

**REMARKS TO THE SECURITY COUNCIL BY JÁN KUBIŠ, SPECIAL ENVOY OF  
THE SECRETARY-GENERAL FOR LIBYA, AND HEAD OF THE UNITED NATIONS  
SUPPORT MISSION IN LIBYA**

*New York, 10 September 2021*

**AS PREPARED**

*Mr. President,*

*Distinguished Members of the Security Council,*

Let me begin by congratulating you and Ireland for assuming the presidency of the Security Council this month.

We are just over 100 days from 24 December, the parliamentary and presidential election date agreed by the Libyan Political Dialogue Forum in its Roadmap and mandated by you in the SC Resolution 2570.

During my recent visit in Libya, I met with or talked to major political actors and some civil society groups and representatives and urged them to secure an agreement towards protecting the electoral path and managing the post-electoral situation. I would like to stress that holding the elections in Libya, even in less than ideal situation, and with all imperfections, challenges and risks is much more desirable than no elections that could only foster division, instability, and conflict. As I heard from my interlocutors, this is the opinion of the majority of Libyans, notwithstanding all their valid concerns and fears as well as some differences on the way forward.

In the meantime, the House of Representatives (HoR) is in the process of finalizing electoral law for parliamentary elections. I was informed by HoR President Mr. Agilah Saleh that the presidential electoral law was already adopted as law No.1/2021, while the parliamentary elections can be organized on the basis of the existing law with possible amendments that could be considered and approved within the coming two weeks. HNEC has also already received the presidential election law. The HCS complained that the law was adopted without consulting the HCS.

As stated by the HNEC Chairman in his press conference on 17 August, upon receipt of the electoral legislation, the HNEC is fully ready to start the implementation; the implementation timeline would be reconsidered once the parameters defined in the electoral laws are known. The HNEC would do everything possible to meet the 24 December timeline, stated HNEC Chairman at the press conference.

Thus, it is for the HNEC to establish a clear electoral calendar to lead the country to the elections, with support of the international community, for the efforts of the GNU, all the respective authorities and institutions to deliver as free and fair, inclusive and credible elections as possible under the demanding and challenging conditions and contradictions. The international community could help create more conducive conditions for this by facilitating the start of a gradual withdrawal of foreign elements from Libya without delay.

In order to help ensure integrity and credibility of the electoral process and acceptability of the results, international and domestic observation of the whole process is critical. I urge all member states and regional organizations to send observation teams, in coordination with Libyan authorities and institutions, notably HNEC, and the Ministry of Foreign Affairs when the time will come.

Also, the Presidency Council has become active in proposing a political dialogue to secure a smooth and peaceful political transition as well as in considering ways how to facilitate the holding of the parliamentary and presidential elections on 24 December.

Finally, I welcome the actions taken by the GNU to facilitate the preparations for the holding of elections, especially providing the adequate funding for HNEC as well as the various security preparations that are being undertaken notably by the Ministry of Interior. The GNU held a conference on 17 August detailing the preparations so far, including the unveiling of an elaborate security plan for securing the elections.

Mr. President

Approval by the HoR of a unified national budget that is still pending, remains of critical importance to allow the GNU to improve the delivery of services and assistance to the people equitably throughout Libya. The GNU continues to operate on the basis of monthly allotments, released by the Central Bank. I call on the HoR to expedite approving a unified budget.

Since mid-August, there have been numerous calls to question the GNU by the HoR for the lack of performance and even calls for a vote of no-confidence against the GNU in the HoR, as well in the LPDF.

While firmly acknowledging the right of the HoR to exercise its oversight function, I have cautioned that attempts to change the interim executive so close to the election date only create more uncertainty about the elections and problems in preparing and securing the election. It is the elections that will give an opportunity to Libyans to validate their government, presidency, and parliament.

The HoR held a session with PM AIDabaiba, and a number of ministers on 8 September.

Mr. President

Elections now are not just a moral or political commitment, they are a political and security necessity ensuring that the positive developments achieved in Libya since October 2020 continue and that Libya will move beyond the state of paralyzing perpetual crisis and conflict and perennial transition to complete the political process and enter the phase of building together sustainable security, stability, unity and development. The people of Libya must have the opportunity to express their will, to freely elect their representatives and give them a firm popular legitimacy.

Aborting the drive for elections will for many be a signal that violence is the only path to power in the country. This cannot be allowed. The international community must be firm in its support for elections and must at the same time, be sensitive to the ideas and ways presented by the Libyans on how to conduct and safeguard these elections. A mixture of principled

firmness and pragmatic engagement based on Libyan solutions accepted by the majority is needed.

Mr. President

I welcome the progress made so far by HNEC on the preparations for holding the national elections in December. I commend the Chairperson of the High National Elections Commission for the Commission's diligent efforts to plan and prepare for the conduct of the elections in December. During the past two months, the HNEC managed to update its voter registry for in-country voting and to launch a voter registration update for eligible Libyan voters residing out of the country that will continue until mid-September.

More than half a million new voters have recently registered to participate in the upcoming elections bringing the total number of registered voters to over 2.8 million, 40% of which are women. Most of the newly registered are under 30, a clear testament to the young generation's eagerness to take part in determining the fate of their country through a democratic process. The Libyan authorities and leaders must not let them down.

The UN has been supporting the efforts of HNEC and other Libyan actors to strengthen women's participation in elections. Among other initiatives, UNSMIL, UNDP, and UN WOMEN have jointly conducted with HNEC's Gender Unit a series of interactive webinars engaging a wide range of women's networks across Libya on various electoral topics including gender-based electoral violence, and campaigns of women candidates.

Mr. President

The country and its people need a full clarity that the elections are going to happen on 24 December. The existing uncertainty creates a fertile ground for spoilers and sceptics to manipulate the situation against the political transition, feeding in the existing tensions in relations between diverse Libyan institutions and authorities. Public exchanges, confrontational statements and steps add to the tension and fears that this kind of conflicting relationship without a clear roadmap towards the presidential and parliamentary elections will further deepen, with political and security implications, that work against the peace, stability, and unity of Libya.

I am dismayed to report that the political stalemate experienced over this period is already casting its shadow over the security scene. Several Western coast areas continue to be a hot spot of sporadic conflict, not least due to illegal activities and smuggling networks. Equally disconcerting, serious fighting among various units belonging to the security forces under a nominal control of the authorities erupted in Tripoli on 3 September, and also later, in particular for control of some institutions. Both the PC and the Prime Minister acted quickly to quell the fighting, and they are to be commended, however, more work needs to be done for strategic deconflicting and control of various armed units, militias.

The evidently fragile security situation needs further attention from the GNU and PC in coordination with the LNA/General Command, to create conditions for holding the elections in a secured environment and to provide stability. I also reiterate the need of the Libyan

authorities, and institutions to work jointly, including with the 5+5 JMC to tackle all these issues and to begin a series of targeted DDR and SSR programs.

As a signal of Libyan ownership towards stability and unity of Libya, Foreign Minister Najla al Mangoush has proposed to hold a Stabilization conference with critical external partners of Libya as a platform to implement Berlin Conferences decisions, notably to support the withdrawal of mercenaries, foreign fighters, and foreign forces in a gradual, measured, balanced, and modular way, as well as to prepare DDR and SSR, and unification of military institutions – all that with international assistance, support and facilitation. UNSMIL is supporting this fully Libyan-owned and led initiative that nevertheless requires thorough preparations and substantive and consistent coordination and integration with the work of the 5+5 JMC, the PC, and all respective institutions and authorities.

Mr. President

The ceasefire continues to hold and there has been some progress on the implementation of some elements of the ceasefire agreement. The persistent efforts of the 5+5 JMC led to the reopening of the Misrata-Sirte Coastal Road, with the support of UNSMIL and UNMAS. The people of Libya warmly welcomed this development that brings clear benefits for all Libyans.

Nevertheless, the continued presence of mercenaries, foreign fighters, and foreign forces remains a cause of grave concern for Libya and the international community, including countries of the region, notably neighbors of Libya.

In the ministerial meeting in Algiers 30-31 August – a timely and needed initiative of our Algerian partners in cooperation with other regional countries and organizations, including the UN, brought together Libya with its neighboring countries. Its participants stressed the need to continue the efforts aiming at unifying the state institutions and strengthening governance in Libya, achieving reconciliation, and working towards the withdrawal of mercenaries, foreign fighters, and foreign forces. Participants emphasized that withdrawal of mercenaries, foreign fighters, and foreign forces need to be handled in a transparent and organized approach and in coordination with the neighboring countries, to prevent a destabilizing impact on them and to foster co-operation in security, social and economic areas, including joint management of the movement of people and goods across the borders.

The ministers discussed ways and means to enable neighboring countries to effectively support the ongoing efforts under the auspices of the United Nations and requested involving them in all regional and international meetings related to the crisis in Libya.

The Ministers reaffirmed the central role of the mechanism of the neighboring countries in support of the UN-facilitated process in Libya and the highest importance of consultation and work on coordination between the Joint Military Commission 5+5 and the Libyan neighbors on the issue of the withdrawal of mercenaries and foreign forces to establish an effective mechanism and process between the Libyans and neighboring countries.

The Ministers also stressed the importance of ensuring enhanced coordination, synergy and integration between the efforts of the United Nations, the African Union, the League of Arab States and the European Union, which work closely with neighboring countries, with the aim

of avoiding multiple competing efforts and tracks in support of the preparatory phase of a comprehensive solution in Libya.

Excellencies,

It is important that Libya and neighboring countries manage and control their borders. Positive developments in this regard are bilateral agreements currently being negotiated between Egypt and Niger with Libya towards managing migration flows. At the same time efforts to sign and operationalize bi-lateral and multilateral agreements to promote security and cross-border cooperation between countries sharing a common border with Libya are essential in maintaining regional security, fostering economic development, and building trust for closer cooperation among themselves and with Libya. The border management Quartet Agreement between Libya, Sudan, Chad, and Niger is a positive example of such multilateral cooperation in securing common borders and tackling trans-national crime, violent extremism, activities of armed groups. I was encouraged to hear about promising discussions of the Presidency Council with a number of countries of the region, when visiting them recently.

Mr. President

When in Libya, I am constantly reminded that Libyans need the help of the international community to better manage the security file. This has to start with the upholding of the Berlin conference commitments and by heeding the calls and obligations of numerous security council resolutions, by ceasing the violations of the arms embargo and the Libyan ceasefire agreement.

To support Libyan authorities in making progress towards full implementation of the ceasefire agreement, preparations to deploy the first group of 10 UN Ceasefire monitors and support staff in the coming days continue.

Mr. President

On reconciliation, I highlight that on 5 and 6 September respectively, Mr. Al-Saadi Gadaffi, along with several officials of the former regime, were released after seven or more years in prison. They were acquitted of the charges against them by a Libyan court in 2019. As noted by the PC, GNU and the UNSMIL, these releases represent a positive development that will contribute to national reconciliation.

Equally important, under the auspices of the JMC, the unilateral release of 17 prisoners from Misrata by the Libyan Arab Armed Forces positively contributes to confidence building and reconciliation. This was followed by another unilateral release on 5 September of another 8 detainees. The mission welcomes these moves and reiterates the mission's call for the release of all unlawfully held detainees, as part of a wider reconciliation policy. I was pleased to hear that an active engagement of the PC in cooperation with the Minister of justice in order to ensure the release of all unlawful detainees will continue with acceleration. I call on Libyan authorities to expedite the release of those unlawfully imprisoned.

Mr. President

I regret to note that violations of human rights and international humanitarian law nevertheless continue. Armed groups across the country as well as some of the armed units operating nominally under the State, continue to be involved in serious HR violations, including torture, killings, sexual violence, enforced disappearances, and unlawful deprivation of liberty.

Of particular concern is the high number of long-term detainees, many of whom are held in inhuman conditions. As at August 2021, according to official statistics provided by Libyan authorities, 12,300 detainees are held in 27 prisons and acknowledged places of detention across Libya. This is the highest number yet on record. 41 percent of registered detainees are reported to be in pre-trial detention, many of whom have spent years behind bars awaiting trial.

The positive trend of decreasing numbers of internally displaced persons continues with some 212,000 persons who remain displaced compared to 278,00 at the start of this year. The need for durable solutions for displaced persons is a priority concern. Planned and often forced evictions continue to target IDPs living in collective and informal settlements. UN agencies have recently set up an Evictions Task Force that includes an online evictions' tracker and guidance on addressing forced evictions with national authorities. UN agencies are also increasing their support for national efforts to find durable solutions for IDP communities including with the Government of National Unity's recently established Inter-Ministerial Higher Committee on IDPs.

In connection with crimes perpetrated in Tarhuna, where over 100 mass graves were discovered after the Al Kaniyat armed group withdrew from the city in 2020, hundreds are still presumed to be missing. The families deserve comprehensive information on the fate of their loved ones.

I would like to stress the need for perpetrators to be brought to justice as a cornerstone of the national reconciliation process, as well as to ensure the right to truth for families of victims of crimes under international law.

Mr. President

By August, around 7,000 migrants and refugees were arbitrarily held at official detention centres across the country. Many migrants were held in inhuman conditions of detention and subjected to abuses including those committed by agents of agencies operating under the authority of the State. I was encouraged to hear the commitment of the Ministry of Interior to investigate and punish such criminal behaviour.

I again urge Member States to revisit their policies, stop supporting operations to return individuals to Libya and work to protect the rights of refugees, migrants, and asylum-seekers.

Mr. President

I am dismayed to report that all voluntary humanitarian evacuation, resettlement and return flights of migrants and refugees out of Libya were again suspended by the Minister of Interior's Directorate of Combatting Illegal Migration. These IOM and UNHCR-facilitated flights and departures are necessary and urgent with some 4,300 of the most vulnerable refugees and migrants awaiting departure. Considering the human and financial costs of these repeated suspensions, IOM and UNHCR have indicated they are unable to resume such operations in

the absence of a firm commitment of support from the Government of National Unity, with clear and predictable procedures in place that are jointly agreed and consistently implemented by all.

I also note with concern that international NGOs are experiencing increased restrictions on the issuance of visas to enter the country.

Mr. President

The HR Fact-Finding Mission (FFM) members completed their first mission to Libya from 23 to 27 August 2021. The FFM had high-level engagement with Libyan governmental and judicial authorities regarding the situation of human rights in Libya.

The FFM members considered their mission to have been a positive step in the cooperation with Libya. Several focal points within the Government were appointed to respond directly to questions and enquiries from the FFM, to facilitate the FFM's conduct of investigations, with full access to the country.

Mr. President

Regarding the implementation of the recommendations of the Audit report of the Central Bank, the IFCL Economic Working Group met yesterday with the CBL Governor and Vice Governor. The meeting heard from the two branches of the CBL as to how they intended to implement the recommendations from the UN-facilitated financial audit review, which was transmitted to them on 8 July this year. Both Governors recognized the overriding need to unify the bank and expressed their willingness to do so.

The healthy performance of the economy is essential for the country. I welcome the efforts made by the PM to ensure the continued smooth operation of the NOC and stability to the oil sector, which is effectively the only source of wealth for all Libyans. Any attempts at closing oil lines or disrupting export of oil, or disrupting the water system in Libya, are unacceptable.

During a high-level World Bank mission in August, led by its VP Ferid Belhaj, ways how to manage Libya's frozen assets were also discussed. Libya is interested in how to leverage the frozen assets, in cooperation with external partners, to manage them so as to achieve good returns on them.

The WB mission also highlighted the need to build the capacity of the Libyan state to plan, implement and monitor the use of public funds. Strengthening the delivery of services and social protection programs in the short-term and ensuring an accountable reconstruction process that is accompanied by needed policy reforms in the medium-term is needed for Libya's long-term economic stability and equitable growth. The UN, EU, and WB are also ready to work with the Libyan authorities on a Recovery and Peacebuilding Assessment to develop an analytical framework that can support the country's stabilization and development path. Also, here we are working closely with the EU, as confirmed also during the recent visit of EU HR Joseph Borell to Libya.

Mr. President

Libyan authorities have opened new mass vaccination centers in Tripoli and Benghazi to fight against Covid-19, in order to allow Libya to reach its goal of fully vaccinating 40 percent of the population by the end of this year. WHO, UNICEF, and other partners continue to actively support Libya's national vaccination campaign.

Mr. President

Libya is at a crossroad where positive or negative outcomes are equally possible. With the elections, there is an opportunity for Libya to move gradually and convincingly into a more stable, representative, and civilian track. The international community also has a responsibility to support the positive developments in Libya and to stand firm against attempts at derailing those developments.

Not holding the elections could gravely deteriorate the situation in the country, could lead to division and conflict. I urge the Libyan actors to join forces and ensure inclusive, free, fair parliamentary and presidential elections, which are to be seen as the essential step in further stabilizing and uniting Libya.

Thank you.