

Libya: Armed Politics and Regional Escalation

Chatham House, Friday 5 December 2014

This is a summary of discussions that took place during a Libya Working Group meeting entitled 'Libya: Armed Politics and Regional Escalation' at Chatham House in December 2014. The discussions reflected on the struggle for power in Libya, and the meeting was attended by select Libyan and international policy representatives.

Main points

1. The civil war is set to continue, with extensive human rights violations. The prospects for a negotiated end to the fighting are currently poor.
2. Libya is too important to be allowed to become a failed state at the centre of the Mediterranean area.
3. International mediation to re-establish peace and set up a transition leading to elections is essential but is currently stalled. Western countries' lack of focus on Libya at this stage is already having negative consequences for regional and European security.
4. The struggle is for power and wealth, situated within a complex web of social, religious, tribal, regional, and ideological ties and identities. Religion is only one among many drivers.
5. Since neither side can defeat the other, an inclusive political approach is required in which both the governments in Tobruk and Tripoli, and their supporting groups, take part.
6. Invigorating the UN-led mediation will be hard but an approach should be tried that entails convening a conference of the parties and their international backers. Such an approach should also involve greater incentives to persuade the parties to join a ceasefire. Dialogue and negotiation should be attempted on terms generally acceptable to the international community – including the possibility of further sanctions in the form of travel bans and asset freezes.
7. Only a national unity government ought to be accorded full international legitimacy and recognition.
8. Intervention from outside the country is making the conflict worse. The EU, US and UN should do more to dissuade the countries that are intervening in the fighting from doing so.

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Overview

- The situation continues to deteriorate. The armed allies of the two competing governments in Tripoli (led by Prime Minister Omar Al-Hassi, including the rump of the former General National Congress, and supported by the Libya Dawn armed coalition) and Tobruk (led by Prime Minister Abdullah Al-Thinni, including the elected House of Representatives, and supported by the Libya Dignity armed coalition) are fighting over state power and resources. Since the meeting on 5 December, the fighting has spread to the oil ports east of Sirte and has devastated key infrastructure at al-Sidra, Libya's largest oil terminal. Certain countries are intervening, including with weaponry and intelligence, in support of one or other side.
- The Libyan Supreme Court ruling of 6 November 2014, which some have interpreted as rejecting the constitutional status of the House of Representatives (HoR), means that there is no longer a fully legitimate government body in Libya. This has reinforced the struggle for legitimacy between both governments.
- Bernardino Leon, the UN representative and head of mission in Libya, has been trying to engage all parties in mediation efforts. However, the profound differences between these parties, and the violent nature of the conflict, mean that there is a long way to go before negotiations on a transitional arrangement and a permanent settlement can begin. Even when negotiations get under way, it will take time (and external encouragement) to change mindsets. Each party sees negotiation as a zero-sum game, rather than as a search for compromise in the interest of the common good.
- Libya is too important to be allowed to become a failed state at the centre of the Mediterranean region. The conflict in the country poses genuine threats to Egypt, Algeria and Tunisia – including in the form of arms- and people-smuggling; the potential establishment of an Islamic State-aligned area in the east of the country, around Derna; and scope for regional extremists to exploit unpoliced areas in the south. If the vacuum in state power continues, the potential for terrorism inside and outside Libya will grow.
- The international community still has a special responsibility towards Libya due to its support for the anti-Gaddafi uprisings in 2011. Abandoning Libya at this stage would have negative consequences for regional and European security, as well as for the ability of the international community to support both peaceful change in the Middle East and North Africa and home-grown anti-dictatorial social movements for years to come.

The current picture

The situation inside Libya

- On 6 November the Libyan Supreme Court passed a ruling that has been interpreted by some as finding that the elected HoR – Libya's internationally recognized sovereign legislature – is in fact unconstitutional and hence illegitimate. This development leaves Libya with no unimpeachably legitimate political institution, other than the Bayda-based Constitutional Drafting Assembly. It also represents the culmination of the process of polarization that has fractured the country along regional, religious, tribal and ideological lines.

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- The court's decision is itself disputed. Some participants in the meeting argued that the decision was not clear-cut. Others claimed it was beyond the jurisdiction of the court to declare the legislature illegal, or that the court was under pressure from militias to produce such a decision. Others argued that the House was legitimate because it was elected. None the less, the Supreme Court decision has cast a pall over the legal status of the HoR and the Tobruk government.
- Human rights violations are severely hampering civil society actors, who are targeted constantly and frequently assassinated. Perpetrators are not held to account. There is no international focus on accountability mechanisms: indeed there is very little mention of violations, as most negotiations focus exclusively on reaching a political settlement.
- It is highly unlikely that there will be an outright winner in the fighting. Despite some disagreement, e.g. by supporters of the Al-Thinni government in Tobruk, most participants believed that an inclusive approach was required which would bring in both governments and their supporting groups. Many thought that sharing of power and influence between the Tobruk and Tripoli administrations (and their supporters) was an essential pre-condition for a successful political settlement.

Local actors

- The Libya Working Group considered material drawn from the report written for the Tony Blair Faith Foundation by Jason Pack, <http://tonyblairfaithfoundation.org/religion-geopolitics/country-profiles/libya/situation-report>.
- The conflict in Libya is different from those in Iraq and Syria. At its core, the conflict is about power and wealth within the context of a complex web of social, religious, tribal, regional, and ideological ties and identities. Religion is only one among many drivers of the conflict. Unlike in Iraq and Syria, the primary social and political differences in Libya are neither ethnic nor sectarian.
- The term 'Islamist bloc' is a misnomer. In reality, the main ideological position uniting the Misrata-led Libya Dawn alliance is its members' opposition to former Gaddafi-era officials serving in positions of power. Even within the Islamist factions, there are different groups that have their own agendas and goals. The alliance is one of convenience, with few commonalities among its members.
- Nor should the conflict be conceived of as a battle between extremists on one side and moderates on the other. The rhetoric from Khalifa Haftar and the HoR that all opponents of the Tobruk government are terrorists should be treated with scepticism.
- Jihadists have entered a tactical alliance with other opponents of the Tobruk government out of convenience. Working with those commanders from Misrata/Libya Dawn who are prepared to consider dialogue could split the alliance. A compromise between the main warring factions could be achieved by committing all sides to honouring a transitional process and eschewing the killing of civilians.

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- The country has no clearly or generally recognized leaders, whether religious, tribal or military. Instead, there are armed groups, political groups and interest groups. The balance between them is fluid.
- It was said by some participants that all groups asserting their legitimacy in Libya through armed violence are equally illegal and illegitimate and that the so-called 'National Army' is just another militia that has been rebranded by Tobruk.

International actors

- The UN Security Council was criticized for doing too little to discourage violence. UN sanctions have not been aggressively implemented.
- The Tobruk government may try to establish a new entity to run Libya's oil production. OPEC's decision to invite Al-Thinni's government to participate in a Vienna meeting in November 2014 gave implicit recognition to that government. This will have a large influence over international oil companies when they decide where to buy Libyan oil from, if and when a reduction in the fighting permits. It was the fear of losing access to oil revenues – an issue at the heart of the struggle – that led to Tripoli's Operation Sunrise. This was an attack on oil facilities in central Libya, aimed at denying Tobruk the ability to monopolize Libya's oil wealth. In retaliation Libya Dignity forces, or their allies, have bombed ports and airports in the west of the country, through which Libya Dawn forces are supplied.
- Some participants criticized the UAE and Egypt for targeting the Misratan coalition/Libya Dawn through physical attacks and supporting Tobruk/Libya Dignity through financial support and intelligence cooperation. They proposed that the UAE's and Egypt's actions were making the violence worse. The involvement of other countries, such as Turkey, Qatar and Sudan, may also prolong the fighting. The roles of international actors in Libya are ambiguous because of their covert nature.
- The conflict is not sustained by regional players, however. Most violations are being committed by Libyans against other Libyans.

What next?

Dialogue and negotiations

- The crucial step for Libya is to promote dialogue with a clearly defined purpose and with objectives upon which all the parties agree.
- A mediator acceptable to all parties would be necessary for the success of any dialogue. Some participants questioned whether the UN representative in Libya, Bernardino Leon, would be acceptable to Libya Dawn. Some questioned whether Libya Dignity was not equally to blame in stifling dialogue by insisting on pre-conditions that cannot be met.

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- Leon, and the several international envoys working alongside him, are pursuing a three-track approach: i) efforts to establish a national unity government that would oversee a transitional period; ii) a political-military track leading to demilitarization, the emergence of a central armed force and the re-emergence of the police; and iii) a national political dialogue to promote reconciliation, including among minorities.
- Among the obstacles to progress are: resistance from vested interests who fear that a successful dialogue would reduce their influence; an enduring belief on the part of supporters of both governments that they can win through force of arms, or at least secure their share of national resources by force; the difficulty in determining who should be invited to participate in negotiations; and the absence of convincing incentives and disincentives to participation.
- The one uncontested political process that has survived the fighting is the drafting of the constitution.
- The constitution-drafting process would be followed by a referendum and eventually by a general election. However, questions were raised about the legitimacy of any constitutional process in Libya's present context, given that it would appease power-hungry groups and reaffirm political divisions.
- The mediators need more international support. By relying on bland pronouncements and not incentivizing regional states to cease meddling in Libyan affairs, the international community has allowed the climate around mediation efforts in Libya to deteriorate. Since the meeting on 5 December, the Arab League has done no more than express support for the HoR and the Tobruk government, while calling for dialogue. The pronouncements made by all of Libya's neighbours in Madrid on 17 September 2014, vowing to eschew military intervention in the country, are being breached. Western countries have not used their influence to dissuade allies in Egypt and the UAE from backing General Haftar, or allies in Turkey and Qatar from supporting the Misrata-led alliance.
- A proposal was made for mediators to convene a major international conference bringing together all key Libyan factions (excluding only groups designated as terrorist organizations by the UN Security Council) and their international backers. The Supreme Court ruling presents a window of opportunity, as it will make it easier for international actors to engage all the key factions as 'potentially legitimate' political actors.
- The Political Isolation Law should be repealed. Some participants added that while repeal is necessary, it could only take place in the context of a mediated political settlement. Without such a settlement, repeal of the law would harden Tripoli's position against Tobruk.

International actions

- Participants suggested that only a national unity government ought to receive full international legitimacy and recognition. Some participants said that governments should not treat the HoR as Libya's sole legitimate body, even though it had been elected.
- International intervention within Libya should be highly discouraged. Some participants suggested – implausibly in the view of others – that as soon as external support for Libya Dignity ended, Libyans would be able to sit down to sort out their problems. Other participants pointed to

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coordination by the French and Italian governments with Egypt to 'fight terrorism' in Libya; this could be counterproductive and prove harmful in escalating violence.

- A stricter imposition of disincentives is needed to limit international meddling in Libya's affairs. Such disincentives could include measures to block arms trading and financing from abroad
- Sweeping economic sanctions were thought unlikely to help Libya's situation, since a contraction in transfer payments would most hurt the poor and would have no impact on the finances of targeted bodies such as militias.
- Other suggestions for Libya's interim period were to focus on initiatives to revive the economy and to conduct a study, with international consultants, of how to strengthen the education system.
- Some participants put forward a more fatalistic perspective on Libya, namely that it would go through a 'normal' revolutionary process over the long term. International actors should expect things to get worse before they get better. Avoiding interference and allowing the Libyan conflict to play out locally was the best option, in their view.

The Libya Working Group

The Chatham House Libya Working Group aims to identify, analyse and discuss scenarios for political transition, state-building and economic reconstruction in Libya. The group facilitates timely discussion and analysis, and offers a forum for the sharing of expertise and debate of new ideas. Meetings take the form of multidisciplinary roundtable discussions, held under the Chatham House Rule, bringing together experts from a wide range of backgrounds and sectors for a free and frank exchange of ideas. This project seeks to widen the framework of political debate on Libya, leading to innovative policy recommendations that influence policy decisions.

<http://www.chathamhouse.org/about/structure/mena-programme/libya-working-group-project>

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