

## **Saving Libya from itself: What the EU should do now**

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#### **'Libyan Dignity' vs. 'Libyan Dawn'**

Libya is experiencing its worst security crisis since the 2011 revolution, the intervention by NATO and the overthrow of Colonel Muammar Gaddafi. While the parliamentary elections of 25 July 2012 provided "an opportunity to put the transition process back on track and overcome the recent political polarisation",<sup>1</sup> the country has instead descended into a deadly vortex of conflicting political groups, militias and tribes. Without the international political attention that is needed to save it from itself, Libya is now breaking up in at least two parts. Each faction is under pressure to declare its allegiance to the two biggest rival coalitions: either 'Libyan Dignity' or 'Libyan Dawn'.

Brought to power in the 2012 elections, the Muslim Brotherhood and other Islamist parties lost in the general elections on June 25<sup>th</sup> this year but have nonetheless reinstated themselves in the General National Congress (GNC) in Tripoli. Their militias forced the newly elected House of Representatives, which officially replaced the GNC, to flee the capital to the eastern town of Tobruk. In actual fact, the mostly moderate and liberal delegates live and meet on a ship hired from a Greek company. The attendance of members of parliament has fallen as a result, sapping the credibility of the House of Representatives. Adding insult to injury, the Tripoli-based Supreme Constitutional Court declared on November 6<sup>th</sup> that the June parliamentary elections were unconstitutional and that the country's parliament and government resulting from that vote should be dissolved.

In an effort to prevent the Islamists from prolonging their grip on power, Libyan Army General Khalifa Haftar, who helped Gaddafi in his coup in 1969 but turned against him two decades later, launched 'Operation Dignity'. Haftar's goal was to apply the governance model of Egyptian President Abdul Fattah al-Sisi to Libya. However, by indiscriminately targeting a motley crew of opponents of the June 2014 election process, from Muslim Brotherhood adepts to fundamentalist jihadi groupings such as Ansar al-Sharia, which declare their allegiance to the Islamic State of Iraq and the Levant, General Haftar's campaign has in fact galvanised the opposition in an operation called 'Libya Dawn'.

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<sup>1</sup> Statement by the spokesperson on Libya's parliamentary elections, 140626/06, Brussels, 26 June 2014.

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## The conflict's international implications

While neighbouring Algeria has managed to stay neutral by closing its borders, Tunisia has extended its hospitality by accepting 100,000s of Libyan refugees. Egypt, the United Arab Emirates (UAE) and Saudi Arabia have supported General Haftar and the 'legitimate' institutions in their quest for Libyan Dignity. In August, Egypt and the UAE conducted air strikes against positions of the Libyan Dawn coalition in Tripoli. In October, Egypt became further embroiled in the fighting by carrying out air strikes on Benghazi. On the other hand, Qatar and Turkey have actively supported the Muslim Brotherhood against the Libyan Dignity coalition. Turkish officials have openly defied calls from allies and met with representatives from Libyan Dawn in Tripoli and elsewhere. In a striking parallel to the sorry state of affairs in Syria, international coalitions of states backing local adversaries are digging their heels deeper in the sand and confounding any swift resolution of the conflict.

Meanwhile, the EU has lost all grip of the situation. Following the 2011 revolution, the EU committed €80.5 million in humanitarian assistance and €130 million in technical assistance for reforms to the security sector, public administration, civil society, education, and democratic transition. Democratic governance, youth and health were singled out as priority areas for 2014-15. In May 2013, the EU set up an Integrated Border Management Assistance Mission in Libya (EUBAM Libya), primarily aimed at stemming the flow of illegal migrants across the Mediterranean. The EU has also been an active supporter of the UN Support Mission in Libya (UNSMIL) headed by Bernardino León, the former EU Special Representative for the Southern Mediterranean region.

By dint of UN Security Council Resolution 2144 (14 March 2014), UNSMIL has been mandated, *inter alia*,

“to ensure the transition to democracy, including through promoting, facilitating and providing technical advice and assistance to a single, inclusive and transparent national dialogue, to Libyan electoral processes and to the process of preparing, drafting and adopting a new Libyan constitution, promoting the empowerment and political participation of all parts of Libyan society, in particular women, youth and minorities, and through the provision of good offices to support an inclusive Libyan political settlement and to promote a political environment for the integration of ex-combatants into Libyan national security forces or their demobilization and reintegration into civilian life”.

Whereas the EU's programmes were geared towards a long-term democratic transition and reconstruction of Libya, they were not accompanied by short-term crisis management instruments to pursue the strategy by military means. Instead of putting European 'boots on the ground' following the 2011 campaign, NATO and EU member states prematurely transferred 'ownership' of the conflict to the Libyan army. In their pursuit of commercial gain, individual actions by Italy, France and the UK have undermined the coherence of EU decision-making vis-à-vis Libya. Cynically, Rome, Paris and London competed with each other to secure contracts with Libya for their own defence industries. Other European countries simply stood by and watched how, instead of disarmament, demobilisation and reintegration, Libyan armed forces received training from Egypt and its partners to counter successful attacks by fundamentalist militias. When the security situation deteriorated over the summer, EUBAM Libya was forced to relocate to Tunisia, while the diplomatic staff of the EU Delegation were urgently repatriated to headquarters and redeployed elsewhere.

## An EU three-level strategy

Having outmanoeuvred itself, and in view of the current state of the conflict, the EU's strategy is in dire need of a re-think. Some have suggested that the local factions will only

understand military force. They may well be right. However, in the absence of a unanimous decision for peace enforcement by the Council of the EU, the North Atlantic Council or the UN Security Council, the Union can only engage in efforts aimed at easing Libya's crisis.

Seen from this perspective, the Union's newly appointed High Representative for Foreign Affairs and Security Policy, Federica Mogherini, struck the right note in her first statement on Libya by not engaging in the legal debates about the legitimacy of the parliamentary elections. Instead, she insisted on a political solution to the crisis and the need for "a strong, steady and common political initiative".<sup>2</sup> It is less clear, however, what this political initiative should be in order to lure or cajole the warring parties – with the backing or acquiescence of their overlords – to the negotiating table. Arguably, EU action should take place on three levels:

- 1) Bilaterally and through the UNSMIL, the EU should continue efforts to mediate between the two main political factions: the House of Representatives and its Prime Minister Abdullah Al-Thinni, on the one hand, and the General National Congress and its appointed Prime Minister Omar Al-Hassi, on the other. Libya needs a political settlement and this will only be possible through a national unity government.
- 2) In line with UN Security Council Resolution 2144, the EU should strongly support and safeguard the remaining independent institutions in Libya. These include the Central Bank, the National Oil Corporation and the Libyan Investment Authority, and Libya's Constitutional Drafting Assembly.
- 3) The EU should also work with the local tribes and militias to forge local reconciliation. No national unity government can be viable without local ceasefire and peace.

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<sup>2</sup> Statement by EU High Representative Federica Mogherini on Libya, 141106\_02, Brussels, 6 November 2014.