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*Plenary sitting*

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**B8-0170/2016**

1.2.2016

## 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  
(2016/2537(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution on the situation in Libya  
(2016/2537(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Libya, in particular that of 15 January 2015<sup>1</sup>,
  - having regard to the United Nations Security Council resolutions on Libya, including resolution 2259 of 23 December 2015,
  - having regard to the reports and statements by the Special Representative of the UN Secretary-General and Head of the UN Support Mission in Libya (UNSMIL),
  - having regard to the Foreign Affairs Council conclusions on Libya,
  - having regard to the recent statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, on Libya,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Libya has experienced a dramatic succession of political, institutional and security crises since the overthrow of dictator Muammar Gaddafi by rebel groups assisted by NATO forces in 2011;
- B. whereas an escalating cycle of fighting has wracked the country since summer 2014, chiefly opposing two loose and fragmented rival groups, namely the ‘Operation Dignity’ forces of the retired general Khalifa Haftar, allied to militias from the city of Zintan, and the ‘Libya Dawn’ coalition, composed mainly of militias from the city of Misrata and the Amazigh minority, along with Islamist groups and local militias from other towns in western Libya;
- C. whereas both rival camps have competing narratives and claims to legitimacy, with two rival governments and parliaments based respectively in Tripoli and Tobruk; whereas both warring parties are purportedly receiving support from outside powers;
- D. whereas militia groups linked to the so-called Islamic State have taken advantage of the civil war and power vacuum in order to expand their presence in the country and have increasingly carried out acts of terrorism and brutal abuse against the local population; whereas in early January 2016 these groups launched an offensive against the major oil installations on the central-eastern coast, while conducting the deadliest terrorist attack in Libya since 2011, killing dozens of police recruits in Zliten; whereas terrorist and criminal networks in Libya are developing closer ties to Mali and northern Nigeria, dealing in arms sales and drug trafficking among other forms of illegal trade;

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<sup>1</sup> Texts adopted, P8\_TA(2015)0010.

- E. whereas, on 17 December 2015, representatives of the two rival parliaments and of municipalities and civil society signed a UN-brokered power-sharing agreement; whereas under this agreement a nine-member Presidential Council was named, to be chaired by businessman Fayez el-Sarraj as Prime Minister and tasked with selecting the national unity government;
- F. whereas on 25 January 2016, the internationally recognised parliament based in Tobruk rejected the cabinet formed by the Presidential Council and gave the latter a 10-day deadline to form a new, smaller cabinet or resign;
- G. whereas the human rights and humanitarian situation has seriously deteriorated since Libya slid into civil war; whereas all warring sides are reported to have committed a whole range of violations under international human rights and humanitarian law, causing hundreds of deaths, mass displacements and a humanitarian crisis in many areas; whereas dozens of political and human rights activists, media professionals and other public figures have been abducted or threatened; whereas the UN has received reports of arbitrary detention and torture and ill-treatment by both sides;
- H. whereas on 26 February 2011 the UN Security Council referred the situation in Libya to the International Criminal Court (ICC); whereas the ICC remains competent to investigate human rights violations committed in the country and to pursue those responsible; whereas on 27 June 2011 the ICC issued three arrest warrants for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for crimes against humanity; whereas the remaining suspects are not in the custody of the Court; whereas the Libyan authorities have insisted that they be tried within the Libyan domestic legal system;
- I. whereas UNSMIL estimates that at least 400 000 Libyans have been internally displaced by the latest wave of fighting while a further 150 000 people, including many migrant workers, have left the country; whereas foreign aid workers and diplomats, including EU and UNSMIL staff, have been evacuated from Libya; whereas the mass influx of Libyan refugees into neighbouring Tunisia continues to place a significant strain on that country's capabilities and its own stability;
- J. whereas Libya is a primary transit and departure point for migrants, notably sub-Saharan Africans, attempting to reach Europe;
- K. whereas oil sales used to account for 95 % of Libya's state revenue and 65 % of the country's GDP; whereas Libya has the largest oil reserves in Africa and the fifth largest in the world; whereas oil revenues have plummeted since militias have taken control of oilfields, pipelines and export facilities across the country;
- L. whereas several EU Member States, including Italy, the UK and Germany, have committed to train the new security forces of the future unity government;
- M. whereas Libyan decision-makers from various camps have repeatedly rejected any foreign military intervention;

- N. whereas the EU Member States involved in the 2011 war, and the EU as a whole, have a particular responsibility in assisting the Libyan population and supporting efforts to achieve peace and stability in the country;
- O. whereas, according to leaked information, the former UN representative who helped broker the power-sharing agreement, Bernardino León, secretly negotiated during his mandate a lucrative subsequent post with the United Arab Emirates, which backs the Tobruk parliament;
1. Welcomes the signature of the Libyan Political Agreement in December 2015 as an encouraging first step towards a political settlement to the Libyan conflict, but expresses serious concern about the continued obstacles which are delaying the formation of a national unity government;
  2. Calls on the rival factions to show leadership and to agree on the formation of this unity government in order to tackle the country's daunting list of governance, economic, humanitarian and security challenges; reiterates, in this connection, its full support for the efforts of the UN, and notably of Special Representative Martin Kobler, to facilitate this process; insists that due attention be paid to the involvement of women and minorities;
  3. Calls on the international community to put pressure on those obstructing the political peace talks and to effectively enforce the UN arms embargo on Libya;
  4. Expresses its grave concern at the expansion of Islamic State (IS) in Libya, which should be countered as a matter of priority; insists, however, that all Libyan and international efforts to contain and break IS-linked groups should be carried out strictly in line with international human rights and humanitarian law;
  5. Believes that the most effective answer to the radical militant presence in Libya lies ultimately in the establishment of inclusive domestic institutions that can uphold the rule of law, provide public services and local security, and effectively fight the groups that are threatening the stability of the country and the wider region;
  6. Calls on the VP/HR, the Member States and the Commission to urgently develop a comprehensive programme in the field of Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR), to be implemented once the peace agreement is adopted; stresses that it is of crucial importance to annul the earlier EU SSR programmes in the country, which had a very narrow scope regarding border management and migration control; is convinced that only a genuinely large-scale programme, including border guards in its scope, covering the entire country and endowed with appropriate financial resources, has the potential to trigger a positive development in Libya; has serious doubts about the current UK-Italian military assistance package comprising 1 000 British and 5 000 Italian soldiers for training the Libyan armed forces in charge of protecting the new government;
  7. Is concerned at the media reports that the US, the UK, Italy and France are currently stepping up reconnaissance flights and intelligence collection, and at those countries' willingness to intervene militarily in Libya against IS fighters without authorisation from the Libyan authorities or an explicit UN Security Council mandate; warns against

any unilateral or multilateral military intervention lacking any legal base or the political consent of the future unity government;

8. Is equally concerned at the recent statement by the French Defence Minister, Jean-Yves Le Drian, regarding the need to operate militarily in Libyan coastal waters in order to effectively fight human smugglers and traffickers; stresses the many negative statements by Libyan decision-makers with regard to the plans to deploy EUNAVFOR Sophia forces in Libyan territorial waters; recalls that without the consent of the Libyan authorities or a UN mandate under Chapter VII of the UN Charter, such military action is to be considered illegal and an act of aggression; is concerned about the overall effectiveness of the approach, in light of recent experiences onshore in the context of EUNAVFOR Atalanta in Somalia, the possible collateral damage and causing of suffering to the coastal population, and the fact that such inappropriate and illegal military action by EU Member States might result in strengthening support for violent extremists like IS;
9. Expresses its grave concern at the fate of migrants, asylum seekers and refugees in Libya, whose already precarious situation continues to deteriorate; calls for the EU and Member States to effectively help Italy in its efforts to tackle the spiralling migration and refugee flows from North Africa, particularly from Libya; calls on all Member States, and notably Italy, to comply strictly with EU and international refugee law, including respect for non-refoulement and the assessment of individual situations; calls on the Libyan authorities and militias to ensure external access to detention facilities, particularly those for migrants;
10. Is deeply concerned at the recent IS attacks on oil terminals and related infrastructure in localities such as Ras Lanuf, and their impact on the health of the local population and the environment;
11. Denounces the blatant conflict of interest and poor ethics surrounding the actions of the former UN Special Representative, Bernardino León, in securing a lucrative position as head of the Diplomatic Academy of the United Arab Emirates, while still carrying out his mandate of peace broker in a conflict in which his future employer was directly involved; recalls that Mr León had occupied several high-ranking posts in the Spanish and EU diplomatic services; calls on the VP/HR to identify means to avoid similar occurrences with regard to EU Special Envoys or EU-supported international envoys, including by introducing stringent cooling-off periods; decides to carry out an investigation into this case;
12. Condemns the ongoing violence and violations of international humanitarian law committed by the warring parties throughout the country; remains gravely preoccupied at the continued deterioration of the human rights situation, including cases of arbitrary detention, abductions, unlawful killings and torture, as well as violence against journalists, political activists, human rights defenders and minorities, including the Tawerghans;
13. Stresses the need to ensure accountability for all violations of human rights and international humanitarian law; draws attention to the statement by UNSMIL that many of the violations and abuses committed in Libya fall under the jurisdiction of the ICC, and calls for the latter to be granted the political, logistical and financial resources to

allow it to investigate these crimes; believes that strengthening international accountability mechanisms can dissuade militias from perpetrating further abuses and violations, and calls for consideration to be given to establishing a UN commission of inquiry or similar mechanism to investigate violations of human rights and international humanitarian law;

14. Calls on the Member States to support Tunisia in addressing the destabilising effects of the spill-over of the Libyan crisis, including by assisting in building accountable security institutions;
15. Stresses the need to preserve the neutrality of key Libyan institutions, notably the Central Bank, the National Oil Corporation and the sovereign wealth fund, which are authorised by the UN to receive oil revenues from abroad; calls, in this context, for the creation of an international oversight mechanism to freeze these revenues – aside from spending on salaries – pending the formation of a national unity government, as an incentive to the warring factions to reach a political compromise;
16. Calls on the Libyan authorities to commit to high standards of transparency in the domestic extractive sector in order to enable Libyan natural resources to benefit the whole population, and in particular to sign up to the requirements of the Extractive Industries Transparency Initiative (EITI) as rapidly as possible; reiterates its call on European companies involved in Libya to reveal their financial dealings in the energy sector;
17. Calls on the EU and its Member States to step up their humanitarian aid in response to the plight of the Libyan population, particularly in the most affected areas, and to stand ready to respond to any further aggravation of the situation; insists, in this regard, on the importance of providing concrete support for local ceasefires; urges the EU to support the empowerment of civil society organisations, in particular women's groups, which seek non-violent solutions to the multiple crises in the country;
18. Expresses its concern at the reports regarding the failing judicial system in Libya and the serious shortcomings in upholding fair trial standards; calls on the Libyan authorities to cooperate fully with the ICC by assisting its investigations and complying with its rulings; expresses its concern at the failure of the Libyan authorities to grant basic due process rights to ICC indictees Abdullah Sanussi and Saif al-Islam Gaddafi; recalls its absolute opposition to the death penalty in all cases regardless of the nature of the crime committed, and calls on Libya to abolish capital punishment;
19. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Libyan House of Representatives, the United Nations Security Council, the United Nations General Assembly, the United Nations Human Rights Council, the Arab League and the African Union.