

Can the United Nations Deepen Mediation Effectiveness in Libya?

Written by Samson Confidence Agbelengor

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SAMSON CONFIDENCE AGBELENGOR, MAR 7 2021

Mediation is often seen as one of the central tools for brokering peace agreements with the aim of ending domestic or international conflict. Since the demise of the Libyan dictator Col. Muammar Ghaddafi and the toppling of his four-decade regime in 2011 by a NATO-backed rebellion, the Libyan conflict has defied several mediation efforts, which have had consequences for Libyans, Libya's neighbors and Europe. In 2015 for instance, the Libyan Political Agreement (LPA) signed in Skhirat (Morocco) by some privileged Libyan politicians with international support was aimed at transcending the political divide of the country after the recurrence of the second civil war in 2014. But the LPA was described as a failure soon after it was signed because the agreement under the aegis of the United Nations (UN) partly failed to meet the conditions of a power-sharing deal between the main conflicting parties. The UN facilitated process led to the recognition of political actors in the west of the country as the only legitimate government of Libya. The problem was that the supposed internationally recognized government could only exercise political and military jurisdiction over Western Libya and Tripoli in particular. The political and institutional divide in the country and the divisions between eastern and western Libya continued.

Despite its shortcomings, mediation has remained the dominant approach throughout peace processes. Mediators in the Libyan conflict have come from a number of sources, but the UN approach constitutes the dominant framework for devising a political solution. The efforts of the UN also epitomize key assertions in the field of mediation, particularly, 'one common conceptualization of mediation that roots mediator's effectiveness in externality (coming from outside the conflict situation) and neutrality (having no connection or commitment to either side in the conflict)'. This raises a question : Can the UN deepen mediation effectiveness in the search for peace and stability in Libya?

Major Players in the Libyan Crisis

Following the 2011 uprising, the country moved quickly to conduct its first national election since independence in 1951. The election was described as a success as it led to relative calmness in the country. It also created the General National Congress (GNC) controlled by Islamist and revolutionary political coalitions — who failed to take control of the country. What soon became the greatest challenge of the transition was militias from different parts of the country that had arisen through the uprising and running amok.

When the international community responded to the Libyan crisis through the initiation of diplomatic mediation, the United Nations Support Mission in Libya (UNSMIL) established in September 2011, became the primary actor in the facilitation of UN activities on Libya. The goal of the mission has been to support the Libyan authorities in order to transition the country to democratic rule. UNSMIL sought to do this in a number of ways: supporting Libya's post-dictatorial elections, uniting an increasingly divided Libya in a national political agreement, and over time, supporting local mediation by Libyans. However, some of these goals such as the prioritization of elections over security sector reform became a source of controversy. As some have observed, 'If the greatest achievement of the period was the success of the GNC election in 2012, the greatest failure was the lack of progress in the security sector.' The post-election era also experienced instability because of a lack of an institutionalized and unified security sector.

Another alternative for UNSMIL was the deployment of a peacekeeping force. However, UNSMIL could not bring a

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peacekeeping component in its mission partly because the revolutionary elements in Libya did not compromise on two things: getting rid of the Ghaddafi regime, but ensuring that there was no international military presence to undermine the sovereignty of the country and the capacity of Libyans to be masters of their own destiny. In that sense, UNSMIL was designated a 'light-footprint' mission — and beyond providing advice, the UN could not perform the heavy task required to demobilize and disarm the armed militias.

The UN remained at the forefront of political talks on Libya with the ultimate goal of facilitating political processes that would lead to the achievement of a single political institution accepted by all. However, the UN suffered in the design of these processes since other relevant regional and international actors in the conflict operated at cross purposes.

For instance, the UN played a significant role in the establishment and formal endorsement of the Government of National Accord (GNA) in 2015. The GNA was endorsed as a political body that would unify the political divide and rival administration that came out of the country's 2014 elections. However, the GNA has only succeeded in governing parts of Western Libya from Tripoli led by an interim Prime Minister. The armed forces under the control of the GNA include the remains of Libya's official military as well as local armed militias. The GNA receives significant military aid from external actors like Turkey, Italy and Qatar and it is also perceived to be supported by Germany and Algeria.

In the east of Libya, the Benghazi based Libyan National Army (LNA) is headed by Khalifa Haftar, a former general who helped Ghaddafi seize power in 1969 but later broke ranks with him. Haftar embarked on a military campaign to take over the eastern part of the country, but was not successful because of opposition from GNA forces and its external allies. The LNA also has strong backers like Egypt, France, United Arab Emirates (UAE) and Russia. The UAE is noted to have provided armed drones to the LNA while Russia allegedly sends mercenaries. In January 2020, for example, the LNA succeeded in shutting down state oil production and exports which was estimated to have cost Libya over \$4 billion.

An election organized in June 2014 saw non-Islamist parties and their allies winning majority. However, the new national assembly decided to move to eastern Libya for safety reasons, fearing a backlash from local militias tied to Islamist parties and their allies. The new parliament was established in the Libyan city of Tobruk under the name House of Representatives (HoR). A rival parliament emerged when the Islamist parties and their allies refused to accept the results of the elections and continued to hold parliamentary sessions in the GNC in Tripoli.

UN-led Mediation and Implementation Difficulties

As part of UN-led mediation towards the resolution of this acute political crisis, in September 2014, then-UN Special Representative for Libya Bernardino León, organized talks with deputies in the HoR that led to the conclusion of the LPA in December 2015. Under the agreement, a nine-member presidential council was to form a unity government from Libya's rival factions, with the HoR acting as the main legislature until election is organized in the future, and a High State Council as a second, consultative chamber. However, UN-negotiated LPA run into implementation difficulties for a number of reasons, leading to the refusal of major actors to ratify the deal. This severely hampered the legitimacy of the GNA and marked a significant sticking point in the political stalemate in Libya.

First, the UN-led talks were not inclusive enough as they included only a section of privileged GNC and HoR political actors in the rival parliaments. León deployed this strategy as a way of achieving consensus among a small group of moderate actors and using that leverage to bring on board the larger conflicting parties. However, the broader support was not secured as those who signed the agreement did so in their individual capacity without the complete support of their respective political coalitions. Powerful militias, including the LNA and its leader Haftar whose involvement remains crucial if Libya is to come to a consensus on the integration of a unified army, were also not included in the UN political process.

Second, UN mediators imposed unrealistic deadlines for the completion of the agreement. For example, in mid-2015, León had announced his decision to relinquish his position. There were reports of his eagerness to rush a mediation process that could be 'modelled on corporate culture: where reaching a deal and meeting deadlines are prioritized

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over relations' (my emphasis). Martin Kobler, who succeeded León in November 2015 was also eager to rush through the deal before opponents gain greater support for their positions. At the time, the ascendancy of the Islamic State group in Libya also meant that Western members of the UN Security Council, became eager to support a unity government that will work towards undermining the militant group. However, this did not translate into broad support for the deal in Libya, neither did UN mediators receive the robust support required from the UN Security Council in the implementation of the agreement.

Third, the UN also had its impartial role which is crucial in conflict resolution questioned in the country. For instance, there were strong perceptions that León who was leading UNSMIL had links with the UAE which supported the HoR in the conflict. He subsequently resigned his position for a lucrative job in the UAE as the director of the Emirates Diplomatic Academy. This situation caused outrage among some of the parties, which also impacted on the work of León's successor. Hence, once the deal was brokered, the UN was viewed as a partial mediator because it was perceived to be in support of representatives of a unity government which had essentially become a primary party to the conflict.

Fourth, the LPA run into implementation difficulties because some members of the international community worked against the UN-mediated deal with the support they gave to detractors of the deal. For example, some countries had launched competing negotiation initiatives which favored some of the conflict parties. A classic example is Egypt, the UAE and France in particular who sought to strengthen the position of Haftar in their diplomatic efforts, partly because his vehement anti-terrorist position and opposition to political Islam conformed to their agenda in the region.

Fifth, with the implementation of the LPA stalled under Kobler, a modified approach was launched by his successor Ghassam Salame after his appointment in June 2017. What became known as an 'Action Plan for Libya' sought to modify the LPA and introduce some new elements. The action plan started as an inclusive dialogue involving political actors from the major factions, namely the eastern-based HoR and the High State Council- a consultative body of the GNA since the HoR refused to ratify the LPA. Since the LPA had also been criticized for lacking the broad support of Libyans, Salame initiated dozens of consultative meetings and town halls across Libya. The meetings succeeded in bringing thousands of participants to inform a report on a national plan. Yet the meetings also exposed the difficulty in initiating a single national conference owing to the fragmented and insecure environment. Salame's action plan also fell into implementation difficulties for the reason that while international players backed the plan, they were also separately pursuing their own interests in attempt to intervene in the conflict.

For instance, in 2018, France hosted a meeting in Paris between leaders of the GNA and LNA and announced plans for parliamentary and presidential elections. France went as far as setting a concrete date for elections on December 10 2018, when the action plan did not set any concrete date for national elections. Similarly, Italy exerted its role as a former colonial power by announcing its decision to hold talks that will find political solution to the crisis. In sum, the action plan failed to achieve a united front among the international actors. It also 'failed to establish a dialogue with representatives from key militias regarding their future'.

An improved strategy

Building on Salame's action plan, his successor, Stephanie Williams initiated the Libyan Political Dialogue Forum (LPDF) under the auspices of UNSMIL, continuing the political track of intra-Libyan Dialogue. The LPDF started being named as such as far back as September 2019 under her leadership as deputy head of UNSMIL and acting Special Envoy on Libya. The overall objective of LPDF was described as being

to generate consensus on a unified governance framework and arrangements that will lead to the holding of national elections in the shortest possible timeframe in order to restore Libya's sovereignty and the democratic legitimacy of Libyan institutions.

Under the auspices of UNSMIL, the first round of the LPDF took place on 16th November 2020 in Tunis on the basis of UN Security Council Resolution 2510 (12 February 2020), which unanimously adopted a resolution on 'a nationwide ceasefire in Libya and for enforcement of the Libya arms embargo' based on an earlier Conference on

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Libya held in Berlin. The 75 Libyan members who participated in the LPDF have agreed on a Roadmap to credible, inclusive and democratic elections in Libya, to be organized on 24 December 2021, a date that will historically mark Libya's 70 years since independence was declared in 1951. Against all odds, on 5 February 2021, Libyan representatives of the LPDF attending a UN-hosted political talks in Geneva also selected an interim Prime Minister and President of its new Executive Council: 'another historic moment on the road to unification of the war-torn country and national elections in December'

However, the political agreements reached in the LPDF will offer a rare opportunity of real hope to lasting peace in Libya if the parties backtrack on other commitments, like commitments to uphold and sustain a ceasefire agreement. A ceasefire has been long in coming after the outbreak of the 2014 civil war and the subsequent intermittent military skirmishes. The UNSMIL-led Libya ceasefire agreement which was signed in Geneva on 23 October 2020 by the 5+5 Joint Military Commission loyal to the GNA and the LNA has been a welcoming development by the warring sides and the international community as a move towards broader political talks and a way out of the war. The agreement which sought to commit the parties to immediately ending all hostilities, focused on some crucial follow-up areas that would deepen the processes towards the formation of a new government by Libya's parties. However, the text lacks specifics, which creates some flexibility for the parties to backtrack on their commitments.

For example, in one of the crucial areas of the ceasefire agreement, the conflicting parties in Libya should commit to the departure of foreign fighters. The problem is that neither side of the conflict officially admits being supported or trained by foreign fighters. The text also did not indicate any foreign country or training agreement, and this could contribute to backtracking in the future. Other areas outlined include the demobilization of armed groups that emerged in the aftermath of the 2011 revolution. The problem is that, Tripoli and the GNA in particular, relies on local armed groups, including Islamists, while in Benghazi, Haftar and the LNA forces have coopted or crushed such groups. The agreement also outlined confidence-building measures such as the opening of transport networks between Benghazi and Tripoli. This has already been rolled out smoothly but will rely on peace and security in the country to be sustained.

Outlook

As an external mediator in the Libyan crisis, the UN has been able to exert its authority over the disputant 'in such a way as to facilitate or influence its outcome', but not without limitations. While mediation is a central tool for brokering peace agreements in the international system, mediation as a tool for peace settlements provides the UN with limited decision making authority because in mediation, the disputants are more likely to retain control of the outcome. UNSMIL can deepen mediation effectiveness by upholding the facilitation of an inclusive political process that always leaves room for the conflicting parties themselves to deliberate and agree on the political solutions. While the continued facilitation of LPDF and other political talks by UNSMIL remains significant, the search for peace and stability will be stalled if Libyan factions fail to follow through to their commitments regarding the implementation of peace agreements or allow their foreign backers obstruct the process.

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