

**UNITED NATIONS SANCTIONS REGIME:
A STUDY OF THE AL QAIDA-TALIBAN
COMMITTEE**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfilment of the requirements
for award of the degree of*

MASTER OF PHILOSOPHY

ABHILASH KOLEKAR



International Organization
Centre for International Politics, Organization and Disarmament
School of International Studies
JAWAHARLAL NEHRU UNIVERSITY
New Delhi-110067
2018



19-07-2018

DECLARATION

I declare that the dissertation titled “United Nations Sanctions Regime: A Study of the Al Qaida-Taliban Committee”, submitted by me in partial fulfilment of the requirements for award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this university or any other university.

Abhilash Kolekar

CERTIFICATE

We recommend that the dissertation be placed before the examiners for evaluation.

Prof. Yeschi Choedon

(Chairperson, CIPOD)



Chairperson
Centre for International Politics,
Organization and Disarmament
School of International Studies
Jawaharlal Nehru University
New Delhi-110067

Prof. C.S.R. Murthy

(Supervisor)



Centre for International Politics,
Organization and Disarmament
School of International Studies
Jawaharlal Nehru University
New Delhi-110067

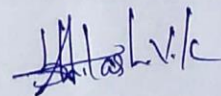
ACKNOWLEDGEMENTS

Foremost, I express deep gratitude to my Dissertation Supervisor Prof C.S.R. Murthy, for guiding me through the process. I have learnt a lot working under Prof Murthy, from basic grammar to writing serious academic work. I consider myself fortunate and privileged for getting the opportunity to be his student and to have completed my MPhil Dissertation under the supervision of such esteemed Professor.

I am also very thankful for the valuable feedback during the Synopsis Presentation phase from Prof Yeshe Choedon, Dr Moushumi Basu and Dr Archana Negi. I am thankful for the support and encouragement, I have received from my classmates, seniors, friends, family and well-wishers.

I am grateful to Dr B. R. Ambedkar Central Library (JNU), and its staff for providing us with the essential resources and especially the air-conditioned reading rooms, without which working during the Delhi summers would have been a very arduous task. I am also grateful to the various libraries (think-tanks, research institutes and universities) located in New Delhi for providing me with valuable sources needed for the dissertation.

And lastly, I am incredibly thankful to the ever-friendly staff at the CIPOD Office and the people at the Sanjay Photocopy Shop for patiently helping us through the process.



ABHILASH KOLEKAR

CONTENTS

1. Introduction.....	1
Background.....	2
Review of Literature.....	3
Definition, Rationale and Scope.....	7
Research Questions and Hypothesis.....	8
Chapter Scheme and Research Methodology.....	9
2. United Nations Sanctions Regime.....	10
Concept of Sanctions: Meaning, Origins and Rationale.....	11
History of Sanctions.....	15
Some Active Sanctions Regimes.....	30
Setting the Stage for 1267 Sanctions Regime.....	34
3. Al Qaida-Taliban Sanctions Committee 1999-2011.....	36
Background.....	37
Origins and Outline of the 1267 Sanctions Regime.....	44
Elements of the Al Qaida and the Taliban Sanctions Regime.....	49
4. ISIL–Al Qaida Sanctions Committee 2012-2018.....	66
Background.....	67
At the UN Security Council: Issues and Responses.....	70
1267 Committee’s Responses to the Threat.....	86
Impact of Sanctions Measures.....	88
5. Conclusion.....	91
References.....	100

List of Tables

Table 3.1 Key Resolutions related to the 1267 Sanctions Regime.....48

List of Abbreviations

ANF	Al Nusra Front
AQI	Al Qaida in Iraq
CTC	Counter-Terrorism Committee
DPRK	Democratic People's Republic of Korea
DRC	Democratic Republic of Congo
ECJ	European Court of Justice
FATF	Financial Task Force
FTF	Foreign Terrorist Fighters
ICC	International Criminal Court
INTERPOL	International Criminal Police Organization
ISIL	Islamic State of Iraq and Levant
IYSC	Islamic Youth Shura Council
MT	Monitoring Team
NATO	North Atlantic Treaty Organization
OAU	Organisation of African Union
OIC	Organisation of Islamic Countries
PDPA	People's Democratic Party of Afghanistan
UK	United Kingdom
UN	United Nations
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council
US	United States
USSR	Union of Soviet Socialist Republics
WTO	World Trade Organisation

Chapter One
INTRODUCTION

The aim of this study is to analyse the activities of the United Nations Security Council's Committee on sanctions against Al Qaida and the Taliban, since its inception in 1999. This study also seeks to examine the relevance of the Committee to the over-arching sanctions regime of the United Nations.

Background

The United Nations Security Council is empowered under Chapter VII of the Charter to enforce punitive measures of both non-military and military types against any states whose behaviour is determined as a threat to or breach of peace. Article 41 gives it the power to implement a range of coercive measures which are non-military in nature. These measures to punish through isolation from the rest of the international community till the target state makes the required amends are called "sanctions". The sanctions measures are imposed on the target government or a non-government party with a goal to ensure compliance with the obligation for adherence to the Charter provisions on international security. The sanctions ranging from cutting off the economic, diplomatic and communication links with the rest of the international community are binding on all member countries including the targeted state.

Beginning with Rhodesia and South Africa in the 1960s and 1970s, the Council imposed a varying set of sanctions on nearly 40 occasions. Particularly notable are the reasons which triggered UN sanctions since the end of the cold war, viz. the ethnic conflicts within states, vacuum due to fall of governing structures, restoration of elected government, massive humanitarian suffering, nuclear proliferation, incitement to or involvement in terror acts, etc. Alongside, the targets of sanctions went beyond governments to zero in on specific groups, individuals and entities. In the early 1990s, comprehensive sanctions were imposed on Iraq, Yugoslavia and Haiti. However, the 1990s also exposed the shortcomings in the sanctions regimes. Severe suffering by the civilian population whether in Iraq or elsewhere became a reason to question the effectiveness and credibility of sanctions. The response from the UN was to develop what is called "targeted sanctions" seeking to punish specific functionaries/authorities, leaders, individuals and entities. Currently, there are 14 active sanctions regimes which together target 693 individuals and 404 entities. The most significant among these targeted sanctions regimes

is the one instituted originally against Taliban/Al Qaida in 1999 and has evolved to include in its mandate the Islamic State.

Further, to ensure satisfactory supervision of implementation of the sanctions measures, the Council has made it a practice to establish subsidiary bodies called as “Committees” to monitor the situation in each case based on consensus and report to the Council. The most striking among them is Al Qaida-Taliban Committee, also known as the 1267 Committee (i.e. the number of the Security Council’s initial Resolution). The “Al Qaida-Taliban Sanctions Committee” (henceforth also called as the Committee) has evolved since its establishment in October 1999 to cope with the changing nature of the threat posed by the terrorist groups. Initially, asset freeze and partial air embargo were imposed on the Taliban regime for harbouring Al Qaida and not complying with the Council demand to hand over Osama bin Laden for trial. The Committee’s mandates were restricted to Taliban controlled areas. However, after the fall of the Taliban regime in 2001, the Committee’s mandate is made geographically unrestricted. Sanctions measures were imposed on all Al Qaida affiliate groups and associated individuals and entities all over the world. A Consolidated List of individuals and entities became formidable and a powerful tool of the Committee to counter terror. The Committee is assisted in this task by a Monitoring Team established in 2004, and the office of Ombudsperson incepted in 2009. In 2015 the Committee became “ISIL-Al Qaida Sanctions Committee” to address the threat from Al Qaida’s splinter group, the “Islamic State of Iraq and Levant” (ISIL). Currently, as per the last updated information, the Consolidated List maintained under the 1267 regime contains 259 individuals and 82 entities.

Review of Literature

The literature on the main theme may be briefly reviewed under three themes, viz. evolution of sanctions under the United Nations, followed by the analysis on the Al Qaida-Taliban Sanctions Committee and then on the ISIL-Al Qaida Sanctions Committee,

Evolution of the UN Sanctions

The understanding of “sanctions” differs in the national and international domains. In the national context, sanctions are legitimate and effective measures routinely taken by

state agencies against subjects for violating the law. However, due to the absence of authority higher than sovereign states, sanctions are an exceptional tool to be deployed with due safeguards of political, legal, logistical and ethical nature in interstate context. The Security Council alone has the legal authority to take measures on behalf of the entire membership of the United Nations to repel an external attack against a member, or even a threat of such an attack. Much of the contemporary understanding of international sanctions involves utilising non-military measures (Kelsen 1951; Doxey 1996; Farall 2007; Hakimdavar 2014; Ruys 2017).

Sanctions occupy a middle position, between the use of non-coercive and military measures. Sanctions are utilised when countries are unwilling to go to war. They avoid the costs associated with war but yet can punish a target with complete and hugely punishing economic, commercial and diplomatic disruption. The Council exercises untrammelled discretion in the exercise of this authority. Sanctions act as a deterrent against any deviation from the accepted norms and obligations relevant for maintenance of international security. Over the years, however, the sanctions regime has exposed serious weaknesses and limitations. Majority of the UN sanctions have put innocent populations to great suffering, not those who are directly responsible for the objectionable actions. Again, problems of sanctions occurred due to lack of institutional capacity and technical know-how among especially countries of Global South. Above all, the role of partisan and narrow political considerations of the permanent members of the Security Council is important in explaining the unsatisfactory state of sanctions regime (Cortright et al. 2008; Portela 2009; Boulden and Charron 2010; Security Council Report 2013; Giumelli 2015; Chesterman et al. 2016; Eckert 2017; Herik 2017).

Due to the superpower rivalry in the cold-war era, there were only two cases of sanctions imposition. However, in the post-cold war era, there was a proliferation of sanctions regime. The unipolar world order allowed the Security Council dominated by the US and its allies to overuse the sanctions measures. Most of the sanctions were imposed on the countries which were not critical and allies to the powerful countries. The growing influence of international media in the new digital age, also forced western countries to take action against international norm violators. They were pressurised by

their domestic population and sanctions served a purpose that the international community was doing something (Doxey 1996; Askari 2003; Cortright et al. 2008).

In the early 1990s, comprehensive sanctions were imposed on economies of Iraq, Yugoslavia and Haiti. The rationale was to weaken the economy and compel the ruling elites to fall in line with the Council's demands. However, the comprehensive sanctions measures became hugely embarrassing in humanitarian terms. As the economies were cut-off from the necessary supplies, the innocent population lived in subhuman conditions. The situation was acute in the case of the Iraqi sanctions regime. The trade embargo also affected the neighbouring countries as their economies were inter-dependent with Iraq. As international oil prices shot up, the Iraqi oil-dependent countries suffered as most of the global south countries were already in debt. In the case of Yugoslavia; due to the arms embargo, the Bosnians could not defend themselves against the militarily powerful nationalist Serbs. In Haiti, the general population suffered, but the military elites sustained themselves by trading through the black market. According to one study, two out of three sanctions regime were successful involving comprehensive sanctions (Hufbauer et al. 1990; Boudreau 1998; Wallenstein and Staibano 2005; Cortright et al. 2008; Lopez and Cortright 2010; Giumelli 2015; Aminuzzaman 2015; Bartholomew 2015).

The Council came under intense pressure to bring reform to the sanctions regime. The most significant change was the shift to "targeted sanctions". The shift was also facilitated by of the emerging principle of holding the individual responsible rather than the entire community. This is reflected in the post-2000s development like the establishment of the International Criminal Court (ICC) and holding the warlords responsible for humanitarian crimes. This trend led to the individualisation of sanction measures. The idea of targeted sanctions rests on building pressure on the specific decision-making elites or entities under their control. They disallow access to particular products or activities. And most importantly they minimise the possibilities of unintended consequences. However, targeted sanctions have also late come under criticism for not meeting due process concerns of the targeted individual. There is still lack of coherent data on determining the effectiveness of the targeted sanctions over an extended period (Luck 2006; Cortright et al. 2008; Portela 2009; Boulden and Charron 2010; Giumelli 2015; Herik 2017; Eckert 2017).

Al Qaida-Taliban Sanctions Committee

The immediate motives for the Security Council to adopt Resolution 1267 was the Al Qaida led terrorist attacks on US embassies in Africa; the atrocities committed by the Taliban and the failure of “six plus two” talks regarding the Afghan peace settlement. (Runion 2007; Comras 2010; Security Council 1999a; 1999b). The 1267 Committee had a plodding start, and the initial sanction measures did not deter the Taliban. This led to the second round of stricter sanctions through Resolution 1333 in December 2000. This was of significant importance; sanctions were imposed on individuals and entities associated with the Al Qaida. It also gave rise to concerns about the fair process. However, as the Committee’s mandate was limited to Taliban controlled areas, the due process concerns did not garner much attention. (Rosand 2004; Comras 2010; Prost 2017).

The 9/11 terror attack against the United States and its aftermath brought a dramatic change to the nature of the Sanctions Committee. The fall of the Taliban regime forced the extremists to spread all over and launch a spate of terrorist attacks all over the world. This was met with a response to expand the Committee’s mandate to make it geographically unrestricted. Individuals and entities associated with the Al Qaida from any part of the world could be listed as targets for sanctions. The listing procedure also came under intense criticism for not following specific guidelines, and in some cases, names were listed without obtaining sufficient information (Security Council 2002a; Murthy 2002; Rosand 2004; Runion 2007; Comras 2010; Prost 2017).

ISIL-Al Qaida Sanctions Committee

Post-2006, Al Qaida was in decline due to the international efforts to combat terrorism. The central leadership was cut-off from its affiliated groups as it was restricted in the mountainous regions in the borders of Afghanistan and Pakistan. Al Qaida in Iraq (AQI), one of the affiliated group, had announced its withdrawal from the central leadership. The AQI had renamed itself as the “Islamic State in Iraq and Levant” in 2013. Taking advantages of the political instability in Iraq and Syria, the ISIL made rapid advances in early 2014 and staked claim over a vast territory of about 10 million population. The Monitoring Team of the Al Qaida Sanction Committee reported that the ISIL posed an immediate threat to the population and in the longer run, the stability

of the region will be at risk (Security Council 2011e; 2011f; 2012b; 2012c; 2014f; 2014g; 2014h). Attention was drawn to differences between the Al Qaida central leadership and ISIL concerning issues of leadership and strategies (Haykel 2016).

Keeping in mind the ideological affinity between ISIL and Al Qaida, the Council found it expedient to designate ISIL as part of the work of the 1267 Committee. Cortright (2015) remarks that the overdue shift, strengthened the efforts of the Committee to confront the ISIL. By 2017, due to the combined military pressure, ISIL's hold over the territory had significantly diminished and could no more claim itself as proto-state. The Chairperson in his briefings to the Council remarked that sanctions also played an essential role in restricting the advance of the ISIL. The targeted sanctions up to a certain extent were successful in cutting off the financial flow to the ISIL (Security Council 2014l; 2014j; 2015k; 2016e; 2015l).

On significance and the controversies, the 1267 sanctions regime is the only one to have such a far-reaching and vast mandate. It has the power to list any individual or entity associated with the targeted groups. With the overwhelming power and capacity of the 1267 regime, it is also constantly embroiled in controversies. There is plenty of literature on the issue of the regime for not addressing the due process. Many scholars warn that ignoring these concerns could erode the credibility of the Committee, as member states will be hesitant to submit names to the List. Establishing an "independent judicial mechanism" may resolve such issues but its likelihood is somewhat improbable (Rosand 2004; Comras 2010; Michaelsen 2010; Genser and Barth 2010; Forcese and Roach 2010; Munshani 2010; Tladi and Taylor 2011; Willis 2011; Gehring and Dörfler 2013; Mendelsohn 2015; Bartholomew 2015; Prost 2017).

Definition, Rationale and Scope

This study uses Farrall's (2007) definition of the term "UN Sanctions". Farrall defines it as "binding, mandatory measures short of the use of force that are applied against particular state or non-state actors by the UN Security Council, as envisaged by Chapter VII and Article 41 of the UN Charter". And for the understanding on the concept of "international regimes", this study utilises Krasner's (1982) definition, "sets of implicit

or explicit principles, norms, rules and decision-making procedures around which actors expectations converge in a given area of international relations”.

The 1267 Committee oversees one of the most powerful subsidiary bodies of the UN Security Council. About one-third of all the targets designated, belong to the Consolidated List of the 1267 Committee. This is the only Committee to oversee a sanctions regime which is not geographically restricted. Moreover, since terrorism is an everlasting issue, the Committee’s mandate has a sense of permanency to it. The Committee can designate any individual or entity residing in any corner of the world. Among all the UN sanctions regimes, only the 1267 sanctions regime has the Office of the Ombudsperson. This is unprecedented in a sense that; it is the only mechanism created by the Security Council, which has the power to review its decisions concerning the listing process of the 1267 Committee. This is one of the most resilient sanctions committee with the possibility of offering some useful set of lessons for other sanction regimes.

On the scope, the study on 1267 sanctions committee is limited to its temporal existence, since its formation in 1999.

Research Questions and Hypothesis

The study posits the following research questions and will be answered in the concluding chapter at the end of the study.

1. How has the UN sanctions regime evolved over the years?
2. Why were sanctions imposed against the Taliban under UNSC Resolution 1267?
3. Why is the work of the 1267 Committee important, for the UN and its member states?
4. Why was the mandate of the 1267 Committee extended to include ISIL?
5. What are the lessons that can be drawn from the 1267 committee for strengthening the UN sanctions regime?

The study will test the hypothesis: the 1267 sanctions regime is caught in the controversy because of the accusations that it is not adhering to the requirements of natural justice and due process principles, i.e. the right to fair hearing, right to judicial review and right to

judicial remedy. These concerns can be remedied by establishing an independent judicial review mechanism, provided there exists the necessary political will in the Security Council.

Chapter Scheme and Research Methodology

This study is organised into five chapters. Chapter two provides an overview of the UN Sanctions Regime. It explores the evolutionary nature of sanctions under the United Nations, especially the meaning, origins, rationale and limitations of sanctions. The next chapter focuses on the developments which led to the creation of the Al Qaida-Taliban Sanctions Committee. A brief background on the early situation in Afghanistan, the rise of Al Qaida and Taliban is provided. The later part of the chapter traces the evolution of the Committee till its split in 2011. Various developments inside the Committee and the impact of the outside factors are also probed in the analysis. Chapter four essentially examines how the ISIL-Al Qaida Sanctions Committee dealt with the emerging threat posed by the Islamic State. The chapter also provides a background on the rise of ISIL and explores the reasons which led to its withdrawal from the Al Qaida core. The central part of the chapter deals with the Security Council's response in the context of the 1267 sanctions regime. The final chapter highlights the main findings arising from the totality of discussion in the substantive chapters, concerning the research questions raised and the hypothesis proposed in the introductory chapter.

This study employs qualitative research methods. Primary sources relied upon include the Annual Reports of the 1267 Sanctions Committee, Briefings of the 1267 Committee's Chairperson to the Security Council, Monitoring Team's reports, besides UN Documents like UNSC Resolutions and Council Meetings. Secondary sources include books, journal articles, edited volumes and doctoral thesis related to the study. The intext citation method is in compliance with the Research Manual of the School of International Studies.

Chapter Two

UNITED NATIONS SANCTIONS REGIME

This chapter aims to provide an overview of the United Nations (UN) sanctions regime. This chapter is divided into four sections. Starting with the concept of sanctions - its meaning, origins, rationale and limitations, the chapter deals with the history, patterns and legal basis of sanctions and how UN sanctions have evolved since then. The later section examines the contemporary trends in UN sanctions and also enumerates the currently active sanctions regimes. The final section explores the background developments to the imposition of sanctions in 1999 under Security Council resolution on Afghanistan.

Concept of Sanctions: Meaning, Origins and Rationale

The term sanction gives rise to multiple meanings depending upon the context. In the national context, it refers to an action taken against a person for disobeying a legal provision (Kelsen 1951: 706). Here the sanctions are punishments which are determined by the duly enacted law, applied to particular cases by the judiciary and enforced by the executive (Farrall 2007: 6). However, in the international context, the term takes a different meaning altogether as the context differs from the national sphere. The international community is anarchic as it is decentralised with the presence of a multiple state system and lacks a supreme authority which is above the sovereign state (Doxey 1996: 7). Thus, what applies to the national sphere does not necessarily apply in the international context.

There is no one fixed definition of international sanctions (Ruys 2017: 19). Different authors have interpreted in their own way. Doxey (1996: 9) defines international sanctions as “penalties threatened or imposed as a declared consequence of the target's failure to observe international standards or international obligations”. Doxey draws attention on the important feature of sanctions that it acts as a response for not adhering to a globally accepted set of standards or obligations. Farrall (2007: 6) refers to international sanctions as a “wide array of actions, taken for a variety of purposes, by a range of actors against a variety of targets”. By a “wide array of actions”, Farrall infers a spectrum of actions from military to non-military. By a “variety of purposes”, it can either mean to coerce a target into behaving or punish it for a particular behaviour. The “range of actors” can include from individual states to multilateral organisations. Finally, the “variety of targets” may array from state to non-state actors. Ruys (2017:

22) focuses on the purposes of international sanctions in his definition. He regards it as, “certain type of measures, but which can serve a variety of purposes, namely- to coerce or change behaviour; to constrain access to resources needed to engage in certain activities or to signal and stigmatise”. According to Hakimdavar (2014: 20), the most commonly accepted definition of international sanctions is “unarmed means of economic coercion for persuading a nation to change its behaviour or to penalise that nation for violating international law”. Here Hakimdavar focuses on the contemporary understanding of international sanctions as those measures which are coercive in disposition but are non-military in nature.

From the above definitions, it is apparent that international sanctions refer to a set of measures imposed by international actors on their targets with a motive to either coerce it into changing its behaviour, constrain its activities or signal to the world community the target’s violation of globally accepted norms. The motives can be either one or all of them. Sanctions as a measure need not be imposed alone, it also acts as a complementary to other measures like peaceful negotiations or the use of force. The measures can include economic, political, military, cultural or diplomatic sanctions. Some of the examples include ban on trade, weapons, travel and asset freeze. The next part looks at the origin of the term sanctions and how it came to be used in its current patterns.

The meaning of the word ‘sanction’ has evolved since long. Its root word can be traced in the Latin word ‘sanctio’, which means “law or decree”. The usage of the word ‘sanction’ was first documented in the English language in the mid-1500s. From the 1600s, the meaning of the word ‘sanction’ also came to be associated with penalties imposed upon violation of the law. Thus, the word has since carried with itself two meanings – “a law which permits or approves and second, a law which forbids by punishment” (Fausey 1994). The earliest recorded usage of sanctions as understood in the international context is found in the ancient Greek Literature. The Megarian Decree is often cited as the first documented case of economic sanctions (Askari et al. 2003: 5). It involved the two Greek city-states. Pericles the General of Athens, proclaimed the Megarian decree in 432 B.C., to limit the access of products from Megara, for violation of Athenian territory and withholding of fugitive slaves. This issue later evolved into the Peloponnesian War (Simons 1999). Other examples of sanctions in the past include

the Roman siege of Jerusalem in 72 A.D and the continental system of blockade, as practised during the Napoleonic wars by the French against the English in the early 19th century. Sieges, naval blockades, trade embargoes etc. were some of the sanctions techniques of the past. Their motives mostly involved inflicting economic hardship on the adversary, to wear out the opponent before a conflict or punishing the offender for not heeding or violating the treaties (Askari et al. 2003: 14-16).

The most significant rationale for the policymakers to choose sanctions as a measure is because of its unique capacity to apply under challenging situations. It occupies a middle ground between “war and words” or as a stand between “statements and soldiers”. In other words, sanctions as a tool are utilised in situations where something more than mere diplomatic talks is required but the option to use force is not yet available (Chesterman et al. 2016: 369) or when countries are reluctant to go to war (Eckert 2017: 52). Sanctions also avoid the costs of armed intervention in terms of lives and resources but yet provide a compelling demonstration beyond a diplomatic approach (Cortright et al. 2008: 350).

The economic rationale for resorting to sanctions is that in the modern era, the world economies are interconnected and interdependent upon each other. This makes the threat of economic sanctions a uniquely persuasive tool and also as a measure to back up other non-coercive techniques like arbitration and judicial settlement to resolve international disputes. Thus, sanctions serve as an alternative or an addition along with other measures as it has the potential to impact and also can be tailored according to the changing situation (Boulden and Charron 2010: 7). It also serves as a bargaining chip, where the promise to lift sanctions act as an incentive to the targeted party to co-operate or behave as expected (Lopez and Cortright 2000).

Doxey (1996:54) classifies the political rationale for imposing sanctions into eight different goals. Among these, the first five goals are primarily focused on the target, this includes – deterrence against violation of established norms, in pressurising the target to comply or adopt a specific desired policy, to punish an act of wrongdoing, to destabilise a rogue regime and to scale-down the level of conflict by restricting war-related materials. Show of solidarity constitutes the sixth goal, which is intended to act as ‘show of support’ to one’s allies and partners. And finally, the last two goals are symbolism and signalling which focuses on the international community at large.

Limitations of Sanctions

Some of the most recurring concerns include humanitarian concerns, human rights issues, national implementation, compliance, evasion, legitimacy crisis and the domination of the dominant countries, particularly the P5. There are also sceptics who question the effectiveness of the sanctions and its role in helping the UN in achieving its mandates.

The humanitarian effects of the UN sanctions on Iraq in the 1990s is well documented and is the clearest example of the adverse consequences of comprehensive sanctions, i.e. sanctions imposed on an entire economy. However in the present times, mostly targeted form of sanctions are invoked, where sanctions are directed towards specific persons and entities. A list, comprising of key individuals and entities is compiled and various forms of targeted sanctions are enforced on them. This has minimised the humanitarian costs but at the price of invading the human rights of the targets (Herik 2017; Eckert 2017; Chesterman 2016; Giumelli 2015; Security Council Report 2013; Cortright et al. 2008; Luck 2006). Targeted sanctions have been criticised for the lack of due process and inadequate remedy for the affected. The process is still opaque and lacks transparency (Giumelli 2015: 1354). Among all the UN sanction regimes, only the 1267 regime has the Office of the Ombudsperson where a petitioner can submit delinking requests to an impartial Ombudsperson, thereby addressing some of the due process concerns. However, the need to extend this mechanism to other sanction regimes remains to be met (Herik 2017: 4).

National implementation is also one of the major concerns which seriously undermine the effectiveness of sanctions. How and whether the most states have the capability is the most overlooked aspect (Boulden and Charron 2009: 4). Most of the sanctioned countries are in the underdeveloped regions of the world (Security Council Report 2013: 5). These countries and their neighbouring states often do not have the necessary resources or the technical know-how of sanctions implementation (Portela 2009). Lack of compliance and sanctions evasion also severely affect the effectiveness of the sanctions badly (Security Council Report 2013: 13). The power-politics and the narrow interests of the powerful countries, especially those of the five veto-holding powers at the Security Council are a significant source of impediment, when it comes to effective

implementation of sanctions or improving the quality of sanctions (Cortright 2008: 365).

History of Sanctions

The concept of international sanctions is historically rooted in the war-time experiences, particularly during the two world wars. The formation of “League of Nations” was a unique event in the history of the conceptualisation of collective sanctions. Prior to the first world-war, the widespread understanding was that the growing economic interdependence would make wars unfeasible. Hence, the threat of economic sanctions was seen as a practical measure, which could make countries refrain from going into wars (Luck 2006: 58). Only after the culmination of the First World-War, sanctions as an instrument to achieve world peace gained

momentum. This was a departure from the past as in the earlier times sanctions were mostly used to gain a military or economic advantage over the others. Woodrow Wilson believed that instead of fighting violence with more violence, collective sanctions could be utilised to deter aggression and thus check aggressive behaviour (Doxey 1996: 47). William Howard Taft, former US president and the supporter of the League, said that economic boycott was a “powerful deterrent weapon and probably [could] make resort to force unnecessary”. Hence the League placed greater emphasis on economic sanctions rather than on military coercion (Luck 2006: 58)

The Covenant consisted of 26 Articles, out of this Article 16 made the specific reference to the usage of sanctions, it is explicitly provided in the first paragraph that,

“Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall ipso facto be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not”. (Askari et al. 2003: 38).

The Article mentions that, if any country resorts to war without exhausting the peaceful means of resolving the disputes as mentioned in Articles 12, 13, or 15, i.e. through

diplomacy, arbitration or judicial settlement, will be declared to be guilty of breaking the Covenant, attracting immediately punitive sanctions as implemented by member states.

However, the sanctions provision in the League's Covenant had two significant limitations. First, according to the resolution passed by the League on 27 September 1921, it was the duty of each member state to decide itself whether a breach in the Covenant had occurred. And second, member states could choose not to implement sanctions, if they decide that the Covenant was not breached (Farrall 2007: 53-54). This kind of decentralised functioning, robbed the League's Council's power to impose mandatory sanctions, as this power was left to the individual member state to recognise the threat and impose voluntary sanctions.

Sanction Episodes in the League of Nations

There were in total six sanctions-like episodes during the time of the League (Askari et al. 2003: 38). However, out of this only in three situations sanctions were implemented. Twice, parties in disputes were forced to reconcile after they were threatened with possible sanctions. Moreover, in one situation, the international community wanted the League to impose sanctions, but economic penalties were not imposed due to big power politics. The League was successful in resolving disputes involving minor powers but when it came to the major powers, it was a failure. The following will throw light on those situations.

In the case of Yugoslavia and Greece, the League was able to settle the dispute only by merely threatening them with sanctions. In 1921, the use of military force by Yugoslavia prompted the League to threaten with sanctions, just a mere threat was enough to compel Yugoslavia to remove its troops from Albania. According to Hufbauer et al. (1990), Yugoslavia had failed to secure an international loan at that time and the possibility of economic crisis due to sanctions pressurised it to comply with the League's resolution. In the second instance, a military conflict took place between Greece and Bulgaria in 1925. As the war escalated, Greece invaded parts of Bulgaria. When the League got involved, it was able to resolve this dispute too just by merely threatening with economic sanctions on the offending parties like the

Yugoslavian episode of 1921. The prospect of sanctions convinced Greece to pull out its troops from Bulgaria (Simons 1999).

In its entirety, there were only three episodes when the League had imposed sanctions. First was in 1932 when the disputes over the occupation of Chaco escalated into war between Bolivia and Paraguay. The League responded with an arms embargo on both the parties and also started working on a peace treaty between them. When Paraguay rejected the peace terms, the League imposed sanctions solely on Paraguay. Later on, the peace treaty was finally signed by both, thus ending the conflict. According to Hufbauer et al. (1990), the sanctions were effective in having the parties to reach the settlement. Second, the League imposed sanctions against Turkey and Bulgaria in 1933 as they were engaged in illegal drugs trafficking. By imposing sanctions, the League was successful in its objective to restrain Turkey and Bulgaria from their illicit export of prohibited drugs (Askari et al. 2003: 40). Third, the League resorted to sanctions, when Italy invaded Abyssinia in 1935. However, only light sanctions were imposed and they were not implemented strictly. The half-hearted implementation by the West European powers (Britain and France) failed to reverse Italy's belligerent advance. This gave confidence to Mussolini, and when finally, Addis Ababa fell to Italians troops, Abyssinia was formally annexed by Italy (Askari 2003: 40). The French and British, just like the below mentioned Japanese case did not want to provoke the Italians. Their intention was not to provoke Mussolini and to keep him as their ally in the future wars against their perceived enemy – the Nazis. (Lowe 2014: 49).

And finally, in one episode the League was not even in a position to threaten the offending party with sanctions despite the apparent violation of the Covenant. In 1932, Japan annexed the western part of China known as Manchuria and created a puppet state out of Manchukuo. This belligerence met with no sanctions from League due to the appeasement politics from its other members. France and Britain, besides the United States, were unwilling to alienate Japan due to a variety of reasons (Askari et al. 2003: 39). Responding to the Chinese appeal, the League ordered Japan to withdraw its troop from the invaded regions. When Japan refused this, a commission was appointed and it suggested that the League should govern Manchuria. However, the Japanese rejected this and ultimately quit their membership at the League (Lowe 2014: 48).

The founders of the League of Nations perceived economic sanctions as a powerful tool to be employed against aggressors. However, the League's experiment with collective security was not largely a success due to various drawbacks. There were limitations in the Covenant which allowed the members to decide for themselves. Its failure to achieve a universal membership, as major powers like the United States did not join the League. And when the League failed to impose sanctions on instances of major violations of the Covenant, it ultimately lost its credibility and the confidence of its members. Despite the League's failure, the idea of collective security was not lost yet as it found its place as a fundamental element in the vision of the founders of the post-war world order (Doxey 1996: 4).

United Nations and Collective Security

According to Claude (1984: 250), the idea of "collective security rests upon a proposition that war can be prevented by the deterrent effect of overwhelming power upon states which are too rational to invite a certain defeat". In other words, it refers to an institutional arrangement, in the form of an international organisation with universal membership. In this security system, when a violator of international peace and order is found to be guilty, then all the countries unite to take action against it by imposing sanctions or by going to war against it. This acts as a deterrent to a warring state and at the same time protects an innocent state against any act of belligerence towards it.

However, a perfect collective security system is yet to exist as it requires an extraordinarily set of complex requirements. These are divided into two sets of categories - subjective and objective requirements. The subjective requirements involve: (i) The basic premise of 'indivisibility of peace' must be ingrained in the minds of all, i.e. the understanding that the threat in any part of the world is a threat to all. (ii) States must renounce war as an instrument of foreign policy. (iii) States must have confidence in the system and must trust each other. (iv) The system should function impartially. And the Objective requirements include: (i) A world characterised by the diffusion of power or existence of several great powers. (ii) The system must have the universality of membership. (iii) There must be a policy of partial disarmament (iv) The international economy must be interconnected thus guaranteeing universality of economic vulnerability (v) Creation of legal and structural apparatus, which is capable

of giving institutional expression to the fundamental principle. In short, it calls for the creation of an international organisation (Claude 1984: 251-260).

When established in 1945, the primary goal of the United Nations is to maintain international peace and security by removing all obstacles to peace and by forging friendly relations between its member countries. Compared to the League, the UN is far better equipped, when it comes to the collective security system for two reasons. First, unlike the League, the UN has a centralised decision-making system in the form of Security Council for taking decisions on conditions which carry a threat to the global peace and security. The UN member-states are mandatorily supposed to implement all the decisions of the Council which are taken under the Chapter VII. Second, the UN Charter provides elaborate and ambitious provisions for sanctions implementation. It does not restrict the sanctions usage to particular situations or threats, this provides the much-needed flexibility to the Security Council to adopt measures according to the changing nature of the threat.

Charter Provisions and Mechanics

The key provision which constitutes the legal basis for the Security Council to impose sanctions is through Article 39 and 41 under Chapter VII of the UN Charter. Article 39 states that “the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations” The Charter does not elaborate on the exact nature of what constitutes “threat, breach of peace or act of aggression”. This was aimed to provide the maximum flexibility for the Council in determining newer threats and challenges to world peace. Article 41 outlines the inclusive list of measures that are short of force. It states that

“the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations”.

The word ‘sanction’ is nowhere mentioned in Article 41 but the list of measures it spells out, evidently come under the sanctions category and it makes it clear that this is not the final list (Security Council Report 2013: 2).

Article 41 and 39 go together, in the sense that the Council cannot solely authorise any action solely under Article 41. First, it has to determine and specify the nature of the threat as stated under Article 39 and then it will decide the specific course of action as applicable (Farrall 2007: 64). The Article 50 of the UN Charter makes provision for the right to consult the Security Council, by those economies which are affected out of actions resulting from the measures undertaken by the UN. However, it is up to the discretionary power of the Council to take any action or not.

The legal obligation of the UN member-states to implement measures imposed by the Security Council comes through Article 2, 25 and 103. Article 2, paragraph 3 states that “all members shall give the United Nations every assistance in any action it takes in accordance with the present Charter and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action”. The member states are required to refrain from giving aid to targets which are subjected to action under Article 41 and 42. The binding character of the mandatory implementation of sanctions comes through Article 25 which states that “the members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”. This makes it the legal obligation of the member states, to carry out the Council’s decisions. And finally, Article 103 reminds every state that, “in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail”. It implies that each member state has to accord priority to its commitments to the UN rather to any other international commitments in event of clash of interests (Farrall 2007: 66).

The Security Council monitors and supervises the implementation efforts by the member states. However, this task is enormous for the Council to do it alone. Hence it delegates the task by creating subsidiary organs to undertake this responsibility (Farrall 2007: 146). Article 29 of the UN Charter and “Rule 28 of the Provisional Rules of Procedure” of the Security Council allow it to create subsidiary organs to assist in its functions. Sanction Committees are one such subsidiary organ which are created to

administer sanctions regimes. All the current 14 active sanction regimes of the UN have separate sanctions committees. They do not have the necessary legal power to enforce any mandatory decisions. But they carry out substantially essential tasks like designating and managing exemptions from the list of targets, supervising and monitoring adherence to their respective sanction regime and to provide regular reports to the Council. Its membership consists of all the Council members and the Chair is usually occupied by a non-permanent member and it rotates every two years among the Council members (Security Council Report 2013: 7).

The Sanction Committees consist of the Council members who are mostly career diplomats and may not have the time and skill for monitoring and administering the sanctions regimes which require technical expertise. Hence to assist the sanctions committee members in their work, Panels or Groups of Experts or Monitoring Teams have been established for most sanctions regimes. At present, there are ten such groups which assist the Committee (Security Council 2018). The first such expert group was formed in September 1995 on arms embargo against Rwanda. Panels/groups of experts and monitoring groups are appointed from a list of specialists via the Secretariat and are intended to be autonomous from the influence of Council members. However, Council members may sometimes discreetly lobby the Secretariat for the appointment of their own nationals to panels and groups (Security Council Report 2013: 8).

Sanctions Usage During the Cold War Years

Like any idea, the concept of collective security too has its limitations. Mearsheimer (1995:30), critiques that, the system of collective security has an incomplete understanding of the international politics as it fails to provide a convincing rationale on how exactly states will overcome their fears and learn to trust each other in this anarchic world. Due to the cold war rivalry between the two power blocs, the US and the USSR, the collective security system of the UN could not work towards its fullest potential. Instances like the formation of the North Atlantic Treaty Organization (NATO), passing of the 'Uniting for Peace' resolution by the General Assembly and vetoing the admission of new members dented the credibility of the Security Council.

In the cold-war, the Security Council could impose mandatory sanctions only on two occasions - on the breakaway regime of Southern Rhodesia in 1966 and on South Africa in 1977. In some cases, the Security Council could muster only voluntary sanctions. In 1948, the Council imposed its first voluntary arms embargo in the wake of Israel-Palestine war, under Resolution 50 (Security Council 1948). The second call for a voluntary arms embargo was passed in 1961, this time due to the escalating violence in the state of Congo under Resolution 169 (Security Council 1961). Responding to the aggression shown by the North Koreans and the PRC, the US wanted to impose mandatory sanctions. However, as the Council was paralysed due to the Soviet boycott, the United States took the initiative and Resolution 500 (V) was passed in the fifth session of the General Assembly on 18th May 1951 (Askari et al. 2003: 45). The Resolution recommended every state to apply general embargo on the supply of arms and ammunition on regions controlled by the North Koreans and the Chinese (General Assembly 1951). In 1963, the Council requested the UN member states to refrain from supplying arms and ammunition to Portugal under Resolution 180 (Security Council 1963a). Portugal was accused of suppressing populations under colonial rule and not allowing them to establish themselves as independent territories under their right to self-determination. For western countries, strategic and trade links took precedence over sanctioning their fellow NATO member with mandatory sanctions (Askari et al. 2003: 46).

Southern Rhodesia (1965-79)

In 1965, Ian Smith established Southern Rhodesia (now Zimbabwe) as an independent country, which was a former British colony. The administration was controlled by a white-minority government which followed racist policies and denying the rule of its black majority (Luck 2006: 59). The Council first passed Resolution 216 which called all states, not to recognise or assist the racist regime (Security Council 1965a). Later Resolution 217 was passed in the same year which called upon states to voluntarily boycott all forms of relations and goods arriving from this regime (Security Council 1965b). As the sanctions were not being enforced by all its member states, the Security Council soon passed a series of resolutions under Chapter VII which had to be mandatorily enforced by all the countries (Luck 2006:60).

In April 1966 Resolution 232 was passed under Chapter VII invoking Article 39 and 41. The Resolution also reminded member states of their obligations under Article 25. It imposed limited sanctions in the form of trade restrictions, oil embargo and cutting off financial aid (Security Council 1966). In 1968, Resolution 253 was passed allowing the sanctions to be implemented comprehensively on the entire economy of Southern Rhodesia and it also made provisions to establish the Council's first committee to monitor the implementation of a sanctions regime (Security Council 1968). The sanctions were finally lifted in 1979 when the white-minority government relinquished its control and Zimbabwe took its modern name (Chesterman 2016: 369). According to Renwick (1981), the economic sanctions against Southern Rhodesia forced Ian Smith's regime to come to negotiations as the sanctions regime was successful in weakening his hold over the administration.

South Africa (1963-94)

The unwilling nature of the South African Government pushed the group of newly-independent, former colonial countries to form an international pressure group in pressurising South Africa to give up its racist policy of Apartheid. However, wary of the British and French vetoes, the Council never took any concrete action, other than passing resolutions condemning the South African government for following such colonial racist policies. However, the majority of UN member states who were opposed to such racist laws were able to pass Resolution 1899 (XVIII) in 1963 through the General Assembly. This resolution recommended all the member states to refrain from exporting oil and weapons to South Africa. The above resolution had the effect of stigmatising South Africa but General Assembly resolutions are not binding and are only recommendatory in nature (Chesterman 2016: 373).

Due to the collective pressure from the General Assembly, the Security Council first imposed a voluntary arms embargo in 1963 through Resolution 181 (Security Council 1963b). But it took 14 years for the Council to impose first-ever mandatory arms cut off on the South African Government through Resolution 418 in 1977. The binding sanctions were applied for reasons along with following apartheid policy, the South African government was accused of military aggression against neighbouring countries and for pursuing technology to achieve nuclear weapons capability (Security Council 1977). The arms embargo by itself had a minimal effect on influencing South Africa's

policies. Comprehensive sanctions were not applied due to the politics played by the influential powers allied to the white-minority government. In 1994, following South Africa's first free and fair elections. President Nelson Mandela was elected, and the sanctions were finally lifted by the Security Council (Chesterman 2016: 374).

Fillip to UN Sanctions in the Post-Cold war era

Since 1966, the Security Council has established 26 sanctions regimes, in Southern Rhodesia, South Africa, Yugoslavia, Haiti, Iraq, Angola, Sierra Leone, Somalia, Eritrea, Liberia, Democratic Republic of the Congo, Cote d'Ivoire, Sudan, Lebanon, Democratic People's Republic of Korea, Iran, Libya, Guinea-Bissau, Central African Republic, Yemen, South Sudan and Mali, as well as against ISIL, Al-Qaida and the Taliban. Out of this only two sanctions regimes were created in the cold-war era, the rest were created in the post-cold war era. Out of the 26 sanctions regimes, 14 are currently active today (Security Council 2018). Today sanctions are often the first measure of choice and play a significant role in safeguarding international peace and security, which includes the various UN mandates like resolving conflicts, as a counter-terrorism strategy, safeguarding human rights, democracy restoration and restricting the proliferation of weapons (Security Council Report 2013: 3).

Cortright et al. (2008: 350) gives three reasons on why sanctions emerged as such a popular measure in the post-cold war period. First, in the cold-war era due to bipolar politics, implementing mandatory sanctions was a difficult option. However, since the fall of the Soviet Union, sanctions have been implemented in those countries which are neither critical nor close allies of the influential powers. This has permitted cooperation among the powerful states as it does not directly affect their interest. Second, in the earlier times it benefited states who subverted embargoes as they played the two power blocs against each other. But in the post-cold war era, due to the hegemony of the United States in the international economy, it is pragmatic for UN member states to join and support international economic coalitions. And finally, the growing power of world opinion and international media due to advances in information and communications technology pressurised the world governments to fall in line. Sanctions here serve as a public indicator that the international community is doing something.

The Shift from Comprehensive to Targeted Sanctions.

The early 1990s witnessed comprehensive non-military sanctions being imposed on Iraq, Haiti and former Yugoslavia for violating UN reforms. Comprehensive sanctions refer to general sanctions which are imposed on an entire economy of a sanctioned country, the types of sanctions include general trade embargos, cutting off all forms of financial and diplomatic ties and thus isolating the country from the international community. The logic of comprehensive sanctions is to weaken the economy in order to force the ruling government to change its policies or adhere to UN norms (Giumelli 2015: 1352). As the United Nations began to excessively use comprehensive sanctions to achieve its mandate of maintaining international peace and security, it noticed that another of its core mandate was undermined- to enhance human condition (Cortright 2008: 352). Comprehensive sanctions began to cause large-scale humanitarian disaster as populations were cut off from essential supplies like food, water and medicines for months, this was the immediate trigger which put the pressure on the Council to consider reforms and make the shift to targeted sanctions. Targeted Sanctions emerged as the preferred choice as it maximised the impact on responsible individuals while minimising humanitarian consequences (Giumelli 2015: 1352). They were also heavily criticised for unintended consequences like damaging the economic conditions in other states which were dependent upon the targeted country. The following looks at the cases of comprehensive sanctions imposed on Iraq and Yugoslavia in the early 1990s. They generated the controversies associated with comprehensive sanctions and pressurised the Council to reform and make the shift to a targeted form of sanctions

In August 1990, UN Security Council through Resolution 661 imposed comprehensive sanctions on Iraq. This was in response to the invasion of Kuwait by Saddam Hussain. The sanctions included a general ban on all forms of goods and trade originating from Iraq, excluding food and medicines. However, the sanctions coupled with the military intervention in Iraq codenamed as Operation Desert Storm soon became very controversial. Immediately the UN Secretary-General sent a team to assess the situation. According to the team's lead Martti Ahtisaari, the condition in Iraq was 'near apocalyptic'. His report on 20 March 1991 stated that there was a shortage of essential goods and other humanitarian supplies. The coalition bombing had destroyed Iraq's infrastructure beyond repair - particularly its power plants, oil refineries, water

treatment plants and pumping stations. The sanctions regime imposed through Resolution 661 had further worsened the situation.

By 1995, opposition to comprehensive sanctions began to expand. Within the Council, France, Russia and China showed their discontent. And in the broader UN community, Arab and Muslim majority states were concerned with the worsening situation due to the prolonged use of sanctions. Also, pressure from the domestic populations of the US and Britain forced their governments for some change. (Chesterman 2016: 375-378). In 2003 with the fall of Saddam Hussein, the comprehensive sanctions against Iraq were finally lifted (Wallensteen and Staibano 2005: 37). The military intervention and the sanctions had an effect on other economies too which were dependent upon its oil for energy security, revenue from trade with Iraq and remittances coming from the West Asian countries. The price of the crude oil jumped in the international market from the US \$14 to \$30 per barrel. This severely affected the economies of the developing world which were in debt trap already due to the ongoing global financial crisis at that time (Aminuzzaman 2015: 143). Historically, the compensation provided under the terms of Article 50 of the Charter to the affected economies, arising out of sanctions targeted to their neighbours, has always been limited. In the case of the Iraqi sanctions regime, appeals were made by the regional and dependent economies to provide assistance. However, only some countries like Jordan, Egypt and Turkey received compensation and countries like Syria received partially and India received nothing (Boudreau 1998: 32).

In the case of Yugoslavia, the Security Council imposed general and complete arms embargo as a response to bring down the level of conflict which was brewing within the disintegrating former state through Resolution 713 on September 1991. The sanctions were finally terminated, following the signing of the Dayton Peace Accord in September 1996 (Wallensteen and Staibano 2005: 38). The controversy associated with general and complete arms embargo was that by restricting the flow of weapons, the casualties among the succeeding states of Bosnia and Herzegovina was high as they could not defend themselves against the violence which was unleashed by the nationalist Serbs. Arguments were made in the Council that the arms embargo was preventing Bosnia and Herzegovina – a member state unable to exercise its inherent

right to self-defence as mentioned under Article 51 of the UN Charter (Farrall 2007: 287).

Former UN Secretary-General Boutros Boutros Ghali's 1993 publication 'An Agenda for Peace', highlighted the seriousness of the growing problems related with comprehensive sanctions. He warned that sanctions are blunt instruments which are plagued with a number of issues. He raised an ethical question that, whether is it right to inflict suffering on the larger population to influence the elite few. It also obstructs the work of humanitarian agencies, by denying them access to the affected sections of the population. They also cause long-term economic damages to the sanctioned country as well as to its neighbouring countries whose economies are interconnected. Moreover, sanctions might defeat their own purposes by invoking a patriotic response among its locales (Luck 2006: 63).

The growing criticism and the split among the permanent members (P5 countries) forced the Security Council to address this problem. In April 1995, addressing the growing concerns, the P5 submitted the president of the Council, a joint non-paper on the humanitarian impact of comprehensive sanctions and also invited the UN Department of Humanitarian Affairs for its input. The Council realised that without significant reforms, it would be difficult to continue using sanctions as a measure. The UN Department of Humanitarian Affairs, now called the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) was tasked with producing a series of humanitarian assessment reports for specific sanction regimes, to evaluate the damages. The Council then appointed a dedicated subsidiary body to oversee each sanctions regime. In 1999, the president of the Council announced a list of rules and standards to guide the work of sanctions committee.

However, the most far-reaching innovation was the idea of Targeted Sanctions (Luck 2006: 64). This included innovations like freezing the financial assets solely of targeted individuals and entities responsible rather than the entire state. The Council also developed the capacity to publish and maintain lists of designated sanctioned targets. By circulating this list among the law enforcement agencies around the world, it effectively implemented the sanctions and made it difficult for the targets to escape punishment (Cortright 2008: 359). The trend of holding an individual responsible for his or her actions, in other words targeting sanctions only towards the head of the state

and its top associates represented a dramatic change in the way sanctions had been imposed as of yet.

According to Giumelli (2015: 1353), this shift in the practice was due to the evolving principle of “individual international responsibility”. This is reflected in the post-2000s, as holding individuals responsible instead of the general populace, became the norm. For example, targeting warlords in Sierra Leone, Somalia, Democratic Republic of Congo or members of a regime and creation of international institutions like the International Criminal Court in 2002 were some of the developments in that direction. Besides terrorists and terror groups came under the scanner for targeted sanctions. Herik (2017: 5) terms this shift as “individualisation of sanctions”. It refers to the trend of ‘humanisation’ of international law and more specifically the ‘individualisation of enforcement’ in international law, where the focus is on the individual as an actor or a perpetrator who can influence the international order.

Despite the controversies and the backlash which comprehensive sanctions faced, there are reports however that testify to its effectiveness. Comprehensive sanctions pack more clout if they are imposed quickly and rigorously. This leaves the targeted economy less time for indigenous production and circumventing international controls (Hufbauer 1990: 102). In their review of UN sanction imposed in the 1990s, Lopez and Cortright (2000: 208) found that two out of three sanction episodes were successful. Although the Iraqi sanctions regime was a humanitarian disaster, it was successful in achieving Iraq’s disarmament (Cortright et al. 2008: 351).

In comparison with comprehensive sanctions, targeted sanctions hold much utility value. They apply pressure only on the specific decision-making elites and the companies or entities they control. Deny access to specific products or activities that are necessary for repression or war. And reduce unintended humanitarian consequences as the coercive measures are focused only on the targeted. Targeted sanctions have helped the UNSC in its goal to punish the violators of an international norm by turning the heat on only those responsible without jeopardising its other mandate of safeguarding the human conditions (Cortright et al. 2008: 359). Moreover, targeted sanctions can be altered easily to expand into newer areas (Giumelli 2015: 1356).

Streamlining of Sanctions Regime

After an experience of more than two decades, the Council and its Committees have gained remarkable proficiency in further refining targeted sanction measures. Various reform initiatives by the UN and its various stakeholders have resulted in a greater refinement of UN sanctions. Various reform measures like systematic procedures, standard guidelines and definitions, standardised humanitarian exemptions and panels of experts to monitor sanctions compliance have helped UN Sanctions to be more consistent and effective over time (Eckert 2017: 59). The following paragraphs look at the initiatives by its stakeholders which have influenced the UN sanction practices, particularly the Interlaken, the Bonn-Berlin and Stockholm processes.

Initiated by the Swiss government in March 1998 and 1999, it focused on making UN financial sanctions more effective. Its priority was to better the process of implementing financial sanctions like understanding in advance the necessary conditions before the implementation, clarity on the perpetrator, understanding the movement of finances etc. The Interlaken II process in 1999 focused on issues arising out of differences in implementation of the sanctions among the member states. Basic guidelines required for national implementation were explored and a model law was developed to assist states to implement sanctions effectively. To further simplify the process, standard definitions and standardised words like ‘assets’ and ‘to freeze’, were developed which helps the Security Council during formulation of the sanction resolutions (Eckert 2017: 60).

The primary focus of the Bonn-Berlin process was to investigate and find ways to advance the targeted measures like travel ban and restricting the flow of arms. This was undertaken by the German Foreign Office in coordination with the UN Secretariat and the Bonn International Centre at Bonn in 1999 and the Berlin in 2000. It recommended the use of standardised lists of dual-use items drawn from the Wassenaar Arrangement and also provided useful guidelines on implementing and monitoring of future travel and arms sanctions (Cortright et al. 2008: 364).

In continuation of the need to further improvise targeted sanctions, the Swedish government in 2001 took the initiative through the Stockholm Process, in partnership with the Uppsala University’s Department of Peace and Conflict Research and UN

Secretariat. This meeting by 120 experts focused on implementation of sanctions, both at UN and member-state level. It gave recommendations to strengthen the role of UN Secretariat and in designing of sanctions. The importance of capacity building and training programs was also highlighted (Cortright et al. 2008: 365).

In December 2006, Greece chaired ‘Informal Working Group on General Issues of Sanctions’ an initiative to develop guidelines to improve the effectiveness of UN sanctions. This working group in its report provided detailed recommendations to improve UN monitoring and enforcement, and procedural standards for panels of experts, among other pragmatic ideas to enhance implementation of targeted sanctions at the UN level (Eckert 2017: 61).

To address the ever-evolving newer challenges and issues, a group of five member states - Australia, Finland, Germany, Greece and Sweden sponsored sanctions review from May 2014 to November 2015. This High-Level Review comprised of three working groups and also included a dialogue involving 70 member-states. They developed 150 recommendations to improve and further enhance sanctions, and their application to better protect states and victim communities, improve the preventive benefits of sanctions and shape targeted measures with even higher accuracy (Eckert 2017: 62). Collectively, all the above mentioned streamlining initiatives have aided the UN Security Council to strengthen and improve the targeted sanctions measures over the years.

Some Active Sanctions Regimes

The following is the compilation of some of the active sanctions regime as authorised by the UN Security Council.

Somalia and Eretria

General and complete arms embargo was imposed on Somalia by the Security Council on January 1992 through Resolution 733. The Council was acting on the request by the Somalian government due to the worsening situation in the country on account of the ongoing civil war (Security Council 1992a). To administer the arms embargo, a

Committee was established through Resolution 751 on April 1992 (Security Council 1992b). The Committee's mandate later on expanded to include Eritrea on 23 December 2009. The Council through Resolution 1907 imposed targeted sanctions on Eritrea's leaders on the accusation of aiding rebels in Somalia. And also for refusing to withdraw its troops from the disputed border with Djibouti (Security Council 2009c).

Iraq

The Security Council on 24 November 2003 adopted Resolution 1518 and established a committee to maintain a designated list of persons and entities associated with the former Iraqi regime who are subjected to targeted sanctions. The Committee also updates and maintains the list of individuals as identified in Resolution 661 which was adopted on 6 August 1990 (Security Council 2003c).

Democratic Republic of Congo

Resolution 1493 adopted in July 2003, imposed arms embargo on all foreign and Congolese militant groups which were operating inside Congo who are not party to the Global and All-inclusive agreement in the DRC. To administer the sanction measures, the Security Council adopted Resolution 1533 on March 2004 and established a committee to the implementation of the sanction measures (Security Council 2004b).

Sudan

The Security Council first imposed sanctions on 30 July 2004 by adopting Resolution 1556. It imposed an arms embargo on all designated militias operating in Darfur against the government (Security Council 2004c). Resolution 1591 established the Security Council Committee to administer the sanction measures on 29 March 2005 (Security Council 2005a).

Lebanon

The Security Council by adopting Resolution 1636 on 31 October 2005 established a Committee to register individuals as designated by the Government of Lebanon and the International Independent Investigation Commission. These individuals are alleged to be involved in the terrorist bombing in Beirut which killed the Lebanese Prime Minister and 22 others on 14 February 2005 (Security Council 2005c).

North Korea

Responding to the claimed nuclear test by the DPRK, the Council imposed a range of sanction through Resolution 1718 and also appointed a Committee to oversee the implementation of sanction measures on 14 October 2006 (Security Council 2006a). Over time various Resolutions have been adopted to further strengthen the sanctions regime as a response to the unyielding position of North Korea on proliferation and further progress on nuclear and ballistic missile technology. The latest Resolution 2397, was adopted on 22 December 2017 and as of now 54 entities and 79 individuals are on the 1718 sanctions list (Security Council 2017d).

Libya

The Council by passing Resolution 1970 on 26 February 2011, imposed targeted sanctions on Gaddafi and his close associates for accusations of using lethal force on protestors. The sanctions included asset freeze, arms and travel embargo. The Resolution also established a Committee to oversee the sanctions implementation (Security Council 2011c). The latest Resolution 2362 adopted on 29 June 2017, made provisions to restrict the illicit export of oil products (Security Council 2017a).

Guinea Bissau

Following the military coup on 12 April 2012. The Council by adopting Resolution 2048 on 18 May 2012, imposed travel bans on its military elites who are accused of - planning the coup, subverting the democratic electoral process of Guinea Bissau and increasing the instability in the country. Resolution 2048 also established a Committee to oversee the implementation of the sanction measures (Security Council 2012a).

Central African Republic

Due to the complete breakdown of law and order and endless infighting among its various factions, the Central African Republic witnessed ethnic and minority cleansing and also massive population displacement. Responding to this situation, the Security Council adopted Resolution 2127 on 5 December 2013 and imposed arms embargo over the region to facilitate various UN mandates. This resolution also established a Committee to supervise the sanction measures (Security Council 2013a).

Yemen

The Security Council on 26 February 2014 adopted Resolution 2140 and also established a Committee to supervise and monitor the execution of assets freeze, travel bans and targeted arms embargo imposed on individuals and entities engaging in or providing aid for acts that impend peace, security or stability in Yemen. This included sanctions on those individuals who are obstructing the implementation of the plan as outlined by the Gulf Cooperation Council and National Dialogue Conference for democratic political transition (Security Council 2014a). By Resolution 2216 adopted on 14 April 2015, the Council further expanded the mandate of the Committee to target those individuals who are blocking the delivery of humanitarian assistance to Yemen and those violating targeted arms embargo (Security Council 2015b).

South Sudan

Since December 2013, South Sudan is witnessing the conflict between the Government and its opposition. The Clashes have resulted in large-scale humanitarian disaster and further plunged the country into crisis. Responding to the situation, the Council on 3 March 2015 adopted Resolution 2206 to establish a Committee to administer the implementation of targeted sanctions measures on those parties who are guilty of creating the conflict and obstructing the peace process (Security Council 2015a).

Mali

The Security Council, by adopting Resolution 2374 on 5 September 2017, imposed travel ban and asset freeze against individuals and entities who were responsible for or complicit by their involvement in actions or policies that threaten the peace, security or stability of Mali. This included engaging in hostilities in violation of the Agreement on Peace and Reconciliation in Mali signed in 2015. Under the same Resolution, the Council also established a Committee to administer the sanction measures (Security Council 2017c).

Setting the stage for 1267 Sanctions Regime

The final section aims to set the stage for the next chapter by exploring the pre-conditions which led to the establishment of the 1267 sanctions regime. Following the 1998 bombings of US embassies in Kenya and Tanzania, Security Council adopted Resolution 1267 on 15 October 1999 and imposed targeted sanctions on the Taliban for harbouring terrorists associated with the Al Qaida. This resolution also created a Committee to oversee the implementation of the sanction measures (Security Council 1999). On 17 December 2015, the mandates of the Al Qaida Sanctions Committee was extended to include targets associated with the Islamic State of Iraq and Levant (ISIL) through Resolution 2253 (Security Council 2015c).

In the early decades since its inception, the issues which kept the UN Security Council occupied were state-centric, also termed as traditional threats to the international security such as border conflicts or invasions. However, as globalisation gained pace and also due to the changing political environment newer forms of threats emerged. One such threat was the emergence of international terrorism, a grave concern which affected the world community cutting across all national borders. Terrorism as a threat had already existed in the past but it received the world's attention only after the infamous September 11 attacks in 2001. Compared to the traditional security threats, the Security Council found it extremely complicated to face this newer form of threat. Terrorism posed a serious challenge for the Council as it was particularly difficult to ascertain and determine the whereabouts of the protagonists which includes all its perpetrators, organisers, sponsors and those who assist, protect and shelter them (Teixeira 2003: 5-8).

The Al Qaida is one such global terrorist group which has the frightening capacity to strike any target in any part of the world at any time. In the early stage of its operations during the nineties, it enjoyed patronage from the Taliban that controlled much of Afghanistan during 1996-2001. In this age of globalisation, when the world has become interconnected and interdependent, it has very quickly gained a universal character posing a grave threat to local as well as the global security and stability (Ivanov 2003). The Security Council countered this threat by creating the 1267 sanctions regime in 1999. The unique aspect of this regime is that it is the first and so far, the only sanctions

regime administered by the Security Council which has the global reach, transcending temporal and spatial restrictions (Ginsborg 2017: 74).

Chapter Three

**AL QAIDA-TALIBAN SANCTIONS COMMITTEE
1999-2011**

The primary focus of this chapter is to examine the rationale which led to the origin of the 1267 sanctions regime and the evolution of the Al Qaida-Taliban sanctions committee till its split in 2011. This chapter is divided into three sections. The first section sets the background which explores the situation in Afghanistan from 1978 to 1992. The subsequent rise of the Al Qaida and the Taliban and the conditions which forced Osama bin Laden to seek shelter in Mullah Omar's regime. The second section analyses the events and rationale behind the origin of the 1267 sanctions regime. It explores the circumstances which necessitated the sponsors of the Resolution 1267 to introduce the draft at the Security Council, the contents of the resolution and the reactions to it by the various Council members present at the meeting. The second section also lays down the outline of the 1267 sanctions regime by listing the key resolutions related to the regime. The third section traces the evolution of the Al Qaida-Taliban Sanctions Committee from the early developments, the changes which took place after the 9/11 incident and finally till the split in the regime in 2011.

Background

Situation in Afghanistan (1978-92)

On April 27 1978, the People's Democratic Party of Afghanistan (PDPA), a communist party with the backing of the Soviet Union (Runion 2007: 103) came to power in Afghanistan after a coup replacing the regime headed by Mohammad Daoud. Soon after gaining power, the party introduced radical social and economic reforms based on Marxist policies which did not go well with the local Afghans; as it failed to accommodate their age-old customs and practices. The reforms included a change in marriage rules, land reforms and equal opportunities for women. The local population perceived this as the forcible imposition of foreign values to weaken their traditions. Very soon a backlash emerged as a reaction to the policies in the form of revolts by the various tribal groups of Afghanistan. The Communist regime too reacted harshly by punishing and executing the rebels. The Amnesty International estimated that the regime had detained some 12,000 prisoners without trial and around 27,000 locals were executed (Runion 2007: 107-108).

The rebellion soon grew out of control, and the PDPA was forced to request the Soviet Union for assistance against the rebels. On 25 December 1978, the Soviet government responded by flying its troops into Kabul and thus taking control over the situation. The reaction against the occupation was imminent as tribal groups and Mujahideen forces perceived the Soviet troops as foreign invaders who had come to occupy their land. The Mujahideen were a group of Afghan insurgents who fought against the foreign forces to overthrow the communist regime with a goal to establish Islamic rule in Afghanistan. They were aided substantially by Western countries, particularly the United States (US) and the United Kingdom (UK), their main aim was to weaken the Soviet influence in Afghanistan. The Mujahideen were also aided by other regional players like Pakistan, Saudi Arabia, Iran, Egypt and Jordan (Runion 2007: 105).

Historically owing to its location, Afghanistan has always been in the crossroads of the power struggle between the eastern and the western powers. In the second half of the nineteenth century, the British were wary of the southward expansion of Tsarist Russia as it threatened their colonial interests in the Indian subcontinent. Both the powers made the surrounding Afghan region as their pawn in “the great game” to control Asia. The British fought three wars known as the Anglo-Afghan wars (1839–42; 1878–80; 1919) to exert their control over the region. They intended to maintain the Afghan region as a buffer zone between themselves and the Russian Empire to avoid a common border. In 1919 during the third Anglo-Afghan war, Afghanistan declared itself independent and the Soviet Union extended its diplomatic recognition. The USSR and Afghanistan also signed a ‘treaty of friendship’ in May 1921; this special relationship allowed the Soviets to wield their influence in the region. The east-west power rivalry extended in the cold-war era as the western powers wanted to contain the communist expansion. Also, the Soviet presence in Afghanistan threatened the American interests in the Persian region. The 1979 Soviet occupation of Afghanistan gave the opportunity to the United States and its allies to rout out the communist influence from the region by supporting the Mujahideen in their holy war against their perceived invaders (Saikal 2004; Encyclopaedia Britannica 2014).

At the UN, the majority of its members had opposed the Soviet occupation of Afghanistan. However, the leaders of the Communist Party of the Soviet Union like Leonid Brezhnev defended that, under the Article 51 of the UN Charter it was the right

of ruling regime to seek assistance from the Soviet Union. As the battle drew on, both the sides faced immense losses. 14,453 Soviet troops and an estimated 1.5 million local Afghans lost their lives including civilians and militants. Refugee crisis also emerged as approximate 6 million Afghans sought refuge outside, mostly in the neighbouring states of Pakistan and Iran. The wealthy and elite sections flew overseas to escape the domestic situation. An additional 2 million Afghans were internally displaced (Runion 2007: 112). In 1985 when Mikhail Gorbachev took over the Soviet leadership, he started looking for ways to gracefully withdraw his troops. The Afghan situation had now come to be popularly called as the Soviet Union's 'Vietnam' in terms of military, political, economic and diplomatic costs. Besides, the domestic support had also started to dwindle (Runion 2007: 115). On 15 May 1988, the Soviet started withdrawing their troops and by February 1989 the last of the Soviet troops had left the Afghan soil as part of the Geneva Accords facilitated by the UN mediation (Runion 2007: 105). Even after the troop withdrawal, the Soviets continued to aid the communist regime. In 1992, after the fall of the Soviet Union, the communist regime could no longer resist the attack from the Mujahedeen forces as the necessary support had stopped coming from Moscow. Finally, on 18 April 1992, the Mujahedeen forces breached Kabul and declared the country as the Islamic State of Afghanistan. (Runion 2007: 116).

The Rise of Al Qaida

Al Qaida caught the world's attention after the terrorist attack at the World Trade Centre in New York on 11 September 2001. However, before this, Al Qaida as a terrorist organisation had already supervised many such attacks around the world. This terrifying global reach was mostly because of its former leader Osama bin Laden. Born on 10 March 1957 to an affluent family in Riyadh, Saudi Arabia (Comras 2010: 36), Osama was well versed in Islamic studies from his childhood. He met his mentor and the future co-founder of Al Qaida, Sheikh Dr Abdullah Azzam when he was pursuing his higher education in economics at King Abdul-Aziz University. Azzam was a Palestinian theologian and a Muslim Brotherhood activist, who advocated violent means to overthrow Egypt's secular rule and elsewhere in the world (Comras 2010: 37).

In 1979 when the Soviets occupied Afghanistan, Azzam issued a Fatwa and called upon the Muslims from all over the world to participate in the Jihad or the holy war against

the communists. Osama too had decided to join the fight against the Soviets. However, Azzam convinced that his best talent laid in recruiting more fighters for the Mujahideen rather than personally enlisting for the war. Through the recruitment office at Peshawar, Pakistan called as the Maktab al-Khadamat, Osama assisted Azzam by recruiting fighters for the Mujahideen from all over the world. He invested his funds, US\$33 million inherited from his father in providing training, aid and weapons to the fighters. During this time Ayman al-Zawahiri, a radical Islamist from the Egyptian Muslim Brotherhood had also joined them to extend his support for their cause (Comras 2010: 38-39).

The Afghan-Soviet war formed the backdrop for the formation of Al Qaida. The Soviet withdrawal of troops was assumed as a victory for the opposing rebels and after the war, Azzam wanted to continue the fight at a global level with the goal of eventual re-establishment of Islamic control over all of the Muslim lands and communities. He coined the word “al-qaeda al-sulbah” in April 1988, which meant ‘solid base’ (Migaux 2011: 314-315). After Azzam’s death in 1988, Osama took over Al Qaida as its first-in-command and Zawahiri became the second-in-command. Gunaratna (2002: 54) described the Al Qaida structure during its formative years as, “it was neither a single group nor a coalition of groups: it comprised a core base or bases in Afghanistan, satellite terrorist cells worldwide, a conglomerate of Islamist political parties and other large independent terrorist groups that it draws on for offensive and other responsibilities”. In other words, Al Qaida acted as a network of groups with similar interests and looked upon Osama bin Laden as their leader for guidance.

In 1989 after the Soviet withdrawal, Afghanistan became a difficult place to stay due to the local infighting. Hence Osama shifted his base to Sudan upon the request of Hassan al Turabi who had recently seized power there. Turabi wanted assistance for fighting the Christian separatists, and in return, Osama and Zawahiri wanted a base for their next operation to attack Hosni Mubarak’s secular regime in Egypt (Comras 2010: 41). In the early 1990s, Al Qaida’s base expanded to West Asia, North Africa, Europe, US, Canada and South East Asia. It gradually began to emerge as a truly global terrorist network. In 1991, Osama issued Fatwas against the US forces for occupying the Muslim lands. In 1992, Al Qaida claimed the credit for downing 2 US black hawk helicopters in Mogadishu and forced the US to withdraw its troops from Somalia. Al Qaida also

provided support to Jihadi groups battling the governments in Yemen and Chechnya. Its first terrorist attack is traceable to a bomb explosion in Aden, where two Australian terrorists were killed. Other initial instances include a car-bomb explosion in the lower-level tower of WTO at New York in 1993 and a bomb explosion in a Philippine Airlines Flight in 1994 (Comras 2010: 42-44).

On 28 June 1995 at the Organisation of African Union's (OAU) summit in Addis Ababa, Mubarak's Motorcade was attacked. However, Mubarak himself escaped the attack with minor injuries. Egypt accused Sudan of harbouring terrorists and was joined by Somalia which also accused Sudan of sheltering radical Islamic refugees. Further instances like a terrorist attack in Riyadh on 14 November 1995, which killed two Saudis and five US nationals put Sudan in a tight spot as many countries were now angry at Sudan for providing shelter to the extremist forces. Ethiopia and Egypt approached the UN Security Council to take action against Sudan. The US with the support of African and European countries lobbied for imposing comprehensive sanctions on Sudan. However, Russia and China were not in favour of mandatory sanctions due to the negative limelight comprehensive sanctions had gained after the Iraq episode. Hence, the US resorted to providing military support to Sudan's neighbours; this put pressure on the Sudanese authorities to take some action. Due to the pressure being built on Sudan, Osama had to leave Sudan and had decided to seek shelter in Afghanistan where the radical Islamic group, the Taliban, took power after throwing out the weak and fractious Mujahideen in 1996 (Comras 2010: 45-50).

The Taliban Regime

In the 1980s during the Soviet occupation, the Mujahideen forces were able to remain united under the common goal of ending the communist regime in Afghanistan. However, as soon as the goal was realised, infighting among the rebel forces broke out to control power at the centre. The foreign powers including the United States did little to assist the Mujahideen in its rebuilding efforts. The US weapons which were provided to fight the Soviets were now being used to target each other. The massive influx of the returning refugees further worsened the situation. An estimated 1.2 million Afghans now sought to restart their livelihood. The influx increased lawlessness, poverty levels and vulnerability of women to rape and attack. Millions of mines laid earlier scattered around the country remained de-mined (Runion 2007: 119). UN and civilian aid

agencies tried to provide humanitarian assistance, but much of the relief and aid materials were stolen or sold on the black market (Comras 2010: 59).

The ensuing chaos presented an opportunity to the Taliban under the leadership of Mullah Mohammed Omar to rise as a dominant group capable of capturing power at the centre. The word 'Taliban' meant students or in the more glamorous term as they fashioned themselves as "seekers of knowledge". The Taliban was initially formed as a "Sunni-Muslim puritanical movement" with a goal of imposing strict allegiance to the Islamic law or the Sharia. (Runion 2007: 120). The Taliban mostly comprised of the Pashtun students who were indoctrinated into the Wahhabi fundamentalism. They received their training from the Pakistani military and intelligence agencies (Comras 2010: 60).

Since its independence, Pakistan had a troubled relationship with Afghanistan. In 1947 when Pakistan gained independence, Afghanistan was the only country which opposed its UN membership. Afghanistan had contested the legality of the international border which it shared with Pakistan. According to the Afghan authorities, it was the erstwhile British India which had drawn the borders called as the 'Durand Line'. Since the British had now left the region, Afghanistan sought renewed negotiations to establish a new agreement. Afghanistan claimed that the Durand Line agreement was not legal according to the international law as it was signed under duress. The Durand Line also divided the Pashtun people by drawing a border through their region. Further, the cold-war also played a role in enlarging the gap in relations, as Pakistan joined the US camp and Afghanistan aligned itself with the USSR. Later on, when the Soviets occupied Afghanistan in 1979, Pakistan began supporting the Mujahideen for its agenda to weaken the power of the former authorities and to establish hegemony in the region. Soon after the Soviet withdrawal, they started aiding the Taliban. The primary intention of Pakistan in supporting the Taliban was to prop up a reliable ally in the neighbourhood, which they could control easily (Siddiqi 2008).

By 1996, the Taliban had captured Kabul and formed the Islamic Emirate of Afghanistan by taking control over most of the territories in Afghanistan. In the international community, only three countries had offered them diplomatic recognition: Saudi Arabia, the United Arab Emirates and Pakistan. Most states opposed the Taliban rule, and this included the neighbouring countries like India, Russia, Iran and Turkey

(Runion 2007: 122). The Taliban regime is considered one of the darkest phases in Afghanistan's history as its regressive policies pushed back its society to feudal times. Mohammed Omar established policies which aimed to bring the Islamic way of life. The worst affected were the women, as their freedom was severely curtailed. They were prohibited from taking up employment. This affected the Afghan society in many ways as 70% of the teachers, 50% of the civil servants and 40% of the doctors were all women. In the city of Kabul, 45,000 of the war-widows could not support their dependents (Murthy 2002: 17).

When Osama was forced to leave Sudan in 1996, he sought to establish his next base of operations in Afghanistan under the Taliban regime. Mullah Mohammed Omar welcomed Osama to establish his home and base in Afghanistan. They both shared many commonalities, were equally fundamentalist and desired to drive out the West from the Muslim lands by using violent methods and striking terror in the minds of their perceived enemies. Here Osama gave the call for Jihad against the United States and its allies including Saudi Arabia (Runion 2007: 126-127). For the purpose of the Jihad, the private army of the Al Qaida called as the 055 Brigade was merged with the Taliban Army. Numerous terrorist camps were set up to train and indoctrinate young men (Runion 2007: 127). From 1996 to 2001, Al Qaida had raised an additional 10,000 to 20,000 recruits (Comras 2010: 52).

During the Taliban regime, the UN Security Council and the General Assembly together passed 19 resolutions in total to achieve their mandates of ceasing hostilities between the warring forces, limiting external influence, restricting the sale and supply of arms and providing relief and protection to humanitarian agencies. However, most of the objectives failed miserably as the UN could never gain the complete trust of the Taliban. For, it is not the Taliban but the former ruling faction of the Mujahideen which was seated in the General Assembly as a legitimate government of Afghanistan. Osama too perceived the UN body as an "instrument of crimes" against the Muslims and sought to bring distance between the UN and the Taliban (Murthy 2002: 6-8).

Origins and Outline of the 1267 Sanctions Regime

Since 1997, peace restoration efforts were being actively pursued by the UN and specifically, a group of countries called the 'six plus two'. The six being the countries surrounding Afghanistan: Pakistan, Iran, China, Tajikistan, Turkmenistan and Uzbekistan, the other two being the United States and Russia. These countries had decided to combine their efforts in convincing the warring factions of Afghanistan to come under one table and negotiate a peaceful settlement, which would end the unrest in the area once for all. Among the chief objectives was to find ways to halt all the activities related to terrorism and the illegal drug trade. However, the talks failed to produce any productive results and were stalled as the Taliban refused to comply with one of their major demands to turn over Osama bin Laden (Comras 2010: 61).

On 7 August 1998, extremists associated with the Al Qaida executed two terrorist acts. In both the instances, the US embassies were the target. The first one took place in Nairobi, Kenya, where a truck bomb carrying 907 kilograms of explosives detonated in front of the embassy building. It killed 12 of the embassy workers, and more than 4000 others were seriously injured. In the second case, another truck bomb exploded in front of the US embassy in Dar-es-Salaam, Tanzania. It killed 12, and around 85 were wounded. In both the cases, the damage could have been far worse, but the alert security guards were able to stop the trucks before it could enter the inner walls of the embassies. Both the attacks were planned and executed by the Al Qaida to signal the world community of its serious intentions (Comras 2010: 53-54). Condemning the incident, the UN Security Council unanimously adopted Resolution 1189 on 13 August 1998. It called upon all the member states to assist Kenya, Tanzania and US in their investigation efforts to capture the perpetrators of the attack (Security Council 1998a).

Two weeks later, news of an atrocious act committed by the Taliban came to light. The Taliban had captured an area called Mazar-e-Sharif, inhabited by the rival Shia tribes. The Sunni dominated Taliban forces went on a rampage and killed an estimated 8,000 civilians, and thousands more were detained. In the nearby vicinity, the Iranian Consulate was occupied, and 10 of the Iranian diplomats, one Iranian journalist and 2 UN aid workers were murdered. In Resolution 1193, which was adopted unanimously on 28 August 1998, the Council expressed grave concern over the situation in Afghanistan and stated that the crisis should be solved only through peaceful means. It

demanded all the warring factions in Afghanistan to stop fighting, resume negotiations and to halt the illegal drug trade (Security Council 1998b).

Acting on the intelligence leads, the United States launched 75 cruise missiles on various identified terrorist camps located in Afghanistan on 20 August 1998. It was believed that Osama was currently residing in one of them. However, he had managed to escape before the strikes took place (Comras 2010: 55). On the same day, President Clinton issued Executive Order 13099 which directed that Osama bin Laden be declared as a wanted terrorist and all his financial assets be frozen. Full-Scale diplomatic efforts were launched to extradite Osama for trial from the Afghan soil. The US made it very clear to Mohammed Omar that they wanted the Taliban to cease all activities related to terrorism and that Osama bin Laden should be handed over to the country where he was currently wanted. The US government in return was willing to accord the Taliban an international recognition and possibly a seat at the UN. And if the demands were not met, then the US had all the rights to retaliate including militarily. The Taliban however, had decided to reject all the demands. The US government under President Clinton decided to put pressure on the Taliban by imposing sanctions on them. Growing terrorism-related concerns in Chechnya and Xinjiang province had also convinced the Russian and the Chinese governments to support stricter measures like sanctions against the Taliban for sheltering Al Qaida (Comras 2010: 56-57).

A draft resolution was introduced On 15 October 1999, in the Security Council's 4051st meeting by six of its members (Canada, Netherlands, Russia, Slovakia, the United Kingdom and the United States). The draft resolution expressed concern over the deteriorating condition in Afghanistan including the recent atrocities by the Taliban in the Mazar-e-Sharif area, the continuous human rights violations, illegal drug production and trade, the ongoing unrest due to the infighting among the various factions. Acting under Chapter VII of the UN charter, the draft resolution demanded that the Taliban cease all activities related to terrorism which included providing shelter, training, financing or allowing the various terrorist groups to set base in Afghanistan. It further demanded the Taliban to turn over Osama bin Laden for trial to the country where he had been indicted. The draft resolution also mentioned that until all the demands as mentioned had been fulfilled, all the member countries should freeze financial assets belonging to the Taliban and deny any aircraft operated by the Taliban to take off or

land in their territory, unless it was for humanitarian or religious grounds. And finally, under the rule 28 of its provisional rules of procedure, a Committee consisting of all the Security Council members would be formed to enforce the regulations mentioned above. The tasks of the Committee included gathering reports from the member states on the status of sanctions implementation and to recommend appropriate measures. The Committee was, also, to provide periodic reports to the Council (Security Council 1999b). The draft resolution was put to the vote on the same day and was adopted unanimously as Resolution 1267.

During the meeting, the US representative voiced her satisfaction at the unanimous adoption of the resolution, and she characterised the Council's action as a bold step in combatting international terrorism. She also added that the sanctions were limited in nature and were only meant to target the Taliban and were not meant to bring any harm to the local people of Afghanistan. The Malaysian representative however, expressed his concern about the unintended consequences of sanctions. According to him, imposing sanctions on the Taliban was like imposing sanctions on all of Afghanistan as they controlled most of its territories. Malaysia would have preferred if the sanctions were implemented in a phased manner. The Chinese representative voiced sympathy to Malaysia's view, as sanctions might only end up exacerbating the sufferings of the ordinary Afghan people, who had already faced three decades of turmoil and sufferings (Security Council 1999a).

In line with the provisions of Resolution 1267, the Council gave the Taliban regime a 30-day period to comply with the demands before the sanctions came into force. The demands included ceasing of activities related to terrorism and illegal drug production and to turn over Osama bin Laden for trial (Murthy 2002: 18). The threat, however, made no difference to them. On the contrary, the Taliban's acting Foreign Minister Mullah Muttowakil told the UN representatives that the Taliban was willing to pursue negotiations, but the option to hand over Osama was not on the table. Rather he proposed that a panel of international Islamic clerics should conduct the trial of Osama. This was unacceptable to the Council, and at the end of the 30 days wait period, the sanctions came into force automatically on 14 November 1999. On the same day, the Taliban raided the UN offices in Kabul (Comras 2010: 65-66).

The 1267 Sanctions regime is currently one of the oldest and most active sanctions regime of the UN Security Council. Over the years, it has evolved by adapting various Resolutions and has expanded its mandates to include sanction measures like assets freeze, travel ban and arms embargo. The Committee (established under Resolution 1267 and 1989), oversees the implementation of the sanction measures and is also assisted by a Monitoring Team to fulfil its mandates. Initially, the targets involved individuals and entities associated with the Taliban and the Al Qaida, as designated in a Consolidated List, maintained and updated by the Committee. In 2011, the Council split the consolidated list into two categories: the Taliban list and the Al Qaida list. A new committee was established to oversee the Taliban List. In 2015, the listing criteria was expanded to include names associated with the Islamic State in Iraq and the Levant (ISIL). UN member states submit names to be included in the consolidated list and petitioners can also submit delisting request to the Office of the Ombudsperson. Currently, according to the last updated information on 29 May 2018, the list contains the names of 257 individuals and 82 entities (Security Council 2018b).

Table 3.1 Key Resolutions related to the 1267 Sanctions Regime

Resolution	Adopted On	Description
1267	15 Oct 1999	Insisted that the Taliban cease all activities related to terrorism, illegal drug trade, besides the demand to hand over Osama bin Laden within a 30-day wait period. Failing which, limited air embargo was imposed, and financial assets and funds belonging to the Taliban were seized. The Resolution established a Committee to oversee the implementation of the sanction measures.
1333	19 Dec 2000	Imposed arms embargo on the territory of Afghanistan controlled by the Taliban. Seized financial assets and funds of Osama bin Laden and his associates. Called upon the Committee to maintain an updated Consolidated list of the designated individuals and entities associated with Osama bin Laden.
1363	30 July 2001	A 5-member ‘Monitoring Group’ was established to assist the Committee in monitoring the implementation of the sanction measures.
1390	16 Jan 2002	Terminates the air embargo and imposes a travel ban on the designated targets.
1455	17 Jan 2003	Member States to submit an updated report on the status of the implementation of the sanctions measures.
1526	30 Jan 2004	Appoints an ‘Analytical Support and Sanctions Monitoring Team’ to replace the previous Monitoring Group.
1730	19 Dec 2006	Establishes a ‘Focal Point to receive delisting requests for all the Security Council Sanction Committees.
1822	30 June 2008	Committee to display the Consolidated List on its website along with the narrative summary of the reason of its listing.
1904	17 Dec 2009	Establishes the ‘Office of Ombudsperson’ to receive delisting requests for the 1267 Committee.
1989	17 June 2011	Decides to split the Consolidated List by creating a separate committee to handle designated targets associated with the Taliban. Introduces ‘sunset clauses’ in the delisting process. Ombudsperson can send recommendations to the Committee on the delisting requests.
2253	17 Dec 2015	Expands the listing criteria to include individuals and entities associated with the Islamic State in Iraq and the Levant (ISIL).
2368	20 July 2017	Mandates of the Office of Ombudsperson and the Monitoring Team extended until December 2021.

Source: UN Documents (Security Council 1999b; 2000b; 2001a; 2002b; 2003a; 2004a; 2006c; 2008b; 2009b; 2011c; 2015b; 2017b).

Elements of the Al Qaida and the Taliban Sanctions Regime

The 1267 Committee – Mandate and Evolution

The Security Council Committee under Resolution 1267 (1999), modified in Resolution 1989 (2011) and 2253 (2015), is officially called as the “ISIL and Al Qaida Sanctions Committee” (also called “the 1267 Committee” or “the Committee”). The Committee is the subsidiary organ of the Security Council and consists of all the members of the Council. The Council appoints the Chair of the Committee and the two Vice-Chairs for two years (Security Council 2016a). The Current Chair of the Committee is Kairat Umarov from Kazakhstan till 31 December 2018 (Security Council 2018a). The Committee makes decisions by consensus and in case if the Committee cannot reach any consensus, then it submits such matter to the Security Council for the final decision. The core mandates of the Committee are, as stated in paragraph six of Resolution 1267: (i) to seek information from the member states regarding steps taken by them on the effective implementation of the sanction measures and to recommend appropriate action in case of any violations. (ii) To submit periodic reports to the Security Council assessing the impact, humanitarian implications and any cases of violations of the sanction measures (Security Council 1999b). Its core mandate also includes as stated in paragraph 8 (c) of Resolution 1333, (iii) maintaining an updated list of the designated individuals and entities, based on the information as submitted by the member states and regional organisations (Security Council 2000b).

To assist the Committee in its work, the Council through Resolution 1363 (2004) created an “Analytical Support and Sanctions Monitoring Team”. It currently consists of 10 members and is based in New York. As directed by the Council in Resolution 2368 (2017), its core job is, as stated in Annex I: (i) to submit regular reports to the Committee on the status of the implementation of sanction measures. (ii) To study the threat posed by ISIL, Al Qaida, al-Nusrah Front, Boko Haram and Taliban and to recommend counter-measures against it. (iii) To gather information which would assist the Committee in keeping the list of designated targets updated and as relevant as possible, (iv) to assist the UN member states in their efforts to effectively implement the sanction measures, (v) to assist the Ombudsperson in carrying out its mandate, and lastly (vi) to work along with other UN bodies and international organisations in carrying out tasks as needed (Security Council 2017b).

Sanction Measures

As the regime evolved, so did sanction measures in the early phase. The first set of sanctions involved limited air embargo on the Taliban controlled flights and freezing of assets belonging to the Taliban. In the second set of sanctions, financial assets belonging to Osama bin Laden and his associates were seized, and an arms embargo was imposed on parts of Afghanistan under the control of the Taliban. The 9/11 attacks and its consequent developments however brought dramatic changes. Resolution 1390 imposed the third set of sanctions by implementing a universal travel ban and an arms embargo on all designated individuals. This radically changed the scope of the 1267 regime; the Committee was now charged to oversee the implementation of the sanction measures on a global level.

Working on the first set of sanction measures, the Committee had a slow start. It took five weeks, to issue its first directive. On 22nd December 1999, it identified aircraft which were owned or leased to the Taliban and imposed an air embargo on them. After a long duration of 5 months, on 12th April 2000, the first list was published with only the Taliban chief Mohammed Omar's name in it. By this time, the Taliban had gained enough time to transfer their financial assets to their overseas accounts. Other entities like Ariana Afghan Airlines, Afghan National Bank and Bank of Afghanistan were also included in the first sanctions list. According to the Secretary-General's report of 10 March 2000, the progress on resolving the situation remained hopeless. The Taliban remained adamant and even refused to protect or cooperate in providing humanitarian assistance to the general populace (Comras 2010: 66-67).

The stubborn refusal of the Taliban to concede with the Council's demands soon necessitated the second round of tougher sanctions (Murthy 2002: 20). The terrorist incident on 12th October 2000, in which the US Navy Destroyer USS Cole was targeted in an explosion in Yemen also played a role in strengthening the Council's conviction as the preliminary investigation revealed that it was the working of the Al Qaida, directly supervised by its leader, Osama himself. Following the incident, the US and Russia formed a bilateral group and drafted a resolution (Comras 2010: 69) which was adopted in the 4251st meeting, on 19 December 2000 as Resolution 1333. (Security

Council 2000a). The Resolution reaffirmed and reiterated the previous resolution and further called upon the member states to enforce arms embargo over the territory of Afghanistan, controlled by the Taliban and to reduce the level of diplomatic relations with them. It also called for freezing all financial assets belonging to Osama bin Laden and his other associates (Security Council 2000b). The Council might have expected the Taliban to accede to some of its demands but on the contrary, according to Murthy (2002: 20), this might have further reinforced the hard-line elements in the Taliban as it withdrew itself from the ongoing peace process.

During the vote, Resolution 1333 was supported by 13 countries, while two (Malaysia and China) abstained. The Malaysian Representative expressed his concern that additional sanction measures might further worsen the living conditions of the local Afghan people who are already languishing under the generation's worst drought. Moreover, the measures could hamper the work of humanitarian agencies and might impede the ongoing peace process. The Malaysian Representative also highlighted his concern that the sanctions were one-sided as the measures were only enforced on the Taliban. In his view, this compromised the neutrality of the Council. The US representative, on the other hand, clarified that the sanctions were only targeted against the Taliban and not the innocent population. The Chinese representative also articulated similar reservations. China regretted that certain modifications preferred by them had found no place in the text adopted. And finally, the Russian Representative in his intervention defended the one-sided arms embargo on the Taliban group. He specified that only the Taliban and no other groups were engaged in using weapons to repress the Afghan people and sponsoring terrorism outside its borders. Russia also emphasised that the Council should not give in to the blackmails of the Taliban and must remain strong and committed to its actions (Security Council 2000a).

India was also one of the co-sponsors of Resolution 1333 along with Kyrgyzstan and Tajikistan (Security Council 2000a). According to the Ministry of External Affairs (2001) report, the ongoing situation had a direct implication on its national interest including security concerns since Afghanistan was located in India's neighbourhood. The report stated that India did not recognise the Taliban regime as the official government of Afghanistan, but it only recognised the Government of President Rabbani as the legitimate one. The continuation of the Taliban regime had brought

suffering to the local population, and a return to normalcy was required to counter the current developments. And for this, the support from Pakistan had to stop. India had shown enthusiasm in the establishment of the Al Qaida and Taliban sanctions regime since the beginning. On 27 August 1999, India had participated in the UN debate on Afghanistan; it called upon the Security Council to take meaningful and effective measures. India's primary concern with the Taliban regime was that under them, the Afghan region had been converted into a "breeding ground for terrorists and extremist groups. And the largest source of opium production and illegal flow of narcotics in the world", which has jeopardised the peace and stability in the already volatile region. In the debate, India kept its stand that military solution was not the answer and that Afghanistan's "independence, sovereignty, unity and territorial integrity must be preserved". India had also played an essential role in the formulation of Resolution 1267 (Ministry of External Affairs 2000).

The third round of sanctions was imposed following the 9/11 incident. On 11 September 2001, Al Qaida terrorists attacked various targets located on US soil. In response, the United States invoking Article 51 of the UN Charter of its "inherent right" to take measures to defend itself, and launched "Operation Enduring Freedom" on 7 October 2001 (Murthy 2002: 21). Following the US invasion, the Taliban were forced to retreat into the mountains, but they had failed to capture Osama. With the help of the US forces the Taliban's rival group, 'the Northern Alliance' was able to consolidate its hold on Kabul. And by 5 December 2001, a new interim government was established under the leadership of Hamid Karzai (Runion 2007: 128).

The Post 9/11 incident witnessed the Security Council adopting several changes. By adopting Resolution 1388 on 15 January 2002, the Council withdrew the air embargo imposed on Ariana Afghan Airlines and the Afghan banks as the Taliban now had no control over them (Security Council 2002a). The Council also expanded the sanctions measures through Resolution 1390 adopted on 16 January 2002. A Universal travel ban was now imposed barring certain exceptions on all designated individuals and arms embargo was now lifted from the previous Taliban controlled parts and was imposed only on individuals who had figured in the Consolidated List. The 9/11 incident and the fall of the Taliban regime dramatically expanded the scope of the Committee. It was now charged with overseeing a sanctions regime which had no spatial restriction

(Rosand 2004: 747). Its mandates were now extended to confront an international terrorist network with no fixed address. Like the many-headed hydra from the Greek mythology, the Committee now faced an arduous task to combat such a tremendous challenge.

Post 9/11 Situation

After two weeks following the 9/11 attacks, the Security Council adopted Resolution 1373. It reaffirmed its condemnation of the attacks and called upon all the member states to suppress any financing, to refrain from supporting and deny providing haven to any terrorists or terrorist organisations. It also created a committee called as the “Counter-Terrorism Committee” (CTC), to monitor and to assist the member states in the application of the measures as mentioned in the resolution and also called upon the states to submit regular reports on the status of the implementation (Security Council 2001b). However, the CTC’s efforts to tackle the threat of international terrorism have been severely bogged down due to the lack of collective agreement on the ‘definition of terrorism’. In the UN, the issue is mired in the debate of ‘the subjective vs the objective’ understanding of terrorism. For some of the countries belonging to the Organisation of Islamic Countries (OIC) group like Libya, Syria and Iran, the definition of terrorism must exclude acts of ‘freedom fighters’ who are fighting for their right to self-determination. However, most of the western countries and even Asian countries like India who have been victims of terrorism want the objective definition of terrorism to be accepted at the international level, which does not consider the motives behind a terrorist act (Conte 2010: 21-22). The lack of definition allows countries to decide which actions come under terror independently. This permits them to blindly support specific extremist groups. Like the case of Saudi Arabia supporting the Hamas, and Iran and Syria, supporting the Hezbollah.

The fall of the Taliban regime forced the extremist groups to move out of Afghanistan. Many of them migrated back to their own countries or joined local terrorist cells associated with the Al Qaida, located in various parts of the world. Soon the world community stood witness to the unleashing of the terrorist acts being perpetrated by the Al Qaida. On 11 April 2002, a Synagogue was firebombed in Tunis, killing 19 people. On 12 October 2002, three bombs exploded on a popular beach resort in Bali, Indonesia. The number of casualties was 202 dead. On 23 October 2002, Chechen Islamists

attacked a theatre in Moscow and targeted 168 people (Comras 2010: 91-92). In response, the Security Council on 17 January 2003 unanimously adopted Resolution 1455 to tighten the implementation of the sanction measures. It also emphasised the need for “improved coordination and exchange of information” between the 1267 Committee and 1373 Counter-Terrorism Committee (Security Council 2003a). The Resolution also sharpened the Council’s ability to determine which states were lagging behind in the implementation of the measures (Rosand 2004: 747).

To address the grim situation on the proliferation of the terrorist acts orchestrated by the Al Qaida and its associates, the Council on 20th January 2003 convened a High-Level meeting with an agenda to take an “urgent action to prevent and suppress all support for terrorism”. Resolution 1456 was adopted unanimously in a meeting in which 13 of the Council members were represented by their country’s foreign ministers. The Resolution reaffirmed member states’ responsibility to “take urgent action to prevent and suppress all support for terrorism” and to coordinate with the 1267 and 1373 committee in their efforts to implement the relevant measures (Security Council 2003b). However, despite the efforts, the pace of terrorist attacks did not slow down. Housing complexes occupied by the Westerners were attacked in Riyadh and Casablanca on 12 and 16 May 2003. In Istanbul, Synagogues, British Consulate and an HSBC bank were attacked on 15 and 20 November. On 13 August 2003, a truck bomb exploded in front of the UN Headquarters in Baghdad. The explosion killed 17 people, which included a UN Special Envoy and his associates. On 6 February 2004, Moscow’s trains were targeted, killing 40 people. Four trains were targeted in Madrid on 11 March 2004, which killed 190 people. In London bombings, on 7 July 2004, the dead included 56 people. On 23 July 2004, an Egyptian city Sharm El Sheikh was targeted, in which 63 people lost their lives. The gravest of them all was hostage situation on 1 September 2004, in which a school in a small Russian town called as Beslan was taken hostage. Among the 340 hostages that were targeted, 185 were children (Comras 2010: 92).

To equip the Committee with access to better tools to accomplish its mandate, the Council requested the UN Secretary-General to facilitate increased co-operation between the International Criminal Police Organization (Interpol) and the 1267 Committee by adopting Resolution 1617 on 29 July 2005. The Resolution also defined what the terms “associated with” the Taliban or Al Qaida meant: meaning those

“participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materiel to; recruiting for; or otherwise supporting acts or activities of Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof” (Security Council 2005b). The Resolution, thus, brought clarity on the phrase of ‘associated with’ as there were incidents in which the ruling governments in some of the member states had resorted to list the names of their political rivals to satisfy their selfish agendas (Comras 2010: 90).

Monitoring Group

Acting on the recommendation of the “Committee of Experts” established under Resolution 1333 and after considering the inputs from the countries bordering Afghanistan, the Security Council on 30 July 2001 established a five-members based “Monitoring Group” which was to be located in New York by adopting Resolution 1363. Its task was to assist the Committee to implement the sanction measures effectively. The Group was to be composed of individuals who were experts “in the fields of arms embargoes, counter-terrorism and related legislation”. Its mandates included: to assist the UN member states, chiefly the bordering states of Afghanistan in their efforts to implement the sanctions as mentioned under Resolution 1267 and 1333 (Security Council 2001a). The Monitoring Group functioned for 30 months till its mandates expired on 17 January 2004. In its place on 30 January 2004, the Council established a New-York based “Analytical Support and Sanctions Monitoring Team”, also called as the “Monitoring Team” by adopting Resolution 1526. This new eight-member team replaced the earlier Monitoring Group and its members.

Mendelsohn (2015: 612) views that the earlier Monitoring Group was replaced because of the criticisms it faced over “lack of responsiveness and transparency in its workings; absence of sophisticated analysis and overstepping its mandates”. However, Viktor Comras strongly digresses from this view. He was one of the experts who was part of the earlier Monitoring Group from May 2002 to January 2004. He remarks that the main reason Monitoring Group was replaced because of its tendency in its report to ‘name and shame’ those countries which were falling behind in effectively implementing the sanction measures. This embarrassed many member states, including

the powerful ones as it exposed their failure to comply with the Security Council's orders. The newly replaced Monitoring Team was thus placed directly under the control of the 1267 Committee, giving it more oversight on its working but in comparison with the earlier group, it had less independence and hardly any autonomy (Comras 2010).

The reports submitted by the Monitoring Group were "objective and hard-hitting" and gave a frank analysis of the Committee's limited capacity to fulfil its mandates and specified cases of non-compliances by the member states. The Group focused on four main areas: (i) to track the methodologies used by the Taliban and the Al Qaida to fund themselves and evaluating the measures taken by the member states to freeze such financial assets, (ii) analysing the steps taken by the states to restrict the movement of the designated individuals, (iii) to gather information on the volumes and types of arms and ammunition under the possession of the Taliban and the Al Qaida and the location of their bases and training camps, and (iv) to assess the utility of the Consolidated List and its objective to curtail the activities of the listed individuals (Comras 2010: 117-118).

The Monitoring Group's initial report on January 2002 mentioned that even after the fall from power, the Taliban still had access to funds and weapons which were coming from outside. And the Committee lacked resources to stop them. The report indicated that the Taliban raised funds from the illegal drug trade which flows through the porous borders of the Central Asian countries. The Group also reported the laxity shown by Pakistan in implementing the sanction measures as the Taliban were able to smuggle in high-value goods and arms by the abusing the trade agreements with Afghanistan. The Group highlighted that the governments often hesitated to disclose complete information (Security Council 2002c). The Group then improvised by collecting the required information which went beyond the reports submitted by the states. The group undertook its own enquiries to determine the true nature of compliances. It began visiting countries to gather information from governmental and non-governmental sources. And very soon it started attracting criticisms as some of the countries did not tolerate this style of working. They wanted the Monitoring Group to work as its counterpart, the CTC i.e. to review only those reports submitted by the member states (Security Council 2002d; Comras 2010: 117).

After the initial military success against the Taliban and the Al Qaida elements on the battlegrounds, many of the countries were quick to declare victory. But the Monitoring Group's September 2002 report, did not share this picture. It created a controversy when the report was leaked to the press (Comras 2010: 118). According to the report, the global network of the Al Qaida was still active and growing. It raised its finances through black markets and other illegal activities. A significant portion of these funds was also coming from unaccounted religious charities. The report pointed out the lax border controls in the Schengen region, allowed the terrorists to travel throughout the European region by obtaining just one visa. Many known elements were still not included in the Consolidated List due to "stringent evidentiary evidences" demands of some of the European governments. The distinct number of terrorist lists maintained by the US, European and other countries also contributed in complicating of the process (Security Council 2002e). However, the Group mentioned in its December 2002 report that countries now took heed, but problems remained. According to the report, Al Qaida seemed to have suffered some setbacks as the sanction measures had effectively restricted its capacity, but due to its extremely decentralised character, it remained a challenge, and the threat levels were still high (Security Council (2002f).

According to Comras (2010: 123-126), the pressure on the Monitoring Group had now started to build up. Countries were now reluctant to share information. This showed in the number of member-state reports received by the Committee on January 2004. Only 51 countries or one-third of the UN members had sent their reports. The Monitoring Group had now understood that its mandates will expire soon and will not be further extended. Knowing that this would be the last report, the Group made the December 2003 report to be the most critical one. It described the problems but continued to provide specific cases of non-compliances and naming the violators. The Group criticised Italy, Switzerland and Liechtenstein for allowing a designated person Youssef Nada, to roam freely between the countries violating the travel ban. Nada had also changed the names of designated companies and liquidated their assets despite the sanctions. Russian and Chinese made firearms were being supplied to the Taliban and Saudi Arabia was unable to control the activities of certain designated individuals. The axe finally fell on the Group as its mandates expired on 17 January 2004 and were replaced by a new team.

The Analytical Support and Sanctions Monitoring Team differed from the Monitoring Group in many ways. The Monitoring Team was placed under the direct supervision of the Committee. It was required to get its authorisation before visiting any country and also to consult the country if the Team was planning to visit. The Team was supposed to “take into account” the comments of the visiting country before disseminating any information of it. All these seriously curtailed the autonomy and their ability to use confidential sources. “Naming and shaming” was one of the effective weapons of the previous Monitoring Group but this was no longer in the arsenal of the Monitoring Team. In its reports, the team continued to call attention to the “systemic weakness”, but it refrained from openly exposing the non-compliance cases. In December 2006, the Council decided to empower the Monitoring Team by adopting Resolution 1735 to identify compliance issues, but due to the extremely political nature of the Committee, it still refrained from reporting them (Comras 2010: 127-129).

Process and Problems of the Consolidated List

In the initial phase, there were no proper guidelines or standards for the member states in submitting names for the Consolidated List. Submission of names was mostly based on the political judgement. This approach was justified because the states wanted to protect their source of information. However, the secretive nature of the process and lack of transparency failed to safeguard the due process rights of the individuals concerned. Citing a couple of instances may be instructive. The first case, on 9 November 2001, the United States enlisted 3 Somali-born Swedish citizens in the 1267 Committee’s consolidated list, alleging that the three were associated with the international terrorist financing network - Al Barakat. After the enlistment, the Swedish government seized their financial assets. However, one of the individuals who was running for the post of the public office raised the issue that they had no idea about Al Barakat’s association with the Al Qaida at that time. They protested against the listing of their names by the 1267 committee as they were denied any legal recourse to contest against it. Due to domestic pressure, Sweden was forced to approach the 1267 Committee and the US. It objected to the inclusion of names without any concrete proof of their wrongdoings. Only after an intensive bilateral discussion with the US, the Committee agreed to drop those three names from the list. This case highlighted the inadequacies in the listing and delisting procedure like lack of formal appeal, opaque

procedures and the absence of a review mechanism. Responding to this issue, on November 2002 the Committee adopted guidelines for the process of inclusion and exclusion of names in the list. States were requested to furnish as much information as possible to make the connection with the Taliban or the Al Qaida. And if the information were insufficient then the request would not be entertained (Rosand 2004: 749-750).

The second instance involves Yassin Abdullah Ezzedine Qadi, also known as Al-Kadi, a wealthy and influential Saudi businessman with financial investments around the world. He was designated and listed by the 1267 Committee on 17 October 2001, on the accusation that he had ties with the Al Qaida. On 18 December 2001, Al-Kadi took his case to the European Court of First Instance, contending that the freezing of accounts violated one of the European Union's fundamental laws, i.e. interference in the property rights without a right to fair hearing. When his petition was denied, he took his case to Pires de Góes Monteiro, who chaired the 'Office of European Community's Advocate General'. Monteiro upon hearing his case issued an advisory opinion in favour of Al-Kadi. He agreed to back Al Kadi's case in front of the European Court of Justice. He argued that Kadi was entitled to a fair hearing. This put the ECJ into a dilemma, it did not however lift the sanctions but introduced a mechanism by which the listed individuals were given a chance to be 'heard'.

The Al-Kadi case is one of the examples which represent the judicial and political challenges faced by the Committee. The Committee at that time was facing 15 lawsuits filed in seven countries challenging the UN designations. Cases pending before the European Union and in national courts around the world had begun to pile up. The Consolidated list has been a controversial thing among the human rights advocates as it penalises the designated individuals without any procedural protection, judicial oversight and it lacks transparency. This put a brake to the rush for fresh designations as the UN member states were now less interested in submitting names for the list, this also undermined the value of designation as a weapon against combating terrorism (Comras 2010: 98-99).

Agreed Procedure for Delisting

With an intention to provide solutions, Germany, Sweden and Switzerland had convened a private group of experts to review the Committee's listing and delisting procedure in 2006. The report called for a biennial review of designations and recommended to establish a 'Focal Point', which will handle the delisting requests (Comras 2010: 100). Acting on the report, the Security Council unanimously adopted Resolution 1730 on 19 December 2006 in its 5599th meeting. It resolved to bring a fair and objective procedure in the listing and the delisting process, to "balance effectiveness against possible adverse consequences". The Resolution, for this purpose, requested the Secretary-General to establish within the United Nations Secretariat a "Focal Point", which will receive the delisting requests from the designated individuals. It also directed all the Sanction Committees established by the Security Council including the 1267 Committee to adopt this new provision (Security Council 2006c). In the meeting, various Council members welcomed the new provision. The French representative stated that the new procedure made the delisting process "more accessible, clearer and standardised". According to the Danish representative, the new provision made the UN sanction committees more credible and will also provide the member states with an incentive to engage in the implementation process actively. The representative from Argentina mentioned that this affirmative action marked progress towards protecting the rights of those who had been wrongly listed. Qatar however pointed out that the delisting process remained weak as it was still not independent and neutral, thus lacking in fairness. Qatar was unhappy that the amendments it suggested were not taken on board by the sponsors of the resolution (Security Council 2006b).

On the whole, the Focal Point satisfied one of the long-standing demands of providing a mechanism for the designated individuals to submit their petition for delisting. However, when it came to satisfying the due process concerns, some limitations remained. Advocate General Maduro in his argument before the ECJ dismissed the Focal Point as still lacking "established international standards of fairness and due process". There was no obligation to take views of the petitioner, and no information was provided on what grounds the individual was listed (Comras 2010: 101). Tladi and Taylor (2011: 781) opine that the newly established Focal Point acted like a Post Office. Its task was only to receive delinking requests and forward the petitions to their

respective Sanctions Committee. The process as earlier remained diplomatic and intergovernmental. Michaelson (2010: 451) observes that although the newly established provision allowed to submit the request, it did not give the petitioner any right to participate or be heard in the review process. Nor did it constitute an independent review mechanism to review the petitions. Further, lack of specified rules left the petitioner on the mercy of the approval of the Committee members, who decided on a discretionary basis.

Moreover, to make the listing process of the 1267 Committee transparent, the Council decided to open the listing information by allowing the Public to access them on the Committee's website. Accordingly, on 30 June 2008, the Council adopted Resolution 1822 in its 5928th meeting. It directed the Committee to display the Consolidated List on the Committee's website in a narrative summary on the reason of listing and to also include the past listings. Member states were requested to mention which parts of the information can be opened for access when submitting a listing request. The Committee was also mandated to review the names in the list periodically and to keep it updated (Security Council 2008b). In the meeting, the Costa Rican representative stated that while his country has belief in the "collective measures regime" to tackle threats like international terrorism, the measures taken should be in accordance with the principles laid down as per the UN Charter and the International law. His concern was that the Security Council's sanction measures were punitive and hence must comply with the "international standards of due process as set out in the International Covenant on Civil and Political Rights and other instruments of international human rights law". (Security Council 2008a).

Office of the Ombudsperson

Due to enormous pressure from international jurists and human rights advocates and to further improve the delisting process, on 17 December 2009, the Council adopted Resolution 1904 in its 6247th meeting. It decided to establish the 'Office of the Ombudsperson' to assist the Committee in considering delisting requests for 18 months. The Secretary-General was requested to appoint "an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights, counter-terrorism and sanctions, to be Ombudsperson". The Office of the Ombudsperson was now given the responsibility to

handle the delisting requests of the 1267 Committee. The Resolution mandated the Ombudsperson to perform its task independently and impartially without being influenced by any of the governments. The mandates and the working procedures of the Office of the Ombudsperson are specified in Annex II of the Resolution 1904. The process involves three main steps: to gather information, to engage in dialogue with the petitioner and to submit a report to the Committee for the final decision (Security Council 2009b).

The received delisting is first verified, and then the Ombudsperson sets upon the task of gathering information from the member states, relevant UN bodies and the Monitoring Team for two months. The designating state or any states as deemed pertinent is requested to submit relevant information as required for the case. The Ombudsperson will also seek the state's opinion on the request and any explanations which the states might want to communicate to the petitioner. The Monitoring Team is then tasked by the Ombudsperson to collect "facts based assessment of the information" as provided by the petitioner. After the end of two months, the Ombudsperson will submit the progress report to the Committee. If required, the information gathering process is further extended for two months. In the second step of the process, the Ombudsperson engages in a dialogue with the petitioner for two months or more as required, seeking additional information or clarifications. The petitioner's replies are also forwarded to the concerned states, Monitoring Team and the Committee. Upon completion of the dialogue, in the final step, the Ombudsperson compiles and submits a comprehensive report to the Committee, summarising the case and present's arguments on the delisting request. The Committee has 30 days to review the submitted report and decide as per the established procedures. The Ombudsperson then conveys the decision to the petitioner (Security Council 2009b). In the meeting, the Austrian representative recalled that the General Assembly's 2005 World Summit had called upon the Council to make the listing and delisting into a fair and transparent procedure. Resolution 1904 by creating the 'Office of the Ombudsperson' now fulfils that obligation. For the first time now, petitioners can forward their delisting request to the Office chaired by an eminent individual as appointed by the Secretary-General, thereby enhancing the credibility and effectiveness of the 1267 sanctions regime (Security Council 2009a).

Split of the 1267 Sanctions Regime

The United States under the Barrack Obama administration started endorsing the idea of the reconciliation with those Taliban groups which did not share the ideology of Al Qaida. In January 2010 London Conference, President Karzai put forth his idea to set up a “National Council for Peace, Reconciliation and Reintegration” for those in the Afghanistan who were “willing to renounce violence, participate in the free and open society and respect the principles that are enshrined in the Afghan constitution, cut ties with Al-Qaeda and other terrorist groups, and pursue their political goals peacefully” (Chandra 2011: 839). Recognising that certain Taliban groups rejected the terrorist ideology of the Al Qaida and took steps to join the reconciliation process of the Government of Afghanistan, the Security Council adopted two resolutions 1988 and 1989 in its 6557th meeting on 17 June 2011 to effectively split the Consolidated List into two: the ‘Taliban Sanctions List’ and the ‘Al Qaida Sanctions List’. The consequent capture and the death of Osama bin Laden on 2 May 2011 by the US Navy SEALs (BBC News 2011) also might have played a significant role in the Council’s decision to split the 1267 Sanctions Regime. According to Tladi and Taylor (2011: 783), the threat posed by the Taliban after ten years since the 9/11 attacks were “qualitatively different” when compared to the threat posed by the Al Qaida. Since the Taliban no longer sheltered the Al Qaida fugitives, it made sense to keep the two lists apart.

Resolution 1988 split the Consolidated List prepared by the 1267 Committee by separating the names of the individuals and entities associated with the Taliban and henceforth to be called as “the Taliban List”. It also established a new Committee to continue the implementation of the sanction measures as imposed by the previous resolutions. However, the Office of the Ombudsperson would no longer receive the delisting requests for the Taliban Committee. The delisting requests related to the Taliban Committee was now to be received by the Focal Point as established by Resolution 1730 (Security Council 2011e). Resolution 1989, mandated the 1267 Committee to maintain only the list of individuals and entities associated with the Al Qaida and henceforth to be called as “the Al Qaida Sanctions List”. The resolution also extended the mandate of the Ombudsperson to submit a delisting request and after the expiry of a waiting period of 60-days, a name would be delisted upon no objection from

the Committee. However, a name would stay in the list if a Committee in its full consensus decides not to remove it from the list. Similarly, a designating state could also now submit a delinking request for a name submitted by it (Security Council 2011f).

In the meeting, the US representative welcomed the changes, which according to him signalled the Council's ability to adapt as per the changing nature of the threat. The action would, as he hoped, assist the Government of Afghanistan in the reconciliation process. The US acknowledged the 1267 sanctions regime as one of the most critical "multilateral counter-terrorism tools" of the world community. Germany joined to welcome the decision to split the regime and establishing a country-specific regime to deal with the rebels who are against the government of Afghanistan. It hoped that the government of Afghanistan would henceforth have more control over the procedure of listing and delisting of the Taliban targets and with this change. The Indian representative mentioned that India has always extended its full support to the United Nations-led counterterrorism efforts and it also lends its support to the Afghan-led "inclusive and transparent process of reconciliation" with its domestic rebel groups. Nevertheless, he cautioned the Council about the interlinkages between the Taliban, Al Qaida, Lashkar-e-Toiba and other terrorist groups that form a significant source of threat globally and also in the region to the countries bordering Afghanistan. The French representative stated that, even after the death of Osama bin Laden, the Al Qaida has continued to evolve and pose a global threat. He believed that the links between the Al Qaida and the Taliban have not entirely disappeared yet, although his country was prepared to support the reconciliation process between the Taliban and the Afghan Government. The representative from the United Kingdom welcomed the Council's action as an encouraging signal to the Taliban to join the reconciliation process (Security Council 2011a).

Tladi and Taylor (2011: 783-788) note that the Resolutions 1988 and 1989 brought three significant changes to the 1267 sanctions regime. First, it split the sanctions regime by establishing a separate committee to handle the "Taliban sanctions list". Second, it linked the sunset clauses to the delisting procedure of the "Al Qaida sanctions list". The term "Sunset Clause" refers to a time frame or an expiry period of a certain legal procedure (Cambridge Dictionary 2018). The Committee will now be obliged to

act upon the delisting request sent by the Ombudsperson within a 60-days waiting period. And third, it extended the mandates of the Ombudsperson to make recommendations to the “Al Qaida Committee” on delinking requests. These changes carried much significance as the split in the regime would enhance the political dialogue between the Taliban and the Afghan government. The changes in the delinking procedure would ensure to some extent that only those names associated with Al Qaida will remain on the list. Moreover, by strengthening the mandates, it contributed in making the Office of the Ombudsperson more independent and impartial.

Chapter 4
**ISIL–AL QAIDA SANCTIONS COMMITTEE 2012-
2018**

This chapter essentially examines the work of the UN Security Council, particularly that of the Committee on Sanctions, during the years 2012-2018 in the light of the threat originating from Al Qaida's splinter group, the Islamic State of Iraq and Levant (ISIL) in the context of the 1267 sanctions regime. This chapter is divided into four sections. The first section offers an overview of the situation of Al Qaida after the death of its founding leader, Osama bin Laden in May 2011, the key developments in the Al Qaida Sanctions Committee from 2011 to 2014, and the origins of the ISIL, which lie in the differences it had with the Al Qaida's central leadership. The next section traces the Security Council's responses in the form particularly of sanctions in the light of the evolving threat posed by the operations of the ISIL and its affiliates. The third section looks at responses of the 1267 Committee at the threat posed by the terrorist groups based on the Chairperson's briefings to the Security Council. The final section gauges the impact, sanctions had on ISIL and a brief assessment of the current threat posed by the ISIL, Al Qaida and their affiliate groups.

Background

During the final days of Osama bin Laden, Al Qaida's global reach and its influence had begun to decline. Post-2006, the frequency of terrorist attacks had started decreasing. The decline was due to the counter-terrorism efforts of the international community and also partly of its own making. Its central leadership (called as the Al Qaida core) was mostly confined to the mountainous regions of the Afghanistan-Pakistan border and faced relentless air and drone strikes. It was increasingly cut-off from its global affiliate groups and supporters as they could not motivate them. Bin Laden's death in May 2011 and followed by the deaths of Al Qaida's key leaders left the movement reeling. Ayman al-Zawahiri took over the command, but he lacked the necessary leadership charisma of his former boss. Since then the Al Qaida affiliated groups started acting more and more independent. With the result, the Al Qaida affiliated groups in conflict-ridden zones of West Asia and North African regions have grown in strength and importance (Byman 2011; Security Council 2011e; 2011f; 2012b; 2012c).

Al Qaida Sanctions Committee (2011-14)

The Al Qaida Sanctions Committee's Chairperson in his briefing to the UN Security Council in May 2011, shared his personal view that the death of Osama bin Laden was a "caesura", which in Greek meant a turning point. However, his demise did not mean an end of terrorism or Al Qaida. Hence, the Chairperson explained that there would be rigorous implementation of sanctions as various groups of Al Qaida are still active and are a threat to the international peace and security. The committee could consider how best to marginalise Al Qaida and ensure that the list continues to adequately reflect the evolving threat posed by the Al Qaida and its affiliated groups (Security Council 2011d). Further, in the briefing held in November 2011, the Committee's Chairman warned that the Al Qaida had become an even more complex phenomenon with a globally diverse range of supporters and fighters. Its affiliated groups had managed to blend with regional and local issues with Al Qaida's global agenda to increase its appeal among them (Security Council 2011b).

The Committee delisted bin Laden on 21 Feb 2013 and also ensured that his frozen assets would not be misused by the terrorist elements (Security Council 2013b). The Council adopted two resolutions in 2012 and 2014, to ensure that transparent and effective procedures are followed in the Al Qaida sanctions framework. Resolution 2083 adopted in December 2012 further enhanced the fairness, by introducing the provision to allow individuals and entities to submit requests for exemptions through the "Focal Point" (established in 2006), for consideration of the Committee. It also authorised the Office of the Ombudsperson to request the Committee for allowing petitioners to travel to another state to be interviewed by the Ombudsperson. Through Resolution 2161 adopted in June 2014, delisted individuals were now allowed to approach Focal Point, for cases of "continuation of the sanction imposition" even after being taken off the list. The resolution also requested the UN Secretary-General to publish the Al Qaida Sanctions list in all official languages of the UN. The Committee has incorporated these changes into Guidelines for the Conduct of Work, outlining the precise procedure for the listed names to claim sanction exemptions and delisted ones to appeal for stopping the continuation of the sanction measures (Security Council 2012d; 2014i).

The Chair in his May 2014 briefing to the Council, referred to the developments in Iraq and Syria. He said that the Committee would keep the global approach to the threat and ensure that the sanctions imposed are supporting the international community's response to the evolving threat by keeping the list updated (Security Council 2014j). By the end of 2014, the number of individuals listed was 231 and number of entities was 70 under the Al Qaida sanctions regime (Security Council 2014k).

Rise of ISIL

The Islamic State of Iraq and Levant (ISIL) was formerly called as the 'Al Qaida in Iraq' (AQI), an affiliate group. AQI was started by its former leader 'Abu Musab al Zarqawi' in 2003. It pledged allegiance to Al Qaida and was also listed in the Consolidated List maintained by the 1267 Committee in the same year. Its original goal was to establish a state based on the 'Sharia Law' in Iraq. In 2013 it expanded that idea to incorporate the Sunni majority areas of Syria and hence renamed itself as ISIL to reflect that. By early 2014 taking advantage of the instability in Iraq and the civil war in Syria, it rapidly advanced to occupy significant parts of Iraq and specific border areas of Syria. It had now control over a large area which was rich in oil and other resources. In February 2014, owing to differences over leadership and strategic targets, ISIL disassociated itself from the Al Qaida core. On 29 June 2014, its leader Al Baghdadi announced himself as the "Caliph" and claimed authority over the Muslim world. However, a vast majority of Muslims around the world reacted by rejecting the ideology of ISIL and condemned Al Baghdadi for usurping the title. More than 120 Islamic scholars wrote an open letter to Baghdadi, refuting the biased interpretations of Quran and denounced the brutal acts of the ISIL as un-Islamic (Security Council 2014f; 2014g; 2014h).

AQI and the Al Qaida core shared similar goals, but differences had grown over the years. Many of the AQI's early leaders considered the 9/11 attacks as a blunder as they lost Afghanistan as a "base of operations". Instead, they wanted the Jihadists to work through disconnected cells and wear down the enemy. 9/11 also became Al Qaida's "Achilles heel" as they could not replicate such mega attacks. Besides, Bin Laden's views were considered abstract and elitist about being the West as its enemy. Its former leader Zarqawi considered the Shiites as their principal enemy for following false theological doctrines thereby undermining Islam. For his Sunni fanatical followers,

Shiites as their enemies were more relevant and rather than the West. Al Qaida's way of fighting by operating a network of secret groups was also unappealing to Zarqawi's followers. The 2003 invasion of Iraq by the US-allied forces came as a boon to Zarqawi. The post-invasion political order had put the Shiites in power, and the Sunnis were now at a disadvantage and were also marginalised. This allowed Zarqawi to recruit the Sunni fanatics and launch a campaign of terror aimed at the soft Shiite targets. The Al Qaida's core leadership represented by bin Laden and Zawahiri however was not pleased with the killing of Shiites. According to them, this placed their global jihadist movement in jeopardy by pitting the Muslims against the Muslims. Zarqawi refused to follow their orders, for he believed that the "Commander on field's order trumped above anyone else's" (Haykel 2016: 75-76).

Till 2010, the US forces were militarily able to restrict the AQI movement. In 2012, the AQI was able to restructure itself as the Iraqi PM's policies of "persecution and marginalisation" of the Sunnis provided a new impetus. AQI's leader Baghdadi took advantage of the Syrian civil-war to expand the base of operations. President Assad's Alawite dominated minority regime was hated by the majority Sunni fanatics as they considered them as a heretical branch of Shia Islam. In August 2011, Baghdadi opened a new front in Syria called as the Al Nusra Front (ANF) also called as the Al Qaida in Syria. However, in 2013 AQI and ANF began to clash over issues of leadership. ANF remained loyal to the Al Qaida central command but AQI followed Baghdadi's orders. By late 2013, Raqqa in Syria fell to AQI now renamed itself as ISIL, and by June 2014 Mosul, Iraq's largest city was also captured by the ISIL forces. ISIL now ruled over 8 million people and a vast territory of a size of Great Britain. The quick military success was also one of the reasons for Baghdadi to claim himself as the Caliphate as he considered them as a divine sign (Haykel 2016: 76-79).

At the UN Security Council: Issues and Responses

Monitoring Team's Assessment of the ISIL Threat

In its report in November 2014, the Monitoring Team made a qualitative assessment of the threat posed by the ISIL and ANF in the region and beyond. According to the team, both ISIL and ANF posed significant short-term and long-term risks. Short-term risks

include immediate threats to the population of the territories which are under the control of ISIL and ANF. Both the groups are known for their history of summary executions of prisoners, rapes, acts of sexual violence, extortions, intimidation, forced expulsions of ethnic and religious minorities and mass killings. Lives of UN and humanitarian workers from other organisations are at risk. Journalists had been targeted and killed or kidnapped for ransom or political agenda. There was also a severe threat to the territorial integrity of Iraq and the Syrian Arab Republic. Their presence threatened the efforts to forge a new political order in Iraq and a political settlement in Syria (Security Council 2014h).

The Long-term risks associated with the continued existence of ISIL and ANF in the region will lead to intensifying the sectarian tensions as it will continue to unleash violence against the Shia community and Sunnis who reject its ideology. The presence of such a large fighting force and the flow of FTF would impact the stability in the region and beyond. The threat is notably higher from the veteran combat fighters as most of them are former Iraqi forces. There is a risk of transfer of skills to foreign fighters. The spread of the toxic ideology of the ISIS through the internet also poses another significant long-term risk. The ISIL's "Al-Hayat Media Centre" is known for producing high quality and professional content which are translated into multiple languages. Unlike Al Qaida which had a centralised command over the making and distribution of content, ISIL adopted a decentralised and diverse social media environment. This methodology inspired many of the "lone-wolf attacks" who were radicalised by the material coming out of ISIL. (Security Council 2014h).

Shadow of Political Differences on Assad Regime

The primary responsibility of the United Nations Security Council is the maintenance of the international peace and security. The following traces the Security Council response in the context of the 1267 sanctions regime, on the threats emanating from ISIL, Al Qaida and its affiliates. Responding to the situation, the Security Council unanimously adopted Resolution 2170 in its 7242nd meeting on 15 August 2014. Through the Resolution, the Council expressed its concern that the Syrian governorates of Ar-Raqqah, Deir ez-Zor, Aleppo and Idlib and the northern Iraqi provinces of

Tamim, Salaheddine and Nineveh provinces are under the control of ISIL, ANF and other Al Qaida affiliates. Their actions resulted in a devastating humanitarian impact, igniting sectarian tensions and had significantly affected the stability in the region.

The Council, acting under Chapter VII of the UN Charter strongly condemned the terrorist acts for causing mass killings, destruction of property, cultural heritage and religious sites, kidnapping and hostage-taking, forced displacement of minority groups, recruiting foreign terrorist fighters (FTF) and capturing oil fields for furthering their agenda. The Council designated the ISIL is a splinter group of the larger Al Qaida, therefore extending targeted sanction measures imposed on Al Qaida and its affiliates to individuals and entities associated with the ISIL and ANF. It also condemned that any engagement which resulted in a direct or indirect trade with the ISIL and ANF would lead to designation under the Consolidated List. The Council also called upon the member states to take actions to restrict the flow of FTF by engaging with the youth in their territories. Resolution 2170 targeted six key individuals for sanctions and requested the Monitoring Team to report to the Committee within 90 days on the threat posed by the ISIL and ANF and recommendations for further action (Security Council 2014c).

The deliberations in the Council were coloured by the positions taken by the member governments in favour and against the Assad regime in Syria. The region is divided into sectarian camps and the involvement of the outside powers has complicated the situation. The Sunni dominated countries like Saudi Arabia and Turkey backed by the US and other western powers want Assad to step down from power, blaming his marginalising policies for the unrest in Syria. Iran and Russia however strongly back Syria and blame the Sunni countries and the western powers for supporting the anti-Assad extremists and for their interventionist policies.

The US representative addressed the Council in the meeting, on the worsening situation in the regions of Iraq and Syria due to the advancement of the ISIL and ANF forces. The agenda of the meeting was the threat posed by these terrorist groups to the region and the international community. The US representative brought the Council's attention to the fast deteriorating condition of the minorities who were in the immediate danger. 1.8 million in Iraq alone have been internally displaced. Christians have been driven from their homes and threatened with 'convert or die' situations. The Yazidis have been

subjected to genocide and according to the Iraqi Ministry of Human Rights, 500 Yazidi women have been abducted and were reportedly raped and sold as slaves. ISIL and ANF have committed similar atrocities in Syria and have displayed them on the internet. The humanitarian aid bound for the affected civilians in Eastern Syria was confiscated by the terrorist groups (Security Council 2014b).

The representative from the United Kingdom subtly made the point that the UK supported efforts to “establish inclusive governance” in both the countries. This was a hint aimed at the Assad’s authoritarian regime. Jordan’s representative directly blamed the Assad regime for ruthlessly suppressing the legitimate aspirations of the majority population and the opposition. Jordan advocated for bringing in an interim government to initiate an inclusive political process. The best way for the Iraqi Government to combat terrorism was by placing people’s interest including the interest of the Sunni Community in Iraq first.

The Russian representative argued that terrorism was being politicised in the middle-east and there should be no classification of good and bad terrorists. He made his concerns known in the meeting regarding the listing of individuals through the Resolution, as this practice deviated from the usual process of listing. Listing through resolution would undermine the credibility of the Committee (Security Council 2014a).

The Syrian representative highlighted that his country has been “engaged in exhausting war” against Takfiri¹ organisations. Syria has tried its best to draw the attention of the UN but the Arab leaders using their influence have tried to cover this up. They have harboured militants and portrayed them as opposition groups through their media. The Takfiri organisations have been looting Syria’s wealth by illegally selling the Syrian oil through European and Turkish borders. The Syrian representative questioned the reason behind opposing the Russian draft submitted in February. He also questioned on the non-responsiveness of the Council members on the documents submitted by it on the case of weapons being smuggled in Syria through Turkey and Lebanon. The representative concluded that the fight against terrorism is being waged with duplicity and selectivity. Syria only hopes that the henceforth resolutions would be adopted in a

¹ A Takfir is referred to a Muslim individual who is no longer a believer. In the context of Shia-Sunni rivalry, both the sects accuse each other as Takfirs for following the wrong path. Here the Syrian representative is referring to the Sunni rebel groups which are supported by the Arab countries as Takfir organisations (Esposito 2004).

“non-discriminatory and non-selective manner which will not harm the sovereignty or undermine the independence and territorial integrity” of any state (Security Council 2014a).

Expansion of 1267 Committee’s Mandate to include ISIL

The UN Secretary-General Ban Ki-moon described the 7587th meeting as a “historic and first ever” as this was attended by Finance Ministers of US, UK, France, Spain, Jordan, Chile, Angola, Malaysia and Lithuania. The meeting held on 17 December 2015 was also attended by the President of Financial Task Force (FATF) and other Council members. The agenda of the meeting was on the urgent need to suppress the terrorist financing. Speaking on the matter, the UN Secretary-General laid importance on the fact that ISIL was now running a multimillion-dollar economy in the territories under its control. The social media is being used not only to recruit and radicalise but also for fundraising. ISIL employs methods which are difficult to trace fund transfers, and this has been mimicked by other terrorist groups as well.

Highlighting the obstacles in the implementation process, the UN Secretary-General said that the sanction and anti-terrorism measures remain weak in many parts of the world. The private sector and the civil society are often not included in the consensus and trust building, which remains a potential weak link. The misrepresentation and misapplication of the international standards have resulted in a violation of the due process and has damaged partnerships with crucial communities. According to the President of the FATF, ISIL like all enterprises need money to run and that is its biggest vulnerability. Since ISIL operates like a state and provides services like a state, its expenses are high, and it is in constant need of revenue flow to sustain itself. Hence preventing and disrupting the flow of money must be the centre of all strategies.

The UN Security Council unanimously adopted Resolution 2253 to expand the sanctions framework of the 1267 regime to include ISIL in the designation criteria. Resolution 2253 recalling that the ISIL is a splinter group of the Al Qaida, decided – henceforth “1267/1989 Al-Qaida Sanctions Committee shall be known as the 1267/1989/2253 ISIL (Da’esh), and Al-Qaida Sanctions Committee and the Al-Qaida Sanctions List shall be known as the ISIL (Da’esh) and Al-Qaida Sanctions List”. The

members present in the meeting also emphasised on the urgent need to suppress the terrorist financing (Security Council 2015c; 2015i).

Cortright (2015) described the 28-page long Resolution 2253 as the “longest sanctions resolution ever adopted”. The name change was “long overdue”, and now that it has been done, the Committee can concentrate on ISIL as the critical international threat. According to Cortright, the adoption of the resolution was significant for two crucial aspects. The resolution was jointly sponsored by the US and Russia; this shows that despite their differences the two major powers are willing to work on common issues. Moreover, it has provided additional mandates and resources to the 1267 Committee to identify non-compliance cases. This has strengthened and empowered the Committee to accomplish its mandates effectively. However, Ginsborg (2017), remarks that even before the Council extended the designation criteria, the 1267 Committee had listing individuals and entities associated with ISIL. The Committee’s stand on ISIL still having an association with Al Qaida is ill-informed as the two groups now follow separate paths. According to Ginsborg, the perceived link satisfies the vested interest of the United States as it serves its political and legal agenda.

In the meeting, speaking about the rationale behind the expansion of the designation criteria. The US Secretary of the Treasury said that this decision expands the focus of the initial Resolution 1267 concerning Al Qaida to specifically emphasise ISIL in the designation criteria, thus making the association for any individual or group with ISIL liable for targeted sanctions. He agreed that disrupting the financial flow of ISIL has been a difficult task since only a small share of its revenue is generated from outside sources. So far ISIL has made \$500 million from the illegal sale of oil and millions more from other sources. Further, since oil has been the most critical factor, US military along with its allied partners has worked on disrupting the illegal oil sales by targeting the supply chain, oil fields and refineries; and so far, 400 of the transporting trucks have been destroyed. The international finance system is accessed by ISIL to conduct fund transfers, and this also presents an opportunity to curb the flow.

The French Minister spoke on the problem of anonymous transactions utilised by the ISIL like archaic methods of transfer by using cash, gold and precious metals. Funds are also transferred discreetly through modern methods using electronic and virtual currencies. Like the Paris attacks on 13th November was financed through prepaid cards.

This enabled the terrorists to conduct anonymous transfer from Belgium and France (Security Council 2015c). The Paris attack on 13 November 2015, has been ISIL's one of the deadliest strikes in Europe. A series of coordinated attacks took place in a football stadium, rock concert, cafes and public places. The attacks involved, suicide bombings, mass shootings and hostage taking where about 130 people were killed, and hundreds of others were injured. President Hollande had declared the incident as an "act of war" against France (BBC News 2015).

Other members welcomed the resolution. UK's Chancellor of the Exchequer stated that the ISIL receives \$1.5 million in proceeds from oil sale alone. The Permanent Representative of the Russian Federation emphasised that there is a need to point out that ISIL as "the most dangerous and independent terrorist threat" and this was why the sanctions list and the committee were renamed. He noted that through alternate sources like industrial and agricultural production, the ISIL was making \$700 million per year. Also, it was pointed out by the Russian representative that the majority of the oil moves through Turkey and Turkish companies on behalf of the ISIL move the shipment through their thousands of trucks. However, the airstrikes by the Russian Federation's Aerospace Forces have brought down the volume of illicit oil exports. The Council's attention was drawn to the problem of a large shipment of weapons being procured by the ISIL, from some shell companies located in Eastern European countries. The ISIL's Supreme Military Council allocates \$30 million to acquire these weapons. In the pretext of strengthening Syria's opposition – rocket missiles, grenades, arms and ammunition and military spare parts have entered ISIL's Syria controlled parts. Most of the weapons consignment is of Soviet design and manufactured in Eastern Europe on the expired Soviet license. Jordan's Minister for Finance said that this was a "watershed moment, given its specificity and major thrust". By updating the 1267 sanctions regime, Resolution 2253 has expanded the listing criteria so that it is not limited to list names solely linked with the Al Qaida.

The menace of foreign terrorist fighters (FTF)

Going by the estimates of the Monitoring Team, a total of 25,000 foreign fighters from more than 100 countries are involved with groups associated with the Al Qaida. Among

them, ISIL alone had a fighting force of 20,000 fighters. Due to the absence of any link with the local people, the foreign fighters have engaged in acts of extreme brutality with their aim to terrorise the population and fuel sectarianism. They are commonly used by the terrorist groups as a “cannon fodder” like suicide bombing or to fight on the front lines as foot soldiers against the counter-terrorism forces (Security Council 2015d).

A special meeting of the Security Council, presided over by the United States President Barack Obama himself was held on 24 September 2014 to consider action on this issue. The meeting witnessed participation of 50 speakers which included the UN Secretary-General, President of European Council, 26 Heads of States, 14 Ministers which were equivalent to Foreign Ministry of various Governments and 8 Permanent Representatives. In the meeting, the Council members unanimously adopted Resolution 2178 sponsored by 104 UN member states (Security Council 2014e). It condemned the acts of extremism and underlined the objective to suppress the flow of FTF to the conflict zones (Security Council 2014d). This was the first resolution to specifically define ‘FTF’ and its potential to “destabilise international arena” (Baxter and Davidson 2016: 1304).

The Security Council resolution articulated serious concern that the FTF increased the duration, intensity of the ongoing conflict. The foreign fighters posed a threat to the regions in which they travel and also pose an equally grave threat when they return to their native regions after getting radicalised and experienced from fighting in the conflict zones. The Council declared that the FTF and other individuals who participate in the conflict, finance or facilitate the recruitment would be liable to be designated in the Consolidated List maintained by the 1267 Committee. The Council instructed the member states to prevent the movement of terrorists or terrorist groups by implementing effective border controls by supervising the issuance of identity papers and travel documents. And to apply measures which prevented counterfeiting and forgery of the travel documents and to apply screening procedures. The Council further called upon the states to exchange relevant information with other states and UN bodies (Security Council 2014d).

The UN Secretary-General, Ban Ki-moon, welcomed the unity of the Council on the issue under the leadership of the US President. President Obama affirmed his country’s resolve not to limit to “simple military approach”. This hesitancy to go for military

action was partly due to the problems in post-intervention Libya. The Prime Minister of UK, David Cameron and the French President François Hollande expressed their concern that 1000 French nationals and 500 British citizens were reported to have joined ISIL. Hollande said the numbers were growing and this concern applied to many European countries. As aptly observed once by the Foreign Affairs Minister of Singapore, the threat emanated from the most massive mobilisation of foreign militants since the Soviet-Afghan war in the 1980s (Security Council 2014c).

King Abdullah II ibn Al Hussein of Jordan stressed that ISIL and its related ideologies must not be linked to Islam and its actions must not be permitted to cause Islamophobia. The King stated that he was encouraged to see a good start from the new inclusive Government of Iraq had hoped that new government in Iraq would fight the ISIL's agenda of fermenting sectarian conflicts in the region. Nevertheless, the meeting also brought out differences and trading of accusations against each other. The Syrian representative stated that it could not "conceive a coalition against terrorism" that includes countries like Turkey, Qatar and Saudi Arabia which are the main sponsors of terrorists engaged in Iraq and Syria. According to him, all forms and acts of terrorism must be dealt with equally, and there should be no scope for selective targeting. Military strikes will not achieve goals unless carried out in accordance with international law and incoordination of countries concerned. The Minister for Foreign Affairs of the Russian Federation blamed the intervention in Iraq, bombing in Libya and foreign support to extremists opposed to Syria for aggravating the current situation. The Russian Minister concluded that there is a need to analyse "deep-rooted causes for the region's problems" and to avoid only reacting to the symptoms (Security Council 2014c). The Russian Foreign Minister stressed that in particular, the Palestinian issue had provided the fodder to the terrorists to get moral support and recruit fighters.

The King of Jordan and President Erdogan of Turkey also brought to the attention of the Council on the problems being faced by their countries due to the situation in their neighbouring countries of Iraq and Syria. Jordan's King stated before the Council that there is a need of global support for countries whose borders, face threats from two fronts and has also absorbed most of the shock arising from the conflict in the form of the refugee exodus from Syria. Tayyip Erdogan, the President of the Republic of Turkey, blamed the Assad Government's harsh policies for preparing the ground for

the Al Qaida to emerge in Syria and grow stronger under the name of ISIL. Erdogan joined Jordan to highlight the enormous pressure Turkey was facing due to the displacement in the neighbouring state of Syria, resulting in more than one million asylum seekers of Syrian origin in desperate need of urgent relief. However, despite Turkey's efforts, it is not receiving any international support, and on the contrary, it has faced only unjust accusations (Security Council 2014c).

Disrupting the Source of Revenue

ISIL had become almost a self-sustaining organisation as the significant portion of its revenue stream was generated internally as it controlled the resource-rich regions of Iraq and Syria. A considerable amount of income was also made through a diverse range of sources. This made the ISIL a problematic target as the sanctions could play only a limited role. The Monitoring Team in its November 2014 report had suggested several measures to curb its income flow. The most significant source of revenue comes from oil sales a through smuggling networks. As the allied bombing had destroyed most of the oil refineries in the region, ISIL sold mostly crude oil at attractively low prices. Besides, Extortion, private foreign donations, ransom payment, looting and smuggling of antiquities and human trafficking were other significant sources of revenue (Security Council 2014h)

The Council acting under Chapter VII of the UN Charter condemned that any trade with the designated individuals or entities listed in the Consolidated List of the 1267 Committee or associated with ISIL and other Al Qaida affiliates would constitute a violation and would lead to further listing. The Council called upon the states to make sure that its nationals or any others would not engage in any trade in its territory with the terrorist groups. The Security Council unanimously adopted Resolution 2199 in its 7379th meeting on 12 February 2015 and expressed its concerns that through various sources, ISIL is generating revenue and has strengthened its organisational capacity, recruiting efforts, and has carried out terrorist attacks (Security Council 2015e). The Council further requested the member states to take steps which prevent the illegal smuggling of cultural properties removed from Iraq since 1990 and Syria since 2011

and to prevent any misuse of the international finance system by the terrorists from its territory (Security Council 2015e).

The representatives of Russia, the US, UK, Jordan and China, welcomed the steps taken by the Council. The US representative said the severe sanctions and the punitive measures adopted in this resolution would help in disrupting the revenue flow in three ways. First, it provides the member states with clear instructions on disrupting the movement of vehicles going to and from ISIL controlled areas. Second, the resolution imposes a new ban on trade in smuggled Syrian antiques. This ban cuts the source of revenue and also helps in protecting the ‘irreplaceable cultural heritage’ of the region and the world. And third, it strengthens all the previously existing sanction measures on preventing payments and donations to the terrorist groups (Security Council 2014c). At the same time, drawing parallels with the Assad’s authoritarian regime and ISIL, the US representative said that she regretted the Council’s inability to show unity to condemn Assad’s atrocities like dropping bombs on the civilians, using chemical weapons on its people and torturing thousands of its prisoners. The Chinese representative, however, averred that China opposed all forms of terrorism and also against double standards in fighting terrorism and linking it to specific religions or ethnicities (Security Council 2014c).

Human Trafficking

Human trafficking serves various purposes for a terrorist organisation. It generates revenue by selling them as sex slaves and forced labourers. It helps in recruitment, retaining male foreign fighters and as a reward for successful combat. Psychologically, it is also used as a tactic of war to crush the morale of the enemy (Binetti 2015). Council’s 7847th meeting’s agenda was to address this pressing concern. The meeting was attended by 70 speakers which included members from civil society, officials from various international organisations, UN bodies, ministers and representatives of various governments (Security Council 2016b).

Describing the situation Ms Hasan, a civilian activist for Yazidi women’s rights said that so far 6,500 Yazidi women have been abducted by the ISIL, but there has been no military operation yet to save them. More than 100,000 displaced persons are present

in Kurdistan's refugee camps. Ms Hasan was saddened by the actions of the Islamic scholars for not issuing fatwas against the extremists who have committed atrocities against her people and other minorities. Speaking on behalf of the Yazidi people who were trapped in the ISIL controlled territories, Ms Hasan pleaded for the Council's intervention to protect them against genocide and sexual enslavement from the hands of ISIL extremists. Italy's representative brought the Council's attention on the increasing exodus of populations from the conflict zones. He said Italy has rescued 350,000 people crossing the Mediterranean Sea but unfortunately, 5000 of them have perished in the journey. The representative of Slovakia quoted the stats to highlight the seriousness of the situation. He said that human trafficking is currently the third largest in the international criminal industry. It generates revenue of \$32 billion per year and out of which \$15.5 billion comes from industrialised countries. About 600,000 to 800,000 are trafficked every year and out of which 80% are females and children (Security Council 2016b).

The Security Council through Resolution 2331 condemned any acts of human trafficking, predominantly sale or trade in persons including Yazidis and other religious and ethnic minorities by ISIL, Boko Haram, Al-Shabaab and the Lord's Resistance Army for purposes including sexual slavery, exploitation and forced labour. The Council expressed its concern that there is a criminal misuse of the internet to facilitate trafficking and also considered targeted sanctions by listing such individuals and entities under the 1267 Committee. The resolution also called upon the member states to ratify the United Nations Convention against Transnational Organised Crime and to implement its measures to prevent, suppress and punish persons involved in such crimes (Security Council 2016c).

Addressing the issue, the UN Secretary-General said that human trafficking is a global problem and most vulnerable are the women, children, refugees and internally displaced people from conflict zones. War gives an opportunity for those involved to flourish their trade. Terrorist groups like ISIL, Boko Haram etc. traffic persons for sexual violence, to gain revenue flow and to terrorise the population. Yazidi girls captured in Iraq have been trafficked and sold in open slave markets like objects for sale. Traumatized Syrian children are pushed into forced labour. The Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms Bangura spoke on the

financial side of the human trafficking. Blood money of the women and children has become a critical source of revenue for some terrorist groups. Oil and antiques form a major source of revenue for the top commanders of the terrorist groups but for the lower level foot soldiers, trafficking in persons is the main source to make money. Efforts to disrupt terrorist financing must not only be limited to major sources but there should be enough attention to its human side also. Currently, there is a growing convergence between terrorism, trafficking and transnational criminal organisations.

Threat to Cultural Heritage

From the ancient Mesopotamia to the Roman Empire and till the Ottoman empire of the modern era, the region between River Tigris and Euphrates in today's Iraq and Syria is home to some of the world's oldest and historical site, also called as the "cradle of civilisation". But unfortunately, what stood for generations now has been brutally targeted by ISIL. Six Syrian sites and three Iraqi sites have been endangered since 2013. This includes famous sites like Aleppo, Raqqa, and Palmyra in Syria and Hatra, Mosul, Nimrud and Nineveh in Iraq. Some of the prominent damages include: 35, 772 structures have been destroyed in Aleppo, which was once in the crossroads of major trade routes since the 2nd millennium. A Shiite pilgrimage site in Raqqa, which was the Abbasid capital between the years 796 and 809 was pulverised. In Palmyra, the militants destroyed a 2000-year-old statute dedicated to pre-Islamic Goddess Al-Lat. And similar was the fate of the remains of the Roman Tetrapiion and parts of Roman Theatre. Hatra, a city build in 3rd century B.C., which stood against the Roman invasions was bulldozed by the ISIL in 2014. Mosul's historic library's sensational video of its destruction was released by the ISIL in 2015 for propaganda purposes. In Mosul, they also destroyed a tomb belonging to the biblical prophet Jonah and the monastery dedicated to Saint George. 80% of the ancient cities of Nimrud and Nineveh were reduced to rubble. Nimrud was the royal capital of the Neo-Assyrian Empire and Nineveh was one of the largest cities of the ancient world (Artnet News 2017).

Through Resolution 2347 adopted in the 7907th meeting on 24 March 2017, the UN Security Council deplored the unlawful destruction of the cultural heritage, religious sites, artefacts and smuggling of the cultural property by the terrorist groups during the

armed conflict. The Council affirmed that such attacks would be constituted as “war crimes” and would be brought to justice. The Resolution also specifically named the ISIL, ANF and other Al Qaida associates for destroying heritage sites in Syria, Iraq and other regions. It also condemned their actions for generating income through illegal excavation, looting and smuggling of cultural property from archaeological sites, museums, libraries, archives and other sites. The Resolution stated those individuals and entities who are involved in such trade and illegal smuggling of the heritage property would be liable for listing under the 1267 Committee. It requested the member states to take appropriate steps to prevent and counter illicit trade and smuggling of the cultural property as it is their primary responsibility to protect them, specifically, when states have reasonable suspicion that the property is coming from the conflict zones (Security Council 2017e).

Resolution 2347 was sponsored by Italy and France, 43 other countries had also contributed in its making. Its draft was prepared in December 2016, when the countries had met at the Abu Dhabi International Conference on Safeguarding Endangered Cultural Heritage, organised by France and UAE. The Outcome of the conference was to establish an international fund for the protection of at-risk cultural heritage sites and creating a network of safe havens. The French Minister of Culture and Communication welcomed the Resolution as wide-ranging and balanced in addressing the at-risk cultural heritage sites in situations of armed conflict for the first time. Dealing with all kinds of threats, without any geographical limit regardless of the act carried by terrorists or other armed groups, it explicitly links the destruction of cultural heritage with the financing of the terrorist groups and also provides operational tools to deal with the issue (Security Council 2017f).

The members attending the meeting also spoke on the significance of the cultural heritage and the need for protection from the deliberate attempt by the extremists to destroy them and erase their history to serve their ideological ends. The Under-Secretary-General for Political Affairs Mr Feltman said that intentional destruction, targeted the individuals and the communities on cultural and religious grounds. The cultural heritages act as a bridge between generations and people of different backgrounds and religions. The need for protection of these cultural sites was not only a cultural issue but also a security and humanitarian one as the terrorist groups also

finance their activity by illicit trade. UNESCO's Director-General Ms Bokova also supported Feltman's statement that this was more than a cultural issue. It is a part of the strategy of the cultural cleansing by the ISIL. Their attempt is to accelerate the long-term degradation of societies. The destroyed cultural sites held immense significance like the Palmyra, which tells about the cultural exchange between Asia, Persia, Rome and also talks about the identity of the Syrian people. The Shrine of Jonah in Iraq's Mosul was a symbol of unity among the Jews, Christians and the Muslims. The French Minister said that by stealing and destroying the artefacts, the ISIL wants to intensify the conflict. But after the conflict, there is a need to safeguard them as they play a role in restoring peace by being a symbol of resilience and unity (Security Council 2017f).

Remarkably Islamic countries too minced no words in reprimanding the ISIL's war on cultural heritage. For instance, the representative from Kazakhstan said that ISIL and their associates pose the greatest threat since the Second World War. At present, more than 55 sites are in danger and 21 of them are located in West Asia and North Africa.

ISIL threat in Libya

The Post-Gaddafi Libya was a political and security mess and this provided the ISIL with an opportunity to strengthen its foothold in the region and to further expand its 'Caliphate' for strategic and geographical reasons. Al Qaida and other terrorist groups had already made their presence in Libya much before. ISIL was only one among the many but it quickly rose to the challenge and made its presence felt. ISIL in Libya was created by Syrian returnees after fighting for Baghdadi in Syria and Iraq. In March 2014, they formed the Islamic Youth Shura Council (IYSC) and in October 2014, the IYSC members pledged allegiance to ISIL and declared Eastern Libya as the province of the Islamic State. It comprised of about 1,500 fighters in which a sizeable number of them were foreign fighters from African regions and a significant number of defaulters from the local groups like the Ansar al-Charia (Security Council 2015h).

Libya holds immense importance to ISIL. Baghdadi sent his closest aides to lead ISIL in Libya. Its geographical location is very advantageous as it located at the crossroads of North Africa, Southern Europe and West Asia. It is the gateway for the ISIL to expand to the African regions and to launch attacks in Europe. Due to the political

instability and the weak security apparatus, ISIL viewed Libya as its next base of operations. Libya is also rich in resources, it possesses the largest crude oil reserves in Africa and is heavily depended upon its export for revenue. ISIL wants to control the oil reserves and deny the oil supply to the European countries. This would lead to a major energy crisis for Italy and other European countries who depend upon the imported Libyan oil. However, ISIL faces challenges in Libya as its locals perceive it as an ‘outsider’ and resent its hard-line approaches (Security Council 2015h).

The Security Council convened its 7420th meeting on 27 March 2015, to address the issue of the growing presence of ISIL in Libya. The Council adopted Resolution 2214 in the meeting acting under Chapter VII of the UN Charter, imposed the full implementation of the sanction measures of the 1267 regime on the groups, individuals and entities that have pledged allegiance to ISIL and have supported to expand its area of operations. The UK representative described the adoption of Resolution 2214 as a strong collective effort and a sign of the commitment of the international community to support Libya in its fight against terrorism. He further said that there is a need for a strong united government in Libya and hence it is essential to assist the UN Special Representative in his efforts to assist the Libyan parties to reach an agreement on forming the “National Unity Government” (Security Council 2015f; 2015g).

On Returning Terrorist Fighters

By mid-2017 due to the sustained military pressure, ISIL had begun to lose much of its territories. There was a significant drop in the flow of revenue and foreign terrorist fighters but there was a new challenge –returnees and intercepted fighters now posed a higher risk. The Secretary General’s report on May 2017 had indicated that threat level in South East Asia had intensified due to the high volume of returning terrorist fighters. To counter this, the Security Council in its 8007th meeting adopted Resolution 2368 on 20th July 2017 and called upon the member states to develop the capacity to process data for Passenger Name Records (PNR). To ensure that it is used by competent national authorities to avert, spot and investigate terrorist attacks. The Japanese delegate in the meeting, welcoming the Council’s decision said that the PNR data would be useful in detecting the returning and the foreign terrorist fighters. It will also help in

uncovering suspicious travel plans and terrorist networks. However, so far only 15 out of 193 member states had introduced the PNR system (Security Council 2017b; 2017g).

The US representative in the meeting stated that there was no other higher priority for his country than countering the challenge posed by the ISIL. And this is why US is leading a 72-member coalition to liberate territories from the ISIL's control. But the problem would be far from over as ISIL will continue to spread its ideology and will create its offshoots in new places. The Russian representative expressed his displeasure on the Council's decision for not accepting Russia's proposal to impose a comprehensive ban on trade and economic links with ISIL controlled territories. The Russian representative also pointed out that there was no reference to Article 103 of the UN Charter which put the primacy of the Charter over any international treaty. This would enhance the authority of the Council's binding decisions with regard to sanctions. He also further concluded that there was a need to ensure complete compliance, to ensure the integrity of the sanctions regime. The Egyptian representative in his speech directly accused Qatar of embracing a policy that favours terrorism. He called the Council for holding countries accountable for not respecting its resolutions (Security Council 2017g). Egypt's stance was in line with the developments in the region where the other Gulf countries - Saudi Arabia, the United Arab Emirates and Bahrain had accused Qatar and cut off all ties for supporting the Muslim Brotherhood, considered as a terrorist organisation. Later Yemen and Maldives too joined in by cutting off ties with Qatar. However, Qatar had refuted all the accusations (Reuters 2017).

1267 Committee's Responses to the Threat

The ISIL-Al Qaida Sanctions Committee has played an essential role in countering the threat coming from the terrorist groups. The Chairperson of the Committee in his November 2014 briefing to the Council, informed that well-targeted and effectively implemented sanction measures can make a significant impact to disrupt the ISIL, ANF and Al Qaida's networks of recruitment and facilitators. However, sanctions alone are not enough to achieve a total victory. There is a need for a comprehensive approach that involves national strategies in sync with UN approaches (Security Council 2014l).

The below excerpts reflect the key initiatives and the working procedure involved as stated by the Chairpersons in their briefings to the Security Council on the work of the 1267 Committee.

On improving the implementation of the travel ban, the Monitoring Team's fifteenth report had endorsed publishing bio-metric data on listed individuals. The Committee, acting upon the MT's recommendation, now collects biometric data on the existing entries and also for the new entries from the member states. This data is distributed to relevant authorities for the stringent imposition of enforcing travel embargo. On the issue of the FTF, the Committee has devoted its focus as mandated by the Resolution 2178 (Security Council 2014j). The Committee's Chair in his May 2015 briefing to the Council, said that there is need for a comprehensive toolbox to counter the menace of FTF. And the sanction measures are an important part of that toolbox. The Chair also mentioned some important designations were made to counter the issue of FTF. In February 2015, the Committee designated "Tarkhan Batirashvili", a senior ISIL commander who led about 1000 FTF. In March, the Committee listed "Hilal Ahmar Society Indonesia" for facilitating FTF to Syria. "Ali Ben Taher", an ANF member was listed in April. The Committee has also been closely coordinating with the INTERPOL to effectively implement the sanction measures (Security Council 2015k). According to the Committee, the movement of funds and FTF outside the ISIL controlled areas provides a prime opportunity to detect the spread of ISIL and this is where sanctions have the most impact. Freezing of assets is the most effective measure to counter this. For this, the Chair has insisted the member states implement Advanced Passenger Information (API) to detect movement of listed individuals (Security Council 2016e).

The primary responsibility of the Committee is to regularly maintain and update the list, to adequately reflect the changing threat scenario. An outdated or listing a wrong name affects the credibility of the list and will fast lose its importance. According to the Chair in his June 2015 briefing, there are three ways through which the Committee has kept Consolidated List updated, focused and effective. First, in the annual review of the List, attention is given to those names which have not been reviewed in the last three years. The deceased persons and designations which do not have adequate information to support their affiliation with the terrorist groups are removed from the list. Second, the Office of the Ombudsperson plays a vital role in keeping the delisting

procedure fair and transparent. The Ombudsperson ensures that only those who are genuinely linked with the targeted groups remain on the list. And third, the Monitoring Team regularly updates the List based on the information collected and provided by the member states. This keeps the List relevant and up to date with the changes (Security Council 2015l). All the Chairpersons have repeatedly appealed to the member states in all their addresses to send report and submit names to the List regularly. This assists the Committee to assess the nature of the threat and to take the necessary steps accordingly (Security Council 2015l).

Impact of Sanctions Measures

The 1267 sanctions regime represent the international community's collective efforts in combating the threat of international terrorism, specifically arising from ISIL, Al Qaida and their affiliates. The crucial role played by the 1267 sanctions regime is to act as a powerful deterrent against those potential individuals or entities from financing or supporting the terrorist groups, as the consequences of the sanctions could be severe and devastating (Security Council 2011f). It is no small matter that, despite political differences on the nature of Assad regime in Syria and its comparability with the ISIL, the Council, particularly the 1267 Committee, worked in unity to contain the multi-vector threat from the activities of the ISIL and its variants in the Middle East and North Africa.

The Monitoring Team on September 2015 submitted a report on the "assessment of the impact of the measures imposed through Security Council Resolution 2199", on disrupting the finance and trade of ISIL, ANF and other affiliates. The report stated that the resolution had led to greater awareness among the member states on the various sources of revenue generation by the terrorist groups, particularly in the case of sale of antiques and efforts to prevent the terrorist groups in accessing the international finance system (Security Council 2015j). The most substantial impact of the sanction measures has been on restricting the flow of revenue streams to ISIL. The Government of Iraq has listed more than a hundred ISIL associated money exchanges and transfer companies in Iraq. The designated companies have also been excluded from the Central Bank currency auctions. The neighbouring countries have also followed suit by listing

the financial companies dealing with the ISIL. According to the Monitoring Team's July 2016 report based on a member state's statement, the listing has made it difficult for the ISIL to liquidate its assets and has lost millions of dollars in funds (Security Council 2016d).

The MT in its January 2017 report stated that sanction measures levied against the various asset streams of the ISIL have led to a reduced flow of foreign fighters and also increasing a number of seizures and criminal investigations against trade in antiquities which were removed illegally by the ISIL militants (Security Council 2017h). However, Pecht (2016) points out that the illegitimate channels of conducting financial transactions have been largely left outside the ambit of the Security Council's measures.

Lately, the Council has extended the mandates of the Monitoring Team and the Office of the Ombudsperson till December 2021 (Security Council 2017b). As per the Monitoring Team's January 2018 report, Al Qaida's global network remains resilient and in some regions, it poses a more significant threat than ISIL. Its affiliate group called as the Al Qaida in Arabian Peninsula (AQAP), it now acts as its communication hub. Al Qaida and ISIL associates in North and West Africa have increased their activities and among them Al-Shabaab, a militant group has sustained its dominance. In South Asia, they have taken advantage of the volatile situation in Afghanistan. The South-East Asian city of Marawi was recaptured by the Philippine forces in October 2017 (Betteridge-Moes 2017) but ISIL claims it as a propaganda victory and may have potential long-term consequences. The Al-Nusra Front (ANF) in Syria, remains the strongest and the largest of the Al Qaida affiliated groups globally. In the absence of ISIL's dominance, it has absorbed the local smaller groups by threat, violence and material incentives. The ANF commands a force of 7,000 to 11,000 terrorist fighters (Security Council 2018d).

On the political and military plane, the US-led coalition claims that 98% of the former ISIL controlled areas in Syria and Iraq have now been re-captured. ISIL has lost most of its urban areas and has continued to evolve into a terrorist organisation with a flat hierarchy, with most of its cells and affiliates behaving increasingly independent. In July 2016, Mosul was captured by the Iraqi state forces and the Syrian forces, backed by the Russian airstrikes took over the city of Aleppo in December. The capture of Raqqa by the US-backed alliance of Syrian Kurdish and Arab fighters in October 2017

was a sign of major victory, as it was considered as the de-facto capital of the ISIL. In the fight against ISIL, the US-led coalition of 74 countries conducted 13,300 airstrikes in Iraq since August 2014 and 14,600 strikes in Syria since September 2016. Russia was not part of the coalition but it began airstrikes in Syria in September 2015 (Security Council 2018d; BBC News 2018).

In December 2017, the Iraqi Government had declared the war against ISIL was over and during the same Putin had announced the partial withdrawal of the Russian forces from Syria. Out of the 5.6 million Syrian refugees fled abroad from the start of the conflict, 3.2 million have returned but 2.6 million remain displaced (BBC News 2018). At its peak of power, ISIL claimed itself as the 'proto-state' and attracted individuals from all over the world to fight for its cause to build the 'Caliphate'. However, now its recruitment has shrunk to mostly individuals who are motivated to conduct terror attacks. The threat remains from less visible networks, ISIL sympathisers, returnees and relocated fighters. There is also a potential convergence of ISIL and Al Qaida in some regions (Security Council 2018d).

Chapter Five
CONCLUSION

The final chapter of the dissertation aims to provide an overview of the study and offers a set of findings in respect to the Research Questions and the hypothesis stated in the Introductory Chapter.

United Nations Sanctions

Sanctions occupy a unique position among all the measures at the disposal of the international community to ensure compliance with the requirements of international peace and security. The Security Council has the authority to act on behalf of the entire membership of the United Nations, under the terms of the Charter. Enforcement action in the form of non-military sanctions come in the picture in tackling situations involving breach of peace or an act of aggression under the terms of Article 41 of the Charter. Measures like arms embargo, trade restrictions, travel ban or restrictions on diplomatic contact and communication can derail the economy and war-making capacity of the target. They coerce the isolated country to make amends and fall in line with the norms of international security.

The protagonists of these measures originally had state actors in mind, but in due course, non-state actors like rebel movements and terror-related individuals and entities too have attracted attention. Sanctions may quickly lose its value if they are not implemented effectively. Or they might lose legitimacy if they are invoked arbitrarily for achieving narrow political agenda. For collective sanctions to work effectively, it requires majority consensus, effective implementation by all the parties involved, constant monitoring and tailoring them according to the changing situation. Although conceived with good intentions, sanctions in practice have raised concerns regarding the suffering unintendedly caused to innocent people. For example, comprehensive sanctions imposed on an entire economy can have disastrous humanitarian consequences. Sanctions against Iraq during 1990-2003 were a telling example.

The United Nations has responded to the criticism by coming up with the “targeted sanctions” wherein specific groups and/or individuals would be named for punitive action, not the entire population of the country. This way, targeted sanctions bring down the humanitarian costs but could undermine the natural rights of an individual.

Most of the sanction measures in recent decades have been targeted ones. Sanctions in respect of Somalia, Liberia, Democratic Republic of Congo, Côte d’Ivoire and Sudan

are relevant examples. Further, targeted sanctions have sought to address a variety of new threats to international peace and security, viz. non-proliferation of nuclear weapons (North Korea and Iran), democracy promotion (Guinea-Bissau), protection of human rights (Libya). (Giumelli 2015; Security Council Report 2013). Countering terrorism is one of the most significant additions to the purposes of targeted sanctions in the past two decades. Under this, the most notable target was the Al Qaida and its affiliates.

Countering the Threat from Al Qaida and Taliban

Al Qaida caught the world's attention after the infamous 9/11 incident. However, Al Qaida's activities were detected by the authorities much before that. Al Qaida and Taliban both share their backgrounds from the Soviet Occupation in Afghanistan from 1979 to 1992. The core leaders of the Al Qaida movement – Osama bin Laden and Ayman al-Zawahiri, got to hone their organisational skills and acquire the necessary skills from fighting the Soviets in Afghanistan. Even after the Soviet withdrawal from Afghanistan, Al Qaida's core leaders wanted to take the fight to the global level. Their aim was the eventual establishment of the 'Islamic control' over all the Muslim lands. They perceive the 'West' as their enemy and specifically the United States of America. Al Qaida is not a rigid organisation. It has a central leadership, and underneath it, there is a network of affiliated groups present all over the world. These groups look for guidance and support from the central leadership and might even act autonomously. However, they all share the same ideological goal. Their main source of tactic is to use 'terrorism' as a weapon to achieve their ends.

In the early 1990s, bin Laden shifted his base to Sudan. And began operations to unseat Egypt's secular regime. However due to increasing pressure and accusations on Sudan for providing terrorists a safe base. In 1996, Osama sought refuge in Afghanistan, under the Taliban regime. Mullah Omar Mohammed and Osama shared many commonalities. Both had fought against the Soviets in the 1980s and shared the common goal. They were equally fundamentalist and did not flinch against using terror tactics against their perceived enemies. Mullah Omar was the head of the Taliban, and after the Soviets left, his group became the dominant one and captured power at Kabul. The Taliban regime was only recognised by three countries, and the majority of the states did not see it as a legitimate authority. The Council imposed targeted sanctions like asset freeze and

partial air embargo, initially against the Taliban regime under Resolution 1267 and established a Committee to monitor implementation in October 1999. The Resolution demanded the Taliban to halt the illegal production of drugs, condemned the atrocities committed and immediately called for ‘to cease terrorism-related activities’ and to hand over Osama bin Laden to the concerned country for trial. The Resolution gave the Taliban a 30-day time to comply with all the demands. Upon refusal, financial assets linked with the Taliban were to be seized, and a partial air embargo will be imposed on the Taliban controlled areas.

Al Qaida-Taliban Sanctions Committee

At the end of the 30-day wait period, the Taliban refused to accede to the Council’s demand and the sanctions came into force automatically. The initial set of sanctions did not have much effect on the Taliban. Due to the Committee’s late start, the Taliban had enough time to transfer most of the financial assets to an overseas account. As the Taliban still refused to comply, the Council was under pressure to adopt a second set of much harsher sanctions. In December 2000, the Council by adopting Resolution 1333, called upon the member states to reduce diplomatic interactions and enforce an arms embargo on all Taliban controlled areas. Imposed an asset freeze over financial assets belonging to Osama bin Laden and his associates. In the Council meetings, the representatives of Malaysia and China expressed their concerns over the humanitarian consequences of the sanctions. According to them, since the Taliban controlled most of the territory, any sanctions on them would also mean imposing on the already deprived population under them.

To oversee the implementation of the sanction measures, Resolution 1267 established a subsidiary body called as the “Al Qaida-Taliban Sanctions Committee”. The Committee’s mandate involved gathering reports from the member states on the status of the implementation and to recommend appropriate measures. Further resolutions strengthened the Committee’s mandate according to the changing threat scenario. The most important mandate was to maintain and to regularly update the “Consolidated List” of all designated individuals and entities.

The Committee was initially assisted by a panel of experts called the “Monitoring Group” but faced criticism for overstepping its mandate. Comras (2010) notes, the

Group was replaced because it pointed out the non-compliance cases of the member states and gave a frank analysis in its reports. This did not go well with some of the countries, including the powerful ones as they were named and shamed in the reports. Possibly, for this reason, the Group was replaced by a “Monitoring Team” in 2004 with no autonomy comparable to the Group, but working under the direct supervision of the Committee.

The 9/11 attacks by Al Qaida against the United States dramatically changed much of the situation. The US launched a massive military offensive and overthrew the Taliban regime. Responding to the changed scenario, the Council on January 2002 adopted Resolution 1390. The new resolution had the most far-reaching effect. The partial air embargo and the arms embargo were withdrawn as the Taliban was no longer in power. Targeted measures like asset freeze, travel and arms ban was imposed over all Al Qaida and Taliban affiliated designated individuals. Earlier the Committee’s mandate was limited to overseeing implementation of sanctions measures on the area controlled by the Taliban. But now the Committee’s mandates got extended to the implementation of sanctions measures over all of its affiliated individuals and entities. Al Qaida and its vast network were present all over the world; they operated in South-East Asia, South Asia, West Asia, North Africa, Europe and North America. Overthrowing the Taliban regime destroyed Al Qaida’s safe haven. However, now its recruits and terrorist fighters began to sneak into other parts of the world, particularly conflict-prone zones. It staged terror strikes in Tunis, Bali, Moscow, Istanbul, Madrid, London, Sharm el-Sheikh and Beslan, Al Qaida was at its peak from 2002 to 2006. To equip the Committee with better tools, the Council through Resolution 1617 (adopted in July 2005) called for cooperation between the Committee and the Interpol to effectively monitor and implement the sanction measures on the designated targets who were present all over the world.

Split of the Committee and the Emergence of ISIL

In 2010, the Afghan Government initiated a “reconciliation process” for the rebels among the Taliban, who wanted to reintegrate into the mainstream society. The Council in reaction to the positive developments, adopted two Resolutions 1888 and 1889 in June 2011, to split the Al Qaida and Taliban Sanctions Committee into separate committees and divided the Consolidated List into two. Resolution 1888 created a

“Taliban Sanctions Committee” which now maintained the List containing the Taliban rebels and its mandate was limited to Afghanistan. Resolution 1989 mandated the Committee to maintain henceforth a List containing individuals and entities associated with the Al Qaida. The Council members welcomed the decision as it now allowed the Afghan Government more control over its domestic affairs.

The capture and death of Osama on May 2011 and subsequently of other key leaders had also played a role in influencing the Council’s decision to split the Committee. It had also affected the Al Qaida movement, as it lost its influential leader. Zawahiri took over the command of the central leadership, but he lacked the necessary charisma of bin Laden. Al Qaida, since 2006 was in decline, its central leadership was mostly confined in the mountainous Afghan-Pakistan border. The continuous drone strikes had cut off its communication with its affiliated groups. This allowed the Al Qaida branches to act independently and pursue their regional goals.

In 2013, the affiliated group of “Al Qaida in Iraq”, renamed itself as “Islamic State of Iraq and Levant” (ISIL) to claim authority over Syrian territory. And by 2014, it disassociated itself from the Al Qaida central core over matters concerning leadership and strategic issues. The instability in Iraq and the ongoing civil war presented an opportunity for the ISIL to rapidly expand using force and to claim authority over an area roughly the size of the United Kingdom with a population of 8-10 million. ISIL’s leader Al Baghdadi declared himself as the “caliph” and claimed authority over all the Muslim lands. He also called Muslims all over the world to take part in his efforts to build a “Caliphate”. ISIL’s tactic was to fuel sectarian conflicts between the Shias and Sunnis, attract foreign fighters for its cause and to spread radicalism through propaganda and social media.

Many Muslims from half of the UN member states began to join the ISIL, but majority of them rejected the ISIL ideology and condemned Baghdadi for usurping the title. The Monitoring Team in its report stated that the ISIL posed an immediate threat to the population under their control. And, if ISIL is allowed to grow unchecked, it posed a serious long-term risk for the stability of the region.

ISIL-Al Qaida Sanctions Committee

The Security Council, in order to prioritise the issue and give it a special focus, expanded the designations criteria of the “Al Qaida Sanctions Committee”. Through Resolution 2253 adopted on December 2015, the Council renamed the Committee as “ISIL and Al Qaida Sanctions Committee”. This allowed the Committee to target those individuals associated with ISIL and not solely with the Al Qaida. Many Council members welcomed this decision. During the Council meetings on the issue of the ISIL threat, there was a clear division. The Sunni dominated countries along with the western allies blamed Syria for its discriminatory policies as being the rise of the ISIL. On the other side, Syria accused the Sunni countries of supporting terrorism in the region to achieve their agenda of overthrowing the Shia regimes. Syria’s ally Russia holds the western countries responsible for their interventionist policies.

Further resolutions empowered the Committee to tackle the changing nature of the threat. The Committee was allowed to designate individuals and entities who support or facilitate the flow of foreign terrorist fighters. For cutting the source of revenue, the Committee held liable those parties which conducted trade with the ISIL and particularly in oil. The Committee condemning human trafficking and allowed listing of names associated with the ISIL in this crime. The Council also declared that the destruction and smuggling of the cultural heritage from Iraq and Syria would constitute as “war crime” and the warned parties that they would face severe consequences for their involvement.

Evaluating the 1267 Sanctions Regime

The sanctions imposed through the 1267 regime have contributed a basis for countering the threat posed by the ISIL and Al Qaida. Undoubtedly, military efforts played the leading role in crushing the advance of the ISIL. But the sanctions measures represent the combined efforts of the international community to address this threat together, unitedly. The key role played by the sanctions is to act as a deterrent to the potential individuals and entities who want to support or facilitate the terrorist groups. The “Consolidated List” is the most powerful weapon the Committee has in its arsenal. More than the harshness of the sanctions measures, the label of being “associated with ISIL or Al Qaida” has severe consequences, as scores of petitions lodged with the Ombudsperson claimed that they were unjustifiably put to.

The Committee also faces numerous challenges in maintaining the List. The Consolidated List needs to be regularly updated, to reflect the true nature of the threat. Incomplete or falsely designated listing of names cost the Committee its credibility. Monitoring and supervising the implemented sanctions also was a challenge to the Committee. Developed countries have the necessary infrastructure and well-developed governance structures to implement the sanction measures in their domestic system effectively. However, the problem arises in under-developed or conflict-prone countries, and it is here the terrorists apparently made the best use of the situation to advance their activities.

The listing and the delisting process of the 1267 Sanctions Committee has been criticised for not adhering to the requirements of natural justice and due process. The Council reacting to the controversies, has made provisions for a fair and transparent procedure. However, the lack of an independent judicial review mechanism is a serious limitation. The initial Resolution 1267 had listed only the Taliban faction on the grounds of providing shelter to the terrorists. However due process concerns emerged when the Council through Resolution 1333 extended the sanctions measures to the individuals and entities associated with the Al Qaida. The Committee's March 2001 list saw 169 listings. However, as the Committee's mandate was restricted only to Afghanistan, this did not immediately raise an issue. However, post 9/11, the Committee came under fire for listing names from all over the world without giving the reason for their listing. Resolution 1390 adopted on January 2002 made the mandates of the Committee to be geographically limitless.

The Swedish and the Al-Kadi case, mentioned in Chapter two, highlights the deficits in the initial procedure. The process was criticised for lack of hearing or formal appeal, opaque procedures and absence of review mechanism and judicial review. Responding to the situation, in November 2002, the Committee adopted guidelines on the process of inclusion and exclusion of names. But the measures still fell short as they did not address the necessary requirements. To address the issue of providing a hearing, the Council established a "Focal Point" in December 2006, through Resolution 1730. The petitioners could send formal requests to get delisted. However, the Focal Point lacked adjudicatory power; its working was merely procedural. The Focal Point forwarded the

delisting requests to the Committee to decide. The Committee had no obligation to take the petitioner's view and nor any information in reasons for listing was mandatory.

The creation of the Office of the Ombudsperson in 2009 solely for receiving delisting requests from the petitioners listed in the 1267 Committee was a step in the positive direction. The Office provided a formal hearing as the petitioner could now directly address the impartial Ombudsperson. It also provided them sufficient information on the reasons for their listing. Upon finalising the case review and after following the established procedure, the Ombudsperson can send delisting requests or submit its recommendation to the Committee for its consideration. However, the Ombudsperson's request is not binding upon the Committee. At its best, the Ombudsperson acts only as a review mechanism and not as a judicial authority or a tribunal.

To expect any immediate changes in the procedure does not seem possible in the near future. The creation of a judiciary body is questionable as it touches upon the sensitive topic of powers and functions of the Security Council. This will go against the interests of the powerful countries to make any structural changes which will question the Council's decisions. Hence looking at the present conditions, the 1267 Committee still falls short in providing all the basic requirements for the listed names for them to get justice through a fair and transparent procedure. Thus, the hypothesis of the study stands affirmed.

References

(* Indicates a Primary Source)

Aminuzzaman, Md. (2015), "India and Iraq - Kuwait Crisis." *International Journal of Scientific Engineering and Research*, 3 (7): 143-150.

*Artnet News (2017), "A Monumental Loss: Here Are the Most Significant Cultural Heritage Sites That ISIS Has Destroyed to Date", [Online: web] Accessed 09 July 2018, URL: <https://news.artnet.com/art-world/isis-cultural-heritage-sites-destroyed-950060>.

Askari, Hossein (2003), *Economic Sanctions: Examining their Philosophy and Efficacy*, Westport: Praeger.

Bartholomew, William (2015), "A Due Process Balancing Act: The United States' Influence on The U.N. Al-Qaeda Sanctions Regime", *New York Law School Law Review*, 59 (4): 737-760.

Baxter, Kylie & Renee Davidson (2016), "Foreign Terrorist Fighters: Managing A Twenty-First Century Threat", *Third World Quarterly*, 37 (8): 1299-1313.

*BBC News (2011), "Osama Bin Laden, Al-Qaeda Leader, Dead - Barack Obama", [Online: web] Accessed 28 May 2018, URL: <http://www.bbc.com/news/world-us-canada-13256676>.

*————— (2015), "Paris Attacks: What Happened on The Night", [Online: web] Accessed 07 July 2018, URL: <https://www.bbc.com/news/world-europe-34818994>.

*————— (2018), "Islamic State and the crisis in Iraq and Syria in maps", [Online: web] Accessed 08 July 2018, URL: <https://www.bbc.com/news/world-middle-east-27838034>.

*Betteridge-Moes, Maxine (2017), "What happened in Marawi?", Al Jazeera Media Network [Online: web] Accessed 09 July 2018, URL: <https://www.aljazeera.com/indepth/features/2017/10/happened-marawi-171029085314348.html>.

Binetti, Ashley (2015), “A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West”, Georgetown University, [Online: web] Accessed 10 July 2018, URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3171178.

Boudreau, Donald (1998), “UN sanctions burden sharing: Article 50 of the UN charter and assistance to third states”, *Diplomacy and Statecraft*, 9 (1): 24-52.

Boulden, Jane and Andrea Charron (2010), “Evaluating UN Sanctions: New Ground New Dilemmas and Unintended Consequences”, *International Journal*, 65 (1): 1-11.

Byman, Daniel L. (2011), “Al Qaeda After Osama”, The Brookings Institution [Online: web] Accessed 01 July 2018, URL: <https://www.brookings.edu/opinions/al-qaeda-after-osama/>.

Cambridge Dictionary (2018), “Sunset Clause”, [Online: web] Accessed 28 May 2018, URL: <https://dictionary.cambridge.org/dictionary/english/sunset-clause>

Chandra, Vishal (2011), “The Evolving Politics of Taliban Reintegration and Reconciliation in Afghanistan”, *Strategic Analysis*, 35 (5): 836-848.

Chesterman, Simon et al. (2016), *Law and Practice of the United Nations*, New York: Oxford University Press.

Claude, Inis (1984), *Swords into Plowshares: The Problems and Progress of International Organization*, New York: Random House.

Conte, Alex (2010), *Human Rights in the Prevention and Punishment of Terrorism*, Berlin: Springer.

Cortright David (2015), “Tougher International Sanctions against ISIL”, [Online: web] Accessed 12 July 2018, URL: <https://davidcortright.net/2015/12/21/tougher-international-sanctions-against-isil/>.

Cortright David et al. (2008), “Sanctions”, in Sam Daws and Thomas G. Weiss (eds.) *The Oxford Handbook on the United Nations*, Oxford: Oxford University Press.

Doxey, Margaret (1996), *International Sanctions in Contemporary Perspectives*, Houndmills: Macmillan.

Eckert, Sue (2017), "The Evolution and Effectiveness of UN Targeted Sanctions", in Larissa Herik (ed.) *Research Handbook on UN Sanctions and International Law*, Cheltenham: Edward Elgar Publishing Limited.

Encyclopaedia Britannica (2014), "Anglo-Afghan Wars" [Online: web] Accessed 05 June 2018, URL: <https://www.britannica.com/event/Anglo-Afghan-Wars>.

Esposito, John L. (2004), *Oxford Dictionary of Islam*, Oxford: Oxford University Press.

Farrall, Jeremy (2007), *United Nations Sanctions and the Rule of Law*, Cambridge: Cambridge University Press.

Fausey, Joy (1994), "Does the United Nations' Use of Collective Sanctions to Protect Human Rights Violate Its Own Human Rights Standards," *Connecticut Journal of International Law*, 10 (1): 193-218.

Forcese, Craig and Kent Roach (2010), "Limping into the Future: The U.N. 1267 Terrorism Listing Process at the Crossroads", *George Washington International Law Review*, 42: 217-277.

Gehring, Thomas and Thomas Dörfler (2013), "Division of Labor and Rule-based Decision-making Within the UN Security Council: The Al-Qaeda / Taliban Sanctions Regime" *Global Governance*, 19 (4): 567-587.

*General Assembly (1951), Resolution 500 (V): Additional measures to be employed to meet the aggression in Korea, UN Doc. A/RES/500(V).

Genser, Jared and Kate Barth (2010), "When Due Process Concerns Become Dangerous:

Ginsborg, Lisa (2017), "UN Sanctions and Counter-Terrorism Strategies: Moving Towards Thematic Sanctions Against Individuals?", in Larissa Herik (ed.) *Research Handbook on UN Sanctions and International Law*, Cheltenham: Edward Elgar Publishing Limited.

Giumelli, Francesco (2015), "Understanding United Nations Targeted Sanctions: An Empirical Analysis", *International Affairs*, 91 (6): 1351–1368.

Gunaratna, Rohan (2002), *Inside Al Qaeda*, New York: Columbia University Press.

Hakimdavar, Golnoosh (2014), *A Strategic Understanding of UN Economic Sanctions*, New York: Routledge.

Haykel, Bernard (2016), "ISIS and al- Qaeda—What Are They Thinking? Understanding the Adversary", *The Annals of The American Academy*, 668: 71-81.

Herik, Larissa (2017), "The individualization and formalization of UN sanctions", in Larissa Herik (ed.) *Research Handbook on UN Sanctions and International Law*, Cheltenham: Edward Elgar Publishing Limited.

Hufbauer, Gary Clyde et al. (1990), *Economic Sanctions Reconsidered*, Washington DC: Institute for International Economics.

Ivanov, Alexei and Kirill Molodyko (2015), "Sanctions and the World Order", *Russia in Global Affairs*, 4.

Ivanov, Igor (2003), "International Security in the Era of Globalization", *Russia in Global Affairs*, 1.

Jakobsen, Peter Viggo, (1996), "National Interest, Humanitarianism or CNN: What Triggers UN Peace Enforcement after the Cold War?", *Journal of Peace Research*, 33 (2): 205-215.

Kelsen, Hans (1951), *The Law of the United Nations: A Critical Analysis of its Fundamental Problems*, London: Steven and Sons.

Lopez, George and David Cortright (2010), "Targeted Sanctions, Counterterrorism, and Strategic Peacebuilding" in Daniel Philpott and Gerard Powers (eds.) *Strategies of Peace*, Oxford: Oxford University Press.

Lowe, Norman (2015), *Mastering Modern World History*, Hampshire: Palgrave Macmillan.

Luck, Edward (2006), *UN Security Council: Practice and Promise*, New York: Routledge Publication.

*McKirby, Euan (2017), “8 times Russia blocked a UN Security Council resolution on Syria”, Cable News Network, [Online: web] Accessed 10 July 2018, URL: <https://edition.cnn.com/2017/04/13/middleeast/russia-unsc-syria-resolutions/index.html>.

Mearsheimer, John (1995), “The False Promise of International Institutions”, *International Security*, 19 (3): 5-49.

Mendelsohn, Barak (2015), “Threat Analysis and the UN's 1267 Sanctions Committee”, *Terrorism and Political Violence*, 27 (4): 609-627.

Michaelsen, Christopher (2010a), “Terrorism, targeted economic sanctions and inadequate due process: the case of the Security Council's 1267 sanctions regime”, in Benjamin E. Goldsmith and Jurgen Brauer (eds.) *Economics of War and Peace: Economic, Legal, and Political Perspectives*, Bingley: Emerald Group Publishing Limited.

Migaux, Philippe (2011), “Al Qaeda” in Gérard Chaliand and Arnaud Blin (eds), *The History of Terrorism*, Translated by Edward Schneider, Kathryn Pulver, and Jesse Browner, California: University of California Press.

*Ministry of External Affairs (2000), Government of India, Ministry of External Affairs, ‘*Annual Report 1999-2000*’, April.

*Ministry of External Affairs (2001), Government of India, Ministry of External Affairs, ‘*Annual Report 2000-2001*’, April.

Munshani, Kalyani (2010), “The Essence of Terrorist Finance: An Empirical Study of The U.N. Sanctions Committee and The U.N. Consolidated List”, *Michigan State Journal of International Law*, 18 (2): 230-266.

Oxford Dictionary (2018), “Sanction”, [Online: web] Accessed 23 February 2018 URL: <https://en.oxforddictionaries.com/definition/sanction>

*Pecht, Manjana (2016), “International Responses to ISIS and Why They Are Failing”, Stockholm International Peace Research Institute, [Online: web] Accessed 07 July

2018, URL: <https://www.sipri.org/commentary/essay/2016/international-responses-isis-and-why-they-are-failing>.

Portela, Clara (2009), “National implementation of United Nations sanctions: Towards fragmentation”, *International Journal*, 65 (1): 13-30.

Prost, Kimberly (2017), “Security Council sanctions and fair process”, in Larissa Herik (ed.) *Research Handbook on UN Sanctions and International Law*, Cheltenham: Edward Elgar Publishing Limited.

Renwick, Robin (1981), *Economic Sanctions*, Harvard University: Center for International Affairs.

*Reuters (2017), “Arab powers sever Qatar ties, citing support for militants”, [Online: web] Accessed 09 July 2018, URL: <https://www.reuters.com/article/us-gulf-qatar-idUSKBN18W0DQ>.

Runion, Meredith L. (2007), *The History of Afghanistan*, Westport: Greenwood Press.

Ruys, Tom (2017), “Sanctions, Retortions And Countermeasures: Concepts and International Legal Framework”, in Larissa Herik (ed.) *Research Handbook on UN Sanctions and International Law*, Cheltenham: Edward Elgar Publishing Limited.

Saikal, Amin (2004), *Modern Afghanistan: A History of Struggle and Survival*, New York: I.B.Tauris & Co Ltd.

*Security Council (1948), Resolution 50: Voluntary Arms Embargo in areas around Palestine, UN Doc. S/RES/50.

*———— (1961), Resolution 169: The Congo Question, UN Doc. S/RES/180.

*———— (1963a), Resolution 180: Question Relating to Territories under Portuguese Administration, UN Doc. S/RES/180.

*———— (1963b), Resolution 181: Voluntary Arms Embargo on South Africa, UN Doc. S/RES/181.

- *———— (1965a), Resolution 216: On Southern Rhodesia, UN Doc. S/RES/216.
- *———— (1965b), Resolution 217: Voluntary Sanctions on Southern Rhodesia, UN Doc. S/RES/217.
- *———— (1966), Resolution 232: Limited Mandatory Sanctions on Southern Rhodesia, UN Doc. S/RES/232.
- *———— (1968), Resolution 253: Mandatory Comprehensive Sanctions on Southern Rhodesia, UN Doc. S/RES/253.
- *———— (1977), Resolution 418: Mandatory Arms Embargo on South Africa, UN Doc. S/RES/418.
- *———— (1992a), Resolution 733: Sanctions on Somalia, UN Doc. S/RES/733.
- *———— (1992b), Resolution 751: Committee to Oversee Sanctions on Somalia, UN Doc. S/RES/751.
- *———— (1998a), Resolution 1189: Terrorist Attacks in Kenya and Tanzania, UN Doc. S/RES/1189.
- *———— (1998b), Resolution 1193: Situation in Afghanistan, UN Doc. S/PV.4251.
- *———— (1999a), 4051st meeting: Adopted Resolution 1267, UN Doc. S/PV.4051.
- *———— (1999b), Resolution 1267: Enforced Sanctions on Taliban and Established a Committee, UN Doc. S/RES/1267.
- *———— (2000a), 4251st meeting: Adopted Resolution 1333, UN Doc. S/RES/1189.
- *———— (2000b), Resolution 1333: Enforced Arms Embargo, UN Doc. S/RES/1333.
- *———— (2001a), Resolution 1363: Establishes Counter-Terrorism Committee, UN Doc. S/RES/1373.

*———— (2001b), Resolution 1373: Establishes Counter-Terrorism Committee, UN Doc. S/RES/1373.

*———— (2002a), Resolution 1388: Removed Ariana Afghan Airlines from the Sanctions list, UN Doc. S/RES/1388.

*———— (2002b), Resolution 1390: Extended the Mandates of the Monitoring Group for Further 12 months, UN Doc. S/RES/1390.

*———— (2002c), First Report of the Monitoring Group on Afghanistan: Established Pursuant to Security Council Resolution 1363, UN Doc. S/2002/65.

*———— (2002d), Report of the Monitoring Group Established Pursuant to Security Council Resolution 1363 and Extended by Resolution 1390, UN Doc. S/2002/541.

*———— (2002e), Second Report of the Monitoring Group Established Pursuant to Security Council Resolution 1363 and Extended by Resolution 1390, UN Doc. S/2002/1050.

*———— (2002f), Third Report of the Monitoring Group Established Pursuant to Security Council Resolution 1363 and Extended by Resolution 1390, UN Doc. S/2002/1338.

*————(2003a), Resolution 1455: Extends the Mandate of the Monitoring Group for further 12 months, to assist the 1267 Committee, UN Doc. S/RES/1455.

*————(2003b), Resolution 1456: Ministerial-Level Security Council Meeting Calls for Urgent Action to Prevent and Suppress All Support for Terrorism, UN Doc. S/RES/1456.

*————(2003c), Resolution 1518: Establishes Committee to oversee Iraqi Sanctions Regime, UN Doc. S/RES/1518

*————(2004a), Resolution 1526: Establishes a Monitoring Team to assist the 1267 Committee, UN Doc. S/RES/1526.

*————(2004b), Resolution 1533: Establishes Committee to oversee DRC Sanctions Regime, UN Doc. S/RES/1533.

*————(2004c), Resolution 1556: Arms Embargo on Sudanese Militias, UN Doc. S/RES/1566.

*————(2005a), Resolution 1591: Committee Established to Oversea Sudanese Sanctions Regime, UN Doc. S/RES/1591.

*————(2005b), Resolution 1617: Defines what Constitutes ‘associates with’ and Requests for Increased Cooperation between the Interpol and the 1267 Committee, UN Doc. S/RES/1617

*————(2005c), Resolution 1636: Establishes Committee to designate Individuals Suspected for the Beirut Bombings, UN Doc. S/RES/1636.

*————(2006a), Resolution 1718: Sanctions on DPRK, UN Doc. S/RES/1718.

*————(2006b), 5599th Meeting: Adopted Resolution 1730 Establishing Focal Point to Receive Delisting Requests, UN Doc. S/PV.5599.

*————(2006c), Resolution 1730: Establishes Focal Point to Receive Delisting Requests, UN Doc. S/RES/1730.

*————(2008a), Meeting 5928: Adopted Resolution 1822, UN Doc. S/PV.5928.

*————(2008b), Resolution 1822: Directed the 1267 Committee to display the Listing Information on the Website, UN Doc. S/RES/1822.

*————(2009a), Meeting 6247: Adopted Resolution 1904, UN Doc. S/PV.6247.

*————(2009b), Resolution 1904: Established the Office of Ombudsperson to handle Delinking requests of the 1267 Committee, UN Doc. S/RES/1904.

*————(2009c), Resolution 1907: Sanctions on Eretria, UN Doc. S/RES/1907.

*————(2010), Resolution 1945: Arms Embargo further Strengthened in Sudanese Sanctions Regime, UN Doc. S/RES/1945.

*————(2011a), 6557th Meeting: Adopted Resolutions 1988 and 1989, UN Doc. S/PV.6557.

*————(2011b), Al Qaida Sanctions Committee's Chairman's briefing to the Security Council on 16 May, UN Doc. S/PV.6536.

*————(2011c), Resolution 1970: Sanctions on Libyan Leaders including Gaddafi and Associates, UN Doc. S/RES/1970.

*————(2011d), Full text of the briefing to the Security Council of Ambassador Peter Wittig, Chair of the Al-Qaida Sanctions Committee, UN Doc. S/PV.6658.

*————(2011e), Resolution 1988: Established A Committee to Supervise Sanctions Imposed on the Taliban Separately, UN Doc. S/RES/1988.

*————(2011f), Resolution 1989: Extended the Mandate of the Office of Ombudsperson to Submit Delinking Requests to the 1267 Committee, UN Doc. S/RES/1989.

*————(2011e), Eleventh report of the Analytical Support and Sanctions Implementation Monitoring Team established pursuant to Security Council resolution 1526 (2004a) and extended by resolution 1904 (2009) concerning Al-Qaida and the Taliban and associated individuals and entities, UN Doc. S/2011/245.

*————(2011f), Report Monitoring Team concerning linkages between Al-Qaida and the Taliban as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, UN Doc. S/2011/790.

*————(2012a), Resolution 2048: Sanctions on Military Elites of Guinea Bissau for Organising Coup, UN Doc. S/RES/2048.

*————(2012b), Twelfth report of the Analytical Support and Sanctions Implementation Monitoring Team, submitted pursuant to resolution 1989 (2011) concerning Al-Qaida and associated individuals and entities, UN Doc. S/2012/729.

*————(2012c), Thirteenth report of the Analytical Support and Sanctions Implementation Monitoring Team, submitted pursuant to resolution 1989 (2011) concerning Al-Qaida and associated individuals and entities, UN Doc. S/2012/968.

*————(2012d), Resolution 2083: Allowed Designated Names Under the 1267 Committee's List to Approach Focal Point to Apply for Sanction Exemptions, UN Doc. S/RES/2083).

*————(2013a), Resolution 2127: Arms Embargo on Central African Republic, UN Doc. S/RES/2127.

*————(2013b), Full text of the briefing to the Security Council of Ambassador Gary Quinlan, Chair of the Al-Qaida Sanctions Committee, UN Doc. S/PV.6964.

*————(2014a), Resolution 2140: Establishes Committee to Oversee Sanction Measures on Yemen, UN Doc. S/RES/2140.

*————(2014b), 7242nd meeting: Adopted Resolution 2170, UN Doc. S/PV.7242.

*————(2014c), Resolution 2170: On the Situation in Iraq and Syria, UN Doc. S/RES/2170.

*————(2014d), 7272nd meeting: Adopted Resolution 2178, UN Doc. S/PV.7272.

*————(2014e), Resolution 2178: The threat from Foreign Terrorist Fighters, UN Doc. S/RES/2178.

*———— (2014f), Fifteenth Report of The Analytical Support and Sanctions Monitoring Team Submitted Pursuant to Resolution 2083 (2012) Concerning Al-Qaida And Associated Individuals and Entities, UN Doc. S/2014/41.

*————(2014g), Sixteenth Report of The Analytical Support and Sanctions Monitoring Team Submitted Pursuant to Resolution 2161 (2014) Concerning Al-Qaida And Associated Individuals and Entities, UN Doc. S/2014/770.

*————(2014h), The Islamic State in Iraq and the Levant and the Al-Nusrah Front for the People of the Levant: Report and Recommendations Submitted Pursuant to Resolution 2170 (2014), UN Doc. S/2014/815.

*————(2014i), Resolution 2161: Requested the UNSG to Publish the 1267 Committee's List in all UN Official Languages, UN Doc. S/RES/2161.

*————(2014j), Full text of the briefing to the Security Council of Ambassador Gary Quinlan, Chair of the Al-Qaida Sanctions Committee, UN Doc. S/PV.7184.

*————(2014k), Report of the Security Council Committee Pursuant to Resolutions 1267 and 1989, UN Doc. S/2014/923.

*————(2014l), Chair of the Al-Qaida Sanctions Committee's briefing to the Security Council, UN Doc. S/PV.6862.

*————(2015a), Resolution 2206: Targeted Sanctions Imposed on South Sudanese Individuals, UN Doc. S/RES/ 2206.

*————(2015b), Resolution 2216: Expands the Mandate of Committee overseeing the Yemen Sanctions Regime, UN Doc. S/RES/ 2216.

*————(2015c), Resolution 2253: Expands the Listing Criteria to Include Individuals and Entities Supporting The ISIL, UN Doc. S/RES/2253.

*————(2015d), Monitoring Team's Report on Foreign Terrorist Fighters, UN Doc. S/2015/358.

*————(2015e), Resolution 2199: Disrupting the Source of Revenue and Trade of ISIL, UN Doc. S/RES/ 2199.

*———— (2015f), 7420th meeting: Adopted Resolution 2214 Concerning Situation in Libya, UN Doc. S/RES/ 2214.

*————(2015g), Resolution 2214: Concerning Sanctions on Individuals and Groups who align with ISIL in Libya, UN Doc. S/RES/ 2214.

*———(2015h), Report of The Monitoring Team Submitted Pursuant to Paragraph 13 Concerning the Terrorism Threat in Libya Posed by The Islamic State in Iraq and the Levant, Ansar Al Charia, and all other Al-Qaida associates, UN Doc. S/2015/891.

*———(2015i), 7587th meeting: Adopted Resolution 2253 and Expanded the Designation Criteria of the 1267 Committee, UN Doc. S/PV.7587.

*———(2015j), Chair's Summary of The Monitoring Team's Assessment of The Impact of The Measures Imposed in Security Council Resolution 2199, UN Doc. S/2015/739.

*———(2015k), Chair of the Al-Qaida Sanctions Committee's Briefing to the Security Council, UN Doc. S/PV.7453.

*———(2015l), Briefing to the Security Council by the Chair of the Al-Qaida Sanctions Committee, UN Doc. S/PV.7463.

*———(2016a), Guidelines of the Committee for the Conduct of its Work: Security Council Committee Pursuant to Resolutions 1267 (1999), 1989 (2011), And 2353 (2015) Concerning Isil (Da'esh), Al-Qaida and Associated Individuals, Groups Undertakings and Entities. [Online: web] Accessed 14 Sept. 2017, [URL:https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/guidelines_of_the_committee_for_the_conduct_of_its_work.pdf](https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/guidelines_of_the_committee_for_the_conduct_of_its_work.pdf)

*———(2016b), 7847th meeting: Adopted Resolution 2331 and Condemned Human Trafficking, UN Doc. S/PV.7847.

*———(2016c), Resolution 2331: Against Human Trafficking by ISIL, Boko Haram, Al-Shabaab and the Lord's Resistance Army, UN Doc. S/RES/2331.

*———(2016d), Monitoring Team's Eighteenth Report, UN Doc. S/RES/629.

*———(2016e), Briefings by Chairs of subsidiary bodies of the Security Council, UN Doc. S/PV.7686.

*———(2017a), Resolution 2362: Prohibition of Export on Oil Products in Libya, UN Doc. S/RES/2362.

*———(2017b), Resolution 2368: Mandates of the Office of Ombudsperson and the Monitoring Team extended till December 2021, UN Doc. S/RES/2362.

*———(2017c), Resolution 2374: Establishes Committee to Oversee Sanctions Imposed on Individuals in Mali, UN Doc. S/RES/2374.

*———(2017d), Resolution 2397: Expanded the Sanctions list on DPRK, UN Doc. S/RES/2397.

*———(2017e), Resolution 2347: Against Destruction and Smuggling of Cultural Heritage, UN Doc. S/RES/2347.

*———(2017f), 7907th meeting: Condemned the Destruction and Smuggling of Cultural Heritage and Adopted Resolution 2347, UN Doc. S/PV.7907.

*———(2017g), 8007th meeting: On the Problem of Returning Fighters and Adopted Resolution 2368, UN Doc. S/PV.8007.

*———(2017h), Monitoring Team's Nineteenth Report, UN Doc. S/2017/35.

*———(2018a), Chairs and Vice-Chairs of Subsidiary Organs, UN Doc. S/2018/2.

*———(2018b) “Sanctions”, [Online: web] Accessed 3 March 2018, URL: <https://www.un.org/sc/suborg/en/sanctions/information>

*———(2018c), The List established and maintained pursuant to Security Council res. 1267/1989/2253, [Online: web] Accessed 31 May 2018, URL: <https://scsanctions.un.org/en/?keywords=al-qaida>

*———(2018d), Monitoring Team's Twenty-first report, UN Doc. S/2018/14.

Security Council Report (2013), *UN Sanctions: Special Research Report*, [Online: web] Accessed 19 Sept. 2017, URL: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/special_research_report_sanctions_2013.pdf

Siddiqi, Shibil (2008), *Afghanistan-Pakistan Relations: History and Geopolitics in a Regional and International Context*, Toronto: Walter and Duncan Gordon Foundation.

Simons, Geoffrey (1999), *Imposing Economic Sanctions: Legal Remedy or Genocidal Tool*, Michigan: Pluto Press.

Teixeira, Pascal (2003), *The Security Council at the Dawn of the Twenty-First Century*, Geneva: United Nations Institute for Disarmament Research.

The Security Council's 1267 Regime and the Need for Reform”, *Boston College International and Comparative Law Review*, 33 (1): 1-42.

Tladi, Dire, and Gillian Taylor (2011), “On the Al Qaida/Taliban Sanctions Regime: Due Process and Sunsetting.”, *Chinese Journal of International Law*, 10 (4): 771–789.

United Nations (2009), *Repertoire of the Practice of the Security Council: Supplement 1996-1999*, United Nations Publication, Sales No. 10.VII.3, New York.

Wallensteen, Peter and Carina Staibano (2005), *International Sanctions: Between Words and Wars in The Global System*, London: Frank Cass.

Willis, Grant L (2011), “Security Council Targeted Sanctions, Due Process and the 1267 Ombudsperson”, *Georgetown Journal of International Law*, 42 (3): 673-746.