



# SECURITY COUNCIL REPORT UPDATE REPORT



12 April 2006 No. 2

## 1267 Committee (Al-Qaida/Taliban Sanctions)

### Expected Council Action

The 1267 Committee (the Al-Qaida/Taliban Sanctions Committee) is actively working on the recommendations submitted in its Monitoring Team's report of 10 March. Proposals for improving the listing and delisting process, which have been under consideration for some time, will continue to be discussed in the committee, but substantive negotiations on this matter seem likely to be delayed until a report from the Office of Legal Affairs has been received. The Committee is expected to meet every Monday during the month of April as a follow up to the receipt of the report.

### Key Facts

The Al-Qaida/Taliban Sanctions Committee was established by resolution 1267 of 15 October 1999 to monitor implementation of sanctions measures (assets freeze) on the Taliban for harbouring Usama bin Laden. Subsequent resolutions added new, stronger measures (assets freeze, travel ban and arms embargo) and extended the targets to include Al-Qaida, Usama bin Laden and the Taliban and individuals, groups and entities associated with them. All states are required to report to the Committee on the actions they have taken to implement the sanctions measures. The Sanctions Committee is assisted by a monitoring mechanism (first a Group of Experts and now by the Analytical Support and Sanctions Monitoring Team (MT)). So far, the MT has filed four comprehensive reports with the committee.

The MT's fourth report, issued 10 March 2006, provided a number of recommendations for the 1267 Committee to improve on its monitoring functions and enhance implementation by states of the requirements of resolution 1267 and its related resolutions, and to improve the listing/delisting procedures. A number of these recommendations have been made before in some form and are elaborated further by the MT in this report.

It should be noted that in the 2005 World Summit Outcome Document the Heads of State and Government called

“upon the Security Council with the support of the Secretary-General to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well for granting humanitarian exemptions.”

## **Key Issues**

Addressing the listing/delisting issue is of paramount importance to the broader UN membership, many of whom have expressed concerns about the lack of due process in placing names on, or removing them from the Consolidated List, as well as the perceived lack of transparency in the work of the Committee. UN member states have a growing expectation that their concerns will be given consideration in the near future.

## **Council Dynamics**

Despite the recommendations of the MT on the listing/delisting issue, the Committee seems to have been reluctant to proceed to negotiations based on those recommendations.

The chair of the committee has stressed that the MT is an independent body which only advises the committee in fulfilling its mandate. This may be interpreted to mean that while the MT independently assesses the level of implementation of the relevant resolutions, the problems encountered by states in effectively carrying out their obligations, and makes recommendations on ways in which implementation may be improved, it is the prerogative of the Committee whether to accept the MT's recommendations and to act upon them. Hence the Committee has implemented some recommendations, is considering others, such as the listing and delisting processes, while others have not been acted upon at all.

## **Options**

The Committee may choose to continue making adjustments to the identifying information of individual entries on the list.

Alternatively, it may take a more comprehensive approach by responding to the concerns of a number of states and organisations and addressing the specific issues raised with regard to the lack of due process applicable to the listing and delisting processes, including by establishing clear guidelines which set clear criteria for the listing and delisting processes.

In its deliberations, the Committee may benefit from discussions taking place elsewhere, such as the recently published White Paper of the Watson Institute for International Studies on "Strengthening Targeted Sanctions Through Fair and Clear Procedures" jointly sponsored by the Governments of Germany, Sweden and Switzerland, and the conclusions of a pending study of the due process requirements of the listing and delisting processes by the Office of Legal Affairs (OLA) on clear criteria for listing and delisting pursuant to targeted sanctions being prepared at the initiative of the Secretary-General in response to the World Summit Outcome Document. The OLA's conclusions are likely to be based on the premise that there is an entitlement of due process for individuals in the listing and de-listing processes. Also, the OLA review will include input from the Office of the High Commissioner for Human Rights on applicable human rights law.

## **Underlying Problems**

It is uncertain when the OLA report will be available. It seems that to a larger extent the reluctance of the Committee to move into the substance of the listing/delisting issue can be explained by some members' desire to have the benefit of these studies and OLA's advice before beginning in-depth discussions of a new approach.

## UN Documents

### Selected Security Council Resolutions

- S/RES/1617 (29 July 2005) significantly broadened the mandate of the Committee and the Monitoring Team, defined further the sanctions' primary targets, and provided some elaboration on the listing/delisting procedures.
- S/RES/1526 (30 January 2004) strengthened the mandate of the Committee, made more specific the applicable sanctions measures, and established the Analytical Support and Sanctions Monitoring Team.
- S/RES/1455 (17 January 2003) enhanced the monitoring role of the Committee and urged states to report progress on implementation of the sanctions.
- S/RES/1390 (16 January 2002) extended the financial measures, broadened the travel ban and arms embargo, and requested states to report to the Committee.
- S/RES/1333 (19 December 2000) imposed an arms embargo on the Taliban, a travel ban on its senior officials, and a freeze on the financial resources of Usama bin Laden and individuals and entities associated with him.
- S/RES/1267 (15 October 1999) introduced a freeze on the financial resources of the Taliban and established the 1267 Committee.

### Selected Reports

S/2006/154 (10 March 2006) was the fourth report of the Monitoring Team pursuant to resolution 1526 (2004).

### Other Related Documents

A/RES/60/1 (16 September 2005) World Summit Outcome Document