

2011 BRICS Sanya Summit Compliance Assessment: Libya

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This report assesses the compliance of BRICS members over the period of April 14, 2011, to March 20, 2012.

This compliance assessment has been conducted following the standard method established by the G8 Research Group but done exclusively by the Toronto component of the BRICS Research Group and without any stakeholder consultation. It has been checked and edited by Caroline Bracht and reviewed by John Kirton. This assessment provides a baseline to assist in interpreting the results of the more comprehensive assessment of compliance with the 2011 BRICS Sanya Summit priority commitments.

Commitment (2011-4):

“We wish to continue our cooperation in the UN Security Council on Libya” (Sanya Statement).

Assessment:

Country	Lack of Progress	Work in Progress	Full Compliance
Russia			+1
India	-1		
China			+1
Brazil		0	
South Africa			+1
Overall Score		+0.4	

Background:

The first protests against the regime of Libyan President Muammar Gaddafi, motivated by the arrest of a human right activist, erupted in February, 2011. The Libyan government responded with harsh repressive measures against the protesters, leading to concerns in the United Nations Security Council (UNSC) over the abuse of human rights¹. On February 26, 2011, the UNSC adopted Resolution 1970 in which it condemned the actions of the Libyan government and demanded that President Gaddafi and his administration take adequate measures to stop the violence against civilians and ensure the respect of basic human rights and safety of the people. Resolution 1970 imposed economic sanctions on the Libyan government specifically in the form of asset freezes and arms embargo². On March 17, 2011, in response to the failure of the Libyan government to comply with UNSC Resolution 1970, the Council adopted Resolution 1973 which imposed a no-fly zone in Libya and authorized NATO forces to take any action necessary in order to protect civilians from aggression on the part of the Libyan government, which ultimately led to aerial bombing strikes by NATO forces³⁴. Russia and China were permanent members of the

¹ Monika Herz, et al. BRICS Policy Center. Policy Brief. "BRICS and the revolts in the Middle East and North Africa", December 2011,

<http://bricspolicycenter.org/homolog/uploads/trabalhos/5141/doc/1882705635.pdf>, last accessed: 25 February 2014.

² United Nations Security Council, Resolution 1970 (2011)

³ United Nations Security Council, Resolution 1977 (2011)

UNSC, while Brazil, India, and South Africa were non-permanent members. All BRICS members voted in favour of Resolution 1970, approving of the economic sanctions. However, Russia, China, Brazil and India each abstained from voting on Resolution 1973, while South Africa voted in favour. While they did not vote in favour of the resolution, Russia and China also did not exercise their veto rights. In statements following the UNSC vote on March 17, 2011, the heads of state for Russia, China, India and Brazil explained their vote by referencing the importance of the respect for the territorial and political integrity of Libya and of the principle of national sovereignty. They expressed their belief in pursuing a peaceful resolution of the conflict in Libya which they believed could be reached through economic sanctions and diplomatic means. South Africa, the sole member of the BRICS that voted in favour of the no-fly zone, explained its vote by referring to the growing urgency for a resolution of the conflict in order to prevent its spread throughout North Africa⁵.

At the 3rd BRIC Summit and inaugural summit of BRICS, on April 14 2011, the BRICS emphasized their commitment to cooperate in the UNSC on Libya⁶. In the Sanya Declaration, BRICS expressed their commitment to multilateralism and to the support of the United Nations as the central organ in the international community for resolving challenges and threats⁷. The BRICS expressed their deep concern with the situation in North Africa and a wish for a peaceful resolution, specifically of the conflict in Libya. They also underscored their firm belief in the principles of national sovereignty, territorial integrity and non-intervention⁸. The BRICS expressed their intent to continue cooperation within the UNSC in efforts to resolve the conflict through diplomatic means and sanctions and indicated a belief in fruitful cooperation because all five BRICS members were represented in the UNSC, either as permanent or non-permanent members, which improved the cooperation and understanding⁹. They welcomed South Africa to its first BRICS Summit as a full member. The BRICS praised South Africa for its work in the African Union and expressed hopes for the useful contribution of the African Union High Panel in resolving the conflict in Libya¹⁰.

Methodology:

This report draws on the methodology developed by the G8 Research Group, which has been monitoring G8 compliance annually since 1996 and semi-annually since 2002. The same methodology has been adopted for monitoring G20 performance since 2008. The use of this time tested methodology builds on cross-institutional, cross-member and cross-issue consistency and thus allows for compatibility and comparability of the

⁴ Monika Herz, et al. BRICS Policy Center. Policy Brief. "BRICS and the revolts in the Middle East and North Africa", December, 2011,
<http://bricspolicycenter.org/homolog/uploads/trabalhos/5141/doc/1882705635.pdf>, last accessed: 25 February 2014.

⁵ Monika Herz, et al. BRICS Policy Center. Policy Brief. "BRICS and the revolts in the Middle East and North Africa", December, 2011,
<http://bricspolicycenter.org/homolog/uploads/trabalhos/5141/doc/1882705635.pdf>, last accessed: 25 February 2014

⁶ BRICS, Sanya Declaration

⁷ BRICS, Sanya Declaration

⁸ BRICS, Sanya Declaration

⁹ BRICS, Sanya Declaration

¹⁰ BRICS, Sanya Declaration

compliance performance by the G8, G20 and BRICS, providing a foundation for an evidence-based assessment of the effectiveness of these institutions.

The methodology uses a scale from -1 to +1, where +1 indicates full compliance with the stated commitment, -1 indicates a failure to comply or action taken that is directly opposite to the stated goal of the commitment, and 0 indicates partial compliance or work in progress, such as initiatives that have been launched but are not yet near completion and whose final results can therefore not be assessed. Each member assessed receives a score of -1, 0 or +1 for each commitment. For convenience, the scientific scores reported in the tables in this summary have been converted to percentages, where -1 equals 0% and +1 equals 100%. (The formula to convert a score into a percentage is $P=50\times(S+1)$, where P is the percentage and S is the score).

Commitment Features:

BRICS recognized the popular demands expressed by Libya's people. The BRICS committed to continue cooperation in the UNSC. Within the framework of the commitment, BRICS expressed a wish to pursue the continuation of open dialogue within the Council on possible resolution of the conflict in Libya.

The BRICS agreed support measures taken by the UNSC, specifically its resolutions. During the time period considered for this analysis, the UNSC adopted six Resolutions on the conflict in Libya. The UNSC Resolution 1970 from 26 February 2011 condemned and demanded arrest of violence against civilians; it imposed arms embargo and asset freeze on Libya. The UNSC Resolution 2009 from 16 September 2011 condemned violations of human rights and violence against civilians. It stressed the importance of the United Nations' leadership in the resolution of the conflict and established the United Nations Support Mission in Libya; it stressed national responsibility as a key to establishing sustainable peace¹¹. The UNSC Resolution 2016 from 27 October 2011 condemned the violation of human rights and violence against the civilians; it noted the progress made in resolution of the conflict and declared termination of no-fly zone on 31 October 2011¹². The UNSC Resolution 2017 from 31 October 2011 reaffirmed United Nations' determination to fulfill commitments established in the Resolutions 1970, 2009 and 2016¹³.

BRICS recognized the popular demands expressed by Libya's people. The BRICS expressed a wish to enhance the cooperation in the UNSC through diplomatic efforts, including through cooperation within the group through bilateral or multilateral meetings. The group agreed to share information on progress in resolution of the conflict.

Scoring Guidelines:

-1 Member did not comply with UNCS sanctions on Libya imposed by Resolutions 1970, 2009, 2016, 2017. Member did not undertake actions to promote peaceful diplomatic solution for conflict in Libya. Member did not cooperate with other members and with the UNSC in finding peaceful solutions for the crisis in Libya. Member counteracted to the principles of diplomacy, multilateralism and/or did not demonstrate initiatives to promote these principles in the context of the crisis in Libya.

¹¹ UN, UNSC Resolution 2009, 16 September 2011 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/502/44/PDF/N1150244.pdf?OpenElement>), last accessed 17 April 2014

¹² UN, UNSC Resolution 2016, 27 October 2011 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/567/10/PDF/N1156710.pdf?OpenElement>), last accessed 17 April 2014

¹³ UN, UNSC Resolution 2017, 31 October 2011 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/573/33/PDF/N1157333.pdf?OpenElement>), last accessed 17 April 2014

0 Member partially complied with UNCS sanctions imposed by Libya by Resolutions 1970, 2009, 2016, 2017. Member did not undertake measures to counteract cooperation among the members of the BRICS in the Security Council but also did not pursue initiatives to promote multilateralism or the search for a peaceful solution to the conflict in Libya through diplomatic means. Member did not express any opposition to actions of other members undertaken within the framework of the commitment and did not exhibit a continuous effort toward reaching a diplomatic resolution of the conflict. Member remained inactive and neutral in cooperation within UNSC.

+1 Member complied with UNSC sanctions on Libya imposed by Resolutions 1970, 2009, 2016, 2017. It actively initiated or cooperated with other BRICS members and other members of UNSC in seeking a resolution to the conflict in Libya with an emphasis on the provision of safety and security of civilians and on possible peaceful solutions.

Compliance by Member

Russia: +1

Russia fully complied with the commitment.

Russia fully cooperated with the UNSC and other associated organizations in an effort to find a peaceful diplomatic solution for the conflict in Libya. During the period of assessment, Russia adopted and fully complied with UNSC Resolutions 2009, 2016, 2017, 2022, and 2040. Russia fully complied with arms and asset freeze imposed by Resolution 1970.

Russia promoted cooperation on the crisis in Libya among the BRICS. On May 28, 2011, Russia's President Dmitry Medvedev had a telephone conversation on the situation in Libya with Jacob Zuma, president of South Africa, in which he emphasized the importance of continuous efforts of BRICS on the issue and in which he congratulated him on his work in the African Union¹⁴.

Russia demonstrated initiatives to find a peaceful resolution to the crisis in Libya by taking on diplomatic efforts to promote the principles of the responsibility to protect and multilateralism adopted by the Security Council and BRICS. On June 2011, at the G8 meeting in Deauville, Medvedev offered to send a Russian diplomatic mission to North Africa to serve as mediator between representatives of the Libyan opposition and Gaddafi's government. Following talks with the heads of G8, Russia employed Mihail Margelov, who was seen positively both by the opposition and Libyan government, as the leader of a diplomatic mission to Libya. On June 15, 2011, the Russian Presidential envoy to Africa, met with Libyan Prime Minister Bagdadi Mahmudi and Foreign Minister Abdel Adi Al-Obeidi to discuss a permanent cease-fire and Gaddafi's future in Libya¹⁵.

On August 12, 2011, Medvedev signed an executive order on the fulfilment of the Security Council Resolution 1973, the main feature of which was the imposition of a no-fly zone on Libya¹⁶. On September 23, 2011, at the BRICS Foreign Ministers' meeting, Russia emphasized that the Security Council should be the primary forum for deliberation on issues surrounding

¹⁴ Russia. Telephone Conversation with President of South Africa Jacob Zuma. 1 June 2011, <http://eng.kremlin.ru/news/2310>, last accessed: 25 February 2014

¹⁵ Kenneth Rapoza, "Russia and China team against NATO Libya campaign", Forbes, 12 June 2011 <http://www.forbes.com/sites/kenrapoza/2011/06/17/russia-and-china-team-up-against-nato-libya-campaign/> last accessed: 24 February 2014

¹⁶ Russia. Executive on Fulfilment of UN Security Council Resolution 1973, 12 August 2011, <http://eng.kremlin.ru/news/2703>, last accessed: 25 February 2014.

post-conflict Libya, and expressed satisfaction with the close cooperation of BRICS and the Security Council. Russia indicated that this level of cooperation and closeness in opinions was essential for further success¹⁷.

On September 23, 2011, Russia's Foreign Minister Sergey Lavrov met with China's Foreign Minister Yang Jienshi on the sidelines of the United Nations General Assembly meeting in New York to reaffirm their cooperation on the resolution of conflict in Libya within the Security Council¹⁸.

Russia demonstrated dedication to the promotion of a peaceful resolution in Libya's conflict and to the cooperation with the UNSC and BRICS. Thus, it is awarded score of +1.

India: -1

India completely failed in implementing the commitment.

India did not demonstrate initiatives to promote a peaceful resolution of the conflict in Libya. India cooperated with BRICS on the principle of national sovereignty but India's government did not take any action to reinforce other principles, such as that of responsibility to protect, adopted by the BRICS and the UNSC.

According to press releases from India's Ministry of Foreign Affairs, India maintained some diplomatic relations with the Foreign Ministry of Libya still under the control of Gaddafi's government. The documents also indicate that India accepted the Transitional Government of Libya in September, 2011. However, India failed to initiate any negotiations or peace talks¹⁹.

India attended the BRICS Foreign Ministers' meeting in September, 2011 and complied with the Security Council's Resolutions, but failed to actively cooperate.

India, while recognizing the Transitional Government in Libya, did not actively pursue trade or any other efforts related to the reconstruction of post-conflict Libya, and merely initiated economic and cultural links with Libya in 2013²⁰.

Commitment implies active cooperation, which was lacking in India's case. Thus, India's compliance score is -1.

China: +1

China fully complied with the commitment.

¹⁷ Ministry of Foreign Affairs of the Russian Federation, Press Release "BRICS foreign ministers' meeting", 24 September 2011,
http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/4b814a2f969b0666c3257917002e1d56!OpenDocument, last accessed: 26 February 2014.

¹⁸ Ministry of Foreign Affairs of the Russian Federation, Press Release "Meeting between Russian and Chinese foreign ministers", 23 September 2011,
http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/49d7d0a8d342b0d8c32579160047cd9f!OpenDocument, last accessed: February 26, 2014.

¹⁹ P.R. Ramesh, The Economic Times, "India support African Union stand on Libya' crisis", 25 May 2011,
http://articles.economictimes.indiatimes.com/2011-05-25/news/29581862_1_libya-crisis-african-union-africa-india-summit, last accessed: 24 February 2014

²⁰ India. India's Ministry of Foreign Affairs. "India-Libya Relations".
http://mea.gov.in/Portal/ForeignRelation/Libya-November2013_-_Brief.pdf, last accessed: 25 February 2014

China cooperated in the UNSC and voted in favour of Resolutions 2009, 2016, 2017, 2022, and 2040. China supported the UNSC economic sanctions on the government of President Gaddafi and fully complied with the arms embargo and assets freeze.

China supported the UNSC as the organization to lead the resolution of the Libyan conflict and promoted the principle of multilateralism to achieve this end. On April 23, 2011, spokesman of China's Foreign Ministry Hong Lei, in response to the rumours of Great Britain's possible military involvement in Libya, indicated that "the UN Security Council shoulders the prime responsibility of safeguarding international peace and security"²¹. During the United Nations meeting on August 31, 2011, China's United Nations ambassador cooperated fully on the development of the four principles for resolution of the conflict in Libya: end of the conflict, launch of inclusive political process in Libya, respect for Libya's national sovereignty and integrity, and the leading role of the UNSC in the resolution of the conflict²².

Throughout period of assessment, China pursued continuous efforts to reach a diplomatic solution to the conflict. On May 31, 2011, in response to persisting violence in Libya, spokeswoman of China's Foreign Ministry Jiang Yu indicated that China called on all parties for a cease-fire and that China would like to stay in touch with all parties and play its own role in seeking political solutions to the crisis²³. On June 3, 2011, China's Foreign Ministry spokesman Hong Lei confirmed that, in the search for a political solution, in the support of efforts undertaken by the UNSC, and in the support for the establishment of the political will of the Libyan people, Chinese ambassador to Qatar Zhang Zhiliang had been in contact with the Libyan opposition, Libya's National Transitional Council, and its leader Mustafa Abdel Jalil²⁴.

During the period of assessment, China promoted principles adopted in the UNSC resolutions. In accordance with Resolution 2040, China enhanced its trade relations with the newly established Libya's government²⁵. On September 21, 2011, China's Foreign Minister, Yang Jieshi, met with United Nations Secretary-General, Ban Ki-Moon and reasserted China's intentions to support the United Nations in reconstruction efforts in post-conflict Libya²⁶.

China cooperated in the UNSC, reinforced chosen policies within the framework provided by the Resolutions and promoted cooperation in the BRICS. Thus, it is awarded a score of +1.

South Africa: +1

South Africa fully complied with the commitment.

Although South Africa was the sole BRICS representative that noted to approve military intervention into Libya, it also fully supported the BRICS diplomatic efforts. It cooperated with members of BRICS on a bilateral and multilateral basis, and was fully cooperative with the UNSC.

²¹ China disapproves of any act beyond UN Security Council authorization, China, 23 April 2011
http://english.gov.cn/2011-04/23/content_1850919.htm, last accessed: 24 February 2014

²² UN Security Council should play leading role in handling Libyan issue: Chinese envoy, China, August 21, 2011, http://www.gov.cn/mic/2011-08/31/content_1937302.htm, last accessed: 26 February 2014.

²³ China calls for cease-fire in Libya, China, 31 May 2011, http://english.gov.cn/2011-05/31/content_1874263.htm, last accessed: 26 February 2014.

²⁴ China confirms contact with Libyan opposition leader, China, 3 June 2011, http://english.gov.cn/2011-06/03/content_1876879.htm, last accessed: 26 February 2014.

²⁵ China starts talks with Libya on post-war business, China, 7 February 2012,
http://english.gov.cn/chinatoday/2012-02/07/content_2060681.htm, last accessed: 26 February 2014.

²⁶ Chinese FM meets Ban Ki-Moon, China, 21 September 2011, http://www.gov.cn/mic/2011-09/22/content_1953937.htm, last accessed: 26 February 2014.

South Africa undertook diplomatic efforts to achieve a peaceful resolution of the conflict within the framework of BRICS commitments and UNSC Resolution 1970. On May 30, 2011, President of South Africa, Jacob Zuma, met with Libya's President Gaddafi in the city of Tripoli in Libya to negotiate a ceasefire and a diplomatic resolution of the crisis²⁷. Zuma actively pursued negotiations for a peaceful resolution of the crisis by applying pressure through the African Union.

South Africa also fully cooperated with other BRICS members. Zuma made sure to keep Russia and China's heads of state fully informed on his progress in peace and ceasefire talks with Libya's government.

On September 22, 2011, South Africa's government issued a statement in which it recognized the new Transitional Government of Libya and confirmed its wish to cooperate with it on development in post-conflict Libya. The statement also indicated South Africa's wish to cooperate with the UNSC and associated agencies to ensure political stability in Libya²⁸.

Thus, South Africa demonstrated full cooperation with BRICS and with the Security Council, while taking on initiatives for diplomatic resolution of the conflict in Libya. It is awarded a compliance score of +1.

Brazil: 0

Brazil partially complied with the commitment.

Brazil complied with the UNSC Resolution 1970.

Brazil supported the BRICS commitment to non-military intervention in Libya and promoted negotiations with Libyan authorities as the optimal way to find solution for conflict. On March 22, 2011, after the Security Council authorized NATO aerial strikes, Brazil's Foreign Affairs Ministry released a statement in which it called for an immediate and complete cease-fire in Libya²⁹. On July 12, 2011, at the United Nations General Assembly, Brazil again underscored its scepticism in the possibility of a resolution of the Libya crisis through military means³⁰.

While supporting BRICS commitment for a peaceful resolution of the conflict, Brazil failed to promote this in a constructive and non-critical way in the UNSC. Brazil persisted in its criticism of the Council Resolution 1973 and of NATO's actions in Libya. Brazil accused the UNSC in speculation on the principle of Responsibility to Protect. Brazil proposed a new initiative Responsibility While Protecting, which outlined new guidelines for foreign intervention and which caused a backlash from Western countries on the Security Council³¹. Thus, although Brazil was steadfast in its belief in a diplomatic solution to the crisis and supported a unified BRICS' within the Security Council, it ultimately failed to cooperate with the Security Council, undermining cooperation and threatening to discredit BRICS' diplomatic initiatives.

²⁷ South Africa's Zuma in Peace Mission. BBC, May 30, 2011, <http://www.bbc.co.uk/news/world-africa-13591667>, last accessed: 15 February 2014.

²⁸ South Africa, Press Release, 22 September 2011, <http://www.suedafrika.org/en/press/archive-newsdetails/datum/2011/09/22/south-africa-recognizes-the-national-transitional-council-in-libya.html>, last accessed: 25 February 2014

²⁹ Bruno Marfinati, "Brazil calls for ceasefire in Libya", Reuters, 22 March 2011, <http://www.reuters.com/article/2011/03/22/oukwd-uk-libya-brazil-idAFTRE72L0YY20110322>, last accessed: 25 February 2014

³⁰ International Service for Human Rights. "Responsibility to Protect: on-going crisis in Libya provides fertile ground for debate in GA", July 29, 2011, <http://www.ishr.ch/news/responsibility-protect-going-crisis-libya-provides-fertile-ground-debate-ga>, last accessed: 26 February 2014.

³¹ Thorsten Benner. Brazil as a Norm Entrepreneur. GPPi Working Paper, March 2013

Brazil took on initiatives to aid constitutional development in Libya. On January 15, 2012, Brazil's Congressman Adrian Ramos met with President of Libya's General National Congress Mohamed Magarief to discuss possible ways that Brazil could aid in the political development of post-conflict Libya³².

Thus, despite Brazil's public denunciations of NATO's military involvement in Libya and lack of initiative within the framework of the Security Council resolutions, Brazil provided full support for BRICS' insistence on military non-intervention in Libya and initiated negotiation with the Libyan government. Brazil has a score of 0.

³² Michiel Cousins, "Brazilian Congressman in Talks with Libyan Government", Libya Herald, 15 January 2012, <http://www.libyaherald.com/2012/12/15/brazilian-congressman-in-talks-with-libyan-government-gnc-invited-to-send-delegation-to-brazil/#axzz2uV39wc6P>, last accessed: 26 February 2014.