Flash Report --- Libya --- UN SASG Williams -- Diplomatic Briefing on Tuesday, 26/4/22 -- Readout

* SASG spoke form London, where she will have consultations with UK government over the next 2 days.

BRIEFING:

* The recent UN sponsored talks between members of the Libyan Parliament (HoR) and High Council of State (HCS) haven taken a formalized shape under the label of a “Joint Constitutional Track Committee” (JCTC).
* For the time being, both  sides of the aisle (HoR and HCS) are pursuing a non-committal approach, perceived by SASG that they consider this forum “open-ended”.
* However, Libya’s political class is apparently growing increasingly worried about the expiry of a perceived deadline for the UN sponsored political process by the end of June.   
  Therefore, the first two weeks (mid-May) after the upcoming Islamic holidays could be decisive for achieving process on the Cairo track, as the talks are scheduled resume then.
* This window  of opportunity is also informed by the lack of appetite among political actors (internal & external) for any potential alternative solution that would side-line HoR and HCS.   
  Such alternative could be enacted by Libya’s Presidential Council (PC), if the process gets stuck to the extent that the PC comes under pressure (including public) to act in order to achieve a breakthrough.
* GNU PM Dbeiba’s plan for legislative elections is unrealistic and further complicated by the fact that Libya’s electoral authority (HNEC) as per legal requirements also reports to HoR.
* Against this backdrop, the international community’s (IC) core tasks are currently as follows:  
  - Help preserving the existing cease-fire  
  - Prevent  further political polarization and/or escalation
* The recent developments surrounding the well-known budgetary issues between GNU/NOC/HoR/LNA have further complicated matters, with the GNS/HoR/LNA coalition now tempted to unilaterally pass the first HoR approved budget ever since 2014.  
  However, as per Libyan Political Agreement, HoR would only be allowed to do so after consultation with the HCS.
* Despite the recent release of  several arbitrarily detained persons, there are increased concerns about the Human Rights’ situation in all areas of the country.   
  The UN is following all relevant issues closely and the current concerns shall be further discussed during the next diplomatic briefing.

BRIEFING BY UNSMIL COORDINATION ZENENGA ON RECONCILIAION EFFORTS AFTER LNA WITHDRAWAL FROM 5+5 JOINT MILITARY COMMITTEE (JMC 5+5):

* After speaking to both sides of the JMC 5+5, UNSMIL concluded that action is needed to establish a balanced mechanism for regular salary payments to LNA.
* Since the core demands of the LNA regarding its salary payments are closely intertwined with various political objectives, UNSMIL decided to discuss the envisaged salary mechanism with the GNU leadership, in order to preserve/re-establish the apolitical nature of the JMC 5+5.
* GNU PM Dbeiba expressed commitment to meet the immediate LNA demand to disburse the remainder of its salaries for the 1st quarter of 2022 (outstanding March payment) to ensure that the salaries are received by the LNA before the upcoming Islamic holidays.
* In response to GNU PM Dbeiba’s request, UNSMIL will undertake efforts to referee a mechanism for regular LNA salary payments:  
  To that end, UNSMIL will draw on the support and expertise of some UN member states to help design such mechanism, which is creative enough to reconcile legitimate GNU concerns of mostly legal and procedural nature with the LNA’s interests in protecting the identity of its members.

Q&A:

* Several MS inquired about SASG’s assessment regarding the heated parallel government situation (GNU vs. GNS) and whether the Cairo talks could provide some calm in this regard.
* Other MS requested SASG’s assessment on the above deadline by the end of June, and if this deadline would pose any institutional threat to the PC.
* NL and Norway underlined the importance of addressing current human rights’ issues (also case involving the NRC).
* SASG underlined her assessment that the Cairo talks are practically a reflection of the power struggle between the GNU and GNS, as there are still no direct negotiations between the PMs of GNU and GNS.
* The much discussed deadline (LPDF) by the end of June is of political nature, whereas the PC’s mandate is rooted in Constitutional Declaration Amendment  no. 11 (CA11).
* PC has received assurances by domestic and regional actors to respect its mandate beyond the above deadline.  
  However, even GNS PM Bashaga himself was apparently unsure whether the HoR could really resist the temptation to counteract such assurances come July.
* As the pressure is on the rise, it is important to make sure that the PC doesn’t “jump the gun” with any premature move against HoR/HCS, fuelled by popular and potentially other support.
* In this context, the next HoR/HCS meeting in Cairo will be decisive: Should HoR/HCS prove unable to engage in a meaningful manner and fail to achieve progress, the pressure on the PC to this end will mount.
* SASG concluded that part of the responsibility for the current deadlock could also be attributed to the absence of representatives of the former regime in the current negotiations, their inclusion being previously key to the success of the LPDF. However, HCS members of the JTCT recently made renewed efforts in Cairo to reintroduce that important element into the process.