

SECURITY COUNCIL COMMITTEE PURSUANT
TO RESOLUTIONS 1267 (1999) AND 1989 (2011)
CONCERNING AL-QAIDA AND ASSOCIATED
INDIVIDUALS AND ENTITIES

**Chairman's Briefing to the Security Council
14 November 2011**

Mr. President, *in today's briefing, I would like to provide an update on activities and achievements of the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) since the last briefing in May 2011.* I would like to focus on the following three aspects:

1. reflecting the current threat of Al Qaida
2. enhancing implementation of measures
3. implementing the enhanced mandate of the Ombudsperson.

A more detailed version of this statement will be distributed as hard copy today and made accessible on the Committee's website¹.

I. Activities and Achievements of the Committee

In June 2011 the Security Council decided to split the former "1267-Al Qaida-Taliban-List" through adopting resolution 1988 (2011) and 1989 (2011).

Following the adoption of these resolutions, the former 1267 Committee changed its name and is now known as the Committee pursuant to resolution 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities; or short: "Al-Qaida Sanctions Committee". The modified mandate of the Al Qaida Sanctions Committee is set out in resolution 1989 (2011).

As of 17 June 2011 the Al-Qaida Sanctions List has included only the names of "those individuals, groups, undertakings and entities associated with Al-Qaida". At the same time, and in line with resolutions 1988 and 1989 (2011), Taliban individuals formerly designated under the "1267 Consolidated List" were transferred to the sanctions regime established pursuant to resolution 1988 (2011). The Chairperson of the Committee established pursuant to resolution 1988 (2011) has communicated his intention to brief this Council in January 2012 for first time since the establishment of the Committee and thereafter every six month.

Since 17 June 2011 the Committee supported by the Secretariat and the Monitoring Team is committed to implement step by step the provisions of resolution 1989 (2011) *including through revising the Guidelines for the conduct of its work to adequately reflect the procedural changes introduced by the new provisions in resolution 1989*

¹ <http://www.un.org/sc/committees/1267/chairmanbriefings.shtml>

(2011). The Committee aims for concluding consultations of the new guidelines before the end of this month. The new guidelines will be made available on the Committee's web site.

1. Reflecting the current threat of Al Qaida

The Committee Members share the view that the threat posed by Al-Qaida continues to evolve. Therefore the Committee with the assistance of the Monitoring Team will continue to analyze the threat and take necessary decisions to ensure that the evolving nature of the threat is reflected adequately in the list in a timely manner.

The Al-Qaida Sanctions List currently has 344 entries: 253 Al-Qaida individuals and 91 Al-Qaida entities. Since the last Chairman's briefing to the Security Council, the Committee has added the names of 8 individuals and 4 entities. Over the same period, it has amended 8 entries (7 individuals and one entity) based on additional information gathered and removed 12 individuals and 3 entities from the List.

The Committee will continue its efforts aimed at keeping the list up to date. The Committee has concluded its first specialized review of reportedly deceased individuals pursuant to paragraph 26 of resolution 1904 (2009) and will conduct a number of specialised and periodic reviews in line with the provision set out in resolution 1989 (2011), *in particular*:

- (a) The Committee is currently engaged in reviewing the listings of **entities that are reported to have ceased to exist**;*
- (b) Later this month, the Committee will review **entries lacking sufficient identifying information** for the effective implementation of the sanctions measures;*
- (c) Finally, the first **triennial review** of all list entries that have not been reviewed in three or more years will be underway in December.*

The Committee relies on the co-operation of Member States for the successful conduct of these reviews. As Chair of the Committee, I would like to thank all Member States for their continued willingness to cooperate constructively in recent reviews. The Committee will make every effort to devise review modalities that will allow for an effective and credible review process without over-burdening Member States.

Regarding linkages between Al Qaida and Taliban, the Committee has received the Monitoring Team's 90 day report as requested by resolution 1989 (2011). The Committee continues to analyze this report in a comprehensive manner and is drafting a position paper on the recommendations presented by the Monitoring Team, to be transmitted with the Monitoring Team's 90 day report to the Security Council in due course. The Monitoring Team will continue to report on linkages between Al Qaida and Taliban. The Committee, recognising that there are linkages in some cases between Al-

Qaida and the Taliban, will continue to consider in a comprehensive manner questions related to those linkages.

The Committee has continued its cooperation with INTERPOL and has approved a new agreement on areas of cooperation beyond the issuance of INTERPOL-United Nations Security Council Special Notices. Other Security Council sanctions committees may find elements in the agreement that could assist their work and I note that the Liberia Sanctions Committee has recently agreed to issue INTERPOL-UNSC Special Notices regarding names under its purview.

2. Enhancing implementation of measures

The Committee has taken note of information provided by the Monitoring Team in accordance with its mandate regarding the lack of sanctions implementation in some Member States where sanctions have not yet been fully implemented.

The Committee will request the Monitoring Team to provide custom-tailored proposals for working together with relevant States on further enhancing implementation of sanction measures.

The Committee would like to take advantage of today's open briefing and remind all Member States of their obligation to fully implement the sanction measures stipulated in resolution 1989 (2011).

3. Fair and clear procedures: implementing the enhanced mandate of the Ombudsperson

At the outset, the Chair would like to highlight the fact that the Committee, with the valuable assistance of the Monitoring Team, has succeeded in making publicly available narrative summaries of reasons for all listings on the Committee's website in all official UN languages. This marks an important milestone regarding transparency of the work of the Committee.

With the adoption of resolution 1904 (2009) the Security Council established the office of the Ombudsperson. As of today, the Ombudsperson has forwarded 18 de-listing requests to the Committee. She has submitted 8 Comprehensive Reports to the Committee. The Committee commends the Ombudsperson for her continued commitment and for her substantive contributions to the work of the Committee.

The Committee has concluded its consideration of 6 of these Comprehensive Reports on specific de-listing requests, resulting in the de-listing of 4 petitioners, in one case the petitioner withdrew his request before a decision of the Committee. This number clearly indicates that the Ombudsperson process continues to deliver substantive results. The Members of the Committee also take note that the Comprehensive Reports of the Ombudsperson provide the petitioner with an opportunity to be heard and to present

his/her view of the matter. At the same time it is important to note that the Committee has so far provided to the Ombudsperson reasons for all its decision on delisting requests submitted through the office of the Ombudsperson.

Through adoption of resolution 1989 (2011) the Security Council has further and significantly strengthened the mandate of the Ombudsperson. The Ombudsperson is now mandated to provide to the Committee a recommendation on each delisting request. Since the adoption of these new procedures in June 2011, two individuals have been delisted on the basis of the Ombudsperson's recommendation.

Furthermore, resolution 1989 (2011) stipulates that in cases where the Ombudsperson recommends delisting, the petitioner is removed from the Al-Qaida Sanctions List 60 days after the Committee has completed its considerations of the Comprehensive Report, unless there is consensus in the Committee to retain the listing, or a Member of the Committee requests a referral to the Security Council.

With this provision the Security Council has substantially raised the bar for Members of the Committee who do not share the Ombudsperson's recommendations to delist by requiring unanimity to retain the listing. The Chair notes that this new provision has provided a new dynamic of decision making within the Committee.

Resolution 1989 (2011) introduced the same decision-making process with a reversed consensus requirement when delisting requests are submitted by designating states. This should similarly facilitate delisting where an individual no longer meets the listing criteria. So far the Committee has not received a delisting request pursuant to the new provisions set out in paragraph 27 of resolution 1989 (2011).

The Committee would like to take this opportunity today and encourage all Member States to ensure that these important and substantial improvements are made publicly known.

At the same time the Committee underlines that it is essential to continue to ensure procedures are fair and clear, including that the Office of the Ombudsperson is adequately resourced and Comprehensive Reports are translated into all official languages in a timely manner. We are satisfied that work is underway to ensure this continues to be the case.

II. Work of the Monitoring Team

The Monitoring Team (the Team) continues to support the Committee in all areas of its work. In the name of the Committee I would like to thank Coordinator Richard Barrett and the entire team for the dedicated work and commitment. A detailed overview of activities of the Monitoring Team since the last briefing in May 2011 will be included in the hard copy of the Chairman's briefing and made accessible on the Committee's web site.

1. The Al Qaida List

The Team has consulted with Member States and the private sector to design a new format for the Consolidated List that is now under Committee consideration. The Committee expects that as a result of this work, both officials and the private sector will find implementation of the sanctions measures far easier. The Committee also hopes that the new List format may lead to greater coherence across all Security Council sanctions regimes.

In addition, since my last briefing, the Team has provided the Committee with over 200 further amendments to List entries, most of which the Committee has already approved. These will further assist implementation as they provide more precise information on the identity and whereabouts of listed parties.

The Team has provided the Committee with drafts of narrative summaries of reasons for listing for all entries on the Al-Qaida Sanctions List. These narrative summaries not only provide information about the listed parties to help implementation, but also to improve the transparency and fairness of the sanctions regime.

In addition the Team has helped the Committee to update all necessary documents following the split of the 1267 Committee List following the adoption of resolutions 1988 and 1989 in June 2011.

As a further way to improve the List, and in accordance with paragraph 26 of Resolution 1904 (2009), the Team provided the Committee with the names of all individuals on the List who it had reason to believe might be dead. The Committee's review of these names resulted in the removal of six names from the List. As required by paragraphs 38 and 39 of Resolution 1989 (2011), the Team has now submitted a new list of possible dead persons as well as of defunct entities for the Committee's next review of such names.

As part of the continuous programme of reviews, the Team has also sent for the Committee's consideration a list of entries that lack identifiers necessary to ensure effective implementation of the measures imposed on them. The Committee will shortly review these entries and will, as necessary, consult relevant Member States on the continued appropriateness of their listing.

Under paragraph 40 of Resolution 1989 (2011), the Team must also submit a list of those names which have not been reviewed in three or more years. This will further ensure that all names on the Al-Qaida Sanctions List are reviewed on a regular basis.

2. Reporting to the Committee

In accordance with Resolution 1989 (2011) the Team has submitted a report and recommendations on linkages between Al-Qaida and those individuals, groups,

undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011). Report and recommendations are currently being considered by the Committee.

Also as directed by Resolution 1989 (2011), the Team has submitted an updated report with recommendations on how the Committee might improve its procedures for granting exemptions to the assets freeze measure. Report and recommendations are currently under Committee's consideration..

3. Interaction with the Ombudsperson

The Team has maintained and developed its close relationship with the Ombudsperson, and has so far provided information from its files and questions for the petitioner on 14 of the 18 petitions that she has received.

4. Outreach

The Team's interaction with Member States encourages compliance by promoting a thorough understanding of the sanctions regime; it facilitates a dialogue between States and the Committee, and it provides the Committee with additional information both about the entries on the List and the challenges of implementation, as well as on the effectiveness of the measures themselves. Since my last briefing in May, the Monitoring Team has made 18 trips, some to individual States and some to meetings where several are present. The Team also organized its 3rd regional meeting for the heads and deputy heads of intelligence and security services in South East Asia.

The Monitoring Team continues to participate in many international seminars and provided briefings on the Committee's work to a wide variety of audiences. All this has increased understanding of the sanctions regime and advanced its objectives. The Monitoring Team also continues to work with regional and sub-regional organizations, often in partnership with the United Nations Office on Drugs and Crime's Terrorism Prevention Branch, as well as with the Counter-Terrorism Committee Executive Directorate (CTED) experts and the 1540 Committee Group of Experts. Later this month, the Team will participate in its 18th joint country visit with CTED and attend a CTED meeting in East Africa. My colleague, the Chairman of the Resolution 1540 Committee, has already provided details of the cooperation between the three expert groups.

The Monitoring Team also remains an active member of the Counter-Terrorism Implementation Task Force, co-chairing its working group on terrorist use of the Internet, and on dialogue, understanding and countering the appeal of terrorism. It is also an active member of the working groups on countering the financing of terrorism, on the protection of human rights while combating terrorism, and on border security.