

LIBYA: DRAFT SCR

The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

Deploing the failure of the Qadhafi regime to comply with resolution 1970 (2011),

Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

Reiterating the responsibility of the Qadhafi regime to protect the Libyan population and *reaffirming* that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances and summary executions,

Further condemning acts of violence and intimidation committed by the Qadhafi regime against journalists, media professionals and associated personnel and *urging* the regime to comply with its obligations under international humanitarian law as outline in resolution 1738 (2006)

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Recalling paragraph 26 of resolution 1970 (2011) in which the Council expressed its readiness to consider taking additional appropriate measures, as necessary to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya,

Expressing its determination to ensure the protection of civilians and civilian populated areas, and to ensure the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel,

Recalling the condemnation by the League of Arab States, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that have been and are being committed in the Libyan Arab Jamahiriya,

Taking note of the final communiqué of the Organisation of the Islamic Conference of 8 March 2011, the communiqué of the Peace and Security Council of the African Union of 10 March 2011;

Taking note also of the decision of the Council of the League of Arab States of 12 March 2011 to impose a no-fly zone over the Libyan Arab Jamahiriya,

Recalling its decision to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court, and *stressing*

that those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account,

Reiterating its concern at the plight of refugees forced to flee the violence in the Libyan Arab Jamahiriya, *welcoming* the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees, and *calling on* the international community to support those efforts,

Expressing concern also for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Welcoming the appointment by the Secretary General of his Special Envoy to Libya, Mr Abdul Ilah Khatib

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Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* an immediate end to attacks on the civilian population and reiterates its call for steps to fulfil the legitimate demands of the Libyan people;
2. *Demands* that the Qadhafi regime comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;

No-Fly Zone

3. *Decides* to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;
4. *Decides further* that the ban imposed by paragraph 3 shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorised by paragraph 5 below, nor other flights operated by States acting under this authorisation which are deemed necessary for the benefit of the Libyan people;
5. *Authorises* Member States to take all necessary measures to enforce compliance with the ban on flights established in paragraph 3 above and to prevent any use of aircraft for aerial attacks against the civilian population, and *requests* the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 3 and 4 above,

6. *Calls upon* all Member States and regional organisations to provide assistance, including any necessary over-flight approvals, for the purposes of implementing paragraphs 3, 4 and 5 above;

7. *Requests* the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement paragraphs 3 and 4 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

8. *Requests* the Member States concerned to inform the Secretary-General and the Secretary-General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 5 above;

9. *Requests* the Secretary-General to inform the Council immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 5 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information any violations of the flight ban;

Civilian Protection and Humanitarian Assistance Authorization

10. *Authorizes* members of the League of Arab States and other States which have notified the Secretary-General, who are acting nationally or through regional organisations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures to protect civilians and civilian objects in the Libyan Arab Jamahiriya, and to make available humanitarian and related assistance, *requests* that all States provide appropriate support for these measures, and further *requests* the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authority conferred by this paragraph which shall be immediately reported to the Security Council;

Enforcement of the arms embargo

11. *Decides that* paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph;

12. *Calls upon* all Member States, in particular States of the region, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011), including the supply of armed mercenary personnel, *calls upon all* flag States of such vessels and aircraft to cooperate with such inspections and *authorises* Member States to use all measures commensurate to the specific circumstances to carry out such inspections;

13. *Requests* Member States which are taking action under paragraph 12 above on the high seas to coordinate closely with each other and the Secretary-General and further *requests* the States concerned to inform the Secretary-General and the Committee established pursuant to paragraph 24 of resolution 1970 (2011)

("the Committee") immediately of measures taken in the exercise of the authority conferred by paragraph 12 above;

14. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 12 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further *requires* such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

15. *Deplores* the continuing flows of armed mercenaries into the Libyan Arab Jamahiriya and *calls upon* all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the supply of armed mercenary personnel to the Libyan Arab Jamahiriya;

Ban on flights by commercial aircraft

16. *Decides* that all States shall deny permission to any Libyan commercial aircraft, including Libyan Air, to take off from, land in or land in their territory unless the particular flight has been approved in advance by the Committee;

17. *Decides that* all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer, or export of which is prohibited by paragraph 9 of resolution 1970 (2011), including the provision of armed mercenary personnel;

Regime Assets

18. *Decides* that the asset freeze imposed by paragraph 17 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Qadhafi regime or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Qadhafi regime or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them;

19. *Affirms* that assets frozen pursuant to resolution 1970 (2011) and this resolution must be made available to and for the benefit of the Libyan people;

Designations

20. *Decides* that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and *decides further* that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 18, 29, 20 and 21 of resolution 1970 (2011);

21. *Decides* that the measures specified in paragraphs 15 and 17 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970 (2011), particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so;

Panel of Experts

22. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee established pursuant to resolution 1970 (2011) ("the Committee"), to carry out the following tasks:

(a) assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and this resolution;

(b) gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

(c) make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures; and

(d) provide to the Council an interim report on its work no later than [90 days] after the Panel's appointment, and a final report to the Council no later than [30 days] prior to the termination of its mandate with its findings and recommendations;

23. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

25. *Decides* that the mandate of the Committee as set out in paragraph 24 of resolution 1970 (2011) shall also apply to the measures decided in this resolution;

26. *Reaffirms* its intention to keep the actions of the Qadhafi regime under continuous review and underlines its readiness to review at any time the measures imposed by this resolution and resolution 1970(2011), including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities' with this resolution and resolution 1970 (2011).

24. *Decides* to remain actively seized of the matter.