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STATE-BUILDING CHALLENGES IN A POST-REVOLUTION LIBYA

Mohammed El-Katiri

U.S. ARMY WAR COLLEGE



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**STATE-BUILDING CHALLENGES
IN A POST-REVOLUTION LIBYA**

Mohammed El-Katiri

October 2012

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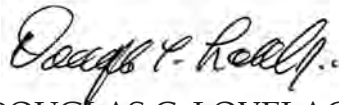
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FOREWORD

Libya's National Transitional Council (NTC) inherited a difficult and volatile domestic situation following the overthrow of Muammar Qadhafi. The new leadership faces serious and simultaneous challenges in all areas of statehood. Libya's key geostrategic position, and role in hydrocarbon production and exportation, means that the course of internal developments there is crucial not only to the Libyan people, but also to neighboring countries both in North Africa and across the Mediterranean in southern Europe. The mitigation or prevention of conditions that could lead to Libya becoming a failing or failed state is of vital importance.

In this monograph, United Kingdom-based academic Dr. Mohammed El-Katiri reviews the major challenges to the new Libyan regime, including the continuing role of tribalism and the difficulty posed by the NTC's lack of monopoly on ensuring security in Tripoli and beyond. Key issues of concern to foreign partners when engaging with the new Libyan leadership are highlighted, and a number of policy recommendations are made. Libya's immediate future is of critical importance, and will determine whether the country faces state consolidation or state failure.



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MOHAMMED EL-KATIRI, a British academic, is a Senior Research Analyst at the Conflict Studies Research Centre (CSRC), and a freelance political risk analyst for North Africa and the Gulf states, based in London, England. Before working for CSRC, he was a Research Fellow at the United Kingdom (UK) Defence Academy, and later covered North Africa as a Political Risk Analyst at the Eurasia Group. With more than 10 years of regional experience, Dr. El-Katiri has research interests that include political and economic security in North Africa and the Gulf Cooperation Council (GCC) states, as well as North African relations with the European Union, and security policies around the Mediterranean. Dr. El-Katiri has published numerous internal and external UK Defence Academy reports, including reference reports on national and regional security issues in the GCC and the Mediterranean, and a monograph on the Algerian national oil and gas company, Sonatrach. In addition, his publications include commentaries and research papers for the Centro de Estudios y Documentación Internacionales de Barcelona (CIDOB) and the Centre d'Études Internationales de Rabat, as well as various newspaper articles in and about the region. He is a frequent commentator in the media, including the British Broadcasting Corporation (BBC), the *Financial Times*, and Al Jazeera.

SUMMARY

A peaceful transition to a new form of government in Libya is of vital importance not only to the people of Libya, but to neighboring countries—and to security in the broad sense much farther afield. Yet, at the time of this writing, the new interim leadership remains fragile, with limited capacity and sovereignty, and the inability to enforce security is still a critical challenge. There is a risk of conditions being created that could lead to Libya becoming a fragile or indeed a failed state.

Despite the mitigation of the threat from supporters of the old regime, the interim government has no monopoly on the legitimate use of violence. The security risks of Libya's uncontrolled armed militias are not restricted to within national borders. By jeopardizing state-building efforts, clashes between militias or between militias and government authorities threaten to undermine the security of neighboring countries and the international community. Risks include renewed waves of refugee flows to Tunisia, Egypt, and across the Mediterranean to Italy and beyond, and continuing disruption to oil production, which will once again deprive the international market of Libyan oil and harm the economic interests of U.S. and European companies. Furthermore, the current lack of a capable national army leaves Libya an open playing field to be exploited by international criminal or terrorist groups active in the region.

A key challenge confronting the interim government in Libya is the creation of political institutions to provide for the functioning of an effective democratic state. The interim government is, in effect, inheriting a stateless state. Drawing up a constitution for Libya

will not be straightforward. Political infighting between secularists and Islamists has already surfaced on varying issues of political significance to Libya's future, including vital elements, such as the structure and religious identity of the state. Democratic culture deficit is another key challenge, since political parties and civil society institutions were absent from Libya for more than 4 decades.

The socioeconomic and political factors that led people to revolt against the regime are equally pertinent to post-conflict stabilization, and require early attention. Unemployment was a significant long-term issue in Qadhafi's Libya, as was frustration at the fall in standards of living while the country generated billions of dollars from hydrocarbon exports, much of which was spent on Qadhafi's foreign policy adventures. Ordinary citizens argued that a country rich in energy resources with a relatively small population should be able to offer high living standards to its population, in the same manner as in the rich Gulf states. A rapid resumption of oil and gas production will not only assist in the rebuilding of Libya's infrastructure and economy; it will alleviate economic pressures on neighboring countries, as the Libyan economy reabsorbs thousands of Egyptian and Tunisian workers in different sectors.

The political role of tribes cannot be understated in determining the future shape of Libya. A number of attempts to seize power from him prompted Qadhafi to accentuate tribalization, turning to his tribal kinsmen to counter increased political opposition and appointing several blood relatives and in-laws to key security and military positions. Manipulating tribes and building informal tribal alliances became an important part of Qadhafi's internal political maneuver-

ing, with nepotism and favoritism becoming the pillars sustaining Qadhafi's informal political alliances. Elements of these tribal dynamics remain in the post-revolution environment, and in the interests of stability and the avoidance of further conflict, their management and mitigation are every bit as important as they were during the reigns of King Idris and Qadhafi himself. The key nature of this challenge should not be underestimated by foreign partners engaging with the new Libyan regime.

Recommendations.

- As the Libyan interim government continues to struggle to maintain law and order while simultaneously facing the daunting tasks of state-building *ab initio*, the United States and other leading actors in the international community can assist in maintaining stability by engaging and providing vitally needed assistance essential to avoid destabilization and deterioration within Libya, gravid with consequences not only for Libyan citizens, but for neighbors and energy consumers both in North Africa and Europe. The involvement of the international community should be focused on what Libya needs in order to perform its functions as an effective sovereign state, both at a national and international level.
- The ambitions of the interim government are inhibited by the lack of a clear security reform strategy that includes specific measures for the disarmament and reintegration of revolutionary fighters, and the management of legacy armaments in general. The sooner the interim

government launches its security reform plan, the better the chances of success for political transition. Assistance to the interim authorities in implementing security reform in order to mitigate the risks outlined above should therefore be a priority of the United States and other foreign partners.

- Tribes play an important role in the daily life of many Libyans, and are likely to continue to do so for the foreseeable future. Under a new regime that does not favor tribal politics, tribal leaders might agree to take a limited role at the national-political level, but will be likely to want to keep their political influence at the regional level. Leading tribes in different areas of the country will have great aspirations to play an important role in their respective regions. The United States and other foreign partners engaging with the new Libyan state need to be aware of the limitations on the power and reach of that state imposed by the tribal nature of its society.
- An important task for the interim government, and an important step for the stability of the country, is to organize a truth-recovery and reconciliation initiative. International experience shows that reconciliation initiatives in post-conflict situations or following regime or political change constitute an important step toward healing the wounds of the past and strengthening political transitions. Given the importance of reconciliation initiatives for stability during transition, the United States and other foreign partners should encourage these efforts and provide targeted support for the process.

- U.S. and United Nations (UN) expertise in disarmament, demobilization, and reintegration (DDR) of armed fighters in post-conflict situations could be of pivotal help to Libya, but such support should be carefully provided. Although the situation on the ground at the time of this writing suggests that the interim government in Libya would appreciate external help with the armed militias, any level of visible foreign military presence in Libya risks igniting more political instability than it provides. Any DDR assistance would be best provided through diplomatic channels in the form of continuous advisory and monitoring support.
- Preventing the hostile exploitation of Libya's vast territory and largely uncontrolled borders remains a key task for the international community while Libya still lacks an adequate national army. The new Libya needs well-equipped and well-trained military forces to protect and secure its borders and national territory. The new security apparatus that will be put in place should be trained to play a neutral role in internal political life, and specifically avoid domination by or favoritism toward specific tribes or clans over others. A new security system will reduce the risk of intimidation and violence during Libya's political transition. The United States and other international partners with the experience of building security forces in Iraq and Afghanistan are well-placed to offer this experience to Libya.
- International nongovernmental organizations have much to offer the nascent democratic political culture and civil society in Libya. The new

Libya requires the establishment and strengthening of a party system, elections, media, and an independent judiciary. Technical assistance in setting up legal systems on political and economic fronts is an essential prerequisite for Libya's transition toward democracy.

STATE-BUILDING CHALLENGES IN A POST-REVOLUTION LIBYA

INTRODUCTION

On October 20, 2011, 4 decades of authoritarian rule by a political regime controversial on both the regional and world stages came to an end. The killing of Muammar Qadhafi and the toppling of his regime marked the end of 8 months of civil war, but only the beginning of a new phase that promises to be even more difficult than the Libyan people's struggle for political power. The transition toward democracy in Libya, if there is to be democracy there, and the building of a modern state present a daunting series of hurdles and tensions. The interim government faces the challenging task of simultaneously holding elections, demilitarizing and reintegrating militias, fostering national reconciliation, drafting a new constitution, restoring security, repairing the damage wrought by domestic combat operations and foreign airstrikes, and ensuring economic development to meet the aspirations of its population.

From a political perspective, Libya is not a homogeneous country, either ethnically or ideologically. Internal differences are a source of concern to both the local population and the international community. Tribal divisions across the country complicate still further the historical rivalry and divided loyalties between the East and West. Tribalism is a societal reality in Libya, and it would be naïve to hope that it will cease to be a critical influence on the post-Qadhafi political scene. Indeed, tribalism was also an important factor in the survival of that regime: The loyalty of certain tribes kept the fighting going for months, in-

cluding after the capital, Tripoli, fell into the hands of rebels; furthermore, remnants of the Qadhafi regime still have the potential to present a destabilizing threat during the transition period. Contradictions between domestic political forces, as well as interference by external parties, all suggest that the post-Qadhafi era will be complex and tense for the foreseeable future.

If a transition period toward building an effective and democratic state is mishandled or simply takes too long, conditions could be created that risk Libya becoming a fragile, or indeed a failed, state. A peaceful transition is of vital importance not only to the people of Libya, but to neighboring countries and to security in the broad sense much farther afield. Libya's geostrategic position is of critical importance not only to its neighbors in North Africa but also to those in southern Europe. Hydrocarbon resources and transit render Libya's stability of even greater significance to the international community. A rapid resumption of oil and gas production will not only assist in the rebuilding of Libya's infrastructure and economy; it will alleviate enormous economic pressures on neighboring countries, as the Libyan economy reabsorbs thousands of Egyptian and Tunisian workers in different sectors.

This monograph will discuss the challenges of Libya's political transition after the fall of the Qadhafi regime, and seek to highlight the key issues that should be of concern to the United States and its allies when engaging with post-Qadhafi Libya. First, the monograph explores the causes of the Libyan upheaval, focusing on the socioeconomic and political factors that led people to revolt against the regime—since these issues are equally pertinent to post-conflict stabilization. Second, it examines the tribes as a crucial element

that crosscuts many of the political and security issues that Libya faces. Third, the monograph discusses the key post-revolution challenges facing the provisional government, such as ideological differences, armed militias and the collection of weapons, and national reconciliation. Democratic culture deficit is another key challenge, since political parties and civil society institutions were absent from Libya for more than 4 decades. International experience shows that democratic transitions are not smooth and painless processes, and there is no reason to suspect that Libya will be an exception.

The monograph draws on open-source material in English, French, Spanish, and Arabic, and on interviews with Libyan nationals and foreign diplomats in Tripoli and Benghazi, all of whom requested anonymity.

THE SEEDS OF LIBYA'S FEBRUARY 17, 2011, REVOLUTION

The precedent set by the successful oustings of the Tunisian and Egyptian presidents, Zine El Abidine Ben Ali and Hosni Mubarak, gave weight and focus to a wide range of other factors that pushed Libyans to begin mass protests in the eastern cities of Benghazi and al-Baydaa in February 2011. Both economic grievances and resentment of the autocratic nature of the Qadhafi regime lay behind the rapid development of the protests and eventual open insurrection.

The revolution that finally toppled Qadhafi was not the first uprising that Libya had experienced during his rule. Protests against his oppressive regime were relatively frequent, particularly in the eastern region of the country. These protests were always

brutally quelled by military and security forces. Over more than 4 decades, Qadhafi faced several instances of serious political challenge by internal groups, foreign governments, and even from close colleagues aiming to overthrow him. He survived several failed *coups d'état* from the 1970s onward. The failed attempt with the most significant long-term consequences came in 1993, leading Qadhafi to make major changes in his security apparatus and to marginalize most of the remaining comrades-in-arms from his own 1969 revolution.

This section will examine the issues that triggered the February revolution, since addressing these same issues remains a key task for the new Libyan regime in transition.

Limited Political Openings.

Rather than arising overnight, discontent with the pace and depth of political reform among Libyan intellectuals, and even some entrenched political elites, had been a constant factor—characterized by skepticism over the promises by the regime to introduce greater democracy. The democratization efforts of Saif al-Islam, Qadhafi's second eldest son, clashed continuously with the authoritarian policies of the old guard. Reform-oriented transition toward democracy is by nature a lengthy process, requiring constant negotiation of changes to be introduced between the regime and democratizing elites; but after 4 decades of Qadhafi's authoritarian rule, patience for a lengthy process was exhausted.

The regime's hardliners were concerned that large-scale and rapid changes could undermine the country's political stability. These groups included those who had benefited from the system economically and

politically. The tussle between the two groups was demonstrated through various public events, such as the sidelining of ministers and senior officers or the closure of newspapers. Several journalists working for Saif al-Islam's publishing company, al-Ghad, were arrested by the Libyan authorities and later released by Qadhafi in late 2010.¹ Tom Malinowski, director of Human Rights Watch in Washington, believed he observed the struggle between the reformers and hardliners first hand during an event organized to launch a report on the human rights situation in Libya in 2009. He commented that, "There are clearly forces pressing for greater openness. That's why we're here. But there are also powerful forces who don't want this process to succeed."²

Qadhafi's unwillingness to change the political system not only frustrated broad sectors of the ordinary Libyan population, but also upset his former close collaborators from various periods of his rule. His one-man style of leadership left room for few friends around him. Many of his revolutionary colleagues, senior officers, and technocrats rebelled or quit their positions. In the 1970s and 1980s, some abandoned the country and joined opposition groups abroad. Key issues of disagreement between Qadhafi and his close associates varied over the years, but the most important ones included:

- Spending on financing and training insurgencies abroad;
- Direct intervention in other countries' internal affairs, particularly in sub-Saharan Africa, by supporting coups and rebel groups over the course of decades;³
- The building of a large man-made river in the Libyan desert, seen as an irrational diversion

of resources at a time of financial constraints in the 1980s;⁴

- Plans for the succession and repeated long-term speculation over the possible appointment of one of Qadhafi's sons to take his position.

Over the last decade of Qadhafi's rule, the prominent role of Saif al-Islam in public life and political spheres was perceived as a strong indication of his future political role. In addition to Saif al-Islam's ownership of the al-Ghad media company, his position as head of the Qadhafi International Charity and Development Foundation had allowed him to engage in political initiatives nationally and internationally. In 2009, a call by Qadhafi on Libyan regional and tribal leaders to find an official job for his son was well received: Saif al-Islam was appointed head of the Popular Social Leadership Committees, a position that allowed him broad legislative and executive powers. Following his election, he commented that this official position would allow him to deliver his political and economic reform plan entitled "Libya of Tomorrow."⁵

At the same time, the lack of clarity over Qadhafi's plans for succession of power created enemies among both his close collaborators and ordinary Libyans. Silence over the succession plan, combined with the rising star of Saif al-Islam, created animosities within Qadhafi's inner circle of friends, known as the "men of the tent" – since the unspoken rule for decades had been that if Qadhafi were to disappear from the political scene, it would be one of his revolutionary colleagues who would be his successor. Saif al-Islam's new political prominence was envied, because no other political figure was afforded the same opportunities; Qadhafi's one-man style of leadership naturally precluded the

emergence of any other leader in public spheres. The fact that Saif al-Islam was allowed to introduce new political initiatives and criticize his father's regime—in a context in which even Qadhafi's close colleagues refrained from questioning his ideas—was perceived as a further implicit signal of Qadhafi's intention to designate him as successor.

Economic Factors.

The limited market economy reforms introduced by Qadhafi in the late-1990s and during the 2000s were not sufficient to relieve poverty for a large number of ordinary Libyans, and instead were perceived as benefiting a small number of Qadhafi's family members and his inner circle of loyal friends. This bred pessimism with regard to any likelihood of positive economic change in Libya under the former regime.

Unemployment was a significant long-term issue in Qadhafi's Libya. Official sources placed Libya's 2009 unemployment rate at 20.74 percent;⁶ with the youth unemployment rate higher, at 27 percent;⁷ at the time, 65 percent of the country's population was less than 35 years old. In parallel with other Arab oil-rich countries, high unemployment in Libya results largely from a long-term mismatch between the education system and the skills needed by the growing private sector, further complicated by high job expectations by graduates. A high proportion of Libyan graduates lack the adequate job-related skills required in a variety of sectors and industries.⁸ As a consequence, a large number of nationals, especially young ones, remained unemployed, despite the positive economic growth that followed the lifting of the United Nations (UN) sanctions in September 2003.

The public investment spending of recent years on major infrastructure facilities, transport, housing and other construction, coupled with private investment in the oil and gas sectors, generated new job opportunities, but mainly in the low-skill sector that does not appeal to Libyans. Hence, until February 2011, some 2.5 million foreign migrants worked in construction and agriculture jobs.⁹ In addition, the scarcity of technical skills among Libyans meant that most of the limited available skilled jobs went to foreigners. To rectify this situation, Libyan authorities launched a package of incentives and measures for foreign companies to increase the number of Libyans in skilled positions. During a meeting of oil companies operating in Libya in 2009, Shukri Ghane, former Chairman of the Libyan National Oil Company, stressed the importance of training Libyan engineers for future tenders.¹⁰ The development of skilled human resources remains a priority for the Libyan government to achieve its economic development and diversification plans.

High inflation rates caused by increasing food and housing prices, coupled with the unbalanced distribution of income, led to a deterioration of living conditions for many Libyan families and among unskilled foreign laborers. Libyans were particularly frustrated over the fall in standards of living, while the country had generated billions of dollars from hydrocarbon exports – many of which had been spent on Qadhafi's foreign policy adventures of fighting imperialism or the unification of Africa. Ordinary citizens argued that a country rich in energy resources, with a relatively small population, should be able to offer high living standards to its population, in the same manner as in the rich Gulf states.

To prevent the spread of food riots that hit Tunisia and Algeria in the first week of January 2011, the Libyan government lifted taxes and import tariffs on basic food staples.¹¹ Further measures were also announced, including granting loans for new businesses and housing projects. This, however, was not enough to preempt dissent. Shortly after the flight of Tunisian president Ben Ali to Saudi Arabia on January 14, 2011, protests erupted in Libyan cities. Socioeconomic grievances triggered riots in Benghazi and al-Baydaa. With the lack of affordable housing an acute problem in Libya for years, corruption and the government's inability to deliver promised subsidized housing units in the scheduled timeframe had angered a broad section of the Libyan population in these cities and served as the direct trigger for protest action.¹²

TRIBES AND POLITICS DURING AND AFTER QADHAFI'S RULE

Despite a belated realization of the importance of the tribes in Libyan social and political affairs,¹³ tribal dynamics in Libya still failed to take their proper place as a major theme of discussion and analysis during and after the civil war. The political role of tribes cannot be understated in determining the future shape of Libya. New political elites are currently discussing the feasibility and modalities of engaging the tribes in the future political system, while tensions along tribal lines remain a risk factor likely to complicate political transition in post-Qadhafi Libya.

There are more than 100 tribes and clans across Libya, divided across three main ethnicities: Arab, Berber, and African. But it is important to stress that only a few are truly influential, and have dominated

the political and social scene for decades. The leading tribes are the following:

- *Warfala*: the largest tribe in the country, with members spread across different Libyan cities, but considering Bani Walid as its home base;
- *Magarha*: the second most populous of Libyan tribes, inhabiting the southern regions of Wadi al-Shati and Sebha;
- *Zintan*: concentrated in the Nafusa mountains region in the western part of Libya. Most of its members belong to the Amazigh minority;
- *Obeidat*: located in the northeastern cities;
- *Zawiya*: located in the oil-rich southeast;
- *Qadhadhfa*: Qadhafi's own tribe, based in Sirte and Sebha regions.¹⁴

With tribalism in Libya a politically sensitive topic, there are few studies available that provide up-to-date detailed information on the tribes. One of these few was written by Amal Obeidi, a Libyan academic at the University of Garyounis in Benghazi, whose empirical study described the tribe as a still important element shaping the identity of Libyans not only in rural areas but also in urban centers.¹⁵ This runs counter to common expectations that the role of the tribe would have diminished among the youth or in the major cities of Tripoli, Benghazi, and Misrata; in fact, reference to tribe remains current and popular among young urban Libyans, just as among older rural generations. In particular, the role of Libya's tribes in allocating socio-economic benefits and security in the absence of effective state institutions reinforced the role of tribalism across all Libyan regions.¹⁶

Making sense of the ambivalent political situation of the tribes requires a brief review of Libya's political

history since its independence. The relation between tribes and politics was cemented in the early days of Libya's struggle for independence. The power base for the rule of King Idris (1951-69) was an alliance between the Sanussi Order, a religious order, and Saadi tribes; the tribal nobility constituted a significant part of the King's cabinet, serving as advisors and confidants.¹⁷

Over the course of the years following Qadhafi's arrival in power as a result of a coup in 1969, he made attempts to dismantle the tribal alliances put in place by the previous regime. Qadhafi replaced tribal notables who had occupied administrative positions at regional level with young technocrats.¹⁸ The undermining and marginalization of the role of the tribes in the early days of Qadhafi's revolutionary regime was driven both by tactical and ideological motives. Tactically, the aim was to remove any remaining elements loyal to the monarchy. Meanwhile, pan-Arab nationalism was a strong ideological driver to move on from tribalism to a political system ready to embrace not only all Libyans, but also other Arab countries. Qadhafi for years saw himself as successor to the late Egyptian president Jamal Abdel-Nasser in the Arab nationalist movement. Thus, when Qadhafi referred to "the tribe" in his Green Book, the distillation of his political views published in stages throughout the 1970s—and omnipresent required reading in Libya under Qadhafi—it was without any distinct political connotation. Qadhafi envisaged the tribe as a key component of Libyan society in the same manner as the family, providing natural social protection to its members.¹⁹

This attempt at exclusion of tribalism from Libyan politics did not succeed for long. Several factors pushed Qadhafi to use the tribes politically in order

to strengthen and stabilize his regime. The most important of these factors was a disagreement over key policy orientations and rifts among comrades of the Revolutionary Command Council, the supreme executive and legislative body that governed Libya after the 1969 coup and during the 1970s.²⁰ In an open letter published in 1992, Abdul Moneim al-Honi, one of Qadhafi's close confidants who had served in several important positions in the 1970s before defecting to Egypt in 1975, described Qadhafi's manipulation of the tribal factions. He noted that the tribal infighting of the past had been buried after independence, but that Qadhafi had revived these social divisions again in order to strengthen his grip on power.²¹

A number of attempts to seize power prompted Qadhafi to accentuate tribalization still further. Most significant among these was the 1993 rebellion and coup attempt by military forces in Misratah, which led to incidents in other Libyan cities including al-Zawiya and Sirt. In addition to arresting a number of army officers, Qadhafi responded by turning to his tribal kinsmen to counter increased political opposition.²² Qadhafi appointed several blood relatives and in-laws to key security and military positions, including Brigadier Ahmad Qadhaf al-Damm and Abdullah Sanoussi, his cousin and brother-in-law, respectively. Al-Damm held several military and diplomatic positions including, finally, special envoy and representative of Qadhafi to some Arab countries. Sanoussi had an extended tenure as head of internal security. Several members of Qadhafi's tribe also took senior positions in the armed forces.²³

Manipulating tribes and building informal tribal alliances thus became an important part of Qadhafi's internal political maneuvering. The small size of the

Qadhadhfa tribe, and its light political and economic weight, led Qadhafi to seek informal and tacit alliances with other key tribes in the country such as the Warfala and Magarha. Nepotism and favoritism became the pillars sustaining Qadhafi's informal political alliances. Appointing family members and key figures from allied tribes in important and leading positions was the norm, and trusted tribes were armed by the regime. Qadhafi strengthened his power by effectively playing the tribes against each other, promoting one tribe over the other in different parts of the country.²⁴

In the 1990s, the role of tribes and clans in public life was reinforced still further with the establishment of a nationwide system of People's Social Leadership Committees. Tribal and regional notables were the main members of these new committees, which took a number of social and bureaucratic functions over from the central state.²⁵ These Committees provided welfare services to the local population, and served as a judicial forum to settle local conflicts. They also oversaw the implementation of socioeconomic programs in their own regions and localities.²⁶

The military provides a case study demonstrating the importance of tribalism in Qadhafi's political system. In addition to the appointments of relatives and members of loyal tribes to key military positions in response to failed attempts to topple the regime, particularly the one in 1993, Qadhafi created a parallel security system made up of several special military units that were assigned to persons of trust, including his sons. These units, known as "Kataeb al-Amnia" ("Security Brigades"), were well-trained and equipped compared to the regular army.²⁷ The best-known unit of this type was the 32nd Reinforced Brigade, known as the "Khamis Brigade," led by Qadhafi's

son Khamis. This unit was based close to Benghazi, a city that had seen the majority of the uprisings and revolts against Qadhafi's regime over the previous 4 decades – as well as being at the source of the most recent one, which eventually ended Qadhafi's rule.²⁸ In the event, Qadhafi's security calculations were proved entirely correct. In the early days of the February 17 revolution, several senior army officers defected and joined the rebel forces, including Chief of Staff Abu-Bakr Younes Jaber. Meanwhile, the Kataeb al-Amnia constituted the main fighting elements opposing the rebels over the 8 months of the civil war.

The civil war period saw tribal leaders convening to discuss the security and political situation. A number of loyalty statements were issued, in favor either of Qadhafi's regime or of the rebels. Tribal notables were keen to show their importance on the political scene, and that they were still a political force not to be ignored.²⁹ Furthermore, in the aftermath of the capture of Tripoli by rebel forces, several tribal delegations travelled to Qatar to offer thanks to the Qatari rulers for their support during the fighting.³⁰ These visits have continued during the establishment of the new Libyan state, despite criticism by Libyan nationalists and a political elite aspiring to build a modern and unified democracy.

Thus, in the interests of stability and the avoidance of further conflict, the management and mitigation of Libya's tribal dynamics in the post-revolution environment is every bit as important as it was during the reigns of King Idris and Qadhafi himself, and the key nature of this challenge should not be underestimated by foreign partners engaging with the new Libyan regime.

CHALLENGES FOR THE NEW LIBYA

This section examines the key transitional challenges that lie ahead for the interim government in moving from the old order to a new, possibly democratic, system. It will highlight the problem of armed groups in post-Qadhafi Libya and the challenges they represent to the authority of the new political leadership and to the country's stability. This section will also focus on the daunting task of building the fundamental pillars of democracy in a country that for more than 4 decades was run by an opaque political system, with limited civil institutions and no political parties.

Drawing up a constitution for Libya will not be straightforward. Political infighting between secularists and Islamists has already surfaced on varying issues of political significance to Libya's future, including vital elements such as the structure and religious identity of the state.³¹

Security Challenges.

Ensuring continued security in the broad sense is a critical concern for the new regime in building the foundation on which advances can be made in the political and socioeconomic spheres. Yet, at the time of this writing, the new interim government remains fragile, with limited capacity and sovereignty, and the inability to enforce security is still a critical challenge.

Threats to security arising directly from the remaining supporters of the Qadhafi regime receded after the arrest of Saif al-Islam Qadhafi.³² Saif al-Islam had been a source of concern to Libya's new political leadership and to the international community, be-

cause of his ability to seek contacts with his own tribe and other loyal groups to launch attacks on the new government.

In addition to his importance within the old regime as detailed above, Saif al-Islam was his father's "secrets keeper," which afforded him intimate knowledge of the power dynamics of the regime. It would thus have been easy for him to gather support, particularly among those Qadhafi loyalists who suffered from reprisal atrocities perpetuated by the rebel forces during the civil war and after the death of Qadhafi. He could have easily exploited revenge calls from the Warfala tribe in Bani Walid against the National Transitional Council (NTC) and rebel forces.³³

Saadi, Qadhafi's third son, who escaped to Niger, does not constitute a threat to the new regime; neither do Qadhafi's wife and daughter Aicha, who are now refugees in Algeria, since they had no political role or official position in the security apparatus. The arrest of Sanoussi, Qadhafi's head of intelligence and brother-in-law, in Mauritania in March 2012 has weakened any potential threat from the old regime.³⁴ At the time of this writing, the Mauritanian authorities have not responded to any of the extradition demands presented by Libya, France, and the International Criminal Court.

The Challenge of Armed Militias.

Despite the mitigation of the threat from supporters of the old regime, the interim government has no monopoly on the legitimate use of violence. The establishment of the Tripoli Military Council by the NTC was intended to provide security in the capital of Libya, and to be the first step in setting up a professional national army. But the Council, led by com-

mander Abdel Hakim Belhaj, is not even able to exercise control over military affairs within Tripoli, let alone across the country.³⁵

Hundreds of armed fighters belonging to different militias moved to Tripoli in September 2011. Dozens of separate armed groups took control of Tripoli's key neighborhoods;³⁶ as well as strategic infrastructure, such as ports, airports, and border crossings across the country. The militias still patrol the capital, setting up their own checkpoints in defiance of the government-appointed authorities. For example, the Zintan militia is in control of the city's airport and other areas within Tripoli.³⁷ With the aim of maximizing their political power, some brigades have extended control to landmark buildings within Tripoli, such as those containing the diplomatic representations of important countries.³⁸

The large number of distinct militias arose during the civil war because of the regional and tribal divisions within the country. The rebel forces were not all unified under a single command during the fights against pro-Qadhafi forces.³⁹ Even in eastern Libya, where the NTC controlled the most organized rebel force, relations between rebel groups were far from cordial, and some militias continued their intention to act independently. The assassination of rebel leader General Abdelfattah Younes on July 28, 2011, by a radical faction of the rebel forces highlighted discord among the rebels, which constituted a major challenge to NTC cohesion.⁴⁰ This issue remains unresolved, as the details of Younes's murder have still not been released, nor any suspects named.

The militias, initially an instrument of liberation, very swiftly became a source of concern to the NTC and to the residents of Tripoli. Some of the militias are

accused directly of the violence and vandalism that took place after the fall of the capital, and frequent clashes between members of the different brigades have become a norm there. During the first week of December 2011, Tripoli's inhabitants protested, demanding the departure of armed militias from their city. A few days after these protests, gun battles erupted between members of the Zintan militia, who aimed to demonstrate their independence from the interim government and its institutions, and followers of Brigadier Khalifa Haftar, a commanding officer of the yet-to-be-built Libyan National Army.⁴¹ Renewed fighting between militias in the first week of January 2012 led NTC leader Mustapha Abdeljalil to warn of the risks of another civil war.⁴²

All of these factors cause continuing significant disruption to the lives of ordinary citizens, and dealing with the issue is a stated priority for the interim government. The establishment of the National Army's monopoly on the legitimate use of force is seen as the solution.

Mahmud Jibril, the former interim head of the NTC's executive board, who resigned on October 23, 2011, listed a series of options to solve the issue of the rebel brigades. He suggested that the thousands of rebel fighters—most of whom joined the revolution with no military training—would be offered the chance to join the army or the Interior Ministry, which oversees the police. Another option would be to form Libyan security companies, which would help guard businesses and oil facilities.⁴³

This is easier said than done. Most of the brigades are not willing to hand over their weapons or to leave Tripoli. They claim that their armed presence is necessary for the security of the state at this crucial moment,

since they maintain security in view of the potential for insurgencies led by the remnants of the Qadhafi regime.⁴⁴ In addition, the militias are concerned about their marginalization from the new political order—learning from observation of the experiences of neighboring countries (Egypt and Tunisia) where the youth movements that led the revolutions were subsequently excluded from power. Maintaining an armed presence in Tripoli is to be used as political leverage to secure a role in the new Libya.⁴⁵

Without the formation of a new army and the collecting of weapons, security will remain loose, and the NTC will remain a political formation without levers to implement its will. The inability to act and to control state affairs has been a source of frustration to many of the NTC's members. Mahmud Jibril publicly listed several reasons for his resignation, including his lack of control not only of military but also of civilian affairs. In an interview with the pan-Arab news channel Al-Arabiya, he cited an example to demonstrate the ineffectiveness of NTC control: After the liberation of Tripoli, militias went into public institutions, banks, oil entities and other public companies and changed their boards of directors, without consultation with the NTC or its executive office. Jibril's frustration also stemmed from the lack of strong support for secularists, compared to the Islamic factions of the NTC, which have the backing of Qatar.⁴⁶ Decisions were made with no clarity as to who was behind them or how they were going to be implemented, such as the introduction of visa requirements.⁴⁷ The current interim government has very limited administrative capacity to perform its duties as a sovereign and effective state.

At the time of this writing, the interim government's precise strategy with relation to the armed groups remains unclear. A number of attempts to persuade the armed groups to hand over their weapons appear to have convinced NTC leader Mustapha Abdejalil that the demilitarizing of these groups may not be as easy as first thought. He then decided to delay the collection of arms for the foreseeable future, in order, paradoxically, to avoid a renewed breakout of political violence.⁴⁸

Yet, as time passes, the risk of increased low-level violence and criminal activities increases.⁴⁹ The armed groups require sources of income to maintain their stay in Tripoli. The question then becomes how they are to generate the money. It is considered probable that at least some of the militias will become involved in further illegal activities, such as levying protection fees, trading in narcotics, or kidnapping for ransom.

The security risks of Libya's uncontrolled armed militias are not restricted to within the country's national borders. By jeopardizing state-building efforts, clashes between militias or between militias and government authorities threaten to undermine the security of neighboring countries and the international community. Risks include renewed waves of refugee flows to Tunisia, Egypt, and across the Mediterranean to Italy and beyond, and disruption to oil production — depriving the international market of Libyan oil once again and harming the economic interests of U.S. and European companies.

Furthermore, the current lack of a capable national army leaves Libya an open playing field to be exploited by international criminal groups active in the region. Terrorist groups such as al-Qaeda or other Jihadist groups based in North Africa, the Sahel, and

Europe are expected to establish training camps in uncontrolled Libyan territory, as well as developing links with some of the militias to acquire arms. During several months of fighting, the revolutionary fighters had access to weapon storages. Late-2011 saw media reporting the trafficking of Libyan arms in the Sahel region.⁵⁰

Uncontrolled stocks of weapons include systems that could be of immediate interest to terrorist groups and other entities hostile to the United States and its allies, such as man-portable air defense systems (MANPADS), including SA-24 Igla (GRINCH) missiles. Securing these systems should be treated as an immediate priority for both the Libyan government and its foreign partners.⁵¹

Armed militias are already directly affecting relations with Libya's neighbors. In early-December 2011, as a response to continuous assaults on its citizens and territorial integrity by Libyan armed groups, Tunisia closed two crossing points and deployed additional military personnel to control its borders with Libya.⁵²

The ambitions of the interim government are constrained by its lack of authority and capacity to influence the armed groups. But they are also inhibited by the lack of a clear security reform strategy that includes specific measures for the disarmament and reintegration of revolutionary fighters, and the management of legacy armaments in general. The sooner the interim government launches its security reform plan, the better the chances of success for political transition. Assistance to the interim authorities in implementing security reform in order to mitigate the risks outlined above should therefore be a key priority of the United States and other foreign partners.

Political Transition: Avoiding the “Rotten Door” Democracy Fate.

The recent, and neighboring, cases of Egypt and Tunisia present vivid illustrations to demonstrate the risks and challenges that countries like Libya face in political transition. In both countries, post-revolution consolidation was not peaceful. The ousting of former leaders and the establishment of interim political bodies were not sufficient to appease public anger. The Tunisian and Egyptian peoples, seeing themselves as the guardians of their popular revolutions, regularly took to the streets presenting political demands. Growing disenchantment with the political performance of the Military Council in Egypt has led to new riots and political violence 10 months after the toppling of Hosni Mubarak.

The circumstances of each country define precisely how political instability will manifest itself. This phenomenon is not limited to North Africa nor the Arab world: Examples are available from Europe, including the case of Portugal, whose transition toward democracy was full of societal tensions for 2 years following the military coup in 1974. Tensions abated only when the constitution was finally enacted and the first elections were held.⁵³

In the case of Libya, the experience will be shaped by the lack of ordinary political institutions, a long civil war, and tribal and regional divisions. In September 2011, the Libyan NTC announced its political roadmap for the transitional period, with a program resembling Tunisia’s post-revolution transition. The Libyan provisional government seeks to hold its first elections for a constituent assembly in June 2012.⁵⁴ Once elected, the constituent assembly will draft the

country's constitution and hold parliamentary elections in 1 year's time – a very ambitious program that perhaps fails to take into account the special situation of Libya.

There are many hurdles that are likely to make the transition lengthy and difficult, if not prevent its success altogether. Libyans could discover that they are facing an incomplete, "rotten-door" transition. Political scientists and experts in political transitions Steven Levitsky and Lucan Way define rotten-door transitions as those that "occur in a context of state, party, and civil society, weakness [where] new governments are often filled with elites from the old regime."⁵⁵ They argue that the collapse of autocratic regimes often does not ensure democracy, especially if the collapse takes place in a context of extreme state weakness or in a country with weak civil society. The rapid and chaotic nature of transitions by rupture often results in little real institutional change, Levitsky and Way argue, with post-transition governments often being led by politicians with no strong commitment to democracy.⁵⁶ Although the overthrow of Qadhafi's regime was neither swift nor easy, Libya presents a prime example of a state that lacks political parties, state institutions, and civil society.

Building Legitimate Institutions.

A key challenge confronting the interim government in Libya is the creation of political institutions to provide for the functioning of an effective democratic state. The interim government is in effect inheriting a stateless state.

After seizing power, Qadhafi dismantled all the political institutions that were in place under King

Idris, and replaced them with people's committees.⁵⁷ This dismantling of the state was more of a process than a single event, with the latest development as recent as 2008, when Qadhafi announced a controversial plan to abolish most of the ministries as a measure to fight corruption. Instead, he promised to establish a system of wealth transfer directly into the hands of the people. This promise never came to fruition.⁵⁸

In fact, the dismantling of the state went as far as abolishing the actual position of the head of state. With the effect from the replacement of the Revolution Command Council by the General People's Council in the late-1970s, Qadhafi claimed to hold no official position. His official title was "Leader of the Revolution." In reality, this allowed him to run the country with no formal responsibility or accountability whatsoever. Nonetheless, denial of any official position did not prevent Qadhafi from being represented as, and treated as, head of the Libyan state by the international community. In addition, Libya's political system has known no constitution or political parties under Qadhafi's rule. No separation of powers, or discussion thereof, has been attempted since the country's independence. Several of Qadhafi's political committees combined executive and legislative powers, with commonly overlapping powers and responsibilities and no clear division of agencies. The system of political accountability was unclear—which is not to say that it did not exist—and was manipulated to serve the interest of the ruling elite. Freedom of the press was absent for decades, with the only permitted media serving as an integral part of the regime's propaganda machinery.⁵⁹

Carciana del Castillo, an economist with expertise on post-crisis state building, argues that countries in Libya's situation are confronted with a "multi-

pronged” transition. All aspects of this transition are closely interrelated and reinforce each other. Violence must give way to public security. Lawlessness, political exclusion, and violations of human rights must give way to the rule of law, inclusive and participatory government, and respect for human rights. Polarization among different groups must give way to national reconciliation. Castillo notes: “Failure in any of these areas will put the others at risk. Planning, management, coordination, and financing of this multi-pronged transition are highly burdensome.”⁶⁰ The current lack of capacity of the interim government, therefore, is dangerous when it attempts to address all these challenges and create all these institutions, simultaneously. Even reconstruction of the public healthcare system in Libya is a pressing issue: In December 2011, an article in the *Journal of the Royal Society of Medicine* identified that rebuilding the public health system, seriously degraded during the civil war, had not even reached the stage of initial evaluation research of what exists and what is needed.⁶¹

The Democratic Culture Deficit.

Qadhafi’s regime opposed the idea of political parties from the very start of the revolution. Mahmoud al-Maghrabi, Libya’s prime minister after the 1969 revolution, noted during a press conference that “party organisations are unlikely to have any role in the Libyan Arab Republic.”⁶² This approach received ideological backing when Qadhafi published his political thoughts, known as the “Third Universal Theory,” which purported to pass power directly to the people without any need for other political agents.

Abubaker Altajuri, a Libyan opposed to Qadhafi, described the situation eloquently in a letter com-

menting on a *Foreign Policy* magazine article in 1999. He noted: "In Libya, people are not only prevented from expressing independent opinions, they are prevented from even conceiving of them."⁶³ This situation remained unchanged, even during talks on political openness during the 2000s.

As result, there was no authorized opposition force in the country for 4 decades, and, in fact, the only organized political forces that opposed and threatened Qadhafi's regime within Libya were illegal Islamist groups: the Muslim Brotherhood and the Libyan Islamic Fighting Group. The regime's response to this threat was brutal, including direct military intervention in 1996-97 to quell the Islamist threat in eastern Libyan cities.

Meanwhile, outside the country, several opposition groups and parties were formed in Egypt, Switzerland, the UK, and other Western states with the aim of campaigning against Qadhafi's regime. Toppling the regime was the primary focus of all Libyan opposition groups' activities.⁶⁴

There is a consensus within Libya that one of the emblematic features of the new democratic era is going to be the establishment of political parties. At the time of this writing, several groups and movements are preparing to form political parties, and waiting for the appropriate law to be passed.⁶⁵ But because the opposition to the previous regime had worked either clandestinely or from exile, its contact with and impact on the masses within Libya was extremely limited. As a consequence, most Libyans now have no experience or knowledge of the political dynamics of a democracy. Furthermore, the absence of freedoms of association and the press inhibited the development of any form of democratic culture among Libyans. This

absence of culture will inevitably have an impact on the political transition and on state-building efforts.

Some Libyan intellectuals say they are seeking democratization in its broad sense, limited not only to elections, but also to include freedom of expression, political plurality, promotion of civil society, and protection of human rights.⁶⁶ There is a keen interest in avoiding the emergence of another authoritarian regime, or what Levitsky and Way call a “hybrid regime,” which combines elections with various degrees of authoritarianism.⁶⁷

Achieving all these goals requires, in addition to good intentions, a change in people’s ways of thinking. International experience shows that a change in the behavioral patterns of the past is the most difficult part of political transition. Viktor Orban, the Hungarian politician, eloquently explained the difficulty of moving from communism to democracy in Hungary during the 1990s. He said the “the bricks of the Berlin Wall have been snapped up by Japanese and American tourists, while here the remains of the wall have remained in the people’s spirits, in their way of thinking, in the economy, in the social system, in the education system, and in many other areas of social life.”⁶⁸

The Tribal Dilemma: Inclusion or Exclusion?

Despite the important role of the tribes in Libyan society, there is only a narrow base of support among the new Libyan political elite—constituted of members of the NTC, opposition abroad, and some academics—for a tribal-based political system. Despite the youth attitudes cited above, urban Libyan intellectuals are wary of tribal politics, as representing a regression to primordial political structures and an

obstacle to creating a united and democratic Libya where all Libyans are treated equally. For many urban elites, a tribal system connotes dominance by elderly males, inhibiting societal development. Many Libyan intellectuals instead have expressed wishes for political allegiance in Libya to be based on the state and on the basis of citizenship, seeing the tribe instead as a social umbrella with only a limited role in national politics over the long term. This, however, remains a minority elite view.

The early days of the revolution saw clear manifestations of this divergence in thinking. The statements of the NTC leaders and the slogans of protesters across Libyan cities, including Tripoli, were calling for a united Libya. These calls came also in reaction to Saif al-Islam's warning of the country's possible split into different regions in a controversial speech on February 20. In that speech, Saif al-Islam warned Libyans and the international community that Libya is a tribal society and that clashes could escalate into civil war, with a risk that the country would split into its three pre-independence regions. Calls for a united Libya appear to be based on strong political belief shared by nationalists, secularists, and Islamists.⁶⁹

Furthermore, building a political system that is focused on tribalism rather than ideologies carries a risk of creating a societal hierarchy and territorial divisions. It creates tensions between those who are inside the political system and those who are not. In the view of the new political elite, the citizenship principle, regardless of tribal and ethnical affiliations, must be embodied in the new constitution. No political formation or other civil society institution should make reference to tribes or regions.⁷⁰ However, the challenges of the political transition, and the strong role of the tribes as detailed above, dictate that the new interim

government must necessarily take into account the demands of certain tribes and regions. Abdul Alhakim al-Feitouri, a Libyan academic, argues that failing to accommodate the tribes in the transitional period could lead to the “Balkanization of Libya.”⁷¹

The new interim government formed on November 21, 2011, has implicitly attempted to balance tribal, regional, and armed groups representations. It did not accommodate every faction that exists in the country, but managed to achieve a balanced distribution of ministerial posts. All political persuasions are represented in the interim government, including both Islamists and secularists. The important ministerial positions of Defence and Interior were allocated to Osama Al-Juwali and Fawzi Abdelalai, representatives from the Zintan and Misrata militias, respectively.⁷² These two militias are considered the largest and best-armed in comparison with other groups.

The outcome of the interim-leadership work in forming the new government did not satisfy all the factions. Several protests erupted again in Libyan cities. The Berber groups, long oppressed under Qadhafi’s regime, resented their exclusion from power. The perception among Berbers was that their significant numbers and substantial contribution during the civil war were not taken into account. Other protests over marginalization and the failure of the new government to recognize contributions to the toppling of Qadhafi’s rule took place in Benghazi and Ajdabya.

In sum, tribes play an important role in the daily life of many Libyans, and are likely to continue to do so for the foreseeable future. Under a new regime that does not favor tribal politics, tribal leaders might agree to take a limited role at the national political level, but will likely want to keep their political influ-

ence at the regional level. Leading tribes in different areas of the country will have great aspirations to play an important role in their respective regions. It is likely that they will call for a decentralized political system that will accommodate their demands and aspirations. Any attempt to ignore and marginalize the tribes' demands is certain to exacerbate the fragile transitional process toward a modern and democratic Libya. Once again, the United States and other foreign partners engaging with the new Libyan state need to be aware of the limitations on the power and reach of that state imposed by the tribal nature of its society.

Handling Ideological and Political Differences.

Observation of political discussions among Libyan intellectuals in late-2011 only confirmed that political transition there is going to be laborious and intense. Opinions differ on the form of the state, its identity, and the administrative structures that have to be included in the country's first constitution. The current debates among Libyans have revived memories of similar discussions that took place before Libya's independence under the auspices of the UN. At that time, the main issue of discussion within the UN Council for Libya was over adopting a federal or unitary form for the state of Libya.⁷³ The federalist voices, calling for the country's division into three states, Cyrenaica, Fezzan, and Tripolitania, lost the debate.

One could argue that differences of opinion are a healthy sign for a democracy in the making. But the lack of institutions and processes that regulate political debate in any country make political discord a risky undertaking. Different groups are wary of each other, and suspect each other of following foreign agendas.

These fundamental differences are not limited to academic circles and intellectuals, but also exist within the provisional government. Factional infighting emerged in the early months of the existence of the NTC. As an interim political body for the rebels, the NTC included members from different political persuasions, including both those representing the opposition abroad, and those who had served their entire lives under Qadhafi's regime. The entity thus lacked any cohesion among its members in the early stages. But the main division that has emerged at the time of this writing is ideological and/or religious: frictions between secularist- and Islamist-dominated NTC discussions in late-2011.

The unifying factor that had kept the NTC from fissure was the fight against Qadhafi, with the result that a leadership battle resurfaced after the fall of Tripoli. The announcement by NTC leader Mustapha Abdeljalil that Islam was to be the basis for legislation brought divisions within the Council to the surface.⁷⁴ Several secularist figures voiced grievances publicly, complaining of their alienation by the Islamist wing backed by external players. Libyan diplomat Abdulrahman Shalgam voiced his dissatisfaction with Qatar's support of one side against other factions.⁷⁵

Truth Recovery and Reconciliation.

Another important task for the interim government, and an important step for the stability of the country, is to organize a truth recovery and reconciliation initiative. International experience, including in the cases of South Africa and Morocco, shows that reconciliation initiatives in post-conflict situations or following regime or political change constitute an im-

portant step toward healing the wounds of the past, and that they strengthen political transitions.⁷⁶

What and whom to reconcile in Libya are important questions. The new interim regime has not only to address atrocities committed over decades by the Qadhafi regime against individuals⁷⁷ and tribal antagonism; it also has to deal with human rights violations that occurred during the conflict between rebel and pro-Qadhafi forces. Violations reported by international human rights organizations included torture of war prisoners, mass killing, and rape.⁷⁸

At the time of this writing, the interim government is unable to launch a formal initiative, despite increasingly strident calls from Libyan intellectuals;⁷⁹ it is inhibited by the lack of state institutions that are important for the working of any reconciliation process—such as a parliament, a functioning judiciary system, and forces of law and order. Truth recovery would be a risky endeavor if carried out by a provisional government that is still weak, as it could become a factor that deepens rifts in society.

Nevertheless, at the end of November 2011, the NTC convened a national reconciliation meeting in the city of Zawiyah, where representatives of tribes and clans from across the country discussed the importance of addressing the rifts of the past and the ways of doing so.⁸⁰ The event was intended to convey a clear message to Libyans regarding the new government's intentions to handle all the issues of the past that could fuel societal tensions. The event also aimed to raise awareness and familiarize Libyans with the concept of reconciliation, through discussion of other countries' experiences—the intention being to reduce the risk of tension during the framing and implementation of the reconciliation process by ensuring that participants

and the audience are familiar with the process and its philosophy.

Given the crucial importance of reconciliation initiatives for stability during transition, the United States and other foreign partners should encourage these efforts and provide targeted support for the process.

Economic Reconstruction Imperatives.

Delivering a degree of economic prosperity is a prerequisite for successful transition. With economic conditions degraded following the months of civil war, building an economy has become an immediate priority for the current and coming governments. The prolonged political crisis, and the ensuing uncertainty, pushed away both foreign and national investors. According to the Bank of International Settlements, \$2.2 billion of domestic capital left Libya in the first quarter of 2011.⁸¹ During the crisis, economic activity in Libya was paralyzed as a result of the closure of factories, ports, and roads for months. This disruption of business activity resulted in huge economic losses. The economic cost of Libya's civil war has been estimated by the Libyan Central Bank at around \$15 billion.⁸²

Nevertheless, by some measures Libya is in a relatively strong economic situation compared with its neighbors, Tunisia and Egypt, both of which are expecting 2011 to show substantial falls in economic growth. Real gross domestic product (GDP) growth in Egypt is expected to drop to 1 percent in 2011 from 5.1 percent in 2010, and in Tunisia, the forecast GDP growth for 2011 is 1.3 percent against 3.7 percent the previous year.⁸³ The governments in Tunisia and

Egypt would like to stimulate the economy through public investments, but their capacity is limited by the lack of public funds; both countries need external financing to stabilize the worsening balance of payment situations.

By contrast, Libya has a broad spread of projects and services to spend money on, and access to ready funds to do so, which is expected to lead to strong GDP growth once political stability is restored. Libya is fortunate to hold good reserves that will help the interim government meet the socioeconomic needs of its citizens, as well as pay for the reconstruction of the state without resorting to international borrowing. Over the recent years of high oil prices, Libya accumulated a large amount of wealth, and currently holds around \$110 billion of foreign assets.⁸⁴ By May 2012, most of the foreign assets held by Libyan Central Bank and some state-owned commercial institutions that were frozen internationally following the UN sanctions had been released, with part of them transferred to the current Libyan authorities. The process of unfreezing assets of Libyan origin in some African countries has been more complex due to political and transparency reasons. First, some African countries were reluctant to recognize the NTC as the legitimate representative of the Libyan people in the early months following the collapse of Qadhafi's regime.

Second, it remains unclear whether some parts of Libya's investment in the African continent were the personal wealth of Qadhafi's family, or holdings of the Libyan state.⁸⁵ It is important to note that the UN lifting of sanctions on Libyan assets did not include assets of Qadhafi's family and former members of his regime, which remain frozen. The future of such funds depends on the outcome of each member's trial,

and the restitution of some assets might prove impossible. A panel of experts established pursuant to Security Council Resolution 1973 highlighted in its report the difficulty of identifying, tracing, and repatriating assets of key members of the former regime and their families as result of embezzlement of public funds and corruption.⁸⁶ It is to be hoped that the Libyan Investment Authority, with its \$65 billion worth of assets and accumulated investment experience, should play a key role in the rebuilding of the country's infrastructure and economy.⁸⁷

In addition to reserves, the interim government can also rely on hydrocarbon production and exportation revenues – and is therefore understandably keen to restore hydrocarbon production. Oil production reached 840,000 barrels per day at the end of November 2011, only a few weeks after the fall of the Qadhafi regime, and there is optimism that the new regime might increase production to the pre-war level of 1.6 million barrels a day by the end of 2012.⁸⁸ Libya was lucky that war damage was limited only to support infrastructure and has not affected key production facilities.⁸⁹ To return to the pre-war oil production level, Libya not only depends on the repair of infrastructure facilities, but also on the return of foreign skilled labor; part of the loss of production at the start of the civil war was due solely to the departure of international workers.⁹⁰

The availability of adequate finances will reduce the number of challenges that the government is facing in the immediate and short term. But the essential economic development question for Libya remains precisely what type of development strategies to pursue. There is an urgent need for comprehensive plans to tackle the structural economic problems that triggered

the revolution in the first place. This will include improving living standards for Libyans, and developing new sources of wealth away from the hydrocarbon sector in order to create enough jobs to meet the rising number of new entrants to the labor market. Unemployment in Libya, already high as noted above, was exacerbated still further by the paralysis of almost all economic activities during the civil war.⁹¹

LOOKING AHEAD: THE INTERNATIONAL COMMUNITY AND LIBYA

As the Libyan interim government continues to struggle to maintain law and order while simultaneously facing the daunting tasks of state-building *ab initio*, the United States and other leading actors in the international community can assist in maintaining stability by engaging and providing vitally needed help. This assistance is essential to avoid destabilization and deterioration within Libya, gravid with consequences not only for Libyan citizens, but for neighbors and energy consumers both in North Africa and Europe.

The involvement of the international community should be focused on what Libya needs in order to perform its functions as an effective sovereign state, both at a national and international level. U.S. and UN expertise in disarmament, demobilization, and reintegration (DDR) of armed fighters in post-conflict situations could be of pivotal help to Libya at this critical juncture, but such support should be provided carefully. Although the situation on the ground at the time of this writing suggests that the interim government in Libya would appreciate external help with the armed militias, any level of visible foreign military presence in Libya, particularly from the West, risks

igniting more political instability than it resolves. Any DDR assistance would be best provided through diplomatic channels in the form of continuous advisory and monitoring support. Contributions could also be delivered in the form of special training courses to middle- and high-ranking military officers, provided in U.S. and/or European military colleges. The United States could also work in conjunction with other Arab countries such as Jordan and Morocco to train Libyan rebel fighters and integrate them into the national army. Training in other Arab countries seems a viable solution. In April 2012, Jordan started the training of 10,000 policemen at its International Police Centre near the capital of Amman.⁹² But use or deployment of visible military assets by the United States or the North Atlantic Treaty Organization (NATO) would have limited, or no, support within Libya and in the wider Arab region, and would serve only to fuel conspiracy theories about interest in Libyan oil and new colonialism.

Preventing hostile exploitation of Libya's vast territory and largely uncontrolled borders remains a key task for the international community while Libya still lacks a national army. The new Libya needs well-equipped and well-trained military forces to protect and secure its approximately 4,000 kilometer (km)-long land border, shared with six countries, and its national territory. The new security apparatus that will be put in place should be trained to play a neutral role in internal political life, and specifically avoid domination by or favoritism toward specific tribes or clans over others. A new security system will reduce the risk of intimidation and violence during Libya's political transition. The United States and other international partners with experience in building security

forces in Iraq and Afghanistan are well-placed to offer this experience to Libya.

The United States and the international community can provide assistance in building state institutions and processes, once the political ambitions of the leading revolutionary commanders are satisfied or mitigated and the process of reintegration of ex-combatants is in an advanced stage.

International nongovernmental organizations (NGOs) have much scope to support the nascent democratic political culture and civil society in Libya. The new Libya requires the establishment and strengthening of a party system, elections, media, and an independent judiciary. Technical assistance in setting up legal systems on political and economic fronts is an essential prerequisite for Libya's transition toward democracy.

Libya occupies a strategically important position in the Maghreb and the Sahel, a region that is considered of increasing importance to U.S. global security strategy. In March 2012, the Libyan government hosted a regional conference on border security, with the aims of setting up collaboration mechanisms and procedures with neighboring countries and conveying a message to the international community that Libya takes its border issues very seriously.⁹³ However, given the lack of financial and human resources primarily in countries like Chad and Nigeria, it is likely that the collaborative efforts with Libya's southern neighbors will be less than fully effective.

The porous state of Libyan borders is not only a threat to Libya's stability, but also to other countries in its vicinity and beyond. Immigration, international terrorism, and transnational organized crime could affect the interests of European countries and the inter-

national community, in addition to their implications for Libya's internal stability. Yet, the Libyan security forces in their present form do not have sufficient professional personnel, equipment, or surveillance technology to control Libya's borders effectively.

This is not a task the new Libya can manage alone, and this is a key area in which international assistance is essential for Libya's state-building efforts. There is a potentially important enabling role in this area for U.S. Africa Command (AFRICOM), particularly in light of the improvement of the security environment in Africa being a key element of AFRICOM's mission.

In June 2012, U.S. Army Chief of Staff General Ray Odierno signaled increasing importance for the train and advise mission in Africa, in particular due to the fact that "terrorist elements around the world go to the areas they think [have] the least resistance . . . and right now, you could argue that's Africa."⁹⁴ Libya is a prime example of this potential, and AFRICOM should consider the case of Libya as a priority, given the security repercussions already felt by neighboring countries. The flow of weapons and militants is increasingly destabilizing the Maghreb and Sahel regions, and prompt action to mitigate this situation would prove cost effective in restraining the further spread of instability.

The planned assignment of a Brigade Combat Team to AFRICOM in 2013 to act as a pilot program for the Regionally Aligned Force concept provides an opportunity to build on immediate mitigating action in conjunction with the Libyan authorities. Conversely, if AFRICOM fails to engage promptly in Libya, the credibility of AFRICOM as a reliable actor and partner for the security of Africa will come into question in the region. Given the U.S. concerns about internation-

al terrorism, many would find it incomprehensible if AFRICOM took no visible action to counter expanding instability resulting from Libya's challenges.

The U.S. military is well-positioned to leverage its expertise and experience to design a comprehensive solution for border control and provide support in implementation. In particular, help could be offered to the Libyan authorities to control Libya's southern borders, while a collaborative effort involving European partners would be conceivable for Libya's sea borders with European neighbors.

The aim should be working together with the Libyan authorities in order to enhance their capabilities of providing for their own security. In addition to enhancing the security of neighboring states, a U.S. contribution of this type would strengthen the current fragile peace and help prevent any relapse into civil war.

Time is of the essence in the case of Libya. Prompt engagement with and support for the current Libyan authorities is essential for a wide range of reasons. First, it will ensure that the continued confrontations among armed rival militants do not spread and develop into a second civil war. Second, engagement will curb the further spread of instability to other neighboring countries. Last, but not least, achieving political and economic stability will have a strong positive impact not only on Libya, but also on neighboring countries in North Africa and Europe—securing important long-term political and economic allies in a region key both for the United States and for long-term partners in Europe.

CONCLUSION

It invites little controversy to say that removing Muammar Qadhafi was the easy part in Libya's fight for liberation, compared with the daunting tasks of building a state in the post-Qadhafi era. Libya's interim government is facing as difficult a moment as any other country in the region that has experienced a revolution. The new Libyan leadership inherits a distinctly messy political situation, with multiple, simultaneous, and urgent major challenges. In addition to building political institutions, maintaining security, withdrawing weapons, and creating a new national army, Libya has also to meet urgent demands to rectify both the crimes and the mistakes of the old regime. Initiating a truth-recovery process is essential to ensure victims that the crimes of Qadhafi's regime or of the civil war will not go unaddressed or unpunished.

The Libyan people have high expectations following the end of authoritarian rule by Qadhafi, but the provisional government is constrained by the absence of institutions to meet all the demands at once. One of the key challenges is the lack of experienced politicians who can lead a democratic transition. With the exception of those few figures who defected from Qadhafi's regime, there is even a dearth of national figures with any experience in managing state affairs. Under Qadhafi, state affairs were managed by a handful of technocrats, who occupied, in rotation, ministerial and management positions in state-owned companies.

The government not only needs to build basic state institutions that allow it to exercise its duties as a provider of services to its own citizens, but it has yet to establish itself as the sole user of legitimate violence.

In the aftermath of the fall of Tripoli, the interim government has announced its road map to democracy; a series of laws, procedures and institutions have to be put in place for the next elections. But simultaneously, a solution to the fundamental security issue has to be provided. Demilitarizing the armed militias and building a national army is a prerequisite not only for strengthening state capacity and credibility, but also essential for the achievement of other transitional reforms.

One final and crucial point is that any exclusion of the reality of Libyan tribalism from the political calculus will be highly damaging and will inevitably trigger more tensions. Libya's tribes are conscious of their importance and aspire to play a political role, at least on a regional level. The conventions of tribes in late-2011 to debate the future structure of the state and to discuss federation, central government, and a bicameral parliamentary system among other key issues, send a strong signal that the tribes want a political place in the new Libya. However progressive the instincts of the new government, it would be unwise to attempt to deny it.

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