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**Liberal Peacebuilding in Libya: From Victor's Peace to Civil Peace**

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## INTRODUCTION

After WWII in 1945, an increasing voice advocating for global peace worldwide came to light. All actors such as the international community, governments, non-governmental organizations (NGOs), and activists tried to find the perfect formula to establish peace; however, the global north's approach seems to be the dominant one, if not the only approach. These formulas seem more blueprint copies following the same steps applying them on all cases as if the conflicts were a linear problem, a traditional one, without considering the context of the conflict and its root causes/ effects. These approaches are being adopted in many NGOs and international institutions under different names such as liberal peace, western-peace, comprehensive approach, and interventionism.

Therefore, this paper primarily focuses on what Mac Ginty (2008, 143) referred to in his paper as 'intra-state conflict' and not interstate war. Thus, key player countries and actors such as Western states, International Organizations (IO), international financial institutes use "liberal peace as the concept, condition, and practice" to promote their 'version of peace' through 'peace support interventions' (Mac Ginty, 2008).

It is crucially important to highlight some of the reasons which make liberal peace a root cause for the instabilities of recipient countries. Once Albert Einstein famously said: *We cannot solve our problems with the same thinking we used when we created them*, and that is what western countries have been doing so far. Using the same pattern of liberal peace by its architects is seen through its various stages, starting with the western intervention, which leads to regime change, followed by liberal democracy installation, and ending in a long-lasting civil war or becoming a fragile country.

The tragic state of Libya serves as a proper case study. Although it has gained the world's attention in mainstream media and newspapers, it is barely explored in detail. Libya, which was at one point recognized as the most prosperous country in Africa, even argued to have had the potential to become its leader, went downfall after the UN 1970-73 resolution. This resolution called for the protection of civilians and imposed a 'no-fly zone' (UN

resolution 1973, 2011)<sup>1</sup>, which turned into a NATO military intervention that overthrew the national regime (Jamahiriya) and eventually led to the murder of Ghaddafi.

Since ‘the Humanitarian Intervention,’ Libya has faced the worst humanitarian crisis regarding the absence of law, rule of militias, internal and external displaced citizens, and never-ending civil war. Moreover, due to the liberal peace project, Libya has been facing fragmentation in its institutions, starting from having two governments, two central banks, two national armies, and over three hundred militias in Tripoli alone<sup>2</sup>.

This thesis will explore all of the phases and versions of the liberal peacebuilding that Libya experienced based on Oliver P Richmond’s research. His paper, ‘*The Problem of Peace: Understanding the Liberal Peace*,’ highlighted four main components of liberal peace: Victor’s peace, institutional peace, constitutional peace, and civil peace. In order to better understand the situation in Libya, it is essential to define the components mentioned above. For instance, victor’s peace refers to the stage where ‘the winner takes it all,’ while constitutional peace reflects the situation where peace is governed by rules such as democracy, free trade, and freedom of speech drafted in the state’s constitution. In comparison, institutional peace is dictated by international institutions such as UN IMF. This implies that the international institution maintains peace and order according to a mutually agreed framework of international law’ (Richmond, 2014).

It will start from the UN resolution in 2011, then going through the significant failed attempts of reconstructing and establishing the state which led Libya into several civil wars, concluding with, *The Libyan political dialogue forum* supported by the UN, which the paper believes might be the final nail in the coffin of liberal peacebuilding. The failure of LPDF might draw attention to alternative approaches such as civil peace. Moreover, the thesis will discuss potential elements that Libya’s social structure has, which could pave the way for civil peace. However, civil peace faces several obstacles in Libya, which requires exogenic support to achieve it, making it more of a hybrid version of peacebuilding.

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<sup>1</sup> United Nation Resolution 1973 could be found in this link [S/RES/1973 \(2011\)](https://www.un.org/pressdocs/2011/res1973.html)

<sup>2</sup> According to Al-Arabiya channel the militias in Libya over 300 militias which the majority of them are located in Tripoli. This report is originally in Arabic and was published in 1<sup>st</sup> of July 2020 and it could be views via this link: <https://www.alarabiya.net/north-africa/2020/07/01/%D9%88%D8%B2%D9%8A%D8%B1-%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%88%D9%81%D8%A7%D9%82-%D8%A7%D8%A8%D9%86-%D8%A7%D9%84%D9%85%D9%84%D9%8A%D8%B4%D9%8A%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%AF%D9%84%D9%84-%D9%8A%D9%82%D9%88%D8%AF-%D9%85%D9%87%D9%85%D8%A9-%D8%AF%D9%85%D8%AC%D9%87%D8%A7>

On the other hand, civil peace is conceded by a bottom-up process such as civil movements. Hence, this paper will demonstrate the limitation of liberal peace reaching the locals by highlighting the failure to create legitimacy for all governments from 2011-2021. Additionally, the research will examine the Richmond approach based on local solution ‘indigenous solution’ through local perspective and narratives. Even though the local initiatives significantly impact the de-escalation of conflicts in Libya, alone can not solve the conflict. Eventually, this thesis will argue that the solution might be what Richmond and Mac Ginty referred to as ‘the hybrid peacebuilding’ by including top-down and bottom-up approaches, allowing the locals to hold the steering wheel.

Therefore, whether *liberal peacebuilding in Libya could evolve from being ‘Victor’s peace to Civil Peace’?* is the thesis’s question. The thesis will analyze various primary and secondary sources to answer this research question, including interviews, newspapers, articles, journals, books, and official documents. Thus, the research method is qualitative. It will show that imposed liberal peace is doomed to fail, local peace ownership is vital for achieving peace, and applying a hybrid version of peace is the way forward.

## FROM LIBERAL PEACE TO LIBERAL PEACEBUILDING

### The Concept of Liberal Peace

It is impossible to understand how liberal peace reached its current stage without highlighting the journey of peace itself. Therefore, it is essential to mention some of the concepts and theories of peace throughout history. Richmond (2014) covered some of those theories and concepts. There are many theories of peace, he noted, some schools perceive peace as an institution, where some sets of values should be drafted in the state's constitution while others believe this leads to a negative form of peace, some schools believe peace is a duty for the international organization, mainly UN to govern and spread peace. Another aspect of peace is through "social peace movements" conceded by society. This group perceives peace beyond the absence of war (negative peace) and believes quality, equality, and social justice should be obtained to reach peacefulness. Richmond highlighted the role of religion in shaping the theories of peace. Moreover, religion contributed to the philosophy of peace by condemning violence and "promoting peace and tolerance" through different *concepts such as just war, self-defense, non-violence, and pacifism* (Richmond, 2014).

Modern political philosophy such as realism introduced peace as the stage that comes after the war, the absence of war, meaning the main focus was "military," and to achieve peace, the state has to have a mighty military. It is no wonder that such precipitation exists since the main contributors to realism were often involved in the war, for instance, the Chinese leader, Sun Tzu, the author of "the art of war" as well as the Italian politician, Machiavelli, who believed that "peace might lead to disorder" and in order to avoid that a powerful military which should be ready is needed. (Richmond, 2014). Going forward to the fifteenth century, precisely the "Enlightenment period," a fascinating concept comes out to surface from Thomas Hobbes, who introduced the theory of "social contract." Richmond and many others believe that his theory called for the "*need of political representation, individual rights, and notions of civil society,*" influenced the present day's norms and thinking (Richmond, 2014). It is clear that peace until now is understood as "the absence of war" in the

eyes of many scholars, Henry Kissinger, who argued that “peace [is] mainly... a balance of power between states” (Richmond, 2014). Chinese philosophy contributed many concepts to peace, where peace was considered ‘the natural stage’, while the war was the enemy which should be avoided to keep the peace. The philosophy of Confucius perceived peace as “the wellbeing of people, not on making war,” while Daoism connected peace to the inner peace and believed that harmony is a collective duty that requires a “non-interference” (Richmond, 2014). Peace as a theory was perceived in a very narrow way; it was linked with the absence of war, meaning that “militarism’ was a prerequisite to achieve peace. Liberal peace as a concept could be already traced but not entirely shaped. Both Augustine and Thomas Aquinas indirectly have underpinned the concept of “just war” (used from the 1990s until today). The concept legitimized the war by a central power (state or international institute) in case of “self-defense” or retaliation, which “peacemaking” should follow. The international community developed the concept of “just war’ to become known as “The Humanitarian Intervention,” which was used recently in Yugoslavia, Iraq, and Libya (Richmond, 2014).

The defenders of this theory believe that just war was necessary to obtain peace, and “peace was itself a natural and necessary outcome’ (Richmond, 2014). Both liberalism and idealism share a similar view on this debate and receive most of their view on peace from the theories of Immanuel Kant and *his plan of “perpetual peace,”* as Richmond argued. Other theories such as Marxism contributed to understanding social justice and local actors’ duty to push for “grassroots actions’ to achieve peace (Richmond, 2014).

In the present time, with the increasing demand for sustainable peace, much attention has shifted towards research to a better understanding of peace and developing theories and concepts. Therefore, many schools of peace emerged as a consequence of that. Some schools focus more on defending the dominant liberal approach and promoting its capitalist order, while others argue that this approach leads only to a negative peace. Some critical schools believe that positive peace could only be achieved if “human rights, equality, sustainability, and solidarity are established (Richmond, 2014). Moreover, some scholars argue that the western hegemonic norms, which focus on dominant global governance, created the cleavage between the general population and the system, resulting in neglecting the population's needs in favor of securitization.

Additionally, post-colonial theorists such as Paulo Freire, Frantz Fanon, and Homi Bhabha underpinned a variety of peace concepts that advocated for the “rights and needs for humanity’ to solve the problem of the capitalist and neoliberalist order—dedicating their lives to those concepts. (Richmond, 2014). Although the evolution of peace experienced different

stages and shapes through history, some events such as WWII and the cold war brought that evolution to stagnation. With many different theories of peace, one theory seems to dominate them all. The notion of “Democratic states do not go to war with each other.’ It is believed that democracy ensures peace because domestic politics are having a peaceful transition of power.

Additionally, free trade and an interconnected economy ensure that states have a lot to lose if the war broke. Even though history has witnessed many theories, perceptions, and concepts of peace, the theory of liberal peace dominated them all. The liberal peace theory was partially successful in Europe, especially after the second world war when the conflicted countries during the war became trade partners and shared the same interests and values, a liberal value. Therefore, the 20<sup>th</sup> century was the beginning of the rise of liberal peace, which gained the support of international institutions. That period witnessed the end of the cold war in 1990, which the majority of the scholars believe was the turning point of liberal peace from being just a theory to become a framework with a western state act as its custodian to back it. The West used that period to connect democracy to peace, meaning democracy spread- not as an ideology but rather through coercive means. The critical scholars of peace studies argue that the coercive means came from Kant’s liberal peace with the option “to wage a just war,’ in other words, “humanitarian intervention” or “regime change” was justified if the outcome of that would be installing the liberal peace (Richmond, 2014). Hence, interference or regime change could be considered legitimate to protect and install democracy, a free and interconnected economy, human rights, civil society, and the rule of law.

The International architects of liberal peace designed it to create an equilibrium between the interests of states and their citizens. The international institutions manage this balance through international law to keep order and peace and prevent conflicts within the states underneath it. Nevertheless, as Richmond stated, liberal peace also aims to *maintain some elite-level interests and to a large degree to assuage the concerns of society, all within an international architecture of peace determined by international organizations and law* (Richmond, 2014).

Liberal peace became a framework and evolved from being a theory to a peacebuilding mechanism within the UN in 1992 when Agenda for peace was introduced. Richmond argues that liberal peace can be divided into four “intellectual and practical traditions”: Victor’s peace, constitutional peace, institutional peace, and civil peace (Richmond, 2006, 2014).



## **Liberal Peace, from Concept to a Mechanism**

This paper will focus on liberal peacebuilding, the primary approach applied by world governance, the international community, IO, NGOs, and international financial institutions. To shed light on this topic, questions such as: what is liberal peace, why it appears to be the only approach used among the actors mentioned above, where can we trace this project, and what outcomes of implementing it should be explored.

The liberal peace, as Richmond noted, is a “discourse, framework and structure.” It is a project that depends on legitimacy and carrier at both local and national levels. It also requires heavy resources to implement it (Richmond, 2006). Liberal peace is seen as the ideal form of peacebuilding among its “custodians.” Therefore, there is no room for other alternatives. Although, critics argue whether this “ideal form” of peace is achievable (Richmond 2006). This implies that liberal peace is a peacebuilding process created by several states sharing the same sets of “liberal values” such as the rule of law, democracy, human rights, free market, civil society, development, and multilateralism (Richmond, 2006; Mac Ginty, 2008). Those countries, the “custodians,” as Richmond notes, coexist in a “western-oriented international society” that involves not only states but also donors such as IOs, NGOs, which are creating and implementing all of the different aspects of liberal peace project (Richmond 2006).

It all started with one assumption that “liberal democratic countries do not go to war with each other,” which shaped the world we know today and its perception of peace. In 1980 Michael W. Doyle wrote an essay that opened other scholars’ eyes on the liberal peace democracy to such an extent that they perceived it as “the closest thing we have to a law in international politics” (Miklian 2014).

Jason Miklian (2014) asserted that the contribution of Kant and Thomas Paine in the underpinning of liberal peace provided the basis of its framework, which reached its peak in the 1990s. The year 1992 was the beginning of the new paradigm of peacebuilding when the UN introduced the “An Agenda for Peace” with the help of the US President at that time, Bill Clinton, and Tony Blair, the Prime Minister of the UK (Miklian, 2014). However, in the same decade, the international community was incapable of reacting to the genocides that Hutu committed against the minority Tutsi in Rwanda, and instead, the UN decided to focus on the accord rather than hard actions (Miklian, 2014). Consequently, the UN and Western states

developed the “Responsibility to Protect” (R2P), which the UN adopted in 2009, but the framework was created in 2005. R2P gave the green light for intervention to avoid genocides, known as “Humanitarian Intervention” (Miklian, 2014).

Therefore, Liberal peace was based on three limited pillars, which became its foundation. Miklian (2014) described those pillars as “assumptions.” The first assumption is that liberal democracies will always find peaceful means to prevent going to war. The second assumption is that the liberal democracy's economy is interdependent. Therefore, liberal peace requires a shared market that is constructed based on democracy and marketization. Finally, the third assumption is based on the hegemony of the first world countries- where they perceive themselves as the agent for spreading democracies by “aiding” third world countries to achieve the target. Consequently, policymakers adopted this approach and promoted it until it became “the ideal” solution for peacebuilding (Miklian 2014). Although liberal peace became popular and created an “epistemic community” among policymakers, practitioners, and scholars, some researchers such as Richmond, Mac Ginty, Tellidis, and others emerged as the critical scholars of liberal peace by highlighting all its weaknesses and limitation.

According to Richmond's book *A post-liberal peace*, Ioannis Tellidis (2012) mentions some of the main issues liberal peacebuilding has. Richmond tackles those issues by highlighting the limitation surrounding liberal peacebuilding within the framework of liberal peace and during its implementation (Richmond, 2011; Tellidis, 2012). The problem of the liberal peace framework is its dependency on both the economy and institution of the western countries. In other words, the “custodians” of liberal peace, the international interveners, ignore the local context of the “recipient” countries and neglect the locals' rights and needs when constructing peace (Richmond, 2011; Tellidis, 2012).

Tellidis notes that governance and security in both institutional and territorial terms are the priority and the only concern of the international community in post-conflict societies. Consequently, they fail to achieve tangible results in “everyday peace and social justice” (Tellidis, 2012).

Richmond criticizes liberal peacebuilding for its aftermath and often believes the reason for its failure is that the architect of liberal peace decries the “local ownership.” In other words, he argues that the international community seems to perceive the locals from an orientalist perspective (“the other,” “the ignorant other,” “the uncivil” local) (Richmond, 2011). Besides forsaking the local ownership in creating the peace they want, Richmond provides another reason for its failure. The legitimacy is being imposed by exogenous force

without considering the identity and needs of the locals (Richmond, 2011; Tellidis, 2012). To solve these problems, Richmond argues that the international interveners should consider “the everyday peace” while constructing peace by focusing on the needs and welfare of the locals and not only the common liberal human rights. Moreover, he notes that what is needed the most in a post-conflict society is “dignity & quality” (Richmond, 2011; Tellidis, 2012).

Richmond’s solution to the problem is what he refers to as “hybridity.” He argues that internationals and locals should contribute equally to constructing the peace process to achieve a hybrid version of peace. This will become a driven force to reach a more “legitimate framework,” which will result in “self-sustaining peace” rather than a “virtual peace.” The means to accomplish hybridity is through “local resistance” (Richmond; 2006, 2011).

However, Tellidis argue that the Richmond approach of allowing the local to own the process of creating the peace they wish for is idealistic. He notes that Richmond fell into the sin of “romanticizing the locals.” (Tellidis, 2012). Richmond’s idea of local resistance is based on his perception of locals vs. internationals. As if the locals are a united homogenous force standing against the internationals, this is a misconception. There are cases where the locals are fragmented, and they are using violence to achieve their means. Thus, Tellidis argues that Richmond’s idea of local resistance did not provide solutions for such violent groups of locals who are using violence as a tool for achieving their ends. (Tellidis, 2012).

In addition to Richmond, Mac Ginty (2011) rejects the idea of having a universal solution. Peacebuilding is not an “IKEA box,” he stated, which you can assemble. Additionally, Mac Ginty pointed out the contradiction of how liberal peace is implemented by using “unliberal means,” such as using force to achieve their liberal ends.

Moreover, John Heathershaw (2013) raises an important question about the so-called “liberal peace debate” by questioning the critical scholars of liberal peace: *what international intervention was not considered liberal peacebuilding?* Heathershaw described liberal peace as a “ghost” haunting the scholars of peace and conflict studies since the cold war (Heathershaw, 2013). He also questions why the “orthodox scholars’ who developed liberal peace, primarily from Northern America, did not defend it from the criticism targeting it. The reason can be found in the critical scholars who have developed better theories and explanations for liberal peace. However, Heathershaw claims that the debate of liberal peace within the academic community has reached stagnation. He believes there should be a new theory of peacebuilding. He points out that even though liberal peace faces a crisis and many failures, it did not create a “new paradigm” beyond liberal peacebuilding (Heathershaw,

2013). He also highlights the enormous dedication of scholars throughout Europe, including himself, whose work is creating and developing concepts about peacebuilding based on empirical research such as “*the post-liberal, everyday peace, the virtual, hybridity, the indigenous, and welfare*” (Heathershaw, 2013).

Nevertheless, he admits that this neither reached an influential position in the policymaking nor evolved enough to be explained. Heathershaw assumes the reason behind not developing a new approach beyond liberal peace is due to the “*dialogue of the deaf*” that is taking place between the orthodox and the critical scholars, who are not acknowledging the “cynicism” of their critical counterparts (Heathershaw, 2013). Nonetheless, Heathershaw recorded several liberal peace architects realizing the limitation of the framework and started to reflect upon that.

Meera Sabaratnam (2011) touched the core issue of the liberal peace debate by demonstrating the “subject-object relationship,” meaning this field is focussing primely on the impact internationals has on the local recipients without emphasizing *the relationship between the internationals themselves, nor the reality of the inter-subjective relation between the recipients and the internationals* (Campbell; Chandler; Sabaratnam; 2011; Heathershaw, 2013). While Sabaratnam points out the “object-subject” relationship, Sending’s chapter opposes that by calling the “*third party privilege*” delusion and its *inter-subject* relationship. On the other hand, Hameiri and Wimpelman provide us with an interesting observation claiming that those relationships lead to “new forms of political order and statehood” and discard the hybridity (Campbell; Chandler; Sabaratnam; 2011; Heathershaw, 2013).

### **The Liberal Peace Components**

The end of the Cold war, was the turning point to liberal peace. The West perceives it as the “perfect tool” to respond to conflict, war, and violence. That period also witnessed awareness of different dynamics of peace, local, cultural, religious, and social scopes within the state while economic, political, regional, and global dynamic within the international community (UN). As the global peace and development architect, the UN initiated “committees, convections, documents and agencies” dedicated to enhancing the “local, state, and global dynamics of peace's social, political, economic, and institutional aspect (Richmond, 2014).

The last decade of the twentieth century has hosted four important events which underpinned the liberal peace and became the campus of any peacebuilding projects to happen, Agenda for peace, the Cairo population summit and the earth summit all in 1992, and the Beijing Women's Summit of 1995, the UN Millennium Declaration of 2000. The second most important event after the Agenda for Peace was the Responsibility to Protect in 2005, with that the liberal peacebuilding obtained its coercive and military arm to impose regime change.

"The liberal peace has become the foundation of the modern international system of states and order," as Richmond notes, and the UN, through its security council, ensured of such an order (Richmond, 2014). In this era, the world experienced an increasing number of violence, wars, and genocides which resulted in the emergence of many humanitarian NGOs advocating for the ending of violence and called for the international community to respond, which later resulted in the "humanitarian intervention." The international community started to wage "just war" on many regimes that threatened world peace and "order," described as "dictatorship, terrorist regime, and authoritarian." Although the number of interstate wars decreased, the intrastate war experienced a boom resulted in calling for "humanitarian intervention" in Yugoslavia, Bosnia, Sierra Leone, Afghanistan and Iraq (Richmond, 2014).

According to *Our World in Data* (OWD), liberal peace after it evolved from being a theory to a peacebuilding process, the number of "democratic states" has increased drastically from being only 55 "democratic states" and 114 "autocracies," to become 100 "democratic states" and only 80 "autocratic" (Roser, M, 2013, March 15). Although the number of democratic states increased globally, the number of failed states, internal conflict, and civil wars skyrocketed. According to the *fragile state index report 2020*, only Botswana is considered stable in Africa while the other 53 countries are either "warning state" or "alert," meaning failed or fragile state in the charter. While in the Asian countries, the situation could be considered better than Africa but not good as there are only six states considered "stable" while the rest are between "warning" and "alert." Statistically speaking, this means the majority of the world population are either living in a "conflict effected environment" or a "conflict zone" (Fragile States Index). This clearly shows that the peacebuilding process can not be simplified. It cannot be universalized and must not be imposed. Otherwise, it will create at best a negative peace, and at worst, failed states.

Although the liberal peacebuilding projects might seem different from the outer look (and this has to do with the different components implemented at different stages), they all come from the framework of victor's peace. Richmond deeply reflected on the liberal peace

frameworks and summarized them into four main components. “The liberal peace is subject to four main graduations,” as Richmond noted. These components are rooted in their “theoretical antecedents.” They could be breakdown into several critical scenarios and inferences. First, “humanitarian intervention” could be both “military and non-military. The second phase is, peacemaking which refers to peace operation when a conflict starts). Third, peacebuilding starts when a ceasefire or/ peace agreement is reached or signed to “construct a sustainable peace,” and finally, the “exit strategies of international and other interveners” this could be a state military “foreign boots” or mercenaries (Richmond, 2006).

The framework of liberal peace consists of four main elements: the victor’s peace, the institutional peace, the constitutional peace, and the civil peace. The victor’s peace comes from the belief that peace “rests on military victory,” and one dominant force would construct the peace. This component is influenced by “realism and their perception of peace. The institutional peace can be traced from the “Treaty of Westphalia,” which underpinned the UN and other international institutions (Richmond, 2006). It lies upon a “normative and legal context” foundation that guides the states’ behavior towards each other, leading them to multilateral agreements. This framework of liberal peace is influenced by “idealism thinking, liberal-internationalism and liberal institutionalism (Richmond, 2006). The constitutional peace lies upon sets of “liberal values” (which could be traced from Kantian’s perception of peace), such as “democracy, free trade, civil society, and “other cosmopolitan values,” which focus on individualism (Richmond, 2006). The framework was underpinned by different events such as the “Versailles in 1919, through to the post-cold war period”, which became the basis of many European peace projects (Richmond, 2006). While the civil peace is “derived from the phenomena of direct action,” as Richmond notes, it is an approach that requires a “local agency” rather than “international agency or state,” because the “local agency” can mobilize citizens advocating for a cause or rights. Thus, leads to a social movement from grassroots, bottom-up change, up to a national level. Civil peace is also influenced by “the liberal thinking of individualism,” as Richmond argues. However, these frameworks of liberal peace “are both contradictory and complementary” and “each brings with it a certain intellectual and empirical baggage” (Richmond, 2006). The contradictions of the liberal peace projects are why it has four different frameworks that could be sometimes replaced or used all in one single “intervention.” Nevertheless, victor’s peace seems to be the dominant framework, and this has to do with “the models of liberal peace” its hegemony which its “custodians represent” (Richmond, 2006).

### *The Victor's Peace (The Winner Takes It All)*

Peace throughout history experienced many versions which evolved based on different theories, philosophies, concepts, and beliefs. Hence, victor's peace might be considered the most dominant, as Richmond and many peace studies scholars argued that it is "the oldest understanding of peace" (Richmond, 2014). However, its evolution consists of different events, contributions, and periods that each of them deserves a separate chapter. Yet, to understand the notion of liberal peace today, it is crucial to analyze what underpinned victor's peace to become "the humanitarian intervention" we know today.

Richmond (2014) provided us with some of the contributions that led to that, which is worth reflecting on. He asserts that victor's peace has passed three essential stages, which shaped its framework. The first contribution, that the idea that peace can only emerge from a "military victory." Hence, peace was perceived as a trophy for the victor in wars, which means wars meant achieving dominance and not ends in achieving peace. Therefore, that requires a military might that could impose control of one group upon another (it means that the peace created after a military victory is considered a "negative peace"). This form of peace is "unjust," but it could keep order; however, with the condition that the hegemon would keep its control or, as Richmond described it, "for at least as long as the victor survives" (Richmond, 2014). Such a circumstance, where "the winner takes it all," makes this version of peace "limited," and it is, as Richmond noted, just a matter of "the next armed confrontation" over territory and resources for the peace to collapse. History witnessed the dominance and the collapse of such empires as Alexander the Great, the Romans, and the British due to victor's peace.

Consequently, relying on merely victor's peace demonstrates one of its fundamental issues, which is the peace which is imposed as a result of the "domination of the victor" is expected to endure any of the obstacles might face, "for no longer than its power lasted' as Richmond argued (Richmond, 2014). In other words, the basis of peace, which is constructed as a result of such formulation, is utterly limited and weak because the means to achieve it is requires "military control or occupation similar to colonialism or imperialism" (Richmond, 2014). Consequently, "negative peace" is conceived from enforcing control over a subjected population.

Richmond recalls several historical events where a dominant group exercised victor's peace. The Roman destruction of Carthage (149 BC), which witnessed the city's demolition and flattening it to the ground due to their victory, demonstrates "victor's peace." Another

historical event would be the war between Sparta and Athens, which was recorded by the Greek historian, Thucydides (460-c. 395 BC), where he described the shift of dominance between the two cities, where Athens was the most potent “city-state “being defeated and replaced by Sparta to become the leading state, another victor’s peace. Thus undermined the idea of “democracy,” which Athens promoted, replacing it with Sparta’s “authoritarian rule” (Richmond, 2014). While war is used as a political tool to achieve victory and thus victor’s dominance and negative peace; yet, it comes with a heavy price, a “devastating economic impact.” Moreover, a “victor’s peace needed more than force,” as Richmond asserted; it needed law. The first emperor of the Babylonian empire was an example of imposing law on the territories he won due to war, calling them “Codes of laws” highlighting “the terms of the peace” (Richmond, 2014).

The second critical aspect underpinning the victor’s peace is the concept of “just war.” Richmond argues this concept could be traced as early as the Chinese philosopher and strategist Sun Tzu, who wrote his famous book *The Art of War*. He describes “how war could be won while advocating cooperation and diplomacy with other states” (Richmond, 2014). While during Augustine’s era, wars were considered legitimate if the opponents were “the enemies of Christendom” and therefore, using “immoral means to achieve glory or survival” was justified. Finally, Richmond notes the evolution of victor’s peace, stating: “just war being set for a new era of victor’s peace,” he defends his argument using Francisco de Vitoria, a Spanish philosopher who wrote: *‘uninhabited lands were available for exploitation as being in the interests of the prince.’* (Richmond, 2014).

Consequently, the imperial and colonial European system was built upon the same concept, which was based on self-interest to grab and seize control over the world’s population, land, and profit, and for most perceived themselves as superiors, resulted in “civilizing the native,” “this was a kind of victor’s peace.” Therefore, the European colonial and imperial power felt entitled to dominate over the native, identifying them as “lesser’ because they perceived themselves superior. The long-lasting argument that hegemony is the basis on which victor’s peace must rest led the imperial powers to hunt for more lands, resources, and glory. Thus, war was one way to maintain order and control; relying only on military power can last as long as the victor could remain in power. The fear of losing grip on the population under their territories led to introduce “softer measures” such as the “civilizing mission” directed by the British empire, which started after the 1890s, aimed to “modernize colonies” (Richmond, 2014).



Victor's peace as "the oldest understanding of peace" out beating Darwin's "survival of the fittest" fundamentally depends on an "overwhelming power." Unfortunately, though, this "has been a rare historical occurrence" (Richmond, 2014). Therefore, in European politics, a "system of alliances" emerged during the 19th and 20th centuries to create a "balance of power" resulting from not keeping a single state's sole dominance. This phenomenon kept "negative peace" and order between states since going to war would be costly, and therefore, victor's peace would lose its meaning. However, such a system was fragile and a matter of time to collapse. The limitation of such order can be seen in the 20th century, during WWI when the alliances called for support to stop Germany, such conflict may escalate into "world war." Richmond claims that Versailles Settlement that occurred after WWI was a "victor's peace," mentioning the US president's speech, "fourteen points," where he states '*World War I's victors forced the defeated Axis powers to accept terms that might lead to war restarting in the future.*' Richmond points out the latter as the result of the victor's terms, eliminating the opponent indefinite and its "weaknesses," fearing that the opponent might rise again to impose a threat. Although the alliance system kept order and peace between states, it caused two great-scale wars due to the concept of alliance (meaning when the war broke out with one state, its alliance had to join the war, which led to WWI, II). Consequently, on the one hand, the European empires lost their ground and "faded swiftly" from the international arena. At the same time, on the other, there was a shortage in resources, which led to many secession movements calling for "self-determination" precisely in the colonized territories.

Richmond believes that the victor's peace has not only contributed to a broader acceptance of war as one of the means to establish peace but also contributed to the peace architecture system, which conceded as a result of the "inter-wars" (which occurred in the 20<sup>th</sup> century, which resulted in a devastated "two industrial-scale world war"). As a result, the peace architecture system was designed due to the victors' terms over the defeated, resulting in establishing both the league of nations and the united nation (Richmond, 2014). For example, North Atlantic Treaty Organization (NATO) "reflects" those terms. The treaty was signed in 1949, only four years after WWII ended, consisted of 28 countries as members across Europe and North America while additional 22 countries were involved in "NATO's Partnership for Peace." Although NATO was not a treaty to defend its member states, it shortly got involved "politically" during the Cold War and directly interfered in Yugoslavia, resulting in the dismemberment of the latter and regime change in Bosnia and Kosovo. Hence, a new "doctrine" of victor's peace was introduced by "humanitarian intervention" due

to NATO's involvement and action. NATO served as the "military arm" of the UN and the liberal peace architect to impose regime change and construct peace starting from its involvement in Afghanistan to its most recent operation to enforce "no-fly zone" over Libya, following UN resolution 1973 (Richmond, 2014). Hence, victor's peace through "humanitarian intervention" became the foundation for liberal peace.

The victor's peace faced tremendous pressure from the world's population, who witnessed the massive destruction the war brought. Therefore, a peace that does not rely on mere military victory was needed. However, the local resistance highlights a crucially important fact: "despite the overwhelming military power that hegemon or victor can bring to bear," "a local consent and legitimacy are eventually needed for any victor's peace to be maintained" (Richmond, 2014). This illustrates one of the central paradoxes of victor's peace.

Nevertheless, victor's peace is still considered the most dominant means to achieve peace; as Richmond notes, the current president of Rwanda, Paul Kagame, brought an end to the genocide in 1994 after he invaded the country. Due to a military victory (could be described as victor's peace), he managed to impose new laws and rules that transformed the violence into peace and created political stability; yet, his government has been criticized for human rights abuses (Richmond, 2014). Another contemporary example of victor's peace would be the NATO bombardment on former Yugoslavia in 1995 in Bosnia and Herzegovina or 1999 in Kosovo and Belgrade (Richmond, 2014). Mentioning recent cases of Victor's peace without stating the invention of Iraq and Afghanistan would lose this argument its meaning because those cases also received the second phase of liberal peace that is "installing democracy." Though, as Richmond states, victor's peace framework "has many flaws," and it is '*subject to the problem of territorial and strategic over-extension, and an inability to control unruly subjects.*' Richmond sums up his argument by providing a second reason contributing to "the constitutional peace" framework: local resistance; he notes "hegemonic powers are often surprised by the local resistance to their rule" (Richmond, 2014).

### *The Constitutional Peace*

Constitutional peace and victor's peace are considered to be two sides of the same coin because victor's peace can not survive merely on dominance which creates only a negative peace, while constitutional peace has the potential to create a more sophisticated

version of peace than victor's peace; however, it is not achievable without at least waging “just wars.” Thus, constitutional peace, or how Kant referred to it as “perpetual peace,” emerged to replace and solve the flaws and limitations of victor’s peace by providing a boarded understanding and a more sophisticated version of peace. It appeared to mitigate or end a wave of peace caused merely by either hegemonic control on subjected population or military victory. Richmond notes that constitutional peace is the idea of “peace constructed through laws, institutions, rights, and prosperity” (Richmond, 2014).

For a change to occur, particular events, ideologies, or groups should emerge in an accommodating environment to orbit around it and permits such change. In the case of constitutional peace, the post-Enlightenment period was the environment and the platform that accommodated a more “sophisticated version of peace.” Richmond notes that the enlightenment period was the arena in which voices of change battled and advocated for an “order” that would not depend on merely “victory in a conflict” but rather conceded by, on the one hand, “domestic political” and legal architecture that would ensure the right, needs, and interests of the population. On the other hand, “international architecture” is designed to balance the population's interests, needs, and rights. Constitutional peace aims to create positive peace through “domestic political architecture” (Richmond, 2014). The debate of domestic political architecture and what shapes a good government is presented in many resources throughout history. For example, the discussion of “good life” by Plato, Pericles, and Aristotle emerged again during the Enlightenment period. With the treaty of Westphalia, signed in 1648, it became possible to interconnect a more sophisticated version of peace with the state’s system that would allow it to cooperate with other states under a stable international umbrella while ensuring its population rights. This debate took several versions; Plato raised the need for democracy and the role of the “philosopher-kings in ancient Greece” (Richmond, 2014).

During the Enlightenment, the argument that peace is achievable through institutions and “political life” began to increase by many thinkers, scholars, and the general masses. Hence, it challenged the “natural order of things” by providing solutions to mitigate wars and establish peace if leaders, scholars, and thinkers cooperated. Additionally, during that period, the “Hobbesian state” of war, “war of all against all,” war was a “state of nature” were common beliefs. However, it was replaced with the concept of “nation-state.” The “nation-state” provided rights to the controlled population, “subjects,” making them citizens (Richmond, 2014). Hence, the advocacy for citizenry emerged in the 14th and 15th centuries, precisely during Renaissance humanism, “emphasizing the need for the citizenry, including

women.” Hence, constitutional peace would not be possible without offering status to the subjected population (Richmond, 2014).

Moreover, wars were inevitable; hence, a new concept should emerge again as “just war.” The new concept was designed to be distinguished from conquerer wars to control lands, population, and glory. Therefore, “just war” emerged to justify using military force by “legitimate authority” as the final solution. Richmond believes this idea has shaped the perception of both peace and war today and had two implications: first, “a growing concern with the nature of the type of state that would be more conducive to peace, and two, an interest in international organization and institutions designed to create and maintain peace.” Europe of that period has witnessed the end of endless religious wars, and a new era of territorial state emerged through international agreements to maintain peace and order. As Richmond notes, the international treaties were “necessary for peace, and peace was designed either “on common values or on an agreement to differ,” he added. Westphalia treaty was the umbrella that guaranteed “balance of power; between the newly emerged states (Richmond, 2014).

Richmond asserts that three thinkers contributed to the constitutional peace, which we know today, through their notions and opinions; John Locke, an English philosopher during the enlightenment period, argued that “law-based government would produce consensus, legitimacy, and therefore a domestic peace.” Consequently, a social contract was introduced. Adam Smith introduced constitutional peace's second significant contribution and component: trade “should be the basis of cooperation, prosperity, and peace between and within states.” Finally, Kant's vision of “perpetual peace” was another significant contribution to the framework of liberal peace to such an extent that he became known as “the father of liberal peace.” Richmond argued his vision was “the most comprehensive statement to bring peace to Europe.”

Furthermore, his vision was based on “just laws” as the proper instrument to prevent wars if embedded in the political order. Thus, social justice was the driving force to achieve peace within the state and positively impact its border. His contributions were later to be known as “the liberal democratic peace thesis.” Therefore, a domestic political architecture based on laws that shaped and regulated the states’ decisions, the inclusion of citizens to engage in civic life, and “just war” evolved to become the “famous modern argument” that: “democratic states do not go to war with each other, though they might fight non-democracies” (Richmond, 2014).

Although constitutional peace brought some legitimacy to the victor's peace through the concept of just war and provided a more sophisticated version of peace that victor's peace could not offer, it had its fatal limitations. Richmond highlights some of the limitations that "constitutional peace" carries: firstly, constitutional peace is defined as a domestic political formula conceded by the population consensus to create legitimacy. However, reaching such a formula could be challenging and sometimes impossible (Richmond, 2014). Second, Kant's argument on "elite-level" to assure the citizens' interests and rights might backfire, and contrary, they use the population for their interest. The third concern that Richmond points out is that the "emergence of nationalism" resulted from what John Stuart referred to as "the right of people to determine their government" (Richmond, 2014). The fourth concern that Richmond recalls is that constitutional peace "has been characterized as a Christian enterprise," meaning it was constructed and contextualized based on the European crisis and its emergence from Christendom to secularism due to the Westphalia treaty (Richmond, 2014). Additionally, he asserts that the liberal peace argument of "democracies may still wage war against non-democracies" survived until the present day, which resulted in the invasion of Afghanistan, Iraq, Bombardment of Yugoslavia, and imposing regime change in Libya (Richmond, 2014).

### *The Institutional Peace*

The third strand of the liberal peace frameworks and comes after the constitutional peace would be the institutional peace. Hence, the institutional peace emerged to consolidate what constitutional peace aimed to create a domestic peace architecture to ensure peace within and between states that would produce positive peace. The Enlightenment period foresaw the underpinning of the institutional peace, which occurred parallel to the constitutional peace, making "democracy" the prerequisite to realize it (Richmond, 2014). This version of the framework, as Richmond asserts, "aims to coalesce states within a specific set of values," notably "liberal values" around an international peace architecture. Thus, two crucial factors should meet to attain institutional peace; the first factor, constitutional peace, should be the foundation which states rest upon (meaning 'liberal democratic states. '), the second factor, a legal context that the liberal democratic states agree upon to maintain and regulate the behavior between states, which creates 'an international architecture of peace. Hence, institutional peace is considered "an elite club" where only a

handful of members could write its rules and benefit from its service; as Richmond points out, “they also agree to police and enforce that behavior on the part of renegade states” (Richmond, 2014). Finally, Richmond asserts the prerequisite which would allow peace to be institutionalized, stating: “International order was complementary to the growing belief that liberal democratic states were less likely to go to war with each other.” Hence, the first common belief that generated around institutional peace is that democracy comes alongside peace. The second assumption/“rule” for the international order is a democratic constitution and free trade; as Richmond notes, “if states have democratic constitutions and share common goals of peace and trade, they may organize themselves into an international community” (Richmond, 2014).

Institutional peace is not a concept that emerged first time with constitutional peace. Still, different notions aimed towards the same ends appeared, establishing order and peace between the counterparties. Richmond notes, “marriages, trusteeships, peace treaties” are used as means to achieve what institutional peace would achieve during empires and kingdoms (Richmond, 2014), while Alexander the Great also used similar methods that allowed him not to lose a grip on his empire.

The institutional peace had experienced early development, which can be traced as early as 412 BC when Diognses Cynic declared himself a “cosmopolitan” (Richmond, 2014). Diogenes imagined a world where states coexist under a shared vision, guided by a moral compass to make cooperation and world government tangible. His ideas emerged again during the European first peace project, precisely during the Enlightenment period. Another contribution to the underpinning of institutional peace would be the Grotian discourse on natural ideas and co-existence that would permit “just war,” where states defend their territories in case of aggression directed to them and condemn intervention. He also was the first one to call for the sea as an international territory.

Additionally, Kant and others owe their development of peace projects in Europe during the Enlgitment to the French philosopher and writer Abbe de Saint-Pierre, who pioneered the first model of an international organization to maintain order and peace in his book, *Project for Perpetual Peace* (Richmond, 2014; Sint-Pierre, 1712). Saint-Pierre’s, as Richmond notes, envision an international model that is close to the European Union today, as he called for: “Europe to form a permanent union for peace and security.” his peace project, which later becomes the cornerstone of institutional peace, rests upon three fundamental elements: “justice, equality, and reciprocity.” His vision for peace influenced Kant, who later on would be considered the father of liberal peace. Once again, Kant

contributed significantly to the institutional peace as he asserted that peace could not be achieved without the rule of law; hence, a constitutional peace that rests upon democracy would ensure the rule of law.

Furthermore, He introduced a multilateral system of states: *“Reason would drive [states] to give up their savage lawless freedom, to accommodate themselves to public coercive laws, and thus to form an ever-growing State of Nations, such as would at last embrace all the Nations of the Earth. But as the Nations, according to their ideas of international right, will not have such a positive rational system and consequently reject in fact, what is right in theory, it cannot be realised in this pure form. Hence, instead of the positive idea of a Universal Republic—if all is not to be lost—we shall have as a result only the negative surrogate of a Federation of the States averting war, subsisting in an external union, and always extending itself over the world”* (Kant, Perpetual Peace). Thus, the institutional peace has confronted a contentious issue: whether to retain a multilateral system of nations or progress toward a world government, as Richmond notes, Kant worried that a world government would be just as bad as a Hobbesian society and that it would lead to even greater dictatorship (Richmond, 2014).

Westphalia treaty in 1648 and the congress of Vienna in 1815 played a crucial role that led to materialize a “system of international institutions.” However, according to Richmond, the 20<sup>th</sup> century, after the world wars, foresaw the most sophisticated version of institutional peace framework, as the US President, Wilson, placed and anchored the foundation of the “modern notion of peace.’ He places the notion of peace in “both constitutional and institutional dimensions’ (Richmond, 2014). As a result, the League of Nations was conceived to play its decisive role to prevent wars and ensure “the sovereignty and territorial integrity of all states that succeeded the collapsed empires” (Richmond, 2014). Nevertheless, the Versailles Treaty and Wilson’s vision of “ultimate peace of the world” constructed upon “self-determination” and combining constitutional and institutional peace faced a bitter reality: the Versailles Treaty was built upon “victor’s peace. Hence, in Wilson’s mind, Richmond notes “Kant’s perpetual peace” was the guideline for his project, and thus he declared “World must be safe for democracy” (Richmond, 2014). Therefore, the US and its allies-imposed victors’ conditions; first, countries that should participate in peace must be democratic and; second, those who lost the war should be blamed (meaning, Germany was accountable for all war crimes and had to pay 150 billion dollars) and held accountable for their aggression (Richmond, 2014).

Industrialization emerged and brought World War II, which caused Wilson's peace and vision of institutional peace to collapse. However, Richmond argues that the second phase of institutional peace “saw early signs even before World War II.” The peace to be constructed “saw some of the lessons of the previous epoch applied or promptly forgotten” (Richmond, 2014). Therefore, the second evolution of this version was developed and constructed based on an American consensus; as Richmond notes, Cordell Hul, who received a Nobel prize in 1945 for his contribution in establishing United Nations, “introduced a Reciprocal Trade Act,” which allowed cooperation and free trade between states. However, the new peace framework has faced turbulent times as the cold war broke between the USA and USSR, and the “system of alliance” emerged again as the USA signed political, economic, and military agreements with the western states and Japan (Richmond, 2014).

Another significant contribution that underpinned the institutional peace would be the Human rights declaration in 1947. Richmond argues that this event “rapidly became a cornerstone of new thinking and policies of peace.” Additionally, He marks both Locke and Mill’s contributions on this matter as they were the first to loud out the interconnection between peace and human rights as he notes: “human rights and peace, one cannot exist without the other” (Richmond, 2014).

Another contribution that shaped the institutional peace as we know it today is the Geneva Conventions in 1949. It enhanced the treaty in 1864 that witnessed the birth of The International Red Cross, placed the cornerstone of what will become “the international law.” Indeed, “international law has been crucial for the institutional peace frameworks,” as Richmond notes; it will provide “an international order” between states (Richmond, 2014). Thus, this new system saw cooperation from private and public sectors for the first time to create a firmly institutionalized peace architecture, the UN. As a result, Richmond asserts that the UN system had everything to function as “an architecture for the institutional peace and “world governance.” Therefore, in the new system of peace architecture, many regional organizations came to being, notably the European Union, which played a decisive role in peacemaking, stabilizing, and establishing a union of twenty-eight countries sharing similar vision and goal. However, as Richmond notes, “peacemaking is often related to having power” and, thus, is very close to also being’s victor’s peace (Richmond, 2014).

### *The Civil Peace*



The last stage of liberal peace framework evolution and arguable the most important one of the previous frameworks would be the civil peace. Civil peace offers a more sophisticated version of understanding peace; it requires an individual agency to construct. Richmond notes the importance of this element as he emphasis “every individual in society can mobilize for peace from a variety of different perspectives.” Consequently, as Richmond notes, many movements have emerged, “whether disarmament, for international cooperation, or against violence, discrimination, and oppression” (Richmond, 2014). Hence, civil peace can only function from within, meaning “localized organizations” must adopt and help prompt and construct a peace that would fit that particular environment or context. Richmond asserts the crucial influence of civil peace has on both constitutional and institutional peace, describing it: *‘without the civil peace and its social forms of mobilization, international and constitutional framework would not be able to connect with ordinary people in order to represent their interest, identities, needs, and aspiration.’* (Richmond, 2014). Indeed, civil peace requires sets of elements a particular population must obtain or develop to function. The first element is that the population must evolve or have characteristics to become a “civil society,” meaning the population, as Richmond notes, “should develop as local organizations, communities, and political actors” to unite around a specific cause and necessities of social justice (Richmond, 2014). Thus, civil peace played a crucial role in opposing “structural and direct” violence, notably in Europe, deeply rooted in the state system or within society. Richmond believes that civil peace played an essential role in abolishing slavery, campaigns for the vote, disarmament in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. In addition, the 19<sup>th</sup> and 20<sup>th</sup> centuries saw a massive rise of “social and advocacy movements. This era has witnessed “peace movements in different shapes, concepts, causes, and ideologies; Richmond divided them into two “pathways,” secular and religious orientations. Those movements may have derived from campaigns against war, ideological movements such as feminism, and resistance against authoritarianism and colonialism. (Richmond, 2014).

Another important factor that shaped the civil peace, as Richmond points out, was both the American and French revolutions that saw the end of “European aristocratic forms of leadership” and the monarch rule in 1774, and 1789 respectively. As a result of both revolutions, populations mobilized themselves in solidarity, demanding “basic human rights, citizenship, equality, democracy, and secularism” (Richmond, 2014).

Once again, the International Committee of Red Cross (ICRC) significantly impacted the framework when it was created in the 19<sup>th</sup> century. Consequently, with the introduction of humanitarian law, states expanded their perspectives of both war and peace. That created

momentum in the 20<sup>th</sup> century made it possible for the first time for non-state actors to be part of decision making; as Richmond notes, *'individuals had begun to lobby elites, leaders, and officials for peace in an organized manner'* (Richmond, 2014). Thus, advocacy for self-determination, the need for international law, and an end of colonialism were some of the main issues on the table of many conventions, conferences, and congresses such as The Hague peace conference, the International Court of Justice, and the Universal Peace Congresses (Richmond, 2014). In addition, the civil peace framework's ability to mobilize masses provided a platform for non-state actors to emerge as Non-Governmental Organisations (NGOs) that would allow civil society to construct peace directly. As a result, Rescue Committee (IRC), the Oxford Committee for Famine Relief (Oxfam), World Vision, and others played an active role in raising awareness of peace that would be just and sustainable and engaging "individuals and communities to attain social justice (Richmond, 2014).

The growing role of NGOs, as Richmond notes, "played an essential role in pressuring the need for human rights to be included in the UN charter in 1945", which happened in the universal declaration of human rights (Richmond, 2014). They also played an essential role in creating the UN High Commissioner for Human Rights (HCHR). Once again, the Humanitarian law provided the guideline and the legal context that allow NGOs to operate. Richmond argues that these elements underpinned a very "powerful body of actors" and created a context of norms and rights that "undermined the absolutism of Westphalian sovereignty." Moreover, these events, he added: "reinforced the view that individuals had legitimate rights for security, basic needs, autonomy, and to their own identity" (Richmond, 2014). Consequently, humanitarian intervention emerged due to civil society's active role in advocating human rights.

Now, NGOs have obtained a consultative status within the UN body that would enable it under Article 71 to provide assistance and intervene in states' sovereignty if there were abuses or/and violation of human rights, social justice, economic and social, and refugees' issues. However, in theory, providing assistance and help might be tangible; in practice, Richmond argues, "humanitarian may have contradictory effects." He supports this argument using The United Nations Relief and Works Agency for Palestine Refugees, where they happened to "support and maintain the Israeli occupation's post-war status quo" (Richmond, 2014). Hence, many argue that NGOs and non-state actors are pawns in the hands of powerful states as they need their funding and support to operate. Moreover, they could fall into the paradox of support state interests and turn a blind eye to the needs of the

affected environment (Richmond, 2014). Nevertheless, as Richmond notes, these developments “enabled a re-envisioning of peace since the latter part of the 20<sup>th</sup> century, making a necessary contribution to the liberal peace. Even though it depends on mainly “northern states, and donors such as international organizations like the UN, agencies like UNDP, UNHCR, or the World Bank, it still provided an opportunity for civil peace “to develop from the bottom up and from within society” (Richmond, 2006; Richmond, 2014; Mac Ginty, 2011).

## **THE ELEMENTS OF THE LIBERAL PEACE IN LIBYA BEFORE 2011 (HISTORICAL CONTEXT OF LIBYA PRE-2011)**

### **The Issues in the Theoretical Approaches**

While this thesis is trying to provide local perspectives based on scholarly work and research, the study of modern North Africa or Magrib has been dominated by “scholars and researchers concerned about French and Italian colonial studies, British social anthropology, and, to a lesser degree, the modernization school” (Ahmida, A. A., 2005). Ahmida (2005) asserts the issue in Italian and French colonial studies which romanticize the colonial era and justifying its horrific acts by “focusing on the colonial states’ needs to administer the natives,” the reason for such view comes from the fact that researchers were colonial officers (Ahmida, A. A., 2005). Their view on pre-colonial society is based on superiority and

hegemony of the colonialist over the controlled subject, as Ahmida asserts: “Their image of pre-colonial society is that it was traditional, inhabited by unruly tribesmen on the one hand, and governed in the towns by corrupt patrimonial states on the other. According to this view, tribes, and towns rarely cooperated” (Ahmida, A. A., 2005).

The theoretical approaches on Magrib in general, and Libya, in particular, are dominated by three different views from the surface but lead to the same conclusion in detail. The first popular approach would be the ‘segmentary model’ pioneered by the British social anthropologist E. E. Evans-Pritchard and Ernest Gellner. The segmentary approach presupposes the tribe as a homogeneous group divided into different clans, making it a tribal society. Chiefs kept order and peace through a balance of power between the tribes that agreed to “mutually deterring” any clans that would disturb that balance due to the absence of state control (Ahmida, A. A., 2005). As Ahmida asserts, the segmentary model “was derived from colonial literature, and official tribal ideologies,” which perceives the pre-colonial society as collective tribes under one flag detached from the world’s “social and economic structure” (Ahmida, A. A., 1994, 2005).

The literature’s second view on the modern Maghrib comes from modernization theorists like Daniel Lerner, who believes that “traditional tribal and religious values can be expected to fade and be replaced by modern, Western, rational values.” While praising the role of European colonialism on what he believes “tribal societies began to modernize after the European colonialism” (Ahmida, A. A., 1994, 2005). Another radical view on the Magrib that is worth observing would be the view of the French Marxist Lacoste, who used the “Asiatic mode of production” (AMP) to describe the social and political changes in Magrib. Nevertheless, these views are utterly and manifestly false because Marx’s “sketchy knowledge” of India made him assume that the “feudal mode” in Europe was different from the AMP. The main reason for that is that Marx relied on the “orientalist European image of India” and hence, as Ahmida argues, “he deserted dialectical method when he assumed that change came mainly from the outside, in the form of European colonialism” (Ahmida, A. A., 1994, 2005). However, the fact remains that AMP can not be applied to understand the history of Magrib and its dynamic because the notion of the AMP assumes the “existence of a strong state and self-sufficient village communities” while the pre-colonial states in Magrib were were weak. Therefore, Marx’s view was mainly based on the inexplicit orientalist view on Asia and India.

There are two significant flaws in the literature. To begin with, Eurocentric conceptions of Maghribi society as disorderly, segmented, traditional, or Asiatic presume that

change came from Europe, the “rational,” revolutionary, and detribalized region that brought about capitalist development. Moreover, this line of thinking implies that Europe has a dynamic past, while North Africa has a passive history defined by “closed Muslim tribes” destined to perish in the face of progressive, capitalist Europe (Ahmida, A. A., 1994, 2005).

Existing studies, particularly modernization theories, are lacking in their capacity to explain social change and the character of politics in contemporary North Africa, which is the second major flaw in the field. Despite capitalist colonialization and post-colonial modernization, non-capitalist interactions like sharecropping, tribal ownership of land, and self-sufficiency in family production persisted even as late as the 1970s. This is particularly evident in Libya (Ahmida, A. A., 1994, 2005).

These views are evident in particular in the literature written during and after the independence of Libya. As a result, the majority of scholars, researchers, and diplomats undermined and neglected the social history of Libya and the role of local resistance to gain its independence. As Ahmida asserts, the lack of recorded history in Libya is due to decades of occupation that tried to erase the history and identity of the locals by using systematic methods to exclude all educated people and make all locals illiterate. However, although it impacted the literacy rate in the country, this systematic method did not erase the identity and struggles of the locals. Therefore, the locals found different methods to pass on the struggles and the horrific acts they lived under colonialism through “oral history.” locals passed the oral history through poetry, preverbs, long songs, and stories from one generation to other. Thus, Ahmida had managed in his books: *Forgotten Voices, Power, And Agency In Colonial And Post-Colonial Libya And The Making Of Modern Libya*, to share some of the oral histories that were recorded and archived during the Jamahiriya era when Gaddafi came to power. Unfortunately, that was impossible during the kingdom due to its pro-western agenda.

Nevertheless, those forgotten voices were a powerful tool against colonialism and fuelled the anticolonial resistance in Libya before and after the restitution’s independence. Furthermore, what is equally important is that the literature concerning Libya’s history in the colonial and post-colonial era did not focus on the locals and their contribution to constructing peace. Similarly, Adriaan Pelt, a Dutch diplomat appointed by the United Nations as the high commissioner to Libya to draft the first constitution for the newly constructed state, failed in his book *Libyan Independence and the United Nations* to project the locals’ contribution. Instead, he concentrated only on the sole role of the United Nations in performing a miracle by succeeding in providing a nation to people who were stateless throughout history. The Jamahiriya era was not an exception. Because of the West’s

preoccupation with Gaddafi, the Libyan state is seen as a microcosm of Gaddafi's character, which resulted in undermining the whole Libyan state and its politics, with the consequence that Gaddafi and the Libyan Jamahiriya government are often perceived as an anomaly rather than as the outcome of identifiable socioeconomic factors. Libyan "social history, society, and culture" are sometimes barely addressed or entirely disregarded in academic literature. This narrow perspective cannot explain why "Gaddafi's regime," Jamahiriya era, survived for four decades and has not fallen, as the Sanusi monarchy and other African nations did, despite "American sanctions and diplomatic sanctions isolation" (Ahmida, A. A., 2005). In reality, demonizing Gaddafi and his administration has proven to be one of the most significant impediments to academic research in providing proper analysis of this mysterious African nation (Ahmida, A. A., 2005). Hence, for the most part, journalistic and academic publications about Libya have focused on the character of Colonel Muammar Gaddafi, describing him as "a mad Dog" in charge of "a terrorist rogue and pariah state" (Ahmida, A. A., 2005). The stereotype image has affected Libya's past, present, and future, causing regime change without considering the aftermath of such radical change.

Based on the above, it is clear that there is a lack in the literature regarding peace and Libyans struggle to achieve peace and their active political role in shaping the history of Libya. Thus, the thesis aims to fill the literature gap by thoroughly analyzing Libyans' history and current peace attempts. Consequently, the thesis will undergo a comprehensive study of the four liberal peace components in the context of Libyan political history.

### **Libya, a Story of Conquest and Occupation**

First and foremost, Libya is an ancient land, the name Libya dating back to ancient Egypt. Many ancient maps included the name and location of the land. Its strategic location made it a desirable land for conquests throughout history (Villard, H. S, 1956). A few general facts about Libya that emerged a few months after World War II offered all the necessary background knowledge to understand the context of Libya's struggle for peace. Libya's massive size of 1.76 million km<sup>2</sup> is centered on the enormous Gulf of Sirte, which is "one of the most effective barriers on the face of the planet" (Krealing, 1960). Its massive size made it share its borders with six countries. Tunisia and Algeria from the West, while French Equatorial, French West Africa, and Anglo-Egyptian Sudan from the south, and Egypt from the East, with the Mediterranean being its Northern border. There are three provinces in Libya: the Fezzan in the south, Tripolitania in the West, and Cyrenaica in the east. The

population of Libya was approximately 1,200,000 people at the end of WWII. The low population is due to years of genocides that were committed during Italian colonialism. Ahmida's book, *Genocide in Libya Shar, a Hidden Colonial History*, shares some of the storytelling of concentration camp survivals between 1929 and 1934.

*Between 1929 and 1934, thousands of Libyans lost their lives, were directly murdered, and were victims to Italian deportations and internments that, I argue, amount to genocide. It was the first genocide after the Armenian and Herero genocides during World War I. Libyans were forcibly removed from their homes, marched across vast tracks of deserts and mountains, and confined behind barbed wire in 16 concentration camps. (Ahmida, 2020)*

Ahmida provided us with an approximate number of Libyans who were either massacred, expelled, or starved to death, which resulted drastically in the unbalanced distribution of population in Libya. Thus, although Cyrenaica is the largest province, only 27 percent of the population lives there. In comparison, 69 percent lives in the smallest province, Tripolitania, and the remaining 4 percent lives in Fezzan (Krealing, 1960).

*The genocide resulted in a loss of 83,000 Libyan citizens as the population declined from 225,000 to 142,000 citizens. Some 110,000 civilians were forced to march from their homes to the harsh desert and then were interned in horrific concentration camps. Between 60,000 and 70,000, mostly rural people (including men, women, elderly, and children) and their 600,000 animals were starved and died of diseases. (Ahmida, 2020).*

What Libyans witnessed during colonial rule was one of the most devastating times. They were the first people to be bombed by airplanes in what came to be known as the first airstrike in history aimed at the Libyan resistance in Sahara. However, this thesis will not detail this subject but will shed light on some absent facts in academic research.

Villard (1956), who was the first US ambassador to Libya, noted that the history of Libya is one of "conquest and occupation." Since the beginning of history, Libya has been conquered and colonized by many empires, civilizations, and rulers. First came the colonization of Tripolitania by the Phoenicians, who left Leptis Megna, Oea, and Sabratha, "the region of the tree cities," which were later captured by Carthage in the late sixth century BC. After the fall of Carthage, the Romans seized control and united, for the first time in history, the three provinces of Libya, Tripolitania, Cyrenaica, and Fezzan, under a single administrative authority. Then, the Vandals, the Byzantines, the Arabs, the Normans, the Spaniards, and then the Ottomans. Then seized by the Italians, who ruled unbrokenly until 1943, Libya was finally captured by the "victorious" alliance of WWII, primarily British

forces who took over the administration of the “Italian colony of Libya” (Villard, H. S, 1956).

### **‘The Italian Libya,’ a Victor’s Peace and the Subjugated Inhabitants**

In order to unfold the creation of the Libyan kingdom, it is equally important to stop at a sequence of events that began in 1911. In this perspective, the year 1911 is important because, on September 29, 1911, Italy declared war on Turkey over the territory that is now Libya and immediately sent expeditionary forces to capture the region’s coastal cities from Derna on the east coast to Tripoli on the west coast (Krealing, 1960). The reason for those dates back as Africa had many chapters of conquests and occupations throughout history, the European empires and colonizers felt entitled to own the continent. Hence, Libya was not an exception for Italy since its neighbor, France, was colonizing Tunisia and Algeria at the West of Libya, French equatorial Africa, and French West Africa at the south, while the British empire was holding the grip on both Suez Canal in Egypt and Anglo-Egyptian Sudan in the southwest of Libya. That situation made it logical for the Italians to “assert rights in the Mediterranean Sea” (Villard, H. S, 1956). The war lasted a little more than a year between the Italian troops and Ottomans and was concluded with the signing of the Treaty of Lausanne on October 17, 1912, which resulted in the Ottomans surrendering governmental control over the disputed area, Libya, to Italy (Krealing, 1960). However, the Italians had failed to understand the context and local dynamics such as the “hierarchy and diversity of loyalties, tribal, ethnic, religious, and political,” that operated in the Arab world, just as so many other “western powers” had misunderstood them throughout history (Krealing, 1960). Thus, resulting in endless guerrilla wars and resistance from the locals, which made “the Italo-Turkish war become an Italo-Senussi war.” The unexpected resistance from Libyans caused Italy to sign several accords from 1917-1922, which resulted in Italians controlling nothing more than beach-head positions along the Libyan coastline. Italy could not penetrate deep inside the vast Sahara, while the resistance movement continued to cause damage in the frontlines of the Italian troops (Krealing, 1960; Ahmida, A. A., 2020). The situation in Libya took a new turn in late 1922 when the Fascist regime seized power in Italy and made a radical change. The new regime’s first project was the “subjugation of Libya.” This event caused the Second Italo-Senussi War, which, contrary to predictions, lasted from 1923 until 1932. It was a brutal conflict that ultimately reduced the Arab population to ashes, mainly through hunger,



and that ended only with the arrest and hanging of martyr “Senussi military commander” Sidi Omar al-Mukhtar (Krealing, 1960; Ahmida, A. A., 2020).

With the death of Sidi Omar al-Mukhtar, the resistance movement lost its most crucial and symbolic figure, which resulted in heavy and massive changes. About 20,000 refugees, including Sayyid Mohammed al-Senussi, fled from Libya eastward to the oasis of Jaghbub and where he then sought shelter in Egypt after he departed from Libya in December 1922.

The new chapter for Libya was unfolded with an era of victor’s peace, marking the start of Libya’s “great colonial development,” which lasted from 1932 to 1940. This victorious peace was made for the benefit of the oppressor over the oppressed, resulting in the installation of more than 150,000 Italian colonists on farms, in rows of model farmhouses, in new towns with schools, churches, stores, and administrative centers created overnight, as well as in existing coastal cities and towns (Krealing, 1960). Thus, Mussolini’s vision of “Lebensraum” and Roman glory, which saw Libya as an Italian inheritance and its shore as the fourth shore of Italy, became a reality on the ashes of Libyan bodies (Ahmida, A. A., 2005). Unfortunately, although the new settlers romanticized Libya and sang, “Tripoli, beautiful land of love,” writing poems, songs, and plays, the locals were massacred, as one fascist officer noted: *Prisoners were never taken during engagements between our troops and the rebels, and women and children were shot as well* (Labanca, N, 2010). The locals had no legal status nor any rights to own lands. The inhabitants could not register even the newly born children. Libyans were either enslaved, living in makeshift barracks, or prisoned in one of the sixteen concentration camps distributed alongside the coastal line.

Moreover, the quality of life was so poor that many subjugated inhabitants were forced to survive on just 1500 calories of food a day (Villard, H. S, 1956; Ahmida, A. A., 2020; Krealing, 1960). Peace was far from being reached for the locals. Death was more merciful than living to such extent that when they were asked about their well-being, they used the expression, which is used in the local dialect “*‘āysh mn qlt ālmwt*” (meaning, I am still alive because death still did not reach me). Such expression shows the harsh condition that the inhabitants of Libya lived.

Additionally, starvation was the first cause of death that made the locals describing the years of colonial rule as the years of *shar* (he meant starvation, but *shar* meant evil). Consequently, the average infant mortality rate was three out of every ten newborns (Villard, H. S, 1956; Ahmida, A. A., 2020). Hence, it can be seen that the victor’s peace imposed on the Libyans by the Italians came to favor the new settlers over the rights of the natives.

The victor's peace imposed upon the natives brought fragile stability that depended on military power. The Italians constructed a peace that emerged from a military victory, requiring military power to keep order. Thus, peace was unjust and favored the new master over the subjugated locals. However, Richmond (2014) noted the one condition which could allow such peace to survive that described it as "for at least as long as the victor survives" (Richmond, 2006, 2014). As a result, this led the Libyan in exile to join the alliance in WWII, primarily the British forces, formulating the auxiliary troops that were gathered and trained and took part in the campaign in the north attacking the Afrika Corps and the Italian army in North Africa (Villard, H. S, 1956; Krealing, 1960). Hence, Libyans were ready to "Shake hands with the devil" to gain their independence and end the Italian occupation. That was the agreement between "the Senussi tribesmen" and the British. The anticolonial resistance movement paved the way for a statement in the House of Commons on January 8, 1942, by the then Foreign Minister of Great Britain, Sir Anthony Eden. Resulting in the following statement: *the Senussi tribesmen of Cyrenaica, who had cooperated so actively with the British forces in the great East African campaigns of World War II, would in no circumstances again fall under Italian domination* (Villard, H. S, 1956; Krealing, 1960). Such actions were made in the hope of weakening the Italians and ending their occupation. This shows that an unjust peace imposed by military power is doomed to collapse.

May 13, 1943, "Libyans watched helplessly as their Italian masters were driven out along the Afrika Korps of general Rommel and as British and French military regimes the administrations of the conquered territory," as the first US ambassador to Libya noted (Villard, H. S, 1956). Such narration shows us the western attempt to compromise the Libyan efforts in the war and their role in ending the Italian occupation. Libyans felt deceived when the British took over the administration of Tripolitania and Cyrenaica while the French administrated Fezzan without considering the "local ownership" nor the sacrifices the locals offered to end the Italian occupation. Henry Serrano Villard, the first US ambassador to Libya, confirmed the locals' doubt and fear of being deceived by the alliance, stating: *'long before the final victory was in hand, a committee had been set up by direction of Sumner Welles, then under the secretary of state, to study the problem of the peace to come'* (Villard, H. S, 1956). Villard mentions the concerns and reality to become aftermath, after the defeat of the axis, Ethiopia would be "set free." While Somalia, Eritria, and Libya might be under the "trusteeship" of powerful states.

Even though the end of WWII foresaw a new world order era that primarily focused on liberal peace and democracy, Libya's independence was not a smooth ride. On the

contrary, the British and French have administrated Libya from 1943 until its independence in 1951. Thus, marking another eight years of victor's peace. The reason for that as Villard admits that "the Italian colony of Libya" was the most concerning issue facing "the WWII victors", describing it as a "baffling problem." (Villard, H. S, 1956). Therefore, the alliance did not want to grant the locals their independence. Rather, the British and the French were keen to ally with the new "liberal Italian government" to divide the cake. Therefore, Libyan independence resulted from two factors, first, "the failure of the great powers to agree upon the division of the previous Italian colony" in the aftermath of the Second World War, while the second factor was "the result of the UN effort in decolonization" (Brett, M.,1972).

### **The Institutional Peace and Its Dilemma in Libya**

The institutional peace paved the way for Libyan independence as a state. However, the institutional peace could backfire if the state this peace projected is implemented does not carry certain elements. First, the host state for this peace should have domestic politics and functional, stable, and legitimate institutions. Moreover, its citizens should have the basic needs (meaning they should have the right to choose the government that represents them and their needs.), in other words, a social contract that defines the relation between the government and the citizens. Such elements would provide what, more importantly, for a successful installation of the institutional peace that is a constitution. Constitutional peace is a prerequisite for a peace that is sustainable and positive. However, on the one hand, such elements were either absent during the installation of institutional peace like domestic politics, disregarded from the architect like the local dynamics, or on the other, exogenic like the appointment of a commissioner who would draft a constitution to the newly born state.

The creation of Libya under the auspices of the United Nations was essentially a "restitution" act, and as a result, it was somewhat of a novelty in "political history," as Kraeling noted (Kraeling, 1960). Of course, peace in Libya has experienced different stages, but what makes it a unique experience worth exploring is that it gained its independence through institutional peace, as the United Nations on December, 5, 1949, under resolution 289, IV, declared "that Libya, comprising Cyrenaica, Tripolitania and Fezzan shall be constituted an independent and sovereign state" (UN Resolution 1949, IV). Thus, such declaration was unheard of and brought a new era of world politics. Resulting, the alliance doubting the UN's decision, as Villard noted, no one imagined among the alliance that Libya

would potentially gain independence until it became a reality when the United Nations took custody of Libya and declared on November 17, 1949, that Libya “should become a sovereign state.” Stating: ‘No one could have foretold at the close of hostilities that the final solution of the inhabitants of the sun-scorched territory was to be a decision by the United Nations’ (Villard, H. S, 1956).

The flaws of the peace project to be constructed in Libya by the UN were as clear as daylight. The independence terms and clauses could be read as the cornerstone of Libyan independence and institutional peace failure. The UN carefully wrote those terms to protect and preserve the interests of the victorious states without considering the aftermath of such terms.

The UN declaration of Libyan independence “shall become effective as soon as possible and in any case not later than January 1, 1952” (A/RES/289). Therefore, the first issue for such declaration is the short period of two years that the UN planned for Libyan independence, to formulate a government, institutions, economy, and equally important a nation. In order to implement the project, the UN has appointed a Commissioner and a Council, whose duty would be delivering Libya into a statehood. Hence, as Villard noted, “It was an international group that had taken over the exacting work of preparing the machinery for Libyans to govern themselves” (Villard, H. S, 1956). Hence, it was the right of the Commissioner, Adrian Pelt of the Netherlands, “the patron saint of Libyan independence”; and its the Council, which was composed of six international representatives from the United Kingdom, United States, France, Italy, Egypt, and Pakistan, to choose “one representative of the people of each of the three regions of Libya and one representative of the minorities in Libya” (Villard, H. S, 1956; A/RES/289).

Consequently, as the first stage in Libya’s transition to full statehood, a preparation committee of twenty-one members chosen by the Commissioner and his Council was established as the National Assembly and was ready to draft the “democratic constitution” of the Libyan Kingdom (Villard, H. S, 1956). As Villard noted, Untrained, unskilled, and geographically dispersed Libyans bereft of any “first-hand” knowledge of parliamentary or political principles were brought together to form a representative body, which was a feat in itself (Villard, H. S, 1956). Additionally, before the Second World War, the Arabs of Libya had formed just one national feeling, “a national sentiment,” their opposition to the Italian invasion and occupation. Having such a weak basis makes it difficult to execute the constitutionally guaranteed democratic rights (Villard, H. S, 1956).

Thus, the UN failed to identify the issue of national identity that the locals displayed, failed in identifying solutions to wakening the sense of brotherhood. All this resulted in the loss of national elements and local ownership, which was compromised by choosing only four locals, not by the population but rather by the commissioner to decide the future of 1.3 million, whom 90 percent were illiterate, and only sixteen Libyan held a university degree. Hence, after meeting with Commissioner Pelt and other experts, the National Assembly in 1950 drafted a constitution consisting of 213 articles that created Libya's constitutional monarchy and bi-cameral parliament (Villard, H. S, 1956).

The same fatal mistakes during the construction of the political structure were repeated in drafting the constitution; thus, the constitution was written along "contemporary lines," taking into account the experience and practices of "democratic nations." As Villard asserts, *the Libyan constitution was modelled from the constitution of seventeen other countries, notably on that of the US.*

"Despite its king," Libya was a "democratic representative, constitutional monarchy" (Villard, H. S, 1956). The contradiction made in its creation had many researchers question Idris al-Sanussi's nomination as a king and his ability to rule a "modern state," as Vandewalle noted, *Idris al-Sanussi' represented the lowest common political denominator in the political spectrum of opinion. In many respects, his nomination represented a political compromise that was incompatible with the requirements of a modern state* (Vandewalle, 1986). Despite the US contribution in creating the democratic kingdom, the US ambassador himself questioned the ability of the parliaments to understand how democracy works, stating: *How many, I wondered, could read or write? How many understood the "orderly democratic processes" which had given birth to their country?*

Based on the above, it is no wonder that the institutional peace could be considered a victor's peace, and its failure in Libya is mainly due to the exogenic construction of its political structure and the drafting of a constitution that was not a result of a referendum by the population. Thus, creating a government and a constitution whose primary role is to protect the allies' interests and keep their military bases on Libyan soil. As Brett (1972) asserts, "strong British and French suggestions impacted certain decisions, and that the new state emerged with a strong commitment to the West," a client state (Brett, M., 1972).

The absence of local ownership in constructing peace designed to fit the needs of the locals through domestic politics and the absence of a social contract between the government and its citizens made the toppling of the monarchy as easy as a bloodless coup d'état. Hence, this type of institutional peace that lacked domestic legitimacy failed to evolve to become a

constitutional peace. Instead, the institutional peace was designed to protect the interest of the powerful states, thus, led to a coup d'état, which ended "virtuous institutional peace" and the beginning of an era of victor's peace all over again.

### **Jamahiriya's Indigenous Institutions and Cultural Values Challenging Western Hegemony**

The toppling of the monarchy was a matter of time and expected. Although Libyan independence, achieved in 1951, was a watershed moment in its history, it was also fraught with paradoxes. First, a Libyan state was established without a strong sense of Libyan national identity. Second, the monarchy, which was dominated by tribal shaykhs and urban notables, was tasked with the difficult job of establishing national identity while also engaging with the international system. In addition, Libya's economy was one of the world's poorest in 1951, with a per capita of \$35 and an illiteracy rate of 90 percent, which was one of the highest rates in the world at the time (Villard, H. S, 1956; Ahmida, A. A., 2005). It was reliant on economic assistance and rent in return for British and American military bases (Ahmida, A. A., 2005).

Consequently, it did not take long for politics to muddy the connection between the Allies on the one hand and the people of Libya on the other. Consequently, the local animosity towards their colonial past was transferred to the United States and the United Kingdom, which led to a public acceptance and celebration of what will be known as "the First of September Revolution," which overthrew the monarch (Walter J. Boyne, 2008; Ahmida, A. A., 2005). It began on September 1, 1969, when a group of "young pan-Arab, Nassarite officers" in the Libyan Royal Army, led by a "charismatic twenty-seven-year-old named Muammar Gaddafi," overthrew King Idris in a bloodless coup d'état while he was on vacation in Turkey (Ahmida, A. A., 2005). Gaddafi defined and converted anticolonial struggle and Libyan nationalism by turning these legacies into a revolutionary philosophy that ordinary Libyans could understand (Ahmida, A. A., 2005). Gaddafi dismantled the institutions of the old monarchy while legitimizing a powerful state acceptable to the majority of Libyans in the countryside. He often mocks the previous government and Western institutions imposed on Libya in 1951 by the United Nations and the Great Powers (the United Kingdom, France, and the United States). Focusing on the Libyan lower class in his nationalistic rhetoric made him a national hero in their eyes. Additionally, and equally

important, Gaddafi called for “the liquidation of foreign bases on Libyan soil” (Walter J. Boyne, 2008). by June 30, 1970, all foreign military bases were free and in possession of the new national government.

As Ahmida asserts, *‘the radical and nationalist ideology of the Libyan revolution was a reaction to the crisis of the Sanusi monarchy, the persistence of regional identity, and international politics of the last three decades’* (Ahmida, A. A., 2005). The Libyan revolution produced numerous beneficial improvements for regular Libyans (particularly women), such as free medical care, modern infrastructure, and free education, surpassing the monarchy’s accomplishments. In just two decades, Libya increased its literacy rate to 75 percent, which is very remarkable. This is a significant accomplishment since the illiteracy rate in 1951 was 90 percent. (Vandewalle, D., 1986; Ahmida, A. A., 2005).

Revisiting the forty-two years of Jamahiriya’s existence and its challenge to Western hegemony can provide evidence on the real reasons why external players such as Western states and the international community quickly exploited the “Arab Spring” to offer diplomatic cover and supported rebels and extremists in 2011. Additionally, it reveals the similarities that underpinned the many previous efforts to depose Gaddafi by the West (Davidson, C. M, 2017). For example, in the same year that witnessed Détente during the cold war, in 1969, Gaddafi led the coup d’état, which replaced the pro-west regime with an anticolonial regime and, thus, a threat to the West. However, the new regime’s threat to the West was not military, or security since Libya barely had a functional army; on the contrary, Western states, notably the US and the UK, have a far superior military capacity. Therefore, if it was not a military threat, then what was it?

The answer lies upon two fundamental “issues” that concerned the West, economy, and ideology. First, the Libyan Arab Republic quickly established itself as another challenge to the Western powers and their businesses by nationalizing state’s enterprises and thus, jeopardizing the West’s economic interests in the region. For example, Britain alone lost an estimated £100 million in “oil infrastructure investments and access to military bases” due to the Libyan Arab Republic’s new policies (Walter J. Boyne, 2008; Davidson, C. M, 2017). Second, another blows the Western states, mainly the US and its companies, received was the oil and gas sector. The monarchy’s first Petroleum Law in 1955 “reflected the aims of those who shaped it,” since the companies were receiving more profit than the government with “profits divided 50/50 between company and government and a royalty of twelve percent” (Collins, C, 1974). Hence, six of the “seven sisters” (the seven largest oil companies

dominating the oil industry in the world) were present and benefiting from the crude oil industry in Libya. As Collins noted, “there is little doubt that much of the loose legislation which cost Libya so much during its early years was due to the large sums of money which changed hands between certain companies and the oil ministry” (Collins, C, 1974).

Consequently, the oil boom had a significant but negligible effect on the lives of Libyans. Therefore, the national regime by 1974 has achieved direct control over more than 70 percent of its oil reserves, imposing a new concession in which revenues would be divided 81-19 in favor of Libya, with the government retaining complete control over and Occidental running the concession in exchange for 19 percent of oil output at cost (Collins, C, 1974). by the eighties, Libya has achieved complete control over its natural resources, ending the 50-50 compromises. However, after losing lucrative Libyan oil contracts, the US and its allies accused the national regime of supporting numerous regimes and movements considered hostile to Western interests. As a result, Britain and the US swiftly started planning scenarios to topple Gaddafi’s “anti-imperialist national regime” (Davidson, C. M, 2017). As a result, from 1980, Gaddafi has faced different accusations aiming at character assassination. For example, in 1980, the United States claimed a “Libyan assassination squad,” sent by Gaddafi attempted to kill President Ronald Reagan, who stated, “We have the proof, and Gaddafi knows it” (Davidson, C. M, 2017). However, the accusation proved false when Deputy Secretary of State William Clark acknowledged that “we came out with this big terrorist threat to the US government. The whole thing was a complete fabrication” (Davidson, C. M, 2017). One year later, the false claims were validated by another senior Senate acquainted with the information, saying: “I have no reason to believe that the Libyans have an assassination team out to kill the president. That specific threat has subsided” (Gordan, G, 1982, October 20). Five years later, Libya, precisely Gaddafi, was accused of orchestrating and executing the Berlin nightclub bombing in 1968 with no concrete evidence supporting their claims. Instead, within ten days of the Berlin attack, the US launched “retaliation attacks” against Tripoli and Benghazi. The accusations were based on assumptions and were used as an instrument for their initial reason to dispose of Libya’s national regime. An investigation carried out in Germany after the country’s reunification found that, although “Libya [bore] at the very least a considerable part of the responsibility for the attack,” no evidence existed that Gaddafi was personally responsible (Davidson, C. M, 2017). During the operation, a former United States pilot and squadron commander who was involved in the planning recounted how the “El Dorado Canyon operation” had been in the planning stages



for “approximately four months” before the Berlin bombing in 1986. Based on his understanding, it was mainly an assassination attempt on Gaddafi, carried out under “retaliation attacks” (Davidson, C. M, 2017).

Moreover, Davidson asserts that all of the accusations were made during that period were mainly false ones; other sources confirmed those claims such as the British officials stated that during this time, United States information on Libya was “wildly incorrect” and had been handed on to the UK in an attempt to “deliberately mislead” (Davidson, C. M, 2017). Misleading information to change public opinion is one of the Western instruments a means to achieve their ends. The last instrument that the Western states used to label Libya was the “terrorist card,” as the West accused Libya of supporting and financing terrorist groups. Accusations that Davidson provided information that proves otherwise. Stating that the Libyan government was the “first in the world to collect evidence on Osama bin Laden’s activities and providing it to Interpol” (Davidson, C. M, 2017). Gaddafi officially sought an Interpol arrest order for Bin Laden, five-month before Qaeda’s targeted the US embassy in Africa. Not only this proves that the accusations were merely false ones, but it also proves that the Libyan government was among the first governments to wage a “war on terror” (Davidson, C. M, 2017). Al Jamahiriya’s government had a long history with insurgencies, especially radical and extremist one, long before 9/11 and the “war on terror.” The government had to deal with many of the “Arab Afghans” who joined Bin Laden mainly because a high percentage of them were Libyans. After the invasion of Afghanistan, The Libyan Islamic Fighting Group (LIFG) was established comprised of the most extremist members (Davidson, C. M, 2017). Those were the same radicals that the UN and the western states supported to topple the regime and led the insurgency in 2011. Former MI5 officer David Shayler came out and gave an “interview to the BBC” in which he stated that “MI6 had gone out to the LIFG, paid it £100,000, and supplied it with 250 weapons to assassinate Gaddafi” (Davidson, C. M, 2017).

Based on the above mentioned, it is clear that the western states used many of their political instruments to impose regime change away before 2011. Libya was under massive accusation campaigns, sensations, and military operations because the regime was not pro-western and did not open its resources for “the free market.” The final “trump card” the West used is accusing the regime of being a dictatorship. However, Al Jamahiriya’s political structure is conceded of “social contract” and “direct democracy,” which the western media turned a blind eye to (Hajjar, S. G, 1980). Something was confirmed in 2009 when Gaddafi

invited the New York Times to observe the political structure. The New York Times acknowledged that Libya's goal was for everyone involved in every decision. Tens of thousands of people take part in local committee meetings to discuss issues and vote on everything from foreign treaties to building schools" (Chengu, G, 2013, January 12).

Hence, the Jamahiriya's direct democracy system used the term "ascension" rather than "election" and eschewed the political campaigning that is a hallmark of regular political parties and benefits mainly the "bourgeoisie's well-heeled and well-to-do" (Chengu, G, 2013, January 12). As Hajjar asserts, the Jamahiriya political philosophy proves to be unique in Gaddafi's capacity to formulate and practice a comprehensive philosophy of politics. Al Jamahiriya was not an instrument for Gaddafi to remain in power but rather was a vision for a new era of direct democracy through "Third Universal Theory" (Ahmida, A. A., 2005; Hajjar, S. G, 1980). Gaddafi's political theory is a continuation of a lineage of radical democratic thinking begun by Jean-Jacques Rousseau, and that the Social Contract is the basis of Gaddafi's views, as Hajjar noted. Indeed, one might argue that Gaddafi is executing what Rousseau advocated for Corsica in Libya, a country he believed capable of expressing "the public will" (Hajjar, S. G, 1980). The system was designed to fit with Libya's social structure, which mainly comprises tribes, replacing the "old bureaucracy" with "popular committees" (Ahmida, A. A., 2005; Hajjar, S. G, 1980). It enabled all Libyans to directly decide their own international, domestic, and economic policy.

However, the lifestyle of Libyans and the local context produced a quite interesting socioeconomic relationship that connects the government with its citizens, contrary to the Western model of economy. For example, most of the revenue of the Western states comes from imposing taxation on services, goods, and citizens (Vandewalle, D., 1986). This created a sense of duty among the citizens and a bureaucratic system that ensures and regulates taxes. While Libya gained its independence, it lacked all sorts of fundamental elements for self-determination, as its independence was merely an 'experiment' run by the United Nations' new peace architecture. In 1960 World Bank issued its report No. 11136, *The Economic Development of Libya*, the same year of significant oil discovery that allowed Libya to move from "rags to riches." However, this discovery created a rentier economy that generated "little concern for production-oriented behavior." Vandewalle remarks that "the nature of rentier economies discourages creating a strong state or the involvement of its citizenry" (Vandewalle, D., 1986).

In conclusion, as Ahmida noted, both in terms of research and the experiment itself, the concept of establishing a “state based on indigenous institutions and cultural values,” as well as “challenging Western hegemony and its conceptions of development and the nation-state,” are beneficial contributions. The Jamahiriya pledged to unite disparate people based on old social and regional systems that persisted until the early 1950s (Ahmida, A. A., 2005). However, the government was confronted “with a paradox: in democratizing its base and educating from the bottom up, the educational system” unavoidably aimed “towards cultural homogenization.” Meanwhile, the Libyan government’s leadership failed to foster robust institutions or promote accountability, eroding associational civic life. Additionally, the government failed to overcome the economic obstacle of Libya, which is a rentier economy, to achieve a more sustainable and progressive mode of production. As a result, when the “Arab spring” hit the neighboring countries, Tunisia and Egypt, it impacted the Libyan government’s decisions to identify solutions to protect its integral sovereignty and eventually an international coalition that imposed regime change. Thus, marking a new era of liberal peacebuilding in Libya that started in 2011.

## **THE LIBERAL PEACEBUILDING IN LIBYA**

### **Victor’s peace (The UN Resolutions 1970 and 1973)**

The implications of the UN Resolution 1973, which authorized military intervention and thus, imposed a regime change in Libya, were far beyond the expectations of even the pessimists. Thus, the intention of the 1973 Resolution by the United Nations Security Council is questioned since the humanitarian intervention brought more misery to the civilians than

protection after a decade of imposing it. Some researchers assert that humanitarian intervention was the means rather than the end, a regime change. However, after ten years of Libya's humanitarian intervention, it can be said that the turmoil situation of today is more threatened for the civilians than in the year in which it was imposed. Libya, as a result, plunged into anarchy and a circle of civil wars.

Moreover, as was the creation of Libya under the auspices of the United Nations an act of "restitution," and as a result, it was somewhat of a novelty in political history' (Kraeling, 1960), so was Resolution 1973, which marked the first time the UN Security Council approved military intervention in functioning but a non-consenting sovereign state for the purpose of "protecting civilians" (Glanville, L, 2012). Thus, the UN 1973 Resolution marked a new era of victor's peace in Libya and another attempt in installing "hegemonic liberal values" (Mamo, S. A., 2018). Unfortunately, those liberal values were the same values the UN tried to install in its previous experiment of the Libyan independence through constructing constitution, institutions, and democracy, resulting in creating a constitutional monarchy. Hence, its previous attempt lasted 18 years and failed. The experiment ended up in a coup d'état that produced a national regime. However, as some officials noted, that the United Nations Security Council through the years tried to weaken the regime and eventually change it by imposing sanctions that started in 1992 via Resolution 883 (1993), which "widened the travel ban imposed on Libyan individuals and imposed financial sanctions" (S/RES/883), and lasted nearly a decade, lifted in 2003 when Libya "agreed to end efforts to produce nuclear weapons."

On March 17, 2011, the Security Council adopted Resolution 1973, a watershed moment in the history of "international attempts to protect people from mass crimes." Prior to this Resolution's passage, the Council has never approved military involvement in the internal affairs of a functioning sovereign state without its permission to protect civilians (Glanville, L, 2012).

Hence, Libya was the first country in which the "Responsibility to Protect" (R2P) mandate was exercised, since its adaptation in 2009, through UN resolution 1973, which authorized "the use of forceful measures" to protect civilians. This mandate allowed NATO and its allies to launch "Operation unified Protector" to "enforce" the mandate of Resolution 1973 to "protect civilians and civilian populated areas" (Ulfstein, G., Christiansen, H. F, 2013). However, according to international law, "protection of civilians" refers to *'those who do not participate in the armed forces of any party or are members of militias belonging to a party of the conflict.'* Although the above definition refers to those in the 'inter-state conflict'

and not the ‘intrastate,’ there is a pact protecting those not directly involved in hostilities. This means the rebels in the Libyan conflict should not be protected Resolution 1973 (Ulfstein, G., Christiansen, H. F, 2013).

Additionally, on April 14, 2011, during a press conference, Obama, Sarkozy, and Cameron, stated the precondition for the ending of the military operation, stating: “*So long as Gaddafi is in power, NATO and its coalition partners must maintain their operations so that civilians remain protected and the pressure on the regime builds ... Britain, France, and the United States will not rest until the UN security council resolutions have been implemented and the Libyan people can choose their own future.* Hence, the joint article can validate the real intention of the resolution 1973, which gave the green light to use all necessary measures to “overthrow the regime” rather than providing the civilians at risk protection.

NATO went further on providing “civilians protection” by providing close air support, striking and crippling the army’s capacity, while the rebels were advancing, controlling cities and military locations of the Libyan army. According to Human Rights Watch (HRW), during the seven-month siege, NATO launched about 9,700 “strike sorties” and dropped more than 7,700 “precision-guided bombs” (Amnesty International. 2021, August 16). Although NATO’s mission was clear, “protecting civilians,” its operation led to the death of more than 300 victims due to its airstrikes. Amnesty International has identified 55 people killed in airstrikes *in Tripoli (5), Zlitan (3), Majer (34), Sirte (9), and Brega (4)*. Additionally, twenty more people were allegedly killed in NATO attacks *in Brega (2), Surman (13), and Bani Walid (5)*. Moreover, Amnesty International, for example, was “informed by residents of Sirte that on September 15, 2011,” NATO attacks killed more than 40 civilians (Amnesty International. 2021, August 16).

While NATO’s mission was to implement resolution 1970, which “imposes an arms embargo on Libya” and, hence, giving it the green to *take the necessary measures to prevent the direct or indirect supply, sale, or transfer to the Libyan Arab Jamahiriya, from or through their territories, arms and related materiel of all types (S/RES/1970 (2011))*, France, Qatar, UAE, and other states supported rebels with weapons. As the French general staff spokesman acknowledges, stating: “We began by dropping humanitarian aid: food, water, and medical supplies,” he added: “During the operation, the situation for the “civilians” on the ground worsened. As a result, we dropped arms and means of self-defense, mainly ammunition” (BBC News, 2011, June 29). Instead of condemning France’s violation of Resolution 1970, the US has claimed that Resolution 1973 permits states to supply weapons

to rebels, although a previous resolution - 1970 - placed an arms embargo on the whole territory of Libya (BBC News.,2011, June 29).

Based on the above, the western states, international community, and international organizations not only have violated Resolution 1973 by interpreting it the way it suits them, perceiving rebels as civilians, providing a military assistant to rebels and close air support but also violating resolution 1970 by clearly deploying troops, shipping and supplying weapons to rebels. Richard Falk noted that the “NATO forces were obviously far less committed to their supposed protective role than to ensuring that the balance of forces within Libya would be tipped in the direction of the insurrectionary challenge” (Davidson, C. M., 2017). Notably, the Western troops unlawfully deployed in Libya seemed to be quickly joined on the ground by those of their major regional allies. Qatar, for example, first claimed to be supplying just air assistance but subsequently confessed in October 2011 to deploying hundreds of its special troops to every area of Libya. Moreover, according to an NTC spokesperson, the Qataris even organized most of the fights that ultimately led to victory. One lengthy article detailed how Qatar trained rebel militants in eastern Libya and the western Nafusa highlands and transported them to Qatar for instruction (Davidson, C. M., 2017). Unsurprisingly, even after Gaddafi’s troops made their last stand in Sirte, their disorganized withdrawal on October 20 was severely attacked, with US Predator drones and French jet aircraft destroying the last few fleeing trucks. Then, on October 20, 2011, Gaddafi was captured and tortured to death by the rebels. Despite the disturbing images and scenes of torture of his capture, all western media covered the event. According to Human Rights Watch, he was stabbed in the anus with a bayonet, resulting in catastrophic blood loss, but the doctor who conducted the post-mortem was threatened with death for disclosing his findings (Davidson, C. M., 2017).

September 6, 2016, the UK house of commons, foreign affairs committee, published its report entitled: *Libya: Examination Of Intervention And Collapse And The UK’s Future Policy Options*, providing more evidence of the actual reasons, which confirms that both regime change and self-interest, were behind the humanitarian intervention, and protection of civilians was only a cover. Furthermore, according to the British parliamentary report, the subsequent NATO-led action (Operation Unified Protector) had gone horribly wrong, and the information on which it was based was not necessarily reliable in the first place. It also admits that “NATO supported The National Transitional Council (NTC) forces, “militias,” by airpower, which facilitated their combat performance” (House of Commons Foreign Affairs Committee, 2016, June). Moreover, it provided further insight into the motives of some of the western states that led the military coalition on Libya, notably France. The following

considerations influence French policy: “A desire to gain a greater share of Libya’s oil production; increase French influence in North Africa; provide the French military with an opportunity to reassert its position in the world” (House of Commons Foreign Affairs Committee, 2016, June). However, France’s motives were based on self-interest, and none of those motives were genuinely for the protection of civilians.

Additionally, the report provides crucially important information, the intelligence evidence that the 1973 Resolution built upon was “inadequate and lacking awareness in Whitehall of the “history and regional complexities” of Libya” (House of Commons Foreign Affairs Committee, 2016, June). As for the “evidence-based on rhetoric,” the report concludes that “despite Muammar Gaddafi’s rhetoric,” the notion that he would have ordered the murder of “civilians” in Benghazi was not substantiated by evidence. In early February 2011, the government had retaken cities from the rebels without resorting to violence against people (House of Commons Foreign Affairs Committee, 2016, June).

Moreover, the report supports the government’s attempts to “pacify” the rebels and negotiate; Muammar Gaddafi announced to the rebels in Benghazi on March 17, 2011: “Throw away your weapons, exactly like your brothers in Ajdabiya and other places did. They laid down their arms, and they are safe. We never pursued them at all” (House of Commons Foreign Affairs Committee, 2016, June). Hence, the report finally concludes that 1970, 1973 Resolutions were based on false information, and there was no evidence that Muammar Gaddafi’ would have committed a massacre against the civilians in February 2011. Furthermore, it concluded that there was no “real evidence at that time that Gaddafi was preparing to launch a massacre against his civilians” (House of Commons Foreign Affairs Committee, 2016, June). Moreover, the report highlights the fact that those rebels, as the Libyan government warned, were extremists, and the majority of them took part in the “Iraq insurgency and Afghanistan with al-Qaeda.” However, those facts kept hidden until the overthrow of the regime, as the report asserted: “It is now clear that militant Islamist militias played a critical role in the rebellion from February 2011 onwards” (House of Commons Foreign Affairs Committee, 2016, June).

Furthermore, an investigation conducted by Amnesty International in June 2011 found no evidence to support claims of widespread human rights abuses committed by the Libyan army. It did, however, unearth evidence that rebels in Benghazi had made false statements and created evidence to support their positions. According to the investigation findings, much Western media coverage has presented a very one-sided view of the logic of events from the outset, portraying the protest movement as entirely peaceful and repeatedly

suggesting that the regime's security forces were unjustifiably massacring unarmed demonstrators who posed no security threat.

It is crucially important to mention the willingness of the Libyan government to find an early solution to the crisis. Thus, the government offered a national dialogue while accepting peace deals from various peace brokers, such as Venezuela's peace plan for Libya and the African Union's roadmap to peace composed of four points (Daniel, F. J., 2011, March 3). However, the UN, the international community, mainly the western states, and rebels rejected all peace deals that do not contain the "resignation of Gaddafi," stating: "*There is no other solution than the military solution, because this dictator's language is annihilation, and people who speak this language only understand this language,*" (Golovnina, M, 2011, April 11).

Therefore, the AU roadmap to peace was an excellent opportunity to end the conflict, composed of four points. The fourth point provided, first, *a dialogue between the Libyan parties*. Second, *the establishment of an inclusive transition period, with the view to adopting and implementing the political reforms necessary for the elimination of the causes of the current crisis, with due consideration for the legitimate aspirations of the Libyan people for democracy, political reform, justice, peace, and security, as well as socio-economic development* (AU press release, 10, April. 2011).

The irony is what the Libyan government has stated many times; "there is no military solution to the conflict in Libya" – was the same statement of UN Sec-Gen António Guterres', after ten years of intervention, concluding the Libyan government's knowledge of the local dynamic of its society, while lacking knowledge from the UN (Soudan, F.,2020, February 6).

On September 16, 2011, the United Nations recognized the NTC as Libya's governing body. Muammar Gaddafi was murdered after being arrested on October 20, 2011, and the National Transitional Council proclaimed the liberation of Libya and the end of the conflict on October 23, 2011. NATO's Unified Protector operation concluded on October 31, 2011.

The giving evidence asserted that the humanitarian intervention was a legal cover to eliminate and overthrow the Libyan regime. Thus, replacing it with a pro-western government, a client state. Moreover, the international community failed to resolve the conflict using a variety of conflict resolution mechanisms. Instead, they sided with one part of the conflict, creating a "win-lose situation," favoring the rebels over the Libyan government, despite the attempts of the African Union, the Libyan government, and different states to deescalate the conflict and provide an early solution to it. Furthermore, the UN has failed to



recognize and condemn both Resolutions' violations made by NATO and its western allies. Furthermore, the international community and the western states did not take steps to prevent or mitigate the aftermath of the conflict, while was prophesied by the Libyan government, mainly Gaddafi's speech and his son, on February 21, 2011, when he warned about civil wars and the anarchy which Libya descended in. Consequently, it concludes that the humanitarian intervention was the means to a victor's peace imposed by the internationals to install a government and a system favoring the hegemonic "architects" regardless of the Libyans needs.

### **Constitutional Peace, Installing Democracy in Libya**

On September 15, 2011, one day before the UN recognition of NTC and a month before Gaddafi's death, Sarkozy and Cameron paved the way for establishing the second phase of liberal peacebuilding. Sarkozy and Cameron plunged into the crowd, reaching across his bodyguards to shake the hands of waiting Libyans, many of whom were waving French and the UK flags. At this moment, Cameron announced the next phase of the "peace project," shouting: "Your friends in Britain and France will stand with you as you build your country and build your democracy for the future" (BBC News. 2011b, September 15). Shortly after, the United Nations Support Mission in Libya (UNSMIL) was established by UN Security Council Resolution 2009 on September 16, 2011. The support mission duties were clear, implementing democracy and ensure the installation of all liberal values, which includes: democracy, the rule of law, the inclusion of women, respect of human rights, and most importantly, "initiate economic recovery." The UN Security Council looks forward to *the establishment of an inclusive, representative Transitional Government of Libya and emphasizes the need for the transitional period to be underpinned by a commitment to democracy, good governance, the rule of law, and respect for human rights; take the immediate steps required to initiate economic recovery* (S/RES/2009 (2011)).

Therefore, it was the task of the National Transitional Council (NTC) to execute Libya's transition to democracy. Hence, in August 2011, the Transitional National Council (TNC) issued an interim constitutional declaration outlining "its intentions" to "transition to democracy." Furthermore, it established the legislative framework for a 20-month transition period. During this time, a General Assembly would be elected and thus, appoint a new government and a Constituent Assembly. Independent candidates can run for 120 seats in the

General Assembly, while party candidates can run for 80 seats (Smith, B., 2012, July). However, what was absent in the calculation of the “peace architects” that since the coalition’s conclusion, Libya has struggled to rein in different regional militias, many of which have operated as a law unto themselves, posing a threat to and weakening the Libyan government’s ability to exercise central control over major towns and areas. Following the war, militias from cities and regions had taken up arms and established authority over whole neighborhoods and areas, creating city-states, filling the security vacuum created when the regime collapsed (Middle East Institute, 2014, February 5).

Additionally, radical Islamist militias backed by Qatar and different regional states also formulated political parties to win the election by hook or crook. Although the uprisings momentarily brought many rebels from different religious, regional, and ethnic groups together, subsequent institutional failures in the post-Gaddafi transition process have resulted in a return to fragmentation and the resurgence of local identities (Sawani, Y., & Pack, J., 2013). Libyans, divided by geography, tribe, philosophy, and history, have resisted having anybody, foreigner or Libyan, tell them what to do (Winer, J. M., 2019, May 21). The security challenges ahead of the NTC were enormous, as the world bank report estimated that the number of non-state weapons in Libya at “22 million, a nearly 25-fold increase over the 2007 estimate of 900,000” (World Bank). Instead of focusing on the disarmament process and integrating the militias, the UNSMIL and the western architects focussed on pressuring the NTC for elections. Thus, paid little attention to the danger of holding elections, particularly multiparty or non-party elections in a state with no democratic experience, may result in a leadership vacuum and, thus, anarchy (Pack, J., Cook, H., 2015). Therefore, on the one hand, the NTC and its western allies followed the theoretical models, which suggest that conducting free and fair elections as soon as possible after the end of the conflict helps ensure lasting peace for all stakeholders by promoting “democratic governance and national reconciliation” (Pack, J., Cook, H., 2015). While on the other, as Mamo (2018) asserts, “rapid democratization, including the holding of early elections, proved highly destabilizing with the electoral processes exacerbating tensions” in post-conflict environments” (Hoffman, 2009, Mamo, S. A., 2018). Consequently, NTC called for elections on July 7, 2012, as it was marked the first election since 1964; it also marked as another evidence of liberal values and liberal peace taking root in the nation, it was praised by the West but condemned as “premature” and designed to “please the West” (Mamo, S. A., 2018).

The Briefing by Mr. Ian Martin to the Security Council after the conclusion of the July 7 election illustrates that the international community, the UNSMIL, and the local

authority in Libya turned a blind eye to the early warning indicators, which provides an insight that a catastrophe is about to erupt in the east of Libya with the rising of extremists and the absence of an army. Instead, the UN focused more on “the achievements” in terms of “democratic transition” and neglected the security challenges to such an extent that some individuals started trading weapons on their Facebook pages. In his Briefing, Mr. Martin praised the successful elections and considered it “Libya’s first democratic steps” (S/PV.6807).

Additionally, the special representative of the secretary-general for Libya (SRSG), Mr. Martin, when mentioned the challenges, security challenges were not his most significant concerns. Instead, the challenges he mentioned were “the development of the institutions of a modern State” (S/PV.6807). Libya’s ambassador to the UN, Ibrahim Dabbashi, also failed to recognize the real challenge, despite his long experience and understanding of the local context. Instead, he focused on expressing his gratitude to the security council, stating: “I cannot thank Security Council members enough for adopting Resolutions 1970 (2011) and 1973 (2011),” which enabled Libyans to move “toward democracy and the establishment of a modern state” (S/PV.6807). Based on the rhetoric of both the SRSG and Libya’s ambassador to the UN, expectations of a “peaceful and democratic transition to the new authorities” were based on wishful thinking. While their observation of “Libya stands well in comparison to any post-conflict context” meant that the internationals were clueless of the Libyan context (S/PV.6807).

### **The Aftermath of Rush Democratization**

The “golden age” of Libya’s political transition, a short time of relative tranquillity and security, has ended after the NTC hand over power to a “democratically elected” General National Congress (GNC) (Geha, C., & Volpi, F.,2016). The GNC is charged with the responsibility of selecting a new government and was initially tasked with the responsibility of appointing a Constitutional Committee. However, the NTC stated on July 5 that Libyan people would instead elect the committee members directly within three months. Although the GNC was elected democratically, with a turnout of little more than 62%, about 1.77 million voters, the voters’ lack of experience was evident when the GNC assembled (House of Commons Foreign Affairs Committee, 2016, June). Finally, on August 8, 2012, the GNC convened and, in December 2012, selected a government. The GNC Government, on the other hand, was unable to convey “state authority and security” across Libya. The dismantled

Libyan army, which was the “military arm” to protect the authority and allow it to exercise power, and the spread of militias put the government under the mercy of “thuwar” (the rebels). During GNC assemble, the turmoil caused Abdurrahim El-Keib to state: “there is a higher authority which did not allow us to exercise power,” it is still not sure whether he meant the militias or the internationals.<sup>3</sup>

Dominated by extremists, the GNC had no plans to reach a national reconciliation, the return of displaced Libyans within and outside Libya, and equally important, no plans on building an army. Instead, GNC’s government, mainly composed of extremists, neglected official Libyan soldiers and formed a new security body called “The Libya Shield Force,” which consisted of several extreme militias and included different rebel groups from ‘the victorious cities’ (BBC News, 2016, January 11). While in terms of national reconciliation, the NGC had committed a fatal mistake, which its results are still evident to the present day when it issued the controversial Resolution No. (7), which authorized “terrorist militias” to invade the town of Bani Walid (African gate magazine, 2017, September 25). As a result, various militias committed massacres in the town of Bani Walid under a legitimate cover. It also opened the way for all regional and tribal armed groups from different cities to launch operations against one another due to a historical dispute or political and ideological differences benefiting from the exact Resolution.

Consequently, armed Libyan organizations, including former Libyan military forces, Islamist, tribal, and other militias, became more aggressive, resulting in substantial civilian deaths in Benghazi and Tripoli. Most notably, the Benghazi attack resulted in the death of the US ambassador by Ansar al-Sharia, a terrorist group composed of rebels trained and protected by NATO during the siege. Moreover, the Benghazi attack marked, as some researchers argue, a moment of realization that among those rebels were extremists; it was the wake-up call for many internationals who supported the uprising and the rebels. In a joint press conference, Obama and Clinton stated: “It is especially tragic that Chris Stevens died in Benghazi because it is a city that he helped to save,” he added, “He worked tirelessly to support this young democracy” (The Washington Post, September 2011). Consequently, this incident not only has impacted Libya’s “smooth transition to democracy,” but it also impacted Clinton’s ambition to run for the white house. Some policymakers argue that this same incident caused Clinton to lose the election and favored Donald trump.

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<sup>3</sup> YouTube. <https://www.youtube.com/watch?v=Z87cH94N5WA>, عبد الرحيم الكيب هناك سلطة أعلى من الحكومة

Additionally, it was also at this moment that the US looked away while Libya was descending into chaos. The Washington Post asserted that the “US and Western responsibility for this mess is heavy” (Washington Post, 2014). Realizing that Libya could become another Afghanistan, congress has rejected Obama’s requests for aid in Libya (Washington Post, 2014). “Libya’s challenges can really only be solved by the Libyans themselves,” Secretary of State John F. Kerry stated, indicating that Libya is on its own (Washington Post, 2014). Therefore, Libya’s effort to create a functioning democracy reached stagnation by infighting among militias, gradually dividing the country into a multilevel faction.

Consequently, the straw that broke the camel’s back for Libya’s journey towards constitutional peace was the inability to draft a permanent constitution. The GNC has failed to achieve a permanent constitution due to the polarization within. Moreover, as it failed to impose control over Libya, achieving national reconciliation and disarming the armed groups, the permanent constitution was also an area the GNC failed to achieve. As a result, the permanent constitution has become a point of contention for a variety of stakeholders, including “Islamists, federalists, activists, proponents of decentralization, militia-aligned political leaders from towns such as Misrata, and Zintan, and liberal nationalists” (Sawani, Y., & Pack, J., 2013). Consequently, the GNC could not decide on a constitutional committee selecting mechanism until February 6, 2013. it was then confirmed on April 10, 2013, when they announced a modification to the Temporary Constitutional Declaration (TCD) (Sawani, Y., & Pack, J., 2013). The reason for the delay is mainly because the majority of the GNC members were either associated with militias, regional actors, and extremist groups or were loyal only to their cities, regions, tribes, and ethnicity, causing stagnation in reaching a permanent constitution for all Libyans- without favoring cities, tribes and ideology over another.

### **Political Isolation Law and its Implications, Towards Civil Wars and Endless Transitional Governments**

A watershed moment occurred following the establishment of the GNC in July 2012, when the legislature was intimidated into enacting political isolation law (lustration) in May 2013, prohibiting anyone with even a remote “connection to the Gaddafi regime from holding public office for ten years.” Such amendment meant the GNC’s aimed to outsit all

potential political rivals (mainly Islamist political groups such as the Justice and Construction Party, the Muslim Brotherhood's Libyan branch, and the homeland party of Islamist, Ali A l-Sallabi, and Abdelhakim Belhaj). It started On April 28, members of armed militias, mainly associated with Islamists in the GNC, lay "siege" to Tripoli's Foreign Affairs and Justice Ministries, demanding the expulsion of officials who had served under Muammar Gaddafi before his 2011 ouster. Armed militias also blockaded the Interior, Finance, and Electricity Ministries that week (Human Rights Watch, 2013). The HRW has immediately condemned the mandate urging the GNC "should vote down the latest draft of a new law" (Human Rights Watch, 2013).

Additionally, GNC aims to design an environment that favors the Islamist position in the next elections. Hence, the GNC's "recent amendment to the provisional constitution," Article 1 of the draft law lists 23, concerned HRW describing it "Vague" as it criminalizes anyone who shows "hostile attitude toward the February 17 revolution" (Human Rights Watch, 2013). "This law is far too vague – potentially barring anyone who ever worked for the authorities during the four decades of Gaddafi's rule." (Human Rights Watch, 2013).

"Islamist political groups, such as the Muslim Brotherhood's Justice and Construction Party, had backed the anti-government militias who pushed the vote on the political isolation legislation," said Benotman, an ex-member of The Libyan Islamic Fighting Group (LIFG). This assumption is confirmed by Pack (2015), who believes the isolation law benefits only the Islamists; as a result of their marginalization and exclusion from positions of political power during the populist of the masses regime, they were unable to be targeted by the Political Isolation Law (PIL) and therefore benefited the most from the law's passing (Pack, J., Cook, H., 2015). The PIL resulted from lobbies within the government and GNC that were run and pushed by militias, mainly self-interest. Western diplomats in Libya generally agreed that their most significant collective error following the revolution was failing to act in May 2013 to denounce the PIL for what it was: 'A power grab'(Pack, J., Cook, H., 2015).

In terms of politics, the PIL was one of the factors that led to the political division, if not the main one. The domestic politics in Libya was facing turmoil, as the political parties, GNC, and the government was in dispute over almost everything. Therefore, having only six months left until the end of its mandate, drafting a permanent constitution and preparing for general elections was impossible to achieve; thus, on December 24, 2013, the GNC adopted a decision to extend its mandate to December 24, 2014 (Alhura, 2014). However, this extension came under fire due to the GNC's inability to solve the country's economic, political, and security challenges. Moreover, the decision came after a bloc of Islamist,

Berber, and Misratan groups won control of the GNC, which been split between a coalition usually characterized as a nationalist (the National Forces Alliance) and a rival coalition comprised of Islamist factions (Arraf, S, 2017, June 29). Consequently, causing an outbreak of protests and clashes between various militias, notably in Benghazi, where Ansar al-Sharia launched attacks against official army personnel, activists, and lawyers. In addition, assassinations were targeting civilians and officials; according to the HRW investigations, “In Benghazi and Derna, found that roughly 35 people have been killed in seemingly targeted assassinations each month, on average, from January to May of this year” (Human Rights Watch, 2014).

The situation worsened in mid-2014 when Ahmed Maiteeq was named Prime Minister, generally believed to be supported by Misrata-based Islamist organizations. As a result of the government’s inability to impose control and end the violence in Benghazi and the East. General Khalifa Haftar began (Amaliat Al Karama) “Operation Dignity” on May 16, 2014, to eliminate Islamist militias “terrorists” in Benghazi, and therefore putting a stop to the carnage. (Human Rights Watch, June 2014). Two days later, Zintani militiamen allied with Haftar stormed the GNC, suspending it. However, instead of sending aids to the officers and security bodies in Benghazi, the government’s response was an escalating factor—labelling the operation a “coup” and ordering a no-fly zone over Benghazi. Hence, Benghazi Revolutionaries Shura Council (BRSC) was proclaimed on June 20, 2014, as an umbrella organization of Islamist militants, comprising Ansar al-Sharia in Libya and the February 17 Martyrs Brigade (Arraf, S, 2017, June 29).

Those paced events pressured the GNC to call for general elections aiming to regain its control. As a result, fresh elections have been set for June 25, 2014. However, participation was much lower than it was in July 2012; a total of 1.5 million people were registered to vote, down from 2.8 million in 2012 after the tightening of voting restrictions (Elumami, A. A. A. 2014, June 26). Nevertheless, the election resulted in the new legislative body, the Libyan House of Representatives, replacing the GNC; however, the June legislative elections saw the nationalist coalition gain ground against the Islamist/Misratan group, which had previously been replaced controlled the GNC. The Islamists rejected the elections, calling it “unfair and illegitimate,” since they faced defeat in the elections, while the liberals and nationalists’ candidates were the favorites. This paradigm change resulted in forming a coalition of Islamist/Misratan militias intent on seizing control of Tripoli. Hence, militias and armed organizations in the West reacted to General Khalifa Haftar’s May 16, 2014, Operation Dignity. Aligned with the Libya “Dawn alliance,” an operation launched by the

Islamist militias in response to the “Dignity Operation,” which operates primarily in western Libya (Amnesty International, January 2015). They began Operation Libya Dawn on July 13, 2014, to dislodge Haftar-aligned Zintani militias from their strongholds in Tripoli, including the strategically located Tripoli International airport (Arraf, S, 2017, June 29). The ferocity of the fighting caused the newly elected parliament, now known as the House of Representatives (HoR), to withdraw to the eastern city of Tobruk. On August 23, 2014, Libya Dawn troops captured Tripoli International Airport, extending their control over the majority of the city. Two days later, former GNC members from the defeated Islamist/Misratan coalition proclaimed the GNC’s restoration, heralding the start of a bitter rift in the country’s political institutions. On November 6, 2014, the Libyan Supreme Court rejected a constitutional amendment that created the HoR on procedural grounds. As a result, the House of Representatives rejected the judgment, saying it had been reached under pressure from Islamist militants in Tripoli and proceeded with its sessions. On March 2, 2015, Haftar was selected by the House of Representatives as Chief of Staff of the Libyan Armed Forces (Libyan National Army (LNA)) (Arraf, S, 2017, June 29).

Reflecting on the sequence of events between 2012-2014, it is evident that the constitutional peace had failed in Libya due to several factors. However, we could sum those factors to three main reasons. Those reasons are both domestic and international and interconnected. Reasons with international nature are clear and direct, while the domestic ones are ambiguous and complex. First, the UNSMIL has failed to recognize the potential risks of Resolution No. 7 by GNC; instead, the new SRSG, Tarik Mitri, during his briefing, on November 8, 2012, believed the “military solution was inevitable” and it is required to “extend the state’s authority.” Hence, UNSMIL neglected its initial role as a peace broker to mitigate the conflict and provided “technical support” such as “workshops for the GNC to share best practices of parliamentary systems across the globe.” Three-month training for trainers of civil society representatives on civic education, including on Constitution-making.” The briefing shows that the UNSMIL believed that the newly elected “political elites” are up to the task, which is to take Libya’s transitions period to stability. It also failed to address the turmoil and rise of radical militants in Benghazi and the east in general, as it only mentioned that “Assassination attempts continued, targeting security officials, a religious leader, and a brigade commander” without providing the names of the perpetrators nor who supports them and providing them with weapons.

Additionally, Following the attack on the US consulate and the death of the US ambassador, the internationals, meanly, western states, the US, France, and the UK



abandoned Libya and did not help the local authority to rebuild the army nor to help them deal with the militias they supported in 2011. Instead, they rushed into installing democracy, believing that peacebuilding is “an IKEA box” that you need to install and have the final product. It is self-evident that the West focused on democratization instead of securitization; they paid little attention to the disarmament of the armed groups and more on elections. As Owen Jones noted, “you break it, you own it,” referring to the West and their responsibility towards Libya after the dismantling of the previous regime (Jones, O, 2017, November 30).

The second reason that led to the failure of constitutional peace is the domestic politics of post-2011 Libya “political elites” did not represent the populations’ needs as it was exogenic imposed. Instead, most of the candidates carried a “transnational agenda,” thus neglecting a unitary national project that could unify all Libyans to reach national reconciliation. Another reason was the Libyan’s unawareness of the proper mechanics in choosing their representatives in the elections. As a result, some Libyan’s voted for candidates based on their appearance, whether they look “righteous” or not, instead of the candidates’ projects. Hence, it shows the reason why the GNC was dominated by Islamist politicians (who used Islam as a political tool for self-interest or transnational agenda). As a result, a social contract that connects the Libyans with their government was not created; because of their inability to achieve the Libyan’s expectations. Instead, GNC aligned with militias to gain legitimacy and vice versa, as militias used the GNC and its government to gain a legal umbrella to eliminate their rivals.

Consequently, the militias in the West imposed a status quo illegitimate government. At the same time, the situation in the east became a victor’s peace government that was conceived from the last elected legislative body. Hence, Libya descended into a state of impunity, illegitimacy, and chaos.

### **Institutional Peace, a Marathon of International Conferences**

The international community, the UN, the western states, and Libya’s political elites failed to achieve stability because of their state-centric emphasis on elections, governance, and capacity development. For example, the UN has appointed seven special envoys to Libya, yet, their strategy remained the same, which resulted in recycling the conflict rather than solving it. In addition, the UNSMIL has failed from early stages to end Libya’s transitional phase, as it failed to provide critical support on essential areas of Disarmament,

Demobilization and Reintegration (DDR), and Security Sector Reform (SSR). Some critics argue that if the UNSMIL had successfully assisted Libyans with DDR and SSR initiatives, a security vacuum might have been swiftly filled to help stabilize Libya, and the phenomenon of armed militias emerging to fill the vacuum may have been averted. As a result, state-building initiatives between 2011 and 2013 fell short of their anticipated effects, when Libya's tumultuous transition saw the first major confrontations between armed factions that had previously collaborated to depose the Gaddafi government in 2014. Thus, rather than assisting with the transition to democracy and state-building, UNSMIL's mission had now shifted to one that was primarily concerned with peacekeeping and conflict resolution. As a result, Libya became a failed state due to the "fragmentation of non-state armed groups" that challenged the central government's legitimacy and could not solidify their authority, resulting in internal splits. Besides militias' role in jeopardizing peace, causing fragmentation, and being a major obstacle to sustainable peace in Libya, GNC contributed equally to the fractured political environment that resulted in a deeply divided society. Hence, without control over the legal use of force, efforts to centralize the "rules of the game" lacked widespread legitimacy, allowing militias aligned with parties to challenge the emerging and fledgling political order (Carboni, A, 2020, March). As a result, no central authority has arisen to control and govern the political functions in Libya, even though there were two parliaments and three governments in the country at a time.

Moreover, the lack of trust between the faction parties in the Libyan conflict and their willingness to end the conflict by only using force, a "zero-sum game," their failure to reach a nationwide legitimacy, led them to search for regional actors to support them in the conflict. These events opened the door for international and regional actors to interfere again, supporting one party against the other, which caused fragmentation within the international community, a situation for which Libya's political elites are to be blamed. The domestic and the international fragmentation about Libya led to a marathon of international conferences, precisely, six. The Marathon started in December 2015 with Skhirat Agreement, Morocco, initiated by Bernardino Leon, a newly appointed UN envoy to Libya, eventually concluded with the signing of the Libyan Political Agreement (LPA), a "power-sharing deal," and the establishment of the Government of National Accord (GNA) (Arraf, S, 2017, June 29). The next international conference, The Paris conference on Libya on May 29, 2018, hosted by Emanuel Macron, resulted in as little as a joint declaration, a draft, with no agreement nor commitment, calling the conflicting parties to "work constructively with the UN to organize credible and peaceful parliamentary and presidential elections, and to respect the results of

these elections” (UNSMIL, 2018, June 6). The third international conference came from Italy, the French opponent in Libya, under the auspices of the United Nations and in the wake of the Paris Conference of May 29, 2018. It focused more on the “reunification of the economic institutions, through UNSMIL-facilitated dialogue,” and a reminder to the “political elites” that “any solution to the Libyan crisis can only be a peaceful and political one” (Palermo conference conclusions, 2018, November). Another regional actor involved in the conflict, and allegedly a supporter of the LNA, organized the fourth international conference on Libya, hosted in the UAE capital Abu Dhabi and mediated by SRSG, Ghassan Salame.

The conference did not receive media attention; however, it is crucially important because it was one month before the LNA declared “Operation Flood of Dignity” by Haftar to “liberate the capital and purify it of terrorist militias and outlaws allied with them.” During their meeting with the SRSG, Serraj and Haftar agreed that holding general elections in Libya was necessary to bring the country’s transitional phase to a close. They also reached an agreement on preserving stability in the country while simultaneously unifying its institutions (UNSMIL, 2019, February 28). Unfortunately, none of the mentioned above happened, as the war broke out on April 4, 2019, when the LNA sieged Tripoli for 18 months, resulting in the use of mercenaries by both parties to grab power. The situation the conflicted parties created, considered by conflict analysts describing “stages of conflict escalation,” “together into the abyss,” or a lose-lose situation. Turkey, Italy, and Qatar are on the side of GNA, while France, Egypt, Saudi Arabia, Russia, and UAE sided with the LNA.

The 2019 war indicated the fragmentation the international community has reached and an early warning indicator of a beginning of a proxy war in Libya. A final effort to mitigate the conflict in reaching a regional war between Turkey and Egypt in Libya, the SRSG, Ghassan Salame, organized the fifth international conference with the help of the German Chancellor Merkel. Hosted in Berlin, the conference focused on the unification of the international community in reaching a common ground and end the armed conflict in Libya. It also called for an immediate ceasefire, arms embargo, return to the political process and security sector reform. The Berlin conference succeeded in making the regional actors involved in the Libya conflict “commit to refraining from interference in the armed conflict or the internal affairs of Libya and urge all international actors to do the same” (The Berlin Conference conclusion, January 19, 2020). Those efforts created the tide that allowed the UN Security Council to pass its Resolution 2510 (2020), which endorsed the conclusions of the International Conference on Libya in Berlin, allowing the UNSMIL to facilitate the first

round of Libyan Political Dialog Forum (LPDF) in Tunisia. (UNSMIL, Libyan Political Dialogue Forum, 2020, February 12).

Although the International community, mainly the UNSC, has reached an agreement and consensus to call for a ceasefire in Libya, allowing UNSMIL to establish its roadmap, “For the Preparatory Phase of a Comprehensive Solution,” to peace for Libya through the LPDF, the roadmap is considered “back to square one,” in terms of Libya’s transitional stage. The reasons for that, first because the roadmap is built on the Libyan political agreement (LPA) “as a general framework for the political solution.” with the same objectives, which is “to strengthen the political legitimacy through presidential and parliamentary elections on a constitutional basis” (UNSMIL LPDF roadmap, 2020). Therefore, the only thing new was “forming a new executive authority to create the necessary conditions and circumstances conducive for elections,” replacing the government of national accord (GNA), which was conceived of LPA with a government of national unity (GNU) with the same mission of its previous, “shall end with the holding of presidential and parliamentary elections - in accordance with the constitutional process - on December 24, 2021” (UNSMIL LPDF roadmap, 2020). Second, the participants, “the LPDF brought together 75 Libyan women and men representing the full social and political spectrum of the Libyan society,” as the UNSMIL claims. However, the majority of the 75 participants representing both (HoR) and the Libyan High Council of State (HCS), the two conflicting “legislative bodies.” Bringing the same conflicting parties, that once the SRSG, Ghassan Salame, condemned them, stating: “Legislature resisting fresh elections at all costs;” and assign them the same task as previous, “holding of presidential and parliamentary elections,” is recycling the conflict (Africa Renewal, 2020, July 15; UNSMIL LPDF roadmap, 2020).

Consequently, the international community, the UN, the western states, and UNSMIL not only failed to solve the root causes of the fragmentation between the “decision-makers,” political elites, and key players in the Libya conflict but also failed to address and recognize the key issues adequately. As Albert Einstein famously said, “the definition of insanity is doing the same thing over and over again, but expecting different results.” Hence, the UN initiated the LPDF, drafting the same objectives and inviting the same participants to reach different results, holding elections. However, “It became clear in Geneva that LPDF members were fragmented into various blocs and interest groups with different affiliations,” Jan Kubis, head of the UN mission in Libya, told the Council (UNSMIL, 2021, July 15). He added during the UNSC briefing, “the various blocs maintained their entrenched positions also reflected in their proposals, and the LPDF was unable, unwilling, to reach an agreement on a

final proposal for a constitutional basis for the elections” (UNSMIL, 2021, July 15). Thus, the liberal peacebuilding project in Libya is in Clinical death because of several reasons. First, the “problem-solvers” seem to perceive the conflict as an “Idealistic conflict cycle model,” where the conflict is a curve, and the process to reach from peacemaking to peacebuilding is a matter of flattening the curve. Second, the international community committed a mistake by confining the conflict between two rival camps. Something that Ghassan Salame asserted during an interview, “Libya was not divided into two camps after 2011, but it was splintered as if a nuclear bomb had hit its people” (218 News, 2021, April 9).

On the contrary, the liberal peace custodians supported “the two rival camps,” as their conditionality fit those two. Moreover, their support resulted in legislative bodies that do not want to share power or handle it peacefully and governments seeking international legitimacy rather than national-wide legitimacy. Additionally, all roadmaps were lacking “coercive force” to implement the objectives that were agreed upon, leaving it for the “two rival camps” to deliver before the deadline. The irony is that the task to hold an election in due time (December 24, 2021, 70 years since Libya’s independence) was giving to the two legislative bodies that have passed their mandate period, resulting in status quo bodies that want to remain in power. Thus, it is inevitable that the cycle of conflict in Libya will continue with or without elections because holding an election does not guarantee a Successful DDR and SSR nor smooth democratic transition. Consequently, leaving Libya in the paradox of peacemaking and peacebuilding roadmaps that do not have a deadline.

### **Towards Civil Peace?**

Libyan social fabric has played a crucial role in mitigating the scale of fragmentation and war, since the beginning of the intervention in 2011, to such an extent that it prevented the country’s split despite all of the encouraging factors that occurred enabling such thing. Nevertheless, unfortunately, little attention is being drawn to the potential of mobilizing the Libyan society towards achieving civil peace—instead, the international community resort to it as a mediation and de-escalation mechanism. The question is, can it play a role beyond mediation and de-escalation mechanism? Can Libyan society mobilize itself to pressure all local, tribal, regional, and international actors to end the conflict and achieve sustainable peace? In order to answer those questions, first, it is vital to understand what Libyan society is composed of; and second, it is essential to reflect on certain events where tribes,

municipalities, towns, and cities played a crucial role in mitigating conflicts and reaching solutions with the absence of a central government and little foreign influence. Hence, since 2014, Libya has descended into chaos with outbreaks of clashes in the West and east, but it did not fall into widespread civil war or anarchy; despite the political, financial, and security fragmentation (Winer, J. M, 2019, May 21). Instead, a variety of mitigating variables came into play, which contributed to the stabilization of the nation even though it was essentially ungoverned (Winer, J. M, 2019, May 21). The first factor, almost the whole population of Libya, is a Sunni Muslim of the Maliki school of thought; thus, Libya does not struggle with sectarian divisions.

Consequently, Libya has a little history of persistent “Libyan-on-Libyan violence,” with 2011 serving as an exception rather than the rule, and the majority of Libyans believe that “conflict is in neither their local nor the national interest” (Winer, J. M, 2019, May 21). Moreover, Libya’s society is a tribal one, where religion, traditions, and customs play as a moral compass to navigate, govern and keep peace and order within the tribes and nationwide. Additionally, every town and city have dignitaries, and Wisemen Council consists of “tribal chiefs,” elders, and religious figures that are respected. Thus, forming traditional social actors that act as mediators and peace brokers when the conflict erupts within their parameters. Thus, Libyan society is well-versed in the use of traditional methods for mediating conflicts. “The situation in Libya is deteriorating, but it could be even worse,” said a senior UN official. “Local mediation is the best thing that has happened in Libya since the revolution,” he added. (International peace institution, 2018, May). The UN has examined these local mediations initiatives and their impact to provide lasting solutions to local-level conflicts.

Although Libya is characterized by a general sense of statelessness at the national level, there are subnational “islands of stability.” It comprises towns and cities that have formed a local government and can provide a certain level of security, justice, basic needs, and economic activity (International peace institution, 2018, May). In addition, what Distinguishes those cities is the local mediation initiatives, which play a crucial role in mitigating conflicts and eventually resolving abundant of them. For example, many local peace accords helped mitigate the consequences of the GNC’s Operation Dawn in 2015. These “small-scale accords” were mainly “established, mediated, and supervised by Elders, tribal chiefs, and civil society leaders” (International peace institution, 2018, May). The agreements between “Gharyan and alAsab’a, Zawya and Wershfana, Zintan and Sabratha, Zintan and Zawya, Zintan and Gharyan, Zintan and Kikla, and Zintan and Sabratha were

among the most notable” (International peace institution, 2018, May). This compromise attitude endures because methods for resolving local conflicts are firmly ingrained in Libyan social and cultural norms and traditions. Other examples of traditional mediation would be the reconciliation between the Mashashiya and Zintan tribes in Shweref, which ended a conflict that lasted a hundred days. Both tribes used all kinds of weapons and kidnapped one another (218 New, 2018, August 7).

The traditional mediation was initiated after a mediation committee formed under Al-Hajj Al-Tamtam Al-Bousifi, to bring both tribes together to agree on a memorandum of understanding and reconciliation, which was successfully signed, resulting in a successful agreement between the two tribes to exchanging prisoners and end the conflict (218 News, 2018, August 7). One senior UN official said that “mediation is in the genes of the Libyan tribal system. Whenever there is a problem among tribes, the elders get together and solve it. This is the self-healing in Libyan culture and society” (International peace institution, 2018, May). Libya’s traditional mechanisms are a well-defined, widely recognized system of rules and procedures for conducting the mediation, making judgments, applying penalties, and disbursing restitution, among other things. As Marieke Wierda, a transitional justice expert working for the UNSMIL, points out that: “modern Libya possessed cultural and religious traditions for inter-communal or tribal reconciliation, incorporating principles of Islamic sharia law such as compensation (diyya), whereby the family of a victim of a serious crime such as murder agrees to accept compensation rather than insisting on the (death penalty)” (International peace institution, 2018, May). Musalaha (community dispute settlement) is another traditional mechanism procedure with a broader scope on reconciliation (International peace institution, 2018, May).

Moreover, traditional and social actors, mainly elders and religious figures, played a crucial role in the south during the emergence of ISIS (Daesh) when “Elders in the Kufra region managed to counter Daesh’s radicalization of young people in their tribe” (British Council, 2017, June). In addition, they influenced their families, telling them that they would be shunned if their children remained in Daesh. This indicates two things. First, although Libya faces a major security vacuum, the social structure prevented Libya from becoming heaven-safe to ISIS. Second, it proves that the social structure can play a crucial role in implementing DDR and SSR initiatives. Additionally, the Government of the National Accord sought help from the tribes’ elders; when youths from the south closed oil fields, they intervened in a similar fashion when troops opposed to GNA members seized Libya’s major oil facilities and urged them to leave (British Council, 2017, June). So then, if their impact

proved to be significant, especially during the turbulent transitional phase, in securing and mitigating the expansion of war scale, why has their role been kept locally and was not recognized by the international community?

Moreover, why have those initiatives not evolved to become the basis of civil peace? The answer to those questions lies in two dimensions, local and international ones. First, the international community, notably UNSMIL, focused only on a “national-level” mediation, neglecting local ones. Even UN Resolution 2009 six-point mandate, which established the UNSMIL, did not support local mediation (S/RES/2009, 2011). The reason for that is that the international community’s peace project emphasizes “modern democratic Libya,” meaning the social structure is an obstacle to their implementation. The peace project in Libya primarily focuses on installing “liberal values,” including individualism, civil society, the rule of law, human rights, and “nation-state.” However, Libya is a “heterogeneous we-cultures,” composed of tribes, while the liberal peace project is to implement a “homogeneous I-cultures” (Galtung, 2011).

Moreover, Libya’s liberal peace project relies on the conditionality of the custodians. Therefore, including the social and traditional actors in the project might jeopardize the project because their relationships with a diverse variety of armed groups and political players – have made them a riskier partner for foreign stabilization efforts, given that some of their ideology is against western intervention, which makes them anti-Western and opposition forces (British Council, 2017, June). As for the local dimensions, the tribes have limited parameters where their influence could reach, making it difficult to go beyond certain regions. Additionally, their attention is constantly focused on the security of their local surroundings. Thus, they are much less likely to desire to participate in attempts to secure areas outside their immediate vicinity. As a result, they will not always have the same degree of impact from one region to another, and their effect will be especially limited in regions where there is a single dominating militia in a particular region (British Council, 2017, June).

Nevertheless, the tribes have tried to act beyond their parameters of influence by organizing two major conferences. The first conference was in 2019, “conference of Libyan tribes and cities,” brought Libyan tribes, sheiks, dignitaries, cities’ notables, and academics in Sirte. The “Sirte Conference” called for ‘solutions from within and a break with foreign agendas’ and also called for ‘presidential elections to be held first.’ The conference also rejects any external interference in its terms. The tribal leader, Saleh Boukhris, said that “what brought us to this stage is the international intervention. It destroyed Libya and brought down its state, destroyed its army, mechanisms, and capabilities, destroyed its wealth, and



appointed its rulers without population consent. Therefore, it is time for us to build Our state by ourselves through the Sirte Conference.” Therefore, international and regional organizations, such as the United Nations, the African Union, and the Arab League, were invited as observers only (gate Ahram, 2020, October 28). However, none of the mentioned organizations have attended it. The second one was “The Libyan Tribes Forum” in Tarhuna; it was organized in February 2020 during the war and called on the United Nations to withdraw its recognition of the Libyan Presidential Council (PC) and HSC. Additionally, the forum conclusion “authorized Libyan armed forces (referring to the LNA) to swiftly conclude the fight to liberate the capital, Tripoli, from terrorist militias, reiterating their commitment to the liberation of all Libyan territory from all non-state armed groups” (Youm 7, 2020, February 20).

Moreover, in bigger cities such as Tripoli, the tribal structure is less visible due to the urbanization and emigration of different tribes - replacing the tribes’ influence with neighborhood militias. However, besides the tribes and Libya’s social structure, social movements could contribute to civil peace, notably in Libya’s main cities, Tripoli and Benghazi. The mediation process has also benefited from the participation of municipal leaders and civil society groups.

As UNSMIL asserts, “Libya’s emerging civil society has been the more novel and more frequently indispensable operator in mediation processes” (International peace institution, 2018, May). However, their most notable role emerged beyond mediation. On September 21, 2012, around 30,000 people in Benghazi took part in a protest, “save Benghazi” movement; demonstrators marched through armed brigade-controlled facilities, demanding the “creation of a national army and police force, the integration of fighters, and the security and prosperity of Benghazi” (Briefing to the Security Council Mr. Tarek Mitri, 2012). Another social movement emerged, the “23rd August movement,” against the corruption of GNA and its inability to enhance public services, mainly the electricity and liquidity crisis and lawlessness. It also called for the Libyan Central Bank Governor to resign (alghad tv, 2020, August 28). Violence militias faced these peaceful movements and protests, yet the international community did not condemn nor follow Resolution 1973. The most important movement, which could pave the way for civil peace, is the “For December 24” movement if it received the proper support. This movement emerged after the conclusion of LPDF and its roadmap to elections. The movement succeeded in mobilizing protesters across the country to protests every 24th of the month, referring to the elections’ deadline, pressuring the UNSMIL and the conflicting parties to respect the deadline. Additionally, the

movement called for “elections to be held in line with previous accords, including direct presidential elections and a single legislature representing all Libyans” (Akhbar Libya 24, 2021, July 1).

Based on the above, Libyan society has the proper elements to pave the way for civil peace if it receives the proper support and is empowered without strings attached. The traditional mediation and reconciliation mechanism and the emergence of social movements are solid reasons for the international community to change its strategy from liberal peacebuilding to hybrid peacebuilding. The hybrid version could be the solution because neither the internationals nor the locals can achieve sustainable peace in Libya with individual efforts. Therefore, a bottom-top- “comprehensive approach” is needed.

Although the elements of civil peace are evident in Libya, achieving it requires overcoming three main obstacles. First, the unwillingness of the international community to invest or support any initiatives beyond the international-level initiatives, turning a blind eye to all local, tribal, and civil initiatives. The second obstacle is the nature of the Libyan economy, which is a rentier economy. Therefore, the social movement can not pressure the government since Libyans have no duties towards the state, meaning there are no taxation and the state’s budget comes from oil sales. Thus, civil movements/ disobedience can not impose a threat on the economy nor cripple it. The last obstacle is the militias. Civil movements without security bodies or international support/protection could make them an easy target for militias’ brutality, resulting in civilian massacres.

## CONCLUSION

The peace journey in Libya can reach stability and sustainability, a positive peace regardless of the current situation. However, as clarified, the history of peace in Libya experienced different stages; some were turbulent, and some were peaceful. Although there are about thirty million weapons in the hand of civilians and non-state armed forces, Libya has not descended into a widespread war. Thus, an average of five weapons per capita (majority not registered), making it hard to trace if used. Additionally, since the independence of Libya in 1951, the UN and the international community have aimed to install democracy without considering nor acknowledging the local ownership of peace, resulting in Libya's current state of anarchy. Thus, the liberal peace custodians have failed to implement liberal democracy in 1951 and failed in 2011. Reasons for their failure were provided and validated in all chapters of this thesis.

Nevertheless, it would be helpful to mention the broader reason for the failure concisely. The internationals have pushed their project (installing hegemonic liberal values at the expense of the local values) with no insight into the local context (meaning the project is based only on methodology, bringing the "best practice" and thus, neglecting the importance of local context). They perceive the peace project as a building plan where the conflict-affected environment, in this case, Libya, a sandbox, empty land to build the building on it. However, conflict is a social phenomenon, and neglecting the social structure/context of the conflict-affected environment will cause the peace project to fail in the best cases and endless violence in the worst cases. In the case of Libya, not only liberal peacebuilding project fail to achieve its objectives, but it also blocked the way for local initiatives to flourish. The international community has the responsibility to fix what they broke, Libya, and to do that, they should invest in the traditional peace mechanism Libya offers. They should also reflect on their intervention and what degree contributes to Libya's conflict's root causes, issues, and effects. The hope remains to end the conflict in Libya, and the means to achieve it is through hybrid peacebuilding. Further research is needed to unfold the potential for hybrid

peacebuilding in Libya in solving the conflict and achieving the long-lasting peace that locals desire.

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