

SECURITY COUNCIL COMMITTEE ESTABLISHED  
PURSUANT TO RESOLUTION 1970 (2011)  
CONCERNING LIBYA

Chairman's sixth report pursuant to paragraph 24(e) of  
Security Council resolution 1970 (2011)

1. In accordance with paragraph 24(e) of Security Council 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 1 March to 10 May 2012.

2. Mr. President, I began my last briefing to the Council by noting that two important documents were before the Committee. The first was a working document, put together by the Panel of Experts and reflecting the contributions of the Panel, CTED, ICAO, UNSMIL, ODA, OPCW and IAEA, on the threats and challenges of arms proliferation from Libya to the region. The second was a final report by the Panel on its monitoring of the implementation of the relevant measures, including the arms embargo, the travel ban and the asset freeze. Today I am pleased to announce that both of these documents are publicly available on the Committee's web site.

3. Allow me to highlight some of the content of each document. The working document formed the basis for the Committee's report to the Council pursuant to paragraph 5 of resolution 1970 (2011). Key findings included the following:

- that at the time of the writing of the report, no man-portable air defence systems originating from Libya had been seized outside Libya; nevertheless, significant threat variables existed, justifying further measures to mitigate the risk MANPADs might pose.
- that a combination of factors – such as the availability of the necessary materiel, the demand and the economic means of potential buyers, and the capacity and the range of the weapon – quantified more specifically the threat of MANPADs for use as a terrorist weapon.
- that there was clear evidence of significant quantities of weapons other than MANPADs having had left Libya during the conflict, particularly small arms and light weapons and associated ammunition, as well as explosives; and that certain existing factors could encourage further proliferation.
- that the increased supply of weapons and related materiel in the Sahel region was likely to have fuelled pre-existing insecurity, particularly in northern Mali.
- that all levels of authorities in Libya needed to be engaged in the overall efforts to control weapons and combat illicit trafficking.
- that at the regional level, attention had to be given to strengthening border control, enhancing regional cooperation and coordination efforts, exchange of information and curbing the specific threat related to MANPADs.

The document concluded with specific recommendations to counter the threat of illicit arms proliferation in the subregion and the Sahel region. For the purposes of this document, the recommendations focused solely on the regional measures of priority that had repeatedly been identified by regional authorities and international actors. As for next steps, Council members will recall that, by its resolution 1970 (2011), the Council decided that UNSMIL shall, in coordination

and consultation with the transitional Government of Libya, assist and support Libyan national efforts, taking into account, among other things, this particular document as adopted by the Committee.

4. Let me now turn to the final report of the Panel of Experts under resolution 1973 (2011). This report serves as the culmination of the work produced by the Panel over a period of eight months. It covers, among other things, cases of transfers of military materiel to and from Libya since the imposition of the arms embargo, cases of non-compliance with the travel ban, and cases of non-compliance with the asset freeze. Under the first category – that is, the provision of military materiel to Libya – the Panel has distinguished between three types of transfers, which it described as follows: “(1) notified transfers that were made in accordance with paragraph 4 of resolution 1973 (2011); (2) inadequate notifications of transfers of military materiel and personnel; and (3) non-notified transfers which constitute a violation of the arms embargo.”

5. In its report, the Panel of Experts made a total of 21 recommendations, addressed either to the Security Council, the Committee, or Member States including Libya. Both the Council and the Committee have already taken follow-up action on several of these recommendations. I shall touch on some of that follow-up action while I describe the activities of the Committee next.

6. During the reporting period, the Committee held three informal consultations. On 5 March, the Committee heard a presentation by the Panel of Experts of its final report. This was followed by a discussion amongst Committee members of the recommendations contained in that report.

7. On 9 April, the members of the Committee agreed to invite the Special Representative for Libya and head of UNSMIL, Mr. Ian Martin, to a meeting of the Committee, in order to hold an exchange of views on five of the Panel’s recommendations as well as to discuss the working relationship between UNSMIL and the Panel. On that same day, pursuant to paragraph 18 of resolution 2009 (2011) and preambular paragraph 15 of resolution 2040 (2012), the members of the Committee agreed to invite the Permanent Representative of Libya and relevant officials from the World Bank and the IMF to a meeting of the Committee, in order to be informed of the results of the assessment of Libya’s public financial management framework. Moreover, the nomination process for the Panel of Experts, to be re-constituted following the adoption of resolution 2040 (2012), was discussed.

8. On 9 May, the members of the Committee held a fruitful exchange of views with Mr. Ian Martin. I also circulated an unofficial compilation, in tabular format, of arms embargo and asset freeze notifications and exemption requests, as well as requests for guidance submitted by Member States, that had by that time been processed in the Committee. As of 9 May, the Committee had processed a total of 38 notifications or exemption requests concerning the arms embargo, a total of 154 notifications or exemption requests concerning the asset freeze, and a total of 25 requests for guidance. The meeting with the Permanent Representative of Libya, the World Bank and the IMF is tentatively scheduled for early June. The Panel of Experts was re-appointed by the Secretary-General as of 18 April.

9. Since my last periodic report, and in connection with the arms embargo, the Committee has approved two requests for an exception to that measure under paragraph 9(a) of resolution 1970 (2011). Furthermore, no negative decision was taken by the Committee in relation to four notifications under paragraph 13(a) of resolution 2009 (2011), which allows the supply of arms

and related materiel of all types intended solely for security or disarmament assistance to the Libyan authorities.

10. With respect to the asset freeze, the Committee approved one request for exemption under the extraordinary expenses provision set out in paragraph 19(b) of resolution 1970 (2011). It also received one notification under paragraph 21 of the same resolution in connection with a contract entered into prior to the listing of an individual. Lastly, the Committee has responded to two requests for guidance, one in relation to each sanctions measure.

11. I would like to conclude by noting that, to date, the Committee has received reports from 57 Member States on their implementation of the relevant measures. On 2 April, I dispatched a note verbale to all Member States which contained a reminder for those that had not yet submitted their implementation reports to the Committee to do so without delay. This constituted follow-up action on a recommendation made by the Panel of Experts. As also recommended by the Panel, again on 2 April, the Committee updated its list of individuals and entities subject to the travel ban and asset freeze, incorporating the new information provided by the Panel.

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