



Security Council

Provisional

24 August 2011

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United States: draft resolution

The Security Council,

Considering the urgent need for humanitarian assistance in Libya,

Recalling paragraph 18 of resolution 1970 (2011) and paragraph 20 of resolution 1973 (2011), in which the Council affirmed its determination that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the Libyan people,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the measures imposed by paragraph 17 of resolution 1970 (2011) shall not apply to funds, other financial assets and economic resources described in Annex I to the present resolution insofar as they are used for the purposes and subject to the safeguards set forth in that Annex;

2. *Decides* that the measures imposed by paragraph 17 of resolution 1970 (2011) shall not apply to funds, other financial assets and economic resources described in Annex II to the present resolution insofar as they are used for the purposes and under the subject to the safeguards set forth in that Annex;

3. *Decides* to remain seized of the matter.

Annex I

International Humanitarian Organizations

Funds, financial assets and economic resources

Funds, financial assets and economic resources frozen by the United States pursuant to resolutions 1970 (2011) and 1973 (2011) that are owned or controlled, directly or indirectly by listed entities, including the Central Bank of Libya, the Libyan Investment Authority, the Libyan Foreign Bank, the Libyan Africa Investment Portfolio and the Libyan National Oil Corporation.

Purposes

To transfer assets to international humanitarian organizations to respond to initial and currently anticipated humanitarian needs, in line with the UN Appeal and its expected revisions (up to \$500 million).

Safeguards

None of the funds made available pursuant to this resolution will be provided for the purchase of arms, non-lethal military equipment or any other military-related activity.

The United States will submit to the Security Council Committee Established Pursuant to Resolution 1970 (2011) Concerning the Libyan Arab Jamahiriya (“the Committee”) every sixty days a report containing any additional and updated information regarding these expenses, including precise amounts unfrozen and disbursed, the needs being addressed by the unfrozen assets, steps taken to coordinate donor assistance and measures imposed to mitigate the risk of abuse and diversion.

The authority set out in this resolution may only be used to unfreeze funds, financial assets, and other resources as follows:

Transfers to International Humanitarian Organizations (up to \$500 million total of funds frozen in the United States)

- Up to \$120 million for unfulfilled UN Appeal requests (for United Nations agencies and implementing partners) responding to the needs of the Libyan people (including to UNHCR or IOM for assistance to displaced Libyans);
- Up to \$230 million reserved for revisions to the UN Appeal;
- Up to \$150 million for other humanitarian needs as they arise, which OCHA or other international or humanitarian organizations may identify (the United States will inform the Committee of its payments for any such identified needs).

Annex II

Third-Party Vendors and International Mechanism

Funds, financial assets and economic resources

Funds, financial assets and economic resources frozen by the United States pursuant to resolutions 1970 (2011) and 1973(2011) that are owned or controlled, directly or indirectly by listed entities, including the Central Bank of Libya, the Libyan Investment Authority, the Libyan Foreign Bank, the Libyan Africa Investment Portfolio and the Libyan National Oil Corporation.

Purposes

To transfer assets to third-party vendors supplying fuel and other urgently needed humanitarian goods (up to \$500 million) and an international mechanism to pay for expenses related to the provision of social services, including education and health (up to \$500 million).

Safeguards

To ensure an appropriate and balanced distribution of assistance:

- None of the funds made available pursuant to this resolution will be provided for the purchase of arms, non-lethal military equipment or any other military-related activity.
- Payments to third-party vendors for fuel costs will be made for fuel used strictly for humanitarian and civilian purchases (e.g., generating electricity, desalination, and hospitals) not military activity, based on written assurances from the National Transition Council (TNC).
- Funds to be transferred to the international mechanism will be subject to its procedures, including its existing accounting procedures and safeguards, such as significant oversight and audits.
- A portion of the funds (up to 20 per cent or \$100 million) transferred to the international would be allocated to benefit Libyans in areas not under the control of the TNC. The mechanism to ensure these transfers will be identified by the TNC (e.g. for food subsidies, electricity, and other humanitarian purchases). The United States will retain the authority to hold back the release of up to \$100 million of these funds until the TNC devises a credible, transparent and effective means of delivering these resources to areas not under its control.
- The United States will submit to the Committee every sixty days a report containing any additional and updated information regarding these expenses, including precise amounts unfrozen and disbursed, the needs being addressed by the unfrozen assets, steps taken to coordinate donor assistance and measures imposed to mitigate the risk of abuse and diversion.

The authority set out in this resolution may only be used to unfreeze funds, financial assets, and other resources as follows:

1. *Transfers to third-party vendors for fuel and other goods for strictly civilian purposes (up to \$500 million total of funds frozen in the United States)*
 - Up to \$500 million to third-party vendors to pay for fuel costs associated with hospitals, generating electricity and other strictly civilian needs and for other humanitarian purchases, as directed by the National Transition Council, for the benefit of the Libyan people.

 2. *Transfers to the international mechanism (up to \$500 million total of funds frozen in the United States)*
 - Up to \$400 million to the international mechanism for expenses related to the provision of social services, including education and health; and
 - Up to \$100 million for food subsidies, electricity, and other humanitarian purchases for the Libyan people.
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