No. 246, June 2019, Editor: Benno Zogg

UN Mediation in Libya: Peace Still a Distant Prospect

Over the past five years, the Libyan conflict seems to have defied mediation efforts, which could have dire consequences for Libyans, for Libya's neighbors and Europe. Despite its shortcomings, the UN's approach remains the dominant framework for finding a political solution. However, the UN process will continue to falter as long as relevant regional and international actors work at cross purposes.

By Lisa Watanabe

Five years after the outbreak of civil war, Libya remains a divided country. Forces loyal to the UN-backed unity government in Tripoli are currently engaged in fighting with those of former army general Khalifa Haftar, after the latter launched an offensive to capture the capital and oust the Tripoli-based unity government. Due the deteriorating security situation in the country, a national dialogue to reconcile Libya's factions has been postponed, and the elections that were supposed to follow now look like an even more distant prospect. Trying to impose a military solution to the conflict is unlikely to succeed, however. As long as there is no consensus on governance and security sector arrangements among key political factions and allied militias, disputes between them will persist and continue to destabilize the country.

UN Libya envoy Ghassan Salamé attends a UN Security Council meeting in May 21, 2019, following weeks of intense conflict in and around Tripoli. *Brendan McDermid / Reuters*

Should the violence escalate further and spread beyond Tripoli and its environs, the consequences would not just affect Libya but also its neighbors in Africa and Europe. An ever-growing governance gap in the country could see "Islamic State" militants, who have already begun waging an insurgency in the South-West, grow in strength. People smugglers too could step up their activities again, leading to rising numbers of migrants and refugees attempting the perilous journey across the Mediterranean.

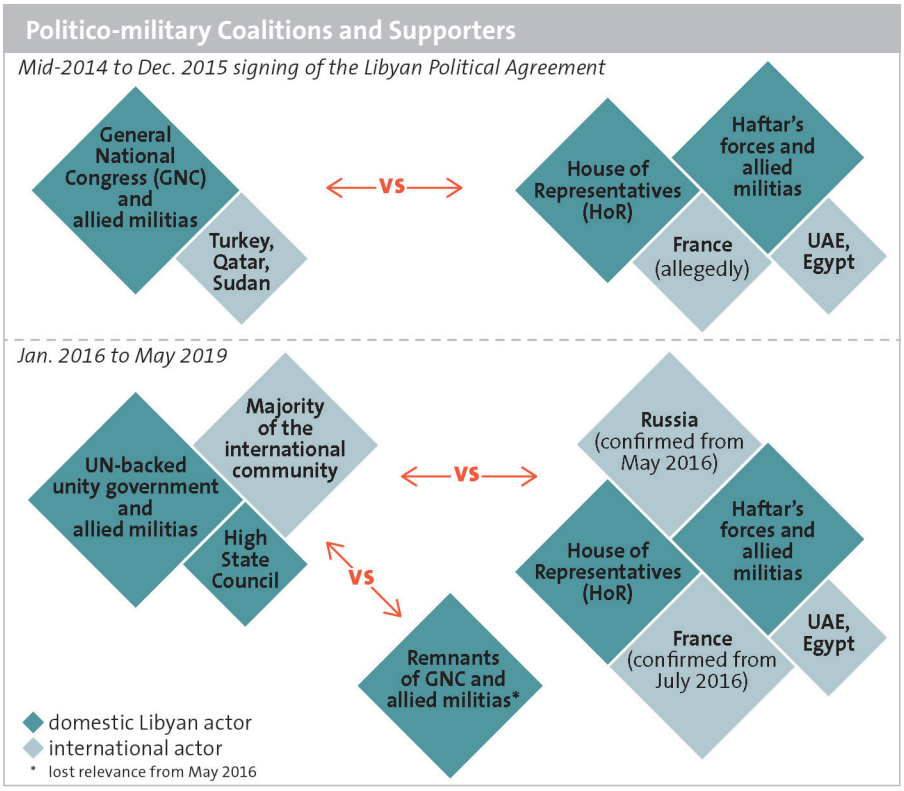
Finding a viable political solution to the conflict in Libya is thus as critical as ever. Yet, to-date this has proved an almost impossible feat. The UN has been at the forefront of mediation efforts. The ultimate goal of its efforts was to unify Libya by replacing rival parliaments and associated governments with one set of political institutions acceptable to all. The UN appeared to have made a major breakthrough in December 2015, when it brokered a power-sharing agreement – the Libyan Political Agreement. Yet, the deal soon ran into difficulties and ushered in a new phase in the conflict. Whereas the fault line dividing Libya had been between rival parliaments and respective governments prior to the signing of the deal, the dividing line following its conclusion has been between the UN-backed unity government and its political and military allies, on the one hand, and Haftar and his political supporters, on the other.

Understanding why the process ground to a halt is a necessary step in navigating a way forward. Despite its shortcomings, the UN political process remains the dominant framework for negotiating a political solution to the conflict. Mediation efforts and high-powered diplomacy by regional and international actors, including France and Italy, have so far failed to generate promising alternatives. Much now rests on the UN's ability to draw upon the lessons of the past, and to adapt its political process accordingly.

A Divided Country

Although the current conflict broke out in mid-2014, its seeds were germinating several years earlier. The 2011 civil war had led to the emergence of multiple power centers and a plethora of militias in the country. During the early transitional phase, no serious efforts were made to demobilize militias. In addition, elections were held early on, despite the fact that no process of national reconciliation had taken place. In hindsight, these choices would prove a calamitous for the future of the country.

An interim national assembly, the General National Congress (GNC), was popularly elected in 2012 in what were generally viewed as free and fair elections. The GNC was tasked with drafting a constitution by mid-2014, at which point its mandate would run out and elections would need to be held to form a permanent parliamentary body. However, over the course of 2013, a rift emerged between Islamist parties and politicians from rebel strongholds, on the one hand, and a broad non-Islamist political coalition and politicians who had been associated with the Qaddafi regime, on the other.



Non-Islamists and their allies won a majority in the June 2014 elections, which were also judged free and fair. Fearing a backlash from militias tied to Islamist parties and their allies, they decided to move to the safety of eastern Libya, which was under the control of Haftar. The new parliament, which was named the House of Representatives (HoR), was set up in the city of Tobruk. However, Islamist parties and their allies refused to accept the election results, and continued to hold sessions in the GNC in Tripoli. From this point on, Libya was politically divided between two rival political blocs – one based in the GNC in Tripoli and the other based in the HoR in Tobruk – each of which were linked to powerful militias.

From 2014 on, Libya was politically divided between two rival blocs, each of which were linked to powerful militias.

The situation degenerated into violence in May 2014, when militias linked to either side of the political divide engaged in fighting. Khalifa Haftar, the leader of a powerful militia in eastern Libya, launched a military campaign against militias based in western Libya that were associated with Islamists and their allies. Against the backdrop of violence, the GNC's mandate expired and elections had to be held to form the new parliament.

The involvement of external actors helped fuel the conflict yet further by providing support to militias on either side. Qatar, Turkey and Sudan have sought to promote political Islamist actors in the country and have subsequently supplied military matériel to the militias connected to the political bloc in the GNC in Tripoli. By contrast, states eager to see political Islamist forces weakened in Libya, as well as in the region as a whole, namely Egypt and the United Arab Emirates (UAE), have provided support to Haftar's forces. The latter also received military assistance from France and Russia, both of which appear to have put faith in Haftar as a potential strongman capable of fighting terrorism in Libya.

The Power-sharing Deal

Several months after the outbreak of conflict, in September 2014, the UN Secretary-General's Special Representative, Bernardino León, convened talks with deputies in the HoR in order to begin laying the foundations for wider negotiations involving representatives from both parties to the conflict. Although these initial talks broke down, León succeeded in launching a political process in January 2015 that brought together representatives from both the GNC and HoR. These talks led to the conclusion of the Libyan Political Agreement in December 2015.

Under the Agreement, a unity government was to be formed by an independent politician, Fayez Al-Serraj, and comprised of representatives from Libya's rival factions. The majority of GNC deputies were to be integrated into a new Tripoli-based institution, the High State Council, whose role it would be to advise the unity government. The HoR in Tobruk was to become Libya's

sole parliament under the deal, and its deputies were to retain their seats until parliamentary elections could be held at a later stage.

The hope was that the deal would bring an end to conflict. However, this has been far from the case. Libya's legitimate parliament under the UN deal, the HoR, has not ratified the Agreement. Even though the deal legitimized its status, many HoR deputies objected to a clause in the Agreement that would most likely prevent their ally, Haftar, from becoming chief of staff of the army. Instead of ratifying the Agreement, they have preferred to hold out for a renegotiation of the deal that would work to his advantage.

With the deal unratified, the unity government has lacked legitimacy. Some of its members linked to the eastern-based political faction have boycotted government meetings, and deputies in the HoR have accused the unity government of being too close to Islamist-leaning militias in the West. Its authority is thus largely limited to western Libya. Even there, its influence is heavily dependent upon the support of militias that are only nominally loyal to it.

In eastern Libya, the HoR's former government has continued to operate, even though it is not recognized under the Agreement. It has enjoyed the support of deputies in the HoR who oppose the UN-brokered power-sharing deal, as well as from their military ally, Haftar. The latter has continued to receive support, including military assistance, from Egypt, the UAE, France and Russia, which has encouraged Haftar to act as a "spoiler". In late 2016, his forces captured energy infrastructure in Libya's so-called Oil Crescent, with the apparent aim of undermining the unity government, as well as making himself indispensable to any peace talks.

Implementation Difficulties

The UN-negotiated Libyan Political Agreement ran into such difficulties for a number of reasons. Firstly, the UN political process was not inclusive enough, which meant that there was only narrow support for it in Libya. UN-led talks privileged a handful of politicians from the GNC and the HoR. León's strategy was to forge a consensus among a small group of moderates from either side of the political divide, and only then to bring in a larger number of representatives from both parties to the conflict. However, broader support for it was never secured. The representatives from the GNC and HoR who actually signed the Agreement did so in an individual capacity. They did not have the blessing of most people in their respective political coalitions. The likelihood that the Agreement would be contested once it was signed was thus extremely high.

Powerful militias, whose support would have been essential for the successful implementation of the Agreement, were also not included in the UN political process. Although a negotiating track for representatives from militias was supposed to be set up, it never got off the ground. Failing to include militias in the political dialogue left a number of issues unresolved, notably whether and on what terms they would be integrated into a unified Libyan army. In particular, it helped create a situation in which Haftar, who had ambitions to become the future chief of staff of the army, would try to force a renegotiation of the Agreement to achieve his objectives.

Members of the international community have at times been working against the UN-mediated deal.

Secondly, UN mediators imposed an unrealistic deadline for the conclusion of the Agreement. This was, indeed, one of the reasons why broad-based support for it was not patiently built up. In mid-2015, León had announced that he would be stepping down from his position as the Secretary-General's Special Representative to Libya in several months in order to take up a lucrative job as the director of the Emirates Diplomatic Academy. León is reported to have been eager to rush through a deal before taking up his new position.

In fact, the Agreement would only be signed under his successor, Martin Kobler, who replaced León in November 2015. Kobler maintained a tight timeline, out of fear that the talks might collapse altogether at that point, if they were not accelerated. Libyans who participated in the political dialogue were equally eager to sign a deal before opponents of the UN-led process could garner greater support for their positions. In addition, the rise of the "Islamic State" group in Libya also meant that the majority of P5 members in the UN Security Council – France, the UK and the US – were willing to endorse any agreement that would create a unity government as soon as possible so that outside assistance could be requested to downgrade the group. While other members of the Security Council were sceptical of the viability of such a narrowly-supported deal, they had wrongly assumed that broader support for the deal would follow later.

Thirdly, the UN's impartiality has at times been questioned, which has negatively affected its mediation efforts in the country. León's links with the UAE, which supported the HoR in the conflict, caused outrage among GNC representatives, and threatened to bring negotiation of the Agreement to a halt. Then, once the deal was brokered, the UN came to be seen as partial because it supported the unity government, which had essentially become one of the parties to the conflict. This hampered Kobler's efforts to overcome opposition to the Agreement, and to advance its implementation.

Fourthly, UN mediators have lacked robust support from the UN Security Council, which has hindered implementation of the Agreement. Although all UN Security Council members officially backed the Libyan political process, differences among them have precluded UN Security Council resolutions that might have helped to build support for the deal, as well as limited its opponents' ability to derail it. Resolutions calling for more robust implementation of the arms embargo on Libya or sanctions against key opponents of the Agreement could have facilitated the deal's implementation, for example. Yet, divergences within the Security Council prevented any such resolutions from transpiring.

Finally, members of the international community have at times been working against the UN-mediated deal, and the UN political process has lacked a means of changing their positions. This has made it difficult for UN mediators to persuade external actors to cease lending support for its detractors. It has also led to competing negotiation initiatives, launched by countries with stakes in the conflict, which have often favored one faction over the other. Egypt, the UAE and France in particular have attempted to boost Haftar's position in their diplomatic efforts, for example, partly because his vehement opposition to political Islam and anti-terrorism narrative dovetails with their own agendas.

A Modified Approach

With the implementation of the Libyan Political Agreement completely stalled,

Kobler's successor, Ghassam Salamé, who was appointed in June 2017, attempted to develop an approach that made the best of a beleaguered power-sharing agreement, and introduced some new elements. In late 2017, Salamé launched an "Action Plan for Libya". The Plan outlined a series of steps designed to overcome the stalemate in the peace process, and to open a new chapter in Libya's post-Qaddafi transition.

Salamé first sought to modify the Libyan Political Agreement. However, in contrast to the previous approach, amendments to the deal were not perceived as fundamental but as a stopgap measure to boost the perceived legitimacy, as well as its functionality, of the unity government during an interim period. The idea was to reduce its size in order to make it less susceptible to gridlock, and to have committees from both the High State Council (comprised of former GNC deputies) and the HoR vote on its composition, thereby boosting its legitimacy while side-stepping the need to hold a vote to endorse it in the HoR. Other thorny issues that had stalled the implementation of the Agreement would be left to one side at this stage.

The Action Plan failed to establish a dialogue with representatives from key militias regarding their future.

The second step in the Plan also departed from the UN's previous approach. Salamé was convinced that an enduring solution to the conflict would only emerge if an inclusive national dialogue were to take place. There was thus a recognition that the earlier UN political process had been far too narrow, and that a revived process needed to include a wider array of Libyan actors. A national dialogue would be held, during which the fundamental principles of the constitution would be discussed and agreed on.

Once these steps were completed, a referendum on the constitution would be held, followed by parliamentary and presidential elections. The timeframe for the completion of all these steps was extremely ambitious. Salamé aimed to complete all steps in the Action Plan within 12 months.

Salamé can be credited with reinvigorating the UN political process, and, at least initially, with getting international actors that were heavily involved in the conflict behind it. Yet, the Plan very quickly encountered problems. Continued divisions between Libya's factions made the modification of the Libyan Political Agreement extremely difficult. Salamé consequently abandoned this step, deciding instead to focus on the national dialogue. Some progress has been made in this regard. A series of consultative meetings were held across the country in preparation for a higher-level national conference, which was due to be held in April 2019. However, an assault on Tripoli by Haftar's forces, with the tacit diplomatic backing of some members of the international community, as well as the US, has led to its postponement. Elections this year now also look increasingly unrealistic.

This turn of events is indicative of what is still missing from the UN's new approach. Although the Action Plan does contain a critical element that was absent from the earlier political process, namely an inclusive dialogue process, it failed to establish a dialogue with representatives from key militias regarding their future. Salamé had recommended that a dialogue on the role of militias be established. However, such a dialogue has not yet taken place. It is also demonstrative of the nefarious effect that external involvement in the conflict can have on the peace process.

UN mediation in Libya has thus suffered from flaws in the design of its political process, as well as divisions between relevant regional and international actors. A sustainable political solution to the crisis will now depend on a successful national dialogue that provides a genuine means for Libyans to deliberate and agree on a set of fundamental principles. These must delineate the political framework in the country, the creation of an impartially facilitated dialogue on security sector arrangements that includes militias and greater agreement between external actors with stakes in the conflict. The latter may realistically only be possible if Haftar's offensive fails, and regional and international actors accept that no one actor can prevail militarily. Only then, will there be a chance to establish lasting peace in Libya.

Dr. Lisa Watanabe is Senior Researcher and head of the Swiss and Euro-Atlantic Security Team at the Center for Security Studies (CSS) at ETH Zurich. She is author of, i.a., "Russia's Renaissance in the Arab World (2019)".

CSS Analyses is edited by the Center for Security Studies (CSS) at ETH Zurich. Each month, two analyses are published in German, French, and English. The CSS is a center of competence for Swiss and international security policy.

Editors: Lisa Watanabe, Fabien Merz, Benno Zogg
Layout and graphics: Miriam Dahinden-Ganzoni
ISSN: 2296-0244; DOI: 10.3929/ethz-b-000345379

Feedback and comments: analysen@sipo.gess.ethz.ch
More issues and free online subscription:
www.css.ethz.ch/en/publications/css-analyses-in-security-policy

Most recent issues:

Resilience to Disaster Is No Small Measure No. 245
Public Attribution of Cyber Incidents No. 244
Unpacking Complexity in the Ukraine Peace Process No. 243
Lessons of the War in Ukraine for Western Military Strategy No. 242
PESCO Armament Cooperation: Prospects and Fault Lines No. 241
Rapprochement on the Korean Peninsula No. 240