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HUMANITARIAN STUDIES

Libya's Conflict Stalemate: Towards a multi-track approach to stability and peace

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Policy Brief - October 2022

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Established in 2016, the Center for Conflict and Humanitarian Studies (CHS) is an independent research center that generates scholarship and engages in policy and practice on conflict mediation, humanitarian action, and post-conflict recovery in the Arab world and beyond. The Center works collaboratively with leading research organizations to inform evidence-based approaches to conflict response. CHS also work with key stakeholders concerned with humanitarian action and peacemaking to facilitate multi-track dialogues, engage in mutual learning, and build common ground.

Introduction

Armed clashes in Tripoli on 28th August sparked fears in Libya and internationally that the country was set to slide back into outright war in scenes reminiscent of the battle for Tripoli in 2019 (Megerisi 2022). Yet Libya has managed to step back from the brink of civil war, in no small part due to mediation efforts by Qatar. After a frenzied period of diplomacy and the visits of key players in the Libyan political scene to Doha, a new Qatari proposal is on the table charting a pathway towards stability (Qarjouli 2022). The proposed plan holds the potential to seriously revive the political process in Libya. Nevertheless, for a truly lasting and durable peace, there is a need to take stock of previous failed mediation efforts and to create a truly inclusive peacemaking structure that engages all Libyans.

Background to the Current Crisis

Libya faces a complex political crisis that is the product of over a decade of revolution, civil war, instability, and faltering political processes. Following four decades of rule under the regime of Muammar Qaddafi, Libya in 2011 experienced a major political transformation following the February revolution (Lacher 2011). Following weeks of protests, the revolution swiftly morphed into a violent uprising with revolutionary armed groups aiming to overthrow the Qaddafi regime. After unsuccessful attempts by the international community to negotiate with the regime (Mancini & Vericat 2016), the Security Council passed Resolution 1973, referring for the first time to the doctrine of the Responsibility to Protect (Morris 2013:1271). The imposition of a no-fly zone and NATO support that followed constituted a “post-interventionary” mission that tilted the balance of power between the two sides and enabled military victory by the revolutionary forces within a matter of months (Pratiwi 2017).



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During the transitional period in 2011-2014, Libya struggled with numerous challenges including the legitimacy of the transitional authorities in the eyes of myriad armed factions (Aslan 2020), the widespread availability of weapons (Chivvis & Martini 2014), interference by external parties, and the lack of a common vision amongst all Libyans on the future direction of a unified state (Sawani & Pack 2013). In 2014, Libya returned to open conflict in a civil war marked by the split of the country into rival political and military groupings broadly marked by an East/West division. From 2014, the use of military force became the default strategy of the conflict parties in their attempts to resolve the question of who controls the Libyan state.

Following a political and military stalemate from 2017 until early 2019, indicators of an inclination of the parties towards compromise and potentially a peace agreement emerged, in particular in the National Conference that was due to be held in the Libyan city of Ghadames in April 2019 (Costantini & Hanau Santini 2022). However, in the days leading up to the national dialogue, armed forces under the command of General Khalifa Haftar enacted a siege of Tripoli (HRW 2019). The Battle of Tripoli that transpired shattered the fragile political stalemate and was accompanied by interventions from regional powers who came to the support of the two parties to the conflict (Harchaoui & Lazib 2019). Whilst the internationally-recognized government claimed victory after a year of fighting, it came at a high cost for all sides and the Libyan people with hundreds of people killed, and 370,000 people displaced from Tripoli and its suburbs (Megerisi

2020).

The aftermath of these events undermined prospects for stability in Libya, which continued to be divided between an assemblage of various executive and legislative institutions along with myriad armed factions vying for territorial control. Whilst negotiations in the form of the Libyan political dialogue in Tunisia mediated by the United Nations led to the formation of a Government of National Unity led by Dabaiba (Lacher 2021), a parallel government emerged months later under Bashagha, which renewed the struggle for legitimacy (AJE 2022a). In recent months, this political contestation has escalated into violent clashes in the capital Tripoli between factions supporting the two sides. In May 2022, Bashagha initiated attempts to capture Tripoli, after clashes between his and Dabaiba's forces that did not long or change facts on the ground (Oxford Analytica 2022). The most recent attempt by Bashagha to wrest control of Tripoli occurred in August 2022, as clashes erupted in the heart of the capital lasting two days, which killed 32 people and wounded dozens, in the heaviest fighting witnessed in Tripoli in two years (AJE 2022b).

Throughout the 2014-2022 period, the UN and other parties have attempted to mediate between the various conflict parties in Libya. Most prominently, the United Nations (UN) has for years led the process of mediating between the General National Congress and Parliament. The UN mediated through its envoys, who have often been found to have dubious conflicts of interests and links to countries



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with vested interests in Libya's conflict (Watanabe 2019). Most famously was the scandal involving former UN envoy Bernardino Leon who leaked information during negotiations and later assumed leadership of the Emirates Diplomatic Academy (Watanabe 2019).

Notwithstanding this, the UN contributed to resolving the political impasse through the Skhirat Agreement, which divided the cake between the conflicting parties (Asseburg & Lacher & Transfeld 2018). That agreement however broke down, with Haftar – who was excluded from the negotiations – declaring in 2019 at the outbreak of the war on Tripoli that the Skhirat Agreement was a thing of the past (Cherkaoui 2020). Similarly, the UN mediation resumed with negotiations in Tunisia that produced the Government of National Unity headed by Dabaiba in February 2021 (Lacher 2021). Yet this unity was swiftly unraveled by the commissioning of a new government led by Bashagha and subsequent clashes in Tripoli. This pattern of UN-led mediation failing to produce durable outcomes, we contend, is a product of a short-sighted approach to peacemaking that focuses narrowly on elite track one negotiations and does not extend a peace process to a broad and inclusive cross-section of social forces in Libya.

Proposed Mediation Offer

The current proposal for a new political process aims to resolve the crisis of rival administrations by holding parliamentary elections to be held prior to any presidential elections. The assumption underpinning this sequence is for the parliament to enable the formation of a new government that would resolve the conflict between the rival administrations of Dbeibah and Bashagha. The proposal has however only been consented to by Aguila Saleh – a Libyan jurist and politician who is the speaker of the Libyan House of Representatives since 5 August 2014 – upon the condition of the creation of a new Presidential Council led by him and to include two other members – Khaled Al-Mashri, as the head of the High Council of State from the west, in addition to a representative of southern Libya (The Libya Observer 2022). Saleh returned from his trip to Doha energised, and reportedly addressed a closed session of the Libyan parliament at which the new political roadmap was discussed extensively (LNA 2022).

The proposal by Aguila Saleh has also been interpreted as paving the way for General Khalifa Haftar to compete for the presidency. The new agreement removes all conditions on presidential candidates, such as disqualifying dual nationals, stipulating only that the President must have two Libyan parents. Whilst some High Council members oppose this move to enable Haftar's presidential bid, there is no response so far from Khalid Mishri. Qatar is known to have good relations with Khalid Mishri and may have persuaded him to remain silent



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on the issue in the interests of passing the deal to hold elections. Haftar's inclusion in the track one political process is necessary given that he would oppose any process in which he does not have a seat at the table. Haftar views himself as a national leader and will not settle for being simply a member of an enlarged Presidency Council. His role as a spoiler should not be underplayed. In 2019, when faced with the prospect of a national dialogue that held the potential to produce a workable political settlement in Libya, Haftar chose the path of war and triggered the Battle of Tripoli (Wintour 2019; Costantini & Santini 2022). For this reason, there is a need for clarity over Haftar's role and to integrate him into any power sharing solution at the track one level.

Qatar's New Role in the Libyan Political Process

The latest Libyan political proposal comes in the aftermath of an intense period of shuttle diplomacy in Doha and elsewhere. In September 2022, Doha welcomed Parliamentary President Aguila Saleh alongside Belkasim Haftar, son of Khalifa Haftar. Just two days previously, PM Dabaiba also paid a visit to Qatar (Qarjouli 2022). The visit of Aguila Saleh to Doha was particularly notable during this phase as it was the first official visit by a political leader from eastern Libya to Qatar since at least 2014. Through these visits and high-level diplomatic engagements, Doha sent a powerful message that it is offering its role as third party mediator. Whilst Qatar's actions in Libya have not yet gained much attention from analysts, the importance attached to this portfolio

is clear from the proactive role played by the Emir of Qatar. At the UN General Assembly in September 2022, HH the Emir stated that:

The positive developments that Libya had witnessed during the past year give rise to cautious optimism. The ceasefire and convening the Libyan Political Dialogue Forum, and the election of representatives of the interim executive authority and winning a vote of confidence of the House of Representatives by the National Unity Interim Government, are all positive developments. We call on all Libyan parties to maintain these gains and to ensure the full implementation of what has been agreed upon on the political, economic and security tracks, and the successful holding of elections and working to achieve a comprehensive reconciliation (QNA 2022).

Qatar's renewed role in Libya may surprise some observers given its role in the Libyan revolution in 2011. In March 2011, Qatar was the first Arab country to recognize the legitimacy of the Libyan revolution (Nuruzzaman 2015). In August 2011, Qatar received the first official visit of the National Transitional Council, which was the executive institution tasked with leading the political process following the February Revolution (Nuruzzaman 2015). During the transitional process, Doha continued to receive Libyan political figures, such as Abd al-Rahim al-Kib, the first prime minister in the post-Qaddafi era. However, Libya's transitional period was seriously derailed with the outbreak of a new civil war in 2014. Following the emergence of two rival governments in Libya, Qatar became associated with support for the Western-based, internationally-recognised government. Consequently, the eastern government



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cut diplomatic relations with Doha, as well as the parliament led by Aqila Saleh (Reuters 2017). Also from 2014, Haftar and Egyptian media promulgated the line that Qatar supports the Muslim Brotherhood and terrorism, which affected Qatar's reputation amongst parts of the Libyan public. This perception that Qatar supported one side in the Libyan political scene ensured that it did not have the neutrality and acceptability by conflict parties to serve as a third party mediator in any peace process.

Much has changed in the past few years with a new language between conflict parties in their reception of Qatar. In recent months, the warming of ties between Qatar and Turkey with Egypt have opened the space for Qatar's mediation role. In General Sisi's first visit to Doha on 13 September, Libya was presumed to be high on the agenda (The Arab Weekly 2022). There is now broad agreement amongst these key regional parties on a vision for the future of Libya. Whilst Russia and the UAE both backed Haftar in spoiling peace in 2019, Russia is now busy with the Ukraine crisis and has scaled down the presence of Wagner Group in Libya.

There is also a renewed appreciation for Qatar's specialised and neutral role in mediation since its high-profile facilitation of the U.S.-Taliban agreement in 2021. It is also assumed by some observers that the U.S. has pressured parties to travel to Doha and accept Qatari mediation – with Qatar having recently proved itself as capable of representing U.S. interests in Afghanistan and now serving as a third party acceptable to all parties internally and externally. There is clearly a marked

change in perception in Qatar's role in Libya but there is still work that needs to be done. In a little-known episode, Qatar in 2015 brokered a local peace agreement between the Tebu and Tuareg groups in southern Libya to little fanfare (MOFA 2015; Wehrey 2017). The vast majority of Libyans are unaware of that mediation deal. Qatar could openly address the issue to bolster its peacemaking credentials in Libya with the wider Libyan and regional public. Libyans are aware of the deep instability in the South and would be appreciative of Qatar's little-known efforts at bringing peace and stability in Libya's hinterlands.

Critical Challenges facing the Peace Process

For almost a decade, Libya has remained locked in a cycle in which two to three years after each political agreement questions arise over who holds legitimate power, with the answer either provided by a return to fighting or a new political solution. If the new proposal for a political solution gives Libyans a chance to express their will at the ballot box then this is a welcome and positive development that could also finally solve the structural problem of two rival councils. There are however several major challenges facing the prospects of a renewed political process that can avert the return to open fighting and forge a lasting pathway to peace in Libya.

Firstly, there is an urgent need to ensure that elections are not just held but respected. There are many potential scenarios that could transpire from the current situation. Parliamentary elections



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could lead directly to presidential elections. It is also feasible that a referendum is held about the rules for holding any Parliamentary or Presidential elections. The major challenge however lies not with the holding of elections, but the acceptance of election results by all factions and parties. The external legitimacy of elections is not under question. International support for elections was offered at the last Berlin conference on 9 September, at which the 3+2+2 format that includes France, Britain, and the U.S (Soufan Center 2022). In addition to Turkey, Italy, Germany, and Egypt, collectively committed to a comprehensive path toward holding elections as the only solution to Libya's crisis (Soufan Center 2022). Strong support has also been offered by the U.S. which issued numerous statements over the past few months encouraging parties to respect the political process and commit to holding elections (Elumami & Mcdowall 2022). Internally however, the UN can play a crucial role here in election monitoring which can boost the legitimacy of the process in the eyes of the political parties and factions within Libya.

Secondly, the high-level political talks must confront the reality that it is armed groups that control Tripoli, Misrata, and other cities. There is a need to bring into any agreement those who control weapons and the means of violence. Armed groups remain in control of the war-time political economy and will fight to prolong instability unless their interests are taken into consideration. Deals on how to divide the cake between the political factions leaves it as an open question of how to share the spoils of peace with the myriad armed groups and tribes in Libya.

In previous mediation processes led by the UN the consistent focus was exclusively upon political leaders. Agreements signed in Skhirat and Tunis fell afoul of the need to manage spoilers and command widespread legitimacy.

There are some efforts that sought to reform the security sector in Libya, most notably those produced by the Geneva ceasefire agreement signed on 23 October 2020 (ICG 2020). The agreement resulted in a joint military committee consisting of five members from the East and five members from the West (known as the 5+5 Joint Military Commission). It should be noted that the talks are with the military leaders of the political factions and not with the leaders of the armed groups themselves. The agreement outlines four crucial follow-up areas. The first focuses on relations between Libyan military factions and their foreign backers. The parties commit to the departure from Libya of all foreign fighters. A second follow-up area concerns the repositioning of Libyan military forces and joint patrolling. The two coalitions agree to withdraw their forces from the front lines to home bases. Thirdly, the agreement outlines steps aimed at demobilising armed groups. A joint subcommittee will review all armed groups, including those already integrated into the state security apparatus, to determine which ought to be dismantled and how. Fourthly, the agreement outlines important confidence-building measures, such as the reopening of central Libya's roads and the resumption of flights between Benghazi and Tripoli.

Lastly, the peace process faces a major challenge in



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how to deal with Saif al Islam and the Libyan towns and armed groups that remain loyal to Qaddafi's legacy. Other cities equally reject the Qaddafi legacy in its totality. The division between revolutionaries and Qaddafi loyalists is one that can be forgotten but not wished away. There is a major challenge in incorporating Saif al Islam and his supporters into any peace process or political structure. Internally, Saif al Islam was empowered to enter the Libyan political scene by the amnesty law that was passed in 2015 (BBC 2017). Externally, however, Saif al Islam has an open case with the ICC and this limits his participation in any talks due to the need to maintain the international legitimacy of the political process (Assad 2021).

Actions and Recommendations

In light of these challenges, there is a need for an inclusive, multi-track peace process to occur simultaneously to any election cycle. In moving ahead and forging a pathway to lasting peace in Libya, there is a need for an inclusive political process that works on multiple tracks and not only the top-down track one level. Yet the UN's engagement in track two mediation efforts was limited to civil society organizations that lacked deep roots in Libyan society. Even eleven years after the overthrow of Qaddafi, civil society remains an embryonic concept in Libya and has very little impact. As a consequence, there is a major need for serious engagement with armed factions, tribal leaders, and religious figures, as part of track 1.5 efforts in a multi-track peace process.

The following recommendations are intended to inform any efforts at designing a new parallel peace process alongside the renewed political track in Libya.

A). Involve all key players in a multi-track peace process: Any peace process in Libya must include all the parties who have control on the ground, especially conflict parties with the incentives to act as spoilers in the peace process. There is a particular need to involve General Khalifa Haftar given that he was not a participant in any of the agreements led by the Unit UN. There is also a pressing need to devise innovative mechanisms through which to incorporate armed factions, Qaddafi supporters, and Libya's tribes into a parallel peace process to take place alongside the high-level political track.

B). Recognise tribes as a social force: Libyan society retains a tribal structure with tribes continuing to play an important role in all political processes. Including formal representation of tribes from all three regions of Libya in a multi-track peace process is critical for their buy-in to, and the legitimacy of, any track one negotiations aiming to reach a comprehensive political settlement.

C). Build upon previous efforts: Newly designed peace processes should build upon and not discard the legacy of years of mediation attempts. Despite the short-comings in the UN mediation efforts identified in this policy briefing, previous efforts laid valuable groundwork worthy of continuation such as the ongoing talks between the JMC 5+5.



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D). Focus talks on conflict drivers and not only who gets what: It is vital that the content of any peace process addresses the critical drivers of conflict in Libya and not only the sharing of the spoils of the state between political factions. Previous rounds of negotiations exhibited a blinkered focus on issues of legitimacy and who rules without tackling the root causes of Libya's protracted conflict. Critical issues such as demobilization, disarmament, and reintegration, constitutional reform, and transitional justice should all find a space within a whole-of-society dialogue.

E). Capitalise upon the opportunity for regionally-led mediation: The new role of Qatar as a third-party mediator offers an opportunity for a regionally-led process of expert facilitation that can redress some of the short-comings of previous rounds of mediation. In particular, mediation by Qatar as a third party with greater in-depth knowledge of Libyan society, shared language, and a proven track record of trusted facilitation of track one and track two processes can utilise these comparative advantages in leading the type of truly inclusive, multi-track peace process articulated in this policy briefing.

F). Engage regional players to manage spoilers and build consensus: The approval of regional players, such as the UAE, Egypt, Turkey, and Saudi Arabia, is an important factor to be taken into consideration in mediation. International parties including France, Italy, Germany, Russia, and the U.S. all have interests at stake in whatever outcome transpires on-the-ground in Libya. Reaching a shared vision between

these disparate international and regional actors is an idealistic and unrealistic goal. Yet with continuous and proactive regional diplomacy, support can be found for a common denominator of a mutually acceptable solution that manages regional spoilers.

G). Recognise strategic vitality of Libya to regional stability and prosperity: Stability in Libya has for the past decade primarily been viewed as of strategic importance by European capitals through the prism of migration management and reducing the spillover effects of conflict to neighboring countries. Yet with Europe facing an unprecedented energy crisis, Libya offers an over-looked solution due to the large quantities of gas on its Mediterranean coast.

H). Mobilize regional funding for reconstruction: Libya after a decade of conflict and division has large cumulative reconstruction needs across all sectors. Despite this lost decade for development, Libya retains many fertile conditions such as a strategic location, ample frozen state reserves, and a fast-rebounding oil and gas sector. If political stability can be attained then economic recovery will be rapid. Regional donors including Egypt, Turkey, the UAE, and Qatar can play a major role in supporting the reconstruction and development process.



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