

# Briefing on the situation in Libya

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Tomorrow (29 June), the African Union (AU) Peace and Security Council (PSC) is expected to convene its 1091<sup>st</sup> session to receive a briefing on the situation in Libya.

Following opening remarks by Daniel Owassa, Permanent Representative of Congo to the AU and Chairperson of the Council for the month of June, Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security is expected to deliver a statement. Wahida Ayari, Special Representative of the Chairperson of the AU Commission in Libya; the representative of the State of Libya as the country concerned and representative of the United Nations Office to the African Union (UNOAU) are also expected to deliver statements. Other invited guests expected to participate at the session include representatives of the immediate neighboring countries of Libya – Algeria, Chad, Egypt, Niger and Tunisia and representatives of the relevant regional economic communities and regional mechanisms (RECs/RMs) – Community of Sahel–Saharan States (CEN-SAD), North African Regional Capability (NARC) and Arab Maghreb Union (UMA).

The AU position on Libya is encapsulated in the relevant AU Assembly and PSC decisions. The 997<sup>th</sup> PSC Communique which was adopted on 18 May 2021 following the holding of a Ministerial level meeting on the situation in Libya stressed the importance of an inclusive, comprehensive national reconciliation process, as well as the need to implement confidence-building measures such as a framework to put to an end to divisions and to restore social cohesion among Libyans. Tomorrow's meeting will afford an opportunity for PSC members

to take stock of the developments in Libya since their last meeting and pronounce themselves on the deteriorating political and security situation in the country, the political consultation process in Cairo and the holding of elections to conclude the prolonged transition period which is deemed critical to respond to the needs and aspiration of the Libyan people.

After more than a decade since the Libyan revolution, the country remains mired in a protracted political crisis. There was hope that the organization of inclusive, free, fair and credible elections would have helped in ending the long transition period. Although 2.8 million people were registered to vote in the presidential and parliamentary elections which were scheduled to be held on 24 December 2021 based on the roadmap agreed within the framework of the Libyan Political Dialogue Forum (LPDF), the elections were postponed and the Libyan political stakeholders have yet to agree on a new timeline. The mandate of the Libyan Government of National Unity within the framework of the LPDF is set to expire by the end of this month. The transitional phase was due to expire on 22 June, according to the LPDF roadmap, had the Presidential and Parliamentary elections were held on 24 December 2021, which did not happen.

Following the postponement of the elections, the Tobruk based House of Representatives appointed Fathi Bashagha, a former minister of interior and one of the presidential candidates, as the new prime minister for the remaining transition period arguing that the incumbent prime minister Abdul Hamid Dbeibeh failed to organize elections. However, Dbeibeh insisted that he will only handover power following the holding of elections. The political rivalry between the Dbeibeh and Bashagha has escalated tensions in Libya leading to clashes in Tripoli in May when Bashagha tried to take over the government but was met with resistance from Dbeibeh's forces. Another round of fighting took place on 10 June between rival forces

supporting Dbeibeh and Bashagha. This latest crisis is threatening to divide the country and plunge it into yet another cycle of conflict and violence. It also led to the partial blockade of Libya's oil facilities.

UN Special Advisor Stephanie Williams has been trying to resolve the political impasse and engaged with both Dbeibeh and Bashagha to encourage them to resolve their disputes through dialogue. She is also facilitating a discussion on the constitutional basis for the holding of elections through the establishment of a Joint Committee comprising of representatives from the High State Council and the House of Representative. The Joint Committee has met three times and the latest meeting taking place in Cairo. During the two previous sessions held in April and May, the Joint Committee reached agreement on 137 of 197 articles on the form and nature of the state; basic rights and freedoms, including women rights; the structure and powers of a bicameral Parliament; and some of the prerogatives of the President and Prime Minister, including on the prerogative of president and Prime Minister", according to the UN Under-Secretary-General for Political and Peacebuilding Affairs Rosmary Dicarolo who briefed the Security Council on the matter on 26 May 2021.

There are, however, outstanding issues that need to be addressed and the hope was that during the third and final round the joint committee will finalize the constitutional arrangements for the holding of national elections. Stephanie Williams underscored the need to continue working towards building the necessary consensus on the constitutional framework to pave the way for the holding of elections. As the final round came to a close on 20 June, Stephanie Williams released a press statement stating that 'the Joint Committee achieved a great deal of consensus on the contentious articles in the Libyan Draft Constitution' also highlighting differences on the 'measures governing the transitional period leading to elections'. The Special Advisor urged the

Presidencies of the two Chambers 'to meet within ten days at an agreed upon location to bridge outstanding issues'.

Some observers have been expressing concerns about the ongoing consultation process including the lack of openness to involve the wider Libyan populace. The other complication is the involvement of regional and international actors in the situation in Libya through their backing of different parties. In the meantime, Stephanie Williams is expected to leave her position as Special Advisor by the end of June. Consultations are underway to appoint a new Special Representative of the Secretary-General and Head of the UN Support Mission in Libya (UNSMIL). The AU has been insisting that this post should be filled by an African and the African members have been advancing this same position in the Security Council.

The AU is part of the Libya Quartet which involves the UN, the EU and League of Arab States. The UN has been in the lead in terms of facilitating the Libyan political dialogue but it is not clear how much the AU has been involved and/or consulted within the framework of the latest UN led talks in Cairo. The AU has a Liaison Office which was based in Tunis. The 35<sup>th</sup> Ordinary Session of the AU Assembly decided to relocate the office to Tripoli.

The expected outcome of tomorrow's session is a communique. Council is expected to express its concern over the recent flare up of tension between armed groups in support of the two rival governments. Council may further urge the rival groups to avoid any violence and resort to dialogue to reach at a consensus on a unified Libyan government that would steer the country towards the Presidential and Parliamentary elections. It may also urge all international actors to refrain from taking any actions that may re-ignite divided foreign support and engage instead in a more constructive role that will contribute to ensuring peaceful resolution of the current impasse. It may further call on the AU High-Level Committee on

Libya chaired by H.E. President Denis Sassou Nguesso of the Republic of Congo, to convene a consultative meeting on the current infighting between rival parties. While noting the consultations made by the Joint Committee of the House of Representatives and High Council of State on the constitutional basis for the holding of the elections and progresses made in this regard, Council is also expected to call upon them to reach agreement over the remaining outstanding issues.