

Mass Exodus and the Responsibility to Protect under international law: the case of Libya

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Luis Preval Abstract: Southern Member States of the EU are currently worried about a potential mass exodus of refugees from Libya arriving on their borders. The Italian Foreign Minister has anticipated its 'biblical' dimensions, which in fact reflects the dimensions of a crisis that is forcing Libyan citizens to leave their own country in order to preserve their life and freedom. Events in Libya have unfolded differently from Tunisia or Egypt, where the regimes were unwilling or reluctant to initiate a wholesale massacre of their own citizens due partly to the determined reaction of the US and some EU Member States. People fleeing from Libya are protected by the non-derogable right of non-refoulement and thus under no circumstances can they be forcibly returned to a territory where their life or physical safety are at risk for (in this case) political reasons. The 1951 Convention on the International Status of Refugees, the European Convention of Human Rights, the Charter of Fundamental Rights of the European Union (EUCFR) and a whole set of EU Directives are unequivocal in establishing the right of individuals not to be forcibly expelled, whether directly or indirectly, back to the place where they may suffer persecution. This right has been widely and consistently interpreted by national and international courts as an absolute right.

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