

ANNEX II

Confidential

Special Envoy for Libya Ján Kubiš Briefing to the UN Security Council

24 March 2021

AS PREPARED

Madam President, Ambassador Linda Thomas-Greenfield, United States of America,

Members of the Security Council,

Thank you for the opportunity to update you on the situation in Libya – my first briefing to the UNSC in my new capacity.

Following the selection on 5 February by the Libyan Political Dialogue Forum (LPDF) of the new interim executive authority to govern Libya for the period leading up to national elections set for 24 December 2021, the House of Representatives on 10 March overwhelmingly endorsed the Government of National Unity (GNU) proposed by Prime Minister Abdelhamid AlDabaiba. Over 130 members gathered in Sirte for the House of Representatives session which in itself was a historic political milestone after years of paralysis and internal divisions.

The new cabinet, with 35 members, reflects the different Libyan regions and constituencies. While women's representation is only at 15%, PM Dabaiba pledged to appoint more women to other senior executive positions, so as to reach the commitment of 30% participation of women set out in the LPDF Roadmap. Currently, the key position of the Minister of Defence is vacant and managed by PM Dabaiba .

The House of Representatives (HoR) reconvened again in Tobruk on 15 March for the solemn swearing-in ceremony of the new Government, with the attendance of the new President of the Presidency Council, Mohamed Younis Menfi along with his two deputies, Musa al-Koni and Abdullah Hussein El-Lafi who took their oath prior to that before the Chief Justice. The following day, the outgoing Presidency Council of the Government of National Accord of President Sarraj completed the

transfer of power to the new Presidency Council and the Government of National Unity during a cordial handover ceremony at the seat of Government in Tripoli.

Key messages during the swearing in ceremony called for reconciliation, reuniting the country, protection of human rights, meeting the basic needs of the people, and freeing Libya from foreign forces and foreign interference.

This manifestation of the emerging political will for unification after years of internal strife and conflict is first and foremost a result of Libyan dialogue and Libyan decisions, grounded in the wishes of the people to finally end the divisions and confrontations of the transition period, to reclaim back their country, to reinstate its unity and sovereignty. The role of the United Nations Support Mission in Libya (UNSMIL) has been one of good offices and facilitation, supported by the Berlin process, other international partners. I recognize the immense contribution of former Acting SRSG Stephanie Williams and her team in setting up the UNSMIL-facilitated intra-Libya political Dialogue Process, the LPDF.

I would also like to thank Libya's international partners for playing a supportive role, especially regional actors and neighbouring countries, notably Egypt and Morocco who facilitated the various supporting tracks between the High Council of State (HCS) and the House of Representatives. On 17 March, the Tunisian President, His excellency, Kais Saied arrived in Libya, the first visit in the recent years by a foreign head of state.

Madam President,

These developments represent a trend and momentum that must not be lost. Moving forward, we all need to assist and encourage the new executive authority, the HoR and the HCS to pursue an inclusive political process, to fulfil the objectives set by the Libyan Political Dialogue Forum and to maintain momentum on all intra-Libyan tracks, which need to continue working in a mutually-reinforcing manner. It is up to the Libyan leaders to demonstrate the will to honor the pledges and commitments under the LPDF Roadmap that corresponds to the will of the Libyan people. They will need the continued, timely and aligned support of the United Nations Security Council and the international community.

The United Nations Support Mission in Libya embraces the key priorities identified by the interim executive authority, by Prime Minister Dabaiba, and stands ready to support them. These include reunifying the country and its sovereign institutions,

advancing the full implementation of the ceasefire agreement, Security Sector Reform (SSR) and Disarmament Demobilization and Reintegration (DDR), delivering basic services to Libyans based on a decentralized system, addressing the COVID-19 pandemic, fostering human rights-based inclusive national reconciliation and transitional justice, advancing women's political and economic empowerment, and delivering the national elections on 24 December 2021.

Madam President,

There is a broad and strong support in the country, among it increasingly young population for holding inclusive elections on 24 December, which should remain a key focus for the new interim executive authority and state institutions. For the polls to take place, it is critical to have confirmed, clear legal and constitutional framework for the presidential and parliamentary elections. To this end, the Constitutional Committee established by the House of Representatives and the High Council of State reached an agreement, on 12 February, on a proposed constitutional basis for the elections.

This agreement highlights a referendum on the constitutional proposal adopted in 2017. Alternatively if a referendum on the draft permanent constitution is not possible based on a decision of High National Elections Commission (HNEC) and endorsed by the House of Representatives and the High Council of State, presidential and legislative elections would take place on the basis of an amendment to the Constitutional Declaration, emanating from the so called February Committee report of 2014. The latter envisions the election of a House of Representatives by general, free, secret, and direct suffrage according to an electoral law promulgated by the House of Representatives in agreement with the High Council of State; and of Head of State elected by universal, free, and direct suffrage and by absolute majority of the votes casted on the same election date of the House of Representatives in accordance with a law promulgated by the House of Representatives in agreement with the High Council of State.

The agreement has been adopted by the High Council of the State but is yet to be considered by the House of Representatives – an urgently needed task. Additionally, it is imperative to start working- without any further delay on the election laws. In this regard, it is worth noting the observation of the Chairperson of the High National Elections Commission that the necessary legislation for elections needs to be adopted by 31 July at the latest, for the elections to be possible in December.

In parallel, and in line with the Libyan Political Dialogue Forum's mandate, the LPDF's Legal Committee started deliberations and formulated proposals, which would provide a fallback framework, in the event that persistent divisions within the House of Representatives prevent it from reaching a timely decision that will enable holding of the elections on 24 December, 2021.

The continued functioning of the House, building on the current momentum and positive dynamics, will be of utmost importance to complete vital next tasks including the adoption of the budget, the electoral laws and other relevant legislation necessary to conclude this interim phase.

The Government of National Unity has a distinct role in building a conducive political and security environment for elections, and in facilitating the work of the High National Elections Commission through the various related ministries and governmental institutions. It is important that the government ensures the timely disbursement of sufficient budget for the Commission.

The Libyan electoral authorities are exerting commendable efforts to hold municipal council elections despite COVID-19 and a precarious security environment. Following municipal elections conducted during January and February, six new municipal councils took office in western Libya, including in Tripoli. The remaining elections will be organised after Ramadan. The United Nations in Libya will continue its work to strengthen the capacity of democratically elected municipal councils to provide services, build social cohesion and improve the lives of vulnerable populations.

Madam President,

With the security assurances of the 5+5 Joint Military Commission, the holding of the House of Representatives session in Sirte was a catalyst for the repositioning of foreign fighters and mercenaries in and around Sirte, which enabled the reopening of Al-Ghardabiya airport for the arrival of the members of the House of Representatives. However, these fighters remain in the country and indeed within the vicinity of the city. Their withdrawal from Libya will go a long way in reconstituting the unity and sovereignty of the country and healing the deep wounds caused by many years of internal strife, active conflict and foreign interference. Libyans from all stripes and across the political spectrum are vehemently calling for

all mercenaries and foreign forces to leave the country – a call supported by the Libyan authorities and institutions.

The reopening of the coastal road remains a critical step for the steady and sustainable, if gradual implementation of the Ceasefire Agreement. Significant progress has been made on clearing the coastal road connecting Misrata with eastern Libya from explosive remnants of war, with UNSMIL and UNMAS technical advice and support. During their last meeting in Sirte on 15 March, the 5+5 Joint Military Committee agreed to open the road in two weeks' time.

Madam President

On 3 March, the United Nations Secretariat deployed an Advance Team to Libya to assess possible UN support to the Libyan-led Ceasefire Monitoring Mechanism. Preliminary findings were shared with this Council in the progress report issued on 22 March. While the Advance Team's work is yet to be finalized, a number of prerequisites are coming to the fore. These include national leadership and ownership of the implementation of the ceasefire agreement of 23 October 2020, continued momentum on the security track working in mutually-reinforcing harmony with political, economic and humanitarian tracks, and the timely provision of additional financial and human resources, necessary to establish security, logistical and operational support to UN ceasefire monitors, that will enable their deployment.

It is essential that the ceasefire implementation takes into account the impact on civilians, restoration of essential services, access to markets and freedom of safe movement. Not only for that, the team of monitors must be balanced and include women, young generation.

While the ceasefire agreement continues to hold, there are reports of ongoing fortifications and the setting up of defensive positions along the Sirte-Jufra axis in central Libya, as well as of the continuous presence of foreign assets and elements. Elements of Islamic State of Iraq and the Levant and other international terrorist groups continue to operate in the country. It is important to continue to support the authorities to address this ongoing threat, act against international terrorism and to fight unlawful armed groups and organized crime networks plaguing the country which is critical for the stability of Libya, for the stabilization of Sahel. Within the nine-month mandate of the GNU, it is encouraging to note its resolve to initiate unification of Libya's military and security institution, disarmament, demobilization and reintegration of various armed groups and militias, and security sector reforms.

Madam President,

Since 2014, Libya has either had no budget or two parallel budgets. On 17 March Finance Committee of the House of Representatives announced that it had received the GNU 96 billion LYD draft budget proposal, coming in at a time when the country has just undertaken its first steep devaluation of the dinar. It includes a 20% salary increase for state employees, previously approved by the Presidency Council. It also includes 1.4 billion to respond to the COVID-19 pandemic and 100 million LYD for the HNEC.

This is a positive example of restoring the normal processes of government and of reunified state institutions fulfilling their constitutional roles, including the legislative and oversight role of the unified parliament.

I welcome the announcement by the National Oil Corporation that oil revenue held in abeyance is now being transferred to the Central Bank.

The country is facing an acute electricity crisis this summer and there are risks to its water security as well. UN agencies estimate that over 4 million people, including 1.5 million children, may face being denied access to clean water and sanitation if immediate solutions are not found and implemented.

As its primary source of revenue and the largest employer, the oil sector also requires continued support and investment. Libya carries over 160 billion dinars of debt and has billions more in outstanding contractual liabilities.

I was encouraged to hear from PM Dabaiba that the Libyan authorities will operate in a way that will establish high standards of good governance, competency, responsibility, transparency and accountability while fighting corruption, and mismanagement.

Madam President,

While the ceasefire has resulted in a dramatic reduction of civilian casualties, UNSMIL continues to document killings, enforced disappearances, sexual violence, including rape, arbitrary arrests and detentions, attacks against activists and human rights defenders and hate crimes. Freedom of expression is undermined. Various

armed groups continue to operate without hindrance, human rights violations continue with almost total impunity. It is also essential that internally displaced people are able to return to their homes, and those displaced outside of Libya consider it safe to return to their country.

Following the deeply disturbing discovery of new mass graves in Tarhuna earlier this year, reaching a total of 101, the security situation remains unstable, the tensions are high and compounded by lack of justice and accountability. Importantly, the EU Council on 22 March 2021 imposed sanctions on leading members of the Kaniyat Militia.

I am encouraged by the announcement of Prime Minister Dabaiba, last Friday, of an investigation on the reported discovery of several bodies found dead in Benghazi.

Arbitrary detentions remain a critical concern. There are more than 8,850 people arbitrarily detained at 28 official prisons in Libya in Judicial Police custody, with an estimated 60 to 70 per cent in pre-trial detention. In addition, some 10,000 people are detained in detention centers under the authority of militias and armed groups. It is estimated that detainees include around 480 women of which, reportedly, 184 are non-Libyans, plus 63 juveniles and children. UNSMIL continues to receive credible reports of arbitrary and unlawful detention, torture, enforced disappearances, extra-judicial killings, denial of visits from families and lawyers, and deprivation of access to justice.

Madam President,

Continuing humanitarian needs in Libya must not be overlooked and civic space must be reinforced. An estimated 38,000 displaced persons returned to their homes since the end of January but returns remain limited due to lack of basic services and the presence of explosive hazards, especially in southern parts of Tripoli. The impact of COVID-19 continues to make life extremely challenging for many of the country's most vulnerable people. As of 21 March, some 150,300 confirmed cases were reported including 2,487 fatalities. On a positive note, the national deployment plan for COVID-19 vaccination has been finalized with support from UNICEF and WHO.

Currently, only five per cent (USD 10 million) of the 2021 Humanitarian Response Plan (USD 189 million) is funded. I encourage Member States to contribute funding to assist some 450,000 vulnerable people in need.

While their numbers remain low compared to the total migrant population in Libya, the number of migrants attempting to cross the Mediterranean increased during the first two months of 2021 and remains steady, exposing them to protection risks and death. From 20 to 28 February, an estimated 56 people drowned during attempted crossings. Increasing numbers of migrants and refugees, currently some 3858 are being detained in official detention centres run by the Department for Combatting Illegal Migration (DCIM) under extremely poor conditions without due process and with restrictions on humanitarian access. UNSMIL is concerned about serious human rights violations against migrants and asylum seekers by DCIM personnel and by armed groups involved in human trafficking.

Madam President,

Since taking up my responsibilities in early-February, a succession of achievements by Libyan stakeholders have demonstrated that once seemingly insurmountable divisions can be overcome with determined political will and receptivity to the demands and aspirations of the Libyan people.

As we consider how best to support the new interim executive authority to advance its priorities, we should be mindful of the pitfalls on the road ahead, in particular those aiming to delay or obstruct the path toward the December elections.

In closing, I am pleased to report that over the past two months since the new UNSMIL leadership took up functions, with MC Raisedon Zenenga and RC/HC Georgette Gagnon on the ground, UNSMIL returned back to the country and the UN presence in Libya has doubled. As of 16 March, there are 112 international UN staff, both UNSMIL and Agencies Funds&Programmes, in Tripoli and Benghazi. UN presence on the ground will be critical in supporting the GNU priorities. For this to happen, for being able to implement even its currently mandated objectives and tasks, UNSMIL will require adequate resources and ability to recruit for numerous vacant positions, including in security.

Thank you.