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الاتحاد الأفريقي



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UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

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REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN LIBYA

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I. INTRODUCTION

1. This report is submitted in pursuance of communiqué PSC/MIN/COMM.(CDLIX), adopted by Council at its 459th meeting, held in New York, on 23 September 2014. It provides an update on the evolution of the situation on the ground and the international efforts to address it. The report concludes with observations on the way forward.

II. SECURITY SITUATION

2. The security situation in Libya continues to be of utmost concern. Since Council's meeting in September 2014, violence has continued unabated in various parts of the country, in spite of the repeated appeals of the international community to the Libyan parties to cease armed confrontation and seek political solution to the crisis. The fighting involves the Libyan National Army (LNA), which operates under the authority of the internationally-recognized Government, based in Tobruk, in the eastern part of the country, and other forces that are part of Operation Dignity (launched under the command of General Khalifa Haftar in May 2014) and forces loyal to the rival Government established in Tripoli, including those of the city of Misrata, which belong to the Libya Dawn Coalition. The unilateral ceasefires announced by the Libya Dawn Coalition and the LNA on 16 and 17 January 2015, respectively, were not respected. In the course of March and April 2015, a number of incidents occurred in different parts of Libya, including clashes in western Libya, notably in the Aziziya area, near Tripoli, which has witnessed tremendous destruction as a result of the periodic fighting among different groups in this region, and the violence that erupted in various neighbourhoods of Tripoli, resulting in several casualties.

3. A number of independent militias and terrorist groups active in the cities of Benghazi and Derna and the surrounding areas are also involved. In Benghazi, in particular, the LNA has been battling against the Benghazi Revolutionaries Shura Council, a coalition of Islamist revolutionary brigades, which includes Ansar al-Charia Benghazi. This group and Ansar al-Charia Derna were added, on 19 November 2014, by the Security Council's Al-Qaida Sanctions Committee to its list of individuals and entities subject to the targeted financial sanctions, travel ban and the arms embargo set out in resolution 2161 (2014) of 17 June 2014. Although the UN Special Representative negotiated temporary ceasefires to facilitate passage of humanitarian assistance at various times, both parties have violated the truce.

4. The current situation is also characterized by the use of violence against civilians and civilian institutions, including aerial bombing and other attacks targeting public infrastructure and facilities, such as the airports of Maitiga, near Tripoli, and of the city of Zintan, as recently as March and April 2015, as well as oil installations. In some cities, the fighting involved the use of Grad missiles, as well as that of cluster munitions, which are internationally banned since 2008. Both weapons are known for their indiscriminate effects on civilians. On a more

encouraging note, on 26 March 2015, Operation Sunrise (Alshuruq), which is tied to the General National Congress (GNC), and the Petroleum Facilities Guards, aligned with Operation Dignity, agreed to a UN-mediated ceasefire in the Sidra Oil Crescent area. As part of this agreement, Operation Alshuruq pulled out its troops from the Oil Crescent area.

5. During the period under review, clashes have intermittently involved the Tebu and Tuareg communities in southern Libya. This was particularly the case in the city of Obari and close to the border with Algeria, in September 2014 and January 2015. These led to the displacement of hundreds of families and the worsening of the humanitarian situation. In addition, human rights and political activists have continued to be targeted, through killings or abductions. On 14 February 2015, the head of the Libyan Human Rights Commission was abducted by unidentified gunmen in Tripoli. On 23 February 2015, a known political activist was murdered in Tripoli.

6. Of particular concern is the worsening of the scourge of terrorism in Libya, which is characterized by the continued activities of Al-Qaeda-linked terrorist groups and individuals, the increasing presence of the Islamic State (IS), also known as Da'esh, and the declarations of allegiance to the IS by terrorist groups operating in Libya. Among others, mention should be made of the attack against the Corinthia Hotel in Tripoli, on 27 January 2015; the car bombing in al-Qubba, eastern Libya, on 20 February 2015, which killed 47 persons and wounded more than 75 others; the take-over of the town of Nofaliya in Sirte District, on 9 February 2015, which was subsequently recaptured by forces loyal to the Tripoli-based Government, and the seizure by IS elements, on 13 February 2015, of several Government institutions in Sirte, and the bombings that targeted various Embassies in Tripoli, in February and April 2015.

7. One of the most gruesome acts that took place during the period under review was the kidnapping and subsequent killing of a number of African migrant workers in Libya. On 15 February 2015, the IS released a video depicting the beheading of 21 Coptic Christians from Egypt. In retaliation, the Egyptian Air Force carried out strikes against IS training facilities and weapons stockpiles in the city of Derna. On 19 April 2015, the IS released another video depicting the beheading and summary execution of 30 Ethiopian Orthodox Christians. I issued press statements on those two sad occasions, condemning these barbaric and cowardly acts, expressing AU's solidarity with the Governments of Egypt and Ethiopia, and conveying its condolences to the families of the victims.

8. The prevailing situation in Libya, including the safe havens established by domestic and foreign terrorist groups in the country and the proliferation of weapons and ammunitions emanating from Libyan military depots, poses a threat to peace, security and stability in the region and beyond. Terrorist groups operating in Mali continue to benefit from the flow of arms and fighters originating from Libya. It is worth noting the terrorist attack of 18 March 2015 at the Bardo Museum, in Tunis, perpetrated by elements trained in Libya.

9. In reaction to the worsening of the terrorist threat in Libya, the UN Security Council, on 27 March 2015, adopted resolution 2214(2015), to enhance the capacity of the Libyan

Government to deal with the situation. More specifically, the resolution called upon the Sanctions Committee established pursuant to resolution 1970 (2011) of 26 February 2011, to consider requests for the transfer or supply of arms and related materials to the Libyan Government for use by its official Armed Forces to combat the IS and its supporters, and called upon the international community, within the framework of the relevant provisions of this resolution, to extend the necessary assistance to Libya. At its 3rd meeting held in Niamey, Niger, on 1 April 2015, the International Contact Group for Libya (ICG-L) welcomed the adoption of the resolution. The 7th meeting of the Heads of Intelligence and Security Services of the countries of the Sahelo-Saharan region, held in Algiers, Algeria, on 15 and 16 April 2015, as part of the Nouakchott Process on the Enhancement of Security Cooperation in the Sahelo-Saharan region, also extensively discussed the security situation in Libya and agreed on practical steps to enhance regional coordination and cooperation.

III. HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC SITUATION

10. The continued fighting in Libya has led to a further deterioration of the humanitarian situation. There are approximately 557,000 internally displaced persons (IDPs), of whom, at least, 360,000 were displaced as a result of the fighting that began in July 2014. Hundreds of thousands Libyans have fled to the neighbouring countries. Furthermore, Libya continues to host some 37,000 refugees and asylum seekers of different nationalities, many of whom are living in precarious conditions and are subjected to serious abuses and other human rights violations.

11. In the east, more than 100,000 of Benghazi's population are estimated to have left the city to escape the fighting. Much of the city's basic infrastructure has sustained considerable damage, and access to medical care remains a major problem in many areas. The failure by the warring parties to respect their obligations, under international humanitarian law, to protect civilians and allow and facilitate humanitarian access, including through the establishment of secure corridors for the delivery of urgent humanitarian assistance, is a matter of deep concern.

12. The collapse of state authority and the resulting anarchy in Libya have led to an increased flow of African and other migrants to Europe, involving criminal networks. Thousands of people have lost their lives while trying to cross the Mediterranean Sea. On 19 April 2015, about 900 people drowned when their boat, operated by smugglers, capsized. Since the beginning of the year, over 1,700 people have died while trying to cross to Europe from Libya. For 2014, the figure of those who died attempting to cross the Mediterranean Sea was estimated at more than 3,000.

13. The prevailing situation has seriously affected the Libyan economy, particularly the critically important oil sector. Libya now produces around 600,000 barrels of crude oil per day, compared to about 1.6 million barrels produced in mid-2011. In early April 2015, the Prime Minister of the Libyan internationally-recognized Government, Abdullah al-Thinni, announced the opening of a separate bank account in the United Arab Emirates for oil revenue transactions; this decision was strongly criticised by the Tripoli-based Government. It should be

noted that, until now, oil sales and revenues have gone through the Libyan Central Bank and the National Oil Corporation based in Tripoli. Both institutions have strived to remain neutral in the current political crisis. The Central Bank pays civil servant salaries and provides consumer subsidies throughout Libya, helping, to some extent, to mitigate the humanitarian impact of the current crisis.

IV. POLITICAL ASPECTS

14. Council would recall that, following the 25 June 2014 general elections in Libya and the ensuing political crisis, the Libya Dawn Coalition took over Tripoli, challenging the legitimacy of the newly-elected Parliament, the House of Representatives (HoR). The HoR relocated to the city of Tobruk, while the GNC, which was supposed to have been dissolved, resumed its activities in Tripoli. Subsequently, in early November 2014, the Libyan Supreme Court ruled the June 2014 election as illegal. As a result, the country is having two rival legislative and executive bodies: the HoR in Tobruk and the internationally-recognized Government in Bayda, the GNC and its Government in Tripoli. It was under these polarized political circumstances that UNSMIL continued its facilitation efforts to engage the Libyan stakeholders with the objective of ending the armed violence and achieving a political solution to the crisis.

15. In January and February 2015, two rounds of talks bringing together major Libyan stakeholders, with the exception of the GNC, which boycotted the first round, were held in Geneva, with the view to reaching agreement on stabilizing the security situation in the country, appointing a national unity Government and operationalizing confidence-building measures intended to create a more conducive environment for dialogue and to alleviate the suffering of the population. On 11 February 2015, another round of talks took place in Ghadames, Libya. For the first time, all invited participants took part in the meeting. The participants reiterated their commitment to the Principles of the 17 February 2011 Revolution, and called on all parties to work towards military de-escalation on all fronts to allow the dialogue to proceed in a positive environment. From 5 to 13 March 2015, all major parties, including the HoR and the GNC, participated in talks in Skirat, Morocco.

16. Based on the discussions with the parties, UNSMIL, on 24 March 2015, presented to them ideas on how to end the current political crisis and military conflict. The guiding principles of these ideas are the respect for the elections and its results, respect for the legitimacy of the State, including the judiciary and its decisions, and all other institutions, as well as adhering to the 17 February Revolution Principles. More specifically, the proposed solution includes the establishment of a unity Government, headed by a President, and a Presidential Council composed of independent personalities acceptable to all parties; the recognition of the HoR, as a legislative body based on the principles of legitimacy and inclusion; a High State Council; a Constitutional Drafting Assembly; a National Security Council; and a Municipalities Council. These bodies would function during a new transitional period that will end with the holding of elections. These ideas form the basis of the draft Agreement on Political Transition in Libya issued on 25 March 2015.

17. Following the round of talks that took place in Skhirat from 15 to 19 April 2015, the UN Special Representative expressed optimism about the prospect of reaching a deal on the establishment of a new unity Government, as the Libyan stakeholders agreed on “80 per cent” of the UN draft proposal. While the political track is in recess for about two weeks to allow the parties to apprise their respective constituencies about these developments, the UN Special Representative is preparing to meet with the various armed groups in the coming weeks.

18. In addition to the main political track, parallel negotiations involving other Libyan stakeholders were held in Algiers, Algeria, Brussels, Belgium, and Tunis, Tunisia. On 10 and 11 March 2015, Algeria, under the UNSMIL auspices, hosted a meeting comprising 20 political leaders and activists representing different Libyan factions. At the end of their meeting, the participants solemnly expressed their commitment to the preservation of the unity, territorial integrity, sovereignty and independence of Libya, rejecting any external interference; underlined that dialogue is the only solution to the crisis in Libya; and acknowledged the need for concerted efforts to combat all forms and manifestations of terrorism. On 13 and 14 April 2015, the second meeting of Libyan political parties and activists convened in Algiers. The participants expressed concern over the escalation of terrorism; expressed disappointment at the continuing fighting and violence in various areas across Libya; and reiterated their call to the parties to immediately halt armed hostilities and create a conducive environment for the Libyan dialogue. They stressed the need for all other tracks to join efforts in support of the main political track that aims to reach a comprehensive solution to the political and security aspects of the crisis in Libya.

19. In the meantime, on 23 and 24 March 2015, the European Union (EU) hosted a meeting convened by UNSMIL that brought together representatives of Libyan municipal and local Councils. The meeting agreed to support the Libyan political dialogue, called for a ceasefire, including an end to air strikes and other attacks on civilian facilities; condemned terrorism in all its forms; called for the full reopening of civilian airports and air space; stressed the need to fully respect the rights of detainees and clarify the fate of missing persons; and called for the return of refugees and IDPs by 31 December 2015. It should also be noted that Egypt is planning to convene a meeting bringing together representatives of the Libyan tribes, as part of the overall efforts aimed at building confidence among the Libyans and facilitating the stabilization of the country.

20. From 21 to 22 April 2015, representatives of Libyan women’s groups and women activists, from diverse backgrounds representing all areas of Libya, met in Tunis under the auspices of UNSMIL. They rejected terrorism and violence, and pledged their commitment to democracy, national concord and peace, as well as to UN Security Council resolution 1325. They demanded the representation of women in all institutions of the Libyan state during the transitional period, as well as the establishment of a Women’s Unit in the Government and the allocation of a budget to promote its role. They called on the media to play a positive role, by focusing on elements that unify Libyans and invited those involved in the dialogue to make specific reference to women in the final text of the agreement to be concluded.

21. While the UN-facilitated political dialogue was proceeding, a number of political developments took place in both Tobruk and Tripoli. In early March 2015, the HoR appointed General Khalifa Haftar as the Commander of the LNA. This decision was criticized by the rival Government based in Tripoli, whose Prime Minister, Omar al-Hassi, was removed from his position by the GNC, on 31 March 2015, and replaced, on a temporary basis, by his Deputy Khalifa al-Ghawi. The GNC cited dissatisfaction with his performance as the reason for his dismissal.

V. FOLLOW-UP TO COUNCIL'S COMMUNIQUÉ OF 23 SEPTEMBER 2014

22. Council would recall that, at its 459th meeting it decided to step up its efforts in support of Libya and its people, as well as of the region, emphasizing the need for Africa to play a crucial role in the ongoing process. In this respect, Council, inter alia, agreed to establish, in close coordination with, and support of, the UN, an International Contact Group for Libya (ICG-L), in order to facilitate a coordinated and harmonized international engagement, in support of the efforts of the neighbours of Libya.

23. As a follow-up to Council's decision, the Commission took the necessary steps for the operationalization of the ICG-L. The Group, which comprises all of Libya's neighbours, AU Member States, the rotating Chairs of Council and the Union, as well as the relevant multilateral and bilateral partners, has met three times to date: on 3 December 2014 and 28 January 2015, in Addis Ababa, and on 1 April 2015, in Niamey, Niger.

24. In those meetings, participants expressed deep concern at the prevailing situation in Libya, strongly condemning all acts of violence in the country, including the deliberate targeting of civilians and civilian institutions, as well as the senseless destruction of property and airstrikes on infrastructures. Having emphasized that there can be no military solution to the conflict, participants urged the Libyan parties to demonstrate the required leadership and flexibility to find a negotiated solution to the crisis. In this respect, they consistently expressed support to the UN-led political dialogue, as well as to the efforts being undertaken by the neighbouring countries to facilitate reconciliation among all Libyans, in particular those by Algeria. They also condemned the various terrorist acts in the country and stressed the need to intensify international efforts to address this scourge.

25. The participants also underlined the central role of the ICG-L in ensuring a coordinated international engagement towards the search for a lasting solution to the crisis in Libya, building on the respective comparative advantages of all concerned international stakeholders. In this respect, they agreed to strengthen the ICG-L to enable it fully discharge its mandate, including through the facilitation of continuous exchange of information on the situation prevailing on the ground; the harmonization of messaging to ensure that the international community speaks with one voice and an maximize its leverage and capacity to positively influence the course of events in Libya, and the identification of gaps and duplication in international action, with a view to advising on how best to address them.

26. During the period under review, my Special Envoy for Libya, former Prime Minister of Djibouti Dileita Mohamed Dileita has remained engaged in the search for a solution to the crisis. On 30 October 2014 in Paris, together with the Special Envoys for Libya of the League of Arab States, the EU, France, Germany, Italy, Malta, Spain, Turkey, the United Kingdom and the United States, he met with the UN Special Representative and Head of UNSMIL. In addition, he took part in the three meetings of the ICG-L, held in Addis Ababa and Niamey, in December 2014, January and April 2015. On 4 December 2014, in Khartoum, Sudan, he participated in the 5th meeting of the Ministerial Committee of the neighbouring countries of Libya.

27. From 22 to 26 March 2015, my Special Envoy visited Tunis, Tunisia, where he met with Prime Minister Habib Essid and Foreign Affairs Minister, Taieb Baccouche, who both welcomed the AU's efforts and expressed the commitment of their Government to step up its cooperation with the AU in the search for a lasting political solution to the crisis in Libya, notably through the regional coordination mechanism established by the neighbouring countries in Algiers on 28 May 2014. The visit of the Special Envoy took place against the backdrop of the deadly terrorist attack that targeted the Bardo National Museum in Tunis, on 18 March 2015. Both the Prime Minister and the Foreign Minister expressed concern about the threat that the IS and other affiliated terrorist groups pose to the stability of their country and to the region as a whole. During his stay in Tunis, the Special Envoy has also met with the leader of Ennahda party, Rached Ghanouchi, and solicited his advice on the best ways and means of dealing with the Libyan crisis. Mr. Ghanouchi expressed appreciation to the AU for its sincere commitment towards the Libyan people, and assured the Special Envoy of his continued willingness to work towards the stabilization of Libya.

28. While in Tunis, the Special Envoy also met with representatives of Libyan civil society organizations, mainly composed of lawyers and human rights activists residing in Tunisia. His interlocutors reaffirmed their support to the UN-facilitated political dialogue, although some of them expressed scepticism about the chances of success of the on-going peace negotiations in view of the negative role of the powerful local militias active on the ground and their reluctance to concede power to any legitimate authority. They stressed the need for an external military intervention to overcome the current political crisis.

29. On 20 March 2015, the Special Envoy had discussions, in Istanbul, Turkey, with Mohamed Sawan, President of the Justice and Construction Party (JCP), and, on 27 March, in Amman, Jordan, with Mr. Mahmoud Jibril, leader of the National Alliances Forces (NFS). Both welcomed the efforts of the AU and requested it to step up its role in the search for a solution to the crisis. With regard to the ongoing political dialogue, they expressed their pessimism on its likely outcome. They also called for an end to foreign interference in Libya's internal affairs, as that would only widen divisions among people and undermine the peace process.

30. In this respect, it was Mr. Sawan's view that the internationally-recognized Government is unwilling to achieve peace through dialogue since it receives huge financial and logistical resources from foreign countries to achieve military superiority on the ground and impose its own conditions on the other stakeholders. On his part, Mr. Jibril questioned the

appropriateness of the approach adopted by UNSMIL to bring the Libyan parties together. He favored the establishment of a Government of national unity as a final step in the peace process. He considers that the parties should have first tackled issues related to the demobilization of militias and their integration into the regular security forces, the return of refugees, the establishment of independent judicial mechanisms and other key issues. Furthermore, he informed the Special Envoy that he submitted a peace proposal to this end to some of the neighboring countries, expressing his desire to share it also with the AU.

31. The Special Envoy plans to hold consultations with the President of the HoR, Salah Aguila Issa, and other relevant members of the Libyan Government in Tobruk, in the coming weeks. The necessary arrangements are being made to this effect.

32. Following the deterioration of the security situation in Tripoli, the AU Liaison Office in Libya was relocated to Tunis in July 2014. During the period under review, the Liaison Office has continued to implement its mandate, including the monitoring of the political, security, economic and social situation in Libya and related developments in the region; facilitating and strengthening AU's engagement with the Libyan authorities and other stakeholders; and interaction with relevant international partners. To enable the Liaison Office more effectively discharge its mandate, two of its officers were deployed to Algiers and Cairo, to ensure liaison functions with Algeria and Egypt, as chairs of the sub-committees of the Ministerial Committee of the neighbouring countries of Libya, as well as with the League of Arab States.

VI. EFFORTS OF THE NEIGHBORING COUNTRIES

33. The neighboring countries of Libya have continued to support the efforts to end the conflict in Libya. On 4 December 2014, they convened their 5th meeting in Khartoum, Sudan. In the communiqué adopted on that occasion, the meeting reaffirmed its support to the legitimate state institutions, as well as its commitment to assist in the rehabilitation of the Libyan armed and security forces. The meeting expressed concern at the prevailing situation and the resulting suffering inflicted upon the Libyan people; reiterated the need for an immediate cessation of hostilities and the continuation of the political dialogue; welcomed the UN efforts, stressing, in this respect, the need to involve the neighboring countries, as well as the complementary steps taken by the AU and the Arab League. The next meeting of the Committee is scheduled to take place in Ndjamena, Chad.

34. On 8 April 2015, in Rome, Italy, the Ministers of Foreign Affairs of Algeria and Egypt, the countries chairing the two sub-committees of the Ministerial Committee of the neighboring countries, held a coordination meeting with the Italian Minister of Foreign Affairs. The meeting provided an opportunity to review both the situation on the ground, including the increasing threat of terrorism, and the efforts to facilitate a political dialogue among the Libyan stakeholders.

VII. OBSERVATIONS

35. The situation in Libya continues to be of particular concern. In spite of all the efforts made to date, fighting continues in different parts of the country, leading to the destruction of infrastructure, the worsening of the humanitarian situation and persisting political polarization. The collapse of state institutions has created space for the increase of terrorist activities in Libya, as demonstrated notably, by the growing presence of the IS and the recent barbaric killing of Egyptian and Ethiopian nationals. This situation, combined with the continued proliferation into the region of arms originating from Libya's military depots, poses a serious threat to regional security and stability. It has also facilitated the activities of the criminal networks involved in human trafficking. The death of about a thousand people last week, while trying to cross the Mediterranean Sea, is a further illustration of the urgent need for action to address the prevailing situation in Libya.

36. I reiterate the AU's strong condemnation of all acts of violence in Libya, in particular the attacks against innocent civilians, as well as abuses targeting both Libyan and foreign nationals, particularly African migrants. I also reiterate AU's total rejection of terrorism in all its forms and manifestations. No efforts should be spared to eliminate the terrorist groups operating in Libya, in particular the IS. To this end, the Commission will continue to work with Member States and relevant international partners, within the framework of the continental and international counter-terrorism instruments. I welcome the adoption of resolution 2214 (2015), which called on the Sanctions Committee established pursuant to resolution 1970 (2011) to consider requests for the transfer and supply of arms and related materials to the Libyan Government for use by its legitimate national army to combat the IS and its supporters. I encourage AU Member States in a position to do so to extend the necessary assistance to the Libyan Government, within the framework of the relevant provisions of this resolution.

37. I am particularly saddened by the scale of loss of lives occurring during attempts by foreign migrants to cross the Mediterranean Sea. Clearly, this situation cannot be allowed to continue. While a lasting solution would require long-term efforts to create greater socio-economic opportunities in Africa, particularly for the youth, the reestablishment of effective state authority in Libya and other related measures, there are a number of immediate practical steps that should be taken to address the most pressing challenges at hand. This would require close coordination and collaboration between Europe and Africa, within the framework of the strategic partnership between the two continents.

38. I wish to underline, once again, the AU's conviction that only a political dialogue will bring about a lasting peace in Libya. I call on the armed belligerents to genuinely commit to an immediate and unconditional cessation of hostilities, in order to create an environment conducive for the success of the UN-facilitated political dialogue. I appeal to the Libyan stakeholders to demonstrate the required flexibility and leadership, to bring to an end the current crisis and respond to the aspiration of their people. The AU stands ready to contribute actively to the on-going efforts, in response to the requests made by various Libyan stakeholders and pursuant to the Council's communiqué of 23 September 2015.

39. I reiterate AU's appreciation to the countries of the region for their continued commitment to the search for a solution to the crisis. I encourage them to persevere in their efforts, bearing in mind the critical role they can play given their knowledge of the situation and the actors. The AU looks forward to the early holding of the reconciliation conference envisaged by Algeria and pledges, once again, its full support to the efforts being deployed, in this respect. The AU also looks forward to the meeting of Libyan tribal leaders scheduled to take place in Egypt.

40. As we move ahead, continued coordination among the international stakeholders will remain of critical importance. In this respect, the role of the ICG-L hardly needs to be emphasized. I welcome the commitment of the members of the Group to spare no efforts in strengthening this forum, to enable it fully fulfill its mandate.

41. Finally, I wish to express my gratitude to my Special Envoy for his commitment and efforts. I am also grateful to the Government of Tunisia for its facilitation of, and support to, the temporary relocation to Tunis of the AU Liaison Office in Libya.