



# Security Council

Sixty-ninth year

*Provisional*

**7345**<sup>th</sup> meeting

Wednesday, 17 December 2014, 10.10 a.m.

New York

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*President:* Mr. Cherif . . . . . (Chad)

*Members:*

Argentina . . . . .	Mr. Oyarzábal
Australia . . . . .	Ms. King
Chile . . . . .	Mr. Olguín Cigarroa
China . . . . .	Mr. Zhao Yong
France . . . . .	Mr. Bertoux
Jordan . . . . .	Mr. Hmoud
Lithuania . . . . .	Mr. Baublys
Luxembourg . . . . .	Ms. Lucas
Nigeria . . . . .	Mr. Oguntuyi
Republic of Korea . . . . .	Mr. Oh Joon
Russian Federation . . . . .	Mr. Agasandyan
Rwanda . . . . .	Mr. Nduhungirehe
United Kingdom of Great Britain and Northern Ireland . . .	Mr. Tatham
United States of America . . . . .	Ms. Sison

## Agenda

The situation in Libya

Briefing by the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

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*The meeting was called to order at 10.10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Libya**

#### **Briefing by the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya**

**The President** (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Security Council will hear a briefing by the representative of Rwanda in his capacity as representative of the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya.

I now give the floor to the representative of Rwanda.

**Mr. Nduhugirehe** (Rwanda): On behalf of Ambassador Gasana, Chair of the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya, who will be joining us shortly, I wish to make the following statement.

"In accordance with paragraph 24 (e) of resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by the same resolution. The report covers the period from 16 September to 17 December 2014, during which time the members of the Committee met once in a formal meeting.

"At the outset, I would like to observe that the Committee has been reaching out to Member States more actively than usual during the past three months.

"Let me begin by referring to the Committee's action in follow-up to the interim report of the Panel of Experts. In my most recent report (see S/PV.7264), I mentioned that the Committee had agreed to follow-up on 15 of the Panel's recommendations. Accordingly, the Committee took the following steps.

"On 25 September, the Committee issued a note verbale to all Member States drawing attention to the new approval requirement for arms supply to the Libyan Government, introduced by resolution 2174 (2014), to the high risk of diversion and misuse of arms in Libya and to post-delivery requirements as laid out in the updated implementation assistance notice number 2.

"On 26 September, the Committee updated several entries on its sanctions list.

"On 30 September, the Committee sent a letter to the Special Representative of the Secretary-General and head of the United Nations Support Mission in Libya, Mr. Bernardino León, requesting his assistance in facilitating the Panel's access to Libya.

"On 2 October, the Committee sent a letter to the Permanent Representative of Libya to the United Nations bringing to his attention five of the Panel's recommendations, including procedures to strengthen communication between the Libyan authorities, on the one side, and the Panel and the Committee, on the other.

"Also on 2 October, the Committee sent a letter to Algeria requesting information on a listed individual. On 8 October, the Committee sent a letter to Oman in connection with a travel ban measure, to which Oman responded on 24 October.

"On 10 October, the Committee issued a note verbale to all Member States drawing attention to the additional designation criteria set out in resolution 2174 (2014) and encouraging Member States to submit information regarding individuals and entities who met those criteria and information on individuals currently inscribed on the Committee's sanctions list.

"On 13 October, the Committee issued a press release providing guidance on arms-embargo-related matters, including to end-users of exempted material in Libya and to Member States regarding the regulation of supplies of arms and related material to Libya that are sold by private entities.

"On 24 November, the Committee updated its implementation assistance notice number 3, relating to inspections and seizures of arms and related material undertaken by Member States in implementation of the arms embargo measure.

“Let me now report on the Committee’s activity in the follow-up to information and requests received by the Panel or Member States.

“On 16 and 24 September, respectively, the Committee sent letters to the Permanent Representatives to the United Nations of Libya and the Sudan as a follow-up to a public statement by the Sudanese Ministry for Foreign Affairs regarding deliveries of ammunition to Libya, and to a subsequent letter from the Permanent Representative of the Sudan addressed to the Committee regarding the delivery of logistical military supplies to Libya.

“On 23 October, the Committee sent a letter to a Member State, as a follow-up to a note verbale dated 20 October from the Permanent Mission of Libya to the United Nations regarding an arms embargo matter. The Member State in question responded to the Committee by a note verbale dated 5 December, and the information contained therein will be conveyed to the Permanent Mission of Libya shortly.

“On 14 November, the Committee held its second formal meeting, during which it held a discussion with the representatives to the United Nations of Libya, Algeria, Egypt, Greece, Italy, Malta, the Niger, the Sudan, Tunisia and Turkey on the implementation of the sanctions measures imposed by the Security Council in relation to Libya. It was a fruitful discussion, in which the invited delegations made some important suggestions and proposals, which I hope the Committee will be able to consider.

“Also during the reporting period, the Committee responded to two requests for guidance in relation to the arms embargo, the first of which related to a previous request for guidance regarding deliveries of military materiel to Libya by another Member State using the requestor’s airspace, and the second of which related to previously exempted materiel that was moved out of Libya and is now supposed to eventually be returned to Libya. The Committee furthermore sent a letter to the delegation of the European Union, in response to a request for information regarding a delisting request, and two letters to Libya, the first of which was in response to a question by Libya relating to previously exempted materiel and the second of

which was in follow-up to a request for guidance regarding the most recent list of Libyan officials authorized to sign documents related to arms procurement.

“Lastly, since the most recent periodic report to the Council, the Committee received one notification under paragraph 13 (b) of resolution 2009 (2011) that did not meet the necessary requirements for a notification, as laid out in the relevant implementation assistance notice of the Committee. The Committee responded to the notifying Member State by informing it about the respective shortcomings in its submission and suggesting remedy.

“Since this is my last periodic report to the Council, I would like to conclude by thanking the members of the Committee for the cooperation they have always extended to us, and the Secretariat for its much-appreciated assistance, and by wishing my successor well in his stewardship of the work ahead.”

**The President:** I thank the representative of Rwanda for his briefing in his capacity as representative of the Chair of the Committee.

I now give the floor to the representative of Libya.

**Mr. Dabbashi (Libya)** (*spoke in Arabic*): At the outset, I would like to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I also thank you and the other members of the Council for providing my delegation with this opportunity to address the Council at this meeting. I thank His Excellency Ambassador Gasana, Permanent Representative of Rwanda and Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya for his detailed report. I also thank him for his efforts, along with those of his team, in leading the work of the Committee over the past two years. I would like to express my great appreciation for his stewardship of the Committee, under which it has conducted fruitful official consultations with Libya and a number of other States. We hope the comments made during those consultations will be taken into consideration and that the suggestions proposed will meet the Committee’s approval and be implemented, as Ambassador Gasana indicated in the fifteenth paragraph of his report.

In addressing the activities of the Committee, I note that there is a need for transparency in dealings between it and the Libyan delegation, especially where the exchange of information is concerned. The sanctions on Libya are not sanctions against the legitimate authorities; in fact, the authorities are partners with the Security Council in the efforts to ensure that the embargo is not violated by non-State parties or terrorist organizations, and I hope the Committee will take that into consideration. Given that the Libyan army is waging an open war against terrorist organizations in Libya, facilitating measures enabling it to obtain the necessary weapons is in the interests of peace and security in the country and the region. Yesterday I informed the Sanctions Committee of new measures adopted by the provisional Libyan Government aimed at ensuring that weapons exempt from the sanctions do not reach anyone except the Libyan army.

What is needed is for the Security Council to lay out a clear and open position that leaves no room for misinterpretation or false hopes on the part of those fighting the legitimate authorities and trying to impose their will on the Libyan people by force of arms. There are no parties disputing Government and power. On one side, there is one legitimate authority represented in the elected House of Representatives and a legitimate Government that emerged from that House of Representatives; on the other, there is a coalition of armed groups committing terrorist acts and attempting to defeat and remove the legitimate authorities, rule the Libyan people by force of arms, and maintain control over the country's resources and wealth in order to finance terrorism inside and outside Libya. Political powers are hiding behind those groups, trying to make up for what they lost in the elections to the House of Representatives.

The Council will not be able to effectively halt the fighting in Libya or encourage dialogue if it does not avoid dealing with the armed groups on an equal footing with the legitimate Government and if it does not frankly and clearly invite the armed groups to stop fighting the Army, surrender their weapons, leave the cities and give up control of State institutions. The Council should call on all States to assist the Libyan army in its fight against terrorism. Council members, however well intentioned, must forswear their attempts to evaluate the resolutions and decisions of the House of Representatives and the Government based on it, including those concerning the Libyan army and its

leadership and the identity of the armed groups in Libya that can be termed terrorist.

It is now time for the Security Council to switch from reaction to action, and to pre-empt events with practical measures that can help Libya to restore the State's authority over its entire territory and re-establish security and stability for its citizens and residents throughout the country. That is not a difficult matter, but it must be based on support for the legitimate authorities and with an eye to the future, rather than remaining trapped in current circumstances. It must be based on the principles of democracy and the rule of law, which should be interpreted in a climate of freedom and integrity, free of threats to the lives and property of judges. I mention that because the Special Representative of the Secretary-General, Mr. Bernardino León, has made great efforts to bring the Libyan parties together to agree on a cessation of hostilities and to put together a united vision for the future that respects the path of democracy and takes the aspirations of the people into consideration.

So far, however, those efforts have been fruitless because the armed groups that have taken over the capital, Tripoli, and the city of Derna, and that were expelled from Benghazi by the army believe they have enough weapons and enough support from certain States to impose their will on the Libyan people. Unfortunately, they have found support from a political organization that lost in the elections to the House of Representatives and that wants to exploit the criminal activities of armed groups and the takeover of State institutions in order to achieve political gains that can compensate for its election losses.

So what steps do we need the Security Council to take now and in the future? In the absence of clear support for the legitimate authorities, buttressed by all available means, no attempt to reprise the Council's earlier approach of focusing on national dialogue and reconciliation will bear fruit. The Council should therefore consider the new facts on the ground, which are that the Libyan people are determined to rid themselves of the armed groups, whatever they are called, and that the Libyan army has been established and its numbers are increasing daily. Its combat capabilities continue to be strengthened and its feet are set more firmly on the ground thanks to its victories against rebels and terrorists in both the East and West of the country. What it has achieved in Benghazi, with the support of the city's population and with very modest resources,

is a source of pride for all Libyans and an important lesson for other armies in their fight against terrorism.

I am sorry to say that Libya today is close to the situation that prevailed in mid-2011, when the international community felt that there was no military solution to the crisis there. It later became apparent, however, that a military solution was in fact the only answer, owing to the intransigence of the former dictatorial regime. Today, the House of Representatives is extending its hand to the rebels in order to find a solution that can put an end to the bloodshed and keep to the path of democracy.

But the Dawn of Libya militias, which include in their ranks supporters of ISIL and Al-Qaida in Benghazi, Derna, Sirte and Al Zawiya, continue to insist on occupying State institutions, conspiring with foreign countries to destroy the Council of Deputies and precipitate its failure, and seeking to take control of oil exportation ports in order to finance terrorism internationally. No honest Libyan can accept this, and the international community should not either. I therefore emphatically state that Libyans are capable of dealing with armed groups, be they terrorists by ideology or terrorists in action as representatives of the greater international terrorist system.

The Libyans are asking two things of the Security Council at this point. First, we ask that the Council facilitate the Libyan army obtaining weapons and equipment so that it can achieve full victory over terrorism and the rebellion and restore State institutions to the legitimate authorities. Secondly, we ask that the Council charge the Secretariat with preparing a special assistance plan to help Libya rebuild institutions and restore stability. The plan should be implemented as soon as the army has returned control of State

institutions to the authorities in the capital, Tripoli. The plan, as set forth in the annex to our letter addressed to the President of the Security Council 26 August 2014 (S/2014/632), should focus on building security sector institutions, including the army, security entities and the judicial system, in addition to creating local Government institutions and training the staff thereof.

Nevertheless, the principal element in restoring security and stability in Libya is completing the drafting and adoption of the new Constitution and holding a referendum as soon as possible. In this way, the rule of law can return to Libya, while the conspiratorial intrigue of the losers and the aggressive ambition of certain armed persons, including some members of the military, may be blocked. Indeed, some members of military institutions may be seeking to divert those institutions from their legitimate task, thereby threatening democracy, especially in the absence of clear constitutional rules that govern those institutions' operation.

Therefore, if the Security Council wants to help Libya emerge from its current crisis and attendant suffering once and for all, then it must bring its weight to bear on helping the draft constitution to be completed, support the holding of the referendum on the draft constitution as soon as possible, and facilitating the end of the current provisional phase through presidential and legislative elections whose results would be legal and accepted by all.

**The President** (*spoke in French*): There are no more names inscribed on the list of speakers.

I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.35 a.m.*