

“Libya: Reconstructing a failing State”



Picture 1: crowd waving the national flag of Libya in 2011

Source: Fearon (2011)

Committee Guide *Security Council*





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1. Personal Introduction

Dear delegates,

My name is Konstantin Krome, I am 19 years old and a freshman with Political Science and Cultural Science at the University of Bremen, Germany. Originally, I grew up in the beautiful city of 's-Hertogenbosch in the Netherlands but moved back to Germany when I was ten. Last year, I graduated with my A-Levels and started with my studies at university in October. I came to MUN-business through OLMUN where I have been participating in the last three ones, twice as delegate in the Security Council and last time as chairman of the GA3rd committee. High motivation of the involved people and the multicultural atmosphere are things I always enjoy when staying in Oldenburg. Apart from MUNs, I am a passionate musician and also interested in sports like fitness and swimming.

What is important for me as president of the SC and an Inner Circle member? Please let me know if there is anything on your mind! Nobody's perfect and of course I am also interested in improvement of my work. I am looking forward to you guys and proud of serving as your president of the Security Council at OLMUN 2016.

See you soon,

Konstantin Krome



Dear delegates,

My name is Vera; I am 17 years old and a junior in High School. I am planning on studying in the United States, more specifically in California, since I am half American and have family there. I currently live in Budapest, Hungary and my school houses Budapest International Model United Nations (BIMUN), which has always had a strong relationship with OLMUN.

This will be my third OLMUN, the first time I was a delegate in the GA4th, then I chaired the GA4th, and now I have the privilege to chair you all.

I will not bore you with my MUN Experience in detail, we can talk about that more in person if you are interested, but I find it important to mention that I was the President of the General Assembly at BIMUN 2016. I truly enjoy the MUN experience in general, I like making new friends and I believe we are key figures to shaping the future of our world.

Besides MUN I enjoy sports, I took ballroom dancing lessons, did 10 years of calisthenics (part dance part gymnastics) and am trained in kung-fu. I also really enjoy drawing and organizing excursions with my class and friends.

OLMUN is a conference I look forward to almost as much as BIMUN, so I really hope we can make this a memorable experience for all of us!

Can't wait to meet you all,


Vera Kratz

2. General Introduction

Dear delegates,

We feel more than delighted to welcome you to the session of one of the most prestigious committee at OLMUN 2016: The United Nations Security Council. We hope that with this guide you can dive into our topic: “Libya: Reconstructing a failing State” and get some first impressions of what the discussion will look like and become better prepared for it. In the following paragraph we would like to share some organizational aspects before we stress the Libyan case.

First things first: Although most of you probably will be experienced delegates we nonetheless do recommend reading the common Rules of Procedure of OLMUN and the United Nations Charter beforehand. Even if the basic structure might be the same at most Model United Nations, there can be striking differences in terms of certain motions or points as well as debating format. This applies especially to the Security Council. Please stick to the framework of OLMUN so that we can preclude confusion. In case you are a newcomer: Don't worry, you will learn fast how debating works. However, studying the ROP in advance makes life a lot easier for you, especially during the first few days. Apart from the procedural aspect, we also ask you to conduct research regarding the topic at hand and of course your country (political structure, recent history, economy, bi-/multilateral partners, possible allies and opponents, considering other council members). The most important aspect will be the main question; how your country can contribute to stabilizing Libya and the region. Think in different dimensions (military, economy, finance, moral support in international organizations etc.) and who might support your ideas! This is also called the “policy” of your country. One of the most important things to remember when taking part in MUNs is to stick to your country's policy, not to you own opinion. The more realistic the debate will be, the more fun we will have!



In order to outline your country's policy, we expect you to hand in both a one-page **Policy Statement** (Times New Roman, font size 12, 1.5 line spacing, margins 2.5) and a one-page **Draft Resolution** (same format). Make sure to name the files **DR_COUNTRY** or **PS_COUNTRY**. Please do so till **June 3rd** latest. While the Policy Statement may also serve as your opening speech (we advise you to do so), a "handout" for other delegates and an outline on your country's position for you to refer to during the debate. The Draft Resolution delivers further recommendations and solutions of your country regarding our topic and should be formatted similarly to actual UN resolutions. Both your assignments will be proofread and you will receive a short feedback on it.

Now it is up to you: As you will know, a good session is highly depended on the previous research. The better you prepare, the better our session will be! If there is something on your mind regarding the conference, your preparation or anything else, please let us know and we will find a solution.

We are really looking forward to meet you in June, to experience one of the best student MUNs in Germany and to make it a memorable time for all of us.

See you soon!

Vera and Konstantin

3. The United Nations Security Council

After the Second World War the international community decided to implement a body to the newly founded UN to attempt to prevent the outbreak of more conflicts and maintain peace and stability in the world. In the following seventy years the Security Council passed more than 2200 resolutions responding to global crises. It is considered to be the most powerful body of the United Nations since it has tremendous influence on the global agenda of security issues. Therefore, this Council has a range of options including the ascertainment of war and peace as well as the right of taking military action against any aggressor. Apart from that its duties include the recommendation

of new member states to the UN and the Secretary General. To sum up, the most important ones are (United Nations 2016):

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor;
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

The Security Council usually consists of 15 members, of whom five are permanent and ten are elected by the General Assembly for terms of two years. Permanent members hold special rights including the right to veto submitted draft resolutions. Besides these there might be observer states, which are directly or indirectly involved in the discussed matter.

Permanent members:	Non-permanent members:
French Republic	Egypt
People´s Republic of China	Angola
Russian Federation	Japan
United Kingdom	Malaysia
United States of America	New Zealand
	Senegal
	Spain
	Ukraine

	Uruguay
	Venezuela
	observer state: Libya

For Model United Nations like the OLMUN this means that representing a country in the Security Council is a task of great responsibility since there will only be 16 delegates in our committee. This year's topic is: "Libya: Reconstructing a failing State".

4. The topic at hand: How Libya became a failing state



Picture 2: Former Libyan dictator Muammar al-Gaddafi

Source: Black (2010)

To explain how the dicey situation in Libya arose we need to go back in history to the year 1969. That year a military commander named Muammar al-Gaddafi toppled the previous Libyan monarchy and with this military coup created an Arabic-socialist regime. Under the authoritarian rule of Gaddafi during the following decades the country became isolated on the international floor, especially since properties from former colonial ruler Italy and other countries (like military bases by U.S. and British military, but particularly facilities for oil production) were sequestered and nationalized (Blundy/ Lycett

1987: 68). That time, Libya had been often suspected of supporting militant movements worldwide, like Irish Republican Army (IRA, Republic of Ireland) or Rote Armee Fraction (RAF, Western Germany), but also of being responsible for the Lockerbie assault in Scotland (Welt 2009). Domestic policy was marked by oppression of the opposition and the introduction of a *sharia*-based jurisdiction. Throughout the history of Libya, the political system has been mainly depended on influential tribes and family clans (Mülherr 2011). This remained true for the time of Italian colonialism, the monarchy and succeeding dictatorship as well as for today's civil war. To prevent a counterrevolution, Gaddafi needed the support of these tribes. With a cleverly thought out patronage system he either bribed or just favored certain social groups like his own tribe, the Qadhadhfa, where he could recruit military, police and intelligence members from. This system worked out pretty well till the year 2011.

Then, the so called "Arabic Spring" set Northern Africa and the Levant on fire. Oppositional groups and disadvantaged tribes seized the moment and took up arms against the government. In the following months a civil war between the Gaddafi-regime and the revolutionary movement, in particular the National Liberation Army (NLA) broke out. When the humanitarian situation seemed to aggravate, a NATO coalition led by the USA and backed by UNSC-resolution 1973 (S/RES/1973) intervened into Libya from March 2011 onwards in order to protect the civil population (BBC 2011). Together, NLA and NATO were successful in their fight which finally led to an overthrow of the Gaddafi-regime in Libya.

But the war continued. In the past five years, the political and military situation has become more and more unclear, since two rival parliaments (one internationally-recognized, liberal one in Tobruk and one Islamist-orientated in Tripolis) are striving for the power to rule the country. Besides this there are several current problems:

First of all, the **collective security disaster**: in comparison to neighboring countries like Egypt or Tunisia, there has been a complete overthrow of former political structure and security architecture. The situation of a weak state or one that is still under construction leads to weak institutions, political

instability and erosion of the state's monopoly on the use of force and finally towards a tendency of violent conflict management. Rebuilding the state's monopoly on the use of force therefore is of great importance since it must guarantee public safety (Mattes 2013: 9). But, all existing security forces of the former Gaddafi-regime were involved in the oppression of the civil society. The constitution of a non-corrupt and especially **independent security branch** while using these old networks is nearly impossible, therefore a set-up of new forces is needed. Following question: where will these forces come from?

This is the second problem: What can be observed is a **relapse into tribal mentality**. Ever since the formation of the modern Libyan state in 1951, membership in one of the 130 tribes and family clans has played an important role for Libya's politics. The moment the authoritarian rule broke off, people started orientating themselves along this ancient feudal system.

Since 2011, a **huge proliferation of arms** took place; therefore, it is unlikely that tribes will lay down their arms voluntarily or accept another tribe gaining too much political influence since there is the threat of being disadvantaged in the future (Mattes 2014: 86-87).

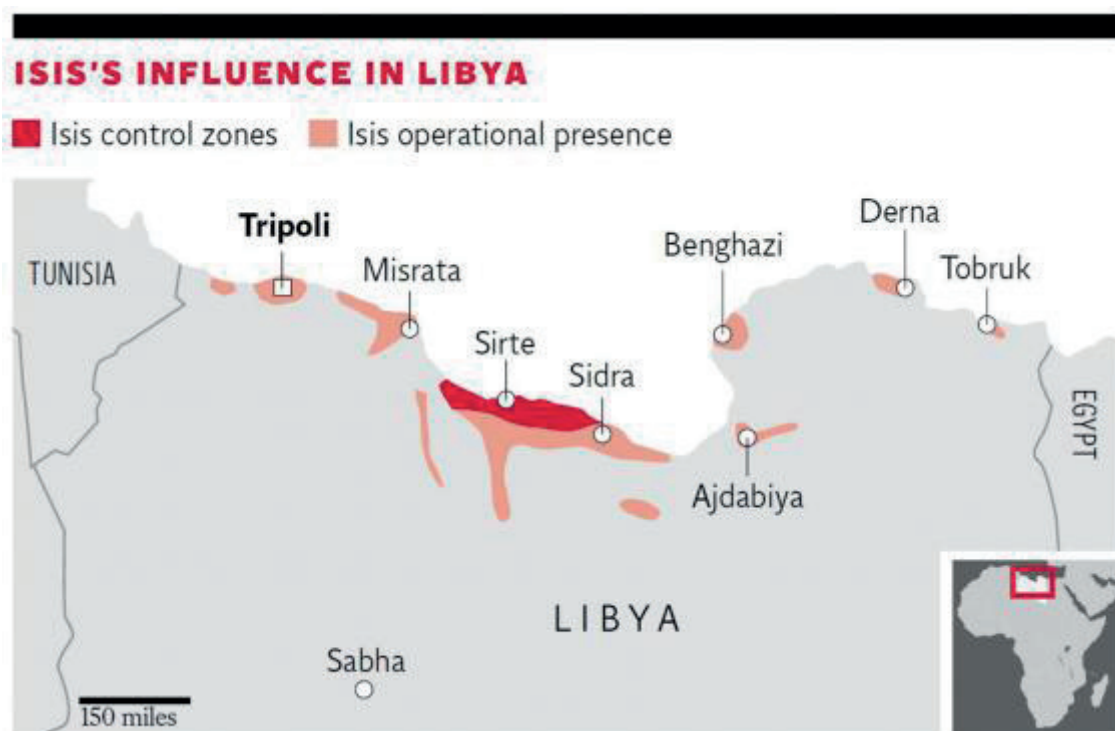


Picture 3: One of many weapon markets in Libya

Source: Donovan (2014)

After the downfall of Gaddafi, **new political and military actors** filled the gap the former regime left: at every corner new brigades, militias and local councils sprung up; every one of them with own particular interests (Pejic et al. 2016).

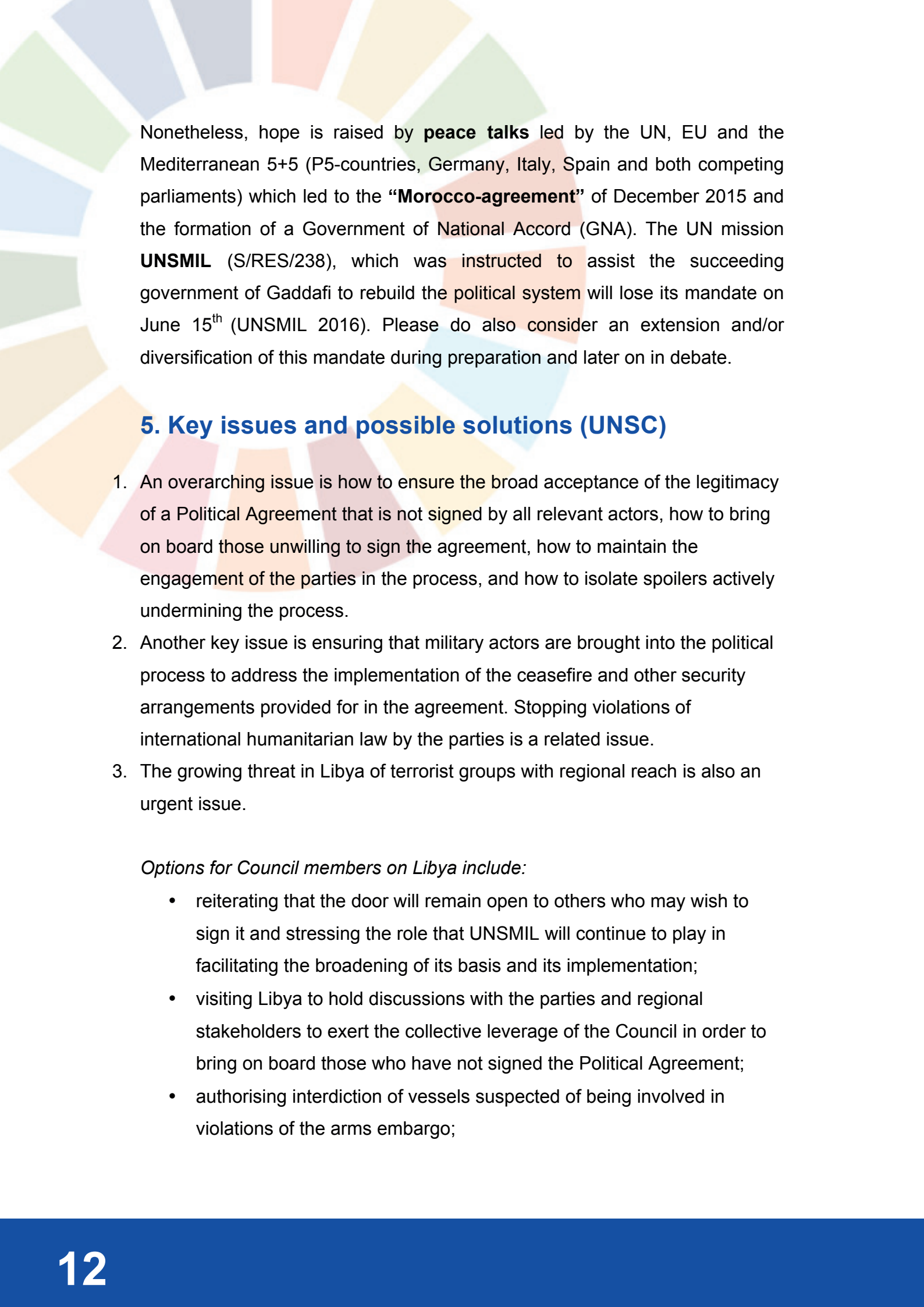
For our session, we would like to specially address the **threat of Islamist networks** in the country like **ISIS** (up to 10.000 man-power), **Ansar al-Sharia** (more than 5.000) and others (Broder 2016). As long as they are hindering a political process, it will be difficult to restore the state's authority. After the assaults of Paris and Brussels, there is also an increased threat by these groups for European countries since Libya could serve as jumping-off point for future terrorist attacks.



Picture 4: ISIS' influence in Libya

Source: Broder (2016)

Moreover, due to missing judiciary and a legally-binding penal system **crime and human trafficking** have increased significantly recently. This summer hundreds of thousands refugees are expected to have a try in crossing the Mediterranean Sea. A humanitarian catastrophe is on its way.



Nonetheless, hope is raised by **peace talks** led by the UN, EU and the Mediterranean 5+5 (P5-countries, Germany, Italy, Spain and both competing parliaments) which led to the “**Morocco-agreement**” of December 2015 and the formation of a Government of National Accord (GNA). The UN mission **UNSMIL** (S/RES/238), which was instructed to assist the succeeding government of Gaddafi to rebuild the political system will lose its mandate on June 15th (UNSMIL 2016). Please do also consider an extension and/or diversification of this mandate during preparation and later on in debate.

5. Key issues and possible solutions (UNSC)

1. An overarching issue is how to ensure the broad acceptance of the legitimacy of a Political Agreement that is not signed by all relevant actors, how to bring on board those unwilling to sign the agreement, how to maintain the engagement of the parties in the process, and how to isolate spoilers actively undermining the process.
2. Another key issue is ensuring that military actors are brought into the political process to address the implementation of the ceasefire and other security arrangements provided for in the agreement. Stopping violations of international humanitarian law by the parties is a related issue.
3. The growing threat in Libya of terrorist groups with regional reach is also an urgent issue.

Options for Council members on Libya include:

- reiterating that the door will remain open to others who may wish to sign it and stressing the role that UNSMIL will continue to play in facilitating the broadening of its basis and its implementation;
- visiting Libya to hold discussions with the parties and regional stakeholders to exert the collective leverage of the Council in order to bring on board those who have not signed the Political Agreement;
- authorising interdiction of vessels suspected of being involved in violations of the arms embargo;

- establishing a mechanism to ensure the independence and neutrality of the Central Bank of Libya as well as the National Oil Company and its support to the government of national accord; and
- imposing sanctions on spoilers.



Picture 5: ISIS fighters train at a camp in Benghazi, Libya, in May 2015

Source: Masi (2015)

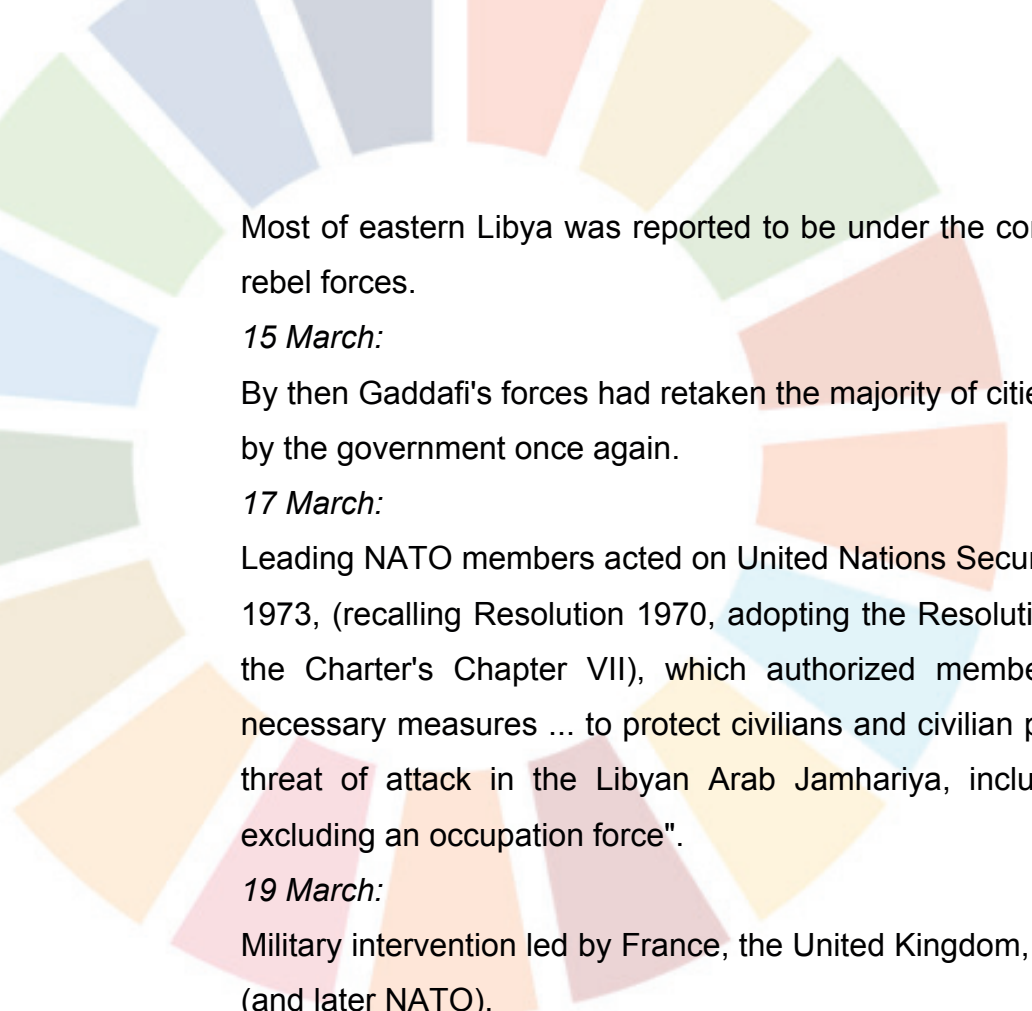
6. Timelines

6.1 The First Libyan War 2011

15 February:

The arrest of human rights activist Fathi Terbil sparked a protest in Benghazi, which was broken up violently by police. Protests also started in Bayda and Zintan calling for “the end of the regime”. This initiated a chain of civil protests and later evolved into a widespread uprising against the regime of Muammar Gaddafi.

25 February:



Most of eastern Libya was reported to be under the control of protesters and rebel forces.

15 March:

By then Gaddafi's forces had retaken the majority of cities and were controlled by the government once again.

17 March:

Leading NATO members acted on United Nations Security Council Resolution 1973, (recalling Resolution 1970, adopting the Resolution under Article 41 of the Charter's Chapter VII), which authorized member states "to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamhoriya, including Benghazi, while excluding an occupation force".

19 March:

Military intervention led by France, the United Kingdom, and the United States (and later NATO).

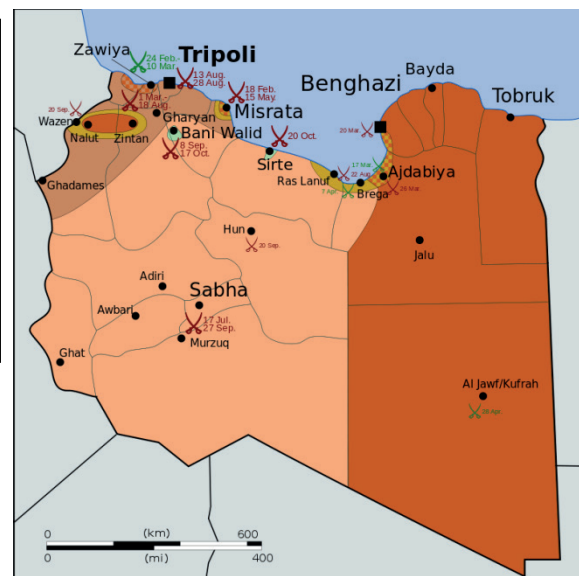
15~26 March:

Following the implementation of a Libyan no-fly zone, the Battle of Ajdabiya and the Second Battle of Benghazi, the rebels recovered all territory lost in the Gaddafi loyalist offensive.

Even though the opposition was mainly made up of armed civilians, the NATO attacks, defections amongst Gaddafi's military and political elite and the gaining of support from the international community made it possible for the opposition to make limited gains towards the end of May.

June-15 August: Fighters became better organized, the National Transitional Council (NTC, based in Benghazi) helped to train disparate militiamen from

- Held by anti-Gaddafi factions by 1 March.
(Checked: Lost before International intervention in 19 March.)
- Contested areas between March and August.
- Rebel western coastal offensive in August.
- Rebel gains by 1 October.



Arab and Amazigh villages into something resembling a cohesive fighting force. The NTC also gained critical international recognition from the United States and other states during this period and began to open embassies and diplomatic offices in foreign capitals.

August:

Gaddafi's defensive perimeter around Greater Tripoli collapsed and his government was routed from Tripoli by anti-Gaddafi forces effectively supported by a NATO-led international coalition. By the end of September, the National Transitional Council had won recognition from the United Nations, the Arab League, and the African Union as the legitimate governing authority of Libya, asserting control over the vast majority of the country.

20-28 August:

Battle of Tripoli, rebel forces took control of the city.

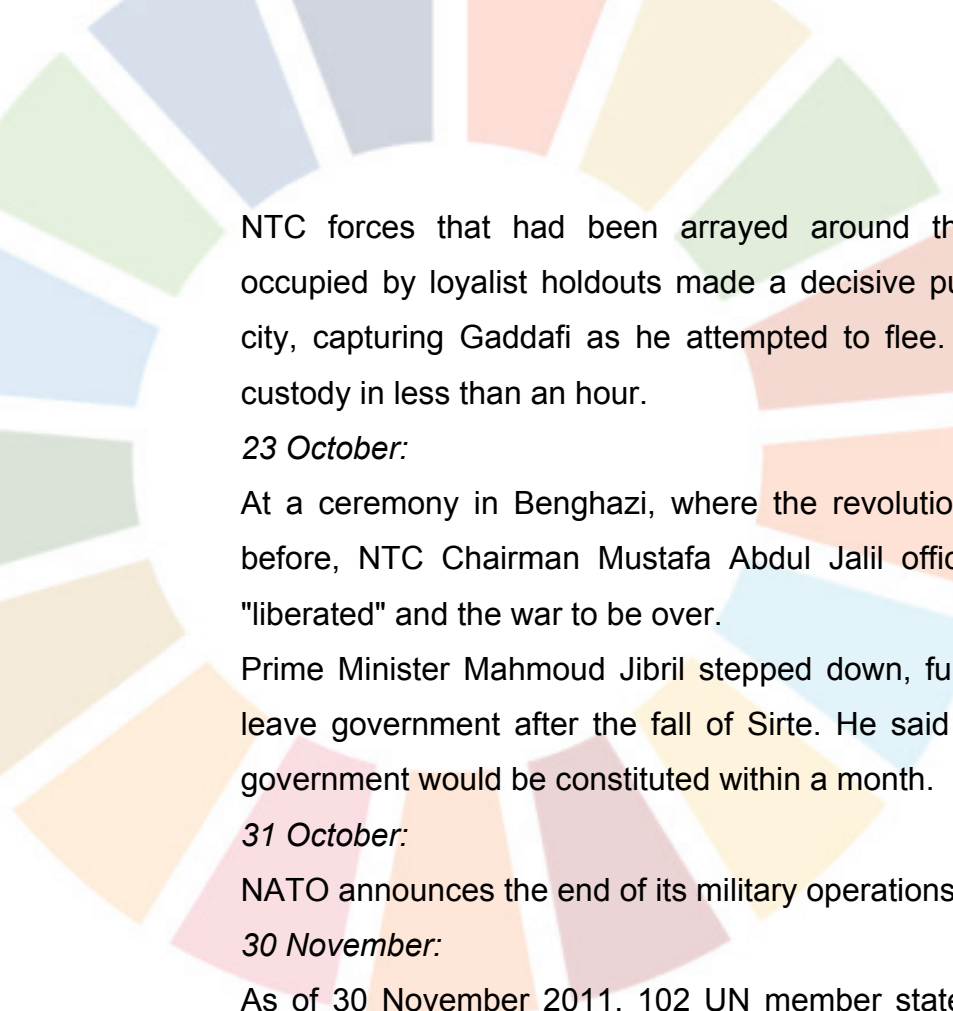
27 September:

The National Transitional Council decided not to create a transitional government until the end of the war.

September-October:

The last remaining stronghold of government loyalists was the city of Sirte, which Gaddafi declared to be the Great Socialist People's Libyan Arab Jamahiriya's new capital after the fall of Tripoli.

20 October:



NTC forces that had been arrayed around the ever-shrinking positions occupied by loyalist holdouts made a decisive push and took control of the city, capturing Gaddafi as he attempted to flee. Muammar Gaddafi died in custody in less than an hour.

23 October:

At a ceremony in Benghazi, where the revolution had begun eight months before, NTC Chairman Mustafa Abdul Jalil officially declared Libya to be "liberated" and the war to be over.

Prime Minister Mahmoud Jibril stepped down, fulfilling a promise he had to leave government after the fall of Sirte. He said he believed a new interim government would be constituted within a month.

31 October:

NATO announces the end of its military operations in Libya.

30 November:

As of 30 November 2011, 102 UN member states and four other countries have stated they recognise the National Transitional Council as the sole legitimate representative body of Libya. (Today 104 United Nations members recognise it.)

Along with research of your own, this should provide you with a basic understanding of what happened when. For aftermath see the useful links.

6.2 The Second Libyan War 2014-present

The two main parties:

The Council of Deputies, also known as the "Tobruk government":

- internationally recognized as the "Libyan Government"
- was elected democratically in 2014
- strongest in eastern Libya
- has the loyalty of the Libyan Army under the command of General Khalifa Haftar
- has been supported by air strikes by Egypt and the UAE

- rival to General National Congress until 17 December 2015; declared support for Government of National Accord
- supported also by the United Kingdom of Great Britain and Northern Ireland and the United States of America

The rival Islamist government of the General National Congress (GNC), based in the capital Tripoli:

- also called the "National Salvation Government"
- strongest in western Libya
- rejected the results of the 2014 election
- is led by the Muslim Brotherhood, backed by the wider Islamist coalition known as "Libya Dawn" and other militias
- aided by Qatar, Sudan, and Turkey

2014

February:

Protests erupt in response to the General National Congress refusal to disband after mandate expires.

March:

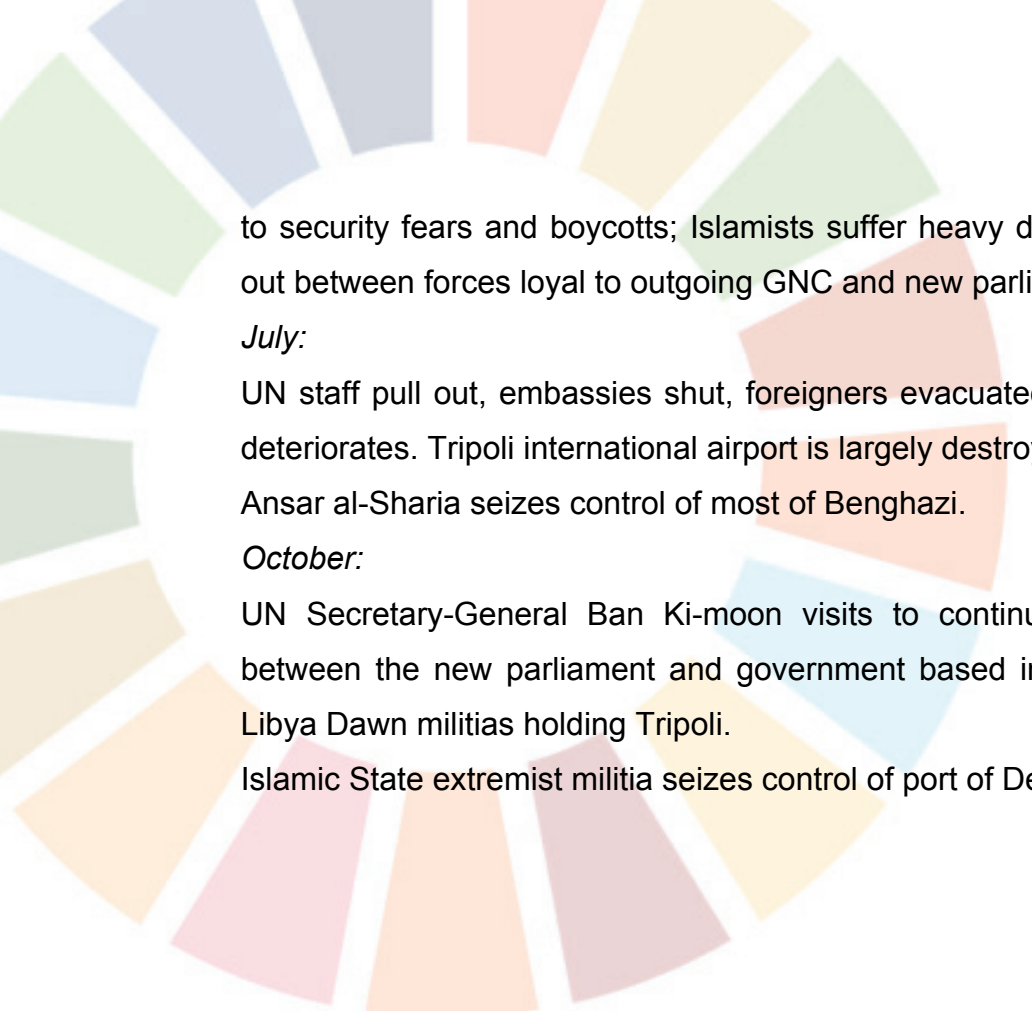
GNC sacks Prime Minister Ali Zeidan and elects businessman Ahmed Maiteg prime minister.

May:

"Libyan National Army" renegade general Khalifa Haftar launches military assault including airstrikes against militant Islamist groups in Benghazi; tries to seize parliament building, accusing Prime Minister Maiteg of being in thrall to Islamist groups.

June:

Prime Minister Maiteg resigns after Supreme Court rules his appointment illegal. New parliament chosen in elections marred by a low turn-out attributed



to security fears and boycotts; Islamists suffer heavy defeat. Fighting breaks out between forces loyal to outgoing GNC and new parliament.

July:

UN staff pull out, embassies shut, foreigners evacuated as security situation deteriorates. Tripoli international airport is largely destroyed by fighting.

Ansar al-Sharia seizes control of most of Benghazi.

October:

UN Secretary-General Ban Ki-moon visits to continue UN-brokered talks between the new parliament and government based in Tobruk and Islamist Libya Dawn militias holding Tripoli.

Islamic State extremist militia seizes control of port of Derna in eastern Libya.

2015

January:

Libyan army and Tripoli-based militia alliance declare partial ceasefire after UN-sponsored talks in Geneva.

February:

Egyptian jets bomb Islamic State targets in Derna. Libyan Army offensive to retake Derna in March fails to dislodge the group. IS establishes control over port-city of Sirte, halfway along coast between Tripoli and Benghazi.

22 September:

A report of the Monitoring Team of the 1267/1989 Al-Qaida Sanctions Committee stated that the Islamic State of Iraq and al-Sham (ISIS) has clearly demonstrated its intention to control additional territory in Libya, given the country's strategic location as a transit point within the region. The report also highlights that ISIS in Libya is the only affiliate that has benefited from support and guidance by ISIS' core in Iraq and Syria.

5 November:

International Criminal Court (ICC) Prosecutor Fatou Bensouda said in a Council briefing that all parties to the conflict are committing large-scale crimes, including those under ICC jurisdiction.

16 November:

Report released by UNSMIL and the Office of the High Commissioner for Human Rights established that all parties in Libya's conflict are committing breaches of international law that may amount to war crimes, including abductions, torture and killing of civilians.

17 November:

Martin Kobler took over from Bernardino León as Special Representative of the Secretary-General.

6 December:


An agreement was reached between some members of both parliaments (including their two vice-presidents) in Tunisia on a "declaration of principles" outlining a different roadmap for the political process that would substitute for the agreement proposed by UNSMIL.

11 December:

Kobler briefed the Council on the 10-11 December round of the political dialogue he convened in Tunis. He said there was agreement on several issues among dialogue participants, such as that the Libyan Political Agreement would be the basis for the political settlement and would not be reopened. The date for signing the agreement was scheduled for 16 December 2015, and Kobler called on all political and security actors to create a conducive environment to enable the future government to assume its responsibilities in Tripoli. In this regard, he called on the GNC to allow free access to all security actors, particularly in Tripoli. (The signing date was later postponed to 17 December.)

17 December:

Participants in the political dialogue, including from the House and the GNC, as well as Libyan political parties, civil society, municipalities and women's groups, signed the Political Agreement in Skhirat, Morocco. In a statement welcoming the signing, the UN Secretary-General said that "the door will



remain open to those who wish to join on the road to peace” and that the UN “will continue to work to broaden the basis of support for the new Government”.

23 December:

The Security Council adopted resolution 2259 welcoming the signing of the Libyan Political Agreement and the formation of the Presidency Council calling on it to work expeditiously within 30 days to form a government and to finalise interim security arrangements necessary for stabilising Libya.

2016

January:

UN announces new, Tunisia-based interim government, but neither Tobruk nor Tripoli parliaments agree to recognise its authority.

Islamic State group attacks Ras Lanuf oil terminal, threatens to move on to Brega and Tobruk.

15 March:

The mandate of UN Support Mission in Libya (UNSMIL) expires.

31 March:

The leaders of a new UN-supported "unity government" arrived in Tripoli by boat after opposing forces block airspace.

5 April:

The rival Islamist government announced that it was suspending operations and handing power to the new unity government, officially named the "Government of National Accord", although it was not yet clear whether the new arrangement would succeed.

17 April:

A Press Conference was held in Geneva of the Special Representative of the Secretary-General for Libya Martin Kobler (LINK in description, read through the whole document).

“Because the process cannot be hostage to the paralyzes of the House of Representatives and the message of the Libyan themselves, the Libyan Political Dialogue, was very clear that the Presidency Council should come

here to Tripoli and should go on with installing the Government of National Accord, and that the government in place has to transfer the power to the GNA.

I am very happy to have seen in the last days many foreign ministers of the European Union coming here and also ambassadors. And these are visits of solidarity with the Presidency Council; this is the support of the international community that this is the way to go.”

28 April:

The unity government still had not received the approval of Haftar's supporters in the Tobruk government.

30 April:

The mandate of Panel of Experts assisting the 1970 Libya Sanctions Committee expires.



7. Useful links and food for thought

Statement by the Libyan Political Dialogue Members, Tunis, Tunisia 10 March 2016:

<https://unsmil.unmissions.org/LinkClick.aspx?fileticket=BMz4MEUuVto%3D&tabid=3559&mid=6187&language=en-US>

Libyan Political Agreement:

<https://unsmil.unmissions.org/LinkClick.aspx?fileticket=miXuJYkQAQg%3D&tabid=3559&mid=6187&language=fr>

UN Charter Chapter VII (Article 41)

<http://www.un.org/en/sections/un-charter/chapter-vii/>

UNSC Resolution 1973 (2011)

http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf

The 2011 Libyan war - Aftermath

https://en.wikipedia.org/wiki/Aftermath_of_the_2011_Libyan_Civil_War

SC Report on Libya

http://www.securitycouncilreport.org/monthly-forecast/2016-01/libya_22.php?print=true

Martin Kobler statement:

[http://www.unog.ch/unog/website/news_media.nsf/\(httpPages\)/75668D302F927017C1257EA000309D64?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpPages)/75668D302F927017C1257EA000309D64?OpenDocument)

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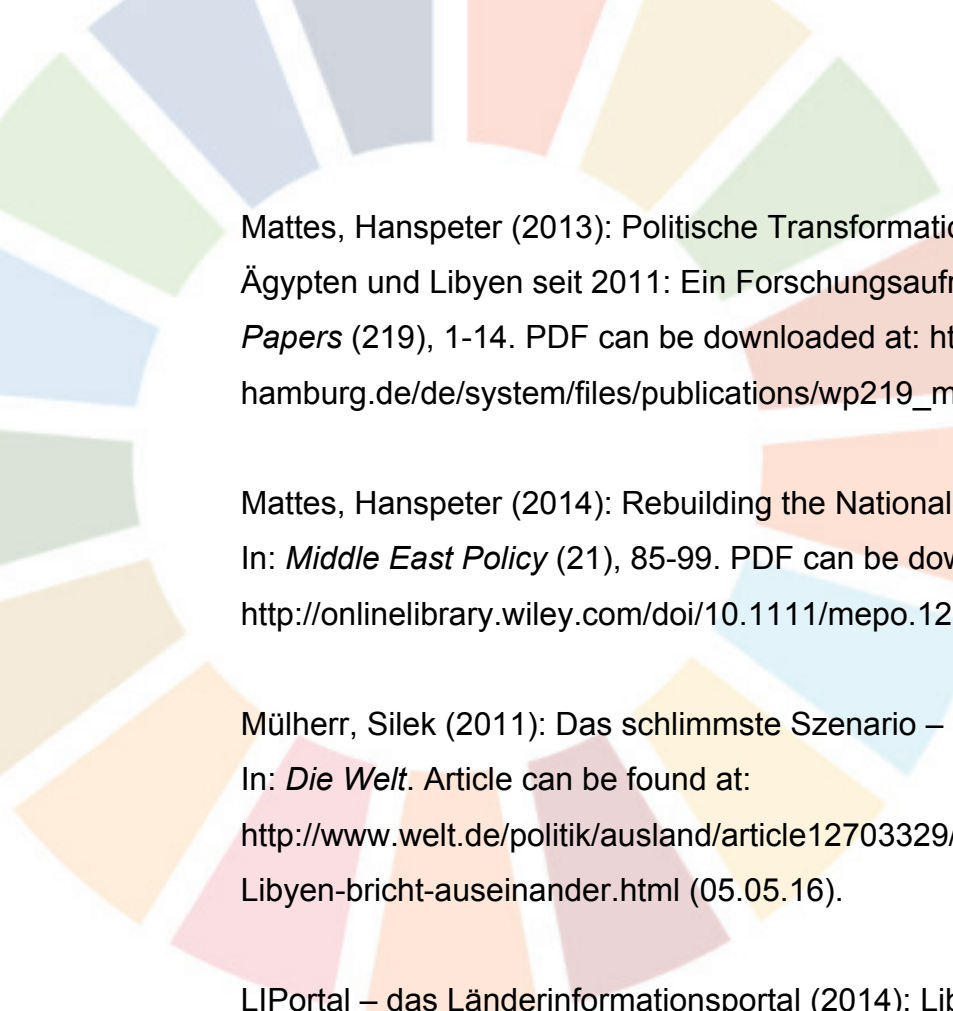
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