

ANNEX**NEW CONSOLIDATED GUIDELINES OF THE COMMITTEE
FOR THE CONDUCT OF ITS WORK**

1. The mandate of the Committee is defined in paragraph 9 of Security Council resolution 748 (1992) and paragraphs 9 and 10 of Security Council resolution 883 (1993), both concerning the Libyan Arab Jamahiriya (Libya).
2. The Committee will hold its meetings in private sessions, unless, for any purpose, the Committee itself decides otherwise.
3. The rule of the Committee for reaching decisions will be by consensus. If consensus is not reached on a particular issue, the Chairman will undertake consultations as he deems appropriate to resolve the issue and to ensure the continued, effective functioning of the Committee.
4. In order to perform its work efficiently and effectively the Committee will need the full cooperation of all States, particularly those States that have in the past been traditional suppliers of arms to Libya as well as those who have funds as referred to in Security Council resolution 883 (1993), or who trade with Libya in the products referred to in paragraph 5 of Security Council resolution 883 (1993) and listed in its annex. The Committee thanks in advance all States for their cooperation and particularly those States that are geographically contiguous with Libya or whose airspace lies within the vicinity of that country.
5. The Committee notes that by the terms of the mandatory sanctions established by the Security Council against Libya, the responsibility for monitoring and implementing the embargo is placed upon States. Nevertheless, the Committee considers itself duly competent not only to monitor but also to assist States in their implementation of the mandatory sanctions.
6. All States have the responsibility for enforcing the assets freeze described in paragraphs 3 and 4 of resolution 883(1993).
7. States may face difficulties in deciding about the entities, within their jurisdiction to be subject to measures imposed through Security Council resolution 883 (1993). Problems could arise specifically in regard to issues of ownership and control of the entities involved. The States are encouraged in all such cases, to approach the Committee for advice.

The Committee in considering such requests and deciding on other cases that might arise, will take into consideration, on a case by case basis the following:

-entities in which the Government or public authorities of Libya, or any Libyan undertaking as defined in Security Council resolution 883 (1993), is a majority shareholder, should be considered to be Libyan entities subject to the assets freeze (paragraphs 3 and 4);

-entities in which the Government or public authorities of Libya, or any Libyan undertaking as defined in the resolution, is a minority shareholder, but exercises effective control, may be considered a Libyan entity subject to the assets freeze (paragraphs 3 and 4) of the resolution. Such cases must be examined on a case by case basis, taking into account inter alia:

- the extent of Libyan ownership of the entity;
- the spread of ownership of the remaining shares, in particulars, if Libyan persons or entities constitute the single largest block of shareholders, and other shareholding is diffuse;
- representation of the Libyan Government and other Libyan undertakings on the board, or in the management of the entity

and their capability to name directors or managers or otherwise influence business decisions.

These criteria are not exhaustive or restrictive.

8. The provisions of paragraph 7 do not obviate or supersede the responsibility of national authorities to apply faithfully the assets-freeze provisions of resolution 883 (1993).
9. The Committee encourages and welcomes information from all states as well as cooperation and exchange of information among the regulatory authorities of States with regard to the implementation of the assets-freeze and to the identification of Libyan entities, and Libyan assets to be frozen.
10. Without prejudice to the exemption contained in paragraph 4 of Security Council resolution 883 (1993), the government or public authorities of Libya, or any Libyan undertaking, as defined by the resolution, may not benefit from the sale or transfer of financial assets that have been frozen within the purview of paragraph 3 of Security Council resolution 883 (1993). The proceeds of any such sales would be subject to the assets-freeze provisions of the resolution.
11. The Committee notes that in accordance with paragraph 5 of Security Council resolution 883 (1993), all States shall prohibit any provision to Libya by their nationals or from their territory of the items listed in the annex this resolution. For ease of reference the list is also annexed to these Guidelines.
12. The Committee notes the request in paragraph 8 of Security Council resolution 748 (1992) by which all States were required to report to the Secretary – General by 15 May, 1992 on the measures they have instituted for meeting the obligations contained in paragraphs 3 to 7 of that resolution. It further notes the request in paragraph 13 of Security Council resolution 883 (1993) to all States to report to the secretary-general by 15 January 1994 on the measures they have instituted for meeting the obligations set out in paragraphs 3 to 7 of the resolution.
13. The committee expects to receive from States information relating to any violations or alleged violations of the mandatory sanctions established by the Security Council against Libya in paragraphs 3 to 7 of resolution 748 (1992) and those established in paragraph 3 to 7 of resolution 883 (1993). The Committee may want to make a further appeal to all States to that effect. The Committee may renew the appeal as occasion warrants.
14. With a view to assisting governments in their endeavor to implement the sanctions established against Libya, the Committee will turn over to the governments concerned information forwarded to it by other governments, on information received otherwise, relating to violations or alleged violations of the sanctions, with requests for through investigations to be undertaken so as to prove or dispel the information thus obtained. The results of such investigations are to be forwarded to the Committee for its consideration and, if necessary, further action thereon. In this respect, the Committee hereby authorizes that, in the absence of any response from any governments (s) so approached, the Committee's secretariat will send an automatic reminder to the Government (s) concerned. If a response is still not received after a further period of one month, the Committee hereby authorizes its secretariat, in coordination with the Chairman of the Committee, to publish the name (s) of the government (s) concerned, indicating that the Committee has been unable to obtain a response from that (or those) government (s).
15. The Committee will, by means of a press release, encourage interested individuals and other national or international governmental or non-governmental organizations that may possess or come across any information relating to violations or alleged violations of the sanctions established against Libya to turn such information over to the governments of their domicile or to the governments of the countries of origin of violations of alleged violations. The press statement is to include a request that copies of communications covering such information to governments, and the information itself, should be forwarded to the Committee by means of communications addressed to the Chairman in writing.

16. The committee hereby authorizes its secretariat to scan, scrutinize and forward to it for its information and appropriate action, if necessary, any information gleaned from published sources, including radio and television broadcasts, relating to violations or alleged violations of sanctions established against Libya.
17. Notwithstanding its decision to hold its meetings in private sessions, the Committee will reserve the right to invite or to accept request from individual persons, representatives of non-members of the Committee or of national or international governmental or non-governmental organizations to appear before it for the purpose of providing or elucidating information relating to any violations or alleged violations of the sanctions established against Libya. To assist the Committee in its work, and States in their implementation of those sanctions, the Committee may decide to have consultations, as needed, with independent experts, in order to seek their advice on technical matters.
18. The Committee will seek close cooperation with the International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA) in view of the capacity of those organizations to provide authoritative information and regulation relating to the operation of scheduled, international civil air transport.
19. For dealing with exemptions for humanitarian flights to and from Libya, the Committee will apply a "no objection" procedure, on a case by case basis, for the flights for the following priority purposes:
 - evacuation of foreign nationals from Libya;
 - pilgrimage flights to and from Saudi Arabia;
 - emergency evacuations from Libya on medical grounds.
20. Request for approval by the Committee of such flights shall be submitted in written form, in reasonable time before the schedule of the flights, to the Chairman of the Committee by the Permanent Mission or Permanent Observer Mission of the State concerned. The Chairman will immediately circulate the request among the members of the Committee. The members of the committee will communicate to the Chairman, normally within 48 hours or as may be required by the emergency circumstances, their objection, if any, to the particular request. The Chairman will immediately inform the Permanent Mission or Permanent observer Mission of the State concerned of the decision of the Committee.
21. Request for approval by the Committee of flights carrying goods for emergency humanitarian needs shall be considered at formal meetings of the Committee. These requests should likewise be submitted in written form to the Chairman of the Committee by the Permanent Mission or Permanent Observer Mission of the State concerned and should contain a clear explanation as to the reasons and necessity for transporting the goods by air, instead of by land or sea to Libya.
22. The State whose request has been approved by the Committee shall take the necessary measures, if appropriate, in conjunction with the United Nations, to inspect the aircraft in order to ensure that it is operating exclusively for the declared humanitarian purposes and in accordance with the relevant provisions of Security Council resolution 748 (1992).
23. States submitting requests for humanitarian flights should indicate in their requests, wherever possible, the scheduled routes and stopovers and other pertinent information relating to the request flights and, after the approval of their requests by the Committee, should also inform the countries concerned accordingly.
24. In the event that a flight authorized by the Committee to or from Libya makes an intermediate stopover or stopovers, the government requesting approval for the flight is required to so indicate; the Committee will then request the government of the country of the stopover or the last stopover and final destination to take appropriate measures in conjunction with the United Nations in order to ensure that the aircraft is operating exclusively for the purposes for which the flight was authorized by the committee and no prohibited cargo is loaded on board the aircraft.

25. Pursuant to paragraph 9 of Security Council resolution 748 (1992) and paragraph 10 of Security Council resolution 883 (1993), the committee reaffirms its readiness to give special attention to any communications in accordance with Article 50 of the Charter from any neighboring or other state with special economic problems that might arise from the carrying out of the measures imposed by paragraphs 3 to 7 of Security Council resolution 748 (1992), and 3 to 8 of Security Council resolution 883 (1993), with a view to make recommendations to the President of the Security Council for appropriate action.
26. In order to enhance and publicize the work of the Committee, the Chairman will be authorized, after prior consultations with and approval of the Committee, to held press conferences or to issue press briefings on any aspects of the Committee's work, if and when necessary.

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