

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a **letter dated 29 December 2020 from the Secretary-General addressed to the President of the Security Council**, and its enclosures.

This letter and its enclosures will be issued as a document of the Security Council under the symbol S/2020/1309.

29 December 2020



THE SECRETARY-GENERAL

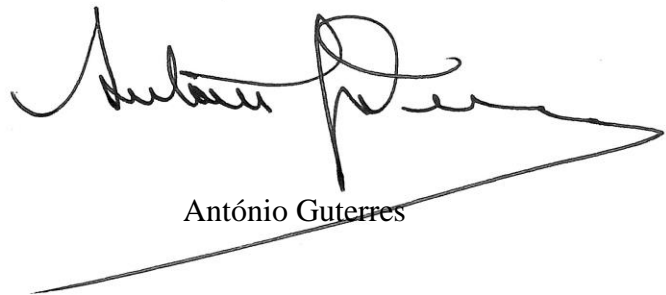
29 December 2020

Dear Mr. President,

I have the honour to submit to the Security Council, pursuant to paragraph 5 of its resolution 2510 (2020), paragraph 4 of its resolution 2542 (2020), as well as my exchange of letters with the President of the Security Council dated 13 and 18 November 2020 (S/2020/1124; S/2020/1125), an interim report assessing the steps required to reach a lasting ceasefire agreement, the possible role of the United Nations Support Mission in Libya in providing scalable ceasefire support, as well as proposals for effective ceasefire monitoring under the auspices of the United Nations.

I would be grateful if you could bring the present letter, including the attached interim report, to the attention of the members of the Security Council.

Please accept, Mr. President, the assurances of my highest consideration.



António Guterres

His Excellency
Mr. Jerry Matthews Matjila
President of the Security Council
New York

Annex: Interim Report of the Secretary-General on proposed ceasefire monitoring arrangements in Libya

I. Introduction

1. The present interim report is submitted pursuant to Security Council resolutions 2510 (2020) and 2542 (2020), as well as the exchange of letters between the Secretary-General and the President of the Council dated 13 and 18 November (S/2020/1124; S/2020/1125). It provides a brief overview of the latest developments concerning the intra-Libyan dialogue since the issuance of the last report on the activities of the United Nations Support Mission in Libya (UNSMIL) on 25 August (S/2020/832), with a particular focus on the security/military track, and updates on the necessary conditions for, and proposals on, effective ceasefire monitoring arrangements under the auspices of the United Nations.

II. Latest developments

Security/military dialogue

2. Since the last report (S/2020/832), tangible progress has been achieved on the security/military track of the intra-Libyan dialogue facilitated by UNSMIL, in accordance with the decisions of the Berlin process. The Acting Special Representative intensified her engagement with Libyan, regional and international stakeholders, including women and youth groups, to galvanize support for a permanent ceasefire agreement and the resumption of the intra-Libyan dialogue.

3. On 28 September, in Hurgada, Egypt, representatives of the Government of National Accord (GNA) and the Libyan National Army (LNA) held two days of constructive face-to-face security and military talks, under the auspices of UNSMIL. The participants included members from the 5+5 Joint Military Commission (JMC), police officers and other relevant actors. They made a series of recommendations that were subsequently discussed and endorsed during the 5 + 5 JMC talks in Geneva.

4. From 19 to 23 October, the 5+5 Joint Military Commission met face-to-face at the United Nations Office in Geneva. The talks were facilitated by UNSMIL and culminated in the signature, on 23 October, of the “*Agreement for a complete and permanent ceasefire in Libya*” by the representatives to the 5+5 JMC of the Libyan Army of the Government of National Accord of the State of Libya and the Libyan National Army, General Command of the Armed Forces. The Secretary-General transmitted the Agreement to the Security Council on 27 October (S/2020/1043).

5. Through the Agreement, the parties formalized the *de facto* truce in place at the time and endorsed the recommendations from the Hurgada talks. More specifically, the parties committed to a complete and permanent ceasefire in Libya with immediate effect. Under the Agreement, all armed forces shall withdraw from confrontation lines and all mercenaries and foreign fighters shall depart from the Libyan territory within three months. The parties agreed to form a limited joint

military force to deter ceasefire violations in the defined area. The parties also agreed to a range of confidence-building measures.

6. To enable the implementation of the commitments included in the Agreement, the 5+5 JMC agreed to establish sub-committees to follow-up on: the redeployment of Libyan forces to peacetime locations and repatriation of foreign fighters from the defined area; the deployment of the 5+5 JMC Joint Security Force of Libyan police; the mitigation of explosive ordnance threats including mines, booby-traps, and improvised explosive devices (IEDs) and the classification of armed groups in preparation for future demobilization and integration into security solutions or reintegration into civilian life. A joint security room was also designated to oversee the reopening of the land and air routes across Libyan territory and the deployment of a joint, east-west security police force.

7. From 2 to 4 November, in Ghadames, Libya, the 5+5 JMC unanimously agreed to establish a Libyan-led and owned ceasefire monitoring mechanism. Initially, the Libyan ceasefire monitoring mechanism (LCMM) would be limited to a defined area in central Libya around Sirte, from Sawknah to Abu Grein and Bin Jawad but subject to potential extension in the future. Discussions also took place on a range of confidence-building measures and principles for a ceasefire monitoring mechanism, which were agreed upon between the members of the 5+5 JMC.

8. From 10 to 13 November, the 5+5 JMC reconvened in their newly established Headquarters in Sirte, Libya. Participants identified the reopening of the coastal road between Sirte and Abu Grein as the main priority. This will be supported by the deployment of a joint security force, the clearance of mines and boobytraps, as well as the withdrawal of foreign forces and mercenaries from the area.

9. On 23 November, the 5+5 JMC briefed for the first time the Security Working Group (SWG) of the International Follow-up Committee for Libya of the Berlin process (IFCL), co-chaired by France, Italy, Turkey, the United Kingdom and the African Union. The 5+5 JMC reiterated their request to the Security Council to swiftly pass a resolution adopting the ceasefire agreement. They also sought international support to hasten the departure of foreign fighters and mercenaries from Libya as well as to ensure compliance with the Security Council's arms embargo. They appealed for the deployment of international monitors under the auspices of UNSMIL. In this connection, they noted that the contribution of regional organizations, including the African Union, European Union and League of Arab States, to the operationalization of the ceasefire monitoring mechanism would need to be provided through the United Nations. However, they welcomed in-kind or financial contributions with regard to a list of equipment that they need.

10. The 5+5 JMC delegations continue to pursue the implementation of their priorities with regards to the ceasefire agreement. They created three sub-committees to work on suggested modalities for the redeployment of Libyan forces to non-conflict locations and repatriation of foreign fighters from the defined area; the deployment of the 5+5 JMC Joint Security Force of Libyan police; and the mitigation of explosive ordnance threats including mines, booby-traps, and Improvised Explosive Devices (IEDs).

Political dialogue

11. Progress on the security/military track generated momentum for the resumption of intra-Libyan political talks facilitated by UNSMIL. With the support of the Presidency of the Republic of Tunisia, the Libyan Political Dialogue Forum (LPDF) convened in Tunis from 9 to 15 November. The LPDF comprised 75 representatives, including 17 women, from all Libyan regions and political and social constituencies, as well as from the House of Representatives (HoR) and the High State Council (HSC). On 15 November, the LPDF adopted a political roadmap culminating with the holding of presidential and parliamentary elections on 24 December 2021. The LPDF agreed to allocate 30 percent of leadership positions in the Government to women.

12. On 3 December, the Political Working Group (PWG) of the IFCL met. The PWG co-chairs namely Algeria, Germany, the League of Arab States subsequently issued a statement calling on all Libyan stakeholders to support the outcomes of the LPDF as a first step towards the restoration of a unified and legitimized executive authority. They further emphasized that the political track can help to consolidate the implementation of the ceasefire agreement as well as easing recent tensions with regards to economic governance and the equitable usage of oil export revenues.

Economic dialogue

13. The developments in the security/military track also had an impact on the economic track. In October, the National Oil Corporation (NOC) progressively lifted the '*force majeure*', ending the blockage of oil infrastructure after over nine months.

14. Following the 5+5 JMC decision to unify and restructure the Libyan Petroleum Facilities Guard (PFG) at their meeting in Ghadames (see paragraph 7), the Acting Special Representative conducted meetings in Marsa al Brega, Libya, with the Chairman of the NOC and the commanders of the East and West PFGs, on 16 November. The participants discussed the roles of the PFG, the need to maintain a smooth and secure flow of oil production as well as the way forward to unify the PFG. They also agreed to hold further technical meetings on restructuring the PFG. The NOC informed of its intention to start a model pilot project in a new oil facility in Erwin (southwest Libya) in 2021, which would include the proposed new security arrangements.

15. With the resumption of oil production, pressure continued to build for a more durable economic arrangement on the management of national resources. On 1 December, the Presidency Council held a meeting of the Council of Ministers to declare its intention to negotiate an economic arrangement that would allow for the equitable use of oil revenues. On the same day, the co-chairs of the Economic Working Group of the IFCL, Egypt, the United States of America, and the European Union, issued a statement in support of the Libyan negotiated arrangement to hold oil revenues in abeyance under the apolitical management of the NOC. Building on these efforts, on 14 and 15 December, UNSMIL convened a technical meeting in Geneva of key Libyan economic actors, attended by the World Bank. The meeting focused on the development of economic reforms and restoration of public confidence in the management of Libya's economy.

Humanitarian Law/Human Rights dialogue

16. Building on its mandate to strengthen respect for the principles of international humanitarian law and human rights amongst all parties in Libya, the International Humanitarian Law and Human Rights (IHL/HRWG) working group of the IFCL co-chaired by the Netherlands and Switzerland, held dedicated sessions on confidence-building measures. The discussions focused on the exchange of prisoners/detainees, the sick, and the wounded as well as the de-mining of cities and roads.

17. From the beginning of the conflict, UNSMIL supported local initiatives by tribal elders, armed groups and others, to implement the exchange of injured combatants and the bodies of those killed or tortured during the conflict. These exchanges had become politicized since the end of September. Despite challenges, UNSMIL continues to engage with relevant Libyan actors, including with women's groups, in pursuit of efforts to exchange combatants, detainees, mortal remains, among others, including documenting requests for the release of the bodies of family members.

18. On 1 December, the Minister of Justice, the Director of the General Authority on the Search and Identification of Missing Persons and civil society representatives briefed the IHL/HRWG on national efforts and plans to further prioritize transitional justice mechanisms while implementing the LPDF outcomes.

III. Steps required to reach a lasting ceasefire agreement

19. A lasting ceasefire in Libya needs above all else the buy-in of the parties and of ordinary Libyans. The Libyan parties should jointly agree on the modalities for the implementation of the ceasefire and decide on the level of support that they require from the international community.

20. The 5+5 JMC agreed that there would be an incremental withdrawal of forces from central Libya within 90 days of the signing of the ceasefire, with the gradual deployment of joint Libyan police forces. Given the delays in the operationalization of these measures, there is a risk that the timeline for the implementation of the ceasefire will also be delayed. Indeed, GNA forces remain stationed at Abu Grein and al-Washkah, with ongoing patrolling activities reportedly taking place. Military cargo flights were reported at al-Watiya airbase and Misrata airport. The LNA and auxiliary groups continued to set up fortifications and military outposts equipped with air defence systems between Sirte and al-Jufra, and in the northern area of al-Jufra airbase. Intense cargo aircraft activity was also reported between Benina airport, al-Jufra and al-Gardabiya airbase. Meanwhile, on 6 December, media reported that LNA units in Ubari in southern Libya attempted to take control of a GNA-affiliated military camp, with the GNA Minister of Defence and the HSC describing the incident as a ceasefire violation.

21. A lasting ceasefire also requires support from regional and international stakeholders. The Security Council arms embargo and other sanctions must also be fully adhered to by all Member States. The volatility of the developments on the ground may be exacerbated by the increase in foreign intervention and military support.

22. Security and operational conditions must be in place for the deployment of the ceasefire monitoring mechanism. There must be a mutual agreement between the Libyan parties on national and international security actors; new and inclusive security arrangements across the country; agreed adjudication mechanisms in the defined area; and national and international enforcement options in the event of non-compliance. Moreover, the deployment of Libyan and/or international monitors must take into account provisions related to COVID-19 measures, which will also affect medical and emergency support.

23. Meaningful reforms to the security sector, as well as gender-sensitive demobilization and disarmament initiatives coupled with reintegration options are also vital. Primary among these reforms is the re-establishment of a state monopoly on security and the use of force. This can only be achieved through the reunification of the army and the police, the demobilization and reintegration of armed groups, and the establishment of adequate safeguards for the conduct of all forces. These initiatives will need to be further developed by the 5+5 JMC, with the support of the United Nations and the assistance of Member States.

24. Sustained efforts by Libyan parties to implement the political road map leading to presidential and parliamentary elections are also critical to consolidate the ceasefire. The LPDF agreed to meet regularly to monitor the implementation of the road map to ensure that the benchmarks towards elections are met and to prevent a new open-ended transition.

25. It is also important to prevent other risks, including national and international spoilers; political and social divisions; hostilities; parallel institutions with personal, political or ideologically divergent agendas; and other armed groups with uncontrolled stockpiles of arms and ammunition in Libya.

26. On the economic track, basic services, including water and electricity, continued to erode in Libya, fuelling protests in Libyan cities in August and September. The Libyan Economic Expert Commission has to develop a roadmap on economic arrangements, including the management of national resources.

27. Peace dividends for civilians and other social confidence-building measures, such as the return of civilians to their homes, the restoration of essential services, exchange of prisoners and detainees, de-mining, transitional justice measures and reconciliation, will be equally important for sustaining the durability of the ceasefire through the humanitarian/ human rights dialogue track.

28. Finally, in order to ensure lasting peace, the United Nations monitoring component would need the full support of the Libyan parties, including on security, operational, logistical, administrative and technical aspects. The United Nations ceasefire implementation monitoring mechanism must be adequately resourced (human, financial, materiel/equipment, among others). The preparation, deployment modalities, security and other support requirements cannot currently be provided from existing UNSMIL resources. A clear but flexible Security Council mandate to support the ceasefire monitoring mechanism would enable access to the requisite resources.

IV. Ceasefire monitoring mechanism

Request from the Libyan parties

29. The 5+5 JMC has requested the assistance of the United Nations for the implementation of the LCMM. While discussions are still ongoing to further define necessary details for the implementation of the ceasefire agreement, the broad outline of the LCMM as envisaged by the 5+5 JMC delegations has been agreed upon.

30. Initially, the LCMM would operate in a defined area bounded by the triangular zone based on the following three points: 1) Bin Jawad to Sirte, 155 km; 2) Abu Grein to Sirte, 132 km; and 3) Sawknah to Sirte, 277 km. It would report to the 5+5 JMC as the overarching decision-making authority that would guide, manage and oversee the overall implementation of the ceasefire agreement, until the establishment of new unified Libyan executive authorities.

31. The LCMM would include two layers: 1) Joint Sub-Committees; and 2) Joint Ceasefire Monitoring Teams. The Joint Sub-Committees would be responsible for the overall monitoring of compliance, resolving conflict and responding to complaints and violations of the ceasefire. They would also play an important role in arbitrating, or facilitating the arbitration of, violations and disputes. The Joint Ceasefire Monitoring Team(s), when constituted and tasked, would monitor and verify reported violations and specific actions of the parties in a defined area, in compliance with the provisions of the agreement.

32. The 5+5 JMC has requested unarmed, non-uniformed individual international monitors to be deployed under the auspices of the United Nations, working alongside joint GNA / LNA monitoring teams for specific monitoring and verification tasks. The Libyan parties have also conveyed their firm position that no deployment of foreign forces of any kind, including United Nations uniformed personnel, should occur on Libyan territory. The 5+5 JMC welcomed the offer of potential support to the LCMM from regional organizations, including the African Union, European Union and League of Arab States, under the auspices of the United Nations.

33. According to the LCMM concept, the United Nations would be expected to provide a nimble and scalable team of impartial international monitors to carry out monitoring in the defined area. A phased approach would be required in line with the priorities set by the 5+5 JMC. The Libyan and United Nations monitors would initially provide oversight and report compliance along the coastal road on the removal of military forces and mercenaries, the deployment of the joint police force, the clearance of explosive remnants of war (ERW), boobytraps and mines. As soon as conditions permit, they would expand their monitoring work to the Abu Grein-Bin Jawad-Sawknah triangle, and possibly beyond.

United Nations Secretariat support for the operationalization of the ceasefire agreement and options for a ceasefire monitoring mechanism

34. Following the Libyan request for assistance with the implementation of the LCMM, the United Nations Secretariat established a “Libya Planning Team (LPT)”. This inter-agency

mechanism, chaired by the Department of Political and Peacebuilding Affairs, includes representatives of relevant components of the Department of Operational Support, the Department of Peace Operation, the Office for Legal Affairs and UNSMIL.

35. The LPT guides coordinated United Nations efforts to support the implementation of the Libyan ceasefire agreement signed on 23 October. It is developing a draft concept of operations and options for the implementation of a ceasefire monitoring mechanism, taking into account the conditions for a lasting ceasefire agreement (see paragraphs 19 to 28), as well as the planning parameters already set out by the Libyans (see paragraphs 29 to 33). The United Nations planning process goes hand-in-hand with the Libyan-owned and Libyan-led process. Given that the 5+5 JMC discussions are ongoing and that details required for the implementation of the ceasefire agreement have not been finalized, the United Nations planning has to remain flexible.

36. The draft concept of operations for United Nations support to the LCMM envisages a scalable solution to meet Libyan aspirations. The initial focus of the United Nations' support to the LCMM would be to establish a forward presence as soon as the situation permits from the existing hub in Tripoli. Such a presence would enable the United Nations to support LCMM efforts on the coastal road within the defined area of the ceasefire and gradually build up its capacity and resources. This option also offers flexibility for a light footprint. It would enable the United Nations to react swiftly and scale up the deployment of monitors when the situation on the ground progressively improves.

37. While UNSMIL has conducted preliminary security and logistical assessments, the establishment of a United Nations monitoring component in Sirte, as requested by the Libyans, would require sufficient lead time and additional assessments. Large parts of the city have been devastated by both recent fighting and the campaign to rid the city of Da'esh in 2016. This would be the first United Nations presence in the area at some 500kms from the existing center of operations in Tripoli. More specifically, the deployment of United Nations monitors to the area around Sirte and future scalability throughout the defined area would require the assistance of Member States in the form of funding and provision of individual male and female monitors in line with established United Nations human resources guidelines. It would also require the recruitment of mission support personnel, the identification of adequate infrastructure and secure hubs; life support, protected transport and other logistics; communications; security measures and in-extremis support, including medical evacuation.

38. The security of the United Nations monitors would fall under the United Nations security management system for Libya, which relies in the first instance on the host authorities, in this case specifically the joint Libyan police. Relevant security risk assessments would need to be conducted prior to any deployment.

39. In line with the Libyans' request, individual international monitors would be deployed within the framework of the agreed United Nations monitoring component. This could include civilians, including former military, and serving military and police with appropriate experience, including women. The international monitors would be recruited through the regular United Nations procedures.

40. Given the need to ensure coherent United Nations support to the various tracks of the intra-Libyan dialogue and to the ceasefire mechanism, the international monitors should be deployed under an UNSMIL umbrella. The UNSMIL monitoring component would report to the Mission leadership. Joint Libyan committees and/or sub-committees would be established, with UNSMIL offering facilitation and impartial monitoring support as per agreed modalities. UNSMIL would retain the flexibility to form joint team(s) composed of representatives of Libyan parties and international monitors, to undertake specific monitoring tasks in support of LCMM, when requested by the 5+5 JMC.

41. Having an UNSMIL monitoring component as part of the Mission would ensure effective and efficient use of resources. It would also vest a higher degree of ownership and accountability on the parties. Moreover, it would provide flexibility to UNSMIL with regard to the scalability of its support. Finally, it would also allow UNSMIL to retain the ability to report objectively on the status of implementation of the ceasefire agreement.

VI. Observations and recommendations

42. On 23 March, I appealed to warring parties across the world to implement a global ceasefire by the end of this year in order to enable an effective and coherent response to the COVID-19 pandemic. In this regard, I welcome the “*Agreement for a complete and permanent ceasefire in Libya*” signed by Libyan parties on 23 October, within the framework of the UNSMIL-facilitated 5+5 Joint Military Commission (JMC). This is a fundamental step toward peace and stability in Libya.

43. The 5+5 JMC has made significant strides towards establishing the conditions for and initiating the implementation of a permanent ceasefire agreement. I commend the implementation of confidence-building measures by the Libyan parties since the signing of the ceasefire agreement, including the resumption of commercial flights connecting eastern and southern airports with the capital, the resumption of oil production, and the opening of roads. I reiterate the commitment of the United Nations to assist and support the 5+5 JMC in operationalizing the ceasefire agreement. I call on all national, regional and international stakeholders to respect the provisions of the ceasefire agreement and ensure its implementation without delay. This includes ensuring the full and unconditional respect for the Security Council arms embargo.

44. I thank Member States and regional organizations, including the African Union, the European Union and League of Arab States, for their significant contributions to the working groups of the International Follow-up Committee of the Berlin Process (IFCL). The continued active engagement and support of the IFCL is essential to ensure the implementation of the ceasefire agreement. I encourage Member States and regional organizations to support the operationalization of the ceasefire mechanism, including by providing individual monitors under the auspices of the United Nations.

45. The implementation of the ceasefire agreement must be Libyan-led and Libyan-owned. The Secretariat intends to provide full support to the LCMM. In this regard, I recommend the establishment of a ceasefire monitoring component as part of UNSMIL. As a first step, I propose

the establishment and deployment to Tripoli of an advance team, security conditions and COVID-19 requirements permitting. The advance team would be supported by the Libya Planning Team. It would provide the foundations for a scalable United Nations ceasefire monitoring mechanism based in Sirte, taking into account the ongoing 5+5 JMC discussions on the implementation of the ceasefire agreement. UNSMIL's support to the LCMM cannot be provided from its existing resources. I therefore urge the Security Council to give UNSMIL a clear but flexible mandate to enable the Mission to support the LCMM. Such a mandate will enable UNSMIL to access the requisite resources.

46. I thank my Acting Special Representative for Libya, Ms. Stephanie Williams, the staff of UNSMIL and the UN country team for their dedication and persistence in assisting and supporting all Libyan stakeholders, including women's groups, on their path to achieving peace and stability in their country.