



EUROPEAN PARLIAMENT

2014 - 2019

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*Plenary sitting*

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12.1.2015

B8-0031/2015

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in Libya  
(2014/3018(RSP))

**Fabio Massimo Castaldo, Ignazio Corrao, Dario Tamburrano,  
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on behalf of the EFDD Group

**B8-0031/2015**

**European Parliament resolution on the situation in Libya  
(2014/3018(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Libya,
- having regard to the revised report of the United Nations Support Mission in Libya (UNSMIL) and the Office of the United Nations High Commissioner for Human Rights of 23 December 2014 entitled ‘Update on Violations of International Human Rights and Humanitarian Law during the Ongoing Violence in Libya,
- having regard to the UNSMIL press release of 10 January 2015 entitled ‘New Round of Libyan Political Dialogue at UN Office in Geneva Next Week’,
- having regard to the joint statement by the governments of France, Germany, Italy, Spain, the United Kingdom and the United States of 10 January 2015 on Libya,
- having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 10 January 2015 on the latest developments in Libya,
- having regard to the declaration by the VP/HR of 16 December 2014 on behalf of the European Union on Libya,
- having regard to UN Security Council Resolution 2144 (2014) of 13 March 2014 renewing the mandate of UNSMIL,
- having regard to UN Security Council Resolution 2174 (2014) of 27 August 2014 on targeted travel ban and asset freeze measures,
- having regard to the statement by the VP/HR of 30 December 2014 on the latest violence in Libya,
- having regard to the joint statement by the Ministers of Foreign Affairs of France, Germany, Italy, Spain and the United Kingdom, the US Secretary of State, the VP/HR and the UN Under-Secretary-General for Political Affairs of 3 December 2014 on Libya,
- having regard to the Geneva Conventions of 1949 and the additional protocols thereto of 1977, and to the obligation of parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances,
- having regard to the Convention on the Safety of United Nations and Associated Personnel and the optional protocol thereto,
- having regard to Rule 123(2) of its Rules of Procedure,

- A. whereas throughout 2014 Libya remained embroiled in political infighting that evolved into a violent power struggle between two rival seats of government and numerous competing factions of nationalist, Islamist, tribal and regionalist forces in what is becoming an all-out war;
- B. whereas the two competing parliaments and governments are accelerating the fragmentation of Libya into regional zones of governance, while the governments themselves remain hostage to armed groups' interests;
- C. whereas Libya continues to experience armed conflicts and violence across the country and violations and abuses of international human rights and humanitarian law, resulting in a heavy death toll, mass displacement and a grave humanitarian crisis;
- D. whereas Libyan political parties have agreed to hold a new round of political dialogue with a view to ending the country's political and security crisis; whereas the meeting will take place next week and will be hosted by the UN Support Mission in Libya (UNSMIL) at the UN Office at Geneva;
- E. whereas in order to create a conducive environment for the dialogue, the UN Special Representative for Libya, Bernardino León, has proposed to the parties to the conflict a freeze in military operations for a few days;
- F. whereas on 6 December 2014 Libya's Supreme Court ruled that the general elections held in June 2014 were unconstitutional and that the parliament and government which resulted from that vote should be dissolved;
- G. whereas at the end of October 2014 militias controlling the city of Derna pledged alliance to Islamic State (IS); whereas the eastern Libyan branch of IS said on 8 January 2015 that it had executed reporter Sofiene Chourabi and camera operator Nadhir Ktari;
- H. whereas on 4 January 2015 a Libyan airplane operated by forces loyal to the Tobruk government bombed a Greek-operated oil tanker anchored offshore, killing two people and injuring another two;
- I. whereas in recent months there has been a series of attacks, counter-attacks, terrorist attacks and airstrikes carried out by all sides, which have further escalated the situation and left hundreds dead and hundreds of thousands internally displaced;
- J. whereas indiscriminate fighting around ports, airports and oil fields, usually involving the use of inaccurate unguided munitions (in particular Grad-type rockets), is giving rise to an elevated risk of collateral damage and posing death and injury threats to personnel using the facilities;
- K. whereas fighting in the country, especially around ports linked to Libya's oil industry, has slashed Libya's oil output to 380 000 barrels per day (bpd) compared with 1.6 million bpd before 2011; whereas the simultaneous sinking of oil prices has led to the doubling of Libya's deficit;
- L. whereas the speaker of Libya's internationally recognised parliament has said his

government is against any Western military intervention in the country and that if military help is needed it will be requested from other Arab nations;

- M. whereas General Haftar's forces have reportedly signed a large multimillion-dollar arms deal with an eastern European country, which would see the acquisition of updated weaponry;
- N. whereas Ansar al-Sharia, designated by the UN as a terrorist group, is also operating in the country and recently allied with Libya Shield 1, which is nominally part of the Libyan Shield forces;
- O. whereas up to now Libya's central bank has retained its neutrality, effectively paying militias on all sides of the conflict through oil revenues;
- P. whereas a crucial element of the conflict concerns the control and administration of the National Oil Corporation; whereas both sides in the conflict have nominated their own oil ministers in an effort to channel oil revenues to themselves;
- Q. whereas independent monitoring organisations have reported a body count of more than 2 700 in 2014;
- R. whereas there is great concern that the south-eastern part of Libya is becoming a safe haven for terrorist organisations, which can easily smuggle weapons across the country's now non-existent borders;
- S. whereas on 23 December 2014 the UN's top human rights official, Zeid Raas al-Hussein said that the indiscriminate shelling of civilians in Libya could well lead to prosecution for war crimes;
- T. whereas there are reports of abductions of dozens of civilians both by Libya Dawn forces and by fighters affiliated to General Haftar, carried out on the basis of actual or suspected tribal, family or religious affiliation; whereas in most cases the detainees have allegedly been tortured, and some of them are said to have died as a result;
- U. whereas on 3 January 2015, 13 Coptic Christians were kidnapped in central Libya by masked gunmen, who had first checked the documents of the people present and handpicked Christians only, following the abduction of seven others days earlier;
- V. whereas a number of migrants, particularly from sub-Saharan Africa, are also facing arbitrary detention by various armed groups and are often obliged to do physical labour;
- W. whereas there has been massive damage to infrastructure including schools, banks, official government buildings, private houses and hospitals, caused mainly by indiscriminate shelling and the use of rockets and bombs;
- X. whereas on 5 January 2015 the Arab League announced its support for Libya's House of Representatives;
- Y. whereas Frontex preliminary figures estimate that 280 000 irregular migrants and asylum seekers reached the EU in 2014, with 170 000 of them arriving in Italy,

predominantly from Libya; whereas at least 3 200 of them died in the Mediterranean Sea trying to reach the Italian coast; whereas while the Triton programme, which succeeded the successful Mare Nostrum programme, has saved more than 12 000 migrants since its launch on 1 November 2014, its relatively small budget and capabilities have not proven sufficient to manage the complex situation as well as Mare Nostrum did;

1. Strongly condemns the sharp escalation of violence in Libya, particularly targeting civilians, which could seriously undermine the future prospects for a peaceful settlement; strongly supports the UN-brokered talks in Geneva and calls on all parties to the conflict to accept the freeze in military operations proposed by UN Special Representative Bernardino León in order to create a favourable environment;
2. Calls on all parties to participate in the Geneva dialogue constructively and with good will, with a view firstly to putting in place the necessary security arrangements to bring an end to the armed hostilities raging in different parts of the country, and secondly to reaching an agreement on the management of the remainder of the transitional period, including the formation of a unity government that enjoys wide support, and paving the way for a stable environment for a constitutional process through which a new permanent constitution can be adopted;
3. Asks all neighbouring countries and regional players to support the process and not to do anything that could jeopardise the scheduled talks in Geneva;
4. Believes that there is no alternative to a negotiated peaceful solution and asks neighbouring countries and regional and international players, once again, not to engage in a 'proxy war'; strongly condemns any unilateral external action in the ongoing conflict that could further exacerbate current divisions; asks neighbouring countries, at the same time, to increase border controls so as to prevent arms smuggling;
5. Believes that given the current situation, the Supreme Court decision, the low turnout for the June 2014 elections and the illegitimacy of the General National Congress, a political solution should be found between the parties with a view to forming a unity government leading to a constitutional process, the adoption of a new constitution and new elections;
6. Strongly condemns the killing of two Tunisian journalists by IS as a terrorist act; express its condolences to the families of the deceased;
7. Recalls that the parties engaged in the fighting in Libya are bound by the relevant provisions of international human rights and humanitarian law, in particular the strict prohibition of carrying out direct attacks on civilians and civilian objects as well as the prohibition of indiscriminate attacks and the obligation to adopt precautionary measures in launching attacks;
8. Condemns the attack on oil installations in Sidra and its environmental impact, the terrorist attack in Tobruk and the airstrikes on Misrata carried out by the forces of General Haftar, who is nominally allied with the Tobruk government;

9. Asks the VP/HR, the European External Action Service and the Commission to be ready to initiate restrictive measures towards those undermining the prospects for a political solution, and asks the UN Security Council to consider further measures against those obstructing the dialogue, in the event that the Geneva talks do not lead to any progress;
10. Asks international companies, before concluding any transaction involving Libyan oil, which belongs to the Libyan people, to make sure that such transactions do not finance, directly or indirectly, the warring militias; asks international companies involved in Libya, once again, to reveal their financial dealings in the energy sector;
11. Notes that the EU Border Assistance Mission in Libya is not in the necessary condition to accomplish its mission; believes that any intervention in the country could be more efficient under the umbrella of the UN, notably through a strengthened UNSMIL mission with an extended mandate for border control;
12. Takes note of the past failure of the EU strategy for Libya and asks the VP/HR to present a clear roadmap for the EU's future commitment in a country facing an escalating situation that has often been neglected in the post-Gaddafi period;
13. Asks the EU, the VP/HR, Member States and the international community to focus particularly on humanitarian assistance and, once again, asks all the forces taking part in the conflict to grant unhindered access to the country for humanitarian help; recalls that attacks directed against personnel involved in humanitarian assistance or peacekeeping constitute a war crime under the Rome Statute of the International Criminal Court;
14. Is deeply worried by the humanitarian crisis arising from the conflict, by the killings and the displacement of more than 200 000 people, by the severe shortages of food and medical supplies and by the hundreds of houses, farms and other business that have been destroyed, making the country's future transition and recovery even more difficult;
15. Strongly condemns abductions, the taking of hostages and arbitrary deprivations of liberty, as well as detention on the basis of a person's individual or group identity, and recalls that these acts are prohibited and that all those in custody – civilians as well as enemy fighters – must be treated humanely;
16. Demands that all fighters and their leaders desist from any act that may amount to a war crime or a crime against humanity, including indiscriminate attacks, attacks on medical facilities and ambulances, enforced disappearances, murder, hostage-taking, torture and other ill-treatment, and destruction of property; asks the leaders of armed groups to remove from active duty those of their members suspected of having committed such violations and to hold them accountable;
17. Believes that all parties responsible for serious violations and abuses of human rights and humanitarian law must be held accountable regardless of affiliation, and points out that those committing crimes under international law, including political leaders and commanders of armed groups who order such crimes or fail to take measures to prevent or punish them, are criminally liable, including before the International Criminal Court;

18. Is extremely worried by the disintegration of Libya's borders and by the jihadists' arms-smuggling between southern Libya, northern Mali, Niger and Chad;
19. Takes note of the decision of Libya's Supreme Court, but notes that it issued its ruling from the capital, Tripoli, which is controlled by Islamist-allied militias and that this may raise questions as to whether it was issued under pressure from the militias;
20. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the UN Security Council, and the House of Representatives and General National Congress of Libya.