



**September 5, 2011**

**Agenda Item 4**

**Human Rights Situations that require the Council's attention**

**Oral Statement delivered by the International Human Rights Association of American Minorities (IHRAAM), an international NGO in Consultative Status (Roster)**

## **Has R2P become Right to Pillage?**

The NATO assault on Libya enabled by UN Resolution 1973 (2011) has clearly gone beyond its mandate of civilian protection originally intended by the international community.

Contrary to the Convention on Duties and Rights of States in the Event of Civil Strife, 1928 Art. 1, NATO has chosen sides and intervened in a civil war. It is an open secret that foreign military advisers have been working covertly inside Libya, providing guidance to rebels and giving tactical intelligence to NATO aircraft bombing government forces.

Contrary to UN Charter Chapter IV, Article 33, a negotiated settlement in Libya was deliberately avoided for months while NATO illegally pursued regime change. The rebel drive to and capture of Tripoli would not have been possible without extensive NATO bombing.

NATO has openly abandoned any remaining notion of "right to protect" civilians by its widespread bombing of Libyan cities such as Sirte into submission, contrary to Article 8(2)(b)(v) of the Statute of The International Criminal Court which clearly states that one criterion for indictment for war crimes is: "Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives". NATO's mandate to protect civilians under resolution 1973 cannot be interpreted so as to condone NATO's own bombing of Libyan cities as a legitimate military objective. NATO's bombings of Libyan cities are therefore war crimes.

The motives of the primary NATO countries have also been made clear. At the very beginning, a central bank for Libya was established outside the country, to replace the Libyan government-owned Central Bank. Libyan government assets were frozen, enabling western governments to then dispose of them in accordance with their own interests. The oil companies of France, Britain, the United States and Italy are openly squabbling over the spoils of war, seeking greater reward from Libyan oil than the then-existing government had been willing to permit.

State must act to prevent the UN from being rendered dysfunctional through its use by belligerent states to legitimize aggression.

The struggle in Libya portends a struggle to control not just the vast wealth of Libya, but the African continent itself, depriving it of the right to self-determination and to development. IHRAAM calls upon states parties to refuse to renew the NATO mandate.