



The Libyan Political Agreement: Time for a Reset

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Executive Summary

The December 2015 Libyan Political Agreement, signed in Skhirat, Morocco, has re-configured more than contributed to resolving internal strife. A year ago, the conflict was between rival parliaments and their associated governments; today it is mainly between accord supporters and opponents, each with defectors from the original camps and heavily armed. The accord's roadmap, the idea that a caretaker government accommodating the two parliaments and their allies could establish a new political order and reintegrate militias, can no longer be implemented without change. New negotiations involving especially key security actors not at Skhirat are needed to give a unity government more balanced underpinning.

Skhirat sought to resolve the dispute between the House of Representatives (HoR) and its associated government, based respectively in the eastern cities of Tobruk and al-Bayda, and the General National Congress (GNC) and its government in Tripoli. It created a Presidency Council, a rump executive that took office in Tripoli in March 2016 and was tasked to form a unity government, and an advisory High State Council of ex-GNC members. The HoR was to continue as the sole parliament and approve the unity government, but it has yet to do so. The institutional set-up thus is incomplete, leading to a skewed result, while supporters and foes cling to technical legalities to buttress their positions.

Military actors seek leverage by *faits accomplis* aimed at improving their negotiating positions and imposing themselves within their own camp. Between February and September, the forces of General Khalifa Haftar, who rejects the accord, drove foes from Benghazi and seized much of the Gulf of Sirte's "oil crescent", with its oil and gas production, refining and export facilities. Over this period, a coalition of western Libyan militias operating nominally under the Presidency Council and with U.S. air support has taken over most of Sirte, a city the Islamic State (IS) seized in March 2015. The possibility exists that some forces now in Sirte, aided by others in western Libya, will continue eastward and clash with Haftar's forces in the oil crescent, or that the latter will seek to move west toward Tripoli. The aggregate effect is that divisions have deepened. That the Presidency Council, as interim executive, has made little progress on everyday issues such as the cash liquidity crisis and water and electricity shortages further undermines confidence.

External actors who pushed for diplomacy and made much of their support for Skhirat are almost as divided as Libyans. A group of mostly Western countries, led by the U.S., calls for unconditional support of the council and recognises the unity government it nominated. Prioritising the fight against IS and controlling migrant and refugee flows, it favours moving ahead on the Skhirat roadmap without the HoR if necessary, betting that if governance can be improved in the west first, the east may eventually join. Haftar's resilience has upset that assumption.

Another group, led by Egypt, the United Arab Emirates (UAE) and Russia, prioritises unity of what remains of the army (especially Haftar's "Libyan National Army") as the nucleus of a future military and is concerned about leverage Islamist militias controlling Tripoli may have on the council. It has given Haftar overt and covert political and military support, as has France on counter-terrorism grounds. Ostensibly

concerned with finding a solution to Libya's divides, it publicly subscribes to the peace process but undermines it and offers no concrete alternative.

Skhirat's underlying objectives, avoiding further military confrontation and preventing financial collapse, appear increasingly distant. IS's Sirte setback risks being followed by fighting among non-jihadists over oil and gas, which would likely postpone Libya's ability to increase exports and further endanger peace prospects. Longer term, a failed peace process and escalating clashes would give radical groups opportunity to regroup. The immediate priority thus is to avoid the violence that seems to be brewing in the Gulf of Sirte, Benghazi and perhaps Tripoli. Avoiding a new confrontation in the oil crescent is particularly urgent, combined with an agreement that the forces there allow the National Oil Corporation to repair damaged facilities and resume exports, as Libyan law and UN resolutions demand.

Beyond this, a reset of the mired peace process is imperative. The attempt to implement Skhirat without HoR approval and excluding Haftar should end; likewise, backers must press Haftar to negotiate. Both sides need to make concessions, especially on security. The Presidency Council should do more to reassure the east it works for all, not just the west, and resume unity government talks with the HoR.

Little progress will be made without involving the most important armed actors in dialogue. Compromise on the command structure and their relationship with the Presidency Council is a necessary precursor to tackling wider disarmament, demobilisation and reintegration. Designating one side the "legitimate army" does not address the hybrid reality of military power: most armed groups claim ties with a state institution as they continue to operate as militias.

The prospect of Libya in freefall should give all pause, especially the vulnerable neighbours. Regional and global actors involved in the diplomatic process over Libya should converge on common goals, push for a renegotiation of the accord, use their influence to restrain the belligerents and nudge them toward a political solution and participation in a security track. Specifically,

- ❑ The Presidency Council and allies should not take over the Gulf of Sirte facilities; the HoR and its forces should not move further west; the sides' foreign backers should push hard to avoid an escalation.
- ❑ General Haftar's forces should observe their commitment that all Sirte oil and gas production and export facilities remain under the National Oil Corporation, as Libyan law and UN resolutions demand.
- ❑ The Presidency Council should negotiate with the HoR on a new unity government, engage eastern opinion and address issues urgent to ordinary Libyans, eg, electricity, banking liquidity and health care.
- ❑ The UN and states supporting diplomacy should promote a forum for Haftar and major armed groups from the west to discuss de-escalation in the Gulf of Sirte, Benghazi and elsewhere. As part of this security track, they should also begin talk on arrangements that could be part of a broader agreement.
- ❑ Neighbours, the U.S., Russia, European states, Turkey, Qatar and the UAE, together with the UN, should help frame outcomes and contain spoilers by renewing efforts for convergence of their ambitions, based on issues where they already agree: oil and gas exports to stabilise the economy; a unified army command chain

in a reunified security structure; territorial integrity; and confronting IS and al-Qaeda.

As the situation has taken increasingly alarming turns, outside actors – some, like France, long involved; others, like Saudi Arabia, newly active – are seeking to revive, the Skhirat process in one form or another. Understanding what went wrong, might be corrected and is necessary to do so is the best hope to salvage an agreement.

Tripoli/Brussels, 4 November 2016

The Libyan Political Agreement: Time for a Reset

I. Introduction

When, in January 2015, the UN launched the negotiations that would produce a Libyan Political Agreement by year's end, its aim was a power-sharing deal to surmount institutional and military fractures precipitated by a mid-2014 governmental crisis.¹ The process, led by UN Special Representative Bernardino León until November and since then by Martin Kobler, envisioned the creation of a unity government and eventually a new constitution and elections. A legitimate, sovereign government could restart oil production and export, right the economy, begin demobilising and reintegrating armed groups and call on the international community to root the Islamic State (IS) out of Sirte.

The driver of the talks was the Libyan Political Dialogue, which included representatives of the two rival parliaments in existence since 2014, the House of Representatives (HoR, based in Tobruk) and the General National Congress (GNC, based in Tripoli), joined later by various independent personalities. León developed parallel dialogue tracks for representatives of armed groups, political parties, municipalities, women and other civil society organisations to reinforce an accord, though the armed-groups track never took off.

By the end of 2015, while much progress had been made on general principles, the outcome was quite different from the plan. Rather than forging consensus on a political roadmap between the parliaments and other constituencies, it empowered politicians willing to use the UN framework to identify common ground with foes and left out those who disagreed on key aspects, including a unity government's composition and a security roadmap. The latter included the leaders of the GNC, Nuri Abu Sahmein, and of the HoR, Aghela Saleh, and their constituencies.²

¹ In 2014, Libyans elected a House of Representatives (HoR) to replace the General National Council (GNC, elected in 2012). This changed the political balance to the detriment of the largely Islamist, revolutionary political coalition dominant in the GNC. In July 2014, Tripoli-based militias allied to the GNC leaders launched "Operation Dawn" to control key areas of the capital. In August, many HoR members met in the east, in Tobruk, without a formal handover from the GNC, while others boycotted the HoR as unconstitutional. In November, the Supreme Court invalidated a constitutional amendment that had paved the way for the HoR elections, giving further ammunition to GNC members who rejected the HoR. The HoR and international community did not accept the ruling, so the HoR remained the internationally-recognised parliament. As a result, Libya had rival parliaments and governments with limited territorial control and authority over armed groups. For details on efforts of the UN Support Mission to Libya (UNSMIL) to overcome the division, see Crisis Group Middle East and North Africa Report N°157, *Libya: Getting Geneva Right*, 26 February 2015, and Crisis Group Statement, "The Libyan Political Dialogue: An Incomplete Consensus", 16 July 2015.

² The HoR and GNC initially negotiated via four-man delegations, but these came to represent small interest groups within the parliaments rather than the institutions themselves, and Abu Sahmein and Saleh became vocal critics. In June-July 2015, Abu Sahmein insisted that the GNC delegation withdraw, and in October, Saleh refused to call for an HoR vote on the proposed accord, saying the majority opposed it. Crisis Group interviews, GNC members, Tripoli, November 2015; HoR members, al-Bayda, November 2015.

The result was a power-sharing deal between the majority of the 23 negotiators, a “coalition of the willing” that had some support in the parliaments but not from their leaders much less among military factions.³ When, after nearly a year of negotiations, the outcome appeared imperilled, many external advocates thought it better to press ahead, calculating naysayers could be brought in later. The timing of the agreement, signed on 17 December 2015, appeared premature and to lack a sufficiently broad consensus to be sustainable.⁴ Though there has since been some progress in countering IS, the bridging failure at signature threatens to deepen the main political divide between the deal’s supporters and opponents and has created new fractures within both camps. This undermines the ultimate goal of territorial integrity under a unity government that, by improving the political, economic and security situation, can lay the foundation for a more stable, inclusive order.

This report analyses the accord’s impact and reactions to developments it has engendered in Libya and among international actors involved in the diplomacy. It also suggests how to rejigger the process to achieve a more durable outcome.

³ Crisis Group telephone interview, Political Dialogue member, Morocco, 19 December 2015.

⁴ Crisis Group argued this before the agreement was signed: “Statement on a Political Deal for Libya”, 12 December 2015; “The Risk of Rushing a New Libyan Deal”, *Politico*, 14 December 2015.

II. Whose Peace Deal?

A. *A Contested Agreement*

The Libyan Political Agreement, signed in Skhirat, Morocco, on 17 December 2015, established a “Presidency Council of the Council of Ministers”, to serve until appointment of a Government of National Accord.⁵ It consisted of a council president (considered the future government’s prime minister-designate), five deputies (deputy prime ministers-designate) and three state ministers, each representing a different political and geographical constituency. Faiez al-Serraj, a relatively unknown HoR member from Tripoli, became council president on signature.⁶ Serraj was to become prime minister once the HoR ratified the accord and approved a cabinet that the council had 30 days to present (and the HoR ten days to approve). The new government would then govern for a renewable one-year period. The governments linked to the post-2014 parliaments would be dissolved, and the HoR would stay as the legitimate parliament, while most members of the Tripoli-based GNC would be integrated into the consultative High State Council, a new body with a say in appointing top state posts.

A key difference with previous arrangements, under which the head of the parliament was head of state (and hence of the armed forces), was the council’s enlarged security authority, namely to appoint the top positions in the armed forces and security services.⁷ It also had powers to appoint a Temporary Security Committee (TSC) to implement security arrangements envisioned in the accord, including ensuring the council’s (and later the new government’s) safety in Tripoli and preparing a countrywide ceasefire and militia disarmament. To be integrated into state security forces, armed forces would need to recognise the unity government and lay down weapons. Also envisioned was a “comprehensive and permanent ceasefire” to enter into force when the agreement was signed.⁸

Supporters in Libya and abroad said the accord was backed by majorities of both parliaments and ordinary citizens. The latter was broadly true. Most Libyans were

⁵ The accord’s text was not disclosed for more than a month. It consists of a preamble and 67 articles, additional provisions (fifteen articles) and six annexes.

⁶ See Appendix B for details. León first suggested Serraj as prime minister on television 8 October 2015. His name had not circulated before, and he was not one of the twelve candidates shortlisted by the HoR. This created resentment across Libya, but especially in the east, the HoR’s base. Crisis Group interviews, Libyan politicians, businessmen and activists, Tripoli, Misrata, al-Bayda, October–December 2015; and Cairo, April 2015. Nonetheless, Serraj had the advantage of being uncontroversial. As a Libyan observer put it, “no single faction holds a grudge against him”. Crisis Group interview, Tripoli-based politician, Tripoli, November 2015.

⁷ The agreement says all senior military, civil and security posts’ power must be transferred to the Presidency Council. The council president and deputies must unanimously agree on a new army commander and head of intelligence (the latter requiring HoR approval) and appointment and dismissal of ambassadors (proposed by the foreign minister), declaring a state of emergency, war and peace and adoption of exceptional measures (upon approval by a National Defence and Security Council and HoR endorsement). It does not say how the head of the National Oil Corporation (NOC) should be selected, but under Libyan law, this is a prime minister’s prerogative. Appointment of top state agency posts, such as heads of the Central Bank, Audit Bureau, High National Electoral Commission and Supreme Court, must be decided by the HoR in consultation with the High State Council. Libyan Political Agreement, <http://bit.ly/24ZQX2I>.

⁸ Ibid, Article 38.

fed up with the long divide, the fighting and economic and financial toll and welcomed a settlement in principle. But the same cannot be said of the parliaments.⁹ A substantial HoR majority opposed the military and security provisions; many also contested enlarging the council from three to nine and individual nominations to it. Reservations in the GNC centred on some nominations (mainly because made while the GNC was boycotting the talks) and the High State Council's limited authority.¹⁰ "There is no real political agreement", a senior UN Support Mission in Libya (UNSMIL) official said. "This is an agreement to support those who seem trustworthy for the sake of saving the country".¹¹

In retrospect, proponents inflated support for the accord within the rival legislatures to justify going forward.¹² The claim of majority backing was factually dubious – many members supported *an* agreement in principle but differed widely on details – and politically misleading, since key opponents were outside the HoR and the GNC and had military power to intimidate supporters, including several armed groups in western Libya and important forces affiliated with Haftar and the self-proclaimed Libyan National Army, mainly in the east.¹³

⁹ A joint communiqué signed by seventeen countries, the UN, European Union (EU), African Union (AU) and Arab League implied that the accord had the backing of HoR and GNC majorities. Ministerial meeting for Libya Joint communiqué, Rome, 13 December 2015. U.S. Secretary of State John Kerry reiterated that assumption in a televised statement that day. Numerous Libyans of different political, geographical and tribal affiliations suggested overwhelming support for a negotiated compromise to end the conflict. Crisis Group interviews, Tripoli, Misrata, Zawiya, al-Bayda, Ajdabiya, June–December 2015.

¹⁰ The first four drafts envisioned a Presidency Council of a president, two deputies and two "ministers of state". There were no clear selection guidelines, but many HoR members asserted a tacit understanding that the HoR and GNC would each choose a deputy, and the president would be a consensus figure from an HoR shortlist. The three would represent the western, eastern and southern regions and main political factions. To accommodate other political and geographic constituencies, the UN and dialogue members changed this in December 2015 to a president, five deputies and three ministers of state. Crisis Group interviews, dialogue members, UNSMIL officials, Tunis, December 2015. HoR members called for changes to the security arrangements a number of times. In November and December, 92 of 104 who supported the accord did so in what was known as the Fezzan Initiative. On 25 January 2016, 89 expressed such reservations in a preliminary vote on the agreement.

¹¹ Crisis Group interview, Tunis, 11 March 2016, a view much-shared by UN staff and diplomats.

¹² The accord's supporters pointed to a list of 92 HoR members who they claimed backed the accord, but omitted that this support was conditional on changes to the draft agreement. Crisis Group interviews, Western diplomats, UN officials, Tunis, December 2015; and advisers to Presidency Council members, Tunis, January 2016. Misrepresentations also coloured the debate over subsequent failures to obtain a formal HoR endorsement. Accord backers have repeatedly claimed the HoR president prevented a 25 February 2016 vote because most members were pro-deal, but that is uncertain: HoR members say pro-endorsement members had inflated the list of supporters, including members who were not in Tobruk on the day. Crisis Group telephone interviews, HoR members, Libyan politicians, Tobruk, Cairo, Tripoli, March–April 2016.

¹³ For example, a Tripoli-based armed group that did not recognise the council attacked the house of one of its members in April 2016. In eastern Libya, there are frequent reports of Haftar-allied security services arbitrarily detaining pro-council political activists and social-media commentators. Crisis Group interviews, residents, Tripoli, April 2016; Benghazi, July 2016.

B. *A Rushed Agreement*

By end of 2015, mounting anxiety among Libyan participants of the UN-mediated dialogue and their international backers about the state of negotiations and the deteriorating economic and security situation heightened pressures to sign the accord even with key issues unresolved. The main international backers were well aware of the limited progress, incompatibility of demands and popular disaffection, but they, including incoming UN envoy Kobler, felt they were out of time, and the process might collapse.¹⁴

The most engaged Security Council permanent members – the U.S., UK and France – were particularly vocal in pushing the UN to finalise the deal. This was also crucial for Libya’s neighbours, including southern European governments worried about the threats incubating in a security vacuum. Even states sceptical of implementation, such as Russia and Egypt, urged that the deal go forward. All argued the talks were at an impasse and might be derailed by reports of an apparent conflict of interest concerning the former UN envoy, León, which had just surfaced, and the growing political fragmentation.¹⁵ “When you drive on ice”, a U.S. official said, “it is better to accelerate than to hit the brakes”.¹⁶

Political Dialogue participants indicated they also wanted the accord signed. They feared separate negotiations led by the heads of the two rival parliaments, the “Libya-Libya” initiative, would gain traction as a “nationalist” alternative to the UN-led talks, which some saw as an international or Western imposition.¹⁷ Their main concern was that the situation would fester, factions would fragment further and the

¹⁴ Crisis Group interviews, UN, EU officials, Political Dialogue participants, diplomats, Tunis, December 2015; Martin Kobler, Brussels, New York, December 2015.

¹⁵ Crisis Group interviews, Western diplomats, Washington, London Tunis, Paris, October-November 2015; UN officials, New York, October-December 2015. According to Kobler, Libya’s neighbours “most pressed to see the country stabilised” at a November Algiers conference. Crisis Group interview, Brussels, December 2015. “Egypt’s Sisi calls for ‘international mobilisation’ on Libya”, Agence France-Presse, 8 December 2015. IS threats to hit Rome from Libya led Italy to push harder. Two days before a conference where internationals backed the agreement, Foreign Minister Sergei Lavrov expressed scepticism about the power-sharing aspect, but said Russia would support it. Comments at RomeMed 2016 conference, Rome, 11 December 2015. In early November, media published leaked emails between León and UAE officials suggesting the UN envoy was negotiating compensation for a post at an Abu Dhabi diplomatic academy. This sparked outrage in Libya because the UAE has been a prominent Haftar and HoR backer. León had been planning to step down by year’s end and strongly denied any conflict of interest. He resigned shortly thereafter. Randeep Ramesh, “Libyan Faction Demands Explanation from UN over Envoy”, *The Guardian*, 5 November 2015; “Leaked Emirati Emails Could Threaten Peace Talks in Libya”, *The New York Times*, 12 November 2015; and “Statement by SRSG for Libya, Bernardino León”, UNSMIL, 12 November 2015.

¹⁶ Crisis Group interview, Washington, March 2016.

¹⁷ In November 2015, HoR and GNC members launched a separate dialogue aimed at reaching inter-parliamentary consensus on Presidency Council appointments, which they said should be limited to a prime minister and two deputies who would jointly nominate a unity government. Meeting in Malta and Muscat in December 2015, the HoR and GNC presidents endorsed the initiative. “The pressure to sign the accord came from Political Dialogue members who feared that the Libya-Libya initiative could gain popular traction”, an EU diplomat said. Crisis Group interview, Tunis, March 2016. In March 2016, the GNC and HoR delegations presented an alternative draft accord containing their revisions, but their initiative appears to have faltered.

most intransigent political actors would drown out more moderate voices.¹⁸ They also assumed opponents might join once they saw the level of support, and they brushed aside concerns over a possible backlash from rushing a deal without bringing along important constituencies and key military actors.

Several other factors contributed to a perception a deal was needed fast. One was concern with IS expansion in Libya, especially after the November attacks in Paris.¹⁹ Some states saw a unity government as vital to coordinate a military response to IS's capture of territory in central Libya and elsewhere. In early 2016, U.S. officials estimated that there were some 4,000-6,000 IS followers in Libya, mainly in Sirte but also Benghazi, Derna and Sabratha.²⁰ Explaining the rationale for moving forward with the Skhirat agreement, a senior U.S. official said:

In six months all three Libyan governments will have ceased to exist, and the only one left will be the government of Daesh [IS]. By implementing the political accord and moving the Presidency Council to Tripoli, we might have a chance to change dynamics and improve the fight against Daesh, which is consolidating its grip in the country.²¹

A second factor was EU states' concern with migrants and refugees, which made them eager to expand EUNAVFOR MED, the operation to "disrupt the business model of human smuggling and trafficking networks" and prevent loss of life in the Mediterranean, into Libyan waters.²² By late October 2016, the UN Security Council had authorised operations in international but not territorial waters, and the Presidency Council had not requested the latter. The regional environment was another concern. Some Western backers of the UN process feared that without a quick agreement, regional actors such as the UAE and Egypt, which were nominally supportive but sceptical of the deal and continuing to back its opponents, would get their way. A Western official said:

Not signing and endorsing the accord would have been a major defeat for those like us who had been advocating a negotiated power-sharing deal as the only solution to the Libya crisis. It would have meant a failure of the principle of negotiations, and that would have allowed those governments that throughout 2015

¹⁸ Crisis Group interviews, Western diplomats, Western and UN officials, Washington, London, Brussels and Tunis, October-December 2015.

¹⁹ Crisis Group email exchange, senior UN official, December 2015. A related fear was that if the opportunity to attack IS was not seized, international attention would move on, anti-IS operations would refocus on Syria and Iraq, and the momentum to act in Libya would be lost. Crisis Group interview, senior UNSMIL official, Brussels, December 2015.

²⁰ "U.S. general: number of ISIS fighters in Libya doubles", CNN, 8 April 2016.

²¹ Crisis Group interview, Washington, 2 March 2016.

²² Phase one of EUNAVFOR MED, which began on 22 June 2015, focused on surveillance and assessment of the south-central Mediterranean. Phase two, launched 7 October, provided for "search and, if necessary, diversion of suspicious vessels" in international waters. On 9 October, the UN Security Council adopted Resolution 2240 authorising interception of vessels in international waters off Libya's coast suspected of migrant smuggling. A subsequent step would expand operations into Libyan territorial waters. "European Union Naval Force – Mediterranean Operation Sophia", EU, December 2015.

had advocated direct unilateral action in support of the HoR and its government to declare victory.²³

A corollary was fear Western countries such as France and the U.S. had begun to signal intention to begin counter-terrorism measures inside Libya in collaboration with local actors, potentially undermining a future unity government. Most notably the U.S. and UK, were lobbying for moving the Presidency Council to Tripoli and recognising the unity government as the legitimate government as soon as possible, even without formal HoR endorsement.²⁴

Though these were all valid concerns, particularly for nearby countries threatened by IS and other jihadist groups and Europe, where the refugee crisis had become a political and policy priority, they have not been sufficient priorities to convince Libyan military actors to rally behind the accord and the Presidency Council. After being in denial for much of 2015, Libyans were concerned with IS growth, particularly as it began increasingly deadly attacks outside Sirte and threatened to expand eastward toward critical oil facilities.²⁵ But, several important military factions remained at loggerheads, displaying little interest in collaborating against IS.

In June 2016, forces from western Libya launched Operation al-Bunyan al-Marsus (The Impenetrable Edifice) against IS in Sirte, but they were mainly volunteers from Misrata (joined by a few from other western and southern cities). East of Sirte, there was some coordination between the Misratans and the Petroleum Facilities Guards' central-region unit, led by local strongman Ibrahim Jadran and in charge of security at Gulf of Sirte oil facilities, but other eastern forces opposed to the Presidency Council, notably Haftar's, did not take part.²⁶ A sizable proportion of those fighting IS in Sirte did not recognise the council's authority, though the operation has been portrayed as carried out by accord supporters loyal to the council.²⁷

²³ Crisis Group interview, March 2016. An Egyptian diplomat explained his country's apparent contradiction of supporting the accord while giving support to Haftar, a chief opponent: "Egypt genuinely wanted a new internationally recognised government, and we okayed Serraj as head of the Presidency Council. In a certain sense he was our choice. We just assumed that Serraj and Haftar would work together – out of necessity". Crisis Group interview, Amsterdam, May 2016.

²⁴ Crisis Group interviews, senior UNSMIL official, New York, Brussels, December 2015; U.S. diplomat, Washington, March 2016; UK diplomat, London, March 2016.

²⁵ On 4 January 2016, at least 50 people were killed when an IS follower detonated a truck in a military training centre in Zliten, 180km west of Tripoli, Libya's deadliest attack since 2011. That month IS adherents also attacked checkpoints around Sidra and Ras Lanuf, east of Sirte, where key crude-oil export terminals are. Crisis Group telephone interviews, residents of Ben Jawwad and Sidra, January 2016.

²⁶ Al-Bunyan al-Marsus operations room members insist western Libya fighters took part, but a casualty list suggests most were from Misrata. Crisis Group interviews, Misrata, June, October 2016; political activists, military officials, Ajdabiya, Tripoli, Misrata, June 2016. Most officers from Sirte aligned with Haftar and did not join the Bunyan Marsus operation. Crisis Group interviews, Haftar-aligned Greater Sirte Operations Room members, Ras Lanuf, October 2016.

²⁷ See U.S. Special Envoy Jonathan Winer's testimony, Senate Foreign Relations Committee, 15 June 2016. Members of the al-Bunyan al-Marsus operations room said, "all the forces participating in this operation are with the unity government", and dissent within their ranks is "not because they are against the Presidency Council or unity government; they resent that they have received no visible support from the council". Crisis Group interview, Col. Ramadan Ahmed, Misrata, 8 June 2016. Other politicians and diplomats say that about half those fighting in Sirte are not under the council. Crisis Group interviews, Abderrahman Swehli, ex-GNC member and current High State Council president, Tripoli, June 2016; Libyan diplomat, Rome, July 2016.

A major flaw of the strategy to create facts on the ground by recognising a unity government was that it was difficult to see how international goals – countering IS and stemming the refugee flow through Libya – could be sustainable without improved governance and a genuine broad agreement on state institutions and the military. Progress in fighting IS in Sirte has not addressed Libya’s political and institutional divides nor persuaded, as some deal backers hoped, factions and their regional supporters that national unity could come through an anti-IS coalition under the council’s aegis.²⁸

²⁸ The lack of a security track was frustrating to many Western officials. An Italian diplomat blamed UNSMIL for lacking the requisite knowledge of local dynamics to start a security dialogue. Crisis Group interview, Rome, September 2015. On the eve of the signing, a senior EU official admitted: “I recognise that it was a mistake not to work on the security track from the beginning If we manage to get the security track right, then the political track can be successful, but not the other way round”. Crisis Group interview, Brussels, 7 December 2015. Crisis Group interviews, Western diplomats, UN officials, Tunis, Brussels, Washington, January-March 2016.

III. A Widening Divide

From early 2016, unresolved issues turned into institutional hurdles to the deal's implementation. The gap between its supporters and foes increased and triggered military mobilisations, while international fractures reasserted themselves.

A. A Growing Regionalisation

1. Western Libya

When signed, the accord's most stalwart Libyan supporters were politicians, militiamen and businessmen from western Libya, especially Tripoli and Misrata. The Tripoli-based heads of the Central Bank and National Oil Corporation, key institutions for the viability of any unity government, were also on board.²⁹ More generally, there was broad support among ordinary people in the west for any deal that produced a more effective government that would end division and violence.³⁰ International supporters treated the west as more immediately important, because of the necessity of establishing a government in Tripoli, the capital.

Even so, there were some important opponents in the west other than the GNC leaders, including Mahmoud Jibril's Tahaluf, the National Front Party and militias and politicians close to Abdelhakim Belhaj, head of the now-defunct Libya Islamic Fighting Group.³¹ Each had often opportunistic reasons to oppose either the agreement or council line-up. Jibril considered the power-sharing set-up unworkable.³² Armed groups from Zintan, important military stakeholders despite being kicked out of Tripoli in 2014, were divided, with some prepared to support the deal in exchange for sharing security responsibilities in the capital, others dead-set against and openly coordinating with Haftar's forces in the east.³³ Islamists of various stripes opposed

²⁹ These included members of the Muslim Brotherhood-dominated Justice and Construction Party (JCP), allied armed groups and others who in 2014 supported return of the GNC and the Fajr Libya (Libya Dawn) militia but since grown weary of both. Among key backers were Fathi Bashaga, an influential ex-Misratan militia commander who won a seat in the 2014 HoR elections but refused it, and Muhammad Sawan, the JCP's head. On the Central Bank and National Oil Corporation, see Crisis Group Middle East and North Africa Report N°165, *The Prize: Fighting for Libya's Energy Wealth*, 3 December 2015.

³⁰ Crisis Group interviews, Tripoli, Misrata residents, Tripoli, November 2015. A Misrata businessman said he and others supported the deal as better than having none: "We know the deal is not perfect and there are inconsistencies, but ... who cares? We need to move on or we'll reach the precipice. There is no money; the country is fragmented. We don't think reopening the negotiations will change things because there is no chance of convincing those nutters in the HoR and GNC". Crisis Group telephone interview, Mohammed Ben Ras Ali, December 2015.

³¹ Broadly speaking, their objections centred on the council's composition and a belief the institutional framework in the agreement was untenable. Crisis Group interviews, Tahaluf, National Front members, Tunis, March 2016; ex-Qadhafi-era officials, Tunis, Cairo, March-April 2016.

³² Jibril said that in early December 2015 he advised Kobler against preparing the accord for signature. He also objected to locating the council in Tripoli as long as the city was under militia control: "If you take money and political power away from Tripoli, then [the militias] cannot twist people's arms for money and power". Crisis Group interview, Rome, January 2016.

³³ In negotiations between Misratan and Zintani leaders from mid-2015, some Zintani armed groups expressed willingness to support the council but demanded the right to return to Tripoli. This current is best represented by ex-Defence Minister Osama Jwehli, who has stated he is open to a revised agreement if dominance of Misratan and Islamist militias in Tripoli is addressed satisfactorily.

the council initially as foreign-picked.³⁴ Even some of the accord's proponents and those backing the process found UN stewardship problematic.³⁵

Despite opposition from these groups and the GNC leadership, the UN and several foreign capitals felt there was enough militia and political leader support in the west to proceed.³⁶ Last-minute support from Abderrahman Swehli, a Misratan with ties to his city's armed groups, changed the force balance in the deal's favour.³⁷

The president of the Presidency Council, Faiez al-Serraj, surprised many when, on 30 March, he and six other council members arrived in Tripoli from Tunisia aboard a Libyan navy frigate and set up operations inside the naval base. This called the GNC leadership's bluff: there was no substantial military opposition, and several local armed groups rapidly declared support. Many western municipalities were also quick to recognise council authority, as did the main financial institutions in Tripoli.³⁸ On 5 April, Khalifa Ghwell, prime minister of the pre-existing Tripoli-based "government of national salvation", who had threatened to arrest Serraj if he came to Tripoli, was reported to have fled. (He later denied this, and continued to run a rump cabinet in the capital and in October again declared himself in power).³⁹ That the

Crisis Group interview, Zintan, June 2016. Another faction, led by army commander Col. Idris Madi, supports Haftar; in May 2016 it hosted the army's pro-Haftar, HoR-appointed, chief of staff at an army graduation ceremony in Zintan where he vowed to "liberate Tripoli soon". Remarks, Chief of Staff Abdelrazek al-Naduri, 24 May 2016, reported in *Libya al-Mustaqbal*, 24 May 2016. A Zintani representative, Omar al-Aswad, was appointed to the council but suspended participation in February 2016 to protest its cabinet nominations.

³⁴ Islamist-leaning groups across Libya followed the mufti of Tripoli, al-Sadeq al-Gharayani, who opposed the deal and accused the council of operating under the "tutelage" (*wasaya*) of foreign powers. His televised speech, Tanasukh channel, 31 March 2016. Crisis Group phone interviews, Islamist and anti-council activists, Kufra and Benghazi, April 2016.

³⁵ A Misratan politician said, "the UN has become a party to the conflict. It is taking firm positions and telling people they have to accept these. This is making things worse, because certain groups are reacting to what they see as a UN imposition". Crisis Group telephone interview, March 2016. Western backers of the UN process have sought to counter this, but at least one contended: "Libyans ... are incapable of taking decisions and change their position continuously. So at some point we have to take the decisions for them and persuade them to follow. We just cannot leave things to fester". Crisis Group interview, Western diplomat, March 2016.

³⁶ A militiaman who in March 2015 had insisted on need for the international community to recognise the Tripoli-based government and opposed negotiations became a strong supporter of the council a year later: "Finally we have a government that enjoys international recognition. That is what we wanted all along". Crisis Group interviews, member of Tripoli-based Misratan armed group, Tripoli and Misrata, March 2015 and March 2016.

³⁷ Swehli remained until January 2016, wanting guarantees that the future government would sideline Haftar. Crisis Group interview, Abderrahman Swehli, Tunis, January 2016.

³⁸ The Tripoli-based Central Bank and National Oil Corporation chiefs began work with the council immediately after its arrival, which for international backers was key to ensuring that state funds would no longer reach radical groups or anti-accord constituencies. Addressing more immediate problems, such as the liquidity crisis and freezing of letters of credit, was also a priority to boost support for the new authorities. Crisis Group interviews, diplomats, financial experts, Libyan politicians, Tunis, Washington, London, Rome, March-May 2016.

³⁹ News reports of Ghwell's resignation were based on a 5 April 2016 statement saying he had resigned and handed over to the GNC. He subsequently said he had not authored that statement and denied he had resigned. Crisis Group telephone interview, official close to Ghwell, Tripoli, 15 March 2016. For details, see "Ghwell contradicts reports of Tripoli government resignation", Menas Associates, 11 April 2016. On 14 October 2016, local forces hitherto loyal to the Presidency Council switched sides and declared backing for Ghwell and ex-GNC members as the legitimate

arrival in Tripoli went smoother than expected was in part because it co-opted groups by allowing them to retain influence and financial leverage.⁴⁰ This demonstrated the council, once marginal in Tunis, could gain control over key state institutions.

Momentum was short-lived, however. In early April, the decision by former GNC members (per the accord's roadmap) to convene the High State Council prior to an HoR ratification revived tensions, particularly as a State Council majority voted to appoint the controversial Misratan politician Abderrahman Swehli as the body's president.⁴¹ By late May, it was clear Serraj's control of Tripoli was tenuous, and tensions were brewing among militias there and elsewhere. The risk of open confrontation was real on multiple fronts.⁴² Several armed groups in the capital's outskirts continued to oppose the council but refrained from open confrontation fearing European navies or because they were waiting for the Supreme Court to declare the council and proposed unity government illegitimate.⁴³ The boycott of two of the council's nine members was another source of tension, as it gave their factions ammunition to argue the council was acting outside its legal framework, especially regarding security sector decisions, since according to the agreement these had to be taken unanimously by Serraj and all five deputies.⁴⁴

authorities. They took over the Rixos complex in Tripoli, which had housed the UN-backed State Council since April. Crisis Group interviews, politicians, security officers, Tripoli, October 2016.

⁴⁰ While there are allegations some armed groups were bribed to support the council, many wanted to ensure future influence: access to state finances, guarantees that Haftar would be sidelined, inclusion in security arrangements, immunity from prosecution for past actions, and, for a few, council compliance with Sharia (Islamic law). Crisis Group telephone interviews, Tripoli-based members of armed groups and politicians, April-May 2016.

⁴¹ On 5 April 2016, 80 GNC members announced formation of the High State Council. The next day, with 53 votes, they elected Swehli its president. The appointment was hugely controversial: many Libyans, especially in the east, see him as the architect of the July 2014 "Libya Dawn" operation and the "Libya Sunrise" siege of eastern oil terminals later that year. Even in the west, many were critical: "It is destructive and divisive. The accord is like a seed: it needs to be cared for and nurtured. People like Swehli think it is a fruit ripe for the eating". Crisis Group telephone interview, Misratan politician, 8 May 2016.

⁴² Violence was limited to an attack on the Tripoli home of council member Ahmed Maitig. "Two guards die as Ahmed Maetig's Tripoli home attacked", *Libya Herald*, 16 April 2016. Yet, tensions were rife on other fronts, not least between ex-army officers who hoped the new council would give them senior positions and armed group heads. Crisis Group telephone interviews, ex-army officers, Tripoli, April-May 2016. There was also competition over protection for the council. In April, some council members considered moving to a residential compound in Tripoli's western periphery, but armed groups from the city centre and east in charge of protecting the council in the Abu Sitta naval base were opposed "because it would have entailed losing direct access to the council". Crisis Group interview, Western analyst, Tripoli, 25 April 2016.

⁴³ Reportedly, German, UK and Italian naval forces were off Tripoli's coast to defend the council, and when the council was on its way to Tripoli, armed groups in the west received text messages warning against an attack. Crisis Group interviews, foreign security contractor, Rome, 10 April 2016; Libyan politician in contact with European intelligence agencies, April 2016. According to GNC spokesperson Omar Hamidan, "armed groups decided not to waste lives in fighting against the council", because they had been advised to wait for a Supreme Court ruling. Several factions filed constitutional or implementation challenges with the court. Crisis Group telephone interview, April 2016. The Supreme Court has yet to rule.

⁴⁴ The members are Omar al-Aswad and Ali al-Qatrani, who began their boycott in January 2016 after disagreements with other council members over cabinet nominations. In an open letter announcing he was freezing his participation, Aswad accused colleagues of last-minute changes to the proposed line-up, including by increasing the number of ministers, without informing him.

On the eve of a 16 May ministerial in Vienna, Serraj felt confident enough to announce that the unity government would begin functioning that week. Though the HoR had not approved his cabinet, he called on ministers-designate (a new group of thirteen ministers plus five ministers of state, in addition to the nine-member Presidency Council) to take office.⁴⁵ A handful began to work as de facto ministers, but at least four refused without HoR endorsement. Only one full cabinet meeting has taken place since, in June.⁴⁶

The Presidency Council's control of the capital and so of ministries was limited. Several ministries, particularly those outside the downtown and east-central Souq al-Jumaa area, remained controlled by the Ghwell government or anti-council militias. Initially, only the ministers-designate for foreign affairs, local governance and interior could work in their own buildings. The council itself continued to operate for some months from the naval base. Until July, the building housing the prime minister's central Tripoli office was controlled by an armed group that said it would allow the council to enter if it remained in charge of security there; some council leaders claimed the unit had left, but it appears to have only rebranded and affiliated itself to the interior ministry. Serraj gave a press conference there in July but otherwise continues to hold meetings at the naval base (though his deputies work from the building housing the prime minister's office).⁴⁷

For months, few Serraj-appointed ministers (including those who started to meet with foreigners in May) controlled their budgets. Though the council appears to be in charge of approving payments through the Central Bank, it is unclear whether any minister will have long-term access to state funds without HoR endorsement, as under the accord parliament must approve the budget. But at least through July, when the bank gave it 1.5 billion dinars (\$1 billion) for emergency spending in the absence of a legal budget, the council appeared able to tap into former cycles' unused funds.⁴⁸

"National Unity Government built on cronyism and will fail says Presidency Council member Aswad", *Libya Herald*, 23 January 2016. Qatrani's main reason for boycotting was disagreement over the appointment of al-Mahdi al-Barghathi as defence minister. In August 2016, after the HoR rejected the proposed GNA line-up, Aswad rejoined the council but Qatrani said he would not as long as it met in Tripoli, because the city was controlled by hostile armed groups. He did meet other council members in Tunis in September and October.

⁴⁵ Presidency Council decree 12/2016, 14 May 2016.

⁴⁶ Crisis Group interviews, minister-designate, Tripoli, June, October 2016; east-based politicians, July 2016. The minister-designate complained that since a first cabinet meeting in June, there has been no direct contact with Serraj. The four, all eastern, ministers who refused to take office are Finance Minister Fakhir Muftah Bouferna, Justice Minister Jumaa al-Dersi, National Reconciliation Minister Abdel Jawadd al-Abadi and Economy Minister Abdel Matloub Bouferwa. Crisis Group telephone interview, minister-designate who attended the first cabinet meeting, Tripoli, July 2016.

⁴⁷ Crisis Group telephone interviews, Tripoli security officials, foreign analysts, April-May 2016. Souq al-Jumaa is a neighbourhood with many pro-council militias. Crisis Group interviews, minister-designate, security official familiar with armed group occupying the prime ministry, Tripoli, June, October 2016.

⁴⁸ Since the council reached Tripoli, a finance committee led by council member Fathi al-Majbari has acted as de facto finance ministry, disbursing funds, issuing payment orders and approving payments. Crisis Group telephone interview, Central Bank board member, Tunis, May 2016. A minister-designate travelling to meet foreign officials allegedly complained he did not receive funds for a ticket, while businessmen reportedly bankrolled some council activity. Crisis Group interview, Misratan businessman, Rome, 15 May 2016. For the Central Bank to legally fund ministries, the

Finances aside, since arriving in Tripoli the council has appeared incapable of strategising and, most importantly, to lack means to implement most of its decisions. Individuals close to it express complaints ranging from failure to liaise with the ministers-designate to monopolisation of decisions and refusal to delegate. Even some international backers are frustrated: “We had very low expectations to start with, but we see that the council is not undertaking even minimal actions”.⁴⁹ With precarious financial arrangements, electricity shortages and a plummeting economy (banks have limited cash withdrawals and frozen foreign currency transfers, while the black-market dinar is less than a third of its official U.S. dollar value), public support has dwindled. All this has created rifts, even within the council’s original powerbase of politicians and businessmen in western Libya. Several early supporters fear the current arrangement may collapse.⁵⁰

More generally, the council, particularly without the support of military factions in the east and other armed groups from the west, especially the Zintanis, is overly reliant on a few militias and personalities, some of which may be obstacles to national reconciliation. The appointment in April of Swehli, a former pro-GNC hardliner despised by many HoR constituencies, especially in the east, to head the High State Council is such a case. So is the role of Islamist figures like Khaled Sherif, an ex-member of the Libyan Islamic Fighting Group who was deputy defence minister in several post-Qadhafi governments.⁵¹ Some army officers working for the council in Tripoli and instrumental in shaping security arrangements there said they felt “the Misratans are calling the shots”. That perception and the fact that their armed groups control Tripoli and its surroundings have fuelled anti-Misrata resentment. Clashes between local residents and members of a Misratan brigade left more than 40 dead in a town on Tripoli’s outskirts in June.⁵²

The precedent of weak governments in 2013-2014 that were hostage to militia demands, comes to mind. Not addressing Tripoli’s security landscape before relocating there was risky; over time it may become clear that long-term detriments offset the short-term benefits of a foothold in the capital. The presence there of armed groups operating without formal government oversight fuels the impression,

council must instruct the finance ministry to allocate ministerial budgets, including for salaries. This needs HoR endorsement, but some argue circumstances make this moot. A Central Bank board member wrote: “Protection of the state and society at a moment of crisis is ... more important ... than any constitutional clause. As per UN resolutions, the Central Bank of Libya is answerable to the Presidency Council and the Government of National Accord”. Crisis Group email communication, 23 May 2016. “In absence of a budget, PC/GNA ‘borrows’ LYD 1.5 billion from CBL for Emergency Fund”, *Libya Herald*, 20 July 2016. A minister-designate said that in August the council allocated emergency funds, but the minister turned this down for lack of an HoR endorsement; others accepted the funds. Crisis Group interview, Tripoli, October 2016.

⁴⁹ Crisis Group interviews, minister-designate, military officials, politicians, diplomats, Tripoli, and UN officials, New York, June 2016; European diplomat, Rome, July 2016.

⁵⁰ Crisis Group observations, Tripoli, July 2016; interviews, Libyan politicians and officials, Tripoli and diplomats, New York, Rome and Berlin, June 2016.

⁵¹ Sherif, head of Tripoli’s al-Hadhba security prison, is said to be influential with Tripoli armed groups. Crisis Group interviews, politician, security officers, Tripoli, September-October 2016.

⁵² Crisis Group telephone interviews, adviser to General Abderrahman Tawil, 30 April 2016; Libyan journalist, Tripoli, 23 June 2016. On 21 June 2016, a dispute between a member of a Misratan armed group and a shopkeeper in Qarabolli, some 30km east of Tripoli, led to twelve deaths, including civilians. Subsequently, residents stormed a military base housing the Misratans, and an explosion killed more than 30 people.

particularly in the east where support of the accord was always minimal, that the Presidency Council and unity government are again hostages.

2. Eastern Libya

The accord has less traction in the east than west at the grassroots and among the political elite. Eastern tribes, some members of western ones who fled Tripoli in mid-2014 and most army officers who operated under HoR authority saw the UN and the talks' Western backers as biased toward the GNC and consider them responsible for the post-2011 chaos and rise of radical Islamist groups.⁵³ Eastern Libya (Cyrenaica), was ripe for this narrative because monarchists, federalists, secessionists, local businesspeople and elements of certain tribes advocated greater economic decentralisation. They feared the accord would produce another Tripoli-based government dominated by western militias and personalities.⁵⁴ The Serraj team's reliance on local militias in Tripoli added to the fears. Some eastern HoR members who demanded revisions to the accord warned that implementing it and recognising the government without an HoR vote would keep the HoR-appointed government of Prime Minister Abdullah al-Thinni in place.⁵⁵ Most easterners consider that government legitimate, even if it is not operational.

Haftar initially paid lip-service to the accord, meeting Kobler the day before its signing and proposing a close associate, Ali Qatrani, for the Presidency Council. By January 2016, however, he turned against it, as he realised that literal implementation of its security arrangements (Article 8) would sideline him.⁵⁶ He began to lead

⁵³ Crisis Group interviews, residents, politicians, Benghazi, al-Bayda, November 2015. One indicated easterners resent that after the 2014 split, Western policymakers nominally accepted the HoR as the legitimate parliament while "running to defend the interests of their friends in Tripoli and Misrata, who had actually lost the elections". Crisis Group interview, resident, al-Bayda, November 2015. Distrust was further fuelled by UN Security Council refusal to lift the arms embargo on Haftar's HoR-backed forces and refusal to recognise the HoR-appointed heads of the Central Bank and National Oil Corporation. An eastern academic said, "it is dismaying that the international community supports the Tripoli armed groups and politicians there who lost the elections. Don't they get it that we don't support them?" Crisis Group interview, al-Bayda, November 2015. In the east, "Misrata" is used inaccurately but pervasively as shorthand for Islamist-leaning western militias and business interests that gained military dominance in western Libya and aimed to leverage this for dominance over state institutions and wealth.

⁵⁴ Crisis Group interviews, federalists, monarchists, al-Bayda, November 2015, Rome, January 2016. Others complained the accord does not chart a clear roadmap for replacing the interim unity government, opening the possibility of staying in power unchecked, even after the end of its one-year (extendable to two years) mandate. "How can the UN ask us to approve the accord and this Serraj government without explaining to us clearly how and when it will be replaced?", a monarchist asked. "The agreement stated only that future elections will be in accordance with provisions in the constitution, but we don't have a constitution yet. How do we know this government won't stay in power indefinitely?" The Constitutional Drafting Assembly, a committee of 56 elected in 2014, appears so fractured it may not be able to approve a draft.

⁵⁵ HoR member Adam Bu Sokra said, "Al-Thinni will not step down; nor will Ghwell. This does not mean people will fight the Serraj government, but events will develop as a consequence, and Kobler will be the cause of bloodshed". Crisis Group interview, Tunis, 14 March 2016.

⁵⁶ A Haftar aide said that when the accord was signed, they had not understood the full implications of its security provisions, specifically Article 8: "Only a month later did the agreement's full implications sink in. It was our fault for not realising it earlier. I think we just did not examine the text carefully enough". Crisis Group interview, Merj, eastern Libya, July 2016. Haftar supporters saw

eastern opposition, which has enhanced his local appeal. A Haftar supporter called the accord “a plot by Islamists and their fans in the West to get rid of the one person who is really fighting the terrorists”.⁵⁷

The accusation was not altogether unfounded: Skhirat focused on getting around the “Haftar problem”. Several leading participants saw him as a chief obstacle.⁵⁸ The main security sector provision, that the Presidency Council would become supreme armed forces commander, was requested by the general’s foes, who accused him of an indiscriminate war against Islamists of all stripes, not just jihadists, and of plotting a coup to bring back the former regime.⁵⁹

Western powers gave Haftar an ultimatum: get on board or be marginalised. Several EU governments and individuals close to the Presidency Council have made overtures, hinting that if he recognised council authority, all, including Article 8, could be discussed.⁶⁰ However, many in his camp seem to believe the council’s dependence on Tripoli militias and repeated violations of agreed procedures (mainly for HoR endorsement of the accord) render it untrustworthy.

The perception that western militias and politicians who previously backed the GNC were the main “winners”, combined with Haftar-led opposition to the accord, pushed opinion in the east and some influential fence-sitters there to rally behind the general. A late backer said, “support for Haftar is mostly a matter of ego, the pride of people in the east, their way of being heard and seen”.⁶¹ Hope that eastern opponents might eventually come around depends not only on Haftar making concessions

the deal as aimed at sidelining him, because Article 8 stipulates that the duties of the supreme commander of the armed forces will be assumed by the Presidency Council.

⁵⁷ Crisis Group interview, Haftar supporter, Tunis, March 2016. A number of activists and politicians from Benghazi have expressed frustration with the insistence of Western countries and the accord’s Libyan backers that Haftar be sidelined. Amal Bughaghis, a prominent Benghazi human rights activist, in 2011 among the anti-Qaddafi uprising’s leading voices and subsequently a Haftar critic, said she now supported the general because the Benghazi security situation had begun to improve two years after launch of his Operation Dignity: “It is true Haftar does not have a real army, but he was able to bring officers to his side. The HoR appointed Haftar as armed forces commander, but the international community treats him like a militia chief. *We* chose him, so why can’t they recognise him?” Crisis Group interview, Tunis, 14 March 2016.

⁵⁸ Crisis Group interviews, Western diplomats, Skhirat, November 2015. “We know we have a problem in the east, but how to solve it? We know Haftar is not on board, but how to convince him to join the accord?” Crisis Group interview, U.S. official, Washington, March 2016. For several weeks in January, Haftar toyed with supporting the deal (and allowed an acolyte, Ali al-Qatrani, to join the Presidency Council). The flirtation was short-lived: though his rhetoric after the accord’s signing suggested support conditional on HoR endorsement, his subsequent speeches suggested ambiguity. In an interview in an Egyptian daily, he warned that he would “not stand by and watch if the political process leads to the abyss”. *Al-Ahram*, 6 April 2016.

⁵⁹ Some western politicians such as Abderrahman Swehli said Article 8 was not a sufficient guarantee for some “revolutionary forces” that Haftar would be sidelined, because this would be left for the prime-minister-designate and his deputies. As he did not trust them to agree, he initially refused to endorse the accord. Crisis Group interview, Tunis, 10 January 2016.

⁶⁰ UN Special Envoy Martin Kobler used a metaphor comparing the accord to a “train that has already left the station” and urging deal foes to come on board. Interview, *Al-Jazeera*, 6 December 2015. According to a Libyan political analyst sympathetic to the HoR, “the policy of some in the West and the UN is ... undermining Haftar and weakening his position until he submits or is taken out”. Tweet, Mohamed Eljarh, @Eljarh, 23 May 2016. Crisis Group interviews, Western diplomats, UN officials, Tunis, Rome, New York, March-June 2016.

⁶¹ Crisis Group email communication, Benghazi academic, April 2016.

or being sidelined, but also on someone emerging to replace him. Most current accord backers in the east oppose Haftar, driven in part by fear of his violent tactics and calls for military rule.⁶² Some are army officers who blame him for unleashing endless war in Benghazi and believe an internationally-recognised government would curtail his authority and that of his HoR allies.⁶³

Prominent Haftar opponents in the east who support Serraj include al-Mahdi al-Barghathi and Faraj Baraasi, army commanders once aligned with him, and Jadran, the former Petroleum Facilities Guards commander.⁶⁴ These men, who have official (contested in Jadran's case) security sector positions, previously backed the HoR and enjoy support from their influential eastern tribes (Awaghir, Baraasa and Magharaba). When in May 2016 the Presidency Council appointed Barghathi the new government's defence minister and confirmed Jadran in his Guards post, it and its international backers hoped to fragment Haftar's eastern support and ensure immediate resumption of vital oil exports. A diplomat said, "Barghathi will be Serraj's bridge to the east [and] Jadran his purse-holder".⁶⁵

It has not worked out: Haftar's forces continue to dominate, and, despite hefty council payments to Jadran to reopen the oil terminals, exports did not resume.⁶⁶ Haftar's capture of the main Gulf of Sirte facilities in September 2016, forcing Jadran and his allies to retreat, opened the possibility of a drawn-out battle for control of resources and further consolidated anti-accord forces' leverage.

Some supporters of the Benghazi Revolutionaries Shura Council, an anti-Haftar coalition of ex-revolutionary fighters, political Islamists and jihadists, favour the accord, as bringing to power an amenable government backed by some of their western allies.⁶⁷ Likewise, fighters driven from Benghazi formed a new anti-Haftar militia,

⁶² Some extended families in the east hold Haftar responsible for kidnappings, disappearances and killings, allegedly by officers of the *amn al-dakhili* (internal security), *bahath jinaai* (Criminal Investigations Department) or other security forces that report to him. Sheikh Farj bu al-Khatabiya of the Obeidat tribe accused forces loyal to Haftar of kidnapping his son (later released), <http://bit.ly/25cCikJ>. Former army spokesperson Mohammad Hijazi accused the general of ordering killings and kidnappings and involvement in embezzlement. See his remark to Akakus television, 21 January 2016, at <http://bit.ly/1P8GuMi>.

⁶³ A number of army officers in western Libya have taken a public position against Haftar. In October, for example, organisers of a meeting of army and police officers declared him a "war criminal" and called on the Serraj government not to negotiate with him. Crisis Group interview, army officer, Tripoli, October 2016.

⁶⁴ Crisis Group interviews, Faraj al-Baraasi, al-Bayda, November 2015; members of Jadran's tribe, the Magharaba, February-May 2016; telephone interview, al-Mahdi al-Barghathi, Benghazi, April 2015. On Jadran's controversial standing, see Crisis Group Report, *The Prize*, op. cit.

⁶⁵ Crisis Group interview, EU diplomat, Rome, May 2016.

⁶⁶ In June 2016, the Presidency Council gave Jadran at least 40 million dinars (\$28 million) to cover back salary payments for his men; he allegedly demanded another 120 million dinars. Crisis Group interview, Mustafa Sanallah, chairman, National Oil Corporation, Tripoli, 5 June 2016. Sanallah repeatedly cautioned the council against co-opting Jadran and publicly admonished Kobler for visiting him in Ras Lanuf on 21 July 2016. Crisis Group telephone interview, 25 July 2016. According to council member Musa al-Koni, the council and Jadran signed an agreement in July for oil exports from ports under Guards control to resume in exchange for 24 months of back payments for all Guards employees (the 40 million was a first instalment), and unspecified investments for communities in oil-producing and exporting areas. Crisis Group interview, Tunis, 2 September 2016. Koni expressed doubt that this would get oil flowing.

⁶⁷ Several Benghazi Revolutionaries Shura Council members and supporters have relocated to Tripoli and Misrata. Tripoli-based intelligence chief Mustafa Noh was key in persuading them to

the Benghazi Defence Brigade, in 2016. Some of its members received covert Presidency Council backing without pledging it allegiance.

Alignments are not clear-cut. Rivalries between tribes, business lobbies and military commanders have also influenced attitudes toward the accord. For example, some eastern tribal leaders (especially in Jalo, Awjela and Marada) support Haftar and oppose the accord because they want to sideline Jadran, their main local rival. Shared resentment against Misrata's rise as the dominant military power in the west has led some eastern supporters of the 2011 uprising to reconcile with high-ranking ex-regime officials, some of whom began to return from exile in 2016 with the consent of eastern tribes and authorities.⁶⁸

B. *Absence of a Security Track*

The accord left key security questions unaddressed. That track never took off: militia representatives on both sides stalled; UNSMIL had insufficient resources; access to militia leaders who rarely left their territory was limited; and politics became increasingly fragmented. By the time it was signed, the accord was predicated on the logic that the parties should accept its framework first and work out details only as they began implementing it.⁶⁹ Yet, major disagreements remained. What role for militias that sprang up in 2011 and were not officially army? What future for Haftar and other controversial commanders? Was it okay to reach out to the Benghazi Revolutionaries Shura Council and other groups in which mainstream ex-rebels had forged alliances of convenience with more radical groups, such as Ansar Sharia or even IS followers? What about the Derna Revolutionaries Shura Council, which, unlike its Benghazi counterpart, had some success fighting IS but allegedly included several dozen al-Qaeda supporters?

support the accord. Crisis Group telephone interviews, sources close to the army and Benghazi Revolutionaries Shura Council, Tripoli, Benghazi, January-May 2016.

⁶⁸ Many eastern tribal leaders oppose Jadran for dislodging them from Qadhafi-era security (thus income-generating) roles in oil areas. Crisis Group Report, *The Prize*, op. cit. The idea Haftar is being used by ex-Qadhafi-era officials to return to power has some currency. Crisis Group interviews, al-Bayda, November 2015, July 2016. There is evidence some ex-regime members support him, including Ahmed Qadhaf ad-Dam, a Cairo-based Qadhafi cousin. The general has said he is open to a role for ex-regime officials "whose hands are not tainted with the blood of the Libyan people". Televised interview, Libya al-Hadath, 17 May 2016; Crisis Group interviews, Libyan pro-Haftar activists, Cairo, April 2016. Since early 2016, he has allowed hundreds of Qadhafi-era security officials to return to the east. Two of these are ex-security adviser Tayeb al-Safi, who returned to Tobruk in April, and Colonel Mohamed Ben Nayel, who in October was operating in the Sebha area. Crisis Group interviews, Haftar-aligned security officers, Ras Lanuf, October 2016.

⁶⁹ In March-April 2015, when negotiations were already underway, UNSMIL failed in its attempt to organise a meeting between representatives of the two military coalitions. It blamed this on GNC President Nuri Abu Sahmein, who refused to authorise participation of his military commanders in a UN-led initiative and accused the UN of seeking to bypass his authority by contacting local commanders. According to Libyan law, the parliament president is nominally also the armed forces head. Crisis Group interview, UNSMIL security sector adviser, Tunis, May 2015. Abu Sahmein's nominal army supreme commander title was disputed by HoR members, who consider their president, Saleh, that commander. At the time, this UNSMIL official believed Haftar had authorised some of his commanders to take part in a security dialogue, but a person close to Haftar intimated he was paying lip-service to the dialogue call but never meant to authorise participation. Crisis Group interview, Haftar aide, al-Bayda, November 2015.

The accord sought to sidestep all these. It empowered the TSC to take charge of security arrangements and its Article 8 short-circuited the question of who would head the armed forces by giving that power to the council and granting its president and deputies a veto over senior military and security appointments. Supporters of the dialogue process considered this formula, agreed after heated, lengthy debate and one of the accord's cornerstones, as sufficient guarantee to Libya's multiple political and military factions that no controversial personality would be put in charge of the security apparatus.⁷⁰ It also had the advantage of allowing the council and its international backers to keep the door open for all armed groups.⁷¹

Rather than taking a comprehensive approach to security sector fractures, the council and international backers prioritised Tripoli security. This transformed the TSC from a nationwide body for security arrangements, as the accord envisioned, to one mainly tasked with preparing the council's arrival in the capital. Reflecting this, council members selected the TSC's eighteen members on the basis of their personal ties to them, as well as their leverage with armed groups in the capital. The idea was that, once firmly established, the council would set up a new committee for nationwide arrangements.⁷²

The council has largely focused on establishing a Presidential Guard. When originally conceived, just after signing of the accord, that was intended primarily as a Tripoli-based force under council authority into which local militias could integrate. The plan has expanded and, according to council members and some internationals, it is now seen as in charge of securing strategic sites, borders and government institutions nationwide. Supporters view it as a key step to an army; foes, even among council friends, argue that the broad remit risks further institutional chaos. More importantly, council detractors see it as proof of lack of seriousness about a unified

⁷⁰ In early January 2016, when the council first convened in a Tunis hotel, its members expressed no surprise over lack of preparatory work on the security front. "There is no country in the world that has come out of a conflict with a clear military and security strategy in place or a consensus on leadership positions", said Ahmed Maitig, a Presidency Council deputy head. "It may take some time but eventually we will find a solution". Crisis Group interview, Tunis, 11 January 2016. According to another council member, Fathi Majbari, their aim was to "resolve the deep problem of the army: how to reform it to ensure it will protect people and tribes, while not making it so strong it can abuse its power". Crisis Group interview, Tunis, 9 January 2016.

⁷¹ For example, Kobler obtained Haftar's (short-lived) support for the process in a 16 December Merj meeting, in exchange for placing Ali Qatrani, seen as a Haftar man, on the council. It also allowed simultaneous overtures to Haftar foes, including the heads of Tripoli's main armed groups. When the council operated from its Tunis hotel in early 2016, it received envoys of Tripoli armed groups which wanted to discuss inclusion in future security arrangements. Crisis Group interview, Nuri Abbar, Political Dialogue member from Benghazi, Tunis, 3 March 2016.

⁷² Presidency Council decision 1/2016 (13 January 2016). This is also how TSC members saw their role. Crisis Group interviews, Tunis, March 2016. The TSC head, General Tawil, a Qadhafi-era army officer who sided with neither Libya Dawn nor Operation Dignity in summer 2014, began to liaise with commanders across the country, but personally and informally, not within an institutional framework. Crisis Group telephone interviews, military commanders in Derna and Benghazi, April-May 2016. According to people working with Tawil, lack of institutional support from the council (the TSC even lacked a Tripoli office) undermined its credibility and authority. "We had to go to ... the militias ... rather than have them come to us, and doing so put us in a position of weakness". Crisis Group interview, Tawil aide, Tripoli, June 2016.

army and desire only to give legal cover to militias.⁷³ This idea only gained more traction after mid-October, when some Presidential Guard units turned against the council and backed return of the GNC-aligned government.⁷⁴

The “Tripoli first” approach and plan to create such a Presidential Guard rested on three assumptions that did not hold: first, that by creating facts on the ground and allowing it to operate in Tripoli the council could control key institutions, thus address immediate financial needs and so achieve greater citizen buy-in;⁷⁵ secondly, that opponents would join the bandwagon, because self-interested military factions would not want to be deprived of the cash that only recognition of the unity government would give them access to;⁷⁶ and thirdly, that after coming to Tripoli, the council would resolve its legitimacy problem and overcome HoR refusal to endorse the accord, council and proposed government. But it took five months for 101 HoR members to convene, and when they voted on 22 August, 60 passed a no-confidence motion (whether legally is still debated).⁷⁷

For these calculations to play out constructively, ground events would have had to build self-sustaining momentum; armed groups opposed to (or ambivalent about) the Serraj government would have had to have no financial or ideological incentives to continue undermining its authority; and external actors would have needed to stay united behind accord implementation. This was not the case.

⁷³ Crisis Group interviews, UNSMIL security sector adviser, Libyan military officers, Tunis, March 2016. The council first mentioned the force in May 2016 and again in August, when it named Col. Najmi al-Nakwa its head. Presidency Council decree 7/2016, 30 August 2016. It appears to exist only on paper: responsibilities are not officially defined, nor has recruitment begun. Crisis Group interview, Musa al-Koni, council member, Tunis, 2 September 2016. Yet, some are under the impression it is active. Crisis Group interviews, EU diplomat, Tunis, 2 September 2016; Tripoli residents, June 2016; Benghazi residents, Haftar supporters, Benghazi, Merj, July 2016.

⁷⁴ Crisis Group interviews, security officers, Tripoli, October 2016.

⁷⁵ Libyan and non-Libyan accord backers supported this. “The country needs initiative. We cannot wait until all is settled and smooth. We need to create new facts on the ground”, said Deputy HoR President Mohamed Shoiab ahead of the move to Tripoli. Crisis Group interview, Tunis, 12 March 2016. A U.S. official said, “it is not important if the Presidency Council has only few security forces it can rely on. Let’s get it to Tripoli; then we start training all the men they need and over time build its forces”. Crisis Group interview, Washington, 3 March 2016.

⁷⁶ As a Western official put it, “if we start with even a small batch of, say, 2,000 men who are loyal to the council, and train them, give new uniforms and badges, and shower them with all the best equipment, then others who are now hesitant will come along because they, too, will want to receive those perks”. Crisis Group interview, U.S. official, Washington, March 2016.

⁷⁷ Kobler frequently uses the metaphor of the council as an ambulance without license plate carrying a critically injured person. At a March Brussels meeting, he reportedly told EU diplomats that “the license plate/legitimacy would come via the HoR. It is important to obtain the license plate, but the critical situation of the patient justifies moving ahead to bring the Presidency Council/Government of National Accord to Tripoli”. Crisis Group email communication, EU diplomat, 15 March 2016. HoR supporters say the vote was legal because there was a quorum; some council members consider it illegal because a vote on the unity government was not officially announced. Crisis Group telephone interviews, pro-HoR activist, Tobruk, 26 August 2016; Presidency Council member, Tunis, 2 September 2016. In April, more than 100 HoR members in Tobruk to vote on a unity government were prevented by members who blocked access to the hall. Crisis Group interviews, HoR members, Tripoli, June 2016; al-Bayda, July 2016.

C. *International Contradictions*

The accord received strong backing from the P3+5 (the UN Security Council's three permanent members most active on Libya – the U.S., UK and France – plus Germany, Italy, Spain, the EU and UN) and, at least officially, Libya's neighbours.⁷⁸ Resolution 2259, soon after the signing, and subsequent Security Council presidency statements welcomed the accord.⁷⁹ By January 2016, most members recognised the Presidency Council as Libya's executive, treated Serraj as de facto head of government and stopped engaging with Thinni.⁸⁰ Western states in particular called Serraj interchangeably head of council and government, though legally there was no unity government. Others, like Russia and Egypt, while officially supportive, stopped short of granting Serraj the diplomatic privileges normally awarded a prime minister.⁸¹

Ambiguities have continued since the May Libya ministerial in Vienna, when over twenty states, including Russia, Egypt and China, backed Serraj, though not all formally recognised his government. Those such as Algeria, the U.S. and UK have come to consider HoR endorsement irrelevant, though they pay lip-service to the requirement. These and other, mostly EU, countries have actively encouraged the council to roll out a government and move on with an implementation whose terms they do not want to change.⁸² Russia, Egypt and the UAE, with stricter legal views that an HoR vote is needed, are open to amendments.⁸³

⁷⁸ In the last major pre-accord international meeting, seventeen countries stood “with all Libyans who have demanded the swift formation of a Government of National Accord based upon the Skhirat Agreement”. Libya ministerial, joint communiqué, Rome, 13 December 2015. From October 2015 onward, UN Security Council and EU members had redoubled efforts to send a unified message about the urgency of reaching an accord, including Russia and China, which had been less involved in the negotiations than the other P5 members. Crisis Group interviews, Western diplomats, UN officials, New York, Tunis, November-December 2015.

⁷⁹ Resolution 2259 welcomed formation of the Presidency Council and called on it to form a Government of National Accord within 30 days of the accord's signing. It also urged member states to cease support to and official contact with any institution that claimed to be Libya's legitimate authority while working against the council. According to a statement by Libya's permanent representative to the UN, Ibrahim Dabbashi, it was understood that the HoR-appointed Thinni government would stay on until the government was established and approved. See televised session of UN Security Council meeting, 23 December 2015.

⁸⁰ Though the HoR did not formally vote on the accord, member states appear to have interpreted a 25 January HoR vote as indirect recognition of the council's authority; 89 of 104 HoR members declared in Tobruk that they “welcomed [the accord] in principle”, but expressed reservations about Article 8's security arrangements. In another vote that day, 97 rejected Serraj's proposed line-up for a unity government. Since then, most internationals have recognised the council on the basis of the implicit recognition. The matter is controversial; council foes argue that until the HoR passes a constitutional amendment (as the accord stipulates), the council cannot be a legitimate executive. Crisis Group interviews, UN, Libyan officials, U.S., UK diplomats, Tunis, London, Rome, March 2016; pro-HoR politicians, Cairo, Ajdabiya, May-June 2016.

⁸¹ Crisis Group interviews, Russian and Egyptian officials, June 2016.

⁸² Libya ministerial, joint communiqué, Vienna, 16 May 2016. In it, for example, the UK and U.S. agreed to language urging all parties “to work constructively towards the completion of the transitional institutional framework, particularly by enabling the [HoR] to fully carry out its role as outlined in the Libyan Political Agreement”. Yet, a U.S. official said, “the ten-day deadline that the HoR had to approve the unity government has passed, so it is the HoR that is in breach of the political accord; on that basis we are completely authorised to move forward”. UK diplomats agree. Crisis Group interviews, Washington, London, March 2016.

⁸³ A Russian official said, “what is important for us is to follow the full procedures ... including the HoR vote. ... This is also to ensure there is political and security inclusivity in the process”. Crisis

Disagreement over the need for a HoR vote conceals divergent policy objectives. The first group of countries, which have shaped the international narrative on Libya and supported the UN-led process, wants to move forward with creating the architecture envisaged by the accord, consolidate security and state institutions in Tripoli and deal with accord opponents later, when they hope to have greater leverage.⁸⁴ The latter group would like the political process to accommodate concerns of HoR members and eastern constituencies that remain disaffected with the process and to guarantee the influence of their Libyan clients (HoR President Saleh and General Haftar in particular).⁸⁵

In addition to supporting Libyan factions they are closest to, there is also an ideological dimension: Egypt and some other Arab states see, like many eastern Libyans, the Presidency Council as dependent on Islamist armed groups and politicians, including members of the Muslim Brotherhood's Libyan branch.⁸⁶ Egyptian officials view their country as having a natural role in eastern Libya due to contiguity, historical links, the many Egyptian migrant workers and the security threat posed by radical groups there. But their chief concern now appears to be Serraj's reliance on people they consider too close to Islamists. "A Libya where security decisions are taken by somebody close to the Brotherhood is anathema to Sisi", said a Libyan activist close to Egyptian intelligence.⁸⁷ Egyptians are perplexed by the council's Misrata-dominated turn since its arrival in Tripoli.⁸⁸ Ex-Qadhafi officials in Cairo and Abu Dhabi with close ties to their host governments appear to play a key role in channelling support to Haftar and depicting the Serraj-led council as controlled by Islamists.⁸⁹

Group telephone interview, May 2016. "UAE sticks with Libyan Political Agreement and HoR vote on GNA", *Libya Herald*, 22 May 2016.

⁸⁴ Many Western officials see agreement foes as spoilers seeking unrealistic concessions who should not be indulged. U.S. Special Envoy to Libya Jonathan Winer described Haftar's position as "I am in charge, and nobody tells me what to do. I make all the decisions. Unlimited amounts of money, and I will last forever. And if I disagree with what anybody else wants to do, they are gone". Remarks, Atlantic Council briefing "Libya: What's Next", Washington, March 2016.

⁸⁵ Egypt has advocated a partial exception to the Libya arms embargo since February 2015 as a way for Haftar's army to fight IS. While it backs forming a unity government, it also advocates direct military aid for the army. Crisis Group interviews, national security adviser to President Sisi and senior military officials, Cairo, June 2015. Such calls were made in March-May 2016, even during the Presidency Council's May Cairo visit. "Egypt's Sisi calls for end to Libya arms bans as Serraj visits Cairo, reaffirms support for Skhirat accord", *Libya Herald*, 7 May 2016.

⁸⁶ A senior Egyptian diplomat said, "we do not want to see the Muslim Brotherhood play a central role in Libya". A senior Egyptian military official said, "in Libya we have to support the national army, not some armed groups. We are tired of these games by regional actors like Turkey and Qatar". Crisis Group interviews, Cairo, March, April 2016. Egypt and its Libyan allies accuse those two of supporting Islamist military factions in Western Libya.

⁸⁷ Crisis Group interviews, Egyptian diplomat, Tunis, March 2016; Egyptians of Libyan origin, Cairo, 2015, Libyan activist, Cairo, April 2016. Serraj's choice of Barghathi as defence minister irked Egyptians because they view him as too amenable to the Islamist-dominated Benghazi Revolutionaries Shura Council and the Muslim Brotherhood.

⁸⁸ A Western diplomat said, "the Egyptians were very enthusiastic about Serraj, but it is as if they took for granted he would support the army and now they wonder if they were wrong". Crisis Group telephone interview, May 2016. An Egyptian diplomat lamented that the council's move to Tripoli had been "premature" because of its reliance on militias for its security: "The council has no control over the situation". Crisis Group interview, June 2016.

⁸⁹ Crisis Group interview, former Qadhafi regime official, Cairo, April 2016.

The international divisions have resulted in divergences over using sanctions against spoilers. The EU and U.S. imposed travel and financial sanctions on HoR President Saleh and GNC officials, accusing them of creating obstacles to the political agreement. Russian and Egyptian diplomats criticise this as unhelpful.⁹⁰ Moscow is also invested in the Haftar-commanded army. Like Egypt and the UAE, it has repeatedly called over the past two years for an easing of the arms embargo to allow Haftar to receive weapons and has given pro-HoR factions political support.⁹¹ Unlike the UAE and Egypt, however, Russia has apparently refrained thus far from giving Haftar military aid and has kept ties with politicians in Tripoli.⁹²

Some Western states have also urged a softer line on Haftar, ostensibly for counter-terrorism. In the first half of 2016, France gave his forces intelligence support in Benghazi, helping them regain near-complete control over the city. Covert and unacknowledged until late July 2016, when anti-Haftar forces downed an army helicopter carrying three French officers, France's support for the general significantly weakened his Benghazi Revolutionaries Shura Council foes, thereby both strengthening his army's claim in the east and his leadership credentials, even as he sought to undermine the Presidency Council. Other Western countries have also dispatched intelligence officers to eastern Libya, but they appear to have been less involved in ground operations.⁹³

⁹⁰ On 1 April 2016, the EU imposed a travel ban and asset freeze on HoR President Saleh, Ghwell, head of the unrecognised Tripoli-based government that pre-dated Serraj's arrival, and GNC President Sahmein. On 19 April, U.S. President Barack Obama signed Executive Order 13726, "Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya". These measures were applied to Ghwell on 20 April and Saleh on 13 May. Crisis Group interview, Russian official, March 2016.

⁹¹ Crisis Group telephone interview, Russian official, May 2016. In late May 2016, Moscow allowed a Russian mint to send 4 billion dinars (nearly \$3 billion) of banknotes ordered by the Bayda-based Central Bank of Libya (appointed by the HoR and working with the Thinni government) against the wishes of the Tripoli-based internationally-recognised Central Bank (which recognises Presidency Council authority). "Battle of the banknotes as rival currencies are set to be issued in Libya", *The Guardian*, 20 May 2016. The transaction infuriated U.S. officials, who called the banknotes "fraudulent". U.S. embassy statement on Central Bank, 25 May 2016.

⁹² Russians and Libyans deny Moscow gives Haftar weapons. Crisis Group interviews, Russian military official, Cairo, April 2015; Abdelrazek Naduri, army chief of staff (Haftar), Merj, 18 July 2016. However, according to Saqr al-Jeroushi, the head of Haftar's air force, military support could come after Haftar's late June 2016 trip to Moscow, when he was received by Nikolai Patrushev, secretary of Russia's Security Council and Defence Minister Sergei Shoigu. "During Haftar's recent trip to Moscow, the Russians offered to provide us with anything we need and on any terms we want: against payment, on credit, without payment – they did not really care. But we told them that we will pay". Crisis Group interview, Merj, 20 July 2016. Russian supplies are key, as the bulk of Libya's heavy artillery and air force (acquired under Qadhafi) is Russian-made. A U.S. official agreed Haftar military people are confident Russia will support them but questioned whether Moscow really planned to. Crisis Group interview, Tunis, September 2016. In October, Russian diplomats began to engage more with the Presidency Council and other Tripoli-based politicians. Crisis Group interviews, politicians, Tripoli, Misrata, October 2016.

⁹³ French operatives took part in intelligence operations and helped operate equipment to identify targets in coordination with Haftar's forces. Crisis Group interview, Saqr al-Jeroushi, air force chief loyal to Haftar, Merj, 19 July 2016. Jeroushi also confirmed that intelligence officers from other Western countries are stationed in areas under their control but said their support was minimal compared to France's. France's help with night-targeting may have been crucial in cutting off Benghazi Revolutionaries Shura Council fighters' main supply lines to their allies in Misrata. Crisis Group interview, analyst familiar with Benghazi events, Amsterdam, August 2016. Cyril Bensimon,

France aside, most Western states firmly supported the council and argued it should receive military aid. Offers of assistance have come from the U.S., where Secretary of State John Kerry said he would support and consider any requests from Serraj for an arms embargo exemption. Throughout 2016, the U.S. has deployed special forces, mainly for intelligence gathering, and offered to train and equip Libyan forces.⁹⁴ Since early August, at the council's request, it has also supported the anti-IS offensive in Sirte with airstrikes. UK special forces based in Misrata have stepped up their presence and started to assist local armed groups involved in fighting IS in Sirte.⁹⁵ In June, the EU extended the mandate of Operation Sophia and added two tasks: "training of the Libyan coastguards and navy; and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya". In August, it also extended the mandate of its Integrated Border Management Assistance Mission to Libya (EUBAM Libya) a civilian mission mandated to plan for a possible future EU mission providing advice and capacity building in the area of criminal justice, migration, border security and counter-terrorism.⁹⁶

Italy took the lead in establishing the Libya International Assistance Mission (LIAM) in early 2016. Intended as a coordinating body for all international efforts to train Libyan forces, it has remained largely defunct given the council's inability to control the military. Rome reduced earlier offers to train council-allied forces, when parliament agreed in September only to send 300 military (in rotation) to guard an Italian military field hospital in Misrata. At UK and U.S. instigation, NATO has offered to be more involved, but no concrete plans have materialised.⁹⁷

In short, far from showing unity on the way forward, international actors pursue diverging objectives, including by giving or pledging military support to various forces only superficially tied to any national army or political oversight.⁹⁸ The risk

Frédéric Bobin, "Trois membres de la DGSE tués en Libye, le gouvernement libyen proteste", *Le Monde*, 20 July 2016. According to a French diplomat, when Paris began to support Haftar in late 2015, the general had not yet rejected the Skhirat agreement, so French security policy did not contradict its diplomacy as flagrantly. Crisis Group interview, September 2016. France appears to have cut support of Haftar's forces after three operatives were killed near Benghazi on 19 July 2016. Crisis Group interview, European diplomat, Tunis, September 2016.

⁹⁴ Crisis Group interviews, U.S. official, Tunis, 2 September 2016; Misratan military commander, Misrata, 3 June 2016.

⁹⁵ Crisis Group telephone interview, Misratan politician, 24 May 2015. "British Special Forces Destroyed Islamic State Trucks in Libya, Say Local Troops", *The Telegraph*, 26 May 2016.

⁹⁶ "EU Task Force Offers to Train Libyan Coast Guard", Reuters, 25 May 2016. "EUBAM Libya: mission extended, budget approved", press release, European Council, 4 August 2016.

⁹⁷ Crisis Group interviews, UN, EU officials, European diplomats, Tunis, Rome, Brussels, March-June 2016. Since 2015, Italy's military has planned for possible deployment of several thousand troops to Libya. In March 2016, Prime Minister Matteo Renzi ruled out direct intervention but said Italy would do training if Libyan authorities requested. "Renzi Seeks to Calm Nerves over Libya Intervention", *Financial Times*, 7 March 2016. On 13 September, the Italian parliament authorised "Operation Ippocrate" to establish a military field hospital in Misrata for Libyans wounded in Sirte. "Italy to Send 300 Military to Libya", ANSA news agency, 13 September 2016. "Germany, France hold back NATO, EU ambitions in Libya", Reuters, 25 May 2016.

⁹⁸ A senior Algerian diplomat said, "the most important thing is to unite the international community. It is becoming a proxy war. Nobody is trying to bring all Libyans together". Crisis Group interview, June 2016. A senior UN official said, "the Security Council is divided ... not just the usual suspects but also the larger membership. The international community needs to be consistent ... and let Libyans define the solution An unpleasant question needs to be asked: was the agreement pushed in Libya's best interests?" Crisis Group interview, New York, June 2016.

increases of a growing divide over military support, with most Western countries backing the council and forces loyal to it, and Russia, Egypt and the UAE continuing to assist what they consider to be the legitimate army under Haftar.

IV. What Way out of the Impasse?

A. *Avoiding Further Escalation*

The conflict is becoming more entrenched, blocking prospects for revitalising state institutions and stabilising the economy. Entropy is growing: the rival governments' ability to deliver concrete improvements in the lives of ordinary Libyans is decreasing, while the risk of further violence increases. Entire Benghazi neighbourhoods have been destroyed; hundreds of thousands of Libyans are displaced.⁹⁹ Haftar's September takeover of the Gulf of Sirte's oil export facilities has allowed crude-oil exports to resume, offering the possibility of refilling state coffers, but also increased tensions between the two major armed coalitions and the institutions supporting them.¹⁰⁰

Both sides, with their international backers, are convinced they can ultimately triumph. In western Libya, factions supporting the Presidency Council and High State Council have gained the international recognition they desired and feel bolstered by their victory-in-progress against IS in Sirte. They are semi-covertly helping fighters defeated in Benghazi, some of whom have come together under a new banner, the Benghazi Defence Brigade, to spearhead an offensive in that city against Haftar's forces. They are also preparing to retake the oil terminals.¹⁰¹ In turn, Haftar is using his victory to appoint officers to head municipalities, confirming his opponents' fears that he aims for military rule. He and his allies, bolstered by their successes, appear to believe the "liberation" of Tripoli is within reach; they may also be planning to broaden their territorial control to the south, where they enjoy tribal support.¹⁰²

Both sides are making calculations based on dubious assumptions. Haftar forces now control most of the east, and their defeat is not likely, if only because their foes are unlikely to gather sufficient military strength. Some Tripoli politicians and military officials, as well as some Presidency Council members, would like to see the accord's international backers impose a no-fly zone over the Gulf of Sirte and Benghazi to neutralise Haftar's air force, his strategic advantage. Yet, the council may not ask for this while oil revenue is flowing, and the UN Security Council is unlikely to approve it given that Russia, a permanent member, and Egypt, currently a non-

⁹⁹ The UN says there are over 300,000 internally displaced persons in Libya. Remarks by Martin Kobler at a UN-organised conference on reconciliation in Libya, Tunis, 31 August 2016.

¹⁰⁰ On Haftar's takeover of the terminals, see Crisis Group Commentary, "After Libya's Oil Grab, Compromise Could Lead to a Restart of Exports", 14 September 2016. As of October, anti-Haftar officials and militia leaders in Tripoli were preparing for a possible operation to retake the facilities. Crisis Group interview, defence ministry officials, Tripoli, October 2016. In August, Libya's oil production was 200,000 barrels/day, the lowest since 2013. Since mid-September, after the National Oil Corporation lifted a *force majeure* determination in four Gulf of Sirte oil terminals, exports began to increase, reaching 600,000 barrels/day in October. (In March 2015, after closure of oil facilities, it had invoked *force majeure*, a standard contractual clause for extraordinary circumstances when a contract cannot be honoured due to events beyond a company's control.)

¹⁰¹ Crisis Group telephone interviews, defence ministry officials and Benghazi Defence Brigade supporters, Tripoli, Misrata, August, 14-18 September 2016.

¹⁰² Crisis Group interviews, Haftar-affiliated army officials, Merj, Benghazi, July 2016. In September, an army spokesman spoke of an imminent effort to take Tripoli. Televised press conference, 19 September 2016. This view is supported by pro-HoR politicians who believe the council's inability to rein in Tripoli-based armed groups will cause the capital's security to deteriorate. Crisis Group interviews, al-Bayda, July 2016; Western diplomat, Tunis, 1 September 2016.

permanent member, are unlikely to back measures that would weaken Haftar.¹⁰³ Similarly, Haftar's promise to "liberate" Tripoli and destroy militias there is a mirage, because the armed groups across western Libya remain well-equipped and numerically superior. A renewed battle over the oil terminals could trigger a wider conflagration. Avoiding this and other military offensives is the immediate priority, followed by putting negotiations back on track.

B. *Restarting a Political Process*

If the central aim of what remains of the peace process is forming a unity government, an aim that major actors on either side still profess, the Presidency Council needs to bolster its legitimacy and reconcile with eastern Libyans and the HoR. The August 2016 HoR vote to reject the government of eighteen ministers offers a window of opportunity. The council should, in wide consultation with political leaders, make substantial changes to the government's composition in order to bridge the gap with the east. It could reiterate its early 2016 proposal to assign key ministries such as finance, planning and justice to easterners, thus addressing the widespread view in the east of being marginalised. This may not satisfy HoR leaders, who have asked for the entire council to be changed (with only two deputy presidents, as the HoR proposed during the Skhirat negotiations), but it could be important in swaying wider public opinion.¹⁰⁴

The council should resist the push from politicians, including within its ranks, to ignore the August 2016 HoR vote.¹⁰⁵ Such a line would deepen the divide and trigger more military confrontation. Even some HoR opponents see getting it on board as necessary to maintain coherence of the accord's framework, as well as, more broadly,

¹⁰³ Since Haftar's takeover of the oil terminals and an 18 September failed counteroffensive, military aligned with the Presidency Council have mooted requesting a partial no-fly zone over the Gulf of Sirte to allow recapture of the terminals and possibly an advance on Benghazi. Crisis Group telephone interviews, defence ministry officials, Tripoli, 21 September 2016. It is unclear whether this would need UN Security Council approval (highly unlikely, due to disagreement on Libya) or only a formal request by Serraj to an international backer, as in the U.S. aerial intervention in Sirte, August-September 2016. Libyans advocating a partial no-fly zone appear to believe Russia would not object. Crisis Group telephone interviews, defence ministry officials, Tripoli, 21 September 2016; European businessman familiar with the issue, September 2016.

¹⁰⁴ Since September 2016, HoR President Saleh has been insisting that the Presidency Council be removed in its entirety and replaced by a new head and two deputies. Crisis Group interviews, politicians familiar with Saleh, Tripoli, Misrata, October 2016.

¹⁰⁵ Crisis Group interviews, council member, Western diplomat, UN official, Tunis, September 2016. Those who take this position believe Saleh's aim is to buy time to continue to undermine the council. U.S. diplomats, in particular, accuse him of lying and repeatedly not delivering on promises. Crisis Group interviews, Tunis, 2 September 2016. This position also has backers in the Tripoli-based High State Council: on 21 September 2016, some members called on the Presidency Council and the UN to ignore the HoR and support a new government approved solely by High State Council and boycotting HoR members who support the accord. In a televised announcement on behalf of the council that day, a member, Mohamed Muazzab, called on UNSMIL "to follow up the implementation of the Libyan Political Agreement, and not to associate that with the approval of the HoR president, who is sanctioned by only some countries and is rejecting the agreement and its outcomes". He also urged ignoring "the opposing minority composed of some HoR members who are obstructing the agreement". Flanking him in the broadcast were High State Council President Swehli and his deputy, Salah Makhzoum.

national unity.¹⁰⁶ This more accommodating line would also return the ball to the HoR's court, in effect calling its bluff; above all, the Presidency Council, whose legitimacy rests on having been created by the accord, should not derogate from its accord obligation to seek the HoR's endorsement.

The accord's external backers should help create momentum toward a political solution based on the accord's broad outlines, but they cannot hold it sacrosanct. The most important aspect of resuming a peace process is accepting that the accord cannot be implemented as is, so should be renegotiated, starting with security arrangements. It is imperative to launch a security track parallel with the political process that would be a forum for negotiations on issues specific to the security sector, including temporary de-escalation initiatives to prevent new hostilities until a wider agreement is reached, for example on political issues such as the composition of a unity government and security arrangements.

C. Creating a Security Track

Part of the reason why attempts to implement the accord have failed in the absence of a wider agreement incorporating security issues is that the military balance has changed since December 2015. The political divide is between pro- and anti-accord rather than pro-HoR and pro-GNC; and whereas the agreement and much of the diplomatic conversation envisaged civilian control over armed groups, those have grown stronger: in the west because of the council's dependence on them in Tripoli and their success against IS in Sirte, and in the east because Haftar has asserted control over Benghazi and the Gulf of Sirte's "oil crescent". Each sees the other as aiming for domination, making compromise elusive.

Two things need to happen: an end to military operations and a resumption of political negotiations under a new formula including a security track. Armed groups in the west should stop supporting the Benghazi Defence Brigade and negotiate a local ceasefire in Libya's second-largest city rather than pursue a vain attempt to retake it from Haftar. Calling on people displaced from Benghazi to join against Haftar-aligned groups would fuel the fighting and postpone their negotiated return in a local settlement, for which some support exists among Haftar's forces.¹⁰⁷ Western militias should break ties, direct and indirect, with jihadist groups to create common ground with eastern commanders (as well as reassure Haftar backers such as Egypt) and space to start local contacts between military representatives from both sides.

In turn, Haftar's forces should halt their offensive in Benghazi and refrain from moving west of the Gulf of Sirte, as they have threatened. They should engage with Benghazi residents who have relocated in the west and reassure them they can go home safely. They and their affiliated security forces (such as intelligence and internal security organs) should also cease abuses against residents accused of siding with the Presidency Council.

Haftar should likewise re-engage with UNSMIL, particularly its security team, to reach a broad understanding on a possible security dialogue. The priorities in any

¹⁰⁶ Presidency Council member Musa al-Koni, who said he does not trust HoR leadership, acknowledged need to win over at least 30 eastern HoR members and claimed to favour a cabinet reshuffle for that purpose. Crisis Group interview, Tunis, 2 September 2016.

¹⁰⁷ Crisis Group interviews, army commanders, Benghazi civil society activists, Benghazi, Merj, July 2016.

political solution should be an Article 8 compromise, especially on army and police command chains, and consensus on a unified security force. Disagreement, including over who should lead the military and which Islamist factions should be fought (only IS and al-Qaeda or also groups that have collaborated with them), can be overcome by ensuring that key military representatives from both sides are at the table. This means staking out a compromise whereby, as a French diplomat said, “Haftar has to be in the picture, even if he cannot be at the centre”.¹⁰⁸

Both the UN and council members have floated the idea of creating a forum for security actors to negotiate these issues and be directly involved in shaping a unified military command. Thus far, these efforts have been limited to one July meeting, hosted by UNSMIL in Tunis, bringing together military actors from both camps.¹⁰⁹ Several proposals have been aired. In June, Kobler proposed a military council divided into regional commands – essentially acknowledging current reality – but under the Presidency Council’s authority. In September, boycotting council member Qatrani, a Haftar ally, proposed a five-person body, separate from the council and including Serraj, two of his deputies (possibly Maitig from Misrata and Koni from the south), Haftar and HOR President Saleh, that would assume the council’s supreme commander role.¹¹⁰

These separate but similar proposals have drawbacks: Haftar and his associates rejected Kobler’s as an attempt to divide the army; Qatrani’s excludes western military leaders. But the underlying acknowledgment that military power has become localised is worth retaining. A third, perhaps better way forward, may be to separate the Presidency Council’s civilian and military roles. Some council members are considering a “Supreme Defence Committee” in which Haftar would sit with western officers such as Colonel Salem Joha from Misrata (nominated, though he did not accept, as a member of the military operations room for the Misrata-Sirte area), but it is unclear if Haftar and key Misrata armed groups would agree.¹¹¹

Whatever the format, a forum is needed for the Presidency Council and its military advisers to negotiate with military from both sides over the command chain, or at least find a placeholder formula until a solution to the Article 8 dispute can be found. The council must do more to create confidence that its security strategy will lead to a working army and police that stand above the political divide. What it has done thus far – announcing creation of a Presidential Guard and empowering eastern military actors such as Barghathi and Jadran to try to fragment Haftar’s forces – is far from a national security strategy and has backfired, particularly as internationals have worked to contrary ends. Instead of creating a Presidential Guard

¹⁰⁸ Crisis Group interview, Paris, May 2016.

¹⁰⁹ Crisis Group interviews, Libyan participants in the workshop, Tunis, July 2016.

¹¹⁰ “Kobler suggests three military command councils”, *Libya Herald*, 13 July 2016. Army officers completely rejected this set-up. A Haftar supporter closely acquainted with army commanders said, “how can Kobler possibly think that we would be happy to have a leadership role in eastern Libya? What he is proposing is dividing the country. To the contrary, we are for one unified Libya and one strong army”. Crisis Group interview, Merj, July 2016. Crisis Group interview, European diplomats and analysts, Rome, London, September 2016. Qatrani made his proposal to the council on the sidelines of the Political Dialogue in Tunis, 3-5 September 2016.

¹¹¹ Crisis Group telephone interview, European adviser to a council member familiar with the negotiations, 19 September 2016. Some European diplomats, however, believe Salem al-Joha does not enjoy sufficient support inside Misrata to win backing for this option among armed groups there. Crisis Group interview, London, September 2016.

that would deepen the divide, the council and its TSC should draft a security plan that would put Tripoli under the army and police, including elements from the east and Zintan.

D. The Need for International Convergence

The international community has a key role. Polarisation of political and military support to Libyan factions entrenches the conflict and makes it more difficult to salvage the accord elements all can agree on. Outside actors – pro-Presidency Council (the U.S., UK, Italy, Algeria, Turkey and Qatar) and those who support the council while also providing support to Haftar (Russia, Egypt, the UAE and to an extent France) – must chart a way based on the common ground between them.

Many in the first camp have been too optimistic that an agreement imposed on recalcitrant factions would eventually be accepted. The focus on eliminating IS in Sirte, which they hoped would establish Misratan forces' counter-jihadist credentials for states such as Egypt that have long argued Haftar was the only leader taking on jihadists overshadowed other factors.¹¹² The gamble that the accord roadmap could be implemented even without HoR endorsement underestimated the extent to which opponents could exploit this to gain support in the east. It made it easy to paint the UN as biased, thus hindering its impartial mediator role. Conversely, those who have supported Haftar, undermining an agreement to which they pay lip-service, have derailed the process but not provided constructive alternatives. If they want to maintain a united Libya and stop the conflict spiralling toward worse confrontation, they will have to set limits on their client.

Perhaps unavoidably in a context of regional, even global, upheaval, some of these actors filter their Libya policy through the lens of geopolitics: the U.S.-Russia rivalry over Syria and Ukraine, the regional divide over political Islam and contests for influence over the Sahel and Maghreb. By this logic, compromise is undesirable if considered success for a rival.¹¹³ Yet, the status quo (a deteriorating situation) can only lead to protracted conflict that would plunge Libya into further chaos, with no certain victory for any camp, great damage to the economy and few of the opportunities many hope for in post-conflict reconstruction.

At a minimum, states with leverage over Haftar should press him and his allies to stop calling for further military operations toward southern and western Libya and withdraw their support if he continues to refuse a negotiated solution. Similarly, those backing Tripoli- and Misrata-based forces should dissuade them from a counteroffensive against Haftar in the Gulf of Sirte.

¹¹² Crisis Group interviews, Egyptian diplomats, military officials, Cairo, New York, June 2015–May 2016. Egyptian officials allege that jihadist groups have connections to some western Libyan armed groups, particularly some powerful Tripoli-based ones on which the Presidency Council has depended. Crisis Group interview, Egyptian diplomat, May 2016. According to Libyan security officials and residents in areas formerly under IS control, many Egyptians were in IS ranks. Crisis Group interviews, intelligence officer, Misrata, Ben Jawwad residents, October 2016.

¹¹³ Scepticism about a genuinely unified international position is high in UN and Western diplomatic circles. A European diplomat noted that “on paper we know that in order to solve the Libyan conflict there needs to be an alignment between the internationals, but the Russians have absolutely no incentive not to continue playing their own game, driven mainly by their anti-U.S. positions on a number of fronts”. Crisis Group interviews, Brussels, September 2016; foreign businessmen active in Libya, Rome, London, September 2016.

Generally, outside actors should refrain from taking sides, for instance through increasing military support to Haftar or supporting a Presidency Council call for a partial no-fly zone.¹¹⁴ They should instead focus on the lowest common denominators, which do exist, and not endorse measures that they undermine on the ground.¹¹⁵ At a minimum, these include the need to stabilise the economy by increasing oil and gas exports; creating a unified army chain of command as part of a reunified security structure; preserving Libya's territorial integrity; and confronting IS and al-Qaeda. They should also persuade their Libyan friends that a military solution does not exist and agree on parameters for renewed negotiation.

¹¹⁴ Some Presidency Council members are mulling asking their international partners to support their allied forces to confront Haftar. A foreigner familiar with the council's deliberations said, "there is growing consensus that they need to make an official request for international support to stop Haftar. That way they will force all countries to lay down their cards and take a decision". Crisis Group interview, European businessman, Rome, September 2016.

¹¹⁵ For instance, see the 22 September 2016 "Joint Communiqué on Libya" issued on the sidelines of a UN General Assembly – signed by Algeria, Canada, Chad, China, Egypt, France, Germany, Jordan, Italy, Malta, Morocco, Niger, Qatar, Russia, Saudi Arabia, Spain, Sudan, Tunisia, Turkey, the UAE, the UK, the U.S., the EU, the UN, the League of Arab States, and the African Union – which contains such a list.

V. Conclusion

The absence of a security dialogue and agreement among competing internal and external actors has rendered the well-intentioned Skhirat accord impossible to fully implement at this time. It is critical to return to hammer out a security agreement that can be married to those elements of the accord that both sides support. On its current trajectory, the peace process is headed for a failure that would leave pressing international issues unresolved, such as combating people-smugglers and jihadist groups, and ensure dramatic worsening of living conditions for most Libyans. What has been achieved by the UN-led negotiations – broad agreement on the need for a transitional framework and some of its critical political elements – would be lost. The December 2015 agreement could have been imposed on recalcitrant actors had they been marginal and the international community united. That was not the case. Salvaging a political solution requires dealing with the fragmented and deeply frustrating Libya that exists, with its local leaders and armed groups, not the one we wish for.

Tripoli/Brussels, 4 November 2016

Appendix A: Map of Libya



Appendix B: Members of the Presidency Council of the Council of Ministers, as appointed according to the Libyan Political Agreement

Faiez al-Serraj

President of the Presidency Council, from a prominent Tripoli family and trained as an engineer, he worked prior to 2011 in the housing ministry and in August 2014 became an HoR member representing Tripoli.

Ahmed Maitig

Deputy President of the Presidency Council, and a Misrata businessman, the GNC elected him prime minister in May 2014, but the Supreme Court annulled the vote on procedural grounds. He is a nephew of Abdelrahman Swehli, president of the High State Council.

Fathi al-Majbari

Deputy President of the Presidency Council, an academic and economist at Benghazi University who served as education minister in the Abdullah al-Thinni government in 2014-2015. He is originally from Jalo.

Musa al-Koni

Deputy President of the Presidency Council, a Tuareg from the south and consul-general in Mali under the old regime, he defected in 2011 and was appointed the Tuareg representative to the National Transitional Council.

Ali al-Qatrani

Deputy President of the Presidency Council, a Benghazi businessman and late addition to the council seen as General Haftar's appointee, he suspended his participation in January 2016 after a row over the appointment as defence minister of al-Mahdi al-Barghathi, who is from Qatrani's al-Awaqir tribe.

Abdelsalam Kajman

Deputy President of the Presidency Council, an engineer from Sebha believed to be close to the Muslim Brotherhood and picked instead of GNC Deputy President Salah Makhzoum, whose nomination some members of the dialogue committee refused.

Omar al-Aswad

Minister of State for Legislative Affairs, from Zintan and a member of Qadhafi's amn al-khariji (foreign security service), he withdrew from the Presidency Council in January 2016, accusing it of cronyism and corruption.

Mohammed Ammari

Minister of State for Specialised Council Affairs, a former GNC member from Benghazi, he is a non-aligned Islamist who prior to 2011 studied in Germany and the UK.

Ahmed Hamza

Minister of State for Civil Society Affairs, from Traghan in the south, was a member in the Qadhafi era of the revolutionary councils and part of the "Libya al-Ghad" (Libya Tomorrow) reform initiative led by Seif al-Islam al-Qadhafi, the late ruler's son.

These appointments follow a geographical partitioning, with three members from each of Libya's three provinces: west (Tripolitania), east (Cyrenaica) and south (Fezzan). For the west: Serraj, Maitig, Aswad; for the east: Majbari, Qatrani, Ammari; for the south: Koni, Kajman, Hamza.

Appendix C: Glossary

EUBAM	European Border Assistance Mission in Libya
EUNAVFOR MED	European Naval Force – Mediterranean (also known as Operation Sophia)
GNA	Government of National Accord
GNC	General National Congress, the parliament elected in 2012, based in Tripoli
High State Council	Advisory body created by the LPA, primarily composed of former GNC members
HoR	House of Representatives, parliament elected in June 2014 and based in Tobruk since August 2014
IS	Islamic State
JCP	Justice and Construction Party, associated with the Libyan Muslim Brotherhood
LPA	Libyan Political Agreement (signed on 17 December 2015 in Skhirat, Morocco)
LIAM	Libyan International Assistance Mission
NOC	National Oil Corporation
Presidency Council	Nine-member body created by the December 2015 Libyan Political Agreement, holding executive powers and tasked with nominating a GNA
Presidential Guard	New security force under the control of the Presidential Council
TSC	Temporary Security Committee, task force in charge of security questions created by the LPA and answerable to the Presidency Council
UNSMIL	United Nations Support Mission in Libya

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

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Tripp Callan	Madison Malloch-Brown	Dillon Twombly
Victoria Ergolavou	Peter Martin	Grant Webster
Christina Bache Fidan	Megan McGill	

SENIOR ADVISERS

Former Board Members who maintain an association with Crisis Group, and whose advice and support are called on (to the extent consistent with any other office they may be holding at the time).

Martti Ahtisaari Chairman Emeritus	Eugene Chien	Miklós Németh
George Mitchell Chairman Emeritus	Joaquim Alberto Chissano	Christine Ockrent
Gareth Evans President Emeritus	Victor Chu	Timothy Ong
Kenneth Adelman	Mong Joon Chung	Olara Otunnu
Adnan Abu-Odeh	Pat Cox	Lord (Christopher) Patten
HRH Prince Turki al-Faisal	Gianfranco Dell'Alba	Shimon Peres
Óscar Arias	Jacques Delors	Victor Pinchuk
Ersin Arıoğlu	Alain Destexhe	Surin Pitsuwan
Richard Armitage	Mou-Shih Ding	Fidel V. Ramos
Diego Arria	Uffe Ellemann-Jensen	
Zainab Bangura	Gernot Eler	
Shlomo Ben-Ami	Marika Fahlén	
Christoph Bertram	Stanley Fischer	
Alan Blinken	Carla Hills	
Lakhdar Brahimi	Swanee Hunt	
Zbigniew Brzezinski	James V. Kimsey	
Kim Campbell	Aleksander Kwasniewski	
Jorge Castañeda	Todung Mulya Lubis	
Naresh Chandra	Allan J. MacEachen	
	Graça Machel	
	Jessica T. Mathews	
	Barbara McDougall	
	Matthew McHugh	