



Security Council

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Security Council
6620th Meeting (PM)

SECURITY COUNCIL CREATES UNITED NATIONS SUPPORT MISSION IN LIBYA.

ADOPTING RESOLUTION 2009 (2011)

South Africa , Russian Federation Call for Early Lifting of No-Fly Zone

Affirming a leadership role for the United Nations in international efforts to support a nationally led process aimed at building a democratic, independent and united Libya, the Security Council decided this afternoon to establish a support mission in that country.

By unanimously adopting resolution 2009 (2011), the Council also decided that the mandate of the United Nations Support Mission in Libya (UNSMIL) would be authorized for an initial period of three months. It should assist Libyan national efforts to restore public security, promote the rule of law, foster inclusive political dialogue and national reconciliation, and embark on constitution-making and electoral processes.

The mandate would cover assisting national efforts to extend State authority, strengthen institutions, restore public services, support transitional justice and protect human rights, particularly those of vulnerable groups. It would also include taking the immediate steps required to initiate economic recovery and coordinate support that may be requested from other multilateral and bilateral actors, as appropriate.

In support of those objectives, the Council also partly lifted, through the resolution, the arms embargo imposed on Libya and the asset freeze targeting entities connected to the previous regime, under resolution 1970 (2011). It emphasized its intention to keep the no-fly zone imposed by resolution 1973 (2011) under review.

Following the adoption, Council members congratulated Libya's representative on taking his seat as a representative of the National Transitional Council. Most speakers stressed the importance of Libyan ownership of all transitional and reconstruction efforts.

South Africa's representative, however, expressed disappointment that the resolution did not call specifically for the protection of the human rights of African migrants. Alongside the Russian Federation's representative and other speakers, he also called for the early lifting of the no-fly zone.

Libya's representative said today was a historic day for the Libyan people, an indication that dictatorship and terror had ended and that the blood of 30,000 martyrs had not been shed in vain. He paid tribute to all those who had supported the protection of civilians in Libya, thereby saving the lives of thousands, by supporting resolutions 1970 (2011) and 1973 (2011).

Thanking each and every Council member for the establishment of UNSMIL, he said he looked forward to the establishment of a mission based on national ownership of all efforts. It was to be hoped that everyone would respect the choices made by the Libyan people, he said, pledging that the transitional Government would respect previous commitments, act in accordance with mutual respect and interests, and seek justice rather than vengeance in transitional matters.

Also speaking today were representatives of the United Kingdom, France, Germany, United States, China, Portugal, Bosnia and Herzegovina, Colombia and Lebanon.

The meeting began at 3:55 p.m. and ended at 4:40 p.m.

Resolution:

The full text of resolution 2009 (2011) reads as follows:

“The Security Council,

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

“Reaffirming its previous resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2006), 1882 (2009), 1998 (2011) on children in armed conflict, and 1325 (2000), 1820 (2008), 1888 (2009) 1889 (2009) and 1960 (2010) on women, peace and security,

“Recalling its decision to refer the situation in Libya to the Prosecutor of the International Criminal Court, and the importance of cooperation for ensuring that those responsible for violations of human rights and international humanitarian law or complicit in attacks targeting the civilian population are held accountable,

“Strongly condemning all violations of applicable human rights and international humanitarian law, including violations that involve unlawful killings, other uses of violence against civilians, or arbitrary arrests and detentions, in particular of African migrants and members of minority communities,

“Also strongly condemning sexual violence, particularly against women and girls, and the recruitment and use of children in situations of armed conflict in contravention of applicable international law,

“Considering that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of peace in Libya,

“Stressing that national ownership and national responsibility are key to establishing sustainable peace and the primary responsibility of national authorities in identifying their priorities and strategies for post-conflict peacebuilding,

“Recalling the letter of the Secretary-General of 7 September 2011 (S/2011/542) and *welcoming* his intention to dispatch, at the request of the Libyan authorities, an initial deployment of personnel, to be led by a Special Representative of the Secretary-General,

“Taking note of the letter of 14 September 2011 from Dr. Mahmoud Jibril, Prime Minister of the National Transitional Council of Libya, to the Secretary-General,

“Expressing its gratitude to the Secretary-General’s Special Envoy to Libya, Mr. Abdel-Elah Mohamed Al-Khatib, for his efforts to find a sustainable and peaceful solution in Libya,

“Reaffirming that the United Nations should lead the effort of the international community in supporting the Libyan-led transition and rebuilding process aimed at establishing a democratic, independent and united Libya, *welcoming* the contributions in this regard of the Secretary-General’s 26 August high-level meeting of regional organisations and the 1 September Paris Conference, and *welcoming also* the efforts of the African Union, Arab League, European Union and Organization of the Islamic Cooperation,

“Expressing concern at the proliferation of arms in Libya and its potential impact on regional peace and security,

“Recalling its resolutions 1970 (2011) of 26 February 2011 and 1973 (2011) of 17 March 2011,

“Recalling its determination to ensure that assets frozen pursuant to resolutions 1970 (2011) and 1973 (2011) shall as soon as possible be made available to and for the benefit of the people of Libya, *welcoming* steps taken by the Committee established pursuant to resolution 1970 (2011) and Member States in this regard, and

underscoring the importance of making these assets available in a transparent and responsible manner in conformity with the needs and wishes of the Libyan people,

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

“*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

“1. *Takes note* of the developments in Libya, *welcomes* the improved situation there, and *looks forward* to stability in Libya;

“2. *Looks forward* to the establishment of an inclusive, representative transitional Government of Libya, and *emphasises* the need for the transitional period to be underpinned by a commitment to democracy, good governance, rule of law and respect for human rights;

“3. *Emphasises* the importance of promoting the equal and full participation of women and minority communities in the discussions related to the political process in the post-conflict phase;

“4. *Welcomes* the statements of the National Transitional Council appealing for unity, national reconciliation and justice, and its call for Libyans of all beliefs and backgrounds to refrain from reprisals, including arbitrary detentions;

“5. *Encourages* the National Transitional Council to implement its plans to:

- (a) protect Libya’s population, restore government services, and allocate Libya’s funds openly and transparently;
- (b) prevent further abuses and violations of human rights and international humanitarian law and to put an end to impunity;
- (c) ensure a consultative, inclusive political process with a view to agreement on a constitution and the holding of free and fair elections;
- (d) ensure the safety of foreign nationals in Libya, particularly those who have been threatened, mistreated and/or detained; and
- (e) prevent the proliferation of man-portable surface-to-air missiles, small arms and light weapons, and meet Libya’s arms control and non-proliferation obligations under international law;

“6. *Notes* the National Transitional Council’s calls to avoid acts of reprisals including against migrant workers;

“7. *Calls upon* the Libyan authorities to promote and protect human rights, including those of people belonging to vulnerable groups, to comply with their obligations under international law, including international humanitarian law and human rights law, and *calls for* those responsible for violations, including sexual violence, to be held accountable in accordance with international standards;

“8. *Strongly urges* the Libyan authorities to ensure the protection of diplomatic personnel and premises in accordance with Vienna Convention on Diplomatic Relations of 1961;

“9. *Expresses* its resolve to assist the people of Libya to achieve these goals, and *urges* all Member States to assist the people of Libya as appropriate;

“10. *Urges* all Member States to cooperate closely with the Libyan authorities in their efforts to end impunity, in accordance with Libya’s international obligations;

“11. *Calls upon* the Libyan authorities to comply with the international obligations of Libya, including obligations set forth in the Charter of the United Nations, in accordance with international law, and *further calls upon* the Libyan authorities to honour extant contracts and obligations, in accordance with this and other relevant resolutions, and the law applicable to such contracts and obligations;

“United Nations Mandate

“12. *Decides* to establish a United Nations Support Mission in Libya (UNSMIL), under the leadership of a Special Representative of the Secretary-General for an initial period of three months, and *decides further* that the mandate of UNSMIL shall be to assist and support Libyan national efforts to:

- (a) restore public security and order and promote the rule of law;
- (b) undertake inclusive political dialogue, promote national reconciliation, and embark upon the constitution-making and electoral process;
- (c) extend state authority, including through strengthening emerging accountable institutions and the restoration of public services;
- (d) promote and protect human rights, particularly for those belonging to vulnerable groups, and support transitional justice;
- (e) take the immediate steps required to initiate economic recovery; and
- (f) coordinate support that may be requested from other multilateral and bilateral actors as appropriate;

“Arms Embargo

“13. *Decides* that the measure imposed by paragraph 9 of resolution 1970 (2011) shall also not apply to the supply, sale or transfer to Libya of:

- (a) arms and related materiel of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification;
- (b) small arms, light weapons and related materiel, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification;

“Asset Freeze

“14. *Decides* that the Libyan National Oil Corporation (LNOC) and Zueitina Oil Company shall no longer be subject to the asset freeze and other measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011);

“15. *Decides* to modify the measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011) with respect to the Central Bank of Libya, the Libyan Arab Foreign Bank (LAFB), the Libyan Investment Authority (LIA), and the Libyan Africa Investment Portfolio (LAIP) as follows:

- (a) funds, other financial assets and economic resources outside of Libya of the entities mentioned in this paragraph above that are frozen as of the date of this resolution pursuant to measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011) shall remain frozen by States unless subject to an exemption as set out in paragraphs 19, 20 or 21 of that resolution or paragraph 16 below;
- (b) except as provided in (a), the Central Bank of Libya, the LAFB, the LIA, and the LAIP shall otherwise no longer be subject to the measures imposed in paragraphs 17 of resolution 1970 (2011), including that States are no longer required to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of these entities;

“16. *Decides* that in addition to the provisions of paragraph 19 of resolution 1970 (2011), the measures imposed by paragraph 17 of that resolution, as modified by paragraph 15 above and paragraph 19 of resolution 1973 (2011), do not apply to funds, other financial assets or economic resources of the Central Bank of Libya, the LAFB, the LIA and the LAIP provided that:

(a) a Member State has provided notice to the Committee of its intent to authorize access to funds, other financial assets, or economic resources, for one or more of the following purposes and in the absence of a negative decision by the Committee within five working days of such a notification:

- (i) humanitarian needs;
- (ii) fuel, electricity and water for strictly civilian uses;
- (iii) resuming Libyan production and sale of hydrocarbons;
- (iv) establishing, operating, or strengthening institutions of civilian government and civilian public infrastructure; or
- (v) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya;

(b) a Member State has notified the Committee that those funds, other financial assets or economic resources shall not be made available to or for the benefit of the individuals subject to the measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011);

(c) the Member State has consulted in advance with the Libyan authorities about the use of such funds, other financial assets, or economic resources; and

(d) the Member State has shared with the Libyan authorities the notification submitted pursuant to this paragraph and the Libyan authorities have not objected within five working days to the release of such funds, other financial assets, or economic resources;

“17. *Calls upon* States to exercise vigilance when acting pursuant to paragraph 16 above and to give due consideration to the use of international financial mechanisms to promote transparency and prevent misappropriation, in light of the challenges that yet remain for the Libyan authorities;

“18. *Requests* the International Monetary Fund and the World Bank to work with the Libyan authorities on an assessment of Libya’s public financial management framework, which would recommend steps to be taken by Libya to ensure a system of transparency and accountability with respect to the funds held by Libyan governmental institutions, including the LIA, LNOC, LAFB, LAIP and Libyan Central Bank, and *further requests* that the Committee be informed of the results of that assessment;

“19. *Directs* the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures imposed by resolutions 1970 (2011) and 1973 (2011) with respect to the Central Bank of Libya, the LAFB, the LIA and the LAIP, and *decides* that the Committee shall, in consultation with the Libyan authorities, lift the designation of these entities as soon as practical to ensure the assets are made available to and for the benefit of the people of Libya;

“No Fly Zone and Ban on Flights

“20. *Takes note* of the improved situation in Libya, *emphasises* its intention to keep the measures imposed by paragraphs 6 to 12 of resolution 1973 (2011) under continuous review and *underlines* its readiness, as appropriate and when circumstances permit, to lift those measures and to terminate authorization given to Member States in paragraph 4 of resolution 1973 (2011) in consultation with the Libyan authorities;

“21. *Decides* that the measures in paragraph 17 of resolution 1973 (2011) shall cease to have effect from the date of this resolution;

“Cooperation and Reporting

“22. *Requests* the Secretary-General to report on implementation of this resolution in 14 days from adoption, and every month thereafter, or more frequently as he sees fit;

“23. *Decides* to remain actively seized of the matter.”

Statements

MARK LYALL GRANT (United Kingdom) said it was for the Libyans themselves to tackle the considerable challenges ahead and shape their future, but the resolution provided the National Transitional

Council with the support it needed to prepare for elections, to assist in institution-building and to support steps towards economic recovery. By providing a mechanism for the progressive de-listing of sanctioned entities, it would also help kick-start the economy, he said.

VITALY CHURKIN (Russian Federation) said that in accompanying the transition process, it was important to consider lifting the no-fly zone over Libyan territory since its main goal was to protect civilians. Unfortunately, that objective had been breached by the targeting of civilian facilities, and lifting the sanctions would be part of a return to normality. A thorough investigation of violations by all Libyan parties must also be conducted as soon as possible, he said, emphasizing that a strategy for promoting national reconciliation must be a priority.

GÉRARD ARAUD (France) said his country was proud to be part of the support for the development of a democratic country. The resolution gave the Libyan people the necessary instruments to forge a democratic future, including building the institutions of a free State. The Libyan people must be congratulated for upholding their rights, he said, adding that France would continue to stand by them in that effort.

PETER WITTIG (Germany) said the Libyan people must remain the owners of the process, and the resolution was consistent with that aim. The release of funds was a first step, and eventually all sanctions would be lifted, he said, stressing the key importance of an inclusive political process. He added that the rights of all, including foreign workers, must be respected.

SUSAN RICE (United States) said that with the recognition of the National Transitional Council, a new Libya had been born. A close and collaborative relationship with the new leaders was needed, and United Nations personnel should arrive on the ground as soon as possible. She particularly welcomed the decision to scale back sanctions, which would allow the Libyan authorities to re-energize the economy while the funds were used responsibly for the Libyan people. The United States stood fully ready to help Libyans forge a new democracy, built on the rule of law, she said.

LI BAODONG (China) re-emphasized the priorities of restoring stability and order, respecting Libya's sovereignty and territorial integrity, a rapid start to an inclusive political process and respect for the United Nations Charter in all international efforts. China would continue to support the Libyan people in accordance with those principles, he added.

JOSÉ FILIPE MORAES CABRAL (Portugal) welcomed the National Transitional Council's commitment to human rights, justice and the rule of law. Women in particular had played an important role in Libya's revolution, and it was now imperative to ensure their role in developing the country and in the reconciliation process. All violations of international human rights and humanitarian law should be swiftly investigated and perpetrators brought to justice.

IVAN BARBALIĆ (Bosnia and Herzegovina) said the Libyan people had sought change in their country and their legitimate aspirations for democracy were now being realized. It was time to restore life in Libya and to seek peace and reconciliation.

NÉSTOR OSORIO (Colombia) said Libya had made huge strides in recent months and a new stage in its history had been reached, in which the rights so long denied were now assured. "This is the time to renew our timely assistance to the Libyan authorities to ensure a lasting peace," he stressed.

BASO SANGQU (South Africa) reaffirmed the African Union's successful efforts to bring about peace, saying it remained committed to offering support. He added that South Africa supported international efforts to help Libya "turn a new leaf" in its history, but Libyan ownership of the process was critical. In that vein, he highlighted three issues. First, a "complete and verifiable" ceasefire was necessary to all efforts in Libya, he stressed, saying South Africa was disappointed that the Council had not issued a clear call in that respect. Second, South Africa reiterated its call for an end to reprisals, killings and other activities. Finally, South Africa looked forward to the lifting of the no-fly zone as soon as possible.

Council President NAWAF SALAM (Lebanon) spoke in his national capacity, recalling that the Council had shouldered its responsibilities to protect Libyan civilians, including through coercive measures. The Qadhafi regime, which had lost all legitimacy, had not responded to the Council's demands, he said, adding that

the country now had “new facts on the ground” and a new democratic State was being built. The Council was again responding to the legitimate needs of the Libyan people, as set out by their representative, and the role of the United Nations in supporting them was pivotal.

IBRAHIM DABBASHI ([Libya](#)) said today was a historic day for the Libyan people and an indication that dictatorship and terror had ended. The fact that the representative of the National Transitional Council had taken Libya’s seat at the United Nations showed that a new page had been turned. More than 30,000 martyrs had been lost, but Libyans could now truly say that “their blood did not flow in vain”. They had a right to celebrate their victory through their occupancy of the United Nations seat and the restoration of their country’s original name, he said, adding that he looked forward to raising the flag of the Libyan revolution at the United Nations.

He paid tribute to all those who had supported the “responsibility to protect” in Libya — thereby helping to save the lives of thousands, as well as the country’s sovereignty and territorial integrity — through resolutions 1970 (2011) and 1973 (2011). The resolution just adopted was another sign of the Council’s ability to maintain peace and defend human rights despite disagreements. It was undoubtedly an important step towards stability, normalization and rehabilitation. Thanking each and every Council member, he said he looked forward to the establishment of a mission based on national ownership of all efforts.

The challenges facing the national Government entailed nothing less than building a new, democratic State that included all Libyans without discrimination on any basis whatsoever, he continued. Hopefully, everyone would respect the Libyan people’s choices in the present difficult period, he said, adding that he was confident that all would do so. The transitional Government would respect previous commitments and act in accordance with mutual respect and interests, he pledged, stressing that it would not forget its African brothers and would look to the future.

It would cooperate with all for international peace and security, he continued, expressing hope that all States would assist in ensuring justice and the prosecution of those guilty of crimes under the previous regime. Libya would be a country of laws that would not tolerate revenge, he pledged, adding that he looked forward to cooperating with all delegations in the interest of all.