Is International Diplomacy Overcoming the Deadlock in Libya? Future Scenarios

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In the first months of 2016, US, Italian, French and British spokespersons expressed a desire to intervene in Libya. The two main reasons for this urgency include the lack of a political agreement among Libyans and a fear of growing terrorist activity.

At the time of writing, all pressures from Libyan factions to reach a comprehensive agreement (Libyan Political Agreement, LPA) have been unsuccessful, but different political actors seem now to be converging into a government of national accord (GNA). On 30 March, GNA Prime Minister-designate Fayez Serraj arrived in Tripoli by sea. During the winter, Libya's warring factions continuously postponed their endorsement of a final cabinet, despite the pace set by the UN Special Envoy Martin Kobler. After the rejection of a 32-minister list, the internationally recognized Tobruk-based parliament, the House of Representatives (HoR), extended the deadline to February 23 for a vote endorsing the new 18-member list of potential ministers, formulated by Fayez Serraj. Officially, deputies rejected the initial list for being 'over-crowded'; in reality, tensions erupted over the exclusion of nominees loyal to the influential General Khalifa Haftar. The General exercised his considerable influence on the HoR to reject the proposed makeup. In order to bypass the political deadlock, on 13 March, Libya's UN-backed Presidential Council called on the country's institutions to begin a transfer of authority to a unity government, and appealed to the international community to stop dealing with any rival powers. Its statement suggests it will seek to take power despite continuing opposition from hardliners in both of Libya's competing parliaments. The move drew immediate criticism from some members of the Libyan Political Dialogue. At the end of March, members of the GNA were prevented from flying in to Mitiga airport. The Tripoli regime, the General National Council (GNC), which controls the capital has closed the airport in an attempt to keep Serraj and the Presidency Council out. On 5 April, a number of members of the GNC announced that they approved the Libyan Political Agreement (LPA) and the GNA. As a result, the GNC was dissolved and reconstituted as the new State Council, as envisaged under the LPA.

Military pressure

Western governments feel the need to respond to the increase in terrorist activity illustrated by the Paris attacks last November and the Brussels attacks in March. These attacks on European soil have pushed Western powers to pursue military action, lest they appear passive in the face of such an aggression. They have also triggered intra-European rivalries. It is important, though, that such rivalries do not focus on competition over leadership on possible military action, but rather on how to correctly manage the situation. Hasty military actions in 2011 and missteps in post-conflict management in Libya have made European countries, Italy in particular, wary of repeating mistakes. Libya's geographical proximity to Europe and its relevance to Western interests requires a particular carefulness in elaborating a new course of action.[1]

[1] K. Mezran and A. Varvelli, *Libya and the West: Intervention without a Cause?*, Atlantic Council, 22 February 2016, www.atlanticcouncil.org/blogs/menasource/libya-and-the-west-intervention-without-a-cause?utm_content=buffer10b9a&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

Until recently, reaching an agreement among Libyan factions was considered a prerequisite to any foreign-led military action in the country. The incursions in February,[2] however, coupled with bellicose declarations by some Western officials, suggest that the West has decided to prioritize its counterterrorism strategy, choosing to bomb the Islamic State (ISIS or ISIL), even without a formal request from a legitimate Libyan government. Clearly the issue is more political than legal.

The extremely critical period that Libya has been going through for many months has deep causes and distant origins, which range from a weak national Libyan identity to legacies from the civil war of 2011. Indeed, the conflict did not end with the murder of Muammar Gaddafi but rather, after being latent for several months, intensified progressively over time due to the Libyan governments' inability to come to terms with history and begin a new chapter of coexistence by creating a new social pact between all parties.

The UN Negotiations: Delays and Errors

The Libyan House of Representatives elected in June 2014 had been considered the legitimate body by the UN and the international community. In August 2014, feeling threatened by the militias occupying the capital, the HoR moved from its premises in Tripoli to Tobruk. By doing so, *de facto*, it placed itself under the direct protection of the militias tied to the former General Khalifa Haftar and, indirectly, under the Egyptian umbrella.

Many objections were raised regarding this decision. More than the negative verdict by the Libyan Supreme Court (given under pressure from Islamist militias in Tripoli), there were essentially three elements that raised doubts about the House's real capacity to govern the country: 1) the very low turnout in the last elections. In 2012 about 1.7 million people out of 2 million had voted, while in 2014 less than 500,000 Libyan votes were registered. In addition, a number of polling stations were not assigned due to a boycott staged by several minority groups, such as the Berber and Tuareg; 2) Egypt's increasingly strong influence in the military sphere – which appears to be heavily backing the troops under General Haftar – represents an external interference in Libya's internal affairs that weakens popular consensus for the HoR; 3) the government's progressive loss of control over public institutions such as the Central Bank, which would demonstrate that the House and official government are not actually running the entire country.

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Indeed, while the House's legitimacy certainly could not be questioned on the level of international law, serious concerns remained. The Libyan transition process got underway too soon and was based on elections rather than on an attempt – accompanied by the international community – at nation building and state building. Before holding three elections (General Congress in 2012, Constituent Assembly in 2014 and House of Representatives, 2014) that ended up dividing the country, there should have been as open a discussion as possible, aimed at finding a common ground on which to re-build the new Libyan nation.

The negotiations conducted by the first UN Special Envoy Bernardino Leon were not based on a relationship of equality between the Tripoli and Tobruk governments. The various drafts of the agreement had always taken the legitimacy of Tobruk for granted, being aware that – if things went wrong – Tobruk would remain the only 'legitimate' government. In response to the Leon scandal,[3] a clear change of strategy in the conduct of the negotiations occurred. The outcome

[2] BBC, *Islamic State camp in Libya attacked by US planes*, 19 February 2016; www.bbc.com/news/world-africa-35613085

[3] According to *The Guardian*, the United Nations special representative in Libya spent time negotiating a £35,000-a-month job with the Emirates that supports one side in the civil war (Tobruk) he was trying to end. *The Guardian*, "UN Libya envoy accepts £1,000-a-day job from backer of one side in civil war," 4 November 2016, www.theguardian.com/world/2015/nov/04/un-libya-envoy-accepts-1000-a-day-job-from-backer-of-one-side-in-civil-war

of the unanimously adopted UN resolution 2259 in December 2015 clearly stated that the GNA should be the sole representative for the North African country[4]. Kobler and the United Nations imposed a sort of a 'bottom-up' process, directly involving parliamentarians, along with those of local representatives, tribal elders and members of civil society, bypassing the 'false' legitimization of the two parliaments.

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Despite the errors, the UN-led process contributed to reshaping the political landscape, encouraging both local council and armed group representatives to speak for themselves. Important political actors, such as some of Gharyan, Tripoli and Misrata's leading political representatives and militia leaders (i.e. Abdul-Hakim Belhaj and Abdul Rauf Kara), have decided to support the negotiations, distancing themselves from the Islamist hardliners at the core of the Libya Dawn coalition. The Amazigh towns in the Nafusa Mountains have also disengaged from the coalitions and assumed a neutral position. After the arrival of Serraj in Tripoli, the struggle is not between two camps or governments but between dozens of rival political and military interests in Tripolitania and Cyrenaica.

Many Spoilers

The implementation of the agreement remains the main problem. According to Wolfram Lacher,[5] Tripoli and Tobruk already lacked direct control over the military alliances they were associated with in mid-2015. Deprived of access to budgets, contested within their own political camps and without clear chains of command over the military branches, in the last year the two governments have proven to be very fragile.

The core group of the former Libya Dawn coalition is one of the main spoilers: these forces arose as 'supporters of the revolution' even after the demise of the regime. They are largely composed of men who, by participating in the revolt against the regime, assumed a new role in society: from simple citizens (mostly unemployed) they became *tuwwar* (revolutionaries). These troops essentially have two natures: a military and a political one. They are currently composed of Islamist politicians, like Ali Sallabi, associated with the Mufti al Garyani and the former Libyan Islamic Fighting Group, as well as a handful of militia leaders from Misrata, Zawiya and Tripoli under the leadership of Islamist militiamen, such as Salah Badi.[6] This core group exerted great influence on the GNC, discouraging it from reaching a compromise. In the past, these same forces had imposed a law on political isolation that prevented anyone who had formerly held an official position or played a political role under the Gaddafi regime from participating in political life. Currently, some of them oppose the legitimacy of the GNA, perceived to be still closely tied to the West. Islam seems to give them the legitimacy they need. Islamic identity, in fact, arose as a preponderant element after the fall of the regime.[7]

On the other hand, Dawn's adversaries were also increasingly divided. To counter the emergence of radical groups seeking legitimacy through Islam, General Khalifa Haftar gathered various groups concerned about a possible preponderance of radicals in the country's political apparatus. However, Haftar never succeeded in bringing the military forces in the HoR under his control. He did manage to engage the government itself in his battle, together with some disaffected military units, security men from the old regime,

[4] The HoR remains the main legislative body but should facilitate the return of the forty-odd congressmen who have been boycotting the sessions in Tobruk. Major decisions in the HoR will require a majority of 150 out of 192 members, making it impossible for the current majority to control the Parliament. Ninety members of the GNC and 30 independents will form a State Council that will have a role in selecting key figures, for example within the Central Bank.

[5] Wolfram Lacher, "Supporting Stabilization in Libya. The Challenges of Finalizing and Implementing the Skhirat Agreement," *SWP Comments* 2015/C 36, July 2015.

[6] Ibidem.

[7] In a context where everyone identifies him/herself as a Muslim, and where there is very little conflict in the doctrinal sphere, Islam emerged as the legitimizing element both at the social and the political level. At the same time, competition arose between new political parties, renewed religious figures (such as the Grand Mufti) and different radical groups, all of them exploiting Islam as their "legitimacy brand." Among these there are certainly explicitly jihadist groups trying to impose the creation of a caliphate in Libya even by using force.

prominent eastern tribes, federalists demanding greater autonomy for the east, and militias from Zintan and other western towns, most of the Tebu forces in Southern Cyrenaica and even some ultraconservative Salafists.[8] Most importantly, Haftar was able to get the backing of prominent actors such as Egypt and the United Arab Emirates. Haftar's narrative clearly leverages the, often indiscriminate, fight against 'Islamists,' trying to enter the slot of the international community's necessary fight against the terrorism of the Islamic State and similar groups operating in the area. This has sometimes favoured a tactical convergence between radical militias and various political Islamist forces that, while lacking ideological affinities, felt openly threatened. Haftar appears to be capable of coalescing only a part of the population, fearful of a trend to extremism (especially in the city of Benghazi), and desirous of countering the proselytism of the most radical groups. However, on the military plane he has not been able to crush the Islamist forces.

Hardliners on both sides are now spoilers preventing a possible centrist coalition from emerging from the negotiations. According to Karim Mezran, Haftar would be the big loser. With his controversial curriculum and ambitions to rule the country, he is set on entering into conflict with the future Presidential Council.[9] Currently a real threat is represented by the establishment of a parallel administration in Cyrenaica, formed by Haftar along with a group of eastern HoR members who reject the GNA, with the support of senior figures in the former regime and its security apparatus.

Islamic State as an International Player

Islamic State (IS) is only the most recent terrorist group to have found a place in Libya and the Maghreb, even though today it appears to be the most dangerous. Local and regional scenarios are fostering more assertive and radical positions within Libyan jihadism. Under Gaddafi's regime, jihadism represented only one of the few practical reactions to a personal, religious or political dissatisfaction with the strongly illiberal system in place, which prohibited activities by Islamist groups. In fact, global jihad outside Libya became a sort of substitute for Islamic activities within the country. This explains the high number of Libyan citizens (especially from Derna and eastern Libya) amongst al-Qaeda groups or Salafi jihadist movements in Iraq, Afghanistan and, more recently, in Syria, where Libyan mujahidin formed the most numerous national group of foreign fighters.

It is interesting to note that this 'jihadist attitude' is linked more to a traditional way of expressing discontent and dissatisfaction with the domestic situation (rooted in the Gaddafi period), than to real theological extremism. As has been shown,[10] it seems to be more a sort of 'functional jihadism' than a doctrinal one. However, there are indications that Libyan jihadists active in Afghanistan and Iraq, who have been exposed to the message and proselytism of Eastern *da'wa* movements, represent a channel for the diffusion of these radical movements' ideas, strictly based on their dogmatic approach to the Islamic orthopraxis. Currently, two very different types of IS-affiliated groups exist in Libya, the first located in Derna and Cyrenaica, and the second in Sirte. In Cyrenaica and Derna radicalization has become well established over the past decade. However, the Syrian/Iraqi campaign has significantly boosted it, creating a wave of returned fighters that is having a disastrous effect on the security situation in Libya. In October 2014, a local jihadist group claimed Derna in the name of IS. IS leadership accepted the proclamation a few weeks later and formally annexed the city. This seems to be the result of an expansion plan formulated in Syria and Iraq: Abu Bakr al-Baghdadi's first militants arrived in Libya in the spring of 2014, when the men of the al-Battar Brigade, composed entirely of Libyan volunteers, began returning from the war in Syria and Iraq.[11] The city of Derna had an autonomous adminis-

[8] Frederic Wehrey, "Is Libya Headed for Another Qaddafi?", *New York Times*, 1 October 2015; www.nytimes.com/2015/10/02/opinion/is-libya-headed-for-another-qaddafi.html?smid=tw-share&_r=0.

[9] Wolfram Lacher, cit.; Ashish Kumar Sen, *For Libya, 'the First Step in a Long Journey,'* 9 October 2015, Atlantic Council; www.atlanticcouncil.org/blogs/new-atlanticist/for-libya-the-first-step-in-a-long-journey.

[10] S. M. Torelli and A. Varvelli, 'New Trends in North African Jihadism, Ansar al-Sharia in Tunisia and Libya,' in A. Plebani (ed.), *New (and Old) Patterns of Jihadism: Al-Qaeda, the Islamic State and Beyond,* Milan: Istituto per gli Studi di Politica Internazionale, 2014, 51–9.

[11] According to Noman Benotman, a former Libyan jihadist terrorism analyst at the Quillam Foundation, interviewed by CNN. P. Cruickshank, N. Robertson, T. Lister and J. Karadsheh, 'IS comes to Libya,' *CNN*, 18 November 2014, accessed at http://edition.cnn.com/2014/11/18/world/IS-libya/ on 14 May 2015.

trative organization and it had become the major hub for recruiting fighters from North Africa. However, under the name of the Mujahidin Consultative Council, local Islamist militias, including the strong Abu Salim Martyrs' Brigade, created a coalition in order to confront and defeat IS.[12] From a general point of view, the disputes between the groups are based upon ideological differences: 'local jihad' versus 'global jihad.' The Abu Salim Martyrs' Brigade is a local movement that seeks to establish a local government, while the Shura Council of Islamic Youth in Derna is part of a global movement, IS, perceived as 'exogenous' to the Libyan tradition.[13] As a result, in July 2015, IS was driven out of a large part of Derna.

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In Sirte, instead, the background to the rise of IS is quite similar to that of its rise in Iraq. The Iraqi government under Nouri al-Maliki marginalized large segments of the Sunni Iraqi population, which caused many Sunni tribes to initially consider IS as the lesser of two evils, compared to what they deemed to be a corrupt and weak Iraqi government. In this context, the mounting sectarian strife in Iraq has created favourable conditions for the noticeable return of sectarian violence in Iraq's already divided society. Although Libya is not characterized by such a deep-rooted sectarianism, it is no coincidence that IS has expanded its activities in Sirte, the hometown of Muammar Gaddafi. Since his fall, the Gaddafi tribe has been marginalized and ostracized by the GNC and the Tripoli government. Some supporters of the Colonel were recycled in the Islamic state. A consensus is emerging about the evidence that IS is attracting members from other radical groups and from the segments of the population that have been marginalized in the 'new' Libya. However, as evident in the case of Derna, some local armed factions and jihadists regard the Islamic State as an infiltrator and a competitor. On the one hand, the flow of foreign jihadists into Sirte is increasing the perception of IS as an exogenous phenomenon; on the other, it is likely that IS will try to replicate the 'Sirte model' in similar communities across Libya, where there will be a perception of exclusion from the UN-led negotiations.

The Role of the International Community and Future Development

In the post-Gaddafi period, some of the competing political and military forces were substantially supported outside the country. The intervention of regional powers in the Libyan context worsened the polarization between the two fronts. On the one hand, the 'revolutionaries' and Islamists' – legitimacy categories that partly overlap – were supported by Turkey, Qatar and probably Sudan; on the other, the Tobruk Parliament and the al-Thani government, with Haftar's anti-Islamist forces and the Zintan militias, were certainly backed by Egypt and the Arab Emirates. These foreign interferences made it even harder to commence a real national reconciliation process. Egypt's perception of being surrounded by the threat of Islamic radicalism (since it has to face it on several fronts simultaneously, from Sinai to Cyrenaica) pushed Abdel Fattah al-Sisi's government to demand a new and more vigorous approach from the international community and Western countries in order to combat Islamic extremism. Egypt is in the front line and must defend its own security. In relation to Libya, this stance resulted in a military backup campaign and support for the Libyan HoR in Tobruk. This led, in August and September 2014, to several aerial bombardments of the Misrata militia emplacements. In February 2015, Egypt bombed IS positions in Derna and Sirte in retaliation for IS' beheading of 21 Coptic

[12] The Abu Salim Martyrs' Brigade mainly consists of Libyan fighters and was formed during the revolution. Its stance and ideology are very clear: it wants to establish an Islamic government in a Libya ruled by Islamic Law. The Brigade provides and secures fuel supplies, protects banks from robberies and is led by the prominent and well-known Salim Darbi. N. Heras, 'Libyan Islamist Militia Leader Salim Barrani Darbi Forms New Coalition in Derna,' *The Jamestown Foundation,* Washington, DC, December 2014, accessed at www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=43227&tx_ttnews%5BbackPid%5D=381&cHash=bd474a8d1e337146eb3e49c0286218df#.VL_H9SuG-Lg on 15 May 2015.
[13] *The Maghrebi Note. 'ISIS in Libya, the Origins of ISIS in Libya and Its Methodology,' February 2015,* accessed at https://themaghrebinote.files.wordpress.com/2015/03/isis-and-its-origins-in-libya-themaghrebinote.pdf on 15 May 2015.

Christians from Egypt. In addition, Egypt considers it a priority to eliminate any presence of the Muslim Brotherhood from the neighbouring countries that have hosted different members of this group. The Brotherhood is perceived as being as much of a threat to Egyptian national security as the terrorist forces operating in Libya, as the Egyptian Foreign Minister Sameh Shukri declared.[14] The Arab Emirates essentially share this goal. As for Turkey, and to a lesser extent Qatar, a victory of the 'Islamists' in the country would provide an important element, demonstrating how their model of political Islam is a valid one for all those countries in the region that have changed regimes after 2011. The success of the Misrata forces in retaking part of Tripoli, including the airport, was made possible also by support from Turkey and Qatar, which considered Libya as the battleground for the strategic interests of opposing regional alliances. Exerting pressure on their Arab partners, in the last year both the US and European countries have tried to dissuade regional powers from fuelling the conflict, sometimes successfully. Currently, the link between Egypt and Haftar remains an important obstacle.

Future developments in the creation of the GNA could have a few positive results, although none would guarantee long-term stability for Libya. If the main opposing parties reach a concrete agreement in the coming weeks, an effective united government could be achieved that would provide Libya with a single institutional and 'legitimate' voice, however fragile, *vis-à-vis* the international community. The deal's implementation, though, would be fraught with tensions and could collapse at any moment under pressure from spoilers. However, the new government is officially regaining control of the Libyan Central Bank and is trying to resuscitate the energy sector. For months, oil sales have amounted to only one third of the traditional standards, while the Central Bank kept financing both governments and their respective militias. The GNA should adopt a policy of selective dispensation of money to militias, trying to link financial support more closely to reintegration into new national army or police forces (Disarmament, demobilization and reintegration programme). For these reasons it would be necessary to protect the new government and institutions. It would also mean that other countries could collaborate with a unitary actor in the security and border control field regarding the dramatic problem of illegal migration. Moreover, international pressure could lead a Libyan government to formally 'declare war on IS.' Although there will surely be a need for a strong external role in guaranteeing the agreement, the European governments recognize that a prominent (military) foreign intervention would be perceived as intrusive and neocolonial. At the same time, Europe's 'day after' the Libyan deal should not be confined to isolating spoilers and showing declaratory support for the unity government.[15]

The intervention of regional powers in the Libyan context worsened the polarization between the two fronts

Due to the political and security crisis, as well as to the halted energy exports, should chaos persist and the opposing actors find no common ground for a real post-conflict phase, Libya would face an economic-fiscal crisis. In recent years, the World Food Programme (WFP) has distributed various tranches of international aid in eastern Libya, where thousands have found shelter from ongoing conflicts. Libya is burning its foreign exchange reserves, which by January 2015 stood at 75 billion dollars. This situation would favour the establishment and intensification of criminal networks of different militias (primarily IS), which would seek financial support from illegal activities and would fight with each other for the control of oil reserves. Failure to come to an agreement will see Libya slide back into chaos, forcing the international community into a risk containment strategy, probably including more targeted military operations.

[14] Damien McElroy, "Egypt demands war on Isil reaches other forces of Islamist terror," 27 October 2014, www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/11191386/Egypt-demands-war-on-Isil-reaches-other-forces-of-Islamist-terror.html

[15] According to Mattia Toaldo, along with concrete support for the national, UN-sponsored political dialogue, Europe must pursue both a local strategy (supporting local ceasefires) and a regional one (working with Saudi Arabia). See Tarek Megerisi and Mattia Toaldo, *Action points for Europe after the Libya deal*, 11 August 2015, ECFR, www.ecfr.eu/article/commentary_action_points_for_europe_after_the_libya_deal3093