



SECURITY COUNCIL REPORT UPDATE REPORT



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LIBYA

Expected Council Action

During informal consultations on Thursday 24 February, Council members discussed taking action under Chapter VII of the UN Charter to impose deterrent measures against the Libyan regime. There seemed to be wide support for moving down that track and the UK offered to draft some elements for further discussion once Council members had a further briefing today. It is possible that a formal resolution could follow quite quickly, although procedural requirements mean that at least 24 hours must pass before a draft could be put to the vote.

A briefing on the situation in Libya by Secretary-General Ban Ki-moon is expected today at 3pm.

Key Recent Developments

On 25 February the Human Rights Council met on Libya. (Libya is a member of the Geneva-based body and this is the first time it has held a special session on one of its own members.) The Geneva delegates endorsed High Commissioner for Human Rights Navi Pillay's call for an international investigation. Pillay said "in brazen and continuing breach of international law, the crackdown in Libya of peaceful demonstrations is escalating alarmingly with reported mass killings, arbitrary arrests, detention and torture of protestors...tanks, helicopters and military aircraft have reportedly been used indiscriminately to attack the protestors, and that, according to some sources, thousands may have been killed or injured....under international law, any official, at any level, ordering or carrying out atrocities and attacks can be held criminally accountable and that widespread and systematic attacks against the civilian population may amount to crimes against humanity."

Also on 25 February, NATO called an emergency meeting on Libya with NATO head Anders Fogh Rasmussen saying the immediate priority would be evacuation followed by humanitarian assistance. Rasmussen also said that NATO can act as an enabler if individual states want to take action. He made no specific mention of a no-fly zone. On 24 February Rasmussen had said that any intervention in Libya would require a clear Security Council mandate.

Further media reports on 25 February indicate that Rasmussen and EU head Catherine Ashton were expected to join an informal meeting of EU defense ministers and that the EU had agreed to a sanctions package against the Qaddafi regime.

On 22 February in New York, the Security Council issued a statement (SC/10180) on the situation in Libya. It condemned the use of force against civilians, expressed deep regret at the deaths of hundreds of civilians, called on Libya to meet its responsibility to protect civilians and respect international humanitarian law, called for humanitarian access, stressed the importance

of accountability, expressed concern for the safety of foreign nationals and the Council's intention to follow the situation closely.

The Council released this statement after a briefing on Libya the same day by the head of the UN Department of Political Affairs, B. Lynn Pascoe. The meeting was requested by the Libyan deputy permanent representative (the mission's charge d'affaires at the time) and there was strong support for such a meeting by European members of the Council. It was a closed meeting under the agenda item "peace and security in Africa" with 75 member states, including the Libyan permanent representative, also in attendance (S/PV.6486).

On 21 February, Ibrahim Dabbashi, the deputy permanent representative at the Libyan mission to the UN, held a press conference publically breaking from Libyan leader Muammar al-Qaddafi's regime and reporting the regime's use of mercenaries to quell peaceful demonstrations. Dabbashi called on the Security Council to take up the issue and institute a no-fly zone and refer the situation to the ICC to investigate war crimes being committed by Qaddafi's regime. In remarks to the press after the Security Council's meeting on 22 February Dabbashi characterised the Libyan regime's actions as potentially genocidal. (Media reports indicate that Libyan envoys posted to Australia, Bangladesh, France, India, the US, the UN in New York and Geneva, and the Arab League have broken with the Qaddafi regime.)

On 22 February, the Arab League condemned the use of force against civilians and suspended Libya's participation in the League until Libya meets its demands to immediately stop all violence.

On 23 February the AU issued a statement condemning the use of force against civilians, urging the regime, in particular, to desist from making statements that could escalate the situation and decided to send a mission to Libya to assess the situation.

On 22 February the Secretary-General's Special Adviser on the Prevention of Genocide, Francis Deng, and the Special Adviser on the Responsibility to Protect, Edward Luck, said in a joint statement "widespread and systematic attacks against civilian populations by military forces, mercenaries, and aircraft are egregious violations of international human rights and humanitarian law...if the reported nature and scale of such attacks are confirmed, they may well constitute crimes against humanity, for which national authorities should be held accountable."

Key Issues

An issue that has been regarded as a precursor to any action is the need for verifiable information and this has led to the request for a Secretariat briefing. For many members, however, the evidence of brutal violence, use of mercenaries and refugee flows are already well documented as is the impact on the region's stability and indicate a clear threat to international peace and security.

A second issue is the nature of sanctions that would have a real impact on the Libyan regime. Targeted sanctions such as travel bans, asset freezes and arms embargoes are slow to have impact and in the current situation would be essentially symbolic. Broader sanctions such as a ban on oil exports would have a real effect but raise issues for some Council members.

Also an issue is the capacity to enhance a sanctions resolution. A no-fly zone was proposed by Dabbashi. There are clear precedents for such action in the former Yugoslavia and Iraq. But such an option would need to be backed up by air assets and it is unclear if any country or NATO is willing to take this step.

Another issue is whether economic sanctions, if they were in place over a long period of time, would impact the local population and the related issue of humanitarian access. (The World Food Programme has said that Libya is a net food importer with limited agricultural production and recent events are putting the food chain at risk.)

Options

One option for the Council is adopting a resolution containing targeted sanctions against regime members, including also a ban on oil exports while violence continues and a no-fly zone to deter use of Libyan air assets against civilians.

Another option is a resolution which contains only targeted sanctions such as asset freezes, travel bans and an arms embargo.

Another option is for the Council to demand humanitarian access to areas not under regime control in light of the responsibility to protect to warn the regime against blocking or attacking humanitarian action.

A further option is to discuss possible referral of the situation to the ICC at a later stage.

If a resolution will take some days to negotiate a possible immediate option is for the Council to issue a presidential statement signaling it was considering concrete measures to the situation in Libya.

Council and Wider Dynamics

A significant majority of Council members have reacted positively to the idea of imposing legal measures on the Libyan regime to deter further violence against civilians. Among the measures suggested have been targeted sanctions such as an assets freeze, travel bans and arms embargo but there also seems to be some interest in even stronger measures such as a no-fly zone, ICC references and language on the responsibility to protect. However, in relation to a no-fly zone, there seem to be some concerns about progressing on this front until the safety of foreign nationals can be secured.

A resolution imposing sanctions on the Libyan regime seems to be broadly supported by the Libyan mission to the UN in New York which publically broke ranks with the regime on 21 February. There is also wide interest in the issue among the general UN membership indicated by the 75 member states participating in the Council's 22 February closed meeting.

Regionally, both the Arab League and the AU have issued statements condemning the Libyan regime's excessive use of force against civilians. There also seems to be an Arab/African initiative in the General Assembly to vote Libya off the Human Rights Council.

Russia and China seemed concerned about the need for verifiable information before further action is taken. In that regard, the Secretary-General will be briefing on the Libyan situation later this afternoon. However, it seems that the broad support among wider UN member states, including in the Middle East, for concrete measures against the Qaddafi regime is an influential factor.

With the refugee flows and consistent media reports of aerial bombardments and mercenaries from Africa and Eastern Europe being used by the Libyan regime it seems that most if not all Council members are satisfied that the Libyan situation can now be clearly categorised as a threat to international peace and security.

The possibility of an embargo on oil exports doesn't seem to have any significant support at this juncture.

The UK appears to be taking the lead on the issue.

UN Documents

Security Council Press Statement
<ul style="list-style-type: none">• SC/10180 (22 February 2010) condemned the use of force against civilians, called on Libya to meet its responsibility to protect civilians and stressed accountability.
Security Council Meeting Record
<ul style="list-style-type: none">• S/PV.6486 (22 February 2010) was an official communiqué listing the 75 member states who participated in the closed meeting.

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