Libya

The 7 July 2012 elections for the General National Congress marked the end of Libya's postrevolution interim phase but certainly not the end of its transition. While this successful and relatively peaceful milestone represents a significant achievement in a country with virtually no experience in modern democratic processes, the challenges ahead remain daunting. The events of 11 September 2012 in Benghazi, in which the US ambassador and three other US consulate staff members lost their lives, were symptomatic of the continuing difficulties the country is facing in establishing the rule of law and asserting government control over the myriad militias.

While these events, along with other recent clashes throughout the country, may have dampened initial optimism following the fall of the Qaddafi regime and obscured the country's electoral achievements and other accomplishments, they serve as a reminder that revolutionary transitions are never linear, and that the fog of war often extends to its aftermath. This is one lesson that has guided the design, deployment, and work of the UN Support Mission in Libya (UNSMIL) since its authorization by the Security Council on 16 September 2011, through Resolution 2040. This lesson will also need to be firmly embedded in the mission's strategies as it prepares to navigate, under new leadership, a tumultuous period ahead.

In October 2012, Tarek Mitri of Lebanon replaced Ian Martin as the Special Representative and Head of Mission of UNSMIL.

Background

After forty-two years in power, Colonel Muammar Qaddafi's regime fell in August 2011 after a six-month offensive. The transition was ignited by antigovernment protests that began in February. When the regime cracked down harshly in response, it prompted more widespread protests and the creation of the National Transitional Council (NTC) to coordinate resistance activities. Following a March 2011 Security Council resolution calling for member states to protect civilians and imposing a no-fly zone, NATO launched a series of air strikes through Operation Unified Protector to support the NTC.

When, in April 2011, UN Secretary-General Ban Ki-moon named Ian Martin as

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Department of Field Support
Cartographic Section

UN Support Mission in Libya (UNSMIL)

- Authorization and   16 September 2011 (UNSC Res. 2009)
  Start Date
- SRSG   Tarek Mitri (Lebanon)
- Budget $32.6 million (1 January 2012–
                     31 December 2012)
- Strength as of   Police: 1
  31 October 2012   International Civilian Staff: 137
                     National Civilian Staff: 23

For detailed mission information see p. 442

AU Liaison Office in Libya

- Authorization Date   20 October 2011 (PSC/PR/Comm/2.
                        [CCXCVII])
- Head of Office   Ambassador Mondher Rezgui (Tunisia)
- Strength as of   International Civilian Staff: 3
  30 September 2012

Special Adviser for postconflict planning in Libya, the UN's understanding of the Libyan context was fairly limited. Despite a historical presence dating back to Adrian Pelt's days as UN Commissioner to Libya in 1951, UN engagement in the country had since been rather modest, with a small UN Country Team implementing individual government-funded projects. During the conflict, a majority of the humanitarian interventions, and staff, were confined to Benghazi, with only small-scale involvement throughout the rest of the country, and the west in particular, following Tripoli's fall.

In this context, Special Adviser Martin initiated a pre-assessment process designed to update the organization's collective knowledge of the Libyan context.[1] Its findings informed, in part, the recommendation by the Secretary-General to the Security Council for the phased deployment of a UN political mission once the conflict entered its final phase. Beyond the need to provide immediate support to the new authorities in several critical areas, an initial three-month mandate that began in September 2011 under the leadership of Martin as the then Special Representative of the Secretary-General (SRSG) provided UNSMIL the time to strengthen its situation analysis and engage with Libyan counterparts to formulate proposals for a longer-term mission. Because the formation of the government was delayed, the Secretary-General requested a three-month extension to the mandate in November 2011 to allow the UN to fully engage with national interlocutors and confirm the areas for which UN support would be requested. The mission planning process for a longer-term mandate began in earnest upon the formation of the interim government in late November.

The Security Council authorized a new mandate for UNSMIL on 7 March 2012, on the basis of the Secretary-General's recommendations and the mission planning process, which identified a number of parameters for longer-term engagement. The first parameter relates to the recognition that, in a context of high fluidity and uncertainty, national counterparts would for the most part operate throughout the transition in a short-term, crisis-management mode, rendering fixed, long-term plans and large contingents of foreign expertise somewhat unnecessary.

In addition, contacts with government officials and civil society leaders confirmed a preference for a light UN footprint in recognition of Libya's considerable human and financial resources as well as its historical mistrust of international involvement. In this case, the local context, which dictated the need for a "small" UN presence, also suited the broader geopolitical and economic realities in the Security Council, with several member states anxious to keep costs of peace operations down and others harboring lingering resentment over NATO's intervention in Libya.

Finally, it became evident that the UN's legitimacy would be a function of its ability to tailor the nature, content, and pace of its support to Libyan-defined parameters, including timing and depth of assistance, and

Safety and Security in UN Peace Operations

UN personnel in peacekeeping and political missions operate in hazardous environments that are often experiencing or just emerging from violent conflict. In this regard, 2012 was a particularly important year as UN peace operations were deployed in environments with continuing violence, as in Syria, and into newly secured areas, as is the case with the UN's Political Office for Somalia (UNPOS).

As of October, UN peace operations suffered seventy-nine fatalities in 2012, with significant losses in theaters such as Darfur, the Democratic Republic of Congo, and Côte d'Ivoire. This represents a nearly 20 percent decrease from fatalities that occurred in the same period in 2011, an important signal of progress in the UN's agenda on increasing the safety of the environments in which its personnel operate. However, despite the decrease in overall fatalities in UN peace operations, UN personnel in the field are often subject to harassment, intimidation, and kidnappings. While peacekeepers often suffer disproportionate fatalities in the field, political missions are also subject to hazardous environments. The attack on the convoy of the Special Representative of the Secretary-General in Libya in April and a

repeated attack on a UN convoy there in December 2012, as well as the restricted movement that encumbers staff members of the UN Political Office for Somalia, underscore these challenges. The UN has sought to address these issues by enacting new security policies and programs aimed at managing risk.

The UN's security risk management system has responsibility for over 150,000 personnel in over 170 countries, over 80 percent of whom are active in peace operations.[1] The UN's Department of Safety and Security, the body responsible for the oversight of the security management system, has sought to further strengthen its management capacity by analyzing systemwide best practices and information on the range and scope of safety and security incidents involving its personnel. Concurrently, the UN introduced a security policy manual in 2011 to reflect the changes in its security policy. The manual is available to all UN personnel, including nationally recruited staff.

Despite these measures, the primary responsibility for the safety of UN personnel remains with the member states. However, less than half of the UN's 193 member states are signatories to the 1994 Convention on the Safety and Security of

United Nations and Associated Personnel. In August 2010 the convention was extended to include personnel providing political or peacebuilding assistance. While this was an important step in furthering legal protection to staffers, only twenty-eight member states have ratified the optional protocol.

In 2012, peace operations conducted their work in challenging security environments. Security concerns hampered the reporting and monitoring activities of the UN Supervision Mission in Syria (UNSMIS) and ultimately contributed to the mission's suspension. In light of a deteriorating security environment, the UN Support Mission in Libya (UNSMIL) took measures to increase the protection of its personnel, while the UN Operation in Côte d'Ivoire (UNOCI) deferred the planned drawdown of military personnel. While peace operations will continue to work in precarious security environments, operational challenges, including inadequate coordination between the UN and host governments and lack of adequate resources, hamper the ability of personnel in the field to safely and securely fulfill the Security Council's mandated tasks.

Note: 1. These include uniformed personnel, civilian personnel, and UN volunteers.

that such parameters would vary according to the evolving political realities of the country. As SRSG Martin indicated in the recommendations submitted to the Secretary-General, the UN's role in Libya would need to be earned, not just claimed.

*UNSMIL's Mandate and
Concept of Operations*
UNSMIL's mandate spans a wide range of tasks, from supporting the democratic transition, including the electoral and constitutional

process, to assisting authorities in ensuring public safety, countering the illicit proliferation of weapons, protecting human rights and promoting the rule of law, managing a transitional justice process, and coordinating international assistance.

To meet these broad responsibilities, UNSMIL has implemented a particular concept of operations. While not small in absolute terms (UNSMIL's 2012 budget called for 272 staff), the mission has operated with a significantly lighter footprint compared to

most UN missions deployed in the immediate aftermath of conflict, most of which also include large military or police components or both. Its modus operandi requires, in part, the use of external civilian capacity modalities to complement the work of a core staff of UN advisers who focus on providing strategic-level assistance while identifying the most appropriate technical-level sources of expertise to meet Libyan requests.

Key Developments

Given the tight transitional timeline that the National Transitional Council had articulated in the summer of 2011, UNSMIL's concept of operations was put to the test as soon as it was deployed. The immediate focus was on initiating support for the electoral process, with UNSMIL advisers presenting different electoral systems and building the knowledge base of the electoral commission. With the NTC's adoption of an electoral legal framework in January 2012, the emphasis then switched to operational requirements, with UNSMIL, in partnership with the UN Office for Project Services (UNOPS) and the UN Development Programme (UNDP), working to support the national electoral commission while launching a countrywide civic education campaign.

The electoral support culminated in the historic elections of July 2012, the peaceful transfer of power between the NTC and the new General National Congress, and the nomination of a new president and a new prime minister by September 2012.

In addition to assisting with this transfer of power, UNSMIL has also been working to sustain and enhance the nascent electoral capacities in preparation for the next steps in the transition, including the constitutional referendum. The mission's electoral support strategy reflects its overall approach of generating options and explaining the requirements, while leaving responsibility and thus ownership for hard political choices throughout the process entirely with the Libyans.

Success on the electoral front marks a stark contrast with the challenges in the area of security sector reform and the disarmament, demobilization, and reintegration (DDR) of militia members. While the various militias that took part in the revolution have continued to provide the only source of security, safeguarding vital economic infrastructure in particular, they have also been involved in a number of factional clashes and have been unable to prevent a string of attacks, since February 2012, on the international community. Repeated attempts by the NTC to rein in the militias have failed to produce agreements on ways to either integrate militia members into the armed services or reintegrate them into their communities.

While UNSMIL has regularly provided strategic and technical advisory services, including through the sharing of similar experiences in other contexts, the DDR process has been repeatedly undermined by competing claims of authority within the Libyan government and the absence of a single legitimate entity that is sufficiently strong to settle the ongoing power struggles. The establishment of a nationally elected government is now likely to offer an opportunity for UNSMIL and other partners to leverage its legitimacy, accelerate the DDR process, and build on the initial efforts in early 2012 in order to develop a vision for the security sector as a whole through the drafting of a white paper with external expertise provided at regular intervals.

The promotion of rule of law and respect for human rights has also presented a set of distinct challenges. While UNSMIL has stayed clear of certain sensitive issues that lie beyond its remit, such as the trial of Saif al-Islam, Muammar Qaddafi's son and a prominent opponent of the NTC during the uprising, it has regularly reminded the Libyan authorities of their obligations and commitments, and offered assistance in particular for the transfer of an estimated 7,000 conflict-related detainees from militia-supervised facilities to government control. While some progress was

reported by September 2012, completion of the process has been delayed by a lack of government capacities and lingering reluctance on the part of several militias to provide information on their detainees, let alone transfer them. The absence of a nationally elected government in UNSMIL's first year of operations also prevented progress on transitional justice mechanisms, an area where the mission has focused its efforts on raising awareness and sharing experiences from other countries. In early 2012, a series of incidents involving the large migrant community primarily from North and sub-Saharan Africa in Sabha as well as in Tripoli also led the mission to intervene and remind Libya of its obligations to protect the rights of migrants and refugees.

UNSMIL has had to leverage its coordination mandate to address unforeseen challenges. In December 2011, delays in unfreezing Libya's foreign assets sparked fears of an acute liquidity crisis and threatened to undermine Libya's trust in the international community. Throughout the process, UNSMIL, through its interventions in Libya and at the Security Council, played an important role in highlighting the political repercussions of a prolonged delay and in providing the platform on which partners could engage and address the range of technical obstacles to releasing the funds. Since then, UNSMIL has convened similar platforms, notably on border management and weapons proliferation, supporting the work of the UN Sanctions Committee on Libya, which oversees sanctions regarding the freezing of assets, travel bans, and arms embargo.

The mission should expect to be called upon to play a similar role in the coming months, notably on the issue of transitional justice and rule of law. Coordination of international assistance, however, one of UNSMIL's core mandate areas, has been problematic at times, notably in the security sector, given the high stakes involved and the competing agendas among various international actors.

Conclusion

Libya's transition has inevitably been a haphazard affair, sputtering forward, sideways, and backward, with little visibility and few certainties. The postconflict environment and the specific parameters set by the Libyan authorities have made it difficult for the UN to set up and abide by long-term plans and establish a large permanent presence.

Instead, the outlook for the months ahead will require UNSMIL and UN agencies to continue to manage such volatility in partnership with Libyan authorities, and be able to revisit plans, modify deployments, and avoid implementation approaches that leave little room for adaptation to changing circumstances. As UNSMIL has repeatedly emphasized, the fulfillment of Libyans' democratic aspirations will take time, and be subjected to multiple sources of pressure. This message has been critical in providing Libyan authorities with the space and the time to define their own priorities and learn the processes and habits of democratic governance.

UN photo/Iason Foounten

Girls wave and flash victory signs at a passing helicopter during a military parade on 11 June 2012 in the western Libyan city of Zawia to mark the anniversary of an uprising in 2011 that cleared the way for the *thuwwar*s' (freedom fighters) march on Tripoli.

If the recent surge in violence across the country is any indication, both time and space are now shrinking. The immediate challenge will now be for the newly elected government to assert full control of the country and peacefully address historical grievances that had been suppressed for decades. The reform of the security sector and the transitional justice process in particular will test UNSMIL and the UN system's capacity more generally to manage those turbulences and navigate through the country's democratic transition as effectively as possible.

Note

1. This assessment covered Libya's history, institutions, political dynamics, and socioeconomic realities in order to generate a number of common assumptions about the postconflict context, which would require validation once deployment became permissible and appropriate.