



Repertoire of the Practice of the Security Council

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Department of Political Affairs - Security Council Affairs Division
Security Council Practices and Charter Research Branch

The situation in Libya

Overview

In 2010 and 2011, the Council held 24 meetings regarding the situation in Libya,¹ including one private meeting, and adopted six resolutions under Chapter VII of the Charter.² Council's actions ranged from calling for an immediate end to the violence against civilians to authorising measures against the Libyan regime and referring the matter to the International Criminal Court.³ In March 2011, reiterating its demand for an immediate ceasefire, the Council authorised Member States to take all necessary measures to protect civilians, including the enforcement of a no-fly 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 and subsequently a Panel of Experts to assist the Committee.⁴ In September 2011, the Council authorized the United Nations Support Mission in Libya (UNSMIL)⁵ and in December 2011, extended its mandate for three months until March 2012.⁶

¹ See [S/PV.6486](#).

² Until 17 March 2011, the Council considered developments in the Libyan Arab Jamahiriya at the 668th, 6490th and 6491st meetings under the agenda item "Peace and security in Africa". Pursuant to a note of the Security Council dated 16 March 2011 ([S/2011/141](#)), the Council decided to subsume its earlier consideration of developments in the Libyan Arab Jamahiriya at the above-mentioned three meetings under the new item "the situation in Libya".

³ [Resolution 1970 \(2011\)](#).

⁴ [Resolution 1973 \(2011\)](#).

⁵ [Resolution 2009 \(2011\)](#).

⁶ [Resolution 2022 \(2011\)](#).

A table lists the meetings held in consideration of this agenda item, as well as related information, including invitees, speakers and decisions adopted.

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, the Security Council met in a closed session 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.⁷

On 25 February 2011, the Council heard a briefing from the Secretary-General, who warned that fundamental peace and security were at stake in the Libyan Arab Jamahiriya. He urged Council members to consider concrete action to stop the violence and the indiscriminate use of force and to ensure the immediate protection of civilians.⁸ The Council also heard from the representative of the Libyan Arab Jamahiriya, who implored the Council to adopt a swift, decisive and courageous resolution that would save his country from bloodshed.⁹

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 Libyan civilians, unanimously adopted [resolution 1970 \(2011\)](#) under Chapter VII of the Charter. The resolution demanded an immediate end to the violence and repression, full respect for human rights and international law, and accountability for those responsible for the violence in the Libyan Arab Jamahiriya. 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 al-Qadhafi, his family and inner circle, as listed in the annex to the resolution.

⁷ [S/PV.6486](#).

⁸ [S/PV.6490](#), pp. 2-3.

⁹ *Ibid.*, p. 5.

The Council also authorized the establishment of 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 targeted measures. The resolution further called for the facilitation of 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 impact was targeted and did not exacerbate the hardship already faced by Libyan citizens.¹⁰ The representative of the United States stated that the resolution sent a strong message to Libya's leaders that they would be held accountable for violating the inalienable human rights of Libyan citizens, and for failing to meet the most basic responsibilities of their people.¹¹ The representative of India, itself not a signatory to the Rome Statute of the International Criminal Court, explained that although it would have preferred a more calibrated approach to the issue, it nonetheless supported the referral of the situation to the Court in hope that it would bring an end to the violence in the Libyan Arab Jamahiriya, stressing the importance of the provisions in the resolution regarding non-States parties to the Statute.¹² The representative of China said that his country had voted in favour of the resolution because of the special situation in the Libyan Arab Jamahiriya at the time and considering the concerns and views of Arab and African countries.¹³ The representative of France stated that the text of 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.¹⁴ The representatives of Lebanon and the Russian Federation both stressed the importance of affirming the sovereignty and

¹⁰ [S/PV.6491](#), p. 3.

¹¹ *Ibid.*, p. 4.

¹² *Ibid.*, p. 2.

¹³ *Ibid.*, p. 4.

¹⁴ *Ibid.*, p. 5.

territorial integrity of the Libyan Arab Jamahiriya.¹⁵ Finally, the Secretary-General welcomed the Council's swift action, expressing his hope for similar action from the General Assembly and the international community as a whole, and warned that even bolder steps might be necessary in the coming days.¹⁶

17 March 2011 to 4 April 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 the continued violence perpetrated against the civilian population, adopted [resolution 1973 \(2011\)](#) under Chapter VII of the Charter, by 10 votes in favour, 0 against and 5 abstentions.¹⁷ In the resolution, the Council demanded the immediate establishment of a ceasefire in the Libyan Arab Jamahiriya, including an end to the use of armed attacks against civilians, which it warned may amount to crimes against humanity. It further strengthened and expanded measures under Article 41, including the replacement of the text of paragraph 11 of [resolution 1970 \(2011\)](#) to ensure strict implementation of the arms embargo.¹⁸ It authorized members of the League of Arab States and 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.¹⁹ It additionally imposed a no-fly zone, at the request of the League of Arab States, to prevent the Libyan regime from using air power against the Libyan people.²⁰ Finally, it established 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.

¹⁵ Ibid., p. 4.

¹⁶ Ibid., p. 8.

¹⁷ For more information, see [S/PV.6498](#).

¹⁸ [Resolution 1973 \(2011\)](#), para. 13.

¹⁹ Ibid., para. 4.

²⁰ For more information on measures imposed under Articles 41 and 42, see part VII, sects. III and IV. For more information on the Sanctions Committee and the Panel of Experts, see part IX, sect. I. B.1, with regard to Security Council committees overseeing specific sanctions measures.

Speaking before the vote, France stated that the draft resolution provided the Council with the means to protect the civilian population in the Libyan Arab Jamahiriya, declaring that his country was ready and prepared to act with Member States – in particular Arab States – that wished to do so.²¹

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 the Libyan Arab Jamahiriya, 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.²² The representative of Nigeria expressed the belief that the resolution would support the political path to conflict resolution, while still upholding respect for the territorial integrity of the Libyan Arab Jamahiriya.²³

The representative of Germany expressed concern about the plight of the Libyan people and the widespread attacks they were suffering, offering full support for the package of economic and financial sanctions measures contained in [resolution 1973 \(2011\)](#). However, in considering the option of using military force, as foreseen particularly in paragraphs 4 and 8 of the resolution, he ultimately abstained from the vote, cautioning the Council against entering into a military confrontation on the optimistic assumption that quick results with few casualties could be achieved.²⁴ The representative of India, also abstaining from the vote despite grave concerns about the deteriorating humanitarian situation in the Libyan Arab Jamahiriya and support 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 to support such action.²⁵ The representative of Brazil expressed concern that

²¹ [S/PV.6498](#), p. 3.

²² *Ibid.*, p. 4 (United Kingdom); and p. 5 (United States).

²³ *Ibid.*, p. 9.

²⁴ *Ibid.*, p. 5.

²⁵ *Ibid.*, pp. 5-6.

the use of military force in the Libyan Arab Jamahiriya may have the unintended effect of exacerbating the conflict and potentially setting a dangerous precedent for the future, and instead prioritized dialogue and diplomacy over military options.²⁶ The representative of China said that his country had decided not to vote against the resolution in consideration of the wishes of the Arab League and the African Union and the special circumstances surrounding the situation in the Libyan Arab Jamahiriya. However, it had serious difficulty with certain parts of [resolution 1973 \(2011\)](#) and had posed specific questions that had not been answered.²⁷ Similarly, the representative of the Russian Federation was concerned that the resolution failed to stipulate the rules of engagement, the limits on the use of force²⁸, and how the no-fly zone would be enforced.

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 the Libyan Arab Jamahiriya, and that the campaign would be 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 little evidence of that, or of any of the obligations required by the resolution being carried out. He informed the Council that his Special Envoy to the Libyan Arab Jamahiriya 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 may 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, calling on

²⁶ Ibid., p. 6.

²⁷ Ibid., p. 10.

²⁸ Ibid., p. 8.

the international community to continue to act with speed and with one voice to save lives.²⁹

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 assets freeze. He called on Member States to fully engage with the Committee in order to ensure the efficacy of the sanctions.³⁰

On 4 April 2011, the Council heard a briefing by the Secretary-General's Special Envoy to Libya on the situation in the Libyan Arab Jamahiriya following his second visit to the country. 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 al-Qadhafi, emphasizing the need for the international community to come together in support of the quest for a solution to the conflict. He also made reference to the meetings held on 31 March 2011 with Libyan officials, in which he had reiterated demands for the full implementation of [resolutions 1970 \(2011\)](#) and [1973 \(2011\)](#). Although he stated that information about the humanitarian situation remained limited due to a lack of access to different parts of the country, he expressed concern that the overall situation, especially in and around areas of heavy fighting, remained grave, particularly regarding medical and civilian protection needs.³¹

3 May 2011 to 27 June 2011: briefings on the political, legal, military and humanitarian situation in the Libyan Arab Jamahiriya

²⁹ [S/PV.6505](#), p. 2.

³⁰ [S/PV.6507](#).

³¹ [S/PV.6509](#).

During his briefing on 3 May 2011, the Secretary-General's Special Envoy 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 Interim Transitional National Council were ready to begin negotiations on a ceasefire agreement, but on differing terms. He stated that he had emphasized to both sides that a real and verifiable ceasefire should be part of wider measures that included lifting the siege and withdrawing military forces from all cities, guaranteeing the delivery of humanitarian aid to those in need, releasing all detainees, resuming basic supplies of commodities and securing the passage of foreign workers stranded in cities. In all his meetings and discussions with Libyan officials, the Special Envoy had stated that he strongly and continuously reiterated demands for full implementation of the two resolutions, and had condemned the use of force against civilians.³²

The Prosecutor of the International Criminal Court presented his first report³³ to the Council on 4 May 2011, pursuant to [resolution 1970 \(2011\)](#). He informed the Council of his intention to seek arrest warrants for three Libyans bearing the greatest criminal responsibility for crimes against humanity committed in Libyan territory 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.³⁴

Following his 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 the Libyan Arab Jamahiriya to

³² [S/PV.6527](#).

³³ The report of the Prosecutor was not issued as an official document.

³⁴ [S/PV.6528](#), pp. 2-4.

the Court would have the effect of causing the cessation of violence and the restoration of calm. Nonetheless, India urged the Prosecutor to ensure his investigation was both thorough and impartial.³⁵ The representative of the Russian Federation, concerned by the violence, noted that some civilian deaths had occurred as a result of North Atlantic Treaty Organization air strikes, and supported the efforts by the International Criminal Court to undertake a fair and impartial investigation into the actions of all parties to the conflict.³⁶

On 9 May 2011, the Under-Secretary-General for Humanitarian Affairs briefed the Council on the deteriorating humanitarian situation in the Libyan Arab Jamahiriya, where thousands had already been killed and hundreds of thousands were fleeing the fighting both within Libya and across its borders. 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, due to the ransacking of the United Nations offices, the humanitarian team had been forced to relocate for security reasons, hampering their ability to facilitate humanitarian assistance to all areas. She reminded the Council that humanitarian agencies must have access to all people, regardless of their geographical location or whose control they were under, and called on States to increase their support in the facilitation of humanitarian access.³⁷

On 31 May 2011, the Under-Secretary-General for Political Affairs presented to the Council the Secretary-General's monthly report on the Libyan Arab Jamahiriya, as requested in [resolution 1973 \(2011\)](#). He informed the Council that fighting between the Government and opposition forces was continuing and that, despite the best efforts of the Secretary-General's Special Envoy to Libya, the African Union and other stakeholders in mediating a peace process, the parties remained far apart on even beginning negotiations to resolve the conflict. He stated that the human rights situation remained deeply

³⁵ Ibid., p. 7.

³⁶ Ibid., pp. 8-9.

³⁷ [S/PV.6530](#).

troubling, and reiterated the Secretary-General's appeal for increased support for humanitarian assistance, particularly for those internally displaced persons living in spontaneous settlements and at border points in Egypt, Tunisia and Niger. Finally, he outlined the three main priority areas for the United Nations team as: including 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 the consideration of contingency plans for post-conflict peacebuilding.³⁸

On 15 June 2011, the Council held a meeting with the High-Level ad hoc Committee on Libya of the African Union, chaired by Mauritania and comprising South Africa, the Congo, Mali and Uganda. In a statement made on behalf of the Committee, 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. Reporting on the Extraordinary Summit held on 25 May 2011, the representative of Mauritania expressed the Committee's support for the proposed road map prescribing the immediate cessation of hostilities, the facilitation of humanitarian aid, the protection of foreigners and political reform.³⁹

On 27 June 2011, the Under-Secretary-General for Political Affairs briefed the Council on the military, political and humanitarian situation in the Libyan Arab Jamahiriya, stating that the United Nations was continuing its efforts to implement the provisions of [resolutions 1970 \(2011\)](#) and [1973 \(2011\)](#). In relation to the political process in the Libyan Arab Jamahiriya, he explained that although little agreement had been reached between the parties, the beginning of a negotiation process – as brokered by the Secretary-General's Special Envoy to Libya – was underway, and must be given space to grow and bear fruit. In that regard, he urged the international community to

³⁸ [S/PV.6541](#).

³⁹ [S/PV.6555](#).

ensure it delivered a consistent, clear and coherent message on a political solution to both parties. He assured the Council that the Secretary-General would continue discussions with the Libyan authorities, the European Union, the League of Arab States, the Organization of the Islamic Conference, the North Atlantic Treaty Organization and other parties related to the conflict. The Under-Secretary-General also reported that earlier that day, the International Criminal Court had issued warrants for the arrests of Colonel Muammar al-Qadhafi, his son Saif al-Islam al-Qadhafi, and Abdullah al-Senussi, head of Libyan intelligence, for crimes against humanity, pursuant to [resolution 1970 \(2011\)](#).⁴⁰

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 period 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 implementation of the measures imposed in [resolutions 1970 \(2011\)](#) and [1973 \(2011\)](#). The Chair further reported that the Committee had dealt with a number of communications from Member States related to the scope and implementation of the assets freeze and arms embargo imposed by [resolution 1970 \(2011\)](#), and had so far designated two additional individuals and one entity in connection with the travel ban and assets freeze.⁴¹

28 July 2011 to 30 August 2011: briefings from the Secretary-General and the Under-Secretary-General for Political Affairs

On 28 July 2011, the Council heard a briefing from the Under-Secretary-General for Political Affairs about the recent developments in the Libyan Arab Jamahiriya. 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 on 25 July 2011,

⁴⁰ [S/PV.6566](#), p. 2.

⁴¹ *Ibid.*, p. 5.

designed to simultaneously establish a credible ceasefire and create institutional mechanisms for the management of the transition. However, despite both parties originally expressing their readiness to study the proposal, he stated that progress had essentially stalled in the face of continued posturing from both sides, and 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, relaying that the Government of the Libyan Arab Jamahiriya had repeatedly complained about the shortage of medical supplies and fuel, which in turn had affected the movement of people and goods, electricity and water supply, hospitals and other industries.⁴²

The representative of South Africa noted that it had been more than four months since the adoption of [resolutions 1970 \(2011\)](#) and [1973 \(2011\)](#) and reminded Member States that the intention of those resolutions had been to end the crisis in the Libyan Arab Jamahiriya and help the parties find a political solution, rather than to enforce regime change. Choosing sides in a conflict, he warned, might damage the Council's reputation and hamper implementation of its resolutions.⁴³

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 positive 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 multilateral, regional and international efforts complemented each other and were responsive to Libyan wishes, stressing that national ownership was paramount. He reported that his Special Advisor for post-conflict planning in Libya would continue to consult daily with Libyan stakeholders, and he stated that his ultimate aim was to put United Nations personnel on the ground as quickly as possible under a robust Security Council mandate in order to respond swiftly to the requests of the Interim National Transitional Council.

⁴² [S/PV.6595](#), pp. 2-4.

⁴³ *Ibid.*, pp. 4-5.

He further 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 action would be required by the Security Council Committee – which had recently authorised the release of \$1.5 billion in frozen Libyan assets for humanitarian purposes – to respond 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 on Libya would need to examine.⁴⁴

September 2011: establishment of UNSMIL

On 16 September 2011,⁴⁵ the Council unanimously adopted [resolution 2009 \(2011\)](#), establishing UNSMIL. The mission, authorized for an initial period of three months, would assist and support Libyan national efforts to restore public security, promote the rule of law and respect for human rights, foster inclusive political dialogue and national reconciliation, embark on constitution-making and facilitate electoral processes. It would also support national efforts to extend State authority, strengthen institutions, restore public services, promote and protect human rights, support transitional justice and provide support toward economic recovery so as to ensure a prosperous and stable future for Libya. Additionally, and in support of those objectives, the Council further authorized exemptions to the arms embargo solely for security or disarmament assistance to the Libyan authorities and for the purposes of United Nations and humanitarian personnel. It also authorized modification of the asset freeze targeting entities connected to the regime, under [resolution 1970 \(2011\)](#), for humanitarian, reconstruction and other purposes. The resolution also noted the Council’s intention to keep under review the no-fly zone imposed by [resolution 1973 \(2011\)](#) and, in the

⁴⁴ [S/PV.6606](#).

⁴⁵ As of 16 September 2011, the United Nations recognized the change of name from “Libyan Arab Jamahiriya” to “Libya”, based on a request from the Permanent Mission of Libya citing the Libyan interim Constitutional Declaration of 3 August 2011.

appropriate circumstances and in consultation with the Libyan authorities, to lift those measures and terminate the authorization given to Member States.

Following the adoption, 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, did not exist any longer.⁴⁶ Underscoring the human rights violations committed by all parties to the conflict, they also expressed disappointment that the resolution did not specifically call for the protection of the human rights of African migrants, imploring that those involved in the killings, arbitrary arrests and detentions be held accountable for those actions.⁴⁷

Council members welcomed and congratulated Libya's representative, who took his seat as the representative of the new Interim 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 which had supported the protection of civilians during the conflict in Libya. 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 mission based on national ownership, where everyone respected the choices made by the Libyan people and refrained from interfering in their affairs during such a "delicate period".⁴⁸

In his briefing to the Council on 26 September 2011, the Special Representative of the Secretary-General and the Head of UNSMIL 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 his meetings with the President of the Interim National Transitional Council, in which the President 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,

⁴⁶ [S/PV.6620](#), p. 3 (Russian Federation); and p. 6 (South Africa).

⁴⁷ *Ibid.*, p. 6.

⁴⁸ *Ibid.*, pp. 7-8.

transitional justice and the welfare of migrants. Nonetheless, he also expressed confidence that the challenges could be overcome with assistance provided from UNSMIL, which had already begun coordinating activities between actors, and had already deployed essential personnel into Tripoli, with human rights and electoral experts expected to begin their activities in the coming days.⁴⁹

The Council also heard a briefing from the Chair of the Security Council Committee established pursuant to [resolution 1970 \(2011\)](#), on the work of the Committee for the period 28 June to 26 September 2011. He noted that by [resolution 2009 \(2011\)](#), the Council had modified the measures previously imposed on Libya. He informed the Council that the Committee would be monitoring those measures as modified, and in doing so, had agreed to look both retrospectively and prospectively in investigating incidents of non-compliance. He also 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.⁵⁰

The Chairman of the Interim National Transitional Council Executive Office also briefed the Council and affirmed that the new phase of building democracy in Libya had begun. He voiced his appreciation for the partial unfreezing of funds, but maintained that the Transitional Council still desperately needed funding to restore services to the population, and he requested the Council to lift the freeze completely as soon as possible.⁵¹

October 2011: 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 al-Qadhafi on 20 October 2011 and Libya's subsequent declaration of liberation on 23 October 2011. 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

⁴⁹ [S/PV.6622](#), pp. 2-4.

⁵⁰ *Ibid.*, pp. 4-5.

⁵¹ *Ibid.*, pp. 6-7.

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 as including the establishment of an interim Government within 30 days, the adoption of electoral legislation and an electoral management body within 90 days, and within 240 days, to hold an election for a national congress to give democratic legitimacy to a new Government. He urged the Council and the international community at large to remain focused and measured in its engagement with the transitional authorities in achieving those goals, and stressed that it was critical not to have over-ambitious expectations or to impose 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 had continued to facilitate coordination among Libyan authorities, relevant international organizations and Member States in confronting the menace of the large quantities of remaining munitions, along with chemical, nuclear materials and other non-conventional weapons. The Mission's human rights advisors had also begun investigating cases of detention and abuse of detainees of Muammar al-Qadhafi's brigades.⁵²

Following the briefing, the representative of Libya expressed gratitude to the United Nations and all States that had supported his country during the previous three months, without which, he claimed, Libya would not have achieved what it had. He noted, however, that Libyans took great pride in their sovereignty and resented foreign control of their airspace, particularly following the recent declaration of independence. He expressed the desire to see the termination of the no-fly zone over Libya, suggesting the end-of-month assessment as a logical occasion for its termination.⁵³

⁵² [S/PV.6639](#), pp. 2-5.

⁵³ *Ibid.*, pp. 6-7.

Welcoming the positive developments in Libya and taking note of the declaration of liberation on 23 October 2011, the Council unanimously adopted [resolution 2016 \(2011\)](#) on 27 October 2011, terminating the North Atlantic Treaty Organization's civilian-protection mandate in Libya under [resolution 1973 \(2011\)](#), authorization for States that had notified the Secretary-General to take all necessary measures to protect civilians under threat of attack in Libya, as well as provisions that imposed, for that purpose, a flight ban on Libyan aircraft. The Council also modified the arms embargo and asset freeze. In adopting [resolution 2016 \(2011\)](#), the Council strongly urged the new Libyan authorities to refrain from reprisals, including arbitrary detentions, and underscored the leadership's responsibility for the protection of the entire population, including African migrants and other foreign nationals. The Council finally expressed that it was looking forward to the establishment of an inclusive representative transitional Government underpinned by democratic principles.

On 31 October 2011, the Council unanimously adopted [resolution 2017 \(2011\)](#), calling for action by the interim authorities in Libya, neighbouring countries and other relevant Member States to stem the proliferation of all arms and related materiel, in particular portable surface-to-air missiles and other arms from Libya. The resolution 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 threats and challenges, in particular those related to terrorism, posed by the proliferation of arms and related materiel. The Committee was asked 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 via 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.⁵⁴ The representative of the Russian Federation reiterated the urgent need to curb the proliferation of weapons in Libya, but stressed that the Libyan authorities must assume the main responsibility for that task, along with the

⁵⁴ [S/PV.6644](#), p. 2.

constructive cooperation of its neighbours and the international community as a whole. Furthermore, recognizing the danger that man-portable air defence systems posed to 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.⁵⁵

2 November 2011 to 22 December 2011: extension of the mandate of UNSMIL

On 2 November 2011, the Chief 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, whose arrest warrants had been issued on 27 June 2011. He informed the Council that following the death of Muammar al-Qadhafi on 20 October 2011, the Pre-Trial Chamber was currently deliberating whether to withdraw the arrest warrant and case against him. Concerning the remaining two indictees – Saif al-Islam al-Qadhafi and Abdullah Al-Senussi – the Prosecutor stated that his Office was galvanising efforts to ensure that they faced justice. He also informed the Council that information had been received regarding a group of mercenaries which was potentially endeavouring to facilitate the escape from Libya of Saif al-Islam al-Qadhafi. He called upon the Council and all States to do all they could to disrupt such an operation and ensure that Saif al-Islam al-Qadhafi faced justice for the crimes for which he was charged. The Prosecutor stated that there had also been allegations of crimes committed by the North Atlantic Treaty Organization and National Transitional Council-related forces, 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 investigation of all allegations would be entirely dependent on the available budget.⁵⁶

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

⁵⁵ Ibid., pp. 2-3.

⁵⁶ [S/PV.6647](#), pp. 2-4.

community attached to ensuring accountability for the systematic attacks and violence against Libyan civilians. The representative of France expressed approval of the Council's and the Court's swift actions in gathering proof and putting pressure on those responsible for crimes in Libya, and urged the Council to act as swiftly in Syria and Yemen.⁵⁷ The representative of Germany agreed that, in adopting [resolution 1970 \(2011\)](#), the Council had taken an historic decision by which the protection of civilians had been an overriding responsibility, and it stated that the significance of the message had gone beyond the context of Libya, and should be heard everywhere where repression and atrocities were being committed.⁵⁸ 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.⁵⁹ Finally, the representative of Libya assured Council Members that the National Transitional Council would end impunity and give justice the highest priority as, without justice, there could be no democracy, security or development.⁶⁰

On 28 November 2011, the Special Representative of the Secretary-General for Libya and Head of UNSMIL presented the report of the Secretary-General on Libya,⁶¹ stating that the most overwhelming and immediate challenge for Libya was the issue of security. In that regard, he stressed that the success of the Government in stabilizing the country was dependent on acquiring desperately needed liquid funds, and he requested that assets not be withheld for any longer than was required by [resolutions 1970 \(2011\)](#) and [1973 \(2011\)](#). Other challenges included disarmament and non-proliferation, national reconciliation, the legacy of human rights violations and preparations for the elections to be held the following year. He was confident about the enthusiasm shown by the interim Government, formed by the Prime Minister it had elected, but he stressed that stabilization of the country and the success of the Government depended on it having

⁵⁷ Ibid., pp. 7-8.

⁵⁸ Ibid., pp. 11-12.

⁵⁹ Ibid., p. 6.

⁶⁰ Ibid., pp. 14-15.

⁶¹ [S/2011/727](#).

sufficient liquid funds to meet urgent needs. He further pledged the support of the United Nations in assisting the National Transitional Council in addressing the challenges it faced, and reiterated the recommendations contained in the Secretary-General's report for a three-month extension of UNSMIL, to assist the interim Government deal with the multifaceted security challenges and to address the issue of existing and newly discovered stockpiles of chemical weapons and man-portable air defence systems.⁶²

On 2 December 2011, the Council unanimously adopted [resolution 2022 \(2011\)](#), extending the mandate of UNSMIL for a further period of three months, until 16 March 2012. The Council also decided that UNSMIL's mandate should include, in coordination and consultation with the transitional Government in Libya, assistance to and support for, national efforts to address the threat of proliferation of all arms and related materiel, in particular man-portable surface to air missiles.⁶³

On 22 December 2011, the Special Representative of the Secretary-General in Libya and Head of UNSMIL updated the Council via teleconference from Tripoli, on the situation in Libya since his previous briefing on 28 November 2011. He stated that United Nations' support for the interim Libyan Government, four weeks following its formation, was intensifying as the authorities sought to formulate plans to respond to its pressing priorities. He explained that the new authorities faced the dual challenges of meeting the immediate needs of the Libyan people amid high expectations, and of building accountable institutions in an uncertain security climate. He noted that the decision of the Committee to de-list Libyan banks had been warmly welcomed by the Libyan Government and efforts were ongoing to overcome other blockages to financial liquidity.

In relation to the work of UNSMIL, the Special Representative informed the Council that the Mission had been working actively on support for elections, providing technical advice and guidance on best practices to the National Transitional Council's

⁶² [S/PV.6669](#).

⁶³ [Resolution 2022 \(2011\)](#).

Elections Committee. Furthermore, UNSMIL continued to coordinate support for the rehabilitation and reintegration of the Libyan police force, along with monitoring the situation of detainees, pressing upon the authorities the need to bring all places of detention within a framework of law. UNSMIL was also assisting the Government in countering proliferation of looted arms and had agreed to establish an operational task force with other partners to identify, collect and disable man-portable air defence systems. Finally, 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 internally displaced, as well as returnees from across the border.⁶⁴

The Council also heard a briefing from the Chair of the Committee established pursuant to [resolution 1970 \(2011\)](#), who reported on the work of the Committee for the period 27 September to 22 December 2011. He elaborated on the 16 December de-listing of Libyan banks, at the request of the Libyan authorities, and informed the Council that the Committee would continue to work towards ensuring that assets held pursuant to [resolutions 1970 \(2011\)](#) and [1973 \(2011\)](#) were made available to and for the benefit of the Libyan people as soon as possible. He explained that members of the Committee had met in informal consultations on 12 December 2011 where they had heard briefings from the Panel of Experts, the United Nations Counter-Terrorism Committee, the International Civil Aviation Organization and UNSMIL, and had agreed that the working document on implementation of [resolution 2017 \(2011\)](#) would be consolidated by the Panel in February 2012.⁶⁵

⁶⁴ [S/PV.6698](#), pp. 2-6.

⁶⁵ *Ibid.*, pp. 6-7.

Meetings: the situation in Libya^a

<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 22 February 2011 (closed)			75 Member States ^b	Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs, Libyan Arab Jamahiriya	
6490 25 February 2011			Libyan Arab Jamahiriya		Secretary-General, Libyan Arab Jamahiriya	
6491 26 February 2011		Draft resolution submitted by Bosnia 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, and 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 ^c	Resolution 1973 (2011) 10-0-5 ^d
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	Special Envoy of the Secretary-	

<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>
6528 4 May 2011				Libya Prosecutor of the International Criminal Court	General to Libya Prosecutor of the International Criminal Court and all Council members	
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	
6555 15 June 2011				Representative of the African Union Ad Hoc High-Level Committee on Libya	Representative of the African Union Ad Hoc High-Level Committee on Libya	
6566 27 June 2011				Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs, South Africa and Portugal ^e	
6595 28 July 2011				Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs, South Africa	
6606 30 August 2011					Secretary-General	

<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>
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 Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Portugal, South Africa, United Kingdom, United States (S/2011/580)	Libya		11 Council Members, ^f and Libya	Resolution 2009 (2011) 15-0-0
6622 26 September 2011			Libya	Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs, Portugal, ^g and Libya	
6639 26 October 2011			Libya	Under-Secretary-General for Political Affairs	Under-Secretary-General for Political Affairs, Libya	
6640 27 October 2011		Draft resolution submitted by Bosnia 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		Germany and the Russian Federation	Resolution 2017 (2011) 15-0-0
6647 2 November 2011			Libya	Prosecutor of the International Criminal Court	All Council members and invitee	
6669	Report of the Secretary-General on		Libya	Special Representative of	Special	

<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>
28 November 2011	the United Nations Support Mission in Libya (S/2011/727)			the Secretary-General and Head of UNSMIL	Representative of the Secretary-General and Head of UNSMIL	
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 ^h	

Footnotes on following page

Footnotes to the table

^a 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 agenda item entitled "Peace and security in Africa" was subsumed under the item entitled "The situation in Libya".

^b 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, United Republic of Tanzania, Tunisia, Turkey, Ukraine, United Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

^c Brazil, Bosnia and Herzegovina, China, Colombia, France (Minister for Foreign Affairs), Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom and United States. Gabon did not make a statement.

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

^e The representative of Portugal spoke in his capacity as Chair of the Security Council Committee established pursuant to [resolution 1970 \(2011\)](#) concerning the Libyan Arab Jamahiriya.

^f Bosnia Herzegovina, China, Colombia, France, Germany, Lebanon, Portugal, Russian Federation, South Africa, United Kingdom and United States.

^g The representative of Portugal spoke in his capacity as Chair of the Security Council Committee established pursuant to [resolution 1970 \(2011\)](#) concerning the Libyan Arab Jamahiriya.

^h The representative of Portugal spoke in his capacity as Chair of the Security Council Committee established pursuant to [resolution 1970 \(2011\)](#) concerning the Libyan Arab Jamahiriya.