

Southern Neighbourhood, and Libya in particular, including humanitarian aspects

European Parliament resolution of 10 March 2011 on the Southern Neighbourhood, and Libya in particular

The European Parliament,

- having regard to the United Nations General Assembly (UNGA) resolution of 1 March 2011 unanimously suspending Libya's membership of the United Nations Human Rights Council (UNHRC),
 - having regard to United Nations Security Council (UNSC) Resolution 1970/2011 of 26 February 2011,
 - having regard to the Council decision of 28 February 2011 implementing the UNSC resolution and imposing additional restrictive measures on those responsible for the violent crackdown on the civilian population of Libya,
 - having regard to UNHRC Resolution S-15/2 adopted on 25 February 2011,
 - having regard to the suspension on 22 February 2011 of the negotiations on an EU-Libya Framework Agreement,
 - having regard to the recent statements on Libya and on north Africa by High Representative Catherine Ashton,
 - having regard to its previous resolutions on Libya, in particular that of 17 June 2010 on executions in Libya¹, and its recommendation of 20 January 2011 spelling out critical conditions concerning the negotiations on the EU-Libya Framework Agreement²,
 - having regard to the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
 - having regard to the African Charter on Human and Peoples' Rights and its protocol on the establishment of an African Court on Human and Peoples' Rights, as ratified by Libya on 26 March 1987 and 19 November 2003 respectively,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas recent demonstrations in several Arab countries in northern Africa and the Middle East have called for an end to authoritarian regimes and for political, economic and social reforms, freedom, democracy and better living conditions for ordinary people; whereas the massive protests in numerous Arab countries have shown that undemocratic and authoritarian regimes cannot guarantee credible stability and that democratic values are central to economic and political partnerships,

¹ Texts adopted, P7_TA(2010)0246.

² Texts adopted, P7_TA(2011)0020-

- B. whereas protests against the Libyan regime started in the city of Benghazi on 15 February 2011 and spread throughout the country, reaching Al Bayda, Al-Quba, Darnah and Az Zintan, with protestors taking control of numerous towns, particularly in eastern Libya,
- C. whereas the protestors have been the targets of attacks of unprecedented violence by the Gaddafi regime, which has used the Libyan armed forces, militias and mercenaries and foreign fighters to violently crush the protests, including by indiscriminately using machine guns, snipers and military warplanes and helicopters against civilians; whereas this has resulted in a steeply increasing death toll and a large number of people being injured or arrested,
- D. whereas the violent and brutal reaction of the regime against the Libyan population has led not only to the defection of numerous soldiers, but also to the resignation of members of the regime,
- E. whereas according to the UNHRC more than 200 000 people have fled from Libya into neighbouring Tunisia, Egypt and Niger in recent days and hundreds of thousands more refugees and foreign workers face a desperate struggle to escape the conflict or leave Libya; whereas this is creating a humanitarian emergency that calls for a quick EU reaction,
- F. whereas following the adoption by consensus by the UNHRC at the 15th Special Session on 25 February 2011 of a resolution on the human rights situation in Libya, which condemns the gross and systematic human rights violations committed in Libya and points out that some of them may amount to crimes against humanity, the UNGA decided on 2 March 2011 to suspend Libya's membership of the UNHRC, as recommended by the UNHRC itself,
- G. whereas in response to the UNSC Resolution on Libya of 26 February 2011, which stated that the situation should be referred to the International Criminal Court (ICC), on 3 March 2011 the ICC Prosecutor launched an investigation to look into the alleged crimes against humanity committed in Libya, including by Muammar al-Gaddafi and members of the regime; whereas UNSC Resolution 1970 imposes an arms embargo on the country and a travel ban and asset freeze on the Gaddafi family and the regime and, at the same time, authorises all UN Member States to seize and dispose of banned military-related equipment,
- H. whereas the Council decision of 28 February 2011 imposes additional restrictive measures, in particular a visa ban and an asset freeze, on those responsible for the violent crackdown on the civilian population in Libya, thereby implementing the UNSC resolution on Libya of 26 February 2011,
- I. whereas since the beginning of the revolt a number of world leaders have repeatedly called on Colonel Gaddafi to stand down,
- J. whereas on 22 February 2011 the Arab League suspended Libya and on 3 March 2011 its Secretary-General declared that the League might support a 'no-fly' zone in Libya in coordination with the African Union if fighting were to continue in Libya,
- K. whereas in a statement dated 5 March 2011 the Libyan Interim Transitional National Council (ITNC) called on the international community 'to fulfil its obligations to protect the Libyan people from any further genocide and crimes against humanity without any direct military intervention on Libyan soil',

- L. whereas, with effect from 22 February 2011, the EU has suspended the ongoing negotiations on the EU-Libya Framework Agreement and all cooperation contracts with Libya,
- M. whereas the EU has a vital interest in a democratic, stable, prosperous and peaceful North Africa; whereas recent events in Libya, Egypt and Tunisia have highlighted the urgent need for a revision of the EU's external policy towards the Mediterranean region,
- N. whereas the extraordinary European Council meeting on Friday, 11 March 2011 is expected to examine thoroughly the report of the High Representative and the Commission on the rapid adaptation of EU instruments and the report of the High Representative on support for the transition and transformation processes,
1. Expresses its solidarity with the Libyan people, and in particular with the young Libyans who have been a driving force for democracy and for regime change, applauds their courage and determination, and strongly supports their legitimate democratic, economic and social aspirations;
 2. Condemns in the strongest terms the blatant and systematic violations of human rights in Libya, and in particular the violent repression of peaceful pro-democracy protesters, journalists and human rights defenders by the Gaddafi regime; deeply deplores the resulting considerable loss of life and the high number of injuries; extends its condolences to the families of the victims; condemns the incitement to hostility against the civilian population explicit in the statements made by Muammar al-Gaddafi and his son Saif al-Islam, the highest representatives of the regime;
 3. Calls for an immediate end to the brutal dictatorial regime of Colonel Gaddafi and calls on him to stand down immediately in order to prevent further bloodshed and to allow a peaceful political transition to take place; calls on the Libyan authorities to stop the violence immediately and allow a peaceful resolution of the situation, in keeping with the legitimate expectations of the Libyan people; calls on the Libyan authorities to respect human rights and international humanitarian law, lift all restrictions on freedom of expression, including through the internet, and grant immediate access to the country to independent human rights observers and the foreign media;
 4. Fully endorses UNSC Resolution 1970, which condemns the gross and systematic human rights violations in Libya and calls for the situation to be referred to the ICC, whilst imposing an arms embargo on the country and a travel ban and asset freeze on the family of Muammar al-Gaddafi; emphasises that the perpetrators of the attacks against civilians are individually criminally liable under international law, that they must be brought to justice and that there can be no impunity; strongly supports the launching by the ICC Prosecutor of an investigation into the alleged crimes against humanity committed by Muammar al-Gaddafi and members of his regime;
 5. Notes that the EU has been the first to implement the sanctions imposed by the UNSC and that the EU measures go further, imposing separate sanctions; welcomes the Council decision to prohibit trade with Libya in equipment that might be used for internal repression, as well as the extension of the list of persons covered by the asset freeze and visa ban; calls for constant assessments of the effectiveness of the sanctions;
 6. Stresses that any measures should embrace all Libyan assets, including the sovereign wealth

funds managed by the Libyan Investment Authority; calls for the freezing of assets to include the proceeds of oil and gas sales; calls on the Council and the Member States to disclose full details of all assets frozen; welcomes, in this context, discussions on further EU sanctions, including a freeze of the assets of Libyan companies with ties to the Gaddafi regime;

7. Welcomes the Council decision of 28 February 2011 to ban the supply to Libya of arms, ammunition and related equipment; calls on the Council, in that connection, to verify whether there have been breaches of the EU Code of Conduct on arms exports and to adopt stringent measures to ensure that the code is fully respected by all the Member States; calls on the High Representative to explore the option of enforcing the embargo by using air and naval CSDP assets;
8. Fully supports the UNHRC decision to dispatch an independent international commission of inquiry to Libya to investigate violations of international human rights law and the UNGA decision of 2 March 2011 to suspend Libya's membership of the UNHCR;
9. Calls on the EU and the international community to take every possible measure to isolate Gaddafi and his regime completely, both nationally and internationally;
10. Stresses that the EU and its Member States must honour their Responsibility to Protect, in order to save Libyan civilians from large-scale armed attacks; points out that no option provided for in the UN Charter can therefore be ruled out; calls on the High Representative and the Member States to stand ready for a UNSC decision on further measures, including the possibility of a no-fly zone aimed at preventing the regime from targeting the civilian population; emphasises that any measures enacted by the EU and its Member States should be in compliance with a UN mandate and be based on coordination with the Arab League and the African Union, encouraging both organisations to steer international efforts;
11. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to establish relations with the Interim Transitional National Council and to start the process of making them official, so as to encourage transition towards democracy, ensuring the involvement of a wide spectrum of representatives of the Libyan society and empower women and minorities in the transitional process, and to support it in the liberated area so as to relieve the population and to meet its basic humanitarian needs, including medical assistance;
12. Urges the EU to contribute to democratic reforms and the establishment of rule of law institutions in Libya by providing support to develop free media and independent civil society organisations, in particular democratic political parties, so that democratic elections can take place in the future;
13. Is deeply concerned at the growing humanitarian crisis, as more than 200 000 migrants are fleeing the violence in Libya, many of them remaining stuck at the border between Libya and Tunisia and others being stranded in refugee camps in Tunisia, Egypt and Niger; calls on the current and future Libyan authorities to grant access to the country to humanitarian organisations and guarantee the safety of humanitarian personnel;
14. Encourages the Council, the Commission and the High Representative to make all necessary financial and human resources available to support a robust international humanitarian operation, assisting the UNHCR and other relevant humanitarian agencies in

providing protection and emergency assistance to all those in need; welcomes the measures taken and funds deployed so far by Commissioner Georgieva and ECHO and the humanitarian assistance provided by some Member States to meet this challenge; appeals to the EU and the Member States to supply air and maritime transportation to help repatriate or resettle migrants, asylum seekers and refugees from Libya, in keeping with international law and relevant European Union legislation, and to provide financial support in response to the joint UNHCR-IOM (International Organisation for Migration) appeal, issued on 3 March 2011;

15. Calls on the Commission to ensure that all the necessary measures, including adequate financial, human and technical resources, are in place to guarantee that the EU can respond appropriately in the event of any mass migratory movement, in accordance with Article 80 TFEU;
16. Recalls that in the 2007 Joint Africa-EU Strategy EU and African leaders pledged to take the necessary measures to ensure that illegally acquired assets, including funds, are investigated and returned to their countries of origin; urges the Member States to act accordingly, and in compliance with the UN Convention Against Corruption, in order to ensure that frozen assets are returned to the Libyan people in the future; stresses that coordinated EU action is necessary to implement the freezing of assets held by the Gaddafi family and known associates in Europe or in European financial institutions operating in any tax havens, ensuring that EU banks observe due diligence requirements with respect to any potentially illicit funds transferred from Libya;
17. Emphasises that mercenary activities are a threat to international peace and security and a crime against humanity and must therefore be stopped; calls on the Council and the High Representative to issue firm warnings discouraging any governments from sending mercenaries, military personnel or military equipment in support of the repression of the Libyan people by the Gaddafi regime;
18. Welcomes the convening of an extraordinary European Council on the developments in Libya and in the Southern Neighbourhood on 11 March 2011; calls on the High Representative and the Member States to devise a comprehensive and coherent strategy for the humanitarian and political response to the situation in Libya;
19. Calls on the High Representative to start preparations for EU involvement in and support for the Southern Neighbourhood, with specific reference to the development of the rule of law, good governance and the constitutional and electoral prerequisites for stable, pluralistic and peaceful democracy in the region; calls on the High Representative to make full use of all relevant EU external financial instruments;
20. Takes the view that the revolutionary changes in north Africa and the Middle East have made it clear that the EU's positive impact and long-term credibility in that region will depend on its ability to conduct a cohesive common foreign policy that is value-based and clearly sides with the new democratic forces; reiterates its call for the EU to revise its democracy and human rights support policy so as to create an implementation mechanism for the human rights clause in all agreements with third countries;
21. Reiterates its request to be closely involved in the work of the task force established to coordinate the EU response to the crisis in Libya and elsewhere in the Mediterranean region;

22. Stresses once more that events in Libya, and in other countries in the region, have highlighted the urgent need to develop more ambitious and effective policies and instruments, and to strengthen their budgetary basis, in order to encourage and support political, economic and social reforms in the EU's Southern Neighbourhood; stresses that the ongoing strategic review of the European Neighbourhood Policy (ENP) must reflect current developments in north Africa and must come up with new, improved ways of meeting the needs and aspirations of its peoples; insists that the review of the ENP must prioritise criteria relating to the independence of the judiciary, respect for fundamental freedoms, pluralism and freedom of the press and the fight against corruption; calls for better coordination with the Union's other policies vis-à-vis the countries involved;
23. Endorses the view that the Union for the Mediterranean must adapt to the new era and circumstances and reflect and act on recent events, in order to put forward proposals on how best to promote democracy and human rights in its Member States and in the region, including Libya, and on possible reforms, in order to make its own role stronger, more coherent and more effective;
24. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the UN Security Council and General Assembly, the UNHRC, the League of Arab States, the African Union, the Union for the Mediterranean, the governments of Libya's neighbouring countries and the Interim Transitional National Council.