



Security Council

Sixty-ninth year

Provisional

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Thursday, 17 July 2014, 10 a.m.

New York

President: Mr. Gasana (Rwanda)

Members:

Argentina	Mrs. Perceval
Australia	Mr. Bliss
Chad	Mr. Cherif
Chile	Mr. Barros Melet
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France	Mr. Araud
Jordan	Mr. Omaish
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Luxembourg	Ms. Lucas
Nigeria	Mrs. Ogwu
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United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
United States of America	Mrs. DiCarlo

Agenda

The situation in Libya

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The meeting was called to order at 10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

On behalf of the Council, I welcome His Excellency Mr. Mohamed Abdulaziz, Minister for Foreign Affairs and International Cooperation of Libya.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

On behalf of the Council, I welcome Mr. Mitri, who is joining today's meeting via video-teleconference from Beirut.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Mitri.

Mr. Mitri: When I last briefed the Council six weeks ago (see S/PV.7194), I referred to the growing fear among Libyans about the prospect of a protracted conflict. The quick pace with which developments have unfolded in Tripoli over the past couple of weeks are a reflection of the deeply fractured political scene that continues to hang heavily over the country, undermining the fledgling political process.

In fact, we are in the middle of an all-out confrontation between two major rival groups in the Libyan capital. That confrontation, born out of the deep political polarization, is playing itself out at the country's international airport. What initially started as a minor incident on 5 July between elements from rival brigades at a checkpoint in the Janzour area of Tripoli, where the compound of the United Nations Support Mission in Libya (UNSMIL) is located, rapidly escalated into a series of major clashes across a number of areas in the capital. Much of the fighting within the past week has focused on attempts by different armed groups to assert control over Tripoli's international airport. The battles have caused disruption to air traffic and all air travel through the airport has since been suspended.

A call from the country's interim Government for an immediate and unconditional ceasefire has so far gone unheeded. The Government is also calling for the international community to take a strong stance. I will leave it to Minister Abdulaziz to elaborate further on the Government's call.

As the number of military actors mobilizing and consolidating their presence within the capital continues to grow, there is a mounting sense of a probable imminent and significant escalation in the conflict. The stakes are high for all sides. In eastern Libya, there has been a marked escalation of confrontation in the past couple of days. Benghazi's international airport has been repeatedly shelled and is not operational. Against the backdrop of the continued military operations between the forces under the command of retired army general Khalifa Haftar and those groups that he has labelled as terrorists, the campaign of assassinations and abductions targeting civic and political activists, as well as security and judicial personnel, has been unforgiving. On the day of the elections, a prominent human rights and political activist, Salwa Bughaigis, was stabbed and shot dead in her Benghazi residence. Her husband, who was with her, has gone missing and their guard was subsequently killed in custody. The assassination was very shocking, even for a country that has been witnessing daily violence.

The recent fighting in Tripoli and around the international airport has brought the war closer to the UNSMIL compound, which has taken direct hits from medium- and high-calibre machine guns. We have been at grave risk of being caught up in a military showdown amid indications and warnings that the fighting around our compound would intensify. In view of the deteriorating situation in the capital and the closure of Tripoli's international airport, the increased security risk faced by UNSMIL and the implications for the ability of its staff to carry out their work, a decision was taken first to reduce and later to withdraw the international staff in the country. It was not an easy decision. We made it clear that it would not be possible for UNSMIL to carry out its work while, at the same time, ensuring the safety and security of our 160 international staff present in Tripoli. The risk was such that staff was ordered to move between their accommodation and offices wearing body armour and helmets, which is an unprecedented measure for us in Tripoli. As a result, staff were confined to the compound for days.

On 13 and 14 July, two large groups of international staff were evacuated by road to Tunisia in convoys of armoured vehicles, leaving a small group of staff in Tripoli. That is a temporary move and will be reviewed as soon as there is an improvement in security. The Libyan authorities were informed and expressed their full understanding of the move. The unfolding military developments in Tripoli over the past couple of weeks have cast a shadow over the election on 25 June of the 200-member council of representatives that will replace the General National Congress. Unlike the previous legislative elections in 2012, the electoral law did not have any provision for proportional representation of political parties. Candidates had to run on individual basis. Thirty-two of the Council seats were reserved for women.

A little more than 40 per cent of the 1.5 million registered Libyans went to the polls on election day to elect from among the 1,714 candidates. Ninety-seven per cent of polling centres opened their doors for voting; there was no polling, however, in the eastern city of Derna; some of the components constituencies — “components” is the word we use to designate ethnic or cultural minorities — in areas to the west of Tripoli, as well as in Kufra, boycotted the elections. Polling in some 24 centres across the country was impacted by acts of violence, notably in Benghazi, Sabha, Al-Zawiya, Sirte and Awbari. One candidate was killed. Due to disruption in polling, a total of 12 seats representing six sub-constituencies will remain vacant until polling takes place in those areas. Following the announcement of preliminary results on 6 July, 41 candidates were disqualified in accordance with the Law on Political and Administrative Isolation. Final results are expected on 20 July.

In my briefing to the Council last month, I spoke of my intention to convene a meeting that would bring together representatives of the major Libyan actors with the aim of forging an agreement on a number of issues central to the transition process. These would have included principles of political interaction, national priorities for the remainder of the transitional period, and ways of addressing immediate security and other divisive issues.

In preparing for this meeting, which we had hoped would be in the form of a political dialogue to take place a week ahead of the legislative elections on 18 and 19 June, UNSMIL consulted closely with all the major Libyan parties and groups, in addition to the

Government and with the special envoys for Libya, on arrangements and possible results. Preliminary drafts of preparatory documents were leaked, distorted and misinterpreted by some media outlets. More importantly, some major participants, who had initially given a positive response, expressed their reluctance to engage in what they thought was an untimely dialogue that would benefit their political opponents.

The media controversy — some had turned to defamation against me — reduced further the possibility of convening a dialogue ahead of the parliamentary elections. Following consultations, including with the international special envoys, I decided to postpone the convening of a political dialogue meeting. Regrettably, an opportunity was missed and, with the present armed confrontation continuing it may become more difficult to bring conflicting forces to the dialogue table. The United Nations, and other international or regional actors, have called for a cessation of violence. UNSMIL continues to have contacts with various parties and groups in an attempt at de-escalation.

Since my last briefing, UNSMIL has resumed attending the trial sessions in Tripoli of Saif Al-Islam Al-Qadhafi, Abdullah Al-Senussi and 35 other persons associated with the former regime. The trial so far has dealt primarily with procedural issues relating to access to defence counsel. I take this opportunity to underscore the need for proper legal representation for all defendants, as well as for complete access by the defence counsel to clients and case files.

In this regard, I would like to point out that both Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi have been unable to access the legal counsel representing them before the International Criminal Court. This is of particular concern given the 31 May decision of the Appeals Chamber of the International Criminal Court, which upheld the admissibility of the case against Saif Al-Islam Al-Qadhafi. The Court has confirmed that Libya must hand over Saif Al-Islam Al-Qadhafi, while also noting that it is considering the case of Mr. Al-Senussi. Libya remains under an obligation to cooperate with the Court.

I would like, finally, to take this opportunity today to highlight the ongoing plight of an ever increasing number of migrants, asylum-seekers and refugees who continue to undertake the perilous sea journey in their quest to reach Europe from Libya. Moreover, thousands of migrants in Libya continue to face widespread

and prolonged detention, usually with no means to challenge their detention. They are held in extremely poor conditions, characterized by chronic overcrowding and a lack of basic sanitary conditions. There is also ill-treatment and work exploitation.

In the absence of a proper protection framework in Libya, this detention practice tends to fuel human trafficking towards Europe. It has become clear that border control measures are not sufficient to address this issue and that urgent action is needed to reduce the use of detention and to improve conditions in detention centres. Furthermore, the role of the United Nations High Commissioner for Refugees would need to be formalized, and a registration and status-determination process for refugees should be introduced without delay.

The President: I thank Mr. Mitri for his briefing.

I now give the floor to the Minister of Foreign Affairs and International Cooperation of Libya.

Mr. Abdulaziz (Libya): It is a pleasure to see you, Sir, preside over this important meeting. Let me first express our deepest thanks to you and to the members of the Council for giving me the opportunity to address the Council at this critical stage, when developments in Libya are moving quite fast.

Permit me also to thank all the international partners, countries and regional organizations for the support they have provided and are providing to Libya and for designating special envoys. Under the leadership of Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), the Mission has done a great job in a very challenging environment. We highly appreciate the very encouraging message conveyed by the Secretary-General and his personal engagement. Our special thanks go to the European Union for its political and technical support, to the League of Arab States, the African Union, the Organization of Islamic Cooperation and the Arab Maghreb Union for adopting a number of resolutions expressing firm support for the democratic process in Libya.

The objective of my participation today is to provide the Council with an actual and honest picture of the situation in Libya, without any retouching whatsoever.

Starting with the positive aspects of that picture, I should like to say that in 2012 the world applauded the

free and fair election of the members of the General National Congress following 42 years of repression. A transitional Government was established, followed by the current temporary Government. A historic decision was taken by the High Constitutional Court to consider the decision of the General National Congress on the establishment of a new Government null and void, thus confirming the legitimacy of the current Government and at the same time the independence of the judiciary. During the past 60 years that has happened only twice, once during the time of the Kingdom, when the High Court took a decision, against the wish of the King, to dismantle the Parliament, and now with this second decision taken by the judiciary, which has really put the normal functioning of the Government back on track.

The election of the members of the committee responsible for drafting the Constitution went quite well, and they have now started to draft the Constitution. Most recently, as Mr. Mitri mentioned, elections were held for the new Parliament, regardless of the turnout. We are very hopeful that the process we are very hopeful that it will be completed soon and that the results will be announced before the end of the month.

A preliminary road map for the political process has started to emerge. Municipal elections have started in major cities, instituting a culture of decentralization of local administration.

However, with respect to the negative aspects, there are a number of challenges and negative elements that represent serious threats to the democratic transformation of Libya and, indeed, are indicative of the possibility of heading towards a failed State, with far-reaching consequences not only nationally but also at the subregional and regional levels.

I should like to go through these impeding factors so that the members of the Council can realize how difficult the transformation of Libya is at the moment.

Let me start with the social challenges.

These include, first, the prevailing problems relating to displaced persons within the country and Libyan refugees outside the country; secondly, tribal conflicts fed by close associations with armed groups; thirdly, the flight of human resources abroad due to fear of prosecution, also as a result of the unfair political isolation law; fourthly, a quite passive public opinion and inadequate public engagement, in spite of the presence of thousands of registered civil-society

organizations; fifthly, crises of trust between the people and the Government, the Government and the National Congress, and the National Congress and the population, which impede the political process; and, sixthly, the absence of a communications strategy to mobilize the support of the local population.

In relation to the economic challenges, I would cite, first, the deteriorating economic situation, which is due mainly to a decrease in oil production and oil exports. The Council may recall that the export oil ports were controlled by a militant group for almost 11 months. We lost more than \$30 billion as a result of that control. The Government could not resort to a military reaction, given the fact that it does not have enough tools to do so. It Government decided to pursue negotiations peacefully in order to solve this particular problem.

Other such challenges include, secondly, the inability of the Government to secure basic services for the local population, and, thirdly, a rising unemployment rate among youth, to the extent that they have started to join armed groups in order to secure some income.

Turning to political challenges, first, there are political conflicts between political parties. Some rally behind the the flag of building the State and the rule of law. Others rally behind the flag of their own ideology, not the flag of building Libya.

Other political challenges include, secondly, the lack of a meaningful national dialogue and viable national reconciliation programmes and initiatives; and thirdly, the negative consequences of the political isolation law. I believe that that law is catastrophic, because its main purpose is to ensure isolation, not integration. Most of the Libyan technocrats, who have been trained for three to four decades, have no ideological association with the previous regime, but under the law they are marginalized and have no way to contribute to the political process in the country.

In addition, there have been attempts during the past few months by certain lawyers to submit proposals to either eliminate or amend the law. Uncontrolled military elements threatened the judges, saying that if they took that decision lives would be threatened. That is the situation.

With respect to military challenges, for the past three years neither the defence sector nor the police establishment have materialized. Secondly, there are armed conflicts among armed groups, which could lead

to the outbreak of civil war, as we have witnessed in the past five days. This is a conflict between those whose objective is to build a State based on the rule of law and with viable governance, and those who are against that particular process. They want to have a small emirate headed by ideologically oriented warlords; they do not want to see a State built the way it should be. What they say is completely wrong; the impression is that just military groups are fighting each other for the sake of authority. That is why we are trying to see how we can mediate between those groups to ensure that there is a cessation of hostilities, and then bring them to the table to negotiate a proper reconciliation of their positions.

Thirdly, there are attacks on civil infrastructure aimed at discrediting the Government and instigate the people against it. Fourthly, there is the existence of radical groups, religiously labelled, which have more capabilities than the Government does. If the Government does not have the necessary tools, how can we blame it for being unable to face the growing threat posed by armed groups whose only interest is to stand against the democratic process?

There are also security challenges. First, there is a deteriorating security situation due to the existence of millions of heavy and small arms. Secondly, there is a growing number of radical individuals and groups who threaten and intimidate civilians and members of the military alike and who commit serious crimes of kidnapping for ransom, killing and assassinating political activists, lawyers, journalists, police and military personnel, judges and prosecutors. Yesterday a lady member of Congress was assassinated in the city of Derna, which is completely controlled by a religiously labelled radical group. Thirdly, there is an absence of a strong and effective and humane criminal justice system. No one can talk about protecting democratic institutions in the absence of a humane and functional criminal justice system that is capable of protecting the rights and freedoms of individuals. We have not reached that stage yet. Fourthly, some detention centres continue to be outside the control of the Government. Fifthly, the illegal trafficking in arms and drugs and the illegal migration of the smuggling of subsidized goods, as referred to by my dear friend, Mr. Tarek Mitri, continue to pose a very serious problem, not only to Libya, but to neighbouring countries, in particular those countries north of the Mediterranean.

Should Libya become a failed State, kidnapped by radical groups and warlords, the consequences will be

far-reaching and could perhaps be beyond our control. First, I think it could feed the conflicts and separation attempts in neighbouring countries. It could also be a negative element in relation to the intensification of the illegal smuggling of arms, feeding internal conflicts in neighbouring countries. I think Libya would be a hub for extremists and religiously labelled radicals, particularly in the eastern part of Libya. And we cannot deny the fact that the radicals are not only Libyans; some are also from Morocco, Algeria and Syria. That is not to mention the fact that there is a rumour that, given the fact that there is a serious need to control those elements, the radicals are now encouraging others who are fighting in Syria to come back to Libya because there is a security gap and therefore Libya could be a very favourable environment, which could be a source of increasing trouble, not only to Libya, but also to the neighbouring countries.

Do Council members not think that such factors, which are indicative of Libya heading in the direction of becoming a failed State, would justify a stronger, more effective and strategic engagement of the Security Council in the internal Libyan affairs? If so, what prevents the Security Council from living up to the expectations of the Libyan people to live in peace and pursue their national democratic process in a more peaceful environment? The current Government is making tremendous efforts to think strategically at the operational level and bring all stakeholders together for a promising national dialogue, but the means at the disposal of the Government are extremely limited, not to mention the prevailing negative trend among certain groups and individuals who are against the democratic process. Given the fact that Libya is still under Chapter VII, the Security Council could provide the legal framework for an upgraded and more effective international engagement in Libyan affairs to bring more coherence to the political process and reconstruction efforts.

I say with certainty that there is a serious imbalance between the current and emerging problems and the challenge in Libya, on the one hand, and what the international community is offering, on the other. That particular imbalance has to be rectified in order to do justice to the Libyan case. A United Nations stabilization and institution-building mission for Libya, with the central focus of providing concrete structural and legislative support in respect of some of the priority areas that we think are the basis for building the rule of law and viable governance, should be established.

First, it is necessary to build the national security forces with a special focus on the establishment of quality military forces, a police force and intelligence structure. Equally important is the effective engagement in the demilitarization process of the armed groups and individuals. It is extremely important to follow the so-called incremental approach in this process because demilitarizing the military groups has two dimensions. There is a political dimension, which we must work on as a Government, and there is a technical dimension, which the international community should help us with either regionally or globally.

Secondly, it should contribute to the protection of oil fields, oil export ports and civil airports. That will ensure the normal flow of oil and its related revenues, as well as the protection of other strategic sites. We believe in so-called joint protection. Libyans have not received enough training to be able to protect those sites themselves. One example of that is the fact that, 12 months ago, when the oil ports were controlled, we were pumping 1.5 million barrels per day. When the oil production stopped, that amount went down to 250 to 300 barrels per day. The lack of protection of oil fields and the ports through which we export our oil remains a serious problem. We are not asking for military intervention to protect the oil, but we need teams, experts and trained people to work with Libyans in so-called on-site training for Libyans to be able to learn, for a certain period of time, how to protect those strategic sites.

Thirdly, it should contribute to institution-building and enhance the performance of public administration, together with instituting anti-corruption mechanisms. As the Council knows, Libya has signed and ratified the United Nations Convention against Corruption, but signing and ratifying it is one thing and implementing it is another. We need legislative and structural reform and an independent body that could really work hard to start controlling the corrupt practices experienced during the regime and during the stage of the last three years.

Fourthly, it should contribute to reform of the criminal justice system, which, as I mentioned, is also a key to democratic institutions and the protection of the rights of individuals and groups.

Fifthly, it should provide support to neighbouring countries with respect to border security. In that regard, I would like to inform the Council that the neighbouring countries — starting with Algeria, Tunisia, Chad, the

Niger, the Sudan and Egypt — met on the occasion of the Ministerial Conference of Non-Aligned Countries in Algeria. That was the first time that the representatives of the neighbouring countries sat together at the ministerial level and decided to think about the situation in Libya and how they could add value to assist Libyans. Given the fact that the neighbouring countries understand the specificity of the problems and realize the negative consequences to themselves of what is going on in Libya, I salute them for taking that initiative, which was followed up on the occasion of the African Union Summit.

Most recently, Tunisia was kind enough to invite the Ministries of Foreign Affairs of the neighbouring countries to meet, and a solid declaration was issued. Structurally, they decided to have two committees — a security committee and a political committee — to follow up on Libya's affairs and see how they can add value in helping the Libyans in their democratic process.

Sixthly, given the fact that the League of Arab States intends to take the lead in engaging the national dialogue and reconciliation in close cooperation with the African Union and the Ministerial Committee of the neighbouring countries, the mission could also provide viable support to that process. The speedy deployment of such a mission, if it is possible, in close cooperation and coordination with regional organizations, would certainly enable the country to move forward in pursuit of a more meaningful democratic transformation, the fair distribution of wealth, the adoption of a consensus constitution, the demilitarization of armed groups and the establishment of the rule of law and viable governance. At the same time, should this mission materialize, I think it would create a model and success

story for post-conflict engagement of the United Nations and regional organizations.

In conclusion, I wish to make a sincere appeal to the Security Council to take the case of Libya seriously before it is too late. Approaching the task with determination and sustained support for the political process in Libya will certainly pay off in the end. We are dealing with a country of 6.5 million people living on 1.8 million square kilometres, which is the seventeenth largest in the world in terms of surface area and the fourth largest in Africa, with oil reserves in the amount of 41.5 billion barrels. It has tremendous potential, not only for the Libya people, but also for our neighbours and our partners. It goes without saying that the Libyans are responsible for shaping their own destiny, believing in a prosperous future, but we cannot achieve it alone. We need a partnership in solidarity that goes beyond national interests.

Finally, I wish to reiterate the fact that we are not calling for a military intervention. Rather, we are calling for stabilization and institution-building initiatives on the part of the Security Council. That is the only way to empower the State to respond to the challenges ahead.

I thank the President and the Council for giving me this opportunity to convey to them the exact situation in Libya and what the Libyan people expect from the international community.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.45 a.m.