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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 21/02/2022 – Key issues**

1. **SUMMARY**

* ***PM Dbeibah’s resolve to contest the HoR’s decision has translated into visible efforts to appeal to the Libyan public and play into antagonistic feelings set off by the alliance behind PM designate Bashagha, thus increasing tensions in an emotionally charged climate.***
* ***Uncertainty prevails as neither Libyan institutions (High Council of State, Presidency Council), nor the International Community appear in a position to play a genuine mediation role without being caught in the crossfire.***
* ***The nomination of a cabinet, expected to be announced by Bashagha on 24/02 and possibly formalised with a vote of confidence on 28/02, will be a decisive moment to determine the outcome of the ongoing competition for premiership, as well as a potentially hazardous juncture for the country.***

1. **ASSESSMENT**

**The GNU appears determined to contest the legality of the HoR’s decision of 10th February.** PM Dbeibah (PMD), realising he can not merely rely on the legitimacy drawn from the UN-facilitated process which led to his election in March 2021, is trying to raise public support by promising the provision of advantages and services to the population and pledging to hold elections in June. He is also seeking to maintain his position by obtaining the support/protection by armed groups and security actors. The outcome of the power struggle opposing the incumbent PM Dbeibah to PM designate Bashagha (PMDB) will partly depend on the endorsements the former will be able to count on, both domestically and internationally. Another determining factor will be PMDB’s capacity to form a government rising above divisions in a highly polarized context – which remains a challenging exercise that PMD could exploit to his advantage.

**The HCS’s initial backing of the HoR was rapidly followed by suggestions that the legal process remains incomplete.** This turnaround signals that dissent within the legal body alongside public calls for dissolving both the HoR and the HCS may have prompted Khalid Al-Mishri’s second thoughts. His change of opinion could also be an attempt to exert leverage with an eye to secure his allies a position within the Bashagha-formed government. The **confusion surrounding the HSC’s stance** unveils the ongoing manoeuvring and the context of back-channel negotiations as both PMD and PMDB are working to forge the indispensable alliances needed to prevail.

Whereas during a recent meeting with the EU DEL, Mohamed Al-Menfi, **Chairman of the PC**, declared he does not see the need to proceed with changes in the executive, recent developments have shown he’s seemingly prepared to recognise the Government of National Stability (GNS). His statements welcoming the alleged spirit of consensus between the HoR and the HCS coupled with his reported dialogue with PMDB have led some observers, including Western media outlets, to portray him as a mediator. However, more than a mediation attempt, his calls for stability through communication with all parties could also be an effort to ascertain the current composition of the PC, born out of the same process as the GNU, **will survive a political reshuffle**.

With both PMD and PMDB engaged in a show of force in the capital Tripoli in the immediate aftermath of the HoR’s decision, **it is clear militias and armed groups play a key role in the ongoing power jockeying in Libya.** Mapping their precise positioning *vis-à-vis* the contending PMs has however proven a vain exercise. First of all, the authenticity of the **plethora of statements** released in the name of military forces and armed groups is frequently disputed. Secondly, militia and armed groups alliances remain extremely fluid with the potential to swiftly change over should their interests at a certain point in time align with the benefits of a past adversary. The seeming endorsement of Bashagha by the very same Security Support Apparatus (SSA) that fiercely opposed him as the GNA’s Minister of Interior exemplifies the armed groups’ capacity to switch camps rapidly. Furthermore, **conflicting declarations** can also be understood as some armed groups’ strategy to hedge their bets by maintaining a foot on the winning side no matter the outcome. More than mere disinformation, announcements and counter-announcements illustrate the **fragmentation of the allegiance structures** composing the Libyan military/security realm.

**While key players like Russia and Egypt have welcomed the HoR’s decision, PMD’s closest ally Turkey has failed to expressly take sides in the ongoing competition for premiership.** President Erdogan’s implicit expression of readiness to accept a Bashagha-led government coupled with the UN and Western countries’ attempt to dodge accusations of interference leave the incumbent PM visibly isolated on the international scene. Dbeibah, drawing his legitimacy from the reassurances given in the wake of the cancelled elections that executive power would only be transferred after Libyans go to the polls, was probably expecting the international community (IC) to defend him when Bashagha’s appointment was announced. IC’s insistence on preserving calm on the ground and supporting a Libyan-led, Libyan-owned process, has been criticized by some as the inability to play a genuine mediation role. The GNU accusations of bias against the UN SASG resonate with the perception that by meeting PMD and PMDB separately, the IC is playing into the divisions and *de facto* signalling its readiness to coming round the HoR move.

Neither the UN, nor individual international actors have withdrawn their recognition of the GNU as Libya’s legitimate government. With PMDB’s appointment presented as a Libyan-Libyan rapprochement, PMD’s inability to extend a hand to prominent figures in the east could eventually cost him his office. Rumours allege PMDB held consultations with a number of GNU ministers with the intention of undermining the current cabinet by poaching some of its members – thus possibly also pre-empting the establishment of a parallel administration. **The imminent nomination of PMDB’s cabinet will be a decisive moment, as well as a potentially hazardous juncture for the country.** Tensions are bound to emerge as competing factions are seeking to install their allies into ministerial posts. Besides, the alliance behind Bashagha will inevitably sow discord in the western region, where hostile reactions can be expected if divisive LNA-affiliated figures are nominated to key positions within the GNS. Dbeibah’s likelihood to remain in his position depends to a large extent on the possible failure of his rival to form a cabinet sufficiently uncontentious to muster support across all three regions. As the fight for political control plays out, there is a risk of armed violence outbreak, especially in the capital, where the powerful forces behind each man could recklessly be dragged into a miscalculated move.

There has been **intense speculation** around the terms and conditions under which a deal allowing for a transfer of power could be brokered. For now, however, there is no evidence substantiating PMD’s readiness to step down. On the occasion of the 17th February celebrations, he renewed his pledge to present his own electoral roadmap and appealed to the crowds with promises involving, *inter alia*, health insurance, distribution of land, allocation of loans and continued marriage grants. The adoption of a campaign-like tone indicates he will cling to power unless those forces currently supporting him switch allegiances and/or he is provided with sufficient inducements to leave.

**III. DETAIL**

1. **Political situation**

Echoing PMD’s repeated calls for the public to resist what he described as a lack of transparency and integrity by a handful of MPs, the spokesman for the GNU has continued to dispute the legality of the HoR’s decision to designate a new executive. In addition to the procedural aspects of the voting session held under the supervision of HoR Speaker Aqilah Saleh, **the GNU is rejecting the prerogative of the HoR to appoint a new PM** and insists only the Presidency Council (PC), in its function of head of State, holds this competency.

The **GNU affirmed its resolve to carry on with its government plans** and convened a council of ministers during which a number of significant measures were announced. Contrasting with the convoluted electoral calendar foreseen by the HoR, **PMD proposed the establishment of a committee to draft a law within three weeks to enable the holding of parliamentary elections in June 2022 at the latest.** The draft text, prepared under the leadership of the Ministry of Justice in consultation with the HCS, would subsequently be submitted to the HoR for ratification. During the same meeting of cabinet ministers, PMD also suggested the formation of a committee tasked with drawing up a proposal for the distribution of 2.5 billion LYD to municipalities with a view to fund development projects in the Eastern, Southern and Western regions.

**So far, the Chairman of the PC has not made public any official position regarding the HoR’s selection of a new PM.** Following a meeting with SASG Williams, the spirit of consensus between the HoR and the HCS was praised. Despite its seeming willingness to stay above the fray in a highly volatile context of political upheaval, the **PC appears under pressure to take sides** with, on one hand, the incumbent PM underlining that the PC is the sole authority in a position to appoint his replacement and, on the other hand, the PM designate stating that due consultations with the PC have been carried out.

**The position of the HCS has caused some confusion** with its chairman issuing contradicting statements. While initially indicating his endorsement of the HoR vote of 10/02 - which took place in disputable circumstances - Khalid Al-Mishri eventually declared that the change in the executive and the approval of the Constitutional Draft Amendment n.12 (CA12) remain subject to the holding of an official session by the HCS. In a statement released on 16/02, he went further by describing the appointment of a PM by the HoR before the HCS is formally convened as an “improper procedure” that does not contribute to build confidence between the two chambers.

**Conflicting statements issued by different groups of HSC members** added to the confusion. A communication signed by 54 HSC members claiming the voting process for a constitutional amendment requires a two thirds majority vote by the HoR in addition to the formal holding of a plenary HCS session, criticized the legal loopholes of the text itself. Shortly after, a statement allegedly signed by a group of 75 HSC members disputed these objections arguing that CA12 is the result of a coordinated effort between the two chambers and that an official understanding was agreed on during an earlier session. Some HSC members whose name was listed among the group of 75 notably refuted being signatory to this declaration. Divergent views have also defined the HSC’s stance concerning the HoR’s prerogative to designate a new PM**.**

**A similar uncertainty regarding the** **support of specific militias and armed groups** provided to one camp or the other prevails, with contradictory declarations and/or subsequent retractions being issued.

In the immediate aftermath of his selection, **PM designate Bashagha embarked on a process of negotiations** in view of the formation of his government which he must propose to the HoR within 14 days (by 24/10). Should he succeed in composing a cabinet within this timeframe, the vote of confidence could take place on the ensuing Monday’s sitting (28/02). His engagements in his hometown of Misrata were reportedly met with scepticism, as elders, notables and prominent military commanders expressed concern about the influence and the role to be played by General Haftar should PMDB’s GNS take office. Bashaga then headed to Benghazi, where he was received by the LNA commander and HoR Speaker among other prominent figures of the East and several MPs representing the Southern region. In a video posted on social media, he renewed his promise to organise elections within the timeframe foreseen by the HoR (within 14 months) and to refrain from standing in the next presidential elections.

1. **Libya in the international arena**

An official statement issued by the **Russian MoFA** ratifies Moscow’s support for the HoR’s move as it expresses its hope the new government led by FB will be able to unify Libyan society. It further comments that the choice of Libyan lawmakers to establish the GNS should be respected.

Following an initial silence contrasting with the influential role **Turkey** has played in Libya in recent years, President Erdogan finally spoke on his return from a State visit to the UAE. While stressing Ankara enjoys good relations with all Libyan parties (namely with Dbeibah and with Bashagha), he also expressed reservations concerning the formation of a new interim government as he considers Libya needs a strong administration at its helm to ensure stability. The explicit mention of good ties with aspiring PM Bashagha does however hint Turkey may be willing, in a context of growing rapprochement with both the UAE and Egypt, to back the HoR endorsed new government.

Whereas the **UAE** has remained notably silent so far, the **League of Arab States** stressed the importance of reaching a political consensus and called for the international community to support the strengthening of the unity of the Libyan state.

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

**Significant mobilisation of Western region armed groups and militias** deploying to and within Tripoli have continued this week. Whereas the capital is currently bristling with militiamen, **no serious clashes have been reported** except for some unrelated sporadic skirmishes over territorial control in disputed areas of influence. **A calm security situation amid considerable political tension.**

**The 5+5 JMC expressed concern that the amassing of weapons combined with a politically charged atmosphere may result in an explosive situation** where the risk of a sudden outbreak of armed conflict is high. The JMC called for Libyan and international actors to beware of uncalculated moves threatening the present ceasefire. For now, there appears to be little appetite for large-scale violence among Western region militias, including among Misratan forces despite the huge divisions sparked by the HoR’s decision to appoint one Misrati to dismiss another. Active **tribal mediation** between Dbeibah and Bashagha indicates a negotiated solution may be found without the use of force.

**Some security analysts point out a growing terrorist threat in Libya**, including in Tripoli and the Western region, notably as a result of the restoration of Daesh’s operational capacity measured in the reported increase of sightings outside its usual boundaries.

1. **Economic issues**

**The antagonistic relationship between the National Oil Corporation’s Chairman, Mustafa Sanallah, and the GNU’s Minister of Oil and Gas, Mohammed Oun**, witnessed a new climax this week with the latter accusing his long-time foe of espionage and illegal acts of obstruction. In a letter addressed to PMD, he demands the keys to the Oil Ministry, which is housed in the NOC building, are handed over and he calls once again for the NOC Chairman to be investigated on the same alleged charges of failure to adhere to administrative rules.

**A Tripoli Court put an end to the legal dispute around the chairmanship of the Libyan Post, Telecommunications and Information Technology Company (LPTIC).** An appeal by the former chairman, Faisal Gergab, who challenged the GNU’s decision to replace him with Mohammed Bin Ayad, who is believed to be close to PMD’s family, was rejected. The contest for influence over LPTIC can be read in light of the leverage provided by the control over Libya’s key economic institutions, both domestically in terms of government spending and internationally in connection with lucrative contracts attracting foreign interest.

1. **Human Rights & Migration**

Recent data corroborating the observed emergence of **a migration detention system under SSA management** have reportedly resulted in the UN RC/HC’s decision to address a NV to Libyan authorities to enquire further about the oversight role to be carried out by the armed group.

*Signed-off: José Antonio SABADELL, HoD*