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Capstone Seminar: Conflict Management and Resolution

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19 April 2018

Peace Efforts in Libya

Introduction

Libya’s civil war has cost thousands of lives and created hundreds of thousands of refugees fleeing to other North African countries as well as Europe. Two peace agreements have been facilitated by the United Nations and France respectively, but both have failed. This paper will analyze why these two agreements failed and what can be done in the future to create durable peace. I argue that by addressing the underlying issues of Libya as a failing state through security sector reform and institutional reform as well as addressing the presence of spoilers, a durable peace will be possible in Libya. These reforms can be facilitated through a mix of regional efforts and NGO programs to address factionalization in society. The lack of a government with the ability to ensure security and stability, as well as many militia groups fueled by oil revenue are the main reasons why peace has failed. Therefore, by addressing the concerns of a failed state first and then coopting groups, a peace agreement could be viable. International organizations like the UN and African Union and neighboring states like Egypt can facilitate these changes, and they offer a way forward for Libya to craft a stable government. I suggest these methods should be framed within the concept of slow democratization as the best nation-building technique available to Libya.

Background

The conflict in Libya began in 2014 but traces its roots to the revolution in 2011 (Poljarvic 79). The grievances that fueled the revolution in 2011, including corruption and repression, have long existed in Libyan society. Under Qaddafi’s rule state institutions were weakened or abolished, and tribal systems were maintained through direct political and economic transactions with Qaddafi instead of an official government organization (80). Peaceful protests that were inspired by similar protests in Egypt and Tunisia in early 2011 were met with state violence. The fractured society Qaddafi had created led to certain tribes backing him and others opposing his regime. The economic sector largely supported anti-Qaddafi forces, and one of the national oil companies within Libya used their revenue to help bring down the regime (86). UN Resolution 1973 authorized NATO to intervene on behalf of rebel forces which was vital for the disintegration of the Qaddafi regime (88). After Qaddafi’s defeat, a new more democratic government was sought after, but the divisions Qaddafi helped perpetuate during his regime prevented a cohesive government from forming. There was regional fighting over natural resources and power instead of state building (89). A single parliament was elected in 2012, but for the subsequent two years was at an impasse and unable to function.

One of the main problems Libya faced after the revolution was the lack of reintegration of militias into society after the revolution, and eventually two governments formed. The Government of National Accord (GNA) was established in Tripoli with some members of the first elected parliament post-revolution participating in it, and the House of Representatives (HoR) was established in Tobruk with the support of Khalifa Haftar who was associated with Qaddafi (Bradley 20). Haftar currently enjoys the support of the French military, the United Arab Emirates, and Egypt, so even though the GNA is supported by the UN, its legitimacy is challenged by the international support Haftar receives (Wintour and Stephen). The UAE supports Haftar’s government because it feels threatened by the Islamist groups supporting the GNA, and they have provided Haftar with intelligence, military, and media support (El-Gamaty). Egypt supports Haftar because they believe he is the only faction in Libya that can stop terrorist groups from crossing the border into Egypt, while France under Macron supports Haftar for similar reasons as Macron vowed to make fighting Islamist terrorism a priority (Irish). Haftar’s army and affiliated government advance a secular agenda whereas the GNA includes the support of Islamist groups. The civil war commenced as a result of Haftar’s Operation Dignity which was branded as targeting terrorist groups. In actuality he attacked Islamist militias not aligned with his regime including Fajr Libya which is the main supporter of the UN-backed government GNA (Bradley 20). Certain militia groups that do not support him because he was connected to Qaddafi and represents the old regime were attacked as well (Poljarevic 90). As Haftar engaged groups affiliated with the GNA, those groups responded with violence in turn until a full-scale civil war broke out (91).

Militia groups are engaged in this civil war for ideological reasons over nationalism, Islamism, or pro or anti-Qaddafi, and they are also participating for economic and political power. Libya is an oil rich state, therefore control over oil determines which militias are relevant in the civil war. Economic capacity translates into political power and the ability to control or create state institutions. The most important battles so far have been over key port cities in Libya indicating the importance of oil and economics in this civil war (Poljarevic 91). Furthermore, many of the groups are Islamist jihadist groups including ISIS, groups affiliated with ISIS, and an al-Qaeda offshoot (94). ISIS was present in the city of Derna but was targeted by an Egyptian air campaign after the group executed guest workers within Egypt. ISIS then moved to the city of Sirte and was defeated by GNA forces, but it still has a presence in the country. Many other militia groups are also operating in Libya, and some control large parts of the country (Abdessadok). This complicates the conflict considerably because there are more actors than just the two governments to consider each with distinct preferences. Multiple actors complicate the peace process itself because it is more difficult to ascertain if groups will abide by a potential agreement.

The two governments have generally been balanced on the battle ground which indicates an outright military victory will not be a viable solution to this conflict. Furthermore, the ceasefire agreed to in 2017 has been violated multiple times through bombings in Benghazi which indicates this conflict will not end in a ceasefire or stalemate. Therefore, this conflict will most likely end in a negotiated settlement, but a negotiated settlement will be hard to craft because neither government has the resources currently to agree to peace. The existence of multiple militias and terrorist groups competing for resources undermines the legitimacy of the governments in Libya. Furthermore, the governments do not have the judicial capacity to stop abuses and tribal control systems are undermined by militias (Bradley 21). Therefore, it is important to consider the preferences of all groups involved in the conflict during negotiations because the governments lack the political capacity to implement a peace agreement between themselves. The United Nations as well as France have played active roles in mediating peace negotiations.

Previous Agreements

In 2015, Morocco hosted peace talks which were facilitated by the United Nations. The resulting deal was endorsed by the internationally recognized government GNA, but the government in Tobruk, HoR, did not participate. The agreement advanced democracy in Libya as well as separation of powers and human rights. It also called for respecting the judiciary in Tripoli which was an attempt to remind the HoR it was ruled illegal. Furthermore, it called for the UN Support Mission in Libya (UNSMIL) to assist a new unified government after it formed. UNSMIL was commissioned by the Libyan government in 2011 to help ease the transition from a post-Qaddafi government to a democratic one. Its mandate has been extended every year to help support peace efforts, governance consolidation, and security and economic endeavors by the GNA (UN, “Mandate”). In 2015, the leader of UNSMIL, Bernardino Leon, called for a Libyan peace proposal to address national concerns and strong security reform to ensure the safety of the public. Haftar, the leader of a militia affiliated with the government in Tobruk, did not consider the agreement to be a valid peace settlement because without representation from all groups it did not represent all the concerns of Libyans (“Libya”, 2015). This peace agreement was doomed to fail before it was even signed because it only included one government in the negotiations. The HoR, with Haftar’s help, controls over half the country, so it is necessary to include Haftar in negotiations.

Another peace agreement was crafted in 2017 in Paris with leaders representing both governments, Sarraj and Haftar. This agreement called for the reinstatement of UNSMIL to the country, a government to be set up in Tripoli with two houses of parliament, and enshrined Islam in society. The agreement also protected minority languages and included security sector reform to disband militias and create a police force and military (“Libya”, 2017). No specific times were created to implement new elections or other items discussed, and the Libyan arm of the Muslim Brotherhood as well as a militia aligned with Haftar rejected the deal. The agreement did call for a ceasefire for all non-counterterrorism efforts, but this ceasefire was violated multiple times because militias not allied with either government could continue to use violence (Wintour and Stephen). The 2017 agreement resulted in a de-escalation of violence, but it did not create a lasting peace or a way forward for Libya.

The 2015 peace agreement mainly failed because it only included one of the many parties involved in the conflict in the negotiations which is why I suggest including all potential spoilers in negotiations. Stedman (1997) describes if spoilers are not managed correctly they can derail peace processes and prolong civil war. It also failed to provide a timeline or concrete plan on how to implement the ideas suggested. Furthermore, the GNA controls less than half the country and does not have the resources necessary to foster democracy or strengthen the judiciary. The principles proposed were important to implement in a post-conflict Libya, but they lacked the economic and political capacity to enforce them country-wide. The 2017 agreement was not an official binding peace agreement like the one created in 2015, therefore few of the principles discussed have been implemented besides an attempt at a ceasefire. This agreement was more effective from the outset because it included leaders from both governments, but, like the 2015 agreement, it lacked a timeline or specific way for Libya to implement a new government and security sector reforms. While the majority of Libyans are Arabs, there are approximately 140 tribes with 30 significant tribes (Apps). The 2015 agreement included protection for minorities by protecting the right of minority languages which is an important principle to consider in future peace negotiations because of the sheer number of tribes. To address minority concerns I suggest a power-sharing government based on Rothchild’s (2002) discussion of how power-sharing governments address minority concerns. Furthermore, oftentimes in power-sharing agreements cultural elements such as languages are protected as well. Some of the main tribes that should be coopted into a new government include the Warfalla, Magarha, Tuareg, Berbers, Bara’sa, and Zuwayyah. Each of these tribes have distinct preferences and varying sizes, but need to be coopted to ensure stability. For instance, the Zuwayyah are a relatively small tribe but are largely rural and control important oil regions (Apps). This part of the 2017 peace agreement, as well as the commitment to security sector reform are some the key principles that can be used to craft future peace agreements.

Recommendations

One of the major obstacles for Libya in a potential peace negotiation is that it is a failing state. No one government or militia group has control over the nation which is causing the three gaps described by Eizenstat et al. (2005) as the requirements for a failed state. A security gap, capacity gap, and legitimacy gap are present in Libya meaning neither government can guarantee its citizens safety, reach all its citizens to form confidence and trust, nor does any group or government have real legitimacy in all regions (Eizenstate et al). While the GNA is backed by the UN because it is a product of the government established post-Qaddafi, the HoR was originally elected by the Libyan people, which creates a legitimacy problem (Poljarevic 90). The security gap can be addressed through security sector reform which is discussed later. The capacity and legitimacy gaps can best be addressed through a new governmental institution that creates one government. This has been one of the main priorities in the UNSMIL peace agreements, but these agreements have not been explicit enough to address the problems that exist. Since both governments have distinct militias and ethnic groups supporting them, a power-sharing government could be utilized to coopt both sides into an effective government. As Hartzell and Hoddie (2003) explain, this can be realized through a proportional representation system which allows a myriad of opinions and ethnicities to be represented in a new government. A power-sharing government could potentially solve many of the issues delaying peace including allowing both leaders of the governments key positions in a new government. This would be an essential part of a new peace agreement as Haftar has rejected the idea of power-sharing in the past, so he must be given a certain amount of political power to coopt him into a new government (Wintour and Stephen). Haftar most likely rejected power-sharing governments in the past because he was not included in negotiations and wants power in a post-conflict society. The main tribal groups should also be included in the power-sharing government especially those groups that control oil which is one of the key factors in the dispute so every group has proportional political power (Steadman et al. 133).

Furthermore, as McGarry and O’Leary (2006) explain, consociationalism, a type of power-sharing, includes the even distribution of public resources like oil in Libya (44). This is an important concept to include in a power-sharing system because the militias are fighting over and being funded by oil revenue, so by guaranteeing all groups benefits from oil revenue these militias could be convinced to demobilize. Furthermore, Qaddafi spent his tenure solidifying differences between groups to maintain power, therefore by looking at each of these groups as minority groups that desire protection, power-sharing can help create a successful post-Qaddafi regime. The creation of a unitary government is essential to solve the capacity and legitimacy gaps, and this can be combined with security sector reform to solve the security gap.

Security sector reform, which refers to an institution that uses force to protect civilians and the state, is one of the best ways forward for Libya to create a lasting peace and to address the security gap. Toft argues that negotiated settlements offer all parties mutual benefits such as political and governance power, but they do not offer mutual harm to prevent reneging on deals or abusing power in the new state. By prioritizing the security sector mutual benefits remain and mutual harm is created. Toft suggests countries must first neutralize military forces outside of the government sanctioned institution such as ad hoc militias. Then the security sector can be rebuilt generally by coopting the individuals who participated in nonlegal military groups. Furthermore, institutions must be put in place that can monitor the security sector to prevent it from abusing its power or trying to seize power from the newly established government (Toft 12). Security sector reform addresses one of the most pressing issues in Libya because multiple militias are functioning in Libya as well as terrorist organizations. Both of UNSMIL’s peace agreements included security sector reform, but these agreements did not go into detail about how Libya can implement it. The 2015 agreement did state the importance of having the security sector accountable to the public. It also called for the establishment of an army and police force along with the prohibition of militias, but it lacked specific action steps because the HoR was not involved in this peace agreement (“Libyan Political Agreement”, 2015). The 2017 agreement included both governments but also lacked specific steps and enforcement threat to implement security sector reform. To neutralize military forces outside of the government, militias must demobilize, but this will be difficult to enforce without a strong central military. I suggest a unitary government including members from the GNA and HoR establish a single military to enforce demobilization in rural areas. Then a program can be implemented that coopts these former militia members into the state military, and if ex-militia members do not wish to join there must be a job training program for them to make a living. At the same time the executive, legislative, and judicial branches must be strengthened to prevent the military from having the ability to seize power. It will also be beneficial for the military to include all the tribal groups so no one leader in the government can use the military for political purposes.

Beyond issues resulting from Libya as a weak state, spoilers are an important consideration while crafting a peace agreement. This was already in play when after the most recent negotiations in Paris at least two militia groups signaled their rejection of the negotiations. These spoilers can be categorized according to Stedman’s analysis of spoilers as outside, limited spoilers. Unlike terrorist groups like ISIS, the militia spoilers do not have unreasonable demands because they seek a settlement that takes their interests into account. They are outside spoilers because they were not included in the 2015 or 2017 peace negotiations. Haftar has the potential to be an inside spoiler because he was included in the 2017 negotiations, and he is supported by multiple countries which gives him the incentive to hold out until a peace agreement is made that benefits him and the HoR. To address the problems of spoilers, future peace agreements will have to include all major militia groups and because these groups are limited spoilers they can be induced with incentives to participate in negotiations (Stedman 13). The first step would be to identify what drives these spoilers. If they seek political power or economic benefits then they can be coopted into a power-sharing government that uses oil revenue to benefit all regions of Libya. Or if these spoilers are driven by the fear of their safety then strong security sector reforms can be the cornerstone of the peace negotiations. While there is not much information available for what each militia group desires, economics is a driving factor in the conflict, so all future agreements should include specifics on how oil revenue can be maximized and distributed. These spoilers can also be considered veto players because without their cooperation the agreement will fail, and, by applying Cunningham’s (2006) ideas on spoilers, it is apparent that because multiple groups must be coopted into the peace agreement, the conflict is likely to last longer. It lasts longer because there are more uncertainties that each group will abide by the agreement, and there are more preferences for what an agreement looks like. For this reason, spoilers and veto players must be given incentives to end the conflict through power in a new government and coercion if incentives fail.

One way to coerce spoilers in Libya could be through UN sanctions. Both inside and outside spoilers in Libya rely on oil revenue, therefore economic sanctions could be a powerful tool to induce all groups to negotiate and compromise. As Oudraat explains, economic sanctions are expected to result in political changes (339). UN sanctions were used effectively in Libya in 1992 to force the state to pursue and give up terrorists hiding in the country as well as stop sponsoring terrorism in general (341). Targeted sanctions could be used again to convince militias to negotiate reasonable terms because without the economic benefits of oil revenue there are few incentives to continue the civil war. Many groups were using oil revenue to translate that into political power, and by taking oil revenue out of the equation it incentivizes groups to gain political power through a negotiated settlement. This sanctions regime could be challenging to implement and enforce though because many countries benefit from Libya’s oil sales including Italy (Wintour and Stephen). Third-party implementation of sanctions is vital for its success, and there is a high potential for states not respecting UN sanctions in this instance (Oudraat 345). Furthermore, sanction regimes could be problematic in Libya because there already exist humanitarian crises in the large number of internally displaced people and refugees living in neighboring countries (Bradley et al. 27). An economic sanctions regime would have to be crafted to target leaders and militias in a way that would not exacerbate the current crisis, but, by combining economic sanctions with incentives, spoilers can be effectively coopted into negotiations and a new government.

Downs and Stedman (2002) also describe how the presence of spoilers as well as domestic marketable commodities are the best indicators of peace failing. This is another reason why it is essential spoilers are addressed in Libya’s peace agreement because there are many potential spoilers, and oil is being produced and sold to fuel the conflict. Stedman (1997) also explains how a regional power can increase the likelihood of a peace agreement succeeding if the conflict and peace agreement are essential to its national security (44). While the African Union has been noticeably absent from the Libyan negotiations, Egypt conducted counterterrorism airstrikes in Derna indicating the Libyan conflict and environment that fosters terrorist groups is a major threat to its national security. Downs and Stedman found major power interest in the conflict is essential to the implementation of a peace process especially when spoilers and oil revenue are present (58). Therefore, this is one way in which a country, Egypt, can increase the chances of peace by pressuring the leaders of the governments in Libya and playing a more active role in the negotiations even though multiple spoilers and oil revenue are increasing the chances of peace failing.

There are other countries including France, the United States, and Italy with vested interest in Libya who could express that interest in the conflict therefore increasing the likelihood of peace. Italy has historically had close ties to Libya as it was a former colony, and both France and the United States like Egypt emphasize combatting terrorism for national security reasons. Macron has held peace talks to encourage peace, but the United States can play a more active role by expressing interest in the conflict. Italy on the other hand has focused more on stopping migrants from Libya entering Italy and beyond. Instead of focusing on the effects of conflict, Italy should play a more active role in peace negotiations to solve the root of the migrant problems. I suggest Egypt would be the most effective mediator out of these countries with interests in Libya because Egypt is a regional neighbor with similar interests whereas France, Italy, and the United States have poor reputations in the Middle East and beyond as colonial powers. Egypt would be the most able to bring all players to the table to negotiate and can use the financial backing of Western countries to bolster its position as an effective mediator.

The role of regional and international organizations besides Egypt’s potential participation is also an important part of Libya’s history and road forward. NATO helped facilitate the revolution in 2011 through an air campaign, and the UN has been active in Libya since the 1950s. All international organizations left at the start of the civil war in 2014, but part of recent peace agreements have included ways for the UN to return to Libya. As Diehl observes, the UN is highly institutionalized and has access to monetary and intellectual resources regional organizations do not have. Furthermore Hansen et al. found organizations that are more institutionalized and utilize binding agreements are more likely to craft peace agreements, therefore the African Union would be seen as a less effective mediator than the UN in the case of Libya because it has fewer resources and enforcement techniques (295). Even so, the UN has been unable to create a lasting peace agreement, and regional organizations could play a greater role to facilitate durable peace. The AU and Arab League are incentivized to help Libya reestablish a functioning government because of the negative externalities occurring including refugees fleeing to neighboring countries and terrorist organizations thriving in Libya and attacking neighboring countries such as Egypt. Regional organizations are also better positioned to facilitate a Libyan solution to the conflict because as Diehl observes, regional organizations often garner more support from warring parties who believe they are more closely ideologically aligned. This does not mean the UN does not have an important part to play. It can help facilitate the establishment of a stronger judiciary with its resources and provide monitoring services of ceasefires or potential elections.

NGOs could also play an important role in the peace process by facilitating restorative justice programs. Thousands of Libyans have been killed since the revolution began, and one of the obstacles to peace is giving people a sense of retribution while also coopting Qaddafi supporters and militia members to create a functioning society. As Chigas describes, NGOs are particularly effective in helping transform stereotypes and build bridges between groups (563). This could be essential in Libya to create durable peace because the divides in society have been emphasized for political purposes, but for Libya to function it must be able to overcome these divisions. Restorative justice complements a power-sharing government well because it adds accountability for past atrocities while making all groups feel comfortable in their new political and governmental roles.

All the techniques I have proposed should be framed within the concept of slow democratization to ensure durable peace. As Hanson and Mendeloff describe, this technique is best to create the institutions necessary to have a strong, stable government that also ensures security. Fast-track democratization would be inappropriate in Libya because it requires wide public support after ending an authoritarian government, and, while Libya did overthrow Qaddafi, society is fractured and lacks the broad-based support necessary for fast-track democratization. Additionally, using a security first approach could create an environment similar to Qaddafi’s reign which provided security at the expense of democracy. Therefore, slow democratization can foster a power-sharing government and other democratic institutions while also emphasizing demobilization and reintegration of militia members into a national military or the energy sector.

Libya is a failing state. The gaps this creates including the security, legitimacy, and capacity gaps must be addressed for negotiations to be successful. Security sector reform as well as the establishment of a power-sharing government can tackle these problems. Equally important is the problem of spoilers in Libya because two governments, multiple militia groups, and terrorist organizations are all vying for political and economic power in post-conflict Libya. Negotiators have mainly focused on the demands of the UN-recognized government, but recent efforts have included both governments. Durable peace requires all potential spoilers to be identified and their concerns addressed. States such as Egypt and international organizations such as the AU and the UN can play integral parts in the facilitation of a peace agreement by caring about the conflict and offering resources to craft and implement agreements. If these efforts are complemented by NGO work within communities to reconcile groups and slow democratization is the primary framework in which to pursue these changes, durable peace could be possible.

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