

# Briefing on the situation in Libya

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Tomorrow (17 October) the Peace and Security Council (PSC) is scheduled to convene a briefing session on the situation in Libya. The AU Commission through the Peace and Security Department and Chairperson's Special Representative for Libya, Mrs. Wahida Ayari are expected to brief the PSC. Congo as Chair of the AU High Representative Committee and the other members of the Committee are expected to make statement. The UN, as the body that is leading the international effort for finding a political solution to the crisis in Libya, is also expected to provide updates to the PSC. Libya will also make statements.

Although this was not on the agenda of the initial program of the PSC, the Chair of the Month, Congo, being the Chair of the AU High Level Committee on Libya, it was no surprise that Libya was put on the agenda of the PSC. The session is expected to assess the prevailing security situation in the country, developments in the political process, including the plan for holding of national elections, and the situation of migrants in Libya.

In terms of the security situation, it would be of interest for the PSC to be informed of the state of the security situation in Libya in all its dimensions. Overall, the security situation in Libya remains dire. The continued existence of rival armed groups fighting over the control over various parts of the country continues to result in major incidents of fighting. Last month, armed groups launched an offensive against Tripoli maintained in bid to oust Tripoli-based militias and pressure Prime Minister Faiez Serraj to step down. At least 115 people, half of whom civilians in

residential areas, were killed since fighting erupted late August.

Apart from existing patterns of violent confrontation among rival groups, increasingly, struggle all armed actors in Libya to refrain from any attempt to disrupt oil installations, production and exports'.

Inter-communal violence has also become a major source of insecurity. In recent times, such conflicts have particularly affected Southern Libya. The situation also manifests the proliferation of not only armed groups but also criminal activities affecting in particular Southern Libya. Further compounding the wide presence and circulation of weapons in the country is also continuing trends of supply of weapons into the country. The presence of terrorist groups is another manifestation of the complex and dire security situation in the country.

On the political front, despite the fact that a UN initiative led to a Libyan Political Agreement in December 2015 and a so-called Government of National Accord (GNA), bringing together two warring "governments," deep divisions remain between the parties in Libya, specifically between the competing Tripoli-based and UN-supported Presidency Council and the eastern Tobruk-based House of Representatives (HoR).

Attempts have been underway for reaching consensus between the rival bodies on forming a new executive authority to reach an agreement on limited amendments to the Libyan Political Agreement. However, with these two components of the GNA competing for authority and legitimacy, in effect there remain two rival authorities in the country, with no single group commanding preponderance national clout. As the fighting during August and September showed, Tripoli and Tripoli-based UN-backed Govt of National Accord remain contested and even armed under attack.

In the mean time, there remains a plan for the convening of

elections in the country. Although progress on technical preparations has been reported particularly in terms of voter registration, the feasibility of the convening of elections within a set timeline in the absence of changes in the prevailing conditions remains uncertain.

Multilateral actors are pushing for a process of inclusive national dialogue. The AU Commission Chairperson in his 1 July press statement called for the organization of an inclusive dialogue to promote reconciliation and address peacefully all issues at hand. Following their meeting on 23 September in New York, participants of the third AU- EU-UN trilateral meeting 'agreed to work in close cooperation with the Libyan actors on the principle of the organization of a peace and reconciliation conference as a prelude to the conduct of peaceful and transparent legislative and presidential elections.'

With respect to the situation of migrants, it is of interest for PSC members to note that the situation remains dire. According to a report of the UN Secretary-General, despite the effort of Libya to close some detention centers 'migrants, including children, continued to be vulnerable to unlawful deprivation of liberty and arbitrary detention in official and unofficial places of detention, torture, abduction for ransom, extortion, forced labour and unlawful killing. Perpetrators included State officials, armed groups, smugglers, traffickers and criminal gangs.'

Apart from the large number of migrants present in Libya, the measures being taken by European countries for stemming the flow of migrants seems to worsen the situation of refugees and migrants in Libya. This is due to a greater number of interceptions at sea, the growing closure of the Mediterranean Sea for migrant departures and the refusal of countries to provide rescue support for migrants and refugees crossing the Mediterranean. The grave danger facing migrants became evident when no rescue support was extended to 600 migrants stranded

on the sea. In a statement he issued on this incident, AU Commission Chairperson stated 'European Union Member States must demonstrate their commitment to our shared commitments to address the immediate safety and human rights of all migrants within and across borders, while tackling the underlying causes driving illegal migration'.

During this meeting, the PSC may echo the call of the fifth meeting of the AU High-Level Meeting on Libya held in Addis Ababa, in April 2018 urging all regional and international actors to stop arms supply in line with the relevant UN Security Council resolutions. Equally important is also the need for countries to cease support for and official contact with parallel institutions in Libya. The PSC could also express support for the political process spearheaded by the UN including inter- community reconciliation efforts and restate the emphasis of the AU High-Level meeting on the imperative of engaging in an inclusive AU-UN proposed national reconciliation conference for resolving the Libyan crisis.

With respect to the plight of migrants, the PSC could call on Libyan authorities and European countries to comply with human rights obligations, including in interactions with persons in need of assistance at sea and cooperation with other vessels engaged in rescue operations. It could reiterate the call of the UN Secretary-General that for states to refrain from returning to Libya any third-country nationals intercepted at sea and should ensure that those in need of international protection are able to access fair and effective asylum procedures and from contributing— through their search and rescue coordination efforts, their provision of material support or otherwise – to bringing about a course of events by which individuals are transferred to places where they face risks of torture, ill- treatment or other serious human rights violations or are denied access to international protection if needed.