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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 04/04/22 - Key issues**

1. **SUMMARY**

* ***The political battle of attrition between Libya’s parallel governments GNU (PM Dbeiba) and the new GNS (PM Bashaga) is in full swing. However, both governments continue to lack legitimacy and credibility, as they operate with unrealistic political promises. During the last week before Ramadan, the GNS has shown increased activity towards international and local security actors to boost its presence on the ground.***
* ***GNS PM Bashaga once again vowed to enter the capital within days to establish his government. But despite conflicting news earlier this morning of his presence together with several GNS key ministers in Zawiyah west of Tripoli, there is no certainty that he can take over the capital any time soon.***
* ***The GNU and its PM Dbeiba are eager to display business as usual as a legitimate and successful service-oriented government. They like to present themselves as the champion of the people, who are under attack from a powerful foreign-backed coalition conspiring to establish an LNA controlled regime that would delay elections indefinitely. By the same token, PM Dbeiba recently increased efforts to highlight his government’s Islamic credentials by aligning himself with Islamic dignitaries and conservative positions.***
* ***The International Community (IC) and UN SASG Williams continued their efforts to facilitate negotiations on a legal framework for elections (6+6 initiative), but without any buy-in from GNS and Parliament (HoR), progress remains elusive. On the economical track, the Economic Working Group (EWG/co-chair EU) was successful in engaging additional Libyan key actors towards establishing a mechanism to inoculate Libya’s economy against the political fallout from the parallel government situation.***

1. **ASSESSMENT**

Both conflicting narratives that characterize the ongoing parallel government situation remain a zero sum game, as they fail to provide tenable solutions to Libya’s political crisis. The GNS’s claim to represent a force that could unify the country and re-establish state control over the entire Libyan territory, continues to be rejected by too many key actors. Moreover, analysts agree that there is no clear indication for an imminent GNS take-over in Tripoli. The GNU’s rival narrative that it could take electoral matters into its own hands to abort a foreign-backed conspiracy by Libya’s entrenched political class and the LNA is equally unrealistic, as the GNU’s reach is mostly limited to Tripolitania. Needless to say that the GNU’s electoral law initiative, labelled “return trust to the people”, including its recent progress on the committee level, have hardly gained any traction in the public debate.

Against this backdrop, the political battle of attrition between GNU and GNS is bound to continue, and would witness further escalation, as soon as the GNS and its PM manage to enter the capital. Recently, the GNS sported some success in expanding its presence through positive interactions with the IC, as well as visits to relevant institutions in the territory under LNA control. By the same token, analysts have highlighted indications that GNS PM Bashaga is getting closer to securing the support of foreign key actors, such as Turkey and the U.S., to force PMD into a hand-over of central government institutions. They also concluded that efforts by the GNS and Egypt to convince foreign actors (e.g. Qatar) and the Presidential Council (PC) of the necessity to oust the GNU would soon pay off. However, to date the PC has maintained its support for the UN SASG 6+6 initiative, and visible progress on the ground is yet to materialize. Another highlighted indication for increased pressure on the GNU, namely the intensified dialogue between GNS negotiators and Tripolitanian security actors, could well be a manifestation of such actors hedging their bets, in an attempt not to put all of their eggs in one basket. In any case, the current polarization is fraught with danger of violent clashes, should either side attempt to enforce its own decisions against local resistance.

Alternatively, the current stalemate could open an opportunity for the IC to push for simultaneous parliamentary and presidential elections. The Libyan public debate repeatedly suggested that UNSMIL and/or the PC could move to side-line the HoR and HCS by imposing an alternative electoral initiative administered by a small transitional government of technocrats. Just as Libya’s National Security Advisor Boushanaf most recently told the media that large governments based on quota, like the GNU or GNS, were ill positioned to facilitate Libya’s electoral process. Although such alternative should enjoy popular support, it would prove to be a risky endeavour. If unable to expand its own grip on power, the entrenched political class is expected to opt for preservation of the status quo, and would continue to conspire against any efforts to deliver the Libyan people’s wish for presidential and parliamentary elections.

Since the inception of the GNS, GNU PM Dbeiba has been focussing inward, which was read by analysts as pointing to increased isolation. However, forging alliances with influential religious actors, such as Libya’s Grand Mufti Gheryani, does not necessarily provide evidence for eroding chances of political survival. Therefore, it is more likely that PM Dbeiba, at this stage, is actively seeking to align himself with outspoken anti-LNA forces including religious actors to bolster his local standing. His public support for demands of some Islamist actors, who are in favour of parliamentary elections first, and who warn of a foreign conspiracy to use presidential elections in order to establish a regime following the Egyptian model, is most likely motivated by the same calculations.

The increased conservative tendencies of the GNU leadership are also reflected by the recent anti-atheism campaign of the Internal Security Agency (ISA) targeting activists receiving support from foreign sources. This does not bode well for Libya’s human rights’ situation, as such Islamist discourse sustained by the government could pave the way for eventually passing problematic legislation that had so far been stalled with the help of the IC. Said legislation could impose obligations on CCOs to obtain official approval before participating in public events, signing cooperation agreements, or receiving foreign funding.

The recent activities of the EWG, co-chaired by EUD, with a view to negotiating a viable mechanism to shield the Libyan economy and its crucial institutions including the Central Bank of Libya (CBL) and National Oil Company (NOC) from the fallout of the ongoing political polarization are important for the stability of Libya, the region and global energy markets. Moreover, tangible progress on the economic track could positively impact the influence and credibility of the IC in terms of its role in facilitating negotiations on a viable road map to elections, which remain one of the core demands of the Libyan people.

**DETAIL**

1. **Political situation**

The increased GNS-GNU parallel government rivalry continued to evolve against the backdrop of fierce disinformation campaigns. The GNS repeatedly published announcements of its imminent take-over of central government facilities in the Libyan capital as a result of successful negotiations with Tripolitanian political and security actors. In the media, GNS cabinet members and PM Bashaga highlighted the GNU’s inability to exercise power beyond the capital. In order to suggest a recent boost in the GNS’s international and national acceptance, they further underscored the GNS’s acknowledgment of a legal Turkish presence in Libya as well as the vital role of Libya’s sovereign institutions CBL and NOC, including their respective CEOs, for the stability of the country.

The GNS was further adamant to demonstrate institutional government presence in the East and South of Libya, i.e. areas that are under de-facto control of the LNA. This presence was highlighted by extensive media coverage of visits by GNS officials to vital facilities in those areas. However, the GNU and its PM Dbeiba have retained their ability to convene meetings with municipalities under LNA control in defiance of orders given by the GNS to disregard governmental actions by the GNU.

Previous GNU Deputy Minister of the Interior and Cyrenaican militia leader Faraj Qaim, formerly known as the fiercest internal government critic of PM Dbeiba, and during most of his GNU tenure on strike, recently surfaced as the new GNS Deputy Minister of Interior during a reception given by HoR Speaker Aqilah Saleh.

This week, the HoR Presidency released the Constitutional Declaration Amendment no. 12 (CA12) issued on 21/3/22, which was originally adopted by the HoR on 10/2/22. CA12 was designed to serve as Libya’s new road map for political transition, stipulating the formation of a 24-member constitutional committee (CC) to be situated in the Cyrenaican city of Al-Bayda. The CC was to review and amend the existing constitutional draft (CD), put forth by Libya’s Constitution Drafting Assembly (CDA). Pursuant to the text of CA12, the CC should convene its first session to elect its leadership (chairperson, deputy, plus rapporteur) no later than today (4/4/22). In comparison with the CA12 adopted during the HoR session on 10/2/22, the recently issued wording of the CA12 does no longer contain any reference to the Libyan Political Agreement of 2015. Furthermore, some other stipulations regarding the constitutional framework for elections, as well as the laws for elections and the constitutional referendum, were rephrased. Reference to the necessity of “agreement” with the HCS on such matters was replaced by the lesser requirement of “consultation”.

Clarifying the HoR’s position vis-a-vis the UN SASG 6+6 initiative for the HoR and HCS to hammer out a constitutional basis for elections, the HoR spokesperson confirmed that the parliament has not yet issued any decision regarding the formation of the 6+6 committee. The spokesperson underlined that the HoR’s position is represented by a recent statement of 76 HoR-members, in which they rejected any initiatives bypassing the CA12, before the GNS has taken up office in the capital.

GNU PM Dbeiba forwarded his government’s draft electoral law, which was prepared by a ministerial committee, to the relevant national committee tasked with preparing a viable electoral mechanism. The relevant mechanism is to be developed by the said national committee in collaboration with the electoral commission (HNEC) and other relevant institutions in a broad societal dialogue process.

Groups of HoR and HCS members reportedly issued statements rejecting alleged activities by UN SASG Williams to advance the establishment of an electoral framework without vital participation by the HoR or HCS. In the current political stalemate, some voices in the public debate suggested that possible solutions could include initiatives to directly implement the HoR’s CA12, in order to make progress towards elections, or induce a new HoR initiative to form an alternative government that would be able to gain more acceptance in Tripolitania.

Other reports suggested that PC chairman Al-Menfi might seek a breakthrough by declaring state of emergency, dismissing the HoR and HCS, forming a 10-member transitional government and singlehandedly decreeing a legal framework for presidential and legislative elections.

1. **Libya in the international arena**

The U.S. Department of State (DoS) announced the implementation of its 10-year stability strategy under the Global Fragility Act of 2019 pertaining to several countries including Libya. In the framework of the above strategy, a comprehensive 10-year plan is to be developed in order to establish locally driven solutions, encompassing i.a. counter-terrorism measures, and involving activities by the USAID and the U.S. Department of the Defence.

The Qatari and Egyptian Foreign Ministers held consultations on Libya, which were perceived by the media as symbolizing a rapprochement between the two countries on the Libyan crisis. Both sides stressed the need for political solutions without resorting to violence. There were also various reports on meetings between GNS coalition representatives with Qatari and Turkish officials to negotiate support for a GNS take-over of the Libyan capital.

PC chairman Mnefi was received by Egyptian president Sissi, who voiced his government’s support progress in Libya’s electoral process. HoR Speaker Aqilah Saleh and LNA Supreme commander General Haftar were reportedly also on visit in the Egyptian capital.

Germany extended its participation in the operation IRINI for another year, but will no longer provide training for the Libyan Coast Guard, reportedly owing to concerns over the latter’s problematic treatment of migrants.

International and local media reported on the relocation of several hundred Wagner mercenaries of predominantly Tchadian origin from Libya to Ukraine to fight alongside Russian troops.

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

Libya’s eastern region, which is under LNA control, witnessed a military face-off in Al-Marj, where forces loyal to the sons of LNA Supreme Commander Haftar and his deputy Nadhori were reportedly engaged in a confrontation over LNA-internal disagreements. In addition, there were reports on security disturbances on the local level in Cyrenaica, including LNA interventions against local municipal actors in the town of Shahhat, who had voiced their support for the GNU. Moreover, reports by pro-GNS analysts and observers suggested that the LNA’s control over its territories will become increasingly fragile, unless the GNS manages to gain access to central government funding soon.

Reports on shootings outside the GNU PM offices in Tripoli to underscore demands for outstanding payments to militia were swiftly denied by GNU PM Dbeiba. The GNU leadership and military commanders loyal to the GNU conducted several meetings aimed at consolidating control over the security situation in Tripolitania in response to reports that local militia was entering into negotiations with GNS representatives over mutual security arrangements.

1. **Economic issues**

The Economic Working Group of the Berlin process met in Tunis with active preparation and participation by EUD as one of its co-chairs to advance discussions on a suggested Short Term Financial, Economic and Energy Dependability Mechanism (Mostafeed), designed to inoculate the the Libyan economy and its key institutions CBL and NOC against the ongoing rivalry between GNS and GNU. The meeting enjoyed participation by a widened circle of Libyan institutions crucial to the process, including the CBL, NOC, MoF, HoR, and PC. Although the Mostafeed mechanism has not been officially adopted yet, the EWG meeting was successful in advancing the related efforts towards reaching a common understanding to that end.

Shortages in food supplies as a result of Russia’s aggression against Ukraine remained high on the agenda in the public discussion, with prices reportedly surging by 30% already at the beginning of Ramadan. To counter public fears, the GNU was adamant to publicly reinsure the population that authorities would continue to control prices and that there should be no shortages in supplies. To date, it remains unclear to what extend Russia’s war against Ukraine will affect Libya’s supply of food staples, if it were to continue for a protracted period.

1. **Human Rights & Migration**

Several young men arrested by the Internal Security Agency (ISA) for charges of atheism and affiliation to the recently banned Tanweer (enlightenment) movement continue to be held incommunicado. GNU PM Dbeiba, in a comment made during recent Friday prayers, said that Libya would never tolerate that its youth adopts atheism as a belief. Furthermore, the Civil Society Commission (CSC) condemned activities that contradict the Libya’s traditions and religion, and accused the Tanweer movement of operating outside the law. The CSC further instructed local CSOs to adhere to Libyan law. It warned INGOs that legal measures, including the termination of their activities, would be enforced against them, if they violated civil society legislation.

The UN Human Rights Fact Finding Mission (FFM) on Libya presented its midterm report to the Human Rights Council in Geneva. The FFM stated several human rights violations and breaches of International Humanitarian Law, in addition to acts that could be considered crimes against humanity. The FFM also referred to the political division in Libya as potentially hampering Libya’s transition towards peace and the rule of law. During the interactive dialogue on the recent report, the FFM’s chair, Mohamed Auajjar, underlined the necessity to renew the FFM mandate in June to enable the mission to complete its investigations in all parts of the country.

Up to 1,000 migrants were reportedly expelled to Niger during March, as security operations targeting human smuggling networks in southern Libya continue. It is estimated that more than 2,400 migrants may have been expelled to Niger since related operations increased at the end of 2021. Although the majority of those expelled are Nigerien, expulsions of other nationalities happen indiscriminately. The operations are mainly attributed to the LNA. However, local militias are also significantly involved.

*Signed-off: José Antonio SABADELL, HoD*