

Dispossession and displacement in Libya

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Inability to access pre-displacement housing, land and property poses a significant obstacle to the achievement of durable solutions for most IDPs in Libya. Displacement and dispossession cannot be separated from the legacy of the Gaddafi era.

By post-conflict standards, Libya has relatively few internally displaced persons (IDPs) but many of these, including several entire displaced communities, face the prospect of protracted internal displacement. For households that remain displaced within their own towns due to the wartime destruction of their homes, durable solutions are largely contingent on reconstruction. However, for IDPs displaced away from their places of origin, inability to access pre-war homes and properties is merely a symptom of the broader insecurity that has blocked virtually all return to date. In most cases, IDPs also face significant insecurity of tenure in their current locations.

Lurking behind both the insecurity currently facing IDPs and their difficulties accessing pre-war property are much broader questions related to the sweeping redistributions of property – waves of confiscation and partial compensation – undertaken under the Gaddafi regime. These acts are largely viewed as illegitimate by the interim National Transitional Council but there is broad recognition that any peremptory attempt to revoke them would risk destabilising the country. While IDPs – and some refugees in Libya – may be most immediately affected by such ‘legacy’ property issues, almost every constituency in the country and many in the diaspora have a stake in their resolution.

During the Gaddafi period, foreign-owned property was nationalised and Libyan-owned property redistributed. For example, Law No. 4 in 1978 transformed all tenants into owners of the homes or land they rented. Subsequent efforts to regulate and enforce this measure included the 1986 public burning of property records in the main squares of Libya’s towns. Later efforts to partially reverse this policy through restitution and compensation for confiscated property were still underway at the time of the uprising. Property relations under the Gaddafi regime were symptomatic of a broader hollowing out of the state and the rule of law, the net effect of which was to undermine trust in the rule of law and public institutions generally.

Unable to return, unable to remain

During the uprising, a number of cities and towns suffered extensive destruction and several communities were subjected to mass displacement. Broadly speaking, IDPs are either those temporarily displaced within their own communities due to the wartime destruction of their homes or large groups or communities displaced and unable to return due to opposition from the communities in their place of origin. The latter are clearly of greatest concern and most at risk of finding themselves in situations of protracted displacement. Although property issues remain a subsidiary concern to basic security, IDPs who acquired

their homes in connection with Law No. 4 fear that their legal rights may be revoked in their absence.

In the meantime, the most obvious problems relate to IDP camps, which have typically been established on the sites of half-finished construction projects, as well as in public buildings and resort villages. The lack of any clear legal basis for occupation of these sites presents clear risks to residents, especially where such sites may be subject to claims by foreign companies returning to Libya. As a result of this lack



Tripoli Street, Misrata.

of security of tenure, IDPs are unable to undertake basic improvements necessary to ensure conditions of basic adequacy and have been exposed to threats of eviction that have, in some cases, been carried out.

Many other IDPs are thought to be living in private accommodation, either with family or friends or in private rental situations. Experience from other settings indicates that unless IDPs in private accommodation are able to integrate and, in particular, to find employment, they are likely to expend whatever goodwill and resources they currently enjoy, and find themselves facing eviction from their current accommodation without a clear fallback option.

Whatever combination of return and integration-led local strategies is ultimately adopted to resolve internal displacement in Libya, implementation of the right of IDPs to remedies for the loss of their properties will need to be coordinated with broader efforts to come to grips with the Gaddafi-era legacy of contested property relations.

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