



Chambers

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LIBYA: VOICE OF THE TRIBES



TABLE OF CONTENTS

INTRODUCTION	2
CHAPTER 1	4
The Fall of Qaddafi and Libya’s Subsequent Military and Political Developments	4
CHAPTER 2	13
UN Sanctions and Policy Since 2011	13
CHAPTER 3	18
Failed UN Attempts for Peace and Unification of Libya	18
CHAPTER 4	25
Libya in 2024	25
CHAPTER 5	32
Resources, Projects for Growth and The Potential Of Libya	32
CHAPTER 6	40
Hatfield House Peace Plan	40

Introduction

In 2022, I was contacted by intermediaries representing the tribes of Libya to join the Marquess of Salisbury KG, KCVO, PC, DL and assist them in their goal to bring peace to Libya and unify their state. The Libyan tribes' importance in Libya cannot be overstated and their cultural mandate is significant. They felt that international attempts of mediation between the rival groups within their state were leading nowhere and their homeland was being destroyed as leading actors sought to profit from the conflict or its outcome, whatever that might be.

After several attempts to broker a peace conference with the support of the UK government met with no success, the resignation of the UN Special Representative Abdoulaye Bathily in April 2024 to us confirmed the time was right to put together, independently, a peace conference on behalf of the tribes. We had always been informed it would be possible to bring political and military leaders from East and West Libya together in the UK and there they would be prepared to agree the key components of unification of forces and a transitional government, leading to elections. After bloody revolution there was now an opportunity outside the political and military sectors, to have a bloodless revolution through the voice of the tribes.

This report by members of the international law team at 9BR Chambers was undertaken to assist others understand the Libyan situation and put the voice of the tribes at the forefront of the politics. It is supported by sectors representing most of the people of Libya. It is a report that seeks to provide the impetus to commercial sponsors to assist the peace process and replace the states and institutions that have tried, but sadly failed. The sponsors of this peace initiative will be doing a service to the people of Libya and mankind at a time when we are facing very serious threats to global peace.

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CHAPTER 1

The Fall of Qaddafi and Libya's Subsequent Military and Political Developments

1.1 Background

On the eve of the Arab Spring, Libya had been governed for 42 years by the 68-year-old autocrat Muammar Qaddafi. Qaddafi's regime was notorious for domestic human rights abuses and a robust export of terrorism. Sanctioned and ostracised during the 1980s and early 1990s, Qaddafi improved his international relations in the late '90s, particularly after the Libyan Government handed over suspects to the 1988 explosion of PAN AM flight 103 over Lockerbie, Scotland. The 9/11 terrorist attacks prompted Qaddafi, who faced his own threats from Islamist militants, to seek further improvements in relations with the US and the UK. In 2003, the Libyan government compensated the families of the Lockerbie victims and renounced its programs to develop weapons of mass destruction and ballistic missiles. Trade and oil exploration agreements followed, accompanied by the restoration of diplomatic relations with many countries, including the US (2006). The UK had restored diplomatic relations in 1999.

By 2010, Libya had one of the highest standards of living in Africa, with a GDP of roughly \$75 billion.¹ The UN ranked it 53rd in the world and first in Africa for health, education, and income.² Annual per capita income was around \$12,250, comparable to some European countries.³ The sovereign wealth fund, the Libyan Investment Authority (LIA), was conservatively valued at \$53 billion (June 2010).⁴ At the same time, Qaddafi's regime oversaw a dismal human rights record and a repressive and corrupt surveillance state. In the decade leading up to 2010, between 10% and 20% of Libyans were reportedly working in surveillance for Qaddafi's "revolutionary committees."⁵

1.2 The Fall of Qaddafi and the First Libyan Civil War: 2011-2012

The Arab Spring revolt that started in Tunisia in late 2010 took its most violent form in Libya. From February 2011, rebel forces battled Qaddafi's government and quickly took the major cities of Misrata and Benghazi. Brutal government reprisals prompted a UN arms embargo, asset freezes, and referrals to the ICC.⁶ Within weeks, a group of politicians, former military officers, tribal leaders, academics, and businessmen gathered

¹ <https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/119/11904.htm>.

² United Nations, Human Development Report 2010, Table 1.

³ The World Bank, World Bank Indicators - Libya.

⁴ The Wall Street Journal, "Libya's Goldman Dalliance Ends in Losses, Acrimony," 31 May 2011.

⁵ Mohamed Eljahmi, "Libya and the U.S.: Qadhafi Unrepentant," *Middle East Quarterly*, Winter 2006, pp. 11-20, accessed May 28, 2024.

⁶ S/RES/1970 (2011) | United Nations Security Council, <https://www.un.org/securitycouncil/s/res/1970-%282011%29>.

to announce the formation of a new government, the National Transitional Council (NTC), to serve as the “political face of the revolution.”⁷ Its intent was to unify the country under a government based in Tripoli once the capital was liberated from pro-Qaddafi forces. International recognition swiftly followed.

In March 2011, with civilian casualties high and a Qaddafi counter-offensive threatening to regain control of the country, the Arab League called on the United Nations to intervene. On March 17, the UN passed Security Council Resolution 1973, authorising a no-fly zone and “all necessary measures” to protect civilians.⁸ Two days later, a NATO-led coalition of 18 states from Europe and the Middle East, led by France, the US and the UK, began an eight-month bombing campaign against pro-Qaddafi forces.⁹ In October 2011, supported by NATO airstrikes, rebels took Sirte, Qaddafi’s home city. The former strongman was found hiding in a storm drain and was brutalised by a mob of NTC-backed rebels before being shot, effectively ending the first phase of the civil war.

1.3 Consequences of the First Libyan Civil War

The chaos of the revolution ushered in a prolonged period of anarchy and violence. Throughout 2011, disparate groups vied for power and influence. Militias organised to fight the Qaddafi regime proliferated and increasingly provided the only available security. Split along regional, ethnic and local lines, they made a combustible mix. They were also ideologically divided - some were militant or moderate Islamists, others secessionists or monarchists and others, liberals. Faced with increasing disorder, the NTC co-opted the militias to fill the security vacuum. Their numbers quickly swelled from roughly 120,000 to over 200,000, comprising nearly 11 percent of the workforce.¹⁰

Libyan Islamist elements, imprisoned, forced underground, or exiled under the Qaddafi regime found opportunity for re-emergence in the revolt and transformed the political landscape. In the east, Islamist militias affiliated with Al-Qaeda and the Muslim Brotherhood grew rapidly and began to challenge secular institutions and other militias. Infighting increased especially within the Islamist movements, as the more moderate Muslim Brotherhood came under attack from hard-line Salafists, who regarded the former as sell-outs. Ansar al-Sharia, an Al-Qaeda-aligned Salafi jihadist militia, rose to

⁷ "Founding Statement of the Interim Transitional National Council". National Transitional Council. 5 March 2011. Archived from the original on 10 March 2011. Retrieved May 29, 2024.

⁸ S/RES/1973 (2011), United Nations Security Council, New York, New York, March 17, 2011, <https://www.un.org/securitycouncil/s/res/1973-%282011%29>.

⁹ The rationale for intervention varied. See François Heisbourg, 'The War in Libya: The Political Rationale for France', in Dag Henriksen, and Ann Karin Larssen (eds), *Political Rationale and International Consequences of the War in Libya* (Oxford, 2016; online edn, Oxford Academic, 23 June 2016), <https://doi.org/10.1093/acprof:oso/9780198767480.003.0002>, accessed 1 June 2024. See also Horace Campbell, *NATO's Failure in Libya: Lessons for Africa* (African Books Collective, 2013).

¹⁰ Cameron Glenn, "Libya's Islamists: Who They Are - And What They Want," The Wilson Center, August 8, 2017; <https://www.wilsoncenter.org/article/libyas-islamists-who-they-are-and-what-they-want>; accessed May 31, 2024.

prominence after the battle of Sirte in 2011, targeting Libyans and Americans for death and forbidding participation in parliamentary government, deeming it un-Islamic.¹¹

In addition to the militias and Islamist elements, the Libyan tribes rose in prominence as state institutions broke down.¹² Their importance in the balance of power inside Libya cannot be overstated. Qaddafi had increasingly courted tribal elders as a source of legitimacy, particularly in the south and the west around Tripoli.¹³ The majority of Libyans have historically turned to tribal connections for jobs and protection. In the absence of state authority after 2011, tribal procedures filled the void; in many circumstances, tribes offered the only semblance of a functioning judicial system.¹⁴

1.4 General National Congress: 2012-2014

Despite continued militia fighting and increasing pressure from the Islamist militants, the NTC organised elections in July 2012 and formally transferred power to the new General National Congress (GNC) in August. It was the first peaceful transfer of power since the 1969 revolution.

At the same time, fragmentation in the country worsened. Armed groups of former military forces and militias of all types engaged in violent clashes throughout late 2012 and 2013. The country was awash in weapons. In June 2012, one month before the elections, a rally of two hundred artillery-mounted pickup trucks through Benghazi's Tahrir Square left Western diplomats "stunned by the scale and weaponry of the display."¹⁵ In the July elections, secular and independent groups won the largest bloc, with 64 seats, but the Islamists, including the Muslim Brotherhood and smaller, more radical Salafist parties, were right behind them, with a combined total of 61 seats.¹⁶ In September 2012, as Islamist extremists became bolder, Ansar al-Sharia militants attacked two US compounds in Benghazi, killing US Ambassador J. Christopher Stevens. The attack sparked massive anti-militia protests in Benghazi and eventually contributed to the decline in Islamist political fortunes in the 2014 elections.¹⁷

¹¹ <https://icsr.info/wp-content/uploads/2020/03/ICSR-Report-Islamic-State-in-Libya-From-Force-to-Farce.pdf>

¹² There are roughly 140 Libyan tribes, with around 30 wielding real influence. See Abdulsattar Hatitah, Asharq Al-Awsat, "Libyan Tribal Map: Network of Loyalties that Will Determine Gaddafi's Fate," Cetri, 24 February 2011; <https://www.cetri.be/Libyan-Tribal-Map-Network-of?lang=fr>.

¹³ Mohamed El-Doufani, "Libya crisis: what role do tribal loyalties play?," BBC News, 21 February 2011; <https://www.bbc.co.uk/news/world-middle-east-12528996>; accessed June 1, 2024.

¹⁴ "Libyan Tribes in the Shadows of War and Peace," Clingendael, Netherlands Institute of International Relations, February 2019.

¹⁵ David Kilpatrick, "Deadly Mix, Chapter 1, A Rising Military Leader," *New York Times*, 29 December 2013.

¹⁶ Glenn, "Libya's Islamists."

¹⁷ Robert F. Worth, "Struggle for Ideological Upper Hand in Muslim World Seen as Factor in Attacks," *The New York Times*, September 12, 2012.

1.5 2014 Government Split and the Rise of Khalifa Haftar

Upon its formation in late 2012, the GNC was tasked with organising elections in 18 months' time for the summer of 2014. In February 2014, as the Congress's mandate wound down, an old Qaddafi ally turned revolutionary, General Khalifa Haftar, suddenly appeared on television announcing the suspension of the GNC and claiming to have loyal military forces in Tripoli. Those forces proved illusory, but it was the beginning of a series of tenacious campaigns by Haftar to become the leader of Libya.

Haftar had taken part in the 1969 coup that brought Qaddafi to power, and had served Qaddafi loyally until he and his men were captured by Chadian forces during the Libyan war with Chad in the late 80's. Having denied that Libyan troops were in the country, Qaddafi disavowed his old revolutionary comrade. Haftar spent three years in a Chadian prison before the CIA arranged his release in 1990, installing him and a contingent of his men in northern Virginia, where he spent two decades plotting Qaddafi's downfall.¹⁸ When revolt broke out in 2011, Haftar seized the opportunity to even the score, returning to Libya to fight on the rebel side and eventually being named head of the new Libyan Army in November 2011.

Undeterred by the tepid response to his February move, Haftar tried another tack in May, simultaneously launching an armed attack on the parliament in Tripoli and Operation Dignity, a military assault against the entrenched Islamist forces in Benghazi, which had been further radicalised by the arrival of Islamic State fighters from Syria and Iraq.¹⁹ Haftar had the backing of disparate sources, including a core group in the armed forces, hard-line Salafists linked to Saudi Arabia, and Sudanese rebels.²⁰ Most importantly, many of the eastern tribes rushed to join the Operation Dignity forces. The armed groups and militias that had dominated the fight against Qaddafi had been mostly urbanised and Islamist, and had targeted the more rural, conservative tribes, whom they felt had been coddled by the old regime. The tribes, particularly in the east, sought payback.²¹

As Haftar made gains, the GNC managed to hold elections in July notable for their low voter turnout and deadly violence. The result was a drubbing for the moderate Islamist parties, whom many Libyans blamed for partisan bickering that had stalled reconstruction and for the growing Islamist extremism throughout the country. Disgruntled and defiant, a minority of non-re-elected GNC members, dominated by the Muslim Brotherhood and supported by militias like Central Shield and the Libyan Revolutionaries Operations Room (LROR), refused to recognise the election results and launched an armed takeover

¹⁸ "Khalifa Haftar: The Libyan general with big ambitions," BBC News, 20 May, 2014.

¹⁹ Jamestown Foundation, "Operation Dignity: General Haftar's Latest Battle May Decide Libya's Future," 30 May 2014, *Terrorism Monitor* Volume: 12 Issue: 11, available at: <https://www.refworld.org/docid/538f12444.html> accessed 29 May 2023; <https://webarchive.archive.unhcr.org/20230529165300/https://www.refworld.org/docid/538f12444.html>.

²⁰ Ayman Al-Warfalli and Ulf Laessing, "Libyan special forces commander says his forces join renegade general," Reuters, May 19, 2014.

²¹ Alison Pargeter, "Haftar, Tribal Power, and the Battle for Libya," *War on the Rocks*, May 15, 2020.

of Tripoli. The legitimately elected House of Representatives (HoR), under Speaker Aguila Saleh Issa, fled to Tobruk in August 2014. The rogue remnants of the GNC based in Tripoli declared themselves a rival parliament. Haftar allied himself with the HoR in Tobruk, continued his war against the Islamists in Benghazi and the surrounding areas, and was appointed commander of the Libyan National Army in early March 2015.

The international community was divided over a solution to the standoff. Turkey and Qatar backed the more Islamist government in Tripoli, while the US, Egypt, the UAE and Russia supported the elected government in Tobruk. Meanwhile the Islamic State threat worsened as more soldiers began appearing in Libya from Syria and Iraq, prompting foreign intervention. In 2014, the UAE and Egypt conducted airstrikes on Islamist militias in Tripoli; in 2015, Egypt bombed IS training facilities and weapons depots in retaliation for the beheading of 21 Egyptian Coptic Christians.

At the same time, throughout 2015 and 2016, the worsening security situation led to a huge swell in people smuggling, creating a crisis in Europe, and especially Italy, as hundreds of thousands of refugees and migrants landed on Lampedusa and Malta. Though they came from many conflict zones - Syria, Iraq, Afghanistan, Eritrea, and Libya itself - Libya was at the centre of the smuggling trade due to geographic proximity, economic necessity, and violence. France, Switzerland, and other European countries tightened border controls. Italy took unilateral steps to stem the tide, sending special forces and allegedly paying militias formerly engaged in people smuggling to change their business model to one of policing other traffickers.²² Although the number of migrants eventually decreased, at its height the outflow of migrants fleeing Libya represented one of the largest migration crises in modern history.²³

1.6 Government of National Accord vs. House of Representatives, 2016-2021

Faced with two rival governments and an increasingly fractious and violent situation on the ground, the UN Support Mission in Libya (UNSMIL) brokered the Libyan Political Agreement (LPA), signed in December 2015 in Skhirat, Morocco, setting out conditions for the creation of a Government of National Accord (GNA.)

Although a minority of representatives from both the HoR in Tobruk and the GNC in Tripoli supported the GNA, key leaders (and their armed supporters) in both existing governments opposed it.²⁴ Nonetheless, the GNA moved ahead with UN backing to form a cabinet under Prime Minister Fayez al-Sarraj. By April 2016, the Tripoli-based GNC and its National Salvation Government had largely dissolved and ceded power to the new

²² Tom Kington, "Italy Reportedly Sends Special Forces to Libya," *Defense News*, August 11, 2016; <https://www.defensenews.com/global/mideast-africa/2016/08/11/italy-reportedly-sends-special-forces-to-libya/>

²³ "Migrants Caught in Crisis: The IOM Experience in Libya," UN Institute of Migration, 21 September 2015.

²⁴ "The Libyan Political Agreement: Time for a Reset," International Crisis Group, 4 November 2016, <https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyan-political-agreement-time-reset>.

government, but in the summer of 2016, the HoR in Tobruk withdrew its support. The UN recognised the GNA anyway, backing it as the best potential ally in the battle against ISIS.²⁵

As wrangling over the GNA progressed, 2016 witnessed a continuation of complex conflicts. ISIS fighters controlled large stretches of the Libyan coast. The GNA launched Operation Impenetrable Wall to expel the Islamic State from Sirte, while Haftar expanded his campaign against the Islamists to Derna. IS lost both Derna and Sirte by December 2016. Special forces from many countries, including Italy, the UK, Russia, Turkey, and France, opposed them, supported by US airstrikes.²⁶ Meanwhile, France was quietly backing Haftar as the only real option for controlling the flow of weapons and money to jihadist groups threatening governments in Chad, Niger, and Mali. The death of three French undercover soldiers in a helicopter crash on Libyan territory in 2016 was one of the few indications that they were there, though Haftar made no secret of the modern French weaponry his forces had acquired, despite the continuing UN arms embargo.²⁷ Private military companies complicated the mix, with Russia's Wagner Group supporting Haftar and Turkey's Sadat International Defense Consultancy training Syrian proxy fighters to support the GNA.²⁸ Meanwhile, Haftar's forces, aided by the eastern tribes, moved to further weaken the GNA by seizing the vital oil installations of the country's "oil crescent" in the east, seeking to deprive Tripoli and the National Oil Company (NOC) of revenues and causing tension between France and Italy, the main players in Libya's oil sector.²⁹

Despite glacial progress, efforts continued to bring the GNA and the HoR - along with Haftar and the LNA - into some kind of agreement. Representatives for the rival governments met in Abu Dhabi in April and May 2017, in Paris in May 2018, and in Italy in November.³⁰ All parties pledged support for a UN plan to create a National Conference in April 2019 to organise elections.

1.7 Western Libya Campaign 2019-2020

Just 10 days before the start of the National Conference, on April 4, Haftar launched a surprise attack to seize Tripoli and western Libya. His forces were at first successful, in part due to the leading role played by Wagner mercenaries, whose numbers had swelled to several thousand the previous year. He also managed to gain the support of many

²⁵ <https://theglobalobservatory.org/2016/05/libya-arms-embargo-united-nations-gna-hor/> ; <https://www.middleeastmonitor.com/20191219-how-libyas-un-recognised-government-is-doing-everything-but-its-job/>

²⁶ US Department of Defense, "U.S. Airstrikes Kill 80 ISIL Fighters in Libya, Carter Says," January 19, 2017.

²⁷ Paul Taylor, "France's Double Game in Libya," *Politico*, April 17, 2019; accessed May 24, 2024.

²⁸ Matt Powers, "Making Sense of Sadat, Turkey's Private Military Company," *War on the Rocks*, October 8, 2021.

²⁹ "Khalifa Haftar forces seize oil port Brega in Libya," Aljazeera, 14 September 2016.

³⁰ <https://monitoring.bbc.co.uk/product/c201dyd6>

western tribes, who felt marginalised by the revolution, had been loyal to the Qaddafi regime and who facilitated the LNA's advance into the area southwest of Tripoli.³¹

The GNA appealed for support from Turkey, which had already been shipping illicit arms into the country for several years in violation of the UN arms embargo.³² In November 2019, the GNA and Turkey signed a military pact and maritime agreement giving Turkey rights over a vast area of the eastern Mediterranean and infringing on the territorial sovereignty of several countries in the region.³³ Two months later, in January 2020, Turkey sent troops into Libya to augment drones and intelligence it already provided.

By June, the GNA had regained control of Tripoli and forced the LNA to withdraw all the way back to Sirte. At this point, Egypt declared a red line on further Turkish-backed encroachment in the east and a truce was declared. In October 2020, both sides agreed a UN-brokered Comprehensive Ceasefire Agreement, ushering in a period of shaky stability.³⁴

1.8 Government of National Unity 2021-2023

In February 2021, under the auspices of UNSMIL's Libyan Political Dialogue Forum, the HoR and the GNA approved the formation of a Government of National Unity, led by Prime Minister Abdul Hamid Dbeibeh. Dbeibeh had made a fortune in construction in his hometown of Misrata under the Qaddafi regime, eventually heading the Libyan Investment and Development Company (LIDCO), responsible for some of the country's biggest public works projects. He was sanctioned for corruption by the new transitional government after Qaddafi's ouster, and his choice as Prime Minister was clouded by allegations of bribery, with some delegates reportedly offered up to \$500,000 for their vote.³⁵

Talks for elections in late 2021 broke down over disagreements about the eligibility of presidential candidates, which included Dbeibeh, Muammar Qaddafi's son Saif al-Islam,

³¹ Pargeter, "Haftar, Tribal Power, and the Battle for Libya."

³² Romany Shaker, "Illicit Turkish Arms Still Flow Into Libya Despite UN Embargo," Foundation for Defense of Democracies, December 21, 2018; <https://www.fdd.org/analysis/2018/12/21/illicit-turkish-arms-still-flow-into-libya-despite-un-embargo/>; accessed May 29, 2014.

³³ The deal was immediately condemned by France, Greece, Egypt, and Cyprus, who declared it null and void. It was cancelled by the Court of Appeal in Tripoli on 19 Feb 2024.

³⁴ "UN salutes new Libya ceasefire agreement that points to 'a better, safer, and more peaceful future,'" UN News, https://news.un.org/en/story/2020/10/1076012?_gl=1*yq020z*_ga*MTYxNzUxOTczOC4xNzE3MzQ3NjA1*_ga_TK9BOL5X7Z*MTcxNzQwNzUxNC4xLjAuMTcxNzQwNzUyMS4wLjAuMA, accessed May 30, 2024.

³⁵ "Libyans Who Looted Gaddafi's Graft-Ridden Development Fund Banked at Credit Suisse," Organized Crime and Corruption Reporting Project, 24 February 2022, <https://www.occrp.org/en/suisse-secrets/libyans-who-looted-gaddafis-graft-ridden-development-fund-banked-at-credit-suisse>; accessed May 28, 2024; Patrick Wintour, "Libya's interim PM elected through bribery, UN inquiry says," The Guardian, 2 March 2021, <https://www.theguardian.com/world/2021/mar/02/libyas-interim-pm-elected-through-bribery-un-inquiry-says>." Accessed 27 May, 2024.

and Haftar. In September, the HoR passed a no-confidence vote against the GNU and Dbeibeh. In February 2022, it created a Government of National Stability (GNS) under Prime Minister-designate Fathi Bashagha, who went on to attempt several armed coups over the course of 2022, at one point sneaking into Tripoli in the middle of the night and hoping for support from the local militias, which was not forthcoming.³⁶ Bashagha's government, plagued by nepotism, corruption, and procedural irregularities, proved troublesome. In May 2023, the HoR replaced Bashagha with Osama Hamada, his former finance minister and a sworn enemy of Dbeibeh, who had accused him of financial malfeasance and against whom Hamada had filed complaints with Libya's Attorney General alleging corruption.

1.9 Developments in 2022-2023

The GNU in Tripoli and the GNS in Tobruk remained at often violent loggerheads throughout 2022 and 2023. Dbeibeh's call for a constitution in early 2022 proved fruitless, and elections have been repeatedly postponed. Tripoli grew ever closer to Ankara, signing a Memorandum of Understanding on energy, media, and defence in October 2022, a move which elicited protests from Greece and Egypt. Dbeibeh meanwhile shored up his domestic support by spending liberal amounts of money on public salaries, subsidies, and militias (he would be subsequently reined in by the Central Bank governor in 2024.)³⁷

General Haftar continued to wield power in the east, aligned with the GNS in Tobruk and supported by the LNA and a mix of militias and tribes. He used repeated shutdowns of oil and gas production as attempts to weaken the Dbeibeh regime. In July 2023, the HoR complained of abuse of oil revenues by the government in Tripoli, with Haftar threatening to use armed force to cut off oil and gas.³⁸ The Central Bank of Libya branch in the east, under General Haftar's control, contracted with the Russian state-owned company Goznak to print its version of the Libyan dinar, in violation of Libya's Banking Act. The result was the issue of billions of dollars in counterfeit Libyan dinars used to pay Haftar's army and civilian officials.³⁹

Haftar also strengthened his ties with Moscow. The strong performance of Wagner group soldiers during the Western Libya Campaign and Moscow's courtship gave Russia

³⁶ <https://africanews.com/2022/05/18/libya-s-two-main-factions-clash-in-tripoli/>; <https://moroccoworldnews.com/2022/06/349634/renewed-fighting-in-libyas-capital-in-the-aftermath-of-coup-attempt/>; Wolfram Lacher, "Libya's Escalating Power Struggle," *New Lines Magazine*, June 20, 2022; <https://newlinesmag.com/reportage/libyas-escalating-power-struggle/>. Accessed May 30, 2024.

³⁷ "Governor of Libya's central bank asks Dbeibeh to cut spending," *Libya Update*, February 27, 2024.

³⁸ "Libyan general threatens force over oil revenues," *Argus*, 04/07/2023; <https://www.argusmedia.com/en/news-and-insights/latest-market-news/2465638-libyan-general-threatens-force-over-oil-revenues>, accessed May 21, 2024.

³⁹ Karim Mezran, "An Iron Curtain may fall again - this time in Libya," *The Atlantic Council*, April 29, 2024; <https://www.atlanticcouncil.org/blogs/menasource/an-iron-curtain-may-fall-again-this-time-in-libya/>.

further inroads in the east and emboldened Haftar.⁴⁰ By the end of 2021, Wagner forces were using Libya to expand into the territories of the Sahel to protect Russian mining investments and economic interests and overthrow pro-Western governments. In September 2023, Haftar visited Moscow and agreed to the construction of a new Russian naval base and consulate in Benghazi.⁴¹ The General was thought to be seeking air defence systems from the Russians to protect against any move from Tripoli and Turkish forces, and may have discussed permanent docking rights in Tobruk, just a few hundred kilometres from Greece and Italy. The meeting was seen as a breakthrough for Haftar; when he last visited Moscow in 2020, Putin had declined to meet him, and low-level officials had pressured him to sign a cease-fire in the conflict at that time with Tripoli.

The meeting was also a finger in the eye of the US. One week before his talks with Putin, Haftar met with the commander of US forces in Africa, General Michael Langley, and the US special envoy to Libya, Richard Norland, who were meeting representatives of both the GNU's Libyan Armed Forces and the GNS's (and Haftar's) LNA. Both pressed him to remove foreign forces.⁴²

1.10 Conclusion

Libya's history from 2011 until 2023 was littered with missed opportunities. The long trail of hopes for a functional state and a unified government met repeated dead ends, thwarted by self-interest, incompetence, bad luck, and unfortunate events on all sides. Both governments steadfastly torpedoed attempts at unification, while both domestic and foreign actors worked behind the scenes, exacerbating tensions and preventing economic and institutional renewal. By the end of 2023, still without elections and continually mired in violence, the country saw Haftar and the east strengthening ties with Moscow, while Tripoli inked new agreements with Turkey and, increasingly, China.⁴³

⁴⁰“Haftar: We're ready to make bold decision, scope for granting opportunities had become narrow,” *Libya Update*, March 15, 2024; <https://libyaupdate.com/haftar-were-ready-to-make-bold-decision-scope-for-granting-opportunities-has-become-narrow/>.

⁴¹ “Putin's Move to Secure Libya Bases is New Regional Worry for US,” Bloomberg News, 5 November 2023; <https://www.bloomberg.com/news/articles/2023-11-05/putin-s-move-to-secure-libya-bases-is-new-regional-worry-for-us>.

⁴² Khaled Mahmoud, “LNA Denies Haftar Seeking to Allow Russia to Set up Military Base in Libya,” *Asharq Al-Awsat*, 7 November 2023; https://english.aawsat.com/arab-world/4652806-lna-denies-haftar-seeking-allow-russia-set-military-base-libya?wrapper_format=html&page=2, accessed 31 May, 2024.

⁴³ Tin Hinane El Kadi, “China in the Maghreb: engagement, perceptions and prospects,” *Real Instituto Elcano*, 30 June 2023, <https://www.realinstitutoelcano.org/en/analyses/china-in-the-maghreb-engagement-perceptions-and-prospects/>, accessed May 31, 2024.

CHAPTER 2

UN Sanctions and Policy Since 2011

2.1 Background

In February 2011 the internal armed conflict in Libya resulted in the UN Security Council (UNSC) taking a series of measures under Chapter VII of the UN Charter to maintain peace and security in the region and protect civilians. Those measures have remained in force to this day. One effect has been to deprive the people of Libya of access to the assets and wealth of their state to improve their social conditions and rebuild their state in the post-Qaddafi era. The failure of the national politicians to resolve their differences has prevented the emergence of a rich society and deprived its children of its economic birthright. The international community cannot avoid blame for the state of affairs as states have promoted their own interests to gain footholds in Libya and many sit on assets frozen under UNSC Resolutions with no plans to enable their release for the benefit of the people of Libya.⁴⁴

2.2 The UNSC Resolutions

Peace and Security

UNSC Resolution 1970 was swiftly passed in February 2011 and not only referred the situation in Libya to the International Criminal Court, but also imposed an arms embargo, applied targeted sanctions in the form of asset freezes and travel bans against certain people connected to the Qaddafi family and established a sanctions committee to oversee the operation of these measures.⁴⁵ Notwithstanding the UN's measures, the conflict continued, affecting not only Libya but neighbouring countries.

UNSC Resolution 1973 was passed in the following month and authorised “*all necessary measures*” excluding an occupation force, to protect civilians in Libya and enforce the arms embargo.⁴⁶ The resolution imposed a no-fly zone, bolstered the sanctions regime and established the UN Panel of Experts (UN POE) to report on the situation in Libya. A Special Representative to Libya was appointed by the Secretary-General tasked with finding a “*sustainable and peaceful solution*” to the crisis. The resolution stressed the

⁴⁴ <https://www.chathamhouse.org/2021/02/libya-investing-wealth-nation#safeguarding-wealth> ; <https://libyaherald.com/2022/01/uns-c-sanctions-committee-confirms-preserving-the-integrity-and-value-of-libyan-frozen-assets-meant-for-the-benefit-of-the-libyan-people/>; <https://english.alarabiya.net/business/economy/2021/05/18/Libya-sovereign-fund-has-68-bln-in-frozen-assets-makes-financial-statements-push> ; <https://www.occrp.org/en/suisse-secrets/libyans-who-looted-gaddafis-graft-ridden-development-fund-banked-at-credit-suisse> ; <https://www.wsj.com/articles/libya-seeks-u-s-help-in-fresh-effort-to-recover-gadhafi-billions-45155b41>

⁴⁵ <https://www.un.org/securitycouncil/s/res/1970-%282011%29>.

⁴⁶ <https://www.un.org/securitycouncil/s/res/1973-%282011%29>

need for a “*solution to the crisis which responds to the legitimate demands of the Libyan people.*”

Almost as soon as resolution 1973 passed it became obvious that there was no agreement upon how to implement it. The UN was not proposing to send forces on its behalf into the conflict but authorised a no-fly zone to protect civilians; a policy that was not supported by Security Council members at the time of Brazil, China, Germany, India, and the Russian Federation.⁴⁷ On 19 March 2011, French, British, and American forces began their military operations in Libya, policing a no-fly zone and bombing the regime’s tanks from the air.⁴⁸ The African Union attempted to negotiate a ceasefire but was conflicted over the coalition forces’ no-fly zone and air strikes.⁴⁹ Two weeks after the start of the aerial campaign, the combat operations were taken over by NATO, which continued the airstrikes whilst attempting to reach a political solution.⁵⁰ There was international disagreement as to whether regime change was a permissible extension of the concept of a “*responsibility to protect*”.⁵¹

The UN’s efforts to provide peace and security in Libya have continually met with setbacks as the rival groups strive for ascendancy over each other or simply enjoy profiting from the conflict. In April 2019 the then UN Special Representative (UNSR/SR), Ghassan Salame, had prioritised engagement by a broad swathe of Libyans in preparation for an inclusive national conference in Berlin.⁵² Shortly before it was due to open, General Haftar attacked Tripoli and Libya returned to conflict and “*Deep divisions were exposed in the Security Council together with significant military and other interference in Libya by regional and other states*”.⁵³

A successor UNSR, Abdoulaye Bathily, met the same divisive problems as his predecessors and resigned in April 2024, because, despite the efforts of UNSMIL no progress had been made in the political process in Libya.⁵⁴ SR Bathily said, “*lack of political will and good faith*” on the part of Libyan leaders made UN governance efforts in Libya “*futile*”. He said that “*under the circumstances, there is no way the UN can operate successfully. There is no room for a solution in the future*”.⁵⁵ In his address to the Security Council on 16th April 2024 he stated that his attempts to “*resolve all contested issues pertaining to the electoral laws and the formation of a unified government had been met with stubborn resistance, unreasonable expectations and*

⁴⁷ <https://press.un.org/en/2011/sc10200.doc.htm>

⁴⁸ <https://www.bbc.co.uk/news/world-africa-12796972>

⁴⁹ <https://www.voanews.com/a/libya-conference-opens-with-call-for-cease-fire-118647804/137038.html>;

⁵⁰ <https://www.voanews.com/a/us-transfer-of-libya-mission-to-happen-soon-118599214/157740.html>

⁵¹ <https://doi.org/10.1080/13600826.2015.1094029> “The Impact of the Libya Intervention debates on Norms of Protection” ; A concept of international law developed to justify the use of NATO forces to attack Serbia and its forces in Kosovo as part of the protection of the non-Serbian population of Kosovo

⁵² <https://www.c-r.org/accord/still-time-talk/outside-berlin-international-conference-libya>

⁵³ <https://www.c-r.org/accord/still-time-talk/outside-berlin-international-conference-libya>

⁵⁴ <https://www.africaintelligence.com/north-africa/2024/04/25/stephanie-koury-faced-with-uphill-task-at-unsmil.110219760-art>

⁵⁵ <https://www.aljazeera.com/news/2024/4/16/uns-libya-envoy-resigns-citing-no-hope-for-political-progress>

*indifference to the interests of the Libyan people”. He went on to say, “concerns about the weakening of the international consensus on Libya are growing among the general population, as their country has become a playground for fierce rivalry among regional and international actors motivated by geopolitical, political and economic interests as well as competition extending beyond Libya and related to its neighbourhood. The renewed scramble among internal and external players for Libya and its position and immense resources is rendering a solution ever more elusive.”*⁵⁶

United Nations Special Mission in Libya

UNSC Resolution 2009 passed in September 2011, authorised the deployment of the United Nations Special Mission in Libya (UNSMIL) and partially lifted earlier sanctions that hampered humanitarian needs and reaffirmed that the United Nations should “*lead the effort of the international community in supporting the Libyan-led transition and rebuilding process aimed at establishing a democratic, independent and united Libya*”.⁵⁷ The focus for UNSMIL being to assist the Libyan national authorities in the rebuilding of their nation into a safe state that respected the rule of law and had accountable democratic institutions.

Notably, UNSMIL is neither a peacekeeping nor humanitarian mission; it is a political mission that operates to prevent the spread of conflict and with the objective of maintaining international peace and security.⁵⁸ UNSMIL’s mandate has continued over the years as the UN has attempted to enforce peace and security within Libya at the same time as building it into a sovereign and independent democratic state.⁵⁹ In 2015 UNSMIL was required to take proactive measures to prevent the conflict, authorising it to inspect vessels on the high seas to prevent illicit dealings in Libyan oil.⁶⁰

In April 2018, UNSMIL at a meeting of the League of Arab States, the African Union, the European Union, and the United Nations were committed to the realization of free and fair elections in Libya.⁶¹ This was but one in a series of continually failing attempts over the next six years to achieve one of the key UN objectives since the passing of UNSC Resolution 1970. In April 2023 it was believed by SR Abdoulaye Bathily who had been (along with his predecessors) charged with overseeing the delivery of a peace and electoral process, that leaders and representatives of military units and security formations in all 3 regions of Libya were committed to those goals.⁶² However, the

⁵⁶ <https://unsmil.unmissions.org/remarks-srsg-abdoulaye-bathily-security-council-16-april-2024>

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<https://documents.un.org/doc/undoc/gen/n11/502/44/pdf/n1150244.pdf?token=sutRiNno2roNO0UDBR&fe=true>

⁵⁸ <https://unsmil.unmissions.org/mandate>

⁵⁹ https://unsmil.unmissions.org/sites/default/files/s-res-2702_english.pdf

⁶⁰ https://unsmil.unmissions.org/sites/default/files/sc_resolution_2701_-_2023_english.pdf; S/RES/2702: HTTPS://PRESS.UN.ORG/EN/2023/SC15428.DOC.HTM

⁶¹ <https://unsmil.unmissions.org/joint-communique-quartet-meeting-libya-1>

⁶² <https://unsmil.unmissions.org/srsg-abdoulaye-bathilys-remarks-security-council-meeting-libya-18-april-2023>

Libyan representative presented a different picture – “*many of the statements made here have no real relationship to the realities on the ground. The Libyan people remain confused by the conundrum in which the Council calls on them to respect its outcomes and resolutions, but also insists on a purely Libyan-led and -owned solution.*”⁶³ By April 2024 SR Abdoulaye Bathily conceded the failure of UNSMIL’s endeavour and resigned that month.⁶⁴ UNSMIL has had an alarming turnover of successive UN Special Representatives, seeing six incumbents in its first six years.⁶⁵

On 7 May 2024, the Security Council reiterated its continued support to UNSMIL and the importance of its interim leadership continuing to implement UNSMIL’s mandate.⁶⁶ However it is reasonable to observe, this is but a further reiteration of UN policy that is on a pathway leading to nowhere.

Sanctions Regime

According to the Panel of Experts in 2021 the Libyan arms embargo had been “*totally ineffective*” in preventing the spread of armed conflict. States that directly supported the parties to the conflict were responsible for extensive and blatant violations, with “*complete disregard for the sanctions measures*”.⁶⁷ The Panel found that Egypt, Jordan, Syria, Turkey, and the UAE were in non-compliance with the arms embargo in that they did not carry out inspections of suspicious commercial vessels or aircraft destined for Libya.

Turkey was also responsible for impeding attempts by a French frigate to inspect a Tanzanian vessel that subsequently was unloaded in secrecy in a closed down port.⁶⁸ This was not an isolated incident as a German frigate, also charged with following EU implementation of UN policy, was similarly threatened.⁶⁹ Deployment of Russian military aircraft and missile systems operated by Russian private military companies has

⁶³ <https://press.un.org/en/2023/sc15261.doc.htm>.

⁶⁴ <https://unsmil.unmissions.org/remarks-srsg-abdoulaye-bathily-security-council-16-april-2024>; Critics have pointed to the key flaw in Bathily’s political process in that he focused on reaching an unlikely agreement between what he termed as the ‘Big Five’. The Big Five refers to General Khalifa Haftar, Mohammed Takala, the chairman of the High Council of State, Mohamed Yunus al-Menfi, the president of the Libyan Presidential Council, Aguila Saleh, speaker of the House of Representatives in Benghazi, and Prime Minister of the GNU, Abdul Hamid Dbeibah. See <https://www.dw.com/en/libya-un-envoys-resignation-diminishes-hopes-for-a-new-democratic-path/a-68872069> and <https://www.globalstudies.it/en/le-dimissioni-dellinviato-speciale-dellonu-bathily-in-libia-e-la-resilienza-degli-interessi-politici-ostili-alla-transizione/>

⁶⁵ <https://www.usip.org/publications/2019/05/conflict-libya>

⁶⁶ <https://libyaobserver.ly/news/security-council-calls-appointing-new-envoy-libya-soon-possible>

⁶⁷ <https://operationalsupport.un.org/en/libya-arms-embargo-totally-ineffective-un-expert-panel> ; <https://news.un.org/en/story/2021/03/1087562>

⁶⁸ <https://www.reuters.com/article/idUSKBN2481II/>

⁶⁹ <https://www.politico.eu/article/germany-concerned-turkey-stops-arms-control-off-libya/>

also affected the stand-off between the forces.⁷⁰ It is clear that international actors have blatantly ignored restrictions and have done so without repercussion.

Vast amounts of Libyan assets have been frozen and illegally dissipated around the world, with estimates of value ranging from \$100 to 200 billion.⁷¹ The UN SC Resolution 1970 (2011) sanctioning of Qaddafi-linked individuals and UN SC Resolution 1973 (2011) extension of those sanctions to the Libyan state of the Libyan Investment Authority, the Libyan Africa Investment Portfolio, the Central Bank of Libya, the Libyan Foreign Bank and the Libyan National Oil Corporation ensured all international state assets came under the sanctions regime. The LIA and the LAIP were sovereign wealth funds of Libya. These measures were designed as much to prevent dissipation of the state's wealth as to prevent their use to finance conflict. Both key resolutions 1970 and 1973 and subsequent resolutions make clear that the frozen assets were at a later stage to be made available to and for the benefit of the Libyan people.⁷² Furthermore, assets stolen under the Qaddafi regime are encouraged for resolution between the Libyan authorities and states that have frozen those assets.⁷³

2.3 Conclusion

To date, none of the core objectives of the UN for the development of Libya into a secure, peaceful, and democratic state have been achieved. States have developed conflicting alliances that has made for conflicts in strategy and policy as they have developed relationships with Libyan factions for their self-interest.⁷⁴ Key Libyan political and military figures have acted in self-interest. UNSMIL has tried to find a way through the conflicting interests to reach political solutions but has failed, resulting in stasis within the country and emphasising the divided Libyan state. Lack of progress has meant that Libyans have called for its dissolution, on the basis that they can settle their disputes without UN oversight. The outgoing words of SR Bathily “*under the circumstances, there is no way the UN can operate successfully. There is no room for a solution in the future*”⁷⁵ leaves the destiny of Libya firmly within its own hands.

⁷⁰ <https://monitoring.bbc.co.uk/product/b0000i7k>; <https://www.defense.gov/News/News-Stories/Article/Article/2197202/russia-deploys-military-fighter-aircraft-to-libya-africom-officials-say/>; <https://monitoring.bbc.co.uk/product/b00011om>; <https://www.brookings.edu/articles/deja-vu-the-trajectory-of-libyan-armed-groups-in-2024/>

⁷¹ <https://www.chathamhouse.org/2021/02/libya-investing-wealth-nation#safeguarding-wealth> ; <https://libyaherald.com/2022/01/unsc-sanctions-committee-confirms-preserving-the-integrity-and-value-of-libyan-frozen-assets-meant-for-the-benefit-of-the-libyan-people/> ;

⁷² [S/RES/2095](#); [S/RES/2022](#); [S/RES/2040](#); UN SCR 2144 (2014)

⁷³ UN SCR 2144 (2014) Article 12 *Supports the efforts of the Libyan authorities to recover funds misappropriated under the Qadhafi regime and, in this regard, encourages the Libyan authorities and Member States that have frozen assets pursuant to resolutions 1970 (2011) and 1973 (2011) as modified by resolution 2009 (2011) to consult with each other regarding claims of misappropriated funds and related issues of ownership;*

⁷⁴ <https://www.usip.org/publications/2023/01/uns-libya-mission-needs-reset#:~:text=The%20mission's%20many%20critics%2C%20including,of%20UNSMIL%20should%20look%20like.>

⁷⁵ <https://www.aljazeera.com/news/2024/4/16/uns-libya-envoy-resigns-citing-no-hope-for-political-progress>

CHAPTER 3

Failed UN Attempts for Peace and Unification of Libya

3.1 Introduction

In over a decade since Muammar Qaddafi's fall in 2011, Libya has suffered two civil wars, interminable political deadlock and opportunistic interference by foreign actors seeking to consolidate their ideological and economic influence in the region. The UN has sponsored numerous discussions, dialogues, panels, and other peace initiatives, all of which have failed to give the people of Libya the peace and security they desire. There is now an erosion of trust amongst Libyan people about the continued role of the UN if a sustainable peace is ever to be achieved. They hold the UN responsible for effectively dividing the country and causing the instability it was supposed to prevent.⁷⁶ Libyans believe there has been an almost total disregard for their political history, culture and societal structures, an underestimation of the role of foreign interference in Libya and a continuous, and highly disruptive, turnover of leadership.⁷⁷

3.2 Early UN Initiatives in Post-Qaddafi Libya

The Libyan Transitional National Council (TNC) emerged in response to the 2011 Libyan Civil War to coordinate opposition efforts against the rule of Muammar Qaddafi. Anti-Qaddafi elements, predominantly from the east of the country and centred around Libya's second largest city, Benghazi, consolidated to form a functioning government and on 27 February 2011 formally declared the formation of the TNC. Comprised of representatives from various regions and sectors of Libyan society, the TNC's purpose was threefold: (i) to unify the disparate anti-Qaddafi forces; (ii) to provide leadership and governance in areas liberated from forces loyal to Qaddafi; and, (iii) to represent the Libyan opposition internationally.⁷⁸

While the TNC gained UN recognition,⁷⁹ it faced domestic resistance. Many Libyans were concerned about the presence of Qaddafi-era officials in leadership positions on the council.⁸⁰ In a warning sign of what was to come, a plethora of militias backed by states

⁷⁶ <https://www.reuters.com/article/idUSKCN10Y0HJ/>

⁷⁷ <https://www.morocoworldnews.com/2023/06/355958/the-un-s-failures-require-a-new-path-in-libya>. One highly publicised factor that contributed to the questionable legitimacy of the UN process following the departure of one Special Representative of the Secretary General in November 2015 amid a scandal over his ties with the United Arab Emirates (UAE). This incident severely damaged the credibility of UN's mediation efforts in Libya – see <https://www.thecairoreview.com/essays/flawed-diplomacy-in-libya/>

⁷⁸ <https://security-legislation.ly/latest-laws/declaration-of-the-interim-national-transitional-council/>

⁷⁹ By 2012, 104 United Nations members and two observer states had announced they recognised the NTC as the legitimate representative of the Libyan people (<https://www.bbc.co.uk/news/uk-politics-14306544>)

⁸⁰ <https://www.usip.org/publications/2023/01/uns-libya-mission-needs-reset>

instrumental in toppling Qaddafi, became more powerful. The TNC however, appeared unwilling or unable to curtail their growing influence.⁸¹

The recognition by the UN of the TNC as the official government of Libya also exacerbated regional tensions and, more importantly, failed to consider the disparate voices of a deeply fragmented Libyan society with various political, religious, tribal and militia groups relegated to remain voiceless in the debate about the future of their country.⁸² With no viable political parties, civil groups or military leaders were able to unilaterally fill the post-Qaddafi leadership void and regional actors began to identify proxies and allies to take advantage of the situation to further their own political and economic interests.⁸³

3.3 UN Support for the General National Congress

On 7 July 2012, elections were held to establish an authority charged with appointing a government to rule until new elections could be held following the drafting of a new constitution.⁸⁴ On 8 August 2012 the TNC formally transferred power to the General National Congress (GNC). The TNC was subsequently dissolved.⁸⁵

The UN's support for the GNC has been described as “*naïve*” in some quarters⁸⁶ and has been subject to criticism for several reasons. First, the GNC, while dominated by Islamist factions and militias, was deeply divided along ideological, regional, and tribal lines, which hindered effective governance and consensus-building. The UN did not adequately anticipate or address these internal divisions, nor did it effectively engage in the development of a new Libyan security system.⁸⁷ While Libya descended into further chaos and violence, the UN continued to blindly endorse a process that was, predictably, destined to fail.

The combination of UN inattention and a national political structure without any organisational coherence created the space for newly elected leaders to create private militias. In 2014 the GNC unilaterally extended its mandate beyond its original term.⁸⁸ As a result, public trust eroded for both the GNC and the UN, leading to an increase in political polarization and violence.⁸⁹ The UN's continued endorsement of the GNC, despite what many Libyans considered an unlawful and undemocratic action by the latter, was a serious miscalculation. The UN supported the GNC in a context where such validation was not only ineffective but, for many, hypocritical. It was, or should have

⁸¹ <https://www.middleeastmonitor.com/20220427-how-the-un-failed-libya/>

⁸² <https://www.usip.org/publications/2023/01/uns-libya-mission-needs-reset>

⁸³ <https://www.usip.org/publications/2023/01/uns-libya-mission-needs-reset>

⁸⁴ <https://www.bbc.co.uk/news/world-africa-19183300>

⁸⁵ <https://www.reuters.com/article/libya-handover-idUSL6E8J8DD320120808/>

⁸⁶ <https://www.middleeastmonitor.com/20220427-how-the-un-failed-libya/>

⁸⁷ <https://www.morocoworldnews.com/2023/06/355958/the-un-s-failures-require-a-new-path-in-libya>

⁸⁸ <https://www.morocoworldnews.com/2023/06/355958/the-un-s-failures-require-a-new-path-in-libya;>

<https://www.reuters.com/article/idUSBREA161MH/>

⁸⁹ <https://www.reuters.com/article/idUSBREA161MH/>

been clear, that the GNC would have little control over the myriad armed militias operating in the country. Failing to consider this as well as evading questions about the integrity of the leadership of the GNC, its lack of broad national authority and institutional capacity, exacerbated the volatile security situation making any chance of stability to allow for peaceful and fair elections even more remote.⁹⁰

Moreover, the UN's relentless push for elections in 2012 without engaging in a national dialogue process that, at the very least, attempted to address the topic of national reconciliation, contributed to the power struggle that inevitably ensued.⁹¹ The UN's credibility among the Libyan population was fatally undermined and this, in turn, mobilised rival political groups and outside influences paving the way for a second civil war.⁹²

3.4 From One Failure to Another

In response to growing unrest and demands for new governance, the GNC announced elections for a new legislative body, the House of Representatives (HoR), to take place in June 2014. The aim was to establish a new parliament with a fresh mandate to restore trust and stability in the political process. The elections proceeded, albeit under difficult circumstances, and Libyans voted for members of the new HoR.⁹³

Due to security concerns and the volatile situation in Tripoli, the HoR moved its seat to the eastern city of Tobruk in August 2014. The HoR was quickly recognized by the international community as the legitimate legislative authority in Libya. This recognition was crucial for its attempts to establish governance and seek support for stabilizing the country. However, the establishment of the HoR was soon contested by the GNC, which refused to disband and continued to operate in Tripoli.⁹⁴ This led to the existence of two rival governing authorities, each claiming legitimacy: the HoR in Tobruk and the GNC in Tripoli. This rivalry grew increasingly bitter and the UN, the key architect of this new Libyan political landscape, was unsuccessful in its attempts to mediate between the parties. Tensions escalated with various militias and political factions aligning themselves with either the HoR or the GNC, leading to widespread violence and further political fragmentation. The country was split and descended into its second civil war.

In December 2015, the UN facilitated the Libyan Political Agreement (LPA)⁹⁵, which aimed to reconcile the HoR and the GNC by forming a unity government that was to become known as the Government of National Accord (GNA). The LPA recognized the HoR as the legitimate legislative body and called for its endorsement of the GNA. While

⁹⁰ https://brill.com/view/journals/gg/28/2/article-p228_5.xml?language=en;
<https://www.morocoworldnews.com/2023/06/355958/the-un-s-failures-require-a-new-path-in-libya>;
<https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyan-political-agreement-time-reset>

⁹¹ <https://www.atlanticcouncil.org/blogs/menasource/a-constitution-for-libya-a-futile-debate/>

⁹² <https://www.morocoworldnews.com/2023/06/355958/the-un-s-failures-require-a-new-path-in-libya>

⁹³ <https://libyaherald.com/2014/03/congress-votes-to-replace-itself-with-new-house-of-representatives/>

⁹⁴ <https://libyaherald.com/2014/08/abu-sahmain-ghariani-condemned-by-thinni-and/>

⁹⁵ Also known as the Skhirat Agreement as it was signed in Skhirat, Morocco, on 17 December 2015.

initially supporting the LPA,⁹⁶ the HoR withdrew its recognition of the GNA as it perceived the LPA as a deeply flawed and divisive agreement that was thrust upon them by the international community.⁹⁷ The UN-brokered agreement was also unpopular among the broader Libyan population as it excluded several key political and other societal groups and left key issues unresolved.⁹⁸ One was the security provisions which were vague and failed to specify how militias would be contained and disarmed.⁹⁹ Without such provisions the objective of free and fair elections was unrealistic.

Despite the concerns of the Libyan people and the refusal by the HoR to ratify the GNA (and ignoring the fact that the GNC was in fact still operating independently and also opposed the GNA), in early 2016 the UN nonetheless pushed through the agreement establishing the GNA in Tripoli, recognising it as the new government and the only legitimate authority in Libya.¹⁰⁰

The UN's one-sided peace agreement resulted in a political impasse and the conflict turned into a proxy war between regional powers. The appointment of Islamist hardliners in the new government and the continued presence of militias further disillusioned secularists and tribes in eastern Libya. Foreign intervention increased. Egypt, France, Saudi Arabia, and the United Arab Emirates continued to back General Khalifa Haftar (then leader of the Libyan National Army) and the HoR in order to fight the spread of radical Islamist groups. Turkey and Qatar supported the GNA and its efforts to defeat General Haftar.¹⁰¹ The tug of war for the political and economic future of Libya had become an international affair.¹⁰²

The GNA inevitably proved wholly unable to control the various militia groups marauding freely throughout the country. While political negotiations were able to resume following General Haftar's failed offensive on Tripoli in 2019, the causes of the civil war have yet to be adequately addressed by the UN.¹⁰³ General Haftar has been

⁹⁶ <https://web.archive.org/web/20160224053305/https://www.libyaherald.com/2016/01/01/ageela-salah-now-supports-un-brokered-skhirat-agreement-kobler/>

⁹⁷ <https://www.reuters.com/article/idUSKCN10Y0HJ/>

⁹⁸ The UN did not effectively ensure that all relevant Libyan stakeholders were adequately represented in the Berlin Process. Important local groups, including tribal leaders, civil society organizations, and militia leaders, were not sufficiently included in the negotiations, leading to a lack of comprehensive buy-in from all segments of Libyan society. See <https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyan-political-agreement-time-reset> and <https://www.atlanticcouncil.org/blogs/menasource/one-year-later-the-un-action-plan-for-libya-is-dead/>

⁹⁹ <https://www.atlanticcouncil.org/blogs/menasource/one-year-later-the-un-action-plan-for-libya-is-dead/>

¹⁰⁰ <https://www.middleeastmonitor.com/20200206-libyas-un-recognised-government-has-become-a-headache-for-the-west/>; <https://www.aljazeera.com/videos/2020/9/3/libyas-gna-haftar-allies-disrupting-municipal-elections-in-east/>;

¹⁰¹ <https://www.middleeastmonitor.com/20220427-how-the-un-failed-libya/>. Both Turkey and Qatar have historically supported the Muslim Brotherhood and similar groups, which have some representation within the GNA and its allied militias.

¹⁰² <https://www.reuters.com/?edition-redirect=uk>

¹⁰³ The UN's response to Haftar's 2019 offensive on Tripoli was criticized for being slow and ineffective, failing to prevent significant violence and destabilization. <https://www.middleeastmonitor.com/20220427-how-the-un-failed-libya/>

accused of war crimes and using the forces loyal to him to operate criminal enterprises.¹⁰⁴ In this context Haftar's backing by international powers is seen as hypocrisy by the Libyan people.¹⁰⁵

3.5 The Berlin Process

In the summer of 2019, the German government, alongside the UN, launched an initiative aiming to resolve the conflict in Libya. The focus was on securing a commitment from external actors influencing the conflict in Libya to uphold the UN arms embargo. Following the first phase of the Berlin Process, the results achieved were set out in conclusions at the Berlin Conference on Libya on 19 January 2020.¹⁰⁶ A ceasefire agreement between the parties to the conflict in Libya was reached in Geneva on 23 October 2020.

The Libyan Political Dialogue Forum (LPDF), which was one of the outcomes of the Berlin Conference, elected Prime Minister Abdul Hamid Dbeibeh and a Presidential Council on 5 February 2021 who formed the Government of National Unity (GNU). While the GNU was initially confirmed by the HoR and the violence abated,¹⁰⁷ it was not long until cracks started to appear in the agreement leading to the HoR withdrawing its support for the GNU and setting up its own government led by Fathi Bashagha.¹⁰⁸

The UN was heavily involved in facilitating the formation of the GNU.¹⁰⁹ Its main purpose was to create a political environment that would allow for simultaneous presidential and parliamentary elections in December 2021 - elections that ultimately failed to materialise.¹¹⁰ At the second Berlin Conference held on 23 June 2021 there was cautious optimism that the roadmap set out by the UN could lead to elections in December 2021. It soon became clear though that the GNU, like its UN-brokered

¹⁰⁴ <https://thesoufancenter.org/intelbrief-haftars-growing-criminal-enterprise-in-libya/> ; <https://www.libyanjustice.org/news/us-court-judgement-charging-khalifa-haftar-with-war-crimes-renews-hope-for-justice-in-libya> ; <https://www.newarab.com/news/libyan-warlord-haftar-faces-fresh-us-federal-charges> ; <https://www.amnesty.org/en/latest/news/2022/12/libya-hold-commanders-of-tariq-ben-zeyad-armed-group-accountable-for-catalogue-of-horrors/> ; <https://www.france24.com/en/live-news/20221109-icc-prosecutor-urges-libya-s-haftar-to-prevent-crimes-by-troops>

¹⁰⁵ <https://www.aa.com.tr/en/africa/russia-pledges-to-enhance-capabilities-of-khalifa-haftars-libyan-forces/3237786#>

¹⁰⁶ Representatives from 12 States and 3 Regional bodies attended, affirming that there could be “no military solution” in Libya and declaring support for UNSMIL. See <https://reliefweb.int/report/libya/berlin-conference-libya-conference-conclusions-19-january-2020>.

¹⁰⁷ <https://www.auswaertiges-amt.de/en/aussenpolitik/laenderinformationen/libyen-node/maas-unga-libya/2483870#:~:text=A%20ceasefire%20agreement%20between%20the,Council%20on%205%20Februar,y%202021.>

¹⁰⁸ This gave rise to a parallel and rival government in the East, known as the Government of National Stability (GNS). <https://www.gisreportsonline.com/r/europe-mistakes-libya/>. On 16 May 2023 Osama Hammad, previously Finance Minister of the GNS succeeded Fathi Bashagha as Prime Minister of the GNS - see <https://www.tbsnews.net/worldbiz/africa/libya-parliament-replaces-its-appointed-pm-spokesperson-says-632894>.

¹⁰⁹ https://unsmil.unmissions.org/sites/default/files/adopted_selection_mechanism_eng_ara.pdf ; <https://unsmil.unmissions.org/unsmil-announces-lpdf-approves-proposal-selection-mechanism-executive-authority-preparatory-period>

¹¹⁰ <https://bti-project.org/en/reports/country-report/LBY>

predecessors (the GNC and the GNA), did not command the authority and trust of the majority of the Libyan people and it, like its predecessors, fell short of expectations.¹¹¹ Beyond the rival political governments of the GNU in the west and the Government of National Stability (GNS) supported by the HoR in the east, a new fault line dividing Libya now emerged with the UN-backed GNU and its political and military allies on the one hand, and General Haftar and his political supporters on the other.¹¹²

Once again, the UN made key miscalculations based on its non-specific and uninformed strategy to achieve peace and stability in Libya to enable elections to take place. The UN's approach relied heavily on high-level diplomatic efforts without sufficiently addressing the realities on the ground.¹¹³ This oversight meant that local grievances and power dynamics, were not properly understood or managed. The UN also failed to adequately address the depth and complexity of foreign involvement in the Libyan conflict (and their proxy militia) and embarked instead on a diplomatic strategy of appeasement.¹¹⁴ The UN's pattern of appeasing militias while pushing for rushed elections, rather than addressing the more difficult yet critical issue of disarming Libya's constellation of armed groups, was ill-considered and ultimately damaging to its attempts to kindle national reconciliation.¹¹⁵

The UN's influence was limited compared to other powerful international players involved in the Libyan conflict including, *inter alia*, Turkey, Russia, Egypt, and the UAE, who all had significant stakes and continued to support their preferred factions.¹¹⁶ While publicly these actors pledged their support to the UN in Libya, their self-interests did not align with the UN strategy.¹¹⁷ The challenge for the UN of getting these actors to comply with the UN arms embargo and cease their interventions was insurmountable.¹¹⁸ This allowed violations to continue, undermining the credibility and effectiveness of the UN process.

The UN also failed to consider that integrating regional organizations such as the African Union and the Arab League into the Berlin Process would have provided more leverage when dealing with different Libyan authorities and help mediate differences.¹¹⁹ These

¹¹¹ <https://www.sipri.org/commentary/blog/2022/libyas-electoral-limbo-crisis-legitimacy>

¹¹² <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSSAnalyse246-EN.pdf>

¹¹³ <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSSAnalyse246-EN.pdf>;

¹¹⁴ <https://www.atlanticcouncil.org/blogs/menasource/one-year-later-the-un-action-plan-for-libya-is-dead/>

¹¹⁵ <https://www.cfr.org/blog/rushing-libyas-elections-will-lead-disaster>;

<https://www.atlanticcouncil.org/blogs/menasource/one-year-later-the-un-action-plan-for-libya-is-dead/>

¹¹⁶ <https://www.ispionline.it/en/publication/foreign-actors-libyas-crisis-17224>

¹¹⁷ By supporting the GNA, Turkey and Qatar aim to expand their influence in North Africa and the Mediterranean as well as position themselves for lucrative post-conflict re-construction projects in Libya. Its regional rivals, Egypt and the UAE are opposed to the spread of radical Islam and support General Haftar, a staunch anti-Islamist and more amenable to their regional interests.

¹¹⁸ <https://www.aljazeera.com/news/2021/3/17/libya-arms-embargo-totally-ineffective-un>;

<https://www.ispionline.it/en/publication/foreign-actors-libyas-crisis-17224>

¹¹⁹ <https://apnews.com/general-news-5675f90503fe46f2ad38fc7643627b84>;

mistakes collectively contributed to the failure of the Berlin Process in achieving a lasting resolution to the Libyan conflict.

3.6 After Berlin - What Next for UNSMIL?

Reluctant to acknowledge allegations of widespread corruption within the GNU¹²⁰ and concede that its latest iteration to achieve a stable government had failed, the UN struggled to mediate effectively between the main Libyan factions. UN SR Abdoulaye Bathily faced significant challenges in bringing the key players to the negotiating table.¹²¹ This also resulted in the further loss of trust and credibility of the UN among the key parties and broader Libyan population.¹²² Recognising that UNSMIL was repeatedly failing in achieving its objectives, Bathily resigned on 16 April 2024 following two years of unproductive mediation between the parties he had identified as the ones for inclusion in discussions on the future of Libya as a democratic nation.¹²³ His resignation reflects ongoing challenges in the UN's efforts to facilitate peace and stability in Libya. As one commentator put it, "*Bathily leaves behind a political process best described as moribund.*"¹²⁴ The UN is yet to formally appoint his successor.¹²⁵

3.7 Conclusion

The UN's attempts to restore peace and unity in Libya have faced significant challenges and have largely been unsuccessful due to internal divisions, external interference, and inadequate implementation strategies. Its failure to appreciate from the outset the importance of actively engaging with a broader spectrum of the Libyan population precipitated what is now an entrenched division across both political and ideological lines, further exacerbated by regional powers aligning themselves with one or the other side. A division that, with better strategic foresight, could have been avoided.

¹²⁰ <https://libyaupdate.com/aqila-saleh-gnu-failed-to-run-the-state-affairs/>;
<https://www.atlanticcouncil.org/in-depth-research-reports/report/libya-back-to-the-future/>. See also,
<https://www.sipri.org/commentary/blog/2022/libyas-electoral-limbo-crisis-legitimacy>

¹²¹ <https://www.chathamhouse.org/2024/04/yes-another-un-libya-envoy-quits-his-successor-must-be-bolder>

¹²² <https://www.dw.com/en/libya-un-envoys-resignation-diminishes-hopes-for-a-new-democratic-path/a-68872069>; <https://www.globalstudies.it/en/le-dimissioni-dellinviato-speciale-dellonu-bathily-in-libia-e-la-resilienza-degli-interessi-politici-ostili-alla-transizione/>

¹²³ Critics have pointed to the key flaw in Bathily's political process in that he focused on reaching an unlikely agreement between what he termed as the 'Big Five'. The Big Five refers to General Khalifa Haftar, Mohammed Takala, the chairman of the High Council of State, Mohamed Yunus al-Menfi, the president of the Libyan Presidential Council, Aguila Saleh, speaker of the House of Representatives in Benghazi, and Prime Minister of the GNU, Abdul Hamid Dbeibah. See <https://www.dw.com/en/libya-un-envoys-resignation-diminishes-hopes-for-a-new-democratic-path/a-68872069> and <https://www.globalstudies.it/en/le-dimissioni-dellinviato-speciale-dellonu-bathily-in-libia-e-la-resilienza-degli-interessi-politici-ostili-alla-transizione/>

¹²⁴ <https://www.chathamhouse.org/2024/04/yes-another-un-libya-envoy-quits-his-successor-must-be-bolder>

¹²⁵ Stephanie Koury, Deputy Special Representative of the Secretary-General for Political Affairs has assumed the role of Officer-in-Charge at UNSMIL following the resignation of the former Special Representative of the United Nations Secretary-General, Abdoulaye Bathily.

CHAPTER 4

Libya in 2024

4.1 Introduction

Thirteen years from NATO's military intervention in 2011,¹²⁶ all attempts by the United Nations to rebuild Libya have resulted in failure. Since its military intervention, the EU, US and the UK have sought to solve the deeply complex problems facing Libya through largely UN-led initiatives, although that strategy has not always been aligned. Misconceived ideas such as placing Western sympathisers into key political roles, as a rejection of the Qaddafi doctrine of a pan-Arabism have failed to reflect powerful tribal elements of Libyan society and ultimately divided the state.¹²⁷ The vacuum in power enables exploitation of the circumstances by militia, states, organised criminal groups (OCGs) and terrorist groups, including Al-Qaeda (AQ) and the Islamic State (IS) as they profit from conflict.

This Chapter surveys the political and security landscape of Libya in 2024.

4.2 Political Structures and Political Parties

The UN-brokered political settlement, designed to unite warring factions has exacerbated local tensions, largely by disenfranchising local Libyans in the choice of their governance and government. According to the Libyan representative addressing the UN Security Council in 2023, *“the Libyan people remain confused by the conundrum in which the Council calls on them to respect its outcomes and resolutions, but also insists on a purely Libyan-owned and Libyan-led solution. His country's citizens are looking forward to breaking the vicious political cycle [...] They do not care about legal details or who is right and who is wrong, they want an end to the fighting.”*¹²⁸

The current political impasse arises as a result of the UN-brokered political settlement following an unsuccessful attempted coup in 2019 by General Haftar.¹²⁹ That settlement created the Government of National Unity (GNU), based in Tripoli (West), with Abdul Hamid al-Dbeibeh as its head and Prime Minister. With the UN's backing, many members of the GNU, including the Prime Minister, hailed from Misrata an ethnically

¹²⁶ See, for example, S/RES 1973 (2011)

¹²⁷ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 <https://bti-project.org/en/reports/country-report/LBY>, p. 7

¹²⁸ <https://press.un.org/en/2023/sc15261.doc.htm>

¹²⁹ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 (<https://bti-project.org/en/reports/country-report/LBY>), p. 5; <https://www.cfr.org/in-brief/whos-who-libyas-war>

Turkish city and hence the GNU is viewed by ethnic Arabs as overly sympathetic to foreign and Turkish interests.¹³⁰

In Tobruk (East) since 2014, the House of Representatives (HoR) as an elected Parliament and national legislature¹³¹ sits and is internationally recognised as the legitimate legislative authority.¹³² The HoR enjoys the support of the tribes who control 87% of Libyan territory (in the East and the South). The leadership of the HoR has remained stable: Aguila Saleh Issa is its first and only President, a position he has held since 2014.

The division of Libya is personified by the fact that the GNU in September 2021 was rejected by the HoR.¹³³ Instead in March 2022 the HoR passed a vote of trust in the rival Government of National Stability (GNS), located in Sirte and Benghazi (Eastern Libya), with former Minister of Interior Fathi Bashagha as the Prime Minister.¹³⁴

Public institutions in Libya are torn between the Tripoli-based GNU and the Benghazi/Sirte-based GNS. Despite the interventions of the UN, political and public life remains bifurcated; the approach of the international community has served only to divide rather than unify Libya.

4.3 Foreign Forces and International Relations

Turkey

Turkey is a close neighbour to Libya via their respective territorial waters in the Southern and Eastern Mediterranean and a key strategic ally. Since 2020 Turkey has had a strong military presence in the West that thwarted General Haftar's attempted overthrow of the Tripoli government.¹³⁵ It is committed to the region until 2026.

¹³⁰ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 <https://bti-project.org/en/reports/country-report/LBY>, p. 7

¹³¹ "Libya's new parliament meets in Tobruk", Libya Herald, 4 August 2014 <https://web.archive.org/web/20140806165448/http://www.libyaherald.com/2014/08/04/libyas-new-parliament-meets-in-tobruk/>

¹³² The House of Representatives succeeded Libya's transitional institutions the General National Congress and the National Transitional Council. The latter was recognised by the Constitutional Declaration of the Libya 2011 as "*the highest authority of the Libyan state and assume the supreme functions of sovereignty, including legislation and determination of general policy of the State. It shall be the sole legitimate representative of the Libyan people which draws its legitimacy from the revolution of February 17th. It shall be the guarantor of national unity*", Article 17. The HoR is also generally recognised as the legitimate legislative authority by international partners https://ecfr.eu/archive/page/-/Lybias_Main_Players_Dec2016.pdf

¹³³ "Libya's parliament passes no-confidence vote in unity government", Al Jazeera, 21 September 2021. <https://web.archive.org/web/20210921143813/https://www.aljazeera.com/news/2021/9/21/libya-parliament-withdraws-confidence-from-unity-government>.

¹³⁴ "Libya parliament backs new government as crisis deepens", Reuters, 1 March 2022. <https://www.reuters.com/world/africa/libya-parliament-backs-new-government-crisis-escalates-2022-03-01/>

¹³⁵ <https://libyaupdate.com/erdogan-signs-motion-to-extend-turkish-troop-presence-in-libya-until-2026/>

Turkey has reportedly benefitted from contracts awarded by the GNU (and its predecessor, the Government of National Accord (GNA)) worth several billions.¹³⁶ In 2019, in highly disputed circumstances, the GNA signed a Maritime Boundary Treaty with Turkey which in effect purported to grant Turkey an extended Exclusive Economic Zone, allowing Turkey to claim resources, in the Mediterranean Sea.¹³⁷

Russia

Russia's influence in the Middle East and North Africa is well documented.¹³⁸ The longest standing beneficiary of Russia's support in Libya has been General Haftar, commander-in-chief of the LAAF/ LNA. The primary vehicle for the implementation of Russian policy in Libya has been the Wagner Group, now operating as the rebranded "Africa Corps".¹³⁹ Although private military companies are technically illegal under Libyan law, the Wagner Group has operated at least since 2018 in Libya.¹⁴⁰ According to a report by the Royal United Services Institute, "*the decision to deploy Wagner to support Haftar in Libya followed Russian wishes to constrain Western access to Libyan oil and gas. Over time, however, all these operations created an ecosystem of troops who worked together on multiple operations and began to form a corporate identity.*"¹⁴¹

To solidify its position, the Wagner Group has provided a variety of hybrid services including specialised military operations, physical security provision at Libya's oil facilities, political advisory services, and social media influence operations.¹⁴² It has also established command and control systems in several Libyan military airbases (Qardabiyah, Al-Khadim, Brak al-Shati, and Jufra, as well as operations rooms in Sokna and Hun). This has enabled it, from those strategic footholds, to create airbridges to other African states.¹⁴³

Recent reports suggest that senior representatives of the Kremlin have met regularly with General Haftar.¹⁴⁴ On one such occasion, 23 September 2023, General Haftar reportedly

136

https://www.researchgate.net/publication/348418954_Erdogan's_Sinister_Game_in_Libya_Construction_Corruption

¹³⁷ Memorandum of Understanding between the Government of the Republic of Turkey and the Government of National Accord – State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean. <https://www.aa.com.tr/en/africa/analysis-strategic-legal-aspects-of-turkey-libya-deal/1673079>

¹³⁸ <https://monitoring.bbc.co.uk/product/b00011om>

¹³⁹ It is widely accepted that Wagner works at the service of Russian strategic priorities, and that of Russia's allies, in a number of jurisdictions.

¹⁴⁰ Written Submission on Wagner's Activities in Libya Submitted by [Organisation Redacted] (WGN0014), Evidence to the Foreign Affairs Committee, May 2022

¹⁴¹ "The Threat from Russia's Unconventional Warfare Beyond Ukraine 2022-2024", February 2024.

<https://static.rusi.org/SR-Russian-Unconventional-Weapons-final-web.pdf>

¹⁴² Written Submission on Wagner's Activities in Libya Submitted by [Organisation Redacted] (WGN0014), Evidence to the Foreign Affairs Committee, May 2022

¹⁴³ Written Submission on Wagner's Activities in Libya Submitted by [Organisation Redacted] (WGN0014), Evidence to the Foreign Affairs Committee, May 2022

¹⁴⁴ <https://www.washingtoninstitute.org/policy-analysis/libyas-armed-group-catch-22>

visited Moscow to agree plans for a major new Russian military base in Benghazi.¹⁴⁵ As recently as 9 May 2024, in an interview with the Russian Sputnik News Agency, the General Manager of the Development & Reconstruction Fund, Belqasim Haftar (the son of General Khalifa Haftar), announced a comprehensive plan for the reconstruction and development of all Libyan cities. He emphasized that Libya welcomes the participation of Russian companies in the reconstruction and further development of Libya.¹⁴⁶

4.4 Legal Structures

The Libyan judiciary is one of the last remaining unitary public institutions, which is to say that it has jurisdiction over East, West, and South. Judicial independence is a feature of the Interim Constitutional Declaration of 2011 but since the separation of governing institutions in 2014 and the security situation, the judiciary has struggled to adhere to that principle.¹⁴⁷ In these circumstances the Rule of Law is struggling to survive as prolonged conflict and political divisions have eroded the independence of domestic courts.¹⁴⁸

The Supreme Judicial Council organises judicial affairs, but the exact set up of the judiciary and its relationship with the other pillars of state, will remain unclear until a proper constitution is enacted. As well as lacking legitimacy to constrain executive power, control of militia is capable of influencing decision making more than the Rule of Law.¹⁴⁹

4.5 Law Enforcement

The national police force under the Ministry of Interior oversees internal security (with support from military forces under the Ministry of Defence). As noted below, much of Libya's security-related police work generally falls to informal armed groups that receive government salaries but lack formal training, supervision, or consistent accountability.¹⁵⁰

The lack of local law enforcement has created the conditions for the flourishing of highly lucrative illicit economies, including human trafficking and drug smuggling and there is only a degree of cooperation between Tripoli and Benghazi.¹⁵¹ Libya is used by Organised Crime Groups (OCGs) as the mustering point for many migrants from all over

¹⁴⁵ Written Submission on Wagner's Activities in Libya Submitted by [Organisation Redacted] (WGN0014), Evidence to the Foreign Affairs Committee, May 2022

¹⁴⁶ <https://www.agenzianova.com/en/news/il-figlio-di-haftar-accogliamo-le-aziende-russe-per-lo-sviluppo-e-la-ricostruzione-della-libia/>

¹⁴⁷ Interim Constitutional Declaration 2011, Article 32, available at https://www.constituteproject.org/constitution/Libya_2011

¹⁴⁸ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 <https://bti-project.org/en/reports/country-report/LBY>, p. 7

¹⁴⁹ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 <https://bti-project.org/en/reports/country-report/LBY>, p. 7

¹⁵⁰ <https://www.cia.gov/the-world-factbook/countries/libya/#military-and-security>

¹⁵¹ <https://carnegieendowment.org/sada/2023/08/the-war-against-human-traffickers-in-libya?lang=en¢er=global>; <https://issafrica.org/iss-today/sanctions-alone-wont-shut-down-libyas-illicit-economies>

the world. The migrants are destined for Europe and the lack of an effective Libyan state with control of its borders and internally has clear supranational impacts.

4.6 Military Structures and Armed Groups

The security landscape of Libya since 2011 is ad hoc, rapidly changing, organised locally and largely driven by local power dynamics. The absence of a unified internal security apparatus has allowed the proliferation of armed groups, many of which provide local security, and therefore have the support of the regions they operate in, whilst at the same time conducting illicit criminal operations.

The unsuccessful coup in 2019 and the ensuing hostilities led to a formal ceasefire between West and East which is monitored by the 5+5 Committee.¹⁵² This includes military officers from both sides tasked with maintaining the ceasefire, and also progressing the unification of forces. This process is ongoing.¹⁵³

Libyan Arab Armed Forces

In East Libya, the Libyan Arab Armed Forces (LAAF), also called the Libyan National Army (LNA), has the greatest influence. The LAAF is the exception to the general predominance of local “militia” as the prevailing security actor. Whilst it purports to be the military arm of the State of Libya, as is well known, it attempted the unsuccessful 2019 coup against the internationally recognised GNU in Tripoli. It is nominally affiliated with the GNS, although it is questionable whether that recognition is reciprocated or amounts to any material coordination between the GNS and the LAAF. The LAAF received backing from Russia and the UAE through the deployment of Wagner forces to fight alongside the LAAF during their assault on Tripoli.¹⁵⁴

The formal chain of command is headed by General Khalifa Haftar and his family members also hold key positions of command within the LAAF. It is believed he expects his sons will succeed him as commander-in-chief.¹⁵⁵ The LAAF’s command and control extends to various armed groups. Some are integrated directly into the LAAF chain of command. Others loosely offer allegiance to, and claim legitimacy from, the LAAF.¹⁵⁶ LAAF-aligned militia engage in security raids against drug traffickers, migrant hideouts, and criminal activities as well as deploy troops as needed to conduct security patrols in

¹⁵² <https://unsmil.unmissions.org/srsg-bathily-chairs-meeting-joint-military-commission-and-libyan-and-international-ceasefire>

¹⁵³ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 <https://bti-project.org/en/reports/country-report/LBY>, p. 6

¹⁵⁴ <https://static.rusi.org/SR-Russian-Unconventional-Weapons-final-web.pdf>

¹⁵⁵ <https://www.brookings.edu/articles/deja-vu-the-trajectory-of-libyan-armed-groups-in-2024/>

¹⁵⁶ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 <https://bti-project.org/en/reports/country-report/LBY>, p. 6

eastern Libya.¹⁵⁷ In 2023, several militias aligned with the LAAF were reported to be involved in the commission of war crimes.¹⁵⁸

Tripoli-Based Militia

Several groups of militia operate in Tripoli, some appointed by and under the command of the GNU, others *ad hoc*. Many of these groups were rallied by the GNU in response to the assault on Tripoli in 2019.¹⁵⁹ Militia are used by the GNU as law enforcement, and to suppress dissent, with powers of arrest, surveillance, and detention granted to them by executive decree.¹⁶⁰

The militia in Tripoli include the Deterrence Apparatus for Combating Organized Crime and Terrorism (DACOT, also known as the Special Deterrence Force or Rada), the Stability Support Authority, the Public Security Service, the 444th Infantry Brigade, the 111th Brigade Majhfal and the Janzour Knights Battalion. Some of these groups, such as the SSA, the DACOT and the Public Security Service, position themselves as law enforcement agencies and have affiliations with Prime Minister Dbeibeh. However, they often operate independently as do other armed factions.¹⁶¹ Notwithstanding any notional common allegiance to the GNU, conflicts between these groups occur in urban areas of Tripoli, causing loss of civilian life.¹⁶² Several groups are alleged to be involved in the commission of crimes against humanity and war crimes.¹⁶³

Other City-level Groups

In the West, the cities of Misrata, Zawiya and Zintan (West Libya) operate their own security forces. They conduct operations against both the LAAF and NSAGs, including Islamic State. Misrata's Military Council and its sub-units carried out the *Bunyan al-Marsous* operation against an Islamic State (IS) base in Sirte. Misratan and Tripoli forces came together when Haftar attacked Tripoli in 2019.¹⁶⁴ In each case, external actors participated in the fighting: the UAE and Egypt helped Haftar's Operation Dignity, in one case bombing sites in Tripoli. US air strikes and British Special Forces, helped Misratan units overcome IS-Sirte after months of intense fighting.¹⁶⁵ These city-level security forces are generally loyal to local commanders and lack a centralised command and control.¹⁶⁶

¹⁵⁷ <https://libyasecuritymonitor.com/category/libyan-actors/>

¹⁵⁸ <https://www.amnesty.org/en/location/middle-east-and-north-africa/libya/report-libya/>

¹⁵⁹ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024 (<https://bti-project.org/en/reports/country-report/LBY>), p. 6

¹⁶⁰ <https://en.minbarlibya.org/2024/03/29/an-introduction-to-tripolis-armed-factions-2/>

¹⁶¹ <https://en.minbarlibya.org/2024/03/29/an-introduction-to-tripolis-armed-factions-2/>

¹⁶² <https://www.amnesty.org/en/location/middle-east-and-north-africa/libya/report-libya/>

¹⁶³ <https://www.amnesty.org/en/location/middle-east-and-north-africa/libya/report-libya/>

¹⁶⁴ <https://www.washingtoninstitute.org/policy-analysis/libyas-armed-group-catch-22>

¹⁶⁵ <https://www.washingtoninstitute.org/policy-analysis/libyas-armed-group-catch-22>

¹⁶⁶ <https://www.chathamhouse.org/2023/12/security-actors-misrata-zawiya-and-zintan-2011>

Religious Extremist Groups

Armed Groups loyal to Al-Qaeda in the Islamic Maghreb (AQIM) and Islamic State continue to operate within Libya, although they no longer control territory. A number of regional and global geopolitical factors, including the Israel/Palestine conflict as well as the religious component of neighbouring conflicts in the Sahel, suggest a likely resurgence. Religious extremism is a problem of both the East and the West. In Tripoli, Islamist groups move around freely and indeed some Sufis groups have aligned themselves with the GNU, assuming law enforcement roles. The LAAF in the East also contains armed elements of the Madkhali Salafist movement.¹⁶⁷

4.7 Conclusion

The political structure and instability of Libya has created a state without key components necessary to provide security for its people - a unified law-making institution, unified armed forces, unified law enforcement and unified judicial system. The absence of coherence in its structure provides opportunities for terrorist groups, criminal gangs and malign national and international actors to profit from conflict and insecurity. It is in the interests of the Libyan people that its politicians, armed forces, and law enforcement unite to protect the people of Libya and provide the essential conditions necessary for the development of the country.

¹⁶⁷ Bertelsmann Stiftung, BTI 2024 Country Report – Libya. Gütersloh: Bertelsmann Stiftung, 2024
<https://bti-project.org/en/reports/country-report/LBY>, p. 8

CHAPTER 5

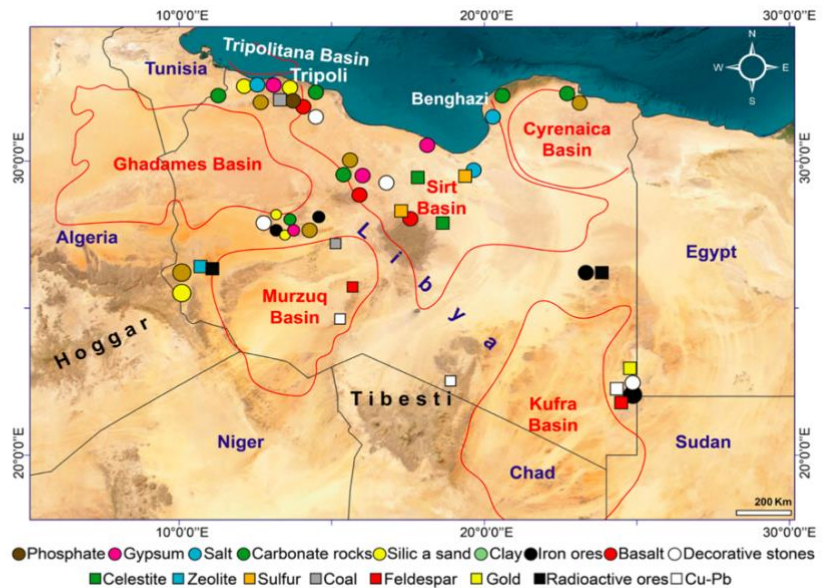
Resources, Projects for Growth and The Potential of Libya

5.1 Introduction

Given Libya's strategic location at the gateways of Europe, Africa, and the Middle East and its vast natural resources, securing its stability is vital in the months and years ahead.

Against the backdrops of the Sahara and the Mediterranean Sea this chapter examines the extent of Libya's natural resources, and its current projects for growth, concluding with a consideration of the benefits and potential of a peaceful Libya.

Fig. 1 Synthetic map of the main geological resources of Libya showing the productive hydrocarbon basins (outlined in red), the main mineral resources available for investment (circle symbols) and important sites for other identified ore mineralization



5.2 Natural Resources

Oil

The Saharan Platform is one of the world's most significant hydrocarbon provinces and the exploration and production industry dominates the economy of Libya. Oil was first discovered in Libya in 1959 with export beginning two years later. Oil reserves are the largest in Africa, and among the tenth largest oil reserves globally. The country is a major petroleum supplier to European countries with estimates that Libya currently exports 60% of its oil and nearly all of its natural gas to the EU.¹⁶⁸ The fuel sector, including oil reserves and natural gas remains the country's major revenue generating industry. Data

¹⁶⁸ https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-11/C_2022_8264_F1_ANNEX_EN_V1_P1_2325250.PDF

from 2022 indicates that the value of petroleum exports from Libya was \$33,225 billion USD.¹⁶⁹ In terms of proven crude oil reserves for the same year, the Organization of the Petroleum Exporting Countries (OPEC) reported Libya had 48,363 million barrels.¹⁷⁰

According to the International Monetary Fund (IMF), oil accounts for over 90% of fiscal revenue. In the fourth quarter of 2023, crude oil represented 99.1% of goods imported from Libya to the UK.¹⁷¹ Non-oil exports of goods and services represent less than 3% of Libya's overall GDP. In recent years, the rate of oil production has varied due to not only the Covid pandemic, but ongoing internal conflict and political instability. The conflict between Russia and Ukraine has impacted oil security and led to a dramatic rise in prices and the need to seek alternative supplies for Europe has put the spotlight back on Libya as a potential viable alternative provider. However, the current general insecurity and risk of corruption have hampered progress to date and importers must follow UN sanctions laws.¹⁷² There is no doubt the Libyan economy has not developed as fully as it should have due to its internal political conflicts and divided government.¹⁷³

Natural Gas

Libya was one of the world's first gas exporters when its liquefied natural gas plant came into operation in 1971. Libya is ranked 21st in terms of proven resources in the world and 2nd in Africa.¹⁷⁴ The reserves are estimated at 53,113.0 billion cubic feet of natural gas.¹⁷⁵ Most of Libya's gas is in the onshore Sirte Basin in the eastern region of the country. The Bahr Essalam gas and condensate field¹⁷⁶ is Libya's biggest offshore production site and lies in the Mediterranean Sea, approximately 120km northwest of Tripoli. It contains 260 billion cubic meters of gas. Production at this site began in 2005. In 2022, Libya exported \$2.79 billion in natural gas.¹⁷⁷ Libya exports its gas through pipelines with its main market in Italy. However, as with oil, the nation's gas exploration and production capacity have been severely hampered by political instability over the past few decades.

¹⁶⁹ Data from OPEC: https://www.opec.org/opec_web/en/about_us/166.htm ; see 2024 report for clarity <https://libyaherald.com/2024/01/libya-exported-432-million-barrels-of-oil-in-2023-earning-us-35-8-billion-noc/>

¹⁷⁰ Ibid.

¹⁷¹ <https://assets.publishing.service.gov.uk/media/66447d71bd01f5ed32793b62/libya-trade-and-investment-factsheet-2024-05-17.pdf>

¹⁷² https://assets.publishing.service.gov.uk/media/65cb9dce39a8a7000c60d4d8/Libya_guidance_September_2022.pdf

¹⁷³ <https://bti-project.org/en/reports/country-report/LBY#pos14>

¹⁷⁴ <https://english.almayadeen.net/infograph/natural-resources-in-libya>

¹⁷⁵ <https://www.worldatlas.com/articles/what-are-the-major-natural-resources-of-libya.html>

¹⁷⁶ <https://www.offshore-technology.com/projects/bahr-essalam-gas-and-condensate-field/>: The offshore gas and condensate field is owned and operated by Mellitah Oil & Gas (MOG), an equal joint venture (JV) between Eni and National Oil Corporation (NOC), a Libyan state-owned oil company.

¹⁷⁷ <https://oec.world/en/profile/bilateral-product/natural-gas-in-gaseous-state/reporter/lby>

Gypsum

Gypsum, a soft sulphate mineral composed of calcium sulphate dihydrate is mined across the globe and has many uses including as a fertilizer, construction material, in architectural applications as well as pharmaceutical and food additive uses. The Libyan gypsum and anhydrite market stood at *\$6.9M in 2023*, flattening the previous year.¹⁷⁸ Libya is estimated to have 9.2 million tons in gypsum resources with deposits scattered across 18 locations in the country.¹⁷⁹ The deposits are part of the Bir Al Ghanam formation with some of the most prominent deposits found in Benghazi, Al Jabr, the Gulf of Sirte, and Al Gharbi. One of the large deposits of gypsum and anhydrite in Libya has been discovered in the Bi'r El Ghanem area at various sites in the Jifarah plain province in northwestern Libya.¹⁸⁰

Iron Ore

Libya's iron ore deposits are the third largest on the African continent. The country has significant deposits in Wadi ash-Shatti, located near Brach in western Libya, approximately 500km from the Mediterranean coast. The area suitable for open pit exploration is distributed over 80sqkm and holds up to 5 billion metric tons of different types of iron, which include 900 million metric tons at Tharot lens, 750 million metric tons at Arrwisa lens and 500 million metric tons of Ashkeda lens.¹⁸¹ Operations were affected following divestment by US companies in the 1980s but there are now efforts underway to restart extraction of the iron ore.¹⁸² In 2022, there were three iron ore active mines or mining projects in Libya.¹⁸³ In 2023, the Libyan iron ore market decreased by 31.9% for the first time since 2020, thus ending a two-year rising trend.¹⁸⁴

Gold

Libya is ranked fourth in Africa and sixth in the Arab world in terms of the largest gold reserves, according to the Libyan Centre for Index Building.¹⁸⁵ In April 2024, the country announced its highest-ever gold reserves at 146.65 tonnes.¹⁸⁶ Notably, in 2023 alone, Libya's Central Bank had enhanced its gold holdings by approximately 30 tons.¹⁸⁷ In a global context where precious metals are increasingly seen as a hedge against economic

¹⁷⁸ <https://www.indexbox.io/store/libya-gypsum-and-anhydrite-market-analysis-forecast-size-trends-and-insights/>

¹⁷⁹ <https://www.worldatlas.com/articles/what-are-the-major-natural-resources-of-libya.html>

¹⁸⁰ <https://www.longdom.org/open-access-pdfs/the-depositional-environment-diagenetic-and-depositional-settings-of-gypsum-deposits-from-bir-el-ghanem-nw-libya.pdf>, 2021.

¹⁸¹ <https://portergeo.com.au/database/mineinfo.asp?mineid=mn1341>

¹⁸² <https://www.worldatlas.com/articles/what-are-the-major-natural-resources-of-libya.html>

¹⁸³ <https://www.statista.com/statistics/1330193/libya-number-of-active-mines-by-mineral/>

¹⁸⁴ <https://www.indexbox.io/store/libya-iron-ores-and-concentrates-market-analysis-forecast-size-trends-and-insights-1/>

¹⁸⁵ <https://libyareview.com/42693/libya-ranked-4th-in-africa-for-largest-gold-reserves/>

¹⁸⁶ <https://en.minbarlibya.org/2024/04/29/libyas-gold-reserves-hit-new-high-amid-political-infighting-1/>

¹⁸⁷ <https://libyareview.com/42693/libya-ranked-4th-in-africa-for-largest-gold-reserves/>

uncertainty, Libya's significant gold reserves position it as a country with promising economic potential. The World Bank Group data from 2022 put Libya's gold reserves at \$86.68bn.¹⁸⁸

Silica

Silica sand extracted from the Idri region in southeastern Libya is used to manufacture optical lenses, fibreglass, and casting moulds. Libya has an estimated 1.8 million tons of proven reserves and 1.83 million tons of probable silica reserves.¹⁸⁹ In 2022, Libya exported \$2.72K making it the 11th largest exporter of silica and quartz sand. The main destination for these exports was Turkey.

Phosphate

Nodules of phosphate can be found in the Melaz Suqran Formation at the Tikumit area of Libya. The country has significant deposits which consist of calcite, apatite, limonite, and quartz. These deposits are estimated to be 109,000 tons.¹⁹⁰ Many of these mineral resources are currently untapped.

Limestone

Significant limestone deposits in Libya include the Al Hilal Formation near the village of Ras Al Hilal which has calcareous shale as well as argillaceous limestone. Al Jabal Al Akhdar deposits are found in Cyrenaica in the northeastern part of Libya.

Uranium

In the last 60 years, uranium has become one of the world's most important energy minerals, found in rocks all over the world. Libya's uranium mines are not currently invested and can be found in the border triangle between Libya, Algeria and Niger.¹⁹¹

Salt, Potassium and Magnesium Salt

There are large salt flats in the north of the country with peak production in the 1980s amounting to approximately 11,000 tons of salt per annum. Substantial reserves of magnesium and potassium salts have been recorded, but no exploration or development undertaken.¹⁹²

¹⁸⁸ <https://en.minbarlibya.org/2024/04/29/libyas-gold-reserves-hit-new-high-amid-political-infighting-1/>

¹⁸⁹ <https://www.worldatlas.com/articles/what-are-the-major-natural-resources-of-libya.html>

¹⁹⁰ <https://www.worldatlas.com/articles/what-are-the-major-natural-resources-of-libya.html>

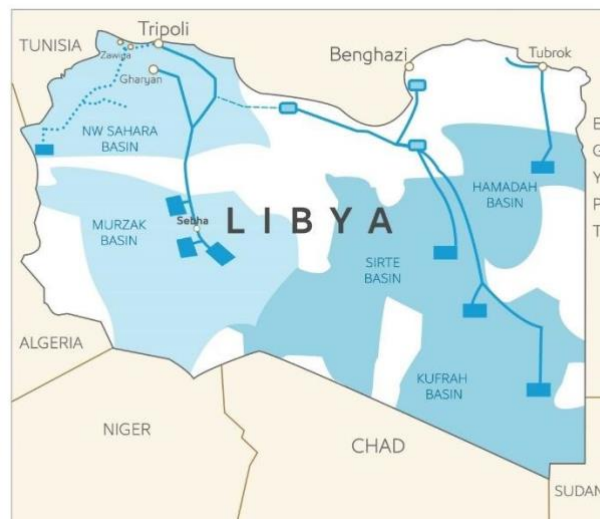
¹⁹¹ <https://english.almayadeen.net/infograph/natural-resources-in-libya>

¹⁹² <https://www.africanmining.co.za/2024/04/01/libya-one-of-the-least-accessible-least-explored-african-jurisdictions/>

Water

Libya has no permanent streams, however, during drilling exploration for oil in the 1960s, massive reserves of fresh water were discovered in the sedimentary basins of Kufrah, Sarir, Hamada, and Murzuk. The four basins extend across the Libyan Sahara for over one million square kilometres covering almost 60 percent of the overall surface area of the country. This Saharan groundwater is a fossil resource, with very small recharge.

From plans conceived in the late 1960s, in October 1983 the Libyan government established an autonomous body known as the Great Man-made River Authority (GMRA) to implement and manage one of the largest civil engineering and water supply schemes in the world. The project utilises a pipeline system that pumps fossil water from the Nubian Sandstone Aquifer System in south Libya to cities in the populous northern Mediterranean coast including Tripoli and Benghazi. The water provides 70% of all fresh water used in Libya, but maintenance of the pipeline has been lacking in the last few years.¹⁹³ The project was conceived to exploit the four basins and to bulk transfer good quality water to the coastal strip to service the population centres and to provide water for municipal, agricultural and industrial developments. These large reserves of high-quality freshwater represent a resource more valuable than oil, essential for life.



Over the years, the coastal aquifers have been over-exploited to meet the demands of agriculture. They have also been degraded in quality through the intrusion of seawater from over-pumping. In the years ahead, greater focus on the non-renewable nature of the groundwater will be required to conserve the valuable stocks for future generations and provide a stabilisation of the rate of water-table decline.

¹⁹³ <https://www.africanmining.co.za/2024/04/01/libya-one-of-the-least-accessible-least-explored-african-jurisdictions/>

The GMRA has had a political impact in the sense that it has contributed to a filling of the geopolitical vacuum between Tripoli and Benghazi. It has played a pivotal role in joining and uniting the most important populous parts of the country. If its water is allocated and managed in an economically rational and environmentally sustainable manner, Saharan water will be a vital element in securing the prosperity of Libya. The Saharan groundwater is an important strategic element in the achievement of Libya's current and future water security.

5.3 Historical/Cultural Heritage and Tourism

Aside from Libya's natural resources, the desert region of Libya is extraordinarily rich in historical and cultural heritage – a valuable resource for potential future tourism. As the Natural Resources and Cultural Heritage of the Libyan Sahara conference affirmed, *“it has profound potential for its present-day inhabitants as an important economic resource for tourism, and for the symbolic links it provides people with their past, and their sense of place.”*¹⁹⁴

In outline, this heritage includes: *“caves with deep archaeological stratigraphies of profound importance as 'archaeological histories' spanning many thousands of years. There are major stone monuments, variously ceremonial, funerary, agricultural, domestic, and industrial: prehistoric megalithic tombs; Roman, Arab, and Italian military forts; prehistoric, Roman-period, and later farms; stone quarrying and metal mining and smelting sites; churches and mosques; wells and irrigation systems; and much more besides. There are many thousands of rock paintings, carvings, and inscriptions.”*¹⁹⁵

Whilst efficient exploitation of oil and water are vital to Libya's economic future, desert tourism is another vital resource and one of particular value to southern communities, in the event stability and security can be achieved in the short and long term. The challenges of conservation and management must however be tackled to protect the Saharan heritage and environment which underpins the tourism market.

5.4 Current Projects for Growth

Libya has a bounty of long-term projects with a view to developing deeper sustainable relationships across Europe and beyond.

Re-greening the Dessert and Conservation

Libya intends to create a one-thousand-mile green corridor between Tripoli and Benghazi running to Lake Chad. The purpose of this project is to develop a Libyan economy and

¹⁹⁴ The Libyan Desert: Natural Resources and Cultural Heritage, edited by David Mattingly, Sue McLaren, Elizabeth Savage, Yahya al-Fasatwi, Khaled Gadgood

¹⁹⁵ <https://www.iea.org/countries/libya>

environment that is able to survive beyond the lifetime of its resources and minerals. Recognised subject matter experts in the UK have developed extensive plans with SMEs from around the globe to advise and work on the implementation of this corridor. In addition, it is envisaged that West, East and South Libya will see the reintroduction of some of the rarest endangered species that originally inhabited the Sahara Desert.

Renewable Energy

In 2013, the Libyan government launched the Renewable Energy Strategic 2013-2025 Plan. This includes the development of renewable energy from wind, concentrated solar power (CSP) and solar photovoltaic panels (solar PV). It aims to achieve 10% renewable energy contribution to the electric energy mix by 2025.¹⁹⁶ However, a decade of political crisis and conflict, institutional fragmentation, weak governance and economic decline have severely impeded the country's progress in this regard. The dire lack of data currently prevents Libya from providing a reliable update as to its progress in this regard.

Reconstruction and Infrastructure

Post 2011, the city of Benghazi remains a warzone and is in desperate need of reconstruction. Along its eastern district lies a stretch of what used to be private homes and commercial properties 3km in length and ½ km deep, destroyed by NATO. Libya is currently developing plans to create five new modern cities to help open its doors and develop trade with the rest of Africa, Europe and the rest of the world.

Aside from rebuilding, there is also a desperate need for a modern rail network throughout the country to support and enlarge established industries and provide the population with connectivity throughout the state. There is also an immediate need for a new major oil pipeline intended to run the length of Libya.

5.5 The Potential of a Peaceful Libya

The future development of Libya depends in large part on establishing sustainable peace. Present-day political division and widespread insecurity has impacted greatly the development of resources and investment in mining and quarrying activities. Sadly, there is a whole generation of Libyan children that have not been able to take advantage of their economic birthright.

Currently, much of Libya's metallics mining industry remains underdeveloped, yet gold, magnesium and iron ore mining could eventually become more important than oil if the stability of the country could be secured.¹⁹⁷ In a divided Libya, the country's GDP in

¹⁹⁶ <https://www.iea.org/countries/libya>

¹⁹⁷ <https://www.spglobal.com/commodityinsights/en/market-insights/latest-news/metals/030420-mining-in-libya-may-become-more-important-than-oil-minister> (March 2020)

2022 was \$45,752,336,036.¹⁹⁸ The potential for its increase is clearly considerable in the event that peace and security can be established in the long-term.

The global move away from fossil fuels will mean that a future Libya will not be able to rely on the petroleum sector alone to rebuild the country. Hence, the development of all geological resources in Libya is necessary for future economic stability. In addition, efforts are needed in terms of scientific research to improve the knowledge of geo-resources in Libya.

¹⁹⁸ <https://www.worldometers.info/gdp/libya-gdp/>

CHAPTER 6

Hatfield House Peace Plan

6.1 Background

In 2023 the Marquess of Salisbury KG, KCVO, PC, DL and Steven Kay KC (Hatfield House Team) were contacted by intermediaries representing not only the leaders of the tribes of Libya, but also the Speaker of the House of Representatives of Libya, and Chief of Staff of the LNA to arrange a peace conference in the United Kingdom for the unification of Libya.¹⁹⁹ We were informed that leaders of the tribes of Libya had become frustrated by the total lack of progress made by their politicians in moving the state forward from the Qaddafi era and exhausted by the conflicts caused by so-called military leaders in what was by now over a decade since their revolution in 2011. They had also had enough of international interference in their affairs and being told how to run their country by outsiders seeking their own self-interested ends. The tribal leaders had deemed that it was time a peaceful revolution took place and that the political and military classes listened to them.

The political and military leaders also agreed with the tribal leaders it was time to change the direction of travel in Libya's recent history. It was their intention that the proposed peace conference would have high level political and military representatives from the Western and Eastern Regions of Libya and be at least supported by, or at best, sponsored by the UK government who would facilitate the issuing of visas and passage. In support of the peace conference, Chief of Staff of the Western Region was also committed to attend.²⁰⁰ It was expected that faced with such a meeting Prime Minister Abdul Hamid Dbeibeh of the Presidential Council and Government of National Unity (GNU) would be influenced to attend as advisors close to him had also expressed support for this initiative.

In subsequent meetings with the UK Ambassador in Libya and representatives of the UK Foreign and Commonwealth Development Office (FCDO), it became clear that the government was reluctant to be involved with any peace and reconciliation steps outside those organised by UN SR Abdoulaye Bathily and would not support the initiative being put forward.²⁰¹ Perhaps understandably, given the fractured state that Libya has become; the UK government had no independent policy and the politicians and their governmental advisors seemed to prefer that whatever they did was only part of an international joint initiative.

¹⁹⁹ <https://www.africaintelligence.com/north-africa/2024/05/31/aguila-salah-issa-the-parliamentary-kingpin-with-myrriad-networks,110242879-ar2>; <https://libyaupdate.com/tag/abdel-razek-al-nadori/>

²⁰⁰ <https://libyaupdate.com/tag/mohamed-al-haddad/>

²⁰¹ https://unsmil.unmissions.org/sites/default/files/s-res-2702_english.pdf

The information being received by Lord Salisbury and Steven Kay KC was that all the UN initiatives were doomed to fail and the SR Abdoulaye Bathily had been overoptimistic in his assessment of prospects for reconciliation through the UN, as well as not recognising the conditions being put forward were unacceptable to both the Eastern and Western Region governments.²⁰² The UK government had been warned that was the case and Bathily's resignation in April 2024 came as no surprise to the Hatfield House Team.²⁰³ After his resignation, UNSMIL and UNHCHR convened a meeting of both governments to commence the reconciliation process but this only repeats the cycle of events that has been ongoing for over a decade and is a pathway that leads to nowhere if the political and military leadership is not willing.²⁰⁴

6.2 Why the UK?

During the Qaddafi years, major incidents occurred between Libya and the UK that saw successive governments in confrontation with what was viewed as a rogue state.²⁰⁵ The killing of WPC Fletcher in 1984; the downing of PAN AM flight 103 over Lockerbie in 1988; and support of the IRA and other international terrorist groups were only some of the major factors that put the UK in a state of opposition against the Libya of Qaddafi.²⁰⁶ Notwithstanding that history, the British Prime Minister Tony Blair²⁰⁷ whilst in and out of office, led the end of the international stand-off between Libya and the West in complicated negotiations that did not please everybody, but brought Qaddafi's Libya in from the cold.²⁰⁸ Qaddafi was always seen as a potential threat to international peace and rapprochement and settlement of differences was seen as a better strategy to conflict by all parties.

The Libyan perspective on the UK is one where the contradictions and conflict within our relationship have always been apparent, but there has always been meaningful and genuine dialogue.²⁰⁹ The emissaries from Libya contacting the Hatfield House Team had stressed a recognition of the strong support of the Rule of Law that exists in the UK and a confidence in our legal services and commitment to deliver for the Libyan people peace, security and prosperity.²¹⁰ The offer to host genuine peace and unification talks by the Marquess of Salisbury at historic Hatfield House is a continuation of the support at hand in the UK for the Libyan people to be able to resolve their conflicts and move into

²⁰² <https://news.un.org/en/story/2023/12/1144907>

²⁰³ <https://www.wilsoncenter.org/blog-post/signs-stagnation-special-representative-secretary-general-abdoulaye-bathilys-resignation>

²⁰⁴ <https://libyaupdate.com/un-facilitates-meeting-for-libyan-legislators-legal-experts-to-discuss-drafting-reconciliation-law/>

²⁰⁵ <https://hansard.parliament.uk/commons/2023-10-18/debates/35AF138E-0079-4C32-B4E6-FBC1AD140724/UKSupportForStabilityInLibya> - Daniel Kawczynski MP sets out the issues against Gaddafi

²⁰⁶ <https://researchbriefings.files.parliament.uk/documents/SN05886/SN05886.pdf>

²⁰⁷ Sir Anthony Blair KG, Prime Minister of the UK 1997-2007

²⁰⁸ <https://researchbriefings.files.parliament.uk/documents/SN05886/SN05886.pdf>

²⁰⁹ <https://www.aljazeera.com/features/2015/12/11/a-brief-history-of-uk-libya-relations>

²¹⁰ <https://www.gov.uk/government/speeches/the-uk-will-continue-to-support-work-across-libyas-divides-to-deliver-for-the-libyan-people-uk-statement-at-the-un-security-council>

democratic stability. It is an opportunity for Libya's politicians and military leaders to build a platform to allow their people to benefit from their nation's potential prosperity. A privately led initiative for peace and unity in Libya carries with it the important factor that it is the Libyans that are resolving their own destiny.

6.3 Voice of the Tribes

Most Libyans have historically turned to tribal connections for jobs and protection. In the absence of state authority after 2011, tribal procedures filled the void; in many circumstances, tribes offered the only semblance of a functioning judicial system.²¹¹ It was the tribes that created Libya and survived Ottoman rule, Italian colonialism and Qaddafi's oppression.²¹² The tribes have been seen to be as constant as the sand in the desert. It is the tribes that now require the political and military leadership to desist in the destruction and corruption of their country and establish a framework for peace, security, freedom and prosperity. The political and military leaders come from the tribes and ultimately within their own group are being held accountable. The tribes have watched as they have seen the destruction of their country and a whole generation of their children miss out on their birthright. The Hatfield House Peace Plan is their opportunity to take control in a bloodless revolution from those profiting from corruption and conflict. They have been absent from the other international negotiations and now is their time.

6.4 Unification of Forces

A key component of the peace plan that the Hatfield House Team have been given is the offer by the armed forces controlled by the GNU of the Western Region and the armed forces controlled by the GNS of the Eastern Region to be unified. The unification of forces would be of the military, air force, sea forces and police. These are the major forces of Libya as commanded by Lieutenant General Abdulrazek al-Nadouri and Lieutenant General Mohamed al-Haddad. Whilst there are other armed factions, the joinder of the forces representing the Eastern and Western governments would be a significant step to establishing and maintaining peace in the region. These unified forces would represent the legitimate forces of Libya and not be forces run by or under the control of General Haftar and his sons operating alleged criminal enterprises and with responsibility for alleged war crimes.²¹³

²¹¹ "Libyan Tribes in the Shadows of War and Peace," Clingendael, Netherlands Institute of International Relations, February 2019; <https://www.cetri.be/Libyan-Tribal-Map-Network-of?lang=fr>

²¹² <https://www.cetri.be/Libyan-Tribal-Map-Network-of?lang=fr>

²¹³ <https://thesoufancenter.org/intelbrief-haftars-growing-criminal-enterprise-in-libya/> ; <https://www.libyanjustice.org/news/us-court-judgement-charging-khalifa-haftar-with-war-crimes-renews-hope-for-justice-in-libya> ; <https://www.newarab.com/news/libyan-warlord-haftar-faces-fresh-us-federal-charges> ; <https://www.amnesty.org/en/latest/news/2022/12/libya-hold-commanders-of-tariq-ben-zeyad-armed-group-accountable-for-catalogue-of-horrors/> ; <https://www.france24.com/en/live-news/20221109-icc-prosector-urges-libya-s-haftar-to-prevent-crimes-by-troops>

The official military forces of Libya believe the unification of their command will provide a significant movement for the political class that is currently failing to provide unification, to unite in a transitional programme for democracy. The impossibility of holding elections in a divided state are obvious. A transitionally unified state with unified forces under one command to provide security for the electoral process would provide the best means for holding free and fair elections.

6.5 Commitment to a Constitution based upon Democracy

Unity between the House of Representatives of the East elected by democratic vote in 2014 and the unelected Prime Minister's Office of the West will be a major step and essential to move down the pathway to elections. The HoR have given their commitment to allow Prime Minister Debeibah to continue in his position until such time as free and transparent elections are held and the Libyan people decide their collective futures. The outcome of a democratic election will then provide the Libyan people with a government that has the right to set out a constitution for the Libyan people, rather than have one imposed upon them by outsiders.

The templates for a transitional government and pathway to elections have been drafted by the UN and other international institutions already and carry standard modalities for a transitional government. These can be reviewed and adapted as necessary at the Hatfield House Peace Conference. It would be preferable if the UK government with its great experience in such matters facilitated that process. If it does not want to, it can be undertaken by the private sector.

6.6 Next Steps

The Hatfield House Team seek sponsorship by the commercial sector to back the Peace Plan. International business has a clear opportunity in a unified and secure Libya to benefit from the extensive business this will produce and assist the Libyan people in developing a stable economy. This will have wider implications for the whole of Africa as Libya, sitting as it does in the middle of the North African coast, with the potential to be the wealthiest state in Africa can be a gateway for a much improved trade route for the western world. The support by commercial sponsors of the Hatfield House Peace Plan will be a significant donation to the peace process and will be recognised as such by the people of Libya.