



Security Council

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Letter dated 23 June 2021 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

A year and a half after the first Berlin Conference on Libya, the situation in Libya has improved tangibly: a ceasefire has been in place since October 2020 and is being implemented step by step. The interim Government headed by the Prime Minister, Abdul Hamid Mohammed Dbeibah, which has been confirmed by both the Libyan national dialogue forum and the parliament, has been mandated to prepare nationwide elections on 24 December.

In order to secure the achievements of recent months and underpin international support for long-term stabilization, the Foreign Minister of Germany, Heiko Maas, and the Secretary-General invited the participants in the Berlin process to a second Berlin Conference on Libya.

I have the honour to transmit herewith the conference conclusions (see annex). I should be grateful if the present letter and its annex were brought to the attention of the members of the Security Council and could be distributed as a document of the Council.

(Signed) Christoph Heusgen
Ambassador
Permanent Representative of Germany



Annex to the letter dated 23 June 2021 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

Second Berlin Conference on Libya

Conference conclusions

1. Today, at the invitation of German Foreign Minister Maas and United Nations Secretary-General Guterres, High Representatives of the Governments of Algeria, China, the Democratic Republic of the Congo (AU Chair), Egypt, France, Germany, Italy, Libya, the Netherlands, Russia, Switzerland, Tunisia, Turkey, the Republic of the Congo (Chair of the High-Level Commission of the AU on Libya), the United Arab Emirates, the United Kingdom, the United States of America, the United Nations, the African Union, the European Union, and the League of Arab States, have gathered for the Second Berlin Conference on Libya.
2. We, the participants, reiterate and reaffirm the commitments made in the Conclusions of the Berlin Conference on Libya of 19 January 2020.
3. The situation in Libya has improved significantly since the Berlin Conference on Libya held on 19 January 2020. Hostilities have stopped. A ceasefire is in place. The oil shutdown was lifted. An inclusive, Libyan-led and Libyan-owned Political dialogue resumed among all Libyan political parties and actors, under the auspices of the United Nations. An interim executive authority was established, and the interim Government of National Unity (GNU) approved by the House of Representatives.
4. Accordingly, as Libya is now proceeding towards national elections, the Berlin Process now includes Libya as a full participant. We warmly welcome the participation of Prime Minister Dabaiba, representing the interim Government of National Unity of Libya, which has reaffirmed its commitment to the election date of 24 December 2021, in today's conference.
5. However, more needs to be done to address and resolve the underlying causes of conflict, consolidate Libyan sovereignty, build on the progress made, and restore peace and prosperity for all Libyans. National Presidential and Parliamentary elections scheduled for 24 December 2021 need to take place as agreed in the Roadmap adopted by the Libyan Political Dialogue Forum (LPDF) in Tunis in November 2020, and their results need to be accepted by all. The necessary constitutional and legislative arrangements must be adopted. All foreign forces and mercenaries need to be withdrawn from Libya without delay,¹ and the security sector reformed and placed firmly under unified, civilian authority and oversight. A transparent and fair allocation of resources across the country must be ensured. Human rights violations and abuses as well as violations of international humanitarian law must be addressed and a process of inclusive, comprehensive and rights-based national reconciliation and transitional justice needs to begin. Inclusive intra-Libyan dialogue must continue.
6. We commend the Libyan parties for their readiness to turn the page, put behind them past conflicts and take serious steps towards the unification of Libyan institutions and ending the political transition.
7. We reaffirm our strong commitment to the UN-facilitated, Libyan-led and Libyan owned political process and the sovereignty, independence, territorial integrity and national unity of Libya.

¹ Turkey introduced a reservation.

8. We reaffirm our commitment to refrain from interference in the conflict or in the internal affairs of Libya and urge all international actors to do the same.

9. We recognize the important role and efforts of neighboring countries and the Libya Quartet (African Union, League of Arab States, European Union and the United Nations) in support of the Libyan peace process under the auspices of the United Nations.

10. We welcome the role of the United Nations Support Mission in Libya (UNSMIL), thank the former UN Special Representatives and UN Special Envoy Kubiš for their work, and we fully support the ongoing good offices efforts of the UN.

11. We welcome the interim Presidency Council (PC) and the interim Government of National Unity (GNU) as the Government of Libya charged with leading the country up to national elections on 24 December 2021, and underline our commitment to fully support Libya in this process.

Political process

12. We commend the role and achievements of the Libyan Political Dialogue Forum (LPDF) and its Roadmap, and of the House of Representatives (HoR) which met with a quorum for a vote of confidence in the GNU.

13. We call on the House of Representatives, the interim Presidency Council and the interim Government of National Unity to take further steps to reunify the country. We commit to supporting these authorities to the extent possible upon their request. We ask all Libyans to facilitate the full extension of the authority of the interim Presidency Council and the interim Government of National Unity throughout Libya and encourage the Libyan authorities and institutions to fully carry out their duties and responsibilities in the discharge of their mandate.

14. We urge all actors to restore and respect the integrity and unity of Libyan executive, legislative, judiciary and other State institutions, in particular the Central Bank of Libya and the National Oil Corporation (NOC).

15. We call on the House of Representatives, the interim Presidency Council, the interim Government of National Unity and relevant authorities and institutions to make the necessary preparations for and hold free, fair and inclusive national Presidential and Parliamentary elections on 24 December 2021, including urgently and in accordance with UNSC Resolution 2570, the clarification of the constitutional basis for elections and the enactment of legislation as necessary, as set out in the LPDF Roadmap, arrangements to ensure the full, equal and meaningful participation of women and the inclusion of youth, and to provide adequate funding for the High National Elections Commission (HNEC). We commit to comprehensive support for the interim Government of National Unity, as appropriate and upon its request, in its efforts to prepare the country for these elections.

16. We further call on the Libyan Political Dialogue Forum (LPDF) to take steps to facilitate the elections if necessary and in accordance with the LPDF Roadmap.

17. We underline the importance of the implementation of confidence-building measures to create an environment conducive for successful national elections, and the importance of voter education and countering hate speech and disinformation.

18. We recall that free, fair, credible, transparent and inclusive elections will allow the Libyan people to elect a representative and unified government and reinforce the independence, sovereignty, territorial integrity and national unity of Libya. We stand ready to support, at their request, the Libyan authorities in the organization of the elections, including through awareness raising among the voters and fight against disinformation during the electoral campaign.

19. We urgently call on the House of Representatives and the High Council of State to agree on sovereign positions in accordance with the text of the LPDF Roadmap in order to enable the executive authority to complete the process of unifying institutions to provide better services to the Libyan people.
20. We encourage UN Member States and international and regional organizations to deploy election observers, at the invitation of Libyan authorities and in coordination with UNSMIL.
21. We encourage the full, effective and meaningful participation of women and youth in all activities relating to Libya's democratic transition, conflict resolution and peacebuilding. We recall the commitment of the interim Government of National Unity to appoint women for at least 30 percent of all senior positions and urge them to implement their commitment without delay.
22. We commit to accepting and supporting the outcome of this intra-Libyan political process and urge all Libyans and international actors to do the same.
23. We call for the full compliance of all actors with UNSC sanctions, including through national implementation measures, against those who are found to be in breach of the UNSC arms embargo or the ceasefire, threaten the peace, stability or security of Libya or obstruct or undermine the successful completion of its political transition, including those elections planned for in the LPDF Roadmap, or who violate applicable international humanitarian law, international human rights law or commit human rights abuses in Libya. We strongly call on the UNSC to consider imposing such sanctions as appropriate.

Security

24. We welcome and support the 23 October 2020 Ceasefire Agreement, that inter alia calls for the withdrawal of all mercenaries and foreign fighters from the Libyan territory, strongly call on all Libyan parties to ensure its full implementation without further delay, and strongly urge all UN Member States to respect and support the full implementation of the Ceasefire Agreement.
25. We commend the 5+5 Joint Military Committee (JMC) for reaching and maintaining the Ceasefire Agreement, and emphasize the importance of addressing all outstanding challenges towards its full implementation, including the completion of confidence-building procedures, releasing of detainees, clearing of mines, opening of the coastal road, and the establishment of unified Libyan national security institutions, under the authority and oversight of the interim Presidential Council and the interim Government of National Unity, building upon the Cairo talks and ongoing efforts.
26. We call on all relevant actors to implement and enforce United Nations Security Council (UNSC) sanctions, including through national and international implementation measures, against those who are found to be in breach of the UNSC arms embargo or the ceasefire.
27. We commit to supporting and fully cooperating with the UNSC Committee established pursuant to Resolution 1970 (2011) and its Panel of Experts established pursuant to Resolution 1973 (2011).
28. We express concern over the impact of the conflict on neighbouring countries including with regards to threats arising from the illicit transfer and destabilising accumulation of weapons and the flow of armed groups and mercenaries.
29. We commit to support the interim Presidency Council and the interim Government of National Unity in its endeavor to secure all of Libya's borders and control the cross-border movement of armed groups and weapons.

30. We commit to supporting the Libyan Ceasefire Monitoring Mechanism, under the leadership of the JMC and with support from an UNSMIL ceasefire monitoring component, in accordance with UNSC Resolution [2570 \(2021\)](#).
31. We call for the restoration of the monopoly of the State on the legitimate use of force, and support efforts to unify the Libyan national security, police and military institutions under the authority and oversight of the interim Presidency Council and the interim Government of National Unity.
32. We support Libya in assuming its role as a stable and effective member of its regional and international environment and emphasize efforts to fight terrorist groups designated by the UN Security Council. We call for a reform of the security sector, with a credible, verifiable and comprehensive process of demobilization and disarmament of armed groups and militias in Libya and the integration of suitable personnel into civilian, security and military state institutions on an individual basis and based on a census of armed groups personnel and professional vetting. We call upon the United Nations to assist in this process.
33. We reaffirm the need to combat terrorism in Libya by all means in accordance with the UN Charter and international law, recognizing that development, security, and human rights are mutually reinforcing and are vital to an effective and comprehensive approach to countering terrorism. We call on all parties to dissociate from UN-listed terrorist groups and individuals.
34. We call for the implementation of UNSC Resolution [2368 \(2017\)](#) and other relevant resolutions concerning ISIL (Da'esh), Al-Qaida, and designated individuals, groups, and entities, in particular the provisions related to the travel ban and freezing of financial assets. We reaffirm enhanced cooperation to counter the foreign terrorist fighter threat in accordance with UNSC Resolution [2322 \(2015\)](#).
35. We commit to unequivocally and fully respect and implement the arms embargo established by UNSC Resolution [1970 \(2011\)](#) and the Council's subsequent Resolutions, and call on all international actors to do the same.
36. We call on all actors to refrain from any activities exacerbating the conflict or inconsistent with the UNSC arms embargo or the 23 October Ceasefire Agreement, including the financing of military capabilities or the recruitment of foreign fighters and mercenaries.
37. We welcome the unanimous adoption of UNSC Resolution [2578 \(2021\)](#) renewing the authorizations in Resolution [2292 \(2016\)](#). We take note of the work of EU operation EUNAVFOR MED IRINI concerning the implementation of the arms embargo on the high seas off the coast of Libya.

Economic and financial reforms

38. We commit to supporting the interim Government of National Unity in its efforts to improve the delivery of basic services to the Libyan people, restore water and electricity supply, education and medical services including providing vaccines against Covid-19, to combat corruption, revive and diversify the national economy, and engage in the reconstruction of the country's infrastructure.
39. We welcome the extensive efforts of the Libyan Expert Economic Commission (LEEC).
40. We welcome ongoing efforts to restore, respect and safeguard the integrity, unity and lawful governance of all Libyan sovereign financial and economic institutions and encourage continued efforts to increase the transparency of public spending.

41. We commend and stand ready to support efforts for the unity and integrity of the Central Bank of Libya and restoration of banking services across the country. The continued functioning of the Central Bank's board of directors in this regard as well as the ability to manage monetary policy is vital. The Central Bank's board of directors should be inclusive, representative and active.

42. We encourage and support the efforts of the interim Government of National Unity towards a transparent, accountable, fair and equitable distribution of public wealth and resources among all Libyans, notably through decentralization and support for municipalities, including in southern Libya, thereby removing a central driver of the Libyan conflict.

43. We commend and support the efforts of the interim Government of National Unity towards improving, the capacity of relevant Libyan oversight institutions, particularly the Audit Bureau, Administrative Oversight Authority, the National Anti-Corruption Authority and the Office of the Prosecutor General, including through providing resources.

44. We urge the House of Representatives to approve a balanced and agreed national budget without delay, noting that this is imperative for the interim Government of National Unity to fulfill its obligations, and would contribute to a more transparent and equitable distribution of funds.

45. We stress that the National Oil Corporation (NOC) is Libya's sole independent and legitimate oil company, in line with UNSC Resolutions [2259 \(2015\)](#), [2441 \(2018\)](#) and [2571 \(2021\)](#). We appreciate the monthly publication by the NOC of oil revenues as proof of its commitment to improve financial transparency. We call on all parties to protect the NOC's integrity and preserve its apolitical technical nature.

46. We recall that the UN Security Council froze Libyan Investment Authority (LIA) assets with the objective of preserving them for the benefit of the Libyan people, stress the need for a financial review of Libyan financial and economic institutions to support efforts of reunifying them, and to helping the relevant Libyan authorities to promote the integrity and unity of the LIA, including through a credible comprehensive audit of the LIA and its subsidiaries.

47. Acknowledging the concerns of the interim Government of National Unity regarding LIA assets frozen by the UNSC, we welcome work on LIA reform, including between the LIA, interim Government of National Unity and the International Follow-up Committee on Libya Economic Working Group, to lay the groundwork for effective management of LIA assets in the future.

48. We support the efforts of the interim Government of National Unity to diversify, develop and open up its national economy, including through investment promotion, which will effectively contribute to stability, institution-building and the integration of youth into economic activity.

Respect for international humanitarian law and human rights

49. We recall the obligation of the interim Presidency Council, the interim Government of National Unity and all parties in Libya to fully respect international humanitarian law and international human rights law as applicable, to protect civilians and civilian infrastructure and all Libyans and Non-Libyans, and allow access for medical personnel, human rights monitors, humanitarian personnel and assistance, also through engagement with UN entities.

50. We acknowledge the first steps of the interim Presidency Council and interim Government of National Unity towards launching an inclusive, comprehensive and rights-based national reconciliation process, and encourage the Libyan authorities to

build and strengthen transitional justice institutions, as appropriate, such as the domestic Fact-Finding and Reconciliation Commission (FFRC) and the recently established High Commission on National Reconciliation.

51. We welcome the support of regional organizations and neighboring countries to a rights-based inclusive and comprehensive national reconciliation process, and recognize the role of the African Union in this respect, as well as the readiness of Algeria to share its experience on national reconciliation.

52. We stress the need to hold accountable all those who have violated international law, as set forth in relevant UNSC Resolutions, including Resolution 1970 (2011). We support the work of Libyan institutions to document and prosecute violations of international humanitarian law and human rights violations and abuses. Special attention is needed for the missing and forcibly disappeared.

53. We stress the need for international actors and the Libyan authorities to condemn and address all acts of migrant smuggling and fight human trafficking into, through and from the Libyan territory and off the coast of Libya and hold accountable those responsible, as well as seeking the imposition of UN Security Council sanctions in accordance with its relevant Resolutions. We call on the Libyan interim authorities to facilitate humanitarian support, humanitarian evacuation flights and departures on a voluntary basis without interruptions.

54. We call for a judicial review of all detainees and prison inmates and for the immediate release of all those unlawfully or arbitrarily detained. We call on all parties to end and prevent torture and cruel and inhuman treatment, as well as sexual and gender-based violence.

55. We commit to assisting, as appropriate, the Libyan authorities in developing a comprehensive approach to addressing migration, including the root causes and sources, closure of detention centers, and other measures built on the principles of regional and international cooperation and international law.

56. We recognize the interim Libyan authorities' efforts to implement the LPDF Roadmap's commitment with regard to political and civil rights, democratic principles and equality of all citizens, men and women, including the rejection of hate speech or the use of violence in the political process. We call on all parties to respect the rights to freedom of assembly, association and expression. We recognise the need to protect women, including those participating in public spaces, from threats and reprisals.

Follow-up

57. Adding Libya as a member, the International Follow-Up Committee for Libya, consisting of the countries and Organizations participating in today's Conference, is charged with coordinating the implementation of these Conclusions under the aegis of the United Nations.

58. We will bring the Conclusions of this Second Berlin Conference on Libya to the attention of the UN Security Council for consideration.