



Briefing Note

Published 21 January 2021

Crisis Group Libya Update #3

This Briefing Note provides up-to-the-minute analysis of attempts to end Libya's almost decade-long civil war through talks focused on reunifying the country's government, oil-based economy and security forces. It is the third in a series of regular updates.

Fragile Progress toward a Unity Government for Libya

Despite a reported breakthrough in mid-January, there are still many steps to take before an interim unity government can emerge in Libya. The country has been divided in two, between two parallel governments and military coalitions that have been intermittently at war, since 2014. Participants in the 75-member forum that the UN assembled to bring the two back together agreed on an internal voting mechanism for appointing top officials. But the complicated voting process could easily trigger further disputes. Moreover, rival Libyan factions disagree on who should lead the country and are only paying lip service to transparency in voting. All these factions have the political, military and financial means to spoil the voting process or reject its outcome.

The UN Continues to Sponsor Political Talks among Libyan Factions

The signing of a ceasefire agreement between Libya's opposing military coalitions in October 2020 injected momentum into UN-backed political talks, which are supposed to lead to the appointment of an interim unity government, but progress has been sluggish. In November, the UN convened the Libyan Political Dialogue Forum in Tunis, a gathering of 75 delegates from the country's two rival assemblies as well as some handpicked independents. In the first round of negotiations, the delegates agreed in principle on the need for a new executive

composed of a three-person Presidency Council and a separately appointed prime minister tasked with leading the country until national elections in late 2021. This new executive is meant to replace the Tripoli-based Government of National Accord and Prime Minister Faiez Serraj (who is also the Presidency Council's head), and the competing east-based government, which in the latest conflict supported the Libyan National Army led by Field Marshal Khalifa Haftar. But in subsequent meetings throughout December the delegates failed to agree on the voting mechanism needed to fill these top positions. Talks were deadlocked.

In a last-ditch attempt to build consensus on a voting mechanism, the UN secretary-general's acting special representative, Stephanie Williams, convened a smaller group of eighteen forum delegates, called the Advisory Committee, in Geneva on 13-16 January. At the meeting's opening session, Williams made clear that she saw the UN's role as creating a mechanism, not helping select individual leaders. "We will not discuss the names of candidates for leadership positions in the unified executive authority", she said, "and I will not accept that the [UN] Mission plays any role in naming the executive authority as promoted by some". Her words reflected the gist of her overall approach to political negotiations in Libya: the UN should help Libyans agree on the process, rather than becoming an instrument for promoting certain



REUTERS/Zoubeir Souissi

Participants attend the Libyan Political Dialogue Forum in Tunis, Tunisia November 9, 2020.

individuals to top positions. This approach is markedly different from that of previous UN envoys, who took part in selecting the political leaders now serving in the Presidency Council and Government of National Accord.

To What Did the Parties Agree?

On the third day of the Geneva meeting, the Advisory Committee accepted a UN-proposed voting arrangement that combines two separate proposals: a region-based mechanism and another based on pre-constituted lists. Williams called it the “best compromise that can be reached, because this proposal respects the regional dimension [of Libya], and it really encourages people to transcend their divisions and territories in order to promote understanding and build unity in the country”. The Advisory Committee relayed the proposal to the full group of 75, establishing that it would be considered approved if 63 per cent of voting forum members accepted it. Although some members rejected the formula, the proposal easily passed in a vote on 18-19 January.

The proposed mechanism envisions the division of the 75 forum members into three constituencies based on Libya’s three historical regions (Tripolitania in the west, Cyrenaica in the east and Fezzan in the south), with each group electing their region’s representative for the Presidency Council. To win a seat in the council, at least 70 per cent of the regional subgroup must endorse the candidate. Separately, the 75 forum members will elect the prime minister, who will need to win at least 70 per cent of their votes in a plenary session.

If this procedure fails for any reason, a back-up list-based system kicks in. Here, forum members will vote on lists specifying the candidates for the prime minister and three Presidency Council positions. Each list will be put to a plenary vote if at least seventeen forum members (eight from the west, six from the east and three from the south) endorse it. These criteria mean that a maximum of four lists can be submitted to a final vote. If a list wins 60 per cent of total votes in the first round, a new executive will be formed on that basis. If no list

“Despite a reported breakthrough in mid-January, there are still many steps to take before an interim unity government can emerge in Libya.”

reaches that threshold, the two that won the highest number of votes will enter a run-off, with the list that secures 50 per cent plus one vote winning.

Libyan politicians and political analysts believe that this hybrid procedure is strewn with pitfalls. For example, if delegates from one region elect their representative to the Presidency Council, while the other regional groupings fail to do the same, the process will require that the first region’s winner be the candidate in all the lists put forward in the second phase of selection. Critics say this rule contradicts the idea behind the list-based approach, which was to have a slate of candidates willing to work together, rather than a more random assortment of nominees. Contestation is foreseeable in the various voting rounds, especially if these do not produce the outcome that one faction or the other covets.

An Uncomfortable Truth

The agreement on a voting mechanism is undoubtedly a step forward in the peace process, as is the attempt to return agency to Libyan political actors over the election of the country’s top representatives. Yet the UN’s focus on the process sidesteps an uncomfortable truth, as does Libyans’ professed support for it. Most Libyan stakeholders, as well as many foreign diplomats, are not genuinely concerned about how top officials will be selected. What delegates have really been wrangling over is the question of who should take charge of the country. On this point, it is hard to see a consensus emerge.

For months, Libyan political stakeholders and forum delegates have been seeking to secure top positions in the next government for their preferred political candidates. They have tried to ensure that the candidates they lobby for fit well with a patchwork of political interests and a power balance among Libya’s three

historical regions. Many Libyan actors’ assumption is that, if the prime minister’s position goes to someone from western Libya, the Presidency Council should be headed by a person from the east, or vice versa, while the south could receive the presidency of parliament. (This position is not part of discussions for now.)

Ideas about who should assume the top posts abound, but broadly speaking they fall into four main categories. The first camp wants to see the head of the Tobruk-based parliament, Aghela Saleh, take over the Presidency Council and the Tripoli government’s interior minister, Fathi Bashaga, become prime minister. Supporters of this option argue that anointing Saleh would ensure that both the Tobruk parliament and its patron Egypt would back the deal. Meanwhile, Bashaga would reassure western Libyans opposed to Haftar and bring on board their backer Turkey. Bashaga was the main conduit for Ankara’s early 2020 military intervention, which helped the Tripoli-based government repel Haftar’s assault on the capital. In the Haftar-led war’s late stages, Saleh took a more conciliatory position toward his rivals in Tripoli and helped pave the way for the cessation of hostilities. This camp may therefore hope that putting the Saleh-Bashaga alliance in charge will precipitate Haftar’s political demise.

A second group views Haftar’s support as crucial to any political deal. They are pushing for a prime minister from the ranks of the pro-Tripoli alliance who is acceptable to the Haftar-led coalition. They consider Ahmed Meitig, the Presidency Council’s deputy head, a suitable candidate. A business-friendly pragmatist, Meitig enjoys good relations with Rome, Cairo and Moscow. He secured the Libyan National Army’s support after a September 2020 deal with his Tobruk-based rivals to lift a nine-month oil blockade. He has also been promoting meetings between officials from the

two rival governments to solve pending financial disputes. But he is deemed divisive in his hometown of Misrata, where hardline anti-Haftar constituencies view him as an opportunist. Another possible candidate is the Tripoli-based Fadeel al-Amin, a technocrat who supported the creation of the Government of National Accord in 2015. Amin is generally perceived to be close to Washington, so pro-Haftar officials believe that by supporting him they can tempt the U.S. to get more involved with the Libya file.

A third group wants Serraj to stay on as Presidency Council head. According to Western diplomats and a number of Libyans around him, Serraj is happy to stay in power. It would be a reversal: in October, he announced that he intended to resign. It is possible that Tripoli-based armed groups pressed him to remain or that he changed his mind because he wants to prevent a political opponent's rise. Since Serraj hails from western Libya, supporters of this option call for an easterner to become prime minister.

More than a dozen easterners' names have floated for premier, but Western officials say Serraj has not consolidated ties with any of them. Some of the proposed names are Tripoli-based government members, such as Finance Minister Faraj Bumatari or Justice Minister Mohamed Lamloom, who are from the east and whom eastern factions are likely to support. Other names are Benghazi-based personalities proposed either because of their close ties to the Libyan National Army, such as former Benghazi mayor Abderrahman Abbar or businessman Mohamed Kekhia, or because they belong to the Tobruk-based government.

It is unclear whether Serraj is willing to push for this outcome as part of the UN-led political dialogue. UN officials say Serraj attempted to persuade Libyans at the Tunis forum to agree to reshuffling the Presidency Council, with him remaining at the helm, and to appointing a new prime minister. Apparently, even Serraj's allies in the forum rejected that option, however. Yet there is widespread speculation among Western diplomats and Libyan politicians that Serraj might use his powers to appoint a prime minister in an attempt to halt the UN-backed dialogue. How Western and Arab capitals would react to such a move is unclear.

Finally, there are those who do not want to see any interim government emerge, believing that such a government would delay the elections scheduled for year's end. One such person is Abderrahman Swehli, former head of the Tripoli-based High State Council, who holds considerable sway both inside and outside the forum.

All signs point to the likelihood that competing political factions will draw from a spectrum of spoiler tactics to pre-empt what one group or another views as an unfavourable outcome, as several groups have done in the past. The available tools range from exercising leverage to entrench the status quo (for example, by making last-minute appointments or by inciting disputes over the UN-backed forum's alleged lack of representation) to mobilising armed groups to trigger hostilities that would stop the talks' momentum. Bribes or other financial enticements for dialogue participants or their affiliates also cannot be ruled out. A failed political dialogue is certainly not what Libya needs, but it is still dangerously possible.

“All signs point to the likelihood that competing political factions will draw from a spectrum of spoiler tactics to pre-empt what one group or another views as an unfavourable outcome.”