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**“ISIS in Libya -  
Exploitation and Governance of Areas of Limited  
Statehood”**

*Jonathan Schnitt*



**International Institute for Counter-Terrorism (ICT)**

### *Executive Summary*

Post-Qaddafi Libya is a state on the brink of collapse. The gaps that define its Areas of Limited Statehood are severely developed throughout the country. ISIS exploits the failure of the Libyan state to gain control as it acts as spoiler and government actor by extending the gaps and the Areas of Limited Statehood and filling the vacuum with its fighters, institutions and government services. This paper finds that ISIS' weakness in the Libyan arena is its failure to set up a legitimate government by winning the famous "hearts and minds" of the Libyan people in the areas it controls.

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## I. Guide to Acronyms

<b>ALS</b>	Areas of Limited Statehood
<b>ASL</b>	Ansar al-Sharia [Libya]
<b>AQ</b>	al-Qaeda
<b>AQIM</b>	al-Qaeda in the Islamic Maghreb
<b>EU</b>	European Union
<b>FSI</b>	Fragile State Index
<b>GDP</b>	gross domestic product
<b>GNC</b>	General National Congress [Libya]
<b>HoR</b>	House of Representatives [Libya's internationally recognized government]
<b>IDPs</b>	internally displaced persons
<b>ISIS</b>	Islamic State of Iraq and al-Sham [also referred to as Da'esh, IS and ISIL]
<b>IYSC</b>	Islamic Youth Shura Council [of Darnah]
<b>NATO</b>	North Atlantic Treaty Organization
<b>UN</b>	United Nations
<b>UNSMIL</b>	United Nations Support Mission for Libya

## **II. Introduction**

After initially positive developments following the popular revolution against Colonel Muammar Qaddafi in the spring of 2011, Libya is a country on the brink of collapse. Prolonged fighting between the two parliaments, their respective governments and allied militias have led to the brink of all-out war (International Crisis Group, 2015). The country's ongoing violent internal conflict has been referred to as "the Middle East's second war zone" (Washington Post, 2015) and "a war to watch in 2015" (Guehenno, 2015). Bernardino León, the head of the United Nations Support Mission in Libya (UNSMIL), has warned that Libya is "very close to total chaos" (New York Times, 2015) and that the country is increasingly being compared to a "Somalia" or "Mosul" (Wehrey, 2014) on the Mediterranean. This vacuum created by the deepening political crisis and collapse of state institutions has led to Libya becoming a "honey pot" for radical Islamic groups (BBC News, 2015). Libya has become an arena where multiple actors, both civil and uncivil, co-exist and compete. Thus, governance in Libya has come to be shaped by local and international interests, as well as by civil and military actors (Masi, 2014). One of the groups that exploits the inability of Libya's central authorities to fulfill the basic requirements of "normal" statehood is ISIS, the Salafi-jihadi organization which renamed itself the Islamic State when it declared an Islamic caliphate in parts of Syria and Iraq in 2013 (Engel, 2014). ISIS members disdain the common Arabic acronym of the group's name, Da'esh, and call their group al Dawlah, simply "the state" - an indication they see themselves as functionaries of a real government. To truly be one, the group aims at moving beyond bloodshed and providing services throughout the territory it controls, exploiting the governments' inability to do so (Masi, 2014). The current environment in Libya provides ISIS and its affiliated groups with space to operate, filling the vacuum left by defunct institutions and a fragmented society (Howard, 2015). Although many armed and militant groups are active in the Libyan arena, this paper will focus on ISIS as one of the players that, if successful in taking root, not only constitutes a security risk to the concept of the Libyan national state but also to the neighboring countries and the region – including southern Europe.

## **III. Research Question**

How severe are the different gaps that define "Areas of Limited Statehood" in the Libyan theater and how does ISIS exploit these gaps in order to control people and territory?

#### **IV. Areas of Limited Statehood**

Unraveling or unstable states like Libya are usually defined in opposition to what they should be: stable, functioning states (Engel, 2014). Many terms are used to describe such states. Most prominently: Failed States (Ehrenreich Brooks, 2005), Weak States (Rotberg, 2003), and Collapsed States (Ibid.). Given the context of Libya's current internal division and fragmentation, this paper will employ Thomas Risse's concept of Areas of Limited Statehood (Risse, 2012) to describe the interconnection between absent government functioning and the exploitation of these "gaps" by groups like ISIS. ALS are described as, "Areas where central authorities (governments) are unable or unwilling (or both) to fulfill the basic requirements of 'normal' statehood" (Ibid.). While ALS still belong to internationally recognized states, it is their domestic sovereignty that is severely circumscribed. ALS concern those parts of a country in which central authorities (governments) lack the ability to implement and enforce rules and decisions, or in which the legitimate monopoly over the means of violence is lacking, at least temporarily. Thinking in terms of configurations of limited statehood also implies "thinking in degrees of limited statehood rather than using the term in a dichotomous sense" (Risse, 2011). Thus, we do not talk about "states of limited statehood," but areas – territorial or functional spaces within otherwise functioning states - that have lost their ability to govern (Ibid.). More specifically, where the state suffers one or more of the "gaps", described as Security, Capacity, Legitimacy, and Human Wellbeing and consisting of the following indicators compiled from the Fragile State Index (FSI) (The Fund for Peace, 2014) in a substantial, enduring way.

<b>Security Gap</b>	<ul style="list-style-type: none"> <li>• Security / Insecurity conditions</li> <li>• Vengeance-Seeking Group Grievance</li> <li>• External Intervention</li> </ul>
<b>Capacity Gap</b>	<ul style="list-style-type: none"> <li>• Mounting Demographic Pressure</li> <li>• Poverty / Sharp or Severe Economic Decline</li> <li>• Progressive Deterioration of Public Services</li> </ul>
<b>Legitimacy Gap</b>	<ul style="list-style-type: none"> <li>• Legitimacy of the State</li> <li>• Violation of Human Rights and Rule of Law</li> <li>• Factionalized Elites</li> </ul>
<b>Human Wellbeing Gap</b>	<ul style="list-style-type: none"> <li>• Massive Movement of Refugees or IDP's</li> <li>• Chronic and Sustained Human Flight</li> <li>• Uneven Economic Development</li> </ul>

### **V. Methodology**

This paper seeks to provide a qualitative assessment of how ISIS exploits and controls Areas of Limited Statehood in Libya. Therefore the author will first provide background on the rise and strategy of ISIS in the Libyan arena and apply the denominators that constitute ALS to describe the security, political and socio-economic situation in Libya. In a second step, the paper describes how ISIS exploits and influences the severity of each of the particular gaps.

### **VI. Post-Qaddafi Libya**

Libya's post-revolutionary transition to democracy was not destined to fail. With enormous oil reserves, Libya was well endowed. Following the 2011 revolution, many Libyans dreamed—not unrealistically—of their country developing along the lines of Persian Gulf states with similarly small populations and abundant natural resources. Instead of this peaceful transition, since 2011 Libya has been entangled in a prolonged period of civil war rooted in a “balance of weakness” (Engel, 2014) between the country's political factions and armed groups. Deadlock in Libya's post-revolutionary transition to democracy has produced two rival legislatures - one controls the capital, Tripoli, and the other, including the internationally recognized government, has fled to the eastern cities of Tobruk and Bayda. The Libyan government no longer enjoys real authority; confidence in state institutions has crumbled (Guehenno, 2015). One of the main reasons for this was and is the Libyan government's inability to disband the various militias and armed groups

that emerged during and after the 2011 uprising. This inability left the central government weak and largely dependent on these same militias for internal security (Gartenstein-Ross et. al, 2015). As a result Libya is suffering the effects of a civil war (Engel, 2015a) that leaves room for violent extremist organizations, including ISIS, to operate and to expand throughout the country's three provinces of Cyrenaica (Barqa in Arabic), Tripolitania, and Fezzan (Ibid.), while the ensuing chaos is spilling across its borders (Guehenno, 2015). Before providing a basic overview of the main factions and actors in the Libyan Arena, the reader should bear in mind – especially keeping in mind the gaps regarding legitimacy and sovereignty - that politicians and elected representatives generally wield less influence than the country's armed groups, most of which are on the state payroll. In fact, many Libyans believe that certain political actors are only as powerful as their militia backers make them (Fitzgerald, 2015).

**Tripoli and the General National Congress (GNC):** The GNC convenes in Tripoli since August 2014 after the Misrata-led militia alliance known as “Libya Dawn” that backs the GNC drove the rival House of Representatives militias from the capital (Ibid.).

**Tobruk and the House of Representatives (HoR):** Both the government and the HoR support the “Dignity” military operation launched by the then retired general Khalifa Haftar in May 2014 and backed by Egypt and the United Arab Emirates (Ibid.).

**The Non-aligned Islamist:** Libya's Islamist political milieu is not as cohesive as is often thought. It includes the Muslim Brotherhood and networks drawn from members of the now defunct Libyan Islamic Fighting Group (LIFG) that formed in the 1990s to fight Qaddafi. Libya's Islamist firmament also contains several non-aligned Islamists who have influence in their towns or regions or are linked to certain militias (Ibid.).

**Ansar al-Sharia (ASL):** ASL is an Islamist militia calling for the implementation of strict Sharia law across Libya. The group (whose name means "Partisans of Islamic law" in Arabic) emerged following the 2011 anti-Qaddafi uprising. Several international bodies and experts have recognized ties between ASL and al-Qaeda (Joscelyn, 2014). Typified in Benghazi, Derna and Sirte, some ASL members and sometimes whole local branches have left to join groups claiming affiliation with ISIS as the group becomes more assertive in Libya (Fitzgerald, 2015). In these areas ASL seems to be closely tied to ISIS (Watts, 2014). The group gained prominence in September 2012 for its alleged role in the Benghazi attacks that led to the burning of the US



consulate and the killing of the U.S. ambassador to Libya, Christopher Stevens. The group denies any involvement (Irshaid, 2014).

## **VII. The Islamic State comes to Libya: “Remaining and Expanding”**



Nearly four years after the ouster of Colonel Muammar el-Qaddafi, the political chaos and ongoing conflict in Libya has weakened the state to such a degree that it provided a window of opportunity for ISIS (Keilberth and Reuter, 2015) to expand into the country (Kirkpatrick, 2015a). Amid the ongoing battles between the camps of Operation “Dignity” and “Libya Dawn”, ISIS has carved several spheres of influence in parts of Libya. One of the most helpful factors for ISIS so far was having been one of the smaller players of the Libyan civil war: Libya’s two major warring factions – “Libya Dawn” and “Operation Dignity” - may have believed that they simply have higher priorities than ISIS - namely, each other (Gartenstein-Ross et. al, 2015).

### **a) ISIS’ Strategic Goals in Libya: ISIS’ Next Prize?**

On March 30, 2015 ISIS released the 8<sup>th</sup> issue of its English-language magazine Dabiq titled “Shari'a Alone Will Rule Africa”. In an article headed “The Libyan Arena” ISIS denounces the

parliaments in Libya and referrers to Libya as the “ideal land for Hijra [immigration]” for those who can't come to Syria, namely those from Africa. Speaking about its goals in Libya, the article notes that ISIS continues to enjoy greater consolidation, and that it aims to expand further. ISIS supporters have described Libya as a “gateway” for the Islamic State, with a “strategic geography” that “looks upon the sea, the desert, mountains, and six states” – namely Egypt, Sudan, Chad, Niger, Algeria and Tunisia (Taylor, 2015). Jihadist writer Abu Moaz al-Barqawi took the aims of ISIS in the region a step further than just Libya. In a post titled "Come to the fold of the caliphate," he declares that ISIS seeks to eliminate the Tunisian, Libyan, and Egyptian borders, citing Syria and Iraq as a precedent. Both the jihadis and their propagandists acknowledge that Libya is the key to spreading Salafi-jihadism throughout the Maghreb and Sahel regions (Winter, 2015). Reports that the perpetrator of the June 2015 ISIS terror attack on a beach in Tunisia received training in Libya (Aljazeera, 2015) highlights the disastrous impact of Libya's lack of statehood on regional security.

In addition to destabilizing North Africa, if ISIS succeeds in solidifying its presence in Libya, it could pose a threat to Southern Europe (Keilberth and Reuter, 2015). Only 300 miles away, Libya could become the launching pad for more attacks on Western capitals (The Washington Post, 2015). As of today such a development does not seem unfeasible. Indeed the group has increased its physical and media presence in Libya since the Islamic Youth Shura Council of Derna (IYSC of Derna/Darnah) pledged allegiance to it last October. It was the first such pledge by a Libyan jihadist group, facilitated by the return of a group of Libyan pro-ISIS jihadists from Syria to Libya (Wehrey, 2014). Shortly after, ISIS leader Abu Bakr al-Baghdadi recognized the Libyan “provinces” of Barqa, Tripolitania, and Fezzan as belonging to the “caliphate” (Engel, 2015b). Since December 2014 ISIS has reportedly ordered its Libyan branch to stop sending fighters to Syria and to focus on domestic attacks in Libya itself (Azoulay, 2015).

#### **b) Scope of ISIS Presence in Libya: Overblown or Overlooked?**

ISIS maintains three provinces (*wilayats*) in Libya (Gambhir, 2015) and ISIS forces control the city of Sirte (Kirkpatrick, 2015a) and until is was recently driven, out controlled the city of Derna (Eljarh, 2015). In its areas of influence ISIS conducts governance activities, and runs training camps (Nation Public Radio, 2015). While now suffering setbacks in Derna, in the early summer of June 2015, ISIS expanded to Nawfaliyah, and Tripoli, while increasing their attacks

in both the east and west parts of the country (Gambhir, 2015). The UN estimates that ISIS has 1,000 to 5,000 fighters in Libya (Cordone, 2015). Washington is divided, with U.S. officials debating over the extremists' presence in Libya. U.S. intelligence officials initially downplayed ISIS' scope. In February 2015 one U.S. counterterrorism official assessed ISIS' presence in Libya as "relatively new and flimsy, not unified, their numbers have likely not increased and the extent of their gains is being overblown" (Mitchell, 2015). Another official said it's impossible to know how many fighters ISIS has in Libya, since "some simply label themselves as Islamic State for propaganda gain" (Jakes, 2015). In May 2015 U.S. military officials then stated: "The Islamic State has solidified its foothold in Libya. IS now has an operational presence in Libya, and they have aspirations to make Libya their African hub. Libya is part of their terror map now" (Nissenbaum and Abi-Habib, 2015). UNSMIL's Claudio Cordone also evaluates the influence of ISIS in Libya as serious: "They are controlling territories. They are controlling the city of Sirte. The number varies - nobody is sure. But clearly they are capable of carrying out attacks anywhere in Libya" (Cordone, 2015). United Nations envoy to Libya Bernardino Leon stated in May that ISIS is becoming a "serious threat" in Libya if the rival governments fail to reach a unity deal quickly (Leon, 2015).

### **c) Evolution and Growth – "The ISIS Model exported?"**

ISIS owes part of its successful expansion across Libya to its wooing of members from other jihadist groups (Engel, 2015). ISIS' wilayats in Libya are gaining strength by convincing local groups to align with it ideologically and to adopt ISIS's style of warfare (Gambhir, 2015). A consensus is emerging that ISIS is in particular attracting members from ASL (Engel, 2015b). The competition appears to mirror jihadist dynamics in Syria and Iraq, where al-Qaeda affiliate Jabhat al-Nusra has lost ground and fighters to the more extreme ISIS. While ASL's position vis-a-vis ISIS and al-Qaeda is not entirely clear, a growing number of online activists advocating for ISIS in Libya have been speaking of the two organizations as one and the same, praising their fighters but arguing that it is time for them to join the caliphate (Ibid.). ASL as a whole has edged closer to ISIS after its spiritual leader and top judge, Abu Abdullah al-Libi, defected to the group according to an audio message (Moore, 2015). ISIS is taking root in areas that have had an ASL presence, with ASL's Sirte and Nawfalia branches appearing to have joined ISIS in entirety, while in Darnah and Benghazi ASL members have joined individually (The Maghrebi

Note, 2015a). “Among the younger generation of jihadists, the ISIS brand is very appealing,” says F. Wehrey, from the CEIP, “the appeal is that you don’t need to go all the way to Syria and Iraq to fight for the caliphate” (Nissenbaum and Abi-Habib, 2015).

#### **d) Tactics – “Either with us, or against us?” / A different approach in Libya?**

Libya is a rare case for ISIS, different from its model in Iraq and Syria (The Magrebi Note, 2015b). ISIS in Libya is not capable of using as risky of behavior as it has in Syria or Iraq. In Libya the group has less authority in the land and it is challenged by much stronger fighting groups in the region. In comparison to Syria they maintain a fairly strategic relationship with other factions (Ibid.). One example is its relationship with the Shura Council in Benghazi. ISIS fights alongside the Council against Haftar allied “Operation Dignity” forces and in fact maintains a good relationship with the leaders of the council (Ibid.). Nevertheless ISIS is committed to fighting operation “Dignity” and “Dawn” forces alike, and polarizing other armed militant groups like ASL as part of a strategy to win over whomever they may and in the long run fight the rest (Engel, 2015a). ISIS in Libya, like its affiliate in Syria and Iraq, is pursuing tactics deemed too extreme by its Libyan rivals. Conflict between ISIS and other faction is therefore growing as ISIS views itself as gaining strength (Ibid.). ISIS released a first video from Libya in February 2015 that showed masked fighters from its western Libyan branch beheading a group of Egyptian Christians (Kirkpatrick, 2015b). The newest video released showed ISIS fighters shooting and beheading groups of captive Ethiopian Christians (McLaughlin, 2015). The videos strengthen the perception that Libya has become the first country outside the group’s territory in Syria and Iraq where its core leadership has practical communication and collaboration with its far-flung “provinces” (Kirkpatrick, 2015b).

### **VIII. Severity of ALS in Libya and the Role of ISIS**

ISIS emergence as powerful actor threatens to fuel some of Libya’s most negative trends, including deteriorating security conditions, attacks on religious minorities, and an outflow of refugees (Gartenstein-Ross et. al, 2015). In August, Libyan foreign minister Mohamed Abdel Aziz acknowledged his country’s tailspin when he admitted that “seventy percent of the factors at the moment are conducive to a failed state more than to building a state” (NPR, 2014). In order to take over control, one key aim of ISIS is to prevent the emergence of a strong Libyan

state (Pack, 2015), but for ISIS, undermining a state is not enough. ISIS – aiming at being a state itself or at least a governing actor in the parts it controls – carefully balances between governance and militant activity (The Magrebi Note, 2015b). ISIS’ June 2014 announcement of a “caliphate” is not empty rhetoric. In fact, the idea of the caliphate that rests within a controlled territory is a core part of ISIS’s political vision. ISIS grand strategy to realize this vision involves first establishing control of terrain through military conquest and then by reinforcing this control through governance (Caris and Reynolds, 2014). The following section describes the different areas of absent or insufficient government functioning in Libya and how ISIS acts as both – as a spoiler and as a governance actor (The Magrebi Note, 2015c) - by exploiting and filling the gaps in state control and ability.

#### **a) The Security Gap – Libya’s Inability to monopolize use of force within state borders**

The security gap is related to the capability to secure civilian lives. This is achieved via the creation, maintenance, and management of the relevant state functions of the police, judicial system, and armed groups (Khalaf, 2015). Libya’s most serious problem since 2011 has been the lack of security. Since the 2011 overthrow of the Qaddafi regime, Libya’s path has been tumultuous. The security gap had and has negative repercussions across the spectrum and has undermined efforts to build functioning political and administrative institutions (Chivvis and Martini, 2014). Analysts agree, that the expanding violence in Libya was a direct consequence of the weakness of the Libyan state. Since the revolution, Libya has relied on militias to provide security. After the 2011 uprising, the interim defense minister asked the rebels securing Tripoli to keep their weapons instead of disbanding (Mahmood, 2012). As a result, various types of armed groups control much of the country and the elected government is at their mercy (Chivvis and Martini, 2014). The UN warned that the number of people now under arms was ten times more than the 30,000 or so Libyans who took part in the revolution that overthrew Qaddafi in 2011 (Cordone, 2015). Armed forces now amount to 300,000 and making up for nearly 11 percent of the country’s estimated workforce of 2.3 million (Associated Press, 2012). Since mid-2014, fighting has spread and intensified and aerial bombardments as well as attacks on civilian infrastructure have increased. The inability of the Libyan government to provide security at least in its stronghold Tobruk was recently highlighted by the assassination attempt on Prime Minister Abdullah al-Thinni (BBC News, 2015).

Foreign Intervention: Libya's crisis reflects broader regional tension (Pusztai, 2015) and therefore conflicts are occurring at the local, national, and regional levels. Post-Qaddafi Libya has been subject to varying types of foreign intervention. Fissures have emerged along ethnic, tribal, geographic, and ideological lines (Kirkpatrick, 2014). All against the back- drop of a hardening Islamist vs. non-Islamist narrative (Engel, 2014a). States advocating political Islam, such as Qatar, Turkey, and Sudan, support factions within "Libya Dawn", and their regional and ideological competitors, the United Arab Emirates, Saudi Arabia, and in particular Egypt, support factions of "Operation Dignity" (Politi, 2015).

Illicit Trafficking: The collapse of Libya's security sector and its porous borders have created fertile conditions for transnational criminal networks. Libya's location at the crossroads between Europe, North Africa, and Sub-Saharan Africa makes it a desirable location for traffickers looking to reach European markets. A recent study found that criminal activity in post-Qaddafi Libya is driving conflict and undermines state consolidation (Shaw and Mangan, 2014). The report also suggests that traffickers are adjusting their routes to take advantage of Libya's security gap (The Economist, 2013). The foundation of this illicit economy rests on four interconnected markets: weapons, migrants, drugs, and smuggled goods (Shaw and Mangan 2014). More significantly, the high number of migrants along the North African coast has enabled the development of a lucrative coastal migrant trade, valued annually at USD255-323 million in Libya alone (The Global Initiative against Transnational Organized Crime and RHIPTO, 2015). Immigration from Libya declined precipitously immediately after Qaddafi's fall. The Libyan government's limited border management capabilities, however, soon turned Libya into a hub for migrants from Sub-Saharan Africa looking to reach Europe. Without a competent border control force, Libya remained largely incapable of regulating the movements of migrant populations passing through it (Gartenstein-Ross et. al, 2015). Consequently Libya has become the primary departure point for irregular migration to Europe (Ibid.). According to a recent report by Frontex, the EU's primary border management agency, more than 170,000 migrants arrived irregularly in the EU through the Central Mediterranean route in 2014. As in 2013 and in 2011, the Central Mediterranean route was the main area for illegal border crossing into the EU, representing 60% of all detections in 2014. Most migrants were Syrians and Eritreans departing from the Libyan coast (Frontex, 2015). The upswing in migration flows from Libya to Europe can be explained primarily by the deterioration of security in the country. The

lack of security has greatly undermined an already difficult state-building process in Libya, where the post-Qaddafi state was very weak politically and administratively (Chivvis and Martini, 2014).

**The Role of ISIS:** A primary objective of ISIS in Libya has been to keep the Libyan state so weak that it is unable to intervene in its territory and oppose ISIS expansion (Pack, 2015). ISIS has claimed credit for several attacks targeting government institutions and foreign symbols, including a diplomatic security building, the Algerian embassy (Fox News, 2015), and the Corinthia Hotel in Tripoli (Fox News, 2015). Reports of gun battles against Islamist militias backing the GNC fit with ISIS propaganda that undercuts the political Islamists. ISIS supporters have also pushed the anti-Dawn slogan “Dawn of Truth, not Libya Dawn” (Engel, 2015b). More than any other armed group, ISIS takes security on the ground seriously. In adhering to strict ideological rules, the group does not hesitate to use brutal force to ensure security maintenance. It first seeks to monopolize violence in the area it controls (Khalaf, 2015). When not totally in control of an area, ISIS first appeals to locals exhausted by the conflict’s chaos and insecurity, by focusing on eradicating groups behind looting. It then uses a mix of coercion and soft power to take full control of territory. It then becomes the only provider of security on the ground with its Islamic Police as its implementing arm and Sharia court as the policy maker or “state” (Ibid.). Taken as an example, - before its expulsion - ISIS held the most influence in Derna. There, the police, army units and courts were gradually eliminated through killings and intimidation. By no later than mid-2013, the Libyan government limited its presence in the city to a small army unit at the port. The jihadists prevented participation in the elections for the constituent committee in February 2014, and to elections for the HoR in June 2014. The assassinations were then no longer limited to members of the security forces, but increasingly also targeted judges, activists and politicians. The Derna offshoot of ASL merged with the IYSC of Derna, which in April 2014 for the first time openly patrolled the city. In October 2014 the Shura Council finally pledged allegiance to Abu Bakr al-Baghdadi’s Islamic State; in response, Baghdadi proclaimed Derna the seat of the ISIS province Barqa (Lacher, 2015). ISIS uses the gap in security to take over territory and gain access to sources of revenue. As reported, ISIS creates revenue from smuggling migrants. The report also suggests ISIS has driven Syrians and Iraqis from their homes in a deliberate attempt to increase their control over smuggling routes, and to drive up the

numbers of those trying to cross the Mediterranean (Walt, 2015). “They were looking desperately for new funds,” says analyst Christian Nelleman, “unlike al-Qaeda, ISIS needs a totally different scale of funds because they run an army and provide social services” (The Global Initiative against Transnational Organized Crime and RHIPTO, 2015). The report concludes that, “the value of this trade dwarfs any existing trafficking and smuggling businesses in the region, and has particularly strengthened groups with a terrorist agenda, including the Islamic State. (...) This growing business provides what is possibly now the largest and most easily accessible threat finance opportunity for both organized crime networks and armed groups to purchase arms, establish larger and more regular armies, and demand taxation” (Ibid.).

#### **b) Legitimacy Gap – Libya’s Factionalized Elites**

Legitimacy refers to a social compact or complex set of beliefs and values (internal and external), which govern state-society relations (Khalaf, 2015). Libya has a legacy of weak governance and deliberately hollowed-out state institutions that have little ability or experience in guiding the transition toward a democratic conclusion (Wehrey, 2013). The two warring camps “Operation Dignity” and “Libya Dawn” both lay claim to governance and legitimacy, with their own parliaments, armies, and prime ministers (Engel, 2014a). Regional backing of the two camps has deepened these divisions (Wehrey, 2014). The United Nations (Bosalum, 2014), United States, Britain, France, Italy, and Germany recognize the HOR’s legitimacy (U.S. Department of State, 2014). Turkish officials meanwhile have ignored the international consensus to boycott the Tripoli government, and have met with officials in Misrata and Tripoli (Libya Herald, 2014a). As a result the state building process is stalled. In many parts of the country, it is the armed groups, not the army, that control defense ministries, barracks, bases, and ammunition depots (Wehrey, 2014). As central government control weakened, armed and criminal groups gained legitimacy in the eyes of some communities by providing services the state did not (Shaw and Mangan, 2014).

**The Role of ISIS:** Beyond its capacity-related legitimacy, ISIS understands that its brutal processes and procedures against the locals continue to limit its legitimacy (Khalaf, 2015). The chaos that ensued left an opening for the most extreme jihadists to establish ISIS in Libya, which like its peers in Syria and Iraq rejects any cooperation with “un-Islamic” democratic



governments and elections as a whole. Such systems are deemed *shirk* (idolatrous or polytheist), governance for *kuffar* (unbelievers) in opposition to the *tawhid* (unification) of the *umma* (Islamic community). Cooperation with the transitional authorities is like-wise being used by ISIS in a propaganda war against other jihadist groups deemed less-pure and similarly reprehensible (Engel, 2015a). ISIS seeks to increase its legitimacy by either co-opting the locals by building relationships with them, or by changing their ideology towards it (Khalaf, 2015). The propaganda includes “hard” security and violent actions, as well as “soft” activities such as those focused on *hisba* (religious accountability) and *dawa* (proselytizing) (Engel, 2015b). With regards to its relationship-building efforts, as areas it controls are mainly tribal, ISIS pays particular focus on tribal affairs. The main goals of ISIS propaganda are to deter and win recruits from competing jihadist groups, opposing tribes, and “Operation Dawn” and even “Dignity” forces, as well as to draw foreign fighters and supporters to the “Land of the Caliphate” in Libya. Last October the eastern Libyan city of Derna became the first place outside of Syria and Iraq to fall under the control of ISIS. In terms of governance, Derna is so far the city that comes closest to what ISIS considers Shari’a compliant governance (Azoulay, 2015). “Normal” life for the last two years has meant a complete absence of any state-affiliated authorities. The city has instead been ruled by a variety of Islamist militias trying to impose Shari’a law (Jawad, 2015). Over the past few months, Derna has developed into a typical example of a city under ISIS rule. Mohamed Eljarh, who writes for the Atlantic Council and Foreign Policy, visited Derna last October: “It’s a city that’s completely out of any governmental or official control”, he says. ISIS has set up a “successful Islamic State” in the city, he observed. “Islamic State flags fly all over the city. They have established their own Sharia court, they have established their own police,” he explains (Jaafari, 2015). Boys and girls are segregated at school, and subjects such as science and philosophy have been banned from the curriculum. The new rulers have also outlawed cigarette shops, and anyone caught smoking will be fined or otherwise punished. ISIS fighters have carried out public lashings and executions as they seek to implement a strict penal code. Perhaps most disturbing of all, members of the group have taken over the homes of families that have fled, a measure clearly aimed at intimidating residents into staying. The group has also attended to the more mundane elements of governance, implementing a tax of 1.5 dinars (1 USD) per square meter in the city’s main market area (Eljarh, 2015a). As Derna was the city of ISIS’ strongest influence it has now become a symbol for its most “shattering defeat” in Libya (Eljarh,

2015a). Unarmed people, angered by the alien and repressive practices ISIS has implemented in the city since it seized power, took to the streets in protest. Later forces of the Mujahideen Shura Council, a militia linked to al-Qaeda in an unlikely coalition joined forces with the Libyan National Army and drove ISIS out of the city. The people of Derna seem to have chosen to back the lesser of two evils for the time being and have regained some of their old freedoms as a result of the Islamic State's expulsion. As Swiss Journalist Kurt Pelda and a German diplomat working for the German Embassy in Libya stated, ISIS might have "tried to hard and to early" to set up a Sharia-based rule in the city (Pelda, 2015). This is also the assessment of Libya expert and journalist M. Eljarh who put his finding in everyday language: "Islamic State Social Policies Aren't Exactly a Hit With Libyans" (Eljarh, 2015c). The case of Derna might give a hint to ISIS' most exploitable weakness in Libya: filling the legitimacy gap in an environment in which it is in fierce competition with other armed non-state actors. When fought by an alliance comprised of citizens, armed state forces and armed non-state actors ISIS lost its grip over Derna.

**c) Capacity Gap: Libya's Inability to Provide Public Goods to its Citizens** (Engel, Andrew, 2014a).

The capacity of governance is related to the regular and equitable provision of basic needs like electricity, water, food, jobs, etc. It also extends to cover more sustainable measures related to regenerating an economic cycle and livelihood opportunities (Khalaf, 2015). The case of Libya is noticeable as civil wars most frequently occur in states that lack the resources necessary to sustain the basic institutions of governance and provide public services. Libya, however, was wealthy in comparison with many other war-torn countries (Chivvis and Martini, 2014). Relatively high levels of per capita income made Libya look like a good candidate for an easy post-conflict transition, and economic activity was widely expected to return rapidly after the war. Wealth and a fairly well educated population promised opportunities for productive employment that itself would facilitate rebel disarmament and reintegration (Ibid.). In theory, Libya should have been well placed to finance its own reconstruction. But political instability and civil conflict have taken a severe toll on Libya's economy (Gartenstein-Ross et. al, 2015). Basic goods and fuel are in short supply; in some urban areas people no longer have reliable access to communications or electricity and are using firewood for cooking. Moreover, Libya faces the prospect of insolvency within the next few years as a result of falling oil revenue and

faltering economic governance, as militias battle for its oil infrastructure and financial institutions (International Crisis Group, 2015). Moreover, some 80 percent of Libya's formal workforce is employed by the state (Libya Herald, 2014b), which through poor administration often paid absentee employees or allowed employees to collect multiple salaries, leading to greater corruption and a further deterioration in public services. "A currency collapse is less than two years away," says Musbah Alkari, manager of the reserves department at the Central Bank of Libya (Kirkpatrick, 2015a). The World Bank assesses that capital spending has fallen to a fifth of its pre-revolution level. Reflecting these developments, the government ran a significant budget deficit estimated at 43.5 percent of GDP in 2014, the highest ever recorded. Moreover, domestic uncertainty prompted by the ongoing conflict has more than halved revenues from the non-oil sector (The World Bank, 2015). Underlining the connectedness of the different gaps, the World Bank assessed that "Libya's economic prospects in 2015 depend on the pace of the resolution of the political and security situation" (Ibid.).

The Oil Economy: Libya has the 9th largest proven oil reserves in the world and the largest reserves in Africa (Rosen, 2015). Though oil production quickly recovered in the wake of the 2011 revolution, persistent conflict over control of oil facilities began to noticeably slow production in mid- 2013 (The World Bank, 2015). Since the outbreak of the "Dignity-Dawn conflict", oil production has declined even further. Severe disruptions, a series of attacks and security breaches at oil sites have significantly disrupted activity in the hydrocarbon sector (Chmaytelli and Mahdi, 2014).

**The Role of ISIS:** Claudia Gazzini, Crisis Group's senior analyst for Libya who visited the country in early 2015, stated in an interview that, "ISIS is trying to debunk the economic base of Libya. They want to remove revenues – oil, banks, taxes – from the government in order to weaken the state" (Gazzini, 2015). This holds true for both rival governments as well. While ideological, tribal, and geographic motivations also drive both alliances, denying the ability to pay salaries and prospects of controlling Libya's revenues would help fracture the alliances of both camps (Engel, 2015a). Sirte, a major port city, so far seems to be ISIS's outpost of most serious concern as it is a key area full of resources to earn revenue for the organization. About 80 percent of Libya's recoverable reserves are located in the Sirte basin (Bajec, 2015). In March 2015, ISIS fighters took over at least two oilfields in Libya and attacked a third, according to oil

and government sources (Malsin, 2015). Although profiting from Libya's oil-riches might be a long-term goal for ISIS, experts believe, that large-scale oil smuggling from Libya is more difficult than in Iraq. "There's no way to smuggle oil in Libya," says Libya researcher Jason Pack. "The difference from a place like Iraq is Iraq has a long tradition of oil-smuggling from the Kurdish region going in trucks to Turkey. Libya has no such tradition" (Ibid.). Although large scale oil smuggling might not be an option for ISIS in Libya, journalist Kurt Pelda who visited Libya in May 2015 believes that ISIS is making profit from selling oil extracted from small refineries and sold on the local market (Pelda, 2015). Nevertheless the overall logic behind ISIS' attacks against Libya's source of wealth is likely to deny the glue holding the respective "Dawn" and "Dignity" coalitions together: hydrocarbons. The expansion of ISIS in the Gulf of Sirte and attacks on Libya's hydrocarbons industry risk turning Libya's conflict from a civil war to, as one Libyan wrote, "a revolution of the hungry" (Al-Ameen, 2015).

#### **d) Human Wellbeing Gap - Refugees and Internally Displaced Persons**

As described in a recent report of the ICRC the consequences of the civil war for the civilian population are severe: a breakdown in basic services, an increase in prices of basic food items, power cuts, fuel and water shortages and an overwhelming sense of uncertainty amongst the population. Access to health care has also become extremely difficult (ICRC, 2015). It is estimated that two million people, almost one-third of the total population, have been affected by the conflict in Libya, due to displacement, the disruption of food, fuel, water, and medical supplies, as well as electricity, gas, healthcare and basic social and public services and child protection systems (European Commission, 2014). Intense fighting in urban areas of Tripoli and Benghazi has exposed children to high levels of violence and has displaced an estimated 393,000 people including an estimated 290,000 women and children. Some have been displaced for the fourth or fifth time (UNHCRNews, 2015). Twenty percent of the school-aged internally displaced persons (IDPs) do not have access to education (UNICEF, 2015). Hospitals are both overcrowded with patients and have reduced capacity, following the exodus of foreign workers (European Commission, 2014). In August 2014, the Ministry of Health warned of a possible collapse of the health system after the evacuation of 3,000 health workers originating from the Philippines and India, accounting for 80% of Libya's hospital staff (WHO, 2014). The movement

of patients and health workers is difficult in conflict-affected areas, and many hospitals have closed due to insecurity (European Commission, 2014).

**The Role of ISIS:** Claudia Gazzini assesses that, “Libya is in a current state of statelessness. And also in this small cities controlled by ISIS, there is that same sentiment: no functioning banks, no functioning hospitals and a general erosion of the state” (Gazzini, 2015). Foreign Affairs’ Mohamed Eljarh thinks young Libyans find refuge in ISIS because, “they have no prospects for a future, the economy is collapsing, the oil flow is stopping and the prospect for the future of young people in Libya is bleak,” he says (Jaafari, 2015). It is no surprise that Derna was the place that ended up becoming Libya’s first ISIS affiliate. The city has suffered systematic social, economic, and political neglect and abuse for many decades. The lack of social and economic investment led to high unemployment rates and a widespread sense of injustice among the young. Those who governed the city after the 2011 revolution failed to address its long-standing problems (Eljarh, 2015). One method that ISIS uses to try and win over the “hearts and minds” of its subjects is through distribution of relief aid. These activities are highly publicized on ISIS twitter pages (Lefler, 2014). The rapid growth of the jihadists at the local level was caused by the success of their strategy to operate openly in the middle of society. With charity and public services they were able to cultivate a positive, or at least non-negative public image. ISIS and its affiliates acted at the same time as armed groups and as non-profit organization providing simple public services - anti-drug campaigns and fundraisers for the distribution of wethers to the needy, they erected checkpoints and undertook night patrols, which they then marketed on social media (Lacher, 2015). In Barqa ISIS has publicized *hisba* (accountability) activities such as burning cigarette cartons; destroying water pipes used for smoking; demolishing “polytheistic” statues and shrines; and persuading Muslims in open-air markets to leave their commercial activities and join them at the mosque. Its *dawa* activities have included distributing “medical guidance”, general aid to the needy, and sweets and gifts to children in Benghazi (Engel, 2015a). In Tripoli, ISIS has benefited from the relative calm to conduct more relaxed *dawa* activities such as “meet and greets” and distributions of cash and clothing (Ibid.). “The key question is whether ISIS can keep the population under their [sic] control happy while continuing to fund operations,” said one U.S. counterterrorism official. “We don’t think they can, and our assessment is that what they need to do to keep the population satisfied in terms of the

provision of social services will outstrip ISIS' ability to accrue wealth to maintain its operational tempo" (Nissenbaum, and Abi-Habib, 2015).

### **IX. Conclusion**

Libya had been, until their expulsion from Derna, a success model for ISIS. The group has pragmatically exploited the existing vulnerabilities including absence of state structures, uncontrolled borders, ungoverned territories and ready availability of weapons to entrench itself in the country (Gartenstein-Ross et. al, 2015). ISIS today still operates virtually unchecked in many parts of the country, running training camps, recruiting fighters, and coordinating with other militant organizations (Zelin, 2015). But as proven in Derna, there are limitations too, as there are a variety of armed actors present in Libya (Ibid.). ISIS in Libya still has a long way to go before it is consolidated in terms of territorial control or full monopoly on governance and security (Ibid.). "There's ISIS in Libya because there's a lack of a state, and there's the ability of every militia group to control territory because the major factions won't work together," says Cambridge's Jason Pack (Malsin, 2015). ISIS has become third bloc in Libya's civil war, the primary aim of which is to frustrate any compromise solution to the conflict and to provoke outside intervention, which they can then use as a rallying cry for recruitment and the launching of further attacks. The longer the chaos in Libya prevails the more arms and money will flow into ISIS coffers and the more difficult it will become to dislodge it from the Libyan ALS which it exploits (Pack, 2015). Even if the ISIS militant presence on the ground might be limited at the moment, it seems obvious that the group's supporters are laying the foundation for a long-term strategy in Libya and the rest of North Africa (Engel, 2015b). On the positive side, the case of Derna has shown that ISIS' weakness can be found in filling the legitimacy gap. A population that opposes an ISIS-style governance and is backed up by state or non-state armed forces was able to successfully stymie ISIS' attempt of exploiting and adding one of Libya's ALS to its self-styled "caliphate".

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