

# Libya: Getting Geneva Right

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## *Executive Summary*

Libya's deteriorating internal conflict may be nearing a dramatic turning point. Over six months of fighting between two parliaments, their respective governments and allied militias have led to the brink of all-out war. On the current trajectory, the most likely medium-term prospect is not one side's triumph, but that rival local warlords and radical groups will proliferate, what remains of state institutions will collapse, financial reserves (based on oil and gas revenues and spent on food and refined fuel imports) will be depleted, and hardship for ordinary Libyans will increase exponentially. Radical groups, already on the rise as the beheading of 21 Egyptians and deadly bombings by the Libyan franchise of the Islamic State (IS) attest, will find fertile ground, while regional involvement – evidenced by retaliatory Egyptian airstrikes – will increase. Actors with a stake in Libya's future should seize on the UN's January diplomatic breakthrough in Geneva that points to a possible peaceful way out; but to get a deal between Libyan factions – the best base from which to counter jihadis – they must take more decisive and focused supportive action than they yet have.

Since mid-2014, fighting has spread and intensified. Aerial bombardment and attacks on civilian infrastructure have increased; at least 1,000 Libyans have died (some estimates are as high as 2,500), many of them non-combatants; and internally displaced persons (IDPs) and refugees have increased from 100,000 to 400,000. The fledgling post-Qadhafi state is beginning to buckle: basic goods and fuel are in short supply; in some urban areas people no longer have reliable access to communications or electricity and are using firewood for cooking. The likelihood of major militia offensives in cities like Benghazi raises the spectre of humanitarian disaster. Moreover, Libya faces the prospect of insolvency within the next few years as a result of falling oil revenue and faltering economic governance, as militias battle for the ultimate prize: its oil infrastructure and financial institutions.

As the crisis has deepened, the positions of the rival camps have hardened, and their rhetoric has become more incendiary. Libyans, who united to overthrow Qadhafi in 2011, now vie for support from regional patrons by casting their dispute in terms of Islamism and anti-Islamism or revolution and counter-revolution. The conflict's reality, however, is a much more complex, multilayered struggle over the nation's political and economic structure that has no military solution. A negotiated resolution is the only way forward, but the window is closing fast.

The two rounds of talks the UN hosted in Geneva on 14-15 and 26-27 January 2015 mark a minor breakthrough: for the first time since September 2014, representatives of some of the factions comprising the two main rival blocs met and tentatively agreed to a new framework that will at least extend the talks. This is testimony to the tenacity and relentless shuttle diplomacy of Bernardino León, the UN Secretary-General's Special Representative. The road is long, and there will be setbacks, for example if parties refuse to participate or pull out; the General National Council (GNC) in Tripoli only belatedly agreed to participate in the talks, while the Tobruk-based House of Representative (HoR) announced it was suspending its participation in them on 23 February. Yet, this is the only political game in town and the only hope that a breakdown into open warfare can be avoided. To build on León's initiative and ensure that ongoing discussion produces an agreement with nationwide support,

however, members of the international community supporting a negotiated outcome must reframe their approach and do more to support him.

The way in which they have tended to frame the conflict should be modified first. The dominant approach to the parties has been to assess their legitimacy. The question, however, should no longer be which parliament, the HoR or the GNC, is more legitimate or what legal argument can be deployed to buttress that legitimacy. Chaos on the ground and the exclusionary behaviour of both camps have made that moot. An international approach that is premised on the notion the HoR is more legitimate because elected but does not take into account how representative it really is encourages it to pursue a military solution. Conversely, it feeds GNC suspicion that the international community seeks to marginalise or even eradicate the forces that see themselves as “revolutionary” (among them, notably, Islamists), as has happened elsewhere in the region.

Libya needs a negotiated political bargain and an international effort that channels efforts toward that goal. Outside actors will have to offer both sides incentives for participation and make clear that there will be consequences for those who escalate the conflict. Immediate steps should be taken to reduce the arms flow into the country and prevent either camp from taking over its wealth. The alternative would only lead to catastrophe and should not be an option.

In sum, the UN Security Council and others supportive of a negotiated political solution should:

- ❑ de-emphasise “legitimacy” in public statements and instead put the onus on participation in the UN-led negotiations and on behaviour on the ground, notably adherence to ceasefires and calls to de-escalate. Rather than interpreting the legal and constitutional consequences of the Supreme Court’s ambiguous ruling on this question, they should indicate that those consequences are best negotiated as part of a wider roadmap toward a new constitution and permanent representative institutions;
- ❑ be more forthright in confronting regional actors who contribute to the conflict by providing arms or other military or political support – notably Chad, Egypt, Qatar, Sudan, Turkey and the United Arab Emirates (UAE) – and encourage them to press their Libyan allies to negotiate in good faith in pursuit of a political settlement. Military intervention on counter-terrorism grounds, as requested by Egypt, would torpedo the political process, and for now should be opposed. Regional actors who attempt to support negotiations, notably Algeria and Tunisia, should be encouraged and helped;
- ❑ devise, without prejudice to the UN’s efforts to achieve reconciliation, political and military strategies to fight terrorism in coordination with Libyan political forces from both camps but refrain from supporting outside military intervention to combat the IS. The GNC and its supporters should unambiguously condemn IS actions, and the HoR should refrain from politicising them.
- ❑ keep in place the UN arms embargo, expressly reject its full or partial lifting and strengthen its implementation to the extent possible;

- consider UN sanctions against individuals only if so advised by the Secretary-General and his representative. If enacted, they should be linked to the political process and applied or lifted according to transparent criteria for individuals on all sides, focusing on incitement to or participation in violence; and
- protect the neutrality and independence of financial and petroleum institutions: the Central Bank of Libya (CBL), the National Oil Company (NOC) and the Libyan Investment Authority (LIA); and ensure that these manage the national wealth to address the basic needs of the people and contribute to a negotiated political solution.

**Tripoli/Brussels, 26 February 2015**

# Libya: Getting Geneva Right

## I. Introduction

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The horrific murder of 21 Egyptian Christians in western Libya that the Islamic State (IS) claimed on 15 February 2015 has again put Libya's chaos on the agenda of media and governments. But as tragic as this and other attacks by extremists are, the dangers in the current trajectory are more worrying still. The country has two parliaments, two governments and virtually no state. Oil-rich, it is rapidly headed toward insolvency. More suffering and a prolonged civil war that would inevitably affect neighbours loom. All this provides opportunity for radical groups to thrive. Given the sharp polarisation of domestic actors and the fragmentation between and among the two main camps along ideological, ethnic and provincial lines, Libyans can only do so much to address the situation themselves. The moment is long overdue for outsiders to go beyond lamenting this situation and step in more decisively, particularly those who supported the Security Council resolution aimed at civilian protection leading to the demise of the Qadhafi regime but have not stayed engaged to prevent the subsequent fracturing of the state and deterioration of human security.

Many regional actors who overtly or covertly helped bring down Muammar al-Qadhafi now are on opposite sides of a region-wide divide, all too often projecting their own fears onto a complex, ultimately hyper-local, political conflict. More-neutral actors further afield, long reluctant to become too involved in a failed transition, risk finding themselves drawn back in under a counter-terrorism banner, notably to counter the IS or prevent a new ungoverned territory from emerging at Europe's doorstep. This report explores what role they can usefully play.

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## II. The Geneva Breakthrough

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Convening peace talks in January 2015 was an important accomplishment for the UN. Little had happened diplomatically after a failed initiative in September 2014.<sup>1</sup> The rival governments that had emerged a month earlier embarked on initiatives that further polarised the country. They were unable to agree on a site for renewed talks, who should take part or an agenda. Finally, the UN envoy, Bernardino León, chose Geneva and invited a broad spectrum, including armed groups, municipal councils, tribes and civil society, in addition to representatives of the two parliaments.

León's approach was an attempt to solve the main initial challenge: how to get around the political deadlock created by the split in governing institutions. In June 2014, a House of Representatives (HoR) was elected to replace the General National Council (GNC, elected in July 2012).<sup>2</sup> On 4 August 2014, at least 22 of the new parliament's 188 members began a boycott, when other members decided to convene the HoR in the eastern town of Tobruk, rather than in Benghazi as previously decreed, without a formal handover from the GNC.<sup>3</sup> The boycotters derided the Tobruk session as illegal, as did GNC elements who seized the opportunity to claim that theirs was still the legitimate parliament.<sup>4</sup> Since then, Libya has had two parliaments (the

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<sup>1</sup> On 29 September 2014, the UN convened talks in the Libyan town of Ghadames to try to broker an agreement among the newly-elected members of parliament (House of Representatives, HoR). Of the 188 elected in June 2014 (twelve seats were to be filled in by-elections), some 40 had by then boycotted the HoR (22 from the outset of the 4 August inaugural session; some twenty others withdrew two weeks later and more subsequently) for various substantive and procedural reasons. The most important official cause was consideration that the 4 August decision to convene in Tobruk instead of Benghazi, as agreed, was unconstitutional. Ghadames failed to bridge the rift. Crisis Group interviews, HoR members, Tobruk, 16 October 2014; telephone interviews, HoR member, Tobruk, 8 November 2014; anti-HoR activists, Tobruk, 17 October 2014; anti-HoR activists and ex-General National Congress (GNC) members, Tripoli, Misrata, October, November 2014.

<sup>2</sup> The June 2014 HoR election resulted from a deal to resolve a governance crisis since late 2013. As security eroded and the state's ability to provide basic services faltered, calls for the GNC's dismissal grew. Though the deterioration was due to multiple factors – rivalry between Prime Minister Ali Zeidan's government and the GNC that hindered decisions, partisanship and mutual distrust between rival GNC blocs, consolidation of armed groups' authority, widespread corruption – public discontent was largely directed at the GNC and the Islamist groups perceived to dominate it. A legal dispute over the GNC mandate that some argued lapsed on 7 February 2014, was a pretext for those who wished a complete reset of the transition process so as to push for the GNC's dismissal. The February 2014 compromise (after clashes that presaged current divides) was to hold new elections.

<sup>3</sup> Whether the HoR decision to convene in Tobruk is legal is contentious. On 10 July, Prime Minister Thinni's pre-crisis government approved Benghazi as the parliament's seat, and the GNC later ratified this. This was seen to accommodate the east's growing sense of marginalisation and signal that resolving Benghazi's security troubles was a priority. "Libya prepares to move parliament to Benghazi", Reuters, 10 July 2014. But a few days before the first session on 4 August – apparently due to the shift in the military balance in Benghazi toward the Islamist-leaning Consultative Council of Benghazi Revolutionaries (majlis shura thuwwar Benghazi) – the parliament's eldest member, Abu Bakr Buera (once a strong advocate for convening in Benghazi) decided it should meet in Tobruk. HoR supporters call this legal, and the dispute "an excuse used by some five-six Islamists deputies [who] did not want to accept their camp lost the elections". Crisis Group interview, Aguila Saleh, president, HoR, Tobruk, 16 October 2014. Boycotters say all deputies should have been consulted. One said, "we just received an SMS from Abu Bakr Buera the day before saying come to Tobruk .... We should have jointly decided where to relocate the HoR". Crisis Group interview, Saida Saida, Tripoli, 25 October 2014. The boycotters also raised security concerns.

<sup>4</sup> Some GNC members also argued that the GNC's revival was intended to prevent a "revolutionary council" of anti-HoR militia leaders from seizing state institutions, at least in the west. Crisis Group

GNC based in Tripoli and the HoR operating from Tobruk), each with its own government (led, respectively, by Prime Minister Omar al-Hasi and Prime Minister Abdullah al-Thinni) and backed by its own militias. The HoR and Thinni enjoy international recognition based on the election; the GNC (unrecognised internationally) says the HoR lost that status by going to Tobruk.

On 6 November 2014, the Supreme Court ruled in effect that the basis on which the June 2014 HoR election was held was unconstitutional, opening a constitutional crisis.<sup>5</sup> HoR opponents had asked the Tripoli-based court to rule on the new parliament's legality. It was expected to decide only whether the decision to convene in Tobruk and HoR decrees were constitutional, but it went much further, annulling the 11 March 2014 amendment to the 2012 Constitutional Declaration (the interim constitution) that had set in motion the June election, "with all this entails".<sup>6</sup> The interpretation of that phrase has been the subject of a legal debate: some scholars argue that the ruling implies disbanding of the HoR; others point out that the court declined to clarify the effects.<sup>7</sup> Some even argue the decision is invalid because the court lacked jurisdiction to consider a constitutional amendment.<sup>8</sup>

Whatever its interpretation, the verdict added to a tangle over legitimacy that is a dominant point for both sides. Neither legislature has truly been able to legislate or govern: while security and living conditions in much of the country have deteriorated, resort to arms has increased, often against the will of the respective governments. The deepening struggle over which is the people's legitimate representative obstructed the possibility of peace talks. The UN's new departure attempted to sidestep this issue.<sup>9</sup> Moreover, it soon became clear there was no domestic venue that one side would not veto. Tripoli and Benghazi are unsuitable because controlled by a single

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interviews, ex-GNC members, Tripoli, October 2014. The decision to reconvene the GNC was not accepted by at least 80 former members, who have publicly said they do not recognise its authority. Crisis Group interview, ex-GNC member, Rome, January 2015. Most have retired from politics or support the HoR and the Thinni government.

<sup>5</sup> The Supreme Court is generally perceived as independent, though pro-HoR leaders have alleged it issued the November verdict under duress, as it is located in Tripoli, controlled since July by the pro-GNC militia coalition Libya Dawn.

<sup>6</sup> Supreme Court of Libya case 17/2014, 6 November 2014. The March 2014 amendment had been the compromise solution to the political crisis revolving around the mandate of the GNC; see above.

<sup>7</sup> Crisis Group telephone interviews, judges, member of the February Committee, Tripoli, November 2014; see also Azza K. Maghour, "A legal look into the Supreme Court ruling", Atlantic Council, 8 December 2014.

<sup>8</sup> They claim the Supreme Court's Constitutional Chamber has only the right to examine whether laws contradict the Constitutional Declaration and cannot adjudicate substantive issues of the Constitutional Declaration. They have filed a case in Al-Bayda to overturn the Supreme Court ruling, based "on the principle in Libyan law that if there is an error in jurisdiction of the courts, a case can be brought in front of any of the country's courts". Crisis Group interview, pro-HoR activist, Tunis, 11 February 2015.

<sup>9</sup> On 13-14 January 2015, fourteen persons convened in Geneva for the first round and agreed to seek an agreement that would be the basis for: forming a consensual national unity government, establishing the security arrangements to end the fighting, and securing the phased withdrawal of armed groups from all cities, which would allow the state to assert authority over vital facilities. "UN-facilitated dialogue concludes first round in Geneva", UN Support Mission to Libya (UNSMIL) statement, 15 January 2015. On 26-27 January, the consultation was expanded to representatives of municipalities and focused indecisively on composition of a national unity government.



camp or the site of military standoffs; other cities lack suitable infrastructure or security.<sup>10</sup> The only alternative was abroad; the UN picked Geneva.<sup>11</sup>

The next step was to dilute the polarisation of the competing parliaments by inviting a broader array of political and armed actors, starting with individuals willing to attend from each camp who are under-represented in official institutions; and then to nudge participants from each side toward a consensus.<sup>12</sup> This open-ended process – with parallel tracks for representatives of militias, political parties, municipalities and civil society – aims to bring a growing number of constituencies progressively to an agreement on ceasefires, a national unity government and a transition roadmap, including completing a new constitution. With the first two rounds complete, more (some public, some private) are tentatively planned in foreign sites.

The approach appeals to Libyans who have grown anxious about the deadlock between the HoR and GNC and their respective allies, reflecting a general mood of weariness among ordinary citizens. A GNC-leaning Misratan politician commented:

There is no way out but to involve municipalities and other constituencies that are more receptive to an agreement. In a certain sense this is a safety net, because if the hardliners of the GNC and the HoR are unable to reach an agreement by themselves (as is increasingly apparent), then ... bringing in the municipalities and other groups is a way to ensure the process can move on even if the GNC and HoR are not on board. In any case, the municipalities, which are for the most part elected, have much more traction on the ground than just the HoR and the GNC, so they need to be involved ... to ensure that people accept the agreement.<sup>13</sup>

The idea is seductive: by proceeding with negotiations involving a spectrum of actors, the UN attempts to draw on Libya's moderate, mainstream core, while marginalising as spoilers those who refuse to participate. Yet, a deal between moderate factions alone would not be sustainable: experience suggests that those currently refusing to join must be brought in ultimately or they will do their utmost to undermine any deal.<sup>14</sup>

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<sup>10</sup> The factions have proposed (and their opponents rejected) a number of Libyan cities, including Ghat, Jufra, Tripoli and Misrata. Aside from infrastructure and local military balance, security considerations for foreign participants (specifically the UN team) have ruled out any Libyan city. The city with least security concerns is the oasis town of Ghadames, but some factions rejected it, allegedly due to its association with the failed first dialogue initiative (September 2014). Crisis Group interviews, diplomats, Libyan politicians, Rome, January 2015.

<sup>11</sup> See below for discussion of the GNC decision to boycott because the talks were held abroad.

<sup>12</sup> León said at a 14 January 2014 Geneva press conference: "The idea is that we will not take decisions here in Geneva. We will make proposals; they will agree on proposals that will be debated and should be supported by a majority of Libyans. This is a group, people representing different realms: political, social, economic, civil society, and they will be joined, as you know, in the coming days and weeks by others representing municipalities, representing the militia groups, representing the political parties, the tribal leaders, so if there is an agreement to get out of this very deep crisis, it has to be really an agreement supported by most Libyans".

<sup>13</sup> Crisis Group telephone interview, Misrata, 20 January 2015. Whether municipalities can rein in local armed groups is an open question. Referring to possible Geneva shortcomings, an international official said, "the good thing is: there have been talks, and there is a genuine recognition by those in the room that they could fix this. However, once they're outside Geneva and in Libya, it's back to the politics of confrontation. And there is no real pressure on the men with guns. The municipalities cannot go against the grain". Crisis Group telephone interview, Tunis, February 2015.

<sup>14</sup> There are a number of cases of hardliners in both camps scuttling deals. In June 2014, representatives of anti-Islamist factions refused to legitimise a ten-point agreement that then-UNSMIL head Tarek Mitri and UK Special Envoy Jonathan Powell had drafted with local groups. It outlined polit-

Those at the UN's talks, in this sense, have been insufficiently representative of the real differences that exist and need to be surmounted.<sup>15</sup> Moreover, those described as moderates often share the same concerns as those described as hardliners. The main difference is that the former care more for the risks of conflict for themselves and their constituencies, so are more prone to adopt a face-saving posture to end the conflict and win domestic and international respectability.<sup>16</sup>

The key to Geneva's success will be to draw the parties in incrementally, pressing them to end escalation and ultimately make concessions in exchange for concrete gains – particularly guarantees that they and their constituencies will enjoy political clout and economic benefits. The aim should not be to leave the hardliners behind, but to leverage their fear of being marginalised within their camps.

Another essential step is to de-emphasise what currently appears the main focus: getting approval for a new national unity government (NUG). UN officials in the process envision this as a power-sharing body, with the factions represented but a non-partisan, technocrat prime minister.<sup>17</sup> The hope is that it could bridge the institutional rifts and have sufficient domestic backing to rein in armed factions, secure ceasefires and end financial chaos. For some of the talks' international backers, an agreement on a NUG is a stepping stone for a broader peace deal between warring factions and perhaps a route to the deployment of an international peacekeeping force.<sup>18</sup>

Focusing on forming an NUG has the advantage of drawing into the dialogue factions interested in ensuring that one or more of their representatives secure a ministe-

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ical and military cornerstones and gave Islamist political factions explicit guarantees. Hardliners within the Tahaluf coalition (the political group initially dominant after the 2012 elections, led by Mahmoud Jibril, who headed the first anti-Qadhafi government in 2011), eastern politicians and some military allies in the east and west rejected the deal, accusing its backers of conspiring to protect Islamists. Crisis Group interviews, European diplomats and Libyan politicians, Cairo, Tripoli, Rome, June-July 2014. In July 2014, as the two main military factions in Tripoli sought a deal on control of the international airport, former GNC member Salah al-Badi spearheaded an attack against the Zintani forces in the airport, ending any hope of a negotiated settlement on its security. Crisis Group interviews, Zintani and Misratan militia commanders, Tripoli, Tobruk, October 2014. <sup>15</sup> The pro-GNC bloc was critical both of the persons selected (weighted toward "Western-educated liberals" unrepresentative of mainstream factions) and the UN's lack of transparency in making the selection. It feared the UN sought to sideline the GNC and its Islamist constituents. Crisis Group interview, Western observer, February 2015.

<sup>16</sup> A Misratan politician who supported his municipality's participation in Geneva, while acknowledging the need to end hostilities and ensure Libya's political unity, admitted that an important factor was to safeguard economic interest. "We had to participate because it was very important for Misrata to be seen as having a role in the solution of the conflict and to guarantee a leadership role for Misrata in the future". Crisis Group phone interview, 20 January 2015. A former GNC member who supports its Geneva boycott was more explicit, describing pro-GNC participants as saving face: "Those who went to Geneva are just trying to secure for themselves a political role in the future, possibly in the National Unity Government, and to ensure they do not become the target of international condemnation; they are safeguarding personal interests rather than those of the country". Crisis Group phone interview, Zliten, 25 January 2015.

<sup>17</sup> Crisis Group interviews, New York, February 2015; Libyan politicians, international officials, Rome and Tunis, February 2015.

<sup>18</sup> For more on a potential peacekeeping mission in Libya, see Section IV.B, below. Crisis Group interviews, Italian officials, Rome, February 2015. Though Foreign Minister Paolo Gentiloni said that even without an agreement, Italy "is ready to fight naturally in the context of an international mission", other Italian security officials and diplomats called agreement between the factions a precondition for direct military involvement. Crisis Group interviews, Rome, February 2015; "Italy 'ready to fight' in Libya if needed – foreign minister", Reuters, 13 February 2015.

rial post. However, the approach has risks, particularly as it sidesteps the legitimacy question. Even if the factions can agree on a cabinet – no mean feat – it is unclear how an NUG could be proclaimed without having first addressed who holds legislative authority: the Tobruk-based parliament, the Tripoli-based GNC or neither.

The UN's apparent belief that it can count on a wide array of constituencies to validate any agreement and thereby circumvent the positions of the rival authorities is short-sighted. Instead of focusing exclusively on an NUG agreement, negotiators should bring to the top of the agenda the issue of the rival legislatures' legitimacy. It will be up to the parties to formulate an agreement on this contentious central matter; it could take many forms, but it cannot be left unresolved.<sup>19</sup>

Similarly, it is essential that the negotiations also discuss the role of any future head of state (*rais al-dawla*), since the post-Qadhafi political framework has repeatedly attributed to this currently non-existent figure the nominal task of supreme commander of the armed forces.<sup>20</sup> A NUG alone cannot resolve the contested military leadership, but a consensus on a head of state might.

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<sup>19</sup> Stakeholders have offered different solutions to the legitimacy tangle: some (mainly from Libya Dawn) support an HoR-GNC "suicide pact" that would commit both to dissolve; others (mainly in the GNC establishment) support coexistence in upper and lower chambers; others support appointing and investing municipal representatives with temporary legislative powers; yet others favour giving the duties to the Constitutional Drafting Assembly. Crisis Group phone interviews, Libyan politicians, Tripoli, Misrata, Benghazi, January and February 2015.

<sup>20</sup> Libya does not have a head of state as such; however, according to its Law on the Armed Forces (Law 11/2012) and other legislative modifications, the head of state is nominally the supreme commander of the armed forces. Without a clearly identifiable head of state, politicians have debated (at times violently) whether in the interim the title should go to the legislature as a whole or its president. Crisis Group interviews, Libyan politicians, military officials, former National Transitional Council (NTC) members, former GNC members, Tripoli, Benghazi, 2013-2014.

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### III. A Tangled Web of Alliances

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#### A. *Libya's Divides*

There is a dangerous simplification in the region, as in Libya itself, that reduces overlapping conflicts to an existential struggle between Islamists and (anti-Islamist) former-regime elements. The divides are multilayered, and any peaceful solution must reflect and address this complexity. The pro-GNC camp includes Islamists – Muslim Brothers, Salafis and former members of the Libyan Islamist Fighting Group (with the latter two also in the pro-HoR camp) – but their primary objective is not to impose Sharia.<sup>21</sup> They are part of a wider, looser coalition of self-styled revolutionaries that includes, among others, entrepreneurs and local minority groups who make common cause on the basis of having fought together in the 2011 uprising. All make their top priority a radical overhaul of the state inherited from the old regime.

The pro-HoR camp is unified in favouring greater continuity with the past but it, too, is diverse. It is comprised of ex-Qadhafi-era officials who joined the 2011 uprising but feel threatened by the revolutionary political and military leadership; and die-hard loyalists in exile and local constituencies who blame instability on empowerment of Islamist groups and the poor governance of the GNC and associated governments. It vehemently opposes the sidelining of figures from the old regime, notably by the Political Isolation Law.<sup>22</sup> It has an important federalist component from the east (Cyrenaica) that urges more devolution to the three historic provinces (sometimes Cyrenaica's secession), as well as non-Arab minorities from the south.<sup>23</sup>

Overlaid onto this are tribal and ethnic rivalries, strong parochialisms and cultural tensions between inland Bedouins and the more cosmopolitan, coastal, urban population. Finally, competition for hydrocarbon wealth is a fundamental conflict driver, both among constituencies discriminated against under the old regime and among groups and militias that are enriching themselves in the post-Qadhafi chaos.

The interplay of these actors and factors makes it difficult to discern clear sides; moreover, fragmentation of military power gives elements in each camp considerable independence. All want political power, military control and oil wealth to ensure

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<sup>21</sup> The pro-GNC camp (both Islamist and non-Islamist components) has also allied militarily in some places, notably Benghazi, with more radical groups such as Ansar Sharia, which recognises neither the GNC, the HoR nor electoral democracy generally, unlike more mainstream Islamists.

<sup>22</sup> The Political Isolation Law (PIL), overwhelmingly approved by the GNC in May 2013, established criteria to disbar from office individuals with old regime ties and those who allegedly opposed the 2011 uprising. GNC members from various factions agreed some form of disbarment of ex-regime officials and those who defended its ideological and financial interests was needed. Yet, how it was passed and its wording was divisive and undermined GNC credibility. PIL opponents have argued that it was adopted under pressure from armed groups that besieged government buildings for days, a claim supporters deny. Crisis Group interviews, activists, GNC members, May-June 2013.

<sup>23</sup> Cyrenaica (*Barqa* in Arabic) is the eastern region, one of three from which Libya was created in 1951; the others are Tripolitania in the west and Fezzan in the south. All were under Ottoman, then in the colonial era (1911-1943), Italian rule. The UK occupied Cyrenaica and Tripolitania during World War II and its aftermath; France governed Fezzan as a military territory. Ethnically, Libya is mostly Arab; important minorities include Amazigh (Berbers, in the north west) and Tuaregs and Tebu in the south. The dark-skinned Tebu live mainly in the Kufra (south east) and Murzuq-Obari areas (south west) and Chad. The Tuareg, an Amazigh ethnic group, live in southern Libya, Mali and Niger. Most in Libya (who speak a different dialect than the Amazigh in the north west) are citizens, but several thousand – mainly from Niger and Mali – do not have full rights, despite promises made when they were co-opted into Qadhafi-era security forces beginning in the 1970s.

survival and – particularly in the case of the federalists and non-Arab ethnic groups – autonomy from the central state. Peace talks should proceed on the basis that no winner-takes-all solution is possible. Parties need guarantees that when they compromise and give up some power, they will not face reprisal or even extinction.

Such fears exist on both sides. The militias – the pro-GNC Libya Dawn (Fajr Libya) coalition in Tripoli and Misrata and pro-HoR armed groups from Zintan and the east that were pushed out of Tripoli in August 2014 – are suspected of reprisal attacks against foes. Thus, critics of the HoR camp and its militias under the command of General Khalifa Haftar, whose forces have been engaged in Operation Dignity (Karama) in Benghazi since May 2014, have accused old-regime loyalists of assassinations.<sup>24</sup> An eastern critic of that operation who supports neither side commented:

It is clear that former Qadhafi officials are exerting influence over some HoR members and some of the military factions here in the east. We are no longer sure that many of the killings blamed on Islamists were actually carried out by them. In fact, many bear the signs of former-regime loyalists who are retaliating against military officers or individuals who supported the revolution in 2011. Many people now fear retaliation and for this reason prefer to continue to fight against what they see as a former-regime comeback.<sup>25</sup>

Conversely, supporters of Operation Dignity say they most fear reprisals by radical Islamist groups they blame for killing security officers and civil society activists in Benghazi. They dismiss as unfounded their adversaries' fears of retaliation by old-regime members. A Libyan diplomat stated: "Thinking that former regime people are behind the killings is ridiculous. It is in places like Merj and Al-Bayda that you have former regime people, but the killings happen where you actually have the Islamists – in Benghazi and Derna".<sup>26</sup>

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<sup>24</sup> Haftar, a Qadhafi-era general, defected in 1990 and returned to Libya during the 2011 war. He announced Operation Dignity, backed by some army officials and local youth groups, in May 2014, allegedly to remove radical Islamist armed groups, but it ended up targeting even moderate factions. The support the HoR and Thinni government have given him is ambiguous: on several occasions senior government officials, while acknowledging support for Operation Dignity, denied they backed the renegade general. Others have tried to minimise their support for Haftar, which they say is subsidiary to their support for the Libyan National Army. Crisis Group interviews, Aguila Saleh, HoR president, 16 October 2014; Abdelsalam al-Badri, deputy prime minister, Al-Bayda, 21 October, 2014. The HoR's September 2014 appointment of Abdel Razzak Naduri, a Haftar acolyte, as the National Army's chief of staff is widely seen as an endorsement of Haftar's strategy. Relations between the Tobruk and Al-Bayda political establishment and Operation Dignity's field commanders are increasingly fraught. Crisis Group interviews, eastern politicians, military officers, Libyan diplomats, Tobruk, Al-Bayda, Ajdabiya, November 2014; telephone interviews, eastern politicians, foreign diplomats, January 2014. However difficult Haftar's relations with the Thinni government are, the HoR's institutional support for him has further galvanised the pro-GNC camp. A leading Islamist politician from Benghazi who supports the anti-HoR factions said, "many people in Benghazi think it is better to fight and get killed, because anyway they are certain that if Haftar takes control of the city he will be the one killing them". Crisis Group interview, Tripoli, 23 October 2014. Such remarks were echoed by individuals in the east whose family members and associates are targeted by Haftar supporters and accused of supporting or belonging to Islamist groups. Crisis Group interviews, local activists and tribal leaders, Al-Bayda and Tobruk, October 2014.

<sup>25</sup> Crisis Group interview, Tripoli, November 2014. A number of people expressed similar fear of reprisals against supporters of the 2011 uprising. A Libyan diplomat said, "we see this as the continuation of the strategy of the old regime ... in the 80s and 90s they had assassination campaigns of regime opponents. Now they are doing the same". Crisis Group interview, Cairo, July 2014.

<sup>26</sup> Crisis Group interview, Libyan diplomat, Al-Bayda, 19 October 2014.

## B. Regional Actors

Neighbours are heavily involved in the crisis but deeply divided. Egypt, Chad and Niger are pro-HoR; Sudan leans toward the GNC; Algeria and Tunisia are more neutral and try to broker negotiations. Further afield, Qatar and Turkey are closer to the GNC, though Ankara has publicly called on all sides to negotiate.<sup>27</sup> Saudi Arabia and especially the United Arab Emirates (UAE) have helped the HoR politically and militarily.

All claim to want to assist the UN's efforts in Geneva. An Egyptian diplomat argued that a unified Libyan government, which he envisioned as a broad tent that would exclude Islamic radicals, would be most effective in combatting terrorism, to which Cairo is understandably sensitive after IS killed 21 of its citizens in mid-February.<sup>28</sup> Yet, the HoR's regional supporters, Egypt and the UAE in particular – encouraged by international recognition of the HoR – have undermined the talks by pushing Tobruk toward escalation; they allegedly gave General Haftar arms and conducted aerial attacks on Libya Dawn.<sup>29</sup> (Likewise, arms shipments from Qatar, Sudan and Turkey to Libya Dawn militias have been reported.)

An Arab League official gave a wider account of Arab-state differences on Libya:

The Arabs are obviously divided on Libya. The UAE are backing Haftar, for sure. Egypt, like the UAE, wants the Muslim Brothers out, but there is some realisation that there is a difference with their own Muslim Brothers, and it is therefore more cautious, realising the potential fallout. For Egypt, moreover, this is more complicated: there is border security, the safety of their workers, the economic impact [from remittances]. The Saudis are not too involved for now. The Qataris have their allies in Libya ... but are shocked by Libyans' hostility ... and are ready to work with the other Arabs on a solution. The Algerians want to sideline the GCC [Gulf Cooperation Council] states. They are fed up with the Gulf Arabs playing a role in their backyard, especially after the 2011 intervention in Libya. They want the leading role.<sup>30</sup>

Egypt's pro-HoR stance is widely perceived to be driven by concerns about Islamists, particularly as official Egyptian discourse often differentiates little between Islamists who engage in electoral politics, like the Muslim Brotherhood, and jihadis. An Arab diplomat said, "the tendency of the Egyptian establishment to view everything through the prism of the Muslim Brotherhood is deeply ingrained".<sup>31</sup> An Algerian official echoed this: "Egypt has a problem with its Muslim Brothers, but they should not be projecting this into Libya". A U.S. official noted: "The problem with Egypt is that it's

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<sup>27</sup> A foreign ministry official said Turkey had reached out to all sides in Libya and was encouraging them to join the UN-led process. Crisis Group interview, Ankara, February 2015.

<sup>28</sup> Crisis Group interview, February 2015. He continued: "The question is what to do in the meantime. All counter-terrorism needs a partner .... You need a strong partner on the ground [in Libya]".

<sup>29</sup> Egypt and the UAE are suspected of at least two covert airstrikes against Libya Dawn between August 2014 and the publicly announced mission Egypt conducted against IS targets in Derna in February 2015. "Arab Nations Strike in Libya, Surprising U.S.", *The New York Times*, 25 August 2014. For other airstrikes since October, the pro-Tobruk military factions appear to have used ex-Libyan jets recommissioned in Egypt. Crisis Group interview, pro-HoR military official, Tobruk, October 2014.

<sup>30</sup> Crisis Group interview, Cairo, September 2014.

<sup>31</sup> Crisis Group interview, September 2014. The official said containing the Brotherhood regionally is also important for the UAE, which collaborates with Egypt on support for the pro-HoR camp.

narcissus looking into the pond. It sees Libya as a reflection of itself and its fears and acts accordingly. But Libya isn't Egypt".<sup>32</sup>

Egypt also has very substantial economic interests in Libya, notably because of the large number of Egyptian migrant workers who live in the country – as many as 1.5 million prior to the 2011 conflict. Sociologically, too, its ties with eastern Libya run deep, along the Nile Valley, as well as among the Bedouin communities on the north coast. In the context of an economy battered by four years of instability and reliant on hard currency inflows from workers' remittances, Libya's crisis could further worsen Egypt's socio-economic situation.<sup>33</sup>

Tunisia and Algeria are working in tandem for a negotiated solution. There is a division of labour in Tunisia, with President Beji Caid Essebsi acting as a conduit to the pro-HoR camp and the Islamist An-Nahda Party – notably through its leader, Sheikh Rached Ghannouchi – keeping contact with the pro-GNC camp. These contacts are coordinated with Algeria, which discreetly invites actors from both sides to Algiers and coordinates closely with Bernardino León.<sup>34</sup> A Tunisian politician described the utility of An-Nahda's contacts with Libyans:

While of course Ghannouchi has good contacts, his real usefulness is that he avoids the need for the Algerians to implicate themselves directly in the negotiations. Because if Algeria is directly involved, Egypt and especially Chad will point their fingers at it. Neither wants to see greater Algerian involvement in Libya.<sup>35</sup>

Algeria's own considerations are largely driven by concern about securing its border with Libya and opposition to a new international military intervention, championed by France in southern Libya.<sup>36</sup> A senior Algerian official noted:

Our biggest problem is that we are not listened to. We warned everybody [about the 2011 NATO intervention], but nobody listened. We wonder about the Touaregs (who supported Qadhafi) who were allowed to leave Libya for Mali in 2011 with all their weapons .... For us, Libya's stability is fundamental. We have a 960km

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<sup>32</sup> Crisis Group interview, Washington, January 2015.

<sup>33</sup> This is particularly the case as migration patterns can be very localised: thirteen of the 21 Egyptian men killed in the video released by the IS in Libya in February 2015 were from the same village. See Leila Fadel, "ISIS Beheadings In Libya Devastate An Egyptian Village", National Public Radio (U.S.), 17 February 2015. An Egyptian official claimed that Egyptians had started returning from Libya at a rate of 6,000 per day. Crisis Group interview, February 2015.

<sup>34</sup> Crisis Group interviews, Algerian and Tunisian officials and politicians, Algiers and Tunis, December 2014-February 2015.

<sup>35</sup> Crisis Group interview, Tunis, February 2015.

<sup>36</sup> French officials say that while they support UN efforts to resolve the political crisis, their chief concern is the prospect of the south becoming a "new Afghanistan" – an ungoverned space where Sahel extremists could seek refuge. They want to prevent northern Mali groups from using southern Libya as a base from which to attack French troops in Mali and destabilise other Sahel countries such as Niger. France backs, through Operation Barkhane, building security infrastructure for countering these groups in the Sahel. Crisis Group interviews, French diplomats, intelligence officials, defence analysts, Paris, November 2014. Defence Minister Jean-Yves Le Drian has called southern Libya "a hub for terrorists" and spoken of the need for military intervention. Yves Thérard and Alain Barluet, "Le Drian: «J'alerte sur la gravité de la situation en Libye»", *Le Figaro*, 8 September 2014. At a December Dakar summit, several African heads of state echoed this and called for military intervention in the south. Crisis Group observations. Algeria sees that as potentially as disruptive regionally as NATO's 2011 intervention in Libya. An official derisively described a new intervention as "after-sales service". Crisis Group interview, Algiers, December 2014.

border with Libya, with our army mobilised along it. On the other side there is no one. We are looking for a political solution. The question is who is going to do it? We feel there is a need for a single agenda for Libya; national cohesion is an important factor. And we need a single agenda for the neighbours too.<sup>37</sup>

A joint Arab and Sahel agenda for Libya is not likely to materialise soon. While the neighbours all have legitimate security concerns about the chaos and the opportunities it affords radical groups (whether pre-existing or new, such as Ansar Sharia or emerging IS-affiliated ones), many have traditional allies in Libya that are as likely to manipulate them (and powers further afield) as they are to be influenced by them. Moreover, for some Gulf states in particular, the approach has little to do with direct security threats, more to do with ideology and regional rifts, notably over what role Islamist movements such as the Muslim Brotherhood will play in Libya and whether they will use its wealth to support like-minded movements elsewhere.

### C. *The Geneva Talks*

The talks' chief success so far has been to bring individuals representing a wide array of Libyan factions together, as inclusiveness is the only viable basis for a sustainable solution. Personalities loosely associated with the two camps have also attended, but as individuals. Neither camp's purported representatives could be said to have gone to Geneva with the genuine blessing of its official institutions (parliament or government). The HoR's four-person delegation, appointed in November 2014, came without Tobruk's explicit blessing.<sup>38</sup> (On 23 February, the HoR suspended its participation in the talks, reportedly surprising its own delegation.)

The GNC officially has refused to take part, arguing the talks should not be held outside Libya, should follow an agreed agenda and format and deal solely with the two parliaments' representatives.<sup>39</sup> That representatives from Misrata and other municipal councils from Libya Dawn strongholds took part in the second round, breaking ranks with the Tripoli-based government that purportedly represents them, shook the GNC. In response, hardliners stormed the GNC building in Tripoli on 12 January, labelling those who intended to attend the Geneva talks as traitors.<sup>40</sup> They sought thereby to show they would not be sidelined or silenced as the negotiations advanced,

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<sup>37</sup> Crisis Group interview, Algiers, December 2014.

<sup>38</sup> The four-person delegation led by Abu Bakr Buera the HoR appointed in November 2014 was tasked to represent it in a dialogue solely to solve the rift between attending and boycotting HoR members. Participation in the format aimed at reaching a new political roadmap was never formally discussed. Some HoR members objected to the delegation's participation, stating that members were in Geneva "on a personal basis". Crisis Group phone interview, Tobruk, January 2015.

<sup>39</sup> According to its acting spokesperson, GNC members boycotted because the talks undermined what the GNC believed was supposed to be negotiations exclusively between GNC and HoR leaderships, and the objectives were unclear. "First of all, we asked that these talks be between the HoR and the GNC, with four representatives from both sides. But that did not happen. The UN decided to go ahead and invite other participants, so the GNC just became one of the many participants .... We could not accept that. If the UN wanted to open the talks to other constituencies it should have let us – and the HoR – have a say on who would attend. Secondly, we don't agree that people are just asked to come ... to talk, without some form of prior agreement on objectives and outcomes. There is an incredible conspiratorial feel to the whole enterprise". Crisis Group phone interview, Omar Hamidan, Zliten, 25 January 2015. The issue of the talks' site was relatively marginal.

<sup>40</sup> Crisis Group telephone interviews, Misratan and Tripoli-based politicians, Tripoli and Misrata, 20-21 January 2015.



but pro-talks factions were not deterred, and a number of their representatives also joined the second round on 26 January. The attacks by some Libya Dawn militias against the oil port of Sidra in early February were another attempt by hardliners to upset the talks, against the wishes of some in their own camp.<sup>41</sup>

The GNC's demand that the talks be held in Libya is a pretext: the GNC, the HoR and their allied militias have made it impossible to agree on a Libyan venue. On 11 February 2015, the UN Special Representative hosted a one-day meeting in Ghadames, but it was largely understood as a gesture to show that GNC concerns on location are taken seriously, not a test run for continued talks. For now there is no alternative to a foreign site.

The real reason for the GNC boycott is how a critical part of its membership sees the talks – a component that is to a large extent, but not exclusively, Islamist, and drawn from both the political class and the Libya Dawn militia coalition. It fears the talks will undermine participation as Islamists in political and military life, a diplomatic version of the wider regional backlash against Islamist movements and particularly of Egypt's suppression of the Muslim Brotherhood. For this subset of the GNC camp, international recognition of the Tobruk-based HoR – despite its aggressive and exclusivist positions, notably its embrace of General Haftar's Operation Dignity and close alliance with Egypt – is suspicious. It is particularly so in a context in which Western powers fight radical Islamists as part of a counter-terrorism agenda in Iraq and Syria, while anti-Islamist governments such as Egypt work to obscure the many, often deep differences between the region's Islamist groups and movements so as to marshal Western support for their efforts to suppress all Islamists, regardless of whether they engage in violence or politics.

HoR leaders and supporters exhibit similar reluctance. The delegation appointed in November 2014 that attended the initial Geneva meeting was originally to participate based on the Ghadames framework, which aimed to bring back boycotting HoR members – not to pursue a wider political reconciliation with adversaries. Adamantly opposed to any legitimisation of the GNC and its backers, they have interpreted the international community's formal recognition of the HoR and the Thinni government as a license to pursue a military solution and have been encouraged in this by Egypt and the UAE.<sup>42</sup> A number of key members and their allies in government and armed groups continue to explicitly back such a solution, undermining the talks.

Moreover, like the GNC, some HoR members view the UN initiative to bring other parties, such as municipal councils, to the table as an affront to their legitimacy; senior HoR members have said they will oppose any deal that puts in question the body's authority.<sup>43</sup> General Haftar's attack on the Benghazi branch of the Central

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<sup>41</sup> "They are trying to derail the talks. [Ex-GNC member and leading HoR boycotter Abdelrahman] Swehli and the GNC called for the attack on Sidra to improve their position. Many in Misrata are against the operation in Sidra. We need to have a total ceasefire there and the withdrawal of all troops". Crisis Group telephone interview, Misratan politician, Misrata, 5 February 2015.

<sup>42</sup> Crisis Group interviews, HoR members, government officials, Tobruk and Al-Bayda, October and November 2014.

<sup>43</sup> A senior politician who supports the HoR and Thinni government said, "there is one main redline for the Geneva talks ... the authority of the HoR. That cannot ever be questioned. Participants ... should not even try to come up with a proposal that envisages [its] dissolution. If the talks do not deliver an acceptable proposal, ... many in our camp continue to believe the only real solution will be a military one. And trust me, they have the means to carry it out". Crisis Group interview, Rome, January 2015.

Bank on 22 January could be interpreted at least in part as a sign that this camp is trying to blunt the momentum created by the Geneva talks.<sup>44</sup>

Another worrying development is the push to see the arms embargo lifted on the recognised government, which would directly favour the HoR camp. Initially made by HoR leaders in January 2015 in the hope of shifting the military balance,<sup>45</sup> this call was raised again by Egypt, particularly during Foreign Minister Sameh Shoukry's mid-February visit to New York after Egypt's airstrikes on Islamic State targets in retaliation for the execution of its citizens by the group. The Council refused; a relieved UN official involved with the Geneva talks said, "we thought the beheadings could be a game-changer and this week a tipping point, but it didn't turn out that way".<sup>46</sup> Nevertheless, the debate on this issue could still shift, particularly if IS outrages multiply and Tobruk and its allies reset their request within a narrow counter-terrorism framework.<sup>47</sup>

For now, as the resumption of fighting in mid-January after a brief reprieve shows, bringing this array of groups together in Geneva will not be enough to secure a deal, or even a lasting ceasefire. It could, however, be an important basis for progress – *if* the UN envoy receives more robust international support.

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<sup>44</sup> On 22 January 2015, forces loyal to General Haftar took control of the Central Bank's Benghazi branch to gain its database, IT equipment and, most importantly, account access codes. They relocated the equipment to Al-Bayda, where the Thinni government has its seat, but appear to have been unable to access the vault's estimated \$80 million in Libyan and foreign currency and gold. Crisis Group telephone interview, knowledgeable foreign analyst, 26 January 2015. "Wider chaos threatens as fighters seize branch of Libya's Central Bank", *The New York Times*, 22 January 2015.

<sup>45</sup> HoR President Aguila Saleh made his first plea to the international committee to lift the arms embargo on Libya during the UN General Assembly in New York on 27 September 2014. He advocated it again in front of members of the Arab League during an extraordinary council meeting on Libya on 5 January 2015. On 12 January, Prime Minister Abdullah al-Thinni added his voice by stating to the international media that "the international community must cooperate with Libya to put an end to extremism and terrorism and help government institutions, namely the army, by lifting the arms embargo". See "Libya PM appeals for lifting arms embargo in fight against militants", Agence France-Presse, 12 January 2015.

<sup>46</sup> Crisis Group interview, February 2015.

<sup>47</sup> A more limited request, framed more explicitly as counter-terrorism and raising the IS threat, might win the HoR some Council support for embargo exceptions. This could happen if, in the absence of progress in the UN, the case is made that something should be done to tackle the spread of IS in Libya, where it not only threatens the country's neighbours but also Europe. IS threatened to attack Rome in the video it circulated in mid-February 2015 on the execution of the Egyptian Christians. Moreover, a document attributed to IS on Libya's strategic value for the group circulated in January 2015 stated: "Note that the number of 'illegal immigration' trips from this coast is massive, estimated to be as high as 500 people a day, as a low estimate. According to many [of these immigrants], it is easily possible to pass through Maritime Security Checkpoints and arrive in cities. If this was even partially exploited and developed strategically, pandemonium could be wrought in southern Europe. It is even possible that there could be a closure of shipping lines because of the targeting of Crusader ships and tankers". See "Libya: The Strategic Gateway for the Islamic State", introduced and translated by Charlie Winter, Quilliam Foundation, February 2015.

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#### IV. What External Actors Can Do

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A not inconsiderable part of the problem in outside involvement is that the broader international community has often seemed at best irresolute and disaffected and at worst divided about Libya since the fall of the Qadhafi regime. The regional divides, as seen above, are easiest to discern but perhaps hardest to overcome. As much as neighbours say they want a negotiated solution out of concern for fallout from what could otherwise become a failed state, actions belie their words. Egypt and the UAE often appear more concerned with defeating political Islamists than saving Libya and too often have encouraged escalation rather than helped restore calm. Qatar, Sudan and Turkey have been more conciliatory, notably encouraging the GNC to participate in talks, but know the regional balance will further turn against them if their allies lose. Algeria and Tunisia have tried jointly to mediate in support of the UN and maintain access to both sides; they risk much if matters worsen, but alone lack the clout to make a difference.

To succeed, diplomatic efforts to resolve the conflict need a push from the “P3+5”, the countries and international institutions most involved to date: three Security Council permanent members – the UK, U.S. and France – plus Germany, Italy, Spain, the EU and the UN itself. The P3+5 face a choice in how to deal with boycotters and other potential spoilers. They can continue to opt for the ambiguity in their current course: supporting the HoR’s legitimacy claim; sending strong signals they disapprove of its actions; but doing nothing about it.<sup>48</sup> Or they can change the conflict’s political framework; tighten the arms embargo; and ensure the neutrality of Libya’s financial institutions. By curtailing at the same time access to arms and funds as best as possible, outside powers might be able to prevent those still keen on a military solution from gaining advantage by force.<sup>49</sup>

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<sup>48</sup> The international community’s position has been that the HoR was chosen in credible elections and, despite foibles, it and the Thinni government still represent Libya. Some European diplomats reported warning HoR members in private, not public, that continued recognition depends on proper governance and inclusivity. Crisis Group interviews, European diplomats, Brussels, Rome, New York, January-February 2015. On a number of occasions, diplomats have shown that they have not rubber-stamped all HoR or Thinni government decisions: thus, Rome and Ankara refused to accept the credentials of the *chargés d’affaires* whom Thinni appointed to take over the Libyan embassies there. Crisis Group interviews, Libyan diplomat, Libyan politician, 2 February 2015. A U.S. official said, “we haven’t changed our position that the HoR is legitimate, but we didn’t want to fuel the perception they could win a fight. We pressed our partners ... to understand that the situation is dire, and they make it difficult for us to stand behind them when they bomb Misrata. Misrata isn’t terrorists. We told them the international community is talking about a Plan B, and not all Plan Bs involve lining up behind you”. Crisis Group interview, Washington, February 2015.

<sup>49</sup> On both sides, belief that one’s faction could get arms and money has been a key trigger for escalation that consistently undermines mediation. Attempts by pro-HoR factions in late September/early October 2014 to set up parallel bank accounts to circumvent the Central Bank in Tripoli, while military equipment was coming across the Egyptian border, encouraged HoR allies in Benghazi – forces under General Haftar – to launch a fresh campaign. Crisis Group interviews, pro-Haftar military officials, HoR members, Tobruk, Al-Bayda, October 2014. At times, even suspicion that the HoR or pro-HoR factions were re-equipping or putting in place means to secure funds triggered more violence, eg, when Libya Dawn units attacked Gulf of Sirte oil terminals in December. A pro-Libya Dawn politician said the trigger was “local intelligence” that new equipment, including helicopters, had been delivered to the Ras Lanuf airport controlled by their rivals. Sources in Ras Lanuf denied the intelligence and spoke of routine maintenance. Crisis Group telephone interviews, politician, Misrata, 17 December 2014; oil engineer, Ras Lanuf, 17 December 2015.

The current ambiguity reflects genuine differences among the Security Council's five permanent members, hence what can be achieved through the UN. Russia and to some extent France are signalling they would block any sanctions, particularly on General Haftar, that could undermine the HoR camp; the U.S. and UK have indicated to the HoR that their support is contingent on more inclusive, de-escalatory behaviour; China has avoided taking a position.<sup>50</sup> What can be done internationally will thus necessarily be limited; for now, efforts should focus on building on the UN talks and strengthening existing instruments to contain the conflict.

#### A. *Change the Political Framework*

First, the P3+5 should seek to shift the Security Council's political approach. They need to make explicit what is currently implicit: that the unresolvable legitimacy issue should give way to the imperative of negotiating a political solution to the crisis. Beyond the political urgency, there are good reasons to believe the HoR's claim is weak. It has frittered away the electoral credit gained in June 2014.<sup>51</sup> Whatever legitimacy either parliament may have had has been undermined by dwindling participation; it is unclear either has had quorums to validate the decrees issued since August, and the opposition once in the HoR legislature now runs the rival body.

When Libya's Supreme Court ruled in November in effect that the basis on which the June 2014 elections were held was unconstitutional, the UN Mission (UNSMIL) missed an opportunity to chart a path out of the crisis. Had it conditionally endorsed the ruling without either explicitly delegitimising the HoR or recognising the GNC, it might have convinced the two camps to negotiate a compromise. But UNSMIL and the P3+5 merely said they were "carefully studying" the verdict and never followed up by indicating the outcome of their "study".<sup>52</sup> Understandable caution (there was

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<sup>50</sup> Officially all Security Council permanent members support the UN-led dialogue, but there are substantial differences in their support to the HoR and its military allies. Russia and France tend to lean more toward the pro-HoR factions. For Russia, this is due to belief it was misled in 2011 when NATO used its UN protection-of-civilians mandate to support overthrow of the Qadhafi regime, and a by-product of its rekindled ties with Egypt and standoff with the EU and U.S. over Ukraine. France's support stems from its counter-terrorism priorities in Mali and the Sahel, as well as business ties with the UAE and Egypt (notably arms deals). The UK and the U.S. have been more critical, especially toward Operation Dignity. China, a leading trade partner and supporter of the regime before 2011, appears to have taken a backseat in the current divides. A European diplomat said, they are "not outright differences as much as different nuances .... There are some signs ... of the French becoming more balanced, but obviously for them security issues are key .... The Russians are still leaning towards Tobruk as the legitimate authority, and that is not helpful". Crisis Group interview, New York, 4 February 2015.

<sup>51</sup> An anti-HoR politician said, "the HoR has passed a flurry of decrees that are extremely troubling and to us underscore that the HoR is too close to counter-revolutionary forces". Crisis Group telephone interview, Tripoli, 25 August 2014. Members of the HoR and its government said this was unfounded and criticised Western powers for hesitation in giving unconditional support. Crisis Group interview, Al-Bayda, November 2014.

<sup>52</sup> On the day of the ruling, UNSMIL stated it "takes note of the Supreme Court ruling, and will be studying it carefully"; two weeks later a member reiterated it was "carefully studying the decision ... which of course has important implications for Libyan's institutions". UNSMIL statement, 6 November 2014; Crisis Group email exchange, 18 November 2014. The U.S., Canada, France, Germany, Italy, Malta, Spain and UK said they were "studying carefully the decision ... its context and consequences". "Eight-country statement on the situation in Libya", 7 November 2014. A European diplomat said, "I smile when I hear that Libya Dawn supporters are waiting for the international

the risk that the GNC would see such a statement as an endorsement of its own validity) has turned into unconstructive ambiguity – initially useful for outsiders, but now contributing to the perpetuation of the conflict.

Since the HoR's first session that August, most Western powers in particular made clear in private that recognition of legitimacy was contingent on inclusive policies and working for reconciliation. The HoR did not take the hint. Instead, in the absence of a parliamentary opposition, it passed inflammatory decrees impeding reconciliation. These include appointment of new heads of Libya's financial and oil institutions; re-enlisting Haftar, the air force commander of Operation Dignity and 127 other retired officers; and a statement referring to Libya Dawn as terrorists.

It is time for the powers to make good on their private warning. Continuing international silence on the Supreme Court's verdict encourages hardliners in both camps. For those in the HoR who interpret silence as a rejection of the verdict, it reinforces the notion they have unanimous, unconditional support. At the same time, refusal to take a position on the verdict encourages others to press their interpretation that the HoR is illegitimate, and the GNC is the proper interim authority. This encourages pro-GNC hardliners to believe they need to create facts on the ground, that if, for example, they seize control of hydrocarbon facilities and financial institutions, international recognition will follow.<sup>53</sup> In fact, the international community (and oil companies) stress the importance of keeping these institutions neutral.<sup>54</sup>

To undo prevailing ambiguity, the P3+5 need to take two crucial steps: first, to acknowledge publicly that the court ruling and the behaviour of the two sides have cast serious doubt on the rival institutions' legitimacy. This should not include interpreting the legal and constitutional consequences of the court verdict, but rather indicate that those consequences are best negotiated as part of a wider roadmap toward a new constitution and permanent representative institutions.<sup>55</sup> Converting a private message to a public one would make unmistakable to the HoR that its behaviour is jeopardising its standing and help dispel perceptions of international bias. Secondly, the P3+5 should press more forcefully behind the scenes both sides' most stalwart backers – Egypt and the UAE for the HoR; Qatar and Turkey for the GNC – to refrain from giving military aid and instead to pursue a political settlement.

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community to issue a final statement regarding the ... decision. There will never be such a statement. We will just go on 'studying'". Crisis Group telephone interview, 15 November 2014.

<sup>53</sup> Desire for international recognition was another important factor that drove pro-GNC politicians and Libya Dawn members to support the December 2014 attack in the Gulf of Sirte. "The GNC was frustrated at the lack of international recognition; and some – apparently even a foreign adviser [to it] – thought that if they conquered the oil terminals, the international community would be forced to recognise them". Crisis Group telephone interview, foreign analyst, London, 15 January 2014.

<sup>54</sup> In a 28 October 2014 UNSMIL press conference, León stated: "Institutions like the Central Bank, the oil industry, the Libyan investment authority, these are vital institutions for this country, vital institutions for the international community. It is very important they remain neutral. This is a guarantee and a service that has to be provided to all Libyans, and this is also what we will try to secure and to guarantee in our contacts with these institutions". The Security Council has also condemned "attempts to intimidate and obstruct the proper functioning of Libya's financial institutions". Press statement, 26 November 2014.

<sup>55</sup> An international official said, "the negotiating tracks have to be brought together in a process that has as its objective an agreement on a national unity or national consensus government, with a prime minister accepted by all and two deputies, one from each side". Crisis Group telephone interview, Tunis, February 2015. Such an arrangement would need to specify how the government would receive a vote of confidence, given the competing claims of legitimacy from the HoR and GNC.

Whatever their differences, all regional actors face a common threat from a prolonged conflict, which is the most likely outcome if there is no political solution.<sup>56</sup> Neighbours would suffer from the absence of an effective state; the radicalising effect of the conflict and their own inevitable implication in the violence likely would invite blowback; and the worrying trend toward creation of safe zones for transnational jihadis would continue. Libya's regional economic partners would also suffer, notably Turkey (a major exporter) and Egypt (the single largest provider of its immigrant labour). Other neighbours – eg, Algeria and Tunisia, which would be among the most affected – as well as Western countries, especially those nearest in Europe, should do their utmost to press the regional patrons to halt further escalation.

As talks proceed, another issue that will have to be addressed is how inclusive Libya's political life should be, especially in terms of the roles of Islamists and ex-Qadhafi loyalists. In the case of the former, the international community should resist the temptation to shoehorn a complex, multilayered conflict into a binary Islamists vs. non-Islamists template. Local actors have pushed this narrative to obtain military aid from regional actors whose own priorities are structured by that divide. But such oversimplifications distort political realities, inform military approaches that stoke further conflict and empower the very radicalised Islamists they seek to weaken.<sup>57</sup>

It should also be recognised that the May 2013 Political Isolation Law (PIL) barring from office not just those who stayed loyal to Qadhafi in 2011, but also long-time defectors, was a mistake that greatly contributed to today's crisis. It needs to be reviewed and consensus developed on an exceptions list, as was considered in 2012. But suspension or abolition, as HoR members advocate, would likely be incendiary.<sup>58</sup>

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<sup>56</sup> Western officials believe the camps are roughly equal militarily, so discount an outright victory. For Egyptian military aid to make a difference, a European diplomat said, "it would have to be really massive, with ground troops involved; and even then, it is not clear they could win because Libya is too large and fragmented". Crisis Group telephone interview, Rome, November 2014. An ex-Egyptian official familiar with thinking on Libya suggested the aim is a buffer zone on Egypt's eastern border, while containing and hoping eventually to defeat Libya Dawn. Crisis Group interview, Cairo, July 2014. An Egyptian diplomat said strategic planning was largely driven by the military and intelligence services and described a debate between those primarily concerned for an Islamist-leaning Libya and its impact on Egypt's domestic rift over the Muslim Brotherhood; and those more pragmatic about a possible failed neighbour. President el-Sisi, a former military intelligence director, is said to have worked on Libya and know it well. Crisis Group interview, October 2014. Some senior military and intelligence officials are known to be very hawkish; more generally there is concern among senior military about how to secure a long desert border and stem the arms flow that is believed to have contributed to the abundance of weapons used by jihadi groups in Sinai. Crisis Group interviews, European ambassadors and military officials, Egyptian military officials, 2014.

<sup>57</sup> For instance, pro-HoR officials have accused the Muslim Brotherhood of being behind Libya Dawn, though it is a small part of the pro-GNC camp. Sami Zaptia, "Libya Dawn are Muslim Brotherhood who receive orders from masters abroad – PM Thinni", *Libya Herald*, 20 October 2014.

<sup>58</sup> On 2 February 2015, the HoR was reported to have resolved to suspend the PIL. According to a media report quoting an HoR member, 101 lawmakers unanimously favoured repeal. "HoR shelves political isolation law", *Libya Herald*, 2 February 2015. It is, however, unclear whether it was actually repealed. "Nassiya: ilgha qanun al-azl al-siyasi yuaddi batilan", [www.libyaakhabar.com/libya-news/60987.html](http://www.libyaakhabar.com/libya-news/60987.html). A politician from Misrata, a city known for PIL support, said: "The HoR's decision ... is another example of how talks can be undermined .... The law needs to be modified, but not suspended or cancelled. The timing ... leads people to think of all sorts of conspiracies ...." Crisis Group telephone interview, Misrata, 5 February 2015.

## B. *Implementing UN Resolutions*

There are also pressure points that members of the Security Council could apply by active implementation or expansion of existing UN resolutions on Libya. This should start with stricter enforcement of the arms embargo, which – as detailed in Resolution 2174 (27 August 2014), the most recent of five since 26 February 2011 – requires pre-approval of the Sanctions Committee for transfer of arms and ammunition.<sup>59</sup> It also calls on member states to inspect cargoes suspected of violating the embargo. But military supplies enter Libya in regular violation, and some neighbouring states enable this.<sup>60</sup> The Security Council should also remove the distinction between import of lethal equipment (which requires notification) and non-lethal equipment (which, under Resolution 2095 of 14 March 2013, does not) and put both under stricter controls.

Furthermore, the Security Council should explicitly rebuff calls to loosen the embargo and instead tighten its enforcement.<sup>61</sup> Weapon proliferation would fuel fighting and reinforce a widespread belief that outside powers, despite stated support for dialogue, favour a military solution. Lifting the embargo, even failing to tighten enforcement, would signal that the Council has given up on Libya and is resigned to a prolonged conflict, so could kill the Geneva talks.

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<sup>59</sup> The Security Council first imposed an arms embargo on 26 February 2011 (Resolution 1970), but while it was directed at all weapons entering and exiting Libya, subsequent resolutions loosened its terms. Resolution 1973 (14 March 2011) had a carefully-worded loophole allowing arms for civilian protection to those defending themselves against pro-Qadhafi troops. Resolution 2009 (16 September 2011, the same day the General Assembly recognised the post-Qadhafi National Transitional Council, NTC) allowed arms transfers to Libyan authorities if notified to the Sanctions Committee in advance and in absence of a negative decision from it within five working days. Resolution 2095 (14 March 2013) lifted the notification requirement for non-lethal military equipment for humanitarian protection and training. Resolution 2174 (27 August 2014) slightly reversed the trend by requiring advance Sanctions Committee approval of arms and related materiel, but did not explicitly mention non-lethal materiel, which some experts conclude ought to be considered differently.

<sup>60</sup> Though Egyptian officials deny providing military equipment to the Tobruk authorities and their allies, there is ample evidence. A security official with close ties to Operation Dignity leaders said an Egyptian vessel docked at Tobruk in October and unloaded light artillery and technical equipment. Crisis Group interview, Tobruk, 17 October 2014. Another military official in Tobruk – corroborated by other sources – confirmed that a truck convoy crossed the Egyptian border in October with equipment. “It was old stuff, barely usable, but still better than nothing”. Crisis Group interview, 19 October 2014. A European security reform expert and UN officials also claimed knowledge of shipments from Egypt. Crisis Group interviews, Rome, Brindisi, New York, January 2015. In an interview with an Italian daily, Haftar acknowledged receiving arms and ammunitions from Egypt, Algeria, the UAE and Saudi Arabia, but said it was “old technology”. “Combatto il terrorismo anche per voi: se vince in Libia, arriva in Italia”, *Corriere della Sera*, 28 November 2014. Sources close to Operation Dignity also said they received equipment from Eastern Europe. Crisis Group interview, pro-HoR official, Tunis, February 2015. It is speculated that Sudan, Turkey and Qatar have sent arms to the GNC camp, but Western diplomats say they have no evidence of this. A Turkish official denied his country was equipping Libya Dawn. Crisis Group interview, Ankara, 10 February 2015. A Libya Dawn member, however, acknowledged that as its troops fought in the Tripoli outskirts, “a shipment arrived, which resupplied them with missiles”. He alluded to a foreign shipment, without specifying a country. Crisis Group interview, October 2014.

<sup>61</sup> The Arab League Council, in emergency session, urged the Security Council to lift the arms embargo on Libya “in order to empower its national army to restore stability”. “Arab FMs urge lifting the arms ban on Libya”, Kuwait News Agency (KUNA), 16 January 2015.

Strictly enforcing the embargo will not be easy given the porous borders and numerous potential ports of entry for covert shipments and the security hazards that monitoring them entails. But leaving matters as they are should not be an option.

A first step could be to increase the monitoring capacity outside and eventually inside Libya of the UN Panel of Experts that the Security Council mandated to report on the embargo's implementation. How this is carried out in practice would very much depend on whether progress is made in the negotiations. Some measures, such as closer scrutiny of air and maritime traffic and working with Libya's neighbours to increase border monitoring, could be started immediately. A UN monitoring mission inside Libya, however, would require guarantees of safety by the belligerents and for UN security personnel to be protected – hence a robust military operation.

Some have floated the idea of a peacekeeping mission, either without a political agreement should the parties fail to reach one, or by invitation of the new authorities should an agreement be reached. The former sort would be all but impossible; whatever its mandate – whether civilian protection, monitoring arms flows or peace enforcement – the mission could find itself either forced to take sides in an active conflict or, worse still, attacked by all sides. Deployment at the invitation of a new unity government would be more feasible: the stronger the political deal, the more conducive the peacekeeping environment would be. Yet even in the most workable setting, careful planning would be needed, particularly given the presence of jihadis who likely would make an international mission a primary target. If all parties were to agree to demobilisation within the framework of an inclusive government that disabled spoilers, peacekeepers could monitor that process, though the exercise would remain fraught, given the enormous quantity of arms and the sheer number of armed groups in the country.

Focusing on an arms embargo appears more workable than implementing sanctions on individuals, at least in the current context. In principle, targeted sanctions against key individuals – travel bans and asset freezes – could be another instrument to push them to negotiate; they were envisaged in Resolution 2174 but not implemented. Disagreement within the Council over blame and hence on who ought to be the target of sanctions, as well as concerns for effectiveness, have impeded implementation.<sup>62</sup> There is some evidence that targeted sanctions could be useful: the threat against a leading businessman linked to the Misrata component of the Libya Dawn coalition appears to have played into the city council's decision to join the talks, for instance.<sup>63</sup> But they have less effect on persons without foreign assets.

If the Security Council puts individuals on a sanctions list, the aim should be to reinforce the Geneva talks. It should only be considered on recommendation of the Secretary-General and his representative. Most importantly, any listings should be balanced and based on transparent criteria. Sanctioning only the GNC side, as some

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<sup>62</sup> Resolution 2174 extends individual sanctions (travel ban, asset freeze) created by earlier resolutions to “individuals and entities determined by the [Sanctions] Committee to be engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition”, as well as to individuals who violate the arms embargo. However, no names have yet been added to the list. The main obstacle to implementation appears to be French and Russian refusal to consider putting members of Operation Dignity, specifically General Haftar, alongside Libya Dawn figures. Crisis Group interviews, diplomats, Paris, Brussels and Rome, January 2015.

<sup>63</sup> Crisis Group phone interviews, Tripoli, Cairo, 2 February 2015.



Council members favour – particularly after it boycotted the initial Geneva talks<sup>64</sup> – would likely backfire, particularly as both sides (whether or not they sent an official delegation) have at various points opted for military escalation. Targeted sanctions perceived as biased would risk further inflaming the conflict.

### C. *Protecting Financial Institutions*

Another pressure point is financial. The conflict is as much about control of oil and wealth as of political power and territory. The Security Council should consider mechanisms to protect the neutrality of the Central Bank of Libya (CBL), the National Oil Corporation (NOC) and the Libyan Investment Authority (LIA, the sovereign wealth fund) and prevent their assets from being used to buy arms. Rather than considering more controversial options (eg, taking direct control of these assets and establishing escrow accounts for oil revenues – though these could perhaps be considered as part of any deal resulting from León's mediation), this would entail backing the technocrats running these institutions in maintaining payments for subsidised imports (notably fuel and foodstuffs) and public-sector salaries, and monitoring to prevent funds or oil payments from being used for purposes that contribute to the conflict.<sup>65</sup>

The UN and many major powers have stated that financial institution independence and neutrality is a red line,<sup>66</sup> but not enough has been done to ensure it is not crossed, particularly as the institutions have been fought over since October 2014, as shown by the January seizure of the Central Bank's Benghazi branch by General

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<sup>64</sup> An EU official said, "in December we had built momentum toward the adoption of sanctions, but it has now been stalled by the Geneva talks. We are trying to get that momentum going again". Crisis Group interview, Brussels, January 2015. A U.S. official stated: "León hasn't asked for targeted sanctions. We won't [back them] unless he does. He's asked for making the threat, but he's not been focused on it. Also it's unclear who to target". Crisis Group interview, February 2015. French officials suggest the GNC boycott of Geneva could be grounds for targeting some of its supporters, as a means of getting them to participate. Crisis Group interview, Paris, January 2015.

<sup>65</sup> The U.S. and UK are seen to be more in favour of a foreign oversight mechanism of financial assets or an asset freeze than continental Europeans, partly because Europe is relatively more dependent on Libyan oil (so likely to be more affected by an oil embargo, the de facto result of an asset freeze). A U.S.-based analyst said, "countries like Italy, which has sizable frozen Libyan funds, will be the first to resist placing Libyan financial institutions under international supervision because that would entail some form of public disclosure and accountability for those funds, which are still frozen". Crisis Group interview, Washington, February 2015. There are also considerations of Libyan domestic reactions. Several European representatives have voiced concern that if Libya's financial assets come under international control, blame for its financial troubles would fall on them. They also fear stopping payments, especially salaries to militias, could backlash. A diplomat said, "the U.S. is discussing an assets freeze. We're worried by that. That money going out is keeping a lot of people calmer than they would be otherwise". Crisis Group interview, New York, February 2015. Other diplomats expressed similar views. Crisis Group interviews, Rome, Brussels, January-February 2015. U.S., UK and Italian officials also indicated concern about keeping these institutions independent. Crisis Group interviews, Washington, London, Rome, November 2014-February 2015.

<sup>66</sup> León speaking at an UNSMIL press conference, 28 October 2014, cited above. "The EU believes that the independence and proper functioning of the Central Bank of Libya, National Oil Corporation and other key financial institutions must be preserved and protected. The EU condemns actions against Libya's national assets, financial institutions and natural resources, which risk depriving the Libyan people of the benefits of the sustainable development of their economy". EU Foreign Affairs Council Conclusions, Brussels, 9 February 2015.

Haftar's forces.<sup>67</sup> The message needs to be that Libya's wealth will neither be used to fuel the fight, nor be up for grabs by local groups that are able to navigate the anarchy.

Safeguarding institutional neutrality would have a double aim. First, it would incentivise reaching a political solution as quickly as possible so that a national unity government could freely manage the people's wealth, dispensing funds not only for salaries and subsidies but also for reconstruction. Secondly, international monitoring (perhaps helped by an institution such as the IMF) could pave the way for overdue anti-corruption measures and overhaul of management practices, sowing seeds for much-needed better governance. An additional benefit would be to focus institutions on guaranteeing supply of basic goods that are in dire shortage nationally due to financing shortfalls and CBL legal obstacles in approving a new budget.<sup>68</sup>

At a minimum, the international push to maintain these institutions' neutrality should allow oil exports to continue in a way that ensures receipts are not syphoned off by either camp and prevents either from seizing control of CBL and LIA assets outside the country (as has been done, with little accountability, to domestic cash reserves). It would also help maintain management of these institutions, rare centres of technocratic talent that will be needed to reestablish a functioning state. This would in essence continue the CBL's September 2014 decision to continue paying salaries and subsidies, but not other expenses (including for arms).<sup>69</sup> While the salaries of militias on both sides are an increasing concern, it would be premature to end them

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<sup>67</sup> Despite informal commitments that the CBL would stay neutral on the institutional deadlock and continue to pay state employees, the HoR has tried to bring it under direct control (in violation of procedures that guarantee its institutional neutrality, critics say). It moved to dismiss Governor Sadik ElKaber, a respected international banker appointed by the Western-backed transitional government after Qadhafi's fall whom the international community appears to still recognise, inviting him to high-level meetings with Western officials in early 2015. The HoR said he obstructed payments to it and committed financial irregularities. By a 95 to 1 vote in September, its 188-seat parliament named his deputy, Ali al-Hibri, the new governor. ElKaber considers his dismissal invalid and has appealed to court. Since Hibri's appointment, the HoR has asked the UAE Central Bank, apparently unsuccessfully, to help create a new central bank. Prior to his appointment, there was controversy over alleged attempts to move LYD80 million (\$60 million) from the Benghazi branch to a commercial bank in Tobruk controlled by the Thinni government. On 22 January 2015, General Haftar's forces took over the Benghazi branch; a few days later, Hibri said he was preparing "comprehensive reform plans" to give the eastern and southern branches more autonomy. Crisis Group interview, Sadik ElKaber, Tripoli, 30 October 2014; diplomats, Rome, January 2015. "Hibri to decentralize CBL", *Libya Herald*, 29 January 2015.

<sup>68</sup> Since Qadhafi's overthrow, Libya has run a large budget deficit, but in the second half of 2014, falling oil prices, decline of production to one fifth of pre-2011 levels and high government expenditures devastated reserves. In August, cash reserves were estimated at \$100 billion, 20 per cent below January 2014; in January 2015, a U.S. official estimated reserves at LYD85 billion (\$63 billion), only 50-60 per cent liquid. Without change, Libya could deplete its currency reserves within a few years; the World Bank estimates four, other officials eighteen months. Crisis Group interviews, U.S. and UN officials, New York and Washington, February 2015. "MENA Quarterly Economic Brief, January 2015: Plunging Oil Prices", World Bank. The HoR-based government has not had access to the financial assets managed in Tripoli, so borrowed LYD3 billion (\$2.3 billion) from local commercial banks, which, local sources say, was depleted by January 2015. "Rival Central Banks vie for control of Libya's Oil Earnings", *Financial Times*, 8 December 2014.

<sup>69</sup> Aside from salaries and subsidies that the CBL continued to fund throughout 2014, some exceptions were made in October to fund NOC projects. The CBL's ElKaber said, "we approved these since oil production had risen slightly". Crisis Group interview, Tripoli, 30 October 2014. But by the end of 2014, with oil exports at 300,000 barrels/day and oil prices below \$50, new limits were discussed, including freezing salaries and bonuses, curbing subsidies and freezing government spending for foreign scholarships. Crisis Group interview, GNC officials, January 2014.

without a wider framework for integration and/or demobilisation of fighters, as this could accelerate the descent of militias into criminal activity and warlordism.

## V. Conclusion

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While the Geneva talks offer a glimmer of hope for a political solution, they are unlikely to succeed without more forceful international action to secure acquiescence of those pursuing a military course. Given the complex range of actors and difficult regional context, a negotiated outcome will be difficult. Outsiders have a responsibility to ensure the talks' success, particularly as Libya's current situation is in part the result of a military intervention that received wide support but whose aftermath was left disastrously unplanned. A political solution entails hard choices, but there should be no doubt that these will be less costly than a new intervention or an attempt to contain a civil war on the Mediterranean's shores. The region has no shortage of grim examples of what happens when a state disintegrates and warlords rule.

**Tripoli/Brussels, 26 February 2015**

Appendix A: Map of Libya



## Appendix B: Glossary of Terms

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CBL	Central Bank of Libya.
GNC	General National Congress, based in Tripoli, Libya's first elected parliament in 2012.
HoR	House of Representatives, the Tobruk-based parliament elected in June 2014.
LIA	Libyan Investment Authority, Libya's Sovereign Wealth Fund.
NOC	National Oil Corporation, Libya's state-owned oil sector management body.
NTC	National Transitional Council, the transitional government established in 2011.
UNSMIL	United Nations Support Mission in Libya.

## Appendix C: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 125 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries 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 decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord Mark Malloch-Brown, and Dean of Paris School of International Affairs (Sciences Po), Ghassan Salamé.

Crisis Group's President & CEO, Jean-Marie Guéhenno, assumed his role on 1 September 2014. Mr. Guéhenno served as the United Nations Under-Secretary-General for Peacekeeping Operations from 2000-2008, and in 2012, as Deputy Joint Special Envoy of the United Nations and the League of Arab States on Syria. He left his post as Deputy Joint Special Envoy to chair the commission that prepared the white paper on French defence and national security in 2013.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 26 locations: Baghdad/Suleimaniya, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Cairo, Dakar, Dubai, Gaza City, Islamabad, Istanbul, Jerusalem, Johannesburg, Kabul, London, Mexico City, Moscow, Nairobi, New York, Seoul, Toronto, Tripoli, Tunis, Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Myanmar, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala, Mexico and Venezuela.

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**February 2015**

## Appendix D: Reports and Briefings on the Middle East and North Africa since 2012

### Israel/Palestine

*Back to Basics: Israel's Arab Minority and the Israeli-Palestinian Conflict*, Middle East Report N°119, 14 March 2012 (also available in Arabic).

*The Emperor Has No Clothes: Palestinians and the End of the Peace Process*, Middle East Report N°122, 7 May 2012 (also available in Arabic).

*Light at the End of their Tunnels? Hamas & the Arab Uprisings*, Middle East Report N°129, 14 August 2012 (also available in Arabic).

*Israel and Hamas: Fire and Ceasefire in a New Middle East*, Middle East Report N°133, 22 November 2012 (also available in Arabic).

*Extreme Makeover? (I): Israel's Politics of Land and Faith in East Jerusalem*, Middle East Report N°134, 20 December 2012 (also available in Arabic and Hebrew).

*Extreme Makeover? (II): The Withering of Arab Jerusalem*, Middle East Report N°135, 20 December 2012 (also available in Arabic and Hebrew).

*Buying Time? Money, Guns and Politics in the West Bank*, Middle East Report N°142, 29 May 2013 (also available in Arabic).

*Leap of Faith: Israel's National Religious and the Israeli-Palestinian Conflict*, Middle East Report N°147, 21 November 2013 (also available in Arabic and Hebrew).

*The Next Round in Gaza*, Middle East Report N°149, 25 March 2014 (also available in Arabic).

*Gaza and Israel: New Obstacles, New Solutions*, Middle East Briefing N°39, 14 July 2014.

*Bringing Back the Palestinian Refugee Question*, Middle East Report N°156, 9 October 2014 (also available in Arabic).

*Toward a Lasting Ceasefire in Gaza*, Middle East Briefing N°42, 23 October 2014 (also available in Arabic).

### Egypt/Syria/Lebanon

*Lebanon's Palestinian Dilemma: The Struggle Over Nahr al-Bared*, Middle East Report N°117, 1 March 2012 (also available in Arabic).

*Now or Never: A Negotiated Transition for Syria*, Middle East Briefing N°32, 5 March 2012 (also available in Arabic and Russian).

*Syria's Phase of Radicalisation*, Middle East Briefing N°33, 10 April 2012 (also available in Arabic).

*Lost in Transition: The World According to Egypt's SCAF*, Middle East/North Africa Report N°121, 24 April 2012 (also available in Arabic).

*Syria's Mutating Conflict*, Middle East Report N°128, 1 August 2012 (also available in Arabic).

*Tentative Jihad: Syria's Fundamentalist Opposition*, Middle East Report N°131, 12 October 2012 (also available in Arabic).

*A Precarious Balancing Act: Lebanon and the Syrian conflict*, Middle East Report N°132, 22 November 2012 (also available in Arabic).

*Syria's Kurds: A Struggle Within a Struggle*, Middle East Report N°136, 22 January 2013 (also available in Arabic and Kurdish).

*Too Close For Comfort: Syrians in Lebanon*, Middle East Report N°141, 13 May 2013 (also available in Arabic).

*Syria's Metastasising Conflicts*, Middle East Report N°143, 27 June 2013 (also available in Arabic).

*Marching in Circles: Egypt's Dangerous Second Transition*, Middle East/North Africa Briefing N°35, 7 August 2013 (also available in Arabic).

*Anything But Politics: The State of Syria's Political Opposition*, Middle East Report N°146, 17 October 2013 (also available in Arabic).

*Flight of Icarus? The PYD's Precarious Rise in Syria*, Middle East Report N°151, 8 May 2014 (also available in Arabic).

*Lebanon's Hizbollah Turns Eastward to Syria*, Middle East Report N°153, 27 May 2014 (also available in Arabic).

*Rigged Cars and Barrel Bombs: Aleppo and the State of the Syrian War*, Middle East Report N°155, 9 September 2014 (also available in Arabic).

### North Africa

*Tunisia: Combatting Impunity, Restoring Security*, Middle East/North Africa Report N°123, 9 May 2012 (only available in French).

*Tunisia: Confronting Social and Economic Challenges*, Middle East/North Africa Report N°124, 6 June 2012 (only available in French).

*Divided We Stand: Libya's Enduring Conflicts*, Middle East/North Africa Report N°130, 14 September 2012 (also available in Arabic).

*Tunisia: Violence and the Salafi Challenge*, Middle East/North Africa Report N°137, 13 February 2013 (also available in French and Arabic).

*Trial by Error: Justice in Post-Qadhafi Libya*, Middle East/North Africa Report N°140, 17 April 2013 (also available in Arabic).

*Tunisia's Borders: Jihadism and Contraband*, Middle East/North Africa Report N°148, 28 November 2013 (also available in Arabic and French).

*The Tunisian Exception: Success and Limits of Consensus*, Middle East/North Africa Briefing



N°37, 5 June 2014 (only available in French and Arabic).

*Tunisia's Borders (II): Terrorism and Regional Polarisation*, Middle East/North Africa Briefing N°41, 21 October 2014 (also available in French and Arabic).

*Tunisia's Elections: Old Wounds, New Fears*, Middle East and North Africa Briefing N°44 (only available in French).

### **Iraq/Iran/Gulf**

*In Heavy Waters: Iran's Nuclear Program, the Risk of War and Lessons from Turkey*, Middle East Report N°116, 23 February 2012 (also available in Arabic and Turkish).

*Popular Protest in North Africa and the Middle East (IX): Dallying with Reform in a Divided Jordan*, Middle East Report N°118, 12 March 2012 (also available in Arabic).

*Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit*, Middle East Report N°120, 19 April 2012 (also available in Arabic).

*The P5+1, Iran and the Perils of Nuclear Brinkmanship*, Middle East Briefing N°34, 15 June 2012 (also available in Arabic).

*Yemen: Enduring Conflicts, Threatened Transition*, Middle East Report N°125, 3 July 2012 (also available in Arabic).

*Déjà Vu All Over Again: Iraq's Escalating Political Crisis*, Middle East Report N°126, 30 July 2012 (also available in Arabic).

*Iraq's Secular Opposition: The Rise and Decline of Al-Iraqiya*, Middle East Report N°127, 31 July 2012 (also available in Arabic).

*Spider Web: The Making and Unmaking of Iran Sanctions*, Middle East Report N°138, 25 February 2013 (also available in Farsi).

*Yemen's Military-Security Reform: Seeds of New Conflict?*, Middle East Report N°139, 4 April 2013 (also available in Arabic).

*Great Expectations: Iran's New President and the Nuclear Talks*, Middle East Briefing N°36, 13 August 2013 (also available in Farsi).

*Make or Break: Iraq's Sunnis and the State*, Middle East Report N°144, 14 August 2013 (also available in Arabic).

*Yemen's Southern Question: Avoiding a Breakdown*, Middle East Report N°145, 25 September 2013 (also available in Arabic).

*Iraq: Falluja's Faustian Bargain*, Middle East Report N°150, 28 April 2014 (also available in Arabic).

*Iran and the P5+1: Solving the Nuclear Rubik's Cube*, Middle East Report N°152, 9 May 2014 (also available in Farsi).

*The Huthis: From Saada to Sanaa*, Middle East Report N°154, 10 June 2014 (also available in Arabic).

*Iraq's Jihadi Jack-in-the-Box*, Middle East Briefing N°38, 20 June 2014.

*Iran and the P5+1: Getting to "Yes"*, Middle East Briefing N°40, 27 August 2014 (also available in Farsi).

*Iran Nuclear Talks: The Fog Recedes*, Middle East Briefing N°43, 10 December 2014 (also available in Farsi).

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