

SRSG ABDOULAYE BATHILY'S REMARKS TO THE SECURITY COUNCIL MEETING ON LIBYA - 27 FEBRUARY 2023

(As delivered)

27 Feb 2023

Madam President,

Distinguished Members of the Council,

On 17 February, Libya celebrated the 12th anniversary of the 2011 Revolution. Libyans commemorated by voicing their determination to achieve a better future. They renewed their demands for peace, long-term stability, prosperity.

Yet, the political process remains protracted and falls short of the aspirations of the Libyan people who seek to elect their leaders and reinvigorate their political institutions. In short, Libyans are impatient. They question the will and desire of the current interim political actors to hold inclusive and transparent elections in 2023.

Madam President,

Since my last briefing on December 17, 2022, I continued my extensive consultations with Libyans throughout the country with all the stakeholders from different segments of society, as well as regional and international partners on ways to overcome the current political impasse. My consultations in Libya included all key political and security figures, civil society representatives including women, and youth, representatives of cultural components, and tribal leaders as well as with senior government officials and members of the House of Representatives and the High State Council. I have also received and reviewed many oral and written proposals from Libyans on ways to address the political impasse. Before traveling to New York, I engaged with the President of the Presidential Council, Prime Minister Dbeibeh, the Speaker of the House of Representatives, the President of the High State Council, as well as Field Marshall Haftar.

In an effort to expand the scope of my consultations, I undertook, again after my first December tour in the region, a new tour of regions and also European capitals and met with partners in Algiers, Tunis, Brazzaville, Rabat, Rome, Cairo, Paris, London, Berlin, Moscow and Washington. I consulted with the Deputy Permanent Representative of China. I shared my concerns about the current state of the political process and stressed the need to put an end to the repeated transitional arrangements, which only serve the interests of the proponents of the status quo.

I encouraged all my interlocutors to speak with one voice and recalled that their respective interests could only be met through a peaceful, stable and prosperous Libya. I am pleased to report that by and large, all regional and international partners agreed on the necessity to hold inclusive and transparent elections in 2023.

Madam President,

On 8th February, the House of Representatives adopted the 13th Constitutional Amendment to the 2011 Constitutional Declaration, which was published in the Official Gazette. This amendment is yet to be endorsed by the High State Council. Despite repeated attempts by the Speaker of the House of Representatives and the President of the High State Council and their delegations to agree on a constitutional basis for elections, disagreements persist. The 13th Constitutional amendment is controversial within the Libyan political class and general citizenry. Moreover, it does not address key contentious issues such as the eligibility criteria for presidential candidates, does not stipulate a clear road map and timelines to realize inclusive elections in 2023, and adds additional contentious issues such as the regional representation in the Senate.

Madam President,

Libya's political class is going through a major legitimacy crisis. One could say that most institutions lost their legitimacy years ago. Solving this legitimacy crisis should therefore be priority for all political actors willing to change the status quo.

To date, the House of Representatives and the High State Council have not been able to agree on a consensual constitutional basis for elections.

Meanwhile, the realization of presidential and legislative elections requires a broad national consensus, which involves the buy-in and participation of a wider range of stakeholders, including national institutions, political figures, security actors, tribal forces and other stakeholders.

Based on article 64 of the 2015 Libyan Political Agreement (LPA), and building on previously reached agreements among Libyan stakeholders, I have therefore decided to launch an initiative aimed at enabling the organization and holding of presidential and legislative elections in 2023. In this regard, I plan to establish a High-level Steering Panel for Libya.

The proposed mechanism will bring together all relevant Libyan stakeholders, including representatives of political institutions, major political figures, tribal leaders, civil society organisations, security actors, women, and youth representatives. In addition to the facilitation of the adoption of the legal framework and time-bound roadmap to the holding of elections in 2023, the proposed Panel will also provide a platform to advance consensus around related matters, such as election security and the adoption of a Code of Conduct for all candidates.

Madam President,

On 12 January, I was pleased to participate in the closing session of the preparatory meeting for a national reconciliation conference to be convened by the African Union and Libya's Presidential Council in Tripoli later this year. The meeting brought together over 150 participants including prominent political, tribal, and religious figures, and representatives of the country's political spectrum.

I commend the Presidential Council and the African Union for their efforts. Reconciliation is a long-term process that should be inclusive, victim-centred, rights-based, and grounded on transitional justice principles. I encourage the Presidential Council, with the support of the African Union, to implement necessary steps for an inclusive National Reconciliation Conference in Libya and I reiterate the UN's support to Libyan partners and the African Union.

Madam President,

The 5+5 Joint Military Commission continues to make progress in the implementation of the cease fire agreement. I am pleased to report that the ceasefire continues to hold and there have been no violations recorded since my last briefing. The security situation, however, remains fragile.

On 15 and 16 January, I chaired a two day-meeting with the 5+5 Joint Military Commission in Sirte, with Libyan and UNSMIL ceasefire monitors. I am pleased to report that the 5+5 Joint Military Commission endorsed terms of reference for its Disarmament, Demobilization and Reintegration Joint Technical Sub-Committee that will be mandated with the categorization of the armed groups pursuant to the 4th provision of the ceasefire agreement.

Encouraging steps were also taken to set the conditions for the Disarmament Demobilization and Reintegration process once the political environment is conducive. The Joint Military Commission 5+5 decided to launch a dialogue with representatives of armed groups to discuss ways to secure a conducive environment for elections among other issues.

UNSMIL, at the request of and jointly with the 5+5 JMC plans to facilitate a dialogue with representatives of armed groups in the coming weeks.

On 7 and 8 February, I chaired a two-day meeting in Cairo bringing together the 5+5 JMC and the Liaison Committees of Libya, Sudan, and Niger. With the support of UNSMIL advisors, participants developed and endorsed an integrated mechanism for joint coordination and information exchange between the three countries, to facilitate the process of withdrawal of mercenaries and foreign fighters. I am planning to conduct visits to these two neighboring countries and Chad, which was not able to attend the last meeting, to discuss and encourage their authorities to further support implementation of the action plan for withdrawal of foreign fighters and mercenaries.

Madam President,

On the economic track, management of the country's resources remains a serious concern for all Libyans. The use of Libya's resources particularly prioritization of expenditures, continued lack of basic services, the absence of accountability, and demands for equitable distribution of resources need to be fully addressed.

I reiterate the importance, and urgency, of establishing a Libyan-led mechanism that brings together stakeholders from across the country to agree on spending priorities and ensure that oil and gas revenues are managed in a transparent and equitable manner, in line with Security Council Resolution 2656. Central Bank reunification and reform are also key to maintaining accountability and promoting the economic welfare of the country.

To this end, the co-chairs of the Economic Working Group of the Berlin International Follow-up Committee continue to engage with Libyan institutions to advance discussions on an agreement for a temporary expenditure and oversight mechanism.

To achieve sustainable progress, advancing the economic track must remain an integral part of the political dialogue with Libyan stakeholders and the Libyan people.

Madam President,

Regrettably, the already limited civic space in Libya continues to be further restricted, silencing the voices of civil society groups and activists.

I am alarmed by a wave of arrests of women human rights defenders, accused of “offending Libya’s traditions,” following the activation of the anti-cybercrime law on 17 February.

February also marks more than one year since four civil society actors were arbitrarily arrested and detained under the pretense of protecting ‘Libyan culture and values’, while peacefully exercising their fundamental right to freedom of expression. In late December 2022, the four men were sentenced to three years imprisonment.

I reiterate my calls on Libyan authorities to end their crackdown on civil society, protect and promote civic space, and cease interfering in the work of civil society organisations.

Madam President,

In all my consultations with women and civil society organizations, they continue to call for a greater role in the on-going political and reconciliation processes. They demand to have their voices heard and full representation in all institutions.

I reiterate that women must be meaningfully represented in all political and reconciliation processes as well as civil society, cultural components, youth, and vulnerable groups and communities.

On a more positive note, on 6 February, a draft law on combatting violence against women was officially submitted to the House of Representatives. I acknowledge the tireless efforts of the Libyan experts who developed this draft which is essential to ensure women’s fundamental right to live free from violence.

Madam President,

In conclusion and as Libyans celebrated the 12th anniversary of the February 17 revolution, it is our mandate to support Libyans in their aspirations to realize their goals for a stable country led by authorities dedicated to its population’s wellbeing. Inclusive and transparent national elections to be held in 2023 are a key step in that direction.

I reiterate my request for the Council to express its support to my suggested way forward to fulfill the aspirations of the Libyan people.