

Forum: 6th Committee of the General Assembly
Issue: Guiding revolutions to a peaceful conclusion in accordance with national sovereignty
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Description of the issue

According to the United Nations Charter Chapter 1, Article 2 “(...) all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”¹.

Since the 6th Committee of the General Assembly is the Legal Committee, it has to discuss in how far this does not go agree with other Chapters of the UN Charter, for example Chapter 7 which states that “(...) the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken (...)”². The Libyan Civil War and the military actions which were taken by many UN member states are one example where this was debated controversially and therefore it will be explained in the following how the UN and the NATO acted and which criticism rose during this time and afterwards.

Libyan Civil War

Situation in Libya in 2011

In February 2011, the population of Libya started protesting against the regime of Muammar Gaddafi, who officially ended his leadership in 1977 but ruled the country indirectly. The uprising started when a human rights campaigner was arrested and grew rapidly from Benghazi to other cities. Although the demonstrations were clearly against the ruler of the theoretical democracy and became violent fast, Gaddafi refused to step down and his regime remained in control of the capital Tripoli. He used his military forces and further security forces against protesters, through which many of them died. In the following days, soldiers refused to fire on rebels and changed sites. But brutal fights continued and both sides had to report losses. The UN Security Council (UNSC) passed the first resolution on this issue on the 26th February of 2011. The UNSC Resolution 1970 criticizes the “(...) gross and systematic violation of human rights (...)”³, the death of many civilians and reminds the Libyan authorities of their responsibility to protect their population. The member states of the UNSC demand an immediate ceasefire and further decide to upon an arms embargo, travel bans and asset freezes of Libyan authorities. It does not take any military actions yet but promises to monitor the implementation of the sanctions closely.

Military intervention

Since the world had followed the development of the conflict in Libya closely, it was only a matter of time until the first official would call other UN member states for help. This finally happened on February 21st, when a Libyan deputy Permanent Representative to the UN called for the implementation of a no-fly zone on Tripoli. He was followed by the governments of France, which asked the European Union to impose sanctions, and of the United Kingdom. The United States of America passed a non-binding Senate resolution which urged the UNSC to pass a resolution to implement a no-fly zone and ask Gaddafi to step down. It further positioned naval forces in front of the Libyan coast.

¹ <http://www.un.org/en/documents/charter/chapter1.shtml> (01/09/14)

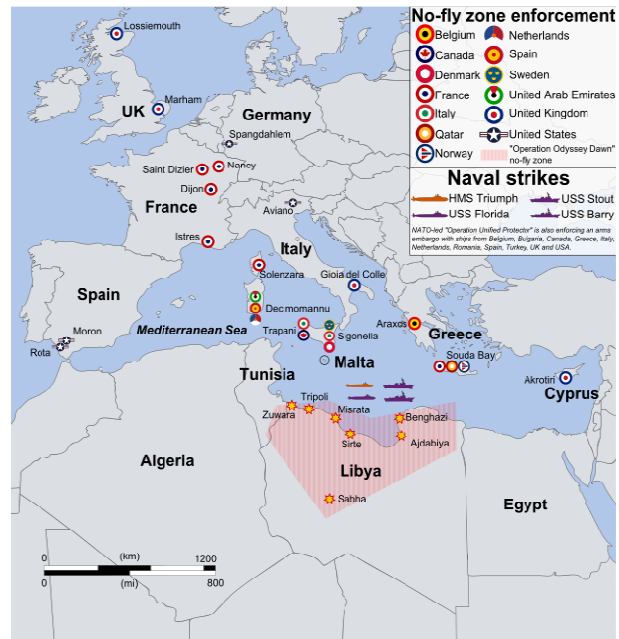
² <http://www.un.org/en/documents/charter/chapter7.shtml> (01/09/14)

³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/245/58/PDF/N1124558.pdf?OpenElement> (02/09/14)

In addition Arabian countries and Canada called for action of the UNSC.

On March 15th Lebanon's Ambassador proposed a resolution to the UN or a no-fly zone, which was supported by the UK and France.

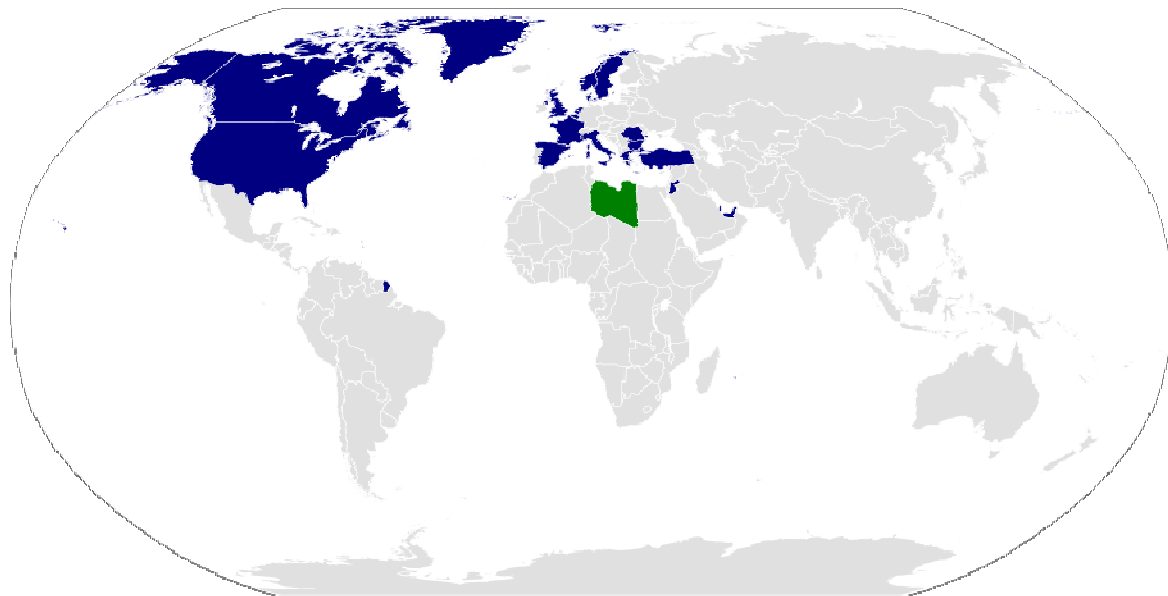
This resolution, UNSC Resolution 1973, was passed by ten votes in favour, zero against and five abstentions on the 17th of March 2011. The United Nations Security Council announced that they were acting under the authority of the Chapter 7 of the UN Charter. Although Libya stated that it would stop all military operations and declared a ceasefire, battles continued on the following day. On the 19th of March the first aircrafts of France, Italy, the US and the NATO started the surveillance over and attacks on Libya as well as submarines and battleships of those countries were positioned in the Mediterranean Sea.



The no-fly zone, as well as bases of air and naval forces.⁴

On the 24th of March, France agreed that the NATO should take over the control of all military operations, including the no-fly zone, the arms embargo and the naval forces, decided upon in UNSC Resolution 1970 and 1973. This step was implemented on the 31st of March. Under the name Operation Unified Protector 18 countries participated and sent naval as well as air forces to Libya.

The operation ended after the death of Muammar Gaddafi on 20th October 2011 on the 31st October, although the new Libyan government requested the operation to last until the end of the year. In 7 months the NATO flew 26,500 sorties.



Countries involved in the military actions in Libya 2011⁵

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http://en.wikipedia.org/wiki/2011_military_intervention_in_Libya#mediaviewer/File:Coalition_action_against_Libya.svg (02/09/14)

⁵ http://upload.wikimedia.org/wikipedia/commons/thumb/5/56/2011_War_On_Libya_Belligerents.svg/863px-2011_War_On_Libya_Belligerents.svg.png (02/09/14)

Timeline of events (all dates in 2011)

February 16	Protests broke out in Libya's 2 nd largest city Benghazi.
February 17-19	Protests spread to other cities, including the capital Tripoli.
February 21	Libyan deputy Permanent Representative to the UN calls for a no-fly zone for the first time. He is followed by authorities of France and the UK.
February 26	UNSC Resolution 1970 passes implementing the first sanctions against Libya.
February 28	The European Union imposes sanctions against Libya.
March 7	NATO begins 24h surveillance on Libya.
March 15	Resolution for no-fly zone is proposed. It is supported by France and the UK.
March 17	UNSC Resolution 1973 passes implementing the no-fly zone over Libya
March 19	NATO, France, Italy and the US start the enforcement of no-fly zone over Libya. The US drops 100 missiles on targets on Libya.
March 24	Agreement on the take over of the control of the no-fly zone by the NATO.
March 31	NATO takes over control of no-fly zone, arms embargo and naval forces.
April-October	NATO flies air strikes on targets in Libya, the fights between rebels and governmental forces continue.
October 20	Gaddafi is killed.
October 31	NATO operation ends officially.

United Nations Security Council Resolution 1973

The resolution on the issue of the situation of Libya was passed on the 17th of February 2011 and implemented military actions against the government of Libya. As in UNSC Resolution 1970, this resolution “condemns the gross and systematic violation of human rights (...)”⁶ and further criticizes violence committed by Libyan authorities against journalists. In addition it expresses its concern about civilian losses and notes “(...) that the widespread and systematic attacks currently taking place in (...) [Libya] against the civilian population may amount to crimes against humanity”⁷.

⁶ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement> (02/09/14)

⁷ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement> (02/09/14)

As mentioned above, the Security Council states that it is acting under the Chapter 7 of the United Nations Charter. This chapter includes Article 39, which says that the UNSC shall recommend or decide upon measures taken “(...) to maintain or restore international peace and security”⁸. The SC is allowed to do so, if they decided that there is a threat to international peace, breaches of peace or acts of aggression. This is further specified by Article 41 which calls upon all member states to put the measures, decided upon by the UNSC, into practice and allows them to interrupt “(...) economic relations and rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations”⁹. Through the allowance of a no-fly zone by the UN Charter, this was implemented by the Resolution 1973 in order to protect the civilian population of Libya.

The resolution further refers to the arms embargo decided by Resolution 1970 and calls for inspections of vessels and aircrafts to secure that no weapons are sent to Libya. In addition it puts a ban on flights of Libyan aircrafts or aircrafts transporting material to help Libyan authorities or those themselves so they should not be able to fly through airspace or landing on airports of all member states implementing this. Resolution 1973 further repeats the asset freezes already imposed by Resolution 1970 and creates a new panel of experts, which should assist the Committee established by Resolution 1970, recommend further actions to the UNSC and “gather, examine and analyse information”¹⁰ of member states and from the conflict zone. At the end it should be mentioned that the resolution was passed by ten votes in favour and 5 countries abstaining, which were Brazil, Germany, Russia, China and India. Those countries, especially western nations, who did not interfere in the conflict and did not support the NATO with forces, were criticized directly.

Criticism

First it is important to mention that Libya has a great deposit of resources, such as oil, and produced about 1.6 million barrels a day before the war. Since Libya also has a big financial capital, including 100 tons of gold reserves and Gaddafi attempted to establish a unified federation of African states that would use the gold dinar as its currency and demand that foreign importers of oil to pay in gold, criticism rose fast that the United Nations acted so immediately in order to protect their supply of oil and the price for it.

In favour of this accusation speaks that the UN did not act so fast in other conflicts such as the Côte d’Ivoire or the protests in Yemen.

Although Gareth Evans, an Australian policymaker, stated that “(...) [t]he international military intervention (SMH) in Libya is not about bombing for democracy or Muammar Gaddafi's head. Legally, morally, politically, and militarily it has only one justification: protecting the country's people”¹¹ and the actions taken in Libya were outlined as an example of the responsibility to protect policy several civilians were killed by NATO airstrikes, including 3 journalists.

In addition Russia and China criticized the UNSC Resolution 1973 clearly with saying that it is ineffective and China’s President stated: “Dialogue and other peaceful means are the ultimate solutions to problems.(...) If military action brings disaster to civilians and causes a humanitarian crisis, then it runs counter the purpose of the UN resolution”¹².

⁸ <http://www.un.org/en/documents/charter/chapter7.shtml> (02/09/14)

⁹ <http://www.un.org/en/documents/charter/chapter7.shtml> (02/09/14)

¹⁰ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement> (02/09/14)

¹¹ http://en.wikipedia.org/wiki/2011_military_intervention_in_Libya#Reaction "Libya and the Responsibility to Protect". Council on Foreign Relations. 24 March 2011 (02/09/14)

¹² http://news.xinhuanet.com/english2010/china/2011-03/30/c_13805658.htm (02/09/14)

Violation of national sovereignty

To refer to the issue of the 6th committee of the General Assembly of MUNoH 2014 it is necessary to look closely on military actions and their legal status and discuss it controversially.

UNSC Resolution 1973 stated clearly that a foreign occupation force of any form in Libya is forbidden, but at the end of March, western troops were filmed in Libya, violating this decision by the Security Council.

As mentioned above, the UN states in both resolutions, 1970 and 1973, that they are acting under the accordance of Chapter 7 of the UN Charta, but Article 41 forbids the use of any kind of armed force for implementing sanctions like a no-fly zone. Since the NATO flew a lot of airstrikes and rackets were shot on goals in Libyan territory this Article, as well as Article 2 of Chapter 1 has been violated.

During the debates you, as delegates of the 6th committee, have to discuss, if military actions like carried out during the Libyan Civil war should be allowed to protect civilians and prevent violations of human rights.

Definition of important key terms

Responsibility to protect

The responsibility to protect is a norm that states need to protect their populations from violations against human rights, war crimes and ethnic cleansing.

Relevant resolutions and UN documents

- UN Charta: <http://www.un.org/en/documents/charter/>
- United Nations Security Council Resolution 1970: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/245/58/PDF/N1124558.pdf?OpenElement>
- United Nations Security Council Resolution 1973: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>

Helpful questions to prepare

- In how far did your country participate in the Libyan Civil War?
- Was your country involved in any other military actions were national sovereignty might be violated?
- What does you country think about the issue?
- In how far should violations against national sovereignty be allowed to protect civilians and prevent a violation of human right, according to your countries opinion?

Helpful links and sources

- http://www.nato.int/cps/en/natolive/topics_71652.htm
- <http://www.un.org/en/documents/charter/>
- http://en.wikipedia.org/wiki/Libyan_Civil_War
- http://en.wikipedia.org/wiki/2011_military_intervention_in_Libya
- <http://www.bbc.com/news/world-africa-13755445>
- http://www.un.org/docs/sc/unsc_resolutions11.htm
- http://en.wikipedia.org/wiki/Responsibility_to_protect
- <http://edition.cnn.com/2013/09/20/world/libya-civil-war-fast-facts/>