



Conflict-Sensitive Assistance to Libya Forum

Summary of Discussions | 44th Meeting

9 December 2021, Online

The Conflict Sensitive Assistance in Libya (CSA) forum, convened by the Embassy of Switzerland to Libya and the European Union and facilitated by the Peaceful Change Initiative (PCI), met for its 44th meeting (CSA 44) on 9 December 2021. The meeting was held online.

The objectives of the meeting were to:

1. Update the joint conflict analysis of the CSA process and apply the analysis to specific areas of practice;
2. Present and review potential scenarios relating to the situation in Libya and their impact on international assistance.

Summary update of national peace and conflict analysis

This summary covers key changes in Libya's peace and conflict context over the period 7 October June 2021 to 9 December 2021.

Political

The update period saw preparations for elections dominate the political situation.

The registration process for presidential and parliamentary elections commenced on 8 November with contenders able to submit their candidacy for the presidency until 22 November and for the parliament until 7 December. A total of 5,385 candidates registered across 13 districts to compete for 200 seats in parliament. Out of 2.8 million registered voters approximately 2.4 million picked up their voter cards.

For the presidential elections, 98 contenders, of which two are women, submitted their candidacy. Twenty-five candidates, including Saif Al-Islam Gaddafi, were initially deemed by the High National Electoral Commission (HNEC) to violate the eligibility criteria and removed. In the period immediately after the publication of the list of candidates, a number of court cases were launched in an effort to invalidate or reallocate candidates, including Abdel Hamid Debeiba, Saif Al-Islam Gaddafi and Khalifa Haftar, who were all subsequently deemed eligible to run.

The announcement of candidates did lead to some threats of violence from groups opposing the eligibility of some candidates. In Sabha, the court hearing the appeal of Saif Al-Islam Gaddafi ineligibility decision was prevented from meeting for several days by armed groups, reportedly affiliated with Khalifa Haftar, who were opposed to his candidature. Several polling stations were forced to close in western cities as a result of protests against Haftar and Gaddafi'

The Conflict Sensitive Assistance in Libya (CSA) forum, funded by the Government of Switzerland and the European Union and facilitated by the Peaceful Change initiative, aims to support the ability of international assistance providers working in and on Libya to undertake their work in a conflict sensitive manner – minimising the risk of harm caused by their programming and maximising opportunities to promote positive peace.

CSA activities include: a regular forum bringing together international organisations, donors and implementers to consider how the changing context in Libya affects and is affected by their activities; the Leadership Group made up of senior representatives of diplomatic missions and the UN, which aims to consider policy responses aimed at enhancing conflict sensitivity; and technical support to implementers, through training and advice related to conflict sensitivity.

Polling conducted between 1 and 5 December by Diwan Research placed Debeiba firmly in the lead with 49.7% of surveyed voters intending to vote for him. Saif Al-Islam Gaddafi had 14.0% and Khalifa Haftar 7.3%. 25.5% of voters were undecided.

Some national actors have repeatedly questioned the process and called for a postponement. On 8 December, the High Council of State called for a postponement of elections and released another electoral plan. The GNU held a Stabilisation Conference on 21 October in Tripoli, including international participants, which was met with speculations that it was aimed at building support for postponement of elections.

Over the reporting period, international and regional actors appear to have largely held to the process, without making obvious preparations for an expected failure of the process. On 12 November, the Paris Conference on Libya was held, attended by heads of states. The final communique confirmed participants' commitment to the political process.

On 17 November, Head of UNSMIL Jan Kubis submitted his resignation to the UN Secretary General (UNSG) which was accepted, effective from 10 December. On 6 December, the UNSG appointed former Acting Special Representative of the Secretary General, Stephanie Williams, as his Special Advisor to Libya, stating that she will lead the political process going forward.

Security and Justice

The update period saw incidents of election-related violence but did not see significant military mobilisation of major national actors ahead of elections.

The overall security situation in Libya remained steady although the west, in particular Tripoli and Zawiya, saw increasing tensions between armed groups in the run-up to elections. Several incidents of election-related violence occurred. On 26 November, an armed group reportedly affiliated with the LNA attacked the court of Sabha preventing it from processing an appeal filed by Saif Al-Islam Gaddafi into his disqualification from standing in the presidential elections. On 1 December, five HNEC offices in greater Tripoli were the subject of armed robbery, kidnap and voting card theft.

Nationally, there have been no obvious indications that major national actors have been ramping up their military capacity or mobilised to pursue a military solution. National actors have held meetings with regional and international states, but there have been no clear indications that this has resulted in an increase in military support from regional backers.

There has been no significant change in the presence of foreign fighters in Libya. On 8 October, the 5+5 JMC announced an Action Plan for the departure of foreign fighters and mercenaries. The Plan was presented at the Stabilisation Conference in Tripoli and discussed with neighbouring countries Chad, Niger and Sudan during meetings in Cairo from 29 October to 1 November, which concluded with an agreement on a concept of a communication and coordination mechanism to support the implementation of the Action Plan. This was followed by a meeting with the African Union, and more recently 5+5 JMC delegations have travelled to Turkey and Russia to build support for the Plan.

On 10 October, as mandated by the UN Security Council, the first group of UN ceasefire monitors was deployed to Libya support the 5+5 JMC in implementing the ceasefire agreement and on the withdrawal of foreign fighters and mercenaries.

Economic

The update period saw no major changes to structural economic drivers of conflict.

Clashes between rival armed groups in Zawiyah caused severe damage to nearby oil facilities, but there were no shifts in control over important oil infrastructure.

Tensions between the Minister of Oil Mohamed Oun and the Chairman of the National Oil Corporation (NOC) Mustafa Sanallah continued as the Minister suspended Sanallah for the second time, accusing him of not following the administrative hierarchy and taking decisions autonomously. Despite this suspension, Sanallah reportedly continued to function as Chairman of the NOC.

On 6 December, Governor of the Central Bank of Libya (CBL), Siddiq Al-Kabir and Deputy Governor, Ali Al-Hibri, met to agree on a plan to launch the process of unifying the Central Bank in accordance with the roadmap developed as part of the financial review.

In terms of the general economic situation, the country saw prices rising to an all-time high as a result of a combination of measures to stem Covid-19, the devaluation of the dinar and wider setbacks in the global economy.

The complete CSA national peace and conflict analysis, as well as a more detailed overview of the updates for this period including updates to individual peace and conflict factors, can be found by logging into the OPSECA online platform at: <https://opseca.humanidev.tech/opseca#?p=dashboard?a=6>.

To register a profile and use of the platform, please contact libyacsa@peacefulchange.org. Only organisations participating in the forum have access to the online platform (one login profile per organisation).

Social

The update period saw a tightening of political and civic space in the run-up to elections.

There was an increase in documented incidents involving the targeting of journalists, civil society activists, and individuals expressing views against State agencies, armed groups, and political actors. In particular, women who came forward as candidates for anticipated elections or otherwise been politically active faced harassment and threats, including on social media.

Preparations for elections highlighted other patterns of exclusion in Libya, with representatives of Libyan Tuareg tribes calling for a resolution to their ID status ahead of elections to enable them to cast their votes.

Conflict sensitivity considerations related to projected scenarios for peace and conflict in Libya

Following the presentation of the summary update covering the changes to the context since the last CSA forum, PCi presented different scenarios outlining different trajectories the conflict in Libya could take over the following 6 months.

The scenarios are constructed around an analysis of possible developments in key variable peace and conflict factors. Due to uncertainty around the electoral process, the usual 12 month scenario projections were reduced to 6 months. Scenarios are intended to represent the range of outcomes which Libya may experience and which international assistance providers should consider when planning, without assessment of probability. Scenarios are also intended to be indicative, representing broad possibilities – actual events are likely to differ to greater or lesser degrees.

Working in groups on each of the scenarios, participants reviewed the scenarios, assessing whether they present plausible developments given the current context and recent trends. The groups also discussed which implications the given scenarios may have for delivering assistance, and identified conflict sensitivity risks and opportunities arising out of each scenario, including who should take actions to leverage the identified opportunities. The scenarios and summaries of discussions are outlined below.

Intermediate scenario: Elections delayed but held within scenario period

This scenario represents a possible intermediate situation in which elections are delayed for a short period. The occurrence of this intermediate scenario would be expected to delay the occurrence of the later scenarios (1, 2 and 3) beyond the six month period.

In the intermediate scenario, elections in December are delayed for a short period. Key international and national actors maintain an expectation that they will occur shortly, and they are then held before the end of the six months scenario period.

With limited time before elections, there are only a few ways in which elections are likely to be delayed: a sudden worsening of the security situation; a substantive attack on, or compromising of, election infrastructure (e.g. an attack on HNEC offices or large-scale theft of ballots) which would prevent the election from being implementable; or a declaration that the logistics were not in place. These triggers could happen before or during polling day, leading to the announcement of a delay.

Despite the delay, key national actors still feel that elections are going to take place on broadly credible terms.

International actors would apply diplomatic pressure to ensure that key national actors do not respond to the delay by pushing the situation towards scenarios 2 or 3.

A likely requirement for this scenario is that blame for the delay does not clearly fall on the GNU, which would be interpreted as an attempt to maintain power and represent a loss of credibility for the electoral process and could lead other national actors to push the situation towards scenarios 2 or 3.

Elections are likely to be necessary within the six months scenario period. If held, the situation would move towards outcomes similar to scenarios 1,2 or 3. If not held, then the situation would move towards outcomes similar to scenarios 2 or 3.

This scenario was not directly discussed during the meeting, but it was considered as part of discussions of the other scenarios.

Scenario 1: Elections held, political deal limits spoilers

Scenario description

In this scenario, presidential and parliamentary elections are able to be held in December and February. The result of these, despite some challenges, provide some political clarity.

On 24 December, the first round of presidential elections take place. Some security incidents occur and there are reports of some irregularities, but these are not deemed significant enough by independent observers to compromise the outcome of the election.

The first round sees two candidates, most likely Abdel Hamid Debeiba and Saif Al-Islam Gaddafi, proceeding to the second round (in accordance with latest polling). While Khalifa Haftar may also be the second candidate in this scenario, it would make the scenario less likely.

The results of the first round of elections are contested in the courts, with claims of irregularities, illegality of the process or the ineligibility of the winning candidates. These create some political uncertainty but the courts rule in favour of the winning candidates.

The results of the first round of elections leads to a flurry of political activity seeking to make a deal between political actors, most importantly between Debeiba and prominent political actors in the east who could limit the ability of Khalifa Haftar to act as a spoiler of the electoral process. The political deal making would involve promises to assign key positions in a new government to prominent eastern political actors.

A combination of this political deal, international diplomatic pressure and unwillingness by international actors to support Haftar militarily limits Haftar's capacity to use force to spoil the electoral process, either between the December and February elections or after February.

The second round of presidential elections are held, together with parliamentary elections, in February. Despite some irregularities and security concerns, the clear winner of the presidential elections is Debeiba. The international community broadly accepts this.

The parliamentary election results lead to a series of disputes over results which play out primarily in the courts. This delays parliament from working effectively for a few months.

The newly elected president faces the problem of trying to incorporate the interests of various influential groups into the new government, including western, eastern, southern political actors and armed groups. This is complicated by rivalries between these groups, their capacity to oppose or spoil political processes, and the need to get approvals for appointments through parliament.

While sidelined as a result of the political deal and lack of international support, Haftar remains a significant actor and moves to play the role of political disruptor outside mainstream politics.

Some uncertainty persists over the role of security actors in the east, which are no longer officially controlled by Haftar but continue to have links. Consequently, the new Tripoli based government is limited in its ability to exert control over the east without the full support of influential eastern political and military actors.

The new government makes little progress towards addressing transitional priorities, including towards preparing a process to draft a new constitution over the scenario period.

The scenario period sees little serious violence, though some insecurity exists at local level where the electoral results affect local level power balances, or amongst armed groups who feel excluded from the political process.

As a result of a greater degree of political clarity and a lack of violence, Libya's economic situation remains relatively stable.

Conflict sensitivity implications identified during groupwork:

- Participants felt that this scenario represents the best-case outcome in the short-term given the current situation, though significant challenges would still persist.
- If this scenario occurs, it is important that it is not seen as an end in itself. Momentum would need to be maintained towards the transitional process. Some of the fundamental challenges for Libya still need to be resolved, importantly getting a constitution in place and establishing an electoral framework for future elections.
- The scenario may provide international assistance providers an opportunity for longer-term planning and work, and a shift from humanitarian towards development and peacebuilding. However, there does not seem to be an agreed upon vision nor sufficient coordination structures for this. Strategic joint planning between international assistance providers and with national actors is necessary to underpin coherent assistance priorities and approaches.
- On the one hand, a new government may provide a clear counterpart for international assistance providers to collaborate with, facilitating delivery. However, in the long term the new government's attitude towards civil society and international assistance will have an impact on delivery. It is likely that a government formed through an elite bargain will seek to impose stronger control over international assistance. For Libyan civil society, this could see a further tightening of civic space, which makes delivery challenging.
- It is likely that international, national and local actors will seek to position themselves best in the new political setup and the new power sharing deal. It will be important for assistance providers to understand how stakeholders relate to each other when forming relationships with new counterparts and providing them with recognition.

Scenario 2: Election results contested, leading to political stalemate and move to divided government

Scenario description

Under this scenario, the results of the presidential polls are not accepted by key political actors in either the east or west who move to re-establish divided government.

There are a number of ways this scenario could be triggered:

- If elections are delayed by the GNU and candidates in the east (particularly Haftar) feel that elections will not be held fairly or with a chance of winning.
- After the first round of presidential elections, if candidates in the east (particularly Haftar) are no longer in the running; or
- After the second round of presidential elections, if significant political and military actors in either the west or east do not accept the winning candidate.

Under this scenario, disputes over the electoral process or results play out initially in the courts, with claims of irregularities, illegality of the process, or the ineligibility of the winning candidates. Ultimately, however, any legal decisions are used for political arguments on either side but do not change the political positions of key actors.

Ultimately, military actors and key political figures refuse to accept the outcome of the elections and de facto control of the country is divided along existing lines of control between GNU aligned armed groups and the LNA in the east. Neither side has the capacity or will to attempt to take control of the other's territory.

Politically, there is a lack of clarity about how to proceed. International efforts through the UN and western countries focus on trying to get sides to agree within the framework of the electoral process. This is undermined by some international actors providing diplomatic cover and other forms of support to competing sides.

The ongoing political uncertainty and clear lines of control pushes towards a return to de facto divided government. Authorities in both Tripoli and the East claim responsibility for the whole country but are increasingly unable to exert influence in areas outside the military control of affiliated armed groups. The South is claimed by both authorities.

Economically, Libya faces significant uncertainties which affects inflation, the availability of currency and basic services. The macroeconomic situation is worsened where armed groups use their control of oil infrastructure as political leverage.

A steady rise in insecurity occurs in areas where forces under the control of the GNU and LNA are close to one another, such as near Sirte. Insecurity also increases in local areas where increasing political polarisation affects relationships between local political, armed and social actors.

Conflict sensitivity implications identified during groupwork:

- Participants agreed that this scenario is plausible. If it occurs, it is likely that there will be a national fragmentation with new actors emerging, including a mobilisation in support of Gaddafi in the south, although it is unclear how much support he has.
- The scenario will likely have a disruptive effect on ability to deliver assistance as it will be unclear which governance counterparts to work with and there may be worsened access restraints. There will be a need for international assistance providers, including diplomatic missions, to agree on a joint approach to working in the divided government arrangement laid out in the scenario. There is a risk that siding with one of the rival governments will worsen the political divide and feelings of marginalisation in the south and east.
- Donors are likely to adopt a 'wait and see' approach to the uncertainty outlined in the scenario. However, this might further disrupt and undermine important efforts at mitigating

escalation of violence and addressing the consequences of violence. It is important that donors continue funding and make it adaptable based on ongoing analysis and monitoring of the situation. It is important to continue local peacebuilding work that supports communities to withstand polarisation and prevent localised violence.

- There is a risk that reinforced divisions will motivate regional backers to increase their involvement and get behind rival national actors to safeguard their geopolitical interests. The international community should apply diplomatic efforts to prevent that this occurs and that it contributes to escalating the situation.
- Nationally and locally, the increasingly complex situation may increase the risk that assistance is politicised by actors to pursue their own objectives, for example to gain recognition, to divert assistance or by obstructing access. In this case, it becomes even more important to take deliberate steps to mitigate these risks.
- The failure of elections will most likely lead to a decreased trust by the population in the national political project and in the internationally led process. Long-term efforts would be needed to rebuild that trust.

Scenario 3: Election results contested, prompting violence

Scenario description

Under this scenario, the results of the presidential polls are not accepted by key political actors in either the east or west who then seek to use military means to secure control of the country.

There are a number of ways this scenario could be triggered:

- If elections are delayed by the GNU and candidates in the east (particularly Haftar) feel that elections will not be held fairly or with a chance of winning.
- After the first round of presidential elections, if candidates in the east (particularly Haftar) are no longer in the running; or
- After the second round of presidential elections, if significant political and military actors in the west or east do not accept the winning candidate.

Disputes over the electoral process or results play out initially in the courts, with claims of irregularities, illegality of the process, or the ineligibility of the winning candidates. Ultimately, however, any legal decisions are used for political arguments on either side but do not change the political positions of key actors.

Ultimately, military actors and key political figures refuse to accept the outcome of elections or the way the electoral process is progressing and increasingly believe that the only way to achieve or protect their political interests is through the use of force.

Politically, there is a lack of clarity about how to proceed. International efforts through the UN and western countries focus on trying to get sides to agree within the framework of the electoral process. This is undermined by other international actors providing diplomatic cover and military support to competing sides. Depending on who won the election, international actors are able to take a more or less clear position on changing events.

Within two months of the election, Khalifa Haftar launches an assault on western Libya to take Tripoli. This would occur either because he rejects the elected candidate or, if he won the election, to claim his win against armed groups which reject him.

Tripoli based armed groups, backed by Turkey, counter-attack. Significant fighting occurs on the outskirts of Tripoli and the coastal road. The support of international, regional actors for both sides balances out the two parties, leading to a period of sustained fighting.

By the end of the scenario period, fighting in Tripoli affects the ability of the government to operate. The reach of Tripoli authorities in the East and South is reduced, and efforts to reunify administrations

are reversed. The government in Bayda is reinvigorated and decision making and institutions are functionally separated between Tripoli and the eastern authority, though both governments claim responsibility for the whole of Libya. The south is claimed by both authorities.

Economically, Libya faces significant uncertainties which affects inflation, the availability of currency and basic services. The macroeconomic situation is worsened where armed groups use their control of oil infrastructure as political leverage.

Particularly in areas with active fighting or significant displacement due to fighting, there is an increasing need for humanitarian and early recovery support.

As fighting breaks out, local communities polarise along different political perspectives. Some local areas align themselves with one side, while others are internally divided, leading to an increase in local violence between factions or communities.

Conflict sensitivity implications identified during groupwork:

- Like scenario 2, this scenario would likely have a disruptive effect on ability to deliver assistance as it will be unclear which governance counterparts to work with and there may be worsened access restraints. There will be a need for international assistance providers, including diplomatic missions, to agree on a joint approach to working in the divided government arrangement laid out in the scenario. There is a risk that siding with one of the rival governments will worsen the political divide and feelings of marginalisation in the south and east.
- The scenario would be likely to see increased humanitarian needs. It is necessary that international assistance mobilises to be able to address those needs without compromising more long-term efforts that seek to address structural drivers of conflict where they are possible.
- Access would likely be hindered due to insecurity or politicisation where territory is under the control of competing political and armed actors. This may impede delivery and can provide a source for conflict actors to gain recognition and otherwise seek to influence or divert assistance. International assistance providers should agree on joint approaches to negotiating access that takes such conflict sensitivity consideration into account and seeks to mitigate them while balancing with humanitarian imperatives.
- To overcome access challenges, international assistance providers could in turn rely more on Libyan civil society partners. In this case, it is important to provide adequate support and capacity building and to ensure that all risk is not transferred to partners or that they are not put at risk due to their association with international assistance.
- If most humanitarian needs arise in the west of the country, there is a risk that increasing assistance channelled to address that may contribute to worsening perceptions that internationals favour the west and feelings of marginalisation in the east and south.
- In an increasingly polarised environment, nationally and locally, the risks of unequal distribution or perceptions thereof may contribute to worsening tensions between groups locally. It is further necessary to maintain an understanding of relationships between different actors and how they shift to mitigate recognition provided to conflict actors through assistance delivery.