



# Security Council

Seventieth year

Provisional

## 7398<sup>th</sup> meeting

Wednesday, 4 March 2015, 10.10 a.m.

New York

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<i>President:</i>	Mr. Delattre . . . . .	(France)
<i>Members:</i>	Angola . . . . .	Mr. Gaspar Martins
	Chad . . . . .	Mr. Cherif
	Chile . . . . .	Mr. Olguín Cigarroa
	China . . . . .	Mr. Wang Min
	Jordan . . . . .	Mrs. Kawar
	Lithuania . . . . .	Mr. Baublys
	Malaysia . . . . .	Mr. Haniff
	New Zealand . . . . .	Mr. McLay
	Nigeria . . . . .	Mr. Laro
	Russian Federation . . . . .	Mr. Churkin
	Spain . . . . .	Mr. Oyarzun Marchesi
	United Kingdom of Great Britain and Northern Ireland . . .	Mr. Wilson
	United States of America . . . . .	Ms. Power
	Venezuela (Bolivarian Republic of) . . . . .	Mr. Suárez Moreno

## Agenda

### The situation in Libya

Letter dated 23 February 2015 from the Panel of Experts established pursuant to resolution 1973 (2011) addressed to the President of the Security Council (S/2015/128)

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2015/144)

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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**

**Letter dated 23 February 2015 from the Panel of Experts established pursuant to resolution 1973 (2011) addressed to the President of the Security Council (S/2015/128)**

**Report of the Secretary-General on the United Nations Support Mission in Libya (S/2015/144)**

**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.

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. On behalf of the Council, I welcome Mr. León, who is joining today's meeting via video-teleconference from Rome.

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/2015/144, which contains the report of the Secretary-General on the United Nations Support Mission in Libya. I also wish to draw the attention of Council members to document S/2015/128, a letter dated 23 February 2015 from the Panel of Experts established pursuant to resolution 1973 (2011) addressed to the President of the Security Council.

At this meeting, the Security Council will hear briefings by Mr. Bernardino León and by Ambassador Hussein Haniff, Permanent Representative of Malaysia, in his capacity as the Chair of the Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. León.

**Mr. León:** By now, the Council will have received the Secretary-General's special report on the strategic assessment of the United Nations presence in Libya (S/2015/113), as well as the Secretary-General's report on the United Nations Support Mission in Libya

(S/2015/144), detailing the Mission's work over the past six months.

Two weeks ago, I briefed the Security Council (see S/PV.7387) in the aftermath of the horrific beheadings by Islamic State-affiliated elements of 21 men, including 20 Egyptian nationals. That was a crime so heinous and vile, yet its perpetrators showed no misgivings about presenting the world with images of their brutal and base barbarity. On 20 February, two days after my briefing to the Council, Libyans were again reminded of the lengths to which terrorists and extremists will go. A car bomb in Al-Qubba, the home town of House of Representatives President Agila Gwaider, left 44 people dead, according to official figures released by the Government. That is the highest number of fatalities recorded as a result of any single act of terrorism in Libya. Even in the current climate of political polarization and armed hostilities, the nature and scale of that attack shocked all Libyans, irrespective of political affiliations. Across political divisions, condemnation was swift and unequivocal.

I have no doubt that the attack in Al-Qubba, coming only days before a planned round of dialogue talks, was a blatant attempt to derail any opportunity of Libyans coming together to forge consensus on a peaceful solution to the political crisis and the military conflict that has gripped their country for much of the past year. I also have no doubt that terrorist groups such as Islamic State will stop at nothing in their bid to play on existing political divisions and the sense of mutual mistrust among the main political stakeholders in order to consolidate their own presence and influence in Libya.

The sense of fear and concern within Libya regarding the threat of terrorism is very palpable. In meetings I had over the past week, Libya's counterparts expressed grave concern about the danger that terrorism posed to Libya's security and stability, and about the very limited capacities of the Libyan State to effectively confront that challenge. It is crucial to create the right conditions to address that threat. At the same time, we should be ready to support Libyan efforts to tackle terrorism and extremism. We should be careful not to underestimate the sense of urgency and alarm underpinning that request for international support on addressing the threat of terrorism.

Earlier this week, I held a new round of consultations with Libyan political leaders in Tobruk

and Tripoli. Both sides have since delivered a clear and resounding message that terrorism will not be allowed to prevail or hold hostage the dialogue process. Following the conclusion of a seven-day mourning period announced by the House of Representatives in the aftermath of the latest terrorist attack, the House formally voted to resume participation in the dialogue talks. Tomorrow, dialogue teams representing the major political stakeholders will convene in Morocco to advance discussions with respect to proposals on the three key agenda items.

The first item relates to the formation of a national unity Government under whose umbrella Libyans can adopt a unified approach to address the huge political, security and economic challenges facing Libya. The second will address security arrangements to pave the way for a comprehensive ceasefire, the phased withdrawal of all armed groups from towns and cities, measures for weapons and arms control, and adequate monitoring and implementation mechanisms. The third is related to the completion of the constitution-drafting process and the need for clear timelines in that regard.

To galvanize broader support for the ongoing talks, UNSMIL will next week convene two other dialogue meetings. The first meeting, in Algeria, will bring together a range of prominent Libyan political leaders and activists. The second meeting, in Brussels, will draw together municipal representatives from across Libya to further the implementation of the confidence-building measures previously agreed in Geneva. Later on, we will convene a meeting of tribal leaders, very probably in Egypt.

While I am confident that there is sufficient political will and determination on all sides to reach a comprehensive political settlement, I cannot overstate the challenges facing the process. Foremost among those is the fluid security situation, as the warring parties continue to engage in reciprocal attacks against each other in different parts of the country. We have repeatedly called on all parties, particularly on the military front, to desist from taking any action that would risk escalating tensions.

Yesterday's and today's attacks by both sides on public infrastructure and facilities, including airports, coming a day after the different parties recommitted themselves to resume the dialogue talks, is unacceptable, reckless and totally uncalled for. The escalation calls into question the commitment of those responsible behind those latest acts of aggression, and

is a stark reminder that more needs to be done on the security front. I call on Libya's political leadership to take all the necessary measures to prevent any further attacks, and to exercise its authority in line with its legal and political responsibilities to ensure that all forces operating under its command comply with the political commitment it has made with respect to the dialogue.

Moreover, the systematic campaign of misinformation that recently surfaced in various Libyan media outlets regarding the dialogue and its outcomes is symptomatic of the deep mistrust that continues to manifest itself on the Libyan political landscape. Only a few days ago I met with a sizeable number of members of the House of Representatives to discuss the dialogue process and dissipate doubts regarding its scope and transparency. In that context, I would like to take this opportunity to once again reiterate the assurances I have given publicly and in private to all parties in Libya that this is a Libyan-Libyan dialogue that is anchored in the principle of mutual consensus among the parties. The role of the United Nations has been to facilitate the talks without any imposition, while maintaining the utmost respect for Libyan ownership of the process. In our efforts to ensure transparency of the process, every participant will be required to consult with its respective constituency before any final agreement is formally endorsed.

On behalf of the Secretary-General, allow me to take this opportunity to express my thanks and appreciation to the Council for its unwavering support to the Libyan political dialogue, as well as to all Member States and other international partners that have been generous in extending financial, logistical and other support to the process.

Within just the span of a few weeks since the first round of talks convened, on 15 January, Libya's political leaders have come a long way towards injecting hope that an end to their country's political crisis and armed conflict is possible. The sense of expectation and anticipation on the part of all segments of the Libyan population is profound. While the onus remains on Libya's leaders to agree on a road map for a resumption of the political process and an end to the conflict, the support of the international community will be critical to the successful implementation of a political agreement, should the parties conclude one.

The ability of a Government of national unity to govern effectively and deliver a notable change in the lives of ordinary Libyans, however, will be

largely dependent upon our collective ability, as the international community, to rethink and articulate a clear strategy for delivering technical assistance. The limited progress made over the past three years towards building capacities at all levels in the Libyan State should serve as a stark warning of the huge challenges ahead.

The worsening humanitarian situation in the country, including in Warshafana, Benghazi and Nafusa, calls for a stronger commitment on the part of the international community to addressing the needs of the people who have been victims of this conflict. In Geneva, representatives of municipal and local councils agreed on a set of confidence-building measures, and we must step up our efforts to implement those and start making a difference in the lives of the Libyan people. The international community should also move quickly to present a clearly articulated strategy in support of the Libyan State and the efforts of the national unity Government to combat the growing threat of terrorism. I believe that will be key to allaying the growing concerns across Libya about what is perceived as the real and imminent danger that extremist groups such as the Islamic State in Iraq and the Levant pose to Libya's overall security and stability.

The overall situation on the ground is deteriorating rapidly, and Libya can no longer afford to allow the political crisis and armed conflict that have gripped the country for much of the past year to continue to fester. Unless Libya's leaders act quickly and decisively, the risks to their country's national unity and territorial integrity are real and imminent. As difficult as the past few years may have been for their country, the Libyan people have not given up on their hopes and aspirations for a modern Libyan democratic State based on the rule of law and respect for human rights. Tomorrow's meeting in Morocco is an important opportunity to honour the sacrifices that they have made in their quest for a life of dignity and respect and a country that safeguards the interests of future generations. Difficult decisions and compromises will be needed. But Libya's leaders must be assured that as they make those decisions, the United Nations and the international community will be their partners in the difficult journey ahead.

**The President** (*spoke in French*): I thank Mr. León for his briefing.

I now give the floor to Ambassador Haniff.

**Mr. Haniff** (Malaysia): 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 its Committee established pursuant to resolution 1970 (2011), concerning Libya. My report covers the period from 18 December 2014 to 4 March 2015, during which time the members of the Committee met once in informal consultations.

At the outset, I would like to touch briefly on the final report (S/2015/128) of the Panel of Experts established pursuant to resolution 1973 (2011) and most recently extended by resolution 2144 (2014), which the Committee received on 4 February. As the report is now publicly available, I will confine my remarks to a few highlights from it. The Panel concluded that weak implementation of the arms embargo, high demand for arms, and the amount of resources available to the fighting parties to procure materiel indicated that large-scale trafficking was likely to continue and had the potential to contribute to a lasting conflict with no clear militarily dominant party. The Panel also reported on the diversion of military materiel, including materiel exempted by the Committee and non-lethal military materiel, to armed groups on both sides of the political divide. It also highlighted the difficulties in differentiating between authorized and illicit transfers of arms and related materiel. The Panel further reported on significant security challenges, particularly in relation to terrorism, Libya's neighbours and countries in the Sahel, owing to arms proliferation. It concluded that arms and related materiel originating from Libya had also significantly reinforced the military capacity of terrorist groups operating in those countries.

Concerning the travel ban, the Panel reported on violations of the measure by two listed individuals. With regard to the assets freeze, the Panel believes that large amounts of assets are likely being held outside Libya under false names and by front companies. It also continued to identify Member States lacking the capacity to implement the assets freeze, due to gaps in domestic legislation and the relevant constitutional framework, and cautioned that a number of fraudulent attempts were being made to recover looted Libyan assets. Concerning measures related to attempts to illegally export crude oil from Libya, the Panel noted that while exports of crude oil not under the control of the Libyan Government had probably taken place, no requests for designation of the transporting vessels had been made by the Government. It further found that in

addition to crude oil, its derivatives and other natural resources were also subject to illegal export.

The Committee discussed the report and recommendations of the Panel of Experts in informal consultations on 20 February. The report was generally well received and lauded for its detailed information. The main points that emerged from the discussion were concern about the reported arms-embargo violations and the Panel's lack of access to Libya and other countries with pending requests, and how to carry the Panel's recommendations forward. Of the 18 recommendations, the Committee agreed to take follow-up action on six. Of the remaining 12 recommendations, 1 pertaining to the designation of individuals first requires action on the part of the sponsoring Member State, while the other 11 were addressed to the Security Council.

I would now like to provide a brief update on the Committee's activities following up on its meeting of 14 November 2014, with Libya and regional States participating. On 4 February, the Committee wrote to Mr. Bernardino León, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, inviting him to brief it. On 23 and 26 February, the Committee wrote to the Permanent Representative of Libya to the United Nations regarding access to the Panel's report, then still unpublished.

During the reporting period the Committee also dealt with various aspects of the arms embargo. In that regard, it replied to a Member State concerning the disposal of seized military materiel and received an inspection report on a new seizure, provided guidance to a Member State on proceeding with a previously exempted arms transfer to Libya and sought additional information from a Member State regarding an intended transfer of non-lethal military materiel to Libya.

As anticipated in the last periodic report to the Council, the Committee send a letter to the Permanent Mission of Libya to the United Nations conveying information it had received from a Member State on an arms embargo matter in response to the Committee's queries on the subject. The Committee further took note of the change in the focal point authorized to sign off on arms embargo exemption requests and end-user certificates on behalf of the Libyan Government. Such requests must now bear the signature of the Chief of Staff of the Libyan Army and be certified by

the Permanent Representative of Libya to the United Nations.

Lastly, since the last periodic report to the Council, the Committee received one notification under paragraph 19 (a) of resolution 1970 (2011) in connection with the basic expenses exemption to the assets freeze, on which no negative position was taken.

**The President** (*spoke in French*): I thank Ambassador Haniff for his briefing.

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 France's accession to the presidency of the Security Council this month. I thank you and the members of the Council for providing me with this opportunity to address the Council.

I thank Mr. Bernardino León, Special Representative of the Secretary-General, for his comprehensive briefing and I wish him the greatest of success in his efforts. I also wish to thank Ambassador Hussein Haniff, Permanent Representative of Malaysia and Chair of the Committee established pursuant to resolution 1970 (2011), for his briefing. I wish him and his delegation the greatest of success in leading the work of the Committee throughout his chairmanship.

I would like to re-emphasize that, when discussing the work of that Committee, there is a need for transparency and cooperation in the relationships between the Libyan Mission to the United Nations and the Sanctions Committee because the legitimate Libyan authorities, as I have previously said, are a partner of the Security Council in guaranteeing that the arms embargo is not violated by non-State parties or terrorist organizations. We hope to receive the reports of the Panel of Experts in a timely manner so that we can share that share them with experts in our Government before they are submitted to the Council. We hope that the Committee will take that into consideration in the future.

Considering that the Libyan Army is waging a war against terrorist organizations in Libya, some of which have declared their loyalty to the Islamic State in Iraq and the Sham, it is in the interest of peace and security not only in Libya but also in the broader region to facilitate the procedure for the Libyan army to obtain weapons, either by lifting the embargo completely or



by facilitating the procedures for exemptions from the embargo. We have informed the Sanctions Committee of the new procedures adopted by the provisional Libyan Government to guarantee that the weapons exempt from the arms embargo will not reach no other party except the Libyan army. The procedures include limiting the points of contact to one, as the Chair of the Sanctions Committee mentioned. That focal point is the Chief of Staff of the Libyan army and the Libyan Mission to the United Nations in New York. This procedure was adopted in response to the wishes of some members of the Sanctions Committee. The Libyan Army is ready to accept an observer to ensure that the weapons approved by the Committee are in effect delivered to the official Libyan Army.

Allow me also to commend the efforts of the Panel of Experts of the Sanctions Committee, as well as the clear and objective report submitted to the Council (S/2015/128), which addresses the relevant topics from all sides and clearly indicates that that the Libya Dawn militias are responsible for derailing the political process. It also lists the damage inflicted on the country and indicates the responsibility of some leaders of that militia. At the same time, the report also refutes the allegations that the Libyan Air Force was responsible for losses among civilians.

The report of the Panel of Experts differs from report of the Secretary-General (S/2015/144), which uses the same terminology as the Libya Dawn militias and tries to ignore the existence and presence of the Libyan army and its achievements in Benghazi. I take this opportunity to repeat what I have said before at the Security Council. No country has the right to intervene in the decisions of the elected Libyan authorities concerning the identity of the leaders of the Libyan army or State institutions.

We have reached a stage where it is no longer possible to overlook the acts of terrorism being committed in Libya against civilians, the legitimate authorities, State institutions and economic facilities. I want to make it very clear that the silence of the international community in the face of the terrorist organizations overtaking the cities of Derna and Benghazi has encouraged those organizations and their allies to take over the capital Tripoli. The silence in the face of the destruction by these organizations of the international airport in Tripoli, their overrunning of State institutions and expulsion of the legitimate Government therefrom has encouraged the militias to continue the war in order

to take control of the country's oil resources, especially after the Libyan army succeeded in expelling the militias from most neighbourhoods of Benghazi and halted their progress in the western mountains.

Terrorism is not merely an ideology; it is first and foremost action. The definition of terrorism in the Arab Convention on the Suppression of Terrorism is any action that causes harm to the environment, damages or occupies a public or private facility or property, or exposes national resources to danger. This definition of terrorism by the Arab Convention is what led the Libyan House of Representatives to classify Libya Dawn alliance as a terrorist militia. I do not believe that anyone would dispute that it applies perfectly to the actions of that coalition in burning the Tripoli Airport, the Tripoli neighbourhoods of Zintan and Warshafana, and the houses of Government officials, in overtaking State institutions in the capital and in attacking the oil crescent. The House of Representatives was therefore not wrong at all, in spite of objections by some members of the Security Council.

The Libyan people feel that the international community has failed them, given its lack of adequate support for the elected House of Representatives and the Government it established, and given the silence of certain countries that back the militias that are seeking to defeat and eliminate the legislature, including their encouragement of the militias to continue their occupation of the capital, Tripoli, and the institutions of State. Indeed, some have misrepresented the truth and overlooked crimes in order to perpetuate the prevailing situation.

A representative of one permanent member of the Council was not ashamed to claim that one militia allied with Ansar al-Sharia was the only party combating terrorism in Libya. If he was asserting the opinion of his Government, I challenge him and his Government to persuade those militias to announce their disengagement and dissociation from Ansar al-Sharia or to describe Ansar al-Sharia as a terrorist organization, as the Council itself has done. Such statements require an official apology from that Government to the Libyan people. It is quite clear that a certain permanent member does not wish the legitimate authorities to reclaim the capital, and is pursuing that agenda by providing political support to certain militias and by objecting to the arming of the Libyan army. Such behaviour raises many questions among the

Libyan people, which aspires to restoring peace and security and to ending the bloodshed.

I should like to share some of the analysis now current within political and cultural circles in Libya. According to this analysis, the State to which I refer is either planning, with its proxies, the division of Libya or is trying to pave the way for its citizens of Libyan descent to take control of Libya on the grounds that they represent the majority of the leadership of the so-called Islamist movement. Whatever the objectives may be, they do not serve peace and security in Libya or anywhere else, and are not compatible with its responsibility as a permanent member of the Security Council. Such conduct will damage the good relations that have emerged between our two countries in recent years.

Other States, including members of the Security Council and Libya's neighbours in the region, that have not responded to the request of the legitimate Libyan Government to replace their accredited ambassadors. They are thereby, in practical terms, establishing diplomatic relations with the militias controlling the capital, which are in alliance with Ansar al-Sharia. The Libyan Government could well be compelled to take the necessary steps to correct this situation, even if it should mean suspending relations with those States.

Any delay in restoring legitimate authority over State institutions in the capital and in expanding State authority throughout the national territory can only reflect support for ongoing violations of human rights, including the forced expulsions of Libyan citizens from Warshafana, Tawergha and several other Libyan villages. It will compel hundreds of thousands of Libyan refugees to continue to suffer in dire conditions in neighbouring countries, where their children are deprived of schooling.

The resolution of such tragedies cannot be tied to the outcome of a national dialogue that remains hostage to the whims and desires of militias that survive on crime and enjoy demeaning and humiliating Libyans, and that have emptied the country of intellectuals, political activists and tourists, who have fled under threat. Efforts to address the security situation and combat terrorism must not remain hostage to the success of the national dialogue. They should be undertaken in parallel with the dialogue if we wish to prevent Libya from falling under the total control of terrorists and to stop terrorism from spreading throughout the region.

The Libyan people look forward to Mr. León's successful persuasion of the militia leaders, as opposed to the political leaders, to accept the formation of a Government of national unity consisting of Libyans who do not hold foreign passports or citizenship, and that would be ratified and supported by the entire membership of the House of Representatives. The Government would assume its functions in the capital at a date certain once all the militias have withdrawn and once it enjoys the security necessary to carry out its tasks without threat of force.

I stress that, for the first time since 2011, there is a legitimate Government in Libya that is not amenable to the threats and extortion of the militias. This could not have come about without the regrouping and reorganization of some units of the army in the eastern part of the country. The performance and achievements of the Government would still be weak and fall short of the expectations of the Libyan people and the international community if that had not occurred, yet objective circumstances prevent it from meeting the aspirations of the Libyan people, including the fact that it is not working from its seat and offices in the capital and that it is unfortunately operating on a war footing with a limited staff, few financial resources and very little support from the international community.

The Government cannot be prohibited from obtaining the weapons and other military equipment needed to strengthen the capacity of army and the security apparatus while blaming it for its inability to control the security situation internally and at the borders or to stop the flow of weapons inside and outside the country.

The Libyan army leadership has presented specific requests to the Sanctions Committee for exemptions from the arms embargo designed to strengthen the capacity of the Libyan air force to monitor Libyan territory and borders and prevent the terrorists from taking over oil fields and related facilities, in order to protect the wealth of the country. In the next few days, we will see how serious the Security Council is in terms of its concern about the security and stability of Libya and the region. From now on, the Libyan people will no longer accept a position of neutrality on the issue of the legitimate authorities versus the terrorist organizations. It will not accept any State that claims to want the best for Libya while continuing to provide the Libyan Dawn militias with weapons and political and media support. The Council's position and that of the United Nations

Mission in Libya must be very clear to those who do so. And it must be in line with Council resolutions, especially resolutions 1373 (2001) and 2174 (2014). Those who want to be Libya's partner and an honest broker must listen to the legitimate Libyan authorities, who were properly elected, and must respect Libyans' interests and wishes, as expressed through elections.

**The President** (*spoke in French*): I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.50 a.m.*