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Rapid Diagnostic on the Situation of Local Governance and Local Development in Libya



SYNTHESIS REPORT

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PLEASE NOTE

This report is based on a rapid and mostly qualitative assessment exercise conducted in difficult conditions of access to the field and interaction with local governance in Libya. Although the results have been broadly validated with the concerned stakeholders, there may still be factual mistakes among these results and the situation on the ground might have evolved significantly since June 2015 (when data collection was completed), leading to the obsolescence of the some of the findings presented.

UNDP Libya welcomes contribution from readers of this report to improve that can improve its accuracy. Such contributions can be sent to registry.ly@undp.org.

Executive Summary

The adoption of the Local Administration Law (Law 59) in 2012 marked the first major attempt, after the 2011 Revolution, towards making a clear break from the past in the local governance system in Libya. The creation of autonomous municipal institutions elected through universal suffrage was necessary to respond to strong pressure from local elites and communities yearning from greater autonomy after decades of heavy central rule.

The political and security conflict which is unfolding since the middle of 2014, with disastrous consequences on the country's social and economic fabric, institutions and infrastructure, has put a halt to the fledgling decentralization process initiated with Law 59. The conflict puts the local governance system under pressure from soaring expectations of Libyan citizens that local institutions, and particularly municipalities, can shield them against the debilitating effects of a conflict that is becoming more entrenched with every day passing, while the unfinished reform of the legal and institutional framework of local governance, ushered in by Law 59, fails to deliver the additional means and resources that local governance actors need to be more responsive.

Anchored in its belief that the most effective way to improve societal resilience and capacities for recovery in a context of increasing dysfunctionality of core government functions is to support local institutions and communities in finding collectively pragmatic and workable responses to their needs, UNDP conducted a situation analysis exercise from March to June 2015 in order to support the development of its new three-year initiative, the *Programme for Strengthening Local Capacities for Resilience and Recovery*. This **Rapid Diagnostic on the Situation of Local Governance and Local Development** in Libya, consisted of working with 10 Libyan municipalities representing a cross-section of the country's local contexts to assess seven key aspects of local governance and local development in their territory: (1) Structure of the local governance and local development system; (2) Institutional capacities and resources in municipalities; (3) Local governance processes; (4) Inclusion of women and youth in local governance; (5) Social cohesion and community security; (6) Delivery of public services; and (7) Livelihoods and local economic development. The main objective was to better understand how the current crisis affects local governance actors, their capacities and performance in responding to emerging needs and their capacity gaps and needs. Findings of the Rapid Diagnostic provide clear recommendations and entry points for UNDP support to local actors in dealing with the consequences of the conflict.

Summary findings

An initial conclusion of the Rapid Diagnostic is that the impact of the conflict varies depending on the area considered, both in terms of impact on the socioeconomic, human security conditions and of impact on the response capacities of local institutions. The variety of situations observed on the ground is of course linked to the level of conflict intensity but also to the level of solidity and experience of local institutions prior to the conflict and of their capacities to work collectively – with a marked advantage in this instance to municipalities that used to be *shaabiyat*¹ under the previous regime. Another important impact of the conflict on local governance and local development is that it creates a strong sense of responsibility and urgency among local actors, state and non-state, to react and play a greater role in responding to local needs.

Below is a summary of the other main findings of the Diagnostic, organized according to the seven areas researched.

¹ *Shaabiya* (plural: *shaabiyat*) is a neologism exclusive to Libya that appeared under Qaddafi's rule and meant 'governorate'. It was the only level of sub-national administrative division prior to the 2011 revolution.

1. The **overall structure and functionality of the local governance system** reflects the absence of a nationally-adopted vision and policy framework that would define the nature, mission, mandates and functions of Libya's system of local governance. The system remains centralized – but with a central government that is, with every day passing, less capable of fulfilling its policy-making, control and support roles. On one hand, executive bodies of line ministries at the local level enjoy limited deconcentrated authority and continue overseeing the delivery of most public services in accordance with the modalities of a centralized state system. On the other hand, the newly-elected municipalities, with a stronger veneer of legitimacy than any of the two central governments, find themselves in direct contact to the population's humanitarian and development needs but with limited responsibilities and resources devolved to them to actually make an effective impact. Relations between central and local of government vary from one location to another, but in general have been deteriorating since the conflict started and are now characterized by limited communications, poor coordination (even at the local level between executive bodies and municipal councils), failing trust, decreasing and unpredictable financial support and limited to non-existent technical and capacity development assistance. Only 1 out of the 10 municipalities involved in this Diagnostic considered that their relation with central government was beneficial.

Moreover, inter-municipal coordination and cooperation remain weak, partly due to unresolved border delimitation issues, which prevents engaging local development dynamics at the strategic governorate and regional levels. Civil society is a growing actor in local governance but is constrained in its effort to carve a larger space for citizens in local decision-making and accountability systems by low organizational capacities and poor structuring as a sector. The private sector is also under-utilized by institutional actors and insufficiently engaged in seeking collective solutions to social and economic drivers of conflict.

2. The **institutional capacities and resources** found in most municipalities, and particularly in the 81 completely new ones (i.e. not a former *shaabiya*), cannot support an adequate response to the growing expectations among the population that municipalities can replace the central state where it is failing in protecting citizens and providing for their basic needs. Capacity gaps in municipalities pose a significant threat to the chance of seeing a constructive bottom-up statebuilding process gaining momentum and contributing to the country's overall stability and recovery. Assuming even just the basic administrative functions expected from a local administration with minimum efficiency and transparency represents a serious challenge for many municipalities.

In terms of human resources, some municipalities find themselves with a bloated workforce inherited from previous local administrations while others lack staff. The recruitment of qualified candidates in municipal administrations on a merit basis and through competitive and open processes is not the norm. The uncertain employment status of most municipal staff, the low salaries offered and the poorly-designed organizational structures do not support higher institutional effectiveness. Capacity-building programmes and central government assistance in developing human capacities were few even before the current crisis and are now almost nil.

The situation with local finances is even direr and represents maybe the single biggest obstacle to greater municipal responsiveness to crisis-related needs. Municipalities' main – if not only – source of funding remains transfers from the central government but they are used only to cover their operating expenses. These transfers do not provide municipalities with the flexible resources needed to react quickly and efficiently to the raising security, social and economic needs brought about by the conflict and to invest strategically for supporting long-term recovery. Local development funds remain channeled overwhelmingly through central ministries with little involvement of local actors. Municipalities cannot make up for the lack of central capital funding availed to them by raising local revenues, as there are no legal provisions nor procedures for this. The relative lack of resources, or rather their inefficient allocation to excessive operating costs, is compounded by poor budgeting and financial management rules and practices, which cannot

guarantee the level of transparency and accountability required from democratically-elected governing institutions.

The management of municipal assets is another core administrative function that is highly problematic. First, the asset base used by municipalities is incomplete as it does not include assets within their territory managed by executive bodies but whose ownership has been transferred in principles to them following the adoption of Law 59. Second, assets management methods are antiquated, often not computerized, and cannot support a proper and efficient accounting, maintenance and valorization of municipal assets – though this is a critical element to sustain local development processes.

3. Limited managerial and administrative municipal capacities as well as an inefficient division of responsibilities between central, local governments and non-state actors impact negatively on **local governance processes** at municipal and regional levels and therefore on the overall performance of local governance systems in helping communities cope with the conflict. A first area of concern is local policy-making, which is normally under the purview of municipal councils. There is evidence that the effectiveness of such function is limited. Municipal councils display in general a high level of legislative activity but with limited results in terms of addressing local needs and issues as they wield limited power in fact on the use of human and financial resources allocated by the state to local needs. Also, relations between municipal councils and mayors is often complicated and contentious, and would need to be better delineated with enough safeguards that municipal councils can really exercise independent oversight over the work of the municipal executive.

Planning practices remain usually basic but vary significantly among municipalities. There is nevertheless a general deficiency in reliable local statistics and evidence to support sound planning, be it for improving service delivery, reducing misuse of public funds or promoting local economic recovery and development. Horizontal and vertical planning streams are not integrated and, as a result, municipal and sectorial budgets often overlap, leading to the improper use of public finances. When municipalities make an effort to engage in long-term strategic planning for local development, they cannot rely on a standardized planning template guided by central government that would, for instance, guarantee convergence between national and local development goals and support the localization of the Sustainable Development Goals.

Finally, while citizen participation is on the rise in many municipalities, such participation still happens through generally poorly-structured processes and consists mostly of non-binding consultation exercises and basic grievance-handling mechanisms. For example, if 4 of the 10 municipalities surveyed reported making efforts to include citizens in municipal governance, only 2 of them had formally included local civil society organizations in their local development planning exercise. Instrumental, rather than transformative, approaches to participatory governance dominate. Similarly, municipal governance systems usually do not extend down to the community level (*mahallat*)², as the current legal framework does not cover this need. Finally, the concept of social accountability and its translation into civil society-led mechanisms to place municipal institutions under greater watch of citizens, is still unknown in Libya.

4. **Women's level of participation in local governance** is contrasted. On one hand, they have gained access to municipal councils (but only after a mandatory quota was imposed by law), and overall only 12% of all local councilors in Libya are women. Yet, only 38% of eligible women voters participated in local elections (vs. 62% of registered male voters). Women in local councils feel isolated and suffer from lack of support from their male colleagues and the broader male-dominated institutional system. As a sign of this difficult situation, not a single female local councilor was chosen as mayor. Women also contribute to local governance as municipal staff but this opportunity is restricted by a low rate of employment in these structures (only 19% of municipal

² All municipalities are divided into a number of neighborhoods or *mahallat* – see Section 2.

staff were women in the municipalities surveyed) and assignment primarily to administrative functions. Civil society remains therefore the easiest and most practiced entry point for women in local governance. Fifteen percent of all CSOs in Libya define themselves as women organizations, but women are present in many other sectors of civil society. Finally, the lack of gender-disaggregated data, of tools and capacities for gender mainstreaming in local policy-making and, most critically, a lukewarm political interest for increasing gender equality in local governance and local development are all major obstacles that need to be overcome to achieve significant and transformational participation of women in local governance.

5. Libyan society has strong traditions of informal dispute resolution involving informal community leaders and tribal authorities. Municipalities are emerging as key actors in the **local conflict management** equation. Collaborative efforts between formal and informal actors in addressing local disputes and low-level conflicts before they escalate are increasingly common. Such efforts contribute to immediate security and stability within the areas concerned, but still lack sufficient technical, political and financial support to have a more decisive impact on deeper drivers of conflict and violence, and contribute to the broader peacebuilding goal. More needs to be done to link local conflict management initiatives and the national political negotiation process mediated by the UN.

Beside the violence and disruptions generated by the armed conflict between opposing political factions, there is also a growing threat to the community security of ordinary Libyans, refugees and migrants. The spread and mass ownership of arms is the primary driver of criminality in Libyan towns and villages, which witness an unprecedented rise in murder rate and accidental killings, along with armed robbery, extortion, kidnapping, violent land and property conflicts, and more. IDPs, refugee, migrants and minorities who lack personal, tribal or community connection to their place of residence are usually more vulnerable to interpersonal violence. The growing threat on women's security is also real, although poorly documented for cultural and institutional reasons. Municipalities play an important role in protecting community security, through limited oversight and coordination of various official and unofficial entities in charge of maintaining local security, and show desire to improve their leadership in this area. As for other areas of local policy-making, municipal institutions lack guidance, capacities and tools to create strong local coalitions of actors in preventing criminal violence, providing justice and socioeconomic support to victims. The Rapid Diagnostic showed in particular the insufficient involvement of civil society organizations and citizens in responding to threats affecting community security – other than by organizing armed vigilante groups.

6. The impact of the conflict on the **delivery of basic services** is real, increasing and consists of infrastructure damage, staff attrition, loss or misuse of local assets, increased operational costs (e.g. increase in fuel prices), and more. But these disruptions have also exacerbated pre-existing deficiencies in the state-controlled service delivery system, including: (i) the absence of reliable needs assessment methods, local targets and quality standards based on gender-disaggregated indicators; (ii) the lack of efficient organizational structures for service provision, coordination between actors involved and monitoring systems that would create effective feedback loops to quickly attend to coverage and quality issues; (iii) the inappropriate selection of personnel in executive bodies and service facilities based on patronage more than qualifications; (iv) the very limited frequency of public-private partnerships, whether civil society, private sector or traditional structures, for service delivery, impacting negatively on coping mechanisms in times of crisis; (v) the general lack of understanding and evidence on exact issues affecting service delivery systems and coverage levels, limiting capacity of users, civil society, media and other independent actors to advocate for change.

According to Law 59, one of the main areas where municipalities are supposed to exercise their new mandate is service delivery. Yet, service delivery remains managed almost entirely through deconcentrated structures, except for some few cases of greater devolution to municipalities (and more so in former *shaabiyat*) but for service delivery lines of minor social and political value. Law 59 did not go far enough in defining the division of responsibilities between line ministries and municipalities, nor in guaranteeing sufficient human and

financial resources to municipalities to assume such role. Even if the law was free of its current flaws, there is neither political will nor power currently at the center of government to bring line ministries to adopt and implement a decentralized mechanism for service delivery. Some municipalities, nevertheless, are trying to use their limited financial resources and capacities to design temporary solutions that can help relieve pressing bottlenecks impeding the delivery of essential services (e.g. organizing alternative shelters for IDPs residing in school buildings). There is also a great deal of positive efforts, for example, exerted by municipalities and the solid waste management companies funded by the central government to maintain sanitation and landscaping services and upgrade public recreational areas.

7. Local economic recovery and development is one of the critical key factors if not the most important in order to achieve social justice and stability in Libya. The conflict has deepened structural issues slowing economic growth, including an obsolete economic infrastructure, the extreme dependence of the national economy on the oil sector, high unemployment rates (especially among the youth estimated to be at nearly 30 %), inadequate workers' rights in the private sector and a weak social dialogue, among other problems affecting economic actors and value-chains. Pre-existing socioeconomic vulnerabilities have been exacerbated and new ones have been created, especially for IDPs, stranded economic migrants and refugees.

Local economic and institutional actors report a high need for support to economic recovery at the local level. Law 59 strengthens in principle the mandate of local authorities in this area. Mayors should be able to avail the support of the Ministry of Economy as well as from other national institutions and programmes devoted to economic and private sector development, in order to plan and implement local inclusive growth strategies. Yet, institutional and financial resources devoted to local economic development in Libya remain overwhelmingly under the sole purview of the central government who makes very little efforts to coordinate with and involve municipalities. This affects also the role of other local actors such as civil society and the private sector in the planning and implementation of interventions aimed at promoting the recovery of local businesses, creating jobs and generating income opportunities for youth at risk of involvement in the armed conflict and illicit activities. The low realization of the role of local actors in promoting economic development is compounded by a sheer lack of reliable localized data covering aspects such as poverty and vulnerability levels (by age and gender), unemployment and regional economic comparative advantages.

1. Introduction

Libya is witnessing a deepening of political conflict, societal divisions, insecurity and economic challenges in its transition four years after the revolution of 17 February 2011. The intensification of the conflict since July 2014 has led to a significant loss of life and to the displacement of nearly 450,000 Libyans inside the country, putting yet more pressure on public services, livelihoods and social cohesion in host communities.³ Libya also hosts an estimated 250,000 foreign individuals (refugees, asylum-seekers and migrants attempting to cross into Europe)⁴ and these are highly vulnerable given the current circumstances. Furthermore, the conflict has triggered an acute deterioration in the country's human rights situation with reported indiscriminate shelling of civilian areas, the abduction of civilians, torture and reports of executions, as well as deliberate destruction of property, among other serious abuses and violations of international law in various parts of the country.

The ability of the government to continue providing essential services to the population and to maintain safety net in such crisis conditions is increasingly under threat as the conflict lingers on.⁵ While the impact on service delivery can be linked to direct war damages and the attrition of professional staff (in particular in the

³ Source: UNHCR, June 2015.

⁴ 67% of them report feeling unsafe (Source: HNO, 2015).

⁵ The Humanitarian Needs Overview conducted by the Humanitarian Country Team in 2015 shows for example that: (1) school attendance by school-age children fell from nearly 100% to 82% nationally (and down to 50% in Benghazi area); (2) 20% of public hospitals are not functional; (3) 46% of young children are not vaccinated any more.

health sector), the conflict also exacerbates pre-existing public sector deficiencies and its lack of efficiency. The dire fiscal situation of the country,⁶ hit by severe losses in oil revenues, further damages Libya's economic and social infrastructure and sustainability that could possibly lead to a large-scale humanitarian crisis.

With central state institutions increasingly unable to assume their mandated policy-making, public finance management and service delivery responsibilities, local governance actors are seen as the main guarantors that basic needs of the population are adequately fulfilled. Municipalities in particular, being the level of government closest to the population and enjoying electoral legitimacy (at least in the 85 municipalities where elections did take place in 2013-2014), are facing a high level of expectations from their constituents. With additional and tailored support, municipalities can play a leading role in promoting dialogue and conflict resolution, improving social cohesion, enhancing service delivery and fostering local economic recovery.

UNDP approach

At this juncture, the challenges faced by the municipalities are multidimensional spanning the political, security, social and economic arenas. While institutionally positioned to contribute to overall national efforts towards overcoming these challenges, support to municipalities will need to follow an integrated approach linking their mandate over economic and service delivery support to efforts made in strengthening social peace and community security through dialogue, conflict management and violence prevention, in particular against the most vulnerable groups (women, children, migrants). To support programming along this multidimensional approach, in 2015 UNDP Libya decided to implement a **Rapid Diagnostic on the situation of local governance and local development in Libya**, as well as to conduct local social peace assessments in partnership with the NGO Peaceful Change Initiative. By linking a better understanding of the organizational capacities of municipalities and other important local actors and the prevailing local governance mechanisms to local conflict and peace dynamics (including economic and social drivers of conflict), UNDP can refine its strategy and work plan in support of strengthening local capacities for achieving resilience and recovery goals.

Methodology

The methodology used for the Rapid Diagnostic is based on a global diagnostic tool on core government functions in the aftermath of conflict developed in 2014 by the UN Working Group on Public Administration in partnership with the World Bank.

The Rapid Diagnostic focused on the following seven areas:

- Overview of the structure and functionality of the local governance system
- Institutional capacities and resources available to municipalities
- Local decision-making and accountability processes
- Inclusiveness in local governance
- Social cohesion and community security
- Delivery of public services
- Livelihoods and Local Economic Recovery

The Rapid Diagnostic put priority in analyzing the current strengths and gaps of municipal institutions but scoped also executive bodies (or local branches of central ministries and agencies), civil society and other non-state actors where found relevant to the broader resilience-building and recovery agendas.

To support data collection, a questionnaire covering the areas listed above was developed by UNDP Libya. It remained mostly at the qualitative level given the difficulty to ascertain accuracy in the data collection

⁶ Libya's GDP has contracted by 24 % in 2014 and the national budget deficit 43.5 % of GDP that same year, (Source: IMF).

process and the limited study sample. The actual data collection work used two main methods: (i) desk study, and (ii) field data collection. Given the constraints bearing currently on outsiders' access to most areas in Libya and given the scarcity of Libyan institutions, public or private, with sufficient capacity to conduct research on local governance and local development, UNDP collected field data by asking a number of municipal officials to fill the questionnaire through a self-assessment exercise supported remotely by UNDP Libya team. Finally, UNDP organized a workshop on 6-9 October with representatives of municipalities as well as Tripoli and Tobruq governments and civil society, to discuss and validate the results of the Rapid Diagnostic.

Initially, UNDP had invited 17 municipalities representing a cross-section of situations in terms of geographical region, conflict intensity, rural / urban contexts and population size to take part in this exercise but only 10 of them completed the exercise as shown on the map.

Conducting a diagnostic on local governance in context of crisis and highly restrained access to the field has expectedly faced a number of critical challenges as listed below.

- Conditions of insecurity in many of the municipalities prevented holding multi-stakeholder meetings to respond to the Diagnostic's questions; hence the data collected represent mostly the views of municipal officials.
- Difficult communications between UNDP and municipalities due to power outages and limited reliable internet access in some locations.
- Reluctance of municipalities to engage in an honest self-assessment exercise (explaining why seven municipalities declined to participate), leading to a smaller sample size than expected.
- Limited capacities among municipal staff and officials involved in this exercise in collating accurate data, information and occasional misunderstanding of questions raised in the questionnaire. This is also linked to the dire lack of official statistics collection and documenting capacities in most Libyan municipalities.



All of these challenges have had an impact on the completeness, accuracy and quality of the diagnostic results. These results are therefore mostly reflective of the situation found in the 10 municipalities surveyed and only possibly indicative of the situation at the level of the whole country. Nevertheless, the Validation Workshop organized by UNDP in October 2015 to discuss these results with municipal, governmental and civil society representatives, helped also ascertain their validity for the broader local governance and local development situation in Libya.

2. Overview of the structure and functionality of the Libyan local governance system

This section provides an overview of the key stakeholders in local governance and local development in Libya at the current stage and how they interact in managing local public affairs. It is a typical stakeholder analysis

looking at their respective influence on and interest in local governance and local development. This overview helps set the stage of the more detailed thematic results presented in sections 2 to 7.

Figure (1) on the next page shows a simplified mapping of the sub-national governance system in Libya, distinguishing the *de jure* situation from the *de facto* one. It also presents some of the interaction mechanisms between local governance stakeholders at the municipal level.

Key local governance stakeholders

Municipalities

Following the adoption of Law 59/2012, the Cabinet instituted the creation of 99⁷ municipalities with Decree No. 180/2013 – 23 of them corresponding to capitals of the former *shaabiyat*. During 2013 and 2014, 85 municipal councils were effectively elected under supervision of the Central Committee for Municipal Council Elections. Where elections did not take place yet, adhoc local councils, inherited from the revolution period in 2011 and selected by popular acclamation or through other non-official electoral processes, remained in place.

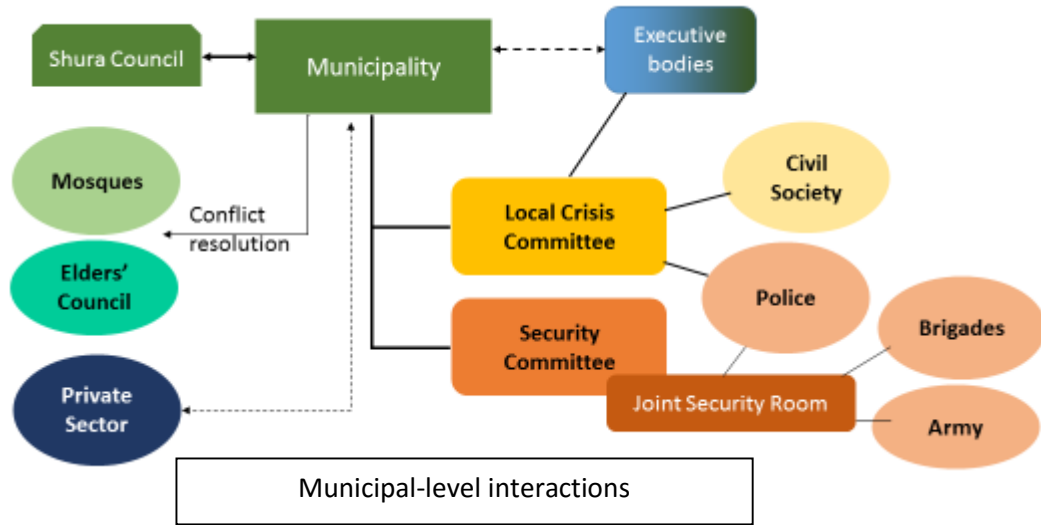
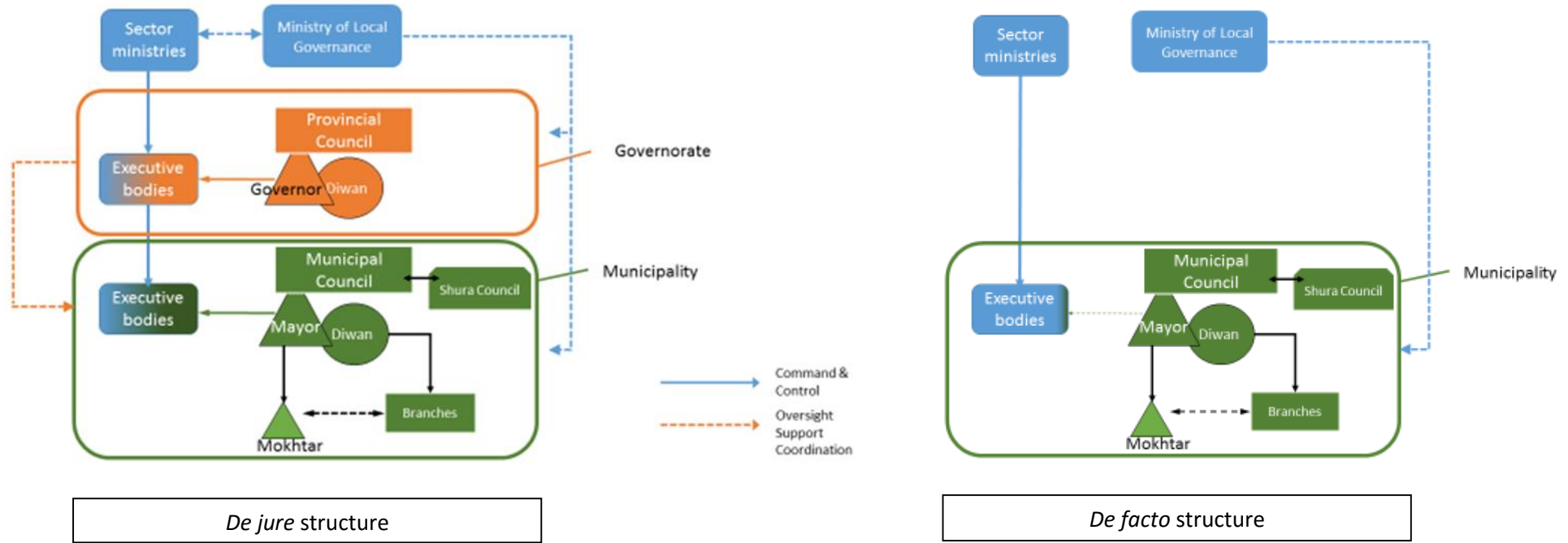
All municipalities surveyed had, as foreseen by Law 59, a functioning Municipal Council (made of 7 to 9 members depending on population size) and Municipal Administration (or Diwan). In certain larger municipalities, the municipal administration also has lower-level branches to bring municipal services closer to the population. In addition, municipalities are divided into a number of wards or *mahallat* but no representative local government structure exist at that level – though some few municipalities have taken up the initiative of promoting with their citizens the formation of *mahalla* committees.

Each *mahalla* has a *mokhtar*, or headman. Mokhtars do not enjoy executive authority; they are part of the municipal administration and help resolve grassroots disputes as well. According to Law 59, mukhtars should be appointed based on efficiency and merit by the Governor pursuant to the Mayor's proposal. Given the absence of governorates and governors currently in Libya, Mayors share the responsibility for nominating mokhtars with the Ministry of Local Governance (MoLG).

Municipal councils in the localities surveyed had all established a Shura Council, as foreseen by Law 51, and numbering half of the municipal council's membership. Shura Councils are made of local experts and personalities. Their main role is to advise the Municipal Council (but with no voting right) on important matters for local governance and local development.

⁷ The total number of municipalities was supposedly increased to 112 through a number of decisions of the central government, while it was still unified and after its split in July 2014, but these successive increases were not made official by a new Cabinet Decree.

Figure 1: Mapping of Local Governance System in Libya



Municipalities are supposed to function according to the parameters set forth by the Local Administration Law (59/2012)⁸ and the subsequent Cabinet Decree 130/2013 concerning its Bylaw. This legal framework assigns them a set of competences and functions, broadly falling into the following areas:⁹

- Urban planning and management, including building licensing
- Establishment and regulation of local facilities delivering public social and administrative services.
- Business and other local licenses issuing
- Civil registration
- Municipal guards
- Local economic development
- Public health and environment monitoring

Yet, the majority of services and functions remain under the purview of executive bodies and branches of state agencies or corporations, while municipalities are under-delivering especially in the areas of planning and budgeting for local development or promoting local economies. Seven in 10 municipalities taking part in the Rapid Diagnostic considered that the level of functioning of their municipal council and municipal administration was average or weak.

This situation is largely explained by the fact that the legal framework remains incomplete, unclear and the regulatory tools to support its full implementation are lacking. Municipalities are not empowered under the current circumstances, to take leadership in their mandated areas. Indeed, roles given to municipalities under Law 59 overlap with roles given to executive bodies. For examples, no institution, whether central or local, is clearly identified in law for initiating policy-making and resolving major policy issues. The legal uncertainty translates practically in a lack of coordination and complementarity between municipal bodies and executive bodies (of line ministries). Only 3 in 10 surveyed municipalities report that they have a good level of interaction and coordination with executive bodies.

The current situation is not linked to the impact of the conflict – although the latter has undoubtedly exacerbated pre-existing issues in this regard – as it has been inherited from the unfinished attempt at decentralization initiated prior to the Revolution. Over the years, there have been frequent shifts in the mission, mandates, design of and resources allocated to different governing institutions. The lack of institutional stability reinforces paralysis of the sub-national governance structure, hampers the building of organizational capability and acts against innovation and change.

Executive bodies of line ministries and state agencies

The following central ministries and state agencies are represented by an executive body or office in the municipalities surveyed by the Diagnostic:

Planning	Economy	Agriculture, Marine Wealth& Livestock
Finance	Electricity	Water & Environment
Labor	Environment	Sewage & Sanitation
Housing	Youth & Sports Affairs	Religious Affairs
Education	Tourism	
Health	Industry	

⁸ LAL 59/2012 has been drafted by the Ministry of Local Government and endorsed by the National Transitional Council in 2012 before being adopted by the GNC in 2013. While the GNC was debating the Law, it suspended in November 2012 (with Decree 12/2012) all on-going and unregulated local electoral processes organized by self-appointed Local Councils inherited from the revolutionary period in 2011. Local elections did not resume until the issuance of Decree 130/2013 which established new official procedures for local elections.

⁹ It is worth noting that conflict resolution, community security and social cohesion are not listed in Law 59 although they were often mentioned by surveyed municipalities as an important role they have to play too.

The mandates of executive bodies are mostly expressed in terms of administrative and procedural tasks to be conducted, and sometimes national programmes to be administered, rather than according to strategic missions from which functional assignments are derived. Also, the mandates of executive bodies have not been revised following the adoption of Law 59/2012, leading to the overlap and poor coordination issues with municipalities mentioned earlier.

A previous assessment by UNDP in 2013 has shown that executive bodies fall into two categories:

- (1) In the 23 municipalities that were previously shaabiya, executive bodies are considered to be relatively more powerful and well-equipped in staff, especially in financial departments, in order to be able to execute operational and investment budgets awarded to them. These offices also have a voice in the centralized sectorial planning processes.
- (2) In newly-created municipalities, executive bodies are less well doted and influential. They lack well-staffed financial departments and their investment budget directly entrusted to their oversight and execution is sometimes nil. The mandate of these offices remain mostly administrative (supervision and application of norms) and they cannot effectively contribute to improving service delivery at the local level – or simply maintaining services where they are under threat of collapse due to the on-going conflict.

Rule of law institutions

The National Police is present in all the municipalities surveyed and usually made of different branches (judicial, traffic, etc.). The total number of police officers per municipality seem to vary greatly, with numbers ranging from 340 to 4,000. Judicial courts (primary, civil, criminal and administrative) were also present everywhere and functioning, except in Sebha which has experienced armed clashes and courts have stayed closed for months.

Municipality	Police forces numbers	police per people (pp)
Gharyan	1700	1 for 118
Al Zintan	340	1 for 240
Sabrata	1600	1 for 200
Sebha	4000	1 for 25
Tobruk	3000	1 for 64

Table 1: Police presence at municipality level

Rule of law institutions are considered as mostly ineffective by municipalities in the Diagnostic’s sample (50% of municipalities thought the Police was weak and only able to respond to petty crimes and security matters), and the quality of their interaction and coordination with municipality leaves a lot to be desired, with 50% of municipalities reporting it was average and 25% seeing it as weak.

Civil society

Civil Society Organizations (CSOs) are present and active in most municipalities surveyed but the level of strength in their representation varies substantially from one location to another as shown in Table 2. According to municipal officials, the voice of civil society at the local remains weak and has limited impact on local policy-making, especially in relation to the allocation of public resources and the monitoring of their use. CSOs are unsure of their rights and obligations in local governance nor are they aware of the mandates of local authorities and the way they are supposed to

Municipality	Registered CSOs	CSO per people (pp)
Ghadames	31	1 for 322
Benghazi	758	1 for 1,300
Zuwara	26	1 for 1,700
Al Zintan	29	1 for 2,800
Ajdabiya	64	1 for 2,800
Sabrata	35	1 for 2,900
Sebha	42	1 for 5,000
Gharyan	25	1 for 8,000

Table 2: CSO presence at municipality level

function. In general, local CSOs also lack programmatic capacity to respond better to society's needs, outside of their traditional areas of action: social and humanitarian assistance and raising community awareness on democracy, citizenship and socio-economic development matters. CSOs should be more active in advocating for social justice and gender equality in local affairs, especially with regards to access to services and participation in peacebuilding and decision-making.

Municipalities reported regular coordination and collaboration with CSOs for providing humanitarian assistance to IDPs and conflict victims, social welfare, education (illiteracy campaigns), public outreach and awareness-raising. At times, but more rarely, CSOs also collaborate with municipalities to maintain community infrastructure (e.g. parks, playgrounds, sports/culture facilities). Municipalities usually facilitate the work of local CSOs with inviting them to public meetings and events and providing general political support to their activities, but they rarely directly fund civil society activities nor involve them formally in policy-making and planning. While Law 59 clearly caters for such level of participation, and gives civil society space for partaking in managing local affairs, many municipalities still resist involving more prominently CSOs in decision-making as they fear encountering strong opposition to their agenda.

Some municipalities also complained that local CSOs work often directly with international aid providers without engaging local authorities and show little interest in coordinating closer with them, which reflects a certain level of mistrust between CSOs and municipalities.

Traditional Structures

Traditional structures remain preponderant, if not dominant, in many local governance systems in Libya. Elders and tribal figures are particularly important in matters of conflict prevention and resolution, customary justice and in combating crime. Traditional leaders routinely sit in Shura Councils and it is also common to find a Council of Elder at municipality and neighbourhood level to which local authorities can refer to for specific matters of public interest.

Private Sector

There has been scant mention of the role of the private sector in local governance during the Diagnostic and official data on this aspect is not available. Large state-owned companies play an important role in service provision (utilities, for example) and for generating local employment. Some also support financially social assistance programmes organized by local actors. These companies usually do not contribute to municipal budgets through local taxes as municipalities are not yet mandated by law to collect such revenues. Wealthy businessmen and women may also contribute to local needs in coordination with municipal authorities, often through donations to the Shura Councils. However, the most common situation applying throughout Libyan municipalities is that coordination and cooperation between municipal authorities and the private sector, whether large or small companies, remains very limited.

[Vertical relations between central government and municipalities](#)

Regulatory Oversight

The municipalities surveyed mentioned that the main sources of regulatory oversight over their work came from the Ministry of local governance, in the first place, and less so from technical line ministries and from the National Audit Bureau.

Regarding technical line ministries, as stated in the previous section, there is little oversight and cooperation provided by executive bodies towards municipalities and vice-versa. The former respond mostly to vertical accountability lines and hardly coordinate with each other and with local authorities. Only where a mayor has strong power and long-established links with heads of executive bodies (as often is the case in municipalities that used to be shaabiyat), do horizontal accountability lines develop.

The executive bodies of the Ministries of finance, planning and civil service also operate mostly outside of the local governance system and respond mostly to their central administration. In the best cases, they will coordinate some of their decisions – discussed first and approved by the central government – with mayors. This situation highly impedes the development of effective and professional administrative and public expenditure systems and capacities at municipal level. There is, however, some flexibility given to executive bodies in utilizing their available funds from one expenditure category to another in line with the most pressing needs.

Staffing Support

Municipalities are supposed to employ both technical and administrative staff. Technical staff are often seconded from executive bodies while administrative staff are mostly recruited by municipalities directly – but with close supervision from the Ministry of local governance (MoLG).

Asset Support

Central government only provides vehicles to municipalities on occasion, and not other kinds of equipment and materials to municipalities.

Financial Support

Central government transfers to municipalities are their only source of regular income. In 2014 and 2015, these transfers were earmarked under the second chapter of the national budget to cover the running costs of municipalities only. Development budgets are allocated through line ministries under the second and third chapters of the national budget but the municipalities surveyed reported not receiving any information on the amount of funding made available to executive bodies, whether operational or for investments, to run services and implement development projects.

Policy-making

Policy-making at the local level remains largely reactive and inefficient in tackling seriously local issues and the central government is not empowering local governance systems to improve their performance in this area. The vagueness of the legal framework with regards to the division of responsibilities between layers of government has already been mentioned earlier, and the ongoing conflict suspended any efforts to tackle these gaps and deficiencies. The municipalities surveyed complained about the lack of consultation from central government in taking decisions in areas which they feel is their own prerogative. Regarding the revocation of Mayors (modality foreseen by Law) or in cases where Mayors resigned, the Central Committee for Municipal Council Elections has been effective in ensuring that the appointment of a new Mayor happens swiftly and according to the procedures set in law. However, there have been complaints among the population in municipalities where such cases arose that there were no wider consultations, outside of the municipal council, during the process of choosing a new mayor.

Structures and mechanisms for policy-making and public financial management at sub-national level remain therefore captive of a highly centralized governance model, which still applied prior to the conflict in 2014, in spite of three years of political transition. Under this model, policies are designed at the center of government and executive bodies and local authorities are there to implement them. In the current conflict context where central authority is fragmented and increasingly illegitimate in the eyes of many, this situation severely limits the responsiveness of the system of sub-national governance to the unfolding crisis.

As part of an effort to address this major issue in the local policy-making machinery, the Tripoli government established by Ministerial Decree (No. 555/2014), the Supreme Committee for Local administration Strategies. The Committee, where all key central ministries are represented, is supposed to organize the

effective transfer of central government responsibilities to municipalities for a first batch of 42 municipalities in the West and South of the country (areas loyal to the Tripoli-based government).

Technical guidance and capacity building

The municipalities surveyed all reported a weak if non-existent technical or training support from central government. Training programmes that are still happening at municipal level are usually funded and delivered by international organizations or, more rarely, directly organized by municipalities with the help of CSOs and local volunteers and contributions from the academic and business communities.

Horizontal relations between municipalities

Border delimitation

There remains uncertainty around the borders of many municipalities as the country went from 23 *shaabiyat* to 99 municipalities in 2013 with minimal prior consultations and studies to determine the geographic, political, social and economic criteria that should best guide this massive territorial reform. Most municipalities interviewed, and all of the new ones among them, reported a lack of clarity on their borders. Even if only 20% of them described the prevailing ambiguity on their borders as a serious problem generating tensions with their neighbours, they all reckoned that border delimitation issues could escalate into violent confrontation if not addressed rapidly, decisively and in consultations with local stakeholders. Border delimitation issues can create overlaps of responsibilities for service delivery and other municipal functions, but also service orphans (i.e. areas on the border between two municipalities but not serviced by any of them due to disagreement on which is responsible for it). Border disputes also constrain the development of inter-municipal cooperation and more broadly, regional development.

Inter-municipal cooperation

Eight out of ten municipalities surveyed report maintaining some level of coordination and collaboration with neighboring municipalities, usually for matters related to security, service delivery, cultural activities and civic awareness campaigns. These links are nonetheless not institutionalized, for the lack of legal provisions for inter-municipal cooperation, and only one of the ten municipalities (Sebha) had actually developed a joint development with its neighbors.

Inter-municipal cooperation remains therefore marginal and guided mostly by short-term objectives; there is no real move towards addressing local development issues from a more strategic area-based or regional level. The simmering tensions, if not outright conflict, between many adjacent municipalities, do limit the appetite of local state and non-state actors to work more collaboratively with their neighbours. Trust among neighboring local authorities remain low in many instances as strong local identities, fueled by tribalism, work against region- and nation-building. Bad security conditions, which often cut roads linking municipalities with each other, do not facilitate exchanges either. It is doubtful that the situation of inter-municipal cooperation will change for the better until governorates, designed by Law 59 to be act as intermediary level of governance that can promote strong regional integration and development, are established.

There are also initiatives underway to create sub-regional associations of municipalities, with one reported in the South and another one in the West.

3. Institutional capacities and resources of municipalities

Municipality	Staff	Ratio staff / population
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Human Resources

Staffing levels

There is high discrepancy in the levels of staffing in municipal administrations between localities, as shown in Table 3. This could allude to a lack of oversight and guidance from central government in the period following immediately the local elections of 2013 and 2014 when municipalities started recruiting new staff (in addition to the staff they had inherited from previous administrations and those seconded by line ministries).

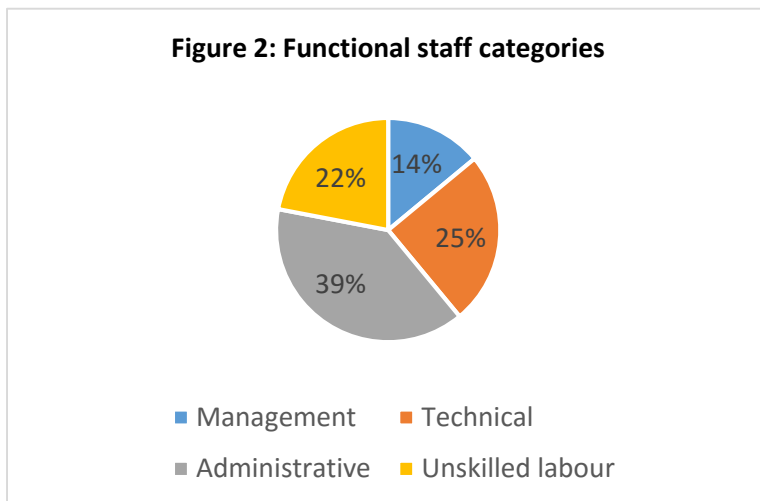
Zuwara	56	1 staff for 800 pp
Sebha	200	1 staff for 1,000 pp
Gharyan	110	1 staff for 1,800 pp
Tripoli	194	1 staff for 1,800 pp
Al Zintan	40	1 staff for 2,000 pp
Sabrata	30	1 staff for 3,400 pp
Souq Al Jum'aa	54	1 staff for 5,900 pp
Benghazi	68	1 staff for 17,400 pp

Table 3: Staffing levels in municipal diwans

In sight of the massive increase of municipal staffing in some locations, and the implications this had on an already overstretched national budget in a situation of economic recession, MoLG froze partially recruitments by municipalities (for technical and managerial staff) in December 2014. As a result, some municipalities report facing important staffing gaps (e.g. up to 190 vacant posts in Tobruk).

Organizational structure: One of the issues with municipal human resources is the lack of use in most places of a rational organizational structure, adapted to the new municipalities' mission, mandates and size. If MoLG did develop a new organizational structure for municipalities in 2014, it was often misinterpreted and modified by municipalities. There were minimal consultations by MoLG with municipalities before issuing this organizational structure and no proper guidelines and job descriptions to accompany it. At the same time, the model promoted by MoLG failed to take into account how the size of municipalities should affect their staffing. Over- and ineffective staffing happened as a consequence in several locations. The MoLG is now trying to address the serious issue of organizational structures for municipalities through the Tripoli-based inter-ministerial Committee for Local Administration Strategies, but there is little certainty that any decisions made by such Committee on this matter would go ahead in the absence of the Government of National Accord.

Staff categories: limited data was collected on staff categories during the Rapid Diagnostic due to only 5 municipalities providing details in this area. In this limited sample, municipal staff were distributed to different functional categories as shown in Figure 1 below. It is worth noting that specialized professional staff (management and technical) only formed 39% of total employees in average for the 5 municipalities.



Looking at staff qualifications in the municipalities surveyed, the majority of municipality managers have a university degree, and this is also the case among the rest of diwan staff (from a low 34% in Ajdabiyah to a high of 90% in Tobruq). Staff qualifications may therefore not be a crucial problem in Libyan municipalities, compared to their poor management and the lack of incentives for excellence in their tasks.

Recruitment and contractual status: Employees of municipal administrations are often seconded from the national public administration and are therefore on the civil service payroll. They receive bonuses during their period of secondment. Other staff have temporary contracts issued directly by municipalities but their employment status remains uncertain and vulnerable to political shifts in the municipal leadership. Among

the municipalities surveyed, 64% of diwan staff had temporary employment status (whether renewable secondments, time-limited contracts or consultancies).

In their budget proposals submitted to MoLG, municipalities indicate the proposed new recruitments for the year. These recruitments can only go ahead after endorsement of the municipal budget by MoLG. The limitations put on municipalities to meet their staffing needs may go against at this stage the principle of autonomous financial management by elected local governments, but such control is also necessary in the current situation to avoid creating situations of excessive and/or ineffective staffing in municipalities (which is already the case in some of them), which ultimately handicaps the responsiveness of municipalities to local recovery and development needs.

Recruitment procedures for municipal staff lack clarity and transparency and do not support currently building a merit-based local civil service. Nearly 50% of the municipalities surveyed did not have a human resource strategy and recruitment plan attached to it. Standardized and open competitive recruitment procedures are rarely followed and instead, personal connections followed by direct appointment are applied. Only 2 out of the 10 municipalities said they announce their vacancies on local and social media. Similarly, only 2 out of 10 use job descriptions for their vacancies.

Local finances

Local budget structure:

Five out of 10 municipalities shared their overall budget figure for 2014 but only one of them communicated to UNDP their full budget breakdown, showing the limited openness of municipalities on budgetary matters in general. Due to the lack of certainty on the budget figures communicated and sensitivity expressed during the Validation Workshop by Mayors on a perceived favoritism of certain municipalities over others, UNDP prefers not to communicate in this report actual amounts that could not be duly cross-checked with the Ministries of Finance and Local Governance.

Compared to the interim period (2011-2014), when most local councils were unable to prepare any provisional budget and transfers from central government happened under the form of 'emergency budgets', in 2015 the situation has much improved, with for example 8 of the 10 municipalities surveyed having produced a full annual plan and budget for 2015. Budgeting starts with the Planning and Finance Committees of the municipal council preparing a draft annual plan and corresponding budget, which is then transmitted for review and endorsement to the Financial Controller deployed by Ministry of Finance in each municipality, before the municipal council can vote on it in plenary session. The proposed annual plan and budget is then sent to MoLG who usually makes changes to it before integrating it in its operational budget. MoLG is supposed to transfer their budget to municipalities in quarterly instalments. Yet, since 2014 and the start of the conflict, delays are frequent, causing serious cash flow issues at the level of municipalities.

Municipal budgeting procedures, as in general the whole public expenditures management cycle, lack standardization and clarity, as does the calculation of state transfers – which often differs significantly from the provisional budgets submitted by municipalities. Also, while state transfers to municipalities are a basic tenet of the concept of fiscal decentralization, the reality in Libya is that local services and development needs are mostly supported by public financial flows channeled through sectorial ministries and upon which municipal councils have no control and very limited knowledge of.

Local finances, including municipal and executive bodies' budgets, cover three categories of expenditures: capital investments, operating costs and salaries, as detailed below.

Capital investment:

- Central ministries receive funding for capital investment projects pertaining to their mandated areas from the Ministry of Planning. These funds are then expended through a combination of central and local (executive bodies) implementation, although the former is more common. There is very little coordination with local authorities in executing these projects.
- Municipalities do not receive capital investment funds from the central government, but can use part of the budget (classified as operating costs in the state budget), for rehabilitation of public service delivery assets, such as health units, schools and roads. It is not uncommon that these expenditures duplicate major maintenance works covered by executive bodies through their operating budget.

Operating costs:

- Ministry of Finance provides for the operating costs' needs of local executive bodies and their central administrations, with very little coordination with local authorities. These funds cover the financial needs of local service delivery facilities.

Salaries:

- Staff of executive bodies and service facilities receive their salary directly from their parent central ministry, as they are included in the national public sector payroll (third chapter in the national budget). They also receive a bonus paid directly to them by municipalities.
- Municipal councilors and part of the municipal administration staff (those on contracts issued by the municipality), receive their salary from the state transfers received through MoLG.

Financial management

Eight of the 10 municipalities surveyed confirmed using computerized accounting systems to maintain their accounts and report to central government on their expenditures. All of the municipalities confirmed having a financial controller responding to the Ministry of Finance, to oversee its accounts and payments, and submitting their yearly accounts to the review of an external auditor. The state financial law also requires that the Supreme Audit Board controls regularly the legality of financial management in municipalities, but it was unclear from the Rapid Diagnostic how regular such exercise happens.

Local revenue generation

Municipalities do not generate, in principle, their own local revenues from taxes, fees or else, as the legal framework does not yet provide them with the mechanisms to do this.¹⁰ The only revenues generated at the local level are those pertaining to the use of public services by citizens, and these are collected by executive bodies, then deposited centrally. Municipalities have sometimes a limited role in helping with the collection of such revenues, but no control on their use.

Assets

In general, the municipality competencies shall include the execution and management of the municipal regulations, and the establishment and administration of public facilities relating to urban planning and organization, buildings, health and social affairs, water utilities, lighting, sanitation, roads, squares, bridges, local transport means, public cleanliness, gardens, public entertainment areas, shelters, cemeteries, yards, public markets, and approval of licenses for the establishment of investment and touristic projects within its borders. Therefore, Municipal assets normally should cover, by law, all public facilities mentioned above.

Based on the assessment result, the situation with assets (buildings, land, equipment) of municipalities is challenging in the absence on proper guidance and procedures on how municipalities can create and manage

¹⁰ There are numerous reports from different channels, including through international development agencies supporting Libyan municipalities, of local revenues being actually collected and generated by some municipalities currently. However, none of the municipalities surveyed acknowledged such practice – in principle illegal under the current legal framework. This alludes also to the sensitivity of this topic under the current context of generalized collapse of the rule of law in the administration of the state.

assets of service facilities and some of the state land falling within their territories that have been moved under their overall accountability according to the law.

Municipal asset management systems are still basic in most municipalities. In fact, only 5 out of 10 municipalities surveyed maintained some form of asset record and management system (computerized for only one of them) and these often concerned only movable assets held within the municipality's premises. 6 out of 10 municipalities complained from not receiving in the first place, asset inventories from the departing local councils which they replaced in 2013 and 2014 after the local elections.

4. Local decision-making and accountability processes

Leadership and local parliamentary oversight

Municipal councils count from 7 to 9 councilors, depending on the size category of the municipality, and one of them at least is a female (electoral quota). Mayors and deputy-mayors are elected from among the council members by the municipal council itself.

By law, municipal councils should hold monthly regular meetings and may hold extraordinary meetings occasionally if the conditions grant for it. In practice, most councils meet on a much more frequent basis, as shown in Table 3 (for the 10 municipalities surveyed). This higher frequency of meetings is of course mostly linked to the emergency conditions faced by many localities, with a mounting humanitarian crisis and regular security incidents affecting the lives of local residents. But it also translates a lack of awareness of municipal councils on the mechanisms assigned to their functioning by law, a lack of clarity and procedures provided by central government and a general low capacity for policy-making and oversight functions. Among the 10 municipalities surveyed, only two of them considered that their municipal council was able to function as per the provisions set in Law 59.

Municipality	Number
Ajdabiya	10
Sebha	12
Gharyan	20
Sabrata	24
Souq Al Jum'aa	24
Al Zintan	48
Ghadames	52
Benghazi	95

Table 4: Number of municipal council meetings in 2014

Law 59 does not specify a limit to the number of committees that municipal councils can establish, which could be a reason why there is a large discrepancy in the number of committees found among the municipalities surveyed, as two of them reported less than 10, four between 10 to 19, and two more than 20 committees. These numbers seem excessive if one considers that municipal councils only have 7 to 9 members. In the locations surveyed, municipal committees covered the following matters: education, health, economy, communications, security, women's affairs, special needs, water, sanitation, youth & sport, agriculture, human development, transportation, financial affairs, culture & media, projects, housing & facilities, industry, conflict resolution, social affairs, civil servants, and more.

Number of municipal decrees issued since election

- Souq Al Jumaa = 10
- Sebha = 20
- Zuwara = 30
- Sabratah = 39
- Zintan = 57
- Tobruk = 75

The Rapid Diagnostic shows the number of decrees issued by municipalities since their election in 2013/2014, and here again a large discrepancy between municipalities (which does not seem to be directly related to the size of the municipality or the level of the conflict affecting it). These decrees and by-laws mostly concern establishing municipal committees, improving service delivery, enacting local regulations, taking administrative and budgetary decisions – very rarely do these decisions concern matter of crucial importance for local development. In any case, given the absence of sufficient autonomy, whether political,

administrative or financial, provided by central government to municipalities, municipal decrees remain for the most unimplemented.

Overall, the effectiveness of municipal councils in producing local by-laws and overseeing their implementation by their municipal administration and other concerned institutions remains low. In fact, two-thirds of the municipalities surveyed assessed the effectiveness of their local policy-making function as weak (and another 11% saw it as average).

Strategic Planning

Overall, the local public expenditure management cycle, which starts normally by planning local development targets on different timelines (including long-term strategic), is not conducted consistently and inclusively enough in Libya. Out of the 10 municipalities surveyed, only 5 of them reported having developed at least one long-term planning instrument (e.g. Strategic Development Plan, Master Plan, Zoning Plan, Local Economic Development, or Security Plan), although these plans often consist merely in a shopping list of projects prepared by sector ministries. Even a foundational document such as a 'state of development' report at the start of the tenure of the new municipal team, pointing to areas of development challenges in the municipal area that need to be addressed, was municipalities that did not have a long-term plan.

Needs assessment and planning data: is the first gap that municipalities have to face when they decide to embark on a strategic planning exercise. None of the ten municipalities surveyed has a functional socioeconomic database on their territory and population (even in cities as developed as Benghazi) – although the need for such tool is well perceived, with one third of them stating that they had started conducted baseline surveys¹¹ and were investing their resources in building a municipal database system. In the absence of their own databases, municipalities rely on data provided by executive bodies and state agencies, but such data is not always forthcoming nor reliable.

Furthermore, the Rapid Diagnostic show numerous deficiencies in the evidential basis, even limited as it is, used by municipalities and executive bodies for their respective planning exercises:

- limited or absence of information on national development targets, in particular related to the Millennium Development Goals;
- poor information on coverage and quality of service delivery;
- needs assessments, when conducted, very rarely involved directly concerned populations;
- almost no gender-disaggregated data on social and economic needs, or in relation to crime; and
- no databases on local MSMEs¹².

Planning process: a constant problem, already brought up earlier, is the near total lack of integration between vertical/sectorial planning processes and horizontal/municipal planning. Nine out of 10 municipalities reported hence not involving executive bodies when preparing their annual or strategic plans, and vice-versa. Even involvement of civil society and private sector in planning exercises is seldom (with only 25% of municipalities reporting it). For those municipalities that have taken the path of preparing a long-term development plan, they have often outsourced the process to a technical operator, whether an academic institution or private consulting office. Consequently, methodologies differ largely from one location to another, a situation that is not helped by the fact that central government (MoP and MoLG) have not yet developed standardized local development planning procedures nor providing capacity-building to municipalities in this area.

¹¹ It is worth noting here the initiative of Sebha municipality to establish statistics committees in every *mahalla* under its jurisdiction.

¹² Micro, Small and Medium Enterprises.

Plan implementation and monitoring: Development plans, when they exist, are not then translated into multi-annual investment programmes and yearly programme-based budgets. In fact, these plans often remain at the level of reports in a shelf and maps on a wall, and do not lead to actionable implementation tools. Among the 5 municipalities that reported having developed a development plan of some sort, only one mentioned that implementation had actually started. Indeed, these plans remain inactive for the most as municipalities have no access to capital funding and resources of their own, and they have no say really on how centrally-executed development plans affecting their territory are chosen and implemented.

Reporting remains an under-prioritized function in municipal administrations. Seven out of 10 municipalities has no monitoring system to measure reliably the level of implementation of single projects or plans. None of the 10 municipalities surveyed had developed yet an Annual Report on its activities, realizations and level of performance in implementing either its strategic or annual plan. Delivery rates of municipal budgets are not readily available to municipal officials or the greater public. At the same time, it is true that municipalities have little real 'project' activities to report on, as development projects are for the most implemented centrally.

Outreach and citizen participation

In general, Libyan municipalities are making laudable efforts to open up local governance to local constituents, be it directly or through the mediated relation of CSOs and traditional/community leaders. Four out of 10 municipalities report using participatory governance mechanisms in their daily functioning, while 6 of them collaborate regularly with traditional governance actors include councils of elders, tribal leaders and religious leaders. Also, all municipalities interact regularly with CSOs and seven of them said they conduct public outreach initiatives with the help of local CSOs, for example. Finally, six municipalities had put in place some mechanism for receiving and addressing grievances from local residents.

These efforts allude to a genuine realization by municipal leaders of the need and value of strengthening the relationship with their constituents as well as to the rights of the latter to be participating in local governance. Yet, these efforts remain disorganized, piecemeal and non-institutionalized. This is proven by the fact that, with all the efforts listed above, only 2 out of 10 municipalities had formally engaged their constituents (beyond a few local experts mobilized to provide technical advice) into annual or strategic development exercises. In fact, when talking about participatory governance, municipalities mostly describe information-sharing and soft consultative (not binding) mechanisms. Real transformation participation that enables local authorities to effectively access their communities, derive their needs and engage them in setting priorities for the allocation of public resources, is still to be widely supported in Libya.¹³

Finally, there were no reports of social accountability initiatives taken by either municipalities or civil society in the locations surveyed. In general, the concept of downward accountability, while generally understood and accepted, is rarely implemented in practice in Libyan municipalities.

5. Inclusiveness in local governance

Women's participation in local governance

The level of women's participation in local governance as reported through the Rapid Diagnostic remains unclear and potentially weak.

¹³ It is worth noting here a new initiative in the municipality of Souq Al Jum'aa to establish formal policy dialogue mechanisms between the municipal council and citizen committees at *mahalla* level.

Looking first at their representation in municipal institutions, all municipal councils have of course at least one female councilor (as imposed by law), but none of the ten municipalities surveyed had more women in their council than the one imposed by law nor had any of them a woman as mayor (and there are no women mayor across the 85 elected municipal councils in Libya).

Staffing wise, in the 10 municipalities surveyed, only 19% of the staff were female and only three municipalities reported that there were women in management positions in their administration.

When asked if they were taking specific measures to increase the gender-sensitivity of municipal policies, 60% of municipalities responded positively... but in fact, were referring only to their moral support to and interaction with local women’s CSOs. None of the municipalities had developed a gender equality policy or strategy, nor had established a women’s affairs unit in their administration, nor were using gender-sensitive budgeting methods. Only one municipality (Sebha) reported the use of gender-disaggregated data for planning.

Local civil society activism remains indeed the main entry point into local governance for women, much above political processes. Their role in local civic engagement and social work is appreciated and supported by municipalities in general. In UNDP’s sample, all municipalities reported routinely supporting (by letting them happen rather than with funding or in-kind inputs) civic education campaigns to educate women on their rights and to encourage their participation as voters or candidates in elections.

Youth participation in local governance

Youth are poorly represented both in municipal administrations and in municipal councils. Although youth (18-30) represent 32 % of the Libyan population, they only account for 20% of municipal administration staff in the 10 municipalities surveyed and 20% of municipal council members.

Municipality	Number
Ajdabiya	4
Al Zintan	0
Benghazi	Yes
Ghadames	10
Tobruk	0
Zuwara	0

Table 5: Women in management position

Municipalities reported that youth CSOs are among the most active and useful to promote dialogue and social peace at the local level.

6. Social cohesion and community security

Local conflict management

The protracted state of conflict has left deep marks on Libya’s social fabric and resulted in weakened social cohesion and the security on local level. Drivers of insecurity and instability in Libya are many including:

- Libya's incomplete transition process;
- dominance of militias and armed groups;
- poor economic opportunities;
- criminal interests;
- competition between communities, especially at the local level;
- radicalization; and
- inflammatory media coverage.

While these factors are all valid to some extent in the municipalities surveyed, their relative importance varies from one location to another and causes of insecurity at the local level are not always the same than at the national level.

Informal conflict resolution capacities are usually strong at the local level. Elders, wise men, religious leaders, tribal leaders and others use mediation and social pressure to respond to problems within and between communities. Informal processes are very important ways to reduce tension but rarely address the fundamental causes of disputes. Links between such informal mechanisms and municipal authorities and rule of law institutions exist in all municipalities surveyed, to varying degree, and could be reinforced to improve the effectiveness of local peace initiatives.

Community security

Insecurity linked to crime, whether spontaneous or organized, is rising in the country and, reportedly at a fast pace. The four leading factors fueling the current ‘explosion’ in crime according to municipalities surveyed, are (1) the total absence of arms control; (2) organized trafficking (drugs, humans, etc.); (3) the inefficiency of the police forces; and (iv) the growing numbers of IDPs and illegal migrants in certain areas. Reliable and exhaustive crime statistics are missing at all levels in Libya to verify any of these assertions, but one fact for sure is that formal security structures, such as the National Police, are weak in many local areas. Instead, some communities work with militias to provide security, but many armed groups also contribute to the growing criminal lawlessness in the country.

Building community trust in formal institutions for improving security is a necessary first step for increasing the effectiveness of local policies against the raising crime level. Six of the 10 municipalities surveyed have established some form of multi-stakeholder coordination to deal with security issues. These can be Joint Security Rooms (municipality, police, army, intelligence services, civil defense / fire departments), Security Committees in municipal councils, Security Coordination Groups with elders, tribal leaders, mosques and other influential actors. Yet, only 3 municipalities had prepared a municipal security plan and the same number reported making efforts in involving more actively citizens in fighting crime and preventing violence.

A major obstacle to generalizing the use of municipal security plans,

developed under the helm of civilian municipal authorities, is the sheer lack of criminality statistics that would allow better targeting locations and interventions that can help reduce drivers of criminality. Only 3 municipalities reported making steps to physically map violence and crime on their territory thanks to having established internal capacities and good partnerships with local police offices to this objective (Tobruk, Sebha and Alzantan).

Cause	Number of municipalities reporting the cause
Increase in arms circulation of arms	8
Illicit drug and human trafficking	7
Ineffective policing	6
Arrival of IDPs and illegal migrants	6
Lack of street lighting and poor maintenance of public spaces	4
Uncontrolled urbanization	4
Poor social cohesion	1

Table 6: Main factors aggravating criminality at the local level

7. Service Delivery

The organization of service delivery

There is a strong commitment in the Libyan state and society to accessible and equitable public services, including education, health and other type of social supports for families and children. For example, Libya has one of the highest levels of literacy among peer countries. Nonetheless, the impact of the conflict in lowering access to and the quality of services are becoming serious concerns for the population and several affect the state-society relationship and the social contract.

The service delivery model used in Libya is heavily state-controlled and involves mostly the central government. With a limited space for local actors, including municipalities, CSOs and the private sector in producing public goods and services, the resilience of Libyan service delivery system - and that of Libyan communities by extrapolation - is at stake. In the municipalities surveyed, the ineffective division of responsibilities in responding to the current crisis affecting service delivery systems is seen as a major problem constraining the resilience of services. Only 1 in 10 municipalities through that this division of responsibilities was acceptable, while none thought it was good.

While several central ministries are engaged in sector restructuring and reform efforts, the principles of decentralization as set forth - timidly and vaguely so - in Law 59 are not well understood from these ministries and faced entrenched resistance from certain high-level officials, but also often at the working level. Ministries do not have policy units that could help revise organizational structures and business processes to ensure a greater role of local authorities and other local actors in service delivery, in this period of time where the central government finds itself handicapped by the legitimacy contest at its apex. Law 59 was designed with the assumption of widespread understanding and support among the public administration for decentralization... an assumption that is proving unwarranted.

Access to services

The absence of reliable indicators in central and local governments on the quality and coverage of basic services limited how much information could be collected on these matters through a Rapid Diagnostic exercise. This reflects the diminished role and weak capacity of municipalities in service delivery and, again, their limited coordination with executive bodies of line ministries in these matters.

Table 7 on next page presents a qualitative review of service delivery provision in the municipalities surveyed. It is striking to see that the municipalities surveyed put themselves as the main entity in charge for delivering only *one* public service, which concerns the maintenance and management of small community infrastructure.

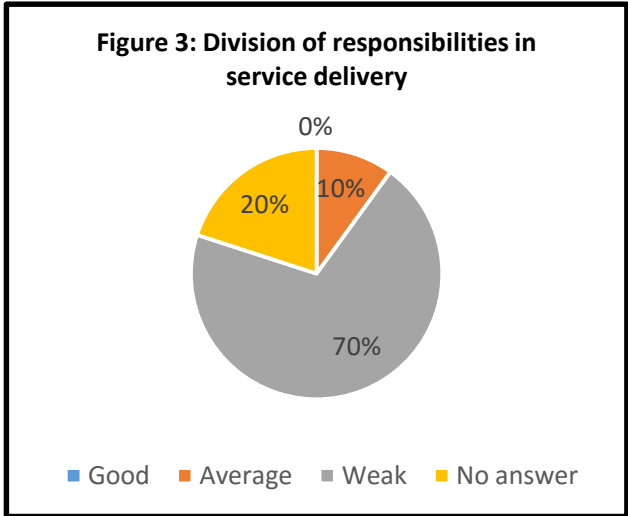


Table 7: Qualitative assessment on the functionality of service delivery in 10 municipalities

Type of service	Coverage and quality	Main entity in charge
Healthcare	Coverage is good yet quality is Low	Min. of Health
Diseases control	Adequate	National Center for Disease Control, MoH
Education services	Coverage is high but Quality is Poor	Min. of Education
Social assistance	Satisfactory	Min. of Social Services
Safety & protection	Satisfactory	Min. of Social Services
Culture, sports & recreation	Fair to Good	Min. of Culture, Min. of Youth and Sports
Urban development	Weak	Min. of Housing, City Development Authority
Sewer and sanitation system	Moderate	Water Company, Environmental Protection Authority
Community infrastructure	Weak to Moderate	Municipality
Water supply	Very Good	Min. of Water, Environmental Protection Authority
Electricity supply	Moderate to Good	GECOL
Gas supply	Moderate	Brega Oil Company
Solid waste management	Fair to Good	Environmental Protection Authority
Public lighting	Fair to Good	GECOL
Public parks and gardens maintenance	Fair	Min of Housing
Public transport	Very Weak	Transport Authority
Construction licenses	Very Weak	Housing Sector
Graveyards	Very Good	Dept. of Religious Affairs

8. Livelihoods & Local Economy

This section of the Diagnostic has suffered from a low rate of feedback from municipalities motivated by a generally-low understanding of local economic matters among municipal officials and staff, and a sheer lack of data available to municipalities in this area, even more than in the more traditional service delivery sectors.

Livelihoods & labor market

The current conflict impacts on livelihoods through displacement from home, increase in food prices, loss of employment, loss of assets and basic goods shortage (food, clothing, oil, electricity). Municipalities surveyed reported that the most affected categories of population in their livelihood means were IDPs, daily wage labors (e.g. drivers, small crafts), vulnerable groups (elderly, sick, disabled), farmers and farm workers, and youth who finds themselves more vulnerable to join violent activities or be victims of violence.

Key local economic actors

Municipalities see local MSMEs and business support organisations (e.g. businessmen associations, Chambers of Commerce) as the cornerstones of local economic development. Financial service providers (including micro-finance institutions, banks and cooperatives) and CSOs also have an important role to play according to them. Interestingly, none of the municipal officials mobilized for the Diagnostic mentioned municipalities themselves as key actors to make local economies more resilient and vibrant.

Actor	Number of municipalities
SMEs and business support entities	9
Financial institutions	6
CSOs	4
Heavy industry and trade facilities (free zones)	3
Women and youth groups	1

Table 8: Key actors for supporting local economy

Support to local economic recovery

While Law 59 gives an important mandate to municipalities in catalyzing local economy through initiatives such as improving the local business environment to encourage the creation of more enterprises and attracting foreign investment, and supporting youth employment with skills development and apprenticeship programmes, the municipalities surveyed report a number of critical impediments, mostly the lack of own revenues to support economic development projects and the lack of capacities for planning, as constraining their leadership in this area.

Impediment	Number of municipalities
Lack of financial resources	10
Lack of capacity for LER planning in municipalities	9
Lack of enabling policies	8
Absence of socio-economic database	2

Table 9: Key impediments to local economic recovery programming