

United Nations Security Council Resolution (UNSCR) 1971

adopted by the United Nations Security Council on Thursday evening, March 17, 2011

The Security Council,

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

Deploring the failure of the Libyan authorities 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 Libyan authorities 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, torture and summary executions,

Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and urging these authorities to comply with their obligations under international humanitarian law as outlined 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 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, and the communiqué of the Peace and Security Council of the African Union of 10 March 2011 which established an ad hoc High Level Committee on Libya,

Taking note also of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in the Libyan Arab Jamahiriya,

Taking note further of the Secretary-General's call on 16 March 2011 for an immediate cease-fire,

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 and foreign workers 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 foreign workers, and calling on the international community to support those efforts,

Deploring the continuing use of mercenaries by the Libyan authorities,

Considering that the establishment of a ban on all flights in the airspace of the Libyan Arab Jamahiriya constitutes an important element for the protection of civilians as well as the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Libya,

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 Abdel-Elah Mohamed Al-Khatib and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya,

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,

Demands the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;

Stresses the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and notes the decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution;

Demands that the Libyan authorities 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;

Protection of civilians

Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan

Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council; Recognizes the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and bearing in mind Chapter VIII of the Charter of the United Nations, requests the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4;

No Fly Zone

Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;

Decides further that the ban imposed by paragraph 6 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 paragraphs 4 or 8, nor other flights which are deemed necessary by States acting under the authorisation conferred in paragraph 8 to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph 8; Authorizes Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, 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 6 and 7 above,

Calls upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary over-flight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above; Requests the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement paragraphs 4, 6, 7 and 8 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

Decides that the Member States concerned shall 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 8 above, including to supply a concept of operations; 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 8 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information on any violations of the flight ban imposed by paragraph 6 above;

Enforcement of the arms embargo

Decides that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph : "Calls upon all Member States, in particular States of the region, acting nationally or through regional organisations or arrangements, 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) as modified by this resolution, including the provision 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";

Requests Member States which are taking action under paragraph 13 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 13 above;

Requires any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 13 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;

Deplores the continuing flows of 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 provision of armed mercenary personnel to the Libyan Arab Jamahiriya;

Ban on flights

Decides that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing;

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 paragraphs 9 and 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing;

Asset freeze

Decides that the asset freeze imposed by paragraph 17, 19, 20 and 21 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 Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, 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 Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their

direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;

Affirms its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

Decides that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Libyan Arab Jamahiriya or subject to its jurisdiction, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, if the States have information that provides reasonable grounds to believe that such business could contribute to violence and use of force against civilians;

Designations

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, 19, 20 and 21 of resolution 1970 (2011);

Decides that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 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

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 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, regional organisations 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;

(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;

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;

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;

Decides that all States, including the Libyan Arab Jamahiriya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Libyan authorities, or of any person or body in the Libyan Arab Jamahiriya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in *resolution 1970 (2011)*, this resolution and related resolutions;

Reaffirms its intention to keep the actions of the Libyan authorities 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).

Decides to remain actively seized of the matter.

Libya: UNSCR proposed designations

Annex I:

Travel Ban

1. QUREN SALIH QUREN AL QADHAFI / Libyan Ambassador to Chad. Has left Chad for Sabha. Involved directly in recruiting and coordinating mercenaries for the regime.
2. Colonel AMID HUSAIN AL KUNI / Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.

Annex II:

Asset Freeze

1. Dorda, Abu Zayd Umar / Position: Director, External Security Organisation
2. Jabir, Major General Abu Bakr Yunis / Position: Defence Minister
3. Matuq, Matuq Mohammed / Position: Secretary for Utilities
4. Qadhafi, Mohammed Muammar / Son of Muammar Qadhafi. Closeness of association with regime
5. Qadhafi, Saadi / Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations
6. Qadhafi, Saif al-Arab / Son of Muammar Qadhafi. Closeness of association with regime
7. Al-Senussi, Colonel Abdullah

Entities

1. Central Bank of Libya / Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.
2. Libyan Investment Authority / Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.
3. Libyan Foreign Bank / Under control of Muammar Qadhafi and his family and a potential source of funding for his regime.
4. Libyan Africa Investment Portfolio / Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.
5. Libyan National Oil Corporation / Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.

STATEMENTS

MARK LYALL GRANT (United Kingdom) welcomed the adoption, noting that his country was gravely concerned over the violence and had condemned the actions of the Libyan leadership. The text, he said, was a powerful signal of the determination of the international community to stand with the Libyan people as they charted their future.

HARDEEP SINGH PURI (India) hoped that calm and stability were restored without further violence and called for measures to ensure the safety of the Indian population in Libya, as well as those attempting to leave. Noting that five Council members were not parties to the Rome Statute, including India, he said he would have preferred a calibrated approach to the issue. However, he was convinced that the referral of the situation to the International Criminal Court would help to bring about the end of violence, and he heeded the call of the Secretary-General on the issue. He, therefore, had voted in favour of the resolution, while stressing the importance of its provisions regarding non-States parties to the Rome Statute.

BASO SANGQU (South Africa) said his country was deeply concerned about the situation in Libya. The resolution adopted by the Security Council sent a clear and unambiguous message to Libya to stop the indiscriminate use of force in that country, and the measures it contained could contribute to the long-term objective of bringing peace and stability to the nation.

U. JOY OGWU (Nigeria) said that she was deeply concerned about the inflammatory rhetoric and loss of life occurring in Libya. As many had been calling for swift action, it was fitting that the Council had taken decisive action today. Nigeria supported the resolution and its comprehensive targeted sanctions. It was convinced that the text would deter individuals from supporting the regime and would provide for the protection of civilians and respect for international humanitarian and human rights law. The delegation believed that the resolution would swiftly address the ongoing violence.

SUSAN RICE (United States) welcomed the fact that the Council had spoken with one voice this evening, in a clear warning to the Libyan Government that it must stop the killing.

Calling the text a strong resolution, she said that this was about people's ability to shape their own future. Their rights were not negotiable and could not be denied.

NAWAF SALAM (Lebanon), noting the denunciation by the League of Arab States of the crimes committed against Libyan civilians, said he concurred with its opinion, as well as its support for the right of Libyan citizens to express their opinion. That was why he had voted in favour of the resolution. He stressed the importance of reaffirming the territorial unity of Libya and expressed deep sorrow over the lives lost.

VITALY CHURKIN (Russian Federation) said he supported the resolution because of his country's deep concern over the situation, its sorrow over the lives lost and its condemnation of the Libyan Government's actions. He opposed counterproductive interventions, but he said that the purpose of the resolution was to end the violence and to preserve the united sovereign State of Libya with its territorial integrity. Security for foreign citizens, including Russian citizens, must be ensured.

LI BAODONG (China) said that China was very much concerned about the situation in Libya. The greatest urgency was to cease the violence, to end the bloodshed and civilian casualties, and to resolve the crisis through peaceful means, such as dialogue. The safety and interest of the foreign nationals in Libya must be assured. Taking into account the special circumstances in Libya, the Chinese delegation had voted in favour of the resolution.

NESTOR OSORIO (Colombia) said the Colombian Government was pleased with the resolution, which had emerged as a result of a timely process of consultation, in tune with the sense of urgency demanded by the international community. The resolution sent the direct and solid message that the violence in Libya must cease and that those responsible for it must answer for their crimes. Moreover, the decision to refer the situation to the International Criminal Court was an appropriate one. Colombia clearly rejected the calls for violence from official sectors in Libya, and condemned the violation of basic rights and freedoms of that country's citizens, including the right to life and to peaceful assembly. Colombia had co-sponsored yesterday's Human Rights Council resolution on the situation. Libya must find a way to respond legitimately to its people's demands, and the international community must remain united to bring an end to the violence there.

JOSE FILIPE MORAES CABRAL (Portugal) welcomed the unanimous adoption of the resolution, which he said sent a clear, united message against the crimes being committed against civilians in Libya. He expressed deep concern over the plight of refugees and other humanitarian issues, including the safety of foreigners. Impunity would not be tolerated and serious crimes would be prosecuted.

GERARD ARAUD (France) welcomed the fact that the Council had unanimously answered yesterday's appeal by the Libyan representative. The referral of the matter to the International Criminal Court might ensure that those responsible for the crimes were brought to justice. The Court had once again showed the rationale for its existence. The resolution recalled the accountability of each State for the protection of its population and the role of the international community when that responsibility was not met. He hoped the vote would open a new era for the international community as a whole.

PETER WITTIG (Germany) welcomed what he called the Council's swift, decisive, united and strong message that the violation of the rights of the Libyan people would not be tolerated. The referral to the International Criminal Court demonstrated the determination

not to allow impunity. It should be clear to all that the Council would continue to follow the situation closely.

IVAN BARBALIC (Bosnia and Herzegovina) said that in the current situation time was of the essence, and that the Security Council had to react unanimously and urgently to end the violence and prevent further escalation of the situation in Libya. His delegation had closely followed the popular movement in Libya, and was appalled at the unacceptable level of violence targeted at civilians there. Bosnia and Herzegovina condemned in the strongest possible terms the violence and loss of life, and therefore fully supported the decision to refer those responsible to the International Criminal Court. He called for an immediate stop to the violence. Worried about the outflow of refugees and the high number of internally displaced persons there, he called on international organizations to provide humanitarian aid and services to those affected by the violence.

ALFRED ALEXIS MOUNGARA MOUSSOTSI (Gabon) said that the situation existing in Libya over the last two weeks required an answer and a strong, clear message from the Security Council. Gabon had decided to add its voice to the resolution, not only to end the violence, but also to advise the Libyan regime of the consequences of its actions. Gabon was also ready to support other measures that the Council might adopt in support of the Libyan people and their right to life and free speech.

MARIA LUIZA RIBEIRO VIOTTI (Brazil) said that her delegation was deeply disturbed by the dramatic situation in Libya. The measures adopted today were meant to halt the violence, ensure the protection of civilians and promote respect for international law. The resolution was a clear signal of the Council's readiness to respond to the situation in a manner consistent with its responsibilities. Brazil was a long-standing supporter of the integrity and universalization of the Rome Statute, and opposed the exemption from jurisdiction of nationals of those countries not parties to it. Brazil, therefore, expressed its strong reservation to the resolution's operative paragraph 6, and reiterated its firm conviction that initiatives aimed at establishing those exemptions were not helpful to advance the cause of justice and accountability.

IBRAHIM DABBASHI (Libya) expressed his condolences to the martyrs who had fallen under the repression of the Libyan regime, and thanked Council Members for their unanimous action, which represented moral support for his people, who were resisting the attacks. The resolution would be a signal that an end must be put to the fascist regime in Tripoli. He launched an appeal to all the officers of the Libyan armed forces to support their own people and renounce their support for Muammar Al-Qadhafi, whom he called a criminal and whom he said was prepared to go to extremes to keep up the repression. He appealed also to the Libyan people to keep up their struggle to restore the State to the people. He welcomed, in addition, the referral of the situation to the International Criminal Court and the fact that sanctions were not being imposed on those who might abandon Mr. Al-Qadhafi in the end.

BAN KI-MOON, United Nations Secretary-General, welcomed the resolution. While it cannot, by itself, end the violence and the repression, it is a vital step to a clear expression of the will of a united community of nations, he said. Calling the events in Libya 'clear-cut violations of all norms governing international behaviour and serious transgressions of international human rights and humanitarian law', he said it was of great importance that the Council was determined to reach consensus and uphold its responsibilities.

He hoped that the strong message that ‘gross violations of basic human rights’ will not be tolerated and that those responsible for grave crimes will be held accountable would be heeded by the regime in Libya and that it would bring hope and relief to those still at risk. The sanctions were a necessary step to speed the transition to a new system of governance that had the people’s consent and participation.

He pledged to monitor the situation closely and remain in touch with world and regional leaders to support swift and concrete action. Expressing solidarity with the Libyan people in coping with the humanitarian impacts, he hoped that the new future for which they yearned would soon be theirs. Commending the Council for its decisive action, he looked for similar determination from the General Assembly and the Human Rights Council.

“Today’s measures are tough. In the coming days even bolder action may be necessary”, he said.