

CAIMUN 2018

CANADA INTERNATIONAL MODEL UNITED NATIONS



Libya 2015

Backgrounder

Topic B: State Building

Introduction

Following the aftermath of the Arab Spring and the collapse of the Gaddafi regime, the nation of Libya was left with a large power vacuum –one that was not filled by a single party, but rather by opposing and warring factions. Libya's government was essentially destroyed as a result of the revolution, and currently, there is no legitimate or central government. Divided amongst ethnic and political lines, many armed and unarmed factions continue to fight for power.

Along with no legitimate government or authority in the land comes the pertinent issue of security. Currently, there are no proper ways of enforcing laws, due to the fact that almost all opposing parties have taken up arms, leading to a situation in which officers are often afraid of civilians. The issue has now extended beyond civilians and it has reached the point where the country's vital natural resources (ie. oil) are also in jeopardy.

Following the rampant corruption the plagued Gaddafi's regime, many groups found it difficult to trust and work together with each other. During Gaddafi's reign, differing ethnic and political groups were antagonized and pitted against each other, while nepotism and the favoritism of certain tribes served as the norm. Gaddafi did this in an effort to forward his own political agenda but following his assassination, the consequences of these policies have left a hostile atmosphere in the status-quo.

This has made drafting a new constitution incredibly difficult. Internal disputes and conflict run rampant while boycotting from opposing groups has stalled the state building process. As a result, Libya has been left without a constitution.

Timeline

February 15th 2011

Protesting in Benghazi. Libyan military attack crowds, injuring and killing several civilians.

February 26th 2011

The UNSC approves sanctions against the Gaddafi regime.

March 5th 2011

Groups of rebels come together and form the Transitional National Council (TNC), declaring themselves as the sole international representatives of Libya

Rest of March 2011

Gaddafi-forces advance to Benghazi, re-claiming several rebel-held cities. The UNSC votes to militarily intervene in Libya. The US and European forces launch air strikes to weaken Libyan air defense and attack Gaddafi-held grounds.

July 15th 2011

The US officially recognizes the TNC as the legitimate governing body of Libya.

August 22th 2011

Rebel forces seize control of the city of Tripoli and surrounding area.

September 16th 2011

The UN General Assembly recognizes the TNC as the official governing body and lifted sanctions imposed on Libya while Gaddafi was in power.

October 20th 2011

Gaddafi is killed by rebel forces.

October 27th 2011

The UNSC votes to end military operations in Libya.

January 28th 2012

The TNC approves a new election system.

July 7th 2012

Libyans vote in an election for a 200-seat parliament to appoint an official prime minister and draft a new constitution

November 2012

Former Prime Minister al-Baghdadi al-Mahmoudi went on trial in Tripoli on charges of “acts that led to the unjust killing of Libyans” as well as the funneling of public money through Tunisia in an effort to help Gaddafi loyalists

May 2013

Libya has voted in a bill that bans high-level officials in Gaddafi’s government from holding public office

October 2013

A month-long blockade of vital oil terminals is staged by rebels. Prime Minister Ali Zeidan is abducted from his hotel in Tripoli by armed militia.

February 2014

Protesting erupts in response to the GNC extending its parliamentary term due to the drafting of the new constitution

March 2014

Prime Minister Ali Zeidan is removed from office.

Historical Analysis

Starting from February of 2011, Protest held in Benghazi were shut down by Gaddafi’s armed forces. However, soon protesting spread across the nation, and into the Western city of Tripoli. The armed military started to open fire on protesters, and the government soon started to crack down on communication within and out of the country. The growing violence of the government against its people drew the attention of international world leader, concerned about the situation. Foreign leaders began to condemn Gaddafi’s regime. International pressure for Gaddafi to step-down increased. The UNSC approved sanctions on the Gaddafi regime and imposed travel bans and the freezing of assets on him and his family. Local rebel groups merged to form the

Transitional National Council (NTC), which claims to represent the interests of the Libyan people.

As Gaddafi appeared to increase its power, the international community considered military responses, most likely imposing a no-fly zone over Libya. While nations such as France and the UK expressed their support for airstrikes, others were hesitant. In March of 2011, Gaddafi launched an attack on the rebel-held city of Ajdābiyā. The UNSC unanimously voted to impose a no-fly zone to protect Libyan citizens. Soon after, a coalition of American and European forces targeted Libya and struck buildings used by Gaddafi. The North Atlantic Treaty Organization (NATO) officially eventually took control of operations later that month. After months of stalemate between the rebel forces and Gaddafi's army, power shifted towards the rebels. In August of 2011, rebel forces established control over the city of Tripoli as well as the largest oil refinery in the nation. The TNC gained international legitimacy when the UN General Assembly voted for it, and in October Gaddafi was executed by rebel fighters.

After March 2011, the National Transitional Council (NTC) was established to determine political developments in Libya. Within months, the NTC determined a plan to reconstruct Libya in a Provisional Constitutional Declaration. According to the declaration, the new government would be selected within one month, and a 200-member General National Congress (GNC) would be elected within eight months. The GNC would internal elect a president, appoint a new government, and a 60-person Constitution Committee. However, the reconstruction of Libya has made little progress thus far; the post-Gaddafi regime has been unable to overcome the conflicting interests of various armed factions. Libya was historically separated into three provinces, Tripolitania, Cyrenaica, and Fezzan, with distinct ethnicities and traditions, and only stayed unified due to the oppressive state ideology of Gaddafi. After the fall of his rigid regime, these groups have publicly expressed distaste for reforming into one unified country.

Since 2012, federalist movements have increased, demanding more autonomy and control over the resources of that land. Furthermore, ethnic tension amongst tribal lines have also increased, most notably, the Berbers in the West and the Tabu tribe in the South, both demanding more rights, and insist on their religion and language be recognized as official in the new state constitution. Despite all this, some movement in state building has occurred. The government has started constructing a new national security organ. Both the GNC and the prime minister in 2012 have held office. However, the initially proposed 18-month mandate extended into 2014, showing how inefficient the government truly is. The construction of the new Libyan army, the new police organization, and a new national intelligence service had all been addressed and started since the summer of 2011.

The Free Libyan National Army has been faced with numerous challenges, including staff build-up, organization, and logistics, as well as training and creating an effective leadership structure. Since the fall of the Gaddafi regime, the main challenge is to move away from the oppressive authoritarian state, in which people are kept in line through brutality, violence, and fear, but at the same time maintain authority, peace, and stability in the regime through just and democratic ways. The challenges remain: these include rebuilding state-structures, launching a nation-building process that overcomes regional and ethnic disparities, and improving security to protect Libya's economy and natural resources.

Current Situation

A smooth transition into a new form of government is absolutely vital for the safety and peace of the Libyan people, as well as the safety of neighboring states. However, currently the transitional government remains limited in its political and military influence, and its capability to govern the entire country remains a great challenge. Furthermore, the uncontrolled armed militia is jeopardizing state-building and undermining national security. Waves of refugees have fled to Egypt, Tunisia, and across the Mediterranean to the EU, and the warfare has disrupted the oil market and is harming Libya's economic interests. Creating a political institution that functions through an effective and fair democratic process is difficult for the state, that for decades has no democratic tradition, but rather a brutal dictatorship. Crafting a constitution for the Libyan people will also be a difficult task, as conflict and differences between secularists and Islamists have already been seen as a political struggle between opposing sides.

Socioeconomic factors have also been a reason that the Libyan people felt the need to revolt, as unemployment and poverty were long-term issues for the Libyan people, even though Gaddafi's regime was generating billions of dollars from oil. A resumption of oil and gas production is critical in alleviating the economic pressures that the country has been facing for years. Moreover, nepotism was rampant in Gaddafi's administration, as he appointed several relatives and in-laws to key governmental and military positions. Moreover, manipulating tribes and building informal tribal alliances became a common tactic that he used to hold onto power. Nepotism and favoritism were the pillars of his political ties. Currently, the transitional government lacks clear security reform and specific strategies towards disarmament and integration of external militia groups and management.

The interim government needs to draft a reform plan in order to succeed. Under Gaddafi's regime, tribal groups (who play an integral part of Libya's political sphere) constantly feel threatened by Gaddafi's unfair favoritism. Currently, Libya's vast territory, natural resources, and borders lack adequate security or control. The nation lacks a cohesive national military force that can defend the nation from external threats. It lacks the resources, and the training, but on top of all that, what the nation mainly lacks is political cohesion in order to form that army. A new security system without the corruption, nepotism, and favoritism of Gaddafi's military will reduce resentment, distrust, and intimidation.

Having lived under a dictatorship, Libyans are still trying to get used to the idea of living in a democratic state. Libya's 200-seat parliament is currently attempting to draft a constitution. For over 40 years, Libya has not had a constitution or any form of a democratic process. An issue that is widely debated within Libya currently is the hundreds of thousands of people who worked in Gaddafi's administration and government. While some were simply low-level governmental workers who had really no impact on the nation, other high-ranking officials killed and committed human-rights abuses on innocent civilians. In order to reconcile the past harms of the Gaddafi-regime, some say that all those involved in the old administration should be banned from the new one.

Furthermore, security is also a very large problem in Libya. Weapons, ranging from grenades to large guns are spread throughout the country, and can even be found in people's homes. Armed militia groups filled a large security vacuum after the end of Gaddafi's regime, and

operate independently from the transitional government or a legitimate police force. This is extraordinarily problematic because there is no way to enforce the law or to maintain peace. Police-officers are scared to do their job because they are often outnumbered in terms of weaponry by regular civilians.

Members of the internationally recognized government, the House of Representatives (HoR), the Libyan National Army, and independent-militia groups in the West rival the Tripoli-based Government. Their talks revolved around power-sharing agreements that would make the HoR the main legislative authority alongside members of the GNC in what would be the State Council. Currently, Libya does not have a permanent constitution. The Constitution Drafting Assembly, elected in 2014, but have been faced with internal political conflict and disputes, as well as boycotts. Even though the first draft of the constitution was published in September of 2015, some political groups are still not satisfied and call for the readoption of the 1951 Constitution of the Libyan monarchy.

Furthermore, the House of Representatives failed to make amendments to the counterterrorism law, which only very vaguely defines the act. A General Amnesty Law was passed, which stated that those who have committed crimes such as terrorism, torture, or ethnic-cleansing would not receive amnesty. However, the law fails to include other serious human rights violations, such as forced displacements/disappearances and unlawful killings. The criminal justice system has essentially collapsed in the east and is in a state of dysfunction and chaos. Currently, there are no prosecutions or trials for those who are convicted of a crime. Often, individuals have no access to lawyers or legal council of any kind. In Tripoli, the Supreme Court's ability to exert judicial oversight was threatened by the rivalry between conflicting divisions of authority and deteriorating security conditions. ISIS has suspended the criminal justice system in the city of Sirte and has instituted an Islamic Court based on Sharia Law.

UN/International Involvement

Furthermore, the head of the UN Support Mission in Libya (UNSMIL) Ghassan Salamé has stated that the first step should be to amend the Libyan Political Agreement (LPA) and then to open its doors to ostracized and marginalized groups of people. Members of the Libyan Dialogue have met to work on these amendments. Salamé's unveiling of this new action plan would bypass the House of Representatives (HoR), due to their refusal to sign off on the LPA. Salamé has also hosted a conference at the UN, with the intention of being inclusive, and to bring together members of the House of Representatives, the High State Council, and many other bodies of the nation. Following the conference, the HoR and the Constitutional Drafting Assembly would work together. The UNSMIL's job is to act as a mediator for all parties.

In March of 2015, the UNSC adopted two resolutions pertaining to the future of Libya, which called for the immediate ceasefire and extended UN support, and adjusting the arms embargo on the country, in light of numerous terrorist threats. In a provision, the UNSC established a sanctioning committee, to consider requests for the transfer and supply of arms and related materials for the Libyan Government for use to combat ISIS and other terrorist groups. The UN has stated numerous times their increasing concern and continuing rise of terrorist organizations such as ISIS and others, associated with Al-Qaeda. The UN has also stated that they would be open to leading dialogue amongst Parties within the Libyan government, and calling them to

renounce violence, and negotiate in a peaceful and diplomatic way, for the purpose of forming a national unity government.

Furthermore, the UNSMIL has extended its mandate to focus on supporting the political process, as having a unified, central government, is the only way in order to protect its citizens, its arms, and its resources. Also, the council extended sanctions until April 30, 2016, and authorized illicit oil exports. It reaffirmed the travel ban and asset freeze of individuals determined by the Sanctions Committee as engaging or actively supporting terrorist organizations or groups threatening the peace, stability, and security of Libya and Libyan citizens. This pertains not only to security but also to state-building, as it is crucial that the future unified government of Libya is not one dominated by parties and organizations affiliated with terrorist organizations.

Potential Solutions

As Libya's interim government continues to struggle to maintain law and order, international actors such as the UN should act as a mediator in providing stability. The goals of the transitional government were inhibited by the lack of clear security reform strategy that includes specific measures for disarmament. Western nations such as the United States should recognize what their limitations and appropriate influence within the region should be, especially militarily, as we've seen in the past the repercussions of military intervention in the future. Furthermore, tribes play an extremely important role. To combat the corrupt-legacy of Gaddafi's regime, which was plagued by favoritism and nepotism, the new regime should highlight all tribes and groups that a fair and unbiased government is to be formed. In order to achieve this, all tribal groups should be given equal power and sovereignty of their respective lands, and should only govern on the regional level, but not on the national level.

An important task for the transitional council is truth and reconciliation. They need to take initiative in order to garner support, both politically and socially, for this government, as well as for all opposing groups to work together in order to form a solution. Based on the empirical evidence from the past, reconciliation initiatives in post-conflict states following the changing of a political-system, ruler, or regime, are an effective and important step in healing wounds that could subsequently strengthen the political unity of a nation. The UN could potentially lead this reconciliation process, providing and funding for efforts in disarmament, demobilization, and reintegration of warring factions into a unified state. Preventing the further exploitation of Libya's vast territory and mainly uncontrolled borders is a key task for the international community, as Libya currently lacks adequate national security. Libya is in need of a well-trained military force in order to protect and secure its national borders. This new security system needs to have a non-biased role in internal political life and should avoid demonstrating favoritism towards certain tribes or ethnic clans. A new security system will reduce the risk of violence and external attacks from neighboring states.

Furthermore, it is important that the opposing parties and sides come together and negotiate in a peaceful and diplomatic manner. Even though middle-men and facilitators in this discussion are effective and necessary, they can only do so much. It is ultimately still up to individual parties and opposing sides of the national government, to come together and make compromises. If no sides are willing to give up their power, perhaps a power-sharing agreement would be more beneficial than a system in which there is a national election, and only one party comes into power, as this has failed in the past, with the House of Representatives being voted into office, leading to the General National Congress affiliating itself with terrorist organization and seizing power in an illegitimate way. Rather, having an agreement in which all parties form a portion of the national

parliament and judicial branch, or establishing a federalist system in which regions are granted limit autonomy to govern themselves would be beneficial in alleviating tension. However, what needs to be avoided is a system that is easy to exploit, and easy for certain parties to seize control power.

Bloc Positions

The House of Representatives

The West has recognized the House of Representatives, which is perceived as legitimate, as they had been officially voted into office, and consist of many historically-cooperative figures, who used to be a part of the National Transitional Council (NTC). The House of Representatives is much more willing to communicate and receive support from the Western states, as want to form a government similar to that of the National Transitional council –one that is diplomatic and secular. However, there are still quite a few internal disputes within the group; many leaders are still in disagreement, and many important members were found to undermine the peace process, through creating conflict and disagreements within the council, are were extremely against working alongside other organizations such as the UN Support Mission in Libya (UNSMIL) and other political parties in the region, such as the GNC.

It is important to note that the House of Representatives is comprised of numerous small and ethnically diverse tribal groups, such as the Berber and Tuareg, that do not practice the dominant religion that is Sunni Muslim, which has led to tensions and troubles. This is similar to what is occurring within the GNC, which also comprises of numerous tribal groups with different ethnicities and religions. The House of Representatives held ideals that were much more similar to that of the NTC – promoting a secular, democratic government. However, it has also faced backlash from citizens for corruption and ineffectiveness. However, due to lack of effective leadership and government-official corruption, its current state is not ideal.

The General National Congress

The General National Congress is a long-time rival of the Eastern-based House of Representatives. They are based in the nation's capital of Tripoli, in the west. Following a national election in 2014, in which the GNC experienced a humiliating defeat, they affiliated themselves with terrorist organizations such as Ansar al-Sharia. Furthermore, they are also dominated by Islamic organizations such as the Muslim Brotherhood and their allies. It is important to note that both political parties want power, political influence, and control of the Libyan national government. They are extremely hostile towards each other, due to historical resentment and differences in political ideologies (Muslim vs. secular forms of government, for instance). Currently, they have both walked out of peace-talks, due to the fact that both parties are extremely unwilling to share power.

Members who would band together to form the GNC later on had issues with the National Transitional Council from the very beginning. They viewed the NTC as too liberal, too secular, and too similar to political systems of the West. During their time in office, they often failed to address political and security issues. They often did not include citizens in the decision-making process, and often were extremely apathetic to help and support civilians in need of support from the state. Furthermore, due to its ties with Islamic extremist organizations, there is an overall lack of trust towards the council, as well as a feeling that their priorities are often more focused towards maintaining control and power, rather than solving the political and security issues at hand.

Discussion Questions

1. What are ways of ensuring that the natural resources of Libya are not being left in a vulnerable state, and open for exploitation from other states?
2. How can the new governing body maintain a nonpartisan stance when negotiating with various ethnic groups and tribal clans?
3. How can the UN and the international community aid Libya in its rebuilding of national security?
4. What steps can be taken to bring all opposing parties together in the drafting of the new Libyan state constitution?

Further Resources

- <http://www.unhcr.org/>
- <http://www.bbc.com/news/world-africa-13754897>
- <https://unsmil.unmissions.org/>
- <http://www.securitycouncilreport.org/un-documents/libya/>
- https://en.wikipedia.org/wiki/Libyan_Civil_War
- <http://www.bbc.com/news/world-africa-13755445>
- <http://www.cnn.com/2015/12/01/politics/isis-united-nations-libya-expansion/index.html>
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