

REMARKS BY SRSG ABDOULAYE BATHILY TO THE SECURITY COUNCIL

15 FEBRUARY 2024

Madam President,

In two days, Libya will mark the anniversary of the 17 February 2011 revolution. Thirteen years on, Libyans are still waiting to realize their aspirations for sustainable peace and democracy.

Despite the finalization of the constitutional and legal framework for elections by the 6+6 Joint Committee of the HoR and HSC in 2023 and their subsequent adoption by the HoR, a process that took more than 11 months, key Libyan institutional stakeholders appear unwilling to resolve the outstanding politically contested issues that would clear the path to the long-awaited elections in Libya.

Since my last briefing, I continued my engagement with those major players, appealing to their wisdom and their sense of responsibility before their motherland. So far, none of them have made a decisive move from their initial position, with each continuing to articulate pre-conditions for their participation in the dialogue as a way to maintain the status quo, which, I might say, seems to suit them.

- In my latest discussions with the Speaker of the House of Representatives (HoR), Mr. Agila Saleh, reiterated that the main issue on the agenda should be the formation of a unified Government, as this would be the chief prerogative of the HoR as "the sole legitimate authority" on the matter, and that he would only participate if either the two Governments are included or excluded altogether.
- The President of the High Council of State, Mr. Mohamed Takala, maintains his rejection of the electoral laws as published by the HoR, demanding to revert to the draft agreed upon by the 6+6 Joint Committee in Bouznika. In his view, the discussion should focus on the revision of the electoral laws to reestablish what he calls the "initial version" of the text.
- Prime Minister Dbeiba insists that he will only step down after the holding of elections, meaning that the Government of National Unity that he chairs will supervise the coming electoral process.
- LNA Commander Haftar insists that both Governments be part of the talks or both be excluded.
- The President of the Presidential Council, Mr. Menfi, does not want to be seen as a party but is prepared to act as a facilitator to support my initiative.

Madam President,

The way forward requires that all issues that prevented elections from taking place in 2021 be resolved through negotiations and a political settlement between the key institutional stakeholders. I therefore urge all Libyan institutional actors to engage in the dialogue without preconditions.

Furthermore, the fears and concerns expressed by some of the key stakeholders need to be addressed, including a temporary mechanism for transparent management and equitable distribution of resources, safeguards to provide a level playing field for all candidates and guarantees that elections do not result in a winner-takes-all scenario to the detriment of the others. The envisaged political settlement must also include an iron-clad timeline of steps leading to polling day.

Madam President,

The core objective of UNSMIL, as mandated by this Council, is to support Libyan actors to bring about stability through a peaceful political settlement. I, therefore, will not support any initiative that would bring conflict or trigger war leading to the loss of lives of Libyans.

I have steadfastly expressed the UN's readiness to consider suggestions and proposals that could lead to a solution based on a peaceful and inclusive settlement among the stakeholders.

Madam President,

This Council and the international community have a critical role to play to press the Libyan parties to engage constructively in this process. Alignment and support from regional partners are particularly important. I therefore reiterate my call for a unified and coordinated approach by all members of the international community. Parallel initiatives can only be useful if they support the UN efforts, lest they be used by Libyan actors as a means to perpetuate the status quo.

Madam President,

In my consultations with other segments of Libyan society, including with political parties, notables, security actors, civil society, cultural groups, women, youth and the business community from the East, South and West of Libya, I have heard their frustration at the status quo and the inability of their leaders to do what is needed to set the country on the path to sustainable peace and progress.

In recent weeks, I met with different security actors from the East and the West, and also opposing sides of the security landscape in the Western region. Their influence on the political landscape is evident. Their buy-in in the process is necessary for the holding of elections, so is their commitment to a genuine DDR and SSR dynamics.

Madam President,

The continued East-West divide between national institutions will result, once again, in no approved national budget to guide public spending, perpetuating the lack of transparency in the use of public funding and the unequitable distribution of the country's wealth. It also increases the vulnerability of the Libyan economy to internal and external disruptions.

Libya's southern region has long suffered from economic and political marginalization that must be remedied. Inclusive national mechanisms that address the socioeconomic needs of all in an equitable manner are critical.

The High Financial Committee established by the Presidential Council in July last year held the promise of being one such mechanism. Regrettably, the decision by the Speaker of the HoR to forbid its representatives from attending meetings, means it has not been able to conduct its business since 16 October 2023. Meanwhile, the Speaker of the HOR established a new technical committee tasked to restructure the general budget and address pressing issues related to the allocation of State funds. I continue to urge all relevant Libyan entities to work together to achieve equitable, transparent and accountable management of Libya's revenues and resources.

Madam President,

While no violations of the Ceasefire Agreement were recorded during the reporting period, progress on implementing outstanding provisions of the Agreement, particularly on the withdrawal, continues to be impeded by the stalemate on the political track. However, in a positive development, in early January, reports indicated the return of hundreds of Chadian mercenaries and foreign fighters from Libya to Chad, as part of the implementation of the Chadian peace agreement signed in Doha, Qatar, in August 2022. Despite this positive development, the global security situation in Southern Libya remains alarming, as the crises in Sudan and the Sahel are unfolding.

In Tripoli, rivalries between security actors to achieve territorial control over strategic areas of the capital, including where military bases and State institutions are located, including the Central Bank of Libya, continue to threaten the fragile security in the capital. Tensions between the so-called "Deterrence Apparatus for Combating Organized Crime and Terrorism" (DACOT), the so-called "Stability Support Apparatus" (SSA) and other aligned armed groups have been notably pronounced over the past few weeks, .

Madam President,

On 1 January, the High National Elections Commission announced plans to hold local elections in 97 municipalities across the country this year. This move was welcomed by the citizens in cities and towns across the country. However, the GNU is yet to provide the budget for this very important process. I am also concerned that, in the first week of

February, eleven HNEC field offices in areas under the administration of the HOR-appointed “government” were instructed to suspend their operations and close. This constitutes an unacceptable interference in the operations of a sovereign national institution.

I urge all authorities concerned to lift the ban on the activities of HNEC structures and further call on the GNU to release the budgetary allocation dedicated to HNEC to allow for the latter to expedite preparations for municipal elections.

Madam President,

On 5 February, I attended a Summit of the African Union High-Level Panel on Libya in Brazzaville, Republic of Congo, to take stock of progress in the national reconciliation file under the presidency of President Denis Sassou Nguesso. I commended the African Union, in close consultation with the Presidential Council, for their effort in the reconciliation file and underscored the need to support a rights-based approach to reconciliation rooted in the principles of transitional justice, that includes all Libyans and does not take place at the expense of accountability.

I also encouraged the African Union to deploy a dedicated team of experts to Libya, able to share the experience and lessons learned from pertinent reconciliation processes in Africa and elsewhere. The operationalization of such a team would help the national team conduct their efforts in a more efficient manner.

I am concerned by a draft national reconciliation law that was discussed by the HOR on 3 January, which appears to bypass the Presidential Council by establishing a new mechanism for reconciliation. I am concerned that this new proposal, contrary to international best practices, was not drafted through inclusive consultations with civil society organizations and victims’ groups and does not include sufficient guarantees to preserve the fundamental rights to truth, justice, reparations, and non-repetition.

Madam President,

In my last briefing, I highlighted that over the previous nine months, security actors had arbitrarily detained at least 60 individuals, including children, for their actual or perceived political affiliations. These practices cast serious doubt on the willingness of some Libyan actors to support a transparent and inclusive political process. Those arbitrarily detained and political prisoners must be released. This will undoubtedly help the political process as well as the national reconciliation.

The human rights, humanitarian and protection situation of migrants, refugees and asylum seekers in Libya is of increasing concern. UNHCR and IOM report significantly increased numbers of Sudanese refugees entering Libya in recent weeks. UN agencies continue to have limited access to Sudanese refugees at Libya’s border with Sudan particularly in Al-Kufra and in official detention centers. I call on Libyan authorities to ensure full unhindered access to all persons in need of protection.

I remain alarmed at the continued collective expulsions of migrants and refugees across the borders between Libya and neighboring countries. I reiterate my call on the authorities of all countries concerned to end forced expulsions, which are violations of international law. I also reiterate my calls for full access and independent investigations into all alleged violations and abuses in Libyan detention facilities where the situation is particularly dire. I am encouraged that the AU-EU-UN Taskforce on the situation of stranded migrants and refugees in Libya has reconvened to address urgent priorities to strengthen migration management in Libya.

Madam President,

I welcome the Libya Storm and Flood Response Rapid Damage and Needs Assessment report of the World Bank, United Nations and European Union released on 24 January in response to the catastrophic floods in eastern Libya on 10 and 11 September 2023. The report proposes elements for national planning to overcome the impacts of the disaster underscoring the importance of close collaboration and coordination among national stakeholders with the support of international partners, to advance a resilient, inclusive, and sustainable reconstruction and recovery for affected communities.

I call on all Libyan leaders to channel their collective resources and expertise towards rebuilding and putting the lives and livelihoods of the affected people first.

Madam President,

In conclusion, I reiterate that progress on holding credible national elections is not possible without a political settlement amongst Libya's main institutional stakeholders. I urge Libya's leaders, once again, to put their self-interests aside and come to the negotiating table in good faith, ready to discuss all contested issues. Reluctance to do so calls into question not only their commitment to the elections but to the unity and future of their country for which they should be held accountable.

To avoid Libya sliding into disintegration as foreseen through numerous alarming signs, a political agreement is urgently needed among the major stakeholders to form a unified government that will lead the country to elections. I call on their sense of moral duty to negotiate and reach a compromise to restore the dignity of their motherland.

Thank you.