



FLAWED DIPLOMACY IN LIBYA

How Mediation Has Acted as a Cover for Continued Chaos

By Karim Mezran and Elissa Miller

Since 2014, many actors have tried to mediate a negotiated solution to the Libyan crisis but have failed. The nexus of this conflict is the split between eastern and western Libya, which was set in motion by the events of May 2014 when General Khalifa Haftar appointed himself the leader of the Libyan National Army, and launched “Operation Dignity,” a military campaign to purge Libya of all Islamists. Following elections that same year and in response, a pro-Islamist coalition called Libya Dawn forced the elected parliament to flee from the capital in Tripoli and relocate to the eastern city of Tobruk. Today, the main fissure in Libya remains the divide between east and west, with now-Field Marshal Haftar and his Libyan National Army allied with the Tobruk-based parliament or House of Representatives against a United Nations-sponsored ruling body in Tripoli.

Various efforts were made by multinational, regional, and international actors to resolve the ongoing conflict. However, the behavior of these actors, in which they stated apparent support for mediation while supporting one faction over another on the ground, empowered various local actors, among them Haftar, who has only paid lip service to the idea of a negotiated solution but never committed to it. Ultimately, Haftar—who seeks to militarily take over the entire country—appears to have utilized the various mediation efforts, exerted mostly by foreign actors, to buy time and plan the steps needed to overtake his rivals.

For three years, Haftar has acted as a spoiler of peace in Libya. His forces seized control of Libya’s oil infrastructure in the east and used it as a bargaining chip with Tripoli and the international community. Haftar also replaced elected municipal leaders across the east with loyal military officers to solidify his authority in the eastern province.

◁ French President Emmanuel Macron and Libyan leaders in front of La Celle-Saint-Cloud castle, France, July 25, 2017. *Philippe Wojazer/Reuters*

Meanwhile, the Libyan National Army has advanced to seize key localities, including the strategic military base in the central region of Jufra, in order to consolidate Haftar's control beyond the east. This most recent move, following talks with his rival, Fayed Al-Sarraj, in Abu Dhabi, indicates a strategy of engaging in hollow negotiations at the international level while advancing a military campaign and shaping the power balance on the ground. Haftar also reportedly seeks to establish alliances with tribes in Libya's west to strengthen his forces for further westward expansion.

Prolonged and uncoordinated mediation initiatives not only benefit Haftar by giving him further time to consolidate power in the east and build alliances in the west but also severely weaken all negotiations on Libya.

At the same time, the various regional and international actors who have launched separate negotiation efforts aimed at bringing the rival parties together in Libya have led simultaneous interventions in pursuit of their own interests and therefore limited the chances for a successful UN-led process. The result of this dynamic has been the overall degradation of the opportunity for peace in Libya.

The UN Non-Deal

The United Nations has formally led mediation efforts in Libya since 2014 with the goal of forming a single, unity government. The Libyan Political Agreement (LPA) was signed in Skhirat, Morocco in December 2015, effectively establishing a Presidency Council (PC) made up of a nine-member executive body led by a president and a consultative body. The agreement subsequently formed a unity government called the Government of National Accord (GNA) headed by Al-Sarraj—however, this executive body was never approved by the House of Representatives (HoR) in the east and was therefore toothless from the start. Aside from never being fully implemented, the LPA was repeatedly undermined by both developments on the ground in Libya and interference from outside actors, such as Egypt and the United Arab Emirates, seeking to elevate their proxy supporters in the country.

The efforts in Libya were run by the UN Support Mission to Libya (UNSMIL), a political mission established in 2011 to support the country's transitional authorities in post-conflict efforts. In September 2014, following the country's split, United Nations Special Representative and Head of UNSMIL Bernardino Leon announced the start of a political dialogue that would aim to establish a unity government in the country. While this political dialogue eventually led to the signing of the Skhirat agreement, the fraught negotiation process unfortunately produced an agreement that did little to bring an end to the conflict.

The political dialogue put together by Leon was weak to begin with and loosely held together the different players in the conflict. Representatives from the rump,

previous parliament of the General National Congress (GNC) initially refused in July 2015 to sign a draft agreement during talks, believing that the agreement would sideline their camp (the agreement made the HoR the sole legislative body and the GNC a consultative High State Council). Indeed, tensions continued between the General National Congress and the PC/GNA following the latter's establishment; this was demonstrated by repeated attacks on Tripoli in 2016 and 2017 by pro-GNC militias aimed at weakening the GNA.

Rejections by the HoR also stalled the negotiation process during 2015: even after the agreement was signed, parliamentary members stalled its implementation by refusing to recognize the GNA, thereby sidelining any progress resulting from UN mediation. They did so under the influence of Haftar who de facto controlled the parliament and therefore had an interest in seeing the mediation fail. Ultimately, the UN went ahead with pushing through an agreement that pressured the Libya factions into negotiations but did little to establish the conditions for the actual implementation of a deal or its enforcement.

Another factor that contributed to the weakness of the deal was the questionable legitimacy of the UN process following the departure of Leon in November 2015 amid a scandal over his ties with the United Arab Emirates (UAE). This incident severely damaged the credibility of UN's mediation efforts in Libya—the UAE has intervened in Libya's conflict solidly on the side of Haftar and the HoR. German diplomat Martin Kobler, Leon's successor, was able to push through a deal in Skhirat to establish the LPA, but the damage had already been done to the UN's standing in Libya.

Even if the LPA had garnered broad support from the start, its success rested largely on the ability and willingness of the international community to provide the GNA with unified support and backing to stabilize the country. While key regional stakeholders, as well as international actors in Europe, expressed support for the UN process, the Libyan Political Agreement, and the resulting Government of National Accord, their actions showed otherwise.

Regional Interventions

Libya's neighbors, as well as other regional players, have also played a significant role in negotiations. Although on some occasions these actors played a positive role by supporting the UN process and convening Libya's disputing parties, more often than not they pursued competing self-interests that, rather than help initiate progress toward a resolution, revealed regional rivalries that were playing out in Libya.

Libya's closest neighbors, Egypt, Algeria, and Tunisia, are the most threatened by regional instability stemming from the Libyan conflict. The three nations engaged

in a series of tripartite meetings from late 2016 to mid-2017 aimed at finding a solution to the political deadlock in the country. They agreed on two common principles: the preservation of Libyan territory and sovereignty and hence a rejection of foreign military or political intervention in Libyan domestic affairs, and the elevation of a political dialogue over a military solution—and yet, it is precisely the violation of the first principle that has prevented a realization of the second.

Egypt

Maintaining stability in Libya is in the national interest of Egypt, which is already battling an Islamist insurgency in the Sinai Peninsula and is wary of security threats posed by extremist groups operating from Libyan territory. As such, Cairo has played an important role in organizing a meeting between Al-Sarraj and Haftar in an attempt to get them to reach a political agreement. In February 2017, they both visited Cairo for anticipated in-person talks stewarded by Mahmoud Hegazy, chief of staff of the Egyptian Armed Forces. However, upon arriving in Cairo, Haftar refused to meet with Al-Sarraj, forcing Hegazy to shuffle back and forth between the two men.

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The critical challenge for Cairo proved to be in pushing Haftar to follow through on meeting with Al-Sarraj and engaging in good faith in a negotiation process. The Egyptian military has since 2014 provided support to Haftar, perceiving him as the only actor that has the ability to establish security on Egypt's porous western border with Libya. Yet in Cairo, Haftar appeared willing to bargain that Cairo would maintain its support for his military campaign in Libya even if he failed to cooperate in negotiations. Indeed, this gamble proved to be right. Cairo continued to express support for Haftar while confronting extremist spillovers from Libya. It even called on the United Nations to exempt the Libyan National Army from the UN arms embargo on Libya in order to facilitate the legal supply of weapons to Haftar.

Nevertheless, the Cairo meetings did set the stage for peace talks held later in the year in Abu Dhabi and Paris. While no formal agreement was signed between Al-Sarraj and Haftar, the two reportedly agreed on a number of amendments that would need to be made to the LPA as part of an eventual political agreement.

Algeria and Tunisia

Algeria and Tunisia, while both participating in tripartite talks with Egypt, assumed more removed roles in their individual efforts to mediate a solution. Diplomatic efforts by Algiers sought to balance Cairo's influence in Libya. Algiers is nervous that a more forceful intervention by Cairo in the conflict on the side of Haftar could worsen existing security challenges on its border with Libya. Tunis is also primarily concerned with threats emanating from its shared border with Libya—militants from Libya have crossed into Tunisia and perpetrated attacks against security forces—and the impact of these threats has largely been on Tunisia's fragile political system and its struggling economy.

United Arab Emirates

Following the Cairo meeting in early 2017, the UAE emerged as a major player in negotiation efforts. The UAE's involvement in the Libyan conflict was not new. Along with Cairo, Abu Dhabi provided material support to Haftar and his military campaign in Libya beginning in 2014, although simultaneously it rhetorically endorsed the UN-led process. In May 2017, Abu Dhabi elevated its role as a key player by hosting Al-Sarraj and Haftar for their first in-person meeting since early 2016. The meeting was hailed as a breakthrough: while no official statement was made by either party, the meeting appeared to bring Al-Sarraj and Haftar closer together on key amendments to the LPA and the possibility of holding elections in 2018.

In reality, the meeting demonstrated an effort by Haftar to force a conditional surrender on Al-Sarraj and boost his own standing in the international arena. Afterwards, deadly clashes in Libya between pro-GNA forces and Haftar's Libyan National Army made clear the cavernous divide between such meetings at the international level and movements on the ground in Libya, as well as Al-Sarraj's weak standing in Libya.

Ultimately, regional mediation efforts in Libya have done little to further the legitimacy of the UN negotiation process. In some cases, they actually eroded the UN process. Regional leaders such as Cairo and Abu Dhabi lent rhetorical support to UNSMIL and the LPA while simultaneously hosting separate negotiation tracks that emboldened, rather than tempered, Haftar and his ambitions. The regional pattern of mediation that emerged was one of lip service to the official UN process amid pursuit of narrow national interests. The pattern would also play out at the international level.

Window for Paris

The most significant development in the mediation process came in July 2017 when French President Emmanuel Macron hosted Al-Sarraj and Haftar in Paris for direct talks. Nothing new was accomplished at the talks.

Al-Sarraj and Haftar both formally agreed to a joint declaration that emphasized a political solution but which did not specify a clear political path out of the conflict. Rather, the negotiations appeared to first, garner Haftar further legitimization on the international stage, and second, boost France's role with regards to international deliberations on Libya.

The meeting occurred at a critical time for Haftar, namely following his victory over whom he called "terrorists" in the eastern city of Benghazi after waging a three-year battle. The end of fighting in Benghazi was important for Haftar because from his perspective, the victory asserted the strength of his Libyan National Army and reinforced his image as Libya's savior.

Moreover, Haftar now had the opportunity to turn his attention to his self-proclaimed mission to militarily take control of Libya from the scourge of extremists and institute stability.

Haftar, therefore, was in a strong position when he attended the Paris summit. His confidence in this fact was clearly demonstrated afterwards, when he immediately snubbed Al-Sarraj as weak and alleged that members of the PC were connected to terrorist organizations. Moreover, the widespread Western media attention that Haftar received during and after the summit was a clear indicator of his success in gaining considerable standing as a legitimate player in the Libyan conflict and in emerging from the talks as a winner. Some praised Haftar for expressing the willingness to participate in future elections in Libya and to engage in a peaceful political process, but his past behavior suggests that such rhetoric was a hollow panacea to a plan he had no intention to follow.

France's motivations for hosting the meeting cannot be overlooked. For years, France has sought to safeguard its interests in Libya, particularly its influence in the south. Paris has therefore not hesitated to lend support to various sides of the Libyan conflict and appears to have laid its bets on Haftar. The July summit in effect elevated Paris as the key European player in Libya and sidestepped Rome, which historically has been the major European actor in Libya and was not notified about the summit prior to its occurrence. Italy has since 2014 made some efforts to jumpstart negotiations in Libya by hosting more specific, ad hoc meetings of tribal elders and local municipal authorities to create a more locally based network to better support the UN-led negotiations. However, the migration crisis that has pulled Rome's attention toward the immediate impact of Libyan instability on its own shores created a window for Paris.

“Too many cooks spoil the broth”

The plethora of mediation efforts led by various regional and international actors has overall hindered legitimate progress toward a negotiated solution for Libya. On the face of it, Libya’s neighbors and international stakeholders rhetorically support the UN process and the LPA (although there exists a general consensus that the LPA must be amended). Yet these actors have simultaneously pursued their own interests in Libya and to varying degrees hijacked the negotiation process. The UN Support Mission to Libya has candidly acknowledged the threat that these multiple-negotiation tracks pose to the UN process in Libya. As Special Envoy and current head of UNSMIL,

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Ghassan Salamé of Lebanon, said in September 2017 following Paris’s efforts, “Too many cooks spoil the broth.” The UN mission cannot credibly work with Libyans to find a solution to the conflict while its nominal supporters engage in actions that ultimately undercut its efforts. Indeed, Macron and others purport to support UNSMIL but their maneuvers weaken UN authority. It also strengthens Haftar’s position, as Cairo, Abu Dhabi, and Paris appear to have aligned themselves with the strongman. This is probably why the UN has not been able to seize ownership over the process or change the current course.

Upon taking up his post in mid-2017, Salamé made clear that he would work to bring international and regional stakeholders in Libya under the authority of the UN umbrella. He warned of ad hoc mediation initiatives that muddy the waters. To that end, Salamé held a number of meetings with Western and regional foreign ministers, as well as local Libya stakeholders, throughout the summer of 2017. These efforts culminated in the announcement of a new UN Action Plan for Libya at the United Nations General Assembly in September.

The UN plan aims to establish a clearly sequenced transition process to resolve Libya’s political crisis and build the confidence of Libyans in governing institutions.

The first stage of the plan involves convening Libya's key political actors—one delegation from the HoR and one from the High State Council—to amend the LPA. The amendments will most probably consist of reducing the number of members of the PC from nine to three, abolishing controversial Article 8 (which stipulates that the military will be under civilian oversight by the PC), and a few other minor changes.

The second stage envisions a highly inclusive National Conference sponsored by the UN Secretary General, which will provide an opportunity for marginalized groups or those that have been reluctant to join the political process to participate in the transition. The National Conference will also bring together key bodies already engaged in the political process, including the HoR and the High State Council. Following the conference, the HoR and the Constitutional Drafting Assembly (CDA) will work together to review and refine—based on recommendations from the conference—a draft constitution issued by the CDA in July 2017 that has come under some criticism because it was not inclusive enough and did not address the issue of decentralization. In parallel, the High National Elections Committee will prepare for an upcoming constitutional referendum and legislative and presidential elections, and dialogues will be organized with armed groups in order to reintegrate them into the political process and civil life. A key component of this effort will be a focus on national reconciliation, which is sorely needed in Libya. These steps will all pave the way for the constitutional referendum and national elections, which will complete the UN's vision for a successful transition.

Salamé's plan, while ambitious, lays out a useful, step-by-step process for a resolution to Libya's political crisis. Yet several major challenges remain that could derail these efforts. First, Salamé's plan could threaten the interests of both Al-Sarraj and Haftar. Under the plan, Al-Sarraj would lose his authority as head of the PC/GNA sooner if immediate amendments are made to the LPA than he would if such amendments were pushed further down and elections took place first. Haftar would also appear to prefer that elections occur sooner rather than later; he may seek to boost his legitimacy by participating in elections. However, reforms to the LPA and the establishment of a new constitution would likely place unwelcome restrictions on his authority.

Finally, it remains unclear whether Salamé has succeeded in bringing regional and international parties engaged in Libya under the UN umbrella. If actors such as Egypt, the UAE, or France perceive a Libya under Haftar's control as the scenario that best fits their interests, Salamé may face severely limited prospects for success. He will likely face an uphill battle in keeping the new UN transition plan on track and ensuring that both Libyan and international stakeholders engage in the process in good faith.

While Salamé is attempting to reassert UN leadership over the process, these efforts will be unsuccessful if they cannot garner confidence among Libya's rivals and neutralize spoilers and external players.

Indeed, even as Salamé attempts to build a consensus for his transition plan, Haftar continues to pursue his own interests away from the negotiation table. Just weeks after the announcement of the new UN action plan, while Salamé was convening delegations from the HoR and High State Council to jumpstart negotiations, Haftar continued his tour of Europe by meeting with the Italian Ministers of Defense and Interior, Roberta Pinotti and Marco Minniti, respectively. Through his strategy of garnering international recognition as a key player in Libya, Haftar is ensuring that he will be a thorn in the side of any UN plan the strongman views as damaging to his interests. Meanwhile, amid flares of intense fighting among GNA and Libyan National Army-aligned groups in key cities such as Sabratha in October 2017, Haftar could easily find *casus belli* to denounce the negotiation process and take decisive military action against the GNA. This fact demonstrates what has been a key challenge for negotiations since 2014: Libya's actors will not sit back as negotiations take place. Mediation, rather, provides a useful cover for spoilers to expand their authority while superficially supporting efforts aimed at peace.