

## Report on my latest visit to Tripoli, Libya

4-7 October 2013

### I. SUMMARY

I visited Tripoli from Friday 4th October to Monday 7th October 2013, in my capacity as European Parliament Standing Rapporteur for Libya.

I met with the Heads of Mission of the EU Member States, the Special Representative of the Secretary-General of the United Nations, elements of the EU Border Assistance Mission in Libya (EUBAM), representatives of the two major parties in the General National Congress - the National Force Alliance and the Justice and Construction Party - the National Dialogue Advisor, the Chairwoman of the Human Rights Committee at the General National Congress, as well as with a number of Libyan civil society organizations and activists. Just before my trip to Libya, I met in Brussels with Mr. Nuri Khalifa Al-Abbar, the Chairman of the Libyan High National Election Commission. I met also in Tripoli with a number of trusted Libyan friends, including one from Benghazi who came expressly to brief me on the situation in the east of the country.

Two years have now passed since the overthrowing of the dictator Muammar Gadhafi and his brutally oppressive regime, but the challenges to the democratic transition and stabilisation of the country have never been greater. Indeed, the political and security situation has critically deteriorated since the last time I had been in the country, in April this year. (See my report: <http://www.anagomes.eu/PublicDocs/8fe01d66-2369-4d8f-ad66-895caa1a834b.pdf>)

Political tensions are high, centred around poor governance delivery, dysfunctional parliamentary and political parties performance, uncertainty on the constitutional drafting process ahead and the general insecurity felt by the citizens, which got worse after the US announced, on the 5th of October, having conducted a raid in Tripoli to kidnap Anas Al Libi, a suspect of terrorism. A few days later the Libyan Prime Minister was kidnapped from his residence in a Tripoli hotel and held by an armed group for some hours. Also, the Foreign Ministry was set on fire and jihadist groups sporting Al Qaeda flags demonstrated in main squares in Benghazi and Tripoli.

Civilian armed brigades have till this day been operating without a centralised institutional framework and command structure. Also demobilisation, disarming and reintegration of revolutionaries has not progressed - and it could hardly have happened without Security Sector Reform. The national security and armed forces inherited from the previous regime still only nominally exist and the judicial system is inoperative.

This means that Libya is adrift in a context of abuse, impunity and insecurity. In an alarming way, the threat that financially-backed criminal networks and armed Islamist groups would use the institutional, governance and security vacuum - to which I have alerted in previous reports and namely in that of April 2013 - is very much perceptible and growing in today's Libya. Part of the arsenals inherited from Gadhafi and left uncontrolled in the last two years all around the country has, in the meantime, found their way into Libyan armed groups and into warriors in Syria and Mali and possibly fuelling other conflicts elsewhere. The security and governance vacuum meant also an increase in the flow of refugees and migrants escaping war, oppression and misery, coming from Syria and other countries in the region,

using the uncontrolled territory of Libya to transit into Europe - nobody knows how many of these people have entered Libya by its huge and porous border lines.

For the first time, I returned to Europe feeling that the hope for a better future, that had steered the Libyan people throughout the revolution and the initial transition process, is rapidly fading away: Libyans are frustrated and losing trust in the emerged political forces, and their weak or absent leadership, to solve the daunting challenges that Libya faces today.

Moreover, I came back with an even greater belief that, in order to support the country in this difficult phase and to salvage a democratic transition, the EU needs to do a much better job, and one that by each passing day becomes more demanding: that of engaging with all agents that can determine the evolution on the ground in Libya (including revolutionary armed groups who have the power of the guns), and that of ensuring urgently needed coordination among EU and MS' to support to all actors and activities which can deliver any measure of security and governance in Libya.

On a more positive note, the EU Delegation in Tripoli, after a disastrous revolving of Heads of Mission every three to four months in the last two years (I can name 6) is now staffed and operational, albeit much limited in movement, earlier by inadequately strict security rules and now also by the rapidly deteriorating security situation. The new EU Head of Delegation, Natalya Apostolova, is working to coordinate the action of Member States with a diplomatic presence in Libya. Ambassador Apostolova and her staff were extremely effective in assisting me in setting up the contacts and in accompanying me to all the meetings I had in Tripoli.

## **II. THE SECURITY SITUATION**

I arrived in Tripoli a day after the attack on the Russian embassy in Tripoli, which drove the whole Russian mission to evacuate from Libya.

Disturbingly, the international diplomatic corps in Libya has effectively become a target of attacks stemming from the widespread insecurity and impunity. It is unclear, in the view of many of my contacts, whether these attacks are specifically aimed at intimidating the international community or randomly targeted. Nonetheless, the fact that repeated incidents against foreign missions and convoys, some of which EU Member States' and also an EU Delegation convoy, is making matters more pressing in terms of security constraints and freedom of movement within the capital for all the diplomatic corps. As a result, all travels outside Tripoli have been severely restricted. Malta, the only EM which kept a consulate open in Benghazi, withdrew the consul recently for security reasons. Also, the EU offices and staff residences have, for security reasons, been concentrated in a compound in the outskirts of the capital. That does not facilitate their mobility and capacity to relate with daily life in Tripoli, not to mention access to other main cities, such as Benghazi, which they do not visit at all.

It must be stressed, however, that these attacks against diplomatic missions do not, in any way, reflect animosity on the part of the Libyan people, who continue to be as welcoming and eager to engage with foreigners as no other people in the region. Libyans themselves are paying the price of the insecurity, including women in general and a growing number of prominent personalities, who have been threatened and killed for speaking up against the thwarting of the revolution by infiltrated jihadist and fundamentalist forces.

Every time I have been in Tripoli I have heard shooting at night, but never so intense, prolonged and close to my downtown hotel as this time. It intensified in particular on the night of Saturday, 5 October, when news came from Washington about the kidnapping of Al

Libi from his home in Tripoli. The next morning all people I have met were tensely expecting retribution - interestingly I got a measured and laconic reaction at the headquarters of the Construction and Justice Party (close to Egyptian Muslim Brotherhood), stressing the need to find out whether the GoL was informed of what seemed an act of violation of Libyan sovereignty.

Only a few days after I had left Tripoli, on October 10, Prime Minister Ali Zeidan was abducted from the Corinthia Hotel, where he held residence. That is also where the temporary headquarters of EUBAM (EU Border Assistance Mission, a CSDP mission) - are located. I was informed then by British journalists on the ground that the group of armed men who surrounded the hotel and abducted the Prime Minister wandered around the offices of the security provider contracted to secure the EU mission and disconnected communications and took guns and other security equipment (the latter was denied by EEAS in answering my queries). This incident illustrates how volatile and dangerous the situation is becoming for everyone, Libyan or foreigner.

### **III. Priority : SSR & DDR**

Formal security forces exist only nominally in Libya: Gadhafi only trusted his mercenary praetorian guard and left no real Armed Forces or Police structured in the country. And they were not rebuilt throughout the last two years of transition, despite the repeated requests for assistance addressed by the GoL to the EU, and recently, out of despair, to NATO.

Paradoxically, what continues providing some measure of public security, as much of general insecurity, are the civilian brigades formed and armed during the revolution, which have grown in size and firepower, much exceeding those of the Army and Police. They are numerous, often infighting, some are now certainly infiltrated by jihadist groups and criminal organisations, despite being paid by the GoL. The two largest and which seem to have some lines of authority and connection to a centre are the SSC (Supreme Security Committees) and the Libya Shield Force.

The rebuilding of capable armed forces and police in Libya requires a sustained and coordinated international effort of assistance that will demand several years and commitment from Libya and its partners. That assistance requires training of forces in the country and not just token offers of training abroad, as offered by some EU MS.

For two years, there has been talk of a number of initiatives from EU Member States and NATO aimed at training Libyan security forces. All these initiatives are supposed to be concerted under UN leadership, in accordance with the Paris Conference "division of labour". The UN has made the preparatory structuring work. However, coordinated training has not happened: offers to take police and military for training abroad, namely by some MS, are fragmented and uncoordinated - to the point that NATO was recently called to help by a desperate Libyan government. Some EU MS have seconded security advisers to Libyan government offices, namely the Ministries of Defence and Interior, but according to several sources, their action seems mostly directed at securing procurement contracts.

The UN coordinating role should not pre-empt EU-led initiatives in the field of security and certainly does not impede strategic coordination among EU MS, as could be achieved through a CSDP mission to assist in the Security Sector Reform (SSR) and Demobilisation, Disarming and Reintegration (DDR) processes. If Libya's dangerous path is to be reversed, EU action must not remain confined to (EUBAM) border assistance, but imperatively requires urgent and concerted efforts in broader SSR/DDR.

In that sense, throughout my encounters, I sensed a consensus finally emerging - including, for the first time, among EU Heads of Mission - about SSR/DDR being not only absolute priorities, but on the need to be developed together and in parallel, and in a manner consistent with SSR and DDR regimes. For that coordination is needed among the EU and between the EU and other regional actors, such as the Arab League and the UN.

Disarming and social reintegration of revolutionary brigade members cannot continue to be neglected, in a country where 200.000 men are still armed, despite the work done by the Warriors Affairs Commission since the beginning of the transition to identify them and get them to be paid by the GoL. The truth is that reintegration into social and economic life of revolutionaries has effectively been neglected as a coordinated State task. Indeed, reintegration is the only path that will lead to disarming and that must proceed in parallel with the structuring of credible security forces.

If we add this situation to the weaknesses in governance and the influence of external Islamist agendas on these armed groups, increasingly voicing the frustration of their members by often violent means, we have a very complex web of risk-factors that will lead Libya into chaos. And that will most likely spill over into neighbouring countries and will certainly reach European Union shores in much more threatening ways than people loaded boats.

#### **IV. Libya's porous borders and EUBAM**

Libya has some of the longest and most porous borders in the region. To help secure and stabilise the Libyan borders, the EU has only recently began deploying a Border Assistance Mission - EUBAM, with a mandate to assist the country in securing both terrestrial and maritime borders.

In fact, EUBAM elements and other interlocutors I met during this visit to Libya emphasised that border security assistance can only succeed and have sustained impact if effectively articulated with assistance in building internal security capacity and centralized security structures in the country - and they do not exist and have not yet even started to be built up, as mentioned above.

On maritime border security, for instance, EUBAM experts pointed out the difficulty of finding appropriate interlocutors to work with, integrated into an effective line of command - what exists is an inexperienced and inappropriately equipped Maritime Police linked to the Interior Ministry and a nominal Navy with some experience but not at all equipped.

On land borders, the UN Representative stressed to me that the often heard concern with the "huge and porous Libyan borders" is misleading, in the sense of neglecting that those borders are also the porous borders of Tunisia, Algeria, Niger, Chad, Sudan and Egypt. Therefore, an effective effort to assist Libya in securing its land borders must also involve the cooperation of Libya's neighbours and their effectiveness at securing their side of the border. And some of them are not even trying...

The risk posed by the insecurity of the Libyan borders has been abundantly demonstrated by the illegal transit of weapons from Libya into neighbouring countries. Most seriously, weapons from Libya have found their way into Mali and helped fuel the conflict in northern Mali. And have also been shipped off to Syria, from where Libya has been receiving growing numbers of war refugees. Two notes seem to me to be worth stressing:

a) the security of the borders of Libya will not be guaranteed if the internal security situation is not duly solved; and for that to happen it is chief to improve governance and functioning centralized security structures, namely credible army and police forces;

b) the security of the borders of Libya is not a sole concern for Libyans, but must become of urgent concern for all neighbouring countries, who must share the burden, as it is not only in their interest, but also their responsibility.

## **V. THE POLITICAL/INSTITUTIONAL SITUATION**

The political situation in Libya is dire. The authority of the government led by Prime Minister Ali Zeidan, sworn into office in October 2012, has been particularly hit by the security vacuum. It was already being challenged by the forces represented in the General National Congress (GNC), but fell in disarray since Al Libi was abducted by the US and then the PM, himself, was abducted by an armed group.

As some of my Libyan interlocutors told me, the political forces inside and outside the GNC do not know how a parliament works and do not have any democratic experience, namely the political parties hastily formed after the revolution. Therefore, they do not trust each other to gather around a common purpose and bring about democratic transition to Libya. The task is daunting as it must encompass the creation and capacitation of democratic institutions, including political parties, the reform of the judicial system, the functioning of governance structures and a credible and effective State security apparatus. Libya needs a major international assistance effort to build statehood and implement democratic governance. "Libya can only be compared to Kosovo in the beginning, but got none of the state-building assistance", a European expert told me.

The volatility of the political situation in Libya reached apex when Prime Minister Zeidan was kidnapped by militia forces on October 10th. Mr. Zeidan said his abduction was carried out by the "Libya Rebels Command - Operation Room and Crime Combat Agency" and his government later blamed two members of the GNC for having been behind the planning of the abduction, allegedly in protest for the lack of ability of the PM to run the country. A few days earlier, when I arrived in Tripoli, there were already numerous reports of attempts by GNC members of garnering enough votes in the House to bring down the Zeidan government.

But there is no doubt that the kidnapping of Prime Minister Zeidan was somewhat precipitated by the US-led operation in Tripoli to capture the AlQaeda member Abu Anas al Libi, felt by most Libyans as a violation of their country's sovereignty, as the Zeidan government protested with Washington.

Even before the PM's abduction, the poor governance delivery had impacted on the credibility both of the government and the GNC before the Libyan people. In practical terms, there seemed to be very little the Zeidan Government would be able to do, without the backing of the main political parties and representatives at the GNC. And the degree of disagreement between the main political actors in Libya was vast, even before the PM was abducted. Disagreement focused as well on the prospects of the constitutional process ahead:

a) An electoral calendar had been set and announced at the beginning of October, according to which, within three months, a "Committee of 60" would be elected and would form the body tasked with drafting of the new Constitution;

b) It was unclear whether the GNC would be dissolved after February 2014, which was the date set for its expiration and, therefore, whether parliamentary elections based on the new Constitution would then take place or not;

c) The specific composition, criteria for eligibility and gender balance of the "Committee of 60" was still uncertain, but most interlocutors believed women would be severely underrepresented;

d) In connection with the possible expiration or extension of the mandate of the GNC, it was uncertain as to how long the constitutional drafting would take, with the main political actors expressing diverging views;

e) It was also unclear how a "National Dialogue" initiative - said to prolong Ali Zeidan temporary government or to replace it by another provisional one - and, specifically, its findings would interact with the drafting process of the Constitution.

In short: a very confusing outlook. And nothing got clarified, on the contrary, since the Prime Minister was abducted - according to all reports.

Of course, the "National Dialogue" initiative of which I heard so much in Tripoli and in so fuzzy terms, seems to be directed at providing some minimal convergence and understanding among the main political forces and the societal and regional communities, based in the tribal groups, which they represent. The initiative does purport to engage in a genuine bottom-up process of national reconciliation that Libya dramatically needs - and for that professional assistance is badly required - to address the grievances of communities much penalized either by the dictatorship (for instance, the Amazigh), or by the revolution (the Tawarghans, the Bani Walid tribes),

## **VI. THE ECONOMIC SITUATION**

There was consensus amongst all my interlocutors that the economic situation of Libya is of increasing concern, due to multiple factors that range from the absence of effective governance structures, the deteriorating security situation in the country, the decrease of oil production due to disruption in oilfields and oil terminals (particularly hit by strikes and boycotts organized by certain armed groups and tribes to blackmail and extract concessions from the central government), the latter with serious national budget implications.

The International Monetary Fund has recently sent a mission to the country to evaluate the general state of the economy and it has concluded that if Libya does not get control over its spending, it might run a budget deficit as early as 2015. Indeed, corruption and mismanagement are rampant in a country that lacks the most basic governance structures to ensure that public spending is directed at improving public services and avoid corruption within the public sector. (Significantly, nobody could tell me which official structure/ministry was in charge of recovering stolen assets...)

In this context, foreign investors are obviously not attracted to invest in Libya. And the domestic private sector has not taken off in a way that allows for economic growth and development. Some of my interlocutors believed that the overall situation in the country would greatly benefit from a boost in the private sector: that would help bring about change in a number of other crucial domains, including security, namely to facilitate disarming the revolutionary brigades - a DDR scheme is doomed to fail if, precisely, there are no jobs on offer.

As a result of the difficult security situation on the ground, many of those who had returned to Libya after the revolution have now started to leave the country again. Accordingly, much of the foreign investment by private companies who, after the fall of the Gaddafi regime, saw in Libya great economic potential, have halted their plans.

## **VII. THE SITUATION OF WOMEN**

I came back from this visit deeply worried about the situation of women in Libya. The public space gained by women throughout the revolution is effectively shrinking in all areas and most worrisome is the recent trend of insecurity, attacks and harassment directed at women and girls.

I met a number of representatives from Libyan women and youth NGOs and they have conveyed to me that women are facing pressure to withdraw from public and political life; they are more and more pushed to cover themselves and to restrict their movements, especially when they are alone after sundown. This is attributed to the growing influence that fundamentalists linked to Egypt and said to be financially backed by Qatar and Saudi Arabia are gaining in Libya, namely working through some political forces. The Mufti is seen as a spokesman for these extremist and obscurantist forces: he recently issued recommendations that women should not drive and that female teachers should cover their faces.

Curiously, the political parties' representatives that I met during my visit have all assured me that they remain committed to the empowerment of the Libyan women throughout the transition process and, particularly, within the political structures, like the GNC. However, the decision that the "Committee of 60" will only carry a quota of 6% of women definitely contradicts any political goodwill statements made with regard to the participation of women in public and political life.

The EU has been instrumental in providing space and in helping develop capacities for NGO, media and political activists in Tripoli, as many have told me with great appreciation. However, that is confined to Tripoli, since the EU delegation cannot move around in the country. And much more could, and should, be done to assist Libyans - and women in particular - to counter the growing extremist ideology and political influence, in the framework of a broader strategic and coordinated political and security effort to counter the derailing of the democratic process in Libya.

## **VIII. Migrants and refugees in Libya**

The daily tragedies in Lampedusa or Malta waters have again prompted an outcry in Europe about the flow of people shipped off in boats from the shores of Libya to reach Europe.

The first thing to note is that the persons drowned in the Mediterranean or trying to come to Europe are not Libyan nationals, but rather migrant or refugees from other African countries and from the war in Syria. Actually Libya continues to be a magnet to economic migrants from all over the world given its dependence on foreign workers - and despite the fact that they continue at the mercy of fate, without a legal status at all, the Sub-Saharan Africans often despised as slaves. Part of the lawlessness in border areas in the east and in the south is due to the pressure of people coming into Libya for all sorts of reasons - and the sheer incapacity of the authorities to control borders and people. It should be noted that UNHCR is back in the country since the revolution, but till this day without any legal status recognized, therefore with many limitations to its mandate in identifying asylum seekers and assisting refugees.

The second thing to note is that the no man's land that most of the vast Libyan territory is and the absence of any central security structures obviously facilitate the entry and transit in Libya of any foreigners, with numerous trafficking networks operating since the days of Gadhafi.

## **IX. Conclusion**

The deterioration of the political, economic and security situation in Libya is giving ground to antidemocratic extremist political forces, which will submit the Libyan people - and the women in particular - to further oppression and human rights abuse. That is also facilitating organised criminal networks articulation with terrorist groups, for all sorts of purposes directed at Europe and not just confined to shipping off people in need. This gives the EU a compelling self-interested reason to act. And that requires all EU institutions - namely Commission and EEAS, under the HR/VP, and Member States - to get their act together to be effective: clearly, Libya's security is Europe's security.

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