

Report on my visit to Libya

15 - 17 June 2012

I spent last weekend in Tripoli, as EP standing Rapporteur for **Libya, a country which I have been visiting monthly and where I have been watching significant progress** in many areas, despite the heavy heritage characterized by institutional vacuum, absence of a state security system and the culture of localized rivalries nurtured by the Khadafy dictatorship.

International media reporting on Libya generally focus on dysfunctional governance and violent incidents which continue to occur, but miss the overall picture, which is clearly positive, including in the public order field, considering that the largely uncoordinated militia brigades are, in fact, the only security apparatus existing in Libya (despite the insecurity they also entail).

A main factor for the progress achieved is the **cohesive and resilient nature of the Libyan society**, anchored in strong family, local and tribal ties, coexisting with a sense of nationhood and moderate Sunni Sufi Islam.

If that produced weak interim revolutionary governance and failure to disarm civilians, it also explains the restraint, creativity, organizational skills, awareness of the country's potential and the strong urge for accountable leadership and reintegration in the international community that Libyans show at all levels.

1. First national elections on July 7

The first national elections since 1959 are now scheduled to take place on the 7th July 2012, less than one year after Khadafy run away from Tripoli. On the basis of the Interim Constitutional Declaration passed by the NTC (National Transitional Council) in August 2011 and the Electoral Law, published in January 2012.

A **National Congress (NC)** is to be elected with legislative interim powers and the function of appointing a committee to draft a Constitution to be submitted to the people in a referendum next year. A new interim government is also to be established by the NC. **Libyans have high expectations for these elections, seen as the indispensable step to empower an Executive with legitimacy to take action** and embark in the necessary institutional state and society reforms - crucially giving priority to the security sector and the judiciary.

In the last months, highly participated and clean **electoral processes elected local governing councils in several cities, namely Misrata and Benghazi**, attesting to the will of the people to experiment with democracy, besides the resilience and organizational capacity of the society, compensating for a dysfunctional bureaucracy. All of my contacts valued highly this local elections experience as a beginning to build up democratic institutions. And most, while keen to assert the weight of each regional polity in Libya and their share and say in the national distribution of power and resources, do not question the unity of the Libyan State (the group headed by Sakharov awardee Mr. Al Zenoussi, which I have met last May in

Benghazi, has been vocal advocating a federation, but is not supported by mainstream revolution figures, not even in Benghazi).

At the national level, despite the short time, total lack of experience and logistical, functional and communicational shortcomings, the **National Elections Commission** adopted an open attitude towards UN assistance and international advice and managed to set in motion a **registration process which was, by any standards, a success: more than 2.8 million Libyans (in a 6 million population, quite young in average) registered in 45 days.**

2. Political parties

In this last visit, considering that a EU Election Assessment Mission led by MEP Alexander Lambsdorff has arrived in Libya and will certainly be providing EP with information on the electoral process, I have concentrated in meetings with political parties - a significant sample, since they are mushrooming by the day.

Political parties were suppressed for four decades, with supporters stigmatized as "traitors sold to foreigners" by the dictator's ideology. Due to electoral timetable constraints, they had to be formed and register meeting tremendous organizational challenges, including popular suspicion about their role, purpose and foreign financing (forbidden according to the electoral law).

The future NC will be composed of 200 seats, of which 80 party representatives and 120 individual candidates, standing in recognition of their tribal or local representativeness.

Party lists are required to field 50% women candidates in zipper positioning. But only 3% of candidates for individual seats are women: despite their decisive role in the revolution, the conservative nature of society and family restrains women's role in public life (but there is one political party headed by a woman).

Parties and political entities have had little time to build brand recognition and a constituent base. Some entities just aim at representing their area or community in the NC. Most parties are not contesting all regional races, therefore only a few can be considered national in scope.

Party manifestos tend to be general and coinciding in nation building aspirations. Closer attention, however, shows different approaches towards security, economic policy and the extent to which Sharia is to be implemented.

One can identify a main division, in a country with a conservative and pious society, where no political parties dare to present themselves as secular and generally refer, in one way or another, to Islam as the religious and moral reference of the people:

1. A nationalist/democratic bloc - which includes the Alliance led by the first revolutionary PM Mahmoud Jibril, the centrist Movement headed by former interim oil and finance minister Ali Tahrouni, and the party led by former diplomat and activist Ali Zeidan.
2. The Islamist bloc - given the society distaste for extremism, parties do not want to appear closely associated with Egyptian Muslim Brotherhood nor the Salafist - the often referred "MB party" named itself "Justice and Development" and its leader, Mr. Sawan, with whom I had a most substantive discussion, goes out of his way to

project a moderate and inclusive vision for the country, while the party is actively outreaching to young people and women.

The other well known Islamist leader, Hakim Belhaj, the self-appointed military commander of Tripoli and former Guantanamo detainee, leads the Nation Party and has hired a British consultant to style his campaign with modernist slogans and project soft and appealing images.

This bloc includes a number of smaller parties which refer to Islam in their name, including Salafists which explore all ways to avoid having to field women candidates.

There are other significant parties such as the historic National Salvation Front, an underground armed opposition front during the dictatorship.

3. Security for elections and beyond

All political party leaders with whom I have met cited **security as the priority which a new government must deliver**, and they identify it with disarming the militia, integrating most members in civilian life and building professional army and police forces. All welcomed international assistance in capacity building for those areas and most stressed they were keen on European support.

Security was singled out by party representatives **as a main concern in the run up to the elections**. This concern is fed by violent clashes still occurring in different regions of the country (the Zway against the Tebou in Kufra, the Tebou against other tribe in Sabha, the Touareg against others in Ghadames, the Zintan tribes against the Mashsha), as eruptions of longstanding tribal rivalries over economic resources, which were stimulated in the four decades of erratic Jamahiriya "divide to rule" design. Adding to this, is the tension still marking strongholds of the former regime (Bani Walid, Sirte).

All the fighting pockets are, however, largely unconnected, locally driven, rather than motivated by challenges to the new state or its territorial integrity, and contained to less populated areas of the country. But the continued threats posed by wealthy Kadhafi top figures nesting in neighbouring countries (son Khamis in Niger, ex security chief Zenoussi in Mauritania, ex PM al Bagdadi in Algeria, many more in Egypt) help feed all sorts of conspiracy theories and lead party representatives and people in general to fear that the electoral campaign (officially starting this week) might be the ideal opportunity for violence to spread, serving those who wish to disrupt elections and the revolution.

The weak, aloof attitude or sheer incapacity of the interim government and NTC, for lack of political experience and central security forces to put down the skirmishes, only compounds the perception of unravelling chaos worrying some party leaders. Others just shrug, considering that the winding down of the interim authorities does not compel or enable them to act. On the other hand, this only reinforces the **general belief that elections, despite all problems and difficulties, are "the only game in town"**.

Fear that elections will empower extremist forces is there, in many interlocutors, but generally muted down, as no one expects forces identified with fundamentalist Islam to muster significant popular support, despite their ostensive affluence (funded by Saudi Arabia and Qatar, it is rumored).

The threat of extremist political islamists is said to be alien to Libyan culture and society. So, **nobody expects fundamentalists to reap much support in elections**, but rather it is feared

the impact of youth unemployment and their growing dissatisfaction if programs for social reintegration of militia members fail to be put in motion. Nevertheless, party representatives and others acknowledge that extremist organizations started the proselitism in Libya and some even link it to recent attacks to ICRC in Misurata, the UNSR and the British Ambassador convoys, the US embassy and even a beauty parlor in Benghazi. One source pointed out the Arab proverb "even just a little of evil is too much".

4. The aftermath of elections

No one expects that elections will bring any party to have a clear majority in the NC. All party leaders whom I have met declared their readiness to enter into agreements or coalitions in the aftermath of elections.

But many worry about what a functioning NC entails, given the general inexperience with the organization of legislative and political work. Several party interlocutors expressed to me strong interest in expert support to be provided by the EU to help structure committees, agendas and training of staff.

5. Conflict resolution and national reconciliation - the Tawergha

Another area singled out by party representatives as demanding urgent European assistance and international political investment is mediation effort to help solve local conflicts and promote dialogue and national reconciliation, in a society fragmented by rivalries fomented by the dictatorship and deeply wounded by the scars of the liberation war.

One stands out as extremely serious and requiring urgent expert mediation to help unblock the entrenched refusal to dialogue: the Misrata-Tawergha conflict.

A century old history of slave trade bred obviously resentment, but the fact that the city of Tawergha was used by Khamis Kadhafi to base his forces to attack Misrata and from there sent thugs to kill, maim, loot and rape men and women, explains the rage that led Misratans to erase the city of Tawergha, force all inhabitants to flee, prevent their return and make them to be all (including women and children) perceived by most Libyans now as expiating collective guilt in destitute and insalubrious IDP camps.

I have visited one such camp this time and spent three hours discussing with their leaders their situation. What started with very aggressive and foolish accusations towards Europe ("you destroyed our city and our fields, now rebuild it and build a wall around to protect us from Misratans...."), ended up in a painful and sad lament by victims of war who desperately need all sorts of help, including negotiating the return to their land.

The Tawergha tragedy brings up another priority which can only be addressed with international assistance: the reform of the justice system. It illustrates that without justice there will not be national reconciliation: Misratans legitimately feel victims of war crimes and demand prosecution and punishment for Tawerghan perpetrators, before reconciliation talks begin.

6. ICC team detained in Libya

With all my Libyan contacts, in public or private, I expressed the wish that the ICC team detained in Zintan **be released without delay**, stressing the **devastating blow to the international image of new Libya** this constituted.

I measured carefully all I could say, as much as I am measuring now what I can write in a report for public diffusion, in a guarded way similar to the one displayed by ICC representatives when they came to AFET this week to be heard on this matter.

I was aware that the ICC has a representative in Tripoli in direct contact with the authorities and that it was publicly pointing out to the misunderstandings leading to the detention. And I was informed by trusted sources on the unfortunate circumstances which raised sensitivities leading to the unacceptable detention. Such sensitivities have to do with the fear that the indicted dictator's son will find ways to shift wealth stacked abroad to trusted henchmen with a view to finance plots against Libya. And the delays in obtaining the release of the ICC team have a lot to do with the difficulty of the interim authorities to assert their power with the strong Zintan militia, in a move fully backed by the public opinion.

7. EU action in Libya - My assessment

After outstanding work and contacts developed by the office opened during the war by the HR/VP in Benghazi in May 2011, the EU lost outreach when it shifted base and staff to Tripoli, in October 2011. Successive short term assignments to head the newly established Tripoli Delegation, with movements heavily constrained by security concerns and very limited supporting staff, could not do much. An ambassador with a regular, long term, assignment arrived finally in May, but his staff, expatriate and local, remains extremely small. **Political analysis and European Commission expertise to develop projects must be reinforced**, so that the Delegation can adequately interact with Libyan authorities and civil society and also mobilize EU implementing partners to work in areas required - 30 million Euros assigned to assistance projects six months after the conflict, compares poorly with the 300 million spent in Kosovo at the end of the same period.

And Libyans are not only deeply grateful for European support in the liberation war: they are welcoming and actually demanding EU assistance, beyond the areas which the EU accepted to follow at the Paris Conference: civil society, media and communication and border security.

And the excuse cannot be invoked that Libyan indecisiveness or dysfunctionality does not enable external assistance: In civil society structuring and strengthening, the American NDI has been present on the ground since September promoting voter education, helping enable political parties and election officials, train domestic observers, etc.

Whatever the EU is doing, it does not have adequate visibility and is not therefore appreciated on the ground. Articulation with the UN Special Representative, Ian Martin, who is doing excellent work and has developed extensive knowledge of country and people, would make sense and should be the norm to ensure more effectiveness for EU and all other partners action.

Security sector reform, besides the links with border security and the social reinsertion of brigades members, should elicit a more pro-active effort on the part of the EU, responding to Libyan demands, in **articulation with the UN and other partners**.

Border security does not only serve the interests of Libya - neighbour's and even EU's security interests are at stake: **it is time to pass the phase of "needs assessment" and**

ensure also proper coordination of proliferating Member States initiatives - as the Libyan authorities have themselves requested.

Reform of the judiciary, transitional justice and conflict mediation should be areas for implementing, as soon as possible cooperation programs, with a long term approach.

All of that requires intense training, in the country and outside. It is central to change the EU and the Libyan mindset fearing migration flows: Libya needs migrants to develop health, housing environmental, agricultural and many other fields - the EU should assist Libya in establishing a legal status for migrants, as much as protection of refugees. And should also ease its visa policy towards Libyans, with a view to facilitate personal and business exchange. A Europe House should be established in Benghazi joining consular, culture and commercial services from the EU and the Member States.

Ana Gomes, MEP