
SUMMARY OF THE BONN-BERLIN PROCESS

Following the model of the ‘Interlaken Process,’ the German Foreign Office, in cooperation with the United Nations Secretariat and Bonn International Center for Conversion, led an effort to examine the use of travel bans, aviation sanctions, and arms embargoes by the United Nations. These measures, like the targeted financial sanctions in conjunction with which they are often used, can also be tailored to target certain groups, economic sectors or individuals. To explore ways of improving such sanctions, the *First Expert Seminar in Bonn* in November 1999 brought together experts from governments, academia and NGOs to achieve three objectives. First, experts analyzed the deficiencies of the concerned sanctions, noting weaknesses at the UN-level and implementation problems on the ground. Second, experts discussed a broad range of proposals to increase the effectiveness of arms embargoes and travel and aviation bans. The third task was to select a number of proposals from the broader list that would benefit from a more thorough examination by an Expert Working Group. The Bonn-Berlin Process website – www.smartsanctions.de – provides comprehensive information on Process.

In selecting which proposals to focus on, the preference was for ‘technical’ (rather than ‘political’) issues that would be useful to those working on these issues at the UN and in national capitals. Four Expert Working Groups were established: the first group focused on developing model resolutions and proposals for the national implementation of travel and aviation sanctions; the second group concentrated on how to make arms embargoes more effective ‘on the ground’; the third group developed model text for Security Council resolutions on arms embargoes; while the fourth suggested ways to improve monitoring and enforcement of arms embargoes at the UN level.

The Expert Working Groups met throughout 2000 and each produced draft reports, which were discussed at the *Final Expert Seminar in Berlin*, 3-5 December 2000. Participants in this seminar not only commented upon the work of the Groups, but placed their proposals in the wider context of the sanctions debate. The final reports are published along with relevant commentary from the expert discussion in *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions: Results of the ‘Bonn-Berlin Process’*. This document was presented along with the Interlaken Manual to the Security Council at its meeting on 22 October 2001.

The key findings of the Bonn-Berlin Process are:

- Regarding resolutions to implement arms embargoes:
 - Use standard language in drafting resolutions imposing arms embargoes
 - Develop consensually a list of goods and services falling under an arms embargo

- Review the implementation of arms embargoes regularly.
- Regarding resolutions to implement travel bans:
 - Use the term “travel ban”, which has a broader application than “visa ban”
 - Determine targets with precision and consider extending the prohibitions to those likely to influence the behavior of elites (such as their family members)
 - Consider measures to enable targets to have their names removed from the list
 - Consider procedures to determine when and how exemptions and exceptions to the prohibitions should be granted
 - Identifying time limits for travel bans may be less important than it is in the case of arms embargoes.
- Regarding resolutions to implement aviation bans:
 - There are several forms of aviation bans, ranging from a ban on specific aircraft to a total ban on international air travel; in addition, bans upon the provision of services to targeted airlines, and the closure of their offices, may be considered
 - Be precise in wording exceptions and exemptions to the prohibitions imposed
 - Consider allowing a delay before the imposition of aviation bans, to allow targeted aircraft to return to their home base.
- Regarding the implementation of arms embargoes, and travel and aviation bans, at the national level:

Legal framework:

- Ensure existing legislation is adequate to implement the full range of measures (e.g. export, follow-up export, re-export, licensing and transit restrictions for arms embargoes; measures to deny permission for take-off from, landing in and flight over national territory, in the case of aviation bans) that may be imposed by a Security Council resolution: give effect to resolutions through regulatory or administrative action
- Develop administrative measures for the registration, licensing and monitoring of arms brokers (for example, by maintaining national lists of brokers convicted of offenses related to arms embargoes); the establishment of a list of controlled goods prohibited by the embargo; the establishment of catch-all clauses for goods not covered by national lists of controlled goods; the seizure of prohibited goods and the funds used or intended for use in

illegal arms transactions; the criminal prosecution of those who breach an arms embargo and; the authentication and reconciliation of end-use certificates.

Administering Agency:

- Designate an official body or bodies to administer sanctions, such as import and export administration agencies or Customs; ensure cooperation between these agencies by designating a lead department and facilitate intra-governmental coordination
- Ensure effective communication at all levels – between the UN and Member States, between UN missions and capitals, and within the capitals (among those responsible for implementation).

Information dissemination:

- Inform the public through notices in official journals and through the use of media and information technology
- Inform key actors, such as arms producers, distributors and brokers
- Share information (including records of arms production and surpluses) and intelligence among government departments and between governments to identify suspect shipments, destinations, transit routes and brokers.

Monitoring and compliance:

- Establish procedures for licensing and certification of end-users of arms, including delivery verification
- Promote the adoption of codes of conduct for arms suppliers, such as those set out by regional and sub-regional organizations
- Maintain a “black list” of groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, transportation, insurance and financing for acquisition, of illicit weapons, and ensure that those convicted of offenses cannot operate
- Utilize ports of entry (land, sea and air) as opportunities to monitor arms transfers
- For travel and aviation bans, provide guidelines to key actors regarding the application and scope of sanctions, including what to do in case of violations and information about required reporting.

Enforcement:

- Specify in legislation that breach of an embargo or ban may result in criminal prosecution
- Impose penalties, including criminal penalties, appropriate to deter violations
- Trace and verify arms shipments that are at possible risk of being diverted.
- Establish a central database to maintain a list of prohibited persons or aircraft.