



## Security Council

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### Letter dated 6 August 2021 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution [2542 \(2020\)](#) of 15 September 2020, in which the Council requested that I conduct and provide an independent strategic review of the United Nations Support Mission in Libya (UNSMIL). The Council also highlighted the independent strategic review in its resolution [2570 \(2021\)](#) of 16 April 2021 and requested that the review also take into account the ceasefire monitoring component of the Mission.

In response, I appointed my former Special Representative for Central Africa, Abdoulaye Bathily (Senegal), as Independent Expert and Team Leader for the independent strategic review. Through the present letter, I am transmitting the report on the independent strategic review of UNSMIL to the Security Council (see annex), with my observations.

#### Main findings and recommendations of the independent strategic review

In the report on the independent strategic review, it is noted that UNSMIL, with the support of the international community, has made notable progress in supporting Libyan actors resume a political process, including dialogue on critical security and economic matters. The Independent Expert observes, on the basis of consultations with Libyan actors and relevant Member States, that the United Nations is recognized as being an impartial and credible actor. Mindful of the significant challenges facing the tracks of the intra-Libyan dialogue, as well as continued divisions in the country, the Independent Expert draws attention to the growing stalemate on the political, security and economic tracks. He urges an intensification of the good offices and mediation efforts of the Mission to reinvigorate the various dialogue processes and support Libya in holding credible, timely and peaceful elections.

Furthermore, the review included an assessment of the functioning of UNSMIL following the modification of the structure of the Mission and the relocation of the Office of the Head of Mission to Geneva. In that regard, the Independent Expert notes that the new structure has, inadvertently, weakened the good offices, mediation and coordination capacities of the Mission. He also notes that circumstances have changed since the decision was made to change the structure.

The Independent Expert recommends that the Head of Mission be relocated to Tripoli and also highlights the continued need to engage with relevant Member States and to strengthen further engagement with neighbouring countries. He also recommends a return to the previous configuration of the Mission, wherein a Special



Representative was supported by two Deputy Special Representatives (one for political affairs and the other serving as the Resident and Humanitarian Coordinator).

Assessing the current capacities and needs of the Mission ahead of the national elections on 24 December 2021, the Independent Expert notes significant staffing, budgetary and accommodation constraints. Of note, he highlights the significant impact that the hiring freeze has had on the ability of the Mission to ensure that it has the staffing capacity needed to fulfil its mandate. The Independent Expert recommends that the Department of Political and Peacebuilding Affairs coordinate an immediate surge capacity to reinforce the Mission, in terms of staffing, specific subject-matter expertise and coordination capacities. He also calls for the swift deployment of women and child protection advisers.

With regard to the footprint of the Mission, the Independent Expert welcomes the return of UNSMIL and the United Nations country team to Libya, which began in January 2021. Because of hostilities, most of the Mission staff and the country team had been temporarily relocated to Tunis in 2019. In that regard, the Independent Expert agrees with the intention of the United Nations to gradually expand its presence in the eastern and southern parts of the country.

Mindful of the limited space in the compound of UNSMIL in Tripoli, owing to the need to accommodate the United Nations country team as its previous accommodations did not provide adequate security, the Independent Expert recommends the temporary redeployment to Tunis of staff (of both UNSMIL and the United Nations country team) who have limited interactions with Libyan actors. This would also allow for the swift deployment of the ceasefire monitors.

On integration, the Independent Expert highlights that coordination and synergies between the work of UNSMIL and the United Nations country team has improved. He recommends that additional efforts be made to ensure complementarity between their various work streams.

Looking ahead, the Independent Expert notes that the priorities and associated capacities of the Mission will need to be revised following the election of new Libyan authorities. He therefore recommends a strategic review and a re-evaluation of staffing needs after the elections to ensure alignment with the new national priorities.

## **Observations**

Having reviewed the report, I support the recommendations of the independent strategic review of UNSMIL.

Considering that Libya is at a critical juncture, the recommendations present an opportunity to reverse the tide and reinvigorate the political process, and its interlinked security and economic dialogues, in Libya.

Furthermore, the findings of the review validate the critical role of the United Nations in helping to resolve conflicts through mediation. UNSMIL will further intensify its efforts in support of mediation between Libyan actors, while continuing to engage, in particular, with neighbouring countries and also with members of the Security Council, relevant Member States and regional organizations. In that regard, the role of the international community in creating an enabling environment – including through respect of the arms embargo – is vital.

For UNSMIL to be able to fulfil its mandate and to continue to play a critical role in furthering an inclusive political process and security and economic dialogue, help to implement the ceasefire agreement and provide support to key Libyan institutions, among other mandated tasks, it is vital that it be provided with the resources, capacities and support needed.

Mindful of the evolving situation on the ground, I note that the timing of the return to the previous configuration should be weighed carefully.

I wish to take this opportunity to thank Mr. Bathily for conducting extensive consultations in the course of his review and for his pertinent observations and recommendations. I also wish to take this opportunity to thank UNSMIL and all the entities of the United Nations system in Libya for their continuing efforts to assist the Libyan people in their quest for unity, peace, stability and prosperity.

I would be grateful if you could have the present letter and its annex circulated to the members of the Security Council.

*(Signed)* António **Guterres**

## Annex

### **Report on the independent strategic review of the United Nations Support Mission in Libya**

#### **I. Background and objectives**

1. The Security Council, in its resolution [2542 \(2020\)](#) of 15 September 2020, requested the Secretary-General to conduct and provide the Security Council, no later than 31 July 2021, with an independent strategic review of the United Nations Support Mission in Libya (UNSMIL). In response, the Secretary-General appointed his former Special Representative for Central Africa, Abdoulaye Bathily (Senegal), as Independent Expert and Team Leader for the independent strategic review of UNSMIL.
2. The objective of the independent strategic review was to provide an assessment and recommendations for improving the efficiency of UNSMIL in terms of its overall structure, its prioritization of tasks and the capacity and effectiveness of staffing at the Mission, including as it relates to mediation and peace process management. The ceasefire monitoring component of the Mission was also considered in the review, as requested by the Security Council in its resolution [2570 \(2021\)](#) of 16 April 2021.
3. To recall, pursuant to resolution [2542 \(2020\)](#), the Security Council had reconfigured the structure of the Mission, with a Special Envoy of the Secretary-General responsible for the overall leadership of UNSMIL, with a particular focus on good offices and mediation with Libyan and international actors, an Assistant Secretary-General and Mission Coordinator, reporting to the Special Envoy, in charge of the Mission's day-to-day operations and management, and an Assistant Secretary-General serving as Resident and Humanitarian Coordinator.
4. Senior representatives of the following United Nations entities supported the Independent Expert and Team Leader for the independent strategic review: the Department of Political and Peacebuilding Affairs; the Department of Operational Support; the Department of Peace Operations; the Department of Safety and Security; the Office of the United Nations High Commissioner for Human Rights; the United Nations Development Programme and the Development Coordination Office, representing the development system; the Office of the United Nations High Commissioner for Refugees, representing the humanitarian system; and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

#### **II. Scope of the independent strategic review of the United Nations Support Mission in Libya**

5. The following elements were included in the independent strategic review: (a) the country context, focusing on the key obstacles that have prevented a resolution to the conflict in Libya, as well as national, regional and international political, security, economic and humanitarian dynamics; (b) progress in the political, security, economic, and human rights and international humanitarian law tracks, as well as challenges facing each of them; (c) the status of the Libyan-led and Libyan-owned ceasefire monitoring mechanism and the Mission's ceasefire monitoring component; and (d) the efficiency and effectiveness of the Mission's overall structure, staffing and capacity.

6. The findings and recommendations contained in the present report were informed by:

- (a) A vision paper prepared by UNSMIL outlining its key priorities and challenges;
- (b) A desk review with inputs from relevant United Nations entities;
- (c) A brainstorming session with external experts facilitated by the Conflict Prevention and Peace Forum;
- (d) Consultations with relevant Member States, including members of the Security Council and neighbouring countries, as well as with Berlin process participants, regional organizations, relevant United Nations entities and civil society representatives;
- (e) An anonymous survey administered to United Nations staff members (including UNSMIL, the United Nations county team and Headquarters-based staff members) and external stakeholders on the key priorities and challenges facing the Mission;
- (f) A strategic assessment mission to Tunisia and Libya, from 27 June to 8 July 2021, to consult with Libyan authorities, political parties, civil society organizations and other relevant stakeholders, as well as with UNSMIL leadership and staff members and the United Nations county team.

7. Participating United Nations entities provided inputs and expert advice to the Independent Expert and Team Leader for the independent strategic review. In addition, Mr. Bathily received written inputs from relevant entities that took part in the review. While the review benefited from the contributions of different stakeholders, the findings and recommendations presented in the present report reflect the Team Leader's own assessment and recommendations on the way forward.

### III. Situation in Libya

8. Since the mobilization of the international community through the Berlin Conference on Libya on 19 January 2020, notable progress has been achieved towards the resumption of an inclusive political process aimed at restoring peace and security in Libya. The Conference resulted in an agreement on an International Follow-up Committee on Libya and an UNSMIL operational plan. On 12 February 2020, the Security Council, in resolution [2510 \(2020\)](#), endorsed the conclusions of the Berlin Conference on Libya.

9. In January 2020, UNSMIL launched an intra-Libyan dialogue process focused on the political, security and economic tracks. The establishment of the three tracks – and an overarching human rights and international humanitarian law track – emanated from a recognition that the different dimensions of the conflict in Libya were mutually reinforcing and as such had to be tackled in parallel.

10. On 23 October 2020 and following an UNSMIL-facilitated dialogue aimed at enabling stability, security and national unity among Libyan parties, a countrywide permanent ceasefire agreement was signed between the respective delegations of the 5+5 Joint Military Commission in Geneva. The agreement includes a call for the withdrawal of all military units and armed groups from the front lines and the departure of all mercenaries and foreign fighters from Libyan territory. It also includes a call for the establishment of a Libyan-led and Libyan-owned ceasefire monitoring mechanism.

11. Towards that end, the Security Council, in its resolution [2570 \(2021\)](#), unanimously approved a proposal by the Secretary-General for an UNSMIL ceasefire monitoring component (see [S/2021/281](#) and [S/2021/353](#)). Working in close coordination with the 5+5 Joint Military Commission, the UNSMIL ceasefire monitoring component will, inter alia, support Libyan parties and provide impartial monitoring of the implementation of specific provisions of the ceasefire agreement.

12. During the start-up phase, the United Nations is expected to deploy an initial team of 10 monitors who will work alongside the western and the eastern counterparts of the 5+5 Joint Military Commission to monitor the parties' implementation of specific provisions of the ceasefire agreement. This forward presence will be based in Tripoli, pending completion of the required security, logistic and other mission support arrangements in Sirte, at which time up to 60 monitors will be deployed to Sirte.

13. On the political front, the UNSMIL-facilitated Libyan Political Dialogue Forum agreed, in November 2020, on a road map entitled "The preparatory phase for a comprehensive solution". The road map, which was widely welcomed, paves the way for the holding of presidential and parliamentary elections on 24 December 2021 as a means to renew the democratic legitimacy of Libyan institutions and end the transitional period. The road map complements the Libyan Political Agreement and sets general principles and objectives to guide the transition period under reconstituted and unified institutions, as well as the main time frames for the endorsement of a new executive authority by the House of Representatives.

14. Of note, 17 women are part of the Libyan Political Dialogue Forum – representing 20 per cent of the total 75 participants. While still insufficient, the inclusion of 17 women was a significant increase compared with previous political dialogue processes in Libya. A similarly inclusive approach to the military and security tracks remains needed.

15. In March 2021, for the first time since 2014, a unified government, the Government of National Unity, was established after the House of Representatives endorsed it in a session held in Sirte at which more than two thirds of the total membership was present. The internationally recognized Government of National Accord and the government in the east recognized the legitimacy of the Government of National Unity and handed over power peacefully. This represented an important milestone towards unifying Libyan institutions.

16. While the establishment of a unified interim Government of National Unity is an encouraging development, political cooperation between institutions remains lacking. The Prime Minister's authority in parts of the country, including the east, remains tenuous. Meanwhile, conflicting visions for the country remain at the heart of the conflict in Libya.

17. On the economic track, UNSMIL launched an intra-Libyan economic dialogue in early 2020. The dialogue resulted in the unification of the exchange rate, the reactivation of the Board of Directors of the Central Bank of Libya and the finalization of an UNSMIL-facilitated international audit of the two branches of the Central Bank aimed at their eventual reunification.

18. In recent months, progress on the political, security and economic fronts has noticeably stalled. Politically, the members of the Libyan Political Dialogue Forum have been unable to reach consensus on a constitutional and legal basis that would allow the timely holding of elections on 24 December 2021. For its part, the House of Representatives, the body mandated to clarify the constitutional basis for elections, in consultation with the High State Council, has also failed to meet its obligations. As a result, the High National Elections Commission has revised the deadline for clarifying the legal framework for elections from 1 July to 1 August. Nevertheless,

and despite challenges to reaching an agreement on the constitutional and legal framework for elections, there is a concerted push by Libyans in favour of elections. For their part, the Security Council and relevant Member States are united in their view that elections must be held on 24 December 2021, as reiterated at the Berlin Conference held on 23 June 2021 and the Security Council ministerial meeting on Libya on 15 July 2021.

19. At the same time, there is an increasing political polarization across the country. In part, this is due to the extreme weaponization of the media – particularly social media – by both domestic and external actors. It is important to note that the stakes of the upcoming elections in December are higher than in 2014, as these elections risk tilting the current delicate balance of power, both on the ground among Libyan stakeholders and among external powers. Ultimately, political dynamics in the country remain dominated by a struggle for power and resources.

20. Meanwhile, the security landscape across the country continues to be characterized by militia networks leveraging their capacity for violence to secure senior positions in sociopolitical hierarchies. Violations of the arms embargo continue, along with armed mobilization, trends that are likely to continue given growing tensions around elections.

21. To renew the momentum generated by the Berlin Conference in 2020, a follow-up Berlin Conference was held on 23 June 2021 (see [S/2021/595](#)). Co-chaired by the Minister for Foreign Affairs of Germany and the Under-Secretary-General for Political and Peacebuilding Affairs, the participants at the Conference demonstrated a united front in support of the holding of elections on 24 December 2021. However, they did not manage to make progress on an operational plan for the removal of foreign fighters and foreign forces from the country.

22. Indeed, the regional impact of the continued presence of foreign fighters in Libya is a major concern for neighbouring countries, and the Sahel region more broadly. Based on consultations with neighbouring countries and the African Union, it is evident that a carefully managed and sequenced approach to the withdrawal of all foreign fighters and mercenaries is required to avoid any further destabilization in the region. In that regard, the United Nations can play a vital role in ensuring a regional approach, mindful of the need for a broad disarmament, demobilization and reintegration process in the fighters' respective countries, as well as a coherent security sector reform approach. Furthermore, the withdrawal of foreign fighters may necessitate a custom-tailored approach to each foreign force. For instance, the departure of Sudanese and Chadian combatants may depend less on developments in Libya and more on internal dynamics within the Sudan and Chad.

23. On the economic front, the deliberations of the economic working group appear to be at a standstill. The finalization of an UNSMIL-facilitated audit of the Central Bank of Libya represents an opportunity to push forward the unification of the Central Bank, an important step towards the reunification of major Libyan institutions. More broadly, there is recognition that issues pertaining to the distribution of the country's wealth are central to resolving the conflict in Libya and must be tackled in parallel to the political and security dynamics. In that regard, UNSMIL has a vital role to play in helping to advance solutions to the economic challenges facing Libya, including through technical support to the Central Bank and other financial institutions.

24. Meanwhile, continued delays by the House of Representatives in approving the proposed budget of the Government of National Unity has resulted in the further deterioration of public services and people's living standards. To date, the House of Representatives has accepted only the first chapter of the budget, which pertains to

public salaries. Line ministries and municipalities have yet to receive their operational budget, thereby hindering their ability to deliver.

25. This comes at a time when the country's infrastructure and the Government's ability to provide basic services have greatly deteriorated following years of conflict. Of concern, humanitarian needs have increased across Libya, with about 1.3 million people requiring some form of humanitarian assistance in 2021, up from 900,000 in 2020. The strained economy, along with fuel shortages and frequent electricity and water disruptions, have pushed many people to a breaking point, with thousands taking to the streets to protest deteriorating living conditions.

26. In addition, the health system of Libya is close to collapse, with more than half of the health-care facilities that were functional in 2019 having shut down, especially in rural areas. Those closures are due to security threats as well as insufficient government funding. The facilities that remain open face acute shortages of staff, medicines and supplies.

27. Due to the deterioration of the health system, the ability of Libyan authorities to effectively combat the coronavirus disease (COVID-19) pandemic has been severely constrained. While capacity for testing has slowly increased, the ability of the health authorities to adequately test, trace and provide treatment remains limited. Furthermore, response capacity is mostly concentrated in Tripoli and Benghazi, neglecting vast geographical areas.

28. As a result, there is increased expectation and pressure on the humanitarian and development agencies of the United Nations country team to fill the gap. This will require additional resources and funding, as well as security arrangements to allow for a wider mobilization and presence in different parts of the country, particularly in the south, where the humanitarian and development needs are significant.

29. The crisis in Libya also has a strong protection dimension, with violations of human rights and international humanitarian law, including conflict-related sexual violence and grave violations against children, and attacks against civilian infrastructure. The main perpetrators of conflict-related sexual violence include transnational smugglers, traffickers, correction officials, army elements and armed groups, who take advantage of the existing security vacuums and weakened rule of law institutions. In this context, migrants and asylum seekers are particularly vulnerable and exposed to conflict-related sexual violence in detention centres. However, human rights officers are constrained in their ability to move freely across the country and to access detention settings, which has restricted their ability to adequately monitor violations of human rights and international humanitarian law.

30. Meanwhile, politically active women, including human rights defenders, activists, elected officials and peacebuilders, continue to be targeted with violence, ranging from online harassment and defamation campaigns to physical attacks, sexual violence, abductions and assassinations designed to intimidate, silence, discredit and stigmatize their work.

31. At the same time, the social fabric of Libya is fraught with divisions following several rounds of conflict. National reconciliation efforts will require the strengthening of rule of law institutions to deliver on their protection work and the establishment of transitional justice mechanisms to hold perpetrators of serious crimes accountable. National reconciliation must also allow for internally displaced Libyans to return to their homes.

32. However, thousands of Libyans remain internally displaced and unable to return to their homes owing to the presence of explosive hazards. Contaminated areas, such as the southern neighbourhoods of Tripoli, along with legacy contamination from



years of fighting in areas such as Benghazi and Sirte, are a significant risk to the safety of returning and remaining residents, resulting in civilian casualties. The indiscriminate use of heavy weaponry resulted in severe damage to housing and civilian infrastructure across the country. In addition to the threat posed by explosive hazards, some internally displaced populations remain unable to return to their homes owing to the threat of retaliation amid a pervasive feeling of insecurity.

33. Against this background, building on the momentum generated by the intra-Libyan dialogue facilitated by UNSMIL in 2020, the United Nations system in Libya will need to work coherently and cohesively. Strengthening integration to facilitate a process of transformation based on the principles of inclusive political transition, equitable development and allocation of resources, respect for human rights and the rule of law and a rights-based national reconciliation process will be vital. This will support the establishment of sovereign, representative, responsive and inclusive institutions, with a State monopoly on the legitimate and lawful use of force and a fair management and distribution of economic resources.

34. Furthermore, and in the light of the significant hurdles and challenges facing Libya, it is critical that the coming period be carefully managed to quickly reverse the growing stalemate and build on the momentum generated following the establishment of a unified interim Government in March 2021 and the continued relative security in the country. Determining the role of UNSMIL, and therefore its configuration and structure, will require a high degree of flexibility considering the fluid and continually evolving situation. Evidently, the pre-and post-electoral periods will necessitate different sets of resources and tools. Nevertheless, the good offices role of UNSMIL – as well as its support on the security, human rights, national reconciliation and economic fronts – will continue to be required, albeit with different levels of intensity depending on the prevailing situation in the country and the needs of the new Libyan authorities.

#### **IV. United Nations priorities in Libya**

35. UNSMIL is mandated by the Security Council, as an integrated special political mission, to exercise mediation and through its good offices to: (a) further an inclusive political process and security and economic dialogue; (b) further the continued implementation of the Libyan Political Agreement; (c) help to consolidate the governance, security and economic arrangements of the Government of National Accord, including support for economic reform in collaboration with international financial institutions; (d) help to achieve a ceasefire and, once it is agreed by the Libyan parties, provide appropriate support to its implementation; (e) support subsequent phases of the Libyan transition process, including the constitutional process and the organization of elections; (f) coordinate and engage closely with international actors, including neighbouring countries and regional organizations; (g) provide support to key Libyan institutions; (h) support, on request, the provision of essential services and delivery of humanitarian assistance, including in response to the COVID-19 pandemic, in accordance with humanitarian principles; (i) monitor and report abuses and violations of human rights and violations of international humanitarian law, including sexual violence in conflict, notably through the effective deployment of women and child protection advisers; (j) provide support in securing uncontrolled arms and related materiel and countering their proliferation; and (k) coordinate international assistance, and provision of advice and assistance to Government of National Accord-led efforts to stabilize post-conflict zones, including those liberated from Da'esh.

36. UNSMIL has identified the following key priorities for the period leading up to presidential and parliamentary elections on 24 December 2021: (a) provide support to the Libyan-led and Libyan-owned process to facilitate the holding of parliamentary and presidential elections on 24 December 2021, including as it relates to reaching agreement on a constitutional and legislative framework for elections endorsed by the House of Representatives; (b) provide technical support to the High National Elections Commission to ensure operational readiness and contingency planning; (c) help to foster a peaceful and inclusive democratic space, with a specific attention to women, youth, and minority groups; (d) monitor and combat hate speech and incitement, particularly against women; (e) provide support to the implementation of the ceasefire agreement, including by helping to develop a plan for the sequenced and gradual withdrawal of foreign fighters and the establishment of a scalable United Nations ceasefire monitoring component; (f) support Libyan authorities and institutions in developing and implementing a unified disarmament, demobilization and reintegration plan, coupled with initial steps to unify its military and security institutions and reform its security sector; (g) support, in collaboration with the African Union, the Libyan authorities in designing and implementing an inclusive, rights-based national reconciliation process; (h) engage with economic and financial institutions to help to improve the provision of basic services, manage resources in an equitable and transparent way and lay the foundations for good governance and for longer-term development initiatives following the transition.

37. The objective of United Nations strategic framework, which guides the work of the United Nations country team, is to tackle the underlying root causes and driving forces of the current crisis in Libya. The strategic framework is closely tied to Sustainable Development Goal 16 and is centred on three priority areas, (a) governance; (b) economic recovery; and (c) basic services. Furthermore, the strategic framework is aimed at addressing challenges across the humanitarian-development-peacebuilding nexus.

38. On the humanitarian front, the Humanitarian Response Plan for Libya is aimed at reaching approximately 451,000 people, 36 per cent of the 1.3 million people identified as being in need of humanitarian assistance. The response will target five groups identified as being particularly vulnerable: internally displaced persons, non-displaced Libyans, returnees, migrants and refugees. At the core of the Humanitarian Response Plan is protection, which will be mainstreamed across all interventions.

## **V. Main findings and observations**

### **A. Role of the United Nations in Libya**

39. There is significant recognition and appreciation for the role of the United Nations in Libya, by both Libyans and the international community. Overall, the United Nations is perceived by most stakeholders as a credible and impartial actor whose leadership role must continue. It was noted that the continuation of a strong role of the United Nations in Libya was critical to avoid a return to the situation during the 2016–2018 period when competing and parallel initiatives undertaken by various Member States ultimately undermined United Nations efforts.

40. UNSMIL played a key role in ushering in significant progress over the last year and a half. Notably, the progress made through the Berlin process, which rallied the international community around three key tracks, the ceasefire that was reached on 23 October 2020, the agreement on a road map, paving the way for national elections on 24 December 2021, and the endorsement of a unified interim executive authority

by the House of Representatives were hailed by many interlocutors as clear successes of United Nations mediation efforts.

41. However, there is growing concern of a stalemate on the political, economic and security fronts, which could reverse the progress already made. Mindful of the significant challenges facing Libya, several interlocutors stressed that it was critical for the United Nations to continue playing a central and proactive role in helping to resolve the conflict in the country. In that regard, they stressed that the Special Envoy had to provide sustained and active mediation, especially in the light of increasing efforts by some Libyan and foreign actors to stall progress. Moreover, interlocutors noted that it was incumbent upon the United Nations, in collaboration with relevant Member States and regional organizations, to ensure proper follow-through on the commitments made at the Berlin Conference, which had been endorsed by the Security Council.

42. Of note, interlocutors urged UNSMIL to maintain and build on the existing momentum by supporting Libyans in reaching consensus on the next steps, including with regard to the implementation of the road map of the Libyan Political Dialogue Forum and the conduct of credible elections whose results are accepted by all actors, as well as the swift deployment of ceasefire monitors. Several interlocutors stressed the need for UNSMIL to strengthen its mediation efforts, recalling that UNSMIL is specifically mandated to exercise mediation, in full accordance with the principles of national ownership.

## **B. Structure of the Mission**

43. Many interlocutors stressed that the context that had resulted in changing the Mission's structure in September 2020 had changed. While engagement with the international community remained critical – particularly as it relates to the withdrawal of foreign fighters – reaching consensus on elections, supporting the conduct of credible and peaceful elections and supporting Libyans to implement the ceasefire agreement, as well as laying the foundation for national reconciliation, security sector reform, and disarmament, demobilization and reintegration processes, among other priorities, required increased engagement with Libyan actors by the Special Envoy.

44. Accordingly, the location of the Office of the Special Envoy, currently based in Geneva, was perceived by many interlocutors as a hindrance to the Envoy's ability to engage with Libyan actors in a meaningful and regular manner. As the focus of the Mission's engagement has once again shifted back towards Libyan actors, there was an urgent need to realign the Mission's posture accordingly. This was echoed repeatedly by Member States during consultations and in the survey administered as part of the review.

45. In addition, Libyan interlocutors as well as members of the international community reported a sense of confusion with regard to the new structure of UNSMIL, with many noting that there had been a blurring of the roles and responsibilities of the three senior leaders (the Special Envoy; the Assistant Secretary-General and Mission Coordinator; and the Assistant Secretary-General serving as Resident and Humanitarian Coordinator), which had had an impact on the Mission's ability to deliver on its good offices role and to ensure adequate coordination within the Mission on all fronts (substantive, managerial and operational).

### **C. Priorities and capacity of the United Nations in Libya**

46. On the basis of consultations with Libyan authorities, the Independent Expert noted a disconnect between the expectations of Libyan counterparts from UNSMIL and the United Nations more broadly and the actual capacity of the Mission and the United Nations country team to deliver.

47. Considering the interconnectedness of the four tracks, the Independent Expert noted that UNSMIL did not have the necessary staffing and analytical capacity to fully engage on the political, economic, security, and human rights and international humanitarian law tracks. In particular, the Mission's capacity for political analysis and support to ongoing mediation efforts, as well as political and economic analysis, especially on the financial networks that sustain militias and on energy sector security, is currently limited and needs to be strengthened. Similarly, the Mission's capacity to engage on questions of transitional justice and reconciliation, on the regional dimensions of the conflict in Libya and its impact on neighbouring countries, and on weapons and ammunition management, among other matters, should be reinforced.

48. Furthermore, national counterparts stressed the urgent need for external technical expertise to assist Libyans. The absence of nationally owned reform plans and strategies was cited by many as an obstacle to putting in place adequate support structures, and several partners highlighted that UNSMIL should strengthen its engagement at the operational level to fill the gap between the strategic dialogue and the technical meetings taking place in the framework of the security track of the Berlin process, for instance.

49. The Independent Expert also noted strong demand for UNSMIL to take a lead role in facilitating more operational planning with national stakeholders on the one side, and to coordinate the provision of technical expertise, training and equipment that numerous external partners, including the European Union, are ready to provide. It will be important for UNSMIL to adopt a more forward-leaning posture in security sector coordination in line with the expectations of Libyan and international stakeholders. The absence of strong UNSMIL leadership in this area may result in piecemeal approaches that could have a negative impact on efforts to unify institutions and could undermine coherent political dialogue around security matters.

50. While Libyan interlocutors expressed high expectations, UNSMIL faces considerable limitations related to resources (human and financial), technical support and subject-matter expertise. It is important to note that the hiring freeze imposed owing to the financial situation of the United Nations has had a detrimental impact on the Mission. The vacancy rate in some critical sections, including for instance the Human Rights and Rule of Law Section, is 40 per cent. According to the survey administered as part of the review, around 90 per cent of internal respondents were of the view that UNSMIL was unable to fully deliver on all its mandated tasks within its existing human and financial resources.

51. Of concern, several key substantive and support sections in UNSMIL are understaffed and/or underresourced, which has affected the Mission's ability to operate and deliver on its mandated priorities. This has noticeably resulted in burnout and low morale across the Mission. This comes at a critical time when UNSMIL, and the United Nations system in Libya, is being called upon to intensify its efforts in mediation, provide support to the political, economic, security and electoral tracks, establish a ceasefire monitoring mechanism, as well as assist in laying the foundation for medium- to long-term processes, including national reconciliation and security sector reform. Moreover, UNSMIL is mandated to monitor and report on violations of human rights and international humanitarian law, including through the deployment of women and child protection advisers, which remains pending owing to budgetary constraints.

52. In addition, several UNSMIL sections do not have enough staff with the requisite expertise and/or language skills needed to carry out the mandated tasks of the Mission, including as they relate to mediation, national reconciliation and economic policy. In particular, the Political Affairs Section – including the Economic Policy Unit – the Human Rights and Rule of Law Section, the Security Institutions Section, the Public Information and Communications Section and the Gender Advisory Unit are in urgent need of reinforcement. The strengthening of security and support functions would have to accompany any reinforcement of the substantive sections.

53. The need to reintegrate armed groups into society and make progress towards army unification was repeatedly highlighted as a key priority and indispensable for sustaining peace in Libya. Stakeholders across the board expressed confidence in the 5+5 Joint Military Commission and highlighted the absence of a Minister of Defence as a key obstacle to advancing important institutional reforms as agreed in the road map of the Libyan Political Dialogue Forum.

54. UNSMIL has a critical role to play in engaging its good offices functions to prepare the ground for a future disarmament, demobilization and reintegration process. In this regard, UNSMIL has an important mediation, facilitation and confidence-building role and requires capacity to provide targeted technical advice to relevant stakeholders on issues of process design, institutional set-up and economic aspects of disarmament, demobilization and reintegration. UNSMIL should play a lead role in the coordination of support and build the partnerships necessary for successful disarmament, demobilization and reintegration, including through stronger integration with the economic and political pillar and the rule of law work of the Mission. However, the Mission's capacity in this area is also in need of reinforcement, including by ensuring the presence of staff members working on disarmament, demobilization and reintegration in Benghazi.

55. More broadly, the Office of the Chief of Staff, a critical office that typically ensures the effective direction and integrated management of the Mission's activities, is equally understaffed and in need of reinforcement. When properly resourced and empowered, the Office of the Chief of Staff can ensure Mission-wide coherence and harmonization between mandated tasks, including with regard to gender mainstreaming. The strengthening of the Office of the Chief of Staff is particularly important at a time when the complexity of the UNSMIL mandate – with the establishment of a ceasefire monitoring component and an expanded footprint – is increasing.

56. On the operational side, the Independent Expert noted that there is limited accommodation space in Oea village, the UNSMIL compound in Tripoli. In part, this is due to UNSMIL accommodating the United Nations country team. On one hand, this is a welcome development, signalling the return of most staff members to Libya, despite continued constraints due to the COVID-19 pandemic. However, lack of accommodation is preventing UNSMIL and the United Nations country team from scaling up their operations in Libya. While the United Nations country team is working to secure a new facility for accommodation and office space, it is unlikely to be available soon.

#### **D. Additional challenges**

57. Beyond staffing, budgetary and accommodation constraints, the Mission's vision for the way forward in Libya is not yet streamlined across its work and various activities. As such, a common sense of purpose to guide the Mission's efforts is lacking, at a time when harmonization between the various work streams is critical. In the survey administered as part of the review, "clarity of Mission objectives" and "planning capacity" were highlighted as the two key areas across most Mission

sections that were in critical need of reinforcement to improve the effectiveness of the Mission.

58. In addition, the Independent Expert noted insufficient attention to ensuring that the conditions needed for credible and peaceful elections were in place. Reaching an agreement on a constitutional and legislative framework for elections would be an important step towards that end. However, additional efforts must be exerted to create an enabling and secure environment for credible elections whose outcome is accepted by all key actors, and in which women in particular feel safe to participate, both as candidates and voters. The challenge rests in not only ensuring the credibility and transparency of the polls but also reducing the stakes of defeat, including for instance by establishing a forum to litigate grievances after the elections.

59. Going forward, there should be careful consideration concerning the Libyan-led and Libyan-owned ceasefire monitoring mechanism, whose role may evolve over time, which would have an impact on the UNSMIL ceasefire monitoring component. Given the critical role to date played by the UNSMIL Security Institutions Section with regard to the ceasefire agreement and support to the 5+5 Joint Military Commission, the Independent Expert also found that it would be important to ensure close coordination between the UNSMIL security sector reform and support to ceasefire implementation functions.

## **E. United Nations integration**

60. The Independent Expert noted that integration between UNSMIL and the United Nations country team had improved in recent months. Notable efforts are being made to ensure that progress on the political, security and economic tracks translate into tangible peace dividends for the Libyan people. The strategic value of the United Nations country team reporting along the four tracks of the Berlin process, with a view to ensuring complementarity and common messaging, was highlighted by several members of the United Nations country team.

61. In parallel, the United Nations country team is implementing the strategic framework for 2019–2022. This includes operationalizing the reform of the United Nations development system by revamping United Nations country team’s internal coordination mechanisms to improve joint and coordinated actions among United Nations agencies. Furthermore, efforts are being made with a view to improving coordination across the humanitarian, development and peacebuilding pillars of the United Nations system in Libya.

62. Nevertheless, the Independent Expert noted the need for further integration and coordination between UNSMIL and the United Nations country team. In particular, UNSMIL could play a more prominent role in promoting and advocating human rights and protection, as well as drawing attention to the humanitarian situation in the country, at a time when at least 1.3 million people in Libya are in need of humanitarian assistance.

63. In terms of increasing the footprint of the United Nations presence in different regions in the country, the Independent Expert noted growing demand by the United Nations country team for UNSMIL to urgently establish or expand United Nations hubs, particularly in Benghazi and Sabha, in addition to Sirte. While mindful of the significant security challenges facing the Mission, the Independent Expert noted a need to reassess the approach of UNSMIL to security.

64. Looking ahead, continued integration between UNSMIL and the United Nations country team presents an opportunity to gradually prepare the ground for an eventual handover of tasks in the coming three to five years, based on the priorities of the newly elected authorities and an improvement in the political and security situation.

## **F. National ownership**

65. While the independent strategic review was focused on assessing the capacity, efficiency and role of UNSMIL in Libya, it is important to note that no meaningful progress can be achieved on the political, economic, security, or humanitarian and human rights fronts without strong national ownership by Libyan actors. Ending the transitional period, including through the holding of national elections on 24 December 2021, laying the foundation for national reconciliation and the eventual withdrawal of all foreign presence in the country, as well as improving the living conditions of Libyans, ultimately hinges on the willingness of Libyan stakeholders to compromise and engage in genuine dialogue.

66. Moreover, the international community's unified and consistent support in favour of these efforts is critical. In particular, it is vital that neighbouring countries – including sub-Saharan neighbouring countries that are not part of Libya talks – are included in discussions and decisions affecting the Sahel region.

## **VI. Recommendations**

### **A. Role of the Mission in the coming period**

67. UNSMIL, as an integrated special political mission, should strengthen and intensify its good offices and mediation efforts by ensuring that the Special Envoy mediates between Libyan parties and is personally engaged in the intra-Libyan working groups. The role of the Special Envoy is critical in consolidating and building on the progress attained thus far by working closely with Libyan stakeholders and relevant Member States.

68. On the regional front, the Independent Expert recommends that UNSMIL engage in earnest with neighbouring countries, including sub-Saharan neighbouring countries, to ensure that their views and concerns are taken into consideration, while including them in relevant discussions on the withdrawal of foreign forces whose regional impact cannot be overstated.

### **B. Structure of UNSMIL**

69. The Independent Expert recommends that the Head of Mission be relocated to Tripoli, as a matter of priority. The physical presence of the Head of Mission in Tripoli would allow her or him to meaningfully engage with Libyan actors while also providing overall strategic guidance to the UNSMIL sections.

70. With regard to the structure of UNSMIL, the Independent Expert recommends the reconfiguration of the Mission in line with its previous model: a Special Representative of the Secretary-General, based in Tripoli and serving as Head of Mission, supported by two Deputy Special Representatives of the Secretary-General – one Deputy Special Representative for political affairs and a triple-hatted Deputy Special Representative who also serves as Resident and Humanitarian Coordinator. This would help ensure a renewed focus on the political dynamics of the various aspects of the conflict in Libya, while ensuring complementarity and integration between UNSMIL and the United Nations country team.

### **C. Priorities and capacity of the United Nations in Libya**

71. With regard to the substantive sections, the Independent Expert stresses the need to ensure harmonization between the four tracks. It is vital to strengthen the approach and structural mechanisms of UNSMIL to consider not only the political process, but also economic, security, humanitarian and human rights priorities, mindful of the interlinkages between them.

72. Furthermore, the Independent Expert recommends that UNSMIL strengthen its communications strategy by ensuring that it advances a clear and compelling narrative outlining its strategy and vision. In addition, enhanced communications will be a requisite in the pre-electoral period. In both regards, the Department of Political and Peacebuilding Affairs and the Department of Global Communications should be called upon to provide the necessary resources and technical expertise.

73. Towards those ends, the Independent Expert recommends that the Department of Political and Peacebuilding Affairs, in coordination with UNSMIL and relevant United Nations entities, lead and coordinate a surge capacity to supplement the Mission's capacity for the critical period of August–December.

74. In particular, and as previously noted, the Political Affairs Section – including the Economic Policy Unit – the Human Rights and Rule of Law Section, the Security Institutions Section, the Public Information and Communications Section and the Gender Advisory Unit are in urgent need of reinforcement. Capacity for the security and support functions would need to also be strengthened to accompany any reinforcement of the substantive sections.

75. In that context, the Independent Expert also recommends the urgent deployment of women and child protection advisers, in line with the request of the Security Council in its resolution [2542 \(2020\)](#).

76. In parallel to the surge capacity, the Independent Expert recommends that UNSMIL swiftly and strategically fill vacant posts in sections that are heavily understaffed and which are critical for UNSMIL to fulfil its mandated tasks. In both instances, there should be careful consideration of substantive and technical expertise, as well as language skills, in the recruitment process.

77. To ensure overall Mission coherence and adequate coordination, the Independent Expert recommends that the Office of the Chief of Staff be urgently reinforced and upgraded to reflect the increased complexity of the Mission.

### **D. United Nations integration**

78. UNSMIL is called upon to advocate more vocally on humanitarian and human rights issues. While UNSMIL and relevant United Nations entities (the Office of the United Nations High Commissioner for Human Rights, the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees) have developed common messaging to ensure coherent and comprehensive United Nations advocacy with respect to migrants and refugees and victims of trafficking in persons and people smuggling, a United Nations-wide shared and coordinated voice would strengthen the “One United Nations” approach.

79. The Independent Expert recommends that UNSMIL and other United Nations agencies, funds and programmes further strengthen their coordination efforts to ensure complementarity between their respective work streams. While



there have been significant efforts towards greater integration and strategic coordination, more synergies are needed. For instance, it would be important to integrate humanitarian agency inputs on protection and humanitarian issues into the political work of UNSMIL. In that regard, establishing horizontal coordination mechanisms to ensure linkages is critical for greater coordination and to identify and capitalize on synergies in common thematic areas.

#### **E. Footprint of the United Nations presence in Libya**

80. Noting that the UNSMIL compound in Tripoli is reaching capacity at a time of increased demand for accommodation by UNSMIL and the United Nations country team, the Independent Expert recommends that the Mission prioritize the accommodation of substantive staff and the forward presence of the ceasefire monitoring component in the Oea compound. Pending an expansion of the United Nations accommodation space in Tripoli, UNSMIL and United Nations country team staff members who do not engage with Libyan actors or whose presence is not critical in Tripoli should be relocated temporarily to Tunis. In parallel, it is important that the United Nations country team accelerates its efforts to secure new accommodation.

81. With regard to the overall footprint of the United Nations in Libya, it is vital to increase the United Nations presence in the east and south to ensure a balanced approach that prioritizes all regions in the country. The Independent Expert recommends that the Department of Safety and Security, in coordination with UNSMIL, begin work towards establishing and securing and/or expanding regional hubs in Benghazi and Sabha.

82. In the medium term, and following the national elections on 24 December 2021, the Independent Expert recommends that a strategic review and a re-evaluation of staffing and capacity needs be conducted to ensure alignment with the new national priorities of the post-electoral period, including in the light of the addition of a ceasefire monitoring component in the Mission. He also recommends that additional efforts be made to recruit national staff, whose language skills and understanding of the country's context are vital to the Mission's work.