



SEARCH FOR STABILITY IN LIBYA

OSCE's Role between Internal Obstacles
and External Challenges

edited by
Andrea Dessì and Ettore Greco



Edizioni Nuova Cultura

IAI Research Studies



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in collaboration with



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List of Abbreviations

AKP	Justice and Development Party (Adalet ve Kalkınma Partisi)
ASEAN	Association of Southeast Asian Nations
AU	African Union
CoC	Code of Conduct
CSCE	Conference on Security and Co-operation in Europe
CSCM	Conference on Security and Co-operation in the Mediterranean
CSDP	Common Security and Defence Policy
DDR	Disarmament, Demobilization and Reintegration
EU	European Union
EUBAM	EU Border Assistance Mission
EUNAVFOR	EU Naval Force
GCC	Gulf Cooperation Council
GNA	Government of National Accord
GNC	General National Congress
HNEC	High National Election Commission
HoR	House of Representatives
ISIS	Islamic State in Iraq and al-Sham
ISS	Institute for Security Studies
JCPOA	Joint Comprehensive Plan of Action
JPC	Justice and Construction Party
LNA	Libyan National Army
LPA	Libyan Political Agreement
MB	Muslim Brotherhood
MENA	Middle East and North Africa
MPCs	Mediterranean Partners for Cooperation
NATO	North Atlantic Treaty Organization
NFA	National Forces Alliance

NPT	Non-Proliferation Treaty
NTC	National Transitional Council
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly
PC	Presidential Council
PCs	Partner Countries
PF	Partnership Fund
Ps	Participating States
R2P	Responsibility to Protect
SRSG	Special Representative of the Secretary General
SSR	Security Sector Reform
UAE	United Arab Emirates
UfM	Union for the Mediterranean
UK	United kingdom
UN	United Nations
UNSC	UN Security Council
UNSMIL	UN Support Mission in Libya
US	United States
WMD	Weapons of Mass Destruction

Foreword

Ettore Greco and Nicolò Russo Perez

This volume examines the goals and prospects of the OSCE's growing engagement in the Mediterranean region and, more specifically, with the OSCE's six Mediterranean Partners for Cooperation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia). The volume's four chapters focus, in particular, on the OSCE's potential role in international efforts to stabilize Libya, a country which has been ravaged by a prolonged and destructive civil war, becoming the epicentre of conflict dynamics with far-reaching implications for both neighbouring countries and Europe.

Libya has formally requested to be accepted as a Mediterranean Partner Country (MPC) of the OSCE, but the lack of substantial results in the national reconciliation and stabilization process has so far frustrated this aspiration. In fact, workable cooperation links between Libya and the OSCE can hardly be developed until a stable and legitimized institutional setup is established in the country. Against this backdrop, the volume examines the complex mixture of internal and external factors that have transformed Libya into a *de facto* failed state as well as the missteps and blunders of conflict management by international actors. Based on this critical analysis, the volume also offers a number of policy suggestions on future peace-making initiatives in Libya and the role the OSCE can play in helping these efforts succeed.

In the first chapter, Andrea Dessì provides a critical overview of the OSCE's evolving forms of engagement in the Mediterranean against the background of the recent political and security trends in the region. By examining the rationale, origin and developments of the OSCE's Mediter-

anean Partnership for Cooperation, the analysis pays particular attention to the new initiatives undertaken by the organization in the post-Arab Spring environment, including those related to Libya. The chapter also discusses the periodical resurfacing of an old idea to promote a “Helsinki-like” process for the Mediterranean, an effort aimed at re-launching security cooperation in the region. Dessì identifies a number of potential areas of regional cooperation that can be developed within the OSCE context but also emphasizes that persistent institutional constraints will continue to limit the organization’s capacity to expand its presence in the Mediterranean. The chapter therefore concludes that both in Libya and the wider Mediterranean context the primary added value of the OSCE will be to provide a unique forum for dialogue and confidence building to support regional and international peace-making efforts for the region.

Moving to the specific context of Libya, the second chapter of the volume, written by Mohamed Eljarh, examines the collapse of the state in Libya, the failed attempts to manage the crisis and those security and political processes that led to the outbreak of intra-Libyan conflict and civil war in the post-2014 period. He then focuses on the internal and external barriers that have prevented the implementation of the UN-sponsored Skhirat Agreement of December 2015, which seemed to offer concrete chances for national reconciliation but was in fact soon opposed or openly boycotted by several key actors in Libya. Eljarh underlines the highly disruptive impact of foreign meddling in Libya, as rival national actors enjoying substantial support from abroad have had little incentive to engage in genuine reconciliation efforts. He argues in favour of an inclusive institution-building process involving the various communities and regions as an inescapable pre-condition for political institutions to regain legitimacy and for sustainable electoral and democratisation processes to take hold in the country.

In the third chapter, Wolfgang Mühlberger discusses the role of external players in the Libyan conundrum. Foreign meddling has been one of the key factors that have contributed to deepening fragmentation and polarization in the country, complicating diplomacy and political mediation. While paying lip service to UN-led peace-making efforts, external actors capable of power projection in the Libyan theatre have mostly prioritized geopolitical benefits to the detriment of the country’s stability. At the same time, Mühlberger notes how the weaknesses of state institutions in

Libya has undermined efforts by foreign players to establish functional links with them, further hampering efforts to stabilize the country. The UN context remains an indispensable format to allow Libya to emerge from this vicious circle and create new potentials for convergence between local and external actors, but the OSCE could also play a complementary role thanks to its expertise and distinctive toolbox. In particular, the OSCE could provide crucial assistance for the development of the electoral process and the building of border management capabilities. The OSCE's engagement could also contribute to re-launch mediation efforts between key external and internal actors in Libya. In particular, its Mediterranean Contact Group – the main body of the Mediterranean Partnership for Cooperation – could help pave the way for closer and more functional cooperation with Libya's neighbours.

In the fourth and final chapter, Ekaterina Stepanova examines the main determinants of Russia's policy on the Libyan crisis, tracing its development from an initial hands-off approach to the current, more active forms of engagement. Indeed, Moscow has become increasingly aware of the strategic importance of the Libyan theatre both for the regional and international balance and for the security of Europe. In addition, Stepanova notes that in the case of the Libyan crisis, unlike other conflict situations within the OSCE space, there is a substantial convergence of interest between Russia and other major European stakeholders, which could provide some room for joint diplomatic and peace-building efforts. In this context, the OSCE Mediterranean Partnership for Cooperation can provide, from a Russian standpoint, a potentially valuable forum to develop and improve the regional dimension of peace-making efforts. Moreover, the OSCE as a neutral and inclusive venue can play a significant role in facilitating constructive discussion and policy coordination between Moscow and the other European capitals. Tangible results in the stabilization process of Libya could also lay the groundwork for an agreement on the country's admission into the OSCE's Mediterranean Partnership, an eventuality that is at the moment deemed unrealistic by Russia, although Moscow is not opposed to such membership in principle. More generally, Russia's prominent role within the OSCE and its growing involvement in the Mediterranean area can in the future provide fresh opportunities for the gradual strengthening of the Mediterranean dimension of the pan-European organization.

1.

The OSCE Mediterranean Partnership, Libya and the MENA Crisis: Potential, Limits and Prospects

Andrea Dessì

Contemporary developments in Middle East and North Africa (MENA) are characterized by a breakdown in dialogue as competing visions about the future of power, governance and state-society relations are being played out across the region. Seven years since the Arab uprisings, this breakdown has given rise to violent conflicts and proxy wars, various degrees of state collapse and the spread of sectarianism and identity politics. Occurring against the backdrop of a relative retrenchment of US and Western influence and a partial Russian “return” to the Middle East, key regional actors are enhancing their independent action, pursuing their interests through instrumental alliances that are furthering these trends of volatility and fragmentation.

Similar trends are also mirrored at the international level. Resurgent East-West tensions, particularly pronounced since the 2014 crisis in Ukraine, and the continued rise of China are today joined by unprecedented uneasiness within the transatlantic alliance, tensions within NATO and the continuation of a rough recovery process within the post-Brexit EU. These shifts present their own risks and challenges as international norms and principles are weakened by a resurgence of geopolitical and great power rivalry, populist, nationalistic and protectionist trends and a growing crisis of liberal democracy.

The ensuing complexity and even conflictuality of present-day international relations reflect this gradual fraying of multilateralism. In contrast to Fukuyama’s famous “end of history” dictum, the present international

system is characterized by contrasting visions and interpretations of history. Facts are disputed as never before, while what is held up as a “truth” by some is increasingly viewed with suspicion or as outright lies and propaganda by others. Such fragmentation undermines the painful task of diplomacy, consensus building and multilateral negotiation, characteristics that were central to the build-up of the post-Cold War international order.

In light of these developments, both the MENA region and the international system at large are in dire need of legitimate mechanisms for dialogue, forums where competing interests and agendas can be discussed and where rival actors can voice their concerns and engage in compromise or negotiation on the basis of agreed international norms and responsibilities.

Limiting or reversing these trends of conflictual multipolarity will not be easy.¹ Yet, the potential that states gradually move and discuss the broad contours of a rule based system in the Mediterranean and Middle East should not be discarded out of hand.

Defined by competition and conflict, intra-state relations in the MENA region are also characterized by a degree of common interests and concerns. Starting from a shared acknowledgement that no military solution exists to the conflicts underway in Libya, Yemen, Syria and Iraq, while building on the interest of all states to promote stabilization, peace and economic growth, could represent a starting point to contain the present turmoil and help lay the groundwork for more long-term mechanisms of conflict prevention and mitigation in the future.

Drawing on the experience of the Conference on Security and Cooperation in Europe (CSCE) since the mid-1970s and of the OSCE in 1995, the chapter will reflect on the Organization’s potential to act as a model or inspiration for the goal of re-launching multilateral security dialogue on the Middle East and North Africa. In light of repeated calls for a “Helsinki-like” process in the Mediterranean, the research will examine the potentials and constraints affecting the OSCE in its relationship with the Mediterranean and Middle East.

¹See Lorenzo Kamel (ed.), *The Frailty of Authority. Borders, Non-State Actors and Power Vacuums in a Changing Middle East*, Rome, Nuova Cultura, 2017, <http://www.iai.it/en/node/7555>; Andrea Dessì, “Crisis and Breakdown: How Can the EU Foster Resilience in the Middle East and North Africa?”, in *IAI Working Papers*, No. 17|37 (December 2017), <http://www.iai.it/en/node/8678>.

Due to the Organization's structure and mandate, the OSCE's potential added value is restricted to the Mediterranean region and in particular the six countries – Morocco, Algeria, Tunisia, Egypt, Jordan and Israel – that are OSCE Mediterranean Partners for Cooperation (MPCs). In this context, the chapter will also address the issue of Libya's outstanding application to join the Partnership, examining potential areas of cooperation but also the continued presence of institutional constraints impacting OSCE's activities with MPCs. In light of these constraints, the Organization is on the whole likely to remain of secondary importance for MENA regional developments well into the future. Nonetheless, the OSCE may provide important backup and support to key efforts being discussed at both the international and regional levels.

1.1 THE OSCE AREA AND OUTLYING REGIONS: AN EVOLVING RELATIONSHIP

As the foremost inter-governmental security organization and the only forum whose 57-Participating states (Ps) include Russia, all European states, the US, Canada and other NATO members, the OSCE retains important value as a multilateral confidence building and de-escalation institution. This is true not only as a historical forum that proved instrumental in dampening tensions during the Cold War, but also as a contemporary venue for dialogue whose value and visibility has increased recently in light of the resumption of East-West tensions surrounding the conflict in Ukraine.²

Yet, there are a number of constraints limiting the OSCE's outreach to countries and regions that fall beyond the official geographical scope of the Organization. The OSCE's geographical remit stretches from Vancouver to Vladivostok (see Figure 1). Each of the Organization's 57 Ps hold equal weight and voting rights within the OSCE's structures and institutions, starting from the Ministerial Council, the Organization's main-decision making body, where all decisions are made by full consensus among Participating states.

² See, for instance, Stefan Lehne, "Reviving the OSCE. European Security and the Ukraine Crisis", in *Carnegie Papers*, September 2015, <http://ceip.org/2J8eCsd>.

Notwithstanding its central emphasis on the broader Euro-Atlantic and Eurasian area, the OSCE has always maintained a focus on outlaying regions, particularly to the south, in the Mediterranean and Middle East, and has gradually developed ties with East-Asian countries. Indeed, mention of the Mediterranean dimension of the OSCE can be traced back to the earliest documents associated with the CSCE. The 1975 Helsinki Final Act acknowledged that “security in Europe is to be considered in the broader context of world security and is closely linked with security in the Mediterranean area as a whole”.³

Since the end of the Cold War both the Mediterranean and the Asian dimensions of the Organization grew in importance and visibility. This was only natural, as conventional security challenges shifted with the advance of globalization and technological progress, placing a greater emphasis on indirect security threats, many of which originated from beyond the OSCE area. As a result, since the 1990s, enhanced efforts to share best practices and promote cooperation and confidence building measures expanded to other regions and states.

The OSCE’s holistic approach to security includes three broad dimensions and a fourth, cross-dimensional “basket”. The three traditional “baskets” include a politico-military dimension, encompassing border control, military and police training, arms control and the fight against terrorism and illegal substances; an economic and environmental dimension, including issues such as economic security, energy security and efforts to combat climate change and strengthen renewable energy sources; a human dimension, covering issues of democratic representation, elections and human rights; and, finally, a fourth cross-dimensional “basket”, including people smuggling and migration, freedom of the media, cultural exchanges and efforts to foster track II dialogue on issues of mutual concern.

³ See Conference on Security and Co-operation in Europe (CSCE), *Helsinki Final Act*, 1975, p. 36, <http://www.osce.org/helsinki-final-act>. Other important milestones in the OSCE’s relationship with the Mediterranean are contained in the 1992 Helsinki Document, the 1994 Budapest Document, the 1999 Istanbul Document and 2003 Permanent Council Decision No. 571. For the latter, see: OSCE Permanent Council, Decision No. 571/corrected reissue: *Further Dialogue and Cooperation with the Partners for Co-operation and Exploring the Scope for Wider Sharing of OSCE Norms, Principles and Commitments with Others* (PC.DEC/571/Corr.1), 2 December 2003, <http://www.osce.org/pc/18297>.

OSCE Ps' discuss these dimensions in a variety of summits and conferences that take place across the OSCE area every year. The structure of the Organization defines the division of roles and responsibilities between the various OSCE institutions and structures, each of which is chaired by a diplomat from an OSCE Ps on a three-year mandate, renewable for a maximum of two terms. The selection of Chairs is conducted on the basis of consensus among Ps, an often long and arduous diplomatic negotiation, but one that remains central to the functioning of the CSCE/OSCE.

In the Mediterranean and Middle East, the high hopes and expectations that followed the end of the Cold War and First Gulf War would lead to renewed efforts to foster conflict resolution and inter-regional cooperation. The successful convening of the 1991 Madrid Conference and the launching of its twin bilateral and multilateral meditation tracks aimed at promoting Israeli-Palestinian peace and regional cooperation respectively, would also facilitate these efforts.⁴

While the former track eventually led to the signing of the 1993 Oslo Accords, followed by the 1994 Israel-Jordan peace treaty, the latter, multilateral track, focusing on issues such as water, energy, refugees and arms control, never really progressed. This was largely due to the subsequent breakdown of Israeli-Palestinian peace-making and the persistence of competition between major regional actors and their foreign backers. While ultimately unsuccessful, the multilateral track would herald new efforts aimed at fostering regional cooperation and peace building in the area. It is in this context that a number of OSCE Ps began seeking to enhance, and institutionalize, the Mediterranean dimension of the OSCE.⁵

1.1.1 The OSCE Mediterranean Partnership for Cooperation

Beginning in the early 1990s, a number of southern European states, Italy, Malta and Spain in particular, began calling for an enhanced institutionalized focus on Mediterranean security within the OSCE. Drawing from the Organization's original founding documents and its acknowledgement of the indivisibility of security in the OSCE area with that of

⁴ See Roberto Aliboni, "The OSCE Mediterranean Dimension: Conflict Prevention and Management", in Michael Bothe et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, The Hague/London/Boston, Kluwer Law International, 1997, p. 495-509.

⁵ Ibid.

outlying regions, these states called for the formal establishment of a Conference on Security and Cooperation in the Mediterranean (CSCM) to mirror the successful experience of the CSCE as the forerunner to the OSCE.⁶

Such efforts were gradually undermined by regional and international developments. The disruptive influence of a number of so-called “frozen conflicts” in the region – beginning from the Arab-Israeli conflict but also including Moroccan-Algerian tensions over the Western Sahara and sustained geopolitical competition between Saudi Arabia and the Islamic Republic of Iran – also undermined these efforts, as regional states (and their foreign backers) remained locked in dynamics of zero-sum rivalry and competition.

Notwithstanding these challenges, by 1994, new efforts were launched by the OSCE to begin formalizing its relations with a number of MENA states that had been cooperating with the Organization since the late 1970s. Thus, at the 1994 OSCE Summit in Budapest, the CSCE/OSCE established a formal Contact Group with five newly formalized Mediterranean Partners for Cooperation: Algeria, Egypt, Israel, Morocco and Tunisia.⁷

Established within the framework of the OSCE Permanent Council, the body charged with overseeing the day-to-day workings of the Organization, the Mediterranean Contact Group is chaired by an OSCE Ps on a yearly rotation. Linked to the OSCE Troika – in which the past, present and incoming Chairs of the OSCE cooperate to provide continuity to the Organization – the Mediterranean Contact Group is chaired by the incoming country Chair, that is, the country that is due to assume its one-year chairmanship of the OSCE in the following year.⁸

After Jordan become the sixth OSCE Mediterranean Partner for Cooperation in 1998, no further countries have joined the Mediterranean partnership. Long, heated debates and some diplomatic arm-twisting occurred surrounding a Palestinian application to join the Partnership, but to little avail, while other Mediterranean countries, such as Lebanon and

⁶ Ibid., p. 495-500.

⁷ CSCE, *Towards a Genuine Partnership in a New Era*, Budapest, 6 December 1994, <https://www.osce.org/mc/39554>.

⁸ The Asian Contact Group is chaired by the outgoing OSCE country chair, or the permanent member state that had chaired the OSCE in the previous year.

Syria, never expressed real interest in joining the post-1994 Partnership.⁹ In the case of the latter two countries, explanations for their absence revolve primarily around the unresolved Arab-Israeli conflict and sustained tensions with the US, also exacerbated by a history of East-West rivalry. A third country, Libya, remains today the only North African state not included in the OSCE Mediterranean Partnership, with similar reasons explaining its absence.

Libyan authorities have recently petitioned the OSCE with requests to join the Mediterranean Partnership for Cooperation. Requests were made in 2013, 2016, following the signing of the Skhirat agreement and the formal establishment of the UN-backed Tripoli Government of National Accord (GNA), and again in 2017.¹⁰ Applications were backed by a number of OSCE Ps and Mediterranean Partners,¹¹ who have argued that the addition of Libya would effectively fill a gap in the geographical remit of the Mediterranean Partnership.¹² Such views are backed by the notion that it is hard to address transnational security threats such as migration, smuggling and terrorism when a major origin and transit country for such threats remains excluded from the Partnership.¹³

No consensus was however reached at the OSCE on the topic of Libya's application. Concern was expressed by a number of states, and Russia in particular, regarding the premature acceptance of Libya in light of the ongoing conflict in the country and the weak institutional capacity of the UN-backed government in Tripoli. In essence, Russia and other states, worried that by accepting the Libyan application,

⁹ Lebanon, Syria and Libya did cooperate with the CSCE, but these countries were never formalized in the OSCE Mediterranean Partnership that stemmed from the 1994 Budapest Summit. See Monika Wohlfeld, "OSCE's Mediterranean Engagement on the Eve of the 40th Anniversary of the Helsinki Final Act", in *Documenti IAI*, No. 14|15 (December 2014), p. 7, <http://www.iai.it/en/node/2823>.

¹⁰ Author's interviews, Vienna, June 2017.

¹¹ A number of European states, not necessarily limited to Southern European countries, have backed the Libyan application. The United States has also welcomed the application as has the Moroccan and Jordanian governments in their capacity of OSCE Mediterranean Partners for Cooperation.

¹² Monika Wohlfeld, "OSCE's Mediterranean Engagement...", cit., p. 7-10.

¹³ See for instance, Stephanie Liechtenstein, "OSCE Mediterranean Conference Highlights the Important Role of Libya in Managing Common Security Challenges", in *Security and Human Rights Monitor*, 10 October 2016, <https://www.shrmonitor.org/?p=383>.

the OSCE would effectively be siding with one Libyan party, the GNA, against its rivals.

In light of the failed implementation of the Skhirat agreement (see subsequent chapters), and the continued exclusion of key Libyan actors from the UN-backed reconciliation process, such viewpoints and concerns cannot be simply brushed aside. Yet, there is little doubt that the current state of East-West tensions and animosities, coupled with Russian grievances surrounding the 2011 NATO intervention in Libya, also played a role in blocking the Libyan application. It is no coincidence that Russia's main (but not only) interlocutor in Libya is Field Marshal Khalifa Haftar, one of the key actors originally excluded from the UN-backed political track that led to the Skhirat agreement.

These developments serve to underline how international geopolitical trends have an impact on the internal functioning of the OSCE. In light of the fact that all decisions must be based on full consensus among Participating states, international tensions and disagreements are often carried over into the Organization.¹⁴ Recent examples include an unprecedented leadership crisis within the Organization during the summer of 2017, when three of the OSCE's top institutions and structures were left vacant due to disagreements among member states, and in particular between the US and Russian delegations.¹⁵

However, it is worth emphasizing that even in the event of a successful Libyan application to join the OSCE Mediterranean Partnership, the practical benefits that may flow from this recognition would be somewhat constrained. OSCE MPCs, like their Asian counterparts, are not full Ps of the Organization and as such do not hold voting rights within the

¹⁴ In a recent interview, the outgoing OSCE Secretary General Lamberto Zannier, noted how the Organization has changed since the 1980s and the CSCE. At that time dialogue define the workings of the OSCE, "it was difficult and tough at times, but it was a dialogue. I don't see this genuine dialogue anymore. Instead, I see recrimination, formal statements, and little appetite for proper consultation and debate." See Stephanie Liechtenstein, "Interview with Lamberto Zannier, Former OSCE Secretary General", in *Security and Human Rights Monitor*, 4 July 2017, <https://www.shrmonitor.org/?p=1131>.

¹⁵ The three leadership positions included the post of OSCE Secretary General, the OSCE High Commissioner for National Minorities, the head of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Representative for the Freedom of the Media. See AFP, "OSCE Chief Nomination Ends Leadership Crisis", in *Digital Journal*, 18 July 2017, <http://www.digitaljournal.com/article/497894>.

OSCE's structures and institutions. Partners can participate and interact in Ministerial Council Meetings, in the Permanent Council, the Forum for Security Cooperation and are invited to the OSCE's yearly events,¹⁶ yet they effectively remain extra-regional actors, beyond scope and remit of traditional OSCE area.

Similar restrictions apply to OSCE Partner Countries (PCs) within the Parliamentary Assembly (PA), the oldest continuing OSCE institution, which gathers parliamentarian representatives from all 57 OSCE Ps and PCs. OSCE PCs participate in the meetings of the PA, but do not hold voting rights within the Assembly.¹⁷

PCs, therefore, are effectively a kind of "observers" within the Organization, a status that has practical implications beyond voting rights or the participation in summits. Indeed, such a position impacts OSCE activities, given that OSCE funds cannot be spent on projects taking place in non-OSCE Ps, or involving participants from PCs, in the absence of a consensus decision. This has placed strict limits on the extent of the OSCE's outreach beyond the OSCE area and remains today a major impediment for enhanced OSCE activities in the Mediterranean region.

It is also for these reasons that a number of European Mediterranean states have called for a process of institutionalization of the OSCE's Mediterranean dimension, either in the form of a parallel Conference for Security and Cooperation in the Mediterranean (CSCM) or, more recently, in the form of a "Helsinki-like" process for the region. Yet, beyond these public declarations of intent, efforts to loosen the institutional constraints impacting the OSCE's relationship with MPCs have repeatedly fallen short, primarily due to a lack of consensus among OSCE Ps.

As a result, the OSCE's Unified Budget – standing at just under 138

¹⁶ These include the Annual Security Review Conference, the Economic Forum, the Human Dimension Implementation Meeting, the Annual Summer and Winter Sessions of the OSCE Parliamentary Assembly. For more information on the Mediterranean Partnership, see: OSCE Section for External Co-operation, *The OSCE Mediterranean Partnership for Co-operation. A Compilation of Relevant Documents and Information*, December 2014, <http://www.osce.org/partners-for-cooperation/mediterranean/132176>.

¹⁷ On some occasions, the OSCE PA has invited parliamentary delegations from non-OSCE Mediterranean Partner countries to attend PA sessions as observers. This has happened with representatives from both Libya and Palestine. See OSCE Section for External Co-operation, *The OSCE Mediterranean Partnership for Co-operation*, cit., p. 61; OSCE Parliamentary Assembly, *Factsheet*, August 2016, <http://www.osce.org/pa/260596>.

million euro in 2018¹⁸ – is largely earmarked for activities taking place within the OSCE area. A consensus decision is needed for the use of these funds, or the organization of an official OSCE event, beyond the OSCE's geographical scope. This occurred in 2015, for instance, during the German Chairmanship of the Mediterranean Contact Group, when the annual OSCE Mediterranean Conference was held in Amman, Jordan, to mark the 40th anniversary of the Helsinki Final Act.¹⁹ For this event, funds came from a mixture of bilateral donations, mostly by Germany, but also included a limited use of funds from the OSCE Unified Budget, therefore necessitating a Permanent Council decision based on full consensus among OSCE Ps.

OSCE-linked activities targeting OSCE Partner Countries must therefore be funded through extra-budgetary (voluntary) contributions to the OSCE budget. In 2007, the OSCE set up a Partnership Fund (PF) through which contributions would be channelled in an effort to enhance efficiency and limit waste or duplications.²⁰ The Fund was established on the heels of a number of OSCE decisions that sought to enhance the ability of MPCs to engage with OSCE structures and institutions and is used to implement projects with both Mediterranean and Asian PCs.²¹ While precise breakdowns of projects implemented with each set of Partner Countries are not publicly available, between 2011 and 2015 over 80 per cent of Partnership Funds specifically targeted MPCs.²²

In its ten years of operation, the PF has received pledges of over 3 million euro and implemented around 50 projects. Significant percentages of pledges have come from OSCE Ps who recently chaired the OSCE and

¹⁸ The 2018 OSCE Unified Budget, approved on 15 February 2018, stood at 137,801,200 euro. See OSCE Permanent Council, Decision No. 1288: *Approval of the 2018 Unified Budget* (PC.DEC/1288), 15 February 2018, p. 7, <https://www.osce.org/permanent-council/373016>. In 2017, the budget stood at 138,982,600 euro, in 2016 142,053,800 euro and in 2014 142,304,100 euro. Budgetary shortfalls, including a backlog in payments and contributions by OSCE member states, represents a significant challenge for the OSCE, whose budget has stagnated and even decreased due to inflation and in light of a reluctance by OSCE member states to update their respective yearly contributions, calculated on the basis of their GDP output.

¹⁹ In 2009, the OSCE Mediterranean Conference was held in Cairo, Egypt.

²⁰ OSCE Permanent Council, Decision No. 812: *Establishment of a Partnership Fund* (PC.DEC/812), 30 November 2007, <http://www.osce.org/pc/29502>.

²¹ Stephanie Liechtenstein, "The OSCE-Mediterranean Partnership and the Arab Up-risings", in *IPI Meeting Notes*, December 2011, p. 2-4, <https://www.ipinst.org/?p=1024>.

²² Author's interviews, Vienna, June 2017.

the OSCE's Asian and Mediterranean Contact Groups.²³ In 2017, pledges to the Partnership Fund increased substantially compared to previous years, potentially indicating a more sustained interest in strengthening the ability of the OSCE to engage with its PCs. Under the Italian Chairmanship of the Contact Group, projects, seminars and training workshops have been held on topics ranging from border control, anti-trafficking and smuggling, including of cultural objects and archaeological remains, renewable energy and green technologies and youth exchanges.²⁴

A number of OSCE-linked initiatives and projects have also been funded by the PF, including a cycle of track II meetings and seminars conducted under the rubric of the New-Med Research Network.²⁵ Directed by a Rome-based think tank, the Istituto Affari Internazionali, New-Med is an independent project launched in 2014 and supported through a public-private partnership composed by the Italian Ministry of Foreign Affairs and International Cooperation, a private Italian foundation, the Compagnia di San Paolo, the German Marshall Fund of the United States (GMF) and the OSCE Secretariat.

Financial contributions to the PF are welcomed by both OSCE Ps and PCs. Funds are earmarked to help “foster deeper relations” and fund the “participation by representatives from the Partners for Co-operation” in OSCE events and activities.²⁶ One example of this occurred in May 2016, under the Austrian Chairmanship of the Mediterranean Contact Group, when a first ever retreat of the Group was organized outside Vienna, in Madrid, to discuss means to improve the OSCE Mediterranean Partnership and engage in civil society dialogue and training workshops.²⁷ Fund-

²³ Ibid.

²⁴ See, for instance, OSCE Secretariat, *OSCE Seeks to Strengthen Co-operation between Participating States and Mediterranean Partners on Border Security and Management*, 6 April 2017, <http://www.osce.org/secretariat/310241>; and *Combatting Illicit Cross-Border Trafficking of Cultural Property in Mediterranean Region in Focus Workshop Organized by OSCE, Italy's Carabinieri*, 10 November 2017, <http://www.osce.org/secretariat/355861>.

²⁵ See OSCE website: *The New-Med Track II Network*, <http://www.osce.org/networks/newmedtrackii>; and IAI website: *New-Med Research Network: The Future of Cooperation in the Mediterranean*, <http://www.iai.it/en/node/2004>.

²⁶ OSCE Permanent Council, Decision No. 812, cit., p. 1.

²⁷ OSCE Ministerial Council, *Report by the Chairperson of the Contact Group of the Mediterranean Partners for Co-operation*, 5 December 2016, p. 3, <http://www.osce.org/cio/286196>.

ed through extra-budgetary contributions, and with significant bilateral support by Spain and Austria, such events do not require a consensus decision given that no funds from the OSCE Unified Budget are employed.

Behind the establishment of the Partnership Fund, lays the hope that OSCE PCs will gradually move to “voluntarily implement OSCE norms, principles, commitments and best practices”.²⁸ This emphasis on the voluntary adoption of OSCE standards remains key to the functioning of the OSCE Mediterranean (and Asian) Partnership, as the extent of the OSCE’s engagement and interaction with PCs remains “voluntary” and “driven by demand”.²⁹ This implies that the OSCE can propose projects and initiatives with PCs only following an official request for assistance by the recognized authorities in these states.³⁰

MPCs have raised concerns of not being treated as full Participating states, yet they also enjoy some benefits, particularly in being exempted from contributing to the OSCE budget. However, these bureaucratic constraints have also limited the visibility and effectiveness of the OSCE’s Mediterranean outreach. The 2011 Arab uprisings have led to renewed efforts, particularly within the OSCE Secretariat in Vienna, to expand the OSCE’s presence and visibility in the region, yet these remain constrained by the OSCE’s Rules of Procedure and the persistence of different views and priorities among the 57-Ps of the Organization.³¹

Indeed, while a number of Southern European and Mediterranean Ps have long called on the Organization to enhance its bureaucratic and institutional capacity to engage with MPCs and loosen the constraints impacting OSCE’s extra-regional activities, these viewpoints have clashed with those of other actors. Some in the Organization worry that a southern focus will diminish the OSCE’s capacity (and budget) to deal with ongoing security challenges within the OSCE area, in particular but not limited to, the conflicts in Ukraine and in the Nagorno-Karabakh. In light

²⁸ OSCE Permanent Council, Decision No. 812, cit., p. 1-2.

²⁹ See OSCE Ministerial Council, “Sofia Ministerial Statement on Preventing and Combating Terrorism”, in *Final Document of the Twelfth Meeting of the Ministerial Council*, Sofia, 6-7 December 2004, p. 109, <http://www.osce.org/mc/41813>.

³⁰ Stephanie Liechtenstein, “The OSCE-Mediterranean Partnership and the Arab Uprisings”, cit.

³¹ OSCE, *OSCE Rules of Procedure* (MC.DOC/1/06), 1 November 2006, <http://www.osce.org/mc/22775>.

of the very real budgetary constraints impacting the OSCE, coupled with the recent heightening of tensions surrounding these and other hybrid conflicts *within* the OSCE area, such concerns cannot be entirely ignored.

1.2 POST-2011 OSCE MEDITERRANEAN ENGAGEMENTS AND THE CRISIS IN LIBYA

The advent of the Arab uprisings in late 2010 sent shockwaves across region, in time leading to significant trends of conflict and fragmentation, as state actors became caught-up in a struggle to contain and influence the pace of revolutionary change. Such tensions would soon spillover into the international arena, particularly in light of the increased juxtaposition of East-West animosities over the conflict in Syria.

Yet, before Syria or Ukraine, there was Libya. Indeed, it was the 2011 NATO intervention in Libya that would place a wedge between the West and Russia, foreshadowing much of the East-West tensions that followed in its wake.

In the context of Libya, Western states and NATO effectively overstepped the UN Security Council (UNSC) mandate and moved to direct their military efforts towards regime change against Muammar Gaddafi. While supported by a hesitant Russian abstention at the UNSC, the intervention would reinforce long-held Russian concerns about a Western propensity to violate the national sovereignty of states, enact forceful regime change and seek to establish governments with a pro-Western slant.

The 2011 intervention in Libya therefore served to re-awaken Russian concerns and played a significant role in explaining Russia's unwillingness to back Western sanctions and policy aims in other contexts, most notably in Syria. With the advent of the conflict in Ukraine in 2014 and the subsequent 2015 Russian intervention in Syria, East-West relations were further eroded, reaching their worst point since the Cold War. With a deadlocked UNSC and a slow erosion of multilateral dialogue, a whole number of conflicts and crises were left unaddressed, reinforcing the linkages between the growing trends of "conflictual multipolarity" at both the regional and international levels.

Within the OSCE, a key impetus behind efforts to enhance the ability

of the Organization to engage with MPCs originated from the OSCE Secretary General, Lamberto Zannier, who led the OSCE Secretariat for two successive mandates between 2011 and 2017.

Working in close cooperation with the OSCE Troika, the Secretary General repeatedly called upon OSCE members to enhance the capacity of the Organization to address transnational security threats originating from beyond the OSCE area, and in particular from the Mediterranean and Middle East.³² “I take the opportunity” – noted Secretary General Zannier in 2017 – “to call on participating States to continue investing in the OSCE Mediterranean Partnership, including by considering easing the procedures that frame our co-operation, and to look at security interdependencies between the OSCE and the Mediterranean region as a whole, as the Helsinki Final Act invited us to do already over forty years ago.”³³

Enjoying the support of the Secretary General, who acts as the Chief Administrative Officer at the OSCE and the head of the OSCE Secretariat in Vienna, is an invaluable asset when seeking to break new ground within the Organization. A number of recent country chairs of the OSCE have joined the Secretary General in seeking to expand the Organization’s outreach and engagements with MPCs. Between 2011 and 2014 efforts and funds were directed at making the Organization’s key documents available in Arabic, an important step towards enhancing its concrete capacity to share best practices and norms.³⁴

Thus, important translations of key OSCE documents include an Arabic version of the OSCE Code of Conduct on Political-Military Aspects of Security, a guidebook containing best practices in policing and countering violent extremism and radicalization and a whole number of other publications and briefing books produced by ODIHR, including a publication containing Guidelines on Political Party Regulations and a Handbook

³² See, for instance, OSCE Secretary General, *Opening address by OSCE Secretary General Lamberto Zannier*, 2011 OSCE Mediterranean Conference, Budva, 10 October 2011, <http://www.osce.org/sg/84023>.

³³ OSCE, *Meeting Foreign Minister of Tunisia, OSCE Secretary General Confirms Strong OSCE Mediterranean Partnership*, 18 May 2017, <http://www.osce.org/partners-for-cooperation/mediterranean/318126>.

³⁴ The OSCE has six official languages: English, French, German, Italian, Russian and Spanish.

for National Human Rights Institutions on Women's Rights and Gender Equality.³⁵

Meanwhile, within the Mediterranean Contact Group, efforts by successive OSCE Chairs have focused on enhancing structured dialogue and joint ownership among OSCE MPCs and Ps.³⁶ Every year, the Chair of the Mediterranean Contact Group devises an agenda of meetings to be held with MPCs on topics linked to the OSCE's three thematic "baskets" and eventual cross-dimensional issues. In addition to these meetings, a yearly OSCE Mediterranean Conference is organized in a designated OSCE country, or MPC. Differently from OSCE Mediterranean Contact Group meetings, usually held in Vienna and which do not require a consensus decision by the Permanent Council, the designation of a host country, as well as the agenda of the Mediterranean Conference are subject to full consensus by OSCE Ps.

Usually held in the second half of the year, the latter event is the highest-level OSCE gathering concerning the Mediterranean and witnesses the participation of all OSCE Ps, Partner Countries as well as a number of observers and designated "Guest of the Chair" invitees.³⁷ Significantly, and largely since the 2015 Mediterranean Conference in Jordan, participation at this yearly event has increased to the Ministerial level, indicating a growing interest and focus on Mediterranean developments. Indeed, the most recent OSCE Mediterranean Conference, held in Palermo in late October 2017, witnessed the highest-level participation of Ministers from OSCE Ps and PCs.³⁸

³⁵ For a selected list of key OSCE publications of relevance to the MPCs, with a number available in Arabic translation, see OSCE Section for External Co-operation, *The OSCE Mediterranean Partnership for Co-operation*, cit., p. 64-70.

³⁶ See successive reports by the Chairman of the Mediterranean Contact Group to the OSCE Ministerial Council.

³⁷ During the October 2016 Mediterranean Conference in Vienna, organized by the Austrian Chair of the Contact Group, a decision was made to invite, as "guests of the Chair", both the UN Special Representative for Libya, Martin Kobler, and Mohammed Taher Siala, Minister of Foreign Affairs of the GNA in Libya. The designation as "guest of the Chair" avoids the necessity of having a consensus decision on the agenda and invitees at the conference, and is one way for Chairs to retain a degree of independent input on the organization of the conference.

³⁸ OSCE, *Turning Migration Governance Challenges into Mutually Beneficial Opportunities Is the Way Forward, Say Participants at 2017 OSCE Mediterranean Conference*, 24 October 2017, <http://www.osce.org/partners-for-cooperation/mediterranean/352171>.

A marked trend has developed within the Mediterranean Partnership, particularly since 2011, to directly involve delegations of MPCs in the drafting of the yearly Contact Group agenda of meetings.³⁹ Thus, individual topics and speakers are often decided in coordination among MPCs and the Contact Group Chair. Such efforts to provide increased ownership, combined with an availability to schedule other workshops and meetings throughout the year, are appreciated by MPCs who do seek avenues to put forward their ideas and contribute to the work of the OSCE. However, the limits of such processes are also clear. Partner countries can propose and are consulted in deciding the agenda and identifying speakers for Contact Group meetings, but the Mediterranean Contact Group essentially remains on a separate, sub-par institutional playing field compared to the OSCE itself.

MPCs have at times displayed a rather restrained propensity for engagement and action within the OSCE. Participation in Contact Group meetings is sometimes lower than expected.⁴⁰ Moreover, there are a number of ways for MPCs to take the floor or engage in informal discussion at the highest levels of the OSCE structure that are not always exploited. In 2012, one official working at the OSCE's External Cooperation Section in Vienna lamented that "despite the clear and repeated message stating the OSCE readiness to help and the need to be formally asked in order to engage, no official request emerged from any of the Mediterranean Partners".⁴¹

Yet, there are also mitigating circumstances that may explain these trends. In the first instance, not being full Ps, the onerous, and political commitment to actively engage with and implement the OSCE's norms and principles is less pronounced for Mediterranean (and Asian) PCs. On a second level, Partners tend to lack sufficient manpower and resources at the level of embassy representation in Vienna to allow for adequate participation (and preparation) for OSCE events. Indeed, most of the diplomatic representations of MPCs operate from a single embassy in

³⁹ Author's interviews, Vienna, June 2017.

⁴⁰ Conversely, high-level participation by OSCE permanent member delegations at Mediterranean Contact Group meetings has also at times been disappointing.

⁴¹ Quoted in Loïc Simonet, "The OSCE Mediterranean Partnership Four Years after the Start of the 'Arab Spring'", in *OSCE Yearbook 2014*, p. 322, <https://ifsh.de/en/core/publications/osce-yearbook/yearbook-2014>.

Vienna charged with covering numerous dossiers, from the bilateral relationship with Austria, to the UN office and agencies in Vienna as well as the OSCE. More generally however, a persistent reason for the low levels of engagement by some Mediterranean countries is given by the lack of exposure and visibility suffered by the OSCE across the MENA region as a whole.⁴²

Beyond the remit of the Mediterranean Contact Group, the ODIHR, together with the OSCE Parliamentary Assembly, have emerged as the most active structures and institutions engaging with MPCs. Yet, much of these efforts have been limited to a single MPC, Tunisia, and largely restricted to the 2011-13 period.⁴³ While this may be explained by the remarkable, albeit fragile, successes of Tunisia's transition, the Organization's engagements with the country are also the result of an active and sustained interest by Tunisian authorities themselves.

Tunisia was quick to request and welcome 75 electoral observers from the OSCE Parliamentary Assembly to oversee the country's first democratic elections in October 2011.⁴⁴ This experience was soon joined by the launching of two ODIHR projects in Tunisia focused on "Promoting democratic structures among OSCE Mediterranean Partners for Co-operation" and which paved the way for enhanced cooperation between Tunisian authorities and the OSCE, including in the realm of legislative and electoral reform and women rights and participation.⁴⁵ It was in this context that OSCE and the ODIHR began promoting the translation of key OSCE texts, handbooks and documents into Arabic.

Funding for these projects was received through voluntary contributions to the PF, contributions that increased substantially in the wake of the Arab uprisings. In the field of legislative assistance and reform, another key dimension of ODIHR's work, Tunisia has emerged as the lead MPC to make use of these demand driven opportunities. Numerous pieces of

⁴² Author's interviews, Vienna, June 2017.

⁴³ Loïc Simonet, "The OSCE Mediterranean Partnership Four Years after the Start of the 'Arab Spring'", cit., p. 318-322.

⁴⁴ Observers came from 21 OSCE permanent member states and Algeria. See OSCE Parliamentary Assembly, *Parliamentary Observers Applaud Tunisian Elections*, 24 October 2011, <http://www.oscepa.org/news-a-media/press-releases/2011/847>.

⁴⁵ Loïc Simonet, "The OSCE Mediterranean Partnership Four Years after the Start of the 'Arab Spring'", cit., p. 318-319.

draft legislation were submitted for review opinions to the ODIHR by the Tunisian authorities between 2012 and 2013.⁴⁶

Beyond Tunisia, however, the OSCE's engagement with other MPCs has remained rather constrained. Efforts have been made to provide funding through extra-budgetary commitments to allow for the participation of experts, officers, politicians and civil society representatives from MPCs to OSCE workshops, training courses and events. Increased efforts have also been directed at increasing the participation of MPCs in border security, migration control, women rights and political participation courses conducted by the OSCE.

Important efforts to publicize and engage MPCs in high-level consultations and discussions on the OSCE's 1994 Code of Conduct on Political-Military Aspects of Security also took place. The Code of Conduct (CoC) represents a landmark political agreement for the "governance of the security sector and the role of armed and security forces in democratic societies".⁴⁷ Available in Arabic translation since 2013 thanks to a request by the Secretary General of the Arab League and a joint German-Swiss funded effort, in September 2013, Malta hosted a regional conference on the Mediterranean in an effort to "raise awareness of the norms and principles enshrined" in the CoC⁴⁸ and share best practices and experiences with MPCs. A number of outreach initiatives to publicize the principles contained in the CoC have been undertaken with other inter-governmental organizations, including the Arab League, the Association of Southeast Asian Nations (ASEAN) and others, with more planned for 2018.

The most concrete idea discussed at the level of the OSCE in the post-2011 era with regards to MPCs stemmed from an initiative for the creation of a Centre of Excellence for Mediterranean Partners in Malta focused

⁴⁶ See OSCE/ODIHR legal reviews on Tunisia's legislation in Legislationonline website: <http://www.legislationonline.org/search/runSearch/1/country/63/rows/10/type/2/page/2>.

⁴⁷ A recent OSCE conference in Washington took stock of the continued relevance of the OSCE Code of Conduct. See OSCE, *OSCE Conference in Washington D.C. on Continued Relevance of Code of Conduct on Politico-Military Aspects of Security*, 1 November 2017, <https://www.osce.org/forum-for-security-cooperation/353856>.

⁴⁸ See Derek Lutterbeck and Monika Wohlfeld, *Report on the Regional Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security for the Mediterranean Region*, Malta, Mediterranean Academy of Diplomatic Studies, January 2014, p. 13, <http://www.osce.org/fsc/126472>.

on the rule of law, justice and the fight against terrorism.⁴⁹ Long discussed at informal OSCE meetings and in particular by Italy and Spain, an official proposal was ultimately tabled in 2016 by the Maltese delegation. Supported by Secretary General Zannier,⁵⁰ the initiative ultimately fell short and was never implemented.

Together with Spain and Italy, Malta has been at the forefront of efforts to institutionalize the Mediterranean dimension of the OSCE.⁵¹ In this context, Malta proposed the creation of the Centre as a means to concentrate OSCE activities and projects dealing with MPCs in one location, helping to streamline funds and initiatives and ultimately enhance the capacity of the Organization to engage and collaborate with MPCs. Connected to the idea of a Centre was also a second proposal by the Maltese delegation, the creation of a Special Representative for the Mediterranean who would be based at the Centre in Malta and help coordinate with Mediterranean Contact Group Chairs.⁵²

Following an internal assessment review launched by the OSCE Secretariat, it became apparent that no consensus could be reached on the establishment of the Centre. Major reasons for this reluctance stemmed first and foremost from the lack of an assured, long-term funding source for the Centre, which would need to be funded through the Partnership Fund. Other concerns stemmed from the difficulty in reaching Malta from the OSCE area and the lack of permanent representations in the country by OSCE MPCs. Coupled with misplaced fears by some MPCs that a Maltese Centre would side-line their presence from the OSCE in Vienna, and some reluctance to pledge contributions to its operation, the initiative was ultimately shelved in 2017. A number of OSCE Ps also feared that the Centre would effectively duplicate other existing forums and initiatives, particularly those of the EU.⁵³ A further, and somewhat revealing, rational

⁴⁹ Monika Wohlfeld, "OSCE's Mediterranean Engagement...", cit., p. 15.

⁵⁰ OSCE Secretary General, *Welcoming Remarks by Ambassador Lamberto Zannier, OSCE Secretary General*, International Seminar "Towards Helsinki +40. The OSCE, the Global Mediterranean and the Future of Cooperative Security", Rome, 18 September 2014, <http://www.osce.org/sg/124557>.

⁵¹ Monika Wohlfeld, "OSCE's Mediterranean Engagement...", cit.

⁵² OSCE, *Malta Minister Foreign Affairs George W. Vella Calls upon OSCE Chairmanship to Appoint Special Representative for the Mediterranean*, 4 June 2015, <http://www.osce.org/pc/162211>.

⁵³ Author's interview, Vienna, June 2017.

given for the lack of agreed consensus on the Centre revolved on the hardship in identifying real and concrete needs of MPCs that would justify the creation of a permanent office, a dimension that in and of itself goes some way towards explaining limits affecting the OSCE's engagement with the region.

At the level of the OSCE Parliamentary Assembly, debate and discussion has increasingly focused on issues that hold a clear Mediterranean (and Middle East) dimension. From terrorism, extremism and radicalization to the refugee and migrant crisis, parliamentarians from OSCE Pc and PCs have generally had more leeway in discussing wider issues and concerns. With 323 parliamentarians from the 57 countries of the OSCE, the PA has played a valuable role of inter-parliamentary diplomacy and dialogue.⁵⁴ The twin Ad Hoc Committees of Migration and Refugee Flows and the Ad Hoc Committee on Countering Terrorism, have engaged in research, outreach and debate, also ensuring that Mediterranean issues repeatedly be discussed at the Winter and Autumn Meetings of the PA and the Annual OSCE PA Session.⁵⁵ The OSCE PA's Special Representative for Mediterranean Affairs, Pascal Allizard, from France, is specifically charged with exploring avenues to strengthen the Mediterranean dimension of the OSCE PA and by extension, the OSCE itself.⁵⁶ The twenty-sixth annual session of the OSCE PA, held in Minsk on 5-9 July 2017, made repeated references to the Mediterranean and specifically Libya in its final declarations and resolutions.⁵⁷

⁵⁴ OSCE Parliamentary Assembly, *Factsheet*, cit.

⁵⁵ See the the OSCE Parliamentary Assembly website: *Countering Terrorism: Parliamentaries Address Violent Extremism*, <https://www.oscepa.org/parliamentary-diplomacy/countering-terrorism-parliamentaries-address-violent-extremism>; and *Refugee and Migrant Crisis: The OSCE PA Responds*, <https://www.oscepa.org/parliamentary-diplomacy/refugee-and-migrant-crisis-the-osce-pa-responds>.

⁵⁶ See OSCE Parliamentary Assembly, *Report of the Special Representative on Mediterranean Affairs Pascal Allizard for the OSCE PA Autumn Meeting*, Andorra, 4 October 2017, <https://www.oscepa.org/documents/all-documents/autumn-meetings/2017-andorra/reports-and-speeches-2/3602-report-by-pascal-allizard-osce-pa-special-representative-on-mediterranean-affairs-4-oct-2017>.

⁵⁷ OSCE Parliamentary Assembly, *Minsk Declaration*, 9 July 2017, <https://www.oscepa.org/meetings/annual-sessions/2017-minsk-annual-session>.

1.3 A HELSINKI-LIKE PROCESS FOR THE MEDITERRANEAN?

In light of the above overview of OSCE-Mediterranean engagements since 1994, and the continuation of a number of significant institutional, budgetary and bureaucratic constraints affecting the OSCE's Mediterranean outreach, is the development of a Helsinki-like process for the Mediterranean feasible? What concrete proposals have thus far been advanced and what areas or sectors could be prioritized?

Faced with this severe breakdown in intra-regional dialogue and co-operation across the MENA region and the emergence of a number of growing transnational security threats emanating from the region into the OSCE area, recent trends have witnessed a significant expansion of policy debates and proposals on how best to advance regional security.⁵⁸ These have ranged from a revival of proposals to convene a Conference on Security and Cooperation in the Mediterranean (CSCM), to calls by Italian and German foreign ministers for the development of a “Helsinki method” for the Mediterranean⁵⁹ and a number of studies by international think tanks and research centres seeking to re-launch multilateral dialogue on key issues of concern in the region.⁶⁰

A renewed impetus to these debates stemmed from recent developments in the region, which some hoped could serve as launching pads for more structured dialogue on regional security matters and concerns. These included efforts to revive an old initiative for the promotion of a weapons of mass destruction (WMD)-free zone in the Middle East. Renewed impetus for this idea stemmed from the 2010 Review conference of the Non-Proliferation Treaty (NPT) and subsequent meetings held in 2011 ahead of a (ultimately postponed) summit scheduled for December

⁵⁸ For an excellent overview of these debates and proposals, see Emiliano Alessandri, “Reviving Multilateral Security Dialogue in the MENA: Finding the Hard, but Possible, Compromise”, in *OCPC Policy Center Policy Briefs*, No. 17/12 (April 2017), <http://www.ocppc.ma/node/3936>.

⁵⁹ See, for instance, the official medium channel of the Embassy of Italy in Washington: *A Mediterranean Helsinki to Inspire the Italian Presidency of the G7*, in *Medium*, 3 December 2016, <https://medium.com/g7inus/a-mediterranean-helsinki-to-inspire-the-italian-presidency-of-the-g7-2c3ce91fc307>; Italian Ministry of Foreign Affairs and International Co-operation, *The Italian Strategy in the Mediterranean. Stabilising the Crises and Building a Positive Agenda for the Region*, Rome, December 2017, <https://www.esteri.it/mae/en/sala stampa/archivionotizie/approfondimenti/la-strategia-italiana-nel-mediterraneo.html>.

⁶⁰ Emiliano Alessandri, “Reviving Multilateral Security Dialogue in the MENA”, cit. p. 2-3.

2012.⁶¹ While the initiative was soon buried under a flurry of regional developments and international disagreements, hope for a resumption of these efforts also flowed from the signing of the Joint Comprehensive Plan of Action (JCPOA) between the P5+1 powers and Iran in 2015.

While it was hoped that the nuclear agreement could pave the way for a resumption of regional security dialogue, the heightened intra-regional (and international) divisions over Syria, combined with significant domestic political constraints in the United States against such efforts, would effectively limit eventual carryon effects of this agreement. The 2014 advent of ISIS in Syria and Iraq would momentarily herald new debates on the potential that regional actors set aside their struggles to confront a shared enemy. Yet, as subsequent developments in Yemen, Syria, Iraq and elsewhere demonstrate, such hopes were largely misplaced. Indeed, rather than nurture a spirit of cooperation and dialogue, the advent of ISIS only served to exacerbate intra-regional tensions, mistrust and recriminations, as state actors continued to prioritize regional influence and zero-sum competition over the mutual concern in combating violent extremism and terrorism.

Significantly, however, many of the most pressing challenges confronting state actors in the contemporary MENA region derive from their internal setting not their external relations. Mounting socio-economic grievances, declining public services and a lack of jobs and opportunities stand out as the most disruptive and potentially destabilizing variables in the contemporary MENA region. Indeed, the current crisis of the state order in the MENA is driven more by the internal weakness of states, most notably fears of regime collapse or revolution, than external strength or opportunities.

These trends could provide an opportunity to promote regional conflict management, de-escalation and dialogue mechanisms based on the mutual recognition of threats, rights and responsibilities. Acknowledging that intra-regional tensions are further straining the ability of governments to prioritize key domestic reforms and policies, multilateral efforts should aim to dampen external tensions as a first step towards allowing MENA states to improve their domestic standing, enact badly needed reforms and make better use of dwindling resources. While this is a difficult and long-term

⁶¹ For more on this issue, see Kelsey Davenport, "WMD-Free Middle East Proposal at a Glance", in *Arms Control Association Fact Sheets*, updated 17 July 2017, <https://www.armscontrol.org/factsheets/mewmdfz>.

objective, an effort to break the vicious cycle between internal state weakness and external conflictuality would create a positive momentum for the region, providing one avenue for a gradual stabilization of intra-regional relations in the Middle East and North Africa that would have important carryon effects on the internal administration of states in the area.

Multilateral dialogue mechanisms can prove instrumental in helping to stabilize regional ecosystems. In the MENA region, structured dialogue among state actors has long been lacking however. Indeed, one effect of the present trends of “conflictual multipolarity” has been the further weakening of regional cooperation forums such as the Arab League and the Gulf Cooperation Council (GCC), both of which have effectively ceased to exist as meaningful forums for cooperation or dispute settlement in the region.

Yet, when effective and driven by shared ownership, regional dialogue can prove instrumental in allaying fears of meddling in the internal affairs of states and help promote positive-sum relations by diverting resources from security to development and trade. Most importantly, multilateral diplomacy and intra-regional dialogue can establish a groundwork of shared principles and norms that together can make-up the basis for a regionalized rules-based order in which the interests and concerns of all actors can be discussed in a neutral and largely de-politicized setting.

Considering the historical roots of these challenges, the goal of such efforts should be realistic and somewhat constrained. Such processes cannot be successful if imposed from afar, and rather can only prove fruitful if and when the cost-benefit calculus of regional states (and their foreign backers) leads to a prioritization of dialogue and cooperation over conflict and competition. In this respect, a first priority in seeking to foster regional cooperation and dispute settlement is that of strengthening trust between key regional actors. Trust can be established by focusing on niche areas of mutual interest and concern coupled with the prioritization of small confidence building measures capable of providing impetus and incentives for a continuation of such dialogue. In this context, efforts should progress gradually and in an incremental manner and only on the basis of a concrete buy-in by key regional actors.

Ultimately, even a gradual and moderate transition from the present trends of disorder and “conflictual multipolarity” to more sustainable processes of “conflictual *cooperation*” would represent an enormous improvement for the region. In this respect, ad hoc cooperation mechanisms could

be fostered and enhanced on the basis of international principles of mutual respect, territorial sovereignty and the reciprocal acknowledgement of the interests and rights of each actor, recognitions that would go some way towards containing the most adverse effects of the present conflictuality while allowing competing regional actors to prioritize key domestic reforms that remain the true underlining drivers for their foreign policy adventurism. It is in this context that some have begun returning to the CSCE/OSCE's founding documents to seek inspiration or models for the region.

In this respect, a number of proposals and calls for dialogue frameworks have also come from regional actors themselves. This is a positive dimension and should be taken up by key international actors in order to publicize and enhance the visibility of such efforts.⁶² Starting from calls for a WMD-free zone in the Middle East, an initiative initially launched by Iran in the mid-1970s and taken up more recently by Egypt and others, a number of initiatives have been promoted by key regional actors since the outbreak of the Arab uprisings. In 2014, two leading regional diplomats from Iran and the Arab world, penned an opinion article published in English, Arabic and Farsi and calling for the convening of a conference on security and cooperation in the Middle East.⁶³ As expressed by the authors,

That conference would not pretend to have the ability to address or resolve all problems. [...] The aim would be to bring the Arab states, Iran and Turkey together into a forum for consultation, dialogue, exchange of ideas and coordination. [...] a forum based on the philosophy of engagement, rather than confrontation.⁶⁴

With the participation of Saudi Arabia, Egypt, Iran and Turkey,

The conference would be based on the assumption that no party would have the power to exclude other parties from the discussion

⁶² For a recent example, see "The Baghdad Declaration: Good Neighborhood Principles for the Middle East", in *Middle East Institute Articles*, 27 February 2018, <https://www.mei.edu/node/50568>.

⁶³ Seyed Hossein Mousavian and Nassif Hitti, "Opinion: A Conference on Security and Cooperation in the Middle East", in *Asharaq Al-Awsat*, 10 June 2014, <https://eng-archive.aawsat.com/mousavian-hitti/opinion/opinion-a-conference-on-security-and-cooperation-in-the-middle-east>.

⁶⁴ Ibid.

[...], no matter how sharp the difference between them and regardless of the existing balance of power. [...] The people of the Arab world, Iran and Turkey are [...] facing common threats, and they each have huge potential and influence in the region and beyond. [...] Confidence-building measures could underpin this process and create an environment suitable for dialogue between adversaries [...] It would be key that such a conference not be organized as an exclusive or closed club. It could invite non-members to participate in its activities whenever it sees fit, to help achieve the goals of the conference.⁶⁵

Similar calls have also been made by a number of Iranian diplomats and, most recently, by Iran's Foreign Minister, Mohammad Javad Zarif, in an opinion article published in the *Financial Times* on 21 January 2018.⁶⁶ Calling for a novel form of "security networking" based on an acknowledgement of competing interests and concerns and the mutual recognition of rights and responsibilities, Zarif formulated a call to "move from turmoil to stability" through "dialogue and other confidence-building measures".⁶⁷

The parallels between these twin examples of regional calls for structured dialogue on the MENA region and the past experience and model provided by the CSCE/OSCE are clear. Indeed, there are a number of overlaps between the key norms and principles exposed by the OSCE – and in particular the so-called OSCE Decalogue of principles contained in the 1975 Helsinki Final Act (see Figure 2) – those contained in the UN Charter and the two above mentioned examples.

Yet, it is clear that both the objectives and the geographical scope of such proposed initiatives fall well beyond the potential capabilities of the OSCE and the Mediterranean Partnership for Cooperation.

Indeed, within the OSCE, a similar albeit less ambitious proposal was recently made by Italy, which chaired the Mediterranean Contact Group throughout 2017 and has now assumed the Chairmanship of the OSCE for 2018. Speaking at the opening session of the OSCE Permanent Coun-

⁶⁵ Ibid.

⁶⁶ Mohammad Javad Zarif, "Iran Can Set a Post-ISIS Security Policy for the Region", in *Financial Times*, 21 January 2018.

⁶⁷ Ibid. See also the successive editions of the Tehran Security Conference, where similar issues have been discussed: Tehran Security Conference website: *About Tehran Security Conference*, <https://www.tehransecurityconference.ir/portal/home/default.aspx?categoryid=18ab1cf0-89c4-40c5-8925-f923fee11cee&rnd=6992.401380863101>.

cil in February 2018, Italy's Foreign Minister, Angelino Alfano, called for an "authentic partnership" between the OSCE and MPCs, based on structured dialogue around three "crucial elements": (1) broader political dialogue based on a shared responsibility and widespread solidarity with respect to the major common challenges; (2) more concrete cooperation in the area of security and in controlling migration routes, considering the possible return to Europe of *foreign fighters* following the military defeat of *Daesh* in Iraq and Syria; (3) more investments in culture, in order to bridge the dangerous gap in the Mediterranean which is fertile ground for fanaticism, violent extremism and terrorism.⁶⁸

The choice of elements and prioritization of issues clearly demonstrated how the guiding focus of this "partnership" remains tied to the security of Europe and the broader OSCE area, which remains the natural remit of the Organization. This is reflective of the institutional constraints and the difficulty in revising the OSCE's Rules of Procedures on the basis of full consensus among PCs. While MPCs do share an interest in combating such threats, what the region truly needs is a holistic and multidimensional approach to the phenomenon, one that placed greater onerous on the underlining drivers and grievances that fan radicalism and instability in the region, dynamics that go well beyond the appearance of ISIS or efforts to strengthen border controls and security sector reform.

1.4 FOSTERING THE OSCE'S MEDITERRANEAN ROLE AND THE QUESTION OF LIBYA

Effective intra-regional dialogue, confidence building and negotiation frameworks are a key necessity for the broader MENA region. While the history of the CSCE/OSCE provides a unique and valuable starting point to explore potential models and inspirations for the region, the above sections have outlined a number of significant constraints affecting the OSCE's potential to promote such processes in the Mediterranean and Middle East.

Ultimately, the region is in dire need of a much broader, more inclusive

⁶⁸ Italian Ministry of Foreign Affairs and International Cooperation, *Minister Alfano's address to the OSCE Permanent Council*, 11 January 2018, https://www.esteri.it/mae/en/sala_stampa/interventi/intervento-del-ministro-alfano_2.html.

and ambitious multilateral negotiation format, one that is exclusively focused on the MENA and less impacted by dynamics of North-South relations and disequilibrium. Indeed, in light of the current trends of conflictual multipolarity, such a mechanism cannot be limited to Mediterranean states, and would necessitate a much broader focus and composition, in particular but not limited to the twin adversaries of Saudi Arabia and Iran.

The OSCE – particularly in its current institutional form – cannot directly fulfil this role. While the Organization’s institutional experience may provide some inspiration for the region – as the above examples and calls for a CSCM suggest – such added value will likely remain indirect and hard to quantify. Moreover, in light of the very limited exposure of the OSCE within the MENA region itself, a first priority to enhance the ability of the Organization to perform this indirect task of knowledge transfers would consist in efforts to better publicize and promote the experience and principles associated with the OSCE. Enhanced efforts to make the Organization’s key documents available in Arabic are one step in this direction, as are key bilateral initiatives by some Ps to engage in outreach and track II dialogue with MPCs and other regional actors. Yet, more remains to be done.

In this respect, a potential avenue could be that of gathering OSCE Ps who share a willingness and commitment to enhance the OSCE’s capabilities to address Mediterranean issues and challenges, creating a united front of countries within the OSCE who would be willing to take the lead, particularly in the financial realm, in strengthening these dimensions. As a way of bypassing the institutional and bureaucratic constraints affecting the OSCE’s Mediterranean outreach, such OSCE Ps could take it upon themselves to bilaterally promote initiatives and workshops aimed at explaining and promoting the OSCE experience across the region.

In this respect, a key dimension should revolve around the history of the CSCE/OSCE and in particular the development of the OSCE principles contained in the Helsinki Final Act (see Figure 2). Significantly, this key document of the OSCE has yet to be translated into Arabic. Duplicating a similar process to that promoted by Malta and others in the realm of the OSCE CoC, coupled with OSCE and German-Swiss efforts to translate the document and present it during a high-level meeting with regional states, could represent one step towards enhancing the visibility and understanding of the OSCE within the region.

Tied to this process, the OSCE would need to engage in a clearer artic-

ulation of the concrete benefits and responsibilities that flow from being Ps and PCs in the Organization. Ultimately, only a review of regulations governing OSCE engagements with PCs, as well as a potential broadening of the scope of the Mediterranean Partnership, would consent the Organization to truly provide added value to the region. In the absence of such reforms, the OSCE Mediterranean Partnership will likely remain a sideshow compared to other inter-governmental formats and forums for dialogue and cooperation on MENA regional developments. Indeed, one question to ask would be that of a risk of duplication with other formats and initiatives, ranging from the UN to European efforts, the Union for the Mediterranean (UfM), NATO's Mediterranean Dialogue, the Barcelona Process and Euro-Mediterranean Partnership.

Given that such internal reforms are unlikely, the OSCE's potential added value remains centred on the exchange of best practices and norms in the security field across the OSCE's four key dimensions. In this respect, the OSCE does retain important value as a key repository of norms and best practices that may find some articulation and value within the region itself. Yet, the capacity of the organization to promote such a role remains limited. Promoting greater synergies and cooperation between the OSCE structures and institutions with other inter-governmental forums could go some way in helping to enhance the capacity of the Organization to spread its message and experience beyond the OSCE area. The fact that participation at the yearly OSCE Mediterranean Conference has recently witnessed a significant uptake in participation at the Ministerial level by Ps and PCs, does indicate a growing interest (and concern) on Mediterranean developments within the Organization.

Ultimately, however, the OSCE should largely retain its key focus on security and dialogue in the Euro-Atlantic and Eurasian space. Effective mitigation of tensions and animosities presently being played out within the OSCE area would have positive carryon effects on other regions and states, including in the Mediterranean and Middle East. In this respect, one avenue to explore would be that of fostering enhance coordination within OSCE structures and institutions, seeking creative means to transition from the present trends of conflictual multipolarity to conflictual cooperation at the international level as well. Identifying areas of mutual interest and concern between OSCE Ps could serve as a basis for dialogue and the slow resumption of ad hoc cooperation on key international issues of concern.

One key testing ground for these efforts could be Libya. This prioritization stems from the fact that the interests and policies of major extra-regional state actors in Libya are closer to one another than in any of the other hotspots in the region, whether these are Syria, Iraq, Yemen or the Persian Gulf. A further reason revolves around the fact all other North African states are already included in the OSCE Mediterranean Partnership, and that intra-regional tensions and competition over Libya are less pronounced than in other theatres, largely due to the absence of Iran from the Libyan equation.

Such a role for the OSCE would however necessarily take the form of a backup channel of coordination and dialogue and not the lead institutional framework for peace building and political reconciliation in Libya. Such role must remain within the remit of the United Nations, but the OSCE can support the UN-track by promoting structured dialogue on Libya (and the region) among its Ps and MPCs. Such dialogue should focus first and foremost on mitigating East-West tensions and animosities flowing from the original 2011 NATO intervention in Libya and the failures of the post-intervention phase.

The conflict in Libya remains of key importance to the security of the OSCE area and in particular of Europe. Yet, international efforts to promote stabilization and reconciliation in the country area hampered by the competing interests of local, regional and international actors. These competing interests generally originate from developments beyond Libya however. On Libya, most actors agree on the broad contours of the institutional and political steps needed to assist Libya in its difficult transition.

In this context, and in maintaining the OSCE's traditional role as a forum for dialogue, confidence building and negotiation, one key objective would be for the OSCE to promote enhanced dialogue – both high-level and track II – among key actors active in Libya and the UN-track. Key international actors – the EU, the US and Russia – should promote such efforts, using their influence with other OSCE Ps as well as regional actors and MPCs to move the process forward while seeking to moderate the positions of local allies within Libya itself. In this context, Mediterranean Contact Group Chairs, as well as the present Chairperson-in-office, should make full use of the “guest of the chair” invites as a means to keep Libya on the OSCE agenda and strengthen structured dialogue among Ps and MPCs on the topic of Libya's complex transition.

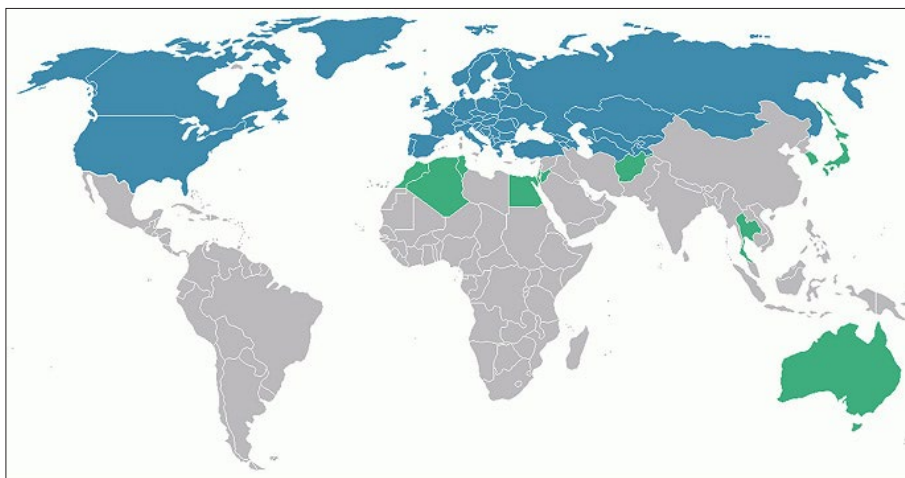
Against this backdrop, the following chapters in the volume will zero-in and focus on the conflict in Libya, highlighting the adverse effects of the multiplication of initiatives and the overlapping of different priorities and interests among local, regional and international actors. Building on the legacy of the 2015 Shikrat agreement and the present efforts led by the new UN Special Envoy for Libya, Ghassan Salamé, the volume will unpack these challenges preventing effective conflict management and resolution in Libya. In so doing the volume will go some way towards highlighting the primary impediments to stabilization in Libya while also mapping out the respective interests and concerns of key local, regional and international actors.

As a forum for dialogue and confidence building, the OSCE should not be arbitrarily excluded from such efforts to bring stability and reconciliation to Libya (and the Mediterranean as a whole). However, the true added value of the Organization is likely to only come into sight in the wake of a political agreement between Libyan actors themselves. It is only following the stabilization of the country and the creation of effective and legitimate governance structures that opposition to a Libyan joining the Mediterranean Partnership for Cooperation may be overcome; and it is only in the wake of a prospective Libyan membership that the OSCE may be called upon to provide expertise and best practices developed in over forty-years of operation.

In the event that these conditions are met, key areas could emerge in the realm of electoral monitoring, small arms control, security sector reform and legislative advice. In the absence of these twin preconditions, however, the potential role of the OSCE will remain that of a backup channel for dialogue and exchange of views among regional and international actors with an interest in Libya.

In light of the present trends of conflictual multipolarity and a sustained breakdown in regional (and international) dialogue, the risk that miscalculations and misunderstandings lead to a further erosion of international peace and stability is real. In this context, the OSCE does stand out as a key forum able to mitigate these challenges, slowly working to translate trends of conflictual multipolarity into more sustainable processes of conflictual cooperation by virtue of its past history and institutional flexibility. Considering present international shifts and the mounting risks gathering on the horizon, this role as a contact point for dialogue and negotiation should not be arbitrarily brushed aside.

Figure 1 – OSCE partners for cooperation



Note: Blue = OSCE member countries, Green = OSCE partners for cooperation.

Source: OSCE Parliamentary Assembly factsheet: <https://www.oscepa.org/documents/factsheet>.

Figure 2 – The OSCE Decalogue of principles, the 1975 Helsinki Final Act



Source: OSCE Secretariat, 1974 Helsinki Final Act, 40th Anniversary, October 2015, p. 9, <http://www.osce.org/yerevan/193821>.

2.

The Libyan Crisis: Internal Barriers to Conflict Resolution and the Role of Multilateral Cooperation

Mohamed Eljarh

Six years have passed since a NATO-led military intervention in the midst of a popular uprising resulted in the overthrow and killing of Libyan leader Muammar Gaddafi on 20 October 2011. Ten days later, NATO prematurely declared “mission accomplished”, setting the stage for the subsequent withdrawal of international actors and creating a political and military vacuum that turned Libya into a proxy battleground for competing internal and external interests.

Today, Libya is a fragmented and polarized nation mired in instability and insecurity. It is at risk of becoming a failed state because of the lack of a unified, representative and legitimate government that is able to exercise authority throughout the country and hold a monopoly over the use of force. What Libya badly needs is a government that can provide stability in the post-conflict environment, take the lead in the disarmament and reintegration of militias, mediate between competing interests and power centres, and ensure a sustainable political transition while countering terrorism along with arms smuggling and proliferation.

This chapter takes stock of six years of failed efforts to bring stability and political reconciliation to Libya, identifying major local actors involved in post-Gaddafi Libya and focussing on the primary internal barriers to stabilization and an effective transition. Given the nature of the Libyan conflict and ensuing crises, the chapter also highlights the role played by regional and international actors and their support for opposing local factions, dynamics that have greatly exacerbated intra-Libyan

rivalries that continue to plague the political transition and reconciliation process.

Particular attention will be devoted to military, diplomatic and political developments since 2014, the growing fragmentation of the Libyan setting, the mounting rivalries between various Libyan militias and factions and the stalled process of implementation of the 2015 Libyan Political Agreement (LPA or Skhirat Agreement). This agreement led to the establishment of the Government of National Accord (GNA) headed by Prime Minister Fayez al-Sarraj and the emergence of three rival power centres in the Libyan context.

The chapter will end with a number of reflections on the major barriers to conflict resolution and political reconciliation in Libya, and on potential scenarios and trajectories for Libya in 2018. A number of policy recommendations directed at relevant internal and external stakeholders will also be provided. Here a central focus will be placed on the need for multilateral frameworks that alone can provide a venue for competing internal and external actors in Libya to mediate disputes and agree on potential steps to help Libya transition towards a more stable and functioning state.

2.1 THE PATH TO FAILED STATE IN LIBYA

One of the key obstacles that faced post-revolution Libya was the “interim constitutional declaration”¹ – the country’s political roadmap for its transition to democracy. Libya’s transition roadmap was drafted in May 2011, by the National Transitional Council (NTC), the umbrella authority that led the revolt against the Gaddafi regime and was recognized by the international community as the legitimate representative of the Libyan people.

Doubts about the constitutional process that started in 2011 were raised early on by many observers and experts. For instance, in his October 2011 assessment of Libya’s interim constitutional declaration, constitutional expert Zaid al-Ali raised concerns about the ambiguity of certain

¹ Libya, *The Constitutional Declaration*, 3 August 2011, <https://www.ndi.org/sites/default/files/Handout%20-%20Libya%20Draft%20Interim%20Constitution.pdf>.

provisions and articles as well as the speed of its approval without proper consultation and participation mechanisms.² Indeed, the constitutional declaration proved to be poorly designed and overly ambitious. Elections were rushed through: held in July 2012, less than ten months after the official declaration of the fall of the Gaddafi regime. After 42 years of dictatorship and one-man rule and eight months of bloody conflict, Libya was a weak and fragile state with almost non-existent political and civic culture and experience, and lacking institutions capable of leading the country through a delicate political transition.

On 8 October 2014, the then UN envoy to Libya, Tarek Mitri, told *Al-Hayat* newspaper that one of the biggest mistakes in post-Gaddafi Libya was rushing straight to elections.³ Indeed, Libya had just come out of an eight-month armed conflict, and the country was awash with weapons while militias were mushrooming. Libya's transitional authorities were neither capable of exercising any effective form of sovereignty over the territory nor of holding a monopoly over the legitimate use of force. Western countries that intervened in 2011 failed to put together plans for the disarmament, demobilization and reintegration (DDR) of fighters who had taken part in the revolution, allowing them to turn into organized militias and thus hold considerable sway over subsequent political developments.

Libya's interim governments since 2011 have attempted to integrate militias into the army and police, but successive transitional governments have failed to implement proper DDR or security sector reform processes. Indeed, transitional authorities took, and to varying degrees are still taking, an appeasement approach towards the DDR process in post-Gaddafi Libya, and many militias were integrated wholesale into the armed forces. However, they tended to remain loyal to their commanders or financiers rather than to the state and its institutions. Following the capture and killing of Gaddafi in October 2011, the only factor uniting Libyan factions against a common enemy ceased to exist

² Zaid al-Ali, "Libya's Interim Constitution: An Assessment", in *openDemocracy*, 5 October 2011, <https://www.opendemocracy.net/node/61820>.

³ Randa Takieddine, "Libyans Rushed to Elections before Building the State", Mitri interview with *Al-Hayat*, 4 October 2014, <http://www.alhayat.com/Articles/4939912>. For an English translation, see: "Mitri: Libya held Elections Too Soon", in *Libya Business News*, 14 October 2014, <https://wp.me/p77Sq-5Mk>.

and they turned their guns against each other, resulting in protracted conflict.⁴

Libya's revolutionary militias were divided along political lines, used as tools by political groups and parties to influence politics and push through legislation that benefitted them. Eventually, militias and their leaders grew too powerful, becoming a key obstacle to peace and state-building in post-Gaddafi Libya. In turn, militias soon turned their guns on the government when they did not get what they want.

Militias in Libya are usually categorized according to their Islamist or non-Islamist outlook and alliances. However, each of these broad categories also includes tribal, regional or city-based militias that are not necessarily ideological. During 2012-2014, a number of militias were aligned with groups espousing various forms of political Islam, such as the Muslim Brotherhood and leaders of the former Libyan Islamic Fighting Group and their respective political parties: the Justice and Construction Party (Muslim Brotherhood), the Nation Party (led by Abdelhakim Belhadj) and various power brokers from the city of Misrata. Other militias were aligned with the National Forces Alliance led by former Prime Minister Mahmoud Jibril, army officers and units from the former regime, and the powerful town of Zintan in north-western Libya.

Two new coalitions were formed after May 2014. "Operation Dignity", centred in eastern Libya, was led by army commander Khalifa Haftar, resulting in the formation of the Libyan National Army (LNA). The declared aim of Operation Dignity and the LNA was the defeat of Islamist extremist militias that controlled the cities of Derna, Benghazi and Ajdabiya in eastern Libya. On the other side, a coalition of Islamist militias from western Libya dominated by militias from the city of Misrata created the "Libya Dawn" coalition. It supported Islamist militias in Benghazi and Derna, namely the Benghazi Revolutionaries Shura Council and the Derna Mujahideen Shura Council.⁵

Politically, Operation Dignity and the LNA were aligned with the House of Representatives (HoR) in Tobruk and the Interim Government

⁴ Jason Pack, Karim Mezran and Mohamed Eljarh, *Libya's Faustian Bargains: Breaking the Appeasement Cycle*, Washington, Atlantic Council, May 2014, p. 2, 18-20, http://www.atlanticcouncil.org/images/publications/Libyas_Faustian_Bargains.pdf.

⁵ Daveed Gartenstein-Ross and Nathaniel Barr, "Dignity and Dawn: Libya's Escalating Civil War", in *ICCT Research Papers*, February 2015, <http://dx.doi.org/10.19165/2015.1.01>.

based in al-Bayda, while the Libya Dawn coalition was aligned with the former General National Congress and its National Salvation Government in Tripoli.

By October 2014, the political and military split in post-Gaddafi Libya was institutionalized with two competing governments located in Tripoli and Tobruk, each enjoying the support of powerful armed groups. The struggle for power and resources therefore led to the *de facto* partition of Libya, setting it on a trajectory of statelessness, fragmentation and instability.

Key institutions such as the Central Bank, the National Oil Corporation and the Libyan Investment Authority were also affected by the mounting political fragmentation. This institutional divide resulted in the near collapse of the economic and financial sectors due to the lack of regulatory frameworks and oversight. Crippling financial dynamics ensued, including a liquidity crisis, a flourishing black market and a significant drop in the value of the Libyan dinar in the parallel exchange market leading to important price hikes. The Central Bank of Libya warned in a statement issued on 25 November 2017 that Libya's national debt had reached 71 billion Libyan dinars (equivalent to 52.2 billion dollars).⁶ Furthermore, the Central Bank Governor warned of the accumulating budget deficit since 2013, due to the decrease in oil production resulting from insecurity and ongoing political struggle for control over the country's resources, as well as the fall in global oil prices.⁷

2.1.1 *Libya's hastened return to elections*

Libya held its first elections in more than four decades on 7 July 2012 to elect the General National Congress (GNC), the country's legislative assembly that was supposed to pave the way for the transition process from the revolutionary state to a democratic one. While the elections were successful, fair and transparent, they led to increased competition over

⁶ National debt here refers to the amount borrowed by the various Libyan governments from the country's investment institutions and banks.

⁷ Central Bank of Libya, *Reply of the Central Bank of Libya concerning the statement by the President of the Presidential Council of the National Accord Government*, 25 November 2017, <https://cbl.gov.ly/en/event/reply-of-the-central-bank-of-libya-concerning-the-statement-by-the-president-of-the-presidential-council-of-the-national-accord-government>.

power and resources, weak state institutions and the absence of an inclusive national reconciliation and dialogue process. As a result, Libya went down the path of exclusionary politics and zero-sum competition among various stakeholders, further straining the transition process.

With a 62 per cent voter turnout, the 2012 GNC elections provide some insight into the political preferences of Libyans.⁸ The nationalist National Forces Alliance (NFA) led by former wartime Prime Minister Mahmoud Jibril came first, winning around 50 per cent of the 80 seats allocated to political party lists. However, 120 out of a total of 200 seats in the General National Congress were allocated via individual candidate races, where the NFA only own 21 per cent of available seats. In total, the NFA won 65 seats in parliament (with almost 40 per cent coming from individual candidate races). However, for the initial period, the NFA was able to create a parliamentary bloc of 94 members by winning the support of smaller parties and independent members.

The Justice and Construction Party (JCP), the Muslim Brotherhood's political arm in Libya, won the second highest number of party seats with 21 per cent of the popular vote. However, the JCP doubled its representation in the GNC by winning 17 seats in the individual candidate races, or 14 per cent of the total. Salafi parties performed poorly in the party-seat races, winning only four seats. But in the individual candidate races the Salafists outperformed the JCP and did nearly as well as the NFA, winning a total of 23 individual seats, or around 20 per cent. The Salafists won roughly 85 per cent of their seats via individual candidate races, going on to form what was known as the Martyrs Bloc within the GNC.

This discrepancy in the vote between party lists and individual candidates can be attributed to the voters' lack of familiarity with the individual candidates' political affiliations and backgrounds. When given a choice between political parties, by contrast, it was relatively easier for voters to distinguish between them.

The relative majority obtained by the NFA both within the GNC and in the national vote demonstrated that Libyans wanted to move beyond the "Islamists or autocrats" dichotomy, opting for a relatively progressive coalition in the first democratic elections in more than four decades. The

⁸ Libya's High National Elections Commission, *Final Results: General National Congress Elections* (in Arabic), 7 July 2012, http://hnecl.ly/?page_id=8806.

NFA was made up of figures of nationalist persuasion and former regime technocrats with strong support among important tribes in the country.

However, despite its performance in the elections, the NFA was not able to rule due to coercion and intimidation by Jibril's Islamist opponents and aligned militias. In 2012, Libya lacked the political culture and institutional know-how needed for a complex transition towards democracy and representation.

A key defining moment in Libya's failed transition was the adoption of the controversial political isolation law by the General National Congress in May 2013.⁹ This targeted thousands of technocrats and employees who had worked with the Gaddafi regime during its 42-year rule, including Mahmoud Jibril, the leader of the NFA. Reminiscent of the process of de-Baathification that took place in Iraq after the fall of Saddam Hussein in 2003, this law deprived the state of vital manpower and human resources necessary for running the country in its post-Gaddafi phase.¹⁰ It also created huge rifts and divisions within society that led, along with other factors, to the *de facto* split of the country in 2014 and the protracted conflict that followed when the GNC failed to address the country's economic, political and security problems.

Politicians and political groups neglected this deepening disillusionment, instead focusing on power struggles and the pursuit of narrow-minded political interests. Popular discontent prompted nationwide demonstrations in early 2014, in which citizens demanded the dissolution of the GNC and called for early elections in accordance with the deadlines set out in the interim constitutional declaration. The Islamist-dominated GNC at the time dismissed these demands and vowed to continue in power until the ratification of a new constitution.

A nationwide civil society initiative called the 9 November movement, also known as the "no extension movement", formed in response to an announcement by the Islamist-dominated GNC that it would extend its mandate by one year beyond the 7 February 2014 deadline set by the temporary constitutional declaration, the country's political transition

⁹ Law No. 13 of 8 May 2013 on Administrative and Political Isolation, <http://security-legislation.ly/node/31771>.

¹⁰ Roman David and Houda Mzioudet, "Personnel Change or Personal Change? Rethinking Libya's Political Isolation Law" in *Brookings Doha Center-Stanford University Project on Arab Transitions Paper Series*, No. 4 (March 2014), <http://brook.gs/2bnnewQ>.

roadmap. After several weeks of protests, the GNC yielded to pressure and agreed to hold new parliamentary elections in June 2014.¹¹

The Islamists suffered a devastating loss at the ballot box. After the vote, they tried their best to delay the announcement of the election results, overwhelming the High National Election Commission (HNEC) with complaints about the electoral process. They also upped the ante militarily by attacking and destroying Tripoli's international airport and taking control of the capital militarily, hoping that the conflict would prevent the new parliament from convening. In addition, the Islamist-dominated GNC refused to hand over power to the newly elected parliament and filed a legal challenge with the Supreme Court in Tripoli claiming the election was unconstitutional. In October 2014, the Supreme Court issued its verdict that the election was indeed unconstitutional. The newly elected House of Representatives in the eastern city of Tobruk refused to recognize the ruling and argued that the Supreme Court was acting under duress given that the capital Tripoli had been forcefully taken by Islamist militias loyal to the GNC.

Since the outbreak of violent intra-Libyan clashes in 2014, the United Nations Support Mission in Libya (UNSMIL) started political reconciliation efforts to mediate between Libya's disparate political and military actors. After 18 months of talks and negotiations, the LPA was signed in the Moroccan city of Skhirat on 17 December 2015.

2.2 THE SKHIRAT AGREEMENT: KEY ACTORS AND FAILURES

Over two years have passed since the signing of the Skhirat Agreement, but its implementation quickly stalled and in fact never occurred. According to the timeline proposed by the agreement itself, the implementation deadline expires after two years, that is, by 17 December 2017. This would exacerbate the legitimacy crisis in the country, as well as widen the existing institutional and constitutional vacuum, increasing the likelihood of renewed conflict.

Renowned Libyan lawyer and constitutional expert Azza Maghur has

¹¹ Mohamed Eljarh, "Struggling to Advance in Post-Spring Libya", in *Beyond Islamists and Autocrats Essay Series*, January 2017, <http://washin.st/BIAch11>.

argued in various publications that both the design of the dialogue process by UNSMIL and the provisions of the agreement itself present a number of problematic aspects. In January 2017, he argued that if the LPA was not quickly and substantially amended to allow for new and more executable provisions, it was doomed to fail.¹²

One key problem is the composition of the Presidential Council, which holds the executive power. It is composed of nine members (the Prime Minister, five Deputy Prime Ministers and three Ministers) with a consensus of six required to reach decisions (the Prime Minister and his five deputies).¹³ Other concerns are of a procedural nature, most notably the complex process for the entry into force of the LPA, but controversies also surrounded the role of the UN envoy at the time, Bernardino Leon, who secured a lucrative job with the diplomatic academy of the United Arab Emirates (UAE), one of the key regional players involved in the Libyan conflict, casting doubt over his impartiality.¹⁴

The Skhirat Agreement sought to resolve the dispute between the HoR and its associated government, based respectively in the eastern cities of Tobruk and al-Bayda, and the General National Congress (GNC) government in Tripoli. It created the Government of National Accord's Presidential Council, a nine-member executive that took office in Tripoli in March 2016 and was tasked to form a government of national accord and an advisory High State Council of ex-GNC members. The rump Presidential Council was not able to convene, however, given that two members are officially not taking part in the council sessions¹⁵ and one resigned from his post without a replacement.¹⁶ The HoR was supposed to act as the

¹² See, for instance: Azza K. Maghur, "The Knockout Punch to the Libyan Political Agreement", in *openDemocracy*, 9 January 2017, <https://www.opendemocracy.net/node/107974>.

¹³ Ibid. See Art. 1(3) of the 2015 Libyan Political Agreement: <https://unsmil.unmissions.org/node/100040654>.

¹⁴ Randeep Ramesh, "UN Libya Envoy Accepts £1,000-a-day Job from Backer of One Side in Civil War", in *The Guardian*, 4 November 2015, <https://gu.com/p/4dqdj>.

¹⁵ Abdulkader Assad, "Presidential Council Collapsing from the Inside as Three Members Reject Al-Sirraj's Decisions", in *The Libya Observer*, 4 September 2017, <https://www.libyaobserver.ly/news/presidential-council-collapsing-inside-three-members-reject-al-sirrajs-decisions>.

¹⁶ "Deputy Leader of Libya's U.N.-backed Government Resigns", in *Reuters*, 2 January 2017, <http://reut.rs/2iBvePs>.

sole legislative authority in the country and approve a unity government, but it has failed to do so in the two years since the signing of the Skhirat Agreement. The House of Representatives, meanwhile, remained split between supporters and opponents of the accord, rendering the institutional set-up incomplete.

In addition, military actors on the ground sought to expand their leverage by extending their authority and control over territory in an effort to improve their negotiating positions, extract resources from the state and ultimately impose themselves within their respective camps. In 2017, the forces of Khalifa Haftar, who had rejected the LPA, drove foes from Benghazi and seized much of the Gulf of Sirte's "oil crescent", with its oil and gas production, refining and export facilities. Enjoying increased military strength and economic capabilities, Haftar, who has repeatedly threatened to advance on the capital Tripoli, has emerged as a key power player within Libya.¹⁷

On the other side, the coalition of militias from western Libya operating nominally under the Presidency Council and with US air support have taken over most of Sirte, a city that the self-proclaimed Islamic State in Iraq and al-Sham (ISIS, also known as IS or *Daesh*) had seized in March 2015. In October 2017, forces loyal to the GNA captured the town of Aziziya where the tribes of Warshefana are located. The move was aimed at expanding the GNA's control over the roads and towns west of Tripoli, but also preventing potential attacks by forces loyal to Haftar. As a result, the risk of armed confrontation between Haftar and the GNA has increased, especially as these forces are now located within very close proximity of each other in the areas west and south of Tripoli and near Sirte.

One of the major obstacles to peace in Libya is the rejection of dialogue and compromise by key armed actors. A case in point is the rejection by hard-line armed groups operating out of the city of Misrata. The rejection of the Skhirat accord by these Misratan factions happened despite the fact that Misrata's representatives in the UN-led political dialogue process accepted the accord. This raised serious questions about the representation

¹⁷ Floor El Kamouni-Janssen and Kars de Bruijne, "Entering the Lion's Den: Local Militias and Governance in Libya", in *Clingendael CrisesAlerts Libya*, No. 3 (October 2017), <https://www.clingendael.org/pub/2017/crisesalerts-libya/crisesalert-3-militia-coalition-building-and-governance>.

of armed factions in the political dialogue process, as well as the feasibility of a political approach to security dialogue as part of the ongoing UN process. A separate security dialogue track is perhaps needed to address the fundamental concerns and grievances of the armed actors on the ground. These tensions within Misrata led to the forced closure of the municipal council building in April 2017.

In Libya's eastern region, Khalifa Haftar has been persistent in dismissing dialogue as a distraction and waste of time. In July 2017, he gave a six-month ultimatum to politicians to end the institutional stalemate, threatening to act unilaterally without giving specifics.¹⁸ Other armed groups in the capital Tripoli, nominally under the authority of the internationally recognized GNA, pose a real threat to a future political settlement due to their entrenched interests in the current status quo that gives them leverage over key institutions and infrastructure.

In the case of Haftar, his plans include entering Tripoli and taking over power in the country through military action and the support of grassroots militants. On 22 November 2017, a committee that was formed to collect signatures from Libyan citizens to "directly authorize" Haftar to assume power in Libya claimed that it had collected 1.2 million signatures.¹⁹ These figures cannot be corroborated and seem to be far-fetched. However, the campaign itself is indicative of Haftar's ambitions and the military and political steps he is ready to take.

2.2.1 Foreign meddling in Libya

Foreign meddling and rivalry have further exacerbated the problems plaguing Libya's transition. Since the overthrow of the Gaddafi regime, Libya has been a proxy battlefield for regional and international players each with their own agenda. This proxy war is intertwined with the broader regional and international dynamics unleashed by the events of the Arab uprisings, in particular the battle over the "new regional order"

¹⁸ Libya's Channel, "General Commander of the Libyan Army gives politicians a six months ultimatum to end the crisis in Libya" (in Arabic), 1 July 2017, <https://libyaschannel.com/?p=131120>.

¹⁹ Ghaith Shennib and Caroline Alexander, "Russia's Man in Libya Turns to the Street in Bid for Power", in *Bloomberg*, 1 October 2017, <https://www.bloomberg.com/news/articles/2017-10-01/russia-s-man-in-libya-turns-to-the-street-in-bid-to-take-power>.

between Gulf-led counter-revolutionary forces and Turkey-Qatar support for political Islamist groups in the region.

These regional actors supported their proxies in the Libyan conflict with money and weapons, becoming a key driver for Libya's protracted conflict. The UN has repeatedly denounced breaches of the UN arms embargo on Libya, but to no avail, even though such actions clearly undermine UN talks and prevent reconciliation. Multiple reports produced by the UN Panel of Experts on Libya, an organ that reports to the United Nations Security Council sanctions committee, have highlighted that the UAE, Egypt, Qatar and Turkey have all violated the terms and conditions of the UN arms embargo imposed on Libya since February 2011, to support their respective proxies in the country.²⁰ This support serves as a powerful disincentive for local actors to reach a political settlement. Undemocratic forces – militias, thugs, criminal gangs and extremists – have been able to exploit the inability of successive governments to respond to basic needs of the population, by championing the claims of local communities. This has conferred a modicum of legitimacy on peripheral “spoilers” which are often supported by regional players interested in advancing their own agendas.

A comprehensive multilateral approach is needed to deal with foreign interference in Libya. In addition to addressing the grievances and concerns of Libyan stakeholders, such an approach should take into account the legitimate concerns and interests of regional and international actors impacted by the crisis in Libya.

2.3 BARRIERS TO THE IMPLEMENTATION OF THE SKHIRAT AGREEMENT

The December 2015 Libyan Political Agreement, signed in Skhirat, Morocco, has exacerbated rather than resolved the political and armed struggle in Libya. When the dialogue process started in November 2014, the conflict was between two rival parliaments and their associated governments. Af-

²⁰ A full list of reports by the UN Panel of Experts on Libya established by the Libya Sanctions Committee is available in the UN Security Council website: <https://www.un.org/sc/suborg/en/sanctions/1970/panel-experts/reports>.

ter the signing of the agreement, Libya has had three different competing authorities, the HoR and its interim government in the city of al-Bayda led by Prime Minister Abdullah al-Thani; remnants of the former GNC and its self-declared National Salvation Government led by Prime Minister Khalifa al-Ghawil; and the newly established State Council and the Government of National Accord led by Prime Minister Sarraj based in Tripoli.

Now more than two years since the signing of the Skhirat Agreement, the conflict is mainly between supporters and opponents of the accord, each with defectors from the original camps, heavily armed and enjoying foreign support. The Skhirat Agreement expired on 17 December 2017, making it clear that the Government of National Accord and the Libyan Political Agreement are unable to establish a new governance structure and political order that would unify state institutions and help disarm and reintegrate militias. New negotiations and arrangements are required, with increased involvement of key armed and security actors that did not take part in the Skhirat negotiations.

2.3.1 Internal barriers

The points below summarize the major internal barriers that led to the failure of the Skhirat Agreement:

- The institutional and political arrangements envisioned by the Skhirat Agreement were self-defeating. The House of Representatives was divided between supporters and opponents of the accord, and ultimately failed to perform its duty of introducing constitutional amendments to enshrine the agreement into the interim constitutional declaration (which spells out Libya's political transition roadmap adopted in 2011 by the National Transitional Council).
- Lack of recognition from key armed and security actors. For example, the commander of the eastern Libyan National Army, Khalifa Haftar, never recognized the Skhirat Agreement or the authority of the Government of National Accord in Tripoli and did not take part in the UN-led negotiation process that led to its signing.
- The institutional divide that occurred in 2014, and involved key governing institutions such as the National Oil Corporation, the Central Bank of Libya and the Libyan Investment Authority among others, consolidated various interest groups and power centres on

the periphery that have opposed the accord out of fear of losing influence and power gained during the preceding three years. The institutional set-up envisaged by the Skhirat Agreement has therefore remained incomplete. Supporters and opponents of the accord have engaged in drawn-out legal battles in courts as each attempts to justify and strengthen its own position.

- Since the overthrow of the Gaddafi regime, the main problem in Libya has been the lack of effective and representative governance structures. Currently, there is no body with enough integrity, power and transparency to be able to secure political or financial support from abroad without risking to become a pawn in the hands of foreign actors seeking to advance their interests irrespective of this feeding or sustaining the conflict in Libya.
- The lack of a central, unified and inclusive military command structure is another key obstacle to the implementation of the Skhirat Agreement. Little progress can be made without involving the most important armed actors in dialogue. Compromise on the command structure and its relationship with the Presidency Council is necessary to ensure wider disarmament, demobilization and reintegration of armed groups, which often claim ties with state institutions while continuing to operate as militias. Over the last few years, various armed groups have fought for control of the capital Tripoli, key oil and gas infrastructure and vital installations across Libya, posing a real threat to the unity and stability of the country.
- Forty-two years of dictatorship followed by more than six years of political polarization and conflict have led to some serious political and societal divisions, as well as a huge trust deficit among Libyans. The conflict has led to the fragmentation of society, as people retreat to their most basic social enclaves of family, tribe and city. This implosion of polity in Libya makes it difficult to reach agreement on reconciliation, governance and the distribution of wealth.

The challenges above have been acknowledged and accepted by the new UN envoy to Libya, Ghassan Salamé. On 20 September 2017, Salamé launched his Action Plan for Libya at the United Nations General Assembly.²¹ The Ac-

²¹ UN, *Remarks of SRSG Salamé at the High-Level Event on Libya*, New York, 20 September 2017, <https://unsmil.unmissions.org/node/100041589>.

tion Plan is composed of a number of elements that UNSMIL has started working on immediately, including amending the Libyan Political Agreement, organizing a National Conference, preparing for elections and providing humanitarian assistance.

2.3.2 External barriers

Western capitals such as Paris, Rome, London and Washington are divided over how to deal with the crisis in Libya. While they publicly express support for the Presidential Council and GNA in Tripoli, some have also assisted opposing power centres in Libya, including Field Marshal Haftar's LNA. Western states pushed ahead on the Skhirat Agreement without the approval of the HoR, disregarding legal and constitutional requirements built into the agreement itself. The president of the HoR Aguila Saleh and anti-accord HoR members were instrumental in preventing the endorsement of the GNA, thereby stalling the constitutional amendment process required to enshrine the Skhirat Agreement into the interim constitutional declaration. This meant that the key political institution as envisioned by the Skhirat Agreement became a significant obstacle in the implementation of the agreement on the ground.

Western capitals have effectively pursued their respective interests rather than a real political transition in the country. Indeed, they prioritized the fight against ISIS, control of migrant and refugee flows and, particularly in the case of Italy, energy security. For example, Rome and London have partnered with groups based in Misrata and Tripoli to fight ISIS and people-trafficking networks²² and – at least until recently – have been in favour of sidelining Haftar. France has backed Haftar in his war against ISIS and al-Qaeda linked groups, and has argued that Haftar is a key part of any solution in Libya.²³ Such divisions among key international stakeholders only serve to embolden the positions of Libyan actors involved in the conflict, diminishing the chances for compromise.

Despite recent visits by Haftar and Sarraj to Rome and Paris, both cap-

²² "Italy Ready to Open Hospital in Libya, Deploy 300 Soldiers and Staff", in *Reuters*, 13 September 2016, <http://reut.rs/2coJjvf>; "British Special Forces Fighting in Libya", in *Middle East Eye*, 26 May 2016, <http://www.middleeasteye.net/node/53489>.

²³ "France under Macron Signals Shift in Libya Policy, Towards Haftar", in *Reuters*, 18 May 2017, <http://reut.rs/2qBqxqv>.

itals continue to pursue their own interests in the migration, energy and terrorism files. Italy continues to support armed militias loyal to the GNA and recently reintegrated under the auspices of the Libyan coast guard to help stop migration flows, although its policy has come under increasing scrutiny from international observers and media.²⁴ France on its part has called for a UN Security Council meeting in light of CNN's explosive report about slavery in Libya.²⁵ France's calls for an investigation into the slavery market in Libya will undoubtedly expose the migration policy pushed by Italy in Libya that involves support for ex-smugglers turned coast guards who intercept boats and return migrants to Libya where they face abuse and human rights violations and, in some cases, are sold as slaves.²⁶ Such developments underline the contradictions and lack of unity in EU policy on Libya.

On the other hand, an alliance between Egypt and the UAE, and to some extent Russia, prioritize unity of what remains of the army (especially Haftar's Libyan National Army) as the nucleus of a future state. These actors are also pursuing an extension of their fight against political Islam in the Libyan context, as they are concerned about the influence enjoyed by Islamist militias in Tripoli and their leverage over the Presidential Council. These actors have given Haftar overt and covert political and military support, as has France on counter-terrorism grounds. Ostensibly concerned with finding a solution to Libya's divides, this alliance publicly subscribes to the UN-backed peace process but effectively undermines it, while offering no concrete alternative. On the other hand, Qatar, Turkey and Italy have provided support to groups in Misrata and the Presidential Council in Tripoli. Due to this low-level proxy conflict, opposing Libyan actors have received enough political and financial support to continue the conflict and sabotage the Skhirat process.

That said, the new UN envoy has reiterated on various occasions that foreign meddling in Libya has decreased significantly since he took over.

²⁴ Michael Peel, Heba Saleh and James Politi, "Efforts to Curb Migrant Flows from Libya under Scrutiny", in *Financial Times*, 8 September 2017.

²⁵ Emanuella Grinberg, "France Calls for UN Security Council Meeting on Libya Slave Auctions", in *CNN*, 23 November 2017, <http://cnn.it/2hURxRG>.

²⁶ "Italy is Paying Libya to Intercept Migrants on the Mediterranean", in *VICE News*, 25 October 2017, https://news.vice.com/en_us/article/ned4dg/italy-is-paying-libya-to-intercept-migrants-on-the-mediterranean.

Indeed, both Turkey and Qatar have been embroiled with their own crises: Turkey witnessing a coup attempt, the failure of its policy in Syria and internal political turmoil; and Qatar under pressure by a coalition of its Arab Gulf neighbours and Egypt due to its support for the Muslim Brotherhood and alleged interference in their internal affairs. However, reduced Qatari and Turkish involvement in Libya comes at the expense of increased Egyptian and Emirati influence. On the other hand, the recent Africa tours by Qatari Emir Tamim bin Hamad al-Thani and Turkish President Recep Tayyip Erdoğan are a clear indication of a potential comeback by the two regional allies. During their tours, the two leaders covered nine African countries including Libya's neighbours Sudan, Tunisia and Chad.

The Skhirat Agreement's underlying objectives – avoiding further military confrontation and preventing financial collapse – appear increasingly out of reach. This is true as armed groups from Misrata and the LNA are amassing near the city of Sirte, which increases the likelihood of an armed confrontation. Such an event would prevent Libya from increasing exports and would further endanger peace prospects. In the medium and longer term, the failure of the Skhirat Agreement risks escalating clashes and division, also giving radical groups the opportunity to regroup. Today, there is indeed a growing possibility of an ISIS comeback in Libya's oil-rich region.

To that end, UN envoy Salamé is in charge of UN efforts to find a way to finally implement the LPA. But his action plan is facing serious obstacles and the results are very uncertain, with many political and militia leaders acting as spoilers as they seek to secure their own narrow interests.

In addition to amending the LPA and forming a new unity government, Salamé's plan includes organizing elections for 2018. The HNEC has already begun updating voter registers. On 6 December 2017, during a press conference with the head of the HNEC, Salamé warned that certain legislative, legal and technical conditions must be met before fair, free and transparent elections can be held in Libya.²⁷ Additionally, it is important to lay the groundwork for political and security conditions that enable a healthy environment conducive to a democratic electoral process and debate.

²⁷ "Libya Launches Voter Registration with Election Date Unclear", in *Reuters*, 6 December 2017, <https://reut.rs/2BGepZh>.

However, it is clear that Ghassan Salame's Action Plan is already facing major difficulties. The three tracks of amending the LPA – convening a Grand National Conference, constitution-building and general elections – are either deadlocked or nearing complete collapse due to zero-sum politicking by Libyan actors involved in the process. The failure or stagnation of the UN-led peace efforts will leave the door wide open for armed escalations in various parts of the country.

An immediate priority therefore is to embark on a serious dialogue on security issues between key armed factions to avoid the violence that seems to be brewing in Libya's central region, in and around Tripoli, and across the south. Avoiding a new confrontation for control of oil and gas facilities in Sabratha, in the southern region and in the oil crescent region is crucial. Moreover, an agreement should be reached with the forces that operate in that region so that the National Oil Corporation can ramp up oil production by conducting the required maintenance and repairs to damaged infrastructure.

It is also critical to ensure the neutrality and integrity of key institutions such as the HNEC, the National Oil Corporation and the Central Bank. Such institutions can be drivers for unity in the nation-building phase that Libya will have to embark on at some point in the future.

2.4 CONCLUSION

The conflict in Libya is driven by an intertwined web of internal and external interests. Libya's competing armed and political groups have little incentive to engage in genuine political reconciliation efforts as they enjoy substantial support from abroad. Locally, the institutional divide that involves key Libyan institutions such as the Central Bank and the National Oil Corporation has been particularly damaging as it has deprived the country of essential economic and financial resources.

Overcoming internal obstacles to institution-building and by extension peace and stability in Libya requires a holistic approach that integrates internal actors at both the local and national levels. What is needed is a "grand bargain" aimed at nationwide institution-building and based on a web of relationships between the state and local communities. The institution-building process must be both bottom-up and top-down si-

multaneously. Paradoxically, effective centralized institutions can be consolidated only if the central Libyan government first manages to enhance its legitimacy across communities and regions.

Against this backdrop, UNSMIL must develop a clear strategy to engage with foreign actors with established links to the various local armed groups and political actors in Libya, and use any leverage or influence they have to incentivize these actors to engage in constructive and genuine political and security dialogue. Egypt is currently leading dialogue efforts between the LNA and some army figures from western Libya to establish a unified command structure for the Libyan armed forces. However, this should not be an Egyptian affair only. Such efforts stand a better chance of success if they are multilateral. A multilateral approach would address local or regional grievances and concerns in a more effective fashion, encouraging compromise and inclusivity in the process. A multilateral approach spanning both the regional and international levels is therefore the best approach, the only one that can be employed by Western and regional powers to help resolve the Libyan crisis.

2018 comes with significant risks and but also opportunities for Libya. The risk of renewed escalation increases as various armed groups seek to consolidate their positions on the ground. It further increases if no political settlement is reached between institutions currently engaged in the UN-brokered dialogue, namely the House of Representatives in Tobruk and the State Council in Tripoli. However, both of these institutions have an incentive to reach an agreement, because the alternative would be armed confrontation and new dynamics on the ground that would sideline and potentially exclude them completely. There is also the risk of complete economic and financial collapse and a worsening humanitarian situation in the country.

The 2018 elections in Libya could offer a way out of the current political crisis by ending the division between political institutions and restoring legitimacy to governing institutions. However, there is no guarantee that the electoral process and election results would be respected. Also, given the huge trust deficit among Libyan actors and the zero-sum politics that have characterized post-Gaddafi Libya, there is no guarantee that the winners of the election will rule for everyone, which could result in increased tensions and renewed conflict over power and resources. It is critical that Libya does not go for premature elections that lack the

required political, technical, legal and security conditions. There is much groundwork to be done to pave the way for elections to take place in Libya.

It is critical that key international players such as the UN, the EU and the US throw their full support behind the current efforts of UN special envoy Salamé. Reaching agreement on a new unity government that would oversee the transitional phase beyond the 17 December deadline and help pave the way for new presidential and parliamentary elections, as well as a referendum on a permanent constitution, are key stepping stones for the country's journey towards stability and reconciliation. If adhered to, such an agreement would help dampen the prospects for armed confrontation and allow much-needed breathing room for Libyans themselves to enact a new and more promising future for the country.

3.

External Actors in Libya: International Organizations at Odds with Global and Regional Players

Wolfgang Mühlberger

Since Colonel Gaddafi's demise in late 2011, Libya has embarked on a political transition marked by conflict and uncertainty. The meddling of external players has increased fragmentation and polarization along multiple emerging fault lines. The United Nations has exerted considerable efforts to foster reconciliation and to engage local actors in a political process. Against this backdrop of rival governments, lacking human security and conflicting external interests, the UN process could be enhanced by the OSCE's longstanding experience in conflict mitigation, mediation and dialogue facilitation.

3.1 FRAGMENTED STATEHOOD: LIBYA'S BRITTLE STRUCTURES TORN APART

Far from consolidating its statehood structures, Libya has shown a sustained tendency toward fragmentation and disintegration over the past six years.¹ While harsh ideological, intra-regional and even international competition is involved over the establishment of a centralized, bureau-

¹ The Montevideo Convention of 1933 defines a state as having a territory, a population, and a political authority. Since the third characteristic is not fulfilled, due to the competition of three governments and two elected representative bodies, Libya's unitary statehood is challenged from a formal (legal) and practical perspective.

cratic state, a wide range of domestic Libyan actors have been setting up ad-hoc bodies that provide various forms of transitional governance – mostly precarious, limited in scope and hence lacking wider legitimacy. These interim para- and proto-state structures range from localized fiefdoms at the intersection of criminal organizations and armed groups, via tribal coordination councils to larger, umbrella-like military organizations such as the Libyan National Army (LNA) or representative political bodies such as the House of Representatives (HoR) or the Presidential Council (PC). The latter structures either emerged from elections held in 2012 and 2014, such as the rump parliaments in Tripoli (where the remnants of the General National Congress or GNC are located) and Tobruk (HoR), or were established through top-down processes, as was the case with the formation of the Government of National Accord (GNA) and the PC under the aegis of the United Nations in late 2015. At the current stage of the political transition, the result is a multiplication of governments, two of which operate out of the capital Tripoli while a third is centred in the eastern city of Tobruk, each with loosely allied militias that only add to a confusingly fragmented and complex domestic landscape.²

The shattering has reached a point where sovereignty in terms of territorial regime is mainly upheld from the outside, through the continued recognition of Libya as a unified state by external actors as well as their declared objective to maintain such a status.³ Within Libya, however, a different reality presents itself, due to the high number of competing power poles, exacerbated by foreign intervention on two levels. First, through armed non-state actors, who should ideally be integrated into the fabric of a central authority⁴ but instead enjoy varying degrees of autonomy thanks to their local embeddedness and capacity to generate income. Yet,

² Virginie Collombier, “Make Politics, Not War: Armed Groups and Political Competition on Post-Qaddafi Libya”, in Bassma Kodmani and Nayla Moussa (eds.), *Out of the Inferno? Rebuilding Security in Iraq, Libya, Syria, and Yemen*, Arab Reform Initiative, August 2017, p. 48-69, <https://www.arab-reform.net/en/node/1090>.

³ Strictly speaking, Libya’s competing representative bodies also hollow out Libya’s sovereignty. However, external recognition still provides Libya with a modicum of statehood, expressed primarily through ongoing UN efforts to create a unified political system in Libya.

⁴ For an overview of current efforts in reforming the security sector, see Ziad A. Akl, “Militia Institutionalisation and Security Sector Reform in Libya”, in *Papers IEMed/EuroMeSCo*, No. 35 (June 2017), <http://www.iemed.org/publicacions-en/historic-de-publicacions/papersiemed-euromesco/35.-militia-institutionalisation-and-security-sector-reform-in-libya>.

the power base of militias is not only derived from the vast quantities of weapons acquired from Gaddafi's depots, but is also sustained through various revenue sources, ranging from "taxation" (i.e., extortion) to external rents provided by foreign patrons. Secondly, external players are also central in shaping political processes in Libya. Their ultimate declared objective remains a transition from a *de jure* political agreement to a *de facto* power-sharing arrangement, based on an encompassing renegotiation of the political order.

However, direct involvement of external actors in Libya not only manifests itself in various ways during the current post-Gaddafi transition phase but can be traced back to the early period of upheaval, when Qatar, the United Arab Emirates (UAE) and Turkey⁵ started to carve out their respective roles from 2011 onwards. In addition, a number of Western states (mostly NATO members) that intervened in Libya in a Responsibility to Protect (R2P) mission under United Nations Security Council (UNSC) Resolution 1973 have remained influential interested parties. Later, during the post-intervention phase, a number of external actors have redefined their relationship with Libyan entities: either by continuing with material support to local partners (usually on ideological grounds), or by taking sides with different armed factions in reaction to local and regional developments.⁶

In that sense, the basic pattern set during the early conflict has not fundamentally changed. Rather, political and ideological cleavages and post-Arab Spring geopolitical shifts⁷ have reinforced competitive positions amongst Libyan and external actors, undermining diplomatic efforts aimed at bringing about a political solution. Yet, it is virtually impossible for external players to establish functional bilateral relations with state institutions. Even though the GNA/PC have at their disposal institutions such as a ministry of foreign affairs,⁸ most external parties do not limit

⁵ Bilgin Ayata, "Turkish Foreign Policy in a Changing Arab World: Rise and Fall of a Regional Actor?", in *Journal of European Integration*, Vol. 37, No. 1 (2015), p. 95-112.

⁶ For instance, Egypt opted openly for Khalifa Haftar's LNA following the ousting of President Morsi and the Egyptian Muslim Brotherhood from power by Egypt's armed forces in 2013. For a detailed analysis of Egypt's foreign policy line on Libya refer to: Wolfgang Mühlberger, "Egypt's Foreign and Security Policy in Post-R2P Libya", in *The International Spectator*, Vol. 51, No. 2 (June 2016), p. 99-112.

⁷ Giorgio Cafiero and Daniel Wagner, "The UAE and Qatar Wage a Proxy War in Libya", in *Huffington Post*, 11 December 2015, <https://m.huffpost.com/us/entry/8801602>.

⁸ Author meeting with a GNA MoFA delegation in June 2017.

contacts to these entities, as they are widely deemed ineffective. Instead, they have also developed relations with other players, shifting their support depending on interests, foreign policy objectives, strategic security considerations or threat assessments.

In this relatively anarchical setting, plagued by political fragmentation, an atomized security landscape and polarizing external meddling, fostering national reconciliation or political dialogue is a tall order for those who pursue a peaceful transition by political means.

3.2 LIBYA DIVIDED: EXTERNAL PLAYERS BETWEEN DIPLOMACY AND MILITARY LOGIC

In the current context of Libya's advanced corrosion of statehood, international policy responses to the country's instability are driven by a variety of interests, which more often collide than converge due to diverging conceptions of stabilization. Effectively, a wide range of actors are pursuing power projection in the Libyan theatre for their own geopolitical benefit, often with detrimental effects for Libya's stability. Key domestic players, in turn, rely on substantial external support to maintain their positions of relative strength.⁹ This fluctuating power balance has contributed to deepening local fragmentation, further complicating the task of diplomacy and political mediation.

Fundamental differences among external players on how to deal with the Libyan crisis can be traced back to early 2011, when actors were torn between positions of non-intervention (Germany, Italy, the African Union, Turkey and, less explicitly, Russia) and forceful intervention (France, the UK, the US, Qatar, the UAE, the UNSC and the Arab League). Those diverging positions have evolved over time with, for instance, actors such as Italy moving from being opposed to the intervention to taking an active and forceful part in the military operations over Libya. Another example was the remarkable volte-face by the United Nations, whose role switched from approving an R2P-inspired military intervention via the

⁹ For a recent overview of individual states involved in Libya's transition, refer to: Karim Mezran and Arturo Varvelli (eds.), *Foreign Actors in Libya's Crisis*, Milan, Ledizioni, 2017, <https://www.ispionline.it/it/node/17224>.

Security Council (taking shape as a NATO-led no-fly zone enforcement), to mediating efforts in post-conflict politics. The contrast between these two camps – an interventionist group on the one side, and one favouring diplomacy and mediation on the other – has manifested itself on three levels: the first involves international and regional organizations; the second, regional Arab and non-Arab countries; and the third, global powers.¹⁰

The increasingly independent policies pursued by regional powers, exemplified by their direct implication in the Libyan conflict, adds further complexity to the Libyan crisis. Clashing ambitions of pro-active players such as the UAE and Qatar, as well as of re-emerging international powers such as Russia, express themselves in often opposing re-alignments played out on Libyan soil. The wider regional balance of power in the making¹¹ is thus reflected in Libya's ongoing conflict, much to the detriment of a peaceful political process.

Hence, irrespective of the degree of domestic and homegrown fragmentation, a lack of concerted international efforts and coherent policies based on close coordination between multi- and bilateral actors has resulted in, and further increased, the disintegration of Libya's body politic. Furthermore, from early on in the transition, a range of actors undermined the steering role of the United Nations, by subverting the political process through their practices on the ground while continuing to pay lip service to UN-led reconciliation efforts. One of the implications of these actions was the reinforcement of an ideological cleavage between a camp identifying with Islamic values (ranging from political Islam to Islamic militancy/jihadism) and a non-Islamist camp. The latter is led militarily by the LNA, loosely allied with Zintan militias, Tebou tribal groups and the Tuareg minority. This fundamental divide, which continues to define the general landscape in Libya today, emerged into the open in 2014, and was consolidated when violent clashes erupted between the camps, each supported by external players.¹²

¹⁰ In this chapter the roles of NATO and ISIS will only be referred to in due course, instead of being treated as separate categories.

¹¹ Shahram Chubin, "The Strategic Environment in the Middle East: A Shattered Regional Order", in *GRC Gulf Papers*, March 2016, http://grc.net/download_generic.php?file_name=ODcwMzE%3D.

¹² A more detailed assessment can be found in: Wolfgang Pusztai, "Das Chaos vor unserer Haustür", in *International. Die Zeitschrift für Internationale Politik*, No. 2 (2017), p. 22-27, [http://www.saar.at/Presseaussendung/2017-08-16Das Chaos vor unserer Haustür.pdf](http://www.saar.at/Presseaussendung/2017-08-16Das%20Chaos%20vor%20unserer%20Haust%C3%9Crf.pdf).

3.2.1 *International and regional organizations: the fragmentation of diplomacy*

The Lebanese scholar and diplomat Ghassan Salamé was nominated the fourth United Nations Special Representative of the Secretary General for Libya in June 2017, taking over the task from Martin Kobler, whose main legacy has been the December 2015 Skhirat Agreement or Libyan Political Agreement (LPA).¹³ UN initiatives for conflict management and stabilization in Libya nominally enjoy the widest possible support at the international level. While focusing mainly on the political element of crisis management, UN efforts also include complementary dossiers handled by the UN Support Mission in Libya (UNSMIL).¹⁴ However, efforts are generally hampered by two phenomena: one domestic, the other regional and international.

On the domestic level, the Skhirat Agreement (aka LPA) could not be implemented as planned, resulting in a political stalemate, with adverse effects in the security sector, in particular in the essential fields of disarmament, demobilization and reintegration (DDR) and security sector reform (SSR). The resulting deadlock also motivated certain external actors in their drive for a military solution to overcome political cleavages, further undermining the delicate political process and the UN balancing act. However, against all odds, on 20 September 2017, Salamé introduced his “Libya Action Plan” at the UN General Assembly, including a timeframe and a thematic roadmap towards elections, in order to supersede interim bodies and settle for a more entrenched political representation.¹⁵

The African Union (AU) has also tried to play a coordinating role to advance conflict resolution in Libya by convening a number of meetings.¹⁶

¹³ Nevertheless, the lengthy preparations of the agreement extended well back into the mandate of the second SRSG, Bernardino León.

¹⁴ The mandate of the mission includes, amongst others, the following duties: transitional justice, demining, demobilization and development. Furthermore, UNSMIL has been tasked with providing its good offices for the LPA implementation. Cf. UNSMIL website: *Mandate*, <https://unsmil.unmissions.org/mandate>.

¹⁵ Details of the SRSG Salamé’s Libya Action Plan will be discussed in the concluding section, in light of the applicability of the OSCE toolbox.

¹⁶ The AU was also present at the earliest stages of Libya’s conflict in 2011, when it vied to mediate, proposing a negotiated settlement between the conflict parties. It has lately re-entered the stage in a more proactive manner (see African Union Summit press

The Brazzaville summit in September 2017 has been the most recent example of these efforts. Under the auspices of the Congolese President Denis Sassou Nguesso it gathered representatives of Libya's major power centres: the chairman of the Libyan Presidential Council and Prime Minister of the GNA, Fayeze al-Sarraj; the chairman of the Tobruk-based HoR, Aguila Saleh; the High Council of State President, Abdulrahman Sewehli; and LNA leader Field Marshal Khalifa Haftar, affiliated with the Tobruk parliament, who however was ultimately axed from the list of invitees.¹⁷

Despite such visible activities, AU policy on Libya suffers from an internal multiplication of uncoordinated bodies and initiatives, as highlighted by a recent report from the Institute for Security Studies (ISS) in Johannesburg.¹⁸ Effectively, three bodies engage with the Libyan question: the AU High-Level Committee on Libya headed by President Sassou Nguesso; the High Representative for Libya, former Tanzanian president Jakaya Kikwete; and the AU chair, Guinean President Alpha Condé. Nevertheless, summits like the ones in Brazzaville can support and facilitate peace-making efforts, as conflict parties convene and exchange their positions. An underlying motivation for the AU proper might be related to funding, as Gaddafi's Libya had been one of the most generous purveyors of financial support to the pan-African organization.

Besides regular calls for a qualified end to the UN arms embargo on Libya, echoing demands from Egypt, the UAE and the Libyan govern-

release, 25 July 2016, <https://au.int/en/pressreleases/20160725>), based on the premise of initiating a national dialogue between Libya's conflict parties. This stance was praised and supported during German Chancellor Merkel's September 2016 visit to the AU headquarters in Addis Ababa, where she argued for increased AU engagement in Libyan affairs (Abdur Rahman Alfa Shaban, "Africa Union Must Intervene to Help Solve the Libyan Crisis - Merkel", in *Africanews*, 11 October 2016, <http://www.africanews.com/2016/10/11/au-must-intervene-to-help-solve-the-libyan-crisis>). At the same time, she critically evaluated the Western military intervention that led to Gaddafi's toppling. See Christiane Hoffmann and Horand Knaup, "Hilfe versprochen, Demokratie verlangt", in *Der Spiegel*, 11 October 2016, <http://spon.de/aeQv0>.

¹⁷ Already in January 2017, a mini-summit on Libya was held in Congo. Michael Pauron and Vincent Duhem, "La crise libyenne au menu d'une réunion de chefs d'État à Brazzaville", in *Jeune Afrique*, 26 January 2017, <http://www.jeuneafrique.com/397372/politique/crise-libyenne-menu-dune-reunion-de-chefs-detat-a-brazzaville>.

¹⁸ ISS Africa, "Where is the AU in Libya's Peace Process?", in *Peace and Security Council Report*, No. 94 (August 2017), p. 2-4, <https://issafrica.s3.amazonaws.com/site/uploads/psc94.pdf>.

ment,¹⁹ the Arab League recently called on international actors to free-up frozen Libyan assets held abroad.²⁰ Diplomatic efforts by the Arab League are led by the Special Representative of the Arab League Secretary-General in Libya, Salaheddine Jamali. Yet, to date, the Arab League has not presented an initiative of its own. Most obviously, this reflects the difficulty in reaching a shared Arab position, due to different visions of Arab League member states on how to handle the Libyan conflict. Such internal cleavages were recently exemplified by tensions between Egypt and the Emirates on one side, and Qatar on the other, all three deeply involved in Libya.²¹

The European Union, one of Libya's closest geographic neighbours, is operating on different levels and with a variety of instruments to increase stability in Libya and to advance political consolidation. The EU's priority is stemming the flow of illegal immigrants to southern European shores and pre-empting the spread of jihadi terrorism, both across North Africa and in Libya itself. Fear of foreign fighters travelling to Europe from Libya (and vice versa) has further increased the European focus on the country.²² The EU's policies are embedded within the wider framework of the EU's new Global Strategy released in June 2016 and the new resilience narrative, which forms a major pillar of the EU's foreign and security policy and informs certain aspects of the European Neighbourhood Policy.²³

While the EU supports the UN-led political process and the institutions established under the LPA, it is simultaneously seeking to enhance security cooperation under the framework of Common Security and De-

¹⁹ The latest respective call establishes a link between migration and the lifting of the arms embargo. See Abdulkader Assad, "Head of Libya's Presidential Council Demands Lifting UN Arms Ban to Fight Migration", in *The Libya Observer*, 7 October 2017, <https://www.libyaobserver.ly/node/4966>.

²⁰ "Arab League Calls for Libyan Assets to Be Unfrozen", in *Libya Herald*, 13 September 2017, <https://www.libyaherald.com/?p=111109>.

²¹ Ben Fishman, "The Qatar Crisis on the Mediterranean's Shores", in *PolicyWatch*, No. 2830 (12 July 2017), <https://washin.st/2F5EKBv>.

²² Cf. Council conclusions on Libya, 17 July 2017, <http://data.consilium.europa.eu/doc/document/ST-11155-2017-INIT/en/pdf>; and EEAS, *EUBAM-Libya Initial Mapping Report Executive Summary*, 25 January 2017, <http://statewatch.org/news/2017/feb/eeas-libya-assessment-5616-17.pdf>.

²³ Nathalie Tocci, "Interview with Nathalie Tocci on the Global Strategy for the European Union's Foreign and Security Policy", in *The International Spectator*, Vol. 51, No. 3 (September 2017), p. 1-8, <http://www.iai.it/en/node/6880>.

fence Policy (CSDP) missions such as EUNAVFOR Med Operation Sophia and EUBAM Libya.²⁴ However, due to the lack of Libyan institutional capacity, one of the challenges since late 2011 has been the identification of relevant authorities that can act as counterparts, as well as effective cooperation with those identified. This has curtailed the impact of such initiatives as the ongoing cooperation with Libya's coast guard. Given the slow and largely ineffective process of the political transition, EU policy has in effect moved to prioritize security – counter-terrorism and energy supplies – and other related interests (control of migration flows), a trend reflected in the latest EU policies towards Libya.²⁵

In addition to these four international, regional and multilateral organizations, an umbrella group called the Quartet on Libya has been set up based on an earlier tripartite effort. The Quartet conceives of itself as an additional high-level tool for co-ordination between the four above-mentioned bodies, helping to streamline activities in the spirit of UN-led efforts. "Joint communiqués" have been issued following the gatherings (the most recent dating from 22 September 2017, following the UN's General Assembly), yet the Quartet is not considered an instrument for starting initiatives of its own making, or for implementing specific tasks or activities.

3.2.2 Immediate Arab neighbours: positions from non-intervention to proxy warfare

Libya's upheaval has touched Tunisia in multiple ways since 2011: a significant return of expatriate workers, the influx of hundreds of thousands of – mostly wealthy – Libyan nationals, the encroachment and trans-border activity of ISIS-affiliated militias, and other more generic border security issues. Tunisia has a primary interest in Libya's stability, a crucial condition to revive economic links, pre-empting jihadist spillovers and

²⁴ Silvia Colombo and Daniela Huber, "The EU and Conflict resolution in the Mediterranean Neighbourhood: Tackling New Realities through Old Means?", in *Papers IEMed/EuroMeS-Co*, No. 27 (March 2016), <http://www.iemed.org/publicacions-en/historic-de-publicacions/papersiemed-euromesco/27.-the-eu-and-conflict-resolution-in-the-mediterranean-neighbourhood-tackling-new-realities-through-old-means-1>.

²⁵ For instance the extensions of both, EUNAVFOR Med and EUBAM Libya, until 31 December 2018.

countering illicit commerce along its south-eastern border.²⁶ With limited means and a strong focus on its own ongoing domestic transition,²⁷ Tunisia has opted for multilateral diplomacy as means of conflict resolution.²⁸

By offering its good offices, Tunisia has provided a platform for meetings of regional players and Libyan conflict parties alike. Lately, the meetings of two Libyan committees (representing the HoR and the GNA) convened in Tunis, in order to initiate the follow-up to UN envoy Ghassan Salamé's Libya Action Plan, i.e., to start discussing possible amendments to the LPA. More meetings are to follow, as this process will require finding consensus.²⁹ Earlier in 2017, a five-point declaration was released following a tripartite summit in Tunis, a sign of intra-regional coordination efforts. Also, Tunisia's president Beji Caïd Essebsi met with the League of Arab States special envoy for Libya prior to the Tunis summit, to discuss his own Libya initiative.³⁰

Algeria's approach to managing the protracted conflict in Libya also favours diplomatic tools, based on the country's traditional ideology-based non-interventionist dogma. Furthermore, its own experience of a muja-hideen-driven insurrection in the 1990s, and major security concerns linked to trans-Saharan jihadist-criminal networks, including Al-Qaeda in the Islamic Maghreb, underline the importance of stability in Libya. However, despite its size and military weight, Algiers has lately played a less visible role than its smaller neighbour Tunisia.³¹ A central player

²⁶ Moncef Kartas, "On the Edge? Trafficking and Insecurity at the Tunisian-Libyan Border", in Small Arms Survey *Working Papers*, No. 17 (December 2013), <http://www.smallarmssurvey.org/about-us/highlights/highlight-sana-wp17-d2.html>.

²⁷ See Wolfgang Mühlberger (ed.), "Tunisia's Transformation: The First Five Years", in *EuroMeSCo Reports*, No. 15 (January 2017), <https://www.euromesco.net/wp-content/uploads/2017/10/20161104-Transformation-in-Tunisia-The-First-Five-Years-1.pdf>.

²⁸ Tarek Megerisi, "Egypt, Algeria, Tunisia. Neighboring States – Diverging Approaches", in Karim Mezran and Arturo Varvelli (eds.), *Foreign Actors in Libya's Crisis*, Milan, Ledizioni, 2017, p. 33, <https://www.ispionline.it/it/node/17224>.

²⁹ Abdulkader Assad, "Second Round of Libyan Political Agreement Amendment Starts Saturday in Tunisia", in *The Libya Observer*, 9 October 2017, <https://www.libyaobserver.ly/node/4993>; and *Nouveaux pourparlers à Tunis pour trouver une issue à la crise libyenne*, in *VOA Afrique*, 14 October 2017, <https://www.voaafrrique.com/amp/4070552.html>.

³⁰ "Caïd Essebsi meets with Special Representative of Arab League SG in Libya", in *TAP*, 2 February 2017, <https://www.tap.info.tn/en/Portal-Politics/8675584>.

³¹ Nevertheless, Algeria played an important role in facilitating meetings across the board of Libya's players, also in the preparations of the LPA. Cf. Tarek Megerisi, "Egypt, Algeria, Tunisia. Neighboring States – Diverging Approaches", cit., p. 37-38.

in Algeria's diplomatic efforts is Abdelkader Messahel, Algerian Minister of Maghreb, African Union and Arab League Affairs. Yet, despite Algeria's non-interventionist posture and Algeria's support for the GNA, his visit to Libya in April 2017 led to mediatized controversy.³² Algeria's ultimate strategic goal is to avoid a failed state on its eastern flank, which would put at risk its own stability and regime survival.³³ It is therefore vitally interested in the success of the ongoing institution-building efforts.

Even though Egypt also endeavours to re-establish viable statehood in Libya, its approach diverges strongly from its Maghreb neighbours.³⁴ Cairo has not only become a safe haven for Gaddafi loyalists, based on decades of close-knit security cooperation between Gaddafi and Mubarak, it has also evolved into Khalifa Haftar's lifeline, providing the LNA with much-needed training, equipment and political support.³⁵ Hence, its tactics include both political initiatives aimed at conflict resolution (including tribal politics),³⁶ and indirect military involvement via allied armed units. This dual strategy also has institutional implications: the ministry of foreign affairs expresses rhetorical support to the UN's political process aimed at achieving an inclusive political settlement, whereas President Sisi and the military are propping up the LNA to achieve a national agreement by other means.

3.2.3 *The wider Middle East: clashing geopolitical ambitions*

In line with Egypt's approach, the United Arab Emirates has evolved into Field Marshal Haftar's back-up, reflecting a marked will for extensive regional power projection. A *de facto* alliance focused on regional security

³² "Ingérence ou coordination? Polémique en Libye sur la récente tournée d'Abdelkader Messahel", in *Huffington Post*, 8 May 2017, http://www.huffpostmaghreb.com/2017/05/08/algerie-libye-polemique-m_n_16487466.html.

³³ Dario Cristiani, "Algeria's Role in Libya: Seeking Influence without Interference", in *Terrorism Monitor*, Vol. 14, No. 23 (1 December 2016), p. 7-10, <https://jamestown.org/?p=75443>.

³⁴ Lobna Monib, "Egypt's Policy in Libya: A Government of National Accord by Other Means", in *Mada Masr*, 26 January 2017, <https://www.madamasr.com/en/?p=232122>.

³⁵ However, the LNA-affiliated al-Saiqa Special Forces have been trained by the United States at a base in Jordan.

³⁶ Peter Cole and Fiona Mangan, "Tribe, Security, Justice, and Peace in Libya Today", in *Peaceworks*, No. 118 (August 2016), <https://www.usip.org/node/91841>.

has emerged between these three players who share a hostile attitude towards “political Islam”, in particular that embodied by the Muslim Brotherhood (MB). The UAE has provided air force assets to the LNA, and was accused by the UN of being in violation of its arms embargo, supplying its local ally with weaponry.³⁷ On the diplomatic level, Abu Dhabi has been a meeting place for Sarraj and Haftar prior to the official meeting held in the outskirts of Paris in July 2017.³⁸

In a similar vein to its Gulf neighbour, Qatar has been involved in Libya’s transition since 2011.³⁹ However, its support for Libya’s MB as well as the wider spectrum of militant Islamic factions (e.g., in Misrata and Benghazi) put it at ideological odds with the UAE and Egypt, which both pursue strict anti-Brotherhood policies. Officially, Doha supports the Tripoli-based UN-recognized bodies under the LPA. In practice, Qatar has provided a safe haven for a number of fundamentalist Islamic scholars (in particular Ali al-Sallabi) and cooperated with militants (Mahdi al-Harati or Abdelhakim Belhadj) originating from Libya and empowered since Gaddafi’s overthrow.⁴⁰ For this reason, the Tobruk-based HoR as well as the four countries leading the recent embargo against Qatar have set up “terrorist lists”, in certain cases requesting the extradition of these individuals from Doha. In mid-2017, the National Oil Company chairman of east Libyan operations, Naji al-Maghrabi, even accused Qatar of “financing terrorists” through managing part of Libya’s crude sales.⁴¹

³⁷ Cf. UN Security Council, *Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)*, S/2017/466, 1 June 2017, p. 24-49, <https://undocs.org/S/2017/466>. According to other security experts, the UAE are also a conduit for Russian military hardware. See Wolfgang Pusztai, “What’s Russia’s Plan?”, in *The Maghreb and Orient Courier*, April 2017, <https://lecourrierdumaghrebetdelorient.info/?p=7042>.

³⁸ Saskia Van Genugten, “The Gulf States: Channeling Regional Ambitions in Different Directions”, in Karim Mezran and Arturo Varvelli (eds.), *Foreign Actors in Libya’s Crisis*, Milan, Ledizioni, 2017, p. 54, <https://www.ispionline.it/it/node/17224>.

³⁹ David Roberts, “Behind Qatar’s Intervention in Libya”, in *Foreign Affairs Snapshots*, 28 September 2011, <https://www.foreignaffairs.com/articles/libya/2011-09-28/behind-qatars-intervention-libya>.

⁴⁰ Andrew McGregor, “Qatar’s Role in the Libyan Conflict: Who’s Who on the Terrorism List and Why”, in *Terrorism Monitor*, Vol. 15, No. 14 (14 July 2017), p. 8-13, <https://jamestown.org/?p=77260>.

⁴¹ Salma El-Wardany and Hatem Mohareb, “Qatar Crisis Spills Into Libya”, in *Bloomberg*, 15 June 2017, <https://www.bloomberg.com/news/articles/2017-06-14/qatar-crisis-spills-into-libya-tangling-glencore-in-oil-dispute>.

Turkey's engagement was limited during the upheaval (initially demarking itself from NATO and mediating in favour of Gaddafi, who enjoyed Turkish President Recep Tayyip Erdoğan's pragmatic sympathies), but became more pronounced through its substantial financial support to the Libyan National Transitional Council (NTC). Furthermore, the ideological proximity of Turkey's ruling AKP government to Libya's Muslim Brotherhood places Ankara in a pro-MB camp together with Qatar and Sudan.⁴² Yet, beyond obvious sympathies for fellow political Islamists,⁴³ Ankara also has strong underlying economic motivations, as Libya represents the second most important market for Turkish contractors.⁴⁴

3.2.4 European involvement: shared vision, different approaches

France has strategic security interests related to stability in the Sahel, which have been adversely affected by the Libya's turmoil since 2011 and the ensuing spread of transnational jihadi networks across the Sahara. A functioning state with effective border control and armed forces under a single control and command structure, based on a political agreement, are thus the objectives Paris pursues in the Libyan context.⁴⁵ The July summit in La Celle-Saint-Cloud was part of this strategy as it helped to broker an agreement between Fayez al-Sarraj, the head of the GNA,

⁴² For instance, in 2014, Turkey favoured the ruling of Libya's Constitutional Court to determine the legality of the government, in contravention to the stance of the United Nations. Cf. Fehim Tastekin, "Turkey's War in Libya", in *Al-Monitor*, 4 December 2014.

⁴³ The Ankara government has supported the Justice and Construction Party since March 2012. See Aaron Stein, "Turkey's Proxy War in Libya", in *War on the Rocks*, 15 January 2015, <https://warontherocks.com/?p=7139>.

⁴⁴ Bilgin Ayata, "Turkish Foreign Policy in a Changing Arab World", cit., p. 100. However, critics of Ankara's pro-Ikhwan attitude have pointed out adverse economic effects of its position. See Zülfikar Doğan, "Political Missteps in Libya cause Turkey's Economy to Stumble", in *Al-Monitor*, 6 January 2015.

⁴⁵ Most European countries compete in establishing privileged relations with Libya, as its hydrocarbon resources are the most important on the African continent, and the geographic proximity to Europe implies the potential of adverse effects in case of continued instability. For the French case see Tobias Koepf, "Die schwierige Rückkehr zu privilegierten Beziehungen: Frankreichs Libyen-Politik nach dem Sturz Khadafis", in *DGAP Analyse*, No. 7/2012 (June 2012), <https://dgap.org/de/article/getFullPDF/21569>.

and his main rival Khalifa Haftar, head of the LNA.⁴⁶ Also present in Saint-Cloud was the new UN envoy Ghassan Salamé, whose appointment by the UN was actively supported by Paris due to his close ties to France's foreign policy elite. Salamé is therefore considered an asset for the translation of France's security interests in North Africa and the Sahel, while his direction of the UN track on Libya also provides France with a degree of influence over the process.

Certainly, France's leading military role in toppling Gaddafi (Opération Harmattan) also implies a high level of responsibility for the post-Gaddafi stabilization phase. Under President Sarkozy, economic interests and the migration question were central policy elements, whereas SSR and reconstruction announcements were already made during the transitional rule of the NTC. As the summit in Saint-Cloud ("Paris Declaration")⁴⁷ eventually rendered Haftar a more widely recognized interlocutor, it also caused tensions with Italy.⁴⁸ Even though the two EU member states played rather different roles during the insurrection in 2011,⁴⁹ they certainly share a fundamental interest in a stable and unified Libyan state.

Italy's strategic interests in Libya revolve around three major areas: energy, migration and security (even though not a single ISIS attack has occurred in Italy).⁵⁰ In addition, Italy also perceives itself as having a "special role" to play in Libya, both for historical and strategic reasons – although this perception is probably not shared to the same extent by either Libyans or other European states. In practice, Rome has been very active on the diplomatic level, facilitating a wide range of meetings in order to

⁴⁶ Marc Semo and Frédéric Bobin, "Les deux hommes forts de Libye se rencontrent en France", in *Le Monde*, 25 July 2017, http://www.lemonde.fr/afrique/article/2017/07/25/les-deux-hommes-forts-de-libye-se-rencontrent-en-france_5164595_3212.html.

⁴⁷ French Ministry of Europe and Foreign Affairs, *Libya - Joint Declaration*, Paris, 25 July 2017, <https://www.diplomatie.gouv.fr/en/country-files/libya/events/2017/article/libya-joint-declaration-25-07-17>.

⁴⁸ Lorenzo Falchi, "Italy and France at Odds over Libya?", in *IAI Commentaries*, No. 17|09 (August 2017), <http://www.iai.it/en/node/8137>.

⁴⁹ France was Europe's leading nation behind Gaddafi's demise, whereas Italy under Prime Minister Berlusconi showed a strong inhibition in directly confronting Libya's former head of state, despite the role the Allied Joint Force Command Naples eventually played in NATO's military operation.

⁵⁰ Roberto Aliboni, *Italiens Libyenpolitik: zwischen Krisenmanagement und strategischen Interessen*, Berlin, Friedrich-Ebert-Stiftung, June 2016, <http://library.fes.de/pdf-files/id/12592.pdf>.

foster dialogue among the conflict parties, and to support the UN-led political process. Italy invested considerable diplomatic capital, in order to shape the outcome in line with its strategic interests, favouring a non-militarized approach to conflict resolution and crisis management. However, Italian military personnel were also present on the ground during the armed insurrection, the foreign military intervention and the eventual demise of Gaddafi in 2011.⁵¹ Yet, compared to a still pro-active French military engagement,⁵² Italy has recently launched a limited military operation in Misrata (Operation Ippocrate), where roughly 300 soldiers are protecting a military hospital. Also, the headquarters of EUNAVFOR Med Operation Sophia (where it is involved with 419 military personnel) is situated in Rome, in line with Italy's concerns regarding illegal migration across the Mediterranean from Libya. In August 2017, the Italian parliament authorized the deployment of Italian navy vessels and trainers to Tripoli in the wake of a formal request for assistance by the GNA to help build up the capacity of Libya's coast guard.⁵³ Part of a broader effort to stem the flow of migrants and help shore up the security capabilities of the UN-backed Tripoli government, the deployment was described in December 2017 as aiming to build up the capacity of the Libyan coast guard to be able to independently mount search and rescue operations in the Mediterranean within three years' time.⁵⁴

3.2.5 International and global players: potential post-Cold War frictions over Libya

In a recent interview with the Russian daily *Kommersant*, Ahmed Maiteg, vice-chairman of the Libyan Presidential Council (PC), provided an extensive outline on the role Russia could play in Libya.⁵⁵ Russian representatives, such as Lev Dengov, head of Russia's "contact group for intra-Libyan

⁵¹ Author meeting with Italian militaries in Tripoli, June 2012.

⁵² Olivier Fourt, "Libye: la nouvelle guerre qui ne dit pas son nom", in *RFI Afrique*, 24 February 2016, <http://rfi.my/1Qyh2Mp>.

⁵³ Crispian Balmer, "Italy Begins Naval Mission to Help Libya Curb Migrant Flows", in *Reuters*, 2 August 2017, <http://reut.rs/2uYPhuP>.

⁵⁴ Steve Scherer and Aidan Lewis, "Exclusive: Italy plans big handover of sea rescues to Libya coastguard", in *Reuters*, 15 December 2017, <https://reut.rs/2CvSvcN>.

⁵⁵ Galina Dudina, "Libyans realized: no war will solve the problem" (in Russian), in *Kommersant*, 15 September 2017, <http://www.kommersant.ru/doc/3410085>.

settlement", are keen on stressing their broad-based tactics, stretching from rhetorical support for the UN-led process to a more security-linked approach, via cooperation with Khalifa Haftar.⁵⁶ Effectively, leveraging old ties with Moscow, the revived proximity between Haftar and the Kremlin represents a marriage of convenience. As Haftar's lengthy exile in the US did not translate into support for his plans, turning to Moscow represented a viable option to realize his ambitions. On the other hand, Russia seeks strategic regional partners to fight "Sunni jihadism", expand its military presence on NATO's southern flank and secure potential interests in Libya's hydrocarbon sector.⁵⁷ From a European and Western (alliance) perspective, Russia's endeavour in Libya is problematic in two ways: invigorated cooperation in the oil and gas business would increase influence over Europe, whereas a potential military presence, possibly at a permanent base in Tobruk's port,⁵⁸ is detrimental to deterrence in the southern Mediterranean.

The stance of the United States, which lacks substantial direct strategic interests in Libya, has not evolved much since 2011, when it took on the role of a reluctant "leader from behind", as coined in the early days of the uprising. Under President Donald J. Trump, a strong focus on anti-ISIS military strikes has continued, reflecting a sustained trend since the lethal attacks against US diplomatic personnel in Benghazi in 2014.⁵⁹ US companies have a potential economic role to play in the hydrocarbon sector, but Washington is also concerned about Russia's growing influence⁶⁰ as highlighted by recent comments by NATO's Secretary General

⁵⁶ See next chapter and Rosalba Castelletti, "Il mediatore di Putin: 'Noi russi lavoriamo per la stabilità in Libia e per fermare i flussi'", in *Repubblica*, 26 September 2017, http://www.repubblica.it/esteri/2017/09/26/news/russia_libia_tripoli_haftar_putin-176529007.

⁵⁷ Russia's oil giant Rosneft signed an agreement with Libya's NOC in February 2017. Cf. Yury Barmin, "Russia in Libya: From Authoritarian Stability to Consensus Settlement", in *Al-Sharq Forum Expert Briefs*, August 2017, p. 3, <http://www.sharqforum.org/?p=5086>.

⁵⁸ See, for instance, Barbara Bibbo, "What is Russia's Endgame in Libya", in *Al Jazeera*, 22 January 2017, <http://aje.io/tswd>.

⁵⁹ As Obama and his secretary of state Hillary Clinton have been heavily criticized for this incident having occurred, it is worth noting in this context that Obama referred to post-Gaddafi Libya crisis management as one of his "worst [foreign policy] mistakes".

⁶⁰ Cf. Ben Fishman, "United States: Reluctant Engagement", in Karim Mezran and Arturo Varvelli (eds.), *Foreign Actors in Libya's Crisis*, Milan, Ledizioni, 2017, p. 91-109, <https://www.ispionline.it/it/node/17224>.

Jens Stoltenberg.⁶¹ However, under President Trump, even the role of the US within NATO seems relatively dysfunctional, leaving a good deal of uncertainty around forthcoming US policies.

3.3 NEGOTIATING PEACE: THE UN-LED PROCESS AND ANCILLARY TRACKS

As the mapping in the previous sections highlighted, a considerable number of external parties, ranging from multilateral and regional organizations to various individual state players, are involved in the Libyan transition, driven by often-competing considerations and objectives. As a result, both domestic and external actors have come to oppose each other in the country's power struggle, with detrimental effects for the prospect of a negotiated settlement to the conflict.

On the other side, external actors also happen to display some convergence of interests, which has led to collaborative moments and coherent approaches, as in the case of the concerted efforts between Egypt and the UAE. However, such undertakings are often ephemeral or too limited in scope, and cannot replace a larger entente which is necessary for bringing a lasting end to a complex conflict and re-establishing fully-fledged sovereignty.⁶²

Looking beyond the current state power vacuum, the proliferation of power centres and the spread of jihadist players amidst an internationalized struggle for the future control of the country and its state, it appears that the trajectory of Libya's transition hinges upon the following three paradigms.

Basically, Libya's political environment is marked by Gaddafi's heavy

⁶¹ NATO's Secretary General expressed the alliance's concerns regarding possible Russian forays into the Southern Mediterranean ("NATO Chief Warns Russia over Libya", in *Libya Herald*, 12 October 2017, <https://www.libyaherald.com/?p=112103>). Whereas Russia's Foreign Minister continues his narrative on NATO in Libya. See "Russian FM Sergey Lavrov Slams 'Dishonest' NATO in Libya", in *Libya Herald*, 16 October 2017, <https://www.libyaherald.com/?p=112264>.

⁶² "How to stop the fighting, sometimes", in *The Economist*, 10 November 2013, <https://www.economist.com/news/briefing/21589431-bringing-end-conflicts-within-states-vexatious-history-provides-guide>.

ideological heritage, based on anti-Western, anti-democratic (i.e., anti-party) and anti-Islamist propaganda.⁶³ In addition to these lingering ideological elements, two central features mark the nascent political landscape: on the one hand a democratic experiment, and more broadly a wider experimentation with politics; and on the other, a symbiotic alignment of political parties with militias. Emerging political entrepreneurs represent a wide spectrum of interest groups and political strategies, ranging from businessmen, via a political platform of the Muslim Brotherhood, to former Libyan Islamic Fighting Group jihadists, such as Abdelhakim Belhadj, embarking, somehow paradoxically, on party politics. Yet, as long as armed non-state actors function as “back-up” or “fall-back” for political groups, Libya will remain stuck in coercive, non-democratic politics. Adding to this triple predicament, certain armed units such as the LNA under Haftar are vying to become political players in their own right. Supporting peaceful politics and policy-making under such militarized circumstances often resembles solving the chicken-egg problem. In order to demilitarize current politics, and to concomitantly avoid the politicization of the future armed forces, the civilian component of Libyan politics needs to emerge as the primary locus.

UN efforts in Libya are fundamentally driven by an approach that emphasizes diplomatic initiatives and the peaceful mediation of disputes. Accordingly, the recent Libya Action Plan is aimed at consolidating representative institutions, by achieving consensus on procedures and compromise between the parties in conflict. In theory, Salame’s plan comprises three stages: renegotiation of contentious elements of the LPA; an inclusive national dialogue to be promoted through a Libyan National Conference with wide-ranging participation of hitherto unrepresented groups; and the holding of presidential and parliamentary elections as well as a constitutional referendum.⁶⁴ Should this process fail, DDR, SSR and the depoliticization of the armed forces more generally would become distant prospects, opening the floodgates to a new round of civil war.

⁶³ Implications relate to negative attitudes about Western, post-intervention support, party politics in general, as well as a critical view of Islamic organizations such as the Muslim Brotherhood, in particular when engaged on the path of representative politics.

⁶⁴ Alison Pargeter, “Libya’s New Action Plan: A Recipe for Success?”, in *Al Jazeera Centre for Studies Reports*, 17 October 2017, <http://studies.aljazeera.net/en/reports/2017/10/libyas-action-plan-recipe-success-171017085801315.html>.

In a context characterized by a high degree of internal fragmentation, a wider domestic predicament and strong external interference, the OSCE experience in conflict management and mitigation could be beneficial for the diplomatic process, particularly in view of the implementation of the planned stages of the new UN Action Plan.⁶⁵ Nevertheless, the timeframe (one year), as well as the objective of the Action Plan remain ambitious. In fact, previous efforts with less far-fetched goals did not come to fruition. In particular, the LPA itself has never been ratified by the HoR, leaving the PC and the GNA operating in a legal limbo.

Awareness of interlinkages between European security and the situation in the Mediterranean can be traced back the Helsinki Final Act in 1975.⁶⁶ This multilateral agreement led to the establishment within the OSCE of a cooperative framework, the Mediterranean Contact Group. Libya's three direct Arab neighbours (Tunisia, Algeria and Egypt) are members of this platform, enjoying full status as OSCE Mediterranean Partners for Cooperation, together with Morocco, Israel and Jordan. Theoretically, the OSCE could support and complement the UN in its ambitious drive for conflict resolution in the Libyan theatre by using this forum and other existing structures as a venue for discussion and consultation among major external actors involved in Libya.

As the conflict parties are currently engaged in the first phase of Salamé's Action Plan, debating LPA amendments, the OSCE could promote dialogue by hosting meetings or, less visibly, facilitate track-two

⁶⁵ Based on its experience and standard mandates, the OSCE could either provide support to ongoing processes, or in complementary fields. However, three considerations need to be taken into account with regard to operationalization of the OSCE toolbox. In order to avoid an uncontrolled proliferation of "transitional support" mechanisms, close coordination with the main players is required. This could be done for instance in the framework of the OSCE Mediterranean Partners for Co-operation. Second, the lack of institutional capacity impedes the choice of Libyan counterparts. This pertains to a wide range of potential OSCE activities, be it election observation, ceasefire monitoring or the training of border guards. Thirdly, the lack of consensus within the OSCE on Libya's status must be overcome via a political decision, in order to pave the way for a fruitful, cooperative engagement in the transition.

⁶⁶ Besides a number of general references in the document of the Helsinki final act, a more detailed reflection on cooperative possibilities in the Mediterranean realm is offered in the section entitled "Questions relating to Security and Co-operation in the Mediterranean". See Conference on Security and Co-operation in Europe (CSCE), *Helsinki Final Act*, 1975, p. 36-37, <http://www.osce.org/helsinki-final-act>.

gatherings in an effort to encourage a gradual rapprochement between parties active in Libya. Here, the OSCE's background in multilateral mediation could be a valuable asset for both external and internal actors in Libya.

The planned Libyan National Conference to be held under UN auspices will also require a good deal of preparation, including the identification of potential participants. By providing its diplomatic skills, the OSCE could support the UN in the delicate task of finding common ground among interested players. When elections are eventually held, the OSCE could provide professional support to the process via an Election Observation Mission, a field in which the organization has deep expertise. However, any OSCE mission would necessarily have a limited scope not least because the safety of its personnel will have to be ensured by Libyan authorities. In light of the security environment in Libya, such constraints would likely limit the scope and effectiveness of such a mission.

Furthermore, complementing the diplomatic and political sphere, the OSCE could also provide essential professional training to remedy Libya's weak border management capabilities. However, a prerequisite will be a functional Libyan counterpart. In addition, such steps would require close coordination with the institutional actors already active in this area, such as the European Union with its Border Assistance Mission. Finally, the OSCE could also contribute to the monitoring of local ceasefires, exchange best practices in the realm of arms control and, at a later stage, help with the professional training of the Libyan armed forces.

However, all these potential roles present inherent challenges for the OSCE. One challenge would be the risk of entering into competition with regional players already acting in the role of facilitator or mediator. A close coordination with those players is a key condition to ensure a successful involvement of the OSCE. The Mediterranean Contact Group could play a significant role by laying the groundwork for the cooperation with Libya's Arab neighbours. Second, it is essential that Libyans see the OSCE involvement not as a form of interference but as an opportunity for gaining vital institutional support and experience. Altogether, a focused and appropriately coordinated application of the OSCE's toolbox could effectively create new space for convergence between local and external actors, helping to advance dispute resolution and increase the chances for stability.

3.4 CONCLUSION

On 20 October 2017, Libyan authorities celebrated the sixth anniversary of Libya's liberation. On that day, Colonel Gaddafi was killed when his convoy leaving Sirte was tracked down and attacked.⁶⁷ In the words of Gareth Evans, former President of the International Crisis Group, the NATO coalition trespassed the UN mandate at this crucial moment by going beyond the protection of civilians and enacting regime change.⁶⁸ With hindsight, this overreach unleashed domestic and regional dynamics into which the United Nations is now trying to infuse a modicum of order. Moreover, Africa's richest country (in terms of resources) is edging ever closer to bankruptcy as spending outpaces income generation⁶⁹ while political deadlock and a problematic security landscape endanger the prospects for national reconciliation.⁷⁰

The UN's Special Representative of the Secretary-General Ghassan Salamé therefore presented an ambitious one-year roadmap, the Libya Action Plan, to extract Libya from this impasse. However, domestic, ideological fault lines are deep and have become increasingly entrenched over the past six years, as external actors contributed to fuelling a destabilizing polarization by nurturing their respective proxy factions. From a chronological perspective, external actors' involvement in Libya's transition can be assessed according to four distinct phases: the year 2011 with the R2P intervention, the NTC proclamation and Gaddafi's killing; 2012 witnessing the first elections and the GNC; the armed conflicts of 2014/15 following the second round of elections, the establishment of the HoR and the discord around the constitutional court ruling; and, finally, the current phase since the Skhirat Agreement in December 2015.

⁶⁷ Human Rights Watch, *Death of a Dictator. Bloody Vengeance in Sirte*, October 2012, <https://www.hrw.org/node/256372>.

⁶⁸ Gareth Evans, "Learning from Libya", in *Project Syndicate*, 8 April 2015, <https://www.project-syndicate.org/commentary/obama-wrong-lessons-from-libya-by-gareth-evans-2016-04>.

⁶⁹ World Bank, *Libya's Economic Outlook*, October 2017, <http://www.worldbank.org/en/country/libya/publication/libya-economic-outlook-october-2017>.

⁷⁰ In an op-ed for the *Libya Herald*, its managing editor, Sami Zaptia, puts considerable blame on Libya's politicians. See Sami Zaptia, "On Sixth Anniversary of Libya's post-Qaddafi 'Liberation', Libya's Political Elite Still Unable to Reach Agreement?", in *Libya Herald*, 23 October 2017, <https://www.libyaherald.com/?p=112538>.

Yet, as this chapter has outlined, this chronology is the only shared feature of the Libyan crisis, as most interested external parties are involved with diverging objectives and means. Accordingly, multilateral diplomatic efforts, such as those driven by the United Nations, are confronted with a number of adversities, mainly revolving around competing external patrons and their local allies. At the same time, a critical assessment indicates that the UN process itself suffers from a number of weaknesses, some methodological (top-down nominations of the most recent interim bodies) and others more procedural (exclusion of relevant power brokers). Despite these twin challenges, the diplomatic element of reconciliation and conflict management remains of paramount importance for a workable power-sharing arrangement, the only option for bringing stability and fostering a functioning institutional and political system in Libya. In addition, the current UN Action Plan aims to address some of the shortcomings identified, such as the set-up of the PC, certain aspects of the LPA or the question of a wider incorporation of key players. Therefore, the support of experienced multilateral organizations, such as the OSCE, with a rich institutional memory and first-hand experience in conflict mitigation, dispute resolution and crisis management in general, should be considered an option with potentially high added value in this delicate and fragile process – and one that can, in particular, reinforce UN initiatives or complement others with specific expertise.

4.

Russia's Approach to the Conflict in Libya, the East-West Dimension and the Role of the OSCE

Ekaterina Stepanova

Three main characteristics of post-Soviet Russian policy in the Middle East have been pragmatism, a non-ideological approach to partners and interlocutors and selective opportunism.¹ This last implies a readiness to engage in cooperation with most regional actors, despite tensions between them, with them or within them. Russia's hyperactive engagement on Syria appeared to represent a certain deviation from this general pattern, because it was in large part driven by considerations beyond Syria, or even the Middle East, such as Russia's troubled relations with the West. Yet, the special Syrian case has not fundamentally changed the pattern of Russian policy towards the broader region. This is demonstrated by Russia's good longstanding relations with both Iran and Israel, the recent normalization of the bilateral relationship with Turkey, improved relations with all Gulf states and engagement with a wide variety of regional actors involved in the Syrian conflict (including Turkey, Iran, Egypt, Jordan, Israel, Saudi Arabia and Qatar). On Syria, Russia's main extra-regional counterpart remains the United States, despite all the complications between the two, while European states play a rather marginal role in

¹ For background, see Russian International Affairs Council, "Russia and the Greater Middle East", in *RIAC Reports*, No. 9 (2013), <http://russiancouncil.ru/en/activity/publications/russia-and-the-greater-middle-east>; Ekaterina Stepanova, "Russia in the Middle East: back to a 'Grand Strategy' – or enforcing multilateralism?", in *Politique étrangère*, Vol. 81, No. 2 (summer 2016), <https://www.ifri.org/en/node/11686>.

conflict management. One area, however, where Europe has a larger or even lead role in the Middle East and North Africa (MENA) is Libya. Stabilization and the establishment of a functional state in Libya are in Europe's interest more than anyone else's.

Of Europe's two main security institutions, NATO (along with several European powers) played the lead role in the 2011 military intervention in Libya that had devastating consequences, including full state collapse and ensuing chaos. Against this background, can the EU assume the role of lead political and security institution on conflict management and stabilization in Libya? What, in turn, are Russian interests in Libya and what role could Russia play in international efforts to bring stability and reconciliation to the country?

Permanently excluded from the two main security institutions in Europe, Moscow has a long-time adversarial relation with NATO and a deteriorating relationship with the EU, mainly as a result of the 2014 crisis in Ukraine that led to the imposition of EU sanctions on Russia. Since the mid-2010s, Russia-West relations have declined to their lowest point since the end of the Cold War. Against this backdrop, could a looser format such as that of the OSCE, originally built around the East-West dichotomy and which over the past decades has largely been downgraded to a forum for consultation between Russia and the West, make a significant contribution to conflict management in Libya?

4.1 RUSSIA'S POLICY ON THE LIBYAN CRISIS

4.1.1 *Background*

In the MENA region's many contemporary conflicts, Russian involvement has been untypically large – and heaviest – in Syria and most limited in Yemen. As Moscow started to play a growing role in Libya, the reflex among many observers was to try to find parallels with Russia's engagement in Syria.² However, these parallels are largely superficial and may

² Azeem Ibrahim, "After Imposing His Will on Syria, Putin Is Moving Onto Libya", in *Al-Arabiya English*, 4 June 2016, <http://ara.tv/vacdq>; Tarek Megerisi and Mattia Toaldo, "Russia in Libya, A Driver for Escalation?", in *Sada*, 8 December 2016, <http://carnegieendowment.org/sada/66391>; Owen Matthews, Jack Moore and Damien Sharkov, "How Rus-

be quite misleading. They overestimate both Moscow's interest in, and leverage over, Libya while ignoring the significant differences between the two conflicts.

On the one hand, Libya has become an epitome of the chaos and fragmentation that follow complete state collapse mainly caused in this case by external intervention, with major splits not only among violent non-state actors, but also between nascent institutional actors of a rump national state. On the other, the conflict in Libya is of a much smaller scale than that in Syria, while the gravely complicating factor of Sunni-Shia tensions, domestic or regional, is absent. Oil is a potentially unifying economic factor that necessitates national infrastructure and creates shared economic interests. It ultimately requires a negotiated power-sharing agreement at the national level and could pay for much of the post-conflict reconstruction. That makes Libya look more like Iraq than Syria. Finally, Libya's main problem appears to lie in the proliferation of uncontrolled militias, violence by local powerbrokers, *de facto* absence of borders and the presence of jihadist actors, mainly foreigners with broader transnational agendas. Tensions at the national level – between (relatively moderate) Islamists and more secular forces, the Tripoli-based and Tobruk-based authorities or between proponents of the more or less unitary state – are more opportunistic than critical or existential in nature.

Under President Dmitri Medvedev, Russia supported limited international sanctions against Muammar Gaddafi's Libya in the wake of a new round of Benghazi-based protests in Libya in late 2010.³ However, in contrast to the lead Western states, but in concert with some UN Security Council (UNSC) members – China, Germany and Brazil – Moscow abstained on UNSC Resolution 1973, approved on 17 March 2011. That resolution paved the way for the military intervention in Libya by a coalition led by France and the UK, with active roles taken by the United States and NATO, and also involving Italy, Spain, other European states and Qatar. The 2011 intervention led to

sia Became the Middle East's New Power Broker", in *Newsweek*, 9 February 2017, <http://www.newsweek.com/node/554227>. See also footnotes 11 and 12.

³ Russian Presidency, *Executive Order on Sanctions against Libya*, 10 March 2011, <http://en.kremlin.ru/events/president/news/10558>. For more detail, see Ann Karin Larssen, "Russia: The Principle of Non-intervention and the Libya Case", in Dag Henriksen and Ann Karin Larssen (eds.), *Political Rationale and International Consequences of the War in Libya*, Oxford, Oxford University Press, 2016, p. 67-85.

the toppling of the Gaddafi regime. Russia, like Arab states such as Egypt and Algeria, heavily opposed the intervention and insisted that the UNSC mandate only allowed for the protection of civilians, not regime change.

Up until late 2015, the only identifiable aspect of Russia's policy on the Libya crisis was diplomatic aversion to external military intervention that stretched the limits of the UNSC mandate, and a strong emphasis on the grave consequences resulting from state collapse in Libya. Russia was not invited to the first two meetings – in Doha and Rome – of the Contact Group on Libya, created in London in March 2011 and composed of representatives of 40 states, the UN, the Arab League and the African Union.⁴ Moscow declined invitations for the following meetings in Abu Dhabi and Istanbul. It criticized the use of the Contact Group as a way to bypass and sideline the UN Security Council which “must continue to fully play its central role in resolving the Libyan crisis” and the Contact Group's inclination to support “one of the parties to the ongoing civil conflict in Libya”.⁵ In hindsight, this may be seen as an early indication that Moscow was already considering a future mediating role in Libya, as chaos and conflict in the country became protracted.

Not all the reasons for Russia's growing role on Libya since 2015 have been directly related to Libya itself. However, two inter-related features more specific to that country were highly relevant to shaping Russia's response and approach to the crisis.

First, the Western-led foreign military intervention was the main catalyst for regime change and the ensuing escalation of the civil war. As noted by Russian Foreign Minister Sergei Lavrov, “Libya was subject to massive bombing with the only aim of eliminating an uncooperative leader”.⁶ For Moscow, that made Libya not just the clearest illustration since the 2003

⁴ Russian Ministry of Foreign Affairs, *MFA Spokesman Alexander Lukashevich answers the question of Turkey's Anatolia News Agency*, 13 July 2011, http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/200150.

⁵ Ibid. See also Russian Ministry of Foreign Affairs, *Transcript of Russian Foreign Minister Sergey Lavrov's interview to Russian media following attendance at Arctic Council Meeting*, Nuuk, 12 May 2011, http://www.mid.ru/en/press_service/minister_speeches/-/asset_publisher/70vQR5KJWVmR/content/id/207142.

⁶ Russian Ministry of Foreign Affairs, *Foreign Minister Sergey Lavrov's remarks and answers to media questions at a joint news conference following talks with Foreign Minister of the Republic of El Salvador Hugo Roger Martinez Bonilla*, Moscow, 3 March 2017, http://www.mid.ru/en/press_service/minister_speeches/-/asset_publisher/70vQR5KJWVmR/content/id/2666773.

US-led intervention in Iraq, undertaken without a UNSC mandate, of one of the main cross-cutting/cross-regional “nerves” in Russia’s foreign policy agenda: a strong aversion to any Western-driven “regime change” by force and “aggressive democratization”.⁷ The “Libya effect” also played a very direct role in shaping Russia’s subsequent policy on Syria, including an inclination to stand by President Bashar al-Assad,⁸ at least until the conflict ends. Had there been no Libyan precedent, Moscow would have probably taken a softer stance on suggested measures at the UNSC to step up pressure on Assad at the early stages of the Syrian civil war (both Russia and China repeatedly vetoed relevant draft UNSC resolutions).

Second, Moscow has systematically underlined the link between state collapse anywhere (especially if resulting from regime change by force) and ensuing chaos, erosion of borders and spillovers of violence and instability in and beyond the region – both as a destabilizing vacuum that risks being filled by terrorists and as a much broader and problematic challenge than terrorism itself. As applied to the Middle East, Russia officially attributes “the period of disturbances that this region is passing through” as resulting from “the misguided practice known as ‘geopolitical engineering’, which includes interference in internal affairs of sovereign states and regime change” and has led to an “unprecedented upsurge in the level of the terrorist threat”.⁹ Libya in particular is seen as the manifest case of the destabilizing effects of military intervention by external powers: by “bombing Libya” and “overthrowing its government”, intervening actors have helped to turn “the country into a black hole and a transit lane for terrorists, thugs, arms traffickers and illegal migrants”.¹⁰

⁷ This theme is also one of Russia’s foreign policy imperatives that are connected to and reinforced by a domestic angle and a Eurasian regional aspect, with a deeply embedded image of an “expanding West” encroaching on Russia’s post-Soviet neighbourhood and domestic politics.

⁸ See Dmitri Trenin, “The Mythical Alliance: Russia’s Syria Policy”, in *Carnegie Papers*, February 2013, p. 4-9, <http://ceip.org/2vBZst9>; Justin Morris, “Libya and Syria: R2P and the Spectre of the Swinging Pendulum”, in *International Affairs*, Vol. 89, No. 5 (September 2013), p. 1265-1283; Ekaterina Stepanova, “Russia in the Middle East”, cit., p. 3.

⁹ Russian Ministry of Foreign Affairs, *Remarks by Lavrov at the Ministerial Session of the Russian-Arab Cooperation Forum*, Abu Dhabi, 1 February 2017, http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2621092.

¹⁰ Russian Ministry of Foreign Affairs, *Foreign Minister Sergey Lavrov’s remarks and answers to media questions at a joint news conference with Egyptian Foreign Minister Sameh*

4.1.2 *Russia and Haftar: security and counterterrorism*

In the first half of the present decade, Russia did not show particular interest in Libya, although it maintained formal support for the Skhirat Agreement signed in Morocco on 17 December 2015 and the UN-led mediation efforts. However, the implementation of the Skhirat Agreement has stalled, not least because it has been less inclusive than originally promised. The caretaker Tripoli-based Government of National Accord (GNA) led by Prime Minister and head of the Presidential Council Fayeze al-Sarraj failed to garner support from the Tobruk-based House of Representatives (HoR) or even to establish control over Tripoli, as the security situation worsened. Against this backdrop, Russia started to show signs of support for Field Marshal Khalifa Haftar, a military strongman who is allied with and backed by the legitimately elected HoR (which remains one of the three opposing power centres in Libya) and is also supported by Egypt and the United Arab Emirates (UAE). The move seemed logical, as Haftar had managed to crush Ansar al-Sharia Brigades and other jihadist militias in Benghazi, consolidate the remnants of Libya's armed forces into the only functional security institution in the country – the Libyan National Army (LNA) – and gain control over Libya's main oil facilities and several major ports before handing them over to the National Oil Corporation. The emerging strongman also enjoyed tacit support from France, particularly in the realm of anti-terrorist operations, and has more recently been received in Italy, notwithstanding the latter's reluctance to engage with him and its official support for the GNA.

Therefore, similar engagements with Haftar on the part of Russia – which, unlike European powers, is a secondary extra-regional actor with no major stakes in Libya – should have hardly raised eyebrows in Europe or the region. While a limited upgrade of Moscow's diplomatic activity on Libya, initially focused on contacts with Haftar (held mainly through Russia's Defence Ministry), has occurred, Russia's engagement has by no means been reduced to such contacts alone. Nevertheless, they have been blown out of proportion, particularly in Europe.¹¹ This was perhaps to be expected,

Hassan Shoukry following 2+2 talks between Russian and Egyptian foreign and defence ministers, Cairo, 29 May 2017, http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNnonkJE02Bw/content/id/2769439.

¹¹ Wesley Dockery, "Russia Seeks Influence in Libya", in *Deutsche Welle*, 6 December 2016, <http://p.dw.com/p/2Tpwh>; Henry Meyer, Caroline Alexander and Ghaith Shen-

given the bitter crisis in Russia's relations with Europe and the West, Russia's rapprochement with Egypt under President Abdel Fattah al-Sisi (one of Haftar's main supporters) and, more broadly, Moscow's partial "return" to the Middle East and especially its direct military involvement in Syria.

The West's excessive concerns about a supposed Russian "grand bet" on Haftar (with speculations about Haftar as "a next Assad"),¹² or Moscow's "grand plans" in Libya and the prospect of another Syria-style military intervention, are largely unsubstantiated. Western countries exaggerate both Russia's interests in Libya per se – alleging far-reaching plans ranging from the full revival of Gaddafi-era arms deals and investment projects¹³ to turning Benghazi into a large Russian naval base – and the degree of Moscow's focus and reliance on Haftar in particular.

This is illustrated, first, by the fact that, as discussed in more detail below, Moscow's initial focus on Haftar soon evolved into a more diversified approach that included reaching out to all "veto players" in Libya, including not only the GNA, but also, by mid-2017, the Misrata militias that have been opposed to Haftar. Second, the increased attention paid by Russia to Libya since late 2015, and especially its initial emphasis on engagements with Haftar, has been largely driven by opportunism, based inter alia on several calculations in and beyond the MENA region itself.

nib, "Putin Promotes Libyan Strongman as New Ally After Syria Victory", in *Bloomberg*, 21 December 2016; Andrew Rettman, "EU Urges Russia's Man to Give Back Libya Ports", in *EUobserver*, 15 March 2017, <https://euobserver.com/foreign/137246>; "In the Middle East, Russia Is Reasserting Its Power", in *The Economist*, 24 March 2017, <https://www.economist.com/news/europe/21719425-bombs-and-diplomacy-both-part-toolkit-middle-east-russia-reasserting-its-power>. For a less typical, more nuanced and balanced analysis, see: Mattia Toaldo, "Russia in Libya: War or Peace?", in *ECFR Commentaries*, 2 August 2017, http://www.ecfr.eu/article/commentary_russia_in_libya_war_or_peace_7223; Lincoln Pigman and Kyle Orton, "Inside Putin's Libyan Power Play", in *Foreign Policy*, 14 September 2017, <http://foreignpolicy.com/2017/09/14/inside-putins-libyan-power-play>.

¹² Emadeddin Zahri Muntasser, "Russia Is Emboldening a Libyan Strongman Who Could Dictate the Future of the Country", in *Huffington Post*, 8 April 2017, https://www.huffingtonpost.com/entry/russia-libya-haftar_us_58d01ebee4b0be71dcf6eccc.

¹³ Masha Alexandrova, "The Arab World: Russia's Lost Profit" (in Russian), in *BBC Russian Service*, 20 April 2011, https://www.bbc.com/russian/business/2011/04/110420_arab_russia_economics.shtml. For more detail, see Ekaterina Stepanova, "La política de Rusia en Oriente Medio ante la 'primavera árabe'", in Javier Morales (ed.), *Rusia en la sociedad internacional. Perspectivas tras el retorno de Putin*, Madrid, UNISCI, 2012, p. 183-188, https://www.ucm.es/data/cont/media/www/pag-72408/Rusia_Sociedad_Internacional.pdf.

One should not discount a degree of genuine Russian concern on Libya tied to the terrorist threats, particularly in view of Moscow's determination to position itself as one of the champions of the global and regional anti-terrorism agenda. However, this concern should not be overstated. As a war-torn country with no central authority or control over its borders, Libya has obviously become a major source of terrorist threats, especially for its neighbours, including European states across the Mediterranean. Such concerns are aggravated by the presence of jihadists linked to the self-proclaimed Islamic State in Iraq and al-Sham (also known as ISIS or *Daesh*) in the country and the outlying region, as well as the threat of foreign fighters returning from Syria and Iraq or seeking to cross into Europe. However, Russian experts have pointed at "greater chances for *Daesh* foreign fighter outflow to pop up in Yemen than in Libya",¹⁴ while a direct threat to Russia from Libya-based jihadists or the presence of militants of Russian origin in North Africa is minimal.¹⁵

At the regional level, the upgrade of Russia's Libya policy was, to an extent, a natural progression of Moscow's renewed partnership with Egypt under Sisi, especially in the sphere of military-technical cooperation (ranging from arms contracts to Russian military advisers in Egypt). In this context, Russia's contacts with Haftar could also reinforce Moscow's image as a supporter of strong leaders against terrorism (which could gain it additional points in some parts of the region). Increasingly Russia has also tactically cooperated with the UAE (and, to an extent, Saudi Arabia) on Libya, at least at the diplomatic level, and not least as a means to counterbalance their disagreements over Syria.

Finally, Russia's uneasy relations with Europe and the West, while hardly the main or only driver, have also played a role in Russia's growing focus on Libya. Gaining even minor extra leverage in a region of high or

¹⁴ Presentation by Vasily Kuznetsov, Director of the Centre for Arab and Islamic Studies, Institute of Oriental Studies of the Russian Academy of Sciences, at a IFRI conference on "Russia and the EU in the Wider Middle East", Paris, 7 July 2017.

¹⁵ Interview with Lev Dengov, head of Russia's Contact Group on Libya, quoting a top Libyan security official on "the absence, at present, of any militants from Russia or other post-Soviet states" in Libya. See Elena Chernenko and Maksim Yusin, "In Libya, we don't want to be associated with any side of the conflict" (in Russian), in *Kommersant*, 3 August 2017, <https://www.kommersant.ru/doc/3374208>.

vital strategic importance to Europe is seen as beneficial to Russian interests, if only as a means to conduct a regular dialogue on the matter.

While Haftar has called for the lifting of the UN arms embargo, and sought Russia's support in this regard, Moscow has repeatedly reaffirmed its commitment to preserving the embargo. As stated by Lev Dengov, head of Russia's Contact Group on Libya, in August 2017, "Russia does not have military advisers in Libya", nor does it "take sides in this conflict or intend to arm some against the others. We'd prefer all sides to be in a similar position. It is only following the national elections that would bring to power a fully legitimate government (today, no single party has this status), that the UN Security Council could address the issue of lifting the arms embargo. To raise it now is mindless and dangerous, as it would only lead to escalation of the conflict".¹⁶

However, no matter how limited and indirect Russia's security support to Haftar may be, Moscow cannot fully drop its political backing of the general. Russia is well aware that diplomatic engagement alone, especially by a second-rate, out-of-the-region stakeholder, can hardly provide significant leverage over local actors or the broader crisis, something that European member states and the broader EU have learnt in the context of Syria. As Russia itself has no plans for any military role in Libya (such as joining Italy – and others – in maritime operations along the Libyan coast, for example), Moscow can only secure a degree of influence in hard security matters by

- maintaining contacts with the main military actors on the ground in Libya, such as Haftar's LNA, which remains the largest and most influential security actor and is likely to form the core of Libya's future armed forces; and
- periodic activities of the Russian standing naval force in the Mediterranean (that was comprised, as of May 2017, of seven ships and one submarine), such as rocket firing exercises off the Libyan coast in late May 2017.¹⁷

¹⁶ Ibid.

¹⁷ Pavel Kazarnovsky and Ivan Tkachev, "Russia warned about the Navy's by Libya's shore" (in Russian), in *RBK* (RosBusinessConsulting), 17 May 2017, <http://www.rbc.ru/politics/17/05/2017/591b90c09a7947e06e8652e0>.

4.1.3 *From counterterrorism to peacemaking: Russia as a facilitator of intra-Libyan dialogue?*

Russia's partial "return" to the Middle East, mostly due to its untypically high-profile involvement in Syria – its only military operation outside post-Soviet Eurasia since the end of the Cold War – should not overshadow two no less important substantive shifts in its approach to the Middle East. Both are directly relevant to the evolution of Russia's policy on Libya.

First, between the 1990s and through to the mid-2000s, Russian policy in the Middle East, and its approach to Islamist forces in and out of government, was excessively and adversely affected by concerns about Salafist-jihadi extremism in the North Caucasus. In the present decade, the conflict in the North Caucasus has subsided, with violence becoming fragmented and low-scale. This was in part the result of the effective use of loyalist Chechen ethno-confessional, traditionalist forces against Salafist-jihadi militants. As the conflict in the North Caucasus abated, perhaps the single largest improvement in Russia's policy in the Middle East has been a certain "normalization" of its approach to relatively moderate Islamist forces across the region and a realization of the need to differentiate between them and violent jihadists.¹⁸

Coupled with Russia's traditional embrace of pragmatism and opportunism in the Middle East, this led to Moscow's readiness to reach out to some of these forces, as shown by its diplomatic contacts with the Palestinian faction Hamas or periodic consultations with various Syrian opposition groups. Furthermore, in select cases (when, for instance, merited by the degree of the ISIS threat or by an imperative of regional peace consultations) Moscow has also held contacts with more radical Islamist groups opposed to transnational Salafi-jihadism, for example with the Taliban in Afghanistan.

Second, what distinguishes Moscow's approach to post-conflict political transition from that of the region's republican strongmen (notably, Syrian President Assad) is Russia's readiness to accept and even support more representative, inclusive and pluralistic systems. The need to build such systems is seen, *inter alia*, as a *sine qua non* condition for ensuring

¹⁸ See, for instance, Vitaly Naumkin et al., *Islam in Politics: Ideology or Pragmatism?*, Valdai Discussion Club Analytical Report, Moscow, August 2013, p. 100-106, <http://valdaiclub.com/files/11450>.

the unity of a war-torn country, be it Syria, Libya or Yemen. Moscow shares this goal with the UN and leading UNSC actors, even if it does not share the widespread Western delusion, particularly pronounced during the Arab uprisings of 2010-12, that Arab states can embrace Western-style liberal democracy. In Russia's view, a more realistic and workable way to incorporate elements of political pluralism is to ensure better representation of major regions, key players and communities through power-sharing and decentralization (the institutional model for such arrangements falls somewhere *between* two extremes – a unitary state such as the Assad/Baathist state or Gaddafi's Libya, and Lebanon's compartmentalization and confessional quota system).¹⁹

As applied to Libya, Russia's preference for inclusive political solutions which can ensure regional, ethnic and religious representation was partly reflected in UNSC Resolution 2259, which officially legitimized the 2015 Skhirat Agreement. At Moscow's insistence, the resolution pointed at "the importance of the continued inclusiveness of the Libyan Political Agreement".²⁰ This phrasing suggested Russia's support for the involvement in the national dialogue not just of the parties present in Skhirat, but also of other key Libyan political forces. Likewise, a relative openness to contacts and dialogue with moderate Islamists, including those out of government or opposed to it, was well reflected in the Russian Middle East expert discourse on Libya that suggested treating all key players in the Libyan political space as equal competitors.²¹

Thus, while still cultivating relations with Haftar as the strongest veto player on the ground, Russia had, by early 2017, developed contacts with all three main political actors in Libya. This diversification has also had an institutional aspect, pointing to a certain "division of labour": while Russia interacted with Haftar mainly through the Ministry of Defence, Mos-

¹⁹ Ekaterina Stepanova, "Russia's Policy on Syria After the Start of Military Engagement", in *PONARS Eurasia Policy Memos*, No. 421 (February 2016), p. 3-5, <http://www.ponarseurasia.org/node/8277>.

²⁰ Resolution 2259 (2015) of 23 December 2015 (S/RES/2259), p. 1, [https://undocs.org/S/RES/2259\(2015\)](https://undocs.org/S/RES/2259(2015)).

²¹ Vitaly Naumkin, "Can Libya's Warring Strongmen Come Together?", in *Asharq Al-Awsat*, 10 August 2017, <https://eng-archive.aawsat.com/vitaly-naumkin/opinion/can-libyas-warring-strongmen-come-together>; Vasily Kuznetsov, "Can Russia, West Cooperate on Libya?", in *Al-Monitor*, 11 May 2017; etc.

cow's formal dialogue with Tripoli and new contacts with other lead Libyan actors have been the preserve of the Foreign Ministry (with the help of the Parliament and other mediators). In March 2017, Lavrov insisted that external parties "can no longer bank on a single force within Libya and should support an intra-Libyan inclusive dialogue that includes all the influential leaders in the country",²² and dismissed claims "that only one Libyan side deserves recognition" while the others must follow as another example of "geopolitical engineering".²³

Resulting from this diversification of contacts in Libya, Russia's next move was to seek a mediation role among key Libyan actors. This was the main rationale for the establishment of Russia's Contact Group for an intra-Libyan settlement under the Foreign Ministry and State Duma which is overseen by Deputy Foreign Minister Mikhail Bogdanov and a parliamentarian from Chechnya, Adam Delimkhanov. According to the Group's head Lev Dengov (who is also an assistant to Chechen President Ramzan Kadyrov), the group is "essentially, engaged in peacemaking" in Libya.²⁴

Since the creation of the Contact Group, Moscow's efforts to facilitate intra-Libyan dialogue have developed along two main tracks: seeking dialogue between the two main opposing camps in Libya: Tripoli, where the Sarraj-led GNA is based, and Tobruk, home to the HoR and primary base of Field Marshal Haftar; and establishing direct contacts with the Misrata rebels, who are loosely affiliated with the Tripoli-based GNA and opposed to the HoR and Haftar.

On the first track, in 2016-17, Russia hosted top Tripoli- and Tobruk-based officials, with several visits to Moscow by both Sarraj and Haftar (and their representatives), and by the head of Libya's HoR, Aguila Saleh, in December 2016. Russia's pressure on Haftar was re-

²² Russian Ministry of Foreign Affairs, *Foreign Minister Sergey Lavrov's remarks at a joint news conference following talks with Italian Minister of Foreign Affairs and International Cooperation Angelino Alfano*, Moscow, 27 March 2017, http://www.mid.ru/en_GB/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2706616.

²³ Russian Ministry of Foreign Affairs, *Foreign Minister Sergey Lavrov's remarks ...*, Moscow, 3 March 2017, cit.

²⁴ Head of Russian Contact Group on Libya Lev Dengov, quoted in Elena Chernenko and Maksim Yusin, "In Libya, we don't want to be associated with any side of the conflict" (in Russian), cit.

portedly instrumental in paving the way for the UAE-brokered first face-to-face talks between him and Sarraj in Abu Dhabi on 2 May 2017. Russia also welcomed France's attempt to reconcile the two sides at a meeting held on the outskirts of Paris on 25 July 2017²⁵ where both Haftar and Sarraj expressed their support for a ceasefire and confirmed their readiness to hold presidential and parliamentary elections in Libya (first expressed at their mediated talks in Cairo in February 2017).

In the wake of the meeting in France and eager to secure a mediation niche for itself, in August, Russia allowed the Tripoli government to formally take over the Libyan Embassy in Moscow, but also granted representatives of the Tobruk authorities the right to share the building. During his 14-16 August trip to Moscow, Haftar was met at the airport by Tripoli's ambassador to Russia. In early September 2017, Moscow hosted both the deputy head of the Tripoli-based Presidency Council Ahmed Maiteg (who came via the Chechen capital Grozny) and Haftar's spokesman Ahmad al-Mismari at the same time.²⁶ On 12 December 2017, Lavrov discussed prospects for intra-Libyan talks and the UN action plan on Libya with the GNA's foreign minister Mohamed Siala in Moscow, and got Siala's appraisal of Russia's mediating role.²⁷ More generally, Moscow could facilitate intra-Libyan dialogue by trying to moderate Haftar's harsh anti-Islamist stance, while recognizing his achievements and supporting his broader counterterrorism efforts.

On the second track, Russia has established contact with the Misrata militias – armed groups from Libya's third largest city of Misrata, most but not all loosely supporting the GNA and representing one of the two main military forces in Libya. The ultimate purpose of Russia's contacts with these groups is to try to bring about a rapprochement between them and Haftar. The liberation of the central Libyan city of Sirte from

²⁵ Russian Ministry of Foreign Affairs, *Foreign Minister Sergey Lavrov's remarks and answers to media questions at a joint news conference following talks with French Minister of Europe and Foreign Affairs Jean-Yves Le Drian*, Moscow, 8 September 2017, http://www.mid.ru/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/2856870.

²⁶ Hadi Fornaji, "Maetig Heads to Chechnya as Mismari Meets Bogdanov in Moscow", in *Libya Herald*, 13 September 2017, <https://www.libyaherald.com/?p=111125>.

²⁷ "In Tripoli, hope that intra-Libyan talks will form a base for elections" (in Russian), in *RIA Novosti*, 12 December 2017, <https://ria.ru/world/20171212/1510728762.html>.

ISIS by Misrata militias in December 2016 raised their profile in the eyes of Russia. Moscow subsequently sent members of its Contact Group to meet with representatives of “units who mounted this antiterrorist operation”,²⁸ in January 2017. A further driver for these contacts was the successful mediation conducted by Chechen President Kadyrov to free crew members of the Russian cargo vessel held by militants in Tripoli since March 2017.²⁹ In the run-up to these contacts, a Misrata delegation visited Moscow in April 2017 for a series of high-level meetings. While, at the time of writing, no further information about the progress in arranging direct contacts between Haftar and the Misrata armed groups is available, the LNA appeared content with Moscow’s contacts with the latter, as long as these remain purely diplomatic and do not involve Russia’s Ministry of Defence.³⁰

In sum, while hardly the lead mediator in intra-Libyan affairs, Moscow has nevertheless managed to establish a diplomatic niche for itself – and in a crisis of secondary significance to Russian interests – that may serve as a multi-purpose instrument in its relations with a range of regional and European actors, while also securing some opportunistic space in post-conflict Libya.³¹

²⁸ Lev Dengov, quoted in Elena Chernenko and Maksim Yusin, “In Libya, we don’t want to be associated with any side of the conflict” (in Russian), cit.

²⁹ Kadyrov had already performed such services, involving reaching out to Islamist groups, for the Russian government, including when a Russian tanker was detained in Libya in September 2015. Maxim A. Suchkov, “What Is Chechnya’s Kadyrov Up to in the Middle East?”, in *Al-Monitor*, 30 November 2016.

³⁰ Vasily Kuznetsov, “Moscow Looking Beyond Hifter in Libya”, in *Al-Monitor*, 24 August 2017.

³¹ While economic interests represent a secondary aspect of Russia’s present engagement on Libya, limited opportunistic cooperation does exist (such as Rosneft’s arrangement to buy oil from Libya’s state oil company, NOC, for resale). While in the future Libya may reconsider some of the pre-2011 planned contracts with Russia on railway construction (e.g., for Russia to finish the construction of the railroad connecting Sirte and Benghazi), electrification, etc., at present Russia’s engagement is more about the need to develop some leverage, partners and roles in Libya that would be useful once that country fully regains its place within global oil and gas markets (which could impact oil prices and the fragile consensus among key OPEC and non-OPEC exporters).

4.2 RUSSIA AND MULTILATERAL COOPERATION ON LIBYA: A ROLE FOR THE OSCE?

Russia's role in international cooperation on Libya has developed along two main avenues. First, at the UN level, Russia genuinely realized that, no matter how limited its own direct interests in Libya are, it could not afford to distance itself from the crisis or outsource its management to others. Moscow came to view its earlier negligence as having allowed Western states to stretch and abuse the UNSC mandate in 2011. Disappointed with the stalled implementation and lack of inclusiveness of the Skhirat Agreement, Moscow moved at the UN level from a hands-off approach to a more active one. More recently, Russia has engaged with the new UN special envoy for Libya and head of the UN Support Mission to Libya Ghassan Salamé. At his first visit to Moscow on 15 September 2017, the parties agreed to have a regular dialogue on the Libya peace process. The visit took place five days before Salamé's announcement of the new UN roadmap (the Libya Action Plan) for a negotiated solution to the Libyan crisis on 20 September 2017. Revising and updating the Skhirat Agreement, and convening a national conference under the auspices of the UN Secretary General to make the peace process more inclusive, are two major features of the UN envoy's new plan of action on Libya.

Second, Russia has also sought to establish its own role in peacemaking on Libya, although much less prominent than the one it has played in brokering the UN Geneva talks and especially the Astana ceasefire talks on Syria. Russia may, however, play a greater role compared to the 2016-17 Moscow format of regional consultations on Afghanistan for example, by engaging in direct mediation between the Libyan parties. While France, Italy and the UAE remain lead mediators on Libya, Russia has carved a unique diplomatic niche for itself. This role is unique as Russia is neither an EU country nor an Arab one (and as such can avoid respective biases), but is itself a large *native* Muslim-minority state and has both a reputation as a serious player in the Middle East and a past record of good relations with Libya.

Against this backdrop, could Moscow see the OSCE – including through the OSCE Mediterranean Partnership for Cooperation – as a useful and more regionally focused format to back up the UN peace process on Libya? More specifically, to what extent can the OSCE format facilitate or ad-

vance Russia-West dialogue on multilateral cooperation and conflict resolution in Libya?

4.2.1 *The East-West dimension*

The OSCE was born out of the Cold War, in the context of the bipolar system. For Russia, much as for the Soviet Union before it, the main and only rationale for the OSCE has remained its original and unique East-West dimension.³² The OSCE provides an institutional framework aimed at promoting a broadly defined European security and encompasses all Western and post-Soviet states of the Northern hemisphere, from Vancouver to Vladivostok.

On 21 November 1990, a week after the unification of Germany, heads of 34 states gathered at the summit of the Conference on Security and Cooperation in Europe (CSCE) to sign the Charter of Paris for a New Europe that declared an end to the Cold War. The CSCE was then upgraded to a formal institution and later, in 1995, became the Organization on Security and Cooperation in Europe or OSCE. This would lead to the start of the so-called Paris process, aimed at turning the OSCE into the main, all-inclusive security institution in Europe. However, the process soon stalled, and, by the mid-1990s, the United States had already come out rejecting the idea of an “all-European home”, focusing instead on NATO enlargement and adaptation. As NATO – a Western military, collective defence bloc inherited from the Cold War – expanded closer to Russian borders, Moscow increasingly saw it as a major security threat. It is NATO and the EU (neither of which includes Russia) that emerged as the two main security institutions in Europe, and this to the detriment of the OSCE, of which Russia is a full member. As a result, the OSCE was increasingly perceived as gradually degrading into an extra consultation ground between Russia and the West, and Moscow started to gradually lose interest in this format.³³

³² For background reading, see Kiril Benediktov, “Russia and the OSCE: Real and Perceived Prospects for Cooperation” (in Russian), in Dmitri Trenin (ed.), *Russia and European Security Institutions. Entering the 21st Century*, Moscow, S&P, 2000, p. 172-209; Igor Yurgens, Alexander Dynkin and Vladimir Baranovsky (eds.), *The Architecture of Euro-Atlantic Security*, Moscow, Institute for Contemporary Development/Econ-Inform, 2009, p. 13-16, http://www.insor-russia.ru/files/euro_atlantic.pdf.

³³ In 2005, Russia stopped financing OSCE projects considered to be in conflict with its interests and reduced its funding to 9 per cent of the OSCE budget. At the OSCE ministerial meeting in December 2006, Foreign Minister Lavrov did not even exclude a possibility of

Russia's relations with the West further deteriorated and, with the 2014 crisis in Ukraine, reached their lowest point since the end of the Cold War, with most of Russia's cooperation links and contacts with NATO and the EU cancelled. In this context, one could expect the OSCE, as the only regional institution that still includes Russia (and its allies), NATO countries and other European states, to rediscover its rationale as a safeguard mechanism for East-West relations. Indeed, the OSCE's role in the Donbass crisis in Eastern Ukraine has appeared to give new momentum to the organization (even as both Ukraine and Russia now support the need to strengthen the OSCE Special Monitoring Mission in Ukraine, launched in March 2014, with a UN peace support operation).

However, prospects for a more ambitious reactivation of the OSCE along the East-West dimension remain quite limited. Any convergence of interests between Russia and the West appears tactical, situational and short-term in nature. While the deep crisis and near total lack of trust in Russia-West relations have stimulated some "positive activation" of the OSCE, such developments have also had adverse effects on this format. Examples include an unprecedented "cadre crisis" at the OSCE in July 2017³⁴ and Russia's renewed reservations about the OSCE's relations with NATO: on 11 July 2017, Lavrov again accused "OSCE members, who are also members of the North Atlantic Alliance" of attempts "to usurp key security decisions" at the OSCE.³⁵

Russia leaving the organization altogether. For more detail on the Paris process and the erosion of Russia's hopes on turning the OSCE into the main security institution in Europe, see, for instance, Alexey V. Fenenko, "Organization for Security and Cooperation in Europe: History and Prospects" (in Russian), in *Moscow University Journal of World Politics*, No. 2 (2015), p. 22-50, http://fmp.msu.ru/attachments/article/341/FENENKO_2015_2.pdf.

³⁴ Elena Chernenko and Kirill Krivosheyev, "The OSCE without the head and three other important ones" (in Russian), in *Kommersant*, 11 July 2017, <https://www.kommersant.ru/doc/3351372>. The crisis left the top four positions in the OSCE unfilled, due to, among other things, disagreements between the United States and Russia, and required a special informal summit to be sorted out, resulting in the compromise appointment of a Swiss diplomat, Thomas Greminger, as the OSCE Secretary General on 18 July 2017.

³⁵ Russian Ministry of Foreign Affairs, *Foreign Minister Sergey Lavrov's remarks and answers to media questions following the OSCE Informal Ministerial Meeting*, Mauerbach, 11 July 2017, http://www.mid.ru/en_GB/foreign_policy/rso/-/asset_publisher/0vP3h-QoCPRg5/content/id/2811931.

4.2.2 *The North-South/Mediterranean dimension*

In the 21st century, for southern European powers, especially France and Italy (but also Spain, Greece and others), the EU's southern neighbourhood – the Mediterranean – has acquired an even greater human and national security importance than the “eastern neighbourhood”, notably on such aspects as migration. This has had a bearing on their policies within European institutional formats, including the OSCE. Efforts to expand the OSCE's political and geographical scope beyond its main focus area and the East-West vector to somewhat reorient it to the North-South dimension have already resulted in a greater focus on the Mediterranean dimension of the OSCE, including through the OSCE Mediterranean Partners for Cooperation and the adoption of a number of measures within the OSCE Secretariat that are specifically directed at the Mediterranean.

In the field of security and cooperation in Europe, Russia has constantly had reservations about a general tendency to endlessly widen the scope and agenda of existing organizations, squeeze new tasks into old formats, and expand them to new areas, especially in view of NATO expansion to the east and its growing out-of-area missions. However, Moscow's take on the OSCE is more complex. On the one hand, it is cautious about a further erosion of the functions and area of responsibility of this institution. On the other, Russia still has not fully given up on its hopes to strengthen and reform the institution. Among other things, Russian proposals for OSCE reform have long stressed the need for “a legally binding charter”³⁶ – a “founding document fixing the goals of [the] Organization, the membership criteria, the principles of the work of the legislative and executive authorities”³⁷ (a position that has not formally changed, even as, more recently, Russian officials tend to confine themselves to calls for

³⁶ See the Russian Ministry of Foreign Affairs website: *Russia in the OSCE*, <http://www.mid.ru/rossia-i-diskussii-o-budusem-obse>. For an expert discussion, see: “[Why the OSCE has not created security and cooperation in Europe]”, in *Rosbusinessconsulting*, 12 November 2017.

³⁷ Russian Ministry of Foreign Affairs, *Interview of the Spokesman of the Ministry of Foreign Affairs of Russia A. K. Lukashevich for “RIA Novosti” in connection with the forthcoming participation of the Minister of Foreign Affairs of Russia S. V. Lavrov at the meeting of the Council of the Ministers of Foreign Affairs of OSCE*, 5 December 2012, http://www.mid.ru/en/press_service/spokesman/answers/-/asset_publisher/OyrhusXGz9Lz/content/id/131814.

improving or “adopting the [OSCE] charter” and “the rules of the work of executive bodies”).³⁸ Also, having complained for decades about the OSCE’s “geographical imbalances” interpreted as its degradation into a Western watchdog over human rights, democracy and electoral standards for countries “east of Vienna”,³⁹ Russia might welcome a Southern turn for balance.

Within the OSCE, Libya has emerged as a pressing security issue in the Mediterranean for some old European powers, especially France and Italy. However, the Libya crisis can hardly gain priority attention from the other 56 OSCE members. It is therefore unlikely to become a mainstream issue for the organization or seriously affect the OSCE’s institutional reform and evolution (aside from stimulating more attention towards the Southern Mediterranean). The OSCE has been and remains an East-West-centred organization. Still, there are at least two ways in which the OSCE is relevant and could potentially contribute – especially in view of Italy’s chairmanship of the organization in 2018 – to finding a way out of the Libya crisis, based on its particular advantages compared with other institutional frameworks.

- With all three of Libya’s neighbours (Algeria, Egypt, Tunisia) and Morocco already part of the OSCE Mediterranean Partnership for Cooperation (together with Israel and Jordan), the OSCE is the only “regionalized” institutional format (below the UN, but above and beyond any bilateral channels or other narrow formats and alliances) potentially capable of ensuring a functional link between *the regional dimension and the European track on Libya*. A natural institutional space and policy context for that link is the processing of Libya’s longstanding request to join the OSCE Mediterranean Partnership.
- The OSCE provides a useful, relatively *neutral and inclusive venue for discussing and coordinating Russian and European positions on*

³⁸ See Foreign Minister Sergey Lavrov’s remarks at the 24th OSCE Ministerial Council Meeting, Vienna, 7 December 2017, p. 3, <https://www.osce.org/chairmanship/362426>; Russian Ministry of Foreign Affairs, *Briefing by Foreign Ministry Spokesperson Maria Zakharova*, Moscow, 29 March 2018, http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3145417.

³⁹ Russian Ministry of Foreign Affairs website: *Russia in the OSCE*, cit.

Libya. This is a unique crisis where: (a) some lead European powers (and the EU) have major interests and a significant role to play in conflict management (unlike in Syria, Iraq or Yemen for example, and with a higher profile than Europe's role in the Israeli-Palestinian conflict) and, (b) Russia has gradually established its own role in Libya with a potential mediating role as well.

4.3 IN LIEU OF CONCLUSION: RUSSIA, THE OSCE AND LIBYA

Russia's dialogue with European states on Libya is mostly handled through bilateral channels and, to a very limited extent, as part of the EU-Russia agenda. However, bilateral contacts cannot substitute for some broader and relatively inclusive regional and multilateral security framework, especially against the background of:

- the complexity and fragmented nature of international engagement on, and foreign involvement in Libya, including both the need for, and the lack of, a proper regional track, due to disparate interests of regional powers, their fragile domestic situations and relative diplomatic weakness; and
- a growing convergence of interests between the main extra-regional players on Libya (including not just European powers and Russia, but also the United States) that could create sufficient common ground for cooperation.

In this context, the OSCE can play a role in bringing Russia and Europe closer on Libya in view of the following factors:

- the Libyan crisis is a matter of major, in some ways even vital, concern to several key European states and, in that sense, of growing importance to the EU as well;
- it has developed in a situation that partly reproduces some of the conditions that had originally given rise to the CSCE/OSCE, that is, a lack of dialogue and trust between the East (Soviet Union/Russia) and the West – arguably broadly worse today than in the later Cold War years;
- the US also plays a role, but hardly as a dominant or decisive power; indeed, the Trump administration has taken a relatively hands-off

approach to Libya where Washington's mediating capacity is more limited than that of European actors; President Trump insisted on not seeing a "[US] role in Libya" beyond his country's regional focus on "getting rid of ISIS";⁴⁰ and

- Russia-EU dialogue on policy matters is largely frozen and will remain curtailed, with the EU sanctions likely to continue for some time to come.

Against this backdrop, the OSCE can provide an institutionalized, multilateral space and a regional security framework for Russia-West (and especially Russia-Europe) dialogue on Libya, making up for its loose nature through its broad membership, inclusiveness and flexibility. While the 2018 Italian OSCE chairmanship could hardly achieve more than strengthened dialogue among major external actors involved in Libya, it should at the very least lay the groundwork to achieve that aim.

Concerning the potential for dialogue and cooperation with Russia on Libya in the OSCE format, two main reservations have to be kept in mind. The first concerns Russia's lack of enthusiasm regarding Libya being prematurely admitted into the OSCE Mediterranean Partnership. For Russia, unlike for France or Italy, the issue is not a priority, nor even an important objective. However, Moscow does not oppose Libya's membership in principle: for instance, at the OSCE Parliamentary Assembly level it has approved the long-term call to encourage, among other things, "facilitating Libya's admission as a unified and democratic country to the Mediterranean Partners for Co-operation at the earliest practical instance".⁴¹ However, Russia has not seen Libya's inclusion as "practical", for obvious reasons. These include ongoing complex and highly fragmented armed conflict, lack of basic security and a united and functional national government, and the non-inclusive and very weak nature of the UN-backed Tripoli-based government (and Moscow's un-

⁴⁰ Italian Government, *Gentiloni-Trump Joint Press Conference* (video), Washington, 20 April 2017, <http://www.governo.it/media/gentiloni-washington/7193>; White House, *Remarks by President Trump and Prime Minister Gentiloni of Italy in Joint Press Conference*, 20 April 2017, <https://it.usembassy.gov/?p=18722>.

⁴¹ Minsk Declaration, para. 34. See OSCE Parliamentary Assembly, *Minsk Declaration and Resolutions adopted by the OSCE Parliamentary Assembly at the Twenty-Sixth Annual Session*, Minsk, 5-9 July 2017, p. 5, <https://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25>.

willingness to add extra international legitimacy for it before the divisions between Libya's main institutions are bridged). Unless tangible progress is achieved on these tracks, Moscow will remain lukewarm to the idea of admitting Libya to the OSCE Mediterranean Partnership for Cooperation.

Secondly, in addressing Libya either within or beyond the OSCE framework, Russia can hardly be expected by its European partners to be active on those issues/initiatives about which it has no direct concern (such as stopping or reducing the flows of illegal migrants to Europe via/from Libya and improving the security of Libya's borders).

Rather, two main directions of Moscow's OSCE-related activity on Libya would be: (a) discussion on peacemaking efforts to facilitate and support political settlement in Libya (at all OSCE levels and relevant meetings, including the OSCE Mediterranean Partnership events as an expanded dialogue platform involving most states of the region);⁴² and (b) anti-terrorism.

For Europe and Russia, transnational terrorist threats linked to the Middle East and North Africa and especially the flow of foreign fighters are not just a genuinely shared concern (Europe and Eurasia are the two main regions of origin outside the Middle East of foreign fighter flows to Syria and Iraq), but also a partly overlapping security issue⁴³ (even as, in relation to Libya as such, the direct overlap is minimal).

While Europe, unlike Russia, is directly affected by terrorist threats emanating from the Libya crisis, Moscow is not only one of the lead anti-terrorism players at the UN and, since mid-2010, in the Middle East, but also a champion of this agenda within the OSCE. Anti-terrorism appears to be one of the few areas at the OSCE that are minimally, if at all, affected by the Russia-West conundrum. Russian-drafted resolutions on strengthening the organization's role in anti-terrorism passed with flying colours at the OSCE Parliamentary Assembly on 7 July 2017, with its emphasis on "preventing the transboundary movement of persons, weapons and

⁴² While Russia may also undertake other diplomatic efforts on Libya concerning OSCE Mediterranean Partners – for instance, through engaging and perhaps even moderating the positions of such actors, as Egypt – this activity is not within the scope of the Partnership, nor within the OSCE framework.

⁴³ Some ISIS fighters of Russian origin may for instance prefer to flee to European and European neighbourhood countries than return to Russia.

financial assets associated with terrorist activity”⁴⁴ and other recommendations of particular relevance to the Libya case.

Furthermore, within or outside the OSCE, Moscow may be one of the few actors capable of balancing the anti-terrorism and peacemaking aspects of its approach to Libya, by showing a degree of flexibility in dealing with key local players, including armed Islamist actors, needed to ensure that counterterrorism priorities do not impede peacemaking efforts and vice versa.

Another way to increase Russian interest in addressing the Libya crisis within the OSCE framework is to stress its potential to correct and improve the geographical imbalance within the OSCE that Russia has long complained about. In the case of Libyan crisis, and in contrast to some other conflicts within the OSCE space, there is growing congruence of interest between all European stakeholders and a considerable degree of complementarity of their mediation efforts. This makes it possible to adopt a more productive approach to the Libyan crisis, one that can overcome the current East-West antagonism.

⁴⁴ Resolution on Strengthening the Role of the OSCE in Countering Terrorism, para. 19. See OSCE Parliamentary Assembly, *Minsk Declaration and Resolutions adopted*, cit., p. 37.

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Established in June 2014, New-Med is a research network of Mediterranean experts and policy analysts with a special interest in the complex social, political, cultural and security-related dynamics that are unfolding in the Mediterranean region. The network is developed by IAI, in cooperation with the OSCE Secretariat in Vienna, the Compagnia di San Paolo of Turin, the Italian Ministry of Foreign Affairs and International Cooperation, and the German Marshall Fund (GMF) of the United States. At the core of the New-Med activities stands the need to rethink the role of multilateral, regional and sub-regional organisations, to make them better equipped to respond to fast-changing local and global conditions and to address the pressing demands coming from Mediterranean societies all around the basin.

This volume examines the goals and prospects of the OSCE's growing engagement in the Mediterranean region and, more specifically, with the OSCE's six Mediterranean Partners for Cooperation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia). The volume's four chapters focus on the OSCE's potential role in international efforts to stabilize Libya, a country which has been ravaged by a prolonged and destructive civil war, becoming the epicentre of conflict dynamics with far-reaching implications for both neighbouring countries and Europe. Each chapter addresses a particular theme, or level of analysis, tied to the current conflict in Libya. Beginning with an introductory chapter outlining the OSCE's growing engagements in the Mediterranean region and Libya's abortive requests to join the OSCE Mediterranean Partnership, subsequent chapters delve into the minute details of the major internal and external obstacles to peace-building and stabilization in Libya, addressing the role of regional, European and international actors involved in the country. A final chapter delivers a Russian viewpoint of these themes and traces Moscow's evolving policy and interests in Libya while addressing the broader role of the OSCE in the Mediterranean.

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