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Subject: Council conclusions on Libya
- Council conclusions (17 July 2017)

Delegations will find in the Annex the Council conclusions on Libya, adopted by the Council at its 3557th meeting held on 17 July 2017.

COUNCIL CONCLUSIONS ON LIBYA

Foreign Affairs Council, 17 July 2017

1. The EU remains fully committed to an inclusive inter-Libyan political process and warmly welcomes the appointment of Ghassan Salamé as new Special Representative of the UN Secretary General, whose mediation role, based on the Libyan Political Agreement (LPA), will be central. The EU will continue to cooperate closely with the United Nations Support Mission in Libya (UNSMIL) and encourages the UN to enhance its efforts to contribute to the stabilization of Libya, national reconciliation, deliver humanitarian assistance and support the Presidency Council (PC) and Government of National Accord (GNA) in their responsibilities to provide for the needs of all Libyans. The EU thanks Martin Kobler for the relentless efforts deployed during his mandate.
2. Recalling UNSCR 2259 and subsequent resolutions, the EU reiterates its firm support to the Libyan Political Agreement (LPA) and to the PC and GNA, led by Prime Minister Fayez Sarraj, established under the LPA as the sole legitimate government authorities in the country. The EU commends ongoing efforts to bridge political differences and calls for the House of Representatives and the High Council of State to take forward consultations on limited amendments to the LPA, which remains the abiding framework for a solution to Libya's crisis, to make it more inclusive and to fully implement it. In this regard, the EU underscores the importance of the participation of women, civil society and local actors in the political process. It also calls on the Constitution Drafting Assembly (CDA) to complete its mandate as soon as possible so that a new Constitution is approved and submitted to a referendum, as envisaged by the LPA.

3. Recent violence threatens Libya's stability. The EU believes there is no solution to the Libyan crisis through the use of force. It condemns inflammatory rhetoric and the attacks that led to the loss of life in the past few months. The EU calls on all armed groups to refrain from violence, to commit to demobilisation and to recognize the authorities entrusted by the LPA as the only ones having the right to control Libya's defence and security forces. Negotiations should lead to unify Libyan forces from all regions to build a civilian-controlled national security architecture able to exert control over the borders and fight terrorism, proliferation of arms, smuggling of migrants, trafficking in human beings, and restore security throughout the country. The EU welcomes the positive developments concerning the Presidential Guard.
4. The EU condemns the repeated violations of the UN arms embargo and urges all members of the international community to fully respect international legal order, UNSC resolutions and Libya's territorial integrity, sovereignty and independence and to jointly support the UN mediation. The EU also recalls Libya's obligation to fully cooperate with the International Criminal Court according to UNSC Resolution 1970.
5. The EU deplors the continued violations and abuses of human rights and violations of international humanitarian law and is concerned about the humanitarian situation in Libya, where 1.3 million people require assistance. It calls for unhindered access of humanitarian aid organizations to the populations in need and the respect of international humanitarian law. The EU also underscores the need to end impunity and promote measures to protect from violence and ensure assistance and protection of victims of all forms of exploitation regardless of their status and calls for more donor support to help meet the humanitarian needs of the conflict-affected population.
6. The EU welcomes the efforts by neighbouring countries and regional organisations to support the work of the UN. The EU contributes to these efforts, also through its participation to the Libya Quartet (EU, UN, AU, LAS), whose members agreed to add impetus to the political process at their meetings on 18th March in Cairo and 23rd May in Brussels. It is essential that all regional and international efforts are well-coordinated and all international partners cooperate to ensure a quick resolution of the Libyan crisis.

7. The EU welcomes the recent increase in oil production and calls on the government and the National Oil Company to continue to ensure that the oil wealth is exploited for the benefit of all Libyans. It condemns all attempts to illegally export petroleum, including oil and refined petroleum products, by entities not under the authority of the GNA, and reiterates its commitment to enforce UNSC resolutions on this matter. It urges all Libyan institutions, including financial and economic ones, to accept the sole authority of the GNA. It invites the Libyan authorities to implement the financial, monetary and fiscal reforms agreed upon at the Economic Dialogue and advocated by the international financial institutions to avoid a more serious economic crisis, reduce wasteful public expenditures and improve delivery of basic services to respond to the most urgent needs of the Libyan people. The EU also acknowledges the importance of support to municipalities in their provision of essential services to Libyan citizens.
8. The EU remains concerned about the continued threat posed by terrorism in Libya and calls for continued efforts in order to support Libya in countering this threat. It calls on all Libyans to unite against terrorism, underlines the importance of prevention and reiterates its support to Libya in its fight against radicalization, violent extremism and terrorism.
9. The EU is deeply concerned about smuggling and trafficking through Libya – of migrants, arms, drugs and petroleum products. These illegal activities are hampering efforts to restore law and order and are a threat to Libya and to its neighbours. The EU and Member States are working with the Libyan authorities to disrupt these illegal activities, through its work with the border and coast guards and its efforts with the international community to fight against criminal networks that profit from smuggling of migrants and trafficking in human beings. The issue of irregular migration remains of particular concern.

The EU will support Libya to strengthen its capacities to control its borders, including in the south, in accordance with International Law, in addition to broader EU efforts to reinforce cooperation with countries of origin and transit to significantly reduce migratory pressure on Libya's and other neighbouring countries' land borders. The EU will continue to cooperate with G5 Sahel countries, including via contributions of CSDP missions and financial support to the G5 Sahel Joint Force. The EU will further engage and provide support to enhance both sea and land border management by Libyan Authorities.

10. Underlining the importance of both missions, the Council welcomes the renewal of the mandate of EUBAM Libya and will decide shortly on the renewal of Operation Sophia. These missions contribute to the implementation of the EU Global Strategy, the EU's comprehensive strategy on migration on the Central Mediterranean route and security sector reform in Libya. In line with its core mandate, Operation Sophia would continue to disrupt the smugglers and traffickers' business model at sea in accordance with International Law, notably supported by training the Libyan Coast Guard and Navy including on International Humanitarian Law, Human Rights and gender issues. The Council welcomes the decision to establish a monitoring mechanism designed to assess training effectiveness. Operation Sophia would furthermore continue to deter weapons smuggling and enhance intelligence gathering in relation to broader illegal trafficking and smuggling, also in line with the provisions of UNSCR 2326, and thereby contribute to improving overall maritime security in the Central Mediterranean, through sharing intelligence with relevant Justice and Home Affairs (JHA) agencies. The Council underlines the importance of timely and sufficient force generation to allow Operation Sophia to fulfil its mandate.

EUBAM Libya will continue to progressively engage with and assist the Libyan authorities on border management, including on the South of Libya, law enforcement and criminal justice and plan for a possible civilian CSDP mission in the field of security sector reform, co-operating closely with and contributing to UNSMIL efforts. It will continue working towards establishing a light presence in Tripoli provided that appropriate security arrangements are in place.

The EU remains committed to further disrupt the business model of smugglers of migrants and traffickers of human beings. In this regard, the EU has today also agreed to introduce restrictions on the export to Libya of certain products which may be used to facilitate the smuggling of migrants and trafficking in human beings, notably dinghies and outboard motors. The EU will consider how the restriction of access to the said products for smugglers and traffickers could be extended beyond the EU.

11. The EU reaffirms its commitment to existing restrictive measures. It reiterates its readiness to repeal them if the conditions for their application are no longer met and to introduce new measures against individuals who threaten the peace, security or stability of the country, including through impeding or undermining the successful completion of Libya's political transition. The EU is similarly ready to act against those who are responsible for serious human rights abuses. In this context, the EU is ready to look into possibilities to extend restrictive measures also to smugglers of migrants and traffickers of human beings
12. The Council welcomes the presentation of the Commission's "Action Plan on measures to support Italy, reduce pressure along the Central Mediterranean Route and increase Solidarity" to actively find solutions to significantly lower the increasing number of refugees and migrants.

The EU condemns human rights violations and abuses against refugees and migrants and urges Libyan authorities to step up their efforts to increase the respect of their human rights, enhance their protection in accordance with international law, including international humanitarian law, improve humanitarian access to and conditions in migrant detention centres. The EU also urges Libyan authorities to prevent further deaths at sea, ensure adequate assistance and referral, look for alternatives to detention and increase assisted voluntary returns, with particular regard to persons in vulnerable situation, including migrants rescued at sea. In this regard, the EU will continue to cooperate with UN related agencies in particular with IOM and UNHCR on reducing the suffering of the refugees and migrants and assisting them, and with UNDP, UNICEF and others on community stabilisation.

The EU welcomes the swift adoption and contracting of the €90 million programme for Libya under the EU Emergency Trust Fund for Africa/North of Africa window, which is already being implemented together with Member States and UN organisations to enhance protection of refugees and migrants and to foster local development for the benefit of both local populations and migrants. The EU will continue to make use of all the resources made available under the trust fund for Africa/North of Africa window, according to the objectives already identified.
