

What's Next for UN Peace Efforts in Libya?

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At the beginning of November 2015, Bernardino León's mandate as UN Secretary General Special Representative and Head of the UN Support Mission in Libya (UNSMIL) came to an end. After a year of intense negotiation, a UN-facilitated Political Agreement has been finalised, but it has not yet been endorsed and signed by all Libyan stakeholders. Mr. León was replaced by Martin Kobler on the 16th November 2015, an experienced German diplomat who has most recently held office as Special Representative of the Secretary-General and Head of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and as Special Representative of the Secretary-General in the UN Assistance Mission in Iraq (UNAMI) (2011-2013).¹ In the context of this handover, it is useful to look at how mediation efforts have been conducted under Bernardino León's guidance, the glitches undermining the accomplishment of a fully-fledged deal and therefore the main challenges ahead for the new UNSG Special Representative Kobler in achieving and implementing a final political agreement in a grim global outlook.

Established after the Libyan Revolution in 2011 through UNSC resolution 2009,² UNSMIL has since been aiming to support Libyan national efforts in post-conflict peace-building and transition. When ongoing tensions broke out into a civil war in 2014, the UNSMIL mandate was extended and further specified by UNSC resolution 2144³ in order to enhance the capacity of the Libyan government to deal with the situation. Since then, UNSMIL has been working on a peaceful solution to the crisis and, over the last year, UN Special Representative León has been negotiating a political agreement between the main conflicting parties in Libya. When Mr. León took office in September 2014, the escalating conflict in Libya had caused the state institutions to split into two governments claiming recognition: on the one side, the Tripoli-based government has been installed by the General National Congress (GNC) elected in 2012; on the other hand, a newly-elected (July 2014) and internationally-recognised House of Representatives (HoR) and its government guided by Abdallah al-Thinni, based in Tobruk.

1 ["Experienced peacekeeping envoy Kobler tapped to head up UN Mission in Libya"](#), UN News Centre, 4 November 2015.

2 [Resolution 2009 \(2011\)](#) Adopted by the Security Council at its 6620th meeting, on 16 September 2011.

3 [Resolution 2144 \(2014\)](#) Adopted by the Security Council at its 7136th meeting, on 14 March 2014.

Adding to a complex tribal system, both camps have been competing on the political, military and economic fronts. On the Tobruk side, a coalition of forces guided by General Khalifa Haftar has opposed Islamist forces that launched operation Libya Dawn in 2014 in support of the Tripoli side. Moreover, both camps have been trying to take control of the Libyan Investment Authority (LIA), the Central Bank and the National Oil Corporation (NOC). The deep fragmentation of the country and the authority vacuum also gave way to the expansion of Islamic State in Iraq and the Levant (ISIL)/Daesh-affiliated groups into a number of areas across the country.

In order to adapt their efforts to the increasingly fragmented and complex situation on the ground, the UN mediators have been pursuing diverse tracks of dialogue:⁴ political, local authorities and civil society, security and tribal.⁵ The political track started with a series of confidence-building measures and two first rounds of talks between the Members of the House of Representatives in Ghadames on the 29th September 2014 and in Tripoli on the 11th October. However, after the Libyan Supreme Court ruled the Tobruk Parliament unlawful, thereby complicating the talks,⁶ UNSMIL pushed for a bolder dialogue and the Libyan Dialogue Process formally started in Geneva on 14th and 15th January 2015. This allowed a series of ceasefires paving the way to further dialogue, although chaos and widespread violence did not end. The aim of the agreement sought by UNSMIL is to find a power-sharing formula accepted by all parties that would materialise in a Government of National Accord (GNA) that would in turn stabilise the country. After a few rounds of talks were convened and agreement proposal drafts were presented, on 11th July 2015 the Libyan Political Agreement was initialled by some parties to the conflict in the city of Skhirat, in Morocco. Representatives from the Tobruk-based House of Representatives and officials from municipalities such as Tripoli and Misrata, among others, initialled the agreement, while the Tripoli-based GNC refused to do so.

The text⁷ of the Libyan Political Agreement introduces a series of institutional provisions, such as the formation of a one year term GNA consisting of a Council of Ministers as executive body – chaired by a presidency council composed by the Prime Minister, two deputies and two ministers –, of the House of Representatives as legislative body and of a State Council as a consultative body able to express binding and advisory opinions and that will be mainly composed by GNC representatives. As a matter of fact, after other rounds of the political dialogue in Geneva in August and in Skhirat in September, Mr. León introduced some last minute amendments to the drafts in an effort to respond to the demands of the parties, in

4 [Report of the Secretary-General on the United Nations Support Mission in Libya](#), S/2015/144, 26 February 2015.

5 Of these, only the political track and the local authority and civil society track saw daylight. The attempts to gather tribal leaders were deemed unsuccessful, with the last attempt in Cairo in September, and the fundamental talks with representatives of armed groups have suffered several shortcomings and so far have not gained momentum.

6 [Libya Supreme Court rules anti-Islamist parliament unlawful](#), The Guardian, 6 November 2014.

7 See the last available online version of the Libyan Political Agreement (the following are not available): http://unsmil.unmissions.org/Portals/unsmil/Documents/Libyan_Political_Agreement_2_July_15.pdf

particular changes in the mandate and membership of the State Council. Delegates of the parties then attended a high-level meeting in New York on 2nd October 2015 aimed at increasing international pressure to sign the agreement and on 8th October names for a GNA were proposed, but hardliners on both sides continued to undermine the efforts of the factions within the parties more willing to compromise,⁸ while Mr. León refused further amendments and pushed until the last minute for the signature, which has still not materialised to date. However remarkable the achievement of this political agreement is, it is still based on fragile foundations and, even if signed by all parties, its implementation is bound to be difficult.

Mr. Kobler will face a series of challenges. First of all, Mr. Kobler will need to address the format of negotiations. One of the main criticisms of the UN-led dialogue process is that consultations were led in separate talks with the different conflicting parties' delegations and this method resulted in the much lamented last minute "surprises" in the subsequent drafts of the Political Agreement. Holding meetings with all the participants at the table in an attempt to negotiate more deeply altogether on the crucial points of the text might do well if Mr. Kobler decides to hold other rounds of talks. In fact, mediation efforts themselves are more and more challenged by hardliners on both the HoR and the GNC sides, not forgetting that there are also forces in the Libyan fragmented spectrum that have no interest in participating in the talks, but that have significant military weight, such as the Amazigh and Tubu minorities.⁹ For these reasons, and not forgetting the recent advancements of Daesh-affiliated militias, it is extremely important to progress on the security track. In this context, the use of sanctions against spoilers is likely to continue to be on the UN agenda. As a complicating factor, the impartiality of the UN mission has been challenged over the last month amid the discovery that Mr. León had been negotiating a position with the United Arab Emirates (UAE) to head a newly-established diplomatic academy in Abu Dhabi.¹⁰ This would not have been a problem if the UAE had not been among the regional supporters of the Tobruk-based HoR. The coordination of other regional actors is precisely another critical issue that Mr. Kobler will have to deal with. Regional rivalries fuelling the conflict are a potential spoiler of the deal and need to be addressed, including through reviving and ensuring a role for regional organisations such as the African Union (AU) and the League of Arab States (LAS). Moreover, those neighbouring countries that have tried to take a more active diplomatic role, namely Morocco, Algeria and Egypt, might need encouragement in order to continue getting involved in an active and constructive manner in the mediation process and in the future steps of a new GNA.

In light of these challenges and of the risks related to a collapse of Libya for the well-being of its inhabitants and for the regional dynamics, mediation efforts in the next months will be

8 [León: We Will Press Ahead and No Chance to Allow Hardliners to Hijack the Political Process](#), UNSMIL speeches and stories, 21 October 2015.

9 See more detailed accounts and analyses of the challenges of stabilisation in Libya in these two papers: Wolfram Lacher, [Supporting Stabilization in Libya](#), SWP Comments 2015/C 36, July 2015.

Jean-Louis Romanet Perroux, [Can there be a viable roadmap for Libya?](#), GCSF Policy Paper 2015/5, May 2015.

10 [UN Libya envoy accepts £1,000-a-day job from backer of one side in civil war](#), The Guardian, 4 November 2015

critical. Mr. Kobler takes office at a crucial moment of the UN-led dialogue process and he will not only need to continue the pursuit of a fully-fledged agreement but will also need the full support of the international actors who play a role in the region and that have the diplomatic instruments and the weight to influence the conflicting parties and other actors. Political diplomatic efforts will be the only weapons in the hands of the UN mission and the supporting international community, as military foreign intervention is unlikely and also inadvisable, and the costs of failure are too high. Therefore, even if constellated by a series of shortcomings and risks, the Libyan Political Agreement is a precious instrument at hand, especially in the current insecure global outlook, and its approval and implementation would be definitely good news.