

## **Remarks by SRSB Abdoulaye Bathily to the Security Council**

18 December 2023

Mister President,

Distinguished Members of the Security Council,

Since my last briefing to this Council on October 16th, laws number 27 and 28 on the National Assembly and Presidential elections were published by the House of Representatives in the Official Gazette on the 1st of November.

For the first time since the elections failed in December 2021, Libya has now a constitutional and legal framework for elections in place, considered technically implementable by the High National Electoral Commission. We need to build on this important achievement.

As I already indicated to the Council, to enable successful elections and prevent a repeat of December 2021, the remaining politically contested issues can only be overcome through a political settlement among the main Libyan institutional stakeholders committing in good faith.

To that effect, in November, I formally invited the heads of five key Libyan institutions – the Presidential Council (PC), the House of Representatives (HoR), the High Council of State (HCS), the Government of National Unity (GNU) and the Libyan National Army (LNA) – to a meeting in the coming period.

These chosen actors have the capacity to either reach consensus and advance the political process or prolong the stalemate and prevent Libya from holding peaceful elections. Their rivalry and lack of trust lie at the core of this prolonged crisis and stands in contradiction with the unity ordinary Libyans long for.

As a first step towards the five major actors' meeting, I have requested them to nominate three representatives each to participate in a preparatory session to agree on the parameters of the meeting of the principals, including the date, venue and agenda.

I am pleased to report that none of the institutional players outrightly rejected my invitation. However, some have set out conditions for their participation:

The Presidential Council has shown clear and concrete support. President Mnefi is displaying his good will and exploring every way to make this dialogue successful. I will continue working on the PC on this effort.

The Speaker of House of Representatives, Mr. Agila Saleh, has conditioned his participation to the agenda focusing on the formation of a “new government for elections”, while also rejecting the participation of the Government of National Unity (GNU) and Mr. Dbeibah.

The President of the High Council of State, Mr. Takala, has submitted the names of its three representatives to the preparatory meeting, despite his initial rejection of the version of the electoral laws published by the HoR.

The Prime Minister of the GNU, Mr. Dbeibah, also submitted the names of the GNU’s representatives. While ready to discuss outstanding issues in the electoral laws, he categorically rejects any discussions on a “new government”.

Libyan National Army Commander Khalifa Haftar is ready for dialogue, but has conditioned the GNU participation to the inclusion of the HoR-appointed Government. Alternatively, he would accept to participate if both “governments” were excluded.

I have learned of the Cairo meeting of 16 December between the President of the PC, the HoR Speaker and the LNA Commander and have taken note of the ensuing acknowledgment of the UNSMIL’s mediation role.

Mister President,

Distinguished members of the Council

As you can see, some Libyan leaders continue to drag their feet and do not, for now, show a decisive commitment to end the long-standing stalemate that has caused so much suffering for the ordinary Libyans.

Electoral laws alone cannot make elections happen if relevant actors are not genuinely committed to their implementation. The formation of a unified government to lead the country to elections, required by the electoral laws and welcomed by Libyan citizens of all sides, can only be realized if the major actors act in a spirit of political compromise, with a renewed commitment to the unity of their motherland, Libya. We must avoid a repeat of the August 2022 situation, when the formation of a government led to a violent conflict resulting in the death of many Libyans.

Mister President,

In parallel to my efforts described earlier, and to ensure a more inclusive process, I continue to consult with other segments of Libyan society, including political parties, notables, security actors, civil society, cultural groups, women, youth, and the business community. I have invited these

stakeholders to share their proposals on how to resolve the remaining contentious issues through a truly inclusive, Libyan-led, Libyan-owned and peaceful process.

Throughout my meetings, at least two messages were consistently conveyed: an ever-stronger call for elections to take place as soon as possible, and a sense of extreme fatigue and disenchantment with the delaying tactics of some political actors.

Mister President,

In addition to extensive bilateral engagements with representatives of international partners in Tripoli, I travelled to Algeria and Morocco in late November and to Tunisia in early December to seek their support for the UN's efforts. This builds on my visits earlier this year to Qatar, Türkiye and the United Arab Emirates. Other appointments are on my agenda. I cannot understate the importance of a united regional and international front to maximize the chances of success for this process in Libya.

I am also grateful for the expressions of support received and thank this Council for its unanimous renewal of UNSMIL's mandate through resolution 2702 (2023), and for reiterating support to my good offices and mediation role.

Mister President,

The absence of unified and legitimate State institutions operating for the benefit of the people was a contributing factor to the scale of destruction and tragic loss of life caused by Storm Daniel in Derna and surrounding areas in September.

More than three months after the devastating floods, the UN and humanitarian partners have reached over 203,000 people with humanitarian assistance and continue to work with Libyan authorities to ensure full, unhindered humanitarian access to all those in need. As the flood response moves to early recovery and reconstruction, the UN is engaging with Libyan authorities, affected people and development partners on the need for a coordinated national platform for the reconstruction effort. I urge political leaders in the East and the West to recall the unity and solidarity shown by Libyans at the onset of the Derna crisis and establish a coordinated national platform for reconstruction in the best interests of people whose lives and livelihoods have been so severely affected by this disaster.

Mister President,

While the ceasefire continues to hold, sporadic armed clashes and other security incidents continue to be recorded in each of the regions. On 29 October, heavy clashes erupted in the city of Gharyan (100 km south of Tripoli) between two coalitions of local armed groups. The fighting ended quickly though reportedly resulted in injuries, the loss of life, and damage to public and private property. During the past few months, military expansion in the western region, with a particular focus on the border crossings of Ras Jadir and Ghadames, led to increased tension in nearby cities such as Zuwara (adjacent to Ras Jadir) and Ghadames. The repeated pattern of such incidents in the East and the West highlights the necessity for sustained stability and unity of military and security institutions. The South remains a hunting ground for different armed groups, mercenaries, and illicit entrepreneurs.

From 7 to 9 November in Tunis, with the co-chairs of the Security Working Group of the Berlin Process, UNSMIL facilitated a retreat of the 5+5 Joint Military Commission (JMC), a key partner of the Mission that is committed to Libya's unity. It examined progress in the 2020 Ceasefire Agreement and discussed other provisions, including on the withdrawal of foreign forces, foreign fighters and mercenaries, whose implementation is compromised by the political stalemate in Libya and the degenerating situation in Sudan and the Sahel.

Mister President,

I continue to be concerned with the ongoing restriction of civic space and arbitrary detentions. Members of political parties, academics, and activists continue to languish in detention in Benghazi, Sirte, and Tripoli, without access to justice. Over the last nine months, security actors arbitrarily detained at least 60 individuals, including children, for their actual or perceived political affiliation. The real number may be much higher. This not only infringes their fundamental rights but also erodes the rule of law in Libya and further reduces public trust in the justice system and political process. I reiterate that a thriving civic space where Libyans engage through dialogue, dissent, and mutual understanding is critical for the political process.

The protection, human rights, and humanitarian situation of migrants and refugees remains a grave concern. Yet again dozens of migrants and asylum seekers drowned last Saturday when their boat departing from northwest Libya overturned in the Central Mediterranean Sea. I express my deep condolences to their families and wish a speedy recovery to the survivors. Also, collective expulsions of migrants and refugees into Libya and from Libya to neighbouring countries continue with conditions in detention centres becoming increasingly dire. Forced expulsions are strictly prohibited under international humanitarian law and must end.

Mister President,

Despite the enormous wealth of their country, Libyan citizens are increasingly exposed to economic and social hardship. Their demands for the end of corruption and mismanagement are loudly echoed from all corners of the country. Reports by the Central Bank of Libya and other oversight bodies are clearly showing escalations of public expenditure through questionable procedures, while the High Financial Committee established by the Presidential Council is yet to be fully operational.

Mister President,

Distinguished Members of the Security Council,

To conclude, allow me to say that except for a few political office holders whose terms of office have expired, and are keeping the country hostage to their particular ambitions, Libyans of all walks of life express their strong aspiration for a unified government to lead the country to elections, legitimate and unified institutions, peace, stability and the unity of the country. Community leaders, notables, political parties, women and youth groups, civil society organisations, the business community, the 5+5 JMC, other prominent military and security actors express full readiness to ensure peaceful, inclusive and successful elections. The High National Electoral Commission is also technically ready to start the preparations of the electoral process.

The national mood is ripe for a new political deal, a new dispensation for a brighter future for the country.

One group of unwilling officials clinging to their seats must not be allowed to fail the people of Libya and put the region at the risk of further chaos.

Thank you.