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The Situation in Libya: Reflections on Challenges and Ways Forward

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STIMSON

On June 9, 2022, the International Peace Institute (IPI), the Stimson Center, and Security Council Report organized a virtual workshop to discuss the situation in Libya and ways for the UN, including through the UN Support Mission in Libya (UNSMIL), to strengthen its engagement in the country over the coming months. This discussion was part of a series of workshops that examine how the activities included in peace operations' mandates can be better prioritized, sequenced, and grounded in a political strategy. This was the first workshop on UN engagement in Libya since 2016. The meeting note summarizes the main points raised in the discussion under the Chatham House rule of non-attribution and does not necessarily represent the views of all participants. The project is funded with the support of the German Federal Foreign Office.

Introduction

The Security Council is expected to renew the mandate of the UN Support Mission in Libya (UNSMIL) by the end of July 2022. The current mandate, adopted in March 2022, was a technical rollover of the previous mandate for the fourth consecutive time.

Deliberations on UNSMIL's mandate are unfolding amid a protracted political impasse. Since March, renewed competition between the two rival executives—the Tobruk-based House of Representatives (HoR) and the Tripoli-based Government of National Unity (GNU)—has paralyzed the UN-endorsed framework that emerged from the Libyan Political Dialogue Forum. This competition among elites has also drawn attention away from the underlying drivers of violence and insecurity and caused the political, security, economic, and human rights situations to deteriorate. The special adviser of the UN secretary-general on Libya is leading track-1 facilitation efforts in the hope of bringing the two competing power centers to an agreement over the path forward for elections that were scheduled to take place in December 2021. The Security Council will also have to reach a consensus on a new special representative of the secretary-general to lead UNSMIL and replace UN Special Adviser Stephanie Williams, who is set to leave her post at the end of June.

In this context, the International Peace Institute (IPI), the Stimson Center, and Security Council Report co-hosted a virtual roundtable discussion on June 9, 2022, to reflect on the UN's strategic role as an international partner in Libya and identify the UN's comparative advantages and limitations with its current mandate. Participants also considered scenarios for the trajectory of Libya's political process as well as the state of security, human rights, and the economy.

Participants agreed that the UN continues to be an important partner to Libya and that UNSMIL's mandate is broad and flexible enough to enable continued engagement. Nonetheless, the current political stalemate, the uncertain trajectory of various mediation tracks, human rights and humanitarian concerns, and the upcoming expiration of UNSMIL's mandate underscore the importance of recalibrating international support to the country. To that end, several points were raised for consideration by the UN Security Council and UNSMIL.

For UNSMIL:

- Acknowledge the comparative advantages and limitations of UN engagement in Libya.
- Clearly articulate and better communicate its strategic priorities and desired “end state.”

- Focus on fostering cohesion among dialogue initiatives and holding Libyan stakeholders accountable for following through on their commitments.
- Sustain meaningful engagement with a broad array of civil society organizations.
- Develop a more holistic approach to its mandate by focusing on economic issues and mainstreaming human rights in all aspects of its work.

To the Security Council and broader UN membership:

- Continue prioritizing Libya and ensure consistency between stated positions and actions.
- Provide UNSMIL more funding and staffing to engage on economic issues and mainstream human rights.
- Support the renewal of the mandate of the International Fact-Finding Mission on Libya.
- Ensure a speedy transition to the new UN special representative of the secretary-general for UNSMIL.

Conflict Analysis

As Libya's political impasse persists, the two competing executives are increasingly using violence to ensconce themselves in power, leading to a deterioration of security, human rights, and economic conditions. This complex situation raises questions about the orientation of UN engagement in Libya.

Political Dynamics

Libya's current political framework revolves around the International Follow-Up Committee on Libya and the UN-facilitated Libyan Political Dialogue Forum (LPDF). In 2020, the LPDF produced a transition roadmap, including the organization of national elections by December

2021.¹ Despite initial broad consensus, the roadmap hit a political impasse in the second half of 2021, resulting in the failure to hold elections by the December deadline.² The mandate of the GNU set up through the LPDF is now set to expire at the end of June 2022.

The political crisis culminated in a vote in the HoR in February 2022 to elect Fathi Bashagha as prime minister in place of Abdul Hamid Dbeibah, the interim prime minister in the GNU.³ Since then, the two parallel executives—Bashagha and the HoR in eastern Libya and Dbeibah and the High Council of State (HCS) in Tripoli—have competed for power, with increasingly frequent clashes in the capital and other parts of western Libya.

In March 2022, UN Special Adviser Williams established a Joint Committee comprising members of the HCS and HoR to agree on the constitutional basis for elections.⁴ During its first two sessions in Cairo in April and May, the committee agreed on 137 out of 197 constitutional articles, including some of the prerogatives of the president and prime minister.⁵ Yet important issues remain outstanding, including the sequencing of elections, transitional governance provisions, the allocation of seats in parliament, local governance arrangements, and eligibility criteria for candidates.⁶

One participant identified three possible scenarios for the outcome of the talks in Cairo: (1) agreement on a full constitutional draft; (2) agreement on most but not all constitutional issues, requiring ongoing mediation; or (3) no agreement (dismissed as the least likely because of popular pressure to move forward). Even in the case of full or partial agreement, however, the subsequent political process is uncertain. Participants questioned whether the committee members would be able to get support from their respective legislative bodies, let alone agreement between the two bodies. One

1 United Nations Support Mission in Libya (UNSMIL), "Libyan Political Dialogue Forum," available at <https://unsmil.unmissions.org/libyan-political-dialogue-forum>.

2 International Crisis Group, "Steering Libya Past Another Perilous Crossroads," March 18, 2022, available at <https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/b85-steering-libya-past-another-perilous-crossroads>.

3 UN Secretary Security Council, *United Nations Support Mission in Libya—Report of the Secretary-General*, UN Doc. S/2022/409, May 20, 2022, paras. 2–11.

4 Ibid., para. 19.

5 UNSMIL, "Statement by [Under-Secretary-General] Rosemary DiCarlo—Security Council Meeting on the Situation in Libya," May 26, 2022, available at <https://dppa.un.org/en/statement-usg-rosemary-dicarlo-security-council-meeting-situation-libya-26-may-2022>.

6 A third round of talks, concluded on June 20th, also did not result in a final agreement. See: <https://unsmil.unmissions.org/sasg-stephanie-williams-press-statement-members-house-representatives-and-high-council-state-united>.

participant raised concerns that any agreement could be held up in court, giving spoilers the opportunity to dispute its legitimacy.

While participants appreciated the UN's role in facilitating this dialogue, they posed questions about the process's legitimacy and political viability. It is uncertain whether the members of the Joint Committee have constituencies among the broader Libyan population. Moreover, many of them are perceived as being part of the problem and as having benefited from the country's instability. It is therefore unclear whether they have a vested interest in coming to an agreement. Participants also questioned the legitimacy of the process's format, considering that it lacks a clear legislative basis. Others called for more deliberate engagement of civil society and more integration of human rights throughout the process. One participant described the overall process as reflective of a desire to get "fast results instead of credible results."

In parallel to the talks in Cairo, the International Follow-Up Committee on Libya, which emerged from the Berlin Process, has four dialogue tracks—political, security, economic, and human rights/international humanitarian law—each co-facilitated by the UN and other partners.⁷ The committee's four working groups have met several times during the past few months (including in May and June 2022), signaling international partners' interest in maintaining momentum.

However, many participants were concerned that some of Libya's international partners that publicly support UN-led efforts are simultaneously pursuing their national agendas behind the scenes or through competing (if not conflicting) processes. For example, Russian and Turkish officials met on June 8th to discuss their collaboration in Libya, while a delegation of leaders from Western Libya met with Moroccan officials on June 9th.⁸ This speaks to the "forum shopping" undertaken by many protagonists of the Libyan conflict. There is also a perception that Egypt, by

hosting the talks in Cairo, has undue influence over the outcome. There was broad acknowledgement that the protagonists of the conflict benefit from the legitimacy bestowed by this international engagement and that action against spoilers is needed to disrupt the cycle of violence.

Security Dynamics

Against the backdrop of this political impasse, participants highlighted Libya's deteriorating security situation and the lack of substantive progress on security sector reform (SSR). Competition for territorial control among armed groups continues to threaten the cease-fire, particularly in Tripoli and towns in the northwest. In recent months, several disputes between brigades affiliated with Khalifa Haftar's Tobruk-based Libyan National Army and forces supporting the GNU have escalated, resulting in casualties. This tension culminated on May 16th when Bashagha entered Tripoli to install his government, leading to clashes with armed groups loyal to the Dbeibah. Such incidents could easily escalate. One participant drew parallels to the security landscape in 2019 prior to Haftar's attack on Tripoli, describing the current situation as even more volatile, as armed groups are continuously shifting their affiliations, and neither political faction has complete control over security forces in their region.⁹

After several months of suspension, Libya's 5+5 Joint Military Commission resumed talks in Tunis in June 2022. Participants described the commission as useful as a formal channel to key political figures inside and outside of Libya. For instance, members of the commission, alongside local mediation efforts, helped ease tensions after the security crisis on May 16th by creating the conditions for Bashagha to leave Tripoli.¹⁰ Nevertheless, several participants stressed that the security track of dialogue remains "shallow" due to a lack of vision on issues like SSR and disarmament, demobilization, and reintegration (DDR), as well as insufficient political attention. Some participants also pointed to UNSMIL's lack of leverage,

7 UN Secretary General Report S/2022/409, paras. 30-34.

8 Libya Review, "Libyan rival military commanders to hold talks in Morocco," June 10, 2022, <https://libyareview.com/24415/libyan-rival-military-commanders-to-hold-talks-in-morocco/>.

9 See Secretary General Report S/2022/409, para. 40.

10 See UN News, "'Protracted political impasse' further polarizing Libya," May 26, 2022, <https://news.un.org/en/story/2022/05/1119152>.

expertise, and a clear mandate in this area. Others noted that UN-led conversations on security issues are likely to remain inconsequential without Russian engagement, as Russia's buy-in is necessary to push its proxies toward a political solution and neutralize their potential role as spoilers.

The presence of foreign mercenaries continues to destabilize Libya. In recent months, armed confrontations between Haftar's Libyan National Army, Chadian armed opposition groups, and Sudanese mercenaries in eastern Libya have threatened to escalate.¹¹ Foreign mercenaries—allegedly acting on behalf of Russia, Turkey, and several Arab and neighboring states—are also present and benefit from breaches in the arms embargo. This is despite efforts by the UN special adviser and UNSMIL, which convened a meeting of the 5+5 Joint Military Commission in Sirte on February 9th to discuss operationalizing an action plan for the withdrawal of mercenaries, foreign fighters, and foreign forces from Libyan territory.¹² These efforts are complicated by divisions among the permanent members of the Security Council, some of which continue to support Haftar despite their rhetorical support for the UN-led process.

Human Rights and Accountability

The continued deterioration of human rights conditions throughout Libya and the absence of systematic legal and political accountability for individuals implicated in human rights violations remain pressing concerns. The UN has continued to observe “unlawful killings, enforced disappearances, arbitrary arrests and detentions, conflict-related sexual violence, [and] human trafficking” since early 2022.¹³ In recent months the Libyan authorities have also curtailed civil society and individual freedoms amidst “a rapid shrinking of civic space.”¹⁴

Participants deplored the lack of concrete steps taken by domestic and international partners to integrate human rights throughout the political process. This was encapsulated by the mediation process's perceived exclusion of the Libyan public and civil society organizations, including women human rights defenders, whose concerns are reportedly only reflected when they align with the interests of political leaders. While the International Follow-Up Committee on Libya includes a Working Group on International Humanitarian Law and Human Rights, participants argued that discussions on human rights have not translated into tangible commitments.

Further, participants argued that perpetrators of human rights abuses need to be held accountable, including through the International Criminal Court (ICC). UN member states are arguably obliged to cooperate with the court, and participants recommended providing it more political, financial, and logistical support. This cooperation needs to extend to efforts to prosecute serious crimes committed in Libya in national courts under the principle of universal jurisdiction. A Libyan NGO also recently recommended preventing “individuals implicated in corruption, war crimes and crimes against humanity,” as well as individuals indicted by the ICC, from serving in any formal political role.¹⁵

Another challenge is the uncertain future of the International Fact-Finding Mission (IFFM) for Libya. The IFFM was mandated by the UN Human Rights Council in June 2020 and has published two formal reports.¹⁶ Many participants insisted on the importance of maintaining the IFFM, which, along with the UN is one of the only international actors that can bring global attention to violations and abuses and provide tangible recommendations to the Libyan state. The IFFM's mandate is set to expire at the end of June 2022, and some participants expressed concern that the Human Rights

11 On 27 February, 26 Chadian fighters were reported to have been killed and 14 others captured in clashes with the Libyan National Army near Tazirbu, south-east of Kufrah.” UN Doc. S/2022/409, para. 45.

12 UN Doc. S/2022/409, para. 26.

13 Ibid., para. 59.

14 Ibid.

15 Cristina Orsini, Jordan Street, and Lewis Brookes, “Enshrining Impunity: A Decade of International Engagement in Libya,” Saferworld and Lawyers for Justice in Libya, February 2022.

16 See: UN Human Rights Council, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/48/83, November 29, 2021; and *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/49/4, March 23, 2022.

Council would not reauthorize it because of pressure from the Libyan government, though others disputed this view.

Economic Dimensions of the Conflict

Libya's ongoing political instability is inextricably linked to its economic challenges. Competition for control over oil resources (the most lucrative source of public revenue in Libya) and the persistent cycle of elite-driven political violence have hamstrung the Libyan government's efforts to reduce poverty and economic inequality and provide social welfare. Russia's invasion of Ukraine will only exacerbate this economic situation.

Despite international efforts to facilitate short-term agreements on economic issues, core disagreements remain, including on the reunification of the Libyan Central Bank and the operationalization of its Board of Directors, the creation of a unified state budget, and transparent mechanisms for sharing oil revenue. The dispute over salaries and operational payments for Libya's National Oil Corporation between January and April 2022, part of the broader conflict between the HoR and HCS, has exacerbated political tensions. Despite recent discussions on interim financial arrangements in the International Follow-Up Committee on Libya's Working Group on Economic Issues, more progress is needed. A participant also noted the lack of transparency surrounding the purpose and function of this initiative.

The Way Forward for UN Engagement

While participants agreed that the UN continues to be an important partner to Libya, some called for UNSMIL and the Security Council to more clearly articulate and better communicate a strategy that leverages the strengths and limitations of UN engagement. Others emphasized the need for greater international unity on Libya, both through unified support to formal international processes

and through the deconfliction of competing national agendas. Finally, participants stressed the importance of ensuring a smooth leadership transition between the outgoing UN special adviser and her successor and of increasing UNSMIL's capacity to engage on economic issues and mainstream human rights.

Articulating the UN's Comparative Advantages and a Clearer Strategy

Most participants pointed to UNSMIL's convening power and long-term engagement with key Libyan stakeholders as important comparative advantages. One speaker also noted its ability to be an impartial actor, draw on support from other UN entities, and pursue a sustainable political solution premised on national ownership. However, some were unclear whether UNSMIL has a mandate and adequate reach to ensure cohesion between the UN-led process in Cairo, the International Follow-Up Committee on Libya, and bilateral channels for dialogue.

Discussion about how UNSMIL should prioritize its mandate revolved around two main considerations. The first was the need to balance short-term substantive priorities, in particular electoral support, with long-term investments aimed at tackling the root causes of conflict, including support to political reconciliation, economic development, public administration, DDR, SSR, and accountability for human rights violations. The second consideration was the need to better integrate UNSMIL's political engagement with its work in other areas, particularly human rights. The 2021 independent strategic review of UNSMIL echoed this point, recommending a stronger approach and structural mechanisms "to consider not only the political process, but also economic, security, humanitarian and human rights priorities, mindful of the interlinkages between them."¹⁸

Many speakers acknowledged the limitations and challenges of the UN's current approach in Libya. Some called for a recalibration of its strategy to

¹⁷ UN Doc. S/2022/409, paras. 50–54.

¹⁸ UN Security Council, *Annex: Report on the Independent Strategic Review of the United Nations Support Mission in Libya*, UN Doc. S/2021/716, August 9, 2021, para. 71.

outline concrete steps it could take to reach the desired end state following the talks in Cairo. Some also disputed the UN's interpretation of "national ownership," as the dialogue process in Cairo centers on officials from the HoR and HCS, who do not have popular mandates or formal constituencies. This concern extended to the UN's impartiality: while the UN is not formally backing either delegation, it is vulnerable to criticism from both delegations and from the general public that it is backing the political elite.

Some also questioned the consistency of the UN's engagement with civil society organizations and communities throughout the country. Over the past few months, Special Adviser Williams has prioritized virtual and in-person consultations with Libyan organizations and communities.¹⁹ Nonetheless, some participants described this engagement as ad hoc and transactional. They emphasized that UNSMIL should regularize engagement with civil society and communities and more consistently foster a bottom-up approach across all UN-supported political processes.

Participants also encouraged the UN to better communicate its short- and medium-term strategies for engagement in Libya. While the UN's overall approach is clearly defined by Security Council resolutions, UNSMIL could more clearly communicate how it will prioritize its mandate in the pursuit of a broader vision for a peaceful, united, and independent Libya.

Maintaining Unified Political Support from UN Member States

UNSMIL is in a difficult position in Libya as it attempts to implement its mandate while also managing the conflicting interests of UN member states, particularly in the Security Council. Many participants acknowledged that the national interests of other member states continue to have an outsized impact on political interests and conflict dynamics in Libya.²⁰ It is therefore essential that the

Security Council remain united when it comes to Libya. While the council has been united in backing the recent technical rollovers of UNSMIL's mandate, unity will be all the more important during the upcoming substantive mandate renewal. It will also be important to continue mobilizing international attention and resources as the situation in Libya falls down the list of international priorities, particularly following Russia's invasion of Ukraine. Moreover, international partners will need to consider what tools and processes they can use to hold Libyan political elites accountable for their commitments, including on international human rights and humanitarian law.

Ensuring a Smooth Leadership Transition and Building Capacity in Key Areas

Special Adviser Williams is expected to leave her post at the end of June 2022, and council members have started negotiations on her replacement. Williams's successor will be the ninth UN envoy for Libya in the past eleven years, and envoy appointments have proven challenging for the council. While most recent appointees have had high-level diplomatic experience, participants suggested considering other criteria when filling this position. Above all, participants noted the importance of a quick transition, especially considering that the new envoy will also become the head of UNSMIL, as recommended by the 2021 independent strategic review.²¹ It is also important that the appointment process not distract from the ongoing political process, where the UN envoy has a critical leadership role. Nonetheless, there was an acknowledgement that the UN should account for the possibility of a disruptive leadership transition.

Participants also discussed the need to increase UNSMIL's budget and staffing to engage on economic issues and human rights, a recommendation echoed in the independent strategic review. One participant noted the particular urgency of

¹⁹ "Williams Meets with Civil Society Organizations to Discuss Latest Mediation Efforts between Parliament and High Council of State," Al-Wasat, April 13, 2022, available at <http://en.alwasat.ly/news/libya/35551>.

²⁰ International Crisis Group, "Steering Libya Past Another Perilous Crossroads."

²¹ UN Doc. S/2021/716, para. 70.

boosting the mission's expertise on economic issues, as there is only one seconded official in the mission with this portfolio despite the importance of engagement in this domain.

Conclusion

The situation in Libya is complex, and the outcomes of ongoing dialogue processes remain uncertain. These processes also suffer from limitations, including the lack of meaningful engagement with civil society, the involvement of several states with diverging interests, the focus on short-term stability rather than the root causes of conflict and long-term priorities, and the lack of a right-based approach. In this context, there is a sense that the UN must recalibrate its strategy to make itself more relevant and credible.

To that end, participants urged the UN to leverage its role as an impartial actor that can increase cohesion among the various dialogue initiatives, hold stakeholders accountable, and sustain engagement with civil society groups. Participants also identified the need for the UN to develop and implement a more holistic approach to its mandate by focusing more on economic issues and mainstreaming human rights across all processes. This will require more resources and a quick transition to replace the special adviser. Further, participants noted that UNSMIL needs to effectively communicate its strategy and priorities, including its desired "end state." Finally, participants urged the Security Council to remain unified and to continue prioritizing Libya and for all member states to ensure that their actions are consistent with their stated positions.

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