

The Situation in Libya

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Tomorrow (01 February), the African Union (AU) Peace and Security Council (PSC), is scheduled to convene the very first meeting of the month at its 1136th session to receive updates on the situation in Libya.

Following opening remarks by Edward Xolisa Makaya, Permanent Representative of South Africa to the AU and Chairperson of the PSC for the month of February, Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security (PAPS) is expected to deliver a statement. Wahida Ayari, Special Representative of the AU Commission Chairperson in Libya is expected to provide update on the situation in Libya. Republic of the Congo, as Chairperson of the High-Level Committee for Libya is also expected to make a presentation. The representative of the State of Libya, as the country concerned will also deliver statement. Representatives of the Libya Contact Group and Libya's immediate neighbouring countries, as well as representatives from Community of Sahel-Saharan States (CEN-SAD), North African Regional Capability (NARC), and Arab Maghreb Union (UMA), as relevant Regional Economic Communities and Regional Mechanisms (RECs/RMs) are also expected to make statements. The Special Representative of the Secretary-General for Libya and Head of the UN Support Mission in Libya (UNSMIL) will also deliver a statement.

The last time the PSC convened a meeting to discuss the situation in Libya was at its 1091st session which took place on 29 June of the previous year. The challenges that continue hindering the conduct of general elections in Libya formed one of the main issues the PSC addressed at that session. In this regard, it is to be recalled that the PSC, while acknowledging and expressing full support to on-going political processes in

Libya aimed at resolving issues impeding the conduct of elections, it urged Libyan stakeholders to reach consensus on the necessary constitutional framework and electoral laws and enable registered 2.8 million voters elect their leaders. In addition to providing general overview on the political, security and humanitarian situation in Libya, tomorrow's session is expected to provide latest updates related to on-going efforts for the conduct of the much-delayed general elections.

One key new development with respect to processes aimed at resolving the political crisis in Libya has been the appointment of Senegalese Abdoulaye Bathily, as the Special Representative of the Secretary General for Libya and Head of UNSMIL. Since the former SRSG for Libya and Head of UNSMIL, Jan Kubis stepped down in late November 2021, the post has remained vacant while the UN chief appointed US diplomat Stephanie Williams as his Special Advisor considering her previous engagement as a UN deputy Special Representative in Libya. Since resignation of Williams in the end of July 2022, the mission has been functioning without the required leadership. Tomorrow's session therefore presents the opportunity to welcome the appointment of Bathily to lead UNSMIL, and commend the Secretary-General and the UN Security Council (UNSC) for responding to PSC's call for appointment of an African candidate.

Since the PSC's last deliberation on the situation, the political impasse between the Tripoli based Government of National Unity (GNU) headed by interim Prime Minister Abdul Hamid Dbeibeh on the one hand, and Fathi Bashagha, the Prime Minister-designate nominated by the east based House of Representatives (HoR) on the other hand, persisted with little to no progress. Although talks resumed between the speakers of the HoR and the High State Council (HSC) which functions as Libya's Senate, agreement is yet to be reached between the two institutions on the necessary frameworks for the conduct of

elections. On the economic track as well, Libya's financial institutions continue to be divided despite on-going efforts to implement reform and reunification measures for the Central Bank.

While international efforts have predominantly been focused on the holding the general elections, the current reality on the ground seems to be revealing the need for strengthening parallel approaches that aim to resolve the political impasse and dispute over executive power. Without the necessary concerted international effort to overcome the fragmentation of government institutions and achieve integration, progress in the effort for reaching agreement on the necessary legal frameworks for the conduct of the national elections is likely to remain elusive.

The launch of Libya's reconciliation process has been a welcome development on the other hand. Preparatory meeting for the Libyan national reconciliation conference was initiated on 08 January, in Tripoli, under the auspices of the AU. From the AU's side, in attendance were President Macky Sall of Senegal in his capacity as the AU Chair; Chairperson of the AU Commission, Moussa Faki Mahamat and Congolese Minister of Foreign Affairs, Jean Claude Gakosso, on behalf of the Chairperson of the High-Level Committee for Libya, Denis Sassou Nguesso. From the side of Libya, key actors including Head of the Libyan Presidential Council, Mohammed Menfi as well as members of the HSC and HoR took part in the meeting. If implemented in an inclusive manner that ensures the participation and involvement of all the pertinent institutions and sectors of society including civil society actors, the national reconciliation process can potentially serve to create the conducive political and social environment that would lend societal support to the effort to bring Libyan parties a step closer towards forging unity and reaching agreement on the modalities for conducting elections and forming a legitimate government.

The security situation in Libya remains worrying. Although sporadic, incidents of clashes between supporters of the two rival governments as well as attacks against civilians have characterised the security landscape over the past year. In late August 2022, the worst fighting the country has experienced in couple years broke out in Tripoli between armed fighters backing the GNU and Bashagha's loyalists, reportedly claiming the lives of over 30 people and injuring hundreds more. The incident occurred as supports of Fathi Bashagha attempted for a second time to gain territory within Tripoli, the first attempt already staged earlier in the year, in mid-May. Further to constituting a clear violation of the October 2020 Ceasefire Agreement, these incidents complicate and impose considerable challenge to efforts aimed at the unification of Libya's armed forces. Added to this is the continued presence of foreign forces in parts of Libya which compounds the security challenges that confront the country.

A critical aspect that warrants a close follow-up is also the nature of geo-politics in the wider eastern Mediterranean region and the consequent impact it entails to Libya's internal affairs. With Turkey's demonstrated political and military backing to the GNU and the signing of an agreement between the two in early October 2022 that allows the former to explore energy resources in disputed areas of the eastern Mediterranean Sea, tensions are likely to increase between Turkey and other countries in the region that are opposed to its military and economic reach in Libya. Left unchecked and with continued lack of unity among Libyan actors, such developments have the potential to revive divided foreign support either through open or tacit backing of the two governments in Libya, threatening to plunge the country back to a full-blown conflict.

Due to the protracted political crisis and the years-long armed conflict that only came to an end very recently, public services in Libya have been weakened considerably and struggle

to properly address the humanitarian needs of affected populations. The UN estimates that nearly 526,000 people (including nearly 200,000 children) will require humanitarian assistance in 2023. Migrants and refugees hosted in both state operated and non-state operated centres continue to experience serious humanitarian and protection challenges and endure grave human rights violations. According to the UN Secretary General's report of 09 December 2022, there are 4,001 migrants as of November 2022, being held in government operated detention centres.

Tomorrow's session also serves as an opportunity for reviewing the state of implementation of various AU and PSC decisions regarding enhancing AU's role in the Libya peace process and with respect to addressing the plight of African refugees and migrants.

The outcome of tomorrow's session is expected to be a Communiqué. The PSC is expected to welcome the appointment of Abdoulaye Bathily as the SRSG for Libya and Head of UNSMIL and commend the Secretary-General, African three members of the UN Security Council (A3) and the wider UNSC for supporting the appointment of Bathily, in line with previous Communiqués of the PSC. The PSC may also welcome the initiation 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 and urge international and regional stakeholders to fortify efforts aimed at finding diplomatic settlement for the dispute over executive power in Libya. It may urge all Libyan actors to exercise utmost restraint to avoid incidents similar to the August 2022 armed clash and to refrain from further breach of the 23 October 2020 Ceasefire Agreement in order to preserve the relative peace and security achieved since its signing. The PSC may reiterate its call for the immediate and

unconditional withdrawal of all foreign fighters, foreign forces and mercenaries from Libya in line with the 23 October 2020 Ceasefire Agreement. 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 take note of the continuing humanitarian and human rights crises affecting in particular migrants and refugees, and call on the relevant Libyan authorities as well as international humanitarian 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 session, 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'.