

## **Al-Qaida Analytical Support and Sanctions Monitoring Team**

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**Website:** [www.un.org/sc/committees/1267/index.shtml](http://www.un.org/sc/committees/1267/index.shtml)

**Year of Establishment: 2004****CTITF Working Group Membership:**

- Countering the Use of the Internet for Terrorism Purposes (lead)
- Protecting Human Rights While Countering Terrorism
- Border Management Related to Counter-Terrorism
- Tackling the Financing of Terrorism

The Al-Qaida Analytical Support and Sanctions Monitoring Team (formerly the Al-Qaida and Taliban Analytical Support and Sanctions Monitoring Team) (henceforth, the Monitoring team) was established by UN Security Council Resolution 1526 in 2004 to support the Al-Qaida and Taliban Sanctions Committee (henceforth, the 1267 Committee) established pursuant to UN Security Council Resolution 1267 (1999). Adopted under Chapter VII of the UN charter, Security Council resolution 1267 requires all states to implement an asset freeze; travel ban; and an arms embargo against individuals, groups, and entities subject to sanctions, as identified by the “Consolidated List.”

In July 2011, the Security Council split the Al-Qaida and Taliban sanction lists in response to efforts by the Afghan government to negotiate a peace process with the Taliban and establish national reconciliation in Afghanistan. The split was established in US drafted Security Council resolutions 1988 and 1989, which set forth the sanctions regimes of the Taliban and Al Qaida , respectively. The name of the Committee changed to “The Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities,” or as it is more commonly known, the “Al Qaida Sanctions Committee” or “1267 Committee.”

Although the move did not end sanctions against Taliban members, Afghan Ambassador Zahir Tanin pointed out that by no longer lumping Taliban with Al Qaida, this could have a psychological effect on Taliban members considering laying down arms.<sup>12</sup> Indeed, US Ambassador to the United Nations Susan Rice said that the split of the Consolidated List sent “a clear message to the Taliban that there is a future for those who separate from Al Qaida, renounce violence and abide by the Afghan constitution.” The Security Council also

committed to consult with the Afghan government regarding listing and de-listing of Taliban blacklist to give Afghans greater ownership of the process.<sup>13</sup>

The 1267 Committee is tasked with managing and updating the sanctions lists, as well as monitoring and supporting implementation of the sanctions regimes set out in UNSCR 1267 and subsequent related resolutions, including UNSCR 1333 (2000) and UNSCR 1390 (2002), UNSCR 1988 (2011), and UNSCR 1989 (2011).

The main function of the Monitoring Team is to assist the 1267 Committee. The Monitoring Team is made up of eight independent experts appointed by the Security Council, supported by five political affairs officers and administrative staff, with a budget of \$4.3 million.<sup>14</sup> In addition, the committee itself is provided with a secretary and additional support from political affairs officers by the UN Secretariat. The Monitoring Team assists the Committee with three key obligations outlined by the sanctions regimes:

- Freezing of financial assets of designated individuals/entities on the Consolidated List
- Preventing the entry into or transit through a member state's territory by designated individuals
- Preventing the supply of arms and related material as well as the provision of technical advice or military training to designated individuals or entities

The team's expanded mandate instructs them, among other things, to consult with states, the private sector, and experts on the changing nature of the threat posed by Al Qaida and the Taliban and on means of enhancing compliance with the 1267 regime, and to explore in depth any other issues as directed by the committee.<sup>15</sup>

To fulfill this mission, the Monitoring Team assesses implementation processes and makes recommendations to the committee through two written reports each year. As part of its efforts to work closely with states to enhance compliance, the Monitoring Team also conducts country visits and offers training and briefings on the sanctions regime to relevant counterterrorism officials through workshops organized by states, regional bodies, or other partners in the UN

system, such as the UN Office on Drugs and Crime's Terrorism Prevention Branch (TPB) or the Counter-Terrorism Committee Executive Directorate (CTED).<sup>16</sup>

The Monitoring Team is not the first of its kind. An earlier version was established in 2001, known as a monitoring group, which consisted of five independent experts to monitor and support implementation of the sanctions. These experts were to be assisted by a fifteen-member sanctions enforcement support team of customs and border-control specialists stationed in states bordering Afghanistan. Despite widespread consensus on the need for the sanctions regime, the monitoring group aroused much controversy during its four-year tenure, due in large part to its unclear relationship to the Committee and its propensity to name and shame noncompliant states. Furthermore, the group was criticized for not being responsive to the committee's concerns, for interpreting its mandate too broadly, and for lack of transparency.<sup>17</sup> Consequently, in 2004, the mandate of the monitoring group was allowed to expire and the expert support team was reconstituted as the Al-Qaida and Taliban Analytical Support and Sanctions Monitoring Team with a remit to work more closely with the 1267 Committee and states.

The current 1267 Monitoring Team and the Committee have also been subject to criticism. It has received censure because of legal concerns over due process of listed individuals, and listing and delisting procedures. These issues pose critical challenges to the committee and to states' willingness and capacities to enforce the 1267 regime.<sup>18</sup> For example, in one of the most significant rulings to date, the General Court of the European Union ruled in favor of a listed individual, Yassin al-Kadi, arguing that the wholesale adoption by the European Union of the 1267 sanctions constituted an infringement on his fundamental rights, including the right to defend himself, his right to a judicial review, and his right to own property.<sup>19</sup> Moreover, states have expressed frustration at the lack of transparency regarding the listing process and the lack of information provided to them if their nationals have been listed.<sup>20</sup>

To respond to such concerns, the committee instituted a process in accordance with UNSCR 1822 to review all individuals named on the Consolidated List. Additionally, the Office of the Ombudsperson

was created in accordance with UN Security Council Resolution 1904, in order to provide an independent third-party review mechanism and focal point for individuals requesting de-listing.<sup>21</sup> However, given the volume and nature of the legal challenges to the regime, it remains unclear whether this development will sufficiently address the concerns raised.<sup>22</sup>

According to the 2011 report published by the Monitoring Team, thirty-two states have not yet reported on their efforts to implement the 1267 sanctions after more than seven years.<sup>23</sup> This has been ascribed both to a lack of institutional capacity as well as the perceived illegitimacy of the sanctions regime itself.<sup>24</sup> As pointed out by the reports, the lack of a capacity or political will to submit the required report and implement the resolution is of particular concern in states that are central to the efficacy of the sanctions regime as a whole.

By the team's own assessment, the sanctions have done little to constrain the operations and finances of listed Taliban. The eleventh report of the Monitoring Team states, "They [the Taliban] have money and their assets are not frozen; they are reported to travel between Afghanistan and Pakistan and they have no shortage of weapons or other military-style equipment."<sup>25</sup> However requests by sanctioned Taliban members for the removal of their names from the sanctions list as a precursor to engaging in dialogue with the government as part of a peace process indicates that the sanctions do have some impact.

The Monitoring Team is also an active member of the CTITF. Drawing on its work monitoring Al Qaida's activities on the internet, the Monitoring Team leads the Working Group on Countering the Use of the Internet for Terrorist Purposes. This Working Group aims to engage with key stakeholders to address the use of the internet for radicalization, recruitment, training, operational planning, fundraising, or other purposes, and to consider the role of the UN in addressing these challenges.

The Monitoring Team is also a member of the Working Group on Tackling the Financing of Terrorism. In this role, the Monitoring Team works closely with the private financial sector (mainly through the Wolfsberg Group), *hawaladars*, and partners such as the FATF or the Egmont Group. Its members have a particular interest in the financing

of nonprofit organizations and charities, cash couriers, remittance systems, and new electronic cash-transfer systems.

In addition, the Monitoring Team is in charge of a CTITF project to produce a series of documentaries that recount the stories of former terrorists who have chosen to disavow armed violence. The first documentary, titled “The Terrorist Who Came Home,” launched at a screening at the International Peace Institute in January 2011, focused on an Algerian fighter who chose to relinquish armed combat to rejoin mainstream society and raise a family. The second film, released in September 2011, told the story of a Saudi terrorist, formerly a bomb-maker for Osama Bin Laden—who renounces violence and reintegrates in society. A third film is expected to be released in 2012.