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Security Council

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Bosnia and Herzegovina, Colombia, France, Gabon, Germany, Lebanon, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

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,

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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 organizations and the 1 September Paris Conference, and *welcoming also* the efforts of the African Union, Arab League, European Union and the 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 *emphasizes* 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. *Emphasizes* 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;

UN 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, *emphasizes* 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.