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Research report



Security Council

The question of the Libyan Arms Embargo

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Definitions and key information

Embargo

Often created as a result of unfavourable political or economic circumstance between nations; and embargo is designed to isolate a country and create difficulties for its governing body – subsequently forcing it to act on the issue that led to the embargo.

Arms Embargo

An arms embargo is an embargo that applies solely to weaponry, and may also apply to "dual-use technology". An arms embargo may serve one or more purposes: to signal disapproval of behaviour by a certain actor or to maintain neutrality in an ongoing conflict

Current Situation in Libya

Since the 2011 UN Security Council intervention, Libya has become a fragile State characterized by extremely high levels of violence. The power vacuum created by the death of the head of state, Muammar Gaddafi, was filled by rivalling factions fighting to take his place. A transitional government failed to implement rule of law in the country, which has splintered into several factions of militias, tribes, and gangs. For migrants and refugees who find few or no legal migration pathways to Europe, Libya's lawlessness means both risk and opportunity. The chaos allowed smuggling networks to thrive, opening a lucrative market designed to profit off trading humans. Mohamed Haay Sandu, a tribal leader, stated, "For many of us, facilitating the passage of migrants has become a way of earning money. The economy is on the brink of collapse. Around 15 percent of our people work in migrant trafficking. It is the main source of income ... many of our young people are without hope."

United Nations Security Council Resolution (UNSCR) 1970

A measure, unanimously, adopted by the United Nations security council on the 26th of February 2011 – condemning the use of lethal force by the government of Muammar Gaddafi against protestors partaking in the Libyan Civil War; with it imposing sanctions in response.

United Nations Security Council Resolution (UNSCR) 2420

In June 2018, the Security Council renewed measures designed to implement the arms embargo on Libya for another year, in particular those authorizing Member States to inspect vessels on the high seas off the country's coast when reasonable grounds existed to believe they violated the ban; with this having been done so under Chapter VII of the Charter of the United Nations.

Introduction

There have been embargos imposed on the nation of Libya since February 2011; relating to the supply of arms and military equipment to and from Libya. Since September 2011 supplies of arms to the new Libyan National Transitional Council (NTC) have been allowed, if approved by the Sanctions Committee, as well as temporary exports for the use of UN personnel, the media and humanitarian and development workers. These embargos were placed to, somewhat, alleviate the pressure that the nation is currently facing.

A brief history

On 26 February 2011 the United Nations Security Council (UNSC) established unanimously in Security Council Resolution 1970 sanctions against Libya including an open-ended embargo on the supply of arms and military equipment to and from Libya. The sanctions were imposed in reaction to gross and systematic violation of human rights, including the repression of peaceful demonstrators by the Libyan government in the weeks preceding the sanctions.

On 17 March 2011 Security Council Resolution 1973, not unanimously adopted, imposed a no-fly zone over Libya. It also expanded a call upon member states to inspect suspicious cargo in their territory, to also inspect suspicious cargo on the high seas and established a panel of experts to monitor the embargo.

Whereas resolution 1973 stressed the need to enforce the arms embargo it also authorizes Member States that have notified the Secretary-General and acting in cooperation with the Secretary-General, to take all necessary measures to protect civilians under threat of attack in Libya, notwithstanding paragraph 9 of resolution 1970 which imposed the arms embargo. This formulation, in particular the use of the term 'notwithstanding', has been used to argue that resolution 1973 could allow the supply of arms to actors in Libya defending themselves against Government violence as part of efforts to protect civilians.

By September 2011 Libyan opposition forces had taken control of most of Libya including the capital. On 16 September 2011 the UN General Assembly accepted the National Transitional Council (NTC) as the new Libyan Government and the representative of Libya in the United Nations. On the same day UN Security Council Resolution 2009 (2011) was passed unanimously. It allowed the transfer of arms to the new Libyan authorities under the condition that such transfers would be notified to the Sanctions Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification. It also allowed transfers of small arms, light weapons and related materiel, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification.

In March 2013 Security Council Resolution 2095 lifted the requirement of notification to the Sanctions Committee in the case of supplies of non-lethal military equipment for humanitarian protective use in Libya and the supply of non-lethal military equipment and the provision of technical and financial assistance and training to the Libyan government.

In August 2014, after violence had flared up in Libya, Security Council Resolution 2174 required that any supplies of arms and related materiel to Libya must be approved in advance by the Sanctions Committee. This appears to be a slight change from the previous requirement that allowed arms supplies in the absence of a negative decision by the Sanctions Committee.

In June 2016 Security Council 2292 authorized for an initial period of one year states to inspect vessels on the high seas off Libya's coast believed to be in violation of the arms embargo imposed on that country. This authorization was extended in June 2018 for another year.

Nations involved

Italy

Italy wants a United Nations arms embargo on Libya to be lifted to help the North African state battle people smugglers and halt the flow of migrants seeking a better life in Europe, Interior Minister Matteo Salvini said on Thursday.

Salvini, leader of the far-right, anti-immigration League, told reporters he did not want to see any more migrant boats leave Libyan shores bound for Italy, adding that European allies needed to do much more to help shut down the sea route – with him having said “My aim is not to have even one boat come here ... The goal is for people who have the right to come to Italy, to come here by plane, preferably in first class.”

United Kingdom

Britain has circulated a draft UN resolution that would authorise the EU naval force in the Mediterranean to intercept ships suspected of smuggling arms in waters off Libya, in what would be a new attempt to tighten the noose around Islamic State in its stronghold of Sirte.

Timeline of events

26 th February 2011	Establishment of UNSCR 1970; placing sanctions against Libya; including the open-ended embargo on the supply of arms.
March 2013	UNSCR 2095 lifted the requirement of notification of non-military equipment for humanitarian aid; to the Sanctions committee.
August 2014	Due to the increase of in Libya, UNSCR 2174 required that any supply of arms to Libya to be previously approved by the Sanctions Committee.
June 2016	In June 2016 Security Council 2292 authorized for an initial period of one year states to inspect vessels on the high seas off Libya’s coast believed to be in violation of the arms embargo imposed on that country. This authorization was extended in June 2018 for another year.
June 2018	Unanimous adoption of UNSCR 2420, which implemented embargoes on Libya for further year.

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