

# HMUN 2020

Haarlem Model United Nations

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**Issue:**  
The ongoing issue of the Libyan civil war

**Forum:**  
Security Council



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## Introduction

From 1911-1943 Libya was a colony of Italy. Almost a decade later on 24 December 1951 they gained independence by UN trusteeship, when in 1969 there was a military coup by Col. Muammar al-Qadhafi. During the seventies he used oil revenues to promote his ideology, a mix of socialism and Islam. Several terrorist attacks, downing of two airliners, Scotland and northern Africa, and a discotheque bombing, Berlin, were orchestrated by his regime. As reaction UN sanctions isolated Qadhafi politically and economically in 1992. A decade later these sanctions were lifted in 2003 as Qadhafi accepted responsibility and claimant compensation. Furthermore, he stopped the development programme of WMD and tried to normalise ties with the western world.

During the Arabian Spring, unrest began in 2011 in Libyan cities. Qadhafi's brutal crackdown on these protests spawned a civil war that triggered UN authorisation of air and naval intervention by the international community. The Qadhafi regime was toppled in mid-2011. The National Transitional Council (NTC) was instated as interim government. In 2012 the elected government was instated the General National Congress (GNC). Voters decide to replace the GNC with the House of Representatives (HoR) in June 2014, which would be located in Tobruk after unrest in Tripoli.

The UN brokered the Libyan Political Agreement (LPA) with Libyan political parties and social groups, which included members of HoR and ex-GNC, in December 2015. The LPA called for an interim government of National Accord (GNA), with nine-member Presidency Council, the HoR and an advisory High Council of State that most ex-GNC members joined. This two-year transition to a new constitution and elected government was endorsed by the UN Security Council Resolution 2259, which called upon member states to cease communication with parallel institutions.

The HoR approved the LPA in January 2016; the GNA Presidency Council seated itself in Tripoli. The HoR opposed both ministerial lists and the HoR and ex-GNC members started to oppose and hamper the LPA more and more. In September 2017, the UN called for a new roadmap that consisted of amendments to the LPA, a national conference of Libyan leaders, constitutional referendum and general elections within a year.

## Definition of Key Terms

### **Arab spring**

The Arab Spring was a loosely related group of protests that ultimately resulted in regime changes in countries such as Tunisia, Egypt and Libya. Not all of the movements, however, could be deemed successful—at least if the end goal was increased democracy and cultural freedom. In fact, for many countries enveloped by the revolts of the Arab Spring, the period since has been hallmarked by increased instability and oppression. Given the significant impact of the Arab Spring throughout northern Africa and the Middle East, it's easy to forget the series of large-scale political and social movements arguably began with a single act of defiance.

### **Conflict**

The word 'conflict' is derived from the Latin verb 'conficere', which means "to engage in a fight". A conflict can be described as a confrontation between two or more parties with competitive or incompatible aims. Conflicts might lead to violence, although they can also end mutually satisfactory. There are three general forms of conflict: interstate conflicts, which include disputes between nations over, for example, disputed territories or energy sources, intra-state or internal conflicts, which include ethnic wars, anti-colonial struggles and civil conflicts caused by political crises, economic distress or inequalities, which can lead to a lack of government legitimacy and can stimulate the creation of armed criminal groups, and trans-state conflicts, which are international and can include international terrorism, cyber-attacks and economic sabotage.

### **Militia**

Military organization of citizens with limited military training, which is available for emergency service, usually for local defense. In many countries the militia is of ancient origin; Macedonia under Philip II (d. 336 BC), for example, had a militia of clansmen in border regions who could be called to arms to repel invaders. Among the Anglo-Saxon peoples of early medieval Europe, the militia was institutionalized in the fyrd, in which every able-bodied free male was required to give military service. Similar arrangements evolved in other countries. In general, however, the emergence in the Middle Ages of a quasi-professional military aristocracy, which performed military service in return for the right to control land and servile labour, tended to cause the militia to decay, particularly as political power became increasingly centralized and life became more secure. The institution persisted nevertheless and, with the rise of national monarchies, served in some measure to provide a manpower pool for the expanding standing armies. In France in the 18th century, one-eighteenth of the militia was required to enter the regular army each year.

### **Rebellion**

Rebellion, uprising, or insurrection is a refusal of obedience or order. It may, therefore, be seen as encompassing a range of behaviours aimed at destroying or taking over the position of an established authority such as a government, governor, president, political leader, or person in charge. On the one hand the forms of behaviour can include non-violent methods such as the phenomena of civil disobedience, civil resistance and nonviolent resistance. On the other hand, it

may encompass violent campaigns. Those who participate in rebellions, especially if they are armed rebellions, are known as "rebels". Throughout history, many different groups that opposed their governments have been called rebels. Over 450 peasant revolts erupted in southwestern France between 1590 and 1715. In the United States, the term was used for the Continentals by the British in the Revolutionary War, and for the Confederacy by the Union in the American Civil War. Most armed rebellions have not been against authority in general, but rather have sought to establish a new government in their place.

## General Overview

### **The Civil War in 2011**

The Libyan civil war in 2011 started on 17 February when protests in Benghazi were violently suppressed. Libya had been ruled for over 40 years by Muammar al Gaddafi who had come to power in 1969. Due to the many human rights abuses in Libya and the long rule of the Gaddafi family, the atmosphere in the country provided for a rapid heightening of tensions between the government forces and the rebels. Incited by the violent suppression, the protests escalated even further as they spread throughout the nation. Armed rebel groups entered the conflict and fought against the regime's forces alongside civil groups who had managed to arm themselves. These developments increased the complexity of the conflict dramatically. Just 10 days after the violence had broken out, the United Nations Security Council passed Resolution 1970, sanctioning the regime and imposing an arms embargo on Libya which has since been in place. After that, in March 2011, the rebel groups united and formed the National Transitional Council (NTC) representing the rebels internationally.

Even though this conflict was reported to be a war between the "regime" and the "rebels", it is important to understand its full complexity. Since its beginning, the conflict has been one between different groups in the population: those loyal to the regime and those who wished to topple it. This meant that the southern population that controlled the governmental institutions – the security forces in particular – supported the regime, while northern cities, like Benghazi and Misrata, were the rebellion's most important bases. During the civil war, these forces at play became less clearly defined. As small armed groups changed sides and individual interests contradicted one another, there was a decrease of unity among the belligerent parties, and Libya suffered from extreme instability. The small factions that have evolved after the first civil war, which ended with the killing of Muammar al Gaddafi on 20 October 2011, still constitute one of the major threats to a sustainable ceasefire.

### **Security Challenges**

One of the most pressing security concerns in Libya is the proliferation of weapons and ammunition that has occurred since the fall of the Gaddafi regime, in which stockpiles were left unsecured and subsequently appropriated by armed groups. This has led to an increase in illicit trade of small arms and light weapons within Libya and among its regional neighbors. In resolution 1973 adopted in 2011 on "Libya," the Security Council implemented an arms embargo for Libya and established a Panel of Experts to investigate trafficking dynamics to terrorist and criminal entities. Despite this embargo, there has been a significant increase of the redistribution of weapons

since 2014, primarily because some Member States do not honor the arms embargo and Libya itself lacks capacity to fully implement it. In 2016, the Security Council adopted resolution 2292 on “The Situation in Libya,” which allows the inspection of vessels in the high seas of the Libyan coast. Another serious threat is the supervision of the destruction of the stockpile of usable chemical weapons, which should be completed in December 2016 and ensure the inspection of remaining nuclear-related stockpiles where uranium yellowcake is stored. Following the adoption of resolution 2298 of July 2016 on “The situation in Libya” allowing the transfer of such weapons, at least 400 tons of weapons were transported to Germany for destruction.

Instead of only having a state army, the country has also to rely on a complex set of security forces with varying degrees of association with the Libyan government. These armed forces are based on tribal, ideological, and geographic affiliation and often follow their own economic and political interests. Some of them regard themselves as a national army, others as local security or even criminal enterprises. In some regions the government has accepted these forces as state representatives, but the Ministry of Justice, Ministry of Defense, or Ministry of Interior has little control of these groups. The established National Libyan Army in the post- Gaddafi era has been divided by the two governments. All attempts to integrate militias and other armed forces were not successful. Although, the state theoretically has leverage on single armed forces through the salary paid by the Central Bank, the Libyan government could not get any oversight in the past. UNSMIL started to support the new government by providing a platform for discussion on a code of conduct governing the behavior of armed groups and supports the identification of military units capable to provide protection to the UN-backed government and the establishment of a presidential guard. In addition, UNSMIL encourages talks with the new government on possible mechanisms to monitor the compliance of armed factions with their obligations under the LPA.

Due to inadequate state authority, Jihadist groups have been able to increase the influence in the post-conflict era, particularly in the northern part of the country. The most prominent group is the IS, which was able to conquer the area around and city of Sirte. In 2014, armed groups started to pledge allegiance to the IS to increase their own territory control and strength in the fight against the two governments. While Sirte has been the most important base of the IS outside Syria and Iraq and their basis for a caliphate in North Africa and as coastal very important for their replenishments and range of operations, forces aligned with the UN-backed government were able to expel them in June 2016 and forced them to withdraw inland. The fight against Jihadists groups and in particular against IS remains of utmost importance for the new government to demonstrate its willingness to act and to demonstrate stability and safety for the Libyan population.

### **Human Rights and Humanitarian Issues**

Since 2011, violent acts have been committed by all actors involved in the conflict often against certain groups based on their identity and actual or perceived political affiliation. The prosecution of such crimes is nonexistent as, yet, none of the leaders responsible for the violence have been prosecuted and few investigations have taken place. In 2015, the Security Council adopted resolution 2259 on “Libya,” calling for the new GNA to intensify investigations and identify the perpetrators by fully cooperating with the ICC. In addition, the Security Council called to transfer all detainees to state authorities. UNSMIL’s Human Rights Division supported the

government with information and advice on the situation in detention facilities and has started to strengthen institutional support to the Judicial Police by training them with regard to international human rights and the treatment of prisoners. The LPA also included the measure to end impunity. HRC was also able to include human rights provisions in the agreement including the facilitation of a voluntary return of internally displaced persons (IDPs) and address the issues of missing persons.

In October 2016, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 1.3 million people in Libya will be in need of humanitarian assistance in 2017. Due to the complicated law and order conditions in Libya and non-functioning police, for vulnerable groups and in particular for women it has been more difficult to seek state protection. UNSMIL and OHCHR confirmed increasing violence towards women who ran for the 2014 election and the Security Council emphasized the importance of promoting equal participation of women and minority communities in the post-conflict situation. The UNSMIL has established regular contact with women's rights defenders to ensure their participation in the political process. In November 2015, Libyan women activists launched the first unified Libyan peace agenda. The agenda aims to guarantee 30% representation of women in the future government and parliament and to reform existing laws to better protect women from violence. The humanitarian situation is also impacted by migrants and third-country nationals. According to the International Organization for Migration (IOM) in September 2016, there were around 350,000 IDPs and 277,000 migrants in Libya. Migrants are often detained for financial and political gains of non-state forces.

## **Libya as Springboard for Refugees to Europe**

There are no reliable numbers available, but the power vacuum has led to Libya being the country from which thousands of refugees start the last part of their journey to Europe. Human trafficking is on the rise because there are no institutions able to fight the smugglers. Furthermore, local corruption and alliances between belligerents and traffickers provide a basis for sending refugees to the European coast. In response to this situation and internal political pressure, the European Union (EU) and the North Atlantic Treaty Alliance (NATO) have established naval operations intercepting refugee vessels, saving them and accompanying them to the nearest port. Libya's Government of National Accord opposes these operations and favors a solution at the roots of the problem.

The UNSC has contributed to the issue's solution as well: it adopted resolutions 2240 and 2292, authorizing member states to intercept vessels and check them for illegal human trafficking and arms smuggling.

## Major Parties Involved

### **European Union**



EU is devoted to Libya and is assisting Libya's transition to a democratic, stable and law-based state. EU funds various projects currently active in Libya, including border management and security, the political process, security and justice, migration, health and education. EU supports UN mediation efforts as well, as to make Libya a stable country. Due to the refugee crisis EU has also been interested in making a deal with Libyan state, in order to restrict the number of refugees arriving to Europe.

## **General National Congress**

The GNC was elected in 2012 as the transitional governing body of Libya and was supposed to hand over its power to the HoR after the elections of 2014. However, it has instead expanded its mandate and claims to be the only legitimate government. It controls a major part of the militias fighting in the region which are predominantly Islamist. Consisting predominantly of Islamist politicians and representatives of large cities like Misrata, it is no longer recognized as the legitimate, national decision-making body.

## **House of Representatives**

The HoR is the organ the Libyan people elected in 2014, representing the first of the two governments fighting each other in the country. The HoR is based in Tobruk, the east of Libya, controlling large parts of the army with the help of General Haftar – leader of the national army. Haftar is a powerful individual undermining the monopoly of power as he controls large amounts of troops. On the 31 December 2015, the HoR chairman declared his support for the Libyan Political Agreement which keeps the HoR as a legislative body of the GNA.

## **North Atlantic Treaty Organization (NATO)**

Following the adoption of resolution 1970 by the UN Security Council, NATO took action in order to protect the civilians of Libya and increased its surveillance operation in the Mediterranean on 8 March 2011. After the situation in Libya worsened and after the release of resolution 1973, NATO agreed to enforce no-fly zone over Libya on 24 March 2011. On 23 March NATO later took the overall charge of the international military effort in Libya, which consisted of three components; the retention of a no-fly zone, enforcing an arms embargo and attacking against forces targeting Libyan civilians. On 20 October 2011, after the death of Gaddafi NATO decided to end the operation in Libya and forces were pulled out. NATO's actions in Libya have been questioned many times and they have faced criticism. NATO has been blamed for overstepping its mandate to protect civilians. However, the previous UN's Secretary General Ban Ki-moon has commented, that the military operations done by the NATO followed strictly the resolution 1973.

## **Russian Federation**

Although Russia did not oppose Resolution 1973, it was always suspicious of the R2P because there was room to misuse it to “invade” countries as an excuse for pursuing different interests. Russia believes that NATO has overstepped its mandate in Libya and therefore opposes any attempt to intervene in the country once more.

## Timeline of Key Events

1969	Muammar al-Gaddafi overthrows the monarchy under the Libyan King Idris in a military coup.
February 15, 2011	The events of Arab spring spark protest calling for an end to
February 17, 2011	Violent protests flare up in Benghazi and fights between rebels and Gaddafi's forces begin to escalate and spread to other cities.
March 17, 2011	UN Security Council authorises a no-fly zone over Libya and authorizes all necessary measures to protect civilians, excluding an occupation force.
July, 2011	The National Transitional Council (NTC) is recognized as the legitimate government of Libya by the international contact group.
August, 2011	Rebels swarm Gaddafi's fortress compound and Gaddafi goes into hiding.
August-September, 2011	NTC is recognised as the legitimate government of Libya by 60 countries including the African Union
20 October, 2011	Gaddafi is captured and killed by rebels as they conquer Sirte. Last major groups loyal to Gaddafi are also defeated.
23 October, 2011	NTC announces plans to have elections in eight months and Mustafa Abdel Jalil, the leader of NTC, declares Libya as "liberated".
January, 2012	Former rebel forces clash in Benghazi over the nature of change under NTC.
March, 2012	Campaign is formed to re-establish autonomy in Benghazi, which leads to growing tension in central NTC.
7 July, 2012	Elections are held and the General National Congress (GNC) is formed to replace the transitional government.
August, 2012	The transitional government hands power to the General National Congress. The Congress selects Mohammed Magarief to be the chairman of the GNC, making him temporary the head of state.
July, 2014	UN staff and foreigners are evacuated as security situation in Libya worsens.



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<i>October, 2014</i>	Ban Ki-moon, the previous UN Secretary-General visits, in order to host talks between the two governments, which were formed after the conflicts in July and June.
<i>January, 2015</i>	Partial ceasefire is declared by Libyan army and Tripoli-based militia alliance after UN-sponsored talks.
<i>December, 2015</i>	Skhirat agreement is signed in Morocco to form a new government, The Government of National Accord.
<i>January, 2016</i>	The new interim government is announced by UN, but neither of the two governments, Tripoli or Tobruk agree to recognize its authority.
<i>May, 2017</i>	After the Islamic State claims responsibility for killing and ambushing Christians on a bus, Egyptian military carries out airstrikes against jihadist group in Derna.
<i>July, 2017</i>	Islamic state group is banished from Benghazi after three years of fighting.

## Previous attempts to resolve the issue

The United Nations has played an important role in attempting to solve the conflict in Libya. The UN has founded the United Nations Support Mission in Libya (UNSMIL) that had been tasked with restoring peace and security in Libya. The UNSMIL stands as the international community's most active attempt at resolving the issue, having aided in the process of rebuilding the State of Law, and promoting political dialogue between groups. As the UNSMIL continues to carry out its mandates, it is imperative for the international community to both observe the organization's positive effects, as well as take note of the UNSMIL's flaws in order to better develop a framework in addressing the situation in Libya.

The UN has tried to have both parties meet in order to reach a solution, however these meetings have never paid off. Both parties are divided in such a way that it seemed impossible for the UN to reach a consensus between the two. As soon as an agreement was reached both parties started to oppose the deal after a while, which undermined their mandate.

## Possible Solutions

To address the deterioration of the state's monopoly of power and build up new institutions, the Security Council could establish a police and law enforcement operation while training local groups for such tasks as well. A subtle transition could

then be provided for. However, such an operation would most probably not meet the need for an efficient, stable security architecture. Member nations could consider creating a much more comprehensive mission assisting the GNA in its effort to reunite the institutions and provide support for the creation of new structures. Policy advice could be a measure included. Keeping in mind the catastrophic humanitarian situation, the council should consider ensuring the right for safe passage of humanitarian aid to affected areas. Humanitarian access and security personnel are a controversial, but effective, step to solve that particular matter.

Lastly, the council could consider negotiating the ceasefires and the Libyan political agreement again on a local level to increase the legitimacy and acceptance of them within individual groups. This tactic would be a response to increased criticism of the UN's actions taken in Libya. Critics of the UN's response to the crisis argue that the UN's current approach of negotiating does not reflect the political reality. They claim the negotiations ignore local power distribution and are not nearly inclusive enough. Yet still, many worry that it would be a highly complicated and rather destructive step to renegotiate, as all the progress that has been made would be rendered obsolete.

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