



# REVIVING ALTERNATIVE CONFLICT RESOLUTION APPROACHES IN PROXY WARS: THE CASE OF LIBYA

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## Abstract

Libya has lived in a state of fragmentation since 2011 after the fall of the al-Qaddafi regime and in a state of dual and confronting administrations since 2014, exacerbated in 2022. During the last decade, successive conflict resolution attempts have been instilled, without much success. This policy brief reviews these conflict resolution attempts and argues that the current situation can be resolved by bringing other new perspectives in foreign policy-making. A particular focus is given to the political actors and the main personalities that control the future of Libyan politics.

This policy brief argues that previous fora looking for a peaceful resolution have been unsuccessful due to the lack of human rights and bottom-up approaches in foreign policy-making. Peaceful resolution efforts have mostly focused on the interests of fragmented elites that have managed to coopt institutions and create parallel administrations, in both East and West. Alternative conflict resolution approaches for the future of Libya should learn from previous lessons and voice the interests of the Libyan population.

## Introduction

This policy brief reviews the efforts for conflict resolution in Libya, a fragmented country since the civil war erupted in 2011 with the fall of the Muammar al-Qaddafi regime. Peaceful resolution of the political fragmentation has not been achieved due to two main factors: the consolidation of elite bargaining thanks to proxy war elements, resulting in a “neocolonial” intervention by Western states, namely the European Union (EU) and the United States (US)<sup>1</sup>, and the lack of a human rights discourse.

The policy brief is divided into the following parts. First, it describes the evolution of Libyan political actors to this date. Secondly, it explains previous conflict resolution efforts and its evolution over the years. Third, it advocates for the use of bottom-up resolution approaches, proposing recommendations to international actors involved, from the United Nations (UN) to the EU and the US. Differently to past interventions, these approaches avoid state capture by relying on non-governmental organizations (NGOs) and civil society.

Moreover, the brief also includes a political analysis of the recent floods in Derna. I argue that the response to the catastrophe shows an instrumentalisation of the humanitarian aid to exert political control and wipe out dissidence, a result of elite reinforcement and foreign intervention, and that the current situation has benefitted the elites over the civil society. Therefore, this brief argues that if new solutions expect to be successful, they should be reinforced against elite co-optation, which can be achieved by re-introducing a bottom-up approach.

## Background: Libya, lost in intervention

### From liberation to unrest

In March 2011, the North Atlantic Treaty Organization (NATO) decided to intervene in Libya, after the UN declared the violations of human rights by the al-Qaddafi regime. The intervention paved the way for the introduction of many foreign elements in Libya’s unstable situation after the fall of a regime that had governed and provided economic stability through natural resources in Libya for more than 30 years.

Some commentators called for the continuity of an “unfinished business”, meaning that after the success in bringing down the al-Qaddafi’s regime, European intervening powers had the responsibility to stay and create “a stable and more democratic Libya” (Khalifa Isaac, 2012): the goals of the intervention had allegedly been achieved, and the chaotic political system was not the main worry. The assumption was that Libya is a country where corruption, repression and misrule were the “natural outcome” that influenced EU and US policy-makers in every intervention or mediation conducted.<sup>2</sup> The explanation for these perceptions can be found in postcolonialism and its contemporary consequences: policies revolving around deterrence of migration, the assurance of energy flows, and the fight against terrorist elements in the Southern Neighbourhood (Akamo, Bedin, & Cristinani 2023), removing human rights from the discourse.

<sup>1</sup> For our purposes, “postcolonialism” can be defined as a theory of international relations that explains how relationships of domination (which can be traced back to the European conquest and extraction of resources in the Global South) are still present today in the form of a hierarchy of knowledge and perspectives. In the case of Libya, the framework of postcolonialism has been applied to NATO’s intervention in 2011 (Grovoqui, 2013).

<sup>2</sup> However, before 2011, repression was tolerated by Western countries, as long as al-Qaddafi was instrumental or even was friendly with the US or the EU (Campbell, 2013). Some of these logics, as set out later in the article, still apply to the current politicians in Libya, which can get Western (that is EU and US) support as far as they provide access to oil and gas, control migration, and attack any Jihadist threat.

The fall of the regime and the final blow to al-Qaddafi was undertaken by the *thumar*, the revolutionaries. At the same time, the National Transitional Council (NTC) appeared, favouring the perspective of Western Libya as well as Islamist leaning movements.<sup>3</sup> Their interests were reinforced by the successive General National Congress (GNC) after the elections in July 2012, when mounting pressure came from the revolutionaries to approve the Political Isolation Law (PIL), i.e., the removal of ex-regime members from public institutions.

In the East, Khalifa Haftar, the commander of the Libyan National Army (LNA) that had sought refuge in the US after failing to topple al-Qaddafi, was able to gather forces thanks to the discontent of the Eastern towns towards GNC. Haftar had managed to centralise power thanks to the weak leadership of Eastern tribes, as well as the peripheral position of Tobruk, the town from where he received a substantial amount of foreign aid coming from the United Arab Emirates (UAE) and Egypt. In 2014, he started launching a military campaign against Islamist factions that were present in Benghazi, which was interpreted by the GNC as a defiant coup d'état. The parliamentary elections for the House of Representatives (HoR) in June were boycotted by Amazigh, Tuareg and Tubu tribes, as well as Jihadist groups in Derna, leaving a low turnout.

This led to a second civil war in Libya, which sparked when armed groups from the town of Zintan started attacking GNC-allied units from Misrata that controlled the Tripoli International Airport on July 2014 (Wehrey 2014). The HoR took an anti-revolutionary stance against the GNC, and its efforts to meet in Benghazi were frustrated by a coalition of Ansar al-Sharia,<sup>4</sup> forcing them to meet in Tobruk. Meanwhile, the GNC declared the HoR illegitimate. This is the first time when two parallel governments started to claim legitimacy in Libya, one in the west by the GNC, mainly controlled by revolutionaries and the Muslim Brotherhood, and another one in the east by the HoR, loyal to Haftar. Amid this situation, one of the most important conflict resolution initiatives was proposed by the UN representative Bernardino León: the Skhirat process (or Libyan Political Dialogue), which led to an agreement signed in December 2015. In the next section, we set out the argument of how previous conflict resolution efforts have been misled, favouring elite bargaining efforts, while leaving civil society and humanitarian organisations aside.

## Unravelling previous solutions to Libya's civil war

What divides Libya is the persistence of local and informal institutions, which have managed to coopt already weak institutions after the fall of the regime, a phenomenon referred as "state capture". This makes Libya somewhat different to other cases such as Syria, where hostilities have been present through sectarian division, and it also explains the loose control that both parties were able to exert over their political allies during the second civil war (2014-20). The malleable interests of the groups, which did not respond to any official mandate by their respective bodies, the HoR and the GNC, in turn, facilitated the agreement that was reached in July 2015 to form a unity

<sup>3</sup> Despite the bias towards a Western Libya representation and the Islamist leaning movements, the NTC was characterised by its heterogeneous composition (it was formed by both opposition activists and ex-regime members, such as Mahmoud Jibril). The NTC's role, nevertheless, was always a limited one, since it did not have direct relation with the militias that were able to exert control on the ground and to change the development of events. Instead, the NTC showed how quickly the political leaders were able to change sides as soon as it favoured their interests.

<sup>4</sup> Ansar al-Sharia is a local Jihadi group that has been characterised as close to Al-Qaeda, and some of its members eventually joined forces with local Islamic State (IS) affiliates to combat Haftar in the Barqa (Cyrenaica) region. Although some experts have labelled this group "more of a local and regional threat than a global one" (Gråtrud & Skretting, 2017), most Western efforts and aid in post-2014 Libya for Haftar were channelled in order to avoid the growth of this group, given the fear of growing terrorist threats.

government, the Government of National Accord (GNA), but it did not help reach a consensus nor unified political institutions.

The Skhirat agreement was able to progress because it counted on acceptance by international actors, namely Egypt, the UAE, Saudi Arabia, Qatar and Turkey, but this internationally backed agreement would soon crumble. The GNA was thought to be balanced in its ideology and geography and was composed of a Presidency Council (PC), as well as two legislative bodies: the State Council located in Tripoli, and the HoR in Tobruk. The way it would work meant that the HoR would consult the State Council and endorse a cabinet selected by the PC. In practice, however, the HoR and its speaker, Aguila Saleh Issa, were relentless in supporting any kind of policies coming from Tripoli, refusing to ratify the agreement. Meanwhile, the PC started to be monopolised by Fayez al-Sarraj as acting prime minister, who, instead of being neutral, sought the support of the Tripoli militias and alliances with Italy and the US to oust the Islamic State of Iraq and Syria (ISIS) from Sirte. He also appointed anti-Haftar ministers from the East, like Mahdi al-Barghati.

Meanwhile, General Haftar received support from the UAE, Egypt, Russia and France that led him to take the stronghold of Benghazi in July 2017 against “Jihadist militias”<sup>5</sup> (Winer, 2019: 15). Resistance to accept the internationally-backed government of the GNA was made possible by the oil reserves that the LNA retook in September 2016. The importance of oil production, the main source of wealth in Libya, became highly visible at this phase of the conflict: Haftar started to gain support both inside and outside of the country and visited Paris and Rome, now seen as the stronger player; but these attempts to bring together the institutions of the East and West by Western countries such as France undermined the UN’s role and showed clearly the intentions of achieving resource extraction and securitisation against terrorism.

A second international agreement was attempted in Paris in May 2018, where the French President Emmanuel Macron was able to convene Sarraj and Haftar at the same table. Soon after the meeting, however, Haftar and Aguila denied any agreement. A third civil war broke out, with Haftar assaulting Tripoli. Surprisingly, militias united against Haftar and were able to hold ground thanks to the growing support by Turkey. This led to yet another UN-mediated process in Berlin in January 2020 (Berlin I) and 2021 (Berlin II) and a roadmap that established the Government of National Unity (GNU) as a transitional body led by the Misratan Prime Minister Abdul Hamid al-Dbeibeh. Ratified in March 2021, its objective was to reunify state institutions and prepare the country to organise elections on 24 December 2021.

However, this new process (which again tried to use elections as a source of legitimacy) meant that everything had to be “built from scratch” (Bourhrous, 2022). Differently to Sarraj’s GNA, the GNU was recognised for some time in the East, but in September the HoR passed a no-confidence vote against the GNU, designating Fathi Bashagha as prime minister in February 2022, and creating a Government of National Stability (GNS) as an alternative to the GNU. Once again, the country found itself in a context with two executives claiming legitimacy and even recuring to military means: Bashagha and allied militias<sup>6</sup> tried to seize control of Tripoli in August last year, but failed, sparking doubts

<sup>5</sup> In practice, Jihadist militias such Ansar al-Sharia were not the only ones controlling the cities of Benghazi or Derna, because their composition was much more complex. For example, former Minister of Defence for the GNC, Mahdi al-Barghati, had control of some groups in the East. The terminology was most probably employed to create an aura of legitimisation towards foreign powers by Haftar that attracted foreign help from Western countries such as France.

<sup>6</sup> One of the most important militias that were allied with Bashagha was the 777 Brigade, which controlled some important areas, namely Tripoli’s port and the Friday market. Their intention was to carry out a coup against Dbeibeh, but they were neutralised before successfully doing so.

about Bashagha's legitimacy in the East (Hidri, 2022). For Dbeibeh, the situation is not easy either, given that his mandate was limited to the preparation for elections for December 2021. Despite the UN's support of the process, he has been at the centre of accusations of corruption, and was involved in the meetings that his Foreign Minister, Najla al-Mangoush, was having with the Israeli counterpart in Rome at the beginning in August 2023, when she was sacked.

All in all, the Libyan efforts for peace were met with a complex network of actors that pushed for their own interest and power. Therefore, the actions carried out by international actors have been unsuccessful. Although some of the literature has argued that Libya cannot be seen fully as a "proxy war" because of the fact that local actors were independent and hard to predict (Harchaoui & Lazib, 2019; Melcangi & Mezran, 2022), the concept cannot be fully rejected either, comprising elements such as sponsorship or indirect support (Moghadam, Rauta, & Wyss, 2023). For instance, the figure that managed to consolidate more power, Khalifa Haftar, was able to do so precisely thanks to substantial aid by France, Egypt and the UAE. At the same time, resistance to the Tripoli assault was made possible by Turkey and Qatar coming to rescue the remnants of the Muslim Brotherhood.

Provided that some of the characteristics of a proxy war can be applied, we shall disentangle the reasons why previous solutions have been ineffective and try to understand what is missing. The argument of this brief is that international efforts have benefitted the elites over civil society, essentially reproducing postcolonial logics. The questions are: how then can new solutions that cannot be sabotaged by elites be created? What other kinds of actors and perspectives should be brought into conflict resolution schemes?

## **Elite bargaining: consolidating power amid disaster**

While making sense of the Libyan conflict, humanitarian organisations and civil society have been excluded due to a consolidation of elite bargaining. In Libya, this has been prioritised because of the paradigm of "stability" over accountability (Mansour, Eaton, & Khatib, 2023). The actors involved lack legitimacy since their mandates have not been renewed, and, despite this, they have been backed by Western and other foreign actors to secure their "slice of the cake", even though the system of alliances may change at any moment (Lacher, 2020: 57). Elite bargaining, a logical consequence of top-down negotiations promoted in the international arena, has paved the way to crackdown on any expression of human rights in Libya, as shown by two main events during 2023 for the opposing sides: first, the revocation of licences of NGOs applying a law before 2011 in the GNU (Human Rights Watch, 2023); and, second, the hampering of humanitarian efforts after the floods caused by storm Daniel on September 2023. A more detailed account of what happened in Derna demonstrates the inability of previous conflict resolution mechanisms to create external and internal accountability in Libya, and how this event has been instrumentalised by Haftar's clan to secure foreign aid and international backing.

The area of Derna has been controlled by the LNA since July 2018, when it was retaken from Islamist groups. More than 11,300 people have died, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), with severe damages to water and sanitation. The GNU acknowledged the responsibility of its ministers in the maintenance of the two dams that burst, but not the responsibility over the deaths (AfricaNews, 2023). Haftar and his sons, who control the area, have systematically blocked access to



humanitarian organisations and foreign journalists to intervene in an effort to increase their power grip (Michaelson, 2023), while starting to receive explicit support from Russia (Berriault 2023). A natural phenomenon that took away the life of many Libyans was used to legitimise the positions of the actors of the conflict or obscuring their attempts to cover their own mistakes.

For civil society, hence, justice is absent, a result of corruption and competing ambitions by the different warlords and elites. In the Western views, the objectives of stabilisation and securitisation, in the view that Libya is both a source of migrants and a provider of energy (Eljarh, 2020), have completely left out the language of human rights and accountability. Peace resolution talks have mostly been undertaken either through very powerful local elites that have been able to extract benefits from the fragmentation of the system, or through the reliance on foreign actors that focused on their own agendas. To no surprise, this trend is maintained in the last political moves. At the beginning of October 2023, the HoR unanimously approved laws to elect the president of the state and a National Assembly. An immediate refusal came from the High State Council in Tripoli, saying that a military appointed will not be accepted. The 6+6 Joint Committee, with representatives of the competing bodies with the mission to prepare electoral laws, has opposed the UN plans to restore a unity government via elections, saying that “an interim unity government is a necessary first step” (Gazzini, 2023). Furthermore, in the last few days the UN has tried to invite five delegations to decide on the outstanding issues in relation to the political roadmap, which, instead of creating incentives for resolution, reinforces the position of the strongmen that have much to lose from political change.

## **Conclusions and recommendations: bringing back bottom-up approaches**

Bottom-up civil society perspectives have the potential to curb the dynamics shown. Firstly, as we have said before, local actors are able to extract benefits from the oil economy and maintain a certain degree of autonomy, but this is supported by the top-down approaches that favour the maintenance of patronage networks. The support that militiamen receive from foreign actors to keep the situation “stable” is reversely proportional to the support that public services receive in Libya. Funding should instead be channelled to NGOs and organisations on the ground that are independent and are able to assess the needs of the population without creating a dependency on militias. Secondly, previous attempts perceive the conflict in a linear manner, presupposing the existence or functionality of certain institutions, such as the “state” or elections. State institutions are used as a façade for certain actors to gain legitimacy in the view of the international community, obscuring the understanding of what is happening on the ground.

Therefore, the application of new conflict resolution approaches in proxy conflicts requires a different understanding and strategies to what has been pursued so far.

- First, at the international level, a reconceptualisation of foreign intervention in Libya is needed. Since NATO’s 2011 meddling, any objective has been focused on the securitisation and stabilisation of the country. At the same time, regional powers (Turkey, UAE, Egypt) and even global powers (Russia) are taking advantage of the fragmentation to push for their own agendas. This means that the interests of Libyans are never part of the equation and their voices are absent. A much responsive change can come from engaging with non-partisan NGOs and humanitarian organisations in current efforts, such as Tanmia 360, Lawyers for Justice, or Tawteer.

- Second, conflict resolution mechanisms should avoid “state capture” by local factions that in turn increase the dynamics of violence on the ground. International conferences such as Berlin have been presented as solutions, but they have only reproduced clientelist networks. Moreover, elections have proven to be a faulty source of legitimacy within the current actors’ structure: they are fragile, easy to boycott, and do not provide accountability (Khalifa 2022). This means that any solution should be carefully bulletproof to manipulations by local factions and, especially, it should involve accountability mechanisms that voice Libyan demands.
- Third, local factions and armed groups are still the ones holding power in Libya (Lacher, 2020). During the last few years, some figures are increasingly becoming powerful, such as Haftar, but their ties are based on fragile sources of power and continuous international backing. This leaves room for a momentum to change in both directions: either in a spiral of violence as it was seen in Tripoli’s 2020 campaign and that could escalate quickly in the next days, or to create opportunities to isolate violent groups by weakening them and their sources.
- Fourth and lastly, at the core of new conflict resolution approaches, there is much room for human rights to be back on the agenda. On the one hand, the role of United Nations Support Mission in Libya (UNSMIL) has become less relevant with time, and demands of specific groups, such as youth and women or marginalised areas are not sufficiently addressed in the public debate (UNSMIL 2023). On the other, a serious autocritique should come at least from within the EU and US foreign policy circles on how far a neo-colonial approach is still present, where Libya is only important if it fulfils security and energy interests.

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