

Statelessness and Dual Power – Challenges for Progress in Post-Qadhafi Libya and the Perspectives for EU-Libyan Cooperation

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The article analyzes the situation in Libya with a special focus on the relations between post-Qadhafi Libya and Europe, and discusses the recent challenges for progress in Libya and the perspectives for EU-Libyan cooperation in the coming years. Also the article characterizes the situation in Libya two years after the start of the revolt against Qadhafi, the recent development within Libyan society and the conditions for Libya for becoming a normal foreign policy and security actor on the Mediterranean political scene. In connection with this two aspects appear as particularly relevant, the first aspect being the migration issue, where Libya over the last decades have emerged as a very important transit migration country for people from south of Sahara trying to reach Europe. The second aspect has to do with different types of internal contradictions in Libya along tribal, ethnic-religious and regional lines and the reality of a “dual power” situation in recent Libya. On one side the weak state led by the General National Congress and the Libyan Army, on the other side the unofficial leadership in the Supreme Security Committee (SSC) and affiliated armed councils.

Introduction

A parliament is a misrepresentation of the people
and parliamentary governments are a misleading
solution to the problem of democracy
(Muammar Qadhafi: *The Green Book, Part One:
The Solution of the Problem of Democracy*)

Philosophical thoughts by the late Libyan leader Muammar Qadhafi like those quoted above functioned as an ideological cover up for one of the most repressive states the world has seen. In reality the “popular congresses and peoples committee’s”¹ were dominated and overruled by the small elite around the dictator himself. At the same time the ideas constituted attempts at legitimizing a state, which in some ways differed from the enormous bureaucracies we have seen elsewhere in the MENA-region. The Libyan state apparatus was indeed inefficient, corrupt and repressive, but it was relatively undeveloped – partly due to the wishes of the late leader. Ironically this might turn out to be an asset for the new nation in the sense that a coming democratic Libyan state in some areas start from scratch, and – in a positive scenario – can establish modern political practices and administrative procedures only partly being affected by problematic habits of the former regime and its bureaucracy.

In 2010 “Mineral fuels and related products” accounted for 97,1 percent of the Libyan export.² Obviously it is extremely important for the Libyan recovery that the oil and gas production and export soon reach the level before the war, and according to informal business sources restoration of Libyan oil production is progressing reasonably fast. But also of significance is it to begin dealing with other leftovers from the former Qadhafi’s Libya, namely a high unemployment as a result of the small and inefficient production sector. Foreign investments can over the coming years contribute to solving this problem and if successful this dimension of a new Libya can also help getting rid of a potentially destabilizing element in post-Qadhafi Libya, namely large numbers of armed non-state groups (see Internal Contradictions”).

According to a European Commission Memo a rapprochement between the new Libya and the EU is underway. The EU Election Assessment Team covered the parliamentary elections concluding “that the electoral process had been efficiently administered and pluralistic and was overall conducted in a peaceful manner”.³ Since the fall of Qadhafi the EU has supported the Libyan authorities with funding for projects working on public administration, democratic transition, civil society, health and education. Furthermore projects dealing with

¹ QADHAFI, M. A. 1975. *The Green Book. Part One. The Solution of the Problem of Democracy. 'The Authority of the People'*, Tripoli, the Public Establishment for Publishing., p. 26. The titles of the three small volumes together constituting *The Green Book* are *The Solution of the Problem of Democracy*, *The Solution of the Economic Problem* and *The Social Basis of the Third Universal Theory*, respectively. For an excellent analysis of Gadaffis work, see VANDEVALLE, D. 2006. *A History of Modern Libya*, Cambridge, Cambridge University Press., p. 97-138.

² Calculated on the basis of figures from 2012. *The Middle East and North Africa 2013*, London, Routledge. The amounts (in Libyan Dinars) in 2010 were 44.485,1 out of 46.196,3. Added to that “chemicals and related products” represented almost 75 percent of the remaining export.

³ The Memo was published on the European Commission homepage 8 February 2013: EU-COMMISSION 2013. EU’s response to the “Arab Spring”: The State-of Play after Two Years. Brussels: European Commission.

security, technical and vocational education and training, economic development, migration and civil society activities have been launched by the EU. The EU is discussing Libya's possible full participation in cooperation agreements in a Mediterranean perspective, of which the Union for the Mediterranean (UfM) is one.

It is the aim of this article to analyze the situation in Libya with a special focus on the relations between post-Qadhafi Libya and Europe, and discuss the recent challenges for progress in Libya and the perspectives for EU-Libyan cooperation in the coming years. The article will characterize the situation in Libya two years after the start of the revolt against Qadhafi, the recent development within Libyan society and the conditions for Libya for becoming a normal foreign policy and security actor on the Mediterranean political scene. In connection with this two aspects appear as particularly relevant, the first aspect being the migration issue, where Libya over the last decades have emerged as a very important transit migration country for people from south of Sahara trying to reach Europe. The second aspect has to do with different types of internal contradictions in Libya along tribal, ethnic-religious and regional lines and the reality of a "dual power" situation in recent Libya. On one side the weak state led by the General National Congress and the Libyan Army, on the other side the unofficial leadership in the Supreme Security Committee (SSC) and affiliated armed councils. The latter might be the strongest part, as described by Ibrahim Sharqieh.⁴

"The stateless society" and the legacy of Qadhafi

According to Dirk Vandewalle the relatively undeveloped public sector in Libya was a reality already before the coup against King Idriss in September 1969.⁵ The king had never seriously worked on establishing a transition process, which led to a more modern society; rather he had led the foundation of a passive rentier-state structure, where the oil revenues were spent on privileges for the royal leaders and the elite around them. Only few observers in the region were according to Vandewalle surprised, when the actual take-over took place,⁶ although it had been anticipated that a number of senior officers would be the ones to carry out the coup, when it finally happened.

The young officers who were in charge of the takeover, were inspired by the Egyptian leader Gamal Abdel Nasser regarding Arab nationalism. Qadhafi was chairman of the Revolutionary Command Council, which in the start was making the decisions about what to do with the potentially rich Libyan state, which still hadn't reached a level of production, where a definite rentier-economy had developed. The question might be if this ever really happened, because rather than developing a Gulf-style rentier-mentality in the Libyan population by buying them off, the new leader in Libya established a unique type of regime, where a combination of rentier-economy, an ideological superstructure and harsh repression functioned as the foundation for the state.

Qadhafi wrote the Green Book with the purpose of building a state based on his ideas and the system described in the three volumes was implemented over the first decades of rule and

⁴ SHARQIEH, I. 2013. The Libyan Revolution at Two. In: LYNCH, M. E. A. (ed.) *Foreign Policy Middle East Channel*. Washington: Foreign Policy Middle East Channel.

⁵ VANDEVALLE, D. 2006. *A History of Modern Libya*, Cambridge, Cambridge University Press., p. 78.

⁶ For an excellent description of the development in Libya with a focus on the period from the Italian occupation to the last years of Qadhafi's reign, see *ibid.* See also WRIGHT, J. 2012. *A History of Libya*, London, Hurst & Company. and ST JOHN, R. B. 2011. *Libya. Continuity and Change*, London and New York, Routledge.

developed through a permanent revolutionary process, according to Vandewalle with disastrous effects. Furthermore the “pursuit and implementation of statelessness could not disguise that the Popular Congress and Committee system, as well as the General People’s Congress, possessed no real power.”⁷ As mentioned the relatively small bureaucracy might – despite all its deficiencies – leave the Libyans a chance of building something more reliable from the start. Another significant aspect of the Qadhafi legacy is that only extremely few, if any, would wish to go back to a rule like his. Right after 1969 some populist legitimacy might have been attached to the regime, which replaced the unpopular King Idriss, but only for a few years. In other words there is no strong restorative movement in Libya, fighting to bring back what was before 2011. The mentioned contradictions between the weak state in post-Qadhafi Libya and the stronger leadership in the form the SSC, might partly be explained by the relatively undeveloped state apparatus and – of course – the existence of power structures related to the militarized movement, which during 2011 fought against the Libyan army and its mercenaries.

Libya and the EU – security perspectives

When NATO 25 October 2011 issued its *Operational Media Update*, stating that “the operations were very close to completion”⁸ they left a Libya behind, which was no longer threatened by Qadhafi and his army. Five days earlier the dictator had been killed while attempting to flee the “rebels” and with his death forty-two years of military rule was over. The military action starting in March 2011 was launched based on an UN Security Council Resolution 1973, with the explicit aim to “protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory”.⁹ The situation in Benghazi was critical and there is hardly any doubt that the NATO action prevented an attack by the Libyan army on Benghazi, which could have developed into a massacre on the anti-Qadhafi rebels and maybe, in “retaliation” on the inhabitants of the large East-Libyan city.

The French Foreign Minister Alain Juppé presented the UN Security Council Resolution 1973 in the UN Headquarters in New York referring to the potentially tragic situation on the ground in Libya, but also included considerations of a different scope by mentioning that the world was experiencing “a wave of great revolutions that would change the course of history”.¹⁰ Security concerns were an important issue in relation to the dramatic development in Libya. On one side Europe (and the West) did not want a civil war to unfold south of the Mediterranean, which could destabilize the region. On the other side a NATO-action like what was proposed might also in a longer perspective lead to a situation, where a different (and ideally stable and democratic) regime could be the outcome.¹¹ As such the intervention in Libya through the

⁷ VANDEVALLE, D. 2006. *A History of Modern Libya*, Cambridge, Cambridge University Press., p. 136.

⁸ NATO 2011. Operational Media Update: NATO and Libya, 25 October. In: ALLIED JOINT FORCE COMMAND NAPLES, S., NATO HQ (ed.). Naples: NATO.

⁹ SECURITY COUNCIL. 2011. UN Press Release: Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions. New York: United Nations Security Council.

¹⁰ Ibid.

¹¹ VESELY, M. 2011. Why is the West bombing Libya? *The Middle East*, May 2011, 20-21.

establishment of the no-fly zone can also be interpreted as an attempt once and for all to get rid of an unpredictable and unreliable authoritarian leader in Libya.

In recent years the pragmatic EU foreign policy of working together with the authoritarian regimes in the MENA-region included Libya, which had entered a more moderate course following the final compromise on the Lockerbie-affair.¹² The general softening of Libyan foreign relations signals was an attempt to gain access to foreign expertise for the purpose of maintaining and developing the oil infrastructure and to attract foreign investments. The EU leaders claimed from time to time to have confronted Qadhafi with his poor record concerning Human Rights, as for instance when the French President Nicolas Sarkozy claimed that he had brought up the issue in connection with Qadhafi's visit in Paris in 2007. According to Ronald Bruce St John Qadhafi later denied that the issue at all had been mentioned at his meeting with Sarkozy.¹³

Added to that Qadhafi had common interests with the EU in the establishment of a security environment in the Mediterranean, preventing terrorist groups from gaining foothold in the region and dealing with the threat attached to the relation between migration and security. For the EU it was also a question of energy security. The attractive Libyan oil form a part of the European energy supply and stable delivery is of course essential. When the EU launched the Euro-Mediterranean Partnership in 1995, Libya did not become a member. The same was the case in 2004, when the European Neighbourhood Programme was established – again despite the lifting of the UN sanctions against Libya in 1999. According to George Joffé Libya was never interested in becoming a member.¹⁴ What in the first place was important for the EU was to make Libya a part of the external setup securing the southern European borders from illegal migration from the North African states, and human smuggling, trafficking etc. using the Maghreb-states and Libya as transit countries for irregular and illegal migration from Africa south of Sahara.

An important issue for the EU was to secure itself from the strategic threat attached to Libyan possession of WMDs, which Libya renounced in December 2003. More than anything else this was what secured the gradual normalization of Libya as an accepted state at the international political scene.¹⁵ In 2009 the EU published the so-called *Country Strategy Paper and National Indicative Programme 2011-2013*¹⁶, which establishes a framework for relations between the EU and Libya. The document claims that the most important aim is “to consolidate Libya's integration in the rulesbased international political and economic system.”¹⁷ The

¹² For a description of the negotiations leading to the agreement on Lockerbie, see CHORIN, E. 2012. *Exit Gaddafi. The Hidden History of the Libyan Revolution*, London, Saqi., p. 66-69.

¹³ ST JOHN, R. B. 2008. Libya and the United States: A Faustian Pact? *Middle East Policy*, 15, 133-148., p. 145.

¹⁴ JOFFÉ, G. 2011. Libya and the European Union: shared interests. *The Journal of North African Studies*, 16, 233-249., p. 234.

¹⁵ For a description of this process and its perspectives see BRAUT-HEGGHAMMER, M. 2008. Libya's Nuclear Turnaround: Perspectives from Tripoli. *Middle East Journal*, 62, 55-72. See also ST JOHN, R. B. 2008. Libya and the United States: A Faustian Pact? *Middle East Policy*, 15, 133-148.

¹⁶ European Neighbourhood and Partnership Instrument Libya. Strategy Paper and National Indicative Programme 2011-2013. In: EUROPEAN COMMISSION. Brussels.

¹⁷ *Ibid.*, p. 6.

Strategy Paper mentions a wide range of activities, which for most of the measures were planned for the 2011-2013 period, but because of the revolt against Qadhafi starting in Benghazi in February 2011 many of the activities were never launched or carried out. The intended areas of cooperation are not described in detail and appear to be relevant also for a post-Qadhafi situation.

As mentioned in the European Commission Memo of 8 February 2013 “Almost from the very first days of the Arab Spring, EU leaders, including the President of the European Council Herman Van Rompuy, European Commission President Jose Manuel Barroso and High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the Commission (HR/VP) Catherine Ashton made frequent visits to the region to express the EU's political commitment.”¹⁸ In May 2011 Catherine Ashton visited Benghazi and officially opened an EU office and after the fall of the regime, in November 2011, she opened the EU Delegation office in Tripoli. As emphasized by Marlene Gottwald one of the first ambitions was to secure, that European nationals in Libya were safe and that the delivery of EU humanitarian aid functioned well. Immediately after the victory for the anti-Qadhafi-forces the EU started to focus on development cooperation. At first, funding was provided for building of administrative capacities and for civil society and education programmes.¹⁹ At the Paris conference on Libya in September 2011, the EU was assigned the assessment of border management, civil society and media.

Furthermore the EU became involved in security sector reform. In March the EU send a mission to Libya aiming at dealing with border management. EU funded some of the activities they initiated, but it should also be mentioned, that one of the ways of providing Libya with financial means for reconstruction and development purposes was by “unfreezing” of Libyan assets in foreign banks. As described by Barah Mikail it was decided at the Paris conference, prior to Qadhafis death, to unfreeze \$15 billion. Added to that the EU decided to unfreeze additional assets worth \$97 billion belonging to the Central Bank of Libya and the Libyan Arab Foreign Bank. It was estimated that up to \$ 160 billion were held by foreign partners by the fall of the regime in Tripoli.²⁰ Obviously, this sum is large enough to finance a considerable amount of reconstruction and developmental projects for the new Libyan government.

The EU is, as stated at the EEAS homepage covering Libya, “currently running a €30 million programme in Libya to address some of the most pressing needs. Activity includes support in the fields of Reconciliation, elections and respect for human rights, Public administrative capacity, Media and civil society and promoting the involvement of women in public life, Migration, Health and education.”²¹ At the time of writing (March 2013) it is still too early to say to which degree the programme will succeed in creating significant progress within the mentioned areas. The fact that the activities take place represent ambitions of

¹⁸ EU-COMMISSION 2013. EU's response to the "Arab Spring": The State-of Play after Two Years. Brussels: European Commission., p. 2.

¹⁹ GOTTWALD, M. 2012. TEPESA BRIEF. Options for EU engagement in post-conflict Libya. Brussels: Trans European Policy Studies Association.

²⁰ MIKAIL, B. 2012. The multiple challenges of Libya's reconstruction. *Fride Policy Brief*, No. 114, January 2012., p. 2.

²¹ See http://www.eeas.europa.eu/libya/index_en.htm.

establishing a kind of normality in Libya, which, all things being equal, maybe are the most important aspect of the cooperation activities.

A number of activities are described at homepages established with the purpose of information about the recent running programmes as referred to by the EU Neighbourhood Info Centre with a special focus on civil society. Furthermore the pages mention the different programmes dealing with EU assistance packages for education, administration and civil society, support for “security, technical and vocational education and training, economic development, migration and further support to civil society”²². As an explicit expression of a further normalization of post-Qadhafi Libya can be mentioned, as stated in the European Commission Memo of 8 February 2013, that Libya has announced its ambition of joining the Union for the Mediterranean (UfM) as observer.²³

The EU has several important foreign and security policy interests concerning Libya to attend to, in connection with which the new regime will play a significant role. First of all the turmoil following the war against the old regime has to calm down, and as a part of that the militias from the fighting in 2011 will have to be disarmed as much as this is possible in a country where the security and control apparatus is still at a relatively low level. Some of the agreements related to oil and gas production, export and trade will have to be renegotiated at the same time as renewed search for oil wells and repair of production facilities must be taken care of. Furthermore cooperation between Libya and the EU authorities should be dealt with; a work which has started but still, as shown, has a long way to go. Libya has not been an integrated partner for the EU in any of the cooperation constructions, which other MENA-states have been part of. Finally the EU and Libya will have to take care of the complex and important migration phenomenon with its wide range of security implications.

Migration and security

Libya has, as a large oil producing country, hosted a significant amount of migrant workers from the two neighbouring countries, Egypt and Tunisia, but also from African countries from south of Sahara. Since the entry into force of joint naval patrols with Italy in May 2009, the number of illegal migrants arriving in Italy and Malta from Libya has fallen very sharply.²⁴ When the fighting started in early 2011, an enormous exodus was initiated, sending back work migrants and refugees to Egypt, Tunisia, Chad, Sudan, Algeria etc. Added to that there have been minor flows across the Mediterranean, mainly to Italy and Malta. As described by Dina Abdelfattah the immediate effect of the situation in 2011 was a significant migration crisis

²² See <http://www.enpi-info.eu/files/features/Lybia%20-Showing%20a%20new%20face%20to%20the%20world%20-%20EN.pdf>. See also http://www.enpi-info.eu/mainmed.php?id=344&id_type=3&lang_id=450. Concerning the economic aspects of Libyan-EU cooperation, see this link: <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/libya/>

²³ EU-COMMISSION 2013. EU's response to the "Arab Spring": The State-of Play after Two Years. Brussels: European Commission.

²⁴ European Neighbourhood and Partnership Instrument Libya. Strategy Paper and National Indicative Programme 2011-2013. In: EUROPEAN COMMISSION. Brussels, p. 7.

which was “considered the largest since the first Gulf War in 1990.”²⁵ According to IOM sources up to one million migrants had left Libya by November 2011.

UNHCR and IOM organized repatriation programmes and with the continued oil and gas production the situation is gradually returning to its former status. Sub-Saharan African migrants constitute the largest group of stranded migrants in Libya and they are at the same time the most vulnerable group, which always have been exposed to harsh Libyan migration policies. Libya has had a status as a “migration corridor”, as stated by Sylvie Bredeloup & Olivier Pliez and this might also be the case for post-Qadhafi Libya.²⁶

“The eruption of the conflict in Libya as of mid-February provoked the displacement of around 800.000 persons of many different nationalities towards the neighbouring countries, in particular Tunisia and Egypt”, as mentioned in an EU-Commission report.²⁷ The situation was critical, not the least for the Arab workers, who stayed in Libya, because due to the recent conditions in their home countries, they had severe social problems after their return. The financial crisis from 2008 resulted in declining opportunities in the low and middle income MENA-states, so the oil-producing states (including Libya) became a remaining destination for migrant workers. Added to that, and maybe even more important, the postrevolutionary slowdown in Tunisia and Egypt created very difficult circumstances for the returning workers. As Abdelfattah sums up most of the “workers escaping the unrest lost their jobs and income, and often had to leave behind their assets and often some of their savings. Some never received their last wages and others saw their money and valuables taken by the Libyan forces.”²⁸

The conflict in Libya in 2011 started with the demonstrations in Benghazi in the beginning of February. At that time the country was home to between 1,5 and 2,5 mio. foreign nationals, many of them refugees, although they were treated as irregular migrants by the Libyan authorities. The registered refugees came from countries including Côte d’Ivoire, Eritrea, Ethiopia, Iraq, Somalia and Sudan. The war led to hundreds of thousands of internally displaced Libyans and created, together with the refugees and foreign work migrants from Egypt, Tunisia etc. who left Libya, a complex and chaotic situation for the large migrant population in Libya. Qadhafi used migration as a political tool putting pressure on Europe. Obviously his fall has not resulted in stopping the floods of migrants from sub-Saharan states trying to reach Europe via Libya, even though the fighting in itself reduced the amount of transit migrants in 2011.

²⁵ ABDELFATTAH, D. 2011. Impact of Arab Revolts on Migration. *CARIM Analytic and Synthetic Notes* Florence: Robert Schuman Centre for Advanced Studies.

²⁶ BREDELOUP, S. & PLIEZ, O. 2011. The Libyan Migration Corridor. *Research Report, Case Study, EU-US Immigration Systems*. Florence: European University Institute, Robert Schuman Centre for Advanced Studies. See also BOB-MILLIAR, G. M. 2012. Rescuing Migrants in Libya: The Political Economy of State Responses to Migration Crises – The Case of Ghana. *DIIS Report*. Copenhagen: DIIS.

²⁷ A dialogue for migration, mobility and security with the southern Mediterranean countries. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. *In: EUROPEAN COMMISSION*. Brussels.

²⁸ ABDELFATTAH, D. 2011. Impact of Arab Revolts on Migration. *CARIM Analytic and Synthetic Notes* Florence: Robert Schuman Centre for Advanced Studies., p. 13.

As mentioned by Mikail the EU could help Libya by improving its migration policies via control of the Mediterranean Sea in cooperation with the new Libyan government: “The ‘Arab Spring’ has created a deeply insecure regional situation due to the insufficiency or even lack of controls at the borders of countries undergoing transitions (Libya and Tunisia, and their borders with Egypt). Radical elements have been able to spread in the region (...) A stronger involvement of Libya’s international partners to help strengthen border controls would considerably reduce regional threats.”²⁹

A significant point is that the international community, having helped the Libyans overthrow Qadhafi, now has an important task involving itself into the further development of a new security environment in the Mediterranean, not the least in the interest of the EU itself. It is a likely outcome of the Arab revolts that they in the short term perspective will result in more chaotic migration tendencies. In the long run, however, the former commonality of interests between the EU and the authoritarian leaders in the MENA-region in handling transit migration from countries south of Sahara probably will be reconstructed and new agreements will be negotiated to the benefit of both parties north and south of the Mediterranean.

The war in Libya from early 2011 meant the effective suspension of agreements and cooperation between Libya and the EU. The UNHCR in Tripoli is calling for ‘burden sharing’ in the Mediterranean arguing that the EU-states should accept some resettlement of refugees in Europe itself.³⁰ It is a controversial issue, which already under Qadhafi was used at pressuring the EU. According to Abdelfattah Qadhafi exaggerated the actual threat by making the irregular migration towards Europe appear much bigger than the true situation, and even, following the NATO-attacks in 2011, he threatened that “if the Europeans continued to support the protesters, he will open the floodgates, and (...) send boats filled with migrants from North Africa and Sub-Saharan Africa to the European coasts.”³¹

Internal contradictions

As demonstrated, post-Qadhafi Libya is marked by challenges, which will require serious efforts from external actors such as the EU and the UN. Despite the multitude of challenges, there is hardly doubt that one of the most critical tasks is posed by the widespread possession of firearms and the large number of groups of armed persons acting beyond legal constraints. While controlling parts of the country, these groups pose significant security threats both on the short and long term.

It is difficult to ascertain the actual number of armed non-state groups, but some observers estimate that it exceeds hundred.³² On a daily basis, problems caused by the armed groups include the construction of random roadblocks and gunfire in the streets. Moreover,

²⁹ MIKAIL, B. 2012. The multiple challenges of Libya's reconstruction. *Fride Policy Brief*, No. 114, January 2012., p. 5.

³⁰ BARTOLOMEO, A. D., FAKHOURY, T. & PERRIN, D. 2010. CARIM - Migration Profile. Libya. In: CARIM (ed.). Florence: CARIM: Consortium for Applied Research on International Migration.

³¹ ABDELFAH, D. 2011. Impact of Arab Revolts on Migration. *CARIM Analytic and Synthetic Notes* Florence: Robert Schuman Centre for Advanced Studies., p. 14.

³² INTERNATIONAL CRISIS GROUP. 2011. Holding Libya Together: Security Challenges After Qadhafi. *Middle East/North Africa Report*, 115., p. i.

power struggles between armed groups frequently evolve into fights in the streets, injuring and killing persons involved in the fights as well as innocent bystanders.³³

The armed groups are also suspected of being responsible for routine violation of human rights. Both because of the power struggles among the groups and because of a widespread vigilantism, some armed groups take captives and hold detainees without just cause. According to Amnesty International, there have been cases of executions based on invalid trials and many of the detainees have been subject to torture. The evidence reported by the organisation includes signs of severe violations of human rights.³⁴ In addition to human tragedies resulting from these events, the impact on the rebuilding of the Libyan economy and civil society is significant. As the security situation remains tense, foreign investors are reluctant to engage in the country and efforts of establishing civilian organisations are continuously hampered.³⁵ The gravity of the problem, however, does seem to be recognised by the Libyan national government. Especially since the tragic events at the American consulate in Benghazi September 2012, the national authorities have appeared to give priority to the area. Until then, authorities appeared rather hesitant, but widespread demonstrations in the cities of Libya and international reactions appear to have changed the attitude somewhat.³⁶

International NGOs as Amnesty International and International Crisis Group are also very aware of the problem. They point to the dangers of the armed groups in a number of reports. Yet, by terming the armed groups “militias” the NGOs appear to present a slightly limited understanding of them.³⁷ In effect, the armed groups are very diverse, holding different capabilities and objectives. While the number of armed groups multiplied under the revolution, they did so in response to different local conditions, and as a result, they have different ways of operating and self-perpetuating.³⁸ These differences will be elaborated in the following, as it is vital to take them into account, when planning a response to the challenge posed by the armed groups.

Even if categorisation always entails simplification, it is useful, as suggested by Brian McQuinn, to distinguish between four categories of non-state armed groups. By far the largest category of armed non-state groups is the revolutionary brigades. As the name indicates, these groups developed in the course of the revolution. They began as unorganised street fighting groups, but soon developed a remarkable force and strategic knowledge. Presumably, they now possess significant combat experience. Most members of the revolutionary brigades are students and employees in the private sector, while a smaller proportion are employees in the public sector, professionals or unemployed. Seemingly, they hold an identity as guardians of the revolution, responsible for its completion.

As a part of the revolutionary brigades broke away from the authority of local military councils in the later stages of the civil war, another category of armed non-state groups developed. McQuinn terms this category unregulated brigades. Even though they do not

³³ Militias Threaten Hopes for New Libya. In: AMNESTY INTERNATIONAL. London., p. 5.

³⁴ Ibid., 6.

³⁵ BARFI, B. & PACK, J. 2012. In War's Wake. The Struggle for Post-Qadhafi Libya. *Policy Focus*. Washington: The Washington Institute for Near East Policy., p. 19.

³⁶ LIBYA HERALD 22 & 28 September, 2012.

³⁷ This is shown in Amnesty International, 2012: “Militias Threaten Hopes for New Libya” and International Crisis Group: “*Holding Libya Together: Security Challenges After Qadhafi*” 2011:1

³⁸ MCQUINN, B. 2012. Armed Groups in Libya: Typology and Roles. *Research Notes. Armed Actors*. Geneva: Small Arms Survey. Graduate Institute of International and Development Studies., p. 2.

comprise a very large proportion of the armed groups, their roles in their communities make them significant. By breaking away from the revolutionary brigades, they earned legitimacy in local areas. A third category of armed non-state actors may be called post-revolutionary brigades. This kind of armed groups was formed, as Qadhafi forces were defeated in various parts of the country, leaving substantial security vacuums. Rapidly emerged, these groups are characterised by a significantly lesser degree of coordination, discipline and combat experience than the above-mentioned groups. However, the post-revolutionary groups are participating in armed conflicts with increasing frequency and intensity, thus gaining combat experience. Lastly, a small number of armed groups can be categorised as militias. They consist of violent extremists and conduct various criminal activities such as smuggling³⁹.

In principle, insight to the variations between the armed groups allows a differentiated approach to them and the security threats that they pose. It should be realised that the National Army of Libya is currently very weak as a consequence of Qadhafi's rule. Qadhafi perceived the army as a potential threat and therefore deliberately kept it divided and inefficient.⁴⁰ Thus, the army is in no position to control or defeat the different types of armed groups by force. Limiting the security threat posed by the armed non-state actors must, therefore, be obtained by alternative strategies.

Enhancing legitimacy of the National Army

In dealing with the revolutionary brigades, the most important thing to take into consideration is their identity as guardians of the revolution. In combination with their strong organisation, this identity makes it unwise to seek their total abolishment. Rather, it seems reasonable to integrate them in the National Army, thereby gaining control over the revolutionary brigades and strengthening the National Army at the same time. This approach has proven difficult, however, as the revolutionary brigades are highly suspicious of the National Army. A number of wartime leaders are still prominent within The National Army. According to McQuinn, the National army is, therefore, perceived as counter-revolutionary in the eyes of the revolutionary brigades.⁴¹

To address this problem, a more systematic purge of the National Army would be necessary. The establishment of the Integrity Commission in April 2012 can be seen as an attempt to initiate this process.⁴² This Commission serves to investigate any close links that appointees to high office have had with the former regime and in general expose any wrongdoings committed by them. Nevertheless, the Commission has been heavily criticised by human rights organisations and the general public for using the same methods as Qadhafi's regime, lacking transparency and consistency in its rulings.⁴³ The prospect of the newly drafted Political

³⁹ Ibid.

⁴⁰ HOLM, U. 2013. Libya in transition: the fragile and insecure relation between the local, the national and the regional. In: ANDERSEN, L. R. (ed.) *How the local matters. Democratization in Libya, Pakistan, Yemen and Palestine*. Copenhagen: DIIS., p. 28.

⁴¹ MCQUINN, B. 2012. Armed Groups in Libya: Typology and Roles. *Research Notes. Armed Actors*. Geneva: Small Arms Survey. Graduate Institute of International and Development Studies., 2.

⁴² HUMAN RIGHTS WATCH. 2013. Libya: Ensure 'Political Isolation Law' Respect Rights. Distinguish Vetting from Puring. Available from: <http://www.hrw.org/news/2013/01/22/libya-ensure-political-isolation-law-respects-rights> [Accessed 1 April 2013].

⁴³ See Libya Herald, 5 November 2012.

Isolation Law is, therefore, encouraging, even though the impact of this remains to be seen. In conclusion, integration of the revolutionary brigades is a difficult but daunting task.

The identity as guardians of the revolution does not seem to be important to the unregulated brigades. Indeed, it is thus more vital to consider their position in the local communities. While it is difficult to ascertain exactly what tasks the unregulated brigades perform, it is evident that their actions are highly dependent on the esteem of the local communities, as emphasized by McQuinn. Probably, what discourages the unregulated brigades mostly from disarming is the loss of prestige it would entail. Thus, it would pave the way for disarmament, if the unregulated brigades could be compensated for any feeling of degradation. This can only be achieved by considerable dialogue with the local communities, properly conducted by Libyan authorities without the support of foreign actors. In general, peripheral communities of Libya regard foreign actors with suspicion⁴⁴.

Thus, the potential of foreign assistance will be limited. Following the analysis made by George Joffé, referred to by Barak Barfi and Jason Pack, even Libyan central authorities will have great difficulties initiating the disarmament. The process will not be successful unless initiated by local actors, he states.⁴⁵ Considering the historical importance of the regions of Libya and malaises of Qadhafi's central institutions, resentment to centralisation is understandable. Certainly, this conclusion could undermine hopes for an impending resolution of the security threat posed by the unregulated brigades. Yet, it should rather serve to remind foreign actors to tread carefully when engaging in power struggles of Libya.

With regards to the post-revolutionary brigades, the conditions of the local communities are also essential to account for. Since the post-revolutionary brigades developed in response to the instability emerged after the retraction of Qadhafi's forces, reestablishing security should be first priority. If the revolutionary brigades are successfully integrated in the National Army it will have the positive side effect of easing the process of gaining control over the post-revolutionary brigades.

Naturally, the identity of the post-revolutionary brigades is also vital to consider, when approaching them. Their self-images as fighters are probably not as consolidated as the self-images of the revolutionary brigades and the unregulated brigades. According to Marlene Gottwald, a qualitative study shows that the majority of the armed non-state actors would prefer to return to civilian life rather than one in the military or police.⁴⁶ This indicates that engagement in brigades is more frequently related to the lack of meaningful alternatives than the outcome of deliberate decision. Establishing credible prospects of civil employment would thus significantly increase the chances of dissolving the post-revolutionary brigades. However, this constitutes a rather insoluble dilemma. To generate jobs in Libya, foreign investments are highly needed. Yet, they are also likely to be scarce as long as the security situation remains fragile.

Fortunately, the situation grants foreign actors other important tasks in addition to investing in Libya. As mentioned by Gottwald, one alternative for actors such as the EU is to provide vocational training for the young men currently engaged in the post-revolutionary

⁴⁴ LACHER, W. 2011. Families, Tribes and Cities in the Libyan Revolution. *Middle East Policy*, 18, 140-154., p. 150.

⁴⁵ BARFI, B. & PACK, J. 2012. In War's Wake. The Struggle for Post-Qadhafi Libya. *Policy Focus*. Washington: The Washington Institute for Near East Policy., 14.

⁴⁶ GOTTWALD, M. 2012. TEPESA BRIEF. Options for EU engagement in post-conflict Libya. Brussels: Trans European Policy Studies Association., p. 5.

brigades. Such offers of vocational training provide the young men with a meaningful alternative to violent activities. At the same time, it grants them competences to engage in civil life, preparing them for the jobs that hopefully will be generated in the future. However, according to Sharqieh, out of an estimated 200.000 members of armed groups, only 10.000 have signed up for the disarmament and reintegration programmes already initiated.⁴⁷ As for the group of armed non-state actors categorized as militias, it appears likely that progress within this area demands a strong and well-functioning National Army as well as further developed state institutions. Evidently, this process will take time. Until the process is completed, it seems that a “dual power” situation will remain in Libya. On one side, the relatively weak new leadership of the General National Congress and the Libyan Army represent the official Libya. On the other side, as emphasized by Sharqieh, “[T]he “uofficial state” led by the Supreme Security Council (...) and other military councils in the country, hold the real power.”⁴⁸

Conclusion

The un(der)developed state of Qadhafi’s Libya was partly an effect of the rentier-state left by King Idriss, but also, as shown, a result of the ideological ambitions presented in Qadhafi’s Green Book. The lack of institutional development of “the stateless society” was as such intentional, and although the abundance of fossil fuels in the Libyan underground at least potentially might make a reconstruction of post-Qadhafi Libya possible in the sense that the economic means are available, huge challenges lie ahead for the new leadership. Institution building is not an easy task after forty-two years of disastrous leadership.

It has been the idea of this article to discuss the recent situation in the new Libya, hereunder the possibilities for Libyan-European cooperation. In some areas Qadhafi, as mentioned, shared common interests with the EU, both in preventing radical groups from gaining foothold in North Africa and in controlling migratory movements from Africa south of Sahara into the Mediterranean security environment. The beginning normalization of Libya, following Qadhafi’s renunciation of WMDs in 2003, was also a signal to a rapprochement between Libya and the EU. A tool for this process was presented from the EU side with the publishing of the Country Strategy Paper and National Indicative Programme 2011-2013, but with the revolt and internal war from early 2011 further cooperation was no longer meaningful, at least until the conflict was over. According to an EU Commission Memo Libya has announced that it will join the UfM as observer. Maybe the project based approach which characterizes the UfM might be relevant in the Libyan context, but first of all a renegotiation of the trade agreements will have to be taken care of.

The lack of coherence between Libyas regions characterizing the country under Qadhafi was violently suppressed by the regime at the same time as the local elites and tribal leaders were bought off by nepotism and privileges. The new Libya is in principle based on democratic elections and the gradual establishment of modern institutions, but so far, as demonstrated, the new order is threatened by strong and diversified layers of armed groups, which even challenge the legitimacy of the National Army. As shown the weakness of the National Army is to some degree a result of Ghadafi’s “stateless society” in the sense that he deliberately kept the army weak and divided. Attempts at strengthening the national security system are taking place, but

⁴⁷ SHARQIEH, I. 2013. The Libyan Revolution at Two. In: LYNCH, M. E. A. (ed.) *Foreign Policy Middle East Channel*. Washington: Foreign Policy Middle East Channel., p. 4.

⁴⁸ *Ibid.*, p. 4.

so far the existence of an incoherent but strong network of local councils, brigades and militias creates a “dual power” situation in Libya, challenging the new regime and its security apparatus. This might be the most significant task to deal with, before a new order in Libya is a stable reality.

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