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IS THE WEST LOSING LIBYA, AGAIN?*

Dirk Vandewalle

Libya, three years after the end of its uprising against the Gaddafi regime, has reached the nadir of its political fortunes. It is both ironic and painful that for the third time since their independence in 1951 Libyans' attempt to create a modern, centralized state seems to be slipping from their grasp – this time after a promising start in the wake of the 2011 uprising against its former dictator. The first two failed attempts – in 1951 and 1969 – were essentially local affairs with few reverberations beyond the country's borders. The ongoing conflagration, however, is increasingly leading to serious regional and international destabilization. Clearly neighboring countries Arab countries see the chaos in Libya as promoting regional instability – and increasingly judge the unfolding chaos sufficiently worrisome for them to start actively supporting local proxies...

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Whatever hopes the international community once had for a settlement of the continuing chaos in Libya have been shattered these last few months by a worrisome escalation of violence that has led to enormous bloodshed and to the destruction of a number of national institutions – including Tripoli's international airport. As a result of the chaos, Libya now has two competing governments, two prime ministers, and two sets of alliances in Tripolitania and Cyrenaica that have effectively divided the country into two separate regions. The country's internationally recognized government and the country's elected House of Representatives are effectively in internal exile in Tobruk while opposing militias control Tripoli and occupy the country's ministries.

Ironically, at the same time, the country's oil output is at an all-time high in the wake of the civil war, now at roughly 900,000 barrels per day. This phenomenon – of a country in general political chaos, with rival political institutions, but simultaneously with a well-functioning oil sector hints at the fundamental problem Libya faces at this point: an ability to maintain oil production while a very profound disagreement persists over what the political future and the political institutions of Libya should be like, and over who legitimately represents the country: those who have been elected, or the revolutionaries who overthrew Gaddafi.

On one hand of the equation is the institutionalized political system – the earlier General National Congress, and the current House of Representatives and the country's government – that was envisioned in the original blueprint for the country drawn up by the Transitional National Congress during the civil war. Unfortunately, the legitimacy of these internationally recognized political institutions has been very low as Libya's formal political institutions have become valued for what they can deliver in terms of revenues and patronage to the country's different factions, rather than as a truly representative and legitimate political body.

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The link between the low legitimacy of the country's political institutions and the doling out of revenues to all groups in Libya, as well as the fact that the country's oil revenues continue to flow to all sides despite the ongoing chaos, reiterate clearly one of the country's longstanding and fundamental problems: oil revenues can be used strategically to keep the country's political system more or less balanced – without, however, legitimacy being bestowed upon any political institution. And whatever political cleavages and chaos exist nevertheless require that on at least one point – the preservations of oil revenue inflows – all factions tacitly cooperate.

Even more problematic in Libya, the different sides in its ongoing struggles are increasingly driven by ideological platforms that are crowding out more moderate factions and militias, the latter signing onto the agendas of two increasingly radicalized factions that have managed to become dominant players as a power vacuum inside the country led to their unchecked growth. In light of this growing antagonism and of the growing human rights violations on each side, reconciliation looks exceedingly difficult.

Is there anything the international community can still do to bring about a peaceful solution and order in Libya, or is the slide into open civil war – with years of instability and outside meddling ahead – unavoidable? The country's current dynamics make it clear that no internal solution is in sight. The prospects for prolonged and deepening instability, unless there is some intervention, are unavoidable. A continually chaotic Libya that is a global focal point for radical Islamic movements, for arms smuggling and human trafficking, and for growing regional insecurity – all of this ninety minutes by airplane from Rome – raises deep human and security concerns that need to be addressed. The UAE and Egyptian bombings of the last few months indicate the urgency in designing a common and long-lasting strategy before more unilateral or regional actions are taken that draw Libya even further into its unrelenting spiral of violence – and invite more outside groups and countries into the Libyan debacle.

Until now, attempts to help Libya solve some of its problems have been either bi-laterally, under the auspices of “Friends of Libya” conferences where aid and support was promised, or with the help of UNSMIL that has provided valuable expertise and mediation. While worthwhile, these have remained piecemeal, without an overarching strategy, and, as a result, have been largely uncoordinated and often politicized – a classic example of the kinds of problems and dilemmas no doubt familiar to most participants in such efforts.

More importantly, however, in Libya these efforts, no matter how well-intended, have paid cursory attention to the larger issue of building

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durable institutions that must provide enduring support for the national government. Rather, much of the international involvement has focused on activities like elections and constitution writing at an early stage after the 2011 civil war. National elections and constitutions are of course the building blocks of modern democratic states. But unless the conditions that can support them are in place – trust in the system, the ability and willingness to accommodate losers in the process, the willingness to hand over the power to make communal decisions to others – they are likely to be virtually meaningless in countries that do not possess them, as Libya has unfortunately amply demonstrated.

Renewed and more robust international involvement and coordination in Libya is now needed, requiring a multi-layered and long-term commitment from the international community to provide a more promising basis for Libya's political future.

A wide range of security issues and the lack of a government monopoly of coercive power will continue to dominate the agenda for the foreseeable future. Long-term but also particularly short-term proposals for providing order and security – the country's army as well as a gendarmerie and a police force – that go far beyond what is currently being provided by a number of countries should be considered. Some kind of international military peacekeeping is virtually a *sine qua non*. In light of the realities on the ground in Libya, it will need to be a substantial force. But the problem remains that Russia is likely to veto any attempt at introducing a UN force into Libya after its falling out with the West over the 2011 intervention. With the UN on the sidelines for now, and the US unwilling to commit to "boots on the ground", the only coalition available to intervene in Libya is likely to be European – if Europe can ever decide that the situation in Libya becomes sufficiently destabilized to warrant outright intervention.

Certainly a much more muscular presence and cooperation at different levels will be needed for further efforts to control the country's borders effectively, and to establish a "cordon sanitaire" that can stop the rampant arms smuggling and infiltration by Islamic militants. At the same time an arms embargo against all militias in the country would be helpful. All of this will need to be supported by a robust international diplomacy by all partners, aimed at keeping regional allies in check.

The control of the militias should form a central part of an international presence. Until now the Libyan government has in effect paid protection money to the different militias to prevent further destabilization. But, as events have amply demonstrated, even protection money does not buy protection for the Libyan government. With international help, Libyan authorities will need to devise a radically different way of distributing

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revenues. Selective access to revenues can be the proverbial carrot while targeting rogue militias and commanders – by, for example, denying visas – can provide a stick.

What is needed above all is European-led international coordination that can bring synergy to already existing bilateral arrangements. Part of this coordination must be the devising of a master plan and then of appointing a “Libya czar” – someone with sufficient knowledge of the country and formidable diplomatic skills – who coordinates, cajoles, and consults with all the different partners as needed, perhaps in cooperation with UNSMIL. At the same time the slow process of capacity-building for local government bureaucratic institutions, for reform of the country’s financial infrastructure and its economy, and for issues as mundane as providing Libyan access to higher education in the West, must remain a priority to create more of a bedrock on which the country’s political institutions can rest and flourish.

World leaders often bemoan the fact that little was done to follow up on NATO’s actions once Libya’s long-time dictator had been replaced in 2011. Considering the considerable challenges a concerted Libya operation would require, they now seem reluctant to commit more energy and resources when it is badly needed to face a substantial threat. Undoubtedly many will equally bemoan the fact of what this kind of intervention would mean to Libya’s sovereignty, and point out the risks to those participating in it.

But what frankly is the alternative? A vacuum at the heart of North Africa, only ninety minutes away by airplane from Rome? And while the clock is ticking, it is still not too late to rectify what happened after October 2011 when the country’s civil war ended. It will necessitate, however, close coordination, and careful follow-through and follow-up for years to come. There is still no real appetite in the international community for this kind of involvement. It is understandably a difficult proposition to sell to national audiences. It is also politically not very glamorous: certainly Libya will not provide a “Mission Accomplished” photo opp for a US president or his European counterpart.

In Al-Bayda, in eastern Libya, away from the limelight and containing a collection of gifted citizens, the country’s constitutional drafting committee has been dutifully working on a new constitution. If crafted carefully it may prove acceptable to many Libyans and provide solutions to the cleavages that divide them – ideologically, socially, and regionally. Once this new constitution has been approved by referendum, the country will then elect a new parliament. Blessed with the imprimatur of a constitutional drafting process, such a body could carry the legitimacy needed to avoid many of the mistakes that marred the country’s first

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parliament and that are rapidly staining the reputation of the current one.

But constitutions (and elections) without the presence of order, without a minimally functioning state, without a measure of trust in their intrinsic value, are doomed to failure – something the United States in particular often ignores in its rush to put into place the appearance of democratic systems that lack any roots. Unless the international community moves decisively to aid Libya, however, and helps create the more long-term conditions under which such an orderly and perhaps democratic system can find traction in Libya, the country's constitution writers in Al-Bayda face an uphill battle. That would be a disaster not only for Libya, but also for the security of Europe and of the international community.

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