

NEW LIBYA: POLITICAL TRANSITION AND THE ROLE OF THE WEST

The dissolution of the Gaddafi regime marks zero hour for a new Libya. There is a real danger that in the absence of the former leader's authoritarian grip, the country will experience a high level of instability. However, the actions of the Transitional Council so far, as well as Libya's basic socio-economic parameters, give reason to hope for a successful transition. This would also require that the Western actors reconceptualise their role in Libya. While their intervention has been decisive in shaping the outcome of the civil war, they should limit themselves to supporting Libyan initiatives when it comes to reconstruction.



Wall with Gaddafi graffiti in Western Libya, 5 August 2011.

Reuters/Bob Strong

The fall of Libya's capital Tripoli at the end of August 2011 marked the beginning of the end in the six-month Libyan civil war. While the fighting continues around the remaining strongholds of Gaddafi loyalists, the reign of Muammar Gaddafi is finished.

However, the "new" Libya is confronted with tremendous challenges. In addition to addressing the humanitarian emergency, the war damage, and economic reconstruction, the question of political reform is of particular urgency. In view of Gaddafi's momentous legacy, the heterogeneity of the opposition, and the lack of functioning state structures, many observers believe that the country may be faced with lasting instability. The main concern is that the disunity of the opposition will trigger new fighting, resulting in a frag-

mentation of Libya or even a complete breakdown of all central power similar to Somalia – with predictable negative effects for regional and European security.

Although this development cannot be excluded, there are several factors to suggest that Libya's new beginning can be a success. Western countries can contribute to a positive outcome, provided that they are ready to rethink and adapt their role.

Libya's zero hour

Libya is the third Arab country in which an authoritarian regime has been overthrown by internal popular pressure. However, when compared with the situations in Tunisia and Egypt, it is obvious that the political transition in Libya must begin from a fundamentally different starting point. While

the political transformation in Cairo and Tunis was ultimately brought about by the decision of the armed forces not to oppose the will of the people, or even to extend active support to the uprising, the upheaval in Tripoli is the result of a NATO-backed military success of the rebel opposition as part of a civil war. Compared to the other two cases, the transition process in Tripoli will be marked less by an antagonism between revolting masses and the remnants of the former oligarchic ruling class.

Another difference is that in Libya – unlike in its Arab neighbours –, the regime and the state were practically indistinguishable. The country has no constitution that might serve as a foundation, nor does it have stable or reliable institutions on which a new order could be based. Furthermore, the comprehensive repression apparatus of the old regime prevented the establishment of any meaningful civil society elements.

This state of play in Libya, together with the lack of security, the impression of deep political, social, and ethnic rifts within the society, and the looming conflicts over the distribution of oil resources, nourishes concerns about a progressive destabilisation of the country. However, pessimistic assessments of Libya's future tend to ignore structural factors and current developments that give rise to hope for a positive outcome of the transition. Starting over with a clean slate also has advantages. Unlike its revolutionary neighbours, Libya has in many ways shaken off the cumbersome burden of the past



and thus has the chance to build a stable foundation for a free and just society from scratch. The new order yet to be constructed can also draw on a reservoir of legitimacy generated by the collective experience of the war against Gaddafi.

At least to some degree, the lack of central political institutions in Libya is offset by the existence of a National Transitional Council, the de-facto government of the liberated areas. The Council had already constituted itself in February 2011 in Cyrenaica, the eastern heartland of the revolt, and now constitutes the nucleus of a transitional government for the entire country. It was formally responsible for the implementation of the military strategy leading to the capture of the capital Tripoli. Despite its heterogeneous composition, which includes representatives of diverse opposition groups, early regime defectors, and regional actors, the Council has succeeded in rapidly restoring public order and provisions in the eastern part of the country, which was liberated at an early stage.

The end of the Gaddafi regime has obviously deprived the Council of a unifying element. Although disagreements between secularists and Islamists or between former regime supporters and the younger revolutionary generation seem unavoidable, they need not necessarily be carried out violently. The most important condition for the creation of a stable Libyan transitional government is the redressing of the current regional imbalance within the Council. Due to the way the revolt evolved, the Council is dominated by political actors from the east of the country. This is a problem in view of the strong historic antagonism between eastern Cyrenaica and western Tripolitania. The

Council's public statements in support of maintaining Libya's national unity and its stated intention to represent all parts of the country as soon as possible do indicate however a determination to broaden its legitimacy base. Such a measure would also be justified when considering the important military role that Western Libyan forces played in the final overthrow of Gaddafi.

The opposition's plans for transition, which have already been worked out in detail, anticipate elections for a transitional parliament within eight months and the elaboration of a constitution that would then be voted upon in a referendum. A key condition for successful transition towards the aspired free and democratic order will be the integration of the broad range of political and social actors in the new Libya. Despite the obvious widespread popular support for the rebels, it must be assumed that there is a significant minority of adherents of the old regime. Their medium-term integration into the new system is a fundamental prerequisite for stability in the new Libya. On the one hand, in view of the egregious human rights violations of the old regime, calls for punishment and justice must be heeded – but at the same time, the new leaders must avoid giving the impression that the former Gaddafi minions are being persecuted mainly in order to exact revenge, especially since their technocratic and administrative knowledge will be needed in the future.

This is doubly true for attitudes towards the main tribal groupings that have traditionally collaborated with the regime. While the widespread view of Libya as a tribal society is misleading, especially since more than 80 per cent of the population live in cities, the influence of the tribes –

long supported by the old regime – should nonetheless not be underestimated when compared to the situation in other North African countries. In addition to the tribes, the new rulers will need to take into account the biggest ethnic minority, the Berber (who account for approximately ten per cent of the population), and their demands for cultural autonomy after decades of forced Arabisation. Berber tribes from the Nafusa mountains south of Tripoli played an instrumental role in the capture of the nation's capital and thus represent a significant military factor.

Natural resource assets

Whether the various political currents as well as the tribal and ethnic groups can be successfully integrated also depends on the question of future control over the country's oil resources. Before the war, oil export revenues accounted for 95 per cent of export revenues and 80 per cent of the state revenues. Furthermore, the oil revenues were the financial basis for the previous regime's rule based on patronage networks. Considering the crucial importance of the oil industry – about four fifths of which are located in the eastern part of Libya – the transitional government's decisions in this sector and the staffing of key ministries must be watched closely.

In principle, Libya's resource wealth promises a positive outlook for the country's economic future. The colossal waste of state revenues and mismanagement of the Gaddafi clan caused Libya's development level to stagnate far below its capability. The country's socio-economic statistics indicate great development potential, particularly if its dependence on oil exports can be reduced. Enhancing economic cooperation with other Middle Eastern states such as Turkey or Qatar and with Europe seems an obvious move.

Security as a key factor

The basic prerequisites for realising a democratic vision for Libya based on the rule of law and for the achievement of its economic potential are the restitution of public security and a general assertion of central power throughout the country. This is one of the greatest challenges for the new leadership, with two aspects being particularly important. First, even after the remaining Gaddafi strongholds are taken, his supporters may continue to undertake guerrilla warfare, especially since the whereabouts of some special units such as the Khamis Brigade remain unclear.

Libya, Tunisia, and Egypt compared

	Libya	Tunisia	Egypt
Population (2010, in millions)	6.5	10.5	84.5
Human Development Index (2010, rank out of 169)	53	81	101
GDP per capita (2008 PPP US\$)	16,999	8,509	5,840
Literacy rate (per cent)	89	78	66
Internet users (2009, per cent)	5.5	33.5	20

Sources: Human Development Index; World Bank

Second, the collapse of the regime has inevitably caused a temporary breakdown of public order mainly in Tripoli. Although the Transitional Council has laid out detailed plans for the takeover of public administration in the capital, such as protecting critical infrastructure and securing the effective supply of food and water, these plans are difficult to implement. In order to facilitate the swift dissolution of the heterogeneous and ultimately autonomous rebel units that are currently in control of Tripoli, it is advisable to move quickly towards the establishment of police forces mainly recruited from the respective regions, as has already been debated. In Tripoli and the west of the country, the legitimacy of the new leadership will largely depend on the extent to which a power vacuum can be avoided.

In the middle term, democratically accountable and nationally representative security organs will have to be built up. While a large part of the regular army switched to the rebel side at an early stage, the armed forces – neglected over many decades – have essentially disintegrated. As the fighting abates, the majority of the opposition forces, which consist mainly of young volunteers, will probably also dissolve.

NATO's balance sheet

In order for the emergence of a new Libya to succeed, the West must reconsider and adapt its own role in the transformation process too. While Western actors have decisively shaped the course of the Libyan civil war, they should take a back seat in the post-Gaddafi era and limit themselves to a supporting role.

During the course of the conflict, in a classic case of mission creep, the role of NATO has changed significantly. While it initially declared itself to be impartial in the Libyan conflict, committed only to the protection of civilians and the enforcement of the no-fly zone and the arms embargo, it changed its strategy in the face

of a looming military stalemate and became a decisive factor for the outcome of the civil war (see CSS Analysis No. 91 [↗](#)). As a de-facto party to the conflict on the rebel side, NATO subsequently cleared the way to Tripoli for the Transitional Council. In more than 20,000 sorties, its air forces damaged or destroyed more than 5,000 military targets, decisively weakening Gaddafi's war machine. In parallel, at least France and the UK have been giving military training to the rebels, sent them weapons and money, and apparently directly supported them with special forces on the ground.

The collapse of the Gaddafi regime can certainly be regarded as a success for NATO. The alliance has largely managed to prevent the massacres of the civilian population that Gaddafi had threatened. Furthermore, it has proven its capacity for military action even once the US limited itself to support functions such as reconnaissance and aerial refuelling. However, NATO's success has come at a high political price. In its active support for forced regime change in Libya, it has clearly overstepped UN Resolution 1973. Veto powers such as Russia and China, as well as emerging powers such as Brazil, India, and South Africa, will be even more reluctant in the future when it comes to any authorisation of the use of force in support of the international responsibility to protect in intrastate conflicts. In the Western camp, too, the military operation has opened deep fissures. Germany's abstention has weakened NATO politically and has cast the project of a common EU foreign policy further into crisis. The way Paris and London have instrumentalised NATO to run "their war" is also certain to arouse debate in Brussels.

Given their prominent role in the military intervention, it is not surprising that some Western states are also vying to take a front seat in Libya's reconstruction. For France and the UK, the decision in favour of military intervention means that a sta-

ble and democratic Libya has become the linchpin of their own Middle Eastern and North African policies. In view of the importance of the country's oil and gas deposits for Europe's energy supply and the role of Libya as a transit country for sub-Saharan migration northwards, there are also many practical reasons for continuing Western attention. Additionally, there are fears that Libya, should reconstruction fail, might become a new safe haven for international jihadist terrorists.

Nevertheless, the Europeans and the US would be well advised not to turn Libya into a Western-dominated state-building project. A backseat role of the West would be advisable not only because of the country's promising structural parameters and the hitherto effective leadership of the Transitional Council, but also in view of the necessity of national reconciliation and broader domestic support for the revolution. Furthermore, the experiences in the Balkans, in Iraq, and in Afghanistan in the past decade have indicated the limitations of state-building according to Western standards.

A new role for the West

What is needed today are neither Western state-building concepts nor ambitious transformation goals; initiatives in these areas will have to be proposed by the new transitional government. Instead, at this point, external actors should make specific offers for support that the Transitional Council can take recourse to if required.

Debates in this context have mostly centred on the possibility of deploying peacekeeping forces. Already, a number of suggestions are in circulation regarding the deployment of EU Battlegroups, UN peacekeeping forces, African Union forces, or purely Muslim peacekeeping contingents. However, the fact is that the requirement for international troops is not evident at this point. Even more importantly, the Transitional Council has so far categorically refused the deployment of international forces or observers, arguing that this would be contrary to the wishes of the Libyan people. It is not inconceivable that the Council might review this position in the case of a deterioration of the security situation. However, even in such a case, what would be required would probably be specific military police capabilities rather than any comprehensive peacekeeping operation.

It is in the area of state- and institution-building that the Transitional Council will most likely request international expertise. In this area, a broad range of support measures is conceivable. Relevant topics include the development of rule-of-law-based institutions and new police structures, the build-up of armed forces under civilian control, constitutional matters, the decentralised distribution of power and oil profits, election support, economic diversification, or practical aspects such as disarmament and reintegration of rebels.

In all these activities, however, the West must be prepared to come to terms with local arrangements, especially when it comes to the future role of Islam in Libyan society. Also, any international engagement in the rebuilding of Libya will have to be neatly coordinated, presumably by the transitional government in cooperation with the UN.

What Libya does not require is traditional development aid. By contrast, the unfreezing of Libya's large foreign assets is a matter of urgency. Another immediate necessity is humanitarian emergency supply, in particular regarding water supply, medical care, and return of refugees.

Perhaps most needed by the new Libya, however, will be the prospect of closer ties with the EU. The long-term stability of the new republics in North Africa may depend not so much on Western knowledge transfer to these countries as on the EU's willingness and ability to offer them a partnership and a stake in the internal market that exceeds the provisions of the current Neighbourhood Policy. It is not only Libya and its revolutionary neighbours that face major challenges following the remarkable developments in their countries; the burden of coming up with an adequate response lies upon the EU as well.

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