

AKADEMISCHES
FORUM FÜR
AUSSEN-
POLITIK -
ÖSTERREICH

UNION
ACADEMIQUE
DES AFFAIRES
ÉTRANGÈRES -
AUTRICHE



ACADEMIC FORUM FOR FOREIGN AFFAIRS - AUSTRIA

UNITED NATIONS YOUTH AND STUDENT ASSOCIATION OF AUSTRIA

EISENSTADT - GRAZ - INNSBRUCK - KLAGENFURT - LINZ - SALZBURG - VIENNA

VIMUN



VIENNA INTERNATIONAL MODEL UNITED NATIONS
31 July - 04 August 2011

Preparation Paper

Security Council No. 1 (SC1)

Decision on an urgent crisis (Libya)

The Security Council

After the atrocities and horrific destructions of World War II, the United Nations were founded as a multilateral approach to international cooperation in order to prevent any such tragedy from happening again. Since the founding states felt that one of the main reasons for the failure of the League of Nations, the United Nations' predecessor, was that it could at no point include all major powers in the process of keeping peace, the UN was established with a body comprising the four victors of World War II. The council was established under article 7 of the Charter of the United Nations as one of the UN's principal organs, with the details further outlined in chapters V to VIII of the charter.

The Security Council is not only one of the main bodies of the United Nations but also the most powerful and maybe even most important organ, since, according to article 25 of the UN Charter, its decisions are legally binding on members of the United Nations. The UN Charter assigns to the Security Council the "primary responsibility for the maintenance of international peace and security" and in order to assume this role it is given far-ranging authority: The Security Council may "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute" and it may "at any stage of a dispute [...] recommend appropriate procedures of methods of adjustment" in order to settle the matter peaceably. Moreover, chapter VII of the UN Charter provides the Security Council with the authority to take coercive measures. After having "determine[d] the existence of any threat to peace, breach of the peace, or act of aggression" the council can decide upon "measures not involving the use of armed forces", such as economic sanctions, or even "action[s] by air, sea, or land forces as may be necessary to maintain or restore international peace and security". In order to implement the measures it has enacted, the Security Council may utilize regional arrangements or agencies.

Naturally, the application of coercive measures under articles 41 and 42 is highly debated among council members. This is one of the reasons why in the past the Council has sometimes been unable to reach an agreement when it came to the use of force. Two concrete examples of such failures were the interventions in Kosovo 1999 and in Iraq in 2003. Such cases have put the Security Council and more generally the United Nations under a lot of criticism and pressure since they undermine the Council's monopoly on the legitimization of the use of force internationally.

Originally 11 members were represented in the Security Council, five of which were permanent members and henceforth called „Permanent Five“ or „P5“. Today these permanent members are: France, the People's Republic of China, which succeeded the Republic of China (Taiwan) as representative for the Chinese people in 1971, the Russian Federation, which continued the Soviet Union's membership in the UN in 1991, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. These five states privileged in two ways: not only are they continuously represented in the council but also no substantive decision can be taken against their objection. The Security Council was reformed and therewith its membership extended to 10 non-permanent members in 1963. They are elected to the Security Council for a period of two years by the General Assembly and are not eligible for direct re-election.

Since five members of the Council are elected each the year the council's composition changes annually. Customary and in order to ensure global representation, the non-permanent seats on the Security Council are allocated according to a regional key: three African states, two states from Asia and Latin America respectively, one state from Eastern Europe and two states from Western Europe and other member states. However other states may join the Security Council sessions as well: as observers or they may even be asked by the council to participate in meetings.

In order to fulfill its main task – the maintenance of international peace and security – and to be able to react immediately to international threats to international peace security the UN Charter determines that "[e]ach member of the Security Council shall [...] be represented at all times at the seat of the Organisation" and that the council is to meet continuously. Furthermore, the Security Council may "establish such subsidiary organs it deems necessary for the performance of its functions". Currently these are, among others, the International Criminal Tribunals for the Former Yugoslavia and Rwanda, and the Counter-Terrorism Committee. As a summary, the United Nations Security is vested with the following functions and powers: maintenance of international peace and security in accordance with the principles and purposes of the United Nations;

- right to investigate any dispute or situation which might lead to international friction;
- right to recommend methods of adjusting such disputes or the terms of settlement;
- right to formulate plans for the establishment of a system to regulate armaments;
- right to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;

- right to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- right to take military action against an aggressor;
- right to recommend the admission of new Members;
- right to exercise the trusteeship functions of the United Nations in "strategic areas";
- right to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

Libyan Arab Jamahiriya

Libya is a country in the Maghreb region of North Africa. Bordered by the Mediterranean Sea to the north, Libya faces Egypt to the east, Sudan to the south east, Chad and Niger to the south, and Algeria and Tunisia to the west.¹

As a result of the 2011 Libyan civil war, there are currently two entities claiming to be the official government of Libya. The Tripoli-based government of Muammar Gaddafi refers to the Libyan state as the Great Socialist People's Libyan Arab Jamahiriya. It controls most of the western half of the country. The Benghazi-based National Transitional Council refers to the Libyan state as the Libyan Republic. It is led by Mustafa Abdul Jalil and controls most of the eastern half of the country.²

With an area of almost 1,800,000 square kilometers (700,000 sq mi), Libya is the fourth largest country in Africa by area, and the 17th largest in the world. The capital, Tripoli, is home to 1.7 million of Libya's 6.4 million people. The three traditional parts of the country are Tripolitania, Fezzan, and Cyrenaica. Libya has the highest HDI in Africa and the fourth highest GDP (PPP) per capita in Africa as of 2009, behind Seychelles, Equatorial Guinea and Gabon. These are largely due to its large petroleum reserves and low population. Libya has the 10th-largest proven oil reserves of any country in the world and the 17th-highest petroleum production.³

Muammar Gaddafi has been the de-facto ruler of Libya since 1969, when he led a military coup that overthrew King Idris I in 1969.⁴

Under Gaddafi, Libya was theoretically a decentralized, democratic state run according to the philosophy of Gaddafi's Green Book, with Gaddafi retaining a ceremonial position. Libya was officially run by a system of people's committees which served as local governments for the country's subdivisions, an indirectly-elected General People's Congress as the legislature, and the General People's Committee, led by a Secretary-General, as the executive branch. In practice, however, these structures were manipulated to ensure the dominance of Gaddafi, who continued to dominate all aspects of government, and the country's political system was widely seen as a rubber-stamp.⁵

Chronology

United Nations Security Council Resolution 1973, on the situation in Libya, is a measure that was adopted on 17 March 2011. The Security Council resolution was proposed by France, Lebanon, and the United Kingdom.⁶

Ten Security Council members voted in the affirmative (Bosnia and Herzegovina, Colombia, Gabon, Lebanon, Nigeria, Portugal, South Africa, and permanent members France, the United Kingdom, and the United States). Five (Brazil, Germany, and India, and permanent members China and Russia) abstained, with none opposed.⁷

¹<http://en.wikipedia.org/wiki/Libya>

²<http://en.wikipedia.org/wiki/Libya>

³<http://en.wikipedia.org/wiki/Libya>

⁴Viscusi, Gregory (23 February 2011). "Qaddafi Is No Mubarak as Regime Overthrow May Trigger a 'Descent to Chaos'". Bloomberg. Archived

⁵"Map of Freedom in the World".freedomhouse.org. 2011-06-22. Retrieved 2011-07-15.

⁶ <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm#Resolution>

⁷ <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm#Resolution>

The resolution formed the legal basis for military intervention in the Libyan civil war, demanding "an immediate ceasefire" and authorizing the international community to establish a no-fly zone and to use all means necessary short of foreign occupation to protect civilians.⁸

21 February 2011:Libyan deputy Permanent Representative to UN Ambassador Ibrahim Dabbashi "(called) on the UN to impose a no-fly zone on all Tripoli to cut off all supplies of arms and mercenaries to the regime."⁹

23 February 2011:President of France Nicolas Sarkozy pushed for the European Union (EU) to pass sanctions against Gaddafi (freezing Gaddafi family funds abroad), and demand the stop of attacks against civilians.

25 February 2011:President of France Nicolas Sarkozy said Colonel Gaddafi "must go".¹⁰

28 February 2011:British Prime Minister David Cameron proposed the idea of a no-fly zone to prevent Gaddafi from "airlifting mercenaries" and "using his military aeroplanes and armoured helicopters against civilians."

1 March 2011:The United States Senate unanimously passes non-binding Senate resolution S.RES.85 urging the United Nations Security Council to impose a Libyan no-fly zone and encouraging Gaddafi to step down.¹¹

7 March 2011:U.S. Ambassador to NATO Ivo Daalder announced that NATO decided to step up surveillance missions of E-3 AWACS aircraft to 24 hours a day. On the same day it was reported that an anonymous UN diplomat confirmed to Agence France Presse that France and Britain were drawing up a resolution on the no-fly zone that would be considered by the United Nations Security Council during the same week. The Gulf Cooperation Council also on that day called upon the UN Security Council to "take all necessary measures to protect civilians, including enforcing a no-fly zone over Libya."

9 March 2011:The head of the Libyan National Transitional Council, Mustafa Abdul Jalil, "pleaded for the international community to move quickly to impose a no-fly zone over Libya, declaring that any delay would result in more casualties". Three days later, he stated that if pro-Gaddafi forces reached Benghazi, then they would kill "half a million" people. He stated, "If there is no no-fly zone imposed on Gaddafi's regime, and his ships are not checked, we will have a catastrophe in Libya."

9 March 2011:The United States had naval forces positioned off the coast of Libya, as well as forces already in the region, including the aircraft carrier USS Enterprise. Canada had dispatched naval frigate HMCS Charlottetown to the area, reinforcing the display of Western power. Canadian Defence Minister Peter MacKay stated, "We are there for all inevitabilities. And NATO is looking at this as well ... This is taken as a precautionary and staged measure." Canadian Prime Minister Stephen Harper stated that the Canadian Forces Air Command is ready to contribute to setting up a no-fly zone if the UN and NATO decided to do this.

10 March 2011:France recognized the Libyan NTC as the legitimate government of Libya soon after French President Nicolas Sarkozy met with them in Paris. This meeting was arranged by Bernard-Henri Lévy.

11 March 2011:British PM David Cameron joined forces with Nicolas Sarkozy after the French president demanded immediate action from international community for a no-fly zone against air attacks by Gaddafi.¹²

12 March 2011:Nine out of the twenty-two Arab League members "called on the United Nations Security Council to impose a no-fly zone over Libya in a bid to protect civilians from air attack".The Arab League's request was announced by Oman's Foreign minister, Yusuf bin Alawi bin Abdullah, who stated that all member states present at the meeting agreed with the proposal. On 12 March, thousands of Libyan women marched in the streets of the rebel-held town of Benghazi, calling for the imposition of a no-fly zone over Libya.

⁸ <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm#Resolution>

⁹ "Libyan Ambassador to U.N. urges international community to stop genocide". Global Arab Network. 21 February 2011. Retrieved 10 March 2011.

¹⁰ "As it happened: Libya uprising February 25 ".The Times. 25 April 2011.

¹¹ <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:S.RES.85>:

¹² Macdonald, Alistair (28 February 2011). "Cameron Doesn't Rule Out Military Force for Libya". The Wall Street Journal.Retrieved 28 February 2011.

14 March 2011: In Paris at the Élysée Palace, before the summit with the G8 Minister for Foreign Affairs, President of France and president of the G8 Nicolas Sarkozy with French foreign minister Alain Juppé meet with US Secretary of State Hillary Clinton and to impress upon her to push for an intervention in Libya.¹³

15 March 2011: A resolution for a no-fly zone was proposed by Nawaf Salam, Lebanon's Ambassador to the UN. The resolution was immediately backed by France and the United Kingdom. Demonstrators urging the international community to establish a no-fly zone and send Gaddafi to the International Criminal Court in The Hague.

17 March 2011: The United Nations Security Council, acting under the authority of Chapter VII of the UN Charter, approved a no-fly zone by a vote of 10 in favour, zero against, and five abstentions, via United Nations Security Council Resolution 1973. The five abstentions were: Brazil, Russia, India, China, and Germany. Less than 24 hours later, Libya announced that it would halt all military operations in response to the Security Council resolution.¹⁴

18 March 2011: The Libyan foreign minister, Moussa Koussa, said that he had declared a ceasefire, attributing to the UN resolution. However, artillery shelling on Misrata and Ajdabiya continued, and government soldiers continued approaching Benghazi. Government troops and tanks entered the city on 19 March. Artillery and mortars were also fired into the city. President Obama holds a meeting with 18 senior lawmakers at the White House on the afternoon of 18 March.

19 March 2011: Coalition forces began the military intervention in Libya with strikes against armored units south of Benghazi and attacks on Libyan air-defence systems, as United Nations Security Council Resolution 1973 called for using "all necessary means" to protect civilians and civilian-populated areas from attack, imposed a no-fly zone, and called for an immediate and with-standing cease-fire, while also strengthening travel bans on members of the regime, arms embargoes, and asset freezes.

24 March 2011: In telephone negotiations, French foreign minister Alain Juppé conceded to let NATO take over all military operations on Tuesday 29 March at the latest, allowing Turkey to veto strikes on Gaddafi ground forces from that point forward. Later reports stated that NATO would take over enforcement of the no-fly zone and the arms embargo, but discussions were still under way about whether NATO would take over the protection of civilians mission. Turkey reportedly wants the power to veto airstrikes, while France wants to prevent Turkey from having such a veto.

25 March 2011: NATO Allied Joint Force Command in Naples took command of the no-fly zone over Libya and combined it with the ongoing arms embargo operation under the name Operation Unified Protector.

23 April 2011: The U.S. carried out its first UAV strike, when two RQ-1 Predator drones destroyed a Multiple rocket launcher near Misrata.¹⁵

4 May 2011: NATO Secretary-General Anders Fogh Rasmussen claimed that the Libyan government's military capabilities had been significantly degraded since the operation started, stating that "every week, every day we make new progress, hit important targets. But I'm not able to quantify the degree to which we have degraded Muammar Gaddafi's military capabilities, but definitely it is much weaker now than when our operation started".¹⁶

27 May 2011: British Prime Minister David Cameron confirms the deployment of Apache attack helicopters in order to engage ground units more easily.

27 May 2011: According to a senior NATO official, French and British helicopters were planned to begin operations as soon as possible.

1 June 2011: NATO announced that it had extended its military operations in Libya for 90 days; Secretary-General Anders Fogh Rasmussen said that NATO "will sustain our efforts to fulfill the United Nations mandate. We will keep up the pressure to see it through."¹⁷

¹³ "'Clock is ticking' on Libya, Cameron warns". The Times. 15 March 2011

¹⁴ <http://www.guardian.co.uk/world/2011/mar/17/un-security-council-resolution>

¹⁵ "Libya: US confirms first Predator strike". BBC News. 23 April 2011.

¹⁶ Brunnstrom, David (4 May 2011). "NATO chief: Gaddafi's forces have been weakened". Reuters.

¹⁷ <http://www.webcitation.org/5zGmu4xIz>

4 June 2011: British and French helicopters engaged targets for the first time on the night of 4 June, targeting heavy weapons, a radar installation and a checkpoint with Hellfire missiles and 30mm cannons.¹⁸

14 June 2011: Canada extends its military involvement by three more months and will expire September 2011. Canada has no plans to take further military action following their deadline. However Charles Bouchard is to continue to assume command of the Canadian-led NATO mission past September.¹⁹

18 June 2011: NATO jets hit a column of vehicles belonging to Libyan rebels, killing four and wounded 16 in a town of east Ajdabiya in a friendly fire incident.²⁰

11 July 2011: UN envoy calls for redoubled efforts towards political solution to Libyan conflict²¹

15 July 2011: Secretary General Ban Ki-moon urges parties to engage in UN-mediated direct talks to resolve conflict²²

17 July 2011: Col Gaddafi vows he will never leave Libya²³

¹⁸<http://www.bbc.co.uk/news/uk-13651736>

¹⁹<http://www.cbc.ca/news/canada/story/2011/06/14/pol-libya-debate.html>

²⁰<http://www.mirror.co.uk/news/top-stories/2011/06/19/nato-friendly-fire-strike-hits-libyan-rebels-as-british-jets-pound-gaddafi-forces-115875-23211255/>

²¹<http://www.un.org/apps/news/story.asp?NewsID=39003&Cr=libya&Cr1=>

²²<http://www.un.org/apps/news/story.asp?NewsID=39054&Cr=libya&Cr1=>

²³<http://www.bbc.co.uk/news/world-africa-14176051>