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Plenary sitting

16.9.2014

B8-0120/2014

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
(2014/2844(RSP))

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on behalf of the S&D Group

B8-0120/2014

**European Parliament resolution on the situation in Libya
(2014/2844(RSP))**

The European Parliament,

- having regard to its previous resolutions on Libya, in particular that of 15 September 2011 on the situation in Libya¹, and of 22 November 2012 on the situation of migrants in Libya²,
 - having regard to the ENP Package on Libya of September 2014,
 - having regard to its resolution of 14 June 2012 on human rights and the security situation in the Sahel region³,
 - having regard to its resolution of 12 September 2012 on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy⁴, and its resolution of 23 October 2013 on the European Neighbourhood Policy: towards a strengthening of the partnership⁵,
 - having regard to the Geneva Conventions of 1949 and their Additional Protocols 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 its Optional Protocol,
 - having regard to the Foreign Affairs Council Conclusions of 15 August 2014 and 30 August 2014,
 - having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 26 August 2014,
 - having regard to the United Nations Security Council resolutions 1970, 1973 (2011) and 2174 of 27 August 2014,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Libyans took to the streets in February 2011 asking for political rights, and were confronted by indiscriminate state repression which triggered nine months of civil conflict and the ousting of the Gaddafi regime;

¹ OJ C 51E, 22.2.2013, p. 114.

² Texts adopted, P7_TA(2012)0465.

³ OJ C 332E, 15.11.2013, p. 94.

⁴ Texts adopted, P7_TA(2012)0334.

⁵ Texts adopted, P7_TA(2013)0446.

- B. whereas Libya held its third general democratic and free elections in June 2014 to elect a House of Representatives which would replace the General National Congress elected in July 2012;
- C. whereas Libya faces escalation of fighting among local armed groups, including attacks on civilians and civilian property involving massive human rights violations, in some cases amounting to war crimes;
- D. whereas regional and other foreign players are actively intervening in Libya, undertaking actions which exacerbate local divisions, impacting on the poor governance structures and thus undermining Libya's democratic transition;
- E. whereas the international community is stepping up its engagement in support of a peaceful solution to the current crisis;
1. Calls on all Libyan parties to agree to an immediate ceasefire, ending the fighting, and to engage in an inclusive national political dialogue;
 2. Condemns the violence in Libya, in particular around Tripoli and Benghazi, resulting from the ongoing fighting by armed groups and their incitement of violence, and expresses its deep concern and full solidarity with the suffering Libyan civilian population and institutions;
 3. Notes the impact on regional and European security resulting from the general insecurity and deteriorating governance in Libya; recalls that the fighting that occurred throughout July and August 2014 for the control of Tripoli Airport resulted in a dramatic escalation and a descent into chaos, leading to numerous fatalities and destruction of strategic infrastructures;
 4. Condemns the series of attacks on civilians and civilian property that in some cases may amount to war crimes; recalls that all parties in Libya must commit to the protection of civilians at all times, and that all those detained should be treated in accordance with international human rights and humanitarian law; recalls that attacks intentionally directed against personnel involved in humanitarian assistance or a peacekeeping mission in accordance with the UN Charter, meant for the protection of civilians or civilian objects under the international law of armed conflict, constitute a war crime under the Rome Statute of the International Criminal Court (ICC);
 5. Recalls United Nations Security Council (UNSC) Resolution 2174, adopted on 27 August 2014, broadening the existing international sanctions on Libya, to include the criminal responsibility of people who engage in or support acts that 'threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition'; invites the EU, its Member States and the broader international community to look into the possibility of applying such measures to specific individuals threatening the prospects for peace and democratic transition in Libya and then to list them in the same way the international community listed Gaddafi and his inner circle;
 6. Recalls that warring parties are to be held accountable and subject to prosecution by domestic courts or the International Criminal Court, which has jurisdiction over war

crimes, crimes against humanity and genocide committed in Libya since 15 February 2011, under UNSC resolution 1970;

7. Supports the House of Representatives as the legitimate body emanating from the June 2014 elections; recalls the need for the House of Representatives to reach out to all parties involved in order to obtain an inclusive agreement, and to avoid decisions which may exacerbate the divisions instead of bridging the divide; invites members of the House of Representatives to visit the European Parliament and meet its newly elected members;
8. Commends the work of the Constitutional Drafting Assembly in the drafting of the Constitution and the spirit of consensus and constructive dialogue; encourages this body to pursue its work on a constitutional text founded on the rule of law and human rights that will enshrine and protect the rights of all Libyans; calls on the House of Representatives to put a draft up for vote as soon as possible; encourages the setting up of a Reconciliation Commission, similar to the one set up in South Africa in the 1990s;
9. Calls on Libya's interim government and on the House of Representatives to establish a broad-based political dialogue, which is the only way forward;
10. Calls on neighbouring countries and regional players to refrain from actions which might exacerbate current divisions and undermine Libya's democratic transition; commends Tunisian hospitality towards the hundreds of thousands of Libyan citizens currently in Tunisia fleeing from violence;
11. Calls on the EU to support the UN Special Representative Bernardino León and UNSMIL in the negotiations for a ceasefire, through the endeavours of the EU Special Envoy to Libya and the EU Delegation, and, once a ceasefire has been reached, in a potential monitoring of the ceasefire by the international community;
12. Is deeply concerned by the unprecedented arrival of asylum seekers and irregular migrants on Italian and Maltese shores, many of whom are departing from Libyan territory; calls on the EU to follow up on the priorities identified in the Mediterranean Task Force and launch a political dialogue on migration issues with the Libyan government, as soon as conditions allow;
13. Condemns trafficking of human beings; expresses its deep concern regarding the extremely vulnerable situation of foreign migrants and refugees stranded in Libya, and calls for increased international efforts to investigate and try criminals involved in the criminal trafficking of these people;
14. Is deeply concerned about the growing presence of Al-Qaida and its affiliated groups and individuals operating in Libya, and reaffirms the need to combat by all possible means the threats to international peace and security caused by terrorist acts, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law;
15. Is deeply concerned at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which poses a risk to stability in Libya, the region and Europe,

including through transfer to terrorist and violent extremist groups involved in other conflicts;

16. Stresses the need for all parties to respect the humanitarian principles of humanity, neutrality, impartiality and independence in order to ensure the provision of humanitarian assistance, the safety of civilians receiving assistance and the security of humanitarian personnel; recalls that attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter, insofar as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict, constitute war crimes under the Rome Statute of the International Criminal Court;
17. Calls on the Commission and the EEAS to coordinate Member States' action in Libya and focus their support on state-building and institution building and, together with Member States, the UN, NATO and regional partners, to assist in the creation of effective and nationally commanded and controlled security forces (armed forces and police forces) that can ensure peace and order in the country; stresses that the EU should also give priority to assisting with reform of the Libyan justice system, as well as other fields crucial for democratic governance, such as independent media, respect for human rights, national reconciliation and the fight against corruption, in order to meet the needs expressed by the Libyan authorities and the Libyan people; calls on the Libyan authorities to fully implement the law on rape as a war crime by ensuring provision of the resources needed;
18. Recommends a strong EU involvement – alongside the UN and other international actors – in the process of disarmament of militias, which is essential to enable the building up of nationally and centrally commanded armed forces and police forces; recognises the importance of the redeployment of the CSDP-led EU Border Assistance Mission (EUBAM) in Libya to support the country in securing its borders as soon as conditions allow, but urges the VP/HR to review its mandate and design a new CSDP mission that takes into account the need to consistently and sustainably reform and capacitate the security sector in Libya as a whole; stresses that an EU security-related contribution focusing only on border security is manifestly insufficient and inconsistent with both the country's needs and the challenges for regional security, including that of the EU;
19. Supports the efforts of the UN mission in Libya and of newly appointed UNSG Special Envoy Bernardino Leon; asks the international community to take action in Libya, in the framework of the UNSC, with the support of the League of Arab States and of the African Union and supported by neighbouring countries, especially Egypt, Tunisia and Algeria;
20. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Libyan Government and the House of Representatives, the UNSG, the Arab League and the African Union.