

Remarks by SRSG Abdoulaye Bathily to the Security Council

16 October 2023

- **Mister President,**
- **Distinguished Members of the Security Council,**

I have the honour to address you today for the first time since Storm Daniel hit Derna and surrounding areas on September 10th. I wish to express my condolences to all Libyans who lost their loved ones, homes and livelihoods. The Derna tragedy is unprecedented in Libya's recorded history. With the Deputy Special Representative, Resident Coordinator and Humanitarian Coordinator, and other members of UNSMIL's Leadership Team, I visited the affected area. The human and material cost of this disaster is beyond imagination. In Benghazi, I visited the displaced families from the devastated city. Here in Tripoli, I also attended the funeral ceremony organised by relatives of the deceased and missing persons.

As a result of this tragedy, thousands of lives were lost. In my visit to Derna a few days after the Storm, I saw first-hand the magnitude of the disaster and heard from families about their losses, including individuals who lost all their loved ones. I saw an apocalyptic scene where large portions of the city were literally swallowed up by the water. In support of the affected families and local communities, UN agencies and local and international partners were on the ground within hours providing life-saving assistance and conducting search and rescue operations.

Some six weeks after the floods, humanitarian assistance provided by more than 24 humanitarian organisations, has reached over 146,000 people in need of humanitarian support and basic services. As the focus of response efforts transition to early recovery and reconstruction, UN agencies have undertaken initial assessments of the damage, needs and requirements for the next phase aimed at supporting people to get their lives back to normal as soon as possible.

The Derna disaster has shown the spontaneous and admirable unity, solidarity and compassion of the ordinary Libyans across the country. At the institutional level, the Presidential Council and the Government of National Unity (GNU) stood ready and mobilised for the support just as the HoR and the HoR-appointed Government backed, in their respective capacities, the rescue operations.

The Libyan National Army (LNA) mobilised its structure and established an operational room to support the activities of the rescue teams. In a remarkable show of solidarity, many armed formations of the West joined their colleagues from the East.

Despite the lack of national coordination between different institutions, their individual mobilisation immediately after the tragedy augured a national momentum of unity inspired by the disaster.

- **Mister President,**

I would like to commend Libya's international partners from the region and beyond, for their prompt and efficient support to the Libyan people during this tragedy.

The Derna disaster has revealed severe governance deficits through several issues, such as the lack of maintenance of the dam systems, the management of resources as well as the lack of an effective mechanism for disaster management and prevention. On the top of these issues, the absence of a unified political decision making at the national level made matters more challenging. Had these governance issues been resolved at the national level, they would have mitigated the impact of the tragedy.

- **Mister President,**

I am deeply concerned about the continued division of the leadership of Libya over the reconstruction of Derna and its surrounding affected areas. Leaders continue, so far, to display competition and rivalries as to which entity will exert exclusive authority over the reconstruction efforts. In the East and the West, different initiatives are conducted in this regard. From the outset, UNSMIL has called on the leaders to establish a unified national platform to assess the damage and undertake the reconstruction project, as related costs will be mostly borne by Libyan national resources.

Most international partners have expressed their readiness to support such a national mechanism as an instrument of transparency, accountability and efficiency. Uncoordinated initiatives could lead to further disappointment of the citizens of Derna and of the people of Libya who aspire for quick recovery and efficient reconstruction of the bereaved localities.

- **Mister President, distinguishes members of the council,**

I am pleased to announce that the electoral process has registered some progress. The 6+6 Committee has completed its work in early October. In spite of enormous pressure and laborious deliberations in Bouznika in Morocco, as well as in Tripoli, Benghazi and other cities in Libya, the members have achieved compromise on many contentious issues. The revised electoral laws were issued by the HoR on October 5th and officially received by HNEC on October 9th.

UNSMIL commends the efforts of the Committee and welcomes the progress that was reached.

▪ **Mister President,**

This Council will recall that UNSMIL has consistently advocated for electoral laws that are technically and politically implementable. In light of that, the new electoral laws call for the following observations:

➤ From a technical perspective, the revised laws are an improvement to the previous draft laws as several concerns identified by HNEC and UNSMIL ~~have been addressed~~. These include, among others, voting eligibility for members of the military, clarity on the sequencing of elections, clarity on the Senate and the HoR seat distribution, and clarity on electoral dispute resolution mechanism.

➤ From a political perspective, the most politically contentious issues highlighted in my June and August briefings remain unresolved, notably:

✚ *The mandatory second round of the presidential election:* Contrary to common practice, this provision requires the two frontrunners in the presidential elections to go for a run-off, irrespective of the votes won. It is linked to the eligibility criteria and illustrates the deep mistrust amongst the political class. It could potentially be misused to exclude candidates from the second round, to question a potential majority result and disrupt the whole electoral process.

✚ *The linkage between presidential and parliamentary elections:* While the presidential and legislative elections can be held on the same day, subjecting the validity of the parliamentary elections to that of the presidential elections results from an unspoken political statement and puts the process at a high risk of disruption.

✚ *The formation of a “new government”*: A highly contentious issue, a new government can only be the result of a negotiation among key actors. Furthermore, it stands to reason that creating a level playing field for all candidates requires a unified cabinet that enjoys public trust to lead the country to elections. However, to avoid a repeat of the August 2022 crisis unleashed by the unilateral appointment of the Bashaga government, it is necessary for this government to be the outcome of political negotiations amongst major players.

➤ The deletion of articles allowing holders of administrative numbers to register and vote –which were included in the June version of the draft electoral laws– may pose additional challenges to the implementation of elections in the South and limits the inclusivity of the elections.

➤ Regrettably, gender provisions for the Senate elections also remained unchanged, with only 6 seats (~~6.6%~~) allocated to women out of 90 seats.

➤ The electoral laws provide that the elections have to take place within 240 days from their entry into force. However, HNEC informed UNSMIL that the implementation of the electoral laws will only begin once the issue of the “new government” is resolved, in line with Article 86 on the law on the presidential election and Article 90 of the National Assembly law.

➤ Finally, there are disagreements between the HoR and the High State Council (HCS) over the electoral laws. The HCS disputes the amendments made to the HoR-adopted electoral laws and insists that the Bouznika version prevails. The rejection of the amendments made by the 6+6 after Bouznika by the HCS constitutes a political option that risks jeopardising the hard-won gains of the two Chambers and the compromise they have achieved.

▪ **Mister President,**

In Tripoli, a fragile calm has returned, although tensions persist between Tripoli-based armed groups. The inherent precariousness of dynamics between these security actors reinforces the need for an inclusive political process.

In Benghazi, the LNA’s attempt to arrest the former Minister of Defence in the Government of National Accord, Mahdi al-Barghathi, led to armed clashes in densely populated areas. The 6-8 October fighting caused several casualties, material damages and a communication shutdown for almost a week. Thanks to the intervention of community leaders the matters has calmed down for now.

I call on all to opt for de-escalation through dialogue and place protection of civilians principles at the centre of operations.

▪ **Mister President,**

The human rights situation remains concerning, with continuing attacks on civic space and the rule of law, which contributes to the deterioration of the overall situation. Arbitrary arrests and detentions across the country have also been recorded, including of members of political parties and think tanks. I am equally preoccupied by systematic deportations and mass expulsions of migrants and asylum-seekers from Tunisia to Libya, who are in desperate need of international protection.

▪ **Mister President,**

I would like to commend the positive role and moral responsibility of tribal leaders in diffusing tensions across Libya, as seen in Tripoli last August and Benghazi last week. I call on them to strengthen their role as actors of peace and national reconciliation.

▪ **Distinguished Council Members,**

To conclude, the finalisation of the electoral laws by the 6+6, in spite of the remaining issues to be finetuned and agreed upon through political compromise among the major players, offers the opportunity for breaking the current stalemate in Libya.

However, the rejection of the amendments made by the 6+6 after Bouznika by the HCS constitutes a political option that risks jeopardising the hard-won gains of the two Chambers. I call on the HCS to renounce this position, which risks obstructing the electoral process.

The controversy between HoR and HCS over the laws, the highly contentious issue of the “new government”, the linkage between the presidential and parliamentary elections, and the possibility of misuse of the conditionalities attached to the mandatory second round of the presidential elections put the whole electoral process at risk of another political crisis, which could lead to a remake of the December 2021 scenario or the August 2022 crisis.

In this regard, and in line with UNSMIL’s conflict prevention mandate, I wish to alert you to the risks of violent conflict involved by a unilateral appointment of a government by any of the rival parties and call on this Council to use its influence to prevent this dangerous occurrence and mobilise the Libyan parties for dialogue.

Since my last briefing, I have engaged the major stakeholders at the institutional level, as well as Libyans of all works of life to encourage them to display

their good will and good faith for the success of the electoral process. Only the genuine commitment of all to serve the interest of the people for peace, stability and prosperity can produce a positive electoral outcome.

Laws alone cannot and will not make elections happen. They need to be supported by the buy-in of a wide range of stakeholders, including the major institutions, but also military and security actors, political parties and candidates, community leaders, civil society organisations, women and youth groups, media professionals and other constituencies.

I call on all stakeholders, including major leaders, to meet and agree on a binding political settlement towards a peaceful electoral process, the backbone of which will be a unified government to lead Libya to elections. UNSMIL stands ready to facilitate this process.

Finally, I also reiterate my call on all international partners of Libya to support this electoral process as the only way to provide the country with legitimate institutions and a future of peace, unity, stability, and prosperity. This outcome is long awaited by Libyan citizens who wish to close the chapter of conflict and risks of disintegration. The ongoing crises in Sudan, the Sahel and the region and their potential spillover effects on Libya constitute serious threats that must not be taken lightly.

Thank you.