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THE UNITED NATIONS' MEDIATION ROLE
IN THE LIBYAN CRISIS AFTER 2011

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Introduction

The fall of the Colonel Qaddafi's regime in 2011 brought to an endemic and protracted conflict in Libya. From that moment, Libyans are facing the tough challenge of rebuilding the country. The United Nations, on 16 September 2011, with the Security Council resolution 2009, decided to establish UNSMIL: United Nations Support Mission in Libya, an integrated political mission with the aim to help the Libyan people to complete the political transition to democracy. The mission is headed by a Special Representative of the Secretary General. Since the creation of UNSMIL, there have been four main SRSG who played a great role as mediators: Tarek Mitri, Bernardino Leon, Martin Kobler and Ghassan Salamé.

The present thesis aims at analyzing the UN mediation's role. In the first part, a theoretical framework of mediation will be given, providing a definition of it, explaining the actors and strategies of mediation and some criteria to evaluate it. After that, the case study, the Libyan crisis, will be introduced, briefly mentioning the tribal social structure, the causes of the uprising and the consequent UN's actions which led to the NATO intervention. This part will be followed by a description of UNSMIL's activities and its role during the first year of the transition process.

In the thesis body, the mediation's activities of the main SRSGs will be described. For each mediator, the activities will be divided according to the main fields in which UNSMIL operates: political transition, security sector and human rights/transitional justice/rule of law. As the political, security and humanitarian streams are complementary, a synergy among them is essential. The analytical method utilized for writing this part, consisted mainly of studying the official UN documents: the briefings by the SRSG to the Security Council, the Secretary - General Reports on UNSMIL and the Security Council's resolutions and Presidential Statements.

To follow, it will be made an in depth analysis on how UNSMIL's mediation changed over time: from a "national mediation" towards a "local" one. This strategy's change is essential as the Libyan social structure is based on a tribal system and therefore local players have a great potential for a successful mediation. The UN support to local mediation will be analyzed, focusing in particular, on the mediation's efforts for reaching agreements among armed groups, terrorists and militias and more in general for reconciling communities. At the end of the chapter, some suggestions on how to improve this type of mediation will be reported.

In the last part of the thesis, it will be analyzed the main UN mediation's outcome: the Libyan Political Agreement. Signed on 17 December 2015 in Skhirat, Morocco, the accord aims at addressing the suffering of the Libyan people and building a democratic civil state. It is therefore considered a tool for addressing problems related to weak state institutions, decline of economic growth, terrorism, illegal migration and fragile rule of law. After examining the weaknesses of the accord, in particular the exclusion of key actors that disagreed with its main provisions, some considerations on the current implementation of it will be stated.

In the conclusions, some personal considerations regarding the mediators' activities will be given through a comparison between mediators' strategies, personal characteristic influencing their role and results. Finally, as the accord, despite its limitations, is still considered the only framework for the Libyan political process, some suggestions will be proposed on how to overcome these fragilities stressing the key mediation strategy for supporting the Libyan people to "chart a course to the future they deserve"¹.

¹ Ghassan Salamé , briefing to the SC 16 July 2018

1. Mediation

1.1 A definition of mediation

Mediation is a peaceful method for preventing, managing and resolving conflicts. It involves the presence of an outsider into a conflict between two or more actors. Mediators can be involved into internal or international conflicts in order to affect, influence or resolve them. The main aim of a mediator is helping the parties to develop a mutually acceptable agreement. The mediator can deal with specific issues or with a broad range of issues.

Mediation is likely to take place when conflicts are long and complex and parties' own efforts have stalled. A mediator could also be needed when the parties are not willing to talk directly to each other, or for overcoming issues of cultural misunderstandings.

Although each and every conflict differs from the others, and thus requires specific approaches, the *UN Guidance for Effective Mediation* states good practices concerning the approaches of all mediators. It identifies key fundamentals: preparedness, consent, impartiality, inclusivity, national ownership, international law and normative frameworks, coherence, coordination and complementarity of the mediation effort and quality peace agreements.

First, the mediator should be prepared in terms of individual knowledge, skills, experience and cultural sensitivity for the conflict. He/she at this proposal can be helped by a team of specialists in the political, financial and administrative field. The mediator should have a knowledge of all the different stages of the process such as pre-negotiations, negotiations and implementation of the resulting agreement. Preparedness is essential in order to be able to guide and monitor the mediation process.

Second, mediation is a voluntary form of conflict management. Moreover, the presence of a mediator has to be accepted by the parties involved. It is important for the mediator to develop a common understanding with the conflicting parties on the mediator's role and on the mediation's rules. There are several factors on which the consent of the parties depends: the integrity of the mediation process, security and confidentiality. Confidence building measures between the mediator and the parties, as well as in the mediation process, should be put in place.

The presence of the will of the parties in accepting a mediator and their commitment to reach an agreement is the determining element for a successful mediation process. Parties' mutual consent and an high motivation which has to be translated in an active participation are essential for mediation to be effective.

Third, one of the essential characteristics is impartiality. Mediator must not have self-interest in the outcome. The parties have to be treated fairly and the relations should be transparent. The process should be balanced. Transparency is referred also to the laws and norms that guide the mediation process.

Fourth, inclusivity refers to those who are the participants of the negotiation process and to what extent their views are considered. All the perspectives and needs of the parties should be addressed. The national ownership and the legitimacy of the process depend on its inclusivity. Only an inclusive approach can lead to a sustainable solution. It is also worth noting that the ratio between inclusivity and efficiency has to be taken into account; mediation process are more complex when there are a lot of participants. Therefore inclusivity has to be balanced with the need of transparency and confidentiality.

Fifth, the actors maintain control over the outcome and they are free to accept or not the mediator's proposals. Solutions are not imposed, the main aim of mediation is indeed helping in generating options to manage the conflict. As the local parties are the main actors of the mediation process, capacity building

support might be needed. “National ownership requires adapting mediation processes to local cultures and norms while also taking into account international law and normative frameworks”².

According to the last statement, mediation takes place within a normative framework. Each mediator has specific mandate and rules to follow that depend on the entity they work for. Moreover mediators has to respect the international law. Consistency with norms and international law reinforces the legitimacy of the process.

Coherence, coordination and complementarity of the mediation efforts refer to the relation among the different mediation actors that can be involved in the process. The multiplicity of actors can be an asset but if not well managed can create overlays and competition, undermining the process itself. For these reasons the above mentioned elements are of fundamental importance.

A good mediation process is primarily evaluated based on the outcome achieved. The agreements reached should represent a common vision in order to manage or end the conflict. They can be limited in scope or more comprehensive. The more they take into consideration the interests of the parties involved, the more likely they are to be durable. It is also important that the agreement incorporate clear strategies for implementation and monitoring.

1.2 Actors of mediation: Tracks of Diplomacy

The complexity, characterizing nowadays intrastate and interstate conflicts, is a challenge for the conflict resolution. Mediation can involve a high range of possible mediators. At this proposal, various typology of diplomacy have been identified: “Track One diplomacy”, “Track Two diplomacy” and “Track One and a Half Diplomacy”.

²UN Guidance for Effective Mediation (2012)

Track One diplomacy or Official diplomacy applies to the state-to-state level. The mediators are states, international organizations such as the United Nations or regional organizations. Mediation is carried out by diplomats, government officials and head of states. These actors are implied at the top level leadership of the negotiation.

When a mediator acts in an official capacity as a representative of a government or of an organization, the reasons concern: the presence of a clear mandate to mediate a dispute; the willingness to resolve a conflict whose continuance may have a negative impacts in its own political interests; the clear request of one or both the conflicting parties; the wish to preserve the stability of a system in which it is part; the will to enhance its influence and possibly to gain the political goodwill of one or both parties.

The main strength of Track One Diplomacy concerns the possibility to use state's political power for influencing the directions of the negotiations and their outcomes. This power is based on the states' capabilities and instruments of foreign policy such as material and financial resources. Track One Diplomacy has also several downsides. The major one refers to the fact that power can corrupt the result of the negotiation process if state's self-interests are involved. Second, officials have always to consult their leaders at home and this can bring a delay on the negotiation. Finally, Track One is affected by electoral cycles.

The expression **Track Two Diplomacy** was coined by Joseph V. Montville. He defined this kind of mediation as a "unofficial, informal interaction between members of adversary groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict". The Track Two Diplomacy is carried out by private and public organizations, NGOs and religious or tribal bodies. These actors have the trust of their groups.

The reasons for which unofficial individuals decide to engage in a mediation process regard their desire to be instrumental in affecting a conflict, to gain access to major political leaders and to open channels of communication with them, or to put in practice their own ideas and thus enhance their personal status.

The strength of Track Two parties is that they are not constrained by the political power; they can freely express their points of view. This kind of mediation is very useful as it usually involves grassroots leaderships who are deeply involved in the conflict. The weaknesses of Track Two Diplomacy concern the limited capacity of the participants to influence the political structure and the lack of the necessary resources for having a leverage during the negotiations and, after, for the implementation of the agreements. Moreover Track Two Diplomacy can take too long for bringing results and finally sometimes there is no coordination among Track Two actors/organizations.

Track One and a Half Diplomacy is defined as the interaction amongst official representatives of the conflicting parties which is mediated by a third party that doesn't represent a political institution. It is therefore considered an unofficial interaction between official state representatives. The third party should have one of the following characteristics: international political visibility in order to have a high influence in the negotiation, academic visibility for advising in the peace efforts, national and international respect and, finally, he/she should have reasonable resources to carry out the mandate.

The main strength of Track One and a Half Diplomacy refers to its ability of creating a "bridge" between Track One and Two. This kind of mediation can directly influence the high level parties without being driven by a political agenda. It for example facilitates communication between leaders of countries that may have cut their diplomatic relations or when Track two efforts show no effects. The first disadvantage is that the mediator can be seen by the parties as a representative of his/her country. Second, Track One and a Half actor do not have

enough economic, technical and military resources to influence the parties or to implement the agreement.

As a conflict may be a complicated phenomenon, there might be the need to use these types of diplomacy jointly. Track two efforts can prepare the ground for Track One by finding legitimization of the ideas before going to official negotiations. Their aim is to influence the attitudes of the conflicting parties focusing in particular on the day-to-day socio-economic issues that have repercussions on the civil society. Different actors working in different fields can contribute to enhance the efficiency of the mediation process through their combined efforts to manage issues at different levels.

1.2.1 The UN as an international mediator

Starting from the late 1980s and 1990s, with the demise of the Cold War, the United Nations became a mediator in numerous conflicts around the globe. Even if, nowadays, the conflicts in which the UN is implied have been diminished, it can be considered the world's most successful track-one mediator.

As stated above, mediation is a field in political practice when the players are not able to find a solution through negotiation. For this reason, it is important to clarify the distinct role of the UN in the current peace-making scene. The UN is a highly valuable player for different reasons; it can reach international political legitimacy and support, and thus it can be legally mandated and fully resourced by the majority of the international community. The UN has the convening power to lead and coordinate the other mediators. One of the key role played by the UN is linking track-one and track-two mediations. The latter are of fundamental importance for a widely owned and participatory results. This is the key for a successful and lasting mediation outcome. Moreover the UN's international legitimacy makes it in the position to set mediation principles and practices. It can therefore create an accepted normative framework for mediation. For these reasons UN is "the perfect place to develop global analysis and learning on

mediation”³. The UN capacities and expertise can then be offered to both state and non-state actors. The UN moreover has several social and economic agencies that work for the implementation of the provisions resulting from the mediation activities.

1.3 Strategies of mediation

“Proliferation of actors need not obscure the essence of international mediation”⁴. A mediation strategy has been defined by D. M. Kolb as “an overall plan, approach or method a mediator has for resolving a dispute. It is the way the mediator intends to manage the case, the parties, and the issues”⁵. Through the years different classification of mediation strategies have been developed. One of them is the one proposed by Touval and Zartman that identified three types of mediation: communication-facilitation, formulation and manipulation.

The **mediator as a facilitator** or communicator has the main goal to ensure a dialogue among the disputing parties. It is essential for the mediator to make contact with the parties and gain their trust and confidence. The continued discussion can be facilitated through the development of a framework of understanding that encourages meaningful communication. At this proposal the mediator has to clarify the situation, identify issues and interests, supply missing information and in some cases propose the venue.

Mediation as formulation differs from mediation as facilitation for it involves a substantive contribution to negotiations by the mediator: he/she proposes new solutions. The mediator not only coordinate the process choosing meeting site, establishing protocol and suggesting procedures, but he/she formulate a possible

³UN’s Guidance for effective mediation.

⁴Bercovitch J. (1992) In Theory: Mediators and Mediation Strategies in International Relations. Negotiation Journal.

⁵Bercovitch J. (1992) In Theory: Mediators and Mediation Strategies in International Relations. Negotiation Journal.

solution. In order to achieve this result, the mediator asks parties about their interests, develops a list of needs and then creates a draft of the agreement.

In the **manipulative mediation**, the mediator uses his/her position to influence the negotiations. At this proposal, the mediator should be a person with a strong influence or political power. The mediator modifies parties' expectations thus changing their reservation point in order to expand the ZOPA (Zone of Possible Agreement). He/she can do it offering "carrots" (compensations) or employing "sticks" (pressing). The first ones may include direct compensation, favorable economic policies or other diplomatic concessions. On the contrary, sticks refer to the possibility to impose economic and/or diplomatic sanctions or the threat/ use of force. The main aim of a manipulator is to reach an agreement among the parties for this reason the mediator uses compensation, pressing and enforcement mechanism to increase the costs of a non-agreement lowering the so called BATNA (Best Alternative to a non-negotiated alternative).

It is important to consider these three different types of mediation as a spectrum: to be able to be manipulator, the mediator has first to bring parties together using a facilitative strategy and then create proposals as a formulator.

The strategy utilized depends on the context in which mediators operate and on the resources available. Resources include money, expertise and status/prestige. According to the latter, the presence of these resources is determinant to achieve the outcome as they constitute the basis for exercising leverage through reward, expertise, information, legitimacy and coercion. As explained above, the use of the resources depends upon the nature of the mediator. It is also true the contrary as the types of mediation depend on the resources at disposal; for instance individual mediator, having only informational resources, will more likely use a communication-facilitative strategy, whereas states having at their disposal many resources could adopt manipulative strategies.

1.4 Evaluating mediation

Evaluating mediation's outcomes pose serious conceptual and methodological challenges. J. Bercovitch, in *In Theory: Mediators and Mediation Strategies in International Relations. Negotiation Journal*, suggested two broad evaluative criteria: subjective and objective.

The first one refers to the parties' and/or mediator's perceptions of having achieved the goal of mediation. The satisfaction usually is present if the mediation meet three criteria: fair outcome meaning that it meets the expectations' of both parties; efficiency so having the capacity of maximize the benefits for the parties and effectiveness as the outcome should be realistic and durable. If the parties give a a positive assessment of the mediation, the latter can be evaluated as successful at least because improves their relationship changing the way the disputants feel about each others.

The objective criteria for assessing the results of mediation offers a different perspective that, unlike the first one, can be quantified empirically. This criterion is linked to the concept of change. It is needed to examine the behavior of the parties after the end of the negotiation. If the latter do not change their positions, the mediation can be considered a failure. Conversely, if the parties are willing to embrace the outcome and this leads to new interactions among them and brings to a settlement of the issues in dispute, the mediation can be evaluated as successful. The success is thus measured in terms of the reduction in level of hostilities between the parties, the quality of the agreement achieved (the quality depends on the duration of the agreement and on how many issues the latter has solved).

It is worth noting that the aforementioned criteria are just terms of reference for evaluating the outcome of a mediation as each mediation should be assessed in terms of criteria that are significant to its own efforts.

In conclusion, mediators work in a complex arena of interdependent relations and with several actors. As previously illustrated, the main aim of mediation is to influence, change or modify the ongoing dispute. In order to analyze mediation is important to consider the actors, the behavior and the resources. As the political phenomenon is the result of an interplay of people and circumstances, likewise mediation has to be evaluated in its context. Mediation is, above all, adaptive and responsive.

2. Case study: the Libyan crisis

The 42-year dictatorship of Colonel Qaddafi in Libya collapsed on October 20, 2011 when he died at the hands of the rebels supported by NATO. The inhumane killings of the Colonel and his son, Mo'tassim, were due to the hatred many Libyans felt towards the regime. The end of the dictatorship was unavoidable, since the latter was weak and the dissatisfaction among the Libyan people was high. Even if Qaddafi was aware of that, the procrastination in bringing meaningful reforms caused the end of his power.

The uprising erupted in the eastern city of Benghazi, a city inhabited by people traditionally opposed to the regime. In the first instance, Qaddafi reacted brutally, he gave a televised speech promising to crush the rebellion without mercy: he vowed to hunt down protesters "inch by inch, room by room, home by home, alleyway by alleyway". This speech has provided the basis for justifying the Western intervention.

The end of the regime marks the beginning of the harder phase to build a state in which good governance, rule of law, respect for human rights will replace the injustice, clientelism, violation of human rights and tribalism of the past.

Before analyzing the political transition, it is important to briefly describe the tribal structure that characterized the Libyan society, the uprising against the Qaddafi regime and the following United Nations actions that lead to the NATO intervention, and thus to the fall of the dictatorship. It is also necessary to give a short explanation of the situation after the Qaddafi death to better understand the circumstances from where the nation building process began.

2.1 The tribal social structure

Libya is one of the most conservative and tribal societies in the Arab World; the ethical ideals and principles of Arab-Berber-African-desert way of life prevail. The social context is thus formed by tribal and clan affiliations. When Qaddafi

and the Free Officers took the power in 1969, they tried to replace the tribal system with a modernization of the country but when they realized that the tribal organization could not be eliminated, they decided to relay and build their power on the tribes. Qaddafi created indeed a regime with a tribal character. The Jamahiriya was designed without political organization at the national level. The latter indeed took place at the local level. People were represented by locally elected popular congresses. The executive power was held by popular committees. The decisions of both the popular congresses and committees had to be in line with Qaddafi's wishes. Moreover, Qaddafi has prevented the formation of a cohesive national army and, for protecting the regime, he relied on parallel security institutions.

A Libyan political scientist, Y.M Sawani, affirmed that “tribalism in culture and tribe as an institution will continue to exert influence on socio-political interactions and on individual and group identities in Libyan society”⁶. The tribes remain the entities who provide the ethical and traditional model of social organization. The tribal system is very complex, Qaddafi was considered as a tribal chief and the degrees of loyalty to him varies according to each tribe. The Arab Spring in Libya cannot be considered as a real, deep-rooted social and economic “revolution”, but rather an attempt to challenge the system of power distribution, a tribal struggle.

2.2 The uprising

The uprising in Libya started with the detention of a prominent human rights lawyer, Fathi Terbil. The movement sparkled in Benghazi on February 15, 2011 when people held a protest calling for the release of this lawyer who was

⁶Sawani Y.M (2012) Post-Qadhafi Libya: interactive dynamics and the political future. Contemporary Arab Affairs, Vol. 5 No. 1, January–March 2012; (pp. 1-26)

representing their claims in respect of the 1996 Abu Salim massacre⁷. Initially, the focus of the protest was limited but then the demonstration echoed the calls and slogans of anti-regime protesters. Since the beginning, the Qaddafi regime reacted with the use of force: the security forces shot the demonstrators and then the air force started to bomb civilians. The opposition groups denounced Qaddafi's use of force and called upon the International community to protect the people with an intervention of the United Nations. Many of the officers of the Libyan military refused to obey Qaddafi's orders. The lack of loyalty was due to the fact that Qaddafi had excluded the armed forces from the inner circle of power. For this reason, Qaddafi relied on special brigades of mercenaries for suppressing the rebellion. In addition, many of the tribes that were once loyal to the regime, took distance from it. Later on, Qaddafi lost also the support of the foreign powers that, in the past, normalized the relations with him.

2.3 United Nations actions and the NATO intervention.

France was one of the leading countries that called for the intervention of the International Community. It was also backed in its call by the UK and the USA. The three countries found the support of the Arab League to take action at the United Nations: the security Council adopted resolution 1970 (2011). Deploring the violation of human rights including the use of violence against the civilians, considered crimes against humanity perpetuated by the Libyan Government and recalling the Libyan authorities' responsibility to protect its population, the SC decided to refer the situation to the Prosecutor of the International Criminal Court. The members of the SC decided moreover to establish an arms embargo, travel ban, asset freeze.

On March 17, 2011, the SC, deploring the failure of the Libyan authorities to comply with resolution 1970, adopted Resolution 1973 under Chapter VII of the

⁷ "Abu Salim prison is a maximum security prison in Tripoli, Libya. The prison was notorious during the rule of Muammar Gaddafi for alleged mistreatment and human rights abuses, including a massacre in 1996 in which Human Rights Watch estimated that 1,270 prisoners were killed" (Wikipedia access 15 Aug.2018). Fathi Terbil, the lawyer, was working for the families of the disappeared and killed detainees.

UN Charter. The SC members expressed their determination to ensure the protection of civilians end therefore demanded the establishment of a cease-fire and a ban on all flights in the Libyan airspace. Moreover, at paragraph 4 under “protection of civilians”, the resolution authorizes Member States “to take all necessary measures (...) to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory”. This provision has been considered the first attempt of the SC to implement the Responsibility to Protect (RtoP) principle in order to protect the Libyan civilians against the regime. The resolution was proposed by France, Lebanon and the UK. Ten SC members voted in favor (France, UK, USA, Bosnia and Herzegovina, Colombia, Gabon, Lebanon, Nigeria, Portugal and South Africa) while China, Russia and three other non-permanent members (Brazil, Germany and India) abstained.

Resolution 1973 created the juridical framework for legitimizing the military operations against Qaddafi’s loyalist forces. It was established the so-called “operation Odyssey Dawn” under the US command, involving France, the UK, Italy, Canada, Denmark, Norway, Spain, the United Arab Emirates and Qatar. On March 31, 2011, NATO assumed the command of the military operation in Libya. The “Operation Unified Protector”, in line with resolution 1973, had the aim to: help civilians in the name of RtoP principle and make the no-fly zone and the arms embargo to be respected. The heavy bombing attacks by NATO forces against government targets created a situation of non-return, it helped to topple Qaddafi. This intervention has been criticized as considered an action for bringing a regime change rather than for protecting civilians. According to this interpretation, it is possible to affirm that the Libyan rebellion was foreign-backed diplomatically and militarily. It has been asserted that the efforts of the rebels have been successful thanks to NATO’s special operation forces on the ground. NATO played a crucial role in targeting airstrikes, training the Libyan rebels, managing their logistics and communication, and thus leading the Libyan insurgents in the

battle field. The Central Intelligence Agency (CIA) and the British Intelligence (MI6) operatives also assessed the rebels in fighting the regime. This logistic and military support on one side, against the loyalist forces, intensified the civil war and rendered even more complex the possibility to find a negotiated solution, as it was encouraged by the African Union, China and Russia, who opposed NATO's military intervention.

2.4 After Qaddafi, the beginning of the transition process

The fall of Qaddafi in the month of October 2011 created the bases for an endemic and protracted conflict in Libya. The military forces were fragmented and even within the “rebels” forces there was no heterogeneity as some waved the French, British, US and Qatari flags, while others have questioned the foreign intervention. There was no authority of command recognized unanimously, neither a regular army.

It is worth recalling that the international actors, after the military operation, did not deploy post-conflict peacekeeping forces. The reasons for this light footprint laid on the expressed request by the Libyan authorities of a minimal foreign involvement and on the fact that as the situation seemed calm, the deployment of peacekeeping was considered unnecessary.

Libyans were free from their dictator but had to face the enormous challenge of rebuilding the country, a situation rendered even more difficult by the presence of many conflicting political trends. The absence of a centralized military force able to restore the stability of the country threatened not only the unity and integrity of the country but also the political process.

The National Transitional Council (NTC) convened its initial meeting in Benghazi on February 27, 2011 and then it was officially established on March 5. It declared itself the legitimate representative of the Libyan people and of the Libyan State. Its main role focused on carrying out the political transition of the country towards

a constitutional democracy. It was mainly formed by the oppositions of the Qaddafi regime and was presided by Mustapha Abdul Jalil, Qaddafi's former Minister of Justice. The Head of the Executive Board (transitional government) was chaired until October 30 by Mahmoud Jibril, who secured the recognition of the NTC internationally. Initially, the NTC obtained legitimacy as it was recognized by various Libyan localities which were all fighting the Qaddafi regime and it was therefore able to impose a degree of authority in Cyrenaica. It defined its plan for a transition: creating an assembly which would both govern the country and draft a constitution to be approved by a popular referendum.

On October 23, 2011, the NTC affirmed the Declaration of Liberation signaling the end of armed hostilities in the country. The declaration has been considered a mark of a new beginning for the Libyan people. From that moment onward the main aim was to set the country on the path to national reconciliation and build a nation-state, based on the principles of democracy, human rights, rule of law, accountability, respect for minority rights, empowerment of women and promotion of civil society.

Despite the initial legitimacy, during its tenure, from March 2011 to August 2012, the NTC did not consolidate its authority. The main reasons were as follows: it lacked a Weberian monopoly of force and many of its actions were contested and thus difficult to be enforced. By not asserting a clear monopoly on sovereignty, the Islamists, militia leaders and ethnic and regional activists had the opportunity to push for their aims with violence. In this context, it was not clear who really possessed the sovereignty.

The core success of the NTC was the signature of the Transitional Constitutional Declaration (TCD) on the 3rd of August 2011. According to the Declaration, the Council would have been relocated to Tripoli; an interim Government should have been established; an electoral legislation should have been adopted and an electoral management body should have been created. Libya would have held

elections for a national congress, which would have given democratic legitimacy to a new government and to the drafting of a new constitution. The latter would have then put to a popular referendum by the national congress, and Libya would have been proceed to its first elections according to the constitution.

The TDC reflected only the ideals of the members of the NTC, thus it did not sufficiently address the destabilizing cleavages of the Libyan society. Disagreements on many issues and demands for amendments to the TDC arose by Islamists, regional separatists and Amazigh (Berber) activists.

One of the main opponents were the Islamists. It is worth noting that Libya's Islamists are not a monolithic entity: there are different currents ranging from moderate to various strands of Salafism to every variety of Jihadism. The Libyan Muslim Brotherhood, the National Front for the Salvation of Libya and the Libyan Islamic Fighting Group were the best organized groups against the opposition movement. Islamists were hostile towards the TDC and they were also dissatisfied with the NTC itself. They called for the imposition of Islamic governance and the primacy of the Shari'a law. The strongest expressions of reservation belong to the Group of "Ulama" of Libya who called the Shari'a to be not the "primary source of law" but the "only source of law and legislation".

The NTC appeased for some claims the Islamists for example upholding Islamic polygamy as the law of the land. This disappointed Libyan feminists who expressed their desire for gender equality and for securing representation for Libyan women in the new political institutions. The Islamists, having achieved these concessions, seem therefore able to dominate the Libyan politics. The framework of the elections held in July 2012 was indeed favorable to the Islamist parties.

The other main opponents to the TDC were the Cyrenaican federalists. They considered the TDC as unable to protect their interests and thus they did not

attribute it legitimacy. Tensions flared in March 2012 when the NTC announced its plan to allocate 100 seats in the national assembly to the west and just 60 to the east. The decision was rooted on the fact that the west was more populous than the east. This action irritated the easterners and the members of a group, known as Barqa, self-appointed themselves “leaders of Cyrenaica”. They announced their plan for a federal Libyan state. In April they set up a Council of Cyrenaica. To respond to this great challenge to the sovereignty of the NTC, the council emended article 30 in order to give more autonomy to Cyrenaica and Fezzan. This action weakened the central government. The Council of Cyrenaica attempted to change the political process using the force, through their militia: Army of Cyrenaica.

While in Eastern Libya the Cyrenaican federalists have demanded their local autonomy to be enshrined in the constitution, in western Libya, certain Amazigh (Berbers) asked for protection of their language and culture in the new constitution. These claims have their roots in the fact that Qaddafi denied the minority (Amazigh and Tubu) rights to exercise their identity. These minorities thus took part in the rebellion. The Amazigh in particular claimed that the new constitution should have granted to their language the status of national one. This claim was not accepted. Some Islamists considered the demands of the Amazigh as a potential danger for the national unity and as a threat for the divine status of Arabic as the language of the Qur’an. This demonstrated how the reversion to local identities risks to weaken the institutions. The Libyan Amazigh Congress has indeed suspended all relations with the NTC. The inability of the NTC to address the Amazigh demands not only created counterproductive Amazigh reaction but also further isolated them from the Libyan politics.

In conclusion it is possible to affirm that the NTC attempted to incorporate Islamists into its framework, it caved in to the demands of Cyrenaican federalists but it ignored the demands of Berber activists. For these reasons, its strategy was

highly unbalanced and this became one of the root cause of the Libya's present dilemma: inability to exercise sovereign authority and thus governing the territory.

These developments reveal the key role played by religion, ethnicity and regional identity in the Libyan politics. The NTC's inability to address the different claims and thus integrating all the Libyan groups in the nation, has impaired the future General National Congress (GNC) a weak central authority.

Libya remained in charge of its own post conflict path but as the challenges facing the Libyan people and the new incoming Government were great, the United Nations decided to established UNSMIL: United Nations Support Mission in Libya. The Libyan officials approved the UN as a key partner for the Libya's post conflict transition but in the meantime, they stressed the importance of full Libyan ownership of the planning process.

3. UNSMIL-United Nations Support Mission in Libya

3.1 About the mission

The United Nations has been present in Libya since the 1950s through several specialized agencies, funds and programs, collectively called the United Nations Country Team (UNCT). The latter is headed by the UN Resident Coordinator for Libya that is also the Special Representative of the Secretary General (SRSG) of the United Nations Support Mission for Libya (UNSMIL).

UNSMIL is an integrated special political mission established on 16 September 2011 by the UN Security Council Resolution 2009 (2011). It has been requested by the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts. UNSMIL's mandate was modified and extended by the SC in resolution 2022 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2238 (2015), 2273 (2016), 2291 (2016), 2323 (2016) and 2376 (2017). Its current mandate is provided by the latest UN SC res 2234 (2018), which extended UNSMIL's mission until 15 September 2019.

The mission's leadership of the SRSG supported by a Deputy SRSG, is overseen by the United Nations' Department of Political Affairs which offers guidance and operational assistance. The DSR has the aim to ensure interagency planning, decision-making, implementation and coordination among agencies, funds and programs. Synergy is fundamental in order for political, humanitarian and development streams to be complementary.

UNSMIL has indeed a substantive staff working in different fields such as political affairs, human rights, transitional justice, mine action, demobilization, development, women's empowerment who belong from different agencies: FAO (Food and Agriculture Organization), IAEA (International Atomic Energy Agency), IOM (International Organization for Migration), OCHA (United Nations Office for the Coordination of Humanitarian Affairs), UNDP (United Nations

Development Programme), UNFPA (United Nations Populations Fund), UN HABITAT (United Nations Human Settlements Programme) UNHCR (United Nations High Commissioner for Refugees), UNIDO (United Nations Industrial Development Organization), UNICEF (United Nations Children fund), UNMAS (United Nations Mine Action Service), UNODC (United Nations Office on Drugs and Crime), UNOPS (United Nations Office for project Services), UN WOMEN, WFP (World Food Programme) and WHO (World Health Organization).

3.2 UNSMIL activities

The major UNSMIL activities are: Political Affairs Division; Electoral Assistance; Human Rights/ Transitional Justice/ Rule of Law Division; Security Institutions Division; Women's Empowerment Section, and Public Information Division.

The **Political Affair Division (PAD)** is at the forefront of UNSMIL. It prioritized Libya's political transition to democracy convening and supporting an inclusive and transparent multi-track national political dialogue. Its efforts culminated in the signature of the Libyan Political Agreement (LPA) in December 2015. Nowadays PAD keeps contact with all the relevant stakeholders in order to ensure engagement and a continued dialogue among them. PAD has also the important task of supporting the mediation and good offices functions of the SRSG and advises him and the rest of UNSMIL on all the issues related to LPA's implementation. Moreover PAD has a key role in supporting the preparation, drafting and adoption of a new Libyan constitution; defining a national reconciliation process and providing technical advice and support to the Libyan institutions. At this proposal, PAD has the function to monitor, report and analyze political, economic and security developments that impact the Libyan political process.

UNSMIL provides **electoral assistance**, meaning that it provides support to the Libyan authorities to organize elections, a cornerstone for the democratic transition. It has given technical and operational advice to key interlocutors such

as the High National Elections Commission (HNEC) during the General National Congress elections of 7 July 2012, the Constitution Drafting Assembly on 20 February 2014 and during the elections for the House of Representatives (HoR) on 25 June 2014. UNSMIL aims at raise awareness of the electoral stakeholders on electoral matters, it also focuses its efforts on women's participation and on the improvement of voter registration systems.

The work of the **Human Rights/Transitional Justice/Rule of Law Division** consists in providing support to justice, promoting human rights standards and supporting the transitional justice process. It holds seminars and workshops to provide technical assistance and capacity building. It furthermore monitors and reports on the human rights situation.

The **Security Institutions Divisions**, prior to July 2014, worked with many Libyan security actors so as to promote the development of national security architectures and capacity building. Following The Libyan Political Agreement, SID now supports the Government of National Accord (GNA) in implementing the agreement. It mediates between both state and non-state actors (it for example mediated ceasefires and humanitarian safe corridors), secures uncontrolled arms and related materiel especially with the direct support of UNMAS and engages in counter-proliferation.

The Women's empowerment section promotes the political participation of women according to the UN Security Council Resolution 1325 on women, peace and security. Through the Mission's good offices and mediation efforts, it improves women's participation in the peace dialogue mainly ensuring the involvement of the Libyan Civil Society Organizations and activists in order to make women voices heard .

Finally, the **Public Information Division (PID)**, headed by the Spokesperson to the SRSG, has the role to communicate to the public the UN's positions and

actions related to the mission. PID at this aim, organizes media encounters with top mission officials, makes interviews and hosts press conferences in order to provide up to date information. In addition, PID tries to obtain information concerning the opinions and need of the Libyans.

3.3 UNSMIL during the first year of transition

On March 10, 2011, ABD al-Ilah al.Khatib was appointed as Special Envoy for mediating a peaceful transition. In April, Ian Martin became the Special Adviser (SA) to coordinate the UN activities. The Special Adviser started an integrated pre-assessment process for Libya post-conflict planning, involving the departments and offices of the Secretariat, the UN agencies, funds and programs and with the collaboration of the World Bank and the International Organization for Migration.

Planning UNSMIL required the understanding the views of Libyans themselves. This has been a complex issue due to the presence of a plurality of views. Initially, the SC's position, and the efforts of the African Union, were to seek a ceasefire and a political solution able to meet "the legitimate aspiration of the Libyan people". It was clear that the Libyans were determined to control the transition process and were also suspicious of post-conflict situations dominated by external actors.

The SA **Ian Martin** set out five principles for international engagement in line with the ones proposed by the SG: national ownership - the Libyan people must determine their future, with the help of the UN; speed respond as the UN had to engage in the process early; effective coordination of the international assistance; understanding the unique nature of Qaddafi's rule and Libya's combination of national wealth and institutional poverty and, finally, humility.

The NTC interlocutors suggested three areas where they expected to be supported by the UN: the election process (the last elections were held in 1965), drafting a

new constitution, the constitutional referendum and then the elections under new constitutional provisions. Moreover they asked for: advice in improving public security through a reform of the police and security forces and a control over the vast array of weapons; assistance in transitional justice, human rights protection and building rule of law. The latter regards not only addressing legacies of the past and thus bringing to justice the worst violators of human rights but also establishing the fate of thousands of missing persons, compensating victims and promoting reconciliation.

On September 7, 2011, UN Secretary General Ban Ki Moon wrote to the Security Council proposing the establishment of UNSMIL as requested by the chairman of the Executive Office of the National Transitional Council (TNC), Mahmud Jibril. On September 16, the SC, which was divided over the implementation of the NATO military operation, voted unanimously to establish the mission.

To combine the above mentioned needs of speed of respond and national ownership, the Secretary General proposed to deploy a team, initially for three months, for immediate support and in the meantime it was possible to explore the UN's role with the new Libyan authorities in order to carry out a gradual UN deployment.

3.3.1 Political transition

After the Declaration of Liberation, the Constitutional declaration required the NTC to adopt an electoral legislation and to establish an election commission. The UN Electoral Assistance Division has been engaged in the process. Electoral experts have been deployed and they supported the NTC lawyers in beginning to draft the electoral legislation. In November 2011 the NTC created an Electoral Committee (EC) that became the body with whom UNSMIL worked.

The EC drafted two laws: the first one established the election commission, the second defined the electoral process. The UN played a key role in giving technical

advice. One of the most difficult issue was balancing a politically acceptable representations of the Libyan regions with the population distribution. The Eastern region demanded a parity among the regions regardless Tripolitania's greater population. The second major difficulty concerned the role of the political parties as they were outlawed from the Libyan political life since 1952. The result was the creation of an electoral system with 80 members to be elected from proportional representation lists of political "entities" and 120 individual on a majoritarian basis. The EC had also to negotiate the constituencies with the different cities and communities: it created 13 electoral districts divided into 73 constituencies.

The UN was particularly interested in promoting representation of women in the GNC: Ban Ki-moon wrote to the NTC advocating special measures and UNSMIL has been highly engaged for this aim. The NTC proposed that women candidates should alternate with men on the list of the political entities for the proportional race.

On January 2012 the NTC established the High National Election Commission (HNEC). The Commission faced several challenges as its members were people coming from different regions and thus they had difficulties in working together, there was no electoral experience or useful precedents and there were no offices and internal regulations. Difficulties arise also because the new civil society and parties were unfamiliar with electoral issues.

The HNEC started to register all the electors. The UN helped the Commission in this task offering expertise in operational and security planning, procuring electoral materials, managing data, registering votes, training of registration and polling staff. The UN team contributed also in giving technical advice on issues such as enhancing access and participation in the electoral process: 2.87 million of an estimated 3.2 million eligible voters registered, 45% of whom were women.

In Eastern Libya a political movement threatened the election as it advanced demands for federalism outside the framework of the NTC constitution-making set. The NTC made some concessions to them in order to dissuade them in threatening violence. Nevertheless, attacks on polling stations during the election day have been attempted.

Despite some episodes of violence, the elections took place on July 7, 2012. Over 1.7 million Libyans cast their votes, 62% of the registered voters. “All observers were impressed by the spirit of the elections as men and women, young and old, amassed in queues at polling stations with the pride and emotion of people long denied democratic freedom, many of them from families which had suffered or lost family for the right they were exercising”⁸. The assessments of these observers were indeed very positive.

The National Forces Alliance headed by Mahmud Jibril took 48% of the vote (39 seats) while the Justice and Construction Party, established by the Muslim Brotherhood, only just over 10% of the vote (17 seats). 33 women were elected among the 200 members making clear that the special measures adopted have been essential to achieve representation for women. The NTC was dissolved on August 8, 2012, the interim government remained as caretaker until the General National Congress elected a new prime minister.

3.3.2 Security sector

After the fall of the Qaddafi regime, there were numerous challenges in the security sector. At the end of the rebellion, in Libya there were hundreds of armed groups, some of them giving allegiance to the NTC but without a single command. Some armed groups fought government forces and then became the local protectors of their communities. Others did not fight but emerged for filling the security vacuum in their localities. Moreover there were armed gangs formed

⁸ Martin, I. (2015). The United Nations’ role in the first year of the transition. In Cole, P., McQuinn, B. (Eds), *The Libyan revolution and its aftermath* (pp. 127–152). London: Hurst Publishers.

just for taking advantage of rewards to “revolutionaries” or for engaging in personal kidnapping.

In January 2012, the NTC appointed Yusuf al-Manqush, an officer who fought with the revolutionaries, as chief of staff of the Libyan Armed Forces. He had the task to build an effective army. As the army and the police were not able alone to establish some state authority over the battalions, the Supreme Security Committee (SSC) and the Libya Shield Forces (LSF) have been created. Since the beginning, relations between the SSC and the Libyan Police were tense.

The security sector’s problems were cause of concern also for the neighboring countries and the wider international community. The latter were alarmed by the presence of unsecured arms and ammunition, and thus by their actual and potential travel across porous borders.

At this proposal, the Organization for the Prohibition of Chemical Weapons (OPCW) supervised the destruction of Qaddafi’s declared chemical weapons. The interim government fully cooperated with the OPCW in making further declarations, ensuring the security of stocks, and resuming inspections and destruction. The International Atomic Energy Agency/Authority (IAEA) ensured, as well, the security of nuclear material. UNSMIL, at this aim, facilitated information exchange and coordination among Libyan actors, bilateral partners, OPCW and IAEA.

Heavy and light weapons, munitions and mines in unknown hands, could have been a risk for regional proliferation and therefore the SC adopted two resolutions which mandated UNSMIL’s support for addressing all proliferation threats. Mines and unexploded ordnance posed a great hazards to the local population, for this reason, the UN has been highly involved for solving the issue especially through the UN Mine Action Service.

The NTC requested the UN support in order to develop the police and programs for revolutionary fighters. The UN therefore deployed police advisers. The priority became ensuring security for the elections. At this proposal, the role of the UN police advisers was appreciated, but, in reality, the greater role was not played by the Libyan police but by the SSC.

UNSMIL tried to promote the coordination amongst Libyan security sector actors but it was challenging as the relations among the key Libyan actors were poor. As there was no comprehensive government strategy for reconstituting the armed forces, the Chief of the armed forces, Manqush, in accordance with the minister of defense, asked the UN support in develop a strategy which then became known as the “Defence White Paper”.

3.3.3 Human rights, transitional justice and rule of law

Libya faced a heavy legacy of human rights violations such as arbitrary detention, torture, summary and extrajudicial executions. As previously explained, Libya’s uprising started with the demonstration of the relatives of the victims of a massacre, carried out by the Qaddafi’s government. At that time, more than 1200 prisoners were killed in the Abu Slim prison in June 1996, and later their lawyers were arrested in Benghazi. The Libyan revolution can therefore be considered as carried out in the name of human rights and justice. The 2011 conflict even exasperated the human rights violations.

The UN Human Rights Council mandated an International Commission of Inquiry in Libya and its work was facilitated by UNSMIL. Terrible evidence emerged concerning Qaddafi’s government’s crimes and the ones committed during the rebellion, by both the Qaddafi’s loyalist and the revolutionaries.

One of the most urgent demand regarded the missing people. The NTC therefore established a National Commission for the Identification of Missing Persons and

later the interim government created the Ministry of the Affairs of Families of Martyrs and Missing Persons. UNSMIL has been engaged in this issue as well.

In order to develop a “transitional justice” system, the NTC required the UN advice on international best practice on the matter, but in the end the given suggestions were not really reflected in the February 2012 law. This law established a Fact-Finding and Reconciliation Commission to investigate human rights violations since Qaddafi’s 1969 *coup* for recompensing the victims.

UNSMIL’s reports confirmed that tortures and ill-treatments against detainees were continuing even after Qaddafi’s death. The interim government tried to face this issue and it transferred the detainees out of the hands of revolutionary battalions into state custody. At this aim, the UN trained additional justice police and offered international expertise for developing state prosecutor’s capacity to screen detainees. It moreover made inspections and investigations in order to avoid custodial deaths and torture.

A functioning judicial system was needed in order to oppose new human rights violations but the judicial system was politicized, corrupt and inefficient. Despite the NTC’s attempts to judicial reforms, prosecutors and judges faced threats and intimidation from revolutionaries. Although UNSMIL played a central role in advising on judicial reform and on formulating a strategy for investigating and prosecuting past crimes, the current human rights violations perpetuated by revolutionaries were not brought to justice.

Some little progress on this issue can be detected as the UN made significant training in human rights monitoring and the NTC established a National Council for Civil Liberties and Human Rights.

3.3.4 Considerations

In the first year of transition, the UN gave a great contribution to the overall post conflict transition. The major achievement can be considered the credibility of the election thanks to the UN electoral support and to UNSMIL's constant interaction with key Libyan political actors and civil society. "Libyans often referred to the UN involvement in the election as a guarantee of its integrity"⁹. The UN also urged eastern federalists not to pursue plan for parallel governance and military forces but instead to make their case within the constitutional and political process avoiding violence to obstruct the elections.

Concerning the local conflicts, UNSMIL tried to discourage further violence but formal third party mediation was never invited by the relevant authorities. The UN emphasized that public discussion, inclusive policies and action on transitional justice were needed but as noted above, the authorities made little progress. UNSMIL, in its work, promoted UN norms and values. It was committed in the respect of human rights standards with a special focus on promoting the political participation of women and on the protection of minorities (Amazigh, Tebu and Tuareg).

As an overall outcome of the first year of transition, it is possible to consider the GNC election as a success, and, on the contrary, the lack of progress in the security sector as the greatest failure. The UN has offered advice and assistance but it did not play a direct mediation role for assuaging local conflicts and promoting reconciliation. Moreover it is important to stress that the UN's role has been positively perceived by the Libyan people. UNSMIL has indeed respected national ownership as it has made a light footprint and has assumed a low profile compared to post-conflict missions elsewhere.

⁹Martin, I. (2015). The United Nations' role in the first year of the transition. In Cole, P., McQuinn, B. (Eds), *The Libyan revolution and its aftermath* (pp. 127–152). London: Hurst Publishers.

4. The mediators

4.1 Tarek Mitri

Tarek Mitri was the Special Representative of the Secretary General from September 12, 2012 to August 31, 2014. During his mandate, the situation in Libya has been reported in the following SG reports: S/2013/104, S/2013/516, S/2014/131 and S/2014/653. The SRSG went to brief the Security Council ten times: 8 November 2012, 29 January 2013, 14 March 2013, 18 June 2013, 16 September 2013, 9 December 2013, 10 March 2014, 9 June 2014, 17 July 2014 and 27 Aug 2014.

4.1.1 Political transition

The creation of the new government was completed on the 31st October 2012. On November 14, 2012 Mr. Ali Zeidan was elected as Prime minister. His Cabinet had a broad political base reflecting his will of forming a government of national unity, politically inclusive and regionally balanced. In his inaugural speech, he affirmed his commitment to build a democratic civil state guided by the Constitutional Declaration.

The SRSG Tarek Mitri met with the Prime Minister to convey the UN commitment to work with the new government. As the new government had the primarily task to intensify consultations for reaching a decision regarding the constitutional process, UNSMIL continued to train the civil society representatives on civic education and in constitution making.

One of the most debated issues in this field, concerned whether the members of the Constitution Drafting Assembly were to be elected or appointed; the GNC formed a committee to organize public consultations on this matter. UNSMIL supported this committee and it also encouraged the participation of the Libyan civil society on the discussion on the constitution-making procedures concerning the electoral system, the voter registration and the participation of women. At this

aim, the SRSB met with representatives of the Amazigh, Tabu and Tuareg communities, to discuss their demands on issues affecting their communities, including questions of Libyan identity, citizenship, political participation and language rights. In the end, the GNC adopted a law for the election of the Constitution Drafting Assembly (election of a 60-member body with equal representation from the three regions). The UN Electoral Team then supported the Commission in planning and preparing the elections.

The elections for the Constitution Drafting Assembly was held on 20 February 2014: 509,043 voters cast their ballots, representing 46% of the 1,101,541 registered voters. The Amazigh, the Tabu and the Tuareg boycotted the polls as their demand, for a consensual decision-making mechanism in the CDA regarding their rights and their claim, was not met. Despite the deep disagreements, on April 21st 2014, the GNC convened the first session of the CDA in Al-Baida and UNSMIL provided technical assistance.

During Tarek Mitri's mandate, another controversial issues concerned the management of the transitional period after 7 February 2014, date of expire of the GNC provided by an interpretation of the Constitutional Declaration. Tarek Mitri, at this proposal, convened a series of high-level consultative meetings with leaders from across the political spectrum for agreeing on the transition process.

In august 2013, the Prime Minister set up a commission for an inclusive national dialogue between major political parties, civil society organizations, regions and ethnic groups. UNSMIL worked closely with it providing support and technical advice. On 3 February 2014 the GNA voted to adopt a "road map" providing that the tenure of the GNA would continue until a new legislative body would have been constitutionally elected. After months of discussions, it was decided to hold elections on 25 June.

The process was characterized by political division. Discontent among the population in the South increased and for this reason the Deputy tried to meet local authorities and representatives of civil society in order to understand the humanitarian and development needs. The SRSG made some meetings also in the East (Benghazi) with the local council, NGOs, political parties and independent personalities. They all stressed the need of improving security in the east. On 17 February 2014 the people took the streets across the country, in Benghazi's Freedom Square, people called for ending the political, socio-economic marginalization of the east. The situation reached its worst climax on 1st June when the leaders of the Transitional Council of Barqa emanated an unilateral Declaration affirming their willingness of a federal region in eastern Libya. They took this decision as they considered the central government unable to address security and governance issues in the eastern region. Opponents contested the decisions of the GNC: pressure led to violence and on March 2, 2014 protesters called for the dissolution of the GNC. From that moment onward, a deep polarization among political forces characterized a prolonged government crisis.

In May 2014, Khalifa Haftar, the self appointed military in eastern Libya, launched Operation Dignity. Loyalists to Haftar, stormed the parliament building, took hostages and suspended the GNC. Concurrently, Haftar launched also a military campaign on Salafi jihadist militias in Benghazi.

The elections for electing the 200 member council of Representatives, despite the military confrontations, were held on 25 June 2014. In some centers such as Derna, west of Tripoli, Kufra there was no polling because of boycotting while polling in other centers have been impacted by acts of violence. Despite the violence, the House of Representatives, the new legislature of Libya, was formed.

In July 2014, Misratan militias and their Islamist allies launched Operation Libya Dawn in Tripoli for defending the GNC. There have been strong confrontations in the Libyan capital. Armed groups attempted to assert control over Tripoli's

international airport. The deteriorating situation posed gave risks also to UNSMIL. The SRSG decided to withdraw his international staff from the country and thus moved the mission to Tunisia. From that moment onward, UNSMIL was not more able to operate from the ground.

The Misratan militias have been able to prevent the newly elected HoR to take power in Benghazi. The new parliament therefore convened for the first time on August in the eastern city of Tobruk. Meanwhile, the GNC remains in power in Tripoli. The group Fajr Libya asked the former General National Congress to convene. The latter designated Omar al Hasi as Prime Minister and asked him to form a “National Salvation Government”. From that moment, two rival governments were present.

The SRSG offered good offices in an effort to avoid escalation of tensions and spread of violence. On 7 August 2014, a small team, led by the SRSG, travelled to Tripoli in order to explore options for a ceasefire. The visit to Libya was facilitated by the Italian Ambassador in Libya. The delegation met with several political and military actors. The meeting was characterized by a strong mistrust between the parties and thus the UN presence for a facilitating the political dialogue was needed.

Throughout the political crisis, the SRSG increased his engagement with all parties stressing the need for an inclusive national dialogue as a mean of defusing tensions and promoting a democratic process. UNSMIL facilitated direct talks and provided good offices. The SRSG during the 06.18.2013 briefing to the SC affirmed: “the political and security challenges that now face the country may well be the legacy of decades of authoritarian rule, dysfunctional state institutions and confusion around political norms. This reality invites a national political dialogue that seeks consensus on the priorities for the transitional period. This is a message that I have repeatedly conveyed to Libyan authorities at the highest levels, political leaders and revolutionary figures. UNSMIL has already provided the

Government and the leadership of the General National Congress with advice on issues and modalities of a national dialogue. We stand ready to facilitate this process, if so requested by the Libyan authorities”.

The Libyan authorities then agreed on convening this dialogue. The latter has been thought as a platform for engaging political, revolutionary, traditional and other actors in discussing national issues on how to govern political life during the transition period, until the adoption of a new constitution and the holding of new elections. The SRSG had different meetings with the leaderships of the GNC and the Government and he noted that “a shared belief that a national dialogue process would for the Libyan national interest to prevail over factional, regional and short-term interests” ¹⁰.

There have been several calls for UNSMIL to play an active role in facilitating this national dialogue. In November 2013, the SRSG convened a consultative meeting of 40 leaders of major political forces for speaking about the management of the democratic transition. There was a shared desire among all participants to reach an agreement on the way forward in order to prevent a political vacuum. UNSMIL activities were appreciated for having facilitated the meeting. People called also for the Mission to remain closely engaged in the process.

Following consultations with all concerned parties, the SR affirmed, during the 9 June 2014 SC briefing, the intention to convene another meeting with the representatives of the major actors (political leaders, personalities, women, tribal leaders...) with the aim of “forging an agreement on principles of political interactions, national priorities during the remainder of the transition, and on ways of addressing immediate security, and otherwise divisive issues”.

This enthusiasm for the national dialogue, then vanished. Some major participants, who had initially given a positive response, later expressed

¹⁰SC briefing 16 September 2013

reluctance to engage in this dialogue. Some of the media have defamed the SRSG. These issues reduced the possibility of convening a dialogue before the parliamentary elections. The opportunity was therefore missed and the persistence of the armed confrontation rendered difficult to convene conflicting forces to the dialogue table. Nevertheless, The SRSG continued to reiterate that “dialogue remains the only alternative to a protracted armed confrontation. No military solution is possible and the present impasse will be deepened further by the use of force”.

4.1.2 Security sector

The security situation was increasingly difficult and unpredictable; rapid and effective policy decisions and practical measures in the area of security sector reform were needed. Such initiatives should have included the implementation of a national security coordination mechanism, disarmament, demobilization and reintegration of former revolutionaries, and a weapons and ammunition control program. The responsibility and capability of maintaining security and the monopoly on the use of legitimate force should have been provided solely by the state.

UNSMIL advised and assisted the Libyan authorities on these initiatives. There have been several UNSMIL consultations with the Army Chief of Staff for drafting a document, called “Towards a defense white paper”, concerning “the formation of a vision, roles and responsibilities for a new Libyan defense policy”. UNSMIL focused its efforts, in particular, in the defense reform, control of arms and ammunition, development of military education and training, personnel and pension reform and defense legislation and regulations.

4.1.3 Human Rights, Transitional Justice and Rule of law

The judiciary was another priority for UNSMIL. UNSMIL continued to work on the issue of conflict-related detentions. It trained the Judicial Police and it advised the General Prosecutor on how to prosecute former regime figures and whom

have committed human rights violations. It is worth noting that the Government took measures to accelerate the screening of detainees and their transfer to state-controlled detention facilities. UNSMIL therefore observed an improvement in conditions and treatments of detainees in the centers under the authority of the Ministry of Justice.

In December, the UN, in collaboration with the Ministry of Justice, held two conferences on reconciliation and transitional justice; the outcome was a draft law on transitional justice. The law was promulgated in December 2013 by the GNC. The GNC adopted, on 5th May 2013, also a law on “political isolation” which demanded the exclusion of figures associated with the former regime and others who are responsible for human rights violations. Before the adoption, UNSMIL encouraged consultations on this proposal in order to avoid unintended consequences on reconciliation and political pluralism. Despite the mission’s efforts, deep divisions emerged among members of the GNC and political forces. Fears regarded the possibility that such a law could have alter the political balance of power emerged by the elections. This discontent lead the Prime Minister Zeidan to reshuffle his cabinet. The President of the GNC, Mohammad El-Magariaf, decided to resign.

4.1.4 Considerations

During the years of Tarek Mitri, some progresses have been achieved in the Libyan constitutional process and the elections have been a positive step for the democratic process but they raised expectations that the political institutions were not able to meet. The Libyan people were therefore very skeptical about the political process. Low participation in the elections was a symptom of the leaders credibility’s erosion. The disappointment was further aggravated by suffering and fears caused by the armed confrontations. Nevertheless there was still room for faith in national unity, democracy and rule of law.

There was an urgency of an inclusive dialogue and consensus-building on national political issues so as to give shape to future political actions. UNSMIL, as described above, played a crucial role in facilitating this dialogue. The mission shown readiness and commitment to give advice and technical support to dialogue endeavors.

The SRSG was willing to play a greater role in institution building but without defined national priorities, it was difficult for the mission to play its role. National ownership, was not only about ensuring that the UN actions were in accordance with national strategies but a durable Libyan receptivity of UNSMIL assistance was required. The lack of the latter, rendered UNSMIL success limited. As explained above, the reluctance of some parties to engaged in the national dialogue, prevented the mission to hold it. Pronounced political disagreements over management of the transition period, reflecting deeper political and ideological division therefore continued to exist.

The UNSMIL role was further challenged by the unprecedented level of insecurity that imposed the mission to work from Tunisia. Events highlighted the need for dialogue with the main armed groups. The SRSG believed that was essential for all parties to engage in dialogue for stimulating a process of reintegration and disarmament in order to move towards the establishment of a state monopoly on the use of armed force. Even if the SRSG in his contacts with political and brigade leaders urged for restrain warning against resorting to violence, asking them “to resolve political problems by political means”¹¹, this was not always possible.

¹¹ SC briefing 10 March 2014

Tarek Mitri

(September 2012 - August 2014)

Mediation strategy: facilitative

Mediation plan:

- Supporting the constitution making process
- Assisting the preparation of the elections
- Encouraging an inclusive national dialogue
- Improving institutional capacity in the defense sector reforms, transitional justice/rule of law.
- Offering good offices in an effort to avoid escalation of tensions between regions and the spread of violence

Mediation actions and outcomes:

- High-level consultative meetings with leaders of different political parties for adopting a “road map” on the transition process —>Road map adopted on 3 Feb. by the GNA
- Series of consultations with leaders from across the political spectrum to improve interest the political dialogue conference (the dialogue was scheduled to be held on 18-19 June 2014 but then the opportunity was missed)
- for meeting with local council, civil society representatives and political parties for addressing security issues (ex: Visit in Benghazi on 29 Nov. 2013)
- Engagement with representatives of the Tabu and Tuareg communities on issues concerning the South

Obstacles faced:

- Precarious security situation. The mission, in July 2014, had to withdraw from the country.
- Strong political disagreements and mutual distrust among the main political actors.
- Skepticism of Libyans about the credibility of the political process and disappointment for its slow progress.

4.2 Bernardino Leon

Bernardino Leon was the SRSG from September 1 2014 to 5 November 2015. During his mandate, the situation in Libya has been reported in the following reports: S/2014/653, S/2015/144 and S/2015/624. The SRSG went to brief the SC five times: 15 September 2014, 18 February 2015, 15 July 2015, 26 August 2015 and 5 November 2015.

4.2.1 Political transition

Since the beginning of his mandate, Bernardino Leon has been in contact with the Libyan people. On 8 September 2014, he made his official visit to Libya and he went to Tobruk, Al-Baida, Tripoli, Misrata and Zintan. The SRSG found the parties willing to engage constructively with UNSMIL to explore options for a solution of the crisis. The different political divisions and the sense of mistrust among them were still present. Overcoming these differences, ending the armed hostilities and resuming the political process were the priorities of the new SRSG.

The SRSG, after extensive consultations with all different stakeholders, made significant progress in bringing the main parties to the negotiating table. He structured a political dialogue bringing together representatives from a broad spectrum of the Libyan political, military and social fields. The SRSG stressed the need for the crisis to be negotiated within the framework of the political legitimacy emanating from the elections. He wanted to prevent any kind of attempts to create parallel political institutions and processes.

On 29 September 2014, parliamentarians from both sides of the divided HoR , including members who had boycotted parliamentary sessions in Tobruk, attended face to face talks in Ghadames. The meeting was presided over by the SRSG. Both sides committed themselves to seek a solution within the framework of a political process.

The SRSG welcomed the willingness of the parties to engage in this process but it moreover stressed the urgency of translating their commitment into actions. In January 2015, the UN hosted two rounds of political talks in Geneva in which discussions were focused on reaching agreement on the formation of a National Unity Government for 2 years transitional period to end with parliamentary elections.

The Libyan people reacted positively to the talks. At the beginning of February 2015, for the first time, all the parties joined the UN facilitated political dialogue and this can be considered an important breakthrough towards an inclusive political agreement. The broad participation seemed reflected the recognition by the major stakeholders of the gravity of the situation and thus the urgent need of a political solution. The dialogue generated a new hope regarding the possibility of a peaceful resolution of the crisis.

After several rounds of talks in Skhirat, Morocco and after three rounds of talks between March and June 2015 held in parallel with Libyan political party representatives and political activists in Algeria, on 11 July 2015, the Libyan leaders, in Skhirat, Morocco, initialed the Libyan Political Agreement. It was the first draft Leon had proposed. It consisted in 6 points aimed at “laying the foundation for a modern, democratic state based on the principle of inclusion, the rule of law, separation of powers and respect for human rights”, Leon said. This act is very important as signaled the creation of a framework for further talks. The text put in place institutions and decision-making mechanisms to guide the transition until the adoption of a permanent constitution.

Finding a consensus and arriving at the political agreement was a protracted and difficult process: a yearlong complex process of negotiations for finding a middle ground where all Libyans can meet. As a successful agreement depends on the parties’ collective endorsement, the United Nations has put at the heart of its

mediation efforts the Libyan ownership of the dialogue process and of its outcome.

The SRSG noted indeed that this is a Libyan agreement as it was developed by Libyan representatives through their efforts and political determination. It is the outcome of a process that involved all segment of the Libyan society: municipal representatives, political parties, women and activists. Nevertheless, it is to be highlighted that some important stakeholders were not present: the dialogue committee of the GNC decided not to initial this agreement. They rejected the UN proposal but they seemed remaining committed to the dialogue process. Leon said that the door remained open to groups that did not attend.

The main dialogue track was reconvened for a new round of talks in Geneva on 11 and 12 of August. Later on, UNSMIL convened what should have considered to be the final round of talks in Skhirat, Morocco to facilitate the decisions on the composition of the Presidency Council of the GNA. The consultations lasted 4 days, at the end of which a consensus was found on a list of six nominees, including a Prime Minister designate, 3 deputy Prime Ministers and 2 Senior Ministers. This consensus was of fundamental importance for the creation of a Government supported and backed by all relevant political and security stakeholders.

For funding the consensus also of the GNC, the SRSG made some amendments to the draft. At this point, strong objections raised from within the House of Representatives as they considered the East underrepresented. In the three weeks following the announcement of the proposed composition of the Presidency Council, the UN organized some consultations in order to resolve the concerns regarding the representation.

In September, both the HoR rejected the draft proposed by the SRSG and the GNC condemned the talks and called for a freeze in the negotiations. The Prime

Minister of the GNC called for “an inter Libyan dialogue on Libyan soil to resolve the Libyan crisis”. At this point, Leon told the opposing parties that there would be no more negotiations and that he expected to receive from the warring parties a straight yes or no.

4.2.2 Security sector

The SRSR had to deal with a situation in Libya deeply challenged by the presence of terrorists and extremist groups, including the Islamic State and Ansar al-Sharia. The Islamic State found a fertile ground, in the post revolution political crisis and in the security vacuum, for consolidating its presence across Libya. Extremist groups with radical ideologies belonging to Al-Qaida have been on the rise since the end of the 2011 rebellion, with Ansar al-Sharia and its strong presence in Benghazi and Derna.

The terrorists acts became a threat for Libya, its people and the wider region. The SRSR urged all parties to firmly oppose the terrorists’ ideology and practices: “No strategy aimed at containing, if not eliminating, the Daesh threat, will be viable unless it is part of a concerted, unified and coordinated effort that brings all Libyans together under a single banner whose allegiances is to the Libyan State, and to a Government that is inclusive and representative of all Libyans.”¹²

In Western Libya, the security and humanitarian situation has been improved thanks to local ceasefire and reconciliation agreements. Local communities took the lead and significantly contributed to reduce military tensions across that part of the country and the wider Tripoli area. This is in contrast to security dynamics in the other parts of the country: in central Libya, the city of Sirte and the surrounding coastal area were fully controlled by Daesh-affiliated militants. In Benghazi clashes between the Benghazi Revolutionary shura Council and

¹² SC briefing 08.26.15

Operation Dignity¹³ continued. In the South, absence of the state and the lack of a security apparatus exacerbated local competition by tribal groups for power and resources.

UNSMIL continued its efforts in organizing meeting with armed groups and it intensified its regular bilateral contacts with leaders of armed formations from all sides.

4.2.3 Human rights, transitional justice and rule of law

The humanitarian situation across Libya required the UN humanitarian country team to take steps to mobilize resources to provide relief support. 1.9 million people needed urgent humanitarian assistance, 1.2 million people did not have an adequate access to food. There were more than 435,000 Internally Displaced Persons (IDPs)¹⁴ and the healthcare system was on the verge of collapse. UNHCR and WFP have been dispatched their aid.

The vacuum of authority has also been exploited by human smugglers as Libya became a transit point for many refugees, asylum seekers and migrants. Migrants were exposed to arbitrary arrest and detention in abusive conditions, sexual abuse, forced labour, exploitation and extortion.

For what concerns the situation of the detainees, the SRSG urged all armed groups to release them and hand them over to the justice system. Armed groups should have also responded for the missing people.

¹³ Military Operation launched by Khalifa Haftar, in the city of Benghazi, designed to eliminate Islamist factions from eastern Libya.

¹⁴ data of 15 July 2015 SC briefing

4.2.4 Considerations

The strategy of the SRSG Bernardino Leon was aimed at finding a solution to the Libyan crisis through political consensus aimed at fostering the democratic process, ending the armed conflicts and rejecting terrorism.

The SRSG acknowledged the urgency to speed up the political process in order to create a Government of National Unity and security arrangements. Finding a political agreement was necessary not only for enhancing the democratic transition but also for facing serious armed threats. According to Leon, the terrorism defeat could have been achieved only through the political and institutional determination of a united Libyan government.

The attempt of Bernardino Leon of mediating between Libya's warring factions has been successful for some aspects while it has been criticized for others. When he became SRSG in September 2014, the country was split between the Tripoli-based partisans of the GNC and the supporters of the HoR in Tobruk. Bernardino Leon was able, in a year, to mediate the political process achieving the draft of a political agreement.

Through inclusive dialogues, the UN mediation actions narrowed the trust deficit among the Libyan stakeholders. The process has gradually acquired strong support from different segments of the Libyan population.

But, at the end of his mandate, this initial trust has been lost and therefore the signature of the agreement did not happen. The increase of mistrust was due also to events related to the person of Bernardino Leon himself. According to leaked emails¹⁵, the United Arab Emirates offered to Bernardino Leon, a highly paid job as a month-director general of the Emirates Diplomatic Academy. This correspondence has threatened to undermine the Libyan political process as the SRSG was considered involved in a conflict of interest. Some accused Mr. Leon

¹⁵ emails first reported in The Guardian newspaper

of favoritism for the HoR, backed by the UAE and this cast doubts on his proposals.¹⁶

The paralysis of the peace process was not only due to the lack of trust towards the SRSG but to the political fragmentation and the divisions plaguing each faction. These weaknesses enabled the opponents of the peace deal to gain power. In this scenario emerged the figure of Khalifa Haftar, an army chief, who commanded the support of many Libyan troops and loyalist of former President Muammar Gaddafi. He became the major political force in the East. He was against the political agreement as the CGN and the Libya Dawn set, as a condition for the success of the deal, the exclusion of the General. In this framework, H. Haftar decided to launch “Operation Dignity” against Islamist militias in Eastern Libya.

Other critics related to the agreement concern the fact that if the Libyan parties have actively exchanged point of views and proposals for the agreement, they did not take part in the drafting process that was made by UNSMIL. The draft of the agreements has been changed several times; Leon’s team issued eight drafts of the agreement changing substantially the content of the agreement. These continued changes created confusion among Libyans and diminished the credibility of the entire process. UNSMIL’s changes moreover have been considered as ways for placating one side of the conflict and this compromised the perception of the UN as impartial and objective.

As far as the agreement is concerned, one of the most controversial issues was linked to the dismissal of the need for regional balance in the membership of the Presidential Council.

¹⁶ “The fact of the matter is that the UAE violated the UN Security Council Resolution on Libya and continues to do so”, Ahmed al-Qasimi, a senior Emirati diplomat, wrote in an email on Aug.4 to Lana Nusseibeh, the UAE’s ambassador to the UN” (The New York Times). “In the emails, the Emirati diplomats frankly acknowledge their government was shipping arms to its Libyan allies in violation of the UN embargo and they strategize about hiding the shipment from a UN monitoring panel” (The New York Times).

When it was clear that there were too much difficulties for finalizing and signing the agreement, UNSMIL turned to forming the GNA and suggested candidates for specific roles. The UNSMIL new strategy was considered by the Libyan public as an interference in the new government's affairs. The SRSG responded to the accusation affirming that the international community was acting as "facilitator" and that it was not unilaterally attempting to "bring a solution for the Libyans".

These reassurances did not convince some of the Libyan people. A growing number of politicians started to advocate a "Libyan-Libyan reconciliation process". On the 23rd October 2015, there was a mortar attack in Benghazi which targeted a peaceful demonstration of people critical of the UN peace deal (the attack was not claimed but it seemed backed by the GNC). The attack cemented the rejection, by many, of any UN-sponsored agreement and it consolidated Haftar's popularity. The Benghazi demonstration against the Leon's draft agreement and candidate selections for the GNA reflected that Leon operated in a parallel reality to the one on the ground. At that point, the Libyan political authority was weaker and fragmented than ever and the Islamic state was further consolidating its power in Libya.

Bernardino Leon

(September 2014 - November 2015)

Mediation strategy: facilitative, formulative

Mediation plan: Supporting the political process —> reaching an overall political settlement.

- Convening a Libyan Political Dialogue and creating a Government of National Accord.

Mediation actions and outcomes:

- Face to face talks in Ghadames on 29 Sept 2014 between parliamentarians from both side of the divide within the HoR

- Extensive consultations with all different stakeholders with the aim of encouraging a return to the negotiating table
- A two-day, on 14-15 Jan. 2015, UNSMIL-facilitated Libyan dialogue session at the UN Office at Geneva
- Several rounds of talks in Skhirat, Morocco + in parallel, three rounds of talks between March and June with Libyan political party representatives and political activists in Algeria.
- Libyan Political Agreement initialed on 11 July 2015, Shirt Morocco
- Round of talks in Geneva on 11 and 12 August 2015
- Negotiations throughout August, September and October to facilitate consensus on annexes to the Agreement
- Separately from the main political tracks:
 - meetings of representatives of municipal and local councils from across Libya → reconciliation agreements (delegations from Misrata and Tawergha met in Tunis on 27 and 28 May 2015).
 - activities including women delegates (Meetings in Tunis on 21 and 22 April 2015)
- Meetings with representatives of armed groups, police and armed forces → local ceasefire agreements.
- Consultations with different UN member States and with regional and international organizations.

Obstacles faced:

- Overall security situation highly volatile and unpredictable (+ presence of violent extremists groups such as ISIL/Daesh and Ansar al-Sharia)
- Political disagreements and divisions (the GNC did not participated in the LPA initialing ceremony).
- Lack of trust for the SRSO. Several protest against the UN-facilitated Libyan Political Dialogue and against the SRSO (demonstrations in Tobruk on 9 and 23 March 2015 + protests in Tripoli on 31 March and 7 April at the compound previously used as the UNSMIL headquarters + on 1 May, call by elements of

the Libya Dawn coalition to protest against the UN for allegedly undermining the Libyan revolution + mortal attack in Benghazi on 23 October).

4.3 Martin Kobler

Martin Kobler was the SRSG from November 4th 2015 to June 22nd of 2017. During his mandate, the situation in Libya has been reported in the following reports: S/2016/182, S/2016/452, S/2016/1011, S/2017/283, S/2017/726. The SRSG went to brief the SC seven times: 11 December 2015, 2 March 2016, 6 June 2016, 6 December 2016, 8 February 2017, 19 April 2017 and 7 June 2017.

4.3.1 Political transition

When Martin Kobler took the office as the new SRSG, there was a political stalemate: the HoR and the GNC were unable to move forward with the formal endorsement of the Libyan Political Agreement. For this reason, the SRSG convened a new round of the political dialogue. There have been two days deliberations in Tunis, on 10-11 December 2015, during which consensus was found on a number of key points: the only possible political settlement should have been based on the LPA negotiated within the framework of UNSMIL-facilitated political dialogue; there would have been no reopening of the text; need to move forward with the endorsement of the LPA (the 16th of December was decided to be the target date for the signature) and the need for a collective agreement on the security issues. Finally, the participants highlighted the time factor: these actions required urgency due to the imminent danger of Daesh expansion.

The SRSG moreover stressed the need to: ensure technical support to the future Libyan GNA; deliver concerted aid for addressing the humanitarian situation and mobilize international support for combating, containing and eliminating Daesh.

According to Kobler, there was the need also to extend the civil support to the LPA and this required a complementary bottom-up approach. Civil society and especially youth and women should have been more involved in the process. Also tribal dignitaries and municipalities had a crucial role to play.

Even if the overwhelming majority of the Libyan people were in favor of the LPA, and they supported the formation of a GNA, the endorsement of the accord delayed for the lack of will of those politically responsible on both parties.

The UN-brokered Libyan Political Agreement was finally signed on 17th December 2015: this was a sign for the Libyan people to believe again in the achievement of peace and unity in Libya. In January 15th 2016, the Presidency Council presented a cabinet that should have been approved by the HoR. The latter voted to endorse the LPA in principle, but asked for a new and smaller cabinet. At the end of tireless deliberations, on 14 February 2016 the Presidency Council had a new list of candidates for a new cabinet. Even with this solution, a minority of parliamentarians prevented, using intimidation, the majority to express its vote. The Government of National Accord was established in March 2016 in Tripoli with the lead of the technocrats Fayez al-Sarraj. It was still not formally endorsed by the HoR. The implementation of the LPA was stalled as some parties of the agreements did not uphold their commitment.

The SRSG urged the Presidency Council to take actions for meeting the basic needs of the Libyan people such as shortages in cash availability, food and electricity. At the end of 2016, the Presidency Council began to meet regularly the financial institutions in order to address the economic troubles. Some progresses at this regard have been made, for example oil production increased but deficit, inflation, lack of liquidity were still present.

According to Kobler, the institutions of the Libyan Political Agreement were working far below the expectations: the GNA had limited authority, there was a

lack of cooperation between the institutions and the Interim Government in al-Baida existed in parallel to the GNA.

The SRSB engaged with the leadership and members of the HoR for finding a consensus on the endorsement of the GNA and for amending the constitutional declaration in order to incorporate within it the LPA.

At the beginning of the new year, 2017, in SRSB meetings with the President of the HoR and, separately, with the president of the High State Council, possible amendments were discussed concerning the question of the command of the Libyan army and in particular the role of General Haftar and the future composition and role of the Presidency Council.

In January 2017, the SRSB held a workshop in Malta to create a roadmap for national reconciliation. Community reconciliation is of fundamental importance, UNSMIL facilitated communication between traditional leaders, elders, youth and continued its effort to increase the engagement of the women. Kobler believed that in a country with weak national institutions, the local authorities would have played an important role. For this reason, he met several times with representatives of Libyan municipalities.

In April 2017 Kobler reported to the SC, the feeling of frustration, disappointment and anger of the Libyan people towards the political process. The latter was characterized by uncertainty, fragmentation and most significantly a power vacuum. For facing this dangerous trend, the SRSB 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”¹⁷.

The SRSB believed that Libya needed a strong, united and consistent support of the international community. He really welcomed the engagement of the

¹⁷ SC briefing 19 April 2017

international community for the Libyan political process. The African Union, the League of Arab States and the UN formed a troika, to work together for providing stronger support to the Libyans. The SRSG, several times, expressed appreciation for the efforts made by the neighboring states and the regional organizations.

Martin Kobler expressed also the urgent need for UNSMIL to re-establish its presence in Libya. The mission made regular flights to Tripoli for facilitating direct contacts with key partners but they have been considered insufficient. The SRSG stressed therefore the request for UNSMIL to be on the ground.

4.3.2 Security sector

Daesh was consolidating its influence within Libya and there was a growing sense of alarm that it would expanded also into the neighboring countries. For this reason, the SRSG considered imperative making efforts for unifying and reforming the Libyan security forces.

At the beginning of March 2016, the conflict in Benghazi escalated when the forces of the Libyan National Army began a new offensive operation against the Benghazi Revolutionary Shura Council and Daesh. In the South, the absence of a security apparatus was the main reason for the escalation of local tensions. In Western Libya, UNSMIL efforts have been impeded as the Tripoli-based authority denied overflight and landing permission to the UN.

On January 13, 2016, the Presidency Council created a Temporary Security Committee and UNSMIL supported it for formulating a security plan for enabling the GNA to establish itself in Tripoli. Then, A Presidential Guard has been created for providing protection to state institutions and embassies.

At the beginning of June 2016, the SRSG reported, to the SC, considerable progress in the fight against Daesh. UNSMIL, at this regard, has been actively engaged in helping to build consensus around a unified security architecture in

particular assisting the Presidency Council with expertise and good offices. In December, Kobler affirmed that “the days of the Islamic State controlling territory in Libya are over”¹⁸. It is worth noting that, while Daesh did not control territory anymore, terrorists, human smugglers, weapons traffickers were a serious threats for the security of the neighbors.

4.3.3 Human rights, transitional justice and rule of law

The humanitarian situation in Libya has further deteriorated. The number of IDPs has reached 435,000. Just in the month of May, 1,100 migrants died in the Mediterranean Sea. Vital infrastructures have been damaged, there was a shortage of health workers and essentials medicines and supplies.

Gross human rights violations continued: many civilians have been victims of arbitrary killings and violent attacks. The issue of human rights, including the situation of migrants, should have been addressed more effectively. More efforts should have been put in saving lives at sea, combatting human smuggling and training the Libyan Coast Guard. The rule of law was not respected: summary justice by armed groups, abductions, assassination, threats against judicial officers and social activists.

4.3.4 Considerations

Concluding an agreement is difficult but implement it is even harder; people continued to be frustrated for the slow peace process. The LPA did not fulfill the expectations and the implementation was still stalled. Parallel institutions continue to exist. The HoR did not recognize the GNA and it did not adopt the constitutional amendment.

Nevertheless, the LPA has brought to some positive changes: the Presidency Council has been working in Tripoli since 2016; Libyan oil production has increased; Da’esh even if was still a threat, did not control any territory in Libya

¹⁸SC briefing 6 December 2016

and the international community remained united in supporting the Presidency Council and the LPA.

The end of Martin Kobler' mandate was asked by different Libyan parties. The SRSG had bad relationship in particular with General Haftar who in the last months did not want to receive him and he also prevented the UN fighters to land in Eastern Libya. As the hardliners of HoR considered the Presidency Council as a "trusteeship government", violating Libya's constitution, the SRSG made some attempts for changing this attitude toward the LPA.

In November 2016, Kobler met with Gotrani, a puppet of Haftar and it seemed that the SRSG proposed to cancel article 8 of the LPA and give the functions of the Supreme Commander of the Libyan Army to the HoR (according to the LPA, the supreme commander should be assumed by the Presidency Council and Operation Dignity was strongly rejecting this provision). Three months later, the SRSG rejected the five proposed amendments to the LPA that the Grand Mufti Sadiq Al-Gharyani required in order to recognize it.

In January 2017 Martin Kobler met, in Malta, with four Tobruk parliament hardliners, loyalists to Khalifa Haftar to discuss the political deadlock. They blamed the SRSG of being behind all Libya's political and economic crises. They moreover accused him of not being impartial and thus of not showing the morals of a UN envoy. Local authorities in the eastern city of Tobruk then declared Martin Kobler as "persona non grata".

Even the other conflicting parties did not maintain good relationship with Martin Kobler. In April 2017, the National Forces Alliance demanded tough measures against Martin Kobler for his "bias and unaccepted violations". The Liberal Party, headed by Mahmoud Jibril affirmed that the Special Representative "has exceeded all limits of his powers and he is no longer eligible to continue his position". It

accused him of serving the project of African migrant's settlement in Libya more than the Libyan cause. Martin Kobler was therefore replaced by Ghassan Salamé.

Martin Kobler

(November 2015 - June 2017)

Mediation strategy: facilitative

Mediation plan: “A Road Map to Peace”

- Implementing the LPA (in particular: amending the LPA, supporting the adoption of a new Constitution, advising and assisting for the preparation of the elections)
- Supporting security arrangements
- Encouraging national reconciliation
- Improving regional cooperation

Mediation actions and outcomes:

- Meetings with members of the Libyan Political Dialogue
- Signing of the LPA in Skhirat, Morocco on 17 December 2015
- Meetings with the Presidency Council.
- Meetings with the president of the HoR and, separately, with the president of the High State Council for discussing amendments of the LPA.
- Engagements with the leadership and members of the HoR regarding the endorsement of the GNA and the amendment of the Constitutional Declaration.
- In parallel to the main political track: meetings of representatives of Libyan municipalities (meetings on 17 Dec and 21 Dec. 2015 in Tunis)
- Separately from the main political track: dialogues of the HoR with a group of parliamentarian boycotters in Skhirat, Morocco, in Jan. 2016
- Meetings with regional and international actors

Obstacles faced:

- Overall security situation highly volatile. High-risk security environment for the UN personnel.

- Persistence of disagreement among the main political actors (The HoR remained divided, failing to reach the quorum necessary to vote on the proposed amendment to the Constitutional Declaration).
- Lack of trust for the SRSG. Denial of access on a number of occasions for SRSG and his team to western Libya.

4.4 Ghassan Salamé

Ghassan Salamé is the SRSG from June 26, 2017 up to now. During his mandate, the situation in Libya has been reporting in the following reports: S/2018/140, S/2018/429 and S/2018/780. The SRSG went to brief the SC 7 times: 28 August 2017, 16 November 2017, 17 January 2018, 21 March 2018, 21 May 2018, 16 July 2018 and 5 September 2018.

4.4.1 Political transition

First of all, it is worth noting that with the new SRSG Ghassan Salamé, UNSMIL returned to Libya expanding its footprint. Salamé intention was to work as closely as possible with Libyans, in Libya. Since the beginning, he travelled a lot around the country for meeting with political figures, military and security officials as well as women and youth. One of his priority was to reach out all Libyans.

When Ghassan Salamé took his office, there was uncertainty over what would have been the upcoming end of the transitional period outlined in the LPA. One of the immediate task of the SRSG was to find a consensus among Libyans on the political and legal significance of that end.

On 20 September 2017, during the 72 Session of the GA, Ghassan Salamé launched the Action Plan for Libya which includes: facilitating agreement on limited amendments to the LPA, convening a National Conference for the creation of a Constitution to be put under a popular referendum, preparing for the elections, engaging armed groups, addressing urgent economic issues and promoting local and national reconciliation.

Regarding the first point, in the mission offices in Tunis UNSMIL convened two sessions of the Joint Drafting Committee with members of both the HoR and the High Council of State for deciding on the amendments to the LPA. With these meetings, the two assemblies mutually recognized themselves and they acknowledged the LPA as the sole framework for ending the Libyan crisis. It is

moreover worth noting that, since the meetings, the two bodies started to have constant contact.

Then followed several SRSG attempts to find consensus on amendments but despite them, in March 2018, Salamé expressed his concerns on the chance for them to pass. He explored different formula, he tried to reconcile various opinions and accommodate ambitions but all this efforts were vain. Two months later he therefore decided not to continue the process defining the amendments “*a distraction*”¹⁹for the political process .

According to the second point of the Action Plan, UNSMIL was deeply engaged in the preparation of the National Conference. The main aim of the Conference was to allow the adoption of a true national Chart and provide guidelines for ending the transition period. In the oasis of Ghadames, in the preparation of the National Conference event, citizens came together to paint the old town square and in that occasion “citizens shared their aspirations for their state and the principles which should guide it, their vision for a way out of the current crisis”²⁰. 42 similar events took place in other 27 locations; the National Conference has spanned throughout the country, SRSG reported. It is therefore possible to consider the National Conference as a success, since there was an inclusive and enthusiastic participation. Local communities have organized the events in a voluntary basis. In Benghazi, at the end of the National Conference, 30 committees to follow up have been created. Even in the warring city of Sabha, a temporary truce from conflict has been established in order to allow the National Conference to be held.

¹⁹SC briefing 21 May 2018

²⁰ SC briefing 21 May 2018

The Constitutional Drafting Assembly completed the draft of the constitution on July 2017 and then it went through a judicial challenge²¹ which ended on 14 February when the Supreme Court recognized the validity of the draft. Ghassan Salamé for deciding how and when establishing the new constitution, engaged in several consultations with senior Libyan judges, constitutional experts as well as with the Libyan people, through the National Conference events.

The conduct of a constitutional referendum was the most debated issue as Libyan views dramatically diverged with the content of the draft constitution. Many supported the draft and were keen to proceed to the referendum while others called for the amendment of the text. The HoR the 25th June began the official meetings for producing the referendum law but despite three sessions of work, it was not able to deliver it. The SRSG is convinced that there are members of the HoR interested in maintaining the current situation as they don't want to leave their positions and therefore they are subverting the political process. "And for the personal ambitions of a few, all Libya's citizens have paid a steep price"²².

The third point, the elections, saw a deep engagement of UNSMIL which gave political and technical advices for their occurrence. The High National Election Commission was in charge of initiate a voter registration. UNSMIL tried to ensure adequate security conditions for having a free and fair process, and to improve confidence for the results to be accepted by all. The voter registration then ended with successful results: one million new registrants, 2.5 million Libyans were eligible to vote. There was also a strong participation of women and youth. The high participation symbolized that the Libyan people wanted their voice to be heard.

²¹ A sentence of a Court in Beida, city in the eastern Libya, impeded the HoR members to discuss the constitutional text. The Supreme Court has then nullified the sentence allowing the HoR to discuss and vote the Constitution.

²² SC briefing 5 September 2018.

On the 2nd of May 2018, there was an attempt in Tripoli to derail the electoral process: the High National Elections Commission Head Quarter was attacked. As ISIL claimed the attack, Salemè alerted the SC of the possibility that “Libya may become a shelter for terrorist groups”²³. Despite it, the HNEC affirmed its commitment to conduct the elections. Nowadays the preparation for the elections is moving forward.

The SRSG held meetings between heads of local councils representing all part of the country in preparation for holding municipal elections. The the first municipal council elections since 2015 in the city of Zawiya: they have been carried out in an open and competitive race. The hope was that this election marked the beginning of other municipal polls in other parts of the country. Improvements of local leadership are needed.

The SRSG spent a lot of efforts to nurture and strengthen a national reconciliation. Ghassan Salamé on 17 January at 2018 SC briefing affirmed: “Unless a national polity is rebuilt, no meaningful progress can be made in unifying institutions, preventing outbreaks of violence or achieving acceptance of the election results”. At this aim, the UN has facilitated numerous dialogues between local communities, resulting in the adoption of agreements. The mission tried also to reach out the groups that have been previously marginalized. UNSMIL’s staff through visits intensely worked for reconcile Libyan political factions. UNSMIL convinced ethnic groups, rival cities and political parties, with previously bad relations, to reunite. The mission’s priority was working to bring all Libyans together around a common national narrative.

4.4.2 Security sector

Criminality, kidnapping and the widespread of arms continue to pose serious threats. There are armed clashes that sometimes lead to killings or injuring of

²³SC briefing 5 September 2018.

civilians. For this reasons, the Action Plan contains provisions aimed at creating a more secure life for all citizens.

UNSMIL remains also committed to integrate armed groups into civilian life. The SRSG engaged in meeting military leaders across the country for shaping the defense institutions. The UN also facilitated discussions among opposing armed groups, and engaged in close consultations with them and the government.

There is still the presence of ISIL, Al-Qaeda-affiliated terrorist groups that, in addition to the trafficking of arms and the cross-border ball market economy, poses serious challenges to Libya and to the wider region. Unfortunately, more weapons have been imported.

In the East and in the South, the conflicts escalated, UNSMIL offered good offices. The city of Sabha gave several concerns: the agreements between the armed groups have been violated; the clashes were transforming into an ethnic conflict; there was the risk that the conflict became regional as many armed groups belonging to neighboring countries such as Chad, were transforming that region of Libya in a battle ground. In order to avoid this risk, UNSMIL supported negotiations between Libya and the southern neighbors and recently, an agreement between Chad, Sudan, Niger and Libya has been signed. In the Eastern city of Derna²⁴, clashes and air raids did not stop and therefore the UN is providing humanitarian assistance.

In June and July, there have been dangerous events in the Oil Crescent region. Two export terminals have been hit by attacks claimed by ISIS. Forces of Haftar's LNA have been able to recapture them. Haftar then refused to hand back the

²⁴ Derna is currently under the control of the Shura Council of Mujahideen (DMSC), a coalition of Islamic militants and rebels, founded in 2014. This coalition, in 2015, expelled ISIS from the area. The DMSC is opposed to the LNA of General Khalifa Haftar. The latter has besieged the city for months. On 11th May, the head of the Council, Atiyah Al-Shaari, created the Derna Security Force and was able to free the city from Haftar. Today, Derna is the only eastern city which is not under the control of the General.

control of the terminal to the Tripoli National Oil Corporation. Controlling the oil income is a great challenge for the Tripoli-based administration. Haftar is, in this way, increasing his legitimacy towards the Oil Crescent's population. The final aim is to enhance his position for playing a central role in a future national administration after the elections. Moreover with this move Haftar can ensure stable funding from the LNA.

The latest events in the capital, starting from the 26 August 2018, pose a serious threat to the Libyan transitional process. The Seventh Brigade (Kanyat)²⁵ launched an offensive against rival militias. The Brigade accused the Tripoli Revolutionaries Brigades of being corrupted: "cleanse Tripoli of corrupt militias...who use their influence to get bank credits worth millions of dollars while ordinary people sleep outside banks to get a few dinars"²⁶. At least 60 Libyans were killed and 159 injured, families fled their homes. The Presidential Council declared a state of emergency. Moreover 400 criminals escaped from the Ain Zara prison in the southern Tripoli.

In order to face the security emergency in Tripoli, UNSMIL, the 2nd September called for an urgent dialogue on the current situation in Tripoli. The mission invited the various concerned parties. The dialogue was held the 4th September and the parties have been able to reach a ceasefire agreement, signed under the auspices of Salamè. The accord, signed by representatives of the GNA, military commanders, security apparatuses and armed groups present in and around the capital, asks for an immediate cessation of hostilities and the establishment of a mechanism to monitor the compliance. UNSMIL is moreover offering technical assistance and good offices. The Presidential Council has formed an emergency and crisis committee, composed by 13 members and headed by the Prime minister

²⁵ The Seventh Brigade has links with Salah Badi, a militia leader who took part in the coalition "Libya Dawn". This brigade is considered one of the main causes of the country instability. Salah Badi seems to be returned in Libya. He is accused also of having backed the rise of Ansar al- Sharia.

²⁶ Ramy Allahoum (2018). Libya's chaos explained: "everybody vying for a piece of the pie". Aljazeera.

in order to implement new security measures. Serraj has moreover made a decree for the establishment of a Joint Operation Room in order to limit the attacks in the capital.

4.4.3 Human rights, transitional justice and rule of law

People are tired of their deteriorating living conditions: salaries are not always granted, university departments are closing, there are cuts in electricity and water. Libya's health sector is in crisis as most of the hospitals are not functioning and medicines are in short supply. Libya urgently needs to improve the public services delivery. The UN is supporting the Libyan authorities, in particular the municipalities to address this issue.

The SRSG created Program for 2018 to meet the needs of the most vulnerable people. Thanks to the Stabilization Facility, some hospitals and schools reopened. Moreover, in February 2018, the UN launched a Humanitarian Response Plan focusing on life-saving assistance such as delivering of basic services, shelter, food and mine clearance actions.

One of the main concerning issue is that resources flew into the pockets of few. UNSMIL's top priority is to address this economic plundering. Human trafficking is just one part of this perverted economy where people are treated as commodities and they are left to die just for smugglers' profits. Billions of dollars are moreover lost every year in illicit money transfers and in the poor managing of the frozen assets.

UNSMIL works with the Ministry of Justice to empower judiciary and professional law enforcement and security agency. It pays special attention to the reform of the detention system.

Migrants and refugees suffer abuses and inhuman detention. The number of IDPs increased to 300 thousand²⁷, they cannot go back to their homes and they live in miserable conditions. One instance is the people of Tawergha who were blocked from going home and thus they were forced to live in temporary shelters. For overcoming this situation, the Mission made a plan to implement the 2016 agreement between Tawergha and Misrata. Putting into effect the plan seems difficult as on 10 August 2018, armed groups expelled Tawerghan families from the Tariq al-Matar IDP camp. The displaced people have been killed and injured.

4.4.4 Considerations

It is positively welcomed the re-establishment of UNSMIL in Libya, in Tripoli and moreover a new office is going to be open in Benghazi. The major achievement in the political process, reached under the SRSG Salamé's mandate, was the National Conference: more than 75 meetings have been made in Libya and abroad with a participation of more than 7 000 Libyans with a good percentage of women among them. 2 000 submissions have been received online and 130,000 followers have joined the dialogue through social media. All the events have been covered by the Libyan media. This can be considered a successful example of bottom up approach as "it puts the Libyan people at the heart of the political process"²⁸. All the society segments have been included: women, IDPs, youth and also communities from the South that were usually excluded. Now it is time for drafting a final report with conclusions and recommendations that include all the significant contributions collected. The outcome of the consultations is a positive sign that the Libyan people desire legitimate institutions with an effective leadership formed through elections.

Gassan Salamé alerted the international community that there are few people that hold crucial and lucrative official positions who want to hinder the elections as

²⁷ Dated March 21, 2018

²⁸ SC briefing 16 July 2018

they benefit from the status quo. They have no interest in beginning a normalization process of the country. It is therefore a duty of the mission to try to prevent them from impeding the success of the elections.

The SRSG was also able to improve the local mediation; the mission provided platforms for dialogue and good offices to all. These dialogues were held for a huge number of issues from land property grievances to the conditions of the IDPs. In this way, the reconciliation among Libyans improved. The Mission moreover supported the local elections in different cities such as Zawiya, Bani Walid and Dirge and more elections are expected to be held.

In the light of the recent events, with the aim to restore stability in Libya, UNSMIL is mainly focusing its efforts in two intertwined actions: revising the security arrangements in order to prevent armed groups to use force for their interests and addressing the economic issues that are one of the main causes of the civilians' sufferings. According to the first point, the mission will continue to monitor the ceasefire's implementation but at the same time it will work for reshaping security in the Capital and abroad. One of the priority is to reach the reunification of the security sector institutions. The current presence of empowered armed groups that act "in a predatory manner against the residents of the capital, against the state, and against sovereign institutions"²⁹ is no longer sustainable. For what concerns the second point, the SRSG during his briefing at the latest SC meeting was clear: ending the plundering is essential for making economic reforms and strengthening the political process.

Concerning the economic reforms, Salamè has convened in Tripoli the Governor of the internationally-recognized Central Bank of Libya and the head of the parallel Central Bank in the East for reaching an accord on the financial review. This meeting is of crucial importance as it has not happen in the past four year and it is a first step toward the unification of the Central Bank.

²⁹SC briefing 16 July 2018

Ghassan Salamé

(July 2017 - up to now)

Mediation strategy: facilitative (formulative)

Mediation plan: Action Plan for Libya (launched on 20 September 2017, during the 72 session of the General Assembly)

- Facilitating agreement on limited amendments to the LPA
- Convening a National Conference for the creation of a Constitution to be put under a popular referendum
- Preparing for the elections
- Engaging armed groups
- Addressing urgent economic issues
- Promoting local and national reconciliation.

Mediation actions and outcomes:

- Consultations between representatives of the HoR and the High Council of State to reach an agreement on limited amendments to the LPA.
- Engagement between members of the HoR and the High Council of State to agree on a potential mechanism for electing a new executive authority.
- Meetings throughout the country in the National Conference framework
- Progress towards holding national parliamentary and presidential elections through the conclusion of voter registration.
- Reconciliation agreements between communities and tribes for security issues, land property and IDPs conditions.
- Meetings between Heads of local councils representing all parts of the country in preparation for holding municipal elections.
- Engagements with regional and international actors.

Obstacles faced:

- Poor security environment; UN personnel in Libya continue to work in a high-risk security conditions.
- The unity of the international community in supporting the transition process is critical.

5. How UNSMIL 's mediation has changed over time

5.1 Local mediation

A senior UN official noted that “local mediation is the best thing that has happened in Libya since the revolution”³⁰. As known, in Libya there are several traditional mechanisms for conflict mediation such as shura councils, head of municipal governments and civil society activists. Beyond these local actors, the UN emerged as a supporter for local mediation. The mission most of the time has supported local mediators but in some cases has been directly engaged with armed groups.

One of the Libyan mediator commented that “despite the ongoing fighting, local mediation had quite an impact on the overall conflict. Local initiatives help create a more sustainable and conducive environment for de-escalation”³¹. For this reason, SRSG Salamé affirmed that “local reconciliation efforts must continue and be intensified”³² and that is one of the points of the UN Action Plan for Libya.

In a country characterized by statelessness, violence and lawlessness, there are towns called “*islands of stability*” because they have a form of local governance which provides security, justice, basic services and economic activity. It is in these places that local mediation arose and has been useful for resolving numerous conflicts. The local level has been the key for containing the countrywide anarchy.

A spirit of compromise is instilled in the Libyan state, it works for solving local conflicts as it shapes a broadly accepted set of rules and mechanisms for carrying

³⁰ UNSMIL official, Tunis, November 17, 2017.

Vericat.S. J. & Hobrara M. (2018) From the Ground Up: UN Support to Local Mediation in Libya. IPI.

³¹ Interview with Libyan mediator, Skype, November 18, 2017

Vericat.S. J. & Hobrara M. (2018) From the Ground Up: UN Support to Local Mediation in Libya. IPI.

³² UNSMIL, “Remarks of SRSG Salamé at High Level Event on Libya”, NY, September 20, 2017

out mediation. One senior UN official affirmed that “mediation is in the genes of the Libyan tribal system. Whenever there is a problem among tribes, the elders get together and solve it. This is the self-healing in Libyan culture and society”.³³ Libyans tend to organize themselves by establishing committee to handle problems. This kind of self organization seems a kind of reaction to the lack of central government during the Qaddafi regime.

5.2 The actors of local mediation

The local actors mediating conflicts are the same as before the rebellion: elders, tribal leaders and religious figures. One local mediator stressed the importance of this traditional structure in the mediation process: “Libyan society has a traditional structure in which the role of elders and tribal leaders remains effective. In order to build solid agreements, we must fully engaged the social and tribal leaders alongside the commanders of the armed groups”³⁴.

Beyond the traditional actors, local mediation involved specialized bodies established at the regional and local levels, municipal heads and civil society activists. “These agents have emerged partly because the credibility of traditional actors is often compromised due to their prominence under the previous regime”³⁵. Especially the youth tend to consider the traditional actors as not legitimate because of their links with the Qaddafi regime.

After the municipal elections, many local governments have regained power and therefore municipal heads play a leading role in local mediation. Municipalities

³³ Interview with Un official, Tunis, November 8, 2017

Vericat.S. J. & Hobrara M. (2018) From the Ground Up: UN Support to Local Mediation in Libya. IPI.

³⁴ Interview with Libyan mediator, skype, November 18, 2017

Vericat.S. J. & Hobrara M. (2018) From the Ground Up: UN Support to Local Mediation in Libya. IPI.

³⁵Vericat.S. J. & Hobrara M. (2018) From the Ground Up: UN Support to Local Mediation in Libya. IPI.

provide mediators with information, analysis and suggestions. They offer a deep and impartial understanding of the issue.

Finally, Libya's emerging civil society has been indispensable in the mediation process. Civil society activists have been self-appointed, they use interpersonal skills, tribal and family connections for facilitating communication between the parties.

5.3 The UN support to local mediation

The UN support to local mediation became progressively central to UNSMIL work. During the first phase of the mission, from the end of the Qaddafi regime until the 2012 elections, UNSMIL was focused on supporting the embryonic government rather than local mediation. Political officers were based in Tripoli and Benghazi and as they did not travel a lot elsewhere, it was difficult for them to improve the dialogue between different communities. The local mediation arose later in reaction to the people's frustration with the national level mediation. Intervening at the local level was a way for achieving smaller successes in order to diminish people's discontent. UNSMIL involvement has evolved gradually through the personal contacts staff members have developed over time with Libyans. The mission's work in this contest has been made more explicit even in the SC mandate.

The possibility for the UN to be more involved in the mediation process is also due to a lack of central authority. The UN presence was welcomed by the local actors who considered the UN the only body that can facilitate a resolution to the conflict: the increasing fragmentation of the country requests an international impartial mediator.

UNSMIL provided essential support to local mediation especially in logistic issues for example helping mediators travel across countries and providing venue. The UN, for tackling the problem of missing human capital, offered mediators and

other staff, with the basic skills necessary for writing the agreements, and expertise for managing complex issues.

5.4 Mediating with armed groups

The situation in Libya changed in 2014 when Khalifa Haftar announced a coup against the government and in May launched Operation Dignity. As fights for the control of the capital increased, UNSMIL had to relocate to Tunis. Bernardino Leon focused his efforts in establishing a political track rather than the security one. Leon did not want to engaged with the armed actors as they lacked democratic credentials. This has unintended consequences because the militias and the security forces were the real power brokers on the ground, and therefore sidelining them, do not allow the full implementation of the LPA. A top down approach, which marginalized opponents with the possibility for them to turn into spoilers, can be considered ineffective.

There was therefore a turn in the policy: from focusing on the security sector reform at the macro level and thus working with the ministries for restructuring the security sector apparatus from the top, UNSMIL adopted a bottom up approach, named local mediation, engaging more with local militias.

This approach mainly consists in drafting ceasefire agreements. One of the mediation strategy used by USMIL at this regard, is using the phone without having a local mediator. It is important to have a broad range of contacts who can influence the parties and the contacts should be constant. The UN mediator asked the parties what they want, they give an initial list of conditions and then the mediator exchange these by SMS. If the parties refuse, then the UN mediator proposes a compromise. Using the phone is an innovative way for avoiding to go to unsafe areas.

5.5 Mediating with terrorists and militias

The UN tries to limit its engagement with terrorists and militias and for this reason, it prefers to engage in mediation through a local mediator. One example is when in late 2016, the mission provided technical and logistical support to the Head of the Libyan Dialogue and Reconciliation Organization to negotiate a ceasefire between the Benghazi Revolutionary Shura Council (BRSC) and the Libyan National Army (LNA). The issue at stake concerned the evacuation of hundreds of civilians from Qanfuda, a neighborhood of Benghazi.

The mediator tried to offer a compromise deal between the conflicting parties but there were several challenges; the sides were inflexible responding to every condition with counter-condition, the leadership of BRSC was unclear and also the requests were not coherent. Moreover there was no trust between the parties. In the end, the negotiation failed. The plan to establish a cease-fire and allow an evacuation did not take place. Despite the negative result, the negotiation enhanced the trust between the parties and served as a model for future reference. It constitutes a UN contact with groups linked with terrorists.

The most substantial mediation work of UNSMIL has been carried out to enable the evacuation from Tripoli in 2014. The negotiation led to the creation of the Tripoli Security Plan which aimed to guarantee security for the GNA's establishment. The plan consisted in the acceptance by the militias of the new executive and their will to protect it while maintaining stability in the capital. On the other hand, the militias have been rewarded with access to resources which help them to protect their interests. As a result of these rewards, the militias became even less keen to accept disarmament, demobilization and reintegration. In this case, the stability in Tripoli was a top priority and the Tripoli Security Plan, which went into force in 2017, was considered an attempt to create a long lasting solution but the dangerous outcome, concerning the militias, represents the reason for which UNSMIL has always been suspicious in engaging with them. Hardline

militias have been suspected of being responsible of major violations and therefore considered as evil.

This issue was bypassed availing an international NGO, the Dialogue Advisory Group (DAG) which facilitates the dialogue among hardline groups, the Libyan security officials and the UN. With this strategy, some meetings have been held aimed at convincing the militias not to oppose militarily the GNA. This approach brought the militias to be felt neglected by the UN and thus being more responsive to DAG.

5.6 Mediating for reconciling communities

Local mediation has played a crucial role in the reconciliation process. The action of mediation for reconciling communities carried out by UNSMIL initially consisted in solving conflicts in the short term. Due to the lack of political will of the central authority, the mission moved to find more long term solutions to communities' conflicts. The latter involved also the issues concerning human rights violations of detainees and IDPs. At this proposal it is possible to recall the mediation action UNSMIL played in early 2015 between the municipality of Misrata and the local council of Tawargha. The mission facilitated meetings among them which resulted in the stipulation of an agreement signed in 2016. The deal allowed the return of Tawaeghan IDPs, the reconstruction of the town of Tawargha, the creation of security arrangements, and the adoption of reparations in the form of financial compensation. This mediation action has been the precedent for other conflict resolutions such as the one between Mashashiya and Zintani concerning land questions.

The most important UNSMIL project towards the reconciliation process was launched in 2016 with the support of the UN Peacebuilding Fund. The mission decided to improve local dialogue in the absence of state-led efforts. The focus was on local ownership and for this reason all the meetings have been conducted

in Arabic. The role of the UN was very limited but still it had the power to choose the penholders and a little say in deciding the participants.

One of the issues addressed by this project was the consequences of the 2014 Battle of Tripoli. A dialogue has been held in Tunis, with the participation of Tripoli militias, elders, representatives of municipalities and civil society, which brought to the adoption of an agreement allowing the Zintanis, who had been expelled from the capital, to return.

In January 2018, UNSMIL organized a meeting which gathered over 60 local mediators, from all around Libya, to share their work in facilitating peace and ceasefire agreements. The main aim of the dialogue was to prepare the establishment of a national mediator's network. The latter is intended as an unified and independent national body to support reconciliation activities at the local level.

In conclusion, it is worth noting that this bottom-up reconciliation process has evolved: at the beginning it was confined geographically while then it involved dialogue between tribes from the east and the west. "The fact that the mission was able to carry out mediation efforts in both the east and the west is significant. That it could intercede and facilitate cease-fires in the east shows that it has a high degree of legitimacy there, and in the eyes of Haftar in particular, despite his opposition to UN-backed institutions"³⁶

5.7 Considerations

According to the paper "From the Ground Up: UN support to local mediation in Libya" (IPI,2018), the work of UNSMIL has been characterizing by several challenges. The landscape is very fragmented, without clear authorities, and therefore, there are difficulties for the mission in knowing who different actors represent. The conflict is very volatile and also alliances among stakeholders

³⁶ Vericat.S. J. & Hobrara M. (2018) From the Ground Up: UN Support to Local Mediation in Libya. IPI.

changed over time, the mission is challenged in understanding the dynamics. This problem was further exacerbated when UNSMIL has been headquartered in Tunis. It was difficult to gather information and without having a real presence on the ground, it was quite impossible to establish in-person negotiations. Despite this impediments, the staff mission have been able to create a solid network of contacts as they travelled to Libya and brought Libyans to Tunis. Moreover, the “tele-mediation” played a crucial role. In some cases there is a lack of trust for the mission as it is perceived a foreign interference, for this reason UNSMIL needs to intervene through local mediators. And finally, the mission does not have at its disposal huge resources for leveraging its power. This issue is partly overcome by UN soft power even if with ambiguities: on one hand there is suspicion, on the other, appreciation for the UN work.

The prospect for the future concerns, first of all, the need to improve both the coordination within the mission and between UNSMIL and the local mediators: there is an overlap in the mission's activities and local mediators are required to be more engaged with UNSMIL. Second, it is imperative to increase the inclusivity of youth and women in the mediation process since their absence poses questions about the legitimacy of the agreements reached. The youth represent the majority of the population and therefore should be more represented. Despite UNSMIL efforts, women are often excluded from local mediation also because they have never been part of the traditional conflict-mediation mechanism in Libya. Finally, it is necessary to link the local mediation efforts to the national level. Local mediation should positively influence the political process at national level: for example, the temporary management of the local conflicts can help to create a more conducive environment for durable solutions. On the other hand, functioning state institutions, able to address the root causes of the conflicts should transform these small success into stable ones.

6. The UN mediation's outcome: the LPA

The Libyan Political Agreement was signed on 17 December 2015 in Skhirat, Morocco. The main aim of the accord was to “address the immediate suffering of the Libyan people and build a democratic civil state through national consensus”³⁷. The priority was therefore overcoming the institutional and military fractures. For what concerns the institutional divisions, there were, on one side, the House of Representatives and its associated government, based respectively in Tobruk and al-Bayda and, on the other side, the General National Congress and its government in Tripoli. The state moreover lacked a monopoly of the use of force.

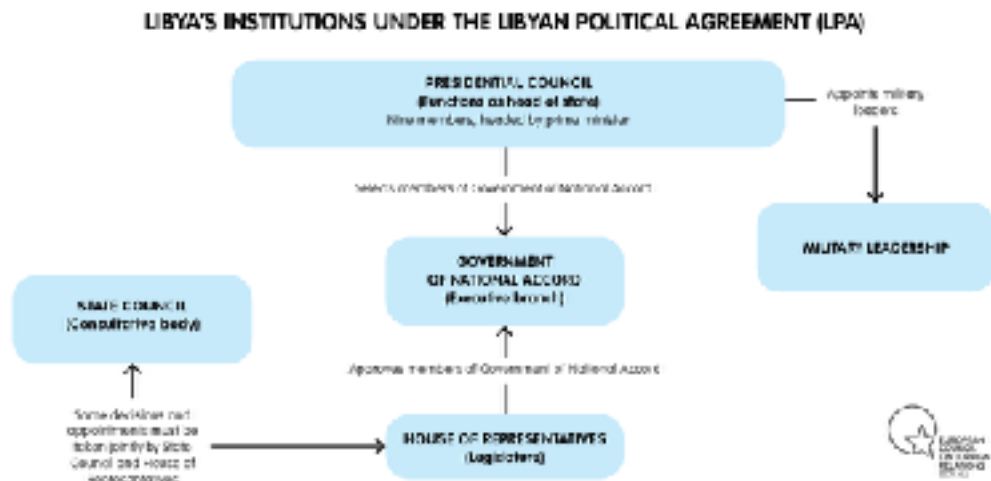
The driver of the negotiation, as explained in the previous chapter, was the Libyan Political Dialogue which included representatives of the two rival parliaments and armed groups, political parties, tribal leaders, municipalities and other civil society's members.

The main principles that inspired the accord were: respect of democratic rights, need for a consensual government based on the separation of powers, necessity of empowering state institutions and respect for the Libyan judiciary and its independence. The implementation of the agreement was conceived as a tool for addressing the main challenges that Libya is facing: weak state institutions, decline of economic growth, terrorism, illegal migration and fragile rule of law.

The agreement provides the establishment of a Government of National Accord as the only executive authority. The GNA consists of a Council of Ministers chaired by the Prime Ministers with the headquarter in the capital, Tripoli. The Agreement also affirms the creation of a Presidency Council for the Council of Ministers chaired by the Prime Minister. The Government needs a vote of confidence by the HoR. The latter is the legislative authority and for the transitional period, this function was undertaken by the HoR elected in June 2014. The accord moreover provides the creation of the High State Council as the highest consultative

³⁷ Libyan Political Agreement (2015)

Assembly of the State. The HoR and HSC have to propose laws on constitutional referendum and on general elections, legislations needed for the completion of the transitional period. The accord indeed affirms the importance of finalizing the constitutional process. At this aim, the Constitutional Drafting Assembly has the task to draw up a permanent constitution.



6.1 An agreement born weak

In March 2016, in Tripoli, was established a Presidency Council to serve until appointment of the Government of National Accord. It was formed by a council president, who became the future government’s prime minister designate, five deputies and three state ministers. Faiez al-Serraj, a member of the HoR, became the president of the council. The new council has an enlarged security authority as, according to article 8 of the LPA, has the power to appoint the top positions in the armed forces and security services. This provision was opposed by the majority of the HoR.

The council appointed a Temporary Security Committee (TSC) with the task to implement security arrangements present in the accord. One of the main challenging issues was that armed forces, in order to be integrated into state security forces, had to recognize the unity government and lay down weapons. This did not happen as there were key opponents outside the HoR and the GNC.

Among the main opponents there were people linked with Haftar and the National Army.

One of the weaknesses of the accord relies in the exclusion of key actors that disagreed with the main provisions of the accord such as the creation of a unity government and a security roadmap. The deal was therefore considered a power-sharing deal among the “coalition of the willing”. Lacking a sufficient broad consensus, the sign of the agreement seemed premature. The “rush” to sign the agreement was mainly due to the necessity of facing the deteriorating economic and security conditions: an incomplete agreement seemed preferable than none.

The finalization of the agreement was backed in the Security Council by US and Likeminded but even by skeptical states such as Russia and Egypt as they were all worried about an insecurity vacuum. The presence of ISIS enhanced the perception of urgency for an agreement; the creation of a unity government was perceived as vital for fighting Daesh. Western countries moreover feared the eventuality that regional actors such as UAE and Egypt, without the agreement, would have improved their unilateral actions in support of the HoR and its government. Political dialogue participants rushed for the sign too as they feared that the “Libya-Libya initiative” (negotiations among the heads of the two rival parliaments) could have become an alternative to the UN led negotiations.

Since the beginning, a political division between deal’s supporters and opponents has risen. “This undermines the ultimate goal of territorial integrity under a unity government that, by improving the political, economic and security situation, can lay the foundation for a more stable, inclusive order”³⁸.

The supporters of the accord were mainly politicians, militiamen and businessmen of the western Libya. It is remarkable that the heads of the Central Bank and of

³⁸ (2016) The Libyan Political Agreement: time for a reset. International Crisis Group. Middle East and North Africa Report n 170.

National Oil Corporation were among the supporters. Also the ordinary people of the West were enthusiastic for the agreement reached. Nevertheless, there were some important opponents: the GNC leaders including Mahmoud Jibril's Tahaluf, the National Front Party and the militias of the Libya Islamic Fighting Group.

On 16 May 2015, Serraj announced the start of the work of its unity government even without the approval of the HoR. Since the beginning, the Presidency Council was not able to exert control of the capital also because it lacked the means for implementing its decisions. The financial arrangements were precarious, there was a shortage of electricity and the economy was precipitating. The initial situation even eroded the original power-base of the agreement. Moreover the "presence of armed groups operating without formal government oversight fuels the impression that the Presidency Council and unity government are again hostages".³⁹

The agreement found less support in Eastern Libya: some eastern tribes and army officers, who worked under HoR authority, considered the accord not fair towards the NGC. Haftar, initially, supported the agreement but by January 2016, he turned against it. The main reason of this change was that Haftar, at the time of the sign, did not properly understand the full implications of the security provisions (article 8) and therefore the consequent possibility of being sideline. Haftar started to lead eastern opposition. "The accusation was not altogether unfounded. The accord focused on getting around the "Haftar problem" as several leading participants saw him as a chief obstacle."⁴⁰ At that point, an ultimatum was given to Haftar; the SRSK Kobler used a metaphor comparing the accord to a "train that has already left the station", it was up to Haftar get on it or being marginalized.

³⁹(2016) The Libyan Political Agreement: time for a reset. International Crisis Group. Middle East and North Africa Report n 170.

⁴⁰(2016) The Libyan Political Agreement: time for a reset. International Crisis Group. Middle East and North Africa Report n 170.

The above outlined classification of positions are just simplifying the reality as the alignments were not clear-cut. “Rivalries between tribes, business lobbies and military commanders have also influenced attitudes toward the accord”.

6.2 International Community’s positions

The Libyan Political Agreement received a strong support by the three permanent members of the SC - US, UK and France, plus Germany, Italy, Spain, EU and by Libya’s neighbors. Moreover all the SC members expressed their support to the LPA with Resolution 2259 (2015) which welcomed it. By January 2016, most members recognized the Presidency Council and Libya’s new executive, considering Serraj as head of government despite the HoR had not formally voted on the accord. Others, like Russia and Egypt, while officially supportive, did not grant Serraj the diplomatic privileges of a prime minister. They considered the HoR’s vote as needed and they were therefore open to amendments. In the international community’s position was also present an ideological dimension: Egypt and other Arab states feared the presence of Islamist armed groups and politicians, including members of the Muslim Brotherhood in the Presidency Council. Egyptians worries were linked to Serraj’s reliance on people they consider affiliated to Islamists.

The divergence of the international community has been reflected in the sanctions used; the EU and the US gave travel and financial sanctions to the HoR President Saleh and to GNC officials for their actions that hindered the political agreement. On the contrary, Russia and Egypt considered these sanctions as unhelpful and called for easing the arms embargo. France has urged to pursue a softer line on Haftar.

In conclusion, it is possible to assert that international actors have diverging objectives: most Western countries back the council and the forces loyal to it while Russia, Egypt and the UAE support Haftar. A senior Algerian diplomat said “the most important thing is to unite the international community. It is becoming a

proxy war. Nobody is trying to bring all Libyans together”.⁴¹ A positive step towards the stabilization of Libya would be reducing the foreign interference that is extending the Libyan conflict.

6.3 The current (non) implementation of the agreement

The first meeting of the cabinet of the GNA took place on 2 January 2016 in Tunis, the full cabinet was then announced in January 2016. At the moment, September 2018, the GNA is headed by the nine-member Presidency Council, which is led by President Faze al-Serraj. The GNA is legitimately weak as it has not been endorsed by the HoR. Despite its international recognition, the GNA does not have wide support across Libya and it controls just few areas in the capital. Any control it exerts is due to the fragile alliance with militias (Misrata, Tripoli and other part of Western Libya). One of the most powerful actor, as above stated, is Khalifa Haftar who has been appointed in 2015 by the HoR as commander of the LNA. The HoR, unable to take power in Tripoli, operates in the eastern city of Tobruk, presided by Angeela Saleh. The LNA provides a sort of protections for the HoR which in some sense can be considered the political extension to Haftar’s military power.

The political landscape is further fragmented by the presence of militias. The Misratan Militias in the western coast, are the most powerful ones. They are mostly formed by moderate members that are in favor of the GNA but also by extreme factions who continue to support the remnants of the GNC. In Tripoli, the most prominent militias are the Tripoli Revolutionaries Brigade. Many of these militias joined the new government and they allow it to exert control over the capital. In Zintan, a city southwest of Tripoli, there are powerful militias such as the Zintan Revolutionaries’ Military Council (Sawa’iq Brogades and Qaa’qaa’ Brigades). These Militias have rivalries with the Misratan and Tripoli ones.

⁴¹ Crisis Group interview, June 2016.

Although the Islamist factions are no longer a meaningful entities, they are still present: the Muslim Brotherhood are a substantial faction within the High Council of State (the current president of the HCS is the Muslim Brotherhood's Khaled al Mishri). Moreover there are various jihadist groups, such as the Islamic State, Al-Qaeda and the Benghazi Defense Brigades that are outside the political process and they may attempt to disrupt it. They have rejected any central government. The stated objectives of most of these groups is the establishment of an Islamic caliphate and the implementation of the Sharia.

The LPA, therefore, cannot be considered properly implemented as the present institutions are not able to conduct the intended roles and functions. The agreement has failed to stabilize the country. Acknowledging the failure of the accord's implementation, does not mean underestimate the importance of it. The accord's role has changed because, as defined by Maghur Azza, from a "solution agreement", it can now be considered just a "framework agreement".⁴² It has still a great relevance as it is the only framework for the political process in the country. The institutional and security vacuum that exists today is the result of having failed to implement the agreement and now it is time to find a new strategy for making it applicable.

The most prominent unresolved issues are the lack of a Constitution and, linked to it, the lack of clarity on the structure of the government and security sector. The Constitutional Drafting Assembly completed the draft of the Constitution on July 29, 2017 but the HoR, accused of prolonging the crisis, has not voted yet on the referendum law for the draft constitution. Despite the lack of a Constitution, there is the intention to hold general elections.

On 29 May 2018, the Libyan parties, in particular the GNA Prime Minister Serraj, the Commander of the LNA Haftar, the president of the HoR Saleh and the

⁴²Maghur Azza (2017). When does the Libyan Political Agreement expire? AR3 magazine.

president of the High State Council Al Mishri, have expressed, during the Paris Conference, their commitment, in accordance to the LPA, “to work constructively with the UN to realize credible and peaceful elections as soon as possible”⁴³. The declaration moreover calls for the unification of the central bank, the creation of a national army and a deeper dialogue on the issue. Most importantly, the document provides to adopt the necessary electoral laws by September 16 and hold the presidential and parliamentary elections on December 10. The declaration, however, was not signed and therefore can be considered just an informal understanding. The deadline for the electoral laws has been already disregarded. For what concerns the date for the elections, there is still uncertainty.

Initially, the declaration has been positively welcomed by the SRSG Salamé considered as an expression of the parties’ willingness to collaborate with the UN. Later, Salamé affirmed that the planned elections should only be held if conditions are “right”. It is doubtful whether it is better to hold elections or to first decide on a referendum law which would enable the adoption of the Constitution. The creation of the latter would unify the majority of the population creating a political legitimacy that currently is not present.

Conclusions

After having analyzed the evolution of the UN’s mediation role since the Libyan crisis, it is possible to make a comparison between the mediators’ different strategies and results, and to suggest which could be the key for improving the implementation of the Libyan Political Agreement.

The SRSG Tarek Mitri adopted a facilitative strategy. He believed that the dialogue could have been the only mean for promoting a democratic process and defusing tensions. For this reason as a key pillar of his strategy, he proposed to

⁴³(2018) Joint Statement by Fayeze al-Sarraj, Aguila Saleh, Khalid Meshri, Khalifa Haftar. Déclaration politique sur la Libye.

convene a national dialogue. This was intended as a platform for engaging political, revolutionary and traditional actors on how to manage the transitional period.

At the beginning, this strategy brought some positive results. He promoted an inclusive constitutional process and he was able to encourage the civil society to participate in the constitution making procedure. This led to the formation, on 20 February 2014, of a Constitution Drafting Assembly. However, the SRSG did not succeed in overcoming some problematic issues related to this constitutional process such as the discontent of the minority communities of Amazigh, Tabu and Tuareg.

Starting from the protests of March 2014, calling for the dissolution of the General National Congress (GNC), the situation deteriorated and the SRSG could not operate from the ground as the precarious security situation required UNSMIL to withdraw from the country. The SRSG met with local council, civil society representatives and political parties for addressing security issues but the persistence of armed confrontations rendered difficult to convene conflicting forces to the dialogue table.

The SRSG made high-level consultative meetings with leaders of political parties for creating a “road map” on the transition process. The latter was adopted on 3 February 2014, providing that the tenure of the GNC would continue until a new legislative body would have been constitutionally elected. After months of discussions, it was decided to hold elections on 25 June.

The SRSG in June 2014 expressed his intention to convene a political dialogue conference with leaders from across the political spectrum. This meeting had the aim to set the national priorities of the transition and to address the security and the divisive issues, but some important actors decided not to participate in this

dialogue. The opportunity was missed and the mediator's efforts have therefore been vain.

In June 2014, parliamentary elections were held and the House of Representatives was elected. This was a key step towards a democratic process but then the positive expectations have been suppressed when, in September 2014, the political process deteriorated due to the establishment of a National Salvation Government leading the country to a further fragmentation. The political transition under the Tarek Mitri's mandate can therefore be considered disappointing.

It is possible to affirm that Tarek Mitri showed readiness and commitment to give advice and technical support to dialogue endeavors. Some positive results have been achieved but a real national dialogue, as intended by the SRSB, was not held, due to the reluctance of some parties. Without the commitment of the parties, mediation cannot be effective. A mediation might be successful if there is receptivity of the parties towards the mediator's actions. Moreover, the circumstances in which Tarek Mitri worked, namely the presence of pronounced political disagreement and an high level of insecurity, rendered difficult for him to carry out his tasks.

Bernardino Leon, compared to Tarek Mitri, can be considered a formulator. As explained in the first chapter, mediation is a spectrum and therefore a formulator, in most of the cases, for structuring proposals, has first to bring parties together with a facilitative strategy. He is a formulator as he drafted the Libyan Political Agreement, but he is also a facilitator as the agreement is the outcome of an inclusive political dialogue that he mediated. In respect to the results of his predecessor, Bernardino Leon made significant progress in bringing the main parties to the negotiating table. When he started his mandate, Libya was highly divided and Bernardino Leon, was able, through his mediation, to narrow the deep trust deficit among the parties. In February 2015, for the first time, all the parties engaged in the political dialogue. From that moment, the SRSB carried out

difficult and protracted negotiations, trying to balance all the different interests, in order to reach an agreement.

The Libyan Political Agreement was drafted and this can be considered an important attainment for the political process. However, Leon's mediation had a negative turn. At the end of his mandate, the SRSG lost the trust of the parties. A mediator, for definition, has to be considered impartial for being credible and for the parties to accept his proposals. Bernardino Leon, lost this characteristic as he was considered involved in a conflict of interests.

At that point it was therefore clear that the agreement would have not been signed. Bernardino Leon, indeed, changed attitude towards a more decisive strategy: he suggested the candidates for specific roles in the GNA. This move was perceived as an interference in the new government's affairs. The common understanding between the mediator and the parties on the mediator's rules was vanished.

It is worth recalling that the mediator's efforts have been challenged not only by strong political disagreements and divisions but also by highly volatile and unpredictable security situation due to the presence of terrorists and extremist groups such as ISIL/Daesh and Ansar al-Sharia. The SRSG called all parties to make concerted and coordinated efforts for opposing the terrorists' ideology and practices. In the meantime, he organized meetings with representatives of armed groups and police for reaching local ceasefire agreements.

When Martin Kobler took office, there was a political stalemate in the endorsement of the Libyan Political Agreement. He tried to overcome it convening round of talks. A positive result was achieved as the LPA was signed on 17th December 2015. However, the transition process has not been fully implemented. SRSG's mediation was not able to solve many conflicting issues, for example regarding the creation of a unity government and a security roadmap.

These problems have remained unsolved and indeed the GNA was established without the endorsement of the HoR.

The SRSG launched a new mediation plan: “*A Road Map to Peace*” with the aim to implement the LPA. This strategy consists of: considering the LPA as the only basis for ending the conflict, working for amending it, supporting security arrangements, promoting more cooperation between financial and economic institutions and the Presidential Council, encouraging national reconciliation and improving regional cooperation.

Martin Kobler worked for finding agreements on amendments to the LPA but, after months of consultations with the president of the HoR and, separately, with the president of the High State Council, no positive results have been achieved. The mediator also spent several efforts on military matters with the aim to unify the Libyan security apparatus but without concrete progresses.

At the end of his mandate, Martin Kobler was, as his predecessor, accused of not being impartial and his mission was even denied to access in western Libya. The new SRSG became Ghassan Salamè, a facilitative/formulative mediator.

First of all, it is important to highlight that the key pillar of Ghassan Salamè strategy was the return of the Mission in Libya as the mediator wants to work as closely as possible with Libyans. The main SRSG tasks have been outlined in the Action Plan for Libya: amending the LPA, organizing a National Conference, preparing for the elections and providing humanitarian assistance. In the light of the recent events, the SRSG decided to focus his efforts also in revising the security arrangements and addressing the economic issues.

Regarding the amendments to the LPA, Ghassan Salamè’s attempts have floundered in the face of resistance from political elites. On the contrary, referring to the second point, the result of his strategy, namely holding a National

Conference, can be considered one of the major successes. Aimed at the adoption of a national Charter, the Conference was characterized by an inclusive and enthusiastic participation. It has been described as representing “a new dynamism in the search for a solution to the crisis in Libya” (David Harland) consisting in a real bottom-up approach.

Ghassan Salamé’s will is to bring all Libyans together around “*a common national narrative*”. At this aim, the mediator improved local mediation facilitating numerous dialogues for different reasons such as security issues, land property grievances and the conditions of IDPs. At this proposal it is worth recalling the organization of a dialogue for facing the security emergency in Tripoli: under the auspices of the mediator, the conflicting parties arranged a cease fire agreement which improved the situation on the ground.

For what concerns the elections, the mission is working on them providing political and technical advices. The voter registration made by the HNEC ended with positive results despite the attempts, claimed by ISIS, to derail the electoral process. Before the elections, an adequate law for the constitutional referendum is required but the process seems stalled. At this aim, Ghassan Salamé is urging the HoR to deliver on “*its historic responsibility*”. Moreover, the SRSG considers unwise conducting elections without the “*right conditions*”. The humanitarian assistance is indeed required today more than ever, especially in Tripoli as the city is “*on the brink of all-out war*”. The priorities of UNSMIL at this regard will be based on a dual track approach: revising the security arrangement and addressing the economic issues.

From this analysis, the best behavior for a mediator seems the one of being cautious and of being impartial. The first characteristic is required for respecting the Libyan’s demand for UNSMIL to have a light foot print in the process and therefore let the Libyans be the owners of the transitional process. The second, as previously explained, is essential for a mediation to be successful.

It is difficult to express a judgment on which mediator has brought the best results as the challenge for the SRSGs is not fixing everything in the few years they worked for UNSMIL, but rather is helping Libya to be in the best track for the future. The results of the mediator's actions are not always immediately visible. For sure, some positive results have been achieved but there is still a lot to do. The important thing for now is to understand which mediation's strategy might be effective.

As explained in chapter five, UNSMIL's mediation strategy has changed over time as local mediation became more frequent and central to the mission's work. At the beginning, the mediator was focused on supporting the central authorities and therefore operated just in the main cities without reaching the majority of the population. Local mediation was born later in reaction to national mediation's inefficiency. Bernardino Leon, for example, during his work decided not to engage with armed actors as they lacked democratic credentials. This can be considered a great mistake as militias and security forces were the real power brokers on the ground. The LPA, as drafted by Bernardino Leon, indeed, lacks a broad base support and therefore legitimization.

Local mediation is considered important as it is part of the Libyan tribal system, in which local actors played a central role. In order to make effective agreements, the mediator has to engage with them. Moreover, the lack of an efficient central authority, renders local mediation essential.

UNSMIL's support to local mediation has improved over time through the personal contacts staff members have created with Libyans. The mission has been providing support in logistic issues as well as offering mediators with skills and expertise for solving disputes and writing agreements. Local mediation is being used in different fields, not only for the creation of ceasefire agreements with

armed groups, terrorists and militias, but also for reconciling communities with agreements on IDPs and local ownership.

The importance of local mediation has been stressed in particular by Martin Kobler and Ghassan Salamé. The first one, in his “*road map for peace in Libya*” included national reconciliation programs and the necessity to give to the governmental local bodies, like municipalities, more authorities, responsibilities and financial support in order for them to act on the level of their municipal duties. Ghassan Salamé considered local mediation and therefore national reconciliation essential also for overcoming the weaknesses related to the LPA.

As explained in chapter six, the Libyan Political Agreement has not been properly implemented. It lacks the support of various parties who started to disregard it since its birth. Nevertheless, the Security Council still supports it because there is no alternative framework for the Libyan political process. The challenge for the current SRSG is therefore to work on it.

Ghassan Salamé is aware that for the accord to be implemented the priority is to overcome its limitations and build acceptance on it. The major challenge is a “general deficit of legitimacy in the country. Everybody is, at the same time, half legal and half illegal, and none are truly legitimate”.⁴⁴ This legitimacy has to come from the Libyans themselves. That is the reason why UNSMIL operates according to the approach “*Libyan-led and Libyan-owned*”. What characterized Ghassan Salamé’s mediation from his predecessors, is his strong willingness to reach out all Libyans, not only the national representatives but also the local actors and not only the supporters of the LPA but also the people who are openly against it.

⁴⁴Papagianni K. (2018). Oslo Forum interview. *Exiting Chaos: Ghassan Salamé reflects on peacemaking*. Centre for Humanitarian Dialogue.

The main challenge is indeed to include in the political process also those that have been excluded from it and those who have been self-excluded. Ghassan Salamé affirmed: “this agreement will fall because no new blood is added to it. It needs to be reinvigorated by the accession of other groups into the agreement”.⁴⁵ At this regard, the high registrations for the elections is a positive sign for the future.

The lack of legitimacy for a central authority and therefore the fragmentation of the country depends on the intrinsic Libyan social system. The country is made of cities governed more or less independently from the central government. In many places, non-state actors like militias or tribal councils exercise governance competencies. The fragmentation of the country is driven not only by national fault lines, namely the government in Tripoli and the HoR in Tobruk, but also by local conflicts which take the form of militia warfare, gang violence and tribal feuds. The UN mediation can therefore be effective if, being aware of this fragmentation, finds a way to deal with it. The key might be local mediation. It is essential to empower local power, to empower municipalities because “strong local government is needed for a strong state.”⁴⁶ Increasing local power is required not only for filling up the national legitimacy deficit but also because municipalities can easily deliver public services at the local level and therefore better respond to citizens’ needs.

⁴⁵Papagianni K. (2018). Oslo Forum interview. Exiting Chaos: Ghassan Salamé reflects on peacemaking. Centre for Humanitarian Dialogue.

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Appendix

Map of Libya



Abstract

The fall of the Colonel Qaddafi's regime in 2011 brought to an endemic and protracted conflict in Libya. The end of the dictatorship marks the beginning of the harder phase to build a state in which good governance and rule of law will replace the clientelism, injustice, violations of human rights and tribalism of the past. The Libyan authorities, in particular the National Transitional Council, asked the United Nations to support them in their post conflict efforts.

At the beginning, Ian Martin became the Special Adviser to coordinate post-conflict planning. This required understanding the views of Libyans themselves. It was clear that the Libyan people were determined to maintain the control of the transition process. The SA set out five principles which would have led the mission's work: national ownership, speed respond, effective coordination of the international assistance, understanding the unique nature of Qaddafi's rule and Libya's combination of national wealth and institutional weaknesses and, finally, humility. The Libyan interlocutors suggested three areas where they expected to be supported by the UN: election process, draft of a new Constitution, constitutional referendum and then elections under new constitutional provisions. Moreover, they asked for: advice in improving public security through a reform of the security forces, assistance in transitional justice and human rights protection and enforcement of rule of law.

On 7 September 2011, UN Secretary General Ban Ki Moon wrote to the Security Council, proposing the creation of UNSMIL: United Nations Support Mission In Libya. The SC members voted unanimously resolution 2009 (2011) for establishing the mission. The mission is still in place as SC resolution 2234 (2018) extended UNSMIL's mandate until 15 September 2019.

The major UNSMIL activities focused on political affairs, electoral assistance, security issues, human rights/transitional justice/rule of law, women empowerment and public information. UNSMIL is headed by a Special

Representative of the Secretary General (SRSG). Since its establishment there have been four SRSG: Tarek Mitri, Bernardino Leon, Martin Kobler and Ghassan Salamè. The thesis aims at analyzing their role as mediators. Personal considerations on their activities have been given, through a comparison between mediators' strategies, activities and results. A special focus has been made on the main outcome of the UN's mediation, the Libyan Political Agreement, and, finally, the best mediation strategy for supporting the Libyan political process has been stressed.

Mediation is a peaceful method for preventing, managing and resolving conflicts. It involves the presence of an outsider between two or more actors. Mediators can be involved into internal or international conflicts in order to affect, influence or resolve them. The main aim of a mediator is helping the parties to develop a mutually acceptable agreement. Mediation is likely to take place when conflicts are long and complex and parties' own efforts have stalled. A mediator could also be needed when the parties are not willing to talk directly to each other or for overcoming issues of cultural misunderstandings.

Although every conflict differs from the others, and thus requires specific approaches, the *UN Guidance for Effective Mediation* states key mediation fundamentals: preparedness and impartiality of the mediator, consent and inclusivity of the parties, national ownership of the process, presence of a normative framework, coherence, coordination and complementarity of the mediation efforts if there are more than one actor involved, and, finally, quality peace agreements.

The mediation strategy, namely the overall plan, approach or method a mediator has for resolving a dispute, can differ. It is possible to identify three types of mediation: communication-facilitation, formulation and manipulation. The main goal of a facilitator is to encourage meaningful communication among the disputing parties. A formulator gives a substantive contribution to negotiations

proposing new solutions while a manipulator influences the process offering “carrots” (compensations) or employing “sticks” (pressing). The strategy utilized depends on the mediator’s willingness, on the context in which the mediator operates and on the resources available. The latter included money, expertise and mediator’s status/prestige.

The first SRSG, Tarek Mitri (Sept. 2012 - Aug. 2014) adopted a facilitative strategy. He believed that the dialogue could have been the only mean for promoting a democratic process and defusing tensions. For this reason as a key pillar of his strategy, he proposed to convene a national dialogue. This was intended as a platform for engaging political, revolutionary and traditional actors on how to manage the transitional period.

At the beginning, this strategy brought some positive results in particular in relation to the constitution making process. He promoted an inclusive constitutional process and he was able to encourage the civil society to participate in the constitution making procedure. This led to the formation, on 20 February 2014, of a Constitution Drafting Assembly. The SRSG engaged with representatives of the Tabu, Amazigh and Tuareg communities to discuss their demands on issues affecting their communities, including questions of Libyan identity, citizenship, political participation and language rights but, despite these efforts, he did not succeed in overcoming their discontent related to this constitutional process.

Starting from the protests of March 2014, calling for the dissolution of the General National Congress (GNC), the situation deteriorated and the SRSG could not operate from the ground as the precarious security situation required UNSMIL to withdraw from the country. The SRSG met with local council, civil society representatives and political parties for addressing security issues but the persistence of armed confrontations rendered difficult to convene conflicting forces to the dialogue table.

The SRSG made high-level consultative meetings with leaders of political parties for creating a “road map” on the transition process. The latter was adopted on 3 February 2014, providing that the tenure of the GNC would continue until a new legislative body would have been constitutionally elected. After months of discussions, it was decided to hold elections on 25 June.

The SRSG in June 2014 expressed his intention to convene a political dialogue conference with leaders from across the political spectrum. This meeting had the aim to set the national priorities of the transition and to address the security and the divisive issues, but some important actors decided not to participate in this dialogue. The opportunity was missed and the mediator’s efforts have therefore been vain.

In June 2014, parliamentary elections were held and the House of Representatives was elected. This was a key step towards a democratic process but then the positive expectations have been suppressed when, in September 2014, the political process deteriorated due to the establishment of a National Salvation Government leading the country to a further fragmentation. The political transition under the Tarek Mitri’s mandate can therefore be considered disappointing.

It is possible to affirm that Tarek Mitri showed readiness and commitment to give advice and technical support to dialogue endeavors. Some positive results have been achieved but a real national dialogue, as intended by the SRSG, was not held, due to the reluctance of some parties. Without the commitment of the parties, mediation cannot be effective. A mediation might be successful if there is receptivity of the parties towards the mediator’s actions. Moreover, the circumstances in which Tarek Mitri worked, namely the presence of pronounced political disagreement and an high level of insecurity, rendered difficult for him to carry out his tasks.

Tarek Mitri was succeeded by Bernardino Leon (September 2014 - November 2015), a formulator. Mediation can be considered a spectrum because a formulator, in most of the cases, for structuring proposals, has first to bring parties together with a facilitative strategy. He is a formulator as he drafted the Libyan Political Agreement, but he is also a facilitator as the agreement is the outcome of an inclusive political dialogue that he mediated. In respect to the results of his predecessor, Bernardino Leon made significant progress in bringing the main parties to the negotiating table. When he started his mandate, Libya was highly divided and Bernardino Leon, was able, through his mediation, to narrow the deep trust deficit among the parties. In February 2015, for the first time, all the parties engaged in the Libyan Political Dialogue. From that moment, the SRSG carried out difficult and protracted negotiations, trying to balance all the different interests, in order to reach an agreement.

The Libyan Political Agreement was drafted and this can be considered an important attainment for the political process. The main aim of the accord was to create a framework to overcome the institutional and military fractures in order to build a democratic civil state. It has been inspired by principles of democratic rights, separation of powers and independence of the judiciary. The agreement provides the establishment of a Government of National Accord (GNA), as the only executive authority, and of a Presidency Council chaired by the Prime Minister. The accord recognizes the House of Representatives as the only legitimate legislative authority and provides the creation of the High Council of State as a Consultative Assembly of the State.

Leon's mediation had a negative turn. At the end of his mandate, the SRSG lost the trust of the parties as he was considered involved in a conflict of interests. A mediator, for definition, has to be considered impartial for being credible and for the parties to accept his proposals. At that point it was therefore clear that the agreement would have not been signed. Bernardino Leon, indeed, changed

attitude towards a more decisive strategy: he suggested the candidates for specific roles in the GNA. The mediator's position was considered unbalanced by the GNC and therefore Leon in order to regain the consensus of the Congress, made some amendments to the draft of the agreement. This move was perceived as an interference in the new government's affairs. At this point, strong objections were raised within the HoR as they considered the East underrepresented. The HoR rejected the draft proposed by Leon and the GNC condemned the talks and called for a freeze in the negotiations. The common understanding between the mediator and the parties on the mediator's rules was vanished. Several protests all over the country, against the UN-facilitated Libyan political dialogue and against the mediator, took place.

It is worth recalling that the mediator's efforts have been challenged not only by strong political disagreements and divisions but also by highly volatile and unpredictable security situation due to the presence of terrorists and extremist groups such as ISIL/Daesh and Ansar al-Sharia. The SRSG called all parties to make concerted and coordinated efforts in order to oppose the terrorists' ideology and practices. In the meantime, he organized meetings with representatives of armed groups and police for reaching local ceasefire agreements.

When the facilitative mediator, Martin Kobler (November 2015 - June 2017) took office, there was a political stalemate in the endorsement of the Libyan Political Agreement. He tried to overcome it convening round of talks. A positive result was achieved as the LPA was signed on 17th December 2015 in Skhirat, Morocco. This was considered as a sign for the Libyan people to believe again in the achievement of peace and unity in Libya. On March 2016, the Government of National Accord was established in Tripoli and it was headed by Faye al- Serraj. However, the transition process has not been fully implemented. The agreement born weak as key actors excluded from the accord, disagreed with its main provisions. SRSG's mediation was not capable of solving many conflicting issues regarding the creation of a unity government and a security roadmap: an

agreement on the list of candidates for the new cabinet was not found and the security provisions (in particular art. 8) created further divisions. These problems have remained unsolved and the GNA was established without the endorsement of the HoR. Since the beginning, the Presidency Council was not capable of exercising its full authority and it lacked the means for implementing its decisions.

The SRSB launched a new mediation plan: “*A Road Map to Peace*” with the aim to implement the LPA. This strategy consists of: considering the LPA as the only basis for ending the conflict, working for amending it, supporting security arrangements, promoting more cooperation between financial and economic institutions and the Presidential Council, encouraging national reconciliation and improving regional cooperation.

Martin Kobler worked in order to find agreements on amendments to the LPA but, after months of consultations with the president of the HoR and, separately, with the president of the High State Council, no positive results have been achieved. The mediator also spent several efforts on military matters with the aim to unify the Libyan security apparatus, however, this attempt did not make concrete progresses.

As a consequence, Kobler reported to the SC the feeling of frustration, disappointment and anger of the Libyan people towards the political process. He believed that Libya needed a strong, united and consistent support of the international community; the African Union, the League of Arab States and the UN formed a Troika in order to work together for providing stronger support to the Libyan people.

At the end of his mandate, Martin Kobler was, as his predecessor, accused of not being impartial and his mission was even denied to access in western Libya. The new SRSB became Ghassan Salamè (July 2017 - up to now), and he distinguished himself as a facilitative/formulative mediator.

First of all, it is important to highlight that the key pillar of Ghassan Salamé strategy was the return of the Mission in Libya as the mediator wants to work as closely as possible with Libyans. The main SRSG tasks have been outlined in the "*Action Plan for Libya*": amending the LPA, organizing a National Conference, preparing for the elections and providing humanitarian assistance. In the light of the recent events, the SRSG decided to focus his efforts also on revising the security arrangements and addressing the economic issues.

Regarding the amendments to the LPA, Ghassan Salamé's attempts have floundered in the face of resistance from political elites. On the contrary, referring to the second point, the National Conference can be considered one of the major successes. Aimed at the adoption of a national Charter, the Conference was characterized by an inclusive and enthusiastic participation. It has been described as representing "a new dynamism in the search for a solution to the crisis in Libya" (David Harland) consisting in a real bottom-up approach.

Ghassan Salamé's willingness is to bring all Libyans together around "*a common national narrative*". At this aim, the mediator improved local mediation facilitating numerous dialogues on security issues, land property grievances and the conditions of IDPs.

For what concerns the elections, the mission is working on them providing political and technical advices. The voter registration made by the HNEC ended with positive results despite the attempts, claimed by ISIS, to derail the electoral process. Before the elections, an adequate election law is required. Moreover a constitutional basis would be needed but the process seems stalled. At this aim, Ghassan Salamé is urging the HoR to deliver on "*its historic responsibility*" namely voting on a referendum law for the Constitution. The SRSG considers unwise to conduct elections without the "*right conditions*": the country is in a state of tumultuous and conflict and the risk for election violence is high. The

humanitarian assistance is indeed required today more than ever, especially in Tripoli as the city is “*on the brink of all-out war*”. The priorities of UNSMIL at this regard will be based on a dual track approach: revising the security arrangement and addressing the economic issues.

From this analysis, the best behavior for a mediator seems the one of being cautious and of being impartial. The first characteristic is required for respecting the Libyan’s demand for UNSMIL to have a light foot print in the process and therefore to let the Libyans be the owners of the transitional process. The second, as previously explained, is essential for a mediation to be successful.

It is difficult to express a judgment on which mediator has brought the best results as the challenge for the SRSGs is not fixing everything in the few years they worked for UNSMIL, but rather is helping Libya to be in the best track for the future. The results of the mediator’s actions are not always immediately visible. For sure, some positive results have been achieved but there is still a lot to do. The important approach for now is to understand which mediation’s strategy might be effective.

UNSMIL’s mediation strategy has changed over time as local mediation became more frequent and central to the mission’s work. At the beginning, the mediator was focused on supporting the central authorities and therefore operated just in the main cities without reaching the majority of the population. Local mediation was born later in reaction to national mediation’s inefficiency. Bernardino Leon, for example, during his work decided not to engage with armed actors as they lacked democratic credentials. This can be considered a great mistake as militias and security forces were the real power brokers on the ground. The LPA, as drafted by Bernardino Leon, indeed, lacks a broad base support and therefore legitimization.

Local mediation is considered important as it is part of the Libyan tribal system, in which local actors played a central role. In order to make effective agreements, the

mediator has to engage with them. Moreover, the lack of an efficient central authority, renders local mediation essential.

UNSMIL's support to local mediation has improved over time through the personal contacts staff members have created with Libyans. The mission has been providing support in logistic issues as well as offering mediators with skills and expertise for solving disputes and writing agreements. Local mediation is being used in different fields, not only for the creation of ceasefire agreements with armed groups, terrorists and militias, but also for reconciling communities with agreements on IDPs and local ownership.

The importance of local mediation has been stressed in particular by Martin Kobler and Ghassan Salamé. The first one, in his *“road map for peace in Libya”* included national reconciliation programs and the necessity to give to the governmental local bodies, like municipalities, more authorities, responsibilities and financial support in order for them to act on the level of their municipal duties. Ghassan Salamé considered local mediation and therefore national reconciliation essential also for overcoming the weaknesses related to the LPA.

The Libyan Political Agreement has not been properly implemented. At the moment, there are different centers of power. The GNA is headed by the nine-members Presidency Council, which is led by President Faze al-Serraj. The GNA is legitimately weak as it has not been endorsed by the HoR. Despite its international recognition, the GNA does not have wide support across Libya and it controls just few areas in the capital. It can exercise this control thanks to the alliances with militias (Misrata, Tripoli and other part of Western Libya). One of the most powerful actor is Field Marshal Khalifa Haftar who has been appointed in 2015 by the HoR as commander of the LNA. The other center of power is the HoR that operates in the eastern city of Tobruk, presided by Angeela Saleh. The political landscape is further fragmented by the presence of militias: the Misratan Militias in the western coast, the Tripoli Militias (the most prominent are the

Tripoli Revolutionaries Brigade) and Zintani Militias in the Southwest of Tripoli. Also the Islamist factions are still present: the Muslim Brotherhood are a substantial faction within the High Council of State. Moreover various jihadist groups, such as the Islamic State, Al- Qaeda and the Benghazi Defense Brigades are outside the political process and they may attempt to disrupt it.

The Agreement has therefore failed to overcome the institutional and military fractures. Nevertheless, the Security Council still supports it because there is no alternative framework for the Libyan political process. The challenge for the current SRSG is therefore to work on it. Ghassan Salamé is aware that for the accord to be implemented the priority is to overcome its limitations and build acceptance on it. The major challenge is a general deficit of legitimacy. The latter must come from the Libyans themselves. That is the reason why UNSMIL operates according to the approach “*Libyan-led and Libyan-owned*”. What characterized Ghassan Salamé’s mediation from his predecessors, is his strong willingness to reach out to all Libyans, not only the national representatives but also the local actors and not only the supporters of the LPA but also the people who are openly against it. The main challenge is indeed to include in the political process also those who have been excluded from it and those who have been self-excluded. At this regard, the high registrations for the elections is a positive sign for the future.

The lack of legitimacy for a central authority and therefore the fragmentation of the country is driven not only by national fault lines, namely the government in Tripoli and the HoR in Tobruk, but also by local conflicts which take the form of militia warfare, gang violence and tribal feuds. The country is therefore made of cities governed more or less independently from the central government. In many places, non-state actors like militias or tribal councils exercise governance competencies. The UN mediation can therefore be effective if, being aware of this fragmentation, it finds a way to deal with it. The key might be local mediation. It is essential to strengthen local power, to empower municipalities because a strong

state relays on strong local governments. Increasing local power is required not only for filling up the national legitimacy deficit but also because municipalities can easily deliver public services at the local level and therefore better respond to citizens' needs.