

Conflict resolution in Libya: What works?

I. Introduction

The three historic regions of Libya – Tripolitania, Cyrenaica and Fezzan – have developed separately for thousands of years. Present-day Libya was only united through the Italian colonisation of 1911. Even thereafter, the situation remained very different in the east, west and south. While Tripolitania was subjugated in 1923, resistance continued in Fezzan until 1930 and in Cyrenaica until 1931, a fact that the people in southern and eastern Libya are very proud of. The three regions were united in the colony 'Italian Libya' in 1935, with Tripoli as its capital. Once independent in 1951, the Kingdom of Libya had Tripoli and Benghazi as twin capitals. After Colonel Muammar Gaddafi's coup in 1969, the east and the south were neglected by the regime, a situation well remembered outside of Tripolitania. And since the revolution, Tripolitania has again been favoured by the governments, at least in the perception of many in Cyrenaica and Fezzan.¹

II. Root causes of the conflict and Libyan actors

Today Libya is a mess, and close to being a failed state. There are five main root causes for the negative developments after the revolution: the legacy of the chaotic administration of the state under Gaddafi, the inability of any government to impose its will and retain the monopoly on violence, the numerous century old tribal conflicts, east-west antagonism, and the increasing influence of radical Islamists.² A successful conflict resolution requires full awareness of these root causes and must take them into account. Libya's political, military and social landscape is highly fragmented and confusing. The nine-member Presidential Council (PC), headed by Fajez

al-Serraj, and its Government of National Accord (GNA) were established by the UN-brokered Libya Political Agreement (LPA), signed on 17 December 2015. The GNA is the country's internationally recognised government, although it was never elected by the people or endorsed by the elected parliament.

The House of Representatives (HoR), in Tobruq, Cyrenaica, is Libya's internationally recognised Parliament. It was elected in June 2014 and is enshrined in the LPA. The HoR elections were a main trigger for the subsequent civil war in July 2014. Agheela Saleh, its chairman, is one of Libya's more influential politicians. The interim government headed by Abdullah al-Thinni is the HoR's associated government, which was internationally recognised until the LPA was signed. After Libya's Supreme Court ruled the June elections unconstitutional on 6 November 2014 under pressure from Islamist militias, the interim parliament that had been elected in 2012, the General National Congress (GNC), reconstituted, albeit with only about one third of its members. It appointed an Islamist-leaning government, whose importance faded away with the arrival of the GNA in Tripoli in March 2016. However, the LPA assigned the GNC an advisory role as High Council of State. Its chairman is the Islamist Khaled al-Mishri.

The Libyan National Army (LNA), commanded by Marshal Khalifa Haftar, is the army of the HoR, and as such not a 'militia'. Haftar does not recognise the GNA as it is not endorsed by the HoR. Since defeating Islamist militias in Benghazi (2017) and Derna (2019), the LNA controls the Cyrenaica, some of Tripolitania, and since January/February 2019 most of Fezzan. Misrata, a merchant city 180 km eastward of Tripoli, is Tripoli-

¹ For more about the history of Libya see: Chorin, *Exit the Colonel*, 2012; Ahmida, *The Making of Modern Libya*, 1994; St. John, *Libya from Colony to Independence*, 2008.

² See Puszta, *Libya – A Country on the Brink. Root causes of the current situation and possible solutions*, 2014.

tania's most powerful military force. In 2016, Misrata militias with US air support defeated the so-called Islamic State (IS) in its bastion Sirte in a bloody battle. Although supporting the GNA, Misrata militias have largely lost their influence in Tripoli to local militias. Misrata is a stronghold of the Muslim Brotherhood, while Tripoli is de-facto controlled by four larger militias, two of them Islamist, who are deeply involved in criminal businesses and in blackmailing the GNA. Serraj and his government have next to no influence on the ground in Tripoli. Networks of competing Islamist groups, including the Muslim Brotherhood, various Salafists and the formerly Al Qaeda-associated Libyan Islamic Fighting Group, have a strong influence in the background, including on the GNA. They also provide a fertile ground for the recruitment of terrorists. IS still numbers about 800-1,000 Jihadists, mainly in southern Libya, and is conducting a low-level terrorist campaign with occasional spectacular attacks. Al Qaeda in the Islamic Maghreb (AQIM) uses southwestern Libya as a safe haven. Both IS and AQIM operate from Libya throughout the region, entailing a deadly threat for several countries.³

III. Conflict dynamics

The dynamics of the conflict lead to an ever-increasing polarisation and fragmentation. The main driving element for most of the warring factions is the struggle for resources: for gas, oil and freshwater. Most of these are in remote areas. While those living on the coast claim that the resources belong to all Libyans, the tribes owning the terrain with the wells complain that they do not receive a fair share of their wealth. Over hundreds of years, Libya has seen conflicts between Arab tribes and the original natives of the region – the Amazigh, the Touareg, and the Toubou – as well as between settled peasant, semi-nomad and nomad tribes.⁴ Gaddafi used his knowledge of these conflicts to play tribes out

against each other. Examples are the settlement of the nomad Mashashiya in the tribal areas of the semi-nomad Zintan, the favouring of some tribes of the lower class over noble tribes in job assignments, and the patronisation of Arab tribes opposing the Toubou in the Sahara smuggling business. These tribal conflicts lead even today to bloody tit-for-tat chain reactions, worsened by the absence of law enforcement and an independent judiciary.⁵

In July 2014, the perceived domination of the newly elected parliament, the HoR, by 'liberal' groups led to the Islamist Operation Libya Dawn to assume control over the capital. The HoR and its interim government moved to the east and never managed to return. Militias from nearby cities and their tribesmen, who had lived in Tripoli for decades, were evicted after two months of bloody fighting. Their deserted houses were occupied by the victorious militias from Tripoli and Misrata. The expelled still seek to return to their property in the capital. The radical Islamists' assassination campaign in Benghazi against former regime loyalists, civil rights activists, Madkhali Salafists and security forces in 2013-14 led to Marshal Heftar's Operation Dignity. What had started as a kind of self-defence evolved quickly into a campaign against all kind of Islamists, ranging from political Islamists to Islamist militias to dedicated Jihadists and terrorist groups. As many of these had ties to western Libya, particularly to Misrata, this city became a party in the fight for Benghazi. Without logistic support from Misrata and a steady flow of fighters to the besieged Islamists, the struggle would have been less bloody and decided much earlier. Although the battle is now over, there are still deep-seated grievances on both sides. Heftar, a hero for many in the east, is totally rejected by most of the Misrata militias. The subsequent successful LNA battle against Islamists in Derna, among them several prominent terrorist leaders, further deepened the rift.⁶

³ Pusztai, *Libya: A second home?*, 2017.

⁴ Ahmida, *The Making of Modern Libya*, 1994.

⁵ Stratfor, *Libya: The Importance of Managing Southern Tribal Conflicts*, 2012.

⁶ Pusztai, *Libya: another conflict without solution?*, 2015.

The neglect of the east by Gaddafi and the post-revolutionary governments in Tripoli in combination with federalist and secessionist movements in the east has led to deep mistrust on both sides. While most of Libya's oil wealth is in Cyrenaica and Fezzan, the majority of Libya's very young 6 million population lives in Tripolitania. East-west polarisation has become a significant driving element of the conflict. This is also the case to a lesser extent between Tripolitania and Fezzan. However, Marshal Heftar, the de-facto leader in the east, intends to maintain a united country.⁷ Control of criminal businesses is a main point of conflict between militias. Physical authority over business premises, city quarters, airports, harbours and border crossing sites facilitates blackmailing and smuggling. The situation is extremely bad in Tripoli, where militias make hundreds of millions of USD every year.⁸ Consequently, rival groups from the outskirts and from neighbouring cities frequently try to get their share by attempting to occupy key terrain in the capital.

IV. Conflict resolution efforts

IV.1 Role of regional powers and international actors

All neighbours are heavily affected by the instability in Libya. Their respective roles in the conflict are driven by their national interests, their capabilities, and antagonism between some of them (Algeria and Egypt). All are threatened by terrorist groups like AQIM and IS, who benefit from vast ungoverned spaces in the south. Opposition groups from Sudan and Chad use the same area as an operation base. Egypt, Tunisia and Libya's southern neighbours suffer from the downsizing of an important labour market. The economy of all neighbours is negatively affected by the smuggling of cheap goods from Libya.⁹ However, with the exception of Algeria and Egypt, they have solely taken on the role of victims, unable to assume a real active role in stabilising Libya.

Tunisia suffers most from the situation in its eastern neighbouring country. Okba Ibn Nafaa, Ansar al-Sharia, AQIM and IS have close links with their brethren in Libya. Many of them were trained in Libyan terror camps or returned home via Libya from the battlefields in the Middle East. Weapons and other supplies are smuggled into Tunisia, although security forces do their best to seal the border off. In March 2016, IS tried to seize the border town Ben Guerdane. About 70 people were killed during the subsequent fighting. Before the revolution, Libya was one of Tunisia's most important trade partners, benefitting also from oil imports at a preferential price. An estimated 200,000 Tunisians had been working in Libya before the revolution, many of them from the poorer regions of the country. Their wages were frequently of crucial importance for a whole family. Today, this figure is estimated at far below 100,000. On the other side, several 100,000 Libyans still remain in Tunisia. Smuggling is the only source of income for many families in the economically weak border region, but the black markets inflict heavy damage on Tunisia's economy.

Algeria's main interest is to prevent the infiltration of terrorists. Therefore, it supports the United Nations Support Mission in Libya (UNSMIL) efforts and the GNA politically to stabilise its eastern neighbour while controlling the border tightly. Algeria does not intervene militarily in Libya, in line with the formal non-intervention policy included in the Algerian Constitution. However, as the vast border with Libya cannot be controlled successfully from one side only and as the GNA remains without influence, this approach has not yet delivered the anticipated results. Egypt wants to prevent terrorist bases or an Islamist regime on its western border while avoiding international stigmatisation for involvement in Libya. Therefore, on one hand Egypt is one of the most important supporters of the LNA, providing training, logistic support and armament as well as at times direct air

⁷ Puzstai, *Does Federalism Have a Future in Libya?*, 2016.

⁸ Eaton, *Libya's War Economy – Predation, Profiteering and State Weakness*, 2018.

⁹ Puzstai, *Libya – The Interests of the Neighbouring States in Libya's Civil War*, 2015.

support, and on the other Cairo supports the LPA process and mediates independent talks about the reunification of the various Libyan Army units under one umbrella. For the time being, this approach has been broadly successful, as Cyrenaica is almost entirely under the firm control of the LNA, which allows also the return of an increasing number of Egyptian expatriate workers to Libya.

The significance of Libya for France must be mainly seen in the context of security in the Sahara region. Countries like Niger with its Uranium mines are of strategic importance for France. Terrorist bases in neighbouring Libya are a lethal threat for them. Therefore, besides supporting the LPA process actively, counterterrorism is very high up on the French agenda. Consequently, as the GNA has no real role in fighting terrorism, Marshal Heftar and the LNA are important partners, especially for the south of Libya. This engagement, and in particular its connections with the LNA, brings France in opposition to Italy. Italy, in contrast to France, has much broader and vital interests regarding its former colony. In the years 2014-2016, more than half a million migrants arrived via Libya in Italy. As the centre of Christianity, Rome is very high up on the target list of the Jihadists. Italy buys about one third of Libya's crude oil exports and is by far the largest export customer of Libyan gas. Containing migration, preventing the intrusion of terrorists and very strong economic interests make Libya a priority for Rome. Most of these interests are more tied to western Libya, and therefore Italy is a strong supporter of the government in Tripoli. It is probably the GNA's most important international partner.¹⁰

The roles of countries like Turkey and Qatar on one side, and the UAE and Jordan on the other are driven by their respective general political agendas and economic interests. Turkey and Qatar support political Islamists

such as the Muslim Brotherhood and harbour several Salafist leaders and members of the former Libyan Islamic Fighting Group, once an ally of Al Qaeda. Furthermore, they finance and equip Islamist militias and allegedly also some terrorist groups. On the other side, the UAE is backing Marshall Heftar and his LNA (together with Egypt), even deploying turbo-prop light attack aircraft and drones to Libya. Jordan provides training support to the LNA. While Turkey has in particular invested in the construction business, the focus of Qatar and the UAE is on Libya's hydrocarbon sector.¹¹

There are no vital American national interests at stake in Libya. Therefore, the US has not had its own initiatives there since 2014 and keeps mostly out, just supporting the UN LPA approach. However, through its instability the country is an increasing threat to US national interests in the wider region. It is close to the sea lines of communication from the Strait of Gibraltar through the Mediterranean to the Suez Canal and to important allies like Egypt and southern European countries. This could in combination with the ongoing terrorist threat eventually lead to a shift in US foreign policy and more active engagement in Libya.

IV.2 Conflict-resolution mechanisms

Successful conflict resolution mechanisms usually use a combination of the various instruments of power.¹² These include the diplomatic instrument – which most frequently has the lead – as well as the informational, the economic and the military instrument. Most nations, and the EU, accept the leading role of the United Nations for conflict resolution in Libya. The UNSMIL is – at least in theory – simply best suited for this task. For some nations, such as the US, with limited interests of its own in Libya and/or without a better idea of what to do, this is a fallback option. This is also to an extent the case for the EU. You

¹⁰ See also Ilardo, *The Rivalry between France and Italy over Libya and its Southwest Theatre*, 2018.

¹¹ See Cousins, *Suspicious of interference in Libya fuel hostility towards Turkey*, 2019; Egypt Today, *Qatar, Turkey finance terrorist groups in Libya: Aquila Saleh*, 2018; El Gamaty, *Qatar, the UAE and the Libya connection*, 2017.

¹² Deibel, *Foreign Affairs Strategy: Logic for American Statecraft*, 2007.

cannot make a big mistake in supporting the UN. The UNSMIL's main efforts use the diplomatic instrument, whose key element is the LPA process. But more than four years after beginning, this process has still not delivered the anticipated results. It is not even close.

The Libyans negotiating and finally signing the LPA were neither representative of those groups who have the real power on the ground, nor of the population. Furthermore, Serraj and the other PC members are perceived by many Libyans as hand-picked by the then UN Special Representative Bernardino Leon (which is probably not entirely wrong) and not by the Libyans themselves. According to the LPA, the agreement itself and the GNA must be endorsed by the HoR, which has not been the case yet. The main reasons are that the HoR does not want to give supreme command over the LNA to somebody who is appointed by the GNA and that most people in the east do not want to submit to a government which is controlled by Tripolitanian militias. As long there is no endorsement by the HoR, the legitimacy of the GNA can be contested. But even if it were fully recognised, this would not change much on the ground in Tripoli.¹³

The informational instrument is used to shape the environment and create more favourable conditions for the diplomatic process. There are many UN initiatives, some of them launched immediately after the revolution, including drafts of various strategies and training programmes. Individual nations and the EU contribute to these efforts. Probably most important is the European Union Border Assistance Mission in Libya (EUBAM), a civilian mission to support the Libyan authorities in improving and developing the security of the country's borders.¹⁴ Unfortunately, many of these initiatives and programmes are without lasting impact. A main reason is the lack of a safe and secure environment where these well-intentioned attempts could prosper.

Disarmament, demobilisation, reintegration of revolutionary fighters and security sector reform have not been possible. In contrast, the number of armed fighters today stands at more than 250,000, significantly more than during the revolution, when about 30,000 fought against Gaddafi. Militia members receive a good income, most of them even from the state as official members of the security forces. As there are no well-paid civilian jobs available, they stay in the militias.

The economic instrument uses a combination of coercive measures and incentives as well as humanitarian aid. Coercive measures target Libya's state institutions, e.g. an asset freeze which has been in place since 2011. It is still being maintained, also to prevent a waste of funds. Sanctions target individual spoilers of the peace process. This hurts them, but they are only very selectively applied.¹⁵ It must be acknowledged that the UNSMIL has lost a lot of credibility in the eyes of many Libyans. This is because of its almost stubborn adherence to the widely failed LPA process, the perceived partiality in favour of Tripolitania, and its inability to directly influence the security situation and the disastrous socio-economic situation. However, the UNSMIL has reached some remarkable achievements under very difficult circumstances. For the time being, Libya is kept together, the three major economic entities are by and large still united, and all-out civil war has been prevented. The UNSMIL is not only an actor on its own, but also a tool for the others. Individual states' mediation is not always closely coordinated with the UNSMIL; countries like Egypt, France, and Italy support and influence the UN in a way that fits into their own national plans. Egyptian talks over the reunification of the Libyan Army are widely independent from the UN. France drives the UN agenda by organising high-level meetings in Paris in a not always responsible way. Italy organised the Palermo Conference in November 2018 for national reasons.

¹³ Puzstai, *The Failed Serraj Experiment of Libya*, 2017.

¹⁴ EEAS, *EU Border Assistance Mission in Libya (EUBAM)*, 2019.

¹⁵ UNSC, *Resolution 2441* (2018), 2018.

The military instrument plays only a side role in the UN efforts, but other actors, like the EU, use it to a larger extent. The European Union Naval Force Mediterranean (EU NAVFOR Med) Operation Sophia was intended to play a key role in containing migration from Libya to Europe. While the figures are now down for other reasons, Operation Sophia played only a very limited role in this. Just the training of the Libyan Coast Guard had some impact.¹⁶ Among other multinational efforts was the failed US-led General Purpose Force Training (GPFT) in 2014, intended to train and equip a force of about 6,000 to 8,000 troops. It turned out to be impossible to identify the right personnel for the force. Ultimately, only a couple of hundred troops were trained in Italy, Turkey, and the UK. The training in the UK was aborted after some severe assaults by Libyans on the local population. Not a single soldier was trained by the Americans. Later on, several GPF soldiers joined the Islamist militias in the battle for Benghazi.

The capability of Libya to control its sea border is key for the Italian efforts to stop illegal migration over the Mediterranean. Consequently, Italy equips and trains the Libyan Coast Guard as a key element of its bilateral military assistance. The US is also conducting a small-scale counter terrorism campaign in Libya with the aim to contain the threat. But as the activities of AQIM and IS throughout the Sahara region demonstrate, they still can benefit from their safe havens in Libya. The Americans have not been very successful; efforts are too limited. Outside of a few larger cities on the coast, Libya is very much a tribal society, and tribal leaders have a strong influence on political and military developments. Traditional systems of conflict resolution are still efficient. Highly respected tribal elders and notables can have a significant moderating effect on the mostly younger militia leaders. They are frequently sought to

mediate in local conflicts. For instance, after UN efforts failed, tribal elders from Bani Walid had a key role in mediating a ceasefire between militias from Tripoli and Tarhouna, after weeks of bloody fighting last January. Unfortunately, as there is no impartial supervision or enforcement of the settlements, results are often not long-lasting. Occasionally, national reconciliation meetings of tribal leaders and elders are held. Although they are most often not all-inclusive, they are useful tools to maintain contact between tribes throughout Libya and contribute to social reconciliation efforts.

NGOs are also involved in local conflict resolution. The Italian Sant'Egidio community, a well-experienced mediator in crisis areas, which was already successfully involved in peace initiatives in Mozambique, Algeria and Congo, organised several meetings about reconciliation and development in southern Libya. The gatherings took place in Italy and in Fezzan, attended by representatives of local institutions and of the Touareg, Toubou and Arab tribes. Talks led in December 2015 to a ceasefire between Touareg and Toubou in the city of Awbari and even to a humanitarian agreement signed by (almost) all political and ethnic groups of Fezzan in June 2016.¹⁷ Unfortunately, the latter remained without lasting impact, as the security conditions worsened.

V. Policy implications for Germany

The LPA and other conflict resolution efforts unfortunately did not lead to a stabilisation of Libya. Actually, the situation is getting increasingly dangerous. A new strategy must be developed based on the achievements of the LPA.¹⁸ Such a strategy needs to include all four instruments of power in a better coordinated way. A complementary contribution of the various conflict resolution mechanisms and efforts is paramount.

¹⁶ EEAS, *EUNAVFOR MED Operation Sophia*, 2019.

¹⁷ Sant'Egidio, *Libya: humanitarian agreement signed at Sant'Egidio by all political and ethnic groups of the south of the country*, 2016.

¹⁸ See Pusztai, *Wie Libyen stabilisiert werden könnte*, 2018; Mezran and Pusztai, *Exploiting the Achievements of the Libyan Political Agreement*, 2019.

The EU has a huge interest in the stabilisation of Libya and has significant conflict resolution capabilities on its own and through its member states. It should assume a leading role under the umbrella of UN. As one of the most prominent EU member states and

currently with a non-permanent seat in the UN Security Council, Germany is in a unique position to shape and coordinate such a strategy and influence conflict resolution efforts for Libya. It would be a tragedy if this window of opportunity would pass by unused.

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