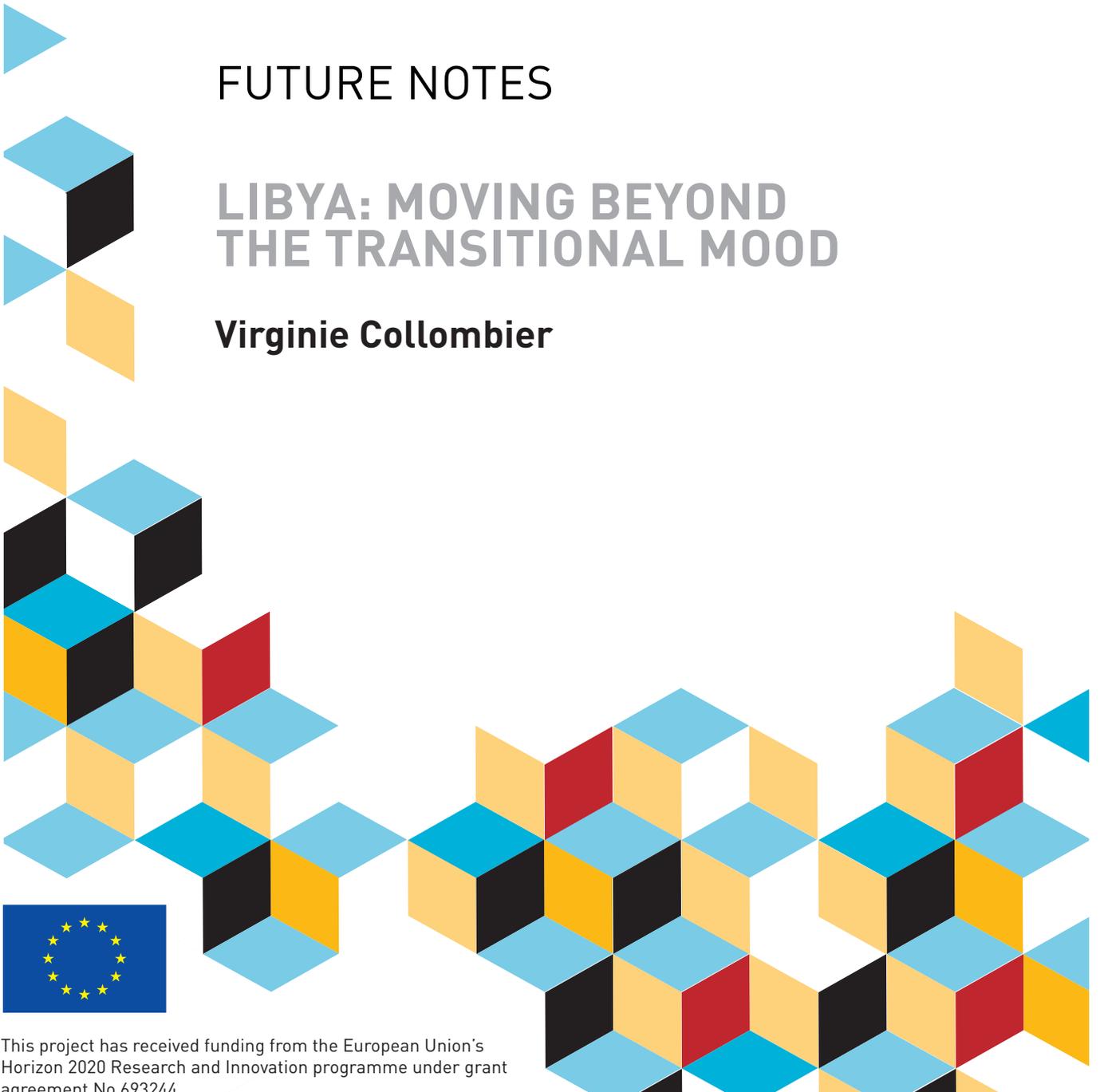


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FUTURE NOTES

LIBYA: MOVING BEYOND THE TRANSITIONAL MOOD

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Virginie Collombier¹

The Libyan Political Agreement (LPA) signed in December 2015 was to be a transitional agreement to establish a unified, legitimate government and organize political life prior to the finalization of the constitutional process allowing for the election of a new legislative authority. Yet the continued opposition of key constituencies to the agreement – notably from eastern Libya, within the Tobruk-based House of Representatives (HoR) and the self-styled Libyan National Army (LNA) commanded by Field Marshal Khalifa Haftar – has undermined hopes that the agreement could present a way out of the conflict. More than two years after the signing of the LPA, political and institutional divisions persist, accompanied by outbreaks of violence and localized conflict. Despite the fact that the majority of the Constitutional Drafting Assembly (CDA) voted in favour of a draft constitution in July 2017, implementation procedures for its official adoption have stalled.

The LPA led to a relative stabilization of the situation in Libya, however, as most of the major political and military factions in the west and south of the country agreed on the formation of the Government of National Accord (GNA) and of the Presidential Council (PC) headed by Fayez al-Sarraj. The PC was established in Tripoli in March 2017 without sparking a major security incident and has worked with the international community, especially in the fight against Islamic State (IS) and illegal migration.

Dialogue and local reconciliation processes between communities and rival factions in the west and south have been under way since 2015 and have led to an improvement of the security situation in many areas previously destabilized by the conflict between the two major coalitions at the national level, such as western Libya and the southern city of Ubari.

The UN decision to prioritize the improvement of security in Tripoli has paid off, as the situation has significantly improved in the capital as a result of the implementation of specific security arrangements. After predominantly Misratan fighters loyal to Khalifa Ghwell and his Salvation Government (appointed in 2014 by members of the former General National Congress) were ousted by pro-GNA groups in 2017, the balance of forces has changed on the ground and the city is now controlled by local armed groups (Zintani fighters were forced out after the war of summer 2014). Tripoli is informally divided into several areas controlled by different security actors.

The fragmentation of the security sphere in the capital has been reduced, as a few main actors formally placed under the authority of the GNA now dominate at the city level. Haythem al-Tajouri (Tripoli Revolutionaries' Brigade), Abdulraouf Kara (Special Deterrence Force, RADA) and Abdulghani al-Kikli (alias "Ghneiwa"), in particular, have joined the GNA's Ministry of Interior and become figures key to Tripoli's security and stability.

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The PC headed by Sarraj now claims to have consolidated its position in Tripoli and in western Libya in general. In the capital, it is relying on powerful local armed groups which have recognized it and officially work under its umbrella. The GNA has also ordered – or sometimes only endorsed – several military operations conducted in western Libya by local forces, which aimed at demonstrating that it now has military control over the region. This was the case with the Misratan-led “al-Bunyan al-Marsus” operation conducted against IS in Sirte during 2017, on several occasions since October 2017 (in Sabratha, Warshefana, the border crossing at Ras Jdir), and more recently in the region extending between Misrata, Tarhuna and Bani Walid against IS elements.

In the east of the country, LNA commander Khalifa Haftar focused after the signing of the LPA on consolidating his control and authority over the region, seemingly quite successfully. In Benghazi, where protracted fighting started mid-2014 and resulted in the destruction of important parts of the city, the LNA overran the Benghazi Revolutionaries Shura Council and its allies at the end of 2017, leading to a new wave of displacement but affirming Haftar and his allies’ control over the city. The appointing of military governors to substitute elected mayors in several eastern cities also illustrates the reinforcement of his military control over the region. Only the city of Derna, which remains under the domination of a coalition of Islamist-leaning armed groups and has been under siege since mid-2016, still escapes the authority of Haftar and the LNA. Throughout 2017, the LNA also gradually reinforced its influence in the south, notably by seizing military bases and strategic sites. The highly heterogeneous character of the constituencies and military forces coalesced around Haftar has raised doubts about the sustainability of his power base and about the possibility to further consolidate it. These doubts were confirmed by the tensions that surfaced on several occasions between the LNA leader, military commanders and eastern tribal leaders since 2017.

Yet, efforts by both Haftar and Sarraj to reinforce and expand their positions can be read as a means to consolidate their key roles in any conflict resolution in Libya, as well as to reinforce their leverage in the diplomatic arena.

The year 2017 was effectively marked by attempts by the UN to relaunch dialogue and negotiations on a revised, more inclusive political agreement that could be supported by Haftar and his allies. With the appointment of Ghassan Salamé as the new UN Secretary General’s Special Representative in Libya and his December 2017 Action Plan to relaunch the political process, diplomatic negotiations have taken on a new momentum. While the Action Plan focuses on four main objectives – amending the LPA, convening a national conference, preparing for legislative and presidential elections, and providing humanitarian assistance – particular effort was previously concentrated on negotiating amendments to the LPA.

Several rounds of dialogue and direct consultations have taken place between representatives of the HoR and the High Council of State, an advisory body created by the LPA and nominated by members of the General National Congress (GNC), the first transitional legislature elected in 2012. Yet, while progress has been made on issues such as the restructuring of the PC and the creation of an executive authority distinct from it, no major breakthrough has occurred so far.

As Salamé himself has admitted, efforts to reach a compromise have been significantly impeded by groups and individuals who have a vested interest in the continuation of the status quo and who see a new political agreement as a challenge to their positions, influence, economic and financial interests. Many people within the political establishment, state administration, state-owned companies, business community and security sector have become part of an economic system of predation that contributes to the further depletion of state resources and a worsening of ordinary citizens' living conditions.

Armed groups, in particular, have taken advantage of the weakness of the political authorities and of their almost total dependency on those who have military control on the ground, be it for their own security or for them to remain credible in the eyes of the public. In Tripoli, the special relationship uniting Tripoli's major armed groups and the PC has enabled these groups to exert considerable influence in appointments to key positions in the state administration and state-owned companies. In Tripoli and across Libya, armed groups are also playing a major role in wide networks involved in the diversion of public funds – notably through exerting pressure on managers of major commercial banks, misusing Letters of Credit and playing a direct role in cash distribution circuits – which allows them to finance their activities.

Hence, while the PC emphasizes the improvement of the security situation and the consolidation of its authority in Tripoli and in western Libya in general, it has in reality become increasingly dependent on powerful local armed groups whose loyalty is not immutable. Those could well turn against their political dependents, including the PC, if their interests were seriously threatened. To date, Tripoli's armed groups seem to have privileged protecting their economic interests and consolidating their influence over the political establishment, rather than playing a direct political role. Yet this could change should a new political agreement significantly alter the balance of power between the main players and push armed groups to adopt a new, more confrontational strategy.

The more time that passes, the deeper and more intricate the web of common interests linking the leaders of armed groups to certain politicians, technocrats and businessmen is likely to become, in the west as well as in the east of the country. This may be accompanied by a further blurring of the line between Libya's formal and criminal economies. Moreover, power networks and constituencies with objectives that have little, if anything, to do with the conflicts central to the current negotiations to amend the LPA will gain a firm foothold, and with minimal interest in compromising.

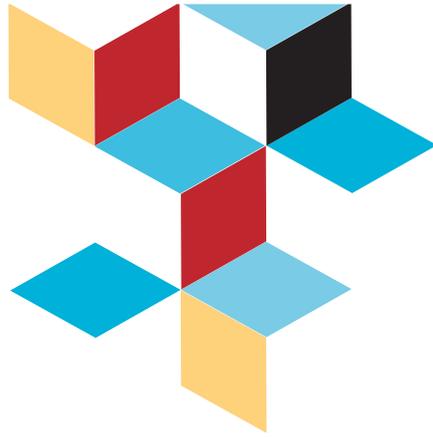
The constituencies and armed groups excluded from the new arrangements established between Tripoli's armed groups and the PC have also much to lose in their perpetuation and consolidation. For them too, time matters. Should an agreement on new political rules be delayed much longer, they might consider taking the matters into their own hands and attempt to change the game again by using force. While the reconciliation process initiated between the cities of Misrata and Zintan – the main rivals in the 2014 war in Tripoli – constitutes a hopeful step on the way to dialogue and reconciliation, it could also potentially signal the emergence of new alliances on the ground, between groups powerful enough to challenge a status quo that they perceive as unfavourable to them as they have been increasingly sidelined.

Negotiators and mediators in the Libya crisis need to acknowledge this reality and take it into account when they set priorities at this key time. First of all, the relevance of focusing on revising the LPA is becoming increasingly problematic as the Libyans insist on their desire to see the transition phase come to an end. This raises an important question: why prioritize amendments to another transitional LPA when it may be more important to encourage the main political forces to discuss and agree on the constitution project adopted by the majority of the CDA in July 2017? The aim of such a change in the focus of the political negotiations would be to reach agreement on a permanent political framework allowing for elections to be held, with clear rules of the game in place beforehand.

New, broader processes of dialogue have been initiated to overcome what were perceived as the limitations of the UN-led Political Dialogue, deemed too dominated by politicians and disconnected from the grassroots. In cooperation with the UN, international mediation organizations such as the Centre for Humanitarian Dialogue (CHD) and the Dialogue Advisory Group (DAG) have started consultations and discussions with armed groups on their future and integration into the state's security apparatus. A dialogue committee supported by the Egyptian government has also been working, out of Cairo, on the unification of the army. Even if late to emerge, these initiatives are significant as they engage actors key to the Libyan conflict and its resolution. The launching by the UN of a series of local consultations, also in partnership with the CHD, to prepare for a national conference also has the objective of allowing ordinary Libyans into the dialogue process and using social pressure to push the parties towards an agreement.

As diplomatic efforts take on a new momentum, however, the economy is still neglected. Institutional divisions and continuing conflict since 2014 have rendered Libya's economy deeply dysfunctional, as highlighted in the first place by the division of the Central Bank and the collapse of the banking system. The proliferation of players willing to take advantage of the crisis has not only dramatically increased corruption and wrongdoing in the financial sphere. It is also directly threatening Libya's resources (the oil sector and financial assets, in particular) and impeding the creation of legitimate economic opportunities indispensable for the stability and development of the country. For a new, sustainable social contract to be written in Libya, economic rehabilitation and the distribution of resources have to be put at the centre of the political negotiations. It is highly doubtful that any negotiated political agreement can hold if these two issues are left for later discussion.

Moreover, now that Libya's political scene is being shaken by rumours around Haftar's health and the vacuum resulting from his hospitalization outside the country, it has become even more urgent to sideline the LPA. The focus should shift away from negotiations that have tended to over-emphasize the importance of a small political elite whose interests in the settlement of the conflict appears dubious at best.



Middle East and North Africa Regional Architecture: Mapping geopolitical shifts, regional order and domestic transformations (MENARA) is a research project that aims to shed light on domestic dynamics and bottom-up perspectives in the Middle East and North Africa amid increasingly volatile and uncertain times.

MENARA maps the driving variables and forces behind these dynamics and poses a single all-encompassing research question: Will the geopolitical future of the region be marked by either centrifugal or centripetal dynamics or a combination of both? In answering this question, the project is articulated around three levels of analysis (domestic, regional and global) and outlines future scenarios for 2025 and 2050. Its final objective is to provide EU Member States policy makers with valuable insights.

MENARA is carried out by a consortium of leading research institutions in the field of international relations, identity and religion politics, history, political sociology, demography, energy, economy, military and environmental studies.



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