

Libya after Gaddafi: A challenging transition

Five years after the uprising against Muammar Gaddafi, Libya has finally made a breakthrough towards ending the two-year conflict that has seen the country divided between two rival governments and parliaments, each allied with loose coalitions of armed militias fighting each other. The resulting power vacuum has led, not least, to the rise of ISIL/Da'esh in Libya and, to the country's increasing role as a departure point for migrants hoping to reach Europe. A political solution to reduce the instability in Libya is critical, both for Libya and for its neighbours.

A Day of Rage: causes and effects of the 17 February 2011 uprising

Protests in Libya [began on 15 February 2011](#) in Benghazi following the arrest of human rights lawyer [Fathi Terbil](#), who represented the relatives of [more than 1 000 prisoners allegedly massacred by security forces](#) in 1996. A [Day of Rage](#) was declared on 17 February by the [National Conference for the Libyan Opposition](#). The [protests](#) were against Gaddafi's 42 years of [authoritarian and system-less](#) rule and called for democracy, human rights and freedoms. Peaceful demonstrations turned into confrontations with the military, in which [live ammunition](#) was fired at protesters. After the withdrawal of security forces from Benghazi, anti-Gaddafi forces established the [National Transitional Council](#) (NTC) on 27 February 2011, which became Libya's interim legislative authority.

Following Gaddafi's [threat to massacre the people of Benghazi](#), on 17 March 2011 the [United Nations Security Council](#) invoked the '[responsibility to protect](#)' (R2P) principle and issued [resolution 1973](#), which aimed to protect civilians. NATO responded to the United Nations (UN) call to protect the Libyan people, and a coalition of NATO allies and partners began [enforcing](#) an arms embargo, maintaining a no-fly zone and protecting civilians from attack under [Operation Unified Protector](#) (OUP). On 19 March 2011, Western (mainly French) planes participating in [Operation Odyssey Dawn](#) saved Benghazi from potential annihilation. Gaddafi's regime [came to an end](#) when members of the rebellious [Zintan militia](#) captured and killed Gaddafi on 20 October 2011. The [insurrectionists](#) grouped together as the [National Liberation Army](#) (NLA) and were accompanied by individual militias linked to various cities or [tribal communities](#).

The ensuing elections and the descent into civil war

In August 2011 the NTC adopted a [Transitional Constitutional Declaration](#) (TCD) as a roadmap for democracy. [Elections](#), supported by the [United Nations Support Mission in Libya](#) (UNSMIL), were held for legislative bodies and a [constitutional drafting assembly](#) in [2012](#) and [2014](#). Though the elections were soundly administered, they failed to achieve the [desired inclusiveness](#). The [General National Congress](#) (GNC), elected on 8 August 2012, was tasked with writing a new constitution within 18 months of the start of its mandate. However, the process of political and institutional reform initiated by the transitional authorities [failed](#) to establish and uphold the rule of law or to address human rights violations. [A rift emerged](#) in the GNC that grew into a civil conflict owing to the ambiguous relationship between the executive and legislative branches of government. The GNC, using a [controversial legal basis](#), attempted to exclude officers who had participated in Gaddafi's counter-revolutionary war effort from holding public office while improving the prospects for integration of [thuwwar](#) (rebels). The conflict deepened when a military offensive, [Operation Libya Karama](#) (Dignity), was launched by former Gaddafi loyalist [General Khalifa Haftar](#) in May 2014 against [militias](#) in Benghazi and Tripoli that were aligned with Islamist parties. It called for the dissolution of the GNC, with the aim of cleansing Libya of 'terrorism and extremism'. It was against this backdrop that the [elections for a House of Representatives](#) (HoR) took place on 25 June 2014. Once again, liberals and former regime supporters [gained a majority](#) of parliamentary seats. A significant number of them moved to set up the HoR in Tobruk rather than in Tripoli or Benghazi as foreseen in the NTC's transitional road map, while the GNC parliamentarians remaining in Tripoli declared the HoR to be illegitimate. Militias supporting GNC parliamentarians then launched a counter-



offensive, [Libya Dawn](#), against Operation Libya Dignity. Libya became fragmented between two governments and two parliaments: one internationally recognised, with limited control over its ministries of state, the HoR in Tobruk; the other a self-appointed, [Islamist-backed government in Tripoli](#), which controlled several key institutions. The Tobruk HoR was declared [invalid](#) by the Tripoli-based Supreme Court on 6 November 2014, leaving Libya with no parliament or government able to claim national legitimacy.

Exploitation of the current power vacuum

Amid the chaos in Libya, ISIL/Da'esh and al-Qaida-affiliated groups have gained ground. ISIL/Da'esh [made use of the vacuum](#) to gain a foothold in November 2014, forming a Libyan branch with a number of Libyan locals and militias joining. Since taking [control of Sirte](#), ISIL/Da'esh has imposed horrific punishments on anyone daring to oppose it, and has forced [thousands to flee](#) their homes, generating nearly half a million internally [displaced Libyans](#) and more than a million refugees. The expansion of ISIL/Da'esh in Libya constitutes a major threat to the future of the transition and is of increasing concern to all neighbours, including Europe. Libya has also become [a popular starting point](#) for many migrant journeys, with human traffickers and smugglers exploiting the [country's power vacuum](#).

The current situation in Libya

Libya's political situation evolved on 17 December 2015, when representatives of Libya's duelling parliaments [signed](#) a UN-brokered agreement – the [Libyan Political Agreement \(LPA\)](#) – based on four principles: ensuring the democratic rights of the Libyan people; a consensual government based on the principle of the separation of powers, oversight and balance; empowering state institutions to address the serious challenges ahead; and, respect for the Libyan judiciary and its independence. On 15 February 2016, [Libya's Presidential Council](#) (LPC) nominated a transitional unity government – the UN-backed [Libyan Government of National Accord](#) (GNA) – with [Fayez Al-Sarraj](#) as Prime Minister. The GNA finally [moved to Tripoli](#) on 30 March 2016. The most serious political hurdle, however, remains the endorsement by the HoR as a whole, through a [vote of confidence](#). So far 101 HoR members out of 200 [have endorsed](#) the GNA, with the cancellation of Article 8 of the LPA regarding the transfer of army authorities to the government. The political settlement that led to the GNA was reached under considerable pressure from the UN and the EU, and not all constituents of the two broad coalitions supported the negotiations. To ensure national unity the GNA needs also to engage the tribes and key militias. Libya's economic situation also [faces serious threats](#), as the Eastern Libyan government operates a different currency, and [oil production](#) has declined.

The European Union's response

In the absence of an Association Agreement with the EU, [Libya](#) remains outside most [European Neighbourhood Policy](#) initiatives. Libya is however eligible for funding under the new [European Neighbourhood Instrument](#) (ENI) and its regional and thematic assistance programmes. In February 2011, the EU took [a number of steps](#) and disbursed €80.5 million for humanitarian assistance to meet basic needs, treat the injured, assist refugees, prevent human rights abuses, and support demining. The [EU's total programme in Libya](#) now stands at €130 million (2014-2020) and focuses on institution building, public administration, security, democratic transition, civil society, health, vocational training and education. The EU has actively supported the UN-led dialogue. When the GNA arrived in Tripoli, the EU had an immediate [€100 million financial package](#) to distribute, based on priorities to be decided by the GNA. The EU and its Member States [support](#) the GNA as the sole legitimate government of Libya and consider [UN Resolution 2259](#), adopted on 23 December 2015, to remain the basis for political progress in Libya. In its [resolution](#) of 4 February 2016 the European Parliament (EP) reiterated the EU position and called for international support for Libyans in their efforts to implement the LPA and strengthen Libya's transition. Members condemned the destabilising terrorist attacks by ISIL/Da'esh against the people of Libya and called on the EU to use its diplomacy and foreign policy tools assist Libya's transition process. The EP also expressed grave concern at the fate of migrants, asylum-seekers and refugees in Libya.

Outlook for Libya

The GNA is a first step, and not just towards unifying the country's two rival groups. The destabilisation in Libya is of concern as the power vacuum has created lawlessness that could also spill over into the neighbouring regions and Europe. The GNA may facilitate action against ISIL/Da'esh and people smugglers, since there would be a single and, hopefully, more effective political authority that would welcome some form of international assistance.