|  |  |  |
| --- | --- | --- |
| **DELEGATION OF THE EUROPEAN UNION TO LIBYA** | | |
|  | | |
| *Author: Ingo Schendel* | | **Date:** 07/02/2022 |
|  | |  |
|  | **Classification:**  UNCLASSIFIED |  |

🞏 To be shared with MS via CORTESY

🞏 To be shared with the EP

**Number of pages: - 4 -**

**To: *Fernando GENTILINI, Managing Director for Middle East and North Africa***

**Subject: Libya – Weekly of 07/02/22 - Key issues**

1. **SUMMARY**

* ***The initiative to negotiate the next steps in the current political crisis, which is defined by the lack of a viable electoral option, continues to remain with HoR speaker Aqilah Saleh.***
* ***Against the backdrop of negotiations with influential actors, and often deliberately obscured adaptions of parliamentary procedures to a very fluid political situation, Saleh is preparing the scenes to replace PM Dbeiba with an HoR-selected new government.***
* ***Although the HoR already accepted two PM candidates in today’s session, it remains unclear when and if at all the actual vote of confidence for a new GNU will materialize.***
* ***SASG Williams has maintained the International Community’s position that holding elections should enjoy a clear priority over any changes at the helm of the GNU.***
* ***Unless the GNU leadership regains the initiative by offering substantial concessions to the known grievances from Libya’s eastern region, the country’s political process is at risk of sliding further backwards.***

1. **ASSESSMENT**

The **electoral timeline** remains on the backburner of Libya’s political process until the main stakeholders successfully conclude their negotiations over the fate of the current GNU. As per HoR decision of today, the smallest common denominator for that timeline is currently set at 14 months after the adoption of a constitutional amendment. However, any majority on substantial changes in the GNU is contingent upon achieving tangible progress on the constitutional track.

Against that backdrop, **HoR Speaker Aqilah Saleh** positioned himself clearly as being determined to appoint a new PM by the end of this week. However, given the fluidity of the current tug of war, defined by closed-door negotiations between HoR, GNU, HCS, and LNA, another last minute postponement remains a possibility.

To achieve its objectives, the HoR Presidency currently does not need to push for the **new GNU to take control** over the central government institutions in the capital. It appears that, for the time being, the HoR Speaker deems it sufficient to increase the pressure on his political adversaries by the option of appointing an alternative PM with the possibility of subsequently moving to a vote of confidence depending on the outcome of the relevant negotiations.

This **time buffer** creates a win-win situation leaving all options open, including the arrival at a completely new, or reshuffled and/or fundamentally restructured GNU. Another added value being that the initiative for negotiations on a possible deal ahead, comfortably rests with the HoR Presidency.

The development of events and interactions with various interlocutors on the ground, corroborate the general assumption that removing PM Dbeibais a **core deliverable** for the HoR Speaker. It has become apparent that the Speaker’s quest for the downfall of PM Dbeiba is much of a personal affair.

Many influential **actors from Libya’s Eastern region** continue to perceive the current **status quo** as a viable, albeit flawed, basis to generate political pressure on PM Dbeiba to make the necessary concessions regarding the government’s spending policies and restructuring of the Ministry of Defense. Such concessions would make for a substantial step towards the re-unification of the country. The related public appeal for unity and compromise, recently put forth by 1st Deputy PM Al-Qatrani, could provide a possible avenue in that direction and enable the current GNU to regain the political initiative.

**SASG Williams** has publicly voiced reservations on the HoR’s initiative to remove the GNU before holding elections, and has thereby positioned the I**nternational Community** in support of the status quo, practically taking sides with the obviously controversial leadership of the GNU. In order to find a way out of this dilemma, a more proactive approach to the legitimate grievances of PM Dbeiba’s opponents, especially in Libya’s east, could be key in the weeks ahead. For the time being, SASG rightly continues to call for timely elections in the public debate. That she has recently avoided interacting with Libya’s main political rivals in public, largely shielded the international community from ongoing attempts by Libya’s political stakeholders to utilize the positioning of foreign actors to serve their own entrenched interests.

While the **security situation** appears stable, it can neither be easily nor sufficiently assessed. There is a notorious lack for a more or less lucid picture about the ongoing internal negotiations between relevant armed groups. Unconfirmed information, mostly emanating from experts writing for research institutions and from international media, is promoting the notion that presidential candidate Bashaga would be able to draw on support from important actors in Tripolitania, including GNU ChoD Al-Haddad. Said sources suggest that Bashaga could therefore be able to force PM Dbeiba into handing over the control of the GNU, once voted out of office by the HoR, and pressured accordingly by the international community. However, most Libyan interlocutors doubt that such a scenario would come to bear.

With general Haftar’s return to the helm of the **LNA’s** supreme command,the LNA continues its efforts to consolidate its grip on the territory it currently controls. As the LNA’s problems with financing its day-to-day activities, let alone any potential expansion thereof, are not going away, the LNA needs to further solidify its position in order to successfully negotiate a sufficient and steady cash flow from various sources, including the GNU. The LNA strives to maintain the option of being potentially able to assume a position of control over the entire country’s stability and security, once a deal between the main Libyan and foreign stakeholders on a unified Libyan central government is struck.

The GNU’s positive rhetoric on **humanitarian aspects of** **migration** in Libya is yet to be translated into tangible results. A recently inaugurated women and children shelter in Tripoli has not been made fully operational yet. And despite the more positive atmosphere in recent talks between UNCHR and MFA, there is still no tangible progress in cooperation on the ground.

**DETAIL**

1. **Political situation**

**Today’s HoR Session in Tobruk** was reportedly attended by 116 MPs. As per announcement by its Speaker Aqilah Saleh, the Libyan Parliament unanimously adopted a decision by the HoR’s Roadmap Committee (RMC) to incorporate a 14 months deadline for elections in the **Constitutional Draft Amendment no. 12 (CA12)**.

The **RMC** was tasked to conduct negotiations with the **HCS** on the final CA12 to include the said deadline within a week’s time. The HoR further decided that the CA12 shall be put to vote simultaneously with the vote of confidence for the new government. The existing CA12 draft was circulated by the HoR’s Rapporteur on 31/1/22, and stipulates the formation of a new constitutional 24 member committeeby the HoR Speaker. The new committee is to review and amend the existing constitutional draft of the Constitution Drafting Assembly (CDA). The committee’s membership would consist of 6 CDA, 6 HoR, 6 HCS, and 6 constitutional experts, to be jointly selected by HoR and HCS. The amended constitutional draft would have to be prepared within a period of 45 days and thereafter directly forwarded to HNEC to be put to a referendum. Should the Committee be unable to conclude its work within the said time frame, it would have to draft a binding constitutional and legal electoral basis for legislative elections within another 45 days.

Also in today’s HoR session, two **candidates for the PM position** were allowed to present their candidatures: Fathi Bashaga and Khaled Amer Albibas. Five other candidates were reportedly disqualified by the office of the Rapporteur. The vote on the new PM was scheduled for Thursday 10/2/22. Until then, the HCS would have time to review the acclamatory statements for the candidatures and raise relevant objections.

In a statement, the **HCS** confirmed ongoing consultations between the HoR and HCS presidencies and committees, and clarified its position regarding its previous understanding with the HoR Presidency on changing the GNU. The HCS underlined that the standing agreement between the HCS and HoR Presidency was such that the GNU would only be subject to change after the constitutional amendment had been successfully accomplished. Against that backdrop, the HCS considers the recent HoR measures to stand in violation of their mutual agreement. It has therefore clearly rejected the HoR’s plans in public, and called on the HoR to honour their mutual understanding.

The **Presidential Council** has not taken a public position with regard to the HoR Presidency’s plans to change the GNU. Libyan media reported that the HoR Presidency intends to only replace the GNU’s Council of Ministers, but maintain the existing PC as is.

Presidential **candidate Fathi Bashaga** remained on political mainstage, being widely expected to win the PM selection process. He has reportedly worked on forming a coalition to support his plans for office, and allegedly already secured 80 votes. Libyan media reported that Bashaga’s candidature enjoys solid backing from foreign actors, including Russia and Turkey. Moreover, Bashaga continues to suggest to the public that he would possess the necessary clout on the ground to physically take over the government in Tripoli.

**PM Dbeiba** announced that the upcoming HoR moves against him are irrelevant, and that he will continue to remain in office until successful elections are held. He further publicly stated that most representatives of the International Community had allegedly confirmed to him that they equally refuse the current HoR vision for Libya’s political transition, which would return the country to a deplorable state of division.

**1st Deputy Prime Minister Al-Qatrani’s** initiative to fundamentally reform the GNU from the inside without removing its PM has not yet arrived at the forefront of the discussion. However, some MPs called for pitching the initiative to the HoR. Al-Qatrani himself publicly announced that most foreign ambassadors to Libya would support his initiative.

**UN SASG Stephanie Williams** continued her talks with Libyan politicians, and publicly supported an agenda of timely elections, but refrained from meeting any of Libya’s main political rivals. She came repeatedly under media fire, mainly being accused of pursuing a US driven agenda, or lacking the clout to counteract the machinations of Libya’s entrenched political actors. The public attention regarding the role of SASG and UNSMIL is currently focussed on the question how the international community would react once the HoR pulls through with its initiative to change the GNU before elections are held.

After meeting the EU Ambassador to Libya, the HoR Speaker’s spokesperson announced that the **EU** stands in support of the HoR decisions. After a similar announcement following a meeting with the Ambassador of **Algeria**, the Algerian envoy publicly denied having endorsed the current HoR policies, and declared that his country would naturally assume a neutral position in the current conflict.

The subject of **national reconciliation** continued to remain high on the agenda in the public debate. It was highlighted as one of the major deliverables of the Libyan transitional process having yet to receive due attention from influential political actors. Many voices assigned to national reconciliation a key role for achieving any tangible progress in the political process.

1. **Libya in the international arena**

**Presidential Council** Chairman Al-Mnefi travelled to Addis Ababa to attend the **35th AU summit.**  During the summit, Libya was elected to assume the position of 2nd Vice Chair of the Union.

A recent UN report on Sudan stated that providing **mercenaries** for Libyan military actors has become a main source of revenue for armed groups from Darfur.

GNU **ChoD** Al-Haddad participated in the Africa ChoD conference organized by US Africom in Rome.

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

Last week witnessed a limited number of **violent incidents involving militia** mostly in and around the capital Tripoli. Clashes between rival militia in Zawiyah resulted in several casualties in the city’s notorious military style confrontations over highly contested militia turf.

**Military formations** in the capital area issued a statement, in which they refused to accept the replacement of the current GNU by the HoR without prior constitutional referendum or legislative elections. In the public debate, many voices raised their concern that the expected selection of a new government could lead to a military confrontation between supporters of the old and new GNUs.

**General Haftar** was back at the helm of the LNA after returning from his self-declared temporary retirement as a presidential candidate. By the same token, General Al-Nathory returned to his previous position of LNA Chief of Staff.

1. **Economic issues**

After the LNA consolidated its control over the Sebha area in central Libya, the issue of previous shortages in **fuel supply** is reportedly resolved.

In order to contain the **Covid** pandemic, starting from 15/2 all foreign and Libyan visitors to GNU buildings will be required to provide proof of complete vaccination.

1. **Human Rights & Migration**

Following lower numbers of **migrant departures** from Libya at the beginning of the year, the activity has resumed at higher levels. The current number of arrivals in Italy from across the central Mediterranean route during the first month of 2022, is 262% higher than during the same period in 2021, the vast majority of which is suspected to have departed from Libya. The significant increase can be explained by the high numbers of Bangladeshi and Egyptian migrants, who were not yet around during the first months of 2021. As of recently, those two nationalities make up the first and second largest numbers among migrant departures from Libya.

The Libyan Ministry of Interior established a new **Human Rights Police Force**, which is part of the Ministry’s Human Rights Directorate, run by Dr. Fouad Basha. According to MoI, this new force is designed to protect human rights, through proactive efforts in order to identify abuses and violations, and promote human rights within local police. However, the force is yet to deliver its activities on the ground. Apparently, the MOI plans to use the force to highlight the GNU's commitment to human rights, and in particular to monitor the human rights situation among the police, detention centres and local security forces in Tripoli.

*Signed-off: José Antonio SABADELL, HoD*