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FW: Libya - advance report on Friday's UNSC meeting




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Ciao Ricky,

Ti giro l'ultimo report arrivato da NY in merito alla presentazione fatta da Kubis.

Buona giornata.

Ale

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Sent: 12 September 2021 18:35

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Best regards
Andrea

Summary:

SE Kubiš recalled the utmost importance of holding the elections as planned on 24 December and urged member states and regional organisations to send observation teams. He further reiterated his concern about the presence of foreign forces in the country, calling their orderly and coordinated withdrawal to avoid further destabilization of neighbouring countries. He reiterated his warning that Libya is not a safe disembarkation port for migrants and refugees, and his request to (destination) countries to reconsider their migration policies.

Libyan activist Asma Khalifa recommended the creation of an independent organ designed to guarantee transparency over the democratic process and called upon the Council to ensure the protection of human rights defenders and civil society organisations.



All Council members underscored the importance of holding elections as planned, reaffirmed their call for the orderly withdrawal of foreign forces, with Russia underlining the necessity to take into account the balance of power on the ground (and calling for more effective inspections off the coast of Libya to enforce the arms embargo). They further welcomed the continued respect of the ceasefire agreement, while expressing concern at the recent spike of violence in Tripoli. EU3 and likeminded expressed support for the recommendations of the independent review of UNSMIL, including the return to its previous management structure – which will be reflected in the resolution renewing the mandate of UNSMIL, scheduled for adoption on 14 September (a separate report on this will follow).

The Libyan PR reiterated his government's determination to hold elections in December and recalled the establishment of a ministerial committee aimed at assisting the HNEC, also recalling the work of the authorities to track human rights violations and to investigate war crimes accusations.

Assessment:

With the political and security process under threat on the ground, the Security Council was able to display a relatively united front in urging Libyan actors to hold elections as planned, with the usual Russian caveats about the need for an “inclusive” process.

In the meantime, only 9 months since the appointment of Jan Kubis as Special Envoy based in Geneva (because of a strong request by the previous US Administration), UNSMIL and the UN-led process risk facing again a void of leadership, as the UNSC resolution renewing UNSMIL mandate, following the advice of the independent strategic review of the mission, envisages a return to the previous structure with a SRSG based in Tripoli. This SRSG will not be

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based in Tripoli) is identified, the question remains of what leadership, if any, he will be truly able to exert, and how long it will take to identify his successor – remembering how long it took to identify former SRSG Salame's one.

Another resolution which will be renewed by the Council later in the month is [UNSC Resolution 2546 \(2020\)](#) on smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya, which also includes the authorisation to inspect on the high sea off the coast of Libya vessels suspected of migrant smuggling and human trafficking, firstly established by UNSCR 2240 in 2015 (an authorisation which was used by Operation Sophia, but is not used by Operation Irini). Co-penholders Estonia and France intend presenting a technical roll-over, and while the resolution is not as strategically important for Irini as it was for Sophia, the upcoming negotiations will certainly be used by Russia and others as an occasion to attack Operation Irini and EU migration policies. EUDEL is providing support to the co-penholders, with LTT and defensives provided by HQ on the EU and Operation Irini actions to counter the smuggling of migrants and trafficking in persons, including by possibly providing a briefing to the 15 Council Members at experts level.

Details:

1. On 10 September, the Security Council was briefed by **SESG Ján Kubiš**, the **Indian PR**, in his capacity of chair of the 1988 sanctions committee, and a CSO representative, **Asma Khalifa**. Libya was also invited to participate in the meeting.
2. **SESG Kubiš** started his briefing by stressing the importance of holding of the elections on 24 December, recalling that holding them in an imperfect environment is better than not having or postponing them. In this respect, he reiterated the need for the establishment of a clear electoral calendar by the HNEC and urged member states and regional organisations to send observation teams on the ground. He further recalled the necessity for the HoR to approve a unified national budget and informed the Council that the Presidential electoral law was adopted and that the HoR was in the process of finalising the parliamentary electoral law.
- SESG Kubiš reiterated his concern at the continuing presence of mercenaries and foreign fighters, calling for an orderly withdrawal of such forces in order to avoid the destabilisation of neighbouring countries. He recalled that a ministerial meeting promoting the construction of synergies between regional organisations was held in Algeria in late August. Lastly, the SE stressed that Libya is not a safe disembarkation port for migrants and urged member states to revisit their policies in this regard.
3. The **Indian PR**, as Chair of the 1988 Sanctions Committee, delivered his report on the activities of the Committee conducted between 10 May and 10 September 2021 (report is attached)
4. **Asma Khalifa**, a Libyan activist, expressed concern at the possibility of not holding the 24 December elections. She stressed the need for the establishment of a depoliticized reconciliation process in Libya, in cooperation with UNSMIL. She lamented the side lining of Libyan women and called on Council members to ensure the proper integration of a gender sensitive approach in their deliberations. Lastly, she recommended the Council to (i) create an independent organ designed to guarantee transparency over democratic processes and (ii) to ensure the protection of human rights and CSO activists.

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6. **The US** expressed concern about the peak of violence in Tripoli. He welcomed recent progress and urged all parties to agree on a legal and constitutional framework for the elections. He further recalled that those who violate the sanctions regime could face sanctions and called on all parties to respect human rights. Finally, he expressed support for the conclusions of the independent review of the UNSMIL, including the return to a previous hierarchy with an SRSG based in Tripoli – a spectacular U-turn from the position of the previous US administration, which is the one which had requested, and obtained, to split UNSMIL hierarchy with a Special Envoy based in Geneva and a UNSMIL Coordinator based in Tripoli.

7. **EU3 + likeminded** reaffirmed the importance of respecting the electoral calendar and supported the recommendations outlined in the independent review of UNSMIL. **France** stressed the need to establish a monitoring mechanism and reiterated its call for a planned and controlled withdrawal of mercenaries and foreign fighters to prevent further destabilisation in the region. **The UK** commended the work of the 5+5 JMC and echoed calls for a withdrawal of all foreign forces from the Libyan soil.




Ireland welcomed the opening of the Coastal Road, but expressed concern about the difficulties encountered by humanitarian workers to obtain their visas. **Estonia** reiterated the importance of including women and youth in the upcoming elections.

8. **Russia** welcomed the improvement of the situation since the ceasefire agreement of October 2020, whilst expressing concern at the faltering implementation of the roadmap leading towards elections, and expressing regret that some voices call for a postponement or a split of the elections. It insisted on the necessity of inclusiveness for the process to succeed and stressed that the military process — although the cessation of hostilities is an achievement — requires continued efforts. It further outlined that a withdrawal of foreign forces must be undertaken in accordance with the balance of power on the ground and must take into account the concerns of Libya's neighbouring countries. Lastly, it called for more effective inspections off the coast of Libya, and stated that it will 'carefully' review the question of UNSMIL's mandate renewal.

9. **China** echoed calls to ensure the holding of the elections as planned and welcomed the recent convening by Algeria of a ministerial-level meeting among neighbouring countries. It further urged UNSMIL to deploy its ceasefire monitoring team and reiterated its call for an incremental and synchronized withdrawal of foreign forces, reaffirming the necessity to respect Libya's sovereignty. Lastly, it reiterated its call for the unfreezing of Libyan frozen assets to foster reconstruction.

10. **Niger** welcomed the recommendations of UNSMIL's independent review; reiterated the need for free, credible and transparent elections; and recalled that the disembarkation of migrants and refugees in Libya is a violation of international humanitarian law. **Mexico** underlined the dramatic situation of migrants and refugees and called upon the countries of origin and destination to coordinate with Libyan authorities on this issue. It further echoed concerns about reports of impeded access for humanitarian workers. **India** raised concern about the security situation and the presence of terrorist groups in Libya. It further suggested that a DDR plan is established for armed groups.

12. **The Libyan PR** emphasized the support of Libyan authorities for the elections and insisted on the necessity to respect the country's sovereignty, rejecting further external interference in domestic Libyan affairs. He recalled that Libyan authorities have started investigations on alleged war crimes and stressed the need to activate justice mechanisms.

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- Statement by SE Kubis
- Statement by Ms. Asma Khalifa
- Note by the Chair of 1970 sanctions committee