



Oral evidence: [Developments in Libya](#), HC 1157

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Members present: Sir Richard Ottaway (Chair); Mr John Baron; Sir Menzies Campbell; Ann Clwyd; Mike Gapes; Mark Hendrick; Sandra Osborne; Andrew Rosindell; Mr Frank Roy; Sir John Stanley; Rory Stewart

Questions 1-90

Witnesses **Oliver Miles CMG**, former UK Ambassador to Libya and Deputy Chairman of the Libyan British Business Council, gave evidence.

Q1 Chair: I welcome members of the public to this sitting of the Foreign Affairs Committee, the third in a series of one-off evidence sessions on the Middle East that keeps us abreast of developments and UK policy. Today we are looking at developments in Libya, and I am delighted to welcome our first witness here today, the former UK ambassador to Libya and deputy chairman of the Libyan British Business Council, Oliver Miles.

Mr Miles, thank you very much indeed for coming along today; it is much appreciated. In a *Guardian* article in July 2012 you wrote, “Some analysts have found it hard to accept that things in Libya have been going so well since the revolution, misreading the inevitable post-revolution problems as civil war. The situation remains fragile, but they were wrong.” Two years on, do you retain your optimism or has it faded away?

Oliver Miles: I have not altogether lost my optimism, but it is now pretty much tempered. I remained optimistic until a few months ago but the situation now is very fluid. It is very difficult to follow from outside, incidentally, and I ask your indulgence because even my Libyan friends, let alone myself, do not know the names of the players now. It has definitely shown signs of falling apart in the last few months, but all hope is not lost. I am not entirely without optimism.

Q2 Chair: With the benefit of hindsight, do you think the West should have tried to pursue an orderly transition from the Gaddafi era to the post-Gaddafi era?

Oliver Miles: No, I don’t. I think that would have been a mistake. I was very relieved when the Prime Minister said at the end of the military involvement in 2011 that now it was up to the Libyans. That had to be the position. By all means offer them help; by all means respond to requests for help, if possible through the United Nations; but had we tried to organise them, so to speak, it would have ended in tears much sooner than it has.

Q3 Mr Baron: When it came to the intervention in Libya, a number of us were concerned that the easy bit was getting rid of the regime; what followed was the concern, as yet again there seemed to be very little detail or flesh on the bone. Do you think the FCO failed in its

assessment of what a post-regime Libya would look like? We have on the record senior Algerian figures, for example, suggesting that the security situation is 50 times worse following our intervention. Was it a failing of the FCO?

Oliver Miles: I am nervous about the role played by the FCO. It was perhaps bad luck. There may have been reasons of which I am unaware, but we had a very rapid changeover of ambassadors at that time—we had three ambassadors in quick succession, which is not a good recipe for stability of policy. I cannot put my finger on anything that was wrong, so to speak—anything that I think the FCO should have done in a different way. As I have said already, the right thing to do was to stand back a bit and that is what they did.

Q4 Mr Baron: Do you not feel that there was very little analysis of what might follow? There was no analysis of the strength of the Islamic fundamentalists, or of security in the southern part of the country, with its porous borders. There was no analysis, for example, of what would happen to the regime's cache of arms, some of them quite sophisticated. There was very little analysis of the remote areas to the south and security control. There was very little analysis of the African mercenaries who were working for Gaddafi and where they would head off to. We know where they headed off to: they caused a disturbance in Mali. I am trying to put it to you, Mr Miles, that there seems to have been very little detailed, intelligent analysis of what might follow, and in certain respects we are still picking up the pieces, not just within Libya but outside Libya's borders.

Oliver Miles: What you say is true. None of us understood what was happening, including the Libyans, but you are asking for some kind of magician's wand if you think that the Foreign Office analysts could have provided answers to these questions.

Q5 Mr Baron: My question to you, Mr Miles, is: were these questions even posed? We have a bit of a track record here. We went into Iraq and did not necessarily think through the consequences, certainly the follow-on period, the transition period. Afghanistan, you could argue, was a similar situation. Here we are again in Libya. I suppose what I am asking is this: did the Foreign Office ask the questions, let alone try to answer them?

Oliver Miles: I do not know.

Q6 Mr Baron: The general feeling is that very little thought has been given to this.

Oliver Miles: Those other countries are very different. We went to war in Iraq after a long period during which it was well known that war was under consideration. There was plenty of time for planning, and a lot of planning was done, both by the British Government in the Foreign Office and other Departments, and by the Americans. My understanding is that Donald Rumsfeld, the Defense Secretary, simply binned it all because he did not think it was necessary, so when we started in Iraq we had no plan.

Q7 Mr Baron: Can I bring you back to Libya?

Oliver Miles: Libya happened, if you remember, virtually over a weekend. Suddenly something completely unexpected happened. I do not know anybody—British or Libyan—who claims to have foreseen what happened.

Q8 Mr Baron: How do you think the Libyan Government should go about trying to disarm the militias now? This is one of the problems we have. How should the disarming take place? What we see in Libya at the moment is not a pretty sight. The disarming of the militias must be an absolute precondition, I should have thought, of any real chance of greater stability.

Oliver Miles: Disarming a population is very difficult. It is true that it is a huge problem. Gaddafi was obsessed with acquiring arms—for 40 years he was acquiring hardware of all kinds, but in particular arms. There were huge stocks of arms in the country, but no machinery, even under him, that was capable of maintaining or using them. As soon as the Gaddafi regime collapsed, there was nothing left that was capable of managing this problem on the ground. I suppose the answer to your question is that there may be a way for an international assistance programme to be mounted to remove the arms, but it would have to be a Libyan initiative. That could come; it is a possibility, but I don't think it can be done by outsiders without Libyan authority behind it.

Q9 Mr Baron: Finally, if we could wind the clock back, what lessons do you think the FCO will take from this period?

Oliver Miles: It is very much a one-off. I am not sure that I would be able to put my finger on anything other than generalities. Obviously it would have been better if we had had more movement in the country, and if we had known more closely what was happening in Benghazi than we were able to know with the limited resources we had at the time—they had at the time, I should say, because I was retired long before any of this happened. I do not think that the situation in Libya is comparable with anywhere else, because although other tyrannies have been overthrown, and more tyrannies will be overthrown in the future, Gaddafi cleaned Libya out. He removed all the institutions that existed in Libya, although there were not that many, because what he took over more than 40 years ago was something left behind by Mussolini, who also had a go at cleaning out Libyan institutions. There were no political parties, the tribes were leaderless and there were no institutions to build on. That is what is special about the Libyan situation.

Q10 Sir John Stanley: Knowing what we know now, do you think the British Government were right or wrong to use military force to protect the people of Benghazi, and can you explain the reasons why you think they were right or wrong?

Oliver Miles: When the possibility of our intervention was first discussed, I was nervous about it for three reasons. First, it seemed to me that we had no legal basis for intervention. Secondly, I was doubtful about whether military intervention of the kind considered—essentially, air power—would be effective. Thirdly, I was doubtful about the long-term political repercussions of yet another western military intervention in an Arab country.

The first objection was overcome in a rather surprising way. We were able to get two resolutions from the Security Council. I don't know whether the Russian ambassador was asleep at the time, but they abstained and allowed the resolutions to go through. Since then, they have deeply regretted it and tried to argue that they did not understand what the proposed no-fly zone really meant. That is not true, because Robert Gates, the then US Defense Secretary, went out of his way to explain publicly before the resolutions were passed exactly what it would mean to have a no-fly zone. So my first objection fell away.

The second objection, which is that I did not think it would be effective, also fell away because of the peculiar nature of Libya, although I am not a military man. That is to say, its centres of population are separated by wide stretches of desert, so it was possible with air power to prevent Gaddafi using his military hardware, which he would otherwise certainly have used.

That leaves the third objection, which is the long-term political consequences of what we did. There, it is too soon to give you an answer. I will give you a provisional answer, which is that if we manage to create a process that works democratically in Libya for two years, we have discharged much of our responsibility on that score. In the end, it may end in tears or it may end with something much better than we fear, but our responsibility is discharged.

Q11 Mike Gapes: You referred earlier to the hollowing out of state institutions by Gaddafi and the fact that under Mussolini there had also been destruction, but geography is a constant. Libya is a modern country, in the sense of bringing together different parts. How do you think that issue can be resolved? Do the people in the east who are calling for a federalist structure have a serious case that could work in practice, or is it more about people wanting to get at the oil revenues?

Oliver Miles: It is a mixture of all those things. It is common ground that Libya under Gaddafi was grossly over-centralised. I think everybody would accept that. Benghazi and Cyrenaica—the eastern part of the country—were deprived under Gaddafi. You might argue that the western part was also deprived, but the people of the east have a genuine grievance that has to be redressed. That is accepted in Tripoli now. The question is how far you go and what structure you create—what kind of federal structure. Unfortunately, the word “federal” seems to have acquired a meaning in Libya that is similar to separatism, autonomy or something like that. They do not seem to have been able to consider a more modest form of devolution, which might be the answer.

It is still in the melting pot. We now have this man, Ibrahim Jathran, who claims to lead a Cyrenaican autonomous government, effectively. He tried his hand at filling up a tanker with crude oil and taking it away to sell, which would have been \$20 million in his pocket. He was frustrated, not by the Libyan Government in the end, but with the help of the Americans. That might represent a sufficient setback to his line of virtual separatism so that something more modest can be considered. That is still under discussion. In the last few days there has been a stand-off between centralist and federalist forces in Ajdabiya, which I believe is his home town. He at first appeared to be losing the support of his tribe because of the fiasco over the oil tanker. Now the latest news seems to be that the tribe has decided to support him after all, so I am afraid we do not know what the outcome of that will be.

Q12 Mike Gapes: As I understand it—correct me if I am wrong—there is a military force which claims to have 17,000 fighters. There is also a petroleum facilities guard. Is there a potential here for some kind of military conflict between the east and the west?

Oliver Miles: At worst, yes there is. It is a more diverse picture than that. Most of the conflicts that have interrupted the flow of oil—they have seriously interrupted the flow of oil—have not been at national level. They have been local conflicts over questions of guards not being paid for their services and so on, and these local conflicts have become partly tribal

in nature. So it is not a simple question. The problem is there and is serious. It has led to a very serious interruption in oil supplies, which in the case of Libya is vital. Libya has no resources other than its oil production.

Q13 Mike Gapes: We have seen other countries where you establish a split between different authorities—east and west Pakistan is the obvious example, and there are other historical parallels. Is there a danger that if there was, in effect, a two-centre state, it would in time become two completely separate states?

Oliver Miles: Yes, I think there must be such a danger. I do not expect it and I find that my Libyan friends do not expect it either. Although you might argue that it is artificial, the state of Libya has existed long enough that people have become Libya-minded, so to speak. That goes even for people in outlying parts of the country, but it is difficult to be sure and it could go wrong.

Q14 Sandra Osborne: Mr Zeidan has just been sacked as Prime Minister, which could be interpreted as evidence that Libya is ungovernable. Or it could be seen that the Congress is becoming a more effective democratic institution. What is your opinion about that?

Oliver Miles: The problem is that the machinery of government does not exist. The Government is extremely weak in the sense that even if the Prime Minister knows what he wants to do and has support for doing it, he cannot necessarily get it done. We saw this very clearly over the tanker affair, where he tried to intervene and was unable to do so. I had an experience myself the last time I went to Libya, which was about a year ago. I met the Prime Minister in circumstances which would have astonished you: he was completely without staff, and he was exhausted. The appointment made for me and my colleague with him was made at the very last moment by someone who was not even an official of the Government. It was quite clear that you cannot run a country on that basis.

The reason for that is the one I have already mentioned which is that Gaddafi had systematically removed all kinds of structures from the country and they are building from scratch. It is true that they have good people, and as well as being good people they are people who have experience of living in democracies like ours or other countries, but they do not have the experience of working together. One of the problems they have at the moment is that they have an elected national Congress which everyone accepts was elected fairly and in a decent election, but when the Congress met, not very many of the members knew each other at all. It was first term at school. Nobody in Libya—nobody—really has what in a normal country would be regarded as a political base. There is not such a person.

Q15 Sandra Osborne: So are political parties developing?

Oliver Miles: Yes, they are, but it will take time.

Q16 Mark Hendrick: The constitutional commission is about to start its work. Are you hopeful that Libya can develop a constitution that is workable and widely respected, and that also protects women and ethnic minorities in the country?

Oliver Miles: I think, until we come to the very last part of your question, the answer is yes. I am reasonably hopeful. There is a process, which was a rather extraordinary achievement—it was sketched out in a blueprint published immediately after the fall of

Gaddafi in September 2011, I think—which has been followed since then. It involved setting up a transitional national council and an election for the Congress, then the Congress to form a provisional Government and the Government to appoint a committee, which would draw up a constitution in preparation for parliamentary elections.

Until the very last stage of that—that is the formation of this committee—that went according to plan, but it fell at that fence. They decided in the end not to appoint the committee of 60 but to elect them, and they held an election earlier this year. Owing to various local disputes, minority questions and so on, out of the 60 only 43 were in the end actually elected. Now they are working on trying to fill those gaps with what you might call by-elections of various kinds. There is still a reasonable hope that that committee will do its job—approve a constitution—and that an election will follow, leading to a parliamentary Government. It is not in the bag, but it may happen.

You asked whether such a Government would have decent respect for the rights of women and human rights of other kinds, and so on, and the answer to that is that we do not yet know, because the election has not taken place.

Q17 Mark Hendrick: Are you optimistic about that?

Oliver Miles: I am optimistic in the sense that I know a lot of Libyans who would like to see the sort of provisions that you or I might like to see, but that is different from foreseeing the outcome of an election.

Q18 Mark Hendrick: How important is it for Libya that the trial of Saif al-Islam Gaddafi is seen as credible and fair, and that it takes place with other senior members of the regime on Libyan soil; or do you think that the trial itself will just be a sideshow and lack the international respect and credibility that a trial should have?

Oliver Miles: I think that any Libyan Government—as I say, we may find that we face an election and the formation of a completely new Government—is going to insist that those trials, and in particular the trial of Saif al-Islam, should be held in Libya. I do not think there is any question of their being handed over to the International Criminal Court. I am thinking of two, three or four high-profile prisoners: Saif al-Islam is one—I think, actually, the ICC are no longer asking for the handover of Saif—but there is also Abdullah al-Senussi, Gaddafi's brother-in-law, who was head of intelligence, Saadi Gaddafi, the third son of Gaddafi, and one or two other high-profile people.

The reason I say there is no chance of their being handed over is that the mandate of the International Criminal Court would be to consider crimes committed after February 2011, and Libya will want to try these people for crimes committed before February 2011—and quite right too. I think we should want that as well. So I do not, as I say, see the International Criminal Court as a serious player in this matter.

Q19 Mark Hendrick: Do you think that the trial will be seen as fair and balanced, or do you think it is just for show?

Oliver Miles: It is not possible to answer that question, of course, but I think that the Libyans will be aware of the consequences of a kangaroo court, and will try to avoid that. It will not be easy. The most difficult case will probably be that of Abdullah al-Senussi, who is

accused of the most horrific crimes, including the massacre of 1,200 people in the Abu Salim prison affair. It will not in any circumstances be easy to run a proper trial for such a man, but I think that they will try—they have an incentive to try, and they have decent people who will try to do it.

Q20 Andrew Rosindell: In terms of UK-Libya bilateral relations, are there in your view any remaining legacy issues on either side that need to be resolved?

Oliver Miles: Yes, of course there are. There are probably quite a few, but the two highest profile ones are Lockerbie and Yvonne Fletcher. You may have others in mind, but I think that everyone will remember those two.

I used to be very cynical about the agreement that we extracted from Libya in 1999, when diplomatic relations were restored. We got the agreement of the Libyan Government that they would co-operate with the British police force in investigating the Yvonne Fletcher murder and the Lockerbie affair. It seemed to me that that co-operation would never be realistic, but now it is different: now, you have a new regime, which has no interest in covering up crimes of the Gaddafi era—on the contrary, they would like to expose them if they can—so that particular problem falls away. I think that there is now a good chance of decent co-operation. Now we have a different question, which is whether there will be any evidence and whether they will be able to find the truth in these matters. That is very questionable.

Q21 Andrew Rosindell: There is a third issue, is there not: the supply of Semtex to the IRA by the Gaddafi regime? Other countries, such as the United States, have fought to get compensation for victims—American victims—so do you think that our Government, whether this one or the previous one, have done enough to ensure that victims of that are properly compensated?

Oliver Miles: Realistically, I do not think that they could have done more. I do not think that it will have any effect. I have always thought that this is a wild goose chase. The Libyans have other priorities—I have already mentioned the Abu Salim prison massacre. To them, the Semtex is a very regrettable, painful affair, but no worse than a lot of other things that affected foreigners, and to them much less immediate than things that affected Libyans.

Q22 Andrew Rosindell: Do you feel that there is likely to be any further revelations coming out of documents found in Libya, now that there is new Government who, as you said, want to expose the crimes of the previous regime? Do you feel that there is more evidence or information to come out that may help us to get a fairer outcome for the victims of all the atrocities that took place, whether Lockerbie, Yvonne Fletcher or the victims of the IRA funded by the Gaddafi regime?

Oliver Miles: I am sceptical, frankly. Of course, I do not know, and it could be that the documents will turn up. Some documents have already turned up in Libya and in slightly similar situations in Iraq and other countries—it can happen—but I do not believe, since you ask me and I can only have an opinion, that there is a stash of well-tended files somewhere that will reveal the truth of such matters. I just do not think that that exists. Gaddafi was adept at keeping secrets, even from his own people. He never wanted to let the left hand know what the right hand was doing. I very much doubt whether Saif al-Islam, for example, knows the truth of any of these matters. It might well be that Abdullah al-Senussi does not, because

Gaddafi could have used other instruments, rather than the intelligence service headed by al-Senussi. It does not mean that no documents will ever be found. I was reading recently the new—well, not so new now—history of MI6, or SIS, up to the second world war. I noticed that it was regular practice in SIS to destroy all documents as soon as operations were completed. I cannot imagine that the Libyans were any different.

Q23 Andrew Rosindell: Do you feel that the Government should do more to get compensation for the victims? Do you feel that we are letting people down by not doing far more?

Oliver Miles: Do not forget that the Lockerbie victims have already had compensation on an astonishing scale—far more generous compensation than has ever been paid in any other similar incident—so I do not think that anyone can complain about the compensation. They can complain about the failure to find the truth, but not about the compensation. Yvonne Fletcher's family have also been paid compensation, but I do not know the sums of money involved, and I do not know whether anyone would regard it as reasonable.

Q24 Andrew Rosindell: What about IRA victims?

Oliver Miles: As I have already said, I think that is going to be very low priority for the Libyans.

Q25 Andrew Rosindell: Is that right?

Oliver Miles: That is my opinion.

Q26 Sir Menzies Campbell: In Scotland, the Lockerbie trial and the conviction that followed are, as you know, still subjects of great controversy, which was fanned to some extent by the fact that Mr al-Megrahi was given a humanitarian release before the expiry of his sentence. One thing that I have never really understood, historically—perhaps you will be able to help me—is what possible motive the Gaddafi regime could have had for giving up Mr al-Megrahi to be subject to a judicial investigation and hence a prosecution.

Oliver Miles: They were being hit by UN sanctions—that is the obvious answer. I am not sure it is quite an adequate answer, but they were being hit by UN sanctions and knew that the only way they could get the sanctions lifted was to make some response to demands that were being put to them by the United Nations and specifically by Britain, America and France. It is quite possible that Gaddafi decided that it was time to cut his losses. He may have believed—particularly if he knew al-Megrahi was innocent—that al-Megrahi would be acquitted, which, after all, is what nearly happened, as al-Megrahi's associate was acquitted. It may have been a miscalculation. But the point about UN sanctions is adequate.

Following the end of the cold war, Gaddafi clearly decided that it no longer made sense to rely on Moscow as a kind of counterweight to Washington, and he knew that he had to mend his fences with Washington. If Libya was guilty of the Lockerbie crime, it seems that it was in reaction to the bombing of Libya by the American air force and navy. That may have made sense at the time, but in retrospect it did not make sense. In retrospect, he needed to find a compromise. I think that al-Megrahi and Fahima were the pawns who were sacrificed in this chess game.

Q27 Sir Menzies Campbell: You think that al-Megrahi was offered as a sacrifice—well, a possible sacrifice, if he was not acquitted?

Oliver Miles: Yes, I think he was. Whether he was guilty or innocent, he was certainly a sacrifice from Gaddafi's point of view.

Q28 Sir Menzies Campbell: He was received on his return, of course, with bands playing and flags flying, as if he had been heroic in the furtherance of the interests of Libya. Can you explain that?

Oliver Miles: I have always thought that that is rather a meaningless point, if I may say so. It is true that the British Government at the time specifically asked the Libyans not to make a big song and dance about his return, but I think that that is committing the unforgivable diplomatic sin of asking water to run uphill.

The Libyans were bound to celebrate his return. What could his tribe do? Were they supposed to say, "Oh dear, al-Megrahi the criminal has come back. We won't pay any attention"? It is just not human. You can't expect that. Of course they welcomed him back, just as we welcome back—well, not just as we welcome back, because we are a larger country with fewer close ties, if you like, but one sees what happens when a British subject who has been convicted of a crime in dubious circumstances far away is released. People are delighted when he comes home and celebrate that. They don't stop and ask whether perhaps he was really guilty in the first place.

Q29 Sir Menzies Campbell: Indeed, the mere suggestion that one should not recognise his return in a particular way may well have triggered an enthusiasm for doing so, just to show bloody-mindedness, if you like.

Oliver Miles: First of all, if it had been a real national triumph and national celebration, Gaddafi himself would have been there, which he was not. Secondly, I think the thing was essentially a tribal affair and was only to be expected.

Chair: Mr Miles, that completes our questioning. Thank you very much indeed. It is much appreciated. The sitting is suspended while we change witnesses.

Examination of Witness

Witness: **Noman Benotman**, Quilliam President, gave evidence.

Q30 Chair: I welcome our second witness, Mr Noman Benotman—I hope that I have pronounced that right—who is the president of Quilliam. Thank you very much indeed for coming along. It is much appreciated. My first question is: do you think it was a failure of intelligence that the west did not see how strong the post-revolution Islamic movement would be?

Noman Benotman: I am not sure it is a failure of intelligence; maybe it is the flaw of the situation, or new challenges just appearing in Libya. It is beyond the capacity and capability of any intelligence agency in the world to predict the future. Before the

intervention, I think that most of the reports of the intelligence alliances were perfect, relative to the situation in Libya at the time.

Q31 Chair: What about the wider region? Do you think we should have anticipated what was going on there?

Noman Benotman: Yes. It is all about anticipation. I think maybe some assumptions were wrong, when we perhaps ignored certain groups of Libyans—social groups belonging to certain tribes, which were at the hard core of the regime’s structure. They have been marginalised or excluded until today from the political process, so maybe they paved the way for other groups to act, despite their not sharing the same ideology. I am talking about terrorist groups or radical armed groups coming in from the region.

My assessment is that 25% to 30% of Libyan society has been marginalised, either by certain attitudes or political legislation, including the well-known unpopular political isolation law. That means that you give the terrorist groups, radical groups or other groups who are not interested in seeing a new democratic Libya the perfect environment to control. It is as simple as that.

Q32 Mr Baron: May I press you on that, if you do not mind, Mr Benotman? What we see of Libya now is that there are large swathes of the country that have no security and that Libya has no control over, particularly in the south. We also see militias still fully armed to the teeth; there seems to be no coherent plan to disarm them. We know what happened to the African mercenaries in Mali. There seems to have been very little post-conflict planning, or even assessment of the situation after the change in regime. Do you share that view? Do you not think those questions should have been asked, if not the answers supplied?

Noman Benotman: Basically, I think this is the most important question, because we have to start from somewhere, and if we need to start from somewhere, it is security and stability. I agree with you that there is total failure when it comes to security sector reform or disarmament, demobilisation and reintegration, for one reason. It is not that the Libyan Government—all the newly established entities—are not incapable of handling this issue; they do not know exactly how to do it. They have no experience whatsoever of this new challenge in Libya.

If you ask me my opinion, I would blame the international community rather than the Libyan Government, quite frankly, because there is what I call unfinished business. The legitimate legal ground comes from the UN resolution, which was favoured by most Libyans, and not just by Benghazi, which was mentioned earlier. Her Majesty’s Government militarily intervened in Libya to protect the people of Benghazi. I would say it was to protect the Libyan people, and not just Benghazi. Benghazi was the birthplace of the revolution.

I strongly blame the international community for the unfinished business. They thought the collapse of the Gaddafi regime would be the end, and they would just need to wait for the Libyans to build a new democratic political system. That is not going to be the case without serious efforts from the international community, maybe based on a new model of engaging Libyans.

Q33 Mr Baron: It was quite clear, certainly in the British Parliament, that part of the intention of our intervention was regime change. The Prime Minister said on 21 March 2011

that there was “no future for the people of Libya with Colonel Gaddafi in charge”, so we knew regime change was on the agenda. What should have happened with the British planning, or the international community’s planning? Do you think that if we knew the consequences, we would have changed our approach to the military intervention and what followed afterwards? In other words, what could the international community have done about the aftermath that they have not done?

Noman Benotman: First, allow me to disagree with your analysis that the Prime Minister’s decision was based on regime change. I don’t think that was the case. It was just to implement the UN resolution to protect Libyans from being massacred. It was not regime change.

Q34 Mr Baron: I am quoting the Prime Minister, who said “there is no future for the people of Libya with Colonel Gaddafi in charge.” Let us put the motives to one side. What should the west have done differently, with the benefit of hindsight, when it came to planning for the aftermath, assuming that the regime change plan followed its course?

Noman Benotman: As you mentioned, there were no sound, practical, post-conflict plans to fix Libya. There were papers here and there and suggestions, but they were too academic. That is why it was a total failure. Most of the efforts now taking place in Libya are either coming from the EU or are bilateral efforts, but they are not going to lead us anywhere. Basically, they reinforce the chaotic situation in Libya and reinforce the militias. I wish that after the collapse of the Gaddafi regime there had been a more powerful UN taskforce in Libya, not like the one we have now. You know about those famous cards—the yellow card and the red card? That is exactly what you need.

Q35 Mr Baron: Something like we have in Cyprus, for example?

Noman Benotman: Or Yemen. I always wonder why we don’t have a UN taskforce like the one we have in Yemen, which has been given the privilege of blacklisting people if they appear in the future as an obstacle to the democratic transition in Yemen. Why do we not have the same model in Libya?

Q36 Mike Gapes: Can I take you to what is happening today? We recently published a report on instability and extremism in north and west Africa. Some of us went to Mali, and we have looked at other countries in the region. It is clear that a lot of instability and extremism has come out of Libya, partly through tribal and other links, and gone into other states to the south. It has gone as far as Mali, which clearly has no border with Libya. I am interested in what is happening today in the south of Libya. Do the central Government have any influence there? Who has control in the south? Is there a wider threat coming out of it, with al-Qaeda-linked groups and others leading to threats to neighbouring states?

Noman Benotman: To begin with, the central Government is still a concept. Not only in the southern part of the country—namely, Sabha—but in many suburbs and neighbourhoods in Tripoli, the central Government has no authority whatever. Everywhere you go, you have to negotiate with the local militias and the local councils. We have 107 local councils with 107 military councils attached—that means mini-Governments. That means practically that we have about 107 Governments governing Libya.

Q37 Mike Gapes: I will withdraw the word “central”, because clearly that was an error.

Noman Benotman: Yes, and if you ask me, I do not think that the south belongs to Libya anymore, quite frankly. If you show our kids the map, we say, “This is Libya and that is how it looks,” but I will give you a crystal clear practical example: if you go from Sabha, which is the main town in the south, all the way towards Brak, I believe that the area between is the most dangerous place in the Sahel region.

Q38 Mike Gapes: How many kilometres are we talking about?

Noman Benotman: Maybe 200 km, all the way down the south towards Niger. Just recently Iyad Ag Ghaly, the leader of Ansar Dine in Mali, created a version of his group from Niger, and all of them are now based in Libya. In the last investigation we did there, we found that 700 people from Niger have been placed in Libya for training and whatever they need as a clone of the Malian Ansar Dine. That is a small example.

If you talk about criminal activities, there are organised crimes linked with the tribes and terrorist groups, including the notorious leader Mokhtar Belmokhtar, and all those kinds of groups. I am sure that it is now obvious that I will say that the In Amenas attack took place from Libya, not Mali.

Q39 Mike Gapes: So there are clear links between the groups there and the al-Qaeda franchise or model, and it is an ungoverned space.

Noman Benotman: Yes, absolutely it is an ungoverned space. The entire south of Libya is an ungoverned space, not just Sabha. We have different issues. We have ethnic conflicts there and criminal activities. By the way, that was even before the revolution, but now, because of the absence of security forces or government, it has increased. Libya has started to be a very valuable space for all criminal activities: tobacco, cocaine, heroin—you name it, everything. It also includes small arms and terrorism.

Q40 Mike Gapes: So no one has control, and there are lots of different groups.

Noman Benotman: Yes.

Q41 Mike Gapes: Are they in discrete areas, or are they in combat and fighting each other?

Noman Benotman: No, not now. I think now everybody has settled in particular places, but from time to time there is conflict between tribes, because that is the only way in which they can generate income. They control main spots on the border, including with Chad, and they were never going to give them up. It is a combination of tribes and criminal organisations, but usually they are very good at coming up with a gentlemen’s agreement, including Mokhtar Belmokhtar himself. He had a fight I think six months ago in the northern part of Niger towards the Libyan borders with certain local tribes, and after a few weeks, they managed to come to an agreement, with everybody carrying on their own business without any conflicts.

Q42 Mr Roy: Can you tell us what other parts of Libya the militia control?

Noman Benotman: Basically the entire country, because of the absence of the national military. We have 250,000 revolutionaries, as they call themselves, registered

officially; that is 250,000 out of the entire population of 6 million. That is it: they are in charge.

On my way to Parliament in the morning, we found that a very embarrassing video tape has been released in the media all over Libya. It appears that the Chairman of the Parliament, Mr Abusahmain, who is also the President, was arrested by one of the leaders of the militias in a suburb of Tripoli and humiliated and interrogated unofficially. So it is not just the Prime Minister, but even he who is supposed to be the President—incidentally, he is the Chief of Staff as well.

Q43 Mr Roy: Internally, what grass-roots support do the militias enjoy? If they have support, do they deliver services on welfare or whatever to ordinary people?

Noman Benotman: Usually, most of the population are unarmed and most Libyans do not want to be part of any militias. Most Libyans would hate to be part of the military service or the security service and just like to live their own life, but you have tens of thousands of militias that are well armed and well organised and know how to control certain places. By the way, this analysis comes from counter-insurgency. What we have in Libya now is not just terrorism; maybe in the future we will witness insurgency. You have to understand exactly who is providing routine to the public. It is not the Government; it is the militias. That is the main problem. They are now in charge of routine, which is worse than weak Government. The militias provide routine in certain places in the country, in a Hezbollah style.

Q44 Mr Roy: Externally, what outside support are the militias receiving in terms of either weaponry or financial support? Do they need any more weapons than they actually have?

Noman Benotman: The issue, according to a lot of intelligence reports, is that it goes both ways. The militias are involved in selling weapons. They obtain new weapons as well. I am sure you are aware of the recent UN report, which found that Libyan weapons were involved in 12 different countries.

Q45 Mr Roy: And what about financial support? I know that finance buys weapons, but what about straight financial support? Are they receiving financial support from outside the country?

Noman Benotman: Some of them, because they have been accepted as legitimate entities, which is really funny, because I think that happened in Lebanon only, and now in Libya the central Government support the people who conspire to topple it. So the Government are supporting the people who are planning to destroy them. It happened before in Lebanon under Rashid Karami and now in Libya. Most of them force the Government, because they have the guns, and they are the people who control the streets. They force the Government, just to keep them happy and to make sure their salary every single month is in their bank accounts. Some of them receive cash. We have a very famous story: Mr Ali Zeidan was forced to deliver 900 million Libyan dinars, cash, to Benghazi militias—they insisted it should be cash. By the way, I think the criminal activity—it is a very long story—is their main source of income. Most of them are involved in criminal activities. That is how they can maintain their existence.

Q46 Mark Hendrick: Mr Benotman, you have described a fairly stark picture of the state of Libyans and of security. From what you say, there is no real national army or state security. What you have, essentially, is a country made up of dozens of militias that all provide their own local security to people. I have two quick questions. First, do you believe that the constitution that is being developed will be respected in Libya? Secondly, how should the Libyan Government go about trying to disarm those militias? Can you find them political roles? Is it about just waving a cheque book and trying to bribe them? Or is there a way of reaching out to Islamic extremists in a way that gives hope for the future? Is there a way that a coherent Libya, governed democratically, can emerge at some time in the future?

Noman Benotman: Regarding the constitution, the Government and the Congress—the mood they are in; their mindset—I think they get it completely wrong. They think a constitution is just like legislation. I do not believe in that. When you have a post-conflict situation, it is all about agreement. Now, the real Libyan society has appeared after 42 years of a dictatorship. Gaddafi used security as a model of governance, not just for protection. That was the model of governance. So now, there are all the differences. By the way, there is not something necessarily in that. I strongly believe there is something positive, but it needs someone smart who believes in democracy to regulate it. When it comes to the constitution, you cannot force ethnic groups anywhere in the country. They have legitimate claims on certain issues, including language. You cannot force them: “We are the majority, you are the minority.”

Q47 Mark Hendrick: On that point, what if the constitution said that all languages should be respected, but the main language is Arabic, and different religions should be respected, in a way that the Egyptian constitution really did not live up to?

Noman Benotman: Quite frankly, I do not care about the results. I am more focused on the process itself—just to make everybody happy. For me, it is okay if they accept all the languages or only one—I don’t care—but what concerns me is how we get to that result, because that is the sort of conflict, which we might call structural, that will explode after a few years. Unfortunately, we did not see any wise people who were aware of this. The constitution is not about legislation or forcing people or who has more votes; it is about agreement. That is why three months is a disaster. No one can come up with a draft in three months. It needs at least three years just to give people time to relax and to approach each other and to communicate and to explain points of view.

I do not care what kind of constitution we have. If it comes to the issue of federalism, that’s it, because of a lack of experience in how to engage in sensitive debate. In September, there will be a referendum in Scotland. This is in the United Kingdom! This is not a small country somewhere. It is happening in a very civilised way. The problem, however, is when people think that a model of governance is a conspiracy theory to split the Government and the state itself, but federalism is just a model of governance. People need help, which is where the international community—perhaps Her Majesty’s Government—can come in to explain these kind of important issues to people and to help them to get together to talk about serious issues in a healthy way and to come up with conclusions. They need time. People can perhaps come up with constitutional declarations or just use the old constitution for three years until we have had the proper time to come up with a well-accepted constitution from all social groups.

Q48 Mark Hendrick: Are you saying that it is not possible to have any coherent central Government and that, if the militias choose to get do so, it will take three years of sitting around a table to create some form of constitution? In the meantime, however, they are perfectly happy running drugs and running lots of other businesses in a way they are unlikely to want to do this.

Noman Benotman: Regarding the militia issues, we have to be clear about two different things. We have real, genuine fighters. They fought against the regime and they sacrificed everything. There were a few thousand—perhaps 15,000 or 20,000. I strongly believe that they should be respected. There is no way on earth that you can say, “Thank you very much; now you can go home.” That is not going to happen, and it is also unfair. For many of them, if they received the right training and good care, they could become a positive power for the future of Libya. The problem is with the rest of the militias. Most of them had no real stake in the revolution itself when it happened and a lot are involved in criminal activities.

A new development is a very radical extremist group that wants to take Libya to a different sphere, capitalising on the revolution of the people. When it happened in Benghazi on 15 February, it was all about freedom and about not liberalism, but well-accepted universal values. That is what happened. I do not think that the Government can do that without a real—I am going to use this term very carefully—political intervention from the international community.

Q49 Andrew Rosindell: Looking back to UK policy towards Libya in the 1990s and beyond, do you feel that it was consistent and rational? Did it have any significant impact on the situation in Libya today?

Noman Benotman: Do you mean during Gaddafi’s period and under the Jamahiriya system?

Andrew Rosindell: Yes.

Noman Benotman: I strongly believe—people used to ignore this—that a major part of our problems now are to do with the Jamahiriya system, because people think it is very simple when you talk about Gaddafi—“Gaddafi died. This is Gaddafi’s problem.” Gaddafi was just one individual. He created a system that he named Jamahiriya, which was a very weird political creature, and we are still suffering from its effects. One of the main problems now, whether it is the international community or the Libyans themselves, is that people do not understand that they have to destruct that system and come up with a new one, with all the challenges that that involves. The legacy of Jamahiriya is still there and will remain. It will cause many problems. It needs real work from the international community. Unlike the leaders themselves, I do not believe that they can do it alone. They need real help from the international community to destruct and get rid of the Jamahiriya legacy and its legacy in Libya and to come up with a new democratic system. If you call it the Gaddafi legacy, I’ll call it the Jamahiriya legacy.

Q50 Andrew Rosindell: I am really referring to the policy of the British Government to come to an agreement—consensus—with Gaddafi to prevent further conflict between him and the western nations. Do you not feel that our Government and perhaps other

Governments were naive in going down that route—that we should not have been quite as accommodating to him and his regime as we were?

Noman Benotman: I don't think so. If you are referring to Tony Blair in particular, I think he was very smart. He managed successfully to convince Gaddafi and his regime to behave, and a lot of things were achieved in that period. No one could have predicted at the time that the Arab Spring was going to happen. No one could have imagined that they would wake up one morning in Tripoli and there would be no Gaddafi and his system there. You have to deal with the status quo. I think Tony Blair was very, very smart. Basically, by doing that, he created a lot of problems—not just him, but Her Majesty's Government, at the time, when they reached out to a lot of key figures from the regime, including the head of intelligence, Moussa Koussa. You can also talk about Saif, Gaddafi's son. That created a lot of conflicts within the regime itself. Saif al-Islam was labelled as a stooge or someone who had been corrupted by British values by his father directly. That is the only way—I call it “opening up society”—because you cannot invade Libya with no legal ground. I am sure that at the time you would not get a UN resolution to do that, so what is the alternative? It is to open up the society, and I believe that at the time it bore fruit.

I think Gaddafi was, if you'll excuse my language, stupid at the time, because he did not capitalise on that. He thought he could get away with it again and again and again, with his old attitude and old style, so he did not seize the moment or the chance given to him by the international community, led successfully by Her Majesty's Government, to open up the society and start to modernise Libya and gradually make a radical reform.

Q51 Andrew Rosindell: But shouldn't we have done more to insist on reform instead of allowing the Gaddafi regime to continue as it was, letting certain individuals in that regime off the hook and allowing members of the Gaddafi family and the Gaddafi regime to come to London secure in the knowledge that nothing would ever happen to them in terms of their criminal actions?

Noman Benotman: As I told you, Her Majesty's Government at the time were basically saying, “Okay, every time we have a conflict with Gaddafi, he causes more problems for us. If there is an opportunity to just convince him to behave in order to be accepted, to be part of the international community, and to say to him, ‘The UK is going to help you to do that,’ we might gain more.” I believe strongly in that.

Q52 Andrew Rosindell: You think it was possible for a mad dog to behave.

Noman Benotman: To a certain extent, he did behave, and he started to talk about Lockerbie. Who would imagine that Gaddafi would accept the responsibility for Lockerbie? And there was compensation, not just for Lockerbie but for other issues—La Belle in 1986 in Germany and other things. He started to understand exactly that the international community was real, was no joke. There was a little avenue, as I mentioned, open to him, led by the UK at the time: “If you want to behave, we will accept you as a member of the international community.” Frankly, I don't think there was anything wrong with that policy. It was very successful. If you take it within that time—that period—it was the only possible thing you could do.

Q53 Sir Menzies Campbell: On that theme, there was of course another element in those discussions, which was the question of weapons of mass destruction. Part of the deal—I'm correct, am I not?—was that Gaddafi gave up his ambitions in that regard.

May I ask you this? The word “federalism” has been thrown about quite a lot, especially in the last two or three weeks. No doubt you heard Mr Miles's comments on that. Do you see any possibility or any future for the application of the principle of federalism for Libya, to deal with the disparate elements, both geographical and political, that you have described?

Noman Benotman: Yes indeed; I think it's one of the scenarios available. If you're asking me about my opinion—it is not necessarily the Libyans'—I believe that sooner or later the entire region, the entire Middle East, will adopt and readjust to that model of governance: federalism. It won't just be Libya. It will not be today, but maybe in the next 10 years. I think that is one of the smart models. If it is carefully implemented, it will deliver many people's demands. People will start to feel free, and they will start to feel that they are in charge of their own destiny and Government. They will feel that they can decide exactly what suits them in any given part of the country.

The problem is if people fail to understand that federalism is not separatism and that it is a model of governance. That is a problem, because if people do not understand that, they will think that it is a western imperialistic conspiracy to divide Libya. Because of that lack of understanding and communication, it is starting to push many people in Cyrenaica—I am talking about tribes—to take a more hardcore position. Here, I am afraid, instead of talking about interests, we will start to talk about political positions. If a situation develops in which everybody holds their political position rather than talking about the mutual interest of all Libyans, I think we might go to something worse than federalism: separatism.

Q54 Sir Menzies Campbell: And from what you say, do you see federalism as a way of maintaining a cohesive Libya that would otherwise be at risk?

Noman Benotman: My problem with federalism is that it is very expensive.

Q55 Sir Menzies Campbell: If there are a lot of politicians?

Noman Benotman: Yes. It is very expensive to run a federal state, and it also needs skills. I have no problem with federalism, but it is about how we get there and why you deny people their rights to talk about it. I don't care what system we get out of it. In the UK it's not called federalism—I think it may be something beyond federalism—and it seems to be a very successful model of governance.

Q56 Sir Menzies Campbell: You are putting your finger on an interesting political development that I think the Chairman will forbid me to explore any further. Is there a power struggle? Is the removal of Mr Zeidan indicative of a power struggle? You may have answered that question to some extent, but I want to put it to you expressly: is there a power struggle? If there is, who are likely to emerge as the victors? In particular, who will be, if you like, the strong man to emerge?

Noman Benotman: I don't think there is any place for a strong man in Libya any more, at least for the next 10 years. We might then have a new Napoleon in Libya, like what happened during the French revolution. It is going to take time. Most Libyans no longer

accept “the leader.” I don’t think that is going to happen. After the struggle over power, this is our main disaster.

You asked me briefly to analyse exactly why we have this situation in Libya, and I am going to say that it is because the people we trusted and elected to lead us in this transition period stopped focusing on the political process that would have paved the way for a general election and a constitution so that we could have a normal life like everyone else. They stopped doing that and got involved in something else, which was a struggle over power. That is why the political process stopped. It is a disaster now.

A significant bloc of tribes or regions in Libya reached the conclusion that they should stop and terminate the political process, which is how we see it now. The efforts and conflicts we now see are because a significant proportion of Libyan society has decided to use all accessible tools and means to stop and terminate the political process. One of their problems—I don’t share their point of view—is that they think the so-called political process now is going to make Libya more like an Islamic state led by radical Islamists. That is what they think, and I care about that because people, especially political stakeholders, usually act based on their perceptions. They want to stop the political process, and the other bloc of stakeholders thinks that it is to their advantage so they are working very hard, and even fighting, to make sure that the new Libya will serve their agendas and maintain the power they gained over the past two years.

Q57 Ann Clwyd: What do you think of the so-called political isolation law?

Noman Benotman: I am against that completely. Zero: I think it is a disaster, because I believe in law. If you have any problem against any person, just take him to court and if he has been proved guilty, lock him up in jail, even for the rest of his life. But if not, you cannot use political tricks to marginalise a huge proportion of Libyan society. So I am completely against the law.

Q58 Ann Clwyd: It is a threat then to Libya’s democracy in the future.

Noman Benotman: Yes, and I think it is part of our problems now. This is one of the tools or means used by the certain bloc of people to deny their rivals their rights to be part of the future of Libya because they think they are going to fail in the long term to compete with them politically or in a democratic way.

Q59 Ann Clwyd: And how comprehensive is it likely to be? How many people will it affect?

Noman Benotman: If you look at the bureaucratic system of the civil service, I think it has been destroyed. Every single person who has been employed during Colonel Gaddafi’s period, which was called Jamahiriya, is vulnerable to be sacked or marginalised because of that law.

Q60 Ann Clwyd: What would you say about the rule of law in Libya now? Is it robust? Does it mean that somebody like Saif al-Islam Gaddafi and other members of the regime will get a fair trial in your estimation?

Noman Benotman: First, there is no Libya. I do not believe in that. The legal justice system has gone. I am not going to lie to you. I am not aware of anywhere in the world where this has happened: when someone managed to kidnap the Prime Minister and the second day he went to Parliament itself and some Members of the Parliament organised a conference for him, and he said he was proud to do that. He said in the presence of Members of Parliament, “I am the one who arrested the Prime Minister and I am proud of that.” What kind of law are we talking about here? I am so sorry: it’s like Jesus and guns; it’s the wild west. Forget it.

Talking about Saif al-Islam, I don’t know, but I think now it is very difficult to have a fair trial, for him to be there. If you ask me, it might fail. I am sure the entire Libyan population are against this, because most Libyans, or at least the vast majority of Libyans, want to see him stand before a court in Libya itself, but I think for me the ICC is better.

Q61 Ann Clwyd: Would you say that there is such a thing as press freedom in Libya now?

Noman Benotman: The attacks every week or every two weeks against either personnel or TV channels speak for themselves, but if you talk about the space, that is one of the main achievements offered by the revolution. No Libyans in my generation would have dreamed of this kind of freedom. It is obvious. It is just that we have some other groups—tribal militias, not just radical ideological groups. Or ideological groups, sometimes when they get upset with any media firm or reporters or newspapers or whatever, they use violent tools and means to make themselves clear or to deliver their messages. If you talk about the space, I think it is one of the most positive achievements in the Libyan revolution.

Chair: Mr Benotman, that completes our questions. Thank you very much for coming along. You have been particularly helpful to us.

Examination of Witness

Witness: **Sir Dominic Asquith KCMG**, former UK Ambassador to Libya, and Chairman of the Libyan British Business Council, gave evidence.

Q62 Chair: For the benefit of members of the public, our witness now is Sir Dominic Asquith, former UK ambassador to Libya and chairman of the Libyan British Business Council. Sir Dominic, welcome to this sitting. It is very good to see you here. If I remember rightly, we last met sitting in a café in Tripoli, and since then you have had quite a rollercoaster ride. Can we start with whether you feel the security situation makes it very difficult for diplomats to operate in Libya at the moment?

Sir Dominic Asquith: Unquestionably so. I am trying to get to Libya on Sunday and trying to find an airline that will fly me there. Yes, it does make it difficult, not only for diplomats—I am no longer a diplomat; I should make that clear—but for business. To encourage business of whatever size to take the risk and devote the effort to operate in Libya is not an easy task. It is a reflection not just of the security on the ground—indeed, security on the ground probably fluctuates in terms of the effect it has on decisions about whether to visit Libya—but, more importantly and in the long term, the decision-making process in the Government and whether there is a stable and coherent political structure that can take decisions and implement them without them being countermanded.

Q63 Chair: We see some evidence that British interests in Libya are being targeted. Have you detected that? Do you think that that reflects a grass-roots sentiment about Britain, or is it just rogue elements picking on whatever they can?

Sir Dominic Asquith: I have not detected a particular focus on British commercial interests. If you look at the foreign nationalities who have suffered, I have noticed that it is spread quite widely across people including Italians, French, Americans and so on. I have not detected on the ground a particular focus on British nationals, nor have I detected in a broader business capacity that there is any animus against British commerce.

Q64 Chair: How is the British business angle going in Libya at the moment? Is that why you are trying to get back there at the weekend?

Sir Dominic Asquith: There is a variety of reasons to want to go back there. The business instinct here, the British business calculation, is inevitably based on the return on the effort and the risk that they would run in going to Libya—risk in the broadest sense, not just to life but to their investment, whatever it may be. At the moment, that equation does not look hugely attractive to British business.

Q65 Sir John Stanley: Sir Dominic, when we saw you in Tripoli, although there were plenty of people walking around with Kalashnikovs, we were able to walk around ourselves to a degree in Tripoli. I remember that in our discussions with you and your senior military advisers there, you were all reasonably optimistic that after the military intervention, the situation and the security situation in Libya would stabilise and then gradually improve. Can you tell us why the reality has been so very different from your expectations at the time we saw you?

Sir Dominic Asquith: My recollection is that we saw each other in January 2012, which was about two months after a transitional Government had been appointed. The focus was on the Executive and the legislature sorting out their problem in terms of who was taking decisions and who would implement them. It was also focused, inevitably, on a raft of security issues, which included the demobilisation of the militias and the incorporation of those demobilised into either regular security forces or more productive parts of the economy. There was also a heavy focus even then on the next stage of the political transition, which was elections in July.

The jury was out on how the Executive, the Parliament and the legislature would resolve their competition and how effective the Executive would be in taking decisions and implementing them, specifically on the economic and security agendas. The hope was that those issues would be resolved positively. They were not, and that is the reason why it has continued, in security terms, to become unstable. I strongly believe that insecurity in Libya is a factor of political paralysis, rather than an issue that is there in its own right. If you want to resolve the security issues, you have to deal with the political structures—correcting the political structures.

Q66 Mr Baron: Do you think the British Government properly assessed the consequences of intervention, and if not, why not?

Sir Dominic Asquith: I must plead a little bit of exculpation on this one, in that I was not involved in that process and therefore I only saw it from the outside at the time, and

retrospectively. My personal assessment is that we sought to learn many lessons from Iraq, specifically what in Iraq was called phase 4—the post-conflict period—to ensure that we did not fall into the same mistakes that we committed in Iraq.

I arrived at the end of August 2011, and what was happening in that period was trying to build the capacity of the transitional national council to deal, after Gaddafi had been toppled, with how to govern Libya at that stage. There were international teams, including, as I recall, from the Department for International Development, working in Benghazi with the transitional national council about what a series of Government programmes would look like for that transitional national council when it became responsible not just for the eastern part of the country but for the whole country. There were financing mechanisms being put in place. The temporary financing mechanism was there precisely in order to provide the financial wherewithal to the transitional national council before it had access to Government revenues—before it became, effectively, the Government.

Q67 Mr Baron: Forgive me, but these plans might have been afoot and there might have been detailed plans, but the evidence on the ground after Gaddafi was removed is somewhat different. There seemed to be no plan to disarm the militias and no thought given to the enormous expanse to the south and the issue of security control. We met a senior figure within the Algerian Government who said that regional security has been made 50 times worse because of the removal of Gaddafi. There seems to have been no thought about the African mercenaries that were in Gaddafi's charge, and very little proper assessment of the strength of Islamic radicalism and the important role that that was going to play post-revolution. There seems to be a whole series of questions that were not even asked, let alone planned for. Is one being too critical?

Sir Dominic Asquith: To be utterly honest, because I was not part of the process, I do not know what questions were asked between March and September.

Q68 Mr Baron: I am not asking what questions—I am not looking at your knowledge of it. I want your assessment, Sir Dominic. Do you think these questions were asked? If so, what is your take on the assessment, if any?

Sir Dominic Asquith: I am in no doubt that the questions were asked and that, to the best of our and other international partners' ability, we tried to find answers. The answers were predicated on the Libyan authorities—the Government—taking the lead role. In August 2011, if you recall, in Paris, the international community's responsibility for helping the future Libyan Government to tackle all those questions that you asked was handed to the United Nations; the international partners, bilaterally, were going to help the United Nations and the international institutions—in the case of finance, the World Bank and the IMF—to help the Libyans to resolve that question.

Bear in mind that at that time there was an understandable sensitivity in the international community not to be too directive or too prominent on the ground in Libya, partly for historical reasons to do with Iraq, of course, but partly because the reading was that that reflected the desire of the future rulers of Libya and the people. So what one could do directly as an outside power was limited. The focus of attention therefore was on providing the Libyan authorities with the capacity and the capability to deal with those questions.

Q69 Mr Baron: What has gone wrong, then? You suggest that these questions were asked but were predicated on the belief that there would be a Libyan Government in place, supported by the international community, to see through the solutions, but we now know that that has simply not happened. So what went wrong?

Sir Dominic Asquith: There was a lack of executive capability, in political terms—

Q70 Mr Baron: Within the UN?

Sir Dominic Asquith: No, among the Libyan authorities—and bureaucratic capability in the Ministries, to implement decisions if decisions were taken; but decisions were not taken. I lost count of the number of times I was asked by Libyans—Libyan political leaders—for help in knowing what help was needed.

The key debate in that period of 2011-2012 was how directive the international community should be, as individual states or in the form of international institutions—the UN, the World Bank, the IMF—in telling the Libyan Government what they needed; and how much it should, on the contrary, wait to be approached by the Libyan Government for the sort of help that we thought it needed. I should be honest: that was a debate that we—I, personally—engaged in quite vigorously with the United Nations.

Q71 Mr Baron: Finally, Sir Dominic, with the benefit of hindsight, do you think it was somewhat naïve of us to expect a Libyan transitional Government to step into what was essentially a void, despite the best intentions of the UN in dealing with these problems?

Sir Dominic Asquith: That is a really difficult judgment call. I think on balance it was certainly hopeful, but not naïve. It was not a huge problem to solve. Libya had resources, it had a small population, and it had none of the sectarian problems that existed either in Egypt or, obviously, in Iraq; so it was not a hugely difficult problem to solve, for the local authorities.

Q72 Mike Gapes: Can I take you to where we are now? What is your assessment of the current strength of Islamist groups in Libya, both politically and in terms of their ability, either militarily or in terrorist actions, to carry out activities in the state?

Sir Dominic Asquith: In the latter case, terrorist activity, there was certainly an al-Qaeda capability in-country by the time I left in the middle of 2012, and I assume it is still there. The degree to which it had developed a desire and a capability to commit acts in Libya was open to debate.

In terms of the militias—the home-grown Libyan militia capability—I think it is fair to say that the balance of force between regional, tribal and Islamist influences is fairly even. The ability of any one militia to cause disruption exists, so you will see at various times different agendas being fought for, literally, by militias loyal to that particular agenda. At times it will be regional, at times very local, and at times it will have an Islamist tinge, but even in the last case—for example, in the case of the city of Misrata—there is a variety of militias, not all of which are Islamist, so you will have competition even at the local level.

In terms of the weight of Islamist politics or political Islam, my personal impression—it was certainly true by the time I left—is that it was not dominant by any

means. My sense the last time I was there, which was the end of September, was that political Islam, again, was not the dominant force in the politics of Libya.

Q73 Mike Gapes: But they do have people within the elected Congress.

Sir Dominic Asquith: Unquestionably so, and they were playing a very active part in the past few months over the question of whether there would be a vote of no confidence in the Prime Minister.

Q74 Mike Gapes: From what you have heard—obviously we had the other two witnesses beforehand—and in your own assessment, how can and how should the Libyan Government, as far as that exists, go about trying to disarm the militia groups?

Sir Dominic Asquith: There probably has to be an indirect approach to this one: do not tackle it as a technical, security issue—in other words, by confronting them head-on with security force—but take away the incentive for militias to go on existing. Personally, and it is an argument that I have put forward fairly frequently, I suspect that the best way of doing that is to decentralise decision making and budgets to local level, creating both the sense that life is getting better—things are being done, your school and hospital are getting better, your road is being improved—and to give people throughout Libya a stake in political unity inside Libya. Therefore, there would not be a requirement to have your armed militia defending your specific interest.

Q75 Mike Gapes: Will that take years or decades?

Sir Dominic Asquith: It could take certainly a small number of years, possibly even months. If you had the effective devolution of decisions and money to the local level, you might be surprised by how the Libyan population—as they surprised us very often—make it clear that they have lost their patience with the militia leaders.

Q76 Mike Gapes: Would that include reaching out to militia groups that were Islamist, as well as to other groups that are more tribal or, for want of a better word—I know it is the wrong word—secular?

Sir Dominic Asquith: The politics have to be inclusive, yes. That means including people with whom you have personal difficulties. If they reflect reality in the society in which they are operating, then you have to include them. In the same way, when you have the discussion over the constitution or the national dialogue, you have to have a full discussion about all the possibilities, however much you may personally not be in favour of particular options.

Q77 Sandra Osborne: Would it therefore be fair to assume that you do not think that the policy of political isolation is a good idea?

Sir Dominic Asquith: I looked through the consequences of de-Ba'athification in Iraq. Personally, I think that there are better ways of dealing with the problems that societies, such as in Libya and Iraq, have with transitional justice. A blanket exclusion of a certain type of person from political, commercial or social activity tends to create more problems than it solves.

Q78 Sandra Osborne: Why do you think the Prime Minister was sacked: was it just about the Morning Glory incident, or were other factors involved? Which elements will benefit from his departure?

Sir Dominic Asquith: A variety of people had been trying to get rid of him, as you well know, for some months before. I suspect that the Morning Glory presented an opportunity for those who wanted to get rid of him. Who will benefit? It depends on how the political forces manage to agree on who replaces him. That is still to reveal itself. It may well be that the Defence Minister stays on throughout the whole transition period—who knows?

It also depends on what happens at the next elections, and whether they are elections just for a new Parliament or for a President at the same time. It is a well known, often-debated factor that the political Islamists would prefer the retention of the current system in which the Parliament appoints the President, because they reckon that they would do less well were there to be a direct presidential election. That thought is taken as a conclusion from the results of the elections to the constitutional commission, where the Islamists did not do very well.

Q79 Chair: Sir Dominic, you probably heard this question put to previous witnesses: do you feel that any legacy issues remain outstanding?

Sir Dominic Asquith: It was very high among my priorities as ambassador to ensure that the three legacy issues of Lockerbie, WPC Fletcher and the IRA were dealt with and focused on by the Libyan authorities. I reckon we made good progress on the first two, and, as I understand it, good co-operation over Lockerbie continues. Before I left as ambassador, the Prime Minister at the time, al-Keib, came to visit, and he met WPC Fletcher's family and laid a wreath at her memorial. Again, I think that there was an openness and willingness to help us to get to the heart of both those two legacy issues. In the case of the IRA victims, we made less progress, and to be honest I do not know where that has reached since I left.

Q80 Chair: In which case you are not in a position to comment if I press you on it.

The Constitutional Commission is about to start its work. Do you have any optimism? Do you think it is going to end up with a constitution that protects women and ethnic minorities?

Sir Dominic Asquith: I am worried about it, principally because of the time frame. Again, it was a subject of debate, even in my time, over how to pace and structure the constitutional process. As an aside, I was keen that the Libyans should, with UN help, bring in as much outside expertise and experience on constitution making, including the Venice Commission, as they could and that they should not rush the fences on the constitution. The degree to which it will protect those specific rights, freedoms and the role of women, but also the nature of the state, the relationship between the Government and its people, will be directly dependent upon adopting the right process, with sufficient time, sufficient consultation and sufficient public education about the questions that they are dealing with. It is too early to come to a judgment. I hope that they recognise that the process, as much as the text, is key in what emerges as the constitutional solution. If that is one piece of advice from outside, I would hope that we, collectively from outside, will focus our advice to those charged with the responsibility of drafting the constitution to take due account of that.

Q81 Chair: Do you think it is a help that Libya essentially has a single religion?

Sir Dominic Asquith: Yes, unquestionably.

Q82 Rory Stewart: One of the striking things in our 2012 visit was that there was a note of certain optimism about the ability to deal with the militias. Both the UK embassy and the EU were very pleased that on 17 February, 300,000 people had celebrated in the square and there was no gunfire. Is there any sense about why we were a little bit over-optimistic about the militia situation, what happened over the last few years and what lessons we might draw from the way that our political analysis is done?

Sir Dominic Asquith: I would not exaggerate the optimism we felt about handling the militias. We knew DDR was going to be a real problem. We knew that disbandment and reintegration would present a real challenge, given the vested interests, both political, ideological and regional, and the paucity of capacity inside Government to deal with the process of integrating free spirits in a security system.

Q83 Rory Stewart: Oddly at the time for the Committee, when we took the more cynical, pessimistic view, there was a bit of push-back from the embassy and the EU saying that maybe the situation was not quite as gloomy as we thought. They kept referring to what happened on 17 February.

Sir Dominic Asquith: If that is your recollection, I accept it. I would go back to my answer to an earlier question. In January, we were still two months into a new Government. In December, I had made available to the Minister of the Interior our police adviser to help him to structure the disarmament and reintegration of the militias into the police forces. It was still reasonable to work on the assumption that the Government—the Executive—was committed to that objective and that with assistance we could help it achieve that.

Q84 Rory Stewart: One of your colleagues on the Libyan British Business Council suggested that France has a much more significant diplomatic presence on the ground in Libya. Is that your experience and could you explain why France might have a more significant presence than Britain?

Sir Dominic Asquith: I can't comment on what French diplomatic presence at the moment is. Certainly, by the time I left, our diplomatic presence was greater than that of the French, and our diplomatic access and activity was greater than that of the French across all the areas we were operating in. So it was security. It was civil society. It was education, training and health care. In a lot of the key focus areas, we were very active in trying to develop solutions for the Libyans to work with.

The only area where I think we were less prominent than the French after June, for good reasons, was in Benghazi. The French retained a presence there. We tried to retain a presence, but after the attack on my convoy it was difficult to justify a presence there.

Q85 Rory Stewart: Finally, do you see federalism as being part of the political future of Libya?

Sir Dominic Asquith: I don't know what federalism means in this context and I don't think Libyans know what it means in this context. Some form of decentralisation of budgets and of decision making is probably inevitable and sensible.

Q86 Ann Clwyd: You were in Iraq and you know how long the battle was to draw up the constitution there. In theory, that constitution was going to protect women. How can you ensure that, once you have drawn up the constitution, people cannot amend it to the detriment of what you are trying to achieve? For instance, in Iraq, I understand from talking to two Iraqi women MPs last week that there is now a proposal for a new law to allow men to marry children aged eight. In drawing up a new constitution, how can one protect against people messing around with the constitution once it has been agreed?

Sir Dominic Asquith: You can't, but I think the best answer I can give to that is through working with civil society. One of the major differences between Libya and Iraq that struck me was the energy and pervasiveness of civil society organisations in Libya. At the forefront, in no small part thanks to what the British Government was doing, were civil society organisations that focused on the role of women. Time and again, they were helpful correctives to the political class and the militia leaders and what those two were trying to do. I can't give you any guarantees, as you know well, about preserving the constitution, but I think perhaps you should reinforce in your minds the importance of maintaining those activities and the programmes that we have with civil society in Libya.

Q87 Sir Menzies Campbell: Would you add the application of the rule of law to the involvement of civic society for the objectives you have been discussing? Can you also say what your judgment was about the quality of the judicial system while you were ambassador, and what your judgment of the quality of the judicial system is now, when you are concerned about trade and commerce, which of course depend upon the notion that promises once made are kept?

Sir Dominic Asquith: The judicial system when I was there was struggling hard. The courts were working spasmodically, irregularly and not very effectively. Of course, it was at the heart of the tension between the International Criminal Court and the Iraqis about who would have jurisdiction over the trial of Saif. It was fragile and for that reason, again, was an area of effort and activity on our part. We had a direct interest in so far as the legacy issues were in the portfolio of the Ministry of Justice.

Are they robust enough to sustain attack or influence from interest groups or militias? No, not any more than the political institutions are. My understanding is that the current Minister of Justice, who came in after I left, understands well and clearly the importance of an effective and independent judiciary. If you have a champion there, you need to work with him.

In terms of the judicial institutions protecting the rights of commercial companies, there is no guarantee; any Government can overturn the contract and decisions that were taken. In terms of legacy issues on the commercial side, by the time I left, there were still 11,000 contracts outstanding from the previous regime, over which there had been no arbitration procedure, no judicial decision about whether to continue with them, whether they had been corrupt, or whatever. This made dealing in commercial terms in a regulatory framework extremely perilous and difficult. I suspect that will continue for some time, particularly in a context where they are also trying to come to terms with the degree to which Islamic financing will be the framework in which they operate.

Q88 Sir Menzies Campbell: In your present capacity, what advice do you give to British companies or individuals who approach?

Sir Dominic Asquith: Be very careful about the terms in which your contract is drawn up; when the payments come; who you are making an agreement with; probity transparency—all those issues which are highly perilous in the current context. Perfectly capable people manage to do business, but you take care.

Q89 Sir Menzies Campbell: And you take a greater risk than you would in a more regulatory framework?

Sir Dominic Asquith: You do, because the regulatory structures have not been put in place and those that are there are not effectively implemented.

Q90 Sir Menzies Campbell: Are they often tribal in origin?

Sir Dominic Asquith: No, not the commercial regulatory structures, but if you want to do business, just as in many parts of that part of the Middle East, you will probably need to persuade a number of people.

Chair: Sir Dominic, thank you very much indeed. That completes our questions. We very much appreciate your taking the time to come and see us and we wish you well in your efforts to get a flight back to Libya.