At a Glance: Libya's Transformation 2011-2018

Power, Legitimacy and the Economy

2015 2016 2017 2018

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Political Economy

Introduction

Libya's economy has undergone substantial change since the 2011 revolution as a result of the country's political and security situation. A multitude of stakeholders and decisions have played a significant role in transforming the economic sector in a way that perpetuates conflict and violence.

Before the revolution, Libya relied mainly on oil and gas extraction, which represented 95% of its export earnings and 99% of government income.[1] The country exported some 1.6 million barrels of oil per day,[2] trading principally with China, Italy, Germany, Spain and Turkey.[3] Libya's economy used to be somewhat stable — a negligible gap existed between the parallel market and the official market rate of foreign exchange to the Libyan dinar (LYD) — despite significant mismanagement and corruption under the regime of Muammar Gaddafi. Public funds were used to pay for an inflated public sector, and 69% of total workers in Libya today are employed in the service sector while trade and agriculture account for one percent and six percent respectively.[4]

During the 2011 uprising, oil profits plummeted. A year earlier, Libya's GDP was USD 74.76 billion; in 2011, it fell to USD 34.7 billion. Though Libya's foreign-exchange reserves were not directly affected after the revolution — they reached an all-time high of USD 125 billion in 2012 — they had fallen to USD 79 billion by 2017, the lowest in a decade.[5] This was largely attributable to the country's deteriorating security. However, it was also a result of events that unfolded and economic decisions that were taken in the years following Gaddafi's ouster.

For eight years, the proliferation of non-state armed groups and their infiltration of governing bodies could to a large extent be attributed to the links between armed groups and the political elite. The former are capable of influencing economic decisions, diverting state funds and engaging in illicit schemes.[6] The connivance of political actors and their dependence on non-state armed groups to secure control has gradually contributed to a dynamic where the state is perceived as complicit in the dispensation of violence. As a result, the legitimacy of governing political institutions has been undermined. Citizens, who rely on salaries, the provision of security, basic infrastructure, services and goods, have suffered severely, while the power of non-state armed groups has grown.[7]

Libya's political economy deteriorated substantially after the 2014 battle in Tripoli between rival military alliances, which severely damaged key infrastructure such as the city's international airport and the Brega oil facility, and triggered the evacuation of most of the international diplomatic, commercial and NGO communities. For example, oil revenues allocated through the Central Bank of Libya (CBL) allowed alternative power centres to thrive.[8] Repeated violent takeovers of key oil infrastructure have been another drastic impediment for the economy.

In addition, inadequate attempts at economic stabilisation post-2011, coupled with the blockade of

1. Sudarsan Raghavan, "As oil output falls, Libya is on the verge of economic collapse", Washington Post. 16 April 2016. https://www.washingtonpost.com/world/middle_east/as-oil-output-falls-libya-is-on-the-verge-of-economic-collapse/2016/04/15/5824a148-e16c-11e5-8c00-8aa03741dced_story.html?utm_term=.75a903186cc7 (3 April 2019)
2. Paul Adrian Raymond and Mohammed Haddad, "The Battle for Libya's Oil", Al Jazeera, 19 February 2015. https://www.aljazeera.com/indepth/interactive/2015/02/battle-libyas-oil-150219124633572.html (3 April 2019)
3. Federica Saini Fasanotti, "Making Libya's economy work again", Brookings Institution, Washington, D.C., 7 October 2016. https://www.brookings.edu/blog/order-from-chaos/2016/10/07/making-libyas-economy-work-again/ (3 April 2019)
4. Voluntas Advisory, "Libya Workforce Market Survey Report", April 2017. https://voluntasgroup.com/wp-content/uploads/2019/06/Libya-Workforce-Market-Survey-Report-FINAL.pdf (3 April 2019)
5. World Bank, "The World Bank in Libya: Collaboration Despite Conflict", Washington, D.C., 19 February 2019. https://www.worldbank.org/en/news/feature/2019/02/19/the-world-bank-in-libya-collaboration-despite-conflict (3 April 2019)
6. Wolfram Lacher and Alaa al-Idrissi, "Capital of Militias: Tripoli's Armed Groups Capture The Libyan State", Small Arms Survey, June 2018.
7. International Foundation for Electoral Systems, "New Survey on Libyan Voters' Attitudes Toward Political Situation and Future Elections", Arlington, VA, 6 December 2018. https://www.ifes.org/surveys/new-survey-libyan-voters-attitudes-toward-political-situation-and-future-elections (3 April 2019)
8. Irene Constantini, "Conflict dynamics in post-2011 Libya: a political economy perspective", Conflict, Security & Development, Vol. 16, Issue 5, 1 August 2016. Suliman Ali Zway, "Libya's Shadow Economy", Mercy Corps, April 2017.

Libya's oil production in the summer of 2013, contributed to the widening gap between the official exchange rate and the black-market rate of the Libyan dinar against the US dollar. With the distrust of Libyans towards the banking sector persisting even today, more than half of Libya's liquidity circulates outside the banking system, along with a persistent discrepancy between official and unofficial exchange rates.[9]

Austerity measures introduced in 2015 by the CBL in response to the economic crisis meant that some armed groups would no longer receive state salaries. This made some armed groups resort to devising new schemes to generate revenue.[10] Although the business of illicit arms-trading had already blossomed in Libya after rebels ransacked Gaddafi's arsenals in 2011, the "war economy"[11] that emerged in 2014 is symptomatic of the country's legitimacy crisis and a central cause of the state's protracted dysfunction.

Fuel subsidies remain in place, despite the state's awareness that oil smugglers have capitalised on them to generate income through transnational smuggling networks. Several residents of the western coastal town of Zuwara, where a fuel-smuggling hub has emerged, have become extremely wealthy through their involvement in the illicit trade.[12] The struggle for monopoly over the black-market business has often triggered fighting between armed groups as well as the closure of the Tunisia-Libya

border, including the major land crossing of Ras Jedir.

Moreover, some leaders of non-state armed groups have made substantial profits with Letters of Credit (LC) schemes via the CBL. This particular LC fraud consists of failing to import the declared goods. Instead, with the assistance of corrupt customs officials, the dishonest user produces fraudulent bills of lading in order to have the Libyan bank wire the LC's dollar amount abroad, before importing part of that dollar sum in the form of physical cash and selling it on the black market at a much higher exchange rate than the official rate of ~1.30.[13]

Other armed groups have taken advantage of the international community's response to human trafficking and migrant smuggling, simultaneously playing both sides of the lucrative trafficking and anti-smuggling markets.[14] Prominent members of the Libyan coast guard and officials at detention centres are sometimes involved in their own human-trafficking rackets. Detention centre officials charge ransoms for migrants to be freed, only for the tipped-off Libyan coast guard to intercept their boats at sea and return them to captivity.[15]

The lack of transparency and the multitude of internal and external actors that influence Libya's political economy present an enormous and complex challenge for those trying to improve the economy and enhance state legitimacy.

February 2011

Libyan assets freeze

On 25 February, as the 2011 uprising gained ground, US President Barack Obama passed an executive order imposing sanctions on Gaddafi and his family.[16] The US Treasury seized Libyan assets held in US

banks, hoping it would prevent Gaddafi from using his finances to repress protesters.[17] Some USD 29.7 billion was seized, most of it money deposited in one US bank.[18] This sum represented almost half of Lib-

9.   Suliman Ali Zway, "Libya's Shadow Economy", Mercy Corps, April 2017.
10. Libya Business News, "Dramatic Measures to Plug Budget Deficit", 17 January 2015.
     https://www.libya-businessnews.com/2015/01/17/dramatic-measures-to-plug-budget-deficit/ (3 April 2019)
11. Tim Eaton, "Libya's War Economy: Predation, Profiteering and State Weakness", Chatham House, London, 12 April 2018.
     https://www.chathamhouse.org/publication/libyas-war-economy-predation-profiteering-and-state-weakness (3 April 2019)
12. Quentin Sommerville, "Inside Zuwara, the heart of Libya's people-smuggling trade", BBC News, 4 September 2015.
     https://www.bbc.com/news/world-africa-34157123 (3 April 2019)
13. Zway, "Libya's Shadow Economy".
14. Mark Micallef, "The Human Conveyor Belt: Trends in human trafficking and smuggling in post-revolution Libya", The Global Initiative
     Against Transnational Organized Crime, Geneva, 17 March 2017. https://globalinitiative.net/report-the-human-conveyor-belt-trends-in-
     human-trafficking-and-smuggling-in-post-revolution-libya/ (3 April 2019)
15. Micallef, "The Human Conveyor Belt".
16. The White House, "Executive Order 13566 — Libya", Washington, D.C., 25 February 2011.
     https://obamawhitehouse.archives.gov/the-press-office/2011/02/25/executive-order-13566-libya (3 April 2019)
17. Dominic Rushe, "US Treasury blocks record $30bn of Libya assets", Guardian, 28 February 2011.
     https://www.theguardian.com/world/2011/feb/28/us-treasury-blocks-libya-assets (3 April 2019)
18. Robert O'Harrow Jr., James V. Grimaldi and Brady Dennis, "Sanctions in 72 hours: how the U.S. pulled off a major freeze of Libyan
     assets", Washington Post, 23 March 2011. https://www.washingtonpost.com/investigations/sanctions-in-72-hours-how-the-us-pulled-
     off-a-major-freeze-of-libyan-assets/2011/03/11/ABBckxJB_story.html?utm_term=.8e9f6001a6fc (3 April 2019)

ya's USD 67 billion sovereign wealth fund.[19]

A day after the US froze the regime's assets, the United Nations Security Council (UNSC) adopted Resolution 1970,[20] which mandated all states to freeze assets and economic resources owned or controlled by Gaddafi and his family. Today, an estimated USD 50 billion is withheld worldwide,[21] though exact figures remain undetermined.

Although UNSC Resolution 1973 states that the frozen assets "shall at a later stage be made available to and for the benefit of the people",[22] they have not been released due to Libya's political divisions and chronic instability. Since 2011, factions from Libya's consecutive governments have called for the freeze to be lifted. In November 2018, the Libyan Investment Authority (LIA), which is the country's sovereign wealth fund, claimed that interest and dividends on holdings frozen under UN sanctions in Belgium at Euroclear Bank had not been frozen,[23] but had instead been paid to "unknown beneficiaries".[24] This underscores the importance of maintaining the asset freeze to safeguard a large portion of Libya's wealth as long as public funds continue to be misappropriated and used to fuel conflict.

At the time, the asset freeze initiated by the US signalled an important change in its approach to the Libyan conflict and highlighted its intention to use all available means to diminish Gaddafi's ability to use violence.[25] It was also one of the first internationally coordinated efforts to pave the way for intervention in Libya under the so-called Responsibility to Protect.[26] Seven years later, the international community is still responsible for protecting the frozen assets,[27] given the current polarised environment. Moving forward, it is important for the international community and Libyan government officials to address the issue of interest payments on the frozen funds. This is key, especially since the UN Panel of Experts concluded in 2017 that payments on interests that flow to unknown beneficiaries could be contributing to Libya's instability.[28]

2011 to Present

Land and property rights

Early in the 2011 uprising, Libya's novice transitional lawmakers faced the contentious issue of land and property rights. Gaddafi's legacy and his manipulation of land and property as a tool to tamp down political dissent and reward supporters meant that, once he was gone, a complex tangle of ownership disputes emerged.[29]

Some influential members of Libya's interim National Transitional Council (NTC) and revolutionary armed groups claimed to have had their properties confiscated during Gaddafi's regime. Law Number 4 of 1978 took buildings and apartments away from their owners, and handed ownership to their tenants. Although Gaddafi's son, Saif al-Islam, established a property compensation committee in 2007, it needed time to understand the complex circumstances of the current occupants and address the compensation[30] of aggrieved former owners.

19. Heba Saleh and Andrew England, "Libya sovereign wealth fund chief to appeal to UN over frozen assets", Financial Times, 19 April 2017. https://www.ft.com/content/a9be923c-2349-11e7-8691-d5f7e0cd0a16 (3 April 2019)
20. United Nations, "In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake of Crackdown on Protesters", New York, NY, 26 February 2011. https://www.un.org/press/en/2011/sc10187.doc.htm (3 April 2019)
21. Statista, "Amount Of Libyan Assets Frozen Abroad", 2019. https://www.statista.com/statistics/275294/amount-of-libyan-assets-frozen-abroad/ (3 April 2019)
22. BBC News, "Libya: UN resolution on no-fly zone", 18 March 2011. https://www.bbc.com/news/uk-politics-12783819 (3 April 2019)
23. United Nations, "Letter dated 5 September 2018 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council", New York, NY, 5 September 2018.
24. Giulia Paravicini, "Millions flow from Gaddafi's 'frozen funds' to unknown beneficiaries", Politico, 8 February 2018. https://www.politico.eu/article/muammar-gaddafi-frozen-funds-belgium-unknown-beneficiaries/ (3 April 2019)
25. BBC News, "Libya: Barack Obama announces Gaddafi sanctions", 26 February 2011. https://www.bbc.com/news/world-africa-12585949 (3 April 2019)
26. Economist, "Responsibility to protect: the lessons of Libya", 19 May 2011. https://www.economist.com/international/2011/05/19/the-lessons-of-libya (3 April 2019)
27. George Libby, "Libya's $67 billion frozen funds must remain on ice says would-be investment chief", Reuters, 17 July 2015. https://www.reuters.com/article/libya-investment-idUSL5N0ZX22820150717 (3 April 2019)
28. Simon Marks, "Libya fund: 5 EU countries think Gaddafi account interest not frozen", Politico, 16 November 2018. https://www.politico.eu/article/libyan-fund-five-eu-countries-released-muammar-gaddafis-frozen-money/ (3 April 2019)
29. Rebecca Murray, "Libyans Now Battle Over Housing", Inter Press Service, 17 April 2012. http://www.globalissues.org/news/2012/04/17/13368 (3 April 2019)
30. Mary Fitzgerald and Tarek Megerisi, "Libya: Whose Land Is It? Property Rights and Transition in Libya", Legatum Institute, London, 16 April 2015.

The disputes led to the establishment of the League of the Property Owners Harmed by the Rule of the Oppressor, or Rabitat al-Mulak al-Mutadarariyn min Hukm al-Taghyat, also known as The Rabitat, a group of former owners lobbying for the restitution of their property, or for adequate compensation. This complex situation, together with the extended families of the original tenants occupying the premises over the four decades of Gaddafi's rule, were a source of instability and grievance in the immediate aftermath of the 2011 revolution.

Attempts to resolve the issue peacefully were often blocked by influential politicians and non-state armed groups. They considered abandoned or captured property and land an adequate compensation for their participation in the revolution. Today, many properties and land are still occupied and bitterly disputed across Libya.[31]

Moreover, several business owners and leaders of non-state armed groups, with their ability to access foreign currency at official rates, are involved in arbitrage schemes, thereby benefitting from the volatility of the black-market exchange rates. In essence, land and property, priced in dinars, is purchased with US dollars obtained at an official rate, when the dinar depreciates in the parallel market.[32]

The issue of property rights is a divisive legacy of the Gaddafi regime, one that has been amplified by the failure to implement effective reforms since 2011. A prerequisite to resolving the issue is strong reform-oriented fiscal and macroeconomic policies aimed at enhancing the economy and building public trust. However, the issue of disputed land and property rights can only be resolved through an independent judiciary and the proper functioning of the Compensation Committees.

July 2013

Jadhran blockades the ports of Es Sider, Ras Lanuf and Zueitina

In July 2013, Ibrahim Jadhran, the head of the Petroleum Facilities Guard (PFG) from Ajdabia, triggered what is now known as Libya's second civil war. The young militia leader, from the Magharba tribe, used federalist and anti-Muslim Brotherhood rhetoric to justify the takeover and blockade of Es Sider, Ras Lanuf and Zueitina, three of Libya's most vital oil[33] terminals on the Mediterranean, by his PFG faction. To end the blockade, he demanded that the General National Congress (GNC) cede power to Libya's eastern region of Cyrenaica, especially in regard to selling oil. Mustafa Sanalla, the head of the Tripoli-based National Oil Corporation (NOC), estimated that the losses incurred due to Jadhran's blockade amounted to some USD 30 million per day.[34]

Jadhran was shrewd in his ability to use grievances arising from Gaddafi's historical negligence of east-

ern Libya. The move won him a degree of popular support. Jadhran even went as far as to declare an eastern government of his own and hired Canadian lobbyist Ari Ben-Menashe to advocate for him abroad.[35] One of the lobbyist's alleged goals was to seek both the US and Russia's endorsement of a federalist structure that would grant Cyrenaica autonomous status. Jadhran also proactively sought to sell oil outside the legitimate NOC channels, thereby establishing a parallel oil and gas corporation based in Benghazi in November 2013.

The precedent of selling Libya's oil, which then constituted 60% of Libya's GDP,[36] via unofficial channels was considered disastrous. It prompted Prime Minister Ali Zeidan to threaten to attack oil tankers carrying crude shipments off the Gulf of Sidra.[37] Despite the warnings, Jadhran attempted to sell crude oil multi-

31.   Brian McQuinn, "After The Fall: Libya's Evolving Armed Groups", Small Arms Survey, Geneva, October 2012.
32.   Fitzgerald and Megerisi, "Libya: Whose Land Is It?"
33.   Margaret Coker, "Ex-Rebel, With Militia, Lays Claim To Libyan Oil Patch", Wall Street Journal, 3 October 2013.
        https://www.wsj.com/articles/exrebel-with-militia-lays-claim-to-libyan-oil-patch-1380842931 (3 April 2019)
34.   Ahmad Ghaddar and Aidan Lewis, "Libya outlines ambitious plans to restore oil output", Reuters, 28 April 2016.
        https://www.reuters.com/article/us-libya-oil-production-idUSKCN0XP25R (3 April 2019)
35.   Brian Hutchinson, "Notorious Canadian lobbyist signs $2M contract to promote Libyan militants aiming to divide country", National
        Post, 6 January 2014. https://nationalpost.com/news/notorious-canadian-lobbyist-hired-by-militants-seeking-breakaway-from-libya
        (3 April 2019)
36.   OPEC, "Libya facts and figures", Vienna, 2018. https://www.opec.org/opec_web/en/about_us/166.htm (3 April 2019)
37.   Ulf Laessing and Ghaith Shennib, "Libya's PM warns may sink oil tankers nearing east ports", Reuters, 8 January 2014.

ple times: in August 2013, January 2014 and March 2014. While Libya's GNC-controlled navy foiled these attempts, in March 2014 the UAE-registered tanker, The Morning Glory, successfully departed from Libya's oil port carrying over USD 30 million in crude oil.[38] The owner and the manager of the ship were based in the UAE. The March 2014 episode would be merely the first of a series of incidents whereby actors linked with the UAE would attempt to help eastern Libyan factions conduct sales of crude oil outside Tripoli's purview.

Its departure having alarmed the US, the UK and Italy, The Morning Glory was later boarded by the US Navy, which ensured its illicit cargo was returned to Libya. Nevertheless, the GNC used Zeidan's failure to thwart the attempt as an excuse to force him out. The anti-Islamist faction installed Abdullah al-Thinni in his stead.

Zeidan fled to Germany the night he was ousted, and the GNC mobilised Misrata's Libya Shield to attack the oil ports in December 2014 amid an attempt to expel Jadhran. After substantial damage to the oil infrastructure resulting from the fighting, the revolutionary-leaning Libya Shield coalition retreated. From May 2014 until late 2015, Field Marshal Khalifa Haftar and Ibrahim Jadhran were de-facto allies. The military commander began turning on Jadhran in the last few months of 2015. The oil ports remained blockaded by Jadhran until September 2016. Haftar had managed to convince the Magharba tribe that the so-called Libyan National Army (LNA) would offer them better socio-economic treatment than Jadhran. The deal paved the way for the LNA to seize control of the facilities. Proceeds from oil sales from the now-reopened ports continued to flow through Tripoli's Central Bank of Libya (CBL).

Jadhran's blockade of Libya's key oil ports had a heavy economic toll in Libya. Foreign exchange reserves plummeted from USD 108 billion in 2013 to USD 57 billion in 2016.[39] Seeing the reserves dwindling fast, speculators concluded that the official exchange rate was becoming increasingly unsustainable. To make a profit, those speculators decided then to "front run" the trend by selling US dollars on the black market at a more expensive rate against the Libyan dinar. The dollars they sold had in fact been purchased cheaply from the state itself via fraudulent LCs.

The inability of the UN to effectively manage and resolve the oil blockade caused many Libyans to become disillusioned with the ongoing political process. In addition to the inflation resulting from the dysfunctional economy, families had also to endure a shortage of fuel and cooking gas, as well as frequent electricity cuts and inoperative medical services.

September 2014

The HoR fires CBL Governor al-Kabir and appoints al-Hibri in Bayda

In September 2014, the Tobruk-based House of Representatives (HoR) fired Sadiq al-Kabir, the governor of the Central Bank of Libya (CBL) in Tripoli. His deputy, Ali Salim al-Hibri, was appointed interim governor in his place. The HoR called on the attorney general to launch an investigation of al-Kabir's involvement in "financial irregularities".[40] This was arguably the first time that the political and institutional divide directly impacted the leadership of the CBL, an institution that is meant to be both neutral and centralised.

The crisis of legitimacy between the GNC-approved cabinet in Tripoli and the HoR[41] required separate budgets for the two rival entities and their respective governments. Al-Kabir's perceived preference for the administration in Tripoli — although, under his leadership, the CBL refused to approve expenditures for either the GNC or the HoR — led to his dismissal and to the split of the CBL into two entities.

Following his CBL appointment, al-Hibri was briefly recognised by the IMF in July 2015 as the official

https://news.yahoo.com/libya-premier-says-reshuffle-cabinet-soon-disorder-mounts-133401616.html (3 April 2019)

38. Associated Press, "US sailors hand over control of captured oil tanker to Libyan forces", 22 March 2014. https://www.theguardian.com/world/2014/mar/22/us-sailors-libya-north-korea-oil-tanker (3 April 2019)

39. Jalel Harchaoui, "Libya's Monetary Crisis", Lawfare, 10 January 2018. https://www.lawfareblog.com/libyas-monetary-crisis (3 April 2019)

40. Economist Intelligence Unit, "House of Representatives Sacks Central Bank Governor", London, 16 September 2014.

41. Ayman al-Warfalli and Ulf Laessing, "IMF names eastern bank governor as its Libya contact", Reuters, 24 July 2015. https://www.reuters.com/article/libya-bank-oil-idUSL5N1042I920150724 (3 April 2019)

governor of the CBL,[42] before the Libyan Political Agreement (LPA) reverted that role to the Tripoli-based governor. The LPA was signed in December 2015, three months before the new Western-backed Government of National Accord's (GNA) arrival in Tripoli by ship.

Subsequently, in May 2016, sources from the eastern CBL revealed that al-Hibri's signature was on new Libyan banknotes that had been printed in Russia and were circulating throughout eastern Libya.[43] Though the eastern CBL stressed that there would be no dissimilarities between the country's banknotes, the US embassy declared the Russian-made notes to be counterfeit and said they could "undermine trust in Libya's currency and the CBL's ability to manage monetary policy". In November 2018, a representative of the eastern CBL said that it had received some 9 billion dinars worth of banknotes printed in Russia.[44] Some merchants in western Libyan cities such as Misrata and Tripoli did not accept this currency, which differs from the UK-printed banknotes issued by the Tripoli-based CBL by bearing the respective governors' signatures.[45] However, the Tripoli-based CBL itself accepted the Russian-manufactured banknotes as legitimate. In effect, it tolerated complex schemes used by eastern Libyan authorities to convert Russian-manufactured banknotes into US dollars through Tripoli's black market. Such operations can be carried out only if certified checks for large amounts of dinars are accepted by Tripoli black-marketeers. Separately, the US banknotes had to be flown back to eastern Libya, a transfer that could be performed only with assistance from key GNA-aligned militias. This is a reminder that the eastern Libyan authorities could finance themselves only with the quiet acquiescence or help of their nominal rivals in Tripoli.

In the future, a political deal and unification of the rival institutions will be contingent on conducting an independent audit and improving the transparency of financial decisions in order to avoid fund mismanagement. In the absence of a unified government, the CBL is largely financing fiscal spending through its reserve, which fell from USD 108 billion in 2013 to USD 57 billion by the end of 2015.[46] There is a modicum of agreement among rival factions and governors to unite the CBL.[47] But each faction, along with its respective foreign sponsors, is intent on achieving a unification to its own advantage.

Because of CBL governor al-Kabir's history of proximity to the Muslim Brotherhood, the eastern Libyan authorities will remain intent on forcing him out or weakening his grip on the country's hard-currency reserves. Al-Kabir has accommodated the eastern faction in many crucial regards, but this is unlikely to diminish his political enemies' desire to dislodge him. Indeed, Libya's anti-Islamist camp is interested in achieving total control over state coffers. So far, Washington's support for al-Kabir has been the main reason he has been able to hold on to his post for more than seven years. This dynamic may change in the foreseeable future, as the US retrenchment continues vis-à-vis Libya.

August 2015

Rise in illicit foreign currency and Letters of Credit fraud

In late August 2015, Libya's Audit Bureau issued a report listing 42 Libyans, 25 Libyan companies and twelve foreign companies accused of smuggling foreign currency abroad through fake import transactions.[48] The companies had used Letters of Credit (LCs), approved by the Central Bank of Libya (CBL), for the import of essential goods such as food, medicine and medical equipment, but had instead shipped empty containers into Libya's ports. The scheme was commonly used to leverage the

42. Al-Warfalli and Laessing, "IMF names eastern bank governor as its Libya contact".
43. Aidan Lewis, "Separate banknotes symbols of Libyan disunity, financial disarray", Reuters, 3 June 2016. https://www.reuters.com/article/us-libya-economy-idUSKCN0YP156 (3 April 2019)
44. Abdulkader Assad, "Libya's parallel central bank admits printing 9.7 million dinar banknotes in Russia", Libya Observer, 20 November 2018. https://www.libyaobserver.ly/economy/libyas-parallel-central-bank-admits-printing-97-billion-dinar-banknotes-russia (3 April 2019)
45. Zway, "Libya's Shadow Economy".
46. Harchaoui, "Libya's Monetary Crisis".
47. International Crisis Group, "After the Showdown in Libya's Oil Crescent", Brussels, 9 August 2018. https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/189-after-showdown-libyas-oil-crescent (3 April 2019)
48. Libya Business News, "Audit Bureau Exposes Forex Scams", 11 August 2015. https://www.libya-businessnews.com/2015/08/11/audit-bureau-exposes-forex-scams/ (3 April 2019)

exchange-rate difference between the Libyan dinar and foreign currencies.

The rising discrepancy between the black-market exchange rate and the fixed official rate of the dinar against the US dollar created an increasingly lucrative scheme, especially when the parallel market rate climbed to LYD 10 to USD 1 in 2017, as opposed to the official rate of LYD 1.3 LYD to USD 1. The complicity of government and banking officials and their willingness to facilitate access to LCs in exchange for security meant that armed groups began competing for the rewards of territorial control in Tripoli, in addition to carrying out extortion and kidnappings.[49]

The austerity measures introduced by the CBL in 2015 translated into deep cuts. Fiscal spending declined by 32.7% in 2015, while public sector wages were stabilised and food subsidies greatly reduced. In tandem, capital expenditure also decreased by half a percent during that period.[50] Used to import goods, the LCs were almost impossible to obtain through official channels, as the CBL sought to slow down the erosion of its foreign cash reserves. Even legitimate LCs[51] for essential goods were stalled as a result of arbitrary CBL policies.[52]

Part of al-Kabir's 2015 drive towards more austerity stemmed from his desire to retain US support and thus keep his post. The quid pro quo largely worked. By reducing the funds allocated to hard-line militias, the CBL in Tripoli helped turn the province of Tripolitania into an environment in which the UN-backed Skhirat peace talks would stand a greater chance at succeeding. During the key year of 2015, Washington's influence was instrumental in forming the UN-backed Government of National Accord of Fayaz al-Serraj.

The shrinking of government-approved expenditures meant that not all armed groups could remain on the state's payroll. This can be correlated with a rise in LC fraud in 2015, which was one of several corrupt methods of making up for lost cash.

Another way to profit from the growing exchange-rate gap that year was a debit-card scheme that became increasingly attractive as the liquidity crunch worsened. It entailed using Visa cards issued by Libyan banks to withdraw cash abroad at official rates, then returning to Libya and selling the foreign currency through the black market. Both the LC fraud and debit-card scheme were major factors in the ability of armed groups to access state funds in exchange for providing security to banks.[53]

After August 2015, Libya's deeply rooted parallel economy succeeded supplanting banks with a parallel market, as citizens were increasingly forced to rely on the latter to access cash. Although the CBL attempted to address cash shortages by providing allowances to Libyan families at official rates,[54] there was a great risk that foreign currency would end up being sold through the black market.

There are two major impediments to a reunified, functional CBL. First, the international community tends to support the most powerful militias in Tripoli because day-to-day security and counterterrorism measures are provided by those very actors. The latter are involved in the embezzlement of LC money, and use their security role as insurance against any potential move by the UN that could punish them for their illicit activities. The second obstacle is the fact that the armed groups exploiting the dysfunction of the CBL have accomplices in the official banking system.

The international community must work with Libya to unify the CBL. Both the Ministry of Finance and the CBL should be supported to develop home-grown economic, financial and administrative reforms aimed at eliminating the black market and ending the manipulation of LCs and debit cards. Most importantly, the CBL should adopt measures aimed at gradually closing the gap in the exchange rate between the black market and the official market and at building public confidence in the country's financial and monetary system.

49.   Lacher and al-Idrissi, "Capital of Militias".
50.   Economist Intelligence Unit, "Central Bank Cuts Spending Further," London, 19 January 2016.
51.   Sami Zaptia, "Audit Bureau calls on CBL to speed up the opening of stalled LCs for essential goods", Libya Herald, 22 November 2017. https://www.libyaherald.com/2017/11/22/audit-bureau-calls-on-cbl-to-speed-up-the-opening-of-stalled-lcs-for-essential-goods/ (4 April 2019)
52.   Harchaoui, "Libya's Monetary Crisis".
53.   Zway, "Libya's Shadow Economy".
54.   Sami Zaptia, "CBL to allow every Libyan citizen the right to buy $US 400 at official exchange rate'. 1 February", Libya Herald, 1 February 2017. https://www.libyaherald.com/2017/02/01/cbl-to-allow-every-libyan-citizen-the-right-to-buy-us-400-at-official-exchange-rate/ (4 April 2019)

October 2017

Haftar sets up the Military Authority for Investment and Public Works

In October 2017, Khalifa Haftar, head of the Libyan National Army (LNA) in the east, issued a decree that broadened the mandate of the Military Authority for Investment and Public Works (MAIPW), essentially giving the LNA a "legal mandate" to manage any service and manufacturing project in the areas under its control.

An administrative committee was formed to oversee the MAIPW's activities and the diversification of its portfolio, with Mohammed Madani Abdul Hafiz al-Fakhri, the former interior minister of the al-Bayda government, appointed as board chairman. Haftar put al-Fakhri in charge of emulating the Egyptian model of militarising the local economy.[55] Within that context, Haftar had his son Uqba lobby Western capitals to achieve political control of part or all of Libya's public funds, the foreign reserves of the Central Bank and the country's sovereign wealth fund, the Libyan Investment Authority (LIA). The LNA has been determined to raise hard-currency capital as part of its MAIPW initiative.

In recent years, the MAIPW has proactively expanded its influence. In a visit to the Oujla municipality in July 2017, al-Fakhri explained that the LNA was keen to take over agricultural projects in the city's vicinity, as well as Gaddafi's former properties in the region. A similar modus operandi was employed in most of the LNA-controlled areas. In October 2017, Haftar ordered the closure of Tobruk's port, citing endemic corruption and illicit smuggling at the port due to a lack of security. Most ships were re-routed to Benghazi, where the LNA had taken over port security and customs.[56]

The MAIPW's monopoly over exports and projects was bound to trigger internal struggles over the spoils, and they erupted in July 2018. In a leaked phone call, Mahmoud Werfalli — commander of the LNA's elite unit, Al-Saiqa, who is wanted by the International Criminal Court (ICC) for war crimes — accused al-Fakhri of stealing large sums of money. A few days later, Werfalli stormed the headquarters of the MAIPW in Benghazi, seized some documents and left.[57]

Nevertheless, the MAIPW is still expanding its scope of operations and business interests with the support of Haftar and his sons. In September 2018, several news outlets reported that a Togo-flagged vessel docked at the port of Brega, loaded with 5,000 tons of scrap metal, allegedly in a deal struck between the MAIPW and Turkey.[58]

The setup of the MAIPW not only expands the role of both Haftar and the LNA into the economic sphere, but further divides the economic landscape between Libya's east and west. Funds created through the MAIPW could also be used to finance the protraction of the conflict, acting as an impediment for political dialogue that would place the military under civilian authority. Finally, space for civilian projects and activities may also shrink as the LNA penetrates a space that could have been filled by the private sector. This economic model may exclusively benefit segments of society that are connected to the LNA, thus deepening the economic disenfranchisement of those excluded.

55.   Eaton, "Libya's War Economy".
56.   Eaton, "Libya's War Economy".
57.   Libya Akhbar, "ICC-Wanted Libyan Threatens A Haftar-Allied Military Man In Benghazi", 2018.
58.   Libya Prospect, "Why Haftar Exports Scrap To Turkey?" 29 September 2018.

August 2017

Interrupting Mediterranean migration flows from Sabratha, and the creation of a lucrative smuggling and anti-smuggling market

In October 2017, fighting erupted between rival armed groups in Sabratha, causing thousands of families to flee the coastal city. A deal was allegedly struck between Italy and one of Sabratha's armed groups — the 48th Battalion, headed by Anas Dabbashi, and sanctioned by the Government of National Accord (GNA) — to stem migration flows to Europe from Sabratha's coast.[59] The alleged deal caused havoc in the city and disrupted the fragile peace.[60]

Sabratha was widely regarded as a hub for human trafficking in Libya. Italian politicians were under pressure to curb migration ahead of the elections in Italy. In July 2017, the 48th Battalion in Sabratha began coordinating with the Zawiyah refinery coast guard, headed by Abdulrahman Milad — nicknamed al-Bija — to stop migrant boats departing Libyan shores and, when needed, to intercept them.[61] That month saw a 50% drop in migrants arriving in Italy compared to the previous July.[62]

What surprised most observers, however, was the cooperation between Dabbashi and al-Bija, as both were former rivals in the business of human trafficking and migrant smuggling.[63] This provides a reminder that Libyan actors involved in illicit activities often follow the most efficient arrangement from an economic perspective, rather than one based on their ideology or personal resentment.

Before August 2017, Dabbashi had been cited several times in the UN Panel of Experts' report on Libya as one of the main actors involved in the smuggling of migrants.[64] Though the alleged deal between Italy and Dabbashi was never acknowledged by Italy or the GNA, the cooperation scheme weakened other armed groups in Sabratha which did not financially benefit from being involved in those activities. Perhaps even more so than the prospect of financial reward, the armed groups that attacked Italy's partners in Sabratha were triggered by considerations of legitimacy. Indeed, the Italian government had arranged for several militias to receive official salaries from GNA ministries.[65] In Libya, state salaries, even when relatively low, are perceived as a source of officialdom, prestige and political legitimacy.

This dynamic precipitated a full-fledged battle that ended with Dabbashi's forces being ousted from Sabratha and led to at least five deaths and over 40 people injured.[66]

A few months later, in November 2017, the broadcast of a CNN report implicating Libyans in acts of slavery sparked international outrage and put Libya in the spotlight as a brutal transit country for migrants.[67] International consensus on the viability of migration policies reliant on the interception of migrants at sea and confinement of migrants in detention centres al-

59. Mark Micallef and Tuesday Reitano, "The anti-human smuggling business and Libya's political end game", The Global Initiative Against Transnational Organized Crime, Geneva, 31 January 2018. https://globalinitiative.net/the-anti-human-smuggling-business-and-libyas-political-end-game/ (4 April 2019)
60. Micallef and Reitano, "The anti-human smuggling business".
61. Micallef and Reitano, "The anti-human smuggling business".
62. Aidan Lewis and Steve Scherer, "Exclusive: Armed group stopping migrant boats leaving Libya", Reuters, 21 August 2017. https://www.reuters.com/article/us-europe-migrants-libya-italy-exclusive-idUSKCN1B11XC (4 April 2019)
63. Micallef and Reitano, "The anti-human smuggling business".
64. UN Panel of Experts, "Final Report Of The Panel of Experts On Libya Established Pursuant To Resolution 1973 (2011) (S/2017/466)", 1 June 2011. https://reliefweb.int/report/libya/final-report-panel-experts-libya-established-pursuant-resolution-1973-2011-s2017466 (4 April 2019)
65. Matthew Herbert and Jalel Harchaoui, "Italy claims it's found a solution to Europe's migrant problem. Here's why Italy's wrong", Washington Post, 26 September 2017. https://www.washingtonpost.com/news/monkey-cage/wp/2017/09/25/italy-claims-its-found-a-solution-to-europes-migrant-problem-heres-why-italys-wrong/ (4 April 2019)
66. United Nations Support Mission in Libya, "Human Rights Report on Civilian Casualties — October", 1 November 2017. https://unsmil.unmissions.org/human-rights-report-civilian-casualties-october-2017 (4 April 2019)
67. BBC News, "Libya migrant 'slave market' footage sparks outrage", 18 November 2017. https://www.bbc.com/news/world-africa-42038451 (4 April 2019)

lowed actors such as Dabbashi and al-Bija to further benefit from the anti-immigration and smuggling markets that they were engaged in simultaneously. Though migrant departures from Libya declined by about 80% from 2017 to 2018, questions remain about the ethical aspects of policies implemented by the international community to curb arrivals to Europe.[68]

Indeed, this issue highlights the importance of the international community's migration policies, espe-cially the legitimacy that actors can gain through partnering with international organisations. Al-Bija epitomises this dynamic. Despite being responsible for the majority of interceptions off the coast of Zawiyah and receiving EU equipment, he was a smuggler himself.[69] It is important for the EU to revise its policies based on this information, and to ensure rigorous scrutiny of the local actors that it partners with on immigration control.

August 2017

Fuel-smuggling "kingpin" Fahmi Salim arrested in Zuwara

In late August 2017, the so-called "king of smuggling" Fahmi Salim Ben Khalifa was arrested by a Salafi-leaning group in Zuwara called the Muqanein (the masked men) and handed over to the Special Deterrence Force in Tripoli.[70] Libya's National Oil Corporation (NOC) applauded the arrest. Meanwhile, many more fuel smugglers, both nationally and internationally, still roam free.

Ben Khalifa, who comes from the coastal town of Zuwara, has been renowned for his involvement in smuggling fuel and illicit goods across the sea and the Tunisian border since the Gaddafi era. He was sentenced to 15 years in prison by the former regime before escaping during the uprising of 2011. Ben Khalifa lent his support to the revolutionaries from Zuwara, donating large sums of money to pay for the treatment of wounded fighters. He later tried to build social legitimacy by supporting local institutions such as the town's football club, and contributing to the construction of Zuwara's key infrastructure.

Through his transnational links, Ben Khalifa was primarily involved in a complex fuel-smuggling scheme that involved sending ships loaded with fuel off the Libyan coast. They were then unloaded onto other vessels and sent to the coast of Malta, where they became "certified" imports from Saudi Arabia and sold to Italian oil companies.

According to some politically motivated Libyan figures, some USD 4 billion worth of Libyan fuel was sold in Italy through this scheme.[71] However, it is important to note that this figure, which has been cited by several respectable outlets, is impossible. The amount of wealth stolen from Libya in the form of smuggled gasoline and diesel and exported to Italy has never exceeded USD 150 million per annum.

Although the NOC has repeatedly called on European states to sanction more fuel smugglers, the international community has yet to take a unified stance to discourage non-state actors from smuggling fuel. According to the NOC, 30 to 40% of fuel refined in Libya or imported ends up being stolen or smuggled.[72] In addition, about 83% of gas stations in west Libya don't exist, yet continue to receive fuel deliveries.[73]

68. John Phillips et al., "Spanish charity accuses Libyan coastguard of leaving woman and toddler to die in the Mediterranean", Telegraph, 17 July 2018. https://www.telegraph.co.uk/news/2018/07/17/spanish-charity-accuses-libyan-coastguard-leaving-woman-toddler/ (4 April 2019)
69. Nancy Porsia, "The kingpin of Libya's human trafficking mafia", TRT World, 20 February 2017. https://www.trtworld.com/magazine/libya-human-trafficking-mafia-in-zawiya-301505 (4 April 2019)
70. Libya Herald, "NOC calls for more arrests of fuel smugglers", 26 August 2017. https://www.libyaherald.com/2017/08/26/noc-calls-for-more-arrests-of-fuel-smugglers/ (4 April 2019)
71. Malta Independent, "Men involved in diesel smuggling from Malta in Libyan ships arrested", 24 July 2015. http://www.independent.com.mt/articles/2015-07-24/local-news/Men-involved-in-diesel-smuggling-from-Malta-in-Libyan-ships-arrested-6736139388 (4 April 2019)
72. Aidan Lewis, "Libya eyes fuel marking, boat seizures, to counter fuel smuggling", Reuters, 18 April 2018. https://af.reuters.com/article/worldNews/idAFKBN1HP2RQ (4 April 2019)
73. Julian Lee, "Qaddafi's Long Gone, But Libya's Oil Still Struggles", Bloomberg, 4 February 2018. https://www.bloomberg.com/opinion/articles/2018-02-04/qaddafi-s-long-gone-but-libya-s-oil-still-struggles (4 April 2019)

The ramifications of fuel smuggling are perhaps most evident at the Tunisia-Libya border crossing in Ras Jdeir[74], where the World Bank estimates that flows from Libya into Tunisia are valued at approximately USD 148 million.[75] Since 2011, Libyan armed groups have competed for access to smuggling profits at this border[76]. A controversial Fuel Crisis Committee — which advertised its anti-fuel smuggling activities[77] but is rumoured to being a front for smugglers — was recently dissolved in the absence of a unified Libyan government response. Although it often exaggerated its accomplishments, the committee's anti-smuggling efforts proved moderately successful by late 2018. One likely reason that the committee was dissolved by authorities in Tripoli was the latter's desire to soothe relations with their Tunis counterparts, who were demanding a resumption of the smuggling activity. Indeed, the area around the Tunisian town of Ben Gardane relies heavily on the informal fuel trade with Libyan smugglers, and in the summer of 2018 protests broke out against the blocked border and the loss of the illicit fuel economy in Ben Gardane, increasing tensions between the neighbouring governments.

The fuel-smuggling industry costs Libya's economy between USD 450 million and USD 750 million annually. Those responsible are not only armed groups, but also employees from companies that are responsible for distributing fuel to gas stations.[78]

Lastly, it is important to note that refined fuel imported by Libya continues on to other destinations, including Niger, Chad and Egypt. The illicit activities conducted by eastern Libyan actors receive less coverage than their western counterparts only because, as a result of the authoritarian governance of Field Marshal Haftar, Cyrenaica is less accessible to researchers and analysts than Tripolitania. However, the absence of information doesn't mean that eastern Libya isn't affected by fuel smuggling.

March 2018

Salamé describes Libya's shadow economy as its biggest problem

According to the UN, by 2018, almost 1.1 million Libyans needed urgent humanitarian assistance. This was despite Libya's oil production averaging 1 million barrels a day in 2018, and the country topping the IMF's list for real GDP growth for the same year.[79] In essence, the lucrative war economy has thrived while progress on the political and security fronts has stalled, preventing macro-economic improvements from trickling down to the streets.

In an interview in March 2018, Ghassan Salamé, Special Representative of the United Nations Secretary General (SRSG) to Libya, publicly acknowledged that the economic track was inextricably linked to the political one, and declared that the most important challenge for Libya was its "shadow" economy. This is significant because it was the first time that an SRSG assigned to Libya overtly stated that a political deal would be contingent on an economic overhaul. Salamé said he sought to persuade international actors to support a political deal and also "to put an end to all kinds of trafficking in this country. Not only trafficking in human beings, but also trafficking in fuel, subsidised [goods], and in drugs."[80] Finally, the SRSG also recognised that Libya's armed groups needed to be included in plans for reform since they have been manipulating the system for financial gains.

74. Safa Alharaty, "Negotiations between Libya and Tunisia stall as protests continue in Ben Gardane", Libya Observer, 26 August 2018. https://www.libyaobserver.ly/inbrief/negotiations-between-libya-and-tunisia-stall-protests-continue-ben-gardane (4 April 2019)

75. World Bank, "Republic Of Tunisia — Impact of the Libya Crisis on the Tunisian Economy", Washington, D.C., February 2017. http://documents.worldbank.org/curated/en/517981490766125612/pdf/ACS16340-WP-P158090-PUBLIC-Impact-of-Libya-Crisis-on-the-Tunisian-Economy-Long-Version.pdf (4 April 2019)

76. Katherine Pollock and Frederic Wehrey, "The Tunisian-Libyan Border: Security Aspirations and Socioeconomic Realities", Carnegie Endowment for International Peace, Washington, D.C., 21 August 2018. https://carnegieendowment.org/2018/08/21/tunisian-libyan-border-security-aspirations-and-socioeconomic-realities-pub-77087 (4 April 2019)

77. Sami Zaptia, "After recent reactivation, Fuel Crisis Committee dissolved", Libya Herald, 9 January 2019. https://www.libyaherald.com/2019/01/09/after-recent-reactivation-fuel-crisis-committee-dissolved/ (4 April 2019)

78. Agence France-Presse, "Oil theft 'costing Libya $750 million annually'", 19 April 2018. http://www.dailystar.com.lb/Business/Regional/2018/Apr-19/445914-oil-theft-costing-libya-over-750-mn-annually.ashx (4 April 2019)

79. Statistics Times, "List Of Countries By Projected GDP Growth", 6 January 2019. https://statisticstimes.com/economy/countries-by-projected-gdp-growth.php (4 April 2019)

80. Aidan Lewis, "Libya won't stabilize unless shadow economy smashed — U.N. envoy", Reuters, 29 March 2018. https://www.reuters.com/article/us-libya-security-un-idUSKBN1H51FE (4 April 2019)

Salamé asserted that a "determined effort" by the UN as well as international financial institutions and foreign powers was needed to address Libya's economy. Throughout 2018, the World Bank and the IMF supported efforts aimed at unifying the two different Central Banks of Libya (CBL), and offered advice to manage inflation and promote economic reforms. These efforts have successfully prevented a complete split of the CBL.[81]

Salamé's public acknowledgement signalled a shift from the UN's approach, which usually compartmentalises the economic, security and political tracks[82]. Recognising that a political deal is predicated on some form of redistribution of Libya's oil wealth is an important takeaway that will go a long way towards improving the prospects of achieving a successful political dialogue.

June 2018

The UN Security Council imposes sanctions on smugglers

In June 2018, the United Nations Security Council (UNSC) for the first time imposed sanctions on six individuals involved in human trafficking and migrant smuggling in Libya. The rationale behind the sanctions, pushed for by the Netherlands, was to contribute to improve "the lives of refugees and migrants in Libya and prevent them from making the dangerous journey across the Mediterranean."[83]

One of the human traffickers sanctioned, Abd Al Rahman Milad (nicknamed al-Bija), heads the Zawiyah's regional coast-guard unit, which was financed by Italy and trained and equipped by the EU as part of efforts to stem migrant departures from Libya. Al-Bija's unit was responsible for the majority of interceptions carried out by the Libyan coast guard off the western coast.[84] Another individual included on the UN sanctions list is Mohammed Koshlaf (nicknamed Gsab), who was also involved in migrant smuggling through the control of a detention centre in Zawiyah. He often colluded with al-Bija. The latter would intercept migrants off the coast of Sabratha and transfer them to Gsab's detention centre. Detained migrants were given the option of paying a fee to get out and depart Libya again by boat. In essence, Gsab and Al-Bija worked both for and against the EU's efforts to stem migrant smuggling.

Koshlaf was also heavily involved in the procurement of fuel for smugglers.[85] Operating with his brother Walid — who wasn't sanctioned despite handling the operation's finances — Gsab leads the Nasr Brigade. It controls Zawiyah's oil refinery, which is also — crucially — the facility into which billions of dollars' worth of gasoline and diesel is imported from Italy and other countries. However, the brothers' authority was contested by rival groups in Zawiyah, especially by the Awlad Saqr family, who run their own smuggling business.[86] This has sparked fighting between the groups, with migrants trapped in detention centres caught up in the clashes. So far, it is unclear whether the financial sanctions and travel ban imposed on al-Bija and Gsab will have a tangible impact. It is important to note that these sanctions exclusively target individuals within a network, who can easily be replaced.

The sanctions on Gsab have had no impact on his day-to-day behaviour, as he continues to play a key role in human smuggling, fuel smuggling and local security.

The local actor who provides Gsab with political cover is a Zawiyan militia leader known as Ali Abu Zuriba. He is allied with a militia known as the Tripoli Revolutionary Battalion. Meanwhile, Gsab has pledged his allegiance to the LNA. One might note that, despite the LNA's anti-smuggling rhetoric, it may ally itself with smuggling kingpins such as Gsab for the purpose of prevailing over Islamist militias. If this scenario ensues, smuggling activities in Zawiyah will continue even if it falls under the supervision of the LNA.

81. Emadeddin Badi, "An Onerous Endeavor — Navigating Libya's Political Quicksands", Friedrich Ebert Stiftung, Berlin, November 2018. https://library.fes.de/pdf-files/bueros/tunesien/14934.pdf (4 April 2019)

82. Badi, "An Onerous Endeavor".

83. Edith M. Lederer, "UN adds 6 traffickers and smugglers to Libya sanctions list", Associated Press, 8 June 2018. https://apnews.com/33fa5811cfa3406ebab0cf094ca946ff (4 April 2019)

84. Micallef and Reitano, "The Anti-Human Smuggling Business".

85. Sami Zaptia, "UN report cites numerous sources of illegal funding for Libyan militias", Libya Herald, 16 June 2017. https://www.libyaherald.com/2017/06/14/un-report-cites-numerous-sources-of-illegal-funding-for-libyan-militias/ (4 April 2019)

86. UN Panel of Experts, "Final Report Of The Panel of Experts On Libya Established Pursuant To Resolution 1973 (2011) (S/2017/466)".

July 2018

Attempts to sell oil by eastern-based National Oil Corporation after closure of ports by Libyan National Army

In June 2018, an alliance formed by Ibrahim Jadhran and remnants of the Benghazi Defense Brigade (BDB) captured the oil ports of Ras Lanuf and El Sidra from Haftar's Libyan National Army (LNA), causing not only their closure but also a production loss of 240,000 barrels per day.[87] Two weeks later, the LNA mobilised to recapture the oil terminals, which they eventually did. Haftar refused to hand back control of Libya's oil ports to the state-owned National Oil Corporation (NOC) based in Tripoli, choosing instead to turn them over to an eastern-based parallel NOC. Haftar justified this move by expressing his frustration with the Central Bank of Libya (CBL), accusing it of financing "militias" and "terrorists", and blaming the Government of National Accord (GNA) for its alleged dependence on Tripoli-based armed groups for security.

In practice, eastern officials had shut the ports of Zueitina and Hariga, stopping legitimate NOC tankers from loading oil at the facilities. Oil production, which stood at slightly more than a million barrels per day, was slashed to 150,000 barrels per day.[88] The move was seen as a political gambit on Haftar's part to sell oil outside the official channels of the Tripoli-based NOC. In response, NOC head Mustafa Sanalla sent communiqués to both the UN and foreign embassies, warning that the illicit sale of oil by a parallel NOC in the east could lead to Libya's further fragmentation, if not its partition. Sanalla also likened Haftar's actions to Jadhran's in 2013.[89]

The standoff was resolved a few days later when the US stepped in, asking Haftar to withdraw and signalling its intention to help keep al-Kabir in his post. On 11 July, Haftar ceded control of the oil ports to the legitimate Tripoli-based NOC. Rumours swirled that a strongly worded letter from US President Donald Trump had prompted Haftar to back down.[90] Still,

Libyan authorities agreed that both branches of the CBL would have to be audited to ensure the transparency and accountability of their spending.

This ought to provide the perfect opportunity to move towards the unification of other divided institutions in Libya, while also promoting confidence and transparency. Ideally, an independent audit could create a conducive environment for political dialogue to increase the chances of success. In actuality, however, no progress has been made in almost nine months since the UN promised to enforce an independent audit on both central banks. It is unlikely that either audit will be conducted on a genuine, valid basis within the foreseeable future. There are two possible reasons for this outcome. Firstly, the CBL in Tripoli helped fund unsavoury anti-Assad actors in Syria in 2012 and 2013. At the time, the US largely approved of those activities because President Bashar al-Assad was not expected to hold on to power. It is unlikely that CBL activities during that period will ever be examined by independent auditors. Secondly, the rogue CBL subsidiary in al-Bayda engaged in several illicit schemes for the purpose of funding Haftar's army, among other things. Now that Haftar is close to victory and benefiting from the support of numerous foreign states, it is unlikely that a genuine audit will risk disclosing the various financial abuses committed by Haftar and his Libyan allies.

The alleged intervention of the US president highlighted the commitment of the international community to thwarting illegitimate oil sales outside the jurisdiction of the official NOC, and preventing the Libyan economy from suffering the consequences of yet another blockade — which in this instance cost it USD 69 million per day.[91] As a result, it is unlikely that Haftar will attempt a similar move in the immediate future.

87. Ayman al-Warfalli and Ahmad Ghaddar, "Attack shuts major Libyan oil ports, slashing production", Reuters, 14 June 2018. https://uk.reuters.com/article/uk-libya-security-oil/attack-shuts-major-libyan-oil-ports-slashing-production-idUKKBN1JA1C9 (4 April 2019)

88. Aidan Lewis, "How unstable is Libya's oil production?", Reuters, 16 July 2018. https://www.reuters.com/article/us-libya-oil-explainer-idUSKBN1K61Y6 (4 April 2019)

89. Abdullah Ben Ibrahim, "NOC deplores handover of oil ports to parallel institution, saying 'Haftar Is acting like criminal Jadran'", Libya Observer, 26 June 2018. https://www.libyaobserver.ly/news/noc-deplores-handover-oil-ports-parallel-institution-saying-%E2%80%9Chaftar-acting-criminal-jadran%E2%80%9D (4 April 2019)

90. Patrick Wintour, "East Libyan general hands back control of oil ports", Guardian, 11 July 2018. https://www.theguardian.com/world/2018/jul/11/east-libyan-general-hands-back-control-of-oil-ports (4 April 2019)

91. Chris Stephen and Patrick Wintour, "Four Libya oil ports closed amidst corruption allegations", Guardian, 2 July 2018. https://www.theguardian.com/world/2018/jul/02/four-libya-oil-ports-closed-amid-corruption-allegations-allies-khalifa-haftar (4 April 2019)

September 2018

Economic reforms and application of a service fee on foreign currency transactions

By empowering rent-seeking armed groups to provide security to Tripoli, the Government of National Accord (GNA) has made some groups' leaders rich while excluding others. Towards the end of August 2018, an attack by Tarhuna's 7th Infantry Kani Brigade on Tripoli gave several armed actors who had been excluded from sharing the spoils an unforeseen opportunity to intervene and try to dislodge the armed groups enjoying supremacy in central Tripoli. The fighting followed a strong UN statement that condemned interference in Libya's sovereign institutions and implicitly referred to Tripoli's armed groups charged with keeping the peace. The UN took the lead in negotiating a fragile ceasefire, which was breached many times. The battle ended in a truce, with a death toll of 117 people, many of them civilians, and nearly 600 wounded.[92] The ceasefire conditions included the institutionalisation of security and tangible steps to introduce economic reforms.

In September 2018, after a three-month delay, the GNA finally introduced economic measures related to foreign-currency exchange, as well as plans to lift subsidies. In practice, the GNA imposed a 184% service fee on the official exchange rate for foreign-currency purchases in both commercial and personal transactions. The economic reforms led to a fall in the parallel-market rate — from LYD 7 to USD 1 in October 2018 to LYD 4.5 to USD 1 in January 2019. However, instead of being an official devaluation, the service-fee model created a second alternative rate for transactions which armed groups and select politicians could still profit from.

The tax on the purchase of foreign currency provided much-needed relief to Libyan citizens buying everyday goods, as the parallel-market rate of the dinar against the US dollar fell. It is important for the UN to support the GNA in building on this success by establishing a timeline for the full implementation of economic reforms, especially in removing subsidies.

Finally, it is too early to judge the effectiveness of the economic reforms because an integral reduction in fuel and goods subsidies has not yet been implemented. The latter may seem unrealistic, not least because lifting subsidies may result in most citizens being unable to afford common goods, even after improvements both in access to liquidity and in prices. With no date specified for implementation yet, lifting the subsidies may remain on the back burner.[93]

In any case, phasing out fuel subsidies will not help combat fuel smuggling. Indeed, a hike in the retail price will have no impact on the behaviour of armed groups involved in the theft of gasoline and diesel from the state. Those militias are now deeply entrenched and benefit from the complicity of employees in state institutions, including in the National Oil Company.

Implementing economic reforms in tandem with a move towards unification of the CBL is paramount, too, as it would provide an opportunity to establish a longer-term fiscal policy and account for expenditure outside the budget, which both the Tripoli-based CBL and the World Bank have struggled to account for.[94] Currently, the existence of a parallel government implies that official figures released by the CBL do not actually reflect overall spending,[95] while the Russian banknotes that the eastern CBL has distributed limits the scope of economic reforms because they remain unaccounted for in the overall budget of the CBL.[96]

92.   Safa Alharathy, "Ministry of Health confirms 117 killed 581 wounded in Tripoli fighting", Libya Observer, 27 September 2018. https://www.libyaobserver.ly/inbrief/ministry-health-confirms-117-killed-581-wounded-tripoli-fighting (4 April 2019)

93.   International Crisis Group, "Libya's Economic Reforms Fall Short", Brussels, 25 October 2018. https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyas-economic-reforms-fall-short (4 April 2019)

94.   Sami Zaptia, "Libya's economic reforms have been successful", Libya Herald, 24 November 2018. https://www.libyaherald.com/2018/11/24/libyas-economic-reforms-have-been-successful/ (4 April 2019)

95.   Ahmed Elumami, "Libya 1st-half 2018 oil revenue $11.4 bln — central bank", Reuters, 11 July 2018. https://www.reuters.com/article/libya-economy-idUSL8N1U6638 (4 April 2019)

96.   Badi, "An Onerous Endeavor".

November 2018

Sanctions on Salah Badi

In November 2018, the US, the UK and France secured the UN Security Council's approval to sanction Salah Badi, the Samoud Brigade commander from Misrata. Badi has been accused of repeatedly undermining security and stability, and played a key role in the clashes in residential neighbourhoods in Tripoli in September 2018. He also led multiple anti-GNA attacks in 2016 and 2017, when he sought to restore the internationally unrecognised National Salvation Government of former Prime Minister Khalifa Ghwell. His use of lethal force in densely populated areas and his continuous breach of the ceasefire in Tripoli were deemed an obstruction to peace,[97] and banned under international humanitarian law.[98]

Some Libyans saw the sanctions against Badi as justified. Others pointed the finger at other, unnamed armed groups involved in the conflict, and criticised what they believed to be bias on the part of the international community.[99] Although France argued at the UN Security Council that sanctions were an adequate punishment for the deadly fighting in Tripoli, it is unclear whether they will succeed in maintaining peace or deterring Badi or others from acting as spoilers. There is also a risk that institutions implementing selective sanctions could lose credibility with Libyans, especially if the criteria are not applicable to all armed actors involved in the conflict.

The international community's swift condemnation of Badi's behaviour was meant to signal to armed groups that initiating conflict could result in their being ostracised. In turn, the use of sanctions can be interpreted as both a precedent and a mechanism to reshape incentives and introduce accountability for prominent leaders of armed groups that possess significant finances abroad. In the future, it is important for the international community to apply punishment similarly to individuals who blatantly flaunt the law and interfere with building the Libyan state.

In some cases, however, international sanctions have proved futile in post-2011 Libya. Individuals who have already been sanctioned know that the UN cannot increase its punishment, because sanctions are its harshest weapon and the International Criminal Court fails to be an effective deterrent. Within this dynamic, individuals who have already been sanctioned continue to act as inflexible spoilers, while retaining the support of their community. This has happened in both eastern and western Libya. In other words, sanctions do not constitute an infallible solution to weaken hard-liners.

Recommendation: The international community should support the implementation of authentic security-sector reform in Libya. Simultaneously, the international community should encourage the creation of checks and balances in the country's financial system, which would help limit the influence of political actors on the Central Bank of Libya (CBL). For instance, the international community's current policy consists of tolerating the militias with the most sway on the CBL. The rationale is that the militias provide security and so must not be criticised or hampered. Thinking along those lines will contribute to instability over the long run, as it helps create violent actors with enormous power over public finances. Instead, the international community should stop granting unconditional support to armed groups regardless of their illicit activities in the financial realm.

97. US Department of the Treasury, "Press Release: Treasury Sanctions Militia Leader Responsible for Multiple Attacks on Libyan Capital", Washington, D.C., 19 November 2018. https://home.treasury.gov/news/press-releases/sm551 (4 April 2019)

98. United Nations Special Mission in Libya, Twitter, 15 January 2018. https://twitter.com/UNSMILibya/status/952934969269157888 (4 April 2019)

99. Abdulkader Assad, "Misrata municipality condemns UN's pick-and-choose sanctions in Libya", Libya Observer, 19 November 2018. https://www.libyaobserver.ly/news/misrata-municipality-condemns-uns-pick-and-choose-sanctions-libya (4 April 2019)

Legitimacy

Introduction

In early 2011, opposition to Libya's longtime dictator Muammar Gaddafi gained momentum amid the popular uprisings roiling the Middle East. International recognition for his regime began to erode when the Arab League suspended Libya's membership on 22 February.[1]

The uprising against the regime was further legitimised on 10 March, when France recognised Libya's interim National Transitional Council (NTC) as the revolution's political arm.[2] Other states soon followed suit. The international diplomacy culminated in the United Nations Security Council's (UNSC) adoption of Resolution 1973 on 19 March, which allowed international forces to impose a no-fly zone and protect civilians by all means necessary.[3] The resolution underscored the NTC as the sole legitimate representative of the Libyan people, until the General National Congress (GNC) was elected in July 2014.

Libyans emerged from over four decades of oppressive rule under the Gaddafi regime and his Jamahiriyya, or "state of the masses". Gaddafi had claimed that the Jamahiriyya was a legitimate system of direct democracy. In reality, it served to prop up one-man rule;[4] indeed, Gaddafi had distributed bureaucratic jobs and basic services, and maintained a sprawling intelligence apparatus to keep citizens of the oil-rich nation quiet.

The killing of Gaddafi in October 2011 intensified the battle for power. Heads of "revolutionary" forces and state institutions jockeyed to position themselves as representatives capable of bringing prosperity to Libya,[5] with some initially comparing the country's potential to Dubai. Ever since, various armed groups and political leaders, bound together by tribe, ideology or geography, have used force and intimidation to coerce institutions into meeting their demands.[6] Competitors for political dominance in Tripoli were diverse. Some armed groups held political Islamist views, others were more secular; armed "revolutionary" groups opposed former regime technocrats; and military and security officials from Gaddafi's regime competed with armed rebels from rival towns.[7]

The struggle for legitimate rule over Libya endures today. In the post-Gaddafi era, and as a country in transition, the question of who should assume leadership was a new question for Libyans. Technocrats and former regime officials who defected and joined the uprising ended up holding leadership positions within the transitional government. They included Mustafa Abdul Jalil, Gaddafi's Minister of Justice, who became the chairperson of the NTC; and Mahmoud Jebril, head of the Economic and Development Board under Gaddafi, who became head of the NTC Executive Office. On the other hand, some revolutionary groups from Misrata, mostly Islamist-leaning and hardliners, wanted a complete break from Gaddafi-era officials, including those who defected.

Libya's political transition has been primarily guided by the Interim Constitutional Declaration (ICD) and its subsequent amendments, and later by the UN-backed Libyan Political Agreement (LPA). However, the first transition came to an abrupt end in August 2014, when a major battle for Tripoli broke out. The fighting destroyed much of the city's oil

1. Reuters, "Arab League suspends Libya delegation – TV", 22 February 2011.
    https://www.reuters.com/article/libya-protests-league-idUSLDE71L2GK20110222 (15 April 2019)
2. Alan Cowell and Steven Erlanger, "France Becomes First Country to Recognize Libyan Rebels", New York Times, 10 March 2011.
    https://www.nytimes.com/2011/03/11/world/europe/11france.html (15 April 2019)
3. UN Security Council, "Security Council Approves 'No-Fly Zone' Over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote Of 10 In Favor With 5 Abstentions", New York, NY, 17 March 2011.
4. Max Fisher, "How Qaddafi Fooled Libya and the World", The Atlantic, 20 October 2011.
    https://www.theatlantic.com/international/archive/2011/10/how-qaddafi-fooled-libya-and-the-world/247078/ (15 April 2019)
5. International Crisis Group, "Libya: Ensuring A Smooth And Peaceful Transition Into The Post-Qaddafi Era", Brussels, 23 August 2011.
    https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libya-ensuring-smooth-and-peaceful-transition-post-qaddafi-era (15 April 2019)
6. Frederic Wehrey, "Why Libya's Transition To Democracy Failed", Washington Post, 17 February 2016.
    https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/17/why-libyas-transition-failed/ (15 April 2019)
7. Frederic Wehrey and Wolfram Lacher, "Libya's Legitimacy Crisis", Foreign Affairs, 6 October 2014.
    https://www.foreignaffairs.com/articles/middle-east/2014-10-06/libyas-legitimacy-crisis (15 April 2019)

infrastructure as well as its international airport, and marked the beginning of the second period of post-2011 civil strife.

On one side, the Operation Dignity military alliance emerged, led by the Libyan National Army (LNA), headed by Field Marshal Khalifa Haftar in the east, and backed by Egypt, the United Arab Emirates and, to a lesser extent, France and Saudi Arabia. On the other side stood the Libya Dawn coalition in the west, primarily drawn from political Islamists and fighters mainly from Misrata, Tripoli, Zawiyah and Zuwara, with external support from Qatar and Turkey, and cooperation from Italy and Sudan. The armed groups were vying for political power, and with it control of lucrative resources and vital institutions such as the Central Bank of Libya (CBL), the National Oil Corporation (NOC) and Libya's sovereign wealth fund, known as the Libyan Investment Authority (LIA).

In August 2014, Libya Dawn seized control of Tripoli after a month-long battle, retained the General National Congress (GNC)[8] and subsequently set up a so-called National Salvation government. The newly elected House of Representatives (HoR) moved to Tobruk in the east, near Prime Minister Abdullah al-Thinni's cabinet and Haftar's LNA.[9] Months later,

Libya's Supreme Court in Tripoli ruled that the HoR elections were unconstitutional due to procedural mistakes. The HoR and the Operation Dignity coalition rejected the Supreme Court's verdict, claiming that it was made under pressure from rival forces in the capital.[10]

What was evident at the time — and remains valid today — is that national elections alone could not solve deep-rooted problems related to decades of Gaddafi's dictatorship, which pitted tribes and communities against one another. Since the revolution, the lack of both a transitional justice reconciliation process and a disarmament, demobilisation and reintegration programme, to address grievances and remove weapons from armed groups, has contributed to a winner-takes-all culture and a predominantly corrupt and lawless environment.

The drawn-out political dialogue and consensus-building mediated by the United Nations Support Mission in Libya (UNSMIL) between parties since 2014 has made progress, but the bitter political splits have mostly endured, despite shifting alliances. In the absence of a single central government and unified security institutions, municipalities have stepped in to assume a key role in providing essential services and mediating local peace.

February and March 2011

The uprising against the Gaddafi regime begins

In February 2011, after over four decades of Muammar Gaddafi's rule, the ripple effect of the popular uprisings in Tunisia and Egypt reached Libya. Peaceful protests calling for political reform, social justice and human rights were met with violence as the regime targeted civilians in Bayda and Benghazi in the east, and Misrata and Zintan in the west.

Libya was a UN member state and, apart from the voices of opposition members exiled abroad, Liby-

ans did not have a say on whether Gaddafi's rule was legitimate or not. However, the seeds of dissent were being sown across the region, and in Libya both the people and the international community started to question the viability of the regime.[11]

The protests rapidly grew into a revolution with the proliferation of armed opposition groups and the defection of key Libyan officials and lower-ranking government staff.[12] Additionally, the Arab League's

8.   Mohamed Eljarh, "Libya's Islamists Go for Broke", Foreign Policy, 22 July 2014.
https://foreignpolicy.com/2014/07/22/libyas-islamists-go-for-broke/ (15 April 2019)
9.   Rebecca Murray, "Libya: A tale of two governments", Al Jazeera, 4 April 2015.
https://www.aljazeera.com/news/2015/04/libya-tale-governments-150404075631141.html (15 April 2019)
10.   Mohamed Eljarh, "The Supreme Court Decision That's Ripping Libya Apart", Foreign Policy, 6 November 2014.
https://foreignpolicy.com/2014/11/06/the-supreme-court-decision-thats-ripping-libya-apart/ (15 April 2019)
11.   Chris Good, "Obama's Answer To The Question, 'Why Libya?'", The Atlantic, 21 March 2011.
https://www.theatlantic.com/politics/archive/2011/03/obamas-answer-to-the-question-why-libya/72811/ (15 April 2019)
12.   Reuters, "Factbox: Defections From Gaddafi's Libya", 25 August 2011. https://www.reuters.com/article/us-libya-ministers-defections-idUSTRE77O33K20110825 (15 April 2019)

decision on 20 February to suspend Libya's membership dealt a major blow to the regime's status.[13] Gaddafi responded by intensifying the crackdown on dissent that had spread to other key cities, including Tripoli and Zawiyah in the west, triggering further domestic and international condemnation.[14]

In March, EU member states and institutions, in a step that significantly affected the course of the uprising, hosted Libya's political opposition, which lobbied for Western support.[15] Mahmoud Jebril, who led the National Transitional Council (NTC), shuttled between European and Arab capitals to advocate for regime change as the only way to protect Libyan civilians.[16]

On 10 March, France unilaterally declared its recognition of the NTC as Libya's sole representative.[17] Together with the UK, France lobbied the US to join the coalition against Gaddafi, while persuading China and Russia to refrain from vetoing a UN Security Council (UNSC) resolution.[18] Despite protests by the African Union (AU), which called for a diplomatic approach towards Libya,[19] the UNSC on 19 March adopted Resolution 1973. It condemned the regime's violence, permitted an international military coalition to impose a no-fly zone, and allowed the use of all necessary means to protect civilians. The Responsibility to Protect mandate became indistinguishable from a mission to remove Gaddafi.[20]

In the years following Gaddafi's ouster, some major international supporters of the uprising, including the UAE, Qatar, Turkey, France and Italy, emerged as primary backers of political factions and armed groups in the conflict. Later on, Egypt and Russia followed suit.[21]

August 2011

The National Transitional Council adopts the Interim Constitutional Declaration

On 3 August 2011, under pressure from the Libyan public and the international community, the National Transitional Council (NTC) adopted the Interim Constitutional Declaration (ICD) as a roadmap for the transition. The ICD included articles on the Libyan state and the interim government, an independent judiciary, and civil rights and freedoms.

The ICD set an overly ambitious timetable to reach milestones in Libya's transition, including national elections scheduled 240 days after Libya's break with the Gaddafi regime. Interpretations of the ICD also diverged, especially those of Article 30, which covers Libya's constitution, elections and governance. The contentious clause became the touchstone of dissent, and has been amended ten times over the years to fit various political agendas.[22]

In retrospect, the NTC and the international community underestimated the imperative of striking a balance between democratisation and security. In a country awash with armed groups and weap-

13.   Ethan Bronner and David E. Sanger, "Arab League Endorses No-Flight Zone Over Libya", New York Times, 12 March 2011. https://www.nytimes.com/2011/03/13/world/middleeast/13libya.html (15 April 2019)
14.   Ron Synovitz and Richard Solash, "Pressure Grows On Libya's Qaddafi To Quit", Radio Free Europe, 1 March 2011. https://www.rferl.org/a/libya_protests/2322692.html (15 April 2019)
15.   Jamey Keaten, "Libyan Rebel Envoy In Europe To Seek Frozen Funds", Associated Press, 24 August 2011.
16.   Associated Press, "Sec. Clinton meets with Libyan rebels in Paris", 14 March 2011. https://www.cbsnews.com/news/sec-clinton-meets-with-libyan-rebels-in-paris/ (15 April 2019)
17.   Cowell and Erlanger, "France Becomes First Country to Recognize Libyan Rebels".
18.   Steven Erlanger, "France and Britain Lead Military Push on Libya", New York Times, 18 March 2011. https://www.nytimes.com/2011/03/19/world/africa/19europe.html (15 April 2019)
19.   Alex DeWaal, "The African Union and the Libya Conflict of 2011", Tufts University/The Fletcher School: World Peace Foundation, Boston, MA, 19 December 2012. https://sites.tufts.edu/reinventingpeace/2012/12/19/the-african-union-and-the-libya-conflict-of-2011/ (15 April 2019)
20.   Micah Zenko, "The Big Lie About the Libyan War", Foreign Policy, 22 March 2016. https://foreignpolicy.com/2016/03/22/libya-and-the-myth-of-humanitarian-intervention/ (15 April 2019)
21.   Karim Mezran and Elissa Miller, "Libya: From Intervention To Proxy War", The Atlantic Council's Rafik Hariri Center for the Middle East, Washington, D.C., July 2017. https://issuu.com/atlanticcouncil/docs/libya_from_intervention_to_proxy_wa (15 April 2019)
22.   Al Jazeera Center for Studies, "Libya's Transition without A Constitutional Map", 4 April 2013. http://studies.aljazeera.net/en/positionpapers/2013/04/20134282438798512.html (15 April 2019)

ons — and no history of inclusive government — the transition faced major challenges from the start.[23] Additionally, there was no mechanism for Libyans to come to terms with the country's recent past and the conflicting experiences under the Gaddafi regime. The absence of a transitional justice and reconciliation process promoted the post-2011 narrative of winners versus losers, which only exacerbated divisions.

March 2012

The birth of the east's federalist movement

The birth of the Higher Interim Council for Barqa, otherwise known as the "federalist movement", gave shape to an emerging struggle over state institutions and resources in the country's east. The federalists argued for more participation in Libya's central institutions, increased economic opportunities and recognition of cultural rights.[24] After decades of neglect in the east under the Gaddafi regime, and with the majority of Libya's population in the west, the federalists found themselves threatened by the possibility of one political or regional faction dominating the political landscape. Those fears have not dissipated. According to a poll conducted in 2013, respondents from Benghazi favoured a federal system over a unitary one, while respondents from Tripoli and Sebha preferred decentralisation.[25]

The federalist movement in the east is symptomatic of the cumulative neglect resulting from deliberate political decisions and/or from the failure of a highly centralised government to serve all regions equally. Their grievances are shared by many Libyans in other parts of the country.

In March 2012, federalist activists and tribal leaders gathered in Benghazi and appointed Ahmed Al-Zubair al-Senussi as the chair of their movement. They sought to sow the seeds of doubt in the legitimacy of the National Transitional Council (NTC) and the Interim Constitutional Declaration (ICD), which was intended as a transitional roadmap for Libya's democratic transition.[26]

The federalists reverted to intimidation to pressure the NTC into adopting a constitutional amendment in their favour. On 12 March, their threats of violence and of Libya's partition forced the NTC to appease them by passing the first amendment to Article 30 of the ICD. The amendment directed the elected General National Congress (GNC) to appoint 60 members, drawn equally from the historic regions of Barqa, Fezzan and Tripolitania, and tasked with writing Libya's permanent constitution on the Constitutional Drafting Assembly (CDA).[27]

A few weeks before the national GNC elections on 7 July, the federalists again relied on force to push through their demands, a method that would be used repeatedly by political and armed groups in the future. In June 2012, the federalists shut down the main road linking eastern Libya to the west at Wadi-al-Ahmar, demanding that the GNC's 200 seats be distributed equally among representatives of Cyrenaica, Fezzan and Tripolitania.[28]

Wadi-al-Ahmar is the administrative demarcation line between Cyrenaica and Tripolitania. According to the federalists, closure of this corridor was intended not only to protest against the distribution of GNC seats but also to voice local grievances pertaining to indemnities and de-mining. These strong-arm tactics had been used before by militant groups in both Misrata and Zintan, causing the government to make concessions. A few weeks into the road closure, the federalists realised the heavy toll their actions were taking on their people and their interests. Thousands

23. Libya Observer, "UN envoy to Libya: More than 20 million pieces of arms are held by Libyans", 8 February 2018. https://www.libyaobserver.ly/news/un-envoy-libya-more-20-million-pieces-arms-are-held-libyans (15 April 2019)
24. Sean Kane, "Barqa Reborn? Eastern Regionalism and Libya's Political Transition", in The Libyan Revolution And Its Aftermath, eds. Peter Cole and Brian McQuinn (Oxford: Hurst Publishers/Oxford University Press, 2015), p. 205.
25. International Foundation for Electoral Systems, "Voters' opinions of the election process in Libya", Washington, D.C., March 2013. https://www.ifes.org/sites/default/files/libya_fg_report_final_2.pdf (15 April 2019)
26. Mohamed Eljarh, "The Federalist Movement In A Deeply Divided Libya", The Atlantic Council, Washington, D.C., 4 September 2014. https://www.atlanticcouncil.org/blogs/menasource/the-federalist-movement-in-a-deeply-divided-libya (15 April 2019)
27. Eljarh, "The Federalist Movement In A Deeply Divided Libya".
28. Libya Herald, "Coastal road blocked by Cyrenaica federalists: report", 20 June 2012. https://www.libyaherald.com/2012/06/20/coastal-road-block-by-cyrenaica-federalists-report/ (15 April 2019)

of citizens could not travel by land and the worn-out domestic air-transport facilities fell under tremendous stress. As a result, the closure was lifted.[29]

The federalists resorted again to force just two days before the GNC elections, pressuring the NTC to rapidly introduce another amendment to Article 30.[30] The newly amended article stipulated that citizens would directly elect CDA members based on equal representation of the three historical regions, taking away powers granted to the GNC to appoint the body.

Although the amendment required the GNC to ensure representation of "linguistic and cultural components", the guarantees of adequate representation of minorities and women in the CDA were controversial. The electoral law of 16 July 2013 stipulated that of a total of 60 CDA seats, six would be reserved for women and six for ethnic minorities: two for the Tebu, two for the Tuareg and two for the Amazigh.[31]

The election of the CDA members was described by the Carter Center as "soundly administered", yet it failed to produce an inclusive and a "truly representative" body.[32] A total of 649 candidates competed, of which 65 were women. Violence broke out at some 80 polling stations, which prevented people from voting. By the end of the re-runs, 13 seats remained empty across Libya. Nine were later filled, but the two for the Amazigh and the two for Derna stayed empty, as the Amazigh boycotted the elections and the security situation in Derna remained grave.

Some of the elected representatives, while enjoying a public backing, lacked the expertise required for the task. In November, the Supreme Court dismissed the amendment as void, because the NTC had not met their quorum when hastily passing the vote. However, less than a year later, on 11 April 2013, the amendment was reinstated by the GNC, this time after meeting the legal quorum.[33]

July 2012

Libya holds its first democratic elections in over 40 years

On 7 July 2012, Libya held its first national elections for a 200-seat General National Congress (GNC), which would serve until the country's permanent constitution was passed. The elections ran relatively smoothly despite the complexities of the electoral system, shortcomings of the electoral law and the controversy of the districting and seat allocation.

The country was divided into 13 administrative districts and 73 constituencies, which were grouped into 20 electoral districts. Districting took three key factors into consideration: the size of the population, the geographical area, and the historical and social particularities of the country. Hence, the NTC allocated 106 seats to Tripolitania, 60 to Cyrenaica and 34 to Fezzan. This boundary delimitation seemed to

have addressed the political interests and concerns voiced before the elections.

For the 2012 GNC elections, Libya chose a complex electoral system with the hope of electing a legitimate parliament to put the country on course for political transition.

A hundred and twenty seats were elected through a first-past-the-post system or a single non-transferable vote. In the former case, the candidate who received the highest number of votes won; in the latter, candidates were elected by plurality vote in multimember districts.[34] The remaining 80 seats were reserved for political entities and elected via a closed-list proportional representation system.

29.   Frederic Wehrey, "The Struggle for Security in Eastern Libya", Carnegie Endowment for International Peace, Washington, D.C., 19 September 2012. https://carnegieendowment.org/2012/09/19/struggle-for-security-in-eastern-libya-pub-49425 (15 April 2019)

30.   Wehrey, "The Struggle For Security In Eastern Libya".

31.   International Commission of Jurists, "The Draft Libyan Constitution: Procedural Deficiencies, Substantive Flaws", Geneva, December 2015. https://www.icj.org/wp-content/uploads/2016/07/Libya-Draft-Constitution-Flaws-Deficiencies-Publications-Reports-2015-ENG.pdf (15 April 2019)

32.   The Carter Center, "The 2014 Constitutional Drafting Assembly Elections in Libya", Atlanta, GA, 2014. https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/libya-06112014-final-rpt.pdf (15 April 2019)

33.   The Carter Center, "The 2014 Constitutional Drafting Assembly Elections in Libya".

34.   The Carter Centre, "General National Congress Elections in Libya — Final Report", Atlanta, GA, 7 July 2012. https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/libya-070712-final-rpt.pdf (15 April 2019)

As per the elections law, seats were allocated on a proportional basis, with vacant seats distributed according to the highest-remainder system.

A quota for women was introduced to increase their representation in the GNC, in an attempt to rectify decades of blocked access of women to high-level government and decision-making positions. The original law set forth a quota of 10%, but civil society strongly opposed it and demanded more. Instead, a "zipper model" was applied to all 80 political party lists. Of the 1,200 candidates registered to run on the proportionate lists, 545 (45.2%) were women. Only 84 of the 25,001 candidates registered to run as individual candidates were women, largely due to financial resources and societal constraints.[35]

Thirty-three seats were awarded to women in the GNC elections, one of which was won by an individual candidate. This equated to about 16.5% of the GNC, meaning Libya now had a relatively high representation of women, though it remained lower than that of its neighbour, Tunisia, where women accounted for 26.6% of the parliament. The zipper system ensured Libyan women had better access to the representative body and encouraged further participation in the public sphere.[36]

The results of the GNC elections showed Mahmoud Jebril's National Forces Alliance (NFA) winning a plurality of the 80 proportional list seats, with 39, the Muslim Brotherhood's political branch, the Justice and Construction (JaC) party, winning 17, and the National Front winning only three. Three parties won two seats each and 15 other lists each won a single seat.

Despite the success of Jebril's party in most of the proportional list constituencies, neither the NFA nor the JaC managed to win the majority of the 200-seat GNC. The remaining 120 first-past-the-post and single non-transferable vote seats were won by individuals of no clear political affiliation.[37]

After the elections, Libya's district courts received 37 complaints challenging the preliminary results. All but one were rejected: the District Court of Gharyan disqualified an elected candidate for being a member of the NTC. However, the verdict was subsequently overturned by a higher court because the complaint had been submitted after the deadline.[38]

The composition of the GNC and the competing interests of the various parties and individuals made it difficult to form majoritarian blocs or reach compromises. Instead of establishing an inclusive reconciliation and transitional justice process, many GNC members got locked in zero-sum exclusionary politics. These included introducing damaging legislation such as the Political Isolation Law (PIL) and succumbing to intimidation by armed groups seeking to influence politics and government institutions.

September 2012

The General National Congress amends the Interim Constitutional Declaration to lower the vote threshold

On 1 September 2012, the newly elected General National Congress (GNC) introduced a fourth amendment to Article 30 of the Interim Constitutional Declaration (ICD), seeking to reduce the threshold to pass legislation from 134 to 120 votes (of a total of 200 members).[39] Its predecessor, the National Transitional Council (NTC), under federalist pressure from the east, had created the two-thirds threshold. However, due to heightened tensions and increasing polarisation among the members, the GNC was paralysed. It was unable to enact any legislation, including its own bylaws.[40] Though the downsized

35. Gender Concerns International, "Gender Election Monitoring (GEM) Mission in Libya — Final Report", The Hague, 7 July 2012. http://www.genderconcerns.org/pdfs/Final%20Report%20GEM%20Mission%20Libya_Gender%20Concerns%20International_English%20version.pdf (15 April 2019)

36. Gender Concerns International, "Gender Election Monitoring (GEM) Mission in Libya".

37. European Union Election Assessment Team, "Libya — Final Report — General National Congress Election", Brussels, 2012. https://eeas.europa.eu/archives/docs/eueom/missions/2012/libya/pdf/eueat-libya-2012-final-report_en.pdf (15 April 2019)

38. European Union Election Assessment Team, "Libya — Final Report".

39. Libyan Security Sector Legislation, "Constitutional Amendment No. (4) of 2012".

40. A. Aljanin, former GNC member, interviewed by author, Tripoli, Libya, December 2018.

120-vote threshold was approved, it was inapplicable to issues that required wide support across the political divide, including those for elections and the constitution-drafting process.[41]

The debate leading up to the vote illustrated the diminishing trust between the political groups. For example, the National Forces Alliance (NFA) was opposed to lowering the threshold. It feared it would pave the way for the passage of the Political Isolation Law (PIL), which later materialised, and that the call to banish former regime officials from public life could put their party leader, Mahmoud Jebril, at risk.[42]

The debate also exposed the dangerous zero-sum game and exclusionary politics that dominated Libya's first democratic parliament. There was a clear struggle for power between the NFA, the political coalition that won 39 of the 80 allocated seats, and revolutionary and political Islamist factions, including the Muslim Brotherhood's Justice and Construction bloc, and the Martyr's bloc, which included representatives from the National Salvation Party, the Homeland Party and revolutionary politicians from Misrata, Zawiyah and Benghazi.[43]

Libya was in dire need of consensus to build trust and inclusivity. The NFA and its allies argued that they had won a democratic majority and should be able to form and run the government. In turn, revolutionary factions maintained that their long-term resistance to the Gaddafi regime earned them the right to push their agenda through. Libya was being drawn into a struggle for power and resources between the same factions that had fought side by side to oust Gaddafi.[44]

April and May 2013

The General National Congress passes the Political Isolation Law

On 11 April 2013, the General National Congress (GNC) passed a fifth amendment to the Interim Constitutional Declaration (ICD), paving the way for the controversial Political Isolation Law (PIL). The legislation was geared towards banning all former high-ranking Gaddafi-era officials from public life. The amendment stipulated that, as an exception, the number of votes required to pass the law could be lowered to 101, instead of the threshold of 120 previously agreed.[45] It passed amid mounting pressure from revolutionary forces and political Islamist groups seeking retribution for decades of persecution by the regime.[46]

However, the effort of the PIL's proponents to lower the vote threshold proved unnecessary, as momentum behind the highly controversial and divisive law grew. Opponents of the PIL started to lose faith in the legitimacy of the political process as they faced a barrage of threats by armed groups, which had besieged many of Tripoli's government buildings, including the Ministry of Justice.[47] On 6 May 2013, the GNC passed the PIL by a majority of 164 members of the 187 present. Of the minority, four members voted against the law, while nine simply did not show up.[48]

The turbulent and intimidating circumstances of the PIL's passage undermined both the public's and politicians' trust in their new democracy. Political decisions were being held hostage by self-interested armed groups, which exacerbated further divisions. The PIL also appeared to fit a precarious pattern of post-conflict recrimination and vengeance. Blamed for their association with the former regime, many officials with specialist skills were stripped of their government posts.[49]

41. Author interview with Aljanin.
42. Author interview with Aljanin.
43. Mary Fitzgerald, "Finding Their Place: Libya's Islamists During and After the Revolution", in The Libyan Revolution And Its Aftermath, eds. Peter Cole and Brian McQuinn (Oxford: Hurst/Oxford University Press, 2015), p. 177.
44. Mohamed Eljarh, "Struggling to Advance in Post-Spring Libya", in Beyond Islamists and Autocrats: Struggling To Advance In Post-Spring Libya, The Washington Institute, Washington, D.C., January 2017.
45. Libyan Security Sector Legislation, "Constitutional Amendment No. (5) of 2013".
46. Mohamed Eljarh, "Isolation Law harms Libya's democratic transition", Foreign Policy, 8 May 2013. https://foreignpolicy.com/2013/05/08/isolation-law-harms-libyas-democratic-transition/ (15 April 2019)
47. Eljarh, "Isolation Law harms Libya's democratic transition".
48. Eljarh, "Isolation Law harms Libya's democratic transition".
49. Eljarh, "Isolation Law harms Libya's democratic transition".

November 2013 to 2019

Libya's municipalities

as valuable players

With Libya's central government and national institutions in political-crisis mode and unable to supply basic services and security across the country, local communities increasingly looked to municipality leaders to solve daily problems. Municipal officials worked to keep government offices, schools, hospitals and banks running, to oversee the upkeep of roads and rubbish collection, and to provide power, petrol, water and food supplies. Despite financial and geographical constraints, many local committees acted as key brokers in grassroots mediation and reconciliation efforts between tribes and armed groups.

In November 2013, Libya held its first municipal elections, in the eastern city of Bayda.[50] By 22 October 2014, 71 out of 82 municipal councils had been elected as part of Libya's devolution efforts. Though municipal councils, which have a four-year term, enjoyed public support, the legitimacy of some were challenged. On 19 June 2016, Agilah Saleh, the Speaker of the House of Representatives (HoR), declared a state of emergency in the east. He appointed the LNA's chief of staff, Abdulrazaq Nadori, as military governor charged with overseeing territory from Bin Jawad in the central oil crescent, to Derna in

the northeast.[51] Nadori abolished ten democratically elected municipal councils, and controversially replaced them with military rule.

Two years later, after the fighting in Benghazi and Derna had subsided, as President of the HoR, Saleh abolished the post of military governor. The interim government in Bayda, headed by Prime Minister Abdullah al-Thinni, sought to appoint civilian caretakers for the municipalities or to reinstate those who had been democratically elected.[53]

In 2018, the Central Commission for Municipal Council Elections (CCMCE) oversaw successful municipal elections in the western towns of Zawiyah, Bani Walid and Dirj. In the first half of 2019, elections are due to take place in some 70 municipalities. However, because of the chronic political and institutional divide, the democratic process continues to face enormous challenges. For instance, last December, al-Thinni's government warned municipalities in the east not to cooperate with the CCMCE, because it was affiliated with the rival Government of National Accord based in Tripoli.[53]

November 2013 to 2019

The General National Congress paves

the way for parliamentary elections

A constitutional crisis erupted in November 2013 when the General National Congress (GNC) ignored the Interim Constitutional Declaration (ICD) roadmap and extended its term from February 2014 to December of the same year.[54] Frustration and disillusionment with the GNC politicians grew among

the population, as did threats of violence against the body.

One non-partisan peaceful youth movement — No Extension, No Renewal — coordinated nationwide protests over several weeks, until the GNC yielded to

50. France 24, "Libya Holds First Municipal Elections", 30 November 2013.
51. Al-Wasat, "Agilah Saleh Declares State of Emergency And Appoints Nadori As A Military Governor", 19 June 2016.
52. Al-Wasat, "Seven Democratically Elected Mayors Call For Reinstating Democratically Elected Municipal Councils", 22 August 2018.
53. Frank Talbot and David Denehy, "Is it time for municipal elections in Libya?", Italian Institute For International Political Studies, Milan, 13 December 2018. https://www.ispionline.it/en/pubblicazione/it-time-municipal-elections-libya-21779 (15 April 2019)
54. Patrick Markey and Ghaith Shennib, "In standoff, Libyans protest over parliament extension", Reuters, 7 February 2014. https://ca.news.yahoo.com/libyans-oppose-congress-extension-amid-political-confusion-190137705.html (15 April 2019)

public pressure and agreed to hold new parliamentary elections on 25 June 2014.[55] It was a clear victory for civil society and showed that peaceful protests were capable of effecting change, in stark contrast to the brute force used by armed groups. Though its cause was vulnerable to takeover by special interests, the movement managed to set a positive precedent and reinforce the legitimacy of the democratic will of the people.

This paved the way for the June elections of the new parliament, which would oversee the next phase of Libya's transition and provide a mechanism to select the president. However, the challenge of holding new elections was tremendous in an increasingly polarised and cynical society saturated with weapons. It soon became clear that losing candidates were more likely to reject the results than accept them peacefully. The elections would lead to Libya's ruinous political and institutional split, and escalate the devastating conflict.

On 11 March, the GNC passed a seventh amendment to Article 30 of the Interim Constitutional Declaration (ICD). It allowed for a no-confidence vote to be introduced in an effort to oust controversial Prime Minister Ali Zeidan from office.[56] Political Islamist blocs were opposed to Zeidan, who represented a challenge to their domination of Tripoli's governing institutions. They ensured the amendment's success in exchange for his removal, after previous attempts to unseat him had failed. On 11 March, Zeidan was voted out, triggering a power struggle between political blocs within the GNC,[57] which soon turned into a legal battle. The politicisation of the courts would have a detrimental impact on the legitimacy and neutrality of Libya's judiciary,[58] while the threat of violence saw Prime Minister Abdullah al-Thinni's interim government relocate to the relatively safer town of Bayda.

April 2014

The Constitution Drafting Assembly initiates the drafting process

On 20 February 2014, 56 members were elected to the Constitution Drafting Assembly (CDA). They were charged with writing Libya's permanent constitution[59]. Led by appointed chair Ali Tarhuni, the CDA held its first session in Bayda on 21 April. It needed two-thirds of its members for a quorum. The indigenous Amazigh community boycotted their two seats, in protest against their language and rights being overlooked — a stance similar to the one later adopted by the Tebu. Two members from Derna failed to be elected because their city was under the control of extremist armed groups.

The CDA's most contentious debates concerned the government structure, distribution of wealth and the rights of Libya's indigenous communities, namely the Amazigh, the Tuareg and the Tebu.[60] The country's wider conflict and political splits would raise legal challenges[61] to the legitimacy of the CDA,[62] and threaten to split the institution itself.

Though hopes persisted that the CDA could be a positive development in Libya's turbulent transition,[63] its critical work was quickly overshadowed by the security crises in nearby Benghazi. In May 2014, the Libyan National Army (LNA) led by Khalifa Haftar announced the start of its lengthy Operation Dignity military campaign, with the goal of purging Islamist extremist groups, including the Shura Council of Benghazi Revolutionaries, Ansar al-Sharia and Islamic State, from Benghazi. The offensive began a few weeks before the HoR elections in June.

55. Eljarh, "Struggling to Advance in Post-Spring Libya".
56. Libyan Security Sector Legislation, "Constitutional Amendment No. (7)", 10 March 2014.
57. Author interview with Aljanin.
58. MC-Aldaouliya, "Libya's Islamists Take Full Control Of The Government After The Ousting Of Prime Minister Zeidan", 13 March 2014.
59. Ulf Laessing and Ghaith Shennib, "Poor turnout in Libyan vote for constitution-drafting body", Reuters, 20 February 2014. https://ca.news.yahoo.com/libyans-vote-constitution-body-amid-bombs-tensions-125119460--finance.html (15 April 2019)
60. Rebecca Murray, "Libya's Tebu: Living on the Margins", in The Libyan Revolution And Its Aftermath, eds. Peter Cole and Brian McQuinn (Oxford: Hurst/Oxford University Press, 2015), p. 303.
61. Reuters, "Libya's supreme court blocks legal challenges to draft constitution", 14 February 2018. https://www.reuters.com/article/us-libya-security-constitution-idUSKCN1FY2CB (15 April 2019)
62. Libya Herald, "CDA vote on draft constitution ruled invalid by Beida court", 17 August 2017. https://www.libyaherald.com/2017/08/17/cda-vote-on-draft-constitution-ruled-invalid-by-beida-court/ (15 April 2019)
63. Ansamed, "Libya: Liberal Tarhuni Elected Constituent Assembly Chief", 22 April 2014.

The CDA was scheduled to deliver a constitutional draft within 120 days of its first session. But it would take three years before the CDA approved a final draft, in July 2017. The delay led to increasing doubt about the CDA's legitimacy and mandate. Members, activists and lawyers submitted many of the lawsuits filed against the CDA, challenging the body's procedures and the draft's content. The procedure of the final vote and the legitimacy of the draft remain contested too.

May 2014

The General National Congress struggles to appoint a successor to Prime Minister Ali Zeidan

After the ouster of Prime Minister Ali Zeidan on 4 May, the GNC was locked in an internal struggle over the appointment of his successor. Ahmad Mitig, a prominent businessman from Misrata who had the backing of revolutionary blocs, was appointed prime minister. But some parties, including the National Forces Alliance (NFA), challenged the vote. They accused some members of contravening the rules of procedure, and of casting their vote by telephone. The struggle over the political appointment became a legal case that reached the Supreme Court in Tripoli.[64]

To further complicate matters, on 29 May, caretaker Prime Minister Abdullah al-Thinni announced that he would not relinquish power, citing constitutional violations in Mitig's appointment. Instead, he would wait until the Supreme Court had ruled on the matter. This manipulation of the justice system to settle political disputes set a precedent for legal and constitutional challenges. An ambiguous legal framework and threats by armed groups added to the judicial system's inability to function properly.

On 9 June, the Supreme Court ruled that Mitig's appointment as prime minister was "unconstitutional". The ruling further split Libyans: those who supported Mitig rejected the ruling, while others encouraged al-Thinni to hold on to his post. This political standoff left Libya with two prime ministers and a divided GNC.[65] GNC proponents remained in Tripoli, while al-Thinni and the HoR relocated to Bayda.

The split was not simply about east versus west, as it is often portrayed, but political and ideological clashes. For instance, the Tripoli-based government viewed Haftar's LNA military campaign in Benghazi as a coup attempt to disrupt Libya's democratic transition. Nationalists in the east defended Haftar for ridding Benghazi of extremist groups that terrorised citizens and were involved in the killing of US Ambassador Christopher Stevens in 2012.

On a positive note, both sides of the political divide respected the Supreme Court ruling. However, while some hailed it as a significant victory for the rule of law, others feared that a precedent to settle political issues through the courts could undermine the judiciary's reputation as an impartial arbiter.

June 2014

Elections and the emergence of two parliaments

The elections for the House of Representatives (HoR) were held on 25 June. The low turnout of approximately 18% of eligible voters reflected public disillusionment with Libya's flawed political process.[66] Instead of bolstering democracy, the third election since Gaddafi's overthrow accelerated the country's

64. Mohamed Eljarh, "Libya's Supreme Court Saves The Day", Foreign Policy, 11 June 2014. https://foreignpolicy.com/2014/06/11/libyas-supreme-court-saves-the-day/ (15 April 2019)
65. Eljarh, "Libya's Supreme Court Saves The Day".
66. Eljarh, "Struggling To Advance In Post-Spring Libya".
* According to the High National Elections Commission (HNEC), the number of voters registered for the 2014 HoR elections fell by nearly 47% to 1,509, 317 from 2,865,937 in the 2012 GNC elections . The turnout in 2014 was 630,000 constituting of 41% of the registered voters. See HNEC website for 2012 and 2014 elections numbers https://hnec.ly/?page_id=7537 and https://hnec.ly/?page_id=7454

political and armed struggle. It revealed the tremendous financial gains made by armed groups as security and economic conditions continued to deteriorate.

The HoR elections resulted in the defeat of political Islamist factions. Rival armed groups battled for control of the international airport in Tripoli amid the threat of fully fledged civil war. The elections and the fighting in Tripoli were intimately linked. The political Islamists feared a legislative backlash that could include new anti-terrorism laws and sanctions, political and financial support for Khalifa Haftar's military coalition, the direct election of a national president, and the repeal of the controversial Political Isolation Law (PIL), which excluded ex-regime officials from holding public office. They were convinced that such measures could severely limit their influence in Libya's political future. Indeed, their fears materialised in the following months and years.

The struggle between the political Islamists and their opponents within the General National Congress (GNC) weakened the institution. National demonstrations erupted near the end of the GNC's term, with protesters demanding elimination of party lists in favour of independent candidates. The committee tasked by the GNC to draft the new electoral law incorporated these demands ahead of the HoR elections. But the elimination of political parties led to an unintended setback for democracy. Eliminating them gave rise to a personality-driven politics that could pave the way for a new autocratic regime in Libya.[67]

Political parties were banned in the Gaddafi era. In 2012, the National Transitional Council (NTC) enacted Law 14 of 2012, decriminalising the formation of political parties. This was followed by Law 29 of 2012, which regulates the formation, registration, activities and membership of political parties. In the 2012 GNC elections, parties performed well as they competed over the proportional representation seats. However, they could not form larger parliamentary blocs within the parliament or attract individual members to join them.

The peaceful handover of power between parliaments was a crucial test of Libya's democracy. Unfortunately, it failed. The GNC argued that its term had not expired in accordance with the Interim Constitutional Declaration (ICD), and it refused to relinquish power to the newly elected HoR on 4 August.[68] The UN-backed Libyan Political Agreement (LPA) later legitimised the parallel bodies through a power-sharing arrangement.

On 6 August, the HoR adopted an eighth amendment to Article 30 of the ICD to delay the elections of a president.[69] While the High National Election Commission (HNEC) was technically and logistically ready to hold presidential elections, the security situation was deteriorating and the political environment was not conducive to holding free and fair elections. Intense fighting in Tripoli and Benghazi, as well as elsewhere in Libya, including in the south, meant that the national election turnout would be too low to appear legitimate.

The Tobruk-based HoR and Speaker Agilah Saleh assumed presidential powers until a president could be elected. Meanwhile, the defiant GNC in Tripoli appointed Prime Minister Omar al-Hassi as head of their new National Salvation government. Libya now had two parliaments and two governments, with each side supported by a different armed coalition. The split affected institutions crucial to Libya's economic survival, including the National Oil Corporation (NOC), the Central Bank of Libya (CBL) and the Libyan Investment Authority (LIA).[70]

Libya's political transition had disintegrated. Armed groups extorted millions of dollars through intimidation and violence, and their influence over government institutions and policy became the new status quo. The absence of a legitimate central government, and unified state institutions and security apparatuses, undermined the rule of law, the economy and state building. The environment was also conducive to the proliferation of extremist groups such as Islamic State, which seized its opportunity to profit from the chaos.[71]

67. International Crisis Group, "Libya's Unhealthy Focus On Personalities", Washington, D.C., 8 May 2018. https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/b57-libyas-unhealthy-focus-personalities (15 April 2019)
68. AfricaGate, "Nuri Abusahmain Refuses To Hand Over Power In Tobruk And Calls For A Session In Tripoli", 3 August 2014.
69. Libyan Security Sector Legislation, "Constitutional Amendment No. (8)", 6 March 2014.
70. Ulf Laessing, "Libya's Runaway Parliament Seeks Refuge In Tobruk Bubble", Reuters, 2 October 2014. https://www.reuters.com/article/us-libya-security-insight-idUSKCN0HR1GO20141002 (15 April 2019)
71. Martin Reardon, "Libya, extremism and the consequences of collapse", Al Jazeera, 28 January 2016. https://www.aljazeera.com/indepth/opinion/2016/01/libya-extremism-consequences-collapse-160128054629594.html (15 April 2019)
72. United Nations, "Launching Strategy To End Protracted Libya Crisis, Secretary-General Says United Nations Will Increase In-Country Presence", New York, NY, 20 September 2017. https://www.un.org/press/en/2017/sgsm18707.doc.htm (15 April 2019)

September 2014

UNSMIL initiates dialogue between political rivals in Ghadames

In September 2014, the UN Support Mission in Libya (UNSMIL) brokered what would become a lengthy dialogue between rival factions.[72] Initially, UNSMIL moderated talks in the desert town of Ghadames between members of the Tobruk-based House of Representatives (HoR) and the Misrata and Tripoli-based HoR members who had boycotted the body's sessions in Tobruk.

Spearheaded by UN envoy Bernardino León, the preliminary meeting aimed to bring the opposing sides together, build trust and encourage dialogue. Afterwards, the two groups of parliamentarians agreed to meet for a second round of talks to resolve the outstanding differences over the political process and to call for an immediate national ceasefire. The participants also agreed on confidence-building measures. These included working together to address urgent humanitarian needs, especially treating casualties on both sides of the conflict, and to resume flights at the country's major airports.[73]

The Ghadames session occurred just weeks after the destruction of Tripoli's international airport by rival Operation Dignity and Libya Dawn military coalitions which were vying for control of the lucrative asset.[74] The month-long battle had resulted in the parallel political institutions described above. Initially, the international community recognised Prime Minister Abdullah al-Thinni and the HoR, based in Bayda and Tobruk, as Libya's legitimate government, rather than Prime Minister Omar al-Hassi of the National Salvation government and the rehabilitated General National Congress (GNC) in Tripoli. In fact, GNC members criticised the Ghadames talks, arguing that the UN wanted to legitimise the HoR, which they said they had defeated politically and militarily.

November 2014

The Supreme Court in Tripoli nullifies the House of Representatives elections

In August 2014, shortly after the newly elected House of Representatives (HoR) convened in Tobruk, two lawsuits reached the Supreme Court in Tripoli contesting the constitutionality of the HoR elections. The claimants, a boycotting member of the HoR and a General National Congress (GNC) representative, asked the court to nullify paragraph 11 in the seventh amendment to the Interim Constitutional Declaration (ICD). The clause stated that the HoR should appoint or hold direct elections of a president by popular vote within 45 days of the HoR's first session. They argued that the paragraph had been adopted in violation of ICD provisions and GNC rules of procedure.[75]

On 6 November, the Supreme Court upheld the claimants' controversial argument. Some members of the GNC, led by Speaker Nuri Abu Sahmain, declared that the ruling not only dissolved the HoR, but also established the GNC as the legitimate legislature of Libya. Two months before the Supreme Court's verdict, the GNC had been resurrected by the Libya Dawn military alliance, with Omar al-Hassi as prime minister.

The Supreme Court's verdict raised concerns among the opposition about transparency and the potential intimidation of judges in Tripoli, where the court was based. The HoR in Tobruk subsequently rejected the ruling, accusing the Supreme Court judges of reaching a decision under duress.[76]

73. AfricaGate, "Positive Start To The Libyan Dialogue: Agreement For Ceasefire and Reopening of Airports", 30 September 2014.
74. Heba al-Shibani and Ahmed Elumami, "War planes attack Libyan capital again and airport terminal is destroyed", Reuters, 24 August 2014. https://www.reuters.com/article/us-libya-security-idUSKBN0GN0AS20140824 (15 April 2019)
75. Libyan Security Sector Legislation, "Constitutional Amendment No. (7)", 3 October 2014.
76. BBC News, "Libya supreme court 'invalidates' elected parliament", 6 November 2014. https://www.bbc.com/news/world-africa-29933121 (15 April 2019)

January and February 2015

UNSMIL holds talks in Geneva and Ghadames

The legal challenge that resulted in the Supreme Court ruling to invalidate the House of Representatives (HoR) elections in June 2014 had effectively determined the trajectory of Libya's transition. The judicial ruling added another layer of complexity to the crisis. It left Libya without a legally recognised government and widened the gap between competing tribes and nationalist factions that had already been embroiled in conflict for months.

On 15 January, a new round of talks brokered by the UN Support Mission in Libya (UNSMIL) convened in Geneva with a goal to end the country's political and security crisis.[77] However, the General National Congress (GNC) set conditions for participation. They asked that the Supreme Court ruling be respected, and that the GNC — until then unrecognised by the international community — be treated as equal partners in the talks. Finally, the GNC requested that dialogue resume in the desert town of Ghadames.

In addition to the talks between the GNC and the HoR, UNSMIL broadened its approach by setting up a simultaneous dialogue that included representatives of municipalities and armed groups, women and youth, as well as political parties, tribal leaders and civil society.

Consequently, on 12 February, another round of talks was held in Ghadames. It was the first time that the GNC took part in the UNSMIL process. However, HoR and GNC representatives refused to meet in the same room.[78] Instead, the UN's envoy Bernardino León held simultaneous caucuses. This proved to be a challenging and lengthy process, and eroded the legitimacy of the political institutions engaged in the talks. They were accused of prolonging the process to hold on to power. It also damaged the legitimacy of dialogue. The results of the negotiations were disputed as the status quo continued to undermine Libya's security and living conditions.

March 2015

The General National Congress fires Prime Minister Omar al-Hassi and replaces him with Khalifa Ghwell

On 31 March, the General National Congress (GNC) dismissed Prime Minister Omar al-Hassi after six months in office, citing his poor performance as the reason for its decision. They also blamed him for government divisions.[79] The GNC viewed al-Hassi's statements about the dire state of Libya's finances as an attempt to cause a public outcry, and were disappointed that the international community refused to recognise and aid the cash-strapped and isolated Tripoli-based government.

Meanwhile, the fight for assets and power between forces allied to rival governments raged in communities across Libya's west, east and south. Armed groups were stretched thin and poorly paid, and lacked medical support. Economic conditions and services for civilians continued to nosedive, and journalists and activists were silenced.

The appointment of Khalifa Ghwell as prime minister, al-Hassi's deputy and one of Misrata's revolutionary commanders meant that the GNC wanted an asser-

77.   UN Security Council, "Report of the Secretary General on the United Nations Support Mission In Libya", New York, NY, 26 February 2015.

78.   UNSMIL, "Political Dialogue Convenes in Ghadames with All Parties Attending; Discussions to Continue in Days", Ghadames, 11 February 2015. https://unsmil.unmissions.org/political-dialogue-convenes-ghadames-all-parties-attending-discussions-continue-days (15 April 2019)

79.   BBC News, "Libya Crisis: Head of Islamist Tripoli Government Fired", 31 March 2015. https://www.bbc.com/news/world-middle-east-32137285 (15 April 2019)

tive leader who would be able to obtain necessary funds from the Central Bank of Libya (CBL) to pay for the state budget.

It was also assumed that Ghwell's appointment would help reach a political settlement with the rival government in the east. This assumption proved wrong. Ghwell and his GNC allies refused to recognise the UN-brokered Libyan Political Agreement (LPA) to be signed in Skhirat, Morocco that December.[80]

July to October 2015

The General National Congress rejects the Libyan Political Agreement's fourth draft

On 7 July, the General National Congress (GNC) rejected the fourth and final draft of the Libyan Political Agreement (LPA), after UN envoy Bernardino León announced that up to 99 percent of the contentious issues between both parties had been resolved, enabling them to form a unified Government of National Accord (GNA). However, the GNC delegation did not sign the final agreement.[81]

GNC spokesperson Omar Hmaidan said the agreement did not take into account their amendments. These included a power-sharing legislative role with the House of Representatives (HoR), authority over the new GNA's appointments, a say in the constitution-making process and electoral law, and a review of HoR decisions on high-ranking appointments. The HoR had resisted the GNC's demands for months, insisting they were the sole legitimate legislators. Additionally, the HoR and President Agilah Saleh said they would consider handing the role of armed forces commander to the GNA, if they could choose the prime minister and one of two deputies.[82]

The power struggle concerning the formation of the future GNA would have a significant negative impact. The government's legitimacy and performance would be undermined by a complex structure and embedded patronage system. For instance, the executive Presidential Council (PC) expanded from three to nine members during the negotiations.[83]

The cronyism and power struggle between the HoR and GNC representatives during the talks fed into the Libyan public's deep alienation and distrust of the UN-backed political process, which involved myriad members of the international community and conferences held in foreign locales. Libyan citizens felt hostage to both greedy armed groups and dismal living standards.[84] Unfortunately, the political infighting would extend far beyond the signing of the LPA.

November 2015

The abrupt exit of UN envoy Bernardino León

UN envoy Bernardino León, the diplomat who initiated and oversaw the Libyan Political Agreement (LPA) negotiations, retired on 6 November. Supervision of the last round of the talks fell to his successor, German diplomat Martin Kobler. However, the legitimacy of the UN as an honest broker suffered a considerable blow when León moved to the UAE, a state that was repeatedly accused of meddling in Libyan affairs, for a well-paid job that he had negotiated during his role as UN envoy in Libya.[85]

80. International Crisis Group, "The Libyan Political Agreement: Time For A Reset".
81. International Crisis Group, "The Libyan Political Dialogue: An Incomplete Consensus", 16 July 2015. https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyan-political-dialogue-incomplete-consensus (15 April 2019)
82. International Crisis Group, "The Libyan Political Agreement: Time For A Reset".
83. International Crisis Group, "The Libyan Political Agreement: Time For A Reset".
84. Rebecca Murray, "Libya anniversary: 'The situation is just terrible'", Al Jazeera, 16 February 2015. https://www.aljazeera.com/news/2015/02/libya-anniversary-situation-terrible-150216082028555.html (15 April 2019)

The controversy cast serious doubt on the neutrality of the UN in brokering a peace for Libya and led to calls from affiliated factions with the General National Congress (GNC) to restructure the peace deal. Kobler had little choice but to rapidly push through the LPA to try to mitigate the damage. The majority of Libya's stakeholders signed, but not all of them. The GNC and its National Salvation government, led by Prime Minister Khalifa Ghwell, refused to recognise the LPA and the subsequent GNA, and called instead for a renewed peace initiative.

December 2015

The signing of the Libyan Political Agreement in Skhirat

Through last-minute shuttle diplomacy in December 2015, UN envoy Martin Kobler attempted to convince members of the House of Representatives (HoR), the General National Congress (GNC), and other key players such as Khalifa Haftar of the Libyan National Army (LNA) to sign off on the Libyan Political Agreement (LPA).

To appease as many key factions as possible, the structure of the Presidential Council (PC) was increased from one prime minister and two deputies to a nine-member team of prime minister, four deputies and four state ministers. The members of the expanded PC were chosen to represent geographic regions and cities such as Barqa, Fezzan, Misrata, Zintan and Tripoli, political institutions such as the HoR and the GNC, ideological groups, and the Libyan National Army (LNA).[86]

On 16 December, just one day before the signing of the LPA in Skhirat, Morocco, Kobler visited Haftar's headquarters in Marj, eastern Libya. He sought to convince Haftar to support the LPA and nominate a candidate to the PC. The last-minute visit came as Haftar signalled his lack of support for the expanded PC because some of its members were allegedly associated with armed groups that the LNA was battling in Benghazi. Finally, Haftar agreed to nominate one of four deputies to the PC. After more than a year and a half of challenging negotiations, the LPA was finally signed on 17 December 2015 by the negotiators, with some abstentions.[87]

The lack of trust and deep-rooted tensions in the negotiating process prevented the PC from functioning effectively, casting serious doubt on its legitimacy as the sole governing authority to represent Libyans. Instead, it marked the beginning of a new phase in the struggle between Libya's competing governments and divided institutions, and left unresolved many legal disputes challenging the legality and constitutionality of the GNA and LPA.

January 2016

The House of Representatives endorses the Libyan Political Agreement but drops contested Article 8 and rejects the proposed GNA cabinet

The Libyan Political Agreement (LPA) established three governing bodies: 1) the House of Representatives (HoR) in Tobruk; 2) the High Council of State in Tripoli; and 3) the Presidential Council (PC) and Gov-

85. Randeep Ramesh, "UN Libya envoy accepts £1,000-a-day job from backer of one side in civil war", Guardian, 4 November 2015. https://www.theguardian.com/world/2015/nov/04/un-libya-envoy-accepts-1000-a-day-job-from-backer-of-one-side-in-civil-war (15 April 2019)
86. International Crisis Group, "The Libyan Political Agreement: Time For A Reset".
87. International Crisis Group, "The Libyan Political Agreement: Time For A Reset".

ernment of National Accord (GNA) based in Tripoli. These bodies are locked in a struggle over power sharing to this day.[88]

On 25 January 2016, the HoR convened in Tobruk to vote on the LPA. While its members endorsed the document in principle, the HoR dropped one of the additional provisions, Article 8. This controversial clause stated that all senior military, civil and security posts should immediately be transferred to the PC upon the signing of the LPA. Khalifa Haftar and his supporters realised that the provision would sideline his ambitions to remain general commander of Libya's armed forces.[89]

By annulling Article 8, the HoR pitted itself against the newly formed State Council over its interpretation of the agreement's text, and the extent of power-sharing within it. In addition, the HoR voted to reject the GNA cabinet's 32 ministries, requesting a smaller number to replace its bloated composition. An agreement among the nine members of the PC had produced the large number of ministries to satisfy various constituencies and to give President Fayez al-Serraj power to appoint a number of portfolios.

Though the GNA would become Libya's internationally recognised government, it would never receive full confidence or legitimacy from the HoR. Instead of unifying the country, the LPA led to further complex legal and political disputes.

March 2016

The Presidential Council arrives in Tripoli by sea

On 30 March 2016, after more than three months in exile in Tunis, and failing in various attempts to land at Tripoli's Mitiga International Airport, the Presidential Council (PC) of the Government of National Accord (GNA) arrived at Tripoli's Abu Sita naval base in a convoy of ships.

Prime Minister Khalifa Ghwell's National Salvation government had rejected the Libyan Political Agreement (LPA) and refused to recognise the GNA. It vowed to arrest members of the PC and the GNA cabinet. This meant that the newly arrived PC remained cloistered at the naval base, while the National Salvation government still controlled government offices in Tripoli. The GNA had to pay Tripoli-based armed groups, especially at Mitiga airport and around the naval base, to secure their operations.[90]

The arrival of the PC would spark months of tensions within Tripoli, which now had dual governments and ministries operating inside it. This eventually led to two coup attempts against the GNA by armed groups aligned with the National Salvation government. From October 2016 to March 2017, forces loyal to the National Salvation government had the upper hand in Tripoli by outmanoeuvring GNA forces, securing support from armed groups from Misrata, and controlling key districts of Tripoli.

However, the GNA finally gained control of the capital through brokered alliances with local armed groups from Tripoli, who managed to oust the National Salvation government. But challenges to the GNA's legitimacy and authority through force and the justice system continued well into 2018.[91]

88. UNSMIL, "The Libyan Political Agreement", Ghadames, 17 December 2015. https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf (15 April 2019)

89. Karim Mezran, "Is Libya's 'Skhirat' Agreement Really Dead?", The Atlantic Council, Washington, D.C., 13 March 2017. https://www.atlanticcouncil.org/blogs/menasource/is-libya-s-skhirat-agreement-really-dead (15 April 2019)

90. Wolfram Lacher and Alaa al-Idrissi, "Capital of Militias: Tripoli's Armed Groups Capture the Libyan State", Small Arms Survey, Geneva, June 2015. https://www.academia.edu/36954401/CAPITAL_OF_MILITIAS_-_Tripolis_Armed_Groups_Capture_the_Libyan_State_2018 (15 April 2019)

91. Mary Fitzgerald and Mattia Toaldo, "A Quick Guide to Libya's Main Players", European Council on Foreign Relations, London, January 2018. https://www.ecfr.eu/mena/mapping_libya_conflict (15 April 2019)

October 2016

Bayda's Court of Appeals rules the Presidential Council unconstitutional

Libya's legitimacy crisis is multifaceted, and not strictly rooted in legal or constitutional claims. It stems from the legacy of four decades of dictatorship, a dysfunctional governance structure, and an uprising which laid bare the deep rifts and trust deficit between Libyans.

The judicial system has contributed to the dysfunction. The trend of exploiting the judiciary for political means had been set back in 2014, hindering future prospects for a stable national government. Then, on 19 October 2016, the appeals court in Bayda upheld a legal challenge brought by Prime Minister Abdullah al-Thinni that claimed that the Tripoli-based Presi-

dential Council (PC), the Government of National Accord (GNA) and all their decisions were null and void.

The claim stated that the Libyan Political Agreement (LPA) had not properly followed the Interim Constitutional Declaration (ICD), and the House of Representatives (HoR) had not endorsed the GNA, as required by the LPA.

Today, the interim government in Bayda continues to operate in the east, while the GNA has yet to extend its authority beyond Tripoli and some territory in the west and south.

July 2017

The Constitutional Drafting Assembly votes in favour of a draft constitution

The Constitutional Drafting Assembly (CDA), which was tasked with drawing up a permanent constitution for Libya, was mired in internal divisions. Some members were federalists, and concerned that their rights would be threatened by Libya's majority population living in Tripolitania. An opposing group of members worried about Libya's unity, and proposed a strong, united but decentralised governing system. Indigenous representatives of the Amazigh and Tebu communities boycotted the process over grievances related to cultural, heritage and identity rights.

More than one year before the draft was adopted, CDA meetings had been stalled by crucial issues, including whether the government should be decentralised and how to distribute wealth. The UN intervened in March 2016 and moved the meetings from Libya to Salalah, in Oman. However, the Salalah meetings led to further tensions within the CDA, with some members refusing to endorse the draft constitution.

Bayda's court of appeals accepted the legal challenge to the Salalah draft. To confuse matters further, in mid-2017, Agilah Saleh, the president of the House of Representatives (HoR), announced that the CDA's mandate had expired, as it had gone well beyond the 120 days required to do its work pursuant to the Interim Constitutional Declaration (ICD). He declared that the HoR would consider dissolving the current CDA team, and appoint a new committee for the task.

On 29 July 2017, this series of challenges unified CDA committee members, who voted in favour of their completed draft. Saleh's statement about reconsideration of the constitution-drafting process and possible dissolution of the CDA was a strong enough motivation for 43 CDA members to vote for the draft constitution, thus securing the two-thirds majority required to put it up for referendum.

October 2017 to February 2018

The draft constitution faces more legal challenges

Months after the Constitutional Drafting Assembly (CDA) passed the draft constitution, legal challenges continued to cast doubt on the legitimacy of the drafting process and the document it produced. On 12 October 2017, Bayda's court of appeals ruled on a case brought by several CDA members who claimed procedural irregularities took place when the draft was voted on. The court annulled the CDA vote that took place on 29 July. The ruling was challenged by the CDA at the Supreme Court in Tripoli, and on 14 February 2018 the Supreme Court ruled in favour of the CDA, arguing that the court of appeals in Bayda had no jurisdiction over matters related to the activities of a democratically elected body.

In total, there were four legal challenges that disrupted the CDA's work and questioned the legitimacy of the constitution-drafting process.

Legal challenges are not the only obstacles to the realisation of a permanent constitution. On 26 November 2018, the House of Representatives (HoR) adopted the tenth constitutional amendment to Article 30 of the Interim Constitutional Declaration (ICD). Initially, the article stated that once the constitutional draft was adopted by the CDA, it would be put up for a two-thirds vote in a public referendum. The new amendment has added an additional requirement: for the constitution draft to pass it must obtain 50% plus one vote in each of the three regions of Cyrenaica, Fezzan and Tripolitania.

November 2018

The UN's way forward and the House of Representatives objection to the Interim Constitutional Declaration

In 2018, the UN envoy to Libya, Ghassan Salamé, realised that the House of Representatives (HoR) and the State Council were holding the political process hostage. They had repeatedly failed to amend the Libyan Political Agreement (LPA) and agree on a mechanism to choose a new unity government, a Presidential Council (PC) with three members, and a prime minister.

On 5 September 2018, Salamé informed the United Nations Security Council (UNSC) that his efforts to amend the LPA had been unsuccessful because of the negotiators' inability to compromise and pave the way for a unity government, a national referendum, and constitutional elections. Under the circumstances, Salamé proposed bypassing the obstructive parties and moving to the next phase of his plan: a National Conference in Libya, where participating citizens would agree on a new way forward.

On 8 November 2018, Salamé informed the UNSC that the National Conference would be held in January 2019. On 12 and 13 November 2018, at an international conference on Libya in Palermo, Salamé reiterated his idea of bypassing the HoR and the State Council. Instead, he maintained that the National Conference would establish a new legal framework that would pave the way for elections to appoint a new unity government by June 2019.

Salamé's assertiveness angered some members of the HoR and the State Council, leading to accusations that he was imposing international aspirations on Libyans and bypassing democratically elected Libyan institutions.

On 29 November 2018, the HoR enacted a constitutional amendment that would integrate the LPA into the Interim Constitutional Declaration (ICD), and lead to a referendum on the CDA's draft constitution. The HoR's initiative, pushed through by President Agilah Saleh, is meant to work against Salamé's efforts to bypass the HoR and the State Council to hold the National Conference.

Power and Violence

Introduction

The dynamics of power and violence in Libya have been inextricably linked during the transitional period that followed the ouster of Muammar Gaddafi. Much of this is rooted in the trajectory of the 2011 uprising. A majority of the armed groups operating in Libya today either entirely originated or partly originated from the revolutionary brigades that sprang up in opposition to Gaddafi that year.

In July 2011, the killing of Abdel Fatah Younis, the commander of forces opposed to Gaddafi, revealed a darker undertow to the rebel side, one that still reverberates today. Similarly, the chaotic manner in which Tripoli fell to rebel forces the following month set in motion a series of developments that ultimately birthed the militia culture that dominates the capital.

The seizure of key infrastructure in Tripoli, including airports, military bases and government offices, by rebels already competing for power when Gaddafi was still at large gave armed groups 14outsized influence on government decision-making in the years that followed. A series of fateful decisions by the National Transitional Council (NTC) to put those who claimed to have been revolutionary fighters on the public payroll ultimately led to the present situation, where adversaries on all sides of the current conflicts continue to receive state salaries.

Many of the conflicts — both national and more localised — that roil Libya today can be traced back to factional or personal rivalries that were sparked during the 2011 uprising. The first example of major political concessions being granted due to the use or threat of force occurred just before Libya's first elections in July 2012. Faced with intimidation and blockades from armed "federalists" seeking a measure of regional autonomy, the transitional authorities made key changes to the planned constitution-drafting process. This lesson in force as a political tactic was cited the following year by armed groups that besieged government ministries in a bid to push through the sweeping Political Isolation Law, which effectively removed from office a wide range of experienced officials who had worked under the Gaddafi regime.

Another lesson came in 2013, when Ibrahim Jadhran, a militia commander in the Petroleum Facilities Guard, blockaded key oil ports in eastern Libya for nine months, almost completely shutting down the country's main revenue stream, only to be subsequently compensated in a government deal. Energy infrastructure continues to be hijacked by armed groups seeking concessions from Tripoli.

Libya's post-Gaddafi conflicts have been more scrambles for control of resources than they have been ideological. The widespread belief that real power in Libya comes not from elected institutions but from the barrel of a gun has not just undermined ordinary Libyans' faith in their democratic experiment — compare how turnout for national elections more than halved between 2012 and 2014 — but also encouraged Khalifa Haftar, the would-be strongman in the east, who argues that Libya is not ready for democracy.

The relationship between power and violence, and the question of who is prepared to use the latter to achieve the former is likely to challenge Libya's transition prospects for the foreseeable future.

July 2011

The killing of Abdel Fatah Younis, commander-in-chief of the revolutionary forces

Abdel Fatah Younis had held several senior roles in the Gaddafi regime's security apparatus before he defected in late February 2011 to join the rebels. His defection at such an early stage gave momentum to the uprising and helped encourage more military figures to join it. Furthermore, Younis was from the Obeidat tribe, historically the most powerful in eastern Libya. He faced several challenges, including how to organise forces that included regime soldiers who defected but also untrained volunteers, among them Islamists of several hues.

Many of the Islamists did not trust Younis due to his role in several major regime operations against opposition elements, including jihadists, in eastern Libya.[1] In particular, he oversaw a military operation in Derna — long a hotbed of anti-regime sentiment, much of it jihadist — that devastated the town in the 1990s. In late July 2011, Younis was reported dead by the National Transitional Council after he had been summoned from the frontline for questioning in Benghazi. His mutilated body was found in the city, but no one has ever been brought to justice for the killing.

Many questions remain unanswered over who was responsible, though it is widely believed that Younis's assassins were extremists bent on revenge for his role in Derna. His murder threatened to drive a fatal wedge between the rebels, though for the most part the revolutionaries remained united. It also revealed a darker undertow to the uprising.[2] Some Libyans believe the assassination ultimately hampered efforts to establish united military forces after Gaddafi's fall. The killing remains a sore point today in eastern Libya, particularly among the Obeidat tribe.

August 2011

The battle of Tripoli

Six months after the uprising against the Gaddafi regime began, rebel forces moved to take control of the Libyan capital. It involved forces outside Tripoli coordinating with elements within it, including sympathetic senior military and intelligence figures.[3] Tripoli fell within a few days, with the advancing rebels aided not only by allied officers within the security apparatus but also by NATO airstrikes, which targeted military facilities dotted around the city. Ordinary citizens also assisted by barricading streets. Rebel units that streamed into the capital included the Tripoli Revolutionaries Brigade, which consisted mostly of Tripolitanians who had trained in Libya's western mountains, but also armed groups from the port city of Misrata, itself subjected to a months-long siege by regime forces, and Zintan, a town southwest of Tripoli.

Some of the fiercest fighting took place in and around Gaddafi's sprawling Bab al-Azizia compound. Gaddafi and his family had already fled the capital, as had thousands of residents fearing a protracted battle. Rebel fighters broke open Abu Salim, the notorious prison where dissidents had been incarcerated throughout Gaddafi's rule, and where some 1,200 prisoners were killed by security forces in a 1996 massacre. Cracks that were already being felt within the revolutionary camp widened after the fall of Tripoli as rebel units quickly began competing for influence. They commandeered key infrastructure including military compounds, airports and government buildings, calculating — correctly, as it turned out — that physical control of such strategic locations would give them outsized influence, including on government decision-making. In a telling remark,

1. Mary Fitzgerald, "Finding Their Place", in *The Libyan Revolution and Its Aftermath,* eds. Peter Cole and Brian McQuinn (Oxford: Hurst/Oxford University Press, 2015).
2. Fitzgerald, "Finding Their Place".
3. Peter Cole with Umar Khan, "The Fall of Tripoli: Part 1" and "The Fall of Tripoli: Part 2", in *The Libyan Revolution and Its Aftermath,* eds. Peter Cole and Brian McQuinn (Oxford: Hurst/Oxford University Press, 2015).

one commander from Zintan, whose forces had control of Tripoli's international airport until the summer of 2014, boasted that "the airport is worth a thousand [government] ministries".[4] Local resentment grew towards the armed groups that came from outside the city to "liberate" it but then refused to leave. Already there were hints of the power struggles to come.[5]

October 2011

Battle for Sirte — the regime's last stand and Gaddafi's killing

Sirte, Gaddafi's hometown and a loyalist bastion that had enjoyed his largesse for decades, was where he and his regime made their last stand. Gaddafi and his entourage, comprising family members and senior security personnel, had hidden out in Sirte after fleeing the rebels' advance on Tripoli. The grinding month-long battle for the city, often fought street by street as NATO bombed military locations from the air, ended in late October when rebel forces killed Gaddafi.

Grainy telephone footage of a disoriented Gaddafi being beaten and abused before he was killed left many Libyans uneasy. Many Libyans argued that Gaddafi should have faced justice in court and felt the manner of his death was a stain on their revolution.

Following the fall of Sirte, NATO announced it would end operations in Libya on 31 October. The National Transitional Council declared Libya liberated on 23 October. The six-week battle for Sirte, one of the most protracted in the uprising and involving NATO airstrikes as well as street fighting, devastated the coastal town. While most of its civilian population had fled, much of Sirte's infrastructure was damaged or completely destroyed. The fiercely loyalist Sirte received little sympathy in post-Gaddafi Libya, and its reconstruction was not a priority for Tripoli's authorities. Grievances rooted in Sirte's neglect and ostracisation post-2011 were factors that would later contribute to the emergence of the Islamic State militant group here.

October to December 2011

Financial reward for rebel fighters

The seeds of Libya's current militia economy were sown during this period, particularly during the government of Abd al-Rahim al-Keeb, which was formed in November 2011.[6] However, the pattern of giving state funds to those who claimed to be revolutionary fighters began with National Transitional Council (NTC) decisions to provide Eid bonuses, and later another round of payments to fighters in the immediate post-liberation period. Some Libyans criticised these decisions because in not linking such payments to the surrender of weapons, the transitional authorities missed a unique opportunity for disarmament.

In particular, the NTC established the Warriors Affairs Commission (WAC) as part of its efforts to reintegrate fighters via further education or skills training, or by conscripting them into the military or police force. As part of its mandate, the WAC made plans to collect weapons from former fighters and created a registry of self-declared revolutionaries, or thuwwar. However, although fewer than 100,000 men were estimated to have fought in the uprising, more than 200,000 signed up for the registry.

The al-Keeb government later decided to pay monthly salaries to members of armed groups op-

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4.   Mary Fitzgerald, "Is civil war likely?", *Economist*, 25 August 2014.
     https://www.economist.com/pomegranate/2014/08/25/is-civil-war-likely (17 April 2019)
5.   Wolfram Lacher and Alaa al-Idrissi, "Capital of Militias: Tripoli's Armed Groups Capture the Libyan State",
     Small Arms Survey, Geneva, June 2015. https://www.academia.edu/36954401/CAPITAL_OF_MILITIAS_-_Tripolis_Armed_Groups_
     Capture_the_Libyan_State_2018 (15 April 2019)
6.   Lacher and al-Idrissi, "Capital of Militias".

erating under the umbrella of either the Supreme Security Committee (SSC) — linked to the interior ministry — or the Libya Shield Force, ostensibly under the authority of the army chief of staff. Still other armed groups, particularly from Zintan, drew salaries as official units of the defence ministry, which was then headed by Osama al-Juwaili from Zintan. The introduction of state salaries for fighters caused armed groups to mushroom in size and clout, driving recruitment but also encouraging commanders to inflate membership figures in order to gain more funds. The fact that the pay scale of the regular army and police paled in comparison to the salaries given to those under the newly formed adjunct SSC and Libya Shield Force also bred resentment among military and police officers.

June 2012

Federalist violence and threats lead to major political concessions

In early 2012, activists in eastern Libya seeking a measure of regional autonomy began to organise, and in March they announced the formation of the Higher Interim Council for Barqa. Largely motivated by past grievances emanating from the Gaddafi regime's neglect of the east, the activists — widely known as federaliyya, Arabic for federalists — ranged from those who sought a decentralised system of government for Libya to a minority who advocated separatism. The Barqa Council also had an armed wing, known as Jaish Barqa, or Army of Barqa.

From an early stage, the federalists used intimidation and violence to press their case. For example, just weeks before Libya's first democratic elections, in early July, they blockaded the coastal highway connecting the country's east and west, and demanded both the allocation of seats in parliament and that a separate committee draft Libya's first constitution in the post-Gaddafi era.

Faced with the federalists' threats — they also warned that they would disrupt the July ballot — the National Transitional Council's (NTC) head, Mustafa Abdel Jalil, decided to change how the membership of the constitution-drafting committee would be chosen. While other armed groups had previously used strong-arm tactics to pressure the NTC, this was the first example in post-Gaddafi Libya of major political concessions being granted due to the use or threat of force. Despite the NTC's concessions, armed federalists followed through with their threats to disrupt the 2012 parliamentary vote, attacking the electoral commission's offices in Benghazi, shooting down a helicopter carrying election materials and attacking polling stations. They also shut oil terminals before the ballot.[7]

The following year, when armed groups in Tripoli besieged government buildings to push through a sweeping lustration law, they justified the tactic by citing the precedent set by the federalists.

September 2012

Attack on the US diplomatic mission in Benghazi

On 11 September, an armed group attacked the US diplomatic mission in Benghazi and burned it down. Later that night, another US diplomatic annex in the city came under mortar and rocket fire. US Ambassador Christopher Stevens died of smoke inhalation, three other Americans were killed too, and more than 30 had to be evacuated.[8] At first, the culprits were believed to have been a mob responding to a video mocking Islam, but it was later determined to have been a terrorist attack.[9] In Benghazi, shock over

7. Kim Sengupta, "Armed federalists shut down Libya oil terminals ahead of vote", *Independent*, 6 July 2012. https://www.independent.co.uk/news/world/africa/armed-federalists-shut-down-libya-oil-terminals-ahead-of-vote-7920590.html (17 April 2019)

8. *CNN,* "Benghazi Mission Attack Fast Facts", 4 September 2018. https://edition.cnn.com/2013/09/10/world/benghazi-consulate-attack-fast-facts/index.html (29 May 2019)

the deaths prompted mass demonstrations against Ansar al-Sharia, an extremist group later designated by the UN as a terrorist organisation, and other Islamist armed groups. The growing power of Ansar al-Sharia, in particular, aggravated tensions in the city. They were also accused of carrying out a series of assassinations and bombings.

The following year, criminal charges related to the attack were filed in the US. Ahmed Abu Khatallah, a well-known Benghazi Islamist militant commanding the Obeida Ibn Al Jarra militia with close ties to Ansar al-Sharia, was among those named. In June 2014, US special forces captured Khatallah in Benghazi, and three years later a federal jury in Washington, D.C. found Khatallah guilty on four counts for his role in

the attack. He was sentenced to 22 years in prison.[10]

The attack in Benghazi shook Libya's fragile transitional government and kicked off a political firestorm in the US that would affect relations between the two countries. Republicans accused the Obama administration of security lapses, and several Congressional investigations were launched into how then-US Secretary of State Hillary Clinton handled the matter. Benghazi became a toxic byword and US engagement with Libya suffered as a result, with development funding cut and in-country programming scaled back due to security concerns. Four years later, during the 2016 presidential campaign, Donald Trump used the Benghazi debacle to attack Clinton.

October 2012

The siege of Bani Walid

Bani Walid, home to Libya's largest tribe, the Warfalla, was one of the last pro-Gaddafi strongholds to surrender during the 2011 uprising. Historical animosities between the town and Misrata have shaped its place in post-Gaddafi Libya.

In July 2012, Omran Ben Shaaban, a resident of Misrata who helped capture Gaddafi in Sirte, was kidnapped in Bani Walid, purportedly by Gaddafi sympathisers. Though Shaaban was eventually released, he died of injuries sustained in captivity. Amid public pressure to avenge Shaaban's death, the newly elected General National Congress (GNC) accused elders in Bani Walid of missing a deadline to give up the killers.

The GNC issued Resolution No. 7, a controversial decree that authorised "allied forces" — including armed groups from Misrata — to take all necessary measures to apprehend those responsible for Shaaban's death. Bani Walid was subjected to a weeks-long siege followed by a military offensive that involved indiscriminate shelling. Dozens of people were killed and property was damaged in the fighting.[11] The GNC was accused of overstepping its mandate and meting out collective punishment on the town.[12] This was one of the more prominent examples of how "victors' justice" defined the early transitional period in the absence of a properly functioning judicial system.

May 2013

The controversial passage of the Political Isolation Law

Calls for some form of lustration to bar figures from the Gaddafi regime from holding positions in the transitional period culminated in the Political Isolation Law (PIL), approved by the General National

Congress (GNC) on 5 May. Politicking between rival factions within the GNC resulted in a law that was far more sweeping than many had anticipated. The provisions and procedures for exclusion did not consider

9.   *CNN,* "Benghazi Mission Attack Fast Facts".
10.   US Department of Justice statement, posted on its website, 27 June 2018.
11.   Ali Shuaib, "Civilians flee besieged former Gaddafi stronghold in Libya", *Reuters*, 22 October 2012.
      https://www.reuters.com/article/us-libya-clashes-idUSBRE89L11B20121022 (17 April 2019)
12.   Human Rights Watch, "Libya: Residents of Bani Walid at Risk", Beirut, 24 October 2012.
      https://www.hrw.org/news/2012/10/24/libya-residents-bani-walid-risk (17 April 2019)

whether targets had already defected or continued to serve Gaddafi and his regime. The PIL was further criticised by Libyan and international human rights groups as too sweeping and vague.[13] Ultimately, the hollowing out of institutional expertise that resulted from the legislation's enforcement would hobble Libya's transition.

The circumstances in which the PIL was passed were yet another reminder of how the use of violence or threat of force for political reasons was becoming a defining feature of the post-Gaddafi period. Several armed groups had besieged for weeks a number of key ministries, including the foreign ministry, the interior ministry and the justice ministry, in order to press for the bill's approval. Militiamen targeted the state-owned Al Wataniya television station, driving its employees out and halting its live broadcast. On a number of occasions, intimidation by armed groups forced the GNC to suspend its debates on the PIL. As a result, in mid-March, the GNC met to discuss the proposed legislation away from its usual location. But militiamen also stormed that venue, trapping parliamentarians inside for several hours. The convoy of GNC president Mohammed al-Magariaf came under fire when he left.[14]

Some parliamentarians reported receiving individual threats. The PIL remained controversial in the years that followed, and some of its strongest proponents later admitted it had gone too far. In February 2015, the House of Representatives (HoR), elected the previous year to replace the GNC and based in the eastern town of Tobruk, voted to revoke the legislation.[15] Given the HoR's limited powers, particularly in Tripoli, it remains unclear how this annulment of the PIL can be enforced.

August 2013 to April 2014

The blockade of eastern oil ports

Armed federalists had shut down oil terminals in eastern Libya ahead of the 2012 parliamentary elections. In 2013, Ibrahim Jadhran, a commander of the Petroleum Facilities Guard (PFG) tasked with protecting oil infrastructure, went further. After he and other federalists formed their own self-declared government in eastern Libya, Jadhran launched a blockade of four oil ports there in a bid to get concessions from Tripoli. These included Es Sider and Ras Lanuf, two of Libya's most important oil terminals. The blockade lasted nine months and deprived Libya of at least USD 7 million in oil revenues.[16] In March 2014, US Navy Seals stymied Jadhran's bid to illegally export oil by seizing the Morning Glory tanker, which had been loaded with at least 234,000 barrels of crude oil at Es Sider.[17] The GNC subsequently sacked Prime Minister Ali Zeidan over his handling of the episode.

The following month, a caretaker government headed by then-defence minister Abdullah al-Thinni forged a deal with Jadhran and his men aimed at ending the blockade. An undisclosed amount of money was given to the blockaders — ostensibly backpay for the PFG personnel who took part — and the government pledged to investigate their allegations of corruption in Libya's energy sector. No assurances were given on Jadhran's other demands for regional autonomy and a larger share of oil revenue for eastern Libya. Some federalists opposed Jadhran's blockade, believing it ultimately damaged their cause.

The fact that the Libyan government ended up essentially compensating rogue PFG personnel for maintaining oil ports during a shutdown that crippled the Libyan economy set a precedent for armed groups in other oil-rich parts of Libya. Much to the chagrin of the National Oil Corporation, there have been several other cases since where energy infrastructure, including oil fields and pipelines, has been hijacked to push for political and economic concessions.[18]

13. Human Rights Watch, "Libya: Reject 'Political Isolation Law'', Beirut, 4 May 2013.
   https://www.hrw.org/news/2013/05/04/libya-reject-political-isolation-law (17 April 2019)
14. Esam Mohammed, "Militiamen besiege Libya's Justice Ministry", *Associated Press,* 30 April 2013.
   https://eu.usatoday.com/story/news/world/2013/04/30/militiamen-besiege-libyas-justice-ministry/2122979/ (17 April 2019)
15. *BBC News,* "Libya revokes bill which banned Gaddafi-era officials from office", 2 February 2015.
   https://www.bbc.com/news/world-latin-america-31104099 (17 April 2019)
16. Andrew Simmons, "Libya's oil blockade: A crude solution", *Al Jazeera,* 11 April 2014.
   https://www.aljazeera.com/indepth/features/2014/04/libya-oil-blockade-crude-solution-201441111361220765.html (29 May 2019)
17. Simmons, "Libya's oil blockade".
18. International Crisis Group, "The Prize: Fighting for Libya's Energy Wealth", Brussels, 25 October 2018.
   https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/prize-fighting-libya-s-energy-wealth (17 April 2019)

February 2014

Khalifa Haftar accused of attempting a coup when he calls for the suspension of government

Khalifa Haftar, who participated in the military coup that brought Gaddafi to power in 1969, defected in the late 1980s after he was involved in the regime's disastrous war in neighbouring Chad. In 2011, Haftar returned to Libya to join the uprising. He tried to establish a support base after Gaddafi's fall, particularly among circles of disgruntled military officers and his own Ferjani tribe.

On 14 February 2014, the Al Arabiya satellite channel broadcast footage of Haftar in full uniform calling for the suspension of the Libyan government and its replacement by a military council.

Prime Minister Ali Zeidan declared that the government was safe and that security was under control. Accusing Haftar of attempting a coup, Zeidan announced that legal proceedings would be taken against him. Haftar's video call for the "rescue" of Libya by the army was perceived by some within the country's Islamist milieu as a manoeuvre ominously echoing events in neighbouring Egypt the previous year, when the elected President Mohammed Morsi, a member of the Muslim Brotherhood, was overthrown in a military coup.

May 2014

Haftar launches the Operation Dignity military campaign in Benghazi

Haftar's re-emergence in May 2014 took the country by surprise. The loose alliance of army units and anti-Islamist militias that emerged from his canvassing in the east following his attempted coup in February were united by the sense of a perceived common enemy: the Islamist militias and their alleged political allies in Tripoli.

Security and military personnel were ready to back Haftar, as they had been the main target of an assassination campaign by jihadist groups in Benghazi. Furthermore, Haftar promised to address what the military perceived as problematic state policies of salary and rank provision to revolutionary commanders, which encouraged the formation and growth of militias.[19] Dubbing his military offensive Operation Dignity, or Karama in Arabic, Haftar launched air and ground assaults on armed bases in Benghazi on 16 May. Those targeted included the February

17th Martyrs Brigade, which had been the largest anti-Gaddafi armed group in eastern Libya during the 2011 uprising, and Ansar al-Sharia, an extremist group formed after the uprising, whose fighters were accused of involvement in the September 2012 attack on the US diplomatic mission in Benghazi.[20] The US State Department had designated Ansar al-Sharia a terrorist organisation in January 2014.

At the outset of Operation Dignity, substantial parts of Benghazi were under the control of myriad Islamist armed groups, including the Rafallah al-Sahati militia, Ansar al-Sharia (ASL), the Libya Shield Brigade led by the Islamist commander Wissam bin Hamid, and the February 17th Martyrs Brigade.[21] Several months into Haftar's operation, Islamic State (IS) affiliates emerged in Benghazi, fighting alongside the anti-Haftar coalition, known as the Benghazi Revolutionaries Shura Council (BRSC), which served

19. Daveed Gartenstein-Ross and Nathaniel Barr, "Dignity and Dawn: Libya's Escalating Civil War", International Centre for Counter-Terrorism, The Hague, February 2015. https://www.icct.nl/download/file/ICCT-Gartenstein-Ross-Barr-Dignity-and-Dawn-Libyas-Escalating-Civil-War-February2015.pdf (17 April 2019)

20. Mary Fitzgerald, "Libyan renegade general Khalifa Haftar claims he is winning his war", *Guardian*, 24 June 2014. https://www.theguardian.com/world/2014/jun/24/libyan-renegade-general-khalifa-haftar-war (17 April 2019)

21. "Ra'ees al-arkaan ya'mer silaah al-jaw bi-mane' ayy taharrok li-quwwat Hifter", Quryna al-Jadida, 16 May 2014.

as an umbrella for an assortment of Islamist factions. The goal of fighting a common enemy encouraged Islamists of different ideological hues to join forces.[22] Although the BRSC was meant to be a temporary measure, many BRSC fighters ended up converging on a more radical position.[23] Meanwhile, on the tactical side, the establishment of the BRSC improved the coordination among the different Islamist militias, which helped them achieve military successes in the subsequent months.[24]

The government in Tripoli condemned Haftar's offensive as illegal, and Major General Abdulsalam Jadallah al-Obeidi, then chief of staff of the Libyan Army, also denounced him. Suspicions that Operation Dignity was about more than a purported war on extremists in Benghazi were fed by Haftar's statement that he considered the Muslim Brotherhood to be the main enemy, and by the storming of the GNC on 18 May by LNA-allied al-Qa'qa and Sawa'iq militias from Zintan, who declared the legislative body dissolved.[25] The attack on the GNC had serious repercussions, as it exacerbated the escalation of conflict in Libya.[26]

Operation Dignity prompted a range of political and armed factions and individuals to rally to Haftar's side. Several regular army units in eastern Libya, including most significantly the Saiqa special forces in Benghazi, declared their support. Many cited the spate of assassinations — widely blamed on radical Islamists — that not only targeted military and police officers but also civil society activists, as the reason for their initial endorsement of Haftar's campaign.

To show their support for the offensive, groups of citizens rallied in Benghazi.[27] On 19 May, residents of the Fashloum district of Tripoli took to the streets in support of Operation Dignity. They released a statement asking other forces to back the assault against "terrorist groups".[28] Haftar used this public expression of support as part of his efforts to bestow greater legitimacy on the operation.[29]

This coalition of actors and interests would not remain static — a number of Haftar's initial allies subsequently fell out with him — but it would later form the bedrock for Haftar's national ambitions.

July and August 2014

Battle for control of Tripoli and the emergence of Libya Dawn

With the seizing of strategic infrastructure and territory by armed groups after Tripoli fell to rebel forces in August 2011, the Libyan capital had become a patchwork of militias. Rivalries between the armed groups — many of which claimed affiliation with the interior or defence ministries — often flared into violence.[30] Tripolitanians resented fighters from outside the city who had stayed since 2011, particularly those from Misrata and Zintan, whose competition for influence frequently led to clashes. In Novem-

ber 2013, more than 40 people protesting against the presence of Misratan armed groups in the neighbourhood of Garghour were killed when militiamen opened fire on them.

Longstanding tensions between Zintani armed groups and their rivals began to escalate in early 2014. Zintani militiamen, who controlled the international airport among other key locations, threatened and at times physically targeted the General Nation-

22. Noureddine Jebnoun, "Beyond the mayhem: debating key dilemmas in Libya's statebuilding", *Journal of North African Studies*, Vol. 20, Issue 5, pp. 832–864.
23. Nizar Sarieldin, "The Battle for Benghazi: The Limits of Stabilization by Military Means", German Institute for International and Security Affairs, February 2015. https://www.swp-berlin.org/fileadmin/contents/products/comments/2015C08_srd.pdf (29 May 2019)
24. Libya Herald, "Supreme Council of Libyan Revolutionaries Condemn Operation Dignity's 'Evil Attacks'", 19 June 2014. https://www.libyaherald.com/2014/06/19/supreme-council-of-libyan-revolutionaries-condemn-operation-dignitys-evil-attacks/ (29 May 2019)
25. Ishaan Tharoor and Adam Taylor, "Here are the key players fighting the war for Libya, all over again", Washington Post, 27 August 2014. https://www.washingtonpost.com/news/worldviews/wp/2014/08/27/here-are-the-key-players-fighting-the-war-for-libya-all-over-again/?utm_term=.c76397157309 (29 May 2019)
26. Sari Arraf, "The War Report 2017, Libya: A Short Guide on the Conflict", The Geneva Academy, Geneva, June 2017. https://geneva-academy.ch/joomlatools-files/docman-files/Lybia%20A%20Short%20Guide%20to%20the%20Conflict.pdf (29 May 2019)
27. UN Security Council, "Final Report of the Panel of Experts on Libya regarding the implementation of the measures related to the arms embargo, the assets freeze and the travel ban", New York, NY, 23 February 2015. http://www.derechos.org/peace/libya/doc/lby1664.html (29 May 2019)
28. Libya Al-Ahrar TV, "Tripoli District Residents Express Support for Army Against 'Terrorists'", 19 May 2014.
29. Gartenstein-Ross and Barr, "Dignity and Dawn: Libya's Escalating Civil War".
30. Lacher and al-Idrissi, "Capital of Militias".

al Congress (GNC). When the most powerful Zintani groups in Tripoli openly sided with Haftar in May and attacked GNC buildings with rockets in the name of Operation Dignity, those who feared Haftar's power ambitions grew anxious.

Among them were the Misrata-based Central Shield Force, the Knights of Janzour militia and fighters drawn from Libya's Amazigh minority, along with political Islamists like the Muslim Brotherhood and members of the defunct Libyan Islamic Fighting Group (LIFG). These disparate currents would unite in what later became known as the Libya Dawn alliance, or Fajr Libya. Elections for the House of Representatives, which was to replace the GNC in June, resulted

in the loss of the Islamist-Misratan political bloc.[31]

In mid-July, the coalition of militias that formed Libya Dawn moved to wrest control of Tripoli's international airport from the Zintanis. In the month of fighting that ensued, the airport and other key infrastructure were destroyed, while the UN Support Mission in Libya, foreign embassies and international organisations, as well as many companies, evacuated. Zintani armed groups were eventually routed from Tripoli, thus changing the balance of militia power in the capital. The then-internationally recognised prime minister, Abdullah al-Thinni, fled to Bayda in eastern Libya, while a rump of the former GNC set up a rival government in Tripoli.[32]

October 2014

After losses, new momentum for Operation Dignity

Allegedly bolstered with a fresh supply of weapons from Egypt and the UAE,[33] five months after Khalifa Haftar launched his Operation Dignity campaign in the name of fighting terrorism in Benghazi, his forces — a mix of military units and tribal militias under the banner of the Libyan National Army (LNA) — continued to face losses against the Benghazi Revolutionaries Shura Council (BRSC), a coalition of Islamists and other armed groups that had formed in opposition to Haftar's offensive. In July, BRSC fighters had captured the headquarters of the Saiqa special forces in Benghazi, and attempted to wrest control of the city's airport, key to the air power that Haftar had used against his opponents.

Despite the BRSC's relative military successes, a rift between Islamists aligned with the GNC and hardliners within the BRSC led to an internal political division. A group of Benghazi-based Islamists with links to the Muslim Brotherhood's Justice and Construction Party (JCP) announced on 16 August 2014 the formation of a Shura Council with the reconcil-

iatory aim to "find solutions to the problems of the city".[34] The BRSC asserted that it did not recognise this new council,[35] and that it would "not fight for the sake of democracy or the HoR", but only "for the sake of God".[36]

The BRSC's offensive to consolidate its control over Benghazi resulted in a backlash from citizens, who blamed Islamist militias for the growing insecurity and absence of the rule of law in the city. In mid-October 2014, Haftar announced a new offensive in Benghazi and called for an armed youth uprising. Operation Dignity spokesperson Muhammed al-Hijazi appealed to Benghazi's residents, who were wary and resentful of the Islamist militia's control of the city, to secure their neighbourhoods and prevent the Islamist combatants from seeking refuge in them.[37] The BRSC had previously used the tactic of dissolving into residential districts once they were targeted by LNA fighter jets and artillery.[38]

Benghazi residents, particularly the youth, respond-

31.   Sarieldin, "The Battle for Benghazi".

32.   Mary Fitzgerald and Mattia Toaldo, "A Quick Guide to Libya's Main Players", European Council on Foreign Relations, London, January 2018. https://www.ecfr.eu/mena/mapping_libya_conflict (17 April 2019)

33.   *Al Jazeera,* "Libya embargo violations: UN panel to report findings to UNSC", 1 March 2018. https://www.aljazeera.com/news/2018/03/libya-embargo-violations-panel-report-findings-unsc-180301080019627.html (29 May 2019)

34.   *Agence France-Presse,* "Splits emerge between Libyan Islamists and Jihadists", 18 August 2014. https://news.yahoo.com/splits-emerge-between-libyan-islamists-jihadists-183000425.html (29 May 2019)

35.   Gartenstein-Ross and Barr, "Dignity and Dawn: Libya's Escalating Civil War".

36.   *Al-Wasat,* "Statement no. 19 of the Benghazi Revolutionary Shura Council", 17 August 2014. http://alwasat.ly/news/libya/29081 (29 May 2019)

37.   *Al-Wasat,* "Quwwaat 'al-Karaama' tutaaleb min shabaab Benghazi ta'meen manaateqhom", 13 October 2014.

38.   Mohamed Eljarh, "Libya: The Lesser of Two Evils", Atlantic Council, Washington, D.C., 22 October 2014, https://www.atlanticcouncil.org/blogs/menasource/libya-the-lesser-of-two-evils (17 April 2019)

ed to the LNA's appeal by erecting sand barriers to block access of Islamist militias to their districts. Those volunteers who helped tip the balance in neighbourhood battles were considered key gains on the ground for Operation Dignity in Benghazi. They were said to have provided intelligence to the LNA about locations of military targets.[39] Some youths took up arms and formed the Neighbourhood Youth watch groups, while others targeted the families of militants fighting alongside the BRSC and destroyed their homes.[40]

By the end of the month, Haftar's forces had gained momentum, though the battle for Benghazi would last for several more years and also draw in Islamic State (IS). Human rights groups accused both sides

of launching indiscriminate attacks from and into residential areas, resulting in civilian deaths and injuries.[41]

Haftar's change in fortunes had much to do with the House of Representatives (HoR) decision to endorse his operation and an uptick in external military support. The following March, the HoR officially appointed Haftar as commander of the Libyan National Army (LNA). However, many senior military officers, particularly in western Libya, refused to recognise Haftar's LNA. This divide continues today despite efforts to create unified national forces. External backing may have helped Haftar win Benghazi, but it was not enough for him to gain the support or trust of military personnel across the country.

July 2015

Islamic State militants driven out of Derna

A number of Libyans who had joined the Islamic State (IS) group in Syria were key to the formation of its first Libyan affiliate in Derna, an eastern town with a long history of jihadism.[42] In the 1990s, Gaddafi suppressed a local jihadist movement there known as the Libyan Islamic Fighting Group (LIFG). Hundreds of fighters who had travelled from Derna to Iraq to join al-Qaeda following the US invasion in 2003 ended up in IS.[43]

IS's leadership in Syria sent messengers to sympathisers in Libya, encouraging the infiltration of jihadists into the country and rerouting financial resources to support the emergence of its Libyan franchise.[44] In April 2014, a group of jihadist young men who travelled to Syria — to fight with al-Battar Brigade — returned to Derna and joined the Islamic Youth Shura Council, which later pledged allegiance to IS leader Abu Bakr al-Baghdadi.[45] Alarmingly, by the spring of 2016, the number of fighters in Libya's IS ranks was estimated to have grown to 6,000.[46]

In October 2014, IS recognised its Derna affiliate. The group commandeered several government buildings

and landmarks inside the city, and sought to impose itself through fear, carrying out public beatings and amputations. The IS franchise in Libya has always been dominated by foreigners at leadership level, with non-Libyans, particularly from Tunisia, Egypt and sub-Saharan Africa, also forming a large component of its rank and file.

But rival Islamist armed groups, including the Abu Salim Martyrs Brigade, led by Libyan Islamic Fighting Group veterans, maintained their control of most of Derna. Some residents resented the ultra-conservative agenda of these groups, while others saw them as key to security even as IS developed a presence there. These groups came together to form the Derna Mujahideen Shura Council (DMSC) in December 2014, partly as a counter to IS. Tensions between the two led to frequent clashes and culminated in the killing of a DMSC leader by IS in June 2015. This sparked fierce fighting and the beginning of efforts to expel IS from Derna.

Both Egypt and the US carried out airstrikes against IS targets in and around Derna. In November 2015, a

39. Amnesty International, "Libya: Benghazi's Descent Into Chaos: Abductions, Summary Killings and Other Abuses", Beirut, 28 January 2015. https://www.amnesty.org/en/documents/mde19/0001/2015/en/ (30 May 2019)
40. Hisham al-Shalwi, "Al-sahwaat al-jadeeda fi Leebeeya: takteek aakhar li-Hifter", *Al-Arabi Al-Jadid,* 20 October 2014.
41. Fitzgerald and Toaldo, "A Quick Guide to Libya's Main Players".
42. Fitzgerald, "Finding Their Place".
43. Fitzgerald and Toaldo, "A Quick Guide to Libya's Main Players".
44. Christoper S. Chivvis, "Countering the Islamic State in Libya", *Survival*, Vol. 58, No. 4, 2016, pp. 113—130.
45. "ISIS in Libya: A Major Regional and International Threat", Meir Amit Intelligence and Terrorism Information Center, Ramat Hasharon, January 2016, pp. 27–8. https://www.terrorism-info.org.il//Data/articles/Art_20943/E_209_15_1076923854.pdf (13 May 2019)
46. U.S. Department of Defense, Briefing by General David Rodriguez, 7 April 2016.

US airstrike killed senior IS leader Abu Nabil al-An-bari, an Iraqi national, in the first American military action against IS outside Syria and Iraq. Clashes con-tinued, however, and IS was not fully routed from Derna's environs until April 2016.

May 2016

The launch of the Benghazi Defense Brigades (BDB)

By early 2016, the fighting in Benghazi was still grinding on. Since its launch in May 2014, Khalifa Haftar's Operation Dignity had aimed to defeat all Islamists, including the Muslim Brotherhood.[47]

On the anti-Haftar side, the Benghazi Revolutionaries Shura Council (BRSC), comprising several groups including the UN-designated terrorist organisation Ansar al-Sharia, was experiencing internal strains. Tensions had grown over the BRSC's relationship with Islamic State (IS), and some of its backers, particularly in western Libya, pushed for the BRSC to distance itself from the group.

Against this backdrop, a new anti-Haftar faction calling itself the Benghazi Defense Brigades (BDB) announced itself. The BDB is an umbrella group that sought to help BRSC in its fight against Haftar.[48] The BDB consistently affirmed in its earlier statement that the group had "no party, political or ideological affiliations".[49] Yet the group had pledged loyalty to the Tripoli-based Grand Mufti Sadiq al-Ghariani and claimed to operate under the authority of his Dar al-Ifta.[50] The Grand Mufti in May 2016 urged all "revolutionaries" to abandon the fight against Islamic State and focus instead on fighting LNA.[51]

The BDB differed from the BRSC in that it contained former army and police figures — it was led by air force colonel Mustafa Sherkesi — who had always opposed Haftar and his operation, in addition to Islamists hardliners and self-described revolutionaries. Other leaders included a number of former BRSC members, including Ziyad Belam, former commander of al-Mukhtar Brigade, Ahmed al-Tajuri and others.[52]

The BDB intended to fight its way back to Benghazi — and in its public statements it referred time and again to the rights of displaced families to return to the city. But the group's support base never grew, amid a series of failed missions and fears that some of its members still had links to extremists within the anti-Haftar movement — including affiliates of al-Qaeda. However, as its successful (if fleeting) capture of the El Sider and Ras Lanuf oil terminals in March 2017 showed, the group did still have a role to play.

The BDB is known for its role in the Brak al-Shatti massacre. On 18 May 2017, together with the 13th Battalion, it launched a surprise attack on the LNA's 12 Brigade in Brak al-Shatti while the latter was withdrawing towards the town of Tukrah.[53] At least 140 men were slaughtered with guns and knives, including both LNA fighters and a few civilian truck drivers.[54]

The Brak al-Shatti massacre brought the political reconciliation process to a stalemate. Three weeks earlier, Haftar and Fayez al-Sarraj, the chairman of Libya's Presidential Council, met in Abu Dhabi and affirmed the truce in the south.[55] In response to the BDB's assault, Haftar carried out a counterattack, which forced the BDB to abandon its positions in Jufra.[56] The BDB disbanded in 2017.

47. Fitzgerald and Toaldo, "A Quick Guide to Libya's Main Players".

48. "Statement (1): The Establishment of the Benghazi Defense Brigade", 2 June 2016. https://www.youtube.com/watch?v=2DWz_VOdzbM (30 May 2019)

49. *Libya Herald*, "Heavy air raids as PFG chief says LNA trying to hit oil facilities", 12 March 2017. https://www.libyaherald.com/2017/03/12/heavy-air-raids-as-pfg-chief-says-lna-trying-to-hit-oil-facilities/ (30 May 2019)

50. "Statement (1): The Establishment of the Benghazi Defense Brigade."

51. Andrew McGregor, "Libya's Military Wild Card: The Benghazi Defense Brigades and the Massacre at Brak al-Shatti", *Terrorism Monitor,* Vol. 15, Issue 11, The Jamestown Foundation for Global Research and Analysis, Washington, D.C., June 2017. https://www.ecoi.net/de/dokument/1401836.html (17 April 2019)

52. *Agenzia Nova,* "Libia: ex membri della Shura di Bengasi alla guida delle nuove brigate arrivate ad Agedabia", 20 June 2016. https://www.agenzianova.com/a/5767d1e3ae9550.93815045/1372340/2016-06-20/libia-ex-membri-della-shura-di-bengasi-alla-guida-delle-nuove-brigate-arrivate-ad-agedabia/linked (13 May 2019)

53. McGregor, "Libya's Military Wild Card".

54. Laureen Fagan, "Brak al-Shati forces new questions on what it will take to make the LPA work", Africa Times, 21 May 2017. https://africatimes.com/2017/05/21/brak-al-shati-forces-new-questions-on-what-will-it-take-to-make-the-lpa-work/ (30 May 2019)

55. Fagan, "Brak al-Shati forces new questions".

56. Elissa Miller and Tarek Radwan, "Can Libya Survive Without Haftar?", Atlantic Council, Washington, D.C., 16 April 2018. https://www.atlanticcouncil.org/blogs/menasource/can-libya-survive-without-haftar (30 May 2019)

The BDB had made efforts to engage in Libya's political process alongside its military offensive against Haftar. It, however, acted on the fringes, allegedly with the unsanctioned approval of some GNA defence ministry personnel.[57]

September 2016 to June 2018

Haftar's forces control terminals in the oil crescent

In September 2016, forces aligned with Khalifa Haftar seized key terminals in Libya's oil crescent. Using a strategy of tribal outreach, Haftar's forces routed Ibrahim Jadhran, a commander of the controversial Petroleum Facilities Guard (PFG), who had blockaded the ports for nine months in 2013 and 2014 and whose forces remained in control of the oil crescent. With much of Libya's lucrative oil sector now under Haftar's control, this served as a powerful bargaining tool and prompted a shift in his favour in Western capitals, particularly in Europe.

In March 2017, the Benghazi Defense Brigades (BDB) briefly seized the terminals before Haftar's forces retook them. Despite Haftar's position towards the Tripoli-based Central Bank of Libya (CBL), he allowed the existing system of channelling oil revenues — whereby monies are collected by the National Oil Corporation (NOC) and subsequently transmitted to the CBL in Tripoli, which funds and manages public expenditure — to continue because to disrupt it would risk international opprobrium. Haftar's claims to be safeguarding the terminals in the national interest were undermined, however, when in June 2018 he announced that his forces were handing over control of the oil ports to the unrecognised rival NOC in the east.

This parallel body had struggled for years to assert itself, having failed on a number of occasions to sell oil illicitly despite UN resolutions banning any sales that did not involve the Tripoli-based NOC. Haftar's move massively dented oil production and threatened to further damage reconciliation efforts.[58] There was swift international condemnation of Haftar's decision, including a warning of legal action from the US if any oil sales were attempted.

Three weeks later, Haftar backed down following international pressure and reminders of the repercussions of any bid to sell oil outside the auspices of the Tripoli-based NOC. He returned control of the terminals to the recognised NOC in Tripoli without gaining any tangible concessions. His relationship with the NOC has remained testy ever since, even as his aligned forces remain in control of the oil crescent.

December 2016

Islamic State group is driven from its Sirte stronghold

After establishing its first Libyan affiliate in the eastern town of Derna, the Islamic State group (IS) developed a presence both in Benghazi, where it fought the LNA, and around Sabratha in western Libya. But it was Gaddafi's hometown of Sirte that became the main stronghold of IS in Libya.

From late 2014, IS tapped into local grievances rooted in the city's marginalisation following the 2011 uprising, and also manipulated local tribal dynamics to eventually take control. As in Derna, foreign members of IS were key to establishing its affiliate in Sirte, but the Libyans who joined IS there included those who had defected from a local branch of Ansar al-Sharia and associated groups such as the Farouq brigade from Misrata. In February 2015, IS released a video showing the beheading of 21 Egyptians, which was apparently filmed near Sirte.

In August 2015, Sirte residents opposed to IS rule

57. McGregor, "Libya's Military Wild Card".
58. International Crisis Group, "After the Showdown in Libya's Oil Crescent", Brussels, 9 August 2018. https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/189-after-showdown-libyas-oil-crescent (17 April 2019)

attempted an uprising following the group's brutal assassination of Khalid al-Ferjani, a local Salafist imam critical of the group's growing power. The revolt was brutally quashed, however, with scores killed. IS went on to consolidate its control, often carrying out public executions to instil fear in Sirte's population.

In May 2016, a coalition of Misrata-dominated forces known as Bunyan al-Marsous (BAM) launched an operation which, aided by over 400 US airstrikes against IS targets in and around Sirte, successfully dislodged the militants after a months-long fight that resulted in widespread destruction across several neighbourhoods. Most of the BAM coalition was anti-Haftar and included Madkhali-Salafists who wanted to avenge Ferjani's killing, most of whom were part of the pre-

dominantly Madkhali-Salafist 604 battalion.

Fleeing Sirte, many IS fighters — the majority of whom were not Libyan — either headed southeast towards the border with Sudan, directly south into Libya's central desert, southwest towards Sebha, or west towards Sabratha. Estimates vary, but according to some intelligence sources, in 2018 IS still had at least 600 fighters in Libya,[59] predominantly in southwest and central regions, but also near Bani Walid and south of Sirte, including in the Jufra hinterland.[60] While weakened and no longer controlling territory, IS remains a threat, as audacious attacks on symbolic targets in Tripoli in 2018, including the High National Election Commission (HNEC), the National Oil Corporation (NOC) and the foreign ministry, have shown.

May to June 2017

National power struggle leads to proxy conflicts in southern Libya

Southern Libya, with its multitude of tribal and ethnic groups along with its much-prized oil and water resources, experienced a rapid escalation of violence in the summer of 2017. This was linked to the wider national power struggle between Khalifa Haftar's Libyan National Army (LNA) and forces aligned with Tripoli's internationally recognised Government of National Accord (GNA).

Haftar and his opponents, including Misratan forces, had for some years earlier tried to manipulate local dynamics in the neglected region for their own purposes, as they sought to expand their control of territory and strategic assets to shore up their position on the national stage.

Tensions among the southern tribes, which have fought five successive local wars since the 2011 uprising, mostly over control of resources, have facilitated proxy rivalries.

In December 2016, the LNA's 12th Brigade took control of the Brak al-Shatti airbase in Libya's southwest after the GNA-allied Misratan Third Force was forced to withdraw. The LNA had an invaluable base for operations in southern Libya, a region where it held little influence up to that stage.

In May 2017, a raid on the Brak al-Shatti airbase by the Benghazi Defense Brigades (BDB) and Misratan forces left at least 140 people dead.[61] Mahdi al-Barghathi, the GNA defence minister and a former Haftar ally in Operation Dignity in Benghazi, was accused of complicity in the raid.

In the spring of 2018, a battle in the key town of Sebha lasting weeks gave LNA-aligned forces the upper hand. Significantly, the LNA now controlled the Tamanhint and Jufra airbases. LNA-aligned armed groups ramped up their recruitment of mostly Sudanese and Chadian fighters, as did their rivals. Sudanese and Chadian rebel groups established their own hubs within Libya's southern borders, which further complicated local alliances.[62]

After Haftar made a series of announcements claiming to launch operations to clamp down on lawlessness and foreigners in southern Libya, he deployed forces in and around Sebha in January 2019. This raised concerns of fresh fighting between the LNA and GNA-allied forces, amid yet another possible realignment of local loyalties. By late February, the LNA had expanded throughout southern Libya, claiming control of other key towns.

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59. Author interviews.
60. Fitzgerald and Toaldo, "A Quick Guide to Libya's Main Players".
61. *BBC News,* "Libya death toll 'rises to 140' at Brak El-Shati airbase", 20 May 2017.
         https://www.bbc.com/news/world-africa-39983806 (30 May 2019)
62. Lacher and al-Idrissi, "Capital of Militias".

July 2017

Haftar declares Benghazi "liberated" but fighting continues

More than three years after Khalifa Haftar launched Operation Dignity in Benghazi, in July 2017 he declared that the city had been "liberated",[63] even as fighting there continued in pockets. Several districts of the city, particularly its downtown areas, were devastated by years of war. Major reconstruction and reconciliation challenges lay ahead, especially as the city continued to experience insecurity in the form of assassinations and bombings.

In January 2018, shortly after Haftar's forces claimed that they had cleared the final redoubts of their opponents, Benghazi was rocked by one of the deadliest attacks in post-Gaddafi Libya, when unidentified attackers detonated two car bombs in front of a mosque. The double explosions killed at least 34 people, mostly civilians. No group took responsibility for the blasts. The mosque bombings were followed the next day by the public summary executions of ten detainees held as suspects by Mahmoud al-Warfalli, a commander in the LNA's Saiqa special forces, who was already wanted by the International Criminal Court (ICC) for alleged war crimes. Al-Warfalli remains at large despite LNA claims that it would investigate him itself.

Haftar's coalition continued to come under further internal strain, with tensions between the Saudi-inspired Madkhali-Salafists in his fighting forces and other elements, in addition to rivalries between various tribal components. The increasing power of the ultra-conservative Madkhali-Salafists, who are not only studded throughout the LNA and wider security apparatus but also have commandeered religious institutions and mosques across eastern Libya, has prompted increasing unease, particularly among civil society and religious minorities targeted by the Madkhalis, including Sufis.[64]

May 2018

Haftar launches an offensive on Derna

After subjecting Derna to a punishing blockade for over a year, Khalifa Haftar announced the beginning of a Libyan National Army (LNA) military offensive aimed at capturing the only town in eastern Libya that remained out of the control of his forces.[65] The Derna Mujaheddin Shura Council (DMSC), a coalition formed by locals and former Libyan Islamic Fighting Group (LIFG) members, which had driven the Islamic State group from the town in 2015, had earlier announced that it was dissolving and joining the newly formed Derna Protection Force (DPF), now the dominant armed faction. The DPF provided a safe haven for former jihadists and jihadist-linked figures in Derna.[66] The length of the LNA's blockade, which affected fuel and medical supplies, as well as the ability of residents to travel freely to and from Derna, had changed the town's internal dynamics, with the DPF gaining more sympathy from former opponents who had previously bristled at its jihadist tilt.

Haftar's move on Derna in May came after speculation about his health, following a trip to Paris for emergency medical treatment. The offensive included aerial bombardment of targets within Derna but also the deployment of tribal militiamen from its hinterland with a history of animosity towards the town's population. Haftar's backers in Cairo were particularly keen to see his forces take control of Derna, given its proximity to Egypt's border with Libya and the fact that Egyptian militants had hidden there.

In June, Haftar announced the "liberation" of Derna but clashes have continued, and the town remains restive today, with scores dead and thousands displaced.

63. Ayman al-Warfalli, "Libya's eastern commander declares victory in battle for Benghazi", *Reuters*, 5 July 2017. https://www.reuters.com/article/us-libya-security-benghazi/libyas-eastern-commander-declares-victory-in-battle-for-benghazi-idUSKBN19Q2SK (30 May 2019)
64. International Crisis Group, "Addressing the Rise of Libya's Madkhali-Salafis", Brussels, 25 April 2019. https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/addressing-rise-libyas-madkhali-salafis (30 May 2019)
65. Ayman al-Warfalli, "Libyan commander declares 'zero hour' for campaign to take city", *Reuters*, 7 May 2018. https://www.reuters.com/article/us-libya-security/libyan-commander-declares-zero-hour-for-campaign-to-take-city-idUSKBN1I824R (17 April 2019)
66. Kevin Truitte, "The Derna Mujahideen Shura Council: A Revolutionary Islamist Coalition in Libya", *Perspectives on Terrorism,* Vol. 12, Issue 5, October 2016. https://www.radicalisationresearch.org/research/truitte-derna-mujahideen-shura-council/ (30 May 2019)

August and September 2018

Militia fighting erupts in Tripoli

In August 2018, clashes between rival militias escalated into some of the most serious fighting Tripoli has seen since 2014. The violence drew in factions from outside the capital, including the Tarhouna-based Kani brigade from its outskirts and Misratan militia leader and former Government of National Accord (GNA) member Salah Badi, who played a key role in the Libya Dawn offensive in 2014. It also dealt another blow to international claims of improved security.[67] Similar to previous militia battles in Tripoli, the clashes were rooted in contests over turf, influence and a share of the letters of credit (LCs) profiteering scheme.[68] A key element involved growing resentment over what has become known as the "cartel" of powerful militias who hold sway in the capital, largely due to their alignment with the UN-backed GNA.[69] The militia balance of power in Tripoli had shifted several times since the Libya Dawn coalition took control of the city in the summer of 2014. Groups such as Rada — one of the biggest armed groups — and the Tripoli Revolutionaries Brigade, led by Haithem Tajouri, had become dominant players by 2018.

A notable aspect of the August battle was the role played by Madkhali-Salafists from Tripoli in coordination with those from other parts of western Libya. Badi and others cited concern over their growing power and influence as one of their motivations to fight.[70] Meanwhile, Madkhali-Salafist elements in Rada and other key militias rallied to form what they call the Tripoli Protection Force in response.[71] UN-backed negotiations that eventually led to a ceasefire were anchored in a return to the old order, but tensions remained as grievances — particularly those of rival armed groups resentful over their loss of influence in the capital — were left unresolved. The UN Security Council sanctioned Badi for his role in the violence within residential neighbourhoods. Further clashes were to break out in the months that followed, a sign that the deeper roots of the militia rivalries that continued to plague Tripoli — namely the jockeying over proximity to state institutions — have not been tackled.

67. Lacher and al-Idrissi, "Capital of Militias".
68. Lacher and al-Idrissi, "Capital of Militias".
69. Lacher and al-Idrissi, "Capital of Militias".
70. Lacher and al-Idrissi, "Capital of Militias".
71. Al-Manassa, " الجمعة سوق إلى بادي صلاح رسالة تنشر المنصة " ["Al-Manassa publishes Salah al-Badi's letter to Suq al-Juma"],
     5 September 2018. https://elmanassa.com/news/view/20341 (30 May 2019)

Analysis
2011-2013

Libya did not become a stable, inclusive state after the revolution. Critical mistakes were made in the immediate post-Gaddafi era, when armed groups were not properly demobilised and reintegrated. Ever since they have held the political and economic process hostage to their interests, undermining the creation of legitimate government and exercise of power across Libya.[1]

These factors explain the behaviour of subnational groups to protect their own tribal, geographical, ethnic or ideological interests and security when faced with doubts about the future, particularly those emanating from the lack of economic opportunities and deteriorating living conditions.[2] The civil war in 2011 divided the population into proponents and opponents of the former regime. It polarised the regions, cities and towns, making them fall into the broad categories of "winners" and "losers".

As events unfolded in 2011, it was clear that Gaddafi's legacy of state and security institutions was too fragile and illegitimate to withstand the ensuing turmoil. Libyans suddenly found themselves on their own, trying to navigate life in the absence of the "rules of the game"; namely, political institutions that can chart and safeguard reconciliation, transitional justice and a participatory political process. For 42 years, Libyans did not participate in political life and could not speak freely or organise themselves as citizens.

The constitution-drafting process was part of the National Transitional Council's (NTC) efforts to define the rules of the game. Established on 2 March 2011, the NTC was internationally supported and recognised by Libyans as the legitimate representative of the revolution. It managed to secure basic stability and power-sharing government as part of the roadmap for Libya's transition. During this brief period, from 2011 to 2013, the economy rebounded, parliamentary elections were held, media was freed, and civil society flourished. The reform has proven to have been superficial since the mechanisms of enforcement were lacking. The political, economic and social gains were further undermined by the end of 2013/early 2014 when the country descended into a second civil war.

As our analysis shows, the economy was an important part of the story. Libya is a relatively wealthy state. It is, however, oil-dependent, and its economy is not diversified. Such wealth was indeed translated into a higher gross domestic product (GDP) per capita compared to its North African neighbours until 2011, amounting to USD 12,686 per capita.[3] As a result, it allowed Libyans to have broader access to education and healthcare. In practice, the quality of such services was poor.

At the continental level, Libya has the largest proven reserves of crude oil (around 48.4 billion barrels) and the fifth-largest proven reserves of natural gas in Africa.[4]

In 2010, Libya produced around 1.56 million barrels per day (b/d) of crude oil.[5] During the 2011 revolution, Libyan oil exports were disrupted, and the remaining production was channelled for domestic consumption.[6] Upon the fall of Gaddafi, oil produc-

1. Brian L. Job (ed.), The Insecurity Dilemma: National security of Third World States (Boulder, CO: Lynne Rienner, 1992).
2. Jean-Louis Romanet Perroux, "The Deep Roots of Libya's Security Fragmentation", Middle Eastern Studies, Vol. 55, Issue 2 (2019).
3. Romanet Perroux, "The Deep Roots of Libya's Security Fragmentation".
4. US Energy Information Administration, Country Analysis Brief: Libya.
   https://www.eia.gov/beta/international/analysis_includes/countries_long/Libya/libya.pdf (16 May 2019)
5. US Energy Information Administration, Country Analysis Brief: Libya.
6. US Energy Information Administration, Country Analysis Brief: Libya.

million b/d.[7] The transitional government gained confidence in its ability to finance reconstruction and began investing heavily in the rebuilding and in the expansion of the security sector.[8]

The recovery of the oil and gas sector in 2011-2012 was short-lived, however. Optimism faded when a feverish competition over control of natural resources began. The key disruptor of oil and gas production and exports from 2012 to 2014 was essentially insecurity resulting from criminal violence and armed conflict. The most dramatic incident in this regard occurred in July 2013, when worker strikes and blockades by the Petroleum Facilities Guard (PFG), led by the federalist Ibrahim Jadhran, caused the closure of oil export terminals in the Gulf of Sirte, Brega, Ras Lanuf, Zueitina and Tobruk.

Over the past eight years, armed conflicts in Libya have often been linked to greed over socio-economic opportunities or grievances due to the lack thereof. This factor has significantly affected the ability of the government to demobilise, disengage and reintegrate former combatants or to reform the security sector.[9]

In 2012, the Ministry of Defence and the Ministry of Interior launched their DDR project, which established the Supreme Security Committee (SSC) and the Libya Shield Force (LSF).[10] More than 200,000 individuals were registered as fighters on their payroll, receiving approximately LYD 1.5 billion in payments. In addition to the cash benefits, they also received housing, public-sector employment opportunities, bank credit and medical treatment abroad.

As it turns out, the government got little in exchange for adding forces to the payroll. Fundamentally, the status quo was unchanged: the beneficiaries were not integrated in any new force but remained part of their armed groups. They maintained their chain of command,[11] and were not required to hand over their weapons. They hardly saw themselves representing the Libyan state and only followed the orders of their commanders. They viewed the DDR programmes as a legitimate means to obtain their perceived "share"

of public wealth — facilitated by institutional corruption, rather than an income in exchange for becoming part of a regular defence force.[12] In addition, the programme fell prey to political manipulation by militias who made sure that public money was channelled to their constituencies. It became a tool for accessing training, scholarships and employment.

The absence of a strong and unified police and army was an essential weakness of post-Gaddafi Libya. Rival political groups who became politically empowered after 2011 preferred to build and legitimise their own militias.[13] In addition, certain cities were granted public funding for their leading role in the fight against Gaddafi, which led to the restructuring of power and allowed for the emergence of new power elites. On the other hand, particular areas or tribes were deprived public funding or shunned from public life for being "Gaddafi loyalists". This "winners" and "losers" approach was further entrenched by the Political Isolation Law (PIL) enacted by the General National Congress (GNC), which effectively excluded all those who had assumed middle-ranking or senior positions during the Gaddafi regime.

Despite a successful GNC election and the formation of a government, the glimmer of hope that Libyans had was crushed by the inability of the democratic state institutions to deliver basic services such as electricity, education and healthcare. The central government did not empower the subnational governance structures to do that job even though municipalities enjoyed greater legitimacy and stronger service-delivery capabilities. By the end of 2013, the popular legitimacy of the central government had eroded. And despite the enactment of Law no. 59 of 2012 on Local Governance, progress on the decentralisation process has been nothing but slow.

Civil society emerged initially in 2011 to deliver humanitarian assistance to those affected by the violence and to fill the gap in service delivery. By 2013, more than 2,700 civil society organisations (CSOs) had been registered, including all types, sizes and specialisations. The majority of them fell into two main categories: advocacy and service delivery. In

7.   Richard Barltrop, "Oil and Gas in a New Libyan Era: Conflict and Continuity", The Oxford Institute for Energy Studies, Oxford, OIES Paper: MEP 22, 2019. https://www.oxfordenergy.org/wpcms/wp-content/uploads/2019/02/Oil-and-Gas-in-a-New-Libyan-Era-Conflict-and-Continuity-MEP-22.pdf (16 May 2019)

8.   Ralph Chami et al., "Libya beyond the Revolution: Challenges and Opportunities", International Monetary Fund, Middle East and Central Asia Department, 2012. https://www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf (16 May 2019)

9.   Mohammed Sawani Youssef, "Security Sector Reform, Disarmament, Demobilization and Reintegration of Militias: The Challenges for State Building in Libya", Contemporary Arab Affairs, Vol. 10, No. 2 (2017).

10. Youssef, "Security Sector Reform".

11. Christopher S. Chivvis and Jeffrey Martini, "Libya After Qaddafi: Lessons and Implications for the Future", RAND Corporation, Santa Monica, CA, 2014. http://www.rand.org/content/dam/rand/pubs/research_reports/RR500/RR577/RAND_RR577.pdf (16 May 2019)

12.   Youssef, "Security Sector Reform".

13.   Borzou Daragahi, 'Libya: Back to the bad old ways", Financial Times, 16 February 2012. https://www.ft.com/content/55f01408-5885-11e1-9f28-00144feabdc0 (16 May 2019)

the 2012 parliamentary elections, scores of CSOs registered to observe the elections, while many chose to work on the constitutional process and mobilise citizens to engage in dialogues around key constitutional themes.[14]

The period 2012-2013 was indeed considered the "golden age" of civil society engagement on the constitution.[15] Activities of CSOs ranged from awareness raising to national and subnational dialogue on various aspects of democracy. Hundreds of dialogues and town hall sessions were organised by CSOs throughout Libya to enhance citizens' participation in the peaceful transition. The engagement of citizens in constitution-making enhances the legitimacy of the final product. Public opinion at that time supported these informal dialogues because they felt that they could influence the writing of the constitution and have a say in policymaking.[16]

2014-2016

Three years after the NATO-led military intervention, Libya descended, for the second time, into a full-blown civil war. After the overthrow of Gaddafi and his regime, the international community was cautious not to get entangled in another complex post-conflict setting in the Middle East. While international actors and Western governments committed themselves to the responsibility to protect, some forwent the responsibility to rebuild.[17] "Libya is for the Libyans" was a slogan that proved popular not only among the national political leadership but also among international policymakers.[18]

The UN Support Mission for Libya (UNSMIL), established by UN Security Council Resolution 2009 on 16 September 2011, was deployed to lead the efforts of the international community to reinforce the Libya-led transition and support the state rebuilding. Designed as a light-footprint mission, UNSMIL had an advisory and technical role.[19]

The first head of UNSMIL, Ian Martin, acknowledged that the greatest failure was the lack of progress in security sector reform, which undermined the economic and political reconstruction efforts.[20] The limited results of the international assistance geared towards state-building could be attributed to the light-footprint approach of the international actors and the unrealistic design of the Libya stabilisation plan.[21]

From 2014 to 2016, the Libyan state could not acquire legitimacy from its people and nearly stopped receiving international financial assistance channelled towards state building.[22] The armed confrontation that broke out in the summer of 2014 between the Karama (Dignity) coalition and the Fair Libya (Libya Dawn) coalition threw the country into chaos and pushed international actors, particularly the European Union, to stop its state-building efforts and focus more on a crisis described as a "crisis for Europe" — namely, human trafficking and smuggling of migrants — re-shaping its response accordingly.[23]

From 2012 to 2014, the major recipient of international assistance was the public sector. This pattern shifted dramatically after 2014. International actors preferred funding civil society organisations (CSOs), given the crisis of legitimacy with two parliaments, two governments and a raging war on the ground.

14. Carmen Geha and Frédéric Volpi, "Constitutionalism and political order in Libya 2011–2014: three myths about the past and a new constitution", The Journal of North African Studies, Vol. 21, No 4 (2016), 687-706.
15. Geha and Volpi, "Constitutionalism and political order in Libya".
16. Amr Ben Halim, "Conversations across Libya: hopes, fears and expectations of citizens on the Constitution", Libya Herald, 19 July 2013. https://www.libyaherald.com/2013/07/19/conversations-across-libya-hopes-fears-and-expectations-of-citizens-on-the-constitution/ (16 May 2019)
17. Alex J. Bellamy and Paul D. Williams, "The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect", International Affairs, Vol. 87, No. 4 (July 2011), 825-850.
18. Irene Costantini, "After Regime Change, What? The Missed Opportunity of State Building in Libya", in State-Building in Libya: Integrating Diversities, Traditions and Citizenship, ed. Arturo Varveli (Rome: Reset-Dialogues on Civilization, 2017).
19. United Nations General Assembly, "Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council", Report of the Secretary General, 17 October 2014 (A/69/363).
20. House of Commons Foreign Affairs Committee, "Libya: Examination of intervention and collapse and the UK's future policy options", Third Report of Session 2016-17, p. 24. https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/119.pdf (16 May 2019)
21. House of Commons Foreign Affairs Committee, "Libya: examination of intervention and collapse and the UK's future policy options", p. 26.
22. House of Commons Foreign Affairs Committee, "Libya: examination of intervention and collapse and the UK's future policy options", p. 26.
23. Kateryna Ivashchenko-Stadnik, Roman Petrov, Luca Raineri, Pernille Rieker, Alessandra Russo and Francesca Strazzari, "How the EU is facing crises in its neighbourhood: Evidence from Libya and Ukraine", EUNPACK paper, 2017.

By 2014, the intense armed confrontation accelerated the worsening of living conditions, including food, water and fuel shortages, a liquidity crunch and increased criminal activities in both the east and the west of Libya. Due to the deteriorating humanitarian situation in Libya, the funding for humanitarian assistance equalled the financial assistance channelled to security, peace and government programmes. Thus, the focus of international donors moved away from the necessary structural and institutional changes for the purpose of stabilisation,[24] and towards humanitarian aid and peace-building assistance.

The country's political elite, decision-makers and tribal leaders share significant responsibility for the political and state failure. They squandered public funds and undermined the trust that the Libyan people put in the new democratic institutions. In 2013, a national poll showed that support for democracy between May and November 2013 was high and stable (around 80%) while support for parliament declined from 63% to 31% during the same period. Similarly, the Libyans who believed that political parties are important in a democracy fell from 86% to 53%.[25] These figures translated into an 18% turnout in the June 2014 House of Representatives (HoR) elections, constituting a sharp decline from 50% in the July 2012 General National Congress (GNC) elections.[26] The result has been a vicious circle of de facto leaders and institutions claiming legitimacy and a country locked in a protracted political conflict, feeding an environment where apathy is a dominant feature.

Furthermore, significant groups of the population were excluded from the political process.[27] Women and youth remained underrepresented in parliament, government, municipalities and decision-making positions. They were marginalised as a result of tribal and geographical nepotism, political polarisation, militia hegemony over political and economic spheres, and a culture of negotiating behind closed doors. Other groups were explicitly excluded by law, first by virtue of the Political Isolation Law, and second through a February 2014 law that incriminated multiple expressions of dissent on the basis that they could constitute a defence of Gaddafi or his regime.

Amid the chaos, a resilient civil society took it upon itself to uphold the idea of a democratic transition. A network of CSOs continued to work in Libya despite the 2014 civil war, while several NGOs suspended their activities and many activists left the country.[28] Others had relocated to Tunisia and operated from across the border.

The period extending from May 2014 to December 2018 was characterised by tensions, violence, economic decline, loose political-military coalitions and meddling by other states.[29] In December 2015, the UN-brokered Libyan Political Agreement (LPA) was signed in Skhirat, Morocco, whereby an inclusive Government of National Accord (GNA) was established, but it did not result in the desired stabilisation. The effectiveness and power of the GNA-led ministries were limited, particularly in their ability to resolve the country's ailing economy. The cash crisis — driven by inflation and a thriving black market linked to armed groups — persisted and power outages were the norm. Fuel and food subsidies strained the state budget and cost the country hundreds of millions of USD per annum. The payments made by the Central Bank of Libya to the former revolutionary fighters (thuwwar), and the financing of two governments added to Libya's economic woes.

According to the World Bank, the protracted conflict took a heavy toll on the economy and the well-being of the people. With oil being the main source of revenue for Libya, oil production declined to 0.38 million barrels per day in 2016, which is less than a quarter of the pre-2011 levels and less than 15% of its 2012 levels. As a result, the economy shrank by 2.5% in 2016 and the real GDP sharply declined by more than 50% compared to its pre-2011 levels. Furthermore, the economy suffered a massive recession in 2016. Inflation substantially increased, leading to the erosion of real incomes. Some 1.3 million people were left with no access to life-saving healthcare.[30]

24. Costantini, "After Regime Change, What?"

25. "Committed to Democracy and Unity: Public Opinion Survey in Libya", National Democratic Institute (NDI) and JMW Consulting, March 2014. https://www.ndi.org/sites/default/files/Libya-Committed-to-Democracy-and-Unity-ENG.pdf (16 May 2019)

26. Mustafa Fetouri, "Poor election turnout sign of Libya's despair", Al Monitor, 30 June 2014. https://www.al-monitor.com/pulse/originals/2014/06/libya-elections-democracy-transition-chaos-war.html (16 May 2019)

27. Essan Mohamed, "Libyan Tawerghans delay return as Gaddafi-era tensions remain", Al Bawaba, 26 June 2013. https://www.albawaba.com/news/libyan-tawerghans-delay-return-gaddafi-era-tensions-remain-502211 (16 May 2019)

28. Jean-Louis Romanet Perroux, "Libya's Untold Story: Civil Society Amid Chaos", Middle East Brief, No. 93, May 2015, Crown Center for Middle East Studies, Brandeis University. https://www.brandeis.edu/crown/publications/meb/MEB93.pdf (16 May 2019)

29. Christopher M. Blanchard, "Libya: Transition and U.S. Policy", Congressional Research Service, 2 May 2018. https://fas.org/sgp/crs/row/RL33142.pdf (16 May 2019)

30. World Bank, "Libya's Economic Outlook — April 2017", Washington, D.C., 2017. http://www.worldbank.org/en/country/libya/publication/economic-outlook-april-2017

2017-2018

When violence broke out in the south of Libya in 2017, Fayez al-Sarraj, Chairman of the Presidency Council and Prime Minister of the Government of National Accord, called upon the international community to intervene and stop the deteriorating security situation in the country. The call was rejected domestically by the House of Representatives and failed to generate traction internationally. Martin Kobler, the former Special Representative of the Secretary General and the Chief of the UN Support Mission in Libya (UNSMIL), commented that the international community "is keen on having no military intervention as an option to end Libya's crisis, but rather will always push for dialogue as the only solution".[31]

As fears were growing that another violent confrontation was about to happen, hopes of peace were renewed when al-Sarraj and Field Marshal Khalifa Haftar of the Libyan National Army met in Dubai in May 2017 and July 2017 to agree on a ceasefire and elections to take place over the subsequent year. In September 2017, the UN introduced a new Action Plan and facilitated talks on reducing the size of the GNA's Presidential Council (PC) from nine to three and to introduce changes to the mandates of the legislature and the executive authorities. Eventually, the negotiating parties made some progress but failed to reach an agreement on the sequencing of the referendum and the elections.

In December 2017, the UN Security Council described the Libyan Political Agreement (LPA) as "the only viable framework to end the Libyan political crisis".[32] Yet Haftar and the Libyan people had different opinions on the matter. Haftar challenged the legitimacy of the LPA and its associated institutions, citing the expiry of its term as the reason. He called for elections, rejecting the subordination of the LNA to "any side regardless of its source of legitimacy" unless such body were elected by the Libyan people.[33] Neither elections nor the constitutional referendum took place in 2018. The fears of a unilateral military measure by Haftar materialised in 2019 as the LNA moved militarily on the western region.

Public confidence in the GNA continued to plummet throughout 2017. According to a 2017 poll conducted by IFES, 74% of Libyans had very little to no confidence at all in the GNA. In the country's west and Tripoli, confidence in the GNA stood at 25% and 15% respectively, while in the east and south it was 1% and 20% respectively.[34] Fifty-five percent of Libyans favoured postponing the constitutional referendum and elections for a new interim president, while 24% supported a constitutional referendum based on the latest draft.[35]

In 2018, another poll by IFES demonstrated improved public confidence in the GNA and increased support for holding a referendum before any other milestone. While the improvement in GNA confidence in the east was small (from 1 to 4%), it was pronounced in Tripoli (from 15% to 39%).[36] The percentage of Libyans who supported postponement of the referendum and elections decreased to 44%, while those wanting an immediate referendum almost doubled, to a hefty 42%.[37] Although these figures may have reflected the views of the civilian population, power elites have continued to have the upper hand on the course of the country's future.

Despite the failure to set dates and a sequence for the elections and referendum, Libya's High National Elections Commission (HNEC) set in motion preparations for polls. By March 2018, a total of 2.4 million voters were registered, which is roughly 53% of the total number of eligible voters in Libya. Preparations hit a deadlock against the backdrop of growing political fissures and violence.

31. "Kobler meets Al-Serraj in Tripoli to discuss political process", Libya Express, 26 April 2017. http://www.libyanexpress.com/kobler-meets-al-serraj-in-tripoli-to-discuss-political-process/ (16 May 2019)

32. UN Security Council, "Statement of the President on the Situation in Libya", S/PRST/2017, New York, NY, 14 December 2017. https://undocs.org/S/PRST/2017/26 (16 May 2019)

33. France 24, "Libya: Chief Commander Khalifa Hafter Considers Skhirat Agreement Expired", 17 December 2017. https://www.france24.com/ar/20171217-ليبيا-خليفة-حفتر-اتفاق-الصخيرات-المغرب-حكومة-الوفاق-الوطني-منتهي-الصلاحية

34. U.S. Agency for International Development, "Public Opinion Poll in Libya 2017", Washington, D.C. https://www.ifes.org/sites/default/files/public_opinion_in_libya_2017_english.pdf (16 May 2019)

35. "Public Opinion Poll in Libya 2017".

36. Confidence in the GNA amounted to 24% in the South, 32% in the West, with a noted increase of 4 and 7% increase respectively compared to 2017. See U.S. Agency for International Development, "IFES Survey on Voters' Intent: Libya, a nationwide survey exploring public opinion of the political situation in Libya and voter intentions to participate in future elections", August 2018. https://www.ifes.org/sites/default/files/ifes_2018_survey_on_voters_intent_libya.pdf (16 May 2019)

37. "IFES Survey on Voters' Intent: Libya".

The institutional setup for the LPA was not working.[38] The UN-backed dialogue led to the reorganisation of power centres around the GNA, led by al-Sarraj and Haftar.[39] There was an expectation that the political representatives involved in the LPA would bring their armed and civilian constituencies to support the dialogue outcomes. Thus, representatives of armed groups were not invited to participate in the negotiations.[40] This assumption not only proved wrong, but also caused serious security and legitimacy repercussions.

The GNA's international legitimacy did not compensate for its lack of control over military forces to project power, which could have granted it actual authority on the ground. This meant that al-Sarraj needed to negotiate with armed groups controlling the capital, such as Misrata's Halbus, part of the Mahjub brigades and the Islamist militias, including the Special Deterrence Force,[41] so that the PC could operate from Tripoli. Most of the militias ended up backing the GNA and the PC for purely self-serving reasons.[42] By mid-2018, the militias backing the GNA played a dubious economic role, blurring legitimate and illegitimate activities. They diverted public funds by pressuring managers of commercial banks and manipulated letters of credit to finance their activities. Meanwhile, the GNA stood powerless to stop them. In short, they sought to protect their own economic interests and grow their influence over the political institutions.[43]

38.   Wolfram Lacher, "Libya: Getting Serious About Negotiations: How a New Political Process Could Help Tackle Security Challenges", SWP Comment, No. 39, October 2018, German Institute for International and Security Affairs. https://www.swp-berlin.org/fileadmin/ contents/products/comments/2018C39_lac.pdf (16 May 2019)

39.   Rasmus Alenius Boserup and Virginie Collombier, "Militarization and Militia-ization: Dynamics of Armed Group Proliferation in Egypt and Libya", Istituto Affari Internazionali (IAI), Rome, October 2018. https://www.iai.it/en/pubblicazioni/militarization-and-militia-ization-dynamics-armed-group-proliferation-egypt-and-libya (16 May 2019)

40.   Lacher, "Libya: Getting Serious About Negotiations".

41.   Boserup and Collombier, "Militarization and Militia-ization".

42.   Wolfram Lacher, "Tripoli's Militia Cartel: How Ill-Conceived Stabilisation Blocks Political Progress, and Risks Renewed War", SWP Comment, No. 20, April 2018, German Institute for International and Security Affairs. https://www.swp-berlin.org/fileadmin/contents/ products/comments/2018C20_lac.pdf (16 May 2019)

43.   Boserup and Virginie Collombier, "Militarization and Militia-ization".

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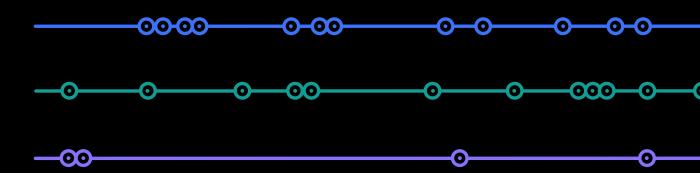
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Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

In Libya, DRI aims to increase awareness and understanding of the Libyan public on the political transition and to create opportunities for citizens to engage on issues of the transition process.

2011   2012   2013   2014