

Draft Statement by SRSB Abdoulaye Bathily
to the Security Council
19 June 2023

Mister President,

Distinguished Members of the Council,

It is a great honour for me today to address you on the situation in Libya.

Let me first express my heartfelt condolences to the families of the migrants who lost their lives in the sinking of the boat that sailed from Tobruk and sank in the Mediterranean Sea last Wednesday. I also wish speedy recovery to the survivors. This tragedy is a brutal reminder of our collective duty to find a solution to all aspects of the crisis in Libya that has an impact in other parts of the world.

Since my last briefing in April, I have continued engaging with a wide range of Libyan stakeholders as part of my initiative, announced last February, to enable successful elections. These stakeholders include institutional players, namely the members and heads of the Presidential Council, the House of Representatives (HoR), the High Council of State (HCS), the Government, the High National Electoral Commission (HNEC) and the High Judicial Council. I also engaged with municipal councils, political parties, civil society groups, women and youth

organisations, academics as well as professional groupings such as lawyers, business leaders and organizations. Furthermore, I continued to consult with the General Commander of the Libyan National Army, the Joint Military Commission 5+5 and security actors from all three regions of Libya to encourage them to commit to the electoral process in a spirit of compromise and national reconciliation.

Mister President,

Between 22 May and 6 June, the 6+6 Committee tasked by the HoR and the HCS to finalise the electoral laws met in Bouznika. The Kingdom of Morocco hosted the meeting. UNSMIL assigned a technical team comprised of electoral, gender and constitutional experts to advise the Committee. On 6 June, the Committee announced that it had reached agreement on draft laws for presidential and parliamentary elections. We acknowledge the efforts of the 6+6 Committee as an important step forward, though not sufficient to resolve the most contested issues and enable successful elections.

We have since seen a flurry of mixed reactions from Libyan stakeholders on the agreed text, indicating that key issues remain strongly contested. In addition, while acknowledging that the proposed laws represent significant progress, the High National Electoral Commission has officially written to the HoR and HCS expressing its concern about serious loopholes and technical shortcomings in the draft

laws. Those, with our own study of the text, have identified at least four main issues in this regard.

The most politically contested issues include:

- 1) the eligibility criteria for candidates for the presidential election.
- 2) the provision for a mandatory second round of the presidential election even if a candidate secures more than 50 percent of the votes required to win.
- 3) the provision stipulating that if the first round of presidential elections fails, the parliamentary elections will not take place.
- 4) the provision requiring the establishment of a new interim government before elections can take place.

As a result of intensive advocacy, the draft law makes it possible to secure at least 20 percent seats for women in the HoR. However, it allocates only 6 seats for women out of 90 in the Senate.

Mister President,

The eligibility criteria for presidential elections, the linkage between presidential and parliamentary elections, and the issue of forming a new unified government are highly contentious and require, first and foremost, a political agreement among the major stakeholders and key constituencies across the Libyan political spectrum. Short of

this, related provisions in the laws would surely remain unimplementable and might even trigger a new crisis.

To avoid that gloomy prospect for the people of Libya and the region, it is now crucial that steps are taken to overcome the persistent disagreements over these longstanding issues. The main Libyan decision-makers must, acting in a spirit of compromise, put the greater interests of the Libyan people above all else, and come to a political agreement on these matters. Without such compromises, the contested issues are likely to take the electoral process into a *cul de sac*, like in 2021, which will result in further polarization and even the destabilization of the country. I therefore call on this Council to increase pressure on the relevant actors and use your collective and individual leverage to ensure that they demonstrate the required political will to take their country to successful elections.

Mister President,

On the security front, Tripoli has remained relatively calm. Ongoing operations conducted by the Government against drug, weapons, fuel, and human trafficking activities in Zawiya and surrounding areas, have prompted allegations of political motives and therefore could risk undermining the relative stability in Tripolitania.

On 25 May, the Ministry of Defence launched an aerial campaign described as part of a law enforcement operation against criminal

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networks in the city and towns along the coastal road between Tripoli and the Libya-Tunisia border. On 29 May, the Ministry announced the start of the second phase of the operation, which is ongoing. As of 11 June, available sources indicated that 23 air raids have been recorded, resulting in civilians injured, and one medical clinic destroyed. While segments of the population in the area have consistently called on the authorities to address the insecurity created by the scourge of human, drug, and weapons trafficking, there are concerns that conducting military-like operations in a densely populated urban setting carries many risks that can escalate the security situation. I reiterate my call on the authorities to protect civilians as a top priority in these operations.

Meanwhile, in the South, the conflict in Sudan has raised concerns about its potential destabilizing effects on Libya, especially regarding a potential influx of refugees and cross-border movements of armed elements. We are monitoring the situation closely, and I have assured the Libyan authorities that the United Nations stands ready to support, emphasizing the need to provide refugees fleeing war with humanitarian protection.

Moreover, there is a widespread fear amongst Libyans that, should the conflict in Sudan last longer, its spill-over consequences might pose a new set of challenges to the stability of Libya and the region. In this regard, the withdrawal of foreign forces, foreign fighters and

mercenaries from Libya, on which we have been working very actively, would remain elusive.

In this delicate context, the dialogue that I have facilitated among security and military actors is continuing. In recent months, I facilitated meetings between the 5+5 Joint Military Commission and armed formations in Tripoli, Sebha and Benghazi. These meetings brought together warring parties for the first time since the beginning of the crisis in 2011. They have raised positive expectations among the Libyan public and created some momentum that needs to be kept and developed. Regardless of their affiliation, they committed, in public statements, to support the electoral process, accept its results, reject all forms of violence, and ensure protection of civilians. I intend to broaden this dialogue by taking these meetings to other cities in all three regions and by securing further commitments on the part of these actors, and their actions on the ground must reflect the commitments they made.

Mister President,

The International Follow-up Committee on Libya of the Berlin process and its working groups continued to serve as the overall framework for international support to the intra-Libyan dialogue tracks. In May, two in-person meetings were held inside Libya for the first time.

On 22 May, the co-chairs of the working group on international humanitarian law and human rights organised an in-person plenary

session in Tripoli, jointly with the Presidential Council. The presence of all members of the Presidential Council demonstrated their commitment to mainstreaming human rights throughout the political process. During the meeting, I stressed that an open civic space, with an active civil society, and independent rule of law institutions are critical enablers of elections and long-term stability and national reconciliation in Libya. The session concluded with the signing of a declaration of intent between the Presidential Council and the working group co-chairs to make human rights a central pillar of Libya's political and reconciliation process and to establish a regular and inclusive dialogue to advance human rights in Libya.

On 24 May, I also co-chaired, with Turkiye, the first in-person plenary meeting of the security working group, attended by the 5+5 Joint Military Commission, the security working group Co-Chairs and other members of the International Follow-up Committee on Libya. This meeting was a continuation of our efforts to support the implementation of the ceasefire and the reunification of military and security institutions. I appreciated the efforts of the 5+5 Joint Military Commission to continue their dialogue to rebuild unity and trust among military and security actors.

Mister President,

On the economic front, I welcome the conclusion of the International Monetary Fund (IMF) Article IV Consultation with the Libyan authorities, after a decade-long hiatus. Many of its recommendations reinforce calls on the Libyan leadership to enhance equitable, accountable, and transparent State resource management and oversight and to make tangible progress in unifying of the Central Bank of Libya. These issues are pertinent to the efforts to build consensus on elections, including on establishing a level playing field for all candidates. UNSMIL will support the implementation of the recommendations agreed upon between the IMF and Libya, including through the economic working group of the Berlin process, and ensure that the implementation progresses in a manner that adds momentum to the political track.

Mister President,

On human rights, I observe a concerning increase of excessive controls by security agencies who, together with other actors, restrict fundamental rights, including freedom of assembly and freedom of movement.

The Internal Security Agency recently introduced a new procedure that restricts women's freedom of movement by requiring women departing alone from Libyan airports in the western region to complete a form on reasons for travel abroad without a male-companion. This

discriminatory procedure has raised concern amongst women and other citizens. We support their call for the revocation of this procedure.

Equally alarming are decisions issued by the Government of National Unity on 22 May to form a committee to regulate civil society organizations based on the law No.19 of 2001, a restrictive historical law that asserts State control over civil society activities. Any law or regulation governing civil society should comply with national and international human rights guarantees. New restrictions on civil society and on women's freedom of movement are particularly alarming in a country working towards inclusive elections and national reconciliation where women and civil society have an essential role.

I am also deeply concerned by measures that contravene basic fair trial guarantees where security actors force confessions from persons in custody and publish them on social media. This is in clear violation of Libyan and international laws that protect against self-incrimination and confessions obtained under duress.

I call on all Libyan leaders to demonstrate more tolerance amongst themselves and towards their fellow citizens. I also urge them to engage on the path of national reconciliation. The release of detainees must be a pillar in this commitment.

Mister President,

The political process in Libya, as you see, has once again reached a critical stage. Let me reiterate what has been my consistent message in Libya: successful elections require not just a legal framework, but also a political agreement that ensures buy-in and inclusion of all major stakeholders. By my next briefing to the Council, I intend to intensify negotiations and convene major stakeholders or their trusted representatives to reach a final settlement on the most contentious issues, make the draft laws implementable and enable successful elections with an inclusive political agreement.

While we all endorse calls for non-interference and the principle of a Libyan-Libyan solution as a basis of any effective instrument for sustainable peace and stability, those catchwords must not remain slogans to hide an agenda for prolonging the status quo at the expense of the aspirations of the Libyan people for legitimate institutions and prosperity.

The prolonged status quo is detrimental to the interests of the people of Libya. It is fraught with disaster for Libya and its neighbours. It is imperative that your commitment to the mandate you entrusted to UNSMIL is translated into increased and targeted pressure on actors, truly speaking with one voice and acting accordingly to remove the spoilers out of the process towards Libya's full recovery.

I reiterate my call to all regional and international partners to help truly the Libyan leaders work together for the recovery of their motherland and answer the call of the ordinary Libyan citizens vying for peace, prosperity and national reconciliation.

I thank you for your attention.