

## **The Berlin Summit on Libya**

19 January 2020

### **CONFERENCE CONCLUSIONS**

1. Today's Berlin summit on Libya, at the invitation of German Chancellor Merkel, has gathered the Governments of Algeria, China, Egypt, France, Germany, Italy, Russia, Turkey, the Republic of the Congo, United Arab Emirates, the United Kingdom and the United States of America and High Representatives of the United Nations, the African Union, the European Union, and the League of Arab States.
2. We, the participants, note the Co-Chair's statement on the political, security and humanitarian situation in Libya of the meeting at Foreign Ministers' level convened by France and Italy on the margins of the 74th General Assembly of the UN in New York on 26 September 2019.
3. We reaffirm our strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya. Only a Libyan-led and Libyan owned political process can end the conflict and bring lasting peace.
4. The conflict in Libya, the instability in the country, the external interferences, the institutional divisions, the proliferation of a vast amount of unchecked weapons and the economy of predation continue to be a threat to international peace and security by providing fertile grounds for traffickers, armed groups and terrorist organizations. It has allowed Al Qaida and ISIS to flourish on the Libyan territory and to launch operations in Libya and in neighboring countries. It has facilitated a destabilizing wave of illegal migration in the region and an important deterioration of the humanitarian situation. We are committed to support Libyans in addressing those structural governance and security issues.
5. The "Berlin Process" in which we engaged to support the three-point-plan presented by Special Representative of the UN Secretary-General (SRSG) Ghassan Salamé to the United Nations Security Council (UNSC), has the sole objective of assisting the United Nations in unifying the International Community in their support for a peaceful solution to the Libyan crisis. There can be no military solution in Libya.
6. We commit to refraining from interference in the armed conflict or in the internal affairs of Libya and urge all international actors to do the same.
7. We recognize the central role of the United Nations to facilitate an inclusive intra-Libyan political and reconciliation process, based on the Libyan Political Agreement of 2015 and its institutions, UNSC Resolution 2259 (2015), other relevant UNSC Resolutions and the principles agreed in Paris, Palermo and Abu Dhabi, as well as the important roles of the African Union and its High Level Committee of Heads of State and Government on Libya, the League of Arab States, the European Union and the neighboring countries in Libya's stabilization.
8. We fully support the good offices and mediation efforts of the United Nations Support Mission to Libya (UNSMIL) and SRSG Salamé. We stress that a durable solution in Libya requires a comprehensive approach that addresses simultaneously the different aspects.

CEASEFIRE

9. We welcome the marked reduction in violence since January 12<sup>th</sup> and the negotiations undertaken in Moscow on January 14<sup>th</sup> aimed at paving the way towards a ceasefire agreement. We call for credible, verifiable, sequenced and reciprocal steps, starting with a truce implemented by all parties concerned, including credible steps towards the dismantling of armed groups and militias by all parties as per art. 34 of the LPA and referred to in UNSC resolutions 2420 and 2486, leading to a comprehensive and lasting cessation of all hostilities including air operations over the territory of Libya. We call for the redeployment of heavy weapons, artillery and aerial vehicles and their cantonment.
10. We call for the termination of all military movements by, or in direct support of, the conflict parties, in and over the entire territory of Libya, starting from the beginning of the ceasefire process.
11. We call for the institution of confidence-building measures, such as the exchange of prisoners and mortal remains.
12. We call for a comprehensive process of demobilization and disarmament of armed groups and militias in Libya and the subsequent 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 this process.
13. We reaffirm the need to combat terrorism in LBY 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. In this perspective, and in accordance with Art. 35 of the LPA, we welcome the efforts to combat terrorist individuals and entities designated by the UN Security Council.
14. We call for the implementation of UNSCR 2368 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 without delay of the funds and other financial assets or economic resources of designated individuals and entities.
15. We call upon the United Nations to facilitate ceasefire negotiations between the parties, including through the immediate establishment of technical committees to monitor and verify the implementation of the ceasefire.
16. We call upon the UNSC to impose appropriate sanctions on those who are found to be in violation of the ceasefire arrangements and on Member States to enforce these.
17. We call upon Member States to commit to supporting the provision of the United Nations Support Mission to Libya (UNSMIL) in line with UNSC Resolution 2486 (2019) with the necessary personnel and equipment to effectively support the ceasefire.

#### ARMS EMBARGO

18. We commit to unequivocally and fully respect and implement the arms embargo established by United Nations Security Council Resolution 1970 (2011) and the Council's subsequent Resolutions, including the proliferation of arms from Libya, and call on all international actors to do the same.

19. We call on all actors to refrain from any activities exacerbating the conflict or inconsistent with the UNSC arms embargo or the ceasefire, including the financing of military capabilities or the recruitment of mercenaries.
20. We reiterate our call to stop any support to UN-designated terrorist individuals and groups. All perpetrators of terrorist acts should be held accountable.
21. We commit to efforts strengthening current monitoring mechanisms by the UN and competent national and international authorities, within our capabilities, including maritime, aerial and terrestrial monitoring, and through the provision of additional resources, in particular satellite imagery.
22. We commit to informing UNSMIL, the UNSC, its Committee established pursuant to resolution 1970 (2011) and its Panel of Experts established pursuant to resolution 1973 (2011) about potential breaches of the arms embargo, including by sharing intelligence, and call on all international actors to do the same.
23. We commit to supporting the UN Panel of Experts to effectively document and report such breaches and support them in investigating violations and urge all international actors to do the same. We encourage the Panel to investigate and alert the relevant UNSC Committee on violations of the UNSC arms embargo on a continuous basis. We commit to supporting and fully cooperating with the UN Panel of Experts.
24. We call on all actors to apply and enforce UNSC sanctions, including through national implementation measures, against those who are found to be in breach of the UNSC arms embargo or the ceasefire, from this day forward.

#### RETURN TO THE POLITICAL PROCESS

25. We support the Libyan Political Agreement as [GBR: a/RUS: the] viable framework for the political solution in Libya. We also call for the establishment of a functioning Presidency Council and the formation of a single, unified, inclusive and effective Libyan government approved by the House of Representatives.
26. We urge all Libyan parties to resume the inclusive Libyan-led and Libyan-owned political process under the auspices of UNSMIL, engaging in it constructively, paving the way to end the transitional period through free, fair, inclusive and credible parliamentary and presidential elections organized by an independent and effective High National Elections Commission.
27. 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, and support the efforts of SRSR Salamé to facilitate wider engagement and participation of women and youth from across the spectrum of Libyan society in the political process and public institutions.
28. We urge all actors to restore and respect the integrity and unity of Libyan executive, legislative, judiciary and other State institutions.
29. We call for a transparent, accountable, fair and equitable distribution of public wealth and resources between different Libyan geographical areas, including through decentralization and support for municipalities, thereby removing a central grievance and cause of recriminations.
30. We call on the UNSC, the African Union, the League of Arab States and the European Union to act against Libyan spoilers of the political process, in line with relevant UNSC decisions.

31. We urge all Libyan parties to further engage in and support mediation and reconciliation efforts between Fezzan local communities so as to reconstruct the social fabric in an area long neglected.
32. We underline the important role of neighboring countries in the Libyan stabilization process.
33. We commit to using all bilateral contacts to urge all Libyan parties to enter into the ceasefire and engage in the intra-Libyan political process under UNSMIL auspices.
34. We commit to accepting and supporting the outcome of this intra-Libyan political process.

#### SECURITY SECTOR REFORM

35. We call for the restoration of the monopoly of the State to the legitimate use of force.
36. We support the establishment of unified Libyan national security, police and military forces under central, civilian authority, building upon the Cairo talks, and the documents produced therein.

#### ECONOMIC AND FINANCIAL REFORM

37. We maintain that it is of utmost importance to restore, respect and safeguard the integrity, unity and lawful governance of all Libyan sovereign institutions, in particular the Central Bank of Libya (CBL), the Libya Investment Authority (LIA), the National Oil Corporation (NOC) and the Audit Bureau (AB). Their boards of directors should be inclusive, representative, and active.
38. We commit to providing, upon request from these Libyan authorities and in full accordance with the principles of national ownership, technical assistance to improve transparency, accountability and effectiveness, bring those institutions into conformity with international standards, including through audit processes, and allow for an intra-Libyan dialogue attended by representatives of all different constituencies regarding grievances over the distribution of Libya's revenues. We call for improving the capacity of relevant Libyan oversight institutions, particularly the Audit Bureau, Administrative Oversight Authority, the National Anti-Corruption Authority, the Office of the Prosecutor General, and the relevant parliamentary committees as per the Libyan Political Agreement and pertinent Libyan laws.
39. We stress that the National Oil Corporation (NOC) is Libya's sole independent and legitimate oil company, in line with UN Security Council Resolutions 2259 (2015) and 2441 (2018). We urge all parties to continue to guarantee the security of its installations and refrain from any hostilities against all oil facilities and infrastructure. We reject any attempt at damaging Libya's oil infrastructure, any illicit exploitation of its energy resources, which belong to the Libyan people, through the sale or purchase of Libyan crude oil and derivatives outside the NOC's control and call for the transparent and equal distribution of oil revenues. We appreciate the monthly publication by the NOC of oil revenues, as a proof to its commitment to improve transparency.
40. We support the Economic Dialogue with representatives of Libyan financial and economic institutions, and encourage the implementation of structural economic reforms. To facilitate this dialogue, we support the creation of an inclusive Libyan Expert Economic Commission composed of representatives of the key financial and economic institutions.
41. We support the empowerment of Libya's municipalities and urge central authorities to fully commit to providing the needed financial allocations to sustain local governance, particularly in the south.

42. We encourage the establishment of a reconstruction mechanism for Libya supporting development and reconstruction in all regions under the auspices of a new, representative and unified government of national accord exercising its authority over all Libyan territory, to develop the severely affected areas with priority to be placed on reconstruction projects in the cities of Benghazi, Derna, Murzuq, Sabha, Sirte, and Tripoli.
43. We recall that the UN Security Council froze 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.

#### RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

44. We urge all parties in Libya to fully respect international humanitarian law and human rights law, to protect civilians and civilian infrastructure, including airports, to allow access for medical, human rights monitors, humanitarian personnel and assistance and to take action in order to protect the civilian population, including internally displaced people, migrants, refugees, asylum seekers and prisoners, also through engagement with UN entities.
45. The lack of due process in the functioning of the national judicial system, including in prisons, is one of the contributing factors to the volatile and serious human rights and humanitarian situation. We call for follow-up on the decrees of the Libyan authorities to screen all detainees and prison inmates under the control of the Ministry of Justice/Judicial Police in order to strengthen the functioning of the judicial institutions and to release those illegally or arbitrarily detained.
46. We urge all parties to end the practice of arbitrary detention and the Libyan authorities to establish alternative procedures to detention, especially for those in high-risk areas of conflict, and gradually close the detention centres for migrants and asylum seekers while simultaneously amending the Libyan legislative frameworks on migration and asylum to align them with international law and internationally recognized standards and principles.
47. We stress the need to hold accountable all those who have violated provisions of international law, including in the areas of indiscriminate use of force against civilians, attacks on densely populated residential areas, extrajudicial killings, kidnappings, enforced disappearances, sexual and gender-based violence, torture and ill-treatment, human trafficking, and violence against or the abuse of migrants and refugees.
48. We urge all parties to refrain from any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including through the use of social media.
49. We commit to supporting the work of Libyan institutions to document violations of international humanitarian law and human rights law.
50. We encourage the Libyan authorities to further proceed with strengthening transitional justice institutions, including prosecution initiatives, reparations, truth-seeking and institutional reform, which should be in line with internationally recognized standards and principles, in order to uphold and defend the rights to know the truth regarding the circumstances of the enforced disappearance, to have access to justice and to have the right to obtain reparations and guarantees of non-recurrence in Libya, particularly in the context of missing persons.

## FOLLOW-UP

51. We call on the Secretary-General of the United Nations, his Special Representative to Libya and the chair of the Berlin process to communicate the outcome of this process and summit to the Libyans.
52. [We express our full support to the operationalization of these conclusions by the Special Representative of the Secretary-General to Libya attached to this declaration as an annex.]
53. We agree that the Berlin Summit is one important step in a broader Libyan-led and Libyan-owned process designed to bring a decisive end to the Libyan crisis by addressing in a comprehensive manner the underlying drivers of the conflict. The follow-up from the Berlin Summit plays an important role. Successful translation of the commitments above into actionable activities will be key, as well as identification of precise indicators, roles and responsibilities, not only for the United Nations but also for the participants themselves as well as potentially other Member States and international organizations.
54. We herewith create an International Follow-Up Committee (IFC) in order to maintain coordination in the aftermath of the Berlin Summit, under the aegis of the United Nations. The IFC will meet on two levels:
  - a) One plenary at Senior Official-level, to meet on a monthly basis with an UNSMIL chair and, additionally, a rotating co-chair and locations. The IFC would be responsible for tracking progress against implementation of this Communique and exert leverage where necessary. At the end of each session, a conclusion acknowledging specific achievements or compliance would be presented.
  - b) Technical working groups, with closed meetings at expert-level to take place twice a month during the first implementation stages in Libya or Tunis. The working groups will be based on the Communique's baskets. Each group will be led by a UN representative. In closed sessions, participants will (i) address obstacles to implementation, (ii) share relevant information and (iii) coordinate operational requirements and assistance without prejudice to the mandate of the UN Security Council.
55. We shall bring the conclusions of this summit to the attention of the UN Security Council for consideration and call on SRSF Salamé and UNSMIL to support the implementation of commitments made in the framework of the Berlin process.