Geographical Overview | **Maghreb**

The Dangerous Impasses of the Libyan Transition

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By contributing its support to the "ideal scenario" on 4 February 2014, i.e. international intervention in southern Libya, an intervention suggested by the French Armed Forces Chief of Staff on 27 January 2014, Niger, via its Minister of the Interior, summed up the concern of part of the international community regarding the evolution of Libya's internal situation and its repercussions on the ensemble of the Sahel-Maghreb area. These statements echo those made by Libyan Prime Minister Ali Zeidan on 10 November 2013, regarding the threat of foreign intervention if the trouble persisted in the country. Although such an incident, with the country still under Chapter VII of the United Nations Charter, has been avoided for the time being, Libya remains the focus of concern among the international community, as demonstrated by the Ministerial Conference regarding international support to Libya held in Rome on 6 March 2014. By insisting on the need for Libyan national dialogue, the struggle against arms trafficking, the reestablishment of security, the pursuit of the transition process and the revitalisation of the hydrocarbon industry, the Conference emphasised the difficulties faced by the new regime. Although the current Libyan instability traces its roots back to the heritage of the former regime and the conditions of its overthrow, its dynamics also lie in the configuration of the power relations established since 2011.

The End of the Second Transition

The ousting of Libyan Prime Minister Ali Zeidan on 11 March 2014 by the General National Congress (GNC, the Libyan Parliament), closed the sequence that began with the legislative elections of 7 July 2012, the first free elections since 1969, which culminated the first transition begun by the National Transitional Council (NTC), the "mirror" of the Revolution of 17 February 2011. With a voter turnout of 60% of registered voters, the election of the GNC president Mohamed Yusuf al-Magariaf on 9 July 2012, the transfer of power from the NTC to the GNC on 8 August 2012 and the election of Ali Zeidan as Prime Minister on 14 October of the same year (after that of Mustafa Abushagur, elected on 12 September but who only remained in office for a month), the commitments contained in the Constitutional Declaration of 3 August 2011 were partially met. In any case, despite this success, the results of the election of the 200 GNC members themselves constituted a paradox that would contribute to political instability, the two poles of power – the GNC and the government – disputing their pre-eminence for leading the country. Indeed, in contrast to Tunisia and Egypt, the Justice and Construction Party (JCP), which arose from the Muslim Brotherhood, only took second place, with 17 out of the 80 seats reserved for members elected via a proportional representation system, behind the National Forces Alliance (NFA, 39 seats) led by Mahmoud Jibril, former chairman of the NTC Executive Committee and interim Prime Minister, the remainder of seats being distributed among a number of parties. Moreover, insofar as the 120 elected "independent members," although it is somewhat difficult to determine their orientations

and allegiances, their support for various JCP initiatives would place them a posteriori within the Islamist movement, rendering the NFA's victory even more relative. The enactment of the law on political exclusion on 5 May 2013, the resignation of GNC president Mohamed Yusuf al-Magariaf on 29 May 2013, his replacement by Nuri Abu Sahmein on 25 June 2013 and the ousting of Prime Minister Ali Zeidan on 11 March 2014 also bear the mark of the Islamist movement and attest to the fragility of the political balance in the GNC. This fragility is likewise accentuated by the grey area surrounding the scope of the executive and legislative powers. The GNC, which is led by an elected president, also elects the Prime Minister from among its members. The diarchy at the Head of State has certain practical consequences, as illustrated by the fact that the Chief of Staff of the Libyan Armed Forces does not report to the ministry in question, namely, that of defence, but rather to the GNC. This conflict of powers has fostered tensions between the Prime Minister and the president of the GNC, as illustrated by the abduction of Prime Minister Zeidan for several hours on 10 October 2013 by the Libyan Revolutionary Operations Chamber, a militia entrusted by the GNC with ensuring security in the capital city and whose head was appointed by the president of the GNC. Nonetheless, despite the apparent victory of Zeidan's removal from office, the GNC's previous decision to extend his term, originally slated to end on 7 February 2014, to December 2014 in order to allow legislative and/or presidential elections to be organised in case the constitutional process was not completed by summer 2014 sparked a number of protests against the GNC, held responsible, together with the interim government and the militias, for the difficulties of the population and the general instability and insecurity. This situation is a matter of particular concern for Libya, since participation and the number of voters registered for the Constitutional Assembly elections has decreased since the 2012 elections, revealing a certain disillusionment among the population. Only 45% of the 1.1 million registered voters turned out and 13 of the 60 seats could not be filled in the 20 February 2014 due to violence – primarily in the east, as, for instance, Derna – and the Amazigh boycott of the elections. After a failed attempt, probably new elections were to be held on 27 February in the areas where they could not be held earlier.

The Challenge of the Militias

The political impasse in which Libya seems to be plunged is not only due to the confrontation between two legitimate powers – the executive and the legislative. It is also fostered by other actors availing themselves of a legitimacy arising from the 2011 combats: the revolutionary militias; militias that likewise take advantage of the weakness of the State and in particular its armed forces, which consist of the regular army and the police forces. Competing with the State by supplanting it in the security sphere, the militias have become institutionalised and have become a permanent feature of the Libyan political arena. Whereas the interim government is attempting to rebuild a national army and police force by sending its personnel to train abroad, it is also attempting to take advantage of the population's exasperation with the militias. After confrontations between the population and certain militia groups on 15 November 2013 in Tripoli and Benghazi, the authorities deployed the regular armed forces to restore order. The same occurred in operations against militia groups in eastern Libya, in particular Islamist ones such as Ansar al-Sharia. At the same time, the Libyan government is attempting to redefine its relations with certain independently-operating armed groups. The fact that the militias have become entwined within the emerging State apparatus, as well as their proximity to and/or exploitation by political actors makes stopping them difficult. Estimated at several hundred, Libyan militia groups reflect different specific situations. They can thus be declared illegal or affiliated with the State as auxiliary or reserve forces, as is the case with the aforementioned Libyan Revolutionary Operations Chamber, of the Libya Shield, a national network of militia groups essentially emerging in the western and central areas of Libya and sponsored by the Ministry of Defence, or the Petroleum Facilities Guard, a sort of oil police in charge of protecting oil facilities and operating under the aegis of the Ministry of Petroleum. These militias or armed groups are thus officially under the authority of the State, but they regularly dispense with it, intervening in the political sphere, as was the case when the law on political exclusion was passed, clashing with regular army units on various occasions or openly defying the interim regime. The Libyan State's authority is likewise contested or

seriously threatened by powerful militia groupings such as the Zintan Revolutionaries' Military Council or the Misrata Union of Revolutionaries. Of varied importance, with diverse motivations and ideologies, the militias underscore the central government's weakness, a constant in Libyan history since 1951, and are, to a certain extent, indicative of structural variables such as localism, weak relations with the central government and the demand for greater devolution of power.

Federalism, Militias and Oil

By declaring war on 19 March 2014 against the terrorism particularly active in the eastern and central parts of the country and appealing to the international community and the United Nations for aid in "eradicating" this scourge, the new Prime Minister, al-Thinni (likewise in charge of defence) reacted to the upsurge in attacks against the security forces, but also against the cocktail so dangerous to the country's stability, consisting of the combination of federalist demands, the militia phenomenon and the oil issue.

In a situation of political deadlock, where all parties have the power to cause harm but none can prevail, the power struggle approaches zero-sum. Nonetheless, the combination of the stated three challenges in this political environment poses a threat to Libya's unity. Indeed, whereas federalist ambitions have been growing since 2011 in Cyrenaica, which is home to nearly 80% of the country's oil production and the bulk of its water reserves, the head of the Petroleum Facilities Guard militia, Ibrahim Jadhran, has engaged in a wrestling match with the interim authorities in Tripoli beginning in July 2013, accusing the latter of corruption and misappropriation of oil revenues. Despite the adoption of symbolic and material measures – such as the decentralisation of State services or the transfer of company headquarters, essentially oil companies, to Benghazi – , the creation of a Cyrenaica government, an oil and gas company and a bank in October and November 2013 by the federalists – whom Jadhran and his followers support, their militias blockading oil terminals and oil sites since July 2013 – represents a new level in the general disintegration. The drop in oil production deprives the Libyan State of a significant part of its revenue, with production plummeting from nearly 1.6 million barrels/day in 2012 to less than 400,000 by the end of 2013 and the economy shrinking by 5% in 2013. Although the federalist attempt to illegally export Libyan oil on 17 March 2014 failed thanks to the American navy, which managed to board the oil tanker in international waters, it nonetheless underscores, if not the impossibility, at least the difficulty of launching a national dialogue.

Conclusion

In a fragmented Libya with a weak State, internal instability raises the risk of regional destabilisation, underway since 2011. The weakness of the Libyan army and the country's extensive borders render the latter porous. The proliferation of weapons from Libya, considered a veritable open-air arms depot, and the circulation of all sorts of groups, particularly Jihadi groups entering from Mali after Operation Serval, in a southern Libya likewise faced with the outbreak of inter-tribal conflict with multiple causes underscores the urgent need for international assistance, repeatedly expressed by the country's authorities, not only in the sphere of security and arms collection, but also to institute a genuine process of national dialogue among all parties without exception, which would resolve the security issue underlying the matter of state-building.

Bibliography

Djaziri, Moncef, "Tribalisme, guerre civile et transition démocratique en Libye," *Maghreb-Machrek,* No. 212, Summer 2012, pp. 61-75.

Haddad, Saïd, "Les forces armées libyennes de la proclamation de la Jamahiriya à la chute de Tripoli: une marginalisation paradoxale," *Karthala*, No. 125, March 2012, pp. 65-82.

McQuin, Brian, *After the Fall: Libya's Evolving Armed Groups,* Small Arms Survey, Geneva, 2012.

United Nations Security Council, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973 (2011) concerning Libya*, S/2014/106, 15 February 2014.