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PATTERNS OF LIBYA'S INSTABILITY
IN THE AFTERMATH OF THE COLLAPSE
OF GADDAFI'S REGIME

ABSTRACT   Four years after the end of its uprising against the Gaddafi regime, Libya re-
mains in chaos. It is worth noting that for the third time since their independ-
ence in 1951, the Libyans' attempts to create a modern and powerful state
seem to be 'wishful thinking'. The first two failed attempts – in 1951 and 1969
– were essentially local affairs without significant consequences beyond the
country's borders. The ongoing turmoil which followed in the wake of the
Arab Spring in 2011 is leading to serious regional and international destabili-
zation. This paper discusses the main factors of the instability in post-Gaddafi
Libya. According to the authors' analysis, there are the following main obsta-
cles in the process of transition toward democracy and peace: two competing
governments, multiplicity of militias and combat groups operating in Libya,
jihadism rising in power as well as the regional and ethnic claims for recogni-
tion and autonomy. The last part of this paper is devoted to potential scenarios
for the future of Libya.

Keywords: Libya, instability, civil war, Arab Spring

The civil war in Libya in 2011 led to the overthrowing of the Muammar Gaddafi's regime that lasted for almost forty years. Along with the fall of the dictator, a new page in the history of Libya was written – political transformation, marked by chaos and deepening destabilisation of the state. Gaddafi left the country lacking the state structures and efficient security apparatus, which has a negative impact on the post--revolutionary process of building robust political institutions and stabilising the country.

The complexity of the reconstruction process of Libya's statehood results from the fact that the country must face many overlapping conflicts. On the national level, the clashes of former and new political elites overlap with the rivalry between the secular/liberal and Islamic forces, having not only an ideological basis, but also an economic one. In 2014 the competition for commercial resources and especially profits from extraction and sale of crude oil, and the will to position oneself in the new political constellation of the country, took the form of military struggle between the elites of *ancien régime* and the so-called revolutionary forces. The economic reasons, next to the political ambitions, were also the roots of conflicts on the regional and local levels. When the debate began on the shape of Libya's political system, the concepts of returning to the federal structure of the country, with powerful and autonomic regions, particularly strongly postulated by the oil-rich region – Cyrenaica – recurred. On the other hand, in the southern provinces of the country, the conflict, in which military solutions were also used, takes place between Arabs and non-Arab ethnic groups – the Berbers, the Tuareg, the Toubou and the latter among themselves. The minorities which used to be marginalised politically and economically during the period of Jamahiriya, in the fall of Gaddafi see their chance for recognition of their cultural identity and increase in representation for their ethnicities in the political and economic structure of the State of Libya.

The disagreement on the political shape means that Libya has been plunging into growing chaos for the last four years. Feuds on the political, economic and ethnic levels preserve the current *status quo*, making the country's coming out of crisis more and more difficult. Quasi-autonomic cities controlled by the rebel groups and armed militias (Misrata, Benghazi), organised crime groups, involved in the trafficking of people, weapons and drugs, as well as groups of the global jihad, benefit from the situation of "interregnum" in Libya, in which two governments function which do not recognise one another; one based in Tobruk, the other in Tripoli. The presence of Al-Qaeda and Islamic State organisations is increasingly more marked in Libya. Libyan Mediterranean coast is currently the largest transfer point of the illegal immigrants from Sudan, Eritrea, Somalia and Syria to Europe. The presence of armed jihadist networks at the gates of the Old Continent, and the migrant crisis in the European Union caused, among other things, by an unstable situation in Libya, are the reasons why the dysfunctions and, in the further perspective, the potential collapse of the state, are not regional problems anymore, but ones of international reach.

1. THE INSTITUTIONS OF THE TRANSITIONAL PERIOD. THE GENERAL NATIONAL CONGRESS AND THE HOUSE OF REPRESENTATIVES

The first fully democratic elections for a representative body in the history of modern Libya – the General National Congress – took place on 7th July 2012. Among the dozen or so parties and blocs which competed in the elections two won considerable support, outclassing their rivals. In the 200-seat Congress with 80 seats assigned to the representatives of parties (the rest were allocated to the non-attached members), 37 were won by the National Forces Alliance and the political addition of the Muslim Brotherhood – The Justice and Construction Party (17 seats at the GNC). The remaining 15 seats were distributed among nine smaller parties, unable to threaten the position of the two largest blocks[1]. The structuring of the Libyan political scene around two political groups – the Islamic group, informally named a revolutionary one, and the other group, more secular, liberal, based on the elites once functioning in the structures of Gaddafi's regime, reflects the current distribution of power in the country.

In Libya, in contrast to the other states, which in the fever of the Arab Spring began their democratisation as a result of the grass-roots revolution or initiatives undertaken by the authoritarian regimes, there are no functioning political parties or social organisations that could compete for power. A civil society, developed on a large scale in Tunisia, limited or controlled in Morocco or Egypt, did not establish itself in Libya. Gaddafi did not allow for the formation of institutions and structures of mediation between the society and the authorities. Political parties and public associations forming in 1969 were banned in 1972. The survey carried out by Moncef Ouennes leads to the conclusion that in 2000 there were only 39 associations, all of them formal and connected to the regime[2]. The only mediator between the citizen and the regime was the clan. The connections and clan references were necessary not only to obtain private benefits, but also those connected with the clan collectivism. The strategy of tribalism of society aimed to minimise the possibility of eruption of the opposition against the regime. Although in 2012 in the throes of the revolutionary change 68 political parties were registered (and almost 4500 public organisations), their structures were so weak that only 12 of them decided to participate in the elections to the GNC. During the transformation period the lack of political and social structures turned into a significant element which hindered democratic change[3].

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[1]   B. Barthe, 'En Libye, les premières élections d'un pays divisé', *Le Monde*, 7 July 2012, at <http://www.lemonde.fr/libye/article/2012/07/06/en-libye-les-premieres-elections-d-un-pays--divise_1730227_1496980.html#FQF0cWsVVysUYLe4.99>, 15 October 2015; J. Karadsheh, *Liberal Coalition Makes Strides in Historic Libyan Election*, CNN, 18 July 2012, at <http://edition.cnn.com/2012/07/17/world/africa/libya-election/>, 15 October 2015.

[2]   M. Ouannes, *Révolte et reconstruction en Libye. Le roi et la rebelle*, Paris 2014, pp. 44, 167.

[3]   A. Gallet, 'Les enjeux du chaos libyen', *Politique Étrangère*, Vol. 80, No. 2 (2015), p. 102.

The first democratically elected Libyan parliament proved to be a weak institution in terms of its creational functions, and without autonomy. The political strength of the two largest blocks fluctuated, depending on the undertaken subject and the possibility of mobilising the independent MPs, who sympathised with one or other party, as well as the pressure from militia, on which the groups depended in order to strengthen their substantive arguments[4]. The chaotic management of sessions, the absenteeism of the MPs during the parliamentary meetings, the problems with selecting and the ineffectiveness of the subsequent governments of the transitional period brought about the early termination of appointment and organisation of the elections of new legislative authorities[5]. One of the last decisions of the Congress was to transfer the supervision of the transformational process in Libya to the February Committee. The Committee, which included 15 deputies to the GNC, was charged with the task of the preparation of new elections to the Legislative and Constituent Assembly. New institutions, in accordance with the adopted election schedule, were to be elected on 25th June 2014 in the case of parliament and on 15th February 2015 in the case of the Constituent Assembly, and obliged to develop the Basic Law[6].

The selection of the representatives for the House of Representatives, the second legislative body of the post-revolutionary period, took place with a small, compared to the previous elections, turnout of voters. The electoral participation rate dropped from 64% in 2012 to 18% in 2014. According to the arrangements made under the auspices of the Consultative Committee, the independent candidates could compete in the elections, ones non-attached to any of the political parties. Out of 200 seats in the House of Representatives, 12 remained vacant, due to the boycott of the Berber minority, challenging the representativeness of the body and problems with the guarantee of safety and organisation of elections in some of the constituencies. The members of the Constituent Assembly, aiming to develop the new Basic Law, replacing the Libyan interim Constitutional Declaration in force since 3rd July 2011, were elected in accordance with the adopted schedule and electoral law. Sixty representatives were selected ensuring an equal representation for three regions of Tripolitania, Fezzan and Cyrenaica. Six seats were provided for the representatives of the ethnic minorities[7].

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[4]   Muslim Brotherhood Camp (especially the most radical fraction: Remaining Faithful to Blood of the Martyrs, al Wafa li Dimaa Al Shuhada) have been supported by militias from Misrata. Liberals have been backed by those from Zintancity. A. Kaddur, *Bilan de la situation en Libye, Observatoire des Mutations Politiques dans le Monde Arabe*, IRIS, January 2015, pp. 3-4.

[5]   A decision forced by the military resistance. The militias al-Qaaqaa and al-Sawa'eq gave ultimatum to the Parliament demanding its earlier termination.

[6]   V. Hugeux, 'Libye: les insurgés s'offrent une constitution', *L'Express*, 17 August 2011.

[7]   'Libye: bilan d'élections législatives sans enjeux', *Afrique Inside*, 26 July 2014, at <http://afriqueinside.com/libye-elections-legislatives-enjeux26062014/>, 10 October 2015.

2. COMPETING CENTRES OF POWER IN TOBRUK AND TRIPOLI

The elections to the House of Representatives did not complete the process of stabilisation of Libya. On the contrary, they initiated a new phase of the transformation period marked by the institutional crisis. The organisation of the ceremony of the handover of power to the House of Representatives by the General National Congress became problematic, as well as the establishment of the location of meetings of the new legislative authorities.

Following the takeover of Tripoli by the Islamists from the coalition of the Libyan Dawn (*Fajr Libya*), the House of Representatives and the transitional government of Abdullah al-Thani[8] decided to select Tobruk as their seat, located 600 km east of the capital[9].

In Tripoli, on the other hand, the chairman of the GNC, Nouri Abu Sahmain, and the founder of the Libya Revolutionaries Operations Room, the Islamic military group controlling the city, embracing the view that the transfer of power took place in a manner that was incompatible with the constitution, ordered the former deputies to undertake their responsibilities within the framework of the old Congress. Dozens of Islamist mainstream deputies accepted the offer. During the first session of the reactivated Congress, held behind the closed doors, the mission of creating the Government of National Salvation was entrusted to Omar al-Hasi. The group of Tripoli, despite having little international support, claims to be the only government able to restore the stabilisation of the country. The position of the reactivated GNC, as the only legitimate representative to manage the country, is supported by the ruling of the Supreme Court, which in November 2014, at the request of two deputies of the Congress, confirmed the illegality of the elections carried out in June 2014. The government situated in Tobruk questioned the independence of the court, based in Tripoli, and its ruling, which – as it was noted – was given under the threat of the use of force from the Islamist militias controlling the capital[10].

None of the governments exercise effective control over the greater part of the territory and none has an efficient administration at their disposal. Two parliaments function on the territory of the country, as well as two governments and two rival armies. Both the centre of power in Tobruk and the one in Tripoli have similar political legitimacy for ruling – they were chosen through elections. The Tobruk government may be considered as not representative enough, taking into account the fact that in the assembly elections in 2014 only 18% of those eligible to vote participated. However,

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8   Head of the Ministry of Interior under Ali Zeidan's government, designated the Prime Minister in the Transitional government by the General National Congress on March 11, 2014 and again on 1st September 2014 by the House of Representatives.

9   A. Kaddur, *Bilan...*, p. 2.

10   'La justice invalide les élections en Libye, le Parlement refuse', *Le Monde*, 6 November 2014, at <http://www.lemonde.fr/libye/article/2014/11/06/libye-la-cour-supreme-invalide-le-parlement--issu-des-elections-du-25-juin_4519118_1496980.html>, 20 October 2015.

contrary to the Tripoli government, it is endorsed by the majority of the representatives of the international community. The military forces of the ephemeral governments in Tripoli and Tobruk adopted various armed formations, at times motivated by a particular interest, and not a national one. Since the 2014 conflict Libya has become the scene of two military alliances. On the one hand, the "Operation Dignity" (*Amaliyat Al Karama*), initiated by general Khalif Haftar in May 2014 in order to clear Libya of the Islamic militia, was in time considered by the House of Representatives and al--Thani's government the official operation of the Libyan National Army. On the other hand, another military group: "Operation Libyan Dawn" (*Fajr Libya*) is the military group of the government in Tripoli[11].

3. MILITARISATION OF THE STATE

The multiplicity and autonomy of the so-called militias is one of the most important challenges on the path to building a centralised and stable state. Almost 300 of the functioning militia forces were created on the tribal, regional or religious bases during the civil war in 2011 (the so-called *kata'ib* (Arab.) revolutionary brigades), who after overthrowing the regime were supposed to be dissolved or subordinated to the central power. Meanwhile, equipped with weapons as a result of taking over the arsenals of Jamahiriya and additionally supported by the weaponry that comes from smuggling, they maintain their military and – moreover – the political position, becoming one of the factors blocking the transformation of Libya.

The government's project to create an army and national police is progressing slowly. The Libyan National Army was formed on the basis of the National Liberation Army, appointed as a result of the decision of the National Transitional Council in 2011. It includes the soldiers of the *ancien régime* army and numerous revolutionary brigades. Not all are willing to give up the resulting social support and profits arising from the control of territory.

The military potential of the State of Libya in the number of 35,000 soldiers is developed with the logistic, training and equipment support of the US, Italy, Turkey, and France, but it is too weak to rival the powerful militias of Zentan, Benghazi and Misrata[12].

Among the subordinate units of the governmental army an important role is played by the brigades remaining in the alliance with general Khalif Haftar. Associated with the former regime, the general took part in a coup that brought Gaddafi to power in 1969. Having fallen out of favour in the later years, he emigrated to the US, from where he led one of the biggest opposition movements outside of Libya. He returned to Libya

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[11]   A. Kaddur, *Bilan...*, pp. 2-9.

[12]   Ch. Ayad, 'Libye: une transition vers le chaos', *Politique Internationale*, No. 143 (2014), at <http://www.politiqueinternationale.com/revue/read2.php?id_revue=143&id=1266&search=&content=texte>, 20 October 2015.

in 2011 in order to assume leadership of the rebel army. Unrecognised by the GNC and initially by the government in Tobruk, his position changed along with the commencement of the anti-Islamic offensive operation Dignity in Benghazi in May 2014. The operation involved a number of armed groups, among them also Special Forces of al-Sa'iq[13], Cyrenaica Military Council, and minor militias. Khalif Haftar has at his disposal a unit of nearly 5000 people under his direct management. In October 2015 the House of Representatives, which functions under the cover of Haftar's brigades, officially recognised Operation Dignity. In the official statement, the spokesman for the parliament pointed out that the Operation Dignity is a military operation implemented under the authority of the transitional government of Abdullah al-Thani, and its goal is to fight Islamic radicalism and terrorism. The symbol of integration of the Haftar's brigades into the ranks of the armed forces of Libya was the decision of the government in Tobruk of 2nd March 2015 on appointing the general the Supreme Commander of the Armed Forces of Libya. The undertaken military actions to fight the Islamists in other cities of the east of the country – Derna, Sirte – confirm the mission of Operation Dignity[14].

Opposing the offensive of general Haftar, in July 2014 the Operation Dawn was formed, under the command of Salah Badi. The operation became a military tool of the Tripoli government. In the Dawn alliance the biggest role is played by the Islamist militants sympathising with the dominating in the GNC Muslim Brotherhood – the Militia of Misrata; the Libyan Shield Militia; Libya Revolutionaries Operations Room; the Tripoli Brigade – associated with Abdul Hakim Belhadj, the leader of al-Watan Islamic party and the former emir of the Libyan Islamic Fighting Group[15]. The goal of the *Fajr Libya* operation is to guarantee safety and undisturbed functioning of the government of National Salvation in Tripoli as well as recognition of the GNC as the only legitimate power in Libya. Operation Dawn took on the character of the defender of the Revolution of 17th February, aiming to clear all elements of the former regime from the state administration. The long-term goal is to build the State of Libya in accordance with the principles of Sharia.

The picture of lack of control over the territory by the government in Tobruk is complemented by the number of other military brigades of varying potential and au-

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[13] Special Forces al-Sa'iq: a battalion devoted to defend the Muammar Gaddafi regime, directly under the dictator's command. The majority of high rank officers, as well as ordinary militants have joined the anti-regime uprising in 2011. In the post-Gaddafi era al-Sa'iq became famous for combating jihadist in the Eastern parts of country. See: A. Kaddur, *Bilan...*, p. 6.

[14] 'Libyan Parliament Confirms Haftar as Army Chief, Al Jazeera News, 2 March 2015, at <http://www.aljazeera.com/news/africa/2015/03/libya-khalifa-haftar-army-chief-150302214813223.html>, 10 October 2015.

[15] The Libyan Islamic Fighting Group (LIFG) also known as al-Jama'a al-Islamiyyah al-Muqatilah bi--Libya, was founded in 1995 by Libyans who had fought against Soviet forces in Afghanistan. It aims to establish an Islamic state in Libya, linked to Al-Qaeda. See more: Libyan Dawn: Map of Allies and Enemies, Al Arabiya Institute for Studies, 25 August 2014, at <http://english.alarabiya.net/en/perspective/alarabiya-studies/2014/08/25/Libyan-Dawn-Map-of-allies-and-enemies.html>, 20 October 2015.

tonomy. In addition to the brigades/military forces to whom, observing the rivalry of two operations Dawn-Dignity, we can assign the character of national, revolutionary, Islamic brigades, in Libya we find a number of other armed groups. They shall be characterised by their clan-territorial identity and loyalty, and not ideology. The *kata'ib* remaining under the command of tribal authorities have considerable autonomy. The tribes with powerful clan militias are the Warfalla tribe in the east, and the Kadhaf tribe of the Sebha region, from which the former dictator came from. The brigades controlling especially cities of Zintan, Oubari, and Misrata and Berber militias in the regions of Zwara (Zuwarah) and Jebel Nafusa also have a large influence [16].

4. JIHADISM

Immersed in chaos Libya became a suitable area for uprooting the ideology of radical Islam. While the trend of political Islam accompanied the debate on the shape and political identity of post-revolutionary Libya and was represented by the Muslim Brotherhood and its allies in the institution of the transitional period (GNC), the Salafist groups promoting the global Jihad appeared, shortly speaking, as a result of the institutional-political vacuum. The Islamic State Organisation is one of its examples treating Libyan stabilisation.

Libya is considered to be one of the countries with the highest ratio of infiltration and terrorist threat from Islamist organisations. On the east of the country Ansar al-Sharia remains particularly active. The organisation was established in 2011 during the civil war in Libya. It represents the Salafist trend of Islam, promoting the introduction of Sharia in Libya. The activity in its ranks of the prominent members of the fought-by-the-dictator Libyan Islamic Fighting Group, may indicate its genesis as a fusion of several groups and Islamic militia (in addition to the ILIG its ranks include Abu Obayda Bin Aljarah Brigade, Malik Brigade and February 17th Martyrs Brigade). The organisation was especially present in the city of Benghazi in the years 2012- 2014, the stronghold of anti-Gaddafi revolution, which became the scene of one of the most remarkable terrorist attacks in Libya. In September 2012 Ansar al-Sharia carried out the attack on the US consulate in Benghazi, in which four American citizens died, including the consul, Chris Stevens[17].

The presence of Ansar al-Sharia in other cities of the eastern Libya is less distinctive. The organisation was marginalised in favour of the Islamic State in Sirte, which in May 2015 took control over the city. Another stronghold of Ansar al-Sharia, which the organisation loses to the fighters from Syria and Iraq, is the city of Derna. The phenomenon of the change of affiliation of the fighters from Ansar al-Sharia to the Islamic State

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[16]   J. Abou Assi, *Libye: panorama des forces en présence*, Bulletin de documentation No. 13, Centre Français de Recherche sur le Renseignement, 13 March 2015, at <http://www.cf2r.org/fr/bulletin-de--documentation/libye-panorama-des-forces-en-presence.php>, 20 October 2015.

[17]   J.-B. Harelimana, *Libye: point de jonction des califats du monde à la porte de l'Europe et de l'Afrique?*, Institut Afrique Monde, October 2014, at <http://www.institutafriquemonde.org/img/Document%20dactualit%C3%A9_Libye.pdf>, 20 October 2015; Ch. Ayad, Libye...

takes place increasingly often. Several political-military groups, whose leaders took the oath of the caliph of ISIS Abu Bakr al-Baghdadi, established the Barqa emirate (former name of the eastern region of the country) in 2015, hence confirming the implantation of the organisation of the Islamic State. Regarding Ansar al-Sharia's losing influence in Libya, the organisation remains active in the neighbouring countries. The involvement of the organisation in the preparation of the attack in the Bardo Museum on March 2015 in Tunisia confirms the regional ambitions of the organisation[18].

On the territory of Libya the second after the Islamic State organisation of military jihad is present – Al-Qaeda. Taking into account a strategy of action which is different to the one of ISIS – partisan fight – the precise indication of location of the Islamists representing that group is impossible. However, attempting to place the area of activity of Al-Qaeda on the map of Libya, one can indicate the area of the broadly understood south of the country. It is on the Libyan Sahara – an area hard to control even with a well-functioning security apparatus and intelligence – where the organisation, al Mourabitoun, affiliated with Al-Qaeda, found its outposts[19].

5. THE SEPARATIST TENDENCIES OF CYRENAICA

Modern Libya consists of three historical regions: Tripolitania, Cyrenaica and Fezzan, which for centuries remained completely separate in terms of cultural and economic development. Cyrenaica has always been focused almost exclusively on the contacts with the eastern part of the Mediterranean. On its area one can observe Greek and Levant influences. Cultural, social, political and economic orientation of Tripolitania concentrated around the areas of modern Tunisia, and was marked by the strong connections with the regions of Spain and Italy. Fezzan, due to unfavourable geographical formation, for centuries remained a poor neighbour of the two above-mentioned provinces. The Mediterranean and African influences, as well as those of Berber culture interspersed here[20].

In the aftermath of the Second World War the power in Libya was taken over by the United Nations. The country was divided in accordance with its three main historical regions, the supervision of which was handed to Great Britain and France[21]. The in-

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[18]   F. Bobin, 'En Libye, après le sud saharien, la menace djihadiste gagne le littoral', *Le Monde*, 15 July 2015, at <http://www.lemonde.fr/proche-orient/article/2015/06/15/en-libye-apres-le-sud-saharien-la-menace-djihadiste-gagne-le-littoral_4654665_3218.html>, 20 October 2015.

[19]   Al Mourabitoun is an African militant jihadist group operating since 2013. It is a branch of Al-Qaeda in the Islamic Maghreb (AQIM) organisation. Under the command of Mokhtar Belmokhtar it was accused of organising the attack on the Amenas refinery located in southern Algeria in January 2013, in which dozens of people were killed. Ibid.

[20]   W. Otman, E. Karlberg, *The Libyan Economy. Economic Diversification and International Repositioning*, Heidelberg 2007, pp. 6-15 (*NATO Science for Peace and Security Series. Series C: Environmental Security*).

[21]   The regions of Cyrenaica and Tripolitania of the former Italian Libya were under British administration since 1942 until the Libyan independence in 1951. The French control spread in Fezzan region. Additionally the United States of America held their Navy as well as Air Forces in Tripoli.

dependence aspirations of the Muslim sect of the Senussi led to the transfer of power over Cyrenaica to Great Britain. In June 1949 the Emirate of Cyrenaica was created, in which the direct superior authority was taken over by the emir Muhamad Idris as--Sanussi. In 1951 all three zones gained independence awarded by the United Nations. Libya became a kingdom and its king was the former emir of Cyrenaica, since then referred to as Idris I. In the period of 1953-1963 Libya was a monarchy with a federal territorial system of state with a dominating role of Cyrenaica. The king ruled country for almost 18 years. Introduced by the king Idris I administration unifying reform, aiming to create one national administration and a judicial system on practical grounds did not upset the privileged status of Cyrenaica[22].

Gaddafi continued the efforts towards centralisation of the country. It was symbolic to change the names of the regions to Eastern, Western and Southern Libya, as well as moving the most important institutions from Benghazi to Tripoli (National Oil Corporation; Libyan Airlines, Insurance Company). With the outbreak of anti-Gaddafi revolution in 2011 amongst the Cyrenaica people, for decades living with the sense of marginalisation and subsidisation of the Tripolitania region (80% of the oil reserves are located in the east of the country), the hopes raised for the return of the federal Libya and the strong region of Cyrenaica. It is not without significance that the revolution of the 17th February 2011 started in Benghazi. Also, here was created the first temporary government of Libya – the National Transition Council, ten days later[23].

Federalism is promoted on different levels. On the legalistic plane, the supporters of this vision of the country forced the paragraph in the Constitutional Declaration, in accordance with which the members of the Constituent Assembly (elected in February 2015) were selected by popular vote, according to the equal distribution of seats among the representatives of three historical regions. However, the disadvantageous impact on the issue of the regions' autonomy within Libya has another paragraph of the Declaration, according to which the adopted constitutional project shall be subject to a national referendum, in which voters can reject the project favourable for Cyrenaica's people. Such a scenario is quite likely, considering the fact that most Libyans live in the region of Tripolitania, opposing the "secession" of the fellow citizens from the east[24].

The publicity of the recovery of Cyrenaica is supported by illegal yet spectacular individual actions undertaken by the promoters of the division of Libya. Ibrahim Jadhran remains the emblematic figure of the movement for autonomy. A former leader of the guard in the Sirte Gulf, he took control of most of the refineries and oil terminals in the east of the country in August 2013. The militia subordinate to Jadhran not only blocked the port and oil refinery in Ras Lanouf, but also began its own trade in oil

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22 P. Niziński, 'Libia – od arabskiej wiosny do państwa zagrożonego rozpadem' in: E. Szczepankiewicz--Rudzka (ed.), *Arabska wiosna w Afryce Północnej. Przyczyny, przebieg, skutki*, Kraków 2014, p. 94 (*Societas*, 77).

23 S. Ibrahim, *Revisiting Libya's Federalism Question: The Challenge Facing the Constitutional Drafting Assembly*, Constitution.net, 23 September 2014, at <http://www.constitutionnet.org/news/revisiting--libyas-federalism-question-challenge-facing-constitutional-drafting-assembly>, 20 October 2015.

24 Ibid.

through the Libyan Gas and Oil Concern that was established, based in Tobruk, independent from the National Oil Concern in Tripoli[25]. Jadhran's arbitrary actions led to the temporary closure of refineries and financial losses of 24 billion USD[26]. Another dimension, more symbolic rather than economic, is featured in the declarations and attempts to appoint the autonomous governments of Cyrenaica. It is worth recalling here the declaration of Cyrenaica's autonomy, announced as a result of consultation of the largest tribes of Cyrenaica – the "Barqa Conference" of 6th March 2012. The leadership of the Transitional Council of Cyrenaica, which was then created, was taken by the cousin of king Idris I: Ahmed al-Zubair al-Senussi. A similar measure aiming to emphasise the autonomy of the region was the creation in 2013 of the autonomic government of Cyrenaica based in Benghazi. Although these acts have symbolic meaning, the reclaiming of the eastern region of Libya stands in the way of centralist and integration efforts of the government in Tobruk, and – as it became evident on many occasions, it may undermine the actions of government[27].

One also cannot rule out the option of the future functioning of not just an autonomous region, but an independent country in the east of Libya. These far-reaching scenarios, however, are not the current priorities of the al-Thani government. Unequivocally, the priority and threat for the functioning of the country are not separatists/federalists, but the Salafist militias, including the organisation of the Islamic State controlling more areas of the east of the country.

6. IDENTITY AND CULTURAL RECLAMATION OF ETHNIC MINORITIES

The ideological and political conflict is also amplified by the ethnic one. Its scene became the southern province of Libya – Fezzan, inhabited mostly by three non-Arab ethnic groups: the Berbers[28], the Tuareg[29] and the Toubou[30].

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[25]   Ch. Ayad, *Libye...*

[26]   S. Ibrahim, *Revisiting...*

[27]   Unrest and disorder in Cyrenaica region, as well as inefficiently way of acting untaken by the government aiming to take control on the situation, have led to dismissal of the Ali Zajdan's government in March 2014. See: Ch. Ayad, *Libye...*

[28]   The Berbers (Berber name: Amazighs) are an ethnic group indigenous to North Africa. Historically, they spoke Berber languages (Berber name: Tamazight) which belong to the Afro-asiatic language family. After the Muslim conquest in the 7th century the Berber tribes of coastal North Africa became almost fully Arabized and Islamized.

[29]   The Tuareg are one of the Berber groups with a traditionally nomadic pastoralist lifestyle. They are the principal inhabitants of the Saharan interior of North Africa. The traditional Tuareg territory is divided among a number of modern nations: Niger, Mali, Algeria, Libya, and Burkina Faso. They made several rebel attempts to establish their own country, especially in Mali starting in the 60s. See: P. Lemarchand (ed.), *L'Afrique et l'Europe. Atlas du XXe siècle*, Bruxelles 1994.

[30]   The Toubou named also Tubu are diversified nomadic people who speak Tebu, a language belonging to the Saharan subfamily of the Nilo-Saharan languages family. The majority of the Toubou live in

The policy of Muammar Gaddafi in relation to Berbers was ambiguous. The Berbers' language, *Tamazight,* was banned in public places, and the Ibadi cult[31] was subject to repressions. Therefore, it is not surprising that along with the outburst of revolution in Libya in February 2011, the eastern region of the country inhabited by the Berbers – Jebel Nafusa – joinse the anti-system uprising. The involvement of Libyan Berbers in the issue of guaranteeing the protection and recognising the linguistic-cultural identity in the period of war and political building of the country of the period after the fall of M. Gaddafi was permanently inscribed in the post-revolutionary landscape of Libya. The fiasco of the talks of Berber communities with the Transitional National Council on recognizing *Tamazight* as an official language in the constitution, showed that in the new political system of Libya the concessions to the Berber reclamation are not a priority[32]. Dissatisfaction of the Imazighen Council with granting too small, according to that Council, amount of seats in the Constitutional Assembly (2 out of 60 seats allocated to three ethnical minorities) meant that they boycotted the elections to this institution in February 2014. The Libyan Berbers undertake the strategy of subversive activities, showing discontent with the actions of the central authorities.

On the other hand, the dictator fuelled the Tuareg aspirations to create their own country within the area of Mali or Niger. He also willingly searched for the recruits in those countries for the regular army. The Tuareg played an important role in Jamahiriya, holding senior positions in the army and having their own police brigades (the *Maghawir* brigade, consisting of 300 officers).

The Toubou enjoyed less recognition and a marginal presence in the structures of Gaddafi's state[33]. In the current political situation in Libya, this black minority sees the chance for change and recognition for their language, culture, as well as their place in the new, post-revolutionary reality. The aspiration to greater territorial representation and participation in profits from extraction and sales of oil took a form of confrontation between the Toubou and Tuareg, the subjects of which are the cities of southern Libya. Clashes between minorities took place near the cities of Koufra (first fighting: November 2011), Sebha (March 2012), Oubari (September 2014), within the areas which are important from the perspective of control of the smuggling corridors and located near oil fields of al-Sharara and al-Fil. The first one is currently controlled by the Tuareg militia, while the second is in the hands of the Toubou[34].

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the north of Chad around the Tibesti Mountains but also in southern Libya, northeastern Niger and northwestern Sudan.

[31]　Ibadism is one of the main sects of Islam along with Sunni and Shi'a Islam. It exists mainly in Oman, East Africa, the Mzab valley of Algeria, the Nafusa mountains of Libya (Jebel Nafusa), and the island of Jerba in Tunisia. See: P. Lemarchand, *L'Afrique...*

[32]　L.A. Ammour, 'Le retour de la problématique identitaire au Sahara: un effet secondaire du printemps arabe' in E. Denécé, *La face cachée des "révolutions" arabes*, Paris 2012, pp. 465-467.

[33]　R. Carayol, 'Touaregs contre Toubous: la guerre oubliée du Sud libyen', *Jeune Afrique*, 7 October 2015, at <http://www.jeuneafrique.com/mag/267994/politique/touaregs-contre-toubous-la-guerre--oubliee-du-sud-libyen/>, 20 October 2015.

[34]　Al Sharara refinery is capable of refining 250,000 barrels per day. The exploitation capacity of the Al--Fil refinery is estimated to be 200,000 bbl/d. Ibid.

The conflict between two ethnic groups, taking place in the shadow of the ongoing fight for the access to one of the richest oil regions of Libya, is also noted by the authorities from Tobruk and Tripoli. Although now it is developing without direct intervention from Libya's administration, attention must be drawn to the fact that Tuareg militia, once pro-regime, now are mostly the supporters of post-revolutionary and Islamic side. The Toubu, Gaddafi's opponents in the civil war, use the help of the Tobruk camp, which brings together the former supporters of the former dictator. The conflict in Fezzan showed the new dynamics of ethnic relations and, taking into account the historical legacy, the volatility and unpredictability of the alliances on the new political reality. What is more, it disturbed the 100-year peace established by the South-South Treaty of 1893, which laid the foundations for the co-existence of non-Arab groups inhabiting the Sahelo-Saharan region[35].

7. THE MIGRATION CRISIS AND THE CONTRABAND PHENOMENON

One of the consequences of Libya's destabilisation, with repercussions for both Libya and European countries, is the problem of Libyan migration. The overthrowing of Muammar Gaddafi's regime turned the direction and dynamics of the trans-border mobility of both Libyans and the immigrants staying in the country. Libya, so far characterised as the place of a final settlement (in 2009 the number of immigrants coming mainly from sub-Saharan Africa and also from Bangladesh and Philippines was estimated at approx. 2.5 million)[36], is becoming a transit country for further migration to Malta or Italy. The dynamics of the phenomenon is reflected in numbers. Until the early years of the first decade of the 20th century, the European direction cutting through the Mediterranean was followed by approx. 40,000 migrants annually; in 2014 that number reached 120,000[37]. When one seeks the causes of the phenomenon, pointing to the civil war in Libya seems an obvious premise. However, this problem is far more complex, especially if we take into consideration the fact that, in accordance with the estimates of the High Representative of the UN for Refugees, only several thousand of those fleeing from Libya to Europe were Libyans[38].

The increase in the phenomenon of migration across the Mediterranean can be explained by a number of reasons. Over the last few decades Libya was treated as a final

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[35] Ibid.

[36] A. Malakooti, *Mixed Migration: Libya at the Crossroads. Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution Libya*, UN High Commissioner for Refugees (UNHCR), December 2013, at <http://www.refworld.org/docid/52b43f594.html>, 20 October 2015.

[37] Data estimated by the Italian Ministry of the Interior for 2014, Department for Public Security, Central Directorate for Migration and Border Police. See the ISMU website: <http://www.ismu.org/?p=6183>, 20 October 2015.

[38] M. Toaldo, *Migrations through and from Libya: A Mediterranean Challenge*, Rome 2015, p. 4 (*IAI Working Papers*, 15-14).

destination for the Middle East migration, in recent years especially from Syria and neighbouring African countries: Ethiopia, Eritrea, and Somalia. Looking at the directions of the influx of people it is not difficult to formulate a statement that the reason for the increased migration to Gaddafi's state was the will to leave the unstable, war--ridden countries. The picture of migration, which is dominated by refugees seeking asylum in Libya is incomplete. It is complemented by the employment migration – economic migrants, who benefit from the so-called "open door policy". Almost until the end of the "Gaddafi era" they took advantage from encouragement for the seasonal workers in the form of a facilitated procedure of obtaining a working visa or a temporary residence card in order to undertake employment in Libya.

Along with the fall of Gaddafi's regime, the stable Libya which once was friendly to migrants became a transfer point to the Italian Lampedusa or Malta, partly due to the weakness of state institutions, especially the security apparatus, which along with the fall of Jamahiriya was replaced by a hybrid system made up mainly of revolutionary brigades.

The lack of developed security mechanisms and border area control is the cause for easier functioning of the criminal groups which smuggle people. The practice has become a lucrative activity for the local population of the southern region bordering with Chad, Niger and Sudan, carried out already in the days of Gaddafi and, *de facto*, with the permission of the regime[39].

Currently the most popular transfer points to Europe are the cities: Zawiya (Zawi-yah), Tripoli, and Misrata. This shows the necessity of filling the vacuum/grey zone of security, which is the region of today's Libya. The balance of 2014, when during the crossing of Mare Nostrum more than 3,419 migrants died, as well as predictions that in 2015 over 500,000 refugees would try to force the "fortress of Europe", indicates a strong correlation between the migration crisis in the EU and chaos in Libya[40].

The south of Libya has for centuries served the purpose of a communication corridor and an important trade route between the Mediterranean region and Sahel, used not only for smuggling and trafficking people. In the 1970s the trade of traditional goods was replaced by trading the products subsidised by the regimes in Libya and Algeria: crude oil, cooking oil, sugar. In the 1990s the civil war in Algeria and the reforms of the subsidy system resulted in the development of trade in arms, drugs and cigarettes. With the course of time, Libya became a significant transit route for smuggling narcotics. The smugglers mediate in the commercialisation of Moroccan hashish produced in the Rif Mountains. In the first decade of the 21st century the cooperation has grown with the cartels originating in Western Africa, as well as the Afghan heroin trade[41]. Trafficking

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[39] The most comprehensive study of Libya's illicit economy is M. Shaw and F. Mangan, *Illicit Trafficking and Libya's Transition. Profits and Losses*, Washington 2014, (*Peaceworks*, No. 96), at <http://www.usip.org/node/17466>, 20 October 2015.

[40] Immigrazione: Frontex, tra 500 mila e 1 milione di migranti pronti a partire da Libia, Ansa.it, 6 March 2015, at <http://bit.ly/1A3DgP6>, 20 October 2015.

[41] S. Westall, 'Africa Emerging as Heroin Trafficking Hub', *The National*, 1 August 2011, at <http://www.thenational.ae/news/world/africa/east-africa-emerging-as-heroin-trafficking-hub>, 20 October 2015.

narcotics becomes a domain of not only residents of the southern regions of Libya; more often this practice involves international criminal networks, including Islamic ones. As an example may serve the al-Mourabitoun, an organisation affiliated with Al-Qaeda, whose leader, Mokhtar Belmokhtar, is called Mister Marlboro. Drug trafficking, next to ransoms and extortions related to hostage taking, as well as smuggling narcotics, became the significant source of income serving the financing of terrorist activity of the group[42].

8. THE SCENARIOS FOR THE DEVELOPMENT OF THE SITUATION IN LIBYA

The balance of the political transformation in Libya during the last four years is negative. The lack of central and effective power, the reclaiming of autonomy of the regions, and the social and political rights of ethnic minorities, uncontrolled circulation of arms, multiplicity of military groups that often change their alliances, are the reasons why Libya becomes a country dominated by anarchy where the arguments of force prevail over the legal solutions.

There are several possible scenarios of the development of the situation in Libya. Those that are desired and more positive point to the existing potential to develop the political solutions for Libya by the Libyans themselves. The Constitutional Drafting Assembly elected in 2015 adopted the task of developing a constitution of the future state and of subjecting it to the national referendum until the end of 2015. The only institution, whose activities are not assigned to any of two current centres of power, and hence remaining outside of the political divisions, is not, however, resistant to the ethnic clashes among its members. The departure of four representatives of the Tuareg and Toubou minorities in August 2015 was dictated, as the representatives of both groups concluded in a statement, "by an evident violation of the constitutional declaration and rules of a democratic and multi-ethnic country"[43].

Creating consensual legal and administrative frameworks that are the cornerstone of the future government of national unity is also a priority for the mediation undertaken by the international community. The task of bringing to the negotiating table the feuding sides – the House of Representatives and the General National Congress was undertaken by the United Nations.

The United Nations Support Mission in Libya (UNSMIL), under the leadership of a Special Representative of the Secretary-General was established in 2011 by the UN Security Council in its Resolution 2009 at the request of the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts[44]. The re-

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[42] See A. Gallet, 'Les enjeux...', p. 109.

[43] M. Khalifa, 'Tebus and Tuareg Members Walk out of Constitution Drafting Assembly', *Libya Herald*, 20 August 2015, at <https://www.libyaherald.com/2015/08/20/tebus-and-tuareg-members-walk-out-of-constitution-drafting-assembly/>, 20 October 2015.

[44] The Mission was mandated for an initial period of three months and extended for another three months thereafter. The Security Council, in its Resolution 2022 (December 2011), expanded the

sponsibilities of the Mission the following included *inter alia*: supporting the democratic transformation; promoting the rule of law and standards of human rights protection; controlling the process of demilitarisation of fighting groups and non-proliferation of weapons; strengthening of the "state building" process through technical and training support of the central and local authority institutions[45].

The first multilateral negotiations took place in Geneva on 14th January 2014. The sides of the conflict – the representatives of the governments in Tripoli and Tobruk, as well as the representatives of the civil society, agreed to take into consideration the plan of action – a road map of the democratisation of the country, developed by the United Nations. In March the Special Envoy of the UN for Libya Bernardino Léon, who was also the Head of the UNSMIL, presented a plan of peaceful political transformation of the country. Its most important points included a postulate of creating a national unity government, the Presidential Council that would include the independent representatives; also, the recognition of parliament in Tobruk as the only legitimised representation of all Libyans, until holding of new election[46].

Subsequent negotiations taking place mostly in the Moroccan city of Skhirat were inconclusive. The general consensus as to their constructive and much needed role was not accompanied by the real change on the Libyan political scene. Signed on 10th July 2015, the agreement for peace and reconciliation, taking into account the proposals of the UN Envoy, did not find acceptance on the part of the General National Congress[47].

Hopes for a way out of a negotiation stalemate were raised in connection with another, eighth negotiation round in Skhirat in September 2015 and a positive reaction from the Congress to another political plan presented by Special Envoy of the UN for Libya. Its key element was commitment to creating the Supreme State Council consisting of 120 members, which would include the representatives of governments in Tobruk and Tripoli, with the condition of the political neutrality of the future head of government, who would be cooperating with two vice-chairmen, coming from two current power centres. Among the amendments there was also a record on recognising the jurisdiction of the Supreme Court. Despite the initial lack of acceptance for the next version of the national reconciliation plan from the side of the

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Mission's mandate. The mandate was further modified when the Security Council extended the Mission for 12 more months in Resolution 2040 (12 March 2012). On 14 March 2014, Resolution 2144 extended the mandate for an additional 12 months. See 'UNSMIL Background', UNSMIL – United Nations Support Mission in Libya, at http://unsmil.unmissions.org/Default.aspx?tabid=3545&language=en-US, 20 October 2015. The role of UNSMIL will not be discussed in detail, as it is out of this article's scope.

[45] Ibid.

[46] 'Libye: l'ONU propose une feuille de route pour la "transition"', *Liberté Algérie*, at <http://www.liberte-algerie.com/actualite/libye-lonu-propose-une-feuille-de-route-pour-la-transition-222696/print/1>, 20 October 2015.

[47] 'Inter-Libyan Negotiations Resume in Skhirat, the Humanitarian Issue Backstory", *Maghreb Daily News*, 15 April 2015, at <http://www.maghrebdailynews.com/12080-inter-libyan-negotiations-resume-in-skhirat-the-humanitarian-issue-backstory.html>, 20 October 2015.

government/parliament in Tobruk, who insist on retaining the shape of the agreement negotiated in July 2015, both sides entered negotiations about the structure of the future government[48].

The observation of the course of negotiations does not bring optimism. The initially developed consensus on electing a government made up of 17 ministers, with the person of Fayez el-Sarraj as its leader was scrapped through the withdrawal of the support for the proposed structure by the government in Tripoli, and in the later period – also by that in Tobruk[49].

Time seems to preserve and be disadvantageous to seeking an option of coming out of the crisis through the peaceful means. Negotiations on the subject of the shape of the future institutions of national reconciliation should have been concluded with the signing of an agreement before 20th October 2015, when the House of Representatives' mandate expired. Arbitrary decision on the extension of the institution functioning did not find an approval from the international community and the competing centre of power. The launch of the military action on 20th September 2015 by general Haftar – a air strike on Benghazi, being another phase of "clearing" the city of the Islamic militias which were present there – does not bode well for the success of negotiations[50].

Among the negative and unpredictable development options two scenarios can be mentioned. The first means the division of Libya into three separate countries or regions functioning within a loosely connected federation. The presence of the issue in all institutional bodies of the transition period indicates the viability of the secessionist ideas, especially among the inhabitants of the region of Cyrenaica.

In view of the current situation in Libya another option also becomes feasible – the option of military and stabilising intervention in the country on a brink of collapse. This scenario is not excluded by the Libyans as well. In August 2014 the House of Representatives issued a statement directed to the United Nations Security Council calling for the direct intervention in order to protect the civilians[51].

Whichever one of these option prevails, it will not guarantee the democratic transformation, which in the case of Libya presents itself as a long and tedious process.

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[48] 'Libye: l'ONU accuse l'armée du gouvernement reconnu de saper les efforts de paix', *Jeune Afrique*, 20 September 2015, at <http://www.jeuneafrique.com/265922/politique/libye-lonu-accuse-larmee-du--gouvernement-reconnu-de-saper-les-efforts-de-paix/>, 20 October 2015.

[49] 'Libye: l'une des parties rejette le gouvernement d'union de l'ONU', RTL Info, 12 October 2015, at <http://www.rtl.be/info/monde/international/libye-l-une-des-parties-rejette-le-gouvernement-d--union-de-l-onu-761837.aspx>, 20 October 2015.

[50] 'Libye: Négociation entre les belligérants encore piétinante', *Tunisie Focus*, 7 October 2015, at <http://www.tunisiefocus.com/politique/libye-negociation-entre-les-belligerants-encore-pietinante-129948/>, 20 October 2015.

[51] A. Kaddur, *Bilan...*

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