

# WHO CARES FOR LIBYAN SOVEREIGNTY?

International and Local Drivers of Post-2011 Reconstruction  
of Libyan Statehood

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Leiden University  
January 2019

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## Acknowledgement

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I firstly want to thank my parents, the two people whose support and guidance allowed me to achieve this level of education. I also want to thank my brother, my professors, my work colleagues, and Dr. Nicole van Os for their unlimited support throughout my Master's studies. I would further like to thank my close friends; Dr. Edith Szanto, Rawan Barzan, and Sherwan Hindreen for their willingness and readiness to discuss my thesis with me whenever I experienced setbacks and obstacles. I would also like to thank Dr. Alp Yenen for agreeing to be my second reader and for sharing his valuable tips during our thesis seminar sessions.

Lastly, but most importantly, I would like to express my sincere and deep gratitude to my advisor Dr. Marina Calculli who was my guide and mentor throughout this process and whose inputs, comments, and advice have helped me improve the quality of my work. I could not have finished this project without your help, and I will always remain grateful.

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## Abstract

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The exposure of Libya's political fragmentation and societal disintegration after 2011 was picked up by academics, journalists, and policy researchers who have written on that aspect of the Libyan reality more than any other. Libya is perceived as a fragile state with hundreds of armed groups, multiple claims of governance and tens of warring tribes. Both local and international actors have contributed to this image, but this thesis attempts to argue that there is more than the fragile and disorganized state discourse to describe Libya. The fact that Libyan unity, sovereignty, and independence have survived this extreme level of fragmentation is a question that deserves to be investigated. Thus, through the use of wide-range of theories, academic and policy papers, news articles, survey data, and political agreements reports, this thesis aims to answer why and how Libya managed to preserve its status as a state in such an environment.

It treats the question as a question of sovereignty by arguing that the traditional definition of sovereignty limits our ability to comprehend the state issue in Libya fully. By focusing on different aspects of sovereignty and by selecting broader definitions of the concept, this thesis argues that Libya's unity and sovereignty have been preserved so far because international and local actors benefit from this arrangement even though they may be (in)directly contributing to fragmentation in the country. The international community is not willing to let states fall-apart, and the Libyan people do not seem to favor division and separation movements. Local state and non-state actors realize this arrangement, and they have not challenged thus far.

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## Introduction

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Few scholars have researched Libyan history, politics, culture, and economics, let alone Libyan sovereignty and statehood. Academic production on the country can go easily unnoticed if compared to books and articles on Egypt, Turkey, or other countries in the MENA region. Recently, the country has received more attention after the events of 2011 and the NATO-led intervention that has assisted the rebels in their mission to bring about an end to Gaddafi's regime. Academic and policy publications on the country increased rapidly and contributed to shaping the new image of Libya — one of fragmentation, conflict and civil war.

In a year-long process of research, I have learned many surprising, yet interesting facts about the causes of fragmentation in Libya. The most critical among them is that the disorganization of the Libyan state after 2011 is not only a cause of the uprising, but rather a reaction to forty years of divide and rule policies. Colonel Gaddafi has intentionally kept Libya 'stateless,' weakened its public institutions, and created rifts among the Libyan society to ward off threats away from the regime. Post-2011 developments have further advanced political and regional fragmentation in Libya. The inability of different contesting groups to work together and to agree on a single political framework has proved damaging. Further, the existence of hundreds of armed groups have escalated the level of disorganization in Libya. In the last seven years, Libya has witnessed the collapse of multiple governments, simultaneous claims of governance, cycles of local and regional conflicts, the fall of state institutions in the hand of revolutionary groups, and many violent local and tribal clashes<sup>1</sup>.

Nonetheless, one thing has remained a mystery, and it kept my mind busy throughout the learning process. I wondered how is it possible that Libya did not fall apart as a result of this extreme level of political and local fragmentation. What factors have sustained Libya, its borders, and its unity in the face of all these challenges? Also, what compels the three historical regions of Cyrenaica, Tripolitania, and Fezzan to remain united as one country in such a discontented environment?

These questions continued to entertain my thoughts until I knew that this is what I should write about. Thus, this thesis will attempt to explain why and how Libya has maintained its independence as a united country with fixed borders despite the extreme fragmentation and disorganization that the country has been going through.

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<sup>1</sup> An analysis of the causes of fragmentation in Libya will be presented in the Historical Background.

By focusing on the idea of sovereignty, this thesis aims to show that a combination of changes, developments, and factors on the international and the local stage have contributed to preserving the state in Libya. More specifically, it argues that Libyan unity is a function of the convergence of international and national interests. Both local and external dominant players have indeed contributed to preserving and recreating the ideals and the image of the state in Libya, for 'unity' better served, and continues to serve, the pursuit of their goals.

The hypothesis will be further developed throughout the thesis which starts with a literature review followed by a theoretical framework and a methodology section. A historical overview chapter precedes the analysis which consists of three chapters. Each chapter will focus on a specific group of actors. The first focuses on international community efforts, which includes the UN and its support mission in Libya, Western and European powers with interests in the country, and Arab states. The second chapter is on revolutionary and armed groups. The chapter analyzes how Libya's revolutionary groups threaten their interests by challenging 'unity' and sovereignty. It presents a case study of a conflict between the Libyan National Army and the Government of National Accord to support this hypothesis. Finally, the third chapter on the tribes and traditional authorities examines how tribes in Libya have contributed to strengthen the 'unity' and sovereignty discourse in order to preserve their interests and political standing. The whole arguments are then summarized in a brief conclusion with which the thesis ends.

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## Problematizing Libyan ‘Unity’

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### Literature Review: Libyan Sovereignty in Perspective

The central question of this thesis is why Libya managed to stay as one united country despite the high level of political, societal, and even territorial fragmentation. Academic productions on Libyan modern history, its rentier nature, and authoritarian regime shows that fragmentation is not a post-2011 development. Instead, Gaddafi and his associates have planted the seeds for divisions and statelessness much before the 2011 Uprisings, yet these policies have not managed to bring about the total disintegration of Libya.

Youssef Mohammed Sawani explains that despite Gaddafi’s claims of direct democracy, the leader continued to favor patron-client relationships, nepotism, and favoritism over public administration and local governance mechanisms. Instead of serving ordinary Libyans, the administration under Gaddafi functioned for the benefits of the Colonel and his clients. As a result, the weak state institutions and public administration structures were unable to implement policies nationally, or coordinate with local governance bodies at the municipalities’ level without Gaddafi’s approval<sup>2</sup>. Furthermore, Libya is an ideal example of a rentier state with no social contract to maintain the relationship between the regime and the population. A brief discussion of the rentier state in Libya is key to understand how Libyan sovereignty was ‘constructed.’

Camilla Sandbakken, who chose Libya, Niger, and Algeria as her case studies, explains that the economic conditions of rentier states determine the range of political choices available for their governments. In principle, rentier states do not have to depend on taxes from their populations to cover for state financial obligations. Thus, populations in rentier states get little representation at the political level. However, governments can gain legitimacy through government spending, subsidizing different sections of the economy such as health, education, employment, infrastructure, forming patron-client networks, and by offering public sector and management jobs based on political loyalties rather than merits. Citizens come to depend directly on the state for income. Furthermore, Oil rents - which are delivered directly to the state - allows it to buy-off or suppress political opposition. A side effect is the increase of corruption and the lack of accountability and transparency<sup>3</sup>.

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<sup>2</sup> Youssef Mohammed Sawan, “Public Administration in Libya: Continuity and Change,” *International Journal of Public Administration*, 2017, P. 809.

<sup>3</sup> Camilla Sandbakken, “The Limits to Democracy Posed by Oil Rentier States: The Case of Algeria, Nigeria, and Libya,” *Democratisation*, 2006, P. 135-140.

Additionally, oil rentier states do not usually have a middle class that is independent of the regime to resist it. Libya had no civil society or technocrats under Gaddafi. Their power and numbers were marginalized after a coup attempt in 1975. The religious and the academic community were gradually neutralized into the system, and the opposition groups in exile do not enjoy much legitimacy among Libyans. Consequently, political competition can only occur through the control of oil resources. When opposition groups or oppressed civilians gain access to oil, it is unlikely that they will discard it<sup>4</sup>.

Sandbakken concludes that wealth from oil, among other factors, creates a social contract that is not favorable to democracy. “The combination of welfare expenditure, repression and the fragmentation of the social structure has made a transition to democracy highly unlikely.<sup>5</sup>” Libya’s abundant oil resources, have indirectly advanced a sovereignty framework different from the Westphalian norm. The rentier nature of Libya, has shaped the development of sovereignty and unity in the country and contributed to their consolidation after independence.

As in other rentier states in the region, Libya has an overstuffed malfunctioning public sector. The post-2011 transitional authorities faced the challenges of governing a country with an inefficient system of public administration. Regardless of its ineffectiveness, the public sector remained to be the biggest employer in Libya. At the eve of the revolution, 85% of the Libyan workforce served as civil servants in different capacities that range from security to education<sup>6</sup>. In addition, the decline of oil rents, Libya's sole economic resource, after the uprisings resulted in more massive deficits, higher public debt and eroding foreign reserves<sup>7</sup>.

As a reaction to the crisis, transition governments opted to dismiss most of the planned or partially implemented pre-2011 reform policies. The result was that the public sector expanded by putting all armed groups under the government’s payroll and the contraction of governance space left for local authorities. “Libya is currently dominated - and its resources are squandered by - a multitude of non-state actors. This has had the effect of bringing the state to near collapse. The most substantial power currently lies outside the formal system.<sup>8</sup>

For Sawani, the failure of transitional governments to reform state institutions is partially due to the mismanagement of the former regime that has weakened these institutions

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<sup>4</sup> Ibid.

<sup>5</sup> Id, P. 146

<sup>6</sup> Sawani, P. 809-810

<sup>7</sup> Id, P. 813

<sup>8</sup> Id, P. 816.



capacities and burdened their payroll. The exhaustion of public administration structures was further exacerbated by the events following the uprisings and by thousands of armed men who were expecting financial rewards for their revolt against Gaddafi<sup>9</sup>. The pressing need of non-state actors to access and control state economic resources, meant that Libyan internal sovereignty was breached and its territorial unity threatened by the multiple local warring parties.

In “Libya’s local elites and the politics of alliance building,” Wolfram Lacher argues that a group of locals composed of armed group leaders, businessmen, tribal and community elders is involved in power struggles to seize state power and resources and prevent its consolidation<sup>10</sup>. These elites benefited from and contributed to Libya’s state dissolution, territorial fragmentation, and loss of control over constituents and territory; nevertheless, they still hold the key for the reestablishment of central authority<sup>11</sup>.

Lacher explains that these elites have three long-term options: they either empower the state and themselves at the same time, form an alliance that exerts control at the national level, or consolidate power locally and prevents the return of the country. Their choice relies on their dependence and connection to the state. On the one hand, elites who are dependent on the state for financial resources, or whose activities require the emergence of stability and peace in Libya will tend to choose one of the first two options. On the other hand, elites who benefit from the absence of the state, such as smugglers, armed gangs, and warlords who try to control Libyan oil resources, will tend to prefer the last option<sup>12</sup>.

Lacher, as Sawani, agrees that the uprisings have not primarily caused rifts and struggles between local elites. Gaddafi intentionally prevented the emergence of state institutions, except for the security apparatus, and ruled the country by exploiting local, regional and tribal strife. Thus, community rifts played a significant role during the 2011 uprisings. Some community figures decided to support the revolution, while other supported Gaddafi. Elites from cities that supported the uprisings, such as Misrata, were heavily represented in transitional governments, while those who opposed it were excluded from the political table<sup>13</sup>.

The GNA (Government of National Accord) that was formulated in 2015 by a UN and international initiative did not and could not intervene to put an end to local power

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<sup>9</sup> Id, P. 816-817.

<sup>10</sup> Wolfram Lacher, “Libya’s Local Elites and the Politics of Alliance Building,” *Mediterranean Politics*, 2015, P. 64.

<sup>11</sup> Ibid.

<sup>12</sup> Id, P. 65-66.

<sup>13</sup> Lacher, P. 80-81.

struggles and community disintegration because it came under the mercy of these diverse local elites from the very moment it entered Libya. Lacher, admits the historical factor for Libya's fragmentation, but he established that the GNA and its institution had become the victim of local elites' competition for power and resources<sup>14</sup>. It's not only the GNA that has become a victim of the local conflicts, revolutionary groups, and regional interests. Libyan sovereignty and unity has become a victim to these developments that continue to threaten statehood in the country.

A common aspect of all works reviewed here is that the fall of Gaddafi in 2011 was a shock that unleashed local, regional and tribal grief. These communities' rifts that have been used by Gaddafi as a policy to rule the country for more than forty years resulted in the massive fragmentation of the Libyan societal and political landscape once Gaddafi was removed from the picture. However, Libya's severe disintegration did not result in dividing the country, and the idea does not seem to hold substantial merits among Libyans citizens who seem to be attached to their country's identity regardless of their political aspirations.

Ariel Ahram holds that sovereignty in Middle Eastern states has always been tenuous. Arab countries enjoyed legitimacy at the international level, but their legitimacy was constantly contested internally by some of the population. This is not to claim that the legitimacy of the state itself has been contested, the people usually accept that state but not the regimes that govern them. Ahram gives Libya, Lebanon, and Iraq as countries where this acceptance of the state but not the government is apparent<sup>15</sup>.

Efforts to dissolve the state, fragment or legally divide it has failed thus far. For example, even though some elites from Cyrenaica in Libya have attempted to restore the first Libyan constitutions in which the three regions were treated separately, and each had its federal government, their efforts were in vain. The ground of their demands is that Cyrenaica is the oil-rich region of Libya, while its population has been denied access to the benefits of oil for a long time. Nevertheless, this group of elites was not able to mobilize enough people behind their cause<sup>16</sup>.

Finally, Ahram agrees that the international order today prefers to preserve the status quo which makes the creation of new states out of existing ones extremely rare. Thus, international powers will continue the rhetoric of helping and supporting de jure states to achieve de facto control over their territories<sup>17</sup>.

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<sup>14</sup> Ibid.

<sup>15</sup> Ariel I. Ahram, "Territory, Sovereignty, and the New Statehood in the Middle East and North Africa," *The Middle East Journal*, 2017, P. 348-349

<sup>16</sup> Id, P. 354-358

<sup>17</sup> Id, P. 362

Louise Fawcett maintains that the territorial unit in Middle Eastern states is likely to survive, but the control of borders and sources of internal authority might become fragmented. According to the author this state of affairs has already prevailed in Libya. He adds that a critical feature of fragile states is their inability to exert power within its borders and the sources of its internal authority get divided along regional and local lines leaving massive proportions of state territory ‘governmentally empty.’<sup>18</sup>

Accordingly, these states become characterized by conflict, porous borders, and fragmented governance. Regardless, Fawcett stresses that “most citizens of the Middle East today identify with ‘their’ state alongside other tribal, religious, or ethnic associations.”<sup>19</sup> Furthermore, the majority of domestic actors who contribute to political disorder and contest with government mechanisms, in countries such as Libya, actually describe the preservation of state borders as a top priority. Fawcett concludes that the most likely scenario constitutes of a long period of conflict and instability, but it is unlikely that a change in state borders will occur in any Arab country, even in cases of extreme political disorder such as Libya<sup>20</sup>.

William Zartman clarifies that the collapse of the state in Libya cannot be attributed to the Arab Spring. He contends that Libya and other Arab countries were already hollow on the inside before the uprisings. The collapse of responsible governance in the Arab world that happened many years before the Arab Spring led to the emergence and the strengthening of identity politics and local, religious and tribal affiliations, not the other way around. This trend continued and intensified after the uprisings because the Libyan state was not able to recover from the sudden regime change<sup>21</sup>.

Nonetheless, Zartman, as Fawcett and Ahram, believes that Libya will not be carved into three separate states based on regional divisions. Even though it has been argued that Tripolitania belongs to the Maghreb, Fezzan to Africa and Cyrenaica to Egypt, they have not become parts of these regions still. Their politics might be affected by surrounding areas, but they do not take precedence over their position as part of Libya. The borders that were created in 1951 have shaped Libya and the Libyan national identity, and they are likely to remain intact<sup>22</sup>.

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<sup>18</sup> Louise Fawcett, “States and Sovereignty in the Middle East: Myths and Realities,” *International Affairs*, 2017, P. 794-796.

<sup>19</sup> *Id.*, P. 797

<sup>20</sup> *Id.*, P. 805-807

<sup>21</sup> William Zartman, “States, Boundaries, and Sovereignty in the Middle East: Unsteady But Unchanging,” *International Affairs*, 2017, P. 941-944.

<sup>22</sup> *Id.*, P. 939-940

## Sovereignty and ‘Unity’: A Theoretical Framework

The question of why Libya remains a united country with unchanging boundaries despite the extreme level of fragmentation is a question of sovereignty. The Stanford Encyclopedia of Philosophy defines sovereignty as “supreme authority within a territory. It is a modern notion of political authority... The state is the political institution in which sovereignty is embodied<sup>23</sup>.” Meaning that, sovereignty is the supreme authority of the state within its legal boundaries. Taking this traditional definition of sovereignty into account, begs the question of why Libya has not disintegrated yet. Consequently, there is a need to expand the definitions of sovereignty and statehood to answer why Libya is still a widely recognized sovereign state that exist within fixed borders. This puzzle will be analyzed based on recent theories on sovereignty and the state that have been developed to fit the new world order.

- **Sovereignty in the New World Order**

In *Quasi-States: Sovereignty, International Relations, and the Third World*, Robert H. Jackson argues that the traditional understanding of sovereignty can no longer be applied to the post World War II international order – especially in quasi-states. A characteristic of quasi-states is that “their governments are often deficient in the political will, institutional authority, and organized power to protect human rights or provide socio-economic welfare<sup>24</sup>.” Libya can be thought of as quasi-state according to this definition. The country lacked institutional authority and organized power even before 2011. This lack of central power has become more emphasized after the uprising 2011. Another attribute of quasi-states, such as the case in Libya, is that they lack established institutions that can outlast the individuals who occupy them<sup>25</sup>, and enjoy uncontested international recognition but their populations do not possess the benefits that are usually associated with independence and statehood<sup>26</sup>.

However, the weakness of states is no longer an invitation for foreign intervention or justification for international support of rebel, armed, or revolutionary groups. States can no longer be deprived of their right to independence, territorial unity, or sovereignty even if they are going through internal wars and conflicts and despite their disorganization or regime

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<sup>23</sup> Stanford Encyclopedia of Philosophy: <https://plato.stanford.edu/entries/sovereignty/#1>

<sup>24</sup> Robert H. Jackson, *Quasi-States: Sovereignty, International Relations, and the Third World*, Cambridge University Press, 1990, P. 21.

<sup>25</sup> Id, P. 22.

<sup>26</sup> Id, P. 21

illegitimacy<sup>27</sup>. Furthermore, weak states are not perceived as an international threat anymore. Instead, they present an opportunity and valid grounds for positive assistance and support<sup>28</sup>. Assisted by this theory, the same concept holds true in Libya, where the international community has intervened in multiple occasions to help maintain Libyan unity and prevent the escalation of disintegration.

To allow one country to fall apart means unleashing a process of separation movements around the world which will directly threaten the established international order. Thus, more developed states are now willing to provide economic and security support to prevent more state failures. The protection of the moral and legal framework of the state system has become a priority for the UN and the international community<sup>29</sup>.

Recent developments at the international stage have contributed to the development of two distinctive types of sovereignty; negative and positive. Negative sovereignty entails freedom from outside interference and a legal and formal right to exist<sup>30</sup>. On the other hand, positive sovereignty means that a state can use the advantages of their existence and independence to engage in state-building activities<sup>31</sup>. Keeping these two different forms of sovereignty in mind, Libya can be categorized as negative sovereignty since it ensures its independence based on international laws. The International community can provide Libya with the former, but it cannot ensure the latter as “state-building is primarily a domestic process occurring over a long period of time that can only be brought about by the combined wills, efforts, and responsibilities of governments and populations<sup>32</sup>.” Thus if Libya wanted to achieve positive sovereignty, the population as well as the representative should engage in a domestic state-building process.

- **The Symbolic Aspect of Sovereignty and Statehood**

In addition to expanding on the theory of sovereignty, there is a need to make a distinction between the symbolic and the physical realm and another between the state as an object and the state as a subject when trying to answer how and why Libya has survived political disorganization and rebel groups to this day.

In his collection of lectures *On the State*, which were published in a book with the same title, Pierre Bourdieu explains that the way societies perceive the state is the product of

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<sup>27</sup> Id, P. 23.

<sup>28</sup> Id, P. 26-27

<sup>29</sup> Id, P. 42-44.

<sup>30</sup> Id, P. 27.

<sup>31</sup> Id. P. 29.

<sup>32</sup> Id, P. 21.

the state itself and that is why the concept of the “state” composes a perplexing notion. He claims that “if we have particular difficulty in thinking this object, it is because - and I weigh my words - almost unthinkable<sup>33</sup>.” But as a provisional description to build on, Bourdieu articulates that the state can be considered as “the sector of the field of power, which may be called “administrative field” or “field of public office’, this sector that we particularly have in mind when we speak of ‘state’ without further precision, is defined by possession of monopoly of legitimate physical and symbolic violence<sup>34</sup>.”

The addition of the symbolic realm to the mix is what makes Bourdieu’s model stand out. For Bourdieu, the monopoly of symbolic violence is a precondition for the possession and the exercise of physical violence. Advancing the idea that the state has only power over the material is not enough because public order is built on consent rather than coercive power solely - consent itself is a symbolic gesture<sup>35</sup>.

Bourdieu goes further to reject the definition that Marxists including Marx, Gramsci, and Althusser give to the state. The Marxist interpretation of the state is “an apparatus of constraint, of maintenance of public order” that is geared towards the benefit of the dominant class and not the citizenry. Bourdieu’s rejection is based on the ground that the Marxists explain the state according to its functions and practices, but they do not indicate what the actual structures and mechanisms of the state are. Mechanisms are those whose duty to produce the foundation of the state itself. He insists that nothing will be learned on the state if we continue to define it by its functions<sup>36</sup>.

Bourdieu makes a clear distinction between the two meanings for the word state in dictionaries: the first identifies the state as bureaucratic apparatus that manages public or collective interests; the second is a territory with artificial boundaries on which the authority of the apparatus as mentioned above is exercised<sup>37</sup>. For Bourdieu, the second has to come before the first. When we think of states, we give priority to the first, but for Bourdieu, this is irrational because nationalism at its basic sense arms itself with linguistic and cultural unity, not administration and ministries, however, they achieve administration through establishing a state<sup>38</sup>.

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<sup>33</sup> Pierre Bourdieu, *On the State: Lectures at the College de France, 1989-1992*, Polity Press, 2014, P. 3.

<sup>34</sup> Id, P. 4.

<sup>35</sup> Ibid.

<sup>36</sup> Id, P. 4-6.

<sup>37</sup> Id, P. 31.

<sup>38</sup> Id, P. 124.

To sum up, Bourdieu's state is "a hidden principle that can be grasped in the manifestation of public order understood in both the physical and the symbolic sense<sup>39</sup>." Citizens, state agents and non-state actors all experience the state and recreate it through their most basic physical and symbolic activities. This thought is central to this thesis as Libya is still a country where the state idea persists in people's lives symbolically despite the intense level of fragmentation. For example, Libyans continue to prefer legitimate state security providers to militia and armed groups even though the former lacks the resources and the ability that the latter enjoys<sup>40</sup>. Further, almost all non-state actors, such as the armed groups and the tribes, are dependent on the state for funding and resources<sup>41</sup> — an arrangement which makes the state more present symbolically. The analysis that follows will attempt to explain how Libyans continue to perceive the state as the legitimate power holder even though a multitude of local actors effectively controls the country.

- **The Symbolic in Performative Sovereignty**

Jose Martinez and Brent Eng hold that their understanding of the state drifts from the commonly accepted conception of the state that focuses on the institutionalization of power. They criticize this approach because it creates a discrepancy between state and society and they conceal the daily deeds through which political authority is accomplished. Thus, they instead focus on the symbolic activities and technologies of governance that make governmental authorities tangible and thinkable<sup>42</sup>.

Martinez and Eng 'theorize political authority, whether enshrined in the state or a rebel government, as an assemblage produced through everyday acts intended to convince an audience of particular sovereign arrangements<sup>43</sup>.' In other words, they focus on everyday practices that recreate the existence of the state, and how rebel groups or existing regimes use these practices to shape political loyalties and consolidate their authorities.

Their framework is based on Alex Jeffrey's concept of "performing the state" (2013) for him performing the activities of the state has been one of the most critical measures for both non-state actors and incumbent authorities that seek their defeat. These practices play a crucial role because if performed successfully, they foster legitimacy and demonstrate an

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<sup>39</sup> Id, P. 4.

<sup>40</sup> Floor El Kamouni-Janssen et al. "Local Security Governance in Libya: Perceptions of Security and Protection in a Fragmented Country," *The Clingendael Institute*, October 2018, P. 27-28: [https://www.clingendael.org/sites/default/files/2018-10/diversity\\_security\\_Libya.pdf](https://www.clingendael.org/sites/default/files/2018-10/diversity_security_Libya.pdf)

<sup>41</sup> Ibid.

<sup>42</sup> Jose Ciro Martinez and Brent Eng, "Stifling Stateness: The Assad regime's campaign against rebel governance," *Security Dialogue*, 2018, P. 236.

<sup>43</sup> Ibid.

ability to govern but if failed, they result in more considerable dissatisfaction and resentment. Certain practices carry larger symbolic weight than others especially ones that are connected with specific historical manifestation of authority in a given place and time<sup>44</sup>.

The two scholars also observe that reliance on force is not a long-term strategy that can foster allegiance among a specific population; it is a precondition but not an end goal. If non-state actors want to challenge the state, they should focus on the provision of services and the establishment of state institutions. Effective governance is more critical for rebel groups than it is to state actors since they cannot take the affiliations of citizens with them for granted<sup>45</sup>.

This theory of rebel governance and performative sovereignty will be applied to Libya. The security vacuum created by the rapid disintegration of the Libyan army during the uprising allowed revolutionary and armed groups to attempt to fill the void. The actions of armed and revolutionary groups to perform the state have problematized and weakened central authority<sup>46</sup>, but the question remains whether their efforts had tangible results and whether they were able to break the bond between state and society. Most importantly, the application of rebel governance theories on the situation in Libya will contribute to the larger picture and will provide insights on whether armed groups are a threat to Libyan unity and existence. This will be further discussed in chapter two in this thesis.

- **Hybrid Sovereignty in the Arab World**

Gokhan Bacik presents another challenge to the endured meaning of sovereignty in his book *Hybrid Sovereignty in the Arab Middle East: The Cases of Kuwait, Jordan, and Iraq*.

Gokhan Bacik suggests that the definition of sovereignty does not fit in the Arab Middle East. Instead, he proposes the concept of hybrid sovereignty as an alternative approach that is more applicable to Arab countries. Bacik's main argument is that when the western model of sovereignty and nation states was injected into the Middle East after the dissolution of the Ottoman Empire and up until the end of World War II, it had to cohabit the same space as traditional institutions that have their effect on politics and culture<sup>47</sup>.

In Libya, the tribes, religious sects, and public and local authorities are all examples of these institutions. Traditional authorities had to adapt and transform in reaction to the new

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<sup>44</sup> Id, P. 237.

<sup>45</sup> Id, P. 238-240.

<sup>46</sup> An observation made by the two scholars in regards to Syria but it is equally valid for Libya, P. 247.

<sup>47</sup> Gokhan Bacik, *Hybrid Sovereignty in the Arab Middle East: The Cases of Kuwait, Jordan, and Iraq*, Palgrave Macmillan, 2008, P. 1.



realities, but they did not cease to exist. The use of Bacik's theory will help demonstrate that sub-national identities did not emerge suddenly in post-2011 Libya. They existed before the Libyan independence in 1951, and they have evolved and played different roles since then, depending on their relationship to political power holders during the Monarchy, Gaddafi reign, and post-2011 transition governments and national bodies. The realization that these identities have a history of coexistence with the nation-state in Libya will assist in explaining their role in the Libyan conflict and their relationship to the state.

Furthermore, the concept of hybrid sovereignty can help explain that sub-national groups, such as the tribes in Libya, do not always challenge state authority and they are not necessarily against the nation-state, they seek ways to accommodate their interests with the national framework. They become a threat to national unity and stability when their interests conflict with state interests<sup>48</sup>. Drawing on such understandings of the state, this thesis will explore what role have international actors played in fostering and maintaining Libyan unity after 2011, and how the conditions posed by the so-called "international community" have in turn shaped the preferences of local actors.

## Methodology

The theoretical framework developed earlier will serve as the backbone to this thesis to explain why Libya survived its shattered reality thus far and how its borders managed to stay intact.

The first chapter of the analysis will build on the concept of quasi-states within the international order to show how the actions of the international community prevented the escalation of tension and disintegration on some occasions that followed the Libyan uprising. States no longer exist in a vacuum. They have to fit within the rules and the norms on the international stage, and the international community reacts to national developments and issues as well. Besides the theoretical part, the chapter will analyze the importance of the UN role throughout the past seven years and their role in brokering the Libyan Political Agreement and the Libyan National Conference process.

The arguments of the first chapter extend into the second which that focuses on armed and revolutionary groups reactions to development inside and outside Libya. The second chapter will use theories on rebel governance to explain why armed groups did not choose to challenge the idea of statehood in Libya and what factors push them towards the ideals of the

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<sup>48</sup> Id, P. 5-7

state and its unity. Also, the chapter will include a section on Libyan public opinion on armed groups - why it is essential to consider and how it relates to the bigger picture.

The third chapter focuses on traditional authorities, and specifically the Libyan tribes that continue to have a significant influence on national politics. The theory of hybrid sovereignty comes in handy for this portion of the thesis which aims to demonstrate that the institution of the tribe has coexisted alongside the institution of the state in Libya. The chapter attempts to indicate that challenging the state and its unity is not necessarily a priority for tribes as this could pose a threat to their interests. It will be divided into two main sections. One will focus on tribe-state relations and one on tribe-society relation and how the latter might affect the nature of the former and the choices tribal elders make on the national political stage.

Bourdieu's concept of symbolism appears throughout the thesis in explicit or implicit ways. In the absence of a functioning national government, and with the presence of many actors involved in what seems to be a zero-sum game - as most actors seem to be equally weak/strong - the symbolic deeds of these various players have become as important as their physical acts.

In order to compensate for the shortage of academic papers and books on Libya, supported and supplemented through the use of news from reputable sources, survey data, governmental and ministerial websites and social media accounts, in addition to think-tanks and policy publications. To further strengthen the analysis, I have been involved in a year-long observation process during which I have closely followed the developments in the country through social media, and direct interactions with Libyans through work. The empirical part of this thesis rests on primary data. I had the privilege of contributing and accessing survey data collected by the Clingendael Institute during the first half of 2018 in eight municipalities in western and southwestern Libya. The survey interviews focused on local and security governance and the responses received fit naturally in the analysis parts on militias and armed groups. The surveys were carried out by Libyan local partners who have conducted the survey in the form of one-to-one interviews with respondents from eight different municipalities: Tripoli, Al-Zawiyah, Gharyan, Ghat, Ghadames, Misrata, the Warshafana region in southern Tripoli, and Sabratha<sup>49</sup>. The Clingendael Institute was happy to allow the use of the collected data in this thesis. While the theories and sources used in this thesis are broad and various, one persistent limitation is the lack of data and information from Eastern Libya. A region that is currently hardly accessible to researchers. The thesis

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<sup>49</sup> More on the survey and its methodology:

<https://www.clingendael.org/cru/Libya%20website/Methodology%20brief.pdf>

acknowledges this gap that is why the majority of examples and case studies will be on Western and Southwestern Libya.

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## Historical Background

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A hybrid nature of sovereignty and security has characterized the aftermath of the Libyan uprising, but this arrangement is not new to the country. Rather it has roots in Libya's historical development as a state throughout its modern history. It is true that after the fall of Gaddafi, this hybrid nature has divided the country along political, social, regional, tribal and religious lines, but it did not result in the formation of noticeable attempts at separation or division.

The resilience of Libya's unity during a time of extreme fragmentation is what this thesis tries to analyze. Thus, it is crucial to provide a brief historical overview of developments in the country over the past century to explain why fragmentation has roots in Libya's modern history and what factors contribute to the resilience of Libyan unity.

Before providing the historical overview, it is important to briefly mention the actors who are politically relevant in Libya today. The list of actors include the tribes, the armed groups (of all variations), the Government of National Accord (GNA), the House of Representatives (HoR), the Presidential Council (PC), the State Council (SC), the Libyan National Army (LNA) under the leadership of Marshal General Khalifa Haftar, and the United Nations Support Mission in Libya (UNSMIL). The list is composed of actors that are relevant during the time of writing this thesis. Many former post-2011 actors and organizations have perished, and it is likely that some new ones will emerge in the upcoming years.

### The Ottomans, the Italian Colonization, and the Accidental Monarchy

In the early modern period, the three historic regions of Libya, Fezzan, Cyrenaica, and Tripolitania, were first brought together under one administration by the Ottomans. The Ottomans stretched their authority as far as Ghat and al-Kufrah in the Libyan south. Even then, however, the Ottomans were only able to exert their full authority in the urban centers along the Mediterranean coast. For administration outside the major cities, the Ottomans depended on tribal elders, religious figures, and wealthy merchants to maintain loyalty to the Sultan and collect taxes. As a result of this cooperation between local figures and the Ottomans, local identities and traditional authorities remained influential in Ottoman Libya<sup>50</sup>.

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<sup>50</sup> Dirk Vandewalle, *A History of Modern Libya*, Cambridge University Press, 2012, P. 20-23.

The Libyans first encounter with central administration and state institution happened when the Italians occupied the country in 1911. Initially, the Italians followed a strategy similar to that of the Ottomans, and they maintained good relationships with local elites who helped them run the country. In 1935, however, the Italians decided to exert full authority over the entire political sphere in the three regions of Libya. The power of the tribes, religious, and regional elites was diminished, and Italy constructed an exclusive governance system in which the Libyans played a minimal role. Naturally, the Libyans attempted to challenge Italian colonization. The Sanusi religious order and the tribes allied with it under the leadership of the Libyan national hero Omar al-Mukhtar formed the most prominent opposition block to the Italian rule. Nonetheless, their efforts were not enough to achieve Libyan independence before the outbreak of World War II<sup>51</sup>.

Italy lost control over Libya during World War II. The French and the British were able to force the Italian army out of Libya. The country was then designated as a UN Trusteeship. Under this arrangement, the UN gave the British control over Cyrenaica and Tripolitania and assigned Fezzan to the French. The two countries were instructed to fulfill Libyan hopes for independence before January 1, 1952. The British favored their war ally prince Idris al-Sanusi who was able to form a semi-independent emirate in Cyrenaica while maintaining his close ties with Britain. Through British support, he launched a campaign in Cyrenaica, but also in Tripolitania and Fezzan that aimed at uniting the three regions under his leadership. The process proved to be long and shaky, but eventually fear of carving up the country under British and French mandatory authority brought all parties together. The residents of Fezzan preferred to join the union over remaining under French authority, and the Republicans of Tripolitania favored a union with the other two regions under Sanusi leadership over British control. Thus, and in December 1951, the international community welcomed Libya as an independent federal monarchy with prince Idris as its first king<sup>52</sup>.

The newly appointed king decided to depend on tribal, religious, merchants and local elites to compensate for the lack of administrative capacities in the country. The king's close circle of associates and tribal figures from the East, the West, and the South of Libya secured the most senior positions in the country and the upper house of the Libya parliament, the House of Elders, was mostly composed of tribal sheiks. The discovery of vast oil reserves in the late 1950s improved the king's ability to strengthen and expand his patronage system in order to safeguard his regime. In 1963, the King united the three parts of Libya under a central administration and dismantled the federalism that initially brought Libyan regions

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<sup>51</sup> Id, P. 24-34.

<sup>52</sup> Id, 34-43.

together. Consequently, state institutions were kept weak under King Idris I and Libya developed into a typical rentier state in which patronage, clientelism, and favoritism prevailed<sup>53</sup>.

### Gaddafi's Libya

When Gaddafi removed the King from power in 1969, he promised to bring an end to Libya's system of favoritism and its rentier nature. Thus, he disavowed tribalism and stressed that Libya's new revolutionary spirit does not reconcile with traditional authorities and practices. He, consequently, removed the monarchical elite from senior positions and replaced them with his revolutionary military companions. Nonetheless, Gaddafi's promises contracted his desire to consolidate his power and grip over the country. His third universal theory outlined in the Green Book promised Libyans direct democracy. Instead, Gaddafi established a firmly authoritarian system in Libya, with no written constitution, and with intentionally weakened institutions except for the security apparatus<sup>54</sup>.

Gaddafi's repressive policies alienated many of his revolutionary allies who assisted him in taking over power in 1969. Furthermore, the inability of the regime to deliver on its promises, the multiple coups against Gaddafi, the regime involvement in supporting terrorism abroad, and the UN sanctions against Libya that were implemented in the early 1990s weakened the regime legitimacy both domestically and internationally. As a result, Gaddafi had to fall back on tribal support to protect his position. The Colonel exploited regional rifts and tribal strife to direct any populist threats away from his regime. He reconfigured the country's administrative boundaries to divide communities and tribes. Further, he bought the loyalties of certain tribes in each locality through the use of public capital and offices. He mandated his Revolutionary Committees to implement these tactics and gave them more power than municipal councils and state institutions<sup>55</sup>.

Furthermore, Gaddafi constructed and empowered a security apparatus alongside the intentionally weakened Libyan army. The newly established brigades main duty was to protect Gaddafi and his regime. In most cases, Gaddafi appointed his sons and trusted associate as the leaders of these military offshoots. These brigades were scattered throughout Libya. The brigades had different command structures, and they were not allowed to communicate or collaborate. This trend can help to explain why the Libyan army crumbled soon after the start of the uprisings, and why the Colonel depended on his special brigades to

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<sup>53</sup> Id, Chapter 3, P. 44-75.

<sup>54</sup> Id, P. 76-88 and P. 96-108.

<sup>55</sup> Ibid.

crush the rebels. It further explains why multiple regional and local armed groups were formed during and after 2011. Gaddafi's policies of divide and rule whether among tribes, regions, communities and even among security forces contributed significantly to the rapid disintegration of Libya after his overthrow. The seeds for fragmentation were planted and watered by Gaddafi and his associates, and they are being harvested ever since his fall<sup>56</sup>.

## The Libyan Uprising

The Arab Spring spread to Libya in February 2011. The wave of protests initially started in Benghazi. Because of its strong affiliation with the Sanusi monarchy and its political opposition to Gaddafi, Cyrenaica was the primary target of Gaddafi's marginalization policies, so it was natural for the protests to start from there. Cyrenaica fell quickly in the hands of the rebels. Political opposition exiles who returned from abroad, local elites and those who defected from Gaddafi's military apparatus established the National Transitional Council (NTC) which represented the revolutionary interests both in Libya and internationally. The NTC attempted to coordinate revolutionary efforts and groups across Libya and to spread the revolution to Gaddafi's strongholds in Tripolitania. Misrata, al-Zintan, and the Nafusa Mountain Amazigh towns were among the first locations to fall in the hands of rebel groups in western Libya. By August most of the Libyan soil was under the control of the revolutionaries including the country's capital. In October, Sirte and Bani Walid, the last strongholds of Gaddafi, were brought under revolutionary authority<sup>57</sup>.

The collapse of the Libyan state built around Gaddafi's charisma exposed the country's profoundly rooted fragmentation. Real coercive power was concentrated in the hands of revolutionary armed groups which were hostile towards anything or anyone associated with the previous regime. Many of the NTC members were former ambassadors, military leaders, ministers, or had some official capacity during Gaddafi's time. Thus, tension erupted between the NTC and the revolutionary armed groups. At the same time, other rifts were developing at the national scene among them is the political divide between the liberal-nationalists and the Islamists camp, and between tribes and communities that supported the revolution and others who fought alongside Gaddafi<sup>58</sup>.

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<sup>56</sup> Id, Chapter 6, P. 137-170.

<sup>57</sup> Background Sources: Wolfram Lacher, "Families, Tribes, and Cities in the Libyan Revolution," *Middle East Policy*, winter 2011, , and Thomas Husken, "Tribal Political Culture and the Revolution in the Cyrenaica of Libya," *Orient*, 2012.

<sup>58</sup> Ibid, and Floor Janssen et al. "Revolution and its discontents: state, factions and violence in the new Libya." *The Clingendael Institute*, September 2013: <https://www.clingendael.org/publication/revolution-and-its-discontents-state-factions-and-violence-new-libya>.

Brutal competition for power and state resources characterized the Libyan transition period, and it continued after the first democratic elections were held in the country in July 2012. The General National Congress, elected in July 2012, was composed of 200 seats – 80 of them were designated to political parties, and 120 seats were reserved for independents. The underlying rhetoric for this tactic was to ensure that no single block would come to dominate the parliament, and to promote political inclusiveness<sup>59</sup>.

Two powerful coalitions emerged from elections — the National Force Alliance, composed mostly of liberals and Gaddafi's regime defectors, and the Justice and Construction Party that aligned its interests with those of the Islamists and won 17 seats. Tribal and ethnic connections, armed groups loyalties, and charismatic individuals were crucial mechanisms for attracting supporters for both parties. By instrumentalizing its alliances and its individual politicians' charismas, The JCP was able to attract independents to its party politics, and it has become as influential as the NFA even though it did not win as many seats. The JCP breakthrough was the passing of the Political Isolation Law in May 2013 which banned former government officials from public and political life. This decision severely affected the NFA as many of its members served in some capacity under Gaddafi's rule. Additionally, the NFA cabinet of Ali Zidan, endorsed in November 2012, was comparatively weaker than the GNC, as it lacked budgetary autonomy and it was mostly dependent on the GNC's goodwill. One year after government formation the JCP Islamists and their revolutionary allies have come to dominate the political scene at the expense of the once-dominant NFA which permanently left GNC at the hand of Muslims Brothers<sup>60</sup>.

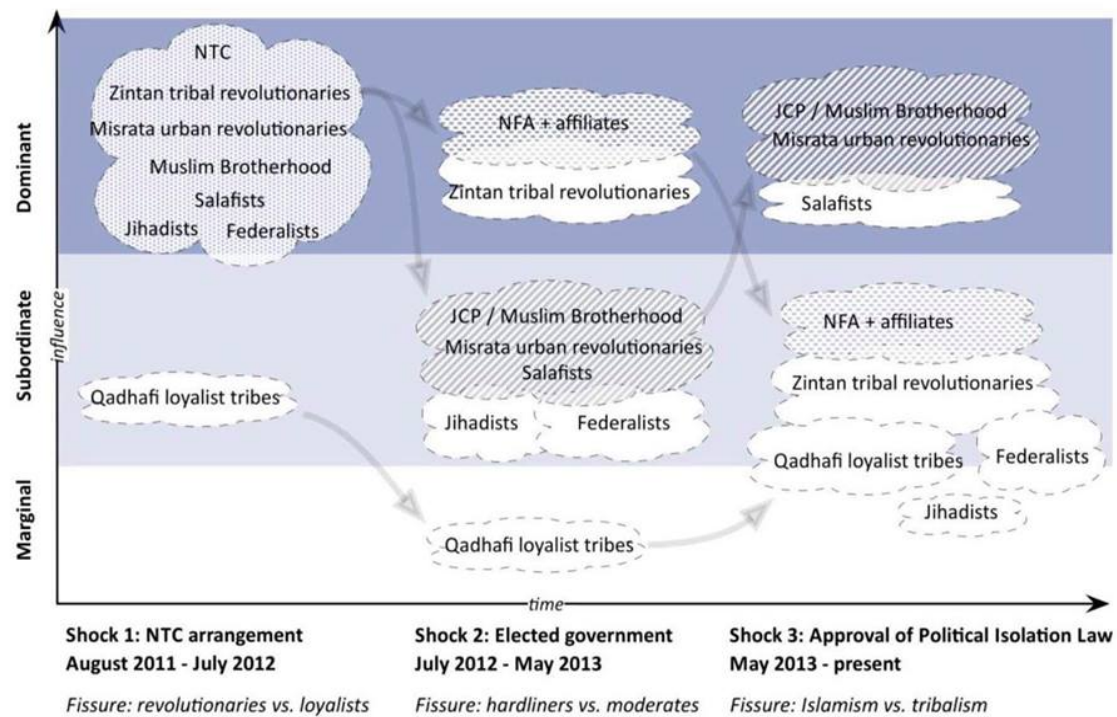
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<sup>59</sup> Floor Janssen et al. "Revolution and its discontents: state, factions and violence in the new Libya." *The Clingendael Institute*, September 2013: <https://www.clingendael.org/publication/revolution-and-its-discontents-state-factions-and-violence-new-libya>.

<sup>60</sup> Ibid.



Figure 1: Coalition formation in response to shocks in Libya's transition



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## The Dawn-Dignity Split

In February 2014 a group of anti-Islamists groups, eastern tribes, and federalists announced the formation of a nation-wide operation Karama (Dignity) under the command of retired Brigadier General Khalifa Haftar. They claimed that their goal is to rid the country of Islamists and radical groups. On May 2014, Operation Dignity politicians declared that they would suspend the GNC and they would hand over its work to the Constitutional Drafting Committee. The catastrophe was avoided by scheduling elections to select the House of Representatives (HoR) members to replace the GNC<sup>62</sup>.

<sup>61</sup> The figure above shows the main Libyan Political actors from August 2011, up until May 2013. It indicates, as previously explained in the text, that coalition formation, party powers, and national dominance were shifting gradually in favor the Islamists and their allies. Source: Floor Janssen et al, "Revolution and its discontents: state, factions and violence in the new Libya," *The Clingendael Institute*, September 2013: <https://www.clingendael.org/publication/revolution-and-its-discontents-state-factions-and-violence-new-libya>

<sup>62</sup> Frederic Wehrey, "Ending Libya's Civil War: Reconciling Politics, Rebuilding Security," *Carnegie Endowment for International Peace*, September 2014: <https://carnegieendowment.org/2014/09/24/ending-libya-s-civil-war-reconciling-politics-rebuilding-security-pub-56741>

The election for the HoR was held in June, and its outcome was unfavorable to Islamists who felt extremely threatened by Haftar and established their countermovement Operation Dawn supported by Misratan and other western towns revolutionary forces. Operation Dawn launched a campaign to force Zintani groups out of Tripoli international airport and other strategic locations. The campaign was successful, but the fighting attracted fighters from other parts of Libya to Tripoli, and it spread the war across other regions of the country as well<sup>63</sup>.

The Libyan civil war eventually resulted in the formation of two governments: one in Tripoli composed of GNC remnants, Misratan revolutionary groups, and other western towns, and Islamists, and the other in Tobruk, where the HoR relocated and formed a cabinet government that was brought under the influence of Haftar and his war allies. It was during these turbulent times that the UN Support Mission in Libya (UNSMIL) increased its efforts to formulate a political solution to the Libyan question. A long process of dialogue was initiated between the two camps, and it resulted in the signing of the Libyan Political Agreement in Morocco in December 2015<sup>64</sup>.

The signing parties agreed to establish the Presidential Council, headed by Fayeaz al-Serraj, to preside over the Government of National Accord (GNA). The GNA that entered Tripoli in March 2016 was to be endorsed by the HoR. Additionally, The Libyan Political agreement brought an end to the GNC and the government that stemmed from it. The GNC end was brought about by moving its members to the newly established State Council, a consultative body that convenes in Tripoli and also known as the second parliament<sup>65</sup>.

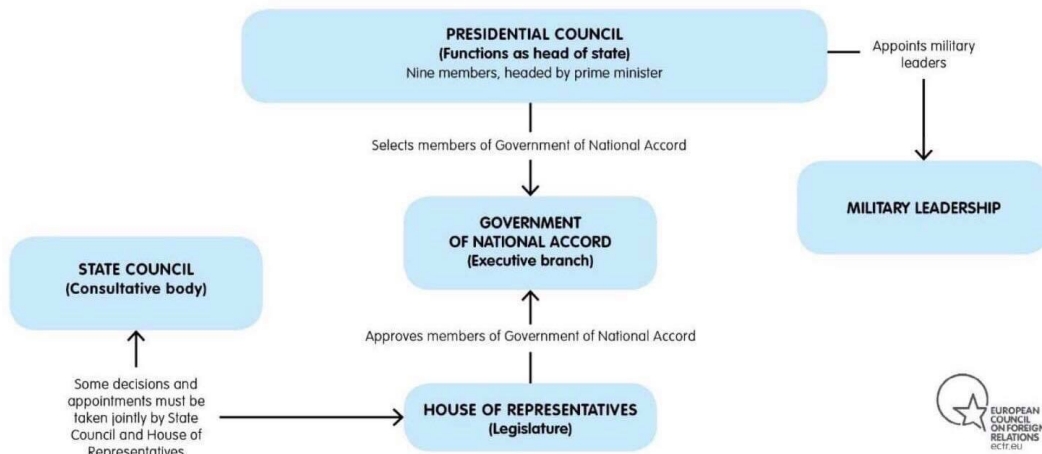
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<sup>63</sup> Ibid.

<sup>64</sup> The Libyan Political Agreement Final Report: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

<sup>65</sup> Id, P. 3-10

### LIBYA'S INSTITUTIONS UNDER THE LIBYAN POLITICAL AGREEMENT (LPA)



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At the time of writing this thesis, the GNA remains to be the only internationally recognized government of Libya, but while the GNA has de jure sovereignty, it lacks de facto control over Libyan territory. The GNA legitimacy is based on two critical factors. The first is that it has international recognition, the second is that it was endorsed by the Libyan Central Bank and the National Oil Corporation, the two most important revenue generating state institutions in the country.

## Chapter Conclusion

The general overview provided in this chapter helps to conclude that while fragmentation is a reality in Libya, it has not resulted in the country's division and the state unity continues to be persistent. This thesis hypothesizes that three categories of reasoning can explain why the unity discourse continues despite the political and social turmoil. These categories are either political, social or sociocultural. The tribes, the armed groups, and Libyan politicians want to protect their interests and to ensure that they remain relevant no matter what the developments are on the political stage. They do this by accommodating their interests with the idea of unity and the process of state and institution building.

At the same time, it should be noted that tribal elders, armed groups leaders, and politicians have to maintain their legitimacy and relationship with their constituencies who support unity. Libyans maintain strong state institutions will most likely improve the

<sup>66</sup> The figure shows the main actors that were involved in or were formed by the Political Libyan Agreement of 2015. Source: "A Quick Guide to Libya's Main Player." *European Council on Foreign Relations*, 2015: [https://www.ecfr.eu/mena/mapping\\_libya\\_conflict](https://www.ecfr.eu/mena/mapping_libya_conflict)

country's condition in all aspects. Economically, supporting unity and central governance allow access to valuable state resources that are currently under the control of the GNA. Thus, local actors can protect and strengthen patronage networks by promoting unity and state governance. Moreover, there is a realization in Libya that the state has enough oil and natural resources to accommodate the demands of Libya's region, ethnicities, and tribes. Fragmentation, on the other hand, will concentrate the wealth in the hand of a tiny fraction of the population<sup>67</sup>.

The analysis that follows will look on the GNA and its international patrons, the armed groups, and the tribes. It will evaluate these three groups history and role before the uprisings (if relevant), during and after the events of 2011. Furthermore, it will judge their attitude towards Libyan unity, and whether this attitude has been affected by the Libyan Political Agreement of 2015. The analysis will attempt to explain how the actions of the players as mentioned above and their rhetoric contribute to the resilience of the Libyan state unity, and why these actors continue to be interested in preserving unity despite their differences.

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<sup>67</sup> Saidi, Isam (Project Manager at VNG International B.V.). Email Correspondence with Al-Hamzeh Al-Shadeedi. 12 October 2018.

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## The International Community Supports Libya's Unity

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The international community has been key to preserve the unity of Libya in the aftermath of the 2011 Libyan Uprisings that has caused tremendous political disintegration in the country. Many actors got involved in the Libyan crisis as soon as it broke out. The list includes the EU, the AU, the GCC, the OIC, NATO, the Arab League, in addition to many other states that act independently of these international and regional organizations such as Turkey, Russia, China, and Qatar<sup>68</sup>. Though these actors have different agendas and interests in the region and Libya, they all seem to agree on the need to maintain the territorial unity of Libya. The most active organization in the country today and the one that acts as an umbrella for all other alliances is the UN and its Support Mission in Libya (UNSMIL)<sup>69</sup>.

The efforts of the UN in sustaining and protecting Libya's unity and political framework should not be a surprise to anyone. It was the UN that created the modern state of Libya by uniting its three historical regions; Tripolitania, Cyrenaica, and Fezzan more than sixty years ago. From 1949 to 1951 the UN was responsible for facilitating and monitoring the progress of Libya's transition phase from colonization to independence<sup>70</sup>. The National Transitional Council (NTC) that emerged in Benghazi to represent the revolutionaries and their interests was familiar with the UN historical role in Libya, and thus the UN was the first body they turned to when Gaddafi decided to use violence against the population.

### The Early Phase of International Involvement in Libya

The Libyan revolution was internationalized in a reasonably quick manner. The speech of Abdurrahman Shalgam, Libya's permanent representative to the UN, who defected from Gaddafi's government and his deputy, Ibrahim Dabbashi was instrumental in publicizing the Libyan struggle among UN member states. Shalgam compared Gaddafi to Hitler and urged UN members states to intervene and protect the lives of Libyan people. Further, his speech was instrumental in passing resolution 1970 by the UNSC on 26 February 2011. The resolution referred the situation in Libya to the International Criminal Court, placed an armed embargo on Libya and travel ban and assets freeze on Gaddafi and his family members in addition to the establishment of a committee to explore sanction options.

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<sup>68</sup> Peter Bartu, "Libya's Political Transition: The Challenges of Mediation," International Peace Institute, 2014, p. 6-7

<sup>69</sup> More on the United Nations Support Mission in Libya, its responsibilities, and mandate: <https://unsmil.unmissions.org/about>

<sup>70</sup> Dirk Vandewalle, *A History of Modern Libya*, Chapter two, p. 34-40

Furthermore, the UN hired Abdulilah al-Khatib a former Jordanian diplomat to mediate between Gaddafi and the rebels<sup>71</sup>. Al-Khatib's endeavor was hampered by the NTC and the revolutionaries refusal to negotiate any deal in which Gaddafi is allowed to remain in power, and by the incoherent approach and actions of states and organizations within the UN mandate<sup>72</sup>.

With time, it became evident that mediation between the two warring parties was no longer an option. Gaddafi continued to use violent means to crush the rebels while he was negotiating a ceasefire with the UN. This, in turn, has led to a greater insistence on the departure of Gaddafi by the revolutionaries and their representatives at the NTC<sup>73</sup>. France and Britain later joined by Italy, took a leading role in the UNSC discussions and NATO's military airstrikes, while Germany preferred to remain distant<sup>74</sup>.

In March, France became the first country to recognize the NTC as the legitimate representative of the Libyan people<sup>75</sup>. The GCC countries, notably Qatar and Saudi Arabia, were pushing for more constraints on Gaddafi's regime and the adoption of a no-fly zone<sup>76</sup>. Simultaneously, the Arab League countries, aside from Algeria, Mauritania and Syria, appeared to have reached a consensus against Gaddafi, while the African Union (AU) preferred to continue negotiations towards a mediated solution<sup>77</sup>. Russia and the U.S. reached an unannounced agreement that Gaddafi needs to step-down<sup>78</sup>.

Eventually, the UNSC passed resolution 1973 which gave an international cover for UN member states acting independently or regionally to "take all necessary measures" to "protect civilians and civilian populated areas under threats of attack" including the establishment of a "no-fly zone."<sup>79</sup> Resolution 1973 was the first one in history issued in the name of the "responsibility to protect," and it allowed greater involvement in Libyan affairs which ultimately resulted in regime change<sup>80</sup>. By choosing to support one side of the conflict, regional and international organizations were able to preserve Libyan unity and prevent territorial fragmentation based on political loyalties - at least during the Uprisings.

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<sup>71</sup> Bartu, p. 1-2

<sup>72</sup> Id, p. 8-10

<sup>73</sup> Id, p. 8

<sup>74</sup> Arturo Varelli, "Europe and the Libyan Crisis: A Failed State in the Backyard?" Istituto Per Gli Studi di Politica Internazionale, 2014, p. 2

<sup>75</sup> Bartu, p. 2-3

<sup>76</sup> Ibid.

<sup>77</sup> Id, p. 4

<sup>78</sup> Id, p. 7

<sup>79</sup> Id, p. 3-4

<sup>80</sup> Ibid.

## The End of Gaddafi's Regime

Following the overthrow of Gaddafi, UNSMIL focused on the need for organizing elections, the UN area of expertise, to accelerate the transition. Elections for the General National Congress in July 2012<sup>81</sup>. Western countries and the U.S. chose to support the more liberal National Front Alliance of Mahmud Jibril to counterbalance Islamic parties<sup>82</sup>. The international community hoped to promote democratic transition and unity through closer cooperation with Libya on security, defense, and institution building.

It was early noted that Libya does not need financial support, but instead, it requires the expertise to help establish strong and functioning state institutions<sup>83</sup>. Thus, G8 nations, mostly European ones, and Turkey provided training and advice for members of the Libyan military. Further, the EU sent a specific border assistance mission (EUBAM) to provide training, monitoring, and guidance for Libyan border guards<sup>84</sup>.

However, after the attack on the American Consulate in Benghazi, the resurgence of ISIS in Sirte, and the split between Dignity and Dawn Operations in 2014, the international community realized that the transition and pacification process in Libya is from over<sup>85</sup>. Initially, the UNSMIL broadened its responsibilities in Libya to make sure that Libyan territorial unity is preserved, to assist the democratic transitions, to monitor and prevent human rights violations, to support the role of law, improve government capacity, reestablish security, and to control the trade of arms<sup>86</sup>. After the 2014 split between Eastern and Western Libya, the UNSMIL became the main mediator and facilitator of dialogue between the warring parties.

## The UN-brokered Libyan Political Agreement

The divide between Operation Dignity and Operation Libya Dawn in May 2014, intensified the political fragmentation in the country and resulted in the outbreak of the Libyan Civil War. The UNSMIL, acting on behalf of the international community, responded to the situation in a quick manner. The mission organized a series of meetings among Libya's warring parties in Shkirat, Morocco. The meetings extended over 14 months and resulted in

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<sup>81</sup> Id, p. 10

<sup>82</sup> Varelli, p. 3

<sup>83</sup> Id, p. 9

<sup>84</sup> Id, 6-7

<sup>85</sup> Id, p. 3

<sup>86</sup> Id, p. 6

the formulation of the Libyan Political Agreement (LPA)<sup>87</sup> that was signed on 17 December 2015<sup>88</sup>. The immediate aims of the agreement were the need to put an end to the fighting that has crippled the political transition process and threatened the unity of Libya, and to build a civil and democratic state through national consensus. Other concerns outlined in the agreement were the need to strengthen state institutions, respect the independence of the judiciary, separate between the three branches of power, and protect the lives and rights of Libyans<sup>89</sup>.

Notably, however, the first governing principle of the Libyan Political Agreement directly addressed Libya's territorial integrity, independence, and unity:

“Commitment to the protection of the national and territorial integrity of Libya, as well as its sovereignty, independence, and its full control over its international borders, and rejection of any foreign intervention in Libyan internal affairs.”<sup>90</sup>

Despite their different interests and agendas, all Libyan parties involved in the dialogue process, and all international and Arab actors who were invited to participate in Shkirat meetings agreed on preserving Libya's unity. As mentioned earlier in the literature review, the international community is not ready and is not willing to accept a change to the status quo and that what has been proved by the Libyan Political Agreement.

The Agreement acknowledged the power and authority of the elected House of Representatives that chose to relocate to eastern Libya, and the so-called Islamists militias influential in Tripoli and Misrata, but it prohibited them from officially fragmenting Libya. Furthermore, the international community, through the Libyan Political Agreement, created the Government of National Accord (GNA), the only internationally recognized Libyan government and gave full sovereignty over Libyan territories and institutions<sup>91</sup>.

Additionally, the agreement required the commitment of all signing parties to cooperate with the GNA and the UNSMIL and to refrain from any acts that hinder the ability of these two institutions to implement the agreement. It further compelled signing parties to protect the safety of all state-owned properties and headquarters and to hand them over to the

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<sup>87</sup> Full text of the LPA: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

<sup>88</sup> Ya Biladi news outlet (Arabic) – January 2016: <https://ar.yabiladi.com/articles/details/41710/-بعد-اتفاق-الصخيرات-الاعلان-عن.html>

<sup>89</sup> LPA, p. 2-5

<sup>90</sup> LPA, p. 4

<sup>91</sup> LPA, p. 6-11



GNA so it can exercise its legitimate control over state bodies and institutions. Finally, it allowed the GNA to ask the UNSC to issue resolution that can empower the government, preserve the agreement, and support its implementation<sup>92</sup>. (17)

The conditions stipulated in the LPA shows that the international community can have an instrumental role in the country's internal affairs and it can push local and international actors to act by accepted global norms and values. The international community decided that Libya cannot be divided, it established the GNA and gave it de jure sovereignty. Libyan local actors, on their part, complied to protect their relevance and influence and to maintain their gains.

Up to this point, the LPA remains to be the only widely accepted framework to solve the Libyan struggle<sup>93</sup>. Many conferences have been held since the Shkirat meetings, and many suggestions were put to amend the LPA, but the essences of all efforts remain one: Libyan unity comes; first, Tripoli is the capital, and the GNA is the only recognized government. Even the states that seem to be more inclined towards Cyrenaica's strongman, Major General Khalifa Haftar, such as France, Egypt and the UAE do not openly challenge the LPA and the authority of the GNA or the fact that it is the only recognized government. All three countries intervened in Libya's internal affairs to advance their interests, but they have framed their interventions under the umbrella of supporting the LPA and the UN efforts.

For example, Egypt organized a meeting between Haftar and GNA PM Fayeze al-Serraj in February 2017. Back then, the Egyptian government stated that it aimed to help in resolving Libya's current state of affairs based on the guidelines outlined in the LPA. In addition to Haftar and Serraj, Cairo has also hosted the Speaker of the HoR, members of the HoR, the Speaker of the HSC and its members, civil society organizations, community elders, and tribal sheiks<sup>94</sup>. The UAE has also invited Haftar and Serraj for a meeting in Abu Dhabi in May 2017. The UAE government announced that their goal was to activate all the governing principle of the LPA fully and to end the country's fragmentation<sup>95</sup>. In May 2018, Paris organized a summit on Libya in which more than twenty organizations and head of states participated, including the four principal actors in western and eastern Libya: GNA PM Fayeze al-Serraj, HCS Speaker Khaled al-Mishri, HoR Speaker Aguila Salih, and LNA Commander Khalifa Haftar. During the Paris summit, all actors agreed on the need to commit

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<sup>92</sup> LPA, p. 12-17

<sup>93</sup> Sami Zapita, "Palermo Libya conference makes no major breakthrough, postpone elections, reaffirms LPA and Action Plan." *Libya Herald*, November 2018: <https://www.theguardian.com/world/2018/may/29/macron-hosts-libyan-factions-in-paris-in-push-to-secure-elections>

<sup>94</sup> El-Watan News (Arabic) – July 2017: <https://www.elwatannews.com/news/details/2356199>

<sup>95</sup> Ibid

to the LPA and to work for organizing elections to end the country's political fragmentation<sup>96</sup>.

States that are more favorable of the GNA have held conferences on Libya as well. The latest of such events was Italy's imitative that took place in Palermo in November 2018. Even though Italy does not share the same vision with France, the UAE, and Egypt, the guest list of Palermo's conference seemed similar to the previous ones; its outcomes were strikingly identical as it did not present any breakthroughs and most importantly it reaffirmed the LPA. Palermo's first concluding point was remarkably similar to that of the LPA signed in Morocco two years earlier, "[participants] Reaffirming their strong and unequivocal commitment to the sovereignty, independence, territorial integrity and national unity of Libya;" further it stressed that "... the December 17, 2015, Libyan Political Agreement (LPA) which remains the only viable framework to pursue an inclusive and sustainable path towards the stabilization of Libya."<sup>97</sup>

### The Use of Sanctions to Empower UNSMIL Efforts

The UN first use of sanctions in post-2011 Libya targeted Gaddafi's family and associates<sup>98</sup>. These sanctions were adopted and implemented in October 2014, and the UN did not use sanctions against individuals until June 2018. In June, the UNSC agreed to add six individuals who were involved in human smuggling and trafficking activities in Libya<sup>99</sup>. Nonetheless, the UNSC use of sanctions did not stop at smugglers. Following that example, the UNSC seems to be more assertive in its use of sanctions against individuals who violate international objectives in Libya and propose a threat to the implementation of the LPA and the UN Action Plan<sup>100</sup>.

In an unprecedented move, the UNSC decided to add Ibrahim Saeed Salim Jadhran to its list of persons and entities subjected to the assets freeze and travel ban. A penalty outlined

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<sup>96</sup> Patrick Wintour, "Libyan factions agree to hold elections in December," *The Guardian*, May 2018: <https://www.theguardian.com/world/2018/may/29/macron-hosts-libyan-factions-in-paris-in-push-to-secure-elections>

<sup>97</sup> Sami Zapita, "Palermo Libya conference makes no major breakthrough, postpone elections, reaffirms LPA and Action Plan." *Libya Herald*, November 2018: <https://www.theguardian.com/world/2018/may/29/macron-hosts-libyan-factions-in-paris-in-push-to-secure-elections>

<sup>98</sup> UN Narratives Summaries of Reasons for Listing Under UNSC sanctions for Libya: <https://www.un.org/sc/suborg/en/sanctions/1970/materials/summaries-0>

<sup>99</sup> "As Security Council imposes sanctions on six human traffickers in Libya, UN chief calls for more accountability," *UN News*, June 2018: <https://news.un.org/en/story/2018/06/1011751>

<sup>100</sup> The Libyan Action Plan was introduced in September 2017 by the UNSMIL. It called for introducing slight amendments to the Libyan Political Agreement, preparing for elections, and organizing a national conference (alMultaqa alWatanai). <https://unsmil.unmissions.org/step-step-un-action-plan-successful-transition-takes-hold-libya>

in UNSC Resolution 1970 and Resolution 1973 on Libya. Jadhran used to be the head of Oil Installation Guards under the Government of the National Congress. He was responsible for protection oil fields, and installation is the Oil Crescent region in central-northern Libya<sup>101</sup>. He later split from the government and formed his militia. The LNA of Haftar was able to force Jadhran and his forces out of the Oil Crescent region in late 2016, Jadhran then reorganized and enlarged his forces and attacked the area in June 2018. Even though Jadhran claimed that he was acting on behalf of the GNA, Fayeze al-Serraj denied any coordination or agreement with Jadhran or his forces<sup>102</sup>. Further, the GNA, the LNA, the international community, and other local actors in Libya held Jadhran responsible for the tremendous damage to the National Oil corporation facilities resulted from the fighting<sup>103</sup>. In September 2018, the UNSC announced that it had sanctioned Jadhran for his attack on the oil facilities that led to significant losses for the people of the region and the Libyan economy. The UNSC reasons for signaling out Jadhran were not only economic, but some were also related to his use of power to halt political solutions in the country<sup>104</sup>:

“The person concerned, through his actions, is working against the stability of Libya; and constitutes an obstacle in the way of the Libyan parties to resolve the political crisis and implement the United Nations Plan of Action.<sup>105</sup>”

In November 2018, the UNSC added anti-GNA militia leader Salah Badi to its sanction list of assets freeze and travel ban. The U.S., the UK, and the European Union followed suit by sanctioning Badi as well<sup>106</sup>. According to the UNSC, Badi, a senior leader of the anti-GNA Al-Somoud Front armed group, has always undermined and hindered resolutions for political stability in Libya. He has challenged the authority and the sovereignty of the GNA on multiple occasions in 2016 and 2017 to restore the government that has preceded it. In May 2017, he led an attack on the Abu Saleem area near Tripoli's airport road. Furthermore, Badi has played a leading role in the August and September clashes in Tripoli as a result of which more than 120 civilians lost their lives. He led attacks

<sup>101</sup> “UN Security Council Adds Jadhran to Its Sanctions List,” The Libyan Address, September 2018:

<http://www.addresslibya.com/en/archives/32407>

<sup>102</sup> Mu'ath al-Sheikh, A Report on Ibrahim Jadhran for France24 in Arabic, June 2018:

<https://www.france24.com/ar/20180628-في-عمق-الحدث-المغربي-ابراهيم-الجزير-ان-امر-حرس-المنشآت-النفطية-الليبية-سابقا>

<sup>103</sup> The New Arab (Arabic), June 2018: <https://www.alaraby.co.uk/politics/2018/6/18/ليبيا-قوات-الجزير-ان-تتهم-حقتن-/->  
[يقصف-خزانات-النفط](#)

<sup>104</sup> UN Narrative Summary for Including Ibrahim Jadhran in Sanction List:

<https://www.un.org/sc/suborg/en/sanctions/1970/materials/summaries/individual/ibrahim-saeed-salim-jadhran>

<sup>105</sup> Ibid

<sup>106</sup> “UN, US & EU add 1 person to Libya sanctions list,” *European Sanctions*, November 2018:

<https://europeansanctions.com/2018/11/19/un-adds-1-person-to-libya-sanctions-list/>

on the Qaser Ben Ghashir area in southern Tripoli and on Tripoli's old airport, and he breached the initial ceasefire agreement<sup>107</sup>.

The UN recent uses of sanctions to single out the spoilers of stability in Libya, such as Jadhraan and Badi, indicate that the international community is willing to take extra measures to enforce its vision in Libya, protect the sovereignty of the GNA and to maintain the territorial integrity of the country<sup>108</sup>.

## The UNSMIL Organizes the Libyan National Conference

The Libyan National Conference (LNC)<sup>109</sup> was another mean through which the UNSMIL advanced and advocated for Libyan unity and sovereignty. The 77 meetings of the first phase of the LNC were held from April to July 2018 in 43 locations inside Libya and abroad. The sessions covered topics relating to national priorities, security and defense, distribution of power and resources, elections and reconciliation. This section will mostly focus on the part that discusses national priorities<sup>110</sup>.

Unlike other political initiatives that included politicians and major national figures only, the meetings of the LNC included tribal elders, community elders, women, municipal representatives, youth, parliamentarians, and civil society activists<sup>111</sup>. During the conference, participants expressed their frustration with the ongoing fragmentation and division in the country. For them, the violence, the fighting, and the chaos that has engulfed Libya is the worst tragedy of all others. It's a tragedy that has divided a country whose people are united by blood, national identity, and kinship. The participants considered the unity of Libya and the protection of its borders to be a matter of paramount importance. Thus, they maintained that the highest national priority is the unification of the Libyan people, the protection of Libya's unity, sovereignty, and territorial integrity, and the formation of a single national government. Nonetheless, they added that the calls to preserve and strengthen Libya's unity do not contradict with community or minority rights or with government decentralization<sup>112</sup>.

Participants also conveyed that there is a need to establish a national charter to outline Libyan views on the identity of Libya, its territorial unity, religion, and guiding principles. A

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<sup>107</sup> UN Narrative Summary for Including Salah Badi in Sanctions List:

<https://www.un.org/sc/suborg/en/sanctions/1970/materials/summaries/individual/salah-badi>

<sup>108</sup> Sami Zapita, "U.S. lists Salah Badi on sanctions list," *Libya Herald*, November 2018:

<https://www.libyaherald.com/2018/11/19/u-s-lists-salah-badi-on-its-sanctions-list/>

<sup>109</sup> The LNC Final Report Full Text: <https://unsmil.unmissions.org/libyan-national-conference-process-final-report-0>

<sup>110</sup> "The Libyan National Conference Final Report," UN, November 2018, p. 8-9

<sup>111</sup> "Step by step, UN Action Plan for successful transition takes hold in Libya," *UN News*, January 2018:

<https://unsmil.unmissions.org/step-step-un-action-plan-successful-transition-takes-hold-libya>

<sup>112</sup> LNC Final Report, Section One on National and Governmental Priorities, p. 19-24

national charter would help to end the current division of governments and states institutions which participants strongly condemned. They further called for the formation of a single government to break the political fragmentation and ensure the provision of security and services to all citizens across Libya<sup>113</sup>. Fragmentations, the conference's partakers indicated, threatens the ability essential state institutions to function efficiently and independently such as the National Oil Cooperation, the Central Bank of Libya, and the Libyan Investment Authority. Nonetheless, attendees were optimistic that national unity will be achieved based on Libyans shared history and heritage. The unity will then ease to remove the causes of discord, resentment, and strife among Libyan tribes and regions<sup>114</sup>.

A set of fundamental guiding principles concluded the first phase of the LNC meetings. As the LPA, the first concluding principle of the LNC addressed Libyan unity and sovereignty:

“Preserving the sovereignty and unity of the Libyan state, its territory and people are essential preconditions for any legitimate and sustainable solution... Shared national citizenship and identity unite all Libyans. However, citizenship does not exclude local and cultural identities... Foreign interference in Libyan internal affairs must be resisted through unity and compromise. Only in this way can Libya defend itself against nefarious interventions.<sup>115</sup>”

The LNC, similar to many other initiatives that have preceded it, stressed that the international community sees no alternative for Libya's unity and territorial integrity and this what it aims to push through its agenda in Libya.

## Chapter Conclusion

This chapter focused on how the international community has played an essential role in advocating for unity in Libya and how it managed to preserve what is left of it. Despite their different approaches and interests, international and regional actors seemed to agree that Libya's territorial integrity must be maintained and that disintegration is not an option. Decentralization of governance was presented as a way to move forward, but it was never considered a substitute for unity. The UNSMIL mostly advanced the promotion of unity among Libyans and their representatives.

Through the LPA, the use of sanctions, and the LNC, the UNSMIL was able to popularize the unity rhetoric not only among politicians but also among powerful local actors

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<sup>113</sup> Ibid.

<sup>114</sup> LNC Final Report Section Four on Elections and National Reconciliation, p. 57-59

<sup>115</sup> Id, p. 68

inside Libya. The next two chapters of the analysis will investigate how international community persistence on Libyan unity, pushed the tribes and some local armed groups to follow suit, why they chose to follow this path, and how Libyans perceive those who threaten Libya's sovereignty and unity and challenge state institutions.

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## Armed Groups Fragmented Libya, But Did not Provoke Its Unity

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Libya's many armed groups with different loyalties, backgrounds, and agenda are among the leading causes of fragmentation according to many scholars and experts writing on the country<sup>116</sup>. However, none of these armed groups wanted to divide the country's territory - not even the federalists who attempted to promote regionalism. It is true that Haftar and his self-styled Libyan National Army (LNA) effectively control the Libyan East, and he has been contributing to Libya's fragmentation, but even he does not try to promote separation, or even federalism.

Despite the amount of dissolution and damage they have caused, none of Libya's significant militias have publicly supported division. As a matter of fact, many of them proudly hold that they are working to protect Libya against those who are damaging it - which is usually an actor they oppose. Haftar and his allies maintain that they want to save Libya from Islamists and radicals, while the western militias affiliated with the GNA maintain that they want to protect Libya from the remnants of the old regime<sup>117</sup>. Multiple underlying factors can provide an answer why militias and armed groups in Libya continue to uphold and publicly support the ideals of Libyan unity.

Armed groups, many of whom are dependent on state resources, need to ensure their political relevance and access to economic resources. The need to sustain the group requires cooperation with both national and international governments and institutions. It further demands the ability of the group to appease the population they govern and achieve a sustainable relationship with them. Continuity, relevance, and legitimacy are factors necessary for Libyan armed groups' survival, and they can obtain them only through well-structured and lasting relationships with the Libyan people, their representatives, and the international community.

To accurately answer the question and to outline the factors that continue to draw local and regional armed groups towards unity, this chapter will have three building blocks.

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<sup>116</sup> For more on Libyan militias: Wolfram Lacher and Alaa al-Idrissi, "Capital of Militias: Tripoli's Armed Groups Captures the Libyan State," Small Arms Survey, June 2018:

<http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-SANA-BP-Tripoli-armed-groups.pdf> and Floor El Kamouni-Janssen et al., "Local Security Governance in Libya," The Clingendael Institute, October 2018: <https://www.clingendael.org/publication/local-security-governance-libya>

<sup>117</sup> Frederic Wehrey, "Ending Libya's Civil War: Reconciling Politics, Rebuilding Security," Carnegie Endowment for International Peace, 2014, p. 23

The first section will provide an overview of theories and literature on rebel governance in conflict context and how that relates to the case in Libya. The second will present an example of an occasion during which armed groups attempted to challenge international community objectives and GNA authority in Libya and how that played out for them.

As most armed forces in Libya claim to be associated with one of the two governments, it is better to provide examples where they did not act in accordance to their claims and what consequences resulted from these actions instead of focusing on what they declare to interested audience. The final portion will provide insight into Libyan public opinion, how they perceive armed groups and why their views are a crucial consideration.

### Rebel Governance, Legitimacy, and Recognition

Soon after the fall of Gaddafi, many influential revolutionary groups from eastern and western Libya have struggled to control state institutions. Revolutionaries realized that governance and governance structures constitute a crucial measure of sovereignty, political relevance, and authority<sup>118</sup>. Thus, many attempts by the revolutionaries aimed at seizing control over Libya's strategic assets – notably the NOC and whatever comes with it<sup>119</sup>. The National Transitional Council (NTC) attempted to assert control over revolutionaries by enlisting them on its payroll. The NTC considered the revolutionaries to be a good substitute for the tremendously weakened and disintegrated police and army forces. The Council hoped to use them to crush ethnic, tribal, and communal clashes. Many revolutionary armed groups submitted themselves to the ministry of defense unit Libya Shield and the ministry of interior's Supreme Security Council<sup>120</sup>.

Nonetheless, it became apparent over time that revolutionary armed groups were worsening the country's instability by either carrying criminal activities or participating as partisans in the local fragmentation conflicts which they were hired to defeat. The 2014 clashes in Tripoli are still perceived as the most dangerous attempt towards fragmentation in which militias played the most significant role. Zintani militias loyal to Haftar in Tripoli announced that they would force the suspending of the GNC. The GNC was mostly composed of Islamists who were stricken by the results of the June HoR election<sup>121</sup>.

Thus, on July 13, Islamists militias supported by forces from Misrata launched an operation against Zintani forces who have been controlling strategic locations in the Capital

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<sup>118</sup> Steven Heydemann, "Civil War, Economic Governance & State Reconstruction in the Arab Middle East," *The American Academy of Arts and Sciences*, 2018, p. 49

<sup>119</sup> *Id*, p. 57

<sup>120</sup> Wehrey, p. 6-8

<sup>121</sup> *Id*, p. 18-21



with the aim of shifting the power balance. Clashes erupted between the two camps, and the fighting attracted parties from all over Libya. The events of July 2014 initiated what is now known as the Libyan Civil War, two claims to governance, and it created fragmentation and fissures among Libya's already-weakened state institutions<sup>122</sup>.

The international community attempted to put an end to the conflict through the LPA. The security arrangement section of the LPA stipulated that the GNA has full control over all public institutions in the country including airports, seaports, border crossings, oil facilities, government headquarters, and water installations, among others. It further indicated that until the settlement of their official status in the country, armed groups should commit themselves to the provision of Libyan laws and legislation and international laws especially with regards to the protection of Libya and its citizens. Consequently, the LPA has created a special symbolic bond between Libya's armed groups, the GNA, and the international community<sup>123</sup>.

Few have questioned the significant role symbolism has in the control of a population or a territory by an armed group. As violence is not sufficient to sustain and legitimize rebel authority and role, armed groups (or revolutionary groups in the case of Libya) had to engage with the symbolic domain. Non-materialistic deeds are as equally crucial as materialistic ones to secure power, preserve dominance, and promote specific agendas. Accordingly, symbolic actions can reduce the need for force to ensure compliance and they foster greater identification between armed groups and their intended constituency<sup>124</sup>.

Although; both elected political elites and revolutionary militias engage in symbolic activities in Libya to empower their authority and sovereignty<sup>125</sup>, the importance of symbolism is greater for armed groups. While governments can claim that their governance rights and sovereign status are based on election results and their position as candidates for a nation, armed groups cannot make such claims<sup>126</sup>. They further cannot take their affiliation with a specific group of people for granted<sup>127</sup> – especially that states now do not exist in a vacuum and they have to fit within an international order.

The international community through the LPA chose to place Libyan sovereignty in the hands of the GNA. International actors recognized the GNA and agreed on giving it a full authority which it uses to maintain central banks, issue regulations, sign contracts with other

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<sup>122</sup> Id, p. 22-25

<sup>123</sup> The UN-brokered Libyan Political Agreement:

<https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

<sup>124</sup> Zachariah Mampilly, "Performing the Nation-state: Rebel Governance and Symbolic Processes," in *Rebel Governance in Civil War*, Cambridge University Press, p. 74-76

<sup>125</sup> Id, p. 77

<sup>126</sup> Id, p. 84

<sup>127</sup> Ibid

states, invest in public works, take on debts, and pay for the country's expenses<sup>128</sup> – even in areas controlled by Haftar. This new arrangement drew many armed groups closer to the GNA to ensure their interests. In 2014, Frederic Wehrey, stated that nearly all armed groups operating in Libya are affiliated with the state In some way<sup>129</sup> – this remains to be the situation in 2018.

Armed groups direct their symbolic messages not only towards the local population and national governments but also towards aid organizations, religious institutions, the international community, foreign governments that may be willing and able to provide direct assistance and needed legitimacy<sup>130</sup>. Different parties have competed to capture the benefits that come from international recognition. Acquiring international legitimacy comes with advantages that increase military success, political standing, and economic resources<sup>131</sup>. Even Hafatr, who effectively controls Cyrenaica, has worked steadily to improve his international reputation<sup>132</sup>.

### Case Study: How Division Attempts Threaten Armed Groups

This section presents a case study in which armed groups challenged the recognized and accepted status quo in Libya and contributed to more fragmentation. Further, it analyzes the consequences and effects of these attempts.

The LNA and its commander Major-General Khalifa Haftar took up the battle against Jadhran and his forces when they attacked the Oil Crescent region in Central Libya<sup>133</sup>. Jadhran maintained that he was acting on behalf of the GNA and that he wanted to bring the oil installations in the area under the protection of a GNA affiliated force. Nonetheless, the GNA denied any connections with Jadhran, and it did not attempt to stop Haftar from retaking over control. The liberation of the Oil Crescent region was welcomed by the Libyan public throughout the country, and by actors inside and outside Libya. However, in a surprising move, Haftar decided that revenues generated from oil wells and the five oil-export ports in the area will be handed over to the unrecognized interim government of the

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<sup>128</sup> Heydemann, p. 57

<sup>129</sup> Wehrey, p. 6.

<sup>130</sup> Mampilly, p. 86

<sup>131</sup> Heydemann, p. 50

<sup>132</sup> Id, p. 58

<sup>133</sup> The same conflict was previously introduced in the section on the international community use of sanctions.

east. Haftar's decision was met by sharp criticism from the NOC, the GNA, and the international community<sup>134</sup>.

In reaction to Haftar's resolution, the GNA called on UNSC to stop any illegal sale of oil as such acts will increase division in Libya. The GNA added that failure to act would have grave consequences on Libya as a whole and it asked the UNSC to take all necessary measures to stop Haftar from carrying on his plan. The NOC Chairperson Mustafa Sanalla stated that the UNSC resolution in regards to Libyan oil is apparent. Oil facilities, production, and export are under the exclusive control of the Tripoli-based and UN-backed internationally recognized GNA and the main branch of the NOC that is located in Tripoli. While three-quarters of Libyan oil is produced in the East, Sanalla maintained that oil-related finances are handled in Tripoli. Revenues of the NOC are sent to the Central Bank of Libya that covers the expenses of all Libyans throughout the country<sup>135</sup>.

Thus, Haftar's decision constitutes a direct threat to the interests of Libya and its people. In a letter circulated to the UN and foreign embassies in Libya, Sanalla required the UN and friendly states to stop any individual or entity that attempts to sell oil from the east. The chairperson added that he is confident that the international community will support their legitimate cause<sup>136</sup>.

The international community did not fail the GNA and the NOC. The European Union rejected handing control over oil installations and facilities to the interim government of the east. A statement of the EU delegation in Libya stated that "The European Union and the rest of the international community, as set out in several UN Security Council Resolutions on Libyan oil, have consistently opposed any attempt to sell or purchase Libyan oil outside the official channels managed by the Libyan National Oil Corporation (NOC).<sup>137</sup>" Further, the EU threatened to take action against any oil-tanker leaving for export from Libya's eastern region. In a joint statement, the U.S., UK, France, and Italy expressed their concern

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<sup>134</sup> "Haftar hands control of key Libya oil facilities to allies in east," Middle East Eye, June 2018: <https://www.middleeasteye.net/news/haftar-wrestles-control-key-oil-terminals-libya-1982645054>

<sup>135</sup> "Libya calls on UN to block illegal oil sale," Al-Jazeera, June 2018: <https://www.aljazeera.com/news/2018/06/libya-calls-block-illegal-oil-sale-180626154346769.html>

<sup>136</sup> Salma El Wardany, "Libya's NOC Confident It Can Keep East From Exporting Oil," Bloomberg, June 2018: <https://www.bloomberg.com/news/articles/2018-06-28/libyan-state-oil-co-confident-eastern-rival-can-t-export-crude-jiyclf44>

<sup>137</sup> "EU Rejects Libyan Eastern Government's taking over Oil Crescent region," Xinhua News, June 2018: [http://www.xinhuanet.com/english/2018-06/29/c\\_137288019.htm](http://www.xinhuanet.com/english/2018-06/29/c_137288019.htm)

and refusal to Haftar's action<sup>138</sup>. Haftar's closest international allies, France, Egypt, and the UAE did not support his decision and did not dare to violate the UN ban<sup>139</sup>.

The strong stance taken by the NOC and the international community, including that of Haftar's closest friends, left the War-General poorly isolated. Haftar had to publicly back down from his plan to sell oil from Cyrenaica. A three weeks dispute ended when the leader decided to hand over control of oil facilities and ports to the Tripoli-based NOC in order not cause more damage to his international standing<sup>140</sup>.

Haftar's decision caused the leader more symbolic damage than material one. In contrast, one can argue that Haftar has won materialistically by expanding his zone of influence, defeating another militia that opposes him, proving to the GNA that his forces are capable of expanding westward, and most importantly incorporating more economic resources under his control. Nonetheless, his plan threatened his international and national image as a leader fighting for all Libyans. Picking up a fight against the NOC which is the sole provider for Libya and its people, and handing over oil-control to a regional unrecognized government, could have been considered as an action in favor of fragmentation and against unity by Libyans and foreigners. Accordingly, Haftar managed to avoid such allegations by favoring symbolic views over materialistic gains.

### Civilian Resistance to Rebel Governance

Academic studies have demonstrated that civilian opposition to armed groups is present in every community where armed or rebel groups govern. Full resistance is costly, and it requires a strong desire to reject rebel rule and an ability to collaborate. Partial resistance, on the other hand, seems to be common among rebel-ruled societies. Two factors determine civilians' ability and willingness to rebel against armed groups: the quality of pre-existing local and state institutions, and the scope of rebel intervention in social affairs<sup>141</sup>.

Pre-existing institutions may include state institutions, but also religious and traditions authorities. Even charismatic individuals who can organize communities around them are counted as pre-existing institutions. Their legitimacy and their effectiveness determine the quality of these institutions. High-quality institutions are both effective and legitimate, low-quality institutions are either illegitimate or ineffective. The scope of rebel intervention in

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<sup>138</sup> Salma El Wardany.

<sup>139</sup> Michel Cousins, "Libyan oil terminals back under NOC control," *The Arab Weekly*, July 2018: <https://the arabweekly.com/libyan-oil-terminals-back-under-noc-control>

<sup>140</sup> Patrick Wintour, "East Libyan general hands back control of oil pots," *The Guardian*, July 2018: <https://www.theguardian.com/world/2018/jul/11/east-libyan-general-hands-back-control-of-oil-ports>

<sup>141</sup> Ana Arjona, "Civilian Resistance to Rebel Governance," in *Rebel Governance in Civil War*, Cambridge University Press, 2015, p. 181

social affairs is judged by whether the armed group extends its mandate beyond security and taxation into the spheres of economics, politics and social relations. The extension of the order can be positive if the armed group engage in the provision of goods, services, food, education, and healthcare, or negative if they engage in activities that directly threaten the safety and the security of the societies and puts constraints on their freedom<sup>142</sup>.

Generally, when armed groups limit their efforts to security and taxation, they tend to trigger partial resistance only. Civilian opposition targets some aspects of their rule but without demanding their total removal. They risk attracting greater resistance when they expand their influence, especially if that expansion is destructive<sup>143</sup>.

As mentioned earlier, civilian resistance is related to their desire to resist, but it mostly depends on whether they can withstand. Full resistance is more likely to appear in communities with high-quality pre-existing institutions. While partial resistance, which is more common, seems in societies with low-quality institutions, such as Libya. Partial resistance can be verbal and symbolic. It does not necessarily materialize into actions. It is further characterized by a refusal of specific actions or decisions but does not target groups as such. After all, a thin line marks the forms of disagreements accepted or tolerated by an armed group. Civilians will have to find ways to exercise their agency without crossing the line<sup>144</sup>.

Survey data collected by the Clingendael Institute<sup>145</sup> in eight different municipalities in western and southwestern Libya proves that partial resistance to armed groups exists among Libyans. As explained earlier in the theoretical portion of this section, resistance is hard to materialize in societies with low-quality pre-existing and when there is no ability and desire to cooperate.

Nonetheless, Libyans did not shy away from expressing their views towards and opinions on militiamen and smugglers in questions that focused on security and governance. Following each question, the respondents were given the opportunity to expand on their answers and provide more information if they wish. Respondents' answers to the open-ended questions provided more insights on the public opinion of Libyans on militias and armed

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<sup>142</sup> Id, p. 182-184

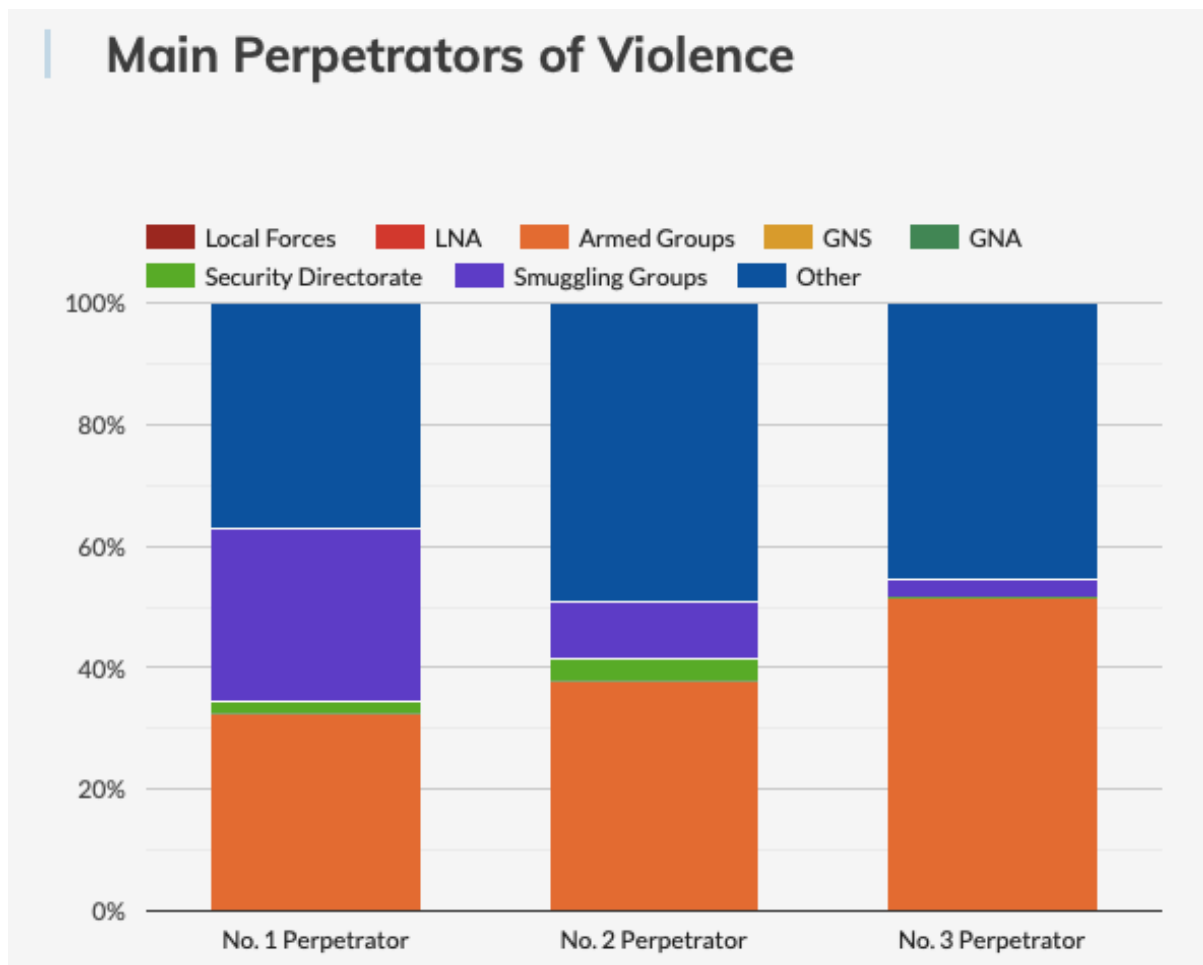
<sup>143</sup> Id, p. 188

<sup>144</sup> Id, p. 192-198

<sup>145</sup> The rest of this section is based on data collected by the Clingendael Institute that I had the privilege to access through work as mentioned in the methodology section. Some of the data, not the answers to the open-ended questions, and all the figures used in this section are available for public on: [https://www.clingendael.org/diversity\\_security\\_Libya/](https://www.clingendael.org/diversity_security_Libya/), A report Publication with the data analysis (Floor El Kamouni-Janssen et al, "Local Security Governance in Libya: Perception of security and protection in a Fragmented Country," *The Clingendael Institute*, October 2018: [https://www.clingendael.org/pub/2018/diversity\\_security\\_Libya/](https://www.clingendael.org/pub/2018/diversity_security_Libya/))

groups. This section presents the responses of Libyans to three questions that are relevant to the argument.

In a question on whom Libyans consider to be the main three perpetrators of violence, more than 30% of Libyans considered armed groups to be the main perpetrators, and more than 20% considered smuggling groups to be the main perpetrator of violence. The percentage for militant groups, however, increases in the second and third category. In the follow-up questions, Libyans explained that other actors include war-criminals, armed unaffiliated persons, or specific armed groups that respondents did not feel comfortable enough to mention by name.

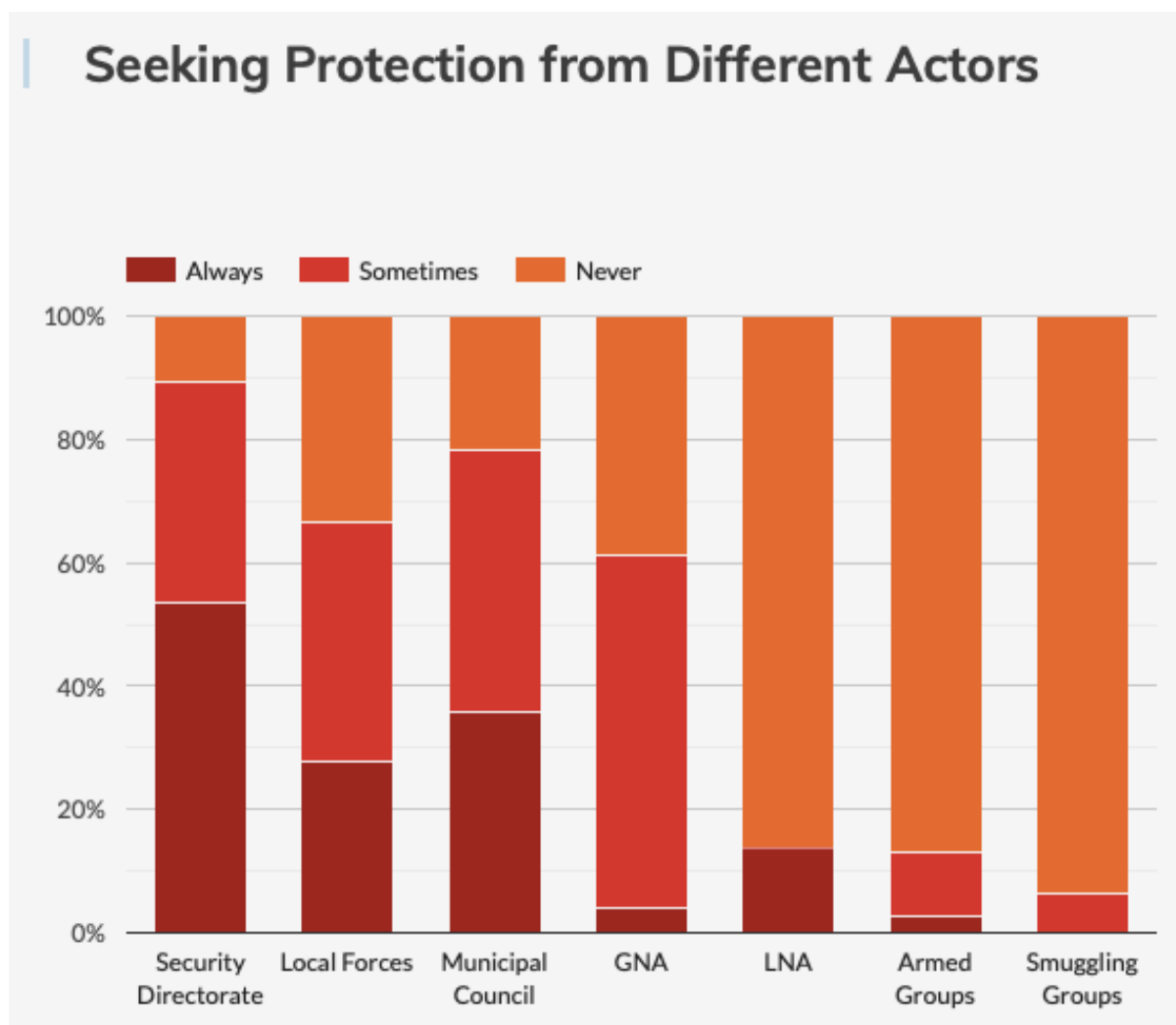


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Whether Libyans trust the actors as mentioned below, around 85% of Libyans maintained that they do not trust armed groups at all. More than 95% indicated that they do not trust smuggling groups. The municipal council, local forces(which include tribal forces), the LNA, and GNA-affiliated militias are somewhat trusted by about 50% of Libyans – more

<sup>146</sup> Figure available on: [https://www.clingendael.org/diversity\\_security\\_Libya/](https://www.clingendael.org/diversity_security_Libya/)

or less. Strikingly, 50% of respondents answered that they completely trust the security directorate, and more than 35% of interviewees stated that they somewhat trust the security directorate. The security directorate is a pre-existing institution of Gaddafi’s time that is equal to police forces in other countries. In the open-end questions, interviewees wrote that even though the security directorate has been weakened after 2011, but they still prefer it over other actors because it is legitimate and it works for the safety and security of Libyans – unlike non-state armed groups of all factions who have contributed to the increase of fear and fragmentation in the country<sup>147</sup>.



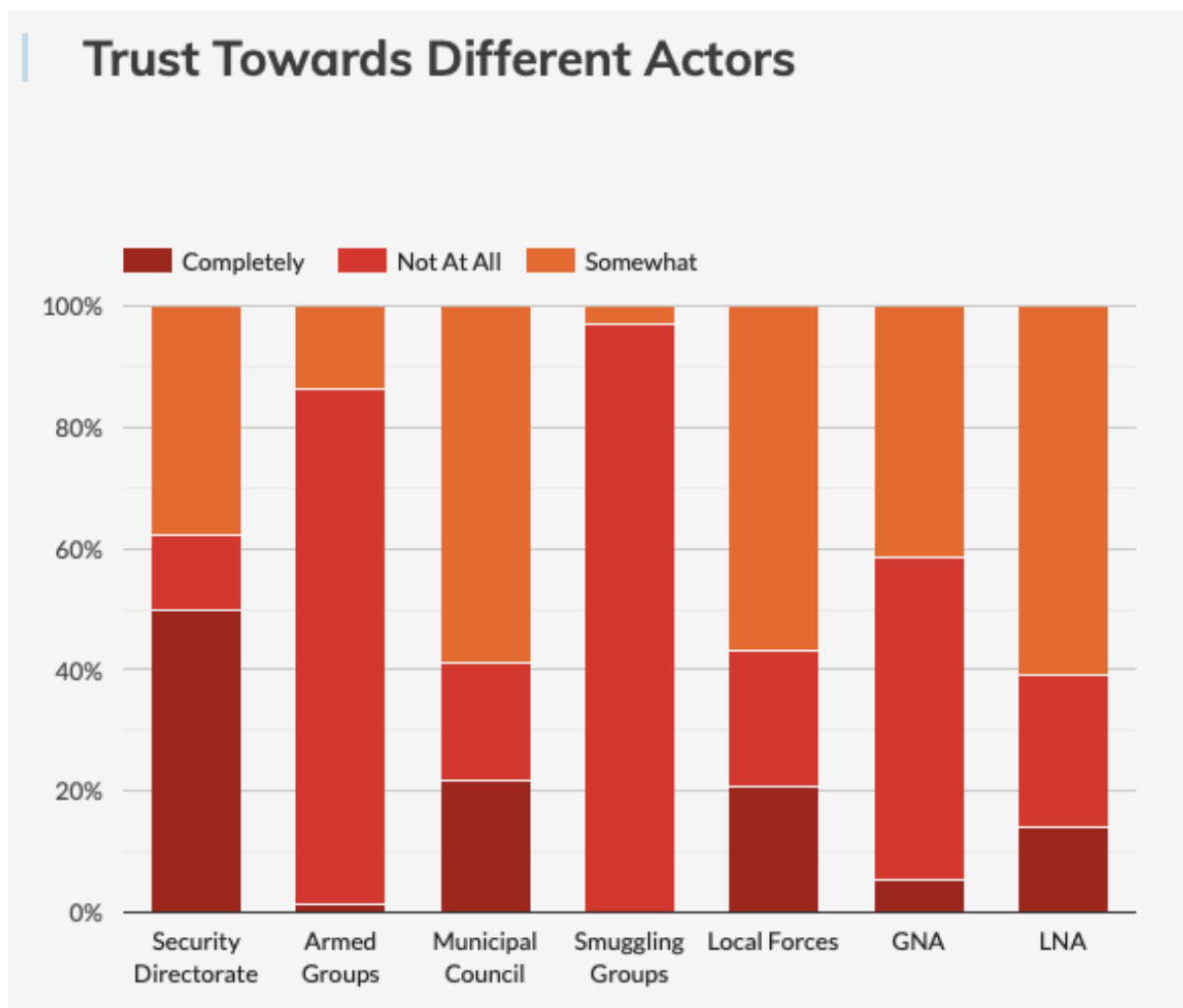
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<sup>147</sup> Floor El Kamouni-Janssen et al, “Local Security Governance in Libya: Perception of security and protection in a Fragmented Country,” *The Clingendael Institute*, October 2018, P. 26-27:

[https://www.clingendael.org/pub/2018/diversity\\_security\\_Libya/](https://www.clingendael.org/pub/2018/diversity_security_Libya/)

<sup>148</sup> Figure available on: [https://www.clingendael.org/diversity\\_security\\_Libya/](https://www.clingendael.org/diversity_security_Libya/)

Whether respondents would seek help from the actors mentioned in the graph below, 85% indicated that they would not ask armed groups for protection or assistance. In addition, 90% said that they wouldn't seek support from smuggling groups, and more than 80% maintained the same about the LNA (keep in mind that these figures were collected in western and southwestern Libya that is not under the LNA zone of influence thus, the situation might be different in the east). About 90% of interviewees answered that they would always or sometimes go to the security directorate for support and protection. The percentages are less for the local forces, the municipal council, and GNA-affiliated militias but they are still much higher than those of armed and smuggling groups. Legitimacy and attitude towards the state were among the main reasons why respondents chose certain actors over others to obtain protection, security-support, and help from<sup>149</sup>.



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<sup>149</sup> Ibid<sup>150</sup> Figure available on: [https://www.clingendael.org/diversity\\_security\\_Libya/](https://www.clingendael.org/diversity_security_Libya/)



## Chapter Conclusion

Libyan public opinion, academic theories, and case studies prove that like any other actors, armed groups have limits to their actions. Even armed militant organizations have to adhere to some accepted norms and arrangements to preserve their interests and existence. As long as the unity of Libya remains to be the only acceptable political framework and solution, and as long as Libyans continue to adhere to it, armed groups will not be able to challenge it, and it is in their interests to symbolically promote unity. Accordingly, this chapter has aimed to demonstrate that armed groups, with all the fragmentation they have caused, were not able to challenge Libyan unity ideals - until the time of writing at least.

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## Tribes Do Not Only Cause Disintegration

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The rapid disintegration of the Libyan state after 2011 meant that other sub-national institutions and identities had to mobilize and fill the void. The tribe was one of these institutions that soon empowered itself in order to provide protection and support for its constituencies<sup>151</sup>. It is true that tribes play a role in the Libyan conflict, and they are sometimes a direct cause of certain rifts, but this is not always the case. Tribes were put in that position by the absence of the state. Further, tribalism and tribal identities were empowered because the state in Libya is currently weaker than before, and not the other way around<sup>152</sup>.

International community efforts have pushed Libyan tribes closer to the state as well. The UNSMIL did not attempt to challenge tribal authority or distance them from political or national solutions. Ghassan Salame, the UN Special Envoy to Libya, has met with tribal elders and representatives on multiple occasions<sup>153</sup>. Tribal delegations have stressed their commitment to Libyan unity and the process of state-building in those meetings. Tribes were present at the Libyan National Conference meetings as well. Participants of the LNC favored the use of traditional authorities mechanisms to achieve reconciliation since Libyans are already familiar with it<sup>154</sup>. These practices have brought tribal interests and Libya's interests as a state much closer.

Accordingly, the first section of this chapter aims to explain that Libyan tribes have supported the Libyan state and its unity on different occasions throughout the history of modern Libya. They have done this because they have an interest in maintaining the nation-state of Libya despite the inter-tribal strife among them. Further, as armed groups, tribes need to ensure the long-lasting political relevance and societal position and to preserve their economic interests. The second section will use data and surveys from different publications to prove that even though many Libyans are proud of their identity, they still consider their

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<sup>151</sup> Mohamed Ben Lamma. "The Tribal Structure in Libya: Factor for fragmentation or cohesion?" *Fondation pour la Recherche Stratégique*, September 2017, P. 3:

<https://www.frstrategie.org/web/documents/programmes/observatoire-du-monde-arabo-musulman-et-du-sahel/publications/en/14.pdf>

<sup>152</sup> Igor Cherstich. "When Tribesmen do not act Tribal: Libyan Tribalism as Ideology (not as Schizophrenia)," *Middle East Critique*, November 2014, P. 1-4

<sup>153</sup> A meeting with Cyrenaica's tribe in Benghazi, March 2018: <http://alwasat.ly/news/libya/198011> - tribal representatives attend LNC sessions in Tripoli, February 2018: <http://ewanlibya.ly/news/news.aspx?id=187900> – A meeting with minority tribes representatives (Tuareg and Tebu), October 2017:

<https://aawsat.com/home/article/1051701/الصخورات-الجولة-الثانية-لتعديل-سلامة-يلتقي-الأقليات-الليبية-قبيل-انطلاق-الجولة-الثانية-لتعديل>

<sup>154</sup> Libyan National Conference report, November 2018, p. 59: <https://unsmil.unmissions.org/libyan-national-conference-process-final-report-0>

national identity to be of a higher value. Libyans firmly hold that tribes should not be allowed to run the national scene and there should not be a substantial interference between the two institutions. Hence, this chapter will attempt to answer why tribes and tribal constituencies are still attached to the state, and how their actions may have maintained the state, and helped in protecting its symbolic image.

### Tribes in Libyan History

Gokhan Bacik's concept of hybrid sovereignty maintains that in Arab countries the colonially injected model of the Westphalian nation-state had to cohabit and coexist with other traditional cultural and societal mechanisms that have their influence on politics such as religion and tribalism. These old institutions predate the nation-states that were only conceived during the interwar period by Britain and France in most of the Arab region<sup>155</sup>. Libya, for instance, received its independence in 1951, but tribalism has existed in what is now Libya for hundreds of years before that date.

King Idris, the first ruler of independent Libya, comes from the Sanusi family which is originally a tribal and religious order. The Sanusi order is a Sufi sect that was able to unite most of Cyrenaica's tribe by the end of the nineteenth century and emerge as the most influential religious order in North Africa. After uniting most of the tribes in eastern Libya and incorporating them into the order, the Sanusi were able to mobilize them against Italian colonizers. The tribes, under Sanusi leadership, were the first group to pick up arms against the Italians in Libya as early as the 1920s. Thus, the independence of Libya in 1951 under Sanusi rule marked an official beginning for the entanglement of politics and tribalism at the national level. King Idris, consolidated his reign by establishing stronger links with the tribes of Tripolitania and Fezzan. Tribal elders constituted a considerable number of representatives in the national assembly and most of the seats in the upper house, in addition they received the most powerful executive positions. The king maintained his dependency on tribalism to govern the country until his overthrow by Colonel Gaddafi in 1969<sup>156</sup>.

In the first years of his rule, Gaddafi attempted to marginalize tribal authority in the political sphere. He reconfigured the political system and constructed a new group of state elites mostly composed of his Free Officers and revolutionary companions. He continued tribalism as on the ground of favoritism, clientelism, and patronage and he promised that he would rid Libya of tribalism and tribal relations. However, he soon realized that this task is

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<sup>155</sup> Gokhan Bacik, *Hybrid Sovereignty in the Arab Middle East: The cases of Kuwait, Jordan, and Iraq*, Palgrave MacMillan, 2008.

<sup>156</sup> Thomas Husken, "Tribal Political Culture and the Revolution in Cyrenaica," *Orient*, 2012, P. 25-27

impossible. The 1975 coup carried out mainly by Misratan tribes forced Gaddafi to fall back on tribes to preserve his regime and provide it with popular legitimacy. In addition to empowering his tribe, the Qadhadhfa, Gaddafi allied himself with the Warfalla, the largest tribe in Libya, and the Magarha, the historical rival of Misratan tribes and old-time ally of the Qadhadhfa. These three tribes filled most senior positions in Gaddafi's government, and they were recruited heavily in his security apparatus<sup>157</sup>.

Nonetheless, tribal support for authoritarian regimes cannot be sustained indefinitely. In 1993, the Warfalla officers were among the main participants in a military coup attempt against Gaddafi. When the tribal elders refused to see their constituents to be publically executed in Bani Walid (the Warfalla hometown), The Colonel punished the Warfalla for their actions. He banned families and relatives of the participants from public jobs, exiled them to other towns, and established a new elite-class that pledged loyalty to him<sup>158</sup>.

### Tribes in Post-2011 Libya

During the uprisings of 2011, the tribes played a major role as well. It is true that the Libyan Revolt against Gaddafi cannot be described as a tribal struggle. The revolutionaries and their demands were mostly civil; however, the Libyan tribes were essential for the revolutionaries final success. The initial and rapid support of Cyrenaica's tribes to the rebels cause gave it popular legitimacy. Furthermore, tribal networks were used to mobilize youths and tribal constituencies and motivate them to join the Revolution<sup>159</sup>. Many tribal leaders publicly condemned Gaddafi, and historical rivals managed to work together for the benefit of Libya and to end the dictatorship. For instance, al-Zawy Arab tribe and the Tebu ethnic tribes of al-Kufrah put their differences aside when they decided to coordinate their revolutionary efforts<sup>160</sup>. The same is true for Arab and Amazigh tribes in Tripolitania. Gaddafi used the tribes to create rifts and divides among Libyan in order to sustain his regime. But, in multiple occasions, Libyan tribes proved that their interests do not have to contradict the interests of their state. In contrast, their struggle against colonizers, and then again against Gaddafi shows that tribes were reproducing the symbolic image of Libya.

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<sup>157</sup> Ben Lamma, P. 29-30, and Thomas Husken, P. 27-28

<sup>158</sup> Husken, P. 28-29, and Peter Cole and Fiona Mangan, "Tribe, Security, Justice, and Peace in Libya Today," *United States Institute of Peace*, P. 9-10: <https://www.usip.org/publications/2016/09/tribe-security-justice-and-peace-libya-today>

<sup>159</sup> Ben Lamma. P. 38

<sup>160</sup> Frederic Wehrey, "Insecurity and Governance Challenges in Southern Libya," *Carnegie Endowment for International Peace*, March 2017, p. 4: <https://carnegieendowment.org/2017/03/30/insecurity-and-governance-challenges-in-southern-libya-pub-68451>

The tribes in Libya in fact contributed to the recreation of the state's physical and symbolic image, in direct or indirect ways. Thus, the next section of this chapter will provide examples of tribal efforts to hold onto the state, support and maintain its image in the post-2011 period. One would expect that in the midst of state fragmentation, the tribes of Libyan ethnic minorities such as the Tebu, the Tuareg, and the Amazigh would work to undermine the Libyan state to achieve their groups' sub-national interests. Nevertheless, this was not the case during the preparatory phase for the Libyan constitution draft. In 2013, The Tebu, the Tuareg, and the Amazigh threatened to boycott the process if their demands for equal representation and rights in the new Libya were not met<sup>161</sup>. They did not make these threats to undermine Libya as a state. Instead, they made them because they wanted Libya to be inclusive and to have a place for their communities. Further, the Tebu and the Tuareg have been historically denied access to equal citizenship rights by successive Libyan political regimes, but that did not stop them from making demands for an inclusive Libya.

The assumption that traditional tribal structures will hinder the process of state-building in Libya will have to be dismissed. State-building cannot be achieved in Libya without the assistance of the tribes. Tribes can support the process by preserving peace, preventing conflicts, resolving pending and outstanding issues. Furthermore, tribal governance mechanisms in Libya can provide a frame to advance state building, fill power vacuums, sustain the gradual process of state consolidation. Simultaneously, the council of elders responsibilities can be expanded to support reconciliation, settle down socio-political disputes, help in IDPs resettlement, and moderate between regional rivals. Libyan tribes deployed their conflict resolution methods to mediate between rival tribes and local communities, settle issues related to property rights, marriages, inheritance, complaints, and even rape and murder cases. The state in Libya can choose to support and encourage the adoption of similar practices by all influential tribes in the country<sup>162</sup>.

Equally important is the tribal opposition to radical Islamists groups and ideologies. Libya's tribal populations adhere to a form of Islam that is more rooted in traditions and culture and shies away from fundamental and Jihadist doctrines. This tribal religious leaning is one of the factors that explain the widespread rejection of radical Islamism and the failure of terrorist movements, such as ISIS in gaining momentum among Libyans<sup>163</sup>. The tribes of

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<sup>161</sup> RT Online. Published on 18 July 2013: <https://arabic.rt.com/news/621531-الأمازيغ والطوارق والتبو يقاطعون انتخاب لجنة صياغة الدستور لعدم احترام خصوصياتهم>

<sup>162</sup> Nouredine Jebnoun, "Beyond the mayhem: debating key dilemmas in Libya's statebuilding," *The Journal for North African Studies*, 2015, P. 840-843

<sup>163</sup> Arturo Varvelli, "The Role of Tribal Dynamics in the Libyan Future," *Istituto per gli Studi di Politica Internazionale*, 2013, P. 8-10

Cyrenaica backed military campaigns against Islamists armed groups in Benghazi and Ajdabiyah. Recently, the same tribes have explicitly and publicly championed the Libyan National Army efforts against ISIS-affiliated forces in Derna in northeastern Libya<sup>164</sup>.

### The Role of Tribes In Reconciliation and Conflict Resolution

The tribal attempts to break revenge cycles and to improve reconciliation prospects is another area in which the tribes performed the duties of the state in order to maintain its unity and prevent further fragmentation. Since the fall of Gaddafi, most of the reconciliation and conflict resolution efforts amongst rival communities and tribes were conducted by the tribal chiefs and the councils of elders. The thesis will provide three examples to illustrate this process. The two tribes of the Nafusa Mountains, the Zintan and the Meshashya, were involved in a violent conflict that was initiated as a result of the Libyan uprisings. The Zintan accused the Meshashya of assisting Gaddafi's army in shelling their town during the revolution, while the Meshashya proclaimed that the Zintan were trying to expand their geographical zone of influence by taking over disputed lands between their the two's territories. More than 2500 people were forced to leave their villages because of the conflict, and successive governments were not able to bring about peace between the two communities. Consequently, a tribal delegation of twelve tribes from all over Libya took it on themselves to mediate between the two parties and they successfully managed to make a peace deal between the Zintan and the Meshashya. The peace deal that was signed on 18 May 2017, and it paved the way for the return of standard life practices and the return of IDPs<sup>165</sup>.

The second example is from southern Libya. The minority tribes of the Tebu and the Tuareg were involved in a cycle of clashes after the fall of Gaddafi. They both aimed to control smuggling routes from Africa through southern Libya and then to the north. Smuggling was the only economic survival option available to these communities after 2011. The struggle to control smuggling routes resulted in a bloody conflict that started in September 2014 and lasted for an entire year. Hundreds lost their lives, thousands fled their towns, and the conflict destroyed entire villages. Finally, a tribal delegation of Tebu and Tuareg elders met in Doha, Qatar in November 2015. The delegation was able to negotiate a

<sup>164</sup> Sky New Arabia. Published 18 May 2018: <https://www.skynewsarabia.com/middle-east/1048979-قبيلة-العبيدات-تدعم-الجيش-الليبي-بمعاركة-درة>

<sup>165</sup> Mohamed Almenfi, "Op-Ed: In Libya, only one system of law is functioning, and it's not state law," *Libya Herald*, July 2018: <https://www.libyaherald.com/2017/07/13/op-ed-in-libya-only-one-system-of-law-is-functioning-and-its-not-state-law/>

peace deal that has been able to maintain a relative peace between the two tribes since then<sup>166</sup>.

The third case is of the two most politically important towns of Tripolitania, Misrata, and al-Zintan. The two cities played a dominant role during the uprisings, and their revolutionary campaigns are what eventually brought the fall of Tripoli in the hands of the rebels. Between 2011 and 2014, the two towns were competing over the controlling the Libyan capital that was essential to ensure their place on the political negotiations and to maintain their military relevance and economic opportunities. Nonetheless, Misratan armed groups were able to kick al-Zintan military council forces out of Tripoli. Even though large-scale conflict did not erupt later, the incident created a tense environment in Tripolitania and also in Misrata and al-Zintan since security threats were always on the horizon. In March 2018, the two towns were able to achieve peace. It is true that the negotiation teams were not purely tribal, but tribal chiefs and community elders contributed a lot to the process, provided moral and traditional authority, and ensured a smooth process. What is interesting about this deal, in particular, is that both delegations pledged to protect and fight for Libya's unity and prevent any endeavor that could create more fragmentation or disintegration. They further asserted that both communities should play a more active role in supporting state-building initiatives and work for an inclusive, civil, and constitutional state<sup>167</sup>.

These examples clearly show that the tribe as an organization does not necessarily stand against the concept of a centralized nation-state in Libya. The tribes have been dealing with issues that resulted from political and institutional vacuum more than before in the aim to block further social fragmentations. They have been trying to assist and preserve the unity of Libya since 2011. Thus, the best way to end this section is with the words of Libyan tribal elder, Khaled, "...we want democracy, law, justice, and all these things for everyone, not tribe against tribe, all Libyans united . . . if the law is not working, then the tribe works!"<sup>168</sup>

## Tribes and Constituencies

The first section of this chapter explored the relationship between the tribes and the state in Libya, the second section of this chapter shifts the focus to Libyans and their

<sup>166</sup> Al-Araby Al-Jadeed. Published 24 November 2015: <https://www.alaraby.co.uk/politics/2015/11/24/-اتفاق-التبو-و-الطوارق-بالدوحة-حرة-الألف-ميل-لتحقيق-السلام>

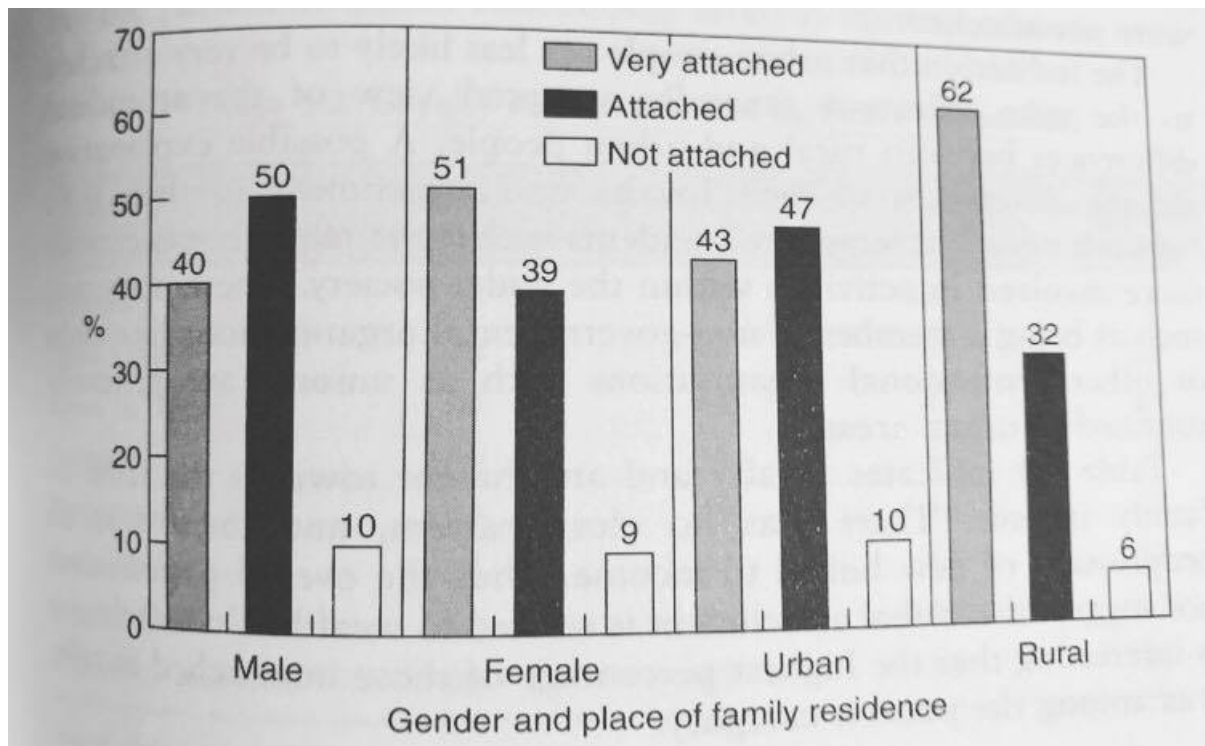
<sup>167</sup> Arabi 21. Published 26 April 2018: <https://arabi21.com/story/1089500/-اتفاق-صلح-بين-مدينتي-مصراة-و-الزنتان-في-مصالحه-بين-ليبيا> and Al-Jazeera. Published 28 March 2018: <http://www.aljazeera.net/news/arabic/2018/3/28/-الزنتان-و-مصراة-ليبيا>

<sup>168</sup> Cherstich, P. 14



relationship with the tribal institution. The aim is to show that even though Libyans continue to identify with tribalism, they still hold to their national identity as the primary one. Further, they refuse any kind of tribal control over national bodies.

In 2001, scholar Amal al-Obeidi surveyed Benghazi University students on topics that have effects on political culture in Libya. She published her results in a book titled *Political Culture in Libya* which remains to be one of the most significant and rare sources on politics, culture, and society in modern Libya. A section of her study focused on tribalism and students connections to their tribes. On whether students were attached to their tribes or not, al-Obeidi found that a large group of students were attached or very attached to their tribes<sup>169</sup>. The findings are almost similar among male and female students, and among students from urban and rural backgrounds.



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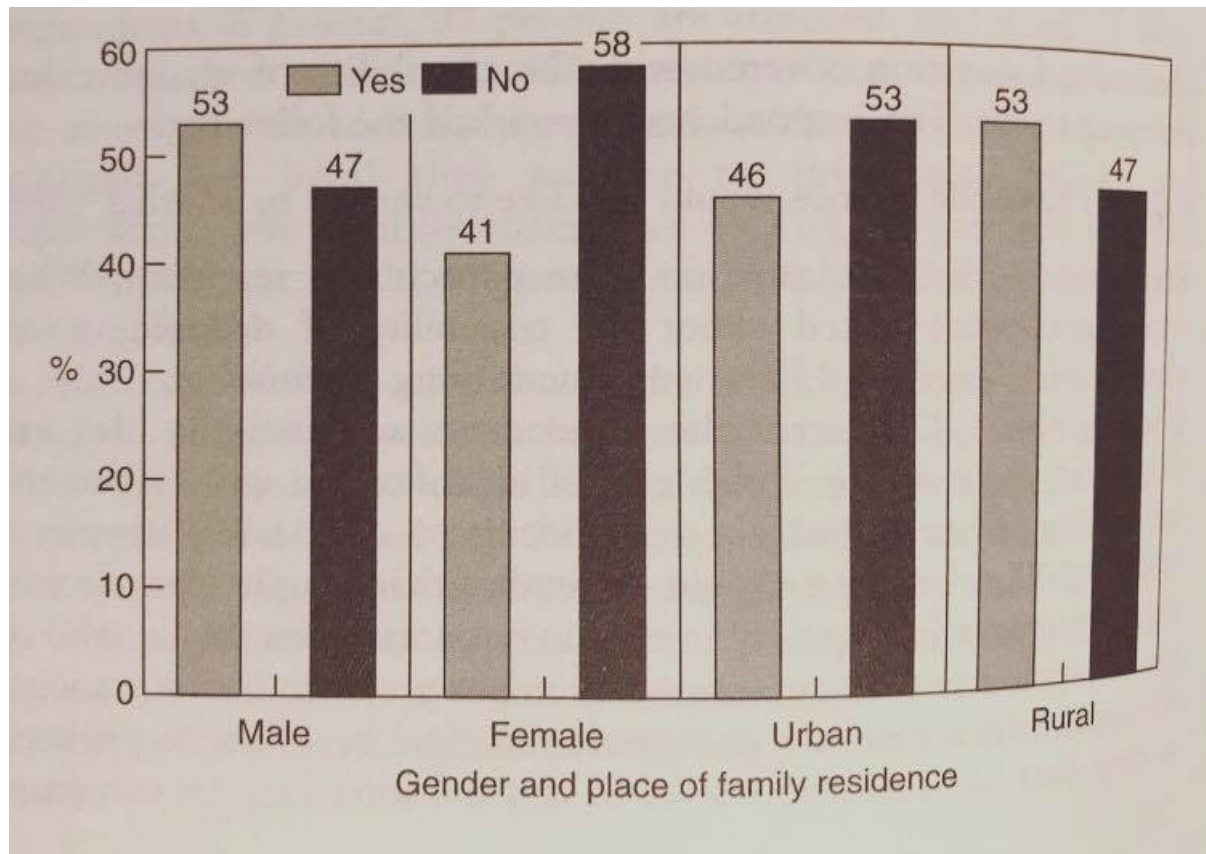
Interestingly, only a small majority of male and urban background students were willing to drop tribal identities, while a substantial minority of female and urban background students were willing to do the same. Al-Obeidi maintains that in contrast what might be assumed by scholars studying Libya from abroad, the outcome of the survey proves that gender and geographical contexts are not determinants of tribal loyalties. Al-Obeidi concludes that tribes remain essential both culturally and socially, and they continue to have

<sup>169</sup> See the figure below.

<sup>170</sup> Amal Obeidi, *Political Culture in Libya*, Richmond : Curzon, 2001, P. 121



effects on politics, albeit indirectly. She adds that during Gaddafi's tribal organizations and networks served as a substitute for civil society. The tribe was the only available mean through which Libyan could voice their political views in public while being able to receive modest support and protection.



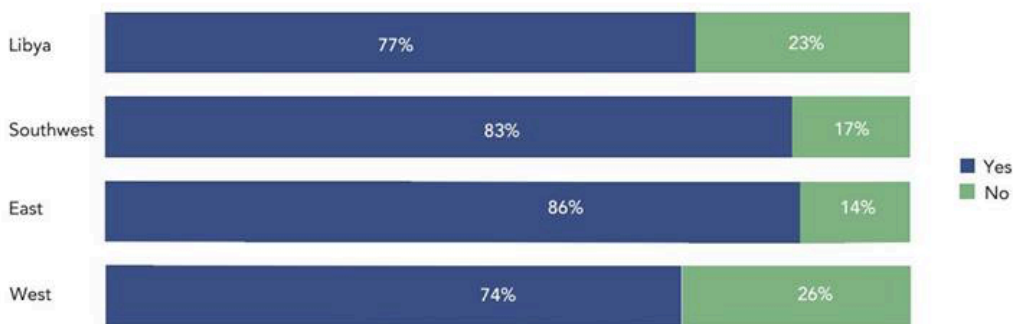
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After the Libyan uprisings and the toppling of Gaddafi's regime, tribes continued to affect the cultural, the social, and the political aspect of life in the country. In a space where political fragmentation has prevailed, it should not be a surprising to see that Libyans continue to identify with their own tribes and strongly uphold to their tribal identities whether they are living in urban or rural settlement. However, this does not come at the expense of them identifying with their country.

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<sup>171</sup> Obeidi, P. 126

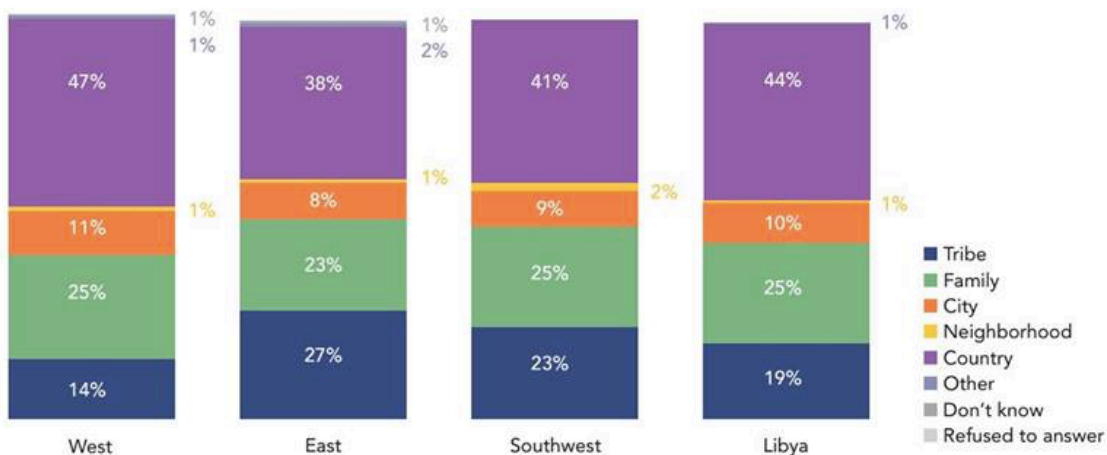
Figure 3. Do you identify with one particular tribe? (n=979, by region)



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As the figure shows, tribal identification continues to be strong in Libya. It is strongest in the East where 86% of respondents answered that they identify with a particular tribe. The national average stood at 77% of the sample identifying with a certain tribe. Nevertheless, tribal identification do not surpass national identification in Libya. The figure below shows clearly that despite the rapid fragmentation and disintegration of Libya after the fall of Gaddafi, the majority of Libyans in Tripolitania, Cyrenaica, and Fezzan continue to identify with their country first, tribe and family came second and third respectively.

Figure 2. Among the following groups, to which do you identify the most? (n=979, by region)



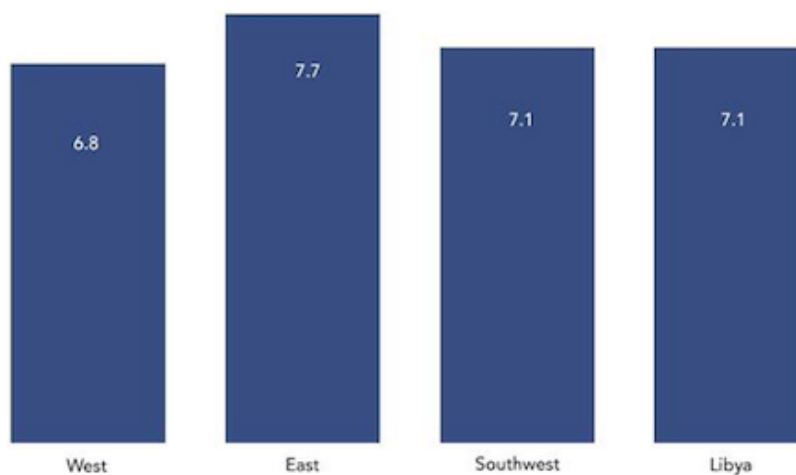
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<sup>172</sup> Cole and Mangan, P. 10

<sup>173</sup> Ibid

In security and safety aspects, respondents proclaimed that tribes have contributed to their increase but they should not be allowed to take over state responsibility or control its institutions.

Figure 9. On a scale of 1 to 10, how significant a contribution do you think that tribes make to security in your local area? (n=979, average by region, 1=No contribution, 10=Very important contribution)

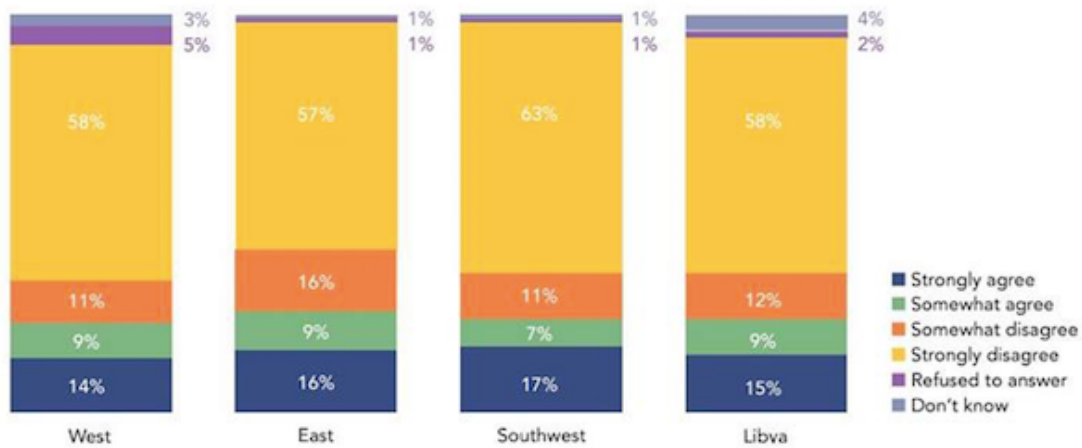


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Respondents in western, eastern and southwestern Libya observed that tribes contributed quite significantly to safety and security in their local areas. In some cases, tribal contribution to safety and security comes in the shape of supporting the role of national and governmental bodies, such as the police and the security directorate against smuggling and armed groups. However, the majority of respondents throughout Libya strongly disagreed with the statement that tribal elders should have an influence on local police. The figure below illustrate that no more than 25% of the total respondents indicated that tribal elders should not have an influence on local police.

<sup>174</sup> Id, P. 14

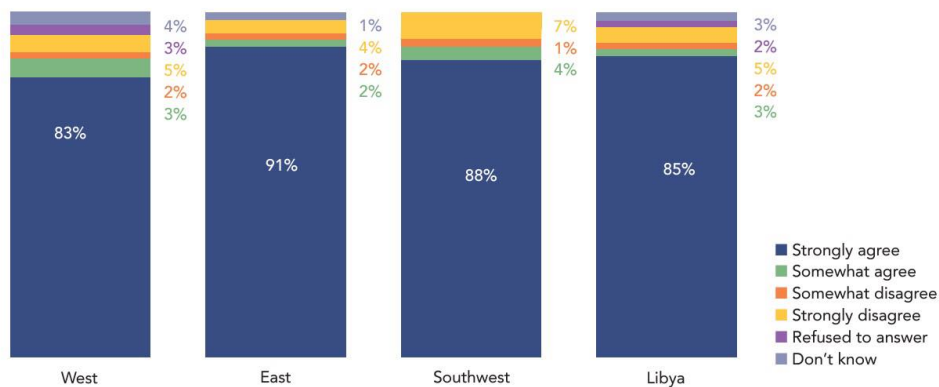
Figure 8. Do you agree that tribal elders should have an influence on local police? (n=979, by region)



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When asked whether local police should be totally independent from any tribal association, more than 80% of total respondents in the three geographical regions of Libya agreed that local police should be completely independent from any tribal affiliations. The figure below demonstrate that the percentages were 83% in Tripolitania, 91% in Cyrenaica, and 88% in Fezzan, with a national percentage of 85%. Regardless of their tribal identification, Libyans concur that tribes should not be allowed to control and manipulate police forces.

Figure 7. Do you agree that local police should be completely independent from any tribal affiliation?

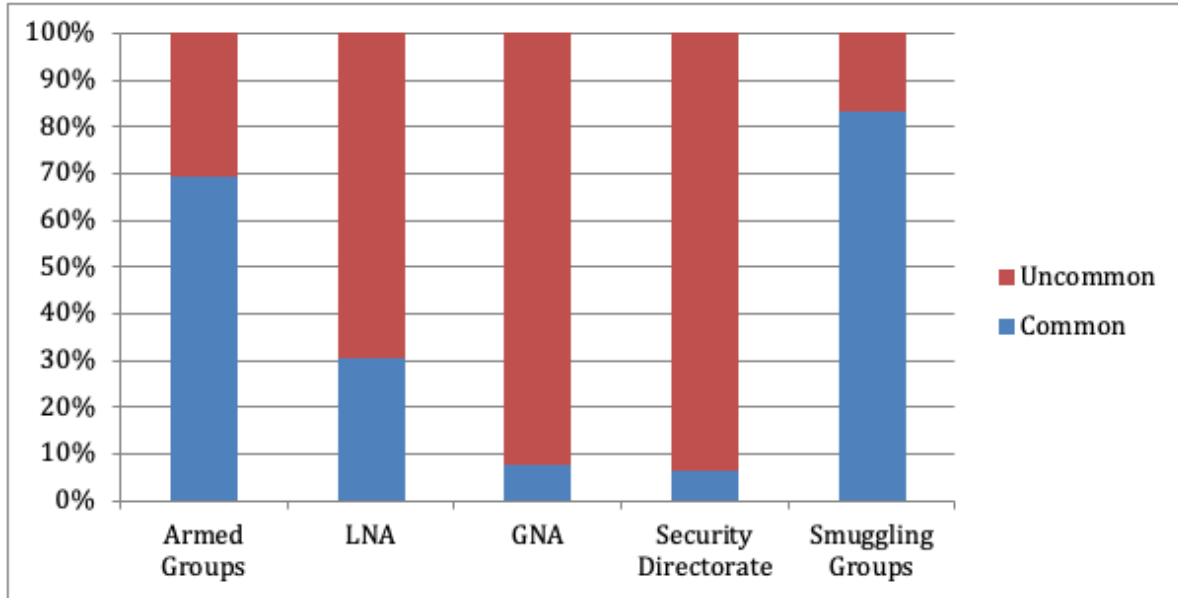


176

<sup>175</sup> Ibid

<sup>176</sup> Id, P. 13

It is interesting to note that even though respondents asserted that tribes should not be allowed to exert their power over the police, violent clashes were between the police and tribal forces were considered an uncommon occasions in town were both armed bodies coexist



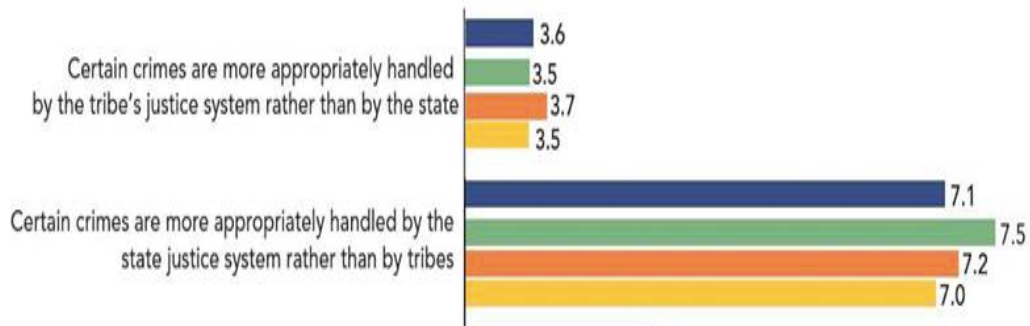
177

In a survey conducted by the Clingendael Institute, respondents in Ghat, Ghadames, and Gharyan, municipalities with a strong tribal character, were asked whether violent and armed clashes are common among tribal forces and other local and national actors, as mentioned in the graph above. The results demonstrate that violent conflict between tribes and state forces, such as the GNA affiliated forces and the local security directorates are rare. On the other hand, armed battles between smuggling and armed groups were considered common.

The respondents refused tribal interference with the state justice system as well. As explained in the previous section, tribal conflict resolution methods are necessary to resolve social and cultural disputes and promote reconciliation and mediation between competing tribes, political actors and communities. However, Libyan in Tobruk and Sabha argued that certain crimes such as murder, armed groups violations and threats, illicit smuggling activities, intimidation, and kidnap, among others, are better handled by the state and its justice bodies.

<sup>177</sup> Data from the Clingendael Survey are publicly available on: [https://www.clingendael.org/diversity\\_security\\_Libya/](https://www.clingendael.org/diversity_security_Libya/) (figure is my own creation)

Figure 12. Do you agree or disagree with the following statements? (1=Not at all, 10=Yes, absolutely, n=979, by region)



178

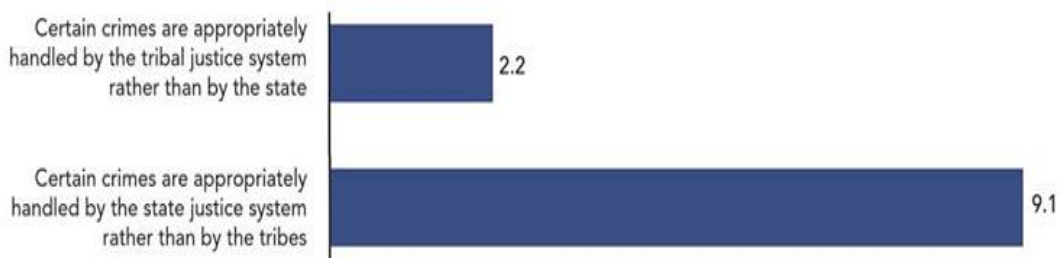
When asked whether certain crimes are better handled by the tribes justice system or the state justice system, respondents' answers indicated a preference for the state justice system to handle crimes in all three regions of Libya.

Figure 14. Do you consider that justice provided by tribal elders is... (1=Not at all, 10=Yes, absolutely, n=22, Tobruk)



179

Figure 21. Do you agree with the following statements? (1=Not at all, 10=Yes, absolutely, n=22, Sabha)



180

<sup>178</sup> Cole and Mangan, P. 16

<sup>179</sup> Id, P. 21

<sup>180</sup> Id, P. 31

In Tobruk and in Sabha, two predominantly tribal towns, a low portion of respondents maintained that certain crimes are better handled by the tribal justice system rather than by state institutions. In contrast, many upheld that certain crimes are appropriately managed by the state justice system rather than the tribal one. A proof that Libyans still prefer state institutions over traditional authorities conflict resolution methods – especially in areas that have not been historically managed by the tribe.

## Chapter Conclusion

The resilience of tribal identities and networks does not necessarily contradict or undermine the concept and the resilience of the nation-state in Libya. Alice Wilson argues that tribes play a role in transforming the future of MENA state through transforming and supporting active political participation and the distribution of resources and responsibilities<sup>181</sup>.

Simultaneously, the Libyans who are still attached to their tribal identity, acknowledge that their loyalties to their country and nation come first. It is true that many Libyans continue to seek help, support and protection from their tribes, but they do this because they currently do not have a better option. The tribes remain to be a non-radical actor that can provide this kind of assistance. Igor Cherstich supports this view in his work on tribalism in Libya. He states that:

“Many Libyans resort to tribal connections, rather than to ‘state means,’ not because they are culturally wired to do so, nor because they are fundamentally opposed to the nation state or other ideological discourses, but simply because in the current political climate making use of tribal means is the only way to conduct a functional life.<sup>182</sup>”

The author reaffirms the argument developed in this chapter by maintaining that Libyans resort to tribal networks nowadays to gain access to services, justice, and security. However, and as many of the surveys’ results, clearly indicate Libyans still have a preference for state bodies. Thus, both the tribe as an institutions and as an organization made out of thousands of constituencies continue to recreate and reproduce the image of the state through their actions, choice, and ideologies. The tribe local governance sought on multiple occasions to strengthen the state and preserve its unity. This has been done through attempts at conflict resolution, tribal, regional and national reconciliation initiatives by the tribes, and the promotion of Libyan unity as a mean to ensure the interests of all tribes.

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<sup>181</sup> Alice Wilson, “From Revolutions to Elections: When Tribes Transform State Power,” *Middle East Center Blog at the London School of Economics and Political Science*, 2018:<http://blogs.lse.ac.uk/mec/2018/07/17/from-revolutions-to-elections-when-tribes-transform-state-power/>

<sup>182</sup> Cherstich, P. 4

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## Concluding Remarks

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Building on theories of sovereignty, statehood and rebel governance, this thesis has attempted to prove that political and security fragmentation in Libya did not result in provoking Libya's state structure and unity. Libya, as explained in the historical background, has always been characterized by the weakness of its state institutions and governance structures, but that does not make it less of a state than any other country in the world. The differentiation between positive and negative sovereignty, symbolic and material acts, and the state and its state agents, has shown that countries can exist without having strong central governments with functioning institutions.

In the case of Libya, the international community played a significant role in preserving Libya's unity, sovereignty, and territorial integrity during the troubled years that followed the uprising. The international community, represented by the UN and other powerful states, was able to push local actors towards the ideals of unity in Libya. This has been done through holding meetings and reconciliation sessions, brokering deals and agreements between warring parties, and contributing to government formation processes. Even though some regional and global powers have different interests and agendas to promote in Libya, but they all seem to agree that maintaining Libya's unity and sovereignty is in their interest and those of the international order

Attitudes inside and outside Libya has attracted armed and revolutionary groups towards similar ideals as well. These groups soon realized that it is in their interests to participate in this discourse in order to preserve their political relevance, ensure access to resources, and avoid tensions with the Libyan population. The same holds for the tribal institution which has a long history of entanglement with politics in Libya. Following a path that promotes state-building, unity, and national sovereignty has increased the relevance of tribes in achieving any political solution in Libya. Furthermore, by upholding to Libyan national principles, tribal sheikhs attempts to minimize friction with their constituencies who from their support and legitimacy base. Thus, promoting Libyan unity proved to be in the interests of local political, armed, and traditional authority actors despite their agendas and plans for the future of Libya.

In conclusion, Libyan sovereignty and unity have been preserved thus far as a result of multiple international and local drivers to reconstruct the Libyan state after the uprising. The revolt against Gaddafi has unleashed deeply rooted political and societal issues that have exacerbated the level of fragmentation in the country. While the fragmentation has threatened



the state in Libya, it did not manage to bring an end to it. Accordingly, it is hard to deny that Libya is a disintegrated country with high levels of disorganization. It is also hard to deny that Libya lacks a national government that controls all of its territories. Nonetheless, it is equally hard to deny that Libya as a state continues to exist as it was first established and declared independent on 24 December 1951<sup>183</sup>.

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<sup>183</sup> Libyan Independence Day date: <http://www.embassyoflibyadc.org/in-the-memory-of-libyas-independence-day/>

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