

## 16. The situation in Libya

### Overview

In 2010 and 2011, the Council held 24 meetings regarding the situation in Libya, including one private meeting, and adopted six resolutions under Chapter VII of the Charter.<sup>271</sup> The Council's actions ranged from calling for an immediate end to the violence against civilians to authorizing measures against the Libyan regime and referring the matter to the International Criminal Court.<sup>272</sup> In March 2011, reiterating its demand for an immediate ceasefire, the Council authorized Member States to take all necessary measures to protect civilians, including the enforcement of a no-flight zone. The Council also addressed the facilitation of humanitarian assistance, disarmament and non-proliferation of arms and related material.

By resolution [1970 \(2011\)](#), the Council established a Security Council Committee; it subsequently created a Panel of Experts to assist the Committee.<sup>273</sup> In September 2011, the Council established the United Nations Support Mission in Libya<sup>274</sup> and in December 2011 extended its mandate for three months, until March 2012.<sup>275</sup>

### 26 February 2011: adoption of resolution [1970 \(2011\)](#)

Following the protests in Benghazi on 15 February 2011 and the subsequent outbreak of violence throughout the Libyan Arab Jamahiriya, Council held a closed meeting on 22 February 2011 to hear a briefing by the Under-Secretary-General for

Political Affairs and the representative of the Libyan Arab Jamahiriya, who had requested the meeting.<sup>276</sup>

On 25 February 2011, the Council heard a briefing from the Secretary-General, who warned that fundamental issues of peace and security were at stake in the Libyan Arab Jamahiriya. He said that everything possible should be done to ensure the immediate protection of civilians, and that it was time for the Security Council to consider concrete action.<sup>277</sup> The Council also heard from the representative of the Libyan Arab Jamahiriya, who implored the Council to say no to bloodshed and adopt a swift, decisive and courageous resolution.<sup>278</sup>

On 26 February 2011, the Council, expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians, unanimously adopted resolution [1970 \(2011\)](#) under Chapter VII of the Charter. The Council demanded an immediate end to the violence and stressed the need to hold to account those responsible for attacks on civilians. Citing Article 41 of the Charter, the Council referred the situation to the International Criminal Court, imposed an arms embargo against the Libyan Arab Jamahiriya as well as a travel ban and an asset freeze against Muammar Qadhafi, his family and other individuals, as listed in the annex to the resolution. The Council also decided to establish a Security Council Committee to monitor the implementation of the imposed measures, and called on the Committee to take appropriate action on information regarding alleged violations of non-compliance and to designate individuals subject to the measures. The Council called upon Member States to make available humanitarian assistance to the Libyan Arab Jamahiriya, and expressed its readiness to consider taking additional appropriate measures in that regard.

Following the adoption of the resolution, speakers welcomed the unanimity of the Council's action, expressed solidarity with the people of the Libyan Arab Jamahiriya and hope that the resolution would help bring them relief. The representative of Nigeria expressed her support for the measures authorized by the resolution to the extent that their

<sup>271</sup> In February 2011, the Council considered issues pertaining to the Libyan Arab Jamahiriya at its 6486th, 6490th and 6491st meetings, under the item entitled "Peace and security in Africa". Pursuant to a note by the President of the Security Council dated 16 March 2011 ([S/2011/141](#)), as from that date the earlier consideration by the Council of issues pertaining to the Libyan Arab Jamahiriya was subsumed under the item entitled "The situation in Libya". The official name of the country in the United Nations was changed from "Libyan Arab Jamahiriya" to "Libya" from 16 September 2011 at the request of the National Transitional Council of Libya.

<sup>272</sup> Resolution [1970 \(2011\)](#).

<sup>273</sup> Resolution [1973 \(2011\)](#).

<sup>274</sup> Resolution [2009 \(2011\)](#).

<sup>275</sup> Resolution [2022 \(2011\)](#).

<sup>276</sup> 6486th meeting.

<sup>277</sup> [S/PV.6490](#), pp. 2-3.

<sup>278</sup> *Ibid.*, p. 5.

impact was targeted and did not exacerbate the burden upon Libyan citizens.<sup>279</sup> The representative of the United States stated that the resolution was a strong one, and that Libya's leaders would be held accountable for violating the universal rights of the Libyan people, and for failing to meet their most basic responsibilities to their people.<sup>280</sup> The representative of India, itself not a signatory to the Rome Statute of the International Criminal Court, said that India had gone along with the consensus in the Council although it would have preferred a more calibrated approach to the issue. He drew attention to the provisions in the resolution regarding nationals of States not parties to the Statute.<sup>281</sup> The representative of China said that his country had voted in favour of the resolution taking into consideration the special situation in the Libyan Arab Jamahiriya at the time and the concerns and views of the Arab and African countries.<sup>282</sup> The representative of France stated that the resolution recalled the responsibility of each State to protect its own population and of the international community to intervene when States failed in that duty.<sup>283</sup> The representatives of Lebanon and the Russian Federation both stressed the importance of preserving the sovereignty and territorial integrity of the Libyan Arab Jamahiriya.<sup>284</sup> Finally, the Secretary-General commended the Council's decisive action, looked forward to similarly decisive steps from the General Assembly and the international community as a whole, and warned that even bolder action might be necessary in the coming days.<sup>285</sup>

### **17 March 2011: adoption of resolution 1973 (2011)**

On 17 March 2011, the Council, deploring the failure of the Libyan authorities to comply with resolution 1970 (2011) and expressing grave concern at the escalation of violence and the heavy civilian casualties, adopted resolution 1973 (2011) under Chapter VII of the Charter, by 10 votes to none, with 5 abstentions. In the resolution, the Council demanded the immediate establishment of a ceasefire and an end to all attacks against civilians, which it considered might amount to crimes against humanity. It further

strengthened and expanded measures under Article 41, including measures to enforce the arms embargo imposed by resolution 1970 (2011). It authorized Member States, acting nationally or through regional arrangements, to take all necessary measures to protect Libyan civilians and civilian-populated areas under threat of attack, while excluding a foreign occupation force of any form on any part of Libyan territory, and requested the cooperation of States members of the League of Arab States in this regard. It established a ban on all flights in the airspace of the Libyan Arab Jamahiriya, as called for by the League of Arab States in order to help to protect civilians.<sup>286</sup> Finally, it created a Panel of Experts to assist the Committee established pursuant to resolution 1970 (2011), *inter alia*, in gathering, examining and analysing information in connection with the measures imposed, for an initial period of one year.

Speaking before the vote, France stated that the draft resolution provided the Council with the means to protect the civilian population in Libya, declaring that his country was prepared to act with Member States — in particular Arab States — that wished to support this initiative.<sup>287</sup>

Speaking after the vote, several representatives who had supported the text agreed that strong action was necessary because of the Libyan regime's failure to heed the provisions of the previous resolution and considering the impending threat of further violence against Libyan civilians. The representative of the United Kingdom welcomed the fact that the Council had acted swiftly and comprehensively in response to the situation in Libya, and the representative of the United States stated that resolution 1973 (2011) represented a powerful response to the call of the League of Arab States to protect Libyan civilians.<sup>288</sup> The representative of Nigeria expressed the belief that the resolution would support the political path to conflict resolution, and stressed her country's determination to respect the territorial integrity of Libya.<sup>289</sup>

---

<sup>279</sup> S/PV.6491, p. 3.

<sup>280</sup> *Ibid.*, pp. 3-4.

<sup>281</sup> *Ibid.*, p. 2.

<sup>282</sup> *Ibid.*, p. 4.

<sup>283</sup> *Ibid.*, p. 5.

<sup>284</sup> *Ibid.*, p. 4.

<sup>285</sup> *Ibid.*, p. 8.

---

<sup>286</sup> For more information on measures imposed under Articles 41 and 42 of the Charter, see part VII, sects. III and IV. For more information on the Committee and the Panel of Experts, see part IX, sect. I. B.1, with regard to Security Council committees overseeing specific sanctions measures.

<sup>287</sup> S/PV.6498, p. 3.

<sup>288</sup> *Ibid.*, p. 4 (United Kingdom); and p. 5 (United States).

<sup>289</sup> *Ibid.*, p. 9.

The representative of Germany expressed concern about the plight of the Libyan people and the widespread attacks they were suffering, and said that Germany fully supported the package of economic and financial sanctions in resolution 1973 (2011). It had, however, decided not to support the option of using military force, as foreseen particularly in paragraphs 4 and 8 of the resolution, and had abstained from the voting. He cautioned the Council against entering into a military confrontation on the optimistic assumption that quick results with few casualties could be achieved.<sup>290</sup> The representative of India, who also abstained despite grave concerns about the deteriorating humanitarian situation in Libya and calling for a ceasefire, stated that in adopting resolution 1973 (2011), the Council was authorizing far-reaching measures under Chapter VII, with relatively little credible information on the situation on the ground.<sup>291</sup> The representative of Brazil expressed concern that the use of military force in Libya might have the unintended effect of exacerbating tensions on the ground and causing more harm than good. She considered that diplomacy and dialogue were required.<sup>292</sup> The representative of China said that his country had abstained in the voting in consideration of the position of the Arab League and the African Union and the special circumstances surrounding the situation in Libya. However, it had serious difficulty with parts of resolution 1973 (2011) and had posed specific questions that had not been answered.<sup>293</sup> The representative of the Russian Federation was concerned that the resolution failed to stipulate the rules of engagement, the limits on the use of force, and how the no-fly zone would be enforced.<sup>294</sup>

**24 March to 27 June 2011: briefings on the political, legal, military and humanitarian situation in Libya**

On 24 March 2011, the Secretary-General briefed the Council on the situation in Libya and discussed the events in the wake of the Council's adoption of resolution 1973 (2011). He informed members that military strikes initiated on 19 March 2011 by the United States and European forces had effectively established a no-fly zone over the territory of Libya,

and that the campaign was ongoing. In relation to the progress of implementation of resolution 1973 (2011), he warned Council members that, despite repeated claims by the Libyan authorities that they had instituted a ceasefire, there was no evidence of that, or that they had taken steps to carry out their obligations under the resolution. He informed the Council that his Special Envoy to Libya had visited Tripoli and had undertaken broad consultations with Libyan officials, warning the Libyan authorities that, unless they complied with resolution 1973 (2011), the Council might be prepared to take additional measures. Finally, the Secretary-General expressed his continued concern about the protection of civilians, abuses of human rights, violations of international humanitarian law, and the access of the civilian population to basic commodities and services in areas under siege. He called on the international community to continue to exercise full diligence in avoiding civilian casualties and to speak with one voice in dealing with the humanitarian situation.<sup>295</sup>

On 28 March 2011, the representative of Portugal, in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011), briefed the Council on the work of the Committee in relation to the arms and flight embargoes and updates to its lists of individuals and entities subject to the travel ban and asset freeze. He called on Member States to fully engage with the Committee in order to ensure the efficient implementation of the sanctions.<sup>296</sup>

On 4 April 2011, the Council heard a briefing by the Special Envoy of the Secretary-General to Libya on the situation in the country following his second visit. The Special Envoy informed the Council that, despite the effectiveness of the efforts made by coalition members to implement a no-fly zone and to protect civilians, the fighting had continued between the opposition forces and forces loyal to Colonel Muammar Qadhafi. He emphasized the need for the international community to come together and support the quest for a solution to the conflict. He also made reference to the meetings held on 31 March 2011 with Libyan officials, at which he had reiterated demands for the full implementation of resolutions 1970 (2011) and 1973 (2011). He stated that, while information about the humanitarian situation remained limited due to a lack of access to different parts of the country, the

<sup>290</sup> Ibid., p. 5.

<sup>291</sup> Ibid., p. 6.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid., p. 10.

<sup>294</sup> Ibid., p. 8.

<sup>295</sup> S/PV.6505, pp. 2-3.

<sup>296</sup> S/PV.6507.

overall situation, especially in and around areas where there was fighting, remained grave, particularly regarding medical and protection needs.<sup>297</sup>

During his briefing on 3 May 2011, the Special Envoy of the Secretary-General to Libya reported on the results of his mediation efforts concerning the implementation of resolutions 1970 (2011) and 1973 (2011). He informed the Council that both the Libyan authorities and the Transitional National Council were ready to implement a ceasefire, but on different conditions. He said that he had emphasized to both sides that a real and verifiable ceasefire should be part of wider measures that included lifting the siege on all cities and withdrawing military forces from all cities, allowing humanitarian access and assistance, releasing all detainees, resuming delivery of basic supplies, and securing the passage of foreign workers stranded in cities. In all his meetings and discussions with Libyan officials, the Special Envoy had strongly and continuously reiterated the calls of the international community for full implementation of the two resolutions, and had condemned the use of force against civilians.<sup>298</sup>

The Prosecutor of the International Criminal Court presented his first report to the Council on 4 May 2011, pursuant to resolution 1970 (2011).<sup>299</sup> He informed the Council of his intention to seek arrest warrants for three individuals bearing the greatest criminal responsibility for crimes against humanity committed in the territory of Libya since 15 February 2011. He further informed the Council that, if the Pre-Trial Chamber accepted his application for the warrants, the arrests would require serious planning and preparation, and that the international community should take steps early to assist with practical planning.<sup>300</sup>

Following the briefing, Council members expressed appreciation for the speed and diligence with which the Prosecutor's Office had launched its investigation. The representative of India said that, although not a signatory to the Rome Statute or a member of the International Criminal Court, India had voted in favour of resolution 1970 (2011) because

several members of the Council, including members from Africa and the Middle East, believed that the referral of the situation in Libya to the Court would have the effect of causing the cessation of violence and the restoration of calm. He urged the Prosecutor to carry out a thorough and impartial investigation.<sup>301</sup> The representative of the Russian Federation, expressing alarm at the growing number of civilian casualties, noted that some of them were the result of air strikes carried out by the North Atlantic Treaty Organization (NATO). He said that his country supported the efforts by the International Criminal Court to carry out a fair and impartial investigation into the actions of all parties to the conflict.<sup>302</sup>

On 9 May 2011, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator briefed the Council on the deteriorating humanitarian situation in Libya, where hundreds of thousands of people were fleeing the fighting both within Libya and across its borders; there was no accurate figure of the number of casualties. She reminded the Council of the agreement reached between the United Nations and the Libyan authorities on 17 April 2011, which included a commitment that the establishment of a United Nations humanitarian presence in Tripoli would be fully supported. Unfortunately, she explained, the humanitarian team had been forced to relocate for security reasons, after the ransacking of the United Nations offices. She reminded the Council that humanitarian agencies must have access to all people, regardless of where they were or under whose control they happened to be, and called on Member States' continued support for the humanitarian effort in Libya.<sup>303</sup>

On 31 May 2011, the Under-Secretary-General for Political Affairs presented to the Council the Secretary-General's monthly report on Libya, as requested in resolution 1973 (2011). He informed the Council that fighting between the Government and opposition forces was continuing and that the parties remained far apart on even beginning negotiations to resolve the conflict, despite the efforts of the Secretary-General, his Special Envoy to Libya, the African Union and other stakeholders to narrow the differences and begin a credible negotiating process. He stated that the human rights situation remained

---

<sup>297</sup> S/PV.6509.

<sup>298</sup> S/PV.6527.

<sup>299</sup> The report of the Prosecutor was not issued as a document of the Security Council.

<sup>300</sup> S/PV.6528, pp. 2-4.

<sup>301</sup> *Ibid.*, p. 7.

<sup>302</sup> *Ibid.*, pp. 8-9.

<sup>303</sup> See S/PV.6530.

deeply troubling. He also reiterated the Secretary-General's appeal for increased support for humanitarian assistance to affected populations, both in Libya and in neighbouring countries; many were stranded at border points in Egypt, Tunisia and the Niger or living in settlements in the east of the country. Finally, he outlined three main priorities for the United Nations team, namely, the protection of civilians in areas where fighting continued; securing a commitment from the parties to engage in indirect negotiations based on the proposals presented to them by the Special Envoy; and making contingency plans for post-conflict peacebuilding.<sup>304</sup>

On 15 June 2011, the Council held a meeting with the African Union Ad Hoc High-level Committee on Libya, comprising the Congo, Mali, Mauritania, South Africa and Uganda and chaired by Mauritania. In a statement made on behalf of the Committee, the Minister for Foreign Affairs and Cooperation of Mauritania reaffirmed the regional body's full support of resolutions 1970 (2011) and 1973 (2011), although it lamented the marginalization of the African Union in the management of a conflict that concerned it first and foremost. He expressed the Committee's support for the road map outlined by the African Union Peace and Security Council, the key elements of which were the immediate cessation of hostilities, the facilitation of humanitarian aid, the protection of foreigners and political reform.<sup>305</sup>

On 27 June 2011, the Under-Secretary-General for Political Affairs briefed the Council on the military, political and humanitarian situation in Libya, stating that the United Nations was continuing its efforts to implement the provisions of resolutions 1970 (2011) and 1973 (2011). The Special Envoy of the Secretary-General was working with the parties on a political solution; while an agreement was far from being concluded, the beginning of a negotiation process was under way, and must be given space to grow and bear fruit. In that regard, he urged the international community to deliver a consistent, clear and coherent message on a political solution to both parties. He said that the Secretary-General had continued his discussions with the Libyan authorities, the African Union, the European Union, the League of Arab States, the Organization of the Islamic Conference, NATO and other parties. The Under-Secretary-General also

reported that, earlier that day, the International Criminal Court had issued warrants for the arrests of Colonel Muammar Qadhafi, his son Saif al-Islam Qadhafi, and Abdullah al-Senussi, head of Libyan intelligence, on charges of crimes against humanity.<sup>306</sup>

The representative of Portugal, in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011), also briefed the Council, reporting on the work of the Committee from 29 March to 27 June 2011. During that period, the Committee had convened one informal meeting to meet the newly appointed Panel of Experts, which was currently on mission to several countries in Europe, to be followed by travel to countries in Africa, in order to gather information regarding the implementation of the measures imposed in resolutions 1970 (2011) and 1973 (2011). He further reported that the Committee had dealt with a number of communications from Member States relating to the asset freeze and the arms embargo imposed by resolution 1970 (2011), and had designated two individuals as subject to the travel ban and one entity as subject to the asset freeze.<sup>307</sup>

#### **28 July and 30 August 2011: briefings by the Secretary-General and the Under-Secretary-General for Political Affairs**

On 28 July 2011, the Council heard a briefing by the Under-Secretary-General for Political Affairs about the recent developments in Libya. Stating that there had been no dramatic changes in the overall situation, he outlined the efforts of the Secretary-General and his Special Envoy in pressing ahead with the parallel approach proposed to the parties during discussions held in Tripoli and Benghazi on 25 and 26 July, designed to simultaneously establish a credible ceasefire and create an institutional mechanism for the management of the transition. Although both parties had expressed their readiness to study the proposal, posturing by both sides had prevented progress, and he reiterated that a ceasefire tied to transitional arrangements was the only sustainable political solution to the crisis. He also updated the Council on the humanitarian situation, saying that the Government of Libya had repeatedly complained about the shortage of medical supplies; in addition, a lack of fuel was affecting the movement of people and goods,

---

<sup>304</sup> See [S/PV.6541](#).

<sup>305</sup> See [S/PV.6555](#).

<sup>306</sup> [S/PV.6566](#), pp. 2-3.

<sup>307</sup> *Ibid.*, p. 5.

electricity and water supply, hospitals, agriculture and other industries.<sup>308</sup>

The representative of South Africa noted that it had been more than four months since the adoption of resolution 1973 (2011) and reminded Member States that the intention of the resolution had been to ensure the protection of civilians and not regime change. Taking sides in any internal conflict, he warned, set a dangerous precedent that might damage the credibility of the Council and its resolutions.<sup>309</sup>

On 30 August 2011, the Secretary-General reported to the Council that, although fighting continued in some parts of the country, he was encouraged by recent trends, and expressed his hope for a quick conclusion to the conflict and an end to the suffering of the Libyan people. He stated that the most important job was to ensure that multilateral, regional and bilateral efforts were complementary and corresponded to Libyan wishes, stressing that the first principle was national ownership. He stated that his aim was to put United Nations personnel on the ground as quickly as possible, under a robust Security Council mandate. His Special Adviser was consulting daily with Libyan stakeholders and he and his team were engaged in a preparatory process to enable the United Nations to respond swiftly to the requests of the Libyan authorities. He updated the Council on the improvements in the humanitarian situation, warning, however, that water supplies were critically short and that, in the coming days, urgent international assistance would probably be requested. The Security Council Committee had recently authorized the release of \$1.5 billion in frozen Libyan assets for humanitarian purposes, and he appealed to the Council to be responsive to the requests of the transitional authorities for funding. He also reported on recent cases of summary executions, torture and human rights violations, which the International Commission of Inquiry for Libya would need to examine.<sup>310</sup>

#### **16 September 2011: establishment of UNSMIL**

On 16 September 2011, by resolution 2009 (2011), adopted unanimously, the Council established the United Nations Support Mission in Libya (UNSMIL). The Mission, authorized for an initial

period of three months, would assist and support Libyan national efforts to restore public security and promote the rule of law, undertake inclusive political dialogue, promote national reconciliation and embark upon the constitution-making and electoral process. It would also support national efforts to extend State authority, including by strengthening institutions and the restoration of public services, promote and protect human rights and support transitional justice, and take steps to initiate economic recovery. In support of those objectives, the Council authorized exemptions to the arms embargo solely for security or disarmament assistance to the Libyan authorities and for the use of United Nations and humanitarian personnel. It also authorized modification of the asset freeze targeting entities connected to the regime, for humanitarian and other purposes. The Council emphasized its intention to keep under review the measures concerning a no-fly zone imposed by resolution 1973 (2011) and, when circumstances permitted and in consultation with the Libyan authorities, to lift those measures and terminate the authorization given to Member States.

Following the adoption of the resolution, the representatives of the Russian Federation and South Africa expressed disappointment that the no-fly zone was not to be lifted in the near future, given that the threats that had initially warranted it no longer existed.<sup>311</sup> They also expressed concern about the situation of African nationals in Libya, and called for those involved in the killings, arbitrary arrests and detentions of migrant workers be held accountable for their actions.<sup>312</sup>

Council members welcomed and congratulated the representative of Libya, who took his seat as the representative of the new National Transitional Council. Stating that the day was indeed an historic one for the Libyan people, the representative of Libya paid tribute to those States and organizations that had stood with the Libyan people. He highlighted the important role played by the United Nations, as represented by the Secretary-General and the Security Council which, by adopting resolutions 1970 (2011) and 1973 (2011), had saved the lives of thousands of Libyans by operationalizing the responsibility to protect. He thanked the Council for the establishment of UNSMIL, stating that he looked forward to a

---

<sup>308</sup> S/PV.6595, pp. 2-4.

<sup>309</sup> Ibid., pp. 4-5.

<sup>310</sup> See S/PV.6606.

<sup>311</sup> S/PV.6620, p. 3 (Russian Federation); and p. 6 (South Africa).

<sup>312</sup> Ibid.

mission based on national ownership. He expressed the hope that everyone would respect the choices made by the Libyan people and not interfere in their affairs during this “delicate period”.<sup>313</sup>

In his briefing to the Council on 26 September 2011, the Under-Secretary-General for Political Affairs updated Council members on the situation in Libya and the work of the Mission since the adoption of resolution 2009 (2011). He informed the Council of a recent meeting with the President of the National Transitional Council, and said that body had publicly embraced the essential principles of tolerance, moderation, reconciliation, human rights and the rule of law. He also highlighted the main challenges ahead, including reconciliation, arms control, transitional justice and the welfare of migrants. Nonetheless, he expressed confidence that the challenges could be overcome with international support and assistance. UNSMIL had begun coordinating activities between actors; it had already deployed essential personnel in Tripoli, and human rights and electoral experts were expected to begin their activities in the coming days.<sup>314</sup>

The Council also heard a briefing by the Chair of the Committee established pursuant to resolution 1970 (2011), on the work of the Committee for the period from 28 June to 26 September 2011. He noted that by resolution 2009 (2011) the Council had modified the measures previously imposed on Libya. He said that the Committee would be monitoring those measures as modified. It had requested the Panel of Experts to look both backward and forward in investigating incidents of non-compliance. He confirmed that pursuant to resolution 2009 (2011) the Committee had released a portion of the previously frozen assets for the benefit of the Libyan people.<sup>315</sup>

The representative of Libya and Chairman of the Executive Office of the National Transitional Council also briefed the Council. He voiced his appreciation for the partial unfreezing of funds, but said that the inability of the Transitional Council to provide basic services for lack of funding could affect its legitimacy, and he requested the Security Council to lift the asset freeze completely as soon as possible.<sup>316</sup>

### **26 to 31 October 2011: briefing and adoption of resolutions 2016 (2011) and 2017 (2011)**

On 26 October 2011, the Special Representative of the Secretary-General and Head of UNSMIL briefed the Council on developments in Libya, following the death of Muammar Qadhafi on 20 October 2011 and Libya’s declaration of liberation on 23 October. He stated that the declaration marked a new beginning for the people of Libya, who could now move forward to build a modern nation-State based on the principles embraced by the revolution — democracy, human rights, the rule of law, accountability, respect for minority rights, the empowerment of women and the promotion of civil society. He outlined the three commitments the National Transitional Council had made in its constitutional declaration, namely the establishment of an interim Government within 30 days, the adoption of electoral legislation and establishment of an electoral management body within 90 days, and, within 240 days, the holding of an election for a national congress to give democratic legitimacy to a new Government. He stressed that it was critical for the international community to remain focused and measured in its engagement with the Libyan authorities during the transitional period, and not to impose over-ambitious expectations or longer-term programmes. He stated that a key priority was the start of a national reconciliation process and a coherent approach to the human rights and transitional justice issues that had surfaced in the preceding weeks. In relation to UNSMIL, he reported that the Mission continued to facilitate coordination among Libyan authorities, relevant international organizations and Member States in confronting the legacy of the extraordinary quantity of weaponry and munitions, along with chemical weapons, nuclear materials and other non-conventional weapons. The Mission’s human rights advisers had begun to assist in reviewing cases of detention and abuse of detainees by the former regime.<sup>317</sup>

Following the briefing, the representative of Libya expressed gratitude to the United Nations and all States that had supported his country during the past few months, without which, he claimed, Libya would not have achieved what it had. He noted, however, that Libyans considered that foreign control of their airspace infringed on their sovereignty, particularly

---

<sup>313</sup> Ibid., pp. 7-8.

<sup>314</sup> S/PV.6622, pp. 2-4.

<sup>315</sup> Ibid., pp. 4-5.

<sup>316</sup> Ibid., pp. 6-7.

<sup>317</sup> S/PV.6639, pp. 2-5.

since the recent declaration of independence. He expressed the desire to see the termination of the no-fly zone over Libya, suggesting the end of October as a logical date on which to terminate the mandate.<sup>318</sup>

Welcoming the positive developments in Libya and taking note of the declaration of liberation of 23 October 2011, the Council unanimously adopted resolution 2016 (2011) on 27 October 2011, by which it terminated the protection of civilians mandate and the provisions for a no-fly zone adopted under resolution 1973 (2011). The Council also modified the arms embargo and asset freeze. The Council strongly urged the Libyan authorities to refrain from reprisals, including arbitrary detentions, and underscored their responsibility for the protection of the population, including foreign nationals and African migrants. The Council also stated that it looked forward to the swift establishment of an inclusive, representative transitional Government and reiterated the need for the transitional period to be underpinned by a commitment to democracy.

On 31 October 2011, the Council unanimously adopted resolution 2017 (2011), in which it called upon the Libyan authorities to take steps to prevent the proliferation of all arms and related materiel, in particular man-portable surface-to-air missiles, and called upon States in the region to consider measures to this end. The Council requested the Committee established pursuant to resolution 1970 (2011), with assistance from its Panel of Experts and in cooperation with other relevant bodies, to assess the threats and challenges, in particular related to terrorism, posed by the proliferation of all arms and related materiel, and to submit a report to the Council on proposals to counter those threats.

Following the adoption of the resolution, the representative of Germany expressed disappointment that the Panel of Experts was required to report through the Committee, rather than directly to the Council, which it argued was the usual practice and was meant to preserve the independence of such panels.<sup>319</sup> The representative of the Russian Federation reiterated the need to curb the proliferation of weapons in Libya, but stressed that the Libyan authorities must assume the main responsibility for that task, which would require the constructive cooperation of its

neighbours and the international community as a whole. Furthermore, recognizing the danger that man-portable air defence systems posed to civil aviation, the representative of the Russian Federation noted that the resolution had assigned an active role to the Counter-Terrorism Committee Executive Directorate and the International Civil Aviation Organization (ICAO).<sup>320</sup>

## **2 November to 22 December 2011: briefings and extension of the mandate of UNSMIL**

On 2 November 2011, the Prosecutor of the International Criminal Court briefed the Council on the activities of his Office in furtherance of resolution 1970 (2011), and on the current situation of the three indictees, against whom arrest warrants had been issued on 27 June 2011. He informed the Council that, following the death of Muammar Qadhafi on 20 October 2011, the Pre-Trial Chamber could decide to withdraw the arrest warrant and end the case against him. Concerning Saif al-Islam Qadhafi and Abdullah al-Senussi, the Prosecutor said that his Office was galvanizing efforts to ensure that they faced justice. He told the Council that information had been received regarding a group of mercenaries who might be endeavouring to facilitate the escape from Libya of Saif al-Islam Qadhafi. He called upon the Council and all States to do all they could to disrupt such an operation and ensure that the two indictees faced justice for the crimes for which they were charged. The Prosecutor stated that there were also allegations of crimes committed by the NATO forces and forces of the National Transitional Council, including the alleged detention of civilians suspected to be mercenaries and the alleged killing of detained combatants. He assured the Council that those allegations would be examined impartially and independently by his Office, but that the possibility of carrying out all those investigations would depend on the available budget.<sup>321</sup>

There was broad agreement among Council members that the decision to refer the Libyan case to the Prosecutor's Office reflected the importance that the international community attached to ensuring accountability for the systematic attacks and violence against Libyan civilians. The representative of France expressed approval of the Court's swift actions in gathering legal evidence and putting pressure on those

<sup>318</sup> Ibid., pp. 6-7.

<sup>319</sup> S/PV.6644, p. 2.

<sup>320</sup> Ibid., pp. 2-3.

<sup>321</sup> S/PV.6647, pp. 2-4.



organizing and committing crimes in Libya, and urged the Council to act also with regard to the Syrian Arab Republic and Yemen.<sup>322</sup> The representative of Germany agreed that, in adopting resolution 1970 (2011), the Council had taken an historic decision, the core message of which was the protection of civilians; the significance of the message went beyond the context of Libya, and should be heard in other places where gross violations of human rights occurred.<sup>323</sup> The representatives of the Russian Federation and India noted that the Prosecutor was expected to carry out a thorough and impartial investigation into all alleged crimes committed by all parties to the conflict in Libya.<sup>324</sup> Finally, the representative of Libya assured Council members that the new authorities in Libya would give the highest priority to the achievement of justice as, without justice, there could be no security, democracy or development; no one in the new Libya would have impunity for any crimes committed.<sup>325</sup>

On 28 November 2011, the Special Representative of the Secretary-General and Head of UNSMIL presented the report of the Secretary-General on UNSMIL,<sup>326</sup> stating that the first and foremost of the immediate challenges facing Libya was in the area of security, and the security situation could not be separated from the country's urgent need for liquid funds. He requested that assets not be withheld for any longer than was required by resolutions 1970 (2011) and 1973 (2011), as the stabilization of the country and the success of the Government were at stake. Other challenges included disarmament and dealing with the proliferation of weapons, including chemical weapons and man-portable air defence systems, national reconciliation and the legacy of human rights violations, and preparations for the elections to be held the following year. He reiterated the recommendation contained in the Secretary-General's report for a three-month extension of UNSMIL.<sup>327</sup>

On 2 December 2011, the Council unanimously adopted resolution 2022 (2011), by which it extended the mandate of UNSMIL for a further period of three months, until 16 March 2012. The Council also

decided that the Mission's mandate should include, in coordination and consultation with the transitional Government of Libya, assisting and supporting national efforts to address the threats of proliferation of all arms and related materiel, in particular man-portable surface-to-air missiles.

On 22 December 2011, the Special Representative of the Secretary-General and Head of UNSMIL updated the Council, via videoconference from Tripoli, on the situation in Libya since his briefing on 28 November 2011. He reported on United Nations support for the interim Government of Libya which, four weeks after its formation, was formulating plans to respond to its pressing priorities. He said that the new authorities, in an uncertain security climate, faced the dual challenge of meeting the immediate needs of the Libyan people amid high expectations, and of reforming and building accountable institutions. He noted that the decision of the Committee to delist Libyan banks had been warmly welcomed by the Government and described other efforts under way to solve the liquidity crisis.

In relation to the work of UNSMIL, the Special Representative informed the Council that the Mission had been working intensively with the Elections Committee of the National Transitional Council, providing technical advice and guidance on best practice. UNSMIL was coordinating support for the rehabilitation of the Libyan police force, and it continued to monitor the situation of detainees and to press upon the authorities the need to bring all places of detention within a framework of law. UNSMIL was also coordinating assistance to the Government in addressing the potential proliferation of looted arms, and had agreed to establish with other partners an operational task force on man-portable air defence systems to coordinate identification, collection and disabling efforts. While humanitarian operations would come to a close at the end of 2011, he stated that the United Nations would continue to support the national authorities to assist those Libyans who remained displaced within the country.<sup>328</sup>

The Council also heard a briefing from the Deputy Permanent Representative of Portugal, on behalf of the Chair of the Committee established pursuant to resolution 1970 (2011), who reported on the work of the Committee for the period from

---

<sup>322</sup> Ibid., pp. 7-8.

<sup>323</sup> Ibid., p. 12.

<sup>324</sup> Ibid., p. 6.

<sup>325</sup> Ibid., pp. 14-15.

<sup>326</sup> S/2011/727.

<sup>327</sup> See S/PV.6669.

<sup>328</sup> S/PV.6698, pp. 2-6.

27 September to 22 December 2011. He spoke of the delisting on 16 December of Libyan banks, at the request of the Libyan authorities, and said that the Committee would continue to work towards ensuring that all assets frozen pursuant to resolutions 1970 (2011) and 1973 (2011) would be made available to and for the benefit of the Libyan people as soon as possible. He said that the members of the Committee

had met in informal consultations on 12 December, where they had heard briefings from the Panel of Experts, the Counter-Terrorism Committee, ICAO and UNSMIL, and had agreed that the working document on the implementation of resolution 2017 (2011) would be consolidated by the Panel in February 2012.<sup>329</sup>

<sup>329</sup> Ibid., pp. 6-7.

### Meetings: the situation in Libya<sup>a</sup>

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6486 (closed) 22 February 2011			74 Member States <sup>b</sup>	Under-Secretary-General for Political Affairs	Libyan Arab Jamahiriya, Under-Secretary-General for Political Affairs	
6490 25 February 2011			Libyan Arab Jamahiriya		Secretary-General, Libyan Arab Jamahiriya	
6491 26 February 2011		Draft resolution submitted by Bosnia and Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Nigeria, Portugal, South Africa, United Kingdom, United States (S/2011/95)	Libyan Arab Jamahiriya		Secretary-General, all Council members, Libyan Arab Jamahiriya	Resolution 1970 (2011) 15-0-0
6498 17 March 2011		Draft resolution submitted by France, Lebanon, United Kingdom, United States (S/2011/142)			14 Council members <sup>c</sup>	Resolution 1973 (2011) 10-0-5 <sup>d</sup>

## Repertoire of the Practice of the Security Council, 2010-2011

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6505 24 March 2011	Briefing by the Secretary-General pursuant to paragraph 12 of resolution 1973 (2011)				Secretary-General	
6507 28 March 2011	Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011)			Chairman of the Security Council Committee	Chairman of the Security Council Committee	
6509 4 April 2011				Special Envoy of the Secretary-General to Libya	Special Envoy of the Secretary-General to Libya	
6527 3 May 2011				Special Envoy of the Secretary-General to Libya	Special Envoy of the Secretary-General to Libya	
6528 4 May 2011				Prosecutor of the International Criminal Court	All Council members, Prosecutor of the International Criminal Court	
6530 9 May 2011				Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator	Under-Secretary-General for Humanitarian Affairs	
6541 31 May 2011				Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs	

**Part I. Consideration of questions under the responsibility of  
the Security Council for the maintenance of  
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against- abstaining)</i>
6555 15 June 2011				Minister for Foreign Affairs and Cooperation of Mauritania and representative of the African Union Ad Hoc High-level Committee on Libya	Minister for Foreign Affairs and Cooperation of Mauritania and representative of the African Union Ad Hoc High-level Committee on Libya	
6566 27 June 2011				Under-Secretary-General for Political Affairs	2 Council members (Portugal, <sup>e</sup> South Africa), Under-Secretary-General for Political Affairs	
6595 28 July 2011				Under-Secretary-General for Political Affairs	1 Council member (South Africa), Under-Secretary-General for Political Affairs	
6606 30 August 2011					Secretary-General	
6620 16 September 2011	Letter dated 15 September 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/578)	Draft resolution submitted by Bosnia and Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Portugal, South Africa, United Kingdom, United States (S/2011/580)	Libya		11 Council members, <sup>f</sup> Libya	Resolution 2009 (2011) 15-0-0

Repertoire of the Practice of the Security Council, 2010-2011

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6622 26 September 2011			Libya	Under-Secretary-General for Political Affairs	1 Council member (Portugal), <sup>e</sup> Libya, Under-Secretary-General for Political Affairs	
6639 26 October 2011			Libya	Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya (UNSMIL)	Libya, Special Representative of the Secretary-General	
6640 27 October 2011		Draft resolution submitted by Bosnia and Herzegovina, France, Germany, Lebanon, Nigeria, Portugal, Russian Federation, United Kingdom, United States (S/2011/669)	Libya			Resolution 2016 (2011) 15-0-0
6644 31 October 2011		Draft resolution submitted by France, Nigeria, Portugal, Russian Federation, United Kingdom, United States (S/2011/670)	Libya		2 Council members (Germany, Russian Federation)	Resolution 2017 (2011) 15-0-0

**Part I. Consideration of questions under the responsibility of  
the Security Council for the maintenance of  
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against- abstaining)</i>
6647 2 November 2011			Libya	Prosecutor of the International Criminal Court	All Council members, Prosecutor of the International Criminal Tribunal	
6669 28 November 2011	Report of the Secretary-General on UNSMIL (S/2011/727)		Libya	Special Representative of the Secretary- General	Special Representative of the Secretary- General	
6673 2 December 2011	Report of the Secretary-General on UNSMIL (S/2011/727)	Draft resolution submitted by France, Germany, Lebanon, Portugal, United Kingdom, United States (S/2011/752)	Libya			Resolution 2022 (2011) 15-0-0
6698 22 December 2011	Report of the Secretary-General on UNSMIL (S/2011/727)  Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya		Libya	Special Representative of the Secretary- General, Portugal	All invitees <sup>e</sup>	

<sup>a</sup> Pursuant to the note by the President of the Security Council dated 16 March 2011 (S/2011/141), as from that date, the earlier consideration by the Council of issues pertaining to the Libyan Arab Jamahiriya under the item entitled "Peace and security in Africa" was subsumed under the item entitled "The situation in Libya".

<sup>b</sup> Afghanistan, Algeria, Argentina, Australia, Bahrain, Belgium, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Bulgaria, Chad, Comoros, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Democratic People's Republic of Korea, Ecuador, Egypt, Estonia, Finland, Georgia, Ghana, Greece, Guatemala, Hungary, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Maldives, Malta, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Poland, Qatar, Republic of Korea, Romania, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Sudan, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

<sup>c</sup> Bosnia and Herzegovina, Brazil, China, Colombia, France (Minister for Foreign Affairs), Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom and United States.

<sup>d</sup> For: Bosnia and Herzegovina, Colombia, France, Gabon, Lebanon, Nigeria, Portugal, South Africa, United Kingdom, United States; *abstaining*: Brazil, China, Germany, India, Russian Federation.

<sup>e</sup> The representative of Portugal spoke in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya.

<sup>f</sup> Bosnia and Herzegovina, China, Colombia, France, Germany, Lebanon, Portugal, Russian Federation, South Africa, United Kingdom and United States.