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Sanctions Implementation and the UN Security Council: The Case for Greater Transparency

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While it is the responsibility of member states to ensure that sanctions adopted by the United Nations Security Council are implemented, the council plays an equally important role in facilitating and promoting effective implementation. This paper discusses the role of the Security Council with a view to providing guidance for those involved in the council's work, making the case for greater transparency. It briefly reviews current council practices and procedures relating to the Democratic People's Republic of Korea (DPRK) and Iran sanctions regimes, including the working methods of the 1718 and 1737 Committees, and it identifies possible options for the council aimed at enhancing sanctions implementation through transparency-related measures.

Transparency and outreach have long been identified as key issues that need to be addressed by the United Nations Security Council to improve the implementation of sanctions. Indeed, previous studies focusing on effective implementation of UN sanctions more generally have argued that increased transparency of all aspects related to the sanctions processes at the council level—from imposition, through implementation, to lifting—is one of the most critical components for improved sanctions implementation.²

Promoting transparency is important for several reasons that seem particularly relevant in the context of the DPRK and Iran sanctions regimes. One of the most obvious is that greater transparency helps to ensure that member states have access to the information required to effectively implement council-mandated sanctions measures. Perhaps equally important, improving transparency in the work of the Security Council and its committees can also contribute to raising awareness about the sanctions measures, their objectives and why implementation is required and thus to fostering greater engagement among member states. Finally, transparency is closely linked to whether sanctions are seen as legitimate. The imposition of sanctions is a sensitive political issue. In this context, greater transparency in all stages of the sanctions process, including when designing sanctions and drafting council decisions, can help ensure that sanctions are seen as necessary and legitimate in a given situation.

Transparency is here understood in the broadest possible sense as it relates not only to Security Council transparency in its interaction with non-council members or other stakeholders, but also within the council and in the work of the panels of experts (PoEs) assisting the sanctions committees. This does not

1 Enrico Carisch and Loraine Rickard-Martin, "United Nations Sanctions on Iran and North Korea: An Implementation Manual," New York: International Peace Institute, March 2014.

2 Peter Wallensteen, et al., eds., *Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options*, Stockholm: Uppsala University, 2003.

imply, of course, that greater transparency is always possible or even desirable. In particular with regard to the investigative work of the PoEs, member states must have assurances that their dealings with the PoEs will be held in the strictest confidence and that sensitive information will not be made public. Many other aspects of the work of the Security Council on sanctions also require confidentiality for political or other reasons. The aim must therefore be to strike the right balance between these sometimes competing objectives.

In the following sections, we will first briefly review the mandates of the 1718 DPRK and 1737 Iran Sanctions Committees and then describe in more detail council practices and procedures related to both sanctions regimes with a focus on concerns raised by member states during the course of consultations conducted as part of this project. The consultations confirmed that lack of transparency is seen as having a negative impact on implementation. Based on our assessment of current practices and procedures, we will therefore suggest options for increased transparency and interaction with member states aimed at strengthening the council's role in supporting sanctions implementation.

Understanding the Role of Sanctions Committees

The Security Council's mandate as it relates to the imposition of sanctions is generally well understood.³ There seems to be less clarity, however, about the very important role of sanctions committees in monitoring and enforcing implementation once a sanctions regime is in place.

Sanctions committees are subsidiary bodies of the Security Council created for the purpose of administering sanctions regimes established under Article 29 of the UN Charter or Rule 28 of the Provisional Rules of Procedure of the Security Council. Their membership mirrors the composition of the council, with the chair traditionally being a permanent representative from one of the ten elected members. Unlike in the Security Council, decisions by sanctions committees are made by consensus and there are no official

meeting records. Almost all committee meetings are informal.

The DPRK and Iran Sanctions Committees were established on October 14 and December 23, 2006, to oversee implementation of the sanctions measures in resolutions 1718 and 1737, respectively. The mandates of the two committees were later expanded to oversee implementation of measures imposed in subsequent Security Council decisions. Both committees are mandated to do the following:

- seek from all states, in particular those producing or possessing items, materials, equipment, goods and technology banned under the relevant resolutions, information regarding the actions taken by them to implement effectively the sanctions measures imposed by the council and whatever further information they may consider useful in this regard;
- examine and take appropriate action on information regarding alleged violations of the sanctions measures;
- consider and decide upon requests for exemptions to the targeted measures (i.e., asset freezes and travel bans);
- determine additional items, materials, equipment, goods, and technology to be specified for import/export ban;
- designate additional individuals and entities subject to the targeted measures;
- establish guidelines as may be necessary to facilitate implementation of the sanctions measures; and
- report at least every ninety days to the Security Council with observations and recommendations, in particular on ways to strengthen the effectiveness of the sanctions measures.

In addition, the Iran Committee is mandated to seek information from the IAEA regarding any action taken by the latter to implement effectively Security Council measures on the prevention of specialized teaching or training of Iranian nationals that might contribute to Iran's nuclear program.

In both cases, the chair of the committee reports to the council. In the case of Iran, the chair briefs

³ The Charter of the United Nations, Article 41.

the council in an open meeting, normally followed by interventions by all council members, whereas the DPRK Committee chair meets with council members in informal consultations.

Each committee is supported by a PoE mandated to do the following:

- assist the committee in carrying out its mandate;
- gather, examine, and analyze information from states, relevant UN bodies, and other interested parties regarding the implementation of the sanctions measures, in particular incidents of noncompliance;
- make recommendations on actions the council, the committee, or member states may consider to improve implementation of the sanctions measures; and
- report regularly on its work to the council with findings and recommendations.

As is clear from the above, the committees, with the support of the PoEs, play a central role in supporting sanctions implementation. While there is little mention of transparency issues in resolutions 1718 and 1737, subsequent resolutions seem to recognize the importance of information and outreach activities. Resolution 1874 on the DPRK, adopted on June 12, 2009, and Resolution 1929 on Iran, adopted on June 9, 2010, directed the relevant committee to respond effectively to sanctions violations and decided that each committee should intensify its efforts to promote the full implementation of council decisions, including through a work program covering compliance, investigations, outreach, dialogue, assistance, and cooperation.

The internal working guidelines adopted by the committees, which are technical and procedural in nature and posted on the council's website, contain provisions that are relevant for an analysis of the committees' role in supporting sanctions implementation. They include a separate section on communication and transparency, with the 1737 Committee guidelines including an additional section on outreach. The committee work programs, which are not made public, contain additional provisions in this regard.

In terms of transparency and dialogue with member states, the guidelines stipulate that

member states, members of the UN Secretariat, and relevant regional and international organizations or agencies may be invited to attend committee meetings. The guidelines also contain provisions authorizing the chair to brief interested member states and the press following formal committee meetings or to hold press conferences or issue press releases on any aspect of the committees' work.

The 1737 Committee guidelines additionally allow for NGOs and individual experts to participate in its meetings. In a separate section on outreach, the committee is directed to assist states in implementing relevant council measures, particularly with regard to the appropriate disposal of seized items. The chair is called on to hold open briefings "to publicize the work of the committee and enhance dialogue with member states." According to the guidelines, the committee may also consider, as appropriate, country visits by the chair and/or committee members "to discuss ways to effectively implement the measures imposed by the relevant resolutions. The purpose of such visits is to encourage member states to fulfill their obligations."⁴

Current Council Practices and Procedures

In reviewing current Security Council practices with regard to the 1718 and 1737 sanctions regimes, we will highlight some of the perceived challenges to the effectiveness of the council with regard to sanctions implementation, and we will also address key concerns raised during our consultations with member states both from within and outside the council.

COUNCIL DYNAMICS AND TRANSPARENCY

The DPRK and Iran are among the most politically sensitive issues on the council's agenda. Perhaps more than for other agenda items, discussions are dominated by the five permanent members of the council (P5). In the case of the DPRK, any significant new council initiative is typically first agreed to by China and the US before being presented to the other permanent members and then to the wider council. In the case of Iran, discussions

⁴ See 1737 Committee, *Guidelines of the Committee for the Conduct of its Work*, available at <http://www.un.org/sc/committees/1737/>.

normally begin within the P5 + Germany before other council members are involved. Although Germany is currently not a member of the Security Council, it is included in these discussions because of its participation in the talks with Iran on the nuclear file conducted by the so-called P5+1.

The lack of involvement of elected members is evident in most of the Security Council's work on the DPRK and Iran, and it starts with how resolutions are negotiated. Once a draft text has been agreed upon among the P5, it is most often circulated to elected council members with little advance notice before a scheduled vote (sometimes as little as twenty-four hours) and with the understanding that the text cannot be changed. There is therefore very little scope for elected members to influence the outcome.

Similar concerns can be seen in the way the committees operate. There is a sense that too much of the work in the committees is being carried out without the full knowledge of all council members, despite the fact that the committees mirror the composition of the council and are nominally chaired by elected members. While the current practice may be the most effective way to make decisions based on political realities, the lack of transparency in the decision-making processes is seen as having negative implications for the legitimacy of the sanctions measures by weakening the sense of ownership among the wider UN membership.

The selection process for the chairs of the sanctions committees is another area marked by tensions between the P5 and the elected members related to lack of transparency. While Security Council procedures agreed to in 1998 call for each committee to appoint its own bureau based on consultations among its members, in practice the selection process has been controlled by the P5 with elected members consulted informally and separately.⁵

Unhappiness with this approach has led to some recent attempts to introduce a more inclusive and transparent method for the annual appointment of chairs. Following months of discussions in the Informal Working Group on Documentation and

other Procedural Questions, the council issued a note by its president that stated that "to enhance the efficiency and transparency of the Council's work" the appointment process for subsidiary body chairs should be "balanced, transparent, efficient and inclusive" of all council members.⁶ In practice, however, the P5 still remains firmly in control of the process.

While there are concerns about the dominant role of the P5, a more serious issue is the impact that divisions among council members have on the committees' ability to fulfill their mandates. Since decisions in sanctions committees are made by consensus, it is often difficult for committee members to agree on outcomes. This has significant implications for the committee's effectiveness in supporting member states through such measures as implementation assistance notices. More transparent practices and changes in the decision-making process, including taking stale-mated issues to the full council for a vote or discontinuing the consensus rule in the committees, could make it more difficult for committee members to block decisions.

INTERACTION WITH NON-COUNCIL MEMBERS AND TRANSPARENCY

Although the need for dialogue with member states and other outreach activities has been emphasized in council resolutions and committee guidelines include some transparency measures, in practice efforts in this regard have been limited.

It seems that neither of the two committees has ever invited any non-council members to attend their meetings. Although the guidelines authorize the chair to brief interested states and the press as well as holding press conferences or issue press releases, such outreach activities remain very limited. Also, in contrast to other sanctions committees, no country visit has yet been conducted by either the 1718 or 1737 Committee. (The 1737 Committee guidelines refer to such visits as an opportunity "to discuss ways to effectively implement" the sanctions measures and encourage member states to fulfill their obligations.)⁷

One area, however, where there has been some recent progress in terms of enhancing dialogue

⁵ UN Security Council, *Note by the President of the Security Council* (October 30, 1998) UN Doc. S/1998/1016.

⁶ United Nations Security Council, *Note by the President of the Security Council* (December 17, 2012) UN Doc. S/2012/937.

⁷ 1737 Committee, *Guidelines of the Committee for the Conduct of its Work*.

with member states, is with regard to open briefings. Organized by the committee chairs, the briefings are open to all member states. Almost six years after its establishment, the 1737 Committee held its first such briefing on July 9, 2012, under the chairmanship of Colombia, addressing the mandates and the work of the committee and its PoE. A second such briefing was held on June 24, 2013, under the chairmanship of Australia and included the PoE coordinator.

Four years after its establishment, the 1718 Committee held its first open briefing on December 20, 2010, under the chairmanship of Turkey. The briefing, which also involved the PoE coordinator, focused on the activities of both the committee and the PoE, addressing issues such as cooperation with member states, preparation of Security Council documents to assist implementation, and efforts to improve national reporting requirements. The next open briefing, held on June 19, 2013, under the chairmanship of Luxembourg, focused on national implementation reporting obligations and encouraged member states to submit reports.

In addition to these briefings, the chairs of the 1267/1989, 1373, 1540, 1718, 1737 and 1988 committees organized a joint open briefing with the Financial Action Task Force on November 18, 2013, focusing on proliferation and terrorism financing.

While these open briefings are seen as helpful by member states, some believe they should be more focused on specific issues and implementation challenges. There is also a sense that they could be more transparent in terms of the information shared, as well as more frequent. There are also questions as to why the 90-day reports of the 1737 Committee to the Security Council are presented in a public meeting whereas those of the 1718 Committee take place in informal consultations.

THE POES AND TRANSPARENCY

Because much of what the PoEs do involves confidential and politically sensitive information, there are clear limits to the level of transparency

that can be expected in their work, in particular with regard to investigations of alleged sanctions violations. There are different views, however, as to the level of confidentiality, and members of the Council therefore do not always agree on how much of the information received from the PoEs should be publicly released. There are also specific concerns related to the PoE appointment process.

The lack of transparency surrounding the appointment of the PoEs is a clear concern not only for elected Security Council members, but also for UN member states at large. Equally problematic for some states is the lack of geographic diversity in the composition of the PoEs due to the dominance of P5 nationals. While some of these concerns apply to PoEs in general, it is worth noting that most other PoEs are more diverse and that in fact it is only in the 1267/1989 al-Qaida and 1988 Taliban sanctions regimes that there is a similar P5 representation among the experts assisting the relevant committee.

The DPRK PoE, mandated through Resolution 1874 of June 12, 2009, and established on August 12, 2009, includes an expert from each of the P5. From the beginning it also had one each from Japan and the Republic of Korea. (The initial mandate called for the appointment of up to seven experts.)⁸ Although some of the experts have been replaced, their nationalities have remained unchanged through subsequent mandate renewals and reappointments, save for the incorporation of an additional expert from South Africa as of June 21, 2013, for a total of eight experts.⁹ Similarly, the Iran PoE, mandated through Resolution 1929 of June 9, 2010, and established on November 8, 2010, has always included an expert from each of the P5.¹⁰ From the beginning it has also included one expert each from Germany, Japan, and Nigeria.

The secretary-general's letters informing the Security Council of PoE appointments routinely state that selection is based on prior consultations with the relevant committee. According to elected council members, however, no substantive consultations take place. Also, if a member of either PoE

⁸ UN Security Council, *Letter Dated 12 August 2009 from the Secretary-General Addressed to the President of the Security Council* (August 12, 2009) UN Doc. S/2009/416.

⁹ UN Security Council, *Letter Dated 21 June 2013 from the Secretary-General Addressed to the President of the Security Council* (June 21, 2013) UN Doc. S/2013/369.

¹⁰ UN Security Council, *Letter Dated 5 November 2010 from the Secretary-General Addressed to the President of the Security Council* (November 8, 2010) UN Doc. S2010/576.

resigns, he/she is automatically replaced by an expert of the same nationality. The general lack of transparency and diversity in the appointment process seems to have led to growing frustration among elected council members. In particular, there are concerns about the impartiality of the PoEs as divisions among the P5 are often reflected in the views of the experts. Additionally, there are concerns that the politicization of the selection process has affected the quality of the experts and that this in turn has weakened the PoEs' expertise on critical issues. It is also argued that lack of relevant language expertise and cultural knowledge can negatively impact the PoEs' effectiveness.

According to the Secretariat, new PoE selection procedures have been put in place that might respond to these concerns. Following the mandate renewal of the DPRK PoE in Resolution 2094 on March 7, 2013, and the expansion of the PoE from seven to eight members, the secretary-general announced on June 21st the appointment of an expert from South Africa. The selection process was seen as more transparent and merit-based than in the past. However, it is still too early to determine whether this will be the case also for future P5 candidates.

Additional concerns have been raised regarding the publication of the end-of-mandate reports submitted by the PoEs to the committees. They provide important insights about sanctions violations as well as recommendations on how to improve sanctions implementation, but have not always been made public. Of the three reports produced by the Iran PoE since 2010, the 2011 report was never made public. Likewise, the 2011 report of the DPRK PoE, which has produced four reports in total, was never made public. In both cases, a permanent member blocked publication, but both reports were subsequently leaked to the media. None of the PoEs incident reports have ever been made public.

A separate, but related question is the sometimes limited follow-up in response to the PoEs' reports, in particular with regard to implementation of their recommendations. This is mainly the result of divisions among council members and is a

question of political will. However, it also becomes a question of transparency as there is no mechanism to ensure a minimum level of accountability when action on recommendations is blocked in the committees.

DESIGNATIONS, DUE PROCESS, AND TRANSPARENCY

A final area of concern has to do with the implementation of targeted sanctions against individuals (travel bans and asset freezes). Some states see due process deficiencies as a major flaw that has the potential to undermine the implementation of the targeted measures. In this context as well, lack of transparency is a key issue.

The concerns about due process are similar to those raised in the context of the 1267/1989 al-Qaida and 1988 Taliban sanctions regimes with regard to listing and de-listing procedures. While the Security Council has instituted reforms for the al-Qaida regime in response to criticism about lack of due process and numerous legal challenges in regional and national courts, most notably through the creation of the Office of the Ombudsperson in 2009 and subsequent measures to strengthen this office, little has been done to improve the procedures in other sanctions regimes, including those related to the DPRK and Iran. In 2006, the Security Council created a focal point to serve as a mechanism for receiving de-listing requests relating to all sanctions regimes—two requests have been submitted under the Iran sanctions regime—but its role is purely procedural as opposed to the more substantive mandate of the ombudsperson.

Concerns about due process have been prompted in part by recognition that mounting legal challenges in national and regional courts have the potential to undermine the implementation of UN sanctions regimes more generally and possibly unravel the entire sanctions system. Perhaps the most significant legal challenge has come from the European Court of Justice. In 2010, the court ruled in the Kadi case¹¹ that EU regulations enacted to implement UN sanctions violated the right to a defence and effective judicial protection guaranteed under EU law, thus requiring the delisting of

11 *European Commission and Others v. Kadi*, Judgement on the Appeal against the Judgment of the General Court (Seventh Chamber) of September 30, 2010 (*Yassin Abdullah Kadi v. European Commission*, T-85/09), case C-584/10 P (joined cases C-584/10 P, C-593/10 P, and C-595/10 P) of the European Court of Justice (Grand Chamber), July 18, 2013.

the defendant by the EU. Upon appeal, the Grand Chamber ruled on July 18, 2013, that despite improvements to the delisting procedures, including the strengthening of the Office of the Ombudsperson, effective judicial protection was not guaranteed.

Although all legal challenges so far have focused on the 1267/1899 al-Qaida and 1988 Taliban sanctions regimes, there are concerns that the controversy over implementation and due process could also have implications for other UN sanctions regimes, including those related to the DPRK and Iran. In particular, there are concerns that future legal challenges may undermine member states' sanctions implementation also in these cases and indeed, there have been court challenges against sanctions unilaterally imposed by states. At the UN level, member states are continuing to push for a strengthening of the Office of the Ombudsperson as well as an expansion of its mandate to cover other UN sanctions regimes.¹²

Options for Greater Transparency

The concerns described above confirm that greater transparency in the broadest sense of the term is considered an important element of any effort to enhance UN sanctions implementation. This final section therefore identifies potential options for the Security Council and its sanctions committees aimed at improving transparency and interaction with the wider UN membership as part of an overarching strategy to improve implementation.

Transparency in sanctions regimes is not a new issue, but it has been part of ongoing discussions both inside and outside the council focusing on various aspects of sanctions design and implementation. Of particular relevance is the now defunct Informal Working Group on Sanctions, established by the council on April 17, 2000, to develop general recommendations on how to improve the effectiveness of UN sanctions.¹³

In its final report submitted to the council on December 18, 2006, the working group noted that

“increased information sharing in the sanctions process would enhance transparency and contribute to better implementation of the sanctions measures.”¹⁴ In the same report, it also made a number of recommendations aimed at improving council working methods. Several have since been implemented such as making committee guidelines and national implementation reports publicly available, announcing committee meetings in *The Journal of the United Nations*, or holding public briefings. Other recommendations, however, have not been implemented and may deserve further consideration.

It should also be noted that in more recent discussions, including open debates on Security Council working methods, there has been a continuing focus on the need for greater transparency in the work of the subsidiary bodies. An August 28, 2013, note from the president of the council expressed a commitment to “encouraging the subsidiary bodies to enhance the transparency of their activities, including by providing non-members of the Council with substantive interactive briefings.”¹⁵

Given the high political sensitivity of the DPRK and Iran sanctions regimes, any attempt to increase transparency in these regimes will likely encounter considerable resistance from some council members. Nevertheless, the repeated concerns raised by member states as described above cannot be ignored when considering sanctions implementation. Based on the input received during our consultations with member states and our review of the recommendations of the Informal Working Group on Sanctions, we have identified the following options aimed at improving transparency and outreach to enhance implementation of sanctions against the DPRK and Iran. This list is far from exhaustive; however, we hope it is indicative of the types of options the Security Council could potentially explore.

ENHANCING TRANSPARENCY IN PROCEEDINGS AT THE COUNCIL LEVEL

- In the design phase, i.e., when a new resolution is being drafted, involve all council members as early as possible in the process, allowing enough time

¹² See for example UN General Assembly and Security Council, Identical Letters Dated 7 November 2012 from the Permanent Representative of Switzerland to the UN addressed to the Secretary-General and the President of the Security Council (November 9, 2012) UN Doc. A/67/557-S/2012/805.

¹³ UN Security Council, *Note by the President of the Security Council* (April 17, 2000) UN Doc. S/2000/319.

¹⁴ UN Security Council, *Note by the President of the Security Council* (December 22, 2006) UN Doc. S/2006/997.

¹⁵ UN Security Council, *Note by the President of the Security Council* (August 28, 2013) UN Doc. S/2013/515.

between the circulation of a draft decision and its adoption for substantive discussions to take place.

- Invite the chair of the 1718 Committee to present the 90-day reports in public council meetings.

REVISING THE WORKING METHODS OF THE COMMITTEES

- Change the consensus rule in the committees to allow for decisions to be made by a majority vote.
- Include in committee guidelines provisions for regular reviews of and time limits for “holds” placed by members on any proposed action similar to the provisions included in the 1267/1989 Committee guidelines.

IMPROVING COMMUNICATION BETWEEN THE COMMITTEES AND MEMBER STATES

- Issue committee press releases or use other means to publicize which states have submitted national implementation reports and encourage other states to do so.
- Post committee work programs on the respective websites.
- Post a list of all committee meetings on the respective committee website with a brief description of the agenda and, taking into account confidentiality concerns, a brief summary of the discussions.
- Provide more detailed guidance to member states with regard to implementation of sanctions provisions, including by intensifying efforts to issue implementation assistance notices in a timely manner.

EXPANDING COMMITTEE OUTREACH AND DIALOGUE WITH MEMBER STATES AND OTHER STAKEHOLDERS

- Invite non-council members when relevant to attend committee meetings to discuss implementation challenges, in particular states neighboring the DPRK or Iran or having reported an interception.
- Enhance communication between the committees and relevant specialized international organizations (e.g., World Customs Organization and Interpol).
- Strengthen interaction with relevant NGOs.
- Explore options for the committees to consult

with relevant key private-sector actors on sanctions-related issues.

ADDRESSING DUE PROCESS CONCERNS

- Consider ways to strengthen due process procedures related to UN targeted sanctions more generally to guarantee effective judicial protection, while also exploring specific measures for the DPRK and Iran, such as expanding the mandate of the Office of the Ombudsperson to include all UN sanctions regimes or strengthening the role of the focal point.

STRENGTHENING INITIATIVES BY THE CHAIRS

- Organize more frequent briefings by the chairs of the 1718 and 1737 committees for the wider UN membership, announcing them well in advance, and ensuring that they are more substantive and focused on best practices, lessons learned, and specific challenges related to implementation, such as the disposal of seized items.
- Conduct country visits to encourage relevant states to implement their obligations.
- Increase media outreach by the committee chairs to provide information on the rationale behind sanctions, the criteria for their lifting, problems involved with monitoring and implementation, and sanctions violations and noncompliance.
- Hold periodic meetings between the two chairs to ensure greater coordination and information sharing about common challenges.
- Institute formal procedures for the handover of responsibilities from outgoing to incoming chairs to ensure sharing of relevant information, lessons learned, and institutional memory.

PROMOTING GREATER TRANSPARENCY IN THE PoEs AND IN THE IMPLEMENTATION OF THEIR RECOMMENDATIONS

- Review PoE selection practices to ensure that appointments are merit- and context-based, take into account equitable geographic distribution, and provide for consultations with Security Council members;
- Support efforts to institute a transparent system of performance evaluation of PoE members.
- Consistently make PoE final reports public.

- Consider ways to share as much information as possible from PoE incident reports either by issuing the reports in their entirety as public documents or by making edited versions or summaries excluding confidential information available to member states.
- Encourage greater information-sharing and cooperation between the DPRK and Iran PoEs.
- Include a brief account of the state of implementation of PoE recommendations in the 90-day reports to the council, including the reasons why a recommendation has not been implemented or exploring other ways to provide an explanation to member states in the event a recommendation is not implemented, such as the practice in the 1267/1989 and 1988 Committees to routinely submit letters to the council explaining committee positions on the recommendations of the Analytical Support and Sanctions Monitoring Team assisting the two committees.

A final action aimed at moving the discussion

forward, considering these and other options, would be for the Security Council to re-establish the Informal Working Group on Sanctions to discuss emerging and continuing challenges to the effectiveness of UN sanctions and suggest updated recommendations to the council. In the period since the original Working Group concluded its work in 2006, the council has significantly expanded its use of sanctions, both in terms of the number of sanctions regimes and committees established and in terms of sanctions criteria. These developments have made it even more important than before to ensure that the council's approach is consistent across different sanctions regimes and situations on its agenda. Also, there is a vast amount of new research on the effectiveness of sanctions that could be usefully considered by council members to learn from past experiences. Re-establishing the Informal Working Group on Sanctions to start a new process to evaluate the Security Council's practice on sanctions therefore seems very timely.

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