|  |  |  |
| --- | --- | --- |
| **DELEGATION OF THE EUROPEAN UNION TO LIBYA** | | |
|  | | |
| *Author: Liliane Anjo* | | **Date:** 14/03/2022 |
|  | |  |
|  | **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 14/03/2022 – Key issues**

1. **SUMMARY**

* ***Whereas the Government of National Unity (GNU) PM Dbeibah seems as resolute to stay in office as the aspiring PM Bashagha appears intent on establishing his Government of National Stability (GNS), the political stalemate calls for the intensification of mediation efforts at both international and local level to capitalise on the armed groups’ demonstrated reluctance to slide into armed conflict.***
* ***Considering the UN-facilitated political roadmap focuses on the holding of timely elections, there is a renewed momentum around the electoral calendar. This could pave the way for a democratic process to be pursued provided national actors engage in a genuine confidence-building exercise.***
* ***The political standoff has continued to disenfranchise Libyan citizens whose disappointment could negatively impact the eventual success of the electoral process by further eroding popular trust in national institutions.***

1. **ASSESSMENT**

The current **political stalemate** has left the international community (IC) in a delicate situation. Whereas the GNU PM Dbeibah remains the officially recognised PM, supporting his government against the establishment of the GNS would be tantamount to dismissing the HoR’s decisions. Even though the UN has explicitly stated concerns over the transparency of the proceedings leading to the selection of Bashagha as the new PM, overtly rejecting the legislature’s vote could be interpreted as foreign interference in sovereign matters. On the other hand, international actors have called for restraint in response to perceived provocative actions by the incumbent PM.

Except for Russia welcoming the House of Representative’s (HoR) vote of confidence in the GNS, and the joint statement by Egypt and Saudi Arabia indirectly endorsing the HoR-designated executive, foreign capitals have abstained from publicly siding with one camp over another. By adopting a non-committal stance towards either side, international **powerbrokers have reiterated their** **willingness to support a Libyan-led, Libyan-owned political roadmap**. The absence of a clear stance in backing one side or the other has however also created **a void which both the GNS and the GNU have sought to leverage** by claiming international actors’ declarations are aligned with their own views.

Whereas the UN SASG is seeking to mediate an agreement with regards to recent political developments, her good offices efforts have not yet achieved the expected impact. However, the repeated support expressed by influential international actors to UNSMIL initiatives could make a difference. Capitalising on the direction provided by Libya’s key foreign partners, **diplomatic interventions** could successfully advance a political settlement. With Turkey reportedly assuming a lead role in preventive diplomacy and the USA consistently commending the political actors’ readiness to accept UN-facilitated negotiations, GNU PM Dbeibah and aspiring GNS PM Bashagha appear disposed to participate in talks. Moreover, the **Tripolitanian armed groups’ demonstrated reluctance to fight** may also have persuaded the two rivals to pursue a political understanding.

The GNU PM seems as resolute to stay in office as the aspiring GNS PM appears intent on assuming power: Being depicted as resorting to military force to maintain/obtain control over Tripoli would be to no one’s advantage. Whilst until recently, it was widely believed the incumbent PM would not renounce his position and depart the capital unless physically forced by his rival, this week’s events proved there continues to be little appetite for armed confrontation among the military/security actors. **Any of the contenders for premiership perceived as triggering violence will undermine his chances to gain international legitimacy in addition to a probable loss in domestic support.**

Besides the IC calling for negotiations, Misrata’s notables and elders have continued their mediation efforts. Hometown of both Dbeibah and Bashagha, Libya’s third largest city may be torn over who should be PM, but its influential tribal leaders have also remained adamant they will not let violence erupt between its powerful militias. Sheikh Mohammed Al Rajoubi, who heads the Misratan Council of Notables, has warned against what he depicted as foreign interference playing Libyans against each other. He urged Libyans to not let the country get sucked into armed conflict and advocated for **elections as a durable solution to the crisis**.

Meanwhile, mediation efforts will need to focus on finding a compromise agreeable to all stakeholders. Possible **concessions on either side remain unknown**, but there has previously been speculation about the incumbent PM Dbeibah being encouraged to step down in exchange for the dropping of any potential future legal charges against him. Also, the alliance behind aspiring PM Bashagha will need to be offered a favourable deal without which the initial agreement to support his premiership would turn meaningless. Besides, if Bashagha fails to deliver access to Tripoli to his Eastern-based allies, there is a risk that LNA Commander Haftar will turn impatient and envisage options moving away from the original Bashagha/Saleh/Haftar deal to achieve his objectives.

The HoR is yet to explicitly confirm its readiness to formally enter a UN-facilitated process with regards to the electoral roadmap. Considering nobody is disposed to appear as subverting the renewed momentum in the calls for the holding of timely elections, it is expected that Speaker Aqilah Saleh will agree to appoint HoR members to the proposed joint committee formed together with the High Council of State (HCS). However, the outcome of the initiative is uncertain. The recent appointment of a new executive has compounded the **recurring discord between the two chambers**. Moreover, the recent political turmoil has also fuelled anti-Saleh sentiment within the Tobruk-based Parliament, which could further complicate the lawmakers’ ability to effectively contribute to the political transition. National **actors will need to engage in a genuine trust-building exercise** without which the pathway to credible elections and the ensuing democratic process will remain illusory.

Following the failure to hold elections in December 2021, the political standoff has continued to disenfranchise Libyan citizens. **Concerned at the prospect of an indefinite transitional phase**, voices accusing existing political bodies of deliberately seeking to prolong their respective mandate echo widespread popular disenchantment. Institutional infighting over the drafting of a constitutional basis coupled with the political dispute over the appointment of a new executive could delegitimize the entire political process and further **erode public confidence in institutions**. Assuming Libyans are finally called to the polls in near future, visible disappointment with the political elites may eventually translate into contested election results and/or a low turnout.

**III. DETAIL**

1. **Political situation**

Only days after his GNS cabinet was formally inaugurated, **the HoR-selected PM Bashagha pledged** in an online streamed message **to take office in the capital within the next 48 hours “by the force of law, not by the law of force”**. With a similar statement by the HoR-sworn in Minister of Interior Abu Zriba and emerging reports of a number of GNU ministers handing over their resignation (although some were later on denied), intense speculation around the intentions of aspiring PM Bashagha and fierce disinformation battles galvanised an already nervous situation.

On 10/03, whilst the wider Western coastal region was on high alert and armed groups supporting the establishment of the GNS had mobilised in an apparent advance on the capital, forces loyal to the GNU managed to establish road blockades across key locations. Despite the **exacerbated tensions in and around Tripoli**, **attempts by Bashaga-aligned forces to enter the city** from various access points were thwarted without triggering armed clashes. The withdrawal of convoys was followed by reports indicating main stakeholders on all sides were eventually able to agree on **de-escalation to allow for a non-violent solution to be negotiated**. Conflicting information with regards to foreign mediation efforts indicates a possible intervention by Turkey contributed to the agreement.

The following day, GNU PM Dbeibah flew to Antalya to attend the Diplomacy Forum organised under the auspices of President Erdogan, an event seeking to position Turkey as a key player in conflict-preventive diplomacy. At the same time, aspiring GNS PM Bashagha announced his **readiness to dialogue** and reiterated his objective to take office peacefully without igniting an armed confrontation in the capital.

Meanwhile, SASG Williams has continued to urge for restraint in parallel to her **mediation efforts**. Whereas the HCS expressed its willingness to participate in the UNSMIL-facilitated initiative to form a joint committee aiming to create a consensual legal basis, the HoR has not expressly accepted the invitation. Even though Speaker Aqilah Saleh received the SASG to discuss her plan in a meeting described as constructive, he also underlined the legality of the arrangements voted by the House providing for a new political roadmap. Moreover, a memo signed by 93 HoR members refers to the SASG’s initiative as an unjustified parallel process detrimental to its own proposed roadmap. On the other hand, about 50 deputies reportedly formed a parliament bloc in opposition to the 10th February vote which they denounce as a deliberate extension of the legislature’s mandate, thus highlighting the controversial character of the House’s recent measures.

In line with the stance taken so far to abstain from taking sides in the competition for premiership, **Presidency Council (PC) leader Menfi announced his executive body’s support to the SASG’s good offices efforts**. Declaring that laying a constitutional framework will be the cornerstone for the holding of general elections, he stressed the need for the institutions emanating from the Libyan Political Agreement (*i.e.* both HoR and HCS) **to achieve consensus**. On 13/03, a press statement indicated intentions for the PC to determine the constitutional basis in the event the two chambers fail to agree on a workable legal framework.

The **political crisis has continued to eclipse the aspirations expressed by Libyan citizens**, whose voice remains essentially unheard in the narratives opposing the political elites. Despite recent protests calling for the dismissal of both legislative chambers and widespread discontent over the current impasse in which neither contender for premiership appears willing to alter his course of action, Libyans have been completely marginalised by the unfolding struggle for power.

1. **Libya in the international arena**

On 08/03, following an invitation to discuss recent political developments extended to the diplomatic corps, GNU PM Dbeibah received a dozen Ambassadors (in addition to some participants online) in a display seemingly aimed at publicly exhibiting the GNU remains the official interlocutor of the IC. Underscoring the meeting focused on its position as “the elected executive authority”, a subsequent GNU statement declared the decision to hold elections in June is aligned with the plan devised by the UN. Highlighting the IC’s unlimited support to UNSMIL, the GNU communication is ostensibly seeking to legitimise PM Dbeibah’s electoral calendar. In reality, most interventions of the Ambassadors in attendance also reflected the **concerns of the IC who called for a negotiated way out of the political standoff** and the preservation of the oil sector from political turmoil.

On the occasion of the Egyptian President’s visit to Saudi Arabia, a joint statement affirming support for a Libyan-Libyan political roadmap free from foreign interference was issued. Underlining the HoR is considered the legitimate body with the authority to grant power to the executive, the press release amounts to an indirect endorsement of the HoR-designated GNS.

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

The competition for premiership has continued to fuel the volatility of the security situation. However, even though rival camps have each managed to secure deals with powerful military/security figures, there continues to be little appetite for fighting among the Tripolitanian militias and armed groups. Whilst tensions escalated significantly following the overnight mobilisation of forces backing aspiring PM Bashagha in an advance on Tripoli from various locations, **armed clashes were reportedly averted following negotiations held directly between specific armed groups**.

Attempts by pro-GNS armed groups to reach Tripoli in preparedness of the arrival of Bashagha into the city were eventually aborted. The coordination between the forces hailing from different municipalities across Tripolitania have led to the assumption an Operation Room under GNS command has been established.

The PC’s leadership (Menfi and his Deputy Lafi) met with the Western region delegation of the 5+5 Joint Military Commission (JMC) led by the Libyan Army Chief of Staff Lt. Gen. Al Haddad to discuss the military/security situation. Whereas both entities appear committed to remain above the fray, **the political crisis has been threatening the implementation of the key objectives foreseen by the October 2020 Ceasefire Agreement** – notably the departure of mercenaries and foreign fighters, as well as the unification of the military establishment.

The LNA broadcasted a video showing the successful test launching of a short-range ballistic missile (presumably a Scud-B which in recent years was only exhibited on the occasion of military parades) in an apparent display of its deterrent capabilities.

1. **Economic issues**

Conflicting news regarding the temporary closure of the Al Riyayna pipeline valve connecting Sharara and other major oil fields to the Zawiya export terminal reveal **increasing tensions over Libya’s largest industry**. With different state institutions seeking to bolster their grip on the oil sector, reactions by various government officials have politicised the incident. The National Oil Corporation (NOC) declared force majeure in response to the cut in production by some 330.000 barrels/day. Production and export levels could also end up being jeopardized by repeated sit-ins and protests demanding the implementation of the 2013 decision to increase the sector’s salaries by 67%.

1. **Human Rights & Migration**

On 09/03 GNU PM Dbeibah participated in the opening of two **new detention centres for Arab migrants** in Tripoli. One of the two centres is the still empty Abu Salim facility for migrant woman and children that was already inaugurated in late January. The two centres appear in significantly better conditions than most other detention centres in Tripoli. As both are understood only to have Arab migrants, the sub-Saharan migrant community has already voiced concerns of further marginalization. Present at the opening was also Al-Khoja, Head of the Directorate for Combatting Illegal Migration (DCIM), and the Tunisian consul to Libya. Notably, the opening was promoted online by affiliations of the Security and Stabilization Apparatus (SSA) adding new complexities and questions about possible links between the DCIM and parts of the SSA.

*Signed-off: José Antonio SABADELL, HoD*