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Between Foreign Involvement and Civil War: The Geopolitical Scenario of Libya. What Role for Italy and the EU?

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TABLE OF CONTENTS

INTRODUCTION

Nine years after the fall of Qadhafi's regime in 2011, Libya's geopolitical scenario is still characterized by political, military and social instability. Not only is the process of democratic transition failed but there has also been an escalation in the intensity and cruelness of the hostilities, after Marshal Khalifa Haftar, head of the Libyan National Army, launched his campaign to conquer the country in 2019. Although the Turkish intervention has altered the military balance of power, leading to the liberation of Tripoli and to the withdrawal of LNA forces from Western Tripolitania, the risk of armed conflict is still concrete. The recent announcement of a ceasefire between the Government of National Accord and the House of Representatives is threatened by the military stalemate around Sirte and al-Jufrah, the persistent oil blockade and the fragmentation in the unreformed security sector. Finally, Libya is experiencing mounting social unrest caused by the worsening of the living standards due to the COVID-19 pandemic, the economic crisis and the increasing claims of corruption towards both governmental institutions.

The present thesis aims at analysing the current geopolitical scenario of Libya, focussing on the flaws behind its institution and nation-building process which have caused the revolts of the Arab Spring to result into a protracted civil war, observing how the interference of foreign regional and international actors was instrumental in extending the conflict.

The first part provides an historical overview on the origins of Libya, with a focus on regionalism and colonialism, two distinctive features which have influenced Libyan history from its early days to the present. The first chapter will then retrace the main steps of Libyan nation building process, underlining the role of the Sanusi family, the impact of the Italian invasion and the rise of Qadhafi's regime.

Chapter 2 describes the unfolding of the Libyan revolution from the eruption of the first uprisings in 2011 and the consequent NATO military intervention, to the failed democratic transition and the outbreak of the first Libyan civil war in 2014. To follow, an account of the main actors and interests at stake will be provided, concurrently to the description of the recent political and military events in which they were involved. As the civil war has rapidly transformed into an international crisis, it is increasingly relevant to understand the networks of alliances and the geopolitical objectives of each participant in the conflict. This analysis will move from a microscopic to a macroscopic dimension and will be divided as follows: first the local coalitions, including tribes, municipalities, Islamist and secular armed militias, and terrorist groups; subsequently, the regional actors which have financed or supported

competing local actors during the last decade; finally, the international powers mostly involved in the conflict, namely Russia and Turkey.

Chapter 3 presents the process of international mediation conducted by the United Nations since 2011, both within the Security Council and through the institution of the United Nations Support Mission in Libya. The analysis will follow the chronological unfolding of the different mediation efforts together with the examination of the work of each mediator, their mandate, their mediation strategies and the political context in which they operated.

The final Chapter of the research addresses the response of Italy and the EU to the Libyan crisis, describing the institutional setting of the European Union and the contrasting views of the different Member States which have influenced the decision-making during the 2011 revolution and beyond. Particular attention will be given to the latest EU military mission in the Mediterranean, Operation IRINI. To follow, Chapter 4 will provide an account of the recent Italian-Libyan relations and of the Italian geopolitical interests in the country, proceeding then to analyse the unique and diverging foreign policy of France and underlining how this prevented the EU from operating consistently as a single actor. Then, the Chapter illustrates the response of the EU Member States to the migratory crisis and the policies adopted, taking into account their consequences in terms of respect of human rights and compliance with international law. Finally, it attempts to define a future role for Italy and the EU by analysing some of their future policy options in the region.

1. HISTORICAL OVERVIEW: ORIGINS AND FLAWS OF LIBYAN NATION-BUILDING PROCESS

Any analysis of the present geopolitical situation in Libya requires having deep regard for its past, as the history of Libya has been deeply characterized by regionalism, colonialism, geographical and societal frictions, and external interventions, elements which have endured through the centuries and are still today at the core of the current war.

This chapter will therefore retrace the steps of the long and troubled process of nation-building of Libya, from the early history to the struggle for independence, and from the Revolution of 1969 to the turmoil of 2011 which marked the end of the Qadhafi regime. In doing so, the recounting of the events will be associated with an analysis of the principal determining factors, such as regionalism, tribalism, religion, colonialism, lack of institutions and impact of oil revenues.

1.1. Origins of Libya: A History of Regions and Colonialism

Geographically, Libya stands on the verge of three worlds, African, Arab and Mediterranean, and has thus been influenced by this peculiar position, both in cultural and political terms. Natural and historical barriers divided the country in three regions: Cyrenaica in the east, was culturally part of the Mashriq, the eastern Arab world, whereas Tripolitania in the west, tended towards the Mediterranean and Maghrib, the western part of the Arab world. Ultimately, Fezzan in the south, stretching into the Saharan desert, shared much of its cultural and socio-economic development with the states of sub-Saharan and Central Africa.[1] The difficult environmental conditions made it so that these were not just formal territorial subdivisions, but concretely isolated regions, with scarce social and economic interactions among them.[2]

The three provinces also witnessed unique colonial experiences, contributing to the over-time development of distinct outlooks and viewpoints among the respective citizens. The Greek legacy of Cyrenaica and the Phoenician legacy of Tripolitania remarkably differed from that of Fezzan which - due to its remoteness - was mainly inhabited by semi-nomadic Berber tribes and remained isolated and untouched until the 7th century. At that time, Arab invasions integrated it together with the two Northern provinces into the Umayyad caliphate.

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[1] Ronald B. St John, *Libya: From colony to revolution* (London: Oneworld Publications, 2017), chap. 1 "Early History", Kindle ed.

[2] Dirk Vandewalle, *A history of modern Libya* (New York: Cambridge University Press, 2012), 15.

Unlike the previous colonizers, the Umayyads, and more so the Arab tribes of the Banu Sulaym and Banu Hilal, left an important legacy in terms of language, religion and social organization. The adoption of Arabic and Islam, chiefly in the urban areas, and the spread of nomadism and tribal subdivision of land and properties in the hinterland, would indeed prove decisive in shaping the future fabric of Libyan society.[3]

Modern-day Libya entered the international arena in 1551, when the troops of the Ottoman Empire conquered Tripolitania and established the regency of Tripoli,[4] initiating a period of colonial rule by external powers which lasted for four centuries, until 1951, when Libya obtained formal independence. The Turkish occupation continued through the seventeenth century, and in 1639 Benghazi fell under control of the Sultan's representative, the *dey* (governor) of Tripolitania, extending Ottoman authority to Cyrenaica.[5] Despite encountering little resistance to their operations, Ottoman control proved slight and nominal, remaining limited to the main cities of the coastal areas. Indeed, the troops of the Sublime Porte never managed to extend their sovereignty over Fezzan, which remained under the control of the Awlad Muhammad, a local dynasty of Moroccan origins who had ruled in the area since the sixteenth century[6].

Starting from 1661, due to economic struggles and internal fights for succession within the royal *diwan*, Ottoman power declined, and the regency experienced a period of political instability. This situation lasted until 1711, when Ahmad al-Qaramanli, a military official, was appointed governor of Tripoli and established a hereditary dynasty which would rule Libya for the next 124 years. While accomplishing to obtain a considerable degree of independence, the regency never formally ceased to belong to the Ottoman Empire, as it kept paying the annual tribute to the central government in Istanbul[7]; two years later, in 1713, the Sultan recognized the authority of Ahmad al-Qaramanli through a *firman* (a royal decree), granting him the title of governor and *Pasha* of Tripolitania. During their rule, the Qaramanlis enforced active policies both at the domestic and international level, imposing the use of Arabic as official language of the administrative procedures and signing agreements with European foreign powers. They also attempted to unify the country by suppressing rebellious

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[3] St John, *Libya,* chap. 1 "Early History"

[4] For a more detailed study on Tripolitania during the Ottoman rule, and particularly from the Ottoman conquest to the rise of the Qaramanli dynasty, see Ettore Rossi, *Storia di Tripoli e della Tripolitania: Dalla conquista araba al 1911*, Vol. 60, (Roma: Istituto per l'Oriente, 1968), 143-219.

[5] Anna Baldinetti, *The origins of the Libyan nation: Colonial legacy, exile and the emergence of a new nation-state* (New York: Routledge, 2010), 27.

[6] Baldinetti, *Origins of Libyan nation*, 28.

[7] Michela Mercuri has defined this condition as an "alternative way" of belonging to the Empire.

Arab and Berber tribes in the hinterland of Cyrenaica and Fezzan. The pacification of the country was also useful in economic terms, as it facilitated caravan trade directed to the port of Tripoli. Particular relevance was given to the slave trade routes, many of which originated from Central Africa and then branched off to Northern Libya, which constituted the main source of income for the Saharan tribes. Nevertheless, the most profitable activities at the time for Tripoli were the acts of piracy and buccaneering conducted by the Barbary corsairs towards the vessels of the European fleets, involved in the trade of goods in the Mediterranean. The misconducts of the corsairs were so widespread that the area came to be defined as the "Barbary Coast" and forced European governments to sign specific agreements guaranteeing immunity to their ships in exchange for money.

In 1803, after the seizure of the American vessel *Philadelphia*, together with its crew, the American administration embarked on a military campaign to overthrow Yusuf al-Qaramanli and replace him with a more favourable regime headed by his deposed brother, Ahmad. In short time the troops of the United States Marine Corps conquered Derna, forcing Yusuf Pasha to sign a treaty ending the hostilities and to release the crew of the *Philadelphia*[8], thus putting an end to the so-called First Barbary War[9].

Such an aggressive foreign policy, combined with the outbreak of internal struggles between the two branches of the Qaramanlis, sided by France and Great Britain, respectively, forced the Ottoman government to review its lassez-faire approach and restore direct control over its North-African possessions[10]. This determination was further supported by the expansionist foreign policy of the European powers, which had begun to seize control of several neighbouring areas. France's invasion of Algeria in 1831 and its increasing interest towards the South-Saharan region was particularly worrying, as it was British penetration in Egypt and Sudan, especially because, up until the end of the nineteenth century, the borders between Libyan provinces and the neighbouring territories were not clearly defined.[11] Thus, in an effort to revive its image and authority, in 1835 the Sublime Porte overthrew the

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[8] The dispute between the Qaramanlis and the United States is of particular relevance for several reasons: first, it exemplifies the degree of independence enjoyed by the dynasty at the time, as the central Ottoman government was neither involved in the conflict nor mentioned in the final treaty; it also marks the first direct diplomatic contact of the U.S. with the Muslim world.

[9] The First Barbary War is considered of crucial historic and symbolic importance for the U.S. army, as it was the first away from American soil, so much that the official hymn of the U.S. Marine Corps makes clear reference to the conflict. For a more detail account on the events and the impact of the war on the development of the U.S. Navy see Joshua London, *Victory in Tripoli: How America's war with the Barbary Pirates established the U.S. Navy and shaped a Nation* (Hoboken: Wiley and Sons, 2005).

[10] Vandewalle, *History of Modern Libya*, 16-17.

[11] The literature regarding Libyan borders is extensive. Among others see Ettore Rossi, "Per la storia della penetrazione turca nell'interno della Libia e per la questione dei suoi confini", *Oriente Moderno* 1, no. 4 (1929): 156-167.

Qaramanli dynasty and embarked on a set of three military campaigns to re-establish direct control over its provinces, marking the end of a period of decentralized rule in the region. Despite the early submission of the people in the coastal areas of Cyrenaica and Tripoli, the second Ottoman occupation was not straightforward, as it took the Ottoman troops roughly a quarter of a century to extend their sovereignty in the hinterland of Tripolitania and in Fezzan. There, Libyan tribes had organized a common resistance by affiliating into inter-tribal federations, called *sufuf*,[12] the most important being the Yusuf and the al-Bahr in Tripolitania, and the Awlad Sulayman in Fezzan.[13] Ultimately, by mid-1850s Libya had been fully subdued and reintegrated into the Ottoman structure, and was involved in a wider process of modernization, called *tanzimat*, which characterized the whole territory of the Empire for the remainder of the century. The *tanzimat* were a comprehensive attempt at reforming the administrative structure of the Empire in order to modernize and consolidate it in the face of European expansion. In Libya, reforms were made in the field of administration and territorial organization, with the reorganization of the territory in *wilayat* (provinces) and municipalities. Tribal lands were divided and assigned to individuals conditional to the payment of a registration fee, while private property was introduced in urban areas in 1859. The role of Islam was limited both in the judiciary field, with the distinction between secular courts and religious courts, based on the *shari'a* law, as well as in the field of education, where secular schools were introduced alongside religious schools.[14] This wave of new policies encountered a warm response by the population, as they limited the importance of Islam and caused, particularly in Fezzan, an economic decline owed to the increase in taxation and the Ottoman abolition of slave trade, which resulted in a remarkable diminution of caravan commerce.[15]

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[12] Rossi, *Storia di Tripoli*, 297-312.

[13] However, as noted by scholar Anna Baldinetti "these resistances against the reaffirmation of the Turkish authority were different and unconnected […], as they were not based on nationalist grounds, but rather intended to preserve acquired supremacies in delimited spheres". Accordingly, the tribes of Tripolitania only sought tax exemption, while Fezzan, asking for French support, fought for complete independence. Baldinetti, *Origins of Libyan Nation*, 29-30.

[14] Lisa Anderson, "Nineteenth-Century Reform in Ottoman Libya." *International Journal of Middle East Studies* 16, no. 3 (1984): 325–348. Further information on the general process of the *tanzimat* can be found in Gabor Agoston and Bruce Masters, *Encyclopedia of the Ottoman Empire* (New York: Infobase Publishing, 2010); for a more specific analysis of the reforms in Libya see: Rossi, *Storia di Tripoli*, 322; Francesco Corò, *Settantasei anni di dominazione turca in Libia, 1835-1911* (Tripoli: P. Maggi, 1937),14-18; Anthony J Cachia, *Libya under the Second Ottoman Occupation, 1835-1911* (Tripoli: Government Press, 1945), 74-78.

[15] Lisa Anderson, *The State and Social Transformation in Tunisia and Libya, 1830-1980* (Princeton: Princeton University Press, 1986, p.88

1.2 The Italian Colonial Era: "The Fourth Shore"

On 26 September 1911 the Giolitti government sent an ultimatum to the Sultan in Istanbul, denouncing the state of "chaos and neglect" in which Libya was lying and threatening to invade Cyrenaica and Tripolitania, on the claims that the Ottomans were hindering Italian economic activities in the country. The following day Italy waged war to the Ottoman Empire. On 3 October it launched its military operations through a seaborn invasion, seizing Tripoli, Benghazi and the other major coastal cities by the end of the month and unilaterally announcing the annexation of the North African provinces on 5 November 1911. This rapid series of military successes complemented the optimism of the Italian authorities, who had been envisioning and organizing this campaign for nearly three decades, especially since the Franco-Italian treaty of 1902, which recognized their "special interests" in Morocco and Libya, respectively. As a matter of fact, Italy had already begun its "pacific penetration" by developing diplomatic contacts with the heirs of the Qaramanli dynasty, in order to agitate the population against the Ottoman governance, and by sponsoring economic activities in the area to support Italian businesses through the financial institution Banco di Roma.[16] The colonial project enjoyed wide consensus among the Italian political parties of the time, with nationalists, Catholics, democrats and even socialists agreeing, in a unique political synthesis, upon the economic and geopolitical necessity of the operation. The public opinion, propelled by intellectuals and press campaigns which falsely depicted the facility of the occupation and the fertility of the land,[17] came to envision Libya as a "promised land" and its invasion as a historical right. In this context, war was inevitable.[18] Despite the early victories and the formal proclaims, and notwithstanding an overwhelming numerical superiority of five men to one for the Italian troops, the war reached a stalemate already by the Spring of 1912. Under pressure from the international community, the two parties started a negotiation which led, in October 1912, to the Ouchy peace treaty, an ambiguous agreement according to which the Ottomans did not renege their sovereignty over Libya and at the same time the Italians reaffirmed their annexation of Cyrenaica and Tripolitania. Thus, following this agreement,

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16 Baldinetti, *Origins of Libyan Nation*, 35-36.

17 In particular, the Italian press stressed Libyan agricultural productivity and richness of water, even publishing false correspondence between a German explorer and the Italian authorities in which they praised the wealth of natural resources of the country. However, Nahum Slouschz, an active member of the Jewish Territorial Organization, sent to Libya to assess whether it could be a suitable location to establish a Jewish state, wrote in 1908 that Libya was discarded precisely due to its scarcity of water.

18 Sergio Romano, *La Quarta Sponda: Dalla guerra di Libia alle rivolte arabe* (Milano: Longanesi Saggistica, 2015). In the book, Romano explains how this political and popular convergence towards the war pushed Giolitti to refuse any diplomatic settlement of the dispute and prefer the military option.

the status of Libya was anomalous: under the international law it belonged to the Italians, but the population continued to consider the Sultan as its political and spiritual leader[19].

Libyan fightback first manifested itself in October 1911, when during an attack to the Italian positions near Shariʿa al-Shatt in Tripolitania, more than 500 Italian soldiers were killed, marking the beginning of a resistance movement which would last until 1931. Following this event, the Giolitti government authorized massive executions and deportations of thousands of Libyan rebels to the Tremiti islands, where many of them died due to scarcity of food and poor living conditions .[20] The colonial threat and the pan-Islamic identity awakened the local resistance but were not sufficient to bring Tripoli and Benghazi together under a single structure of command, capable of mobilizing and organizing effectively the different tribes and militias. Concretely, Italian troops faced two kinds of resistance, each with its own leadership and strategy, and with two different outcomes[21]. In Tripolitania, thanks to a more open terrain and to the collaborations of notable tribe leaders and businessmen, the occupation proceeded with more ease, and by august 1914 Italian forces controlled the majority of Tripolitania and Fezzan. Simultaneously, in Cyrenaica the resistance proved much stronger, due to the leadership of the Sanusi Order headed by Ahmad al-Sharif. The Sanusiyya, was a revivalist Sufi religious movement, founded by Sayyid Muhammad ibn Ali al-Sanusi, an Algerian scholar who, after having extensively travelled in North Africa and in Hijaz, settled in Cyrenaica and established there his first lodge, or *zawiya*, in 1842. The ideology of the Sanusiyya stressed the importance of creating a unified community based on education, hard work, religious practice, moral commitment and anti-colonial resistance[22]. Many scholars have analysed the reasons behind its success, and the most shared view is that the innovative trait of the Order lied in its organization: its system of lodges resembled a quasi-state of Islamic model, collecting taxes, providing education, acting as spiritual centre and as keeper of law and order, and preventing and solving inter-tribal disputes. The lodges were built in strategic places, either along inter-tribal boundaries or along trading routes and in so doing, the Order became a reference point for merchants and pilgrims. Thus, the Sanusiyya was not just a religious order but also a political, social and economic organization, which brought social cohesion in the area. As a result, many tribe leaders became followers

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[19] St John, *Libya*, Chap. 3 "Italian Colonial Era, 1911-1943". After the Ouchy treaty, the sultan retained the right to appoint his local representative, and the local population continued to mention him as caliph during the Friday prayer. These factors proved decisive in limiting Italian sovereignty in the early phases of the war.
[20] *Ibidem*
[21] Michela Mercuri, *Incognita Libia: Cronache di un Paese sospeso* (Milano: FrancoAngeli, 2017), 12.
[22] Ali Abdullah Ahmida, "The Sanusi Order or Sanusiyya, 1837–1932." In *A Historical Companion to Postcolonial Literatures - Continental Europe and Its Empires*, ed. Poddar Prem et al., (Edinburgh: Edinburgh University Press, 2008), 308-09.

or *Ikhwan* (brothers) of the order,[23] and between 1837 and 1932, the Sanusiyya managed to establish a network of 146 lodges throughout the region, expanding its influence over Tripolitania and even Darfur and Bornu, while maintaining its core of support among the Cyrenaican tribes. Therefore, during the nineteenth century the Sanusiyya emerged not only as religious order and leadership, but also as a regional authority. Thanks to its ability to adapt to the existing environment, to its cultural familiarity with the tribes of Cyrenaica and to the scarce involvement and investments of the Ottoman authority in the area, it managed to provide a prototypal form of social, political and economic governance which turned into a resistance movement against Italian occupation[24].

Initially, Italian authorities attempted to reach an agreement with the Sanusiyya, in which the Sanusi would legitimize Italian sovereignty over Tripolitania and Cyrenaica in exchange for the administrative autonomy of the lodges and the recognition of the spiritual leadership of the Order. After the failure of the negotiations, Italian authorities ordered the destruction of several lodges and proposed privileged treatments to the tribes who supported them. In contrast, Ahmad al-Sharif declared *jihad* (holy war) against the colonizers and organized the resistance with a guerrilla-like warfare, cementing the role of the Order as a political organization.[25] It is important to note here, how the Italians underestimated the tribal support enjoyed by the Order and the importance of territory for the population. Indeed, the war was not simply a religious war fought by war-like Bedouins, as the European powers often thought during their colonizing efforts, and neither was it just one in defence of the Ottoman identity, even though there was religious and cultural continuity with the Empire. Rather, it was a combination of all these elements – territory, religion and identification – which motivated the tribes of Cyrenaica to resist the invasion.[26] In April 1915 the Italians suffered a historical defeat when a local militia, led by Ramadan al-Suwayhli, turned against them and joined the rebels in the battle of Qasr Bu Hadi,[27] causing massive fatalities among Italian troops, stealing weapons and ammunition and forcing their retreat to the coast.[28] With the outbreak of World War I, Rome was forced to divert its already scarce forces and resources to different fronts, opening the way for local leaders to gather political support, inspired by the stirrings of Arab nationalism from Tunisia and Egypt. At the end of the conflict, these

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[23] Baldinetti, *Origins of Libyan Nation*, 31.
[24] Baldinetti, *Origins of Libyan Nation*, 32-33; Vandewalle, *History of Modern Libya*, 20.
[25] Vandewalle, *History of Modern Libya*, 26.
[26] Anderson, *State and Social Transformation*, 117-121.
[27] This battle, also known as battle of Qardabiyya, is of historic importance for Libyan nationalists, as it was the first time in which tribes from Tripolitania, Fezzan as well as a Sanusi column faction headed by the brother of Ahmad al-Sanusi, undertook a unified action.
[28] Anderson, *State and Social Transformation*, 193.

movements found new impulse thanks to the Italian policy of collaboration based on the Fourteen Points of Woodrow Wilson and the League of Nation. This new conciliatory policy culminated with the promulgation in 1919 of the "Legge Fondamentale", a statute of liberal imprint which guaranteed a series of civil and religious rights to the local population. It foresaw the participation of the Libyan people to the administrative life through elections (although they were never held), it introduced a special Italian-Libyan citizenship, it guaranteed the respect of Islam and recognized the freedom of speech and association.[29] The most prominent outcome of this liberal and democratic concessions was certainly the attempt of the Tripolitanian Republic, organized by Sulayman al-Baruni – appointed governor of Tripolitania, Tunisia and Algeria - together with the same al-Suwayhli and other notable figures from Tripoli. The Tripolitanian Republic was the first formally republican government in the Arab world, and it comprised a Council of Four, acting as ruling body, supported by an advisory group of twenty-four members[30]. Despite its fundamental role as expression of the unification of the Tripolitanian tribes, the project soon collapsed, effectively torn by intertribal divisions for leadership, which nearly led the province to a civil war. The effects of the "Legge Fondamentale" were extended to Cyrenaica in October 1919, in an attempt to legally reaffirm Italian sovereignty over the province after the truce established by the Akrama treaty of April 1917. The agreement had effectively handed over all the hinterland of Cyrenaica to the Sanusi family, enabling it as a diplomatic actor and as representative of the Cyrenaican tribes. Therefore, the new statute was considered by Idris al-Sanusi as a step back. As a consequence, the parts engaged in new negotiations, which produced a *de facto* division of powers between Italy and the order: Italy maintained its control over the coastal areas, while the Sanusiyya retained its authority over the hinterland. Furthermore, Idris al-Sanusi was granted the hereditary title of Amir of Cyrenaica in exchange for dismantling the Sanusi military camps. Concretely, this proved to be a mistake. The camps were never dissolved, as they were the means through which the Sanusiyya exercised its political and administrative control,[31] and the official recognition of the authority of Idris al-Sanusi legitimized its leadership over the local tribes and strengthened the autonomy of the province. By the end of 1921, the relationships between the two parties had once more deteriorated and these negotiations represented the last Italian diplomatic attempt to solve the dispute before the advent of the Fascist regime.

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[29] Baldinetti, *Origins of Libyan Nation*, 32.
[30] Anderson, *State and Social Transformation*, 205-206.
[31] Edward E. Evans-Pritchard, *The Sanusi of Cyrenaica* (Oxford: Clarendon Press, 1949), 151.

1.2.1 The Fascist "Riconquista"

With the rise of Fascism in October 1922, the Mussolini regime reneged on the liberal policy of collaboration with local elites put in place after World War I. Conversely, the Fascist authorities acted with absolute brutality and intransigence towards the population, starting the project of *Riconquista*, or reconquest,[32] of the country. The conquest of the so-called "useful Tripolitania" – meaning the fertile area of the province – and of Fezzan proceeded swiftly, and by 1925 the portion of territory control by the Fascists in Tripolitania reached 35.000km^2. Italy deployed its best and most modern weapons, and despite having signed the Geneva Convention of June 1925 prohibiting the use of chemical and bacteriological weapons, the Italian army resorted to poison gas in 1928 in order to subjugate the local population.[33] As in the past, resistance in Cyrenaica proved to be harder to win. There, Shaykh Rida, brother of Idris al-Sanusi and his successor after the Amir fled in exile to Egypt, conducted a tribal army of 2,000 to 6,000 men, who contained Italian penetration until 1928, when the Sanusi saw their lodges destroyed and their properties confiscated. In January 1929, following the reconquest of Tripolitania and the conquest of Cyrenaica, Italian authorities decided to unite the two provinces under a single governor, Marshal Pietro Badoglio, and established the capital in Tripoli. Nevertheless, resistance movements continued to exist in the Eastern region of Libya under the leadership of the tribal shaykh Umar al-Mukhtar, who led Bedouin guerrillas in ambushes and surprise attacks towards Italian garrisons. Once again, these rebellions were met with brutal repression, and Umar al-Mukhtar was ultimately captured and hanged in public place, in front of twenty-thousand deported compatriots. The apex of the repression was reached with the institution of death penalty, concentration camps and the decimation of local livestock. The actions of Fascists officials in Libya have been aptly described as genocide and ethnic cleansing, and it was estimated that deportations to concentration camps involved approximately 100,000 people, of which as many as 50,000 died during the confinement.[34] The leftovers were repatriated to their original places, although they were forced to settle in defined areas. Subsequently, they were employed in the realization of several public infrastructures, among which the "Via Litoranea", a road connecting the coasts of Tunisia, Libya and Egypt. After having eliminated any form of resistance, the Fascist regime concentrated its colonial efforts on the transformation of Libya

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[32] In this regard, two Italian scholars, Goglia and Gochat, have underlined how in several areas it was more a conquest rather than a reconquest, as for example in the hinterland of Cyrenaica, and that the term *Riconquista* was mainly appropriate in relation to Tripolitania.

[33] St John, *Libya*, Chap. 3 "Italian Colonial Era, 1911-1943".

[34] Salerno, Eric. *Genocidio in Libia, Le atrocità nascoste dell'avventura coloniale italiana (1911-1931)*, 2nd ed., (Roma: Manifestolibri, 2005).

into the "Fourth Shore" of Italy. In December of 1934 Marshal Italo Balbo, recently appointed Governor of Tripolitania and Cyrenaica, decided to unify the two provinces into a single colony, the "Libia Italiana". Marshal Balbo implemented a policy of "reconciliation" with the local population, dismantling the concentration camps, granting pardons to political prisoners and promoting the construction of public facilities and infrastructures. In so doing however, the Governor used what he himself defined a "paternalistic approach",[35] which consisted in providing economic and material assistance to the natives while keeping them away from education, institutions and administrative positions, revealing a differential treatment between the natives and the Italian settlers. Despite the palliative concession of a special citizenship, the *Cittadinanza Italiana Speciale*, restricted to Muslim Libyans and mainly directed at introducing them to the Fascist Libyan Party,[36] the population was allowed to participate in the economic and political life only at the lowest level. In addition to that, Fascist policies focused on two main aspects, which were mutually related: the development of the agricultural sector and a plan of intensive demographic colonization. Besides the investments in public works, much of the Italian spending in Libya was directed to state-sponsored and subsidized programs aimed at settling Italian peasants, mainly from the South of the peninsula, in the colony. As a matter of fact, in 1938 with the so-called arrival of the *Ventimila*, 20,000 colonists were transported in a single convoy to populate family farms located in Cyrenaica and Tripolitanian. In January 1939, Balbo announced the annexation of Libya to the metropolitan territory of Italy, thus completing the ideal of the "Fourth Shore". 225,000 hectares of land were destined to agricultural production and approximately 110,000 Italian colonists had settled by 1940.[37] Ultimately, the plans of the Mussolini regime in Libya came to a standstill with the outbreak of World War II, especially after the defeat of the second battle of al-Alamein which marked the definitive expulsion of the troops of the Axis from North Africa. In the aftermath of the second global conflict, Libya possessed a considerable system of infrastructures and public utilities and an improved agricultural sector, however, three decades of Italian rule left the country with a highly uneducated, unskilled and uninformed citizenry. The complete centralization of power in the hands of the governor and the systematic exclusion of the Libyans from the political and administrative life did not favour the formation of politically active movements, except in the exiled communities present in Chad, Syria, Tunisia and Algeria. As a result, Libyans

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[35] Baldinetti, *Origins of Libyan Nation*, 49.
[36] Membership in the *Gioventù Araba del Littorio* (Arab Youth of the Littorio) was a prerequisite for citizenship.
[37] Claudio G. Segrè, *Fourth Shore: the Italian Colonization of Libya*. (Chicago: University of Chicago Press, 1975), 161.

struggled to embrace pan-Arabism and remained more attached to pre-colonial pan-Islamism.[38] Finally, although the Italians deployed much of their efforts in destroying tribal affiliation, particularly in Cyrenaica with the destruction of the Sanusi order, they did not provide alternative political institutions and marginalized local population in the hinterlands. In so doing, they revived kinship identities as the only viable organization structure, opposed to a modern European state structure which was used to subjugate and dispossess them. At the end of World War II, Libya had no means to prepare itself for self-government.[39]

1.3 The United Kingdom of Libya: an accidental state

The path towards Libyan independence began in 1943, with the defeat of the Axis forces at al-Alamein and the expulsion of German and Italian troops from North Africa. As a consequence, Libya was occupied by the Allied: the British government established a British Military Administration in Cyrenaica and Tripolitania, a move anticipated by the French government after the occupation of Fezzan. In the aftermath of the war, Libya was in ruins and much of the Italian infrastructures had gone destroyed during the conflict. Italian colonists had been evacuated at the end of 1942, leaving villages and fields abandoned and uncultivated. In concomitance with the establishment of British control in Cyrenaica, Idris al-Sanusi was recalled from exile in Egypt, in quality of leader of the Libyan Arab Force, a group of five battalions representing the Sanusi Order who had allied with the British in Cyrenaica. Even at this time, there was discord among the three provinces upon the future of Libya. Idris al-Sanusi had made clear his preference for an independent Cyrenaica with a strict alliance with the British government, where no Italian or Soviet authority could play a role. Conversely, in Tripolitania there existed several political parties which, regardless of their different ideological backgrounds, claimed to be in favour of the independence of Libya and the unity of the three provinces.[40] In lack of a better alternative, and out of fear that Tripolitania and Fezzan could remain under British and French rule, the élites in Tripoli reluctantly accepted to propose Idris al-Sanusi as leader of a unified Libya. In Fezzan, half of the population declared itself in accordance with the prosecution of the French administration.[41] Ultimately, irrespective of the different viewpoints of the Libyans, the game

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[38] Anderson, Lisa. "The Development of Nationalist Sentiment in Libya, 1908–1922," in *The Origins of Arab Nationalism*, ed. Rashid Khalid et al., (New York: Columbia University Press, 1991), 225–242.
[39] Vandewalle, *History of Modern Libya*, 33-34.
[40] For further information regarding the political spectrum of Tripolitania and an account on the parties' programmes see Adrian Pelt, *Libyan Independence and the United Nations: A Case of Planned Decolonization* (Yale University Press, 1970).
[41] Vandewalle, *History of Modern Libya*, 37-38.

was played at the international level, between Great Britain, France, the Soviet Union and the United States. After pressuring Italy to formally renege on its sovereignty over Libya, the Four Powers proved unable to reach an agreement on the division of power and territories of the country, therefore the question was submitted to the General Assembly of the United Nations. With the emergence of the Cold War, the priority for both the United States and the United Kingdom became to prevent any Soviet influence in Libya and to retain control over the air base facility at Wheelus Field, outside Tripoli. In 1949, the French and Italian governments tried to break the impasse by signing the Bevin-Sforza plan, a compromise which envisioned a ten-year trusteeship to Britain in Cyrenaica, to Italy in Tripolitania and to France in Fezzan.[42] However, the plan caused harsh reactions and protests in Libya, and it was rejected by the General Assembly. Although the Four Powers agreed upon considering Libya economically too weak and in lack of competent administrators, they did not manage to find a consensus on how to conciliate their specific interests in the country, and progressively leaned towards granting it independence.[43] To interrupt this diplomatic deadlock, the General Assembly passed a resolution proclaiming the independence of Libya, to be realized within a preparatory period of three years, in which to draft a constitution and lay the ground for self-government. With the work of commissioner Adrian Pelt, a Preparatory Committee and subsequently a National Assembly were established. With the words of scholar John Wright: "Libya was put on the road to independence because international disagreement was greater than her own national disunity".[44]

Finally, on 24 December 1951, after four centuries of colonial domination, Libya became an independent and sovereign state, being the first North African state to achieve enfranchisement from European rule and the first and only state created by the General Assembly of the United Nations. The form of government emerged from the work of the National Assembly reflected the compromise the three provinces had to accept in order to avoid further colonial oversight: the United Kingdom of Libya would be a federal hereditary monarchy, led by Idris al-Sanusi, with Islam as religion of state and two alternating capitals, Tripoli and Benghazi. To emphasize national unity, the constitution defined Cyrenaica, Tripolitania and Fezzan as provinces, rather than states. Nevertheless, the duplication of the political and judicial apparatus between two capitals required an expensive and complex administration, reflecting the latent fissure between them. In addition to that, provincial governments retained extensive autonomy, such as the executive power over federal policies

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[42] St John, Ronald Bruce, *Libya*, Chap. 4 "Struggle for Independence, 1943-1951"
[43] Anderson*, State and Social Transformation*, 255-256.
[44] John Wright, *Libya* (New York: Praeger, 1969).

in matter of taxation, electoral laws and trade policy. Therefore, the challenges facing Idris al-Sanusi and the national administration were plentiful: providing jobs to an unskilled labour force mainly employed in an unproductive agricultural sector, restoring the economy, creating a sense of political loyalty and, above all, building a common national identity to be shared by the entirety of the country's population, without any political or ideological background to ease the process. In 1952, Libyan subjects were granted, for the first and only time in their history, the chance to vote in parliamentary elections. This auspicious sign for the development of a political culture in the country was conditioned by a rigid control on behalf of the government, and by allegations of electoral fraud. In particular, the goal was to contain the advance of the National Congress Party, whose programme favoured a centralized unitary state over the federal formula. The failure of the first electoral experience produced a delegitimization of political opposition and of any democratic parliamentary system.[45] Aside from this occasion, King Idris had never concealed his disregard for political parties, preferring to delegate his authority to powerful tribe chiefs and local notables, who constituted the royal *diwan*, an informal group of counsellors who embodied the true decision-making institution of the country.[46] The role of the royal *diwan*, combined with the dissolution of the National Congress Party and the banning of all political parties in February 1952, made it so that politics in Libya became a matter restricted to family, tribal and parochial interests, where networks of kinship and clan consolidated their position through intermarriage and clientelism.[47] As a consequence, public servants and members of the *diwan* had no accountability towards the central government, and their only constituency and source of power was their family status and wealth. As the World Bank noticed in 1960: "the prevailing attitude toward appointments to government jobs, which are frequently made on the basis of personal friendship or family connections rather than merit" was a main obstacle toward economic development.[48]

Indeed, at independence Libyan economy was in appalling state: complete dependence on foreign aid,[49] the almost complete absence of commercial trade, a high level of unemployment, an annual per capita income of $25-35 – one of the lowest in the world – a child mortality rate of 40% and an illiteracy rate of 90%.[50] The situation further exacerbated

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[45] St John, *Libya,* Chap. 5 "United Kingdom of Libya, 1951-69"
[46] Anderson, *State and Social Transformation*, 256-257.
[47] *Ibidem*
[48] World Bank, *The economic development of Libya* (Washington, D.C.: The Johns Hopkins University Press, 1960), 10.
[49] By the end of 1959, Libya became the largest per capita recipient of U.S. aid in the world.
[50] Vandewalle, *History of Modern Libya*, 51.

after the discovery of oil in 1959. On the one hand, Libya was overwhelmed by a flow of revenues the like of which it had never experienced, on the other hand, this unprecedented amount of resources facilitated a policy of redistributive largesse and clientelism, at the expense of real economic and political development.[51] This way, King Idris - who was reluctant to participate in the political fray, and often chose to reside outside Tripoli and Benghazi - managed to maintain political support and loyalty from the Cyrenaican tribes, without establishing the institutional foundations of a modern state. In a few years, thanks to the work of international expert gathered to write a farsighted and innovative Petroleum Law, Libya became the world's fourth most prolific producer of oil. The 1955 Petroleum Law established a Petroleum Commission with the authority to grant and revoke drilling concessions and envisioned a system of incentives and sanctions which pressured foreign oil companies to maintain high level of production, thus compensating the low market price and guaranteeing a steady profit. The role of the Petroleum Commission was also relevant in terms of national unity. The reasons were twofold: first, it was entitled to collect fees, royalties and taxies from oil companies, and to propose regulations on behalf of all provinces, taking into account the public interest at national level. This reduced the influence of the *wali*, the provincial governors, and reinforced the authority of the federal government in the face of the international oil industry. Second, it proved useful in solving territorial disputes among the provinces in case the exploration areas straddled between two territories as, for instance, with the Sirt Basin, contended by Cyrenaica and Tripolitania. In 1962 Libya became member of the Organization of Petroleum Exporting Countries (OPEC), supporting only select policies, such as the creation of national oil companies but refusing to endorse any decision which could hinder its relations with foreign oil companies. Despite the success of the Petroleum Law in terms of revenues and reputation the federal formula, which had been a necessary compromise to realise the unity of the country, now represented an obstacle to an effective budget planning and economic development, as underlined by the 1960 World Bank Report.[52] Ultimately, in 1963 the constitution was amended to reorganize the country's institutional and administrative system. The amendments envisioned the abolition of the federal formula with a centralization of power in the hands of the national government, now in charge of the economic, administrative and planning process. Federal authorities now had the sole right for transactions involving ports, customs, finance and, most notably, taxation.

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[51] *Ibidem*, 44.

[52] World Bank, *The economic development of Libya*, 11. In its report, the officials of the World Bank stressed the need for "unity of purpose and action" and accused the federal authorities of being "hesitant and irresolute in asserting their rights", while the provinces had been "jealous of surrendering their privileges".

With this change, provincial assemblies and administrations were abolished, and all revenues coming from oil exports and from individual and corporate tax flew directly into the federal budget. To emphasize this passage to a unitary formula, the appellative "United" was removed, and the official name of the country became just "Kingdom of Libya". At this point, the King and his royal *diwan* were the undiscussed holders of policy and decision-making power. The unitary form of government certainly guaranteed a vast improvement in terms of governance and bureaucracy; however, these same bureaucratic and administrative institutions became the centres of distribution of political appointments and oil revenues, replacing the previous kinship links with economic interests. In the end, the Kingdom failed to properly redistribute the wealth deriving from oil trade and to provide its citizens with anything else than economic subsistence. With time, the stirrings of Arab nationalism found fertile ground within the Tripolitanians. The corruption of the élites and the reluctancy of the Monarchy to intervene in favour of the Palestinian cause generated unrest and demonstrations by the population, which would result in the military coup d'état of 1969.

1.4 Qadhafi's Libya: Institutionalized Statelessness

On 1 September 1969, a group of young army officers known as Libyan Free Unionist Officers, guided by the Captain Mu'ammar al-Qadhafi, staged a military coup d'état and took over the reins of power, ousting King Idris al-Sanusi, who at the time was still away for his summer break. The overthrow was swift, bloodless and ultimately not unexpected, given the social and political condition of the Middle Eastern area and the repeated rumours of planned military take-overs in the country. Indeed, the revolutionaries embodied the political alternative to an inert and delegitimized regime, which had not been able to adapt to the surging pan-Arabic and nationalist sentiments, to implement economic reforms aimed at improving the general life standards, to mobilize and modernize an archaic and apathetic society, and to halt the corrupted patronage system financed by the oil revenues.[53] However, the One September Revolution presented many peculiarities: first of all, the coup leaders of the Revolutionary Command Council (RCC) originated mostly from middle-class families, belonging to less prestigious tribes and with rural or Bedouin background, which starkly differentiated them from the monarchic leadership; furthermore, the Libyan revolution was not just a military putsch, but it represented a longstanding political project based on populist and nationalist sentiments which would change the future of the country for four decades.

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[53] Vandewalle, *History of Modern Libya*, 76.

Despite the collegial organization of the RCC, the self-promoted Colonel Qadhafi clearly stood out as the leader, immediately imposing his determination and charisma. The following forty-two years of rule of Qadhafi cannot be recounted here in full details, due to the outstanding number of political, military and economic initiatives he developed both at the domestic and international level. The German scholar Hanspeter Mattes has identified two distinctive periods: an initial constitutional era, based on the Provisional Constitutional Declaration of December 1969, and a period of revolutionary leadership, marked by the "Declaration of Authority of the People" of March 1977, which established a clear separation between formal and informal authority in the country.[54] However, given the continuum of institutional rearrangements and unceasing policymaking, and the density of events occurred during the leadership of Mu'ammar Qadhafi, this section will focus on the main aspect of his tenure.

In terms of political system and institutional setting, the most compelling elements for Qadhafi were the mobilization of the population and the establishment of direct democracy and popular rule. After the constitutional declaration and the proclamation of the Arab Libyan Republic, the RCC took control of the legislative and executive functions, governing the whole policy-making process and appointing the Council of Ministers. The first abortive attempt of popular rule arrived in 1971, with the institution of the Arab Socialist Union, a vanguard party based on the Nasserist single party model, with the aim of mobilizing the masses and consolidating the legitimacy of the RCC. The project was short-lived and marked the end of party representation in the country. In 1973 Qadhafi announced the first step of what he defined a "Popular Revolution": a five-point programme which consisted of repealing all existing laws, eliminating all the opponents of the revolution, the bourgeoisie and the administration, creating a people militia and staging a cultural revolution to reassert the precepts of the Qur'an.[55] A failed coup in 1975 organized by two members of the RCC marked its end as an institution and strengthened Qadhafi's leadership, allowing him to freely put into practice his Third Universal Theory. Codified in the three volumes of Qadhafi's treatise, the "Green Book",[56] the Third Universal Theory was supposed to be an alternative

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[54] Hanspeter Mattes, "Formal and Informal Authority in Libya since 1969", in Libya since 1969: Qadhafi's Revolution Revisited, ed. Dirk Vandewalle (New York: Palgrave Macmillan, 2012),

[55] Alison Pargeter, *Libya: The Rise and Fall of Qaddafi* (New Haven: Yale University Press, 2012), 78-79.

[56] Originally titled "al-Kitab al-Aḫḍar", the Green Book is a treatise comprised of three slim volumes explaining Qadhafi's political, economic and social thought, respectively. *Green Book Part 1: The Solution of the Problem of Democracy: The People's Power* (January 1976); *Part 2: The Solution of the Economic Problem: Socialism* (November 1977); *Part 3: The Social Base of the Third Universal Theory* (June 1979). For a detailed review of the concepts of *Green Book* see, among others: Pargeter, *Rise and Fall of Qaddafi*, 85-93; Gioia Chiauzzi, "Il Libro Verde di Mu'ammar el—Gheddafi: Caratteristiche Formali e Contenuto." *Oriente Moderno*, vol. 60, no. 1/6, (1980): 105–118.

to capitalism and communism. The tangible implications of Qadhafi's thought became clear with the "Declaration of Authority of the People" of March 1977, where the Leader proclaimed the establishment of the Socialist People's Libyan Arab Jamahiriyya,[57] a new form of political organization grounded on direct democracy and government of the masses. In this unique institutional system there was no space for political party and parliamentary representation, which Qadhafi labelled as a "modern dictatorial instrument of governing" and a "misrepresentation of the people."[58] Popular authority was to be exercised through a bottom-up approach, with a system of local Basic People's Congresses (BPCs), which in turn delegated power at the national level to the General People's Congress (GPC) and the General People's Committee (a cabinet). The establishment of the congresses coincided with the abolition of all other forms of state institutions and bureaucracy, thus creating a condition of "institutionalized statelessness".[59] In 1979 Qadhafi announced the last significant change with the "Declaration on the Separation of Rule and Revolution", which introduced a clear distinction between formal and informal political power. Therefore, *de jure* authority was in the hands of the "Ruling Sector", namely the people, but *de facto* it was the "Revolutionary Sector", consisting of Qadhafi himself,[60] previous RCC members and the Revolutionary Committees, which controlled the policy and decision-making of the country. In particular, the Revolutionary Committees were a powerful instrument with the task of controlling and developing the revolution but acted also as personal security services of Qadhafi and as alternative judiciary power, with the establishment of the revolutionary courts. Qadhafi himself wrote: "Theoretically, this [direct democracy] is the genuine democracy. But realistically, the strong always rule."[61] This dichotomy between formal and informal structure of government was instrumental to the survival of the personalistic and autocratic regime of Qadhafi, as it allowed him to embody the state and control the population, the opposition, and the allies through patronage, shuffling of ministerial and administrative offices and redistributive policies.

This combination of political experimentalism and administrative nepotism was also made possible by the abundant economic resources deriving from oil revenues. Since the 1960s

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[57] Official Arab name: *Al-Jamahiriyya al-Arabiyya al-Libiyya al- Sha'biyya al-Ishtirakiyya*. Jamahiriyya is a neologism coined by Qadhafi and is usually left untranslated or translated with the periphrasis "state of the masses". The term is a derivative of the common political term *Jumhuriyya* (republic).

[58] Quotations from part one of the Green Book come from Mu'ammar al-Qaddafi, *The Green Book, Part 1: The Solution of the Problem of Democracy – "The Authority of the People"* (London: Martin Brian & O'Keefe, 1976).

[59] Rosan Smits et al., *Revolution and Its Discontents: State, Factions and Violence in the New Libya* (The Hague: Clingendael Institute, 2013), 8.

[60] Qadhafi was never appointed head of state. He preferred to be referred to as "Guide of the Revolution" or "Brother Leader", a choice representative of the clear dichotomy between formal and informal authority.

[61] Mu'ammar al-Qaddafi, *Green Book*, 94.

Libya can be considered a typical example of rentier economy, as oil produced 99% of the country's revenues and accounted for the totality of its exports,[62] therefore, the redistribution of country's assets represented a fundamental issue for the regime. The technocratic nature of the oil industry compared to the populist and dirigiste approach applied to the other economic sectors created a dualistic economy. In the second part of the Green Book, Qadhafi advocated the abolition of the "wage-labour", claiming that workers were meant to become "partners" and directly take control of the enterprises. In this view, during the 1970s and the 1980s, with the exception of the oil sector, Qadhafi began a process of nationalization of Libyan economy, tackling the housing sector, merchants, and small and large industries. Administrations were replaced with Popular Committees oversighted by the Revolutionary Committees. State supermarkets were placed all over the country and private property was abolished. Finally, in 1981 the state seized control over all exports, imports and distribution networks.[63] The implementation of these policies coincided with a period of military purchases and international adventures, as well as acute confrontation with the West. The Libyan leader vainly spent substantial time and resources to create a network of alliances in Africa and Maghreb in order to fulfil his ideal of a pan-Arab and pan-African state. Qadhafi was also accused of hindering the Middle East peace process and sponsoring several terrorist groups in Palestine, Africa and Europe. Numerous terrorist attacks, such as the bombing of a German discotheque and the boycotting of the Pan American flight 103 over Lockerbie were connected to his regime causing the reaction of the United States and the international community. In a rapid escalation, the Reagan administration imposed progressive sanctions on Libyan oil, companies, exports, people, and foreign assets, and went as far as bombing Tripoli and Benghazi in sign of retaliation. Ultimately, in 1992 the United Nations extended the economic embargo upon the Libyan refusal to consign the suspects of the Lockerbie bombings. The combination of fall in oil prices, military expenditures and economic sanctions heavily impacted on the Libyan economy and the country was forced to rely on its national reserves, causing a significant increase in public debt. Thus, starting from 1999 Libya embarked upon a twofold process of reconciliation with the West - handing over the Lockerbie suspects, supporting the U.S. war on terror in the wake of the 9/11 terrorist attacks, dismantling its programme of weapon of mass destruction (WMD) - and of economic reforms, which consisted in a policy of privatization and liberalization (*infitah)* of the economy, public spending cuts, rehabilitation of private property and private initiative, and opening to the international markets. Despite the lifting of the international sanctions,

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[62] Vandewalle, *History of Modern Libya*, 88. Data related to year 1970.
[63] St John, *Libya*, Chap. 7 "Revolution on the move, 1973-1986"

Libyan economy remained dominated by hydrocarbons and the public sector, and in 2006 the World Bank labelled it as one of the leas-diversified oil producing economies in the world.[64] In this regard, the Libyan experience proved how an increase in per capita income is not directly related to a real economic development[65] and to a democratisation of the domestic political setting; on the contrary, oil resources favoured the legitimization of a regime characterized by minority rule and economic patronage.[66]

The legitimacy of Qadhafi's rule relied on both religious and tribal grounds, although the Leader maintained a controversial relationship with the religious leadership and the tribal chiefs. The Colonel always implemented a clear distinction between the spiritual and political powers, in an attempt to undermine the authority of the *ulama* (religious scholars) and of the Islamist groups, but at the same time he advocated a radical Islamic ideology and a strict respect of Islamic law. For instance, in the aftermath of the revolution, the RCC implemented a law banning alcohol consumption, closing churches and nightclubs and imposing the respect of the *shari'a*. Qadhafi's belief distanced itself from the traditional Sunni Islam in the fact that it elevated the Qur'an as the unique true Islamic source and tried to present himself as a religious as much as a political leader,[67] arguing in favour of a distinction between Islamic doctrine and the Qur'an message. In this way, he managed to adapt the Islamic precepts and laws to the progresses of modernity, using Islam as just another instrument for regime preservation. This attitude was partially favoured by the extreme homogeneity of the Libyan society, mostly composed of Arab Sunni Muslims. Ethnic, social and religious homogeneity together with its tribal nature are indeed the characteristic feature which distinguish Libyan society from the rest of the Middle East countries.[68] Qadhafi managed to manipulate the tribal structure of society with a twofold approach: initially, he worked to destroy the previous kinship affiliations which had developed during the Sanusi Monarchy, replacing bureaucrats and businessmen in Cyrenaica, and drawing new administrative areas across tribal boundaries, merging different tribes together in the same territory. However, after having consolidated his leadership and fearing the consequences of dismantling completely such a rooted institution, he affiliated with the most influential tribes and families, ensuring their loyalty through economic largesse and distribution of political offices and lands. So,

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[64] World Bank, "Socialist People's Libyan Arab Jamahiriya: Country Economic Report," *Country Economic Report (English)*, (July 2006): i.

[65] According to World Bank data, Libya faced serious unemployment, combined with a demographic increase and poor job creation rates, as the public sector still accounted for 75% of Libyan employment.

[66] Michela Mercuri and Stefano Torelli, *La primavera araba: origini ed effetti delle rivolte che stanno cambiando il Medio Oriente* (Milano: Vita e Pensiero, 2012), 96-97.

[67] Pargeter, *Rise and Fall of Qaddafi*, 114.

[68] Ellen Lust, *The Middle East*, 14th Edition (Thousand Oaks: CQ Press, 2017), 639.

Qadhafi criticised tribalism as a form of political organization, but at the same time he emphasized its social importance, stating that tribes are an extension of families and that the nation is "a tribe which has grown through procreation".[69] As a matter of fact, since the 1970s political, military, administrative and security institutions were occupied by several members of Qadhafi's own tribe, the Qadhadhfa, affiliated tribes and even family members.[70] In this context, it is not surprising that the 2011 uprisings originated in Cyrenaica, and particularly in Benghazi, where tribes living in proximity of the largest oil fields of the country were also the least privileged by the redistribution of oil revenues,[71] thus remaining in a prolonged state of underdevelopment. In the end, although Libya remained a rich state when compared to other countries of the Arab spring, the spreading corruption, the progressive depletion of the standards of living, and the increasingly repressive rule combined with the enormous enrichment of a minority of tribes and personalities connected to Qadhafi, provided enough motivation for popular resentment.

[69] Pargeter, *Rise and Fall of Qaddafi*, 88.
[70] St John *Libya*, Chap. 10 "A New Day Dawns, 2008-2011"
[71] Mercuri and Torelli, *primavera araba*, 96.

2. LIBYA'S FRAGMENTATION: FROM REVOLUTION TO CIVIL WAR

When the long wave of the Arab Spring reached Libya, a country hardened by decades of authoritarianism and lack of civil and political rights mobilized to oust Mu'ammar Qadhafi in what has been rightfully defined a popular revolution[72]. Tribal chiefs, armed militias, exiled opponents, defected military officials and common men and women, with the help of the UN-backed NATO intervention, temporarily overcame regional and tribal fissures to take arms against the regime.

The revolution was welcomed by Libyans and international observers as a chance to finally undertake a process of democratic transition and build administrative and political institutions, as demonstrated by the early attempt of the National Transitional Council. However, the divisions inherent to Libyan society together with the meddling of external powers soon hindered the democratic process and led the country to a civil war. The consequent polarization, supported by complex networks of alliances of foreign powers, has led to a military stalemate in which local and international interests mix with religious beliefs and economic profits.

Thus, the aim of this chapter is to present an account of the events related to the 2011 Revolution and the following failed democratic transition (years 2011-2014). In addition, it will provide a detailed overview of the different geopolitical actors and the interests at stake of the current civil war (years 2014-2020), moving from a microscopic and local perspective to a macroscopic and international perspective.

2.1 The February 17 Revolution

February 17, 2011 is generally considered the starting point of Libyan uprisings against Mu'ammar Qadhafi. Despite the first peaceful protests recorded as early as 15 February and sparked by the arrest of Fathi Tarbel, a popular human rights lawyer representing the victims of the 1996 Abu Salim[73] massacre, on February 17 oppositions groups proclaimed a "day of rage", calling for better housing, improved social services, more jobs, and political and civil

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[72] Susanne Tarkowski Tempelhof and Manal Omar, "Stakeholder of Libya's February 17 Revolution", Washington D.C.: United State Institute of Peace, Report No. 300, (January 2012): 2.

[73] The Abu Salim was a maximum-security prison in Tripoli where prisoners would be detained under poor living conditions and were often tortured and beaten . In 1996, following the attempted escape of different blocks of prisoners from the facility, security guards responded massacring as many as 1,200 detainees burying them in a mass grave.

rights. The protests were brutally repressed with a shoot-to-kill policy and the security services intervened even during funeral processions, escalating the turmoil. According to Human Rights Watch estimates, the Libyan security forces killed 84 people during the first three days of protests alone, and by 20 February the death toll had mounted to 233 civilians.[74] The epicentre of the revolts was Eastern Libya and specifically Benghazi, capital of Cyrenaica and home to numerous tribes hostile to Qadhafi and resentful for the treatment he had reserved to the city during his rule. In short time, demonstrations spread throughout the country, reaching Tripolitania and the capital Tripoli. Initially ill-equipped, the rebels obtained strength and weapons with the defection of several army generals and Qadhafi's loyalists – including the Ministry of Interior Abdelfattah Younis – and began to organize in the local councils that were flourishing in all eastern cities. On March 5, Benghazi's academics and lawyers established the National Transitional Council (NTC), a revolutionary committee with the aim of representing all Libyan regions in their fight against the regime. The NTC also included exiled opponents, defected officials and former members of the administration. The members of the NTC then elected a chairman and an executive board led by Mahmoud Jibril - previously a collaborator of Qadhafi's son Saif al-Islam – who was in charge of building international consensus around the NTC. Always a distinctive point, the NTC was weaker than the local councils which constituted it, and it soon lost authority over the emerging movements and militias, who were sceptical of its members and their previous ties with the regime. A turning point of the revolt was represented by the decision of the UN Security Council to pass Resolutions 1970 and 1973 imposing sanctions against Qadhafi and his associates, invoking the intervention of the International Criminal Court for the attacks against Libyan civilians and establishing a no-fly zone over Libya, which was carried out by the Gulf States, the Arab Union and NATO. As the conflict escalated, and although the resolutions ruled out the possibility of foreign military intervention, the NATO mission soon exceeded its mandate and began to provide military support to the rebels by deploying air raids and bombing operational structures of the Libyan army, with the precise aim of ousting Qadhafi's and ending his regime. This escalation raised concerns from China, Germany and most notably Russia.[75] Thanks to the NATO intervention and to the poor organization and preparation of the governmental troops, during the summer the rebels managed to overcome the internal struggles capturing Tripoli and Qadhafi's strongholds: Sirte and Banu Walid. On

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[74] Figures collected from Ronald B. St John, "From the February 17 Revolution to Benghazi: rewriting history for political gain", *The Journal of North African Studies*, vol. 21, no 3 (2016):359.

[75] Ann Karin Larssen, "Russia: The Principle of Non-Intervention and the Libya Case", in *Political Rationale and International Consequences of the War in Libya*, eds. Dag Henriksen and Ann Karin Larssen (Oxford: Oxford University Press, 2016), 67-88.

20 October Qadhafi and three of his sons were brutally killed in the outskirts of Sirte, marking the end of the revolution. Politically, the NTC moved its headquarters to Tripoli after its seizing by the rebels and issued the "Draft Constitutional Charter for the Transitional Stage", a remarkable democratic declaration which outlined an ambitious roadmap for the election of a new legislative body, the formation of a new interim government and the establishment of a Constituent Committee in charge of drafting a new constitution. The primary concern for the NTC was represented by the security sector, torn by the increasing number of competing armed militias and the power struggle emerging among them. Indeed, the NATO coalition had supported a very heterogeneous front, comprising exiled opponents, Islamists, tribal militias, federalists, and moderate political elites,[76] each with their respective local and international links.

From this brief overview of the February 17 Revolution it stands out how the Libyan Arab Spring represented a unique case when compared to the uprisings occurred throughout the rest of the MENA region. First of all, Libya was a rich and resourceful country, therefore, people's demands focussed not only on the authoritarianism and the corruption of Qadhafi's regime but also on its patronaging approach and the unequal distribution of oil revenues. As a matter of fact, the protests immediately took a tribal and regional dimension – particularly in the unprivileged East – as demonstrated by the post-revolutionary purge of the pro-Qadhafi tribes. Second, Libya was the only country without a proper constitution or state institutions, without a civil society, a party system or any form of associative representation, and most of all without a rooted sentiment of national identity. This particular context caused the complete collapse of the national system and the emergence of parochial and tribal claims which had been controlled under Qadhafi. Indeed, even the very nature of the Libyan conflict differed from the rest of the Middle East. With the exception of the Syrian case, it was the only revolt subject to a foreign military intervention which favoured one side of the conflict – the rebels – and which *de facto* purposely favoured regime change[77].

2.2 The Failed Democratic Transition and the Civil War

After the killing of Mu'ammar Qadhafi, the political revolutionary leadership gathered in the NTC started to pave the way for the democratic transition process set out in its August "Constitutional Declaration". However, as mentioned above, the NTC lacked the authority

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[76] Smits et al., *Revolution and its Discontents*, 23.
[77] Mercuri, *Incognita Libia*, 36-48.

and the diplomatic skills to carry out its task, as it had become hostage of the rivalling militias, the *thuwwar*, and of the regionalist movements which had flourished during the conflict. Most notably, the NTC was criticized for its lack of transparency, its limited inclusiveness and the widespread appointments of former Qadhafi officials in the cabinet. Despite a government reshuffle in November 2011, aimed at re-establishing a geographical and political balance in the ministerial positions, the first example of the pressure faced by the NTC from the *thuwwar* was represented by the approval of the electoral law. In the months prior to the parliamentary elections Islamists and federalists managed to secure amendments to the original draft of the electoral law, constituting in the switch to direct election of the Constituent Committee, the lifting of the ban on ethnical, tribal and religious parties, and the equal distribution of members in the Constitutional Assembly between the three Libyan regions.

In June 2012, Libya held its first free and multiparty elections since 1952 and, despite the circumstances, the electoral process was a success thanks to a high turnout and the absence of acts of violence. Out of the 200 seats of the General National Congress (GNC), eighty were reserved to party lists while the remaining 120 were left to independent candidates who were either affiliated with one of the parties or linked to a local tribe or militia. The National Forces Alliance (NFA) of Mahmoud Jibril, a coalition comprising more than 60 political parties, gained the numerical majority thanks to a moderate programme based on the *shari'a* law and the fundamental role of political Islam. On the other hand, the Justice and Construction Party (JCP) of Mohammed Sawan, representing the Libyan branch of the Muslim Brotherhood and presenting itself as a progressive and moderate Islamic party, disattended the electoral trends of Islamist parties in Egypt and Tunisia and secured only 17 seats.[78] The high fragmentation of the GNC also reflected in the fragmentation of the government it elected, which was representative of the two different souls of the revolutionary camp: the "moderates" and the "hard-liners". The first consisted of the NFA, the political elite of the NTC and some formerly pro-Qadhafi militias, whereas the latter included the JCP, the Salafists and the federalists.[79] Two factors exacerbated the factionalism and the power struggle among the *thuwwar*. First, the failed institution of a central police authority and of a national army resulted in the government's decision to outsource law and order functions to the armed brigades, gathering them in the Supreme Security Committee (SSC), an organization with the goal of supervising all civilian fighters during the revolution. The governmental contracting and retribution of fighters favoured the flourishing of armed

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[78] Ronald B. St John, "Libyan Election Break Arab Spring Pattern", *The International Spectator* 47, n. 3 (2012): 14-17.

[79] Smits et al., *Revolution and its discontents*, 23.

groups and the formation of rivalries and competition over the security service offices. It is estimated that by mid-2012 the SSC had reached a workforce of nearly 150,000 fighters.[80] Second, the seizure of some of the most important oilfields by Zintani units fuelled a power struggle over the control of the hydrocarbon infrastructure which caused a production blockade lasting until April 2014.[81] The escalation of violence reached a turning point in 2013, with the proliferation of Jihadist groups affiliated to al-Qaida, most notably Ansar al-Sharia, and the emergence of a bloc of revolutionary hard-liners within the GNC, called Martyrs Bloc, advocating for the promulgation of the Political Isolation Law (PIL). The PIL was a controversial act which prescribed the complete exclusion of former Qadhafi officials from political and military institutions, regardless of the time in which they had served the regime or of the fact that they had participated in the 2011 revolution, thus formalizing the takeover of the post-revolutionary forces over the early revolutionary leadership. Ultimately, the law was passed on 5 May under pressure from the Islamist faction of the GNC and following the siege of ministerial offices by Misrata and Tripoli armed groups. The boycott of GNC activities by the NFA, the party mostly damaged by the PIL, resulted in a new Islamist majority within the assembly and in the election of a new chairman, Nuri Abu Sahmain. A favourable leadership, combined with the fear of a counter-revolutionary coup d'état inspired by the Egyptian experience, allowed a harder stance on the part of the Islamist militias gathering in Tripoli. In February, following the kidnapping of Prime Minister Ali Zeidan by militias associated to the Libyan Revolutionaries Operation Room (LROR), the government decided to side itself with the Zintani militias and moved its offices in the areas under their authority, causing further resentment among opposing groups and exacerbating the fight for the control of Tripoli. As military conflict became the common language throughout the country, the GNC was deadlocked by debates regarding the date of its disbandment, ultimately disrupting any residual form of policymaking in the country. In this context, on 14 February, the figure of General Khalifa Haftar emerged. Haftar, claiming to be at the head of the "General Leadership of the Libyan Army" proclaimed the creation of a Presidential Council which would take over the political leadership in the country. Contextually, Libyans elected the Constitutional Assembly entrusted with the drafting of the new constitution, a voting held in a context of uncertainty and intimidation, as proven by the low turnout, by the boycott of the ethnic minorities and by the fact that polls were held for

[80] Wolfram Lacher, *Libya's Fragmentation: Structure and Process in Violent Conflict* (London: Bloomsbury Publishing, 2019), 26.
[81] *Ibidem*

only forty-seven of the sixty seats available.[82] In addition to the political and military conflict between secularists and Islamists, the federalist claims progressively gained consensus among the population of Cyrenaica, so much that the GNC committee in charge of organizing the parliamentary and presidential elections offered to locate the new representative body, the House of Representatives, in Benghazi, in an attempt to restore the always fundamental geographical balance between the two provinces.

The following months were labelled as the Libyan final "descent into chaos".[83] In March, Prime Minister Zeidan was forced to step down, replaced by JCP appointee Abdullah al-Thinni; on 16 May, in response to the growing Islamist ascendant, General Khalifa Haftar announced the launch of Operation Dignity, with the outspoken goal of "cleansing Benghazi of Islamists and outlaws". Haftar and his self-styled Libyan National Army organized a combined air and ground offensive on Islamist facilities in Benghazi, mainly targeting jihadist group Ansar al-Sharia and minor armed brigades, but also hitting the parliamentary works of the GNC through affiliated Zintani militias in Tripoli. The attack produced violent clashes between pro-Haftar Zintani units and pro-government Islamist Misrata groups. So, in an effort to re-affirm their authority, Muslim Brotherhood and GNC leaders gathered all Islamist and minority armed groups, including the Libyan Islamic Fighting Group and Berber nationalists, to form a counter operation named Libya Dawn.[84] Finally, as the general elections were held in June 2014, the turnout registered an all-time low, definitely mining the already weakened political authority of the new-born House of Representatives and signalling the ultimate failure of the democratic transition in the country as well as the beginning of the second Libyan civil war.

2.3 Actors and Interests at Stake

Starting from 2014, the Libyan conflict has played out on two different levels. The first comprises local actors and revolves around the fissure between the East, with Haftar and the Tobruk parliament, and the West, with its multi-faceted and heterogeneous factions gathered under the umbrella of the internationally recognized Government of National Accord (GNA). A second level regards regional and international actors, which have assumed an increasingly assertive and proactive stance in the crisis in order to develop their specific geopolitical and ideological objectives, thus transforming the civil war into a proper proxy

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[82] St John, *Libya*, Chap. 11 "Post-Qaddafi Libya"
[83] *Ibidem*
[84] Lacher, *Libya's Fragmentation*, 35-37.

war. The proxy dynamics of the war have become particularly evident since the April 2019 military action against Tripoli carried out by General Khalifa Haftar and the LNA, with the outspoken economic and military support of Russia, Egypt, the UAE, and the unofficial sponsorship of France. The opposing camp of the UN-sponsored GNA has received funding and weapon supplies by Qatar and, most notably since January 2020, by Turkey. The Libyan struggle for power has thus intertwined with the Islamic dispute between "conservative" Arab countries, namely the United Arab Emirates and the Kingdom of Saudi Arabia, which are supportive of *Wahhabism* and of a Salafi conception of Islam, and the so-called "reformist" countries, Qatar and Turkey, which have been the main sponsors of political Islam and of the Muslim Brotherhood throughout the MENA region. In this regard, the position of Egypt has changed over time, as after the initial support for the Islamist camp of the GNC under the presidency of Mohamed Morsi, leading figure of the Egyptian Muslim Brotherhood, the rise to power of General Abd al-Fattah al-Sisi the country has repositioned itself in favour of Haftar and the LNA.[85] The military intervention of Ankara in the Spring of 2020 has shifted the balance of power on the battleground of Tripoli, leading to the reconquest of the capital by the GNA forces together with the neighbouring cities of Sabratha and Tarhouna,[86] and of the strategic al-Watiya airbase. The subsequent Turkish threat of a military offensive to capture Sirte and the Jufrah airbase in Central Libya have prompted the Russian response, with Moscow deploying fighter jets and advanced anti-access area denial systems in the airbase. The Libyan conflict has therefore undergone a process of intensification in the last two years, evolving from a civil war fought with conventional weapon to a regional highly technological proxy war characterized by the extensive use of drones and cyber-attacks,[87] and to a more classic direct military dispute sustained with foreign mercenaries, tanks and fighter jets. As a matter of fact, it would be simplistic to reduce Libya's fragmentation simply to a matter of regional, ideological or geopolitical confrontations when the current crisis is the sum of all these elements combined and more.[88]

Therefore, for the purpose of this research, the analisys of the fragmentation of Libya's social and political fabric and of the outbreak of the conflicts which have devastated Libya in the

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[85] Mercuri, *Incognita Libia*, 66.
[86] Marco Dell'Aguzzo, "Libia, Serraj conquista l'ultima roccaforte di Haftar", *eastwest.eu*, June 6, 2020, https://eastwest.eu/it/libia-news-serraj-conquista-tarhouna-ultima-roccaforte-di-haftar/
[87] Matthew Herbert, "Libya's war becomes a tech battleground", *issafrica.org*, October 08, 2019, https://issafrica.org/iss-today/libyas-war-becomes-a-tech-battleground
[88] Jalel Harchaoui and Mohamed-Essaïd Lazib, "Proxy Wars Dynamics in Libya", *The Proxy Wars Project* (Blacksburg: Virginia Tech Publishing, 2019), 5.

last six years will be provided through a description of the main actors and interests involved in the process, starting from the local standpoint and moving on to the regional and international level.

2.3.1 Haftar, the LAAF & the House of Representatives

The key figure of the Eastern camp in the two Libyan civil wars is undoubtedly Field Marshal Khalifa Benqasim Haftar. The 76-years-old warlord began his military career as junior officer under Mu'ammar al-Qadhafi during the September 1969 revolutionary coup d'état and subsequently led the Libyan contingent deployed for the conflict in Chad,[89] where he was captured by the Chadian forces. According to researcher Jalel Harchaoui, after being disowned by Qadhafi in an attempt to deny Libyan presence in Chad, Haftar was rescued by the United States intelligence, obtaining refuge and citizenship, and developing a strong relationship with the American secret services working for the CIA.[90] In 2011, Haftar returned to Libya demanding a role as commander among the Cyrenaican rebel forces until, on May 2014, he self-proclaimed himself leader of the self-styled Libyan National Army (LNA) and launched Operation Dignity against Islamist terrorist groups and militias, causing the outbreak of the second Libyan civil war. The main Libyan institutional sponsor of Haftar and the LNA is the House of Representative (HoR), the Libyan legislative body located in Tobruk, a small coastal town in the far-East of Cyrenaica. As mentioned in section 2.2, the HoR suffered legitimacy issues ever since its election in 2014, due to the violent environment in which the voting took place and to the boycott of the inaugural session by the Islamist bloc within the parliament. The HoR and the newly appointed Thinni government, operating from al-Bayda, were the only internationally recognized authorities in Libya at the time and soon adopted a partisan stance, abolishing the Political Isolation Law and condemning terrorism and the Libya Dawn forces. This position was officially formalized in 2015, when the HoR appointed Haftar general commander of the Armed Forces, a charge which granted him extensive power and legitimacy and allowed him to consolidate his authority over the Cyrenaican forces. At the international level, the LNA has garnered wide support from Russia, France, Egypt, and the Gulf States, namely Saudi Arabia and most notably the United Arab Emirates (UAE). Starting from 2014, these countries have provided extensive political,

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[89] Jason Pack, Kingdom of Militias: Libya's Second War of Post-Qadhafi Succession", *ISPI*, May 31, 2019, https://www.ispionline.it/en/pubblicazione/kingdom-militias-libyas-second-war-post-qadhafi-succession-23121

[90] Stephen Snyder, "Libyan warlord took a twisted path to Tripoli", *PRI*, April 10, 2019, https://www.pri.org/stories/2019-04-10/libyan-warlord-took-twisted-path-tripoli

ideological, economic and military support to Haftar and his men. The UAE has been the most active player, supplying the LNA Air Force with fighter jets and drones, used to bomb Tripoli in several occasions since the beginning of the hostilities. Russia has also been extremely active in Libya, not only promoting the leadership of Haftar and granting him credibility at international level, but also ensuring increased economic and military support. In terms of grassroots and tribal consensus, the LNA has enjoyed a widespread support in the East, particularly in the cities of Tobruk and Benghazi, due to its uncompromising stance against radical Islamism and its inclination for law and order, as compared to the dominance of militias and armed groups in Tripoli. In this area, Haftar has managed to exploit political divisions between and within the main Cyrenaican tribes, most notably the Obeidat and the Magharba, effectively co-opting them in his fight against jihadism and Tripoli's militias. Conversely, in the West divisions between pro-LNA and anti-LNA forces have produced communal and tribal frictions, often leading to internal conflicts which have undermined the societal fabric of the towns, as for instance in Zintan.[91]

Despite the official rhetoric depicts it as the Libyan National Army or the Libyan Arab Armed Forces (LAAF), Haftar's armed coalition is a "collection of truly discrete military/militia units and tribal/regional based armed groups".[92] At the launch of Operation "Dignity" in 2014, the LNA bloc mainly comprised civilians and tribal forces, most of them operating out of personal interests and under only limited control by the LNA's general command. Over time, Field Marshal Khalifa Haftar has conducted a policy of professionalization and personalization of the LNA, partly substituting tribal commanders – particularly from the Awaqir tribe – with former Qadhafi officials and partly integrating members of his kinsmen's tribes, the Ferjani and the Zway.[93] Haftar's victorious offensive against IS and terrorist group Ansar al-Sharia in Benghazi between 2014 and 2017 guaranteed him the increasing support of exiled regime officials in Cairo and Abu Dhabi,[94] while the conquest of the Oil Crescent in 2016 and of Derna in 2018 and the campaign in Fezzan in early 2019 boasted his international reputation as commander and leader of a coordinated national force.

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91 Lacher, *Libya's fragmentation*, 163-170.
92 Pack, *Kingdom of Militias*, 10.
93 Harchaoui and Lazib, *Proxy Wars*, 7.
94 Wolfram Lacher, "Magnates, Media, and Mercenaries: How Libya's conflicts produce transnational networks straddling Africa and the Middle East", *POMES*, June 17, 2020, https://pomeps.org/magnates-media-and-mercenaries-how-libyas-conflicts-produce-transnational-networks-straddling-africa-and-the-middle-east

Although it has progressively acted as centripetal force while gaining territorial supremacy and it has acquired logistical and military know-how due to the access to foreign financing and training, the LNA cannot be considered Libya's national army. It is not national, in that it is predominantly composed of Cyrenaican forces, it is not utterly Libyan as it often relies on foreign mercenaries (Chadian, Sudanese, Russian and Syrian) and it is not a regular army, as the majority of its rank and files are auxiliary forces.[95] In addition to that, the self-styled Libyan National Army has no control over the governance of official state institutions, namely the National Oil Company (NOC) and the Libyan Central Bank (LCB), as it relies on its Eastern counterparts, and has no territorial control over the capital Tripoli.

Today, following the launch of Operation "Flood of Dignity" in April 2019, the LNA camp is thought to be composed of some 25,000 members, of which around 7,000 troops are regular full-time militia members, and the remaining 18,000 troops form a part of the auxiliary forces. The latter include foreign mercenaries from Chad, Sudan and Russia, Madkhali Salafi groups in Cyrenaica and Tripolitania, and eastern and southern factions of the Petroleum Facilities Guard (PFG). The numerically largest armed force of the LNA is the 106th Battalion, formed in Benghazi together with the 101st after the occupation of the city. The 106th has over 5,000 components and mainly relies on professional fighters and Cyrenaican tribal and Salafi forces. It is directly led by Haftar's son, Khaled, and has access to the most advanced weaponry provided by Russia, Jordan and the UAE. Since the end of 2018, the 101st unit – led by Mohamed al-Zway and representative of the tribal armed groups of Ajdabiya – has joined the 106th Brigade to form the bulk of Haftar's Cyrenaican forces. Madkhali Salafi groups have become an increasingly decisive actor in Libya, on both sides of the conflict.[96] Among those allied with the LNA, the main is Subul al-Salam. Based in Kufra and composed of different tribal militias, it has control over the Kufra airport and represents Haftar's link with the Sudanese government. Members of the group have also been accused of human trafficking and several illicit activities.[97] Other noteworthy pro-LNA Salafi militias have formed in Zintan under the leadership of General Idris al-Mahdi.[98] In the South, the Sixth Brigade of Sebha is the most relevant unit. It is in large part expression of the historical Awlad Suleyman tribe, which has for a long time ruled over Fezzan, and has been co-opted by Haftar under pressure from international backers in order to ensure security over the

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[95] *Ibidem*, 5.

[96] For in depth analisys of the rise of Madkhali Salafi doctrine and movements in Libya see *Addressing the Rise of Libya's Madkhali-Salafis*, Brussels: International Crisis Group, Report No. 200 (April 2019).

[97] Harchaoui and Lazib, *Proxy Wars*, 8

[98] Centro Militare di Studi Strategici. *Analisi Strategica del 2019 - Mashreq, Gran Maghreb, Egitto e Israele.* Osservatorio Strategico 2019, Roma: Centro Alti Studi per la Difesa, Novembre 2019.

country's major oil terminals and the Sahelian borderline. In the Northwest, the core of LNA allies originates from former regime strongholds, such as Tarhuna, Bani Walid and Sabratha, although communal divisions remain deep within the towns.[99] The 9th Brigade or Kaniyat, is a Tarhouna militia named after its leaders, the Kani brothers, who have taken control over the city since 2014 and have been accused of smuggling and public executions. After abortively trying to extend their authority over Tripoli in multiple occasions, the group has joined the LNA in April 2019. Finally, the LNA has resorted to the outsourcing of security and military functions to foreign mercenaries from different countries. Chadian mercenaries of the "Rassemblement des Forces pour le Changement" (RFC) and Sudanese Janjaweed fighters of the Sudanese Rapid Support Forces (RSF) have served in protection of the oil terminals in the Jufrah area; the Wagner group, a private Russian-linked paramilitary group which was already deployed in the Syrian and Ukrainian conflict, has been based in Sirte and has joined the battlefield since September 2019.

2.3.2 The GNA, al-Sarraj and the anti-LNA militias

The disputed outcome of the June 2014 elections and the ensuing civil war between the Operation "Dignity" camp and the "Libya Dawn" camp left Libya in a condition of chaos and fragmentation. In the East, the emergence of Islamic terrorist groups such as Ansar al-Sharia in Benghazi and IS affiliates in Derna threatened the security of citizens and local authorities; in the West, the military stalemate between Zintani and Misratan forces and the dissolution of the respective coalitions resulted in an unstable and turbulent environment, still marked by harsh communal disputes.

In this context, the UN Special Representative Bernardino Leon began a process of mediation and negotiation in order to broker a power-sharing agreement and form a national unity government. Despite the unaccommodating attitude of the different Libyan military and political leaders, on 17 December 2015 the parts signed the Libyan Political Agreement (LPA), a power-sharing deal which envisioned the creation of a Government of National Accord (GNA) as the only internationally recognized government of Libya and maintained the House of Representatives as the sole legislative body. Furthermore, the LPA called for the establishment of a nine-member Presidency Council, an executive body representative of the different political and geographical stakeholders. Fayez al-Sarraj, a former Qadhafi and

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[99] Wolfram Lacher, *Briefing Paper: Who is Fighting Whom in Tripoli: How the 2019 Civil War is Transforming Libya's Military Landscape*, Geneva: Small Arms Survey, SANA Report (August 2019): 12.

GNC ministry, was appointed head of the Presidency Council and Prime Minister of the GNA. Not surprisingly however, the divisions within the HoR and the pressures from Haftar hindered the formal ratification of the agreement, paralyzing the institutional setting of the country.[100] After the Presidency Council arrived in Tripoli in March 2016, it immediately resorted to few local militias in order to ensure its security and legitimization, thus alienating the remaining armed groups who had backed its formation. Ultimately, Libya found itself split under the authority of three different institutions: the HoR in Tobruk with the respective Thinni government in al-Bayda, the internationally recognized GNA headed by Fayez al-Sarraj and the rump National Salvation Government – led by Khalifa Ghwell and built on the leftovers of the dismantled GNC – in Tripoli. Notwithstanding the concrete failure of the Shkirat agreement and the internal political struggles, the GNA managed to survive by relying on the same Tripoli militias that had allowed its arrival in Tripoli: the Tripoli Revolutionary Brigade, the Nawasi Brigade, the Abu Slim Central Security Unit and the Special Deterrence Force.[101] By monopolizing the security sector of the GNA in Tripoli these militias gained exclusive access to state resources and acquired unprecedented political influence, resorting to predatory economy practices which still last today. At the same time, Misratan coalition al-Bunyan al-Marsous managed to free Derna, Sirte and Sabratha from al-Qaeda and IS affiliates. In autumn 2016, with the support of the GNA defence minister and the funding of Qatar, Misrata's forces organized a military campaign to take control over the oilfields of the Oil Crescent. The offensive was short-lived and by March 2017 LNA troops had managed to not only consolidate their authority over the oil terminals but also expand in the central and southern areas of the country, seizing the strategic air base of Jufrah. In 2018, the so-called "Tripoli Quartet" – the four main militias backing the GNA and dominating the security sector in Tripoli – clashed with several Misratan militias which were unsuccessfully attempting to break their monopoly over the capital and the state resources. This conflict, which has come to be known as the "Late Summer War", is explanatory of the heterogeneity and inconsistency of the coalition fighting Haftar since the LNA launched its offensive on 4 April 2019. Indeed, experts and scholars tend to define the alliance behind the Operation "Volcano of Rage" more as an anti-LNA coalition rather than a pro-GNA army,[102] in coherence with the trend which saw the union of rival Tripolitanian armed groups

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[100] The diplomatic process leading to the signing and lacked ratification of the agreement will be further analysed in Chapter 3, however, at this stage it is important to underline that the main objection raised by Haftar supporters in the HoR regarded Art. 8 of the LPA, which prescribed the Presidency Council oversight on the appointment of all senior military positions and the ensuing resignation of Haftar as military commander.

[101] Lacher, *Libya's Fragmentation*, 49.

[102] Pack, *Kingdom of Militias*, 21; Lacher, *Who is Fighting Whom in Tripoli*, 6.

in defence of the status quo against the common enemy, being it the same Haftar in 2014 or IS and the terrorist groups in Tripolitania in 2016. In terms of numerical presence, the largest faction within the anti-LNA camp is represented by the Misratan militias, which are deployed all around Tripoli and Sirte and whose total contingent is estimated to reach approximately 6,000 units.[103] Among them, the Mahjub Brigade – founded in 2011 as a non-ideological revolutionary movement and since then backed by Qatari authorities – counts over 2,500 fighters. It represents a neutral force among Misratan hardliners and Islamist blocs and has been a supporter of the mediation process leading to the formation of the GNA. Conversely, the al-Sumud Battalion is a radical Islamist group deriving from the gathering of different Islamist armed groups formerly lined up with the National Salvation Government which has proven reluctant to renege its independency and integrate with the GNA command structure. The leader of the al-Sumud Battalion, Salah Badi, has also been targeted by UN sanctions due to his pivotal role in the outbreak of the 2014 civil war. In the capital, several armed groups have sided in defence of the city and of their status within it. The largest Tripoli militia is the Abu Slim Central Security Unit, led by Abdelkhani al-Kikli, which lists approximately 300 fighters and has been deployed on the Mitiga Airport front. Other relevant groups are the Tripoli Revolutionaries Battalion, which despite having suffered a huge numerical drawback still represented a fundamental bulwark in the early days of the conflict, and the Salafi militia Special Deterrence Force (SDF), or Radaa. Founded in 2013 by Abdelraouf Kara, the SDF is a Madkhali-Salafist group which has specialized in the police enforcement as well as in illicit activities, becoming Tripoli's most powerful militia. In lesser numbers, also the Nawasi, Bab Tajura and Fursan Janzur brigades have lined against Haftar and the LNA in Tripoli.[104] As mentioned in the previous section, the city of Zintan split between supporters and opponents of the LNA, and despite the limited numerical presence, the Zintan Military Council (ZMC) led by the head of the GNA military operations room Usama al-Juwaili, has played an outsized role in the fight. Finally, Zawiyan Islamist militias as well as fighters from Tubu and Touareg minorities were also part of the anti-LNA coalition.

The decisive Turkish intervention arrived after the signing of two controversial Memorandum of Understanding with the GNA in November 2019, a first regarding the delimitation of the maritime jurisdictions and a second one regarding security and defence issues, *de facto* authorizing the Turkish military entrance in Libya. Starting from January 2020, Turkey has increasingly supplied weaponry and fighters to the GNA, shifting the balance of

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[103] Pack, *Kingdom of Militias*, 7.
[104] Lacher, *Who is Fighting Whom in Tripoli*, 7.

power on the ground in Tripoli. Besides benefitting from the coordination and intelligence of Turkish military advisors, the anti-LNA coalition has done extensive use of Ankara's armoured vehicles, air defence systems and of the Bayraktar TB2 drones – especially used for airstrikes and for ISR (Intelligence, Search and Reconnaissance) missions – which are now stocked in the strategic al-Watiya airbase.[105] In addition to several hundreds of its own troops, it is estimated that Turkey has deployed 6,000 Islamist Syrian combatants coming from the Idlib province of Syria, now under control of Ankara.[106] After the liberation of Tripoli, Turkey and the GNA have agreed upon extending their cooperation in the attempt to seize control of the coastal town of Sirte and the Jufrah airbase, which would give them control over the resource-rich Oil Crescent area.

2.3.4 The Gulf States

At the outbreak of the Arab Springs in 2011 the Gulf States were among the first regional and international actors to react and try to influence the outcome of the revolts. This was mainly due to their new foreign policy assertiveness and their concerns for economic development and political stability in the area. Regarding the Libyan case in particular, although Riyadh, the most influential player, preferred to concentrate on its competition with Iran, both Abu Dhabi and Doha decided to invest their resources to gain future advantages out of the revolution. They did so by using a twofold approach: first, they used the international *fora* – namely the Gulf Cooperation Council (GCC) at the regional level and the United Nations at the international one – to organize a coordinated and multilateral response to the crisis; secondly, they took advantage of their local connections among Libyan opposition exponents to develop their specific interests in Libya. This assertiveness was financially sustained by the increasing oil revenues and by the success of Qatari and Emirati companies and investment funds. Furthermore, the geopolitical void left by the American disengagement in the Middle East allowed the relatively small Gulf States to play an outsized role at the regional level. Despite an initial common standpoint in favour of the revolutionary movements, disagreements over the role of Islamists and secular groups, and particularly over the role of the Muslim Brotherhood began to emerge. While Riyadh and Abu Dhabi totally disliked the Muslim Brotherhood due to its bottom-up approach and its support for

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[105] Federica Saini Faisanotti, "La Libia a un anno dall'offensiva di Haftar", *ISPI*, May 23, 2020. https://www.ispionline.it/it/pubblicazione/la-libia-un-anno-dalloffensiva-di-haftar-26253

[106] Bel Trew, "Inside the Murky World of Libya's Mercenaries", *The Independent*, June 15, 2020. https://www.independent.co.uk/news/world/africa/libya-war-haftar-gna-syria-russia-wagner-uae-tripoli-a9566736.html

popular participation and democratic institutions, Qatar became the main sponsor of political Islam and backed the Brothers both in Egypt and in Libya. These diverging approaches reflected in the internal relations of the Gulf Cooperation Council as well as in the support provided to the two camps in the 2014 Libyan civil war. Since 2014, the UAE and in lesser terms Saudi Arabia, have become the main political, economic and military sponsors of Haftar, whereas Qatar – especially until the 2017 GCC blockade and the increased commitment of Turkey – has represented the backbone of the Islamist camp and the Libyan Dawn coalition at the international level.[107]

UAE. The United Arab Emirates have arguably been the most active actor in the Libyan crisis since its inception in 2011. The monarchy of Abu Dhabi extensively funded the revolutionary militias against Mu'ammar al-Qadhafi, particularly those in the East and in the town of Zintan.[108] Since 2012, they have also backed the non-Islamist and secular bloc of the GNC and have been the most dedicated supporter of Haftar and the LNA since its creation in 2014. Many scholars have underlined how the ideological, political, military and economic sponsorship of the UAE has been fundamental for the initial survival and success of the LNA. The UAE have provided the most advanced weaponry – mainly France and Russian fighter jets and Chinese drones – to Haftar's air force and battalions and have consistently ensured financial inflows to Tobruk in order to sustain its military operations. Leaving from the al-Marj base in eastern Libya, UAE orchestrated airstrikes have often destroyed GNA and Islamist outposts in Tripoli, Sirte and Misrata. In addition, the UAE have obtained the rights to use the Nigerian base at the borders with Libya, through which they can exert their control over Fezzan and the southern Libyan oil fields and pursue ISR missions. According to some estimates, the UAE has conducted over 850 airstrikes through its Chinese-made Wing Loong II drones and has transferred over 6,200 tons of weapons and ammunitions.[109] Abu Dhabi has also tried to broker a favourable political agreement by hosting two meetings between Haftar and al-Sarraj, one in 2017 and one in February 2019. In the latter, Haftar had agreed on establishing a roadmap for holding general elections but he nevertheless launched Operation Flood of Dignity in April 2019, with the fundamental approval of the UAE. According to a recent study, Saudi Arabia and UAE-sponsored media outlets and social media profiles have relied on information warfare activities to convey an image of Haftar as

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[107] For a detailed analysis on the foreign interference in the aftermath of the Libyan revolution of 2011 see Karim Mezran and Arturo Varvelli, *Foreign Actors in Libya's Crisis* (Milan: LediPublishing, 2017)

[108] Harchaoui and Lazib, *Proxy Wars*, 12.

[109] Eleonora Ardemagni and Federica Saini Faisanotti, "The UAE in Libya and Yemen: Different Tactics, One Goal", *ISPI*, July 31, 2020. https://www.ispionline.it/it/pubblicazione/uae-libya-and-yemen-different-tactics-one-goal-27138

influential leader and commander, while labelling the GNA camp members as "Islamists" and "terrorists". This innovative form of hybrid warfare was particularly useful to shift the public opinion of the neighbouring countries in favour of Haftar and the LNA camp.[110]

Similarly to Turkey, the UAE have taken advantage of the Libyan conflict to express its ambitions of regional power and have rendered the civil war an ideological zero-sum game between opposing Islamic doctrines as well as geopolitical visions.[111] As previously mentioned, the fight between political Islam supporters and Wahhabism has become a main driver of the recent Middle East relations. Abu Dhabi and Riyadh are staunch supporters of strong military regimes with low or null popular participation to the political life and have made their primary goal the eradication of the Muslim Brotherhood and of political Islam. In this regard, the UAE have chosen to support the Madkhali-Salafi militias due to their discipline, their respect for military hierarchy and their objection to the Muslim Brotherhood.[112] In terms of allies and proxies, the UAE is retracing the steps taken in Yemen and most notably Egypt, where it supported the advent to power of the military regime of al-Sisi. In geopolitical terms, the UAE, as much as Turkey and Qatar, view Libya as a tool to assert their foreign policy and project their economic and commercial power. Libya represents an access to the Mediterranean and its resources as well as to Europe and its market, as demonstrated by Abu Dhabi's will to maintain control over the Sirte airbase, port and oil terminals. The UAE are also thought to be the mastermind behind the blockade of oil production in the largest Libyan oilfields – started in January 2020 and reinstated in July after a short lift[113] – which is costing Libya billions of dollars in terms of revenues and national resources.

Saudi Arabia. Although Saudi Arabia has never deemed Libya a priority for its foreign policy, its geopolitical and doctrinal convergence with the United Arab Emirates has aligned it with Haftar and the LNA, of which Riyadh has been a financial and political supporter. As mentioned above, Saudi Arabia has sponsored a series of networks and fakebots (fake social media accounts) to saturate the information horizon in favour of a pro-LNA narrative. In addition to that, according to a Chatham House report, Saudi Arabia has funded the latest

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110 Centro Studi Sociali, "Information Warfare In Libya. The Online Advance Of Khalifa Haftar", *Centro Studi Internazionali*, (May 2019): 1-23.

111 Eleonora Ardemagni, Le monarchie del Golfo giocano "un doppio" in Libia, *ISPI*, March 31, 2020. https://www.ispionline.it/it/pubblicazione/le-monarchie-del-golfo-giocano-un-doppio-libia-25570

112 Ardemagni and Saini Faisanotti, "The UAE in Libya".

113 Salma El Wardany, "Libya blames UAE blockade for latest halt in oil exports", *Al-Jazeera*, July 13, 2020. https://www.aljazeera.com/ajimpact/libya-blames-uae-blockade-latest-halt-oil-exports-200713160350695.html

military operation of Haftar and has been paying the Russian Wagner mercenaries for their support to the LNA.[114]

Qatar. In the wake of the 17 February Revolution, Qatar immediately identified the chance to take advantage of its economic and communicative power and of its strict relationship with the Muslim Brotherhood to steer the revolution in its favour, differentiating itself from the leadership of the Gulf Cooperation Council much like it did in Tunisia and Egypt.[115] Indeed, Qatar was the first Gulf state to recognize the National Transitional Council in 2012, due to its ties with former Qadhafi general Abdelfattah Younis, to the Libyan Islamic Fighting Group (LIFG) leadership, and to the religious scholar Ali Sallabi, brother of Ismail Sallabi, leader of a prominent Islamist revolutionary movement and future cofounder of the Benghazi Defense Brigades (BDB). Qatar's influence was particularly strong in Misrata, where the Mahjub Brigade enjoyed military, technical, financial and political support by Doha.[116] A key reason for Qatar's commitment in favour of the NTC derived from a commercial deal which granted Doha the chance to sell Libyan oil. Furthermore, Qatari institutions were interested in the lucrative post-conflict reconstruction business, as demonstrated by the acquisition of Libya's Bank of Commerce and Development by the Qatar National Bank and by the multiple commercial projects stipulated between Doha and the NTC.[117] Subsequently, Doha concentrated its effort in Libya to promote the leadership of the Muslim Brotherhood and the JCP party in the 2012 elections. After the counter-revolution led to a regime change in Egypt in favour of a military leadership, Doha sided with the hard-line Islamist movements in the GNC and the Libya Dawn coalition. Since 2015, Qatar supported the UN-mediated talks and the formation of the Government of National Accord, however, after the arrival of the executive of al-Sarraj in Tripoli, it also maintained its support for the rump National Salvation Government of Khalifa Ghwell and for the Islamist militias. A fundamental asset for Qatar's foreign policy to exert its influence and bolster its adventurism was represented by its media empire Al-Jazeera, which broadcasted the efforts of the revolutionary movements against Mu'ammar al-Qadhafi and of the Libya Dawn camp against Haftar in the 2014 civil war. Recently, Doha has downscaled its level of commitment in the country due to the overlapping of Qatari and Turkish

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[114] Tim Eaton et al., *The Development of Libyan Armed Forces Since 2014: Community Dynamics and Economic Interests* (London: The Royal Institute of International Affairs), 33.
[115] Eugenio Dacrema and Arturo Varvelli, *Le Relazioni Tra Italia E Libia: Interessi E Rischi* (Milan: ISPI, 2020), 21.
[116] Harchaoui and Lazib, *Proxy War*, 16.
[117] Mezran and Varvelli, *Foreign Actors*, 50.

geopolitical interests and has financed the increased commitment of Erdogan in the Libyan conflict, thus outsourcing the military tasks to Ankara.[118]

2.3.5 Egypt

The geopolitical scenarios of Libya and Egypt have historically been intertwined, not only due to the presence of a large and permeable border along which many shared tribes reside in close proximity to each other, but also because of the great political, ideological and social influence exerted by Cairo in Libya since the advent of Nasser. As a matter of fact, the Egyptian approach towards the Libyan crisis has changed over time, in conjunction with the changes of leadership in Cairo. In the aftermath of the Arab Springs, both countries entered a fragile process of democratization in which Islamists movements began to emerge as key political actors. With the election of Mohamed Morsi in 2012 the Muslim Brotherhood obtained the government of a major player in North Africa, fostering the ambitions of its Libyan counterpart, which however failed to gain extensive popular support. Conversely, with the 2013 putsch and the ensuing takeover of general Abdel Fattah al-Sisi, the new Egyptian military leadership has prioritized Libya in its foreign policy because of its concerns in terms of security and migration flows. In this regard, Haftar and the LNA have represented an invaluable ally for Cairo in the fight against terrorism and political Islam and in purporting the imagery of an authoritarian military rule. Indeed, since 2014 Egypt has financed Haftar's expansionist projects, smuggling increasing amounts of weapons – including armoured vehicles and aircrafts – as well as fighters to sustain the LNA troops and has provided its airbases at the border with Libya for UAE's airstrike against Tripoli and Misrata. Furthermore, Egyptian intelligence services were instrumental in eradicating Jihadist groups in Cyrenaica, preventing them from further perpetrating terrorist attacks in Egypt.[119] In addition to the security issue, Egypt considers Libya a fundamental geopolitical asset for its economic and energetic interests in the region, in contrast with Turkish ambitions in the Eastern Mediterranean.[120] The recent agreement on the delimitation of the maritime borders between Egypt and Greece is expression of this geopolitical confrontation of which Libya is subject and host. Following the liberation of Tripoli, Egypt has adopted an increasingly aggressive stance, with the parliament approving a military intervention in case of a Turkish

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118 Burak Tuygan, "What is Turkey doing in Libya?", *Ahval*, July 4, 2019. https://ahvalnews.com/libya-turkey/what-turkey-doing-libya

119 Mezran and Varvelli, *Foreign Actors*, 24-25.

120 Giuseppe Dentice, "Libia: un test per le ambizioni geopolitiche dell'Egitto", *ISPI*, March 31, 2020. https://www.ispionline.it/it/pubblicazione/libia-un-test-le-ambizioni-geopolitiche-dellegitto-25571

offensive against Sirte and Jufrah. Therefore, Egypt's approach has been twofold. Officially, it has supported a mediated political solution, supporting the Berlin Conference in January 2020 and hosting several diplomatic meetings between Haftar and al-Sarraj. The latest diplomatic attempt arrived on June 6, when al-Sisi held a press conference announcing the "Cairo Declaration", an initiative backed by Haftar and the HoR spokesman Aguila Saleh which envisioned a ceasefire and the launch of an intra-Libyan negotiation platform aimed at holding Presidency Council elections. At the same time, it called for the disarmament of the Tripolitanian militias and the transfer of their weapons to the LNA, arguably facilitating Haftar's military takeover of Tripoli. Such agreements, which have already been attempted in the previous years, have historically brought to a disruption of the talks and to the worsening of the confrontation between the two sides.[121]

2.3.6 Turkey

Despite the former colonial ties and the fundamental Ottoman legacy in Libyan history, Turkey's interest in Libya dates back to 2011,[122] when it partially endorsed the UNSC Resolution 1970 and it began supporting and training Islamist revolutionary militias, such as the Tripoli Revolutionaries Brigades and Misrata's Mahjub Brigade.[123] In 2012 Turkey recognized the newly formed National Transitional Council (NTC) and funded it with $300 million for peace and rebuilding projects.[124] During the 2012 political elections, Ankara has funded the Islamist block within the GNC, namely the Justice and Construction Party (JCP), political arm of the Muslim Brotherhood in Libya. While keeping a neutral stance during the 2014 civil war, after the emergence of Haftar and the LNA, Turkey has provided financial aid and refuge to Ibrahim Jadran, leader of the Petroleum Facilities Guards and staunch opponent of the Field Marshal, as well as to commanders of the Benghazi Defense Brigade (BDB). Since 2016, Turkey has backed the creation of the UN-sponsored Government of National Accord (GNA), siding with it and developing ties with the Islamist-leaning ministries, most notably Fathi Bashagha, the Minister of Interior. Haftar's offensive on 4 April 2019 has produced a renewed and increased effort from Ankara, which has supplied

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121 Karim Mezran and Alessia Melcangi, "The Cairo Declaration is a false resolution to Libya's conflict", *Atlantic Council*, June 11, 2020. https://www.atlanticcouncil.org/blogs/menasource/the-cairo-declaration-is-a-false-resolution-to-libyas-conflict/

122 Emrah Kekilli and Bilgehan Öztürk, "Turkey's Position in the Libyan Crisis", *Insight Turkey* 22, No. 2, (Spring 2020): 54.

123 Harchoaui and Lazib, *Proxy Wars*, 9-16.

124 Kekilli and Öztürk, "Turkey's Position", 55.

APCs vehicles, ATGMs, air defence systems and dozens of Bayraktar TB-2 drones. As previously mentioned, since the signing of the two Memorandum of Understanding with GNA Prime Minister Fayez al-Serraj, Ankara has also deployed Turkish troops as well as thousands of Islamist Syrian mercenaries, increasing its political and military influence in the country. Following the liberation of Tripoli, Turkey has reiterated its commitment to exert its military influence in the country by seizing control of the al-Watiya airbase, where it deployed its fighter jets and drones, and to cooperate with the GNA by signing a trade deal[125] and announcing future post-war agreements in several sectors.

The reasons behind Turkey interventionism in Libya are multiple: first and foremost, since the outbreak of the so-called Arab springs and particularly since the failed coup of 2016, Turkey has sought to affirm itself as a regional political, economic and ideological power, even resorting to military intervention in Syria in the attempt to protect its borders from refugee flows. This new geopolitical assertiveness has integrated into a broader ideological clash between reformist Islamist countries, such as Turkey and Qatar, which are supporters of political Islam, and the Wahhabi-Salafi countries, namely Saudi Arabia, the United Arab Emirates and also Egypt, which oppose political Islam and any interaction between politics and religion.[126] Furthermore, Ankara might have identified Libya as a source of political leverage against Russia, against which it is fighting in Syria, in order to expand the diplomatic agenda and strengthen its negotiation power. Besides that, the main driver for Turkish engagement in Libya is represented by Ankara's historical rivalry with Greece and by its concern for energetic independence. In this regard, the agreement signed with the GNA in November 2019 on the delimitation of the maritime borders is a clear indication of the Turkish interest over the Eastern Mediterranean oil and gas resources, after it was excluded by the EastMed Gas Forum.[127] Indeed Turkey has taken advantage of its relationship with Libya to delineate an Exclusive Economic Zone (EEZ) way beyond the rights of the sea established in the Montego Bay Convention of 1982 (which was not signed by Turkey) and which borders with the Libyan EEZ. Ankara's objective is therefore to hinder the construction of the EastMed Gas Forum pipeline, so to retain its role of intermediary between the Middle Eastern gas-rich countries and the European consumers. Finally, the

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125 Tuba Sahin, "Turkey, Libya ink deal to boost trade, economic ties", *Anadolu Agency*, August 13, 2020. https://www.aa.com.tr/en/africa/turkey-libya-ink-deal-to-boost-trade-economic-ties/1940261

126 George Joffè, "Libya, the new geopolitical arena", *The Journal of North African Studies* 25, No. 5, (July 2020):681.

127 The Eastern Mediterranean Gas Forum is an initiative launched by seven states – namely Greece, Italy, Cyprus, Egypt, Israel, Jordan and Palestinian Authority – in order to create a platform for the cooperation on the extraction and distribution of natural gas resources in the Eastern Mediterranean. Since January 2020 it has become an international organization with headquarter in Cairo.

delimitation of such EEZ has also eased Turkish military operations, as it has secured a safe route for its carriers to transfer weapons to Libya.[128]

2.3.7 Russia

Russia's engagement with the MENA region has considerably increased since the inception of the 2011 uprisings, as the Kremlin has attempted to consolidate its role as alternative to the NATO alliance and exert its political and economic influence in the area. As for Libya, the two countries had sustained an extensive economic and military relationship, according to the Russian approach of "guns for oil".[129] Indeed, since the 1970s, Libya and Russia had signed numerous agreements for the supply of oil in exchange for an outstanding quantity of weapons, which had allowed the Libyan army to have the "highest ratio of military equipment to manpower in the world".[130] In this regard, Russia still boasted a $4 billion credit due to a previous arm deal which was cancelled with the 2011 UN arms embargo.[131] This military arsenal was the main source of weaponry for the multiple Libyan militias in the aftermath of the 17 February revolution. In addition to that, the majority of Libyan military leaders were sent to the Soviet Union to be trained, so that the current LNA commandants enjoy a privileged relationship with Russian military forces.[132] This aspect is crucial in understanding Russian support for Field Marshal Haftar and his self-styled LNA. A second fundamental element to consider is that, although Russia had approved the UNSC 1970 Resolution condemning the use of lethal force by Qadhafi's troops and imposing international sanctions on his regime, it had expressed itself against the creation of a no-fly zone and against any direct foreign intervention in Libya. Thus, Russia considers the NATO-led operation to oust Qadhafi as the main source of instability and conflict in the country,[133] and has allied with Egypt to support what it considers the most reliable Libyan figure to stabilize the country and restore its previous economic activities, in contrast with the instability and security issues raised particularly by Islamist militias in Tripoli. Most notably, the Kremlin was concerned by the emergence of Jihadist movements throughout the country and offered its support for counterterrorism operation to both the LNA and the GNA.[134] Indeed, at least until the launch of Operation Flood of Dignity, Moscow has

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[128] Matteo Colombo, "Il matrimonio d'interesse tra Turchia e Libia", *ISPI*, March 21, 2020. https://www.ispionline.it/it/pubblicazione/il-matrimonio-dinteresse-tra-turchia-e-libia-25596

[129] Claudio Bertolotti, "Mashreq, Gran Maghreb, Egitto e Israele", *Osservatorio Strategico 2019*, No. 6 (November 2019): 72.

[130] St John, *Libya*, 180-181.

[131] Stasa Salacanin, "What is Russia really up to?", *Qantara.de*, January 3, 2019. *https://en.qantara.de/content/civil-war-in-libya-what-is-russia-really-up-to*

[132] Mezran and Varvelli, *Foreign Actors*, 76.

[133] Salacanin, "What is Russia"

[134] Mezran and Varvelli, *Foreign Actors*, 80.

tried to maintain positive diplomatic relations also with the GNA, in the attempt to secure itself a key role irrespective of the final winner. President Putin has hosted GNA Prime Minister al-Sarraj in Moscow and has supported international diplomatic meetings, among which the January 2020 Berlin Conference. However, since April 2019, Russia has been overtly sided with Haftar and the LNA and its assertiveness as grown proportionally to the level of Turkish military commitment. In September 2019, Moscow has sent to Libya a group of private military contractors, the Wagner Company, who had previously been deployed in Ukraine and Syria, stationing them in protection of the oil field installations in the South and in the airbases of Sirte and Jufrah. Furthermore, the Kremlin has been providing financial liquidity to Haftar and the LNA, who had suffered a severe liquidity crisis, by printing unofficial currency which has been delivered directly to the parallel eastern central bank.[135] Finally, according to the United States Africa Command, Russia has transferred several air fighters – Mig29 and Su24 – as well as Pantsir Sa-22 air defence combat vehicles.[136] This military escalation by Ankara and Moscow has led to a temporary stalemate which might result in a condominium, on the basis of the Turkish-Russian spheres of influence model applied in Syria. Nevertheless, Russia has proven determined to preserve its interests in the country: restoring economic relations, obtaining access to the Mediterranean, securing a privileged channel for oil concessions, and gaining leverage on the EU over the management of migration flows.

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[135] Rinat Sagdiev and Aidan Lewis, "UPDATE 1-EXCLUSIVE-Supplies of banknotes from Russia to east Libya accelerated this year-data", *Reuters*, October 29, 2019.
https://uk.reuters.com/article/libya-economy/update-1-exclusive-supplies-of-banknotes-from-russia-to-east-libya-accelerated-this-year-data-idUKL8N27E3HN

[136] "Russia and the Wagner Group continue to be involved in both ground and air operations in Libya", US AFRICOM, last updated July 24, 2020.
https://www.africom.mil/pressrelease/33034/russia-and-the-wagner-group-continue-to-be-in

3. UNITED NATIONS MEDIATION IN LIBYA

The definitions of mediation in terms of diplomacy and international relations are multiple and multi-faceted. The United Nations Guidance for Effective Mediation describes it as a voluntary process "whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements". Mediation has also been described as the extension or continuation of peaceful conflict resolution with a neutral, or not, third-party presence. In this regard, Princen has defined intermediaries as "third Parties who intercede for the purpose of influencing or facilitating the settlement of a dispute but who do not impose a solution",[137] as that would jeopardise the mediator's impartiality. Nevertheless, mediators bring ideas, resources and interests to the dispute, temporarily changing or influencing it. Ultimately, the role of a mediator is to reach a cease-fire or support the parties in reaching a mutually acceptable agreement. There is no clear recipe for a successful mediation. According to Zartman, successful conflict resolution requires the presence of a mutually hurting stalemate in which the cost of continuing the conflict exceed those of making peace concessions.[138] Other requirements are consent of the conflict parties, impartiality of the mediator and inclusivity of the mediation process.

In Libya, United Nations mediation efforts have enjoyed early favourable international circumstances, but with time, they have also faced unique and extremely difficult challenges. Indeed, the cohesion and swiftness with which, at the outbreak of the protests, the UN Security Council approved the resolutions calling for a mediated and peaceful solution to the Libyan uprisings was instrumental to mobilize the international community against the atrocities committed by the Qadhafi regime. However, both the Special Envoy al-Khatib and the successive Special Representatives heading the United Nations Support Mission in Libya received only formal backing for their mediation efforts. Divisions within the Security Council emerged as the internal conflicts persisted, reducing UNSMIL leverage on both local and regional actors. In particular, despite having established a system of sanctions, these were never applied to weapon smugglers violating the arms embargo, or to the so-called spoilers, who hindered the political transition first and the Libyan Political Agreement afterwards. The most significant challenge faced by UN mediators in Libya was fragmentation. Historically, the social fabric of Libya is characterized by a tribal structure in which authority is exerted at

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[137] Thomas Princen, *Intermediaries in International Conflict*, (Princeton: Princeton University Press, 1992), 3.
[138] I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*, (New York: Oxford University Press, 1985), 286.

strict local level, tribes can be split into two or three, and members of a tribe often do not even know their tribe leaders. The legacy of a regime which based its rule on complete centralization of state and economy without at the same time developing any form of national institutions and administration, left a void at its collapse which was filled by a multitude of actors. Therefore, even after the polarization of the conflict during the Second Civil War in 2014, it was very complex for UNSMIL mediators to identify the interlocutors and the power brokers for the negotiations. In addition to that, armed groups gained remarkable power and influence in the country, while at the same time rarely expressing a formal leadership empowered to negotiate.[139] Libyans' determination to retain control over the democratic transition together with UNSMIL's focus on ensuring national ownership and maintaining a light footprint altogether excluded the possibility of deploying peacekeeping forces to stabilize the country and de-escalate the conflict. All these issue were further complicated by the forced departure of UNSMIL delegation during the crucial period of the Libyan National Dialogue, which has limited its access to the country and therefore precluded the development of closer contact with battleground actors, thus undermining its work in the negotiation of the Libyan Political Agreement.

This chapter will therefore retrace the path of the United Nations mediation efforts in Libya, taking into consideration the social, military and political context of the country and the international relations among the member states which have influenced it. The analysis will often rely on official UN documents, including resolutions, briefings and press releases, and on official declarations of UNSMIL delegates.

3.1 Early Mediation Attempts

At the onset of the 2011 Libyan revolution the United Nations Security Council (UNSC) reacted with remarkable swiftness and determination to the violent actions and declarations of Qadhafi and his regime. This assertiveness was particularly substantial if compared to the cases of Yemen and most notably Syria. On the 26th of February 2011, just eleven days after the first demonstrations, the UNSC adopted at unanimity the far-reaching Resolution 1970; on 1 March the UN General Assembly (UN GA) voted Libya off the Human Rights Council and in less than one month, on March 13, the first UN delegation arrived in Tripoli. The reasons behind this assertiveness were twofold: first, the Libyan Permanent Representatives

[139] Muriel Asseburg, Wolfram Lacher and Mareike Transfeld, "Mission Impossible? UN Mediation in Libya, Syria and Yemen", *SWP Research Paper* 8, German Institute for International and Security Affairs, October 2018.

at the UN quickly defected from Qadhafi's government and denounced the gross violation of human rights committed by the regime security forces, going as far as equating the Libyan Colonel to Hitler; second, the conviction of the five permanent members that the Libyan crisis could cause a contagion and increase instability throughout the region – also shared by the Arab League and the African Union – conveyed the particular worries of the different actors into a prompt and common response.[140] As a matter of fact, Resolution 1970 referred the situation in Libya to the International Criminal Court, becoming the first ever unanimous referral to the ICC by the Security Council.[141] Further, Resolution 1970 called for the "immediate end to violence" and for the fulfilment of the "legitimate demands of the (Libyan) population" and on this basis it a) applied an arms embargo, b) placed a travel ban on the members of the ruling family and the regime ministers, c) disposed the freeze of the assets and financial resources of Qadhafi's family and d) established a sanction committee subordinate to the Security Council authority.[142] In addition, on March 7 the UN Secretary-General Ban Ki-moon appointed former Jordan foreign minister Abdelelah al-Khatib as Special Envoy for Libya, with the task of seeking a mediated peaceful transition. This once more demonstrated UN effort and commitment to address the Libyan issue in a timely manner in order to avoid a full-blown conflict, however, Resolution 1970 made no mention of "mediation" as the mechanism through which to achieve this transition, and the reference to the "legitimate demands of the population" left room for different interpretations, both within the Security Council and among the Libyans themselves.

In his short mandate – lasted from March 7th to August 20th, 2011 – Al-Khatib focussed his mediation efforts on reaching a ceasefire and halting the conflict, resorting to "shuttle diplomacy" – as his headquarter was based in Amman, the rebels' base was in Benghazi and Qadhafi resided in Tripoli – and to tele-mediation. Shortly after his arrival in Tripoli, on 17 March, the Security Council made a further step against the actions of the Qadhafi regime and passed Resolution 1973, which authorized member states and regional organizations to "take all necessary measures", with the exception of military occupation, in order to "protect civilians and civilian populated areas under threat of attack".[143] These measures also included the establishment of a no-fly zone, conducted by the forces of the Gulf states. As such,

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[140] C.S.R. Murthy, "United Nations and the Arab Spring: Role in Libya, Syria, and Yemen", *Contemporary Review of the Middle East* 5, no. 2 (June 2018): 122.
[141] Peter Bartu, "What Mandate? Mediating During Warfighting in the Libyan Revolution (2011)", *African Security* 10, No. 3-4 (August 2017): 177.
[142] UN Security Council Resolution 1970 (February 26, 2011), UN Doc. S/RES/1970.
Available at https://unsmil.unmissions.org/sites/default/files/SRES1970.pdf
[143] UN Security Council Resolution 1973 (March 17, 2011), UN Doc. S/RES/1973

Resolution 1973 considered the first practical application of the Responsibility to Protect (R2P) doctrine, conceptually endorsed by the UN in the 2005 World Summit. Unlike the previous one, this resolution divided the Security Council and was approved with the barest support. Beyond the abstention of Russia and China, vocal opposers of the no-fly zone, the Resolution managed to pass only thanks to the positive vote of South Africa, obtained shortly before the voting and conditional to the inclusion in the text of a line remarking the importance of the parallel mediation effort led by the AU High-Level Committee.[144]

Concretely, this resolution formalized al-Khatib's appointment and mandate – consisting in finding "a sustainable and peaceful solution to the crisis"[145] – and at the same time it fundamentally altered his role in the process. Indeed, al-Khatib ever since had to accommodate AU's mediation initiative, the Arab League's intrusion, the Libya Contact Group[146] meetings and the NATO-led military intervention. In addition to that, the early referral to the ICC and its subsequent arrest warrant against Qadhafi, his son Saif al-Islam and a close associate of the Colonel, induced the regime leader to be less incline towards a peaceful political transition. Nevertheless, al-Khatib proposed a cease-fire and a transition agreement which envisioned the creation of a provisional body with mutually acceptable members and an interim president, to carry out the political transition and ensure the respect of the cease-fire.[147] This attempt was undermined by the NATO bombing of Qadhafi's residence in Tripoli and by the Istanbul meeting of the Libya Contact Group in July, which, despite reaffirming the UN leadership and the need for cooperation and for a unified approach towards the crisis, decided to formally recognize the National Transitional Council (NTC) as the only legitimate authority in Libya and to call for Qadhafi to step down in order to embark on the democratic transition process. The outcome of the meeting basically reflected the NTC position and allowed the revolutionary body to take a more assertive approach in the mediation. Strong of such an overt international support, the NTC rejected any compromise which did not include Qadhafi's departure and, accommodating the hard-line views of the armed militias (*thuwwar*), it approved a very ambitious roadmap for the election of an interim government to oversee the political transition. The Islamist camp inside the NTC was particularly supportive of this approach as it thought that by holding

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144 Alex de Waal, "African Roles in the Libyan Conflict of 2011", *International Affairs* 89, No. 2 (March 2013): 368.

145 UN Security Council Resolution 1973

146 The Libyan Contact Group is a collective established in London on 29 March, 2011 by the representatives of 32 countries and 7 international organizations, including the the UN, EU, NATO, the Arab League, the OIC, the GCC, and as an invitee, the AU, "with a view to coordinating international efforts in support of Libya". The Libya Contact Group is still active today.

147 Bartu, "What Manadate", 182.

early elections it would obtain an extensive majority of the votes and was thus eager to start this process, in contrast with NTC Prime Minister Mahmoud Jibril's technocratic view, which favoured the drafting of a constitution prior to the electoral experience.[148] With the fall of Tripoli in August 2011, the NTC found itself without a clear leadership, as the revolutionary army chief Abdelfattah Younis was murdered by a militia group and the Chairman of the NTC decided to dismantle the government. Thus, both sides were fragmented and there was no clear interlocutor for the UN delegation, marking the end of the mediation effort for the peaceful resolution of the conflict. Ultimately, thwarted by the inflexibility and fragmentation of the local actors, by the diverging views and lack of impartiality of the UN member states and by the multiple diplomatic and military initiatives working at cross-purposes with each other, al-Khatib's mission failed and Qadhafi was brought down by force, inducing al-Khatib to resign on 20 August 2011.

3.2 United Nations Support Mission in Libya (UNSMIL)

The history of Libya as an independent state is deeply connected to the activity of the UN, which has been present in the country since the 1950s when Adrian Pelt delivered support in the transitional period for the constitutional drafting and for the unification of the three regions. Ever since, the UN has provided assistance and information to the Libyan authorities through the activities of several of its departments and agencies; in particular, the so-called UN Country Team has helped Libya in terms of national and humanitarian development, and more recently in the achievement of the targets of the Sustainable Development Goals (SDGs).[149] Concurrently to al-Khatib's mission as Special Envoy, in April 2011 UN Secretary General Ban Ki-moon appointed Ian Martin, an English human rights activist and United Nations official, as Special Adviser for Libya, to "coordinate the UN's post-conflict planning and to engage as appropriate with multilateral and bilateral actors."[150] Martin's role was decided by the member states during the March 2011 London Conference which, beyond establishing the creation of the Libya Contact Group, affirmed the need for a "pre-assessment process" in order to better understand the position of the different Libyan interlocutors and the future challenges for post-conflict reconstruction. Martin's first contribution was to outline the basic principles of the international engagement.

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148 *Ibidem*

149 "UN in Libya", About, UNSMIL, accessed August 27, 2020, https://unsmil.unmissions.org/un-libya

150 Ian Martin, "The United Nations' Role in the First Year of the Transition", in *The Libyan Revolution and its Aftermath*, ed. Peter Cole and Brian McQuinn (London: C. Hurst & Co., 2015): 128.

First and foremost was national ownership, namely the fact that the UN had to always act in accordance with the autonomy and right of determination of the Libyan people. While the NTC was interested in receiving support and guidance by the UN, it was also particularly determined to maintain control over the transition. The second principle was early entry and speedy response, in order to properly address any political development; the third point regarded the international coordination of any mediation or assistance effort, as Martin identified this as a crucial issue both for al-Khatib's work and for any future UN mission; then Martin stressed how this international assistance would have had to comply with the unique social and political features of Libya, which was at the same time economically rich but institutionally poor; finally, humility was required in order to understand the complexity of the post-conflict transition.[151]

Following the fall of Tripoli, the Security Council approved Resolution 2009 establishing the creation of the United Nations Support Mission in Libya (UNSMIL) and appointed Martin as head of the mission. In particular, the main points of UNSMIL mandate consisted in providing support to the Libyan people to "restore public security and order and promote the rule of law", "undertake inclusive political dialogue, promote national reconciliation, and embark upon the constitution-making and electoral process", "extend state authority" and "coordinate support" from "multilateral and bilateral actors".[152] In light of the above-mentioned principles, Martin led to Tripoli a small delegation with the aim of assisting Libyan authorities while maintaining a light footprint. As the NTC approved the Constitutional Declaration stating its will to start the electoral process, UNSMIL priority became providing legislative assistance to NTC lawyers in drafting the electoral law and forming the Electoral Committee. The result of this cooperation was a complex and debated electoral law which tried to balance the demand for regional equality with the different distribution in population. Ultimately, as mentioned in section 2.2, the law envisioned the establishment of a General National Congress of 200 seats, of which 80 were destined to representatives of parties and coalitions elected on a proportional basis and the remaining 120 were assigned to individuals according to a majoritarian system. In terms of women representation, the UN advocated for and obtained the alternation between male and female candidates in the party lists. The complexity of the law and the doubts regarding its respect of the principle of equality of suffrage reflected on the one hand the limited timeframe under which the UNSMIL mission had to work, due to the constraint set out by the roadmap of the Constitutional Declaration,

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151 Martin, "United Nations' Role", 129-130.

152 UN Security Council Resolution 2009 (September 16, 2011), UN Doc. S/RES/2009

and proved the fragmentation within the revolutionary camp and the ever-present regional struggle on the other. Further, in January 2012 the NTC established the High National Election Commission (ENHC), tasked with the registration of the electors and the organization of the elections. In this regard, UNSMIL staff offered expertise in several fields, ranging from the procurement of electoral materials and the planning of the security and operational procedures to the establishment of complaint mechanisms and the training of registration and polling staff.[153] The cooperation with UNSMIL eased the access and participation to the electoral process for the everyday citizens and increased the NTC's popular support. Ultimately, on 7 July 2012 Libya held its first fair and competitive elections since 1952, with over 190 international observers and a 62% turnout, equal to 1.7 million votes. The new General National Congress also comprised thirty-three female MPs. The majority was obtained by the National Forces Alliance (NFA) coalition of Mahmoud Jibril, at the expense of the Justice and Construction Party (JCP). The overwhelmingly positive outcome and the subsequent peaceful establishment of the GNC induced Martin to define the elections as the "UN's greatest contribution in the first year" of UNSMIL activity in Libya.[154] In particular, UNSMIL had acted in accordance with other international actors, in compliance with the Libyan will, in coordination with the local authorities and most notably, maintaining a light approach in the process. Conversely, the security sector has been described by scholars as well as by Martin himself as "the greatest failure" of his mandate. In this regard, the mismanaged process of peaceful political transition attempted by al-Khatib hampered also UNSMIL work, as deposing Qadhafi by force rather than through an agreement amplified the fragmentation and the fighting among the militias and their respective factions.[155] Indeed, the so-called *kata'ib* (battalions) gained more and more autonomy during the revolution, obtaining economic and military resources – especially those who had access to foreign backers – and influence in their territories. Many of these only paid lip service to the NTC and acted independently to any authority in the country. Two were the first and most compelling issues: the aforementioned protracted conflict did not allow for early demobilisation and demilitarization of the militias, and the ample arsenal left by regime forces in the national installations dislocated through the country supplied these groups with abundant weaponry and ammunitions. In January 2012, the NTC tried to address this matter by appointing Yusuf al-Manqush, a revolutionary officer, as chief of staff

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153 Martin, "United Nations' Role", 134.
154 *Ibidem*, 147.
155 "Francesco Mancini and José Vericat, "Lost in Transition: UN Mediation in Libya, Syria, and Yemen," New York: International Peace Institute, November 2016.

of the Libyan Armed Forces, in an attempt to collect the *kata'ib* under the umbrella of the NTC and rebuild the army. However, the ambitious plan of the government to redistribute as many as 75,000 revolutionary fighters through the Ministries of Interior, Defence and Labour and integrate them into the police and the army or take them back civilian life, never turned into practice. Further, as the government tried to register and count the revolutionary forces, people signed themselves as fighters in order to receive the state payments destined to them. Ultimately, the NTC attempted to reorganize the battalions and reassert its authority by establishing the Supreme Security Council (SSC) and the Libya Shield Force (LSF). Concretely, local branches of the SSC retained extensive autonomy and at times clashed between each other causing local conflicts. In response, part of the remaining armed groups of the Libya Shield Forces proposed themselves as auxiliary forces to the regular army, while others were directly contracted by the Defence minister. As the principle of national ownership remained key in UNSMIL's mandate, there was not much that Martin and his staff could do to stop the proliferation, especially considering the repeated violations of the arms embargo conducted by different regional actors. Despite the Security Council Resolution 2017 called upon all parties to "take all necessary steps to prevent the proliferation of all arms and related materiel of all types",[156] Qatar, the UAE and Egypt smuggled in the country increasing amounts of weapons. Nevertheless, UNSMIL and the NTC managed to address the issue of chemical and nuclear material stockpiles with the coordination of different international agencies, such as the IAEA and the OPCW. As the elections approached, UN police advisers tried to provide organizational and technical training to the Libyan officers but maintenance of law and order at the local level was substantially carried out by the SSC. In the end, the security sector was never reformed, due to the weak legitimacy of the NTC and of a deadlocked GNC. This unravelled UNSMIL proposals – formally gathered in a Defence White Paper – of establishing a national security coordination committee and instituting several mechanisms to implement Disarmament, Demobilisation and Reintegration (DDR) processes.

3.3 The National Political Dialogue

The results of the June 2012 national elections produced an internally divided and deadlocked GNC, with short-lived coalitions – particularly the winning NFA coalitions which disbanded soon after its election – and short-term policy making. The new legislative body and the

[156] UN Security Council Resolution 2017 (October 31, 2011), UN Doc. S/RES/2017

deriving executive had a very limited legal basis and mandate, mainly aimed at forming the new Constitutional Drafting Assembly, thus it had poor political tools to implement reforms and govern the transitional period. In this context, Tarek Mitri was appointed as new Special Representative of the Secretary General on October 2012, to succeed to Ian Martin as head of the UNSMIL delegation. Mitri was a former Lebanese foreign minister with limited UN experience, however unlike Martin, he came from an Arab country and spoke Arabic, features considered useful in dealing with Libyan society and authorities. Soon after its appointment Mitri met with Prime Minister Ali Zeidan to "convey the United Nations commitment to working with the new government with particular emphasis on UNSMIL support to the security sector and transitional justice".[157] However, the rift between the Islamist and the moderate camps within the GNC as well as the clash between hard-line revolutionaries and former Qadhafi strongholds communities exacerbated the drift towards a civil war. In particular, the lack of reforms in terms of reconciliation and transitional justice was a compelling issue already during Martin's mandate, and it only became more pressing with time. The history of human rights violation under Qadhafi's rule had created a sense of revenge among Libyan revolutionaries, especially towards those cities and tribes which had remained alongside the Colonel during the revolution. Since the outbreak of the uprisings, armed militias had been accused of arbitrary detention, torture and mass killings, as well as human smuggling, and an International Commission of Inquiry had been set up to investigate their actions. Since March 2012, UNSMIL has cooperated with the Commission and has advocated for legislative measure to facilitate the process of national reconciliation. A law establishing a Fact-finding and Reconciliation Commission was passed in Early 2012, although the time frame and the scope of its mandate were too broad to produce concrete progress in a short time. The best results were achieved in the transfer of illegally detained prisoners from the hands of revolutionary battalions to the few remaining police structures. UNSMIL efforts in terms of judiciary detention consisted in mobilising international support to ease the transfer of prisoners and train judiciary officers, providing know-how to help state prosecutors' in the screening of the judiciary cases and gathering first-hand data regarding the condition of places of detention. Nevertheless, episodes of abuse and torture against detainees persisted in several municipalities, prompting violent retaliations.[158]

Further, the approval of the controversial Political Isolation Law in May 2013 caused a power struggle within the GNC, as the NFA – which enlisted several regime officials among its

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[157] Tarek Mitri, "briefing to the SC", 8 November 2012.
[158] Martin, "United Nations' Role", 146.

ranks – was the main target of the law. Regarding the constitution-making process, UNSMIL cooperated with the GNC in the drafting of the law for the Constitution Drafting Assembly (CDA), advocating for more effective gender equality and for respect of ethnic and religious minorities, which were granted six seats. After a harsh public debate carried out by a GNC committee supported by UNSMIL staff, it was decided that the members of the CDA would be directly elected and not appointed, as previously envisioned by the Constitutional Declaration. In this regard, the UN Electoral Team worked in close contact with the new board of the High National Election Commission to plan and organize the elections of the CDA.

In recognition of all these issues, Tarek Mitri launched a project of reconciliation to stabilise the country both at national and local level, the National Political Dialogue. During a briefing to the Security Council Mitri reaffirmed the need for an "inclusive national dialogue" to allow "the different actors, whether political, communal or from civil society organizations, to build consensus on guiding principles and priorities until a new constitution is adopted".[159] To this extent, on 25 August 2013 Tarek Mitri and Prime Minister Ali Zeidan announced the creation of the National Dialogue Preparatory Commission (NDPC), an institution with a broad mandate, ranging from the operational and preparatory tasks for holding the Dialogue to more abstract functions, such as the building of a national unity and shared vision for the future. In the following four months, the UN Electoral Team cooperated with international NGOs in engaging local and international actors into a public debate regarding the structure and design of the national dialogue. The outcome of this process was the design of a six-months preparatory phase in which the first three months were dedicated to a nationwide outreach programme labelled "Engagement and Participation Tour", consisting in a series of meetings at the local level involving all Libyan nationals, provided that they participated unarmed. Universities and youth organizations also contributed to the project in order to attract the younger generations. This first phase was supposed to end with a National Conference of 300 participants accurately selected by the NDPC with the final aim of drafting the National Charter, a manifesto containing a summary of the principles and policies expressed by the Libyan citizens during the tour. Finally, the second phase was called the "Strategic Issue Driven Dialogue" (SIDD) and was conceived as a platform in which to gather the different leaders of the Libyan political spectrum and address the more compelling issues for the stability of the country: the role of militias and the reform of the security sector,

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[159] United Nations, *Report of the Secretary-General on the United Nations Support Mission in Libya,* UN Doc. S/2013/104, February 21, 2013, 17.

the economic development of the country and the redistribution of resources and revenues, the judiciary system and the laws on transitional justice and national reconciliation.[160] However, the process was undermined by the military escalation and the ensuing civil war which characterized Libya throughout 2014, causing a polarization of the political debate. Following the ousting of Prime Minister Ali Zeidan and the launch of Operation Dignity by Khalifa Haftar in May 2014, the NDPC decided to advocate for the instauration of a new national political dialogue led by the United Nations. In June, UNSMIL hosted a meeting between civil society exponents, women's organizations and tribal leaders however, this only served to increase the tension and portrait the NDPC and afterwards the UN as partisan actors, rather than as impartial mediators. Therefore, the dialogue was postponed and the initiative foundered. Despite the final failure, Mitri's strategy represented an innovation in terms of mediation in the Libyan crisis: with its bottom-up approach, it constituted the first embryonic attempt at local mediation, inaugurating the "National Conference" structure – which, as will be described below, will be relaunched by SRSG Salamè in 2017 – and it tried to provide a systemic and long-term solution to Libya's institutional and political gridlock. Nevertheless, it failed to include the true power brokers, namely the western militias and Haftar's LNA, which acted as spoilers in the process, ultimately forcing UNSMIL to withdraw from the country in July 2014 due to the deteriorating security situation in Tripoli, particularly after its headquarter was directly hit by heavy artillery shots.

3.4 The Libyan Political Agreement (LPA)

The outbreak of the 2014 civil war shifted the dispute to the military arena. All the players who had been left out of the NDPC demonstrated how the democratic transition process set out in 2011 had foundered and how the country had definitely polarized between an Eastern and a Western camp, in direct contradiction with the view of the national dialogue promoted by Mitri and the UNSMIL delegation. In addition to that, the fight for the control of Tripoli and the international airport further exacerbated the religious and communal divisions and increased the fragmentation in the West. In this context and with UNSMIL staff forced out of the country, in September 2014 Bernardino Leon succeeded to Tarek Mitri as Special Representative to the Secretary General in Libya and as head of UNSMIL. Leon's response to the deterioration of the security condition of the country was twofold: first, a political track to broker a power-sharing agreement between the two governments

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[160] Felix-Anselm van Lier, *National Dialogue in Libya –The National Dialogue Preparatory Commission*, (Berlin:Berghof Foundation, 2017), 20-23.

emerged from the June elections, namely the GNC in Tripoli and the HoR in Tobruk, and secondly, a security track to address the military escalation and reach a cease-fire. To this extent, Leon organized a first meeting in Ghadames with a group of 22 parliamentarians from the HoR, the only internationally recognized body at the time, to prepare the ground for a national political dialogue. The parliamentarians agreed on the need for a nationwide cease-fire and for a mediated political solution, and committed to cooperate on confidence-building measures, such as addressing humanitarian issues and resuming airports' functionalities. Participants also agreed to convening other rounds of talks, which took place in January 2015 in Geneva. During the Libyan dialogue in Geneva, a preliminary consensus was achieved on the drafting of a power-sharing agreement for the creation of a national unity government. UNSMIL offered guarantees on its support as well as on that of the international community regarding the establishment of the unity government and the facilitation of its policy-making functions once it had settled. Participants also supported the implementation of security agreements to end the hostilities and of monitoring mechanisms to maintain stability and facilitate the disarmament of militias. Leon also underlined the will of UNSMIL to organize a separate track in which to engage with representatives from the municipal and local councils of Libyan cities as well as with armed groups, political parties and tribal leaders, to gather grassroot support for the agreement and the military truce. The resort to local mediation in engaging with the militias favoured the work of UNSMIL in negotiating with the militias from the end of 2014 to March 2015. In particular, UNSMIL efforts in the clash between Misratan and Ajdabiya forces were mainly conducted without intermediaries and by phone, leveraging contacts with influence over the Cyrenaican leadership, namely HoR representatives. Although no written agreement was signed, the warring parties reached a cease-fire.[161] Concurrently, the UNSC approved Resolution 2173 focussed on addressing the work of the Constitutional Assembly and the dispute between the HoR and the GNC and on implementing counter-terrorism measures both in Libya and in neighbouring countries, including actions aimed at enforcing the arms embargo provisions.[162] Indeed, the military stalemate emerged at the beginning of 2015 had favoured the expansion of the Islamic State (IS) affiliates in Sirte and throughout the country, leading to repeated terrorist attacks. Through several rounds of talks during the first half of 2015 Leon attempted to collect support in favour of the agreement by mediating between HoR

[161] José Vericat and Mosadeka Hobrara, "From the Ground Up: UN Support to Local Mediation in Libya", New York: International Peace Institute, June 2018, 12.
[162] UN Security Council Resolution 2173 (August 27, 2014), UN Doc. S/RES/2173

and GNC exponents and in July 2015 he gathered the Libyan leaders in Shkirat, Morocco, to present the first draft of the agreement. The document consisted of six points aimed at laying the ground for the nation-building process of a modern and democratic state based on the respect of rule of law, separation of powers and human rights. Since its validity was dependent upon the approval of the majority of the parties, the text was amended several times and reached its fifth draft in September to accommodate the diverging views. Nonetheless, also this version was rejected. At this point, several Libyan notables and political leaders began advocating for a "Libyan-Libyan" reconciliation initiative, further undermining UNSMIL's track of mediation. In addition to that, a series of leaked email describing Leon's intention to cooperate with the UAE's Diplomatic Academy at the end of his mandate definitely compromised his position in front of the GNC exponents, who came to envision him as an ally of Haftar and the HoR. In November 2015, Leon stepped down and Martin Kobler was nominated in his place, with the mandate of completing the agreement. Kobler immediately disbanded the intra-Libyan dialogue and began pushing for the signing of the agreement, under pressure from Western governments which demanded a clear leadership in the country. Eventually, after 18 months of negotiations, on 15 December 2015 the Libyan Political Agreement (LPA) was signed in Shkirat. The final draft envisioned the creation of a Presidency Council consisting of a president, Fayez al-Sarraj, who would also become the government's prime minister, five deputies, expression of the main military actors, and three state ministers, in representation of the three regions and main political constituencies. Once the HoR had ratified the accord, the government chaired by al-Sarraj would supersede the GNC and the al-Bayda executive and remain in charge for a renewable one-year period. The HoR would instead remain the sole legitimate legislative body. In order to acquiesce in their demands, a majority of former GNC members would be assigned to the High State Council, a consultative body which would coordinate with the GNA in the appointment of high relevance charges. With regards to the security sector, a Temporary Security Committee (TSC) would be established, at the scope of launching a programme of disarmament of the militias and of ensuring the security of the GNA in Tripoli. Fighters were supposed to recognize the authority of the GNA, lay down the weapons and be integrated into the national armed forces, in the view of obtaining a permanent ceasefire.[163] The signing of the accord was mostly celebrated by politicians, businessmen and ordinary people in Tripolitania, who were looking forward to a stable and effective government capable of ending divisions and instability, but it also enjoyed the

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[163] International Crisis Group, "The Libyan Political Agreement: Time for a Reset", *Middle East and North Africa Report* 170, (November 2016): 3.

support of the two key national institutions, the Central Bank and the National Oil Corporation. Nevertheless, many hard-line revolutionaries within the GNC and even part of the moderate leadership of the former NTC were opposed to it, as they considered that the UN had become a party to the conflict. Similarly, in the East, Libyans were favourable to the agreement but a majority within the HoR, with connections to Haftar and his armed groups, strongly rejected it. As stated by a UNSMIL official interviewed by the International Crisis Group in 2016 there was "no real political agreement" and the Shkirat accord only served to "support those who trustworthy for the sake of saving the country".[164] Thus, despite the passing by the UNSC of Resolution 2259 welcoming the signing of the LPA and calling for the creation of the Government of National Accord, the HoR never ratified the agreement, postposing the voting and reaffirming how, without parliamentary recognition, the accord had no validity and the al-Thinni government in al-Bayda would retain its legitimacy. As mentioned in section 2.3.2, Haftar and his associates were particularly averse to Article 8 of the Libyan Political Agreement, because they realized that it would marginalize their role in terms of military leadership. Indeed, provision 8.2 authorized the Presidency Council to assume the function of Supreme Commander of the Libyan Army – a role thus far claimed by Haftar – and entitled it with the authority to appoint and remove "the Head of the General Intelligence Service upon the approval of the House of Representatives" as well as every senior official.[165] Further, the establishment of the Council in Tripoli and its reliance over the capital's militias for the insurance of its security, increased the perception of LNA supporters that the LPA was merely an attempt to side-line the field Marshal. Therefore, instead of uniting and stabilizing the country, the Shkirat accord increased the polarization and turned into an instrument for Tripoli militias to capture state institutions. The reasons behind the failure of the LPA are multiple and cannot only be ascribed to the work of UNSMIL and its mediators. First and foremost, it lacked inclusivity. Despite the intention of Bernardino Leon to develop two parallel tracks of mediation, a political and a security track, only the former actually developed into an agreement. The security sector track produced early results in terms of local cease-fires and de-escalation of conflict, however no improvements were achieved beyond the military stalemate. UNSMIL lacked resources and access to militia territories and leaders, and Leon was particularly sceptical in engaging with armed actors as he did not want to legitimize their role as non-democratic interlocutors. The LPA tried to overcome these difficulties by centralizing the authority in the hands of the Presidency Council, but UNSMIL work mostly focused on securing Tripoli's stability and on

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[164] *Ibidem*, 4.
[165] United Nations Support Mission in Libya, *Libyan Political Agreement*, 17 December 2015, 8.

establishing a Presidential Guard to protect the GNA. This transformed the Temporary Security Committee in a body to guarantee the Council's security at its arrival in Tripoli and undermined GNA's ambition to represent national unity.[166] Ultimately, leaving out armed militias precluded vital support to the accord and recognition to the unity government, leaving unresolved issues on how they would concretely be integrated into the Libyan army. Beyond that, also the political track was not thoroughly inclusive, in that it was signed by the two parliaments' representatives on individual capacity and irrespective of the existence of a real majority backing it within the institutions. Thus, the GNA remained a weak political body and did not manage to subjugate the rival factions, a condition further aggravated by the early boycotting of the Presidency Council's meetings by its eastern members and by the limited access to state resources, as the Central Bank attempted to remain an impartial actor in the conflict. A second issue regarded the timeframe for the adoption of the agreement. By the end of 2015, due to the long and protracted negotiations and to the persistent lack of consensus among the parties, an increasing sense of urgency for the approval of the agreement spread among international and Libyan actors. This forced the UN mediators to rush through the agreement following an unrealistic timeline. First, Leon and his successor Kobler feared that the talks might fail completely after 18 months of work, in the wake of the intra-Libyan initiative, the deteriorating security conditions and the heightening economic crisis. Second, international backers put more and more pressure on the mediators to come to an agreement as soon as possible in order to have a clear interlocutor and a strong leadership in the country. Following IS spread in the country and the terrorist attacks in the European capitals, UK, France, the US and also Libya's neighbours felt the urgency to finalise the deal and implement a coordinated military response to IS with the new government. In addition, Italy and the EU were particularly interested in establishing a reliable partner in Tripoli in order to concert common policies for the control of migration flows and the sanctioning of human traffickers in Tripolitania. However, as demonstrated by the Misratan-led Bunyan al-Marsous campaign against IS and the counter-terrorism operations carried out by France and the US with local actors, both conducted in 2016 without the intervention of Tripoli, the need for a central government was less substantiated than that for good governance and agreed upon institutions. One last reason behind the failure of the LPA lies in the lack of concrete international backing, particularly by the UN Security Council. Indeed, permanent members never withdrew their official support to the agreement but their diverging and at times clashing interests prevented the SC to enforce

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[166] *Ibidem*, 17-18.

measures and pass stricter resolutions which could have urged the parties to reach a consensus and sanction the spoilers. In some cases members of the international community, most notably the UAE, Egypt and France, have worked at cross-purposes with the Shkirat accord, boasting Haftar's image against the Islamists within the GNC, thus polarizing even more the debate.[167]

In conclusion, even today the LPA remains the most comprehensive and elaborated attempt at formulating a framework for a political solution to the conflict, but as it stands out from this analysis, the conditions in which it was negotiated and the intransigence of the participants, be them Libyans, UNSMIL mediators or international powers, hindered the final result and did not allow for concrete quality-of-life improvements in the country.

3.5 The Action Plan for Libya

Throughout 2016 and 2017 Libya was subject to liquidity crisis, electricity and food shortages and deteriorating social conditions. In this context, SRSG Leon and UNSMIL concentrated their efforts in local mediation to facilitate the solution of local struggles. For instance, UNSMIL cooperated with the head of the Libyan Dialogue and Reconciliation Organization, providing technical and logistical support in the negotiation of a cease-fire between the LNA and the Benghazi Revolutionary Shura Council (BRSC), a hard-line Jihadist group. The final aim was to stabilize the city of Benghazi in order to allow civilians to flee the Qanfuda neighbourhood, where they had remained trapped during the conflict. In light of the historical reluctance of UNSMIL to deal with terrorist organizations, SRSG Kobler focussed on the humanitarian aspect of the crisis and employed Libyan intermediaries as a confidence-building measure to facilitate the talks. Despite the positive approach of UNSMIL and the fruitful partnership with the Libyan mediators, negotiations failed and the civilians were only evacuated at the end of the hostilities.

In June 2017, Ghassan Salamé succeeded to Martin Kobler as new Special Representative of the Secretary-General. His first action was to address UNSMIL's most important setback, namely its evacuation from the country, bringing the delegation back to Tripoli so to have a better understanding of the conditions of the country and to work at stricter contact with Libyans political, tribal and military leaders. Salamé's mandate can be divided in three different phases: a first and second phase based on the amendment and development of the

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[167] Lisa Watanabe, "UN Mediation in Libya: Peace Still a Distant Prospect", *CSS Analyses in Security Policy*, No. 246 (June 2019): 3.

LPA and on the organization of the National Conference, both formalized in his "Action Plan for Libya", and a third and final phase concentrated on reaching a cease-fire in the battle for Tripoli, culminated with the Berlin Conference.

The Action Plan for Libya, launched during the 72nd Session of the UN General Assembly in September 2017, was a three-stage program aimed at overcoming the stalemate in the peace process and consolidating the representative institutions. The first stage sought to bring back the warring parties to the negotiating table in order to modify the Libyan Political Agreement; once the amendments had been approved, a Libyan National Conference was to be held in the attempt to launch the most inclusive national reconciliation process; finally, stage three entailed holding presidential and parliamentary elections, in addition to a popular referendum for the approval of the draft constitution presented by the Constitutional Assembly in July 2017.[168]. The focus of the amendments to the LPA was to reach a consensus on temporary solutions to improve the legitimacy and policy-making capabilities of the state institutions, with particular attention to the unity government. Indeed, the idea was to reduce the size of the GNA in order to minimize the gridlocks while guaranteeing inclusivity and representation by having the High State Council and the HoR vote on its composition. The advantages of this approach were twofold: it would have spared UNSMIL the critics of having imposed the candidature of the ministers, as happened during the Shkirat talks with the appointment of al-Sarraj, and at the same time it would have overcome the endorsement vote by the HoR. Thus, UNSMIL organized the first meetings in its Tunis offices of the Joint Drafting Committee comprising HoR and High Council of State representatives. The aim of Salamè was to complete all the steps of the Plan in 12 months, however, the divisions between Libyan factions as well as repeated individual diplomatic initiatives carried out by France, Italy, the UAE and Egypt limited UNSMIL credibility as the sole mediator and hindered the mediation process by sponsoring talks in which the mediator sided with one of the parties. In addition to that, the Action Plan, as many of the previous UNSMIL mediation attempts, failed to engage with militia leaders in order to establish a dialogue aimed at promoting Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR) processes, leaving room for renewed escalation in the Summer of 2018 and in the Spring 2019.

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[168] Alison Pargeter, "Libya's New Action Plan: A Recipe for Success?", *Al-Jazeera Centre for Studies*, October 17, 2017.
https://studies.aljazeera.net/en/reports/2017/10/libyas-action-plan-recipe-success-171017085801315.html

In light of the difficulties emerged during the negotiations of the amendments to the LPA, in early 2018 SRSG Salamé turned to the preparatory phase of the Libyan National Conference to push forward the reconciliation programme. The main aim of the Conference was to "bring the breadth of Libyan society back to the centre of the debate" through the organisation of meetings and consultations throughout the country in which Libyan elites, notables, tribal and community leaders and common citizens could participate.[169] Both the consultative sessions, run by the Centre for Humanitarian dialogue in cooperation with UNSMIL, and the preparatory meetings were conceived to be as inclusive and accessible as possible, and considering the difficult security conditions of Libya, they represented a success in terms of expression of civil and social rights. The outcome of this process was a series of ten key points and principles around which the Libyans could build a consensus: preservation of Libya's unity and national sovereignty; implementation of rational and effective democratic governance; ensuring security in daily life; establishment of unified sovereign and military institutions; protection and fair distribution of Libya's national wealth and resources; enhancing local governance; ending the transitional phase in favour of a sustainable and permanent governance; holding safe, secure and transparent national elections, and finally, launching a national reconciliation programme for the stabilization of the country.[170]

The optimism originated by the success of the preparatory meetings reinvigorated the UN-led mediation process in view of the National Conference scheduled for April 2019. However, enthusiasm foundered when, due to the launch of Operation Flood of Dignity by Haftar's forces, the Conference and the ensuing elections had to be postponed.

3.6 The Berlin International Conference on Libya

As described in the previous Chapter, the battle for Tripoli has represented Libya's most bloody conflict since the inception of the revolution in 2011, with increased international involvement and intense resort to airstrikes and heavy artillery, complicating UNSMIL's mediation efforts. In the face of this difficulties, during his briefing to the Security Council on 29 July 2019, SRSG Salamé proposed a three-step plan to halt the conflict. The first step envisioned a cease-fire for the celebration of the Islamic holiday of Eid al-Adha, to which a series of confidence-building measures would follow, including the exchange of war prisoners and of mortal remains. Then, Salamé suggested the holding of high-level meetings

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[169] United Nations Support Mission in Libya, *The Libyan National Conference Process - Final Report*, November 9, 2018, 12.
[170] *Ibidem*, 53-60.

with the participation of all concerned international powers to discuss the cessation of hostilities, the adherence to the arms embargo and the respect of human rights in the conflict. Finally, the plan called for a meeting of all Libyan leaders and powerbrokers to resume the process of preparation of the National Conference and work towards the holding of national elections.[171] The Security Council welcomed this initiative and in September 2019 UNSMIL and the German government began a process of consultation to put in place the second part of the action plan. After several preparatory meetings, on 19 January 2020 the International Conference on Libya was held in Berlin, at the invitation of the German Chancellor Angela Merkel and with the participation of Algeria, China, Egypt, France, Germany, Italy, Russia, Turkey, the Republic of the Congo, United Arab Emirates, the United Kingdom and the United Sate of America as well as SRSG Salamé and representatives from the African Union, the EU and the League of Arab States.[172] The main aim of the Conference was to unify all the mediation initiatives under the UN umbrella and within the framework of the three-steps plan presented by Salamé to reach a peaceful solution to the Libyan crisis. Participants reaffirmed how the sovereignty and national unity of Libya were the guiding principles of any initiative and how only a "Libyan-led and Libyan owned political process can end the conflict and bring lasting peace".[173] In addition to that, the participating governments: called for the negotiation of a ceasefire, the termination of all military operations and the institution of confidence-building measures and DDR processes; underlined the need for counter-terrorism operations and for the respect of the arms embargo and of the sanctions related to its violations; committed to support the LPA as the only viable framework for negotiating a political solution and urged all Libyan parts to engage with it constructively; finally, they urged all parties to abide by international humanitarian laws, called for the "restoration of the monopoly of the State to the legitimate use of force" through a security sector reform and committed to support Libyan institutions in reforming the economic and financial sector and in resuming the production and distribution of oil. The Conference ended with the creation of an International Follow-Up Committee (IFC), comprising all the governments and the organizations which took part in it, aimed at maintaining coordination under the UN aegis. The Berlin International Conference on Libya was certainly a diplomatic success for Germany, as the Bundestag managed to gather together all the interested international

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171 United Nations Support Mission in Libya, "Remarks Of SRSG Ghassan Salamé To The United Nations Security Council On The Situation In Libya", July 29, 2019, 5-6.

172 Federica Saini Faisanotti, "L'Europa e la Libia: cosa (non) ci ha insegnato Berlino", *ISPI*, March 31, 2020. https://www.ispionline.it/it/pubblicazione/leuropa-e-la-libia-cosa-non-ci-ha-insegnato-berlino-25573

173 Presse und Informationsamt der Bundesregierung , "The Berlin Conference on Libya – Conference Conclusions", *Pressemitteilung* 31, no. 20 (January 2020): 1.

powers and the main regional and international organization and have them sign a joint communique affirming their common intention to work under the direction of the United Nations. At the same time however, these commitments did not translate into concrete progress in the military conflict, which not only disattended many of the provisions contained in the Conference conclusions, but also showed how some of the countries which took part in it were not willing to abandon their geopolitical ambitions in the country. The truce has not even survived in the face of the COVID-19 pandemic or the Ramadan celebrations, and as stated by the current Acting Special Representative of the Secretary-General Stephanie Williams the arms embargo has been "a joke" which has never been respected.[174] In the face of these contradictions, SRSG Ghassan Salamè has resigned on 2 March, substituted ad interim by his deputy Stephanie Williams. In the aftermath of the liberation of Tripoli, on 21 August 2020, UNSMIL has welcomed the agreement between the GNA Prime Minister al-Sarraj and the HoR president Aguila Saleh to establish a ceasefire and embark upon a political process leading to the holding of national elections and to a constitutional referendum.

[174] Faisanotti, "L'Europa e la Libia".

4. CARVING OUT A ROLE FOR ITALY AND THE EU

This final Chapter of the research addresses the response of Italy and the EU to the Libyan crisis, describing the institutional setting of the European Union and the contrasting views of the different Member States, observing how these have influenced the decision-making during the 2011 revolution and beyond.

In this regard, the role of Italy and Europe has also been particularly relevant. Although Europe has struggled to find harmony in its foreign policy towards Libya and to speak to the Libyans as a single actor, France and Great Britain were the main promoters of the NATO military intervention, concretely overcoming the boundaries set by the United Nations Security Council resolutions and imposing a regime change in the country. Italy and France, especially, have worked at cross-purposes, siding with opposing governments and promoting individual mediation efforts which hindered the process of national dialogue inspired by the activity of the United Nations Support Mission in Libya.

The EU Member States, and most notably Italy, have also ceded to domestic pressures by its citizens demanding a halt in the inflow of migrants coming to Europe, and have thus cooperated with Libyan militias and criminal groups to prevent them from leaving Libya, financing the creation of detention centres where both economic migrants, refugees and asylum seekers have been subjected to human rights violations and inhumane treatment.

However, as outlined in the final paragraph of this thesis, the EU Member State still have a set of policy options which can allow them to act more cohesively and play a more effective and influential role in Libya, capitalizing on the changing political and social scenario in the country and working in favour of the maintenance of the ceasefire, the resumption of the oil production and the development of the political dialogue, in order to give Libya a new, inclusive and unified governance.

4.1 EU's Inconsistent Foreign Policy in Libya

Libya has always represented a point of interest and a challenge for the European countries and, more recently, for the EU as a single entity. Its unique position at the centre of the Mediterranean and its caravan routes with Sub-Saharan Africa made it a key commercial hub but, at the same time, the acts of piracy and buccaneering organized by the Barbary corsairs represented a major threat to the trading activities of Great Britain and France. In the aftermath of World War II, these same countries together with Russia and the United States fought to establish a friendly government to retain control over its military bases and

subsequently its oil resources. During Qadhafi's tenure, the relationship between Europe and Libya became particularly controversial. Indeed, until the last decade of his rule, Qadhafi maintained an anti-colonialist stance based on an alliance with the Soviet Union, strengthened by a Pan-African and a Pan-Arab policy, which hindered his relations with Europe and the West in general. In particular, after his support for several rebel groups in the Sahel and Sub-Saharan Africa, and his sponsorship of several Jihadist groups which committed terrorist attacks against European targets (the 1986 UTA and 1988 Pan Am Lockerbie boycotts and the bombing of a discotheque in Berlin in 1986), Qadhafi's position vis-à-vis the European governments became extremely problematic, inducing some scholars to define Libya as "the archetypal pariah state".[175] However, even at that time and most notably after the lifting of the UN sanctions, Libya became one of the closest allies of the EU, giving up its nuclear arsenal and cooperating in many counter-terrorism operations and in the management of migration flows. In terms of economic relations, Libya signed substantial military agreements for the supply of weapons and fighter jets, especially with France, and European oil companies were strongly involved in Libya. Therefore, although Libya refused to take part into the Euro-Mediterranean Partnership (EMP) and the Union for the Mediterranean (EfM) promoted by French President Sarkozy as it imposed to its members the respect of civil and human rights, Libya always more represented a reliable partner and a fundamental asset for the EU and Italy above all. As a matter of fact, in 2010 negotiations for its accession to the EfM were progressing and the EU-Libya Migration Cooperation Agenda was signed between Libyan authorities and the EU Commission.[176] EU's response to the outbreak of the civil war in Libya turned out to be equally controversial and inconsistent. The analysis of EU's response to the Libyan crisis will distinguish between the intergovernmental and the supranational institutional regime under which decisions were taken as well as between the military and humanitarian aspects of the response.

First of all, it is important to examine the EU institutional setting in terms of foreign and defence policy since, as will be outlined below, it heavily influenced the actions the EU as a whole during the early days of the Libyan uprisings. With the adoption in 2009 of the Treaty of Lisbon the EU formalized a *de facto* dual decision-making regime, a supranational one regarding the single market and commercial policies founded on the co-decision procedure and majority voting and an intergovernmental one regarding, among else, the common

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175 George Joffè and Emanuela Paoletti, "Libya's Foreign Policy: Drivers and Objectives", *Mediterranean Papers Series*, (Washington D.C.: The German Marshall Fund of the United States), October 2010, 3.
176 Stelios Stavridis, ""EU incoherence and inconsistency over Libya": evidence to the contrary", *Cahiers de la Mediterranée* 89, (2014): 4.

foreign and security policies, characterized by unanimity and voluntary coordination.[177] Therefore, both Common Foreign Security Policy (CFSP) and the Common Security and Defense Policy (CSDP) are part of the latter system. This entails that these policy realms are not based on legislative acts, which are hard law, but rather on soft law, namely actions and positions. Further, the European Parliament has no say on the decision-making process and the ECJ can only intervene in case the actions of the member states breach the EU treaties provisions. Thus, the main European authority in terms of foreign policy are the member states themselves, either in their own individual capacity or together in the European Council. In order to ease the activation of more demanding EU missions in the military field, member states can resort to the permanent structured cooperation procedure which, under qualified majority vote of the European Council, allows a number of countries to circumvent the unanimity requirement. Finally, the Lisbon Treaty has formalized the role of the High Representative for Foreign Affairs and Security Policy (HR) as bridge between the states and the supranational institutions by appointing it also Vice-President of the European Commission. This unique institutional setting based on an intergovernmental regime mediated by supranational figures has been defined as "trans-governmentalism", namely a system in which the power relations among the states are mitigated by repeated and protracted contacts between national civil servants and ministers engaged in this policy realm at the Union level.[178] Nevertheless, the limits of the intergovernmental setting emerged clearly in the management of the Libyan case.

As the first protests were violently repressed in Benghazi by the regime forces, on 21 February the Foreign Affairs Council of the European Union was convened and the 27 EU foreign ministers met to immediately call for an end to violence. Several European leaders and the HR Catherine Ashton expressed their concerns and condemned the Qadhafi regime for the attacks on civilians and following the provisions of Resolution 1970 by the UNSC, the EU on 28 February adopted the sanctions to the targets therein listed together with additional ones to Libyan individuals and organizations not specified by the UN. However, beyond common agreement on the condemnation of Qadhafi's reaction against the insurgents, as the situation deteriorated diverging viewpoints arose on how to intervene in the country. On one side, the HR maintained a position of caution, followed by Italy and Germany, whereas the president of the European Council Herman Van Rompuy declared that the aim of international intervention should have been regime change, a position availed

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[177] Sergio Fabbrini, "The European Union and the Libyan Crisis", *International Politics* 51, No. 2 (2014): 176.
[178] *Ibidem*, 177-182.

also by France and the UK. On 11 March the heads of state or government of the EU convened at an emergency session of the European Council to discuss this intervention and the potential recognition of the National Transition Council as a legitimate political interlocutor, after France had already unilaterally done so the previous day. The leaders decided to welcome and encourage the creation of the NTC and urged Qadhafi to step down. Nevertheless, frictions emerged between HR Ashton and UK and French presidents regarding the establishment of a no-fly zone over Libya. Ultimately, as the UNSC was about to authorize the no-fly zone the HR agreed upon the military intervention, whereas Germany decided to abstain in the Security Council vote over Resolution 1973 and withdrew itself from any military action. On 19 March the French president Sarkozy organized the Paris Summit for the Support of the Libyan People, a meeting at which international leaders and representatives from the international community attended to set up the military operation envisioned by the UNSC resolution. The mission was justified on the basis of the "responsibility to protect" principle and it was decided that in the first weeks the mission would be led by the US in order to annihilate the Libyan air defence system, then NATO would take over. Thus, on 20 March, as Qadhafi's troops approached the rebels in their stronghold, Benghazi, the French fighter jets of Operation Odyssey Dawn began bombing regime forces.[179] Although the headquarter of the intervention was in France and the UK, the US contribution proved fundamental in the beginning, as it provided drones, intelligence support and air refuelling technologies. As the command of the mission passed to NATO, more European countries together with Qatar and the UAE took part in the bombings, although the US support remained critical to the operation. This demonstrated how the political will towards armed action of Paris and London, based on a common intention to demonstrate military leadership in Europe and on a bilateral defence treaty signed by the two countries in 2010, which advocated for increased cooperation in that field, was not substantiated by military capabilities and resources. Despite their reluctancy, Italy allowed NATO to use its airbases to launch the airstrikes and Germany provided some personnel to the operation, however, only 10 out of 21 EU member states of NATO took part in the mission and only six concretely conducted airstrikes. In April 2011, the EU countries discussed about the setup of the EUFOR Libya CSDP mission, a military action, whose headquarter was to be located in Rome, ready to provide humanitarian assistance upon request of the UN Office for the Coordination of Humanitarian Affairs (OCHA). Again,

[179] Ludovica Marchi, "The EU in Libya and the Collapse of the CSDP," *US-China Law Review* 14, no. 5 (May 2017): 284-293.

diverging views emerged on the need to deploy military forces to sustain humanitarian effort. Eventually, the UN never requested its activation and the operation vanished.

Conversely, the EU as an institution reacted with more coherence and swiftness, focussing on the humanitarian aspect of the crisis. The EU Commission acted through its Directorate General for Civil Protection and Humanitarian Aid Operations (ECHO) which promoted two initiatives: first, the civil protection mechanism, which coordinated the consular services of the member states and organized humanitarian corridors to evacuate citizens from the warzone, and secondly, humanitarian assistance, as the Commission became the single biggest donor in Libya with over 152 billion euros offered. Furthermore, the EU enforced, also due to the protracted efforts of the European Parliament, a series of sanctions to Qadhafi and his associates and committed itself to ensuring the respect of the arms embargo. Eventually, beyond the no-fly zone, the EU had imposed sanctions also to financial and oil and gas companies. The work of the Commission continued also after the end of the conflict, with launch of the Support to Partnership, Reform and Inclusive Growth (SPRING) programme, the Civil Society Facility and a series of bilateral trade agreements aimed at establishing a future free trade area. Further, the EU contributed to the organization of the Libyan elections supporting the High National Electoral Commission, deploying an electoral team and training candidates as well as the electoral staff. Finally, in 2013 the EU approved under the framework of the CSDP the UE Border Assistance Mission (EUBAM) to provide assistance to the Libyan authorities in the management of the country's borders and of the migration flows. [180]

In conclusion, Libya represented the first true test for the new foreign and security institutional arrangement of the EU after the approval of the Lisbon Treaty in 2009. As it stands out from this brief analysis the test was not completely satisfactory. While it is true that cooperation in such sensitive realms as the foreign, security and defence policies require time and trust to develop, it is also evident how the military response of the member states took place outside of the European instruments at their disposal. Indeed, the EU has historically relied on its normative power rather than its military one, and lacks an own military budget, which together with the cuts in military expenditure applied by the member states due to the Euro crisis forced them to rely extensively on NATO and US resources. However, the states never mentioned a recourse to the CSDP as an instrument under which to develop either the military intervention or the humanitarian assistance nor did they resort to the permanent structured cooperation procedure. This is mainly due to the fact that both

[180] Stavridis, "EU Incoherence", 5.

the CFSP and the CSDP fall under the intergovernmental regime of the Lisbon Treaty, which relies on voluntary coordination and consensus, thus failing to solve basic collective action dilemmas which are common in the foreign policy decision-making. Therefore the EU failed to emerge as a collective military actor, while it managed to act coherently and effectively in the civilian and humanitarian fields which were carried out through the supranational system with the support of the Commission. The rifts and divisions arisen during the Libyan crisis stuck among the member states as well as the public opinion also because, as the policies were decided exclusively by the national governments in the European Council, the response suffered a lack of accountability both towards the European Parliament and towards the national parliaments, therefore towards the European citizens.[181]

These issues have represented a constant challenge to the European foreign policy in Libya, which has remained incoherent and inconsistent. In the first place, European countries have provided strong military support to unknown Libyan militias and armed groups during the revolution and ever since left the country under their control, without providing sufficient political and institutional support to the new leadership. Once the security situation had irretrievably deteriorated, the rift among the different member states exacerbated even further and each individual government focused on protecting its national interests, whether they were management of migration flows as in the case of Italy, Greece and Germany or control of terrorist movements in the Sahelian area in the case of France. More recently, while the EU as a whole sponsored the creation of the GNA, France overtly supported the opposing faction of Haftar, and both Rome and Paris led individual and parallel mediation initiatives which hindered the UN negotiation process. The latest diplomatic effort of the Berlin Conference, together with the fight with Turkey for the control of the East Med, should prompt a more assertive and common European action aimed at overcoming the domestic and international divisions in Libya and favour a cease-fire and the restart of the oil production in the view of holding national elections and finalizing the democratic transition.

4.1.1 EU's Operation EUNAVFOR MED Irini

In the wake of the Berlin Conference, and in the attempt to reassert its military authority, portrait an image of unity and, most notably, respond to the increasing pressure of the public opinion disappointed by the worsening security condition of Libya and the protracted

[181] Fabbrini, "European Union", 188-191.

paralysis of the European countries, the EU agreed to deploy its eleventh CSDP military mission. The European Union Naval Force Mediterranean (EUNAVFOR MED) Operation Irini (the Greek term for "peace") was officially launched on 31 March 2020, following months of harsh negotiations within the European Council, and began its activities on 4 May. Irini is the successor of the previous Operation Sophia, disbanded due to disagreements among the member states on the reception and relocation of migrants, and despite inheriting some secondary tasks from the latter, its mandate differs substantially. The main task of Irini is the "implementation of the UN arms embargo though the use of aerial, satellite and maritime assets" on the high seas off the coasts of Libya.[182] The mission will be led by and headquartered in Rome and the aerial, satellite and maritime assets will be provided by Italy, Greece, France, Germany, Luxembourg and Poland. In addition to that, Operation Irini will enforce monitoring over the illicit exports of petroleum, crude oil and refined petroleum products from Libya, it will contribute in the development of capacities and training of the Libyan Coast Guard and Navy, and finally, it will provide intelligence and carry out patrolling activities to assist in the disruption of human trafficking businesses. The main difference with its predecessor, Operation Sophia, lies in the fact that Irini will not conduct Search and Rescue (SAR) activities to look for and save migrants, although HR Josep Borrel has declared that "if the ships find some in the sea, they will have to rescue them".[183] This is due both to the different scope with which the two operations have been conceived ("this is not Operation Sophia bis"[184]) and to the fact that the area covered by the patrolling activities of the Irini naval assets hardly coincides with migration routes.

On paper, the initiative marks an important step in the development of defence cooperation at European level as well as in the assertion of EU military presence in the Mediterranean. A more proactive approach has also been envisioned by High Representative Borrell and the Commissioner for the Internal Market and Defence Breton who, in article published on several European outlets, wrote that "the era of a conciliatory, if not naïve, Europe has come of age", adding that "soft power is no longer enough in today's world" and that the EU needs to complement it with a "hard power dimension" intended as military power as well as

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182 "About Us", Operation EUNAVFOR MED IRINI, last accessed September 6, 2020. https://www.operationirini.eu/about-us/

183 European Union External Action Service, "Operation IRINI: Remarks by High Representative/Vice-President Josep Borrell following the launch of the operation", March 31, 2020, last accessed September 6, 2020.
https://eeas.europa.eu/headquarters/headquarters-homepage/76832/operation-irini-remarks-high-representativevice-president-josep-borrell-following-launch_en

184 *Ibidem*

diplomatic leverage in order to project its values and protect its interests.[185] However, beyond the intentions and the proclaims, Operation Irini reveals several flaws, given by the ever-present political discrepancies among the member states and their lack of political courage. First and foremost, Irini is conceived to enforce the arms embargo by patrolling the high seas off the coast of Libya, despite the recent war has proven how most of the weapons smuggled in Libya pass from the Egyptian border or through aerial routes, and only Turkey ships them by sea. Indeed, the Tripoli government has repeatedly criticized this formulation, as it claims that it overtly favours Haftar and the LNA camp while damaging the GNA forces. Further, the Operation is progressively gathering new assets but appears severely under-resourced for the formidably challenging task it has been assigned to. At the time of writing, Irini forces can rely on two maritime assets and five aerial assets provided by six EU countries. Such a configuration risks undermining the credibility of the EU as an honest broker and as military and humanitarian actor in the Mediterranean and reveals the ultimate goal of the mission, namely contrasting the Turkish energetic and geopolitical mires in the Eastern Mediterranean, which could harm Greek, Cypriots and Italian interests in the area.

4.2 Italian-Libyan Relations

Following the defeat of Italy in World War II and the ensuing independence of Libya in 1951, the relations between the countries have remained complicated, always intertwining historical resentment and mutual interest in cooperation. Beyond the authoritarian and repressive fascist regime, Italy left a legacy of public infrastructures, although heavily damaged by the war, and agricultural industries which represented a valuable asset particularly for Tripolitania. In addition, some 20,000 Italians were still residing in Libya in 1964. In 1956 the Libyan prime minister made an official visit to Rome to sign a treaty regulating the colonial disputes and establishing an economic partnership between the country, which also granted Italian citizens in Libya the maintenance of their land rights. That was also the occasion in which it was first discussed the concession for oil exploration to the Italian National Hydrocarbon Company, ENI. Things changed dramatically after Qadhafi's rise to power due to his anti-colonial policy. Italians were thrown out of the country, their lands were confiscated and October 7th became a national holiday in which

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[185] European Union External Action Service, "For a united, resilient and sovereign Europe (with Thierry Breton)", June 09, 2020, last accessed September 6, 2020.
https://eeas.europa.eu/headquarters/headquarters-homepage/80567/united-resilient-and-sovereign-europe_en

Libyans celebrated the "day of revenge". Ever since Qadhafi kept a provocative and confrontational stance towards Italy, claiming the compensation of colonial damages and threatening to stop halting and directing migration flows towards the Italian shores, thus leveraging Italian governments in their foreign policy actions in Libya. In particular, during the 1970s and the 1980s Libya has been accused of sponsoring and mandating several terrorist attacks throughout Europe and Italy exacerbating the political relations with the West. The point of maximum crisis was reached in 1986 when, following the bombing of Tripoli by the United States and despite the warning of the attack by the Italian Prime Minister Craxi, Qadhafi decided to retaliate launching a missile which fell just short of the Lampedusa island. In the following years, Italy followed the UN Resolution 748 (1992) imposing severe sanctions and an arms embargo against Libya. Nevertheless, even during this complex period, the economic relations between the countries remained active, due to the increasing energetic needs of Italy and the Libyan interests in acquiring and investing in Italian companies. Thus, ENI became a major driver of Italian foreign policy in Libya, as proven by the 1971 and 1974 agreements, according to which Italy would build public infrastructures in Libya and provide technology and manpower to modernize the Libyan oil industry in exchange for better conditions for oil supplies and for the sale of Italian military equipment to the Libyan army. In addition to that, Italy was granted the rights to build the strategic oil terminals of Brega and Ras Lanuf, thus becoming the major commercial partner of Libya and in 1976 Qadhafi, through the Libyan Arab Foreign Bank, acquired the 10% of Italian automotive company FIAT shares.[186] Since the 1990s, Libya embarked upon a process of normalization of its relations with the international community, culminated with the lifting of UN sanctions in 2003 following the Libyan commitment to renounce to its nuclear programme and to hand over its weapon of mass destruction. Even at this time, Rome and Tripoli enjoyed a "special relationship", as Italy was the first country to sign a series of bilateral agreements aimed at normalizing the dialogue with Libya and solving the colonial disputes. In particular, the 1998 Joint Communique acknowledged the damages perpetrated by the Italian rulers during the colonial era and established a series of reconciliation measures and incentives in favour of Tripoli. The most important step in this process of reconciliation is undoubtedly the Italian-Libyan Friendship Treaty, signed by Qadhafi and the Italian Prime Minister Silvio Berlusconi in Benghazi in 2008. The treaty was the result of several years of negotiation between the regime and the different Italian governments, to address a series of unresolved matters, among which the management of migration flows and the ever-present

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[186] Mercuri, *Incognita Libia*,

financial reparation for colonial damages. The Treaty, which is divided in three parts, aims at establishing a true partnership, and its preamble remarks the extensive role played by Italy in achieving the lifting of the international embargo. In short, Libya committed to fight human trafficking and to respect international law and human rights in exchange for the condemnation of the crimes perpetrated by the Italian colonial rulers and most notably, the realization by Italian companies of public projects worth $5 billion, consisting in the construction of buildings and public infrastructures, such as the coastal highway connecting the Cyrenaica to Tripolitania from the Egyptian to the Tunisian border. In addition to that, the Treaty established a long-term partnership in fields like economy, energy, defence, and counterterrorism. This part of the agreement was an addition to the energetic deal stipulated as a corollary to the 1998 Joint Communique, in which was agreed the construction of the Greenstream, a fundamental and strategic gas pipeline connecting Libyan gas facilities run by ENI to the Sicilian coast, covering an important part of the Italian energetic needs. Finally, the two countries stipulated a non-aggression pact, which sanctioned the principle of non-interference in internal affairs and barred the use of their respective territories to launch attacks towards one of the parties.[187] This provision resulted particularly problematic in 2011, when Italy eventually allowed the use of its NATO bases for the airstrike against the Qadhafi regime in the framework of the Operation Unified Protector. In light of this "special relation", Italy found itself in a difficult situation when the international community began discussing the military intervention in Libya as a response of the regime repression of the 17 February Revolution erupted in 2011. Prime Minister Berlusconi's personal friendship with Qadhafi and the strong economic and energetic ties, which bound together the two countries, represented a serious obstacle to the Italian participation in the NATO mission. Furthermore, Berlusconi was afraid of the consequences that such intervention would have on migration flows towards Italy and to the repercussions that an increase in illegal immigration might have for his domestic political consensus.[188] Discrepancies emerged between Berlusconi and the President of the Republic Napolitano, who instead supported the military action in the country. Eventually, Italy capitulated and became part of the so-called "Coalition of the willing", providing access to its NATO bases in the South of the country, thus infringing its commitment made in the Friendship Treaty to do not consent the use of its territory for hostile acts.

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[187] Natalino Ronzitti, "The Treaty on Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?", *Bulletin of Italian Politics* 1, No. 1 (2009): 127-130.
[188] Ludovica Marchi, "EU in Libya", 290.

In the aftermath of the revolution, most of the European countries were still overwhelmed by the consequences of the Euro crisis, and Italy, which was one the hardest hit, had just appointed a technocratic executive to drive it through a process of structural economic reforms. Therefore, the attention and the legitimacy for foreign policy actions and Libya were at the minimum level. The main Italian foreign policy actor in Libya remained ENI, which was determined to retain its privileged position in the country and maintain its advantage against the competitors, most notably the French Total. Indeed, ENI began approaching the revolutionary leadership and the NOC management already during the conflict to reaffirm its will to respect the terms of the 2007 agreements which granted it concessions for oil and gas production until 2042 and 2047, respectively. The success of ENI's activities in Libya is arguably the best news for the Italian-Libyan relations since the beginning of the revolution. Despite the protracted deterioration of the security conditions, which has caused temporary reductions or suspension of the production, the militarization of most of the oil terminals of the country and the repeated oil blockades, ENI has remained until 2016 the only international company to produce and distribute oil and gas in Libya.[189] As mentioned above, the role of ENI in Libya has also heavily influenced the Italian foreign policy in the country, particularly since 2016. As the most important oil and gas basins and terminals run by ENI, namely the Bahr al-Salam, al-Feel, Wafa and Bouri fields and the Sabratha and Mellitah gas treaters, are located in Tripolitania, recent Italian governments have attempted to promote and support the UN-brokered agreement leading to the establishment of the GNA and have ever since been one of the staunchest supporters of the Tripoli executive. In addition to that, Italy launched in 2016 the mission "Ippocrate", deploying a contingent of 300 men in Libya, mostly medical and paramedical personnel, to providing medical and humanitarian assistance to the Misratan militias.[190] This move was also remarkably justified by the need to manage the migration flows directed to Italy, which were in most part controlled by the Western Libyan militias. However, Italian influence in the development of the political and military events in Libya remained limited, both because of its reluctance to send ground troops in recent years and particularly during the latest battle for the control of Tripoli, and because of its 2018 mediation attempt, organized in response to the previous Paris Talks of July 2017, in which Italy tried to lead the political negotiations between the GNA and the LNA but only ended up legitimizing Haftar's position and hindering its relationship with al-Sarraj. Most recently, the Conte government has attempted to balance the Turkish position as major partner of the GNA and to give new impulse to the Italian-Libyan agreements signed in the

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189 Mercuri, *Incognita Libia*, 94-95.
190 *Ibidem, 98.*

decade previous to the conflict. Italian foreign minister Luigi Di Maio visited Tripoli on 1 September 2020 to reaffirm the Italian support to the recently announced nationwide cease-fire and discuss future commercial deals for the reconstruction of the country.

4.3 The French Anomaly

France has historically played a central role in Northern Africa due to its colonial rule over the Sahel and the Maghreb, over which it still retains a remarkable influence, however Libya, beyond a temporary presence in Fezzan, has represented an exception in this regard.

Especially during the first decades of Qadhafi's rule, French-Libyan relations have often been tense, due to the diverging interests in Africa, best exemplified by the Libyan-Chadian War in which Tripoli and Paris fought on opposite sides, and to the adventurism and support for terrorism of Qadhafi, culminated in the boycotting of the Dc 10 airplane of the French airline UTA in 1989. Nevertheless, much like with Italy, the relations improved once the Libyan leader embarked upon a process of normalization and reintegration within the international community. The cooperation between the countries in terms of confronting terrorist groups, and the Libyan mediation for the liberation of French hostages in the Philippines together with the financial compensation for the UTA bombing were crucial steps in the process. In addition to that, the lifting of the international sanctions allowed Libya and France to strike important deals regarding oil, tourism and electricity and improve military cooperation, with the sale of a dozen Mirage fighter jets to Tripoli. The true turning point arrived with the presidential election of Nicolas Sarkozy in 2007, who tried to rehabilitate Qadhafi's position in order to develop even stronger commercial and political ties with Libya.[191] In 2007, the Libyan leader visited Paris following the signing of multiple commercial deals, including the purchase of a nuclear power plant and military equipment and the construction of Tripoli's new airport. While the economic relations were undoubtedly improving, politically the situation remained controversial. First of all, Qadhafi refused to participate in the Union for the Mediterranean, Sarkozy's grand project for the region, and secondly, he had repeatedly expressed his intention to replace the CFA Franc with a pan-African currency to remark its independence from the Western colonialists.[192] Sarkozy's policy was expression of the traditional French approach towards the MENA region based on the reliance upon

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[191] Julien Theron, "French Foreign Policy in Libya and Syria (2003–2017): Strategic Adaptability in Quickly Changing Environments", in *The World Community and the Arab Spring*, eds. Cenap Çakmak and Ali Onur Özçelik (Palgrave Macmillan, 2019): 210-213.
[192] Mercuri, *Incognita Libia*, 74.

authoritarian and autocratic regimes, capable of developing strong commercial ties and maintaining peace and stability, at the expense of democracy and human rights. This pragmatic foreign policy doctrine, which has come to be defined as "Realist Gaullo-Mitterandism", was questioned by the insurgencies and revolts of the Arab Spring as they overturned one by one all the North-African regimes in place since the 1950s. However, the Idealist approach persecuted during and shortly after the Libyan revolution was just a temporary policy change mainly motivated by domestic reasons and that France has resorted again to Realist and Neo-Conservative policies since 2014, and particularly since the presidential election of Emmanuel Macron.

As previously mentioned, France played a prominent role in favouring regime change in Libya through the promotion of the military intervention, the creation of the so-called "Coalition of the Willing" and the political and economic assistance of the rebels. The reasons behind such a shift turn in the relations with Qadhafi were multiple, and are the result of a combination of national interest and political self-interest: first of all, domestically Sarkozy aimed at improving his political image after the failure in Tunisia, where France supported Ben Ali's regime in repressing the revolts before it ultimately collapsed; therefore, Sarkozy sided with the rebels in order to oust a dictatorial ruler and gain popular support in terms of promotion of democracy and human rights. Then, France sought to secure a greater share of oil production in the country and increase its influence in North Africa, also by projecting a renewed sense of military strength through the direct involvement of its army, thus reacquiring its status as dominant power in the region.[193] A key figure in this transition was Bernard-Henri Lévy, a French intellectual born in Algeria, who shortly after the eruption of the first revolts travelled to Benghazi to establish a connection with the revolutionary leadership, and particularly with Mustafa Abd al-Jalil, president of the NTC. Levy was instrumental in preparing the military intervention and in connecting the French government to the rebels, as demonstrated by the early visit of al-Jalil and Jibril to Paris in March 2011, when France officially and unilaterally recognized the NTC as legitimate authority in the attempt to push the other EU members to follow suit. In the following months France tried to govern the transition hoping to ensure a favourable treatment once the new Libyan leadership would have been established, however, the deterioration of the security condition was already evident when Francois Hollande succeeded at the presidency in May 2012. In

[193] This set of goals behind Sarkozy's strategy have been attributed in a 2016 report of the British Parliament to Sidney Blumenthal, adviser to the US Secretary of State Hillary Clinton. For further details see: House of Commons, "Libya: Examination of intervention and collapse and the UK's future policy options", Foreign Affairs Committee, United Kingdom Parliament, 9 September 2016.

the wake of the 2014 Libyan elections and of the outbreak of the civil war, Paris' main concern was ensuring security and stability in the whole Sahel region. This exemplified the standpoint of the most prominent actor of France's foreign policy in Libya since 2012, Jean-Yves Le Drian, who has served as Minister of the Interior during Hollande's presidency and currently serves as Ministry of Foreign Affairs for President Macron. Le Drian promoted a policy reversal, from the idealistic and liberal view of the late Sarkozy presidency, focussed on advocacy of democracy and human rights, to again a more pragmatist and assertive foreign policy based on the establishment of a strong military leadership capable of controlling the multitude of militias on the ground. For this reason, Le Drian became the main champion of General Khalifa Haftar,[194] who had proclaimed his ambitions to become the leader of a unified army and subsequently of a re-unified Libya, this time freed of Jihadists and Islamists.[195] This approach was also justified by the series of dramatic terrorist attacks occurred in France since January 2015, which have influenced the public opinion in opposition to Islamist movements and militias. In this context, France found the best possible ally in the United Arab Emirates, a longstanding military partner of Paris, staunchest supporter of Haftar and a country similarly interested in establishing an autocratic regime to combat the expansion of the Muslim Brotherhood. Therefore, in early 2015 France began to provide unofficial military support to the LNA by deploying advisers, intelligence forces and undercover troops to sustain its campaign against the IS affiliates in Benghazi and Derna. As the UN-brokered Libyan Political Agreement was signed in December 2015, France overtly declared its support for the Government of National Accord established in Tripoli, while being forced to publicly admit its presence in the country, as three French soldiers were found dead in a helicopter crash near Benghazi. Ever since, France has conducted a twofold approach in Libya, affirming its official commitment to back the GNA and the United Nations mediation process while covertly supporting the LNA in its plan to seize Tripoli. Following the election of Emmanuel Macron and the appointment of Le Drian as foreign minister, the relationship between Haftar and France became also political.[196] In 2017 and 2018, Macron hosted two international summits on Libya, convening both al-Sarraj and Haftar with the aim of promoting a political negotiated solution to the Libyan crisis and, in the second occasion, of establishing a tight roadmap for holding presidential elections in the

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[194] Jalel Harchaoui, "How France Is Making Libya Worse", *Foreign Affairs*, September 21, 2017 https://www.foreignaffairs.com/articles/france/2017-09-21/how-france-making-libya-worse

[195] Jihâd Gillon, "France-Libya: Marshal Haftar, the controversial friend of the Élysée", *The Africa Report*, March 20, 2020.
https://www.theafricareport.com/24823/france-libya-marshal-haftar-the-controversial-friend-of-the-elysee/

[196] Gillon, "France-Libya"

country. However, both meetings lacked inclusivity of all Libyan stakeholders and the latter did not lead to the signing of a binding agreement which forced the parties to respect a ceasefire and concretely run for elections. Eventually, this initiatives provided unprecedented political legitimacy to Haftar, who has depicted as the political and military leader of Eastern Libya, hindered the work of UNSMIL head Ghassan Salamè and spread the conviction that Paris' final goal was to steer the talks in its favour and emerge as the dominant diplomatic and political actor in the country, thus securing itself the best conditions for future reconstruction projects and for oil concessions. In this regard, France's backing of the strongman in Cyrenaica has been coherent with its ambitions to be granted control over the Cyrenaican energy resources as well as Fezzan's oil terminals, also in direct opposition to ENI and Italy's role in Tripolitania. When Haftar launched its decisive campaign for the control of Tripoli in April 2019, a clear international axis backing him had formed, comprising France and its Gulf allies, namely the UAE and Saudi Arabia, its major Northern African partner, Egypt, and Russia. As a matter of fact, Macron blocked the EU condemnation of Haftar's offensive, further proving the discrepancies within the European Council,[197] and 13 French soldiers arrested in mid-April 2019 at the Tunisian-Libyan were found carrying communication devices traceable to the LNA.[198]

More recently, following the Turkish intervention which has brought to the collapse of Haftar's offensive and to the liberation of Tripoli, France was forced to change its partisan stance in order not to marginalized in Tripoli. Nevertheless, Paris has maintained its policy of balancing the expansion of political Islam and most notably of Turkey, both in Libya and in the East Med, becoming a main sponsor of the IRINI operation. The first half of 2020 has witnessed an escalation of tension in the relations between France and Turkey, particularly after French assets of the IRINI operation have seized a Turkish vessel transferring weapons to the GNA and after Le Drian threatened to impose sanctions against Istanbul in case it continued to violate the arms embargo in Libya. This dispute has reiterated France's double standards towards the allied countries such as the UAE and Egypt, which have been smuggling weapons in the country, and a strategic competitor for the oil and gas market like Turkey.

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[197] Jonathan Fenton-Harvey, "Libya crisis: How France is thwarting peace", *Middle East Eye*, July 14, 2020. https://www.middleeasteye.net/opinion/libya-crisis-how-france-thwarting-peace

[198] Barah Mikaïl, From Gaddafi to Haftar: France plays both sides in Libya", *Middle East Eye*, June 11, 2019. https://www.middleeasteye.net/opinion/gaddafi-haftar-france-plays-both-sides-libya

4.4 Management of Migration Flows: Security vs Human Rights

Libya has a long history in terms of migration and human trafficking, as proven by the multiple slave trade routes outlined in section 1.1 running from Central and Sub-Saharan Africa to the coastal cities in the 17th and 18th centuries and the consequent economic decline caused by the abolition of this traffics in the last decades of the Ottoman rule. In more recent times, the country has been a destination for thousands of workers coming from neighbouring countries, namely Tunisia and Egypt, as well as from other parts of the continent. The development of the oil and gas infrastructures, the consequent increase in labour demand and salaries and the improvements in the life standards have attracted both skilled and unskilled workers since the 1970s, to be employed in the energy, construction, and agriculture sectors. After the imposition of the international sanctions in 1992, Libyan economy was hard hit and migrants started to consider Libya as a transit country in their journey towards the European shores. Consequently, Qadhafi strengthened the Libyan legislation against illegal entry in the country and signed several agreements with the EU countries to manage these flows and enhance border security in exchange for considerable financial compensation.[199] The 2011 revolution has produced political instability, fragmenting the state authority at the local level among the armed militias and municipal councils emerged during the conflict, and has caused a severe economic crisis which has lowered the living conditions of both Libyan nationals and immigrants. This has incentivized migration towards the European continent and has favoured the diffusion of illicit activities related to human trafficking and exploitation. Indeed, it has been demonstrated that "the facilitation of migration in Libya is an established income-generating strategy for largely disenfranchised communities and people facing historical and structural marginalisation".[200] The situation has particularly deteriorated since the beginning of the latest conflict in April 2019. The result is that Libya is facing a humanitarian crisis, beyond the political and military ones, further aggravated by the recent COVID-19 pandemic and the poor health response of the authorities, both in the East and in the West. Currently, the country hosts approximately one million people in need of humanitarian assistance, of which 400,000 are internally displaced Libyans and over 650,000 are migrants.[201]

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[199] International Organization for Migration, *Living And Working In The Midst Of Conflict: The Status of Long-term Migrants in Libya*, (Tripoli: International Organization for Migration, 2020), 1.
[200] Gabriella Sanchez, *Beyond Militias and Tribes: The Facilitation of Migration in Libya*, EUI Working Paper, (Badia Fiesolana: European University Institute, 2020): 25.
[201] United Nations Support Mission in Libya, "Acting SRSG Stephanie Williams Briefing to the Security Council", May 19, 2020.

In response to this substantial increase of inflows, EU Member States have certainly put management of migration and protection of their borders at the top of their foreign policy agenda. In the early years of the war, they organized this response within the framework of the United Nations Security Council and its organizations: the UNSC Resolution 2014/2012 called upon Libyan authorities to take "primary responsibility for the protection of Libya's population, as well as foreign nationals, including African migrants" and called for "the immediate release of all foreign nationals illegally detained in Libya." During its mandate, UNSMIL focussed on the improvement of the judiciary and detention system, although with limited resources and authority. UNSC Resolution 2240/2015 particularly addressed the issue of human smuggling and trafficking, allowing the member states to "inspect on the high seas off the coast of Libya vessels that they have reasonable grounds to suspect are being used for migrant smuggling or human trafficking from Libya, provided that such Member States and regional organisations make good faith efforts to obtain the consent of the vessel's flag State" prior to seizing it. This is considered a landmark Resolution in that it authorizes Member States to conduct intrusive interdiction measures against foreign vessels with the aim of fighting migrant smuggling for the first time.[202] Conversely, more recently, in light of the negligible results produced by the UN measures, the EU has decided to address the issue directly. Indeed, since 2015, the EU Member States have carried out active policies of border externalization and cooperative deterrence as well as Search and Rescue (SAR) activities in the Mediterranean with Libya. The first of these measures was the launch of the FRONTEX (European Border and Coast Guard Agency) Joint Operation Triton, with the specific aim of supporting Italy with border control and surveillance, and search and rescue operations in the Mediterranean. Shortly after, the European Council also launched a CSDP mission in the region, the EU NAVFOR Med Operation Sophia, which has been active from June 2015 to March 2020, with an articulated mandate comprising the inspection, boarding and seizure of vessels and assets used by migrant smugglers, the contribution to the enforcement of the UN arms embargo in the high seas off the coasts of Libya and the training of the Libyan Coast Guard.[203] The Operation saved over 44,000 migrants in the Mediterranean Sea between 2015 and March 2019, and despite being renewed by the European Council, its assets were withdrawn due to disagreements among the Member States

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[202] Andrea de Guttry, Francesca Capone and Emanuele Sommario, "Dealing with Migrants in the Central Mediterranean Route: A Legal Analysis of Recent Bilateral Agreements Between Italy and Libya", in *International Migration* 56, No. 3 (June 2018): 4-6.

[203] "Mission", About US, EUNAVFOR MED Operation Sophia, last accessed September 11, 2020. https://www.operationsophia.eu/about-us/

over disembarkation points and relocation of migrants.[204] In addition to that, the institution of an EU "Africa Fund" to finance operation on the Libyan ground, such as the EU Integrated Border Management Assistance Mission (EUBAM) is aimed at stabilizing the country and cooperating with Libyan authorities in developing border-management capabilities. These measures are part of a wider and new approach of "principled pragmatism" assumed by the EU in its external relations, which presents the EU as a traditional territorial actor with an "emphasis on classical state attributes such as borders and a reliable monopoly on the use of force, to be asserted through effective border control and security sector reform programmes".[205] The reasons behind this policy change lay on the domestic pressure suffered by many Member States in which the public opinion increasingly perceived political instability in Libya and migration as a security threat and demanded a more rigid response. Therefore, the EU resorted to exclusionary practices which delegated the border management to the third party and prevented migrants from even reaching the Mediterranean and the European shores.[206] The Political Framework for Crisis Approach (PFCA) drafted for Libya envisioned the establishment of repressive policies which lacked context-sensitivity and reflected the diverging interests and views among the EU governments.[207] Thus, this racialization and securitization of border management and the criminalization of border crossing fostered the idea that the EU was tacking back control of its frontiers, rendered the migration issue less visible to the public opinion and shifted the blame towards the third countries so as to avoid EU liability before international courts. However, while there is no empirical confirmation of the so-called "pull factor", namely the fact that the presence of rescue vessels of European missions or NGOs incentivizes migration, data have shown that the delegation of SAR activities in the Mediterranean to the Libyan Coast Guard and the interruption of surveillance and inspections missions by the EU Navies have produced a substantial drop in departures but also a remarkable increase in terms of absolute and relative mortality rates among migrants who attempted to cross the Mediterranean.[208]

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[204] Federico Alagna, "From Sophia to Irini: EU Mediterranean Policies and the Urgency of "Doing Something", *IAI Commentaries* 20, no. 32, (May 2020): 1.
[205] Chiara Loschi and Alessandra Russo, "Whose Enemy at the Gates? Border Management in the Context of EU Crisis Response in Libya and Ukraine", *Geopolitics*, (2020): 2. https://doi.org/10.1080/14650045.2020.1716739
[206] Alagna, "From Sophia to Irini", 4.
[207] Loschi and Russo, "Whose Enemy", 8-11.
[208] Matteo Villa, Rob Gruijters and Elias Steinhilper, "Outsourcing European Border Control: Recent Trends in Departures, Deaths and Search and Rescue Activities in the Central Mediterranean", September 11, 2018. https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centrebordercriminologies/blog/2018/09/outsourcing

4.4.1 The Italian-Libyan Memorandum of Understanding on Migration

Italy has been the most affected country in terms of migration from the Mediterranean route, with more than 180,000 arrivals in 2016, of which over 90% originated from Libya.[209] Mounting domestic pressure from the public opinion, concerns for the security threat originating from the migration flows and the spread of terrorist groups in Libya and lack of coordination between the EU Member States on the management of the disembarkation points and the relocation of migrants, influenced the Italian policy-making in this regard. Thus, on 2 February 2017, the Italian Prime Minister Paolo Gentiloni and the GNA Prime Minister al-Sarraj signed a bilateral Memorandum of Understanding on "cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic". As briefly outlined in Section 4.2, cooperation in the fields of migration and border control between Italy and Libya is not a novelty, as the two parties had signed multiple bilateral agreements during the 2000s which addressed these issues. In particular, the 2017 MoU is a reactivation of the 2008 Treaty of Friendship which envisioned measures regarding prevention of illegal immigration from the countries of origin, border surveillance and joint maritime patrolling to be conducted in international waters from both the Libyan and Italian authorities. However, the implementation of these instruments and provisions was hindered by the Libyan turmoil and, most notably, by a 2012 sentence of the European Court of Human Rights (ECtHR) which condemned Italy for having breached several provisions of the European Charter of Human Rights, as the policy of returning the migrants intercepted at sea had exposed them to ill-treatment in Libya and to forced repatriation in their countries of origin, like Somalia or Eritrea, where their lives and freedoms might have been at risk. In light of this precedent, in the latest Memorandum of Understanding, the parties have reiterated their commitment to abide by international and customary law. The document is composed of a Preamble and 8 articles: first, the parties state their intention to resume cooperation in stemming illegal migratory fluxes and Italy reaffirms its will to support and finance the development of Libya in different sectors of the economy, particularly in those regions mostly affected by the phenomenon of irregular migration, including providing technical and technological support to the Libyan institutions in charge of border security, namely the border police and the coast guard (Article 1); secondly, Italy also engages in the establishment of a surveillance system for border control in Southern Libya, in the financing and construction of temporary "reception centres" under the control of the Ministry of

[209] Mercuri, *Incognita Libia*, 99.

Home Affairs, in the training of the Libyan personnel working therein, and in the delivery of medicines and medical equipment to the migrants hosted in the centres (Article 2). The remaining articles focus on the financial sources – Italian State's budget and EU funds – the legal framework, the amendment procedure and the validity of the agreement (Articles 3 to 8). It is worth noting that the parties underline two objectives, namely the management of migratory flows and the humanitarian and economic development of the Libyan regions, but the provisions address almost exclusively the first issue while only abstracting outlining the latter. Following the signing of the MoU, Italy convened a conference with the major Libyan actors in Western and Southern Libya to discuss the concrete implementation of the measures contained in the agreement and has financed several projects presented by NGOs working in Libya aimed at delivering medical equipment and renovating the reception centres.

Despite the statement of compliance with international law contained in the treaty, the document has raised concerns about its legality,[210] also in light of the concrete consequences that its application has produced. Indeed, the agreement contains some controversial aspects. The financial and technical support outlined in Articles 1 and 2 are addressed to the Interior Ministry Department for Combating Illegal Migration (DCIM) of the GNA and to the forces under its authority, however Libya is in the midst of a civil war and has not had a truly effective and legitimized government since the beginning of the revolution. Since its establishment, the executive of al-Sarraj has been victim of predatory practices by the Tripolitanian militias fighting to gain access to state resources and this competition has only worsened once the financial channels of the MoU have been activated. In addition to that, the document presents a remarkable lack of reference to the protection and improvement of human rights and the nomenclature of the agreement is often rhetorical and legally vague.[211] Nevertheless, the most pressing issue regards the policy of repatriation or voluntary return of migrants blocked at the border or intercepted by the Libyan Coast Guard. As demonstrated by the 2012 sentence of the ECtHR the re-turning of migrants in a country, be it the country of origin or not, where they might face torture, cruelty, inhumane treatment and illegal detention breaches the principle of *non-refoulment* and consists in a violation of humanitarian law. In this regard, it is important to underline that Libya never signed the 1951 Refugee Convention, so it does not distinguish between irregular migrants and asylum

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[210] De Guttry, Capone and Sommario, "Dealing with Migrants", 51-52.

[211] For a more in depth analisys on the vocabulary of the agreement see Anja Palm, "The Italy-Libya Memorandum of Understanding: The baseline of a policy approach aimed at closing all doors to Europe?", October 2, 2017. https://eumigrationlawblog.eu/the-italy-libya-memorandum-of-understanding-the-baseline-of-a-policy-approach-aimed-at-closing-all-doors-to-europe/

seekers, and that Libya is a migration hub for so-called mixed flows, namely migratory fluxes comprising both economic migrants and refugees fleeing from wars or dictatorial regimes. Although the establishment of the reception centres in Libya on the model of the "hot-spots" created in the European countries is not illegal per se, these can rightfully be considered detention centres and there is extensive research and literature proving both the inhumane treatment reserved to the migrants and the conditions in which these structures lie.[212] The state institutions have only nominal control over 24 of the 34 detention centres, whereas the residuals are controlled by local militias and criminal groups, and collusion between armed groups and state officials has been ascertained.[213] Migrants are often smuggled in the South of Libya and particularly in the Sebha region by criminal groups who sell them to militias and armed groups throughout the country, where they are arbitrarily detained for indefinite amounts of time without food and water, they are tortured, raped, kidnapped for ransom or extorsion and, at times, killed.[214] Following the 2017 MoU, Italy has provided substantial financial support as well as maritime assets to the Libyan Coast Guard which has intercepted an increasing amount of migrants, reconducting them in Libya. However, while the Libyan Coast Guard is formally a unified institution under the authority of the Ministry of Interior, it is actually composed of members of tribes and militias, particularly in the West, and often the chiefs of the Coast Guard are also leaders of the armed groups involved in human trafficking and smuggling, as for instance in the case of the Zawiya coast guard. Violent and reckless conduct, including intimidation and physical abuse during Search and Rescue operations of the Libyan Coast Guard have been documented.[215]

Therefore, the provisions contained in the MoU signed by Libya and Italy have not dismantled the operations of the human traffickers but have only changed their revenue source from the smuggling of migrants in Europe to the detention of the migrants who enter Libya and the management of detention centres, in order to receive Italian and European financing. It is arguable that the original objective of these temporary camps was to improve the living conditions of the migrants present in Libya while simultaneously reducing the inflows towards the Italian shores, however these policies of border externalization and containment of migration flows have been applied in a country which has been torn by years

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[212] Inter alia see United Nations Support Mission in Libya, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, December 18, 2018; United Nations Support Mission in Libya, "Report of the Secretary-General", January 7, 2019; UNHCR, "Global Report 2018", June 24, 2019.

[213] Human Rights Watch, "No Escape From Hell: Eu Policies Contribute to Abuse of Migrants in Libya", January 2019. https://www.hrw.org/sites/default/files/report_pdf/eu0119_web2.pdf

[214] Università degli Studi Roma Tre, "Libia – Detenzione dei Migranti", *Rapporto COI*, (Gennaio 2019): 17.

[215] Amnesty International, *Libya's Dark Web Of Collusion: Abuses Against Europe-Bound Refugees And Migrants*, (London: Amnesty International Ltd, 2017), 34-41.

of civil war and where no state authority exerts territorial control and monopoly over the use of force, resulting in widespread and systematic violations of the human rights of migrants. The above-mentioned calls for contribution directed to the NGOs willing to conduct humanitarian projects to renovate detention centres and provide medical assistance to the migrants are a sign of the Italian government's effort to mitigate the negative effects of this policies, but at the same time they contribute to the perpetration of this system. As such, although this cooperation with the militias has reduced the migration flows and protected the Italian energy infrastructure in Tripolitania, it has also fostered instability and military conflict[216], and Italy might be deemed jointly liable for the human rights violations committed in the detention centres by having provided financial, technical and material support to the Libyans.[217]

4.5 Carving Out a Role for Italy and the EU

This chapter has analysed Italian and European foreign policy before and during the Libyan crisis with regards to the political and military scenarios, the economic and energetic developments, and the security and migration concerns, underlining the diverging views among the Member States and their often controversial and inconsistent decision-making within the European institutions. This section will attempt to delineate the future Italian and European policy-making options in the country and more broadly in the region.

The recent military intervention of Turkey in favour of the GNA, the ensuing withdrawal of LNA forces from Tripoli and the military stalemate around the city of Sirte, have changed the geopolitical scenario also for the EU. The European strategy should be based on four main points, with the final aim of ensuring the maintenance of the ceasefire reached in August and of restarting the process of national dialogue and reconciliation, eventually leading to national elections, interrupted after the outbreak of the battle for Tripoli. First, it should envision the creation of an EU-led multilateral diplomatic action. As proven by the failure of the individual attempts of Italy and France in 2017 and 2018, the crisis will not be solved through bilateral agreements. France's unilateral and unconditional support for Haftar is no longer a viable option for Paris as the General is losing credibility among his international backers and the Italian policy of "equidistance" between Tripoli and Benghazi

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[216] Arturo Varvelli and Matteo Villa, "Italy's Libyan conundrum: The risks of short-term thinking", *ecfr.eu*, November 26, 2019.
https://www.ecfr.eu/article/commentary_italys_libyan_conundrum_the_risks_of_short_term_thinking
[217] De Guttry, Capone and Sommario, "Dealing with Migrants", 54-55.

has not provided benefits to Rome, as it did not earn Haftar's loyalty and at the same time forced the long-standing partner al-Sarraj to accept Turkish military support.[218] In addition to that, the rotating presidency of the European Council allows Germany to exercise its influence in the European Union and lead the remaining Member States towards a more assertive policy in Libya. In this regard, the creation of an "Etroika" has been advocated, namely a strict coordination and cooperation between Italy, France and Germany which should resume the mediation efforts began with the Berlin Conference, in conjunction with HR Borrell and EU Commission President Ursula von der Leyen, who have both called for a more "geopolitical Commission". This new conjuncture provides Europe with the possibility to reassert its authority with a common and coherent stance on the country, based on multilateralism and de-escalation to favour the political solution in the country.[219] The second point should regard the protection of European interests in Libya and in the Eastern Mediterranean. The escalation of conflict and the subsequent military intervention of external actors, such as Russia and Turkey, risks undermining the role of Europe as a relevant geopolitical actor in the region. Control over the energetic sources, management of migration, containment of terrorist threats and insurance of security are fundamental interests of Italy and of the EU as whole and should be the pivotal drivers of the European foreign policy in Libya. In particular, Turkey's expansionism in Tripolitania and in the Eastern Mediterranean as well as the militarization of the oil terminals in the South of Libya by the LNA and Haftar are of particular concerns for the European geopolitics of resources. In this regard, the EU should work in favour of the de-militarization of Libya and press for the lifting of the oil embargo and for restarting Libyan oil production. In order to avoid the division of the country in spheres of influence between Ankara and Moscow, the EU should take advantage of two issues: Tripoli's will to balance Turkish influence in Tripolitania to avoid geopolitical suffocation and Washington's concerns over Russia's increased military and political influence in the Mediterranean. Further, the EU should pose itself as an impartial and effective guarantor of the UN arms embargo through the strengthening of Operation IRINI. The EU operation is currently focused only on monitoring weapons smuggling through maritime means, which has raised objections by the GNA and Turkey, and should therefore deploy satellite and aerial assets to include monitoring of breaches via air and land-routes. In this way, the EU could reject the accusations of partisanship with the

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[218] Arturo Varvelli, "L'Italia ha bisogno di una nuova politica per la Libia. Parla Varvelli", *europatlantica.it*, June 5, 2020. https://europaatlantica.it/focus-geopolitico/mediterraneo/2020/06/litalia-ha-bisogno-di-una-nuova-politica-per-la-libia-parla-varvelli/

[219] Arturo Varvelli and Tarek Megerisi, "Italy's chance in Libya", *ecfr.eu*, June 16, 2020. https://www.ecfr.eu/article/commentary_italys_chance_in_libya

Eastern camp and promote concrete accountability and an effective sanctioning regime for the actors involved in repeated infringements of the embargo. Finally, the EU should also lead the way in terms of protection of human rights and promotion of rule of law. This involves the support of processes of national reconciliation, security sector reform, and disarmament, demobilization and reintegration of armed groups in the country. This would also facilitate the improvement of the living and detention standards of migrants in the country, now under the authority of the militias. Italy and the EU should work with the international organizations to set up humanitarian corridors for refugees and asylum seekers and voluntary repatriation mechanisms, exclusively in those country of origin which ensure the safety of the returning migrants. To this extent, the recent declarations of Commission President Ursula von der Leyen regarding her intention to abolish the Dublin Regulation and negotiate a new migration plan is the first step to achieve this objective.

If Italy and the EU institutions and Member States will fail to harmonise their vies on Libya and to assert their foreign policy as a single voice, they risk being side-lined by Turkey and Russia primarily, in a region of current and future strategic interest.

CONCLUSIONS

The thesis has attempted to outline the complex and ever-changing geopolitical scenario of Libya while answering three fundamental questions: why the Libyan Arab Spring has turned into a decade-long domestic and international conflict, what relevance the protracted foreign intervention has had in fostering and extending this conflict and, finally, what role Italy and the European Union have played in the Libyan crisis.

The study of Libyan history since its early days has identified two main factors which can serve to explain why, in the Libyan case, the wave of popular protests that has interested the MENA region in its entirety in 2011 led not only to the ousting of an authoritarian regime but also evolved into a protracted civil war: the lack of national identity among the Libyan citizens and the flawed institution and nation-building process. These factors were in turn originated by a set of peculiarities which are inherent to the Libyan development.

First of all, Libya presents a unique social structure based on regionalism and tribalism, which distinguishes it among the Arab countries. Tripolitania, Cyrenaica and Fezzan are characterized by peculiar geographical and historical traits which have lasted through the centuries. The remoteness of Fezzan and its proximity to Sub-Saharan and Central Africa contrast with Tripolitania's commercial ties with Europe or Cyrenaica's centrality in the Mediterranean. Over time, the lack of social and economic interactions among the territories contributed to the formation of distinct outlooks and viewpoints among the respective citizens and to the development of diverging cultural and economic relationships with the neighbouring territories. At the same time, the Libyan population revolved around a common societal organization based on tribalism and kinship affiliations, which concentrated authority at the local level, centralizing it in the figures of the elders and the tribal chiefs. Tribalism also favoured the creation of communal interests and the establishment of a parochial mentality. In this regard, regionalism and tribalism resisted the formation of a national identity strong enough to allow for a peaceful and political transition after the fall of Qadhafi. Indeed, as soon as the authoritarian regime of the Colonel began to crumble, regional and tribal resentments re-emerged, and when it collapsed, the void it left behind produced a fragmentation of authority in local councils and movements which led to violent local and inter-communal disputes. The second destabilizing factor regarded the flawed institutional-building process of the Libyan nation, over which Qadhafi himself had an undeniable impact. Since the end of World War II, Libya has embarked upon a process of state-building and constitutional formation which never concretely reached an end. In particular, the reluctancy of King Idris al-Sanusi to assume a strong leadership in the 1950s

and the political project of "institutionalized statelessness" promoted by Mu'ammar Qadhafi through his Republic of the Masses undermined this process and prevented Libya from having a solid national administration and governance. In addition to that, the discovery of oil resources and the redistribution if its revenues to the population established a network of patronage and political clientelism which concealed the lack of national institutions and the failed development of a functional economy. Therefore, at the fall of Qadhafi's regime, all these flaws challenged the work of the new revolutionary leaderships before and after the creation of the first elected Libyan parliament and accelerated the descent into chaos of the country.

Historical and domestic factors, however, are not sufficient to explain the failure of the Libyan revolution and the condition of ongoing conflict in the country. Libya is the result of centuries of colonisation and foreign interference, which have left a permanent legacy in its history and in the common memory of its population. In particular, the authoritarian and repressive stance of the Fascist regime during the last two decades of Italian rule has favoured the formation of anti-colonial sentiments, then exacerbated by Qadhafi's rhetoric. Among the consequences of this phenomenon was that it prevented the United Nations Security Council from deploying peace-keeping forces during the periods of most violent confrontation and complicated the efforts of the United Nations Support Mission to rely on mediation and negotiations in an environment dominated by armed conflict and military power. Nevertheless, foreign meddling was instrumental in extending the length and in escalating the intensity of the war in Libya. As it has been outlined in this thesis, the NATO military intervention as well as the backing of the Gulf States have provided the revolutionary forces with extensive weaponry and financial support, which subsequently fostered conflict and competition among the opposing militias and political factions. After the fall of Qadhafi, foreign powers did not pursue a policy of pacification and de-militarization of the country, but rather preferred to sponsor their respective proxies in the country, taking polarization to the extreme. Even after the formation of the UN-backed Government of National Accord, the UAE, Egypt, Qatar, France, Russia and Turkey have continued to prioritize their ideological and geopolitical objectives, repeatedly violating the UN arms embargo and hindering the UN mediation process, thus endangering the stability of Libya. Libya is today contended – both militarily and politically – by Russia and Turkey, with the first aiming to gain access to the Mediterranean and strengthen its influence in the region, while securing control over part of Libyan energetic resources, whereas the latter is attempting to expand its authority over the Libyan and Eastern Mediterranean oil and gas reserves, whilst increasing the influence of political Islam and the Muslim Brotherhood in the country. The

religious dimension of the conflict is also the main driver behind the intervention of the United Arab Emirates and Egypt in Libya, as they aim to establish an autocratic regime based on the Wahhabi and Salafi conception of Islam, capable of guaranteeing stability and order in the country and of contrasting the popular mobilization efforts of the Muslim Brotherhood. Thus, based on the literature gathered for this research, it is rightful to conclude that if the regional and international actors mentioned above ceased to support rivalling factions with the aim of advancing their individual national interests and rather promoted national reconciliation and provided technical and institutional assistance to the Libyans, the country would have probably continued upon the path of democratic and political transition undertaken in 2012.

In this regard, the role of Italy and Europe has also been particularly relevant. Although Europe has struggled to find harmony in its foreign policy towards Libya and to speak to the Libyans as a single actor, France and Great Britain were the main promoters of the NATO military intervention, concretely overcoming the boundaries set by the United Nations Security Council resolutions and imposing a regime change in the country. In the following years, the European Union has allowed the Gulf states and other regional powers to conduct their religious and ideological disputes in Libya, mainly concentrating itself on the securitization and externalization of its borders and on the management of migration flows. Italy and France, especially, have worked at cross-purposes, siding with opposing governments and promoting individual mediation efforts which hindered the process of national dialogue inspired by the activity of the United Nations Support Mission in Libya. The EU Member States, and most notably Italy, have also ceded to domestic pressures by its citizens demanding a halt in the inflow of migrants coming to Europe, and have thus cooperated with Libyan militias and criminal groups to prevent them from leaving Libya, financing the creation of detention centres where both economic migrants, refugees and asylum seekers have been subjected to human rights violations and inhumane treatment. However, as outlined in the final paragraph of this thesis, the EU Member State still have a set of policy options which can allow them to act more cohesively and play a more effective and influential role in Libya, capitalizing on the changing political and social scenario in the country and working in favour of the maintenance of the ceasefire, the resumption of the oil production and the development of the political dialogue, in order to give Libya a new, inclusive and unified governance.

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SUMMARY

Nine years after the fall of Qadhafi's regime in 2011, Libya's geopolitical scenario is still characterized by political, military and social instability. Not only is the process of democratic transition failed but there has also been an escalation in the intensity and cruelness of the hostilities, after Marshal Khalifa Haftar, head of the Libyan National Army, launched his campaign to conquer the country in 2019. Although the Turkish intervention has altered the military balance of power, leading to the liberation of Tripoli and to the withdrawal of LNA forces from Western Tripolitania, the risk of armed conflict is still concrete. The recent announcement of a ceasefire between the Government of National Accord and the House of Representatives is threatened by the military stalemate around Sirte and al-Jufrah, the protracted oil blockade and the fragmentation in the unreformed security sector. Currently, Libya is experiencing mounting social unrest caused by the worsening of living standards due the recurring power outages and water cuts, the increasing claims of corruption towards the governmental institutions, and the COVID-19 pandemic, which have resulted into both an economic and a humanitarian crisis.

One possible explanation for the collapse of the Libyan revolution of 2011 and the ensuing drift towards this persistent political and military instability lies in the flawed Libyan nation-building process. The inherent traits of the Libyan society, namely its regionalist resentments and its tribal structure, have historically resisted the establishment of resilient state institutions and the creation of a shared sense of national identity, capable of preventing the fragmentation of the country in the aftermath of the fall of Qadhafi's regime. Libya stands on the verge of three worlds, African, Arab, and Mediterranean, and the three regions which compose it, Tripolitania, Cyrenaica and Fezzan, have been heavily influenced by their relations and connections with the neighbouring territories and by their different early colonial experiences, which have contributed to the over-time development of distinct outlooks and viewpoints among their respective citizens. The tribal organization of the Libyan society derives from the Arab invasions of the 7th and 10th centuries and has favoured the creation of strong kinship and communal affiliations, conveying the authority to the elders and the tribal leaders and, as such, concentrating the power to the local level. Regionalism and tribalism are issues with which any colonizing power or any Libyan leadership have had to confront themselves in the centuries and which vehemently re-emerged after the ousting of Qadhafi.

The colonial legacy has been another fundamental aspect of Libyan troubled nation-building project. Beyond the above-mentioned Arab invasions and the previous periods of domination by Greeks, Phoenicians and Romans, the modern era of foreign colonization in Libya began with the conquest of Tripoli by the Ottoman Empire in 1551. Initially, the Ottomans left extensive autonomy to the Libyan regency, so much that they allowed the establishment of a hereditary dynasty. Founded by Ahmad al-Qaramanli, this dynasty ruled over the country for 124 years, conducting an independent domestic and foreign policy and often resorting to aggressive economic practices, such as slaves trades and acts of piracy and buccaneering towards the European fleets involved in the trade of goods in the Mediterranean. However, after that this aggressive policy of the Qaramanlis induced the United States administration to fight the first war away from the American soil, in 1835 the Ottoman Empire decided to reassert its authority over Libya through a set of three military campaigns which granted the Sublime Porte sovereignty also over the hinterland of Cyrenaica and Tripolitania, and over Fezzan. Thus, during the 19th century, Libya became subject to the wider process of Ottoman reforms known as *tanzimat*, which entailed a strict centralization of the administration and a reorganization of the territory in provinces (*wilayat)* and municipalities, crossing the historical tribal land subdivisions. These reforms were aimed at secularizing and modernizing the country vis-à-vis the European empires and represented the first normative attempt to unify the country's administration and limit the importance of both the tribes and Islam within the Libyan institutional system, despite the reluctance of the population.

In 1911, the Italian government led by Giovanni Giolitti declared war to Istanbul and invaded Libya. The Italian forces were immediately confronted by the staunch Libyan resistance which limited their control over the hinterland of the country, especially in Cyrenaica, where the religious order of the Sanusiyya had established a quasi-state structure and had mobilized the Eastern tribes against the invasion. The early years of the Italian rule were characterized by a liberal and tolerant approach, culminated in 1919 with the promulgation of the "Legge Fondamentale", a statute of liberal imprint which guaranteed a series of civil and religious rights to the local population. The most prominent outcome of this liberal and democratic concessions was the proclamation of the Tripolitanian Republic, the first formally republican government in the Arab world. Despite its fundamental role as expression of the unification of the Tripolitanian tribes, the project soon collapsed, effectively torn by intertribal struggles for the leadership. With the rise of Fascism in October 1922, the Mussolini regime reneged on the liberal policy of collaboration with local elites and started a project of reconquest of

the country resorting to brutal methods and war crimes, such as mass deportations, concentration camps and chemical weapons. During the 1930s, the regime tangibly began the transformation of Libya into the "Fourth Shore" of Italy, integrating it into the Italian territory and completing the demographic colonization of the country with the arrival of over 100,000 settlers. In the aftermath of the second global conflict, Libya possessed a considerable system of infrastructures and public utilities and an improved agricultural sector, however, three decades of Italian rule left the country with a highly uneducated, unskilled and uninformed citizenry. The complete centralization of power in the hands of the governor prevented the establishment of national political and administrative institutions and the systematic exclusion of the Libyans from the public life did not favour the formation of political movements, reviving the role of tribal and kinship affiliations.

Following long international negotiations among the four main powers emerged from World War II, namely the United States, Russia, France and Great Britain, the intervention of the United Nations General Assembly ended four centuries of foreign domination and, in 1951, the independent United Kingdom of Libya was proclaimed. Idris al-Sanusi, former Emir of Cyrenaica, was appointed King and head of the government, which assumed the form of a federal hereditary monarchy. Despite the achievement of the independence, the social and institutional cleavages within the country remained deep, as proven by the need to establish two alternating capitals, one in Cyrenaica (Benghazi) and one in Tripolitania (Tripoli), and by the extensive autonomy retained by the local administrations, which hindered the policy-making at the national level. With the discovery of oil deposits in the country, the federal formula was abandoned in favour of a centralization of power in the hands of the government, to facilitate the collection of taxes and oil revenues. Nevertheless, the reluctancy of King Idris to assume a strong leadership, the widespread corruption, the cronyism in the appointment of political and administrative charges, and the unequal redistribution of oil revenues once more damaged the institution-building process and exacerbated popular resentment towards the monarchy.

In 1969, the Libyan captain Mu'ammar Qadhafi led a group of young army officers in a coup d'état which ousted the monarchy and established a military autocratic regime which lasted for over four decades. In 1977, Qadhafi proclaimed the institution of the Socialist People's Libyan Arab Jamahiriya, a new form of political organization grounded on direct democracy and government of the masses. Qadhafi's political project was entirely based on an "institutionalized statelessness", namely the dissolution of the state institutions, the political parties and the parliamentary representation in favour of the creation of local popular

congresses capable of conveying the demands of the population to the leadership. At the same time, he centralized the decision-making into his hands, creating a dichotomy between the formal and informal structure of government. At the economic level, Libya became a full-fledged rentier state, relying totally on oil revenues, as the private property and private initiative remained abolished until 1999. In terms of foreign policy, Qadhafi's aggressive anti-colonialist, pan-Arab and pan-African stance and his support for Islamic terrorist movements led the country to an open confrontation with the West, until the sanctions issued by the United Nations forced him to dismantle the Libyan nuclear programme and embark upon a process of reconciliation with the international community. Nevertheless, Qadhafi's rule was detrimental for the Libyan nation-building process, as it dissolved the weak state institutions and bureaucracy created by the monarchy and it hindered the creation of a shared national identity by barring political parties and preventing the formation of a civil society. Like his predecessor, Qadhafi resorted to patronage and distribution of charges, privileging tribes loyal to the regime, fostering the re-emergence of historical tribal and regional resentments.

As the long wave of the Arab Spring reached Libya, a country hardened by decades of authoritarianism and lack of civil and human rights mobilized to oust Qadhafi in what has been rightfully defined a popular revolution. Tribal chiefs, armed militias, exiled opponents, defected military officials, and civilians mobilized to fight against the regime. Nevertheless, the UN-backed NATO intervention proved fundamental to overcome the brutal regime repression. Regional and international powers supported the rebels providing weapons and economic resources, and the European countries, led by France and Great Britain with the supervision of the United States, formed a coalition of the willing to enforce the no-fly zone over the country and conduct airstrikes against Qadhafi's forces. After the fall of Qadhafi, a process of social and political fragmentation began, splitting the regime strongholds from the revolutionary cities as well as the moderate camp from the revolutionary hard-liners. Although the Constitutional Declaration issued by the National Transitional Council, the political leadership of the rebels, as well as the positive outcome of the June 2012 elections, suggested that Libya had undertaken the path towards a democratic and peaceful transition, the increasing influence of the armed militias and the political rifts within the General National Congress denied this assumption. In particular, with the promulgation by the Islamist camp within the GNC of the Political Isolation Law, an act which excluded former regime officials from any political or military institution, the conflict between the different factions and communities escalated. In May 2014, following the refusal of the Islamist government to dismantle the GNC, hold new parliamentary elections and start the

constitutional process, the former Libyan General Khalifa Haftar formed the Libyan National Army and launched the Operation Dignity, with the goal of cleansing Cyrenaica and the country of Islamists and terrorist groups. In response to this attack, the Libyan branch of the Muslim Brotherhood and the Islamist leaders and armed militias formed an opposing coalition named "Libya Dawn". The clash between the two factions polarized Libya and weakened the political authority of the House of Representatives, the new parliamentary institution emerged from the elections of June 2014. Following the conquest of Tripoli by the Libya Dawn coalition, the HoR representatives were forced to flee to Tobruk, where the assembly was established. With the move to the East, Haftar managed to exploit the weakness of the HoR due the boycott of the Islamist members and obtain its support, being officially appointed General Commander of the Armed Forces in 2015. Between 2014 and 2018, with the backing of his international allies, namely the UAE, Egypt, France and Russia, Haftar attacked the Islamist militias and IS affiliates in Cyrenaica, liberating Benghazi and Derna, and conquered the Oil Crescent, taking control over the oil terminals and obtaining remarkable international legitimacy. In April 2019, he launched the Operation Flood of Dignity, in the attempt to seize Tripoli and establish a military regime. Today, the LNA coalition counts approximately 25,000 troops, of which 7,000 are regular full-time militia members, and the remaining 18,000 troops form a part of the auxiliary forces. The latter include armed militias from Zintan and Tarhouna, Madkhali Salafi groups from Cyrenaica and Tripolitania as well as foreign mercenaries from Chad, Sudan and Russia. Since its creation, the LNA has undergone a process of training and professionalization of its members, although Haftar has integrated its ranks with affiliated tribes and family members, such as his son Khaled, who has been nominated leader of the largest LNA battalion, the 106th.

In the West, the political and social fragmentation emerged after the civil war was only nominally mitigated by the signing in 2015 of the Shkirat Agreement, an UN-brokered power-sharing deal which envisioned the creation of a unitary government in Tripoli. The government led by al-Sarraj relied for its security on a quartet of armed militias based in Tripoli, which benefited from this privileged position monopolising the security sector in the capital and conducting predatory practices over the state resources. This led to the so-called "Late Summer War", in which Zintani and Misratan militias vainly attacked the Tripoli quartet in the attempt to gain access to the city. Following the offensive by the LNA in April 2019, the Tripolitanian armed groups were forced to unite under the banner of the GNA and launched the Operation Volcano of Rage in defence of Tripoli. The anti-LNA coalition

comprises rival militias, such as the Misratan and Zintani forces, radical Islamist armed groups, the main Tripoli militias, and fighters from the Tubu and Touareg minorities. Despite the early victories of the LNA faction, the decisive military intervention of Turkey in January 2020 has allowed the GNA coalition to repel Haftar's offensive and liberate Tripoli, conquering also several cities in Tripolitania as well as the strategic al-Watiya airbase, and forcing the retreat of the LNA to Sirte and al-Jufra, which are now the epicentre of the military stalemate and the international negotiations.

Since the 2011 uprisings, foreign meddling has been instrumental in extending the duration of the conflict and in escalating its intensity, as regional and international powers have provided weaponry and extensive funding to the different factions. The Gulf States have been the most active players, as their contrasting religious ideologies and foreign policy interests have led them to support opposing camps, transforming the Libyan civil war into a proxy war. The Wahhabi doctrine of Saudi Arabia and the United Arab Emirates, which are supportive of military and autocratic regimes, clashed with Qatar's advocacy for political Islam and the Muslim Brotherhood, which promotes the popular participation in the political arena. In particular, the UAE have been a staunch supporter of Haftar and the secular bloc within the GNC, financing the creation of the LNA and providing training and intelligence to its air force. The UAE have supplied the LNA with the most advanced weaponry, consisting of France and Russian fighter jets and Chinese drones, while directly conducting ISR missions and airstrikes against Islamists and GNA outposts in Tripolitania. Conversely, Qatar has backed the Libyan Muslim Brotherhood in the GNC and the Islamist militias, particularly the Misratan brigades, which have received military, technical, financial and political assistance. A fundamental asset for Qatar's foreign policy to exert its foreign policy in Libya was represented by its media empire Al-Jazeera, which has broadcasted the efforts of the Libya Dawn camp and of the GNA coalition against Haftar in 2014 and 2019, respectively.

In addition to the Gulf States, Egypt has also intervened in the Libyan conflict, due to its concerns over the security of its border with Libya and over the threat represented by the IS affiliates. After the ousting of Mohamed Morsi, a Muslim Brotherhood exponent, and the rise to power of General al-Sisi, Egypt has sided with Haftar in the fight against terrorism and political Islam, financing the LNA's expansionist project, smuggling through its border increasing amounts of weapons, including armoured vehicles and aircrafts, as well as fighters to sustain the LNA troops, and making available its airbases for the UAE's airstrikes against the GNA. Furthermore, Egypt considers Libya a fundamental geopolitical asset for its

economic and energetic interests in the region, in direct contrast with Turkish ambitions in the Eastern Mediterranean, and has threatened direct military intervention in case the Turkish troops decided to attack Sirte and al-Jufra.

Turkey has been active in Libya since 2011, backing the Islamist forces and funding the Libyan Muslim Brotherhood. However, its role has become particularly relevant after the signing of two Memorandum of Understanding with the al-Sarraj government which allowed Ankara to access Libya's maritime exclusive economic zone and to deploy its army in Libya. Indeed, since January 2020, Turkey has provided troops, drones, air-defence systems and intelligence resources to the GNA coalition, forcing the retreat of the LNA forces. Ankara has also taken control over the strategic al-Watiya airbase and has extended its economic and political cooperation with Tripoli, securing its access to the Eastern Mediterranean gas resources and reasserting its influence in the region.

Similarly, Russia has increased its direct engagement in Libya since 2016, after having primarily acted within the UN Security Council framework for the previous five years. Moscow has tried to maintain positive diplomatic relations with both factions, supporting diplomatic meetings and repeatedly hosting both leaders. However, since April 2019, Russia has been overtly sided with Haftar and the LNA, and its assertiveness has grown proportionally to the level of Turkish military commitment. Recently, Moscow has sent to Libya air fighters and combat vehicles as well as a group of private military contractors, the Wagner Company, deployed in protection of the oil terminals and in the airbases of Sirte and al-Jufrah. Furthermore, the Kremlin has been providing financial liquidity to Haftar and the LNA by printing unofficial currency which has been delivered directly to the parallel Eastern central bank. Russia has thus proven determined to preserve its interests in the country: restoring economic relations, obtaining access to the Mediterranean, securing a privileged channel for oil concessions, and gaining leverage on the EU over the management of migration flows.

The United Nations response to the eruption of conflict in Libya was remarkably swift and decisive. Within a month since the outbreak of the first protests, the UN Security Council approved two Resolutions, no. 1970 and 1973, condemning the use of violence by the regime forces against the civilians, imposing an arms embargo, placing a travel ban for Qadhafi and his associates, and authorizing the implementation of a no-fly zone over Libya as well as the resort to "all necessary measures", with the exception of military occupation, required to "protect civilians and civilian populated areas". Further, the Security Council immediately

appointed Abdelelah al-Khatib as Special Envoy for Libya, with the task of seeking a mediated peaceful transition, and shortly after established the United Nations Support Mission in Libya, a political mission aimed at supporting the new Libyan transitional authorities in their post-conflict efforts. Nevertheless, a set of recurring issues has hindered both al-Khatib's and UNSMIL work throughout the course of the Libyan conflict: increasing disagreements within the UN Security Council, foreign meddling and national mediation attempts, repeated violations of the arms embargo, and political instability and fragmentation in the country.

In particular, al-Khatib's efforts to reach an early ceasefire and negotiate a mediated and political transition in Libya during the first months of the conflict were undermined by the NATO military intervention in support of the Libyan rebels, by the inflexibility of both Qadhafi and the revolutionary leaders, and by the multiple regional diplomatic initiatives working at cross-purposes with each other.

As the international community converged on the need to oust Qadhafi and recognized the rebels as the new legitimate Libyan leadership, the UN Secretary General Ban Ki-moon appointed Ian Martin, an English human rights activist and United Nations official, as Special Adviser for Libya and head of UNSMIL, with the aim of coordinating the UN's post-conflict planning and assisting the new Libyan authorities. Martin's work was based on a series of principles focussed on the urgency to facilitate the positive outcome of the democratic transition process whilst preserving the Libyan national ownership and maintaining a light footprint. During his mandate, Martin was instrumental in organizing the first fair and competitive elections in Libya since 1952, assisting the National Transitional Council in drafting the electoral law and in forming the Electoral Committee, advocating for gender equality and respect of the minority rights and, subsequently, offering UNSMIL expertise to the High National Election Commission in several fields, ranging from the procurement of electoral materials and the planning of the security and operational procedures to the establishment of complaint mechanisms and the training of the polling staff. The remarkable success of the electoral process was balanced by the lack of progress in the reform of the security sector and in the de-militarization of the country, as the multitude of *kata'ib* (battalions) which ousted Qadhafi not only retained but also consolidated their power at the local level due to the increasing funding of their regional backers and the looting of regime military equipment.

As a matter of fact, when Tarek Mitri was appointed Special Representative of the Secretary General (SRSG) and succeeded to Martin as head of UNSMIL, Libya's democratic transition was already declining towards renewed military conflict and the fragmentation and communal cleavages were re-emerging. Thus, Mitri grounded his mediation strategy on a process of national reconciliation to be achieved through the holding of a National Political Dialogue, a platform organized in collaboration with the GNC Prime Minister Ali Zeidan, where all the political and civil actors could convene to address the guiding principles and priorities for the management of the country prior to the approval of the new constitution. The main achievements were obtained in the judiciary field, with the transfer of the illegally detained prisoners from the armed groups' structures to the state police facilities, and in the constitution-making process, with the institution of the Constitution Drafting Assembly. At the same time, however, the programme envisioned by the National Dialogue Preparatory Commission failed to include the true power brokers, namely the western militias and Haftar's LNA, which acted as spoilers in the process and ultimately forced UNSMIL to withdraw from the country in July 2014 due to the deteriorating security situation in Tripoli.

The forced departure from the Libyan capital represented a major setback for the UN mission, as it limited its access to the country and precluded the development of closer contacts with the civil society, the political leaders and the battleground actors. Nevertheless, the new SRSG Bernardino Leon and his successor Martin Kobler worked to address the deterioration of the security conditions in Libya through a twofold strategy: first, they resorted to local mediation for the promotion of a series of military ceasefires among the Western militias; secondly, they instituted a political track to broker a power-sharing agreement between the two governments in al-Bayda and in Tripoli. After 18 months of negotiations with the political representatives of the two parliaments, the Libyan Political Agreement (LPA) was signed in Shkirat on 15 December 2015. The agreement envisioned the creation of a Presidential Council in representation of the three regions and of the main political constituencies led by Fayez al-Sarraj, who would also become Prime Minister of the Government of National Accord, the executive branch of the institutional system. The House of Representative would remain the legislative body and the former Tripoli parliament would become the High State Council, a consultative body which would coordinate with the GNA in the appointment of senior officials. However, the validity of the agreement was conditional to the HoR ratification, which never concretely occurred due to pressures from Haftar and the LNA, thus creating a political deadlock given by the simultaneous presence of three executives: the al-Thinni government in al-Bayda and the GNA together with the

National Salvation Government formed by the hard-line Islamists in Tripoli. Even today, the LPA remains the main legal and institutional framework through which to mediate a political solution to the Libyan conflict, nevertheless, its design presented several flaws. The exclusion of Haftar from the military leadership of the unitary government forced his refusal of the agreement. Further, the establishment of the Council in Tripoli as well as its reliance over the capital's militias for the insurance of its security increased the perception among the LNA supporters that the LPA was merely an attempt to side-line the Haftar and exacerbated the resentment of the militias which could not access Tripoli. The lack of inclusivity together with the pressure from the European countries willing to establish a stable interlocutor to control migration flows and conduct counterterrorism operations, which forced the mediators to accelerate the signing of the deal, hindered the legitimacy of the GNA and the consensus around the agreement, fostering further social unrest.

As a matter of fact, since 2016, Libya has been subject to liquidity crisis, electricity and food shortages and deteriorating social conditions, which have been exacerbated by the establishment of the oil blockade in the LNA-controlled oil terminals and by the war for Tripoli between the LNA and GNA forces. Within this period of time, the succeeding SRSG Ghassan Salamé has attempted to focus on the humanitarian aspect of the crisis, bringing UNSMIL staff back to Tripoli and supporting the process of national reconciliation through the launch of the Action Plan for Libya and the holding of a Libyan National Conference. The outcome of this strategy was a series of meetings and consultation in which notables, tribal leaders, civil society exponents, and local political leaders elaborated ten key points and principles to serve as foundation for the future constitution-making process and for the stabilization of the country. Although the preliminary phase represented a success in terms of expression of civil social rights and popular participation, similarly to what happened in 2014 with the National Political Dialogue, the Libyan National Conference project foundered, due to the launch of the Operation Flood of Dignity by Khalifa Haftar and the escalation of conflict in the country. The latest attempt of mediation by Ghassan Salamé was the organization, in January 2020, of the Berlin International Conference on Libya, which included the head of governments of the major international stakeholders as well as representatives from the main regional and international organizations. The Conference has reaffirmed the need to achieve a ceasefire and work for a peaceful and mediated solution to the crisis under the UN umbrella and within the framework of the Libyan Political Agreement. Even in this instance, the commitments were disattended by the facts and the conflict escalated due to the military engagement of Turkey, until the liberation of Tripoli

and the formation of the military stalemate around Sirte have induced the HoR and the GNA to proclaim a ceasefire aimed at relaunching the political process and resuming the oil production.

The role of Italy and the EU in the Libyan crisis has been particularly relevant in the early stages of the conflict and, subsequently, after the establishment of the GNA in Tripoli, however, it is worth mentioning that the lack of harmony in the European Council and the diverging foreign policies of Italy and France have not allowed the UE to speak to the Libyans as a single entity, and to prevent the regional actors from prolonging the crisis. Further, the EU's inconsistent foreign policy in Libya has focussed primarily on the security concerns of its Member States, through the management of migration flows, the externalization of border control and the funding of either Tripolitanian militias or Haftar's LNA to conduct counterterrorism operation and prevent migrants from reaching the European shores.

At the outbreak of the 2011 uprisings, France and Great Britain led the NATO military intervention with the support of the United States, transforming the enforcement of the UN-sponsored no-fly zone into an outspoken regime change operation and carrying out airstrikes against Qadhafi troops to support the revolutionary forces. The discussion leading to the launch of the military operation revealed the divergences withing the European Council and highlighted the challenges posed by the institutional design set up by the Lisbon treaty, which formalized a *de facto* dual decision-making structure, with a supranational regime regarding the single market based on the co-decision procedure and on majority voting, and an intergovernmental one regarding, among else, the common foreign and security policies, characterized by unanimity and voluntary coordination. Such design induced France and Great Britain to operate outside the Union's institutional framework in order to overcome the unanimity requirement, thus excluding both the European and the nationals parliament in the decision-making and, in such fashion, creating concerns over the accountability of the operation. After the collapse of Qadhafi's regime the European countries have allowed militias and armed groups to take the country under their control, without providing sufficient political and institutional support to the new leadership. Since the establishment of the GNA in Tripoli, the EU has sided with the al-Sarraj government while France has overtly funded Haftar and the LNA, in the attempt to ensure stability in the Sahel region and support the policy of its allies, namely the UAE and Egypt. Further, the individual and counterposed mediation attempts conducted by Italy and France in 2017 and 2018 have legitimized Haftar's role at the international level and have hindered UNSMIL efforts to hold the National

Conference. However, the latest European diplomatic initiative, the Berlin Conference, has gathered a wide consensus within the European Council and could serve as a starting point for a more assertive and uniform European foreign policy in Libya.

In this regard, the EU has launched in March 2020 the military operation EUNAVFOR MED Irini, with the aim of implementing the UN arms embargo through the use of maritime, aerial and satellite assets and of monitoring over the illicit exports of oil from Libya. On paper, the initiative marks an important step in the development of defence cooperation at the European level as well as in the assertion of EU military presence in the Mediterranean, but the mission appears under-resourced and has been overtly conceived to contrast Turkish operations in the Eastern Mediterranean, as Turkey is the only country smuggling weapons to Libya through the maritime route, while Haftar's supporters have transferred weapons and fighters via air or land routes.

Italy and France have been the two most active European countries in Libya also before the Arab Springs and the ousting of Qadhafi. Rome and Tripoli signed several bilateral political and commercial agreements, despite Qadhafi's anti-colonial stance and his resentment over the Italian domination in the country. France, under the presidency of Sarkozy, worked to normalise the bilateral relations and strengthened the economic ties by promoting military and construction deals, also attempting to integrate Libya within the framework of the Union for the Mediterranean. One of the main geopolitical drivers in both the Italian and the French foreign policy in Libya was the control over the energetic resources of the country. The Italian national company ENI has been present in Libya since 1959 and has obtained concessions over several of the major oil and gas facilities in Tripolitania, managing to be the only international oil company to maintain its production during the most intense phases of the conflict. This can serve to explain Italy's support for the Misratan militias and for the GNA, as they hold the authority over the territories in which ENI's interests are concentrated. Conversely, Yves Le Drian, former French Minister of the Interior and current foreign minister, has advised Hollande first and Macron then to ally with Haftar in order to secure a share of the Cyrenaican energy resources and of Fezzan's oil terminals for the French multinational Total.

In addition to the economic interests, Italy, France, and the EU as a whole have concentrated their efforts on the management of migration flows from Libya. Since the 2011 revolution, the war has produced political instability and has caused a severe economic crisis which has lowered the living standards of both Libyan nationals and immigrants, transforming illegal

practices such as human smuggling and trafficking in an income-generating strategy for criminal groups and marginalised communities. As a result, Libya is currently facing a humanitarian crisis, with 400,000 internally displaced persons (IDPs) and over 650,000 migrants residing in the country, and their condition has been further aggravated by the recent COVID-19 pandemic. During the first years of the crisis, EU Member States have attempted to respond within the framework of the United Nations Security Council and by launching the military operation EUNAVFOR MED Sophia. Operation Sophia was an articulated mission whose mandate comprised the inspection and seizure of vessels and assets used by migrant smugglers, the training of the Libyan Coast Guard and the conduction of Search and Rescue (SAR) activities in the Mediterranean, saving approximately 44,000 migrants between 2015 and 2019. However, as the migratory flows kept increasing and the domestic pressure from the public opinion became more urgent, the Member States struggled to find a consensus on the disembarkation points of the migrants as well as on their relocation within the EU territory, and resorted to border externalization and cooperative deterrence practices. Indeed, the EU delegated the control of its borders, which it expanded to include the Libyan seas, to the Libyan authorities and to the vessels of the humanitarian organizations, financing the Libyan Coast Guard to ensure the forcible return to Libya of the migrants intercepted at sea. Furthermore, Italy signed in 2017 a Memorandum of Understanding aimed at extending the cooperation between the two countries in the fields of migration, human trafficking and fuel smuggling. Following this agreement, the Italian governments have provided funding, training and naval assets to the Libyan Coast Guard as well as a surveillance system for border control in Southern Libya, and contributed to the construction and renovation of detention centres for the custody of the illegal migrants entering Libya or intercepted at sea. Italy has been criticized for the signing of this Memorandum of Understanding due to the collusion and often overlapping between the criminal groups and militias which control the detention centres and the authorities who manage the coast guard and the border police. In addition to that, international organizations and United Nations agencies have reported abuses, tortures, inhumane treatments and mass killings within the detention centres and signalled episodes of violent conduct by the Coast Guard officials. Scholars and experts have thus raised concerns about the legality of this agreement, as the forcible return of migrants in a country where they might face human rights and illegal detention violates the principle of *non-refoulment* and consists in an infringement of humanitarian law. Therefore, it has been argued that Italy might be deemed jointly liable for the human rights violations committed in the detention centres by having provided financial, technical and material support to the Libyans.

The recent military intervention of Turkey in favour of the GNA, the ensuing withdrawal of LNA forces from Tripoli, and the military stalemate around the city of Sirte, have changed the Libyan geopolitical scenario for the EU. At this stage, the EU Member States have a set of different policy-making options to reassert their influence in Libya and more broadly in the MENA region, and to support a peaceful resolution of the conflict. The European strategy should be based on four main points, with the final aims of ensuring the maintenance of the ceasefire reached in August, of restarting the process of national dialogue and reconciliation, and of favouring the resumption of the oil production. In order to achieve these results, the EU should act as a single entity and promote a multilateral diplomatic action under the UN umbrella on the basis of the Berlin Conference commitments, in order to avoid the establishment of a Turkish-Russian condominium in Libya which might marginalize it in the country. Another geopolitical priority for the EU is represented by the protection of its interests in Libya and in the Eastern Mediterranean vis-à-vis the Turkish expansionism, ensuring the safeguard of its energetic supplies, the containment of the terrorist threats, and the control over the management of migration flows. In addition, the EU should impose itself as an impartial guarantor of the UN arms embargo by strengthening the scope of the Operation Irini to include monitoring over the smuggling of weapons via the air and land routes and by fostering accountability through the enforcement of a structured system of sanctions for the spoilers. Finally, the Member States should cooperate with the international organizations to set up voluntary repatriation mechanisms as well as humanitarian corridors for refugees and asylum seekers, and work to find a consensus on a new migration plan to reform the regulations regarding the disembarkation points and the relocation of migrants within the EU.