

PSC ministerial meeting on Libya

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Tomorrow (18 April), the African Union (AU) Peace and Security Council (PSC) is scheduled to convene its 1149th meeting to assess the situation in Libya, with a particular focus on promoting national reconciliation. This session is expected to take place at a ministerial level.

The session is set to commence with the statement of the Chairperson of the PSC, Nabil Ammar, Foreign Minister of Tunisia followed by statement from Bankole Adeoye, Commissioner for Political Affairs, Peace and Security (PAPS). The PSC is expected to receive statements from Jean-Claude Gakosso, Chair of the AU High-Level Committee for Libya and the Special Representative of the Secretary-General of the United Nations (UN) and Head of UN Support Mission in Libya (UNSML), Abdoulaye Bathily. As the concerned country, the representative of the State of Libya is also expected to make a statement.

It is to be recalled that on 08 January 2023, a preparatory meeting for a Libyan national reconciliation conference took place in Tripoli, with the support of the AU, particularly the High-Level Committee on Libya chaired by the Republic of Congo.

The 36th AU Summit that took place on 18-19 February 2023 in Addis Ababa also recognised the significance of the National reconciliation process in the run up to the national elections and welcomed the convening of the preparatory meeting in January with the support of the AU High-Level Committee. It also encouraged continued efforts by the Libyan authorities and the AU High-Level Committee towards the organisation of

the national reconciliation conference in an inclusive manner. At its previous session dedicated to the situation in Libya – the 1136th meeting – the PSC commended efforts geared towards the convening of the national reconciliation conference and underscored the critical need for continued AU role in promoting national reconciliation and stabilisation in Libya. Tomorrow's session provides the opportunity for the PSC to follow up on efforts being made to organise the national reconciliation conference which is expected to take place over the coming months. The AU Commission and the Chairperson of the Ad Hoc Committee are expected to provide details on progress made with respect to finalizing the plan for the convening of the reconciliation conference. In this respect, it would be of interest to members of the PSC to get information on details of the precautions including modalities of determining participation to ensure inclusivity, state of agreement with key stakeholders on the agenda of the reconciliation conference, follow up on outcomes including coordination with other processes such as the effort to achieve agreement on the constitutional framework and the timelines for convening elections, with a view to finding a lasting and comprehensive solution to the country's protracted political crisis.

In its 1136th meeting, the PSC also decided to undertake a field mission to the country to demonstrate solidarity with the Libyan people and engage with all key stakeholders ahead of the national reconciliation conference. At tomorrow's meeting, the PSC may also follow up on this decision and preparations of the plans for this field mission.

This year marks the 12th anniversary of the Libyan revolution but 'Libya's political class is going through a major legitimacy crisis', as the new Special Representative of the Secretary-General, Abdoulaye Bathily, informed the Security Council in his 27 February 2023 briefing. Since the

postponement of elections that were supposed to be held in December 2021, the political impasse between the Prime Minister of the Government of National Unity, Abdulhamid Al Dabiba, and Fathi Bashagha, the Prime Minister-designate nominated by the House of Representatives (HoR), remains unresolved. The Libyan people appear to be extremely frustrated by the status quo which has become untenable. A major focus of regional and international efforts has, therefore, been to resolve this political crisis in order to pave the way for the completion of the Libyan transition through the holding of presidential and legislative elections.

Since his appointment in September 2022, Bathily has been undertaking extensive consultations with the Libyan stakeholders as well as other regional and international partners in an effort to break the political impasse. The Special Representative has already informed the Security Council of his decision to establish a High-Level Panel for Elections (HLPE) which will be comprised of all relevant Libyan stakeholders, including representatives of political institutions, major political figures, tribal leaders, civil society organizations, security actors, women, and youth representatives. Its main responsibility, according to Bathily, will be to facilitate the adoption of the legal framework and roadmap for the holding of elections in 2023 and provide a platform for building consensus on matters such as election security and the adoption of a Code of Conduct for all candidates. Yet, the success of this formation depends on the buy-in from the rival political and security forces, the composition of the Panel and the modalities it uses for resolving disputes. Equally important is how this Panel can function effectively in the context of the continuing division involving two rival executive bodies of government. As critical is the follow up to the announcement made in Egypt by Aguila Saleh, Speaker of the HoR and Khaled Al-Mishri, Chairman of the High State Council (HSC) that they agreed to draw up a roadmap for completion of all measures necessary for

the conduct of elections.

In February 2023, the Libyan HoR adopted an amendment to the 2011 Constitutional Declaration which set up a committee of 12 members, comprising six members from the HoR (the Libyan legislative body based in Tobruk) and six from the HSC (an advisory body established under the 2015 Libyan Political Agreement), to prepare for elections. In his briefing to the Security Council on 27 February 2023, however, Bathily said that the amendment does not address issues such as the eligibility criteria for presidential candidates which has been contentious. It does not also provide a clear road map and timelines for the holding of elections, Bathily noted, expressing his fear that further controversy may arise because of issues such as the regional representation in the Senate. The HoR disapproved this assertion and characterized it as inaccurate in a statement issued on 28 February 2023.

Nevertheless, in his briefing to the press on 11 March 2023, Bathily expressed hope that the 6+6 committee will address some of those issues and come up with a reasonable timeframe for the holding of elections. He also expressed the UN's readiness to support the committee in discharging its responsibilities.

Security Council members issued a presidential statement on 16 March 2023, welcoming the progress in terms of the constitutional framework for the elections and encouraged the HoR and the HSC to continue building momentum towards the holding of elections in the country. They also expressed strong support for the efforts being exerted by Bathily and were encouraged by his initiative to set up the high-level panel, thus urging all stakeholders to cooperate and constructively engage with him. But the difference between 6+6 committee and the High-Level Panel does not seem to be very clear and is something that needs to be clarified.

While ensuring the conduct of elections remains critical to achieve full stability in Libya, success of the election

depends on overcoming the institutional divisions reflected in the existence of rival executive arms of government and the lack of legitimacy afflicting much of the current Libyan institutions in the eyes of the Libyan public. The national reconciliation conference can accordingly be organized to mobilize and provide platform for the engagement of the wider society and to further buttress ongoing efforts to achieve consensus on modalities for convening of national elections including through the establishment of the High-Level Panel that Bathily proposed.

In the security front, with continued sporadic clashes between different armed groups and criminal gangs, the overall security in the country remains tense. The situation has been further exasperated by external interference, including the activities of foreign fighters and mercenaries deployed in the country and the continued violation of the arms embargo imposed on Libya under Security Council resolution 1970 (2011) [[S/RES/1970 \(2011\)](#)]. The AU has been calling for the withdrawal of foreign fighters and mercenaries and this was the subject of discussion at a meeting held by the 5+5 Libyan Joint Military Commission (JMC) and liaison committees from Libya, Sudan and Niger in Cairo on 8 February 2023, which agreed on an integrated mechanism to facilitate this objective. The JMC also held its meeting in Benghazi on 7 April 2023 to enhance confidence among the Libyan military and security institutions in support of the political process and create a conducive environment for holding free and fair elections.

The outcome of tomorrow's session is expected to be a Communiqué. The PSC is expected to express its full support and encourage efforts for the convening of the Libyan national reconciliation conference and urge all Libyan parties to participate in good faith in this process. It may further call on Libyan parties to work towards reaching consensus on finalising the necessary constitutional and electoral

frameworks for the conduct of national elections. The PSC may welcome the ongoing effort for the convening of the national reconciliation conference under the auspices of the AU. It may urge all Libyan actors to collaborate with the AU to ensure the convening of an all-inclusive national reconciliation conference. It may also condemn and totally reject any external interference in the internal affairs of Libya and urge Libyan actors to prioritise unification and refrain from taking actions that will put at risk the country's fragile stability. The PSC may express its concern over the continuing humanitarian and human rights crises affecting in particular migrants and refugees, and call on the relevant Libyan authorities as well as international actors to take the necessary measures to ensure the safety and protection of populations in need. It may also reiterate the call made at its previous sessions, regarding the 'urgent need for the AU Commission to ensure that the AU Mission in Libya is relocated to Tripoli and is sufficiently capacitated, in order to enable it to more effectively discharge its mandate and adequately support the AU's efforts on Libya, in line with the Decision [[Assembly/AU/Dec.819\(XXXV\)](#)] adopted by the 35th Ordinary Session of the Assembly'.