

# Mediation after revolution in Libya

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Mediation is traditionally seen through the lens of peace processes aimed at ending domestic or international conflicts. Within this field, primacy is given to the task of brokering peace agreements. Increasingly, mediation is also seen to have contributions to make to peacebuilding through supporting the implementation of such agreements.<sup>1</sup>

The unexpected and dramatic popular uprisings in the Arab world over the last eighteen months have raised the question of whether this type of third party political engagement is appropriate or useful in the context of post-revolutionary instability. In situations where there was no peace process and the potential role for international third parties in the new order is appropriately limited by strong local ownership, can neutral third party actors still play a constructive and critical role?

Libya in particular presents an unfamiliar post-conflict scenario. After enduring six months of violent revolution, the country is clearly in the midst of a comprehensive political transition. This transition was founded on the decisive victory by pro-revolutionary forces over the Qaddafi regime rather than a negotiated settlement.

In this environment, there is no peace agreement or United Nations Security Council prescribed set of political benchmarks to guide the transition. The new Libyan authorities in fact argue that the country did not experience a civil war at all but the triumph of a popular revolution over a predatory regime possessing only narrow support.

Notwithstanding this, the country's interim authorities face clear tests. First, at the national level, their strategic task is to knit together the diverse assemblage of stakeholders that swept Muammar Qaddafi from power. Second, the Libyan authorities must simultaneously manage a group of local disputes between individual towns and between tribal and ethnic groups that were awakened during the revolution.

These challenges are considerable, but they do not at present rise to the risk of either civil war or a viable pro-Qaddafi insurgency. Small, relatively ethnically homogenous, free of the sectarian rivalry that poisons much of politics in the region, and of foreign troops, Libya is decidedly not an Iraq in the making (a country whose travails it has frequently been compared to by analysts).<sup>2</sup>

In this very different type of post-conflict environment, where Libyans have made it clear that national ownership of their revolution is paramount, is there an appropriate mediation and facilitation role for the international community? If so what might be some of the key needs, priorities and acceptable methods of carrying out such a role?

Early indications are that the answers may not lie with traditional mediation initiatives. Rather, as part of the larger challenge of building a coherent Libyan state that can avoid post-revolutionary fragmentation, the need for outside support is principally in the encouragement and technical advice for the various aspects of state formation. In the political realm this could entail technical support to the central authorities

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1. Katia Papagianni, "Mediation, Political Engagement, and Peacebuilding," *Global Governance* 16 (2010), 243–263.

2. A temptation the author admits falling prey to. See: "Don't repeat the mistakes of Iraq in Libya," *Foreign Policy Online*. April 27, 2011. Available at: [http://mideast.foreignpolicy.com/posts/2011/04/27/don\\_t\\_repeat\\_the\\_mistakes\\_of\\_iraq\\_in\\_libya](http://mideast.foreignpolicy.com/posts/2011/04/27/don_t_repeat_the_mistakes_of_iraq_in_libya).

in their efforts to facilitate the integration of the diverse revolutionary coalition into the national political transition. At the local level, which to date has been the locus of post-revolutionary violence, there is also a potential international role in assisting and backing the Libyan state in its own local mediation and conflict resolution interventions.

In these fields, a key role will likely be played by the United Nations Support Mission to Libya (UNSMIL) under its mandate to assist and support Libyan national efforts to undertake inclusive political dialogue, promote national reconciliation and extend state authority.<sup>3</sup>

## The nature of the new state and the challenge of stability

The defining feature of Libya's revolution is its bottom up nature. All of the Arab uprisings began as popular uprisings, but in Libya the unstructured nature of the uprising was magnified by the absence of many of the basic institutions of the modern state in Qaddafi's Libyan Arab *jamahiriya*. In this context, there was no national institution, such as the military in Egypt, to appeal to for the ouster of the Qaddafi regime. Nor were there major opposition political movements located inside the country that could provide structure to the opposition. Town, tribal and family identities were the key bases for mobilization of the revolution<sup>4</sup> and remain perhaps the most salient organizing principles in Libya.

The original mandate of the umbrella Transitional National Council (TNC) also reflected Libya's incomplete state formation. The Council's main brief during the revolution was to rally support by being the political and international face of the revolution. Particularly outside of its home base of Benghazi, its role in governance and military affairs was circumscribed during the fighting.<sup>5</sup>

These points are critical to understanding Libya's post-Qaddafi landscape. Eastern Libya fell to the opposition and established the transitional Council in a matter of days. But the Council itself played a limited direct role in the uprisings in Tripoli and western Libya. The liberation of the country's west, which accounts for the majority of the country's population, wealth and political power, took a further six months of hard fighting backed by NATO airstrikes.

On the ground, military victory was accomplished by revolutionary brigades from Misrata and the Western Mountains (particularly the town of Zintan in the latter). Isolated and under siege from fierce and sustained counterattacks by Qaddafi-allied forces, Misrata and Zintan developed their own separate governing and military authorities only loosely connected to the TNC.

The local brigades doing the fighting in the west and the political leadership abroad and in the east only really began to develop their political relationship during the celebration of their victory. The relationship would be characterized by some degree of mistrust and competition over ownership of the revolutionary narrative, in particular the question of which group was most responsible for its success.

As a consequence, in significant parts of the country there may be contested legitimacy between the interim government and local actors seen as more directly responsible for the success of the revolution. As one Libyan observer commented, among the revolutionaries everyone is a hero in their own town and nobody everywhere else.<sup>6</sup>

In the short-term this state of affairs is exacerbated by the unelected nature of the TNC. The Council and its appointed Interim Government do not possess a monopoly on the use of force either. Local

3. See United Nations Security Council resolution 2009 (2011) which established UNSMIL on September 16, 2011.

4. In some locations, revolutionary brigades were organized at even more microlevels, for example through workplace associations such as construction companies in Misrata.

5. For further background see International Crisis Group, "Holding Libya Together: Security Challenges After Qadhafi." *Middle East/North Africa Report* N° 115. December 14, 2011.

6. Personal communication with the author.

revolutionary brigades have greater numbers under arms<sup>7</sup> and a stronger *esprit de corps* than the fledgling national army, which numbers only approximately eight thousand troops.

This leaves the international community in general and mediators specifically with a quandary. In order to respect the genuine local ownership of the Libyan transition, the standard and appropriate entry point is the national government. But the governing authorities are only one of a multitude of actors with popular legitimacy in Libya and not necessarily the most powerful. What then are some of the entry points through which outside mediation might effectively contribute to conflict prevention, resolution and peacebuilding?

## The importance of process

An old quip about the Arab-Israeli peace process has it that the Middle East needs more peace and less of the interminable process. In Libya the reverse may be true. The paramount challenge for Libya's political transition over the next year is likely to be the successful integration of the host of essentially compatible, but powerful and independent-minded local victors into national political processes.

Libya's domestically designed roadmap for the transition contains many of the same elements as other post-conflict timetables over the last decade. These include elections for a constituent assembly to oversee the writing of Libya's new constitution, a constitutional referendum and, assuming the new charter is approved by the public, elections for a new permanent government. Included in this process are transitional justice mechanisms to deal with past and present crimes while vetting the participation of senior members of the Qaddafi regime in the new system.

But the familiarity of this roadmap should not obscure the distinct strategic level challenge that Libya's transition faces. Libya does not possess major ethnic, sectarian or social cleavages that need to be addressed in a "constitution as peace treaty" to reconcile warring groups with fundamentally opposing visions of the new state. Rather the primary task for the interim authorities appears to be effectively acting as an honest broker who can draw the legion of local victors into a transparent and inclusive process of crafting a national compact.

Recall that Libya is a small and homogenous country. Its population is virtually uniformly Sunni Muslim. There are ethnic minorities such as the Amazigh (Berber), Tuareg and Tebou. But these groups collectively account for less than 10% of the population and generally advocate for language and cultural rights rather than the type of extensive autonomy that might presage future statehood demands. Finally, unlike neighboring Egypt or Tunisia, Libya does not have a major social clash between political Islamists and secularists. A broad majority of the pious and observant population appears to support a moderate Islamic reference for the new state and its legal system.

Nor does Libya face the challenge of an armed insurrection seeking to restore the old order. The breadth of public displays of support for the revolution immediately dominates the impressions of the first-time visitor to Libya.<sup>8</sup> This holds even in parts of the west and south of the country perceived to have supported Qaddafi until late in the game. These areas may have benefited from the old order or been indifferent to the revolution. And their newly found revolutionary colors might also be only skin deep.

7. Some 215,000 revolutionary fighters have registered with the Libyan government's Warriors Affairs Commission for Rehabilitation and Development, which is in charge of assistance to former fighters and integrating them into the national security forces. However, by some estimates only some 20,000 to 30,000 of these individuals may have seen front-line combat.

8. Oxford Research International similarly found in a recent nationwide poll that 82% of respondents believed that the revolution was 'absolutely right' and 15% 'somewhat right.' A temptation the author admits falling prey to. See: "Don't repeat the mistakes of Iraq in Libya," Foreign Policy Online. April 27, 2011. Available at: [http://mideast.foreignpolicy.com/posts/2011/04/27/don\\_t\\_repeat\\_the\\_mistakes\\_of\\_iraq\\_in\\_libya](http://mideast.foreignpolicy.com/posts/2011/04/27/don_t_repeat_the_mistakes_of_iraq_in_libya).

But the very existence of these strong professions of support suggests that the primary concern of actors in locations such as Sirte, Zleetan, Bani Walid and Sabha now is to secure their position in the new order rather than actively opposing or seeking to overthrow it.<sup>9</sup>

The threats to the stability of the newly reborn Libyan state are instead to be found largely in the potential fragmentation of the components of the revolutionary coalition. Heavily armed and without a unifying structure or ideology, the towns and brigades which claimed ownership over the revolution often found themselves in competition with their former allies over access to the state. This competition and lack of cohesion in some ways continues to be the principal challenge to the creation of a stable polity.

Secondly, the revolution exacerbated a variety of already existing local ethnic and regional tensions that had been repressed by the previous regime. While no single conflict is of sufficient magnitude to threaten the overall stability of the state, taken together the existing tensions represent the second major challenge to Libya's post-revolutionary security and well-being. In particular the conflicts which involve transnational communities such as the Tuareg require effective management, as they have implications for the stability and development of the Sahel region as a whole.

The effective management of both these challenges involves the development of state capacity to provide a centre of gravity for the political process and to intervene effectively in local conflicts. In this respect, while public opinion data shows that it remains broadly popular, the TNC has at times struggled in its role as national convener and unifier. Its handling of important legislation has been criticized for being opaque and confusing and increased transparency has thus become a core demand for the Libyan public of its leaders.<sup>10</sup> This is noteworthy in a context where there is strong public optimism about the future direction of Libya but where anecdotal and polling evidence suggest that social trust is low.<sup>11</sup>

Even more so than in other country cases, the circumstances in Libya suggest that weak or non-transparent political processes should be conceived of as the crosscutting challenge to the national transition in Libya. The most impactful mediation engagement by the international community may therefore lie in providing process management advice and support to Libyan authorities. Rather than seeking to advise or mediate on key issues of political tension such as federalism and decentralization or minority rights, there is a need to support the new Libyan state to develop mechanisms for more effective and transparent development of new political structures and legislation.<sup>12</sup>

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9. The town of Bani Walid, the second to last pro-regime bastion to fall during the revolution, provides a case in point. In late January 2012, Bani Walid's TNC-endorsed local council and military brigade were ousted by local opponents in a military attack. Contrary to media reports at the time, the motivation for the attack was anger at the detention of local residents by the local government rather than an attempt to restore a pro-Qaddafi regime. Indeed, the local oppositionists have tried to emphasize their anti-Qaddafi credentials by naming their new military brigade the 1993 Brigade, after the coup attempt against Qaddafi that year which was led by officers from Bani Walid.
10. See for example Chris Stephen, "Libyan activists demand transparency from National Transitional Council," *The Guardian*. December 13, 2011. Available at: <http://www.guardian.co.uk/world/2011/dec/13/libyan-activists-demand-transparency-ntc> and Khadija Ali, "Opinion: Towards Transparency," Libyan Tweep Forum. March 25, 2012. Available at [http://tweepforum.ly/opinion/opinion-towards-transparency/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=opinion-towards-transparency](http://tweepforum.ly/opinion/opinion-towards-transparency/?utm_source=rss&utm_medium=rss&utm_campaign=opinion-towards-transparency). Frustration with limited public consultation in the preparation of this year's electoral law was even a precipitating factor in a riot that overran the TNC's Benghazi headquarters in late January. See Liam Stack, "Libya Protests Spur Shake-Up in Interim Government," *New York Times*. January 22, 2012. Available at: <http://www.nytimes.com/2012/01/23/world/africa/protests-shake-libyas-interim-government.html?pagewanted=all>.
11. An early 2012 poll by Oxford Research International revealed great optimism. Typically 7–8 in 10 respondents said that they were expecting improvements in their personal lives, economic circumstances and their country. At the same time, only 17 % believed that most other people could be trusted.
12. Libyans do of course have substantive divergences around the definition of the new state, but to date these relatively narrow substantive gaps seem less likely to cause conflict than distrust among the parties and limited channels for communication and policy input. Moreover, process advice is more in keeping with the principle of national ownership and less likely to arouse local concerns over interference with Libya's sovereign affairs.

## Local conflicts : Symmetries and asymmetries of power

The paramount challenge of Libya's national level political transition may relate to process and integration, but in the meantime the grievances that have led to actual conflict have been primarily local in nature. This localized violence has typically contained a clear pro-revolution versus ex-regime dimension, but can often be traced back to pre-existing roots related to identity and status.

At present none of the host of separate, individual conflicts that have sprung up in the aftermath of the revolution represents a strategic threat to the transition. They implicate relatively small numbers of people and have generally been geographically contained. In the words of one analyst, these conflicts have not been motivated by explicit grievances with the state, driven by secessionist tendencies, or been underpinned by political ideology.<sup>13</sup> Notwithstanding this, *collectively* these local conflicts undermine stability and confidence in the transition while raising serious human rights concerns.

Critically, the local conflicts undermine the broader effort of the state to bring armed brigades under state control and coordination. The establishment of institutional control over armed groups is a slow and difficult process for the newly formed state in all areas. In many locales the armed brigades remain the only security providers and it is thus challenging to proceed with disarmament until greater development of state security structures occurs. In this environment, the continuation of local conflicts provides an additional and strong incentive for these groups to retain their weapons and independent military structures as a form of political insurance.

## Asymmetric local conflicts : Victor and vanquished

The first category of local conflicts includes those defined by poisoned relations between a series of neighboring towns on opposite sides of the revolution in Western Libya, where support for the uprising was comparatively mixed.

In the case of two of the most powerful cities in Libya's new order, Misrata and Zintan, neighbouring towns were used as staging areas by Qaddafi forces and contained individuals who allegedly engaged in war crimes during the fighting. In the aftermath of the conflict, both Tawergha (Misrata's neighbor to the east) and Mshashiya (Zintan's neighbor) had their entire populations deported by victorious fighters from Misrata and Zintan respectively. The emptied towns were themselves subjected to considerable physical damage and looting. Displaced Tawhergis have also subsequently been pursued by Misrata military brigades, who accuse the former of having committed widespread rape and murder.<sup>14</sup>

The cases of Tawergha and Mshashiya also stand out because they were home to traditionally marginalized elements of Libyan society. In both Tawergha and Mshashiya there is a strong sense of "other" compared to the general population of the surrounding areas. Tawergha's population is made up of black-skinned Libyans, a legacy of its 19th-century origins as a transit town in the African slave trade. In the case of Mshashiya, it is alleged that Qaddafi settled a nomadic Bedouin tribe in the town during the 1970s (possibly on the land of local tribes). Both groups are perceived to have been elevated by the Qaddafi regime and later to have sided with it during last year's fighting.

This first set of cases of local conflicts thus reflects wide asymmetries in power where the military pillars of the new regime are utterly dominant and have imposed often brutal conditions on the defeated party. Neither Mshashiya nor Tawergha have recourse to military assets or significant political allies capable of defending their interests.

13. See comments by Geoff Porter of North Africa Consulting in Marie-Louise Gumuchian, "Libya struggles to contain tribal conflicts," *Reuters*. April 8, 2012.

14. See for example on Misrata-Tawherga : Human Rights Watch, "Libya : Militias Terrorizing Residents of 'Loyalist' Town." October 30, 2011. Available at <http://www.hrw.org/news/2011/10/30/libya-militias-terrorizing-residents-loyalist-town>. On Zintan-Mshashiya see Amnesty International, "Militias Threaten Hopes for New Libya," March 2012 (in particular Pps. 8, 21, and 34).

Moreover, the new state has yet to intervene in these conflicts, for example through exploring possibilities for a comprehensive dialogue as part of a long-term plan to address the deeply rooted issues between Misrata and Zintan and their respective former neighbors.

## Symmetric local conflicts: Balance of power

More widespread in post-revolutionary Libya is a second category of local conflict in which pre-existing tensions have been exacerbated by the anti-Qaddhafi uprising but where both sides retain access to military and political assets.

Conflicts in Western Libya such as between Zwara and Rigdileen on the Tunisian border and Warshafana and Zawiya near Tripoli also involve groups that were on opposite sides of the revolution. In the immediate aftermath of the collapse of the regime, the anti-Qaddhafi forces in Zwara and Zawiya successfully expanded their spheres of influence over their more loyalist neighbours. However, in recent months local leaders in Rigdileen and Warshafana have regained their footing, reorganized their local security structures, and re-established alliances with groups from within the revolutionary coalition. This has led to several militarized standoffs that necessitated national army interventions. These conflicts generally remain unresolved and characterized by occasional flare-ups of violence.<sup>15</sup>

The most violent of the more symmetric conflicts have emerged in the south of the country along Libya's long desert borders with Chad and Niger. This region of Fezzan, or southern Libya, is separated from the country's Mediterranean coast by a vast expanse of desert. It is historically a deeply marginalized area. Although it has a majority Arab population, it is sparsely populated and has significant Tebou and Tuareg minorities. These latter two communities span Libya's porous southern international borders.

The minority Tebou and formerly nomadic Tuareg have historically faced discrimination, which has led to difficulties in obtaining full citizenship rights and access to services in Libya. Tuareg from southern Libya and beyond were also recruited by Qaddafi as proxy military forces and are perceived to have fought with regime forces during the revolution. Post-revolution, debates about the Libyan identity of these communities, now heavily armed and potentially supported by kinsmen in Chad, Mali and Niger, constitute perhaps the most pressing political and security question in Fezzan.<sup>16</sup>

The subset of symmetric conflicts in southern Libya thus also involves tribes or ethnic groups whose pre-existing tensions have been magnified by virtue of being on opposite sides of the anti-Qaddhafi insurrection. The opposing groups in the South also both retain substantial military assets. These conflicts are distinct however in the sense that they involve trans-national ethnic communities, meaning that the implicated political and military networks extend to neighboring countries in the Sahel.

Clashes between the Tebou fighters and local Arab tribes in the southern towns of Kufra and Sabha in January and March 2012 left a total of approximately 250 dead and hundreds more injured. Meanwhile, there have been low-level conflicts between the historically nomadic Tuareg and resident populations in the former desert caravan towns of Ghadames and Ghat in Libya's southwest.

The TNC and national army have followed a "putting out the fire" approach to these two types of symmetric conflicts in western and southern Libya, reacting to outbreaks of fighting by sending political

15. Interestingly, the two most prominent pro-Qaddafi bastions, Bani Walid and the former leader's hometown of Sirte, have not become involved in open conflicts with neighboring towns. As mentioned, Bani Walid did see fighting in January 2012. But this was an internal conflict within the town over local governance and security arrangements. It was also exclusively among the Warfalla tribe that makes up its inhabitants. It was thus not a battle between neighboring towns or rival ethnic groups/tribes.

16. The Amazigh (Berbers) of Libya's western mountains can also be found in neighboring countries but their place in the new Libya appears more assured following their early and forthright support for the revolution and extensive participation in the military liberation of Tripoli.

delegations and military detachments to broker ceasefires.<sup>17</sup> While in one sense representing a challenge to the overall stability of the transition in Libya, the armed revolutionary brigades have played a major and mostly positive role in establishing these armistices. However, while generally successful in halting fighting, the essentially one-off nature of these interventions does not necessarily presage sustainable conflict resolution. Moreover, the fire-fighting approach may prove more difficult to maintain in the Tebou-Arab conflicts in the more inaccessible south (as seen in the fresh outbreak of fighting in Kufra in mid-April 2012).

## State response and international support

The nature of the state's intervention in local conflicts, and potential role of international mediation support, differ according to the type of conflict. In the more asymmetric conflicts there is a need for the state to play the role of a power mediator capable of imposing certain aspects of settlements and of using its weight and resources to establish firm rules for any reconciliation efforts. If Libya is to build the state of law that was perhaps *the* animating demand of its revolution, the governing authorities must essentially take measures to compensate for the asymmetry of force and lack of dialogue between pro-revolutionary strongholds and utterly defeated towns such as Tawergha and Mshashiya. As a first step, the state is already being called upon to establish credible mechanisms for the investigation and prosecution of individuals accused of war crimes during the revolution.<sup>18</sup>

There is a role for international support in these efforts both in terms of highlighting international standards as well as providing process and design support to state-led efforts. But in these sensitive conflicts there is likely to exist only limited space for direct international mediation efforts. This is because the resolution of these conflicts appears to principally hinge on the ability of the Libyan authorities to re-assert core aspects of the power of the state.

In symmetric conflicts, the role of the state would seem to be more in line with that of a neutral facilitator that can build on its existing role in establishing cease-fires. Given the youth and frailty of some state institutions and the difficulty of maintaining a neutral stance between important constituencies, there will likely be some situations in which strong Libyan non-governmental groups may take the lead in attempting to mediate local conflicts. Here as well there is likely to be a need for international support in developing adequate processes between militarized communities as well as well-designed agreement handling issues like transitional justice, citizenship rights and responsibilities, and local power-sharing arrangements. These agreements will need to be carefully tailored so that they support the legal and institutional frameworks of the new state.

Perhaps the most apparent role for international mediation support will centre on the issue of the transnational communities. State-led efforts to resolve local tensions will need to be bolstered by the development of legal frameworks and institutional mechanisms which better recognize and address the transnational nature of some of the Sahel's communities. Ideally this framework will require both consultations between these communities and the Libyan government as well as inter-governmental arrangements between the states of the Sahel.

Returning finally to the original question posed at the outset of this paper, international mediation expertise can thus clearly add value to the peacebuilding efforts of Libya's post-revolutionary authorities.

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17. In the words of Military Chief of Staff Yusuf Mangoush, the National Army is only capable of responding to flare-ups, not preventing them. An NTC spokesperson also commented that the Army was beginning to be stretched thin by the volume of local conflicts. See *Libya Herald*, "Government says it came under attack in Zuwara fighting." April 6, 2012. Available at: <http://www.libyaherald.com/government-says-it-came-under-attack-in-zuara-fighting/>.

18. Misrati officials in particular have listed the intervention of state judicial authorities, investigations, and prosecutions as prerequisites for a reconciliation process with Tawergha.

The Libyan context is however substantially different from other environments in which the implementation of political transitions takes place under the terms of a negotiated or internationally imposed settlement to a conflict. Rather than seeking to act as a traditional third-party mediator or facilitator, the most appropriate international contribution would appear to be based on providing process and design support to the Libyan state and select local civil society mediators. This approach would comport with the strong sense of Libyan ownership of the transition and reinforce critical state consolidation efforts.