



Breaking the cycle: The Libyan Crisis

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Introduction

Libya has been in a state of turmoil for nearly 10 years, ever since the Arab Spring rebellion that led to the overthrow of longtime strongman Muammar Ghaddafi in October 2011. Geographically and tribally-based factions continue to struggle for control of the country. Foreign states also vie for influence by supporting favored factions. UN-sponsored mediation efforts have proven insufficient to halt the violence.

The result has been a humanitarian catastrophe for the 6.8 million people of Libya. Global stability is threatened by the interruptions in oil exports from Libya which affect global oil prices, the increase in migrants fleeing Africa by moving through Libya on their way to Europe, and regional separatists and terrorist groups which use Libyan territory as a haven for attacks in other countries in the Middle East and North Africa.

There is no simple solution to the Libyan problem. The two leading factions in Libya—the Government of National Accord (GNA) which rules from the traditional capital of Tripoli, and the House of Representatives (HoR) led by Field Marshal Khalifa Haftar from the Eastern cities of Benghazi and Tobruk—both seek national control. Reintegration of Libyan regions under a single government, *cantonization* or regional partition, and continued chaos are all potential options for resolving the situation. More modestly, the Security Council may agree on measures intended not to solve the conflict, but to minimize its effects on the humanitarian situation in Libya and the dangers to surrounding states.

Background

Libya has historically been composed of three distinct regions: a western coastal area called Tripolitania, an eastern coastal and interior region called Cyrenaica and a southwestern interior region called Fezzan. Tripoli, the capital and largest city, is located on the coast in Tripolitania. Benghazi, the second-largest city, is a coastal city in Cyrenaica. Most of the population lives in or near the coastal cities. All are tribal to some extent, particularly in the interior of the country. The three regions have seen periods of usually loose foreign control and sporadic autonomy, but have rarely existed as a unified, independent entity. Tripolitania and Cyrenaica in particular are distinct cultures and have clashed throughout history.

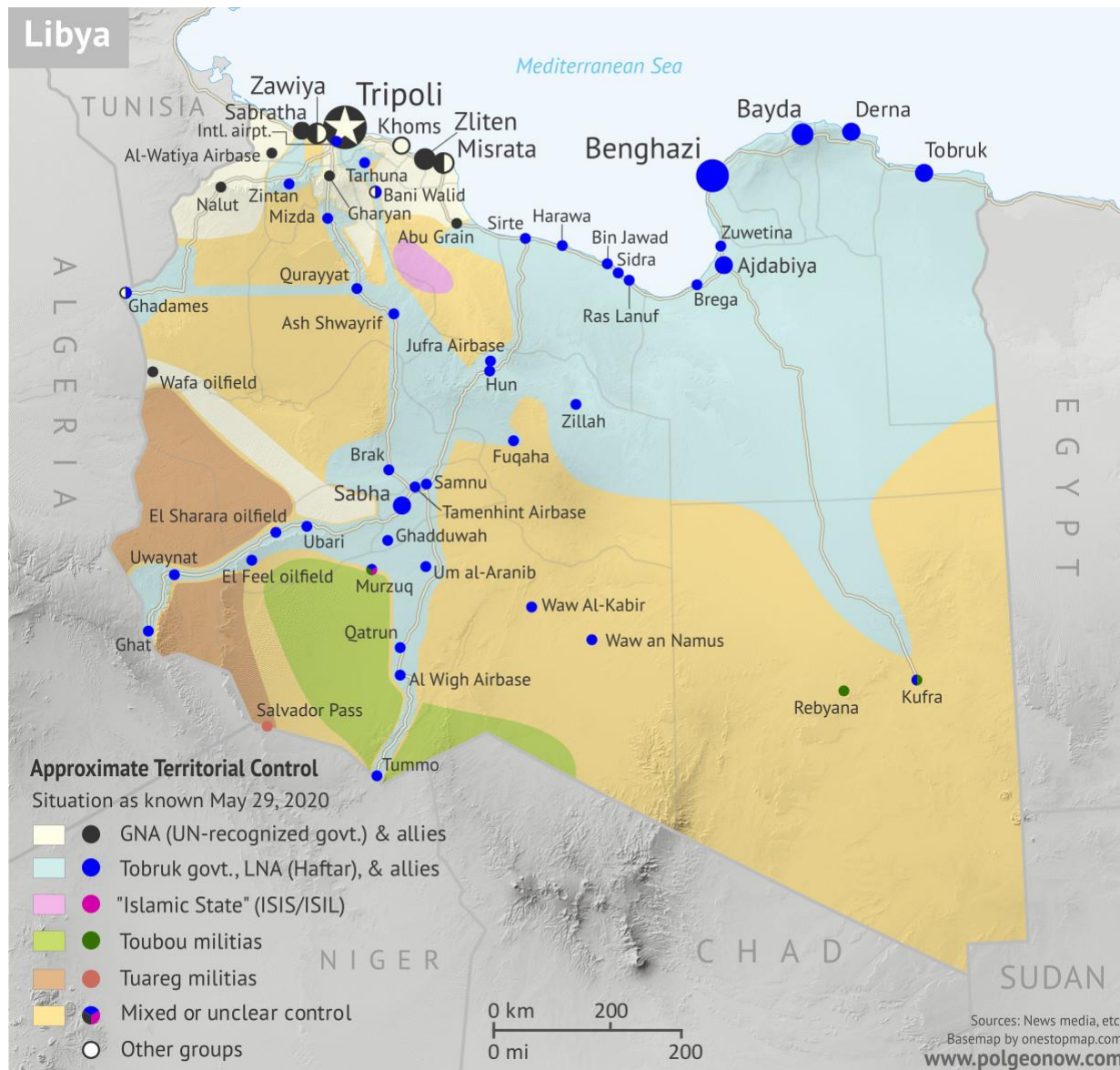
Italy took the three regions after the Italo-Turkish War of 1911-1912 and colonized them. In 1934 they were combined into a single colony with Tripoli as the capital and named Libya. During World War II the Allies recaptured and administered Libya until it declared its independence in 1951 as a constitutional monarchy. The discovery of oil in 1959 transformed Libya from a poor nation to a wealthy one and an important part of the global economy. King Idris (whose political base was in the east) was deposed in a 1969 coup headed by military officer Muammar Ghaddafi (whose political base was in the west).¹ Ghaddafi quickly became famous for his eccentric, brutal and unpredictable rule. He restyled the country as the People's Socialist Islamic State, which he ruled as de facto dictator. Gas and oil revenues kept Libya in a state of decent prosperity and allowed Ghaddafi to pursue a number of mostly unsuccessful attempts at unification or conflict with neighboring states and the West.

¹ Carpenter, Ted Galen, "Time to Partition the 'Fake' Country of Libya", *The CATO Institute*, 4 May 2020.

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Map 1: Libyan Civil War in May 2020.²

The 2011 Arab Spring movement spread to Libya in February of that year, reigniting long-

simmering resentment in the east, as well as conservative Muslims, against domination by

² 'Libyan Civil War Map & Timeline - May 2020', *Political Geography Now*, 29 May 2020.

Tripoli in general and Ghaddafi in particular. The rebellion soon seized control of major portions of Cyrenaica, aided by defection of large portions of the armed forces. Ghaddafi's brutal attempts to quell the rebellion resulted in the international community taking action in the form of UNSCR 1973, establishing a no-fly zone and authorizing the use of "all means necessary" to protect civilians within Libya. The rebels were assisted by over 14,000 air sorties flown by NATO aircraft, particularly the United States. These airstrikes combined with rebel ground attacks to successfully advance against the dwindling government forces. On 20 October, Ghaddafi was captured and killed near Tripoli in the last major battle of the conflict.



Muammar Ghaddafi, Libyan dictator for 42 years, killed by rebels on 20 October 2011.³

The National Transitional Council (NTC), the umbrella organization for the rebellion, assumed control of the country and moved towards a national election in July 2012. In August 2012 power was formally ceded to the newly-elected General National Congress (GNC). The GNC proved unable to develop a stable government, unify the various regions or prevent sectarian violence, particularly directed against Sufis. This anarchy included a 2012 attack by al-Qaeda

³ 'Muammar Gaddafi,' *Wikipedia*, n.d.

⁴ 'Over 200,000 Libyans Displaced Amid Fighting as COVID-19 Threat Increases', *Reliefweb*, 7 April 2020.

affiliated militants on the U.S. consulate in Benghazi, killing the US ambassador and three other people.

An election was held for a new House of Representatives (HoR), but after secularists and liberals (supporters of democracy) did well, the Islamist-dominated GNC refused to recognize the newly-elected body, which fled to Tobruk in Cyrenaica. UN-sponsored peace talks resulted in the 2015 establishment of the Government of National Accord (GNA). However, civil war continues to rage as the opposed centers of influence in Tripoli and Tobruk have kept Libya in a state of near-constant conflict. Estimates are that as many as 30,000 Libyans have been killed as a result of the fighting in the country, with as many as 200,000 currently displaced from their homes.⁴



Symbol of chaos: The attack on the US Consulate Benghazi by the Islamic Salafist militia *Ansar al-Sharia* 11-12 September 2012, which killed four Americans, including Ambassador Christopher Stevens.⁵

The chaotic situation in Libya also turned it into a focal point for human trafficking and illegal migration out of Africa attempting to reach Europe. This applies to migrants from all over Africa, not merely Libyans, due to its coastal access to the Mediterranean. Conditions on the unsafe transport vessels are often poor. European nations,

⁵ Memmo, Mark. 'One Year After Benghazi Attack, 'Huge Gap' In Investigation', *NPR*, 11 September 2012.

particularly those bordering the Mediterranean, are concerned with the influx of African refugees reaching their shores via Libya with resultant economic, social and political problems for their countries.⁶ These refugees are also vulnerable to catching and spreading diseases such as COVID-19. The UN agencies and non-governmental organizations like Amnesty International have recently resumed evacuation flights for thousands of refugees and migrant trapped in Libyan detention centers due to the global pandemic travel restrictions.⁷



Mostly foreign refugees and migrants in Libya, seeking to emigrate elsewhere, mostly to Europe.⁸

The breakdown of law and order has inhibited Libyan oil exports, most deposits of which are located in the eastern portion of the country. Libya was producing 1.65 million barrels of ‘sweet’ or high-quality crude oil per day in 2010, primarily exported to Europe.⁹ The civil war reduced Libyan exports less than 100,000 barrels per day, although it is currently rising to about 250,000.¹⁰ Sea-going smugglers including corporations have sprung up in the vacuum, transporting crude oil to illegal buyers, which is

technically a war crime.¹¹ This loss of income has further retarded the ability of the UN and concerned nations to restore stability in Libya.



Suspected smuggling oil tanker.¹²

Current Situation (See Map 1)

There are two major groups vying for control in Libya. The Government of National Accord (GNA) was created in 2015 as a result of mediation by the United Nations. Its leader is Fayeze al-Sarraj, born in Tripoli into a wealthy family and a member of Ghaddafi’s cabinet prior to the rebellion. He arrived in Tripoli in 2016 and began his political work, quickly quelling initial GNC opposition. However, the HoR refuses to recognize the authority of al-Sarraj and they have not yet agreed on specific details regarding power. The GNA is supported by the Libyan Army, in fact mostly composed of militia elements. They do control the bulk of the Libyan Navy. The GNA has called for a ceasefire with elections to be held in March.¹³

⁶ ‘Libya’, *Wikipedia*, n.d.

⁷ ‘Migrant Evacuation Flights Resume from Libya, U.N. Agency Says’, *U.S. News & World Report*, 16 October 2020.

⁸ *Ibid.*

⁹ ‘Oil Reserves in Libya’, *Wikipedia*, n.d.

¹⁰ El Wardany, Salma, “Here’s the Latest on Libya as It Restarts Oil Output and Exports”, *Bloomberg*, 28 September 2020,

¹¹ ‘Switzerland’s Kolmar Group Accused of Profiting from Smuggled Libyan Oil’, *World ECR*, 28 May 2020.

¹² ‘Libyan Navy seizes oil-smuggling vessel’, *The Libya Observer*, 15 March 2018.

¹³ Libya’s UN-recognised government announces immediate ceasefire”, *Al-Jazeera*, 22 August 2020.



A vehicle belonging to a Libyan militia.¹⁴

The chief rival of the GNA is the government in Tobruk constituted as the House of Representatives. Their base of support comes primarily from Cyrenaica. They are supported by the Libyan National Army, about half of which is composed of militants and mercenaries including Russians. The Libyan National Army is led by Khalifa Haftar, who is a Libyan-U.S. citizen and reportedly anti-Islamist. His resentment against the eastern power base goes back to when he was captured during the Libyan war against Chad in 1987 and disavowed by Ghaddafi. He does not wish to submit to a political agreement that will result in domination by the *Tripolitians*, as the residents of Tripoli are known.

Other groups merit mention. The National Salvation Government (NSG) was formed by the political groups that lost the 2014 national elections. It attempted to overrun Tripoli in 2017 but was defeated by the GNA. There is also the Shura Council of Benghazi Revolutionaries. It was developed as a loose coalition of the Islamist “Benghazi Brigades” in and around Libya’s second-largest city. It was defeated by the Libyan National Forces in 2017. Remnants of both groups exercise varying degrees of control over portions of Libya. There are also tribal splinters, particularly in the isolated areas in the interior of the country, and

even a presence of the Islamic State of Iraq and Syria (ISIS).

The Role of the UN

The UN has monitored the situation and provided international guidance and mandates throughout the crisis. It established the UN Support Mission in Libya (UNSMIL) in 2011 which currently still operates and includes activities related to political affairs, elections, human rights, security and women’s empowerment. UNSMIL’s mandate is to “exercise mediation and good offices in support of the Libyan political agreement’s implementation; the consolidation of governance, security and economic arrangements of the Government of National Accord and subsequent phases of the Libyan transition process.”¹⁵

UNSMIL and the UN have called on member states to enforce the no-fly zone as well as control the flow of arms to the various factions in Libya. It is also working with member states to try and stem the flow of illegal migrants from Africa while respecting the human rights of the refugees. The UN also appeals to member states to avoid foreign interventions in Libya.¹⁶ Conflicting interests and goals of UN member states regarding the situation in Libya have made enforcement of the UN mandates difficult. UNSMIL is not large enough to oversee all elements of illegal international activity occurring in Libya, and the GNA is still too weak to be an effective cooperation partner.

Landmark UN Resolutions

Libya has been a major issue for the UN Security Council since the 1980s, when the

¹⁴ Trigunayat, Anil. ‘Conflict in Libya: Is there a new hope?’ *Financial Express*, 15 October 2020.

¹⁵ *UNSMIL: United Nations Support Mission in Libya*. New York: United Nations Department of Political Affairs, 2020.

¹⁶ ‘Libya’, *Security Council Reports*, n.d.



government of Muammar Ghaddafi began to challenge its neighbors and support revolutionary and terrorist organizations around the world. Libya's Lockerby bombing of 21 December 1988, which destroyed a Pan Am airliner over Scotland, killing 259 people, led to UN sanctions on Libya.¹⁷ These stayed in place until 2003, when Ghaddafi reversed course and began to make peace with the rest of the world, including abandoning his programs to create weapons of mass destruction. It was with the Arab Spring revolt in 2011 that the Security Council began to target Libya again.¹⁸

UNSCR 1970 (26 February 2011). Initiated in response to Muammar Ghaddafi's actions suppressing the rebellion begun in Eastern Libya, UNSCR 1970 was a typical Security Council resolution. It won consensus among all Security Council Member states but did not demand decisive action. Instead it condemned the use of force by Ghaddafi and imposed economic sanctions. Unanimously adopted, it won support from Russia—initially skeptical—through a clause that the resolution was not to be used by other countries to justify military intervention. A proposed no-fly zone—demanding the Libyan Air Force stay on the ground—was rejected.

UNSCR 1973 (17 March 2011). This was the crucial resolution during the initial stages of the Libyan civil war.¹⁹ It was interpreted by NATO countries (Britain, France, the United States, and their allies) to provide a legitimate mandate for their military intervention to prevent genocide in Eastern Libya. UNSCR 1973 demanded an immediate ceasefire and called for the establishment of a no-fly zone in Libya and the protection of civilians by 'all means necessary', though it did not call for direct foreign military intervention. The result was an air and naval blockade of the Ghaddafi government and military assistance to its opponents, especially

tribal factions in the east of the country, based in Benghazi. Britain, France, Italy, Jordan, Qatar and the United Arab Emirates (UAE) also sent special forces into Libya, mostly to support anti-Ghaddafi rebels.²⁰

UNSCR 1973 was very controversial. It passed 10 to 0, with 5 abstentions: Brazil, China, Germany, India and Russian Federation. Russian spokesmen said its abstention was based on the belief that non-military means of resolving the conflict had not been exhausted. Its exception was widely seen as an effort to protect a former client state. Russian diplomats point to differences of interpretation of UNSC 1973 to this day as proof that Europe and US cannot be trusted to strictly adhere to the terms of UN resolutions.

UNSCR 2009 (16 September 2011). This is the crucial resolution mandating UN involvement in Libya. Passed unanimously as the first stage of civil war was ending, it established the *UN Support Mission in Libya* to restore security, promote reconciliation, protect human rights and initiate economic recovery. It partially lifted UNSCR 1970 sanctions, but it maintained the UNSCR 1973 authorized no-fly zone. This resolution has been renewed annually to the present, although Russia and China abstained from the most recent vote granting extension, a sign of growing impatience with the process, which they believe is being used against the government in Tripoli.

UNSCR 2017 (31 October 2011). Aims to strengthen the cease-fire and inhibit resumed warfare in Libya by calling upon Member States to cease weapons transfers to all factions in Libya. While the resolution had broad support in the Security Council, enforcement has been weak. It has been ignored by some of the states most directly involved in Libya, who see it as inhibiting their goals and objectives in Libya. Egypt, Qatar, Russia, Turkey and the

¹⁷ Kenan Malik, 'Will we finally discover the truth about Lockerbie?' *Guardian*, 15 March 2020,

¹⁸ *Security Council Reports*, *ibid.*

¹⁹ 'United Nations Security Council Resolution 1973', *Wikipedia*, n.d.

²⁰ *Ibid.*



United Arab Emirates are widely suspected of large-scale arms transfers to their favored factions. Non-governmental groups also profit by smuggling weapons to the belligerent parties.

UNSCR 2146 (19 March 2014). Authorizes member state to inspect vessels suspected of illegally carrying smuggled Libyan crude oil. The resolution was unanimously adopted. Large-scale smuggling still occurs with destinations in Mediterranean countries despite the ban.

UNSCR 2174 (27 August 2014). Established *arms embargo* on Libya. This was a vital step in efforts to restrain the conflict. But the resolution relies on enforcement by the Security Council members themselves. At last one—Russia—appears to be heavily involved arming one side. Other arms suppliers are protected by friends on the Council. With little enforcement mechanism, this resolution has been largely ignored by organizations and states pursuing national interests in Libya or simply desiring to profit from arms sales to the belligerent parties.

UNSCR 2240 (9 October 2015). Calls on member states to assist in controlling *human trafficking* out of Libya. Voted in favor of by 14 countries. Venezuela abstained on the grounds that it would not solve the problem and that invoking Chapter VII of the UN Charter (the provision authorizing military action) for a humanitarian crisis set a dangerous precedent, which could be used against Venezuela. Controversy arose over differentiating between migration and human trafficking. The Libyan government was given prime responsibility for implementing the resolution with assistance from other member states. Libya has not aggressively enforced this resolution.

Country and Bloc Positions

Most UN Member States are committed to a neutral position in Libya, stressing the overwhelming importance of peaceful

settlement of the conflict. This consensus is most visible in continuing support for UN peacekeeping and conflict resolution efforts. Unfortunately, agreement in the Security Council on the principles of peacekeeping and conflict resolution barely conceal larger disagreements.

The situation in the Security Council has changed dramatically since 2011, when UNSC 1973 was passed. Then, governments that were members of the North Atlantic Treaty Organization (NATO)—France, the United Kingdom and United States—supported military intervention to end the fighting. Other major powers—Brazil, China, India and Russia—led a factor committed to neutrality. The United States largely ceased an active role after the attack on its consulate in Benghazi in 2012.

Today the NATO allies favor peaceful resolution and support—to some extent—the Government of National Accord (GNA). Russia leads a block favoring the Benghazi-based government (HoR) under Field Marshal Haftar, and has committed significant military help. China and other major powers have been notably cautious about action in Libya.

Other UN Member States differ on whether to support the victory of the Government of National Accord, or the HoR, led by Field Marshal Haftar.

China has no strong position on Libyan issues, except to reiterate its commitment to the sovereignty of legitimate governments. It strongly supports the GNA, but does not criticize Russia for its support of the HoR. China's hands-off attitude has limits. With its eyes on the status of Taiwan, China will not accept regional autonomy or partition of Libya, steps that might establish a precedent for international acceptance of independence or autonomy for Taiwan.

Egypt, Russia and UAE are the most prominent supporters of the Eastern House of



Representatives with airstrikes and shipment of weapons including attack helicopters and other combat aircraft. Egypt is considered to have greater influence on the HoR than Turkey has on the GNA.²¹ UAE support has toned down since they became involved in the struggle in Yemen. Russian interest in Libya dates back to its days as a favorite client state of the USSR, one of the few who actually paid on time, in full, in cash for its weapon purchases (Iraq was another). Russia currently supports the HoR with military equipment and soldiers—widely thought to be recruited by the private Russian firm, the Wagner Group, mostly with personnel from Syria—seizing control of key oil production facilities in violation of international law, although Vladimir Putin denies any actual Russian soldiers are in Libya in an official capacity.²²

These positions reflect largely political differences. The Egyptian, Qatari, Turkish and UAE positions are part of their broader contest for influence over Islam throughout the Middle East and North Africa. The dispute between Russia and Turkey mirrors the disagreement between those two countries in Syria.

The European Union (EU) also supports Libyan unification under the aegis of the GNA. In the event of a ceasefire taking hold, the EU has suggested plans to deploy as many as 10,000 land and air force personnel to Libya, although a smaller monitoring and observation mission is more likely.²³

Turkey sent soldiers and armaments to Libya in 2020 to support the GNA, joining Turkish air units already stationed there. Turkey calls them advisors tasked with

training and unifying the national army. Qatar has also provided military assistance to the GNA, and recently announced that it will join with Turkey to send soldiers in its stated effort of training the GNA military elements. Turkey also desires a naval presence at the Libyan port of Misrata to help block Greek and Cypriot offshore drilling activities.²⁴

The United States has been quiet on Libyan issues since 2017, leaving leadership in the Security Council to others, especially the European and Russia. The United States support the UN process and previous Security Council resolutions. This hands-off approach could change after the 3 November 2020 US presidential elections.

Proposals for Action

The UN continues to support political reconciliation to stabilize Libya featuring a nationally-recognized governance structure. The Security Council's consensus supports disarmament of the warring parties in Libya and a reduction of reliance on local militias for security.²⁵

The UN also encourages fostering economic assistance and restoration of the Libyan oil export process. The international preference is to maintain Libya as a unified state under a process agreeable to all parties. Such a plan concerns the eastern Libyans under the HoR as it may end up with them transferring substantial oil wealth to the other regions, in addition to concerns that the larger population of Tripolitania will again end up dominating any unified state.

²¹ Fitzgerald, Mary and Toaldo, Maa, 'Mapping Libya's Factions', *European Council on Foreign Relations*, 9 April 2015.

²² Magdy, Sami, 'UN: Libya's Warring Sides Have Agreed to Restart Peace Talks', *U.S. News & World Report*, 1 June 2020.

²³ Barigazzi, Jacopo, 'EU draws up options for boots on the ground in Libya', *Politico*, 3 October 2020.

²⁴ Soylu, Ragip, 'In Libya, Turkey and Qatar deepen their footprint amid deadlock in negotiations', *Middle East Eye*, 20 August 2020.

²⁵ 'Security Council Extends Mandate of United Nations Mission in Libya for 12 Months, Adopting Resolution 2542 (2020)', *United Nations*, 15 September 2020.



Regional autonomy: Egypt wants to see a more autonomous status for Cyrenaica under a new government. They are concerned by the rise of radical Islam in the eastern regions supported by groups such as the Islamic State of Iraq and Syria (ISIS). Egyptian diplomats pay lip service to UN-efforts at national reunification while their military continues to support military advances by the Libyan National Army. This possibility might resemble a Swiss canton system or the original U.S. Articles of Confederation, with a weak central government over three or more strong autonomous regions. Such a plan would have to encapsulate Tripolitanian and Fezzani concerns that their oil revenues will be reduced or eliminated.

Partition: Some see a partition of Libya as a possible outcome as well. The three regions of the country have little in common other than proximity. The two coastal regions have fought bitterly, and the tribal interior mostly wants to be left alone. One issue of contention would be determining how oil revenues would be split to prevent further conflict.²⁶ Additionally, three smaller states would be more vulnerable to foreign influence and intervention, and may not be able to effectively stem illegal migration and refugee flow out of Africa.

Partition would be a controversial process, likely to be opposed by many Libyan leaders. It would require assurances for the security of the newly autonomous or independent regions. And

the Security Council would need to think about the global precedent for other restive regions looking to secede from their countries, such as Catalonia in Spain, Hungarian populated regions of central Europe, the Kurds in Iran, Iraq, Syria and Turkey, or Scotland in the United Kingdom.

Better enforcement of existing arms embargoes: Several member States on the Security council demand better enforcement of the UN arms embargo a first step to conflict resolutions. So long as Russia, Turkey the UAE and others arm favored sides, the warring parties have little incentive to negotiate seriously. The flow of weapons is illegal under international law, due to UNSC resolutions. But with states ignoring those resolutions—although they deny this—the credibility of the Security Council is low.

Negotiating within the Council for adherence and enforcement will not be easy. Countries like Russia are unlikely to accept restrictions without getting something in return. What that might be can only be guessed. It might have nothing to do with Libya: American concessions on nuclear arms control? The end of Western sanctions on Russian officials imposed after the apparent Russian chemical poisoning of Sergei Skripal and Alex Navalny?

²⁶ Gomati, Anas El, 'Could Libya be Partitioned?'



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