



Security Council

Sixty-seventh year

*Provisional***6807**th meeting

Wednesday, 18 July 2012, 11.30 a.m.

New York

<i>President:</i>	Mr. Osorio	(Colombia)
<i>Members:</i>	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	France	Mr. Bertoux
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Ms. Parkar
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Laher
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Wilson
	United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

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The meeting was called to order at 11.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Ian Martin, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Martin.

Mr. Martin: When I briefed the Council for the first time after Libya's declaration of liberation last October (see S/PV.6639), I said that its people may seek lessons from us in the detail of democracy, but they can offer lessons in its spirit. On 7 July, that spirit was displayed in a manner that deeply impressed all observers. Libyan men and women, young and old, amassed in queues at polling centres to cast their votes and then displayed their inked fingers with the pride and emotion of people who had so long been denied democratic freedoms, many of whose families had suffered and sacrificed loved ones for the right they were at last able to exercise. Where violence threatened the poll, it was the determination and the courage of the voters themselves that successfully resisted it.

Starting from a complete dearth of electoral experience and a hugely demanding timetable, the organization of the elections was an extraordinary accomplishment. A total of 2,501 candidates, including 84 women, took part as individuals in the majoritarian race, while 1,207 candidates, including 545 women, contested the proportional representation race on the lists of political entities. The campaign period proceeded smoothly, with no conflicts between candidates or their supporters, very few allegations of misconduct, a spirit of goodwill among political entities, and observance of the voluntary code of conduct that the United Nations

Support Mission in Libya (UNSMIL) had helped to facilitate.

The period leading up to the polls was, however, marred by violent incidents, mostly concentrated in the east of the country, as a number of grievances — principally the allocation of seats — were advanced as justification for seeking to disrupt the elections. Efforts to sabotage electoral preparations included a fire that destroyed ballot papers for 46 polling centres two days prior to election day, and on the eve of the poll a helicopter transporting electoral materials was fired on, killing one electoral official. Materials en route to polling centres faced road blocks.

But the Higher National Electoral Commission and its dedicated staff persisted in the face of such challenges. Ballot papers were reprinted that same day under the United Nations contract and flown in from Dubai. Polling centres that were unable to open on time remained open late or opened the next day. Attacks on polling centres on election day — notably in Benghazi — failed to derail the poll. The determination of Libyans to exercise their hard-won right to vote helped to overcome all attempts to deprive them of it.

There was reason to fear that the local conflicts on which I reported in my last briefing (see S/PV.6768) could have affected the election in the localities concerned. Indeed, that fear was enhanced by a fresh resurgence of fighting in the Nafusa Mountains between the Zintan and Mashashiya tribes, and in Kufra. But all situations were sufficiently stabilized for polling to take place on 7 July, except for two polling centres in Kufra. There, concerted efforts — in which UNSMIL was closely involved — led to agreement between the Tabu leadership and the Electoral Commission to enable voting on 10 and 11 July. That was a further indication of the commitment of the Commission to an inclusive election, which had led it to put in place special measures for internally displaced Tawerghas, Tuaregs and Mashashiyas to be able to vote.

The Commission and Libyan civil society are also to be commended on the transparency of the election. Over 20,000 domestic observers and party agents were accredited, as well as 180 international observers. The statements of domestic observer groups, as well as preliminary statements from the African Union, the League of Arab States, the European Union and the Carter Center, have been generally positive, with helpful recommendations for future electoral processes.

Following a high level of registration of 2.8 million voters, over 1.7 million — some 62 per cent — cast their votes. Women mobilized as candidates, supporters and civil society activists throughout the electoral process, with many activities to develop skills and share experience, often supported by the United Nations Development Programme (UNDP). Subject to the certification of the results, it appears that 33 women have been elected to the 200-member National Congress, 32 on the lists of political entities and one as an individual candidate.

The Council is right to have recognized already the remarkable work of the Higher National Electoral Commission. The relationship between the Commission and the integrated United Nations electoral support team, which peaked at some 55 international electoral staff, deployed in Benghazi and Sabha as well as Tripoli, has been exemplary. The experience gained in what I have called the detail of democracy has been of immense future value to the new Libya. We are discussing how that capacity can be carried forward and further developed with United Nations support in the period ahead.

The Electoral Commission released partial results as soon as they were available, and last night was able to announce full preliminary results. Only a small number of complaints have been lodged, but the Commission's decisions must be ruled upon by the courts within a 14-day period, if fully appealed, before the Commission can certify the final results. Then the National Transitional Council (NTC) will convene the first meeting of the National Congress, and will itself be dissolved, while the National Congress will proceed to hold its inaugural session. UNSMIL and UNDP have been providing support to the NTC's preparations to facilitate the transition and stand ready to support the new members and secretariat of the National Congress. That will be the first peaceful and democratic transfer of power in Libya. Its new political leaders must then reach agreement on the formation of a new Government and on the process for drawing up a new constitution.

In order to meet concerns in the east of Libya that it was allocated fewer seats in the National Congress than the more populous west, the NTC decided that the constitution should be drafted not by the National Congress itself, but by a separate 60-member constitutional commission, with equal representation from Libya's three historic regions. It further assured the east that it would choose its own 20 representatives,

and then, on the eve of the National Congress election, decided that the members of the constitution-making body should be directly elected on a regional basis. If the new National Congress upholds that decision, it would significantly lengthen the timeline for the constitutional process.

The overwhelming success of the elections has shown that the majority of the Libyan people, including in the east, were determined to take part in Libya's first democratic steps, and UNSMIL was consistent in its messages to actors in the east to desist from any acts of violence. But the strength of feeling regarding past marginalization of the east is widely shared there and requires political solutions. There is now a new opportunity to channel the debate on representation and governance structures through a political dialogue and the constitution-making process. Already Libya's emerging political forces are opening the doors for such dialogue. United Nations efforts to support the constitution-making process and to ensure a coordinated approach by the international community are already under way and will include such direct assistance to the constitution-drafting body as may be requested, programmes to promote civic education and public discussion of constitutional issues, and technical support for the eventual referendum.

Even more urgent than launching the constitution-making process is the task of reaching sufficient agreement in the National Congress on the formation of a new Government, with a new prime minister to be chosen within one month from its first meeting. The interim Government is expected to remain in office until the new Government is formed and is preparing a smooth handover. New ministers will begin with a better legacy than the institutional void that greeted their predecessors, but there is no underestimating the challenges and the expectations that the new Government will face.

Foremost among those is security — the issue which all agree was uppermost in the minds of voters. Contrary to some reporting, Libya's revolutionary brigades do not seek to remain in separate existence and to challenge State authority, but a Government with full legitimacy and a longer time-horizon has been awaited to address their future. Libya's citizens overwhelmingly want the rule of law to prevail, in a weapons-free environment, where police respond to crime and only State authorities arrest and detain suspects. Where local conflicts erupt, they want the

rapid deployment of neutral, trusted security forces to maintain peace while underlying causes are addressed. Especially in the south, they want Libya's borders to be secured against the trafficking of persons, drugs and weapons.

Meeting those challenges will require a more systematic and comprehensive look at the overall national security and defence structure, beyond ad hoc or short-term initiatives in support of the police or the armed forces. That must include the development of a national security strategy, improved inter-agency coordination and cooperation in the security sector, and the avoidance of fragmenting command and control structures among agencies. The efforts to date to integrate revolutionaries and brigades have lacked an overall concept and coordination, and need urgent review as part of the security reform agenda for the police and defence forces, including integrated border security and management.

Under resolution 2040 (2012), UNSMIL has been mandated to assist the Libyan Government in developing police and security institutions that are capable, accountable, respectful of human rights and accessible and responsive to women and vulnerable groups. Over recent months, UNSMIL has worked with the Libyan authorities and international partners towards the development of a first-ever defence white paper for Libya. The white paper will serve to identify the main risks and threats facing Libya, and to lay out the principal military tasks, doctrine and vision, civilian democratic oversight, overall command and control issues, and basic structure of the armed forces, including their relationship with the Ministry of Defence and the future parliament. To that end, UNSMIL facilitated two strategic planning workshops with Libyan and international experts, in May and July, where participation included the Deputy Prime Minister, the Minister of Defence, the Chief of Staff, the Deputy Minister of the Interior, senior defence staff and representatives of other ministries. Key tasks in the months ahead will be the building of a functioning Ministry of Defence that can fulfil its civilian oversight and planning role; ensuring joint command and control of all defence forces, including for borders and strategic installations; reviewing the existing legal framework governing the defence forces; providing inputs to the constitutional process; and developing quick-training options for the armed forces and senior defence officials. With the immediate priority of election

security now behind us, UNSMIL is proposing to assist the Ministry of Interior in conducting an equivalent strategic review, towards the modernization of the Libyan police force. That review will complement the current assistance and advice of UNSMIL on police training and administration.

The lack of advances in the area of border security and management remains of deep concern to the international community and to Libyans. While the integrated border management assessment has now been completed by the European Union, progress in this critical area has been inhibited by internal Libyan disagreements over command and control structures and a lack of coordination and cooperation between the different security agencies. As a result, there exists no integrated concept for border security. The protection of the southern border remains a priority for Libyans, in view of concerns over arms, drugs and human trafficking, irregular migration, and the spread of transnational organized crime throughout the Sahel. However, the Government has yet to fulfil its expressed intention to develop an integrated southern border action plan. Such an approach would help galvanize bilateral and multilateral assistance and minimize the risk of fragmentation in the security sector.

The clearance of explosive remnants of war and the accounting, safe storage and control of weapons remain key concerns in many communities throughout the country. Through the United Nations Mine Action Service, UNSMIL has been working closely with the Libyan armed forces and certain brigades to develop safe arms and ammunition storage areas. Efforts in that area have also been inhibited by unclear allocations of responsibility and lack of coordination among various Libyan actors. UNSMIL has been working with the Office of the Prime Minister to develop arrangements that would coordinate all Libyan and international efforts in the areas of mine action, small arms and light weapons, ammunition storage and related chemical and nuclear materials. UNSMIL has also urged the Government to establish clear and transparent coordination procedures for the purchase or gifting of international security assistance, including weapons and equipment, to various security bodies.

Closely related to the issue of security is that of justice. Progress, in that regard, has also been disappointing, and a new Government must bring stronger efforts. More robust prosecuting authorities, functioning and protected courts, and an expanded

and better trained judicial police are essential to overcome multiple challenges: the need to bring to justice within the law those accused of serious crimes, and thus discourage and prevent unlawful arrests and detention; the need to review the cases of those detained since the end of the conflict and release those against whom there is no evidence, at the same time as commencing fair trial proceedings against those whom there is evidence of the worst crimes; and the need to take into proper State custody those still held by the brigades and protect the physical integrity of any detainee anywhere in Libya. The capacity to do justice is essential to reconciliation — not just as a matter of theory or principle, but as a very practical matter of how to resolve recent local conflicts. UNSMIL continues to give priority to its support in those areas. When human rights violations have been widespread, criminal justice needs to be complemented with a wider truth-seeking process. UNSMIL is supporting the fact-finding and reconciliation commission in taking the initial steps towards implementing its mandate.

Amid continuing human rights abuses, there are also positive pointers to the defence of human rights in the new Libya. The Supreme Court struck down the law passed by the NTC entitled “Criminalizing the Glorification of the Dictator”, which would have threatened the freedom of expression. The nascent civil society, particularly of women’s groups, which has been energized by the elections, could increasingly find cause in human rights advocacy. UNSMIL continues to provide support to building civil society’s capacity to monitor and report on violations, as well as to provide support to victims. Among newly elected members of the National Congress are individuals with records as human rights defenders.

Of course, Libya faces many challenges in addition to those of security and justice. Among those challenges are the development of the institutions of a modern State, while changing the outlook of an old and bloated bureaucracy; the diversification of the economy and the creation of employment opportunities, especially for the youth, while fighting corruption in the management of the nation’s wealth; and the proper regulation of migrant labour in a manner that is to the advantage of Libya and its neighbours, while respecting the human rights of migrants. The successful election has further enhanced expectations, but these are tasks that will extend far beyond the term of the next Government.

Resolution 2040 (2012) anticipates a possible review and adjustment of the UNSMIL mandate after engagement with the new Libyan Government in order to ensure that it continues effectively to support Libya’s specific needs. Such engagement is unlikely to be able to begin before September, although, of course, we are already in dialogue with the new political actors. There is no reason to think that the areas of the UNSMIL mandate will cease to be valid or that Libyan authorities and civil society will cease to be open to United Nations assistance in the areas where we are already active: support to the further stages of the democratic transition; promoting the rule of law and human rights; restoring public security; and countering the illicit proliferation of arms. There may well be additional requests for support to UNSMIL and to the United Nations country team. The Mission concept of flexibility, using a range of modalities to mobilize the surge capacity of technical expertise, was designed to be able to respond accordingly throughout 2012.

The fifth element of the mandate, namely, support to Libyan efforts to coordinate international assistance, has two requirements beyond the capabilities of UNSMIL: the coordination capacity of the Libyan authorities themselves and their desire to deal with the international community in a coordinated manner; and the commitment of international actors to cooperate in a framework of United Nations-led coordination. Such efforts have been relatively strong in some areas, such as electoral support, and the sectoral working groups established by the Ministry of Planning and supported by the United Nations should be a valuable legacy to the new Government. They have been weaker in other areas, notably the security sector, where bilateral interests are strong. At a time when a new context will present new needs and opportunities for the sharing of international experience and best practice, I believe that Libya will be best served by the recommitment of all concerned to the United Nations playing the central role in supporting Libyan efforts to coordinate international assistance.

I expect this to be the last time that I brief the Council on Libya. When I first travelled to Benghazi last year to meet the National Transitional Council (NTC) and to discuss possible United Nations assistance to Libya once the fighting ended, I could not have imagined how far Libya would have come by today. In their new mood of holding their leaders strictly to account, Libyans have sometimes been strongly critical of the NTC and

the interim Government, and I have been frank today about some of the issues yet to be adequately addressed. However, at this moment of a peaceful and democratic transition to the new authorities, Libya stands well in comparison to any post-conflict context.

Since polling day, I have had meetings with Chairman Mustafa Abdul Jalil and Prime Minister Abdurrahim El-Keib. Both expressed their warm appreciation of the role of the United Nations in the transition. In conveying that to the Council, I put on record my own appreciation of the open and constructive relationship that the United Nations in Libya has had with them and their colleagues. I also thank members of the Council for the unanimous support that I have always felt that they have given to the work of UNSMIL.

The President (*spoke in Spanish*): I thank Mr. Martin for his briefing. Allow me to say that I believe that I reflect the sentiment of Council members in demonstrating our appreciation for his invaluable contribution to Libya's reconstruction process and his outstanding dedication in carrying out a task under extreme difficulty and not without risks. I am certain that the Government and the Libyan people fully appreciate his support in this historic transition phase of the country.

I now give the floor to the Permanent Representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I thank you, Mr. President, for this opportunity to address the Security Council. I promise that I will be brief.

At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I am certain that you will execute the task excellently. I thank Mr. Martin for his briefing to the Council this morning.

The initial election results were announced in Tripoli this morning. According to all observers, the elections were free and fair and met all international standards. The Libyan people would not have reached this point without the many sacrifices made and the many sons lost in getting rid of the dictator Al-Qadhafi,

who treated Libyans as his personal slaves for more than 40 years and who killed anyone who dared to speak against his regime or in favour of democracy.

Today, as the Libyan people take firm steps forward on the path towards democracy and the establishment of a modern State, on behalf of the Libyan people, I cannot fail to thank Security Council members for adopting resolutions 1970 (2011) and 1973 (2011), as well as subsequent resolutions on Libya, in particular those that established the United Nations Support Mission in Libya (resolution 2009 (2011) and extended its mandate (resolutions 2022 (2011) and 2040 (2012)). The roles of the Security Council and its resolutions have contributed in a major way to Libya's transformation today.

On this occasion, I would like to commend the significant role that the United Nations Support Mission in Libya (UNSMIL) has played in Libya under the leadership of Mr. Ian Martin, whose diplomatic skills and profound experience contributed to the success of the Mission's mandate. Mr. Martin has succeeded in establishing close cooperation between UNSMIL and the Libyan authorities in all areas that fall within the Mission's mandate. Mr. Martin's role was indeed exceptional. We in Libya compare it to the role of Adrian Pelt, United Nations Commissioner for Libya, shortly before the country's independence in the 1950s.

Again, on behalf of the Libyan people, I thank Mr. Martin. We wish him success in the future. We had hoped to see Mr. Martin continuing to lead UNSMIL in Libya through to the conclusion of its mandate. It is undoubtedly a matter for Mr. Martin to decide. We hope that UNSMIL will continue to be led with the same skills and capabilities in assisting the Libyan authorities to achieve genuine democracy and the establishment of a modern State.

The President (*spoke in Spanish*): There are no more names inscribed on the list of speakers.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 12.10 p.m.