



Security Council

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Letter dated 22 November 2013 from the Chair of the Security Council Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) concerning Al-Qaida and associated individuals and entities, presenting its position on the recommendations contained in the fourteenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution [1526 \(2004\)](#) (see [S/2013/467](#)), which was submitted to the Committee in accordance with paragraph (a) of annex I to resolution [2083 \(2012\)](#).

I should be grateful if the attached report could be brought to the attention of the Council members and issued as a document of the Security Council.

(Signed) Gary **Quinlan**
Chair

Security Council Committee pursuant to
resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) concerning
Al-Qaida and associated individuals and entities



Recommendations contained in the fourteenth report of the Analytical Support and Sanctions Monitoring Team: position of the Committee

I. Introduction

1. On 1 July 2013, the Analytical Support and Sanctions Monitoring Team submitted its fourteenth report to the Security Council Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) concerning Al-Qaida and associated individuals and entities.

2. The Committee would like to express its gratitude to the Monitoring Team for the exemplary work undertaken in the fulfilment of its mandate. The Al-Qaida sanctions regime has made significant strides in recent years: in improving the implementation and effectiveness of the sanctions measures; ensuring that the List is up to date and reflects the current threat posed by Al-Qaida and its affiliates; strengthening fair and clear procedures; and engaging in important outreach and capacity-building initiatives. The Monitoring Team has been central to all of these developments, and the Committee appreciates the dedication and hard work of its members.

3. Since December 2005 the Committee has established the practice of responding to each of the reports submitted to it by the Monitoring Team and bringing to the attention of the Security Council the Committee's position on the recommendations contained in those reports. After a thorough examination of the fourteenth report of the Monitoring Team, the Committee would like to continue this practice and bring to the attention of the Security Council its position on recommendations contained therein. The Committee is of the opinion that all Member States should be made aware of the Monitoring Team's recommendations and the position of the Committee on those recommendations. The paragraph numbers mentioned in this document correspond to those in the fourteenth report submitted by the Monitoring Team (see [S/2013/467](#)).

II. The threat

4. **Links with the Taliban.** In paragraph 18, the Team recommended that the Committee consider a mechanism to move Gulbuddin Hekmatyar (QI.H.88.03.) from the Al-Qaida Sanctions List to the 1988 List in the light of political developments in Afghanistan. The Committee agrees that the names on the Al-Qaida Sanctions List should in the most accurate manner identify Al-Qaida and associated individuals and entities. It recognizes the need to ensure that the continued listing of the names on the Al-Qaida Sanctions List will have an impact on the threat posed by Al-Qaida and affiliates and will further consider this proposal.

III. Strengthening the impact of the sanctions

5. **A properly targeted list.** In paragraph 19, the Team recommended that the Committee consider further steps to improve the List, and task the Team with generating an annual confidential briefing to the Committee on how the List reflects

the current threat picture. The Committee has agreed to this recommendation, in recognition of the fact that the sanctions will have most impact if the individuals and entities targeted by the regime are those currently involved in influential roles in, or supporting, Al-Qaida and its affiliates.

6. **A well-communicated regime.** In paragraph 20, the Team recommended that the Committee formally commission the Team to conduct a strategic communications review of the Al-Qaida sanctions regime in order to identify public and digital diplomacy actions that would enhance Member State and public understanding of the regime and contribute to strengthened implementation. The Committee recognizes that effective communication with Member States and other key partners is crucial to aid Member States and other key partners to effectively implement the measures and to maintain an up-to-date sanctions list. The Committee supports the idea of a strategic communications review of the Al-Qaida sanctions regime with a view to providing new ideas on improving strategic communication with partners and has asked the Team to circulate proposed terms of reference for the review.

7. **On the impact of the reviews.** In paragraph 24, the Team suggested that the impact of the triennial review would be strengthened if the Committee acted as if the designating State had recommended delisting in accordance with paragraph 27 of resolution 1989 (2011), unless the designating State argued for continued listing and provided detailed reasons for doing so. Some members of the Committee do not share this view. Although the designating State bears an ongoing responsibility to proactively inform the Committee of its opinion of the continued relevance of a listing it originally proposed, it nevertheless remains the Committee's responsibility to decide whether to retain or remove names from the Sanctions List.

IV. Implementation of the sanctions

8. **The dissemination of the List.** In paragraphs 26 to 28, the Team made a series of recommendations related to the effective dissemination of the Sanctions List. In paragraph 26, the Team recommended that the Committee encourage Member States to minimize the delay between the Committee's notifications of newly listed persons or entities and the required action being taken against them by implementing officials, caused by lengthy validation and interdepartmental dissemination processes. Implementation without delay of the sanctions measures against newly listed persons or entities is essential to ensuring that listed individuals and entities do not devise means to limit or counter the effects of the sanctions measures applied with regard to them. The Committee agrees that by minimizing delays between the reception of communications from the Committee and the implementation of the sanctions measures Member States will ensure a more effective implementation of the sanctions measures.

9. In this connection, the Committee will act on the Team's recommendation, in paragraph 27, to write to Member States inviting them to subscribe to e-mail notifications of changes to the Sanctions List, noting that this subscription service has been available to Member States for a number of years.

10. Furthermore, the Committee will act on the Team's recommendation, in paragraph 28, that the Committee establish on its website an automated system for requesting press releases by e-mail or by using rich site summary (RSS) feeds and

has asked the Secretariat to conduct a feasibility assessment with the relevant office(s), and report to the Committee accordingly.

11. **Compliance.** In paragraph 37, the Monitoring Team recommended that the Committee respond to instances of non-compliance by a Member State, where the basis of that non-compliance appears to be political will, as opposed to a lack of capacity, by encouraging the Team to engage in confidence with that State in order to understand the circumstances and encourage implementation. In the event of continuing instances or patterns of non-compliance, the Monitoring Team should then report in detail to the Committee. The Committee is of the view that in instances where a Member State is suspected of non-compliance with the sanctions measures, it is important to understand the underlying reasons in order to determine future steps to encourage or enable the State to implement the sanctions measures. The assessment whether non-compliance is a result of “lack of capacity” or “lack of political will” is a difficult assessment and should be a matter for the Committee and not the Monitoring Team, but the Committee agrees that the Team should closely consult with suspected non-compliant Member States and communicate findings to the Committee for consideration.

12. **Narrative summaries.** In paragraph 39, the Team recommended that the Committee seek information from relevant Member States to bring narrative summaries of listings up to date in a systematic way, as opposed to a case-by-case approach. The Committee has agreed to this recommendation following its review of the note from the Monitoring Team providing additional details on the objectives and implications of the proposed recommendation.

V. The assets freeze

13. **Implementation of the assets freeze.** In paragraph 45, the Team recommended development of a light-touch framework to facilitate capacity-building for Member States that have identified and requested assistance in this area, working closely with the Counter-Terrorism Committee Executive Directorate and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime. The Committee has agreed to this recommendation following its review of the note from the Monitoring Team providing additional details on the objectives and implications of the proposed recommendation.

14. **The non-financial sector.** In paragraph 49, the Team recommended that the Committee actively engage with designated non-financial businesses and professions to enhance the implementation of the Al-Qaida sanctions regime. The Committee affirms that Member States must apply the assets freeze obligation to all persons within their jurisdiction, and not only to the financial services. The Committee agrees that more active engagement with key stakeholders in the designated non-financial businesses and professions sector of Member States and relevant international, regional and other organizations is necessary for full implementation of the assets freeze obligation as provided for in Security Council resolution 2083 (2012), annex I, paragraphs (s), (u) and (v).

VI. The travel ban

15. **On implementation of the travel ban.** In paragraph 55, the Team recommended that the Committee encourage Member States to report when they had prevented, allowed or discovered the entry of a listed individual into their territory, as well as to provide information, to be added to the List, concerning the travel documents that were used by listed individuals in their attempts to enter countries. The Committee agrees that such communications from Member States would enhance the effectiveness of the travel ban. The Committee will further consider this recommendation with a view to adopting an appropriate action or actions to encourage Member States to report such information to the Committee.

16. **On opportunities and challenges.** The Team made a series of recommendations under this heading in paragraphs 58 to 60. In paragraph 58, the Monitoring Team recommended that the Committee draw the attention of Member States to INTERPOL's Stolen and Lost Travel Document Database and encourage Member States to permit direct, real-time access to it for first-line border security and consular officials. The Committee agrees and will further consider this recommendation with a view to adopting appropriate action(s).

17. In this connection, the Committee also agrees to the Team's recommendation, in paragraph 59, that the Committee request Member States to include the Al-Qaida Sanctions List and the travel ban in their national guidelines for inadmissible passengers. The travel ban would be more effective if Member States could inform the International Air Transport Association that not being subject to the Al-Qaida sanctions regime travel ban is a requirement for individuals seeking entry into the national territories of Member States. The Committee will prepare a note verbale, requesting Member States to include the Al-Qaida Sanctions List and the travel ban in their national guidelines for inadmissible passengers, in accordance with their national legislation.

18. Furthermore, the Committee agrees to the Team's recommendation, in paragraph 60, that the Committee encourage the sharing of best practices on border controls between Member States that are part of visa-free zones, on the condition that activities are directed at assisting Member States to implement their national obligations with respect to border measures. However, the Committee notes that the task of implementing the travel ban is the responsibility of the Member States and considers it necessary that practices to be shared are submitted for the Committee's assessment on whether they give effect to the obligations.

VII. The arms embargo

19. **Implementation of the arms embargo.** In paragraph 67, the Team recommended further work by the Committee and the Team to promote the arms embargo to Member States. The Committee agrees that the identification of further steps to promote the arms embargo to Member States is essential to the effective implementation of the arms embargo and will work to this end with the Team.

20. **Opportunities and challenges.** In paragraph 69, the Team recommended that the Committee update the explanation-of-terms paper on the arms embargo, last updated in 2011, to reflect the evolved threat. The Committee agrees, noting the

importance of outreach and continuing collaboration with international and national bodies to raise awareness on the scope of the arms embargo.

21. Furthermore, regarding the recommendation made in paragraph 72, the Committee welcomes efforts by the Monitoring Team to establish contacts with the Coordinating Action on Small Arms (CASA) mechanism and the Office for Disarmament Affairs. The Committee shares the view that increased information-sharing and closer collaboration with international/regional organizations and intelligence agencies will facilitate the implementation of the sanctions measures.

VIII. The work of the Monitoring Team

22. **Security Council-INTERPOL cooperation.** In paragraph 90, the Team recommended that the Committee consider adopting Orange Notices on thematic matters that would enhance the implementation of the Al-Qaida sanctions regime. The Committee notes the importance of the ongoing collaboration with INTERPOL to the effective implementation of the sanctions measures. The Secretariat is currently liaising with INTERPOL on this recommendation and will provide updates to the Committee.
