



## Political progress in Libya?

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After an election in July 2012 that pleased many observers by being peaceful and largely free and fair, Libya's progress has been slow. The interim parliament, the General National Congress, finally agreed in February 2013 on the procedure for the election of a Constituent Assembly, charged with drawing up a constitution and presenting it to the electorate for approval at a referendum. The election to the Constituent Assembly should be held some time this year.

However, security problems are mounting: the official security services are still ineffectual and the void has been filled by armed militias and gangs. Grievances that built up during the dictatorship and the revolution are not being resolved and ethnic, regional and local conflicts could threaten the integrity of the country.

For more detail on the outcome of the 2012 election, see the Standard Note [Libya's General Assembly election 2012](#), July 2012

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## 1 Political situation

Libya's political progress since the fall of Muammar Qaddafi has been mixed. On the positive side, both local and national elections have been held with little violence. Voters surprised some observers by not following the example of neighbouring Tunisia and Egypt and electing Muslim Brotherhood supporters but electing broadly secular representatives.

In July 2012 there were elections to the 200-seat General National Congress (GNC).<sup>1</sup> The new assembly was to produce an interim government, replacing the National Transitional Council that had ruled the country since the fall of the Qaddafi regime. The GNC was elected under a mixed directly-elected and proportional system. Former Prime Minister Jibril's National Forces Alliance took 39 of the 80 PR seats while the Muslim Brotherhood-affiliated Justice and Construction party took 17 seats. The rest of the PR seats went to small parties. Only independent candidates could run for the remaining 120 directly-elected seats. 16% of elected members are women and the turnout was 62%.<sup>2</sup>

The National Forces Alliance is a broad-based coalition of many smaller parties and organisations with broadly liberal views. While it advocates Islam and sharia as the basis for law, Jibril has decried the party as 'moderate'.<sup>3</sup>

The interim head of state was the President (Speaker) of the GNC, Mohammed Yousuf al-Megarif, until he was forced to stand down in May 2013 (see below). The deputy Speaker, Juma Ahmad Atigha, is now acting head of state. When a new constitution has been approved, a permanent head of state will be chosen.

After the election, Mustafa Abu Shagur was designated Prime Minister but failed to form a government and ended by losing support in the congress and having to resign. Jibril's National Forces Alliance had declined to take part in the government, despite being the largest single party, protesting at what it saw as an unfair process.

On 7 October 2012, Shagur was replaced by Ali Zidan, who beat a candidate from the Justice and Construction Party, allied to the Muslim Brotherhood. Zidan had worked for the Qaddafi government as a career diplomat before defecting with al-Megarif in 1980 to join the opposition in exile, working as a human rights lawyer. When the uprising started, he worked for the transitional government as envoy to Europe and was credited with helping to persuade the French to support the rebellion.<sup>4</sup>

A new cabinet was sworn in November 2012, although some of the nominees were rejected by the Transparency and Integrity Commission, set up to prevent those with connections to the old regime from gaining positions of power in the new. The commission also barred 10 of the new members of the General National Congress in the autumn.

In May 2013 the Speaker of the parliament was forced to resign by a new piece of legislation passed after pressure from militias, who surrounded parliament and the foreign affairs and justice ministries with militiamen to underline their support for the law. Mohammed al-Megarif, and several other experienced Libyan leaders will be excluded from high-level posts for the next 10 years as a result of the law. Al-Megarif had been Qaddafi's ambassador to India but

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<sup>1</sup> For more information about the July election see the Library standard note [Libya's General Assembly election 2012](#), 18 July 2012

<sup>2</sup> Inter-Parliamentary Union, [Libya](#)

<sup>3</sup> 'Party Profile: The National Forces Alliance', *Libya Herald*, 1 July 2012

<sup>4</sup> '[Ali Zidan elected Libya's new prime minister](#)', *BBC News Online*, 14 October 2012

had defected in 1980 to become an opposition leader in exile. Al-Megarif complained about the growing power of parliament members backed by militias,<sup>5</sup> and indeed the fact that a law with such illogical consequences was passed seemed to mark a very important consolidation of the militias' power.

The work of the commission has attracted criticism as its decisions come with little explanation and no apparent judicial process. Some think that its decisions and the passage of the new law have more to do with political manoeuvrings than genuine concerns about the candidates' integrity. The rights group Human Rights Watch said in April 2012:

While it is understandable and reasonable that after decades of corrupt dictatorship, public officials in the new Libya should meet high standards of integrity, nevertheless exclusion from public office should be based on concrete and provable claims of wrongdoing.<sup>6</sup>

Zidan refused to reach out to the Justice and Construction Party but is working with the President of the Congress's National Front Party, which has three seats in the congress.

In March 2013, Zidan visited Washington, where President Obama expressed support for the Libyan transition to democracy. It is also reported that the security situation in Libya topped the agenda in talks with the Administration.<sup>7</sup>

Also in March, in an indication of the difficult security situation, an independent GNC assembly member resigned his seat representing Misrata because of death threats that he had received. He had a reputation for integrity and had spoken out against both the Qaddafi regime when he was exiled in the UK and, later, against the armed gangs and militias after returning to Libya.<sup>8</sup>

## 1.1 The Qaddafis

The International Criminal Court ruled on 31 May that Libya must hand over Saif al-Islam Qaddafi, the former ruler's son being held by the militia that caught him (not the Libyan state). The ICC concluded that Libya's investigation into Saif al-Islam's activities is not exactly the same as the case before the ICC, and that the Libyan state is struggling to exercise its judicial powers across its entire territory, citing the fact that Libya is not able to gain control of Saif al-Islam from the militia that is holding him. Meanwhile, the hunt for resources allegedly stolen by the Qaddafi family turned in June to South Africa, where Libyan investigators claimed that the dictator had hidden more than \$1 billion worth of cash, diamonds and gold.<sup>9</sup>

## 1.2 Constituent Assembly

The constitution has yet to be drafted. On 6 February 2013, the GNC decided to establish a Constituent Assembly for that purpose and that the members of the Constituent Assembly should be elected by the public and not selected by the GNC itself. The election to the Constituent Assembly is due to be held in 2013, when 20 constitutional experts for each of Libya's three regions will be elected. Once drafted, the constitution will have to be approved by a referendum.

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<sup>5</sup> 'Libyan Parliament Chief Resigns Over Ex-Regime Ban', *Associated Press*, 28 May 2013

<sup>6</sup> 'Libya: Amend Vetting Regulations for Candidates, Officials', Human Rights Watch press release, 28 April 2012

<sup>7</sup> 'Obama tells Zeidan of US support for Libya's democratisation', *Libya Herald*, 13 March 2013

<sup>8</sup> 'Congressman Al-Amin quits', *Libya herald*, 13 March 2013

<sup>9</sup> 'Hunt for Gaddafi's \$1bn', *Daily Telegraph*, 3 June 2013

Critics of the GNC say that its most important job was to set up the Constituent Assembly and that its stalling has led to more conflict within the country.<sup>10</sup> The role of sharia law will be an important and contentious issue for the Constituent Assembly, particularly for women, as will any specific provision for gender equality in the constitution. Regional disputes and struggles over the degree of centralism in the new political set up will probably also come to the fore during negotiations. Crucial too will be the recognition or otherwise of Tamazight (Berber) language as an official Libyan language in the constitution.

## **2 Security**

The death of Colonel Qaddafi and the collapse of his system left Libya without a functioning state. The Qaddafi regime kept order by playing groups, town and regions off against each other. Some places had access to resources, others had none. The state helped to foster many property, land and power disputes between tribes and regions, and Qaddafi's long period of autocratic rule meant that grievances had plenty of opportunity to build up and almost no mechanism to be resolved. More disputes inevitably arose during the armed conflict itself.

After the revolution, the police and armed forces were no longer able to maintain law and order and the power vacuum was filled by many local militias, strong men and local military and civilian councils. These groups, mostly armed during the uprising, have been able to maintain a certain level of order, as local leadership figures have brokered truces between different warring factions.

The conflict has left tens of thousands of Libyans internally displaced, unable to return to their homes and livelihoods because of fears of revenge from the many militias that exist in the country. The justice system in Libya is overwhelmed and there has been little attempt so far to establish any truth and reconciliation process.

Libya is awash with arms. The scale of weaponry available in the country was demonstrated by the scale of the conflict in Mali, reportedly fuelled by weapons looted from Libya stores. Libyan weaponry has found its way to a number of countries in the region.<sup>11</sup> The government has run arms buy-back programmes and many former rebel fighters have been integrated into the regular armed forces, but these processes have a long way to go before the state can show that its security services are in full control of the country.

### **2.1 Bani Walid**

Incidents in the western town of Bani Walid demonstrate the security concerns facing the government. The town is considered a stronghold of pro-Qaddafi elements in Libya (although, like any other Libyan town, it contains both pro- and anti-revolution opinion). Anti-revolutionary militiamen in Bani Walid captured and imprisoned the man who had reportedly been involved in the discovery of Colonel Qaddafi, hiding in a drain in Sirte. In September 2012, Omran Shaaban was released after mediation by Muhammad Yousuf Magariaf, President of the GNC but, soon after, died of his injuries after being tortured and shot during captivity. Omran Shaaban was buried in his home town of Misrata, which had been a rebel stronghold during the revolution.

The government set a deadline for handing over the men responsible for his death, but the Bani Walid militias resisted (perhaps with reason, since they would have been handing them

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<sup>10</sup> 'Slow rebirth for post-revolution Libya', *BBC News Online*, 17 February 2013

<sup>11</sup> 'Looted Libyan Arms in Mali May Have Shifted Conflict's Path', *New York Times*, 7 February 2013

over to other militias rather than to any functioning justice system). In October, pro-government militiamen, many from Misrata, attacked Bani Walid to regain control of the town. After laying siege and bombarding the city for several days, pro-government forces retook the town. About 20 were killed during the action and stories of revenge attacks were rife, showing how little control the government has over fighters. Thousands of civilians had fled the town during the shelling, most of whom returned to their homes once hostilities had died down and services such as electricity were restored.<sup>12</sup>

Pro-Qaddafi leader Moussa Ibrahim, who had been the international spokesman of the Qaddafi government during the revolution, was reportedly captured during the fighting in Bani Walid but it later emerged that the report was false and that he was still at large.

The struggle in Libya is still not over. Former regime figures such as Moussa Ibrahim may have access to billions of dollars in secret accounts and may be able to do a lot to destabilise the new government.

## **2.2 Benghazi**

On 11 September 2012, there was an attack on the US diplomatic post in Benghazi, in the east of Libya, that left the Ambassador, Christopher Stevens, and three other Americans dead. The attack was initially linked to an anti-Islam video made in the USA that caused violent demonstrations in a number of countries and some have suggested that the attack may have been the work of Qaddafi loyalists or it may have involved elements from al-Qaeda branches.

There had, on the other hand, been several similar incidents in the preceding months (the British Ambassador's motorcade had been hit by a rocket-propelled grenade in July) and reports indicate that the attack was planned and not just mob violence. This is evidence of a growing trend towards violent Islamism in Benghazi. But the demonstration by tens of thousands of Benghazi residents against the attack and in sympathy with the American people showed that there are other points of view in Libya. Armed citizens also expelled extremist militias from camps in the outskirts of Benghazi.<sup>13</sup>

In June 2013, the instability was illustrated again by a massacre in Benghazi. Some 31 protesters were killed and 100 injured, leading the Army Chief of Staff, Major general Yousef al-Mangoush to resign. The protesters, local civilians, were calling for the Libya Shield Brigade to be disbanded in what had started out as a dispute over the ownership of the land where the base was. When they reached the base of the militia and threw stones and fired Kalashnikovs at the base, they were met with fire from heavy weaponry including rocket-propelled grenades and anti-aircraft guns. Only two militiamen were among the 31 dead.

Libya Shield had been relatively close to the government, a semi-official group that had acted to maintain order in its area. In return for helping the government, however, Libya Shield and other groups like it had demanded favours, such as the law passed recently which led to the resignation of the General Assembly's Speaker (see above). General al-Mangoush was reportedly the militias' most important contact in the government.

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<sup>12</sup> 'Life slowly returns to former Gaddafi stronghold', *Reuters*, 24 October 2012

<sup>13</sup> 'Benghazi attack throws Libya gains into question', *IISS Strategic Comments*, Volume 18, Comment 35 – October 2012

According to reports, the militia has now fled the area and disintegrated, and some other militia leaders had announced that they had disbanded their organisations.<sup>14</sup> Some expressed a hope that the public had now had enough of the militias and that the episode would mark a turning point.

### 2.3 NATO assistance

This remains probably the most pressing problem for the government – how to create unified, effective security forces and re-establish the Libyan state’s monopoly on the use of force. In June 2013, the Libyan government requested NATO advice on how to achieve that. NATO announced that it would send an expert-level delegation to Libya to investigate where the organisation could help. NATO secretary General Anders Fogh Rasmussen said that the help would probably concentrate on institution-building but that no troops would be deployed and any training would take place outside the country.<sup>15</sup>

## 3 Christians

International concern was raised about the arrest in February 2013 of dozens of Egyptian Christians in Libya, accused of proselytising. Charges were dropped and most of the Egyptians were deported, after the intervention of the Egyptian government. However, one of the Copts who had remained in custody died. Egyptian Christians attacked the Libyan embassy in Cairo, maintaining that the man had died after being tortured. The Libyan authorities said that the man was diabetic and had had heart surgery and had died of natural causes. A Coptic church in Benghazi was attacked in early March, an event that the foreign affairs minister said was “contrary to the teachings of our Islamic faith and customs and as well as international covenants on human rights and fundamental freedoms and respect for the monotheistic religions”.<sup>16</sup>

## 4 Migrants

Migrants have suffered particularly badly in the climate of violence that pervades the country. Rights group the Fédération Internationale des Droits de l’Homme (FIDH) found in 2012 that people in Libya from countries south of the Sahara have been targeted by militia groups that have decided that immigrants ‘bring crime and disease’. These groups detain migrants at their homes or at improvised checkpoints and hold them indefinitely in unauthorised cells, often abusing them physically and mentally.<sup>17</sup> Government authorities also hold unauthorised migrants in poor conditions in holding centres. The EU was particularly criticised by the FIDH for forcing Libya to take back non-national migrants who have been rejected by EU countries’ immigration officials.

Amnesty International echoed the FIDH concerns in November. Amnesty quoted a 23 year-old Nigerian woman who had been detained for months in Libya:

They [Libyans] don’t treat us like humans. For them we are animals or slaves. We are foreigners, we have no rights. We are locked up and don’t know what will happen to us. If we complain, we expose ourselves to beatings and insults.<sup>18</sup>

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<sup>14</sup> ‘Violence Against Libyan Protesters Threatens to Undercut Power of Militias’, *New York Times*, 10 June 2013

<sup>15</sup> ‘NATO to send expert team to Libya to assess aid request’, NATO press release, 4 June 2013

<sup>16</sup> ‘Government condemns attack on Benghazi church’, *Libya Herald*, 3 March 2013

<sup>17</sup> Fédération Internationale des Droits de l’Homme, ‘Libya hounding of migrants must stop’, *EUobserver*, 11 October 2012

<sup>18</sup> *We are foreigners, we have no rights: the plight of refugees, asylum-seekers and migrants in Libya*, Amnesty International, November 2012

## 5 The south

One of the most important fault lines in Libyan society runs between Arab groups and the Africans in the south of the country. As is the case in many areas in and around the Sahara, control of smuggling routes is a common cause of conflict. In the case of the south of Libya, there is a lucrative trade in the export of guns and subsidised petrol and flour, while whisky and migrants enter Libya. There have been many clashes between Arabs in the south and the African Toubou people, whose population straddles the border with Chad and Niger.

There are also serious problems between the Arabs and the Berber or Amazigh people. Berbers in the south are known as Tuaregs. Like the Africans in the south, the Amazigh people were the target of Arabisation policies pursued by Colonel Qaddafi; their language and culture was suppressed. Since the revolution, Arab towns and Amazigh towns vie for resources and persecute each other over claims of who supported the revolution.<sup>19</sup> Many of the militias that operate around Libya's southern and eastern borders in fact did not participate significantly in the revolution but claim that they did to gain legitimacy and enhance their authority in battles over smuggling routes. In many cases they have seized control of border posts from the legitimate authorities, in order to be able to run them as a business. Tamazigh/Arab disputes are also ongoing in the east of the country.

Control over Libya's borders was very weak even under the Qaddafi government. The border control function was spread between a number of different government departments and agencies that did not communicate well with each other. Qaddafi often set them contradictory policy objectives and attempted to manipulate people trafficking to his own ends. Not only that, but the Qaddafi government's marginalisation of communities such as the Amazigh and the Toubou meant that these peoples and the areas they inhabited were excluded from the Libyan economic mainstream, leaving trafficking as almost the only livelihood available to them.

Since the revolution, the control over Libya's borders has become even weaker. While the government may have better intentions than its predecessor, the revolution has disrupted the already chaotic functioning of the border forces. For Peter Cole of the Carnegie Endowment, in order to regain some control over the border regions and the far south, the government will have not only to make its institutions work better and impose control on the independent militias operating on the periphery, but also reduce the incentive for illicit activities over the borders by encouraging the economic integration of border areas into the Libyan economy.<sup>20</sup>

The end goal for Libya should be to steadfastly undermine and remove the deeply entrenched incentives to engage in illegal or quasi-legal cross-border activity—something that can only be achieved by creating a stable and prosperous south.<sup>21</sup>

After the French military operation to oust Islamist rebels from Mali, it is reported that the situation in southern Libya has become even more unstable. While the unrest in Mali was fuelled in the first place by arms and fighters from Libya, the Islamist and possibly Tuareg forces driven out of Mali have returned, to the dismay of the Libyan government and the West.<sup>22</sup>

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<sup>19</sup> Nicholas Pelham, 'Is Libya Cracking Up?', *New York Review of Books*, 21 June 2012

<sup>20</sup> Peter Cole, *Borderline Chaos? Stabilising Libya's Periphery*, Carnegie Endowment, October 2012

<sup>21</sup> Peter Cole, *Borderline Chaos? Stabilising Libya's Periphery*, Carnegie Endowment, October 2012, p21

<sup>22</sup> 'NATO Sends Team to Libya To Assess Providing Security Aid', *New York Times*, 5 June 2013

## 6 Economy

There were high hopes for the Libyan economy after hostilities ceased. Libya is a rich country: the biggest oil reserves in Africa and a small population helped Libya to have higher than average human development scores for Arab states and a particularly good health performance.<sup>23</sup>

Fighters from both sides avoided damaging oil and gas infrastructure during the war and, when oil output recovered quite quickly after hostilities ceased, reaching by May 2012 1.4 million barrels per day, not far from the pre-war rate of some 1.6 million barrels per day, the government predicted that output would soon increase even further.<sup>24</sup>

This has not turned out to be true. The chaos affecting ordinary Libyans' lives and the broader regional insecurity have begun to spread to the oil industry and output growth has started to falter. Militias and workers have stopped oil production, demanding payments from the government or more jobs; foreign oil companies such as BP have held back from projects, worried about security (particularly after the hostage-taking incident in nearby In Amenas in Algeria); bureaucracy continues to hamper the development of new projects.

## 7 Refugees and the UK

Libyan nationals who are in the UK and apply for asylum go through the same asylum determination processes as other nationalities. Each case is decided on its individual merits, in accordance with the provisions of the *1951 Geneva Convention relating to the Status of Refugees* and the *European Convention on Human Rights*. The Home Office also uses country of origin information when assessing asylum claims. The most recent Home Office [country information report for Libya](#) is dated 19 December 2012. A separate [Operational Guidance Note on Libya](#), v 9.0 dated May 2013, sets out the general position on returns to Libya:

**6.1** There is no policy which precludes the enforced return to Libya of failed asylum seekers who have no legal basis of stay in the United Kingdom.

**6.2** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules.

**6.3** Any medical conditions put forward by the person as a reason not to remove them and which have not previously been considered, must be fully investigated against the background of the latest available country of origin information and the specific facts of the case. A decision should then be made as to whether removal remains the correct course of action, in accordance with [chapter 53.8 of the Enforcement Instructions and Guidance](#).

**6.4** Libyan nationals may return voluntarily to any region of Libya at any time in one of three ways: (a) leaving the UK by themselves, where the applicant makes their own arrangements to leave the UK, (b) leaving the UK through the voluntary departure

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<sup>23</sup> UN Development Programme, [Libya Country Profile: Human Development Indicators](#)

<sup>24</sup> 'Gurgle and splutter; Libya's oil', *Economist*, 8 June 2013



procedure, arranged through the UK Immigration service, or (c) leaving the UK under one of the Assisted Voluntary Return (AVR) schemes.<sup>25</sup>

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<sup>25</sup> Home Office, *Operational Guidance Note Libya*, May 2013