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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 28/03/22 - Key issues**

1. **SUMMARY**

* ***The political stalemate between Prime Minister (PM) Dbeibah and his Government of National Unity/GNU and HoR-designated PM Bashagha and his Government of National Stability/GNS continues, with both actors seeking to strengthen international and domestic support and legitimacy. In this context, tensions and risks of escalation remain (another test in this respect may be an expected attempt by Bashagha to enter Tripoli before the start of Ramadan on 2 April). SASG efforts towards the establishment of a consensual, permanent constitutional basis and towards proper parliamentary and presidential elections continue, although the horizon of the vote remains unclear and subject to different roadmaps and timelines.***
* ***Economic issues are receiving increased attention, taking into account the geopolitical context (Russia/Ukraine conflict) and the internal political crisis in Libya. Efforts are being made, notably by the Economic Working Group (EWG) of the Berlin Process, co-chaired by the EU, to find out mechanisms guaranteeing adequate use of resources and revenues, notably resulting from oil exports, and ensuring that the economy acts as a catalyser for peace, stability and growth – and not to fuel conflict and war.***
* ***The particularly complex institutional/governance situation in the country is also negatively affecting rule of law and the protection of human rights, with the proliferation of security-related agencies which often act beyond the boundaries of individual and collective rights, impose further restrictions to the Libyan civic space and proceed to unjustified arrests and detentions, human rights defenders and migrants/refugees/asylum seekers being the first victims.***

1. **ASSESSMENT**

The institutional cacophony in Libya continues, with all its negative implications in terms of politics, security, economic prospects and respect for fundamental rights. The chances for a resolution of the power struggle between PM Dbeibah and his GNU and PM Bashagha and his GNS are slim. A constructive way out of this crisis, accepted by all parties, would be a very welcome result, but this could remain “wishful thinking” and never come true. The current political crisis shows that the acute problem of legitimacy in the country needs to be resolved, namely through elections. However, it is not evident that the relevant authorities and political stakeholders are prepared to take the necessary steps to achieve this. It is difficult to assess if their various political strategies are genuine, or if their ultimate objective is to preserve the status quo - benefiting a few and disdaining the wish expressed by 2.8 million Libyans. In any case, it is clear that the roadmap and timelines towards the elections must be clearly defined: a unique roadmap, accepted by all, with realistic deadlines, with solid constitutional and legislative foundations, and with the appropriate technical and logistical preparation. The lessons-learned that led to the delay of the 24 December vote must be duly taken into account, so as to prevent the same difficulties (for example, in the context of the vetting process). Of course, an unequivocal desire on the part of all stakeholders for fair play and acceptance of results, during the process and at the end of it, remains a must.

Russian aggression on Ukraine, with its pertinent doses of rumors and disinformation, is very much present in Libya, in part because of the links that were established with Russia after the fall of Gaddafi and the traumatic decade that followed. Wagner's presence in the country and Russia's open support for the Bashagha option are tangible proofs. However, both competing PM and executives (GNU/GNS) remain so far politically correct, criticizing the Russian military offensive in Ukraine and voting resolutions against the war started by Russia and its consequences. The mediating role played by Turkey, both in the context of the Russia/Ukraine conflict and in the internal political confrontation between Dbeibah's GNU and Bashagha's GNS, is an element to keep in mind.

In terms of security, it is evident that the current situation of parallel governments and confrontation between Dbeibah and Bashagha represents a considerable risk in terms of security and may lead to escalation, taking into account the recent history of Libya and the links between political leaders and armed groups (the expected attempt from Bashagha to enter Tripoli before the start of Ramadan on 2 April may be a test in this regard). The progress made by the 5 + 5 JMC is negatively affected by the political situation and the realization of the expectations of the departure of mercenaries and foreign troops from the country, an already difficult exercise per se, will probably see additional delays. The political tension and its impact on very specific, down-to-earth issues – such as the payment of LNA salaries – increases the risks of confrontation/instability.

Geopolitical circumstances and local tensions have reminded the importance of the economy for stability and progress, for war and for peace. With oil prices on the rise and a new map regarding energy requirements following sanctions to Russia, Libya can certainly play an important role. However, this requires a rational and non-politicized use of the country's natural resources (oil/gas) and consistent management of the income they generate, which is particularly challenging in the current institutional and legitimacy crisis. The EWG is proposing initiatives to ensure that resources & revenues are an asset for peace and not for conflict, that they benefit the general population and not a few oligarchs. But the consensus and cooperation of all Libyan actors will be indispensable to succeed.

Libya's drift regarding the respect and protection of human rights continues. Civic space and freedom of expression are seriously threatened by Libyan security agencies with unclear lines of command, mandate and objectives. Arrests occur based on accusations that are, often, far from solid, full of subjective perceptions of immorality, attacks on religious principles and actions which might have the potential to harm the integrity of the Libyan society. Confessions are extracted through unorthodox and illegal methods. The current institutional disorder also negatively affects migrants and refugees, who are placed in the hands of obscure instances that offer neither transparency nor the minimum guarantees of human dignity - in reality, black holes that are far from respecting the most basic international standards.

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

Despite mediation efforts, political stalemate between Dbeibah, Bashagha and their respective governments (GNU and GNS) continues, with both actors seeking to strengthen international and domestic support and legitimacy. Tensions and risks of escalation remain. The GNS is consolidating its territorial influence (last week Benghazi; this week, Sebha). But, so far, Tripoli remains under GNU control (a new attempt from Bashagha to enter Tripoli might take place before the start of Ramadan on 2 April). So far, Dbeibah has been reacting to the “territorial gains” of Bashagha through economic initiatives, promoting rapid parliamentary elections, meeting Libyan party leaders, and trying to strengthen his position through enhanced support of some of Tripolitanian armed groups. Dbeibah has set up his own committee to move towards a permanent constitution and adequate election legislation.

In the meantime, Bashagha has ordered institutions and private actors in Libya to disregard Dbeibah/GNU instructions. He accuses GNU to occupy illegally government headquarters. Other GNS Ministers have equally stressed that GNU decrees have no legitimacy and should not be implemented. Bashagha has warned that if GNU continues to refuse to hand over power, the ceasefire could ultimately collapse. In the same vein, the GNS Foreign Minister has started to send out letters to third countries and organisations insisting that the GNS is the only official government and requiring that proposals for Ambassadors or diplomatic staff should not be accepted during this period of “reorganisation and hand over of power” (a veiled reference to any possible GNU initiative in this respect).

Under the leadership of SASG Stephanie Williams, the main focus of the international community (notably UN and Western countries), remains the holding of elections based on proper constitutional basis & electoral legislation. This objective is confronted with the de-facto parallel governments and the lack of will of the competing Prime Ministers to resolve their confrontation. In line with the SASG proposal to move ahead towards elections (6 + 6 Committee, involving HCS and HoR), a three-day consultative session took place in Tunis with the participation of the relevant HCS representatives, but without those of the HoR – which apparently had not yet been formally appointed.

The HoR continues to work in favour of the Tobruk-decided approach (new Government led by Bashagha, elections Roadmap foreseeing elections within 14 months). HoR has published the 12th Constitutional amendment and has allegedly made progress towards the establishment of its constitutional committee (see above), which could ultimately join the ongoing “constitution/elections” negotiations promoted by the SASG.

During the week, the Presidential Council (PC) met candidates expecting to become members of HoR after election, and reconfirmed its will to hold elections as soon as this will be possible. Some local associations called upon PC to assume legislative authority over HoR/HCS so as to break the current deadlock, adopt a proper constitutional basis and electoral legislation, and progress rapidly towards elections.

1. **Libya in the international arena**

Russia’s aggression on Ukraine has remained very presentwith claims, amongst other, that LNA has offered Russia Libyan fighters, that Haftar/Haftar sons have visited Moscow, contacts between Dbeibah and Chechen leaders, an increased activity of Wagner, and the possible deployment of Syrian fighters from Libya to Ukraine. LNA has quickly denied allegations regarding the provision of fighters to Russia and Haftar’s visit to Moscow. Dbeibah’s circles have also denied his alleged contacts with the Chechen leadership. Formally, GNU and GNS/Bashagha himself have reiterated support to Ukraine and expressed criticism on Russia’s aggression. Libya has continued to vote in line with the large majority of the international community at the UN. In the context of a meeting organised by the EU with the Ukrainian Ambassador to Tunis & Libya, the EU and Members State reiterated their solidarity and support to Ukraine.

Several GNS and GNU political figures have travelled to Ankara over the week, to seek Turkey’s support and mediation. On its side, Turkey has not taken a clear position in favour of any of the Libyan contenders. It has insisted on the importance of constructive solutions and has called all Libyan parties to avoid escalation/violence. The Arab League has also warned about the risks that current divisions within Libya imply, and hoped for a constructive resolution of the present challenges.

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

No major clashes have been witnessed over the week, and the situation in Tripoli has remained relatively calm. While there seems to be little appetite among Libyan armed groups for renewed conflict, tensions and risks of escalation will remain as long as the current GNU/GNS confrontation continues. Both, Bashaga and Dbeibah, continue their efforts to secure the loyalty of armed factions, notably in the West of the country. A possible attempt by Bashagha to enter Tripoli in the coming days (before Ramadan, starting on 2 April) will be a test.

The question of unpaid salaries to the LNA remains a delicate issue. LNA 5+5 JMC representatives issued a statement on this matter, blaming GNU/Dbeibah for the delay and warning about a possible collapse of the military track. The political crisis is also having a negative impact on the prospects for the progressive withdrawal of foreign fighters/mercenaries, as well as for any solid SSR/DDR process.

1. **Economic issues**

Libyan economic resources and instruments are becoming central in the current political context of de facto parallel governments. Dbeibah and Bashagha are well aware that economic tools can be particularly useful to cement legitimacy and to get the largest possible popular support. Recent GNU initiatives have clearly showed this trend (wide communication on rewards to the Ministry of Oil for uncovering financial abuses, exchanges with NOC and Central Bank of Libya on oil revenues, promises regarding the disbursement of the children allowance and wives’ grant before Ramadan, continuation of the marriage allocation, etc.). Aware of this reality, the international community is making efforts to avoid the excessive politicisation of state resources – resources which can contribute to peace, but also fuel war - and is not missing a single opportunity to stress the need to ensure the independence of key economic institutions (namely Central Bank of Libya/CBL, National Oil Corporation/NOC and Libyan Investment Authority/LIA). In this framework, the Economic Working Group of the Berlin Process (Egypt, EU, UN, USA) is proposing a system to ensure that, in the short term and in the present political context, oil revenues are properly managed and used – mainly, to respond to essential commitments and needs such as paying salaries - including to oil sector workers - and debts with business partners, ensuring proper maintenance of oil-related infrastructure, increasing oil/gas production/exports/revenue as much as possible. In this regard, NOC has had recent contacts with Italian ENI and French Total to explore avenues for progressive increase of oil and gas production, but also warned that investments, including on maintenance, will be necessary to achieve objectives of increased production.

The Russia/Ukraine conflict is impacting the Libyan economy (shortages of cereals, increase of prices of flour and another commodities). In this context, Libya has imposed a total ban on fish exports and has ordered the creation of a 3 months strategic food stocks. Security agencies have started to monitor the markets.

Despite efforts to insulate economy from the current political turmoil, the longer current blockages and divisions remain, the higher is the risk that economy be (further) contaminated by politics. Recent transfers of cash by the CBL to the East may ease tensions, but shadows do not disappear so easily, as the recurrent threats to oil blockades demonstrate. Progress towards the 2022 budget has been made, but its approval is also very much linked to the resolution of the political imbroglio.

1. **Human Rights & Migration**

**Human Rights:** The Tripoli-based Internal Security Agency (ISA) has intensified the crackdown on Civil Society, which raises grave concerns over the further shrinking of civic space in Libya. The ISA has arbitrarily detained several young men over the allegations of undermining “Libyan and Islamic values”, and additional arrests may be expected. Libyan Tanweer Movement, supported by the EU amongst other, has been charged with spreading atheism. In line with UN, Amnesty International, the Norwegian Embassy and other international actors, we have 1) underlined that this is a clear violation of freedom of expression and reflects a will to restrict civic and humanitarian space; 2) expressed readiness to additional joint action. Besides, ISA has also recently arrested a TV correspondent (218 TV Channel) considering his reporting inappropriate for the integrity of the Libyan society - an additional proof of the challenges freedom of expression faces in the country.

**Migration:** The proliferation of migration control & management instances outside the supervision of the Directorate for Combatting Illegal Migration (DCIM) continues. During the week, this was most notably exemplified by raids conducted by the Passport Investigation Authority in the Zuwara area resulting in the arrest of more than 400 migrants who were brought to unofficial detention facilities. As the inability and caution of the central authorities to contest the emergence of new entities on migration management remains, the proliferation trend is likely to continue, this being an easy tactic for militias and semi-official institutions to assert power and show of force in the ongoing power dynamics in and round Tripoli.

*Signed-off: José Antonio SABADELL, HoD*