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The Question of the Libyan Crisis

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Introduction

The Libyan Crisis refers to the ongoing conflicts in Libya, which found a start in 2011 with Arab Spring protests, grew into a civil war, followed by a foreign military intervention and death of Gaddafi. In the aftermath of the civil war, nearly 30,000 Libyans were dead and the newfound government failed to exercise control over the armed groups in the region. This inability caused great degree of instability and violence in the region. This lack of political stability caused violence yet again after the 2014 elections, in which the country sprung back into yet another civil war. Libyan came back into the spotlight due to a refugee crisis.

Due to the political, economic, and social issues, Libya has been unable to aid refugees, nor has it been able to prevent human trafficking. Libya needs both humanitarian and financial assistance to improve conditions and offer aid to refugees. Furthermore, Libya needs aid in order to find a solution to the lack of political influence and keep armed groups in the region in check.

Key Vocabulary

Green Book: “Mohammad Gadhafi's Green Book is the Libyan leader's economic, social and political manifesto. First published in the 1970s, it was intended to be required reading for all Libyans.” (NPR 2011)

Militia: a military force that engages in rebel or terrorist activities in opposition to a regular army.

State-Sponsored Terrorism: Terrorism acts that are put forward by violent non-state actors or organizations with government support. The support does not have to be active sponsorship, or in other words the supply of money and arms. The sponsorship could also be passive, in which a state may turn a blind eye to terrorist operations and grant the terrorist asylum and free roam.

Mandate: an official order or commission to do something.

Embargo: an official ban on trade or other commercial activity with a particular country. Arms embargo refers to an embargo that applies to weaponry.

Arms Embargo: embargo that applies to weaponry. “The arms embargo, established by paragraph 2 of Security Council resolution 1390 (2002) and reiterated in subsequent resolutions, including paragraph 1 (c) of resolution 2161 (2014), obliges Member States to:

Prevent the direct or indirect supply, sale or transfer, to these [the listed] individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the

aforementioned and technical advice, assistance, or training related to military activities.” (United Nations 2015)

Sanctions: Sanctions are a threatened penalty for disobeying a rule or law. Examples of sanctions include economic or international. While economic sanctions generally come in forms of a ban on trade, international sanctions are basically when a number of countries take the same stance and all employ measures to promote change in the sanctioned country.

Proliferation: Rapid increase in the number or amount of something.

Focused Overview

1) Libya Under the Ruling of Muammar Gaddafi

Muammar Gaddafi became the leader of Libya on 1st of September 1969 after leading a military coup. Following the king’s fleeing, Libyan Revolutionary Command Council (RCC), led by Gaddafi, abolished monarchy and established Libyan Arab Republic.

Gaddafi’s policies following his rise to power were both progressive and detrimental to society. Gaddafi allowed for education, healthcare and housing for all. Public education became free and it was accessible for both sexes. Primary education was compulsory. Medical care became available to the public at no cost. The goal of providing housing for all proved difficult, and was one RCC could not achieve. Significant oil reserves were found in Libya in the late 1950s, but the extraction of this resource was controlled by foreign companies, which set the prices in the advantage of their own consumers and benefited from half of the revenue¹.

Gaddafi renegotiated these contacts and threatened to shut down the production of oil if these petroleum companies refused. This tactic proves successful and Libya became the first developing country to own the majority of the oil revenues from oil production. By early 1974, Libya controlled about 70% of its domestic oil production. The per capita income in the country rose more than \$11,000. In the early 1970s, Gaddafi developed ‘third universal theory’, which he underlined in his Green Book. With this theory, Gaddafi set out to solve the differences inherent in capitalism and communism and establish a different path of political, economic and social revolution.

As a result of this theory, he did not allow for different opinions and eradicated authentic political participation². Gaddafi created an ultra-hierarchical model of society, with Gaddafi’s allies and family at top. While Libya was officially run by a system of people’s committees, in reality, these structures were manipulated in favor of Gaddafi’s ruling. New laws adopted at the name of security undermined freedom and extended the oppression and dictatorship state, in which punishment towards those who had aims to change constitution or who has information that damaged the reputation of the country included torture, death, and life imprisonment.

2) Anti-Gaddafi Movement & Libyan Civil War

¹ BBC, Muammar Gaddafi Story

² BBC, Muammar Gaddafi Story

In January, 2017, due to delays in the building of houses and due to political corruption protestors broke into the housing complexes that the government were building. The government responded to this housing unrest with a large investment to accelerate the housing development. The country was on edge, and with the arrest of a human rights lawyer, Fethi Tarbel, the protests turned into antigovernment rallies and called for Qaddafi to step down and release political prisoners³.

As protests grew in both numbers and intensity, the Libyan government started using lethal force to suppress the demonstrations. Security forces used not only live ammunition but also warplanes and helicopters to attack the crowds.

On February 22, Qaddafi delivered a speech on state television, identifying protestors as traitors against the state and asking for the help of his supporters to suppress the protests. Qaddafi vowed to remain in Libya and resisted giving control. As the conflict continued, the army began to side with the protestors and Qaddafi's hold on power weakened. Protestors acquired weapons from arms depots and the conflict increasingly saw defected military units fighting besides protestors. With defected military units, access to weaponry, the opposition began to resemble the form of an armed rebellion. In March, an alternate government, the National Transitional Council of Benghazi (NTC) was formed, and rebel forces united under this government⁴.

Many member nations recognized NTC and the measures taken by UN Security Council also affected the course of the conflict. Most notably, arms embargo on Libya and sanctions against the regime helped the rebel forces, while the establishment of a no-fly zone and UNSMIL helped to protect the civilian population.

The NTC gained a new level of international legitimacy when UN General Assembly voted to recognize it as the representative of the Libyan people in the UN on September 15. On October 20, 2011, Qaddafi was found and killed by rebel fighters⁵.

3) Aftermath of the Libyan Civil War

The Civil War ended with great casualties, around 30,000 Libyans were dead due to the conflict. The National Transitional Council (NTC) declared Libya liberated and took control over the country.

NTC faced a great deal of challenges after the war. Anti-Gaddafi groups seized arms stocks and refused to disarm arms. The rebel groups separated and fought each other – including the NTC – in order to gain greater control. NTC was unable to exercise authority over these rebel groups due to their weak state. NTC's efforts to find a middle ground with rebel groups and reach an agreement also failed.

NTC had promised to fulfill a great number of needs such as a “functioning justice system, a reconciliation process for officials who served the old administration, the disarming of militia,

³ Britannica, Libya Revolt of 2011

⁴ Britannica, Libya Revolt of 2011

⁵ Britannica, Libya Revolt of 2011

building functional national security forces, rebuilding destroyed areas and delivering basic services such as healthcare⁶”.

NTC’s failure to fulfill these needs, in combination with a stagnating Libya economy, caused General National Congress (GNC) to replace NTC in Libya’s first free election in July 2012. GNC was also unsuccessful in inflicting authority over the militias.

4) 2014 Elections

Libya’s second elections were filled with violence, the voter turnout was low, and to ease tensions in the elections, instead of voting for parties, Libyans voted for members of parliament. House of Representatives (HoR) was elected as the new parliament.

After GNC refused to step down even after their mandate was expired, thousands of Libyans protested in Tripoli and Benghazi, demanding the GNC to stand down. GNC authorities extended the duration of their mandate to allow time for the construction of a new constitution, which they deemed imperative to stable Libya⁷.

Conflicts between the GNC and HoR left unrested, and it created a political environment in which two governments were present. The conflicts between these two governments, alongside militia forces, have been fueling the ongoing crisis in Libya.

Major Parties Involved and Their Views

Libyan National Army

Libyan National Army designates itself as the official armed forces of the elected House of Representatives. It is made up of militias and military personnel dating back to the Gaddafi era.

House of Representatives (HoR)

House of Representatives took power on 4 August 2014, following the 2014 elections. The House of Representatives did not recognize the new GNC.

North Atlantic Treaty Organization (NATO)

On 22 March 2011, NATO reacted to the UN's call to stop the supply of "arms and related materials" to Libya by consenting to dispatch a task to upkeep the arms ban against the nation. The following day, NATO ships working in the Mediterranean started blocking the stream of weapons and mercenaries to Libya via sea. NATO maritime assets ceased and looked through any vessel they associated with conveying arms, related materials or hired soldiers to or from Libya.

In support of UNSCR 1973, NATO consented to upkeep the UN-ordered no-fly zone over Libya on 24 March 2011. The goals prohibited all flights into Libyan airspace to shield citizen populated territories from air assaults, except for flights utilized for philanthropic and help purposes⁸.

⁶ AlJazeera, Libya Today: From Arab Spring to failed state

⁷ AlJazeera, Libya Today: From Arab Spring to failed state

⁸ NATO, NATO and Libya (Archived)

National Transitional Council (NTC)

“The National Transitional Council of Libya was the de facto government of Libya for a period during and after the Libyan civil war, in which rebel forces overthrew the regime of Muammar Gaddafi. The NTC governed Libya for a period of ten months after the end of the war” (Terrorism Research & Analysis Consortium (TRAC) n.d.). In August 2012 the NTC was formally disintegrated. It was here where the board transferred all of their power to the General National Congress, who had been triumphant in elections which had been held the earlier month⁹.

General National Congress (GNC)

The General National Congress was the authority of Libya for a long time following the finish of the First Libyan Civil War. It was elected by the popular vote on 7 July 2012, and took control from the National Transitional Council on 8 August.

Entrusted basically with changing Libya to a democratic state, it had a mandate of 18-months to satisfy this objective. The work on the new constitution was only just underway when the term of GNC came to an end. Congress was compelled to arrange decisions to another party, and with the 2014 elections, House of Representatives were elected, which took control on 4 August 2014.

United Nations Support Mission in Libya

“The United Nations Support Mission for Libya (UNSMIL) is an integrated special political mission established on 16 September 2011 by UN Security Council Resolution 2009 (2011) at the request of the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts. UNSMIL is tasked with monitoring and reporting on human rights; support for securing uncontrolled arms and counter-proliferation; and the co-ordination of international assistance and the provision of advice and assistance to efforts led by the Government of National Accord to stabilize post-conflict zones, including those liberated from ISIL¹⁰.”

Timeline of Events

| Date of Event | Event |
|-----------------------------------|---|
| 1969 | Muammar al-Qaddafi takes power in Libya after a military coup |
| March 31 st , 1992 | UN Security Council imposes sanctions on Libya following the bombing of Pan Am Flight 103 |
| August 15 th , 2003 | Libya accepts responsibility for the bombing of Pan Am Flight 103 by a letter to the Security Council |
| September 12 th , 2003 | UN Security Council lifts the sanctions previously imposed on Libya |

⁹ National Transitional Council - <http://ntclibya.org/>

¹⁰ UNSMIL, Mandate

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| December 19 th , 2003 | Libya states that they are willing to put a stop to their nuclear programs |
| May 15 th , 2006 | United States restores diplomatic relations with Libya and removes them from its list of state-sponsors of terrorism |
| February 15 th , 2011 | Protests begin in Benghazi |
| February 16 th – 21 st , 2011 | Protests continue, number of protestors are estimated to be tens of thousands |
| February 22 nd , 2011 | Under-Secretary-General B. Lynn Pascoe briefed the Council in closed consultations on the situation in Libya. A subsequent press release condemned the use of force against civilians. The Arab League condemned the use of force against civilians and suspended Libya's participation in the League until Libya meets its demands to immediately stop all violence ¹¹ . |
| February 25 th , 2011 | HRC passes a resolution on Libya condemning the human rights violations. |
| February 26 th , 2011 | Security Council adopts resolution 1970 with aims to end the violence in Libya. The resolution implements an arms embargo, a travel ban, and an asset freeze ¹² . The resolution establishes Libya Sanctions Committee, which is tasked to oversee such sanctions. |
| February 27 th , 2011 | The political leadership of the anti-Qaddafi movement names itself as the Interim Transitional National Council in Benghazi (also known as NTC). |
| March 25 th , 2011 | The Interim Transitional National Council in Benghazi declares itself as the sole representative of Libya. |
| March 12 th , 2011 | The Arab League issues a statement condemning the use of heavy weaponry against civilians and suggesting the implementation of a no-fly zone . |
| March 17 th , 2011 | Security Council adopts resolution 1973 which approves all crucial measures – except a military intervention – to protect civilians in Libya. The resolution also implements a no-fly zone. |
| March 19 th , 2011 | A meeting including France, UK, and USA is held in Paris on Libya. Following this meeting, the participating countries carries out air strikes. |
| March 27 th , 2011 | NATO takes over command from the US and controls all military operations to ensure the upkeep of the measures implemented in resolution 1973. |
| March 28 th , 2011 | Qatar recognizes the Interim Transitional National Council in Benghazi. |

¹¹ Security Council Report, Chronology of Events

¹² Security Council Report, Chronology of Events

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| April 1 st , 2011 | EU authorizes EUFOR-Libya military operation with the aim of humanitarian assistance if requested by the UN ¹³ . |
| April 19 th – 29 th , 2011 | France, UK, and Italy states that they are going to send military advisors into the region. |
| April 26 th , 2011 | NATO announces that it is targeting strategic targets in order to weaken the regimes ability to inflict harm on civilians. |
| May 19 th , 2011 | US President Barack Obama characterizes NTC as legitimate. |
| May 22 nd , 2011 | EU opens an office in Benghazi and pledges support for NTC. |
| June 13 th , 2011 | Germany recognizes NTC |
| June 30 th , 2011 | France in accordance with paragraph 4 of resolution 1973, informed the Secretary-General of its intention of airdropping self-defense weapons. |
| September 16 th , 2011 | Security Council adopts resolution 2009, establishing UN Support Mission in Libya (UNSMIL). UNSMIL’s mandate is set for a three-month period. |
| September 21 st , 2011 | NATO’s mandate is extended by 90 days. |
| October 27 th , 2011 | Security Council adopts resolution 2016, which terminates the provisions of resolution 1973, imposing no restriction on the use of force in order to protect civilian life. |
| October 31 st , 2011 | Security Council adopts resolution 2017, which focuses on the non-proliferation of arms, more specifically in regards to the SAM (Surface-to-Air Missiles). |
| December 2 nd , 2011 | Security council adopts resolution 2022, which extend the mandate of UNSMIL until 16 th of March. UNSMIL is tasked to aid Libyan authorities in dealing with the danger of proliferation of arms. |
| March 12 th , 2012 | Security Council adopts resolution 2040, which extends UNSMIL’s mandate by 12 months. |
| March 14 th , 2013 | Security Council adopts resolution 2095, which extends the mandate of UNSMIL for yet another 12 months. |
| March 14 th , 2014 | Security council adopts resolution 2144, which extends the mandate of UNSMIL until 13 March 2015. |
| August 27 th , 2014 | Security Council adopted resolution 2174, which imposed sanctions on parties which were identified to be obstructing the political transition and enforced the arms embargo. |

¹³ Security Council Report, Chronology of Events

Evaluation of Previous Attempts to Resolve the Issue

Much of the global effort led by US into democratizing Libya was focused on bolstering civil society, education and free media. While it did blossom voluntary associations, clubs, charities, media outlets and while US and other parties did their best to support these groups, the impact of this aid was limited, in the sense that it did not extend beyond Tripoli and Benghazi. Further, the lack of support in terms of security left this civil society vulnerable to violence by militias¹⁴.

The global perspective inherited elections as a marker of success, and the goal of the international parties was to prepare the country to vote for a national legislative assembly. Rushing the elections was a bad decision. The elections were deemed to take place 240 days after liberation. Keeping in mind that Libya had not had any national elections in more than half a century, this time frame was extremely small. While the elections did happen and the turnout was high, the election took place amid violence¹⁵.

- [Resolution aims to end the violence in Libya \(S/RES/1970\)](#)
The resolution implements an arms embargo, a travel ban, and an asset freeze¹⁶. The resolution establishes Libya Sanctions Committee, which is tasked to oversee such sanctions.
- [Establishment of a ban on flights in the Libyan Arab Jamahiriya Airspace \(S/RES/1973\)](#)
Resolution approves all crucial measures – except a military intervention – to protect civilians in Libya. The resolution implements a no-fly zone while also enforcing the imposed arms embargo and the sanctions against the regime.
- [Establishment of the UN Support Mission in Libya \(S/RES/2009\)](#)
Resolution establishes UN Support Mission in Libya (UNSMIL). UNSMIL’s mandate is set for a three-month period.
- [Termination of the provisions of PARAS. 4, 5, and 6 – 12 of Security Council Resolution 1973 \(2011\) Concerning Libya \(S/RES/2016\)](#)
Resolution terminates the provisions of resolution 1973, imposing no restriction on the use of force in order to protect civilian life.
- [Measures to prevent the proliferation of all arms and related material of all types in Libya \(S/RES/2017\)](#)
Resolution focuses on the non-proliferation of arms, more specifically in regards to the SAM (Surface-to-Air Missiles).
- [Extension of the mandate of the UN Support Mission in Libya \(UNSMIL\) Until March 16th, 2012 \(S/RES/2022\)](#)
Resolution extends the mandate of UNSMIL until 16th of March. UNSMIL is tasked to aid Libyan authorities in dealing with the danger of proliferation of arms.
- [Extension of the Mandate of the UN Support Mission in Libya \(UNSMIL\) for a further period](#)

¹⁴ The Washington Post, Why Libya’s transition to democracy failed

¹⁵ The Washington Post, Why Libya’s transition to democracy failed

¹⁶ Security Council Report, Chronology of Events

of 12 months (S/RES/2040)

Resolution extends UNSMIL's mandate by 12 months.

- [Extension of the Mandate of the UN Support Mission in Libya \(UNSMIL\) for a further period of 12 months \(S/RES/2095\)](#)
Resolution extends the mandate of UNSMIL for yet another 12 months.
- [Extension of the Mandate of the UN Support Mission in Libya \(UNSMIL\) Until March 13th, 2015 and the Mandate of the Panel of Experts, established by PARAS. 24 of the Security Council Resolution 1973 \(2011\) and modified by Resolution 2040 \(2012\) Until April](#)
Resolution extends the mandate of UNSMIL until 13 March 2015.
- [The Situation in Libya \(S/RES/2174\)](#)
Resolution imposes sanctions on parties which were identified to be obstructing the political transition and enforced the arms embargo.
- [Migrant Smuggling and Human Trafficking into, through and from the Libyan Territory and off the coast of Libya \(S/RES/2240\)](#)
Resolution allowed for the ban of vessels on the coast on Libya in order to combat human trafficking and smuggling.
- [Adopted Resolution on Libya's Illicit Arms \(S/RES/2292\)](#)
Resolution authorized member states to inspect vessels bound to or from Libya for a time interval of one year.
- [Renewal for 12 months of the authorizations as set out in PARAS. 7, 8, 9 and 10 of Security Council Resolution 2240 \(2015\) concerning migrant smuggling and human trafficking into, through and from the Libyan Territory and off the coast of Libya \(S/RES/231](#)
Resolution extended the mandate of the provisions of Resolution 2240.

Possible Solutions

The primary problem in Libya is that there is no party that inflict authority over the militias and can exercise control. The same way NTC failed to control the militia, both GNC and HoR was unable to do so as well. In order to fix this issue with authority, in the case of support offered by foreign countries, they should be focused under one Libyan party, aimed to empower.

In the case that one party is able to put militias under control, further support should be given in order to create a functioning justice system, creating a system in which militias are held responsible of their actions.

In regards to the terrible conditions in the region, strong consideration of the humanitarian situation is necessary. Member nations should act in order to ensure the safe-passage of humanitarian aid into the region.

Cases due to lack of security could be handled with increasing support towards disarmament and information sharing. Establishing border control is also an important measure to stop human trafficking.

For this aim, funding towards border surveillance and intelligence means are necessary.

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