

Un Resolution 1267 and its Importance for India and the World

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Abstract

United Nations Security Council (UNSC) declared Jaish-e-Mohammed (JeM) chief Masood Azhar a 'global terrorist' on 1st may, 2019 The decision was taken under the UNSC Resolution 1267. Masood Azhar is the founder and leader of the Pakistan-based terrorist organisation Jaish-e-Mohammed, active mainly in the Pakistani-administered portion of the state of Jammu and Kashmir. His organisation has been responsible for carrying out the 2001 Indian Parliament attack, 2008 Mumbai attacks, 2016 Pathankot attack and the 2019 Pulwama attack.

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Introduction

UNSC 1267 committee- At the time of its establishment, UNSC Resolutions Committee was known as the Al-Qaida and Taliban Sanctions Committee. It was split on June 17, 2011, which led to the creation of a separate Taliban Sanctions Committee to deal with the terror outfit which has been actively involved in terror attacks since its inception in 1994. Along with all subsequent resolutions, Resolution 1267 has been adopted under Chapter VII of the United Nations Charter which is focused on the UN Security Council's powers to maintain peace.

The Committee makes its decision by consensus. Even if even a single member opposes a decision, there is no consensus

The Committee comprises all 15 members of the Security Council and makes its decision by consensus. The current Chair of the Committee, for the period ending 31 December 2019, is Indonesia. The two Vice-Chairs for 2019 are the Russian Federation and Peru. The Committee prepares annual reports of its activities. The Committee has Guidelines for the conduct of its work. Formal and informal meetings of the Committee are announced in the Journal of the United Nations. The work of the Committee is supported by the Analytical Support and Sanctions Monitoring Team pursuant to resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities (hereafter "the Monitoring Team").

The Committee is mandated to:

- *oversee the implementation of the sanctions measures
- *designate individuals and entities who meet the listing criteria set *out in the relevant resolutions
- *consider and decide upon notifications and requests for exemptions from the sanctions measures
- *consider and decide upon requests to remove a name from the ISIL (Da'esh) & Al-Qaida Sanctions List
- *conduct periodic and specialised reviews of the entries on the ISIL (Da'esh) & Al-Qaida Sanctions List
- *examine the reports presented by the Monitoring Team report annually to the Security Council on the implementation of the sanction measures.
- *conduct outreach activities.

About United Nations Security Council (UNSC)

The United Nations Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote.

There are five permanent members: China, France, Russian Federation, the United Kingdom, and the United States, and 10 non-permanent members elected for two-year terms by the UN General Assembly.

Under the Charter of the United Nations, all Member States are obligated to comply with Council decisions.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression.

It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement.

In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.

What happens when the committee designates someone as a global terrorist?

Asset freeze: All member states of the United Nations are required to freeze without delay the funds and other financial assets or economic resources of designated individuals and entities.

Travel ban: All member states are required to prevent the entry into or transit through their territories by designated individuals.

Arms embargo: All member states are required to prevent the direct or indirect supply, sale and transfer from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, spare parts, and technical advice, assistance, or training related to military activities, to designated individuals and entities.

India's attempts to list Azhar at the UNSC:

- The UN had banned the Jaish-e Mohammad in 2001. But India's efforts to ban Masood Azhar after the Mumbai terror attack were not successful as China has repeatedly blocked the move.
- Three attempts to designate Azhar as global terrorist, in 2009, 2016 and 2017, have been blocked by China at Pakistan's behest.
- Backing India's efforts, a new proposal to designate Azhar a global terrorist was moved in the UN Security Council with the backing of permanent members France, US and UK (which came in response to the Pulwama attack).
- China again stalled India's bid to list Masood Azhar as a global terrorist by putting a technical hold for six months.
- However, China has recently lifted technical hold after Beijing found no objection to the listing proposal.
- By not objecting to Azhar's listing at Pakistan's behest, China had finally shifted from its position after 10 years of consistent stalling to designate him as a global terrorist at the UN Security Council Resolution 1267 sanctions committee.

How India got China on board?

India had hectic negotiations with China since it put a technical hold in March, 2019. India's Foreign Secretary's diplomatic visits to Washington, Beijing and Moscow were indicators of stepped-up diplomacy. In addition, US proposal to start a fresh move to list Azhar by moving a resolution (along with UK and France), at the UNSC for discussions leading to a public vote, also put immense pressure on China. However India-China issues remain like NSG membership, UNSC membership, border dispute, trade deficit, but China took the call to remove one contentious issue (Azhar) off the bilateral table.

The Masood Azhar matter before the Security Council was 10 years old. India had first approached the UNSC in 2009 demanding the listing of Masood Azhar in the 1267 Resolution. The matter depended entirely on the dossier India submitted to all the member countries at that time and subsequently, as and when it came up before the 1267 Sanctions Committee. It contained all the details of the activities of Jaish-e-Mohammad and Azhar, its founder. From the Parliament attack in 2001 to the Mumbai terror attack in 2008 to the Pulwama attack in 2019, Azhar's footprints were present in many a terror attack in India. All this material has been placed before all the member countries through the dossier.

India is not a member country during the current term of the Security Council. Hence, it was France which moved this matter at the 1267 Committee, seeking the listing of Masood Azhar as a designated global terrorist. Not only the US and UK, but even countries like Indonesia, which is the chair of the Security Council at the moment, strongly supported France. Finally, 14 out of 15 members of the UNSC were in its favour forcing the 15th member — and a permanent member at the UNSC, China — to concede.

Announcing the inclusion of Azhar's name in the notorious list of global terrorists, the Sanctions Committee cited the reasons as: "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 material to... recruiting for... otherwise supporting acts or activities of... and... other acts or activities indicating association with... Jaish-i-Mohammed".

Implications on Pakistan: The listing of **Masood Azhar** as a global terrorist main give shock to ISI which is always supported terrorists like him in Kashmir Valley, 'Jas e Mohammad' as an organisation may also get weakened, demands for listing other terrorists and their organisations may also follow in the time to come.

Way ahead: Pakistan's actions against others on the 1267 list have been far from effective, and in many cases obstructionist. Hafiz Saeed, the 26/11 mastermind and Lashkar-e-Toiba chief, roams free, addresses rallies, and runs a political party and

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several NGOs without any government restrictions. LeT's operations commander Zaki Ur Rahman Lakhvi was granted bail some years ago despite the UNSC sanctions mandating that funds and assets to the sanctioned individuals must be frozen. It will take constant focus from New Delhi, and a push from the global community, to ensure that Masood Azhar is not just starved of funds, arms and ammunition as mandated, but that he is prosecuted in Pakistan for the acts of terror he is responsible for. Azhar and his JeM must lose all capacity to carry out attacks, particularly across the border. Global terror financing watchdog Financial Action Task Force will also be watching Pakistan's next moves closely, ahead of a decision, that could come as early as in June, on whether to "blacklist" Pakistan or keep it on the "greylist". Both financial and political pressure should be maintained on Islamabad to bring the hard-fought designation of Masood Azhar to its logical conclusion.

Constant focus from New Delhi and a push from the global community are essential in Masood Azhar's case.

It must be ensured that he is starved of funds, arms and ammunition as mandated. Besides, prosecution in Pakistan for the acts of terror he is responsible for is also a priority. Global terror financing watchdog Financial Action Task Force will also be watching Pakistan's next moves closely. FATF will decide soon if Pakistan has to be placed in "blacklist" or continue on the "greylist". In all, both financial and political pressure should be maintained on Islamabad. This is imperative to bring the hard-fought designation of Masood Azhar to its logical conclusion. India's support and stand at international forums has been increasing as a continuous process in its fights against terrorism. It shall continue to take a stand firm to control the menace.

India should not just stop here, it needs to continue its efforts towards the acceptance of **Comprehensive Convention on International Terrorism** which is a proposed international treaty that intends to criminalize all forms of international terrorism and deny terrorists, their financiers and supporters access to funds, arms, and safe havens.

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