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Libya's Faustian Bargains: Breaking the Appeasement Cycle

By Jason Pack, Karim Mezran, and Mohamed Eljarh

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Executive Summary

The proximal cause of Libya's current problems in the security sector, the economy, and the transition to constitutional governance is the Libyan authorities' policy of *appeasement of their opponents*. Some analysts have absolved the post-Qaddafi authorities—the National Transitional Council (NTC), General National Congress (GNC), government, cabinet, and ministries—of both their agency and responsibility for the current problems by blaming Qaddafi-era policies, Libya's primordial social and regional structures, and the absence of institutions (such as a national army or civil society) for most challenges currently facing the country. These factors are, indeed, key components of the troubles and constitute the *root causes* of the current situation. However, these preexisting factors have been exacerbated and mutated by the practice of appeasement.

There is no doubt that Qaddafi's legacy is largely responsible for the post-Qaddafi authorities lacking the institutional capacity, leadership style, or collective will to face down their opponents. Yet, it is possible to disentangle the impact of the Qaddafian legacy from concrete decisions taken by the NTC, GNC, and government officials who postponed tackling difficult problems, preferring to temporize and hoping that intractable problems would simply go away on their own accord. Therefore, both the new Libyan government and its international partners must confront the reality and implications of the practice of temporizing/appeasement head-on. Making progress in addressing the country's dire economic and political challenges requires a clear understanding of the specific drivers that sustain them, while simultaneously working to create an environment that promotes policies and decisions that are not rooted in the practice of temporizing/appeasement. Paradoxically, such a conclusion gives reason for cautious optimism, as it is far easier to correct the Libyan government's practice of appeasement rather than attempting to fundamentally change the country's tribal and regional structures, while simultaneously constructing functional institutions out of thin air.

The momentum of centrifugal forces undermining the Libyan state recently culminated in the Morning Glory tanker loading pirated oil at al-Sidra terminal and eluding government forces to escape into international waters on March 11, 2014. Selling pirated oil on the international markets had long been the goal of the self-styled Federalist leader Ibrahim Jadhran, whose supporters have maintained a blockade over some of Eastern Libya's oil ports since early autumn 2013. In response, US Navy SEALS seized the vessel a few days later and returned it to the Libyan authorities. This chain of events, combined with simultaneous changes in top government personnel, has led to renewed negotiations between the government and Jadhran. As this report went to press in mid-April, it appeared as if successful negotiations might lead to a compromise solution and the opening up of the blockaded oil ports, while possibly also enshrining a peripheral veto over the expenditure of Libya's oil wealth. Conversely, if negotiations stall, they are likely to rekindle regional conflict.

The inability of then-Prime Minister Ali Zeidan to thwart the vessel's escape was seized upon by his Islamist opponents to finally oust him from office. In his place, Abdullah al-Thinni was appointed as a caretaker prime minister. Al-Thinni requested increased powers for his cabinet. When this did not happen, followed by a brutal attack against his person and his family, he resigned. Even though al-Thinni remains, for now, as an interim prime minister with the same cabinet, they remain in a weakened lame duck position until the start of the third transitional phase after the parliamentary elections, slated to be held in the summer of 2014. The American maritime intervention, combined with UN Security Council Resolution 2146, demonstrated the international community's commitment to preserving Libya's transitional process and not backing any one particular political player. Yet even coordinated international support will not move Libya beyond its current political and security impasse unless the foundation of appeasement is redressed and new incentives are put in place that will shift decision-making into a better direction.

The current Libyan government clearly does not have sufficient trained forces to counter the myriad rebellious militias and other armed groups. Moreover, the militias have shown that they are firmly embedded inside the government and can bring down a prime minister with whom they disagree. Even if planned international training programs are put in place, it will be months to years before they have a positive impact and improve security. Moreover, Libya's lack of a cohesive security sector reform plan—and inability to implement one—makes it highly unclear to both the foreign trainers and the Libyans themselves which institutions and command and control structures will incorporate the personnel trained abroad upon their return. Under the wrong control, internationally trained forces could become a tool wielded by certain individuals or political factions to assert political power, as has occurred in Iraq. This uncertainty concerning the future effectiveness and loyalty of forces trained abroad, as well as the near certitude that the situation will get worse before it gets better, make it difficult to predict when the central government will reach the longed for "tipping point," after which the center possesses sufficiently capable forces.

Until that "tipping point" is reached and there is an activist leadership ready to turn its back on previous appeasement and co-optation strategies—likely as part of a third transitional phase—the armed Federalists pose a serious economic and political threat to Libya's transition, whereas the Eastern jihadists pose the greatest military and security threat. Peripheral interests throughout the country (including the aforementioned groups and the Amazigh, the Tubu, etc.,) are opposed to the consolidation of central government power implied by a successful transition to constitutional governance. Although only jihadists have conducted a campaign of assassination of government officials, many actors wish to see the government fail. The current political and security landscape in the country comprises numerous centrifugal forces competing for power and influence.

Setting the Context

Libya has literally hundreds of different militias comprising roughly 250,000 armed men—a number that has mushroomed from the approximately 30,000 that actually fought against Muammar Qaddafi's forces in 2011.[1] This increase is due primarily to the lucrative payments promised by National Transitional Council Chairman Mustafa Abduljalil in 2011 to those who could claim the status of being revolutionary fighters (*thuwwar*). Despite not having seen action in the 2011 uprisings, the new militiamen are quite willing to use arms and force to push for their agendas in post-Qaddafi Libya.

To deal with the proliferation of militias, the post-Qaddafi governments began co-opting and appeasing all but the most disruptive brigades. Different militia groupings that have been brought under the umbrella of the Ministry of Defense include the Libya Shield Force (LSF), the Border

1 Most researchers believe that two-thirds of Libya's militias were formed after the fall of Qaddafi in October 2011 and that three-quarters of the militiamen active in 2013 did not see action in the 2011 uprisings. November 2013 first author conversation with Libyan official involved in security issues.

and Vital Installations Guard, and the Petroleum Facilities Guard, while those brought under the aegis of the Ministry of the Interior are known as the Supreme Security Committees (SSC). Both the Libya Shield Force and the Supreme Security Committees remain more powerful than the national army and police. Moreover, they are known to actively ignore the official chain of command. They remain loyal only to their unit commanders, not to the ministries or government that pays their salaries. Although there have been attempts to halt or reform payments to actual or non-existent militias, no comprehensive scheme has been successfully implemented. Due to this failure, "ghost militias" continue to appear on the government payroll. This device remains a way for competing players within government to siphon off funds to the militias with which they are aligned.

Payments to those who claimed membership in militias enshrined a new form of tenuous social contract, rooted in appeasement. The militias agreed not to rebel against the government in exchange for receiving ever-increasing subsidies, transfer payments, and the right to appoint themselves guardians of the revolution: a status that grants legitimacy to militia interference in politics outside the political and legal channels outlined in the constitutional declaration. As the payments grew and the militias used force to intervene in government decision-making, a sense of entitlement to benefits and a privileged political voice enshrined itself in militia discourse. For the past three years, this arrangement eroded Libya's finances, led to financial corruption, and fostered armed interference in the democratic process.

It did not, however, fundamentally alter GNC behavior until after February 7, 2014, the end of the GNC's initial term. Thereafter, the body's legitimacy has waned as popular protests concerning the extension of its mandate have mushroomed, bringing the gears of governance screeching to a halt. In the wake of these events, it appears that the implicit social contract between government and militias has begun to erode with various militia groups continuing to receive government payments while also seeking to overturn the formal edifices of legitimate governance and the transition process. Some have advocated the dissolution of the GNC by force, while others support the extension of the body's mandate. As Islamists and Misratans line up in defense of the current GNC while Zintanis and Federalists line up against the body, the social and political fissures in Libya appear to have hardened, necessitating a new grand bargain and new social contract. The disgraceful circumstances of former Prime Minister Ali Zeidan's fall illustrate the extent to which Libyan politics have degenerated into zero-sum grudge matches, where no side acts on behalf of the national interest.

Both government sanctioned and non-sanctioned militias have taken rogue action in pursuit of their own agendas. Both types have engaged in smuggling, fighting in deadly feuds, or seizing property for personal gain. These types of behavior seem to be equally prevalent in government sanctioned militias as in outlaw militias. All have consistently stifled the government's disarmament, demobilization, and reintegration (DDR) efforts in order to continue to benefit from their position of power in Libyan society as well as to preserve patronage networks based on militia command and control structures.

Islamist and Non-Islamist Forces

The Interior Ministry and certain sub-branches of the Defense Ministry have become dominated by extreme Islamists with an antigovernment agenda. The turf wars in Benghazi and Tripoli, as well as the direct conflicts over replacing the GNC, can be understood as struggles to assert control over Libya's army or to deny the central authorities the ability to wield a coherent command and control structure.[2]

Eastern militias largely have an Islamist bent, divided between moderates, who want the political process to succeed, and extremists, who actively seek to derail the political process by using violence and killing civilians. Among the moderates, the most disruptive armed group in the East—in economic terms—is the anti-Islamist,

2 Frederic Wehrey, "The Battle for Benghazi," *Atlantic*, February 28, 2014, http://www.theatlantic.com/international/archive/2014/02/the-battle-for-benghazi/284102/.

pro-Federalist Political Bureau of Cyrenaica led by Ibrahim Jadhran. Jadhran's group has crippled government finances by blocking exports from major oil terminals since late summer 2013; in March 2014 it succeeded in loading oil on the Morning Glory tanker. The success of this maneuver and the government's feckless response led to Zeidan's ouster. Yet neither Jadhran's supporters nor the moderate Islamists target Libyan civilians or officials with violence. The same cannot be said for the more cold-blooded Ansar al-Sharia, the only group in Eastern Libya that is suspected of assassinating Libyan officials, foreign officials, and Libyan civilians.

In the West, militias from Misrata and Zintan are dominant. Zintan's militias tend to be more sympathetic to the government—especially when it was controlled by Ali Zeidan—but oppose the GNC. In the institutional chaos following Zeidan's departure, it is unclear how the Zintanis will respond to having lost their primary supporter. They do not get along with the more Islamist-leaning militias from Tripoli and Misrata who defend the GNC and oppose the concept of direct election of the head of state. Yet it remains plausible that these opposed factions will come to a historic compromise agreement to prevent Libya's fragmentation and set out the framework for the third transitional phase. The challenge of the Federalists and jihadists may prove enough to cement a coalition among the mainstream actors. A detailed treatment of the structures and power bases of the different Zintani, Misratan, and Tripoli-based militias is found in chapter 3.

Divisions in the Political Landscape

The increased tensions between Islamist and non-Islamist forces have sparked popular demonstrations and attempted coups, as well as intensified struggles within the GNC or among groups trying to influence the GNC. In early February 2014, anti-Islamist protests in Tripoli began calling for the GNC to dissolve given its expiring mandate. These were fairly lackluster, but they led to two separate anti-Islamist coups in mid-February days before the Constitutional Committee elections: the first by former Major General Khalifa Hiftar, who tried to claim special authority to oversee a new political roadmap; the second by a group of anti-Islamist Zintani militias, which tried to dissolve the GNC and shepherd the transition to a new administration. Now in the wake of Zeidan's ouster in March, Hiftar's campaign is starting to gain momentum especially in the East, as he benefits from the ferment caused by the Federalists and the deteriorating security situation caused by the Islamists. Various anti-Islamist tribes and officers announced their support for him.

Both the Muslim Brotherhood and the National Forces Alliance, along with other mainstream currents in the GNC, have announced their support for fresh elections by June 2014. Supporters of the Muslim Brotherhood, Misratan politicians, and militia leaders who are aligned with the Brotherhood do not want direct presidential or prime ministerial elections. The rival National Forces Alliance and its allied militias, including those from Zintan, would prefer direct presidential elections. The new election law drafted in April represents a victory for the Brotherhood faction as the head of state will be chosen indirectly and political parties will not be able to run in the election. This sets the stage for the re-creation of a body similar to the GNC: lacking in coherence, leadership, and the party mechanisms which are able to build compromise and consensus.

Despite blockades, boycotts, threats of violence against polling places and government buildings, the Constitutional Committee elections (whose mandate is to draft a new constitution) proceeded on February 20, yet the threat of violence still looms over the constitution-drafting process to come. Also, the inability to elect candidates for some districts (e.g., Derna, Jabal Nafusa, Ubari, etc.,) and the low voter participation are fuelling a wide-ranging debate about the legitimacy of the Constitutional Committee's work.

Current Threats

Fragmentation: Federalists in the East and minority groups in the South and West that aspire to greater autonomy have posed repeated challenges to creating political stability or embarking on national political or infrastructure projects. If Eastern Federalists aligned with

Jadhran successfully use their lobbying connections[3] to gain international recognition for a Cyrenaican autonomous region[4] or manage to manipulate the Libyan state via negotiations to be appointed guardians over a portion of Libya's oil wealth, they could then use the revenues or international legitimacy to consolidate their popular support. This could likely also spark renewed armed conflict throughout Libya as Jadhran's successes could set off a copy-cat scramble by other armed "warlords" to claim their own fiefdoms. This has already been seen in the case of the Amazigh of Northwestern Libya.

Terror: Al-Qaeda and other extremist groups are actively trying to sabotage Libya's democratic transition in order to establish an Islamic emirate, which could then be used to forcefully export their agendas to surrounding countries or simply provide a comfortable safe haven from the tougher locales of the global jihad. The movement of jihadists and weapons back and forth between Libya and Syria has exacerbated the problem.[5]

The Political Vacuum: Libya's armed factions have demonstrated willingness to attempt coups d'état to destabilize either the central government or the GNC, depending on their allegiances. Frequently these attempts are ill-coordinated and fail in both implementation and public relations. An example is the October 2013 kidnapping of Libyan Prime Minister Ali Zeidan, which demonstrated that Libya's armed factions have the technical ability to enact a coup d'état but lack the political wherewithal to establish a ruling coalition and govern Libya. Yet, with no single faction substantially stronger than any other, if one side decided to upset the precarious equilibrium by seeking to take power directly, it could lead to renewed armed conflict on the scale of the 2011 uprisings, as rival factions would compete to carve out their domains. Armed groups, and the legislators with which they are aligned, had frequently imposed pressure on the GNC to vote Zeidan out of office.

Now, with a caretaker prime minister in place until at least June, it remains to be seen if he will be able to govern effectively given such a short mandate. Failure to do so would leave the country without a functional executive, and therefore low-level civil conflict could expand beyond its present state as different groups jostle for power not only in their localities but throughout Libya. With significant protests against the GNC due to the extension of its mandate in February 2014, it is not inconceivable to envision the collapse of legitimate governance in Libya without any coherent replacement stepping into the void.

Erosion of GNC Legitimacy: Many Libyans believe that the GNC has not made meaningful progress toward constitutional governance—its primary task under the August 3, 2011 temporary constitution.[6] The inability of the major political factions to strike a political compromise[7] has further isolated the Libyan people from their elected leadership and meant that there may be more protests to come. Therefore, there is a real risk that a significant proportion of the Libyan citizenry may finally decide that they do not consider the GNC or its successor body a legitimate sovereign body and are willing to collaborate with various militias to do something about it. As a result, current popular outrage may be directed squarely at the government actors who have done nothing to take control of the situation, possibly

3 "Jadhran Hires 'Ex-Israeli Intelligence Agent' for $2 million," *Libya Herald*, January 7, 2014, http://www.libyaherald.com/2014/01/07/jadhran-hires-ex-israeli-intelligence-agent-for-2-million/#ixzz2pjT62bIj.

4 This is most likely from Russia, as part of a neo-Cold War scenario evolving out of the Crimean crisis.

5 Paul Cruickshank and Nic Robertson, "Analysis: Pro Al Qaeda Militants Seen as Lead Suspects in American Teacher's Death," CNN, December 5, 2013, http://security.blogs.cnn.com/2013/12/05/analysis-pro-al-qaeda-militants-seen-as-lead-suspects-in-american-teachers-death/.

6 Sawani and Pack, "Libyan Constitutionality and Sovereignty Post-Qadhafi: the Islamist, Regionalist, and Amazigh Challenges," *Journal of North African Studies*, vol.18, no. 4, 2013, pp. 523-543.

7 For the details of the proposed compromise, its reason for failure, and its implications please consult, Karim Mezran, "Dispatch: Deepening Polarization in Libya, No Agreement in Sight," *MENASource* (blog), Atlantic Council, February 5, 2014, http://www.atlanticcouncil.org/blogs/menasource/dispatch-deepening-polarization-in-libya-no-agreement-in-sight.

leading to another Arab Spring or Tahrir-style protest aimed at bringing down the GNC or its successor body and installing a new consensus transitional body.

Policy Recommendations

For the New Libyan Government

This report maintains that the Libyan government's appeasement of its many adversaries is the root cause of most of Libya's security, economic, and political problems. To rectify the situation, the post-GNC government has no choice but to perform a dramatic volte-face, fighting all of the institutional momentum built up over two years of incremental appeasement. It must publicly commit itself to no longer placating its enemies (or failing to act coherently against them) while simultaneously rolling out a multistep series of financial and structural incentives in order to avert a head-on confrontation between the center and the periphery.

To begin this multistep process, the government must admit publicly that from August 2011 until March 2014, it tried a policy of temporizing/appeasement and that this policy has failed. It must acknowledge that this policy gave rise to an "appeasement trap" that perverted the policy formation process, gave rise to the militant wing of the Federalism movement, and almost brought about the collapse of the Libyan state. In making this acknowledgment publicly, the authorities will start taking back the public sphere from their opponents and win the plaudits of the Libyan people by admitting that the logic that has heretofore undergirded policy formation must be completely recalibrated. A crucial step in trying to regain popular trust will be avoiding the pernicious tendency of attempting to achieve total consensus from all stake-holders for even the most trivial decisions. The GNC's and Zeidan's obsession with consensus slowed policy formation down to a trickle.

Other creative strategies could be employed, such as engaging the public by holding cabinet meetings in different cities, as was done by interim Prime Minister al-Thinni in Ghat on March 19. The government could also host meetings in Cyrenaica so as to engage with its populace and defuse the Federalist narrative that the government is concerned exclusively with Tripolitania.

To support this risky strategy, the government of Libya must undertake effective and efficient action to address the dreadful economic situation and regain legitimacy in the eyes of the populace and employ sound public relations, building coalitions of convenience to target specific enemies (like Ansar al-Sharia and the oil blockades in the East) and not hesitating to use force when it is countenanced by the laws and popular will of the Libyan people. Building a coalition of the willing against the Federalists and not including them in the political scene by granting them enshrined powers through negotiations might be a good first step.

The priorities of the Libyan government must be phased:

First, establish central government authority and security throughout the country.

Second, restore oil and gas production (and revenues) to pre-war levels.

Third, provide the Libyan people with basic services, like education, electricity, healthcare, housing, water, and vocational training. To achieve the goals of this phased approach the government must:

In the Security Sector

- Strengthen the relationship between the central government and locally elected institutions, including municipal councils, to create channels for effective communication, cooperation, and disbursement of funds for local development and the implementation of coordinated programs aimed at getting militiamen into jobs.
- Incentivize demobilization by incorporating militias into meaningful public sector employment. The government should offer the militias public employment opportunities as an alternative to direct transfer payments, thereby shifting their alliances to the central

and local levels of governance and away from the militia and tribal leaders. Employment opportunities should be created via New Deal-style programs (i.e., the creation of public works and building of Libya's human capital). This can only be achieved by delegation of authority to local bodies, which would also curtail the opposition to such programs by GNC members affiliated with various peripheral interests.

- Fully demobilize militias that have been "temporarily" incorporated into the military and security forces, especially by entirely dissolving the SSC and LSF. Uphold plans requiring members of the SSC and LSF to undergo training as full members of the official military or security forces and be reassigned to nationally integrated units if they wish to continue carrying weapons.

- Create a task force specifically to cooperate with foreign partners that have pledged to train Libyan forces for the new national army.[8] One of the major difficulties that international allies face in conducting high-profile projects with Libya, such as military training, is the lack of responsiveness from Libya's bureaucratic institutions. This task force for international training would be responsible for vetting the soldiers to be trained, coordinating their movements abroad to receive training, and their deployment once back in Libya.

- As appeasement is rooted in the authorities' inability to protect their offices, homes, and meetings places, the government must make bold efforts to protect its premises and that of the country's parliament. When the Libyan authorities are secure in their workplaces, they will not have to fear taking decisions that upset certain vested militia interests.

- Implement the commitments promised at the Friends of Libya conference in Rome on March 6, 2014, and actively reach out to Libya's international allies to provide expertise when new shortfalls are identified within the Libyan ministries.

In the Hydrocarbon Sector and the Economy

- Address the issue of the blockade of the oil terminals, pipelines, and fields by rogue brigades. As one option, this can be done through the use of military force by deploying all the loyal forces the Libyan government can muster. To do this, the government must enter into specific alliances with temporarily pro-government militias like Zintanis and Misratans who have no love lost for Jadhran. Another option is to negotiate, which for now the government has done and thus far seems to be working. The challenge is for the government to maintain the upper hand and not concede so much that concessions are seen as legitimizing Jadhran's Federalist leadership, which he lacks.

- If neither of these approaches prove sufficient, the Libyan cabinet must then consider the possibility of working temporarily with allied nations to multilaterally resolve the crisis with Jadhran. The continued blockade of the oil terminals and attempts to load pirated oil is unsustainable and must be treated as fundamentally altering the future trajectory of the Libyan state.

- Determine several high-priority infrastructure projects, including those related to the reform of the education sector and vocational training, to be launched within six months by ad hoc inter-ministerial committees with the help of international experts.

- Continually follow up on the recently awarded infrastructure contracts to make sure that the lack of Libyan institutional capacity at the middle-management level does not derail their implementation.

8 Although called an army, this body should function more like a gendarmerie than a traditional army.

In the Governance, Public Relations, and Human Rights Sectors

- Focus renewed attention on transitional justice and human rights, including the situation of prisoners who languish in official and unofficial detention centers with no legal recourse.
- Improve communication between the government and citizenry to raise public awareness about Tripoli's governance and public works efforts.
- Restore basic services to the Libyan people through combining national reconciliation, capacity-building, and reconstruction projects to unite the populace behind the government's programs.

For the General National Congress

- Acknowledge the popular will and facilitate early elections (no later than June 2014) for a successor body that will inaugurate a third transitional phase.
- Embrace and endorse the national dialogue process and collaborate with the government to establish a legal framework legitimizing its work and its outcomes.
- Implement key reforms to address GNC member salaries, privileges, and attendance. These reforms will then be binding on the GNC's successor body, the "House of Representatives," and will boost its legitimacy.
- Oversee the effective functioning of the Constitutional Committee by providing all the necessary assistance and support that it may need to carry out its responsibilities.
- Introduce new commercial regulations to encourage foreign investment, diversification of the economy, and local private sector growth.

For the Constitutional Committee

- To bolster its legitimacy and avoid armed populist pressure, the committee should consider rapidly accelerating the process of producing a constitution, probably based on a "republicanized" version of the non-Federalist 1963 constitution. This solution could provide consensus and tap into the great reverence that many Libyans feel for their old constitution and the Monarchy period.

For Libya's Western and Regional Allies

- Withhold recognition or encouragement of separatist or Federalist movements, such as that established by Ibrahim Jadhran in Eastern Libya. Provide support (including military) to the Libyan government to continue to prevent these entities from directly selling oil to third parties.
- Continue with military and police training plans, despite the impossibility of fully vetting the trainees or knowing who will command them on their return to Libya, and ensure better coordination between the various bilateral and multilateral training efforts as part of the broader push for foreign training of 15,000 Libyan troops over the next five years.
- Renew offers to help with weapons collection programs.
- Focus on building executive-level capacity and nurturing and supporting a Libyan political class possessing the skills, leadership, and legitimacy to tackle Libya's problems.[9]
- Maintain a robust public affairs campaign to stress that the United States, Turkey, Gulf states, and the European Union are paying close attention to Libya's transition to democracy.
- Follow through on the sentiments expressed at the Friends of Libya Conference in Rome on March 6, 2014, by proactively offering help to Libya to address its political needs from which the security issues derive.
- Continue to support the Libyan authorities in building their capabilities that are not directly related to security, such as administrative capacity-building, handling of migrants and asylum seekers, judicial training, stimulating foreign investment, etc. Individual European states should not seek to reinvent the wheel

9 Florence Gaub, "A Libyan Recipe for Disaster," *Survival: Global Politics and Strategy*, February–March 2014, vol. 56, ed. 1, pp. 109-10.

but rather to bolster and complement the EU Commission's efforts in these endeavors.

- Dispatch international advisers and capacity builders to local communities independent of the perceived security challenges. Focus on building middle-management capacity and working with Libya's more functional local councils.

For the United Kingdom

- Support the creation of a coherent multilateral structure to oversee training initiatives, which could be facilitated by a strong UK political commitment signaled by Prime Minister David Cameron through a high-profile speech or visiting a training facility.
- Leverage its unique relationship with the United States, the Gulf states, and the Libyan military to establish itself as the overarching coordinator for the multilateral training scheme for the General Purpose Force.
- Convene a forum bringing together senior military representatives from donor/training countries and senior military officers and politicians from Libya to meet at regular intervals to coordinate, and monitor the progress of, international efforts to develop Libya's national security forces.[10]
- Provide targeted assistance on civil society development, parliamentary governance, and constitution writing—drawing on British experiences in capacity building in these sectors throughout the Commonwealth.[11]
- Contribute technical support and advice in support of the current EU Commission's technical assistance program for border control.

For Italy

- Appoint a special envoy (given its special role assigned by the G8 to support the Libyan transition) responsible for the coordination of Italian assistance efforts in Libya. In order to minimize duplication of assistance, this individual should also be responsible on behalf of the Italian government for coordinating similar efforts of other allies.
- Expand efforts to the fields of administrative training and capacity-building where Italy has a core competence, and delegate to other partners in fields like healthcare and education in which other European states are more established service providers.

For the United States

- Pursue a low-profile approach, supporting the United Nations and advocating for a coordinated multilateral policy of capacity building. Even while Italy and the United Kingdom bear the brunt of the load, the United States should not withdraw from Libya, but continue to engage and encourage its allies to stay engaged in Libya for the long haul while protecting US commercial interests.
- Expand its focus to sectors like health care, provisioning visas for Libyans to study in the United States, and facilitating the American private sector's entry into the fields of infrastructure, vocational training, and security training, and not confine its assistance to the field of counterterrorism.[12]

10 To date, discussions of international support for Libya have taken place on the margins of high-profile meetings such as the 2013 G8 summit in Northern Ireland. This approach may not actually be the best solution for the coming phase. It gets publicity for Libya at the time of G8 meetings, but then loses momentum or visibility at other times. Therefore, a return to a structure akin to the Libya Contact Group, which was convened in 2011 during the uprisings, would be more suitable, as it provides a standardized mechanism for coordination and follow through.

11 Noman Benotman, "Policy Briefing: Political Instability in Libya," *Quilliam*, March 25, 2014, http://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/instability-in-libya.pdf.

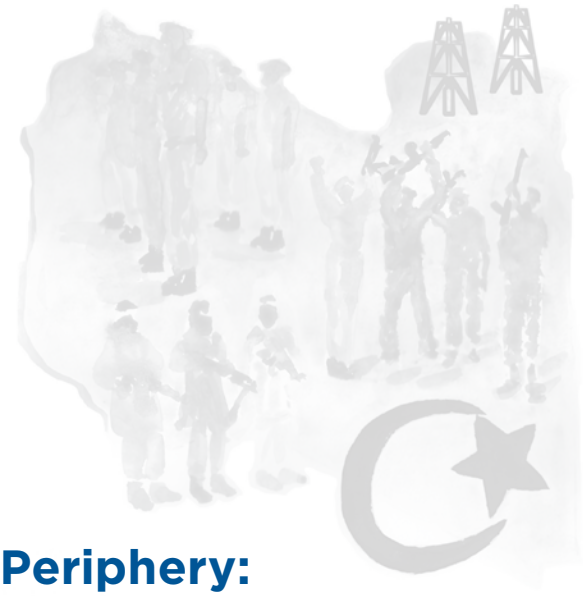
12 For more on the potential role of the US, please consult David Mack, "Libya and U.S. Long-Term Engagement," Middle East Institute, March 26, 2014, http://www.mei.edu/content/libya-and-us-long-term-engagement.

For the United Nations and the European Union[13]

- Continue providing technical assistance to the nascent Constitutional Committee and to the national dialogue process.
- Maintain and improve programmatic endeavors to foster Libya's civil society and its participation in the political processes.
- Maintain the EU Commission as Libya's primary interlocutor in the fields of border control, judicial assistance, and asylum and immigrant processing.
- Coordinate all major international political efforts through the high-profile international envoy, soon to be appointed by EU foreign policy chief Catherine Ashton. Work together to buttress the envoy's position to interface with both the national dialogue and capacity-building processes as the envoy attempts to promote national reconciliation, political compromise, and economic growth that benefit all.[14]

13 Europe's ability to act coherently in Libya, as in the Crimea, would benefit from increased European political, military, and institutional integration. For further development of this argument see, Jason Pack and Brendan Simms, "A Weak E.U. Can't Stop Putin," *New York Times,* March 27, 2014, http://www.nytimes.com/2014/03/28/opinion/a-weak-eu-cant-stop-putin.html?ref=international.

14 Richard Northern and Jason Pack, "Libyans Need Help Standing Up to Extremists," Bloomberg, December 24, 2013, http://www.bloomberg.com/news/2013-12-24/libyans-need-help-standing-up-to-extremists.html.



Chapter 1. The Center and the Periphery: The Struggle for Post-Qaddafi Libya

The Political Process from NTC to Present

Libya's leaderless "Arab Spring" movement to overthrow Muammar Qaddafi began on February 15, 2011, as a series of disparate local uprisings. Individual towns and neighborhoods erupted first in nonviolent protest, though the movement later morphed into an armed insurrection against the Qaddafi regime. As the regime and its oppressive security forces attempted to suppress the rebellion via indiscriminate killings, militias and local governing councils formed from local populations in the various pockets of the country where Qaddafi's control was contested or evaporated.[15] These peripheral local councils and militias that spontaneously arose throughout Libya to contest the regime on a city-by-city basis proclaimed themselves to be wholly new and revolutionary. Yet, they largely drew their solidarity networks from the preexisting groupings in Libyan society based on locality, ideology, regionalism, and tribe. Certain municipalities came together and formed the National Transitional Council (NTC) on February 27, 2011, to secure domestic and international recognition and support for the uprisings, and to become the nascent, legitimate, national sovereign body of Libya. Considering former Qaddafi regime officials and reformers comprised its founders, many newly liberated towns and their militias were skeptical that the NTC had their best interests at heart.

In the wake of the euphoria of liberation from Qaddafi, many joined the NTC banner but viewed the alliance as temporary and provisional. As a result of the artificiality of the linkage between the NTC and the uprisings they claimed to represent, the nascent centralized authority in post-Qaddafi Libya was always weaker than the peripheral municipalities and their militias supposedly under its control.[16]

The NTC, backed by the Arab League, called for international intervention in the form of a no-fly zone, after the rebel forces suffered severe setbacks when Qaddafi forces launched a counterattack that brought the regime's forces within striking distance of Benghazi. The UN approved the request on March 17 by passing UNSCR 1973. The subsequent no-fly zone (NFZ) imposed by NATO-led forces stopped the Qaddafi offensive, while

15 This form of local popular governance ironically resembled the form of direct democracy outlined in Qaddafi's *Green Book* that only existed in puppet forms during Qaddafi's rule. Jason Pack, "Qaddafi's Legacy," *Foreign Policy*, October 20, 2011, http://www.foreignpolicy.com/articles/2011/10/20/qaddafi_s_legacy; Jason Pack, "Post-Gaddafi Libya Should Think Local," *Guardian*, October 20, 2011, http://www.theguardian.com/commentisfree/2011/oct/23/post-gaddafi-libya-local.

16 For an overview of the spontaneous nature of the uprisings and how they formed local and national structures, consult Jason Pack, ed., *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future* (New York: Palgrave Macmillan, 2013), *op cit.* and Jason Pack and Barak Barfi, "In War's Wake: The Struggle for the Post-Qadhafi Future," Washington Institute for Near East Policy, February 2012.

simultaneously protecting pockets of anti-Qaddafi forces inside territory held by Qaddafi's regime.

Initially, although the NFZ and NATO airstrikes were sufficient to help the poorly-disciplined rebel forces hold territory, the rebels still failed to advance into Qaddafi-held territory. Foreign air support also enabled anti-Qaddafi rebels not formally affiliated with the NTC to survive within Qaddafi-held territory, so long as they controlled whole towns and could therefore be resupplied. Various towns used different resupply routes; for example, by sea (such as Misrata), or by the Tunisian border or Qatari helicopters (such as Zintan in the Nafusa Mountains). Without the NFZ these pockets of resistance inside Qaddafi territory would have either been crushed by tanks and planes or would have had to merge into the rebels' nascent political and command and control structures to stay alive. In short, the NFZ functioned like the Internet—as a democratizing force allowing any particular social segment or locality to create its own resistance brigades, control its own neighborhood, and create its own discourse.

As a result, from April to July 2011, disparate and peripheral local councils and militias spontaneously arose throughout Libya to contest the regime on a city-by-city basis; they also used the Internet and satellite TV to put forth their own narratives of the uprisings. Unsurprisingly, although they proclaimed themselves to be wholly new and revolutionary, they largely drew their solidarity networks from the preexisting groupings in Libyan society such as locality, ideology, regionalism, and tribe. Many did not swear allegiance to the NTC. Among those that did, they did not dissolve into the national army or voluntarily demobilize once Qaddafi was defeated, but rather remained as separate entities. The process of overthrowing the tyrant was transformative for the Libyan social landscape; previously buried social cleavages were transformed into numerous sites of revolutionary mobilization.[17]

Liberation from Qaddafi was declared on October 23, 2011, three days after he had been killed by Misratan militiamen in his hometown of Sirte. Once the shared goal of defeating Qaddafi was accomplished, the NTC shifted its mission to knitting the country's disparate factions together. The NTC adopted an ambitious political transition timetable modeled on Tunisia and rhetoric calculated to portray itself as a truly national and sovereign governing body controlling national institutions, including a unified military. In reality, Libya lacked national institutions. Each of Libya's localities had its own fighting force that could be directed to act for personal, local, tribal, or regional ends.

When the first post-Qaddafi NTC government of Abdurrahman al-Kib chose a new cabinet of ministers, some cities, most notably those represented by militias in Tripoli—Misrata and Zintan—were only willing to participate in this new government in exchange for large concessions. Due to the weak condition of national army and police forces and the wholesale refusal among Libyans to invite in foreign peacekeeping forces, a paradox emerged: short-term stability could only be preserved by coopting militia groups, and such stability was required to create an elected government, constitution, and the initially envisioned "transition to constitutional governance" by June 2013. In an act of thinly veiled appeasement, Misrata and Zintan were awarded the Defense and Interior Ministries, respectively, on account of their large militias. These and other initial concessions enshrined a form of social contract: the militias would not rebel against the new government in exchange for subsidies, transfer payments, and political leverage at the center.[18]

Multiple elements of the mobilized periphery clamored to dominate the center throughout the planning for a political process that would

17 For more on the formation of the center and periphery in Libya see Jason Pack, "Introduction: The Center and the Periphery" in Pack, ed. *The 2011 Libyan Uprisings.*

18 Fascinatingly, the militias did not immediately demand salaries but rather medical treatment and rehabilitation for their members. As NTC did not deal properly with financing and sending abroad of patients, protests ensued for more money to go to the *thuwwar* (revolutionaries). This opened the door for a system of placating *thuwwar* demands with transfer payments. We thank Sharon Lynch for stressing this point.

supposedly culminate in a transition to democracy and new constitution. Long before Qaddafi was defeated and even before the NTC had control of Tripoli, the NTC established the precedent and framework for an elected government to replace itself by issuing the Temporary Constitutional Declaration (TCD) on August 3, 2011. Since that date, this document has been serving as a temporary transitional constitution, and, in theory, the stated timeline for the drafting and issuance of the permanent constitution still determines the legality and jurisdictions of Libya's current bodies.[19]

The TCD called for the NTC to organize elections for a 200-member General National Congress (GNC) within 240 days of liberation from Qaddafi. The GNC as originally envisioned would have both replaced the NTC as a governing body appointed and overseen the constitutional committee in charge of drafting the constitution. It was also their role to elect a president and a prime minister, who would form a cabinet. However, due to a vocal minority in Eastern Libya calling for Libya to adopt a federal model of government based on the three historical provinces from Libya's independence in 1951, the TCD was amended multiple times. As a result, the constitutional committee would be elected by the people rather than appointed by the GNC, and the sixty-member committee (also known as the Committee of Sixty) would be modeled on the original 1951 constitutional committee whereby twenty members would be from Cyrenaica, twenty from Tripolitania, and twenty from Fezzan.

Although lightly considered and easily granted, these concessions were fundamentally acts of appeasement by the Libyan center to the Federalist periphery, and they continue to exert a profound influence on the situation on the ground. Just as appeasing the militias with payments and cooptation into new umbrella units has enshrined them as the arbiters of power in Libya, so too has the decision for direct election of the constitutional committee and regional representation facilitated the rise of the militant wing of the Federalist movement and its bid to forge an independent Cyrenaica.

The Successes and Failures of the Central Authorities

Immediately after the revolution, Libya witnessed a wave of economic and democratic successes, which raised expectations and created a window of opportunity for the central authorities to expand their support. Yet out of fear of being seen as despotic, the authorities failed to act boldly, and lack of trust and the cultural legacy of personalized rule hindered Tripoli from connecting with the country's fledgling local authorities. As a result, in 2013 the window of opportunity appeared to abruptly close after a series of interlinked disappointments. The terrible state of affairs was the result of many factors: some rooted in the conduct of the revolution, some preceding it, and the most important ones deriving from the handling of the post-conflict period.

One critical factor was the political elite's failure to recognize that the 2011 uprisings had exacerbated Libya's preexisting societal fissures, actually pitting various portions of the Libyan population against each other.[20] Only a national reconciliation process where all sides publically participate and make compromises could allow groups to transcend their legitimate grievances so as to forge a new Libya. The authorities' inability to begin the national reconciliation process has ensured the marginalization of at least one quarter of the population of the country, a demographic that

19 For more on the Temporary Constitutional Declaration (TCD) see Sawani and Pack, "Libyan Constitutionality and Sovereignty Post-Qadhafi: the Islamist, Regionalist, and Amazigh Challenges," *Journal of North African Studies*, vol. 18, no. 4, 2013, pp. 523-543.; The text of the Temporary Constitutional Declaration is available on the High National Election Commission website http://www.hnec.ly/uploads/publisher/6_ntc_2011.pdf.

20 For example, the reinforcing of preexisting feuds between the Arab Zwai and Tubu in the South, certain Arab and Amazigh groups against each other in Jabal Nafusa, and local, regional, ethnic and tribal rivalries like those which prevail between Misrata and Tawerga, Zwara and its neighbors, and Warshafanna and Zawia. For more on this see Wolfram Lacher, "The Rise of Tribal Politics" in Pack, ed., *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future* and Wolfram Lacher, "Libya's Fractious South and Regional Instability," dispatch no. 3, Small Arms Survey, February 2014, http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SANA-Dispatch3-Libya%27s-Fractuous-South.pdf.

has actively tried to undermine the stability of the state.[21]

A second critical factor has been the lack of recognition by the public and the government of the importance of foreign support in winning the war and overthrowing Qaddafi. The rhetoric employed by Mahmoud Jibril, Mustafa Abdul Jalil, and others baldly reinforced the view "that the Libyans did it all by themselves" and that outside assistance was helpful but not essential to victory. This discourse has created the unrealistic expectation among the Libyan population that they could navigate the transition with only minimal outside help. It also signaled to the major foreign powers that the Libyans were more than happy for them to leave the country immediately after the liberation. This, plus the legacy of Iraq, facilitated the Western countries' light-footprint approach toward capacity building, rather than a concerted, robust effort to harness the Libyans' good will in order to support the country's nascent institutions, strengthen them vis-à-vis their opponents, and create a security climate more conducive to the construction of a functioning state apparatus.

Despite the central government's remarkable achievement of pre-war levels of oil production by mid-2012, far sooner than initially imagined, production then stagnated (or remained steady depending on one's viewpoint) until June due to lack of Libyan know-how and a security situation that impeded foreign investment.[22] Even worse, production was then brought to a standstill by strikes and occupations of oil infrastructure from mid-2013 onward, such that production rates by the end of 2013 were less than one-quarter of 2010 levels. Similarly to developments in the economy, the great successes in the political realm heralded by the GNC election in July 2012 (with minimal violence and high participation by over 60 percent of eligible Libyans) soon soured. The GNC has been unable to make significant headway on the multi-year task of DDR, establishing the rule of law, providing the security necessary to attract job-stimulating foreign investment, or most crucially, forwarding the constitutional process, supposedly the body's *raison d'être*.

No sooner did the newly elected GNC attempt to form a government in September 2012 than infighting torpedoed Prime Minister-elect Mustafa Abushagur's attempts to form a cabinet. During this moment of institutional chaos, US Ambassador Christopher Stevens and three other Americans were killed. When current Prime Minister Ali Zeidan was finally chosen in November 2012, there was a sense of great optimism that the chaos might end. That hope quickly faded in early 2013 as it became clear that the GNC could hardly secure its own premises, let alone take initiative on much-needed projects.

The Successes and Failures of the Local Authorities

In the absence of state control and widespread administrative incompetence, certain militias and their affiliated local councils have become de facto substate governments in dispersing welfare, administering justice, providing jobs, and controlling the armed groups and politicians to which they disburse patronage. Moreover, the center (the NTC and then GNC) has been beaten by the periphery in the public relations battle to win over the hearts and minds of Libyans. The GNC has failed to make an effective case to the Libyan people that their interests lie with a strong, consensual constitutional government centralized enough to pursue coherent economic development strategies and to uphold the rule of law. Conversely, the periphery has excelled at channeling public interest and attention. Local powerbrokers advocate populist causes that have a short-term impact. In this way, the militias act as armed representatives of various communities,

21 Ibrahim Sharqieh, "Reconstructing Libya: Stability Through National Reconciliation," Brookings Institution Doha Center, December 3, 2013, http://www.brookings.edu/research/papers/2013/12/03-libya-national-reconciliation-sharqieh.

22 US Department of Energy, *February 2014 Monthly Energy Review* (Washington, DC: US Energy Information Administration, February 24, 2014), http://www.eia.gov/totalenergy/data/monthly/pdf/mer.pdf. See also the appendix, "Violence, Crime and Oil," in this report.

successfully lobbying for narrow local interests and extracting concessions from the government.[23]

Misrata—the wealthiest, most powerful, and safest major city in Libya today—is a prime example of the success of Libyan municipalities in achieving self-sufficiency in terms of security and administration of local affairs. Misrata's security infrastructure depends entirely on its myriad of revolutionary brigades, the by-products of the uprisings. Misrata suffered rape and pillage during its siege by Qaddafi's forces in Spring 2011, which is likely why Misratans refuse to accept any security institution staffed by those who might have served the former regime. This reality can no longer be ignored by the central authorities. Until they deal with Misratans' distrust of national institutions, Misratans will continue to use the legacy of Qaddafi's brutality as a justification for their militias' assaults on the central government's nascent institutions.[24]

At present, there is no formal structure or agreement between the various successful cities of the periphery and the central government through which local power can be employed to strengthen the central government's position rather than undermine it. The so-called "Gharghour incident" of November 2013 when notorious Misratan militias killed more than forty-four civilians is one illustration of the significance of local power. In the aftermath, public outcry mounted. Misratan militias refused to leave Tripoli until Misrata's Local Council intervened. The Local Council also decided to remove from Tripoli all government ministers and GNC members of Misratan origin, and ordered the Misratan units of the Libya Shield Force back to Misrata. In doing so, Misrata's Local Council bypassed the prime minister, the GNC president, and the army chief of staff and successfully commanded individuals and units who should have been controlled by or loyal to the central government.

Tubruq offers another example of Libya's municipal diversity and the relative success of divergent local arrangements. The city is peaceful and does not currently have any militia units. The city's security forces are more or less the same ones that existed during the Qaddafi era with some *thuwwar* joining their ranks as lone individuals. This arrangement is the result of Tubruq's geographical isolation and its domination by traditional tribal structures. These same factors meant that during Qaddafi's reign, the regime had to rely on locals to police and govern their own city. The local authorities used this knowledge and structure to their advantage and have managed to keep the city relatively safe.

Aside from some isolated cases where post-revolutionary municipalities have reached beneficial local security and governance arrangements (e.g. Misrata, Zlitan, Zintan, Zwara, and Tubruq), most (such as Benghazi and Derna) have not. Local elections have not been the solution thus far. Benghazi's successful local election did not allow it to create a working security or political arrangement linking together the citizens and the local governance institutions. Despite the GNC's efforts to speed up local elections in Libya, the people are not convinced that local elections will bring real change in terms of local administration and governance. For example, only 9,000 people out of the 27,000 registered voted in al-Baida's local elections. This was a terrible level of turnout for a city with a population of around 200,000, reflecting public disillusionment with the political process.

The current version of the local governance law does not give the local authorities enough powers to respond to the aspirations of their communities. The concept of promoting local ownership to empower local authorities seems to be absent from any plans drafted by the central government. Given the central government's poor record of public communication and localization of authority, Federalists have also been able to capitalize on the public's emotions to frame the constitutional debate on their terms.

23 Jason Pack and Mohamed Eljarh, "Talk about Political Dysfunction," *New York Times*, October 18, 2013, http://www.nytimes.com/2013/10/19/opinion/talk-about-political-dysfunction.html?_r=0.

24 Jason Pack and Mohamed ElJarh, "Localizing Power in Libya," Atlantic Council, November 26, 2013, http://www.atlanticcouncil.org/publications/articles/localizing-power-in-libya.

In short, where local communities have successfully built institutions and security arrangements, they have used them in defiance of central authorities instead of in tandem with them, while in communities where there are feuding substate power structures—such as between Tubu and Zwai in Kufra or many other local, tribal, and ethnic feuds throughout the country—the central authorities have been unable to fill the power vacuum.[25] This means that success at the local level threatens the central government, and failure at the local level weakens and undermines it. Ending the trend of appeasement necessitates finding ways to connect the periphery to the center through mutually-beneficial linkages, as well as curtailing the most disruptive implications of transfer payments to the militias without provoking a wide-spread antigovernment revolt. Although this may seem like a tall order, the Libyan government still has access to many carrots and sticks as well as the opportunity to mould a public discourse that incentivizes virtuous behavior on the part of its opponents.

25 This phenomenon exists throughout Libya, but is most pronounced in the South. For more, see Lacher, "Libya's Fractious South and Regional Instability."

Chapter 2. Appeasement: Its Rationales, Costs, and Alternatives

The woeful current state of affairs could have been avoided if the NTC had demonstrated bold leadership and started to reign in the recalcitrant periphery during the honeymoon period after the declaration of liberation. Such leadership could have rallied the Libyan people to the side of the government, an invaluable asset that would have been more useful in building Libya's future than the $170 billion on-hand in sovereign wealth funds or top-notch outside technical assistance. Institutions cannot be built and security cannot be fostered without popular support, nor can these things be bought or manufactured by experts.

Some counter-argue that the abundance of arms dispersed throughout Libya in the wake of the revolution meant that bold leadership which eschewed appeasement would have been impossible or led immediately to civil war. Although it is impossible to conclusively prove or disprove either of these counterfactuals by conducting a truly "controlled" experiment isolating the variable of appeasement, the authors attempt to treat the issue of appeasement separately from the Qaddafian legacy and the proliferation of arms, as if conducting such a "controlled" experiment following the scientific method.

The Proximal Cause of Libya's Current Woes

Instead of bold leadership and enforcing the abstract principles enshrined in the August 3, 2011 Constitutional Declaration, the Libyan government was accommodating when confronted with armed demands from the periphery. This was certainly the path of least resistance, and the Qaddafian legacy of weak institutions and a culture of patronage networks pushed the NTC, GNC, and various cabinets in that direction. Nonetheless, such behavior has consistently been to the detriment of efforts to promote a democratic dialogue, discourage armed opposition, or build lasting political institutions vested with genuine authority. Although there are different schools of thought within the broader Libya field concerning the government's performance, many prominent government experts, think tank analysts, and academics view the NTC and GNC

as "appeasers"[26] who have abruptly changed their policies when threatened with force. The archetype of this behavior was the NTC's action to "placate" Federalist demands immediately before the July 2012 elections.[27] Seen from this point of view, Libyan authorities have over time appeased away a number of their powers and even "appeased" themselves out of office in the case of GNC President Mohamed Magariaf, whose support of the Muslim Brotherhood and the Martyrs' Bloc in their demands for the Political Isolation Law led to him being forced to resign.

This paper takes the train of thought a step further than merely identifying the problem of "appeasement." The authors argue that *the proximal cause of most of Libya's current interlocked political and security problems is the central authorities' penchant for appeasement*. This view seeks to cut the causal links between Qaddafi-era policies, Libya's primordial social and regional structures, and Libya's absence of institutions (like a national army or civil society) with the Libyan reality in 2014. The Libyan government and people have exerted agency in molding their post-revolutionary reality and will continue to do so.

The GNC as Appeasers

While Libya's historical social structures and institutions are certainly key components and to some extent the root causes of the current situation, the way in which these dynamics have manifested themselves in post-Qaddafi Libya has been inflected and exacerbated by the practice of appeasement. The implication of this is that, prior to crafting policy solutions to address the morass in Libya, both the Libyan government and its international partners must address the sobering fact of appeasement head-on. Seen in this light, there is actually a silver lining to the current situation: it is far easier to correct the Libyan government's practice of appeasement than to change the country's tribal and regional structures while simultaneously constructing functional institutions out of nothing.

Study of the diplomacy leading up to the Second World War demonstrates that appeasement creates a vicious circle.[28] By rewarding destructive behavior, it encourages it. In post-Qaddafi Libya, groups which have pursued their agendas through threats, force, blockades, and boycotts have been rewarded with their objectives, while those who have used the democratic process have been largely ignored. Unsurprisingly, given this incentive structure, the militias, Federalists, Islamists, and jihadists have all tried to extract maximum benefit from the current situation of a weak central government practicing appeasement. In fact, most political, militia, ethnic, or ideological groups in Libya have been effectively transformed into "rent-seekers" which seek to trade their

26 Karim Mezran of Johns Hopkins, Noman Benotman of the Quilliam Foundation, Alison Pargeter of MENAS Associates, Jason Pack of Cambridge University, Wolfram Lacher of Stiftung Wissenschaft und Politik (SWP), Christopher Chivvis of the RAND Corporation, and Fred Wehrey of the Carnegie Endowment for International Peace have all more or less painted a picture of weak central authorities backing down in the face of armed opposition. See Karim Mezran and Fadel Lamen, "Security Challenges to Libya's Quest for Democracy," Atlantic Council, September 12, 2012, http://www.atlanticcouncil.org/publications/issue-briefs/security-challenges-to-libyas-quest-for-democracy; Noman Benotman, Jason Pack, and James Brandon, "Islamists," in Jason Pack, ed. *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*; Alison Pargeter, *Libya: The Rise and Fall of Qaddafi*, (New Haven: Yale University Press, 2012); Wolfram Lacher, "Fault Lines of the Revolution Political Actors, Camps and Conflicts in the New Libya," SWP Research Paper, May 2013; Wolfram Lacher, "The Rise of Tribal Politics" in Pack, ed., *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future;* Jason Pack and Barak Barfi, "In War's Wake: The Struggle for Post-Qadhafi Libya," Washington Institute for Near East Policy, February 2012, pp. 3-4, http://www.washingtoninstitute.org/policy-analysis/view/in-wars-wake-the-struggle-for-post-qadhafi-libya; Frederic Wehrey, "The Struggle for Security in Eastern Libya," Carnegie Endowment for International Peace, September 19, 2012.

27 Ronald Bruce St John, "Libyan Election Breaks Arab Spring Pattern," *International Spectator: Italian Journal of International Affairs* vol. 47, no. 3, 2012, pp. 13-19.

28 There exists a substantial academic literature dealing with "appeasement" as a government policy option. Much but not all of this literature focuses on British policy in the 1930s. For a broader definition of the concept and how once "appeasement" is consciously or unconsciously adopted as a policy, it promotes further appeasement, please consult, Stephen Rock, *Appeasement in International Politics*, (Lexington: University Press of Kentucky, 2000) and Martin Gilbert, *The Roots of Appeasement*, (New York: Weidenfeld & Nicolson, 1970).

potential to cause political or economic disruption to the country in exchange for material benefits or political positions for their top members.[29] Simultaneously, the silent majority of the Libyan populace has come to constitute an excluded demos, whose voices are not heard because they either respect the rules of the political game or are not sufficiently plugged in to elite and militia politics to pressure or lobby for their goals. This dimension of exclusion could either lead to the failure of the democratic transition or could create whiplash, whereby the Libyan people dramatically seize hold of the destiny of the country.

As this report is not primarily concerned with popular opinion, social networks, the blogosphere, and civil society, the authors leave as an open question the future role of the excluded demos as one of the primary factors which will determine the next steps in Libya's post-Qaddafi evolution.

What If It Had Been Different?

Although it is difficult to assert a counterfactual, there is much evidence to support that had government policy been different, most peripheral groups other than the jihadists would likely have played the democratic game "by the rules" if there was a greater likelihood for them to achieve their aims by playing by the rules than by not doing so.[30] Given the prevailing incentive structure, moderate Islamist political parties which initially embraced the democratic arena and the trappings of government, most notably the Muslim Brotherhood's Justice and Construction Party (JCP), have later supported anti-government militias, such as those that demanded the political isolation law.[31] NTC Chairman Mustafa Abdul-Jalil and later President Magariaf knowingly encouraged Islamist militiamen to disrupt the political process and actively lobbied for their demands to be met, presumably hoping to garner their support and prevent them from disrupting the government.[32] By adopting Islamist and populist demands (e.g., polygamy, Islamic banking, subsidies, sharia law, etc.,) they knowingly acquired short-term stability at the cost of later instability. Such short-sighted actions have weakened central government authority far into the future, as the appeasement of one group encourages others to follow suit, turning armed demands into an oft-repeated tactic.

Moreover, with the case of Libya's moderate Islamists there is little doubt that these groups simply wanted their share of power and, if they were forced to compromise and play by the rules to achieve it, they would have done so. Study of JCP Leader Mohammed Sawan's speeches and actions reveals this.[33] This framework of analysis suggests although it is impossible to rollback the gains made by the periphery by past practices of appeasement, future instances can be avoided by creating a robust discourse about the Libyan state's interests that counteracts the appeals of populism in the public perception and by forbidding elected politicians from courting the support of extra-legal armed movements with legal handouts. Many apologists for former Prime Minister Ali Zeidan

29 Seen in a comparative perspective, the behavior of the Libyan militias is not so atypical. It is merely an extreme case of the so-called, "honey pot" rent-seeking arrangement. This thesis posits that oil-rich states lacking in institutions generate violent forms of rent-seeking that are likely to take the form of "greed-based" insurgencies. Paul Collier and Anke Hoeffler, "Greed and Grievance in Civil War," *Oxford Economic Papers,* vol. 56, no. 4, 2004.

30 This assumption is supported by the rhetoric of many different groups in the lead up to the 2012 GNC elections.

31 Alison Pargeter, *Libya: The Rise and Fall of Qaddafi* (New Haven: Yale University Press, 2012); Noman Benotman, Jason Pack, and James Brandon, "Islamists," in Pack, ed., *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*. The political isolation law and other antigovernment actions have also been supported inside the GNC by the powerful Martyrs' Bloc which was assembled inside the GNC after the election grouping together many independent candidates and different Islamist-leaning currents.

32 Karim Mezran, Fadel Lamen, and Eric Knecht, "Post-Revolutionary Politics in Libya: Inside the General National Congress," Atlantic Council, May 2013, http://www.atlanticcouncil.org/images/publications/postrevolutionary_politics_libya.pdf; Karim Mezran and Eric Knecht, "Libya's Fractious New Politics," *MENASource* (blog), Atlantic Council, January 9, 2013, http://www.atlanticcouncil.org/blogs/menasource/libyas-fractious-new-politics.

33 Authors' interviews with Mohammed Sawan and other Islamist leaders in Tripoli throughout 2012-2013.

have asserted that he simply lacked the power to confront the militias and hence was fenced in to the type of appeasement that Abdul-Jalil and Magaraf engaged in willingly. This logic is hollow because in the twenty-first century the Libyan people are connected through the Internet and are forging nascent civil society organizations to which the country's leaders can appeal for support to counterbalance the militias. Therefore Zeidan's successors would be wise to combine economic incentives with popular and regional outreach so that the central authorities appeal to Libya's divergent inhabitants.

Alternative Views of the GNC: Could They Be Classified As Temporizers or Over-centralizers?

While the authors of this paper see the NTC and GNC as practicing appeasement, leading academics and practitioners have coherently argued for other paradigms. An alternative point of view sees the Libyan authorities as "temporizers" whose lack of challenging their opponents does not give rise to a long-term weakening of central authority but instead is an astute move to buy time until they can build their forces. This framework sees Libya as gradually on a positive path where institutions are slowly forming and militias are being *definitively rather than superficially* coopted into the armed forces.[34] A third school sees the central authorities as holding too much power, rather than not enough. Instead of weakness, the central authorities are "over-centralizers" engaged in a futile attempt to control the periphery from Tripoli and, in the process, setting the stage for corruption and inefficiency. According to this argument, those holding the strings of power are holdovers from the Qaddafi-era bureaucracy.[35] There is definitely some truth to both the "temporizing" and "over-centralizing" schools of thought, and it is for that reason that the government must "localize" itself while also picking its battles carefully and not seeking to confront the armed groups which could openly defeat it. Despite those counterarguments, they do not negate the essential fact that appeasement has whittled away governmental authority.

The Origins and Implications of Appeasement

The first major act of appeasement was the July 5, 2012, Amendment 3 to the temporary constitution. It removed the GNC's authority to appoint the Constitutional Committee just two days before the GNC elections. Later in October 2012, armed militiamen from Zawiyya stormed the GNC assembly hall in the middle of the debate on Mustafa Abushagur's new post-election cabinet. Rather than calling in the army or even pro-GNC militias to disperse the Zawiyyan protesters, the GNC added the Zawiyyans, frustrations to concerns regarding Abushagur's cabinet list to vote against the prime minister-elect.[36]

In March 2013 armed protesters again took to the GNC hall to influence passage of the political isolation law; under duress, the April 2013 amendment to the TCD specifically mentioned that any political isolation law would not be unconstitutional. The same amendment took the opportunity to maintain social peace by

34 The most prominent exponents of this view are Dirk Vandewalle and Sami Zaptia. Dirk Vandewalle, "After Qadhafi: The Surprising Success of The New Libya," *Foreign Affairs,* November/December 2012; Jonathan Tepperman and Dirk Vandewalle, "Foreign Affairs Focus: Libya after Qaddafi with Dirk Vandewalle," *Foreign Affairs*, November 8, 2012. http://www.foreignaffairs.com/discussions/audio-video/foreign-affairs-focus-libya-after-qaddafi-with-dirk-vandewalle; Dirk Vandewalle email to authors, June 8, 2013; Sami Zaptia, "No Shame in Seeking Western Help," *Saudi Gazette*, July 19, 2013, http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20130719174004 ; Author's conversation with Zaptia in Tripoli, August 30, 2013.

35 Nicolas Pelham, "Losing Libya's Revolution," *New York Review of Books*, October 10, 2013, http://www.nybooks.com/articles/archives/2013/oct/10/losing-libyas-revolution/?pagination=false; Nicholas Pelham in "The Struggle for the Post-Qadhafi Future: Islamists, Militias and the Role of Britain in Today's Libya," panel discussion, UK House of Commons, September 10, 2013; Nicolas Pelham, "Libya in the Shadow of Iraq: The 'Old Guard' Versus the Thuwwar in the Battle for Stability," *International Peacekeeping*, vol. 19, no. 4, 2012, pp. 539-548.

36 "Libyan Prime Minister Abu Shagur Dismissed," BBC, October 7, 2012, http://www.bbc.co.uk/news/world-africa-19864136.

upholding the first major act of appeasement—the controversial July 2012 decision for an elected constitutional committee of sixty to be split among Libya's three regions.[37] Later on, as the Ministries of Foreign Affairs and Justice were surrounded, the GNC passed the political isolation law on May 5. Then GNC President Magariaf himself showed acquiescence by abstaining from overseeing the vote and later resigning in accordance with the law on May 27.[38] A more recent example are reports that the head of the GNC Energy Committee may have tried to use government funds to bribe Ibrahim Jadhran's brother into ending the Eastern oil strikes, actually creating lucrative incentives to engage in armed disruptions.

The Zeidan government repeatedly threatened to use force to break the oil blockades in Libya's East. Yet when the ultimatums expired, Zeidan did not follow through, thereby diminishing his ability to bluff, cajole, and instill fear in his opponents. Iterative game theory shows that being caught bluffing or not driving a hard-enough bargain leads in future negotiations to one's opponents calling one's bluff and subsequently driving a harder bargain. Therefore, Prime Minister Zeidan's ability to restore the government's credibility through bold actions and confrontations with the opponents of the central government was deeply compromised and culminated in his overthrow.

At this point, it appears that the best way forward would be to hold early elections for a third transitional government to bring in new authorities who may face such issues with a clean slate untainted by appeasement. Once a new leadership is in place, the Libyan authorities could capitalize on their buttressed legitimacy not by simply seeking a direct confrontation with their opponents but rather by crafting programs that will incentivize the militias to cease blackmailing and extorting the government. The current incentive structure rewards those armed actors who do not abide by the rule of law, thereby falling back again into the trap of appeasing adversaries rather than confronting them.

Viable Alternatives to Appeasement and Subsidies

The Origins of the Problem

The Qaddafi regime long practiced a policy of using oil revenues to provide subsidies and wage increases to suppress popular discontent. In a way, this was similar to the welfare model of most oil-producing *rentier* states which seek to minimize dissent without allowing political participation. The Qaddafi government subsidized health, education, and housing, while imposing price controls on many basic food items. Post-Qaddafi governments have continued with this same strategy of trying to buy peace as part of their social contract. However, lacking a coherent threat of violence or even the inner core of committed supporters which Qaddafi possessed, the NTC and GNC have had to resort to ever-increasing subsidies with constantly diminishing results (in terms of dissent averted).

In fact, the budget for 2012 increased subsidies for fuel, food, and electricity to 11 percent of GDP, which was far beyond the levels prevalent during Qaddafi's rule. The 2013 budget further increased these subsidies to nearly 14 percent of GDP. Furthermore, even though the economy was in dire straits in 2011, wages in the public sector increased by 30 percent during the year. There was another wage increase of 27 percent in 2012, and a 20 percent wage increase was budgeted for 2013. The pattern of expanding current fiscal spending was maintained in 2014 even though the government has been operating without a formal budget. Current expenditures in this budget accounted for 80 percent of total expenditure. Capital expenditure comprised only 20 percent despite the urgent reconstruction needs of the country, which have been estimated to amount to some $75 billion. Simply put, the Libyan state is not only spurring inflation and a consumer goods bonanza, but it is empowering its opponents, while almost entirely discounting the potential that intelligent use of government spending could have to create sustainable economic growth as well as

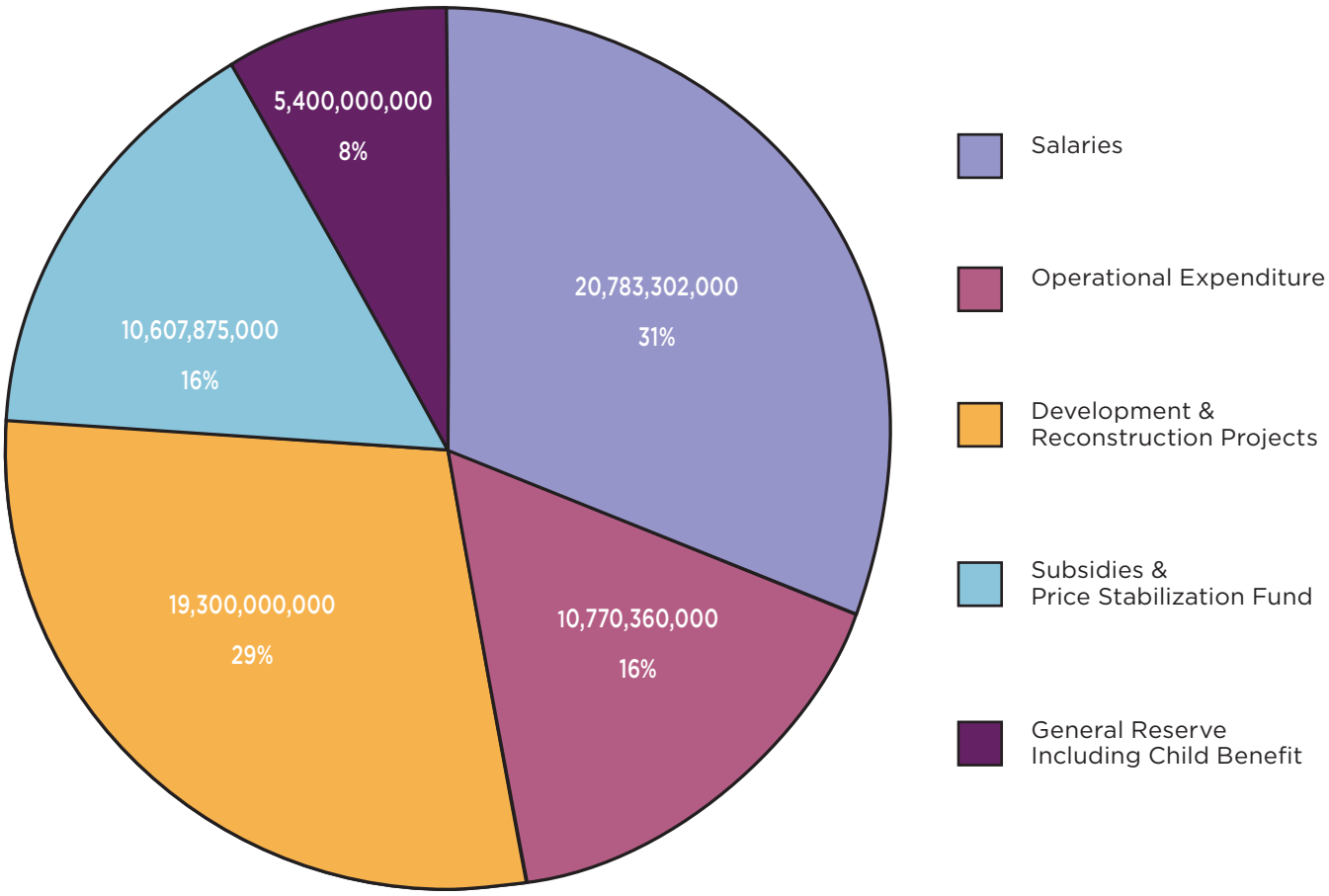
37 "Al-Mu'tamar al-watani al-'amm yuqarirr intikhab al-lajna al-ta'sisiyya al-mukallifa bi-kitaba al-dustur intikhaban mubashiran," *Wikalat al-anba' al-libiyya*, April 9, 2013, http://tinyurl.com/d3zzo29.

38 "Libya Loses Assembly Leader to New Law," *National,* May 28, 2013.

to change the political incentives of its opponents. Simultaneously, since the oil blockades have come into effect, the government has not found ways to significantly reduce its spending and stay within its means. As such, on March 25, 2014, in the absence of an agreed upon budget, the government required a $2 billion loan from the central bank to cover its various operating costs.[39]

In the short to medium term, the state will remain the dominant employer in the Libyan economy even if 99 percent of public sector jobs add little value to the Libyan economy.[40] Because the Libyan market offers the prospect of both lucrative contracts and wealthy consumers, many foreign companies are willing to endure the hardships of working in

Figure 1. Libya 2013 Budget (LD 66.8 Billion ~ $50 Billion)



Source: Sami Zaptia, "2014 Budget Expected to be LD 68.59bn—Salaries and Subsidies Shoot Up," *Libya Herald*, March 9, 2014, http://www.libyaherald.com/2014/03/09/2014-budget-expected-to-be-ld-68-59-salaries-and-subsidies-shoot-up/#ixzz2vW7axdhY.

39 Feras Bosalum and Ulf Laessing, "Libya's Central Bank Lends $2 Bln for Emergency Budget," Reuters, March 25, 2014, http://af.reuters.com/article/libyaNews/idAFL5N0MM48B20140325.

40 The public sector currently employs 85 percent of the labor force.

Libya because they calculate that there will be a long term payoff. Nonetheless, foreign businesses are still largely dependent on the bloated and dysfunctional state sector or the unsustainable consumer glut, which is the result of government subsidies that cannot be sustainably continued in the long run.

Possible Solutions

As the main employer of Libyans, it would be politically costly for the government to abruptly cut subsidies and wages, or to reduce public sector employment with the overall official unemployment rate hovering around 13 percent and youth unemployment estimated to be 25-30 percent. Despite the intellectual attraction of "going cold turkey" on subsidies and hoping for the market to work miracles, the only option at present is to slowly decrease the payments on offer to "rent-seeking" armed groups while simultaneously incorporating militiamen—but not whole militias—into the public sector. In exchange, these former militiamen would perform real work, whether in the security sector or elsewhere, and be put on the government payroll. This process can be facilitated via the use of the national ID number.

The first step in this multi-phased process would be unveiling "New Deal-style" legislation aimed at boosting employment in Libya and also creating a workforce with meaningful skills. The second step would be gradually reducing the amount the government pays to these groups, even if nominally, under the Ministry of Defense or Ministry of Interior while strongly bolstering the pay to members of the new Libyan army which is to receive training abroad. This sequencing would create real economic incentives for militiamen to switch to legitimate employment and the formal security sector while also decreasing the militias' prestige relative to the nascent General Purpose Force. If handled properly, the effect on the budget should be neutral or positive, with additional wage payments being matched by a reduction in transfer payments.[41] Such a shift away from appeasement can be used to simultaneously reinforce efforts at vocational training, infrastructure building, and human development.

To implement such bold and essential measures, the Libyan government must forge a coalition with the myriad local levels of administration which exert de facto control over large swathes of the country. Local loyalties and local governance are indisputably the most powerful forces in today's Libya.[42] The central authorities have hitherto treated this reality as a liability; they must now utilize it as an opportunity. Appeasement of militias, counterproductive subsidies, and transfer payments should all be addressed on a local level in a transparent and open manner so that all actors—local and central, governmental and sub-state—are under public scrutiny from all over Libya.

Therefore, the government must draw upon the powerful local authorities' influence over associated militias to end the current incentive structure. In order to do that, the government must be innovative in engaging influential local authorities in a constructive manner to address this issue.[43] Key to implementing this plan is the realization that appeasement and its byproduct—the lack of functional decentralization of government authority in Libya (and not the lack of institutions or Libya's primordial social fissures) is the proximal cause of the current situation and is rooted in the Libyan authorities, inability to secure their own premises.

Once it is understood the appeasement is rooted in the authorities' inability to protect their offices, homes, and meetings places, it becomes clear that the government must make bold efforts to protect its premises and that of the country's

41 Mohsin Khan and Karim Mezran, "The Libyan Economy after the Revolution: Still No Clear Vision," Atlantic Council, August 28, 2013, http://www.atlanticcouncil.org/images/publications/libyan_economy_after_revolution_no_clear_vision.pdf.

42 Jason Pack and Mohamed Eljarh, "Localizing Power in Libya," Atlantic Council, November 26, 2013, http://www.atlanticcouncil.org/publications/articles/localizing-power-in-libya.

43 For examples of potential solutions consult, Ibid.

parliament. The creation of economic incentives for militiamen to disband, as well as the creation of an elite security force loyal to the abstract Libyan state rather than a particular political faction, is essential to formulating a governance strategy not rooted in appeasement. Once this force is in existence, it can be used to secure the premises of the Libyan authorities, thereby allowing them to govern without constant threats to their lives and property.

Chapter 3. Meet the Militias, Their Leaderships, Alliance System, and Subgroupings

The Players in the Struggle for the Post-Qaddafi Future

Linking together the two concepts of the underlying center/periphery conflict and the GNC's penchant for appeasement, it becomes clear that the Libyan government is trapped in a struggle with its myriad opponents to set the rules of the political game within which the struggle for post-Qaddafi Libya will be waged. The militias—and the social, local, regional, religious, ideological, and tribal cleavages which sustain them—have gained in strength over time as government policy incrementally transfers to them more funds and levers to both rally their supporters and pervert the political process. However, the Libyan populace constitutes a silent majority that does not wish to be pushed around by the militias or their Islamist-leaning allies in the GNC (for more on this see the "Libyan Populace" subsection in chapter 4). In fact, since the Gharghour incident of November 15, 2013, and the anti-GNC protests of February 2014, the Libyan populace is beginning to throw its weight around in favor of a new election for a third transitional body.

Seen in this light, Libya's greatest security challenge remains the hundreds of militias that resist disbanding, impede the functioning of the country's official military and police forces, and threaten to interfere in the decisions of the post-Qaddafi elected transitional government. The continued lack of leadership and overall inactivity[44] demonstrated by former Prime Minister Ali Zeidan has allowed the militia leaders to view themselves as more legitimate than the national police and military as a result of the grassroots nature of brigade formation and the continued presence of Qaddafi-era officers in the military and police. With weapons readily available and trust in the country's politicians at an all-time low, armed brigades feel justified in influencing the highest levels of government by blockading or occupying government facilities, including the ministries, the floor of the GNC, and important oil and gas sites. The government does not have sufficient trained forces to counter these armed groups and to protect its own premises, and it will take many months, if ever, for planned training programs to have any positive impact.

Thus, since the end of the anti-Qaddafi conflict the militias have only gained in strength with each attempt to disband or disperse them. This is because the NTC (Libya's first post-Qaddafi administration) chose to give the militias state subsidies. Since then, the militias have become formalized within the nascent institutions of the Libyan state as the government has tried to enter into an uneasy partnership with them to provide

44 Zeidan survived multiple no confidence votes only because his opponents could not agree on who to replace him. See, for example, Jason Pack and Mohamed Eljarh, "Talk About Political Dysfunction," *New York Times*, October 19, 2013, http://www.nytimes.com/2013/10/19/opinion/talk-about-political-dysfunction.html?_r=0.

security. This means that at the forefront of security threats there are militias on both sides of the key issues: smuggling and human trafficking, mafia style crime, terrorist activity, assassinations in the East, and violent local disputes. Government forces are still too weak to fight these battles and hence for every rogue militia, a temporarily pro-government one has to be employed.

Unfortunately, brigades that have pledged to work with the Defense or Interior Ministries have frequently been the cause of armed clashes rather than a deterrent or solution. The Revolutionary Operations Room, the militia tasked with keeping Tripoli safe and reporting personally to the president, was implicated in the October 2013 kidnapping of the prime minister. The two main umbrella groupings of government-sanctioned militias, the Libya Shield Force (LSF) and Supreme Security Committees (SSC), frequently have clashes among their branches or with the civilian population. Egregiously, the major petroleum facilities of Libya have been occupied by the very Petroleum Facilities Guard sworn to protect them.

Furthermore, many question the loyalty of those who command the LSF and SSC to the government, as the upper echelons of the Interior Ministry and certain sub-branches of the Defense Ministry are known to be dominated by Islamists with an antigovernment agenda.[45] For example, the Ministry of Interior's Supreme Security Committee is headed by Hashim Bishr, with other powerful sub-branches headed by people like Abdulraouf Karah and Emad al Traboulsi. Although the Interior Ministry is the most Islamist-dominated ministry, the Ministry of Defense and Army Chief of Staff remain overwhelmed by and reliant on the powerful LSF led by controversial Islamist figures Wisam Bin Hamid and Ismail al Sallabi. Lastly, Libya's Deputy Intelligence Chief Mustafa Nouh is another example of Islamists' domination of Libya's intelligence and security establishments.[46]

The creation of a coherent and accountable command and control structure is essential to breaking the impasse resulting from the penetration of the security sector by the supporters of the militias and extremists. Aiming to achieve this, the GNC had decreed that all unauthorized militias must leave Tripoli and Benghazi by the end of 2013 and in order to gain some positive momentum from this popular outrage, passed new laws regulating gun ownership effective March 2014.[47] However, as in earlier cases of government ultimatums for disarmament, the announcement that government payments will stop on December 31, 2013, to armed groups not registered to join the state security apparatus and that carriers of unlicensed guns will face penalties after March 2014 are not being followed through. Militiamen are still receiving their salaries at the time of writing this report, and they have not been cajoled to abandon their arms or positions. Not surprisingly, the government has done nothing about it and appears to have run out of ideas. As the set of ideas and approaches to ending or coopting the militia menace practices during the administrations of Al-Kib and Zeidan have failed, a new approach is necessary.

The key to formulating that new approach lies in acquiring a detailed knowledge of the leaderships of the notable militias, their alliance system, and subgroupings. With that background in place, the authors will then examine how the militias secure their interests via formal and informal political channels, as well as through the use of violence and threats. Once the details of the militias' political dominance are understood, it may become possible to propose pathways out of the morass.

45 Particularly noteworthy is Khaled Sharif, deputy minister of defense, and Haitham Tajuri at Mitiga who, like Hashem Bishr, is connected with Abdul HakimBelhaj and the LIFG.

46 Mustafa Nouh, "Mustafa Nuh, Shahid ala al-Thawra al-Libiya," Al Jazeera, April 18, 2012, http://www.aljazeera.net/mob/0353e88a-286d-4266-82c6-6094179ea26d/7ba8320c-85a2-441b-8a65-eeec20449dbf.

47 Ahmed Elumami, "Gun Ownership Law Passed by Congress," *Libya Herald*, December 16, 2013, http://www.libyaherald.com/2013/12/16/gun-ownership-law-passed-by-congress/#axzz2ngTdFC7Y.

Figure 2. Militias: Origins, Locations, Leaders, and Affiliations

Militia	Origin(s)	Location(s)	Leader(s)	Affiliation(s)
Zintan Revolutionaries Military Council	Zintan	Zintan	Mukhtar Khalifah Shahub	National Forces Alliance
Tripoli Revolutionaries Council	Zintan	Tripoli	Abdullah Naker	Non-Islamist
Qaaqaa Brigade	Zintan	Tripoli	Uthman Mulayqithah	National Forces Alliance
Al-Sawaiq Brigade	Zintan	Tripoli	Isam al-Trabulsi	National Forces Alliance
Tripoli Military Council (Resuscitated)	Tripoli	Tripoli	Issa Bader (previously led by Abdul Hakim Belhadj LIFG)	Islamists, LIFG, Muslim Brotherhood/ Justice and Construction Party
Special Deterrent Force	Tripoli	Tripoli	Haitham al-Tajouri	Islamists, SSC
Nawasi Brigade	Tripoli	Tripoli	Abdulraouf Karah	Salafists, SSC
Misrata Militias	Misrata	Misrata, Tripoli	Various	Muslim Brotherhood/ Justice and Construc-tion Party, Libya Shield
17 February Martyrs' Brigade	Benghazi	Benghazi	Ismail al Sallabi (previously led by Fawzi Bukatif, now Libya's ambassador to Uganda)	Islamists, Libya Shield
Rafallah al-Sahati Brigade	Benghazi	Eastern Libya	Mohamad al-Gharabi	Islamists, Libya Shield
Ansar al-Sharia	Benghazi/ Derna	Benghazi, Derna, Sirte	Muhammed Ali al-Zahawi (Benghazi); Sufian bin Qumo (Derna)	Islamists, LIFG
Army of Cyrenaica	Eastern Libya	Eastern Libya	Col. Hamid Hassi (under Ahmed al Zubair's political leadership)	Eastern Federalists
Cyrenaica Protection Force	Ajdabiya	Ras Lanuf, Sidra, Zueitina	Col. Najeeb al Hassi (under Jathran's political leadership)	Eastern Federalists
Abu Salim Martyrs Brigade and the Islamic Army of Libya	Derna	Derna	Abdul-Hakim al-Hasadi	Islamists, LIFG

Zintan Militias

During the 2011 uprisings, Zintan, an Arab town in the predominantly Berber/Amazigh Nafusa Mountains, was never conquered by Qaddafi's forces. Benefitting from its proximity to the Tunisian border, it became a center for rebel military organization from neighboring areas, quickly building up the strongest Arab non-Islamist aligned militias in all of Libya. Zintani forces entered Tripoli during its liberation in August 2011 and have not left since.

Zintan's militias are "perceived as a counterweight to the range of Islamist groups."[48] They share this distinction with the predominantly Berber (Amazigh) militias from the neighboring Nafusa region. While many neighboring Arab and Amazigh militias (Jadu, Rajban, etc.,) left Tripoli in the wake of the civilian anti-militia demonstrations of November 2013, the Zintanis have been slower to leave. After the ousting of Zeidan, Zintani militias have lost an important ally in government. Where they were once seen as upholders of law and order, they are now seen as a disruptive force by the new Islamist-dominated authority in Tripoli.

Over the past two years, the Zintanis, who have a small demographic base, have leveraged their control of the international airport and capture of Saif al-Islam Qaddafi for political power and prestige. It was via control of both that Osama Juwaili was appointed defense minister in November 2011. This was a decisive appointment as the Zintanis have maintained control of the upper echelons of the defense ministry and have become something of a praetorian guard for the country's liberal politicians. Despite that close alliance, the Zintanis have also disobeyed the government on occasion so as to maintain their power—most noticeably by not handing over Saif al-Islam for trial in Tripoli and by not vacating key positions in the capital. Additionally, despite the Zintani high command's shrewdness in the big picture political game, they have shown that they suffer from the same command and control problems that plague other Libyan factions: the inability to exercise sufficient political control over their youthful and impetuous militiamen. This was strikingly demonstrated as the elite Qaaqaa and Sawaiq brigades based in Tripoli threatened the GNC on February 18, demanding that they resign en masse within five hours. This ill-considered tactic not only failed but appears to have not been authorized by the political echelon back in Zintan.[49]

Zintan Revolutionaries Military Council

The Zintan Revolutionaries Military Council is politically aligned with the non-Islamist technocratic current in Libyan politics. They were initially associated with Mahmoud Jibril.[50] Comprised of twenty-three Zintan and Nafusa mountain militias, one of its brigades has around 4,000 members.[51] Previously headed by Mukhtar Fernana (currently head of the Western region's Military Police), it is now led by former naval officer Mukhtar Khalifah Shahub. They continue to hold Saif al-Islam Qaddafi and will not release him to the central government for trial. It is based on this trump card that they remain important in national politics.

Tripoli Revolutionaries Council

The Tripoli Revolutionaries Council (TRC), headed by Abdullah Naker, is a group of former revolutionaries from Zintan who participated in the battle for Tripoli against Qaddafi forces and later remained in the capital. Zintan's local council has emphasized on many occasions that the TRC is not part of their forces. This is seen as a maneuver by the Zintanis to protect their supporters in Tripoli by formally and publicly claiming that the militias which safeguard their interests are actually unaccountable to Zintan and instead are authentically from Tripoli. This ploy has successfully assured that the pro-government

48 Omar Ashour, "Libyan Islamists Unpacked: Rise, Transformation, and Future," policy briefing, Brookings Institution Doha Center, May 2012, p. 5, http://www.brookings.edu/~/media/research/files/papers/2012/5/02%20libya%20ashour/omar%20ashour%20policy%20briefing%20english.pdf/.

49 Author telephone conversations with knowledgeable Zintanis.

50 Ashour, "Libyan Islamists Unpacked," p. 11.

51 "Guide to Key Libyan Militias and Other Armed Groups," BBC, November 28, 2013, http://www.bbc.co.uk/news/world-middle-east-19744533.

Zintan militias do not face the same destiny as the anti-government Misratan ones that have been evicted from Tripoli and taken down a peg in public estimation.

Qaaqaa Brigade

It is considered the most organized and best equipped government-sanctioned militia in Tripoli. It achieved this status back in Osama Juwaili's time as minister of defense, when this militia was given preferential treatment and access to the best weaponry. It is also the militia with the most professionally trained members because it has among its ranks soldiers and officers from Qaddafi's famous 32nd (aka Khamis) Brigade. In some ways, it can be thought of as part of the government's conventional forces, yet its operating procedures are anything but conventional. Headed by Uthman Mulayqithah—the brother of the current chairman of the National Forces Alliance, Abdulmajid Mulayqithah—it is now under the Ministry of Defense.

Despite its pro-government stance, it is famous for smuggling and racketeering. It purportedly withdrew from Tripoli on November 21, 2013. A couple of days after the failed ultimatum of 18 February 18 to dissolve the GNC, Mulayqithah, was reportedly wounded in what was initially called an assassination attempt. Details, however, remain murky, including about Mulayqithah's fate, and rumors have ranged from it being a car crash to speculation that Mulayqithah's was in fact shot by Salah al-Madani, another militia leader of Zintan. Should the latter be true, it could be a sign of growing internal rifts within the Zintani militia leadership and therefore growing uncertainty as to which course of action the various Zintani groups will take to advance their political objectives. This course of events decisively demonstrates that the local political masters in Zintan—tribal elders and the local council—have lost their ability to reign in and coordinate the towns many militias. As such, the Zintanis role in protecting the Zeidan government has been deeply compromised.

Al-Sawaiq Brigade

They are one of the most heavily armed groups in Libya. Headed by Emad al-Trabulsi, they are also nominally under the Ministry of Defense. They have been involved in the protection of government officials and buildings in Tripoli since the revolution. This militia has reportedly been assigned the role of protecting Prime Minister Ali Zeidan following his abduction in Tripoli by Islamists' linked militias from the Libyan Revolutionaries Operations Room based on orders from GNC members as Zeidan claimed following his abduction.[52]

Despite the claims of Al-Sawaiq leaving Tripoli, in reality the militia is mainly made up of Zintanis who reside in Tripoli. Most of its non-Zintani members also reside in Tripoli and are by default classed as Tripolitans. Many of the Zintan-aligned units in Tripoli generally stay out of the public eye, yet remain fully ready to strike when and where ordered.

Tripoli Militias

Tripoli Military Council and Tripoli Local Council

The Tripoli Military Council (TMC) is comprised of former members of the Libyan Islamic Fighting Group (LIFG). They benefited from Qatari monies and political assistance which made them unpopular with the citizens of the capital. Their former head, Abd al-Hakim Belhajj, hails from the Tripoli neighborhood of Souq al-Juma and was a prominent member of the LIFG.[53] Due to his association with Qatar, Belhajj abandoned his association with the TMC so as to run for office. He was, then, unsuccessful with his Hizb al-Watan political party in the 2012 GNC elections and turned his attention to sending Libyan jihadists to Syria.[54] The TMC has since disappeared as a formal body, with many of its members morphing into the

52 Author conversations with militia leaders.

53 Omar Ashour, "Libyan Islamists Unpacked," p. 4.

54 Ruth Sherlock, "Leading Libyan Islamist Met Free Syrian Army Opposition Group," *Daily Telegraph*, November 27, 2011, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8919057/Leading-Libyan-Islamist-met-Free-Syrian-Army-opposition-group.html.

Tripoli SSC which is aligned with the Tripoli Local Council (TLC), which is now at odds with the Zintan militias and is thought to have benefited from the mass withdrawal from the capital in November 2013 as its forces have been able to remain.

Tripoli's Military Council has emerged again following the attack on the GNC by armed protesters (likely with anti-Islamist agendas) on March 3, 2014. In its wake, President Abu Sahmain authorized the Tripoli's Military Council, an Islamist body now led by Issa Bader, to secure Tripoli against "illegitimate" armed groups. Simultaneously, the western Libya Shields units have now been ordered back in Tripoli to secure GNC meetings. Bader appeared in a TV interview on February 4, alongside Sadat al Badri, head of Tripoli's Local Council, to make the announcement that the TMC start securing the city.

Some even say that the "supposedly spontaneous" protests against the militias in November 2013 were spearheaded by the TLC as a means to regain dominance in Tripoli. Sadat Badri, the current head of the TLC, has been instrumental in keeping the agitation against the militias going and has put forth the proposal for Tripoli-ization of the capital's security forces. Needless to say, developments since November have launched him as a national political figure of some importance, one who according to senior British diplomatic sources makes lightning visits to London to meet with international business and political figures. Nonetheless, Badri remains unpopular with most citizens of the capital due to his suspect Muslim Brotherhood inclinations.

Nawasi Brigade (Crime Combating Unit)

The 150-strong Nawasi Brigade affiliated with the SSC controlled the Mitiga airbase until November 2013.[55] The unit is headed by Abdulraouf Karah and its leadership consists of Salafists who pride themselves on fighting drug and alcohol related crimes, as well as activities that are deemed un-Islamic, such as weekend parties or Christmas or New Year's celebrations. At the start of their formation they wanted to be a copycat of Saudi Arabia's religious police.

Despite being part of the SSC, this special unit enjoys relative autonomy under the leadership of Abdulrauf Karah, which operates from Mitiga Airport (former Wheelus Field).

Special Deterrent Force

The Special Deterrent Force (Quwwat al-Rada'a al-Khasa) is aligned with the Islamists in Tripoli. Haitham al-Tajouri, who has now been awarded the police rank of captain, heads the unit. The official recognition of al-Tajouri is part of the government's efforts to demobilize the various militias by providing their leaders with an opportunity to switch to high level positions in the security sector.

Misrata Militias

Misrata's more than 200 militias with over 40,000 militiamen in arms are the largest block of fighters in post-Qaddafi Libya. Their primary rivalry is with the Zintan militias. Their esprit de corps is high as Misrata faced a brutal three month siege by Qaddafi and its citizens arranged themselves into brigades able to successfully defend the city. After ejecting Qaddafi forces, these brigades played a decisive role in the battle for Tripoli, the liberation of Sirte, and the killing of Qaddafi. Over time, they have become increasingly aligned with the Libyan Muslim Brotherhood as they felt isolated from the government of Ali Zeidan.[56] Misrata militias always distrusted Zeidan and only took orders from the GNC or chief of staff. This "special relationship" was made clear as Misrata forces were the only forces deployed to Sirte in an attempt to retake oil terminals in the East.

A November 15, 2013 protest in Tripoli against non-local militias turned deadly. When the peaceful protesters reached the Gharghour neighborhood, where Misratan militias had taken over the houses of former Qaddafi officials, the Misratan militias began firing small arms and anti-aircraft guns into the crowd. The conflict escalated when

55 Osman Heshri and Nigel Ash, "SSC Still Necessary—Abdel Raouf Kara," *Libya Herald*, September 13, 2013, http://www.libyaherald.com/2013/09/13/ssc-still-necessary-abdel-raouf-kara/#axzz2oB9OZhfS.

56 "Guide to Key Libyan Militias and Other Armed Groups," BBC.

Tripoli-based militias came to the protesters' defense. According to Libyan government reports, forty-three people died and at least 460 were injured, largely from heavy weapons used against the crowd. In the uproar that followed, Misratan convoys into Tripoli were intercepted by armed locals and militias from the Tajoura area. In response to this public relations and tactical defeat, on November 17 the Misratan local council imposed on its forces a withdrawal from Tripoli. It should be pointed out that those militias that have left Tripoli in all or in part still retain their weapons and may use them to return to their former stomping grounds.

The Misrata militias currently make up most of the western region's LSF, which nominally fall under the command of the Chief of Staff and are headed by Col. Musa Farag. Nevertheless, the tragic events of Gharghour have proven that these units are only loyal to their commanders and their local leaders. It was not Musa Farag and government officials who convinced the Misratans to leave the city. Rather, it was Misrata's Local and Military Councils which ordered the LSF out of Tripoli and actually got those brigades to comply.

The Sadun al-Suwahyli Brigade headed by Faraj al-Suwahyli used to provide security for government buildings in Tripoli. The brigade was criticized for the kidnapping of journalist Suleiman Dughah, who was critical of the Misrata militias.

Benghazi Militias

17 February Martyrs' Brigade

It claims to be "the biggest and best armed militia in eastern Libya" with between 1,500 and 3,500 members. This Islamist brigade is funded by the Ministry of Defense and deployed in Kufra and Eastern Libya as part of the LSF.[57] It formerly guarded the US diplomatic mission in Benghazi on the eve of the September 11, 2012 attack there.[58]

Brigade head Fawzi Bukatif has preferred to remain behind the scenes and become an important power broker for business and political deals in and around Benghazi. He has recently been named as Libya's ambassador to Uganda and is seen as a potential key figure in managing Libyan investments in Africa.

Rafallah al-Sahati Brigade

Originally part of the 17 February Martyrs Brigade, it has over 1,000 members. It has been deployed to Eastern Libya and Kufra under the Ministry of Defense.[59] Previously led by Ismail al-Sallabi who still occupies a powerful if informal role, its current head is Mohamad al-Gharabi, formerly an inmate in Abu Slim Prison.[60] Ismail al-Sallabi is the brother of Ali al-Sallabi, a Qatar-based cleric who helped channel foreign funding from Qatar to some of the Libyan rebel groups with an Islamist bent.[61]

Both the Rafallah al-Sahati and 17 February Martyrs Brigades now fall under the umbrella of Benghazi's Revolutionaries' Operation Room. They are competing with the Special Forces Units in Benghazi to secure the streets of the city. The tensions between the two remain high. Due to their Islamist background, al-Sahati and 17 February are seen as allies of Ansar al-Sharia.

Islamist Militias

After Libyans who had fought in Afghanistan against the Soviets returned to Libya, they became a source of anti-Qaddafi activity in the 1990s, as many of them came together to form the Libyan Islamic Fighting Group (LIFG) dedicated to the overthrow of the Qaddafi regime. Libya's anti-Qaddafi activists and Salafi jihadists were

57 Ibid.

58 David Kirkpatrick, Suliman Ali Zway, and Kareem Fahim, "Attack by Fringe Group Highlights the Problem of Militias," *New York Times*, September 16, 2013, http://www.nytimes.com/2012/09/16/world/middleeast/attack-by-fringe-group-highlights-the-problem-of-libya-militias.html?_r=0.

59 "Guide to Key Libyan Militias and Other Armed Groups," BBC.

60 Peter Graff, "Interview-Libya Militia Leader Plays Down Shift To Military Command" Reuters, September 26, 2012; David Kirkpatrick, "A Deadly Mix in Benghazi," *New York Times*, December 28, 2013, http://www.nytimes.com/projects/2013/benghazi/#/?chapt=0.

61 "Abdul Jalil Yata'arruf: Qatar Tadiss al-Amwal fi Jiyubina," *Middle East Online*, August 3, 2012, http://www.middle-east-online.com/?id=136393; "Shalqam: Qatar Tasnua' Milishiyatiha al-Islamiyya fi Libya," *Algeria Times*, November 18, 2011, http://www.algeriatimes.net/print.php?print=18751.

concentrated in Eastern Libya, and Derna in particular became a center of Libyan jihadist activity. A captured al-Qaeda document known as the Sinjar Records listing the origins of foreign fighters in Iraq after 2003 shows more fighters from Derna than any other Middle Eastern city.[62]

On the one hand this concentration of jihadist influence in Derna is surprising, as Eastern Libya was traditionally the home of the Sanussi Sufi Order, which was antithetical to Wahhabi/Salafi/Jihadi doctrines. Yet on the other, this phenomenon reflects the perceived marginalization of Eastern Libya by the Qaddafi regime and the rejection of Qaddafi's heterodox Islamic doctrines as heresy. Fascinatingly, this latter dynamic is playing out in today's Libya. As the uprisings began in the East and the NTC's early leadership came from the East, many anti-NTC jihadist groups had difficulty recruiting. However, since the NTC's move to Tripoli, and the increasing sentiment among the inhabitants of Cyrenaica that their interests have been neglected and that the GNC's pursuit of constitutional governance and training of troops abroad is non-Islamic, it has become far easier for jihadi groups to garner support from this segment of the Libyan population.

With no official government presence in the city of Derna, hardliners are intent on making the city Sharia-compliant by demanding gender segregation in schools, as well as imposing sharia on the populace via the police and judiciary. The lack of government presence and initiative in the city has led to days of peaceful demonstrations in the city demanding government intervention against the militias.

Abu Salim Martyrs Brigade

It is based in Derna and comprised of former LIFG members. Its leader is Abdul-Hakim al-Hasadi, who formerly engaged in militant activity in Afghanistan under the Taliban and was imprisoned by the US government in Guantanamo Bay.[63]

There is no official connection between the Abu Salim and Ansar al-Sharia brigades. However, leading members of the Abu Salim Brigade including Salem Drubi recently protested the arrest of Ansar al-Sharia members in Benghazi and demanded their immediate release.

Ansar al-Sharia

The Benghazi branch of Ansar al-Sharia is officially led by Muhammed Ali al-Zahawi, who fought with the Rafallah al-Sahati brigade in Misrata. Other branches are in Derna and Sirte. Ansar al-Sharia is thought to be involved in the training of foreign jihadists in Benghazi, ultimately bound for Syria.[64] The most famous member of Ansar al-Sharia is Ahmad Abu Khattala, who denies being a member of the group and is considered a suspect for the September 11, 2012 attack on the US Mission in Benghazi that killed US Ambassador to Libya Christopher Stevens. The group has certain sympathies for al-Qaeda but is not officially affiliated. A December 28, 2013 *New York Times* investigative report by acclaimed journalist David Kirkpatrick refers to Abu Khattala as a central figure in the attack but concludes that there is no evidence suggesting that al-Qaeda played any part in the attack. Abu Khattala is also implicated in the July 2011 killing of General Abd al-Fatah Yunis, then head of Libya's rebel armed forces. This report suggests that Abu Khattala is more responsible than any other non-Qaddafi aligned individual for the failure of the transitional government to assert its authority over the Islamist brigades in

62 Noman Benotman, Jason Pack, and James Brandon, "Islamists," pp. 201-210, in Pack, ed., *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*; Joseph Felter and Brian Fishman, *Al-Qaeda's Foreign Fighters in Iraq: A First Look at the Sinjar Records* (West Point: Combating Terrorism Center, January 2, 2007), http://www.ctc.usma.edu/posts/al-qaidas-foreign-fighters-in-iraq-a-first-look-at-the-sinjar-records.

63 Rod Nordland and Scott Shane, "Libyan, Once a Detainee, Is Now a U.S. Ally of Sorts," *New York Times*, April 25, 2011, http://www.nytimes.com/2011/04/25/world/guantanamo-files-libyan-detainee-now-us-ally-of-sorts.html.

64 Nancy Youssef, "Benghazi, Libya, Has Become Training Hub for Islamist Fighters," McClatchy, December 12, 2013, http://www.mcclatchydc.com/2013/12/12/211488/benghazi-libya-has-become-training.html.

Libya.[65] This optic highlights that even though jihadists are supported by a miniscule fraction of the Libyan population and the Libyan state expends minimal funds and resources combating them (likely another instance of appeasement), the struggle against the jihadists is actually the primary battleground where the success or failure of the Libyan state will play out. This appears to be because jihadists will kill other Libyans or assassinate foreigners, even if most Libyan brigades would not. Clearly the US government has come to a similar determination when it declared Ansar al-Sharia in Benghazi and Derna as terrorists on January 10, 2014, not only because of their purported role in the attack on the US Mission, but also because of the tactics they use in internal Libyan political quarrels.[66] For more on assassination attempts and targeted killings in Libya, consult the appendix, "Violence, Crime, and Oil."

The leader of Ansar al-Sharia's Derna branch is Sufian bin Qumo, who was once a driver for Osama bin Laden and formerly detained in Guantanamo. He is thought to be responsible for several attacks against former Qaddafi-era officials.[67] Bin Qumo's past sheds some doubt on claims that there are no links between Ansar al-Sharia and al-Qaeda.

The presence of Ansar al-Sharia in Derna has disturbed the local communities and tribes. Moreover, Derna was the only town in coastal Libya where the Constitutional Committee elections were unable to be carried out on either their initial date of February 20, 2014 or the rescheduled date of February 26 because extremist militias threatened both poll workers and voters and the Libyan government has no traction in the town. In March 2014, there was an anti-extremist campaign targeting Ansar al-Sharia, with at least thirteen members killed including leading figure Ali al Darwi. The campaign is thought to be the work of relatives and tribes of the victims of the jihadist assassinations that engulfed the cities of Derna and Benghazi.

The election disruptions are only the latest in a long string of conflict between Ansar al-Sharia and the Libyan government. Clashes between Ansar al-Sharia and Libyan special forces left more than nine dead and forty-nine wounded on November 25, 2013, causing Ansar al-Sharia to withdraw from Benghazi, Derna, and Ajdabiyya. It remains to be seen how long this situation lasts. A similar dynamic evolved in the wake of the killing of Ambassador Stevens, after which the people of Benghazi marched on Ansar al-Sharia's headquarters, chasing them out of the city. Yet due to a lack of government follow-up, the militia was able to reenter the town when the furor died down. This parallel is very instructive for current and future developments in both Benghazi and Tripoli as there is yet little concrete evidence that the government will be able to capitalize on the current outpouring of anti-militia sentiment. This is due to the lack of political will and unity over the issue of national security; additionally, many of these militias enjoy the support of powerful GNC members.

It is uncertain whether the Libyan government will feel further compelled to combat or outlaw these groups once the US government completes the process of formally labelling Ansar al-Sharia as a terrorist organization and Abu Khattalla and bin Qumu as terrorist individuals.[68] Paradoxically, the move could spur support for these groups among certain elements of the Libyan street, just as the designation of Jabhat al-Nusra in Syria led to a deepening of its popularity. Certainly there would be a profound backlash in favor of the Islamists and against the government if the United States went ahead with plans to abduct Abu Khattalla in a raid.

65 David Kirkpatrick, "Suspect in Libya Attack, in Plain Sight, Scoffs at U.S.," *New York Times*, October 18, 2012, p. A1; David Kirkpatrick, "A Deadly Mix in Benghazi," *New York Times*, December 28, 2013, http://www.nytimes.com/projects/2013/benghazi/#/?chapt=0,.

66 Thomas Joscelyn, "State Department Designates 3 Ansar al Sharia Organizations, Leaders," *Long War Journal*, January 10, 2014, http://www.longwarjournal.org/archives/2014/01/state_department_des_2.php.

67 Asmaa Elourfi, "Al-Qaeda Elements Surface in Derna," *Magharebia*, April 5, 2012.

68 David Kirkpatrick, "US to List Libyan Groups and Militant Tied to Benghazi Attack as Terrorists," *New York Times*, January 9, 2014, http://www.nytimes.com/2014/01/09/world/africa/us-to-list-libyan-groups-and-militant-tied-to-benghazi-attack-as-terrorists.html?hp&_r=0.

That the US government has allowed comments of its preparation of a raid to be leaked to the press would seem to mean that such a raid is unlikely because of the blowback it would have against the GNC.

Al-Qaeda in Libya

Al-Qaeda likely draws its supporters from the ranks of like-minded Salafi jihadists in Libya, including former members of the LIFG.[69] As stated above many of these hail from Libya's East and find operating and recruiting there easier. Abd al-Baset Azzouz, the alleged leader of a Libyan al-Qaeda affiliate, has reportedly recruited over 200 members.[70]

Nazih Abdul-Hamed Nabih al-Ruqai'i aka Abu Anas al-Libi, was taken into US custody after an October 2013 raid in Libya by US special forces. He was allegedly an intermediary between Libyan jihadists and al-Qaeda senior leadership in Afghanistan and Pakistan in establishing a Libyan branch of al-Qaeda.[71]

Though al-Qaeda in the Islamic Maghreb (AQIM) operates separately from Libya's al-Qaeda network, it has benefitted from a flow of arms and militants in its war with Mali.[72]

In seeking to enact "a real, radical, and revolutionary change that would affirm the supremacy of Allah's words and the dominance of Sharia," al-Qaeda poses the threat that it will "undermine the current process of rebuilding Libyan state institutions as a way of preventing the establishment of strong state counterterrorism capabilities that could hinder its ability to grow in Libya."[73] Libyan jihadists have threatened to attack the Libyan government if it refuses to withdraw from counterterrorism agreements with the West, or if it allows Libyan territory to be used to attack jihadists in North Africa.[74]

Al-Qaeda is thought to have at least two training camps in Libya to prepare Libyan and foreign jihadists to fight in Syria. One is near Sahl 'Ajlah, south of Blue Mountain in Eastern Libya, and the other is thought to be near Hun, in the middle of the country.[75]

Southern Libya represents another haven for extremists. Al-Qaeda affiliates can move freely throughout the vast, ungoverned Libyan desert by forging a web of temporary alliances, as a range of ethnic, ideological, tribal, and religious militias vie for control of key locations and are willing to sell their support to the highest bidder. Al-Qaeda affiliates use various isolated locations for weapons storage or as bases for operations in neighboring countries. However, al-Qaeda and its affiliates are not the major players in the Fezzan. Wolfram Lacher has demonstrated they are dwarfed by the operational capacity of the transnational smuggling and military recruitment networks of the Tuareg, Tubu, and Arab *aïdoun* militias.

High-level sources in the Libyan security apparatus point out that al-Qaeda is not the only jihadist organization present in the Libyan territory, but, thanks to the infiltration of Sudanese, Chadian,

69 Federal Research Division, Library of Congress, *Al-Qaeda in Libya: A Profile* (Washington, DC: Library of Congress, August, 2012), http://www.fas.org/irp/world/para/aq-libya-loc.pdf.

70 Nic Robertson and Paul Cruickshank, "Al Qaeda Sent Fighters to Libya," CNN, December 30, 2011, http://articles.cnn.com/2011-12-29/middleeast/world_meast_libya-jihadists_1_al-qaeda-leader-ayman-al-zawahiri-Qadhafi-regime?_s=PM:MIDDLEEAST; Nic Robertson, Paul Cruickshank, and Tim Lister, "Growing Concern over Jihadist 'Safe Haven' in Eastern Libya," CNN.com, May 15, 2012.

71 "Tanthim al-Qha'idah Yuhadiru Li'ilani Wujudihi Ghariban Fi Libya," *Al-Khabar*, September 12, 2011, http://www.elkhabar.com/ar/monde/264781.html.

72 Noman Benotman and James Brandon, "The Jihadist Threat in Libya," Quilliam Foundation, March 24, 2011, http://www.quilliamfoundation.org/images/stories/pdfs/libya24march11.pdf.

73 'Atiyah al-Libi, "A-thawarat al-Arabiyah wa Mawsimu al-Hasad," *al-Malamih wal Fiten*, September 12, 2011, http://alfetn.com/vb3/showthread.php?t=56267; Library of Congress, *Al-Qaeda in Libya: A Profile*.

74 "Risalat Tanthim al-Qha'idah Fi Libya Likuli Libiyin," YouTube, July 2, 2012, http://www.youtube.com/watch?v=6xKFEKrjmDk (accessed August 17, 2012); "Bomb Targets U.S. Mission in Libya's Benghazi," Reuters, June 6, 2012, http://uk.reuters.com/article/2012/06/06/uk-libya-attack-usidUKBRE8550GV20120606.

75 Muhammad Ben Ahmad, "Al-Amn al-Faransi Yashtabihu Fi Tanaqhuli Faransiyin Min Usul Magharibiyah Lil Qhital Fi Suria," *Elkhabar*, March 13, 2012, http://www.elkhabar.com/ar/politique/283238.html.

Yemeni, and Saudi fighters, at least ten more camps have been formed in the eastern and southern parts of the country. In most of these camps, foreigners train alongside recently recruited Libyan extremists. Some homegrown Libyan radical groups perceive these imported jihadists as a threat to their power and influence and have thus reached out to the Libyan government, signaling willingness to compromise. In one instance, a Libyan extremist group pledged its support in countering and expelling certain foreign entities if it was allowed back into the political fold and received certain handouts from the government. For reasons unknown, this agreement has not yet been finalized.[76]

Armed Eastern Federalists

Army of Cyrenaica

The Army of Cyrenaica is the military arm of the Transitional Council of Cyrenaica, a group with Ahmed Zubair al-Sanussi as its figurehead, which insists on autonomy for Libya's Eastern region and the imposition of a federal system of government before the new constitution is in place. The Army of Cyrenaica is led by Colonel Hamid Hassi. The group includes former army officers who were unhappy at being marginalized once militia leaders came to dominate post-revolutionary security institutions. It set up a roadblock in June 2012 at Wadi al-Ahmar, a symbolic point on Libya's coastal highway as it marks the historical border point between Cyrenaica and Tripolitania. This action was a ploy to draw attention to the Federalist cause and their demand that seats in the new GNC be split evenly among Libya's three historic provinces with a hundred seats each. Although these steps scared the NTC and may have led to the concession of direct election of the Constitutional Committee on June 5, 2012, such actions actually diminished support for the Federalist cause.[77]

Army of Cyrenaica members are paid by the government and many of the figures of this militia are professional army officers. One of them, Colonel Najeeb al-Hassi, was named head of the Cyrenaica Protection Force.

Cyrenaica Protection Force

The Political Bureau of Cyrenaica split from the Transitional Council of Cyrenaica in May 2013. It claims to have established an entirely separate autonomous government for Cyrenaica complete with a council of ministers, an oil company, and a defense force. This defense force, termed the Cyrenaica Protection Force, retains good cooperation with the Army of Cyrenaica. Ibrahim Jadhran, head of the Political Bureau of Cyrenaica, has led occupations of oil terminals in Eastern Libya since July 2013. Many believe that his force, and not those of Fawzi Bukatif, Ansar al-Sharia, or the central government is now the most powerful in the East of the country. Jadhran's troops are certainly more organized and have captured greater public sympathy as they have not engaged in assassinations (as Ansar al-Sharia is suspected of doing) or setting up roadblocks (like the Army of Cyrenaica). Jadhran has also put forth a specific political platform to channel constructive attention toward his proposals. This is unlike the leaders of Ansar al-Sharia who have carried out targeted attacks but have not attempted to engage in public debate.

Due to the Cyrenaica Protection Force's control of the key oil installations at Ras Lanuf, Zueitina, and Sidra, they are certainly the most able to disrupt the Libyan economy and the country's progress toward constitutional governance. Jadhran claims to command a force of around 20,000 fighters. Although it is likely significantly smaller than that figure and may not number over a thousand active fighters, it appears to have particular tribal support

76 Personal interviews with Islamist leaders in Tripoli, conducted by Karim Mezran, February 2013.

77 Umar Khan, "Cyrenaica's Army Chief States His Case," *Libya Herald*, June 26, 2012, http://www.libyaherald.com/2012/06/26/cyrenaicas-army-chief-states-his-case/#axzz2nu1e5enl; Wolfram Lacher, "The Rise of Tribal Politics," p.147, in Jason Pack, ed. *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*.

from Ajdabiyya and the powerful Obaidat tribe among others.[78]

On March 11, 2014, members of the Central Libya Shield Force staffed by Misratan militiamen attacked and removed pro-Jadhran forces at a military base in Sirte under orders from the Chief of Staff in preparation for an assault on the occupied oil terminals. Jadhran's supporters attacked an army base on March 22 at Ajdabiya, where the army was preparing an attack to remove rebel forces from the oil ports, but Jadhran's forces failed to expel government forces. These actions expose Jadhran's forces as significantly inferior to those of various Misratan militias that could oppose him and evict him from the oil terminals. Miraculously, he has managed to disrupt oil production in Eastern Libya for more than eight months at the time of writing. No force has yet been able to intervene to weaken his hold on the oil terminals, potentially due to the fears that it would be bested by Jadhran's supporters in a tactical engagement near the oil ports, or could withdraw to the interior to disrupt the pipelines. Alternatively the government and anti-Federalist militias' hesitancy to confront Jadhran is most likely rooted in a reluctance to bring matters to a head as government employees are still receiving their salaries even as the Libyan treasury is being depleted by the blockade.

Empty threats of force against the blockaders have been made multiple times by the Libyan government in the past. If they continue without any follow through, then the credibility of the central authorities will diminish to zero. Most recently, GNC Decision 42 of 2014 made on March 10 called for use of force within seven days, utilizing a mix of army and militia units. Plans were put in place to move the forces to Sirte, Ajdabiya, and Jufra. However, on March 12, GNC President Abu Sahmain then announced that use of force would be postponed by two weeks, or until March 26, to allow additional time for a peaceful negotiation to the blockade. It appears that negotiations have been carried out as this report goes to press, and an agreement has been reached. Although the international media[79] has been quite sanguine about the prospects for a peaceful handing over of the ports and a speedy resumption of oil exports, there are reasons to doubt that a smooth solution is in the cards. It has not been clarified what role Jadhran and his self-appointed Cyrenaican government wishes to play after surrendering the ports or what mechanisms he wishes to put in place to "supervise" the expenditure of oil income in Cyrenaica. (For more on oil disruptions in Libya, consult the appendix, "Violence, Crime, and Oil.")

Jadhran's meteoric rise began when he was appointed head of the Petroleum Facilities Guard (PFG) for Central Libya, where the major oil terminals now under his control are located. Jadhran says that his observation of the government's unfairness in distributing resource wealth, lack of transparency and widespread corruption—specifically in the oil sector—are the main factors behind his decision to abandon his commission in the PFG and launch his bid for Cyrenaican autonomy.

By focusing on themes with a populist resonance, Jadhran quickly attracted the attention of many in Eastern and Southern Libya who could relate to his rhetoric. Despite the government's designation of him as a criminal, for his supporters he is a hero and the potential "savior of Barqa (Cyrenaica)" as some like to call him. To date, Jadhran has capitalized on the government's indecision to take action against him when his movement was beginning to take hold in early fall 2013. The Federalists' operating budget, if any, and source

78 Although many question Jadhran's ability to use his supporters in armed battle, no other force has yet challenged him. In short, even though Jadhran's men may lack up-to-date equipment, his impression is strong enough to defer any challenges. Author conversations with anonymous sources in Eastern Libya; David Kirkpatrick, "Militias Flee Libya's Cities Leaving Chaos," *New York Times*, December 21, 2013, http://mobile.nytimes.com/2013/12/21/world/middleeast/militias-flee-libyas-cities-leaving-chaos.html; Margaret Coker, "Ex-Rebel, With Militia, Lays Claim to Libyan Oil Patch," *Wall Street Journal*, October 3, 2013, http://online.wsj.com/news/articles/SB10001424052702303643304579109010913025356.

79 See for example, "Libya's NOC Awaits Ministry Go-ahead to Start Exports at Two Ports," Reuters Africa, April 10, 2014, http://af.reuters.com/article/investingNews/idAFKBN0CW05420140410.

of funds are not clear. Jadhran claims that his operating expenses are donated by "businessmen who believe in his cause."

While the government sat on its hands over the last eight months, Jadhran managed to transform his group from merely a protest group into an organized opponent seeking to carve out its own sphere of autonomy from the central government in Tripoli. After establishing the Cyrenaica Political Office, he appointed a prime minister, Abdraba al Barrassi, and approved a government of twenty-four ministers. Since then he created a rival Oil and Gas Corporation to be in charge of the oil sector in Cyrenaica and established the Cyrenaica Protection Force to be the Federalists' armed wing. However, his office and government have been unable to sell oil on their own to secure the necessary funds a true Cyrenaican government would need. It remains to be determined if the events involving the MG tanker at Sidra terminal on March 8 and its eventual capture by American Navy SEALs on March 17, constitute a limited victory for Jadhran or a resounding failure.

Although Jadhran may have temporarily sparked the ire of various Tripolitanian militias who are ready to challenge his control of the oil terminals, this East/West clash appears to be increasing his popularity with the Cyrenaican populace who now feel under attack by Tripolitanians. Additionally, while Jadhran remains in control of Sidra he could yet again attempt to load pirated oil onto a tanker and have it escape into international waters, only to test the resolve and focus of the Americans. Although, most Libyans approve of the courageous American action to take control of the Morning Glory and return its contents to Libya, it is far too early to proclaim the seizure of the tanker as a definitive victory for the Americans and Tripoli and a defeat of Jadhran.[80] That Jadhran has lost the support of his tribe in the wake of the incident is quite meaningful, but it is unclear what concessions he may yet extract from the central government in exchange for handing over the ports.

The political infighting in Tripoli between the different political groups within the GNC and the lack of coherent action on the part of the Libyan authorities have certainly emboldened Jadhran. Inability to sell pirated oil on the open market is unlikely to discourage him from seeking to pressure the Libyan government via other channels. The self-appointed Cyrenaica government—not recognized by any international government—has recently signed an agreement with Ari Ben-Meneshe, the controversial Canada-based lobbyist with ties to Tel Aviv, Washington, and Moscow to help promote the group on the international stage as a reliable and key partner on the political scene in post-revolution Libya.[81] This was later denied by Jadhran, due to the public's backlash at his dealings with Ben-Meneshe, who claims to be a former Israeli intelligence agent, yet Jadhran is likely to continue to use Ben-Meneshe and others as conduits to court Russian favor.

Worryingly, the GNC and Zeidan government were so caught up in their own power struggles that they were unable to take resolute action. The fact that the cargo could leave Libyan waters fully loaded caused such uproar as to provoke the fall of the Zeidan government. Many feel that Zeidan's enemies may have blocked him from taking coherent action so as to punish him when the tanker escaped. This appears quite likely as Nuri Abu Sahmain is the commander-in-chief of Libya's army, and he and many other Islamists were in positions of power over the army, navy, and air force as it disobeyed commands to attack the tanker. The Libyan state's failure in this regard could be perceived as a symbolic victory for Jadhran and his supporters, but this remains to be seen. The incident has caused much malcontent among the general populace over what has been perceived as theft of Libyan resources. It has also provoked an anti-Jadhran armed coalition with the purpose of regaining control of the oil on behalf

80 Christian Caryl, "SEALed and Delivered in Libya," *Foreign Policy*, March 18, 2014, http://www.foreignpolicy.com/articles/2014/03/18/sealed_and_delivered_in_libya_0.

81 Brian Hutchinson, "Notorious Canadian Lobbyist Signs $2M Contract to Promote Libya Militants Aiming to Divide Country," *National Post*, January 6, 2014, http://news.nationalpost.com/2014/01/06/notorious-canadian-lobbyist-hired-by-militants-seeking-breakaway-from-libya/.

of the Libyan state.[82] Conversely, if negotiations would falter and armed force would be needed, it could galvanize many Cyrenaicans, even his former opponents, to support Jadhran as they would feel attacked by the "invading" Tripolitanians.

Jadhran has positioned himself as the fiercest opponent to the growing influence of the Islamists in post-Qaddafi Libya. In a TV appearance last year he vowed to end the existence of the Muslim Brotherhood in Barqa and subsequently in Libya as a whole.[83] By taking such positions, he hopes to capitalize on the growing anti-Islamist sentiment in Libya and throughout the region. In addition, his anti-Islamist agenda will bring him closer to not only tribal actors but also key regional players like the current political and military leadership in Egypt and rulers in the United Arab Emirates. Curiously, the Morning Glory was owned by an Emirati company and directed by Emirati employers to call at Sidra.[84] Jadhran has now shifted his discourse in Cyrenaica from one predicated on an oil blockade to one centered on East versus West tensions. This is starting to alert anti-Islamist Cyrenaicans of future aggression by forces loyal to the Islamists and their attempts to silence any opposition to their growing influence in Tripoli.

Conversely, Jadhran's rhetoric has caused a backlash by Islamist actors. Libya's Grand Mufti, Sheikh Sadiq al-Ghariany, proclaimed back on March 8, 2012 that federalism was against the Shari'a. Jadhran for his part has taken a vocal anti-Islamist stance, vowing last year to end the Muslim Brotherhood in Cyrenaica during an Al Arabiya interview. The government's dependence on the Central Libya Shield Force, a Misratan/Islamist dominated body, to enter into an armed conflict to oust the blockaders from their positions could lead to the unsettling effect of unleashing a conflict—not between government forces and the particular strain of federalism aligned with Jadhran but rather into a broader, more personal conflict between Islamists and Federalists.

Jadhran claims that he has the support of 90 percent of Cyrenaica's tribes. Despite his active support from tribal leaders throughout Cyrenaica, this number cannot be verified and seems to be a vast exaggeration. Even within a single pro-Jadhran tribe support for him is never unanimous, as

82 Ulf Laessing and Feras Bosalum, "Libya Threatens to Bomb North Korean Tanker if It Ships Oil from Rebel Port," Reuters, March 8, 2014, http://www.reuters.com/article/2014/03/08/us-libya-oil-idUSBREA2709K20140308.

83 Ibrahim Jadhran, Al Arabiya, October 5, 2013, http://tinyurl.com/lklayor.

84 "Exclusive: The Mysterious Journey of the Libya Oil Tanker," March 19, 2014, Reuters, http://www.reuters.com/article/2014/03/19/us-libya-tanker-identity-idUSBREA2I19K20140319.

Cyrenaican tribes are segmentary[85] with different mutually opposed sections vying for supremacy. Recent reports suggest that tribal support for Jadhran might be fading away. Recent polls indicate that 65 percent of those in the East disagree with the Cyrenaica Political Bureau's declaration of regional autonomy, and the majority of Libyans do not consider the seizure of oil production facilities by armed groups as justifiable.[86] The standoff between the state institutions and Jadhran ended with the GNC sacking Zeidan because of his incapacity to stop the Morning Glory, from leaving Libya's national waters. On the one hand, one may see Jadhran's attempt as victorious because it highlighted the impotence of the Libyan government and provoked its fall. On the other hand, Jadhran did not succeed in selling the oil and actually coalesced the international community against him and, as some may argue, provoked a backlash from among his followers.

The struggle between the central government and Jadhran's supporters is ongoing and rapidly reaching a definitive crisis level that might lead to a low-grade regional or civil war between Libya's different militias. The ill-thought-out decision by the GNC to send in forces from Misrata in mid-March to retake oil terminals from Jadhran's forces galvanized broader tribal support for Jadhran than he previously enjoyed. However, as of mid-April, it seems that the two opposing forces—the Libyan government and Jadhran's group—have negotiated a resolution, according to which, in exchange for the recognition of some of his political demands and the payment of wages to his soldiers, Jadhran accepted to release control of the oil fields that he and his supporters had occupied since last summer.

The following table shows the main tribes in Eastern Libya and their attitudes toward federalism:

85 First used by E. E. Evans-Pritchard in describing the Nuer tribes of Sudan, "segmentary" refers to tribes consisting of kinship units or 'segments' of roughly the same structure and size. The theory holds that the overall structure of a "segmentary" tribe necessitates institutionalized opposition between the 'segments' and therefore they only 'unite' to form a cohesive unit in relation to the existence of other tribes and various exogenous pressures confronting the kinship segments. It also maintains that each segment possesses in microcosm the structures of the whole tribe. Segmentary tribes are naturally leaderless in the sense that no one segment possesses a sole claim to leadership and all adult males of a segment collectively pay blood money if one of their own kills a member of a rival segment. According to Evans-Pritchard's most famous student Emyrs Peters, "Evans-Pritchard believed that the Bedouin were incapable of establishing an orderly government of their own. [E-P's] position is subsumed in the statement that in [Cyrenaican] Bedouin society 'the fundamental principle of tribal structure is opposition between its segments, and in such segmentary systems there is no state as we understand these institutions . . . [a chief's] social position is unformalized and . . . he must in no sense be regarded as a ruler'" E.L. Peters, "Introduction," *The Bedouin of Cyrenaica: Studies in Personal and Corporate Power* (Cambridge: Cambridge University Press, 1990). The implications of Cyrenaica's tribes being segmentary were and are vast. Evans-Pritchard maintained that segmentary tribes could not function as effective governance institutions because of the animosities of the different segments toward each other. He therefore maintained that only the Sanussiyya could sit above the tribal system and utilize it as a bureaucracy. These arguments are of great relevance today even though most Libyans under forty do not answer to their tribal leaders. Nonetheless, Cyrenaica's tribes are attempting to fill the gaps left by the disintegration of the state in Eastern Libya. However, without an overarching charismatic religious institution like the Sanussi Sufi Order linking together Cyrenaica's tribes, they cannot separately function as institutions or successful mediators between the individual and government. Finally, the segmentary nature of Cyrenaica's tribes also suggests that it will be impossible to establish a form of functional tribal power-sharing to deal with the perceived unfairness in how administrative positions are divided out.

86 "Libyans Continue to be Optimistic, for Democracy—Against Use of Force and Unilateral Regional Autonomy," *Libya Herald*, March 12, 2014, http://www.libyaherald.com/2014/03/12/libyans-continue-to-be-optimistic-for-democracy-against-use-of-force-and-unilateral-regional-autonomy/#axzz2vlQDfIex; National Democratic Institute and JMW Consulting, *Committed to Democracy and Unity: Public Opinion Survey in Libya*, (Washington, DC: National Democratic Institute March 2014), https://www.ndi.org/files/Libya-Committed-to-Democracy-and-Unity-ENG.pdf.

Figure 3. Tribal Support for Federalism and Ibrahim Jadhran

Tribe's Name	Location	Attitude toward federalism
Obaidat	From Benghazi to Tubruq, with Tubruq and parts of the Green Mountains as its strongholds	Most of the key tribal figures of the tribe support Jadhran, but the key Obaidat families of Mansour and Emzain are considered either anti or neutral toward Jadhran.
Awagir	Mainly based in and around Benghazi	The tribe is seen as one of the main supporters for the federalism movement.
Al Drursa	Concentrated in the Green Mountain area and Benghazi	The tribe is seen to be passively supporting federalism in Libya. But like most tribes, it is taking a cautious approach on this.
Al-Barrasa	Al-Baida and portions of the Green Mountains, extending into Benghazi	The tribe has expressed neutrality to the issue of federalism. Jadhran appointed the head of his government from this tribe in a bid to win its support.
Al-Magarba	The tribe expands throughout the "oil crescent" area where Libya's main oil installations are located.	This is Jadhran's tribe. Despite a recent statement by the head of his tribe Saleh Latwaish against federalism, Jadhran seemed to enjoy wide support within his tribe until after the seizure of the Morning Glory by the Navy Seals.
Zwai	Ajdabiyya and Kufra	Anti-Jadhran and anti-federalism
Hassi	Green Mountain area, especially around Shahaat	Pro-Federalism and pro-Jadhran, with many of the leading Polit Bureau figures hailing from the Hassi tribe.
Qatan and Mnifa	In and around Tubruq	Neutral to federalism and Jadhran. Both tribes have warned against Jadhran's harm to social peace in Eastern Libya.
Tubu (not technically a tribe but rather and ethnic and linguistic group with links to Chad)	Kufra and other locations in Southeastern Libya	They are rivals of Zwai tribe with whom they compete to control smuggling routes. The Tubu are viewed as pro-Jadhran.

Chapter 4. The Official Security Sector and Infiltration by the Militias

Supporters of the Militias and Islamists Inside the Government

Since the appointment of Abdul-rahman al-Kib's cabinet in November 2011, regional and ideological militias have become a key component in the Libyan political scene. They have been used by politicians or political groups to safeguard their influence and power. Even more destructively, the militias have become embedded in the government (as noted at the start of chapter 3 in section "The Players in the Struggle for the Post-Qaddafi Future"). In fact, it is not in practice possible to make a clear-cut distinction between the interests of "the militias/brigades" and of "the government," "the ministries," or "the GNC" because "militia interests" permeate every arm of the Libyan government. This in many ways is the end-product of the appeasement trap, as peripheral interests have been given not just a seat at the negotiating table where central government policy is decided, but actually a controlling stake on the levers of power. This situation is likely compounded since Zeidan's ouster as his successors are less resistant to the militias and more beholden to their interests.

To understand how this situation arose, consider, for example, the appointment of the defense minister in the al-Kib cabinet, Osama al-Jwaili from Zintan. Jwaili obtained the position because of the Zintani militias' power. He then in turn gave preferential treatment to Zintani brigades such as al-Qaaqaa, al-Sawa'iq, and al-Madani by granting their members priority in terms of training abroad and equipment (from vehicles to arms to military uniforms). Jwaili also ensured that these units were under his command and not under the command of then- Army Chief of Staff Yousef al Mangoush. This created a deep rivalry between the two most important men tasked with rebuilding the Libyan armed forces after the fall of the old regime.

Mangoush, whose origins are from Misrata, sought throughout his term to strengthen the Misratan and Islamist militias. He created the powerful LSF seeking to strengthen these elements and link them to the government.[87] Zintan has since maintained its grip over the formal levers of power in the Defense Ministry and assured that the current Defense Minister and Acting Prime Minister Abdullah al-Thinni is close to the Zintanis, although some say he has, somewhat contradictorily, Brotherhood leanings as well. This means that this whole branch of government has been colonized by the Zintanis, while the LSF has largely been colonized by the Misratans.

The corrupt interconnections between the militias and politics did not improve when the GNC took power in August 2012, as armed militias continued to be used by different political blocs within the GNC to see their agendas implemented. The Justice

87 Third author's conversations with anonymous officials and George Grant, "Defence Minister Says Army Chief Has 'No Control' Over Bani Walid," *Libya Herald*, October 30, 2013, http://www.libyaherald.com/2012/10/30/defence-minister-says-army-chief-has-no-control-over-bani-walid.

and Construction Party and the Martyrs' Bloc have used militias to see the controversial political isolation law go into effect at gunpoint in May 2013. The same tactics were used to pressure the GNC into sacking former Prime Minister Zeidan, or, conversely on behalf of the anti-Islamist Zintani militias to cajole the GNC to resign or undo the extension of its tenure. Furthermore, the Islamist-backed Amazigh GNC President Nouri Abu Sahmain established the Libyan Revolutionaries' Operation Room, an umbrella grouping for Islamists and Misratan-dominated militias and ordered its forces into Tripoli in July 2013 to counter the influence and power of the powerful Zintani militias such as the Qaaqaa Brigade, which are linked to Jibril's National Forces Alliance. In short, every major Libyan politician draws support from the militias with which he is aligned, while every major militia has its supporters and stooges ensconced in the government and the ministries.

The militias' penetration of the central authorities by the militias has been rendered complete since the February 2014 politicization of government-sanctioned militias into Islamist groupings that support the GNC and tend to oppose the office of the prime minister on one hand and anti-Islamist factions on the other.

The Libyan Populace

Since the hardening of Tripoli's militias into two camps in February 2014 and the proactive approach taken by the Libyan populace of the capital both in November 2013 against the Misratan militias and in February 2014 against the GNC, it has become increasingly clear that the majority of the politically-engaged populace both oppose the political roles of the moderate Islamists (e.g., the Muslim Brotherhood) and the hardline Islamists (the Martyrs' Bloc) as well as the militias that support these political factions. As such, a discourse has arisen that the Libyan "populace," although fed up with Zeidan and various holdovers from the former regime, supports the central government's attempts to assert its authority over the current situation.

This popular preference for the center over the periphery is possibly the reason behind the huge optimism shown by the Libyan people when Zeidan was appointed prime minister in November 2012. The Libyan people hoped that Zeidan would be an anti-Islamist, pro-globalization builder of institutions. The hardline Islamist factions are aware of the public's sentiment toward them and realize that their chances in any upcoming elections are very slim. For this reason they have long opposed any early elections in Libya and were the driving force behind the vote on December 23, 2013, to extend the GNC's mandate for one year.[88] After the ensuing anti-GNC protests the Islamists have reluctantly agreed to new parliamentary elections but opposed the direct election of the president due to fear that a candidate backed by Mahmoud Jibril would easily win the elections. These struggles will be played out in the drafting of the new election law.

There is also fear among the Islamists that the Supreme Court could undo the political isolation law during its April 28, 2014 session or that it could be scrapped by the GNC in a backroom deal, which would pave the way for Jibril himself to run for presidency, a scenario the Islamists have been dreading and worked consistently to prevent. Predicting their weak performance in any upcoming elections in Libya, the range of Islamist currents have been putting aside their factional difference to install figures loyal to them in government institutions throughout the last three years. Zeidan was an obstacle to many of their attempts, and for this reason the Islamists worked relentlessly to vote Zeidan out or outmaneuver him for control of strategic ministries. Zeidan's opponents were not above sabotaging the national interest to make him "look bad"—as happened with the Morning Glory crisis. The Islamists continue to exercise their control over Libya's transition by ensuring no presidential elections will take place anytime soon, due to the near certainty that their candidate would not prevail in such elections.

88 Authors' conversation with GNC members.

Libyan Military and Security Forces

The Conventional Forces

The current government lacks a full contingent of conventional forces to meet internal and external threats due largely to Libya's unique history as a "stateless state" lacking institutions, including a traditional military.[89] Following Qaddafi's 1969 military coup, he decided to emasculate the country's conventional conscription forces rather than governing through the military as in Egypt or Iraq. The outcome of weakening the national army was that Libyan forces with modern Soviet weaponry were not even able to win in Chad from 1980 to 1988 against insurgents in pickup trucks.[90] To supplement the conventional forces, Qaddafi relied on a protective guard drawn from his familial and tribal support base, such as the infamous 32nd Brigade led by his son Khamis. Qaddafi's promotion of the informal military sector over the formal one arose out of fear of a military coup against himself, similar to the one he had used to seize power.

Immediately following Qaddafi's death, Libya was entirely devoid of any usable conventional forces. Thus any professional military in post-revolutionary Libya must be built entirely from scratch. This is even more so because the parts of the army that opposed Qaddafi melted away when the uprisings began, while those that supported Qaddafi fought with him until the end and are now stigmatized and cannot participate in the new conventional army.[91] In the immediate aftermath of the uprisings, the armed forces were believed to employ 76,000 troops. However, it has subsequently been shown that in reality they possess less than 20,000 troops, few of whom approach battle-readiness.[92]

In spite of the decades of neglect of the country's army under the Qaddafi regime as described above, certain segments of the Libyan armed forces represent the core around which the current authorities in Libya must work to rebuild the Libyan defense sector. The Special Forces Units, currently deployed in Benghazi, are professionally trained and the Head of the Unit Colonel Wanis Boukhamda estimates the total number of his forces throughout Libya at around 13,000. However, this is clearly an exaggeration and he has stressed that not all members are actively in service due to the lack of funding.[93]

The Libyan Naval forces made news headlines in January when they successfully intercepted vessels that entered the Libyan territorial waters in an attempt to load oil illegally from the oil terminals blockaded by the Federalists, but in March they proved unable to repeat the performance. The government has equipped different ports with speed boats that currently carry out the task of protecting the Libyan shores.

The Libyan Air Force is still in poor shape and refused orders to bomb the Morning Glory while it was at harbor in al-Sidra, yet its units have carried out various tasks to different degrees of success in monitoring the Libyan eastern and southern borders. However, they only use old Russian fighter jets for such tasks, which are hardly suitable for surveillance missions. In addition, the Libyan Air Force does not have a radar system in place and its air defenses were destroyed during the NATO air campaign in Libya in 2011 as part of the UN's NFZ over Libya.[94] On February 21, an Air Force cargo plane that was turned into an air ambulance due to Libya's paucity of functioning medical facilities

89 For more on the concept of 'statelessness' as applied to Libya, see Dirk Vandewalle, *Libya since Independence: Oil and State-Building* (London: I. B. Tauris, 1998); Dirk Vandewalle, *A History of Modern Libya* (Cambridge: Cambridge University Press, 2006); and Lisa Anderson, *The State and Social Transformation in Tunisia and Libya* (Princeton: Princeton University Press, 1986).

90 See Ken Pollack, *Arabs at War: Military Effectiveness, 1948-1991* (Lincoln: University of Nebraska and Council on Foreign Relations, 2002).

91 George Joffé, "Civil Activism and the Roots of the 2011 Uprisings," p.38, in Jason Pack, ed., *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*.

92 Gaub, "A Libyan Recipe for Disaster.,", p. 102.

93 Colonel Wanis Boukhamda, interview with Alassema TV, September 2013, http://www.youtube.com/watch?v=4DARlQn7X04.

94 "Libyan Fighter Jets Hit Smugglers in Southern Military Zone," *Libya Herald*, December 18, 2012, http://www.libyaherald.com/2012/12/18/libyan-fighter-jets-hit-suspected-smugglers-in-southern-militarised-zone/#axzz2pjJZFQWc

crashed in Tunisia killing eleven people, and an Air Force Helicopter is still missing since January 12. Both incidents have been blamed on poor maintenance of the Libya Air Force's aircrafts.

The public's demand for a national police and army continues to rise, despite the attempts by Islamist militias and their backers to paint them as Qaddafi loyalists and remnants. The militias' inability to provide adequate security for the Libyan people is resulting in a surge in the public's support for former army and police officers despite their association with the former regime.[95] This "popular support for centralization" is a double-edged sword, and the central authorities must take a lead on this and respond to the public's demands. Otherwise opportunists like General Khalifa Hiftar are set to take advantage of the situation and offer themselves as alternatives to the formal processes as the authorities in Tripoli fail to engage with the public's demands. Hiftar attempts to present himself as a viable alternative to the constitutional authorities, whose failures to take steps to rebuild the national army is receiving ever-increasing public attention, especially in Eastern Libya. Moreover, the consistent rise of Gen. Abdul Fatah al-Sisi in Egypt is fueling the public's desire for a strong man to take the lead in Libya, while decreasing patience with the theoretically "legitimate" constitutional process.

Attempts at DDR

Despite advice and offers of assistance from international security reform experts, the Libyan authorities never implemented a real disarmament, demobilization, and rehabilitation (DDR) program. This was not due to lack of funds for weapons buyback, but rather lack of ability to enforce such a program since the balance of arms lay with the militias and the scope of the problem was not initially grasped. The failure to implement a comprehensive DDR program could be said to be part of the first acts of appeasement: namely when the militias' reluctance to go along with government policy overrode the public will to implement that policy.

As the catastrophic failure resulting from not quickly implementing a DDR program was gradually grasped by different Libyan officials over the last eighteen months, multiple pronouncements have been made unveiling new demobilization schemes, but none have so far been comprehensively or even truly implemented. In September 2012, GNC President Mohammad Magariaf gave the militias fourty-eight hours to disarm.[96] The Interior Ministry announced "Operation Tripoli" a few months later to get rid of armed gangs in the capital.[97] Similarly, multiple announcements that the SSC would dissolve, with members either returning to civilian life or registered in official security forces as individuals rather than as brigade members, have not come to fruition. Reintegration efforts are also slow-going. The Warriors Affairs Committee, created to give former fighters options for education or job training to prepare for civilian life, failed in its initial efforts in part due to inexperienced NTC public financial administrators neglecting to disburse budgeted funds to it, as well as interference from certain militia-connected officials who wanted to see the program falter.

As mentioned above, a particular blow to the creation of a coherent security sector reform policy and placing capable leadership structures in the armed forces to counter the rogue militias was the May 2013 passage of the political isolation law. The brigades that pushed for the law knew quite well that it would remove their only skilled opponents from positions of power in the Libyan army. As such they took to armed lobbying for the law by disrupting sessions of the GNC and blockading the ministries, ensuring that only their interests as well as those of the Misratans and Islamists would be represented in security matters after the law went into effect. This demonstrates another instance of the ill-effects of appeasing the brigades by caving into armed pressure. It also shows how once

95 See for example Fred Wehrey *op cit.* for an example of how this phenomenon plays out in Benghazi.

96 Mel Frykberg, "Libya's Vow to Reign in Militias is Immediately Challenged," *Christian Science Monitor*, September 24, 2012.

97 "Ministries of Interior and Defence Move to Stamp out Renegade Militias," *Libya Herald*, March 19, 2013.

appeasement is practiced it becomes increasingly difficult to take a principled stand.

Using the Brigades as Building Blocks

In lieu of a comprehensive or a fully implemented DDR program, the various top tier-politicians and official military commanders have each tried their own stop-gap measures, creating a variety of competing demobilization and cooptation schemes. Army Chief of Staff Maj. Gen. Abdel-Salam Gadallah al-Obeidi, Interim Prime Minister Abdullah al-Thinni, and acting Minister of Interior Saddiq Abdulkarim have a difficult road ahead in disarming the militias and integrating former fighters in a constructive manner into lasting security institutions. Most major revolutionary brigades are in some way or another interfacing with either the Interior Ministry or Defense Ministry through the Libya Shield Force and Supreme Security Committee. Usually this means that their members receive government salaries in exchange for guarding government property or acting as temporary police forces in local conflicts.

Of the approximately 250,000 men registered with the Warriors Affairs Committee, 140,000 have been vetted and declared eligible for "integration." However, only 6,000 of these men wish to join the new armed forces. Moreover, even the small number willing to undergo training and integration into the armed forces have been slow to participate as the upper echelons of the armed forces—particularly the nearly 5,000 men who hold the rank of colonel—do not trust the erstwhile militiamen and consider them unsuited for positions of command.[98]

Over time these brigades have become progressively coopted into the central government. Therefore, in 2014 the most destabilizing force in the short term comes from "unauthorized" brigades, meaning those without Ministry of Interior or Defense authority to continue operating, such as extremist groups including Ansar al-Sharia.

Despite the extreme tactics adopted by the unauthorized brigades, the government-sponsored brigades remain a far bigger long-term political challenge for Libya as they prevent the creation of coherent security institutions by blocking demobilization, professionalization, and the formation of coherent command and control mechanisms. These brigades are primarily responsible for manipulating the official mechanisms of government, thus forcing the GNC to adopt significant political changes to the electoral and constitutional process, the wording of the political isolation law, and the nature of subsidy payments.

The NTC felt that coopting the brigades would be a useful temporary stop-gap measure to fill the power vacuum, but it did not fully consider the long-term effects of "legitimizing" the brigades with official titles and salaries. Nor did it understand the extent to which the entire political and bureaucratic system would become penetrated by the supporters of the different brigades. In short, NTC members saw themselves as "temporizers."

Lastly, the NTC and later GNC did not grasp the de facto alliance that has arisen between the "authorized" brigades and the "unauthorized" ones. The authorized brigades, particularly those with an Islamist bent, refuse to fight seriously against their "unauthorized" counterparts as they appreciate that the unauthorized brigades such as Ansar al-Sharia keep the government weak, security poor, and foreign investors away, hence strengthening the ability of the authorized brigades to practice extortion and blackmail against the government. In fact cooperation between the "authorized" brigades and the "unauthorized" brigades runs deeper than many speculate. This was illustrated in microcosm by the January 30, 2014 kidnapping of the son of Wanis Bukhamada, the commander of the Special Forces unit tasked with cracking down on the "unauthorized" Islamist brigades in Benghazi. First, the kidnapping was the latest in a series of attacks and assassinations directed against the sons of prominent Special Forces military commanders. Secondly, the kidnapping sparked clashes between unauthorized brigades and the forces of the government. In the aftermath, informed

98 For more on the procedures governing the army's interactions with the militias and its attempts to implement DDR, see Florence Gaub, "A Libyan Recipe for Disaster," pp. 101-10.

commentators have attributed the incident to government hesitancy in confronting the perpetrators of the kidnappings and assassinations out of fear that any firm action against any single brigade would forge an antigovernment coalition among a range of brigades—authorized and unauthorized, jihadist and moderate Islamist alike.[99]

The Authorized Brigades

Libya Shield Force

The LSF is made of former revolutionary brigades that are on paper under the command of the Army Chief of Staff, but in fact the Army is unable to exert even elementary control over the LSF, which is often used to end local conflicts, where it is deployed as a substitute for the real army. LSF units exist in Kufra, the Central region, Sabha, and the Western region.[100] The Central Libya Shield is headed by Colonel Musa Farag.

Libya Shield 1 in Eastern Libya is headed by thirty-six-year-old Wisam Bin Hamid from Derna. After it was reported that AQIM leader Mokhtar Bilmokhtar attended a March 2012 parade in Sirte as the honored guest of Wisam Bin Hamid, it was rumored that Bin Hamid was a possible al-Qaeda leader in Libya, but analysts found that unlikely given his media prominence and al-Qaeda's practice of secrecy.[101]

When the government deployed Libya Shield 1 to end the fighting in Kufra and Sabha, Libya Shield 1 disregarded government orders and acted on the side of the Arab tribes against the Tubu.[102] In the first week of June 2013, it was involved in a Benghazi shooting that left at least thirty-one people dead when protests calling for the brigade's dismantlement turned violent.

Supreme Security Committees

The SSC were formed when the NTC Interior Minister (Fawzi Abdul 'Aal, a Misratan lawyer) reached out to brigade leaders who had been providing security and sought to bring them under his control through patronage. Unsurprisingly, he showed a preference for Misratan and Islamist brigades. The resulting SSC were supposed to be a temporary body, as members were theoretically supposed to be trained to become police. In practice, they became an independent security force akin to a parallel police force but with strong Islamist leanings. The SSC absorbed brigades wholesale and established local branches. Once this process was up and running, it developed a momentum of its own with no oversight from the police or the interior ministry. Abdel Aal's initial plan for the SSC included disbanding the units in late 2012. Although efforts to implement the plan have failed, the number of units has been cut, and the SSC's size has been significantly reduced.[103] Nonetheless, the SSC lurk behind the shadows as

99 Fathia Al-Majbari, Asma Elourfi, and Ali Al-Gattani, "Libya: Kidnapping Sparks Benghazi Bloodshed," *Magharebia*, February 3, 2014, http://allafrica.com/stories/201402040732.html?page=2.

100 International Crisis Group, *Divided We Stand: Libya's Enduring Conflicts* (Tripoli and Brussels: ICG, September 14, 2012), p. 19, http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/libya/130-divided-we-stand-libyas-enduring-conflicts.aspx.

101 "'Ard 'Askari Litanthim al-Qha'ida Fi Madinati "Sirt" al-Libiyah—Fidio," *Dunya al-Watan*, March 26, 2012, http://www.alwatanvoice.com/arabic/news/2012/03/26/263533.html; *Al-Qaeda in Libya*, Library of Congress.

102 "'Ajil: 'Ishrin Qhatilan we Jarihan Fi Ahdathi Ashtibakatin 'Anifa Bi al-Kufra Januba Libya," *ThawraLibya*, April 21, 2012, http://www.thawralibya.net/index.php?option=com_content&view=article&id=4401:2012-04-21-14-58-11&catid=37:topnews&Itemid=397.

103 Gaub, "A Libyan Recipe for Disaster," pp. 101-10.

the quasi-authorized and official supporters of many of Libya's extreme Salafists.[104]

The local SSC branches are employed on year-long contracts with the Interior Ministry. SSC leadership remains heavily dominated by those involved in the liberation of Tripoli.[105] The current head is Hashim Bishr, one of the most powerful and feared men in Tripoli. He is reportedly a Salafist from Tripoli who has no love lost for the Misratan militiamen which he nominally commands. The SSC has 161,000 members throughout the country, with 29,000 members in Tripoli alone. The SSC headquarters as well as the office for the local Tripoli branch is at Mitiga Airbase (former Wheelus field).[106]

Al-Saiqa Brigade

The al-Saiqa or "Lightning" Brigade began its life as a special forces unit during the days of Qaddafi and has reformed under the new Libyan Army with several thousand members, "a mixture of paratroopers and commandos." It was most recently involved in the fight against Ansar al-Sharia in Benghazi. Al-Saiqa's numbers have a strong presence from the old army, and take a dim view of the LSF.[107]

Although al-Saiqa has overwhelming support from the populace of Benghazi, there has been a smear campaign by their opponents in the city alongside the assassinations that Ansar al-Sharia have carried out on their members. Al-Saiqa is not trained for policing or investigative purposes and this has given ample grounding to the accusation that its members were unable to address the assassinations campaign in the city.

Libyan Revolutionaries Operations Room

A group of former militias under the Ministry of Defense, the Libyan Revolutionaries Operations Room (LROR) was created by GNC President Abu Sahmain in June 2013, and he charged it to provide security for Tripoli in July 2013 at the start of the Eid holiday. Abu Sahmain, initially commander-in-chief of both the Libyan National Army and of LROR, gave the body LD 900 million (more than $700 million) in funding. It was accused of being involved in the kidnapping of Prime Minister Zeidan on October 4, 2013, after which the GNC voted to remove Abu Sahmain as commander in chief of the LROR.[108] LROR motivations in kidnapping the prime minister remain unclear, yet it is certain that the LROR acted in concert with various Islamist-leaning politicians and nonstate actors. Therefore, the LROR's action began to call into question Abu Sahmain's impartiality and credentials. His reputation was further damaged by his recent involvement in an immorality scandal involving two women, where he was filmed and questioned by Haitham al Tajouri from the SSC

104 Today it is possible to trace a line of descent between Qadhafi's Revolutionary Committees and the post-Qaddafi SSC. The Revolutionary Committees Movement came into being in the 1970s to enforce participation in the "popular 1969 al-Fateh revolution" and were supposed to force the people to be free, but in reality committed the worst abuses of power while constituting something of a shadow political party. The SSC came into being in 2012 to fill the security vacuum and in reality, constitute an informal paramilitary grouping which is responsible for the August 24-26, 2012, destruction of Sufi shrines in Tripoli, Zliten, and Misrata by Salafist-leaning extremists and blackmailing the government that they are tasked with protecting. For more on the Revolutionary Committees consult Haley Cook and Jason Pack, "Mu'ammur Qadhafi: Power, Personality, and Ideology," in Frank Jacob, ed. *Dictatorships without Violence? How Dictators Assert Their Power*, Comparative Studies from a Global Perspective, Vol. 2, Würzburg: Königshausen & Neumann, 2014.

105 "Divided We Stand: Libya's Enduring Conflicts," ICG, p. 13.

106 Mathieu Galthier, "Being Hashim Bishr, Head of Tripoli SSC," *Libya Herald*, June 10, 2013, http://www.libyaherald.com/2013/06/10/being-hashim-bishr-head-of-tripoli-ssc/#axzz2oB9OZhfS; Kevin Sullivan, "Two Years After Libya's Revolution, Government Struggles to Control Hundreds of Armed Militias," *Washington Post*, September 6, 2013, http://www.washingtonpost.com/world/middle_east/two-years-after-libyas-revolution-government-struggles-to-control-hundreds-of-armed-militias/2013/09/06/6f32c4c0-13ae-11e3-880b-7503237cc69d_story.html.

107 "Guide to Key Libyan Militias and Other Armed Groups," BBC; "Benghazi Fighting Subsides as Ansar al-Sharia Disappears," *Libya Herald*, November 25, 2013, http://www.libyaherald.com/2013/11/25/benghazi-fighting-subsides-as-ansar-al-sharia-disappears/#axzz2nu1e5enl; Nicholas Pelham, "Losing Libya's Revolution," *New York Review of Books*, October 2013, http://www.nybooks.com/articles/archives/2013/oct/10/losing-libyas-revolution/.

108 "Guide to Key Libyan Militias and Other Armed Groups"; Ahmed Elumami, "GNC Discusses Cutting LROR Tripoli Assignment," *Libya Herald*, November 3, 2013, http://www.libyaherald.com/2013/11/03/gnc-discusses-cutting-lror-tripoli-assignment/#axzz2nu1e5enl.

in Tripoli. This incident may compromise Abu Sahmain's position and weaken the Islamists' grip on the presidency of the GNC or its successor body. Libyan insiders say it may allow a true compromise to be struck with Jadhran as Abu Sahmain and various Islamist factions were preventing such an outcome, and their weakened position has allowed the ascendency of more moderate elements.[109]

Petroleum Facilities Guard

The Petroleum Facilities Guard (PFG) is a force designed to guard the country's oil and gas facilities with members, often former militiamen, directly employed by the Ministry of Defense. Their numbers are also supplemented by militias, with only around 2,000 of the 15,000-strong force having actual military training. The PFG has five branches for different regions of Libya, with the Western and Southwestern branches dominated by Zintani militias.[110]

At times, PFG members have been involved in disrupting or blockading the very facilities they are supposed to be guarding. The most notable instance of this involves Ibrahim Jadhran, the former Commander of the Central division of the PFG who is now the head of the Political Bureau of Cyrenaica and is leading a force blockading three of Libya's major oil terminals. In the East PFG is currently being led by Col. Idris Abu Khamada.

The Nascent National Army vs. the Authorized Brigades

Still dwarfed by the authorized brigades and facing multiple obstacles, the National Army is slowly coalescing and gaining power as shown by its presence in Tripoli after the militias began to withdraw on November 17, 2013. Despite this positive step forward, the militias in Tripoli and Benghazi have ignored the government's demand to disband by December 31, 2013, as called for in Laws 27 and 53, respectively. UN Special Representative Tarek Mitri's report to the UN Security Council on December 9 was fairly pessimistic in outlook, arguing that "despite steps by the government to quickly deploy army units in Tripoli to prevent a security vacuum, the weak capacity of state military and police institutions remains a serious problem. Doubts also remain about how comprehensive or lasting some of the recent moves will be."[111]

A major problem with Libya's nascent official security forces is that different parts of the military, police, and security forces are being trained and funded by different internal and external groups with their own conflicting agendas.[112] The LSF and SSC either need to be completely disbanded or should work together and complement the nascent army; instead they clearly feel threatened by it. Should these sentiments escalate, the LSF and SSC members may repeat their May 2013 performance when they blockaded government buildings to force passage of the political isolation law.[113]

In short, the myriad coopted brigades, fearing their exclusion, are the key impediment to the formation of a coherent, professional security sector.

109 Third author conversation with anonymous Libyan officials.

110 Christopher Stephen and Caroline Alexander, "Libya Oil Guards Protect Nation's 'Blood' Against Enemies," Bloomberg, March 7, 2013, http://www.bloomberg.com/news/2013-03-06/libya-oil-guards-protect-nation-s-blood-against-enemies.html; Marie-Louise Gumuchian, "Security Woes Hit Libya Oil and Gas as Guards Become Menace," Reuters, March 7, 2013, http://www.reuters.com/article/2013/03/07/libya-oil-militia-idUSL6N0BY5DS20130307.

111 Tarek Mitri, "Briefing by Mr. Tarek Mitri SRSG for Libya—Meeting of the Security Council 09 December 2013," United Nations Mission for Support in Libya, December 9, 2013, http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=1774105&language=en-US.

112 Abigail Hauslohner and Karen DeYoung, "U.S. Plan for New, Western-trained Libyan Force Faces Obstacles," *Washington Post*, December 1, 2013, http://www.washingtonpost.com/world/middle_east/us-plan-for-new-libyan-force-faces-obstacles/2013/12/01/2160c2fa-5694-11e3-bdbf-097ab2a3dc2b_story_1.html.

113 Frederic Wehrey, "Building Libya's Security Sector," Carnegie Endowment for International Peace, August 6, 2013.

International Training of Security Forces

Figure 4. Training by Country, Location, Amount, and Purpose

Country	Location	Number of Trainees	Purpose
Libya	Various	15,200	Police training
		10,000	Army training
France	Various	2,500	Police training in counterterrorism
		75	Bodyguards to protect Libyan VIPs
		30	Air Force pilot training
		20	Navy officers
		72	Navy divers
Italy	Vicenza	60	Training Libyan border guard officers
	Army Infantry School in Cassino	362	Training Libyan infantrymen
	Tripoli	280	Training Libyan military police
		150	Training in using anti-drug sniffer dogs and forensic crime scene investigation
Jordan	King Abdullah Training City	1,900	Police training
Sudan	Karari Military College, Wadi Sayyidna	At least 60	Military cadets
Tunisia	Unknown	1,500	Training interior ministry officials
Turkey	Egirdir Commando School	3,000	Military training
United Kingdom	Bases in and around East Anglia, especially Bassingbourn	2,000	Army training in basic infantry skills
United States	Bulgaria	5,000-8,000	Soldiers
	Near Tripoli	100	Special forces

Source: Oscar Nikala, "220 Libyan Soldiers Start Military Training in Turkey," *DefenceWeb*, December 11, 2013, http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=33026:220-libyan-soldiers-start-military-training-in-turkey&catid=49:National%20Security&Itemid=115; "Insight: Libya's Training Honeypot," *DefenceWeb*, December 17, 2013, http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=33068&catid=74&Itemid=30; "First Libya Army Cadets Pass out in Sudan," *Libya Herald*, October 29, 2013, http://www.libyaherald.com/2013/10/29/first-libyan-army-cadets-pass-out-in-sudan/#axzz2oB9OZhfS; Houda Mzioudet, "Interior Ministry Staff Being Trained in Tunisia," *Libya Herald*, December 17, 2013, http://www.libyaherald.com/2013/12/17/reports-of-personnel-being-trained-in-tunisia-denied/#axzz2oB9OZhfS.

The formulation of a much-needed comprehensive long-term plan to train Libyans by outside powers is inhibited by several factors: traditional Arab fears of a foreign military presence on Arab soil; Western worries for the safety of their personnel; and the risk of training militant Islamist sympathizers who may later use their weapons and training against Western interests.[114] These factors also lead to an air of conspiracy surrounding the training schemes. Furthermore, the weak Zeidan government hesitated to be seen as embracing foreign training as a central plank of its strategy to bring stability, in spite of its clear necessity. Although at times Zeidan "threatened" his militia opponents with foreign intervention or with the acceleration of training programs, he appeared unable to use the potentiality of outside assistance to actually strengthen his position inside Libya. Moreover neither he nor others in the Libyan administration appeared to grasp that it was the lack of a professionalized security force able to protect government buildings and the official personnel that made exiting the appeasement trap impossible.

Even if Libyan authorities had grasped the critical importance of the creation of an internationally-trained security force there were always hurdles to its rapid achievement. The initial iterations of various training programs faced rather severe hiccups. Jordan was the site of a short-lived 2012 effort to train SSC members as police, but the program ended due to bad behavior by recruits, which culminated in a riot. US efforts to train a hundred army special forces at a base near Tripoli were halted when weapons caches and special equipment like night vision goggles were stolen from the base, possibly an inside job by the trainees. The program was also criticized for selecting its recruits primarily from Western Libya (mainly from Zintan), given that Libya's first minister of defense in post-revolution Libya was a Zintani.[115] Moreover, most cash-strapped European countries have found it politically challenging to commit resources to the problem. As the Libyans have lacked the administrative skill to issue timely payments for training courses, only Italy and Turkey began their courses prior to receiving payment. The Italians appear to hope to recoup the cost of their training program via defense sales, while Turkey hopes for a greater political say in Libya and possibly more business and defense contracts as a result. [116]

The UK has adopted a different approach. It has refused to begin its "training program" prior to receiving the relevant payment, and as a result the arrival of the first tranche of trainees in the UK has been delayed multiple times. The British propose to train 200 recruits in intensive courses over a span of twenty-four weeks at the until-recently mothballed Bassingbourn base in East Anglia, which is being refitted as a training center for that purpose. Optimists believe the training is on course to begin in the early summer of 2014, but the relevant payment from the Libyan government still remains outstanding, various memoranda need to be signed, and concerns about the implosion of the Libyan government make various Ministry of Defense officials wary to proceed.[117]

The United States is structuring the financial and bureaucratic aspects of its training program as a type of "Foreign Military Sale," consisting of defense equipment, training, and logistical support. As such, the sale is supposed to not only to further US national security but to employ Defense Department personnel and contractors, while providing an outlet for US military goods.[118] The sale must be discussed and approved by

114 For more on the possible implications of an international stabilization or peacekeeping force in Libya, see Christopher S. Chivvis and Jeffrey Martini, *Libya After Qaddafi: Lessons and Implications for the Future* (Santa Monica, CA: RAND, 2014).

115 Abigail Hauslohner and Karen DeYoung "U.S. Plan for New, Western-trained Libyan Force Faces Obstacles."

116 Jason Pack discussion with senior European, Arab, and American diplomatic and military personnel from January to February 2014.

117 Ibid.

118 Defense Security Cooperation Agency, news release, "Libya—General Purpose Force Training," January 22, 2014, http://www.dsca.mil/major-arms-sales/libya-general-purpose-force-training.

Congress.[119] This bureaucratic hurdle may reignite counterproductive discussions about the Benghazi attack, but it is unlikely to derail it, as there is bipartisan support for the program. Yet in the wake of Zeidan's ouster many in the United States question if the United States has a governmental partner with which it can deal to coordinate the bureaucratic and administrative aspects of training.

With each country taking its own approach to funding and interfacing with the Libyans, no one country has asserted itself as either the leader or coordinator of the various multilateral efforts. For geopolitical reasons, this important task should likely devolve to the UK, as it is the only power that possesses both the desire to engage and the necessary links to the Gulf states, the Libyan military, the United States, and the larger international community. Among Western leaders, only British Prime Minister David Cameron has both the political capital and the will to invest in Libya. Furthermore, he has made it clear to the Ministry of Defense and Foreign and Commonwealth Office that he wishes to see "success" in Libya as his primary foreign policy legacy.[120]

Despite the diplomatic inertia and organizational complexity, the outlines of a coordinated multilateral effort are beginning to take shape. Over the next five years, the United States, EU, UK, Turkey, Gulf Arab countries, and others intend to train 15,000 Libyan troops in a multilateral process, with varying degrees of coordination among Libya's international partners. The EU, largely through Italy and France, has committed to a two-year mission to improve Libyan border security forces. The UK has pledged to train 2,000 members of the General Purpose Force (GPF). The United States and Italy are also supposed to initiate a joint program to train 6,000-8,000 members of the GPF in Bulgaria as the backbone of the future Libyan army, although this will take months to complete and will unlikely materially affect the balance of forces until after the constitution process is complete. Unsurprisingly, bureaucratic obstacles in Libya and in the United States appear to be delaying the start of this program.

Moreover, questions abound about where these trainees will deploy upon their return to Libya, considering the lack of an infrastructure to absorb them into the national security apparatus. For example, will they answer to the existing army chain of command or to newly created structures meant only for the GPF? Will the trainees be willing to serve the interests of the Libyan state against the militias of the regions from which they hail? Will the civilian leaders of Libya use the GPF as a praetorian guard to defend their own personal interests or those of the Libyan body politic itself?[121] The near total collapse of the legitimacy and efficacy of the Libyan government and GNC in February 2014 has exacerbated these doubts about what structures would absorb troops when they returned from training.

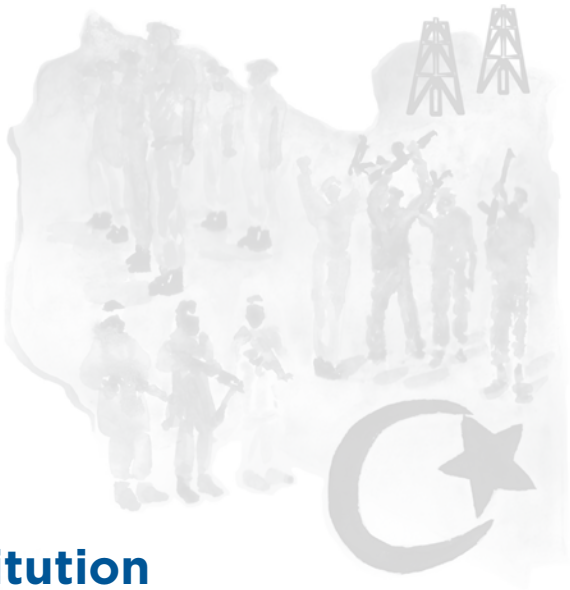
Despite these imponderables, if the training program is even moderately successful and is paired with positive political developments, it remains the greatest hope for tackling Libya's militia problem as all indications suggest that the

119 For more on US Congressional procedure concerning Foreign Military Sales consult, Richard Grimmett, "Arms Sales: Congressional Review Process," Congressional Research Service, February 1, 2012, http://www.fas.org/sgp/crs/weapons/RL31675.pdf.

120 Sarkozy was highly committed to the "Libya" project, but is now out of office and his successor François Hollande views Libya as his predecessor's project and faces the additional challenges of being bogged down domestically by his peccadilloes and reversals of economic policy. The Italian government lacks continuity of leadership, while US President Barack Obama and Secretary of State John Kerry eye Israeli-Palestinian negotiations as their potential legacy and are afraid to bring too much prominence to the Libya issue out of fear of reigniting scandals in Congress and the media, which could rebound to the detriment of the Democrats. This appraisal is based on the first author's conversations with European and American diplomats, bureaucrats, and high-ranking military officials.

121 These and other cogent questions have been raised by many experts as the policy of training Libyan recruits has been debated by various Western legislatures and foreign ministries. For an overview of the issues as stake consult, Fred Wehrey, Senate Foreign Relations Committee testimony, November 21, 2013, http://www.foreign.senate.gov/imo/media/doc/Wehrey_Testimony.pdf.

militias will not voluntarily disband. To succeed it should be organized along a multilateral axis rather than overlapping bilateral commitments. The creation of a coherent multilateral structure could be spearheaded by Cameron and facilitated by a strong US, UK, French, and Italian political commitment, as signaled by a visit to a training facility or speech on the subject by a high-ranking figure.



Chapter 5. GNC Reform, Constitution Drafting, and the National Dialogue

The overall ineffectiveness of Libya's state institutions in restoring security or in providing infrastructure and welfare to the citizenry has resulted in their progressive delegitimization. With the central authorities lacking coherent institutions and further weakening themselves via appeasement, questions abound over whether Libya can hold to any semblance of the much amended road map to constitutional governance. There are three distinct pathways to restoring the center's lost legitimacy and to achieving concrete steps toward the transition to democracy. The three pathways should be pursued simultaneously as they operate in parallel institutional tracks.

GNC (and Successor Body) Reform

The first of these tracks pertains to Libya's highest elected body, the GNC, and the government that it has appointed. Approval ratings for the GNC are at an all-time low despite the scheduling of elections for its successor body, the "House of Representatives," and although protests against the extension of the GNC's mandate on February 7, 2014, were largely nonviolent, they powerfully delegitimized the GNC and revealed the extent to which the public think the body is filled with corrupt, selfish, and manipulative politicians.[122] This popular outrage has led the GNC to realize it must shorten its proposed tenure. Moreover, these protests were followed up by two pseudo-coup attempts—one on February 14 by Khalifa Hiftar, and then on February 18 the Qaaqaa Brigade and Sawaiq Brigade of Zintan origin issued their own ultimatum to the GNC to disband. Both groups sought to capitalize on the public's frustration with the GNC and present themselves as possible saviors of the Libyan body politic. Hiftar and the Zintani brigades failed because they had not adequately garnered support for their proposals from other social segments prior to launching their putsch and because they had not even effectively coordinated with their own supporters. Nonetheless, these developments highlight that the public does not trust the GNC to oversee the transition to constitutional governance and fears that the body's internal divisions make it more a part of the problem than of the solution. As a way of ameliorating these concerns, the GNC approved the February Committee proposal that elections this summer be carried out with individual lists and not allow parties to run. Nevertheless, given the risk that the composition of the House of Representatives will be qualitatively similar to that of the GNC, actions must be taken to preemptively bolster the body's credibility.[123]

122 Ahmed Elumumi, "Modest and Peaceful Turnout at Protests Over GNC Extension," *Libya Herald*, February 8, 2014, http://www.libyaherald.com/2014/02/08/modest-and-peaceful-turnout-at-protests-over-gnc-extension/#ixzz2sltFgMk8.

123 Ahmed Elumami, "February Committee Wants Party Lists Banned in Elections for Congress Successor," *Libya Herald*, March 26, 2014, http://www.libyaherald.com/2014/03/28/february-committee-wants-party-lists-banned-in-elections-for-congress-successor/#ixzz2xMar0xeL.

The legislature has often capitulated to armed pressure, such as with the political isolation law in May 2013, and the government has frequently made empty threats to meet oil terminal blockaders with force. Such measures have revealed a lack of leadership among Libya's decision-makers and a lack of *esprit de corps* on the part of the GNC's rank-and-file members. For example, it is widespread knowledge that many GNC members do not show up for legislative sessions.

In order to restore the people's faith in the state's institutions, the legislative and executive branches need to immediately adopt certain confidence-building measures which will be binding on future pre-constitutional legislative bodies and their governments. These should include cutting their own salaries, collectively implementing mechanisms to hold themselves accountable for showing up to the parliament and fulfilling their legislative tasks, increasing outreach to the population through more robust communications strategies, and demonstrating leadership by supporting the initiation of a few select high-priority public works and infrastructure projects.[124] Such reforms might also include the formation of a national unity government to tackle the challenges ahead. Although not a moment should be lost in implementing these reforms, a convenient moment for their initiation would be at the start of the third transitional phase when the newly elected body should attempt to sharply differentiate itself from the GNC by adopting the aforementioned confidence-building measures. More importantly, for the next elected authority to be more effective, a clear separation of powers between the legislative and the executive is critical. There is an urgent need for the establishment of checks and balances for any upcoming authority in Libya, and the role of the judiciary must be activated effectively.

Accompanying these measures at the GNC level are two further parallel tracks that are critical to Libya's transition: the processes for constitutional drafting and national dialogue.

124 See section on policy recommendations for more concrete examples of steps the Libyan government and GNC can take.

Constitution Drafting, Delimiting the GNC's Mandate, and Creating a Functional Successor Body

In July 2013, the GNC passed the electoral law for elections to the Constitutional Committee, which was an incremental step toward drafting a new constitution. The law, however, raised serious questions about the inclusiveness of the overall process. It called for equal representation for Libya's three historical provinces—twenty for Cyrenaica, twenty for Tripolitania, and twenty for Fezzan—despite great disparities in population sizes between the provinces. Ironically, various Cyrenaican Federalists, who will be overrepresented, are complaining about the illegitimacy of the body, whereas underrepresented Tripolitanians tend not to. Moreover, the system of selecting the committee has been the product of serial appeasement. The law allocated only six seats for women and only six seats altogether for the three minority groups (the Tubu, Tuareg, and Amazigh). This too was an ill-conceived attempt to appease the minorities, which has backfired as it fails to accommodate the minorities' narratives and their specific populist issues, such as the constitutional status of Tamazight, the Amazigh language.[125]

A total of 618 candidates registered to run in the February 20, 2014 assembly elections. In protest against the very limited allocation of seats, the Amazigh effectively boycotted the process by

125 The Amazigh (alone) claim to be more than 10 percent of the Libyan population, although there is no way to verify this claim. Demographers extrapolating outward from the 1951 population figures have asserted that the Amazigh are likely between 3-5 percent, and all non-Arab groups in Libya are likely under 10 percent. In short, the minorities are likely being overrepresented in the constitutional committee, yet their narrative of underrepresentation is nonetheless, very real and deeply felt. For more on Amazigh narratives as it relates to the constitution, consult Jason Pack and Will Raynolds, "Why Is Libya So Hard to Govern? Inter group Squabbling Remains as the Country Stalls at Drafting its New Constitution," *Atlantic*, October 8, 2013, http://www.theatlantic.com/international/archive/2013/10/why-libya-is-so-hard-to-govern/280392/.

refusing to present any candidates.[126] Even the Tebu minority, who at the beginning seemed to be willing to participate in the elections, withdrew their support in the days leading up to voting day. Therefore, the Amazigh and other groups succeeded in delegitimizing the electoral process in the eyes of both domestic and international audiences. After Zeidan's ouster there was another attempt to appeal to the minority groups by enshrining the consensus principle on issues relating to linguistic and identity issues. This too failed to placate Amazigh and Tubu representatives.[127]

Voter registration reached just over one million voters by the end of the voter registration period on December 31, 2013, which was significantly lower than the 2.7 million voters who registered for the GNC elections in 2012.[128] The sense of apathy and despair was palpable, and the Libyan street chose to express its discontent more through anti-GNC protests than through the ballot box.[129]

According to the official figures from the Higher National Elections Commission, only around 45 percent of registered voters participated in the elections on February 20. This puts the net participation of eligible voters in Libya below 14 percent. This extremely low election turnout is prompting a debate in Libya about the legitimacy of the Constitutional Committee in charge of the drafting the constitution. Ironically, the only reason for the election rather than selection of the candidates was "in theory" to vest the Constitutional Committee with added legitimacy. Clearly, the decision to elect the Committee based on obsolete and unrealistic regional divisions in order to appease the Federalists in Cyrenaica, as well as the allocation of seats to minorities, has dramatically backfired.[130]

Initial results announced by the elections commission have shown that candidates endorsed by the Islamists have lost in Tripoli and Benghazi. Given the low turnout, militias associated with the Islamists and Federalists might use that as an excuse to question the legitimacy and the work of the Constitutional Committee if things do not go their way. This could further complicate Libya's constitution drafting process. As the legitimacy and speed of the constitutional process is essential to rescuing Libya's transitional phase the Constitutional Committee should consider rapidly accelerating the process of producing a constitution, probably based on a "republicanized" version of the non-Federalist 1963 constitution. This solution could provide consensus and tap into the great reverence that many Libyans feel for their old constitution.[131]

126 Ahmed Elumami, "Registration Closes for Constitution Committee Candidates—681 Registered," *Libya Herald*, November 12, 2013, http://www.libyaherald.com/2013/11/12/registration-closes-for-constitution-committee-candidates-681-registered/#axzz2peu8aoGg.

127 Taziz Hasairi and Jamal Adel, "Amazigh and Tebus Dismissive of Congress Acceptance of Consensus Principle," *Libya Herald*, March 16, 2014, http://www.libyaherald.com/2014/03/16/amazigh-and-tuaregs-dismissive-of-congress-acceptance-of-consensus-principle/#axzz2wWDQmgR7.

128 Tazeez Hasairi, "920,189 Registered for Constitutional Elections—Today Is Final Day: HNEC," *Libya Herald*, December 31, 2013, http://www.libyaherald.com/2013/12/31/920189-registered-for-constitutional-elections-today-is-final-day-hnec/#axzz2peu8aoGg.

129 Nicolas Pelham has commented that the current situation leaves Libya ripe for a strong man in his blog post for the *New York Review of Books*, "Libya: In Search of a Strongman," September 26, 2013. However despite Mahmoud Gibril's and Salem Joha's attempts to pose a potential saviors from the current chaos they lack the political following necessary to be real candidates. Moreover, with many competing armed factions in Libya today it seems impossible to think of a consensus leader who could appeal to more than 50 percent of the population. Despite the difficulties of finding such a candidate, during the authors' most recent visits to Tripoli, we frequently heard non-Islamist lower, middle, and upper class Libyans praising developments in Egypt and wondering if a General Sisi type character could save them from the current spiral.

130 For more on this consult Pack and Cook, "The July 2012 Libyan Elections and the Origin of Post-Qadhafi Appeasement," forthcoming.

131 The authors thank John Hamilton of CBI for discussing this idea with them.

Figure 5. Constitutional Committee Election Turnout

Main Constituency	Polling Stations Open (Number)	Polling Stations Open (Percentage)	Turnout
Sirte	94	100%	10,037
Misrata	228	100%	89,415
Tripoli	377	100%	157,927
Zawia	283	100%	68,896
Sebha	61	97%	19,263
Ubari	8	12%	2,783
Ghadames	12	100%	3,307
Al-Butnan	86	86%	24,065
Jebel Akhdar	98	100%	27,563
Benghazi	178	100%	74,097
Ajdabiya	71	95%	20,310
Total	**1,496**	**95%**	**497,663**

Source: Jamal Adel, "Constitutional Committee Election Final Turnout Put at Half Million," *Libya Herald*, February 23, 2014, http://www.libyaherald.com/2014/02/23/constitutional-committee-elections-total-turnout-of-497663/#axzz2uESd044t.

There was disorder in various parts of the country on election day, particularly in Derna, Kufra, and other smaller cities, thus making it impossible to elect the candidates from these districts. An attempt to re-run the elections on February 26 proved futile. Therefore, only forty-nine members have been elected, leaving eleven seats vacant. Critical of the government's failure to provide sufficient security for voting day, head of the National Elections Commission Nuri al Abaar was critical of the government and the army chief for their inability to address the security situation in Derna that has for long been out of government control and hence tendered his resignation.

Although the low turnout figures send a clear message to the Libyan authorities and the political groups battling for power that Libyans have lost trust in them and subsequently are losing trust in the whole new democratic experience in the country, the politicians in Tripoli have a chance to restore trust in the democratic process by coming up with a compromise over the next agreed transitional phase that responds to the people's aspirations. Once that happens successfully, Libyans may reengage in the democratic process and utilize their chance to make their voice heard about the Constitutional Committee's work as they cast their vote in a referendum to approve or reject the constitution produced by the Committee.

According to the timetable outlined in the Temporary Constitutional Declaration (TCD), the constitutional committee has four months from its first meeting to draft a constitution. If the current trend of election postponement is any indication, the drafting phase will almost certainly take longer than planned, raising questions and concerns about the mechanisms in place to relax the drafting deadline while still demonstrating productivity so that the general public does not lose faith in the process. In an effort to demonstrate that the process is moving along, the GNC announced that the Constitutional Committee's first meeting would be held on April 14 in Baida even though thirteen of the seats remain vacant. Nevertheless, this meeting

did not take place. The GNC has also decided to hold new elections to fill the remaining seats, determining that only after successful elections will the second meeting be held.

There are several other big picture questions that deserve careful consideration to ensure that the process moves forward steadily and smoothly, especially considering the less than desirable security situation. Once the committee is established, Libya will have two elected bodies operating simultaneously, without a clear demarcation of their areas of jurisdiction. The Constitutional Declaration lacks straightforward provisions that would help to avoid potential conflict.[132]

If the Constitutional Committee drafts a constitution and the GNC or its successor body successfully approves the draft, then the constitution will be put to a popular referendum within thirty days. Of course, if the people or the GNC do not ratify the initial draft, then the Constitutional Committee must come up with a new draft to be put to a referendum. However, as the Committee is itself elected it may chaff at the GNC's successor body's rejection of its first draft and fail to make the necessary changes to secure ratification. This competition and the overlapping competences of the two elected bodies could lead to brinksmanship. If these differences are not settled peacefully, they could degenerate into a contest over sovereignty that would abruptly end Libya's experiment with constitutionalism and purported transition to democracy.[133] Moreover, there are unanswered questions surrounding which elected body would be in charge of public outreach.[134]

Ending the GNC's Mandate

The GNC attempted to extend its tenure by one year in December 2013. This date would have been ten months beyond February 7, 2014, a date which was seen by many as the end of the GNC's democratic mandate according to the timeline set out in the August 3, 2011 Constitutional Declaration. Public outrage prompted the GNC to consider different ways to roll back this controversial extension.[135] As efforts to do so in a way that would have bolstered the credibility of the GNC ended in failure, a self-serving roadmap was adopted via a sixth amendment to the TCD[136] on February 3, ahead of the controversial February 7 date.[137] This compromise plan was considered to be a fudged solution and it was hence abandoned under yet more popular pressure. In response, the GNC commissioned what is known as the February Committee to draft a new roadmap.

The February Committee drafted an amendment to the TCD that sanctions presidential and parliamentary elections by July 2014.[138] The move was hotly contested by Islamists, which, with a strong presence in the GNC but limited popularity among the general public, feared losing in elections and thus wanted the president to be appointed by the legislature. As such, the GNC voted on March 11, 2014, on the proposed roadmap, amending it so that the newly elected legislature will determine whether the president will be appointed or elected

132 Karim Mezran and Duncan Pickard, "Negotiating Libya's Constitution," Atlantic Council, January 2014, http://www.atlanticcouncil.org/images/publications/Negotiating_Libyas_Constitution.pdf.

133 See Sawani and Pack, p. 535.

134 Mezran and Pickard, "Negotiating Libya's Constitution."

135 The necessity to extend the GNC's mandate derives from the fact that the constitution remains unwritten. The root cause of this difficulty is the July 5, 2012, amendment to the TCD that changes the method of selection of the Constituent Assembly from appointment to election. We have discussed above how this key decision was the one that began the downward spiral of appeasement in earnest and is most responsible for the erosion of the GNC's legitimacy and the slow process of Libya's transition. For more on this theme, consult Jason Pack and Haley Cook, "The July 2012 Libyan Elections and the Origin of Post-Qadhafi Appeasement," forthcoming.

136 To see the amended text of the constitution in the original Arabic please consult http://gnc.gov.ly/legislation_files/635272599476282562.pdf.

137 For more on these scenarios, the backroom bargains which lead to them, and their implications, please consult: Karim Mezran, "Dispatch: Deepening Polarization in Libya, No Agreement in Sight," *MENASource* (blog), Atlantic Council, February 5, 2014, http://www.atlanticcouncil.org/blogs/menasource/dispatch-deepening-polarization-in-libya-no-agreement-in-sight.

138 "February Committee Votes for Early Congressional and Presidential Elections," *Libya Herald*, March 2, 2014, http://www.libyaherald.com/2014/03/02/february-committee-votes-for-presidential-elections/#axzz2vgLkInyI.

by the public.[139] Islamist-dominated militias have been issuing their statements of support for the GNC, while militias aligned with the NFA have vowed to enforce and protect the will of the people on the streets (i.e., that the GNC resign for new elections and not allow a scenario in which the authority of the current Islamist-dominated GNC could be prolonged.)[140] The leadership of the city of Misrata with its pro-Islamist tendencies has put its support behind the GNC, while the city of Zintan with its anti-Islamist leanings promised to side with people on the streets as it did on February 17, 2011, against the Qaddafi regime. In contrast, in Eastern Libya, the Federalists and the Islamists support ending the GNC's mandate.[141] In a nutshell, the events around the February 7, 2014 deadline have shown the extent to which Libya is a truly divided country, where the majority of the "periphery" wishes to see the center fail to create viable institutions capable of responding to the popular will. It is easy to imagine that similar fissures may arise inside the new "House of Representatives," causing some groups to demonize the body and prevent its functioning, while others laud it as legitimate and are willing to defend it militarily.

Indeed, the struggle over the GNC's survival is escalating given the dangerous trend of militia-political bloc alliances. In the weeks after February 7, 2014 rivalries have intensified, as demonstrated by a series of events. The first was the coup that never quite was, when Major General Khalifa Haftar announced a suspension of the GNC and that his forces were in Tripoli. There were, however, no military deployments; it appears the Qaaqaa Brigade that was supposed to follow his orders withdrew its support at the last moment. A few days later, the Qaaqaa and Al-Sawaiq Brigades delivered an ultimatum to the legislature, giving the body five hours to hand power over and threatening arrest for any legislators who refused. Reportedly, the deadline to resolve the deadlock was extended to seventy-two hours, but the uncoordinated efforts led to no seizure of power.

Just a couple of days after the ultimatum, the commander of the Qaaqaa Brigade, Othman Milaiqtah, was reportedly wounded in what was initially called an assassination attempt. Details, however, remain murky, including about Milaiqtah's fate, and rumors have ranged from it being a car crash to speculation that Milaiqtah was shot by Salah al-Madani, another militia leader of Zintan.[142] Should the latter scenario be true, it could be a sign of growing internal rifts within the militia leadership and therefore growing uncertainty as to which course of action they will take to advance their political objectives. This course of events decisively demonstrates that the local political masters in Zintan—tribal elders and the local council—have lost their ability to reign in and coordinate the town's many militias. As such, the Zintani's role in protecting the Zeidan government was deeply compromised just before Zeidan was voted out of office. This episode illustrates that exiting the appeasement trap requires achieving a balance between various militias and working with the least disruptive militias to counter the most disruptive.

Given the intensifying public pressure, GNC has agreed to cede its mandate and opt for elections in the coming months.[143] The elections will probably take place sometime over the summer. However, elections alone are not going to solve the problems

139 "Congress Sacks Zeidan: Elections for New Legislature 'in July,'" *Libya Herald*, March 11, 2014, http://www.libyaherald.com/2014/03/11/congress-sacks-zeidan-elections-for-new-legislature-in-july/#axzz2vlQDfIex.

140 Although the NFA (a non-Islamist party) won a vast plurality of the eighty party list seats in the GNC, as time has passed since the July 2012 election more independents have swung away from the liberal bloc to embrace a range of Islamist, Misratan, Salafist, and Brotherhood positions.

141 Mohamed Eljarh, "February is a Make it or Break it Month for Libya," *Transitions* (blog), *Foreign Policy*, February 6, 2014, http://transitions.foreignpolicy.com/posts/2014/02/06/february_is_a_make_or_break_month_for_libya.

142 "Qaaqaa Leader Othman Milaiqtah Seriously Injured; Assassination Attempt Alleged," *Libya Herald*, February 20, 2014, http://www.libyaherald.com/2014/02/20/breaking-news-qaaqaa-leader-othman-milaiqtah-seriously-injured-assassination-attempt-alleged/#axzz2trqol0zS.

143 Essam Mohamed, "February Committee Proposes New Libya Legislature," *Magharebia*, March 6, 2014, http://magharebia.com/en_GB/articles/awi/features/2014/03/06/feature-02.

Libya is currently facing. Clear separation of powers and mandates for the different branches of the government is required in order for an activist executive to emerge that is not paralyzed by political disputes over narrow-minded political interests. Any new authority in Tripoli or Benghazi must take the issue of public engagement throughout Libya seriously and ensure trust and executive power is restored in government institutions. There is an additional concurrent track that could substantially complement the constitution-drafting efforts and fill some of the voids that threaten to derail the transition.

The National Dialogue

In August 2013, after months in office characterized by an ineffective—or worse still, inactive—administration, then Prime Minister Zeidan belatedly endorsed a national dialogue initiative. The move was initially hailed as a sign of leadership. With the absence of a functioning state felt so acutely in the lives of most Libyans and the increasing awareness of the lawlessness of militias pervading the society, the national dialogue was meant to ultimately convene the collective Libyan polity and citizenry to have a shared national discussion exploring what it means to be Libyan and what the new Libya ought to look like. Since then, with the support of the government, an independent commission was established to define a framework for the dialogue.

The commission comprises fifteen volunteers headed by Chairman Fadeel Lamen. The core team's efforts are complemented by a consultative body of seventy-five people, representing a range of political parties, women, minorities, and the various regions. The commission has completed the first phase of its preparatory work by defining a roadmap for the National Dialogue. This is to be followed by a second phase, in which members of the preparatory commission travel throughout the country in an outreach campaign to gauge public opinion on the issues they would like to see addressed in the National Dialogue.[144] It has already held important meetings in the cities of Tobruk, Derna, Tripoli, Ubari and is now moving to other locations. While the criteria and process for selecting delegates for the National Dialogue conference remain undetermined, upon selection they will debate, in the third phase, the drafting of a national charter. There is significant collaboration with and support from the United Nations in building a model that will ensure representation of Libya's many stakeholders.

Similarly to the constitution, the National Dialogue is operating on a tight deadline, having imposed upon itself a timeframe of six months: three months to establish a national charter and three months to brainstorm possible avenues for resolving key challenges. Should the two-pronged efforts of public outreach and setting criteria for delegate selection conclude successfully, the National Dialogue is expected to embark upon its first phase of debating a national charter in May 2014. In theory, this six-month period would culminate in proposed solutions to be taken up for ratification.

Such a set-up presents key questions for consideration. The first is whether "solutions" arising from the National Dialogue are legally binding. At present, there is no legal framework in place that would guarantee that the findings and proposals of the National Dialogue would not play out in a vacuum divorced from tangible follow-through. The second question is how the output of the national dialogue may feed into the drafting of the constitution. While the latter effort is meant to institutionalize a form of governance, and the former is about reaching consensus on a broader political framework, a constitution must be reflective of national values and priorities to achieve legitimacy. Especially given the inherent difficulty of making the constitution drafting process both participatory and inclusive, connecting it to the National Dialogue would help restore the population's sense of ownership of the future of their country. Such ownership was lacking in the Qaddafi period and has heretofore been absent in the post-Qaddafi period. This accounts for the yawning chasm that separates the government from the people.

144 Second author personal interview with Fadeel Lamen, chairman of the National Dialogue Preparatory Commission.

For these reasons, the current discourse in Libya suggests an inclination to include the Constitutional Committee members in the National Dialogue process, although the parameters of such an arrangement are not yet clearly defined. One argument is that including the elected body would lend the necessary legal weight to the national dialogue process and create a mechanism to ensure that its findings would be absorbed into the constitutional writing process. For example, the principles derived from the dialogue could be used formulate a national charter, which would then serve as a basis for the constitutional preamble.

The biggest threat to GNC reform, constitution drafting, and the National Dialogue—the three parallel tracks of restoring legitimacy to Libya's transition process—is the country's deteriorating security. Questions remain about which entity will physically safeguard the people and institutions involved in these processes. If it be the state, it is unclear how the feeble national security apparatus would face down rogue elements given its poor record over recent months. Moreover, due to the precedent of appeasement, it is quite likely that force and intimidation will be deployed by armed groups to shape the constitution during the drafting process. Inasmuch as the Constitutional Committee will convene in Baida in Cyrenaica, the Federalists are likely to have the upper hand when it comes to extorting and blackmailing the committee to do their bidding.

Despite this, the Libyan citizenry may very well provide the answer to these interlocking questions. If the bloody confrontation at Gharghour in November 2013 is any indication, despite the low level of voter registration for the Constitutional Committee, there is a public appetite for pushing back against any elements that would employ brute force to advance their interests. Jadhran's success at getting his oil cargo out to international waters has not made him a hero of the Libyan people—quite the reverse. Libyans may dislike their dysfunctional government, yet polling shows they tend to have a favorable attitude toward the constitutional process. Hence, after more than forty years of dictatorship, Libyans refuse to be yet again relegated to the status of a pariah state—isolated not only diplomatically and economically, but also psychologically. This desire to peacefully move toward democracy and membership in the international community ought to be harnessed by Libya's leaders by throwing their political weight and capital behind the three tracks to restoring legitimacy while preparing the ground for the "House of Representatives," so that it will not fall prey to the same dynamics that plagued the GNC.

Medium-term Scenarios: Constitutional Failure or a Populist Constitution

Should the constitutional process fail or drag on indefinitely, local, regional, Islamist, and militia interests would retain permanent control over national and local politics with the keys to power being held in sub-state social structures instead of formal political institutions. In this institutional vacuum, the armed groups of the periphery would use their control to form new patronage networks and reap financial benefits through whatever corrupt means they have at their disposal.

This vision of zero-sum politics pitting each locality and group against the others currently prevails in the country. No actors are willing to forgo short-term gains to allow the resumption of oil production and exports, the restoration of security, and the return of foreign direct investment which will actually benefit all parties. Some analysts discuss the emergence of a permanent status quo whereby a delicate balance will continue to exist between the center and the periphery, the Federalists, Islamists, regionalists, and the militias.

If the constitutional process fails, or is not carried out within the newly approved timelines, or if the third transitional governing body does not come into being with increased legitimacy and efficacy, then the status quo of uneasy power sharing will be impossible in the medium term as the central government's authority will only further deteriorate over time and the various peripheral actors will become masters in their own domain.

Even if the constitutional process succeeds and culminates in an elected constitutional government in 2015, if it is not paired with reform of the GNC (or its successor body), National Dialogue, and the

concomitant restoration of legitimacy to Libya's central government, it is likely that the provisions of the constitution would be drafted under populist and militia pressure. Under such conditions, some of the more dysfunctional aspects of the current political situation, such as Islamic finance, a rigid interpretation of Sharia law, granting overlapping powers to various regional/provincial bodies, etc., would likely be enshrined in the new document. This means that even in the positive scenario of a successfully executed transition, it is highly likely that the power of the Libyan state will be largely eviscerated and replaced by complex and feuding bodies. Finding a way out of the fallout from the appeasement trap remains a long shot. Therefore, the country appears to be headed in the long-term toward a "Pakistan-style" scenario in which different branches of the Libyan state, private sector, and army will be "colonized" by different stakeholders.

Long-term Scenarios: Pakistanization[145]

Libya faces many possible paths to steer toward or veer clear of. The largest threats remain fragmentation, terrorism, chaos, or a new round of popular uprisings, all of which are influenced by perceptions of security, government competence, and the prevalence of appeasement. In the absolute best-case scenario, Libya could use the next two to three years to decisively end its militia problem by successfully building on the constitutional process, national dialogue and economic growth to disband the militias and become a democratic state with functioning institutions governed in accordance with a liberal constitution. Free to attract foreign investment and spark an economic boom along the lines of that enjoyed by the Arab Gulf states in the 1970s, it could become a veritable "Constitutional Unitary UAE on the Mediterranean." In this scenario, the different power centers in Libya—Misrata, Tripoli, Jabal Nafusa, Derna, Benghazi, Tubruq, Cyrenaican Federalists, Tubu, Zwai, etc.,—would agree to a loose post-constitutional power-sharing agreement mediated by technocrats and a meritocratic civil service that would allow the country to function as a unitary (non-federal) state. The deal would be sealed via a judicial national reconciliation which would rehabilitate former Qaddafi officials without blood on their hands and assuage the feelings of marginalization felt by the inhabitants of Sirte, Beni Walid, and Sabha. In this model the recalcitrant segments of the Libyan periphery would be placated by the unveiling of a massive welfare/opportunity state whereby all Libyan citizens would have the right to transfer payments, top-notch healthcare, and education abroad, as well as the ability to compete for technocratic government positions. This scenario is looking increasingly unlikely.

In the worst-case scenario, Libya becomes drawn into a perpetual state of anarchy in the mould of Afghanistan where weak central authorities and ungoverned spaces encourage the rise of local warlords as well as terrorist organizations. In this scenario, the government in Tripoli will not have the ability to enforce its writ outside of a few strategic locations. Elsewhere, local councils, militias, and Islamists will separately govern their territories and disperse localized benefits and services to the populations under their control. No overarching technocratic governance will exist and hence no national infrastructure planning or upgrading of Libya's human capital will be possible. Already the ripples of possible future fragmentation were felt in the wake of the March 8, 2014 loading of a cargo of crude oil at Sidra by a tanker on behalf of the self-proclaimed Government of Cyrenaica that aims to use any proceeds exclusively for Libya's Eastern region and to establish itself as an alternative to the legitimate transition process.

A hybrid scenario resembling certain dynamics in Pakistan and combining parts of all of the above scenarios looks most likely. Rather than total anarchy, competing armed factions could reach an

145 The authors credit Noman Benotman of the Quilliam Foundation for introducing this concept to them. The authors use the term Pakistanization only to refer to institution capture by different segments of Libyan society and do not intend any other parallels between Libya and Pakistan. For similar arguments to those presented here consult, Jason Pack and Haley Cook, "The Future of Libya: Is 'Pakistanisation' a Foregone Conclusion?," *RUSI Newsbrief*, Royal United Services Institute, March 7, 2014, https://www.rusi.org/publications/newsbrief/ref:A5319C3CA703A2/.

equilibrium whereby different stakeholders come to permanently dominate different institutions. For example, Islamists would control the nebulous pseudo-official security services, Zintanis would dominate the defense ministry, liberal technocrats and Cyrenaican Federalists would vie for control of the oil sector, and Southerners (Arab and Tubu alike) would dominate smuggling networks and control over the country's desert borders. This scenario could arise either in the context of a populist constitutional settlement or of a breakdown of constitutional governance without the abrogation of the GNC's authority.

Conclusions

The status quo is illusory for Libya. At present and in the short- to medium-term future, there can be no permanent balance between the forces of the center and those of the periphery. If the center does not genuinely assert its authority, it will lose its legitimacy and its ability to do so down the road—if it has not already. Conversely, if the center attempts to assert its authority against forces more powerful than itself before doing the proper popular outreach and creating a new incentive structure for militiamen, the center is likely to be defeated and this could thrust the country into chaos and derail the constitution process. With so many steps required before the center can face down its opponents or incentivize them to dissipate, many wonder whether it is already too late for the center to take control of the situation and whether post-Zeidan, Libya's center is becoming usurped by Islamists, which are more than willing to preside over state collapse.

Nothing is inevitable in Libya. The Libyan people still believe in freedom, economic growth, and personal security. The Libyan people have retained their dynamism, and because they wish to improve their condition, they are willing to help any legitimate central government grab hold of the reins of power if only that government enters a new social contract. It is for these reasons that anti-GNC protesters have successfully forced early elections for a successor body. The Libyan people still wish to participate in an orderly transition to constitutional government guided by an evolving contract between the populace and the authorities.

Elements of this contract would include promising to conduct government business transparently and localizing power to incorporate local institutions and concerns into its agenda. This new social contract, cemented with the right public employment programs, could empower the Libyan people to act on behalf of the center, while simultaneously incorporating the most functional aspects of the periphery into the center's new web of authority. A policy environment would need to be crafted where a virtuous cycle of non-appeasement could take hold. This would require providing for the security of the persons and premises of the Libyan authorities.

There are various indicators to suggest that Libya may be able to avoid state collapse. The key factor preventing the country from descending into anarchy or rival warlord-controlled fiefdoms is that no single armed group on the streets of the capital or attempting to extract concessions from the government by disrupting the oil industry is strong enough to seize control of the country or even to govern its own patch of territory. Various armed militias, especially in the main cities, do have large quantities of weapons and boast thousands among their ranks, but they lack the crucial popular support of the Libyan people at large. Militia withdrawal from Tripoli after the Gharghour incident in November 2013 is one illustration that there is no willingness by the majority of Libyans to give their support to warlords. Moreover, Libya lacks a culture of civil war, and major sectarian or ethnic cleavages are also absent. Heretofore, this has made the Libyan authorities all too reluctant to

use force against fellow Libyans who have broken the law until dramatically provoked (as in the case of Jadhran). They must abandon this failed strategy, which is rooted in appeasement, secure in the knowledge that the targeted application of force is unlikely to ignite a larger conflagration given Libya's history and culture.

A new constitution now estimated for the end of 2014 will certainly help bring legitimacy to the constitutionally elected government scheduled for 2015, but only if the constitution-drafting process is inclusive, transparent, and free from armed pressure. This end goal can only be achieved if the authorities of the third transitional phase starting in July 2014 admit to themselves that their predecessors have been unsuccessful in their attempts to "temporize." Acknowledging previous failures and adopting a new policy should not be impossible or interpreted as a signal of state implosion. In fact, it is likely to be greeted with widespread support from the Libyan people bolstering the credibility of the new government of the third transitional phase.

Only such a sober admission combined with a *volte-face* will allow the government to acquire and then wield a security force able to dissuade renegade brigades, criminals, and Federalists who wish to divide the Libyan patrimony rather than cooperating to ensure prosperity for all. Appeasement, temporizing, and political in fighting have been tried in the first two transitional phases; Libya's new authorities must draw upon its resource wealth, its engaged population, and especially on its web of strong international alliances. On this point, the Friends of Libya conference held in Rome in March 2014 served as reaffirmation of the international community's commitment to Libya's transition to democracy and its determined opposition to any derailment from this course. Western powers have agreed to support the office of the prime minister of Libya, not Ali Zeidan personally, and now is the time to honor that commitment via coordinated multilateral engagement.

Paradoxically, although Libyans lack centuries of experience of democratic institutions, many Libyans hold a great reverence for the constitutional process, even though they did not come out in high numbers to vote for those who will draft the document. This reverence is an asset that remains poorly understood in the West and is not drawn upon enough by the Libyan authorities. The government of the third transitional phase must execute a volte-face and capitalize on Libya's democratically inclined population. This can only be achieved if the Libyan leadership articulates a vision of a stable and prosperous Libya governed by the rule of law and then engages in a sustained public relations campaign against its adversaries in the periphery. Libya's Constitutional Committee and the new authorities of the third transitional phase, would be wise to study the Tunisian experience and seek to emulate the precedents of consensus, national unity coalitions, and inclusivity.[146]

146 For more on how the Tunisian example of constitutional drafting practice and coalition governance applies to Libya please consult Geoffrey Weichselbaum and Duncan Pickard, "Constitution making in Libya—What Lessons from Tunisia?" *Libya Herald,* March 2014, http://www.libyaherald.com/2014/03/05/opinion-constitution-making-in-libya-what-lessons-from-tunisia/#axzz2wUsHrA1R.

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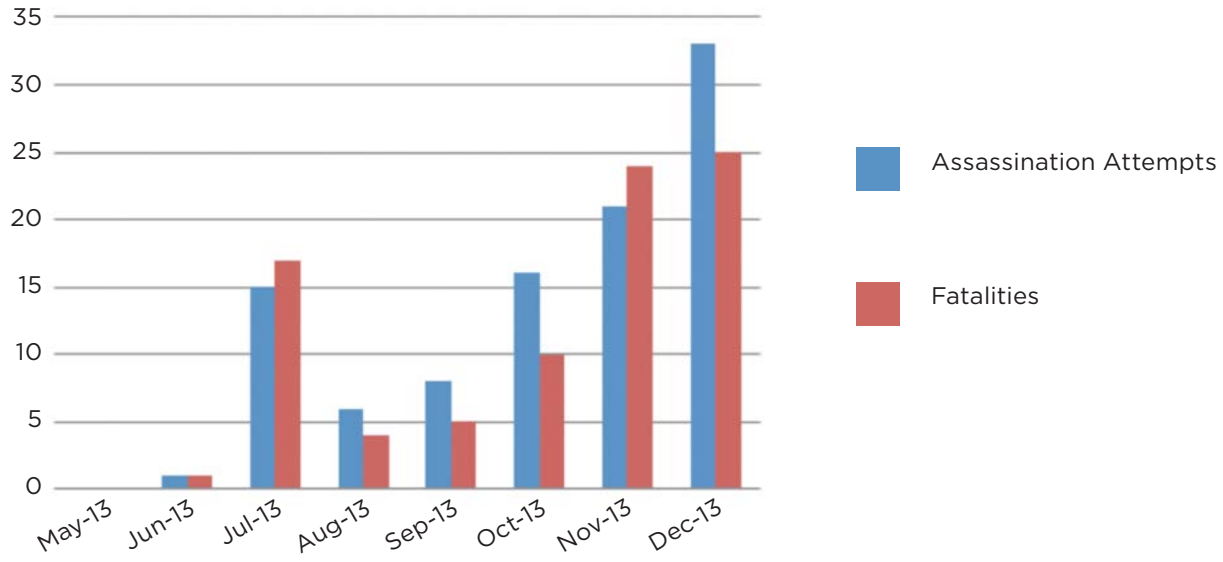
We also thank Christopher Chivvis of the RAND Corporation who inspired us by his example to pursue the publication of our personal research and ideas in the format of a think tank report in an effort to shape policy formation. Fred Pack, Brian Klass, and James Roslington helped in proofreading the report and suggested many stylistic improvements. The input on policy ideas from John Hamilton of Cross Border Information; Mohsin Khan of the Atlantic Council; Mustapha Abushagur, former Libyan prime minister-elect; Fadeel Lamen, chairman of the National Dialogue process currently underway in Libya; Ronald Bruce St John, a prolific scholar of Libya; Michel Cousins editor of the *Libya Herald*; and David Mack, former US ambassador to the UAE, were all immensely valuable. In particular, we thank Richard Northern, former British ambassador to Libya, for his insights and for endorsing our ideas concerning the unique role that Britain can play in coordinating international efforts to engage in capacity-building in Libya. Lastly, we thank Jennifer Segal for painting the cover art entitled "Libya's post-Qaddafi Fissures," which graces this report.

Appendix: Violence, Crime, and Oil

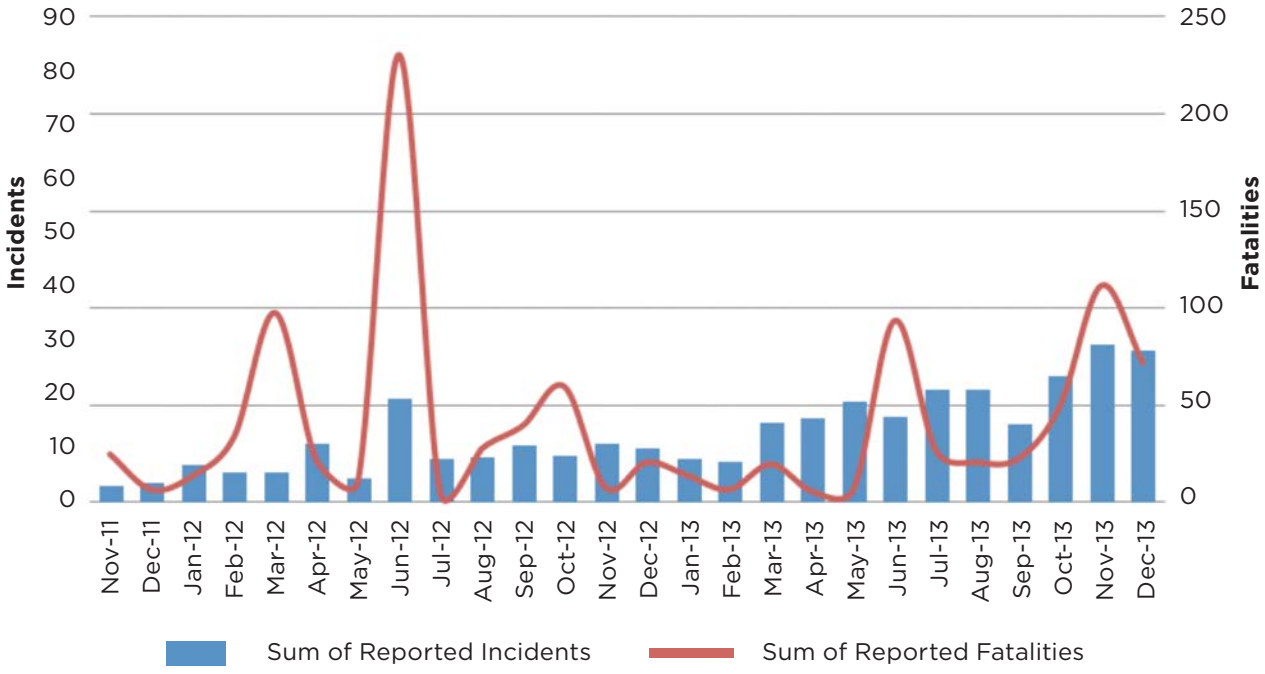
Assassinations, Violence, and Terrorist Activity

Figure 6. Assassinations, May 2013-October 2013



Source: Armed Conflict Location & Event Data Project. See Clionadh Raleigh, Andrew Linke, Håvard Hegre, and Joakim Karlsen, "Introducing ACLED-Armed Conflict Location and Event Data," *Journal of Peace Research* vol. 47, no. 5, 2010, pp. 1-10.

Figure 7. Armed Conflict Incidents and Fatalities in Libya, November 2011-December 2013



Source: Armed Conflict Location & Event Project. See Clionadh Raleigh, Andrew Linke, Håvard Hegre and Joakim Karlsen. "Introducing ACLED-Armed Conflict Location and Event Data," *Journal of Peace Research*, vol. 47, no. 5, 2010, pp. 1-10.

Adding yet another barrier to efforts to build security institutions and provide transitional justice, assassinations and other violence against military and police officers, security officials, judges, and prosecutors, combined with terrorist attacks and mass criminality, have been an ongoing problem since 2011 in what the *Libya Herald* referred to on October 14 as a "now seemingly unending round of bloodletting." Some instances of mass carnage appear to be without a political justification at all. Most shocking was the grenade attack at a private school in Benghazi on February 5, 2014, injuring twelve pupils.[147]

November 2013 was the second deadliest month in Libya since the official end of conflict in October 2011, and had the largest number of violent incidents since that date. When officers, judges, and prosecutors involved in investigating the assassinations have themselves been killed, there is a clear message that certain social forces in Libya do not want the government to succeed in constructing viable security institutions to support a functioning state. Mohamed al-Droui, deputy minister of industry, was shot to death in his hometown of Sirte in January 2014.[148] Many more of these incidents are concentrated in Eastern Libya, particularly Benghazi, perhaps hinting that Islamic extremists are behind a number of the assassination attempts. Terrorist attacks spread to Tripoli in 2013 and by the end of 2013 they were exhibiting patterns which suggest the involvement of non-Libyan jihadists. The suicide bombing of December 22 near Benghazi is a case in point. Suicide bombings are not a traditional Libyan tactic and were not even seriously employed or contemplated by the LIFG during its anti-Qaddafi guerrilla war during the late 1990s.

Attacks against foreign diplomats and interests are also on the rise, starting with the September 2011 attack on the US diplomatic mission in Benghazi that killed US Ambassador to Libya Chris Stevens and three other Americans. In 2013 alone, the Italian consul in Benghazi was attacked in January, the French embassy in Tripoli was bombed in April, in June a car bomb exploded outside the Italian embassy, in August a bomb was thrown outside the Egyptian consulate, in October the Russian embassy was attacked by protesters, resulting in two deaths and there was an attempted bombing of the joint Swedish-Finnish honorary consulate. In November, an Iraqi professor was kidnapped in Derna and an American teacher killed in Benghazi. Deadly attacks against journalists and civil society activists are also on the rise.

The security struggle in Eastern Libya is reaching a new level and is increasingly pitting tribal groups against Islamists ones.[149] While the Islamists in Eastern Libya rely on their ideological connection under the umbrella of Ansar al-Sharia and other Islamist militias, the Libyan armed forces and in particular the Special Forces Units enjoy the support of the tribes in Eastern Libya. Tribes in each of the major cities in Eastern Libya have convened and decided to disown members of their tribes who join any armed militias in Eastern Libya. This would mean the tribe would not defend the rights of any of their members who join an armed militia, especially if they get killed or injured during confrontation with the Libyan armed forces.[150]

The security situation is somewhat different in the South. Tribal/ethnic groups tend to face off against each other and collaborate with Islamist actors, unlike the pattern in the East. The southern region

147 The *Libya Herald* states that the assailant may have been a disgruntled former student, yet it is quite clear that the accessibility to armaments is the real culprit. Noora Ibrahim, "Benghazi School Blast Update," *Libya Herald*, February 5, 2014, http://www.libyaherald.com/2014/02/05/benghazi-school-blast-update-12-injured/#axzz2sdyeTUwq.

148 "Libya's Deputy Industry Minister Shot Dead," Al Jazeera, January 22, 2014, http://www.aljazeera.com/news/africa/2014/01/libya-deputy-industry-minister-shot-dead-201411202725613806.html.

149 "Benghazi's Islamists Reach Out to Local Tribes and Moderate Federalists," *Libya Herald*, October 22, 2013, http://www.libyaherald.com/2013/10/22/benghazi-islamists-reach-out-to-local-tribe-and-moderate-federalists/.

150 Ahmed Elumami and Maha Ellawati, "Benghazi Tense as Shield commander's Home Torched following Barghathi's Assassination," *Libya Herald*, October 18, 2013, http://www.libyaherald.com/2013/10/18/benghazi-tense-as-shield-commanders-home-torched-in-revenge-for-barghathis-assassintation.

has been divided into a checkerboard of spheres of influence of the three main ethnic groups (Tubu, Arab, and Tuareg). Sporadic and highly deadly violence characterizes this region more than any other region of Libya. Clashes usually erupt between Tubu factions and rival Arab tribes; such clashes frequently erupt in Kufra in the Southeast pitting the Tubu against the Arab Zwai and in Wadi al-Shati and Sebha pitting the Tubu against the powerful Arab tribe of Awlad Sulayman. Most recently, in January 2014, clashes in Sabha continued for more than two weeks killing more than a hundred people and wounding many more with the authorities in Tripoli unable to contain the situation. Reports initially indicated that soldiers loyal to the former regime looking to stir up trouble and exploit the ensuing situation managed to gain control of the northern and eastern entrances into Sebha, as well as the strategically crucial Temenhent military airbase.[151] Yet, what has been widely portrayed as a clash between revolutionary and counter-revolutionary elements was, in reality, a tribal clash between the Awlad Suleiman on the one hand and Qadhadhifa and Maqarha elements on the other. The logic of the fighting had many aspects: tribal prestige, deterrence, animosities, but one of the drivers was no doubt to control lucrative assets for smuggling, extortion, or blackmail.[152]

Officials in Tripoli were unable to send official army reinforcements to Sebha to retake the posts occupied by the Qadhadhifa and Maqarha elements. This demonstrated the government's profound inability to exert any control outside of Tripoli and the surrounding areas.[153] The only units that were able to mobilize quickly were from Misrata, but these units refused to intervene unless a number of conditions were first met. Unsurprisingly, these conditions would further tip the balance in favor of the Misratan armed groups in any future disagreements with the central government. The "conditions" included financial support, weapons and ammunition, as well as a formal apology for kicking Misrata's militias out of Tripoli after the Gharghour incident.[154] After the central government initially balked at the Misratans' conditions, both Misratan and Zintani militias deployed to the South (either at the initiative of the central government or on their own accord, it remains unclear) and succeeded in recapturing the Temenhent airbase. A significant proportion of the population of Sabha expressed their support for the Misratans' actions by celebrating "its liberation" from the Qadhadhifa and Maqraha elements by the temporarily pro-government militias from the north.[155] One must assume that government incentivization (i.e., appeasement) and the ability to expand their power and smuggling networks led to the northern militias' intervention.

Simultaneously with the seizure of the airport in the Southwest, the towns of Kufra and Tazirbu in the Southeast have been under siege by rival armed groups from the Tubu and Zwai tribes. Supplies to the two towns could only be flown in and the government has been unable to contain the spread of the situation. Recent clashes have resulted in the shutting down of the Sarir power station due to damage sustained during fighting between rival groups. This resulted in power outages and a reduction in the water supply in Tripoli and Benghazi, as electricity is needed in the South to operate the Great Man Made River, which pumps water to Tripoli. Rather than sparking outrage against the Tubu and Zwai groups responsible for the outages, the conflict has fuelled public discontent against the authorities in Tripoli for their inability to intervene and failure to safeguard the provision of the most basic services to Libya's citizens.

151 Authors' conversations with anonymous Libyan government personnel.

152 Wolfram Lacher, "Libya's Fractious South and Regional Instability," Small Arms Survey, February 2014, http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SANA-Dispatch3-Libya%27s-Fractuous-South.pdf

153 Jamel Adel, "Sebha Still Awaiting Military Support," *Libya Herald*, January 27, 2014, http://www.libyaherald.com/2014/01/27/sebha-still-awaiting-military-support/.

154 Mohamed ElJarh conversation with source close to Misratan militia leaders on January 23, 2014.

155 Jamel Adel, "Sebha Celebrates Airbase Re-capture as Qaddafi Forces Fire on Historic Castle," *Libya Herald*, January 29, 2014, http://www.libyaherald.com/2014/01/29/sebha-celebrates-airbase-re-capture-as-qaddafi-forces-fire-on-historic-castle/.

Recent months have seen significant and seeming irreversible deterioration in the security situation. The following examples highlight the different nature of security incidents in Libya in late 2013 and 2014 than those that existed previously, where the kidnapping of foreign workers and diplomats was essentially unknown. On Jan 18, 2014, two Italian contractors were kidnapped in Derna, but were freed later after a successful secret operation by Libyan and Italian forces. On January 25, five Egyptian diplomats were abducted in Tripoli, in retaliation for the arrest of Shaban Hadia, head of the Libyan Revolutionaries' Operations Room, by Egyptian security in Alexandria due to a mistake in his residency permit. The diplomats were freed unharmed after the Egyptian authorities let Hadia go. Also in January, South Korea's commercial attaché in Tripoli was abducted for two days with the help of a Libyan staff member at the Korean embassy. The kidnapping highlighted how actions that appear politically motivated may in their essence simply be criminal actions motivated by money.

Criminal Activity

Given the weak to nonexistent formal security apparatus in post-Qaddafi Libya, crime has flourished. After the revolution some former revolutionaries turned to a life of crime, while criminals were quick to pose as former revolutionaries, in some cases joining local military councils. Some armed groups engage in arms smuggling, drug or alcohol smuggling, human trafficking, and theft. Approximately 16,000 detained criminals were released from Tripoli prisons by Qaddafi forces during the battle for Tripoli, contributing to the problem.[156] In Kufra, Tubu military leader Abdul Majid Issa took over smuggling routes from Arab Zwai tribesmen after the Revolution. Conflict over smuggling routes led to Arab-Tubu violence. Sebha also experienced conflict over smuggling combined with ethnic tension. In one of the bloodiest examples, in March 2012, members of the ethnic Arab Awlad Busayf shelled Tubu homes after accusing a Tubu man of stealing a car. The five days of fighting lead to at least 147 dead and 500 wounded.[157]

Struggles to control smuggling routes in the South have inflamed ethnic tensions between the Tubu and Arab ethnic groups, leading to continued armed clashes, while attempts to prevent criminality have caused anti-government backlashes. In 2012, brutal clashes erupted between Tubu and Arab tribes in the southern desert cities of Sebha and Kufra. These were mostly over power and resources, including smuggling routes. The fighting left hundreds dead and wounded, destroyed whatever little infrastructure left and deepened animosity between the neighbors. Unfortunately, this type of human and illicit cargo traffic will be exceedingly difficult to eradicate as it mirrors historical patterns and local culture. Sabha, Kufra, Ghadamis, Murzuq, and Ghat were the top caravan centers for the trade in slaves, ivory, and ostrich feathers throughout the nineteenth century. Rocket launchers, jihadists, drugs, and subsidized fuel are their twenty-first century equivalents. The routes, mentalities, and distrust of central government as well as neighboring tribes remain remarkably similar. According to local leaders, as many as 70 percent of young men in some southern villages may make a living from smuggling.[158] This situation has caused the area to become particularly militarized and polarized along primordial fissures.

With lax security particularly prevalent in the South, copper thieves, reportedly a group of fifty, caused an explosion at Brak al-Shatie airbase near Sabha on December 15, killing at least ten and injuring at least four when they burned the base with gasoline to steal the copper from destroyed ammunition.[159] This follows the death of thirty at the same base two weeks earlier in an attempted theft. On October 28, around $55 million belonging to the Central Bank of Libya was stolen from a

156 "Divided We Stand: Libya's Enduring Conflicts," ICG, p. 8.

157 Ibid., p. 6.

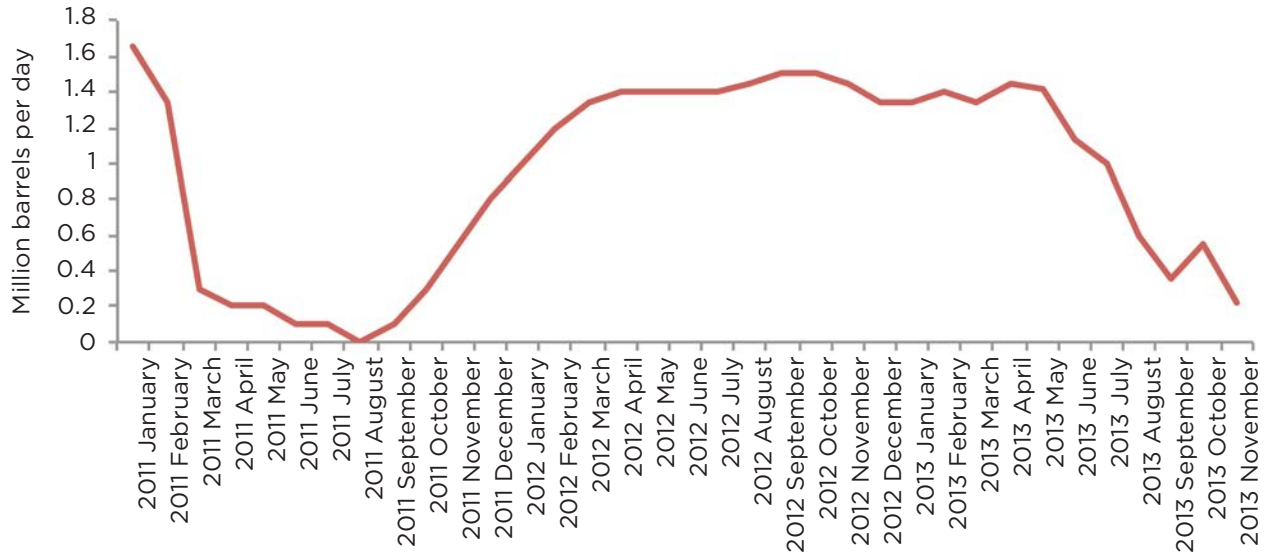
158 Borzou Daragahi, "Libya's Border Security Struggles against People Smugglers," *Financial Times*, http://www.ft.com/intl/cms/s/0/88a04838-51f2-11e3-8c42-00144feabdc0.html#axzz2nzo83GGK.

159 Essam Mohamed, "Libya: Explosion Rocks Libyan Airbase," *Magharebia*, December 15, 2013, http://allafrica.com/stories/201312150232.html.

van in Sirte that was on its way from the airport to the Sirte branch of the Central Bank.[160] The weak security has led to an increase in crime activities, such as armed robberies targeting shops, carjackings, and kidnappings for ransom. There is no disincentive to engage in such illegal behavior because the perpetrators are never apprehended or punished. Such incidents and the lack of basic security add to the public's disillusionment with the governing institutions and the entire political process in post-revolution Libya. The populace sees that the government has failed to bring law and order and hence, looks to more local solutions, such as local councils, militias, and the like. Moreover, groups like the Federalists and Ansar al-Sharia exploit the situation to offer themselves as a viable alternative to the central government and one that may actually be able to maintain law and order and distribute welfare on the local level.

Oil Disruptions

Figure 8. Oil Production in Libya, January 2011-November 2013



Source: US Energy Information Administration, *Monthly Energy Review*, February 2014.

160 Ashraf Abdul-Wahab, "Troops Sent to Sirte to Catch Bank Robbers," *Libya Herald*, November 6, 2013, http://www.libyaherald.com/2013/11/06/troops-sent-to-sirte-to-catch-bank-robbers/#axzz2l2GP1umJ.

Since the summer of 2013, employees at oil terminals in Eastern Libya have been on strike over salaries and management. The occupations of Ras Lanuf, Sidra, and Zueitina originally led by workers but then masterminded by Ibrahim Jadhran have morphed into a larger anti-central government struggle.[161] Amazigh in the West and Tubu in the South have learned from Jadhran's tactics and have also occupied oil and gas installations and shut down pipelines to draw more attention to their political goals.

After many months of severe cuts in Libyan oil and gas production, which is the main source of government revenue and the country's income, Libya is facing unexpected budgetary shortfalls. Output has fallen to just 225,000 bpd or only 20 percent of capacity, as then Prime Minister Ali Zeidan mentioned in a November 27 press conference. By October 2013 IMF estimates, Libya's GDP will shrink 5 percent in 2013 due to oil cuts. Libya has already dipped into its foreign currency reserves for $7 billion and Deputy Central Bank Governor Ali El-Hebri said on December 3 that it would have to spend another $6 billion that month to keep functioning, assuming oil strikes continue.[162]

Despite the government's success in restarting major oil fields in the southwest of the country and extreme east at Tubruq in late 2013 with production rising to more than 500,000 bpd on good days, the situation in the eastern region where the main oil terminals are located has actually worsened. January's oil production increase was due to the reopening of the al-Sharara oil field, however the protesters agreed to end their strikes only to give the government a time window to meet their demands including better investment and job opportunities in their region and citizenship recognition for Tuareg lacking a national identification number. The protesters vowed to shut the oilfield down again in two weeks if their demands are not met and unsurprisingly February witnessed a return to the lower December production figures.

For months the prime minister and ministry of oil and gas offered the threat of force against oil strikers themselves without following through, while the Eastern Federalists have demonstrated that the Libyan government is powerless to prevent them from attempting to sell pirated oil—only other anti-Federalist militias have the ability to stop Jadhran.

On January 6, the Libyan Navy fired on a ship owned by the Turkish company Palmali as it sailed toward the Jadhran-controlled port of Sidra.[163] In response to this incident, Jadhran has promised to provide safe passage into the ports that he controls. This signal successfully enticed more rogue vessels to attempt to call at Sidra. Former Prime Minister Zeidan said again on January 9 that force would be used against oil strikers trying to illegally sell oil and yet decisive force was not effectively employed on March 8-11, as the tanker, the Morning Glory, was able to dock at Sidra and load a cargo of crude oil on March 8 while the Zeidan government and the GNC were arguing over the military chain of command to deter the ship and the Libyan air force appears to have refused to bomb the tanker out of the pilots reluctance to "use force in a political rather than a military matter."[164] This confrontation exposed Zeidan's prior appeasement as impracticable, especially in the face of his inability to command the loyalty of

161 Benoit Faucon, "Libya's Tobruk Refinery Restarts, Exports to Follow," *Wall Street Journal*, December 17, 2013, http://online.wsj.com/news/articles/SB10001424052702304403804579264662459586166.

162 International Monetary Fund, "Arab Countries in Transition: Economic Outlook and Key Challenges," October 2013, http://www.imf.org/external/np/pp/eng/2013/101013.pdf; "Libya to Produce 1.5 mn bpd within Two Weeks: Oil Minister," *Asharq Alawsat*, December 7, 2013, http://www.aawsat.net/2013/12/article55324397.

163 "Libyan Navy Threatened Tanker in International Waters, Says Owner," *Maritime Executive*, http://www.maritime-executive.com/article/Libyan-Navy-Threatened-Tanker-in-International-Waters-Says-Owner-2014-01-07/.

164 Ulf Laessing and Feras Bosalum, "Libya Threatens to Bomb North Korean Tanker if it Ships Oil from Rebel Port," Reuters, March 8, 2014, http://www.reuters.com/article/2014/03/08/us-libya-oil-idUSBREA2709K20140308; Tom Westcott, "Air Force Refuses to Bomb Oil Tanker," *Libya Herald*, March 8, 2014, http://www.libyaherald.com/2014/03/08/air-force-refuses-to-bomb-oil-tanker/#axzz2vYYz6aEi.

Islamist factions who controlled much of the state's official security apparatus.

The new authorities in Tripoli have two options to address the ongoing oil crisis: dialogue with the Federalists in Eastern Libya and negotiation of a comprehensive political deal that would end the standoff peacefully, or the risky move of using force to retake the oil terminals. What has become clear is that the approach of inaction and indecision that the government has so far adopted is no longer a viable option. In fact, if there is no political agreement among the various rogue militias and the government, nor a military solution to end the oil blockages, oil production and exports could remain at the end of 2013 levels at a mere 300,000 barrels per day. Real GDP would thus continue to fall, obligating the government to dip continuously into its declining foreign serves of the Libyan central bank, with all the negative consequences of such actions.[165]

Faced with this dilemma and the outrage of the Libyan populace at Jahdran's piratical behavior, a coalition of Misratan, Zintani, and certain Eastern Islamist militias was being cobbled together to militarily retake Jadhran's strongholds. However, it seems that by mid-April 2014, the Libyan government undertook a different approach and negotiated with Jadhran an agreement that, in exchange for the recognition of some of the self-styled Federalist leader's demands, he would release his control of the occupied oil fields.

165 Mohsin Khan and Svetlana Milbert, "Libya: Facing Economic Collapse in 2014," *MENASource* (blog), Atlantic Council, January 23, 2014, http://www.atlanticcouncil.org/blogs/menasource/libya-facing-economic-collapse-in-2014.

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