



# The EU, Libya and COVID-19: A New Mission and New Priorities

The deficiencies of *EU Active Surveillance*, and the new intervening affects of the coronavirus outbreak on the EU's approach to Libya.

By

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## INTRODUCTION

The EU's response to the Libya crisis has entered a new stage in recent weeks. Even as Member States agreed on implementing a new mission in the Mediterranean Sea to monitor the flaunted international arms embargo, the unexpected affect of COVID-19 on the globe has added yet a new dimension to the Libya conflict. This has highlighted several problems in the European approach as the virus outbreak has necessitated a much more robust response from Libyan authorities in monitoring international involvement than any European initiative so far. However, Libya is unprepared to merely move from a war to being devastated by a disease outbreak, especially considering the level of neglect that the Libyan health system has suffered for several years. All these factors raise a new set of priorities for policymakers to consider in order to support and alleviate the suffering of the Libyan people.

## KEY TAKEAWAYS

- > *EU Active Surveillance* is a compromised mission due to the "pull-factor" clause regarding possible incentives for migration.
- > There is also a lack of detail on enforcement measures, and scope of the mission.
- > The global outbreak of COVID-19 has caused measures by Libyan authorities to restrict further international movement into the country, which, in addition to its war environment, has shielded the country from disease.
- > This may be a benefit to reducing the intensity of armed conflict in the short-term.
- > However, Libya's health services are desperately underprepared should the viral outbreak take hold there.

## EU Active Surveillance: A “Strong Commitment”?

The war in Libya has continued into March 2020. Despite certain efforts from the international community to reach a ceasefire between the warring parties in Berlin and enforce an arms embargo, and the recent UN Security Council Resolution 2510 (2020) that reiterated these conference conclusions, little progress has been made. Experts and commentators including from the UNSMIL<sup>1</sup> have noted the repeated violations of this embargo, and the continuation of hostilities between the sides. Indicative of the struggling presence of the UN was the news that Ghassan Salamé, former UN Special Envoy to Libya, resigned from his post after two and a half years citing<sup>2</sup> “*My health no longer allows this rate of stress*”.

Meanwhile, the EU reached some sort of active position on Libya with the announcement of a new mission called *EU Active Surveillance*, which will replace former *Operation Sofia* in the Mediterranean Sea on 31 March 2020. Italian Foreign Minister Luigi Di Maio said<sup>3</sup> that the mission would “*block the entry of arms into Libya*”. He also added that the mission should not be a “*pull factor*” for migration and would be halted if it became one. These comments relate to the deadlock that prevented a consensus in the EU regarding Libya, with countries such as Austria<sup>4</sup>, fearful of further irregular migration into Europe, vetoing a move to simply resume *Operation Sofia*. *EU Active Surveillance* is consequently a compromise position, intending to be solely a military operation, and not a humanitarian one.

When announcing this new mission on 17 February 2020, EU High Representative Josep Borrell stated<sup>5</sup> that the mission “*has been agreed by unanimity [between Member States]*” and heralded the mission as “*good news, and it represents a strong commitment from the European Union to implement the arms embargo*”. At a preliminary reading, this commitment can be seen in

the subsequent meetings that Emmanuel Macron and Angela Merkel had with Khalifa Haftar directly, in which they reiterated<sup>6</sup> that there is “*no military solution*” for Libya.

But we have already seen from historical precedent the failures of such meetings to produce something concrete and lasting for Libya. From failed conferences in Paris and Palermo, to purported commitments in Berlin, and the collapse of negotiations on military institutions in Geneva. The latter, and most recent, of which representatives from the GNA withdrew from due<sup>7</sup> to a bombing on a Tripoli port by Haftar’s forces. The latest in attempted ceasefires was one arranged in January; however, this has been repeatedly broken. While Salamé was still in his post on 18 February, he remarked<sup>8</sup> that there had been “*150 breaches [of a January ceasefire] since January 12<sup>th</sup>*”. And this pattern of hostilities has continued into March.

What is this “*strong commitment*” then? Borrell’s own announcement<sup>9</sup> of *EU Active Surveillance* spent much time and word space on outlining the circumstances upon which: “*In case that this pull factor appears, maritime assets will be withdrawn from the relevant area.*” Two paragraphs of the nine where he detailed the new operation, spoke of the ways upon which said operation could be withdrawn. This does not bode well for the success of *EU Active Surveillance*, when there are already preparations for it to fail. These provisions would not have been a factor should it have been *Operation Sofia*, a partially humanitarian mission, that would have been tasked with the new monitoring mission.

On this note, the IOM said<sup>10</sup> on 15 March that during a period of 24 hours, over 400 migrants were intercepted in the Sea by Libyan authorities in the west and returned to Tripoli-based detention centers. They also said<sup>11</sup> earlier this month that now there have been over 20, 000 deaths of migrants trying to cross the Mediterranean since 2014. These are grim

<sup>1</sup> <https://unsmil.unmissions.org/unsmil-statement-continued-violations-arms-embargo-libya>

<sup>2</sup> <https://www.bbc.com/news/world-africa-51713683>

<sup>3</sup> <http://www.rfi.fr/en/africa/20200219-turkey-odds-eu-over-policing-libya-arms-embargo>

<sup>4</sup> <https://www.euractiv.com/section/global-europe/news/eu-to-deploy-new-military-mission-to-enforce-libya-arms-embargo/>

<sup>5</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/74772/foreign-affairs-council-remarks-high-representativevice-president-josep-borrell-press\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/74772/foreign-affairs-council-remarks-high-representativevice-president-josep-borrell-press_en)

<sup>6</sup> <https://www.libyaobserver.ly/news/merkel-haftar-no-military-solution-libya>

<sup>7</sup> <https://africatimes.com/2020/02/19/libyas-gna-backs-out-of-geneva-talks-after-tripoli-port-bombing/>

<sup>8</sup> Ibid.

<sup>9</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/74772/foreign-affairs-council-remarks-high-representativevice-president-josep-borrell-press\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/74772/foreign-affairs-council-remarks-high-representativevice-president-josep-borrell-press_en)

<sup>10</sup> <https://www.voanews.com/africa/un-agency-over-400-migrants-intercepted-libya-coast>

<sup>11</sup>

<https://www.infomigrants.net/en/post/23295/over-20-000-migrant-deaths-in-mediterranean-since-2014-iom>

figures that show that the tragic reality of human trafficking for many vulnerable people, is continuing to claim lives and will continue to pose extremely challenging ethical questions for European authorities desperate to ignore their existence.

Meanwhile, this criticism of *EU Active Surveillance* has only spoken of the possibility of assets being withdrawn. There is still a lack of detail on enforcement. What happens should *EU Active Surveillance* spot violations of the arms embargo? Will there be confrontation? Direct condemnation? Or merely reporting back the UN? The latter seems highly inconsequential given that the most significant responses<sup>12</sup> have been that of “*deep regret*”.

Even further should there be a robust action plan of response to incidences of violations, the scope of *EU Active Surveillance*, insofar as it only monitors the maritime eastern Mediterranean Sea, is insufficient alone. Libya’s land borders on all sides are porous, and entry points for all sorts of smuggling, including weapons and fighters. And even then, analysts have rightly suggested<sup>13</sup> that talk of embargoes themselves as a sole panacea to the Libyan war are pointless when there are already so many weapons pre-existing in Libya.

In the absence of removing the “pull-factor” conditionality from *EU Active Surveillance*, the EU should clearly articulate the exact conditions upon which the “pull-factor” clause is warranted, and should also have an alternative plan prepared for to continue the critical task of monitoring international arms shipments should *EU Active Surveillance* be suspended. The EU also should articulate clearly the enforcement measures that *EU Active Surveillance* will implement should it record violations. And, as a priority, the EU should, with neighboring countries, explore additional measures to support the mission by implementing some sort of land border accountability and verification.

## COVID-19: A New Dimension to Libya’s Crisis

It is perhaps ironic then that the recent global health

pandemic of coronavirus has appeared to yield much stronger and robust, international and domestic, responses to the Libya conflict.

Over the past two weeks, with the exponential growth of cases of the virus in Europe there have been several measures that have, in the short-term had a direct impact on Libya. The GNA has closed all its ports and airports to keep the country virus-free<sup>14</sup>. Additionally, the manager of Libya’s land-border with Algeria has closed that border<sup>15</sup>, out of concern of the pathogen, given the existence of cases in Libya’s neighboring country. Meanwhile, in the parallel government in Libya’s east, there has been three suspected cases of coronavirus there, all from foreigners from Italy, Iran and Egypt working in the country<sup>16</sup>. As with other countries around the world, we can expect further measures to minimize international movements and further quarantine measures restricting movement. And although most arms and fighters that have entered Libya have, of course, entered the country through illegal and unofficial means, we can also reasonably assume that these will decrease during these extraordinary global circumstances.

COVID-19 may, thus, provide the conditions to approach a calm in the fighting, should the domestic parties seek to minimize the health risks to their population. Libya has, after all, been shielded from the disease<sup>17</sup> due to the constant restrictions on regular travel caused by its war, in comparison to its neighbors in Algeria, Tunisia and Egypt. On the other hand, according to the Global Health Security Index<sup>18</sup>, Libya is one of the least prepared countries in the world for dealing with an outbreak of coronavirus, undoubtedly due to the effects of protracted war and dissident administrations on regulating and functioning health practices across the country. It is not a preferable scenario by any means for a war to be merely replaced by a disease outbreak.

Additionally, due to the domestic priorities of many countries involved, especially from Europe and particularly Italy, it will be a possibility that Libya becomes a lower priority over the coming weeks. We have already seen<sup>19</sup> the cancellation of a meeting of the International Follow-Up Committee on Libya that was scheduled for 19 March in Rome, due to concerns

<sup>12</sup> <https://unsmil.unmissions.org/unsmil-statement-continued-violations-arms-embargo-libya>

<sup>13</sup> <https://themedialine.org/top-stories/analysts-eu-mission-to-enforce-libya-arms-embargo-faces-choppy-waters/>

<sup>14</sup> <https://www.tradewindsnews.com/tankers/coronavirus-free-libya-closes-all-ports-from-monday/2-1-774298>

<sup>15</sup> <https://www.libyaobserver.ly/inbrief/libya-closes-its-border-algeria-over-coronavirus-concerns>

<sup>16</sup> <https://www.libyaobserver.ly/health/libyan-parallel->

[health-ministry-suspects-three-coronavirus-cases](https://www.libyaobserver.ly/health/libyan-parallel-health-ministry-suspects-three-coronavirus-cases)

<sup>17</sup> <https://gulfnnews.com/world/mena/war-brings-unexpected-benefits-to-coronavirus-free-libya-1.70313386>

<sup>18</sup> <https://www.libyaobserver.ly/news/global-health-security-index-libya-among-least-prepared-countries-coronavirus-pandemic>

<sup>19</sup> <https://www.libyaobserver.ly/inbrief/italy-postpones-meeting-libya-due-coronavirus>

about the disease. While we can expect this as a reasonable reaction, it will be vital that the international community does not abandon Libya during these difficult times.

The Libyan health system itself faces several challenges beyond the normal institutional division between east and west. Hospitals and medical workers are underfunded and underpaid due to the severe economic crisis that has befallen the country amidst the breakdown in the oil economy. In an interview with the *Libya Herald* in July 2017, the WHO's representative in Libya said<sup>20</sup> "only 4 of the 98 hospitals are performing at 75% of their capacity". It is doubtful that such statistics have changed that much since, given the escalation in fighting from April 2019.

There have also been several direct attacks on medical facilities and health workers despite international humanitarian law prohibiting such violations. UNSMIL and the UN Human Rights Office from May 2017 to May 2018<sup>21</sup> "recorded 36 attacks on medical facilities, personnel or patients, although the actual number is likely to be significantly higher."

In order to prepare Libya for a possible, and devastating, outbreak of coronavirus, there should be better support from all Libyan authorities in funding and supporting medical facilities with supplies and provisions. There should also be better safeguards in place to protect hospitals, doctors and patients from the threat of further violence. The EU could play a role in supporting the authorities here too.

## KEY INSIGHTS AND CONCLUSION

The European response to the Libya crisis with *EU Active Surveillance* will still be insufficient due to several different issues with scope and implementation among others. However, the unprecedented intervening factor of COVID-19 has created an entirely new scenario for Libya.

› **The condition of avoiding a "pull factor" on migration will impede the effectiveness of *EU Active Surveillance* and has already set conditions for the mission to fail.**

› **There are also critical questions regarding what enforcement measures *EU Active Surveillance* could conceivably implement and regarding the scope of said-mission as the mission does not cover land**

**borders.**

› **Ultimately, there are already a substantial number of illicit weapons existing in Libya anyway. An arms embargo alone will not fully address the problems of the crisis.**

› **The current outbreak of COVID-19 has triggered a number of immediate measures to further restrict travel into Libya, which will possibly improve the scenarios for war by discouraging further internationalized intervention.**

› **However, Libya is not prepared for a disease outbreak, which would be a catastrophic situation for the country.**

In conclusion, the current pandemic outbreak does encourage a reprieve in fighting. This is good news for European policymakers insofar as preexisting measures have not been as successful in tempering the violence. Now the onus is on both the Libyan authorities across the country with international, and European, support to make sure that the country can respond effectively to this new public health emergency. Hopefully a show of unity in this shared crisis could be positive in promoting the conditions for a lasting peace.

<sup>20</sup> <https://www.libyaherald.com/2017/07/15/libyan-health-service-in-crisis-and-worsening-fast-says-uns-who/>

<sup>21</sup><sub>4</sub>

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23113&LangID=E>

## BIC POLICY RECOMMENDATIONS

### Towards the European Union:

- > The exact specifications of *EU Active Surveillance* should be clearly delineated. This includes the conditions of the “pull-factor” clause, and the measures for enforcement.
- > Preparations should be made for an alternative plan to monitor international arms shipments that is not subject to a “pull-factor” clause, should *EU Active Surveillance* be suspended.
- > Additional measures should be explored to consider land border verification with neighboring regional States such as monitoring the number of foreign national entering Libya.
- > Prepare to support health services in Libya in dealing with COVID-19 through medical supplies and shared technical support.

### Towards all Libyan authorities across the State:

- > As a priority, funds and supplies should be diverted to supporting medical facilities and services in order to prepare for a potential COVID-19 outbreak.
- > To support this, an accountability system should be implemented to guarantee that these funds are used for their intended purpose and not for other means.
- > Medical facilities, staff and patients should be protected from violence at all costs and should be guaranteed protection.

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