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Insiders and Outsiders in the New Libya

Alison Pargeter | May 2014

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Introduction

On July 28, 2011, as Libya was still in the throes of the struggle to oust Colonel Gaddafi from power, the charred corpse of the commander of Libya's rebel forces, Colonel Abdel Fatah Younis al-Obeidi, was found dumped on the outskirts of Libya's second city of Benghazi. Although the exact circumstances surrounding al-Obeidi's death are still unknown, it is widely believed that he was killed by an Islamist militia that had ties to the upper echelons of the National Transitional Council (NTC), the interim ruling body set up in the east of the country prior to liberation.

Given the wider drama that was unfolding in the country at the time, the significance of al-Obeidi's killing at the hands of his fellow rebel fighters was not fully appreciated. However, his death was a defining moment that was to set the tone for much of what was to come in the post-liberation phase. Crucially, it was the first indication of the new boundaries that were going to be drawn as the country struggled to pull itself through the transition. Al-Obeidi may have been a key rebel commander, committed to bringing down the Gaddafi regime, but his past was already checkered. Prior to his defection at the start of the uprisings, al-Obeidi had been a key lynchpin in Gaddafi's regime and a close confidante of Gaddafi himself.[1] Therefore, despite the fact that his defection brought the rebels much needed military clout and experience, it was ultimately insufficient to shield him from his former connections.

Therefore, even before Gaddafi was killed and the country fully liberated, new demarcation lines were already being drawn between "true revolutionaries" and those deemed to be tainted by their past. As the revolution progressed, scores of others who like al-Obeidi had defected and sided with the rebels found themselves suddenly castigated as "outsiders," dismissed as "unclean". In time, these "outsiders" also came to include figures who had been part of what was known as the reformist current, which during the latter years of the regime had been pushing for change from the inside, albeit through the figure of Gaddafi's son Saif al-Islam. Despite the fact that it was many of these same individuals who set up and led the country's first new political institutions even they came, in time, to be personified as polluted elements that were soiling the February 17 revolution and that needed to be purged.

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[1] Al-Obeidi served as head of Libya's Special Forces and as interior minister. He was also one of the young officers who had staged the 1969 coup that had brought Gaddafi to power.

Thus, the "symbolic boundary" defined as the lines that include and define some people, groups, and things while excluding others had shifted.[2] In the Libyan case, this boundary had gone from being a distinction between those who were fighting for and against the Gaddafi regime to one between those who were "clean" or "pure" versus those who were contaminated by their own personal histories. Indeed, inequality in the political context came to be "measured by degree of purity and impurity".[3] Or, in local parlance, between the *thuwar* (revolutionaries) and *Azlam Gaddafi* (Gaddafi's men).[4]

As the transition progressed, this symbolic boundary came to be formalized through a series of legal measures aimed at weeding out *Azlam Gaddafi* from the country's new power structures. These measures included the election law, the Integrity Commission, and, most notably, the draconian Political Exclusion Law, which best encapsulated the new distinction between in-group and out-group. This law, which was passed by the General National Congress in May 2013, not only prohibits those with the slightest link to the former regime from holding political office for a period of ten years, it also bars them from holding any senior post in the wider bureaucracy. As such, this law was an uncompromising attempt by the *thuwar* and their political allies—specifically the Islamist current—to institutionalize the new symbolic boundary into the emergent political system. It was through this legislation, therefore, that this new symbolic boundary was objectified and transformed into a formal political boundary.[5]

This article will argue that the ousting of the Gaddafi regime created new symbolic and political boundaries in Libya that go beyond a simple division between those who were for and those who were against the revolution. These boundaries have taken on the

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[2] C. F. Epstein, "Tinker-bells and Pinups: The construction and reconstruction of gender boundaries at work," in *Cultivating Differences: Symbolic Boundaries and the Making of Inequality*, Lamont and Fournier eds. (Chicago: University of Chicago, 1992).

[3] M. Lamont and M. Fournier, *Cultivating Differences: Symbolic Boundaries and the Making of Inequality* (Chicago: University of Chicago, 1992).

[4] The term *azlam* means "men" but is generally used in the pejorative sense. It comes from the old Arabic word for "arrow".

[5] Michele Lamont and Virág Molnár, "The Study of Boundaries Across the Social Sciences," *Annual Review of Sociology* 28 (2002):167-95. Lamont and Molnar argue that symbolic boundaries are a necessary but insufficient condition for the existence of social boundaries. They also argue that only when symbolic boundaries are widely agreed upon can they take on a constraining character and pattern social interaction in important ways.

mantle of purity and impurity, of honor and dishonor. They have also become tied up in the complex power struggle that emerged with the transition to the post-Gaddafi state. Given the highly personalized nature of the Gaddafi regime, when the state collapsed the center collapsed with it. This has left an array of local powerbrokers, ranging from militias and revolutionary brigades, to local councils, tribes, and local personalities, including those of an Islamist bent, all of whom are vying for power and influence. It is within this context that these forces have sought to define and institutionalize these new symbolic boundaries, largely as a means of expanding their own power base. As Lamont and Molnar have argued, symbolic boundaries have become an essential medium through which the different interest groups are attempting to acquire status and monopolize resources.[6]

The article will argue, too, that the institutionalization of these boundaries is reinforcing feelings of marginalization in certain areas and among certain tribes, leaving them feeling, in the words of one Libyan, "as though they have no part to play in the new Libya."[7] In sum, the creation of these symbolic boundaries and their objective manifestation is hindering Libya's efforts to transform itself into a viable functioning state.

Revolution: Creating New Symbolic Boundaries

The uprisings that erupted in Benghazi in February 2011 were largely a spontaneous outpouring of frustration and resentment against the Gaddafi regime, which had been in power for over four decades. The popular protests were not driven by any ideological or revolutionary movement or current. Indeed, the revolution was arguably not a revolution at all. Rather, it was a collective expression of the desire to see an end to the Gaddafi regime. It soon became apparent, however, that events in Libya were not going to unfold in the same way as those in neighboring countries. Unlike its counterparts in Tunisia and Egypt, the Gaddafi regime fought back hard and jumped almost immediately to use force to try to suppress the protests.[8] The regime also employed all the tools at its disposal to try to ensure that its stronghold of Tripoli

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[6] Ibid.

[7] Telephone interview by author with Libyan civil servant, 2012.

[8] On 18 February security forces opened fire on protestors when they approached a compound used by Gaddafi. Security forces also used live ammunition against demonstrators in other parts of the city.

remained tightly in its grasp. As a result, the popular protests morphed into a military struggle against the regime. This was far from an organized process; rather, it consisted of locals armed with old and makeshift weapons forming their own military battalions and brigades.

It was during these early days that the first defections of regime personnel began. Figures such as former Justice Secretary (Minister), Mustafa Abdeljalil; former Planning Secretary, Mahmoud Jibril; and former Secretary for Economy, Trade, and Investment, Ali al-Issawi threw in their lot with the rebels. Although undoubtedly "insiders" of the Gaddafi regime, none were part of Gaddafi's inner circle, but were considered part of the reformist camp and had had their own particular problems with the regime. During a January 2010 meeting of the General People's Congress (parliament), Mustafa Abdeljalil had publicly protested the security services' continued detention of some 300 political prisoners, most of them Islamists who had renounced violence, despite a judicial ruling ordering their release. Mahmoud Jibril, meanwhile, had clashed with numerous regime figures, including Saif al-Islam himself, who found his reformist ideas too radical. For this reason, Jibril was removed from his post as head of the National Planning Council in 2010. Al-Issawi had clashed with former General Secretary (Prime Minister) Baghdadi al-Mahmoudi, over the pace and extent of economic change.

Given their experience in the political arena, these figures led the way in establishing and heading the first political institutions that were set up while the revolution was still unfolding. This included the National Transitional Council (NTC) that was formed on March 5, 2011 and its executive board that was established in May 2011. While they might not have been the most obvious choice to lead the political face of the revolution, the fact that the uprisings had not been driven by a revolutionary movement and that Gaddafi's state had been so radical in nature that it had all but emasculated the country of any political culture or experience, meant that there were few others qualified enough to take on such a role. As one Libyan activist explained, given the dearth of qualified personnel, selection to the NTC was based upon experience and ability.[9]

So it was that Musatafa Abdeljalil came to head the NTC and another figure associated with the reformist camp, lawyer Abdelhafiz Gorgha was appointed as his deputy. Mahmoud Jibril became head of the executive board, with Ali al-Isawi as his deputy, to name but a few. That is not to say that these new political institutions consisted entirely

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[9] Telephone interview by author with Ashur Shamis. March 30, 2011.

of former regime men. They also included those who had been part of the opposition in exile, such as Ali Tarhouni, who took on the executive board's economy and oil portfolio, and Mahmoud Shammam, who took on its media portfolio. These institutions also included their fair share of Islamist elements. The executive board's economy portfolio went to Abdullah Shamia, a member of the Muslim Brotherhood who had spent many years imprisoned by Gaddafi, and Alamin Belhaj, also a Muslim Brotherhood member, was made the NTC's spokesman. However, at the outset, the political face of the revolution was dominated by those with links to the reformist current of the former regime.

Militarily, meanwhile, early defectors included not only Abdelfatah Younis al-Obeidi, but also other high ranking military personnel, such as Suleiman Mahmoud al-Obeidi, the commander of the Tobruk military region. On one level these defections came as welcome news to the rebels. These figures not only brought the rebellion much needed military clout, but they also brought whole army units over to the opposition. Suleiman Mahmoud al-Obeidi, for example, defected with his Tobruk military garrison in tow. Crucially, these army personnel were able to bring desperately needed military expertise and quickly began training the rag tag groups of volunteers.[10]

It was perhaps no surprise that al-Obeidi, as the most senior military figure to have defected, should have been appointed as head of the Free Libya Armed Forces,[11] and while those running the political institutions supported al-Obeidi's appointment, others on the ground were less welcoming. A significant proportion of the brigades that had formed on the ground in the east comprised Islamist militants, many of whom had been members of the Libyan Islamic Fighting Group and other militant movements that had challenged the Gaddafi regime in the 1980s and 1990s.[12] Many of these Islamists were particularly hostile to al-Obeidi right from the time of his appointment on account of his role in the former regime, which included running brutal campaigns to liquidate Islamist

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[10] See for example, "In Eastern Libya, Defectors, and Volunteers Build Rebel Army," *The Atlantic*, March 4, 2011.

[11] His appointment followed a somewhat protracted struggle with Colonel Khalifa Al-Khafter, who had defected from the Libyan military during Gaddafi's disastrous war with Chad and who resided in the US until his return during the revolution.

[12] The regime released hundreds of Islamist prisoners after they signed up to a series of revisions renouncing violence against the state under Saif Al-Islam's deradicalization initiative in the late 2000s. Many of these prisoners went on to make up the rebel forces.

elements in the east of the country. As Mustafa Abdeljalil explained, "the Islamic extremists who tried to assassinate him and his companions from the day he dissociated himself from Gaddafi's regime, say … that he oppressed them in Derna and Ras al Helal when he was Interior Minister during Gaddafi's rule."[13] According to Abdeljalil, these Islamist forces "prevented him [al-Obeidi] from coming [to the front lines], threatened to kill him if he did and started holding him accountable for all the mistakes, although he was not to blame for most of them."[14] Such was the Islamists' antipathy towards al-Obeidi that the NTC was forced to establish two parallel security structures, one for the army that was headed by al-Obeidi and the other for the revolutionaries. Thus, the division between the official forces of the army and the revolutionaries that has come to cripple the country's transition was institutionalized from the outset.

However, the Islamists were not the only party who objected to al-Obeidi's leadership. Rebel forces in Misrata, a town that had a historically antagonistic relationship to Benghazi and that became embroiled in a particularly bitter and bloody fight with Gaddafi's forces, also rejected the head of the Libya Free Army. As one journalist reported, "rebels in the besieged city of Misrata conspicuously refused to accept his orders, to the extent of insisting that their fighters were not part of the Benghazi-controlled National Army."[15]

Thus, there was a strong feeling among those fighting it out on the ground that they did not want to be tainted by al-Obeidi and his like, but wanted a clean break with the past. This insistence was to have devastating consequences on how Libya was to develop through the transition. By rejecting al-Obeidi in this way, the revolutionaries

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[13] "A Dialogue with Abdeljalil: I Didn't Kill Younis," *Correspondents.org*, October 17, 2012, http://www.correspondents.org/ar/node/1006.

[14] Ibid. According to Abdeljalil, the repeated complaints about al-Obeidi by the rebels prompted the NTC to refer the case to the Executive Board, which in turn formed a committee to investigate the matter which then decided to arrest Younis. According to the decision, a group of officers were supposed to arrest him, but they refused claiming that it should be made by NTC or the military police. The rebels were therefore authorized to do it but an extremist group seized the opportunity and assassinated him after arresting him.

[15] "General Abdel Fattah Younes," Obituary, *Telegraph*, July 29, 2011, http://www.telegraph.co.uk/news/obituaries/politics-obituaries/8671455/General-Abdel-Fattah-Younes.html.

destroyed any possibility of institutional continuity between the old and the new Libya. Their insistence on the non-permeability of the boundary between old and new has made it all but impossible for Libya's new political actors to build a military. There is a continued resistance by the majority of revolutionaries to join the national army, which they still consider to be corrupted by its associations with the former regime.

While the revolutionaries on the ground rejected figures such as al-Obeidi, hostility toward those leading the country's new political institutions soon began to show itself. This hostility arose partly because those who had fought it out on the frontlines came to fear that their revolution was being snatched from them by those with links to the former regime. Even before Gaddafi was killed and the country fully liberated, commanders began to express their rejection of these new political bodies and those running them. Ismail Salabi, the hard line Islamist rebel commander who headed the 3,000 strong February 17th Martyrs Brigade, declared in September 2011, "The role of the Executive Committee [Board] is no longer required because they are remnants of the old regime. They should all resign, starting from the head of the pyramid all the way down."[16] Other Libyans also began to express similar sentiments. Politician, Faraj Abu Asha, for example, declared, "a number of those defectors and Saifists [followers of Saif al-Islam], among them Abdelrahman Shalgam [former Foreign Minister who also defected early on and who went on to be the NTC's ambassador to the UN] and Mahmoud Jibril are leading a counter revolution to steal the revolution of the young of February 17."[17] Thus, for those *thuwar* who had fought and risked their lives on the front lines, the push for liberation became superseded by the push to cleanse

This objection to these new political leaders was intensified in the eyes of Islamist revolutionaries by the fact that many of them were liberal in orientation. As Salabi declared, "They are secularists who have their own private agenda and would like to portray us as extremist to alienate us from the international community … Sometimes you wonder and ask, 'who are they serving?'"[18] Similar objections to the liberal orientation of these figures were raised by the broader Islamist camp. Ismail Salabi's

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[16] "Libyan Islamist says NTC executive committee should resign," *Al-Arabiya*, September 4, 2013, http://www.alarabiya.net/articles/2011/09/04/165383.html.

[17] "A Libyan Politician: Shalqam and Jibril are Heading a Counter-Revolution to Control the Libyan Elections," *Alamat Online*, March 5, 2012, http://www.alamatonline.net/l3.php?id=24433.

[18] Libyan Islamist says NTC executive committee should resign, September 4, 2013.

brother, Ali Salabi, a well-known Islamic scholar with close ties to both the Libyan Muslim Brotherhood and to more extreme elements such as former members of the Libyan Islamic Fighting Group, also railed against the secular nature of the country's new leaders. In September 2011, Salabi denounced Mahmoud Jibril and his allies on the Al-Jazeera satellite channel as "extreme secularists" who were guiding the nation into "a new era of tyranny and dictatorship".[19] He also declared, "The head of the Executive Board, Mahmoud Jibril has to resign and to leave Libyans and genuine national forces to build the future of their country … There is an organized war by some members of the Executive Office, such as Mahmoud Shammam, Mahmoud Jibril, Ali Tarhouni and Naji Barakat who are seeking to ignore the true patriots and revolutionaries."[20] Indeed, it was at this time that the conceptual distinction between those who were "true revolutionaries" and those who were not began to really take hold.

It was not only those Islamist *thuwar* in the east, however, that considered themselves as genuine revolutionaries. There were revolutionary brigades that had developed in other areas, which also believed themselves to be the legitimate inheritors of the revolution, as city after city rose up against the regime. This was particularly the case in the cities of Misrata and Zintan, which became new centers of power in their own right. Their claim to such revolutionary legitimacy lay partly in the fight that they put up against the former regime. Misrata in particular fought an extremely bloody battle, with the port city being put under siege for three months ending in the city's liberation in May 2011. However, much of the new power and influence that these two cities were able to wield was predicated on the fact that they had captured Gaddafi in the case of Misrata and his son Saif al-Islam in the case of Zintan. These triumphs of the battlefield became key bargaining chips for both cities in the scramble for power that followed liberation.[21] Thus, post-Gaddafi Libya broke down into a mosaic of centers of power, all competing to dominate the country's transition and to become the new insiders.

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[19] "Islamists take aim at Libya rebels' secular leaders," *Los Angeles Times*, September 13, 2011, http://articles.latimes.com/2011/sep/13/world/la-fg-libya-factions-20110914.

[20] Mohammed Aamari, Al-Sulabi: Mahmoud Jebril has to go," *Al-Jazeera.net*, September 13, 2011,

http://www.aljazeera.net/news/pages/55ca4ec1-4d15-4e98-bc86-1dab3c9d60c8.

[21] This ensuing power struggle also meant that these cities needed to maintain a presence in the capital. As a result, revolutionary brigades from Zintan and Misrata went about taking control of as many areas of Tripoli as they could in a bid to exert influence on the post-Gaddafi transition. As such, Tripoli became a symbolic battleground for the various powers seeking to dominate the transition.

Liberation: Boundaries and the Struggle for Power

Following the death of Gaddafi on October 20, 2011 and the subsequent liberation of the last remaining areas of the country, Libya's interim leaders set about managing the transition. On 1 November 2011 the NTC appointed an interim government and began planning for national elections the following year. The appointments made in this new interim government were already indicative of the power struggles that were going to be played out in the political arena well into the transition. The new cabinet had to be a carefully crafted mixture of representatives from Libya's different regions; more importantly, it had to ensure that those who had fought hardest on the battlefield were given posts commensurate with their military achievements. For the revolutionary brigades, success on the battlefield became the primary measure of how much power each area should wield.[22] Faced with such pressures, it was no coincidence that when the NTC announced its interim government on November 22, 2011, the Ministry of Defense went to Osama al-Juweili, a commander from Zintan, while the Interior Ministry was given to Fawzi Abdel Al from Misrata. Although this cabinet line-up provoked an uproar in Benghazi, which believed that it had not been adequately represented in this line up despite its five (non-sovereign) ministries, it held the fort until the elections of July 2012 when the real struggle for power was to come into play.

These elections to the 200 seat General National Congress—the body that was to oversee the writing of a new constitution and its being put to the people in a referendum—were to be a defining moment in Libya's transition. Not only were they the first national elections to be held in the country for more than four decades, they were, for many Libyans, the first real opportunity to wipe the slate clean and to elect new leaders who were not tainted by their past. Calls for making such a clean break had been gathering momentum from the time of liberation. In December 2011, the NTC was particularly shocked when large scale popular protests broke out in Benghazi demanding that the path of the revolution be corrected. While some of this anger was related to what those in Benghazi perceived to be the NTC's failure to break with the former regime's policy of marginalizing the east, it was also prompted by a belief that *Azlam Gaddafi* were still in charge. As one Benghazi lawyer, Tahini al-Sharif,

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[22] The leader of Tripoli's Revolutionary Council, Abdullah Ahmed Nakir Al-Zintani, for example, demanded that Zintan be given fifty percent of ministerial posts in the interim cabinet, declaring in October 2011, "We fought the battle for our people's freedom". No new government can be formed without our knowledge, and we must be represented in it." Quoted in *Libya Focus*, October 2011, Menas Associates.

complained, "The regime has not changed. It is the same which oppresses and marginalizes cities."[23] Meanwhile, calls by NTC head Mustafa Abdeljalil on December 10, 2011 to begin a process of national reconciliation and to turn a page on the past had unleashed widespread popular fury.

Faced with such anger, the NTC had little choice but to try to ensure that those linked to the former regime could not stand for public office in the upcoming elections. On January 2, 2012, therefore, the NTC issued its draft election law. This law, which represented the first attempt to institutionalize the division between those who had served the former regime and those who were considered "clean," included twenty categories of people who would be prohibited from standing for office. As well as banning members of the former regime's security apparatus, the draft prohibited anyone who had held a leading position in the formal institutions of government, including the diplomatic service, from standing for election unless they demonstrated "early and clear support for the February 17 revolution." More pointedly, the draft also ruled that anyone who had had a professional or commercial relationship with any member of the Gaddafi family or with senior regime figures could not stand. Also barred was anyone who had attained an academic qualification in Gaddafi's personalized Third Universal Theory or his Green Book and any opposition figure who had entered into talks or negotiations with the former regime. Going even further, the draft also proposed that anyone proven by judicial order to have been "involved in the corruption of political life" under the former regime be prohibited from even voting. Thus, the draft election law was a way of meeting both the demands of the revolutionaries and of the street, particularly in the east, that also wanted to see Libya cleansed from all association with the former regime. It was also strongly supported by the Islamist current within the NTC that was becoming increasingly emboldened and that sought to elbow its more liberal opponents within the ruling body out of the future political arena.

Unsurprisingly, when it was issued, the draft prompted controversy and debate, much of it focused on the fact that the law allocated only 80 of the seats in the congress for political parties, leaving the remaining 120 for individual candidates. The Muslim Brotherhood saw this as a deliberate attempt by more secular elements to prevent them from dominating the transition. However, there was also some resistance to barring those with links to the former regime. These objections centered primarily on the expansive nature of the list of categories. As Libyan constitutional lawyer Massoud

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[23] *Libya Focus*, December 2011, Menas Associates.

al-Kanuni declared, "The criteria could be used against three-quarters of the country… How are we going to follow a path of national reconciliation if so many people are excluded from [the country's] future?"[24]

However, such arguments were ultimately ignored. At the end of January 2012, the election law (Law no. 4/2012) was finally passed. Although the long list of categories of those barred from standing for office was significantly reduced, a new clause was added to the law ensuring that the creation of the boundary between the new political insiders and outsiders was upheld and institutionalized. Article 10 of the law not only stipulated that members of the NTC, its Executive Board, and the interim government (as well as heads of local councils) could not stand as candidates, it also ruled that all candidates must "meet the standards and regulations of national integrity endorsed by the National Transitional Council."[25] It ruled, too, that all candidates should be validated by the Higher Authority of Applying the Standards of National Integrity, or what became known as the Integrity Commission.

The standards of national integrity required to hold public office had been drawn up by the NTC almost immediately after liberation and issued under Decision 177 of November 2011 and then amended under Decision 15 of January 29, 2012. The categories of those barred from holding public office were largely the same as those issued in the first draft of the election law.[26] This decision also provided for the setting

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[24] Margaret Coker, "Libya's Draft Election Law Sparks Debates," January 3, 2012, http://online.wsj.com/article/SB10001424052970204368104577136870060855462.html.

[25] For an English translation of the draft, see http://www.mpil.de/files/pdf1/the_election_law_libya.pdf.

[26] The list included the following: members or commanders of the Revolutionary Guards; members of the Revolutionary Committees; student association directors after 1976; those who were "known for glorifying the regime of Muammar Qaddafi or his call for the ideas of the Green Book, whether through various media or public speeches"; those who "stood against the February 17 Revolution" by means of incitement, aid, or collusion; those who were convicted of corruption or stealing public funds; those who participated in any capacity in the imprisonment and torture of Libyans during the rule of the former regime; those who committed or participated in hostile acts against Libyans in the opposition, whether abroad or in Libya; those who seized private property or participated in seizing property during the previous regime; those who were involved in stealing public funds or enriched themselves on behalf of the Libyan population, or who accumulated wealth in Libya or abroad in an illegal manner; those who had commercial dealings with the sons of Muammar Qaddafi or his close associates; those who formerly held positions of leadership that directly related to the sons of Muammar Qaddafi, and their institutions; recipients of awards or money from the former regime by illegal means; and those who obtained an academic degree on a subject related to the Qaddafi's Green Book or Third Universal Theory.

up of an official body to assess whether or not candidates met these national standards. This body – the Integrity Commission - was enshrined into law on April 4, 2012 under Law 26 of 212. Most of its members, who were appointed by the NTC, were of an Islamist bent and became the new arbiters of who was to be classed insider and who outsider in the emergent political arena.

Shortly after this, the commission began to exercise its power. At the end of April 2012 it ruled that deputy minister of health, Adel Abushufa, and Libya's ambassador to Rome, Abdulhafed Gaddur, were ineligible for office, forcing both from their posts. At the same time, it announced the dismissal of al-Mehdi Saleh Jerbi, a member of the Libyan Mission to the United Nations, and rejected the nomination of Abdul Salam al-Maghboob to serve in a Libyan diplomatic mission abroad. The commission did not take long to turn its attentions to the NTC, expelling a number of representatives.[27]

However, it was after the July 2012 elections to the General National Congress that the Integrity Commission really began to flex its muscles. Not only did this unelected body that was appointed by another unelected body begin to work its way through the congress, barring members despite the fact that they had been voted into office through a democratic process, it also had a major say in determining the composition of the new government. When Ali Zidan, the new prime minister, was voted into office on October 14, 2012, and proposed his first government, the Integrity Commission made it quite difficult to accomplish anything. So much so that when the new government was sworn in on November 14, eight of its members were absent on account of the commission, four them having been barred from holding office and the other four still being investigated.[28] Although some of these ministers were ultimately cleared and others had their bans overturned on appeal, the Integrity Commission was setting the agenda over who was and who was not permitted to be part of the new political regime.

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[27] These included Abdelqadir Al-Minsaz, the representative of Al-Homs; Ibrahim Hamid Al-Hodeiri, the representative of Sebha; Mohamed Ramadan Sidi Omar, the representative of Khat; and Ali Tawfiq Muftah Al-Shetwi, the representative of Greater Tripoli.

[28] On November 13, the commission had ruled that Zidan's chosen candidates for the interior, electricity, higher education and congressional relations ministries should not hold office while the nominees for the foreign affairs, social affairs, agriculture and religious affairs portfolios had their confirmation delayed pending further investigation.

The Integrity Commission was not the only group wishing for to ban these ministers. A far stronger force on the ground was also pushing to set these same boundaries but was doing so outside of the law. When Zidan's proposed cabinet list was first announced at the end of October, outraged revolutionaries stormed the congress denouncing Zidan for having included *Azlam Gaddafi* in his cabinet. The pressure that these revolutionary elements were able to bring to bear was a reflection of the fact that the new central authorities had failed to contain the thousands of armed militias and brigades that had mushroomed on the ground both during and after the revolution. These forces had taken advantage of the weakness of the state to entrench themselves after liberation, particularly in Tripoli where revolutionary brigades from Misrata and Zintan had dug in in a bid to control the center. These forces resolutely refused to authorities' pleas to hand in their weapons and dissolve themselves or to join state security forces in anything other than a nominal capacity.

Their power also derived from the fact that these revolutionary elements continued to benefit from an almost hallowed status. The fact that they, unlike the country's political leaders, had risked their lives on the front lines gave them a heroic standing and revolutionary legitimacy in the eyes of many Libyans, making them all but untouchable. This was evidenced by the passing in May 2012 of Law No. 38, "On Some Procedures for the Transitional Period," which included an article ruling that there was to be no penalty for "military, security, or civil actions dictated by the February 17 Revolution that were performed by revolutionaries with the goal of promoting or protecting the revolution." This law was tantamount to a wholesale amnesty for the revolutionaries, who were beginning to come up against criticism from international human rights organizations and some local civil society bodies about their behavior during the revolution and after it. In the absence of any real government forces, these revolutionary brigades had been carrying out a purge of their own on the ground, abducting those they suspected of having links to the former regime and holding them in unofficial prisons, where many suffered torture and abuse.

In the face of the state's weakness, these revolutionary elements were able to force the authorities to dance to their tune on repeated occasions. Revolutionaries from Misrata, for example, all but forced the authorities to sanction their bloody attack on the former regime stronghold of Bani Walid in October 2012. Revolutionary brigades from Misrata attacked the town and put it under siege on the pretext that some of Gaddafi's men were still operating there. Despite the Congress's deep unease over the bloody attack, it was incapable of preventing it. The delegation of wise men sent by the congress to

mediate in the affair was forced to turn back by revolutionary fighters and the ruling body ultimately had no choice but to pass law number 7, effectively authorizing the assault.[29]

Likewise, the Islamist brigades in the east were also proving difficult to control, as were more militant groups such as Ansar al-Sharia, which were using the absence of state power to entrench themselves. Some of these groups also took to carrying out assassinations and attacks primarily of security personnel many of whom had connections to the former regime. Indeed, targeted assassinations of such figures became commonplace in Benghazi with numerous killings reported almost every week during 2013 and into 2014.[30] Thus, while the Islamists and other elements in the political arena were using legal mechanisms to try to purge *Azlam Gaddafi* from the political arena, the revolutionaries were using their might and revolutionary legitimacy to eliminate them on the ground.

However, these two forces were to come together in their quest to define the boundaries of the new Libya through the political exclusion law, a law that was to become the ultimate determiner of who was going to be accepted as an insider in Libya's new political arena. Indeed, the law was to become the most important means of demarcation of who was to become part of the new "political regime boundary" in the post-Gaddafi era.

Institutionalizing Boundaries: The Political Exclusion Law

It was not long after the formation of Libya's first government that figures within the political arena began to push to for the introduction of a law that would exclude all those who had been involved in the former regime from holding positions in both the government and the wider administration. While the Integrity Commission was certainly active, it had not proved robust enough for some who wanted a more wholesale purging of the establishment. Moreover, the Integrity Commission kept coming up against a judiciary that was intent on overturning many of the commission's rulings in what had become somewhat of a protracted battle between the forces of old and new Libya. For this reason, in December 2012, a group of congress members issued a

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[29] Law number 7 ruled that Bani Walid had ten days to surrender the suspects or else the interior and defense ministries would be authorized to use force against the town.

[30] See the *Libya Herald* for reports of such incidents.

statement laying out proposals for an exclusion law that would prevent any "leftovers from the former regime" from being able to infiltrate the organs of the state and its institutions.[31] Thus, this law was to extend beyond the realm of the congress and was aimed at clearing out all the country's public institutions and companies, including the judiciary.

Two days later, on December 26, the congress voted that a political exclusion law should be passed, and a special committee comprising legal experts and representatives from congress should be set up to draft such a law. Although the motion was passed by 125 votes, there was still significant resistance within the ruling body to such a law. Much of this resistance came from the National Forces Alliance, the liberal oriented coalition which was led by Gaddafi-era Planning Minister Mahmoud Jibril, and had taken the largest share of the seats set aside for political parties in the congress. The alliance's objections to the law not only centered around the fact that it would strip out much needed expertise from the country's institutions, but also around the fact that such a law would inevitably result in many of its own members, including its leader, being excluded from political office.

However, set against this were powerful forces that were determined to see such a law pushed through. This included the Misratans, who were represented in the ruling body through their powerful revolutionary leader, Abdelrahman al-Suwheili, who had become an influential figure inside the congress. Al-Suwheili and his constituency inside the congress pushed hard for the law to be passed. They were joined by the Islamist current, more specifically by the Justice and Construction Party (JCP) the political party set up by the Libyan branch of the Muslim Brotherhood. The JCP had not performed as well as anticipated in the national elections, but had still come second to the NFA, taking 17 as opposed to the NFA's 39 of the 80 seats set aside for political parties. The JCP also bolstered its presence in the congress by the fact that a number of Brotherhood members had won seats by standing as independent candidates. Thus, the JCP became the second bloc in the ruling body.

The JCP were some of the strongest proponents of the political exclusion law. While this sprang partly from the party's very genuine desire to see the system purged of "unclean" elements, it was also related to the fact that the political exclusion law would

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[31] GNC members issue statement on the elimination law. *Libya Herald*, December 24, 2012, http://www.libyaherald.com/2012/12/24/gnc-members-issue-statement-on-isolation-law/#ixzz2gxdzHNrB.

primarily target its main political rivals, the NFA. The elections of July 2012 had not thrown up an overall winner, meaning that no bloc was strong enough to dominate the congress. As such the NFA and the JCP became the two main opposing blocs in the ruling body, endlessly struggling to outdo the other. For the JCP, the political exclusion law represented a convenient vehicle through which to try to weaken the NFA, though it could not admit as such. Instead, the JCP began referring to the law as an "extension of the revolution" and as representing the "demand of the blood of the martyrs," thereby portraying itself as defender of the people and of the revolution. Thus, the JCP was also consciously using the law as a means of imbuing itself with revolutionary legitimacy and of defining itself as an insider.

Therefore, it was unsurprising that the JCP, joined with the revolutionaries and other blocs in the congress, such as the Islamist oriented al-Wafa for Martyrs Bloc, in supporting the draft that was issued by the committee. This draft was utterly uncompromising in nature and the list of exclusions was extensive to say the least. It included a broad range of categories including not only those who had held important political or diplomatic posts in the former regime, but also those who had held senior positions in the state media, universities, charitable organizations run by Saif al-Islam Gaddafi, and public companies and organizations.[32] Those deemed to fall into this extensive list of categories were to be banned from holding any political position or any posts across all administrative sectors, in all state companies, civil organizations, and

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[32] Article one of the draft political exclusion law banned the following: anyone who took part in the 1969 coup, military or civilian; anyone who worked in external investment companies; anyone who worked in any Gaddafi charitable organizations; anyone who worked in internal security or any administrative manager in external security; any member of a revolutionary action team, of the Revolutionary Committee's Communications Office, of its purging committees, its revolutionary convoys or its revolutionary guards; anyone who worked within the Social People's Leadership, on a national, shabia or council level; anyone who worked as a manager of a security office on a council, shabia or national level; anyone who held a senior position in a trades union; and anyone who held the following posts: general secretary of the General People's Committee (prime minister), secretary within the General People's Committee (minister) or in a shabia, general secretary of the General People's Congress, member of the secretariat of the General People's Congress or of a shabia, secretary of a Basic People's Congress or of a People's Committee in a Basic People's Congress, general prosecutor, governor of Central Bank, ambassador or secretary of a Libyan People's Bureau (embassy) abroad, editor-in-chief of state newspapers, magazines, television, or radio stations, secretary of the General People's Committee of academies, institutes, and universities, general secretary of the People's Committees of universities, directors of public companies and organizations, members of the higher council of public companies and organizations, and head of the army

security bodies for ten years. They were also banned from setting up political parties, NGOs, trades unions, and associations for the same period.

When the draft was issued even some of those who had been part of the drafting committee baulked at its draconian nature. Committee head, Mohamed Toumi, acknowledged some of the fundamental injustices in the draft commenting, "It's not fair to put those people who worked with Gaddafi for forty years and never dismantled the evil regime in the same category as those who worked only one or two or even ten years and then helped to dismantle the regime."[33] Moreover, in such a format, the legislation would not only turn the already fragile political establishment on its head, it would also affect whole vast swathes of the bureaucracy and the administration, something that would only add to the chaos and insecurity that was steadily engulfing the country, not to mention unleashing further acts of revenge.

It was also likely to leave whole swathes of the country excluded from public life. Given the way in which the Gaddafi regime was structured, relying heavily on certain tribes and areas, particularly for its security personnel, there were certain towns that already felt marginalized by the revolution. Areas such as Bani Walid and Sirte, considered key Gaddafi strongholds, had come to feel as though they were being scapegoated for their past. This draft political exclusion law risked accentuating these feelings as large numbers from these areas and from certain tribes within them, such as the Werfella, would potentially be affected by the legislation. Indeed, the law risked igniting further tensions, and took the country even further away from the thorny issue of national reconciliation. It is of little surprise, then, that another member of the drafting committee, the NFA's Tawfiq al-Shehaibi, noted at the time, "This law is very difficult. Even those who believe in exclusion are frightened of it."[34]

In fact, the draft was so extreme that it verged on the ridiculous. In its bid to make the law so extreme that it would prove unworkable, the NFA had pushed for the categories to be applied as far back as Gaddafi's revolution of 1969. This meant that key opposition figures, such as the first head of the congress, Mohamed al-Magarief, who had been one of the most prominent of all Libyan exiles during the former regime,

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[33] Quoted in *Libya Focus*, February 2013, Menas Associates.

[34] Khaled al-Maheer, "Renewing the Discussion of the Elimination Law," *Al-Jazeera.net*, February 20, 2013, http://www.aljazeera.net/news/pages/2feacb63-a008-4b80-89a5-2de66412236d.

would be banned under the law because he had spent a few years serving as Libya's ambassador to India before he defected in the 1980s.

However, as soon as the draft was published it received accolades from certain factions both inside and outside the congress who were pushing for a wholesale purge, including Abdelrahman al-Suwheili, who welcomed the draft in a press conference on March 7 in which he warned, "The revolution and revolutionaries are falling behind and those opposed to the revolution are progressing. Our legitimacy comes from the revolution and any action that goes against the revolution – it's our duty to oppose it… We want new faces representing the February 17th Revolution and we want to get rid of the old guard."[35] Notably, the draft was also praised by Libya's Grand Mufti, Sheikh Sadiq al-Ghariani, who described it as "more than excellent".[36] He went on to assert that if the law was accepted and applied in its draft format, then it would represent the "real beginning of achieving the goals of the revolution."[37] al-Ghariani went on in April to issue a fatwa stating that it was *fard kifayah* (a religious obligation) for Libyans to come out in their thousands to demand that the Congress issue the law, something he argued was necessary in order to expel all former regime loyalists who are "penetrating the state."[38]

The draft was also welcomed by revolutionaries on the ground, although some declared that the draft did not go far enough. The *thuwar* were certainly in no mood for the draft to be watered down in any way. As the Higher Council of Libyan Revolutionaries asserted, "This law is inevitable and there can be no compromise. Whoever in the congress stands against or votes against any article of this historic law is violating the oath that they swore when they took up office. It is high treason against the revolution and its noble aims."[39] To make their point, a group of 200 revolutionaries staged a demonstration outside the Rixos Hotel, where the congress had been forced to hold a

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[35] *Libya Focus*, March 2013, Menas Associates.

[36] "Libya Grand Mufti, Sadeq al-Ghariani 'Political isolation is more than excellent'," *Libya Almostakbal*, February 20, 2013, http://libya-al-mostakbal.org/news/clicked/31042.

[37] Ibid.

[38] "Libya Grand Mufti, Sadeq al-Ghariani lobbies the parliament to exert political isolation is a collective duty," *Islam Memo*, April 7, 2013, http://www.islammemo.cc/akhbar/arab/2013/04/07/169428.html.

[39] Quoted in *Libya Focus*, March 2013, Menas Associates.

session, demanding that the law be as robust as possible.[40] As such, support for this draconian draft began to gather a momentum outside of the congress.

This momentum was not matched inside the ruling body, however, where the opposing blocs found it all but impossible to come to an agreement. What had started out as a response to the demands of the street and the revolutionaries had mutated into a struggle for power and control with each bloc trying to outdo and out maneuver the other. While the JCP continued to push for the law's passing, the NFA, which had the most to lose from the legislation, stood firmly against the draft, arguing that the law should be limited to excluding only those who had committed criminal acts and that it should not include anyone who defected to the revolution. Unable to persuade others to support this point of view, the NFA took to tactics of sabotage to prevent the draft being accepted, absenting itself from congress sessions to ensure that there was never a sufficient quorum to be able to vote on the law.

However, the official bodies of the new Libyan state were soon outdone. On March 5, a group of some 500 revolutionaries stormed a congress meeting being held in the ruling body's makeshift home—a meteorological institute in Tripoli's southern Crimea suburb— on account of the fact that a protest by wounded revolutionaries demanding medical treatment was being staged inside the congress building. Although there were only 26 congress members present at the meeting, the revolutionaries held them hostage for the entire day and demanded that they pass the controversial political exclusion law. These revolutionaries refused to allow food or drink into the premises and even used violence against some congress members, including against congress head, Mohamed al-Magarief whose car came under a hail of bullets as he was leaving the premises at the end of the siege. At the same time, the revolutionaries began to attack Prime Minister Zidan, accusing him of appointing figures from the former regime to positions in ministries and state bodies.

This attack on the congress was a reflection of the belief among revolutionary elements that the revolution was veering off the right path. Despite the elections and the appointment of new bodies mandated to oversee the transition, the revolutionaries believed that *Azlam Gaddafi* were still running the show and present throughout the administration. Thus, in their eyes, the political exclusion law was a matter of urgency

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[40] The congress was forced to relocate to the Rixos Hotel as its premises were besieged by groups of wounded revolutionaries demanding that the state sort out their medical treatment and pay their medical expenses.

and its passing had become the only way to "save the revolution" and uphold its purity. As a result, on April 28, some 200 armed revolutionaries, most of them from Misrata surrounded the foreign ministry with pick-up trucks and raised banners calling for Gaddafi's men to be purged from the ministry. They also declared that the ministry would remain closed until the political exclusion law was passed and implemented. The following day the Ministry of Finance came under attack, and on April 30, revolutionaries besieged the Ministry of Justice. A group also tried to do the same to the Ministry of Interior, but were unable to get into the building.

Faced with such a show of force and with the revolutionaries having all but brought the administration to a standstill, congress members had little real choice but to pass the controversial law in its most draconian format. On May 5, the congress finally voted in favor of the law by 164 votes (with only four voting against) despite the fact that the law had the potential to force some of them out of their posts. The pressure was such that as one Libyan analyst observed, congress members "voted against themselves" out of fear.[41] Thus, the symbolic boundary that had been drawn in the early days of the revolution and that had been extended into the transition was finally enshrined into law, representing a victory for the revolutionaries and for the Islamists, who had triumphed as the new political insiders.

Conclusion

Although there have been serious issues over the law's implementation, the symbolic boundaries enshrined in it have continued to be upheld. Most notably the revolutionaries and the Islamist currents have moved to consolidate their control of the political arena, forcing out those more liberal elements who have been castigated as outsiders. These elements include former Prime Minister Ali Zidan. As Osama Kabaar, the deputy of the Higher Council of Revolutionaries, declared immediately after the passing of the political exclusion law, "We are determined to continue our push until Ali Zidan departs."[42]

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[41] *Libya Focus*, May 2013, Menas Associates.

[42] "Libya … Two Ministries Still Besieged in Spite of the Political Isolation," *Sky News Arabia*, May 6, 2013, http://www.skynewsarabia.com/web/article/224774/%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%A7%D8%B3%D8%AA%D9%85%D8%B1%D8%A7%D8%B1-%D8%AD%D8%B5%D8%A7%D8%B1-

Zidan subsequently found himself under increasing pressure, even being kidnapped by revolutionary elements linked to the Libya Revolutionaries Operations Chamber in October 2013. He was finally forced out of office in a no-confidence vote in March 2014 that was orchestrated by the Islamist blocs in the congress with the support of revolutionary elements.

These revolutionaries have also continued to justify their efforts to impose their will on the political arena under the guise of protecting the revolution against *Azlam Gaddafi*. In April 2014, revolutionary brigades from Benghazi, Misrata, and other cities began advancing on the capital declaring their intention to protect the February 17th revolution. Mohamed al-Araibi, the commander of the Libya Shield Second Force and part of this advance, announced that their aim was to "form a revolutionary and honest government in place of the current one."[43] Al-Araibi also accused acting Prime Minister Abdullah al-Thanni of having been part of Gaddafi's feared Revolutionary Committees Movement.[44] The commander of the Libya Shield Western Brigade, Mohamed Tamtam, meanwhile, told Al-Jazeera, "we are coming to Tripoli because of the insecurity and because the legislative and military and executive bodies are penetrated … we are moving to bring security and safety to the capital."[45]

As such, these forces are using the justification of combating those linked to the past to entrench themselves even further with the consequences that, in an ironic parallel to the days of Gaddafi, real power lies outside of the formal institutions of the state. As member of the Congress's Defense Committee, Giumah Sayah observed in October 2013, "Whoever has weapons is the strongest. This is a miserable government and the national congress has no role on the ground."[46] Yet even these revolutionary forces operating on the ground do not represent a coherent or cohesive force. Instead they are part of the fractured landscape that has come to characterize post-Gaddafi Libya

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[43] Khaled al-Maheer, "Libya Revolutionary Brigades on the Outskirts of Tripoli," *Al-Jazeera.net*, April 18, 2014, http://www.aljazeera.net/news/pages/57707323-8351-4558-8aeb-30d1bca7e0d5.

[44] Ibid.

[45] Ibid.

[46] Khaled al-Maheer, "Libya Revolutionary Brigades on the Outskirts of Tripoli," *Libya Al-Mostakbel*, October 7, 2013, http://www.libya-al-mostakbal.org/news/clicked/39756.

and in which the battle to be the new insiders is being played out. With no power strong enough to dominate, this battle looks set to continue for the foreseeable future with disastrous consequences for Libya and its bid to turn itself into a modern functioning democracy. The recent move in May 2014 by retired general, Khalifa Hafter, to seize the initiative and to launch an assault on Islamist forces both on the ground in Benghazi and in the political arena has only made matters worse. With an increasing number of forces - including those linked to official military institutions - lining up behind Hafter, the country is becoming more polarized than ever and talk of civil war is hanging heavy in the air. Indeed, Libyans are increasingly coming to the conclusion that their country is veering ever closer to becoming a failed state.