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Arab Center for Research & Policy Studies

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Bouznika Proclamation: Challenges and Chances of Success

Unit for Political Studies

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Unit for Political Studies

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On 6 October 2020, representatives of Libya's Supreme Council of State (SCS) and House of Representatives (HoR) meeting in the Moroccan city of Bouznika reached a final agreement on how to distribute major offices in the country. The agreement was accompanied by optimistic statements from both sides affirming significant progress on implementation of Article 15 of the 2015 Skhirat Agreement. However, many questions remain with regard to the implementation of this agreement and how the divisions that have dogged the country can possibly be solved.

The Bouznika Proclamation

The first round of the Libyan Dialogue began in Bouznika on 6 September and brought together a consultative delegation from the SCS and a legislative delegation from the House of Representatives. After five days, the delegates agreed to schedule a second round of talks to establish the criteria for senior officeholders, which duly began on 2 October and ended four days later with an agreement signed by the leaders of the respective delegations, Faouzi Aqqab and Yousef al-Aqouri. This agreement comprises “criteria by which people will be chosen for senior offices per the agreement signed in Skhirat in 2015”.⁽¹⁾

According to Article 15 of the Skhirat Agreement, criteria for the selection of the “sovereign offices” (*manasib siyadiyya*) were supposed to be discussed by the SCS and HoR within 30 days of ratification. These offices include the governor of the central bank, the head of the State Audit Bureau, the head of the Administrative Oversight Authority, the head of the Anticorruption Authority, the head and members of the Electoral Committee, the president of the Supreme Court and the Public Prosecutor. A two-thirds majority of representatives must vote to hire or dismiss any of these officeholders. Despite some five years passing since the signing of the Agreement, Article 15 – among others – is yet to be implemented.

The sovereign offices have been a constant source of tension ever since the transitional government first split in mid-2014. This is especially true of the central bank: a parallel bank set up under governor Ali al-Hibri in the eastern city of al-Bayda has printed huge quantities of Libyan dinars whose validity has not been recognized by its counterpart in Tripoli, thereby exacerbating both the inflation crisis and political divisions. While other sovereign offices have not fallen victim to institutional division in the same way, political struggles have nonetheless sapped their authority and undermined their ability to carry out their functions.

Challenges

Both delegations have now submitted the agreement signed in Bouznika to their superiors, SCS Chairman Khalid al-Mishri and HoR President Aguila Saleh, who will now have to push it through their respective institutions. Mustering enough votes for a plenary session in the Tobruk HoR is likely

¹ Adel Najdi, “al-Furaqa’ al-Libiyun Yuwaqqi’un ‘ala Ittifaq Buzniqa al-Maghribiyya”, *Alaraby Aljadeed*, 07/10/2020, accessed on 07/10/2020 at: <https://bit.ly/2Gt8X>



to be very difficult: around half of its members have joined the parallel House of Representatives in Tripoli, while many others live abroad or have died. Even if this can be accomplished, whether by convincing members to return to Tobruk or getting them to vote digitally – both very unlikely – it will be no easy matter to unite two thirds of members behind the proposals because of deep-seated divisions within the house.

While in the SCS there is unlikely to be any problem with meeting quorum, there are serious disagreements among its members over the Bouznika Dialogue. Many believe that the process will inevitably mean handing over political gains to Haftar and his regional backers that they have so far been unable to win by military means, while others fear that it will breathe new life into a Tobruk HoR left moribund by the loss of half its members and much of its legitimacy.

Moreover, the crisis of trust that has dogged previous negotiations has not yet been solved, the optimistic tone adopted by the delegations notwithstanding. The climax of this round of talks was supposed to be a signing ceremony attended in person by al-Mishri and Saleh, but this has not materialized.

These talks are not the first to bring together representatives of both parties. Meetings in Tunisia and in various European capitals more than a year ago accomplished much the same thing. But the Bouznika Dialogue is the first official meeting of this kind to take place with an official agenda and set of goals, which makes it an important step forward. The speed with which an agreement was reached also represents something of a turning point for Libya: each round of talks lasted a total of five days. Compared with the Skhirat negotiations, which dragged on for many months, this was very quick indeed.

Next Steps

As important as the rapid resolution of the talks is, however, there are still many obstacles ahead. The agreement is no more than a set of preliminary understandings and statements of principles which can be developed further only if there is a political will to do so. The SCS and HoR's mandate to implement such an agreement is also questionable, given their long history of fragmentation and infighting.

The balance of forces on the ground will also impede the implementation of any prospective future agreements that might develop out of the Bouznika Proclamation. While any political way forward must be negotiated by institutions whose legitimacy is suspect, military escalation remains a serious alternative. Troops are being massed on every front, and regional powers are committing more and more money and material to the conflict. There are regular reports that Haftar is preparing to launch a new offensive to take back the cities of Tarhuna, Gharyan and Bani Waleed and bring his troops within striking distance of the capital. In response, the Accord Government has placed its troops on high alert and redeployed various units to Sirte and Jafra.⁽²⁾ And although international pressure

² See: "Libiya... Wazir Difa' al-Wifaq Yad'u Quwwatihi li't-Ta'ahhub Tahassuban li-Hujum Mubaghit li-Haftar", *Al Jazeera*, 08/10/2020, accessed on 09/10/2020 at: <https://bit.ly/36O4a85>

intended to limit the effects of the coronavirus pandemic helped to galvanize the negotiation process, some regional powers remain set on a military solution to the crisis.

Critics' reservations regarding the agreement are not limited to the identity of its signatories or their ability to put it into practice on the ground. There are also questions about its content. It has been argued that the proposed criteria for senior officeholders enshrine the practice of regional and tribal quotas and political sops, disregarding competence and merit and undermining these offices' key functions.⁽³⁾ Those opposed to the new mechanism worry that this will produce fresh divisions between different tribes and communities, if a third round of talks is held to discuss possible candidates. Quotas for regional representation will no longer be a matter for political bodies alone but will extend even to senior civil service jobs, compromising the state apparatus's neutrality in local disputes and weakening the principles of meritocracy and loyalty to the state. At a time when Lebanon and Iraq are witnessing massive demonstrations against such quota systems, it is easy to question the wisdom of implementing a similar system in Libya.

The achievements of this round of talks are also threatened by the simultaneous pursuit of multiple avenues of negotiation. While those present at Bouznika are optimistic about the agreement, the political dialogue process has been foundering ever since the consultative meeting held in Montreux at the beginning of last September. Even if the sovereign offices dispute can be overcome, this may not go very far towards resolving broader political and institutional divisions rooted in a complex tangle of political, military and social factors as well as competing regional visions.

Conclusion

The signing of an "agreement" laying out the criteria for the selection of sovereign officeholders is a political breakthrough and shows acknowledgement of the difficulties of a decisive military victory. But this does not mean that the many obstacles facing its adoption as a reference framework for further agreements have gone away. The hope is that both sides realize that as difficult as it may be, there is no alternative to a political solution based on consensus and compromise: neither side is capable of winning a decisive military victory. The majority do now seem to be convinced of this. But parceling out civil service jobs to one or another region is not the best way of solving the problem either.

³ See for example: "Bayan al-Majlis al-A'la li'l-Qada' Hawl Mukhrajat al-Hiwarat as-Siyasiyya", Supreme Judicial Council Facebook Page, 05/10/2020, accessed on 09/10/2020 at: <https://bit.ly/25FWJHR>; "Libiya... Tafasil Ittifaq Buzniqa al-Maghribiyya", *Al Araby TV*, 09/10/2020, accessed on 09/10/2020 at: <https://bit.ly/34Ejj5j>