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| **DELEGATION OF THE EUROPEAN UNION TO LIBYA** |
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**To: *Fernando GENTILINI, Managing Director for Middle East and North Africa***

**Subject: Libya – Weekly of 18/10/21 - Key issues in the run-up to elections on 24 December 2021**

1. **SUMMARY**
* ***HNEC Preparations for the Presidential and Parliamentary elections are gradually proceeding, but prospects of finding timely solutions to the contested issues remain unclear. The call for holding Presidential and Parliamentary elections simultaneously gained momentum during the week. However, for the time being, actual simultaneity of both ballots can generally only be expected at a later point in the process when the 2nd round of the presidential vote takes place.***
* ***Conflicts of interests between the Eastern and Western factions represented in the GNU continue to publicly flare up on a quasi-daily basis, including threats of reinstating parallel government institutions in the East as a result of GNU leadership failure to reconcile such conflicting interests. Efforts made by prominent political actors behind the scenes and in public to contain the fallout of such threats were able to avoid further escalation.***
* ***The Libyan authorities have reacted to the international pressure by smoothing their initiatives against migrants and showing a more constructive face, including as regards the prospects for the resumption of repatriation/resettlement humanitarian flights.***

1. **ASSESSMENT**

The smallest common denominator regarding the contested **election process** seems to be the popular support for holding elections with the prospect, in particular, of choosing a leader that, as a result of a credible popular vote, would enjoy the necessary legitimacy to successfully balance the conflicting interests of all segments of the Libyan population. Against this backdrop, the HNEC steadily proceeds with the organizational aspects of holding presidential and parliamentary elections, mainly to ensure that citizens are able to cast their ballots in an orderly manner, ideally on December 24th (first round of the presidential elections). The process would continue with a simultaneous exercise involving parliamentary elections and the second round of presidential elections in the second half of February 2022.

Ongoing **tensions between the East and West** of the country remain a source of concern. So far, they have remained at the level of “warnings” (from an unsatisfied East to the West), but could suddenly escalate to reinforce a fracture that we would like to see healing.

The **economic prospects** announced by the World Bank show the importance and (positive) impact of peace, stability and reunification for the country. Should Libya be able to achieve these ambitious objectives, the economic and social outlook would dramatically change, for the benefit of the Libyan population and the region as a whole.

Even in the aftermath of last week’s transgressions by Libyan security forces against **migrants, refugees and asylum seekers** resulting in large scale detentions and several deaths, the Libyan political class seems to remain rather united in its assessment that the migrant issue is mainly a European problem that Libya is forced to shoulder more or less singlehandedly. The general expectation remains that, if Europe is not willing to receive migrants, it should do more to support Libya, including by helping it to secure its southern borders. The populist division of migrants into three categories (heading for Europe, seeking employment in Libya, engaged in organized crime) appears to be still widely accepted among Libyans. However, the announcements made by the authorities in relation to a rapid resumption of repatriation/resettlement flights, leadership changes in the DCIM and enhanced measures to protect the legitimate rights of the many migrant workers in the country, suggest an increased awareness of their obligations regarding the respect of human rights and international law in the area of migration. It is now crucial that the announced commitments and initiatives are duly and timely implemented.

1. **DETAIL**
2. **Political situation**

Preparations for the **upcoming presidential and parliamentary elections** are ongoing, with the GNU keeping a rather low profile towards the contested issues, which are largely left to be publicly addressed by the HCS and various regional and international actors. HCS President Al-Mishri reiterated demands for substantial modifications of the election laws decreed by HoR President Aqila Saleh. The call for holding presidential and parliamentary elections in a simultaneous fashion gained momentum. Several prominent local and international actors underlined that the parliamentary elections should by no means be disconnected from the presidential ones, and that scheduling them accordingly, i.e. at least simultaneously in one way or another, should be the smallest common denominator for the performance of both votes.

Regional actors publicly re-emphasized the need for holding elections according to the previously agreed timeline. Only Algeria this week floated an alternative idea of holding regional elections in the three main Libyan regions first, one by one, to avoid loss of public credibility for the election outcome in case of any obvious irregularities owing to organizational overstretching.

Meanwhile, the HNEC continues to pursue elections’ preparations within the existing legal framework. HNEC chairman Al-Sayeh publicly underlined that there is broad popular support for holding elections, and that a successful presidential vote alone, even if prior to parliamentary elections, could already enhance political stability in the country. He also told members of the diplomatic community that the current constellation alleviates HOR fears of procedural subversion, which could lead to a situation where parliamentary elections would occur without having a presidential vote. He added that, if a first round of presidential elections was to be held successfully, then a second round could be carried out together with the parliamentary ballots.

Regarding practical aspects in preparation of the elections, HNEC expects the HoR to constructively consider its suggestions to modify both elections’ laws and subsequently issue a formal reply. In the meantime, registration of a substantial number of new voters and Libyans residing abroad has moved forward reaching a total number of 2.8 million voters. The next steps to be taken are the publication of voters’ list, the distribution of voter’s card, as well as co-ordination with various government institutions and the judiciary to prepare for the vote. After that, the procedures for registration of candidates can be kicked off for both, presidential and parliamentary elections, thereby marking the start of the elections’ process itself. The parliamentary elections law, albeit ambiguous, can be interpreted in the sense that the first round of presidential elections would take place, if possible, on December 24th, and parliamentary elections were then subsequently to follow together with the second round of the Presidential vote. This second round could be held as early as February 20th, after establishing results, setting a timeframe for appeals, and observing the legal provision of the 30 days period between the two ballots. Furthermore, the chairman disclosed that HNEC will request international support for observation of the elections from the Carter Centre, the EU and others.

HNEC has reportedly signed a MoU with the European Canter for Electoral Support (ECES) on various services aimed at facilitating the smooth and peaceful preparation and execution of the upcoming elections.

**Tensions between East and West** remain a critical political issue in the country. As already reported, members in the GNU from the East publicly accused the GNU of complete failure to fulfil its obligations vis-à-vis the Road Map. 1st Deputy PM Al-Qatrani went as far as threatening to form a parallel Government in the East of the country. Confronted with these facts, all major actors immediately started their efforts to contain/remediate the situation, with UNSMIL issuing a statement calling on both sides to work together towards overcoming their differences. In this context, the Presidential Council Chairman Al-Menfi started a tour of Eastern Libya from Tobruk to conduct talks aimed at diffusing tensions, where he, among others, met the Acting LNA commander Al-Nadhor. Nonetheless, tensions and grievances remain present and need close monitoring.

Meanwhile, PM Dbeibah continues to exploit the political standoff between Eastern region GNU members/HoR and HCS to assume a seemingly neutral role, focussing on the practical needs of the Libyan population by disbursing substantial funds to families, spending 20 million LYD on the medical treatment of veterans in Italy, and successfully ordering the central bank to immediately deliver an additional supply of 10 million LYD in cash to local banks in Zintan, after meeting with citizens who deplored the insufficient availability of cash from their local financial institutions. His government also continued to advance visible infrastructure development and reconstruction projects, such as roads and the like. Life in the streets of the country’s capital Tripoli displays a considerable level of public activities with visible ongoing reconstruction and renovation efforts, with a population enjoying the benefits of the current - predominantly peaceful - situation.

1. **Libya in the international arena**

In response to popular demands of access to international travel visas for Libyans, the GNU continues to publicly call for the full return of all consular and diplomatic missions to the country, emphasizing the improved security situation.

In preparation for the Libya Stability Conference in Tripoli on October 21st, FM Mangoush visited Turkey to discuss, amongst other, the withdrawal of all foreign mercenaries, and travelled to Luxemburg on the invitation of the Greek FM. In the margins of the FAC, MM Mangoush briefly met HRVP Borrell to exchange on main current issues of Libyan politics, including the forthcoming Stability Conference, elections, the overall implementation of the Roadmap and the conditions of migrants in Libya.

1. **Security and security-related matters**

The security situation remained overall calm during the week. The 5+5 JMC agreement reached in Geneva some days ago continued to be a key reference as regards the prospects for the gradual withdrawal of mercenaries and foreign troops. UN observers to monitor the agreement’s implementation are expected in the coming weeks. Inter-Libyan talks on the re-unification of the Libyan armed forces continue, but their prospects remain largely dependent on the overall political evolution in the country, including in the context of the forthcoming elections.

According to some media, PM Dbeibah was prevented from visiting the city of Ghat by refusal of landing rights for his airplane upon orders of local commanders loyal to General Haftar. Moreover, Libyan security forces arrested Tunisian IS-member Omar Izzedin who is suspected of involvement in the 2015 bombing of the Corinthia hotel in Tripoli.

1. **Economic and social issues**

A recent World Bank report states significant progress in the economic recovery of the country, driven by a hike in oil prices, and predicts a possible GDP growth of 78% for 2021, if the current political stability can be maintained and the reunification efforts make sufficient progress.

Initiatives for settling the suspended bank clearance between the east and the west might see the light, following the announcement of PM Dbeibah during a meeting in Tripoli with eastern notables (indeed, bank clearance remains the main blockage to the banking re-unification of the two regions).

The first meeting between technical officials of the Economic working group co-chairs and the advisory economic committee that PM has appointed to follow-up the EWG took place on 12/10. The committee presented 11 economic priorities which are in synchrony with the EWG’s proposed areas of engagement. An important element to be addressed is the sequencing of these priorities based on their urgency.

1. **Human Rights & Migration**

The **human rights situation** in Libya remains a matter of concern. In the first semester of 2021, no less than 25 extrajudicial killings, 33 enforced disappearances, and 42 attacks against civilians or indiscriminate civilian casualties (including 16 children) have been documented by local human rights defenders. In this context, the extension of the mandate of the UN Fact Finding Mission (FFM) is very welcome. An intensified engagement of the FFM with Libyan civil society and human rights defenders would be appropriate, including to strengthen local capacities for monitoring and documenting of human rights violations.

Regarding **civil space in Libya**, human rights defenders alert about the shrinking space for civil society in Libya, including as a result of restrictive legislation. Nonetheless, some improvements have been recently noticed regarding the granting of visas to members of international NGOs.

Following the large scale operations carried out by the Libyan authorities against **migrants, refugees and asylum seekers,** which involved the arrest of thousands of persons and several deadly victims, the international community and local humanitarian instances such as the NCHRL stated their concerns and demanded the Libyan authorities to put an end to the raids, to investigate the excessive use of force/killings and to resume humanitarian flights for the repatriation/resettlement of migrants. The Libyan authorities have responded to some of these requirements, announcing changes at the head of DCIM and the resumption of humanitarian flights. In this context, PM Dbeibah visited a refugee installation and stated that “migrants are considered to be guests of the Libyan people and therefore deserve to be treated accordingly”. But the PM did not miss the opportunity to state that Europe bears the primary responsibility for the refugee crises, as most of the migrants are attempting to reach Europe as their ultimate destination. According to PM Dbeibah and other Libyan officials, migrants in Libya are to be divided into three categories: i) those who are in Libya because they want to reach Europe; ii) those who are seeking employment on the Libyan labour market, iii) those who seek to pursue a career in various criminal activities.

*Signed-off: José Antonio SABADELL, HoD*