

Civil Society Dialogue Network: Crisis Response Meeting

Organised by the EEAS, EC and EPLO¹

Libya Conflict Assessment: Gathering Civil Society Input

Thursday 26 July

Introduction

The aim of the meeting was to gather civil society input into the EU's Libya conflict assessment, which the European External Action Service (EEAS) is currently developing. The conflict assessment will cover the standard categories of Structures, Actors, Dynamics, Responses, Interaction between Responses and Drivers, Strategy. It will inform ongoing EU response to the situation in Libya, including the support it will offer to the Libyan authorities and its next National Indicative Programme (NIP). This meeting also feeds into an ongoing process of updating the EU's programmes in Libya, to sensitise them to conflict risks and drivers, and to make them more effective.

The participants in the meeting were civil society representatives from across Libya, representatives of international NGOs (INGOs) working in Libya and EU policy makers from the EEAS, European Commission (EC) and European Parliament. As the meeting was held during Ramadan, the organisers thanked in particular those who participated whilst fasting.

The meeting did not aim for consensus, but to hear a broad range of views. This note captures key points made and discussed by the participants of the meeting and collated by *rapporteur* Laura Davis. The meeting was held under the Chatham House Rule; the following opinions and recommendations may not be attributed to any participating individual or institution, nor do they reflect the positions of the CSDN as a whole, or of EPLO or its member organisations, the EEAS or the EC. For more information about the meeting, contact Josephine Liebl at EPLO (jl Liebl@eplo.org).

Session 1: Conflict Dynamics –local, national, and regional dimensions

1) (Potential) causes of conflict or division in Libya:

Weak justice provision

- There is **little trust in the justice institutions**. While some feel that pro-Gaddafi perpetrators of crime have not been adequately punished, others feel that crimes committed by pro-revolutionaries are overlooked and pro-Gaddafi forces fear arbitrary arrest and torture. The rule of law is weak and there needs to be equality before the law otherwise there is the risk that communities take action or of revenge attacks.

Insecurity

- People **will not disarm** until they feel safe and can trust in state institutions to protect them.
- **Armed groups benefit** from the security vacuum and, whilst they may provide a certain level of security, they hinder security sector reform (SSR) and could become a destabilising force if SSR reduces their income and power.
- **The lack of border controls**, smuggling (including of weapons) and the weakness of state control over the border regions, especially in southern Libya, threaten stability.

¹ The Civil Society Dialogue Network (CSDN) is a three-year project funded by the European Commission aimed at facilitating dialogue on peacebuilding issues between civil society and EU policymakers. The CSDN contributes to strengthening international and regional capacity for conflict prevention and post-conflict co-operation (for more information please see: www.eplo.org). The CSDN is managed by EPLO, the European Peacebuilding Liaison Office, in cooperation with the EEAS and the EC.

Migration

- Migration in combination with other factors mentioned increases conflict risk in Libya and regionally.

Government and governance

- The extent to which a national coalition governs in the **interests of all Libyans** will be a key determinant of future stability. The allocation of seats in the National Congress and Constitutional Committee will be controversial, as will the future political configuration (centralisation/decentralisation) of Libya. The East-West divide could trigger conflict especially if easterners are dissatisfied with or excluded from the constitutional process.
- The rhetoric of federalism has been misunderstood; many people simply want a high degree of local democracy and decision making rather than arguing for a federal political system. It is important for all sides to be clear what they mean when federalism is discussed.
- The disenfranchisement of minorities, such as the Tabu, and discrimination against non-Arab ethnic groups are a cause for concern: the **rights of minorities** need to be addressed urgently especially as it can difficult for mainstream actors to support minorities.
- Some areas, such as Bani Walid, feel **isolated and marginalised**. At present, these areas believe they have no voice, and will not do so until the state is properly established with institutions which treat all regions/cities equally and justly.
- **Public service provision**: the government will need to bring improvements in public health, education, infra-structure and administrative services across the country.
- **Tribal divisions**: in the absence of the state, people resort to tribes and forms of community organisation. It will be a test for the new government whether people look to the state or inward to their own communities.
- The government will also need to consider how to engage with those **Libyans outside Libya** who did not participate in the elections. They have little or no stake in the new Libya and may present a future threat to stability.

Expectations

- People have high and sometimes **conflicting expectations** (e.g. over who will control the borders or punishment of members of the Gaddafi regime) which causes frustration. Expectations are particularly divided over **resource allocation** and whether this should be on basis of revolutionary credentials, war-damage, or areas which have been traditionally marginalised. A solid evidence base showing need is required to inform decision-making.

Vocal minority

Most people want development and reconciliation but these views are drowned out by a vocal minority who gain control of the media and gain influence at home and abroad. The quality of Libyan media remains very low and people do not trust it.

Privileged economic activity

- Some economic activities, such as controlling border trade, has privileged particular groups of people (tribes, families) in the past. Reforming these sectors, for example, through bringing them under the control of local authorities or regulating them in other ways, may cause conflict. Equally, not reforming the sectors which privilege certain groups within in the population could also lead to conflict.

Corruption and lack of accountability

- Public assets have been stolen and taken out of the country; no one has been tried as those responsible are out of the country – including in the EU. Similarly, some of the assets removed from Libya are in financial institutions in Europe.

Communication and Media

- Poor communication between government and citizen, between cities, between government and civil society over key issues (e.g. federalism/decentralisation) leads to misunderstanding and potential conflict.
- The **media is a key driver of conflict**; it is influential and can be controlled by anyone with money.

2) Peace: why has Libya stayed so peaceful since the fall of Gaddafi?

Strong (partial) social cohesion

- Conflict in Libya is not tribal (and the role of tribes is often misunderstood). The role of the tribes and other forms of community organisations means that (Arab) Libyans are very interconnected. Identity is collective and there is a **high level of social control**, lowering the intensity of violence, particularly in more homogenous areas, and providing leverage for peace. It also means that discrimination against minorities is often unacknowledged and unchallenged. Given the role of communities, deeper analysis of community dynamics could be helpful in order to better understand and support communities.
- **Traditional mechanisms** and tribal (male) elders play an important role in managing conflict and new forms of mechanism such as councils of women elders can be envisaged to play a similar role.
- There is the expectation that there will be **sufficient resources to meet everyone's needs**.
- Some participants argued that there is not yet a **shared national identity** while other participants said that there is a strong sense of being Libyan. There is a sense of common destiny amongst the revolutionaries, but this excludes the pro-Gaddafi minority. Creating this identity may be an opportunity for peace or for conflict escalation if the process is exclusive.
- **Traditional justice and conflict management mechanisms** have contributed to justice and security during the transitional period.
- Institution-building has to keep up the 'revolutionary pace:' the **tribes will maintain stability** in the absence of the state, but may also hinder institution-building. Community-based mechanisms are by nature short-termist, do not address root causes of conflict, cannot address serious crime or land redistribution, or function in asymmetric conflicts: for this the state is necessary.

3) Potential triggers for violence in Libya:

- Lack of **development** – especially regarding public health, education, infra-structure, job creation, and particularly in the east.
- Developing an inclusive **national identity** could offset future violence but could also be destabilising; an exclusive national identity could escalate conflict.
- The **state has to be able to manage regional and tribal conflicts** and guarantee agreements between the parties. If it cannot do so, conflict may escalate as the use of traditional mechanisms is limited.
- **Lack of accountability and transparency** concerning the distribution of and access to public resources.

- **Ongoing human rights violations and impunity** for the perpetrators of earlier abuse. Partial justice, which does not address crimes committed by supporters of the revolution, may lead to escalation.

Session 2 – Strategy and options

Overview of current EU strategy towards Libya:

The EU and Libya do not yet have a standard cooperation relationship defined by a framework agreement. The crisis necessitated streamlined ways of working and quick reaction to developments. In Libya, as in other post-crisis settings, the EU's strategy depends on working with the national authorities. Preparations for the new programming period (2014-2017) are underway and will provide the occasion for discussing medium-term priorities with the government. This will be the first full programme cycle with Libya (cooperation with the previous regime was limited to health and migration issues).

In response to requests for assistance, the EU launched a series of needs assessments in September 2011, and also provided immediate support through programming (approximately €38m). EU support focuses on civil society, including women; media; border management. The needs assessments are now completed and have been presented to the government; the media and civil society needs assessments were also presented to civil society.

Current programming includes:

- Support to civil society, including supporting ACTED in establishing civil society resource centres in different cities to provide training and capacity building; and in strengthening the government's policy and practice on establishing dialogue with civil society and funding for civil society.
- A public administration technical assistance facility.
- Education: getting children back to school.
- Public health: rehabilitation of war wounded.
- Election assistance: support to the electoral commission and to strengthening the media's electoral coverage, technical assistance from the European Parliament.
- Security sector: there is technical expertise from EU member states in the EU delegation, advising on security sector reform (SSR), particularly regarding defence and police. The EU is preparing activities to address the following: managing stockpiles of weapons and ammunition; crisis response; criminal investigations; clearing mines and unexploded ordnance; protecting vulnerable groups.
- Reconciliation: the EU funds workshops and activities managed by the Centre for Humanitarian Dialogue; European Instrument for Democracy and Human Rights (EIDHR) funds projects on prevention of torture and on the rehabilitation of victims of torture, a network of women's organisations and reconciliation initiatives.

Future support in preparation includes: three programmes on security sector reform and supporting the rule of law; rehabilitation of primary healthcare and mental healthcare; technical and vocational training. A [Call for Proposals \(€2m\) for Non-State Actors is currently open \(deadline for Concept Notes: 23 August 2012\)](#) focussing on women, good governance, public accountability.

Participants noted:

- EU funding to civil society is positive.
- Monitoring and evaluating the impact of support is important.
- The international community distorts the market for national NGOs.

- Application for and management of EU grants is very complex and requires a lot of resources which means that it is inaccessible for small and recently established Libyan civil society organisations.
- There should be follow-up of this meeting in Libya with more Libyan NGOs.

The EU should:

- Be better coordinated with the EU member states and other donors.
- Have a comprehensive strategy for engaging in Libya, and share this with Libyan civil society.
- Engage Libyans in all projects (including through mentoring, shadowing) to gain experience and promote local ownership.
- Improve its outreach to and communication with Libyan civil society.

Recommendations:

1. Technical assistance to civil society

Libyan civil society organisations (CSOs) lack experience: training and technical assistance is important. Accessing EU funds is difficult for emerging civil society. There is no way round the EU regulations; the EU requires all INGOs receiving grants to have Libyan partner organisations. ACTED also manages small grants for NGOs.

The EU and other donors should support:

- Training and technical assistance for Libyan CSOs, including in developing human resources and accessing funding.
- Making resources available in Arabic.
- Projects beyond the coast/cities.
- Exchanges between EU and Libyan groups (e.g. parliamentarians) to share experience and develop networks.
- Strengthening research capacities in Libya (universities, think tanks, research institutes) to provide the evidence base for national policy discussions.

2. Address corruption, promote accountability and transparency

The EU and other donors should support:

- Groups which oppose government corruption and which can monitor current contracts (although this is sensitive and may be destabilising where it effects, for example, armed groups contracted to provide security).
- Initiatives to return to Libya trafficked wealth and assets currently outside Libya – particularly those in the EU.
- Efforts to hold Libyan and European officials and companies accountable for corruption in the past and present.
- Investigations to establish the truth of what happened in the past as a basis for transparency in the current and future governments.

3. Institution-building

Civil society organisations have important roles to play in institution-building from the design phase to implementation, monitoring and oversight. In Libya, civil society and the institutions are new. There has been constructive engagement, e.g. between civil society and the ministry of justice on the rule of law, and in conflict management in Al Kufrah. Currently, civil society access to government relies on personal connections rather than structured dialogue.

The EU and other international actors should:

- Engage civil society in all aspects of institution-building, including in security sector reform
- Support the government in developing structured consultation processes with civil society and funding facilities for CSOs throughout the country.
- Support processes by which the government can manage public resources and use oil revenues to promote equitable development across Libya.

4. Support the constitutional process

The EU and other international actors should support:

- The constitutional process and the clarity on division of roles between the different institutions.
- The implementation of constitutional change through training e.g. of national assembly members on their roles and responsibilities in the new Libya.
- Mapping expertise in Libya and facilitating a network of Libyan constitutional experts.
- Initiatives to engage rural populations, women, young people and marginalised groups to participate fully in the constitution-drafting process.

5. Support to the Justice sector

The EU and other international actors should use their diplomatic and funding tools to:

- Engage robustly in protecting human rights activists and vulnerable groups (e.g. Tabu, migrants, Tawurgha).
- Follow up allegations of disappearances, arbitrary detention, torture and impunity.
- Work with government and civil society to further justice and the rule of law, and support ways to connect government with civil society on these issues.
- Give particular support – through technical assistance and advocacy - to i) criminal investigations, bearing in mind the problems connected with lack evidence or evidence obtained through torture; ii) working with bar associations to develop the judicial system; iii) train human rights activists and officials on witness protection and protection for judges.
- Build the capacity of the truth and reconciliation commission.
- Support impartial fact-finding missions drawing on best transitional justice practice to ensure the government does not repeat the mistakes of the past.
- Support the creation of a crisis management unit inside the Libyan government. A link could be made between the unite and the work of traditional justice mechanisms.

6. Support to human rights

The EU and other international actors should ensure that:

- Human rights are central to all their interventions and be at the heart of their political engagement.
- They support a culture of human rights through film and other media in order to appeal to a wider public.
- They give political and practical support to organisations working on citizenship/exclusion of marginalised groups.

7. Support improved communication and understanding between different parts of Libya and communities

The EU and other international actors should support:

- Initiatives which use creative means, e.g. soccer, religious connections, to build bridges between communities, de-escalate the rhetoric and contribute to a common narrative.
- Thematic networks of civil society organisations.
- Work with traditional power structures, and projects which involve young people and women in traditionally-based mechanisms.
- Women's and youth empowerment as a cornerstone for peacebuilding.
- Civic education addressing corruption, good governance, citizenship, and democratic participation.

8. Security during transition, armed groups, weapons proliferation.

The EU and other international actors should support:

- Processes which engage civil society in the design of security sector reform (SSR) and security provision.
- Trusted, competent institutions to enable disarmament.
- Protection of the vulnerable, including minorities, internally displaced people and refugees (especially Tawurgha).
- Vet abusive units/commanders out of SSR programmes on the basis of evidence provided by human rights organisations.