Lynch (2016) for a discussion of the blocking of the 2015 Sudan PoE report as of April 2016.

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Annexe 1. Survey instrument

INTERVIEW/QUESTIONNAIRE

Panels of Experts/Arms Monitoring Groups Project

Introduction

Thank you for participating in this research initiative by the Small Arms Survey, which is funded by the UK Foreign & Commonwealth Office. Your collaboration is invaluable, because the project is based around the specific experiences of current and former members of Panels of Experts and other UN arms monitoring mechanisms.

We hope to have a frank and open conversation with you, and we are committed to ensuring your anonymity. You will not be identified by name in any materials produced as part of this project, whether public or donor-specific, and case studies will be framed to ensure that individual respondents are not identifiable.

I will pose a series of questions about your experiences as a PoE or arms monitoring group member, with a view to identifying specific areas where panels' monitoring of arms embargoes can be improved. The questions are broken into the following areas: panel member recruitment and training, panel work, impacts of panels' work, and follow-up.

At the end there are two quantitative questions, and a chance is given to discuss any additional points you may wish to raise.

In the interest of keeping the conversation as short as possible, I would appreciate your permission to record this call—to save my typing out or writing down your answers. Is that acceptable?

Prelims

Can you indicate on which PoE(s) you serve(d) and when (dates/mandate), noting whether you served as a consultant or an expert panel member.

Recruitment and training

How were you recruited?

Did you feel sufficiently skilled for the position? Please explain.

In retrospect, how would you assess your hiring process and the training you received for the position?

Panel work

a) Investigation

How were/are your investigative activities organized and conducted?

Did/do you feel sufficiently supported and resourced to conduct investigations on violations?

- by the UN Secretariat?
- by the UN Mission in the targeted MS?
- by the targeted MS?
- by other panel members?
- by the panel coordinator?

What were/are the main challenges faced in the collection of significant evidence of arms embargo violations?

How in your opinion could such challenges be overcome?

b) Information sharing

Do you/the panel keep a record of all your/its activities?

In general, was any institutional knowledge available to you when you joined the panel (overlapping staff, interviews with previous arms experts, etc.)?

c) Findings

Which rules governed the selection of publishable findings?

Have you experienced any resistance regarding findings collected during your investigation? Did you feel free to report any solid findings you might have found?

d) Reporting

How were/are the writing of reports organized?

How were/are the reports reviewed and edited?

How were/are the rights of reply integrated into the publication process?

e) Internal evaluation and review

How are the work and findings of panels assessed by the UN, if at all?

Has it been possible to signal/address problems arising during your work with the panel? How would such issues be dealt with by the UN Secretariat/sanction committees?

If not, what could improve the actual integration of feedback by the UN Secretariat/sanction committees?

Impact of the panel's work

Have you noted any specific actions taken as a result of panel findings, including, but not limited to, the prosecution of actors identified as embargo violators?

In what respects has the panel's work contributed to compliance with the arms embargo?

Follow-up

How might the capacity of the panel be improved, in your opinion (with regard to improving its arms embargo monitoring functions)?

[Followed by open-ended reflections]

Quantitative assessment 1

Of the following, which would you say is the most pressing challenge facing the effectiveness of expert groups:

- recruiting and/or training qualified experts?
- impediments to investigation?
- ineffective panel cooperation/collaboration?
- interference in the report-writing process?
- lack of follow-up on actionable findings?

Quantitative assessment 2

On a scale of 1 (worst) to 5 (best), how would you rate your experience as a group/panel member in terms of the following criteria:

- freedom of movement/cooperation of the target state?
- budget for conducting effective investigations?
- the professionalism/capacities of panel members?
- cooperation within the group/team?
- collaboration/information sharing with other panels?
- support from the UN Secretariat?
- control over panel reports' text in your area of expertise?
- responsiveness of member states to actionable findings?
- other?

Thank you for participating in this research initiative.