To address civil conflict in Africa, the UN Security Council uses many tools, including the imposition of targeted sanctions. These measures—arms embargoes, restrictions on the trade of key commodities, asset freezes and travel bans—try to constrain those responsible for continuing war and threatening peace. In contrast to more comprehensive UN sanctions, these “targeted” sanctions are designed to affect specific individuals—such as corrupt or militant leaders—and to hinder networks of illicit activity that sap public resources or arm rebel forces. But mechanisms to monitor compliance with these targeted sanctions, to introduce accountability, and to support improved state capacity for enforcement are often missing or lacking. As a result, systematic violations of targeted sanctions persist.

TRACKING BAD GUYS, SMALL ARMS, AND ILLICIT TRADE: THE ROLE OF UNITED NATIONS PANELS OF EXPERTS
Alix J. Boucher and Victoria K. Holt

In July 2007, the UN had six active Panels, in Liberia, Côte d’Ivoire, the Democratic Republic of the Congo, Sudan, Somalia, and on the Taliban and Al Qaida.

This issue brief looks at the role of Panels and their efforts to strengthen the implementation of targeted sanctions in Africa. Panels draw attention to measures for improving that implementation, but also face challenges in carrying out their work. The effectiveness of these Panels, however, could be increased with better integration and support within the UN system, including cooperation with UN peacekeeping and peacebuilding missions. Panels could further enhance efforts to support fragile peace in war-torn societies, since they highlight gaps in capacity for sustaining the rule of law. This issue brief considers these challenges and suggests ways to improve the effectiveness of UN Panels.

THE PANEL MECHANISM & ROLES
The Security Council created the first Panel-type mechanism in 1995 to investigate violations of the UN weapons embargo on Rwanda. The four-member expert team, called the UN Commission of Inquiry, produced a hard-hitting report detailing the role of regional actors in selling weapons to Rwandan rebels.

The first formal Panel of Experts, established in 1999, was sent to investigate sanctions violations by the Angolan rebel group UNITA (National Union for the Total Independence of Angola). The Security Council had prohibited the sale or supply of all arms to Angola and restricted the supply of petroleum to select ports under government control. UNITA continued to purchase arms and fuel despite these measures, but the UN did not fully know when, where, and how the sanctions were violated. At the time, the Canadian Permanent Representative to the United Nations, Ambassador Robert Fowler, was the Chair of the Angola Sanctions Committee, and instrumental in creating the Panel. He led investigations that produced
In June 2006, the Stimson Center hosted a workshop on the role of UN Panels of Experts. At the event, held in Washington, DC, Alex Vines discussed his work in tracking illegal arms trafficking and reflected on the role of the Panel mechanism in helping implement UN targeted sanctions. Vines has served as a UN expert, including as the chair of the Côte d’Ivoire Panel in 2005-2007 and as a member of the Liberia Panel in 2001-2003. He also directs the Africa program at the Royal Institute for International Affairs (Chatham House) in London.

Dr. Stephen Morrison, Director of the Africa Program at the Center for Strategic and International Studies, offered an historical and policy perspective on the role of such Panels and their value in supporting US interests. Victoria Holt, Senior Associate for the Future of Peace Operations program, moderated the lively discussion with about 25 participants, which focused on the following key areas:

- the role of Panels in implementing targeted UN sanctions, primarily in Africa;
- the effectiveness and methodology of such Panels in conducting their investigations;
- the structure and capacity of the UN headquarters and the Security Council’s Sanctions Committees to support the Panels’ work;
- cooperation between Panels and peace operations in countries subject to UN sanctions; and
- options for improving sanctions implementation and use of the Panels’ work.

The discussion led to a range of conclusions. First, Panels of Experts could benefit from additional support from UN headquarters. Second, Panels rely too much on luck and personal skills to obtain the information required for their investigations. Also, Sanctions Committees would be more effective—both in their support of the Panels and in the successful implementation of UN sanctions—with increased and consistent leadership in the Committees. Finally, the link between UN peace operations in areas of targeted UN sanctions and the role of the Panels needs better examination and coordination.

This workshop was one of six held as part of Stimson’s series, *A Better Partnership for African Peace Operations*, made possible by a generous grant from the United States Institute of Peace. The series examined progress, challenges, and potential steps forward in expanding national, regional, and international capacity to lead and participate in peace operations in Africa. The six issue briefs produced in conjunction with this project provide background and analytical context for the insights gained through the *Better Partnership* workshops. Each brief also highlights workshop findings and identifies recommendations for the US, UN, regional organizations, and policymakers. For more information on this workshop, and others in the series, please contact the program or visit the Stimson website at: www.stimson.org/fopo.

three reports between June 1999 and March 2000. The last report, known as the “Fowler Report,” documented the purchase of arms for UNITA in Eastern Europe and reported on the relationship between UNITA and international arms dealer Victor Bout. The Panel uncovered UNITA anti-aircraft weapons in Zaire (now the DRC), which were used by Rwandan-backed rebel forces against the Zairian government of Joseph Kabila. The report also named key personalities and government leaders responsible for supplying petroleum to UNITA.

The Fowler Report—and the surrounding international media attention—drew heated responses from implicated countries and leaders. They argued that Fowler’s methodology was unclear and at times unre-
liable. The Angola team nonetheless demonstrated the potential of investigative monitoring and reporting for improved sanctions implementation, and for exposing the illicit networks that support conflict. A different team continued to monitor sanctions on Angola until the end of 2002\(^8\) when UNITA leader Jonas Savimbi was killed and a peace agreement was concluded between the rebel movement and the government.\(^9\)

Since the controversial success of the Angola Panel of Experts, the Security Council has used Panels to monitor sanctions in Sierra Leone, Liberia, Côte d’Ivoire, the DRC, Sudan, Somalia, and on Al Qaida, the Taliban, and associated entities.

**Mandate and Formation of Panels**

The Security Council usually sets up both a Sanctions Committee to administer the targeted sanctions and a Panel of Experts to monitor their implementation. These Committees help remind UN Member States of their Chapter VII obligation to implement sanctions.\(^10\)

Of the UN sanctions regimes in force in May 2007, only those sanctions imposed on Iran and North Korea (concerning their nuclear programs), and on individuals considered linked to the assassination of Lebanese Prime Minister Rafik Hariri, do not have accompanying Panels.

UN mandates for Panels establish the number of experts to be appointed (usually between four and six), the initiation of the Panel’s work (usually within 30 days), and the duration of the Panel’s mandate (usually six months). Panels are normally mandated to:

- monitor targeted sanctions regimes, such as timber, diamond embargoes, arms embargoes, travel bans, and asset freezes;
- investigate possible violations;
- recommend ways to enhance the scope of sanctions (e.g., provide names for inclusion on the travel ban and asset freeze lists);
- identify ways to improve capacity for implementation; and
- submit a report to the Security Council detailing findings and recommendations.

Some Panels are also mandated to assess the socio-economic impact of sanctions on the targeted country. Panels report both to the Security Council and to the UN Secretary General. They receive support from the UN Department of Political Affairs (DPA) and its Security Council Affairs Division.

Once a Panel is authorized, the DPA recruits Panel members with input from Member States, current and former Panel members, the academic and policy communities, and from its own roster of potential experts. The DPA looks for individuals with useful and diverse expertise, such as in weapons, diamonds, and timber; international crime networks and transportation systems; and regional politics and diplomacy. Such specialized skills are challenging to find because few people have the needed qualifications and experience. Panel members have included former ambassadors, researchers from non-governmental organizations (NGOs), former police officers, and industry experts. Hired for up to 18 months, Panel members are not full-time UN employees or UN consultants but “experts on mission,” awarded special privileges and immunities. Individuals must also be willing to take leave from their jobs and regular lives to serve on these temporary Panels in countries where security is elusive and investigations potentially dangerous.

The UN Secretariat briefs members of new Panels on their status and mandate. DPA and other UN staff (for instance, within the Office of Legal Affairs) also offer guidance on methodology, standards of evidence, and personal security. Panel members report, however, that training is ad hoc and inconsistent across Panels. In preparation for their investigations, some Panel members may organize their own preparatory meetings with government, international, and NGO officials.\(^11\)

After their field work, Panels return to New York to draft their reports. There, DPA staff helps to edit drafts, check facts, and manage potentially controversial findings.\(^12\) The Panel then submits its report to the

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Council through the Sanctions Committee. Evidence provided by Panel members may lead the Security Council to place individuals on travel ban or asset freeze lists, or to impose secondary sanctions on a Member State. Each country decides, however, whether to use the information Panels uncover to follow up on findings about potential violations within their own jurisdictions. When sanctions regimes are renewed, Panels of Experts’ mandates are normally extended as well.

Investigations and Reporting: A Growing Track Record

Panels spend about three months in the field monitoring sanctions and investigating potential violations. Panels conduct investigations under difficult circumstances, sometimes where conflict is ongoing and often in countries where local governmental capacity and/or good-will is limited. In some cases, governments have obstructed the work of Panel members and have even compromised their security.13 During investigations, the DPA provides support for trip planning and basic fact checking.14 DPA staff also draft letters and send notes verbales reminding nations of their obligations to cooperate with the Panels and to implement sanctions in accordance with specific UN resolutions.15

Panels of Experts nonetheless often produce detailed, highly informative, and useful reports on sanctions implementation and enforcement. In work that complements the investigations of NGOs like Global Witness, Panels have identified the links between the exploitation of natural resources and conflict. The Panel of Experts on the DRC, for example, reported in 2001 on how neighboring countries were using the DRC’s natural resources to fund regional war. In particular, the Panel found Uganda’s sudden ability to export much larger quantities of diamonds and gold suspicious. Indeed, despite having no gold deposits of its own, Uganda’s gold exports grew from $23 million in 1995 to an extraordinary $105 million in 1997. This increase in exports, the Panel reported, “coincides surprisingly with Uganda’s occupation of the eastern DRC.”16

Panels of Experts identify how spoilers violate targeted sanctions, particularly arms embargoes.

Evidence uncovered by the Panel of Experts on Sierra Leone helped prosecute and convict Dutch businessman Gus Kouwenhoven of running guns to Liberia—a violation of the Dutch law implementing the arms embargo on Liberia. According to the Panel Report on Sierra Leone, Kouwenhoven used his Oriental Timber Company to organize exchanges of timber for weapons for then Liberian President Charles Taylor. Kouwenhoven’s activities led to his placement on the Liberia travel ban list. In application of the sanctions, Dutch authorities arrested Kouwenhoven in Rotterdam in March 2005. Though he was acquitted of war crimes charges, he was convicted in June 2006 of violating the UN arms embargo on Liberia and was sentenced to eight years in prison.19

The Security Council and Member States, however, could more consistently translate the information
and to coordinate their implementation, and urged the Council to consider sanctions against those involved in sanctions-busting. To improve implementation of sanctions (and ensure fair listing and delisting of targeted individuals), the Secretary General, as a follow up to World Summit discussions, asked the Office of Legal Affairs to “develop proposals and guidelines that would be available for the consideration of the Security Council.”

The Security Council also renewed the mandate of its Informal Working Group on General Issues on Sanctions in 2005. The group discussed ways to improve cooperation within the UN and between Member States on monitoring and implementing sanctions, imposing secondary sanctions on Member States that violate sanctions, and maintaining archives and databases in the Secretariat (including a roster of experts). The group’s mandate was extended through 2006 and it submitted numerous recommendations to the Council in December of that year. In particular, the Working Group recommended that the Security Council clarify the language of its resolutions imposing sanctions to facilitate Member State implementation. Additionally, the Working Group suggested that Sanctions Committees take a more active role in monitoring sanctions implementation and assisting countries in efforts to build related capacity. Finally, the Working Group suggested that implementation of Panel recommendations be improved and that best practices for Panels be created.

### The Liberia Panel of Experts offers an excellent example of the potential for peacebuilding strategies.

Panels provide into either improved sanctions regimes or better programs for governance, security, and the rule of law. The Liberia Panel of Experts offers an excellent example of that potential for peacebuilding benefits. Indeed, in its initial investigations, the Panel found that trafficking in timber played an important part in fuelling conflict in that country. It recommended a ban on timber exports, which the Security Council adopted. In its subsequent reports, the Panel highlighted gaps in Liberia’s ability to effectively manage the timber sector and offered recommendations to address them. The international community then stepped in to help Liberia build the capacity it needed. In June 2006, once the Panel determined that Liberia could adequately manage its timber resources in a way that ensured the commodity could no longer be used to fund conflict, the sanctions were lifted. The Liberia Panel also played a similar role in helping Liberia manage its diamond resources and obtain the lifting of sanctions on those as well. Liberia will soon be eligible to join the worldwide diamond certification scheme, the Kimberley Process.

### Improving Panels

The application of targeted sanctions in Liberia and the apparent usefulness of Panel recommendations in contributing to building the rule of law and aiding the peace process shows that the Security Council, relevant Sanctions Committees, the international community and other actors should raise awareness of and support for Panels’ work. In particular, the Security Council and other Member States could more effectively implement Panel recommendations.

The Secretary General’s High-level Panel on Threats, Challenges, and Change, in its 2004 report, “A more secure world: Our shared responsibility,” encouraged Member States to make targeted sanctions implementation both more systematic and effective. The report urged that monitoring mechanisms be improved and provided with adequate authority and funding. The report urged the Secretary General to appoint a senior official to examine best practices for targeted sanctions and to coordinate their implementation, and urged the Council to consider sanctions against those involved in sanctions-busting. To improve implementation of sanctions (and ensure fair listing and delisting of targeted individuals), the Secretary General, as a follow up to World Summit discussions, asked the Office of Legal Affairs to “develop proposals and guidelines that would be available for the consideration of the Security Council.”

### Addressing Challenges

The effectiveness of Panels could be strengthened by addressing some key challenges they face. First, on the administrative side, Panels could be better organized, supported, and integrated with other sanctions monitoring and implementation efforts within the UN system. Despite (and perhaps also because of) the recent surge in the use of Panels, especially to monitor sanctions in Africa, the DPA does not have sufficient resources to adequately support the Panels and the Sanctions Committees. Panels of Experts are managed on a relatively small budget—average Panel cost is US $1.5 million for ten months—and by a very small staff, for all Panels, of roughly a dozen professionals. The DPA staff is currently mandated to support the Sanctions Committees and the Panels; it does not formally monitor and track implementation of Panel re-
Panels specif ically r equested their cooper ation with other Panels. Third, the Security Council and Sanctions Committees need to provide clearer guidelines for standards of reporting information in Panel reports. Panel members have faced this question during their investigations and in determining what constitutes a sanctions violation. With targeted sanctions, such as weapons embargoes, the Security Council and the Sanctions Committees have sometimes failed to respond in a timely fashion to members of Panels who ask for guidance about what exactly constitutes a violation. Panel members have been unable to determine whether some of their findings are, in fact, violations of UN sanctions and worthy of mention in their reports. Sanctions Committees could also benefit from stronger leadership in some of the Committees, which could then increase the effectiveness of the targeted sanctions and their implementation.

Very few countries report publicly on the steps they take to implement UN targeted sanctions or to address issues raised by the Panels. Some Member States may face difficulties in implementing sanctions, particularly when they lack resources or government capacity. It is also difficult to assess how many nations fail to implement sanctions, since reporting to the United Nations is not required or tracked. Since Panels highlight challenges of capacity for the implementation of sanctions, the UN could benefit from a clearing-house for helping Member States assist each other in this regard. The DPA could also be tasked and resourced to help track Member States’ implementation records.

CONCLUSION

Panels of Experts offer a useful way to better understand and potentially address some of the post-conflict challenges in peacebuilding and peace operations. While their prime mission is to identify what undermines the effectiveness and implementation of targeted UN sanctions, their reports often offer important stories about what gaps need to be addressed for longer-term stability, good governance, and strategies

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for peace. UN efforts to improve implementation of sanctions could be integrated with the programs of other international actors, including UN peacekeeping missions, or in the future, the UN Peacebuilding Commission. As targeted sanctions continue to be applied by the Security Council, a stronger effort is needed to improve the implementation record, to ask Member States to report on their efforts, and to increase the ability to show results from these measures.

Endnotes

3 The Council appointed two Panels of Experts in May 1999, which were later combined to form a single ten-member panel. UN Security Council Resolution 1257, S/RES/1257, 7 May 1999.
8 After Ambassador Fowler’s term chairing the Angola Sanctions Committee, a less confrontational and less visible Monitoring Mechanism replaced the panel.
10 Sanctions Committees, comprised of Member States serving on the Council, are usually chaired by a non-permanent member. For more information on UN Sanctions Committees, see www.un.org/sc/committees.
11 Author interviews with panel members, Spring and Summer 2006.
12 Author interviews with DRC panel members, June 2006.
13 The Panel of Experts on Sudan was twice detained by Sudanese authorities and questioned about its activities. See United Nations, Report of the Panel of Experts on The Sudan, S/2006/65, para. 57.
14 Author interviews with DPA sanctions staff, June 2006.
15 Author interviews with Panel members, Spring and Summer 2006.
25 The Panel highlighted the need for Sanctions Committees to “develop improved guidelines and reporting procedures to assist States in sanctions implementation, and to improve procedures for maintaining accurate lists of individuals and entities subject to sanctions,” A/59/565, para. 180.
27 UN Security Council, Note by the President of the Council, S/2005/841, 29 December 2005.
29 One panel member was stranded for several days in remote areas of the country of his investigation when he was bumped from UN flights. Author interview with panel member, June 2006.
30 Author interview with panel member, June 2006.
34 Stimson workshop, 8 June 2006; author interviews with panel members, Spring 2006.
The Future of Peace Operations program evaluates and helps advance US policy and international capacity for peace operations, and is co-directed by Stimson senior associates Victoria K. Holt and William J. Durch. The program team includes research analyst Alix Boucher, research associate Madeline England, and research assistant Max Kelly. Founded in 1989, the Henry L. Stimson Center is a nonprofit, nonpartisan institution devoted to enhancing international peace and security through rigorous analysis and outreach. For more information, call 202.223.5956.