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The Leon proposal: a new road map for Libya

By Azza K. Maghur *

On April 26, after six months of shuttle diplomacy between Libyan political factions, Bernardino Leon, the UN Special Representative and Head of the UN Support Mission in Libya (UNSMIL), proposed a draft agreement for establishing a Government of National Accord and a way forward for Libya.

Since its inception last September, Leon's dialogue process has run on a number of tracks in multiple locations, involving representatives of different components of Libyan society. Conversations between Mr. Leon and the various parties have steadily progressed over the last six months, resulting in a draft agreement presented to all parties and released to the public in late April. With this draft, Libyans were finally able to see a glimmer of hope for the country following almost a year of savage war.

What is important about this proposed draft is not only its content, but the transparency and inclusiveness with which it was released and discussed. Thanks to social media, it has been possible for the Libyan public to read, reflect, and comment on the draft.

The sixteen-page proposal contains two particular items of note. First, the road map that had been designed by Libyans themselves, a 2011 Constitutional Declaration for governing the transitional period, has not been sufficient to guide Libya through this sensitive and complicated time. Because it did not address the separation of powers, or the necessary checks and balances between branches of government, the Declaration is seen as a source of the disarray in the country today. Second, in accordance with the draft agreement, the transitional period itself, as originally defined by the Constitutional Declaration, will be extended for another two years, providing the opportunity for Libyans to build upon the efforts represented in this draft agreement.

What is new in the Leon draft agreement?

The draft agreement institutes a system of checks and balances and ensures the separation of powers which have recently been held exclusively, and wrongly, by a single institution of government - the legislature. The agreement confers executive power to a Government of National Accord, equipping it with vast authority and granting it significant independence from the legislative branch. Events in Libya since the election of the General National Congress in June 2012 have shown that a country cannot be run collectively by a 200-member parliament. The transfer of authority from the extreme of Gaddafi's one man show to a form of collective governance has proven ineffective.

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Security arrangements are another key issue in the draft agreement, which sends a clear message of opposition to terrorism, extremism, human trafficking and irregular migration. The draft agreement emphasizes that Libya is a civil state and the army is under “the oversight of the civilian authority” and must maintain neutrality. It also distinguishes between army, police, security institutions and “armed formations.” Libyans did not run into the streets defying a cruel dictator with empty hands and brave hearts only to be delivered into the grips of militias.

Also noteworthy is how the draft agreement references and deplores the multitude of human rights violations occurring throughout Libya. It refers to the tens of thousands of Libyan refugees and displaced persons who have lost not only their homes, but their homeland; commitment to safeguarding their voluntary return is highlighted. In the same vein, the importance of the “equal participation” of women, the engagement of youth, and the protection of minority rights are emphasized in the draft.

The need for international assistance for the Government of National Accord is also mentioned in the draft agreement, though the small chapter on international support is not fully defined. The war on terrorism has proven to be an international war and the new Government of National Accord will not be able to tackle this issue on its own.

The draft agreement is for all Libyans

A vital aspect of this draft agreement is that it addresses the Libyan people in its opening paragraph, declaring that the agreement requires the “concerted and sustained efforts of the people of Libya.” The preamble further asserts the determination that “all Libyans have the opportunity to participate effectively in state-building efforts.”

This agreement was not designed for the conflicting parties, whether military or political groups, but is a document for the Libyan people. Conducted on different tracks, the dialogue process was not limited to the framework of dialogue envisioned by the original parties. Municipalities, political parties, youth, and women were involved in the different tracks, discussing the draft agreement and submitting remarks. The fact that so many different Libyan groups and ordinary individuals expressed their voices through social media and other means of communication, participating in the dialogue, discussing the draft, expressing their opinions, and submitting their observations and demands, makes the Libyan people the owners of this draft and of any future agreement. UNSMIL envisages additional inclusiveness by arranging for other groups to participate in the dialogue, including tribal leaders, the army, and militia groups, but no militia group, political leader, ex-parliamentarian, or member of the House of Representatives can claim ownership of this product to which so many Libyans contributed.

UNSMIL, the UN, and the international community hold a heavy moral obligation towards all Libyans. This agreement must be signed and a new roadmap must be seriously and meticulously followed to pull Libya from its chaos. The Mediterranean basin cannot afford more death boats, weapons trafficking, extremist violence or and terrorists threatening to destroy cultural landmarks. In 1948, the future of Libya, as a former Italian colony, was brought before the UN General Assembly. A four-power commission, comprised of the United States, the United Kingdom, France, and the Soviet Union, was appointed by the

General Assembly to ascertain what the “Libyan people” desired. After visiting all parts of Libya, the commission reported to the UN General Assembly that the majority of Libyans favored independence. Can this happen again today? Can UNSMIL reach the Libyan people and inquire if they desire peace based on Mr. Leon’s proposed agreement?

As dialogue continues, this proposed agreement should find a way to reach all of the Libyan people. The Libyan people must leave their fingerprints on this document. As a roadmap that aims at restoring hope and dignity, it should find mechanisms to reach the population and provide them the chance to say their final word. This may require a referendum conducted by the UN, in the presence of international monitoring groups, an online public poll, or the use of other methods and technologies to hear and record the voice of the Libyan people. With international support, this can be certainly realized. What is needed most today is to find a way to bypass man-made hurdles and the stubbornness of those wielding power.

Libyans are fed up with the self-imposed political leaders who claim supremacy. This disappointment is evidenced by the number of youth who walk the streets of Libyan towns and cities in tee shirts and flip flops with guns and anti-aircraft missiles in their hands. How many are they? They are certainly a minority, and for a simple reason: the majority would never seek the destruction of their own country. Only chauvinists after power and money for their own sake would accept such destruction. The voices of the Libyan people must be heard so that this devastation can be brought to an end!

About the author

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