



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on Libya

*3091st FOREIGN AFFAIRS Council meeting
Brussels, 23 May 2011*

The Council adopted the following conclusions:

1. The EU remains gravely concerned by the serious situation in Libya and reiterates its call for full implementation of UN Security Council Resolutions (UNSCR) 1970 and 1973. Recalling its previous Conclusions on this issue the Council once more underlines that the cessation of violence and the protection of civilians, including through unhindered humanitarian assistance, remains the top priority.
2. The Council welcomes the first two meetings of the Contact Group on Libya, held respectively in Doha on 13 April and in Rome on 5 May, and looks forward to the third meeting of the Contact Group in the UAE. It welcomes the emphasis of the Chairs' Conclusions on the need to intensify the political, military and economic pressure on the Kadhafi regime in fulfilment of UNSCRs 1970 and 1973. The Council reiterates its call for an immediate and genuine ceasefire, the fact that Colonel Kadhafi has lost legitimacy and that he must relinquish power immediately. Colonel Kadhafi remains a threat to the Libyan people. The Council welcomes and supports the role of the UN Special Envoy for Libya as the focal point for the political transition process and reaffirms the need for the international community to work with and through him in order to intensify the efforts towards an inclusive political solution. The Council underlines the importance of cooperation with international and regional partners, in particular the cooperation by the HR on behalf of the EU with the United Nations, League of Arab States, African Union, Organisation of the Islamic Conference and Gulf Cooperation Council, following the meeting in Cairo on 14 April.
3. The EU is determined to continue to actively support humanitarian assistance efforts to the civilian population as well as to refugees who fled to neighbouring countries and the repatriation of third country nationals. The EU stands ready to step up efforts in this regard. It recognises the burden on and particular role of neighbouring countries.

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4. The EU reiterates that, if requested by UN OCHA, it will conduct a CSDP operation "EUFOR Libya" to support humanitarian assistance in the region, in full respect of the principles governing humanitarian action, particularly impartiality and neutrality. The EU has been preparing EUFOR, in close cooperation and complementarity with the UN, NATO and others, in order to be able to react quickly to developments as regards the humanitarian and security situation.
5. The Council denounces the continuing repression and grave violations of human rights and international humanitarian law against civilians by the Kadhafi regime including acts of sexual violence, the use of sea mines, use of cluster munitions, and shelling of humanitarian boats. Those responsible for these violations will be held accountable. In this respect, the Council welcomes the first Report to the UN Security Council by the Prosecutor of the International Criminal Court on the Kadhafi regime's crimes against humanity and war crimes. It also underlines the significance of the request by the Prosecutor for arrest warrants against the three individuals it considers most responsible for crimes against humanity: Colonel Kadhafi, Saif al Islam Kadhafi and Abdullah al-Sanussi, as well as the continued investigations of the situation in Libya, including of war crimes. This request also sends a signal to those who support the Kadhafi regime to dissociate themselves from it and its crimes.
6. The Council has decided to intensify its efforts to block access of resources and funding to the Kadhafi regime, with the necessary humanitarian exemptions. In particular, the EU will continue its efforts to prevent the regime from replenishing its military arsenal and from recruiting mercenaries.
7. The Council stresses the important role played by the Transitional National Council (TNC) as a key political interlocutor representing the aspirations of the Libyan people. The EU supports the TNC efforts to fulfil its responsibilities vis-à-vis the Libyan population, notably to respond to essential social, economic and administrative needs in accordance with the relevant UNSCR. In this respect, it welcomes the establishment of a Temporary Financial Mechanism (TFM) that should provide a transparent channel for short-term financial support and structural needs. The EU offers to assist it with technical expertise and invites partners to also contribute to the TFM.

The Council recognises the need to explore legal possibilities of using frozen Libyan assets for the purpose of addressing the humanitarian needs of the Libyan population, within the framework of UNSCRs.

8. The Council welcomes the initiative by HR/VP Ashton to open a technical EU office in Benghazi, in order to foster EU assistance in coordination with Member States and other actors and as a signal of EU solidarity with the Libyan people. Reaffirming the principle of territorial integrity and unity of Libya the EU will open a Delegation in Tripoli as already foreseen before the outbreak of the crisis, as soon as circumstances allow.
9. The EU stands ready, as soon as conditions allow, to mobilize its instruments, including the ENPI, to support the Libyan people in their effort to build a prosperous and democratic state, based on the respect for human rights, fundamental freedoms and the rule of law.