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MENA Programme: Libya Working Group Meeting Summary

Libya's Recovery: Prospects and Perils

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Introduction

This paper is a summary of the discussions which took place during the fifth Libya Working Group meeting, convened at Chatham House in February 2012, to discuss policy suggestions and recommend action points for the international community with regards to the future of Libya.

Key points that emerged from the meeting included:

- The overall situation in Libya is better than participants had envisaged a year ago.
- Libyans are growing increasingly frustrated with the pace of progress in the transition period.
- With challenges surrounding central authority and decision making, the National Transitional Council needs to communicate more effectively with the Libyan population.
- The local elections in Misrata ran smoothly and have given much hope for the upcoming national elections in June, although they also reinforced problems of legitimacy and authority experienced by the central government.
- Reforms within the judicial system need to be addressed.
- Disparities in reconstruction need to be rectified: efforts have been focused solely on areas destroyed by Gaddafi's forces and areas destroyed by opposition forces have been neglected.
- There is no reconciliation process underway - top level leadership need to articulate that Libya is for all Libyans, not merely the victors of the civil conflict.
- Economic reconstruction should also address the need to create an inclusive economy, rather than reconfiguring class lines and reinforcing wealth disparities in line with political influence.

The meeting was held under the Chatham House Rule and the views expressed are those of the participants. The following summary is intended to serve as an *aide-mémoire* to those who took part and to provide a general summary of discussions for those who did not.

The Chatham House Rule

'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

Overview

Challenges of legitimacy, security and stabilisation continue to define the contest over the direction of Libya's recovery. The Libya Working Group met for the fifth time to explore the prospects and perils of Libya's ongoing transition, with a focus on the themes of governance, peace and security, and reconstruction. There is no doubt that the transitional period in Libya has been difficult. On a positive note, the first anniversary of the revolution took place without any major incidents despite a heavy presence of armed personnel on the streets. Libyans celebrated the event in cities and towns all over the country in a largely joyful atmosphere. Celebrations were organised independently of the government and participants noted that this was a good indication that Libyans are ready to assert their freedom as individuals and move forward as a nation.

Nonetheless there are several negative aspects to consider. Firstly, there is an on-going problem with militias. Participants acknowledged that it is difficult for the National Transitional Council (NTC) to maintain complete control over the entire population, but the situation is much better than they had envisaged a year ago. Secondly, human rights abuses continue to be a problem. There have been a number of arrests in which prisoners have been detained for long periods without charge and have been subjected to torture. However, some participants were keen to point out that there are also a number of cases in which prisoners have been detained properly and have had access to a lawyer. In addition the NTC has cooperated to some extent with Amnesty International, Human Rights Watch and the International Criminal Court; it is the first time this has occurred in Libya.

Elections

The local elections of Misrata were regarded to be a relatively encouraging sign for the future of democracy in the country. The elections, which were observed by local and international observers as well as the media, were the first sign of democratic activity in the country for 42 years. Observers noted that the elections ran smoothly. Although the media regarded the elections to be a positive sign for the future of Libya, participants discussed concerns that the elections can be interpreted as a victory of federalism over centralisation, undermining both the central government and the upcoming June national elections, and highlighting a potentially splintered Libya in which largely autonomous city-states could emerge.

Although elections took place in Misrata, there is a lack of legitimacy at the national level. Until the office of the executive is established there is unlikely to be any decision making at all. Participants remarked that until a central legitimacy is built the government would be unable to ask militias to leave. The government will be unable to pull influence back to the centre without legitimacy. The longer this is delayed the more tensions there will be between the local and national level.

A number of new TV and radio stations, as well as newspapers and civil society organisations have been set up around the country. Although these organisations are still young and are not particularly well organised, their existence is a demonstration of the energy and interest of the population. Participants also highlighted the level of enthusiasm for a new government and constitution in June.

In June Libya will elect a government that will draft the constitution and not an operative government. It was emphasised that it is the responsibility of the NTC to make sure this message is made clear to voters. There are several important matters to be addressed by the constitution such as the manner in which the districts will be divided up – ensuring that electoral district divisions do not entrench power disparities arising from the revolution. In addition an electoral commission has yet to be set up.

Detainees and the judicial system

Like many other institutions within Libya, the judicial system is suffering from a lack of a legitimate central government. There are competing claims as to who has the power to arrest and detain people and for what reason, with militia claiming to have these rights, granted by the role they played in the revolution. It is unclear exactly how many detainees there are in the country but Amnesty International's latest report estimated around 7000. However the courts are not yet fully functioning with the first hearing having only taken place a few weeks ago.

It is very difficult to prosecute someone in Libya if they have taken part in any activities that are deemed to be pro-revolution. As long as this mentality continues there will be a lack of fair trials in the country. One participant noted that there are a number of prosecutors that would like to work but feel they have neither a mandate nor the necessary security. In addition they do not have the means to execute their decisions and they do not have the authority to compel defendants to turn up to the trial. A number of detention centres are

increasingly employing their own parallel prosecutors who have nothing to do with normal prosecution systems and have no mandate. There was a general consensus amongst participants that not enough priority has been given to this crucial issue.

The trial of Saif al-Islam illustrates a schism between the Libyan judicial system and the International Criminal Court (ICC). There is speculation that the ICC does not want Saif to be put on trial in The Hague as they do not have a strong case against him. Libya must file the charges against Saif for the ICC to release him; however whilst the NTC has requested that he be put on trial in Libya, charges against him have yet to be filed. Participants were anxious that the Ministry of Justice in Libya does not have the experience necessary for such a high profile case and voiced concerns that a fair trial in Libya may be impossible in such an emotive case. Indeed, NTC officials have even explicitly stated that they want Saif to be put on trial in Libya due to the existence of the death penalty in the country. If he is executed this could lead to a 'Saddam Hussein-type' situation in which he is exalted to martyrdom.

Security

A broad understanding of the concept of security needs to be applied in Libya, to include social and political and economical factors as well as military security. Institution building is central to this. However, the current lack of central authority and decision-making and communication continue to be obstacles to realising this aim.

One participant noted that the security issue in Libya is not limited to armed militia groups but rather there is an urgent need to create an environment in which young men are encouraged to leave the militias. Young people need to feel the need to become part of a real Libyan society in which they have a role. Libyans are very much aware of the situation in Iraq and they do not want to repeat the same mistakes. Disarmament of militias is currently on hold in the hope that jobs will start to emerge and young people will leave the militias. Quite a large number of militiamen have been receiving payment from the interim government; this is a dangerous situation - if some militias are paid whilst others are not, young militiamen may take the situation into their own hands. They may potentially turn to petty crime and gangs will be formed in order to account for the difference in payment.

While the security issue of militias dominates, it was emphasised that the related questions of border security are key. Participants noted that this was

an issue that was not resolved in Iraq and Libya should be careful not to repeat the same mistakes.

Current context

There has been some progress in a number of ministries including the Ministry of Oil, which has already reached its pre-revolution production target. It was also noted that weapons are starting to be removed from the streets and care of the injured has vastly improved.

However, there is a real frustration amongst Libyans over the pace of change in the transition. The present government is considered to be very weak by Libyans but participants highlighted that after years of having a strong leader, it may take a while for Libyans to adapt to the democratic process. There is a lack of willingness amongst members of the NTC to make decisions owing to a fear of being accused of corruption but this must not slow down progress. Libya needs a central government that has gained its legitimacy through elections.

Participants reiterated a point made in previous Working Group discussions, noting that those who fought in the revolution are deemed to be almost untouchable, as an individual's importance is ranked in accordance with the part they played in the revolution. There is an urgent need to move past the revolution and start referring to the law rather than the revolution. Gaddafi used the legitimacy of creating a revolution to rule the country, so it is important for Libyans not to repeat this mistake.

There is a tendency to discuss the past year solely as a revolution, but it is important to acknowledge that it was a civil conflict in which there were winners and losers. Despite Western perceptions, a large number of people fought for Gaddafi, and not solely for financial incentives. The absence of a reconciliation process is pressing and needs to be urgently addressed. The present situation is very serious and there is a real need for top-level political leadership to articulate that Libya is for everyone, not just for those who fought against Gaddafi.

The Economy

It was suggested that 2010 levels of national income would not be recovered until around 2014. Not only do extra jobs have to be provided but levels of output have to be restored. Nonetheless, it was argued that there is much hope for the future of Libya: unlike Egypt and Tunisia who suffered from a

corrupted form of international capitalism, Libya suffered from a corrupted form of socialism. This will mean that Libyans can look to the free market and decentralisation as a model for the future. Participants also noted that Libya should be careful not to repeat the same mistakes of the Soviet Union and Russia in which oligarchs reap the benefits. Libya needs to build a wider, more inclusive, economy in which all Libyans can take part.

There was a general agreement amongst participants that a revival of political Islam will not necessarily be to the detriment of businesses despite some reservations on the part of the media. There has been an emergence of a new class of investment savvy political Islamists. Furthermore, it was noted that the Muslim Brotherhood are not as strong in Libya as they are in Egypt or Tunisia in terms of organisation.

Inclusion

Currently reconstruction projects disproportionately include areas destroyed by forces loyal to Gaddafi meaning that reconstruction is only focused on one set of victims. Reconstruction needs to be addressed in a fair manner, in order to build a Libya for all Libyans. Libyans should not use reconstruction as a manner in which to assert victory over others and the international community needs to be very wary of the sensitivity of these issues.

There are a number of areas that are in dire need of reconstruction – participants mentioned particularly Bani Walid and Sirte. The example of Misrata was seen as quite motivating, with local people involved in reconstructing the city and foreign businesses encouraged to invest. The Misrat expatriate community funded the city during the war, making it one of the wealthiest cities at the time. Participants highlighted, however, that Misrata is an exceptional case and cannot act as a model for other Libyan towns and cities, and furthermore, international attention is focused disproportionately on Misrata.

Participation and inclusion are vital and robust steps need to be taken to ensure this. At the moment the ‘losers’ of the war are having no say in the future of Libya, as they are terrified of being attacked. Allegations that the NTC is suffering from a lack of inclusion continued in this discussion. It was noted that this can be seen throughout the government. The example of the naming of the ministries was stated: Gaddafi loyalists are likely to be reluctant to report missing people when the name of the ministry in question is ‘The Ministry of Martyrs and the Missing’.

Conclusion

Although there are a number of positive aspects to Libya's ongoing recovery, participants were also wary of a number of challenges that the country faces. Central are frustrations amongst Libyans over the slow pace of political change. The lack of central authority from the current interim government is also a key concern; there were fears that the Misrata elections can be interpreted as a victory of federalism over centralisation, emphasising tensions between political structures at a local and national level.

There is a lack of inclusion in Libya. This is an issue that has been highlighted before but has yet to be addressed. Few efforts have been made in the reconciliation process and there is ongoing issue with the judicial system in the country. Reconstruction, in particular, has been focused on areas destroyed by pro-Gaddafi forces and areas destroyed by opposition forces have largely been neglected.

About the Libya Working Group

The Chatham House Libya Working Group, established in February 2011 and convened by [Sir Richard Dalton](#), aims to identify and discuss scenarios for political transition, state building, transitional justice and economic reconstruction. The Working Group meets 4 to 6 times per year and provides a forum for debating new ideas, sharing expertise and disseminating research findings about Libya's future. Through bringing together experts from a wide range of backgrounds and sectors for a free and frank exchange of ideas the project seeks to widen the framework of political debate on Libya, leading to innovative recommendations which influence critical policy decisions.

We are seeking funding to enable us to continue and build on this work. Pledges towards the total amount would be welcomed. For more information please contact [Helen Twist](#).

About the MENA Programme

The Middle East and North Africa Programme, headed by Dr Claire Spencer, undertakes high-profile research and projects on political, economic and security issues affecting the Middle East and North Africa. To complement our research, the MENA Programme runs a variety of discussion groups, roundtable meetings, workshops and public events which seek to inform and broaden current debates about the region and about UK and international policy. We also produce a range of publicly available reports, books and papers.

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