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From the Ground Up: UN Support to Local Mediation in Libya

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Cover Photo: A placard of a rifle with Libya's flag crossed over it symbolizing a rejection of the use of weapons is displayed during a protest demanding disarmament in Tripoli, Libya, December 2011. Iason Athanasiadis/UNSMIL.

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Abbreviations

BRSC	Benghazi Revolutionary Shura Council
DAG	Dialogue Advisory Group
DDR	Disarmament, demobilization, and reintegration
GNA	Government of National Accord
GNC	General National Congress
IDP	Internally displaced person
LNA	Libyan National Army
LPA	Libyan Political Agreement
NTC	National Transitional Council
UNSMIL	UN Support Mission in Libya

Executive Summary

Libya's overarching statelessness, and the violence and lawlessness that result, permeate the country which is plagued by local-level conflicts. However, local mediation efforts have flourished over the last few years. As a senior UN official noted, "Local mediation is the best thing that has happened in Libya since the revolution."[1]

Historically, Libyan society is equipped with traditional mechanisms for conflict mediation. There has also been much entrepreneurship in the field of conflict mediation in Libya, including by new actors such as shura councils, heads of municipal governments, and civil society activists.

Beyond these local actors, the UN has become increasingly involved in local mediation efforts, which are also inextricably tied to broader processes of transitional justice and reconciliation at the national level. While the initial focus of the UN Support Mission in Libya (UNSMIL) was on supporting elections and a national political agreement, local mediation has become more central to its work over time.

While UNSMIL has sometimes focused on mediating short-term solutions to local-level conflicts, such as through cease-fire agreements, it has also launched more comprehensive reconciliation processes in the search for long-term solutions to intercommunal conflicts. In some cases the UN has directly negotiated with armed groups, but it has more often supported local mediators. The UN has engaged in local mediation primarily in the west of the country, from mediating between a terrorist group and the army in Benghazi to engaging militias to restore stability in Tripoli.

Almost all of these efforts have involved attempts to resolve disagreements between revolutionaries and former regime loyalists, though the shifting alliances of different groups and the complex history of their interaction make it difficult to reduce the roots of the conflict to such a simple binary.

The challenges UNSMIL has faced in supporting local mediation efforts in Libya offer a number of lessons:

- **Leveraging soft power:** UNSMIL can compensate for its lack of resources by leveraging the international legitimacy it bestows upon mediation processes.
- **Taking a coordinated, long-term approach:** There is a need for more coordination within UNSMIL as well as between the mission and local mediators. The international community also needs to follow through on mediation efforts to ensure agreements are implemented.
- **Linking the local and national levels:** While local mediation efforts may have had a positive effect at the national level by containing and de-escalating conflict, they have generally just managed conflict without solving it.
- **Ensuring sovereignty and local ownership:** Ultimately, UNSMIL's level of involvement in local mediation has been determined by caution against violating Libya's sovereignty.
- **Intervening through local mediators:** Because of Libya's complex social structures and internal dynamics, as well as many Libyans' mistrust of foreign actors, the UN generally needs to intervene through local mediators.
- **Expanding beyond traditional political actors:** While UNSMIL's national-level efforts have focused on political actors, local mediation offers an opportunity to engage with armed groups that could otherwise act as spoilers to long-term peace agreements. At all levels, the absence of youth and women from mediation efforts raises questions about the legitimacy of the agreements reached.
- **Navigating a fragmented landscape:** In a country without clear authorities and fraught with internal divisions, it is difficult for external actors like the UN to know who different actors represent.
- **Maintaining access from outside the country:** Being headquartered outside Libya has been UNSMIL's greatest challenge, as most mediation efforts require in-person negotiations. The mission therefore needs a larger presence on the ground.

1 Interview with UNSMIL official, Tunis, November 17, 2017.

Introduction

Of the three countries in the Middle East that have descended into civil war since 2011—the conflicts that grew out of the Arab uprisings—Libya has so far escaped the worst. While Libya has been through a civil war and continues to witness serious violence, it has not suffered the free fall of Syria, where hundreds of thousands have died, and Yemen, which is experiencing the worst humanitarian crisis in the world today.[2]

One explanation for Libya's resilience is that the numerous local mediation efforts taking place all over the country are acting as a brake on its downward spiral.[3] "The situation in Libya is deteriorating, but it could be even worse," said a senior UN official. "Local mediation is the best thing that has happened in Libya since the revolution."[4] One Libyan mediator also commented, "Despite the ongoing fighting, local mediation had quite an impact on the overall conflict. Local initiatives help create a more sustainable and conducive environment for de-escalation."[5]

This report examines these local mediation processes to explore the significance of their impact. Are these processes able to provide lasting solutions to local-level conflicts? Can local mediation efforts do more than manage conflict without a functional state to guarantee the implementation of the agreement reached and put in place a broader transitional justice process that addresses the root causes of these conflicts? Without providing definitive answers, these are some of the broader questions this report raises.

That "local reconciliation efforts must continue and be intensified" is one of the six points of the UN Action Plan for Libya unveiled by UN Secretary-General António Guterres in September 2017.[6] The focus of this report is therefore on the UN Support Mission in Libya (UNSMIL) and its support to internal efforts in Libya to solve local conflicts or its mediation of such disputes.[7] This report also contributes to the debate over how a third party external to the conflict can support local actors trying to solve their own conflicts or can even engage directly in those conflicts.[8]

In examining the challenges facing the UN as an actor in Libya, two apparently contradictory realities emerge: while many Libyans are wary of foreign intervention due to their colonial past and decades of anti-imperialist rhetoric, they are also welcoming of the UN and expect it to help them. When considering external efforts to resolve internal conflicts, respect for national sovereignty becomes a particularly important consideration. Finding the balance between intervention and respect for national sovereignty is in many ways the central dilemma confronting the UN and others engaged in Libya today. This paper proposes ways this dilemma could be managed.

This report also describes and analyzes how Libyans themselves are able to address and resolve local conflicts, or at least contain their escalation. Historically, Libyan society is equipped with traditional mechanisms for conflict mediation. Moreover, there has been much entrepreneurship in the field of conflict mediation since the revolution in 2011. This includes new actors, such

2 For an analysis of the steady deterioration of the conflict in Libya see: Jean-Louis Romanet Perroux, "The Failure to End Libya's Fragmentation and Future Prospects," Middle East Brief 110, Crown Center for Middle East Studies, Brandeis University, May 2017, available at www.brandeis.edu/crown/publications/meb/meb110.html .

3 The fact that Libya has not witnessed the degree of external military intervention seen in Syria and Yemen—part of the regionalization of those conflicts—is an important consideration. Further, Libya lacks the profound sectarian divide of those two countries. The World Bank also considers it an "upper middle income" country, which prevents the sort of humanitarian disaster seen in Yemen, at least in the short term. See https://data.worldbank.org/income-level/upper-middle-income .

4 Interview with UN official, Tunis, November 17, 2017.

5 Interview with Libyan mediator, Skype, November 18, 2017.

6 UNSMIL, "Remarks of SRSG Salamé at the High-Level Event on Libya," New York, September 20, 2017, available at https://unsmil.unmissions.org/remarks-srsg-salam%C3%A9-high-level-event-libya .

7 This is a different approach than that taken by the three previous reports on the Arab uprisings in IPI's series on lessons learned from mediation, which have focused on the efforts carried out by the UN special representatives to solve conflict at the national and international levels. See Steven A. Zyck, "Mediating Transition in Yemen: Achievements and Lessons," International Peace Institute, October 2014, available at www.ipinst.org/2014/10/mediating-transition-in-yemen-achievements-and-lessons ; Peter Bartu, "Libya's Political Transition: The Challenges of Mediation," International Peace Institute, December 2014, available at www.ipinst.org/2014/12/new-ipi-report-explores-the-challenges-of-mediation-in-libyas-political-transition ; I. William Zartman and Raymond Hinnebusch, "UN Mediation in the Syrian Crisis: Kofi Annan to Lakhdar Brahimi," March 2016, available at www.ipinst.org/2016/03/un-mediation-syrian-crisis .

8 In the case of Libya, local mediators are defined as "social leaders, elders or nobles, civil society activists, municipalities or non-profit organizations who intervene to assist with negotiations between two or more parties, in order to prevent, manage or resolve violent or destructive conflicts between communities, armed groups, civilians or other affected stakeholders. Local mediators mainly function by leveraging the traditional, tribal and religious values, alongside tribal extensions and family connections."

as Libyan individuals who have established nongovernmental organizations (NGOs) and travel the country engaging in mediation, and municipalities, which have taken on a new and dynamic role in mediation.

This report begins by providing a background to the conflict and the main challenges that the UN faced in post-Qaddafi Libya. It surveys Libyan mediation actors and mechanisms before introducing the role of the UN in local mediation. The UN's contribution is divided into three sections. The first section describes the mission's initial approach to local conflicts and mediation as it planned the transition. The main focus of the paper, however, is on UN support to local mediation efforts since 2014. It lays out the mission's mediation between armed groups to reach cease-fires. Finally, it examines cases where the UN has tried to resolve more complex disputes between communities, often pitting revolutionaries against former regime loyalists (though conflicts in Libya often resist being simply divided into two opposing sides). It ends by reviewing a set of lessons learned that may guide future engagement.

The Fall of the Qaddafi Regime and the Breakdown of Libya

During the uprising in Libya in 2011, revolutionary forces—with decisive help from NATO to implement UN Security Council Resolution 1973 (2011)—overthrew the regime of Muammar Qaddafi, putting an end to his forty-two years of absolute rule. A National Transitional Council (NTC) was created in early 2011 to oversee the transition, and in July 2012 the country had the first democratic elections since its independence in 1951, which were considered a success.[9] The country was relatively calm, and the transition was considered to be on track.

The elections created the General National Congress (GNC), based in the capital, Tripoli, which had an eighteen-month mandate to consolidate Libya's democratic transition by drafting a permanent constitution and forming a government. The GNC, dominated by a largely Islamist, revolutionary political coalition, made little progress on achieving its mandate, which it controversially extended. But the GNC never managed to take control of the country. Soon after the elections, it became apparent that the militias that had appeared during the uprising were running amok, and putting them under state control became the greatest challenge of the transition.

ELECTIONS BEFORE SECURITY SECTOR REFORM

When the UN Support Mission in Libya (UNSMIL) was established in September 2011, it prioritized elections over security sector reform. This strategy has caused controversy. As Ian Martin, head of UNSMIL from 2011 to 2012, acknowledged, "If the greatest achievement of the period was the success of the GNC election, the greatest failure was the lack of progress in the security sector."[10] In order to avoid making Libyans feel that their sovereignty was being violated, UNSMIL was designed as a "light-footprint" mission.

The arrival of an Australian major general after the elections in July 2012 to head the Security Sector Advisory and Coordination Division, which at that time had three staff members, signaled an increased concern with security sector reform. But by then it was too late. Some argue that security sector reform was not given sufficient importance in the UN's pre-deployment assessment and that, had it been prioritized before the elections, the ensuing chaos could have been prevented.[11]

This decision to have a "light-footprint" mission was intentional. The Libyan revolutionaries agreed on two things: that they wanted to get rid of the Qaddafi regime and that they did not want an international military presence so that they could be masters of their own destiny.[12] This meant that there was not to be a peacekeeping component to

9 See, for example, Sean Kane, "Building on Libya's Electoral Success," *Foreign Policy*, July 12, 2012, available at https://foreignpolicy.com/2012/07/12/building-on-libyas-electoral-success/ . The NTC first met on February 27, 2011 and officially declared itself the sole representative of Libya on March 5th.

10 Ian Martin, "The United Nations' Role in the First Year of the Transition," in *The Libyan Revolution and Its Aftermath*, edited by Peter Cole and Brian McQuinn (Oxford: Oxford University Press, 2015), p. 150.

11 Interview with former UN official, Skype, November 5, 2017.

12 Interview with former UN official, Skype, November 5, 2017.

act as a stabilization force. Avoiding "boots on the ground" was an explicit request of the Libyan transitional authorities.

Further, Martin argues that, even if the UN "had more assertively offered advice and assistance," what it could achieve was very limited before "a stronger government with a basis of democratic legitimacy was in place."[13] Also, the desire for elections among Libyans was so strong that they would have taken place even without the UN. More importantly, the UN simply lacked the tools to engage more assertively, and there was only so much it could have done even in the best of scenarios. Beyond advising the Libyans, the UN could not do the heavy lifting required to demobilize and disarm the militias. This would have fallen to the countries that had provided support to those militias in the first place and to NATO.

GROWING FRAGMENTATION

The combination of an unstable state and widespread availability of weapons from arsenals that had been ripped open during the war caused armed groups to proliferate after the elections.[14] On top of this, the way Qaddafi had ruled the country—through a very centralized state that controlled the periphery by toying with the allegiances of different subgroups—contributed to splintering and infighting among these groups.[15] Libya's numerous armed groups are still cited by local mediators as one of the main challenges to resolving conflicts.[16]

Instead of undertaking a disarmament, demobilization, and reintegration process (DDR), the Libyan authorities tried to start at the end, with reintegration, by adding some of the militias to the government payroll and in this way tame them. This did not guarantee their subservience, however, as they still acted autonomously, competing with each other for power and refusing to be subsumed into a national chain of command.

This lack of stability sparked widespread protests and opposition. In May 2014 General Khalifa Haftar, a leading commander of the uprising against Qaddafi in 2011, announced Operation Dignity with the stated goal of removing radical Islamist armed groups from the east. He also aimed to mobilize against moderate Islamists in the whole of Libya, including those controlling the GNC.

Despite resistance from many of its members, public anger pressured the GNC to convene fresh parliamentary elections in June 2014. However, these elections only exacerbated the conflict. The new vote created the House of Representatives, but the GNC refused to hand over power to it in Tripoli, and it instead established itself in the eastern city of Tobruk. In July 2014 militias largely supporting the GNC launched Operation Dawn to take control of key neighborhoods in the capital, and the fighting shut down the airport.

In an attempt to resolve this acute political crisis, the UN facilitated political dialogue between opposing Libyan political figures and prominent individuals from across Libya. After fourteen months of intense negotiations, this resulted in the Libyan Political Agreement (LPA), signed in December 2015 in the Moroccan town of Skhirat. This agreement formed the Presidency Council, which in turn created the Government of National Accord (GNA). In order to dissolve the GNC, the bulk of its members were absorbed by the High Council of State, supposedly as an advisory body to the House of Representatives. The agreement marked the formal end of the civil war. It was endorsed by the Security Council, which recognized the GNA as the only legitimate authority in Libya. Initially working out of Tunis, in March 2016 the Presidency Council entered Libya and established itself in Tripoli's fortified naval compound and progressively created the GNA, though the House of Representatives has never endorsed it.

The LPA, however, has not resolved the political crisis, and some even argue that external intervention in the country has resulted in a "botched political process that is not only unable to address the growing fragmentation of Libya but is also

13 Martin, "The United Nations' Role in the First Year of the Transition," p. 150.

14 Michelle Nichols, "Libya Key Source for Illicit Arms, Fueling Conflicts: U.N. Envoy," Reuters, March 10, 2014, available at www.reuters.com/article/us-libya-crisis-un/libya-key-source-for-illicit-arms-fueling-conflicts-u-n-envoy-idUSBREA291OV20140310 .

15 The armed groups that arose may be divided into four categories: criminal gangs that live off trafficking; ideological formations such as the Islamists; those who took up weapons mainly for self-defense; and former members of Qaddafi's army.

16 For example, an effort to mediate between the Mashashiya and the Quntrar in 2013 was disrupted by a group of youths with guns that set off a revenge cycle. Interview with Libyan mediator, Skype, November 5, 2017.

making it worse."[17] Macro-level indicators point to the potential for escalation, with Libya teetering at the edge of a precipice. The divisions between the Presidency Council/GNA and the House of Representatives, between Khalifa Haftar and the Islamists, and between east and west remain, while these parties are themselves internally divided. More specifically, the fear is that Haftar, who controls the strongest military force in the country, could try to take over Tripoli and impose himself on all the country, which could tip Libya down the path of Syria and Yemen.[18]

These risks are further elevated by the strong regional interests at play, as the conflict between Islamists and their detractors divides the whole Middle East. Libya has become a battleground in a much larger conflict engulfing the region: that between Islamists—particularly of the Muslim Brotherhood brand and supported by Qatar and Turkey—and a set of forces supportive of the status quo ante—pursued most aggressively by Haftar with backing from Egypt, Saudi Arabia, and the United Arab Emirates. EU member states and the US have also intervened in the country to stop migration and to stymie the spread of jihadist groups. Though the efforts of the UN enjoy the broad support of Western powers and countries in the region, these unilateral interventions have undermined its efforts.

Local Mediation in Libya

Libya's overarching statelessness at the national level, and the violence and lawlessness that result, permeate the country, which is plagued by conflicts at the local level. Tensions between Qaddafi loyalists and revolutionaries exist throughout much of the country, mirroring national fragmentation at the local level. For example, the militarily and politically powerful city of Misrata in the coastal north is effectively divided into four autonomous areas controlled by supporters and detractors of the GNA.[19] These divisions are usually also entangled with other tensions, such as ethnic tensions in the south.

However, there are also subnational "islands of stability." These are towns and cities that have established a form of local governance and are able to provide some measure of security, justice, basic services, and economic activity.[20] In these places, local mediation initiatives have also flourished and helped resolve numerous conflicts. At the local level, therefore, there are positive factors that have managed to contain the country-wide anarchy.

For example, the impact of the GNC's Operation Dawn in 2015 was contained thanks to a series of local peace agreements. These included agreements between the communities of Gharyan and al-Asab'a, Zawya and Wershfana, Zintan and Sabratha, Zintan and Zawya, Zintan and Gharyan, and Zintan and Kikla. These small-scale agreements were mainly initiated, facilitated, and monitored by elders, tribal chiefs, and civil society leaders.[21] One local mediator went so far as to argue that such local peace agreements prevented Operation Dawn from expanding to the rest of the country after taking over most of the western region. However, this operation did not have the military capacity to take over Libya, or even the whole of western Libya. Moreover, even while engaging in talks, the community of Zintan, in particular, has been aggressive, attacking other groups to control borders, ports, airports, and other key installations.

Modern Libyan history can serve as an example for current mediation efforts in local conflicts. A spirit of compromise was instilled in the Libyan state, which was established on the basis of a series of tribal concessions. In the al-Harabi covenant of April 1946, in the aftermath of World War II, the tribes of Cyrenaica—one of the three provinces that comprise modern-day Libya—agreed "to stop all enmity and every conflict of whatever type."[22] This

17 Jean-Marie Guéhenno, "It's Not a Sprint," International Crisis Group, December 5, 2017, available at www.crisisgroup.org/middle-east-north-africa/north-africa/libya/its-not-sprint .

18 Romanet Perroux provides a more nuanced description of the division of Libya in "The Failure to End Libya's Fragmentation and Future Prospects," p. 2. He also argues that, despite Haftar's own ambitions, it is unlikely that his foreign patrons, in particular Russia and Egypt, would support such a takeover. Ibid., p. 7.

19 Interviews with mediation expert from international NGO working in Libya, Skype, October 20, and with Libya expert, Skype, December 3, 2017.

20 Romanet Perroux, "The Failure to End Libya's Fragmentation and Future Prospects," p. 7.

21 Interview with Libyan mediator, Skype, November 18, 2017.

22 These included land, revenge-based, resource-based, and procedural justice disputes. For the agreement (in Arabic), see www.defense.gov.ly/modules/publisher/item.php?itemid=478 .

agreement was essential to the creation of a stable environment for independence in 1951.

This spirit of compromise persists, as mechanisms to solve local conflict are deeply embedded in Libya's social and cultural norms. These include a clear and broadly accepted set of rules and mechanisms for carrying out mediation, making decisions, imposing sanctions, and dispensing reparations. Marieke Wierda, an expert in transitional justice working for UNSMIL, points out that modern Libya

> possessed cultural and religious traditions for intercommunal or tribal reconciliation, incorporating principles of Islamic sharia law such as compensation (*diyya*), whereby the family of the victim of a serious crime such as murder agrees to accept compensation instead of insisting on the death penalty against the perpetrator. Broader community conflict resolution (*musalaha*) mechanisms also existed.[23]

One senior UN official said that "mediation is in the genes of the Libyan tribal system. Whenever there is a problem among tribes, the elders get together and solve it. This is the self-healing in Libyan culture and society."[24] Another UN official singled out a particular capacity among Libyans to organize themselves by establishing a committee to handle just about any problem.[25] It could be argued that the system of governance in Qaddafi's Libya, with the absence of the central government in much of the country, gave way to such self-organization.

Libyan society, therefore, has a broad array of structures that predate the revolution and are in use in post-Qaddafi Libya for conflict mediation. Many of the local actors mediating conflicts today are the same as before the revolution: elders, notables, tribal leaders, and religious figures. One local mediator highlighted the importance of traditional structures in Libyan society and of these figures—especially elders and tribal leaders—in initiating and facilitating negotiations and monitoring agreements since the revolution: "Libyan society has a traditional structure in which the role of elders and tribal leaders remains effective. In order to build solid agreements, we must fully engage the social and tribal leaders alongside the commanders of the armed groups."[26]

There are also new actors involved in mediation, including new specialized bodies established at the regional and local levels. These have often relied on traditional actors. For example, in 2011 the National Transitional Council (NTC)—the Libyan transitional government established during the uprising—asked local councils to establish "wise men and shura councils" throughout the country to solve local crises.[27] This then led to the creation of the National Reconciliation Committee of the Elders and Shura Councils Union in November 2011 in the city of Zawiya, which comprises sixty-five such councils.[28] Other such councils were established more ad hoc.

Municipal heads and civil society activists have also taken on prominent roles in mediation. These agents have emerged partly because the credibility of traditional actors is often compromised due to their prominence under the previous regime. Their lack of legitimacy is particularly palpable among the youth, many of whom participated in the revolution and repudiate all that is linked to Qaddafi's rule.

Unlike traditional actors, many local governments have regained legitimacy through fresh municipal elections, and new municipal heads have played a leading role in local mediation.[29] One Libyan mediator described municipalities as the kickoff point for local mediation:

When things get out of control in a given town, I

23 Marieke Wierda, "Confronting Qadhafi's Legacy: Transitional Justice in Libya," In The Libyan Revolution and Its Aftermath, edited by Peter Cole and Brian McQuinn (Oxford: Oxford University Press, 2015), p. 162.

24 Interview with UN official, Tunis, November 8, 2017.

25 Interview with UN official, Tunis, November 9, 2017.

26 Interview with Libyan mediator, Skype, November 18, 2017.

27 The word shura in Arabic means "consultation." it is a key concept from the origins of Islamic governance used to describe formal decision-making processes. Today it may describe mechanisms within or outside of government institutions.

28 "Libyan Shura and Elders Councils Union Says Kobler Should Be Replaced," The Libya Observer, August 8, 2016, available at www.libyaobserver.ly/news/libyan-shura-and-elders-councils-union-says-kobler-should-be-replaced .

29 Municipal elections started on November 30, 2013. "Libya Holds First Municipal Council Elections" (in Arabic), France24, November 30, 2013, available at www.france24.com/ar/20131130-ليبيا-انتخابات-مجالس-بلدية . Strengthening the municipalities has also been vital more generally in keeping the country from collapsing further after the central state was toppled. These municipalities are an integral part of the "islands of stability" mentioned earlier. For a thorough

initially reach out to the municipality for information, analysis, and suggestions for next steps. In most cases municipalities provided us with a profound and impartial understanding of the issue and its stakeholders. Municipalities have played an essential role as sponsors and facilitators in many local mediations.[30]

Libya's emerging civil society has been the more novel and more frequently indispensable operator in mediation processes. Civil society activists have often been self-appointed mediators, some of them arriving back in Libya after decades in exile, and have learned by trial and error. They have often improvised, using their interpersonal skills and tribal and family connections to launch intensive communication campaigns between the parties without a clearly defined strategy. They have also contacted other civil society leaders in towns in conflict through newly established networks of activists in order to understand the context and the most influential actors before engaging in mediation.[31] This reflects the entrepreneurship and creativity in local mediation since the uprising.

UN Support to Local Mediation

How and why has UNSMIL become involved in local mediation efforts? The focus of the mission since it was established in September 2011 has been on supporting the Libyan authorities in transitioning their country to democracy. In the early days this was interpreted as prioritizing helping Libyans organize elections, as discussed above. Subsequently, the mission focused on uniting an increasingly divided Libya in a national political agreement. Over time, however, support to local mediation became increasingly central to the UN's work in Libya.

A GRADUALLY EVOLVING ROLE

During the first phase of the mission, from the fall of the Qaddafi regime until the elections in June 2012, there was little focus on local conflicts. The mission was small and structured to support the embryonic government, reflecting its "light-footprint," primarily advisory role. It conducted some outreach, but this was sporadic and of secondary importance to its central task. UNSMIL's political officers were based in Tripoli and Benghazi "with only periodic visits to the south and elsewhere," as underlined by Ian Martin. Even if it had wanted to, it did not have the capacity to reach out to the broader Libyan society and build bridges between different communities through dialogue.[32] Indeed, until the end of 2012, the situation "had long-term observers cautiously optimistic that Libya might experience a successful return to constitutional government."[33]

While local mediation was only a marginal issue in the beginning, the mission's role in this area has grown over time. This has in some respects been in response to frustration with the national-level mediation. UNSMIL's involvement in local mediation has also evolved organically through the personal contacts and rapport staff members have developed over time with their Libyan counterparts. Since 2016, the mission's efforts to support local mediation have become formalized within the mission, and UNSMIL has therefore been more proactive.

Though the mandate the UN Security Council gave the mission in Resolution 2009 (September 16, 2011) did not mention mediation explicitly, it provided plenty of ground for it. The first of six points in the mandate was to "restore public security and order and promote the rule of law." The second instructed UNSMIL to "undertake inclusive political dialogue" and "promote national

analysis of the role of municipalities in Libya today, see the ambitious study directed by Romanet Perroux, "Libyan Local Governance Case Studies," EU Delegation to Libya, July 2017, available at www.docdroid.net/ce1aKnu/00-libya-local-government-report-sept-2017.pdf . The Centre for Humanitarian Dialogue facilitated a meeting that included many of Libya's mayors, in which UNSMIL also participated, in December 2017. See www.hdcentre.org/updates/libyan-mayors-hold-historic-meeting-to-promote-their-countrys-stability/ . A poll conducted in late 2016 by the International Republican Institute (IRI) testifies to the "high confidence in the legitimacy of local councils." See www.iri.org/resource/libya-poll-high-confidence-legitimacy-local-councils-despite-poor-outreach-local .

30 Interview with Libyan mediator, Skype, November 19, 2017.

31 Interview with Libyan mediator, Skype, November 6, 2017.

32 Interview with former UN official, Skype, November 5, 2017.

33 Bartu, "Libya's Political Transition: The Challenges of Mediation," p. 13.

reconciliation." The fourth mandated it to "support transitional justice."

The mandate has been adapted seven times—more than the five special representatives appointed since UNSMIL's establishment. The revised mandates have kept these elements of the original mandate in one way or another, but the notion of mediation has become more explicit. Resolution 2144 (March 14, 2014) introduced the concept of "good offices." Resolution 2238 (September 10, 2015) explicitly mentioned not only "good offices" but also "mediation" for the first time. In the last two mandates, in 2016 and 2017, "mediation" was mentioned twice.

The mandate, however, does not more explicitly mention what this mediation might involve, such as monitoring cease-fires. Moreover, UNSMIL's allocation of resources has continued to reflect what is considered to be mainly an advisory role, which limits its involvement in mediation and related activities.[34]

Nonetheless, a number of factors have allowed UNSMIL to engage with and support mediation efforts. One is the absence of a strong central government in Libya, which gives the mission more room to maneuver without being accused of violating the country's sovereignty.

In addition, despite their ambiguous attitude toward the UN, at the end of the day most Libyans welcome it. On the one hand, many blame the UN, together with the rest of the international community, for all sorts of calamities afflicting the country. Many are also profoundly suspicious of its real designs. Meetings between UN staff and Libyan stakeholders are said to have been very tense at times, with Libyans often accusing the UN of hiding information in order to invade the country and poach its resources. For this reason, conversations about creating a "green zone" or establishing a peacekeeping mission were particularly delicate.[35] At the same time, local actors increasingly realize that the UN is the only body that can facilitate a resolution to the conflict, and they expect it to help them do so. In fact, the more the country has fragmented, the more Libyans have felt there is a need for international mediators.

Thus the international organization has been able to provide basic but in some cases essential support to local mediation efforts. The parties to local-level conflicts often lack even the most basic material conditions needed to try to resolve their conflicts, and local mediators also suffer from a scarcity of resources. This is where the UN can step in with logistical support, helping mediators travel across the country, flying the parties to the conflict out of the hostile environment into one more conducive to negotiations and compromise, and providing a venue. This sometimes means hosting meetings in Tunis, though oftentimes Libyans prefer to handle these issues in their home country. The UN can also make up for missing human capital by providing mediators and other staff with the basic skill sets necessary to take minutes and draft an agreement. In some cases it provides expertise on particularly complex issues such as reparations.

Nonetheless, the UN is not involved in most local-level mediation efforts in the country. Moreover, several international NGOs have been deeply involved in supporting local mediation in Libya and have coordinated their activities closely with the UN.[36] However, Libyans specifically avoid international involvement in some mediation processes.[37]

Initial UN Support to Local Mediation

Although the UN mission was focused on elections and national-level mediation during its initial phase, "the UN's political and humanitarian teams made some contribution to assuaging local conflicts."[38] This took the form of "intense

34 Interview with UN official, New York, November 4, 2017.

35 Interview with former mission member, Madrid, October 30, 2017.

36 The first such organization to arrive in Libya was probably the Centre for Humanitarian Dialogue, which entered Libya during the fighting in April 2011 to support dialogue between Libyans. It has been deeply involved across the country and remains so today. See www.hdcentre.org/activities/libya/ . Promediation has been deeply engaged in mediation efforts in the south of the country, particularly in the conflict in the town of Awbari in Fezzan province, where it started intervening toward the end of 2014. See http://promediation.org/nos-missions/libye .

37 For example, in the westernmost portion of the Libyan coast, the municipal council of "Zuwara has decided to refuse the support—and the influence—of international actors in carrying out their reconciliation efforts." Romanet Perroux, "Libyan Local Governance Case Studies," p. 27.

38 Martin gives the example of a conflict around the oasis town of Kufra in the southeast over land, local governance, borders, and identity (ethnicity) between the Zway and Tebu tribes and offset by conflicting allegiances to the revolution and the former regime. Martin, "The United Nations' Role in the First Year of the Transition," p. 149.

communication, often by telephone, between UNSMIL and all conflict parties." Even when the mission's modus operandi became more sophisticated years later, it still relied heavily on "tele-mediation." This "did something to cool passions and discourage further violence," according to Martin. Tele-mediation was generally followed by "the dispatch of humanitarian teams," which "was consistently welcomed, even when there was little need for relief beyond the capacity of Libyan entities."[39]

Martin acknowledged, however, UNSMIL's difficulty in contributing "to resolving the underlying roots of local conflict." He also highlighted Libyans' own efforts: "Libya showed considerable capacity for mobilising short-term mediation teams." These included "local notables and tribal leaderships," as well as "state engagement through NTC members and designees of the interim government."[40] This is corroborated by Wierda:

> The prime minister and NTC, as well as GNC, often dispatched 'reconciliation committees' to mediate local conflicts that erupted during the transition across Libya: between Tebu and Zwiya in Kufra; Tebu, Tuareg and Arabs in Sabha, Murzuq and Ghadames; Zawiya and the Warshafana tribe on the western coast; Mashashiya and Zintan in the Nafusa Mountains; and in Bani Walid. On occasion, these delegations of hukama' (wise men or persons of social standing) negotiated cease-fires between warring factions. In other situations, such as in Bani Walid, they were less successful.[41]

Some cease-fires failed because "once the immediate crisis was calmed, there was rarely sustained attention to underlying causes, which required government action."[42] Wierda indicates that "reconciliation committees were usually restricted to mediation and negotiating cease-fires rather than addressing root causes of conflict."[43] Indeed, both UNSMIL's efforts and those of Libyans only provided short-term solutions. Martin also added that, during this initial phase, "formal third party [i.e., UNSMIL] mediation was never invited by the relevant authorities, even when conflict parties would have welcomed it."[44]

Many of the opposing parties in conflicts at this stage fell in the category of revolutionaries or former regime loyalists, but most were not ideological and had other grievances, often, for example, over resources, in particular land, that dated back decades if not centuries. Sometimes these disputes also fell along ethnic lines. There was an ideological conflict between Islamists and anti-Islamists as well, which was part of a major national-level political conflict over control of post-Qaddafi Libya with regional repercussions and in which local mediators had a small role if any at all.[45]

The conflict in Bani Walid is an archetypal example of these dynamics playing out at the local level. Bani Walid was a Qaddafi stronghold where his loyalists escaped from Tripoli after the capital was taken over by revolutionaries in August 21, 2011.[46] It was also one of the last two cities—the other being Sirt—to fall to revolutionary forces before the NTC announced the "Declaration of Liberation" from Qaddafi's rule at the end of the war.[47] Revolutionary forces started to zero in on Bani Walid in September 2011.[48] This conflict

39 Ibid.

40 Ibid.

41 Wierda, "Confronting Qadhafi's Legacy," p. 162.

42 Martin, "The United Nations' Role in the First Year of the Transition," p. 149.

43 Wierda, "Confronting Qadhafi's Legacy," p. 162.

44 Martin, "The United Nations' Role in the First Year of the Transition," p. 149.

45 One local mediator describes four types of conflicts that he has mediated—though some overlap: (1) ethnic conflicts (in Kufra between Arab and Tube tribes in 2012; in Ubari between Tube and Tuareg tribes from 2012 to 2016); (2) conflicts over resources or economic interests (in Sabha between Tebu tribes and Awlad Sulaiman in 2012); (3) political conflicts (the armed conflict between the Libya Dawn and Dignity coalitions, primarily between Misrata and Zintan in Tripoli, in 2015; the conflict between the Benghazi Revolutionary Shura Council and Libyan National Army in Benghazi in 2014); and (4) ideological conflicts (the violence between Salafis and Sufis in the city of Zliten in 2012; minor disputes between the Ibadi minority and Salafis in Jabal Nafusa; conflict between the Benghazi Revolutionary Shura Council and the Libyan National Army in Benghazi in 2014). And yet, according to this mediator, the common ground among all these conflicts is that they are between revolutionaries and former regime loyalists that started in 2011. Interview with Libyan mediator, Skype, November 6, 2017.

46 Peter Cole and Umar Khan, "The Fall of Tripoli: Part 2," in *The Libyan Revolution and Its Aftermath*, edited by Peter Cole and Brian McQuinn (Oxford: Oxford University Press, 2015), p. 91.

47 Ibid., p. 103.

48 Peter Cole, "Bani Walid: Loyalism in a Time of Revolution," in *The Libyan Revolution and Its Aftermath*, edited by Peter Cole and Brian McQuinn (Oxford: Oxford University Press, 2015), pp. 297–299.

illustrates one of the central problems the UN faced in post-Qaddafi Libya: the relation between the government and the militias. Though the government's desire to regain control of the town was logical, it sent a group of militias from Misrata that wanted to settle scores. UNSMIL "had come close to facilitating a peaceful resolution but could not restrain a government assault at the eleventh hour," and it was taken by force in October.[49]

In general, UNSMIL tried to engage with communities that felt discriminated against by the new rulers of Libya. In line with this, the UN also tried to intervene in Sirt, where revolutionary forces had committed human rights violations and breached international humanitarian law, by visiting the town and making the government aware of the problems there.

Ian Martin considers it unlikely that "pressing for a more direct UN mediation role would have enabled it to contribute better to assuaging local conflicts and promoting reconciliation."[50] Much of the rationale for this view hinges on the need to be more sensitive to national sovereignty. This is also a conclusion that the Centre for Humanitarian Dialogue underlined around June 2012: "Libyans have made it clear that national ownership of their revolution is paramount." It went on to assert that, in terms of international support, "the answer may not lie with traditional mediation initiatives." Rather "the need for outside support is principally in the encouragement and technical advice for the various aspects of state formation."[51]

ENGAGING WITH ARMED GROUPS

Since Martin's mandate, the UN mission has expanded its engagement with local mediation. Particularly since 2014 as the country has become more divided, the mission has increasingly supported mediation efforts in local conflicts. For the mission, intervening at the local level was in part a way of achieving smaller successes to showcase and build on, particularly as frustration grew with increasingly complex national-level political processes. The mission's participation in specific processes has evolved organically through the personal contacts individual members of UNSMIL developed over time in their multiple interactions with Libyans from all strata of society.[52] This section deals with the work of UNSMIL's Security Sector Advisory and Coordination Division—which later changed its name to the Security Institutions Division—on a series of cease-fires.

The situation in Libya, and thus also the role of the UN, changed dramatically in 2014. In February Khalifa Haftar, a Qaddafi regime defector who had returned after decades in exile, announced a coup against the government, and in May he launched Operation Dignity. The major Libyan political forces asked UNSMIL to mediate, but opposition from Haftar aborted the mission's attempt to establish a dialogue.[53] Then in July fighting over control of the capital forced UNSMIL to pull out of Libya and relocate to Tunis.[54]

Bernardino León, who became head of UNSMIL in August 2014, launched a diplomatic counteroffensive in response to the breakdown of the country. He established a political track to reach a national agreement in parallel with a security track to engage with the armed groups. Efforts were made for militias in the west to meet with eastern forces, in particular Haftar, but such an encounter never materialized. The political track ended up taking precedence over the security track.

There were good reasons for this. The priority

49 Bartu, "Libya's Political Transition," p. 14. A dormant century-old tribal conflict between Bani Walid and Misrata over power and resources was more formally revived following the decision of the General National Council (GNC) in late 2012 to regain control over Bani Walid—again using Misratan forces representing the Ministries of Interior and Defence. This was enshrined in Decision No. 7 passed by the GNC that month. This created a new stumbling block for long-term reconciliation in Libya. Wolfram Lacher, "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya," *Libya Tribune*, August 6, 2017, available at http://international.minbarlibya.com/2017/08/06/fault-lines-of-the-revolution-political-actors-camps-and-conflicts-in-the-new-libya-4/ .

50 Martin, "The United Nations' Role in the First Year of the Transition," p. 150.

51 Sean William Kane and Kenny Gluck, "Mediation after Revolution in Libya," Oslo Forum 2012 Background Paper, Centre for Humanitarian Dialogue, June 2012, p. 48, available at www.osloforum.org/content/oslo-forum-2012-briefing-paper-mediation-after-revolution-libya-0 .

52 One mission staff member, for example, had been working in Libya since Security Council Resolution 1973 established the panel of expert on sanctions and had since then developed an extensive network of relations with Libyans working on security issues, including members of the former regime.

53 For example, a meeting was organized in Geneva on June 3, 2014, with more than twenty representatives of Libyan political groups and tribes, though not Haftar.

54 As a proactive step, on July 13, 2014, a coalition of military factions and militias, including the Libya Revolutionaries Operations Room, brigades from the Misrata Union of Revolutionaries, armed groups from Tripoli, Janzur (where UNSMIL was based), Zawiya, Ghiryan, and Jabal Nafusa launched an offensive codenamed "Operation Dawn" against pro-Haftar Zintani militias based in Tripoli airport. The following day, UNSMIL evacuated its staff and transferred its headquarters to neighboring Tunisia.

was the political track, and León did not want to pay too much attention to armed actors that lacked democratic credentials. Also, more pragmatically, he simply did not want to put the dialogue and mediation process on hold while waiting for buy-in from Haftar. Both these actions would have legitimized the armed actors and weakened the politicians. However, the militias and security forces were the real power brokers on the ground, and sidelining them prevented the full implementation of the Libyan Political Agreement (LPA). The inability of the LPA to unify the country signaled the limitations of the top-down approach in Libya, which marginalized opponents and turned them into spoilers.

Nonetheless, though the security track was not prioritized, it set in motion the mission's more direct engagement with the militias, which paved the way for greater involvement in local mediation. This constituted a shift. Until the conflict in July, the focus of UNSMIL's security division was on security sector reform at the macro level, working with the Ministries of Defence and Interior to restructure the country's security architecture from the top. From then on, the mission also began to explore a bottom-up approach.

Evacuating Wounded in the West

As Operation Dawn was wrapping up, a series of cease-fires were reached among the warring parties in the west. UNSMIL began to support some of these, in particular with the drafting of the agreements. The mission's deepest involvement at this stage was in the cease-fire negotiations that took place in November 2014 in the town of Kikla in the Nafusa Mountains in the west of the country. This is also one of the earliest examples of such a process. The goal was to evacuate the wounded from the town.

The conflict in Kikla started with the push by Operation Dawn, led by forces from Misrata, to drive Zintani militias out of Tripoli back to their stronghold in the Nafusa Mountains. As Zintani forces withdrew, the Misratan militias reached Kikla, and the Zintanis conducted a counteroffensive against them there. Dozens of wounded could not leave because they were surrounded by Zintani forces. A delegation from UNSMIL met in Tripoli with representatives from the Libyan Red Crescent, the municipality of Kikla, and a crisis committee to organize a convoy. But when they were working out the logistics—drawing up lists of names, identifying individuals that best knew the approaches to the city, and contacting the commanders on the ground—the Misratans managed to smuggle the wounded out of Kikla by themselves one night.

Though ultimately the efforts were in vain, they paved the way for UNSMIL's involvement in other such efforts elsewhere. UNSMIL began to develop experience coordinating with other actors on the ground, broadening its network of contacts, working out the logistics of such interventions, and negotiating with the parties involved.

Directly Negotiating in the East

UNSMIL began to engage not only in the west to contain the civil war but also in the east. It did so with no intermediary, illustrating that, despite the division of the country, the UN continued to have some influence over the main actors—at least enough to operate in their turf.

After taking over Tripoli and consolidating control over the west, the militias involved in Operation Dawn moved east to Libya's "oil crescent" in an attempt to control the oil terminals.[55] Operation Sunrise, as it was dubbed, was launched in December 2014 and led to a battle between Misratan militias and those led by Ibrahim Jadran, a commander from Ajdabiya.[56] This conflict dated back to July 2013 when Jadran, representing a group of eastern federalists, took control of the major oil export facilities in the Sirt Basin.[57] Though Misrata had more powerful forces, Jadran managed, with the help of air support from Haftar, to stop the advance. The clashes destroyed eighteen tanks of petrol worth $2 billion—a

55 Frederic Wehrey, "The Battle for Libya's Oil: On the Frontlines of a Forgotten War," *The Atlantic*, February 9, 2015, available at www.theatlantic.com/international/archive/2015/02/the-battle-for-libyas-oil/385285/ .

56 Mick Krever, "Meet the 32-Year-Old Militiaman Holding Libya's Oil Hostage," *CNN*, January 14, 2014, available at http://amanpour.blogs.cnn.com/2014/01/14/meet-the-32-year-old-militiaman-holding-libyas-oil-hostage/ .

57 "Within three months, Jadran's closure of oil terminals had sparked a more than 90 percent reduction in Libyan oil exports and cost the central government as much as $5 billion." Sean Kane, "Barqa Reborn? Eastern Regionalism and Libya's Political Transition," in *The Libyan Revolution and Its Aftermath*, edited by Peter Cole and Brian McQuinn (Oxford: Oxford University Press, 2015), p. 227. According to the governor of the Libyan Central Bank, closure of oil from 2013 to 2016 resulted in losses of $160 billion in revenues. "The Political Divide, the Black Market, and the Closure of Oil Fields Drag the Country into Disaster" (in Arabic), *Al-Wasat*, April 28, 2017, available at http://alwasat.ly/ar/news/libya/140253/ .

massive financial blow to the government.

As the forces reached a stalemate and daily skirmishes began, UNSMIL intervened. The negotiations started in December 2014 and ended in March 2015.[58] UNSMIL conducted its mediation in the east solely by phone without a local mediator. The strategy behind such processes is to use a broad range of contacts who have influence over the parties. When one of the parties refuses to budge or cuts communication, the mediator can call someone else with influence over that party.

In this case, UNSMIL used a member of the House of Representatives who had been involved in the LPA negotiations and had influence over Jadran. It also contacted Jadran's brother, the mayor of Ajdabiya. It was easier to find contacts for the Misratan side, because their forces were more structured and command was centralized. According to the UN official involved in this particular mediation effort,

> You have to reach a 24/7 point of contact. Constant contact is key as well as finding the right person to negotiate with. I ask each side what they want, they give an initial list of conditions, usually very few, and I exchange these by SMS between the parties. If they refuse, then I propose a compromise.[59]

The UN mediator wanted to draft a written agreement, but this did not happen because he had no security clearance to go to the area. Still, a cease-fire was reached, and Misratan forces moved back to Harawa, seventy-four kilometers from the front line. As cease-fires often fail to hold without monitoring, the UN had member states fly drones over the area to prevent breaches.

Mediating between Terrorists and the Libyan National Army

In late 2016 and early 2017 UNSMIL provided technical and logistical support to a local mediator, the head of the Libyan Dialogue and Reconciliation Organization, to negotiate a cease-fire between the Benghazi Revolutionary Shura Council (BRSC), a military coalition of jihadist militias, and the Libyan National Army (LNA), under the command of Haftar.[60] The aim was to evacuate hundreds of civilians who had been trapped for months in the neighborhood of Qanfuda in the city of Benghazi.

This effort was remarkable in a number of ways. It illustrated that the mission had some influence in the east despite Haftar's opposition to the political process that the UN has led. It was also an example of the contacts the UN has been forced to make with groups that have links to terrorists.[61]

Though the UN enjoys some room for maneuver when dealing with non-state armed groups, the mission tried to restrict its contact with the BRSC to strictly humanitarian needs.[62] It preferred to engage with the group through a Libyan mediator who could more easily make contacts with the BRSC, as the group distrusted the UN. Nonetheless, UN involvement allowed the Libyan mediator to speak directly with Haftar, who sought international legitimacy. He was thus able to act as a "postman" (his term), shuttling between the BRSC leaders and the LNA headquarters to deliver messages from one to the other.[63]

In order to advance the process by taking one of the parties away from the conflict zone, the negotiations continued in Istanbul, where the Libyan mediator negotiated with BRSC representatives for

58 UNSMIL, "UNSMIL Condemns Attacks on Oil Installations, Calls for End to Escalating Violence," December 27, 2014, available at https://unsmil.unmissions.org/unsmil-condemns-attacks-oil-installations-calls-end-escalating-violence ; "UNSMIL Welcomes Ceasefire and Withdrawal of Forces in Sidra Oil Crescent Area," March 31, 2015, available at https://unsmil.unmissions.org/unsmil-welcomes-cease-fire-and-withdrawal-forces-sidra-oil-crescent-area .

59 Interview with UN official, Tunis, November 8, 2017.

60 Interview with UN official, New York, November 4, 2017.

61 The BRSC was made up of a number of jihadist groups, among them Ansar al-Sharia in Benghazi, listed by the US Department of State as a foreign terrorist organization. See www.state.gov/j/ct/rls/other/des/123085.htm . Ansar al-Sharia was also added to the UN sanctions list. See www.un.org/press/en/2014/sc11659.doc.htm . The UN's Guidance for Effective Mediation from September 2012 does not impose whom UN officials can talk to. In fact, it recommends that mediators have the flexibility to establish "the appropriate level of inclusivity needed." See https://peacemaker.un.org/guidance-effective-mediation .

62 As per the UN document *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners* from January 2006, "Humanitarian negotiations do not in any way confer legitimacy or recognition upon armed groups." See www.unocha.org/sites/unocha/files/HumanitarianNegotiationswArmedGroupsManual.pdf .

63 Interview with Libyan mediator, Skype, November 18, 2017.

two days before signing an agreement that was witnessed by UNSMIL. The mission shared this agreement with the LNA, which visited Tunis and put forward its own proposal. The mission then offered a compromise deal.

In principle, there was room for optimism. Because of the brutal siege it was imposing, the LNA was under public and international pressure to negotiate, which the BRSC, militarily the weaker party, was keen to exploit.

But there were many challenges. The sides proved inflexible, responding to every condition with a counter-condition. The BRSC had an unclear and disunited leadership.[64] It also changed its demands, at first asking for safe passage and later for a warship to carry victims.[65] Though contacts with the LNA were easier, the latter dragged its feet, hoping to improve its military advantage. More fundamentally, the fighting had been tough, which left little trust between the parties.[66] The Libyan mediator who shuttled between the parties delivering messages described the negotiations as very challenging because neither side wanted to stop fighting. Regional actors also interfered, particularly Egypt, which is one of the strongest backers of the LNA and its anti-Islamist agenda.[67]

Hundreds of civilians were in the end evacuated, but only when military operations were completed after the fall of Qanfuda.[68] The negotiations, therefore, ultimately failed. The ambitious plan to establish a cease-fire, open the front lines, and carry out an evacuation with the help of the Libyan Red Crescent did not take place.

Nonetheless, the mediation effort arguably attenuated the violence and led to lives being spared.[69] Though it was unsuccessful, it also led to a partnership between UNSMIL and the Libyan mediator. In addition, the way the process was carried out—shuttling between the parties to bring proposals back and forth—built trust between them and served as a model for future reference.

In October 2017 the experience of Qanfuda was applied in Derna, by then the only city in the east still not under Haftar's control, after seventeen people were killed in an airstrike. This was a much smaller operation but took place in a similar context, with the LNA besieging the city in a struggle against jihadist groups inside.

Fayez al-Sarraj, prime minister in the Government of National Accord (GNA), contacted the Libyan mediator who had worked at Qanfuda to facilitate the evacuation of the wounded stuck inside Derna.[70] The mediator negotiated with the LNA for five days to agree on a safe corridor for the wounded to go to Abraq airport. The LNA, which had asked for a list of names of the wounded, agreed and opened the front lines for the Libyan Red Crescent to enter and carry out the evacuation on November 5th. Sarraj then hired a plane to carry the wounded to Tunisia, where the Libyan embassy organized their hospitalization.[71]

Engaging Militias in the Capital

UNSMIL's evacuation from Tripoli in July 2014 has been the most serious challenge to its capacity to carry out its work since it was established. But this did not stop it from engaging with the parties to push for an end to the violence in the capital.[72]

UNSMIL's dealings with militias in the capital may be classified as "negotiation" more generally

64 The main point of contact changed three times.

65 Interview with UN official, New York, November 4, 2017.

66 This contrasted, for example, with UNSMIL's intervention in Operation Sunrise, in which the hostility between the sides was less intense. Interview with UN official, Tunis, November 8, 2017.

67 Interview with UN official, New York, November 4, 2017.

68 Interview with Libyan mediator, Skype, November 18, 2017.

69 Two groups of prisoners held by both sides were spared, and at one point the LNA announced a unilateral cease-fire during which a few families managed to escape. Interview with UN official, Tunis, December 6, 2017.

70 "Civilians Killed in Air Strike on Libyan City of Derna," *Al Jazeera*, October 31, 2017, available at www.aljazeera.com/news/2017/10/civilians-killed-air-strike-libyan-city-derna-171031072106626.html .

71 Interview with Libyan mediator, Skype, November 18, 2017.

72 For example, a high-level delegation visited the capital in August 2014. UNSMIL, "UNSMIL Delegation in Tripoli to Support Libyan Efforts toward a Ceasefire," August 8, 2014, available at https://unsmil.unmissions.org/unsmil-delegation-tripoli-support-libyan-efforts-towards-cease-fire . Those efforts subsequently continued. UNSMIL, "Efforts Continue to Reach Ceasefire and Political Solutions Cannot Be Imposed by Force," August 13, 2014, available at https://unsmil.unmissions.org/unsmil-efforts-continue-reach-cease-fire-and-political-solutions-cannot-be-imposed-force ; "UNSMIL Welcomes Support for Dialogue; Shows Libyans Ready for Peace," January 19, 2015, available at https://unsmil.unmissions.org/unsmil-welcomes-support-dialogue-shows-libyans-ready-peace .

rather than the specific type of mediation conducted in the above cases. The overall negotiations and arrangements were mostly handled by the GNA itself, while UNSMIL offered support, trying in particular to empower the official security forces. The negotiations led to the Tripoli Security Plan, which was meant to guarantee the security of the GNA (that had resulted from the LPA) and was able to establish itself in the capital in March 2016. The plan was essentially an agreement with the militias by which they accepted the new executive and agreed to protect it while maintaining stability in the capital.

The Tripoli Security Plan, in place since March 2017, reflected an attempt to reach a more long-term solution to the conflict than the short-term agreements discussed above. This illustrates the difficulty of solving rather than managing conflict, particularly in a high-value area like the capital, the economic and political center of the country. All actors want influence in Tripoli, as manifested in the militias' interest in controlling access to the city. These negotiations, which cajoled some of the militias into cooperation by integrating them into the security forces, inevitably legitimized their existence. The plan also facilitated their access to resources, which has allowed and encouraged them to protect their long-term interests and made them less likely to accept proper disarmament, demobilization, and reintegration (DDR).[73]

This again reflected UNSMIL's dilemma of whether to negotiate with hardline militias. Ultimately it had little choice, as stability in Tripoli is the top priority of its security section. However, the Tripoli Security Plan has also caused a debate within the mission. While the human rights section has been concerned about the accountability of militia commanders suspected of having committed major violations of international humanitarian law, the security team has deemed contact with them to be a necessary evil.

The mission partly resolved this dilemma by working with a go-between, as in Qanfuda, but this time an international NGO, the Dialogue Advisory Group (DAG). This collaboration started during León's mandate, which began in mid-August 2014. Though UNSMIL already had contact with all the militias, DAG was able to organize meetings with groups that were considered hardline and took the initiative to establish dialogue among these groups, Libyan security officials, and the UN. The aim of the organization was to convince hardline groups not to oppose the GNA militarily but politically. Working with DAG also helped the mission's security division, which was understaffed and had little capacity to follow up with so many armed groups.

DAG has facilitated additional meetings between militias, the UN, and other international actors inside and outside Libya, aiming to build agreement and support for security in the Libyan capital. Turkey was again the preferred location for the meetings abroad, and the first such meeting took place on October 2015 in Istanbul. DAG has also established a partnership with a local mediation group, the Libyan Center for Strategic and Future Studies, pointing to the need to work through local mediators. The militias had felt neglected by the UN and were responsive to DAG's outreach and keen to share their interpretation of developments and suggest solutions.[74]

RECONCILING COMMUNITIES

Local mediation is inextricably tied to broader processes of transitional justice and reconciliation at the national level. One local mediator singled out in particular the deficiency of traditional mechanisms at the local level: "The traditional approach [to mediation] on its own is counterproductive." Instead, he suggested, local mediation "requires hybrid structures of traditional approaches supported by a legal framework" supporting transitional and restorative justice, set within a long-term national reconciliation strategy that also structures the relation between mediators and state institutions.[75]

73 Interview with UN official, New York, November 4, 2017.

74 For a discussion of the pros and cons of such contacts, see Juan Garrigues, "The Case for Contact: Overcoming the Challenges and Dilemmas of Official and Non-official Mediation with Armed Groups," Norwegian Peacebuilding Research Centre, June 2015, available at www.clingendael.org/sites/default/files/pdfs/Garrigues_NOREF_Clingendael_The%20case%20for%20contact_mediation%20with%20armed%20groups_June%202015.pdf .

75 Interview with Libyan mediator, Skype, November 9, 2017. For a discussion of restorative justice, see Najla Elmangoush, "Customary Practice and Restorative Justice in Libya: A Hybrid Approach," United States Institute of Peace, June 2015, available at www.usip.org/sites/default/files/SR374-Customary-Practice-and-Restorative-Justice-in-Libya-A-Hybrid-Approach.pdf .

The fundamental problem with transitional justice in Libya has been that many revolutionaries "felt that 'reconciliation' was a code word for compromise towards the former regime." Rather than reconcile, they wanted to punish "the 'remnants' of the old regime" by at the very least barring them from positions of authority.[76] This was also the attitude of the transitional authorities themselves.[77]

This has had an impact on local mediation. As one local mediator recognized,

> Our goal is not reconciliation. Our work is mainly focused on de-escalation [*tahdi'a*] and cease-fire agreements, then the government should follow up and continue the rest. We do not aim [at] reconciliation because it requires legislations, time, and resources, and we do not have that. We are not policymakers.[78]

In other words, solving conflict in the short term, such as through cease-fire agreements, requires addressing more immediate concerns, such as urgent humanitarian needs and the exchange of hostages and corpses. Finding enduring solutions to conflicts, on the other hand, requires a broader framework in which the state assumes an active role. Transitional justice suffers from a lack of political will to pursue it and of a central authority to manage it.

Frustrated by the lack of political will for reconciliation at the national level, UNSMIL has moved on from lobbying for a transitional justice law to mediating not just cease-fires but more long-term solutions to conflicts between communities.[79] These disagreements almost invariably involved groups that fell in the camps of revolutionaries and former regime loyalists during the 2011 war—though they often landed on opposing sides for reasons other than whether or not they supported Qaddafi. They also almost all involve local mediators who had begun engaging immediately after the uprising.

UNSMIL's work on reconciliation has fundamentally been the remit of its Political Affairs Division, though its Human Rights, Transitional Justice and Rule of Law Division has also been heavily involved. For the latter, its work monitoring human rights violations of detainees and internally displaced persons (IDPs) provided a segue to more direct engagement in mediation. Unlike other UN missions, in which human rights and rule of law are separate units, UNSMIL takes a more holistic approach, integrating these areas of work into a single division. This division is also integrated in that it includes staff from the Office of the High Commissioner for Human Rights, the Department of Peacekeeping Operations, and the UN Development Programme (UNDP) working side by side. Ranging between ten and fifteen members strong, it has struggled to cope with the amount of work in its portfolio.

Addressing the Reparations Dilemma

Since its arrival in the country in September 2011, UNSMIL has shown concern for and made contact with communities whose members had been displaced and detained during the revolution, particularly during the conflict between the cities of Tawargha and Misrata. The Tawarghans were the main victims—the Misratans drove them from their town after Qaddafi's forces used it as a base for attacking them—though the Misratans also suffered damages. In early 2015 the municipality of Misrata and the local council of Tawargha approached the mission seeking support in mediation.[80] Before contacting the UN, the parties had reached a deal by which the Misratans would receive compensation and the Tawarghans would be able to return to their town.

The mission's Human Rights, Transitional Justice and Rule of Law Division had been following up on the detainees in this conflict, primarily Tawarghans arrested by Misratans, and as the agreement dealt with compensation and return, it handled the process. UNSMIL facilitated a series of meetings between the sides that resulted in an agreement. The mission provided technical

76 Wierda, "Confronting Qadhafi's Legacy," p. 163.

77 It was not just the militias that felt this way. Despite the nominal commitment of the NTC and the government, the new authorities did not spearhead any substantial public discussion of or action on transitional justice. Martin, "The United Nations' Role in the First Year of the Transition," p. 149.

78 Interview with UN official, Tunis, November 6, 2017.

79 This feeling of frustration was shared by Libyan civil society, which had lobbied strongly for such legislation immediately after the change of regime.

80 This was during the Geneva municipalities conference that took place in January 2015 in the context of negotiations over the LPA. See https://unsmil.unmissions.org/transcript-srsg-leon-press-conference-opening-libyan-dialogue-session-geneva .

support for the drafting of this agreement, and it was signed in August 2016.

The agreement involved the return of Tawarghan IDPs, the reconstruction of the town of Tawargha, which had been destroyed, and the implementation of security arrangements within the town to prevent future retaliation. Most notably, it provided for reparations for damages in the form of financial compensation.[81] In parallel, an international trust fund was created for rebuilding the town with commitments from European countries and Qatar.[82] Moreover, the central state was involved in the process, and Prime Minister al-Sarraj was one of the signatories of the agreement. These provisions addressed some of the fundamental problems of finding durable solutions to local conflicts in Libya: the lack of a strong central government with a long-term strategy and the capability of mobilizing resources.

The agreement's critics have argued that the promise of hefty financial compensation to the Misratans would set a dangerous precedent, unleashing an avalanche of claims all over Libya, and that the Libyan authorities would thus never release the money.[83] According to this narrative, this mechanism has potentially delayed indefinitely the solution to the conflict, particularly to the return of IDPs whose fate is hostage to the compensation of the Misratans.[84] The UN has therefore opposed the request for a more expansive interpretation of the compensation—presumably involving hundreds of thousands of dollars. In fact, this was one of the reasons it did not sign on to it. However, some have argued that the government is hesitant to disburse even a much smaller amount—somewhere between $50,000 and $100,000 in total—because of the precedent it would set.[85]

Yet even though the issue of compensation remains unresolved, the agreement has been a catalyst to move the process forward. More generally, one of the benefits of the lengthy dialogue process has been to reduce anti-Tawarghan sentiment in Misrata.

Another challenge this mediation effort illustrates is the division of the country between east and west, particularly because Prime Minister al-Sarraj endorsed the agreement, which eastern forces saw as an interference. Tawarghans are themselves divided between east and west, both geographically and politically, a reflection of the fragmentation among most of the parties to the various conflicts throughout Libya. While the Tawarghan delegation that participated in the mediation was from the west, Haftar has recruited some Tawarghans in the east. Those from the east were silent during the drafting of the agreement but then turned against it, denouncing it as serving only the interests of Misratans.

Yet the agreement is still alive. It is significant that even opponents are calling for its amendment rather than its cancellation. For example, Tawarghan civil society from both east and west brought together in Tunis by UNSMIL on October 24 and 25, 2017, agreed to push for implementation with modifications. There has been other activity related to the agreement, including visits to Tawargha to plan for its reconstruction, including by mapping explosives for demining, as well as the establishment of a follow-up committee and victims groups.

In the meantime, the mission is struggling to keep its attention focused on this agreement as it internally debates its priorities.[86] With limited resources, national-level mediation is given prefer-

81 The initial reparations discussed focused on those killed, injured, disappeared, detained, or ill-treated in detention for both sides equally. The Misratans then added compensation for moveable objects (i.e., not structures but personal property such as stolen jewelry, furniture, and vehicles). Compensation for those items is what the two parties had essentially agreed on before coming to the UN. That request essentially moved the discussion away from reparations—always symbolic since one cannot put a price on a murdered relative or the loss of a limb—to compensation where the actual price of an item was being calculated and full payment sought.

82 An array of UN agencies have been working together to prepare to rebuild Tawargha when and if its inhabitants return. UNICEF, the World Health Organization, the UN High Commissioner for Human Rights, the UN Mine Action Service, and UN Women have plans to—among other things—demine, re-erect schools, and establish a psycho-social support center. Amnesty International, "Libya: Six Years on Path of Return for Displaced Tawarghas Remains Blocked," August 22, 2017, available at www.amnesty.org/en/latest/news/2017/08/libya-six-years-on-path-of-return-for-displaced-tawarghas-remains-blocked/ .

83 Such financial arrangements are common in conflict resolution in Libya, however. For example, local mediators reached an agreement in the conflict in Kufra in 2012 that included compensation, including blood money, for the parties. In this earlier case also the government refused to release the funds. Interview with Libyan mediator, Skype, November 5, 2017.

84 There are different suggestions on how to amend the agreement. One mediator suggested a short-term agreement on security measures to guarantee safe return. The parties could then add a secondary agreement on compensations in the long run. Interview with Libyan mediator, Skype, November 19, 2017.

85 Interview with UN official, Tunis, November 9, 2017.

86 Ibid.

ence. However, without the mission leadership directly liaising with the GNA and al-Sarraj, it is difficult to push the Tawargha-Misrata agreement forward and to mobilize other UN agencies to pay attention to various aspects of the agreement, in particular the reconstruction efforts and security arrangements.

The mission is also confronting a dilemma similar to that in the negotiations in Tripoli, only in this case the disagreement is within the same division. The Human Rights, Transitional Justice and Rule of Law Division has to reconcile its prerogative to monitor human rights clashes with its interest in being perceived as neutral in order to facilitate discussions between the parties. Documenting the violations committed by Misratans against Tawarghans in detention and in camps upsets the Misratans and reduces the mission's leverage over them. The division also does not have enough staff to carry out both activities properly.[87]

Resolving the Question of Land

Testament to the fact that the agreement between Misrata and Tawargha has been perceived by Libyans as more of a success than a failure is that the Mashashiya and Zintani tribes then sought UNSMIL to intercede between them. The Mashashiya Local Council and Zintan Municipal Council contacted the mission to start negotiations on the return of IDPs from both communities. The mission's involvement started in April 2016.

The underlying issues were similar in that Mashashiya IDPs wanted to return, while the Zintanis were seeking compensation for damages. The parties reached the agreement by themselves on May 18, 2017, then UNSMIL facilitated a series of meetings to resolve choke points. Beyond the mission, the organization most involved in the mediation was the National Reconciliation Committee of the Elders and Shura Councils Union, an institution that has been engaging in this conflict since early 2012.

This multilayered conflict was similar to others in Libya that appear to pit Qaddafi loyalists (consisting of a large part of the Mashashiya) against revolutionaries (the Zintanis) but that also involve an underlying tribal rivalry (e.g., the conflict between the Warshafana and Zintani tribes), as well as their own nuances. The conflict has its roots in the Qaddafi regime's allocation of land that belonged to tribes from Jabal al-Gharbi, Zintan's powerbase, to the Mashashiya, who are from the south (though originally nomadic).

This land question has stalled the implementation of the agreement due to its complexity.[88] The agreement established an arbitration mechanism for land disputes, but there is no consensus on how exactly it should function.[89] Since the agreement was signed, most of the Mashashiya have returned to their homes but refused to discuss the clauses dealing with the question of land.

Further, there is tension between the elders who signed the agreement and the younger armed elements of each party that are not ready to reconcile and begrudge the power given to these traditional actors. This chasm between the elders and the youth, particularly those making up the militias, within the same community is replicated in other mediation processes in Libya.[90] There are numerous ways in which the militias are blocking progress. The agreement involves the fate of 12,000 IDPs and two towns: Mizda, which is mixed, and al-Awainiya, which is Mashasha and was partially destroyed. The Mashashiya have an organized armed force active in Mizda, making the Zintanis afraid to return to their homes. The Mashashiya, on the other hand, claim that everyone who wanted to return has already done so. The Zintanis also accuse Mashasha forces of blocking the road that connects Zintan and Tripoli, which happens to fall in their territory.[91]

Encouraging Dialogue

In April 2016 a UN Peacebuilding Support Office (PBSO) mission report underlined the importance of supporting a national program of reconciliation including bottom-up initiatives to complement the

87 Ibid.

88 Conflict over control of land is a component of numerous other disputes, including that between Tawargha and Misrata.

89 There is no agreement, for example, on what legal system the mechanism should rely on: Islamic, Libyan, or international.

90 For example, in the conflict between Tawargha and Misrata.

91 UNSMIL's human rights division has been monitoring violations in this conflict since the uprising, including abductions, arbitrary detentions, torture, death in custody, summary executions, and enforced disappearances.

top-down approach the international community had adopted, which had reached its limits. The mission started to take a more proactive approach to reconciliation in August and September 2016 with a consultative meeting in Tunis bringing together seventy-five Libyan experts and practitioners. This was the foundation of a project supported by the UN Peacebuilding Fund and launched in December to hold a series of dialogues throughout the country.[92] In a follow-up meeting with key Libyan stakeholders in Malta in January 2017, the mission decided to focus on local dialogue in the absence of state-led efforts.[93]

These local efforts are guided by a simple set of guidelines. The emphasis is on local ownership, so the mission avoids using international consultants, whether from international NGOs or nationals of other countries. In order to be less intrusive, the meetings are conducted in Arabic without simultaneous translation. The role of the UN is to write the minutes at the end of each session, which are reviewed by the participants and agreed upon with their signature.

Still, the UN maintains some power by choosing the penholders and having a limited say in deciding who attends. The latter can be crucial, as the high number of parties represented is at times a problem in mediation efforts in Libya, and a breakthrough may only be achievable after the number of participants is reduced to the directly affected parties. These are also closed meetings and are not publicized except by agreement.

One of the issues that this dialogue project has addressed is the repercussions of the 2014 battle for Tripoli, including the return of Zintanis who were expelled from the capital. The mission convened a dialogue in September 2017 in Tunis bringing together the main Tripoli militias with Zintanis, as well as elders, representatives of municipalities and civil society, and national politicians. The meeting ended in a preliminary agreement, signed in Tripoli, allowing those expelled—and some who had left voluntarily—to return. Security arrangements and disbursement of reparations are pending, though a fund has been officially approved.

This bottom-up reconciliation has become more ambitious. While previous local mediation efforts confined themselves geographically—primarily to the western part of the country—this process straddles east and west with a dialogue between tribes from the east and Misratans that started in July 2017 and contributes to broader reconciliation. One of the planned entry points in the eastern coast is to address the conflict around Derna, working with social councils and tribal leaders from the city and neighboring tribes and towns. The aim is to ease tensions at the local level and improve communications, including by opening a humanitarian corridor.

Conclusion and Lessons Learned

NAVIGATING A FRAGMENTED LANDSCAPE

One of the fundamental challenges facing any efforts to mediate in Libya is the fragmentation of national authority. It is a country without clear authorities and fraught with internal divisions. Some tribes, for example, are split into three. Many Libyans do not know who leads their tribe or do not even feel represented by a tribe. Leadership among Libyans is often unstable and unpredictable. Local mediators might reach an arrangement with a particular leader, and then a few days later the leadership changes and the agreement needs to be redrafted.[94]

With no one in charge and an ever-evolving environment, external actors like the UN are often not completely sure who different actors represent. Some tribal figures claim leadership but do not

92 At the end of 2016 the UN Peacebuilding Fund approved $3 million in funding for national reconciliation efforts on the grounds that "the political process can only succeed if an effort is made to create a supporting environment for peace among the population, closely connected with the high-level political initiative." These efforts are led by UNSMIL's Political Division, with UNDP as an implementing partner. UN Secretary-General, "Note to Correspondents: United Nations Peacebuilding Fund on Libya," December 13, 2016, available at www.un.org/sg/en/content/sg/note-correspondents/2016-12-13/note-correspondents-united-nations-peacebuilding-fund .

93 The project is not only focused on local mediation but also facilitates a national dialogue on key thematic and regional issues related to the reconciliation process, such as on IDPs, youth, municipalities, and arbitrary detention. Soon it will also address education, land, and missing persons. These are meant to serve as the building blocks of a future reconciliation strategy.

94 Interview with Libyan mediator, Skype, November 19, 2017.

Box 1. Women in mediation

In addition to youth, women are another major group missing from local mediation in Libya. Their presence is particularly urgent because sexual violence is a taboo subject in the country and is not being addressed—though much of the sexual violence is directed at men. UNSMIL, which has a Women's Empowerment Section, has tried to remedy this but has had limited results. For example, after the dialogue between the Qadadfa and Awlad Suleiman tribes came to a halt, a women's track was established. There is also a need to address sexual violence in other conflicts, such as that between Tawargha and Misrata.

However, women have not been part of the traditional conflict-mediation mechanisms in Libyan society. A local mediator working with UNSMIL explained that the UN must have a realistic approach, being mindful of Libyan culture:

> Asking me to bring a woman to the table just because of a quota is ridiculous and would not address the conflict. In fact, it harms our work. I cannot ask tribal leaders or commanders to bring their wives to the table. This does not feature in their customs and is an insult for them. We must respect their tradition, be realistic, and deal with the actual stakeholders.[95]

Beyond the fact that many of those at the table are representatives of armed groups, this exclusion of women is primarily due to Libya's tribal structure. Women, therefore, can only find a role in mediation outside tribal mediation mechanisms.

In such an adverse context, women's empowerment has not been a top priority for the mission. Though interest appears to have increased over time, it has also wavered depending on the particular interest of each individual head of mission. Women have had a presence in the major political processes and institutions, but it was only token. There were two women out of the twenty-four Libyans negotiating the LPA in Skhirat. However, even this had to be imposed by UNSMIL and provoked a reaction from the men, who argued the women lacked a constituency.[96]

The latest UN mandate spells out for the first time the role of the mission in advancing the "full, equal and effective participation of women in all activities relating to the democratic transition, conflict resolution and peacebuilding." It urges "wider engagement and participation of women from across the spectrum of Libyan society in the political process and public institutions." It also calls "Libyan authorities to prevent and respond to sexual violence in conflict."[97] With only two members, however, the Women's Empowerment Section does not have enough resources to execute this ambitious mandate.

actually have a constituency and only speak for themselves. Councils of elders can also have questionable credentials. It is difficult to discern those who pull the strings from those who claim to, information that is vital for deciding who should participate in negotiations, stitching together a durable peace, and taking it forward.

MAINTAINING ACCESS FROM OUTSIDE THE COUNTRY

The conflict in Libya is volatile, capable of changing from one day to the next, which makes it difficult to be aware of what is happening at any one time. Alliances among the stakeholders are constantly fluctuating, and the multiplicity of actors also means that there are many spoilers. Successful mediation requires a profound understanding of the internal dynamics and underlying causes of conflict.

As UNSMIL is based in Tunis, it is hard for it to learn about developments in the country, gather information about the different actors, establish connections, and mediate. The mission maintains

95 Local mediator, Skype, November 19, 2017.

96 Women are represented in the major political institutions, but without a quota their presence is only symbolic. There is one woman among the thirteen members of the High Council of State, and there are three among the twenty-four members of the House of Representatives.

97 UN Security Council Resolution 2376 (September 14, 2017), UN Doc. S/RES/2376.

local staff in Libya who it contacts by phone, but this is insufficient.[98] The large number of armed groups in the country baffles even local mediators. Still, the mission's deficiencies should not be attributed simply to lack of access but also to insufficient resources, including lack of staff to gather and process information.

Being headquartered outside Libya is also the most fundamental problem facing UNSMIL's intervention in local mediation. Over time, mission staff have developed a solid network of contacts in Libya and a good rapport with those actors. The mission has built up an institutional memory of the country, and its staff are praised for being good listeners and sensitive to local perspectives and needs. They have been able to travel to Libya and bring Libyans to Tunis or elsewhere. Also, a number of interlocutors are actually based in Libya. Even if the mission were in Libya, many meetings would have to take place abroad because many actors are not comfortable traveling to their opponents' part of the country, whether Tripoli or the east. But the challenge of maintaining and extending contacts remains. UN staff rotate frequently, and many have limited contact with Libyans. Those who do are often mainly in contact with the elites, and being outside the country impedes contact with ordinary people.[99]

"Tele-mediation" is not wrong, per se, and even local mediators conduct much of their prep work by phone and SMS. However, most mediation efforts require in-person negotiations, particularly in the final stages before clinching an agreement. UNSMIL has compensated for this by increasing visits to Libya by staff, despite stringent safety measures. The security threats mission staff face in Libya are great, and returning the headquarters to Tripoli would have challenges of its own. However, a greater presence on the ground is needed.

INTERVENING THROUGH LOCAL MEDIATORS

The complexity of Libya's social structures and internal dynamics is a burden for any external actor wanting to influence developments in the country. Because of this, the UN and other international mediation organizations need to intervene through local mediators—the only ones able to understand all the nuances of the landscape.

External actors also ultimately lack the trust of society by virtue of being foreign.[100] In a country with a colonial legacy and in which anti-imperialism was a daily staple of public discourse for the whole of Qaddafi's rule and before, sensitivities over local sovereignty need to be accounted for. This is another reason to work through local mediators.

At the same time, it has become increasingly difficult for local mediators to maintain their neutrality, or at least to be perceived as neutral, as the country has become more polarized. But this does not seem to be an insurmountable obstacle, as the numerous examples of successful mediation by local entrepreneurs illustrate.[101]

LEVERAGING SOFT POWER

UNSMIL lacks many resources, but it has soft power. Libya is a particularly propitious environment for it to intervene. Libyans view the international community with suspicion, but this coexists with an appreciation of the UN as the only organization capable of solving the conflict. In contrast to Syria and Yemen, where the UN plays an increasingly marginal role as a political mediator, the mission in Libya has not lost its relevance.

The fact that the mission was able to carry out mediation efforts in both the east and the west is significant. That it could intercede and facilitate cease-fires in the east shows that it has a high

98 Interview with Libyan mediator, Skype, November 18, 2017.

99 Interview with Libyan mediator, Skype, November 18, 2017.

100 According to one mediator, the presence of international mediators in the local context may delay the agreements: "Parties would talk and engage in a dialogue if the international representatives were in the room, yet they will not sign a thing until the international person leaves the room." Interview with UN official, Tunis, November 6, 2017.

101 Interview with local mediator, Skype, November 19, 2017.

degree of legitimacy there, and in the eyes of Haftar in particular, despite his opposition to UN-backed institutions. The UN has been effective at leveraging the international legitimacy it bestows upon mediation processes and its various resources to facilitate positive outcomes.

TAKING A COORDINATED, LONG-TERM APPROACH

UNSMIL's involvement in local mediation has developed organically as the mission reacts to events, in a way as a sideshow to national-level negotiations. In other words, it has not taken place according to a plan with a clearly thought-out long-term strategy. This has also meant that certain areas of the country have been neglected, not just by UNSMIL but also by the central government, in particular the south, where illegal migration and drugs and arms trafficking are widespread.

There is a need for more coordination within the mission between national- and local-level mediation. There is, for example, some overlap in the work of the different divisions that affects the mission's overall engagement in local mediation. An independent division solely in charge of local mediation might be able to unify all mediation efforts in the mission or at least to coordinate the efforts of different departments.

Local mediators have also asked for greater engagement and coordination from UNSMIL, including regular meetings. Of particular concern has been the possibility of direct contact by UNSMIL with a party without coordinating with local mediators, which would undermine the latters' credibility. There is also demand for long-term engagement through capacity-building projects, such as training for young Libyan mediators.

More generally, the various goals and interests of different international organizations and the multiple initiatives by different countries have also confused local mediation efforts. International actors working on mediation should coordinate through UNSMIL.[102]

Equally important is the commitment of the international community to follow through on mediation efforts from beginning to end—not only mediating and reaching an agreement but also accompanying the parties through the implementation process. Mediation efforts should be seen as processes, not as events that stop the day after fighting ends.

But with its limited staff and competing priorities, the mission struggles to keep resources focused on one process. This is compounded by the international community's lack of patience for local mediation efforts, which are slow, and its demand for immediate results. Many in the international community are also put off by local mediation because of its complexity and their fear of getting bogged down in the details. This is not a deficiency of the international community alone, however. The failure to implement agreements reached among Libyans has also eroded trust between the affected communities, which has led to broader skepticism toward mediators in general.

EXPANDING BEYOND TRADITIONAL POLITICAL ACTORS

UNSMIL has accorded preference to political actors over military groups, interpreting its mandate strictly in terms of providing support to Libya's inchoate state authorities. A number of factors justify this approach. Part of the rationale is that functioning and legitimate executive and legislative authorities are needed to solidify the security apparatus. Then there is the importance of engaging with the political actors that were willing to play by the rules of the democratic game and marginalizing those that do not. Also, the mission's prioritization of political actors was not as much a choice as a necessity due to limited resources.

However, it is a basic rule of mediation that one should not ignore those actors that have the power to undermine the process (i.e., to turn into spoilers). This was one of the lessons of the LPA's limited success. The UN is also uniquely positioned to speak to all groups, including armed groups.

One way to remedy this imbalance is to engage in local mediation. Some local mediation efforts between military actors have held fast, as these actors can be quite pragmatic about the limits of

102 The need for member states to unify efforts "or work apart and spread confusion" was the thrust of the remarks by Special Representative Ghassan Salamé last September in New York at the high-level event on Libya. "Remarks of SRSG Salamé at the High-Level Event on Libya," New York, September 20, 2017, available at https://unsmil.unmissions.org/remarks-srsg-salam%C3%A9-high-level-event-libya .

their power. The example from the Sirt Basin above is a case in point. However, militias are often reluctant to abide by the agreements reached and may try to sabotage them, though this tendency is not exclusive to armed groups. Militias are also frequently divided, which makes them volatile.

Militias and revolutionary youth more generally begrudge the fact that these mediation processes legitimize and strengthen traditional actors and mechanisms. Youth, who represent the majority of the population, are important new political actors in Libya. UNSMIL must therefore be as inclusive as possible of youth, whether in the main mediation processes or in parallel talks. An even more regrettable absence in most mediation efforts is that of women. That these actors are missing from negotiations raises questions about the legitimacy of the agreements reached.

LINKING THE LOCAL AND NATIONAL LEVELS

The most fundamental question about engagement in local mediation is whether it has a cumulative influence at the national level. However, while it is clear that developments at the macro level affect the environment locally—positively or negatively—the opposite is often not easy to establish.[103] In one way, focusing on local-level mediation can have a detrimental impact in the country, exacerbating its fragmentation. However, local mediation has also contained the civil war, preventing it from spreading throughout the country, in particular its hinterland, and stopping the country from falling into the abyss. More generally, local initiatives also help create a more conducive environment for sustainable de-escalation.[104]

That mediation at the subnational level may have a positive impact on the national level is not to say that local conflict resolution is particularly effective. Without stable and operative state institutions, local mediation efforts often just manage conflict without solving it. A lasting solution requires a national transitional justice and reconciliation process. This means addressing the political, economic, and security aspects of the conflict, which only a central authority can do fully. Legal proceedings and frameworks need to be set in place—including a constitution—reparations for victims made, damage repaired, and DDR programs implemented.

ENSURING SOVEREIGNTY AND LOCAL OWNERSHIP

Ultimately, UNSMIL's level of involvement in local mediation has been determined by attitudes toward Libya's sovereignty, and UN special representatives have been particularly cautious in this respect. The risk of violating national sovereignty is real, and the mission treads a fine line—so much so that one senior official said, "The best is to leave Libyans to their own devices."[105] This is why it was decided to create a "light-foot" mission, why elections were prioritized over security sector reform, and why a national conference, planned for early 2018, has not been held, though the idea has been floated at least since the time of the second special representative (October 2012–August 2014).[106]

The LPA illustrated the limitations of a top-down mediation effort lacking sufficient buy-in from the various Libyan constituencies. Learning the lessons from its experience in national and local mediation efforts, the UN has opted for a more inclusive approach—something between top-down and bottom-up. Though it is not guaranteed to succeed, a national conference could provide greater local ownership. The greatest challenge will be who to invite.

103 One example of the influence of the national on the local is the conflict in Ubari between Tuareg and Tebu. The establishment of the GNA and the ensuing political unity in Tripoli isolated the conflicting parties, forcing them to make concessions. Interview with Libyan mediator, Skype, November 9, 2017.

104 One local mediator argued that the parties to the conflict in the top political echelons have shifted their positions and become more flexible due to successes at the local level. Interview with Libyan mediator, Skype, November 19, 2017.

105 Interview with UN official, Tunis, November 8, 2017.

106 A national dialogue conference is a central element of the Action Plan for Libya unveiled by Special Representative Ghassan Salamé in September. "Remarks of SRSG Salamé at the High-Level Event on Libya."

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