

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

Implementation Assistance Notice # 6

Guidance to Member States on the application of the provisions of the resolutions regarding the asset freeze in relation to the payment of interest and other earnings on frozen assets

In response to requests for guidance received from Member States concerning the proper implementation of the asset freeze measures imposed in Security Council resolutions 1970 (2011) of 26 February 2011, 1973 (2011) of 17 March 2011 and modified in resolution 2009 (2011) of 16 September 2011, the Committee would like to note the following.

Paragraph 22 of resolution 1973 (2011) designated the Libyan Investment Authority LIA (a.k.a. Libyan Foreign Investment Company (LFIC)) and the Libyan Africa Investment Portfolio (LAIP) as subject to the assets freeze measures imposed by paragraphs 17, 19, 20 and 21 of resolution 1970 (2011).

According to the exception set out in paragraph 20 of resolution 1970 (2011), “Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 [of resolution 1970 (2011)] of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.”

Paragraph 15 (a) of resolution 2009 (2011) specified that “funds, other financial assets and economic resources outside of Libya of the entities mentioned in this paragraph above [LIA, LAIP] that are frozen as of the date of this resolution pursuant to measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 shall remain frozen by States unless subject to an exemption as set out in paragraphs 19, 20 or 21 of that resolution or paragraph 16 below;”

Paragraph 15 (b) of resolution 2009 (2011) specified that “except as provided in (a), [the LIA, and the LAIP] shall otherwise no longer be subject to the measures imposed in paragraphs 17 of resolution 1970 (2011), including that States are no longer required to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of these entities;”

In conclusion:

- 1) Assets owned or controlled, directly or indirectly, by the LIA and LAIP, held outside Libya and frozen as of 16 September 2011, remain frozen;
- 2) Paragraph 20 of resolution 1970 (2011) is valid as to the LIA and LAIP assets held outside

Libya and frozen as of 16 September 2011;

3) The specific exception provided for in the aforementioned paragraph allows the addition by Member States of interests or other earnings or payments to the LIA and LAIP frozen accounts, but such interests or other earnings or payments remain frozen;

4) Interests, other earnings or payments on the LIA and LAIP frozen assets arising after 16 September 2011 are also frozen;

5) Assets owned or controlled, directly or indirectly, by the LIA and LAIP, held in Libya or acquired after 16 September 2011, are not frozen. Interests, other earnings or payments on such assets are not subject to the asset freeze.