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Technical assistance and capacity-building

Written statement* submitted by The Next Century Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

* Issued as received, in the language(s) of submission only.

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The basis for a peace deal to address the future of Libya

The conflict in Libya has now entered a new phase. Foreign interference has reached unprecedented levels, including the delivery of sophisticated military equipment and the presence of mercenaries. The Libyan civil war has now become a much wider confrontation and the theatre of a strategic struggle between foreign powers. The Next Century Foundation (NCF) notes with concern the ongoing build-up of forces by both sides in the conflict, with the focal point of tensions being the area around the town of Sirte.

With levels of foreign interference surging, front lines between combatants shifting, tens of thousands fleeing their homes, and the threat of COVID-19 looming large, a negotiated solution to the crisis in Libya — now in its tenth year — is more urgent than ever.

During the Berlin conference that was convened in January 2020, foreign leaders pledged not to interfere in Libyan affairs and backed the arms embargo that was first established through United Nations (UN) Security Council Resolution 1970 in 2011.

Starting last spring, the struggle between numerous militia groups in Libya coalesced into a clash between two main antagonists. Forces led by the UN-recognised Government of National Accord (GNA) have been strengthened and have united to face the acute threat posed by General Khalifa Haftar's forces also known as the Libyan National Army (LNA), and a stalemate in and around Tripoli has resulted.

Importantly for this conflict, the UN arms embargo has repeatedly been ignored by many parties, most notably the United Arab Emirates, the Russian Federation (Russia), and Egypt, in their support for General Haftar, and on the other side, Turkey and Qatar in their support for the GNA. Turkish assistance allowed the GNA to turn the tide against General Haftar's Tripoli offensive. While the rest of the world braced for the COVID-19 deluge, GNA fighters — now with significant Turkish support — routed LNA soldiers on the outskirts of Tripoli.

General Haftar's forces are now entrenched 25 kilometers west of the Mediterranean coastal city of Sirte; and the situation on the front lines has been mostly quiet since the 10th June.

Following a joint statement by Russia and Turkey on 22nd July 2020, the conflict's intensity has been further reduced, and the Next Century Foundation generally approves of current ceasefire initiatives. However, the Next Century Foundation believes that contending foreign interests are a threat to any peace-building initiative in Libya, and that the intervening foreign powers will be ready to exploit any weakness shown by the opposite side to reignite the conflict. The Foundation calls for the reinforcing of monitoring to ensure that the UN arms embargo does not keep getting violated.

The European Union has engaged in enforcing the arms embargo with its operation IRINI (Greek for "peace"), mostly through sea patrols, operating on the basis of the UN Security Council Resolutions 1970, 2292, and 2473. The European Union states that the operation is intended as a support to the Berlin Conference Conclusion and Resolution 2510.

The operation has its fair share of controversy, from Turkish claims of discriminatory treatment to what some European officials called Turkish obstructionism in securing North Atlantic Treaty Organization assistance for the operation. The Next Century Foundation stresses that most of the weapons coming into Libya actually do not arrive by sea, with the exception of the majority of Turkish weapons. The UN-recognised Libyan Government of National Accord, a beneficiary of the Turkish involvement in Libya, has condemned the operation. The Foundation recommends a more active use of air and satellite monitoring to ensure that the arms embargo applies equally to all parties.

The Next Century Foundation would also like to express significant concern about the humanitarian impacts of the conflict. Almost 30,000 families had to flee their homes as a result of fighting in Tripoli's southern suburbs and in Tarhuna, bringing the total number of internally displaced to more than 400,000. Between 1st April and the 30th of June, The United Nations Support Mission in Libya (UNSMIL) documented at least 102 civilian deaths and 254 civilian injuries, an increase of 172 percent from the first three months of 2020. The World Health Organisation has meanwhile documented at least 21 attacks on medical facilities, ambulances, and personnel. One year after an airstrike on the Tajoura Detention

Centre killed at least 52 migrants and injured 87 others, migrants and asylum seekers in Libya still face arbitrary detention, torture, sexual violence, abduction for ransom, forced labour and unlawful killings.

The discovery of at least eight mass graves in June, most of them in and around Tarhuna, shows the crucial need for an impartial fact-finding mission under the mandate of the Human Rights Council. Human rights defenders, peacebuilders and political leaders, be they male or female, must be able to carry out their work without fear of retaliation.

An international investigative body must look into the violations of international humanitarian law that have been committed in the country, provide the Government with technical assistance and support the reform of the criminal justice system, including the penitentiary system, in accordance with international norms and standards.

The Next Century Foundation also calls for the lifting of the current oil blockade imposed by General Haftar. There is a risk that stagnant hydrocarbon fuels will cause long-lasting damage to Libya's hydrocarbon infrastructure.

As per the UN Resolution 2509, the Next Century Foundation recognises that the National Oil Corporation (NOC) remains the sole legitimate oil corporation within Libya and calls for all oil transactions to be handled under its oversight, especially in light of some foreign actors' willingness to capitalise on Libyan oil wealth at the expense of the NOC.

The Foundation urges UN members to cooperate in bringing about a ceasefire and end support for 'parallel institutions outside of the Libyan Political Agreement', stressing the message of the UN resolution 2259. There needs to be a gradual withdrawal of foreign forces in order to ensure that the Libyan peace process is directed by Libyans themselves, and with Libyan interests in mind.

The NCF also stresses the fundamental need to prevent the rise of violent and terrorist groups in Libya as per UN resolution 2510.

COVID-19 is also a growing concern, with a seven-fold increase in cases in June alone. The true scale of the pandemic is likely to be much higher than the reported 1,046 confirmed cases and 32 deaths. Libya's capacity to test, trace, isolate, and treat people must be urgently strengthened.

In light of the current crisis, the Next Century Foundation calls on the parties to stop the military build-up and return to negotiations. An immediate and comprehensive ceasefire agreement must be reached. Any political initiatives presented must be nationally owned, preferably under United Nations auspices. The Foundation urges the parties to the conflict to respect international law, stop targeting civilians, ensure the safety of health-care workers, and allow unhindered humanitarian access.

The Next Century Foundation would like to reiterate the primacy of Libyan unity and sovereignty in settling this matter, in accordance with the UN resolution 2510. A political solution to the crisis would require a unified Libyan government that is approved by the House of Representatives seated in Tobruk and that is able to wield an effective security apparatus while maintaining the monopoly on the use of force. We strongly believe that foreign intervention risks undermining any credible possibility of peace in Libya.

With the risk of a deadly stalemate around Sirte, all parties must put aside their differences and choose the path of reconciliation. The fundamental solution to the proliferation of weapons in Libya is a unified Libya, a unified security force, disarmament, and demobilization along with extensive reintegration programs into civilian lives. A functional Libyan government must have a monopoly on the use of force. Any credible resolution must also improve the economic and social situation in Libya. The Next Century Foundation calls upon the international community to play a constructive role in Libya's reconstruction efforts.

A new peace framework for Libya should seek to build from the local energy and governance, formalize it, and take it to the next level of effectiveness. The NCF strongly supports the United Nations Support Mission in Libya initiative for the inclusion of Libyan women in public life and the peacebuilding processes.

Importantly, because the situation in Libya today seems so hopeless, little thought is being given to how the current crisis might in fact be turned into an opportunity. Nothing is guaranteed, of course, and ultimately both Libyans and the intervening parties must be willing to make sacrifices and take the necessary steps for any constructive strategy to have a chance.

The intersection of foreign political and economic interests in Libya risks undermining the Libyan people's aspirations for lasting peace. The Next Century Foundation believes that now is the time for Libyans to take control of their destiny by pushing for negotiation and reconciliation and working towards a free and fair society.
