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Peace by Piece: Solving the Libyan Puzzle through Municipalities

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Municipal councils and other local community actors are crucial for solving Libya's current crisis. While the implementation of decentralization efforts is stalled at present due to the ongoing conflict, the escalation of political and military tensions at the national level has given an even greater importance to local bodies and initiatives. In times of war and political uncertainty, and despite various ideological divisions within members of municipal councils, local government authorities can be key actors in reconciliation and service provision for the population.

There are many issues pending clarification with regards to local realities in Libya. These include determining the most influential local government authorities and local figures in Libya, and how they may interact with provincial, national and/or regional power brokers. Moreover, it is also necessary to find answers to the questions: why do national-level alliances keep failing to negotiate effective power-sharing agreements and whether Libya could possibly become "a future of city states?"

In order to answer these and other questions, the KAS Regional Program Political Dialogue South Mediterranean, in cooperation with the Madrid-based think tank Stractegia, organized a Libyan-Libyan dialogue event in Tunis. The closed-door roundtable "Back to the Basics? Municipal Councils and Local Peacebuilding in Libya" brought together Libyan politicians and government officials in addition to members of civil society, security institutions and the private sector. Representatives of selected international institutions also joined as participants and observers.

The following brief builds on the insights, proposals and conclusions that have been formulated by the participants of this workshop. While not exhaustive, the takeaways

mentioned in the following brief are meant to reflect the perspectives of locally engaged Libyans on the current role of local government authorities and how those authorities may help to overcome the present impasse.

The Municipal Landscape

More than any time before, Libyan municipalities are seen as increasingly important actors. Throughout Muammar Gaddafi's rule, which started in 1969, Libya's political and local evolutions were dependent almost exclusively on his will. The creation of three institutions in 1977 that were meant to address the needs of the populace—the people's committees, popular congresses and revolutionary committees—all gave the impression that municipal councils had no utility. The structure of municipal councils was introduced in 1983 at a time when Muammar Gaddafi wanted to have these bodies replace the governorate system. Gaddafi subsequently leveraged the councils to strengthen his rule in the country. Their number varied over time and in 1995 municipal councils were replaced by local institutions called *sha'biyāt*.

After the fall of the Gaddafi regime, Libya's new ruling body, the National Transitional Council (NTC), handed its powers over to the General National Congress (GNC). It was at this point in 2013 that a new local governance framework was defined and governorates and municipal councils were created. Their initial number was fixed at ninety-nine, but the law allowed for the creation of some additional municipalities; a decision that was left at the Council of Ministers' discretion. In the subsequent transition period, existing local councils were meant to handle service delivery and other local duties until the members of the municipal councils were elected.

The creation of these municipal councils was preceded by Law 59/2012, adopted by the General National Congress in 2012. It states in Article 3 that local government authorities should be organized at three levels: governorates (*muhāfazāt*), municipalities (*baladiyāt*) and constituencies (*mahallāt*). Law 59/2012 also specifies the duties that would be attributed to each of these bodies. Article 25 addresses the case of municipalities. Their duties are assigned to six main fields: taking care of civil registration; dealing with issues related to the municipal guards; regulating the local economy and slaughterhouses; managing local transport infrastructure; issuing licenses needed at the local level; monitoring environmental and health-related issues; and lastly, following up on projects launched at the local level in cooperation with ad hoc specialized administrative units.

Libyans call Law 59/2012 the "Law on Decentralization." However, the imprecise terms and limited duties assigned to local government authorities have assured that the law falls short of achieving real and efficient decentralization. Other considerations put further limitations in the way of local government authorities in general, and municipalities in particular, to play a stronger role of addressing Libya's needs in the current crisis. Some of these factors are political, some financial and economic, others social. The developments over the last years have proven that Libya's chaotic security situation impacts local realities in a drastic way.

From Elections to Absence of Recognition

The terms of Law 59/2012 are revealing. The official tasks that are recognized for municipalities do not necessarily address key needs and service demands related to the day-to-day life of Libyan citizens. If they had a stronger role recognized legally, municipalities would likely act in a more efficient way.

Nevertheless, the conflict that prevails in Libya indirectly gives more power to municipal councils. While the forces of the internationally recognized Government of National Accord (GNA) and the Libyan National Army (LNA) are fighting each other, they do not necessarily

have the time and means necessary to address people's needs at the local level. This naturally reinforces the position and the importance of municipal councils.

Realities in Libya rarely follow laws. Municipal councils, for example, are meant to run for a term of four years; nevertheless, the constant uncertainties and chaotic developments in the country have downgraded this objective to be more theoretical than practical.

Libya had municipal elections organized in 2014. Optimism prevailed then, especially since liberal and secular forces had garnered more voices than their Islamist counterparts. In Spring 2019, new municipal elections were meant to be organized throughout the country and allow for a renewal of the municipal landscape. Dates and deadlines were rather uncertain, but from a legal point of view, citizens in the whole country were meant to vote and elect the members of their respective municipal councils. However, on the 4th of April 2019, Eastern-based General Khalifa Haftar launched a military offensive on Tripoli with the objective of seizing the Libyan capital. This led automatically to the suspension of municipal elections in the majority of Libyan towns—including in cities that are considered key nodes of power in Libyan politics, such as the western city of Misrata. Once again in Libya's contemporary history, evolutions at the local level were affected by the national context.

Through March and April 2019, voters in around twenty municipalities took to the polls despite the ongoing conflict. These municipalities included the symbolically important Zwara, a coastal town located at the Libyan-Tunisian border known as a main hub for the transit of migrants towards Europe, and Sebha, an important municipality in the South that both GNA and LNA are seeking to control. The reported turnout for the 2019 municipal elections was rather low—around 38 percent—and voters were not mobilized once Libyans were invited to register on electoral lists ahead of the elections.

The ongoing conflict between GNA and LNA over political legitimacy further impeded some municipal councils from exerting their local sovereignty. In towns where elections were held and results gave an advantage to elected members generally leaning towards the GNA, the LNA—through the Eastern-based government of Prime Minister Abdullah al-Thinni—went on and appointed transitional councils (*majalis intiqālia*) for the municipalities. Apart from being in violation of Libyan electoral law, these appointments ended up being counterproductive, since they added additional obstacles to the decision making process. Municipal councils were already experiencing difficulties in governing their towns due to a combination of structural problems and financial limitations; but the struggle over legitimacy at the national level would bring further obstacles to the way local government authorities were meant to work.

Ongoing Political Divisions

The continuous political and military conflicts that have occurred since 2011 accentuated divisions between Libyans. These prevail essentially from both a political and an ideological point of view. Political divisions at the national level materialize in the confrontation between both parallel government structures in East and West struggling over power and legitimacy, aiming to become the masters of Libya's destiny.

The narrative of ideological divisions between Islamists and secularists has been spread since as early as 2011. However, it is still to be proven to what extent ideological differences explain the ongoing conflict in comparison to the question of leadership over the country and its rich oil and gas resources.

At the national level, ideological arguments are utilized to push both sides' respective political agendas. The GNA, internationally recognized as the government of Libya, is backed by states that follow an ideology of political Islamism (Qatar and Turkey) while the LNA receives support from anti-Muslim Brotherhood regimes like Egypt and the UAE; the national interests of these foreign states in Libya, however, seems to be based on increasing their influence rather than promoting their ideological biases.

In any case, the divisions that prevail at the national level are reflected in the functioning of municipal authorities in two ways: first, in the orientations of towns and their municipal councils towards either side of the conflict; and second, in the personal biases of individual council members. Indeed, while some cities may be known for being either pro-GNA or pro-LNA, the members of their municipal councils often happen to defend opposing sides. This has long been the case in the Southern town of Sebha, for example, where members of the municipal council were never able to agree on what side they should favor. As a result of the increasing political polarization witnessed throughout the country, the council was incapable of taking a firm and strong stance, negatively impacting its management of local affairs.

The offensive by LNA troops on Tripoli that began April 2019 has accentuated this divide. The increased political polarization provoked by this move has reduced the ability for municipal councils to function, as the councils had to clarify their affiliation to either the LNA or GNA. Aligning with either side could have allowed them to gain further financial and operational resources; but in reality—apart from towns like Misrata—few of the councils benefited from aligning to either national block. The national institutions on the contrary utilized the ongoing conflict to insist on their own important and central role instead of relying on local government authorities.

As a result, most municipal councils ended up picking a particular side but without being able to influence matters related to local development and socio-economic issues. Besides, the war did not turn divergences among the members of municipal councils towards increased unity. In some regards, the April 2019 offensive on Tripoli proved that the national political bodies did not really trust local government authorities. Such mistrust weakened municipalities and enabled military figures and councils to take charge. Tripoli and Benghazi put aside, there are other towns that are important symbolically and could be considered key for the future of Libya. Among these is Misrata, where many key high-level commanders have taken crucial actions against the LNA in favor of the GNA; Sebha, a strategic town based in the south that is the object of rivalries between the East and the West; and Sirte, a symbolically important city for both the LNA and GNA due to its central location on the Libyan coast, but also because Sirte was the hometown of the Islamic State in Libya and the place where the group was defeated by West Libyan forces —mainly from Misrata—known as the Bunyan Marsous.

The Role of Municipal Councils in Stabilizing Libya

Despite its weakness and limits, Law 59/2012 was mentioned by many Libyan political representatives during the dialogue. Many of the representatives consider the law, despite its limited scope, to contain elements with constructive potential for the future. Moreover, the new procedures that have been introduced for designating the members of municipal councils are also deemed positive by Libyans in general. The newly adopted election by list, where citizens vote for lists of candidates rather than for individual candidates, should guarantee more stability within municipal councils. Add to this that the number of Libyan municipalities can always evolve, since new constituencies can always be created—and some of them have indeed been created since 2012, reaching 125 at the time of this writing.

Unfortunately, the security situation has had the strongest impact on elections and their feasibility. In Spring 2019, some municipal elections were organized despite the existence of tensions at the national level. Other municipalities restrained from organizing elections, despite a desire to have them organized. This was the case in Taraghen and al-Asabee.

Naturally, the ongoing conflict has negative consequences for municipalities and their capacity to deal with local affairs as long as the situation at the national level does not improve. There is indeed a direct correlation between the tensions and competitions that prevail at an upper level and the way political realities evolve locally. Organizing elections requires good logistical conditions. The Central Committee for Municipal elections is meant to overview elections and their organization, but it will face difficulties as long as tensions

and disagreement prevail at the national level. Bodies meant to guarantee fair elections exist, but their performance depends on the political context and on what the executive can really provide.

Among its many challenges, Libya has a problem of sovereignty while the war and the rivalries that prevail between Eastern and Western institutions have an impact at the local level. West and East Libyan actors each have their own spheres of influence that generate geographical and political divisions that lead members of municipal councils to have specific political and/or socio-political allegiances.

Nevertheless, the GNA fears that if the current situation does not change, we could witness a fragmentation of the municipal scene, with few chances left to bring the pieces back together. This has brought to the surface many initiatives that were meant to help fix things, one of them being an attempt to create an independent Libyan commission for reconciliation. Unfortunately, while a crucial matter, the creation of such a body has not yet materialized.

This does not mean that catastrophic scenarios would necessarily end up imposing themselves on the Libyan scene. Indeed, determination is there, and many municipalities want to overcome polarization. This has been made evident by the way some mayors met together in 2019, in order to discuss their issues and to see how they could contribute to forging a better future. One of these meetings in 2017 brought together a total of 90 mayors in Hammamet, Tunisia, only to be followed by a meeting of more than 100 mayors early 2018 in the town of Shehat and another similar initiative in Tripoli in Spring 2019, right before the beginning of Haftar's offensive on Tripoli. Most of these initiatives have a specific promoter, which in this case was the Switzerland-based Center for Humanitarian Dialogue. While these meetings have not been followed by durable initiatives, the fact that they occurred at all proves that dialogue is possible. The question now is how to turn this dialogue into constructive action.

Municipal councils are central elements on the Libyan chessboard because they are the only institutional bodies that are really involved in the reconciliation process. Furthermore, they are the only bodies established by law that meant to fulfill duties related to day-to-day realities (services, infrastructures, guaranteeing conditions for security), but also because the state is often absent from these fields.

Nevertheless, this issue remains sensitive and experience proves that only reconciliation meetings between heads of municipal councils that were characterized by secrecy, privacy and discretion ended up happening without causing particular problems. One good example was the preliminary meetings that allowed a rapprochement in 2018 between Tawergha and Misrata, two cities that had long been at war. These gatherings were even supported and closely followed by the UN but this UN involvement did not imply any interference in the details of the process.

The Problem of Interference Whereas Deep Challenges Prevail

Interference from foreign powers considerably damages relations between municipal councils. The financial and military support that the GNA and the LNA receive from foreign powers make it hard to move forward at both the national and the local levels. This means that the needs municipal councils have to fill in order for them to meet their duties are not available, partly because actors in conflict and their backers want their allegiance. As long as this is the case, it will be hard to translate the terms of Law 59/2012 into deeds. The fact that many municipal councils are in regular contact with each other is a positive development, but it is not enough to be able to fix things.

That said, it is fundamentally important to preserve municipalities and governorates in Libya: they are among the best guarantees for preserving Libyan society and their

dismantlement would most likely lead to additional chaos. Indeed, despite some exceptions, Libyans are often divided by ethnic and/or tribal strife. This has no geographical exception, though it seems to prevail more in the East and the South compared to the West of the country. If municipalities were to disappear, most Libyans would lose local institutions to identify with, adding to the representation crisis prevailing at the national level. It makes sense therefore to consider that safeguarding the future of Libya needs in part the preservation of local government authorities, starting with municipal councils. Libyans need to be able to benefit from structures that guarantee their unity if they want to cope with challenges such as the movements of Internally Displaced Persons and migrants and their impact on local perspectives, human and illicit trafficking, insecurity, mushrooming militias, a fragmented sovereignty, and the actions of extremist groups and terrorist organizations. Municipal councils are, without a doubt, Libya's best ally and guarantee for the future.

Libya has suffered increasing challenges since 2011. Many of these problems would become very serious obstacles. These impediments are numerous, but prominent among them are: the strong influence of executive powers on local politics in a context where political divisions have been institutionalized; the lack of sufficient financial resources guaranteed to be allocated to municipal councils and inefficient infrastructure; security issues; the absence of a translation of the dispositions of Law 59/2012 into deeds; and, of course, insecurity and the way it strongly impacts local governance and sociopolitical equilibriums.

The International Community and the Way Forward

Interference from foreign actors in Libya's affairs is counterproductive. The problems that Libya faces have a lot to do with the way external powers back their local allies. This foreign interference ultimately undermines the ability of local parties to reach consensus.
The UN is meant to be an honest broker and to help define what a solution would look like in Libya; nevertheless, the criticism that Libyans express towards this institution is constant and loud. The current UN Special Envoy to Libya, Ghassan Salamé, earned a reputation of objectivity and pragmatism from the day he took his position. He has long been seen as a person that could help Libyans find a solution to their problems. But as more time has passed, new challenges have arisen, and more expectations from Libyans were not met. There were promising steps, such as the adoption of the Skhirat accords in 2015. Nevertheless, Skhirat fell short of mending Libya's deep problems, and the new situation of war that started in April 2019 fueled additional criticism towards the UN, especially from pro-GNA Libyans based in the West. This situation only adds to the difficulties that the UN could keep facing despite its strong will to accurately address Libya's problems.

At the same time, it is hard to consider any solution for Libya that would not get international actors involved. Since 2011, many countries have expressed a strong interest in helping Libya move forward. Their approach was based on ideas and projects such as state-building, civil society reinforcement, economic development, and the strengthening of institutions. Law 59/2012, the duties it recognizes to municipal councils, and the elements of decentralization it promotes were also seen as positive steps that would help to address people's needs over the short, middle and long term. Political and financial efforts meant to strengthen Libya's capacities mobilized the international community.

Libya's internaional backers in general agree that the country needs to benefit from better governance if it wants to overcome its current problems. From this standpoint, municipal councils are seen as actors that can fulfill the voids when it comes to dealing with political, economic, social issues, as well as helping bring back security. Many international actors believe that, in a context where national entities are divided, people end up more willing to give power to municipal councils.

This objective, however, needs to be backed by a set of conditions that go beyond the control of local government authorities. The first step would ideally be national reconciliation: from the moment Libyans end up acknowledging their mutual responsibility for their country's problems, they will find it easier to work hand in hand. But this same objective can hardly be achieved as long as an effective and fair process of transitional justice is not verified. This very important step requires the existence of a strong state that benefits from sovereignty, financial means, know-how, and the ability to impose its decisions on citizens. For the time being, and as long as rivalry prevails over leadership, these important objectives will hardly end up as priorities.

At the same time, these same points are undoubtedly key to Libya's problems. The international community has dedicated considerable funds to try and foster the conditions for achieving efficient state-building in Libya. International and intergovernmental organizations, NGOs, citizen groups, as well as some countries acting in their own capacity, did dedicate considerable resources and effort to encourage stabilization and positive socioeconomic developments. Many of these groups still seek to contribute to these efforts. But hopes have fallen as Libya's conflict intensified and the country became a source of insecurity at the national, regional and international levels.

The fact that Libya has become today an even greater concern than it was in 2011 gives the impression that we are back to square one. The solution to this can only be in the hands of Libyans. But if regional and international actors really want to help, they could do so by stopping their political interference, putting an end to the flows of weapons that end up in the hands of warring parties and by getting important protagonists and warring parties to sit down at the table for negotiations. At that moment the path forward would become easier, even despite Libya's socioeconomic particularities and the challenges they foster on the internal scene.

Libya already has institutions, legal texts, and backers, such as the European Union and some of its member states as well as international and intergovernmental institutions that are committed to helping the country remain on the path forward. Having a concrete and promising road map is not an issue; likewise, getting Libyans to abide by a model that would be at the crossroads between the existence of a central state and the promotion of decentralized practices is something that could be implemented and work fairly quickly. Nevertheless, such a scenario requires both a strong decision and then on the determination on the part of Libyans to see it through. Moving forward positively in Libya also requires the international community to adequately abide by responsible policies and principles. The 2020 Berlin conference and its aim of mediating between foreign countries interfering in the Libyan conflict is a good step in this direction.

Conclusion

During the transition phase following the collapse of the Gaddafi regime, municipal councils involuntarily stepped in to fill the vacuum left by crumbling state institutions. Today, tensions at the national level have overshadowed the developments at the local level where citizens complain about poor government services and a lack of security provision. However, despite the ongoing conflict, Libyans took to the polls when municipal elections were organized—a sign that Libyans have an interest in having their voices represented in the municipal councils which are still largely perceived as legitimate actors by many throughout the country.

After the expiration of the House of Representatives' mandate and in light of a lacking 'full recognition' of the Government of National Accord, municipal councils in Libya are the only elected bodies that can claim full legitimacy throughout the country. Local support for them

also often stems from their decision to not actively engage in the national political crisis, thus enabling them to address local humanitarian and development needs. It is important to accompany municipalities in this process and prevent the militarization of local institutions through either of the national actors.

Even as divisions continue to exist within individual councils, empowering a democratic culture of political compromises can have an impact on local decision-making and thus service delivery. Political initiatives seeking a dialogue between Libyan municipalities have proven to be a channel for negotiation and reconciliation—diverging around the political divisions at the national level—and should be continued. In particular meetings on "neutral ground" such as in neighboring Tunisia enable a platform for productive debate and exchange.

Integrating municipal structures as "on-the-ground" interlocutors between international institutions and the Libyan population, aid and assistance efforts can be better adapted to the demands of day-to-day life in Libya under the current conditions. At a time where international operational funds are not reaching municipalities but yet mayors are seen as key problem solvers, international actors should do more to directly support local bodies financially in an effort to depoliticize the money and empower elected municipal governments. Municipal structures will outlast the national power competition and survive national political ruptures. They will serve as the foundation on which the future Libya will be built.

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