

## Check Against Delivery

Security Council Briefing, 27 August 2014

Special Representative of the Secretary-General

and Head of UNSMIL, Tarek Mitri

Mr. President,

1. In recent days, armed confrontations, which are both the cause and the result of deep divisions among Libyan political factions, have been unprecedented in their gravity and, to be sure, very alarming. The House of Representatives has resolved that groups fighting under the name of Fajr Libya (Libya's Dawn) and Ansar al Shari'a are terrorists and outlaws. The Fajr Libya coalition charged that the transitional government and the newly elected House of Representatives violated the Constitutional Declaration and lost legitimacy, considering their call for foreign intervention an act of treason. They asked the former General National Congress to convene. The General National Congress, whose tenure has expired, designated Omar al Hasi as Prime Minister and asked him to form a "National Salvation" government.

2. Since my last briefing to the Council on 17 July, armed battles, inflamed by air strikes, continued almost uninterrupted in Tripoli, Benghazi and other parts of the country. In Tripoli, we have seen an unprecedented movement of population in an attempt to escape the fighting. Conservative figures for those displaced are estimated at over 100,000, with at least another 150,000, including many migrant workers, have sought refuge abroad and fled the country. There is a general deterioration of living conditions. Food, fuel, water and electricity are in short supply. The departure of foreign medical staff and shortages in medical supplies has rendered the plight of civilians more critical. A rise in criminality has contributed to a further worsening of the situation. It is also likely that the fighting will result in the dissemination of explosive remnants of war and unexploded ordnances, posing a further threat to civilians.

3. The use by all sides of heavy weapons in densely populated areas has spread terror and contributed to a rising toll of innocent lives lost, including children. In addition, there have been many cases of kidnapping, burning houses, looting and other acts of revenge. The damage

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inflicted on public installations in Tripoli's southern and western sections – including the airport, the main oil depot, roads and bridges – is nothing less than tragic.

4. In the east, fighting continues between two coalitions of forces comprising Libya Shield units, armed brigades and the Ansar al-Sharia extremist group on one hand and forces allied to General Khalifa Haftar and the Army Special Forces on the other. The violence has resulted in a significant number of civilian casualties.

Mr. President,

5. When I last briefed the Council, I reported on the evacuation of UNSMIL's international staff members from Libya as a result of the escalating conflict and the fighting in and around the Jazour where our premises are located. We continue to stress that this is a temporary measure, and that staff will be redeployed once security conditions permit.

6. Notwithstanding this measure, the Mission has remained closely engaged with developments in Libya. On 7 August, a small team led by my deputy travelled to Tripoli to explore options for an unconditional ceasefire. The visit to Libya was facilitated by the Italian Embassy in Tripoli, and I would like to thank Italy for their generosity. During 12 days, the delegation met with a wide range of political and military actors. While all engaged constructively with our proposals, it is clear, very clear, that more work, much more work, is needed to overcome mistrust between the parties to the conflict.

7. While the Mission intends to build on these talks, we believe, Mr. President, that a clear message needs to be sent to the warring parties reminding them of their obligations under international humanitarian law, and I believe your resolution has just done that, whilst also underlining the need for a constructive engagement on their part with a UN-facilitated political dialogue.

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8. On 4 August, we attended the inaugural session of the newly elected House of Representatives in Tobruk. Regrettably, many efforts, including ours, to arrive at an agreement over procedural and related issues failed to ensure full participation of all elected members. A number of representatives decided to boycott the sessions. Underlining the importance of safeguarding Libya's fragile transition, with the House of Representatives as the only legitimately elected legislature, we affirmed that every effort must be exerted towards enabling parliamentarians, who boycott the House of Representatives, to join their colleagues.

Mr. President,

9. Developments on the battlefield in Libya over the past few weeks are a source of grave concern. More particularly, we strongly condemn indiscriminate shelling. Those responsible for the loss of civilian lives and the destruction of private property and public infrastructure must be held accountable, as those responsible for any ill-treatment and torture of prisoners. Of particular concern are reports from Derna that an extremist group has conducted summary trials and executions outside the judicial system.

10. In this regard, I welcome the declaration on 17 August by the Libyan General Prosecutor of his intention to investigate crimes committed during the recent fighting in Tripoli. I urge his office to initiate impartial investigations, even in the absence of formal complaints. I welcome also the recent statements by the Prosecutor of the International Criminal Court and the Office of the High Commissioner for Human Rights reminding all parties to the conflict that perpetrators of crimes against civilians, as well as those who order or fail to stop them, are liable to prosecution, as are those who incite violence.

11. The threat from the spread of terrorist groups has become real. Their presence and activities in a number of Libyan cities are known to all. At present, the chaotic security situation and the very limited capacity of the government to counter this threat may well have created a fertile ground for a mounting danger in Libya and beyond.

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12. In my previous briefing to your esteemed council, I qualified the aborted June 18-19 political dialogue meeting, which I had intended to convene, as a “missed opportunity”. Every unsuccessful dialogue initiative is a lost opportunity in Libya. We need to remind Libyan political leaders and brigade commanders that dialogue remains the only alternative to a protracted armed confrontation. No military solution is possible and the present impasse will be deepened further by the use of force. Although the horizon of a political agreement seems distant, the UN needs to spare no effort towards bringing various actors to the dialogue table. Intimidation or defamation should not distract us from the obligation of being an impartial mediator.

13. With the exception of a minority suspicious of, or hostile to, the role of the UN in Libya, there is broad-based acceptance of UNSMIL’s presence, as well as high expectations. The main and recurrent demand is to see the UN contribute more effectively to the protection of the civilian population. There may be wide support in Libya for an enhanced UN presence, but clarity on the modalities and type of support that is to be realistically expected is still lacking. Moreover, there is a great need to seriously address Libyan misperceptions as a condition for greater UN engagement in Libya.

14. Once again, we have been asked to play a greater role in institution building. An adequate response would necessitate further developing UNSMIL’s capacities. But this is not, in itself, a guarantee for the desired achievement. Previous experience tells us that short of a collective Libyan political will and clearly defined national priorities, UNSMIL is likely to face difficulties in implementation. National ownership is not only about ensuring that the UN’s actions are in accordance with Libyan strategies, but requires durable Libyan receptivity to subsequent advice and technical assistance. In addition, Libyan national ownership implies a consistent effort in ensuring an effective coordination of international support. UNSMIL has been mandated by your council to play a leading role in this respect but its success has been limited. It is important to see a coherent Libyan role in enabling concerted efforts. Not less important is the willingness of all friends of Libya to have their activities better coordinated.

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15. As elsewhere in the region, radical transformations opened up new opportunities and raised promises. The Libyan experience illustrates the fact that transition is fraught with great risks, some being due to perceived conflicting interests and mutual fears, the legacy of more than four decades of despotic rule, as well as reactivated enmities and reinvented hatred in the struggle for power. These risks are also those of seeing Libya's future impacted by regional polarization and proxy rivalries. The threat of derailing the movement of change initiated by the revolution is, in all probability, mounting. Reversing the descent into more instability and uncertainty cannot happen unless various actors in Libya's public life commit themselves, in words and in deeds, to a democratic political process. The democratic process cannot be reduced to the ballot box and to the emergence of numerical majorities and minorities. Its progress is conditional on upholding principles of pluralism, inclusivity, separation of powers, adherence to agreed democratic values and norms.

16. Many Libyans continue to be sceptical of the political process in their country and frustrated with their political elites. Low participation in the two recent elections is an indication of such erosion of credibility. Disappointment, aggravated by suffering and fear provoked by the armed confrontations, multiply the risk of a major setback for Libya. A large number of Libyans contact us and write to us distressed or disillusioned. But there are many others, Mr. President, who refuse to be discouraged. We cannot shy away from accompanying all of them, the disappointed and the determined, in this difficult period of their country's history.

17. Finally, I wish to express my gratitude to your esteemed Council for your support during the two years of my tenure that will be ending very soon. I also extend a warm word of appreciation to all UNSMIL and UN staff in Libya, national and international, for the indefatigable spirit they have shown in spite of the enormous problems that they have encountered and the risk to their personal safety and security in carrying out their work.

Thank you