Delegation for relations with the Maghreb countries

Fourth interparliamentary meeting between the Delegation for relations with the Maghreb countries and the Libyan authorities
1 to 4 November 2010

Report by Pier Antonio Panzeri, Chair of the Delegation
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Introduction

The fourth interparliamentary meeting between the Delegation for relations with the Maghreb countries (DMAG) and the Libyan authorities was held in Tripoli and Benghazi from 1 to 5 November 2010. The last meeting between the European Parliament and the General People's Congress had taken place in Tripoli (Libya) on 18 and 19 April 2005.

This mission was carried out by Members of the European Parliament (EP) against the backdrop of the politically sensitive negotiations led by the Commission with a view to the signing of a framework agreement between the European Union (EU) and the Great Socialist People’s Libyan Arab Jamahiriya (GSPLAJ).

The mission’s objectives were approved at a preparatory delegation meeting held at the European Parliament in Brussels on 26 October 2010. The main objectives were to:

- **establish political dialogue** between the European Parliament, via its Delegation for relations with the Maghreb countries, and Libya;
- **hear from Libyan delegates** with regard to the ongoing negotiations on the association agreement;
- **seek to encourage the reopening of an office of the United Nations High Commissioner for Refugees**;
- **assess Libya’s political will** as regards the management of migratory flows;
- **assess the possibilities** for the adoption by Libya of a moratorium on the death penalty and its subsequent abolition.

Alongside these objectives, members agreed to concentrate on the following aspects:

- health issues (see the National Indicative Programme);
- support for businesses (SMEs) (see the National Indicative Programme);
- environmental matters, in particular water management.

Although this visit had been arranged long in advance, in accordance with the calendar of delegation activities adopted by Parliament’s Conference of Political Group Chairs on 10 December 2009\(^1\), and its programme drawn up in collaboration with the Libyan Mission to the EU\(^2\), all the meetings scheduled for 2 November were cancelled or postponed. In spite of the fact that Libyan delegates subsequently demonstrated a clear desire to ensure that this mission was constructive, there was no opportunity to discuss economic matters (support for businesses) or security questions.

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\(^{1}\) PE 432.294/CPG/ANN.

\(^{2}\) See Mr Panzeri’s letters of 15 June 2010 (ref. 202248) and 22 September 2010 (ref. 203671).
Domestic political situation and progress in negotiations on the framework agreement

The Jamahiriya or ‘State of the masses’

Following his installation in the coup (known as the ‘Al-Fateh Revolution’)\(^3\) of 1969, Colonel Muammar Gaddafi based his new regime on a combination of Arab nationalism, elements of the welfare state and what he referred to as ‘popular democracy’, which rejects political parties (which are illegal) and parliamentary democracy\(^4\). ‘Parliament is a misrepresentation of the people, and parliamentary systems are a false solution to the problem of democracy.’\(^5\).

This system, also known as ‘Islamic socialism’, allows private control of small companies, although larger companies are under government control. ‘Thus, the citizen in this new society secures his material needs either through self-employment, or by being a partner in a collectively-owned establishment, or by rendering public service to society which, in return, provides for his material needs’\(^6\).

In theory, under this election-free system\(^7\), all citizens participate in government through local people’s congresses (there are 1 500 congresses spread across 13 regions). Each local people’s congress elects a secretary to represent it within the country’s supreme legislative body, the General People’s Congress (GPC), which is composed of 760 members. The secretary of the General People’s Congress is officially the Head of State.

The General People’s Committee (the cabinet), which is headed by a secretary in the role of prime minister, acts as the country’s government. While Colonel Gaddafi, as the ‘Guide of the Revolution’, does not hold any official post, in reality he is in charge of appointments to the cabinet and runs the country.

The dynamic between modernising and conservative forces

Colonel Gaddafi’s son Saif al-Islam is often associated with Libya’s ‘modernising’ forces and could be called upon to take over from his father. Saif al-Islam has succeeded in consolidating his position within Libya’s reform-minded political and economic circles, but would be unpopular with the former revolutionaries of the old guard, in particular within the security services, which could favour his brother Mutassim, appointed National Security Adviser, to succeed the ‘Guide’. Another son, Saadi, could also play a significant role, having been made Commander of the Libyan

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\(^3\) A term from the Koran with the literal meaning of ‘opening’ or ‘conqueror’, but which can be interpreted in this context as ‘rebirth’.

\(^4\) See the Policy Department note – PE 444. 343.


\(^7\) ‘The party is a contemporary form of dictatorship. It is the modern instrument of dictatorial government. The party is the rule of a part over the whole.’ The Green Book, p. 13.
Special Forces in February 2006 and having led some international missions on his father’s behalf.

As President of the Gaddafi International Charity and Development Foundation, Saif al-Islam has undertaken several measures aimed at upholding human rights (for instance, the publication of a controversial report on the human rights situation in Libya) and freedom of expression by founding ‘independent’ media (e.g. Oea, printing of which was suspended during the EP mission, after the newspaper accused the Government of corruption) and information websites (e.g. alwatan-libya.com).

Efforts to implement reform within Libya, including through the drafting of a constitution (or ‘National Charter’) or the abolition of the death penalty, have come to nothing. This new ‘National Charter’, championed by Saif al-Islam and drawn up by a committee of experts and scholars, provided for the creation of a ‘social executive council’ as the Jamahiriya’s supreme body, the director of which would be elected for five years by secret ballot.

These attempts at reform are thought to have failed because of the old guard’s resistance to modernisation, but also owing to the increasingly ideological nature of Libya’s political system. In addition, each proposal for change has to be incorporated into the system itself. Moreover, it is interesting to note that, following each endeavour to reform the Libyan system or discussion to that end, Colonel Gaddafi has made an increasing number of statements in support of strengthening the power of the people (e.g. calling for the renationalisation of the oil sector).

Saif al-Islam’s reference to democratic concepts - employed at national level in the form of direct democracy, thereby strengthening the ‘State of the masses’ - and human rights may be attractive to the West. However, his ‘legitimacy’ based on family ties with the ‘Guide’ is evidence of the weakness of Libyan institutions, as well as of Western democracies’ temptation to believe in a democratic transition in Libya.

**The human rights situation and moratorium on the death penalty**

Although the human rights situation in Libya is invariably considered to be mediocre, the country has ratified nine major international human rights instruments: the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities.

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8 See the Policy Department note – PE 444. 343.
9 The EP delegation was unfortunately unable to meet the Director of the Gaddafi Foundation as it had hoped.
10 See Reform in Libya: chimera or reality?, Alison Pargeter, in Mediterranean Paper Series 2010, German Marshall Fund of the United States.
(CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance. However, Libya has not signed the Geneva Convention Relating to the Status of Refugees (see page 12).

While these international legal commitments appear not to be satisfactorily honoured in practice, their ratification means that Libya is nevertheless regularly monitored by the United Nations bodies responsible for ensuring compliance with these treaties. Following its admittance in spring 2010 to the UN Human Rights Council for the period 2010-2013, Libya underwent its universal periodic review (UPR) on 9 November 2010. The report concluded that ‘The Libyan Arab Jamahiriya is therefore strongly committed to securing full respect for human rights and views the universal periodic review mechanism as a means of improving the human rights situation within the framework of the principles of impartiality, objectivity and full transparency’.12

The UPR report points out that the abolition of the death penalty is a matter for the people’s congresses and that this step has already been considered and dismissed by ‘popular’ decision. The report states that ‘Abolition of the death penalty remains a goal of Libyan society. The legislative policy in the Libyan Arab Jamahiriya generally seeks to minimize to a great extent the application of the penalty in that many opportunities are provided in the legislation for it not to be applied where the relevant legal criteria are met.’ This was confirmed by the Libyan authorities when speaking to members of the EP delegation. ‘With regard to capital punishment, we are establishing a dialogue with the EU either via the Human Rights Council or United Nations with a view to assessing the possibilities for finding a solution.’13

In addition to the dialogue under way, the death penalty is subject to restrictions (for instance, amicable agreement among the parties, sentencing through several levels of the judicial hierarchy and confirmation by the Higher Council of Judicial Authorities). Its abolition remains an objective for the Jamahiriyan society,14 but some very conservative attitudes remain, such as that shown by Mr El Sadeg, Secretary for Legal Affairs and Human Rights within the GPC: ‘If someone has AIDS, do you allow them to remain free when they could infect others? Who should we protect: the criminal or the victim?’. Nevertheless, views of this kind were balanced by comments made by Mr Suleiman Sassi El Shahumi, Secretary for Foreign Affairs of the GPC, who was favourable to the EP delegation’s calls for information on the identity of those persons executed: ‘The international community has the right to know who has been executed, in accordance with our laws’.15

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11 See the Policy Department note – PE 444.343.
13 Meeting with the People's Committee for External Relations and International Cooperation on 2 November 2010.
14 See Article 8 of the Great Green Charter of Human Rights of the Jamahiriyan Era.
15 Meeting with Mr Suleiman Sassi El Shahumi, Secretary for Foreign Affairs of the General People’s Congress on 4 November 2010.
Providing a brief overview of human rights in Libya, Mr El Sadeg stated his belief that freedom of expression was respected: ‘In Libya we have moved beyond the issue of freedom of expression, as the people are their own master’\textsuperscript{16}. Moreover, the country had more than 40 newspapers and 20 specialist magazines. Finally, the situation with regard to women’s rights was deemed entirely satisfactory, as there was no ‘discrimination in relation to education or work, with women present within the Supreme Court, for instance, and representing 30% of members of the local people’s congresses’. Delegation members heard these statements with a degree of caution.

**Progress in negotiations on the framework agreement**

Libya is ‘a country that needs support but which would like an equal relationship. It needs and wants to work with Europe’\textsuperscript{17}. Indeed, for the EU Libya plays a key role in areas such as the fight against terrorism, peace and security in Africa, efforts to tackle illegal immigration in the Mediterranean and energy. The EU is Libya’s main trading partner, accounting for almost 70% of its trade overall. The chief aim of the EU’s strategy is therefore to consolidate Libya’s integration within an international political and economic system founded on rules.

The Commission has kept Parliament regularly informed\textsuperscript{18} of progress in the negotiations, though the latter has not had access to the texts adopted or the negotiating mandate. Thus, with regard to the chapter on political dialogue, according to the Commission Libya has agreed to the inclusion of clauses relating to weapons of mass destruction and small arms (SALW) and that political dialogue may cover all subjects of mutual interest, including human rights. Moreover, Libya is not opposed to the inclusion of human rights clauses in the sections of the framework agreement already negotiated.

‘Libya would like to conclude an ambitious agreement with the EU. We hope to reach that point at the beginning of next year.’\textsuperscript{19} Accordingly, this agreement, which is to be concluded for an indefinite period, should include provisions aimed at establishing a free-trade area (FTA) and strengthening cooperation on matters relating to justice, freedom and security and on a number of sectoral issues, such as energy, transport, the environment, industrial and business policy, consumer protection, tourism and cultural heritage, agriculture and rural development, fisheries and maritime governance, social questions, science and technology, education and training etc.

Thus far, six of the ten chapters have been finalised, including on the general principles of political dialogue, but difficulties have apparently arisen with the chapters relating to freedom, justice and security (especially with regard to migration). Libyan delegates voiced their optimism: ‘A number of points have yet to be resolved,\textsuperscript{20}

\textsuperscript{16} Meeting with Mr Husni Louhichi El Sadeg, General Secretary for Legal Affairs and Human Rights within the General People’s Congress on 4 November 2010.
\textsuperscript{17} Meeting with the Ambassadors of the EU Member States of 1 November 2010.
\textsuperscript{18} Joint DMAG/AFET meetings of 23 June and 11 October 2010 and DMAG meeting of 26 October 2010.
\textsuperscript{19} Meeting with the People’s Committee for External Relations and International Cooperation on 2 November 2010.
\textsuperscript{20} Meeting with Mr Husni Louhichi El Sadeg, General Secretary for Legal Affairs and Human Rights within the General People’s Congress on 4 November 2010.
but that is no impossible feat and we hope that we will succeed in overcoming all difficulties and obstacles to reach an agreement between Libya and the EU,\textsuperscript{20} while the ninth round of negotiations was held in Tripoli shortly after the EP delegation’s visit.

Management of migratory flows

\textit{Libya: destination or transit country?}

With regard to migratory flows, Libya describes itself as a transit country, but acknowledges that 30\% of its population is composed of legal immigrants. Indeed, for centuries the country has been on a natural route linking East Africa to Europe via the Nile Valley and Darfur. Furthermore, the borders between Libya, Chad and Sudan are relatively recent\textsuperscript{21}.

The term ‘transit’ may be misleading, considering that a great many migrants consider the Maghreb countries their chief destination. Libya should then be meeting European demands for it to tackle this illegal immigration, which is considered a threat, by turning back these immigrants, even though its economy relies to a large extent on their labour.\textsuperscript{22} Illegal immigrants in Libya represent cheap labour for sectors such as construction, whereas those held in detention centres tend to be those who have failed in their attempt to reach the EU\textsuperscript{23}. The best course of action would no doubt be to help Libya in setting up a real employment-related migration policy, as recommended by Laurence Hart, Head of the IOM Mission in Tripoli.\textsuperscript{24}.

Libya’s understanding of migration issues also incorporates some aspects of the Community’s approach, in particular as regards economic development in the countries of origin. The delegation’s Libyan partners commented on several occasions that the migration issue should not be settled solely from a security perspective: ‘Addressing the immigration question in the current manner only encourages problems; the solution should be in the interests of all’\textsuperscript{25}. It should also be noted that the Libyan authorities are capitalising on the country’s status as a ‘transit country’ to increase their influence in negotiations on agreements on migration in exchange for financial assistance and/or technical support.

From a European point of view, the issue of the status and rights of these illegal migrants is particularly delicate: ‘The Libyans need guidance in how to deal with migrants (staff and training)’\textsuperscript{26}. However, this ‘guidance’ can prove

\footnotesize{\textsuperscript{20} Meeting with the People's Committee for External Relations and International Cooperation on 2 November 2010.}
\footnotesize{\textsuperscript{21} See the Policy Department note – PE 444. 343.}
\footnotesize{\textsuperscript{22} See Hein de Haas in Third World Quarterly, vol. 29, No 7, 2008, pp. 1305 to 1322.}
\footnotesize{\textsuperscript{23} Meetings held at the IOM’s Assisted Voluntary Return Centre on 4 November 2010.}
\footnotesize{\textsuperscript{24} Meeting of 4 November 2010.}
\footnotesize{\textsuperscript{25} Meeting with Mr Hijazi on 4 November 2010.}
\footnotesize{\textsuperscript{26} Meeting with the Ambassadors of the EU Member States on 1 November 2010.}
counterproductive, as seen in June 2010, when the Libyan Interior Ministry decided to release all individuals held in the country’s 18 detention centres (approximately 3 000 people) on condition that they regularised their situation with the authorities within two months or left the country. This legislation criminalised the fact of being an illegal immigrant by making it a punishable offence, meaning that it has been impossible for the Libyan authorities to monitor these migrants.

The delegation had the opportunity to visit the Tweisha transit centre, which was empty at the time of the visit, and met the camp manager, along with IOM staff present at the time. Colonel Said, who has been running the centre for three months, explained to members that, ‘Very few people have passed through the centre since my arrival and those that have been here have always spent a very short amount of time here (generally a few hours), because the centre has no accommodation facilities’. A court order had been issued for the deportation by air of anybody passing through the centre. However, the delegation then visited rooms where illegal migrants are thought to have been housed, in conditions unfit for habitation (bathrooms without doors, building in a state of disrepair etc.). Moreover, 45 people were employed at the centre, which has an area of 5 ha. It is therefore unlikely that the number of migrants passing through the centre was so low and that short stays were the rule.

The IOM staff the delegation met on site reported that the centre received up to 25 people a day. With the embassies responsible for identifying migrants, some cases could prove difficult, as not all countries had a diplomatic representation in Libya. There had been cases, therefore, of people spending years in detention camps.

Alongside the approaches to the migration phenomenon as a security issue, which has seen the EU externalise its border control policy by calling on the Maghreb countries to apply stricter measures, or as a matter of economic development in the country of origin, a third approach consists of conducting information campaigns, in particular with regard to assisted voluntary return.

The delegation also visited an assisted voluntary return centre, where members met migrants awaiting return, IOM staff and volunteers. The centre must establish the veracity of illegal immigrants’ claims to want to return. Following an interview, the individuals in question undergo a basic medical examination to determine their physical fitness for travel.

Benefiting from Aeneas funding, assistance from the Gaddafi Foundation and contributions from some EU Member States, the assisted voluntary return programme operated by the IOM Mission in Libya has benefited 5 000 people since 2006. With ‘the funds granted for their return home, the migrants in question set up micro-enterprises.’ This option, which has the support of the Libyan authorities, enables illegal migrants to be treated with dignity.

28 Meeting with Colonel Said on 4 November 2010.
29 See the report on the DMAG mission to Mauritania - PE439.030.
30 Meeting with Laurence Hart, Head of the IOM Mission in Tripoli, on 4 November 2010.
The granting of visas: a delicate issue

According to Commission information, visa liberalisation or facilitation is a bone of contention in EU-Libya relations, with the EU taking a firmly negative stance. The only mention of the issue in the framework agreement is in reference to the possibility of launching discussions.³¹

The Memorandum of Understanding (MoU) signed in 2007 by Commissioner Ferrero Waldner and the Secretary for European Affairs of the Great Jamahiriya, Abdelati Al-Obeidi, sets out provisions for the issue of a class-A visa for Libyan nationals in return for the abolition of the visa requirement for EU nationals being put to the Higher Council of Judicial Authorities. In this agreement, the Commission also undertook to submit to the EU’s Council of Ministers provisions aimed at reaching a specific agreement between Libya and the EU concerned, inter alia, with supplying and setting up a border surveillance team to act on the EU’s behalf and providing study grants for students at European universities. As far as the Libyans the delegation met are concerned, the MoU is a source of disappointment, as it has yet to be fully implemented. Moreover, a dim view is taken of the differences between nationals: ‘It was our understanding that the EU wanted to see all visa constraints lifted for European nationals, while the Libyan population was divided into categories, which we, as a small country, oppose’³².

The issue proves all the more frustrating when it comes to medical visas for the children of Benghazi, accompanied by a family member: ‘The cooperation agreement has not been followed up in practice in terms of obtaining visas. The problem is that the patient can have to wait a long time’³³.

From a European point of view, all the Member States complain of the restrictive Libyan visa arrangements in place for EU nationals visiting or living in Libya and of their arbitrary application by the authorities there.

The refugee question

The number of refugees and asylum seekers in Libya is currently estimated to be between 5 000 and 12 000. One area where cooperation needs to be developed is that of ‘resettlement’,³⁴ which has yet to receive the Council’s approval as only some Member States have voiced their support (e.g. Sweden and Italy). The Libyan authorities are reluctant to grant exit visas for refugees for fear of sending a signal throughout Africa. Furthermore, the EU would not be in favour of a quota policy in

³¹ See the agreement on the Migration Cooperation agenda (MEMO 10/472).
³² Meeting with the People's Committee for External Relations and International Cooperation on 2 November 2010.
³³ Meeting with a representative of families of sick children in Benghazi on 3 November 2010.
³⁴ ‘The concept of resettlement refers to transferring refugees from a first host country to a second, generally a developed country, where they enjoy guarantees of protection, including legal residence, and prospects for integration and autonomy.’ http://europa.eu/legislation_summaries/other/l33213_en.htm.
this area. It would be wiser, therefore, to direct political efforts towards economic migration.

There is no legal or administrative system in place in Libya for the protection of ‘refugees’. As a result, asylum seekers and refugees are covered by immigration laws and the principle of non-refoulement cannot be applied\(^{35}\). In fact, Libya is the only Maghreb country not to have signed the 1951 Geneva Convention on refugees\(^{36}\). The delegation’s Libyan partners explained the situation in geopolitical terms: ‘we have not signed up because of our geographical location and our population’\(^{37}\).

This situation has also enabled the Libyan authorities to justify the closure of the office of the United Nations High Commissioner for Refugees (UNHCR), while stressing that, ‘we are, however, continuing negotiations with the UNHCR in order to find a way of working together within the bounds of the law.’ The closure of the UNHCR office was explained by others the delegation spoke to as the result of the internal struggle between modernising and conservative forces in Libya\(^{38}\).

However, in its conclusions of June 2005, the European Council made cooperation with Libya dependent on recognition of the UNHCR. Moreover, Article 8 of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa\(^{39}\) on cooperation with the Office of the United Nations High Commissioner for Refugees requires signatory states to ‘cooperate with the Office of the United Nations High Commissioner for Refugees’ and the Convention to ‘be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugees’.

Finally, the negotiations under way on the framework agreement relating to migration were viewed positively: ‘For the first time, the Libyans have agreed to include a reference to refugees in the agenda signed with the Commission, so we are hopeful that they will consider ratifying the Geneva Convention in the near future\(^{40}\).’

In accordance with the EP resolution adopted on 17 June 2010, delegation members urged the Libyan authorities to ratify the Convention and to facilitate UNHCR activities in Libya. While the answers given by the delegation’s interlocutors often stressed the fact that Libya had signed the Organisation of African Unity (OAU)

\(^{35}\) See Libya - The Migration Scene: Which implications for migrants and refugees?, CARIM policy brief No 1, June 2010.  
\(^{37}\) Meeting with the People's Committee for External Relations and International Cooperation on 2 November 2010.  
\(^{38}\) Meeting with NGO.  
\(^{39}\) Signed by Libya in Addis Ababa on 10 September 1969.  
\(^{40}\) Meeting with the Ambassadors of the EU Member States on 1 November 2010.
convention on refugees\textsuperscript{41}, accession to the Geneva Convention\textsuperscript{42} was not ruled out: ‘we will consider the possibility of acceding to the Geneva Convention’.\textsuperscript{43}

While the OAU Convention contains provisions similar to those of the Geneva Convention, in particular in terms of the definition of a ‘refugee’, it does not enshrine the principle of equal treatment of refugees and nationals of a foreign country (see, for instance, Article 13 of the latter on immoveable property or Article 17(1) thereof on wage-earning employment) or of refugees and nationals (see Article 22(1) on public education and Article 24(1) on labour legislation and social security). It also fails to lay down any administrative measures\textsuperscript{44} for the monitoring of refugees (identity, movement, etc.), other than those concerning travel documents (see Article 6), on which subject the OAU document refers to the Geneva Convention.

\textbf{Health and environmental policies: priorities for Libya}

\textit{A strategy for health}

In 2005 and 2006, under the ‘HIV Action Plan for Benghazi’ adopted by the Council, the Commission agreed to provide assistance for the modernisation of the Benghazi Centre for Infectious Diseases and Immunology (BCIDI) and the development of a comprehensive strategy for preventing and treating the virus.

To date, EU support under the Benghazi action plan comes to EUR 8.5 million. Since 2007, this financing has been made available under the European Neighbourhood and Partnership Instrument (ENPI), through the adoption of special measures allocating EUR 2 million in 2007, EUR 4 million in 2008 and, most recently, EUR 2 million in 2010. The Commission also decided to support the development of Libya’s national HIV strategy for 2009-2013 with funding of EUR 1 million (via the Stability Instrument).

In July 2007, with the signing of the MoU on EU-Libya relations, the Commission undertook to ensure the transfer from the International Benghazi Fund to the Libyan Economic and Social Development Fund of LYD 598 million (approximately EUR 355 million). The EU guarantees the treatment of children who require specialist care in European hospitals, which is paid for from EU funding or contributions from willing Member States. Similarly, the EU is committed to doing what is necessary to ensure that the Benghazi Centre becomes a centre of excellence for the region and attracts multilateral assistance.

At present, the Libyan authorities are working on a comprehensive national policy aimed at tackling HIV. However, the country’s needs in terms of the strengthening of

\begin{itemize}
\item[\textsuperscript{41}] OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
\item[\textsuperscript{42}] United Nations Convention Relating to the Status of Refugees of 28 July 1951.
\item[\textsuperscript{43}] Meeting with Mr Suleiman Sassi El Shahumi, Secretary for Foreign Affairs of the General People’s Congress on 4 November 2010.
\item[\textsuperscript{44}] See Chapter V of the Geneva Convention.
\end{itemize}
institutional capacity are great. Mr Hijazi, Secretary of the General People’s Committee for Health and Environment, explained that its health policy was centred on seven programmes (covering training, the development of medical institutions, organ transplants, etc.). While satisfied with cooperation with the EU as regards efforts to tackle HIV, Mr Hijazi stressed that the EU had not been able to adhere to its commitments with regard to granting visas for patients requiring treatment in European hospitals: ‘we are very happy with cooperation with EU in the field of health, but there are still some problems, such as the time it takes to obtain a visa (e.g. for France or Germany)’\(^\text{45}\). This grievance was also voiced by the representative of the parents of children infected with HIV during the delegation’s visit to the Benghazi centre of excellence\(^\text{46}\).

For the EU, one of the priorities of the National Indicative Programme for Libya for 2011-2013 is improving the quality of human capital, in particular the quality of health services. EU aid is intended to improve strategic planning and the development of human resources and training, amongst other things, thereby boosting Libya’s capacity to tackle infectious diseases.

This objective is illustrative of the taboo illnesses such as HIV/AIDS continue to represent in Libya\(^\text{47}\). However, the multidisciplinary approach adopted, with, for instance, the introduction of psychological and social assistance as part of the treatment offered to patients and their families, has produced excellent results, as some of the Benghazi children are now adolescents, while others are married or have even been able to give birth to healthy children. The success of the Benghazi experiment is down to the considerable role played by certain EU Member States, but above all to the families. It is imperative to continue with the programme, but also to develop a national strategy that additionally targets vulnerable sections of the population and combats discrimination\(^\text{48}\).

**Climate change**

Libya is at risk of suffering the effects of climate change, in particular owing to the scarcity of water resources in the country (more than 90% of Libyan territory is arid or semi-arid), high temperatures and the low elevation of coastal areas (where the majority of the population live). Climate change could lead to a reduction in the volume and frequency of precipitation as well as shortening its duration. Already a very dry country, Libya will become more arid still. The number of days on which the temperature is dangerously high is set to increase by 200 to 500%, which will aggravate the aridity and reduce the quantity of organic matter in soil, thereby lowering its permeability and

\(^{45}\) Meeting with the Secretary of the General People’s Committee for Health and Environment, Mr Muhammad Mahmud Hijazi on 4 November 2010.

\(^{46}\) Visit to the Benghazi centre of excellence on 3 November 2010.

\(^{47}\) See also in this regard the meeting with Mr Husni Louhibchi El Sadeg, Secretary for Legal Affairs and Human Rights within the General People’s Congress on 4 November 2010.

\(^{48}\) Meeting with Mr Rafik Hosni, medical coordinator for EU aid at Benghazi.
water retention capacity. This will prove damaging to Libyan agricultural production, which is already in a precarious state\textsuperscript{49}.

According to Mr Hijazi, the climate change issue is one of the Jamahiriya’s concerns, in particular in view of the water problem: ‘as you know, the wars of the future will be caused by water and “by means of water, we give life to everything”’ [quote from the Koran].\textsuperscript{50} The Secretary for Health and the Environment referred in this regard to difficulties in relations with Egypt and the countries along the Nile.

Climate change is the focus of the work carried out under the United Nations Development Programme (UNDP) in Libya, which seeks to strengthen national competence in areas that have suffered damaging delays (such as the environment, judicial reform, urbanisation, health, agriculture, gender equality, education, efforts to tackle HIV/Aids, immigration and industry). The implementation of Libya’s national development plan will see USD 15 million spent over a five-year period, even though the Libyan authorities have yet to adopt a unified approach with regard to the environment. The UNDP’s work therefore focuses on coordinating efforts, including by setting up contact teams within the various people’s committees and bodies responsible for dealing with climate change\textsuperscript{51}.

The UNDP country programme for Libya for 2011-2014 notes a lack of appropriate policy instruments for tackling environmental problems and the absence of a national strategy for climate change. Consequently, it sets the target of establishing three policy instruments covering protected areas management, water management and biodiversity conservation\textsuperscript{52}.

Even though the EU’s activities in connection with the National Indicative Programme 2011-2013 are more concerned with the diversification of the Libyan economy and the development of businesses outside the hydrocarbons sector, it would be useful to step up coordination between the actions carried out by the UNDP and by the EU.

\textit{Water management: the ‘Great Man-Made River Project’ (GMRP)}

The construction of a large artificial river, which began in 1984, after 25 years of planning, is considered to be the largest water transfer project in the world. The aim is to transport 6.5 million m\textsuperscript{3} of fossil water a day over a distance of 1 600 km, from the desert to the inhabited coastal regions, for consumption and for agriculture. The ultimate cost of the project is estimated to be USD 31 billion.


\textsuperscript{50} Meeting with the Secretary of the General People’s Committee for Health and Environment, Mr Muhammad Mahmud Hijazi on 4 November 2010.

\textsuperscript{51} Meeting with the UNDP on 4 November 2010.

\textsuperscript{52} See the UNDP’s programme for Libya for 2011-2014 - \url{http://www.undp-libya.org/CPD_Libya_2011_2014.pdf}. 

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The water comes from a large fossil aquifer in the south of Libya that is 3,000 to 6,000 m deep and 3,000 years old and which is non-renewing, hence the additional use of seawater desalination technologies.

The first two phases of the project (USD 5 billion and USD 3 billion respectively) were completed by a South Korean consortium (Dong Ha) and the third phase (USD 5 billion) was partly carried out by Vinci Constructions Grands Projets, including the provision of pumping stations. Phase IV linking the Ghadamès Basin with the coastal region of Jefara was awarded to a local company in September 2008.

The delegation visited the site of the Grand Omar Mukhtar reservoir, the second-largest of its kind in the world. Built over an area of 106 ha some 55 km south-west of the city of Benghazi, the reservoir has a capacity of 24 million m³. The water from the reservoir, estimated at 275 million m³ a year, should be enough to irrigate 27,000 hectares of land covering the Al-Khadra, Wadi Al-Ghattara and Ghout Sultan agricultural sites and the Benghazi plain.

The structure, which has a diameter of 1,010 m at its base and 1,164 m at its surface, with a depth of 26.5 m, consists of a circular reservoir, two chambers for letting water in and out, a canal, a set of secondary aqueducts, service roads and a secondary supply water transport route. It is especially surprising that the water is in no way protected from the sun, which will probably result in considerable loss by evaporation.

However, according to experts from the FAO, this project will not be enough to supply the population with water and develop agriculture in Libya. After all, in 2025, the country’s population is likely to number around 12 million and household water requirements will account for approximately 55% of the GMRP’s total outflow. According to Philippe Pallas, a consultant with the FAO, ‘Libya needs two or three GMRPs to ensure the self-sufficiency of its agriculture’.

Yet official GMRP sources state that, if 2007 rates of retrieval are not increased, the water could last for 1,000 years. All the pumping activities are currently carried out using oil. The Libyan authorities insist on the economic viability of the project, which works out 11 times less expensive than water production by desalination or importing water from Europe.

Over-reliance on underground water is a real problem in Libya, as it involves the infiltration of seawater into coastal aquifers, which are partly shared with neighbouring Tunisia and Egypt, as well as major implications for water quality and soil fertility. Not far from the capital, seawater has entered the groundwater as far as 20 km inland and much of the irrigated farmland has become salinated. The use of underground water has

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quadrupled in the last 20 to 30 years. Although Libya barely produces over half of the food consumed by its inhabitants, agriculture accounts for 84% of all water used.

Conclusions

The visit by the European Parliament delegation took place within a favourable context marked by the negotiations under way on the framework cooperation agreement with the EU. Regular visits by the EU are important, as they provide encouragement for Libya and its people. However, it is also important that MEPs from countries that do not border the Mediterranean should take part.\footnote{Meeting with the Ambassadors of the EU Member States on 1 November 2010.}

Dialogue between Libya and the EU is crucial in particular because of the opportunities it opens up, so the negotiations on a framework agreement are legitimate, but should be set within clear parameters. In such conditions, it would be advisable for Parliament to adopt an initial recommendation to the Council in order to issue guidelines for the negotiations under way. Assent could then be given for the framework agreement on the basis of whether the outcome of the negotiations accords with these guidelines.

Delegation members noted the need to open an EU Delegation in Tripoli as soon as possible, in particular in order to support the ongoing negotiations.

The EU’s interaction with a country such as Libya should include finding a way of guaranteeing that a successor to Colonel Gaddafi’s regime is established according to democratic principles and does not become a cause of political instability.

The Libyan authorities should put in place an employment-orientated migration policy instead of denying the reality, while the EU should engage in discussions with them as regards resettlement. It is not acceptable for readmission agreements to be signed with Libya so long as nothing is done to improve the legal status or treatment of migrants.

In terms of the country’s possible accession to the Geneva Convention, it would be more constructive to offer Libya technical assistance aimed at securing the country’s possible signing of the Convention, a scenario not ruled out by the delegation’s Libyan interlocutors. Moreover, the EP delegation made clear to the Libyan authorities that an agreement with the UNHCR would be greatly appreciated in the context of the framework agreement.

As regards the death penalty, Parliament should continue to promote the adoption by Libya of a moratorium. It is unacceptable for executions to be carried out without the identity of those convicted being known. That was the message conveyed to the Libyan authorities.
The development of a national health strategy with special emphasis on combating infectious diseases should be encouraged and programmes such as that concerning the Benghazi centre of excellence supported. This centre of excellence should be used for the genuine facilitation of regional cooperation within the Maghreb region in order to tackle the problem of HIV.

Finally, the issue of climate change should be addressed by the future framework agreement, with particular importance attached to water management, including from a regional approach.

The delegation was able to lay the foundations of a structured political dialogue, in particular thanks to the agreement to create a standing body within the General People’s Congress responsible for relations with the EP. With the exception of Morocco, that would be a first within the Maghreb. Through the adoption of a joint declaration57, Mr Panzeri, Chair of the Delegations for relations with the Maghreb countries, and Mr El Shahumi, Secretary for Foreign Affairs of the GPC, agreed on the need to step up political dialogue on all subjects of mutual interest and to ensure regular meetings.

Thus, at the next meeting, scheduled to take place at the European Parliament in Brussels in October 2011, MEPs and members of the GPC will have the opportunity to address all issues outstanding with regard to Parliament’s assent for the framework agreement with Libya.

57 The text of the joint declaration is annexed to this report.
The Delegation for relations with the Maghreb countries of the European Parliament (EP), chaired by Mr Panzeri, met with Mr Suleiman El Shahumi, Secretary for Foreign Affairs of the General Congress of the People of the Great People's Libyan Arab Jamahiriya (GPIJ), in Tripoli on 4 November 2010, for the first mission to Libya of Members of the European Parliament since 2005.

The meeting proved very fruitful and was an opportunity for both parties to discuss various issues of mutual interest as regards bilateral relations between the EU and the GPIJ, in the presence of Ms Ana Gomes, rapporteur for the EP on the EU-Libya framework agreement, which is currently being negotiated.

Both parties agreed that it was paramount to strengthen political dialogue and to exchange views on all topics of mutual interest such as economic and social issues, environment, human rights, health, migration, foreign affairs, on a regular basis.

Thanks to the cooperation of the Libyan authorities, the mission of the Delegation for relations with the Maghreb countries of the EP was a very good opportunity to hear the Libyan party on the state of current negotiations, to discuss matters such as human rights and the management of migration flows in compliance with International law. The availability demonstrated by the Libyan partner was positive and encouraging.

Therefore the two parties agreed that a committee responsible for the relations with the European Parliament would be established within the Libyan General People's Congress as a counterpart to the Delegation for relations with the Maghreb countries (D-MAG) of the European Parliament, the membership of which would be communicated to the EP as soon as possible.

Furthermore, it was agreed to hold a preliminary meeting between the chairs and vice-chairs of both sides, in spring 2011 in Libya, in order to prepare the next joint meeting to be held on 12-13 October 2011 at the European Parliament in Brussels.

Mr Panzeri
Chair of the D-MAG

Mr El Shahumi
Secretary for Foreign Affairs of the Libyan General People's Congress

Tripoli, 4th November 2010
DELEGATION POUR LES RELATIONS AVEC LES PAYS DU MAGHREB

IVème Rencontre Interparlementaire Parlement Européen-Libye

1-5 novembre 2010

PROGRAMME FINAL

Dimanche 31 octobre 2010

Arrivée du Secrétariat de la Délégation

Lundi 1 novembre 2010

10h00 Réunion de briefing avec M. Koetsenruijter, Chef du Bureau de la Commission en Tunisie et en Libye (Secrétariat seulement)

10h30 Réunion de briefing avec le protocole du Congrès général du peuple

Arrivées individuelles des Membres de la délégation à l’aéroport international de Tripoli

Check in à l’hôtel

Radisson Blu Hotel
Al Fatah street (Corniche)
Tripoli, Libye
Tél. : 00 218 21 340 78 78

18h00 Briefing avec les Ambassadeurs de l’UE

Lieu: Ambassade d’Italie

Mardi 2 novembre 2010

11.45 Départ de la Délégation

12.00 Réunion avec M. Ahmed Jarud, Directeur au Comité populaire des liaisons extérieures et de la coopération internationale

NB : Annulation ou report de toutes les autres réunions initialement prévues

Mercredi 3 novembre 2010

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| 7.00 | Départ vers Benghazi |
| 9.30 | Vol vers Benghazi |
|      | Réunion avec Dr. Mohamed Sharafeldine Secrétariat du Congrès populaire de Shabyat Benghazi |
| 12.00| Visite du Centre d’excellence de Benghazi pour les maladies infectieuses et l’immunité |
| 14.00| Déjeuner offert par le Secrétariat du Congrès populaire de Shabyat Benghazi |
| 17.00| Visite au site du Réservoir Omar Al Mokhtar de Saluq |
| 21.30| Vol de retour à Tripoli |

**Jeudi 4 novembre 2010**

| 08.00 | Départ de la Délégation |
| 8.30  | Visite du centre de Tweisha |
| 11.00 | Réunion avec le M. Mohamad Mahmoud Hijazi Secrétaire du Comité Populaire Général de la santé et de l’environnement |
| 13.30 | Réunion avec le Secrétaire aux Affaires juridiques et des Droits de l’Homme auprès du Congrès général du Peuple, M. Husni Louhichi El Sadeg |
| 14.30 | Rencontre avec l’IOM à Janzour |
| 16.30 | Rencontre avec le PNUD (HCR) |
| 18.30 | Réunion avec le Secrétaire aux Affaires étrangères du Congrès général du peuple, M. Suleimane Sassi El Shumi |
| 19.30 | Dîner offert par le Secrétaire aux Affaires étrangères du Congrès général du peuple, M. Suleimane Sassi El Shumi |

**Vendredi 5 novembre 2010**

Retour des Membres de la Délégation vers l’Europe
### LISTE DES PARTICIPANTS

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<td>M. Pier Antonio PANZERI, Président</td>
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<td>Italie</td>
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<td>M. Salvatore IACOLINO</td>
<td>PPE</td>
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<td>Mme Inés AYALA SENDER</td>
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<td>Mme Ana GOMES</td>
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<td>M. Juan Fernando LÓPEZ AGUILAR</td>
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<td>Mme Sonia ALFANO</td>
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<td>Italie</td>
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| Mme Isabelle MONTOYA | Administrateur, Unité Euromed&Moyen-Orient |
| Mme Laure ENCISO Y BERGE | Administrateur, Commission Affaires Etrangères |
| Mme Nicole DEVOS | Assistante administrative |

| Conseillers des groupes politiques (1) | |
| Mme Isabella MARZULLO | Conseillère, groupe politique ALDE |

| Interprètes (6) | |
| Mme Annalisa VENTURI, Chef d'équipe | FR EN ES PT/IT |
| Mme Marie-Claude LAURENT | IT EN ES SV/FR |
| Mme Renata D'ANNUNZIO | FR EN ES PT/IT |
| M. Salim GHOSTINE | FR IT EN/AR |
| Mme Fadia HASHISH | FR EN/AR/FR |
| M. Larbi BENNACER | FR EN ES/AR/FR |

58 Pour la Commission Affaires Etrangères
59 Pour la Commission des libertés civiles, de la justice et des affaires intérieures