|  |  |  |
| --- | --- | --- |
| **DELEGATION OF THE EUROPEAN UNION TO LIBYA** | | |
|  | | |
| *Authors: Liliane Anjo, José Luis Sánchez Alegre* | | **Date:** 28/02/2022 |
|  | |  |
|  | **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 28/02/2022 – Key issues**

1. **SUMMARY**

* ***Whilst PM Dbeibah has intensified his political counter-offensive marked by an increasingly hostile rhetoric, PM-designate Bashagha has finalised the composition of his Government of National Stability (GNS) which he is expected to present to the House of Representatives (HoR) on Monday 28/02.***
* ***After the High Council of State (HCS) rejected the House of Representatives’ decision of 10/02, competing narratives in the struggle for premiership will be determining in the assertion of legitimacy enabling the rise to power.***
* ***The HoR and the Government of National Unity (GNU)’s rival roadmaps display as a common feature their ability to create the necessary conditions to delay the political transition for as long as possible with the intention of thwarting their own removal from power.***

1. **ASSESSMENT**

The **GNU PM Dbeibah’s determination to oppose the roadmap voted by the HoR** has shown no sign of abatement. While he continues to multiply policy promises of public spending, his resolve to rally popular support suggests he is seeking to counterbalance the fragility of his position as he appears deprived of any solid political alliance backing him. Coupled with an increasingly alarmist tone repeatedly warning the ongoing dispute could eventually trigger a return to armed conflict, his populist rhetoric seems focused on ensuring he is perceived as more legitimate than an HoR-designated PM. The electoral roadmap he presented includes too many loopholes for it to offer a genuine solution out of the political crisis. In proposing his own electoral calendar, he could merely be trying to gather appeal and to dispute the HoR’s authority.

The struggle for power opposing incumbent PM Dbeibah to PM-designate Bashagha has translated into **competing narratives around the notion of legitimacy**. Whereas the HoR’s decision of 10/02 was initially depicted as an initiative undertaken in agreement with the HCS, its formal rejection by the latter exposed the litigious reality of the matter. Even though the HCS remains strictly speaking a consultative body, its retraction from what was originally portrayed as the expression of consensus between two rival chambers undermines the legitimacy of the HoR’s decision. The Speaker of the HoR, who seemingly counted on the support of the HCS to cultivate the narrative of a Libyan-Libyan designed political roadmap, can nevertheless keep leaning on the virtue of his office to legitimate the change of course he initiated.

Seeking legitimacy for the Government of National Stability (GNS), the alliance behind its establishment will continue to picture it as a true unity government bringing together Libya’s rival factions under one banner. In fact, PM-designate **Bashagha’s cabinet is likely to be composed of a loose knit collection of political elites** merely reflecting competing patronage networks. Beyond the geographical balance required between the three historical regions, the composition of the government is expected to be the product of the wide range of stakeholders seeking benefits in return for their support. This equation inevitably includes deals struck with militias and armed groups, without whom PM-designate Bashagha will not be in a position to take up office in Tripoli.

A cabinet consisting of disparate forces brought together by a variety of interests is unlikely to result in a cohesive government pursuing a common vision for the country. In addition, whereas Fathi Bashagha as the GNA’s Minister of Interior tried hard to rein in militias and armed groups, as the GNS PM-designate, he will need to rely on their backing for his mandate to be viable. Alongside the contentious question of the LNA’s inclusion in unified military structures, this would undoubtedly **complicate** his prospective administration’s **efforts to reform the security sector** and to implement the disarmament and demobilisation of militias he has long called for.

Assuming he obtains the HoR’s vote of confidence (expected in Tobruk on 28/02 or 01/03), PM-designate Bashagha’s chances to impose his government will not only depend on his capacity to secure the backing of armed groups and endorsement from key communities. **Shaping perceptions could also play a crucial role in tipping the scale one way or the other**: Whoever is perceived as the winning horse may well appeal to the forces who have so far remained silent – notably a number of armed groups and militias in Tripoli. The same logic could apply to the UN and Western powers who have so far maintained a prudent stance of declared non-interference. While **legal challenges to the HoR’s roadmap are expected to be pursued by a variety of actors** (*e.g.* HSC, CDA, etc.), the authority of the GNS will in all likelihood not be determined by the legality of its selection but rather by its ability to be widely considered as the power in place.

Whereas the HoR-sponsored electoral roadmap includes a constitutional redrafting process prone to prolong the foreseen timeline of 14 months, the incumbent PM’s proposed plan announces the holding of legislative elections by June 2022 with a presidential election on hold until the adoption of a permanent Constitution. The formation of a new executive would thus be delayed beyond the expiry date envisaged by the LPDF-born calendar, with PM Dbeibah possibly in a position to extend his term in office. Whilst the HoR and the GNU’s respective roadmaps are competing for legitimacy, their common feature seems to be their ability to create the necessary conditions to thwart their own removal from power. **Delaying the political transition with the intention of clinging to power** for as long as possible appears like the ultimate reason motivating the quarrelling political class. Credible, inclusive and transparent elections coupled with the acceptance of their outcome would have the merit to lay a solid base on which to build a stable and prosperous new Libya.

**III. DETAIL**

1. **Political situation**

As the date for the HoR’s vote of confidence in the cabinet proposed by PM designate Bashagha is drawing near, **incumbent PM Dbeibah has continued his political counter-offensive**. In the evening of 21/02, in a video streamed on the social media platform Hakomitna (“our government”), Dbeibah has pursued his **endeavours to rally popular** **support** by presenting his roadmap under the motto “Return of trust to the people”. His plan includes the drafting of an electoral law by a committee under the supervision of the Ministry of Justice to be submitted to the HoR for ratification by mid-March. Should a new legislation fail to be established, PM Dbeibah proposes to proceed with a legal framework from the past (either 2012 or 2021) to enable the holding of legislative elections not later than June 2022. A referendum on the Draft Constitution is to be organised simultaneously, with a presidential election as a subsequent step. How to address the legal challenges which resulted in the cancellation of the 24th December elections was not mentioned, nor the technical aspects which would require implementation within a tight timeframe. In his speech, he also repeated the HoR-appointed PM does not have the legitimacy to take office and **warned multiple times of the risk of war** should the latter attempt to seize power.

In parallel to PM Dbeibah’s efforts to fight back the HoR’s decision of 10/02, reports emerged the Constitution Drafting Assembly (CDA) is preparing to legally challenge amendment No. 12.

On 23/02, following several postponed sessions for purported security reasons, the HSC convened in order to unify its position ahead of the upcoming HoR session. Contrasting with his previously more ambiguous stance, Chairman Khaled Al-Mishri’s opening remarks stressed the necessity to complete the constitutional project before moving on to the reshuffle of the executive. The sitting was then interrupted amidst the confusion provoked by quarrelling HSC members and an alleged power cut (later on refuted by the national electricity company) before the voting even started. Some members of the chamber, notably the current Chairman’s predecessor Abdelrahman Al Sewehli, reported being attacked on their way out by unknown gunmen in an intimidation attempt seemingly seeking to prevent a **vote rejecting the HoR’s decision**.

HCS members reconvened the next day to finally turn down the 12th constitutional amendment, thus effectively also disapproving the nomination of a new PM. However, with only some 60 members reportedly in attendance, the session was immediately followed by claims the legal quorum was not met.

Almost simultaneously, the media office of PM-designate Bashgaha announced the composition of his cabinet had been submitted to the HoR. After two intense weeks of political manoeuvring and lists of names circulating, **the final makeup of the GNS has not been made public**. An official invitation to attend a HoR session on Monday 28/02 indicates the vote of confidence confirming Bashagha’s proposed government could be imminent.

The international community has displayed no visible sign of intervention at this stage. For the most part, statements issued have called for stability and calm on the ground to be preserved.

1. **Libya in the international arena**

In a rare intervention on events taking place outside Libya’s traditional geographical focus, the GNU’s Ministry of Foreign Affairs has condemned Russia’s invasion of Ukraine. Recent developments in Ukraine are expected to compound the **lack of international consensus on Libya**, including by exacerbating Russia and the USA’s conflicting views about UNSMIL’s leadership which have prevented the renewal of its mandate and the appointment of a Special Representative. While Russia has expressed views in favour of Bashagha forming the GNS, the USA have refrained from publicly taking sides.

**On 25/02, the White House announced the extension of national emergency with respect to Libya**, a declaration acknowledging the situation in the country continues to pose a threat to the national security and foreign policy of the USA.

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

An **increase in movements by Wagner and LNA-affiliated groups** was reportedly observed in the Central and Southern Regions, including along strategic routes and crossroads. Whereas there is currently no confirmation linking the various manoeuvres with the ongoing fight for political control, the positioning of forces in areas considered to be connecting hubs could signal the re-emerging ambition of westwards-looking offensive movements. Read against the backdrop of intensifying hostile comments posted across social media by commanders of brigades at loggerheads, **the situation appears more and more polarised**.

On 23/02, **the formation of a “Constitution and Elections Support Force”** under the Defence Ministry (function assumed by the PM in the GNU) was announced. Contradictory information has circulated regarding the composition and command structure of this armed group, which expressly positioned itself against the HoR’s recent move.

**Misratan factions remain divided** over the backing provided in the competition for premiership, with a number of militias and armed groups vehemently opposed to a rapprochement with LNA-affiliated figures. Despite these differing views, it is widely believed Misrata’s relatively cohesive social fabric will prevent the eruption of intra-communal violence. Heightened political tensions coupled with the LNA-aligned forces’ recent activity on the ground could soon put this presumed cohesion to the test.

**Counterterrorism operations** followed recent reports of a growing terrorist threat in Tripoli. While *Daesh*’s operational capability has reportedly benefitted from the strengthening of its networks across neighbouring countries, the division of military/security structures in Libya continues to hamper the sharing of intelligence.

1. **Economic issues**

On 21/02, in a speech inaugurating the Al Tahara oil field, the head of the National Oil Corporation (NOC) Mustafa Sanalla warned the policies of the GNU’s Ministry of Oil and Gas are jeopardizing oil production as a result of the sector’s budget deficit. He argued that with only 11% of its 2021 budget received, the scarcity of funds has prevented the payment of salaries and the implementation of a long overdue increase in wages. This criticism must be read in light of the frequent **threats of shutdowns by disgruntled oil workers** who have been awaiting for successive governments to put into effect a pay rise decision dating back to 2013.

On 25/02, the embassies of France, Germany, Italy, the United Kingdom and the USA (P3+2) expressed their support to the NOC’s efforts to maintain its independence. The initiative was immediately condemned by Mohamed Aoun, the Minister of Oil and Gas, denouncing it as interference in Libya’s internal affairs. The co-chairs of the Berlin Process Economic Working Group (Egypt, EU, USA and UNSMIL) reiterated on 26/02 that it is essential to ensure the integrity and independence of NOC to make sure that Libyan resources benefit all Libyans.

Oil Minister Aoun, who recently expressed reservations concerning Libya’s capacity to increase its gas supply to Europe in the near future, has long been locked in a dispute with the NOC’s Chairman over the control of the sector. Even if his assessment regarding Libya’s limitations may be accurate, his comments could also be an attempt to contradict Sanallah who frequently stresses Libya’s potential and seizes every opportunity to encourage European investments in the Libyan oil and gas sector.

The potential energy crisis looming as a consequence of the conflict in Ukraine positions Libya as an obvious choice to provide alternative/additional oil and gas supplies to Europe. On the other hand, the events in Ukraine will also negatively impact the Libyan food market as a result of its significant percentage of imports in cereals (roughly 40%).

1. **Human Rights & Migration**

The Stabilization Support Apparatus (SSA) reportedly open fired against a migrant vessel during an interception at sea on Friday 18/02injuring several migrants. The SSA claimed the reports were false in an official statement that was issued following condemnations from international humanitarian actors. The use of lethal force against migrants at sea has been documented before. In July 2021, video footage was published showing the Libyan Coast Guards firing shots against migrant vessels, to bring the vessels to stop.

Following reported pressure exerted on the Minister of State for Women Affairs, Libya announced its withdrawal from the MoU on Women and Peace previously signed with the UN.

*Signed-off: José Antonio SABADELL, HoD*