Libya imposes Sharia Laws

More than two years have passed since the displacement and death of Muammar Gaddafi, and now the Libyan parliament, upon the results of the polls on December 4 of this year, announced the imposing of Sharia Laws as the main source of legislation. Justice and Development Party, which originates from the Muslim Brotherhood and has only 17 seats of 200, has become a major proponent for the application of Sharia provisions in Libyan legislation, while the Union of National Forces, a diverse coalition of liberal trends, proved to be impotent in the dispute over the future of this country.

Now there is very little left to do: Universal National Congress will have to create a special commission that will be responsible for the preparation of the future constitution of Libya. In addition, the Commission should, in the short term, examine the laws currently existing in the country, particularly in the banking, financial and criminal sectors, to determine their compliance with the principles of Sharia, and propose the necessary amendments to Libyan legislation.

The transition of Libya to the use of Sharia Laws should have some impact on the country’s financial regulation and investment rules. This issue is becoming especially important now, taking into account the current degradation of the Libyan economy and losses to the budget running into billions. Thus, only the conclusion of contractual agreements this year, according to the International Monetary Fund, will fall by more than 5%. In connection with the protests and strikes in the oil industry, which is the basis for the replenishment of the country’s budget, from the end of July 2013, there has been a sharp drop in income in this sector, estimated at $13 billion. The crude oil output fell to 250,000 barrels per day, compared to one and half million before the summer of 2013.

This crisis has also affected the natural gas industry. Thus, after many days of demonstrations in the northwestern terminals, gas supplies were interrupted to Italy in the end of November 2013, through the pipeline that used to transit 17 million cubic meters of gas daily.

Under these conditions, due to the absence of the essential foundations for business cooperation with foreign investors, such as a Constitution (its effect was canceled due to the revolutionary events of 2011) and applicable national legislation, the Prime Minister Ali Zeidan said recently that the country would be in quite a difficult situation when paying its external debts starting next month.

As for the choice of Libya towards the Islamic side, this is not surprising. Immediately after the victory of the Revolution of the Socialist People's Libyan Arab Jamahiriya in 1969, its “Brotherly Headman and Leader” Muammar Gaddafi already introduced many provisions of Sharia Laws in the country. In the preface to the Soviet edition of his famous “Green Book”, which represented both the constitutional foundations of the country and a program of action, published in our country only in 1986, Gaddafi actually compared his main ideological work with the Koran, and himself – with the Prophet Mohammed “I, a simple Bedouin who rode a donkey and was a barefoot goat herder, who has lived the life among the same ordinary people, present to you my little, consisting of three parts, Green Book, similar to the banner of Jesus, Moses’ tablets, and a brief sermon of the one who rode a camel. At the initiative of Gaddafi, parliament was rejected in Libya, “as an instrument of dictatorship”. In addition, it was established that “the true Law of the society was either customs or a religion, and laws that were not based on religion and customs,
were specially created by man against man and therefore were illegitimate, because of not being based on a natural source – custom and religion”. He also spelled out the conditions of economic activity, based on the principle of fairness and equality borrowed from the Quran, officially established the zyakat – a charity tax for the poor, and prohibited gambling and drinking. Criminal legislation fully complied with Islamic law, including the amputation of hands for theft. In fiscal legislation, usury was forbidden, with the corresponding reference to the Koran on this issue.

During the civil war in 2011, and after their victory, the focus on Islam was confirmed by the Libyan rebels. After all, the active participants in these events were not Libyan soldiers or intellectuals, but the poor people, who were brainwashed against the previous government through mosques and largely through the Muslim Brotherhood.

Exactly for this reason, back in November 2013, the extremist group Ansar al-Sharia, which gained a footing in Libya, with the assistance of the Muslim Brotherhood, expressed its confidence in the establishment of Sharia Laws in this country. After the visit of the Libyan prime minister to Benghazi, caused by the concern of the country’s parliament about the debauchery and banditry of various armed groups, Ansar al-Sharia made an official statement: “Peace and security in Libya depend only on the speed of application of Sharia Laws. Our goal, and what we are working for, is the return of Islamic Law. We do not recognize the power of any ministry, any government agency or any apparatus relating to public safety, except Sharia Laws.” The Ansar al-Sharia group itself gained notoriety in Libya, due to its direct involvement in the murders of many representatives of law enforcement and judicial authorities of Libya in the east of the country, as well as of the American consul in Benghazi on September 11, 2012. Now this extremist group controls, in addition to Benghazi, two of the largest Libyan cities – Derna and Sirt.

Statement of the Libyan Parliament on the application of Sharia as the main source of the country’s legislation in the future, which coincided with the discovery of 53 bodies of Gaddafi supporters in Sirt, has raised concerns in Western Europe. In particular, the European Parliament’s Rapporteur for Libya, Anna Gomez, said that “the introduction of Sharia was not based on democratic decision-making”. At the same time, Gomez stressed that “free Libya had to fully respect human rights,” while “in the Sharia there are interpretations that clearly violate human rights and discriminate against women.” In this regard, the EU warned Tripoli that Europe would refrain from supporting “any government that violated fundamental human rights or international obligations, including those relating to the rights of prisoners of war”.

Taking into account the fact that in the Islamic doctrine, in international relations there is a “World of Islam”, i.e., the Muslim states, and on the other hand, the “World of War”, the foreign policy of the Muslim states, that have taken the path of Sharia, is clearly focused on religious affiliation of partner or opponent. We should therefore expect that the foreign relations of Libya in the future will be mostly based on Islamic solidarity.

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