



Security Council

Sixty-ninth year

Provisional

7264th meeting

Monday, 15 September 2014, 10.10 a.m.

New York

President: Ms. Power (United States of America)

<i>Members:</i>	Argentina	Mrs. Perceval
	Australia	Mr. Bliss
	Chad	Mr. Gombo
	Chile	Mr. Barros Melet
	China	Mr. Cai Weiming
	France	Mr. Delattre
	Jordan	Mrs. Kawar
	Lithuania	Mr. Baublys
	Luxembourg	Ms. Lucas
	Nigeria	Mrs. Ogwu
	Republic of Korea	Ms. Paik Ji-ah
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland ...	Sir Mark Lyall Grant

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya
(S/2014/653)

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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

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2014/653)

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

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Bernardino León, Special Representative of the Secretary-General and head of the United Nations Support Mission in Libya, to participate in this meeting.

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

I wish to draw the attention of Council members to document S/2014/653, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Security Council will hear briefings by Mr. Bernardino León and Mr. Olivier Nduhungirehe, Deputy Permanent Representative of Rwanda, in his capacity as representative of the Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. León.

Mr. León: The Security Council has before it the Secretary-General's report (S/2014/653) on the United Nations Support Mission in Libya (UNSMIL). The report provides details on the work of the Mission over the past six months, and highlights some of the critical political and security developments that have taken place in Libya during that period. It provides a sombre reading of the rapidly deteriorating political and security landscape in the country.

Tomorrow will mark three years since the Council established the United Nations Support Mission in Libya. Despite the initial sense of optimism that accompanied the Mission's establishment, today we find ourselves at a critical moment in Libya's democratic transition — a faltering political process that has brought the country closer to the brink of protracted conflict and civil strife.

Since assuming my duties just over two weeks ago, I have been in contact with Libyans from across the political spectrum. On 8 September, I undertook my first official visit to Libya as Special Representative, traveling to Tobruk, Al-Baida, Tripoli, Misrata and Zintan. Following frank and open exchanges with Libyan interlocutors, I am confident of the willingness of all the parties to engage constructively with our efforts to explore options for a peaceful way out of the current crisis. All acknowledged the deep political differences and profound sense of mistrust, yet all underscored the need to overcome those differences and to end armed hostilities, and for the political process to resume as soon as possible in order to prevent further polarization and division.

In my discussions with the elected House of Representatives, currently seated in Tobruk, I reiterated the international community's unequivocal recognition of it as the sole legislative authority in the country. But I also impressed upon its members the need for brave, responsible leadership. Given that a group of parliamentarians continues to absent itself from the House of Representatives' proceedings, I underlined the importance of active inclusiveness and for immediate steps to be taken to address the concerns cited by these parliamentarians. In this respect, I am encouraged by the apparent willingness of the House to display the necessary flexibility in pursuit of a mediated resolution of the current crisis surrounding it. I have also received positive signals from the other side that it intends to move in a similar direction.

I also had the privilege of meeting with members of the Constitution Drafting Assembly in the city of Al-Baida. Despite the difficult political and security challenges that confront its work, I was heartened by the sense of perseverance and commitment conveyed by members of the Assembly. At that meeting, UNSMIL agreed to facilitate an event that will bring together the various committees established by the Assembly with a number of legal experts to provide technical assistance.

In Tripoli, Misrata and Zintan, I had the opportunity to meet with various political leaders and other key figures associated with the recent outbreak of military conflict in Tripoli and its environs. I conveyed to all the Council's commitment to Libya, as made clear in resolution 2174 (2014), to hold accountable anyone actively undermining the country's political process or responsible for a continuation of armed conflict

or for violations of human rights and international humanitarian law.

I stressed that the solution to Libya's current crisis can be achieved not through military means, but through political consensus based on key principles, including respect for the Constitutional Declaration, the democratic process, the 25 June legislative elections, an end to incitement and provocation, the unequivocal rejection of terrorism, and a meaningful and inclusive political process. This would have to be accompanied by steps on the security front to enable the State to assert its control over vital installations, and for Government to exercise its authority without the threat of armed intimidation. There can be no compromise on these principles.

In all my meetings, I warned of the dangers of creating parallel political institutions and processes, which can only contribute to further division and polarization. I impressed upon my interlocutors the need to refrain from taking any action that would further exacerbate current divisions, and stressed that any solution to the current crisis would have to be negotiated within the framework of the current political legitimacy emanating from the elections. While the parties reiterated their willingness to engage according to these principles, there remains a huge trust deficit. The parties will need to move quickly to translate their stated commitment into actions.

In the east, renewed military confrontations in Benghazi threaten to exact an increasingly heavier toll on the civilian population. In the west, an unrelenting campaign of indiscriminate shelling continues to target large sections of the Warshafana area near Tripoli, causing untold suffering for the civilian population. Tens of thousands of civilians are now known to have fled their homes; many, including women and children, have also lost their lives as a result of the shelling. We also have credible reports — including one I received just a few minutes ago from the local councils in Warshafana — of severe shortages of medical supplies and further suffering. Our appeals for an immediate halt to military operations have gone unheeded, as have our calls for urgent humanitarian access.

Efforts aimed at resolving the current crisis and resuming the political process cannot make progress against the backdrop of continued fighting. Despite repeated calls for an immediate cessation of hostilities, including from the Security Council, the situation on

the ground remains extremely volatile and precarious. I continue to remind all concerned parties of the urgent need to heed the Security Council's call to bring an immediate end to armed hostilities in the country.

In Tripoli, reports of retaliatory attacks against individuals and property of those associated with the Government of Prime Minister Al-Thinni, as well as individuals hailing from Zintan, are a cause for concern. Camps in Tripoli housing displaced members of the Tawergha community, one of which was attacked on 30 August, have now been vacated for fear of shelling and abductions. We have also received credible information from eastern Libya about incidents of intimidation and other retaliatory attacks targeting individuals hailing from Misrata. The growing number of acts of human rights violations and abuses has created a climate of fear, and countless political and civil society activists, including women, are known to have left the country out of concern for their safety and security.

I have also reminded all parties of their obligation not to take hostages and to treat humanely anyone whom they have detained in the course of the recent fighting. I urge all armed groups holding people to release them or hand them over to the justice system. Armed groups must also account for the fate of those under their control who are presumed missing. In that regard, UNSMIL offered to assist in addressing the issue of detainees. Both sides expressed their readiness to cooperate.

Given the scale of the humanitarian situation across Libya, the United Nations humanitarian country team is urgently taking steps to mobilize additional resources to cover the high demand for relief support. Within the past month, the Office of the United Nations High Commissioner for Refugees (UNHCR) dispatched a humanitarian convoy to assist some 12,000 displaced people in the western town of Zuwara. The World Food Programme, which is already providing assistance to some 50,000 internally displaced persons, will participate alongside UNHCR to reach an additional 6,000. Separately, the International Organization for Migration has taken steps to repatriate thousands of stranded migrants to their countries of origin.

Within the past two weeks, United Nations teams have carried out an initial assessment of contamination by explosive remnants of war in Tripoli as a result of the recent fighting. It is clear that the scale of the contamination is significant and poses a threat to

civilian lives. Plans to deploy risk-education and explosive-ordnance disposal teams as immediate priorities are under consideration.

Three years following the fall of the former regime, the Libyan people find themselves nowhere closer to realizing their hopes and aspirations for a better future and for a State that safeguards their safety and security. Accordingly, many Libyans are deeply disillusioned with their country's democratic transition.

The United Nations remains committed to its mission in Libya and will continue to impress upon all Libyans the urgent need for progress in overcoming their differences through dialogue. I believe that is the only way to spare the country further chaos and violence, and to prevent it becoming a magnet for extremist and terrorist groups.

I have no illusions regarding the difficulties and challenges ahead. Political divisions are deep, the sense of mistrust is almost overwhelming and, given the proliferation of arms outside the effective control of State authorities, the security situation remains extremely fragile. But I nonetheless remain a fervent supporter of the Libyan people's desire to safeguard their country's national unity and social fabric.

The small window of opportunity before us for a peaceful resolution to the current crisis should not be missed. Libya's leaders will have to act quickly and seek a political solution through a meaningful and inclusive dialogue. Given the urgency, I intend to follow up shortly with further visits to Libya. Our engagement and that of the international community — next week at the General Assembly we will have new opportunities for this, as well as next Wednesday at an international conference of regional actors in Madrid — will remain solidly anchored in the principles of unbiased engagement with all parties, and that of non-intervention in Libya's internal affairs and respect for its national sovereignty.

The President: I thank Mr. León for his briefing.

I now give the floor to Mr. Nduhungerehe.

Mr. Nduhungerehe (Rwanda): 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 pursuant to the same resolution. The report covers the period from 10 June to 15 September 2014,

during which time the members of the Committee met twice in informal consultations.

At the outset, I would like to recall that, by its resolution 2174 (2014), of 27 August 2014, the Council reinforced the arms embargo and expanded the criteria for the designation of individuals or entities as subject to the travel ban and assets freeze. On 2 September, the Committee discussed the implementation of the resolution and adopted a press release on the subject. It also discussed, and intends to proceed with, the dispatch of notes verbales to all Member States on arms embargo-related matters and inviting the provision of information in the light of the additional designation criteria.

On 4 September, the Panel of Experts submitted its interim report to the Council. I shall briefly recapitulate the main points of that document. The Panel identified the rapid decline in the security situation in Libya, coupled with weak oversight over procurement of military materiel and virtually no control over sea- and airports by the Libyan Government, as a strong indicator that large quantities of military materiel had reached militias. The Panel presented evidence of two diversions of military materiel that was previously exempted by the Sanctions Committee. The Panel also described a separate potential violation of the arms embargo involving a militia. The Panel has received several reports of external support to armed groups through the provision of arms and financing, which it is currently investigating. In addition, the Panel informed about continued illicit arms transfers to the civilian black market in Libya.

While the Panel noted an increase in leads related to attempted and actual transfers of arms into Libya since the beginning of 2014, it found, as in previous mandates, that arms also continued to be trafficked out of the country. Since, however, at the time of the writing of the Panel's report it had not yet been invited by any Member State to inspect seized materiel, the report contains no specific case studies in that regard.

The Panel reported a violation of the travel ban by one of the listed individuals and is investigating a possible further violation of the travel ban by another listed individual. The Panel noted that large amounts of assets that should be frozen are held under false names and by front companies around the world. In follow-up to its last report (S/2014/106, annex), the Panel presented further evidence of the lack of implementation capacity

of States in relation to its assets-freeze measures. The Panel reported on its ongoing efforts to trace the potential hidden assets of a range of listed individuals and expressed its intention to look into the financing of armed groups in Libya, thereby gathering information on individuals for possible designation under the new designation criteria of resolution 2174 (2014). The Panel presented a total of 19 recommendations, of which four were directed at the Security Council, 14 at the Committee and one to the Government of Libya.

On 12 September, the Committee discussed the interim report and its recommendations. The Panel's report was generally well received. One member of the Committee, while recognizing the value of the Panel's work, called for clear identification of the origins of arms flows and regretted the lack of cooperation from Member States in that regard.

The main points emerging from the discussion were concerns about the security situation, arms flows into and out of Libya and the operationalization of resolution 2174 (2014), including possible designations of spoilers, in particular those violating the arms embargo. The Committee agreed to follow up on 15 recommendations, including through a note verbale to all Member States, as well as a press release covering issues relating to the arms embargo and by extending an invitation to Libya and its neighbours to attend a Committee meeting to discuss sanctions implementation challenges.

In that context, I would further like to note that agreed follow-up action on the recommendations numbers 7, 8 11 and 14 contained in the Panel's final report is still pending before the Committee. Taking into account recent developments in Libya and the Council's response in resolution 2174 (2014), follow-up action on those recommendations will be addressed together with the additional recommendations contained in the Panel's interim report.

The reporting period was quite busy for the Committee. Therefore, I will now simply touch on those issues on which the Committee took action.

On 27 June, the Committee updated its list of individuals and entities in follow-up to recommendations 10 and 13 contained in the final report of the Panel of Experts and issued a corresponding note verbale to all Member States, as well as a press release. On 23 July and 11 September, the Committee updated its implementation assistance notice number 2, adding two new procurement focal points — respectively,

in the Libyan Ministries of Justice and the Interior — and introducing additional post-delivery notification requirements, reflecting the provisions of resolution 2174 (2014), and streamlining the notice to make it more user-friendly. On 5 September, the Committee approved a new regional expert for the Panel of Experts following the resignation of his predecessor. On 8 September, following the receipt of a request for guidance from a Member State in relation to the scope of the arms embargo ahead of deliveries of military-related material to Libya by another member State using its air space, the Committee dispatched letters to both Member States on the matter.

Lastly, I turn to some updated statistics on the issues dealt with by the Committee since the last periodic report to the Council. In relation to the arms embargo, the Committee approved one exemption request and received outstanding documentation on three incomplete notifications, which were subsequently considered by the Committee and on which no negative decision was taken. Moreover, in relation to the arms embargo, the Committee responded in one case that did not require notification, citing paragraph 10 of resolution 2095 (2013), and replied in three cases that the notifications were incomplete. The Committee further received an implementation report by a Member State and a follow-up to an inspection report from another Member State.

The President: I thank Mr. Nduhungirehe for his briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I would like to start by congratulating you, Madam President, on your accession to the presidency of the Security Council for this month. I wish you and your team every possible success, and I am convinced that you will achieve the best possible results. I would also like to thank Mr. Bernardino León, Special Representative of the Secretary-General, and to thank him for his briefing, which was most interesting and instructive. I would like to congratulate him on his recent assumption of office as new Head of the United Nations Interim Support Mission in Libya (UNSMIL), and wish him every possible success. My gratitude also goes out to the Chair of the Security Council Sanctions Committee established pursuant to resolution 1970 (2011) for his briefing on the work of the Committee.

It is a great regret for me to have to say that the fratricidal war that has continued in the city of Tripoli

and its suburbs since 13 July has claimed more than 500 lives and injured more than 1,000 young people and other civilians. This war has destroyed public and private infrastructure whose value has been estimated in the billions of dollars. Similarly, the Libyan social fabric has been torn to shreds. Today kidnapping, torture and assassinations, based merely on what is written on one's identity card, are all common place, and strikes at all those who harbour different views and who back the legal authorities. Nothing today indicates that these practices are going to soon come to an end, either in the capital or its suburbs, which are controlled by armed groups in the absence of the Libyan State. The Libyan Dawn Coalition is present there and they use heavy weapons. The same is true of other armed groups, which are all part of the Libyan Dawn Coalition and responsible for an increasing number of civilian victims in Tripoli and its suburbs.

Human rights today are no longer respected, neither are fundamental freedoms. Unfortunately, the various prisons and detention centres of the various armed groups are filled with detainees who have been arrested based on the information on their identity cards, without any judicial justification.

What happened under the Al-Qadhafi regime is happening again today. It takes different forms but it is more violent and more widespread. Even Al-Qadhafi's hangings in public squares are back. Their aim is to intimidate the average citizen. All this is being encouraged by the Mufti of Libya and his gang.

Various public institutions and public building have been seized, and civil servants can no longer enter them. They can no longer enter even the temporary ministries in the cities of Al-Baida because of threats targeted against them if they were to back the legitimate authorities, represented by the Government and the recently elected House of Representatives. That has deprived the Government of most of its staff and personnel, and impedes the drawing up of an interim Constitution and an interim Government in its interim headquarters to allow it to discharge its work effectively.

Furthermore, we hope that the role of the United Nations Support Mission in Libya will be different and will change according to the new priorities, while remaining within the framework of its current mandate. The Mission's mandate is focused on providing assistance and support to the legitimate Libyan authorities in specific areas so as to ensure that they can carry out their duties and serve as effective

institutions during this transition period. The Mission is also supposed to provide support to the House of Representatives and the Government appointed by that body, and to help them implement the decisions they may take. In particular, it is supposed to help them put an end to the clashes between the armed groups and to protect civilians, to disarm every armed group, without exception, and integrate their elements into State institutions, to work to expel the armed groups from the various cities and to liberate the State institutions in order to enable them to function unaffected by threats and arms, especially in the capital of Tripoli.

The House of Representatives and the Government, as the legitimate authorities pursuant to the will of the Libyan people, cannot accept any armed group, whether the Libya Dawn coalition or any other armed group, being treated as being on an equal footing with them. The legitimate authorities wish to warn against any alteration of the United Nations Mission in that regard, because any treatment that equates the various belligerent parties with the authorities would be seen as a clear violation of the Mission's mandate, of the principles guiding its work and of resolution 2174 (2014). It would also create an obstacle to the political process, go against the interests of the Libyan people and encourage fighting between brothers in order to achieve illegal material gains. I emphasize this because such gains are the main cause of the clashes in and around the capital.

The Parliament and the Government wish to send the following clear message to the Security Council. First, the Libyan people respect the Council's role in supporting their legitimate desires and aspirations, and hope to see continued support for the legitimate authorities in order to put an end to terrorism, promote security and stability and enshrine the authority of the legitimate Government throughout Libya's territory.

Second, for three years now successive Libyan Governments have attempted to promote dialogue and show tolerance in the face of crimes committed by armed groups. They have sometimes even turned to those armed groups in efforts to maintain security, but the fact is that our security is threatened by such elements. These Governments have paid armed groups for their services, and paid them far more than the police and the armed services, but instead of obeying the Government these groups now pose a genuine threat to national security and stability. What we are seeing is the complete destruction of the gains of the revolution

of 17 February and of the aspirations of the Libyan people, thousands of whom have been martyred.

Third, the House of Representatives and the Government will not engage in dialogue with the armed groups on any political demands imposed by force. The only acceptable dialogue is on how to implement the resolutions of the House of Representatives on the armed groups, on ending hostilities, on dismantling and reintegrating the armed groups into civilian and military institutions and above all, evicting them from Government seats and infrastructure.

Fourth, the House of Representatives and the Government reaffirm that it is the right of every Libyan to participate in the decision-making process. The Parliament represents all Libyans. It was created through free and fair elections. For those who have not been able to elect their preferred representatives for security-related reasons, the legal authorities must be able to ensure that the necessary procedures will be in place in order to enable them to elect their representatives to Parliament, and to do so as soon as possible. The House of Representatives hopes that those members who could not participate in the meetings in its new headquarters will also be able to do as soon as possible.

Fifth, all Libyans have the right to a Government that represents them all and that runs the country without discrimination and without marginalizing any component of Libyan society.

Sixth, the judicial authorities will bring to justice and prosecute all individuals, entities and groups that have attacked institutions and civilians, occupied public buildings or damaged public infrastructure and resulted in sanctions. We will also cooperate with the Panel of Experts of the Committee established pursuant to resolution 1970 (2011) concerning Libya in order to provide information on individuals who should be on the Committee's list, in accordance with resolution 2174 (2014).

Seventh, if the armed groups do not withdraw from the cities, if dialogue does result in the implementation of Parliament's resolutions, and if all possible efforts have been made within the framework of the authority of the State and the Government's obligations, steps will be taken to preserve the State's unity and authority

over the whole of its territory, including through the use of force, and with recourse to the international community if necessary.

Eighth, any armed group reaching an agreement with another armed group that does not support the State's authority and resorts to terrorism will also be considered to be a terrorist group and will be firmly dealt with by the State.

Lastly, all those who wish to help the Libyan people emerge from the dark tunnel in which they find themselves as a result of the proliferation of weapons and the intransigence of the armed groups should provide all possible support to the Libyan national armed forces, and should do so immediately, before it is too late.

Turning to the arms embargo, I should like to reiterate that there is a need to provide military equipment to the national army in order to ensure that it is in a position to effectively confront terrorism and to promote the State's authority throughout Libyan territory. The procedures adopted today concerning the Sanctions Committee pose an obstacle along the path to equipping and arming the national army in an appropriate and adequate way — this at a time when the army is at its weakest in terms of facing terrorists and illegal groups. That is all the more so as such groups are illegally, yet regularly obtaining weapons from at least two States. Such groups are also making use of several airports and air fields under their control, especially the Misrata airport and Mitiga airport in Tripoli.

I should also mention that the occupation of the headquarters of the Defence, Interior and Justice Ministries in Tripoli poses an obstacle to the work of the focal points. We will provide the Sanctions Committee with information concerning Government procedures pertaining to the focal points. The Libyan Government will of course carefully study the report of the Panel of Experts and its recommendations.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.50 a.m.