Publication | 07.03.2011

Southern Neighbourhood, and Libya in particular

Greens/EFA motion for a resolution

The European Parliament,

– 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 Union Convention governing the specific aspects of refugees in Africa of September 1969, to which Libya has been a party since 17 July 1981,

– 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, ratified by Libya on 26 March 1987 and 19 November 2003 respectively,

– having regard to the Charter of Fundamental Rights of the European Union and in particular its Article 19(2),

– having regard to United Nations General Assembly (UNGA) Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty, and UNGA Resolution 63/168 of 18 December 2008 calling for the implementation of the 2007 General Assembly resolution 62/149,

– having regard to the Memorandum of Understanding jointly signed by Commissioner Ferrero-Waldner and European Affairs Secretary El Obeidi on 23 July 2007,

– having regard to the Council Conclusions of 15 October 2007 and the official launch of the negotiations on a EU-Libya framework agreement on 12-13 November 2008,

– having regard to the Council Conclusions of 21 February 2011 on Developments in the Southern Neighbourhood,

– having regard to the remarks of 22 February 2011 by EU High Representative Catherine Ashton at the end of her visit to Egypt, announcing the suspension of negotiations with the Libyan authorities on a EU-Libya framework agreement,

– having regard to High Representative Catherine Ashton's Declaration of 23 February 2011 on Libya,

her remarks in the margins of the Informal Defence Ministerial Meeting of 25 February 2011, her Statement on behalf of the European Union of 27 February 2011 on UNSC resolution and latest developments regarding the situation in Libya, her speech before the Human Rights Council of the United Nations held on 28 February 2011 and her press statement on the sending of a fact-finding team to Libya on 6 March 2011,

– having regard to the UNSC Press statement on Libya of 22 February 2011 and the unanimously adopted UNSR Resolution on Libya of 26 February 2011 (UNSCR 1970/2011),

– having regard to the Decision of the Council of the European Union of 28 February 2011 to implement the UN Security Council Resolution UNSCR 1970/2011,

– having regard to the Decision of the Council of the European Union of 2 March 2011 to adopt a regulation implementing its decision of 28 February on sanctions against Libya, entered into force upon publication in the Official Journal on 3 March 2011,

– having regard to the Decision of the President of the European Council of 1 March 2011 to convene an extraordinary European Council on Friday 11 March 2011 in light of the developments in the Southern Neighbourhood, and Libya in particular,

– having regard to its previous resolutions on Libya and in particular, its resolution of 17 June 2010 on executions in Libya and its recommendation of 20 January 2011 to the Council on the negotiations on the EU-Libya Framework Agreement (2010/2268(INI),

– having regard to Rule 110(2) of its Rules of Procedure,

A. whereas following demonstrations in neighbour countries calling for freedom and deep reforms, protests started in the city of Benghazi on February 15 and spread throughout the country reaching Al Bayda, Al-Quba, Darnah and Az Zintan; whereas protestors took control of numerous towns particularly in the east of Libya,

B. whereas most demonstrations mobilising anti-government protestors faced brutal resistance from regime forces, including Libyan Air Force warplanes and helicopters attacks on demonstrators and use of mercenaries, foreign fighters and freed prisoners to counter the wave of protests,

C. whereas representatives at the highest level of the regime have repeatedly stirred hatred until this day through public statements, threatened the protestors, organized counter-demonstrations, and warned of massacres should the protests continue,

D. whereas the Arab League on 22 February 2011 excluded the Libyan delegations temporarily from its meetings, condemning the violence Muammar-Al-Gaddafi's forces have used against the population,

E. whereas the violent and brutal reaction of the regime against the Libyan population lead to the defection not only of numerous soldiers in the country, but also to the resignation of members of the regime,

F. whereas following the adoption by the UN Human Rights Council (UNHRC) of a resolution by consensus on the human rights situation in Libya in the 15th Special Session on 25 February, 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 to the UNHRC, as recommended by the UNHRC,

G. whereas in response to UN Security Council Resolution on Libya of 26 February 2011 which decided to refer the situation to the International Criminal Court, the Prosecutor of the International Criminal Court (ICC) launched on 3 March 2011 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 authorizes at the same time all UN Member States to seize and dispose banned military-related materiel,

H. whereas the Decision of the Council of the European Union of 28 February 2011 imposes additional restrictive measures, in particular a visa ban and the freeze of assets, against those responsible for the violent crackdown on the civilian population in Libya, thereby implementing the UN Security Council Resolution on Libya of 26 February,

I. whereas the United States have sent two of its own warships, including an amphibious assault ship, to the Mediterranean, to follow the developments in Libya,

J. whereas the ongoing violence and brutal repression in Libya is generating an increasing outflow of people at the border between Libya and Tunisia, the vast majority of whom are migrant workers from Egypt and from North and Sub-Saharan Africa as well as Libyan nationals; whereas sources suggest that Libya hosts about 80,000 Pakistanis, 50,000 Bangladeshis and 2,000 Nepali; whereas the volume of this exodus is expected to significantly rise over the coming days and weeks; whereas Italy, France, Spain, UK and Germany have announced their plans to send navy vessels and airplanes to the Tunisian-Libyan border mainly to facilitate the evacuation of Egyptian nationals to Egypt; whereas the US has also announced to send military and civilian aircraft to support repatriation plans,

K. whereas the extraordinary European Council 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 as well as the report of the High Representative on support for the transition and transformation processes,

1. Expresses deep concern at the situation in Libya and strongly condemns the brutal repression of peaceful demonstrations, including indiscriminate armed attacks against civilians, which has resulted in the death of thousands of civilians and a high number of injured people; denounces the incitement to hostility against civilian population expressed at the highest level of the regime by Muammar al-Gaddafi and his son Saif al-Islam;

2. Fully endorses the UN Security Council resolution 1970 which condemns the gross and systematic human rights violations in Libya and decides to refer the situation to the International Criminal Court while imposing an arms embargo on the country and a travel ban and assets freeze on the family of Muammar al-Gaddafi; strongly supports the launching by the Prosecutor of the ICC of an investigation into the alleged crimes against humanity committed by Muammar al-Gaddafi and members of his regime;

3. Calls on the HR/VP and the Council to consider within the framework of UNSC resolution 1970 and UNSC resolution 1674 regarding the responsibility to protect the population, the establishment of a no-fly zone, at the request of the Transitional National Council in cooperation with the Arab League and the African Union, aimed at preventing the regime from targeting population;

4. Expresses its firm support to the struggle of the Libyan people for freedom, democratic reforms and the end to the authoritarian regime; calls on the EU to establish direct relations with the Interim Transitional National Council and to support them in the liberated area so as to relieve the population and to meet its basic humanitarian needs, including medical assistance;

5. Fully supports the decision of the UNHRC 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 to the UNHCR;

6. Regrets the lack of a prompt reaction by the Council to the Libyan violent repression with regard in particular to the coordination of the evacuation of EU residents and the urgent need for humanitarian assistance to the Libyan population as well as to the adoption of appropriate targeted sanctions; notes in this respect the recent measures and initiatives taken by some EU Member States to contribute to the evacuation of Egyptian migrant workers to Egypt; stresses the urgency to provide medical assistance in the Benghazi region;

7. Is deeply concerned by the growing humanitarian crisis as more than 170 000 foreigners are fleeing violence from Libya, many of them remaining stuck at the border between Libya and Tunisia and others being stranded in transit centres in Tunisia, Egypt and Niger; urges the EU Institutions and EU Member States to mobilize the appropriate means to face this emergency situation and to give a correct answer to support those escaping death and persecution and those fighting for freedom and democracy in Libya;

8. Calls in this regard on the Commission and EU Member States to provide all necessary means to support Tunisian and Egyptian authorities in order to overcome the current humanitarian crisis faced particularly by the population fleeing Libya towards Egyptian and Tunisian borders; urges in this respect the Commission to further deploy ECHO funding and EU Emergency fund aid to support international and civil organisations in their humanitarian action;

9. Strongly criticizes the approach endorsed by some EU Member States to overplay the risk of a massive influx of migrants instead of adopting a genuine European comprehensive plan in response to this humanitarian crisis; calls on the HR/VP and the Council to step up the coordination with the Member States so as to streamline the European action vis-à-vis Libya;

10. Urges in this regard EU Members States to proceed to the evacuation and reception into the EU of those who can't return to their own country with particular attention to the most vulnerable persons such as Sub-Saharan migrants and refugees; therefore calls on the EU Member States to list their reception capacities in order to activate the Temporary Protection Directive 2001/55/EC and to share responsibility for the relocation of persons protected under this scheme to other EU Member States and calls on Council to adopt the Joint EU resettlement programme without further delay, to put into action to the foreseen resettlement scheme; reminds that the common policy on asylum, immigration and external border control shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Members States;

11. Urges the EU Member States to guarantee that Frontex operations, including national operations, carried out at sea cannot result in persons being returned to Libya or to another country where their life is at risk according to the principle of non-refoulement enshrined in the Article 19(2) of the Charter of Fundamental Rights; insists on the right for everyone to claim asylum and to have access to a priority procedure in full cooperation with the UNHCR and relevant organisations;

12. Welcomes the decision of the Council of 28 February 2011 to ban the supply to Libya of arms, ammunitions and related material; points out that according to independent sources in 2009 light weapons amounting to 79 million euro were delivered by Italy to the Libyan government and that these weapons have been daily used by the Libyan police and army to repress the peaceful demonstrations of the Libyan population; stresses that Belgium, Bulgaria, Portugal, France, Germany and the UK also sold weapons to Libya, from small and light weapons to aircrafts and electronic jamming equipment, and that these supplies contradict some of the criteria of the EU Code of Conduct on arms export;

13. Calls in this respect on the Council to verify whether there have been breaches in the EU Code of

Conduct on arms export and to adopt stringent measures so that this code is fully respected by all the Member States;

14. Welcomes at the same time the decision to freeze the assets of Libyan dictator Muammar al-Gaddafi and 5 of his family members as well as of other 20 individuals responsible for the violent crackdown on the civilian population since 15 February; calls for a quick and precise search and accurate screening of these assets; urges EU Member States to make sure that no European company continuous to import oil and gas from Libya and to immediately stop all payments;

15. Notes the EU decision to suspend negotiations with Libya on a framework agreement, which includes cooperation in the field of migration and asylum; deplores that some EU governments had very close relations with Muammar Gaddafi and strongly criticises the fact that some of them have opposed the quick adoption of sanctions against the Libyan regime; deplores the statement by Commissioner Dalli that weakens the EU position;

16. Condemns the recent capture of three Dutch soldiers by Gaddafi's military forces who were taken as hostages, while they were attempting to evacuate a Dutch citizen and calls for their immediate release;

17. Calls on the Commission and EU Member States to develop a completely renewed dialogue with Mediterranean partner countries on migration in order to adopt a euro-Mediterranean Mobility Pact, including an ambitious approach which goes beyond a targeted visa facilitation, taking into account that European migration policy can no longer rely on cooperation with authoritarian regimes; emphasises that such a revised policy could enhance further the EU support for the ongoing transition process towards democracy;

18. Notes that the 'Friendship Agreement', concluded between Libya and Italy in 2008 inter alia for the purpose of cooperation in the field of migration was declared as suspended by the Italian government on 26 February 2011; calls into question this agreement and stresses that it constitutes a breach of international conventions with regard, in particular, to the respect for asylum seeking procedures;

19. Takes the view that once the provisional government is in control of the situation the HR/VP and the Commission should assist the Libyan authorities in setting up a trust fund where to put all the revenues from the sales of oil and gas laying down clear and transparent rules for its management with a view to benefitting the whole population;

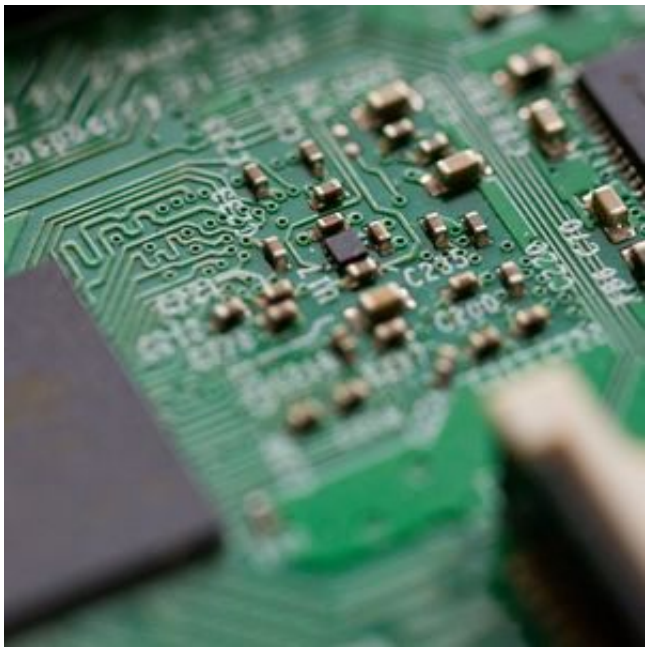
20. Calls on the Council and the Commission in view of the Strategic Review of the ENP to adopt the necessary measures and funding so that Libya can be fully included in the European Neighbourhood Policy and share the values, founding principles and objectives of the Euro-Mediterranean process;

21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Interim Transitional National Council, the UNSC, UNGA, the UNHRC, the Arab League and the African Union.

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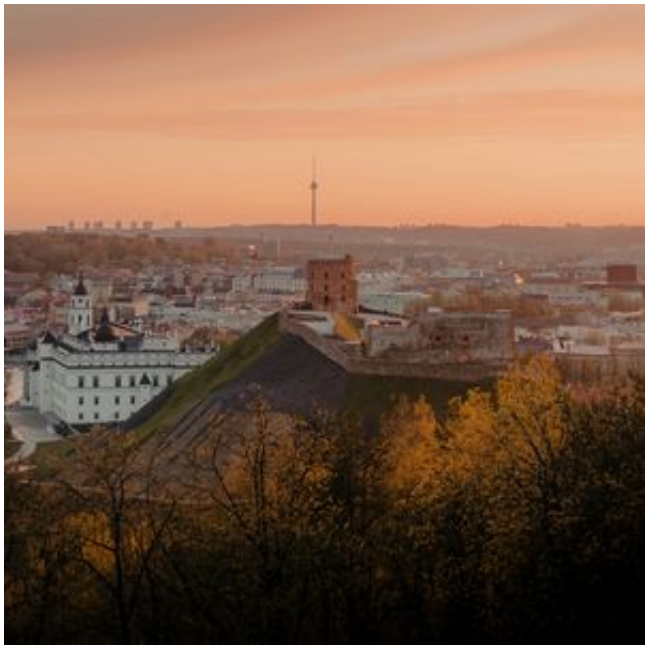
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