



T.C.  
ULAŞTIRMA, DENİZCİLİK VE HABERLEŞME BAKANLIĞI  
Deniz Ticareti Genel Müdürlüğü

Sayı :21536506-724.02/E.48167

29.06.2016

Konu :BM Güvenlik Kurulu Kararı/ Libya

İMEAK DENİZ TİCARET  
ODASINA  
Meclisi Mebusan Cad. No: 22  
34427 Fındıklı - Beşiktaş - İstanbul

İlgi : Dışişleri Bakanlığında alınan 16.06.2016 tarih ve 11065966 sayılı yazı.

Alınan ilgi yazıda, Birleşmiş Milletler Güvenlik Konseyi 'nin (BMGK) 14 Haziran 2016 tarih ve 2292 sayılı aldığı karar ekte gönderilmekte olup, söz konusu kararında özetle şu hususlara belirtilmektedir:

1) AB tarafından yürütülen "EUNAVFOR MED operation Sophia" hareketının görev yönergesine destek verilmesi amacıyla İngiltere tarafından hazırlanan ve BMGK'da oybirliğiyle kabul edilen söz konusu kararda, Libya'daki durum bağlamında yaşanan gelişmeler ve Libya'ya yönelik silah ambargosu üzerinde durulmakta;

2) Öte yandan, kararın 3. işlem paragrafında "...provided that those Member States make good-faith efforts to first obtain the consent of the vessel's flag State prior to any inspections pursuant to this paragraph..." ifadesine yer verilerek, söz konusu paragraf ve ifade kapsamında, "EUNAVFOR MED operation Sophia" hareketına katılan (veya diğer ülkelerin) savaş gemilerinin Libya'ya giden veya Libya'dan çıkış yapan ve anılan ülkeyle bağlantılı silah kaçakçılığına karıştığından şüphelenilen gemileri Libya kıyıları açıklarında/açık denizlerde belirli şartlar altında denetlemesini de mümkün kıldığı; ancak, denetleme öncesinde ilgili bayrak devletinin rızasının alınması şartını da beraberinde getirdiği ifade edilmektedir.

Bu itibarla, konu hakkında sektördeki ilgili paydaşlara bilgi verilmesi hususunda bilgilerinizi ve gereğini rica ederim.

Ek : BM Kararı

Dağıtım:

 e-İmzalıdır

Cemalettin ŞEVLİ  
Bakan a.  
Genel Müdür V.

GÜVENLİ  
ELEKTRONİK İMZALI  
ASLI İLE AYNI DİR

29 Haziran 2016

Not: 5070 sayılı Elektronik İmza Kanunu gereği bu belge elektronik imza ile imzalanmıştır.

Hakkı Turaylıç Caddesi No:5 06338 Emek / Çankaya / ANKARA

Bilgi için: Ahmet Necati MACAROĞLU  
Uzman

Bağlı/ İlgili/ İlişkili Kurum ve Kuruluşlar



TURKSAT



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29.06.2016

-İMEAK DENİZ TİCARET ODASINA  
-MERSİN DENİZ TİCARET ODASINA

**Not: 5070 sayılı Elektronik İmza Kanunu gereĐi bu belge elektronik imza ile imzalanmıŖtır.**

Hakkı Turaylıç Caddesi No:5 06338 Emek / Çankaya / ANKARA

Bilgi iin:Ahmet Necati MACAROĐLU  
Uzman

BaĐlı/ İlgili/ İliŖkili Kurum ve Kurulular



**Security Council**Distr.: General  
14 June 2016**Resolution 2292 (2016)****Adopted by the Security Council at its 7715th meeting, on  
14 June 2016***The Security Council,*

*Recalling* the arms embargo on Libya which was imposed, modified and reaffirmed by resolutions 1970 (2011), 1973 (2011), 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2174 (2014), 2213 (2015), 2214 (2015), and 2278 (2016),

*Recalling* resolution 2259 (2015) which welcomed the signing of the 17 December 2015 Libyan Political Agreement of Skhirat, Morocco and endorsed the Rome Communiqué of 13 December 2015 to support the Government of National Accord ("GNA") as the sole legitimate government of Libya, that should be based in Tripoli, *reiterating* its support for the full implementation of the Libyan Political Agreement, and further *expressing* its determination in this regard to support the GNA,

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

*Reiterating its grave concern* at the growing threat of terrorist groups in Libya proclaiming allegiance to Islamic State in Iraq and the Levant (ISIL) (also known as Da'esh), the growing trend of groups associating themselves with it, as well as the continued presence of other Al-Qaida-linked terrorist groups and individuals operating there, and *recalling*, in this regard, the obligations under resolution 2253 (2015),

*Recalling* its resolution 2178 (2014), in particular paragraph 5 of that resolution, and *expressing* concern that the flow of foreign terrorist fighters to Libya can increase the intensity, duration and complexity of the conflict and pose a serious threat to their States of origin, transit, and travel,

*Expressing* deep concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which undermines stability in Libya and the region, including through their transfer to armed groups in violation of the arms embargo, and *underlining* the importance of coordinated international support to Libya and the region to address these issues,

*Expressing* concern that the situation in Libya is exacerbated by the smuggling of illegal arms and related materiel in violation of the arms embargo, *underlining* its



*Mindful* of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

*Reaffirming* its determination that terrorism, in all forms and manifestations, constitutes one of the most serious threats to peace and security,

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

1. *Condemns* the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, including to ISIL and other terrorist groups in Libya;
2. *Urges* Member States to combat by all means, in accordance with their obligations under the Charter of the United Nations and other obligations under international law, including international human rights law, international refugee law and international humanitarian law, threats to international peace and security caused by terrorist acts;
3. *Decides*, with a view to addressing the threat posed by unsecured arms and ammunitions in Libya and their proliferation, to *authorize*, in these exceptional and specific circumstances for a period of 12 months from the date of this resolution Member States, acting nationally or through regional organizations, with appropriate consultations with the GNA, in order to ensure strict implementation of the arms embargo on Libya, to inspect, without undue delay, on the high seas off the coast of Libya, vessels bound to or from Libya which they have reasonable grounds to believe are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of paragraphs 9 or 10 of resolution 1970 (2011), as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013) and paragraph 8 of 2174 (2014), provided that those Member States make good-faith efforts to first obtain the consent of the vessel's flag State prior to any inspections pursuant to this paragraph, and calls upon all flag States of above-mentioned vessels to cooperate with such inspections;
4. *Authorizes* Member States, acting nationally or through regional organizations, conducting inspections pursuant to paragraph 3, to use all measures commensurate to the specific circumstances to carry out such inspections, in full compliance with international humanitarian law and international human rights law, as applicable, and urges Member States conducting such inspections to do so without causing undue delay to or undue interference with the exercise of freedom of navigation;
5. *Authorizes* all Member States, acting nationally or through regional organizations, to, and decides that all such Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of resolution 1970, as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013), and paragraph 8 of resolution 2174 (2014), seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items, *further reaffirms* its decision that all Member States shall cooperate in such efforts, *authorizes* Member States, acting nationally or through regional organizations, to collect evidence directly related to the carriage of such items in the course of such inspections, and *urges* Member States, acting nationally or through regional organizations, to avoid causing harm to the marine environment or to the safety of navigation;
6. *Affirms* that the authorizations provided by paragraph 3, 4 and 5 of this resolution apply only with respect to inspections carried out by warships and ships

*Mindful* of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

*Reaffirming* its determination that terrorism, in all forms and manifestations, constitutes one of the most serious threats to peace and security,

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

1. *Condemns* the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, including to ISIL and other terrorist groups in Libya;

2. *Urges* Member States to combat by all means, in accordance with their obligations under the Charter of the United Nations and other obligations under international law, including international human rights law, international refugee law and international humanitarian law, threats to international peace and security caused by terrorist acts;

3. *Decides*, with a view to addressing the threat posed by unsecured arms and ammunitions in Libya and their proliferation, to *authorize*, in these exceptional and specific circumstances for a period of 12 months from the date of this resolution Member States, acting nationally or through regional organizations, with appropriate consultations with the GNA, in order to ensure strict implementation of the arms embargo on Libya, to inspect, without undue delay, on the high seas off the coast of Libya, vessels bound to or from Libya which they have reasonable grounds to believe are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of paragraphs 9 or 10 of resolution 1970 (2011), as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013) and paragraph 8 of 2174 (2014), provided that those Member States make good-faith efforts to first obtain the consent of the vessel's flag State prior to any inspections pursuant to this paragraph, and calls upon all flag States of above-mentioned vessels to cooperate with such inspections;

4. *Authorizes* Member States, acting nationally or through regional organizations, conducting inspections pursuant to paragraph 3, to use all measures commensurate to the specific circumstances to carry out such inspections, in full compliance with international humanitarian law and international human rights law, as applicable, and urges Member States conducting such inspections to do so without causing undue delay to or undue interference with the exercise of freedom of navigation;

5. *Authorizes* all Member States, acting nationally or through regional organizations, to, and decides that all such Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of resolution 1970, as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013), and paragraph 8 of resolution 2174 (2014), seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items, *further reaffirms* its decision that all Member States shall cooperate in such efforts, *authorizes* Member States, acting nationally or through regional organizations, to collect evidence directly related to the carriage of such items in the course of such inspections, and *urges* Member States, acting nationally or through regional organizations, to avoid causing harm to the marine environment or to the safety of navigation;

6. *Affirms* that the authorizations provided by paragraph 3, 4 and 5 of this resolution apply only with respect to inspections carried out by warships and ships

owned or operated and duly authorized by a State and used only on government non-commercial service, and which are clearly marked and identifiable as such;

7. *Underscores* that these authorizations do not apply with respect to vessels entitled to sovereign immunity under international law;

8. *Affirms* that the authorisation provided for in paragraph 4 includes the authority to divert vessels and their crews to a suitable port to facilitate such disposal, with the consent of the port State, *affirms* further that the authorization in paragraph 4 includes the authority to use, all measures commensurate to the specific circumstances, in full compliance with international humanitarian law and international human rights law, as applicable, to seize items set out in paragraph 3 in the course of inspections;

9. *Affirms* that the authorizations provided in this resolution apply only with respect to the smuggling of illegal arms and related materiel on the high seas off the coast of Libya and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, including the general principle of exclusive jurisdiction of a Flag State over its vessels on the high seas, with respect to any other situation, *underscores* in particular that this resolution shall not be considered as establishing customary international law;

10. *Decides* that when any Member State, acting nationally or through regional organizations, undertakes an inspection pursuant to paragraph 3 of this resolution, it or the regional organization through which it is acting shall submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the efforts made to seek the consent of the vessel's Flag state, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member State or regional organization submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report; and requests the Committee to notify the flag State of the inspected vessel that an inspection has been undertaken, notes the prerogative of any Member State to write to the Committee concerning the implementation of any aspect of this resolution, and further encourages the Panel of Experts to share relevant information with Member States operating under the authorization set out in this resolution;

11. *Encourages* Member States and the GNA to share relevant information with the Committee, and with those Member States and regional organizations acting under the authorisations set out in this resolution;

12. *Requests* the Secretary-General to provide, with input from CTED, in close collaboration with the Analytical Support and Sanctions Monitoring Team, as well as the Panel of Experts established pursuant to resolution 1973, a report, in 30 days, on the threat posed to Libya and neighbouring countries, including off the coast of Libya, by Foreign Terrorist Fighters recruited by or joining the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities;

13. *Decides* to remain actively seized of the matter.