L’intervention des Etats-Unis en Libye du 15 avril 1986

Le 15 avril 1986, plusieurs villes libyennes, dont Tripoli et Benghazi, sont la cible des forces aériennes américaines. L’opération a duré 12 minutes, et fait 37 morts, dont 36 civils, et plus de 90 blessés.

La tension entre les deux Etats avait été marquée par l’explosion, le 5 avril 1986, d’une bombe dans une discothèque de Berlin-ouest fréquentée par l’armée américaine (trois morts et 129 blessés). Les Etats unis ont justifié leur action par l’insuffisance des mesures prises par les autres Etats occidentaux contre le terrorisme international. L’action américaine a été entreprise sans consultation préalable avec les alliés des Etats-Unis.


Position officielle de l’ONU

Conseil de sécurité


A/RES/41/38
20 novembre 1986
78th meeting

The general Assembly,

Having heard the statement of the representative of the socialist people’s Libyan arab Jamahiriya,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain from the threat or use of force in their international relations and to settle their disputes by peaceful means,

Reaffirming also the inalienable right of all peoples to determine their own form of government and to choose their political, social and economic system without any interference, subversion, coercion or constraint of any kind whatsoever,

Recalling its resolution 40/157 of 16 December 1985 on the strengthening of security and co-operation in the Mediterranean region,
Deeply concerned at the threats and aggressive provocations, and the freezing of assets and properties, carried out against the Libyan Arab Jamahiriya,

Deeply concerned also at the series of desinformation campaigns carried out against the Libyan Arab Jamahiriya,

Gravely concerned at the aerial and naval military attack perpetrated against Tripoli and Benghazi on 15 April 1986, which constitutes a serious threat to peace and security in the Mediterranean Region,

Noting with concern that the security Council has been prevented from discharging its responsibilities owing to the negative vote of certain permanent members, Taking into consideration the Declaration adopted by the assembly of Heads of State and Government of the Organisation of African Unity at its twenty-second ordinary session, held at Addis Ababa from 28 to 30 July 1986,

Taking note of the political Declaration adopted by the eight conference of Heads of State or Government of non-aligned Countries, held at Harare from 1 to 6 September 1986, and other relevant declarations of the Movement of non-aligned Countries in this context, Taking note also of the final communiqué adopted at the Co-ordination Meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference, held in New York on 2 October 1986, Condemns the military attack perpetrated against the Socialist people’s Libyan Arab Jamahiriya on 15 April 1986, which constitutes a violation of the Charter of the United Nations and of international law;

Calls upon the government of the United States in this regard to refrain from the threat or use of force in the settlement of disputes and differences with the Libyan Arab Jamahiriya and to resort to peaceful means in accordance with the Charter of the United Nations;

Calls upon all States to refrain from extending any assistance or facilities for perpetrating acts of aggression against the Libyan Arab Jamahiriya;

Affirms the right of the Libyan Arab Jamahiriya to receive appropriate compensation for the material and human losses inflicted upon it;

Requests the Security Council to remain seized of the matter and requests the Secretary-General to report thereon to the general Assembly at its forty-second session.

Adoptée par l’Assemblée générale, par 79 voix, contre 28 et 33 abstentions:

(http://www.un.org/documents/ga/res/41/a41r038.htm):

Positions officielles des Etats
**Etats-Unis**

« In accordance with Article 51 of the UN Charter, I wish, on behalf of my government, to report that United States forces have exercised the United State right of self-defence by responding to an ongoing pattern of attacks by the government of Libya […] Over a considerable period of time Libya has openly targeted American citizens and U.S. installations. The most recent instance was in West Berlin on April 5, where Libya was directly responsible for a bombing which resulted in the death of one U.S. Soldier and injury to a large number of American servicemen and other persons. […] The United States objective was to destroy facilities used to carry out Libya’s hostile policy of international terrorism and to discourage Libyan terrorist attacks in the future », (Lettre adressée au conseil de sécurité le 14 avril 1986 cité in Marian Nash Leich, « Contemporary practice of the United States relating to International Law», A.J.I.L., 1986, vol.80, pp. 632-633).


« It is hypocrisy to equate the answer to terrorism with terrorism: it is equating crime with those who fight crime. It is clear that the international community as a whole suffers from Colonel Qaddafi’s disrespect for accepted international norms of behaviour. He has abused diplomatic privilege for terrorist purposes; he has reneged on international agreements and has blatantly used violence against political opponents. In sum, he has made terrorism an integral part of his foreign policy. Libyan attacks are not simply the random use of violence, but concerted violence directed against the values, the interests and the democratic institutions of all freedom-loving states. They are a clear assault on international order; an assault on the Charter of the United Nations and the principles which we as members of the Council are pledged to defend. Let us not shrink from this challenge. », (position prise au conseil de sécurité cité in Marian Nash Leich, « Contemporary practice of the United States relating to International Law», A.J.I.L., 1986, vol.80, n° 3, p. 636)

**Ouganda**

« This attack, which represent a flagrant violation of the integrity, sovereignty and independence of Libya, was the culmination of a whole series of hostile actions and measures taken by the United States administration in a bid to bring Libya to its knees.», (22 novembre 1986, A/41/PV.78, p. 2).

The Reagan administration has sought to justify its actions against Libya as acts of self-defence provided for in article 51 of the Charter. It has blamed numerous terrorist attacks, including the bombing of a discotheque in West Berlin, on Libya. Although the administration claims to be in possession of irrefutable evidence of the Libyan government’s involvement, such evidence has not been produced to independent observers or to anybody else so far as one can tell. », (22 novembre 1986, A/41/PV.78, p. 6).
«The international community cannot remain indifferent to the ambition of a great Power to arrogate to itself the role of arbiter judging by its own lights the policies of other sovereign States, whether situated close to it or thousands of kilometres from its territory. Even less valid is the explanation that that Power is thus combating terrorism and exercising his right to self-defence», (22 novembre 1986, A/41/PV.78, p. 12).

U.R.S.S.

«The major argument which representatives of the United States administration resorted to in an attempt to justify this anti-Libyan action was the attempt to accuse Libya of supporting international terrorism. […]», (22 novembre 1986, A/41/PV.78, p. 17).

There is hardly any need, we would think, to explain in detail the position of the Soviet Union regarding International terrorism. I should merely like to recall the following statement made in a recent interview by the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Edvard Shevardnadze:

«Individual criminals and individual terrorists cannot be identified with States and people. Individual incidents cannot be used in order to punish peoples and States, as was the case with Libya and as is now threatening Syria. The problem of terrorism must be resolved jointly, pooling effort to achieve the eradication of terrorism as an evil». […] The attempts of the United States to justify the attack on Libya through references to Article 51 of the United Nations Charter are unfounded and totally unconvincing as was demonstrated yesterday in the statement of the representative of Qatar and that other representatives», (22 novembre 1986, A/41/PV.78, p. 18).

République démocratique du Laos

«They included references to the right of self-defence, the concern for fighting international terrorism and so forth. Thus the United States arrogates to itself the right to commit acts of aggression against a small independent country, thousands of kilometres from the coast of the attacking Power», (22 novembre 1986, A/41/PV.78, p. 23).

Tchad

«Thus, while it is true that Libya suffered damage through the American air raid, that damage was undoubtedly slight compared with that caused to Chad by the Tripoli criminals, but was clearly exaggerated and blown up in the interest of Libya’s cause, we believe that this gives Qaddafi an opportunity to understand and weigh the suffering Libya is causing the people of Chad who are the victims of this open aggression […]», (22 novembre 1986, A/41/PV.78, p. 31).

Israël
«There is irrefutable evidence of Libyan complicity. The United States struck at the source— not only at those who pull the strings as well. What else could it have been expected to do? To wait for further acts of terrorism?», (22 novembre 1986, A/41/PV.78, p. 39-40).

**Afghanistan**

«Hence the elaborate defamation campaign, the economic and cultural blockade, the acts of armed provocation and destabilisation and the naked acts of aggression perpetrated by the United States against Libya are by all indications elements of a premeditated design within the overall United States global policy of state banditry and terrorism», (22 novembre 1986, A/41/PV.78, p. 43-45).

**Ligue des Etats arabes**

«It was an act of aggression for which the United States could not provide, then or later, credible justification. There were accusations that Libya was linked to anti-United States violence in Western Europe, but no « evidence » was made public», (22 novembre 1986, A/41/PV.78, p. 54-55).

**Chine**

«The Chinese government opposes and condemns terrorism in whatever form. We are against using terrorist means to carry out a political struggle. At the same time, we are also against violating the territory of a sovereign State on the ground of combating terrorism. As everyone knows, the peaceful settlement of international disputes is a universally recognised principle in contemporary international law and also one of the important principles enshrined in the Charter. Strict observance of this principle in relations between States and Libya should abide by this principle and settle their differences in a fair and reasonable fashion through peaceful talks», (22 novembre 1986, A/41/PV.78, p. 63).

**Nouvelle Zélande**

« Major acts of terrorism, especially those conducted with the connivance or under the direction of a State, may justify the use of force, said the prime minister, so long as the forces used is reasonable and proportionate to the danger. American military action may have been justifiable as an act of self-defence, continued Mr. Lange, but the fact that it conforms with America’s rights under international law does not necessarily make it right. […]The draft resolution makes no reference to the actions of the Libyan government over a period which provoked the United States attack. …Regrettably, the sponsors of the draft resolution have chosen to condemn the retaliation while disregarding the chain of events which led to the United States action - hence, our intention to oppose this draft resolution », (22 novembre 1986, A/41/PV.78, p. 64-65).

**Pérou**
« Will vote in favour of the revised draft resolution because it constitutes a rejection of the acts of any State that departs from the rules of international co-existence established by the Charter of the United Nations and under international law. At the same time, the government of Peru wishes to reiterate its condemnation of terrorism in all its form, whoever those responsible may be, whether individuals or States, and whatever the motives, or the national or international arenas chosen », (22 novembre 1986, A/41/PV.78, p. 66).

Turquie

« Turkey, which has always been of the view that negotiations and other peaceful means should not be discounted in the settlement of disputes, cannot reconcile the air raids carried out today against Libya with the principles of international law. [...] Nevertheless, we find it difficult to vote for draft resolution A/41/L.35/Rev.1, because it does not encompass all the elements reflecting the position of the parties and does not take into account the distinct competence and responsibilities of the Security Council », (22 novembre 1986, A/41/PV.78, p. 67).

Suède

« The action by the United States is in contravention of international law as it is set out in the United Nations Charter and other documents. Conflicts must be resolved by peaceful means.[...] The Swedish Government has repeatedly condemned all forms of terrorism. This threat must be met by intensified international co-operation. Terrorist deeds must be combated by political and police means, not by acts of war. My delegation can support several elements of the resolution just adopted. In our view, the American military attack against Libya cannot be defended under Article 51 of the Charter », (22 novembre 1986, A/41/PV.78, p. 71).

Espagne

« Spain voted against the draft resolution today because it reflects an incomplete picture that is out of context with the complex set of circumstances and the factors that played a relevant part in those events. In particular, there is no reference in the resolution to the problem – unfortunately, a very real problem – of international terrorism… », (22 novembre 1986, A/41/PV.78, p. 72).

Chili

« My country … cannot support a decision that not disregards terrorism… », (22 novembre 1986, A/41/PV.78, pp. 72-73).

Belgique

« La Belgique exprime sa compréhension pour l’indignation américaine relative à une série d’actes récents de terrorisme en Europe occidentale. Dans ce contexte, la Libye a été hier à La Haye désignée nommément et une série de mesures ont été prises, maintenant que les Douze considèrent


**Royaume-Uni** (positions prises à la House of Lords)

« As indicated, I believe that the United action against terrorist-related targets, undertaken in the light of evidence that further terrorist attacks were planned, was within the inherent right of self defence under article 51 », (15 avril 1986, cité in G. Marston, “United Kingdom materials on International Law 1986”, B.Y.I.L., 1986, p 637).

« In the speech made throughout the debate today there has been no doubt about the implication of the Libyan Government in State-directed terrorism […] In these circumstances, there is a plain right of States to defend themselves and their citizens against attacks and sustained threat of attacks directed, promote and organised by another State […]. It must be said as well that the right of self-defence is not an entirely passive right. It plainly includes the right to destroy or weaken the capacity of one’s assailant, to reduce his resources, and to weaken his will so as to discourage and prevent further violence », 16 avril 1986, cité in G. Marston, “United Kingdom materials on International Law 1986” B.Y.I.L., 1986, p 640).

«I am aware that the United Nation Charter enjoins member states to settle their international disputes by peaceful means and to refrain from the threat or use of force; But these articles do not impair the inherent right of individual or collective self-defence under article 51. There is a limit to the damage, in terms of lives and property, that sovereign state can be expected to take from planned terrorist attacks of an another state… », (18 avril 1986, cité in G. Marston, “United Kingdom materials on International Law 1986” B.Y.I.L., 1986, p. 642).