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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE ACTIVITIES
OF THE AU HIGH LEVEL *AD HOC* COMMITTEE ON THE SITUATION IN LIBYA**

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I. INTRODUCTION

1. The present Report is submitted in pursuance of the communiqués adopted by Council at its 261st and 265th meetings, held on 23 February and 10 March 2011, respectively. It provides an overview of the activities undertaken by the AU High-Level *Ad Hoc* Committee on the situation in Libya, since its establishment, in March 2011. The Report also covers other international efforts relating to the crisis in that country. It concludes with observations on the way forward regarding the implementation of the *Ad Hoc* Committee's mandate and the pursuit of AU's efforts.

II. BACKGROUND

2. Council was first seized with the situation in Libya at its 261st meeting held on 23 February 2011. In the communiqué issued on that occasion, Council expressed deep concern at the developments in the country and strongly condemned the indiscriminate and excessive use of force and lethal weapons against peaceful protestors, in violation of human rights and International Humanitarian Law. Council called on the Libyan authorities to ensure the protection and security of their citizens, as well as the delivery and provision of humanitarian assistance to the injured and other persons in need. Council underscored that the aspirations of the people of Libya for democracy, political reform, justice and socio-economic development are legitimate. Furthermore, Council stressed the need to preserve the territorial integrity and unity of Libya.

3. On the same day, I issued a statement in which I condemned the disproportionate use of force against civilians, and deeply deplored the many human lives lost then. I reiterated the appeal made by Council for an immediate end of the repression and violence, and stressed that only dialogue and consultation will enable the Libyans to find appropriate solutions to the challenges facing their country and to embark upon the necessary reforms to fulfill their aspirations.

4. On 10 March 2011, Council, at its 265th meeting held at the level of Heads of State and Government, reviewed the evolution of the situation in Libya. In the communiqué concluding its deliberations, Council reiterated AU's concern at the prevailing situation in Libya, which poses a serious threat to peace and security in that country and in the region as a whole, as well as at its humanitarian consequences; underscored the legitimacy of the aspirations of the Libyan people for democracy, political reform, justice, peace and security, as well as for socio-economic development, and the need to ensure that these aspirations are fulfilled in a peaceful and democratic manner; and reiterated AU's strong and unequivocal condemnation of the indiscriminate use of force and lethal weapons, whoever it comes from, and the transformation of pacific demonstrations into an armed rebellion. Council reaffirmed its strong commitment to the respect of the unity and territorial integrity of Libya, as well as its rejection of any foreign military intervention, whatever its form.

5. Furthermore, Council expressed its conviction that the current situation in Libya calls for an urgent African action for: (i) the immediate cessation of all hostilities; (ii) the cooperation of the competent Libyan authorities to facilitate the timely delivery of humanitarian assistance to the needy populations; (iii) the protection of foreign nationals, including the African migrants living in Libya; and (iv) the adoption and implementation of the political reforms necessary for the elimination of the causes of the current crisis. It decided to establish an AU *Ad-Hoc* High-Level Committee on Libya comprising five Heads of State and Government, as well as the Chairperson of the Commission, with the mandate to:

- (i) engage with all parties in Libya and continuously assess the evolution of the situation on the ground;
- (ii) facilitate an inclusive dialogue among the Libyan parties on the appropriate reforms; and
- (iii) engage AU's partners, in particular the League of Arab States (LAS), the Organization of the Islamic Conference (OIC), the European Union (EU) and the United Nations (UN), to facilitate coordination of efforts and seek their support for the early resolution of the crisis.

6. In its decision, Council requested me to undertake consultations to finalize the composition of the *Ad Hoc* Committee. Accordingly, and following consultations, I announced, on 11 March 2011, that the *Ad Hoc* Committee would include the Heads of State of the following AU Members States: Islamic Republic of Mauritania, Republic of Congo, Republic of Mali, Republic of South Africa and Republic of Uganda.

7. Other Organizations have also taken decisions on the situation in Libya. On 26 February 2011, the Security Council, acting under Chapter VII of the UN Charter, adopted resolution 1970 (2011). In that resolution, the Security Council decided to: (i) refer the situation in Libya since 15 February 2011 to the Prosecutor of the International Criminal Court (ICC); (ii) imposed an arms embargo on Libya, as well as a travel ban and asset freeze on a number of Libyan officials and/or entities. The Security Council also called upon all Member States to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in Libya.

8. At its Summit of 11 March 2011, the EU declared that the Libyan leader must step down and that his regime has lost all legitimacy, and considered the Transitional National Council (TNC) as a political interlocutor. The Summit indicated that the EU Member States would examine all necessary options in order to protect the civilian population, provided that there is a demonstrable need, a clear legal basis and support from the region. On 12 March 2011, the Council of the League of Arab States, at its extraordinary session held in Cairo, Egypt, requested the Security Council to take on its responsibilities regarding the deteriorating situation in Libya, including the immediate imposition of a no-fly zone and the creation of safe areas to ensure the protection of the Libyan people and other populations. The call for a no-fly zone was also supported by the OIC.

9. On 17 March 2011, the Security Council adopted resolution 1973(2011). In that resolution, the Security Council : (i) demanded the immediate establishment of a ceasefire and a complete end to violence and all attacks against, and abuses of, civilians; (ii) stressed the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people, and noted the decisions of the UN Secretary-General to send his Special Envoy to Libya and of the AU Peace and Security Council 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; and (iii) demanded that the Libyan authorities comply with their obligations under international law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance.

10. Furthermore, the Security Council decided to authorize Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, to protect civilians and civilian populated areas under threat of attack in Libya, including Benghazi, while excluding a foreign occupation force of any form on any part of the Libyan territory. The Security Council also decided to establish a ban on all flights in the Libyan air space in order to help protect civilians. The resolution dealt with other issues relating, notably, to the enforcement of the arms embargo, ban of flights and asset freeze. The Security Council recognized the important role of the League of Arab States and, bearing in mind Chapter VIII of the Charter of the United Nations, requested the Member States of the League to cooperate with other Member States in the implementation of the provisions of resolution 1973 (2011) relating to the protection of civilians.

11. The military campaign to enforce the no-fly zone started immediately after the “Paris Summit for the Support of the Libyan People”, held on 19 March 2011. On 31 March, the North Atlantic Treaty Organization (NATO) assumed sole command of the international air operations over Libya, which were initially coordinated by the Stuttgart-based US Africa Command (AFRICOM). A week earlier, NATO had decided to launch an operation to enforce the arms embargo against Libya. The alliance is conducting all these tasks under “Operation Unified Protector”.

12. In the meantime, on 29 March 2011, in London, Foreign Ministers and leaders from the United Nations, the League of Arab States, the OIC, the EU and NATO met to discuss the situation in Libya. In particular, they agreed to establish the Libya Contact Group with the objective of providing: (i) leadership and overall political direction to the international effort on Libya; (ii) a forum for coordinating the international response on Libya; and (iii) a focal point in the international community for contact with the Libyan parties.

13. In early April, the Council of the European Union adopted a decision stipulating that the EU will, if requested by the UN Office for the Coordination of Humanitarian Affairs (OCHA), conduct a military operation in the framework of the Common Security and Defense Policy (CSDP), in order to contribute to: (i) the safe movement and evacuation of displaced persons; and (ii) support, with specific capabilities, the humanitarian agencies in their activities. At the time of finalizing this report, no request has been made to the EU to proceed with the planned operation.

III. FIRST MEETING OF THE AU AD HOC COMMITTEE

14. The *Ad Hoc* Committee convened its first meeting in Nouakchott, Mauritania, on 19 March 2011. The meeting was attended by Presidents Mohamed Ould Abdel Aziz of the Islamic Republic of Mauritania; Denis Sassou Nguesso of the Republic of Congo; Amadou Toumani Touré of the Republic of Mali; and the Ministers representing Presidents Yoweri Museveni of the Republic of Uganda, and Jacob Zuma of the Republic of South Africa. I also participated in the meeting, together with the Commissioner for Peace and Security, Amb. Ramtane Lamamra.

15. The meeting, which provided an opportunity for an in-depth exchange of views on the situation in Libya, as well as on the modalities for the implementation of the mandate of the AU High-Level *Ad Hoc* Committee, took place at a critical moment in the situation in Libya, marked by the continuation of fighting, with the resulting serious humanitarian consequences, as well as by the commencement of the implementation of the relevant provisions of resolution 1973(2011). In this context, the High-Level *Ad Hoc* Committee reiterated AU's deep concern at the prevailing situation and its humanitarian consequences. It stressed the serious threat that this situation poses for peace, security and stability in the region as a whole, and reaffirmed AU's conviction on the need for an urgent African action revolving around the elements of the roadmap adopted on 10 March 2011.

16. At their meeting in Nouakchott, the members of the High-Level *Ad Hoc* Committee were planning to travel to Libya, on 20 March 2011, to meet with the parties, both of which had agreed to interact with it. To this end, and as required by resolution 1973 (2011), the Committee, through the Commission, sought authorization for the flights carrying its members to Libya, in order to fulfill their mandate. This request was denied. The Committee expressed regret for not being able to travel to Libya as envisaged.

17. In order to contribute actively to the search for an early solution, consistent with international legality as reflected in relevant Security Council resolutions, the High-Level *Ad Hoc* Committee:

- (i) made an urgent appeal to all parties concerned, namely the Government of Libya and the TNC, to observe, without any further delay, a comprehensive cessation of hostilities and to take other measures aimed at defusing tension and ensuring the protection of the civilian population. In this respect, the Committee agreed to formally and immediately communicate to the parties its urgent request to positively respond to this appeal;
- (ii) reaffirmed the relevance of the elements of the Roadmap articulated by the Council. It invited the Libyan authorities and the TNC to a meeting to be convened, as soon as possible, in Addis Ababa or in any other venue agreeable to the parties, to discuss this Roadmap, in particular the establishment and the management of an inclusive transitional period that would lead to political reforms meeting the aspirations of the Libyan people;

- (iii) requested the AU Commission to convene, in Addis Ababa, on 25 March 2011, a meeting that will bring together high representatives of the League of Arab States, the OIC, the EU and the United Nations (Secretariat and the five permanent members), as well as other partners and stakeholders, in order to agree on: (a) ways and means for an early resolution of the crisis, on the basis of the AU Roadmap, as well as operative paragraph 2 of resolution 1973(2011), and (b) a mechanism for continued consultations and concrete joint actions to be taken; and
- (iv) decided also to organize, under the aegis of the Ministers of Foreign Affairs of its member countries, as well as the AU Commission, a regional consultation that will bring together Libya's neighbouring countries and the different partners concerned.

18. Furthermore, the High-Level *Ad Hoc* Committee reiterated AU's appeal to Member States to provide logistic and humanitarian support to the African migrant workers wishing to leave Libya, as well as to the neighbouring countries, compelled to bear a disproportionate burden, and to the countries of origin in order to facilitate the reintegration of these migrant workers. In this regard, the Committee requested the Commission to take the necessary measures to sensitize the Member States and convene a resource mobilisation conference.

19. The High-Level *Ad Hoc* Committee reaffirmed its determination to carry out its mission, in the face of the worrying developments in the situation and the recourse to an armed international intervention; called for restraint; and undertook to spare no efforts to facilitate a peaceful solution, within an African framework, duly taking into account the legitimate aspirations of the Libyan people. The Committee stressed that it would act within the framework of its mandate and in a manner consistent with, and complementary to, resolution 1973(2011) of the UN Security Council, and appealed to the international community as a whole to provide unreserved support to its efforts.

IV. FOLLOW-UP TO THE NOUAKCHOTT MEETING OF 19 MARCH 2011

Consultative meeting on Libya

20. As a follow-up to the relevant paragraphs of the communiqué of the Nouakchott meeting of the High-Level *Ad Hoc* Committee on Libya, a consultative meeting on the situation in Libya was convened in Addis Ababa on 25 March 2011. In addition to the members of the *Ad Hoc* Committee and of the Peace and Security Council of the AU, the meeting brought together neighboring countries of Libya and the other countries of the region, as well as multilateral and bilateral AU partners. I chaired the deliberations, which were also attended by the Commissioner for Peace and Security.

21. The meeting provided the AU with the opportunity to brief the participants on the conclusions of the Nouakchott meeting and on the efforts it is deploying towards a peaceful and early settlement of the crisis. The participants welcomed the fact that the efforts of the High-Level *Ad Hoc* Committee, whose role is recognized by UN Security Council resolution 1973 (2011), are consistent with, and complementary to, the relevant provisions of that resolution. They were encouraged by the determination of the High-Level *Ad Hoc* Committee to fully discharge its mandate, including through the planned visit to Libya and, if necessary, elsewhere, to meet with the Libyan parties.

22. The meeting reached a consensus on the elements of the AU Roadmap. It emphasized the need and urgency of the effective protection of the civilian populations and immediate cessation of hostilities and all acts of violence. It encouraged the AU, the League of Arab States, the United Nations, the OIC and the EU to consider, with the required urgency and within the context of resolution 1973(2011), the speedy establishment of a monitoring mechanism, notably through the convening, in Addis Ababa, of a technical meeting for the planning and implementation of the cessation of hostilities in an effective and credible manner. The meeting extended its support to the ongoing efforts to promote these aims by facilitating dialogue between the Libyan authorities and the TNC, and urged both parties to extend full cooperation.

23. The meeting expressed concern at the humanitarian situation on the ground. It reaffirmed the obligation of all stakeholders to respect International Humanitarian Law. The meeting appealed to all members of the international community to extend all necessary assistance to the African migrant workers living in Libya, to facilitate the repatriation of those wishing to leave the country, to support those neighboring countries that are carrying a disproportionate burden in hosting these migrant workers, and to contribute financially to the efforts towards the socio-economic reintegration of the migrant workers in their countries of origin.

24. The meeting recognized that the continuation and aggravation of the current crisis in Libya had serious implications for the neighbouring countries and the other countries of the region, as well as for regional security and stability, in particular with regard to the illicit proliferation of arms, terrorism and other forms of transnational organized crime. It registered the commitment of the AU to work with the countries of the region, in particular those of the sahel-Saharan belt, relevant international organizations and interested partners to address, in a satisfactory manner, the problems at hand.

25. Finally, the meeting agreed on the need for organized consultation and coordination under the auspices of the AU, the League of Arab States, the OIC, the EU and the United Nations, to facilitate impulsion, harmonization and success of international efforts for the early, just and lasting resolution of the Libyan crisis. The neighbouring countries and the other countries of the region, as well as bilateral partners, will also participate in the consultation and coordination to enhance their effectiveness.

Meeting of the Ad Hoc Committee at Ministerial level

26. Also on 25 March 2011, the *Ad Hoc* Committee convened its second meeting in Addis Ababa, at the level of Ministers of Foreign Affairs, in line with the relevant provisions of the Peace and Security Council communiqué of 10 March 2011. In this respect, it should be recalled that, during its Nouakchott meeting, the *Ad Hoc* Committee extended invitations to the Libyan authorities and to the TNC to take part in a consultation in Addis Ababa. While the representatives of the Libyan Government attended the meeting, the members of the TNC were unable to do so. The Commissioner for Peace and Security represented the Commission at this ministerial meeting of the Committee, which he chaired.

27. During the Committee's interaction with the representatives of the Libyan Arab Jamahiriya, the latter reiterated the unconditional acceptance of the AU Roadmap by the Libyan Government. They further stressed the commitment of the Libyan authorities to a credible and effective cease-

fire and, to that effect, their readiness to facilitate the establishment and deployment of a monitoring and verification mechanism. The delegation also expressed the readiness of the Libyan Government to implement the other aspects of the AU Roadmap, including the adoption and implementation, in a peaceful and democratic manner, of political reforms that meet the aspirations of the Libyan people. The *Ad Hoc* Committee took note of the position thus expressed by the Libyan Government delegation, and assured it of its continued engagement.

28. In conclusion, the Ministers and the Commission exchanged views on the next steps to be taken in implementation of the *Ad Hoc* Committee's mandate and, in this regard, agreed on the early undertaking of the planned visit of the *Ad Hoc* Committee to Libya, at the level of Heads of State. As a follow-up, the Commission took steps to secure the authorization of NATO, as the organization enforcing the no-fly zone over Libya, for the flights carrying the members of the Committee to Libya. The Commission also liaised with the Libyan parties, which, both, confirmed their readiness to receive the mission.

V. SECOND MEETING OF THE AD HOC COMMITTEE AT THE LEVEL OF HEADS OF STATE AND VISIT TO LIBYA

Second meeting of the Ad Hoc Committee at the level of Heads of State

29. The High-Level *Ad Hoc* Committee on Libya held its second meeting at the level of Heads of State in Nouakchott, on 9 April 2011, under the chairmanship of President Mohamed Ould Abdel Aziz. Presidents Denis Sassou Nguesso, Amadou Toumani Touré and Jacob Zuma and myself, as well as the Commissioner for Peace and Security, were in attendance. President Yoweri Museveni was represented by the Ugandan Minister of International Relations.

30. The Committee took stock of the activities undertaken in the discharge of its mandate and the promotion of the AU Roadmap for the resolution of the Libyan crisis. I seized the opportunity of the meeting to brief the other members of the High-Level *Ad Hoc* Committee on the discussions I had in London, notably with the United Kingdom Foreign Secretary, Mr. William Hague, on 4 April 2011; in Brussels, on 4 and 5 April, with Mr. Herman Van Rompuy, the President of the EU Council, and Ms Catherine Ashton, the EU High Representative, as well as with Mr. Anders Fogh Rasmussen, the NATO Secretary-General, and the Council of NATO Ambassadors; and, finally, in Rome, on 5 April, with the Italian Minister of Foreign Affairs, Mr. Franco Frattini. I indicated that, during these meetings, my interlocutors and I agreed on the need for an end to violence through an effective and verifiable ceasefire, to protect civilians and to create the conditions for a political solution that meets the legitimate aspirations of the Libyan people. We further agreed that such political solution requires an inclusive process of national reconciliation among all Libyans. We also exchanged views on the future activities of the Libya Contact Group, which was created at the London Conference, as well as the initiatives of the African Union High-Level *Ad Hoc* Committee on Libya, and agreed to keep in close contact to continue exchanging views and working together towards a political resolution of the Libyan crisis. It should be noted that, earlier on, at the end of March 2011, the Commissioner for Peace and Security met with EU officials, as well as with the EU Political and Security Committee, to update them on the AU efforts and initiatives towards the early resolution of the crisis in Libya.

31. On the eve of its visit to Libya, on 10 and 11 April 2011, in order to meet with the Libyan parties, both in Tripoli and Benghazi, the *Ad Hoc* Committee made an urgent appeal to the said parties to resolutely commit themselves to a peaceful settlement of the grave crisis facing their country and, to this end, to extend to it the required cooperation. The Committee reiterated its determination to spare no efforts in fully discharging its mandate and assisting the parties to achieve an early solution to the crisis, based on the AU Roadmap.

Visit to Libya

32. As planned, the High-Level *Ad Hoc* Committee undertook a visit to Libya on 10 and 11 April 2011. I took part in this visit, together with the Commissioner for Peace and Security. On 10 April 2011, in Tripoli, the members of the *Ad Hoc* Committee had an extensive meeting with Colonel Muammar Qaddafi, on the AU Roadmap for the resolution of the Libyan crisis. Colonel Qaddafi confirmed his acceptance of the AU Roadmap. On the specific issue of the cease-fire, he confirmed his support for the efforts of the *Ad Hoc* Committee aimed at ensuring its urgent materialization on the ground, including the deployment of an effective and credible monitoring mechanism. He expressed his full confidence in the AU and in its ability to successfully carry out the peace efforts in his country.

33. On Monday 11 April 2011, the *Ad Hoc* Committee visited Benghazi, where it had extensive discussions with the Chairman and members of the TNC. The discussions provided an opportunity for the AU to update the TNC on its efforts to find a speedy solution to the crisis in Libya, on the basis of the AU Roadmap, as well as UN Security Council resolutions 1970 (2011) and 1973 (2011). The TNC presented its vision on the future of Libya and its position on the ongoing efforts by the AU to facilitate an early solution to the crisis in Libya.

34. In this respect, the High-Level *Ad Hoc* Committee and the TNC extensively dealt with the need for an urgent ceasefire, including the principle of the return of all forces to their barracks, to be monitored by a credible and effective international mechanism. The objective is to ensure the effective protection of the civilian population and to create conducive conditions for the fulfillment of the legitimate demands and aspirations of the Libyan people for democracy, freedom, the rule of law and socio-economic development. However, due to a political condition put forward by the TNC as a prerequisite for the urgent launching of discussions on the modalities for a ceasefire, it was not possible, at that stage, to reach an agreement on the crucial issue of the cessation of hostilities.

35. Aware of the fact that the ceasefire is a key element of the endeavor for peace, the High-Level *Ad Hoc* Committee, which is driven by a high sense of responsibility towards the Libyan people, as well as to Africa and the international community as a whole, reiterated its determination to fulfill its mission. It urged the TNC to cooperate fully, in the best interests of Libya, and to help in the search for, and implementation of, the political, just and lasting solution that the Libyan people are ardently calling for and which the international community has pledged to support.

VI. SUBSEQUENT ACTIVITIES

36. Further to the visit to Libya, the *Ad Hoc* Committee had consultations in Algiers with President Abdelaziz Bouteflika. President Bouteflika and other Algerian officials reiterated the support of their country to the Committee and encouraged it to pursue its efforts towards a peaceful resolution of the Libyan crisis.

37. I also, following consultations with the Heads of State of the *Ad Hoc* Committee, traveled to Doha to attend, as an invitee, the first meeting of the Contact Group on Libya, on 13 April, under the joint chairmanship of the State of Qatar and the United Kingdom. The meeting dealt with several issues relating to international progress in implementing UN Security Council resolutions 1970 (2011) and 1973 (2011), political process to allow Libyans to choose their own future, support to the Libyan people, humanitarian assistance and long term support. The meeting welcomed the efforts of the High-Level *Ad Hoc* Committee.

38. On the margins of the meeting, I met with a delegation of the TNC, to whom I reiterated AU's commitment, through the *Ad Hoc* Committee, to do whatever is in its power to help find a lasting solution to the crisis in Libya, based on the legitimate aspirations to reform and democracy of the Libyan people. I urged the TNC to extend full cooperation to the AU in its efforts. The delegation agreed to maintain contact with the AU and to continue to interact with it on the best way forward.

39. I also took advantage of the Doha meeting to hold discussions with the Foreign Minister of Turkey, Mr. Ahmet Davutoglu, whose country has taken an active role both in the efforts to resolve the crisis in Libya and the provision of humanitarian assistance to affected populations, including African migrant workers, particularly in the city of Misrata. We exchanged views on the situation in Libya and ways and means of enhancing coordination between the AU and Turkey, whose views on the way forward are consistent with those of the African Union as articulated in its Roadmap.

40. On 14 April 2011, I participated, together with the Commissioner for Peace and Security, in Cairo, in a meeting convened at the initiative of the Secretary-General of the United Nations, Mr. Ban Ki-moon, and attended by the Secretary-General of the Arab League, Mr. Amr Moussa, the Secretary-General of the OIC, Mr. Ekmeleddin Ihsanoglu, and the EU High Representative, Ms. Catherine Ashton. The meeting provided an occasion to exchange views on the situation in Libya, with the view to enhancing coordination of the efforts towards the political resolution of the crisis in Libya.

41. The situation in Libya and ways and means of achieving an early resolution of the crisis featured prominently in the Second Annual US – AU High Level Meeting held in Washington, on 20 and 21 April 2011, during which I led the African side, which comprised of a number of AU Commissioners, including the Commissioner for Peace and Security. The AU delegation held consultations with several senior American officials, including Secretary of State Hilary Clinton.

42. During those consultations, the US acknowledged AU's efforts to achieve a ceasefire, while reiterating the need for greater coordination within the international community. The US stressed that any ceasefire would require an immediate end to all attacks on civilians and the withdrawal of the Libyan Government forces from all cities they have forcibly entered into, occupied or besieged.

Such a ceasefire, in the US view, should also include Col. Qaddafi's departure from power. On its part, the AU delegation highlighted the key components of the AU Roadmap for the Resolution of the crisis in Libya, namely: an immediate cessation of hostilities, the diligent delivery of humanitarian assistance to the needy populations, the protection of foreign nationals, including the African migrant workers, and an inclusive dialogue and a transitional period leading to political reforms. The AU stressed that the determination of the participants in such a process, as well as the issue of political leadership, are best left to the Libyans themselves.

VII. OBSERVATIONS

43. The people of Libya are going through an extremely traumatic period in the history of their country. The prevailing situation, if not addressed swiftly and effectively, will have far reaching consequences for Libya and its neighbors, as well as for international peace and security. I would like, at this juncture, to highlight the concerns of a number of countries, including those in the region, regarding the proliferation of arms taken from the Libyan arms depots, as well as reports according to which terrorist elements are taking advantage of the current developments to further their agenda in the region and beyond. It is, therefore, imperative that the international community fully mobilize itself to ensure an early cessation of hostilities and assist the parties resolve the underlying issues of the Libyan crisis. In this regard, I would like to express my sincere appreciation to the Heads of State of the AU High-Level *Ad Hoc* Committee on Libya for their tireless efforts and unflinching commitment in the pursuit of the mandate entrusted to the Committee.

44. As indicated above, the *Ad Hoc* Committee has spared no efforts in engaging the parties, as demonstrated by the invitation extended to them to participate in consultations in Addis Ababa, at the end of March 2011; the visit to Libya, in early April 2011; and the contacts that the Commission has maintained with both the Libyan Government and the TNC. Yet, so far, no tangible progress has been achieved towards a ceasefire and negotiations on the other aspects of the crisis. Fighting is continuing and taking a heavy toll on the civilians.

45. The parties remain far apart on the conditions under which negotiations could start. The Libyan Government has expressed its acceptance of the AU Roadmap; on its part, the TNC is of the view that negotiations on a ceasefire and other related aspects can only start once certain preconditions would have been met, in particular the removal from power of Colonel Qaddafi and members of his family, and the withdrawal of the Libyan army from cities forcibly occupied after the breakout of hostilities.

46. Against this background, the Committee will intensify its efforts and further engage the parties to create conditions for the early commencement of negotiations on cessation of hostilities and other aspects of the crisis, on the basis of the AU Roadmap, which is as relevant today as it was when first proposed, last March. I am pleased to inform Council that, at the time of finalizing this report, steps were underway for the convening of a meeting of the *Ad Hoc* Committee in Addis Ababa, on 25 April 2011, to take stock of the efforts deployed to-date and agree on the way forward. The Committee was also planning to further interact, in a substantive manner, with a Libyan Government delegation, as well as with representatives of the TNC, who had confirmed their participation and whose presence, for the first time, at the AU Headquarters is an encouraging sign. I call on the parties to demonstrate the required political will and to extend unreserved cooperation to the Committee.

47. In this respect, the AU will continue to prioritize the attainment of a ceasefire. Continued fighting can only further compound the situation, lead to further escalation on the ground, make it more difficult to reach a negotiated solution and, not least, aggravate the plight of the civilian population. A swift end to the hostilities will be the best way to ensure the protection of the civilian population. This approach is also fully consistent with resolution 1973 (2011), whose operative paragraph 1 demands the immediate establishment of a ceasefire and a complete end to violence and all attacks against, and abuses of, civilians. More generally, there is a growing acknowledgement within the international community, including prominent civilian and military officials from key countries of the coalition contributing to the NATO operation in Libya, that there is no military solution to current crisis in Libya. Significantly, some of these officials are now talking of a stalemate on the ground, more than five weeks after the commencement of the air campaign to enforce the no-fly zone over Libya and other related attacks against the Libyan Government forces.

48. The *Ad Hoc* Committee is fully aware of the need, for a ceasefire to be effective, to put in place a credible and effective monitoring mechanism. In this respect, the Committee, in its interactions with the Libyan Government, has made it clear that such a monitoring mechanism should involve not only the AU, but also other relevant international actors, in particular the United Nations. This position was reiterated by the Committee to the TNC. In actual fact, it was in this spirit, and as a follow-up to the communiqué of the 25 March consultative meeting on Libya, that the Commission convened, in Addis Ababa, on 31 March 2011, a meeting with partner organizations to discuss modalities for an early cessation of hostilities and establishment of an operational monitoring mechanism. The Commission intends to continue with this process to facilitate the speedy establishment and operationalization of a monitoring mechanism, should the parties agree on a ceasefire.

49. Clearly, a ceasefire alone will not fully address the various aspects of the Libyan crisis and, in the absence of a political solution, has a potential to consolidate the current *status quo*, with the Libyan Government controlling the western part of Libya, and the TNC the eastern part of the country. Such a situation could, in the long run, lead to the fragmentation of the country with the attendant consequences in terms of regional security and stability. No effort should be spared to avoid the materialization of such a scenario, building on the international consensus on the need to maintain the unity and territorial integrity of Libya and the commitment of the Libyan parties themselves to this principle.

50. Therefore, for the AU, a ceasefire is to be coupled with negotiations among the parties to reach an agreement on an all-inclusive transitional period during which the necessary reforms, including the elaboration of a Constitution, will be carried out to meet the legitimate aspirations of the Libyan people to democracy, respect for human rights, freedom and good governance. This transitional period should culminate in elections that would enable the Libyan people to freely choose their leaders. In so doing, Libya will fulfill the commitments it has made under the relevant AU instruments relating to democracy, human rights and governance.

51. The Committee is aware of the repeated demands made by the TNC for Colonel Qaddafi and his immediate family members to relinquish power before the commencement of any negotiation. While noting the position of the TNC, the Committee is of the strong view that no specific preconditions should be set for the commencement of negotiations, whose purpose is precisely to

address the concerns of all parties and facilitate a compromise on the best way forward. The Committee is confident, once the parties accept to negotiate, that the divergences that separate them can be bridged and the most vexing issues can find a solution in the supreme interest of the country and its people.

52. The Commission further notes that a number of international stakeholders, including in the framework of the Libya Contact Group, have also made demands for Colonel Qaddafi to step down, stressing that his regime has lost any legitimacy. The Committee considers that it should be left to Libyans to choose their leaders and that international actors should refrain from taking positions or making pronouncements that can only complicate the search for a solution. The role of the international community should be to help Libyans achieve their legitimate aspirations, in a nationally-owned and nationally-led process.

53. Over the past weeks, the Committee endeavored to extensively engage with the international partners. I have myself interacted with a number of AU's bilateral and multilateral partners. These efforts should continue, for no lasting solution can be achieved without a coordinated approach by the international community.

54. At the same time, it is crucial that our partners take fully into account the primary role to be played by the AU, as Africa, particularly Libya's neighbors, stand to be the continent that will be the most affected by the continuation and deterioration of the current situation. Significantly, the contribution of the Committee is formally recognized by the Security Council in its resolution 1973(2011), and its establishment is consistent with the provisions of Chapter VIII of the United Nations Charter regarding the role of regional arrangements in the settlement of disputes among or within their member States. The Committee will continue to coordinate its efforts with all AU partners, including the Contact Group, for all purposes enshrined in AU policies, and will work in a manner consistent with, and complimentary to, resolution 1973 (2011).

55. The *Ad Hoc* Committee is encouraged by the growing emphasis within the international community on the need for a political solution to the crisis in Libya. In this context, the challenge is to ensure greater coordination among all international stakeholders to galvanize the search for a political solution, whose key elements have been articulated in the AU Roadmap. Continued consultations and dialogue between the AU, the League of Arab States, the OIC, the EU and the United Nations, building on the steps already taken in this regard, have the potential of fostering such a consensus and shared approach to the situation in Libya.

56. As the members of the international community endeavor to work together to facilitate an early resolution of the crisis in Libya and shorten the suffering of the Libyan people, it is imperative that all countries and organizations involved in the implementation of resolution 1973 (2011) act in a manner strictly consistent with the provisions of that resolution. Any action going beyond the limits of that resolution or convenient interpretation of its provisions can only weaken international legality, make it harder to achieve the much-needed consensus on the steps that need to be taken to assist the Libyans overcome the challenges facing them and, ultimately, complicate the search for a lasting solution to the crisis.

57. I am deeply concerned by the plight of the civilian population in all war affected areas. The situation in Misrata tragically illustrates the seriousness of the humanitarian crisis. I reiterate AU's

call on all parties to comply with the provisions of International Humanitarian Law, and I call on the Libyan Government, in particular, to fully assume its responsibilities for the protection of its own population. I am also concerned by the fate of African migrant workers living in Libya, including those stranded in Misrata. The Commission has received reports of abuses against African migrant workers linked to the dangerous and fallacious perception that black Africans are mercenaries fighting on the side of the Libyan Government forces. These attacks are inhuman and unacceptable and should cease forthwith; their authors and perpetrators should be brought to account.

58. I pay tribute to the humanitarian organizations providing assistance to affected populations in Libya and facilitating the evacuation of foreign nationals wishing to leave Libya. I commend the neighboring countries of Libya that are hosting African migrant workers returning to their respective countries, and reiterate AU's appeal to the international community to provide the requisite support, including for the socio-economic reintegration of these migrant workers.

59. I also remain concerned with the consequences of the war on the neighboring countries of Libya, and other countries of the region, as well as for regional security and stability, in particular with regard to the illicit proliferation of arms, terrorism and other forms of transitional organized crime. It is in this context that the AU will enhance coordination with the countries of the region, in particular those of the sahel-saharan belt, relevant international organizations and interested partners to address this problem in a coordinated manner.

60. I hope that a process of negotiations between the Libyan parties could soon be launched to urgently address the establishment of a ceasefire and its monitoring mechanism, as well as all other aspects of the political solution to the Libyan crisis. In this context, I intend to appoint a highly empowered team of statesmen and senior officials to facilitate the preparations for, and the holding of, the negotiations in cooperation with the AU multilateral partners.