Situation in Libya

European Parliament resolution of 4 February 2016 on the situation in Libya (2016/2537(RSP))

The European Parliament,

– having regard to its previous resolutions on Libya, in particular those of 15 September 2011, 22 November 2012, 18 September 2014 and 15 January 2015,

– having regard to Council Decision 2013/233/CFSP of 22 May 2013 creating the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya),

– having regard to the decision to launch the EU NAVFOR MED Sophia operation on 18 May 2015 with a view to identifying, capturing and disposing of vessels and identifying assets used or suspected of being used by migrant smugglers or traffickers,

– 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, in particular those of 30 April, 26 and 27 May, 30 June, 12 July, 17 August, 13 and 22 September, 9 October, 19 and 26 November, and 14 and 17 December 2015, and of 7, 11 and 18 January 2016,

– having regard to the Council conclusions on Libya of 18 January 2016,

– having regard to the Libyan Political Agreement that was signed on 17 December 2015 in Skhirat, Morocco,

– having regard to the Rome Ministerial Meeting for Libya Joint Communiqué of 13 December 2015, endorsed by Algeria, China, Egypt, France, Germany, Italy, Jordan, Morocco, Russia, Qatar, Saudi Arabia, Spain, Tunisia, Turkey, the United Arab Emirates, the United Kingdom, the United States, the European Union, the United Nations, the League of Arab States and the African Union,

---

1 OJ C 51 E, 22.2.2013, p. 114.
having regard to UN Security Council resolution 2259 (2015) on the situation in Libya adopted unanimously on 23 December 2015,

– having regard to its resolution of 9 July 2015 on the review of the European Neighbourhood Policy\(^1\),

– having regard to the national conference of Libyan tribes held in Tripoli in July 2011, which called for a law of general amnesty to end the civil war,

– having regard to the meeting of political leaders and activists in Algiers on 11 March 2015,

– having regard to the statement of support for a Government of National Accord (GNA) in Libya issued by the Governments of Algeria, France, Germany, Italy, Morocco, Spain, Tunisia, the United Arab Emirates, the United Kingdom and the United States,

– having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. whereas, under Gaddafi’s dictatorship, Libya had the largest arsenal on the southern coast of the Mediterranean Sea, and has become, since the fall of the dictator, a major source of illicit weapons trade and traffic, and a supply zone for all terrorists and extremists in the Sahel area (Mali, Niger, Nigeria) and the opposition movements in Sudan, Chad and Syria;

B. whereas in February 2011, Libyans took to the streets as part of the Arab Spring, for nine months of civil conflict; whereas NATO supported the insurgents who faced indiscriminate state repression, and this support was decisive in the ousting of the Gaddafi regime;

C. whereas Libyan society was always – before and particularly after the coup – organised on the basis of a tribal system; whereas tribal alliances among the ethnic identities (the majority Arabs and the Amazigh, Toubou and Tuareg minorities) continue to play a significant role in the turmoil of present-day Libya;

D. whereas many of the militias that fought against Gaddafi were infiltrated by Islamists, who gradually took over, and some of whom played a key role in the conflict; whereas the relevant UN Security Council resolutions have classified Daesh, Ansar al-Sharia and al-Qaeda, all of which are present in Libya, as terrorist organisations;

E. whereas in August 2012 the NTC handed power to the General National Congress (GNC), an elected parliament which went on to select an interim head of state; whereas voters chose a new parliament to replace the GNC in June 2014 in the form of the House of Representatives (HoR), which relocated to Tobruk; whereas the former GNC, which was dominated by the Muslim Brotherhood, reconvened shortly afterwards and selected its own Prime Minister, challenging the authority of the HoR at a time of fighting during which even the capital Tripoli changed hands; whereas both warring parties are purportedly receiving support from outside powers, in particular Egypt, Saudi Arabia and the United Arab Emirates on the HoR (Tobruk) side, and Turkey and Qatar on the new GNC (Tripoli) side;

\(^1\) Texts adopted, P8_TA(2015)0272.
F. whereas since August 2014 these two political bodies (the HoR in Tobruk, which is recognised by the international community, and the new GNC which has emerged in Tripoli) both claim to be running the country, and both are backed by several heavily armed militias affiliated to regions, cities and tribes from various backgrounds;

G. whereas the political vacuum and lack of stable government have been exploited by Daesh, whose ranks include foreigners and Libyan terrorists who have returned home from fighting in Iraq and Syria; whereas these returnees, accompanied by Jihadists from other countries, seized the city of Derna to the east of Benghazi in November 2014 and made a pledge of allegiance to Daesh; whereas these forces or their allies have since become active along almost the whole coastline from Derna to Tripoli, including Bayda, Benghazi, Ajdabiya, Abugrein and Misrata, with full control of more than 200 km around Sirte, and they also have a training base to the west of Tripoli near the Tunisian border; whereas Daesh has launched a local campaign of terror – with beheadings, shootings and bombings – while expanding its territory, has taken control of the road and can hinder east-west connections;

H. whereas Libya has become home to the largest Daesh forces outside of the Middle East and forms a Daesh bridgehead on the Mediterranean south coast, posing the most dangerous threat to neighbouring countries in the Sahel and Sahara, as well as to Europe through terrorist actions;

I. whereas Daesh has been conducting major offensives on key oil facilities in Libya, with the aim of expanding its war chest and controlling the huge eastern oil facilities at al-Sidra, Ras Lanuf and Marsa al-Brega since 4 January 2016, thereby damaging the principal infrastructures underpinning Libya’s economic resources and jeopardising essential revenue for the rebuilding of the country;

J. whereas Libya has become even more of a transit ground for human trafficking into Europe’s southern borders since its plunge into anarchy; whereas Libya continues to host hundreds of thousands of migrants and asylum seekers of different nationalities, many of whom are living in tragic conditions and thus constitute a target for smugglers;

K. whereas the human rights situation is further deteriorating throughout the country, where arbitrary detention, abductions, unlawful killings, torture and violence against civilians, journalists, officials, political figures and human rights defenders perpetrated by all parties are a tragic reality; 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 arrest warrants for Muammar Gaddafi and Saif al-Islam Gaddafi, and 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;

L. whereas the political track of the Libyan dialogue involved key members of the Libyan democratisation process, including members of the House of Representatives, the General National Congress and the National Transitional Council; whereas other independent stakeholders such as municipal councils, political parties, tribal leaders and women’s organisations contributed to promoting a genuine reconciliation;

M. whereas the Libyan Political Agreement aims to ensure the democratic rights of the Libyan people, to establish a consensual government based on the principle of the
separation of powers, and to empower state institutions such as the GNA; whereas, given the challenges facing Libya, there is no time to waste in establishing the GNA, which will work for the benefit of all Libyan people and will lay the foundations for peace, stability, reconstruction and development of the country;

N. whereas on 25 January 2016 Libya’s HoR (Tobruk) rejected the UN-backed unity government, while at the same time approving the Libyan Political Agreement, which provides a basis for a political transition in the country;

O. whereas a safe and politically stable Libya is an absolute necessity not only for Libyan citizens, but also for the security of the entire region and the European Union;

1. Welcomes the UN-backed Libyan Political Agreement signed on 17 December 2015, fully supports the Presidential Council and congratulates the Special Representative of the UN Secretary-General, Mr Martin Kobler, for his hard work;

2. Regrets the rejection of the first proposal for a unified government by the HoR in Tobruk; calls on the two main Libyan bodies to endorse this deal, which is a key step in the implementation of the Libyan Political Agreement and which meets the aspiration to take the path of peace and stability in the country and defend all Libyan citizens; urges the HoR in Tobruk and its Presidency to show a spirit of compromise and to continue to discuss the Cabinet list with a view to the endorsement of the GNA as provided for in the Libyan Political Agreement;

3. Will recognise and support the GNA formed by consensus between the Libyan parties as the sole legitimate government of Libya; underlines Libyan ownership of the political process and the importance of its continued inclusiveness, including through the constructive involvement of the tribal councils, the positive participation of women and civil society, and the beneficial contributions made by political and local actors towards the timely amendment and adoption of a constitution that respects democracy, human rights and civil liberties;

4. Calls on the international community, the UN, the EU, the AU and the Arab League member states to stand ready to support Libyans in their efforts to successfully implement the agreement; expects the Member States and international institutions to have official contacts only with parties to the Libyan Political Agreement; calls for the EU to impose targeted sanctions such as travel bans and asset freezes against individuals and organisations that boycott the Libyan Political Agreement;

5. Regrets the ongoing proxy war between foreign Sunni parties; calls on regional players to refrain from actions which might exacerbate divisions and undermine the transition to a stable, inclusive and democratic Libya, and which might destabilise neighbouring countries; upholds its strong commitment to Libya’s sovereignty, territorial integrity, national unity and democratic transition;

6. Condemns the destabilising terrorist attacks by Daesh against the people of Libya, including minorities, as well as the oil infrastructures in al-Sidra and Ras Lanuf, and any attempt to disrupt the process of stabilisation in the country; calls for an international coalition to address the growing presence of Daesh in Libya, which is destabilising the country and threatening not only the neighbouring Sahel and Saharan countries, but also the EU;
7. Stresses that the porosity of the Libyan borders and the lack of central political control have greatly facilitated the proliferation and trafficking of weapons, as well as the free movement of armed Libyan and foreigner groups; is concerned about the security spillover of the Libyan conflict on its immediate neighbours, in particular Egypt and Tunisia, but also Algeria; believes that the EU should use its diplomacy and foreign policy tools, within the remit of the common security and defence policy (CSDP) and other policies such as those on trade and cooperation to encourage those countries in the Middle East and North Africa region to engage positively in the transition process in Libya;

8. Believes that economic recovery is an important step towards Libya’s democratic transition; fully supports the new Libyan authorities in their fight against terrorists to ensure the necessary protection of Libya’s people and critical economy infrastructures;

9. Recalls the central role of the parliamentary dimension as regards a political solution to the crisis; stresses that the European Parliament’s bodies and its Members can share their institutional experience with Libyan actors in order to support them in their pursuit of an inclusive political dialogue;

10. Expresses its grave concern at the fate of migrants, asylum seekers and refugees in Libya, whose already unbearable situation continues to deteriorate; requests the greater involvement of the UN Refugee Agency (UNHCR) in coordinating UN efforts; calls for the EU and its Member States to tackle effectively the spiralling migration and refugee flows from North Africa, in particular from Libya; calls on the Libyan authorities and militias to ensure external access to detention facilities, particularly those for migrants;

11. Calls on the Commission and the European External Action Service, which is coordinating Member States’ action in Libya, to focus their support on state-building and institution-building and, together with the Member States, the UN, NATO and regional partners, to assist in the reform of the security sector and the creation, under the control of the GNA, of effective national army and police forces able to control the entire Libyan territory and its waters, and secure its borders; stresses that the EU should also give priority to assisting the reform of the Libyan justice system, as well as other fields crucial for democratic governance;

12. Endorses the EU NAVFOR MED Sophia operation in its efforts to tackle the migration crisis and the smugglers who exploit migrants; recalls that the success of the operation is directly linked to the sustainability of the political dialogue in Libya and the need to restore peace and stability in the country; calls for an agreement with the GNA to enable the EU mission to conduct necessary operations in Libyan territorial waters;

13. Appreciates that the EU has already made available a 100-million-euro package and is ready to offer immediate support in areas that will be prioritised together with the new Libyan GNA once formed; calls on the EU and the UN to plan assistance for state-building, security and peacekeeping, as well as training in implementing emergency and disaster response capabilities, respect for human rights and the rule of law;

14. Calls on the Member States not to act individually but to support the VP/HR in the formulation of a comprehensive strategy, in coordination with UNSMIL and the Libyan authorities, to support the transition and the new Libyan Government; believes that a reform of the security sector and disarmament, demobilisation and reintegration programmes are a priority for the country, and calls on the Commission, the VP/HR and
the Member States to stand ready to provide the necessary assistance in these areas if requested by the new government;

15. Stresses the importance of the international community increasing humanitarian funding to meet the most urgent needs of the people who have been severely affected by the conflict in Libya; underlines the need to provide funds to help humanitarian organisations to better assess the situation and improve their response to needs on the ground; calls on the Member States to fulfil their commitments to the EU Emergency Trust Fund for Africa;

16. Instructs its President to forward this resolution to the Council, the Commission, the Union for the Mediterranean, the League of Arab States, the Council of the African Union and the Secretary-General of the UN.