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Fault Lines of the Revolution

Political Actors, Camps and Conflicts in
the New Libya

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Of all the states affected by the Arab Spring, Libya has experienced the deepest transformation to date. The diversity of actors emerging on the political scene is staggering. Whereas well-defined parties, camps and institutions appear to be operating in neighbouring Tunisia and Egypt, external observers have trouble identifying and placing political actors in the new Libya. This is not only due to the confusing array of forces and the institutional chaos following the fall of Gaddafi. Compared to neighbouring countries there is a dearth of published research on the political forces that emerged during and after the revolution. The present study is conceived as a remedy. It offers an analysis of the actors shaping events in Libya today and seeks to clarify the interests that drive them, the alliances they enter into and the rifts that separate them.

The new Libya is deeply divided. Two opposing camps are emerging from a fragmented political landscape, each including a wide range of interests. Representatives of forces presenting themselves as revolutionary seek root-and-branch renewal of the political and business elite to their advantage. They face a heterogeneous camp of established, moderate and conservative forces that aim to draw a line under the period of upheaval and fear further loss of influence to the revolutionaries. This rift runs right through the General National Congress (GNC) elected in July 2012, but also between individual cities and tribes, and between different elements in the security sector. Four fields of conflict in which this fault line becomes particularly visible are given special attention in the study: the balance of forces between local power centres; the security sector; issues related to justice; and control over economic resources.

At the same time, no national power struggle between the two camps is visible. The conflicts remain largely confined to the local level or individual sectors. For this central reason Libya's transition process may be drawn-out and highly unstable, but is unlikely to lead to war breaking out again, still less to partition. Local actors dominate the political landscape of the new Libya. In some revolutionary strongholds, local structures with strong internal cohesion have

emerged, while elsewhere local predominance is highly contested. Ethnic minorities and proponents of regional autonomy are organising. The balance of power between these local and regional actors is still being negotiated or fought over. The roots of such conflicts often lie in particular cities and tribes having found themselves on different sides in the civil war.

The predominance of jostling local structures and their rivalries is reflected at the national level, including the GNC and the government formed by Prime Minister Ali Zeidan at the end of 2012. Only amongst the Islamist currents do we see the emergence of political forces with a clear national agenda. Otherwise, parochial interests and shifting coalitions dominate the scene. While perceived by some observers as "liberal", Mahmoud Jibril's National Forces Alliance is in fact an unideological rallying point for parts of the establishment that can be broken down into local networks. The revolutionary camp is also internally divided into factions, mostly on the basis of local interests but in some cases also ideology.

The following analysis is by nature a snapshot, as Libya's political landscape remains very much in flux. The results of the July 2012 elections tell us only so much about the future party-political system. Within the GNC alliances and parliamentary blocs continue to emerge and collapse. Outside the GNC, new parties are forming. Many revolutionary leaders remain in the security sector; whether they will switch to civilian politics remains unclear. But the importance of local interests and the government's vulnerability to the demands of local actors are likely to remain a key feature of Libyan politics for years to come. This also applies to the rift between the revolutionary camp and its opponents. These lines of conflict will in all likelihood dominate the upcoming constitutional process. The distribution of power between the national, regional and local levels and the rights of ethnic minorities will be central. By contrast, the question of the role of Islam contains much less potential for conflict than in Egypt or Tunisia.

Political fragmentation and ongoing power struggles create numerous difficulties for external actors seeking to support the transition. Identifying potential partners is difficult, and most nascent institutions are politicised in one way or another. The security sector and transitional justice are rightly among the priority areas of the UN support mission in Libya (UNSMIL) and bilateral partners, as well as international non-governmental organisations. But in the security sector, in particular, inadequately coordi-

nated external support for different Libyan institutions and units risks exacerbating the chaos on the Libyan side. On the whole, the focus of external assistance should not be on individual actors, but on helping establish structures of accountability and forums for dialogue – institutions and processes that can bridge the rifts of the civil war.

Parameters of the Transition

Libya's political landscape is undergoing a sweeping reconfiguration amidst revolutionary upheaval. During the revolution, the old state's administration and security apparatus collapsed entirely or in part. Temporary or informal arrangements are filling the gap until a constitution has been worked out and permanent institutions established.

The transition's cornerstones were initially defined by the National Transitional Council (NTC) in its Constitutional Declaration of 3 August 2011. The transition began formally with the declaration of Libya's liberation on 23 October 2011, three days after the killing of Muammer Gaddafi. Until the election of the GNC on 7 July 2012 and its inaugural session a month later, the process closely followed the Constitutional Declaration. But prolonged negotiations over the composition of the new government introduced considerable delays. After Mustafa Abushagur failed to form a government, the cabinet of Ali Zeidan was finally sworn in on 14 November 2012.[1]

Controversy erupted over the formal framework for the constitutional process. According to the timetable set out by the Constitutional Declaration, the GNC should within one month of its inaugural session have appointed a committee to write a new constitution, which was in turn to present a draft constitution within two months. Under threat of an election boycott by the federalist movement in the north-east, the NTC unexpectedly amended the terms of the constitutional process shortly before polling day, to have the Constitutional Committee elected directly by the people. The decision remained controversial and was not formally confirmed by the GNC until April 2013. The framework for the planned elections to the Committee is likely to require further lengthy negotiations.[2]

These delays raise questions over other provisions of the Constitutional Declaration, including the schedule for the constitution's approval by the GNC, which the NTC already extended to four months in March 2012. The intervals to the constitutional referendum and the subsequent elections are also in doubt.[3] The transitional process is certain to drag on beyond 2013, with the first elections under the new constitution unlikely to be held before the second half of 2014 even if everything goes smoothly. Until then Libya's political actors will be operating in a constitutional vacuum and institutional chaos.

There is a direct connection between institutional disorder and the armed conflicts in numerous parts of the country. The security sector is a patchwork of units composed of civilians and remnants of the armed forces that are developing their own interests. Most of the revolutionary brigades, as well as the militias that emerged after the fall of the regime, are now under the control of the Interior or Defence Ministry. But the ministries' control is precarious because many of the militias were integrated wholesale and retain their own structures. When fighting breaks out, the adversaries are almost always to be found in the murky spectrum between official and semi-official forces. Paralysis in the legal system and its vulnerability to threats made by armed actors contribute to conflict escalation. The government has neither neutral, professional security forces, nor can it hand suspects over to the courts.

The problems in the security sector and justice system represent the most urgent challenges of the current phase, and are granted special weight in the following analysis. Moreover, specific attention is given to armed actors and the potential for political conflicts escalating into violent confrontations.

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1 Because of rulings and ongoing investigations of the Integrity Commission (see "Conflicts over Justice and Reconciliation", p. 30) and the withdrawal of one candidate, only twenty-two of the thirty-one ministers were sworn in on 14 November 2012. By May 2013, one post was still vacant.
2 The issues include the boundaries and weighting of the constituencies, the criteria for admitting candidates and what quotas there should be for particular groups, such as women or ethnic minorities. These issues are further complicated by the Constitutional Declaration's requirement that

the sixty-member Committee should include twenty members for each of Libya's three historic regions – whose borders are not uncontested either.
3 According to the Constitutional Declaration the referendum was to be held one month after acceptance of the constitution by the GNC. New elections under the constitution were scheduled for seven months after the referendum.

Map
Towns and regions in Libya
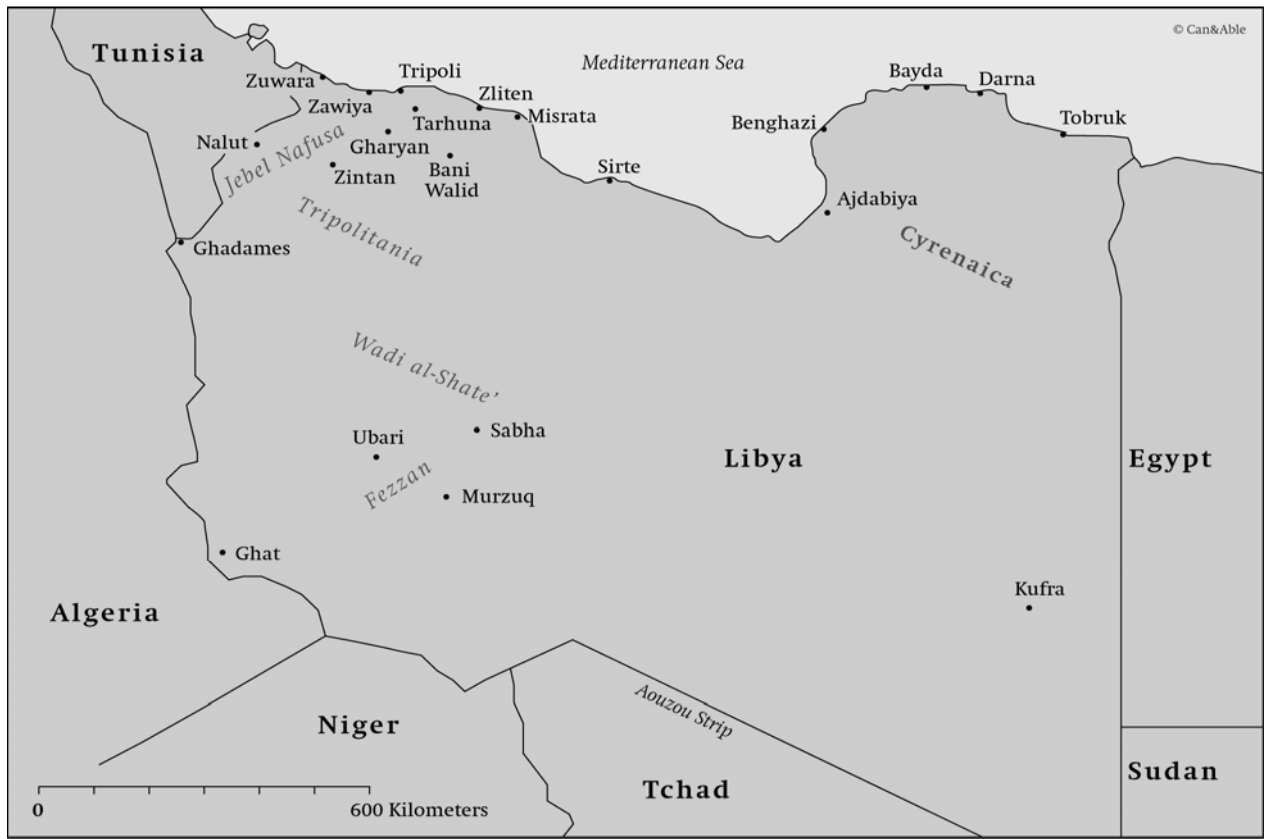
Political Forces in the New Libya

The 17th February Revolution has fundamentally reshaped Libya's political landscape. Local non-state actors have been among the leading drivers of change: local councils, tribal forums, revolutionary brigades. The Islamist spectrum has also grown in strength, and its forces have organised on a national basis. The elitist political leadership that brought together members of the exiled opposition and high-ranking defectors to form the National Transitional Council (NTC) in February/March 2011 in Benghazi was overrun by these developments. The NTC quickly gained international recognition and support, but failed to build close relations with the local councils and brigades leading the revolutionary struggle. This generated great tensions between the revolutionary base and the political leadership. After the civil war ended, many figures who had been involved with the former regime as senior officials, diplomats or technocrats came under increasing pressure, even though their early defections had contributed to the success of the revolution. Many members of the NTC and the governments of Mahmoud Jibril (March to November 2011) and Abdel Rahim al-Kib (November 2011 to November 2012) were forced out of the political arena by actors with a local power base, whether through public pressure or as a result of elections.[4]

Camps and Interests in Congress and Government

An analysis of the composition of the National Congress reveals a picture of fragmentation. Apart from the Muslim Brotherhood and the Salafis, there are no ideologically defined camps; individual interests and shifting alliances characterise the scene. Libya's political parties were only able to develop after the fall of the regime. The electoral law of January 2012 took account of the weakness of national political forces with a voting system in which three-fifths of the two

hundred members of the GNC were elected as independent constituency representatives and two-fifths via party lists. Given that party lists were not required to stand candidates in more than one constituency, many of these were also local interest groups. Fourteen of the eighty members elected via lists fall into this category. Even Prime Minister Zeidan's list, which stood candidates in numerous constituencies, succeeded in winning seats only in Zeidan's home constituency of Jufra.[5] On the other hand, members of several parties were also elected as independents.

Balance of forces in the GNC

Table 1
Party lists

National Forces Alliance	39
Justice and Construction (Muslim Brotherhood)	17
Smaller national lists	6
Salafi party lists	4
Local interest groups	14
Total	80

Table 2
Independents

Associated with National Forces Alliance	25
Associated with Justice and Construction	17
Salafis, independent or associated with party lists	23
Genuine independents	55
Total	120

Apart from a number of prominent individuals, and figures with a clear Islamist profile, most of the independents represent the interests of individual cities, tribes or families. Almost two-thirds of independents won their seats with less than 20 percent of the

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4 On the sociological composition of the revolutionary camp during the civil war, see Wolfram Lacher, "Families, Tribes and Cities in the Libyan Revolution", *Middle East Policy* 18, no. 4 (winter 2011): 140–54.

5 Zeidan's National Party for Development and Welfare *(Hizb al-Watan lil-Tanmiya wal-Rafah)* won one seat via the party list. Zeidan himself was elected as an independent member for Jufra.

Graphic
Balance of forces in the GNC
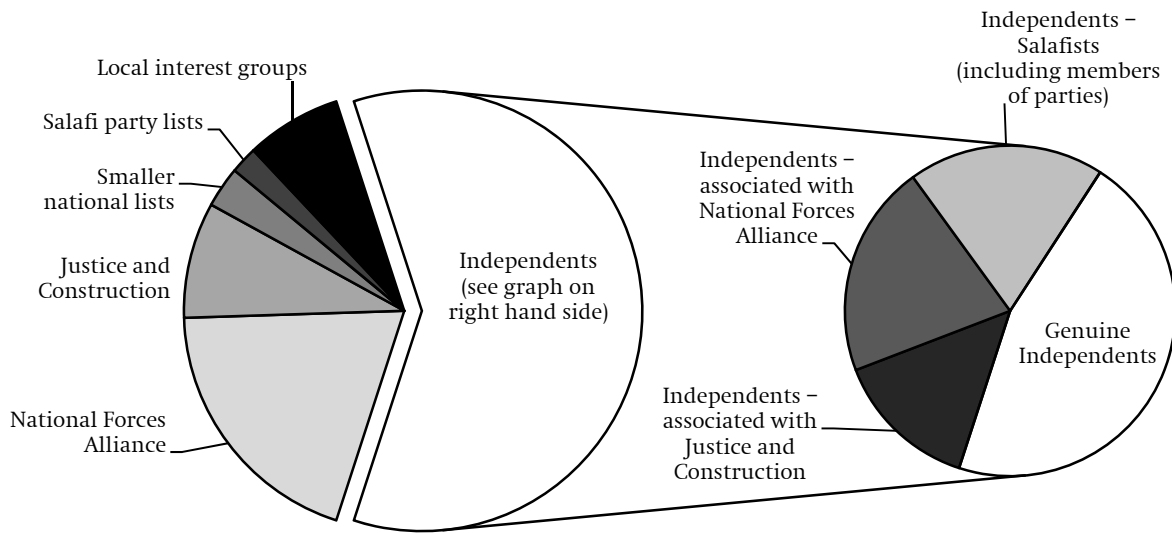
votes, and more than half of those did not even gain
10 percent. Outside the big cities of the north-west,
tribal loyalties were often the deciding factor. In
Benghazi, for example, six of the nine independents,
each of them associated with a particular tribe or
party, were elected on less than 2 percent of the votes.[6]
Each of the four independents from Sabha represents
a different local tribal constituency; the situation is
similar in Murzuq and Ubari. In Kufra and Bani Walid,
which each elected two members with respectable
shares of the vote, agreements between tribal leaders
to back particular candidates were ratified via the bal-
lot box. In Ruhaybat, the candidate of the Arab popu-
lation beat the Berber candidate with 51 percent of
the vote.[7]

In the big cities, many seats were won by members
of bourgeois and aristocratic families that already
played a leading role in politics and business before
Gaddafi's military coup of 1969. These include Abder-
rahman Swehli and Ali Abdallah al-Dharrat from Mis-
rata, Saleh Jaouda and Ahmad Langhi from Benghazi

and Abdeljalil Saif al-Nasr from Sabha. At least to some
extent, they should be regarded as representing polit-
ical and business networks led by their respective
families.

Ideological Camps and Tactical Alliances

Western media presented the election result as a vic-
tory for the "liberals" – Mahmoud Jibril's National
Forces Alliance (NFA) – over the Islamists. That inter-
pretation is misleading for several reasons. First,
representatives of the interests of individual families,
cities and tribes were the true winners. Second, the
term "liberal" in the European sense applies at best
to a minority of those elected to congress with the
NFA or as associated independents. Third, the Muslim
Brotherhood and Salafis together gained a greater
share of the nominally independent members than
the Alliance.

The principal reason why the NFA gained by far the
greatest share of party list votes was Jibril's personal
popularity. Beyond that, the outcome can also be seen
as a vote *against* the Islamist parties without this being
a vote *for* liberal, let alone secular values. Neither the
Alliance nor other parties campaigned on liberal pol-
icies. When Mohamed Magariaf, president of the GNC,
was quoted as saying that Libya should become a secu-

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6 The electoral law placed no limit on the number of candi-
dates and lists. Each constituency was assigned a particular
number of seats for independents. The candidates with the
most votes were elected to the National Congress.
7 Discussions with activists and officials from Kufra and
Bani Walid, as well as Professors Zahi Mogherbi and Fathi
Bouzkhar, Benghazi, Bani Walid and Tripoli; November 2012.

lar state, Alliance deputies joined the Muslim Brotherhood in protesting.[8] The Alliance statutes recognise democracy and the sharia as the main source of law, and are no different from the programmes of dozens of other new parties.

The profiles of Alliance leaders and GNC members are more revealing. After Jibril, Abdel Majid Mlegta is one of its most important figures and biggest sponsors. Mlegta, a businessman with roots in the western city of Zintan, maintained good relations with the Gaddafi regime but founded a revolutionary brigade in his home town when the uprising began and later participated actively in the liberation of Tripoli.[9] The Alliance's parliamentarians include both young, well-educated and older figures. What they have in common is belonging to an economically privileged class and prominent families. Well-known representatives of the former exiled opposition are absent; instead the NFA builds on prominent local figures. Its leading candidate in Benghazi, Ahmad Bensoued, has no political background, but was one of the city's most popular football stars. The member for central Tripoli, Abdellatif al-Muhalhil, is a leading scholar of the Libyan Sufis.[10] The Alliance can best be understood as an unideological electoral coalition of those parts of the elites that remained in Libya during the Gaddafi era, and for this reason had to find some kind of accommodation with the regime. Several NFA parliamentarians were local officials under the old regime. Two were stripped of office for that reason by the Integrity Commission, which investigates the role of Gaddafi-era officials, as were two of the five ministers the Alliance nominated to the Zeidan cabinet.[11]

Both the Alliance and the Justice and Construction party of the Muslim Brotherhood wield greater influence in the GNC than their official numbers would suggest. Many of their prominent members stood as independents, reckoning that this improved their chances. Certain less well-known candidates were elected with financial support from one or other party, and are now expected to be loyal. Including their associated independents, the Alliance and the Muslim Brotherhood together probably account for about half the seats. But the balance of forces depicted above should be regarded as approximative. In political practice the real size of parliamentary groups varies, with the Alliance in particular lacking internal discipline. This became clear in the process of appointing the cabinet. In September 2012 the Alliance leadership was divided over whether to participate in Abushagur's government. Mlegta and Jibril were strongly opposed, while Alliance Secretary-General Faisal Krekshi had himself nominated as a minister.[12] Tellingly, Zeidan avoided relying solely on the two main groupings, and also sought support among independent representatives of particular regions and cities. Nonetheless, his government was elected with only 105 votes in the 200-member GNC; 58 abstained.

Internal cohesion is much stronger within the Justice and Construction Party, many of whose deputies, ministers and leading activists spent years in prison together under Gaddafi. Those who entered the National Congress as independents exhibit much stronger loyalty than the associated independents of the Alliance. In the person of Nizar Kawan, an independent was even elected head of the Justice and Construction parliamentary group.

The third clearly identifiable camp is the Salafis, who are estimated at twenty-seven members and are strongest in Tripoli and Zawiya. This is not, however, a homogeneous bloc. The ten members associated with the *al-Asala* ("authenticity") movement are especially influential. *Al-Asala* is closely allied with Grand Mufti Sadeq al-Ghariani. Its representatives were elected above all in greater Tripoli, where they took

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8 "National Congress Protests Statements by Magariaf", *al-Tadhamon*, 2 October 2012, tinyurl.com/coj43vx (Arab-language titles of newspaper articles are translated into English throughout).

9 The Qa'qa' brigade founded by Mlegta is today led by his brother Othman, who was a local functionary under the old regime. The brigade, most of whose members come from Zintan, guards several important facilities in Tripoli, including the seat of a major media outlet close to the NFA. It is also notorious for making illegal arrests and seizing state property.

10 His political opponents from the Salafi camp accuse al-Muhalhil of speaking in support of the regime on state television at the beginning of the revolution. "Sufism" designates a spectrum of interpretations of Islam that are rooted in local traditions, often involve brotherhoods, and lean towards mysticism. Salafis regard Sufism as a heresy.

11 These were the designated minister of higher education, Abdessalam al-Dueibi, and the secretary of state for parliamentary affairs, Muizz al-Khuja. Khuja successfully appealed

to the Supreme Court and took office in February 2013, along with another Alliance cabinet member, Religious Affairs Minister Abdessalam Abusaad, who also had to endure a prolonged investigation by the Integrity Commission. Abusaad resigned soon after assuming office.

12 "Mlegta: Alliance of National Forces in Libya Will Not Join Abushagur Cabinet", *Reuters*, 18 September 2012; "Abushagur Presents Cabinet to National Congress", *al-Tadhamon*, 4 October 2012, tinyurl.com/d54mpm8.

eight of the fourteen seats for independents.[13] A second network, linked to the milieu of the former Libyan Islamic Fighting Group (LIFG), comprises Salafi revolutionaries who participated actively in the battle against the regime. Of these, only Abdel Wahab Qaid from Murzuq is a former leading LIFG member.[14] Others did not belong to the LIFG, but can be considered close to its circles, such as Salah Badi from Misrata, two former commanders of revolutionary brigades from Zawiya,[15] and five independents associated with the *al-Watan* Party of Abdel Hakim Belhadj.[16] There are also several independents who position themselves between the Salafis and the Muslim Brotherhood, including Mohammed al-Walid from Zliten, the chair of the religious affairs committee.

Among those smaller parties and independents that are not clearly linked to either the Salafis or the Muslim Brotherhood, temporary and regional alliances predominate. The National Front of Mohamed Magariaf won three party list seats, and several independents are also members of the party: representatives of prominent families who were active in the exiled opposition.[17] But the National Front does not operate as a parliamentary group; instead, it has entered into shifting alliances with independents.[18] Other blocs have emerged and disappeared again.

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13 Al-Asala, "The Names of the Candidates Supported by al-Asala", 27 June 2012, tinyurl.com/csg9rna.

14 Abdel Wahab Qaid is a former high-ranking LIFG member. His younger brother was a leading member of al-Qaeda known as Abu Yahya al-Libi, who was killed in 2012 in Pakistan. After the fall of the regime Qaid became commander of the border guards in southern Libya. He is associated with the *Umma* Party, which was founded by a group of former members of the Fighting Group and led by Sami al-Saadi, formerly the LIFG's religious authority. Al-Saadi was nominated by Zeidan as Minister for Martyrs' and Missing Persons' Affairs, but resigned in protest at the composition of the cabinet.

15 These are the independents Mohammed al-Kilani and Mustafa al-Treiki, respectively commander and leading member of the Zawiya Martyrs Brigade.

16 Belhadj is a former LIFG leader and played an active role in the liberation of Tripoli. He is one of the most prominent figures in *al-Watan*, which also includes non-Islamist figures. The party's failure to win a single list seat has triggered a reorientation among its leaders, which may contribute to a shake-up of the Salafi political spectrum.

17 The National Front is the successor to the National Front for the Salvation of Libya *(al-Jabha al-Wataniya li-Inqadh Libya)*, which was long the most important organisation of the exile opposition. Magariaf is president of the GNC.

18 Discussion with party leader Mohamed Ali Abdallah al-Dharrat, Tripoli, November 2012.

While the cabinet was being put together, a group of fifteen independents from the north-east was able to nominate the agriculture minister in return for its support. Mohammed Bitro from Zintan assembled the Working Together Group, whose members stand close to the Alliance. After the cabinet had been appointed, a small group largely from Sirte, Jufra and Sidra formed around Saleh Misbah, a deputy from Sirte.[19]

Since early 2013, these short-lived alliances have coalesced into two larger blocs – both of which, however, represent alliances on specific policy issues only, and are unlikely to outlast the realisation of their short-term goals. At the end of January 2013, the "Promise to the Martyrs" bloc formed to pursue the specific goals of ensuring the election of a Constitutional Committee and the direct election of provincial governors and mayors, as well as push for the law of "political exclusion" (*al-'Azl al-Siyasi*), which would bar Gaddafi-era officials from positions in politics, business, administration and the security organs. The bloc, comprising forty to fifty GNC members, includes a majority of the Salafis, National Front members, as well as representatives of local interests from the north-east and the Berber towns of the Nafusa Mountains. To counterbalance the bloc's demands for a sweeping exclusion of former regime officials, another larger bloc formed, "My Country" *(Ya Biladi)*, drawing mainly on independents from southern and central Libya, as well as those close to the Alliance. The emergence of these blocs revealed what is the most salient divide in Libya's political landscape today.

Fault Lines of the Revolution

The most significant fault line in the GNC runs neither between the major parties nor between Islamists and non-Islamists *per se*. Instead, the rifts created by revolution and civil war also define the camps within the GNC. On one side stand most of the Muslim Brotherhood and Salafis, as well as former members of the exile opposition and representatives of cities and neighbourhoods that were strongholds of armed struggle against the regime during the revolution – such as Misrata and Zawiya, the Berber cities of the Nafusa Mountains and the Souq al-Jum'a and Tajoura districts of Tripoli. They all take a hard line against those parts of the elite who had come to terms with the Gaddafi regime.

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19 Discussion with GNC members, Tripoli, November 2012.

On the other side are deputies representing cities or tribes that supported the regime or abstained from joining the revolution, such as large parts of the southern Fezzan region and the cities of Sirte, Bani Walid, Tarhouna and Aziziya. In line with its leaders' own interests, the National Forces Alliance pursues a moderate line on the question of how comprehensively former regime officials should be excluded from politics and administration. The divide is also clearly apparent in the decisions of the Integrity Commission: nine of the fifteen members excluded from the GNC came from cities or regions that were on the losing side of the revolution; three others were members of the Alliance, or independent but associated with the Alliance.[20] Owing to Integrity Commission decisions, the Tuareg had no representation in the GNC from September 2012 until this study went to press in May 2013, and both members for the town of Bani Walid had been disbarred by January 2013. Such constituencies were thus unable to exert any influence on cabinet appointments or the debate over the constitutional process.

The revolutionary camp was behind the decision of October 2012 to storm Bani Walid following the death of a revolutionary from Misrata held hostage there. The GNC's "Decision No. 7" opened the way for a military offensive that ended in the looting and destruction of public institutions, businesses and homes in Bani Walid by militias from Misrata and other revolutionary strongholds.[21] The decision received strong support from deputies from Misrata, Zliten, Zawiya, Souq al-Jum'a and Tajoura – the cities and districts whose brigades then led the offensive against Bani Walid in the guise of *Der' Libya* units. Only about two-thirds of GNC members were present; many left the chamber shortly beforehand in order to avoid having to vote. The resolution was accepted with 65 votes in favour, just seven against, and about 55 abstentions.[22] Despite this relatively weak support within the GNC, the military power of the revolutionary camp and the close connections between certain deputies and the

revolutionary brigades involved made the operation possible. Salah Badi from Misrata and Mohamed al-Kilani from Zawiya, both leaders of revolutionary brigades as well as GNC members, participated actively in the military offensive. The GNC spokesman, Omar Ahmidan from Zliten, helped disseminate false reports about the supposed detention of one of Gaddafi's sons in Bani Walid that were intended to lend legitimacy to the military operation.

"Decision No. 7" and the subsequent offensive underlined the deep rifts running through Libyan society, and through the National Congress. The divide then erupted into the open in the GNC in the debate on the "law on political exclusion" *(al-'Azl al-Siyasi)*. The Muslim Brotherhood, Salafis and representatives of the revolutionary strongholds demanded sweeping exclusion, while the Alliance and many independents from the south and centre opposed this. The GNC remained deadlocked over the issue between December 2012 and early May 2013, forestalling progress on other major policy issues.[23] When a vote appeared to be close in March 2013, armed protesters surrounded the building where the National Congress was meeting – which was supposed to be kept secret that day – and attempted to push through a vote on the law at gunpoint.[24] Revolutionary hard-liners in the National Congress almost certainly encouraged the intervention, but parliament refused to vote under such conditions. Both within the GNC and in the broader public sphere the controversy over "political exclusion" led to an increasing polarisation along the revolutionary divide. The law was finally adopted on 5 May 2013, in a context of strong pressure from armed groups that had barricaded several ministries to push their demands for "political exclusion". Though the result of intense bargaining between the Alliance and other blocs in the GNC, the law's crucial first article – defining the categories of former officials to be barred from

20 Independent members from Bayda, Baten al-Jabal, Bouslim, Hay al-Andalus, Sabha, Tarhouna and Ubari were excluded, along with all the independents from Ghat and Bani Walid, two representatives of local lists from Ubari and Wadi al-Shate', and two Alliance deputies from Zliten and Bouslim. By March 2013 one excluded member from Bayda had been replaced; all other seats remained vacant.
21 Discussions and observations, Bani Walid, November 2012.
22 Discussions with GNC members, Tripoli, November 2012.

23 "Controversy over Law on Political Exclusion in Libya", *al-Jazeera.net*, 17 August 2012, www.aljazeera.net/news/pages/ f587e240-8894-42e9-9136-f4ad04831fa8; "After Tough Debate National Congress Agrees Appointment of 19-Member 'Exclusion' Committee", *al-Manara*, 26 December 2012, tinyurl. com/bsbu388.
24 "National Congress Deputies Detained: Pressure over Law on Political Exclusion ", *Quryna*, 6 March 2013, www. qurynanew.com/49660. On 7 March, two days after the incident, an armed group attacked the offices of the al-Asema TV channel, which had taken an explicit stance against sweeping "political exclusion". The TV station's owner Jum'a al-Usta (a leading donor to the NFA) and its Executive Director were abducted and later freed.

holding positions of responsibility – passed only with a majority of 115 of 157 members who were present.

The Zeidan Government

The Zeidan cabinet's composition reflects the fragmentation within the GNC. The prime minister was able to win the support of different camps precisely because he has no power base of his own in Congress. In order to keep the various rival interest groups in check, politically independent figures were appointed to head the so-called "sovereign" ministries: foreign, defence, interior, justice and finance. But otherwise the government serves every clientele. The Alliance and the Muslim Brotherhood each received five ministerial posts, with two each for the cities of Misrata and Zintan. Two ministries went to members of Mohamed Magariaf's National Front, one of whom can also be regarded as a representative of the Berbers. With the appointment of former LIFG chief theorist Sami al-Saadi as minister for martyrs' and missing persons' affairs, and, after his resignation, his replacement by Ali Qaddour, the Salafi camp is represented in the government, alongside the Sufi Abdessalam Abusaad – although Abusaad resigned shortly after taking office as minister for religious affairs, most likely under Salafi pressure. A leading revolutionary figure was appointed state minister for the injured in the guise of Ramadan Zarmuh, the former head of the Misrata military council. Zeidan chose a disproportionate number of ministers from the north-east, both to ensure the support of deputies from that region and to placate the extra-parliamentary federalist movement. So the cabinet emerged as a balancing act between various interest groups. The same approach continued in the appointment of the deputy ministers in the following months. The appointment of career army and police officers to the defence and interior ministries was balanced by political appointments of deputy ministers. Among the three deputy defense ministers, for example, feature former leading LIFG figure Khaled al-Sharif and al-Tuhami Bouzian, a Salafi-Jihadi brigade leader from Misrata.[25] Individual

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25 Along with Abdel Hakim Belhadj, Sami al-Saadi, Abdel Wahab Qaid and other LIFG leaders, al-Sharif had spent several years in prison during the Gaddafi era and was released before the revolution, after LIFG leaders had declared their previous fight against the regime to have been based on erroneous religious views. (See *Revisions of the Libyan Islamic Fighting Group*, ed. Salman Auda [Cairo, 2010]). After the revolution,

ministers have specific power bases within and outside the GNC, but the government as a whole has no firm majority to depend upon. Combined with the vaguely defined separation of powers between the GNC and the government, this has encouraged the GNC to act as a counterweight to the government as a whole, and seize powers including the right to decide appointments to key positions such as the central bank governor, the army chief of staff, or the general prosecutor.

Parliamentary and Extra-Parliamentary Islamists

The Islamist forces within and outside the GNC deserve special attention for two reasons. First, this spectrum contains the only political forces that have a truly national agenda and reach, in contrast with the loose alliances of local actors dominating the rest of the political landscape. Second, Islamists exert strong influence through networks that straddle national and local politics, the security sector and religious institutions. Many of their opponents believe that since the fall of the regime there has been a great Islamist plot to gain control over the government and security apparatus. But such conspiracy theories lack plausibility, for the Islamist spectrum includes a multitude of competing currents and organisations.

The Grand Mufti's Network and Influence

The most influential figure in the Islamist spectrum, and perhaps in Libyan politics altogether, is the Grand Mufti Sadeq al-Ghariani. He was quick to throw his support behind the uprising, and in February 2012 the National Transitional Council appointed him the first director of the refounded *Dar al-Ifta'*, the authority responsible for interpreting Islamic law. The provi-

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al-Sharif set up the "National Guard" which, under a Transitional Council resolution of February 2012, was later placed under the authority of the border guards. According to al-Sharif, the "National Guard" has eight thousand members. Its responsibilities include guarding high-value Gaddafi-era prisoners such as former intelligence chief Abdallah Senoussi and former prime minister Baghdadi Mahmoudi. Several of the brigades belonging to the "National Guard" are led by figures from the Salafi Jihadi spectrum. Bouzian is the leader of the Faruq brigade and a former deputy head of the Misrata Union of Revolutionaries.

sions of the decision underline how great Ghariani's influence already was: he was appointed for life and media discussion of his fatwahs was prohibited.[26]

Ghariani's statements and fatwahs exerted a stabilising influence in the months following the fall of the regime, condemning attacks on Sufi shrines by radical Salafis and killings of officers from Gaddafi's security organs.[27] Subsequently, however, he played an increasingly divisive role: the day before the elections to the GNC, Ghariani declared that it was un-Islamic to vote for parties that intended to restrict the scope of sharia, in an obvious attack on the Alliance.[28] After the elections he campaigned vigorously for an Islamic banking system, and thus bolstered corresponding initiatives in the GNC. He defended the legitimacy of the military action against Bani Walid in October 2012 and supported calls for a broad ban on former regime officials through the law on "political exclusion"; in April 2013, he went as far as declaring demonstrations in favour of the law to be a religious obligation (*fard*) for Libyans.[29] Ghariani has also stoked fears of alleged Shiite "infiltration", pressuring the Ministry of Social Affairs into blocking marriages with non-Libyan Muslims to avert this supposed danger. Ghariani has become increasingly controversial with such positions. Nevertheless, his stance on sharia and the constitution – that the role of sharia as the source of law was not a matter for a referendum – met with little in the way of criticism. As there is no secular camp in Libya, the constitutional debate is likely to focus mainly on whether sharia should be the sole or predominant source of law.

Ghariani's networks extend beyond the deputies of the *al-Asala* movement, who like Ghariani consider themselves moderate Salafis. He maintains close relations with former LIFG leaders, and intervened personally for an autonomous budget for Siddiq Mabrouk, a former LIFG member who served as deputy defence minister until January 2013.[30] The commanders of Mabrouk's border guards included figures formerly associated with the LIFG.[31] Prime Minister Abdel Rahim al-Kib told the GNC in August 2012 that the government and security officials agreed that the border guards needed to be placed under the authority of the chief of staff, but a "higher instance" had objected.[32] This can only have been referring to Ghariani. The border guards were eventually placed under the chief of staff after Mabrouk's removal in January 2013, but only after Khaled al-Sharif, a former leading LIFG figure who also maintains good relations with the Grand Mufti, was appointed deputy defence minister. Earlier, Ghariani had also criticised demonstrations against the presence of Islamist-leaning brigades in Benghazi. In short: the Grand Mufti can be clearly located in the Islamist spectrum of the revolutionary camp.

A centrist counterpoint to Ghariani is the religious scholar Ali Sallabi, who is associated with the international Muslim Brotherhood – and closely linked to the influential Qatar-based scholar Youssef al-Qaradawi – though not part of Libyan Muslim Brotherhood's network. After briefly dabbling with the initiative to set up the *al-Watan* Party with forces straddling the Salafi and non-Islamist spectrum, Sallabi withdrew from party politics. He calls unequivocally for national reconciliation, criticises the attempts at a sweeping exclusion of former officials, and condemned the use of force against Bani Walid.[33] Such positions being unpopular within Islamist currents, Sallabi's influence has declined since the revolution.[34] While his brother Ismail led a revolutionary brigade in Benghazi, the two brothers' political views clearly diverge, and no direct connection should be drawn between Ali Sallabi and the Benghazi brigades.

26 Law No. 15/2012 of the National Transitional Council "On the Establishment of a Dar al-Ifta'", Tripoli, 20 February 2012.
27 Hanspeter Mattes, "Libyen nach Qaddafi: Islamistischer Aufschwung und Stärkung des religiösen Sektors", in *Islamische Akteure in Nordafrika*, ed. Sigrid Faath (Berlin, 2012).
28 Sadeq al-Ghariani, "Friday Address, Oqba Mosque", 6 July 2012, www.youtube.com/watch?v=vidyTP5bsIg.
29 Public intervention by Ghariani on 4 April 2013, www.youtube.com/watch?v=KYFZNruNUO8.
30 See his address to the first meeting of the Zeidan cabinet on 21 November 2012, www.youtube.com/watch?v=NwDjwN6gh1o.
31 These included Abdel Wahab Qaid (see note 14) as the commander of the southern region. The full name of the border guard is "Guard Force for Borders and Vital Facilities" (*Haras al-Hudud wal-Mansha'at al-Haiyawia*). They include units that are deployed around oil and gas facilities.
32 Questioning of Abdel Rahim al-Kib by the National Congress, Tripoli, 24 August 2012, www.youtube.com/watch?v=im46xFhV-sI.
33 Discussion with Ali Sallabi, Tripoli, June 2012; "After Events in Bani Walid: Ali Sallabi Calls on Libyans to Press Government to Implement Transitional Justice", *Quryna*, 13 October 2012, www.qurynanew.com/43240; "Sallabi to *Quds Press*: Ideas of Victors and Vanquished Cannot Be Basis for Constitution and Reconciliation", *al-Manara*, 17 November 2012, tinyurl.com/cqnpm6r.
34 Sallabi is also widely seen as all too close to Qatar, and in Salafi Jihadi quarters is criticised for his role in mediating on behalf of Saif al-Islam al-Gaddafi in connection with the LIFG's ideological recantation.

The Influence of Islamist Currents in the Security Sector

While the Muslim Brotherhood cannot compete with Ghariani's broad appeal and religious authority, it does exercise considerable influence in important areas. The Brotherhood dominates the local council in Benghazi, elected in May 2012, and its non-elected counterpart in Tripoli, and is strongly represented in the new security organs set up after the fall of the regime. In September 2011 Abderrezak al-Aradi, a leading Muslim Brother and NTC member, helped set up the Supreme Security Committee (SSC) in Tripoli. Other prominent representatives include Deputy Interior Minister Omar al-Khadrawi and the deputy head of the Benghazi SSC, Fawzi Wanis al-Gaddafi.[35]

Members of the Muslim Brotherhood also led revolutionary brigades. The 17th of February Brigade from Benghazi, which appeared in the first weeks of the revolution, and the Union of Revolutionary Brigades that emerged from it were coalitions commanded by figures from the Islamist spectrum. But they could not be regarded as the Brotherhood's military wing, because they were heterogeneous in composition. Their leaders included the Muslim Brothers Fawzi Bukatef, Mohammed Shaiter and Fawzi Wanis along with individuals from the spectrum between the Brotherhood and the LIFG milieu, such as Ismail Sallabi or Mohammed al-Gharabi.[36] Since the end of 2011 a number of prominent leaders of these brigades have set up the Warriors' Affairs Commission (WAC), which plans to reintegrate the revolutionaries in civilian life with a programme potentially costing billions.[37]

Islamist influence in the security apparatus extends far beyond the networks of the Muslim Brotherhood and the LIFG. Numerous leaders of the *Der' Libya* and the SSCs, particularly in the east and in Tripoli, can be identified with Islamist currents.[38] Even where they do not belong to particular political organisations, many explicitly seek to use their influence in the security sector to create an Islamist state of some kind.[39]

Extremist Groups

A series of anti-Western attacks,[40] as well as repeated incidents in which Sufi shrines were destroyed, point to the emergence of organised extremist groups following different radical Salafi currents. While they mostly operate outside the framework of the new official institutions, some of them can apparently count on support within them. The well-armed brigades that have been destroying Sufi shrines largely in the west of the country evidently have good connections in the Supreme Security Committees. SSC elements on several occasions sealed off the vicinity and allowed the extremists to operate with impunity.[41]

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35 Khadrawi had been appointed by Kib and has retained his position under Zeidan, underlining his influence. Fawzi Wanis was initially the leader of SSC Benghazi, but stepped down in September 2012 to become deputy leader.
36 Al-Gharabi is the leader and Ismail Sallabi was the deputy leader of the *Rafallah Sahati* Brigade, which split from the 17th of February Brigade after the fall of the regime but joined the *Der' Libya* under strong public pressure in October 2012; its militia structure remains unaltered even after Ismail Sallabi's return to civilian life. Individual units of the 17th of February Brigade joined the *Der' Libya*, the military police and the intelligence service but retained their internal structures. Discussions with Mohammed al-Gharabi and a leading figure in the Warriors' Affairs Commission, Tripoli, November 2012.
37 Two former leaders of the 17th of February Brigade, Mustafa Saqizli and Mohammed Shaiter, are now director and deputy director of the WAC.

38 The leadership of the Tripoli SSC is strongly dominated by Salafis – including its head, Hashem al-Bishr, and the commander of its support units, Abderraouf al-Kara. The former head of the national SSC, Abdellatif Qaddour, also had a clear Salafi stance. Within the *Der' Libya*, the units based in Benghazi comprise several former revolutionary brigades with an explicit Salafi outlook.
39 Discussions with SSC leaders in Tripoli, as well as Ismail Sallabi, Mohammed al-Gharabi and other figures associated with the Rafallah Sahati brigade, Benghazi and Tripoli, June and November 2012, as well as March and April 2013.
40 The series included attacks on the US liaison office in Benghazi, convoys of the British ambassador and the UN special envoy, and the offices of the International Committee of the Red Cross in Benghazi and Misrata. The most serious incidents were the attack on the US liaison office in Benghazi on 11 September 2012, in which the US ambassador was killed, as well as the car bomb that partially destroyed the French embassy in Tripoli on 23 April 2013. For an overview of incidents until December 2012, see US Department of State, *Accountability Review Board Report*, 18 December 2012, 15–16, www.state.gov/documents/organization/202446.pdf.
41 Such as in the destruction of the *al-Shaab* mosque opposite the *al-Mahari* Radisson Hotel in central Tripoli in August 2012 and the destruction of the tomb of Zubeida in Bani Walid in October 2012. Discussions with eye witnesses, Bani Walid, November 2012; "Magariaf Calls Destruction of Tombs Illegal, SSC Denies Any Participation in Shrine Destruction", *al-Watan al-Libiya*, 25 August 2012, www.alwatan-libya.com/more.php?newsid=23695&catid=1.

The shrine destroyers represent a current loyal to the Saudi preacher Rabi' al-Madkhali, who is highly influential among Salafis in the north-west. During the revolution, the Madkhalia groups remained neutral, and in some cases even openly supported the regime. After Gaddafi's fall they were apparently able to draw on massive financial support of unknown provenance to establish an impressive arsenal.[42]

The Salafi Jihadi spectrum, which – unlike the Madkhalia – played a significant part in the revolution, has also been able to organise. In June 2012, Salafi Jihadi brigades from across Libya held a heavily armed "forum for the victory of sharia" in central Benghazi.[43] The rally would not have been possible without tacit acceptance by and – in the case of elements from the *Der' Libya* – participation of leading brigades in the city, which are formally under defence ministry control. The Jihadi spectrum's extremist fringe, which is responsible for carrying out attacks, is small but increasingly well-organised, and particularly strong in Darna. Dozens of fighters from Darna, and some members of Ansar al-Sharia from Benghazi, are known to have joined the struggle of Qaeda-linked groups in northern Mali against French forces.[44] It remains unclear to what extent former LIFG members, some of whom are now in government, the GNC and the security apparatus, may be complicit in the activities of the radical Jihadi fringe. The milieu surrounding the former LIFG has fragmented into several currents, and as a whole should not be associated with violent extremism. Some of the more prominent LIFG figures have moved into the political mainstream, and display commitment to state institutions and civilian politics. Others, such as the leaders of Darna's Abu Slim Martyrs brigade, use their military weight to exert pressure on civil institutions. The diverging

paths taken by LIFG veterans go some way to explaining why moderates have failed to prevent radical elements from resorting to violence.

Local and Regional Forces: Local Councils, Tribes, Militias

Apart from the Islamist movements, most political actors today identify and organise on a local or regional basis. The reasons for this lie in the trajectory of the civil war and the strength of local and tribal loyalties. In the early days of the revolution, local councils formed in the north-east, in the Nafusa Mountains and in Misrata, to protect the population and ensure supplies of vital necessities. Over the course of the conflict, small units created to defend communities against regime forces developed into a multitude of revolutionary brigades and military councils, all based at the local level. After the regime fell and its arms depots had been looted, the number of armed groups calling themselves revolutionary brigades proliferated, even in cities and regions (such as many parts of Tripoli) where there had been little fighting. Local military councils formed almost everywhere.

The local dynamics varied from region to region. Strong local structures emerged in the revolutionary centres of the north-west, closely linking civilian councils, tribal leaders and military units. In the north-western region of Tripolitania the fall of the regime brought conflicts between revolutionary strongholds and tribes whose members had formed the backbone of Gaddafi's security apparatus. Here, civilian/military structures arose even in cities that had taken the side of the regime or abstained from the struggle – to defend against attacks by revolutionary brigades.

In the north-east, which had not been under military threat since the start of the NATO intervention in March 2011, no local structures with comparable internal cohesion emerged, nor did conflicts flare between individual cities or tribes. Tensions arose principally between the revolutionary Islamist camp and members of the armed forces and security apparatus. But local and regional interests still play an important role for political mobilisation in the region. These include demands for decentralisation and the movement for federalism and regional autonomy.

The south (Fezzan) joined the revolution in its last month, largely without fighting. After the fall of the regime, serious conflicts erupted between newly formed tribal militias. These struggles have not yet

42 Discussions with businesspeople from the Salafi milieu, Tripoli, November 2012; Sadeq al-Raqi'i, "Islamists in Libya: History and Jihad (3)", *al-Manara*, 14 January 2012, tinyurl. com/b6btmkg.

43 Groups that attended the forum included – among many others – the *Abu Obeida Ibn al-Jarrah*, *Ansar al-Sharia* and Abu Slim Martyrs brigades from Benghazi and Darna, elements of the *Der' Libya* forces based in Benghazi, the *Faruq* brigade from Misrata, as well as a brigade from Sirte. Author's observations, "Forum for the Victory of Sharia", Benghazi, 7 June 2012; "First Rally of Supporters of Sharia in Benghazi: Show of Strength by Armed Demonstrators, Fears of Libya Turning into Extremist State", *Quryna*, 14 June 2012, www. qurynanew.com/36582.

44 Discussions with Benghazi residents with direct knowledge of the individuals involved, Benghazi, March 2013.

been overcome, and civilian and military councils in the south are often controlled by a single faction. Local groups define themselves above all in terms of ethnic or trial identity.

In many places the councils remain an important forum for local politics and the main channel for representing local interests to the central government, although their influence has decreased since the end of the war – since they have (as of May 2013) no formal institutional basis and thus no regular budget.[45] Their form of organisation and legitimacy varies from city to city. Only a handful of cities held local elections on their own initiative before the GNC in November 2012 decided to postpone further elections until a local administration law has been adopted.

Everywhere except the cities of the north-west the rise of local institutions increased the importance of tribal leaders. Councils of "wise men" *(majalis hukama')*, as both tribal leaders and respected urban community leaders are referred to, emerged in almost all cities during and after the revolution. But they did not appear from nowhere, as tribal leaders had been institutionally integrated under Gaddafi and not a few of the members of the new institutions had already served in similar functions under his regime.[46] Moves to create a national body for the new councils led to two competing initiatives.[47] Leaders of these national organisations and the local councils sought to mediate the conflicts that broke out in many places, but the success of these efforts was limited. Mostly the problem was the state's inability to back agreements negotiated by tribal leaders by deploying security forces and prosecuting crimes.[48]

45 The local administration law passed by the Transitional Council in 2012 has yet to be implemented, because the Transitional Council preferred to leave this responsibility to the GNC and an elected government, but the GNC was long preoccupied with setting up a government. An attempt to pass the law with decisive amendments (governors and mayors to be appointed by the government rather than elected) was blocked in early 2013 by the GNC and the local councils. Besides organising local elections, implementing the law is likely to require further negotiations, as the government continues to insist that the local executive should be accountable to the central government, which will supply local budgets.
46 Wolfram Lacher, "The Rise of Tribal Politics", in *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*, ed. Jason Pack (London, 2013) (in press).
47 The *Majlis Hukama Libya* and the *Ittihad Majalis al-Hukama wal-Shura*. An attempt to create a joint structure at a conference in Tarhouna in November 2012 failed to achieve results.
48 International Crisis Group (ICG), *Divided We Stand: Libya's*

Revolutionary Strongholds

Cities that were strongholds of the revolutionary struggle have become local power centres in the post-war phase. The political and military heavyweight in this respect is the north-western coastal city of Misrata, where 40,000 members of revolutionary brigades are registered in a city of 300,000 residents.[49] During the final months of the civil war Misrata's brigades gained control over large parts of the army's stocks of arms and munitions between Tripoli and Sirte. Months of fighting against regime forces created cohesive civilian and military institutions. In the immediate post-revolutionary period, the majority of Misrata's revolutionary brigades stood under the control of the local military council and the Misratan Union of Revolutionaries, which cooperated closely with one another and with the local council.[50] Despite a lack of clarity over its powers, the local council initially possessed broad legitimacy through elections that Misrata held on its own initiative in February 2012. Since then, however, support for the local council has declined and the Union and military council have lost much of their previous influence, as divisions within the city's political and business elite have come to the fore and the security situation has deteriorated.[51] Nevertheless, the city's representatives in the government and the GNC continue to push the interests of the revolutionary camp. Misratan leaders played a decisive role in establishing security institutions parallel to the old structures, in the form of the SSC and the *Der' Libya*. Chief of Staff Youssef Mangoush and Kib's interior minister, Fawzi Abdel 'Aal, under whom these units emerged, are both from Misrata. The city dominates the Central Division of *Der' Libya*, to which about seven thousand Misratis were recruited.[52] The division's offensive against Bani Walid in October 2012 therefore possessed a strong local dimension, with both sides reviving the memory of historical conflicts between Misrata and the Warfalla tribe of Bani Walid in the early twentieth century. The capture of the city underlined the military power of Misrata and its leading role in the revolutionary camp.

Zintan in north-western Libya, whose leaders regard themselves as rivals of Misrata, takes second place.

Enduring Conflicts (Brussels, 2012).
49 Brian McQuinn, *After the Fall: Libya's Evolving Armed Groups*, Small Arms Survey Working Paper 12 (Geneva, 2012), 13.
50 Ibid., 20–21.
51 Discussions, Misrata, April 2013.
52 Brian McQuinn, *After the Fall* (see note 49), 12.

In contrast to urban Misrata, the strong internal cohesion that developed here has a tribal dimension, because Zintan is both tribe and city. Tribal leaders played a central role in political and military decision-making, with their *shura* council becoming the highest instance, to which the local civilian and military councils deferred.[53]

Like the revolutionaries of Misrata, the Zintan brigades also succeeded in gaining control over large stocks of weaponry.[54] In summer 2012 Zintan's brigades launched several artillery attacks on nearby villages of the Mashashiya tribe to force its members to flee or to prevent their return.[55] Some Libyan observers regarded the failure of these efforts as a sign of military weakness, and believe that the fighting decimated Zintan's munitions stocks.

Zintan's reputation also suffered from its brigades' notoriety for arbitrary arrests and other transgressions in Tripoli. Zintani ambitions to consolidate their influence via their representative in the Kib cabinet, Defence Minister Osama al-Juweili, remained unfulfilled. But while Juweili was largely sidelined by Chief of Staff Mangoush and Deputy Defence Minister Mabrouk,[56] he still succeeded in turning a number of revolutionary brigades from Zintan into formal army units and entrusting them with important tasks.[57] This reflected the aspirations of Zintan's

leaders to secure the city's predominance over parts of south-western Libya. During the civil war a "military council for the western region" composed largely of Zintanis was set up in the city and when the regime lost the Fezzan, brigades from Zintan recruited Tuareg and Toubou and took control of oil fields and border posts in the region. They remain present in strategic positions in the south-west.

Local structures with closely interconnected civilian and military leaderships also formed in other revolutionary strongholds, including Zawiya, the Souq al-Jum'a and Tajoura districts of Tripoli, and the Berber towns of the Nafusa Mountains. In all revolutionary cities, a political and military elite has emerged that claims to defend local interests. This revolutionary elite includes civilian brigade commanders as well as army officers who defected at the beginning of the revolution, like the leader of the Misratan Union of Revolutionaries, Colonel Salem Jouha, and the leader of the "military council for the western region", Colonel Mokhtar Fernana. In Misrata, a port city with a well-established commercial elite, representatives of prominent families play an important role. Members of the Swehli, Fortia, al-Dharrat, Beit al-Mal and other leading families funded the revolutionary struggle during the early months and operated as the city's political representatives. Tripoli business networks played a similarly important role in funding the brigades that seized control of the capital. In the Nafusa Mountains tribal leaders were crucial, while in Zawiya and Tripoli representatives of the Muslim Brotherhood and Salafi currents gained prominence. The elites of the revolution thus owe their own advancement to their contribution to the struggle, their wealth, their traditional reputation, or a combination of these factors. Their present influence is closely tied to the military might of their cities and brigades.

Losers of the Revolution

The losers of the revolution can also be defined in local or tribal categories. This is because Gaddafi's security apparatus was largely recruited from particular tribes, first and foremost Gaddafi's own tribe, the Gaddadfa around Sirte and Sabha, the Warfalla, whose stronghold is Bani Walid, and the Magarha from the *al-Shate'* region in the Fezzan. Numerous other groups were regarded as loyal to the regime, including several smaller tribes around the Nafusa

53 Discussions with members of the *shura* council and the local council, Zintan, November 2012; Lacher, "The Rise of Tribal Politics" (see note 46).

54 As late as May 2012 brigades from Zintan seized twenty tanks and brought them to the city. "Military Source: Revolutionaries Take Twenty Requisitioned Tanks to Zintan", *Quryna*, 28 May 2012, www.qurynanew.com/35512.

55 Zintan accuses the Mashashiya of having fought on Gaddafi's side and failed to hand over suspects accused of participating in crimes of the regime. The origins of the conflict between Zintan and the Mashashiya lie in disputes over land rights that already led to repeated skirmishes between the two tribes in the early twentieth century. These tensions grew under Gaddafi when the state gave the Mashashiya rights to land claimed by Zintan. "New Decision by al-Shgeiga: Zintan Leader Demands Handover of Suspects to State Prosecutor", *Quryna*, 14 June 2012; "Several Thousand Displaced in Jebel Nafusa: ICRC Claim", *Libya Herald*, 12 June 2012; Lacher, "The Rise of Tribal Politics" (see note 46).

56 Juweili repeatedly expressed his frustration over this. See his undated memo on the situation in Bani Walid and "Defence Minister Juwaili Launches Scathing Attack on NTC", *Libya Herald*, 27 June 2012.

57 These include guarding the detained Gaddafi son Saif al-Islam in Zintan and controlling arms depots and large sections of the western border. Defence Ministry decrees 168, 188 and 189/2012, Tripoli, 21 July and 2 August 2012.

Mountains and in the north-western coastal plain and the (expelled) residents of Tawergha, who were descended from slaves from sub-Saharan Africa.

All these groups now share the fate of political marginalisation and stigmatisation as regime loyalists. Many of their members are accused of participation in crimes of the regime and held in prisons over which the Libyan courts often possess only nominal control. Some of their cities were looted and ransacked by revolutionary brigades, including Sirte and Bani Walid. In certain cases whole groups were driven out, most notoriously in the offensive by Misratan brigades against Tawergha. The latter remains a ghost town to this day, with the brigades preventing residents from returning.

Exclusion and attacks by revolutionary forces have led some of these groups to organise at local or tribal level. In Bani Walid, militias including former members of Gaddafi's brigades drove the revolutionary local council and a revolutionary brigade out of the city in January 2012 and took control. A social council of tribal leaders formed, whose declarations made no mention of the revolution and the Transitional Council. This civilian/military coalition prevented any attempt by revolutionary brigades to enter the city, and took brigade members from Misrata, Zliten and Tripoli hostage to exchange for members of the Warfalla held in those cities.[58] When one of the hostages died shortly after release this led to the aforementioned "Decision No. 7" of the GNC and the siege and capture of Bani Walid. The members of the social council and the militias fled temporarily, but subsequently returned to gradually force out revolutionary forces, which were unable to retain control of the town. By March 2013, the social council was back in charge, and anger in the town grew after the discovery of the bodies of twenty-one people who Bani Walid residents said had died under torture in Misratan prisons.

Resistance to revolutionary forces occurred in *al-Shate'* too. The death of a child in an operation by the Supreme Security Committee led to days of fighting between the local population and SSC forces. As in the case of Bani Walid, the revolutionary camp sought to defame its opponents as regime loyalists. The situation only calmed down when the SSC forces were withdrawn and replaced with an army unit accepted as neutral.

Certain cities on the losing side failed to develop cohesive local structures; instead internal conflicts broke out. In Sirte and Tarhouna, the situation is characterised by tensions within local tribes between the revolutionary camp and members of the old security apparatus. That antagonism forms the backdrop to killings in both cities.[59]

Beyond such local solidarity there are also efforts to unite groups that see themselves as losers of the uprising in resistance against the revolutionary camp. Until the capture of Bani Walid in October 2012, such efforts were led by the Warfalla, who organised several meetings of tribal leaders from these groups in the city. The forums issued declarations appealing to the historic ties uniting the tribes and calling for a national amnesty, the release of the wrongly imprisoned and an end to the marginalisation of particular tribes.[60] But none of these groups intervened in solidarity during the siege and capture of Bani Walid.

Federalists and Ethnic Minorities

The upsurge of local structures and loyalties also includes initiatives for regional self-administration and growing demands from ethnic minorities. One manifestation of such tendencies is the federalist movement, rooted above all in eastern Cyrenaica (Arabic: *Barqa*), which feeds on resentment over the region's political and economic marginalisation under Gaddafi and nostalgic memories of its leading role during the monarchy of the 1950s and 1960s.[61] But an attempt to form a regional council in March 2012 and

59 "Foreign NGOs Ordered Out of Sirte", *Libya Herald*, 11 June 2012; "Assassination Attempt on Commander of Qardhabiya Brigade", *al-Tadhamon*, 2 October 2012, www.irassa.com/ modules/publisher/item.php?itemid=3019; "Tarhouna's Security Forces Detain Suspects over al-Kani Murder", *al-Tadhamon*, 6 November 2012, www.libya-alyoum.com/news/ index.php?id=21&textid=12437; "Former Tarhouna NTC Representative Tortured and Killed", in: *Libya Herald*, 7 November 2012; "Local Council Member Murdered in Sirte", *Quryna*, 13 November 2012, www.qurynanew.com/44812.
60 *Final Declaration, First Forum of the Social Forces of Libya*, Bani Walid, 21 May 2012; *Final Declaration, Second Forum of the Social Forces of Libya,* Bani Walid, 7 June 2012.
61 Libya's first constitution of 1951 created a federal system with the regions Tripolitania, Cyrenaica and Fezzan. After oil production began, federal structures were dissolved in 1963 and the role of central government strengthened. The tribal elites of the Cyrenaica, which were closely allied with the royal Sanusi family, played a leading political role and dominated the armed forces.

58 Lacher, "The Rise of Tribal Politics" (see note 46).

declare the region autonomous revealed that the federalists lack broad support in the region. Cyrenaica's local councils, its most powerful revolutionary brigades and the Muslim Brotherhood (which is strong in Cyrenaica) rejected the unilateral move by the *Barqa* Council.[62] The latter's call for an election boycott failed, and attempts at violent disruption of the July 2012 vote by autonomy supporters further discredited the movement. Tactical disagreements and political rivalries ultimately ensured that it fragmented into various parties and structures.[63]

The federalist movement in Cyrenaica draws its support from three main constituencies. Some of its leaders are intellectuals from Benghazi and Darna, mostly former members of the exile opposition. A much larger role is played by the establishment of certain tribes, especially the Obeidat, Awaqir and Magharba, although by no means all their leaders back the movement.[64] Parts of the region's officer class, who are often closely related to the tribal leaders, form the third group. The *Barqa* Military Council, an organisation of army officers, can be regarded as the federalists' armed wing. Military support for the movement is stoked by frustration over local officers' marginalisation in the security sector, which is dominated by units from revolutionary brigades.

In Benghazi, the political and economic centre of Cyrenaica, there are widespread demands to decentralise the country's political system and move ministries and state-owned businesses to the city. But these ideas should not be equated with those of the federalists; many of those calling for the relocation of state-owned businesses explicitly reject any association with the federalists and repudiate their attempts to instrumentalise the much broader base of the

decentralisation movement for the federalist cause.[65] The federalist agenda is regarded with suspicion nationally. Many suspect the federalists of intending to lay claim to control of the oil produced in Cyrenaica. And indeed, a lively debate is taking place within the movement about how oil revenues would be shared between the national and regional levels in a federal system.[66]

In other regions, federalism enjoys even less support. While cautious attempts to spread the federal idea can be observed in the south too, local observers attribute these above all to the attempts – regarded as futile – of the Saif al-Nasr clan to restore its historic predominance in the Fezzan.[67] In Tripolitania, where numerous local power centres compete, there is no political basis for a regional entity. A separate region for the Amazigh (Berbers) is inconceivable, as the area around the Nafusa Mountains and the coastal city of Zuwara is too interspersed with centres of Arab population such as Zintan or Rujban. The same applies to the Toubou in the far south and the Tuareg in the extreme south-west, even if certain leaders of the latter are certainly open to federal ideas.[68]

Ethnic minority interests are consequently only partly compatible with federalism. Minority activists call above all for an end to political discrimination, to which they still feel exposed in the new Libya. Representatives of the Tuareg, for example, point towards decisions of the Integrity Commission that exclude all of their four deputies from the GNC. Amazigh and Toubou activists cite their groups' weak

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62 Wolfram Lacher, "Is Autonomy for Northeastern Libya Realistic?" *Sada*, 21 March 2012, carnegieendowment.org/sada/2012/03/21/is-autonomy-for-northeastern-libya-realistic/a431.

63 Apart from the *Barqa* council these include the Party of National Union, the Federalist Alliance and the *Barqa* Youth Movement. Discussion with Mohammed Buisir, federalist activist, Benghazi, November 2012; "The National Union, Libya's First Federalist Party", *al-Jazeera.net*, 23 November 2012, www.aljazeera.net/news/pages/4b438793-e334-48da-81b5-9af26a4a6068.

64 Discussion with Mohammed Idris al-Maghrabi, president of *Majlis Hukama' Libya* and leader of the Magharba, Benghazi, November 2012.

65 Discussions with economic decentralisation activists, Benghazi, March 2013.

66 Discussion with Mohammed Buisir, Benghazi, November 2012.

67 The Saif al-Nasr family has occupied a leading position in the Awlad Suleiman tribe since the eighteenth century. In the nineteenth century they gained temporary control of the Fezzan, against opposition from the Ottoman governor in Tripoli. Members of the family served as governors of the Fezzan from 1951 to 1969. Abdelmajid Saif al-Nasr, son of the last governor, joined the NTC in March 2011 and later headed the Supreme Security Committee in Tripoli. Another member of the family, Abdeljalil Saif al-Nasr, is GNC member for Sabha. Demands for federalism voiced at occasional demonstrations in Sabha are seen locally as driven by the Saif al-Nasr clan. Abdelmajid Saif al-Nasr also canvassed Tuareg leaders for support for federalism. Discussions with Tuareg leaders, Tripoli, June and November 2012; "Marginalisation Spurs Calls for Federalism in Sabha", *al-Tadhamon*, 7 November 2012, tinyurl.com/ajyx4oj.

68 Discussions with Tuareg leaders, Tripoli, June and November 2012.

representation in government and the GNC, and the Toubou complain that their neighbourhoods in Kufra are sealed off by militias of the Arab Zuwayya tribe. Because the citizenship of many Toubou is contested, their adversaries in Kufra and Sabha find it easy to present Toubou brigades as "Chadian mercenaries", and this interpretation is adopted uncritically by many in the Libyan political elite. Questions of citizenship are therefore a central concern for the Toubou.[69] To a lesser extent this also applies to the Tuareg, since the naturalisation of members from Mali and Niger under Gaddafi blurred the lines between Libyan and non-Libyan Tuareg.[70] Finally, all three minorities demand official recognition and promotion of their languages.

Minority representatives differ widely over how far their demands should go. Toubou representation – organised in the National Toubou Assembly – appears to be the most cohesive, with close ties between political leaders and ethnically dominated military units. Among both the Tuareg and the Amazigh, rival organisations have emerged.

Demands for federalism and minority rights are likely to be some of the most controversial questions in the constitutional process. While decentralisation to the local level might take the wind out of the sails of the federalist movement, ethnic minorities' demands could encounter tough resistance, especially from local rivals but also from Islamist currents and chauvinist representatives of the big cities.

The Revolutionary Camp and Its Opponents

The revolutionary camp is a conglomeration of disparate actors as yet representing no national political force. Few of the leaders and members of brigades claiming the label *thuwar* (revolutionaries) have thus far switched to civilian politics, and their representation in the GNC is weak. Many are remaining in the new military and security institutions, seeking future influence in the security sector, or waiting to draw advantage from future demobilisation or integration in civilian posts. But it is conceivable that these actors will increasingly percolate into politics, causing further changes in the political landscape.

What the revolutionaries agree on is that supposed Gaddafi loyalists (*azlam al-nidham*, supporters of the regime) should be excluded from public office and the uprising's protagonists play a major role in the new state. Thus their demands for positions in government and the security services, or for financial and material benefits. But as soon as the distribution of posts or benefits becomes an issue, each revolutionary faction pursues its own interests. One example were the violent attacks on government officials by revolutionaries demanding salaries or medical treatment abroad.[71] The general reputation of the revolutionaries has plummeted because of such actions, and there has been discussion of "pseudo-revolutionaries" and even comparisons with Gaddafi's revolutionary committees.

So far all attempts to create a joint representation of revolutionary interests have failed.[72] Numerous organisations claiming to represent Libya's revolutionaries have been founded, but these are mostly

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69 The Toubou live in southern Libya and northern Chad and Niger. Only some of the Toubou living in Libya were registered in the 1954 census. In the 1970s Gaddafi granted more than thirty thousand Toubou in the Chadian Aouzou Strip Libyan citizenship, but took it away again in the 1990s. A regime campaign begun in 2007 to strip many Toubou in Kufra of their citizenship led to fighting in the city in 2008. The chaos of the revolution created opportunities to issue false documents. Discussions with Toubou leaders, June 2012; Peter Cole, *Borderline Chaos? Stabilizing Libya's Periphery*, Carnegie Paper, October 2012.

70 From the 1980s Gaddafi granted Libyan citizenship to several thousand Tuareg from Mali and Niger who served in the Islamic Legion and other units. While many of them left Libya during the final months of the civil war, around three thousand are estimated to remain in brigades in Ubari and Ghat that are officially under defense ministry control. Discussions with Tuareg leaders, Tripoli, June and November 2012 and April 2013.

71 Or the demand raised by the Union of Revolutionary Brigades in the run-up to the elections, that revolutionaries should be guaranteed a certain number of seats in the National Congress. "Attack on Prime Minister's Office after Suspension of Payments to Revolutionaries", *al-Watan al-Libiya*, 10 April 2012, alwatan-libya.com/more.php?newsid=21251&catid=1; "Protest by Union of Revolutionary Brigades at Transitional Council: Council Accepts Most Demands", *al-Watan al-Libiya*, 1 May 2012, tinyurl.com/cjgsd29; "One Dead in Attack on Government Buildings in Tripoli: Supreme Security Committee Condemns Incident", *Quryna*, 8 May 2012, www.qurynanew.com/34286.

72 The first attempt was the founding of a Libyan Union of Revolutionary Brigades *(Ittihad Saraya Thuwar Libya)* in Misrata on 22 September 2011, in which Fawzi Bukatef (see page 15), Abdel Hakim Belhadj (page 11) and Salem Jouha (page 19) participated. The initiative came to nothing and the name *Ittihad Saraya al-Thuwar* has since been used exclusively by Bukatef for his coalition of brigades from Benghazi.

composed of brigades from particular cities or districts.[73] While the cabinet was being formed, various revolutionary groups stormed the GNC three times to protest for different reasons against its composition. Zeidan concluded that it was almost impossible to take account of the revolutionaries' demands as long as they had no unified representation, saying that he had met with thirty-two groups each claiming to represent the revolutionaries of all Libya.[74] Since April 2012 certain leaders have worked tenaciously to form a Supreme Council of Libyan Revolutionaries as a national platform, but its activities have not moved beyond a series of conferences with different participants, at which the council has been repeatedly founded anew without agreement on its actual composition.[75]

Such disagreements, however, have not prevented revolutionary leaders from demanding Zeidan's dismissal in the name of the Supreme Council – in words that reflected growing antagonism between the government and those considering themselves as the 'real revolutionaries'.[76] Despite the fact that the government includes a number of former revolutionary leaders, many *thuwar* view the government as a whole as hostile towards their interests. This is largely due to the strong commitment voiced by Zeidan and the defence, interior and justice ministers to dismantle armed groups, integrate parallel forces into a new

security sector, and bring prisons under state control. In the first half of 2013, growing tensions between revolutionary forces and the government surfaced in incidents such as the abduction of an adviser to Zeidan and repeated sieges on ministries by armed groups.[77]

But the revolutionary camp comprises a much broader group of actors than just the revolutionary brigades. A large part of the Islamist currents can be attributed to it, along with the representatives of revolutionary strongholds. They all use the language of the revolution to legitimise demands for influence, and to score points against political adversaries. Even if many politicians in the revolutionary camp condemn the tactics used by armed *thuwar* to exert influence, some exploit – or even encourage – their moves against government institutions to their political advantage. Their combined pressure forced many of Gaddafi-era officials and diplomats who had played an important role in the early days of the revolution out of the political arena.

Opposing the revolutionary camp is an even more heterogeneous collection of moderate, conservative and counter-revolutionary forces. They include those parts of the elites that had come to terms with the regime, or failed to invest heavily in the revolution. Many deputies of the National Forces Alliance fall into this category, along with numerous independents in the GNC. So do tribal leaders working for local and national reconciliation, including both figures who served under Gaddafi and others who are untainted in this respect. Large parts of the officer class within the police and military fear being driven out by the revolutionaries. Many members of tribes regarded as supporters of the former regime also feel threatened or vanquished by the revolutionary camp.

Finally, a large group that is virtually excluded from politics in the new Libya is that part of the population – composed primarily of members of these same tribes – that fled to neighbouring Tunisia and Egypt during or after the regime's demise to escape detention or vengeance. There are no reliable figures for this group, though estimates in mid-2012 put their number at 1 to 1.2 million Libyans, or about one sixth of the population. Even if the real number may be only half that figure, it would still be a significant

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73 Such as the Alliance of Libyan Revolutionaries *(Tajammu' Thuwar Libya)* founded by Abdel Majid Mlegta (see page 10) in October 2011, which was dominated by Zintanis.

74 Zeidan says he consulted the leaders of various mostly Islamist-leaning brigades. According to Mohammed al-Gharabi of the *Rafallah Sahati* Brigade, revolutionaries from various cities agreed on a candidate for the post of defence minister, but Zeidan ignored this. Press conference of Ali Zeidan, Tripoli, 1 November 2012; discussion with Mohammed al-Gharabi, Tripoli, November 2012.

75 "Eleven Recommendations in the Announcement of the Formation of the Supreme Council of Libyan Revolutionaries", *al-Manara*, 5 April 2012, tinyurl.com/d82ymba; "Official Announcement of Supreme Council of Revolutionaries", *Quryna*, 29 July 2012, www.qurynanew.com/39268; "Announcement of Founding of Supreme Council of Revolutionaries in Tripoli", *al-Manara*, 12 August 2012, tinyurl.com/c7yfq7v; "Libyan Parliament Stormed: Rift in Revolutionary Ranks over Zeidan Cabinet", *al-Hayat*, 2 November 2012, alhayat.com/Details/449384; "Revolutionaries Hold Sixth Conference in Misrata to Discuss Organisational Structure of Supreme Council of Revolutionaries", *al-Watan al-Libiya*, 10 December 2012, tinyurl.com/a3z3yyf.

76 "Declaration of the Supreme Council of Libyan Revolutionaries", 19 March 2013, www.youtube.com/watch?v=To1G3lRLAL4

77 "Justice Ministry Seized by SSC; Minister and Staff Ejected", *Libya Herald*, 31 March 2013; "Libya PM's Aide Mohamed al-Ghattous Freed by Kidnappers", *BBC News*, 9 April 2013; "Gunmen Surround Libyan Foreign Ministry to Push Demands", *Reuters*, 28 April 2013.

constituency.[78] The NTC deliberately excluded them from the elections to the National Congress.[79] An attempt by the Islamic scholar Ali Sallabi to mediate with their representatives was broken off amidst angry protests from the revolutionary camp.[80]

The rifts between the opposing camps have deepened since the end of the civil war. Individual initiatives by prominent actors like GNC president Mohamed Magariaf to extend a hand to the losers provoked a storm of protest from the revolutionaries, making such moves politically risky.[81] The tensions and dynamics between the two camps are not alone responsible for the present conflicts, but they are central to the success of the transitional process and the country's medium-term stability.

78 Libyan officials and Egyptian diplomats estimated in mid-2012 that there were 400,000 to 500,000 Libyans in Tunisia and 500,000 to 700,000 in Egypt. There are no official figures from the Egyptian or Tunisian side. Discussion with Ali Sallabi, Tripoli, June 2012; discussion with Egyptian diplomats, Cairo, October 2012; "Libyan Ambassador in Tunis: Majority of more than 500,000 Libyans in Tunisia Are Fugitives from Libyan Justice", *al-Manara*, 8 June 2012, tinyurl.com/bf55xuh.
79 While Libyans in Washington, Ottawa, London, Berlin, Abu Dhabi and Amman were able to vote, this option was not available to the much larger numbers of Libyan citizens in Egypt and Tunisia. Members of the electoral commission argued unconvincingly that it was easy for Libyans in neighbouring countries to come home to vote.
80 "Sallabi: Meeting with Members of Former Regime Occurred at Request of Abdeljalil in Framework of National Reconciliation", *al-Tadhamon*, 1 June 2012, tinyurl.com/bxxzzzz.
81 Magariaf travelled to Bani Walid to mediate in September 2012, and obtained the release of three hostages held there. In November 2012 he visited Shgeiga to attend the integration of a local Mashashiya unit into the *Der' Libya*. The visit led to protests by Zintanis, who said that the unit contained former members of Gaddafi's brigades. "Magariaf Meets Delegation from Zintan Protesting Visit to Shgeiga", *Quryna*, 11 November 2012, www.qurynanew.com/44749.

Areas and Dynamics of Conflict

There is a direct connection between the emergence of new political forces since the beginning of the revolution and the conflicts that have developed in numerous regions and policy areas. Sometimes these are armed confrontations, sometimes latent tensions whose future trajectory is unclear. Many of these conflicts are rooted in the fault lines of the revolution between individual tribes and cities, or are connected in other ways with the Gaddafi era. Questions of justice for crimes committed before, during and after the civil war are particularly important. The army and security forces, which are indispensable to contain such conflicts, are themselves the object of sometimes violent power struggles. The economy is becoming another important field of conflict.

The Balance of Power between Local and Regional Actors

The interest groups that have formed at the local and tribal level inevitably find themselves in competition with one another. Many protagonists see the civil war and the negotiation of the post-war order as a zero-sum game between individual cities and tribes. According to Mahmoud Shammam, a long-serving member of the exiled opposition who became Mahmoud Jibril's information minister, the victorious cities will write the constitution and the defeated will have to accept the new order.[82] The fall of the regime destroyed networks in government, business and the military that were based largely on particular cities and tribes. New locally rooted networks now seek to take over. Much of the tension over appointments to positions in government and the public sector should be understood in this context.

Many armed conflicts reflect struggles between local power centres: the capture of Bani Walid under the leadership of brigades from Misrata, or attacks by brigades from Zintan, Zawiya or Zuwara on cities regarded as loyal to Gaddafi. In all these cases the

conflicts are tied up with questions of justice, especially the surrender of prisoners and suspects. But the ensuing military operations were always also a demonstration of power by revolutionary strongholds.[83]

Rivalries between local actors have not only developed along the fault lines of the civil war. The conflicts between armed groups of the Toubou ethnic group and Arab tribes in Sabha and Kufra stem mainly from competition over the redistribution of resources, above all profits from the thriving smuggling business. Given widespread and persistent conflict, there is little willingness among local groups to surrender their arms. Behind the façade of official units under the authority of the defence and interior ministries, local structures – and therefore the potential for violent confrontation – persist. At the same time, the strongly local dimension of these conflicts has tended to thwart any broader escalation.

State-building and the constitutional process will also create areas of conflict between local actors. In the constitutional process, local power centres share an interest in maximising the competencies of local administration. Much greater potential for conflict emanates from the distribution of power *between* cities and regions. By late 2012 certain local councils had already begun working to redraw administrative boundaries in their own specific interests.[84] Smaller towns fear coming under the dominance of larger neighbours with which they are often in conflict, as is the case with Riqdalein and Zuwara, al-Ajeilat and Sabratha, or Mizda and Zintan. For Toubou, Tuareg and Berber, the way new boundaries are drawn will decide whether they dominate the new administrative units in their regions or remain a minority. Federalists seek to create regional units. In all these cases, much

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82 "To Mr Mahmoud Shammam: Why Are You Dividing the People into Victors and Vanquished?", *al-Watan al-Libiya*, 27 May 2012, tinyurl.com/al9o856.

83 On Zintan see note 55; on Zawiya and Zuwara: "Efforts for Reconciliation Between Fighters from Zawiya and Warshafana", *Quryna*, 14 November 2011, www.qurynanew.com/20066; "Crisis Meeting on Zuwara's Conflicts with Riqdalein and al-Jumail", *Quryna*, 4 April 2012, www.qurynanew.com/32527.

84 "Sabratha Proposes Creation of Own Province Including Neighbouring Regions", *al-Tadhamon*, 29 November 2012, tinyurl.com/axmeyy3.

is at stake because the decentralisation would devolve some control over state spending to the sub-national level. The implementation of a decentralised administrative system, as proposed in the NTC's 2012 local administration law, has been blocked by disputes over whether the local executive should be accountable to the central government for its spending, or to municipal councils. Moreover, because of the sensitivities involved in drawing provincial boundaries, the government and GNC have decided to defer the introduction of governorates. Even so, defining and delineating municipalities will be a protracted process. Beyond the tug-of-war over the local administration law, these issues are also likely to be among the most important bones of contention in the constitutional process.

Power struggles over distribution of state resources are unlikely to end with the establishment of a new administrative system. Cities and tribes will continue to compete over the allocation of government expenditure. Since the fall of the regime, a pattern of violent protests to assert local interests has emerged. Whether their demands relate to the relocation of state-owned enterprises or investments in infrastructure, local actors are likely to make use of their new-found influence and ensure that the central government remains under permanent pressure.

Power Struggles in the Security Sector

Power struggles have developed over control of the security sector. They concern the distribution of posts and budgets as well as more far-reaching political objectives of actors in the security sector. Tensions are strongest between the Gaddafi-era institutions and officer class and the new units established by revolutionaries. As the government moves ahead with its efforts to integrate the new units, such tensions may escalate.

A wide variety of forces has appeared in the security sector since the fall of the regime. Revolutionary leaders initially founded the Supreme Security Committee to stabilise Tripoli after the war.[85] A central SSC was created in the Interior Ministry at the end of 2011, and local branches established throughout Libya during the first half of 2012. With the incentive of comparatively high salaries, the SSCs succeeded in integrating

a large number of armed groups and individuals. As a consequence, the number of so-called "revolutionaries" increased exponentially. The composition of the SSCs differed from one city or unit to another. While some of the groups that joined the SSCs were revolutionary brigades, many more were militias that emerged after the fall of the regime. In towns such as Sabratha, a large part of the police force joined the SSC. Generally speaking, however, the interior ministry's control over the SSCs was weak to non-existent; in many cases, the internal command structures of the armed groups under the SSC's umbrella remained largely unaffected by their integration.[86] In December 2012 there were 26,000 men on the payroll of the SSC Tripoli alone; the national figure was estimated at 131,000 men in July 2012.[87] Local SSCs have mostly acted as a police force, but often with an explicitly political mandate to arrest alleged former regime elements. Units reporting directly to the central SSC have at times conducted military operations against such supposed remnants of the regime.

In parallel to the SSCs, regional coalitions of revolutionary brigades emerged at the beginning of 2012 to form *Der' Libya*. The initiative originated from local military councils and brigades in the north-east, the centre and the west of the country.[88] Only after they had been set up did the new formations receive a unified name from the Defence Ministry and formal recognition as security forces under the chief of staff. The first three *Der' Libya* divisions in the west, east and

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85 The core of SSC Tripoli was formed by brigades from two revolutionary strongholds, the districts of Souq al-Jum'a and Tajoura.

86 ICG, *Divided We Stand* (see note 48), 12–15.

87 "Supreme Security Committee to Be Dissolved by End of Year, Says Tripoli Chief", *Libya Herald*, 17 October 2012; "SSC Demise by 31 December Reconfirmed by Hashim Bishar", *Libya Herald*, 9 December 2012.

88 In the northwest a joint unit formed by the military councils of Zintan, Zawiya, Zuwara, Surman and Jadu in January 2012 did not appear as the Western Division of *Der' Libya* until March 2012. A coalition of brigades from Benghazi that intervened in the conflict between Toubou and Zuwayya in Kufra in mid-February 2012 was renamed an official *Der' Libya* unit of the Defence Ministry on 24 February. The military councils of Misrata, Zliten, Mesallata, al-Khoms, Sirte and Bani Walid formed a joint unit in Misrata at the end of February 2012, which later became the Central Division of *Der' Libya*. "Announcement of Formation of Brigade of 1,500 Fighters to Protect Western Region", *al-Manara*, 23 January 2012, tinyurl.com/arf2kct; "Formation of Military Division of 7,000 Revolutionaries in Libya", *al-Manara*, 28 February 2012, tinyurl.com/a4q95tx; "Group from Coalition of Revolutionary Brigades in Eastern Region Turns to Kufra", *al-Tadhamon*, 14 February 2012, presssolidarity.net/archive/index.php?page=main&news_item=1985.

centre were joined by others in the course of the year;[89] by January 2013, these forces comprised 13,000 men. Again, the internal structures of the participating brigades remained largely intact, and individual *Der' Libya* divisions operated in quite different ways. The Eastern Division intervened one-sidedly in the conflict between Toubou and Zuwayya in Kufra, and was ultimately replaced by other brigades from Benghazi after pressure from the Toubou, while the Central Division dominated by Misrata operated as a neutral force in the conflict between Toubou and the Awlad Suleiman tribe in Sabha, but later mounted the retribution campaign against Bani Walid described above. Nonetheless, the chief of staff generally entrusted *Der' Libya* – and not the remnants of the regular army – with restoring stability.

Another structure composed of revolutionary brigades arose in the form of the border guards and the "National Guard". Exercising control over these units presents a similar challenge for the government. Then Deputy Defence Minister Siddiq Mabrouk long refused to place the border forces he controlled under the authority of the chief of staff. After Defence Minister Mohammed al-Barghathi attempted to push through the change, Mabrouk's men clashed with the minister's convoy at Tobruk air base in January 2013. According to al-Barghathi, this was an assassination attempt instigated by his deputy, who was immediately dismissed.[90]

Besides groups under the umbrella of the SSC or the *Der' Libya*, former revolutionaries and other civilians have also created numerous other forces that operate with official authorisation from the defence ministry, or have been turned into formal army units. There are no reliable figures for this patchwork of units and their members. Although 215,000 individuals registered with the Warriors' Affairs Commission, of which 140,000 were recognised as revolutionaries, by no means all members of the SSCs, the *Der' Libya*, or other forces are on the WAC's lists.[91]

On the other side are the fragments of the old military and security apparatus. In parts of the army, irregular local structures have developed similar to those of the revolutionary brigades. Army units in the north-east that switched sides at the beginning of the revolution were initially commanded by General Abdel Fattah Younes. After his assassination at the end of July 2011 and the subsequent fall of the regime, the remnants of the armed forces were left without a national structure. Regional coalitions of officers began reorganising the army on their own initiative and competing for the post of chief of staff.[92] In the east, a group of officers formed the Barqa Military Council. After Youssef Mangoush was appointed chief of staff in January 2012, units composed of revolutionary brigades like *Der' Libya* were given leading functions while regular forces felt increasingly marginalised.[93] In this context, units like the 1st Infantry Division in Benghazi increasingly pursued their own interests. In the revolutionary strongholds of the west, deserting officers played a crucial role in local military councils, and many continue to operate outside formal military command structures. Elsewhere, members of Gaddafi's brigades who escaped capture joined with pro-revolutionary officers and civilians to form new units on a local basis.[94] The distinction between regular and irregular forces has become increasingly blurred. This fragmentation is only gradually being reversed: in the Tripoli area, several officers who led revolutionary brigades have returned to senior positions in the army and defence ministry, and army units across the country are churning out new recruits.[95]

The revolutionary leaders in charge of the new institutions share a clear political objective: the removal

89 Including the fifth division of *Der' Libya* in Tripoli; the *Rafallah Sahati* Brigade (see note 36) became the seventh division. "Mangoush: New Army will Be Small with Precisely Defined Role", *al-Tadhamon*, 4 January 2013, tinyurl.com/af4897u.

90 "Declaration of the Defence Minister", Office of the Prime Minister, Tripoli, 19 January 2013.

91 "LD 500 Million Project Being Prepared by Warriors Affairs Commission to Get Revolutionaries Ready for Business", *Libya Herald*, 17 December 2012; discussions with leading SSC figures and leaders of former revolutionary brigades, Tripoli, April 2013.

92 "Libyan Armed Forces Reorganisation: Controversy over Haftar's Appointment as Chief of Staff", *Quryna*, 21 November 2011, www.qurynanew.com/20974; "Sabha Military Council Debates Reforming Libyan Army", *Quryna*, 16 November 2011, www.qurynanew.com/20383; "General Mahmoud Declares Support for Mangoush and Calls Barqa Military Council Illegal", *Quryna*, 5 January 2012, www.qurynanew.com/26235.

93 The *al-Sa'eqa* special forces battalion from Benghazi represented an exception in this respect. It joined the revolution at an early stage and was later deployed to stabilise the Fezzan.

94 For example the *al-Awfiya* brigade in Tarhouna, the 138th Infantry Brigade in Raqdalein, or the Mashashiya brigade in Shgeiga that was integrated into *Der' Libya* in November 2012. "138th Infantry Brigade Integrated into Libyan Army", *Quryna*, 31 October 2012, www.qurynanew.com/43990.

95 Discussions, army officers at 2nd Infantry Division and defence ministry, Tripoli, March–April 2013.

of those regarded as "supporters of the regime" *(azlam al-nidham)*.[96] Many leading revolutionaries understand this to mean all institutions of the former military and security apparatus, even including elements who switched sides at the beginning of the uprising.[97] They seek to create institutions that are dominated by revolutionaries and include at most a fraction of the old security forces. As already outlined, one section of the leadership of the new institutions also pursues an explicitly Islamist agenda.

In Benghazi, this struggle for control of the new security sector has fuelled violent tensions. Although the series of bombings and killings in Benghazi and Darna since early 2012 is partly about revenge (discussed below under aspects of justice), some of these acts are clearly attributable to the power struggle between old and new units.[98]

Tensions escalated after the shock of the attack on the US consulate in Benghazi on 11 September 2012. The subsequent demonstrations were directed against two of the largest Islamist-leaning revolutionary brigades, whose members suspect police and army officers of instrumentalising the occasion to gain control of some of their weaponry. The brigades hit back by taking dozens of officers hostage, in an attempt to force the commander of the 1st Infantry Division to persuade the demonstrators to withdraw.[99] During

the following two months, attacks increased further, culminating in the assassination of Benghazi's police chief on 20 November 2012, which in turn triggered a new spiral of violence.[100] After a lull in January and February 2013, attacks against police stations and officers in the old institutions resumed.

The kind of conflicts that arose in Benghazi over control of the security apparatus have appeared only sporadically in other regions. Only in the north-east did the old army structures survive the civil war relatively intact. But elsewhere individual networks emerging from remnants of the army have come into conflict with new forces. For example, in November 2011 Major-General Khalifa Haftar had himself appointed chief of staff by a group of officers and a month later attempted to take control of Tripoli airport from the Zintan brigades.[101] He subsequently posed as defender of army interests, accusing the revolutionary brigades of preventing the rebuilding of the armed forces, and denying that the army had been a pillar of the regime. Revolutionary leaders suspected Haftar of establishing a military power base among army officers in Tarhouna, and in July 2012 he escaped an assassination attempt in Benghazi.[102] In

96 According to the then leader of SSC Benghazi, Fawzi Wanis al-Gaddafi, in April 2012. Similarly, the spokesperson of the Western Division of *Der' Libya* said in April 2012 that the capture of *azlam* was one of the unit's central tasks. This view was echoed by leading figures in the SSC Tripoli in conversations with the author in March and April 2013. Interview with the spokesperson of the Western Division of *Der' Libya*, 12 April 2012, www.youtube.com/watch?v=qUCmfurrs-M&feature=relmfu; "Leader of SSC Benghazi: SSC to Be Dissolved within Six Months if Objectives Achieved", *Quryna*, 4 April 2012, www.qurynanew.com/32554.

97 A leader of the Office for the Warriors' Affairs Commission with a background in the Benghazi Islamist brigades said in November 2012: "The army soldiers are all *azlam*. The police are tainted too, they worked for the regime. We need to create a new institution out of the SSCs and the best of the police. But we need to get rid of most of the police and army." Discussion, Tripoli, November 2012.

98 "Demonstrations in Benghazi Demand Dissolution of Security Organisations", *Libya al-Youm*, 7 April 2012, www. libya-alyoum.com/news/index.php?id=21&textid=9239; "Clashes Between Police and Armed Organisations in Benghazi", *Quryna*, 11 April 2012, qurynanew.com/?p=33033; "Anonymous Attack on Military Administration Building in Benghazi", *al-Tadhamon*, 1 July 2012, tinyurl.com/byk4osr.

99 The attempt to assassinate the leader of the *Barqa* military council, Hamed al-Hassi, was also likely related to the storm-

ing of the brigades' bases. Members of the brigades claimed that Hassi had personally taken part in the operation. Discussions, Tripoli, November 2012; "Hamed al-Hassi Escapes Assassination Attempt", *al-Tadhamon*, 5 November 2012, tinyurl.com/b2ua7; "Belkheir: Foreign Actors Behind My Kidnap, Kidnappers Received Instructions by Phone", *Quryna*, 23 September 2012, www.qurynanew.com/42346; "Thirty-three Officers Detained in Benghazi", *al-Tadhamon*, 22 September 2012, tinyurl.com/aplzqno; "Members of Army Call Members of Rafallah Sahati Heretics", *al-Manara*, 25 September 2012, tinyurl.com/aewqu3x.

100 After a suspect was detained following the violent death of police chief Faraj al-Drisi police stations were attacked with the aim of freeing the suspect. "Unknown Assailants Murder Colonel Faraj al-Drisi in Front of His House in Benghazi", *al-Tadhamon*, 20 November 2012, tinyurl.com/ bdm22bm; "Benghazi: Dead and Injured after a Bloody Night", *al-Manara*, 16 December 2012, tinyurl.com/bk4yn9f; "Benghazi Rocked by Second Night of Attacks", *Libya Herald*, 17 December 2012.

101 Haftar joined Gaddafi's coup in 1969 and commanded the Libyan forces in Chad in the 1980s. He was captured there in 1987 along with numerous others and cooperated with the CIA during the following two decades. When the revolution began he returned to Benghazi.

102 "Haftar to al-Watan al-Libiya: Officials Deliberately Obstructing Establishment of Army in Interests of Some States", *al-Watan al-Libiya*, 21 July 2012, tinyurl.com/a8kpxh3; "Assassination Attempt on Major-General Haftar", *al-Watan al-Libiya*, 30 July 2012, tinyurl.com/b9kjo7p.

August 2012, the central SSC put an end to the Tarhouna officers' ambitions, seizing more than one hundred tanks in the city.[103]

Generally speaking, many members of the officer class feel marginalised by the chief of staff and the revolutionary forces, whether because of their regional origins or their role under the former regime. They are seeking to position themselves for the rebuilding of the armed forces. In December 2012 a series of "extraordinary conferences of the Libyan army" was held at various venues, with a final declaration calling for the dismissal of the chief of staff and his replacement with a collective leadership. The core of the initiative was formed by officers from Zintan and Cyrenaica who had switched sides at the beginning of the revolution. In April 2013, this constituency – with Haftar playing a leading role – founded the Assembly of Free Libyan Officers and repeated its earlier demands, providing support to moves within the GNC to dismiss the chief of staff.[104]

Defence Minister Mohamed al-Barghathi is seeking to reconcile the different camps by instituting an "integrity commission" for the army, headed by officers who defected to the revolution early on.[105] Even if this initiative manages to avoid swelling the ranks of disgruntled officers, it remains unclear as of May 2012 how and in what timeframe the remnants of the old armed forces will be integrated with the new units. But in view of the acute conflicts between the two camps it is evident that integration could further fuel tensions. The same goes for the attempts to create a new police force out of the SSCs and remnants of the old apparatus. Preparations for dissolving the SSCs began as early as mid-2012, but met with strong resistance.[106]

In December 2012 a decree by the deputy prime minister – in his capacity as acting interior minister – called for the Committees to be dissolved and their members integrated into the police through a selection body. A storm of protest ensued, with SSC leaders demanding the formation of a separate force rather than integration into what they saw as a discredited police service.[107] At the beginning of January 2013 members of the SSC stormed the seat of the National Congress and physically assaulted two deputies. Protests notwithstanding, the integration of SSC forces into the police began, proceeding unevenly from city to city. In Benghazi about half of the twelve thousand SSC members joined the police. The other half split into those who had only joined the SSC for the pay, and now simply disappeared from the lists, and the revolutionary hard core of about three thousand who joined *Der' Libya*. In Tripoli one part of the revolutionary leadership agreed to integration, but a larger group resisted and continued to demand the creation of a force with a criminal investigations or intelligence mandate.[108] In May 2013, the process of dissolution and integration is ongoing; the number of SSC members has declined significantly; but the fundamental issue of how to integrate the hard core

103 In early June 2012 revolutionary units kidnapped the commander of the *al-Awfiya* brigade in Tarhouna, which included deserted army officers, civilian recruits and former members of Gaddafi's brigades, and possessed a large stock of arms. In response, the *al-Awfiya* brigade occupied Tripoli Airport for several hours before being overpowered by revolutionary forces. During the August 2012 incident a revolutionary force led by units of the central SSC captured more than one hundred tanks from the *al-Awfiya* brigade. As in the assault on Bani Walid, the revolutionary camp portrayed the operation against the Tarhouna group as a fight against *azlam*. ICG, *Divided We Stand* (see note 48), 24–27; "The Airport Fiasco", *Libya Herald*, 8 June 2012; "One Dead and Eight Injured Among Security Forces: SSC Tarhouna Takes Control of Souq al-Ahad and Discovers Heavy Weaponry", *Quryna*, 22 August 2012, www.qurynanew.com/40448.

104 In addition to Haftar, one of the most prominent participants was Hamed al-Hassi (see note 99). Among those attending the April gathering was Jum'a Sayeh (see note 136), head of the GNC defence committee and a GNC member for Aziziya, a constituency dominated by the Warshafana tribe. "Fifth Extraordinary Conference to Build Libyan Army Demands Dismissal of Chief of Staff", *al-Tadhamon*, 30 December 2012, tinyurl.com/amx6l35; "Foundation of the Assembly of Free Libyan Army Officers Announced", *al-Manara*, 20 April 2013, tinyurl.com/boj5z5d.

105 "Defence Minister Accounces Creation of Integrity and Reform Commission in the Libyan Army, Review of the Ten Military Regions to Create Four", *Lana*, 15.4.2013, tinyurl.com/cqlcftc.

106 Arbitrary arrests by members of the SSCs and their apparent complicity with shrine-destroyers generated increasing criticism in mid-2012, including among GNC members. When the leadership of the SSCs threatened to suspend operations because of lack of support from the government, Interior Minister Abdel 'Aal briefly resigned. The government gave in to the pressure and stated its formal support for the SSCs. ICG, *Divided We Stand* (see note 48), 13.

107 "Abdelkarim Decrees Integration of SSC Members in Interior Ministry", *al-Tadhamon*, 12 December 2012, tinyurl.com/a2kpazu; "Rejection of Interior Ministry Decision to Integrate SSCs: Demands for Formation of Separate Security Organ", *al-Manara*, 12 December 2012, tinyurl.com/bz6qcjy.

108 Discussions, leading figures, SSC Tripoli, March and April 2013.

of revolutionaries into the security forces remains unresolved.

Conflicts over Justice and Reconciliation

Many of the current conflicts and political tensions are associated with questions of justice and the prosecution of crimes. Three aspects stand out: the consequences of the collapse of the judicial system; the power struggle over its rebuilding; and the discussion over how to deal with the criminal legacy of the old regime.

The collapse of the judicial system is of greatest relevance for the current conflicts. Judges and prosecutors have been discredited by their role under Gaddafi and find themselves physically threatened by countless armed groups. In short, the judicial system is paralysed. Victims of violence and their families are unable to access justice through the courts. Where the supposed or actual perpetrator belongs to a different group than the victim, families, cities and tribes close ranks and often take justice into their own hands. This dynamic has contributed to escalation in all local conflicts since the fall of the regime. Many are also connected with detentions, mostly conducted by revolutionary brigades or new units dominated by them. Thousands of individuals accused of crimes as members of Gaddafi's military and security forces are held in prisons that are mostly only nominally controlled by the government.[109] These prisoners largely belong to cities and tribes that were on the losing side of the revolution. Only a handful of trials of former senior officials have already started, and made slow progress to date. International human rights organisations and lawyers from the International Criminal Court rightly point out that leaders of the old regime cannot currently expect a fair trial from the Libyan courts. But of much greater consequence for the country's stability will be the way local conflicts are dealt with. Victors' justice is a distinct possibility, with, for example perpetrators from Tawergha tried but not those from Misrata.

The case of the assassination of General Abdel Fattah Younes in July 2011 illustrates the problems. His tribe, the Obeidat, quickly began pressuring the

political leadership to prosecute the perpetrators. Younes's family accused leading NTC members, judges and members of Salafi brigades of involvement in the general's detention and subsequent murder.[110] A military court in Benghazi began an investigation and in November 2011 the state prosecutor published a list of seventeen suspects, only one of whom was a member of the political leadership. After several failed assassination attempts, one suspect was killed in June 2012. Meanwhile, the military court decided to broaden the investigation to include former political leaders. By this point only one of the suspects had been detained, while the rest remained at large.[111] Protests erupted in several cities in December 2012 after the military court questioned former NTC president Mustafa Abdeljelil over the incident. Under public pressure – but probably relieved at being rid of the matter – the military court declared itself not competent, leaving the case without a responsible court.[112] The Obeidat swore vengeance and another assassination attempt against one of the suspects followed in January 2013.[113]

Progress in prosecuting crimes depends not only on the establishment of a neutral security apparatus, but also on reform of the justice system itself. Rifts have emerged on this issue, too. The Supreme Judicial Council's draft law on legal reform proposes dismissing all the country's judges and having a five-member committee examine their records before deciding to reappoint or retire them.[114] It is hardly surprising this proposal has met with stiff opposition from the judiciary – which, in turn, is dismissed by proponents of

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109 According to the International Crisis Group, seven thousand individuals accused of links to the former regime are still being held, among them three thousand in facilities that are officially under (often only nominal) state control. ICG, *Trial by Error: Justice in Post-Qadhafi Libya* (Brussels, 2013).

110 "Murder of General Younes: A Conspiracy Within the State", *correspondents.org* (in Arabic), 25 September 2012, www.correspondents.org/ar/node/833.

111 "State Prosecutor Reveals Names of Suspects in Case of Assassination of Abdel Fattah Younes and Aides", *Brnieq*, 28 November 2011, tinyurl.com/a9yrkhv; "Investigation of Role of Top Transitional Council Leaders in Abdel Fattah Younes Murder", *al-Watan al-Libiya*, 31 May 2012, tinyurl.com/ao4mowv; "Benghazi Official Linked to Younis Killing Assassinated", *Libya Herald*, 21 June 2012.

112 "Abdel Fattah Younes Case: Libya Tribunal Quits in Jalil Row", *BBC News*, 20 December 2012.

113 "Abdel Fattah Younes' Family: Criminal Prosecution – or Revenge", *Quryna*, 5 December 2012, www.qurynanew.com/45785; "Man Killed in Car Bomb Murder Attempt against Benghazi Islamist", *Libya Herald*, 7 January 2013.

114 The NTC appointed a new Supreme Judicial Council after the fall of the regime. Its chair is the president of the Supreme Court; other members are the state prosecutor-general and the presidents of the appeals courts. Draft Law on Reorganisation of the Judiciary, www.aladel.gov.ly/main/uploads/sections/352_new-law.pdf.

the reform initiative as machinations of the *azlam*.[115] Observers argue that conducting the committee's work in secrecy would represent an open invitation to political influence on judicial appointments.[116] Many suspect that the Mufti, who is strongly backing the proposal, would seek to control the process.[117] Justice Minister Salah al-Marghani is seeking to ward off such political interference, and the draft law has made little progress towards adoption.

With prosecution of serious crimes largely stalled, the government has resorted to apparent alternatives to work through the legacy of the Gaddafi regime and the civil war. Under the law on transitional justice of February 2012, the NTC in May 2012 appointed a Commission for Truth and National Reconciliation. But the law made no specific provisions for criminal prosecutions, as the relevant sections on establishing courts had been deleted during the drafting process.[118] Apart from establishing local branches, the Commission has remained inactive. Instead, tribal leaders have taken the initiative to make progress on mediation and reconciliation. But in the absence of security forces and a judicial system to enforce them, agreements reached by tribal leaders have often quickly broken down. Justice Minister Marghani put forward a revised transitional justice law in December 2012, but protracted discussions in the GNC stalled progress. Chief among the disagreements was the question whether the law should cover crimes committed by the regime until its demise – as the revolutionary camp in the GNC was demanding – or those perpetrated by all sides until the end of the transitional period.[119]

Other ways of coming to terms with the past have included attempts to bar Gaddafi-era functionaries from politics, administration and the public sector. To this end, the NTC defined a series of criteria that public officials must fulfil, and in January 2012 established the so-called Integrity Commission.[120] It did so in response to heavy public pressure over the presence of former Gaddafi-era officials in the NTC and the return of former senior bureaucrats. But the Integrity Commission's decisions also provoked heated controversy, especially as it did not reveal its reasons for rejecting particular individuals. Some of those concerned simply ignored the decision for months, while other rulings were overturned by appeal courts.[121] For the revolutionary camp, on the other hand, the activities of the Integrity Commission did not go far enough, leading to the aforementioned moves to pass a "law on political exclusion" *(al-'Azl al-Siyasi)*. With the implementation of the latter law, adopted on 5 May 2013, the Integrity Commission will be replaced by – and its members appointed to head – a new body that is set to oversee the law's enforcement. Under the law, a wider range of former officials are to be disbarred from public office and political life than under the criteria used by the Integrity Commission – in particular, the new law does not make exceptions for former officials who joined the revolution. This is likely to trigger a spate of decisions against GNC members and other senior officials, and provoke further controversies.

In view of the lack of progress in the legal system and the protracted discussions over "political exclusion", radical forces began taking matters into their own hands. Especially in Benghazi and Darna, dozens of former members of the domestic intelligence service and Gaddafi's revolutionary committees fell victim to a spate of murders.[122] In some cases these

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115 "Judges and Court Councillors from Benghazi Attempt to Prevent Law on Reorganisation of the Libyan Judiciary", *al-Manara*, 17 October 2012, tinyurl.com/acv66pp; "Judges and Court Councillors at Supreme Court and Appeals Courts Reject High Judicial Council's Draft Law on Reorganisation of the Judiciary", *al-Watan al-Libiya*, 18 November 2012, tinyurl.com/auarbz9.
116 Discussion with law professor Alhadi Bouhamra, Tripoli, November 2012.
117 "Ghariani Warns of Shia Expansion in Libya and Discusses a Number of Issues with GNC Members", *al-Tadhamon*, 28 April 2013, tinyurl.com/cmu3h56.
118 Discussion with Salah Marghani, who worked on the draft law and later became Justice Minister, Tripoli, June 2012; Law 17/2012 of the National Transitional Council "On Defining Principles of National Reconciliation and Transitional Justice", Tripoli, 26 February 2012.
119 Discussions with GNC members, Tripoli, April 2013.

120 The full name is "Supreme Authority for the Implementation of the Criteria of Integrity and Patriotism" *(al-Hai'a al-Ulya li-Tatbiq Ma'air al-Nazaha wal-Wataniya)*; the Commission became operational in April 2012. See the corresponding Law 26/2012 of the National Transitional Council, Tripoli, 4 April 2012; "National Transitional Council Defines Integrity Criteria for Appointments to State Offices", *al-Manara*, 17 December 2011, tinyurl.com/a5wxbpx.
121 "Declaration of Authority for Implementation of Criteria of Integrity and Patriotism: Some Decisions Being Ignored", *al-Manara*, 1 June 2012, tinyurl.com/ahmoj6p.
122 The incidents are too numerous to list in detail. Some examples: "Benghazi Car Bomb Kills Former Adjutant in Domestic Intelligence Service", *Quryna*, 13 June 2012, www.qurynanew.com/36536; "Top Intelligence Officer Killed, Second Injured in Benghazi Car Bomb Blast", *Quryna*, 3 September 2012, www.qurynanew.com/41006; "Shots Fired at Former Member of Domestic Intelligence Service in Darna",

were probably acts of personal revenge for repression at the hands of the regime experienced by Islamists and other members of the opposition in the 1980s and 1990s. In other cases they are likely to represent unilateral political purges. The revolutionary camp – especially its Islamist wing – sees the inadequacy of action against former regime elements as the prime cause of such killings, arguing that the mere presence of former regime officials exacerbates tensions.[123] A wave of kidnappings in Tripoli, Misrata and other cities since late 2012 also points to the beginning of a cycle of revenge.[124] While some abductions are motivated by criminal gain, others appear to be directly related to the search for *azlam* or retribution for crimes.[125] As long as this climate prevails and a neutral judicial process remains impossible, initiatives for national reconciliation have little prospect of success.

al-Tadhamon, 5 September 2012; "Leader of Darna Revolutionary Committees Murdered", *al-Tadhamon*, 31 October 2012, tinyurl.com/asx9sog; "Retired Major Abdelkarim al-Warfalli Killed", *al-Tadhamon*, 6 November 2012, tinyurl.com/apldxxe; "Benghazi: New Attack Targets Citizens Said to Have Connections to Gaddafi's Domestic Intelligence Service", *al-Manara*, 8 November 2012, tinyurl.com/anyb4oa; "Leader of Darna Revolutionary Committees Killed", *al-Tadhamon*, 19 December 2012, tinyurl.com/bqjf2tt; "Colonel at Security Directorate in Benghazi Killed", *al-Tadhamon*, 8 April 2013, tinyurl.com/c4oxaev.

123 As one former member of an Islamist brigade in Benghazi put it: "The members of the former security organs should disappear. They are murderers, their presence is destabilising. We need the 'political exclusion', then the killings will stop." Discussion, November 2012. The Justice and Construction Party expressed a similar view: "Justice and Construction: Participation of Members of Former Regime in Political Process Disrupts National Consensus", *al-Manara*, 12 December 2012, tinyurl.com/c5c4msa.

124 ICG, *Trial by Error* (see note 109), 23.

125 A senior figure in the SSC Tripoli explained the kidnappings as directly related to the release of former members of Gaddafi's army: "In the months after the fall of Tripoli, we arrested many members of Gaddafi's brigades and intelligence service. When we handed them over to the General Prosecutor, they were immediately released without their files even being looked at, because the way in which they had been arrested was considered illegal. This created deep resentment towards the justice system. We tried to arrest them formally again, but were told by the interior ministry that only the police could do that. But of course, the police won't, because they are afraid. This has led to the wave of kidnappings." Discussion, Tripoli, April 2013.

An Emerging Area of Conflict: The Economy and Public Sector

The economy is beginning to emerge as another area of conflict, principally over state expenditure and the public sector, property rights and control of smuggling. The latter is already the subject of armed conflict.

Libya's economy depends almost entirely on state spending funded by oil revenues. Distributive policies take a variety of forms: subsidies on food, fuel, electricity and water; investment in infrastructure and housing; employment in the public and parastatal sectors; pensions and social benefits. While investment in infrastructure has been largely suspended since the civil war and – as of May 2013 – has yet to resume, other expenditure items have risen sharply. After Gaddafi doubled public sector salaries in March 2011 and local councils and local branches of government ministries temporarily recruited new staff after the revolution, the salary budget rose to 19 billion dinars (€11 billion) in 2012, from 8 billion dinars in 2010.[126] This figure does not include payments to the new units under the umbrella of the defence and interior ministries, which added around 200,000 salary recipients. The NTC sought to enhance its popularity with one-off payments to the entire population to mark public holidays.[127] The GNC has followed the NTC's example on several occasions. It has also massively increased social allowances that are paid out to the whole population, like child benefit, women's and housing allowances.[128] While real or supposed revolutionaries expect to receive financial benefits for demobilising, the Warrior's Affairs Commission has further raised such expectations.[129] Representatives of revolutionary war invalids occupied the GNC for weeks in February and March 2013, with a highly successful result,[130] and veterans of the Chad war have

126 "Kib Government Spent Five Billion Dinars on Furniture", *Quryna*, 7 January 2013, www.qurynanew.com/47187.

127 Law 10/2012 of National Transitional Council, "On Payment of a Sum of Money to Libya's Families on the Occasion of the First Anniversary of the 17th February Revolution", Tripoli, 15 February 2012.

128 "Following Proposal from Justice and Construction: National Congress Amends Family and Housing Benefit For Libyan Citizens", *al-Manara*, 6 November 2012, tinyurl.com/bburz5d.

129 "LD 500 Million Project Being Prepared" (see note 91).

130 The war-wounded were promised monthly payments of LD2000 for life and also provided with vehicles and homes.

also mobilised to demand benefits.[131] The current institutional chaos offers diverse opportunities for manipulating or embezzling such payments.

Local demands are beginning to produce distributive conflicts. Local councils negotiate their budgets with the government on a case-by-case basis, thereby entering into competition with each other. The oil workers' union and other pressure groups in Benghazi are negotiating with the government about moving the headquarters of the National Oil Corporation (NOC) to Benghazi, and they can rely on broad political support in the city.[132] Armed protests to press material demands are becoming ever more frequent, with groups claiming to represent the interests of particular cities, tribes or brigades occupying oil fields, refineries or export terminals and bringing production to a halt.[133] Some of the units that have deployed to protect oil-producing areas have begun extorting protection money, and at times have clashed with each other over the lucrative business of securing individual oilfields.[134] The government is highly vulnerable to such demands; a harsh response would only risk escalation. Overall, there is a trend towards a massive expansion in state expenditure and the public sector. The government's increasing generosity underlines its weakness.

The fault lines of the revolution also come to fore in public-sector distributive conflicts. The purges of the former elites from state-owned enterprises are still ongoing, and expanding into second-tier management. Some dismissals have occurred at the initiative of government and the Integrity Commission, others under pressure from employees or the public. The first generation of executives appointed during or after the revolution is now also coming in for public criticism. Employees have demanded managerial resignations for reasons ranging from incompetence to personal rivalry, but many accusations revolve around involvement with the former regime.[135]

Power struggles between rival networks over appointments to vacated posts are only just beginning, with individuals associated with Mahmoud Jibril's networks, who were given lucrative posts after the revolution, coming under pressure.[136] Kib's ministers also

"Cabinet Makes Concessions to War Invalids", *Quryna*, 22 February 2013, www.qurynanew.com/49258.

131 "Tripoli Receives Plan for Payments to Chad War Veterans", *al-Tadhamon*, 1 November 2012, tinyurl.com/a5chbtv.

132 "Benghazi Union Rejects Minister and Demands NOC Headquarters", *Libya Herald*, 12 December 2012.

133 The occupation of the Zueitina Terminal near Ajdabiya in December 2012 and January 2013 by a small group of armed demonstrators caused losses of about $25 million. "Al-Aroussi: Protests at Zueitina Oil Port Causing Daily Loss of $1.3 Million", *Quryna*, 8 January 2013, www.qurynanew.com/47240. Another example is the protests at Ubari. "Tebu Say Obari Oil Field Protest Over after Meeting with Minister", *Libya Herald*, 19 December 2012.

134 Many units deployed around oil and gas facilities since the revolution have been recruited from civilians, and are officially part of the Guard Force for Borders and Vital Facilities (the border guard). While also receiving payments from the defence ministry, they have generally established much more profitable arrangements with oil companies, which can border on protection rackets. Discussions with oil executives and former members of revolutionary brigades, Tripoli, November 2012 to March 2013. "Armed Men from Zintan Prevent AGOCO Aircraft Landing at Hamada Oil Field", *Quryna*, 7 December 2012, www.qurynanew.com/45911; "Work at Ghani and Dahra Oilfields Suspended Due to Security Problems", *al-Tadhamon*, 21 March 2013, tinyurl.com/cewqoh2.

135 Sharp controversies flared around the steering committees appointed by the NTC to run the major state investment funds. There were vociferous protests against Mahmoud Jibril's re-appointment of Rafik al-Nayed as chief executive of the Libyan Investment Authority (LIA). Nayed had already held the post since late 2010, and has close family ties to Jibril. His successor Mohsen Derija, who cannot be accused of connections to the old regime, quickly alienated the remaining LIA staff. Derija was dismissed by Zeidan in February 2013, but for almost two months defied the decision and continued to visit his office with an armed group from his home city of Misrata, before giving in. The new chief executive of the Libyan African Investment Portfolio, Ahmed Kashada, who had made his career at the LIA, is criticised for his family ties to Gaddafi confidant Mustafa Kharroubi. "After Gaddafi: A Spent Force", *Financial Times*, 8 September 2011; "LIA Staff Demonstrate for Protection of Libyan People's Funds", *al-Watan al-Libiya*, 1 July 2012, tinyurl.com/aqnlaeb; "Zeidan: I Have Decided to Dismiss the Chief Executives of the LIA and the Social Solidarity Fund", *al-Tadhamon*, 1 March 2013, tinyurl.com/ccva25v.

136 Alongside al-Nayed, for example, Faraj al-Sayeh, chief executive of the Social Solidarity Fund since late 2011, also belongs to Jibril's network, with whom he served on the Economic Development Board during the Gaddafi era. He faces tenacious resistance among Fund staff. During the revolution al-Sayeh was one of Jibril's closest confidants in the executive committee of the Transitional Council. Al-Sayeh's brother Jum'a was elected to the GNC as an independent with the support of Jibril's Alliance. Another example is Wafiq al-Shater, who Jibril appointed to the stabilisation committee during the revolution member and is now chief executive of *LAP Green*, the state telecommunications investment fund. Al-Shater's father Abderrahman belonged to the Alliance for a time with his party, and was also elected to the GNC as an independent. In April 2013, Abderrahman Shater's GNC membership was suspended by the Integrity Commission. "Staff of Social Solidarity Fund Demonstrate Against Cor-

appointed their allies to positions in companies they were responsible for, and these individuals now find themselves exposed to similar ambitions on the part of their successors under Zeidan. Misratan business networks, which are strongly represented in the large state-owned enterprises, are facing Integrity Commission decisions to remove some of their prominent representatives from key posts.[137] The giant conglomerates that manage state investments in infrastructure and housing were at a standstill until early 2013, and as they resume operations the appointment of new executives is likely to provoke struggles among political elites. But the big corporations cannot recommence normal operations until the corrupt structures in which many of their contracts are mired have been cleaned up. Investigating committees have been to do this, but have yet to present results.[138]

In addition, conflicts over property rights are emerging, and these too run along the fault lines of the revolution. In the late 1970s and early 1980s Gaddafi nationalised and redistributed private property on a grand scale. This policy destroyed the power base of the traditional elite and bourgeoisie, which fled abroad to form a large part of the exile opposition. The former owners have returned with the revolution, often in leading political or military roles, and are exerting strong pressure. While a committee is examining the problem, many former owners have begun repossessing their land or buildings by force.[139] Given that the current occupants are often socially

disadvantaged families who had benefited from Gaddafi's measures, the handling of this problem will decide whether the group of losers (and potential opponents) of the revolution grows still larger.

Conflicts over economic resources are already acute in the field of illicit activities, with competition for control of smuggling routes one cause of clashes between Toubou and Zuwayya in Kufra, between Awlad Suleiman and Gaddadfa in Sabha, and between Zuwara and Nawail on the Libyan-Tunisian border.[140] Subsidised products (food and fuel), as well as vehicles – for which import duties were abolished with the revolution – make up the bulk of goods smuggled out of Libya.[141] Arms and drug smuggling have also increased enormously since the fall of the regime, and members of the security forces risk their lives combating heavily armed smuggling gangs.[142]

ruption and Aberrations", *Quryna*, 4 October 2012, www.qurynanew.com/15015.

137 In December 2012, the Integrity Commission ordered the suspension of Mahmoud Badi, Chairman of the Economic and Social Development Fund (ESDF), and in April 2013, the suspension of Abdelhamid Dabeiba, General Manager of Libyan Investment and Development Holding Co. (LIDCO). Dabeiba already held his post during the Gaddafi era, while Badi held other senior positions. During the revolution, both funded revolutionary brigades in their home city, Misrata. Dabeiba and Badi have remained in their posts and are appealing the decisions.

138 "Libya Probing Oil Firms' Contracts under Gaddafi", *Reuters*, 9 April 2012; "Transitional Government Sets Up Committee to Investigate Existing State Contracts", *al-Tadhamon*, 24 June 2012, tinyurl.com/b8utpft.

139 "First Session of Committee to Investigate Proposal to Annul Law 4/1978", *al-Watan al-Libiya*, 15 March 2012, tinyurl.com/beew6fn; "Thousands of Libyans Struggle with Recovery of Property Confiscated by Qaddafi", *New York Times*, 13 May 2012; "Federation of Property Owners: We Demand Restoration of Law Amended by Gaddafi", *al-Tadhamon*, 14 November 2012, tinyurl.com/a5qsbkf.

140 Cole, *Borderline Chaos?* (see note 69).

141 Libya's budget for explicit subsidies was 14 billion dinars (€8.2 billion) in 2012. Libya's National Planning Institute estimates that one third of all subsidised products are smuggled abroad.

142 "Libya Closes Umm Saad Border Crossing After Numerous Attacks on Security Forces by Smugglers", *Quryna*, 1 July 2012, www.qurynanew.com/37513; "Border Security Officer Assassinated in Benghazi", *Libya Herald*, 5 July 2012; "Members of Border Force 71 Demand Intervention by Authorities to Protect Them", *al-Tadhamon*, 1 October 2012, tinyurl.com/baavhw4; "Commander of Border Guard Visits Those Injured in Attack on Tamanhant Base", *Quryna*, 2 April 2013, www.qurynanew.com/50617.

Conclusions

The matrix of a power struggle between Islamist and secular/liberal forces, into which some observers try to squeeze the political dynamics of the new Libya, is misleading. First, because local interest groups dominate the political landscape; second, because the dominant fault line is that of the revolution and civil war. The divide runs between a camp seeking to monopolise the uprising's gains, and the actual or potential losers of a continuing revolution. It runs right through Libya's elites, and threatens to separate cities and tribes into winners and losers.

The balance of power is still in the making, but the rifts opened up by the civil wars could define the political dynamic for years and become a lasting source of tension. They are also likely to dominate the upcoming constitutional process. The distribution of power among local actors is set to be among the most controversial issues, entwining questions of decentralisation, federalism and ethnic minority rights. Questions concerning Islam and its role in legislation are much less conflict-laden, as secular political forces play no role in Libya, and conservative interpretations of Islam enjoy wide support.

External actors are of secondary importance in the political dynamics unfolding in this complex situation – although the way they are perceived in Libya is very different. Many suspect the machinations of foreign governments behind the new political forces. Representatives of individual cities, ethnic minorities, federalists, parties, and militias are all regarded by their respective opponents as the agents of various external powers. International actors were well advised to tread a cautious path after the NATO intervention, and the UN support mission (UNSMIL) still operates above all in an advisory capacity.

A still unresolved balance of forces, institutional chaos and a fragmented political landscape also present obstacles to stronger external engagement. Outside support for the security sector is hampered by the politicisation of individual units and institutions. Despite these difficulties, foreign governments, the European Union and UNSMIL are already competing for the favour of the Libyan government in their offers to reform the security sector or train and equip individual units. In some cases this has instead worsened confusion in the security sector.

In view of the acute conflicts in the country, support in rebuilding the security sector should remain a priority of bilateral and European cooperation. But such assistance must take account of politicisation and tensions within the sector. In this context, supporting individual units and institutions is associated with risks; assistance in establishing structures for control and accountability in the security sector could be more appropriate in the current situation. Bilateral initiatives should be closely coordinated with the European Union and UNSMIL, to avoid overtaxing the complex structures on the Libyan side. Generally, external support should not be addressed to individual actors, but designed to create structures and forums that contribute to resolving the conflicts between the political forces of the new Libya.

Glossary

Al-Asala	"Authenticity"; Salafi movement associated with the Grand Mufti
Azlam (al-nidham)	Supporters (of the regime)
Constitutional Committee	Planned committee of sixty members (twenty from each region) to prepare a constitution, to be elected directly by the people
Constitutional Declaration	Timetable for the transitional process of drafting a constitution and preparing elections, announced by the Transitional Council in August 2011
Der' Libya	"Libya Shield Forces" – military units composed of former revolutionary brigades, under the chief of staff
Executive committee	Temporary government of the Transitional Council, headed by Mahmoud Jibril, March– November 2011
General National Congress (GNC)	Temporary parliament, elected in July 2012
Libyan Islamic Fighting Group (LIFG)	Insurgent group active in the 1990s; most members exiled, imprisoned or killed by the late 1990s.
Local council	Self-appointed or elected local organ established during and after the civil war
Military council	Local military organ with civilian and military members, established during and after the civil war
National Forces Alliance	Alliance of parties led by Mahmoud Jibril; strongest bloc in the GNC
National Transitional Council (NTC)	Political leadership of the revolution, led by Mustafa Abdeljelil, established late February/ early March 2011, dissolved at the first session of the GNC in August 2012
Shura council	Local council of tribal elders and/or other prominent figures
Supreme Security Committees (SSCs)	Units composed of revolutionary brigades and militias, under the authority of the Interior Ministry
Transitional government	Government of Abdel Rahim al-Kib, appointed by the Transitional Council, November 2011 to November 2012