



Security Council

Sixty-ninth year

*Provisional***7251**st meeting

Wednesday, 27 August 2014, 10.15 a.m.

New York

<i>President:</i>	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
<i>Members:</i>	Argentina	Mrs. Perceval
	Australia	Ms. King
	Chad	Mr. Cherif
	Chile	Mr. Barros Melet
	China	Mr. Wang Min
	France	Mr. Lamek
	Jordan	Ms. Kawar
	Lithuania	Ms. Murmokaitė
	Luxembourg	Mr. Maes
	Nigeria	Mr. Laro
	Republic of Korea	Mr. Oh Joon
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	United States of America	Mr. Dunn

Agenda

The situation in Libya

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The meeting was called to order at 10.15 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 representatives of Germany, Italy and Libya to participate in this meeting.

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.

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

Members of the Council have before them document S/2014/629, which contains the text of a draft resolution submitted by Australia, France, Germany, Italy, Jordan, Luxembourg, the Republic of Korea, Rwanda and the United Kingdom of Great Britain and Northern Ireland.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Argentina, Australia, Chad, Chile, China, France, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America

The President: The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2174 (2014).

I now give the floor to Mr. Mitri.

Mr. Mitri: In recent days, armed confrontations, which are both the cause and the result of the deep divisions among Libyan political factions, have been unprecedented in their gravity and, to be sure, very alarming. The house of representatives has resolved that groups fighting under the name of Fajr Libya — Libya's Dawn — and Ansar Al-Sharia are terrorists and outlaws. The Fajr Libya coalition charged that the transitional Government and the newly elected house of

representatives violated the constitutional declaration and lost legitimacy, considering their call for foreign intervention an act of treason. They asked the former General National Congress to convene. The General National Congress, the tenure of which expired at the election of the new house of representatives, designated Omar Al-Hasi as Prime Minister and asked him to form a "national salvation" Government.

Since my last briefing to the Council, on 17 July, (see S/PV.7218) armed battles, inflamed by air strikes, continued almost uninterrupted in Tripoli, Benghazi and other parts of the country. In Tripoli, we have seen an unprecedented movement of population in an attempt to escape the fighting. Conservative figures of those displaced are estimated at over 100,000, with at least another 150,000, including many migrant workers, having fled the country to seek refuge abroad. There is a general deterioration in living conditions. Food, fuel, water and electricity are in short supply. The departure of foreign medical staff and shortages in medical supplies have rendered the plight of civilians more critical. A rise in criminality has contributed to a further worsening of the situation. It is also likely that the fighting will result in the dispersal of explosive remnants of war and unexploded ordnance, posing a further threat to civilians.

The use by all sides of heavy weapons in densely populated areas has spread terror and contributed to a growing number of innocent lives lost, including those of children. In addition, there have been many cases of kidnapping, the burning of houses, looting and other acts of revenge. The damage inflicted on public infrastructure in Tripoli's southern and western sections — including the airport, the main oil depot and roads and bridges — is nothing less than tragic.

In the east, fighting continues between two coalitions of forces comprised of Libya Shield units, armed brigades and the Ansar Al-Sharia extremist group, on the one hand, and forces allied to general Khalifa Haftar and the Army Special Forces, on the other. The violence has resulted in a significant number of civilian casualties.

When I last briefed the Council, I reported on the evacuation of international staff members of the United Nations Support Mission in Libya (UNSMIL) as a result of the escalating conflict and the fighting in and around the Janzour area, where our premises are located. We continue to stress that this is a temporary measure and

that staff will be redeployed once security conditions permit.

Notwithstanding that measure, the Mission has remained closely engaged with developments in Libya. On 7 August, a small team led by my deputy travelled to Tripoli to explore options for an unconditional ceasefire. The visit to Libya was facilitated by the Italian Embassy, and I would like to thank Italy for its generosity. During 12 days, the delegation met with a wide range of political and military actors. While all engaged constructively with regard to our proposals, it is very clear that much more work is needed to overcome mistrust among the parties to the conflict.

While the Mission intends to build on those talks, we believe that a clear message needs to be sent to the warring parties to remind them of their obligations under international humanitarian law. I believe resolution 2174 (2014) has just done that, while also underlining the need for constructive engagement on their part with a United Nations-facilitated political dialogue.

On 4 August, we attended the inaugural session of the newly elected house of representatives in Tobruk. Regrettably, many efforts, including ours, to arrive at an agreement over procedural and related issues failed to ensure the full participation of all elected members. A number of representatives decided to boycott the sessions. While underlining the importance of safeguarding Libya's fragile transition, with the house of representatives as the only legitimately elected legislature, we also affirmed that every effort must be exerted to enable parliamentarians who are boycotting the house of representatives to join their colleagues.

Developments on the battlefield in Libya over the past few weeks are a source of grave concern. In particular, we strongly condemn the indiscriminate shelling. Those responsible for the loss of civilian lives and for the destruction of private property and public infrastructure, as well as those responsible for any ill-treatment and torture of prisoners, must be held accountable. Of particular concern are reports from Derna that an extremist group has conducted summary trials and executions outside the judicial system.

In that regard, I welcome the declaration, on 17 August, by the Libyan General Prosecutor of his intention to investigate crimes committed during the recent fighting in Tripoli. I urge his office to initiate impartial investigations, even in the absence of formal complaints. I welcome also the recent statements by the

Prosecutor of the International Criminal Court and by the Office of the United Nations High Commissioner for Human Rights reminding all parties to the conflict that perpetrators of crimes against civilians, as well as those who order or fail to stop them, are liable for prosecution, as are those who incite violence.

The threat from the spread of terrorist groups has become real. Their presence and activities in a number of Libyan cities are known to all. At present, the chaotic security situation and the very limited capacity of the Government to counter that threat may well have created fertile ground for mounting danger in Libya and beyond.

In my previous briefing I qualified the aborted 18 and 19 June political dialogue meeting, which I had intended to convene, as a missed opportunity. Every unsuccessful dialogue initiative is a lost opportunity in Libya. We need to remind Libyan political leaders and brigade commanders that dialogue remains the only alternative to a protracted armed confrontation. No military solution is possible, and the present impasse will be deepened further by the use of force. Although the horizon for a political agreement seems distant, the United Nations needs to spare no effort to bring various actors to the dialogue table. Intimidation and defamation should not distract us from the obligation of being an impartial mediator.

With the exception of a minority suspicious of, or hostile to, the role of the United Nations in Libya, there is broad-based acceptance of UNSMIL's presence, as well as high expectations. The main and recurrent demand is to see the United Nations contribute more effectively to the protection of the civilian population. There may be broad support in Libya for an enhanced United Nations presence, but clarity on the modalities and type of support that is to be realistically expected is still lacking. Moreover, there is a great need to seriously address Libyan misperceptions as a condition for greater United Nations engagement in Libya.

Once again, we have been asked to play a greater role in institution-building. An adequate response would necessitate further developing UNSMIL's capacities. But that is not in itself a guarantee of the achievement desired. Previous experience tells us that, without collective Libyan political will and clearly defined national priorities, UNSMIL is likely to face difficulties in implementation. National ownership is not only about ensuring that United Nations actions accord with Libyan strategies; it also requires Libya's

continued and lasting receptivity to subsequent advice and technical assistance. In addition, Libyan national ownership involves making a consistent effort to ensure the effective coordination of international support. In its mandate for UNSMIL the Council asks the Mission to play a leading role in that regard, but its success has been limited. It is important that we see Libya playing a coherent role in enabling concerted efforts. No less important is the willingness of all friends of Libya to allow their activities to be better coordinated.

As elsewhere in the region, radical transformations have opened up new opportunities and raised hopes. The Libyan experience illustrates the fact that transition is fraught with great risks, some of which are owed to perceived conflicting interests and mutual fears — the legacy of more than four decades of despotic rule — as well as to reactivated enmities and reinvented hatreds in the struggle for power. Those risks also include the possibility of Libya's future being affected by regional polarization and proxy rivalries. The threat of the changes that the revolution initiated being derailed is most likely growing. The descent into more instability and greater uncertainty cannot be reversed unless various actors in Libya's public life commit, in words and deeds, to a democratic political process. That process cannot be reduced to the ballot box and the emergence of numerical majorities and minorities. Its progress is conditional on the upholding of the principles of pluralism, inclusivity, the separation of powers and adherence to agreed democratic values and norms.

Many Libyans continue to be sceptical about the political process in their country, and frustrated with their political elites. Low participation in the two most recent elections is an indication of the erosion of such credibility. Disappointment, aggravated by the suffering and fear provoked by armed confrontations, increases the risk of a major setback for Libya. A large number of Libyans, distressed or disillusioned, are contacting and writing to us. But many others refuse to be discouraged. We cannot shy away from supporting all of them — both the disappointed and the determined — in this difficult period of their country's history.

Finally, I would like to thank the Council for its support during the two years of my tenure, which will end very soon. I would also like to express warm words of appreciation to all the UNSMIL and United Nations staff in Libya, national and international, for the indefatigable spirit they have shown in spite of the

enormous problems they have encountered and the risks to their personal safety and security in carrying out their work.

The President: I thank Mr. Mitri for his briefing. On behalf of my colleagues on the Security Council, I would like to express our appreciation for his efforts over the past two years on the Libya dossier.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I would like to thank you, Mr. President, for this opportunity to address the Security Council at today's meeting. I would also like to congratulate you, Sir, on your presidency of the Council this month, and to thank you and the delegation of the United Kingdom for drafting today's resolution on Libya (resolution 2174 (2014)). I am also grateful for all the consultations you held on the resolution.

I would like to say, however, that I do not know why the Libyan delegation was not invited to participate in the entire meeting and was not seated in the Chamber while the resolution was being adopted. Is this a new practice in the Council, unanimously agreed on by its members, or was it a decision by the President or by the Secretariat? The fact is, I do not know why it was done. Is there a particular message that the President or the Council wishes to send the Libyan delegation?

I would like to thank the Special Representative of the Secretary-General, Mr. Tarek Mitri, for his briefing. Since Mr. Mitri is preparing to leave us, I would like to commend his savoir-faire, his abilities, his dedication, his patience and all his efforts to help Libya emerge from its current difficult situation. I would also like to emphasize that during his two years as Head of the United Nations Support Mission in Libya (UNSMIL) he has forged friendly relationships and earned the respect of all who are familiar with UNSMIL's mandate and the difficult political and security situation in Libya. I am firmly convinced that the majority of the Libyan people respect and feel grateful to Mr. Mitri. There can be no question that all who have met Mr. Mitri consider him to be a brother and a friend. Since he has decided to relinquish his job, we can only wish him every success in his future career. We await his memoirs.

I would also like to take this opportunity to welcome the appointment of Mr. Bernardino León to replace Mr. Mitri. As the European Union's Special Representative for Libya, he is well acquainted with the situation and the Mission in Libya. I would like to

congratulate him on the trust the Secretary-General has placed in him and to reaffirm that the Libyan Government will make every effort to help him carry out his tasks.

The Council is of course aware that the situation in Libya is complicated. However, since 13 July that situation has become even more complicated and threatens to turn into a large-scale civil war if it is not dealt with carefully and, above all, by every party involved. I have always personally ruled out the possibility that a civil war might break out, but the situation has changed. In the past, security incidents were limited, isolated and rare, but the new confrontations in Tripoli and its environs have taken place between two armed groups using heavy weapons. Each of the them has allies in all the other regions of the country. Unfortunately, those two armed groups were the first players to take part in the 17 February revolution. They fought side by side against the dictatorship and tyranny. They were also the two most heavily armed groups in the period following the revolution.

Many believe that the power-sharing arrangement between the two groups and the oversight of Tripoli and the terrorist acts perpetrated by them against the country's authorities and their interference in the work of the National Transitional Council are the main causes of the present chaos. But it must also be recognized that one of the two groups currently supports the house of representatives and the Government, while the other group is opposed to the house of representatives and the Government and is calling into question their legitimacy.

It is not a question of deciding who is right and who is wrong in the context of the latest confrontations, since all armed groups in Libya, including army units, are acting for the most part outside the bounds of the law. Those groups do not report to the Ministry of Defence or the Government. But I would just like to say that the destruction inflicted on State institutions and the targeting of the Tripoli airport and aircraft, Government headquarters, ministry headquarters and institutions of State are all acts that could be considered serious crimes for which their authors and instigators are responsible. Similarly, those actors have to assume responsibility for the death of innocent civilians, including young people who were pushed into harm's way in the war, and for the displacement of people, the ransacking of homes, the pillaging of public libraries — all of which are serious crimes falling under the jurisdiction of the

International Criminal Court. Indeed, the Court has commenced inquiries into those crimes.

All armed confrontations, regardless of their location, create new animosities and new grounds for reprisal, bringing about a new atmosphere that leaves no room for patience and tolerance. Unfortunately, in Libya, most political and religious leaders and the media are inciting combat and disregard for the law and for the State institutions. None of them today are calling for tolerance, love or brotherhood, for refraining from violence or allowing the principles of justice and equality to prevail. Unfortunately, the principles and precepts of Islam have not taken hold in the hearts of the fighters.

There are many strong voices in the media that only spread rumours, incite violence and misrepresent the facts. Many of those voices belong to people with two nationalities, who live outside of the country with their families, who do not care about those who have died or about the destruction, who are acting only with their own personal interests in mind.

There is a crying need to help the Libyan people disarm the armed groups, especially those possessing heavy weapons. That is the only way to guarantee that the carnage will stop and that the lives of young people being used by the politicians will be spared. Those who are clinging to power are using young people to fuel a dirty war that violates all religious and moral principles. Such principles are the sole guarantee for keeping the war from being waged in the cities and for not causing the displacement of populations, which we have seen in recent weeks.

I believe the only choice the armed groups have, if they want to lead a normal life and have any kind of future, is to respect the decision of the house of representatives to dissolve the armed groups and have them lay down their arms. In that regard, two things must happen. First, the groups must begin to understand the importance of reforming the army. Secondly, the armed groups must accept the presence of an Arab and Muslim force, restricted in size, to help them lay down and destroy their weapons. I believe that when the house of representatives will have appointed a general chief of staff from the ranks of the revolutionaries, a new ethos within the army will be born. I hope that all the armed groups will work with the new general chief of staff once the armed groups have been disbanded.

The situation in Tripoli and Benghazi has forced the house of representatives to hold meetings in places other than those two cities, which is not contrary to the Constitutional Declaration, which provides that the seat of the house of representatives is in the city of Benghazi but that the Council can meet in other cities. The international community must help the Libyan house of representatives and the Government to maintain control of the State and the entire territory of the country, through the fight against terrorism and the disarmament of armed groups.

We welcome the role played by the countries of the region in helping the Libyan authorities restore peace and stability. We welcome the outcome of the Foreign Ministers meeting held in Cairo on 25 August. The final communiqué of that meeting sets out several points, including, first of all, halting all armed confrontation in order to facilitate the political process and holding a dialogue with all political parties that have renounced violence in order to achieve reconciliation and draft a new national constitution. The communiqué emphasizes the important role of the countries of the region, including in terms of following the situation in Libya as it develops and the importance of Libya participating in all regional and international initiatives aimed at finding a solution to the crisis.

Second, it calls for all the militias and armed agents to lay down their weapons through an incremental approach. The groups must also renounce the military option in the context of a consensus among all political parties to set aside violence through a mechanism supported by countries of the region.

Third, it underscores that foreign parties must refrain from exporting weapons to illegal groups in Libya and it stresses the importance of promoting oversight of airports and other ports of entry into Libya. Moreover, the Libyan State is the only party that can request that weapons be imported, and only after the approval of the Sanctions Committee.

Fourth, it stresses the importance of fighting terrorism in all its forms, drying up its sources and combating transnational organized crime and all illegal activities.

Fifth, it states the need to promote the role of legitimate State institutions, including the council of representatives, establish State institutions, including the police and the army, and rehabilitate them through specific programmes aimed at restoring peace. The objective in that respect is to lay the foundation for stability and peace and to promote development.

Sixth, it states that support must be provided to the Libyan Government in order for it to exercise control over its borders with neighbouring countries through a comprehensive programme and to in order to put an end to all illegal export activities.

Seven, it highlights that a mechanism should be established for taking action when there is a failure to comply with sanctions, including the sanctions targeted against individuals and entities who undermine stability and the political situation.

The resolution just adopted by the Security Council is a positive milestone that sends a very clear message to the parties to the conflict. However, the Libyan people still await active efforts by the international community in accordance with the plan adopted by the council of representatives and the Government. That plan, which I transmitted to the Council yesterday and which I asked be circulated as an official document, is aimed at restoring security and stability, dispelling the spectre of fear and terrorism and enabling people to express their legitimate views freely without being accused of taking sides or being threatened with being killed or kidnapped. Those are practices perpetrated by armed groups against political figures, human rights workers and all those who have fled the country because of such threats. Many have also been killed.

Lastly, I would like to say that the freedom of expression in Libya has been constrained by the actions of armed groups and the absence of the rule of law. Our hope is that all the parties will put the public interest above their own personal interests.

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 of the subject.

The meeting rose at 10.55 a.m.