



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

7.3.2011

B7-0170/2011

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on Southern Neighbourhood, and Libya in particular

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on behalf of the S&D Group

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European Parliament resolution on Southern Neighbourhood, and Libya in particular

The European Parliament,

- having regard to the UN Security Council resolution 1970/2011 adopted on 26 February 2011,
- having regard to the United Nations General Assembly resolution of 1 March 2011 unanimously suspending Libya's membership in the UN Human Rights Council,
- having regard to the UN Human Rights Council resolution S-15/2 adopted on 25 February 2011,
- having regard to the Council decision of 28 February 2011 imposing an arms embargo and targeted sanctions on Libya,
- having regard to its recommendation to the Council of 20 January 2011, spelling out critical conditions concerning the negotiations on the EU-Libya Framework Agreement,
- having regard to the UN General Assembly resolution of 24 October 2005 (2005 World Summit Outcome) on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to the UN General Assembly resolution, of 7 October 2009, on the responsibility to protect,
- having regard to the Security Council resolution of 28 April 2006, which in its point 4 reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,
- having regard to Rule 110(2) of its Rules of Procedure,
 - A. whereas the Gaddafi dictatorial regime, which has ruled Libya for the past 41 years, violently represses legitimate political protests and resists demands from the Libyan people and the international community to immediately step down and stop the bloodshed; whereas Libyan military have bombed towns, such as al Zawya, Sabratah, al-Brega and Ajdabiya,
 - B. whereas the international community demonstrated full unanimity within the UN Security Council on imposing sanctions on the Libyan Arab Jamahiriya regime, by adopting UNSCR 1970/2011 and several world leaders have since the beginning of the revolt repeatedly called on Gaddafi to quit,
 - C. whereas the Gaddafi regime is launching air attacks against civilians and fielding mercenaries to shoot indiscriminately,
 - D. whereas according to UNHCR 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 dramatic conditions to escape the conflict or depart from Libya,

- E. whereas recent events in Libya, Egypt and Tunisia highlight the urgency for reform of EU's external action towards the Mediterranean region,
- F. whereas the Arab League has suspended Libya on 22 February and its Secretary General declared, on March 3rd, that the League may impose a 'no fly' zone on Libya in co-ordination with the African Union if fighting continues in Libya,
- G. whereas the National Libyan Council in the city of Benghazi called for foreign intervention to stop government air strikes on the rebels, while the Interim Transition National Council in a statement dated 5 of March requests 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',
- H. whereas the twelfth 'Annual report according to article 8(2) of Council common position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment' (2011/C 9/01), released last January, confirms that EU Member States granted arms export licences worth 343 million euros to Libya in 2009 alone,
- I. whereas despite having renounced to its WMD programme in 2004, the Gaddafi regime still retains a stockpile of 9.5 metric tonnes of mustard gas,
- J. whereas the US Treasury blocked \$30bn in Libyan assets, the largest sum it has ever frozen,
- K. whereas three Dutch marines are in captivity in Libya for trying to help evacuate foreign citizens,
- L. whereas on 29/30 November 2010 the 3rd Africa-EU Summit was held in Tripoli, including an EU-PAP Parliamentary Pre-Summit, both underlining the importance of human rights, democracy and conflict prevention,
- M. whereas the negotiations on the EU-Libya Framework Agreement have been suspended, as announced by the HR/VP on 22 February,
 - 1. Expresses its solidarity with the Libyan people, applauds their courage and determination and strongly supports their legitimate democratic aspirations; strongly condemns the criminal use of violence against demonstrators by the Gaddafi regime and deplores the uncertain but large number of person killed and wounded in Libya since peaceful protests started; extends its condolences to the families of the victims and its concern for the injured;
 - 2. Underlines that the Gaddafi regime has no legitimacy and should therefore immediately step down or be deposed, in order to enable a new and representative leadership to emerge and to respond to the legitimate demands for freedom, democracy, security and good

governance by the people of Libya;

3. Fully endorses UNSCR 1970/2011 and the measures already taken by the Security Council to implement it, namely the arms embargo, the ban on internal repression equipment, as well as restrictions on the admission and the freezing of funds of persons involved in serious human rights abuses, including attacks on civilian populations;
4. Stresses that the EU and its MS must uphold the Responsibility to Protect, in order to save Libyan civilians from large-scale armed attacks; thus, no option foreseen in the UN Charter is to be excluded; underlines that any measures enacted by the EU and its MS should be in compliance with a UN mandate and seek coordination with the Arab League and the African Union, encouraging both organisations to steer international efforts;
5. Underlines that mercenary activities are a threat to international peace and security and a crime against humanity and therefore must be stopped; calls on the Council and the HR/VP to send strong warnings discouraging any governments from sending mercenaries, military or military equipment in support of the repression of the Libyan people by the Gaddafi regime; urges the Council, the Commission and the HR/VP to seize to press for the adoption of an effective international legal instrument forbidding mercenary activities at global level, including the use of private military and security companies in areas of conflict;
6. Expresses deep concern over the humanitarian crisis faced by thousands of people fleeing from Libya, adding to the dangers and hardships faced by the 6 million Libyan population and over 1 million foreigners who are still stranded in Libya, in particular the Sub-Saharanans who risk persecution for being taken as mercenaries; is particularly worried about those who, for security or political reasons, cannot return to their countries of origin, such as Eritreans, Somalis, Ethiopians, Sudanese, and urges the EU Member States to help extricate and resettle them in safety;
7. Encourages the Council, Commission and the HR/VP to make available all means to support a robust international humanitarian operation, assisting UNHCR and other relevant agencies, such as IOM, WFP, the International Red Cross and Red Crescent and the ICRC to urgently and adequately deploy at Libyan borders and to open safe corridors to deliver aid inside Libya, providing protection and emergency assistance to all those in need; Appeals to the EU and Member States to supply air and maritime transportation to help repatriate or resettle migrants, asylum seekers and refugees from Libya and to provide financial support in response to the joint UNHCR-IOM Appeal, issued on 3 March;
8. Takes the view that in dealing with the afflux of persons trying to escape conflict in Libya, the EU must be guided by a humanitarian approach, actively supporting emergency assistance and protection to those in need in Libya and in affected neighbouring countries; calls for EU Member States and Libyan neighbours to grant access to people fleeing persecution and violence in Libya, without discrimination; condemns in the strongest terms attacks on humanitarian workers and underlines the right of the wounded and sick to seek medical assistance;
9. Considers that a coherent Euro-Mediterranean strategy requires an integrated immigration

policy based on the principles of burden-sharing and solidarity; takes the view that in the event of such an influx from the North Africa and the Middle East, no single EU Member State will be able to tackle the challenges alone;

10. Recalls that Member States shall respect the principle of non-refoulement; notes that Frontex is not equipped and cannot be the main tool to deal with migration flows possibly linked with the political and humanitarian crisis in the North of Africa; expresses the view that the EU needs a prompt and coordinated response as part of a coherent and long-term strategy to deal with the political transitions in the North of Africa, addressing the root causes of migration flows from the region;
11. In view of the European Council extraordinary meeting about the situation in North Africa, on March 11, urges the European Union to:
 - provide full consideration, in compliance with the solidarity clause established in article 80 of the TFEU, of the difficulties of those Member States subject a disproportionate influx of displaced persons, by possibly using provisions laid down in Directive 2001/55 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
 - set up a special solidarity fund, if necessary, to cope with the humanitarian crisis;
 - put in place a burden-sharing action plan to help resettle refugees from the region, based on the principle of solidarity between Member States;
 - move forward urgently with the adoption of a Common EU Asylum System, including fair and efficient procedures for international protection;
12. Calls on the Council to complete the codecision procedures related to the establishment of a Joint EU Resettlement Programme and to the European Refugee Fund for the period 2008 to 2013, as recommended by the EP in May 2010; allowing emergency procedures to be swiftly implemented in view of the humanitarian crisis in Libya;
13. Endorses the UNSCR 1970/2011 on the referral of Gaddafi and all those responsible for war crimes and crimes against humanity in Libya to the International Criminal Court and welcomes the decision announced by the Prosecutor of the ICC to open the investigation; urges all EU Member States to cooperate fully and provide all necessary assistance to the Court and the Prosecutor; recalls that the Gaddafi regime has a long record of serious and massive human rights violations against the Libyan people and has sponsored international terrorism murdering hundreds of foreign citizens;
14. Welcomes the decision by the Council to implement UNSCR 1970/2011 and to impose additional restrictive measures against those responsible for human rights violations and crimes against humanity in Libya;
15. Deplores that weapons, military and security equipment have been sold to the Libyan government by EU Member States since 2004, despite the long-standing dictatorial and

terroristic nature of the Gaddafi regime and the contradiction with EU principles and objectives; calls on the Commission and HR/VP to immediately launch a review on the implementation of the Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, and report thereof to the European Parliament;

16. Recalls that in the Joint 2007 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 the restitution of frozen assets to the Libyan people in the future; stresses that a coordinated EU action is necessary to enact 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 potential illicit funds transferred from Libya; stresses that any measures should embrace the totality of assets, including the sovereign wealth funds managed by the Libyan Investment Authority, estimated at \$60-80bn worldwide; calls for the freezing of assets to include the proceeds of oil and gas sales; calls on the Council and Member States to fully disclose details on all assets frozen;
17. Urges the HR/VP to immediately establish contact with emerging political forces in Libya, namely the National Councils formed in Benghazi and other areas, with a view to encouraging 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; urges the EU to contribute to democratic reforms and rule of law institutions in Libya by providing support to develop free media and independent civil society organisations, notably democratic political parties, in order for democratic elections to take place in the future;
18. Emphasises that popular uprisings in Libya and in other countries in the region are a determining factor for their people's enjoyment of basic freedoms, democratic transition, security and progress, and that is decisive also for Europe's own security, stability and prosperity; highlights the urgent need to develop more ambitious and efficient EU policies and instruments, and to strengthen their budgetary background, 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 must reflect the developments in the region and must come up with new improved ways to meet the needs and democratic aspirations of the peoples in the region;
19. Calls for the review and better coordination and coherence of EU's policies vis-à-vis its Southern Mediterranean Neighbours, in order to ensure that there is no contradiction with the human rights and democracy promotion objectives; reiterates its demand 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, namely in a future Framework Agreement between EU and Libya; considers that the ENP must prioritise criteria relating to respect for fundamental human rights and freedoms, gender equality, the independence of the judiciary, pluralism and media freedom and the fight against corruption;

20. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments and governments of the Member States of the European Union, the United Nations, the League of Arab States, the African Union, the governments of Libya's neighbouring countries and the National Councils representing the emerging forces in Libya.