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SOCIO-POLITICAL SITUATION IN LIBYA FROM THE URBAN PERSPECTIVE

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Six years after the uprising that brought an end to the Gaddafi regime, Libya is experiencing continuing political division and widespread insecurity which in turn has contributed to societal tensions and an array of economic challenges. The civil war that erupted in summer 2014 has resulted in significant loss of life and displaced over 400,000 Libyans inside the country, further straining public services but also fraying social cohesion. The presence of an estimated 300,000 foreign nationals -including refugees and migrants seeking to travel to Europe by sea- is another challenge and has also fed societal tensions. Conflict in different parts of the country has resulted in serious abuses and violations of international law, with indiscriminate shelling of civilian areas, summary executions, torture and deliberate destruction of property reported since 2014. Crucial infrastructure - whether public or related to the country's energy sector - has suffered extensive damage.

Libya's political and security landscape is highly fragmented, localised and fluid in nature, with loyalties and allegiances regularly shifting between - and within - locales, regions, tribes and ethnic groups.

Power is wielded by armed and political factions (which sometimes overlap), a number of "city-states" which are key actors in their own right and -particularly in eastern and central Libya- tribes.

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The highly localised dynamic has undermined the role and legitimacy of state institutions already struggling with limited capacities and it has disrupted efforts to implement national programmes.

Until the national crisis is resolved, little can be done to address the structural and legislative questions that have hampered the development of a truly effective layer of local governance.

Libya currently has three entities claiming to be governments - only one of which is recognised by the UN - and competing institutions divided between east and west. In these circumstances, the ability of the central government to continue providing essential services and ensure a safety net for the population has been greatly undermined. As a result, expectations of local government actors have grown. Compared to other formal and informal governance actors, municipal councils are viewed favourably by Libyans. With the House of Representatives mandate now expired and the UN-backed Government of National Accord not yet fully recognized, municipal councils are the only governing bodies to hold electoral legitimacy. Due to their proximity to the population and also the fact that most have stayed out of the national political crisis, municipal councils are seen as key to guaranteeing basic needs at a local level. Building on this, municipalities can play an important role not only in service delivery and local-

ised economic recovery, but also fostering conflict resolution and improving societal cohesion.

The turbulent transition that followed the 2011 uprising against Muammar Gaddafi has brought significant political, social and economic changes in Libya, with a marked shift away from Gaddafi's highly centralised rule to the current fragmented landscape of competing actors - both armed and non-armed - and rival institutions. Very few truly national actors exist. Instead most derive their legitimacy from local dynamics - whether rooted in city, region or tribe - including those who have a nominal national role. Libya's political and security landscape is highly fragmented, localised and fluid in nature, with loyalties and allegiances regularly shifting between - and within - locales, regions, tribes and ethnic groups. These dynamics were already evident in early 2014, but the civil war that erupted later that year with the launch of former Gaddafi-era general Khalifa Haftar's operation in May and the militia battle for control of the capital Tripoli two months later, accelerated and deepened existing fractures but also brought further splits.

Many believe municipal councils should be further empowered as a way of ensuring a measure of nation-wide popular legitimacy eroded in other elected bodies like the House of Representatives which emerged from a June 2014 ballot. Western diplomats and NGOs have also sought to bolster the role of local councils in Libya, believing the 'local is king' maxim when it comes to conflict resolution and reconciliation. Given the increasing fragmentation, however, there is a risk of such an approach going too far and contributing to a further undermining of the already fragile national dynamic. The 'militarisation' of some local councils, particularly in eastern Libya, is also a matter of concern. A balance must be struck between developing local governance and restoring a sense of the national across Libya, with one complementing the other.

Municipal councils are the only governing bodies to hold electoral legitimacy.

Since summer 2014, a political power struggle has ruptured Libya between competing governments, based either in Tripoli or the east of the country. The latter was recognised by the international community until the Presidential Council - the first layer of the Government of National Accord (GNA) envisaged in the UN-brokered Libyan Political Agreement (LPA) - was created in December 2015. The Presidential Council is supposed to act collectively as head of state and supreme commander of the armed forces but from its inception internal rivalries and tensions have rendered it hamstrung and ineffective. Instead, power is wielded by armed and political factions (which sometimes overlap); a number of "city-states" which are key actors in their own right; and - particularly in eastern and central Libya - tribes.

The names of the three regions - Tripolitania in the northwest, Cyrenaica in the northeast and Fezzan in the south - which historically comprised Libya still resonate among Libyans today. The nomenclature is most often used by movements seeking autonomy for the east and south in particular. There remain distinct regional sentiments rooted in particular historical experiences during the colonial period and the Gaddafi era. Such regional dimensions have contributed to often very different social, political and military trajectories during and since the 2011 uprising.

Regional dimensions

Northwest

In western cities and towns that played key roles in the uprising against Gaddafi - such as Misrata, Zintan and Zawiya - the experience produced robust local structures that knitted together civilian councils, tribal elders and armed groups. In communities that had either supported the Gaddafi regime or refused to join the fight, similar structures also emerged, often as a means of defence against anti-Gaddafi factions. Animus between these simmered in the years after the uprising and sometimes spilled over into violence. The civil war that began in 2014, however, brought new alliances between cities, towns and communities but also fractures within. Three years later, many cities and towns in western Libya are riven with internal tensions that often reflect aspects of the national conflict. Due to proximity to the Tunisian border, several towns in western Libya have been blighted by smuggling networks. Apart from the highly lucrative trade of fuel smuggling, some coastal towns have become hubs for human traffickers sending migrants to Europe by sea.

Northeast

The uprising against Gaddafi began after anti-regime protests in Benghazi tipped into armed rebellion there and in other towns in eastern Libya including Baida, Tobruk and Derna. The NATO-led intervention authorised by a UN resolution in March 2011 shielded the region from any further military threat by the regime. As a result, while eastern cities and towns galvanised in support of the uprising, they were not subjected to months of siege (like Misrata) or threat like other towns in western Libya, which resulted in the relatively cohesive local structures outlined earlier. While the east did not witness conflicts between cities and towns, it did experience tensions between hardline Islamists (many of whom had been jailed or tortured by the Gaddafi regime) in the revolutionary camp and security personnel who had defected. These tensions were to continue well beyond Gaddafi's fall, with extremists blamed for the assassination of hundreds of military and police officers in Benghazi and other parts of eastern Libya until Haftar launched his operation in May 2014. Post-Gaddafi eastern Libya has also been marked by movements seeking some measure of regional autonomy ranging from decentralisation and federalism to a full-blown independent state. The separatist current has gained further traction in recent years. The push to establish rival institutions (including a parallel Central Bank and National Oil Corporation) in eastern Libya since late 2014 was in part driven by this sentiment.

South

Much of the south joined the 2011 uprising in its final stages and the region was largely spared sustained fighting that year. While civilian and military councils also popped up in cities and towns across Libya's southern belt, local factions have tended to define themselves through ethnic or tribal identity. As elsewhere in Libya, since 2014 local dynamics have also been shaped by the national power struggle, with different factions aligning themselves with one camp or the other. Smuggling networks are particularly entrenched in southern Libya where porous borders benefit transnational traffickers. Key issues - and causes for local conflict - are competition over the control of borders, smuggling routes, oil infrastructure (the region is home Libya's largest oil field, Sharara) and towns. Long-standing grievances over citizenship and other rights for the Tebu and Tuareg populations also fuel tensions as does an overall sense that the south is more marginalised and neglected than any other region.

The role of local government since 2011, opportunities and challenges

Since 2011, an array of local actors - from armed groups to civilian councils, tribal elders and other notables - have helped fill the vacuum left by a weak central state, often helping to provide security and assist with conflict management. But this highly localised dynamic has been double-edged, helping contain but also often driving conflict and insecurity. It has also undermined the role and legitimacy of state institutions already struggling with limited capacities and it has disrupted efforts to implement national programmes. In the absence of an effective, unified and inclusive state, the balance of power between different layers of government has tilted towards the local. Given the high levels of support among the general population for greater decentralisation, the question of how far devolution to the local should go is a pertinent one.

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Libya's current experiment in local governance is rooted in the 2011 uprising when local councils arose to coordinate efforts including humanitarian assistance in cities and towns across the country. The current network of municipal councils springs from what emerged that year, with democratically elected councils later replacing the ad hoc bodies of 2011, along with the reinvented shaabiyat (administrative districts) of the Gaddafi era.

Libyans were generally enthusiastic about these local representatives after 2011, seeing in the councils the possibility of future decentralisation. The highly centralised Gaddafi regime in a country the size of Libya meant that citizens had to travel long distances to Tripoli for basic matters of bureaucracy like signatures and stamps. Continuing frustrations over this and other aspects of the centralised state have prompted some Libyans to examine the Estonian experience of e-governance to see if the model could be replicated in Libya in future. Estonia was the first country to successfully introduce a legally-binding e-voting system into its election process and most government services – apart from marriage and buying property – can be done online there.

In the year after the fall of Gaddafi, Libya's transitional authorities believed strongly that the country's geographical realities meant that a significant amount of administrative tasks could be better - and more effectively - managed at a local level. This led, in 2012, to the passing of the local government law (59/2012) by the newly elected General National Congress (GNC). The law divided the country into governorates (muhafazat) and districts/municipalities (baladiyat) where democratically elected councils sought to address the everyday needs of citizens.

Due to the nature of the Libyan state as a rentier state almost entirely reliant on oil revenue, the municipal councils depend on the Central Bank of Libya for financing of local initiatives. This has led some to call for a local tax that would enable districts to launch development projects according to their specific needs without requiring approval - or funding - from central government.

While the product of one of the few decisions made by the transitional authorities that had lasting impact, the newly formed network of municipal councils suffered from a dearth of experienced personnel with the operational and managerial capacities to adequately deal with the challenges of post-Gaddafi Libya. This, in turn, affected service delivery.

With the rise of Khalifa Haftar in eastern Libya, the nascent local government system has faced other threats and challenges. As his self-styled Libyan National Army (LNA) expanded its control over most of eastern Libya, it sought to interfere with the workings of municipal councils in order to consolidate its power base.

On the orders of Abdulrazaq al-Naduri, Haftar's chief of staff who also holds the title of military governor of eastern Libya, elected mayors in cities and towns including Benghazi, Kufra, Ajdabiya, al-Abyiar and Sidra were replaced by military governors. In other towns tribal elders asked Naduri to install a military figure to run the municipality instead of the existing local council. It was unclear whether such requests were voluntary or the result of pressure or coercion.

The LNA's efforts to take over the network of municipal councils in eastern Libya and further afield caused much concern for Otman Gajiji, then the head of the national committee of municipal elections. Gajiji had been to fore when it came to pushing for the empowering of municipal councils to shore up popular legitimacy. In some cases, including

Benghazi, a civilian mayor was later re-instated but the trend of militarisation continues, particularly in eastern Libya.

Other attempts to change or undermine the fledgling local government system came in early 2017 when Abdullah al-Thinni, the former prime minister who - despite being no longer recognised by the UN - clung to his title and base in Baida, eastern Libya, announced he wanted the 2012 legislation changed. He created a committee which he said would draft amendments to the local government law. Despite having a turbulent relationship with Haftar, Thinni's administration had supported the LNA's replacing of elected mayors with its own appointees. The bid to change the 2012 law was interpreted as wanting legal cover for such moves. The prospects for amending the legislation are considered slim given the unstable political environment: it is unlikely to get the requisite approval from the House of Representatives and it could also prompt a public backlash given the relative popular goodwill towards the councils.

Compared to other formal and informal governance actors, municipal councils are viewed favourably by Libyans.

Structure of local governance in Libya

After the adoption of Law 59/2012 by the General National Congress (GNC), 99 municipalities were created through decree in 2013. Of these, 23 were reinventions of the former shaabiyat of the Gaddafi era. Throughout 2013 and 2014, 85 municipal councils were elected under the supervision of the Central Committee for Municipal Council Elections. In areas where elections were not held - for reasons including poor security - the councils that emerged in 2011 largely remained in place with some personnel changes. Some efforts were made in 2014 to expand the total number of municipalities to 112 but due to the political instability then and since these increases have not been passed into law.

Under Law 59, each municipality was to have a municipal council (with its size depending on population) and municipal administration (known as the diwan). Municipalities were also to be divided into a number of wards or mahallat. Each mahalla has a mokhtar, or chair, who should be appointed based on merit by the governor - though the governorate system has yet to take shape - following proposal by the mayor. Mokhtars do not have executive authority but are part of the general municipal administration. Currently mokhtars are nominated by mayors and the ministry of local governance. Municipal councils are also supposed to establish a shura (or consultative) council comprised of local notables. The shura council's role is to advise (without voting rights) the municipal council on matters related to local governance and development.

The legal framework outlined in the local government law (59/2012) and the subsequent decree of 2013 assigns municipalities a range of competencies and functions which can be broadly categorised as follows:

– Urban planning and management (this includes the issuing of permits for construction)
– Local economic development
– Creation and oversight of local facilities delivering public social and administrative services.
– Civil registration
– Issuing of permits for businesses
– Public health and environment monitoring

The overall legal framework remains incomplete, however, and there is a lack of clarity regarding how responsibilities are - and should be - divided between the different levels of government, from executive to municipal council. The mandates of Libya's executive bodies were not revised following the passing of Law 59. Most services and functions remain under the aegis of executive bodies and branches of state agencies, particularly when it comes to local economic development. Municipalities have complained that they are not empowered enough to take the initiative in their respective areas, and that functions assigned to them under Law 59 often overlap with those of executive bodies.

This legal vagueness has resulted in inefficiency and poor results due to lack of coordination between municipal and executive bodies. The ongoing national political crisis makes it unlikely that this institutional confusion will be resolved anytime soon.

Snapshots of Libya's three largest cities

Tripoli

Libya's capital is a patchwork of neighbourhoods, some of which have a distinct character rooted in the origins of residents and/or their perceived political affiliations and sympathies. Some districts have been closely associated with anti-Gaddafi revolutionary sentiment since 2011, such as Tajoura, Fashloum and Souq al-Jume. Others are perceived to be more sympathetic to the former regime, such as Hadba and Buslim. Relations between the various neighbourhoods can often depend on their respective positions during 2011 and tensions between armed groups from each area can often flare into violence. The militia battle for Tripoli which took place in summer 2014 resulted in a shift in the balance of power in the capital, with militias from the western mountain town of Zintan driven from key infrastructure - including the city's international airport - they had controlled since August 2011. Their retreat also led to an exodus of Tripoli residents of Zintani origin, many of whom complained they were subject to threats and harassment. Tripoli's powerful home-grown militias - some of whom are aligned with the UN-backed GNA - have long resented the presence of armed groups from other parts of western Libya, whether Zintan or Misrata, though some have cooperated at times with the latter.

The city's central municipal council was last elected in 2014, and several of its members were then associated with the now defunct Libya Dawn alliance which routed the Zin-

tani militias that summer. Controversies surrounding the appointed mayor Mehdi Harati - a former militia leader who also fought in Syria - later led to his removal. For some Tripolitanians, the perception remains that the council is too closely linked with certain armed groups.

More recently tensions in the city have hinged on militia rivalry over territory and whether armed groups support or oppose the GNA. Tripoli is also home to a number of Benghazi residents displaced by the fighting in their city, some of whom have links to anti-Haftar forces which include designated groups like Ansar al-Sharia. This too has caused tensions. Islamic State (IS) cells have carried out a number of attacks in Tripoli since 2014, targeting hotels, the city's secondary (and currently only functioning) airport in Maitiga and other locations.

While some armed groups - particularly the Rada force - present themselves as policing the city, criminality has soared in recent years. Kidnapping for ransom is a particular problem. Hundreds of abductions have been reported this year. Local media regularly report cases of people being pulled from their cars or seized while walking on the street. Ransoms of up to 500,000 Libyan dinars are typically demanded. In a number of cases, those kidnapped have been killed by their captors if their families have been unable to raise the ransoms demanded. A number of children have died in this way.

Tripolitanians also struggle with daily challenges including rising food prices, lengthy power outages and sometimes fuel shortages. Libya's ongoing liquidity crisis has hit hard and people queue for hours outside the city's banks. While Tripoli's public infrastructure has crumbled in recent years, the city has also witnessed the construction of residential and commercial property by private investors.

Benghazi

Libya's second largest city after Tripoli, Benghazi has historically been one of the country's most diverse with almost every Libyan tribe represented in its population. But displacement as a result of the operation launched by Haftar in May 2014 (ostensibly to root out extremist groups) has changed the dynamics of the city. Thousands have been killed and many more forced from their homes. Benghazi residents make up the largest single cohort of displaced in Libya at present. Many families of Misratan or other western Libya origin who were prominent in the city's business sector were among those who left due to the fighting, some of them targeted in Haftar's scattergun campaign.

The conflict has resulted in extensive damage to Benghazi's downtown area and a certain amount of internal population movement as residents moved to certain areas depending on political or tribal affiliation. Severe polarisation over three years of war has encouraged tribalism and the emergence of Haftar-aligned armed groups seeking vengeance. For now, prospects for reconciliation leading to a return of the displaced are slim.

The former head of Benghazi's municipal council was forced - along with some of his colleagues - to flee the city after receiving threats from Haftar's forces. They have convened a parallel council in Tripoli which focuses on assisting IDPs from the city, using funds allocated by the government in the capital. In Benghazi, the acting municipal council has come under pressure from Haftar's LNA, with its mayor replaced for some time by a military governor. The 'militarisation' of Benghazi has also led to constraints on civil society activity and media. Several critics of Haftar and his LNA have been detained.

The growing influence of hardline Saudi-inspired Salafists who joined Haftar's campaign and were empowered as a result, is causing concern in Benghazi. They now control the Awkaf (religious affairs ministry) offices there as well as most mosques in the city. Furthermore, the growth of tribalism has also made many uneasy. Bodies including the municipal council, educational institutions and hospitals have come under pressure to appoint certain tribesmen to senior positions.

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The reopening of city's port and airport in 2017 after years of shutdown due to the fighting was a boost to possible economic recovery but that depends heavily on reconciliation. The city faces a massive reconstruction bill before new development projects are initiated. Several construction projects launched before the 2011 have not re-started since. Many of the ills that helped spark the 2011 uprising in Benghazi - youth unemployment and a general sense of marginalisation by the central authorities in Tripoli - remain today.

Benghazi is home to key figures in the movement seeking autonomy for eastern Libya, some of whom are now openly separatist in their rhetoric. While polling has shown significant support for decentralisation in Benghazi and across the east, those who favour a separate state are few in number.

Misrata

Libya's third largest city, Misrata is also a key commercial hub serviced by a port and one of the country's biggest airports. The city suffered extensive infrastructural damage during 2011, when it was besieged by regime forces for several months. Its population of some 450,000 has swollen over the past three years with the arrival of displaced - many of them of Misratan origin - from Benghazi, Tripoli and other areas.

Misrata was capital of one of Libya's shaabiyat under the Gaddafi-era system of administrative districts and most government ministries had branches in the city. It is also home to a number of key state companies including the Libyan Ports Company, and the Libyan Iron and Steel Company. The lat-

ter, one of the biggest employers in the city, remains one of main state revenue sources outside the energy sector. Such assets - along with the city's powerful militias - have contributed to Misrata's clout as a national actor.

Misratan militias - which grew out of the revolutionary brigades that emerged in 2011 - were central to the Libya Dawn alliance which took control of Tripoli in summer 2014 even though many Tripolitanians had long resented them, particularly after Misratan militiamen opened fire on protesters in the capital in 2013, killing dozens. Armed groups from Misrata also dominated the Bunyan al Marsous alliance that drove Islamic State from its stronghold of Sirte, further east from Misrata, in 2016. Antipathy towards Misrata is common across Libya due to the role its political and armed factions are considered to play on a national level, with many accusing them of overreach. Misrata is also criticised for the displacement of the entire neighbouring town of Tawergha by Misratan armed groups in late 2011. They accused Tawerghans of carrying out abuses in support of Gaddafi during the 2011 uprising.

Misrata held its first free elections in February 2012, the first city to hold local elections after the fall of the Gaddafi regime. The current municipal council was elected in May 2014 and elected its mayor the following month. It has close relations with Misrata's business community but has, more recently, been at odds with the city's military council due to disagreements including over the UN-led political process. Misrata is considered one of the most secure - and prosperous - cities in Libya, but it was rocked by an attack on its courthouse by Islamic State militants in October 2017. Tensions have also grown in the city over the presence of IDPs from Benghazi, some of whom are suspected of sympathising with extremists groups. In order to address these issues and the needs of IDPs, Misrata's municipal council appointed a representative of the IDP population and also formed a committee to represent their concerns. With many of the Benghazi displaced unlikely to return to their city anytime soon, this issue will continue to be a priority for Misrata's council.

The ongoing national political crisis makes it unlikely that this institutional confusion will be resolved anytime soon.

Conclusions

Efficient local government is key to Libya's progress but it faces several challenges amid a political crisis which has burdened the country for over three years. Until that national crisis is resolved, little can be done to address the structural and legislative questions that have hampered the development of a truly effective layer of local governance. A clearer legal and constitutional framework is required in order to properly define the role and function of local government. Given the uncertainty surrounding the process of approving Libya's first post-Gaddafi constitution - the committee tasked with drafting has submitted its final version but it is unclear when the required referendum may take place - these questions are unlikely to be resolved anytime soon.

In the meantime, the focus should be on building capacity in municipal councils to help them provide the best possible services in the current environment. Given the limitations of the UN-recognised GNA, international partners are key. Already, UN agencies including UNDP have put local governance at the core of their programmes in Libya. Developing skills in the areas of planning, budgeting, financial management, post-conflict recovery, and decentralised development can help local institutions better provide public services but also initiate development according to the specificities of their areas. As this paper has outlined, Libya's municipalities have very different needs which have been shaped by often unique experiences and circumstances.

Among the other existing programmes that hinge on cooperation with local governance, is one launched by the UN children's organisation UNICEF and the GNA's local government ministry which will see municipalities undertake projects aimed at enabling young people to play an active role in society. UNICEF has already signed memorandums with 27 municipalities across Libya for the venture. An EU funding programme aimed at protecting migrants and internally displaced in Libya includes funding of €42 million to help strengthen local authorities' ability to provide services and deal with the social issues that have emerged in communities affected by these dynamics.

Apart from capacity building and skills training, Libya's municipal councils can also benefit from lessons sharing with counterparts elsewhere. The Nicosia Initiative, launched in January 2016 under the auspices of the EU's Committee of the Regions, twins European cities with their Libyan equivalents. So far, seven Libyan cities - including Tripoli, Benghazi and Sirte - are involved in the project which focuses on public services. Nicosia has provided training on public administration, Antwerp on waste management, Portugal's Vila Real on healthcare and Spain's Murcia on water management. Other proposed projects include creating composting facilities in five Libyan municipalities, training youth leaders in counter-radicalisation and developing a university course in public administration.

Local governance has the potential to significantly improve the lives of ordinary Libyans and help create conditions that can push the country's stalled transition forward again. Municipal councils can be empowered through building their institutional capacity and making sure they are better resourced in the short term to enjoying a greater measure of autonomy in the long term. While this should complement - and be complemented by - efforts to restore the sense of the national and create a unified central government, failure to effectively decentralize could further weaken Libya as a nation state.