

## **Reconstructing Libya: From Jamahiriyya to Democracy?**

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What started out as a popular uprising in mid-February 2011 in the eastern part of Libya against Mu'ammar al-Qadhafi soon turned into a stalemate that pitted loyalists around Qadhafi against a broad-ranging coalition of Libyan citizens. By mid-May 2011, as the stalemate in the civil war continued, a number of plausible scenarios had emerged.<sup>1</sup> In light of the country's tortured history,

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<sup>1</sup> An earlier version of this more speculative appraisal of the Qadhafi regime's future appeared as "Libya's Divisions" in *Newsweek*, 17 April 2011. See also my "After Gaddafi," *Newsweek*, 7 March 2011, "The Reconstruction of Libya: Local and International Constraints and Opportunities," testimony before the Senate Foreign Relations Committee, 6 April 2011; To The Shores of Tripoli," *Foreign Affairs*, March 2011.

none appeared likely to resolve the country's longstanding divisions and fissures that had been kept unaddressed during the Qadhafi period.<sup>2</sup> The first involved a more intense support for the rebels who, aided by NATO power, could steadily move westward and unify the country by overpowering the western province of Tripolitania. In light of the checkered history between Tripolitania and Cyrenaica, this scenario would undoubtedly open up old wounds. When the Kingdom of Libya was created in 1951, Tripolitania resentfully agreed to be pushed together by the Great Powers into a single political entity ruled by a monarchy with its roots in Cyrenaica. The resentment within Tripolitania, where support for Qadhafi was traditionally strongest, would be enormous if once more a government were foisted upon it either by a Cyrenaican-led rebel movement or through the support of the international community.

A second scenario was to simply allow Libya to separate into two smaller states, focused around Tripolitania in the west, and around Cyrenaica in the east. This would have necessitated a longstanding commitment from the international coalition to protect Cyrenaica—certainly

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2 See in particular Chapter 3 of my *A History of Modern Libya*, Cornell University Press, First Edition, 2006.

not a prospect either the United States or the European Union are enamored of.

Another possible scenario involved the somewhat patient process of gradually undermining the credibility and prospects of the Qadhafi government over time. This meant systematically undercutting the regime's traditional methods of using patronage for its survival as the international sanctions took hold and the regime's financial resources were depleted, hoping that eventually internal desertions and perhaps a palace coup or more general revolt would take place within the inner circles of the regime. As individuals around Qadhafi and his remaining supporters started to make calculations, much hinged on the perception of his staying power. In a somewhat crude form of psychological warfare fought with leaflets, internet, and personal appearances by the Libyan leader, both he and the coalition against him attempted to portray their cause as likely to prevail. The language Qadhafi used still resonated among his supporters, and was not to be cavalierly dismissed.

The final scenario is one that could prove the least attractive for many Libyans, but one that may well prove most feasible to the many parties now involved in the conflict. It is perhaps also the most promising for the future of the country, and certainly would minimize the dislocations and potential infighting some of the other scenarios entail. It consists essentially of a diplomatic compromise whereby Qadhafi (and perhaps his family and his closest confidants) would depart into exile. The

range of countries willing to accept Qadhafi would be tiny, and would be made even smaller by the fact that the Libyan leader would undoubtedly try to find asylum in a country that does not recognize the authority of the International Criminal Court in case it decided to indict him for a string of human rights violations.

Despite what many would undoubtedly consider a repugnant solution to the Libyan conflict, it would keep the country unified without having to worry about the existing differences between its two most powerful provinces. It would put a halt to further destruction of the country's economy and its oil infrastructure. It would offer the possibility of a kind of psychological closure for all Libyan citizens that other scenarios do not. Libyans would still face the daunting task of creating a new government, designing new arrangements that will allow the different provinces and groups within Libya to work together in a post-Qadhafi world, and to generally engage upon a process of state-building that will be extremely difficult. But they could do so knowing they have avoided a protracted civil war and the attending deep and lasting cleavages that could perhaps never be healed.

Assuming the outcome of the ongoing conflict in Libya means the removal of Qadhafi, the economic, social, and political challenges Libyans will face in its aftermath will be enormous. With virtually all modern state institutions having been eviscerated or neglected by the Qadhafi government, Libya will confront a simultaneous need to restructure its economy away from excessive

reliance on the state and on hydrocarbon revenues; to come up with a political formula that is acceptable to a number of different players that have traditionally been antagonistic but that were held together artificially by the authoritarian policies of the Qadhafi government; and to create a system of law that serves its citizens equitably. All of this will need to be established in an oil economy that creates all kind of opportunities for different Libyans players—individuals, families, tribes, and provinces—to pursue their own interests at the expense of whatever kind of new Libya may emerge.

Strictly speaking, what will be needed is not simply the reconstruction of the political, social, legal and economic institutions of a Libya past, but in more significant ways the creation for the first time of the kinds of rules, mutual obligations, and checks-and-balances that mark modern states and how they interact with their societies. In light of the traditional antagonisms between different tribal groups and between the different provinces and the lack of institutional frameworks to resolve differences, governance challenges in the post-Qadhafi period will be enormous.

### **THE IMPACT OF QADHAFI'S REVOLUTION**

To outsiders it is difficult to describe the impact of Qadhafi's self-styled revolution on the sense of identity and political imagination among its citizens. During a decade-long period of revolutionary upheaval in the 1970s,

the regime managed to destroy, reshape, or reorganize many of the institutions of the state in the name of popular rule. Simultaneously, it created a carefully controlled system of patronage managed by the top military elite, and by the cluster of Qadhafi loyalists who, in contradiction to the official policies of popular rule and popular management, controlled access to the country's main spending institutions—its ministries. Libya's historical problem with central authority was simply resolved by eliminating it altogether, at least in principle. By centralizing all political expression in the so-called Popular Committee system, by clearly stating that no political activity could take place outside it, and by awarding the revolutionary means of governing precedence over the formal political institutions in 1979, the regime ensured that it contained and controlled all political expression or dissent. Indeed, the General People's Congress was never used to seriously debate any of the country's political or economic objectives. Furthermore, Qadhafi's central position within the country's political and economic structures, despite the lack of a formal link to the country's executive structure and his own assertion that he no longer had a formal role to play, created a system of personal politics that continues to dominate the country until today.

The essential questions that have dogged Libya since its creation as an independent state in 1951 are still left unresolved today: the creation of an institutionalized state, and the incorporation of the country's citizens into

a meaningful, participatory system. By the time of the uprising in 2011 the territories that formed the independent United Kingdom of Libya and then the jamahiriyya had existed for six decades. During that time Libya had been changed beyond recognition—from a desert-strewn backwaters to a modern oil economy with intricate links to the international economy. A tribal, impoverished and barely self-sustaining society had endured the Sanusi monarchy with its confused sense of what political community it represented, and then four decades of the diktats of a revolutionary regime that seemed determined to refocus political identity on a sense of identity and community that had started to lose its coherence in many important aspects several decades earlier.

Until the discovery of oil in 1959 the country seemed destined to retain those social and economic features it had possessed since time immemorial. The reports submitted by the international financial agencies its independence in 1951 projected the country's future as, at best, one of hardscrabble survival and, perhaps eventually, a modest level of economic growth and development. Very few Libyans it seemed—except for some small clusters of urban elites—had a real interest in the United Kingdom as a political community. This was partly due to the colonial legacy, to the fact that the comforting and familiar sense of kinship and local—or at best regional—political allegiance could be maintained during the first few years of the monarchy but, importantly, also to the fact that there were few economic prospects for the

country that could spark interest and struggles for economic goods that would make the construction of a national community worthwhile.

This changed, literally almost overnight, when oil started coursing through the veins of a barely existing economy that could suddenly produce great riches. It also contained within it, however, the dynamics for the kind of promises and dangers of social and economic differentiation the country had never witnessed before. Oil irrevocably brought to life a series of economic, social and political interests and differentiation as, suddenly, interests were created that made it worthwhile integrating a country for. Unfortunately for Libya, during the remainder of the monarchy and during the years since, these interests were never nurtured and exploited for the purpose of creating a truly national community. Oil revenues allowed Idris al-Sanusi and Mu'ammar al-Qadhafi to create and maintain social contracts with their subjects that relied overwhelmingly on distributive largesse rather than on perfecting the state.

This was partly to blame for the low sense of political community Libya still faces today, and for the *sauve-qui-peut* attitude it engenders among its citizens. One should not blame that process purely on oil revenues, however, but equally on those who were in charge of the country. Both rulers of Libya—in different styles and by different means, but both conveying the same meaning—consistently projected a sense of community for their citizens in various combinations below or above the level of the

state and in lieu of the state: kinship, family, tribe, Islam, Arab nationalism, African unity. Under both systems of government—laissez faire or activist—Libyan citizens remained largely bystanders. Both King Idris and Qadhafi lamented the impact of oil on their societies and on its traditional values, but both failed to understand how their policies—or lack thereof—created those outcomes.

Ever since 1969—or perhaps more precisely since the publication of the *Green Book*—Libya has pursued a policy of statelessness that, at least in theory, puts all power in the hands of the people. Ironically, as statelessness was pursued, virtually all economic activity within the country came under state control. As opposed to non-oil economies where over time the state develops and fine-tunes a set of regulatory, extractive and distributive mechanisms to calibrate the interactions between the state and local societies, in Libya this evolutionary process of state- and institution-building was curtailed. Anticolonial and nationalist sentiments, the subsequent rapid inflows of capital, but in most cases simply lack of alternatives prompted the local government to take a firm hand in guiding the local economies—particularly in Libya where the political imagination was simply a tabula rasa as state-building started. In Libya until now, the panoply of social, economic and political challenges that faced the kingdom and the Jamahiriyya far outstripped the capabilities of the state to deal with them. The result has been a number of institutional shortcuts, of which wholesale state management and emerging

social contracts became a glaring example. In the Jamahiriyya, the appearance of a social contract reflected the truncated process of state-building under which it took place.

In Libya the questions that are at the heart of every political system were less pressing to the monarchy and then the Qadhafi government: how revenues are gathered, what compromises the ruler must make with his subjects to obtain them, which institutional capabilities the state needed to develop this task, and how those institutional arrangements reflected the interests of both ruled and ruler. As a result the state seemed highly autonomous, but without much regulatory capacity—a phenomenon exacerbated by an official ideology that celebrated this hollowing out of state power and regulatory capabilities. The challenge to the state was not to extract wealth but to spend it. Economic growth could during prolonged periods simply be “bought” by increasing the sale of the revenue-gathering resource. Distributive policies become the most common method to meet social contracts or to stimulate domestic economic sectors.

State institutions became intricate channels for economic largesse and distributive purposes, while their regulatory and legal capacities—already weak by the initial state-building processes described above—tended to remain inefficient and underdeveloped. The lack of economic data in Libya, the occasional physical destruction of state bureaucratic offices and records, and the state’s sporadic direct intervention in issues ranging

from employment to price setting to property rights issues were all signs of regulatory weakness. In effect, the country's relative stability until the uprising in 2011 was more than anything due to the fact that Libya had not yet been forced to flex its institutional capacity for economic activity beyond distribution. The country had become a prime example of the by now familiar litany of the "too much state, too little state" phenomenon: pervasiveness and lingering control by those in charge of the state that has not translated into efficiency, capability or capacity.

Under such circumstances social stratification in Libya resulted overwhelmingly from the distributive and spending patterns of the state—forcing the Qadhafi government to assiduously promote its clients. Much of this maneuvering was concealed by the way in which the country's revenues are shielded from public scrutiny—and much of it would not be revealed until the 2011 uprising had started. Decisions concerning economic policies, distribution and investments were traditionally kept to the purview of small coalitions, rather than assigned to the market. Not surprisingly, this distributive largesse was augmented with reliance on informal mechanisms linked to history, religion or culture. The enormous bifurcation between formal and informal politics remained a pronounced feature of Libya's political life—expressed in the supremacy of the revolutionary instruments of rule in the country.

Why is it that a seemingly omnipresent state like Libya, capable of regulating the minutiae of its citizens'

lives, never had the capacity to successfully implement political or economic reforms? The answer lies within the broader social and political structures within which its political economy is embedded. The country's institutions, often created as a direct response to international economic forces during the oil booms, appeared inflexible and undifferentiated to deal with fiscal crises that threatened previous distributive policies. Economic crises thus threaten to become profound political crises. Why then has Libya not witnessed the kind of upheaval many other countries of the area have?

Undoubtedly, one major answer lies in the presence of an extensive security sector. The combination of how state-building proceeded and easy access to revenues created in Libya a powerful and narrow political system that relied on this security sector which, in addition to the military itself, remains barnacled by layers of attendant security organizations. The continued access to revenues proved a key factor in the persistence of the security sector. In contrast to sub-Saharan Africa, for example, where successful transitions to reform were often less the work of strong societies than the "hollowing out" of the coercive organizations due to fiscal crises, in Libya they have not suffered for lack of financial resources. As in most oil states, Libya's security sector remains governed in large part by the logic of patrimonialism, is not subject to civilian control, and remains the most privileged of any group inside Libya.

These enduring legacies of the revolutionary period continue to cast long shadows over the future of the country. Whether the voices of the insurgents can now coalesce into an integrated channel for meaningful reform remains, as yet, unclear. Ultimately oil revenues, for over three decades, made the country's political experimentation—and the use of those resources in pursuit of such experimentation—possible, and it could do so again. While there are signs of pragmatism and of the realization among Libyan policymakers for the need for greater efficiency, there are few indications that the country's system of governance has changed or that a process of accountability is being implemented. With new windfalls from an expanded oil sector flowing into the country, this lack of institutional checks and balances remains problematic. While the pressure to economically perform more efficiently and to use the country's riches for the greater benefit of all Libyans has undoubtedly grown these last years, there are, as yet, no institutional guarantees that any post-Qadahfi government could be forced to do so. Clearly these challenges Libya will now need to address in the aftermath of the civil war.

### **LIBYA, DEMOCRACY, AND THE INTERNATIONAL COMMUNITY**

The challenges Libya will face therefore will be enormous after the destruction of all political, social, cultural and economic institutions that could have provided a

sense of nationhood to its citizens. The reconstruction of Libya will need to be both integrated and systemic, interweaving various social, political, legal, and economic initiatives that can help prevent the kind of backsliding that disparate efforts at economic and legal reform or political liberalization if made in isolation often provoke.

Because of the evisceration of all political, legal, and social institutions under Qadhafi, Libya will be severely lacking in even the basic understandings of how modern, representative governments and the rule of law work. The natural impulse of the international community will be to insist on elections, as soon as possible. But elections without the prerequisites for a modern democracy in place—and here Libya will be found profoundly deficient—are hollow and counter-productive. Libyans are unlikely to be impressed with calls for early elections in a country where justice and the most basic checks and balances to make a democratic system work are not yet in place. With its vast experience of political capacity building through a large number of government agencies, however, the international community is in a unique position to help create a sustainable network of civil, social, and political institutions that can build the foundations of a future, democratic Libya.

Furthermore, the economic and political reconstruction of Libya will need to go hand in hand. After four decades of inefficient state management, cronyism, and widespread patronage this will be an exceedingly difficult task. Almost 95 percent of Libya's current income is

derived from oil and natural gas. How the proceeds from this hydrocarbon-fueled economy are distributed will be seen as crucial by all sides. This will require a number of creative solutions to keep the country unified. The international community could be helpful in mediating and suggesting a number of ways out of the conundrums Libya will encounter in this regard—perhaps by suggesting a federal formula that provides incentives for the different provinces and tribes to work together rather than go their own way. A more diversified and de-centralized economy will make the reappearance of a dictator less likely: it is precisely the unchecked centralization and spending of revenues in oil economies that often sustain authoritarian governments through intricate patronage systems managed from the center. A carefully balanced federal formula once more would prove immensely helpful in this regard.

In addition, the international community should be proactive in helping establish or support those institutions, such as the International Criminal Court, that will hold the Qadhafi regime responsible and accountable for the crimes it has committed against its own citizens. But it could go even further. Since the settling of scores seems inevitable in Libya after decades of Qaddafi's deliberate divide-and-rule policies, the international community could help establish a Libyan version of the Truth and Reconciliation Commission that brought political opponents in South Africa to some kind of understanding. Libya is a tribal society; such societies have long

memories, and forty years of Qadhafi's rule made some collaboration with the regime virtually unavoidable for almost everyone. In thinking about rebuilding Libya, any actor who can help prevent the settling of scores will be seen as a valuable interlocutor.

In conclusion, the challenges for the reconstruction of Libya and for eventually bringing a more democratic government to power will be enormous. For the first time since its independence in 1951, Libyans at the end of their war of attrition will be asked to create a modern state—that provides checks and balances between its citizens and those who rule over them. Four decades of fragmentation of the country's society and the competition for the country's massive oil reserves will make a consensus around such a creation exceedingly difficult. Once the euphoria over the future removal of Qadhafi wears off, the hard tasks of state-building within Libya lie ahead. In a political landscape where citizen loyalties were deliberately never aggregated at the national level, this road ahead will prove unsettling and uncertain. It will undoubtedly provide ample opportunities for those who want to obstruct that process.

To avoid this, the country will need substantial expertise that will help a post-Qaddafi Libya start to build a new, democratic state, to reform and develop its badly functioning economy, and to improve local democratic governance through a number of educational, economic, and political initiatives. Libya's survival as a unified

country will not only depend on how its own citizens deal with its long-standing fissures but also on the careful planning of outside powers. The international community is uniquely situated to help Libyans address exactly those multiple, overlapping tasks, and, for the first time, create a political entity in Libya that all its citizens can truly subscribe to. Only then can we hope to find anything approximating a democratic Libya to emerge.