

## Crisis and New Agenda of the Arab States

# The Free Fall of the Libyan State

## Mattia Toaldo

Policy Fellow in the Middle East and North Africa Programme  
European Council on Foreign Relations (ECFR), London

After the international intervention in 2011, Libya has hardly made it to the front pages of the European media. It came back on the radar in the winter and spring of 2015 because of the rise of the Islamic State and the migration crisis.

To be fair, Libya's issues are complex and difficult to resolve, which keeps policy-makers at a distance. In the coming years, it will be hard for Europeans to ignore events in Libya because of its proximity to Europe and the intensity of the crisis.

### Was Libya Another Failed Western Intervention?

In order to understand the current state of affairs in Libya, it is worth exploring what has happened in the country since 15 February 2011, when the Libyan version of the Arab uprisings began (although in Libya, this is remembered as the '17 February revolution' because of the date the revolt was planned to start). Not all those who revolted at that time were seeking to overthrow the regime. In the previous years, Gaddafi's son Saif al-Islam had given the impression of being a reformer, but slashed all hopes of incremental change when he spoke on television the night of 20 February to announce that "[the regime] will fight to the last minute, until the last bullet." The revolt had already turned violent and was mostly conducted by local military councils, loosely coordinated by the National Transitional Council (NTC) that acted mainly as an interface with the outside

world. Since the beginning, the 'revolution' had two souls: the local councils, largely made up of young fighters, and various Islamist groups; the regime defectors. Both actors enjoyed regional backing, particularly from Qatar and the United Arab Emirates. Few Arab rulers had ever been fans of Gaddafi, a regional troublemaker and an outlier even after he appeased with the West in the early 2000s. It came as little surprise when the Arab League endorsed and cooperated with NATO's 'Operation Unified Protector,' which imposed a no-fly zone on the country, ostensibly to protect the civilian population against a potential massacre by the dictator. In fact, the Arab partners of the military mission in particular made no mystery of their intention to overthrow the regime. This took a few months more than expected: Tripoli fell on 20 August and Gaddafi was eventually killed two months later.

Meanwhile, divisions among the revolutionaries had emerged on the future of the country, with the more Islamist current looking for a more decisive rupture and the defectors focusing on the continuity of state functions. This rift would ultimately grow in the wake of the regime's collapse, when the post-Gaddafi leadership had to decide on the country's direction. In the aftermath of 'liberation,' crucial decisions were taken on the issue of security, the consequences of which can still be seen today. The security apparatus of the old regime melted away. The NTC refused to ask NATO and the Arab League to offer security in its place and instead opted for the integration of the various revolutionary militias into the Ministry of the Interior and the Ministry of Defence. This meant providing them with a government salary instead of disbanding them. Their ranks inevitably swelled and their brigades were included in the new hybrid security system as they were, preserving loyalties and chains of command.

Ultimately, these militias became the kingmakers of the Libyan transition, putting pressure (often physical pressure) on politicians in order to further their interests. Particularly in Benghazi and Derna, dozens of political assassinations targeted supposed or real members of the old regime. The 'revolutionaries,' as the militiamen defined themselves, had an uneasy relationship with what was left of the national army, which Gaddafi had always kept at a minimum in order to avoid a coup d'état. Officers from the army, who had defected to the revolution, felt marginalised by the new leadership and were physically targeted by the militias. It is from within these ranks that retired General Khalifa Haftar would emerge in 2014 to oppose all 'Islamists' and effectively start a new civil war.

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Before that, two major domestic developments defined the course of the Libyan transition. First, elections were held in July 2012 with a high turnout and relatively few security incidents. This was due also to a deal struck by the revolutionary government in Tripoli with the 'federalists' in eastern Libya, by which they would refrain from disrupting the elections in exchange for an amendment to the constitutional roadmap: the constituent assembly would no longer be appointed by the Parliament (like in Tunisia or Egypt) but instead would be elected with an equal number of representatives for each of Libya's three main regions, despite their different populations. This agreement set a precedent: as long as a group could threaten violence and physical aggression, it could hope to force the central government into a decision.

The example would be followed with the second domestic development a year later. As in Tunisia, the Libyan post-revolutionary leadership had been struggling for some time over the lustration law that excluded members of the old regime from public office. On 5 May 2013, after being physically besieged by militias, the Libyan Parliament (the General National

Congress, GNC) approved the Political Isolation Law. This bill excluded from public office and civil service all those who had served in the Libyan government even for a limited time during the 42 years of the Gaddafi regime.

Under this provision, the Parliament Speaker and acting Head of State Mohamed Magariaf was removed, along with Mahmoud Jibril, the leader of the country's biggest party, the National Forces Alliance. Since this occurred after the GNC was physically held under siege and threatened, those who were excluded saw the move as a de facto coup d'état, carried out by armed groups on the government payroll. It would further entrench the division between the two souls of the revolution, while giving the impression to the anti-Islamists that this was a manoeuvre by the Islamists to wrestle control from Parliament. In fact, the GNC had been elected under a mixed system: 80 of the 200 members had been selected from party lists while the remaining 120 MPs were elected as individuals. Members of the anti-Islamist National Forces Alliance had prevailed in the party-list voting but most of the individual members were of Islamist leanings.

The Political Isolation Law could therefore be perceived as a move by the Islamist camp to marginalise the anti-Islamists. The coup d'état in Egypt just four months later sent shockwaves in the opposite direction. The Islamist camp, which was much more widespread in Libya than the small party expression of the Muslim Brotherhood, started to fear that what had happened next door in Cairo could well take place in Tripoli: members of the army previously loyal to the old regime would marginalise and physically eliminate the followers of the different strands of political Islam. Thus, the now Islamist-dominated GNC started to retrench while the anti-Islamist camp demanded new elections. Meanwhile, the country's oil production came to an almost complete standstill after the summer of 2013 due to a series of blockades in oil ports and fields.

On 14 February 2014, amid a state of growing institutional and security chaos, retired army General Khalifa Haftar read a statement on TV announcing a coup d'état and the removal of the GNC. Haftar was an officer from Gaddafi's army who had defected from the regime in 2011 like many of his colleagues. He soon learned that Libya was different from Egypt and the army could do little by itself. He came back

a few months later, in mid-May, with a much broader coalition called 'Operation Dignity,' which included parts of the old army, the militias from the city of Zintan in the West of Libya and the federalists of Cyrenaica. Dignity and Haftar enjoyed the support of certain tribes, particularly in eastern Libya. This time he started from Benghazi, where the wave of political assassinations and attacks carried out by the terrorist group Ansar al-Sharia had created a consensus for his policy of eliminating all Islamists.

Although initially successful, Haftar's lumping together of all Islamists effectively created a coalition against him. By the beginning of the summer, an alternative camp had formed, which included not only more Islamist-leaning militias and Ansar al-Sharia but also the militias from the city of Misrata (a considerable part of those integrated in the government forces) and armed groups from other parts of western Libya. This coalition called itself 'Libya Dawn.'

In the meantime, the GNC was finally dissolved and elections hastily called for 25 June, just days before the beginning of Ramadan. Registration was low both because of a lack of confidence in the political process and for security reasons. The UN Special Mission in Libya (UNSMIL) tried to broker a national unity deal before election day, but distrust between the parties had grown to intolerable levels. In the end, polls could not be held in parts of the country and turnout stood at around a fifth of eligible voters.

Violence erupted soon after, with Libya Dawn attacking Tripoli and the caretaker government of Abdullah al-Thinni fleeing the capital towards Beida in the east, where the Constitutional Drafting Assembly elected in February had been working. This was the beginning of a second Libyan civil war, another step in the free fall of what was left of the Libyan State.

### Libya Now, Who Is Fighting Who

Today, Libya is usually presented as a 'Somalia on the Mediterranean,' a failed state and a haven for terrorists just 350 km away from Italy and Malta. Yet, it is much more than that. Before 2011, oil and gas from Libya was an important resource for many European Mediterranean countries, with companies such as ENI, Total and Repsol heavily investing in the country. The Libyan sovereign wealth fund has real estate in many European cities and owns shares in

some major European companies such as Unicredit bank. Another difference from Somalia is that Libya is traditionally not a country of emigration but rather a country of transit and destination. Until the fall of Gaddafi, 1.7 million migrants lived and worked there. In 2014 alone, 170,000 migrants and asylum seekers reached Europe from Libya by sea. Ultimately, Libya's fate is far more interconnected with Europe than Somalia's has ever been, and not just because of its geographical proximity.

This is why the current condition of the country is a source of major concern for European policy-makers and the time allocated to this nation in EU summits has significantly increased, with discussions on the deployment of a CSDP mission that would be unthinkable in other areas of the Middle East and North Africa.

Since the summer of 2014, Libya has been divided between two governments and two parliaments, which also represent the two broad coalitions of Dignity and Dawn. The first legislature is located between the eastern cities of Beida and Tobruk and it is the result of the democratic elections for the House of Representatives held on 25 June 2014. The Parliament was due to hold meetings in Benghazi but this was impossible due to the deteriorating security situation. Thus, a number of MPs decided to move the assembly to Tobruk, in the heartland of General Khalifa Haftar. For this reason, an increasing number of MPs boycotted the chamber until attendance fell to just above the absolute majority of members – and then, more recently, well below that.

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In fact, the Tobruk Parliament and the Beida government are strictly associated with Operation Dignity. (*Karama* in Arabic) headed by the then-retired general Khalifa Haftar. Almost immediately endorsed by the anti-Islamist political leadership, Haftar gradually came to be associated with the House of Representatives until he was officially appointed head of

the armed forces in March 2015. This officially marked the merger between the Tobruk/Beida government and Operation Dignity, effectively demonstrating how the former was just the political branch of the latter rather than a representative of all Libyan political currents as one would expect from the internationally-recognised legislature.

Located almost a thousand kilometres from Tripoli, those in charge in Beida and Tobruk have little control over the real government structure: the ministries, the government agencies and above all the National Oil Company (NOC) and the Central Bank. These two institutions are respectively in charge of contracts with oil companies and the receipt of oil payments. The Central Bank of Libya then uses the oil revenues to pay salaries and subsidies for all civil servants, including those fighting for Haftar and most of the militias fighting against him.

The independence of Libya's economic institutions has been one of the main tenets of the work of Bernardino Leon, the UN Special envoy for Libya, who argued that Libya's money should not have been controlled by any of the warring factions. Nevertheless, the Tobruk/Beida government has made several attempts first to fire the heads of these institutions and then, after they refused to step down, to divert oil payments into newly created parallel institutions in eastern Libya. These attempts had failed until mid-April, despite international recognition of Tobruk, because the NOC of eastern Libya does not have the minimal infrastructure to manage this business.

Despite lacking control over the government structure, the executive in Beida and the legislature in Tobruk have enjoyed most of the benefits that come with international recognition, starting with the appointment of ambassadors and representation in international bodies such as the UN or OPEC.

The second block of institutions is located in Tripoli, the capital, and has direct ties with the armed coalition Libya Dawn (*Libya Fajr* in Arabic). Soon after its formation, Dawn conducted an offensive on Tripoli, first destroying the international airport and then entering the capital after the militias from Zintan (allied with Haftar) had withdrawn. The political leadership of *Fajr* decided to resurrect the old Parliament in Tripoli, the General National Congress (GNC), arguing that there had not been a regular transfer of powers with the House of Representatives now located

in Tobruk. Only a fraction of the members of the GNC took part in its meetings after September 2014. They elected a national salvation government which held even less clout with the armed factions of Dawn than the Beida government has over Dignity and Haftar's Libyan national army.

Right from the start, the Tripoli government had two goals: to acquire domestic legal legitimacy and to eventually gain international recognition instead of Tobruk. To date, it has failed on both accounts. Not a single government, not even those of Turkey and Qatar generally considered close to Dawn, has recognised the executive in Tripoli, upholding the principle of electoral legitimacy conferred to the House of Representatives in Tobruk. Moreover, Libya Dawn is in an alliance of convenience with Ansar Al-Sharia in Benghazi, though parts of *Fajr* actually justify this pact in ideological terms. This ambiguity has been Dawn's major Achilles heel in terms of relations with the West. Domestically, on 6 November 2014, the constitutional court annulled the constitutional amendment that had allowed for the elections of 25 June 2014, but this verdict was recognised neither by Tobruk nor the international community.

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While there are two alternative institutional frameworks, the situation on the ground is much more fragmented with, at the time of writing, dozens of militias and at least four major front lines: the city of Benghazi; Tripoli and its surrounding area; the 'oil crescent' around Sirte; and the south.

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different estimates. Not all army generals agree with Haftar's decisions which are usually taken from his war room in the eastern town of al-Marj rather than coordinated with the Tobruk/Beida government. Other elements of the Dignity coalition also pursue separate operations, such as the Zintan militias, the 'tribal army' around Tripoli or the Oil Facility Guards headed by Ibrahim Jadhnan, which were obviously focused on oil installations.

On the other hand, Dawn is a major shareholder in the Misrata militias, although they themselves are often divided into different fiefdoms. The city of Misrata is rarely on the same page as the GNC and the militias in Tripoli and it is generally not clear if there is a chain of command in the whole Dawn coalition.

In this chaos on both sides and with state structures collapsing, a third force emerged in late 2014: the Islamic State in Libya, known locally as *Tandhim ad-Dawla* (Arabic for 'the Organisation of the State'). This is the result of several converging factors. First, many Libyans had fought for ISIS in Syria as part of the *Battar* brigade. They started coming back to Libya in large numbers early in 2014, eventually setting up the first Tandhim cell in the eastern city of Derna, traditionally a hotbed of radicalism. After their successes in Iraq and simultaneous to the Ansar al Sharia crisis in Benghazi, they started to enjoy large-scale defections from this organisation and from other local jihadist and Islamist militias. A third component that boosted the Libyan version of IS was that it attracted many jihadists from around the region, particularly from Tunisia, Algeria and Sudan. Finally, IS benefits from mixed reactions from members of the old regime: while some are fighting in the ranks of Dignity and thus against all Islamists, other rank and file loyalists of the Gaddafi regime have shown interest in the Libyan franchise of ISIS.

In April 2015, *Tandhim ad-Dawla* does not enjoy the same status of its mother organisation in Syria and Iraq. It does not have control over any major town, including the city of Derna where it started in 2014. More than like an army, it acts like a criminal

gang which occasionally manages to carry out murderous attacks. Nevertheless, all the components discussed above give *Tandhim* a relevant potential which could further develop in 2015 and 2016, particularly if Libya Dawn collapses or wanes, stirring an even higher number of defections from its Islamist elements.

### Prospects for a Political Solution

Since early 2014, violence has continuously escalated in Libya claiming 2,825 lives last year and 656 up till 26 April 2015, according to the organisation Libya Body Count. Almost half the casualties occurred in Benghazi where the heavy fighting started in May 2014, preceded by a high number of political assassinations.

The UN has stepped up its efforts to broker a ceasefire and negotiate a national unity government, particularly after the appointment of Special Envoy Bernardino Leon, a well-known Spanish diplomat. Leon's task became more daunting every month as a rival, unrecognised government was established in Tripoli and then a verdict by the Constitutional Chamber of the Libyan Supreme Court delegitimised the House of Representatives in Tobruk.

Usually, the challenges to reaching a negotiated settlement in Libya are ascribed to domestic factors: too many factions, too many guns and an uncompromising attitude of most of the parties. A very common explanation is also the disconnect between the politicians and the armed factions, which makes the former unable to deliver the latter.

These are all serious obstacles to a negotiated solution, which need to be taken into account together with regional dynamics: Libya is the object of the wider confrontation within the Sunni world, with different countries supporting either Tobruk or Tripoli. As for Syria, until those regional patrons start pushing for a political settlement rather than fuelling the armed confrontation, mediation efforts are unlikely to succeed.