1267/1989/2253 ISIL (Da’esh) & Al-Qaida Sanctions Committee
-
Monitoring Team

UNESCO

17-19 May 2017
1. ISIL (Da’esh) & Al-Qaida Sanctions Regime

2. Monitoring Team’s Actions, Reporting and Recommendations

3. Conclusion
1. UN 1267 SANCTIONS REGIME
BRIED REMINDER
ISIL and Al Qaida Sanctions Regime

- One of the 13 sanctions regimes of the United Nations Security Council

- Approved by the Security Council (Chapter 7) - Measures are binding upon all Member States

- Three sanctions measures - Assets freeze / Travel ban / Arms embargo

- 1267: Regime is specific: Asymmetric and transnational global threat from non-State actors

- Monitoring Team - Core Mandate
  Threat assessment
  Monitoring of the implementation of the sanctions
  Reports and Recommendations / Proposals for new sanctions measures

Committee is the decision maker of the Security Council
Sanctions are an operational tool for global counter terrorism measures
Global assets freeze
Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons’ benefit, by their nationals or by persons within their territory.

Explanation of terms of “Assets freeze” sanction measure
Works of art and cultural property considered as assets

Key Recommendation #6 in Team’s report S/2014/815
The Monitoring Team, noting that ANF and ISIL may generate revenue from the smuggling and sale of antiquities illegally taken from the territory of the Syrian Arab Republic or Iraq, recommends that the Chair request the Security Council to mandate a world-wide moratorium on the trading of antiquities from the Syrian Arab Republic or Iraq since the passing of resolution 2170 (2014) that lack clear, certified provenance.

Resolution 2199 (2015)

- Global ban for cultural goods illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011 with or without links to terrorism

Para. 17
Reaffirms its decision in paragraph 7 of resolution 1483 (2003) and decides that all Member States shall take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, including by prohibiting cross-border trade in such items

- Reporting process

Para. 30
Requests the Analytical Support and Sanctions Monitoring Team [...] to conduct an assessment of the impact of these new measures and to report to the Committee [...] within 150 days, and thereafter to incorporate reporting on the impact of these new measures into their reports to the Committee in order to track progress on implementation, identify unintended consequences and unexpected challenges, and to help facilitate further adjustments as required, and further requests the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) to update the Security Council on the implementation of this resolution
Resolution 2253 (2015)

- **Strengthened criteria**
  
  Para. 14
  
  Encourages all Member States to [...] submit to the Committee [...] listing requests of individuals and entities supporting ISIL, Al-Qaida, [...], and directs the Committee to immediately consider, [...], designations of individuals and entities engaged in financing, supporting, facilitating acts or activities, including [...] antiquities trade-related activities with ISIL, Al-Qaida and affiliates)

- **New obligations for Member States**
  
  Para. 15
  
  Calls upon Member States to report [to the Committee] interdictions of antiquities, as well as the outcome of proceedings brought against individuals and entities as a result of any such activity;

- **New responsibilities for the Monitoring Team**
  
  Para. 95
  
  Requests the Analytical Support and Sanctions Monitoring Team to submit, [...], to the Committee [...] in 30 days recommendations [...] on measures that can be taken to strengthen monitoring of global implementation of resolutions 2199 (2015) [...] and additional steps that could be taken by the Committee
2. MONITORING TEAM ACTIONS, REPORTING AND RECOMMENDATIONS
Actions taken by the MT

- **Development of monitoring mechanism** relating to the illicit trade in Cultural Property

1. Engagement with Member States concerning data on looting, smuggling, seizures and on-going investigations.

2. UN and non-UN partnerships:

   UNESCO - UNOSAT - WCO - UNIDROIT - INTERPOL

3. Contacts to private sector and academics

   Auctions houses, art traders, antiquities and collectors associations, academics, market specialists, archeologists.
Impact assessment: July 2015
First set of Recommendations: February 2016

- **Assessment report (July 2015)** by the Monitoring Team of the impact of the measures imposed in Security Council resolution 2199 (2015):

  Challenges identified by the Team to implement measures countering asset generation from illicit trade in cultural heritage
  1. Documentation
  2. Due diligence processes – art trade sector
  3. Cooperation with financial sector
  4. Discussion concerning ‘safe heavens’
  5. Reporting requirements
  6. Listings proposals for the Al-Qaida Sanctions List

- **Resolution 2253 (2015), para. 95**

  **Monitoring Team recommendations (S/2016/210)**
  1. New WCO Recommendation
  2. High Level Meeting INTERPOL, UNESCO, WCO with Committee
  3. Member States to update INTERPOL Stolen Works of Art (SWoA) database
  4. Highlight Risks in Libya
  5. Highlight risks of misuse of free ports

  Recommendations were approved by the Committee
Second Step: Technical paper on private sector

- Monitoring Team – Business Entities Paper (S/2016/213)
  “Challenges business entities face in implementing resolution 2199 (2015)”

Why such a report?
- Understanding by the Security Council that effective sanctions require both Member State actions and the ability of the private sector to implement.
- It is not only an illicit trade but also an issue of international security

Aim: What do business entities need to effectively implement sanctions measures?
- Understand how the market functions
- Explore trafficking routes and choke points in supply chain
- Effective measures to reduce market demand
- Effective measures to increase Know Your Customer (KYC) and documenting procedures

Part III is dedicated to illicit trade in cultural property
  1. Inhibiting the illicit transport
  2. Measures against the illicit trade
Third Step: Recommendations

- Comprehensive report S/2016/629

- Generating data on smuggling of antiquities
  R1-The MT recommends that the Committee write to Member States encouraging them to explore possibilities to create additional subcategories under headings 97.05 and 97.06 in the WCO Harmonized System Nomenclature and Classification of Goods.

- Enabling customs and the law enforcement community to better identify relevant antiquities
  R2-The MT recommends that the Committee write to Member States encouraging them to raise awareness among the relevant customs and law enforcement agencies of the WCO ARCHEO platform with a view to its wider use and also encouraging them to share data on seizures through the WCO CEN seizures database.
  R3-To strengthen the compliance systems of business entities in the antiquities market, the MT recommends that the Committee write to Member States encouraging those that have not yet done so to provide, where available and on a national basis, to relevant industry stakeholders and associations operating within their jurisdiction lists of archaeological sites, museums and excavation storage houses that are located in territory under the control of ISIL or any other listed group.

- Strengthening due diligence and know-your-customer procedures
  R4-The MT recommends that the Committee write to Member States encouraging those that have not yet done so to engage relevant business associations and antiquities market participants to agree on minimum standards of provenance documentation, differentiated due diligence and know-your-customer procedures and a minimum period during which documentation pertaining to the sale of antiquities should be retained by sellers.

MT Recommendations were approved by the Committee → UNSC Resolution 2347 (2017)
Resolution 2347 (2017) - General Measures

**Landmark Resolution** - First time Security Council decides specific measures against looting and smuggling of antiquities as part of terrorism concerns

- **Preamble**
  Also recognizing the role of the Analytical Support and Sanctions Monitoring Team [...], in identifying and raising awareness on the challenges related to the illicit trade of cultural property as it relates to the financing of terrorism

- **Para. 10**
  Encourages Member States to propose listings of ISIL, Al-Qaida and associated individuals, groups, undertakings and entities involved in the illicit trade in cultural property to be considered by the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee

- **Para. 21**
  Requests the Analytical Support and Sanctions Monitoring Team [...] to continue, [...], to provide the Committee with relevant information regarding the illicit trade of cultural property;

- **Para. 22**
  Also requests the Secretary-General, with the support of UNODC, UNESCO and the Analytical Support and Sanctions Monitoring Team [...], as well as other relevant United Nations bodies, to submit to the Council a report on the implementation of the present resolution before the end of the year;
Para. 17:

*Calls upon Member States*, in order to prevent and counter trafficking of cultural property illegally appropriated and exported in the context of armed conflicts, notably by terrorist groups, to consider adopting the following measures, in relation to such cultural property:

- (a) Introducing or improving cultural heritage’s and properties’ local and national inventory lists, including through digitalized information when possible, and making them easily accessible to relevant authorities and agencies, as appropriate;

- (b) Adopting adequate and effective regulations on export and import, including certification of provenance where appropriate, of cultural property, consistent with international standards;

- (c) Supporting and contributing to update the World Customs Organization (WCO) Harmonized System Nomenclature and Classification of Goods;

- (d) Establishing, where appropriate, in accordance with national legislation and procedures, specialized units in central and local administrations as well as appointing customs and law enforcement dedicated personnel, and providing them, as well as public prosecutors, with effective tools and adequate training;

- (e) Establishing procedures and where appropriate databases devoted to collect information on criminal activities related to cultural property and on illicitly excavated, exported, imported or traded, stolen, trafficked or missing cultural property;
Para. 17 (continued):

- (f) Using and contributing to the INTERPOL Database of Stolen Works of Art, UNESCO Database of National Cultural Heritage Laws, and WCO ARCHEO Platform, and relevant current national databases, as well as providing relevant data and information, as appropriate, on investigations and prosecutions of relevant crimes and related outcome to UNODC portal SHERLOC and on seizures of cultural property to the Analytical Support and Sanctions Monitoring Team;

- (g) Engaging museums, relevant business associations and antiquities market participants on standards of provenance documentation, differentiated due diligence and all measures to prevent the trade of stolen or illegally traded cultural property;

- (h) Providing, where available, to relevant industry stakeholders and associations operating within their jurisdiction lists of archaeological sites, museums and excavation storage houses that are located in territory under the control of ISIL or any other group listed by the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee;

- (i) Creating educational programmes at all levels on the protection of cultural heritage as well as raising public awareness about illicit trafficking of cultural property and its prevention;

- (j) Taking appropriate steps to inventory cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance which have been illegally removed, displaced or transferred from armed conflict areas, and coordinate with relevant UN entities and international actors, in order to ensure the safe return of all listed items;
3. CONCLUSION
Achievements - Risks - Challenges

Achievements

• **Global moratorium recommended by the Monitoring Team in 2014 established;**
  Several Member States and international/regional organizations reported concrete cases related to Iraqi and Syrian cultural goods illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011 (on-going investigations).

• **Higher awareness among Member States, international organisations and the private sector.**
  WCO resolution of the Customs Cooperation Council on the role of Customs in preventing illicit trafficking of cultural objects (July 2016);
  Some Member States took specific legal measures.

• **All of the Monitoring Team’s recommendations approved** by the Committee of the Security Council;
  -> UNSC Resolution 2347 (2017) passed, implementing Team’s recommendations in para. 17.
  
  **But this is not yet sufficient**

Continuous risks and challenges

• Continuous looting - arrivals of cultural goods in the market have been quicker than expected - ISIL finance situation
  
• Nexus between organized crime / terrorism / FTF
  
• On-line sales
  
• Reporting process to be improved.
Follow-up - Crucial

- The work of the Monitoring Team on this issue since 2014 has progressed significantly and helped the members of the Security Council to set new global standards for the trade in antiquities.

- Resolution 2347 (2017) demonstrates the significant importance that the United Nations Security Council places on the issue of looting, trafficking and illegal sale of antiquities.

- Although the global moratorium, the Team’s recommendations and resolution 2347 (2017) are unlikely to completely eliminate the global criminal market for smuggled antiquities, these measures have the potential to significantly disrupt the trafficking of these items and make the life of traffickers/terrorists more difficult.

- It is now important for Member States, the respective international organizations, the private sector as well as civil society to follow up on the decisions of the Security Council outlined in resolution 2347 (2017).

High political attention. Sanction measures must become efficient -> Follow-up UNSC Resolution 2253 (2015) by June 2017
Thank you for your attention

ISIL (Da’esh) & Al-Qaida and Taliban
Analytical Support and Sanctions Monitoring Team