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Written statement* submitted by The Next Century Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Libya: The Way Forward

It is the ten year anniversary of the revolution in Libya, and Libya has yet to see the democracy and peace that its population came out for a decade ago. With the United Nations (UN)-led Libyan Political Dialogue Forum (LPDF) showing signs of progress, Libya seems to have a new chance at long-lasting peace. The Next Century Foundation (NCF) is encouraged by these positive steps, however, Libya has been in a similar situation before and it does not take much to derail peace negotiations. There are steps that would help ensure the success of the LPDF and indeed of other peace initiatives in regard to Libya.

The LPDF has garnered a commitment by all participating parties to hold nationwide elections in December of 2021. We support this commitment. These elections could bring much needed legitimacy to the Libyan government. However, the last national elections were held in 2014 and only had a voter turnout of around 18%. Furthermore, some constituencies were unable to participate in the 2014 elections due to security concerns. These factors culminated in the House of Representatives (HOR), a legislature with a weak mandate that did not have the political capital needed to govern the country.

Conditions that are conducive to safe and secure elections must be in place nationwide, prior to the forthcoming 2021 elections. We also recommend that international observers are present during the election, to ensure impartiality and fairness, just as in the 2012 Libyan elections.

The Skhirat Agreement signed in 2015 was a peace agreement created by the United Nations to resolve the conflict that arose from the 2014 elections. Just like the outcome of the LPDF, the Skhirat agreement was backed by some but not all of the conflicting parties at the time, namely the General National Congress (the legislature that was created with the 2012 elections) and the HOR. This culminated in the creation of the Government of National Accord, which was and still is recognised by the UN as Libya's sole legitimate executive body. However, the agreement was not accepted by General Khalifa Haftar, the commander of the Tobruk-based Libyan National Army, and this created the political impasse in which the country has been mired since 2015. Arguably that impasse continues since the LPDF does not have the support of General Khalifa Haftar. This of course matters because some of the major international powers remain divided as to whom they support. However, this time around, the majority of the Tobruk based HOR (Libya's legitimate parliament) is backing the LPDF as is the UN-backed Government of National Accord (GNA). The HOR has even gone as far as to host parliamentary sessions in the southern Libyan town of Ghadames in an attempt to show impartiality, with all but 20 of the 147 members attending the session.

Elections

We welcome the allocation of funding from the GNA to the Libyan High National Electoral Commission, as it shows a commitment by the GNA to holding the forthcoming elections. That said, the NCF reiterates the need for the international community to fully support the LPDF and its objectives. The international community needs to put stringent measures in place to support the forthcoming elections and deter both domestic and foreign actors that might otherwise attempt to stand in their way.

Law and Order

New elections will certainly help put Libya back on the road to democracy however in order to not fall back into civil unrest the nation needs to address some further issues.

One problem is that Libya has no nationally recognised institutions for the provision of law and order. Just like almost all institutions in Libya, the policing and military apparatus of the country is fragmented at best and non-existent at worst. This problem is a remnant of Colonel Gadhafi's era, where institutional power was weakened to prevent possible opposition within the state. In January of 2021, there have been reports that the head of the GNA, Fayez Al-Seraj, has created a new security apparatus known as the "Stability Support Apparatus" which would be answerable directly to him. This act is problematic as it would merely serve to

further complicate the process of establishing a unified policing and security force. The Next Century Foundation therefore calls on the international community to help Libya rebuild the security apparatus in the country as a unified organisation that respects the rule of law and the authority of an elected civilian government.

Truth and Justice

We also urge the UN and the wider international community to address those who use military force that is in contradiction with international laws and customs. An example of such acts were the killings and kidnappings committed by the Al-Kani brothers and their militia force, the Al-Kaniyat militia. The militia carried out large scale indiscriminate killings in the town of Tarhouna. Such crimes must be addressed, to set an example to others in Libya that there will be no impunity for acts of violence against the innocent. The NCF recognises that the UN Security Council has tried, but failed, to address the issue of the Al-Kani brothers. However, once one avenue fails, the international community should make efforts to try another in order to promote peace and accountability.

The NCF notes that a great deal of anger is felt by many Libyans at the widespread crimes committed since 2011. Such anger needs to be addressed and we encourage the Government of Libya to consider the establishment of a Truth and Justice Commission. This could be done along the lines of the Truth and Reconciliation Commission, the court-like restorative justice body assembled in South Africa after the end of apartheid. This would be a mechanism to bring to justice those who use or have used military force to commit acts of violence against civilian populations. The alternative being continued recourse to vigilante justice and revenge, which slows down peace-building measures in the country.

Economic Transparency

The NCF notes the fact that the National Oil Corporation in Libya (NOC) does not trust Libya's Central Bank (CBL). So much so, that the NOC has unilaterally decided to divert all oil and gas revenues to offshore Libyan accounts to not allow the CBL access to them. The NOC has asked that, to reverse this decision, the CBL agree to greater transparency.

Many of Libya's regional/tribal disputes have been based on perceived economic inequalities between the disputing parties. This perceived inequality is exacerbated by the fact that Libya's main economic institutions have been operating with little or no oversight from the government and provide little or no transparency. This secrecy and lack of transparency has been difficult to change due to the weakness of the state. The lack of government authority has caused the Central Bank of Libya (CBL) to operate independently and take economic decisions without getting prior governmental consent. The CBL's decision to act as an independent entity has caused many tensions and up until recently had led to its split, with one headquartered in the west of the country and the other in the east.

The NCF suggests that the International Monetary Fund (IMF), exercise their fundamental mission to ensure the stability of the international monetary system by giving practical help to members, and offer their assistance and expertise to Libyan economic institutions so as to strengthen and democratise them. We welcome the recent appointment of the accounting firm KPMG to conduct a full audit of the NOC's financial accounts. We hope that KPMG will not fail to bring to light any financial wrongdoing, should there be any.

The NCF would recommend a more decentralised and equitable form of wealth distribution in the country. With a nation that is as large and sparsely populated as Libya, having most of the economic decisions made and controlled by a few bodies in Tripoli may not make the best of sense. For instance, those in the southern desert city of Kufra, which is over 1700 km away from Tripoli, will likely have very different economic needs than that of the coastal capital. A more decentralised economy, where if a direct distribution of Libya's resource wealth to Libyan municipalities took place would give them greater agency and in turn, greater accountability.

The latest peace talks seem to point in the right direction and the NCF strongly supports all of the efforts that are being made to alleviate the political and humanitarian crisis in Libya. We would like to remind the international community and the United Nations, that in 2011 many Libyans supported the removal of a repressive political system in favour of political accountability and representation. These rights are guiding principles of most nations of the world and are rights that many in the international community take for granted. It was and still is in the interest of the international community to support nations in their transition to democracy, Libya being no exception.
