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Ranj Alaaldin

After the Arab Spring: power shift in the Middle East?: Libya: defining its future

Report

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Libya: Defining its Future

Ranj Alaaldin

The international community is approaching the anniversary of its intervention in Libya last year. What started as a protest for greater rights and democracy quickly transformed into a military uprising against a vicious dictator intent on suppressing a revolution with every brutal means at his disposal. The conflict was distinct from other uprisings elsewhere in the region for three principal reasons: first, the brutality with which Colonel Muammar Gaddafi's regime responded; second, the audacity, tenacity and speed with which the Libyan people became militarily organised and capable of exploiting Gaddafi's disintegrating military; and third, the involvement of the international community, in the form of the NATO alliance that was backed up by Arab support, particularly from the Gulf state of Qatar.

This set of multi-faceted dynamics makes the Libyan case particularly special since they also reflect the existing political and security environment in the country; in other words, the host of different external actors, political and ideological factions at play in the overthrow of the former regime could reflect the post-conflict power-structures that will determine the shape of the new Libya.

THE UPRISING

The Libyan revolution erupted after protestors took to the streets following the arrest on February 14 of human rights lawyer Fathi Terbil, who represented relatives of more than 1,000 prisoners allegedly massacred by security forces in Tripoli's infamous Abu Salim jail in 1996. According to reports, close to 2,000 people gathered outside regime offices to demand his release. A 'day of rage' was then announced for February 17, at which point protests erupted across the country, but especially in the eastern towns and cities, which had a history of rebelling against Gaddafi's regime.

In Benghazi, Libya's second largest city after Tripoli, tens of thousands took to the streets, torching police stations and besieging army barracks and the city's airport. Regime loyalists were forced out of eastern towns including Bayda and the port town of Tobruk. In Zintan, south of Tripoli, hundreds of people marched through the streets; a police station and security forces premises were set on fire.

By early March, the Libyan protest movement transformed into a full-fledged armed conflict with the regime, which escalated as significant military and political defections took place and when it became clear that Gaddafi had no intention of accepting the protestors' earlier demands or enter into negotiations with them. This led to the gradual creation of an enclave in Benghazi, with several other cities and towns in both the east and the west cleared of regime loyalists, though reports of regime snipers operating still persisted.

In the run up to the passage of United Nations Security Council Resolution 1973 on March 14, which sought to protect the population of Benghazi from being massacred after Gaddafi declared his intention to chase down the dissenters house to house, regime and revolutionary forces engaged in a tit-for-tat battle; both sides gained and lost territory as the battle continued.

This was in fact a process that favoured the regime. The rebels, poorly armed and unorganised, were unable to keep hold of territory, consolidate and build on their gains. The regime, on the other hand, had the benefit of superior weaponry, organised forces and training, thus having the advantage over the rag-tag army it was facing.

The March 14 intervention started a process of military engagement that begun to shift the balance of power and the conflict in the opposition's favour. Slow at first, and wary of becoming engaged in yet another foreign conflict after Afghanistan and Iraq, the international community gradually increased and intensified its military support for the opposition, which entered Tripoli in September 2011 after nine months of conflict and forced the end of the regime.

THE OPPOSITION

Self-defined, and established a week after the initial uprising began, the official opposition movement in Libya was the National Transitional Council (NTC), which now constitutes the country's interim government until elections are held. The NTC is headed by Mustafa Abdul Jalil, the former regime's justice minister, and its underlying purpose was to give the armed uprising an organisational structure that allowed it to effectively defeat the former regime – thus rendering the establishment of the entity a necessity.

Initially comprised of a 30-member leadership council and an executive committee that took charge of daily responsibilities, the NTC was and still is composed of individuals that come from different ideological, political and professional backgrounds: secularist, Islamist and technocratic. According to the NTC, they were co-opted on the basis of their expertise and the extent to which they were linked with the former regime, in that any individuals with "blood on their hands" were prevented from joining. Since the downfall of Gaddafi, the NTC has grown into a 50-member council with a cabinet of ministers that take charge of the country's affairs, including the provisioning of basic services, public expenditure and preparing the country for elections.

Despite this apparently smooth transition from opposition to interim administration, the NTC has been plagued by a series of deficiencies. Divisions have been rife along Islamist-secularist lines. The NTC was also thrown into disarray after the murder last year by an opposition Islamist brigade of former regime interior minister Abdul Fatah Younes, who had become the NTC's defence minister.

More pressing during and after the conflict has been a failure to remedy the NTC's democratic deficit to the satisfaction of the Libyan people, who in recent months have voiced their discontent by protesting against their interim government's lack of transparency and slow progress. The January 2012 NTC appointed cabinet, for example, failed to release the names of all its members. Currently, the discontent centres around a lack of transparency – especially vis-à-vis NTC meetings and decision-making processes – NTC members and aspects of public expenditure.

WHY AUTHORITY MATTERS

GivAs it stands, the NTC has made slow progress since Gaddafi was toppled, as indicated by recent events including the desecration of British war graves, the declaration of autonomy by the Eastern regions, and clashes between armed groups, as well as the abuse of prisoners.

The importance of authority ultimately comes from a need to stabilise Libya, steer it towards democratic elections and, ultimately, exploit the country's enormous potential. It has a $65 billion sovereign wealth fund, whilst oil production will soon reach pre-conflict levels of 1.6 million barrels a day. The hydrocarbons sector can therefore drive economic growth in the short term while the private sector is developed and a legal framework is constructed. Libya should attract foreign investment: it has a young and well-educated population that boasts the highest literacy rate in Africa.

But the NTC has little authority and was, in truth, little more than a mouthpiece for the loose and decentralised structure of the uprising throughout the conflict. Since the downfall of the former regime,

it is still to centralise authority and has faced difficulties managing the logistical and organisational demands that come with paying salaries and providing basic services and humanitarian assistance.

Within Libya, power is currently concentrated in disparate military circles that dominate their respective areas of influence in the east and the west. These fighters were the 'Free Libya' fighting groups that developed from the bottom up, independently of one another. The most prominent revolutionary brigades come from the previously besieged city of Misrata in the east and Zintan in the west, which in the weeks leading up to Gaddafi's downfall made a decisive contribution to the uprising by tightening the noose around Tripoli.

The NTC has almost no control over these forces, comprised of fighters who, rather than operating as some homogenous combat entity, actually operate as per a social contract between an array of individuals, technocrats, prominent tribes and families and businesses, within any given major city that they control and derive their authority from (like Misrata for example which, in addition to its famous revolutionaries, boasts a series of prominent technocrats and businesspeople). The Misrata and Zintan brigades have both refused to recognise the authority of the NTC.

There has been some co-ordination between militias and the NTC but a unified command structure integrating them both does not exist. Herein lies the problem. Independent or semi-independent fighting forces could be acceptable but only if integrated into a proper power-sharing mechanism. As of now, the NTC's lack of authority combined with the absence of a respected national army and police force is likely to be conducive to an environment in which violent clashes take place between militias and NTC forces (and between rival militia groups themselves); as well as further compound problems of transparency, accountability and human rights abuses.

More broadly, these deficiencies have profound consequences for the future of the region as well as the interests of the international community, largely because of the proliferation of arms and the open borders that cannot be properly policed without organised security forces.

The militias' power reflects that of the Islamists advantage, since the most powerful of militia brigades are comprised of and have close links to Islamist groups and individuals. The Islamists were described as being the most organised, effective, heavily armed and audacious of the 'Free Libya' revolutionaries. Militias in the east for example boast the Sallabi brothers, including leading cleric Ali al-Sallabi and his brother Ismael al-Sallabi, whose role during the uprising was to lead an umbrella group of fighters in the east.

The Sallabi brothers' prominence is further amplified because of their existing networks and formidable resources that stem from the Gulf, especially from Qatar, which provided Islamist brigades with aid and arms. Significantly, this was done independently of the NTC and despite NTC objections.

In post-Gaddafi Libya, Islamists have gained further recognition in the country's interim constitution, which regards Islamic jurisprudence (sharia) as 'the principal source of legislation' – clearly a measure of appeasement since there were no widespread demands for this among the population. Senior NTC sources themselves acknowledge that the Islamists are recognised as the 'do'ers'; that is, they have the capacity and ability to deliver, whilst the NTC has been derided for its inability to take command and take decisions. The forthcoming elections in June, which will elect a 200-member national assembly to draft Libya's new constitution, may remedy the NTC's democratic deficit. In truth, however, elections could essentially transplant the existing circles of power and influence, in particular those of the Islamists.

THE FUTURE

The new Libya is still in a transitional phase and it has been little over six months since Gaddafi was toppled and the country liberated in its entirety. It is, therefore, important to maintain perspective; whilst there are many problems, there is little to suggest that they will take the country to the brink.

Much will depend on the extent to which the country is stabilised before the elections take place in June, for the fear is that failure to remedy the problems of authority and accountability will compromise the prospects for stability, representative governance and, as things stand, enable militia leaders to translate their military clout and revolutionary status into political status, to the detriment of any genuine democratic process.

The possibility of civil war is often raised among a minority of skeptics, most of whom were opposed to the international community's intervention last year. Clashes have indeed already taken place between rival militias, as well as between NTC forces and militia brigades. They are also likely to continue, especially given the prevalence of weapons in the country. However, they will be localised, unorganised and not between entire regions or organised groups with large armies and sophisticated weaponry, variables which are necessary if a devastating civil war is to take place.

Similarly, Libya has the benefit of being a largely homogenous and small country, with a population of Sunni Muslims, most of whom live in the cities of the Mediterranean seaboard. As a result of its homogenous characteristics, post-conflict Libya also has an advantage over post-conflict Iraq since no major segment of its population is agitated at its loss of power to the extent that it resorts to mounting an insurgency or engaging in terrorist atrocities. Iraq's Sunni population, on the other hand, bemoaned their loss of power and feared a future in which its rights would not be protected – despite a written constitution guaranteeing these rights – creating resentment and inflaming sectarian tensions with the country's majority Shia population.

It is, however, important to have a capable and somewhat centralised security apparatus, so that any gains in the new Libya are not reversed. Regardless of whether decentralisation is embraced, Libya still needs a respected and organised security apparatus that can enforce law and order. The existing gaps in security provide for lawlessness, disorder, and clashes between armed groups and militias; as well as weakening Libya's ability to defend itself against outside forces.

If, on the other hand, the existing model of decentralised authority with a weak government in Tripoli is the preferred model, then Libyans must find a way to turn this into a proper power-sharing mechanism. Whilst embracing federalism or any decentralised system of governance will, for some Libyans, be tantamount to partition, it will also be seen by many as a means of preventing power from becoming too centralised in Tripoli (that is, centralised to such an extent that it produces another dictatorial regime) and as a means of reversing the neglect that the periphery suffered under the former regime's rule. Partition itself is unlikely if not impossible, given that there exists no support for it among the broader Libyan population. The threat of partition, however, could be used to garner concessions in future political negotiations.

What will be key before any elections take place, or indeed before any constitutional process is started, is the reconciling of differences between different political and ideological factions, between new and old power bases, tribes and regions; these are elements which have either experienced neglect under the Gaddafi regime or who now fear for their future under Libya's new rulers. In other words, Libya needs stabilisation, which can be achieved provided Libyans are given a stake in the future of their country. Interests must, therefore, be merged and differences must be remedied to create a post-conflict environment of stability, and create an inclusive and representative government that defines the country through genuine democratic elections. ∎