



Reports on credentials

Second report of the Credentials Committee

Representation of Libyan Arab Jamahiriya

1. On 31 May 2011 the International Labour Office received a communication from the “Permanent Mission of Libya accredited to the United Nations Office in Geneva and International Organisations in Switzerland” communicating “the composition of the Libyan delegation who will participate in the 100th Session of the ILC”. According to the communication, the regime headed by Colonel Gaddafi had lost all legitimacy and no longer represented Libya. The National Transitional Council was the sole legitimate representative of the Libyan people and it was represented by the Permanent Mission of Libya in Geneva.
2. Prior to that, the Director-General of the ILO had received on 9 March 2011 a letter from the same Mission forwarding to the Organization a statement of the Interim Transitional National Council of Libya by which, inter alia “all Libyan delegations to the UN ... and members of the Libyan embassies who joined the revolution are considered as legitimate representatives of the Council”. Subsequently, by Note Verbale dated 16 March 2011, the General People’s Committee for External Communication and International Cooperation of the Libyan Arab Jamahiriya informed the Director-General of the United Nations Office in Geneva that “the Libyan Permanent Mission’s diplomats accredited to the UN in Geneva are no longer representing the Libyan Arab Jamahiriya”.
3. On 2 June 2011, the Secretary-General of the International Labour Conference received a communication from the General People’s Committee, Labour Service, informing the Conference that Libyan Arab Jamahiriya would like to actively participate in the work of the 100th Session of the Conference and indicated that Mr El-Amine Manfour Ali El-Amine, Secretary of the Committee, Labour Service, would be representing Libya at the Conference.
4. By Note Verbale dated 6 June 2011, the Permanent Mission of Libya in Geneva cancelled its Note Verbale dated 31 May 2011 and, consequently, withdrew the credentials of the delegation to the 100th Session of the Conference which had been communicated in it.
5. In accordance with constant practice based on a recommendation of the United Nations General Assembly (operative paragraph 3 of resolution 396(V) of December 1950), the Committee stressed that the ILO should be guided in this matter by the attitude adopted by the General Assembly where more than one authority claims to be the government of a member State. The Committee notes in this regard that the Assembly, by its resolution

A/RES/65/237 of 23 December 2010, had accepted the credentials signed by the Ministry of Foreign Affairs of Libyan Arab Jamahiriya presented for the 65th Session of the Assembly by the Tripoli authorities. Following that, the Secretariat of the United Nations received contradictory communications from rival authorities concerning the official representation capacity of the Permanent Mission of Libya to the United Nations in New York, so that on 10 March 2011 the Credentials Committee was asked to once again examine the question. According to the information obtained from the Office of Legal Affairs at the United Nations, to date the question had not yet been examined.

6. The Committee has indicated many times in the past that it is not competent to decide questions concerning the political recognition of governments. Consequently, given the fact that the Permanent Mission of Libya in Geneva withdrew the credentials that it had initially presented, the Committee no longer needs to determine between contradictory credentials coming from rival authorities, and it no longer has any basis not to accept the credentials established by the General People's Committee, Labour Service of Libyan Arab Jamahiriya, which is the same authority presenting the credentials of Libya in previous years. In accepting the credentials, neither the Credentials Committee nor the International Labour Conference are implying recognition of the government whose representatives were included in those credentials, such recognition being a question for the United Nations General Assembly.
7. The delegate's name so accredited will appear on the Revised Provisional List of Delegations to be published as a supplement to the *Provisional Record* (7 June 2011).
8. The Committee expresses its concern that the member State has not accredited a fully tripartite delegation. It recalls the obligation of member States under article 3, paragraph 1, of the ILO Constitution to nominate tripartite delegations to the Conference and that the credentials of delegations are subject to scrutiny by the Conference by virtue of paragraph 9 of the same article. Without the participation of Employer or Worker representatives, the Conference cannot function properly or attain its objectives.

Geneva, 6 June 2011, 2 p.m.

(Signed) Mr Prosper Vokouma
Chairperson

Ms Lidija Horvatić

Mr Yves Veyrier

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