

# Libya: An Assessment of Twelve Years of International Mediation

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# Executive Summary

It is a long and winding road towards peace and stability in Libya. Despite some relative positive developments following the Libyan Political Dialogue Forum (LPDF), a durable peace still eludes the Libyan people and the international community. Today, Libya is faced with an uncertain future: a political morass; severe economic hardship; risks of renewed military escalation due to the political deadlock following the expiration of the LPDF roadmap; and a failed electoral process.

Enduring violence in Libya, though at a low intensity, as demonstrated by regular militia skirmishes, coupled with the continued presence of foreign fighters and mercenaries, makes peace fragile and vulnerable to further upheavals. Substantial work on the political, economic, and military tracks remains pending, including the resolution of complex issues such as the future of militias, security, and the thorny issues of the electoral process and a permanent constitution.

Despite the efforts exerted by the United Nations Support Mission in Libya (UNSMIL) to move the constitutional process forward during the latest high-level meeting on Libya's constitutional track in Geneva on June 28-29, 2022, major disagreements persist on a number of issues, mainly on the eligibility requirements for the candidates in the first presidential elections post-2011. While the several rounds of consultations in Cairo and Geneva yielded significant progress, they have fallen short in meeting requirements to hold comprehensive and inclusive national elections in Libya.

The fact is that since the fall of the Gaddafi regime, Libya has failed to transition to stability and democracy, as both the uprising and the ensuing conflict divided Libyans into essential categories of 'winners' and 'losers.' The UN and a number of international actors have attempted to bring resolution to the crisis through various mediation efforts but the role of foreign powers, including some of the permanent member states of the UN Security Council (UNSC), has not always been constructive. Disagreement and

competing interests between these UNSC member states have negatively impacted the trajectory of the conflict, impeding the efforts of the UN to find a durable settlement to the conflict. Competing foreign interests have often prevented consensus both at national and international levels. Despite some positive results in the political process, the crisis continues unabated. However, no final, inclusive, and lasting settlement looms on the horizon, in part because little serious attention has been paid to key issues such as national dialogue, transitional justice, security sector reform, and reconciliation.

The UN has been involved in mediation in the Libyan conflict through its special mission in Libya, UNSMIL. However, each head of the mission – Special Representatives of the Secretary General (SRSGs) – Ian Martin, Tarek Mitri, Bernardino León, Martin Kobler, Ghassan Salamé, Acting SRSG Stephanie Williams, and Ján Kubiš – opted for different approaches. A comparison of these efforts suggests that there have been inherent flaws in the design of the process and inconsistencies of strategy and approach.

In addition to the lack of a unified strategy in the UN-led political process, there have also been concerns within large segments of Libyan society that the impartiality and neutrality of the UN has been compromised at times, and the political process has lacked transparency, according to our interviewees. Participants were kept in the dark ahead of the political dialogue and had no access to the dialogue agenda, its minutes, or the results. Coupled with the negative influence of contending regional and international actors, the UN process was destined to fail in many respects.

This report demonstrates that in the eyes of the majority of Libyans the work of UNSMIL suffered many weaknesses and scored quite low on most criteria considered necessary for success. As there was no clear transparent criteria for selecting the participants in the national dialogue processes, the consequent deficiencies of inclusion and ownership

reduced accountability and allowed participants to politicize the process. Moreover, there were few voices representing civil society and their limited participation was seen more as a token attempt at inclusivity.

Women's participation did not constitute any meaningful representation. Thus, the process failed to address the issues related to women and civil society further reduced inclusivity, undermined public ownership, and ignored the conditions that continue to generate conflict and violence. Lack of inclusivity and ownership also meant that implementation became essentially haphazard and circumstantial.

The Libyan Political Agreement (LPA), being the major achievement of UNSMIL and the framework that defines its work and determines current Libyan state institutions, has, despite all the support it had from UNSMIL and the international community, failed to achieve its objectives. In fact, the LPA created a context in which Libyans became even more divided than before and created new issues of contestation. The process failed to become a transformative national dialogue inducing changes in public attitudes that would pave the way for desired and sustainable change, and thus the conflict has become more entrenched.

This report shows that for any dialogue to achieve a sustainable resolution to the Libyan crisis, it must be transformative and adaptive. This goal may be achieved with clearer and more solid commitments to ending foreign interference, and the designing of a broader, more inclusive national dialogue that puts reconciliation at the very forefront. Any attempt to resolve the Libyan conflict must be based on an appropriate understanding of the socio-economic, and historical contexts, that will help parties genuinely commit to implementation of agreements. Any effort that ignores this requirement will result in a superficial agreement that could backfire. There is a need to widen participation, uphold Libyan ownership, and limit foreign interference. Instead of continuing to rely on foreign actors, peace in Libya will require Libyan stakeholders joining together to develop a peace and reconciliation agreement through a Libyan-led process, in which they themselves frame the contested issues as shared problems. This would pave the way for the implementation of commitments and guarantees based on mutual, not exclusive, benefits. Such an agreement would then no longer be a mere tool for power-sharing that privileges some factions.

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# Introduction

The Presidential Council (PC) and the Government of National Unity (GNU) has now spent two years in office. The UNSC, on September 2, 2022, appointed Abdoulaye Bathily of Senegal as the new SRSG for Libya and Head of UNSMIL. However, the hopes for peace raised by these developments remain elusive, as a durable settlement of the Libyan crisis is yet to be reached. While hopes of achieving tangible results are mounting, many obstacles remain unaddressed.

The high hopes raised by the Berlin Conference were dashed when the elections could not be held as planned on December 24, 2021, as per the agreed upon roadmap. What is more, the sudden resignation of yet another special envoy, SRSG Ján Kubiš, shortly before the due date of the controversial parliamentary and presidential elections, is an additional indication that the UN-led political process in Libya is in dire straits. Following Kubiš' resignation, U.N. Secretary-General António Guterres appointed American diplomat Stephanie Williams, who had previously led talks that resulted in the October 2020 cease-fire deal in Libya, to be his special adviser and to support the holding of the Libyan elections. Before this, several rounds of consultations in Cairo and in Geneva yielded significant progress. Yet these consultations fell short of the requirements to hold comprehensive and inclusive national elections.

In June 2022, Special Advisor of the Secretary-General (SASG) Williams convened a high-level meeting on Libya's constitutional track in Geneva to push the constitutional process forward. During this meeting, the presidents of the Libyan House of Representatives (HoR) and High Council of State (HCS) reviewed the outstanding provisions of the 2017 Libyan Draft Constitution, taking into account the agreement reached during the Cairo talks earlier. The two chambers agreed on a number of long-standing issues, inter alia: the designation of the headquarters and distribution of seats for the two chambers of the legislative authority; division of responsibilities among the president, prime minister, cabinet and local government; the specific form of decentralization, including the delineation of the number of governorates and their powers; a revenue allocation mechanism for the different levels of government; and increased representation for cultural components. Yet, major disagreements persist on some key issues, mainly on the eligibility requirements for the candidates in the first presidential elections to be held post-2011. What is more, the UNSC, riven by schisms,

has been struggling for years to maintain a fragile UN-led political process in Libya, which has been plagued by protracted violent conflict, institutional collapse, and political strife since the United States-led North Atlantic Treaty Organization (NATO) intervention in 2011, which resulted in the downfall of Muammar al-Qaddafi's regime. The ongoing war between Russia and Ukraine, with the indirect involvement of a number of NATO countries, is yet another factor, which may well further complicate the prospects for a resolution of the Libyan crisis.

The Libyan conflict seems to have defied all attempts at mediation, be it through political or peace processes carried out by local, intercommunal, national, or international arbitrators, including UNSMIL. This report analyzes these different attempts to resolve the conflict through peaceful means, and evaluates them according to criteria such as ownership, inclusion, impartiality, and legitimacy. Each of these components is explored conceptually and empirically, based on the views expressed by many Libyan participants interviewed for the purpose of this research. The lessons drawn, therefore, have significant relevance for the design of national dialogue processes that international mediators, including UNSMIL, may attempt in the future. This report will conclude with policy recommendations for the Libyan parties, the UN, the international community, and neighboring countries.



# Unsuccessful Nationally Organised Dialogues



Libya's transition has seen little attention paid to national dialogue, transitional justice, and reconciliation. Though there were several attempts at 'dialogue,' they rested upon traditional reconciliation mechanisms that seldom tackled the real issues, lacked conceptual clarity, and were confined to isolated issues of the transition. More importantly, the results of these processes were not replicated at the national level.

Early dialogue attempts became mere platforms for revolutionary rhetoric. Even when initiatives were the undertaking of the transitional authorities, such as the National Transitional Council (NTC), they lacked the political will and the resources required for successful and effective implementation. Some of these early dialogues were politically charged with ideological rhetoric, which marred them with bias that fuelled scepticism and wider criticism. This led to failure amidst an increasing deterioration of security in the country. This, in turn, led to further widening divisions, and thus the conflict became more of a cause for concern for international actors, who began seriously entertaining the idea of a UN-sponsored dialogue.<sup>4</sup>

The discussion below focuses on one major initiative, the Preparatory Commission for the National Dialogue (NDPC), which was set up in August 2013. With support and technical advice from UNSMIL, the NDPC sought to engage major political parties, civil society organisations, regions, and ethnic groups.

# The Preparatory Commission for the National Dialogue<sup>5</sup>



In 2013, sensing the urgency of the situation, the SRSG and Head of the UNSMIL, Tariq Mitri, highlighted the need for an inclusive national dialogue process to build consensus among the contending parties in Libya. Therefore, a Preparatory Commission for the NDPC was created. According to Mitri, the NDPC “was not welcomed by many Libyans. Some associated it politically with the interests of Prime Minister Ali Zaidan, while others insisted that it was the prerogative of the General National Congress (GNC) to appoint such a group and that it should work under its authority.” Consequently, it was not an effective national dialogue the process lacked inclusivity and furthermore was accused of being under UN control. UNSMIL advised that a politically inclusive, consultative group be formed: “But the deficit in representativeness was not offset, and despite many preparatory consultative meetings, it was not possible for the NDPC to progress towards convening national dialogue.”<sup>7</sup>

*“But the deficit in representativeness was not offset, and despite many preparatory consultative meetings, it was not possible for the NDPC to progress towards convening national dialogue.” – Tarek Mitri, former SRSG and Head of UNSMIL*

The NDPC faced a serious challenge inherent in designing such processes. Though this initiative attempted to be inclusive and representative, its

essential drawback pertained to its power mandate

and decision-making powers. Being an initiative of a government at loggerheads with its own parliament, the independence and legitimacy of this initiative were questioned. This also implied it lacked autonomy and acceptable ratification by existing institutions. In particular, the NDPC lacked a connection to any roadmap commonly adopted, reducing its achievements to a programme of visits which included a number of cities.<sup>8</sup> The Chair of the NDPC, Fadeel Lameen, attributes the failure of the NDPC to the competition between Libya’s actors for politically narrow interests. Lameen, however, defends the work of the NDPC and its efforts to facilitate a true Libyan national dialogue. He blames Libyan actors for laying obstacles in the path of peace rather than committing to the NDPC process. In the end, the NDPC found itself unable to compete with the UN-sponsored process and the NDPC activities were halted by its chair. Lameen thereafter continued as a political dialogue participant. According to him, the NDPC never formally dissolved; it de facto disintegrated.<sup>9</sup>

<sup>2</sup>This research is based on a critical review of the literature and the analysis of the statements and declarations related to the Libyan conflict. Interviews with a number of UNSMIL chiefs, and Libyan actors of different orientations, who took part in UN-led mediation efforts, provide the primary sources as far as the evaluation of this process is concerned.

<sup>3</sup>Libya’s transition and ongoing peace talks are based on the Constitutional Declaration of 2013 (available at: [www.peaceagreements.org/view/728/](http://www.peaceagreements.org/view/728/)) and the Libyan Political Agreement (LPA) of 2015 (available at: [www.peaceagreements.org/view/1370/](http://www.peaceagreements.org/view/1370/)).

<sup>4</sup>Van Lier, 2017, 20–21.

<sup>5</sup>The background information in this section is based on interviews with Fadeel Lameen, Head of NDPC, and ex-SRSG Tariq Mitri, in addition to documents and reports from the NDPC

<sup>6</sup>Lameen, interview.

# International Dialogue Initiatives for Libya



As several observers pointed out, Libya went through several unsuccessful transitional phases, with several interim or transitional governments which proved incapable of resolving the fundamental issues or creating a shared vision for state-building, peace consolidation and development. This is due mainly to the fact that these governments were more often than not the result of political wrestling and power sharing, rather than an inclusive dialogue-based consensus. As such, these quick fixes established power structures embodied by governments which were more partisan and interest-based, rather than serving the country as a whole. In the absence of dialogue and consensus, the country went into a vicious circle of chaos and protracted violence. For its part, the international community has been trying to support Libyans to reach a consensus on the divisive issues through the convening of meetings and negotiations both in Libya and abroad, and through supporting the work carried out by UNSMIL. Yet, so far, and despite some relative successes now and then, these efforts have faced tremendous challenges, and proven vain in putting an end to the protracted conflict and in effective state-building. What is more, the lack of close coordination between members of the international community has compounded competition between the Libyan parties and, at times, even exacerbated divisions.

In 2014, a new turn was reflected in the political divide in Libya, that became more acute as the country witnessed a new cycle of civil war. The

need for mediation efforts was highlighted by high-level diplomatic efforts. Realising the risks, the new UNSMIL head, SRSG Bernardino León, opted for a new strategy of political dialogue in which UNSMIL’s primary concern was reaching consensus around a united Libyan government. The focus became that of convening a dialogue that accommodated both formal and informal actors and institutions. UNSMIL selected a number of participants for what it called the ‘Libyan Political Dialogue’ (LPD) and embarked on a dialogue process that eventually resulted in the Libyan Political Agreement (LPA). This agreement remains the main framework for existing institutions and the dialogue itself. Moreover, a number of countries, including France, Italy, the United Arab Emirates, Egypt, Morocco, Algeria, Russia and Germany, attempted to mediate the Libyan conflict at different levels of engagement.

*“UNSMIL selected a number of participants for what it called the ‘Libyan Political Dialogue’ and embarked on a dialogue process that eventually resulted in the Libyan Political Agreement (LPA).”*

<sup>7</sup>Mitri, interview.

<sup>8</sup>Van Lier 2017, 25–27.

<sup>9</sup>Lameen, interview.

# Libyan Dialogues Led by the UN and Foreign Countries

The UN and international mediation dialogue efforts included a pre-negotiation agreement made on July 2, 2015, resulting from what has come to be known as the LPD, in addition to a number of other initiatives. All efforts involved Libyan actors and resulted in some kind of agreement or declaration. UNSMIL, led by the Acting SRSG Stephanie Williams, worked towards achieving a ceasefire, resuming dialogue amongst Libyan factions, and uniting state institutions. Williams' aim was to resume the talks based on the results of and agreements made at the Berlin Conference in January 2020.

UNSMIL convened a number of meetings focusing on the six critical issues identified at the Berlin Conference. These issues were grouped in six baskets and included in the conclusions of the Berlin Summit: the cessation of hostilities and permanent ceasefire; implementation of the arms embargo; security sector reform; return to the political process; economic reform; and upholding international humanitarian and human rights law. Following the Berlin Conference, UNSMIL laid out an action plan to be implemented before, during, and after the Berlin Summit, working on the basis of simultaneous advancement of each basket. UNSMIL thus focused concomitantly on operationalizing the political track, the economic and financial track, the security and military track, the arms embargo, the promotion and respect for international human rights, humanitarian law, and the creation of an environment conducive for humanitarian actors. This UNSMIL-led process also provided options for where member states can provide support for and engage in concert with the UN.

*"Critical issues identified at the Berlin Conference, namely the cessation of hostilities and permanent ceasefire, implementation of the arms embargo, security sector reform, return to the political process, economic reform and upholding international humanitarian and human rights law."*

Several meetings were held in Morocco and Geneva, in addition to a number of meetings and discussions in other capitals with the declared objective of including more actors in the dialogue process to amend the LPA, signed in Skhirat in Morocco on December 17, 2015, and assuring its implementation. In 2020, Libyan delegations signed an agreement on a mechanism for appointments to sovereign positions in Bouznika, Morocco (October 2-6, 2020). The two rounds of inter-Libyan dialogue, held in Bouznika between the delegations of the HCS and the Libyan House of Representatives (HoR), were aimed at fostering trust between the two rival institutions and constituted yet another positive step to be capitalized upon in the process of peacebuilding. These initiatives were also preceded by other international efforts such as the aforementioned Skhirat agreement on December 17, 2015, and the Berlin Conference on January 19, 2020. It is worth mentioning also the UN-led consultation meeting, which was convened September 7-9, 2020, in Montreux, Switzerland. Moreover, UNSMIL organized a series of face-to-face meetings of the LPDF in Tunisia in November 2020, including a series of virtual sessions.

<sup>10</sup>Views differ widely as to whether Libya's civil war started in 2011 or later in 2014. Those arguing for the first view indicate that it had been a civil war that included Libyans supportive of either Gaddafi or the rebels. Those who argue it only started in 2014 consider that the divisions following the elections of 2014 and the ensuing fighting mark the beginning of the civil war. I use the term 'civil war' as a general condition that has dominated most of Libya's affairs since 2011.

<sup>11</sup>See Annex

## a) Analysis of Dialogues and Agreements

In this section, an analysis of the Libyan dialogues and agreements is made based on the aforementioned Berlin Conference criteria. However, the focus is on the LPA as it remains the main inclusive agreement and serves as the general framework of other dialogues.<sup>12</sup> The discussion benefits from the feedback received

from many interviewees who participated in the dialogues. Some of them took part in most, if not all, dialogues, while some were actually signatories to the LPDF and the LPA or were leading actors and figures in their context.

## b) The Libyan Political Agreement: Inherent Factors for Failure



The Libyan Political Agreement (LPA) signed in Skhirat, Morocco intended to settle the dispute between two competing legitimacies; that of the House of Representatives (HoR) and its associated government, based in the eastern cities of Tobruk, then in al-Bayda, which was opposed to the General National Congress (GNC) and its government in Tripoli. As stipulated in the LPA, a number of institutions were established. A Presidential Council, an executive power based in the capital Tripoli as of March 2016 in charge of forming a unity government, and an advisory High State Council, composed of former GNC members.

The HoR saw its legitimacy confirmed and prolonged as the only parliament, mandated to endorse the unity government, which it never did. All told, the institutional arrangements established by the LPA were concocted hastily and contained the seeds of discord from the outset, which contributed eventually to more chaos and strife, as supporters and foes resorted to competing legal interpretations and technical details to favor their positions and weaken that of their adversaries. The fundamental objective of the LPA was to avoid military confrontation and the total collapse of Libya. To endorse the unity government, which it never did. All told, the institutional arrangements established by the LPA were concocted hastily and contained the seeds of discord from the outset, which contributed eventually to more chaos and strife, as supporters and foes resorted to competing legal interpretations and technical details to favor their positions and weaken that of their adversaries. The fundamental objective of the LPA was to avoid military confrontation and the total collapse of Libya.

<sup>12</sup>In the Moroccan city of Skhirat and agreement was reached in a form of a roadmap that brought a Presidency Council and caretaker government, Government of National Accord (GNA). Skhirat was thus an attempt to accommodate the House of Representatives, HoR, the defunct General National Congress, GNC, and their allies. Such conceived political order was also supposed to reintegrate militias. LPA text available at: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

<sup>13</sup>Forster 2019.



An essential element in the LPA has been its interim nature. However, analysis of the responses received from interviewees indicates that Libyan actors made certain calculations by which they considered the arrangements to have the potential for endurance. Therefore, they viewed all interim arrangements resulting from any agreement, especially the LPA, as concessions they would make that would become disadvantages to them in the future. Much of the issue relates to the fact that the UNSMIL head at the time, SRSB Bernardino León, on several occasions made substantial content changes to the draft agreement. The LPA text was negotiated further, but interviewees confirm that León discarded the fourth draft of the agreement even though Libyan participants had approved it. With the sixth draft, UNSMIL faced more obstacles.

Both the 2014 elected Libyan House of Representatives (HoR) and the 2012 elected GNC rejected the UNSMIL proposals, including the PC and the Government of National Accord (GNA) composition and selection process. Instead of responding to these concerns, León chose to ignore them, considering any further talks and amendments a betrayal of the Libyan people's aspirations as well as UN mediation. He warned that the only option for the parties would be to respond either 'yes' or 'no'<sup>14</sup>

*"Both the 2014 elected Libyan House of Representatives (HoR) and the 2012 elected GNC rejected the UNSMIL proposals, including the PC and the Government of National Accord (GNA) composition and selection process."*

This, according to senior HoR negotiators interviewed for the purpose of this research, led to an increase in the level of mistrust they had in León as a mediator. This was the view of two senior HoR members and negotiators, Abobakr Boera and Abdulsalam Nasia, who led the HoR teams at various stages of negotiations. The HoR rejected the proposal, citing underrepresentation of eastern Libya, while the GNC condemned the talks, considering the entire process a reflection of foreign interference, and called for an inter-Libyan dialogue on Libyan soil.<sup>16</sup>

A number of interviewees indicate that one major flaw in the LPA relates to the fact that UNSMIL did not actually seek or maintain a direct, honest, serious and inclusive exchange of views, and, as such, the process was not perceived as a genuine Libyan-owned dialogue. This resonates with other critics' concerns that the Libyan parties did not actively exchange their

views and did not take part in the drafting process which UNSMIL both sponsored and led. According to HoR member Abobakr Boera, who was elected by the HoR to represent it at the Skhirat talks, there had been agreement on the fourth draft of the LPA, but UNSMIL changed it, imposing an increase in the number of members of the PC from three to nine. He indicates that this was against the spirit of the discussion and came as León ignored the need to take into consideration Libya's three regions. This issue would later become the focus of subsequent talks to amend the LPA.

The interviewees indicate that, even at this stage, León had drawn up his own list of candidates and included them in the final communique. HoR member Boera confirms that the PC members were selected with total disregard for the lists of candidates that the HoR the GNC had provided based on previous agreement. The names selected were entirely different, suggesting that León decided the composition of the PC in a discreet manner not related to the negotiations. This, the interviewees said, was considered a contradiction of the dialogue's objective, and a blatant violation of Libya's sovereignty and Libyans' ownership of the process, and also an interference in the new government's affairs.

Moreover, Boera explains that while both the HoR and the GNC elected their delegations, UNSMIL restructured the participants' list, adding unelected members and other individuals without any cogent explanation. More surprising was UNSMIL's exclusion of Boera himself from the final session. Boera's version of events is buttressed by the fact that the names of the signatories who initialised the LPA fourth draft in July 2015 were different from those signing the final text of the LPA in December 2015. León's attitude and his tactic of imposing his own views and proposals, especially in the selection of PC and GNA members, created confusion and greatly diminished the credibility of the entire process. As evidenced in leaked emails of León's, the numerous changes he introduced to the draft were considered a tactic for placating the side he was accused of supporting, thus compromising his position, and eventually the UN's stand as an impartial, honest broker.

*"León's attitude and his tactic of imposing his own views and proposals, especially in the selection of PC and GNA members, created confusion and greatly diminished the credibility of the entire process."*

As the stalemate continued, a new SRSB, Martin Kobler, was appointed. His immediate concern was to

find a way out of the deadlock and convince the GNC to endorse the LPA. He convened a new set of talks in Tunis on December 10-11, 2015 to deliberate the key points of disagreement. Kobler and the international community pushed for a ratification of the LPA, citing the danger posed by Daesh, arguing, therefore, that the LPA should not be renegotiated. One major faction, the GNC, was split between the hardliners rejecting the entire process, and the majority accepting the LPA. UNSMIL continued with its timetable, setting a target date for the final signatures. This rushed and pressured approach echoed the technocratic manner of this UN-led process, which gave priority to adhering to a technical process, at the expense of realising the most important objective of achieving a transformative dialogue. Kobler admitted that the Libyan factions "began to perceive the power sharing arrangements through the interests of one group over the other."<sup>20</sup>

In this way, the LPA did not have a smooth path as issues remained unresolved, particularly those related to the GNA and the incorporation of the LPA itself into the Constitutional Declaration. Kobler attempted to secure some grassroots support by holding a workshop in Malta in January 2017 to create what he called a roadmap for national reconciliation. He was hopeful that through such a dialogue he would levy pressure on the main Libyan actors. But this turned out to be hopeless. Kobler was frustrated, and in April 2017, recognising the failure of the process, he exhorted, "it is time to go back to politics, it is time to address the core issues, and it is time to go back to the spirit of Skhirat." Nevertheless, this turned out to be his last failed attempt as he subsequently decided to resign.<sup>22</sup>

*"Kobler was frustrated, and in April 2017, recognising the failure of the process, he exhorted, "it is time to go back to politics, it is time to address the core issues, and it is time to go back to the spirit of Skhirat."*

<sup>14</sup>SRSB León's press conference late night Monday 21 September 2015 in Skhirat, Morocco, available at <https://reliefweb.int/report/libya/leon-final-text-libyan-political-agreement-ready-candidates-government-after-eid>

<sup>14</sup>León was contacted several times for an interview as this research was being conducted and never responded to the requests.

<sup>15</sup>Boera, interview; Nasia, interview.

<sup>16</sup>Franco 2018, 46-47

<sup>17</sup>UNSMIL, Martin Kobler's Statement to the Security Council, April 19, 2017, <https://unsmil.unmissions.org/martin-koblers-statement-security-council>

<sup>18</sup>Boera, interview.

<sup>19</sup>Boera, interview.

# Ghassan Salamé's Rescue Action Plan: No Consensus is Possible



The first step taken by Kobler's successor, SRSG Ghassan Salamé, was to talk to wider circles of Libyans, and he came to the conclusion that "the Libyan people need and want a process which is inclusive... with clearly defined stages and objectives... a process that they themselves own and lead." According to Salamé, getting UNSMIL back to working from inside Libya was necessary so that direct contact with Libyans and understanding the issues involved were possible, thus he moved UNSMIL and its staff back to Tripoli. He indicated that his decision to bring UNSMIL back to Tripoli was met with resistance from the UN bureaucracy, but his determination was decisive. Direct interaction with Libyans on the ground revealed that the UN was not present and almost non-existent while it was held responsible for the crisis in Libya. His encounter with Libyan actors and the direct exchanges and discussions he held with the Libya public, intellectuals, academics, and experts, led him to realize that the frameworks and approaches the UN previously followed in Libya were not relevant to the Libyan case. He became convinced that the divide in Libya was not ideological, tribal, or regional, but that it was due to the unequal distribution of the national wealth. What Libya needed most was state building rather than international aid.<sup>26</sup>

*"According to Salamé, getting UNSMIL back to working from inside Libya was necessary so that direct contact with Libyans and understanding the issues involved were possible."*

Realising the deadlock, the LPA was facing, Salamé

started his mission enthusiastically, working for mutual accord between the HoR and the HCS for almost one year. Soon he realised that the LPA was the problem, declaring that "in its current state it is not adequate."<sup>27</sup> Given the obstacles, he abandoned the objective of reaching consensus on the amendments, which he now considered "a distraction." He advanced a different formula in his Action Plan with a proposal for holding an inclusive national conference that would adopt a national charter providing guidelines or governing principles for the transition.<sup>28</sup> This method could have responded to many of the challenges and fixed shortcomings in the UNSMIL approach. However, Salamé's Action Plan was ambitious in its objectives and its timeline of 12 months for implementation. It was even too ambitious, as it assumed that the national consultation process would be inclusive and lead to a consensus on the fundamental principles of the constitution, resembling a new vision or social contract. It also included ideas about engaging armed groups, addressing urgent economic issues, and promoting local and national reconciliation.<sup>29</sup>

<sup>26</sup>UNSMIL, Martin Kobler's Statement to the Security Council, April 19, 2017, <https://unsmil.unmissions.org/martin-koblers-statement-security-council>

<sup>27</sup>UNSMIL, Martin Kobler's Statement to the Security Council, April 19, 2017, <https://unsmil.unmissions.org/martin-koblers-statement-security-council>

<sup>28</sup>Franco 2018, 55.

<sup>29</sup>UNSMIL, Remarks of SRSG Salamé at the High-Level Event on Libya, New York, September 19, 2017, <https://unsmil.unmissions.org/remarks-srsg-salam%C3%A9-high-level-event-libya>

<sup>30</sup>Salamé, interview.

<sup>31</sup>Salamé, interview.

## a) The Consultation Phase of the Libyan National Conference, April - July 2018



Salamé's plan for the national conference was aborted when fighting erupted just days before the conference was to convene. It suffered the same fate as the process led by Mitri in 2014, which was abandoned when fighting broke out, leading to the most destructive cycle of the civil war, post-Gaddafi.<sup>30</sup> Salamé expresses dismay with the international community and the role of the UNSC. He criticizes both for being responsible for lack of real progress to resolve the crisis. Salamé indicated that the goal of organising a national conference was torpedoed by the military operation of the Libyan National Army (LNA) to take Tripoli by force but more importantly by the support of such operation received from more than half of the UNSC members.<sup>31</sup>

*"Salamé's plan for the national conference was aborted when fighting erupted just days before the conference was to convene. It suffered the same fate as the process led by Mitri in 2014, which was abandoned when fighting broke out, leading to the most destructive cycle of the civil war, post-Gaddafi."*

Therefore, the national conference was only realised in the form of a number of smaller dialogues or town-hall type discussions run by the Centre for Humanitarian Dialogue (HD). The National Conference planned in Ghadames in April 2019 was not possible to convene as the crisis continued, culminating in the launch of the LNA military operation to take over Tripoli.<sup>32</sup>

At the request of UNSMIL, HD organised what it considered to be an inclusive, structured discussion including, among others, Libyans from the diaspora. HD confirmed the participation of 7,000 Libyans, with 2,000 online submissions, and the participation of 130,000 people through social media.<sup>33</sup> However,

the whole process was less effective than previously assumed. Interviewees who took part in or monitored the dialogues indicate that there was no real large-scale process for including more representative stakeholders or engaging the whole polity. According to a number of participants, these rounds of dialogues were a mere showcase to support the 'real' negotiations that were ongoing backstage. UNSMIL seemed to have wanted to avoid falling into the trap of working between the fulfilment of UN norms for inclusivity through a broader participation and the real dilemma of delivering an agreement. The result was, as interviewees testify, that HD dialogues were merely a pro forma inclusion, not a catalyst for genuine inclusion. They did not enable genuine inclusive deliberations or dialogue. that there was no real large-scale process for including more representative stakeholders or engaging the whole polity. According to a number of participants, these rounds of dialogues were a mere showcase to support the 'real' negotiations that were ongoing backstage. UNSMIL seemed to have wanted to avoid falling into the trap of working between the fulfilment of UN norms for inclusivity through a broader participation and the real dilemma of delivering an agreement. The result was, as interviewees testify, that the HD dialogues were merely a pro forma inclusion, not a catalyst for genuine inclusion. They did not enable genuine inclusive deliberations or dialogue.

<sup>32</sup>Salamé, interview.

<sup>33</sup>UNSMIL, Remarks of SRSG Salamé at the High-Level Event on Libya, New York, 20 September 2017, <https://unsmil.unmissions.org/remarks-srsg-salam%C3%A9-high-level-event-libya>

<sup>34</sup>Salamé, interview.

<sup>35</sup>UNSMIL, Remarks of SRSG Salamé at the High-Level Event on Libya, New York, 20 September 2017, <https://unsmil.unmissions.org/remarks-srsg-salam%C3%A9-high-level-event-libya>

<sup>36</sup>Mitri 2015.

<sup>37</sup>Salamé, interview.

# Special Envoys and SRSGs: Different Approaches

UN mediation in the Libyan conflict has seen the appointment of a number of SRSGs, each opting for a different approach. A comparison between these suggests that a unified strategy was lacking. In the discussion below, an analysis of the approach adopted by each SRSG is presented. The objective

is to demonstrate how each approach affected the dialogue process and its outcomes. Furthermore, the analysis will assess how these have framed UN mediation and determined its role.

## a) Abdelelah al-Khatib, UN Special Envoy to Libya, March - August 2011

On March 7, 2011, before the conflict turned into civil war, the UN appointed Abdelelah al-Khatib to find a peaceful solution to the crisis in Libya. His mission, however, was ill-fated since the UNSC, while appointing him, also referred the situation in Libya to the International Criminal Court (ICC) and approved Security Council Resolutions 1970 and 1973, opening the door for the NATO military campaign in Libya.

The UNSC was divided, but the views of those member states which supported regime change eventually prevailed. Therefore, Special Envoy al-Khatib's early entry, before widespread violence, was not useful, as the NATO intervention made it clear that the real objective was regime change, not peace-making through mediation and diplomacy. In fact, al-Khatib was physically constrained and unable to undertake his mission to such an extent that he had to ask

for permission from NATO to fly to Libya. On one occasion, NATO shelled Tripoli while al-Khatib was getting ready to meet key regime figures, possibly depriving him of the opportunity of meeting Gaddafi himself. Technical assistance from the UN was limited too, and this eventually undermined his mission. In fact, his mission lacked support and was greatly undermined by the lack of impartiality of certain key members of the UNSC.

*"Special Envoy al-Khatib's early entry, before widespread violence, was not useful as the NATO intervention made it clear that the real objective was regime change, not peace-making through mediation and diplomacy."*

No matter how impartial al-Khatib was perceived to

be, through making efforts to reach out to all parties, the international community and he were in reality at odds and ended up working against each other, while the absence of any Libyan ownership remained a major weakness. The multiplicity of mediation initiatives introduced by countries such as Turkey, the Western countries' 'Contact Group for Libya', and international organisations such as the African Union (AU) and the League of Arab States (LAS) created a cacophonous atmosphere with the various initiatives undermining each other. This made al-Khatib less informed and a victim of cross-purposes. His mandate was rather short as it ended on August 20, 2011, when the Gaddafi regime fell.<sup>34</sup>

<sup>34</sup>Watanabe, 2019; Salamé, interview

<sup>35</sup>UNSMIL, and Center for Humanitarian Dialogue. 2018. The Libyan National Conference Process: Final Report. Geneva and Tunis: November. Available at: [https://unsmil.unmissions.org/sites/default/files/ncp\\_report\\_jan\\_2019\\_en.pdf](https://unsmil.unmissions.org/sites/default/files/ncp_report_jan_2019_en.pdf)

## b) Ian Martin, SRSG and Head of UNSMIL, September 2011 - October 2012



SRSG Ian Martin's task was to set up UNSMIL in the spirit of the so-called 'light footprint,' which aimed for a limited UN presence in Libya. UNSMIL, whose mandate was mainly advisory, focused its activities on areas related to supporting the democratic transition, public security, human rights, transitional justice,

and the rule of law. Martin tried reaching out to Libyan stakeholders, but with the Libyan transitional authorities deeply divided, he found no real leadership to engage with. In the end, the UN made the ill-advised decision to hastily go for elections before addressing these issues, which eventually became more pressing, and this finally proved catastrophic. Launching the electoral process, before laying the foundations of the State and initiating institutional building, in a country which had no tradition of political participation nor effective and accountable institutions over decades, proved fatal to the Libyan transition. Libya quickly descended into more polarisation and conflict.<sup>35</sup>

*"Launching the electoral process, before laying the foundations of the State and initiating institutional building, in a country which had no tradition of political participation nor effective and accountable institutions over decades, proved fatal to the Libyan transition."*

## c) Tarek Mitri, SRSG and Head of UNSMIL September 2012 - August 2014



From the outset, SRSG Tarek Mitri's focus was to act as a facilitator. However, the rushed elections and the advance of exclusionary attitudes and practices complicated his mission and deprived this approach of its merits. He explains, "it was obvious that the temptation for vengeance was stronger than the

desire for reconciliation. The call for reparation, in its material sense, was more pronounced than the aspiration to justice." Mitri's focus became that of "options for the management of the institutional transition."

*"[I]t was obvious that the temptation for vengeance was stronger than the desire for reconciliation. The call for reparation, in its material sense, was more pronounced than the aspiration to justice." – Tarek Mitri, Former SRSG and Head of UNSMIL"*

The national dialogue he believed in and was keen on supporting was doomed to failure, as it also did not prevent exclusionary practices as exemplified in the Political Isolation Law. UNSMIL during Mitri's tenure played an advisory role through the provision of technical support, which meant that the Libyan

parties, especially those in positions of power, were able to challenge UNSMIL's efforts; they resisted any change in their position and continued to have access to leverage. Therefore, the dialogue initiative was at their mercy and effective dialogue was impossible. Important Libyan figures and groups also accused

UNSMIL of partiality.<sup>38</sup>

<sup>34</sup>Mancini and Vericat 2016, 6–8

<sup>35</sup>Mancini and Vericat 2016, 6–8..

## d) Bernardino León, SRSG and Head of UNSMIL, September 2014 - November 2015

SRSG Bernardino León's tenure was controversial. In stark contrast to Mitri, León moved beyond facilitation, making his priority the structuring of the LPA, the drafting process of which he closely monitored and controlled. Participants in the dialogue processes alleged that there was evidence of undue interference in the negotiations, in contravention of his role as an impartial UN mediator. Just a few months after taking office, he announced that he would be leaving his post as head of UNSMIL.

Confronted with the HoR's rejection of the LPA, SRSG León threatened that unless it approved his proposed LPA, members of the HoR and any other Libyan actor were likely to be sanctioned by the international community. He said that "if the agreement is adopted or supported by the House of Representatives they will, of course, maintain their legitimacy as members of the HoR." In a press conference, SRSG León stated, "I think in this case they (HoR) can expect the recognition of the international community at the same time ... if the way chosen – I'm not going to talk now specifically about the HoR but about any Libyan party proposing unilateral solutions outside the national consensus – my impression is that this will not be recognized by the international community." This led to even more reservations and eventually the failure of the LPA to achieve its objectives.

Though he initially succeeded in overcoming the distrust that marked the relationship between the HoR and the GNC, this was not enough to resolve the conflict. His understanding of the conflict and its dynamics was obscured by his consideration of their contestation to be the major divide, thus excluding major actors. Moreover, his mediation faced rather an unsurmountable obstacle as he eventually lost the trust of the parties, who considered him biased, with a hidden agenda. He was perceived as involved in a conflict of interest and lost the most important trait for a mediator: credibility.

*"He was perceived as involved in a conflict of interest and lost the most important trait for a mediator: credibility."*

In November 2015, the press published leaked emails alleging that León had been offered a high-salaried job in a country within the region involved in the Libyan crisis, which he reportedly accepted while he was still a UN official. León denied any conflict of interest, stating that his emails were manipulated and that he had made it clear he wanted to leave his UN role before he accepted this job offer. Yet, whatever the truth may be, the damage was done, and doubt was cast on the proposals by the GNC, pointing to evidence of León's perceived lack of neutrality and impartiality.

In an even less credible and impartial move, León was alleged to have named the candidates for the PC and determined their roles in the GNA. This, although it went ahead later, was a blatant interference in the GNA's affairs, and any common understanding he may have previously cultivated among Libyans just evaporated.<sup>43</sup>

<sup>36</sup>Mitri, interview.

<sup>37</sup>On 8 May 2013 the GNC passed a lustration law, Law No. (13) of 2013 on administrative and political isolation. It led to barring all middle- and high-ranking state officials on the pretension that they were former regime elements. The text of this law is available at: [https://security-legislation.ly/sites/default/files/lois/315-Law%20No.%20%2813%29%20of%202013\\_EN.pdf](https://security-legislation.ly/sites/default/files/lois/315-Law%20No.%20%2813%29%20of%202013_EN.pdf)

<sup>38</sup>Franco 2018, 86–87.

<sup>39</sup>As stated earlier, several emailed requests for an interview were sent to Mr León in vain. All these requests remained unanswered.

## e) Martin Kobler<sup>44</sup> SRSG and Head of UNSMIL, November 2015 - June 2017

SRSG Kobler was fearful that the whole process would collapse altogether and was keen on keeping the momentum and accelerating it through a tighter timeline. He exploited local Libyan dynamics and contestations by furthering the interests of the Libyan parties who saw the LPA as their counter-offensive against any intra-Libyan dialogue that their opponents were considering as an alternative to the LPA. Apart from the negative impact this approach had on the conflict, the attitude of Kobler meant a rush towards an agreement that not only failed to include all stakeholders but also was a reflection of political opportunism, as indicated by a number of our interviewees, including some of the participants in the LPA process and its signatories.

<sup>45</sup>Despite the euphoria surrounding the signing of the LPA and the momentum it created, Kobler was not able to find acceptable solutions to the many contentious issues, especially a security roadmap and the formation of a unity government that the HoR rejected, leading thus to a situation where the whole process lacked implementation. In response, Kobler launched what he called 'A Roadmap to Peace,' with the aim of advancing implementation of the LPA. His time was spent taking shuttle trips and presiding over many meetings geared towards finding agreements on amendments to the LPA, but his efforts were in vain.

*"Despite the euphoria surrounding the signing of the LPA and the momentum it created, Kobler was not able to find acceptable solutions to the many contentious issues, especially a security roadmap and the formation of a unity government that the HoR rejected, leading thus to a situation where the whole process lacked implementation."*

Kobler was keen to highlight that a divided Libya needed peace in unity. He equated this with fulfilling his demand for "a rapid endorsement of the Libyan Political Agreement," indicating that those in disagreement would be left behind, using the metaphorical expression "the train has left the station." Kobler's role and work display two contradictory results. He was able to implement the LPA by securing the signatures of a number of figures from both sides of the divide. However, the LPA military and security provisions were not acceptable to a substantial majority within the HoR, resulting in them rejecting the whole LPA. There

were also objections to establishing a Presidential Council of nine members in a clear contravention to the three-member council that had been agreed in draft four of the LPA. The GNC's objection to the LPA was made on the grounds that it was made while it was boycotting the talks.<sup>47</sup>

The signing of the LPA was undertaken by delegates who had not been mandated to do so by either the HoR or the GNC. The GNC hard-line presidency and its allies discredited the process altogether. Kobler's bad relations with a key Libyan actor, Khalifa Haftar, greatly compromised his position as a broker. Haftar actually refused to meet Kobler, and his LNA prevented an UNSMIL jet from landing in eastern Libya. Unable to overcome these difficulties and the trust gap, Kobler was accused of partiality, and even conspiracy. His mission was denied access to western Libya, and he was declared persona non grata throughout Libya.<sup>48</sup>

<sup>46</sup>UNSMIL, 'Excerpts from SRSG for Libya Bernardino León's Press Conference Held in Tunis, Tunisia, Wednesday 21 October 2015', <https://unsmil.unmissions.org/leon-we-will-press-ahead-and-no-chance-allow-hardliners-hijack-political-process>

<sup>47</sup>Ramesh, Randeep, 'UN Libya envoy accepts 1,000 GBP-a-day-job from Backer of One Side in the Civil War,' The Guardian, 5 November, 2015 <https://www.theguardian.com/world/2015/nov/04/un-libya-envoy-accepts-1000-a-day-job-from-backer-of-one-side-in-civil-war>

<sup>48</sup>Franco 2018, 48–49, 88.

<sup>49</sup>Franco 2018, 89.

<sup>44</sup>Kobler, was contacted multiple times for this research and never responded.

## f) Ghassan Salamé, SRSG and Head of UNSMIL, August 2017 - March 2020



While SRSG Salamé's Action Plan was perceived as more inclusive, the inclusion of a wider array of Libyan actors remains questionable. Salamé was unable to realise this in practice. The Action Plan was ambitious in its objectives, as was its timeline of 12 months for implementation. It was even more ambitious as it assumed that the national consultation process would be inclusive and lead to a consensus on the fundamental principles of the constitution, resembling a social contract. The main element of the Action Plan was to hold a national conference in Ghadames in April 2019, but it ended up only in the form of town-hall-type discussions run by the NGO, HD, as mentioned above.<sup>49</sup>

*"The Action Plan was ambitious in its objectives, as was its timeline of 12 months for implementation. It was even more ambitious as it assumed that the national consultation process would be inclusive and lead to a consensus on the fundamental principles of the constitution, resembling a social contract."*

Interviewees cast doubt on the importance or usefulness of the HD dialogue. They questioned the validity of such a large-scale process for including more people and whether they really do represent or engage all the stakeholders and reflect their views.

According to a number of participants, these rounds of dialogues were actually less effective than their organisers documented in their report. They accuse UNSMIL of using the dialogues as a mere showcase to legitimise the 'real' negotiations that were ongoing backstage. UNSMIL also seems to have fallen into the trap of working between the fulfilment of the UN norms for a broader participation and the real dilemma, reflected in the pressure of delivering an agreement. The result was, as interviewees testify, that the HD dialogues were more like a pro forma inclusion, not a catalyst for genuine inclusion.

Salamé tried to perform the dual roles of the facilitator and the mediator simultaneously. However, his plan never materialised, as explained above. He ended up frustrated and decided to resign. Speaking to the HD, Salamé said he had felt "irrelevant" and "stabbed in the back by most of the Security Council members." He spoke openly about the major world powers supporting a particular Libyan side, which led to the battle for Tripoli in April 2019. He painfully states that the real problem was at the level of the UNSC, where more than half of its members actually supported the LNA military operation while the UN was supposed to support the GNA. This view is also shared by Williams who explains how she was "never under any illusion about the ambiguity – to say the

least - of the 'international community' – that there were countries that said one thing publicly while privately pursuing a contrary policy in full violation of the UN arms embargo.<sup>53</sup> The LNA attempt to take Tripoli led to a battle that erupted just a few weeks before the convening of the UNSMIL-sponsored Libyan National Conference, thus further undermining Salamé's mediation efforts in Libya. Moreover, both the security track (5+5 talks) and the economic track proved cumbersome and failed to realise any real success. SRSG Salamé, faced with tremendous odds, saw his continuous attempts to design and implement security and economic arrangements flounder, and eventually vanish as soon as fighting erupted in April 2019. He decided to resign from his position.<sup>55</sup>

*"[T]he real problem was at the level of the UNSC, where more than half of its members actually supported the LNA military operation while the UN was supposed to support the GNA."*

Interviewees indicate that his approach reflected a lack of consistency and a coherent strategy. Though Salamé was able to, initially at least, rekindle the UN political process, the change of approach and inconsistency of strategy meant that the Action Plan caused even more divisions and made any reform of the LPA almost impossible. Each faction saw in this an indication of the weakness and expediency of the UN and sought to renegotiate their position for more gains, thus making a consensus even harder to reach.

<sup>45</sup>Franco 2018, 88.

<sup>46</sup>UNSMIL, 'SRSG Martin Kobler: Libyan Political Agreement Is the Only Way Forward for Peace in Unity', <https://unsmil.unmissions.org/srsg-martin-kobler-libyan-political-agreement-only-way-forward-peace-unity>

<sup>47</sup>For more details see 'Crisis Group, The Libyan Political Agreement: Time for a Reset', <https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyan-political-agreement-time-reset>

<sup>48</sup>Franco 2018, 58, 90.

<sup>49</sup>The task was assigned to a Swiss-based non-profit private diplomacy foundation, the Centre for Humanitarian Dialogue, otherwise known as the Henry Dunant Centre for Humanitarian Dialogue (HD) that assists in mediation between conflicting parties to prevent or end armed conflicts.

<sup>50</sup>The Libyan National Conference Process: Final Report. Geneva and Tunis: November, 2018. Available at: [https://unsmil.unmissions.org/sites/default/files/ncp\\_report\\_jan\\_2019\\_en.pdf](https://unsmil.unmissions.org/sites/default/files/ncp_report_jan_2019_en.pdf)

<sup>51</sup>The UN has a set of norms for its mediation work. These include: impartiality, inclusivity, national ownership, inclusion of civil society, the empowerment and participation of women, justice and reconciliation, and human rights.

<sup>52</sup>Salamé, interview.

<sup>53</sup>Williams, interview.

<sup>54</sup>HD, 'Ghassan Salamé on the failures of the international community to stop wars', <https://www.hdcentre.org/podcasts/ghassan-salam-on-the-failures-of-the-international-community-to-stop-wars/>.

## g) Acting SRSG Stephanie T. Williams, July 2, 2018 - January 28, 2021

Acting SRSG Williams served as Deputy Special Representative (Political) in UNSMIL for just under three years. When Salamé resigned, she was appointed Acting SRSG until a successor was appointed. Williams saw the Libyan conflict as “an internationalized civil war,” but she believed that there was an “over-emphasis on the role of foreign powers in what is essentially a domestic Libyan conflict over access to resources and differences over how these resources should be distributed.” Therefore, following the LNA attack on Tripoli in April 2019 and the inability of the UNSC to restore consensus on Libya, she pursued the Berlin process involving both the permanent five members and the countries directly interfering in the country. The hope was to restore at a “minimum the international consensus on the need to end the conflict and enable a return to the political process under the international umbrella. This was embodied in the formal Berlin Conference conclusions and UNSC Resolution 2510.<sup>56</sup>

*“The hope was to restore at a minimum the international consensus on the need to end the conflict and enable a return to the political process under the international umbrella. This was embodied in the formal Berlin Conference conclusions and UNSC Resolution 2510.”*

Williams’ approach rested upon three principles: “the first shared principle was that the best means by which to alleviate and contain foreign intervention in Libya was to put the UN firmly in the driver’s seat and to reject any attempt, by any power (great or small) to replace the UN in this role. The second principle was to have the UN mission protect and promote the Libyan national interest against the wishes, interests, and policies pursued by these foreign players. The third principle was to give voice to and place the interest of the average Libyan above that of the predatory Libyan ruling class – military, political, and the kleptocrats (categories which are by no means mutually exclusive) – who would endlessly and shamelessly collude to prevent elections or any change in their status quo.<sup>57</sup> Arguing that her role was “that of listening to the

parties, finding areas of convergence, bridging gaps and brokering a pragmatic resolution,” Williams concentrated on knowing “the Libyan participants, spent considerable time with them, understood the richness of their perspectives.” Thus, her main focus was to achieve a ceasefire and bring the two major sides, the LNA/HoR and the GNA/HCS, to the

negotiating table. Her plan rested upon agreements made at the Berlin Conference and its different baskets. After extensive and extended shuttle diplomacy, she managed to bring the HoR and the HCS to talks to decide on the implementation of a reformed LPA.

Williams managed to set up what became known as the Libyan Political Dialogue Forum (LPDF). According to UNSMIL, the aim of LPDF was “... holding of national elections in the shortest possible timeframe in order to restore Libya’s sovereignty and the democratic legitimacy of Libyan institutions.” This new body produced a document outlining a number of amendments to the LPA, including the division of the executive authority into a three-member presidential council, and a prime minister, leading a government independent of the PC, and tasked with leading the transitional phase to prepare for parliamentary and presidential elections on December 24, 2021.

*“According to UNSMIL, the aim of LPDF was “holding of national elections in the shortest possible timeframe in order to restore Libya’s sovereignty and the democratic legitimacy of Libyan institutions.”*

The 75 members of the LPDF held several meetings, starting with a virtual meeting on October 26, 2020, with subsequent in-person meetings in Tunis and Geneva. A unified governance framework was agreed upon and a new PC and a GNU, were selected by the LPDF, tasked with unifying institutions and making the necessary arrangements to facilitate the elections and national reconciliation.

While UNSMIL used the LPDF as a tool for mediating a resolution of the conflict, it also used it as a stick to levy pressure on the democratically elected HoR, and other stakeholders. UNSMIL created the LPDF and hand-picked its members to ensure particular stakeholders, and powerbrokers, as well as foreign powers, were represented.

Apart from corruption allegations surrounding the LPDF, and its selection of the executive, Libyans, including armed groups that fought in the most recent civil war, many consider the forum, with few exceptions, a platform for opportunistic, greedy politicians, with little legitimacy or influence. The

largest group of the LPDF’s members came from the HoR and HCS and reflected their ongoing rivalry. Because of this, UNSMIL actually implanted the same ills and woes into the LPDF by including members of these two bodies known for standing in the way of any political solution that would cost them their privileges. Though both Salamé and Williams agree on the merits of the selection and credit LPDF with success, the following developments attested to its failure to agree on a constitutional framework for elections despite pressure from UNSMIL and popular demand. UNSMIL resorted to threatening that unless the HoR and HCS took action, the issue would be decided upon by the LPDF. This meant that UNSMIL, instead of respecting real Libyan ownership and inclusion, set up a politically selected group, and granted its members the opportunity to make themselves the ultimate decision-makers, should the HoR fail to confirm their roadmap or the GNU they selected, thus paving the way for the LPDF to replace the HoR.

Apart from the political implications of making the LPDF and its members influence the GNU as part of political bargains amidst allegations of corruption, such strategy by UNSMIL further casts doubts on the legitimacy of the whole process that would actually become self-serving and vulnerable to hijacking by certain actors determined to control the transition. The GNU, and indeed the whole LPDF process, was not based upon forging a political consensus but rather on majority voting among its members. The recent moves, the overlapping domains, and the sometimes-conflicting statements made by both the PC head and the GNU PM indicate the lack of a shared view or

strategy for the future. This highlights the negative impact of the power-sharing mechanism UNSMIL adopted, and reflects the risks associated with the exclusionary methods of UNSMIL, as discussed in this paper. However, Williams disputes the notion that the LPDF did not succeed in advancing the political process. According to her, “the first and second meetings witnessed great progress – approval of the Roadmap to end the long transition, designation of a date for national elections (during the Tunis meeting in November 2020), and the selection of a government of national unity (during the February 2021 meeting in Geneva).” However, she blames the failure on disrespect of the Roadmap by the UN nor the two chambers. She explains that “the Roadmap explicitly laid out a 60-day deadline to produce the constitutional basis and electoral framework for elections. When the deadline was ignored and the LPDF was neglected, the status quo parties and the political dinosaurs took comfort and started to dig in. There was a fundamental misreading of Libyan political dynamics.”

<sup>56</sup>Franco 2018, 90

<sup>57</sup>Williams, interview.

<sup>58</sup>Williams, interview.

<sup>59</sup><https://unsmil.unmissions.org/acting-special-representative-secretary-general-libya-stephanie-williams-announces-launch-libyan-libya-ceasefire-un-relaunches-inclusive-political-forum-amid-growing-sense-of-hope> | UN News

<sup>60</sup>Interview with Salamé.

<sup>61</sup>Salamé, interview; Williams, interview.

## h) Ján Kubiš,<sup>63</sup> UNSG Special Envoy on Libya and Head of UNSMIL, January 18, 2021 - November 23, 2021

After considerable delay, the UNSC eventually agreed to the appointment of Slovak diplomat Ján Kubiš as UNSG Special Envoy on Libya and head of UNSMIL. This heralded not only the end of Williams’ term but also a change in the leadership structure within UNSMIL. Accordingly, UNSMIL is no longer led by a UN SRSG, but by a non-Libya-based Special Envoy. Currently, there is an Assistant Secretary-General and Mission Coordinator, Raisedon Zenenga, and an Assistant Secretary-General, Resident and Humanitarian Coordinator for Libya, Georgette Gagnon. Therefore,

UNSMIL will need to take more time to be able to understand Libya’s political process. New members will need to establish working relationships with a variety of Libyan stakeholders and influential figures, which will require more time and may cause misunderstandings and delay their ability to advance the mission’s work. The work of UNSMIL under Kubiš’ leadership was to continue with the previous plan. Therefore, Kubiš focused on engaging Libyan and foreign actors in pushing forward the same LPDF roadmap. In the end, the roadmap was not capable of

facing the current challenges with its full capacities a variety of Libyan stakeholders and major influential figures, which requires more time and may cause misunderstandings and delay their ability to advance the Mission's work. The work of UNSMIL under Kubiš' leadership was to continue with the previous plan. Therefore, Kubiš' focused on engaging Libyan and foreign actors in pushing forward the same LPDF roadmap. In the end, it was not capable of facing the current challenges with its full capacities.

On March 10, 2021, the HoR approved the GNU, with almost all lawmakers present voting in favour and international commendation. The GNU assumed its responsibilities and took oath before the HoR on March 15. Rival governments of the GNA of Prime Minister Serraj and east-based Prime Minister al-Thani handed over power to the GNU on March 16 and 23, respectively. UNSC resolution 2570 on April 16, 2021, endorsed the LPDF plan and the GNU as an interim government tasked with preparing the scene for elections.

Regardless of the accusations of partiality that many Libyan actors have directed at UNSMIL and its process, as highlighted in the responses of those interviewed for the purpose of this research, the few weeks following the assumption of office by the GNU attest to the negative impact of the perceived exclusionary methods of UNSMIL by a majority of Libyans. The dominant view is that the GNU only echoes power-sharing and foreign interests. Therefore, rather than helping Libyans form a real unity government, the GNU has become hostage to such interests and militias, rendering it ineffective during the violent events that took place in Tripoli. The fact that the GNU has prioritised visiting foreign countries may well be a strong sign of its lack of national legitimacy. This also implies that divisions remain, and political and armed factions may also be reinvigorated. Many analysts argue that the early positive reception by both LNA/Haftar and militias in the west of the country reflect their ability to remain the main interlocutors who are able to dictate their own terms to the GNU.<sup>64</sup>

On the ground, Libyans remain frustrated, facing huge challenges including cash and power shortages, declining standards of living, and the impact of Covid-19. Public opinion, however, appears to welcome the LPDF results and the GNU. UNSMIL and the international community still appear to perceive Libyans as passive actors, bypassing them by dealing with the GNU, even before it received the confidence vote from the HoR, and continuing to accept the LPDF as the main decision-maker determining the country's political scene. The GNU, and the whole LPDF

process, still lacks real substance and may well not be able to withstand the dynamics of the conflict that have proven the fragility of the previously UNSMIL-sponsored LPA. The ongoing violence, as demonstrated by recent militia clashes in Tripoli and the continued presence of foreign fighters and mercenaries, makes any claims to progress shaky and exposed to further political antagonisms and fragmentations. Huge political, economic, and military tracks still await resolution, including the future of militias, security, and the thorny issue of the constitutional and legal basis for elections.

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On December 16, 2020, the UN Secretary-General announced the appointment of Raisedon Zenenga as Mission Coordinator of the UNSMIL. This appointment helped fill the gap in UNSMIL leadership after the resignation of Kubiš but seemed a formality as UNSMIL's mediation work remained almost absent. The appointment of a new SRSG and Head of UNMIL to succeed Kubiš was only made on September 2, 2022, with the appointment of Abdoulaye Bathily of Senegal. Bathily spent the first few weeks since his arrival in Tripoli conducting a number of visits to countries with interests in Libya. He has also met with a number of Libyan actors in an attempt to resume UNSMIL mediation. While the challenges appear to be mounting, it is too early to draw any conclusions about the mission under his leadership.

<sup>62</sup>Williams, interview.

<sup>63</sup>A request for an interview for this report was addressed to UNSC Special Envoy Ján Kubiš, but he declined saying he was too busy.

<sup>64</sup>Badi and Lacher 2021.

# Too Many Cooks Spoil the Broth: Foreign Interventions in the Libyan Crisis



As many observers and key stakeholders explain, the role and mediation efforts of UNSMIL faced obstacles from foreign countries with competing agendas. The UN Special Representatives have had to deal with a number of special envoys appointed by several countries, including from UNSC permanent five members. These envoys, according to the source, were interfering with the work of UNSMIL, advancing their own proposals and engaging with different Libyan parties to the conflict, making any coordinated effort impossible and eventually putting the UNSMIL process in jeopardy. This was stated by Mitri in his book *Rugged Paths: Two Years in and for Libya*, and further confirmed by Salamé when he stated that "too many cooks spoil the broth." In our interviews with Salamé and Williams, both indicated that foreign interference played a negative role in Libya and expressed dismay at the failure of the international community to exert a united effort to resolve the conflict.<sup>67</sup>

*"As many observers and key stakeholders explain, the role and mediation efforts of UNSMIL faced obstacles from foreign countries with competing agendas."*

All interviewees, albeit for different reasons, hold the view that foreign actors attempted to influence the dialogue and its outcomes in favour of their own agendas, and to assure the best interests of their

respective Libyan allies. According to Abdulsalam Nasia, Head of the HoR's Dialogue Committee, the international actors were not serious about finding a solution. The foreign actors and their initiatives, as well as the behaviour of their diplomats, including their special envoys for Libya, were partial and quite often against the spirit of mediation. The Libyan stakeholders interviewed for this report indicate that, against the spirit of mediation, diplomats from a number of countries had actually attempted to influence the process, but not necessarily always in favour of their Libyan allies. Each Libyan side considered this support as a sign that they could rely on a certain foreign country's sympathy for their position. In the process, most views reflected those of foreign allies, rather than focusing on resolving the conflict and establishing peace and reconciliation.

Citing the specific example of the Italian Ministry of Foreign Affairs, Boera considered the role of some foreign countries to have been negative in influencing the dialogue. The process was at times rendered, as interviewees indicate, a reflection of the strategic interests of foreign governments. A similar criticism, although lighter in tone, was voiced by HoR Vice Chairperson Emhemmed Shoieb, who was elected by the HoR to head its delegation to Skhirat and who signed the LPA on behalf of the HoR. He indicates that foreign countries attempted to influence the dialogue and some foreign officials actually played the role of parallel mediators. The same view is also held by Musa Faraj Zowi, HCS member and head of its Dialogue Committee, who confirmed foreign interference to serve particular agendas or interests. He named Egypt, and France, as having attempted to influence the dialogue but also considered Turkey, Qatar, and Saudi Arabia to have interfered, although to a lesser degree.<sup>71</sup>

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According to former GNC Vice-Chair Giuma Attiga, a number of foreign countries sought to influence the dialogue explicitly and implicitly, to subvert it to their respective interests. France, the USA, and the United Kingdom were fearful that failure to endorse the LPA would allow countries in support of the LNA/HoR to exploit the situation and increase their unilateral actions, thus creating more conditions less conducive to peace and reconciliation. In sum, this has resulted in the severe undermining of the national ownership aspect of the process in question.

*"A civil activist, Bojaila Saifnaser, who took part in the dialogue sessions in Algiers in 2015, said that foreign powers were levying pressure during the dialogue to help advance their views and empower their own Libyan allies. He indicates that León told a number of Libyan participants that diplomats from the USA and the UK were pressuring him to move in the direction best serving their Libyan allies. During a dialogue session in Geneva in February 2020, Salamé was also reported to have complained of the persistence of negative interventions of some countries that sought to derail the whole process, including the agreements reached at the Berlin Conference and UNSC Resolution 2510 that endorsed them. Speaking three years earlier, at a high-level event on Libya in New York on September 20, 2017, Salamé warned that there was "a real risk that a proliferation of initiatives will rob the Libyans of their chance."*

Mitri explained that "the interplay between internal political contradictions and external interference set narrow limits for what could be achieved." *Special envoys of a number of countries and regional organisations claimed to work under the UN leadership and coordinate their efforts, when this was not the case. The multiplicity of envoys led to confusion. The UN tried to facilitate dialogue among the envoys, and this was an impossible task as each had their own agenda. Libyans were given different and conflicting messages and some of them used their contact with one envoy against the other. There were cases where they held the UN responsible for what this or that envoy had said or done. Worse still, "specific countries said one thing in the Security Council, to their ambassadors in Tripoli another thing, and to their special envoys a third one." Some Western countries "pursued the all too familiar policy of double standards, and apart from the mandate given to the UN, chose to work under its banner in the instances when suitable, and to act unilaterally when such approach suited their priorities...."*<sup>77</sup>

*"Special envoys of a number of countries and regional organisations claimed to work under the UN leadership and coordinate their efforts, when this was not the case. The multiplicity of envoys led to confusion."*

Mitri complained of the attitude of many countries, including some UNSC members, when they "chose to turn away from engaging in the coordination sought by UNSMIL by setting up sectorial groups to work together. Instead of working together, they opted for competition against coordinated plans and a division of labour. Two big countries did not even find it embarrassing to compete with the UN." The same view was expressed by Kobler. Speaking to the Security Council. Kobler appealed to the international community to help Libya which "needs strong, united, consistent, robust and concrete support of the international community." In a desperate tone, he explicitly demanded "action and commitment, not only papers, meetings, and workshops. Partnership, not interference. Antibiotics, not aspirin."<sup>79</sup>

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While Abdulsalam Nasia considers the interference of regional organisations, especially the AU and the LAS to have made matters more complex, this raises the methodological and analytical question of why the regional intergovernmental organisations such as the AU, LAS and the Arab Maghreb Union (AMU) were reduced to a protocol aspect of the dialogue and had no opportunity to influence it. The absence of any influential role for these organisations meant allowing the process to be hijacked or dominated by a number of states that claimed to have strategic interests.

According to Azza Maghur, a prominent Libyan lawyer, and member of the now-defunct February Commission, an important lesson to draw for neighbouring countries, including Arab countries, is to realise that the Libyan crisis poses a threat to all of them, despite what may seem immediate attainable advantages to some. They have different concerns, but they are all exposed to threats of terrorism and instability. There can be no security, democracy, economic prosperity, successful transition, or stability in neighbouring countries unless they all work together to help resolve the Libyan conflict. These countries must also refrain from backing a particular Libyan faction against another and instead help to bring about a united national government in Libya. This

echoes the views of Husni Bey, a Libyan businessman who participated in most UNSMIL meetings. Libya's challenge, according to Bey, is not just inclusive dialogue, but a realisation, on the part of the UN and the international community, that the struggle is not tribal, political, or ideological, but an issue related to consensual management of resources and the ending of corruption. Weakness, fragility and divisions on the Libyan side have enabled foreign actors to dictate to Libyans, instead of helping them.<sup>82</sup>

*[A]n important lesson to draw for neighbouring countries, including Arab countries, is to realise that the Libyan crisis poses a threat to all of them, despite what may seem immediate attainable advantages to some. They have different concerns, but they are all exposed to threats of terrorism and instability.*

<sup>65</sup>Unofficial translation of the original Arabic title: مسالك وعرة: سنتان في ليبيا ومن أجلها Massalek Wa'era: Sanatan fi Libya wa Min Ajleha. Ed. Riad

Al-Rayyes Books. 2015, Beirut.

<sup>66</sup><https://en.minbarlibya.org/2017/09/14/salame-too-many-cooks-spoil-the-broth/>

<sup>67</sup>Salam, interview; Williams, Interview.

<sup>68</sup>Nasia, interview.

<sup>69</sup>Boera, interview.

<sup>70</sup>Shoieb, interview.

<sup>71</sup>Zowi, interview.

<sup>72</sup>Attiga, interview.

<sup>73</sup>Saifnaser, interview.

<sup>74</sup>Abdullah Othman Abdullah, interview.

<sup>75</sup>UNSMIL, Remarks of SRSg Salamé at the High-Level Event on Libya, New York, 20 September 2017 <https://unsmil.unmissions.org/remarks-srsg-salam%C3%A9-high-level-event-libya>

<sup>76</sup>Mitri, interview

<sup>77</sup>Mitri 2015, 50.

<sup>78</sup>Mitri 2015, 50.

<sup>79</sup>UNSMIL, Martin Kobler's Statement t The Security Council, 19 April 2017, <https://unsmil.unmissions.org/martin-koblers-statement-security-council>

<sup>80</sup>Maghur, interview.

## The Inconsistency of the UN Approach: Deficiencies in Design, Structure, and Process

UN mediation in Libya has had inherent flaws in the design of its process, and an inconsistency of strategy, and approach. Coupled with the negative effect of contending regional and international actors, the UN process was doomed to suffer certain shortcomings.

### a) Inclusion and Local Ownership

For any dialogue to be considered national, and legitimate, and to act as a transformative tool in a conflict, it has to create a sense of responsibility and engagement amongst the different factions. This is known in the literature as ownership of the process that determines the readiness or otherwise of the parties to take responsibility for the peace process and how it develops and whether its outcomes will be acceptable and legitimate. In the preparatory work leading to negotiating the LPA, UNSMIL opted for selecting a group of Libyans to form what later came to be known as the 'Libyan Political Dialogue', without

any obvious clearly defined criteria. This consisted of a group of individuals that Leon and his team at UNSMIL selected on the assumption that they represented the different constituencies of Libyans. However, this selection was subject to wide criticism. The Libyan stakeholders interviewed indicate that there was no pre-dialogue discussion and no agenda approval, and the drafting committee did not include any Libyans. The Libyan stakeholders interviewed indicate that there was no pre-dialogue discussion and no agenda approval, and the drafting committee did not include any Libyans.

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In an attempt to solicit consensus, UNSMIL made



amendments to the proposed draft agreement and organised a series of consultations to bypass the obstacles. The main dialogue track convened a number of rounds in Geneva, while parallel tracks were held in Algeria, with dialogue between political parties and activists. A women's track was added and held in Tunisia in 2015. At their inception in 2014, these tracks included representatives of political parties, tribes, armed groups, civil society groups, and municipal and local councils. However, these remained limited to participants from the so-called 'February camp', that is winners of the 2011 civil war. Moreover, the selection of participating political actors was based on the division created after the election of the HoR and in the context of GNC boycotts.

The participation of women was almost negligible. Only two women actually took part in the political track. Later, another woman, Fairouz Na'as, was included in the women's side-track talks, but she is the first deputy president and general secretary of the National Front Party that is in alliance with the Islamists and shared with them the control of the defunct GNC and the HCS. This limited the inclusion of women, either appointed or representing a particular party or group's interests, was likely to make them abide by the interests of the group that mandated their presence. They may, therefore, have more representatives of their group at the table than participants concerned with women's issues. Maghur, a former member of the 2013 Federal Commission, refused to attend a dialogue session facilitated by HD in 2014 as a woman representative, as she considered it just cosmetic political tokenism. She boycotted another UNSMIL dialogue session in Geneva in February 2020 as she saw shortcomings, namely inadequate inclusivity, and lack of Libyan ownership.<sup>85</sup>

*The participation of women was almost negligible. Only two women actually took part in the political track.*

There is also a general agreement amongst all Libyan interviewees that Libyan civil society organisations had no role whatsoever. According to a large segment of Libyans, the participation of civil society was actually a mere façade. Interviewees (those UNSMIL considered independent and members of civil society organizations) indicate that their track, despite its contributions, was considered less important and the output of their track was seldom considered by UNSMIL or used as an input into the main political track. The interviewees indicate that the presence of some individuals representing the local and traditional actors, as well as civil society, at some dialogue sessions appeared to be largely ceremonial. The same applies

to cultural groups which were excluded, despite the presence of some individuals from such communities in several of the dialogues. Many of these groups were actually just attending and were not there to speak on behalf of their own communities.

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Therefore, though reference to 'Libyan ownership' was always made, it was not fully realized. This is highlighted by Mohamed Alghoddi who coordinated the political team representing Saif Gaddafi at the LPDF. He attributes this to shortcomings in UNSMIL's approach but also to foreign intervention.<sup>86</sup> Issam Al-Maoui, former Head of the Libyan Human Rights Council and a member of the February Commission, criticises organisers for controlling the dialogue and setting its agenda.<sup>87</sup> This, as Maghur underlines, only confirmed that ownership was just

part of UNSMIL jargon. Furthermore, "views which were not condoned by UNSMIL were simply cast aside by not including those who raised them in the process," former planning minister Isa Twijir pointed out. He complained that he was excluded from further dialogues as he objected to UNSMIL practices during the dialogue session in Algiers.<sup>89</sup>

Interviewees credit Mitri for his serious attempt to achieve Libyan ownership and acknowledge his enthusiasm for reconciliation and dialogue. Reflecting on his own experience as SRSG in Libya, Mitri underlines that "dialogue cannot succeed unless it engages, in a durable manner, participants at local and national levels. The wider the participation, and the more diverse is the agenda, the better. It is essential to differentiate between negotiations and dialogue. The latter should not be reflective of power relations as the former often is."<sup>90</sup> In his book, *Rugged Paths: Two Years In and For Libya*, Mitri elaborated his views and provided context for the failures in Libya and on how he insisted on Libyan ownership of any dialogue even if that meant not having any when the circumstances did not allow. He also indicated that not only was Libyan ownership impossible because of the deep differences amongst Libyans, but also because "some foreign diplomats, including two UNSC permanent members, were not really focused on national dialogue and reconciliation or did not consider it a priority."<sup>91</sup>

*[N]ot only was Libyan ownership impossible because of the deep differences amongst Libyans, but also because "some foreign diplomats, including two UNSC permanent members, were*

*not really focused on national dialogue and reconciliation or did not consider it a priority." – Tarek Mitri, former SRSG and Head of UNSMIL*

Contrary to this understanding, the participants chosen by UNSMIL were mostly lacking on both counts – that is, considering the primacy of national dialogue and reconciliation. Libya has no formal structures for constituencies to choose their representatives, hence UNSMIL's claim that the LPD members are representative is ambivalent to say the least. With few exceptions, all interviewees indicate that Libyan ownership of the dialogue was not respected by or a main concern for UNSMIL. As Giuma Attiga, a former Vice-Chair of the GNC who took part in dialogue sessions held in Algiers in 2015, indicates, UNSMIL controlled the process from agenda-setting to the drafting of outcomes and the final communique. He raised objections to UNSMIL's drafting the recommendations and the final communique without the participation of the Libyans, but his concerns were not heeded, further undermining dialogue transparency. For a number of interviewees who took part in the different tracks of the LPA process, Libyans had no role in setting the agenda. They were not open for discussion or approval. The LPA process was dominated by UNSMIL, who dictated the course of dialogue and its content, before eventually imposing its own draft agreement and selecting/determining the members of the PC/GNA.<sup>93</sup>

As we have seen in the discussion above, UNSMIL later realised the need to reduce the number of PC members, thus returning to the content of the fourth draft of the LPA, initialised in July 2015 and then endorsed as final by UN Secretary-General Ban Ki Moon in the High-Level Meeting in New York on September 25, 2015. Despite the Secretary-General's call for not amending the initialised fourth draft of October 8, 2015, in less than two weeks UNSMIL changed the content of the draft, naming the PC, its members and their respective mandates. Moreover, UNSMIL selected some participants in the dialogue to the membership of the PC despite the fact that they had signed an undertaking, as did other participants, not to be part of any executive authority.<sup>94</sup>

Libyan interviewees criticise the selective approach as an indication of bias towards particular political views, and groups, and an embodiment of early exclusionary practices. Attending three dialogues was enough to realise that there were some kind of previously determined criteria for inclusion and selection of participants at all levels of political institutions, social entities, and civil society. This resulted in the failure of dialogues to be truly inclusive and representative,

according to the political activist and journalist Sulieman Bayoudi.<sup>95</sup> This, as interviewees, especially those speaking on behalf of the old regime supporters, believe, reveals that the UN was not only partial or biased, but also sponsored and supported a 'winner takes all' approach that excluded major sectors of the Libyan population.<sup>96</sup>

"UNSMIL has not been neutral and impartial," according to Saad Salamé, a member of the Muslim Brotherhood who recently resigned his senior position in the Islamist Justice and Construction Party, and Na'as, of the National Front Party, that is in alliance with the Islamists and shared with them the control of the GNC. Its dialogue included individuals who have no real influence or constituency.<sup>97</sup> However, the nationalist oriented Bayoudi suspects UNSMIL partiality for a different reason. He indicates that there seemed to be some kind of agenda amongst certain powerful countries to empower Islamists at all levels, including their participation in dialogues. Therefore, in almost all dialogues and their sessions, Islamists' participation was noticeably higher than their actual power or popular support base. Forces speaking on behalf of, or echoing neoliberalism, also had an inflated presence, thus real inclusion and representation were lacking.<sup>98</sup>

What has been lacking in UNSMIL-sponsored dialogues is real, effective, and inclusive representation. One of the main reasons for the failure of the UNSMIL mediation role can rightly be attributed to these fatal shortcomings. As Maghur indicates, the selection of participants illustrated at best arbitrariness, if not selectivity, and the lack of inclusiveness and representation of diverse Libyan stakeholders. She boycotted an UNSMIL dialogue session in Geneva in February 2020 as she clearly perceived several shortcomings and inadequate inclusivity. The independents' contingent, for example, was actually occupied by those from political institutions like the HoR and the majority of HCS members, in addition to GNA

ministers. The criteria for selecting the participants were at best opaque. They were not clearly announced. One poignant example of this was a tweet by SRSG Salamé just before the Ghadames National Conference was planned, which was enough to ruin it. He wrote "the names of participants are in my pocket", reflecting the lack of transparency, inclusion, and representation.<sup>99</sup>

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The result was an LPA that was a step towards consolidating a 'winner takes all' approach. As the narrative echoed in its preamble indicates, the LPA hails the February victory over the previous regime, condemning it and its followers. One participant and a signatory to the LPA justifies the exclusion of the previous regime elements from the dialogue, in as much as it was meant to be a dialogue between the February elements that took part in the 2014 conflict.<sup>100</sup> However, this may be seen as an attempt to exclude actors who may challenge the existing or newly emerging elites and regime leaders, who are determined to consolidate their own legitimacy and authority. The inclusion of Gaddafi supporters, or tribes presumed to be as such, was seen as a challenge to post-Gaddafi power structures. Such exclusion of larger segments of society paved the way for the empowerment of particular political, regional, and ideological trends, supported by foreign powers. This was based on an assumption that the presence of Gaddafi supporters may have presented threats to some existing power holders even as it presented opportunities to others. This was echoed early on in statements made by Islamists and some political parties' leaders, insisting that the 2014 elections only empowered former regime supporters and that the resultant HoR was theirs.

The LPA process also excluded some February elements known as Islamist hardliners. The Mufti Ghariani camp that included elements from the Libyan Islamist Fighting Groups (LIFG) and GNC hardliners were not party to the final agreement despite having been party to its inception talks. They boycotted the process and became even more excluded when they resurrected the rump of the GNC in objection. The LPA created yet another division paving the way for more conflict within the February camp, while the GNC set up its own Government of Salvation (GS) and other members of it decided to abandon it and instead set up the HCS, which became a main actor in the process and its main beneficiary. With the national army's rejection of the LPA, the process became captured by two dominant established power players or groups, representing the HoR alliance and the HCS and its allies. Important issues in the dialogue were marginalised and other key players and actors that had a driving role in the conflict were excluded. This prevented important issues, like reclaiming the state, from being properly discussed and addressed, as businessman, writer, and former advisor to Saif Gaddafi, Mohamed Abdulmotalib El Houni, affirms.<sup>101</sup>

This, therefore, impeded the inclusion of all stakeholders in a process that would have paved the way towards finding positive outcomes, shifting the dialogue from its unilateralism into interdependence of all Libyan factions and committing them to a shared future. This would also have grounded the dialogue and any resulting agreement in stability and shared ownership. Furthermore, while the negative and disturbing outcomes of the LPA are seen in the events unfolding since 2017, the LPA and its resultant institutions, especially the GNA, suffer from a lack of legitimacy and confidence. The interviewees agree that these institutions are an epitome of a specific group capture and hence are not flexible enough to break with the past or establish the desired peace and reconciliation.

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This is related to the widely shared view that "national dialogue processes may be capable of engaging the 'whole system' by involving participants who, together, can serve as a microcosm of the whole" that can further lead to the desired shifts in current socio-political context.<sup>102</sup> Therefore, while interviewees underline deficiencies in inclusion, they do not deny that actors from different political orientations were attending. But, as one interviewee explained, these were not chosen or elected by the constituencies they claimed to represent, nor were they chosen by UNSMIL specifically to represent such constituencies.<sup>103</sup> At the same time, while some major factions, like the federalists, were excluded, UNSMIL often quietly included many people or political parties that had no popular base.<sup>104</sup> The same view is expressed by other interviewees.<sup>105</sup> The negative implications are more vividly clear when it is noted that on many occasions, results of official UNSMIL statements were different from what was expected from participants.<sup>106</sup> Interviewees indicate that in many dialogues, Libyan ownership was not respected, and this resulted in final statements, issued by UNSMIL and others, which were not reflective of the actual discussions and often represented romantic or wishful thinking.<sup>107</sup>

<sup>81</sup>Bey, interview.

<sup>82</sup>Giuma Attiga, interview.

<sup>83</sup>Barnes 2017, 9–10.

<sup>84</sup>Na'as, interview.

<sup>85</sup>Maghur, interview.

<sup>86</sup>Alghoddi, interview.

<sup>87</sup>Al-Maoui, interview.

<sup>88</sup>Maghur, interview.

<sup>89</sup>Twijir, interview.

<sup>90</sup>Mitri, interview.

<sup>91</sup>Mitri 2015, 221.

<sup>92</sup>Attiga, interview.

<sup>93</sup>Boera, interview; Musa Faraj, interview.

<sup>94</sup>Boera, interview.

<sup>95</sup>Bayoudi, interview.

<sup>96</sup>Sa'id, interview; Sweidi, interview; Zheo, interview.

<sup>97</sup>Salamé, interview; interview.

<sup>98</sup>Bayoudi, interview.

<sup>99</sup>Maghur, interview.

<sup>100</sup>Lameen, interview.

<sup>101</sup>El Houni, interview.

## b) Weak Implementation Modalities

Right from the start, UN mediation in Libya was not inclusive. The negotiations for the LPA and the subsequent talks were essentially restricted to the 'victors' of the 2011 civil war. Some participants clearly saw UNSMIL as weak and lacking an appropriate mandate.<sup>108</sup> As interviewees from these elements indicate, when UNSMIL approached them for possible inclusion, it failed to understand the multiplicity of their composition and orientations. Thus, UNSMIL was unable to respond to their concerns and include them in the most productive way. As several interviewees indicate, not only were the so-called loyalists and supporters of the old regime excluded, but also major elements representing the Mufti Ghariani Islamists and GNC hardliners were left out or themselves boycotted the process. Influential militia leaders were also excluded and prevented from participating in what would eventually determine their status and future. This, as interviewees explain, undermined the dialogue aspect of the process, and meant that the GNA and the security roadmap were a matter for continuous contention, rendering the entire process as a power-sharing deal restricted to what some analysts called the 'coalition of the willing.' All told, a good lesson to always keep in mind is that peace is made with enemies.

[N]ot only were the so-called loyalists and supporters of the old regime excluded, but also major elements representing the Mufti Ghariani Islamists and GNC hardliners were left out or themselves boycotted the process. Influential militia leaders were also excluded and prevented from participating in what would eventually determine their status and future.

Nuri Abbar, former head of the High National Election Committee, sees the weak implementation as an already latent factor in the exclusion of influential actors, particularly the armed groups, whilst they had the means to make implementation succeed or make it unattainable.<sup>109</sup> The exclusion of the militias that really mattered in making or breaking any security arrangements left critical aspects of the security roadmap neglected and created more spoilers. This was particularly the case with the Tribes Army (former regime supporters' militias) and the hard-line Islamists, as well as the die-hard revolutionaries. Other implementation challenges were not dealt with, as actors who wished to undermine the process were not challenged.<sup>110</sup> Apart from risking further insecurity and armed conflict, this omission was exploited by Haftar/LNA to force the renegotiation of the LPA to realise its objectives. This was clearly demonstrated in the military conflicts in the regions of Wershefana and the south, and the later battles in and around Tripoli in 2017 and 2019. The interviewees, despite their different orientations, consider this exclusion to have deprived the LPA of the potential to become more effective, and actually created a context in which power distribution was confined to the limits imposed by particular actors, elites or militias that dominated the process. This led to the undesired consequence of making the LPA, as interviewees indicate, a fragile agreement that failed to address the real drivers of the conflict, leaving underlying causes essentially untouched.

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<sup>102</sup>Barnes 2017, 10.

<sup>103</sup>Greera, interview.

<sup>104</sup>Hassia, interview.

<sup>105</sup>Saifnaser, interview; Um al Ezz Farsi, interview; Zheo, interview.

<sup>106</sup>Greera, interview.

<sup>107</sup>Zheo, interview.

<sup>108</sup>Alghoddi, interview.

<sup>109</sup>Abbar, interview.

<sup>110</sup>Na'as, interview.

## c) Accountability and Legitimacy

Confidential and discreet dialogues may be acceptable during the preparatory stage of initiating certain processes or to enable work while a conflict is intense

or there is an impasse. Nevertheless, dialogues that take place behind closed doors, and do not provide the wider public with any information on the real issues and challenges at stake, or an explanation of the compromises and trade-offs required, are unlikely to attract popular support and eventually doomed to fail. At the UNSMIL-led Skhirat talks in 2015, participants' names were not made public or even made available to the participants themselves before they met. Some sessions were held behind closed doors and minutes of meetings were not made available to participants. Secrecy and lack of transparency deprived the public of their right to know, especially considering that the dialogue and the contended issues were critical to their lives. It was vital for the public to know who was sincere in dialogue, who was opportunistic, who adopted a nationalist agenda and who was only determined to consolidate their own interests, even if it meant wrecking any meaningful dialogue and discrediting them in the eyes of the wider public. What is more, maintaining transparency and keeping the wider public informed ensures participants remain publicly accountable. Libyans, including those attending the talks, were surprised by the names of those appointed to the PC and the GNA by León, most of whom were not previously known or had not been previously discussed. The signatories to the LPA itself were not the actual people who negotiated the agreement, and rather included those who had not taken part.<sup>111</sup>

*[D]ialogues that take place behind closed doors and do not provide the wider public or communities with any information on the real issues and challenges at stake, or an explanation of the compromises and trade-offs required, are unlikely to attract popular support and eventually are doomed to fail.*

Deficiencies of inclusion and ownership reduced credibility, legitimacy, and accountability, and led to participants politicizing the whole process. A number of interviewees argue that most of the participants actually either came from Islamist backgrounds or were individuals with a history of animosity towards the previous regime and had antagonistic attitudes towards its supporters. UNSMIL seemed more concerned with 'ticking the boxes' of what it assumed would reflect diversity. The participation of those representing a sizable proportion of the Libyan people, known as former regime supporters, rejectionist Islamists and die-hard revolutionaries, could have earned their trust. The fear that former regime elements, for example, may attempt to avert the change that took place in 2011, is unreasonable since being a part of the dialogue process is not an

indication of influence or having a definitive role in decision-making.

Moreover, interviewees lament the exclusion of women and civil society voices at the initial stage of agenda-setting and the preparatory phase. Women's participation was limited to a mere token and did not constitute meaningful representation. The most important dialogue leading to the LPA, for example, only included two women. Leaving the issues related to women and civil society unaddressed reduces inclusivity, weakens ownership, and ignores the conditions that generate conflict and violence. Interviewees express the view that civil society, in particular, despite its weak and politicised nature in post-Gaddafi Libya, could have played a role in helping the process gain durability. It could have helped to develop civil society itself and to nurture civic and democratic culture. This is particularly important given that contending Libyan factions are either undemocratic or their democratic credentials are marred for a variety of reasons.

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UNSMIL is yet to reconsider this issue. Rather, it continued in the same direction. As indicated in its appraisal of the convening of a meeting attended by a few Libyans in Montreux in Switzerland, under the auspices of HD in September 2020, UNSMIL claimed to launch the arrangements needed to resume the fully inclusive 'Libyan Political Dialogue Forum'.<sup>112</sup> However, if the criteria for selection of participants are similar to the previous ones, or just an enlargement of the recent Montreux meeting, it is clear that UNSMIL's approach continues to ignore the context and complex dynamics of the Libyan conflict. This inability or failure to adapt to the changing context of the conflict contrasts with a "paradigm of peacebuilding rooted in awareness that these processes are embedded within complex adaptive systems, where multiple forces are acting in unpredictable ways, generating surprising outcomes."<sup>113</sup>

*This inability or failure to adapt to the changing context of the conflict contrasts with a "paradigm of peacebuilding rooted in awareness that these processes are embedded within complex adaptive systems, where multiple forces are acting in unpredictable ways, generating surprising*

*outcomes."*

*a process that lacked transparency. Participants were kept in the dark ahead of the dialogue and had no access to the dialogue agenda or its minutes or the results.*

<sup>111</sup>Na'as, interview.

#### d) UN Impartiality Questioned

Abobakr Boera accuses UNSMIL of partiality, lack of transparency and bias. He identifies León as primarily responsible for this ultimately erroneous approach, while his two successors, Kobler and Salamé, did not pay attention to rectifying the errors he created by abandoning the fourth draft of the LPA or the composition of the PC, but rather continued in the same direction. This is also echoed by Musa Zowi, who questions the neutrality of the mediators as UNSMIL had to accommodate the views of certain countries with particular interests. While, for example, valuing the constructive role of Mitri, he questions that any actor actually played the role of a mediator as it is generally understood. On at least one occasion, UNSMIL and its head ignored the consensus reached and, in practice and in effect, ruined the process by deciding to end the talks altogether. This raises doubts about UNSMIL's impartiality and transparency, in addition to the issue of the conflict of interest, as the case of León demonstrated.<sup>114</sup>

*On at least one occasion, UNSMIL and its head ignored the consensus reached and, in practice and in effect, ruined the process by deciding to end the talks altogether.*

As explained above, our interviewees expressed concern that UN impartiality and neutrality were compromised in a process that lacked transparency. Participants were kept in the dark ahead of the dialogue and had no access to the dialogue agenda or its minutes or the results. Bayoudi questions the impartiality and neutrality of UNSMIL and the León, citing what took place just half an hour before the signing ceremony of the LPA on December 17, 2015 in Shkriat, Morocco, when it appeared that the PC member for the south had not been appointed. The members from Fezzan, in south Libya, were called into a hall, and, after some chaos and loud noise, some emerged and said that they had only heard some people at the front shouting "accord, accord," indicating that Abdulsalam Kajman had been chosen to be the member of the PC. However, when his name was read out in the main hall, there was real surprise among most of those attending, implying that the name was added to the PC in some kind of discreet agreement.<sup>115</sup>

*[I]nterviewees expressed concern that UN impartiality and neutrality were compromised in*

Another interviewee, Naser Said, also accuses UNSMIL of partiality and bias and of forsaking neutrality. He cites the example of a dialogue meeting in Tunis on March 6–7, 2018 to resolve issues related to Internally Displaced Persons (IDPs) and Libyans in diaspora. According to Said, UNSMIL ignored the issues debated at the meeting and circulated a communique that made no mention of them and was ambiguous to say the least. The same applies to the town-hall-type national dialogue run by HD in Cairo on July 3, 2018. The views of the participants were not fully represented, and their proposals or demands were omitted from the HD report that was supposed to be impartial. The report of the results was the product of the HD alone, as there was no Libyan participation or input into this report and, therefore, no ownership.<sup>116</sup>

The attitudes of UNSMIL's leadership, particularly of SRSGs León and Kobler, were the subject of much criticism from a wide array of actors on the Libyan side. This negatively affected their roles but also put the impartiality of the UN itself and its legitimacy as an honest broker into question. As a consequence, the image of the UN was significantly damaged in Libya. Interviewees from all sides of the divide accused UNSMIL of favouring one particular side and of working to realise the interests of involved foreign countries. There were also elements within Libya who always accused the UN of being a mere tool in the hands of foreign powers that sought the destruction of Libya in the name of democracy.

León, in particular, was criticised, and his efforts were considerably hampered, as the GNC and its supporters saw him as imposing the will of the UAE by supporting the HoR and the LNA faction.<sup>117</sup> The GNC halted the talks and threatened to boycott them, which eventually happened. Moreover, when the LPA was brokered and the UN recognised the GNA as the sole representative of Libya, the UN was accused of being partial and supportive of this government which eventually became party to the conflict. This created more obstacles to reaching the consensus required for the LPA to be implemented. The accusations of partiality further weakened the position of the UN, and its special mission in Libya became embroiled even further in the conflict, leaving the UN with less and less ability to act.

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Mitri explains how striking a balance between impartiality and empathy proves difficult to maintain. He attributes this not to the inability or lack of objectivity of UNSMIL, but to the confusion Libyan factions suffered. According to Mitri, "there were times when empathy, and with it the attempt to interpret one party's position to its adversary was hastily confused with partiality. There were also occasions where my ability to explain, analyse motivations, discern inclinations, and deconstruct double language, tended to be more of a burden than an enabling factor. On the one hand, I was appreciated for having developed relations of trust and understanding and for my independence from any specific Western country, while, on the other hand, my Arab identity was apparently perceived to be limiting the ability of being a true international civil servant."<sup>118</sup> Williams believes that "impartiality and empathy are not mutually exclusive in the context of mediation." She explains that during her tenure, UNSMIL "stroved for neutrality. We were always empathetic to the plight of the Libyan people and sought to place their interests above the predatory ruling class and the international actors."<sup>119</sup>

*According to Mitri, "there were times when empathy, and with it the attempt to interpret one party's position to its adversary was hastily confused with partiality."*

Considering it a reflection of partiality and lack of transparency, a number of interviewees indicate that the LPA was actually made behind closed doors without the significant contribution of most of the Libyan participants. The agreement and the final statement were drafted in advance, in their absence. One participant, Mohamed Abdulmotalib El Houni, who had attended two sessions in preparation for the Skhirat talks in Algiers in March and April 2015, criticises UNSMIL for not responding to the concerns of some participants. Another interviewee, Emhemmad Elbakai, head of Libya's Aid and Development Fund, who took part in the dialogue process leading to the LPA, questions the impartiality and professionalism of UNSMIL, accusing it of a flagrant breach of these norms. He indicates that no words could ever justify why and how UNSMIL's head Leon, despite the boycott of the GNC, empowered the head of its delegation Saleh Makhzoom, who signed the LPA, thus throwing into question the whole issue of ownership, inclusion, and accountability.

<sup>112</sup><https://unsmil.unmissions.org/statement-hd-organised-libyan-consultative-meeting-7-9-september-2020-montreux-switzerland>

<sup>113</sup>Eoyang and Holladay 2013, cited in Barnes 2017, 39.

<sup>114</sup>Zowi, interview.

<sup>115</sup>Bayoudi, interview.

<sup>116</sup>Said, interview.

<sup>117</sup>Na'as, interview; Saalme, interview.

<sup>118</sup>Mitri, interview.

<sup>119</sup>Williams, interview.



# Conclusion

This report shows that for any dialogue to succeed in realizing a sustainable resolution to the Libyan crisis, it must be transformative and adaptive. This goal may be achieved with clearer and solid commitments to end foreign meddling and by designing a broader inclusive national dialogue that puts reconciliation at the forefront. The interviewees, despite their different political and social orientations, all agree that the LPA process has actually deepened the crisis without being able to resolve anything and has led to extensive delays in the peace process in Libya, with more fault lines and divides occurring, even within each of the original two sides UNSMIL sought to reconcile. A truly genuine national dialogue is a constructed political process on its own. This implies that dialogue must achieve the meaningful result of moving the country and the society beyond conflict. This challenge was more acute as the LPA actually originated from the talks between a group of people UNSMIL had hand-picked, even though most of them had no clear legal status – or rather a legal status was bestowed upon them by the institutions they were supposed to represent giving them legitimacy, that was actually nullified as they acted against their mandate – as interviewees indicated. This was another testimony that the LPA would not produce any sustainable political settlement and why the resultant institutions of the LPA were unable to gain consensus or legitimacy to serve as constituting bodies.

*[F]or any dialogue to succeed in realizing a sustainable resolution to the Libyan crisis, it must be transformative and adaptive. This goal may be achieved with clearer and solid commitments to end foreign meddling and by designing a broader inclusive national dialogue that puts reconciliation at the forefront.*

The LPA was not able to generate legitimacy either in the process or its outcomes. Talks were not open to the public and this undermined the LPA's ability to be a tool for making conflict resolution possible, at the grassroots or societal level, by shifting the existing polarised conflict. Consequently, the same dividing narratives that dominated the Libyan conflict, such as Islamists vs non-Islamists, revolution vs counter-revolution, Azlam vs revolutionaries, and many others, are still prevalent. The LPA and its results have been exploited in these contending narratives and have been exploited in political propaganda.

As the increase in hate speech and the propaganda war in the Libyan media, especially social media, indicates, the LPA created a context in which Libyans are even more divided than before while new issues of contestation have been added. The process failed to evolve into a transformative national dialogue that includes a change in public attitudes and the creation of an environment where there is an openness to ideas that make change possible and cause it to be sought after. The public must be willing to accept these new ideas and play a decisive role in helping them transform into a sustainable reality. This is not the case, however, and the conflict in Libya is becoming more entrenched.

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Despite the recent jubilation regarding the formation of a new PC and GNU that resulted in the conclusion of the LPDF talks, disagreements are still standing in the way, and, as interviewees indicate, the UNSMIL process faces serious challenges and consensus is difficult to realise. The adoption by the LPDF of a majoritarian formula for voting on proposals has also proven problematic. While hopes of achieving tangible success are mounting, many obstacles remain in the way of consensus. Issues like the appointment to senior state roles, e.g. that of the Central Bank of Libya's (CBL) governor, the constitutional rules, federalism and the rights of regions, and the distribution of resources are the subjects about which agreement is difficult to reach. Moreover, foreign interventions, reconciliation, and the unification of the military forces remain the toughest obstacles. On the ground, armed militias continue to dominate and control capabilities and resources, with a major part of them opposing any dialogue and threatening war again.

While the interviews confirm what analysts have been positing – that is that the Libyan powerbrokers have been the main obstructers of the peace process, and the realising of its objectives – they also identify foreign interference to have negatively affected the UN and other mediation activities. As a matter of fact, some interviewees completely attribute the Libyan crisis to foreign interests and interventions that have,

ever since 2011, prevented peace and reconciliation.

<sup>120</sup>Arabic word for supporters of the regime.

# Policy Recommendations

## The Libyan Parties

1. Libyan stakeholders should cease to rely on external actors and external solutions. They should take responsibility and start exploring collective and indigenous solutions to the protracted crisis and ways to diffuse the drivers of the conflict. Continuing to rely on external parties and external solutions will only deepen the existing divisions and prolong the conflict. External initiatives are often linked to external interests and are not necessarily in line with Libyan interests.

2. Libyans must reach an agreement on convening an inclusive national dialogue that focuses primarily on achieving national reconciliation. This should be a Libyan-led process with a specific timeframe, a clear agenda, and rules and procedures. Libyans should explore and learn from best practices and global and regional experiences to draw lessons, so that their national dialogue effectively contributes to achieving a sustainable solution to the Libyan crisis.

3. The Libyan parties must express determination to put an end to all types of external interference and not limit their concern with such interference to the presence of foreigners and mercenaries, regardless of their origins. Libyans need to agree on cancelling or freezing all security and defense agreements with foreign countries and entities whether signed by the Government of National Accord, the General Command of the Libyan National Army, or the House of the Representatives.

4. The Government of National Unity should make every possible effort to create the necessary conditions for holding free, fair, and transparent elections - including through securing the legal framework and the technical and security arrangements for the voting process to take place in accordance with the roadmap agreed for the "Preparatory Phase for a Comprehensive Solution." The independence and protection of the High Commission on Elections must also be ensured to safeguard the fairness and credibility of the electoral process.

5. The GNU and the Presidential Council (PC) should take all necessary measures throughout their tenure to promote democratic principles and good governance. They must refrain from practices and announcements that make them appear merely agents of one of the parties to the conflict. Instead,

the GNU and the PC should both focus on promoting peace and reconciliation and protecting Libya from further disintegration.

6. All parties must abandon the 'winner takes all' approach. They should uphold instead the values of inclusiveness and reconciliation as the only viable solution to the Libyan crisis. The success of any national dialogue depends on the inclusion of a wide and representative array of the Libyan stakeholders. This may only be achieved through effective representation of different political trends, taking into account geographic and cultural diversity.

7. All parties must end hate speech to avoid polarization. Libyans need to transcend the divisive narratives that have prevailed so far. Divisiveness is particularly indicated by the escalation of hate speech, disinformation, and propaganda prevalent in the Libyan media, especially social media.

8. Military commanders, in various parts, of the country should commit to preventing further violence. This will require the expulsion of all foreign fighters, regardless of their nationalities, in preparation for an inclusive national dialogue and reconciliation.

## The United Nations.

1. The Secretary-General of the United Nations should establish an independent review of the UN-led mediation efforts in Libya over the last twelve years to determine whether, for an effective process, they have been conducted in conformity with the UN standards. The review should include an assessment of the consent of the parties concerned; inclusiveness; national ownership, respect for international law; coherence; coordination; and complementarity of the mediation efforts and quality of peace agreements.

2. The UN should support Libyan efforts to organize a national dialogue and provide support for its facilitation. The UN should refrain from directly leading or dictating the terms of the political process. Instead, it should support Libyan initiatives and leave the leadership of the process to the Libyans themselves. It should be noted that many Libyans question the UN selection of the participants in the current political process, as this selection was not

based on an inclusive national process that entitles those participants to a legitimate representation. not based on an inclusive national process that entitles those participants to a legitimate representation.

3. The UN should encourage Libyan political parties to increase the participation by Libyan women. So far, women representation in the political process has been low. Furthermore, women participating in the process on behalf of certain parties or groups have largely aligned themselves with narrow political interests of their groups and have demonstrated less interest in larger national issues. The UN must encourage an approach that ensures larger participation by women, youth, and civil society

## The International Community

1. Foreign actors should not exert pressure on Libyans to conduct hasty elections in the absence of the legal and security conditions necessary for their success. The international community has often pushed for holding elections in post-conflict settings despite the risks of failure and without due consideration of lessons learnt from experience in other conflict situations. Quick fixes do not contribute to durable peace. Elections are not an end per se but rather a means to an end.

2. The international community should bring an end to the multiplicity of initiatives and proliferation of uncoordinated international mediation processes. Instead, local efforts to conduct a Libyan-led inclusive political process should be supported through a coordinated plan.

## Neighboring Countries (Algeria, Tunisia, Egypt, Chad, Niger, Sudan, and Morocco)

1. Libya's neighboring countries must abandon the illusion that they can resolve the Libyan crisis through unilateral action and their competitive and un-coordinated interference in Libya should cease.

2. Alternatively, neighboring countries should develop a mechanism for coordinated regional support to Libya, in concert with the Libyans. Such a mechanism would be designed to help Libyans advance their political process and limit the potential ramifications of the international rivalry over Libya on the region. It is in the interest of neighboring countries that the solution to the crisis is truly Libyan-owned, and free from extra-regional interference.

organizations to achieve inclusivity and broad national ownership of a national dialogue.

4. Based on the Libyan experience, the UN should lead the effort to revisit the dominant normative assumptions which underpin the current practice of international mediation.

3. All states must cease interference in Libyan internal affairs. This must include the immediate cessation of violations of the United Nations Security Council and dated arms embargo. All states should cease all illegitimate arms provisions to Libyan militias and warring factions. International parties must refrain from using the UN as a fig leaf to cover their private interests in Libya.

4. The key members of the UNSC must live up to their commitments and abide by the arms embargo resolution. It is no longer acceptable that UNSC members continue to provide arms to parties to the conflict in Libya. If their destructive support to various Libyan groups and factions is not ended any effort to establish peace will be meaningless.

3. Neighboring countries should not treat Libya as a theatre to settle their decades old scores. Libya and Libyan stakeholders must be shielded from regional rivalries.

# Annex

## List of Interviews

- |   |  |
|---|--|
| 1. Nuri Abbar, former Head of the High National Election Committee and currently the Director of the National Center for Decision Consolidation of the Libyan Government, NDPC. Interviewed August 23, 2020.                          | Interviewed August 25, 2020.   |
| 2. Mohamed Alghoddi, Gaddafi era Minister of Transport and a member of LPDF as the Coordinator of the Political Team Representing Saif al-Islam Gaddafi. Interviewed October 30, 2021.  | 12. Atif Miloud Hassia, academic at Omar Mokhtar University, advisor of HoR. Interviewed August 24, 2020.  |
| 3. Issam Al-Maoui, former Head of the Libyan Human Rights Council, and a member of February Commission which proposed the amendment of the Interim Constitution and recommended early elections in 2014. Interviewed August 28, 2020. | 13. Fadeel Lameen, Head of NDPC and a member of the Libyan Political Dialogue that produced LPA and a signatory to it. He currently heads the Economic Development Board in Libya. Interviewed August 30, 2020.                      |
| 4. Giurma Attiga, former GNC Vice-Chair and former director of the Gaddafi Human Rights Society. Interview August 17, 2020.   | 14. Azza Maghur, a prominent lawyer and former member of the 2013 February Commission that proposed the amendment of the Interim Constitution and recommended early elections in 2014. Interview August 17, 2020.                    |
| 5. Husni Bey, a Libyan businessman. Interviewed August 25, 2020.  | 15. Tarek Mitri, former SRSF and head of UNSMIL. Interviewed September 19, 2020.   |
| 6. Sulieman Beyoudi, Political activist and journalist who took part in a number of UNSMIL sponsored events. Interviewed August 12, 2020.   | 16. Fairouz Na'as, the First Deputy President and General Secretary of the National Front Party that is in alliance with the Islamists and shared with them the control of the defunct GNC and the HCS. Interviewed August 28, 2020. |
| 7. Abobakr Boera, HoR member and senior negotiator during Skhirat talks. Interviewed September 4, 2020.   | 17. Abdulsalam Nasia, HoR member and senior negotiator who led its team in negotiations with HCS. Interviewed August 27, 2020.   |
| 8. Mohamed Abdulmotalib El Houni, businessman, writer and former advisor to Saif Gaddafi. Interviewed August 31, 2020.  | 18. Naser Said, Editor-in-Chief of 'Libyan Stand' ('al-Mawqif al Libi'). Former regime loyalist figure and Spokesperson for the National Libyan Popular Movement. Interviewed September 5, 2020.                                     |
| 9. Emhemmad Elbakai, Head of Libya's Aid and Development Fund. Interviewed August 18, 2020.   | 19. Abdulmajeed Saifnaser, former Head of the Supreme Security Commission in 2011, ex-Ambassador to Morocco and a leading Oulad Sulieman tribe figure. Interviewed August 20, 2020.  |
| 10. Um al Ezz, Farsi, Professor of Political Science, Benghazi University. Interviewed August 24, 2020.   | 20. Bojaila Saifnasr, a civil activist and coordinator of a civil society group who attended the UNSMIL dialogue in Algeria. Interviewed September 16, 2020.   |
| 11. Mohamed Greera, political activist.   |  |

21. Ghassan Salamé, SGSR and head of UNSMIL. Interviewed October 26, 2021.
22. Saad Salamé, academic and leading figure in the Libyan Muslim Brotherhood and former Head of the Political Committee of the Supreme Authority of Justice and Construction Party. Interviewed September 15, 2020.
23. Emhemmed Shoeib, HoR member and leader of its delegation to Skhirat and a signatory to LPA. Interviewed August 25, 2020.
24. Hussein Sweidi, a leading figure of the former Gaddafi regime Revolutionary Committees Movement. Interviewed September 12, 2020.
25. Isa Twijir, former Planning Minister in Al Keib government of Libya in 2013. Interviewed August 27, 2020.
26. Stephanie Williams, Acting SGSR. Interviewed October 30, 2021.
27. As'ad Zheo, a founder and former secretary-general of the Libyan National Gathering, an organisation for former regime elements who support dialogue and reconciliation. Interviewed August 23, 2020.
28. Musa Faraj Zowi, HCS member and Head of its Dialogue Committee. Interviewed August 24, 2020.

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## Abbreviations

AU	African Union
AMU	Arab Maghreb Union
GNA	Government of National Accord
GNC	General National Congress
GS	Government of Salvation
HCS	High Council of State
HD	Centre for Humanitarian Dialogue
ICC	International Criminal Court
LAS	League of Arab States
LIFG	Libyan Islamist Fighting Groups
LNA	Libyan National Army
LPA	Libyan Political Agreement
NATO	North Atlantic Treaty Organization
NDPC	Preparatory Commission for the National Dialogue
NTC	National Transition Council
PC	Presidential Council
SRSG	Special Representative of the Secretary-General
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
UNSMIL	United Nations Support Mission in Libya
USA	United States of America



**INTERNATIONAL CENTRE  
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