LUISS

Department

of Political science

Course of Diplomacy and Negotiation

INTERNATIONAL MEDIATION AND POLITICAL TRANSITION:
THE CASE OF THE LIBYAN POLITICAL DIALOGUE FORUM

Prof. Pasquale Ferrara   Prof. Andrea Gilli

SUPERVISOR   CO-SUPERVISOR

Aurora Di Bartolo   Mtr. 640202

CANDIDATE

Academic Year 2020/2021

INDEX

Abstract

This dissertation aims to answer the research question "At what conditions mediation of international organizations on institution building can succeed in post-conflict situations? And what is the most effective style of mediation in this context? Considering the fragmented Libyan situation, as a result of a civil war, can the UN be regarded as an effective actor?". The answer to this question emerges from the analysis of the mediation strategy of the three latest Special Envoy of the Secretary-General on Libya and Head of Mission in Libya, Ghassan Salmé, Stephanie Williams and Ján Kubiš. Since the end of Ghaddafi's regime, the Libyan conflict has defied several mediation efforts by the UN, especially with the creation of UNSMIL.

The United Nations intervention during the political transition suffered various shortcomings during the time, due to some shortcomings in the United Nations' mediation. Indeed, the UN usually works with a "western mind" and through majoritarian democracy. This interacts with different political cultures, where political consensus and inclusiveness rather than formal decision making is preferred by local political actors. For this reason, the thesis analyses how the United Nations mediation changed over time until July 2021 and the evolution of the Libyan Political Dialogue Forum, that is best outcome after many years of mediation failures. The Libyan Political Dialogue Forum, launched in 2020, to assure full inclusiveness and that the peace process toward transition would be Libyan led and Libyan owned.

Introduction

Since the overthrow of Muammar Qadhafi, Libya's institutions have suffered from a power vacuum. From the National Transitional Council's (NTC) inception after the 2011 Libyan Civil War, until its handover of power in August 2012, it claimed to possess "temporary" sovereign authority sufficient to administer Libya and define the rules of the post-Qadhafi transitional phase. Throughout the protracted constitutional drafting process, the country has been "governed" according to the Temporary Constitutional Declaration (TCD) issued by the NTC in August 2011. Amendments to the TCD have constrained Libya's political evolution, impeded the constitutional drafting process and impinged upon the legitimacy of the General National Congress (GNC), the NTC's successor body.

The United Nations, on 16 September 2011, with the Security Council resolution 2009, established the United Nations Support Mission in Libya (UNSMIL), an integrated political mission with the aim to help Libyans to transition toward democracy. The leadership of the mission was put in the hands of a Special Representative of the Secretary-General (SRSG) with the main task to assist Libyan national efforts to undertake an inclusive political dialogue and embark upon the constitution-making and electoral process.

Since 2011, there have been six SRSGs who played an important role as mediators: Tarek Mitri, Bernardino León, Martin Kobler, Ghassan Salamé, Stephanie Williams and Ján Kubiš.

This thesis is intended to examine the most important and fruitful outcome of the United Nations mediation over a 10 years period which affected Libya: the Libyan Political Dialogue Forum. In the first chapter, a preliminary overview of mediation will be given, providing a definition, clarifying the actors and strategies of mediation, criteria to evaluate it and how is it possibile to define when a mediation is a success or a failure. After that, it will be introduced the Libyan case study remarking the tribal social structure, the causes of the 2011 revolt, the post revolutionary context and the crucial role of the external actors, but especially regional actors, which is crucial for the Libyan Political Dialogue Forum to succeed. All elements that shaped the UN 's mediation role until now.

Successively, the United Nation intervention is introduced briefly with the description of the United Nation Support Mission in Libya (UNSMIL) in order to arrive to the description of the mediation's activities of three SRSGs, who facilitated the Libyan crisis during the timeframe 2018-2021, namely Ghassan Salamé, Stephanie T. Williams and Ján Kubiš. For each mediator, an analysis of the main events under their mandates, followed by an analysis of their mediation style

will be given. The analytical methods used in writing this part include the study of official UN documents: briefings by the Special Representative of the Secretary-General to the Security Council, reports of the Secretary-General, Security Council resolutions and Presidential Statements.

However, one of the main challenges for the mediators was that the local oppositions were deeply divided, largely because Qadhafi's brutal authoritarian rule had erased any local institutions or viable alternative leaders. Libya has defaulted since the overthrow of the dictator and as a result, it remains in disarray, still representing a plausible source of terrorism and instability for the international community.

The greatest achievement of the United Nation mediation, namely the Libyan Political Dialogue Forum, is explained in chapter four of the thesis. The LPDF is an initiative organised by UNSMIL, under the leadership of Acting SRSG S. Williams, which brought together 75 Libyans with the aim to create a temporary Unified Executive Authority able to bring Libyans to the holding of the elections on 24 December 2021. The Libyan Political Dialogue Forum is a comprehensive Libyan-Libyan dialogue held on the basis of the outcome of the January 2020 Berlin Conference.

Considering the fragmented Libyan situation, as a result of a civil war, the thesis aims at analysing at what conditions mediation of international organizations on institution building can succeed in post-conflict situations, and what is the most effective style of mediation in this context. This part is analysed in the last section of the thesis with some suggestions on how to improve the mediation applied.

It is also analysed whether an international organisation such as the UN can be regarded as an effective actor since it brought positive and successful event, such as the ceasefire agreement signed in October 2020 between the he Libyan National Army (LNA), under the leadership of General Haftar and the Turkey-backed Government of National Accord (GNA), under the leadership of Prime Minister Fayez al-Sarraj, the launch of the LPDF and the creation of a new Executive Authority.

The Libyan case deserves to be described from the moment that the Libyan Civil War has been extremely complex in terms of configuration of local actors, military involvement of regional and great powers, and dynamic formation of alliances. Since the outbreak of the war, Libya has been regarded as a failed state, without any possibility to recover. The fact of having an important and

rich-oil state such as Libya in the middle of the Mediterranean destabilised neighbouring countries.

The nature of Libya's social, political and economic dynamics since 2011 has created the conditions for the emergence and evolution of various new players, alliances and ideologies.[1]

The continued desire of the Libyan citizens, especially youth, to be able to express themselves and be considered for the establishment of the new government for a new Libya and the growing hope they placed in the hands of the United Nations, is a synonym of persistence and determination but also means tiredness of this "protracted interregnum".[2]

The Libyan case is exceptional because it was affected by one of the longest dictatorship in the last century, namely the forty-two year rule of Qhadafi. After the end of the regime, factions started to fight because they had a reason in the form of claims. The United Nations managed to understand what Libyans wanted in order to let them stop fighting, what they haven't had for almost 70 years: full inclusiveness for a Libyan-led and Libyan-owned solution.

---

[1] Mundy, J. (2021). Libya: Lost in Transition. Middle East Law and Governance, 13(1), 1-3.

[2] A period when normal government is suspended, especially between successive reigns or regimes. (Oxford lexico)

1. Mediation

1.1 A definition of mediation

Mediation is a tool for diplomatic intervention in managing conflicts for the purpose of mitigating the dispute between belligerent parties or for private interests of the third party. This practice is very old and it goes back to the first century BC, when Greek city-states intervened in the First Macedonian War trying to create a truce.

Over the time, mediation provided a vital role in ending problematic disputes, such as violence in Northern Ireland, the struggle between Israel and Egypt and during the territorial dispute between Chile and Argentina. Nonetheless, mediation efforts concentrate more during the cold war.

Mediation can be used in a wide range of settlement, and regardless the type of conflict, the common feature that is always applied is the introduction of the third party, which must mediate between the disputing parties. However, it must be underlined that mediation is a voluntary act from both parties, the disputants and the mediator. Not always the disputants are willing to accept a mediator into their affairs, and usually the stronger side in a conflict rejects him/her. However, a successful mediation can bring a lot of advantages such as bringing an end to violence, the settlement of the conflict, preserve good relationships or restore relationships.

The mediator, once engaged in the mediation effort, is for all intents and purposes, a full player in the conflict management process. He/she helps in finding a solution that the disputing parties cannot find themselves, and sometimes he/she simply provides a forum or a venue for the talks.

The act of mediation results necessary in long and tormenting disputes where the parties are not capable to find a mutual agreement. Mediation is something that is needed, especially when the parties do not trust each other, when cultural differences affect the communication and when one of the parties do not recognise the other.

Mediation is a special kind of negotiation with the aim to promote any resolution to a conflict. An important and distinctive role is played by a third party, that it must be not directly involved in the dispute. Three characteristic are attributed to the role of the third party: it must be impartial, it must want any settlement with which the parties themselves will be happy and it must be active for the resolution of the conflict, and for this reason, sometimes, it's defined as a "full partner" in the negotiation, when for instance he/she draws up an agenda, calls and chairs negotiations session, and propose new solutions. In addition, a new element deserves to be introduced into the large definition of mediation: neutrality. This means that the mediator must be neutral when is

attempting to find a solution, in order words, he/she must no favour neither side. When the mediation is neutral and impartial, is more likely that the parties will trust him/her, and in turn, the mediator will be able to find an effective solution in the shortest time possible. Nevertheless, not always a neutral mediator is available, this makes neutrality not a necessary condition for conflict resolution, as it happened during the mediation between Israel and Egypt, where the United States had an explicit sway toward Israel, but its role as a superpower and the great leverage it had, made it an appealing mediator. [3]

Given the definition of mediation "*as the active search for a negotiated settlement to an international or intrastate conflict by an impartial third party*" (Berridge, 2015), the third party, acts as a channel of communications, sometimes help with the interpretation of messages, showing to the parties how a message to the other side can be made more agreeable, and might provide a neutral venue for the talks. However the latter is not essential because the parties can also shuttle between nations.

Sometimes the third party may lack influence on the enemies and thus abandon the talks, conversely its influence can be really substantial, therefore the mediator acquire the great responsibility of driving the negotiation onwards[4].

The logic of a mediation is to let the parties to cooperate. Although every dispute is different from the other, the United Nations published a guidance entitled *United Nations Guidance for Effective Mediation* in order to identify fundamental aspects for a constructive and competent mediation that aims at the peaceful resolution of conflicts.

The guidance stresses the importance of a professional approach to mediation, the necessity for coordination and management of actions and the need for mediation efforts to be more inclusive.

Eight good practice elements have been identified: preparedness, consent, impartiality, inclusivity, national ownership, international law and normative frameworks, coherence, coordination and complementarity of the mediation effort and quality peace agreements.

The first one is the preparedness of the mediator. He/she must have individual knowledge and great skills, must be able to cooperate with a team of specialist and must be able to elaborate flexible strategies in order to respond promptly to the changing of the situation. The selection of a competent mediator can be very hard, but it's very important that he/she is a person of integrity, impartial, reliable and well-supported by the state or by the organisation.

---

[3] Greig, J. Michael and Diehl, Paul F. (2012). International Mediation. Cambridge: Polity Press.

[4] Berridge, G. (2015). Diplomacy: Theory and practice. Houndmills, Basingstoke: Palgrave Macmillan.

Second, mediation require the consent of the parties involved in the dispute. Without consent, the possibility of a resolution of the conflict is very remote. Most countries refuse mediation because they think that it's a form of loosing sovereignty. In such cases, the mediator might cultivate consent and expand the consent base of the parties taking part in dialogues with local actors following a process of confidence-building.

The third fundamental element is impartiality. The mediation process must be fair and transparent, and the laws must be applied in the same way to the disputing parties.

Fourth, inclusivity of the views and needs of all the local community, stakeholders and groups presented in the territory of the disputing parties, is essential for the resolution of the conflict. Inclusivity reduce the possibility to exclude actors and it increases the probability of the mediation success.

Fifth, the parties commit themselves to the mediation process. This is referred as national ownership, and it's important because the decision to stop the fighting it's in the hands of the conflicting parties, since any solution cannot be imposed forcefully but both sides must accept it.

Clearly mediators administrate their work on the base of a legal frameworks and within the rules of international law. They must respect these laws and norms because they also contribute to strengthen the legitimacy of the process and the durability of the peace agreement.

Coherence, coordination and complementarity of the mediation effort refers to the fact that a lot of actors are involved in the mediation process. Thus, tasks and works must be clearly divided and coordinated between them. Mediation actors should cooperate based on a common strategy and avoid duplication of labour.

Lastly, mediation might be required in the implementation of peace agreements. However, they can differ in nature and in scope but the implementation is necessary for a durable peace and a constructive reconciliation.[5]

1.2 Actors of mediation

Mediation can comprise a great number of plausible mediators. For this reason, they are divided into categories, or into "Track One", "Track Two" and "Track One and a Half".

Track One diplomacy identify the mediating role of states, whether acting singly or collectively, or through an international organisation, such as the United Nations (UN) or regional

---

[5] UN Guidance for Effective Mediation (2012)

organisation, such as the African Union (AU) and Organisation of American States (OAS). The mediation is usually carried out by diplomats, government officials and head of states.

Some states undertake a mediation process because they have interest in the regional stability of the area interested or some other states undertake a mediation process because of their permanent neutrality. The former category of states is represented especially by the Vatican City (Holy See), Qatar, Turkey and South Africa, whereas the latter category refers to two historically neutral states: Austria and Switzerland.

There are numerous reasons why states seek the role of mediator. The most important one is to avoid crisis that might threaten global and regional stability, including economic stability and political stability. Moreover, mediation can be seen as a mean of raise the prestige of a state, and lastly, when there is a conflict within alliances or associations of states in which the major powers play leading roles, they decide to mediate in order to maintain their internal solidarity and avoid any kind of intervention from outside. Track one mediators have the possibility to gain something from mediating a settlement to a conflict, whether in cash or in kind, and whether it arrives indirectly in the shape of increased prestige.

The weakness of Track One is that a state's power can corrupt the outcome of the negotiation process if its personal interests are involved, for this reason it's very important that the mediator acts as impartially and neutrally as possible. Second, the negotiation process can be very lengthy because officials must always consult with their leaders back home.

Over the time, Track One diplomacy, has ben supplemented by **Track Two diplomacy**. This form of mediation is supposed to create a link or supplement Track One. The term has been developed by Montville and defined by himself as "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".

Track Two diplomacy specifies the mediation role of private individuals, organisation and NGOs. Private individuals include especially businessmen, who are people incited by corporate interests, political ambitions and charitable instincts but also because some of them might be exhibitionist. A good example is the mediation undertaken by the American businessman Armand Hammer, who as a citizen-diplomat, promoted East-West détente.

Whereas religious bodies are the most prominent among NGOs in mediating, because of their robust and resilient pacifist inclination. Examples of this kind are The Quakers and the Rome-

based religious Community of Sant'Egidio, famous for its mediation role during the civil war in Mozambique during the 1990s.[6]

Organisations are Search for Common Ground, West African Network for Peacebuilding (WANEP), and the European Centre for Conflict Prevention (ECCP).

The strength of Track Two powers is usually shown during the pre-negotiation stage, but then must go off in favour of a more strong track one power once the mediation is initiated. Moreover, Track Two actors are not limited in power by any political or constitutional power, therefore, they act freer.

In opposition to Track One diplomacy, Track Two's main weakness is the limited influence that these actors have, indeed Track Two bodies usually admit that their efforts are most successful when conducted in conjunction of those of track one, even though such cooperation can be hard to orchestrate.

However, Track One and Track Two definitions do not exhaust all kinds of peacemaking activities. There have been elaborated some kinds of unofficial diplomacy during the time in order to describe different approach to conflict resolution. Some of them are "track-one-and-a-half diplomacy" (Nan 2005), ''semi-official talks'' (Lieberfeld 2007), "multitrack diplomacy" (Diamond and McDonald 1991) and "quasi track-one diplomacy". These types of engagement have increased notoriety thanks to the potential of stimulating changes in the relationships of the disputants to realise the necessity of an official negotiation process.

In 2005, Dr. Susan Allen Nan, defined **Track One and a Half Diplomacy** as "diplomatic initiatives that are facilitated by unofficial bodies, but directly involve officials from the conflict in question"[7]. The latter feature differentiates it from Track Two diplomacy, when official representatives of the conflicting parties are involved in the conflict resolution process, and not a representative or an official of a political institution. Therefore, Track One and Half is also called "hybrid diplomacy" because gives to the mediator the ability to juggle.[8]

The strengths of Track One and Half diplomacy are many. Firstly, it completes Track One and Track Two, it influences directly the power structures, it's very agile in switching level of mediation involvement and it can facilitate contact between leaders whose relation has been

---

[6] Berridge, G. (2015). Diplomacy: Theory and practice. Houndmills, Basingstoke: Palgrave Macmillan.

[7] Mapendere J. (2005) Track One and a Half Diplomacy and the Complementary of Tracks. COPOJ-Culture of Peace Online Journal, 2(1), 69.

[8] Schiff, A. (2010). "Quasi Track-One" Diplomacy: An Analysis of the Geneva Process in the Israeli–Palestinian Conflict1. International Studies Perspectives (2010) 11, 93–111.

challenged by the conflict. Once two ore more actors, being states or intrastate actors, engage into a conflict, they typically cut diplomatic relations to make clear that formal communication is no longer enjoyed, in turn, this usually lead to war. Here, both Track One and Track Two result inefficient. The first because the sovereignty clause makes Track One not very effective since nations try not to interfere into each other's sovereignty. Equally, citizens in Track Two are discouraged because of fear to be killed. This is when Track One and Half comes to play, because it is able to reconcile the gap of communication.

Whereas, the weakness of Track One and Half are related to the fact that the person who act as a mediator may seems as he/she is representing the interest of the home country, this may discourage the parties involved into the conflict. In addition, the mediator does not have any kind of resources, being military or financial, and lastly, he/she can act in contradiction of the values of the home country.[9]

In conclusion, it's important to explain also the concept of **Quasi Track-One diplomacy**, a form of unofficial diplomacy that was elaborated after the analysis of the mediation applied during the Geneva process 2001-2003, which led to the drafting of the Geneva Accords between Israel and Palestine. Even though the Geneva process has been described as an act of track-two diplomacy, some of its characteristics didn't fall into that category and neither in any of the categories explained above, indeed, this process was characterised by unusual features that fall into a category of its own, namely "quasi track-one diplomacy".

This kind of unofficial diplomacy is most effective in influencing policymaking and it is characterised by a different status of the representative involved. On one side, some representatives operate outside the government and have no direct influence on policymakers, conversely representatives hold official positions. An example are the Palestinians who declared to engage into the Geneva discussions as private citizens, but ministers and senior officials were presented in the group, while Israeli representatives did not hold official roles but they were activists and authors who weren't able to influence the governmental leadership. As a matter of fact, this imbalance between roles do not fit with the version of track two diplomacy, but create a variant.

Another feature is how the parties involved try to gain legitimacy. The Israeli participants, for instance, tried to gain legitimacy though public pressure and intense advocacy, directly

---

[9] Mapendere J. (2005) Track One and a Half Diplomacy and the Complementarity of Tracks. COPOJ-Culture of Peace Online Journal, 2(1), 66-81.

addressing public opinion to build national and international support, seeking to exclude the decision-makers as a macro level into which the track two products can be processed.

In conclusion, the absence of a concurrent official or track-one process and the absence of juggling between track one and track two, exclude the match also with the track-one-and- a-half definition. All these incompatibilities with Track-one, track two and track-one-and-a-half, create a category per se.[10]

1.2.1 The United Nations as a mediator

Mediation conducted by international organizations (IOs), such as the United Nations, has played an important role in recent times. UN mediation reached a peak especially after World War II in the 1940s and 1950s, indeed, the UN was involved in almost half of the total mediation attempts in the international scenario. However, the UN's share of mediation declined until the 1990s, but its total mediation activity increased tremendously, considering that the UN mediated only 39 times during the 1950s, whereas in the 1990s it engaged in 569 mediations.

The UN often seems best for the mediation of conflicts that appear intractable, but are of relatively marginal concern to the major powers. However, neither UN can expect to act the same to each peace process, nor can it expect to be chosen as mediator in every conflict. Nevertheless, the UN remain a significant and highly valuable player, characterised by three strengths. First, its strongest element is the international political legitimacy. UN-led mediation can gain support when it is legally authorized and fully funded by the international community. This political legitimacy is also based on the UN's legal legitimacy as the custodian of much of the international human rights and international law legal framework that surrounds contemporary conflict and peace. Second, UN is the most able organisation in the world to adapt its efforts to the needs of the situation. The UN has an exceptional ability to move from a mediation role to another. Third, the UN has global knowledge, global expertise and its organisational structure is spread in almost every country in the world.

However, the UN also has weaknesses as a mediator. Indeed, the UN is thwarted by its statist nature and its potential overstretch. Its statism means that UN is seriously restrained in its relations with non-state armed groups and tends to operate with the prudence of a government rather than the flexibility of a true intermediary. UN should face armed groups as a matter of

---

[10] Schiff, A. (2010). "Quasi Track-One" Diplomacy: An Analysis of the Geneva Process in the Israeli-Palestinian Conflict. International Studies Perspectives, (2), 93-111.

routine, but the problem is that many senior UN staff hesitate in taking the risk of contacting armed groups directly for fear of being judged by headquarters staff if things go wrong. Therefore, UN staff must be free to talk to rebel groups. Without doing so, there will be nobody for the UN willing to go as a mediator. And for the overstretch, mediators are better in their work when they focus on a few things, since managing the perfect quantity of work is hard.

Taking into account the UN's strengths and weaknesses, there are some conflicts in which the UN is best placed as a mediator. First of all, UN is a broad-based peacemaker and not a simple mediator. Mediation is only one ingredient of the peace process whereby different players interact. In many situations, since most peace process are inevitably long, strict mediation is not likely to be the optimal choice. Being flexible as broad-based peace facilitators, UN can play a highly complementary part. UN is able to link track one and track two, in doing so, disputes are more likely to succeed because fundamental elements of the two tracks are combined. Track-two is vital to a successful, widely owned and participatory peace which comes from real inclusion of the all society, whereas Track One actors have greater influence.

Linking the two tracks is not simple and politicians, diplomats and international officials are not prone in working with civil society and popular movements, whereas the UN is greatly able to pull the two tracks together. The latter is of great importance for a widely owned and participatory results. This is essential for a successful and enduring mediation result.

1.3 The ideal mediator

The ideal mediator varies with the stage of the conflict cycle and with the stages of mediation. However, there are some ubiquitous requirements that belong to the ideal mediator. First and foremost, according to the definition of mediation, the mediator must be impartial. Impartiality allow both sides to trust the mediator, especially when he/she shuttle between the parties to report messages that can be subjected to distortion. In particular, this can happen when the two parties don't want to talk directly with each other.

Second, for the mediator, the value of influence or power may be more effective than the parties. His/her influence has many and varied sources. It can come from a previous record of success and the absence of mutually acceptable alternative mediators, it can come from a spiritual authority or it can provide economic or military aid as a reward in order to compensate what one side would have to surrender.

Third, whether the conflict in question is an intractable one, the best thing to do is to give continuous attention to the conflict in order to better understand the situation and build familiarity with the parties. Indeed, since intractable conflicts are not settled overnight, the UN is suitable for an effective mediation.

Last but not least, the ideal mediator should have a strong incentive to get a settlement, but any settlement, with which the parties themselves will be happy.[11]

1.4 Forms of mediation

The approach that the third parties adopts during a mediation depends on the conditions faced by the belligerents. The lack of information between the parties is the main hindrance that may block the resolution of the conflict. When this happens, the mediator can simply facilitate talks in order to let them exchange information about their positions, or sometimes must step in with a more active role to help the disputants to revise their view of the conflict away from a zero-sum game (where a gain for one side is a loss for the other) toward a common solution that falls in a bargaining range, called the "Zone of Possible Agreement" (ZOPA), in which the negotiating parties may find a mutual agreement.

The level of commitment of the third party into a dispute reflects into different forms of mediation. For instance, Fisher (2007) distinguishes four levels of engagement: conciliation, consultation, pure mediation and power mediation.

The first one, **conciliation**, is the lowest level of engagement: a third party focuses in providing communication linkages. This form of mediation is also called "light mediation" (Pruitt, 2000), or provider of "good offices" where the third party simply arrange for a venue and time to facilitate talks. In addition, the mediator offers a recommended solution to the parties involved, but they retain control over the outcome by being able to accept or reject the recommendation.

The second form of mediation is **consultation**, where the mediator uses personal skills to help disputants in moving toward a problem-solving focus trying to persuade them. However, his/her role remains limited, avoiding to push the parties to change idea.

The third one is **pure mediation**, where the third party plays a solid and important role and becomes a solution innovator to the conflict, seeking to help the parties to recognise the area of interest. Contrary to consultation, in pure mediation, the mediator has more control over the talks and can decide to avoid some topics or focus on other during the talks, so as to improve the likelihood of success.

---

[11] Berridge, G. (2015). *Diplomacy: Theory and practice*. Houndmills, Basingstoke: Palgrave Macmillan.

The last form of mediation is **power mediation**. It's the most coercive form and indeed is also called "heavy mediation" (Pruitt, 2000) or "manipulation" (Zartman, 2008). In this case, the third party might threaten the parties with punishments such as economic sanctions or offer them benefits such as aid and diplomatic concessions.

However, an additional differentiation of forms of mediation has been made by Touval and Zartman. They identified three categories: communication-facilitation, formulation and manipulation.

In the first one, **the mediator as a communicator or as a facilitator** serves as a channel of communication among disputing parties, focusing on ensuring continued discussion and dialogue. This is because a dispute also imply the collapse of communication and the parties insist that they don't want to talk directly. Here the role of the mediator is defined as passive in human affairs, since his role is limited to make contact with parties, gain the trust and confidence of the parties, arrange for interactions between them, identify issues and interests, supply missing information, carry proposal and encourage communication.

In a **mediation as a formulation**, the mediator plays a more active role. Unlike facilitation, formulation involves a substantive contribution to negotiations by the mediator. In such situation, the breakdown of communication is not the only reason why a mediator is necessary, but sometimes the parties don't want even think about a solution. Indeed, when mediator act as a formulator, he/she conceive and proposes new solutions to the disputants and helps them to more easily select an existing mutually acceptable alternative. Here the mediator must develop more skills and have the qualities of both creativity and invention, he/she is active in the search of a mutually acceptable solution and suggest procedures.

In sum, the roles of mediator as communicator and formulator are facilitator roles, put in need by the rupture in communications. This is regarded as "pure mediation", and the mediator (or third party) becomes a solution innovator to the conflict, seeking to help the parties to recognise a solution that satisfies the parties and to develop terms of settlement for the conflict.

When communication and innovation are not enough, the mediation can turn into a manipulation. Therefore, when the **mediator act as a manipulator**, he/she uses its position and its leverage to influence the crisis bargaining process. The mediator attempts to shift the reservations points of each actor, to change disputants' expectations, expanding or simply adding alternative into the Zone of Possible Agreement (ZOPA).

The mediator's role involves power and the dyad bargaining structure become a triad structure, where the he/she becomes a "full participant", starting to make substantive suggestions and proposals. The goal is to maintain the triangular relationship keeping the mutual stalemate alive, making sure that neither can prevail and therefore that both will regard the mediator as the only way out of their mutual stalemate. It becomes the mediator's interest to make parties aware of costs of non-agreement, and thus help elaborate a framework for acceptable outcome. A unilateral victory is not acceptable because it's not as stable as a mutual accord, since the defeated party might be not happy and can try to overturn the decisions taken.[12]

1.5 Successful mediation

It is very difficult to identify when a mediation is successful or not. As a matter of fact, in some cases, there is not a clear division between "success" and "failure". Some talks are very long, affected by an alteration of progress and deadlock.

After long and durable conflict, the sign of a ceasefire agreement, is an event that could be described as a success even if it can be reversed after some time. However, a mediation that creates a ceasefire certainly contributes to peace, even if for a short time. Considering that a mediated ceasefire reduce the level of conflict between the disputants, it can be labelled as a success.

In some cases, mediation do not end up in reaching a ceasefire, for this reason these are regarded as failure.

At first glance, one can state that a durable peace between two former enemies is regarded as a success. However this can be find out only with time, since the today agreement might seem successful, but in three, six or ten years the parties can go back to war.

However, there are some elements split in the stages of mediation that identify a successful mediation. At the first stage there is the achievement of getting the disputing parties to accept the mediation, described as "**getting to the table**", and at the second stage, there is when the parties are able to reach an agreement that can be a ceasefire or a comprehensive settlement of all the unsettled complaints, described as "**getting to agreement**".

Getting the disputing parties at the bargaining table is the first great achievement. This means that the parties voluntarily decide that there is the need to negotiate and are willing to reevaluate

---

[12] Zartman, I. W., & Touval, S. (1985). International Mediation: Conflict resolution and power politics. Journal of Social Issues, 41(2), 27-45.

their visions. However, this is not always as easy and quick as one hopes, because of the "bargainer's dilemma" the parties fear the possibility of loosing credibility or power, and showing sign of weaknesses. Nonetheless, from the moment that a mediator takes action, it signify that the disputants are unwilling to talk directly, but at the same time, in order to accept the involvement of a mediator, the situation should soften up, otherwise mediation is not seen as a valuable alternative.

What makes actors to accept mediation is the impact of conflict *pain*, that is when wars and clashes are very costly in terms of money and human lives. From the moment that understanding that the costs are high sometimes is not enough, the notion of "mutually hurting stalemate" (MHS) is a perceptual condition "in which neither side can win, yet continuing conflict will be very harmful to each" (Zartman, 2003). This notion is composed of three essential elements: "mutually", indicates that each party is experiencing significant costs and has little hope of succeeding through continued coercion; "hurting", indicates that the parties are paying costs, with the implication that are meaningful enough to consider changing behaviour; "stalemate", indicates an impasse in the conflict such that neither side can imagine achieving its goals through continued fighting.

The recognition of the MHS from both sides, usually help the parties to getting to the table. A one-sided hurting stalemate would not persuade the parties, therefore a minimum level of pain must be present for both. However, the pain alone might not be enough for the disputants to seek diplomatic alternatives.

The perception that mediation is a valid "way out" can help the disputants in accepting to sit at the table and negotiate. Past experiences and past diplomatic efforts can lessen disputants to future negotiations, but also communication and positive contacts between can help appeasing the vision each has of the other. Moreover, there is a considerable proof that democracies are more inclined to welcome mediation than non-democracies (Bercovitch et al., 1991; Dixon, 1994; Creig, 2005; Raymond, 1994).

Nevertheless, merely getting the parties to the bargaining table is not always enough, but it's important to reach an agreement to agree upon some peace conditions. Sometimes the disputants may accept a mediation for the purpose of appeasing a powerful third party. In such cases, the mediation effort will fail unless the third party is able to produce interesting incentives and benefits from the bargaining. In other cases, the disputants engage in a bargaining process

because they want to improve their reputation, but a possibility that the mediation is doomed to fail exists.

According to the "contingency model of mediation" (Bercovitch and Jackson, 2009), there are factors that interact and thus determine the success or failure of a mediation. These factors include the characteristic of the mediator, the disputants, the conflict in question and the process itself.

Since the mediator attributes vary upon different skills and personal work experiences, there is no one-size-fits-all conflict. However, a powerful mediator brings resources and provides practical solutions, indeed he/she can produce a success where a less powerful mediator might produce a failure. High-ranking mediators can increase the possibility of success. For instance, an American president has much more prestige and power than an American ambassador, however both efforts are backed by the American government. The same theory can be applied to state where powerful states and international organisations are usually more successful mediators than that managed by small states or coalition of states.

Ultimately, when the mediator is not an effective third party, or he/she does not have enough power to influence the dispute or lacks the ability and skills, the mediation might fail. Still the most effective mediator can be unable to achieve a success when the disputing parties are reluctant to negotiate or make concessions.

However, also the factor "time" must be taken into consideration. The right moment for mediation depends on the life cycle of a conflict, indeed if it's too early or to too late, the mediation is likely to fail. It's obvious that if disputants were always able to individuate the right moment, the third party mediation would not be necessary.

Mediation is most likely to succeed in the circumstances in which any negotiation is most likely to succeed. This is when the belligerents have both reached the conclusion that they will probably be better off with a settlement than without one. The attempt to get a mediation going before the time is favourable is likely to fail.

In addition, the "context of the conflict" influences the outcome of the mediation. Conflict severity conditions the inclination of the parties to accept mediation. For instance, conflicts with low level of mortality show a greater propensity to achieve a full settlement than those with a great number of deaths. Statistics show that mediation in conflicts with less than 1,000 death succeed in the 15% of cases, conflicts with deaths between 5,000 and 10,000 succeed in 7,5% of cases, and conflicts with more than 10,000 death succeed in 4% of cases.

Aside from the severity of the conflict, the most important factor is that are the parties the ones who must agree to the mediation and to any settlement. Without their willingness, the process does not even begin.

The distinction between the circumstances in which mediation tends to be applied to conflict and the circumstances in which it is successful illustrates many of the reasons why, although mediation is a tool for managing conflict so widely used, it frequently fails.[13]

The conditions for a successful mediation vary on the configuration of the conflict and which is the best mediation strategy depends on the characteristic of the conflict. The latter factor is mixed with the characteristic of the mediator in order to identify a successful strategy. As already mentioned, there exists an immense variety of mediators and their proficiency depends on the ability to adapt their level of leverage to the demands of the case. In international mediation, the one-size-fits-all view doesn't hold.

The tool of leverage is usually indispensable for conflicts and even more for intractable ones. Mediators that are unable to use leverage to secure agreements made in negotiations, might be incapable to resolve the dispute. However, sometimes the opposite can be also unsuccessful. Mediators who put too much leverage create pressures on the disputants which will bring to the same outcome. For this reason, tough mediators may fall into the trap of creating contrived incentives for deals that are unsustainable in the long term or they race against time. Nevertheless, if leverage is not used, parties have to be already motivated to achieve peace, but it is something not plausible.[14]

1.5.1 Challenges in international mediation

There exist some challenges that if managed well, will improve the success of the mediation.

There is no an international government organisation dedicated to mediation but mediation occurs when the need arises and personal is being nominate to perform a certain diplomatic effort. This imply that mediation is a voluntary activity, and for this reason some conflict are ignored.

An institution organised globally might ensure a better management of conflicts in need of mediation but also might ensure a well-trained mediator for the conflict in question.

---

[13] Greig, J. Michael and Diehl, Paul F. (2012). International Mediation. Cambridge: Polity Press.

[14] Kyle Beardsley, "Using the Right Tool for the Job: Media- tor Leverage and Conflict Resolution", Penn State Journal of Law & International Affairs 2, no. 1 (2013): 57–65

Nevertheless, some countries institutionalised mediation at the national level. An example are the Federal Mediation and Conflict Service, an American agency which provides mediation services to public and private groups, and the Fafo, a Norwegian research foundation linked to the Norway's Foreign Ministry focused on conflict management.

A further challenge for mediators is to secure an agreement that has a "win-win" solution. The perfect situation in an agreement would be when the disputing parties agree to a deal that involves something less than hoped for in order to favour both sides. A win-win solution is a mutually agreeable solution, but it's not very easy to achieve. For this reason, mediators may offer financial aids or guarantees to increase the gain of the disputants.

Being as successful as possible in a mediation is always challenging, even more so when dealing with "intractable conflicts" or "enduring rivalries". The main characteristic that unites them is their duration. As a matter of fact, they tend to be protracted, lasting many years rather than months. These types of conflicts are also characterised by violence with frequent hostility episodes, which can create a spillover effect to neighbouring countries. For their severity, they attract more any mediation attempt, since ignoring them could bring negative effects.[15]

1.6 Unsuccessful mediation

When a negotiation or a mediation does not end with an agreement, it is labelled as a failure. However, incomplete negotiation does not imply failure, as poor agreements may still be ignored and result in failure.

Guy Oliver Faure, professor and researcher on "International Negotiation" and "Conflict Resolution", underlined thirty-nine explanatory factors of non-accomplishment of negotiations, and then grouped them into more extensive categories: actors, structure, strategies, process and outcome.

First of all, when a mediator or a negotiation team engages in a negotiation must be prepared. As a matter of fact, the *absence of knowledge*, lack of preparation, training, and experience of the negotiation team certainly lead to a failure.

On the side of the disputants, negotiations fail when parties have *incompatible values*, this means they are too different in terms of culture, motivations or personality. This leads the parties to suffer for the *absence of chemistry* which is regarded to be an essential ingredient of diplomacy.

---

15   Diehl, P. and Greig, M. (2013) International Mediation. 1st edn. Wiley.

The reputation of a person is also a very important factor in Middle East and Asian countries, where someone's public self-image, and thus *face concerns,* play a crucial role.

The second category takes into account the structure of the negotiation process. There are some fundamental elements to respect such as the building of a Zone of Possible Agreement (ZOPA) and the inclusion in the process of fundamental stakeholders, trying to avoid marginalisation of important actors. The *absence of ZOPA* brings the parties to unbeatable impasses, since a zero-sum game logic is recognised by the parties that result unable to obtain positive outcomes.

An *excessive exploitation of the conflict* for personal purposes, *unevenness of power, mutual consideration of disorganisation* and the *absence of a Mutually Hurting Stalemate (MHS)* interfere with the willingness of reaching an agreement and the likelihood of implementing it.

The process of negotiation is useful in itself since it create channels of discussion but the consequences of no agreement can be felt in the short term and in the long term. Failures might generate immediate consequences whether open conflicts or civil wars are taken into consideration.

In relation to the negotiators' strategies, when they have *incompatible visions* or do not meet the other party's expectations, the negotiation process stops. Likewise, when negotiators devise strategies that are too elementary, and the other party thinks that the situation is not taken seriously, or when *unrealistic goals* are conceived and negotiators persist in these goals, they eventually lead to a stalemate.

Sometimes the parties make a *drastic change of strategy*, disorienting the other side, resulting in a loss of trust, which brings the negotiation process to a halt. Indeed, the *absence of trust* between parties is one of the main reasons for a mediation to fail and the most difficult to build.[16]

Finally, the last two elements go hand in hand. The process is the essence of negotiation and the result is the effect of the process, which can be a failure. The *absence of a Mutually Enticing Opportunity (MEO),* creates a negative process and no outcome. MEO is an indispensable element for successful mediation, it is an invention of the parties and the mediator that enables the perspective of a more attractive future to pull out of their negotiations in an agreement to end the conflict. To understand better, the MHS is the push factor, something that lets negotiations begin, and the MEO is the pull factor, something that increases the prospect of agreement.[17]

---

[16] Faure, G. O., & Cede, F. (2012). Unfinished business: Why international negotiations fail. University of Georgia Press, 357-397.

[17] Ohlson, T. (2008). Understanding causes of war and peace. *European Journal of International Relations*, *14*(1), 133-160.

Fear is the factor that paralyse talks. Fear of be defeated, fear of the unknown future, fear of escalation of the conflict or fear of entrapment from an unsatisfactory agreement can freeze the negotiation process, or can lead also to inconsistencies in the strategy without an elaborated coherent plan which appear as if one side is just responding to the other's moves.

From time to time, *mediators* carry the responsibility of failure due to their insufficient efforts, lack of persistence or insufficient credibility. No matter how hard one tries to conclude an agreement, but agreements often do not meet expectations.

In the end, thwarted negotiations are the result of incomplete answers to complex problems, in other words negotiators offer short-term solutions to long-term issues, leaving aside the source of the problem, thus, elaborating only partial solution. Under the most favourable condition, an agreement is signed, yet the final goal is not to sign a piece of paper but to implement the agreement.[18]

1.6.1 Recommendations to prevent failures

Some recommendations are given for the causes of unsuccessful mediation described above. Negotiators must have a clear understanding of the whole situation and an awareness of what is at stake. Indeed, spending time and energy to create a strategic tactic on how to deal with the situation is very important in terms of not leaving anything out.

Assuming that every negotiation is different and that every system is characterised by its own variables, there are some constant elements. When a negotiation is unsuccessful, it is seen that "extraneous factors" are left out of the process as considered to not be part of the negotiation. For example, a change of government in a country can influence the negotiation between two parties, but so can domestic politics and the influence of public opinion. However, more generally, the all-around context influences the outcome possibility of a negotiation. For this reason, negotiators should consider the entire framework, making an evaluation of which factors might bear more on the process. A complete analysis is crucial to make the right decision.

The third recommendation is to build a regime of trust and honesty, that are two basic elements on which all serious relationships are based on, therefore, without them, the system might break down. Trust in international negotiations means that there is the presupposition that parties would behaviour with respect, credibility and good faith. Sometimes can happen that parties have

---

[18] Faure, G. O., & Cede, F. (2012). Unfinished business: Why international negotiations fail. University of Georgia Press, 357-397.

different views over the negotiation process, one party might want to end the negotiation quickly without taking care of the outcome, whereas the other side might struggle to concrete progresses to be reached in a certain period of time. As a matter of fact, when there are conflicting views over the purpose of the negotiation, one can accuse the other to have participated in bad faith.

In order to build up a climate of trust and honesty, "confidence-building measures" are needed to let the other party know the aims and objectives and what is considered non-negotiable. Otherwise, negotiations have a high chance of failure.

A further recommendation is to agree on the actual situation that surrounds the dispute and asses it properly. The problem relies on the fact that disputants interpret the context in a different way even if they might have the best intention. This factor mixed with what the media sponsor influences public opinion, indeed the impact of the media with the lack of a common understanding could endanger an ongoing negotiation.

Obviously, there are different ways to address the situation. Put all data and facts in the right perspective and sharing relevant information is given for granted, but reach a complete transparency is difficult. Transparency is useful for the negotiators to have a clear view of what is the "bottom line" for them, what they are willing to lose and what they are willing to give in exchange to reach their goal.

Associated with the lack of trust there is the lack of chemistry between negotiators. Sometimes parties don't care about cultural values and customs of the other party, they do not show sensitivity of the "psycho factor" and as a result end up in harassing the opposing party. The negotiator appears to be thoughtless and prone to impose his willings in an inflexible way over the other' ideas creating a tense environment where the probability of success is very low.

A successful solution is to be sensitive and respectful of the personal background of the counterpart, try to acknowledge the cultural and intellectual characteristics of those you are dealing with will facilitate the building of an environment of trust.

Nevertheless, negotiation processes are very difficult matters. For this reason, before starting, it's important to analyse all possible key elements that might interfere negatively. Ignorance is the key for failure. Negotiators sometimes don't have a well-designed plan, indeed, they engage into negotiations without a clear strategic plan but just driven by instinct or by the desire of power, that are not always the right choices. Obviously, the recommendation per excellence is to be prepared and define the strategy before entering into any negotiations. Do not engage if you don't have a well-planned long-term strategy.

The last two recommendations are related to the institutional framework. The first is to minimise institutional deficits by choosing appropriate institutions granted with mechanisms to implement agreements. Whereas, the second is to provide post-agreement to ensure compliance, as durable peace needs more than just a piece of paper.

On the basis of an agreement, there is a need to strengthen it with a set of provisions, including multiple incentives and punishments for non-compliance. From history, unsuccessful mediations are the result of insufficient incentives offered to the disputants, but everything should be proportionate to the conflict in question. If one considers a very long mediation case, it is very hard for a single economic incentive to create a lasting solution. As a matter of fact, sometimes a whole set of political and economic benefits is needed.

What matters is that parties will not go back to war. They need the perception that they have more to lose by returning to the initial situation than by committing themselves to the signed agreement. Spending time, efforts and financial means in a durable solution, called also "resolving formula" by Zartman, is surely the right thing to do instead of loosing everything they have worked for.[19]

[19] Faure, G. O., & Cede, F. (2012). Unfinished business: Why international negotiations fail. University of Georgia Press, 357-397.

2. Case study: Libya

Libya is a very special case of a conservative state in the Arab World, which experienced a transitional period between 1949 and 1951 after having gained independence from Italy. Libyans wrote a federal constitution during the transition, creating one country formed by the three historic regions: Cyrenaica, Fezzan, and Tripolitania. However, great critics remained on how Libya should look like.

Qadhafi's September, 1st 1969 "Green revolution" reversed an "accidental" state created in 1951 by the UN General Assembly. The revolution further destroyed this nascent state by bypassing state institutions. Qadhafi's dictatorship lasted for forty-two years, until Libyans decided to revolt against the regime in 2011.

After the intervention of the United Nations and NATO, and the subsequent death of Qadhafi, the situation was unstable. Libyans were united by the same goal to remove Qadhafi, but after the revolution, it became clear that different political streams and power centres had different visions for a new Libya.

To understand better the Libyan case, a description of its tribal structure which characterises the state, it is worth. Moreover, the main events that affected Libya, the 2011 uprising, and the United Nations attempts to restore peace are described to better understand the context which affects the ten-years peace-building process.

2.1 State and society in Libya

Libya's modern history in part reflects the contestation of Libyan cultures over power and national identity. The country has always been highly fragmented: tribalism is the main feature, different forms of Islamism affect the religion sphere and the presence of strong country's militias. However, the most relevant actors are the tribes.

Libya is divided into 140 main tribes, but only 30-40 play an important socio-economic and political role. These are located especially in the Tripoli and Benghazi area.

The notion of tribe in Libya is associated with different forms of social and political organisation. This means that every tribe has its own organisation, its values, its uses and customary tribal law. The customary law has always been the main source of justice, but Qadhafi's overthrowing has paved the way for an Islamic comeback.

Qadhafi's regime established an elaborate system of power and control based on close relatives of his tribe (Qadhadfa) and two allied tribes, the Warfalla (the biggest tribe in Libya) and the Magarha.

Qadhafi imposed a dictatorship with a tribal character, namely, the tribes still had a committee with executive power, but their decisions had to be in line with Qadhafi. For this reason, the uprising cannot be considered a complete revolution, but rather a protest against the system of power distribution, a tribal fight.[20]

Its unique history aggravated the state-building processes and confused the Libyan national identity.

2.2 The Libyan revolution (2011)

In 2011, social protests spread throughout the Arab world, historically known as the "Arab Spring".

The period extended between 15 February 2011-23 October 2011 characterises the military conflict in Libya. Indeed, encouraged by the neighbouring countries struggle, Libyans took to the streets to protest, first in Benghazi and then in other cities, including the capital city of Tripoli. At the beginning, protests started against the arrest of Fathi Tirbil, a legal advocate for families of victims of the 1996 Abu Slim prison massacre[21], but then an anti-regime feeling spread across Libyans. They were asking for a representative government but Qadhafi still wanted an authoritarian regime and his son, Saif al-Islam, declared on a televised speech that they would have eliminate any deviant person against the regime. Clashes continued and Qadhafi ordered the use of force against the protesters, which was then denounced by the International community, triggering the United Nation intervention.

The UN Security Council soon adopted Resolution 1970 (2011) on 26 February 2011, stating the disapproval for the use of force against civilians, the violation of human rights and the failure of the Libyan government to protect its population.

In the aftermath of the uprising, communities in eastern Libya who freed themselves began to discuss on a future and possible organisation of the country. The idea was to bring all local councils under a national council able to run the liberated areas. Therefore, on 27 February 2011

---

[20] Varvelli, A (2013). The role of Tribal dynamics in the Libyan future - Ispi nalysis No. 172.

[21] Abu Slim prison was infamous during Qadhafi's rule for alleged mistreatment and human rights abuses, including a massacre in 1996, in which Human Rights Watch estimated 1.270 prisoners killed (Wikipedia access 24 May 2021).

the National Transitional Council (NTC) was formed by anti-Qadhafi forces, but officially established in Benghazi on 5 March 2011. Its purpose was to try to give a sense to the political direction of the revolution. However, anything was decided concerning the aspects of the NTC. Its main problem was that it did not have the basic state capacities needed to implement reforms, nor any coercive power. Although at the beginning the NTC was formed only by easterners Libyans, it declared to be the sole representer of all Libyans. It elaborated the Transitional Constitutional Declaration (TCD) on 5 August 2011, with the aim of building a democratic and multi-party state. In addition, guidelines were established to hold national elections in July 2012. Libyan's elections were a great achievement, thanks also to the support of the international community, in particular to the United Nations Support Mission in Libya (UNSMIL), established in September 2011 by the United Nations.

Libya's moment of enthusiasm arguably lasted few months: from Muammar Qadhafi's death on 20 October 2011 until the national elections of 7 July 2012.[22]

2.2.1 The 2012 elections

In July 2012, the first elections since the overthrow and death of longtime ruler Qadhafi, for the General National Congress (GNC) were held. The aim of the elections was to replace the National Transitional Council (NTC) created during the civil war. However, Qadhafi left a big vacuum, and the institutions had neither the capacity, authority or mechanism to support the new political system.

According to the 2011 Constitutional Declaration, Libyans were called to elect the GNC, the first parliamentary body after the revolution, which would sign off a legitimate interim government to manage the transition process and would designate the Constituent Assembly to write a new constitution. The GNC pretended to govern a nation without identity and indeed, confusion about its purpose and legitimacy arose. The challenge for the new rulers was how to prevent individuals, tribes or factions pursuing their own interests.

However, the electoral system chosen was a "mixed" system, which combined proportional and majoritarian representation for the two-hundred seats in order to avoid the tyranny of the majority.

Eighty seats were elected using a closed-list proportional representation (PR) and one-hundred-twenty were elected using first-past-the-post (FPTP) for single-member constituencies and single

---

[22] Cole P, McQuinn B. (2016). The Libyan Revolution and its aftermath. New York: Oxford University Press.

non-transferable vote (SNTV) for multimember constituencies. In addition, the country had to be divided into constituencies based on population and geography criteria in order to ensure the full participation of the Libyan society. However, this system created great confusion, since the law for the GNC election was silent on many important aspects, such as the rule behind the drawing of the electoral boundaries and the distribution of seats assigned to them.[23]

For all these reasons, the July 2012 elections proved to be unable to create stable institutions and unavoidably the political transition to democracy will take years to perform.

2.3 The Post-revolutionary confrontation

In the year following Qadhafi's death, all the Libyan actors, tribes, communities, militias, prioritised their interests for the transition.

After four decades of dictatorship, the transition toward democracy was hard, but with the help of the United Nations, Libyan officials examined comparative experiences, such as that of former Yugoslavia. However, the Libyan conflict did not arose for ethnical, racial or religious motivation, therefore they did not find any relevant similar experience able to help the Libyan transition. However, some common features to transitions have been found. Such as the problem of the great number of perpetrators, who committed crimes under Qadhafi regime, was about who should be punished for what actions and how.

Even though Libyans were free from the dictatorship, there was a vacuum in the political spectrum. Their only success was the the signature of the Transitional Constitutional Declaration (TCD), according to which the NTC's mandate included the promulgation of an electoral law for the General National Congress (GNC). Instead, the NTC decreed that a Constitution Drafting Assembly (CDA) would be directly elected to develop a new constitution, and this body was subsequently elected in February 2014.

However, after the 2012 election, the GNC declared itself as the official power of Libya with the fist goal to exclude or isolate those associated with the former government from power. Indeed, it was mainly formed by opponents of Qadhafi.

However, the GNC never consolidated its power, first of all because UN mediation proved wrong in undertaking a national dialogue that was not inclusive enough, focusing on a narrow political

---

[23] Brown, A., & Ellena, K. (2019). Beyond Constitutional Reform to Elections Libya Electoral Legal Framework Analysis(Rep.). IFES.

class but that did not include the real power holders, the militias and the heads of the municipalities.[24]

After two years, in an highly tense context, new general elections were held on 25 June 2014 for the election of a new parliament to replace the GNC, which resulted in the creation of a new organ, namely the "House of Representatives" (HoR) under the leadership of Aguila Saleh as parliament speaker. However, things went much worse.

The election was contested by GNC members, and from this moment on, two competitive legislative bodies started to exist. The HoR was then moved to the eastern city of Tobruk and its associated government based in al-Bayda in the Cyrenaica region, and the GNC was based in the western city of Tripoli.

In December 2015, UN mediation process, led by the SRSG Bernardino León and subsequently by Martin Kobler, resulted in the signing of the Libyan Political Agreement (LPA) in Skhirat, Morocco. The political agreement was the first real act of mediation. The LPA created a Government of National Accord (GNA) in operation since 30 March 2016, the legislative body recognised internationally, was supposed to end the conflict between Tobruk and Tripoli and to complete the transition to democracy. However, neither this agreement was approved by the GNC, firstly because the HoR didn't cease to exist but it retained its legislative power, together with a newly established High Council of State (HCS) made up in part of former GNC members. Nevertheless, the Skhirat agreement appeared premature and to lack a sufficiently broad consensus to be sustainable.

The UN Security Council recognised the GNA as Libya's legitimate interim government pursuant to the December LPA, under the authority of a Prime Minister-designate, Fayez al-Sarraj, However, eastern-Libya rivals have refrained from recognising the GNA's authority, and at the same time, militias in western Libyan have undermine its authority. Nevertheless, some militias have fought alongside the GNA against the Libyan National Army/Libyan Arab Armed Forces (LNA/LAAF). The latter is a coalition of militias that has control over eastern Libyan since 2014. The LNA was born as a movement to fight Islamist forces in Benghazi under the leadership of Field Marshal Khalifa Haftar, a Qadhafi's military defector and former US intelligence partner.

However, the implementation of the LPA had already failed in mid-2016 because the GNA was not supported neither from Haftar's militias nor from all western Libya's militias. Not all the

---

[24] Costantini, I. (2019). A solution in LIBYA: Elections, mediation and a Victor's Peace. Middle East Policy, 26(4), 146-156.

Libyan population voted the GNA, for this reason it never had real weight among Libyans. The fact that there was no detailed agreement to secure Tripoli for a unity government representing all key factions led to the no implementation. The absence of a security dialogue among competing internal and external actors, made the well-meaning LPA impossible to fully implement.

The ability to shape the political landscape and fill the institutional vacuum was a race against time and valuable opportunities were lost. The international community tried to give contribution trying to settle the dispute, such as the French President Emmanuel Macron who organised two conferences, one in July 2017 and one in May 2018, in order to help the diluting parties to reach an agreement. Other inconclusive conferences have ben organised, one in Palermo in November 2018 and the other in Abu Dhabi in February 2019, but still without success. The role of UNSMIL and the SRSG at the time, G. Salamé was continued undermined, until he organised the Libyan National Conference to be held in Ghadames in April 2019, but it never took place because Haftar with the LNA tried to occupy Tripoli in a military expedition, claiming a popular mandate for LNA rule, wresting control from GNA and local militias. UN mediation tried to stop the fight between factions and since the beginning of the year 2020, diplomatic initiatives sought to achieve a ceasefire.

A great success was the Berlin Communiqué signed on 19 January 2020 during the Berlin Conference, where the permanent five of the Security Council, with other key actors, made a joint commitments of 55-points, with the aim of a long-standing ending of conflict, end of hostilities, refrain from interference and respect for the arms embargo. Neither the GNA nor the LNA leaders committed to a ceasefire or signed the Communiqué.

Under the leadership of the SRSG S. Williams, a ceasefire agreement was reached on 23 October 2020. The ceasefire was signed by pro-Tripoli representatives and delegates of the Libyan National Army. In addition, it established the end of any foreign support and established that any Libyan forces would retreat immediately the respective forces from the frontlines. However, neither side showed commitment.

In order to implement the ceasefire and go on with the peace-building process, Williams launched the Libyan Political Dialogue Forum, a gathering of seventy-five delegates from all three Libyan regions, aimed at crating a broad consensus on a new interim government and on new elections to be held on 24 December 2021. The elections created a single-three Presidency Council and a separate prime minister, called the Government of National Unity (GNU), which replaced the government of the GNA and prime minister al-Sarraj. However the seventy-five

participant took two rounds, one held in November 2020 and one in February 2021, before reaching an agreement on the selection mechanism for the election of the new three-person Presidency Council and prime minister. Nevertheless, in the 1st round, a Roadmap to credible, inclusive and democratic national elections, to be held in December 2021, was approved, while during the 2nd one, the mechanism for selecting the unified executive authority was chosen. The parties voted in February, and an interim prime minister and president of the new Executive Council have been nominated.[25]

Since the Berlin Conference, Libya made great steps forward, which brought it to a ceasefire agreement, hostilities have ceased and a ceasefire is in operation. An inclusive, Libyan-led and Libyan-owned political dialogue revived and the interim Government of National Unity (GNU) was confirmed by the House of Representatives. Under the leadership of the actual mediator, Ján Kubiš, the Second Berlin Conference on Libya was held on 23 June 2021, which confirmed the commitments made during the January 2020 Berlin Conference and recognised the success made during last year.[26]

2.4 The role of external actors

A lot of factors shaped the UN mediation up until now. First of all, UN sanctions imposed during these years, the succession of special envois sent by the UN to facilitate, the military interference by external actors which have a clear interest in Libyan affairs, the Islamic State threat and lastly, the inability of the Libyan factions to gather sufficient strength or legitimacy to affirm dominance over one another.

The support of the UN has been continuous in order to commit all Libyan actors into a compromise, but at the same time, UN initiatives have been hindered by interventions of external parties, which have continuously interfered into Libyan affairs without justification, undermining their interests or serve those of their rivals. In addition, foreign powers have violated UN imposition established in the various resolutions, such as the arms embargo providing arms and weapons, and giving funds and resources.

External actors are almost as divided as Libyans. Various Arab states have taken opposing positions with regard to the conflict since April 2019, Egypt, United Arab Emirates, Saudi Arabia and Jordan are in support of Haftar, whereas, Turkey, Qatar and Sudan are supporters of the GNA.

---

[25] Christopher M. Blanchard, (2020). Libya: Conflict, transition, and U.S. Policy. Congressional Research Service.

[26] The Second Berlin Conference on Libya

Across the Mediterranean area, European countries are worried about Libyan refugees and terrorists, but even if they share the same support for the Berlin Communiqué, have different line-up. Indeed, France supports LNA, whereas Italy supports the GNA.[27]

Italy involved itself several times, trying to engage in diplomatic activities and trying to appease the conflict between opposite coalitions. Italy pursued this diplomatic actions given its political, economic, commercial, and energy investments in Libya, indeed the oil ENI company is situated in Tripolitania. In addition, Italy is worried about migrants that can reach Italian coasts very easily. For this reason, it wants to maintain good relations with those in control of the Libyan's coast from where the majority of migrants depart.

Also Russia appeared keen to consolidate its role in the conflict pro-Haftar. Each country has its own motive for intervention in Libya and support one side or the other. The group of countries made of Egypt, the UAE and Russia provided support for the House of Representatives and provided Haftar with weapons in order to let him conquest all eastern Libya (Cyrenaica). Egypt is pursuing a battle against Islamists, including the Muslim Brotherhood (MB), which are regarded as a terrorist organisation, and for this reason allied with Haftar, in order to create a "buffer zone" against jihadist groups in eastern Libya and protect Egypt. The same reason can be applied to the UAE. However Russia has a double interest. During the Qadhafi-era, Libya was a great buyer, whereas nowadays, Russia see the territory of Libya strategically for the purpose of expanding its influence in the Mediterranean.

Other two neighbouring countries, Tunisia and Algeria, have interest in stabilise Libya and improving their border controls. Indeed, Tunisia supported the previous UN-backed LPA and it is in support of further talks. Whereas, Algeria supports any strategy addressed at stabilise, since it is much more worried for the rise of terrorism, the lack of state-control and the spread of criminal associations.

Lastly, the US is involved since 2011. Its involvement can be divided between the B. Obama administration and D. Trump administration. Under the former, US sustained the Libyan revolution, held a series of consultations introducing arrangement for European countries to follow, sustained the mediation of UN SRSG, the LPA and the GNA, it also followed a campaign against the ISIS presence in Sirte. Whereas, under the Trump administration, he declared that Libya was not a priority, he disengaged from Libya and sought other actors, such as UN,

---

[27] Christopher M. Blanchard, (2020). Libya: Conflict, transition, and U.S. Policy. Congressional Research Service.

European countries or regional alliances, to assume the leading role in facilitating Libya's peace process.[28]

---

[28] Mezran, K., & Varvelli, A. (2017). Foreign actors in Libya's crisis. ISPI.

3. United Nation intervention

In the post-Qadhafi era, the UN's difficulty operating in Libya was aggravated by the strong anti-colonialist rhetoric of the former regime. Libyans opposed any peacekeeping operation from the very beginning because they don't want anything imposed from outside such as the previous 2015 Libyan Political Agreement and the institutions created in the past, such as the GNA and HoR, but they want to find all together a "Libyan solution to a Libyan problem".

Since its approval, it was clear that the LPA was doomed to fail because only some privileged Libyan politicians signed the agreement, and especially failed to meet the conditions of a power-sharing deal between all Libyan parties. Nevertheless, the UN's mediation goal has always been to support the Libyan authorities in order to transition the country to democratic rule accepted by all and to complete the institution building process.

The mediation efforts through the UNSMIL, and especially the the mediation of Ghassan Salamé and Stephanie Williams in the period 2018-2021 have been of particular importance in shaping the the nowadays situation and the future December 2021 elections.

Given the grave concern by Libyan people, authorities and the international community, the UN Security Council unanimously passed the first of many resolutions regarding Libya, Resolution 1970 (2011), under Chapter VII of the UN Charter, on February 26th. The resolution reported the situation to the International Criminal Court (ICC), condemned the violence and use of force against civilians, called for humanitarian assistance, denounce the violation of human rights, placed an arms embargo and a travel ban on Qadhafi's family and senior ministers, froze the Qadhafi family's assets, and established a new sanctions committee under the Security Council to monitor the implementation of the measures listed.

Soon after, the UN Secretary-general nominated Abdelelah al-Khatib as special envoy in order to mediate a quick and peaceful transition after the blast of the revolution. He immediately showed himself as unable to mediate due to the highly fragmented situation and the various actors involved in the peace-making process. However, what made his mediation role so difficult was the referral to the ICC and the subsequent warrant for Qadhafi, his son, Saif al-Islam, and the military chief Abdullah al-Senussi. The likelihood for a successful negotiated transition became more problematic.

Given the non-compliance with Resolution 1970 by Qadhafi's government, on 17 March 2011, the SC adopted Resolution 1973 (2011) asking for a ceasefire, and more importantly, called on the help of member states to act nationally of through regional organisations, to "take all

necessary measures" to "protect civilians and civilian populated areas under threat of attack". The looming threat of further violence against the Libyan people was high, thus with the Resolution 1973 any foreign occupation forces was banished, a no-fly zone on the territory of Libya was imposed, and help from members of the League of Arab States to protect civilians was asked. Resolution 1973 passed to history as the "first Security Council approval of force in the name of RtoP [Responsibility to Protect]".

Despite all the efforts to implement the conditions of the two resolutions, the fighting had persisted. An agreement was far from being concluded, since the beginning of a negotiation process had just started.[29]

The Secretary General of the Security Council was hoping for a quick settlement of the conflict giving the mandate to UN personnel able to rapidly find a compromise. In the end, on September, 16th 2011, the Security Council, with Resolution 2009 (2011), established the United National Support Mission in Libya (UNSMIL).[30]

3.1 UNSMIL

The UNSMIL is an integrated special political mission which was initially created to assist and support Libyan national efforts to restore peace for a period of three months. However, the mission has been prolonged more than ten times by the SC Resolutions 2022 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2238 (2015), 2273 (2016), 2291 (2016), 2323 (2016), 2376 (2017), 2434 (2018), 2486 (2019). Its ongoing mandate is specified in the SC Resolution 2542 (2020), which extended UNSMIL's mission until 15 September 2021.

The mission was established under the leadership of a Special Representative of the Secretary-General (SRSG), supported by a Deputy SRSG, and overseen by the United Nation Department of Political Affairs. The aim was to promote national reconciliation and undertake the constitution-making, the electoral process and sustain the establishment of an inclusive, representative transitional Government of Libya based on the principles of democracy, good governance, rule of law and respect for human rights. UNSMIL operates in accordance with the principle of national ownership, it provides mediation and good office, it supports Libyan institution and provide, upon request, services and humanitarian assistance.

---

[29] Bartu, P. (2014). Libya's political transition: The challenges of mediation. New York: International Peace Institute, 4-5.

[30] United Nations, (2016). Repertoire of the Practice of the Security Council: Supplement 2010-2011, Volume I, 82-95.

The mediation of the SRSG during the period 2011-2021 was undertaken by Tarek Mitri (September 12, 2012 to August 31, 2014); Bernardino León (September 1, 2014 to November 5, 2015); Martin Kobler (November 4, 2015 to June 22, 2017); Ghassan Salamé (June 26, 2017 to March 2, 2020); Stephanie Williams (March 2020 to February 2021); Ján Kubiš (February 8, 2021 up to now).

3.1.1 UNSMIL operations

The United Nations have been in operation in Libya since the 1950s, through several specialised agencies, funds and programmes, which taken together are called United Nations Country Team (UNCT), with the goal to support national development and the fragile humanitarian situation.

The Country Team's leadership is in the hands of a Resident Coordinator with responsibility for the the timely, effective and coordinated delivery of development programmes. The UN Resident Coordinator is also the Deputy Special Representative of the Secretary General and Deputy Head of UNSMIL.

The United Nations deployed a numerous staff working for a better Libya and in a lot of fields, such as food and agriculture (FAO - Food and Agriculture Organization), energy (IAEA - International Atomic Energy Agency), migration (IOM - International Organization for Migration) and refugee (UNHCR - United Nations High Commissioner for Refugees), humanitarian affair (OCHA - United Nations Office for the Coordination of Humanitarian Affairs), women and health (UNFPA - United Nations Populations Fund), settlement programmes (UN-Habitat), industrial development (UNIDO - United Nations Industrial Development Organization), education and child protection (UNICEF - United Nations Children fund), drugs and crimes (UNODC - United Nations Office on Drugs and Crime), health (WHO - World Health Organization) and food programmes (WFP - World Food Programmes).

In additional UNSMIL engages in a lot of activities, such as 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 Affairs Division** (PAD) is the most important of the activities. It engages in supporting a single, inclusive and transparent multi-track national political dialogue to reach a comprehensive political agreement aimed at ending the political and military conflict. UNSMIL efforts resulted in the signature of the Libyan Political Agreement (LPA) in December 2015.

In order to ensure continuous engagement and to foster dialogue to restore Libya's political transition, PAD carries on contacts and dialogues with all relevant stakeholders. PAD also supports the mediation and good offices functions of the SRSG, gives support for the drafting and adoption of the a new Libyan constitution and motor the developments that can affect the Libyan peace process.

UNSMIL provides also **electoral assistance** to Libyan authorities on organising elections, as stipulated in the 2011 Constitutional Declaration. According to which, the High National Elections Commission (HNEC) was established with Law No. (3) of 2012 following the Libyan civil war of 2011. The new national body has a legal capacity and an independent financial disclosure. The HNEC assisted and organised the General National Congress (GNC) elections of July 2012, and the elections for the House of Representatives (HoR) of June 2014.

In regard to **Human Rights/Transitional Justice/Rule of Law Division**, the joint collaboration with UNSMIL is focused on monitoring and reporting the human rights situation, and if the case, implement and promote human rights standards. In addition, the Division works with judiciary, the public prosecution, the prison administration, line ministries and parliamentarians.

The UNSMIL's **Security Institutions Service** (SIS), used to provide assistance to the national security architecture and capacity-building, in areas of police, defence, arms and border management. However, after 2014, SIS supports the Government of National Accord, mediates between both state and non-states actors and puts all its efforts in ending the conflict.

The **Women's Empowerment Section** promotes women's political participation, stimulate Libyan women and boos their participation in constitution-making processes. Very important is that the USMIL special representative has advocated for 30% representation of women in all governance structures.

Lastly, the **Public information Division** (PID), communicate news to people. It uses social media, organises media encounters and interviews with Agencies and UNSMIL officials in order to update the world.[31]

3.2 Ghassan Salamé

Ghassan Salamé was the SRSG from June 26, 2017 until March 2, 2020. During his mandate, the situation in Libya has been reporting mainly in the following reports of the UN Secretary General: S/2018/140, S/2018/429, S/2018/780, S/2019/19, S/2019/682 and S/2019/682.

---

[31] UNSMIL | United Nations Support Mission in Libya

G. Salamé is a person of high cultural standing, he was a former Lebanese Culture Minister and professor of international Relations at Science Po in Paris. He has long experience in the UN, being former political advisor to the United Nations Assistance Mission for Iraq (UNAMI) and member of the Commission on the Rakhine State (Myanmar), which was chaired by former UN Secretary General Kofi Annan. When he took the leadership of the United Nations Support Mission in Libya, replacing Martin Kobler, he had an almost unachievable mission ahed to him, but one advantage was that he was from the region. Therefore, he could better understand the "Libyan temperament" along side relations with other states, for this reason, great hopes were invested in him.

3.2.1 Political transition

Since UN mediation suffered from some shortcoming, Salamé tried to introduce new elements to reach a broad consensus around Libyans.

On 20 September 2017, during the 72 Session of the General Assembly, he presented the "Action Plan for Libya", a three-point plan composed of three stages, to overcome the deadlock in the peace process.

The first stage was to make amendments to the Libyan Political Agreement (LPA), reducing its size in order to make it less vulnerable to impasses and to reach commitments from both the High State Council (HSC) and the House of Representatives (HoR) vote, since it was never ratified by the latter. To initiate the implementation of the plan, Salamé facilitated two rounds of consultations between representatives of the HoR and the HSC to negotiate the amendments: the first round from 26 September to 1 October 2017 and second round from 14 to 21 October 2017. Dialogue commissions of both the HoR and HSC were formed and each commission had the task to delegate members to create a Joint Drafting Committee (JDC), which agreed to a restructured Presidency Council and to an executive authority different from the Presidency Council. Through these meetings, the two assemblies recognised each other and throughout 2018, the respective representatives continued to engage in order to agree on amendments to the LPA, with the purpose of creating a reformed and more inclusive executive authority. Amending the LPA was seen as necessary and the most appropriate means to achieve peace, unify institutions and generate consensus among Libyans.

According to the second stage, Salamé was fully certain that a real inclusive national dialogue was necessary in order to discuss and agree on fundamental principles of the constitution. For this reason, he decided to convene a National Conference to be held in the first weeks of 2018

under the auspices of the UN, since UN's attempts have always been too narrow, involving in the negotiations only some privileged Libyan factions and not all Libyan community[32].

The National Conference had to be "Libyan-led and Libyan-owned"[33], aimed at including all Libyan factions ignored, self-marginalised and those who had been unwilling to participate in the political process. If this conference had been successful, it would have been the manifestation of Libyan reconciliation.

Once the first two stages would had ben achieved, the third stage was to hold parliamentary and presidential elections in the spring of 2018, and to take a referendum on the constitution, whose draft was concluded by the Constitutional Drafting Assembly in July 2017, and recognised in its validity by the Supreme Court in February 2018, but that had to be ratified by the House of Representatives.

The elections would had been a great step toward Libyan reconciliation, indeed UNSMIL engaged deeply in giving political and technical suggestions especially with its electoral section, which provided operational advice to the organ responsible for organising elections, namely the High National Elections Commission (HNEC). This new independent body was established in 2012 with the resolution No. (3/2012) issued by the National Transitional Council (NTC). Since then, the HNEC has been considered the sole body responsible for the preparation and organisation of the election.

The three tracks can be summarised with the name of the military, political and economic tracks.

Even if consensus was being reached and the two Joint Drafting Committee were constantly engaging, attacks as attempt to derail the national electoral process did not miss. One remarkable event happened on 2 May 2018, a bloodthirsty attack on the High National Elections Commission headquarters in Tripoli took more than 15 lives. The attack was claimed by the Islamic State of Iraq and the Levant (ISIL) in an attempt to thwart the national elections[34]. Regardless, the HNEC reiterated its commitment in handling the elections. Indeed, the elections for the Presidency of the High State Council were conducted on time, peacefully and democratically, bringing a whole new leadership to the institution.

In proposing the Action Plan, Salamé engaged with numbers of actors, including constitutional experts and judges, as well as Libyan people undertaking consultation with them, indeed in his words, the plan was "a synthesis of their hopes and goals", since Libyans wanted a solution

---

[32] SC briefing 16 November 2017

[33] SC briefing 9 November 2018

[34] SC briefing 7 May 2018

decided by them, and not imposed from outside. As he reported in his remarks of 16 July 2018 to the UNSC, he was deeply proud of having conducted more than 75 meeting in Libya and abroad in a time frame of 14 weeks. Over 7,000 Libyan participated, including women, and more than 130,000 followers joined the consultative process on social media. The aim was to create a bottom-up process as an integral part of the Action Plan, where every person could feel included.

Salamé can be blessed with the merit of reinvigorating the UN political process and he placed all his trust in the LPA and in its amendments in order to achieve peace, reunite institutions and revived them. Nevertheless, Salamé's ambitions were too high, since he aimed to complete the Plan within twelve months. However, the plan met a lot of problems.

Libya's factions were still too divided and the amendments to the LPA were impossible to make. After almost two years since the plan was launched, Haftar destroyed completely Salamé's plan. On 4 April 2019, the Libyan National Army under the command of Haftar assaulted Tripoli in order to seize control of the city. The attack took place days before the planned National Conference in the Libyan city of Ghadames, which had to be held from 14 to 16 April and which had to gather over 150 Libyans from across the country.

A forty-eight days attack broke out around Tripoli between pro-Haftar and pro-GNA forces and Salamé was forced to announce the postponement of the National Conference and of national elections, but he reiterated his commitment to the convening of the Conference as fast as possible. Since the outbreak of the conflict, clashes damaged civilian infrastructure, aggravated the already critical humanitarian situation and forced displacement, obstructing access to food, health care, and other basic services.[35]

Salamé never stopped engaging with national, regional and international actors in order to reach an agreement on the cessation of hostilities and resume intra-Libyan political talks, since he understood that there could be no military solution in Libya. Although Salamé added the element of an inclusive dialogue, what missed to the UN mediation again was a dialogue with representatives from key militias concerning the Libyan future.

The armed conflict continued for almost two years and spread geographically throughout the country, since 4 April 2019 until the official ceasefire agreement of 23 October 2020. Except for a truce agreed upon on 12 January 2020, called for by the Presidents of the Russian Federation and Turkey, respectively Putin and Erdogan, and accepted separately by the Government of National Accord and the Libyan National Army, violations continued also after the truce entered into force. And as a matter of fact, both Prime Minister al-Sarraj and General Haftar participated in talks in Moscow the day after, on 13 January, to make official the cessation of hostilities under

---

[35] SC briefing 26 August 2019

the sponsorship of the Russian Federation and Turkey. However, Sarraj signed the draft joint ceasefire agreement, while Haftar did not.

The good offices and mediation efforts of the SRSG Salamé continued. He managed to organise an international summit as part of the "Berlin Process". The summit was held in Berlin on 19 January 2020, as part of the second stage of the "Action Plan for Libya", in order to build the necessary conditions for an intra-Libyan dialogue capable to put an end to the violence and restoring peace. Five preparatory meeting have been held previously in Berlin to encourage support from external actors of the international community. The preparatory meeting gathered Egypt, France, Germany, Italy, the Russian Federation, Turkey, the United Arab Emirates, the United Kingdom and the United States of America, the Africa Union, the European Union, the League of Arab States and the United Nations. During the preparatory meeting, participants agreed on a draft communiqué which highlighted six goals: put a cessation to the hostilities and create the conditions for a permanent ceasefire, implementation of the arms embargo, security sector reform, return to the political process, economic reform and upholding international humanitarian and human rights law.

The SRSG regularly met with al-Sarraj, Haftar and Libyan stakeholders, including military commanders of the western, central and Tripoli regions, business leaders, representatives of women and youths, mayors and tribal elders as part of his efforts to raise awareness in order to encourage an end to the conflict and a return to the political process. He conducted a number of meetings with groups of members of the House of Representatives in Tunis and Tripoli to advocate for the reunification of the legislative body, since different groups created inside the assembly had began to hold independent meetings.[36]

Nevertheless, even after the Berlin Conference, hostilities did not stop and the conflict went on unabated. Both parties redeployed forces along the front lines and foreign mercenaries provided the GNA and the LNA with weapons and funds in violation of the UN arms embargo, which also according to the latest initiative undertaken during the Berlin Conference, all the participant committed themselves to assist in ending the fighting, refrain from interfering in the conflict, implement the arms embargo established in SC Resolution 1970 (2011), respect international humanitarian law and human rights.

The conclusions of the Berlin Conference have been endorsed in SC Resolution 2510 (2020) and in accordance with the outcomes of the conference, there was the creation of an International Follow-Up Committee (IFC) able to work with UNSMIL to implement the final 55-point Berlin Communiqué. The latter would have not been the end of the process, but rather the beginning.

---

[36] SC briefing 15 January 2020

The IFC was composed of representatives of all nations and international organisation which participated in the Berlin Conference, and tasked with support in the implementation of the conference conclusions and tasked with tracking the progresses.

As a pillar of the military track, al-Sarraj and General Haftar appointed five senior military officers respective to the UNSMIL-facilitated 5+5 Joint Military Commission (JMC) in order to transform the truce into a permanent ceasefire and to agree on the ceasefire monitoring. However things went long, and the ten members appointed were officially designated at the Berlin Conference on 19 January 2020. The 5+5 JMC's talks facilitated by Salamé officially started on 3 February, with the holding of the first session, but only consensus on the principle of independence from international interference and a consensus on continuing the negotiation to reach a permanent ceasefire were reached. During the second session, held on 23 February, a draft ceasefire agreement was elaborated to be presented to the respective leaderships of the GNA and LNA for acceptance. Under this schedule, the two committee were supposed to meet in March, but due to the COVID-19 pandemic, the meeting was postponed. Nevertheless, on 11 March 2020, Ghassan Salamé resigned for health problems, and the ball passed to his deputy, Stephanie Turco Williams, the one who will managed to bring the parties to a permeant ceasefire.

3.2.2 Analysis of mediation

At the beginning of his mandate in June 2017, the approach that Salamé took in managing the conflict was a facilitative-consultative one. Recalling the definition, the mediator's role remains limited, avoiding to push the parties to change idea, but only acting as a channel of communication among the disputing parties, focusing on ensuring continued dialogue and involving himself in dozens of meetings in order to gain the trust and confidence of the parties.

In the Libyan conflict, facilitating the ability of the disputants to sit down and talk was necessary to at least allow them to exchange information over their interests and goals. A facilitator assists the parties to explore their differences, to have constructive dialogue and achieve harmony of opinions, since there is tensions between the disputants. Indeed, when Salamé took office, the parties were unwilling to compromise.

The role of the facilitator is to assure as much as possible that the talks between the parties are as fruitful as possible. Salamé, in performing a consultative mediation, used his personal skills and understanding of conflict management as tools to aid disputants in moving toward a problem-solving focus. Thanks to his academic background in political science and international elations, his long work experience under the United Nations, and his numerous academic studies, he was

considered to be one of the most respected actors and observers of Middle East conflict resolution and politics, therefore, truly able to have a real understanding of the conflict.

Successively, in launching the "Action Plan for Libya", Salamé became a solution innovator of the conflict, proposing a plausible solution made of a series of steps to accomplish. With the creation of the three-point plan, he wanted not only to help the parties to find a common ground, but also to develop terms of settlement for the conflict. Indeed, when mediators conceive and propose new solutions to the disputants, they are not mere facilitator, but they act as formulator. This means that they put more effort and have a more substantive role in the negotiations. In proposing the Action Plan, his mediation approach became a formulation, because unlike facilitation, it involves a substantive contribution to negotiations by the mediator, conceiving and proposing new solution to the disputants.

He wanted a more inclusive national dialogue and spent a total of 18 months in attending consultative meetings for the preparation of a National Conference to be held in April 2019, however Haftar's assault in Tripoli destroyed his plans. Salamé considered the National Conference as means to accomplish "a real solution to the Libyan crisis through a political settlement, a common charter and specific commitments that respect Libyan national constants and put the country on a path of healing and peace, restoring unity and sovereignty and empowering citizens to live in dignity"[37] and also that the National Conference could be a way to overcome the political deadlock. The broad consultation with all Libyan factions, men and women, had been held in more than seventy-five meetings to collect the opinions circulating among Libyans and to ensure that the final outcome was fair to all Libyans.

After Haftar's assault on Tripoli, Salamé was astonished, considering the fact that the attack threatened the political peace process and the hope for rapprochement, and damaged the "minimum level of confidence necessary to launch any fruitful dialogue"[38]. However, even after the attack, he decided not to abandon the commitment he had promised to thousand of people, pointing out that he would have held the National Conference under the auspices of the United Nations when the time was propitious and that he would have worked with all his strength to achieve this goal. His commitment and his desire to finish what he had started were at their highest level.

---

[37] Zaptia, Sami (2019-04-09). "UNSMIL postpones Ghadames National Conference until conditions are right". Libya Herald.

[38] Zaptia, Sami (2019-04-09). "UNSMIL postpones Ghadames National Conference until conditions are right". Libya Herald.

Libyan factions have been in a positional bargaining for a long time, where an actor identify only one desirable outcome and it does not consider other options. An additional problem is that when there are many parties, this kind of bargaining is even worse. As a matter of fact, the more people involved in a negotiation, the more difficult the bargaining is. People are more prone to stand for their position, argue for it and more unwilling to make concession to reach a compromise.

Salamé wanted to find a wise agreement, as one that links up the legitimate interests of both sides as much as possible, settles conflicting claims equally, is enduring, and takes all community concerns into account. For this reason, his type of mediation was closely associated with an integrative strategy, which includes a set of techniques that help the parties to identify agreements within the overlapping range of possible nonviolent outcomes that fall in the Zone of Possible Agreement (ZOPA), in which the negotiating parties may find a common ground. In an integrative strategy, parties collaborate to find a "win-win" solution to their dispute, where both gain something. It usually creates a more suitable outcome for the disputing parties that is based on a common agreement. Salamé adopted the right form of mediation, since a distributive negotiation would have produced a "zero-sum" solution, where a gain for one side is a loss for the other. In the Libyan case a "zero-sum" solution can't have a long life, since everyone in the community want to be represented and want their voices to be heard.

The Centre for Humanitarian Dialogue (HD) released the final report of the consultative phase of the Libyan National Conference in November 2018, after only four months of public consultations between April and July. Indeed, in April of the same year the Libya National Forum, a nation-wide public consultation programme, was launched as part of Salame's Action Plan. The program was the first inclusive national dialogue process to have taken place in Libya since 2011.

The political stalemate was due to the fact that there are many disputing parties stubborned to their positions and they didn't want to compromise. The first step on an integrative strategy is identifying each side's interests. Indeed, Salamé engaged in numerous meeting to identify every positions. After he identified the interests, he launched the Ghadames National Conference, in order to let the parties work together. Even though Haftar destroyed the planned Conference, Salamé managed to hold the National Conference in Berlin in January 2020, his greater accomplishment.

Integrative solutions are typically more rewarding for all parties engaged in the negotiation, as the true concerns of both sides will be satisfied to some extent. It is a collaborative process, so the parties eventually end up helping each other and produce a solution efficient for both.[39]

Several peace initiatives were launched after 2011 by the United Nations to resolve the political crisis and prevent the collapse of the society. These initiatives have failed despite often genuine wishes to find a consensual and lasting solution. The failures have been due in large part to a growing disconnect between those involved in the negotiations and the everyday Libyans truly affected by the crisis. What missed to the UN was to include and consult with the broader Libyan population as the basis for all solutions and settlements. For this reason, Salamé's Action Plan seemed a good start and a new plausible strategy.

Therefore, the goal of the National Conference was to bring the full Libyan society at the core of the debate. This goal was accomplished by organizing meetings and consultations across the country, providing forums for everyone, and not only for political elites and intellectuals. Every meeting held around the country, regardless of the number of participants, gave Libyans the opportunity to express their views on the future of their state. This confirmed Libyans' willingness to rebuild their nation and their refusal to succumb to fragmentation and disunity.

The main goal, which also united all the former UN mediators was to organise elections and revive the Libyan peace process. However, after Haftar's assault in April 2019, the goal became first to reach a permanent ceasefire. It was only after months of frontline attacks that the "Berlin Process" for a permanent ceasefire was initiated in January 2020, which started with the Berlin Conference, and led to the Berlin Communiqué and the creation of an International Follow-Up committee (IFC) to monitor the commitments made by member states.[40]

Ghassan Salamé's good offices and mediation efforts was well welcomed in the Berlin Conference Conclusion, where the states who participated, committed themselves to the sovereignty and independence of Libya. In addition, they recognised that only a Libyan-led and Libyan-owned political process can end the crisis and achieve long-term peace, therefore, they committed themselves to refrain from interference into Libyan international affairs.

---

[39] Fisher, R., Ury, W., & Patton, B. (1986). Getting to yes: negotiating agreement without giving in. Penguin Books.

[40] The Libyan National Conference Process - HD Centre.

Ghassan Salamé

(July 2017 - March 2020)

Mediation approach: Facilitation - consultation;

Mediation program: Action Plan for Libya

- Amend the Libyan Political Agreement (LPA);

- Convene a National Conference in order to overcome the political deadlock;

- Prepare the local institutions for the elections;

- Sponsor inclusive national dialogues;

- Organise meetings and consultations across the country in order to provide forums for everyone;

- 18 months spent in attending consultative meetings for the preparation of a National Conference;

- Engage with armed groups and Libyan tribes;

- Boost national reconciliation.

Mediation actions and outcomes:

- Creation of the 5+5 Joint Military Commission (JMC) in order to transform the truce into a permanent ceasefire and to agree on the ceasefire monitoring;

- Consultations between representatives of the HoR and the HSC to negotiate the amendments;

- Berlin Conference held on 19 January 2020;

- Progresses towards the commitment of external actors in the recognition of the necessity of a Libyan-led and Libyan-owned political process;

- Draft ceasefire agreement (February 2020)

Impasses faced:

- International community interference into the Libyan affairs;

- Continue violation from external actors to the arms embargo established in SC Resolution 1970 (2011);

- General Haftar attack on April 2019;

- Poor humanitarian situation aggravated by the COVID-19 pandemic;

3.3 Stephanie T. Williams

Stephanie T. Williams, is an American diplomatic, nominated Acting Special Representative of the Secretary-General (SRSG) on 2 March 2020 by the UN Secretary General, António Guterres. She was the sixth UN official leading negotiations in Libya. During her mandate, the situation in Libya has been reporting mainly in the following reports of the UN Secretary General: S/2020/360 and S/2021/62.

Williams comes from a long career at the State Department during which she was US Deputy Chief of Mission in Bahrain during 2010–2013, then US Deputy Chief of Mission in Jordan during 2013–2015 and in Iraq during 2016–2017.

On 2 July 2018, the UN Secretary General appointed Stephanie T. Williams as the new Deputy Special Representative of the Secretary-General for Political Affairs in Libya.

After Salamé's resignation in March 2020, she became the Acting ASRSG and Head of the UN Support Mission in Libya (UNSMIL). She oversaw the continuation of the three-point peace plan, pursuing the economic, military and political tracks, until March 2021.

In her capacities, she showed extraordinary diplomatic skills, proving both creativeness and perseverance in bringing the Libyan parties in the framework of the UN-facilitated political process, which led to the 23 October ceasefire agreement, the selection of leadership for a new executive authority and the decision to hold national elections by the end of 2021. But most importantly, she launched the Libyan Political Dialogue Forum as completion for the political track, with which she managed to pursue the aforementioned goals.

3.3.1 Political transition

In the moment Williams took office, she found an active conflict. The humanitarian situation was worse than never, million of people in need of humanitarian assistance, aggravated by the pandemic, internally displaced Libyans, thousand of migrants, refugees and asylum seekers were in need.

Even after the commitments made in the Berlin Conference, and the call from the UN Secretary-General for an immediate global ceasefire all over the world prompted by the threat of the pandemic, the fight between GNA and LNA continued. Since the 4 April Haftar's assault, more that 200,000 Libyas were forced to flee their homes and more than 1000 reported breach of ceasefire had been recorded by UNSMIL.

During the past year, Libyans faced the worst and terrifying existence ever. However, this did not seem to bother the two factions, which continued uninterruptedly to reconquer to each other Libyan cities. After an initially winning from the GNA in reconquering six cities on the west of Tripoli, it has been unwilling to reciprocate the unilateral cessation of all military activities announced by the LNA in April in occasion of Ramadam. In response to this, Tripoli and the Mitiga Airport have been bombarded by pro-Haftar forces, colliding with close civilian infrastructures, where civilians have been killed and injured.

In May 2020, the GNA succeeded in seizing control of the Wutiya airbase, which could create a real proxy war in Libya, since foreign parties were involved directly in this operation, supplying weapons or giving presence on the ground, in evident violation of the arms embargo established by the United Nations.

The House of Representatives President Aguila Saleh proposed a new political initiative on 23 April 2020 that foresaw the East, West and South constituencies to elect their own representatives to a three-member Presidency Council. However, Haftar unfortunately reiterated that he considered the Libyan Political Agreement (LPA) and the existing Presidential Council null and void and requested Libyans to elect an authority to govern the country for a transitional period. On his side, prime minister al-Sarraj welcomed all peaceful political initiative that could bring to a peaceful solution and urged the disputants to resume political talks.[41]

UNSMIL always continued urging for a ceasefire, and during April and June 2020, it held different meetings with the two delegations of the Joint Military Commission. Since April, the HoR president, Aguila Saleh, has increased his engagement reiterating constantly a call for a resumption of political talks. Saleh undertook meetings with Ministers for Foreign Affairs of the Russian Federation, with officials from Egypt and the Unites States. In the end, on 21 August, President of the Presidency Council Sarraj and House of Representatives' Speaker Saleh issued simultaneous, yet separate, statements calling for an immediate ceasefire.[42]

The Acting SRSG S. Williams briefed on 2 September 2020 to adjourn the Security Council about the critical situation. Although the front lines were relaxed for a while, both the Libyan National Army (LNA) and the Government of National Accord (GNA) continued to benefit from weaponry supply from foreign powers. Resupply flights and cargo vessels both arrived in national and non-national port and airport. The continue activity of foreign interference is a

---

[41] SC briefing 5 May 2020

[42] SC briefing 25 August 2020

breach of Libya's sovereignty, a clear breach of the UN arms embargo established in Resolution 1970 (2011) and a violations of the commitments pledged during the Berlin Conference.

Hope for a downturn of the conflict were achieved with the help of international and regional actors, when a de facto truce was achieved in August 2020, after that al-Sarraj and Saleh called for a permanent ceasefire in separate statements, recognising that hostilities could not continue anymore. In particular al-Sarraj called also for presidential and parliamentary elections to be held in March 2021 and for the demilitarisation of the contested city of Sirte.

The two factions have been in conflict since the establishment of the Government of National Accord and the formation of the Sarraj's government in 2015, but this time they recognised the need to find an agreement. Too may external actors involved into the Libyan crisis exacerbating the problems, but again, this time many of them welcomed the halting of hostilities. The UN Secretary-General Antonio Guterres, the High Representative of the European Union Josep Borrell, Egypt's President Abdel Fattah el-Sisi welcomed the calls for a ceasefire.[43]

On 23 October, in the UN headquarters in Geneva, the Libyan representatives of the 5+5 Joint Military Commission of the Libyan Army of the Government of National Accord and the Libyan National Army of the General Command of the Armed Forces, signed the Agreement for a Complete and Permanent Ceasefire Agreement, witnessed by the UNSMIL, during their fourth meeting held from 19 to 23 October 2020.

The parties agreed to a complete and permanent ceasefire agreement with immediate effect, and that all troops and military groups on the frontlines had to return to the base. This was accompanied by the departure of all mercenaries and foreign fighters from all territories land, air and sea within three months. According to the Agreement, the 5+5 JMC also agreed to form a joint limited military force of regular military personnel under a joint Operation Room reporting any violations to the JMC. The success of the direct talks within the framework of the 5+5 Joint Military Commission, under UN auspices demonstrates the aspiration of all Libyans for sovereignty in the face of foreign interference.[44]

In September and October, the Active SRSG never stopped holding consultative meetings, in-person and online, with Prime Minister Sarraj, HoR Speaker Saleh and HSC President Mishri, as well as the committees of the JMC. Williams incremented the number of people, including Libyan mayors from the South, West and the Eastern part of Libya, tribal leaders, women and

---

[43] (2020) Libya's UN-recognised government announces immediate ceasefire. Khalifa Haftar News | Al Jazeera.

[44] Letter dated 27 October 2020 from the Secretary-General addressed to the President of the Security Council

youth, in preparation for the Libyan Political Dialogue Forum (LPDF) which is the expression of the "political track" as part of the former SRSG Salamé's three-point plan.

Progress in the political track produced momentum for the resumption of the UNSMIL-facilitated intra-Libyan political talks. Indeed, Williams convened on 26 October 2020 the first virtual session of the LPDF where she embraced both the Resolutions 2510 and 2542, the first one welcoming the outcomes of the Berlin Conference and the second one extending the mandate of UNSMIL for another year, until 15 September 2021.

The first round of the talks was held from 9 to 15 November in Tunis, hosted by the President of Tunisia with the support of UNDP. A roadmap was adopted in order to respect the timeframe for the holding of presidential and parliamentary election on 24 December 2021. The Roadmap gave life to the phase called "The preparatory phase for a comprehensive solution", which lasts from the first round of the LPDF until the holding of elections.

The success of the first round regards the agreement on the competencies, eligibility criteria and prerogatives for a reformed executive authority to lead a government of national unity during he transition period until the elections. However, what was not agreed was the selection mechanism necessary for the election of the executive authority. Indeed, Williams continued to convene the LPDF on regular basis to continue discussions and arrive an agreement.

In January 2021 the Libyan Political Dialogue Forum's Advisory Committee, composed of 18 members of the LPDF, has been established with the aim of discussing issues related to the selection of a unified executive authority. The Advisory Committee held several meetings in order to produce a proposal for the selection mechanism for the new executive authority in order to be presented to and accepted by the all members of the LPDF.[45]

On the day of the first anniversary of the Berlin Conference, on 19 January 2021, UNSMIL announced that the LPDF approved the proposal of selection mechanism after twenty-four hours voting process. On a total of seventy-two LPDF members that engaged, the resulting votes have been: 51 votes in favour (representing almost 73% of the votes expressed), and 19 votes against, 2 members abstained and 1 did not participated. A threshold of 63% of votes was imposed by the Advisory Committee, therefore, as a matter of fact the 51 votes in favour were enough to approve the proposal on the selection mechanism.

Successively, one-week nomination period for the submission of candidacies for the positions of a three-member Presidency Council and of Prime Minister was opened. Williams welcomed the

---

[45] SC briefing 21 January 2021

great steps made by the seventy-five members of the LPDF since the adoption of the Roadmap, and she also underlined that an high number of nominations have been submitted from diverse political and social constituent of the Libyan society.

The voting process has been made during the second round of the LPDF in Geneva from 1 to 5 February, which generated a new temporary Executive Authority tasked to bring Libya to the holding of national elections in December 2021. [46]

Williams' work has been greatly welcomed also by the international community. The Foreign Ministries of Turkey, Italy, Russia, Egypt, Jordan, Saudi Arabia, the UAE and Qatar expressed confidence in the political process, trust in the new national unity government, faith in those elected, and believe in the success of the Executive Authority in in managing the transitional phase until elections are held. This is the most important and positive step reached in ten years of tumults.

3.3.2 Analysis of mediation

The mediation of Stephanie Williams started as a facilitative one, but more inclined to a formulation, because unlike facilitation, it involves a substantive contribution to negotiations by the mediator, conceiving and proposing new solution to the disputants. She played an active role since the beginning, taking the role as Acting SRSG with seriousness. She implemented Salamé's three-point plan, using more creativity, indeed, her formulation reflected in the Libyan Political Dialogue Forum and in the results obtained from the two rounds.

Her role could not remain limited to a consultation, just trying to help the disputants in finding a common ground, because in a difficult case such as the Libyan one, there was the need of an organism with great leverage able to control the talks and decide on what the disputants had to compromise. Her mediation under UNSMIL and the United Nations support reflected in the "Libyan Political Dialogue Forum". In launching the LPDF, Williams became a solution innovator of the conflict, proposing a plausible solution made of a series of steps to accomplish, with the ultimate goal to form a temporary government of national unity made up of Libyan patriots able to agree and share the responsibility to bring Libya to full sovereignty.

Her mediation style can be also called "pure mediation", where the mediator exerts more extensive control over the talks. In this case, Williams prompted the parties to adopt the terms established in the Roadmap and to respect the deadlines.

---

[46] Briefing to the SC 28 January 2021

For the purpose of creating the most inclusive solution, Acting SRSG engaged with the all Libyan spectrum in all possible ways. She personally met many times with al-Sarraj and Saleh, but she also held online meetings in order to reach as many Libyans as possible. The first-ever large-scale digital dialogue was conducted online with more than 1,000 Libyan youth aged between 18 and 30 years old, in October 2020. And again, just before the holding of the second round of the LPDF, she conducted digital dialogues with more that 1,000 Libyan from all regions of the country. Williams had intensified her engagement in the last months of 2020, with international stakeholders to stimulate support for the permanent ceasefire agreement and the restart of political talks. She engaged also with officials of several external actors and mayors from the main municipalities.

Her goals has always been to keep the consultative sessions as interactive as possible, broadcasting them also online on television in in order to make the process as transparent as possible. A process that all Libyan society could witness in every second.

Libyan people demonstrated to be in full support of UNSMIL-facilitated dialogue and have shown concern about the breakdown of the ceasefire. The closer the election day is, the more citizens believe in the process, and the more the level of involvement is high.

The achievement of a full settlement is the most ambitious goal of a mediation effort. However, a settlement could be short-lived if the mediator focuses only on the ultimate goal and not on the success of the mediation. A mediation is successful when the settlement is enduring. The previous mediation efforts proved to be short-lived. The solutions found and the institutions created in the past, such as the GNA and HoR, have not been accepted by the entire Libyan society. That's what changed in Williams mediation. She did not create a new body empowered with coercive power able to impose the will of the United Nations over Libyans, but she proposed a Forum where people could talk and express themselves in order to find a common solution to a ubiquitous problem.

For this reason, Williams held a series of dialogues with women, youth, and municipalities bringing together men and women from various political, ethnic and tribal backgrounds. In the context of the LPDF, the Libyan Youth Track was launched in October 2020, in order to assure an active and full participation of young people. During the first meeting, in her opening remarks, Williams welcomed the participates to the dialogue for taking part. She always believed in the power that youths have in shaping the future, as they represent the future of Libya. One key point of all meetings was to give expression to the views and position of those who interacted, with the aim to put all these topics on the LPDF agenda. All the perspectives of the youth were addressed

in combating corruption, unifying the institutions, realizing national reconciliation, implementing the security sector with the abolition of all armed formations present on the Libyan territory and unite all regular brigades into one military institution.

The success of the Libyan Political Dialogue Forum is without doubt. Numerous people proposed themselves as candidate for the positions in the new Executive Authority, indeed Williams stated in her opening remarks on 1 February, that "open competition is good for democracy" and that this "kind of competition can only take place when the guns are silent". After having reached the selection of a new Executive Authority, the Head of the Presidential Council, al-Sarraj, congratulated with those elected expressing hope. On the same line, the defeated candidates also honoured the winners and the electoral process conducted by the LPDF. Prominent Libyan persons expressed their support for the process and their willingness for the next government to be a government of national unity which brings all Libyans together and where all Libyans can gather without prejudice or discrimination. Also General Haftar and external actors such as the leaders of Egypt, Turkey, the United Arab Emirates, France, and Russia, endorsed the LPDF process. These are noteworthy responses given the resentment and zero-sum mentality that often dominate the Libyan political arena.

There is a success in Williams's formulation because she succeeded in bringing the parties to vote, and in electing a new Executive Authority. A fundamental key factor, that her mediation included, was an "inclusive" approach, which again reflected in the LPDF. Inclusivity refers to all Libyan parties and to what extent their views are considered. The resolution of the process depends on its inclusivity, thus, only an "inclusive" approach could lead to a sustainable solution. A collaborative and constructive negotiation is essential for this type of conflicts, otherwise a "competitive" approach to negotiation would have assumed a "zero-sum" solution which would have probably destroyed the plans again. In Libya was essential that all parties had to be represented, indeed the LPDF created a situation where the 75 members could negotiate and collaborate without external interference creating a "win-win" situation.

Williams' active works in organising and holding consultation meeting with several Libyans paved the way for the restart of the political process with the aim to find a wise agreement. In order to ensure transparency, openness and full inclusivity, UNSMIL provided innovative tools, interactive ones such as the website, to guarantee that as many Libyans as possible took part in the political dialogue. She managed to raise public interest and patriotism, and she restored faith in the talks.[47]

---

[47] (2020) Libyan Political Dialogue Forum kicks off, list of 75 members released. Libyan Address Journal.

Stephanie Turco Williams

(March 2020 - March 2021)

Mediation Strategy: Facilitation - Formulation;

Mediation plan: The Libyan Political Dialogue Forum;

- Create an inclusive solution engaging with the all Libyan spectrum in all possible ways;
- Addressing urgent economic issues;
- Engage with international stakeholders, Libyan women, youth and municipalities;
- Launch of the Libyan Youth Track in October 2020;
- Meetings with Libyan mayors from the West, South and East regions of Libya;
- Give expression to the views and position of those who interacted in the meetings;
- Encourage national reconciliation;
- Continue engagement with the HoR president, Aguila Saleh, and HSC President Mishri.

Mediation actions and outcomes:

- Ceasefire agreement (23 October 2020) reached by the 5+5 Joint Military Commission;
- Establishment of the Roadmap "For the Preparatory Phase of a Comprehensive Solution" and the setting of the date for the national elections;
- Meetings with members of the Libyan Political Dialogue Forum (LPDF);
- Two rounds of the LPDF held (7-15 November 2020 and 1-5 February 2021);
- Voting selection mechanism for the election of the new government decided;
- New Executive Authority elected;

Obstacles faced:

- Fight between GNA and LNA during spring-summer 2020;
- Presence of violent extremists and terrorist groups such as ISIL/Daesh;
- Poor security and humanitarian situation aggravated by the COVID-19 pandemic;
- Continue assistance of foreign sponsors to both the Libyan Arab Armed Forces (LAAF) and forces under the control of the Government of National Accord (GNA);

3.4 Ján Kubiš

Ján Kubiš is the SRSG from January 18, 2021 up to now. During his mandate, the situation in Libya has been reporting mainly in the following reports of the UN Secretary General: S/2021/451.

Kubiš is a Slovak diplomat and a distinguished person of long experience in foreign security policy and international relations. He has worked as Special Coordinator for Lebanon, in the office of the United Nations Special Coordinator for Lebanon (UNSCOL) since 2019, but previously he served as Special Representative of the Secretary-General and Head of the United Nations Assistance Mission in Iraq (UNAMI), from 2015 to 2018, and as Special Representative of the Secretary-General and Head of the United Nations Assistance Mission in Afghanistan (UNAMA) from 2011 to 2015.

He worked in the field of the European Union having held positions of Executive Secretary of the United Nations Economic Commission for Europe from 2009 to 2011, of Minister for Foreign Affairs of Slovakia from 2006 to 2009, of Chairman of the Committee of Ministers of the Council of Europe from 2007 to 2008, and of Secretary-General of the Organization for Security and Co-operation in Europe (OSCE) from 1999 to 2005.

3.4.1 Political transition

Ján Kubiš has been appointed by the UN Secretary-General, Antonio Guterres, as SRSG and head of UNSMIL on 18 January 2021, and he officially took up the functions on 8 February. He succeeded Ghassan Salamé, who quit the role in March 2020, and in the meanwhile, Salame's deputy Stephanie Williams has been acting Libya envoy.

As Kubiš assumed the functions, he continued having meetings in order to discuss a way forward toward a regular political transition with the main Libyan political actors, such as Agila Slaeh, Speaker of the House of Representatives, Fayez Serraj, President of the Presidency Council, Mohammed Siala, Minister of Foreign Affairs, Mohammad Younes Menfi, President of the Presidency Council designate and Abdulhamid Mohamed Aldabiba, Prime Minister designate.

Still his main purpose is to prepare Libya to hold national elections on 24 December 2021. As reported in the first Kubiš's report to the UNSC on 24 March 2021, after the selection of the new interim executive authority on 5 February at the conclusion of the 2nd round of the Libyan Political Dialogue Forum, and according to the timeline established in the Roadmap, members of the House of Representatives (HoR) gathered in Sirte on 10 March and successfully endorsed the Government of National Unity (GNU) proposed by Prime Minister Abdelhamid Aldabaiba. The vote of confidence was achieved with 132 vote in favour, 2 abstentions and 36 absent members.

Few days later, during a solemn ceremony in Tobruk, the HoR reconvened in order to accept the oath of the new government, with the attendance of Menfi along with his two deputies, Musa al-Koni and Abdullah Hussein El-Lafi. The incumbent Presidency Council of the Government of National Accord of President Sarraj completed the delegation of powers to the new Presidency Council and the Government of National Unity (GNU) during an official ceremony on 16 March. This great passage signified willingness of reconciliation and unification, purposefulness in protecting human rights, readiness for liberation of Libya from external interference and lastly, desire of peace.[48]

One month later, on 16 April 2021, the Security Council adopted Resolution 2570 (2021), welcoming the interim Presidency Council and the interim Government of National Unity as the Government of Libya to lead the country until national elections on 24 December 2021 and reiterated its commitment to the UN-facilitated Libyan-led and Libyan-owned political process and to Libya's sovereignty, territorial integrity and national unity.

These improvements symbolised momentum, which must be preserved at all costs. What Kubiš has to do is to support the new government, and to help the HoR and the HCS in collaborating and fulfilling the goals laid down by the LPDF.

The momentum is also supported by all spectrum of the Libyan society, including youth, tribes and municipalities. Everyone had great hope in this process at the time Kubiš took office, thanks to the magnificent job performed by Williams and her LPDF. However, a problem of organisation arose. The HoR and HSC had the task to choose jointly a constitutional basis for elections, namely prepare electoral law, but in the middle of July they haven't delivered it yet. Kubiš has already tried to address this dilemma in May when he held an online meeting with the members of the LPDF in order to resolve all unsettled problems. Nevertheless, many of them are related to how presidential elections should occur, throughout a direct vote by the people or indirectly throughout the Parliament; if a referendum on the draft permanent Constitution should be conducted first, partly as a precondition for direct presidential elections; how the eligibility criteria for candidates should be, especially for the President; whether military personnel and holders of dual citizenship should be electable and at what conditions.

However, the online meeting in May was unable to resolve these matters, therefore a face-to-face meeting was held between 28 June and 2 July 2021 in Geneva, Switzerland. Problems remain

---

[48] Briefing to the SC 24 March 2021

unresolved as LPDF members are dividing and their ideas crumbling, for this reason they haven't reached yet an agreement over a final proposal for a constitutional basis for elections.

This is a huge failure for what concern the Libyan peace process which is growing stress around the society and increases the gap between the HoR and the HCS, between those who want to adhere to the December elections and those who want to delay the elections, and lastly, between the Government of National Unity (GNU) and the Libyan National Army (LNA).

In order to foster this situation in the face of the deadlock, a Proposals Building Committee (PBC) has been established by the LPDF in Geneva at the beginning of July, with the aim to reach an agreement on a draft constitutional basis that will have to be presented to the LPDF plenary, on which it is now working. UNSMIL has facilitated virtual meetings of the PBC to strive to find joint ground and finalise the development of a constitutional basis for holding national elections on 24 December 2021 in accordance with the LPDF roadmap.

If an agreement is not reached, everything the SRSGs, UNSMIL and the UN have worked on over these years may be reversed and the positive momentum may be lost.

Things are slowing, the House of Representatives has not adopted the budget presented by the Government of National Unity (GNU), the LNA has not allowed the GNU to extend its authority to the areas it controls, the Presidency Council and the government did not agree on the appointment of the defence minister, a critical position for the implementation of the ceasefire agreement, and the 5+5 Joint Military Commission delayed the reopening of the coastal road linking east and west Libya to protest the inability to reach decisions that ease the holding of elections in time.[49]

Despite all unsettled problems, a great achievement was the holding of the Second Berlin Conference on 23 June 2021, hosted by Germany, which reaffirmed the commitments made in the Conclusions of the Berlin Conference on Libya of 19 January 2020 and recognised the interim Presidency Council (PC) and the interim Government of National Unity (GNU) as the Government of Libya. Again the participants demanded the reunification of all state institutions, the complete withdrawal of foreign fighters and mercenaries from the country and for the Libyan Political Dialogue Forum to take the necessary measures to facilitate elections. Also Libya was welcomed as a full participant to the conference, and Prime Minister Dabaiba affirmed his commitment to hold the December elections.

---

[49] Briefing to the SC 15 July 2021

3.4.2 Analysis of mediation

During these few months as head of UNSMIL, Kubiš has been acting as a communicator, also called facilitator, since he is focusing on ensuring continued discussion and dialogue. Indeed, since the very first day, he is holding consultations with Libyan actors in order to preserve their willingness in continuing the process and don't abandon their promises made in front of the Libyan society, which has immense expectations and trust in the parliamentary and presidential elections. He began using the same successful tactic of his predecessors, Salamé and Williams. Having taken office on 8 February, he had meetings with Libyan actors in Tripoli and Benghazi from 15 to 20 February, and also held online and in person consultations with national, regional and international parties.

Kubiš's effort has focused especially on preserving the unity of the 5+5 Joint Military Commission (JMC) and protecting its work from the harmful effects of the political stalemate, until the HoR and the HSC reach a consensus on a draft constitutional basis for the elections. Consequently, what is important at this moment is to sustain the ceasefire agreement signed on 23 October 2020 achieved by the JMC, which played a key role for its implementation and paved the way to restart the political process.

Kubiš is leaving free manoeuvre to Libyan actors, which are the ones who have their own future in their hands, and as promised by the UN, the peace process is still Libyan-led and Libyan-owned. Nevertheless, he did not leave Libyans alone. The Special Envoy is travelling around Libya to animate and reassure the implementation of the LPDF Roadmap. All of these activities are of important relevance in order to ensure follow-up.

During this short period of his office, he engaged also with international and regional actors, holding consultations with Member States participating in the Berlin process and went to visit Egypt, France, Germany, Italy, the Russian Federation, Tunisia, Turkey and the United Arab Emirates where he underlined the great importance in sustaining the LPDF and in supporting the new government. Kubiš did not leave neither the members of the "Libya Quartet"[50], having meetings with senior African Union officials and with Ahmed Aboul Gheit, Secretary-General of the League of Arab States.

Ján Kubiš' desire is to bring Libyans to elections. To this aim, the mediator has improved local mediation by facilitating multiple dialogues. As mentioned above, for what concern the elections, an adequate electoral law is required. However, the High National Election Commission (HNEC)

---

[50] the African Union, the European Union and the League of Arab States.

has never abandoned its commitment, indeed it launched a new voter registration system at the beginning of July, which closed on 31 July. This is regarded as an important step toward the achievement of elections, after years of conflict and disunity, and after more than seven years without national elections.

Kubiš is carrying on what his predecessors did, the creation of a full inclusive solution is the best tactic for the achievement of peace. He intensified the engagement as part of his mediation and he is active everyday more, also because of the impasse generated by the inability of the HoR and HSC in elaborating of the draft constitution. Whether this political gridlock continues, it could postpone elections once again. Without doubt, Kubiš's goal is not to let it happen. In the month of July 2021, he called on key Libyan decision-makers and institutions multiple times as a precautionary measure, in order to protect what has been achieved since the signing of the Ceasefire Agreement in October 2020.[51]

---

[51] SC briefing 11 May 2021

Ján Kubiš

(February 2021 - up to now)

Mediation Strategy: Facilitation - Communication;

Mediation plan:

• High-level consultative meetings with main Libyan political actors (Agila Slaeh, Fayez Serraj, Mohammed Siala, Mohammad Menfi, Abdulhamid Mohamed Aldabiba);

• Encourage national reconciliation;

• Meetings with members of the Libyan Political Dialogue Forum (LPDF);

Mediation actions and outcomes:

• Second Berlin Conference (23 June 2021);

• House of Representatives (HoR) endorsed the Government of National Unity (GNU) proposed by Prime Minister Abdelhamid Aldabaiba (10 March 2021);

Obstacles faced:

• Poor security and humanitarian situation aggravated by the COVID-19 pandemic;

• Political deadlock caused by the inability of the House of Representatives and High State Council to take a decision over a draft constitutional for the December elections;

• LPDF members' ideas are dividing;

• Risk of loosing momentum due to the slowness of events.

4. The UN mediation's outcome: The Libyan Political Dialogue Forum

The Libyan Political Dialogue Forum is an initiative organised by UNSMIL and by the head of the mission, Stephanie Williams.

The LPDF is a comprehensive Libyan-Libyan dialogue held on the basis of the outcome of the Berlin Conference convened on 19 January 2020, endorsed in SC Resolution 2510 (2020) adopted on 12 February 2020, with which the UN welcomed the Berlin Conference Conclusions and welcomed the nomination of representatives to the 5+5 Joint Military Commission with the task to continue working on a permanent ceasefire.

The LPDF brought together 75 participants, including 17 women, representing the three historic regions and the main constituencies, including 13 representatives sent from the House of Representatives and 13 sent by High State Council, the remaining 49 were chosen by Williams herself. UNSMIL called upon the participants from across Libya representing all sections of Libyan political and social society. The participants in the Forum were chosen from different constituencies, based on the principles of inclusiveness and fair geographical, political, tribal and social representation.

4.1 The LPDF

The main task of the LPDF is to create a temporary unified government able to lead the country to holding presidential and parliamentary elections.

UNSMIL facilitated the 1st round of the LPDF from 9 to 15 November in Tunis and the 2nd round from 1 to 5 February in Geneva. The first round started with two virtual sessions on 7 and 8 November and continued with in-person meetings from 9 to 15 November. At the end of which, the seventy-five participants agreed on a Roadmap to credible, inclusive and democratic national elections, namely "The Roadmap, Prerogatives Document, Eligibility Criteria", which established a timeline to be respected in order to end the transitional phase and hold presidential and parliamentary elections scheduled for the 24 December 2021. This historic date will mark 70 years to the day since Libya declared independence in 1951. The Roadmap was the fist step to renew the political legitimacy of Libyan institutions, and helped resuming the political process, aimed at overcoming the political deadlock. The political process has been called "The preparatory phase for a comprehensive solution", which will end the day of the national elections, supplemented the 2015 Libyan Political Agreement and set out general principles and objectives for the reconstruction of unified institutions.

The LPDF agreed on the need to restructure the executive authority to govern Libya in the run-up to these elections. The new Executive Authority would be made up of the Presidency Council and the Government of National Unity. As established by art. 5 of the Roadmap, the Presidency Council should consist of a president and two deputies in accordance with the geographical balance of the three regions, and the Government of National Unity should consist of the Prime Minister, two deputies and a number of ministers. Both bodies had to be elected according to the mechanism chosen by the LPDF.

However, problems arose early, since the delegates of the LPDF were unable to agree on the mechanism vote for the election of these positions. Therefore, the Forum got stuck since the delegates proposed twelve different voting mechanism, which could be grouped into three broad categories.

The first category aimed to divide the delegates into three regional blocs (Eastern, Western and Southern Libya) and to mandate each group to choose its representative in the Presidential Council.

In the second category, Forum members had to be divided according to the thirteen electoral district of Libya, with each mandated to select a candidate for the Presidential Council and then opening the final vote to all delegates. In addition, the members of each electoral district would also be mandated to nominate a candidate for prime minister from their district, thereby submitting the selection of the final winning candidate to the Plenary.

According to the third category, the Plenary had to vote on pre-established lists for the three members of the presidency council and the prime minister, which each would have been to be approved by at least 15 members of the forum before being voted on. The main point was to ensure that the president and prime minister came from different regions.[52]

Eventually, the selection mechanism chosen for the election of the Executive Authority was adopted on 19 January 2021 by the Advisory Committee. According to which each electoral college had to distinctly nominate their respective representative to the Presidency Council based on the principle of agreement in selection (70%). In case this is not possible, lists shall be formed from all regions consisting of 4 persons, who will specify the position for which they are running, namely for the position of the President of the Presidency Council, for a member of Presidency Council, or for the position of Prime Minister. The list to be presented for voting by the Plenary had to receive 17 consents (8 from the West, 6 from the East and 3 from the South). The winning

[52] (2020) Libya Update #1. International Crisis Group. Middle East and North Africa

list was to be the one that received 60% of the votes of the Plenary in the first round. If none of the lists receive this percentage, the two lists that receive the highest percentages shall compete in the second round. The winning list shall be the one that receives 50%+1 in the LPDF Plenary.

After that the voting mechanism was accepted, one-week period at the end of January 2021 was opened for the submission of nominations and the subsequent announcement of the list of 45 candidates for the Presidency Council (24 candidates) and Prime Minister (21) positions were presented on 30 January. The voting process was then held during the second round of the LPDF from 1 to 5 February 2021.

4.2 Roadmap "For the Preparatory Phase of a Comprehensive Solution"

The Roadmap is based on SC Resolution 2510 (2020), which endorsed the conclusions of the Berlin Conference, which in turn provides for the creation of a Presidency Council and unified Government of National Unity for the purpose of bringing Libya to the December elections. The Roadmap gave life to the "Preparatory Phase for a Comprehensive Solution", which began with the declaration of the outcomes of the LPDF held in Tunis in November 2020 and is meant to end with the presidential and parliamentary elections on 24 December 2021.

In the Roadmap are described the objectives, the governing principles, the timeframe toward general elections, deadlines and rules, the structure of the temporary Executive Authority, the priorities of the Executive Authority and the legal framework of the Roadmap.

In relation to the objectives, the first main aim is to strengthen the political legitimacy of Libya with the creation of a new executive authority in order to generate a state able to address issues such as security, corruption and respect for human rights.

According to art. 4 of the Roadmap, deadlines and rules are established to be respected by state institutions and political actors concerned with the constitutional process. Institutions had 60 days from the beginning of the Preparatory Phase to fulfil the constitutional arrangements, otherwise, the LPDF would had decided on the progress of the constitutional process. In addition, the House of Representative and the High Council of State had to agree on the sovereign positions within a timeframe of 60 days from the start of the Preparatory Phase. The sovereignty positions in question are written in Art. 15 comma 1 of the Libyan Political Agreement: Governor of the Central Bank of Libya; Head of the Audit Bureau; Head of the Administrative Oversight Authority; Head of the Anti-corruption Authority; Head and members of the High National Electoral Commission; Head of the Supreme Court; The Public Prosecutor.

In relation to the structure of the Executive Authority, its composition is established in Art. 5. It's formed by the Presidency Council and the Government of National Unity. The Presidency Council shall consist of a president and two deputies in accordance with the geographical allocations of the regions, whereas the Government of National Unity shall consist of the Prime Minister, two deputies and a number of ministers. Both bodies had to be elected according to the selection mechanism chooses by the LPDF. In the instant of granting confidence to the government, the full powers of the executive authority had to transfer to the new two bodies. In turn, all existing powers will expire upon granting confidence to the new government.

The priorities of the Executive authority are established in Art.6 and are to complete the administrative, financial and security procedures necessary for the success of the elections through confidence-building measures. It must address problem that Libya is facing, such as arbitrary arrest and forced disappearance, it must promote human rights law enforcement agencies, national and international protection mechanisms and respect for civil and political rights. It committed the Executive authority to ensure the good management of public expenditure and the management of foreign policy in order to maintain friendly relations.

Lastly, the legal framework of the Roadmap is established in Art.7, in which is written that the Roadmap is an essential outcome of the LPDF and that that all these measure are temporary until the election of a new authority.

4.3 The Unified Executive Authority

Some precondition have been established for any person who candidate for any position of the Executive Authority. These preconditions are listed in Art. 1 and Art. 2 of the Chapter on Eligibility for Candidacy for the Executive Authority. According to Art.1 any person who candidates himself must meet some requirements: be a Libyan, be at least 35 years old for the candidacy of the Presidency Council, and 30 years for the Government of National Unity, must not have been condemned and must not be a member o the LPDF. Whereas, in Art.2 some mandatory commitments are in relation to the rest of the Roadmap, its deadlines, and the ones who will be elected, will not be able to run for general elections, which end the Preparatory Phase.

On the closing day of the second round, on 5 February, UNSMIL announced that it received four lists of candidates for the positions of the three-member Presidency Council and Prime Minister, which were submitted by the specified deadline and with the required number of endorsements,

as stipulated in the selection mechanism adopted by the Libyan Political Dialogue Forum on 19 January.

None of the candidates' four lists standing for selection to lead Libya's next interim, temporary, unified government have succeeded in securing the stipulated 60 % threshold, thus the threshold for the second round had to be 50% + 1 of the valid votes. Only the two lists of candidates who received the highest number of votes have been taken into consideration.

LISTS OF CANDIDATES FOR THE POSITIONS OF THE THREE-MEMBER PRESIDENCY COUNCIL AND PRIME MINISTER

1. **List 1 = 13 votes**

   Mohammad Hasan Sleiman Al-Bargathi (President of the Presidency Council);

   Ali Abu Al-Hojob (Member of the Presidency Council);

   Idriss Suleiman Ahmed Al-Qaed (Member of the Presidency Council);

   Mohammad Khaled Adbullah Ghweil (Prime Minister)

2. **List 2 = 15 votes**

   Al-Sharif Al-Wafi (President of the Presidency Council);

   Abdul Rahman Mohammed Abu Al-Qassem Al-Balazi (Member of the Presidency Council);

   Omar Mahdi Aboushrida (Member of the Presidency Council);

   Mohammed Abdul-Lateef Al-Montaser (Prime Minister)

3. **List 3 = 20 votes**

   Mohammad Younes Menfi (President of the Presidency Council)

   Mossa Al-Koni (Member of the Presidency Council)

   Abdullah Hussein Al-Lafi (Member of the Presidency Council)

   Abdul Hamid Mohammed Dbeibah (Prime Minister)

4. **List 4 = 25 votes**

   Aqila Saleh Qwaider (President of the Presidency Council)

   Osama Abdul Salam Juwaili (Member of the Presidency Council)

   Abdul Majeed Ghaith Seif Al-Nasr (Member of the Presidency Council)

   Fathi Ali Abdul Salam Bashagha (Prime Minister)

List number four led by Aguila Saleh (President of the Presidency Council) and Fathi Bashagha (Prime Minister) gained 25 votes. Saleh is from the east and, as already mentioned, he is the current head of the House of Representatives. Bashagha is from Misrata and he is the current Interior Minister of the GNA in western Libya. Whereas, list number three led by Menfi (President of the Presidency Council) and Dbeibah (Prime Minister) won 20 votes.

According to the provisions established, a second round of voting between lists three and four had to be held with a different threshold of 50% + 1 of the valid votes. Eventually, the second round of the LPDF ended with the election of the new unified Libyan government.

The votes of the 73 participants of the LPDF, with one abstention and zero invalid votes, resulted in the winning of the list headed by Mohammad Younes Menfi, former Libyan ambassador to Greece and from the east, Abdul Hamid Mohammed Dbeibah, a former businessman with strong ties to Muammar Qadhafi, with 39 votes, against the list headed by Aquila Saleh and Fathi Bashagha, with 34 votes, which was thought to be the winning list.

After that the Executive Authority was chosen, the Government of National Unity needed the vote of confidence. The Prime Minister-designate, Mr. Dbeibah, had to form his cabinet within 21 days and present its program to the HoR for approval, taking him to maximum the 26 of February for the formation of the government. In turn, the HoR had 21 days from the date of proposals to give or not the confidence vote. The Government of National Unity (GNU) had to be presented to the House of Representatives to grant confidence, otherwise, the LPDF would have been the body entrusted to decide. The GNU was granted with confidence on 10 March 2021, when the HoR gathered in Sirte, and a week later, the powers were transferred to the new Presidency Council and the Government of National Unity.

According to the "Chapter on Unified Executive Authority", the Executive Authority has been called to some commitments, such as being obliged to organize presidential and parliamentary elections respecting the deadline established, and that it is subjected to the conditions issued by the LPDF.

Moreover, prerogatives have been established for both the Presidency Council and the Government of National Unity. The former accomplishes the functions of the Supreme Commander of the Libyan Army, declares the state of emergency, nominates and dissolves ambassadors and representatives of the State of Libya to international organizations, and takes all its decisions by unanimity of its three members, otherwise they are considered null and void. The latter represent the supreme administrative body of the State, and in its power rely all the

remaining prerogatives not attributed to the Presidency Council, such as the implement of all actions required to ensure the success of the roadmap, prepare the draft general budget to present to the HoR for approval and issue decisions on the structure and management of the executive bodies and institutions of the government.

Acting Special Representative of the Secretary General and head of UNSMIL, S.Williams, called for unity and inclusivity, and expressed happiness for what the members of the LPDF have created. The roles of the LPDF are exclusively reserved to Libyan, eluding the influence and participation of external actors, as happened with the Libyan Political Agreement, where foreign interference was at the order of the day and where foreign governments tried to impose their will. The new institutions of the Executive Authority have a lot of responsibility especially in maintaining and carrying out the ceasefire agreement, initiating a comprehensive national reconciliation process based on the principles of justice and foster a spirit of amnesty and tolerance, working on the economic crisis which is affecting Libya, to ensure a peaceful transition and finally, to held national elections.

4.4 Diplomatic momentum

The fact that the Libyan Political Dialogue Forum choose a new Executive Authority created momentum. However, the situation is very fragile and the steps to accomplish are many. The momentum of a negotiation may hang back even if the disputants seemed to become serious about going on.

The help of external actors is fundamental in order to keep the negotiation on track. Egypt, Turkey, the United Arab Emirates, France, and Russia have praised the progresses of the UN-facilitated LPDF, in addition, the United States, France, Germany, Italy, and the United Kingdom made a joint endorsement expressing full support for the LPDF, for the UN and for the new executive. In the Security Council Presidential Statement of the 9 February, it was welcomed the agreement reached by the LPDF on a new unified interim executive authority charged with leading the country to the election, as "an important milestone in the Libyan political process" and it was demanded the withdrawal of all foreign forces and mercenaries from Libya and the respect of the arms embargo.

On 8 February 2021, the new Special Envoy on Libya, Ján Kubiš, took up the functions as head of UNSMIL, and started his mandate speaking immediately with senior Libyan officials, the President of the Presidency Council, the Minister of Foreign Affairs and the Speaker of the

House of Representative, as well as with Mohammad Younes Menfi, President of the Presidency Council designate and Abdul Hamid Mohammed Dbeibah, Prime Minister designate. They engaged in conversations about the continuation of the peace process and the shift of power to the new executive authority. Ján Kubiš's strategy in assuring the persistence of key personnel in engaging in the talks is a key element in order to avoid talks to fail. As a matter of fact, one of the main reason why talks might fail is because key personnel may withdraw.

For the momentum to be maintained, a key role is in the hands of the international community, made up of countries which spent the last few years interfering in Libyan affairs and worsening Libya's divisions. The present SRSG, Y. Kubiš, must rely on the role of the external actors. Looking for help at the international scenario it's necessary to complete the withdraw of mercenaries and foreign forces from the Libyan territory. Foreign involvement in Libya, which has been one of the main drivers of the Libyan conflict, must be stopped, with an end to outside interference and strict compliance with the arms embargo. For this reason, it is compulsory for Libyans and international actors to reach an agreement, as established in the Berlin Conference Conclusions and reiterated during the Second Berlin Conference.[53]

In order to keep up the moment, setting deadlines is the first step to accomplish. Deciding the date in which the final agreement must be reached might help in preserving diplomatic momentum. This reflected in the function of the Tunis Roadmap, which has been called as the critical *marjaiya* or reference point in going forward. The Roadmap has been created in order to avoid what happened to the Skhirat Libyan Political Agreement, which was highly-acclaimed but about which at the same time many Libyans were sceptical.

Multiple deadlines have been imposed by the Roadmap, such as the task for the Prime Minister-designate Dbeiba to create an inclusive government within 21 days from the 5 of February, with the responsibility to provide services to resource-starved municipalities, provide nationwide support to cope with the pandemic, unify executive and sovereign institutions, and pave the way for the December elections. Another deadline imposed was the one for the House of Representatives to endorse the new executive within 21 days of Dbeiba's submission of his cabinet program. However, the most important deadline is the 24 December 2021, the day of the national elections.

This type of deadline is called symbolic deadline, since 24 December marks the anniversary of independence from Britain and France in 1951. The advantage of a symbolic date as a deadline

---

[53] Williams, S. T., *& Feltman, J. (2021). Can a political breakthrough mend a broken Libya?. Brookings.

differs with the significance associated to the event it commemorates. Nevertheless, the symbolic significance of the independence day is very potent.

However, this deadline has been self-imposed and decided by the 75 members of Libyan Political Dialogue Forum, which they should have formulated the best prediction of the time required for the settlement of the negotiation and not selected a random date. Indeed, deadlines of the first type have more probability to provide realistic results.

The road to take is a demanding task and still there is some reason for concern. Both sides continue accusing each other for receiving foreign military support, in particular Turkey, the Tripoli-based government's main backer, and Russia, the Haftar-led coalition's chief ally are providing military assistance to one side or to the other. This is severe because a delay can turn into a stasis, and a stasis can become a complete stop, as happened during the period 2015-2016 with the Libyan Political Agreement, when the disputant's stances were confrontational.

A more troubling and recent impasse has been caused by the impossibility of the House of Representative and High Council f State to reach an agreement over the constitutional basis for national elections. As a matter of fact, the positive momentum reached in the last few months of 2021, can be reversed.

Concerns arose to the point that the Security Council held a high-level ministerial briefing on Libya on 15 July 2021, chaired by the French Minister for Europe and Foreign Affairs, Jean-Yves Le Drian. The Special Envoy Ján Kubiš expressed great concern and deplored the continued presence of foreign fighters and mercenaries in the country which are impeding progress in the peace process, are an obstacle to upcoming elections and threatens the ceasefire.

If this impasse over the constitutional basis for elections is not resolved rapidly, and if the leaders do not demonstrate the political will, then the positive momentum gained until after the second Berlin conference will be lost and the electoral calendar won't be respected.[54]

Nevertheless, the advance towards the political reunification of Libya did not occur in a vacuum. Many things have contributed to the turnaround. A feeling of anger against the authorities among Libyans has grown during these 10 years due to their inability of guaranteeing decent living conditions and a peaceful environment. In addition, political elites have become aware of the risk of setbacks if they had remained faithful to the actual situation, and Libyans are tired of outside interference.

---

[54] SC Presidential Statement, 15 July 2021l

5. Evaluation of United Nation' mediation style

Since its inception in 1945, the United Nations (UN) has always been seen as the most powerful institution around the world, able to manage any kind of situation and seen also as one of the most influential mediator.

When the UN mediates, the approach pursued by mediators and its effectiveness depend heavily on the Security Council (SC), which has to equip the mediator with well-definite instructions, but most importantly the members of the SC must be united in supporting the mediator's efforts. A very important factor is the UN mediator's impartiality, which depends on the Security Council's position on the conflict. Nevertheless, in some occasions has been seen as biased towards one side.[55]

Nonetheless, UN's mediation has some limits and not always can create positive outcomes. The main problem is that it is insufficiently flexible and dynamic in an organisational context to pursue a coherent and effective mediation strategy. As a matter of fact, it encounters some bounds in its works because it has a "western mind" and works through majoritarian democracy, considering the latter as the best form of democracy for every country. However, it is not like this.

Countries differ from each other for their historic backgrounds, lifestyles and political organisations, therefore, UN's choice to apply majoritarian democracy is not always accepted.

However, the UN has a long background in mediating armed conflicts. Since the 1990s, several of the most long-lived conflicts have been settled under the command of the UN. Yet, this kind of outcome cannot be applied to Libya.

There are some basic elements which must be attributed to modern democracies in order to be such. These refer to the rule of law, free elections and the existence of liberal rights. However, there exists two types of democratic systems: majoritarian and consensus. The former is based on majoritarian rule, where the power is in the hands of a few, whereas the latter puts power in the hands of the majority. Majoritarian democracies emphasize the mandate of the government in power in a way that a few can overstep minorities. Whereas, consensus democracies emphasize and promote representation from the point that resolutions are taken through collegial decision-making.

Taking this division into account, the choice between consensual and majority democracies depend on citizens' preferences. Majoritarian systems are usually more accepted by western

---

[55] Asseburg, M., & Lacher, W. (2018). Mission impossible Un mediation in Libya, Syria and Yemen. Stiftung Wissenschaft und Politik, 5–27.

countries, whereas in countries such as Libya, which is composed of multiple factions, a consensus democracy is widely accepted, because it emphasise rule by as many people as possible to make government as mush inclusive as possible.[56]

Consensus democracy works better here because because we are talking about a multiparty democracy. This definition was introduced only in 2011 by anti-Gaddafi forces since political parties were banned in Libya from 1972 until the removal of Gaddafi's government. Indeed, according to the 2011 Constitutional Declaration, Libya is a multiparty system, thus a system which includes as many people as possible and can make the government inclusive, works better. The advantage is that the decision-making structure involves and takes into account a range of opinions as broad as possible, as opposed to systems where minority opinions can potentially be ignored and smaller parties can be excluded from "fair representation" in majoritarian democracy.

5.1 How United Nation mediation changed over time

Since the Arab uprisings and the end of Qadhafi's dictatorship in 2011, the United Nations emerged as a supporter for local mediation in Libya and still today is at the forefront of political talks. It focused its efforts in mediating between Libyan parties with the aim to bring peace, with poor results, since the circumstances under which the UN was trying to negotiate a resolution to the dispute were incredibly difficult.

UNSMIL's goal to support local factions in order to transition to democracy has been characterised by multiple challenges. The equilibrium between different actors were constantly changing due to the fact that parties were not really committed to negotiate because they received support from external actors.

Back in 2015, the negotiations for the Libyan Political Agreement (LPA) were conduced by the UN Special Representative for Libya Bernardino León, but he faced difficulties since talks were organised only with deputies of the House of Representatives, which not everyone recognised as the main legislature chamber. Indeed, the LPA was not ratified for lack of inclusiveness and the GNA was considered a unity government only in name. Therefore, the mediation's outcome of the first four years was the LPA, which was not accepted by all community because it was not a full inclusive agreement and it was expression of the majoritarian democracy ideal of the UN.

---

[56] Ferrín, M., & Hernández, E. (2021). Preferences for consensus and majoritarian democracy: Long- and short-term influences. European Political Science Review, 13(2), 209-225.

At that time the dilemma concerned the fact that it was difficult to identify the real conflict actors and who should represent them. This was related to the Libyan tribal structure, indeed numerous factions present in the territory could hardly be associated with some political representation but they strongly claimed to protect their interests.[57]

What changed in UN mediation over time was a revival of the United Nations Special Mission in Libya (UNSMIL) under the leadership of Ghassan Salamé in 2016 and his Action Plan. Multiple reasons show that the mediation efforts of the SRSG Salamé, Acting SRSG Williams and SRSG Kubiš, are being successful. Firstly, the fact that General Haftar and al-Sarraj came to an agreement showed the potentiality of Salamé's mediation. Since his appointment in June 2017, the UN-led talks have been and still are inclusive, since he started having meeting with the major factions, expanding his work to everyone, indeed, he held dozens of meeting and town halls all over the Libyan territory. Salamé's Action Plan for Libya, aimed at modifying the LPA and introduce new elements, was then supported by his successor, Stephanie Williams, who build the Libyan Political Dialogue Forum (LPDF) on Salamé's Action Plan. The launch of the LPDF has ben the best project launched since 2011.

The Forum represented an innovative solution aimed at the creation of a comprehensive Libyan-Libyan dialogue where the participants were chosen on the principles of inclusiveness and fair social representation. Transparency, openness and full inclusivity are indispensable factors to complete the process of Libya's transition toward democracy.

Secondly, UN mediators are not rushing anymore. Especially Salamé and Williams prioritised the relationships over the achievement of an agreement, always trying to include everyone, and not just reach an agreement before opponents can take advantage. Obviously they had to respect the deadlines imposed by the Roadmap, but before going on with the steps, they wanted to be sure that anyone who was part of the community and was willing to express personal ideas was heard.

Thirdly, the UN showed impartiality since the beginning of Salamé's mediation, followed by Williams and Kubiš, considering the period covered by the mediators Bernardino León and Martin Kobler, from September 2014 to June 2017. At the time of SRSG León, there were powerful misperceptions that while he led UNSMIL, he had ties to the United Arab Emirates (UAE) that supported the HoR. Shocking the international community, he resigned for an important role position in the UAE as the director of the Emirates Diplomatic Academy. This

---

[57] Asseburg, M., & Lacher, W. (2018). Mission impossible Un mediation in Libya, Syria and Yemen. Stiftung Wissenschaft und Politik, 5–27.

event influenced the works of his successor, Mr. Kobler. As a matter of fact, after the LPA was mediated, the UN was considered as a partial mediator because it was judged to be a supporter of representatives of a unity government.[58]

5.2 Considerations

The central point is under what conditions the UN might successfully mediate peace agreements and guarantee longstanding implementation. What concern a successful mediation strategy depends on the configuration of the conflict, but also on the characteristic of the mediator.

Libyan talks have been very long, affected by progresses and many political deadlocks. However when al-Sarraj and Haftar signed the Ceasefire agreement in October 2020, the event has been described as great success since it brought to an ease of tensions.

The problem was related to time. As described previously, a successful mediation show durable peace, but in the Libyan case, the time is too short to create an answer in the long-term. However, a mediation that creates a ceasefire certainly contributes to peace, even if for a short time. Considering that a mediated ceasefire reduce the level of conflict between the disputants, it can be labelled as a success.

Yet some conflicts can experience a reverse and come back to war, but this is what the UN mediator is working on. Determining the success and failure of a mediation effort depends upon the time horizon of the conflict in examination and the contribution the mediators gave.

Mediation efforts can become more effective by limiting mediation to local parties involved, but it should consider also regional powers which have some kind of interest or relationship with the country in question in order to avoid continuous undesired involvement. External involvement happened in Libya for an unlimited time.

Secondly, power-sharing agreements should be fairly inclusive and negotiations should bring together actors who are truly representatives of political forces and factions presented in the country.

Thirdly, UN mediators must avoid taking sides even if it participated in the creation of a unity government that eventually became part of the conflict. This is what happened with the creation of the Government of National Accord (GNA) led by the interim prime minister al-Sarraj and which was endorsed by the UN Security Council in 2015 and also welcomed as the sole legitimate authority.

---

[58] Agbelengor S.C. (2021). Can the United Nations Deepen Mediation Effectiveness in Libya?

Recalling the concept of UN as international mediator, it seems best in managing conflict which appear intractable, such as the Libyan one. UN's multiple strengths, such as international political legitimacy, adaptability to the kind of situation in question and its greater global knowledge, make the it the ideal mediator to resolve the Libyan crisis. The UN is a broad-based peace facilitator and thanks to its adaptability, that is a necessary characteristic in order to be able to manage long peace process, where strict mediation would not succeed. However, its non-flexibility for what regard the majoritarian/consensus democracy created problems when mediation efforts are applied to cases such as Libya.

Moreover, UN is also able to connect track one and track two diplomacy, a very important factor to generate success. Track one refers to the UN itself which has great influence and track two has been performed by UNSMIL which hosted multiple track-two diplomatic events, such as the National Conference in Hammamet, Tunisia.

The ability of linking track one and track two permit to disputes to be more likely to succeed because fundamental elements of the two tracks are combined. Track-two is vital to a successful, widely owned and participatory results are essential for an enduring and successful mediation.

Currently, hopes are in the Proposals Building Committee (PBC), which is the fourth attempt in order to reach an agreement over the electoral law. Previous attempts by the LPDF came from its Legal Committee in May, from its Advisory Committee in June which came out with three proposals, and lastly, from the House of Representatives jointly with the High Council of State without success. The PBC is the fourth committee established which was not able to develop only one proposal, but in the end had to submit four proposals to the LPDF plenary for its decision.

The plan adopted by SRSG Ján Kubiš to manage the deadlock is to act as communicator in order to facilitate communication between the parties, in this case the House of Representatives and High state Council which have been not able to agree on a constitutional basis for elections. He soon committed himself in gaining trust having multiple meeting since the very first day and still, when the deadlock came, he managed to understand the problem and encouraged communication. This is a low level of intervention in which the mediator channels informations, but it may not be enough sometimes when a further stalemate arises and there and there is a need to adapt the strategy to the new problem at stake.

In conclusion, to understand the distinctiveness of the United Nations mediation, reference can be made to how UN mediation fits into the "Berlin Process" I and II and, conversely, how the different national initiatives that have taken place over the years in relation to the UN works.

Initially, the national initiatives of holding conferences and meetings between the rivals made for instance by Italy in Palermo in November 2018, by UAE in Abu Dhabi in February 2019, by Morocco in September 2020, and by Egypts in Hurghada in January 2021, were considered helpful in bringing positive results on the United Nations facilitation of the Libyan owned and Libyan-led political dialogue. Nevertheless, none of the agreements proposed during the meetings were ever realized because their focus was sectorial and militia leaders have been excluded several times from negotiations.

These conferences on Libya held in other countries with extremely limited local representation have only complicated and worsened the situation. They appeared to be "service conferences" and not turning points, since they never launched a new line.

However, what is different between these national initiatives and the first and second Berlin Conference which brought positive outcome is the organisation. These two conferences would be organized in collaboration with the United Nations Special Envoy for Libya, Ghassan Salamé and Ján Kubiš respectively, in conjunction with Germany. Therefore, the active participation of the UN brought some differences.[59]

The conclusions of the two Berlin conferences have been more extensive, concerning all the commitments made in relation to the role of the United Nations to facilitate an inclusive intra-Libyan political and reconciliation process to the humanitarian situation.

---

[59] (2019) Another conference, another incomplete solution for Libya. Atlantic Council.

Conclusions

The approach of the United Nation's mediation during the period 2018-2021 has been increasingly inclusive which permitted a series of positive outcomes, crowning with the success of Libyan Political Dialogue Forum (LPDF) that permitted to all Libyan society to be represented.

The talks seemed to be inclusive enough, since all spectrum of the Libyan society has been taken into consideration, giving the same importance to everyone. The element that made the difference was the addition of hundreds of meeting with Libyans, the improvement of mediation and enlargement to local mediation, which was born later in reaction to national mediation's inefficiency. Local mediation is considered important as it is part of the Libyan tribal system, in which local actors play a central role.

After the examination of the three latest Libyan mediators, Ghassan Salamé, Stephanie Williams and Ján Kubiš, who had office as head of UNSMIL, it is possible to make a comparison between them and analyse the best strategy of mediation.

From the analysis, the best mediation seemed to be to apply an inclusive strategy. Indeed, both SRSG Salamé and Williams actuated an inclusive strategy, followed by Kubiš, who implemented the same strategy but which should have been modelled differently in accordance to the current situation and the political deadlock created. In fact, Kubiš' facilitative style proved to be unsuitable for the final stage of political confrontation.

However, their level of commitment as third party into the dispute reflected into different forms of mediation. Both SRSG Salamé and Acting SRSG Williams began as facilitators, promoting a democratic process, to become after their respective plans, the "Action Plan For Libya" and the "Libyan Political Dialogue Forum", solution innovators of conflict. In other words, their role changed to formulators.

Their strategy proved to be appropriate since they managed to bring the parties to an agreement, namely the 23 October ceasefire agreement and the maintenance of this agreement. A comprehensive settlement has not been reached yet, and that's what the LPDF serves for.

At the beginning, Salamé proposed to convene a national conference promoting an inclusive process where representatives and factions of all Libyan society could address security and political issues. Salamé can be blessed with the merit of reinvigorating the UN political process

since he engaged with numbers of actors, including constitutional experts, judges and Libyan citizens, since Libyans wanted a solution decided by them and not imposed from outside. The initial plan to create a forum where everyone could express himself has been enlarged by Williams, with the launch of the Libyan Political Dialogue Forum, the best outcome of UN mediation in Libya.

The SRSG held high-level consultative meetings with municipalities, youth, women, Prime Minister Sarraj, the speaker of the House of Representatives Saleh and the President of the High State Council Mishri, as well as the committees of the Joint Military Commission. The aim of the Forum was to set national priorities of the transition and to reach a ceasefire. The latter was reached in October 2020 thanks to the works of the 5+5 JMC.

When the ball passed to Ján Kubiš, he actuated a facilitative strategy, also called communication. In respect to the results of his predecessors, his role was limited to make contact with parties, focusing on ensuring continued discussion and dialogue. For the reason that once again an impasse arose, due to the impossibility of finding a joint agreement over a draft legislative, and considering that time was running out and elections are coming up, perhaps it would have been more effective for him to use at least a formulative or even a manipulative strategy. In other words, an approach that could be more "pushy" and less passive, since a communicator or facilitator only serves as a channel of communication between the conflicting parties.

Kubiš should have conceived new solutions to the disputants and help them to more easily select an existing mutually acceptable alternative becoming a solution innovator to the conflict, or even more so by implementing a manipulative role, he could have used his position and leverage to influence the process of negotiating the crisis. However, the Libyan Political Dialogue Forum had already been created and the members had already had two rounds making great steps towards transition, but Kubiš' mediation took a turn for the worse.

Nevertheless, each mediator is different and each applies a different strategy with respect to the challenge at hand. Third parties involved in negotiations face three important decisions: understanding the underlying goals, defining their role in the conflict (being neutral or defending

one side), and choosing the most effective methods of influence. For this reason, every mediator who takes on the role of a third party is different.

In order to better understand the final conclusion of the thesis and to give an answer to the research question of which mediation strategy is most effective in the Libyan context in an highly fragmented situation as a result of long civil war, two significant mediation examples dating back to the 1990s are considered the Northern Ireland conflict and the Balkan crisis. Two different mediation strategies were applied, a manipulative one in the first case, and a formulative one in the second.

According to J. Bercovith, manipulative and directive strategy tend to be the most successful in general, albeit facilitative strategies are the most employed. However, during the Balkan crisis, a Holbrooke-style manipulation was successfully actuated, but the fundamental element for success was the presence of a powerful state behind it, the United States, and not an international organisation like the United Nations in the Libyan case. Whereas, facilitative or communicative strategies tend to be most productive in intractable conflicts, such as the one applied by the mediator G. Mitchell in Northern Ireland.

What distinguished Holbrooke's manipulative strategy was the fact that it was important for the US to end the bloodbath for the Bosnians and for the interests they had at stake in the region, indeed the mediator cared to reach a settlement, but any settlement. The mediator focused also on the bare minimum participation of parties, he used threats and intimidation and exalted his background power, seeking to convince them that there were no alternatives.
Conversely, Mitchell's formulative strategy was focused on the creation of an inclusive coalition between all political parties. The mediator had the goal to end the conflict but also to make it last and endure in the future, focusing on joint deals between the disputants.

As already mentioned, intractable conflicts are long and characterised by many deaths, sometimes characterised by attacks, also terrorist ones. Indeed, making a comparison, the Libyan case is better suited with the case of Ireland where contrasts have been protracted and where the mediator's focus of trust-building aimed at creating a durable peace accepted contentedly by everyone with the aim to model constructive future dealings, was successful. In doing so, the

mediator managed to overcome incompatible values, and signs of positive chemistry were shown by the disputants.[60]

One of the ingredient for a successful mediation is to conduct a transparent process putting all data and facts in the right perspective and sharing relevant information, lying the basis for fairness and credibility, such as Mitchell's did, and such as the three Libyan mediators taken in consideration in this dissertation did. Sharing information extensively in an effort to avoid surprises or misunderstandings is the right tactic for successful mediation.

In the final analysis, a process-oriented and transformational process was the best approach to apply in Libya. The neutrality of the Special Representative for the Secretary General in Libya had a joint gains-focus strategy able to create future and stable dealings.
Undoubtedly, there was no exclusive strategy that could be applied, but the Libyan mediators managed to bring the parties to the table, to reach an agreement and to keep up moment to reach the final goal of holding national elections applying a formulative strategy. However, Ján Kubiš let go of its grip acting as a facilitator, and a stalemate arose, when he should have implemented a more intrusive strategy, such as formulative one. At this point in the negotiations, where time is running out and only five months remain, Kubiš would probably have harassed the negotiators by claiming that this is the last chance to achieve peace. However, there is an important factor that cannot applied to Libya. What made Holbrooke's manipulation successful was the fact that he had a powerful state with great leverage behind, and not an international organisation such as the United Nation.

Libyans have been calm for almost one year and there have been no signs of a resumption of conflict. It is true that Libya has been intractable for years but since 2017, formulative mediation has borne positive outcomes by increasingly improving the situation.
From this analysis, the best behavior for a mediator seems the one of being impartial, of not rushing and on focusing on trust-building. The first element is necessary for respecting Libyan's willingness of not interfering in their affairs and let them find a *Libyan solution* to a *Libyan problem*. The other two elements are essential for a mediation to be successful. Without trust, transparency and common understanding the mediation is likely to fail.

---

[60] Curran, Daniel F., James K. Sebenius, and Michael Watkins (2004). "Two Paths to Peace: Contrasting George Mitchell in Northern Ireland with Richard Holbrooke in Bosnia-Herzegovina." Negotiation Journal 20, no. 4

A lot of positive results have been achieved but the strategy applied by Kubiś seems not to be the best one. The interest is to get the deal done, but it's important also the long-term sustainability. UNSMIL's approach had the goal to help the political leaderships to cooperate and to create a constitutional and institutional framework in which a legitimate government would govern for the future. Constructing deals among parties instead of threaten them is more productive and enduring.

The main challenge is to understand whether, at this point, the United Nations is the best third party. As mentioned on chapter one, the UN seems to be a high valuable mediator. First of all, the mediator chosen from the UN is assumed to be well prepared and trained, since the UN has at its disposal any kind of personnel, secondly, if the conflict in question is an intractable one, the best thing to do is to give continuous attention to it and be able of being adaptable to any possible change and understand the situation. Indeed, since intractable conflicts are not settled overnight, the UN is suitable for an effective mediation. Thirdly, the most important ingredient for success is the ability of the United Nations to link track one and track two diplomacy. The element of power from track one and the possibility to act freer from track two, performed by UNSMIL that hosted multiple track-two diplomatic events, created the best environment for a successful mediation.

As for the UN's role ultimately played through UNSMIL during this mediation, it was of great importance thanks to the potential of its global legitimacy and the respect which it enjoys. External countries were called upon and officially committed during the first and second Berlin conferences: the only two conferences that helped make big steps toward democratization. Whereas, the other different national sectoral initiatives tried to solve the Libyan crisis in vain. Everything considered, the United Nations has the potential to successfully conclude a mediation which is characterised by an highly fragmented situation, especially after it manages to overcome its statist nature shortcoming of working with a "western mind" and apply what is preferred by local political actors when necessary.

Bibliography

Briefings by SRSG to the Security Council

15 JUL 2021, Remarks of SRSG Ján Kubiš to the United Nations Security Council

24 MAR 2021, SRSG Ján Kubiš Briefing to the Security Council

5 FEB 2021, Remarks of ASRSG Stephanie Williams

1 FEB 2021, Opening Remarks of ASRSG Stephanie Williams

28 JAN, 2021, ASRSG Stephanie Williams Briefing to the Security Council

16 JAN 2021, Opening Remarks of ASRSG Stephanie Williams

26 OCT 2020, Opening Remarks of ASRSG Stephanie Williams

02 SEP 2020, ASRSG Stephanie Williams Briefing to the Security Council

19 MAY 2020, ASRSG Stephanie Williams Briefing to the Security Council

30 JAN 2020, SRSG Ghassan Salamé Briefing to the Security Council

18 NOV 2019, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

29 JUL 2019, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

21 MAY 2019, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

16 JUL 2018, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

9 NOV 2018, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

05 SEP 2018 SRSG Ghassan Salamé briefing to the Security Council

16 JUL 2018 Remarks of SRSG Ghassan Salamé to the United Nations Security Council

5 SEP 2018 SRSG Ghassan Salamé Briefing to the Security Council

21 MAY 2018 SRSG Remarks of SRSG Ghassan Salamé to the United Nations Security Council

21 MAR 2018, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

17 JAN 2018 Remarks of SRSG Ghassan Salamé to the United Nations Security Council

16 NOV 2017, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

20 SEP 2017, Remarks of SRSG Ghassan Salamé to the United Nations Security Council

Secretary-General's Reports

11 MAY 2021, S/2021/451

19 JAN 2021, S/2021/62

25 AGO 2020 S/2020/832

5 MAY 2020, S/2020/360

15 JAN 2020, S/2020/41

26 AUG 2019, S/2019/682

7 JAN 2019, S/2019/19

24 AUG 2018, S/2018/780

7 MAY 2018, S/2018/429

12 FEB 2018, S/2018/140

22 AUG 2017, S/2017/726

Security Council Resolutions

16 APR 2021 S/RES/2570

2 OCT 2020 S/RES/2546

15 SEP 2020 S/RES/2542

12 FEB 2020 S/RES/2510

12 SEP 2019 S/RES/2486

13 SEP 2018 S/RES/2434

14 SEP 2017 S/RES/2376

29 JUNE 2017 S/RES/2362

12 JUNE 2017 S/RES/2357

13 DEC 2016 S/RES/2323

31 MAR 2016 S/RES/2278

15 MAR 2016, S/RES/2273

23 DEC 2015, S/RES/2259

14 MAR 2014, S/RES/2144

14 MAR 2013, S/RES/2095

12 MAR 2012, S/RES/2040

2 DEC 2011, S/RES/2022

16 SEP 2011, S/RES/2009

17 MAR 2011, S/RES/1973

26 FEB 2011, S/RES/1970

Security Council Presidential Statements

15 JUL 2021l, S/PRST/2021/12

12 MAR 2021, S/PRST/2021/6

9 FEB 2021, S/PRST/2021/4

6 JUN 2018, S/PRST/2018/11

14 DEC 2017, S/PRST/2017/24

Libyan Political Agreement. 17 December 2015

Berlin Conference Conclusions. 19 January 2020

Agreement for a Complete and Permanent Ceasefire Agreement. 23 October 2020

Second Berlin Conference Conclusions. 23 June 2021

AfricaNews. (2021). LPDF bridging proposals committee concludes its deliberations on a proposal of the constitutional basis for the elections. Africanews.

Agbelengor S.C. (2021). Can the United Nations Deepen Mediation Effectiveness in Libya?

Asseburg, M., & Lacher, W. (2018). Mission impossible Un mediation in Libya, Syria and Yemen. Stiftung Wissenschaft und Politik, 5–27.

Bartu, P. (2014). Libya's political transition: The challenges of mediation. New York: International Peace Institute.

Beardsley, K. (2013). Using the Right Tool for the Job: Mediator Leverage and Conflict Resolution, Penn St. J.L. & Int'l Aff. 57, no. 1, 57–65.

Bercovitch, J., & Derouen, K. (2004). Mediation in Internationalized ethnic Conflicts: Assessing the determinants of a successful process. Armed Forces & Society, 30(2), 147–170.

Berridge, G. (2015). Diplomacy: Theory and practice. Houndmills, Basingstoke: Palgrave Macmillan.

Costantini, I. (2019). A solution in LIBYA: Elections, mediation and a Victor's Peace. Middle East Policy, 26(4), 146-156.

Curran, Daniel F., James K. Sebenius, and Michael Watkins (2004). "Two Paths to Peace: Contrasting George Mitchell in Northern Ireland with Richard Holbrooke in Bosnia-Herzegovina." Negotiation Journal 20, no. 4.

Ferrín, M., & Hernández, E. (2021). Preferences for consensus and majoritarian democracy: Long- and short-term influences. European Political Science Review, 13(2), 209-225.

Faure, G. O., & Cede, F. (2012). Unfinished business: Why international negotiations fail. University of Georgia Press, 357-397.

Fisher, R., Ury, W., & Patton, B. (1986). Getting to yes: negotiating agreement without giving in. Penguin Books.

Ghassan Salamé, "With Libyans now 'fighting the wars of others' inside their own country, UN envoy urges Security Council action to end violence", UN News, July 29, 2019.

Greig, J. Michael and Diehl, Paul F. (2012). International Mediation. Cambridge: Polity Press.

Mundy, J. (2021). Libya: Lost in Transition. Middle East Law and Governance, 13(1), 1-3.

M. Cherkaoui (2020). Libya's Zero-Sum Politics and Defiance of Legitimacy – Part 1. Aljazeera Centre For Studies.

M. Cherkaoui (2020). Libya's Zero-Sum Politics and Defiance of Legitimacy – Part 2. Aljazeera Centre For Studies.

Mezran, K., & Varvelli, A. (2017). Foreign actors in Libya's crisis. ISPI.

Mapendere J. (2005) Track One and a Half Diplomacy and the Complementarity of Tracks. COPOJ-Culture of Peace Online Journal, 2(1).

Mohammed (2021). Wide international welcome to new executive authority in Libya. The Libyan Observer.

Ohlson, T. (2008). Understanding causes of war and peace. European Journal of International Relations, 14(1), 133-160.

Pargeter, A. (2017). Libya's New Action Plan: A Recipe for Success?. Aljazeera Centre For Studies.

Schiff, A. (2010). "Quasi Track-One" Diplomacy: An Analysis of the Geneva Process in the Israeli–Palestinian Conflict1. International Studies Perspectives 11, 93–111.

The Libyan National Conference Process - HD Centre

United Nations Guidance for effective mediation (2012)

United Nations, (2016). Repertoire of the Practice of the Security Council: Supplement 2010-2011, Volume I

United Editor (2020). The Libyan Political Dialogue Forum: Who will lead Libya? United World International.

UNSMIL (2021). ASRSG Williams conducts digital dialogue with 1000 Libyans.

Watanabe, L. (2019). No. 246 - UN Mediation in Libya: Peace Still a Distant Prospect. Center for Security Studies (CSS) | ETH Zurich.

Williams, S. T., & Feltman, J. (2021). Can a political breakthrough mend a broken Libya?. Brookings.

Zartman, I. W., & Touval, S. (1985). International Mediation: Conflict resolution and power politics. Journal of Social Issues.

Zaptia S. (2020). Libya to hold elections on 24 December 2021. The Libyan Herald.

Zaptia S. (2021). BREAKING: New unified Libyan government selected by LPDF in Geneva. The Libyan Herald.

Zaptia S. (2021). BREAKING: LPDF Geneva elections fail to secure winner in round one, round two vote-off after lunch between top two lists. The Libyan Herald.

(2016) The Libyan Political Agreement: Time for a Reset. International Crisis Group. Report n 170/Middle East and North Africa

(2019) Another conference, another incomplete solution for Libya. Atlantic Council.

(2020) Libya Update #1. International Crisis Group. Middle East and North Africa

(2020) Libya's UN-recognised government announces immediate ceasefire. Khalifa Haftar News | Al Jazeera.

(2020) Libyan Political Dialogue Forum kicks off, list of 75 members released. Libyan Address Journal.

(2021) ASRSG Williams conducts digital dialogue with 1000 Libyans. UNSMIL

(2021) Keeping a Libya Settlement on Track. International Crisis Group. Middle East and North Africa

(2021) Libya: Too Many Leaks in the Boat Headed for Peace. ISPI.

(2021) Libya Update #4. International Crisis Group. Middle East and North Africa

(2021) Libya Update #3. International Crisis Group. Middle East and North Africa

(2021) Second Berlin Conference on Libya: Where to from here?. Atlantic Council.

(2021) UN Mediation in Libya. UN Mediation in Libya | Center for Strategic and International Studies

(2021) UNSMIL welcomes the launch of Voter Registration Update by the High National Elections Commission - Libya. ReliefWeb

Appendix

Map of Libya

LIBYA

Map No. 3787 Rev. 10 United Nations
November 2015

Department of Field Support
Geospatial Information Section (formerly Cartographic Section)