

Ministerial session on the situation in Libya

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Tomorrow (18 May) the African Union (AU) Peace and Security Council (PSC) convenes its 997th session on the situation in Libya. The session is set to be held at the level of ministers.

Algeria's Foreign Minister, Sabri BouKadoum, who will preside over the session, will make the opening remark. The AU Commission Chairperson, Moussa Faki Mahamat will deliver a remark, while the Commissioner for Political Affairs, Peace and Security, Bankole Adeoye, is expected to present a briefing to the Council. The representatives of the Democratic Republic of Congo, as Chairperson of the AU for 2020, and the Republic of Congo, as Chair of the AU High Level Committee, are also expected to make statement during the partially open segment of the session. As the country concerned, Libya's Foreign Minister, Najla Mangouch, is also expected to provide update on the peace process and the transitional government. The Special Representative of the Chairperson of the AU Commission, Wahida Ayari, the Head of United Nation (UN) Support Mission in Libya (UNSMIL), M. Jan Kubis, and a representative of the League of Arab States are also expected to deliver a statement.

PSC's last session on Libya was held on 3 November 2020 following the breakthrough in the Libya peace process which resulted in the signing by the 5+5 Joint Military Commission (5+5 JMC)—consisting of five representatives each from the internationally recognized Government of National Accord (GNA) and the self-styled Libyan National Army (LNA) — of a permanent ceasefire on 23 October 2020. The agreement envisaged the immediate identification and categorization of

armed groups to carry out a disarmament, demobilization, and reintegration (DDR), as well as for urgent opening of three main roads joining the East to the West and the North to the South of the Country. It also provided for the withdrawal of all foreign fighters and mercenaries operating in Libya.

The communique of the 961st session of the PSC endorsed the permanent ceasefire agreement of 23 October 2020, and emphasised the importance of supporting the full implementation of the agreement including through the participation of AU in the applicable monitoring mechanisms. It also demanded the 'immediate and unconditional' departure of foreign fighters within the timeframe envisaged in the ceasefire agreement; called for the 'unconditional and urgent closure of all illegal detention centres housing African migrants connected to the trafficking of migrants'.

Since then, Libya has registered additional major milestones towards the restoration of peace and stability in the country. In the political front, UNSMIL successfully convened the Libyan Political Dialogue Forum (LPDF)- composed of 75 participants representing all regions and main political and social constituencies in Libya- from 9 to 15 November 2020 in Tunisia. The LPDF adopted a political roadmap that provided for the convening of parliamentary and presidential elections on 24 December 2021. They also agreed on the formation of a transitional government with a reformed executive authority having a three-member Presidency Council and a separate Prime Minister with two deputies.

On 6 February 2021, delegates of the LPDF elected members of the new executive authority, resulting in the election of Mohammad Younes Menfi to head the three- member Presidency Council and Abdul Hamid Mohammed Dbeibah as a Prime Minister of the Government of National Unity. A new cabinet composed of 35 members submitted by the Prime Minister was approved by the House of Representatives convened in Sirte on 10 March. The Parliament reconvened a session on 15 March in Tobruk for the

swearing-in ceremony of the new government, followed by power handover ceremony in Tripoli.

Despite these major developments, the political process is not firmly secure. One illustration of remaining challenges is the postponement of a planned cabinet meeting scheduled to take place in Benghazi following prevention by civilians and armed men affiliated with LNA of an advance team for Prime Minister Dbeibah from leaving the airport following their arrival. As the Permanent Representative of Libya to the UN rightly asserted during his statement to the UN Security Council in February this year, all the tracks that Libya has been following for years are 'essentially fragile' in the absence of a dialogue of national reconciliation, which would ensure the sustainability of any outcome.

The legal frameworks for the convening of parliamentary and presidential elections are not yet in place. In its recent resolution on Libya (2570), UN Security Council made its expectation clear that the parliament and relevant authorities need to 'clarify the constitutional basis for elections and the enactment of legislations' by 1 July 2021 to allow an orderly preparation by the High National Elections Commission. Given that the time left before the 24 December date for the election is only seven months, there is a need for finalizing the outstanding legal and constitutional issues and equip the High National Elections Commission with the requisite institutional and financial resources to make the necessary preparations.

As far as the implementation of the permanent ceasefire agreement is concerned, it is worth noting that the ceasefire is holding. It is also to be recalled that initially the 5+5 JMC unanimously decided to establish a 'Libyan-led and Libyan-owned ceasefire monitoring mechanism' in November 2020. Subsequently, the JMC requested that the ceasefire monitoring is undertaken through the deployment of international monitors under the auspices of UNSMIL. Against this background, last

month on 16 April the UN Security Council unanimously adopted 2570 on UN support for the Libyan Ceasefire Monitoring Mechanism. As highlighted in resolution 2570, one possible avenue for AU to support the monitoring mechanism is through the provision of individual monitors under the auspices of UNSMIL.

In respect of the ceasefire agreement as well, challenges abound. First, despite the fact that the three-month deadline for the withdrawal of foreign fighters ended on 23 January, foreign fighters and mercenaries continue to be present in the country. It is to be recalled that the PSC, during its 957th and 961st sessions, requested 'immediate and unconditional' withdrawal of all foreign fighters and further warned to 'name and shame' all those that are sponsoring foreign fighters. Second, illicit flow of arms in breach of the UNSC arms embargo remains a major problem. As a recent report of the UN Panel of Experts on violations of the UN arms embargo observed, the continuing flouting the embargo has rendered it 'totally ineffective'. PSC members are expected to deliberate on this issue from the perspective of the serious ramifications of the continuing presence of foreign fighters and the illicit flow of arms to the peace and stability of the region against the backdrop of recent developments in Chad.

Third, the different armed groups and militias that the conflict generated still keep a tight grip over the areas they control; and it remains unclear how far the new government could assert control over them. The recent brief seizure by militias in Tripoli of a hotel that serves as headquarter for the interim government, allegedly because of their unhappiness with the choice of a new chief of intelligence agency, is illustrative of the threat that militia groups continue to pose for the transitional government and the peace process in Libya. Finally, the reopening of the coastal roads is not yet fully realized.

The economic front also showed a steady progress as well,

benefiting from successes registered in the security and political sector. Libya's oil production continues to surge. The output has significantly risen to 1.3 million barrels per day from the low of 228,000 prior to September 2020. It is expected that production capacity would increase to reach a target of 1.45 million b/d at the end of this year. This is critical in reviving Libya's shattered economy given the importance of the sector to the economy which accounts for 60 percent of aggregate economic output. Further economic reforms including the unification of the Board of Directors of the Libyan Central Bank, the unification of exchange rate, devaluation of the Libyan dinar, the presentation of a unified 2021 budget for the interim government have been also undertaken.

The PSC is also expected to deliberate on the human rights and humanitarian conditions in Libya, particularly in the context of African migrants and refugees. The death of African migrants while crossing the Mediterranean continued unabated. In the latest tragedy, more than 130 migrants lost their lives after a shipwreck off the Libyan coast. According to the UN migration agency (IOM), 557 deaths were recorded on the Central Mediterranean Sea route this year, which nearly tripled compared to the same period last year. Alarmed by the spike of deaths in this route, the two UN agencies (IOM and UNHCR) recently called on the international community to take urgent steps including the 'reactivation of search and rescue operation in the Mediterranean, enhanced coordination with all rescue actors, ending returns to unsafe ports, and establishing a safe and predictable disembarkation mechanism' to avoid further loss of life.

In tomorrow's session, the PSC is also expected to follow up on its request at its 961st session for the 'unconditional and urgent closure of all illegal detention centres'. Migrants and refugees are held in captives both at official and unofficial detention centres in harsh and life-threatening conditions,

subjecting them to serious human right violations including torture, rape, sexual exploitation, and forced labour. They are also targeted by trafficking organizations, armed groups and militias operating in Libya as part of their criminal networks to generate income through engaging in human trafficking. In the light of these persisting challenges, the PSC is expected to receive update from the AU Commission on the outcome of the conclusion of a two-day working visit to Libya by the AU Commission Chairperson along with the Commissioner of Political Affairs, Peace and Security and the Commissioner of Health, Humanitarian Affairs and Social Development in April last month.

The expected outcome of the session is a communique. The PSC is expected to congratulate Mohammad Menfi and Abdul Hamid Dbeiba for their appointment as President and Prime Minister, respectively, and hail the smooth transfer of power to the new interim government as set out in the political roadmap adopted by the Libyan Political Dialogue Forum. As far as the political process is concerned, the PSC is likely to avail the support of the AU for facilitating and supporting a national reconciliation process in Libya. On the preparation for elections slated for 24 December, the PSC may urge relevant authorities to take action regarding outstanding legal and constitutional issues and the provision of institutional and financial resources to the Elections Commission necessary for the convening of the elections on time and to this end may request the AU Commission to initiate electoral support to enable the Libyan authorities finalize relevant legal and institutional preparations for the convening of the elections. On illegal detention centres and the treatment of migrants, apart from reiterating its call for the closure of these illegal centres that expose migrants to grave violations, the PSC may welcome the agreement the AU delegation of the recent visit to Libya reached with the interim government to reactivate the process of dignified and voluntary repatriation and resettlement of African migrants. On the implementation of

the ceasefire agreement, the PSC may welcome the adoption of resolution 2570 by the UN Security Council on the Ceasefire monitoring arrangements in Libya, and express its readiness to support the Ceasefire monitoring mechanism including through the provision of individual monitors under the auspice of UNSMIL. With respect to the continuing presence of foreign fighters and mercenaries, the PSC may express its deep concern about the lack of progress for their withdrawal and reiterate its demand for their immediate and unconditional withdrawal. In this respect, the PSC may call on the AU Commission to initiate the establishment of a joint mechanism that oversees and verifies the speedy withdrawal of all foreign fighters and mercenaries from Libya. The PSC may also call on the UNSC to ensure the enforcement of the arms embargo and institute sanctions against those flouting the embargo. The PSC may also endorse the call, in the joint statement of the recent meeting of the Libyan Quartet, for the 'sustained implementation of measures to fully identify and dismantle' armed groups and militias, and 'ensure the subsequent reintegration of those individuals meeting the requirements into national institutions'.