

Negotiations on EU-Libya Framework Agreement

2010/2268(INI) - 20/01/2011 - Text adopted by Parliament, single reading

In accordance with Rule 97(4) of its Rules of Procedure, the European Parliament approved, unamended, a recommendation to the Council on the negotiations on the EU-Libya Framework Agreement.

Parliament recalls that despite the persisting authoritarian rule and the systematic violation of international conventions on fundamental rights and freedoms, Libya has expanding commercial and political relations with EU Member States and plays a role as a partner for the EU in the Mediterranean region and in Africa, across a wide range of issues. It states that several EU Member States have close relations with Libya, with national companies and banks serving as a vehicle for Libyan financial investment in Europe (in particular on 30 August 2008 Italy signed a Friendship Agreement with Libya governing relations in various fields).

It also recall that the EU-Libya Framework Agreement is currently under negotiation covers a wide range of areas, from strengthening political dialogue to managing migration, developing trade and economic relations, energy security and improving cooperation in different sectors.

Welcoming the opening of negotiations between the EU and Libya, as a step to develop a new relationship for the EU in the Mediterranean region and in Africa, Parliament addresses the following recommendations to the Council:

- call for the EP to be granted access to the mandates of all international agreements under negotiation;
- disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- focus on a wide range of issues with an impact on security and stability, notably migration, public health, development, trade and economic relations, climate change, energy and cultural heritage;
- recommend that Libya ratify and implement the Geneva Convention on Refugees of 1951 and its 1967 Protocol, including full cooperation with UNHCR so as to guarantee adequate protection and rights for migrants, and adopt asylum legislation that recognises refugees' status and rights accordingly, notably the prohibition of collective expulsion and the **principle of 'non-refoulement'** and convince Libya to grant UNHCR a legal presence in the country, with a precise mandate;
- ensure that a readmission agreement with Libya could only be envisaged for irregular immigrants, excluding therefore those who declare themselves asylum-seekers, refugees or persons in need of protection, and reiterates that the principle of 'non-refoulement' applies to any persons who are at risk of the death penalty, inhumane treatment or torture;
- offer resettlement to recognised refugees identified by UNHCR in Libya according to the agreed Migration Cooperation Agenda of 4 October 2010;
- strengthen their support for UNHCR activities while promoting towards the Libyan authorities respect for international humanitarian standards for undocumented migrants in the country, including the systematic access of the UNHCR to detention centres;
- propose assistance to Libya, involving UNHCR, and other expert agencies, aimed at addressing the problem of trafficking of human beings in the region;
- pay special attention to the protection of women and children, including assistance to integrate legal migrants and to improve conditions for migrants found illegally in the country;
- disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;

- encourage Libya to commit to a **moratorium on the death penalty** and divulge the identity of the persons concerned and the charges on which they were convicted (Members call on the HR/VP to demonstrate the political priority which the EU assigns to abolition of the death penalty by systematically raising this issue with Libyan authorities);
- insist on the inclusion in the Framework Agreement of a clause on the International Criminal Court, leading Libya to consider ratifying the Rome Statute;
- propose to Libya cooperation on programmes to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
- encourage Libya's participation in the Euro-Mediterranean Partnership and the activities and main projects of the Union for the Mediterranean;
- enhance the collaboration between the Libyan health authorities and professionals in particular as regards the medical and scientific capacities to deal with HIV-AIDS, which was achieved through the Benghazi Action Plan, jointly implemented by the EU and Libya, and support the requested extension of such cooperation to other infectious diseases and other medical centres in Libya; calls on EU Member States to extend specialised healthcare to Libyan patients, including facilitating temporary treatment in specialised institutions in Europe;
- encourage Libya to fully respect its pledges given when acceding to the UNHRC and thus urges Libya to issue standing invitations to those appointed under UN special procedures (such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, etc) and call in the same spirit for unfettered access to the country for independent scrutiny of the overall human rights situation;
- ensure that Schengen visas for Libyans are issued without unnecessary delays, to examine other facilitation procedures and to persuade Libyan authorities to facilitate visas for Europeans residing or conducting professional activities in Libya;
- consider that the Framework Agreement should include assistance on institutional capacity building, as a means to strengthen civil society, support modernisation, etc;
- encourage democratic reforms, independent media and an independent judiciary, and encourage other efforts to open up space for business, academia, NGOs and other Libyan stakeholders.

The Commission is called upon to fully respect its obligation under Article 218 TFEU by duly informing Parliament on what is being sought by the EU on 'nuclear cooperation' with Libya under the 'Energy' chapter in the Framework Agreement negotiations, including all political and security implications.

Lastly, Parliament recommends the establishment of an EU Delegation in Tripoli as soon as possible.