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Situation in Libya

Greens/EFA motion for resolution

Tabled by Barbara Lochbihler, Ernest Urtasun, Davor Škrlec, Jean Lambert, Bodil Ceballos, Jordi Sebastià, Igor Šoltès, Bronis Ropè, Josep-Maria Terricabras, Judith Sargentini on behalf of the Greens/EFA Group

The European Parliament,

- having regard to the United Nations Security Council (UNSC) resolutions on Libya, including Resolution 2174 of 27 August 2014,
- having regard to the UN Security Council briefings by the UN Special Representative of the Secretary-General and Head of UN Support Mission in Libya (UNSMIL),
- having regard to the report by UNSMIL and the UN Office of the High Commissioner for Human Rights (OHCHR) on the violations of international human rights and humanitarian law during the ongoing violence in Libya, published on 4 September 2014 and updated on 23 December 2014,
- having regard to the EU Foreign Affairs Council conclusions on Libya, most recently those of 15 December 2014,
- having regard to its previous resolutions on Libya, in particular that of 18 September 2014⁽¹⁾,
- having regard to the recent statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy Frederica Mogherini on Libya, including those of 16 and 30 December 2014 and 10 January 2015,
- having regard to the local statement made on 27 June 2014 by the EU Member States' heads of mission to Libya on the assassination of Salwa Bugaigis,
- having regard to the joint statement on Libya by the Foreign Ministers of France, Germany, Italy, Spain, the UK and the USA, the EU VP/HR and the UNSG Special Representative of 3 December 2014,
- having regard to the joint communiqué issued on 22 September 2014 by 13 countries, including Egypt, Qatar, Turkey and the United Arab Emirates, pledging a policy of non-interference in Libya's affairs,

– 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 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;

C. whereas an escalating cycle of fighting has wracked the country over the past six months; whereas the conflict has chiefly opposed 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;

D. whereas armed conflict and other violence erupted in mid-May 2014 in and around the eastern city of Benghazi and then in the capital Tripoli, before spreading to western Libya; whereas the south of Libya is also experiencing violence; whereas fighting has taken place in recent weeks over the control of Libya’s largest oil terminal in Es Sider and its largest refinery in Ras Lanuf, in the eastern part of the country;

E. whereas the human rights and humanitarian situation has seriously deteriorated as Libya has slid into civil war; whereas both sides are reported to have committed a whole range of violations and abuses under international human rights and humanitarian law, causing hundreds of deaths, mass displacements and a humanitarian crisis in many areas; whereas UNSMIL has reported indiscriminate shelling and airstrikes against civilian targets and extensive attacks against vital infrastructure and elected institutions; whereas dozens of political and human rights activists, media professionals and other public figures have been abducted or threatened or had their homes looted or burned; whereas media professionals continue to be targeted; whereas the UN has received reports of arbitrary detention and torture and ill-treatment by both sides; whereas civilians in Tripoli, Benghazi as well as in the Nafusa Mountains and in Awbari are facing shortages of food, fuel and other basic necessities;

F. whereas both rival camps have competing narratives and claims to legitimacy, with two rival governments and parliaments based respectively in Tripoli and Tobruk; whereas on 6 November 2014 the Libyan Supreme Court ruled that the June parliamentary elections which established the internationally recognised, Tobruk-based House of Representatives were illegitimate;

G. whereas both warring parties are purportedly receiving support from outside powers; whereas Egypt and the United Arab Emirates were reported to have carried out airstrikes and special operations raids against jihadist forces in Benghazi and Darnah and against Libya Dawn positions in Tripoli; whereas Qatar and Turkey have allegedly been providing support to Libya Dawn forces;

H. whereas militia groups reportedly allied to Islamic State now have a presence in the eastern city of Derna and have been accused of having carried out terrorist activities, including beheadings of young activists and a suicide bomb attack on the House of Representatives on 30 December 2014; whereas elements of al-Qaida in the Islamic Maghreb are reported to have established logistical hubs in the southern periphery of Libya; whereas the UN Security Council has listed two branches of the Islamist extremist group Ansar al Sharia, based respectively in Derna and Benghazi, as terrorist organisations under UN resolution 1267;

I. whereas UN Special Envoy Bernardino León has actively sought to broker talks between the warring factions and to launch a national dialogue for a reconciliation process and the formation of a government of national unity; whereas a first round of talks took place in Ghadames on 29 September 2014 and

continued in Tripoli on 11 October, while a further round, initially scheduled for 5 January 2015, was postponed owing to a lack of agreement on both sides; whereas UNSMIL has announced that Libyan parties have now agreed to hold a new round of talks in Geneva, purportedly on 14 January 2015; whereas both camps have so far proven largely reluctant or unable to engage in compromise;

J. whereas the UN Envoy for the Sahel region, Hiroute Guebre Sellassie, has warned the UN Security Council that the Libyan crisis threatens to destabilise the entire region in the near future, and has also stated that terrorist and criminal networks in Libya were developing closer ties to Mali and northern Nigeria, dealing in arms sales and drug trafficking amongst other illegal trade;

K. 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 is putting a significant strain on that country's capabilities and its own stability; whereas the Libyan authorities have failed to protect the displaced community of Tawargha from attacks and abductions by militias since they were driven out of their homes in August 2011;

L. whereas hundreds of migrants and refugees fleeing the violence in Libya have reportedly died while attempting to cross the Mediterranean to Europe, leading to a major refugee crisis in Italy and Malta; whereas Libya is the primary departure point for migrants attempting to reach Europe;

M. 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; whereas the ICC referred Libya to the UN Security Council on 10 December on the grounds of non-compliance with the court's request for cooperation in not handing over Saif Al-Islam;

N. whereas oil accounts 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;

1. Expresses its grave concern at Libya's senseless descent into civil war; is deeply alarmed by this situation, which is having a devastating impact on the civilian population and Libyan institutions and risks further destabilising the wider region;

2. Calls on the conflicting parties to immediately cease all hostilities and to engage in an inclusive political dialogue; in this regard, expresses its full support for the efforts of the UN, and notably of Special Representative Bernardino León, to facilitate this process with a view to establishing consensual institutions that pursue a broad national reconciliation agenda; insists that due attention be paid to the involvement of women and minorities in this process;

3. Condemns the ongoing violence and violations of international humanitarian law committed by the warring parties throughout the country; remains gravely preoccupied by 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 and human rights defenders;

4. Stresses the need to ensure accountability for all violations of human rights and international humanitarian law; points 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;

5. Emphasises that the latest UN Security Council resolution allows broadening the scope of international sanctions to address spoilers from all sides; calls on the international community to take urgent measures against those obstructing dialogue and to effectively enforce the UN arms embargo on Libya;

6. Cautions against blanket expressions of international support for either side in the conflict, since this risks further entrenching hardline positions and undermining reconciliation efforts at this critical juncture; in particular, calls on the EU and its Member States to refrain from providing any form of military assistance to Libyan entities prior to the conclusion of a political reconciliation process;

7. Believes that the most effective answer to addressing the preoccupying radical Islamic militant presence in Libya lies ultimately in the establishment of inclusive domestic institutions that can uphold the rule of law and effectively fight such groups that threaten the stability of the country and the wider region;

8. Welcomes the initial work of the thematic committees of the Constitutional Drafting Assembly, and encourages the assembly to proceed with its work in a transparent and inclusive manner; underscores the importance of this assembly's work, and calls on all Libyans to continue respecting its independence so that it can complete its mandated task;

9. Denounces the continuous and covert meddling by regional players in Libya's domestic scene, which has greatly contributed to the gradual disintegration of the country; calls on Libya's neighbours and other regional actors, notably Egypt and the United Arab Emirates, to refrain from any action which might exacerbate tensions within the country; welcomes the recent declarations along the same lines issued recently by the African Union at its meeting of 3 December 2014 and by the League of Arab States on 5 January 2015;

10. Insists on preserving 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 agree to a political compromise;

11. 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 all the 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;

12. Expresses its grave concern at the environmental consequences stemming from the destruction of the oil storage tanks following the recent fighting in eastern Libya;

13. Calls on the EU and its Member States to spare no efforts to support UN and other non-military initiatives aimed at settling the current crisis; in particular, 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;

14. Considers that the EU has failed to develop and implement a sound and comprehensive strategy for assisting in the post-Gaddafi transition; in particular, deplores the persistent lack of coordination between

EU Member States' policies towards Libya and the challenges faced by the EEAS in fostering a common and effective EU approach;

15. Urges the EU to make full use of the Instrument for Stability and Peace (ISP) with regard to mediation, dialogue and reconciliation and to urgently support mediation, in coordination with UNSMIL; equally 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;

16. Expresses concern at the reports on the failing judicial system in Libya and serious shortcomings in upholding fair trial standards; calls on the Libyan authorities to cooperate fully with the International Criminal Court 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; calls on the EU to consider supporting efforts to enhance the rule of law in the country;

17. Expresses its grave concern at the fate of migrants, asylum seekers and refugees in Libya, whose already precarious situation continues to deteriorate; calls on the EU and its Member States to effectively help Italy in its laudable efforts to tackle the spiralling migration and refugee flows from North Africa, particularly from Libya; considers that the newly established EU programme Operation Triton fails to provide an adequate response to the challenges at hand, and calls for a drastic review of this programme; calls on all EU 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;

18. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the parliaments and governments of the Member States, the Libyan House of Representatives, the UNSC, UNGA, the UNHRC, the Arab League and the African Union.

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