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The American University in Cairo

**Hurdles to Development: Challenges Facing Libya's Post-Conflict
Reconstruction (2012-2014)**

A Thesis Submitted by

Munir Eldin Ibrahim A. Betelmal

To Department of Political Science


May, 2016

In partial fulfillment of the requirements for

The degree of Master of Arts

Has been approved by

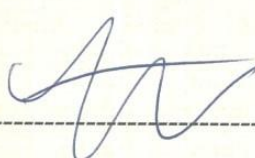
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CHAPTER I – INTRODUCTION

What started out as mass protests in Libya during February 2011 escalated to a violent civil war to force the forty-two-year old Qaddafi regime out of power. This war was extremely destructive, both in the tangible physical sense and in the intangible psychological and social sense. The task of reconstructing the Libyan identity seems to be nearly impossible, due to the divisions between different sectors of society be they tribal, territorial, or political.¹ It is hard to look away from the vendetta and hatred to work collectively towards a united future. This is magnified by the fragile Libyan institutions and distorted national identity inherited from the Qaddafi era.

Five years have passed since the conclusion of the revolution, and the Libyans seem to be more disunited than ever. As this research is being conducted, different militias representing different actors and ideologies are fighting each other over the future of Libya, tearing the society apart and causing civilian collateral damage. There is fear amongst the Libyan people and the international community that the Libyan nation will slowly slip into a civil war if this situation continues. It is important to understand how Libya's post conflict reconstruction was compromised, thus ushering in the current wave of violence, and how Libyans view this second descent into chaos.

It is imperative to assess the reasons for this second wave of violence and determine the roles played by the central transitional governments and the peripheral actors in the lead up to the current Libyan situation. The voice of the Libyan people must be heard and introduced to the academic and political discourses over the Libyan situation. It is crucial to see what the citizens of Libya deem to be the cause of this current conflict, what entities they blame for it, and how they envisage the way forward.

¹ Sharqieh, I.(2012).*Imperatives for post-conflict reconstruction in Libya*.Doha: Brookings Doha Center.

Research Focus

Main Question: What are the major post-conflict reconstruction challenges that the transitional period in Libya faced?

In order to answer this main question, the following questions must be answered:

- a. How were Libya's political and economic systems constructed during the Qaddafi era?
 - i. How were the institutions constructed?
 - ii. How was the national identity defined?
- b. What did the central transitional government define as its post-conflict reconstruction goals?
 - i. To what degree was it successful?
 - ii. What was its major shortcomings?
- c. What elements of the fragile institutions and distorted national identity inherited from the Qaddafi era challenged and impeded the post-conflict reconstruction of Libya?

Through probing this set of questions, the thesis aims to understand how the different elements of the Qaddafi regime that were entrenched in Libyan society caused the weakening of the post-conflict reconstruction process in Libya, and what roles were played by both state and non-state actors. Furthermore, it aims to examine the perceptions of these roles by the people in Libya and the means by which they can voice their demands to support or change these roles.

Not enough focus has been given to gathering data from Libyans to understand how they viewed the transitional period and defined the major challenges to the post-conflict reconstruction process. What factors embedded in Libyan society during the Qaddafi era rose to compromise the transitional period? How do they assess the performance of the National Transitional Council (NTC) and its successor the General National Congress (GNC) in leading

the transitional period and overseeing the reconstruction and reconciliation process? How did the transitional government deal with major security issues and consolidation of security forces, shape the political economy of the newly born nation, and deal with the tribal and regional differences and conflicts?

Using theories of institutional reform and post-conflict reconstruction, the thesis *hypothesizes* that Libya's post-conflict reconstruction was impeded by the state of Libya's fragile institutions, especially the security institutions, and its weak national identity after the revolution. These had been deconstructed by the previous regime as means to consolidate and sustain its power. As will be discussed in more details in the thesis, nations with hollow security institutions, a lack of previous democratic experience, and distorted and weak national identity are more prone to fail in meeting the challenges of the post-conflict reconstruction.² Libya is a strong example of such a nation.

The authority of the transitional central government was consistently comprised by a series of concessions made to peripheral actors that diminished the ability of the central government to establish legitimacy and control over all corners of Libya.³ This took place because they lacked institutions that could propel them forward and allow them to face up to peripheral actors who were challenging the post-conflict reconstruction and reconciliation. This led to a shift of power from the center to peripheral actors, which undermined the government's ability to govern and caused further tension between the different competing actors on the ground. This paved the way for the demise of the post-conflict reconstruction and the current

²Rothchild, D., & Roeder, P. G. (2005). Dilemmas of state-building in divided societies. In D. Rothchild, & P. G. Roeder (Eds.), *Sustainable peace: power and democracy after civil wars* (pp. 1-26). Ithaca, NY: Cornell University Press.

³Pack, J., & Cook, H. (2015). The July 2012 Libyan election and the origin of post-Qadhafi appeasement. *The Middle East Journal*, 69(2), 171–198.

atrocious conflict that the nation is facing. Of course, one must recognize that a main reason for the attempts of such peripheral actors to work outside the democratic process of reconstruction was that Qaddafi had methodically and consistently siphoned national identity from society to consolidate his grip over it. What it resulted in was a free-for-all competition between actors pursuing their own self-interest over the wellbeing of Libya as a whole.

Post Conflict Reconstruction

Within this paper the process of post conflict reconstruction is not simply focused on infrastructural development and rebuilding of war damaged areas. It is studied from a more general view tackling the reconstruction of both the physical, political, economic, and social aspects of the state and society. One of the most important goals of such reconstruction defined in this research is elimination of further violent conflict after the end of the revolutionary war which was unfortunately not met. Other goals include setting the stage for political development and reforming previously built institutions while creating new modern ones when needed, achieving reconciliation and mending of the torn social fabric while activating the independent judicial branch, and ensure the state's ability to govern and monopolize the use of force in the nation.

Unfortunately none of these goals were achieved within the transitional period of 2012-2014 which motivated the creation of this research to understand the hurdles that stood in the way of development. From the early stages of the research it was apparent that the greatest hurdle was the state of the Libyan state inherited from the Qaddafi era or rather the lack thereof and the continuation of this vacuum in the transitional period due to the failure of the transitional governments to fill it. There was no Libyan state in the time of Qaddafi and the years that followed the revolution.

Sources and Methodology

In an attempt to answer the questions of this research, the methodology employs a mixed-methods approach. The qualitative element is based on literature that tackles the issues of post-conflict reconstruction in general and Libya's case within it from international and domestic sources. These secondary sources are fully documented in the bibliography. The fieldwork in Libya is based upon in-depth interviews conducted in both Misurata and Tripoli (the safest large cities in Libya and location of significant numbers of displaced Libyans from the east of Libya, which is inaccessible due to security reasons) and comprises the primary resources of the research.

First, an understanding of the legacy of the Qaddafi regime needs to be established by studying the regime's history, with a focus on its tools of regime sustainability. This will be focused on the political economy of Libya under his control, which was inherited by the transitional government; the security apparatus during his reign; and how he managed and used the tribal system of Libya. It will be based on literature studying his time in power and will be part of the in-depth interviews, which will be discussed below.

Secondly, there is a need for an understanding of the post-conflict reconstruction and reconciliation that took place immediately after the conclusion of the conflict with regard to social reforms and the engagement of different stakeholders in the reconstruction. The policies enacted by the government and the public perception of them are studied in order to understand their successes and shortcomings. It is important to understand how the transitional government dealt with voices of dissent, tribal and regional powers and the revolutionary forces made up of the different militias from the numerous regions of Libya and how the public perceived such actions. This will be based on a study of the academic literature discussing post-Qaddafi Libya, government publications, news reports, publications of international organizations and NGOs, and the findings from the in-depth interviews.

Primary Sources

❖ *In-Depth Interviews*

In-depth interviews were conducted with individuals representing the government, civil society, the military and other groups during a field visit to Tripoli and Misurata. The interviewees were:

- ❖ Mr. Mohamed El-Gherany, previous Minister of Foreign Affairs under the GNC government
- ❖ A member of the GNC who requested anonymity
- ❖ Mr. Mohamed Ismail, previous official spokesman of the national rescue government and currently professor in Misurata University
- ❖ A tribal sheikh who requested anonymity
- ❖ Dr. Mohamed Fayad, Chair of the School of Economics in the University of Benghazi and the Director of the Libyan Center for Economic and Social Research
- ❖ An advisor to the Prime Minister who requested anonymity
- ❖ Mr. Gamal Salm Elhatab, who worked in media in various institutions for thirty years
- ❖ Mr. Nagib Aly El-Greeby, Deputy Director of the National Planning Board
- ❖ A Libyan judge who requested anonymity
- ❖ Hakim Nasif, a business man
- ❖ Dr. Mohamed El-Hady, a professor in the University of Misurata who is active in civil society
- ❖ Dr. Sharaf Eldeen Shatwan, a professor in the University of Misurata who is active in civil society
- ❖ Dr. Khalifa Elsharkasy, a medical doctor who was active in civil society initiatives to integrate the rebels into the national army
- ❖ Mr. Mohamed Elsweeh, an active member of civil society

- ❖ Mr. Khalid El-Jazwy, head of economic policies in the national economic and social development center
- ❖ Mr. Mohamed Abdelmalek, who worked in various telecommunication institutions
- ❖ Mr. Aboelqasem Abdelatty, a retired army colonel
- ❖ A Libyan lawyer and writer who requested anonymity
- ❖ A military officer who served in the army prior to the 2011 revolution, who requested anonymity
- ❖ An employee in the Ministry of Finance, who requested anonymity.

The goal of the interviews was to receive a firsthand account of the Libyan reality post-conflict with regard to the challenges facing reconstruction and reconciliation. They helped in understanding what these actors and the entities they represent view as the causes of the rebirth of the current conflict and their vision for post-conflict reconstruction and reconciliation.

The interview consisted of nine questions with varying follow up ones depending on the expertise of the interviewees and the need for elaboration and clarifications on some topics outside of the scope of the interview questions. In the sections of the thesis that were heavily built on findings from the in depth interview the interview question used is added as a subtitle of the section. The questions were:

1. In your opinion what were the major post conflict reconstruction challenges that originated by the previous regime?
2. How was the state of the central Libyan institutions during and after the time of Qadaffi?
3. Why was Libya unsuccessful in creating a united national army?
4. Do you believe that the presence of international security forces in Libya after the conclusion of the 2011 conflict would have helped in the success of the transitional period?

5. What were the major characteristics of the political process during the transitional period?
6. How was the Libyan identity constructed in the time of Qadaffi?
7. Do you believe that there is no united identity in Libya? Why or why not?
8. If you believe in the lack of or the weakness of a national Libyan identity, do you believe that it contributed in jeopardizing the transitional process?
9. What are the most important lessons learned from the first transitional period that must be implemented once the current conflict is concluded?

The following chapter will discuss the literature used in this review and is concluded with the conceptual framework. The review aims to create a theoretical understanding of the state of the Libyan state during the Qadaffi era and in the transitional period. It is then followed by a discussion of post conflict reconstruction challenges with the focus on the institutions and national identity. The following chapter provides a brief look at Libya before the Qadaffi era to assess the state's attempts of institution building a national identity creation. The fourth chapter discuss the forty two years of the Qadaffi regime to understand what the transitional period inherited within the focus of this research on institutions and national identity. The fifth discusses the transitional period and how the dark legacy of the Qadaffi regime hindered the attempts made to achieve post conflict reconstruction and reconciliation. Finally the conclusion revisits the major findings of the research while providing policy recommendations for the future and presents the limitations that faced this research and possible areas for future research.

CHAPTER II: LITERATURE REVIEW

Post-conflict reconstruction in Libya was highly challenged by numerous factors inherited from the Qaddafi era. Two major aspects of his attempts to consolidate his power and sustain his regime came to haunt the reconstruction era, for they caused the severe weakness of the transitional state. These aspects were the creation of fragile institutions, with a focus on the vital security institutions as opposed to his loose brigades aimed at defending his reign rather than protecting the nation of Libya,⁴ and the deconstruction of the Libyan identity to make it revolve around him and his ideology, thus jeopardizing the possibility of Libyans having a unified national sentiment.⁵ Post-conflict reconstruction literature studies these two aspects extensively and attributes to them the re-emergence of conflict due to their destructive force against reconstruction and reconciliation. This section addresses such literature and aims to direct attention to areas that can be built on within it in the case of Libya.

This review will focus on those two previously mentioned aspects, with the framework of a resource-rich personalist state emerging out of conflict, a framework of analysis that Libya falls perfectly within.⁶ This aims to construct a theoretical understanding of where does Libya fit as a state. The Qaddafi era was one in which power, wealth, and national identity were centralized by a leader as tools of regime sustainability. Resource-rich personalist regimes are able to do this through using the wealth of the nation, which they have complete control of, to build a patronage system comprised of a strong crony network made up of members of their own family, tribe, ethnicity, or region to secure their loyalty⁷. The Libyan state before the

⁴Moss, D., & Pack, J. (2011). Libya since 1969: Qadhafi's revolution revisited. *The Journal of North African Studies*, 16(2), 299–311.

⁵Gheblawi, G. (2011). Libyan re-independence and reclaiming the revolution. *Perspectives*, 2, 176–179.

⁶Alterman, J. B. (2011). *Seeing Through the Fog: Transitional Governments in Libya and Elsewhere*. Talk given on October 6 to Middle East Studies, Marine Corps University, Quantico, VA.

⁷ Ayubi, N. N. (1996). *Over-stating the Arab state: Politics and society in the Middle East*. IB Tauris.

revolution falls under Ayubi's description of Arab modern states which show great power translated in violence against opposition which only indicates its actual weakness. Simply because the regime had coercive strength does not mean that it constructed a strong state⁸.

The concentration of power and wealth within such groups and the marginalization of others is a major cause for regional and tribal tensions post-conflict⁹. Scholars define such regimes as extremely strong but tremendously vulnerable to breakdown once they are faced with a mass opposition movement, because the crony network of business and loyalists find the central leader unable to provide them with future resources and security and therefore abandon him.¹⁰ Migdal set three indicators to measure the strength of state which are compliance, participation, and legitimacy¹¹. During the time of Qadaffi coercive power was used to achieve certain levels of those indicators, however those indicators were not met during the transitional period as will be discussed in details throughout the fifth chapter. The true weakness of the state which was hidden under its vicious rule during the time of Qadaffi was inherited by the transitional government and jeopardized the process of post conflict reconstruction.

However, reconstruction after the collapse of such regimes is mired with challenges, since such regimes center institutions and national identity around the sustainability of the central figure, thus causing them to be unable to function properly in a normal state.¹² The literature also suggests that nations with tribal and regional conflicts are much more prone to

⁸ Ibid

⁹Hweio, H. (2012). Tribes in Libya: From social organization to political power. *African Conflict and Peacebuilding Review*, 2(1), 111–121.

¹⁰Alterman, *Seeing Through the Fog*.

¹¹Migdal, Joel S. *State in society: Studying how states and societies transform and constitute one another*. Cambridge University Press, 2001.

¹²Ibid.

failed reconstruction due to the absence of a unified national identity.¹³ Thus, following the analysis of post-conflict reconstruction by different scholars, it is simple to propose that Libya falls within the nations that are least likely to make an immediate peaceful transition.

Post-conflict policy is a relatively new field of policy that came to the forefront of international issues after the end of the Cold War. At first the way to undertake this study was through scrutinizing case studies; however, a significant body of research has now emerged based on theory and quantitative analysis.¹⁴ One of the major risks facing post-conflict reconstruction is the recurrence of conflict, due to the fact that peace after a civil conflict is usually fragile.¹⁵ Peace becomes stronger as time passes by: the literature shows that the chance of the rebirth of a conflict dwindles significantly with each year; thus the greatest risk exists within the first two years.¹⁶ A major, if not the major, concern within these precarious early years is the maintenance of security. The literature agrees that there needs to be adequate security to fend off spoilers, protect civilians, safeguard the borders, and maintain the peace in order to foster the reconstruction process.¹⁷ Numerous scholars support the need for international institutional support, with a focus on security such as peacekeeping forces with various degrees of involvement on the ground, depending on the state of the existing security

¹³Collier, P., Hoeffler, A., &Söderbom, M. (2008).Post-conflict risks. *Journal of Peace Research*, 45(4), 461–478.

¹⁴Tschirgi, N. (2004).Post-conflict peacebuildingrevisited.Paper prepared for *Achievements, Limitations, Challenges*,IPA Peacebuilding Forum Conference, New York, 7 October.

¹⁵Collier et al., Post-conflict risks.

¹⁶ Ibid.

¹⁷Mattes, H. (2004). Challenges to security sector governance in the Middle East: The Libyan case. Paper presented at the Geneva Centre for the Democratic Control of Armed Forces conference,*Challenges of Security Sector Reform in the Middle East*,Geneva, Switzerland, July.

institutions such as the armed forces and the police.¹⁸ However, this argument was highly debated in the case of Libya's post-conflict reconstruction.

One camp argued that it was imperative for NATO to remain active in Libya after the death of Qaddafi until there was a central Libyan army that was able to safeguard the democratic process.¹⁹ It argued that the alliance between the different militias was based on animosity against Qaddafi rather than a similar vision for the future of Libya and that once Qaddafi was history old animosities between tribes and regions would re-emerge to threaten peace and security. Thus an international presence would be important to maintain peace and stop aggression, secure the borders, facilitate disarmament, demobilization and reintegration, and train the new national army.²⁰ The other camp argued that the Qaddafi propaganda had portrayed the NATO intervention as a foreign invasion; extending their mission would thus ignite Qaddafi royalist propaganda, compromise the image of the transitional government, and fuel anti-western sentiment.²¹ Interesting questions that were tackled in the interviews was whether, in light of the current events in Libya, Libyans felt that an international security presence could have averted the current conflict and whether they see such a presence as a viable option after the conclusion of this current conflict.

Security institutions are, as stated earlier, extremely important for post-conflict reconstruction but they are not the only important ones. In order for this process to be successful, there must be a legal system in charge of transitional justice, a functional

¹⁸Chivvis, C. S., Crane, K., Mandaville, P., & Martini, J. (2012). Libya's post-Qaddafi transition: The nation-building challenge. Santa Monica, CA: Rand Corporation; Orr, R. C. (Ed.). (2011). *Winning the peace: An American strategy for post-conflict reconstruction* (Vol. 26). Washington, DC: Centre for Strategic and International Studies.

¹⁹Ibid.

²⁰Rand, C. D. (2013). Intervention in Libya: Resistance and co-option in the emerging hegemony (Doctoral dissertation); Sharqieh, I. (2011, March 2). Even a weakened Libya can avoid civil war. *The Financial Times*.

²¹Ibid.

bureaucracy, and economic and other institutions.²² However, the focus of this thesis is mainly on the security institutions, because without them the other institutions would not be able to achieve their respective objectives,²³ and most importantly their collective objective to construct a national identity. The nature of the relationship between institutions, especially security institutions, and national identity is ironic; you cannot have one without the other, and, at the same time, each one is a prerequisite for the other.²⁴

The identity of a nation is shaped through the shared experience of its citizens, which defines them as united entity.²⁵ It is not simply about coming together, but rather a coming together in a regulated, stable, and sustained way. It is something that has to be systematic and constant; it basically has to be institutionalized.²⁶ When it comes to shared experience, scholars define a conflict for liberation or self-determination as the most powerful of experiences.²⁷ Some writers believe that, as opposed to numerous other Middle Eastern countries, Libya did not build a strong national identity through anti-colonial resistance. Libya did not have such a struggle for it did not achieve its independence from Italy through resistance but rather due to the latter's defeat in the Second World War.²⁸ Another view of Libya's identity argues that the resistance to Italy was the first collective action by Libyans across the regions and tribal backgrounds, and the difficult process of achieving independence

²²Chivvis et al. Libya's Post-Qaddafi Transition.

²³Ibid.

²⁴Alterman, *Seeing Through the Fog*.

²⁵Bruner, M. L. (2002). *Strategies of remembrance: The rhetorical dimensions of national identity construction*. Columbia, CA: University of South Carolina Press.

²⁶ Ibid.

²⁷Cerulo, K. A. (1997). Identity construction: New issues, new directions. *Annual Review of Sociology*, 385–409.

²⁸Anderson, L. (1986). Religion and state in Libya: The politics of identity. *The Annals of the American Academy of Political and Social Science*, 483(1), 61–72.

from the UN fostered and built on such collective action. The road to independence was long and difficult, for it was based on numerous challenging conditions that galvanized Libyans to come together. This process will be discussed in detail in the following chapter to demonstrate the points made by this side of the argument. The literature disagrees on whether a national united identity for Libya was ever created; however, there is an agreement that the artificial identity Qaddafi attempted to impose only survived due to his vicious security apparatus.²⁹ Not only did he impose his own identity and ideology upon the Libyans but he used a malicious strategy of divide and conquer. He made the task of constructing a national identity more improbable by giving wealth and power to those who supported him, be it tribes or regions, and marginalizing the rest, causing feud and grievance to take place between the different entities of Libyan society. Moreover, he politicized the tribes.³⁰ The literature attributes the lack of unity in Libyan society to the history of disunity before him and to his reign, which distorted whatever little national identity the Libyans had.³¹ Post-conflict reconstruction discourse attributes the lack of a uniform national identity as one of the major risks for post-conflict scenario and, as seen on the ground, this risk was translated into a gruesome reality, a reality that the politicized Libyan tribal society played an important role in.³²

The discourse on tribes following a conflict includes some major debates. Some scholars argue that tribes can be used as building blocks for the post-conflict reconstruction³³

²⁹Ibid.

³⁰Anderson, L. (2014). *The state and social transformation in Tunisia and Libya, 1820–1980*. Princeton, NJ: Princeton University Press.

³¹Ibid.

³²Hweio, Tribes in Libya.

³³Sharqieh, I. (2013). *Reconstructing Libyan stability through national reconciliation*, Doha: Brookings Doha Center; Cherstich, I. (2014). When tribesmen do not act tribal: Libyan tribalism as ideology (not as schizophrenia). *Middle East Critique*, 23(4), 405–421.

while others deem them as a destructive force in the process.³⁴ The first group argues that tribes have the ability to fill the void in civil society and local institutions by being able to reach the people directly until the newly founded state can build up local institutions that can do so. They can mobilize their members into developmental actions, raise awareness and fight for their right to be included in the political and developmental process. The literature attributes the increase in the strength of tribes after 2011 to the filling of the void left by the weak central government. Tribalism is not opposed to national sentiment but rather a dynamic language that is harmonious with it if utilized correctly.

Other scholars consider tribes as damaging to the democratic process, especially because of the ties between tribes and militias, and see them as maintaining the old feuds between them. They see that the rise in their power is due to their desire to carve out their own place in the future of Libya by over politicizing themselves and using military force to establish dominance. They cite numerous occasions when militias coerced the transitional government into changing laws and enacting policies.³⁵ Such instances will be further discussed in this thesis. The fieldwork assessed how Libyans see the rise of tribal politics and militarization. Do they see it as self-defense and filling the void of the weak central government or as a methodological attempt to gain power and influence over the government?

Conclusion: A Conceptual Framework

The literature was divided over the nature of constructing national security forces after conflict between emphasizing the importance of having international peacekeeping forces to maintain the peace and provide security and deeming such forces as impractical and destructive in Libya.

³⁴ Pack, & Cook. The July 2012 Libyan election; Van Genugten, S. (2011). Libya after Gadhafi. *Survival*, 53(3), 61–74.

³⁵ Wehrey, F. (2012). Libya's Militia Menace. *Foreign Affairs*. Retrieved [insert date], from <https://www.foreignaffairs.com/articles/libya/2012-07-12/libyas-militia-menace>.

All of the interviewees belonged to the second camp, because the introduction of such forces was going to be viewed as undesired foreign intervention against Libyan sovereignty. It would compromise peace rather than enable it, and pro-Qaddafi propaganda would have used it as a means to ruin the image of the Libyan revolution. The question that arises is how to maintain peace after a conflict in a segmented Libya, a question that must be answered to avoid future conflicts. A major part of the thesis will address this question, using the history of Libya before and after the revolution alongside post-conflict reconstruction security sector reform theories to answer it, and will, it is hoped, provide an important addition to the existing body of literature on the topic.

The second major issue tackled in the research is national identity. The thesis proposes that the lack of such identity opened the door for spoilers and competing peripheral tribal actors to challenge post-conflict reconstruction, which ushered in the current crisis. Some scholars argue that it was the weakness of the new central authority that gave birth to the rise in tribal power as a form of self-defense, designed to provide security for their members. Others argue that the politicizing of the tribes during the Qaddafi era is the reason and that they wish to operate as spoilers in order to ensure their sovereignty over their areas. The findings of this research supports ideas proposed by both camps but is in more support of the first one. It traces the emergence of tribal politics during the time of the monarchy, *Jamahirya*, and the transitional period of 2012 to 2014. Throughout those years the periods of least tribal influence were towards the end of the monarchy and beginning of the *Jamahirya* when a central state was present. When a state was present and able to provide social and material security for its people the tribal forces lost ground. However the second camp cannot be completely dismissed for the distorted Libyan identity, alongside the politicizing of the tribes during the previous era, aided in casing their rise in power as spoilers to the democratic process whether to achieve personal goals or the goals of powerful actors mobilizing the tribes for the actors' gains. In the

conclusion this research argues that the tribal factor can be capitalized on in post-conflict reconstruction if used well. They have to be depoliticized and used as agents for development in civil society, as they have access to local areas that the central government does not. The tribal system can be viewed as a curse hindering development, but they are a curse that is not removable from society. However, they can be turned into a blessing if handled well, a blessing that can induce community-based post-conflict reconstruction that fosters the inclusion of the marginalized, whose voices are not otherwise able to reach central government.

CHAPTER III: A BRIEF LOOK AT LIBYA'S HISTORY

This chapter will discuss Libya on the eve of independence from Italy and its successful struggle to gain statehood. The Libyan reality was dire, and the future was uncertain because it faced numerous hurdles as an independent country. The economy was in a shambles, human capital was weak, hardly any institutions were functioning, and tribal leaders had tremendous influence since they had been the only unifying factors during Libya's long history of occupation by numerous forces throughout the years.³⁶ However, Libyans banded together in nationalistic zeal and managed to create a united state with functional institutions. It was through such striving and state-building that the national identity of Libya was born. According to Samuel Huntington, institutions are repeated patterns of behavior that can create nationalistic ideals that citizens can unite under.³⁷ The main reason behind the reliance on tribal leaders before the state was formed was the lack of such institutions. The struggle for independence from Italy built the foundations for a national identity, and the state was created on those foundations.³⁸

³⁶Al-Bashir, Ali Alkot.(2012). *Libya: identity, tyranny, and revolution*.National Libyan Library (in Arabic only).

³⁷Huntigton, S. P. (2006).*Political order in changing societies*.New Haven, CT: Yale University Press.

³⁸Al-Bashir, Libya.

Economic indicators at the end of the 1940s were not at all encouraging for Libya's ability to become an independent stable nation, because the country lacked human and natural resources. At this critical hour in its history, Libya was one of the poorest nations of the world, which posed tremendous challenges for state-building, and there was a constant fear that its weakness and lack of resources would make it vulnerable to occupation and to famine.³⁹

Only 10 percent of its population was literate and only 5,000 had received education to fifth grade. There were also only 14 university graduates, who had mostly received religious education in Al-Azhar University in Egypt. Eighty-seven percent of Libyans worked in agriculture; administrative or managerial expertise was almost non-existent, because the Italian occupation did not allow Libyans to have such jobs and did not allow education beyond the fifth grade.⁴⁰ In an economic study conducted by the United Nations in 1952, the first year of independence, it was stated that Libya was a prime example of extreme poverty, there was a lack of resources and energy, agricultural expansion was limited due to the harsh climate, and there was no trained labor force or national contractors.⁴¹

Given the human capital of Libya, it seemed almost impossible to build a state with such an underdeveloped labor force. The Italian occupation had limited access to education: there were only 10,000 Libyan students in schools in 1939.⁴² By the time the occupation was over, there was no institution in charge of managing education or even a Libyan curriculum. The United Kingdom, which controlled Tripoli and Benghazi, imported the Egyptian curriculum to these areas, and France imported the Tunisian one for Fazan in the south.⁴³ In

³⁹Carnegie Endowment for International Peace (1970). *Libyan independence and the United Nations: A case of planned decolonization*. New Haven, CT: Yale University Press.

⁴⁰Ben Halim, Mostafa Ahmed.(2003). *Libya: the birth of a nation and fall of a state*.Beirut: Al-KamaelVerlag(in Arabic only).

⁴¹Ibid.

⁴²Al-Bashir, Libya.

⁴³Ben Halim, Libya.

order for Libya to achieve stability and welfare, it needed human resources capable of managing the state and constructing the highly necessary institutions, and those were in extremely short supply.

The state of natural resources and economic capabilities were just as dire. Ninety percent of the land is desert, which halted the development of agriculture and what exacerbated the grim situation was the unavailability of fresh water and the lack of rainfall, which is mostly concentrated on the coast of Libya. Despite that, agricultural production was 93 percent of Libya's limited production due to the shortage of other sources of income. In spite of its low population of around one million citizens at that time, the GDP per capita was \$30 a year in 1949.⁴⁴

After Italy's defeat in World War Two, the management of its previous colonies was transferred to the UN General Assembly. Those nations were obliged to follow such management and, in the case of Libya, this ushered in a struggle to achieve independence and establish a Libyan nation. After a series of discussions and studies of the desire of the people of Libya that were delivered by various prominent members of the three Libyan regions, the General Assembly devised a road map towards Libya's independence and sovereignty. The resolution was approved on November 21, 1949; however, it recognized that independence cannot exist without three prerequisites, which were the creation of a constitution, agreement on the form of the administration, and agreement on the form of government. If those prerequisites were not met by January 1, 1952, the resolution would be annulled and Libya would remain under the mandate of the General Assembly.⁴⁵ In order to meet the challenging task of establishing the Libyan state, the state representatives from the three Libyan regions

⁴⁴Ibid.

⁴⁵Carnegie Endowment for International Peace. (1970). *Libyan independence and the United Nations: A case of planned decolonization*. New Haven, CT: Yale University Press.

came together and created the national coalition, also known as the Libyan constituent assembly, to construct the three pillars demanded for the Libyan state. They worked hand in hand with the representative of the United Nations Mr. Adrian Belt and an advisory board consisting of ten members made up of various nationalities.⁴⁶

After months of rigorous discussions and studies, it was decided that Libya would be a federal state in order to unite the three regions while maintaining a certain level of independence for each.⁴⁷ The federal state was to become a monarchy ruled by King Muhammad Idris al-Mahdi as-Senussi. With the first two conditions met, Libyans raced to finish the final one and establish a constitution on which to build the political, social, economic, and legal administration of the state. After much heated debate, numerous meetings, and assistance from international legal experts, the constitution was created and published on November 6, 1951. On December 24, 1951, Libya's independence was declared, ending a struggle that had shaped the Libyan identity and existence through the people uniting to end the occupation and build a modern state of law and order to call their own.⁴⁸ It was a long and difficult process, and there were many challenges that almost destroyed the long-awaited independence, which are too numerous to outline and lie outside the scope of this research. Nevertheless, the Libyan people managed to come together and work through their differences to find the middle ground that united them as one nation.

Institution Building and Identity Consolidation

From its inception, the newly born nation faced tremendous challenges that jeopardized its independence and survival. The war had destroyed so much of its already modest

⁴⁶Ben Halim, Libya.

⁴⁷Al-Bashir, Libya.

⁴⁸Ibid.

infrastructure. Economically, Libya was in a shambles for it was one of the poorest nations in the world on the eve of its independence. Building institutions that could develop the nation's infrastructure, achieve self-sufficiency, create social justice, protect its borders, foster the newly born national identity, and maintain political stability would prove to be a challenge far greater than the struggle for independence.

The first government under the leadership of Mr. Mohamed Al-Montasser attempted to find ways to fund Libya's development from within the nation, but the search was futile because Libya lacked natural resources and basic industry, and even agriculture was in a dreadful situation due to the lack of proper irrigation systems and basic infrastructure. The Italian occupation had not cared about developing Libya's economy, infrastructure, or education, causing the dismal state of the country after independence.⁴⁹ Unable to meet its economic need to fund the tremendous tasks ahead of it, Libya turned to the international community and formed a treaty of friendship with the UK that attempted to gain the greatest amount of financial aid in return for the least possible amount of restrictions and conditions. After long negotiations, the treaty was signed and the funding it provided was the only foreign source of income in the early years of Libyan independence. In return for that aid, the UK received the right to create a military base on Libyan soil.⁵⁰

March 25, 1952 was a date of equivalent importance to Libya's Independence Day because it marked the first session of the first elected Libyan parliament. It was a huge step towards achieving the full legitimacy of Libya's independence. Libyans were overjoyed and the elusive and difficult dream of establishing an independent state was finally realized.⁵¹ Now, the parliament and government started working hand in hand to establish state institutions. Due to

⁴⁹Ben Halim, Libya.

⁵⁰ Ibid.

⁵¹Ben Halim, Libya.

the lack of well-developed human capital, as was explained earlier, the help of friendly nations such as Egypt, the United States and the UK, was enlisted in order to build institutions. Their greatest areas of focus were building the legal framework and administrative frameworks for such institutions alongside improvement in education and training.⁵²

A team of some of the greatest legal minds of Egypt aided the newly made parliament in the creation of legislation that would foster the newly built institutions and maximize efficiency. Legislation focusing on education, financial affairs, health, agriculture, labor, transportation and other subjects was created within the first few weeks. They took the place of the oppressive Italian laws and clearly set the structure of the newly founded nation.⁵³

Driven by patriotic momentum due to the numerous national achievements taking place against all odds, the parliament and government worked tirelessly to set the foundations of state institutions based on the newly created legislation. Each body performed its duties within the roles provided for each under the constitution and the legislation establishing the state. The government conducted its executive tasks, despite the difficulties it faced from the lack of resources and the federal system that limited its central power. The parliament supervised the work of the government in its policies and decisions and practiced its constitutional right of supervision and legislative support diligently. This coordination and mutual respect was caused by the creation of the constitution that informed the different governmental institutions, political parties, and civil society of their rights and obligations and ensured the independence of the judicial branch.⁵⁴ Despite the limited resources, the national powers came together to build the state institutions. This was not the case after the 2011 revolution, for the parliament and government started their functions before a constitution was

⁵²Al-Bashir, Libya.

⁵³Ben Halim, Libya.

⁵⁴Ibid.

created and it still does not exist in the political structure of Libya to this very day, five years after the revolution.⁵⁵ One of the main arguments of this research is that one of the major hurdles that faced the revolution and exacerbated other hurdles was the rush for a parliament and government before the constitution and national security institutions. This will be visited in more detail in the upcoming chapters.

To conclude, Libya under the monarchy was truly a constitutional system; the government had a clear separation of powers among the executive, legislative, and judicial branches. The judicial branch had full independence from the influence of the other branches and even the king himself; there were no exceptional courts or detention centers for opposition members, for it was a nation of rights and law. Each prisoner was granted fair legal representation and visitation rights in addition to humane treatment. Despite the presence of political opposition and even attempted coups there were no executions for political reasons. The only incident of such punishment during the eighteen years of the monarchy was upon a person who committed a murder for political reasons.⁵⁶

If one takes a close look at the history of the Libyan state during those eighteen years and compares it to its counterparts in the Middle East during that period, one will conclude that it was more democratic and constitutional than the majority of the rest. It was a nation of laws and rights, with limited corruption and widespread intellectual and political freedoms. It managed to unite its citizens under its institutions, which set the basis for national identity and pride in one's nation. The tribal system still played a role throughout those years, but its power and influence was diminishing significantly due to the rise in education, urbanization, and state institutions, which were able to serve the people, thus decreasing their need for tribal

⁵⁵Pack, & Cook. The July 2012 Libyan election.

⁵⁶Ben Halim, Libya.

leadership. Towards the end of the monarchy, the tribal system was becoming more and more a social and cultural actor rather than a political one.⁵⁷

The next chapter will discuss in detail how all of this hard work was undone in a systematic manner during the forty-two years that followed the Qaddafi coup. State institutions and especially the security ones were diminished and in their place bodies aiming to maintain the regime's authority rather than serve the population were established. The strong Libyan identity that many scholars deem as non-existent⁵⁸ was distorted to establish Qaddafi and his ideals as its center and beating heart. However, such identity did exist and was powerful during the time of the monarchy as discussed earlier; its re-emergence and proof of its existence is discussed in Chapter V.

⁵⁷Al-Bashir, Libya.

⁵⁸Anderson. Religion and state in Libya.

CHAPTER IV: THE DARK LEGACY OF THE QADDAFI ERA

Understanding the legacy of the Qaddafi regime on Libya throughout its four decades in power is a tremendous task. Forming an image of how such a dark legacy was constructed and its effects on Libya before and after the 2011 revolution requires years of research, due to both its infiltration of all aspects of society and the lack of a comprehensive body of literature on this period. This legacy is looked at from two specific angles in this thesis: the development or lack thereof of institutions, and the distortion of national identity. The thesis's main proposal is that these two aspects of the Qaddafi era hindered the post-conflict reconstruction efforts, with a focus on the period 2012–2014 and the reemergence of conflict, and this chapter traces these two aspects prior to the revolution.

As discussed earlier in the previous chapter, a strong national identity was born from a united fight for liberation and was then fostered by the state institutions that rallied people behind them by setting goals and serving citizens' needs. The first condition was met in the time of the kingdom and in the 2011 revolution; however, the second condition was only met after the independence of 1951, and not after the revolution of 2011. The transitional government could not meet the second condition, because of the Qaddafi legacy, which is discussed in this chapter.

This conclusion was based on the rapid development of inner conflict and divisions within Libyan society soon after the fall of the previous regime and the failure of the transitional government to deal with such division, because it had inherited weak and corrupt

institutions unable to enact change. There was also a weak national identity that was distorted by those institutions, and such distortion continued after the fall of Qaddafi because those institutions and the divisive mentality that he inflicted on the nation carried on. Many actions by the central government and peripheral actors resemble to a dangerous degree the actions of the Qaddafi regime. It is true that the man in power fell because of the revolution, but his rules of the game remained and the different peripheral actors aiming to maximize their power and control played according to those rules.

Institutions

1. How was the state of the central Libyan institutions?

After the ousting of the king in 1969 and the suspension of the constitution, the stage was set for Qaddafi and his inner circle to shape Libya's institutions as they saw fit, with no legal supervision for they had uncontested revolutionary legitimacy.⁵⁹ This transformation of institutions was not done in a consistent manner, but was ever changing during the Qaddafi era, depending on the needs of the regime, not the people, and the whims of the leader.⁶⁰ However, three factors remained constant throughout the forty-two years. The revolutionary leadership could not be questioned or dismissed or elected, because it derived its existence from its revolutionary legitimacy. Political parties and party pluralism were rejected in all shapes and forms. A very famous slogan of Qaddafi, which was on billboards and school walls all over Libya was *man tahazab khan*, which roughly translates as being in a party is equivalent to treason. This slogan and way of thinking will be visited in the following chapter when discussing the political process after the success of the revolution. Finally, elections in the traditional sense followed in democratic nations were forbidden, and in its place, to ensure

⁵⁹Mattes. Challenges to security sector governance.

⁶⁰Ibid.

direct democracy, representatives with a mandate from the *Jamahir (masses)* were elected by *tas'id* (vote). They were elected in their areas to create local Basic People's Congresses, which then formed the General People's Congress, which represented all of Libya as its direct democratic institution.⁶¹

True decision making in Libya was monopolized by its ruling class, which was made up of the revolutionary leadership (*qiyadat al-thawra*) and the revolutionary committees (*al-lijan al-thawriah*). At the top of this off course resided Qaddafi and his sons once they became adults, especially Seif El-Islam al-Qaddafi who was being groomed to take over the revolutionary power.⁶² The revolutionary leadership was made up of the former members of the Revolutionary Command Council that were still in office. The revolutionary committees were spread out throughout Libya, and their official mandate was to protect the "rule of the people" and the revolution. They had great political influence and represented the ever-watching eyes, ever-listening ears, and ever-powerful arms of the regime in their communities. They maintained control on behalf of the revolutionary leadership and were a key instrument in mobilizing the masses in marches and activities that supported the regime. They answered to no one but Qaddafi, and the only criterion needed to join was absolute loyalty. They existed outside the legal framework and held key positions within the governmental institutions in their cities. In fact, a great number of their members joined because their membership would open the door to promotions and fellowships to study abroad.⁶³ Due to the lack of data on them, their exact numbers are unknown but they were estimated to be around 60,000 in 2002 by Dr. Muhammad Khalfallah.⁶⁴

⁶¹Ben Halim, Libya.

⁶²Moss, & Pack.Libya since 1969.

⁶³Mattes. Challenges to security sector governance.

⁶⁴Ibid.

Libya's direct democracy was built on three pillars: the local basic people's congresses, the professional congresses, and the people's committees (the executive branch). All of these pillars worked under the control of the General People's Congress, which met to transform local resolutions into national laws and to nominate the members of the national executive branch equivalent, the general people's committees.⁶⁵ This system was the embodiment of Qaddafi's vision of direct democracy, and was meant to be a model to be taught and exported to the outside world to counter the democratic capitalistic systems of the west, which were severely criticized by Qaddafi in his theories and speeches. However, in reality this complicated and convoluted system was nothing but an act, because no decisions or appointments could be made without the approval of the revolutionary leadership and the leadership had the right to veto any decision that they had passed if they changed their minds. The truth of the matter was that this network of elected representatives was more or less a scapegoat for Qaddafi to blame any failures on, and the Chad war was a prime example of that.⁶⁶ At the end of the day, there was nothing direct or democratic in this system, but above all, there were no regulations, supervision, or accountability.⁶⁷

Structure or lack thereof

After reviewing the existing literature on Libya and conducting in-depth interviews with individuals who worked in Libyan institutions before and after the revolution, a clearer picture of the horrendous state of the Libyan institutions inherited from the Qaddafi era emerged. All of the interviewees agreed that there were no institutions in Libya in the traditional sense, but rather tools for regime sustainability and protection, and they were very successful in that task

⁶⁵ Interview with Mr. Mohamed El-Gherany, previous Minister of Foreign Affairs under the GNC government.

⁶⁶ Ibid.

⁶⁷ Mattes. Challenges to security sector governance.

for forty-two years. They did not collect data or information and were not functioning for the sake of the nation but rather to preserve the regime.⁶⁸ In theory such institutions were meant to be the drivers of development, but the reality was the opposite. Also there was no coordination between them or an overarching vision for Libya's development. They were fragile, filled with corruption and nepotism. None of the economic, health, education, or security institutions were functional in the traditional sense.⁶⁹ Even the cultural institutions were more focused on preserving Qaddafi's legacy and ideas than Libyan culture and values; their main mandate was to create propaganda on his accomplishments and his political theories and systems. Libyan history was modified in curriculums and Libyan literature to paint a false image of the monarchy and show the coup as a true act of heroism.⁷⁰ As discussed earlier, national effort is a major way of building identity; he systematically made the coup the collective effort of the nation, while marginalizing the efforts for independence and previous state building.

The legal procedures were more or less designed to create a disfunctional system; not only did they allow corruption but they were corruption-inducing and anti-production. Looking back at the procedures required within an institution, the interviewees unanimously described archaic, complicated, bureaucratic, labyrinth-like procedures that were easily manipulated through corruption. Because they were multilayered and convoluted, there was corruption on every level "as if the system is demanding corruption,"⁷¹ said Mr. Hakim. According to him, the system did not condemn employees for not taking a decision or for not doing their jobs but was harsh on those who made decisions. If someone from within an institution wanted to

⁶⁸Interview with a Tribal *Sheikh* who requested anonymity.

⁶⁹Interview with Dr. Mohamed Fayad Chair of the School of Economics in the University of Benghazi and the Director of the Libyan Center for Economic and Social Research.

⁷⁰Al-Bashir, Libya.

⁷¹ Interview with Mr. Hakim Nasi, a Libyan businessman.

reform or attempt to bypass the crippling bureaucracy in order to be productive, he/she would actually be accused and accountable, thus criminalizing the reformer.⁷²

Masked Unemployment

A critical point that was discussed by numerous interviewees who worked within public Libyan institutions was that many institutions did not have proper staffing structure regulations to determine the positions needed and the qualifications required for each. Also, a proper job description was almost non-existent for the majority of jobs, thus causing confusion within departments; even if they did exist, there would not be clear criteria for who should have the job.⁷³ Therefore numerous people were hired for important or even critical jobs that do not meet the proper educational or professional requirements for them. A department in an institution that may only need ten people might have over thirty, which hinders productivity if not destroys it completely. This adds a huge burden to the budget of the state, because a great proportion of its income is going into salaries for unproductive employees, who are not only hindering productivity through adding nothing, but contributing negatively. Another frightening side-effect of the lack of proper staffing procedures and regulations is that one person can be working in two, three or more public jobs and getting paid for all of them without actually contributing in any.⁷⁴

According to the Libyan Audit Bureau's report in 2014, salaries are the greatest challenge to the national budget, since they consume up to 50 percent of it without adding value to the state or increasing productivity by much. This puts a tremendous stress and burden

⁷²Ibid.

⁷³Interview with Dr. Mohamed Fayad.

⁷⁴ Interview with Mr. Nagib Aly El-Greeby, Deputy Director of the National Planning Board.

on the state and hinders its ability to achieve developmental goals. The government inherited these inflated and dysfunctional institutions, which are holding back the process of reform and reconstruction, from the previous regime. This is a major challenge for the transitional period because one of the major reasons for the frustration and dissension in the Libyan streets is the lack of development and change after the conclusion of the war.

A major question here is why Libyan institutions suffer from such masked unemployment and inflated staff. After Libya's independence, King Idris started building proper state institutions based on western training and capacity building. The staff were highly trained, limited in numbers and well compensated. There was also great encouragement for the private sector, and it was starting to grow slowly and steadily,⁷⁵ After the Qaddafi coup in 1969, this system started to change, as he moved towards socialism. There was an attack on the private sector, coupled with over hiring in the public sector. The majority of businesses were nationalized, including small stores where the owners would go to sleep as owners and wake up as public employees in their own business, getting a government salary instead of profits. There was an overexpansion in public employment and major obstacles for private ventures: the state became in charge of all income and resources. According to Mr. Mohamed Sweeh, this was done to limit access to capital to the public and consolidate wealth within the regime and its cronies. It was also to make the regime seem to be the source of life and prosperity, in order to buy loyalty and make life without it seem impossible.

Armed Forces

Why was Libya unsuccessful in creating a united national army after the revolution?

⁷⁵ Interview with an advisor to the Prime Minister who requested anonymity.

Following the coup of 1969, Qaddafi and the revolutionary leadership created special security institutions that do not have equivalents in other countries to safeguard the regime. Such institutions worked outside regular legal and supervisory processes. Even the exact numbers and identities of its members are not known and neither are their exact mandates.⁷⁶ The power and influence of such institutions changed throughout the years, depending on the whims of the revolutionary leadership; thus, there was competition between them and lack of coordination.⁷⁷ Further research on such institutions can be quite educational; however it is difficult due to the lack of information. This research focuses on the armed forces as an example, to understand the effect that its condition during the Qaddafi era had on the attempts of the transitional governments to create a united army after the revolution.

At the beginning of the Qaddafi era, the armed forces received great attention from the government, and the budget for armaments and number of conscripts increased greatly. Between 1973 and 1983, around 28 billion dollars was spent on upgrading and increasing the military equipment of the state, buying from the Soviet Union.⁷⁸ The highest number of it had was 86,000 in 1982.⁷⁹ Both the numbers and spending decreased following the end of the Chad intervention, as the regime relied more and more on parallel institutions for its protection. The army started to be turned into a hollow, empty, badly funded institution from the late 1990s onwards, as the Qaddafi militias gained more power and significance.⁸⁰ This weakening and destruction of the national armed forces was not an abrupt action, but rather a systematic plan

⁷⁶Mattes. Challenges to security sector governance.

⁷⁷ Interview with a military officer who served in the army prior to the 2011 revolution, and who requested anonymity,

⁷⁸Mattes. Challenges to security sector governance.

⁷⁹ Ibid.

⁸⁰ Interview with a military officer who served in the army prior to the 2011 revolution, and who requested anonymity.

that took place over the years. The interviewees who had served in the army gave interesting insights on this transformation, its motives and procedures.

The Ministry of Defense only lasted for three months after the coup of 1969. The revolutionary leadership disbanded it, after the involvement of the Minister of Defense Colonel Adam al-Hawwazz in an attempted coup.⁸¹ This caused the creation of the Law to Protect the Revolution and to Qaddafi giving himself the duties of Prime Minister. Now Qaddafi had assumed all three core positions in the Libyan government, for he became the Chairman of the Revolutionary Command Council, Chairman of the Ministerial Council, and the Commander-in-Chief of the Armed Forces. With the absence of a constitution, he had freedom to shape the Libyan institutions and especially the security institutions as he saw fit, with no regulation or supervision whatsoever.

Leadership of the different branches of the armed forces and key positions in the state circulated between members of the Revolutionary Command and Qaddafi's trusted, loyal followers. The leadership and influence of an individual was no longer simply defined by rank and service record; tribal membership and unwavering loyalty to Qaddafi rather than to Libya became the sources of influence in the army, thus causing a distortion of command and inefficiency.⁸² The general training and development of soldiers was weakened and there was lack of coordination and sometime unhealthy competition and sabotage between the different leaders.

The circles of influence and leadership in the armed forces consisted of blood relatives of Qaddafi, in-laws of the Qaddafi family, members of Qaddafi's tribe, and members of allied

⁸¹ Interview with a military officer who served in the army prior to the 2011 revolution, and who requested anonymity,

⁸²Ibid.

tribes of Qaddafi's tribe. Tribalization of the army and favoring loyalty over ability was undeniably clear. A major side effect of this dangerous restructuring of the military was the high levels of corruption among the high-ranking officers in the deals conducted for armaments, which had no civilian or legal supervision.⁸³

As loyalty and tribal connections became the key ingredients for promotions and advancement within a military career, a systematic process of weeding out patriotic or non-revolutionary zealous officers out of their positions in the army was initiated. Such officers would suffer from decreases and halts in their salaries for months, and the sight of a military officer working in a second job to support his family became common.⁸⁴ In addition, dismissal, forced retirement, imprisonment, and assassination happened to such officers if they spoke too loudly against the rapid corruption within the institution and the country in general. Promotions, training, and capacity building were limited to those in the loyal spheres of tribal influence, thus causing the general level of competency to decline.⁸⁵

There were genuine attempts to force officers who did not follow the desired model to quit. The examinations needed for promotion were quite demeaning, because all officers regardless of rank would take the same examination: an examination that covered not military knowledge or expertise but rather Qaddafi's theories. One of the officers interviewed cited ridiculous questions, such as who the greatest leader of the world is.⁸⁶

⁸³Ibid.

⁸⁴Interview with Mr. Aboelqasem Abdelatty, a retired army colonel.

⁸⁵ Ibid.

⁸⁶A military officer who served in the army prior to the 2011 revolution, and who requested anonymity.

The image of the armed forces and security institutions in general was transformed over the years from the guardians of the state to the violent arms of the regime.⁸⁷ Members of such institutions were viewed as corrupt and violent people, and the institutions as a whole were seen as brainwashing machines. Many of the interviewees discussed the various methods used to get themselves or their loved ones out of military conscription, such as paying bribes, faking medical records, and fleeing the country. This institution that is a major driving force for identity projection and national unity became something sinister as whole and tainted the reputation of those who joined.

Libyan writers and the majority of the interviewees strongly believed that Qaddafi's attempt to distort the armed forces and turn its loyalty to him rather than the state was in order to avoid tasting his own poison in a coup. However, by restructuring the army into the image he desired he ended up deconstructing and destroying its capabilities.⁸⁸ It became an army of generals, in which the hierarchal pyramid was turned upside down due to the lack of structure and regulations for promotions. More officers were in the higher ranks than in the lower ranks causing great inefficiency, which was a main reason for the crushing defeat of the Libyan forces in the Chad intervention.⁸⁹

Despite all of his efforts to tame the army, members of it attempted coups against him in 1970, 1975, and 1993.⁹⁰ This strengthened his attempts to weaken and destroy it as an institution. One theory that was dismissed at the onset of the research due to its extreme gravity and inability to be confirmed is discussed here because of the tremendous support it has had from Libyan thinkers and the majority of the interviewees. It states that one of the main reasons

⁸⁷Mr. Mohamed Elswheeh, an active member of civil society.

⁸⁸Ibid.

⁸⁹A Libyan lawyer and a writer, who requested anonymity.

⁹⁰Ibid.

for the intervention in Chad was to destroy the backbone of the military and set the stage for Qaddafi's militias, who were dominant until the revolution and were the ones who defended him during it. It is quite interesting that such a theory is widely believed and supported by Libyan society; whether it is true or not is not the point here. The point is that his actions to destroy the army throughout his time in power left a mark on Libyan society to the extent that such an outlandish theory could be taken as truth by large segments of society.

As the family grew and the sons came into their own, Qaddafi systematically dismantled the army, while creating parallel militias and started to appoint his sons and family members to be in charge of his new militia in one way or another. Their mission was to secure the system and safeguard Qaddafi's Libya. Their members were from Qaddafi's tribe and strongly allied tribes;⁹¹ however, authoritative numbers of such members are not known, due to the lack of records. The idea of an army with rules and systems which projects a sense of a national identity was being destroyed step by step throughout his years in power, and it was left as an empty, hollow skeleton. By the eve of the revolution, the army was a weak collection of poorly trained soldiers and officers, with obsolete weapons and equipment. Many of them joined the revolution, trained the rebels and helped give the rebel forces structure and leadership.

Identity

Throughout his time in power, Qaddafi attempted to shape Libya's identity and the national ethos. His changes were not consistent, and he flirted with numerous ideas and frameworks, starting with Pan-Arabism and moving on to socialism, tribalism, African unity,

⁹¹Mr. Aboelqasem Abdelatty, a retired army colonel.

and others.⁹² Throughout the forty-two years that followed the coup, he was trying to spread an ideology and rejecting others vehemently. International or national interests would then push him towards the opposite, dragging the Libyan citizen along on this ideological rollercoaster.⁹³ However throughout all of this ideological pandemonium one thing remained constant: Qaddafi's image as the eternal leader and his political theories presented in the *Green Book* were the center of Libya's national ideology.⁹⁴

Many institutions, if one may call them that, were erected, such as the Center of Green Book Studies and others, to spread his ideas and imprint them on Libyan society.⁹⁵ Traditional institutions such as state media and education were transformed into a propaganda apparatus, attempting to mold the Libyan reality as he saw fit. No media outlets or newspapers were operational, other than the state-run ones, which functioned primarily to glorify him and his policies. An interviewee who worked in the media jokingly discussed how the state-run channel was more or less Qaddafi's video diary, detailing his activities throughout the day and even the phone calls he gets, depicting him as the wise, ever-working groundbreaker making Libya the leader of the international world order. This was coupled with extensive criticism of his international counterparts and how they are destroying freedoms all over the world, and presentation of the jealousy the world has of Libya's direct democracy and rule of the masses.⁹⁶

As for education, the teaching of foreign languages was banned in schools for the first years after the coup. Numerous vital subjects received little attention, and their significance

⁹²Pargeter, A. (2006). Libya: Reforming the impossible? *Review of African Political Economy*, 33(108), 219–235.

⁹³Cherstich. When tribesmen do not act tribal.

⁹⁴ Ibid.

⁹⁵Ben Halim, Libya.

⁹⁶Mr. Gamal Salm Elhatab. Worked in media in various institutions for thirty years.

was overtaken by new subjects focusing on Qaddafi's political theories and his revolutionary history.⁹⁷ History of the outside world was distorted to put his Libya at the forefront of it. The history of Libya before him was altered to show the monarchy as a dark period of corruption and weakness. Even the history of the Libyan struggle was changed to create false heroes of his family and tribe and create an image of his father as a key leading figure in the fight for independence.⁹⁸

The utter state control over the citizens' sources of news and knowledge aimed to create a national identity that defined nationalism as loyalty to Qaddafi and his ideas. This spread into all aspects of Libyan institutions, as discussed earlier, where the mere notion of employment and advancement was tied to loyalty and support.⁹⁹ However, the Libyan population rejected such a distorted, forced pseudo-identity, even if they claimed they did not out of fear. The poor state of the economy, despite Libya's resources, the blatant, visible corruption, and the tremendous oppression of freedoms through imprisonment, public executions, and assassination of opposition members abroad caused Libyans to see the ugly truth behind the image he tried to portray.¹⁰⁰ He was seen more as a foreign occupier than the leader of the nation. Instead of creating a national identity embedded with the ideas of citizenship, he divided Libyans, for they turned to other methods of self-identification such as tribes, cities, and religions instead of Libyan nationalism.¹⁰¹

Tribalism

⁹⁷Ben Halim, Libya.

⁹⁸ Ibid.

⁹⁹Dr. Mohamed Fayad.

¹⁰⁰Ibid.

¹⁰¹Cherstich. When tribesmen do not act tribal.

How was the Libyan identity constructed in the time of Qadaffi?

The regime's view of and interactions with Libyan tribes followed its characteristics of volatility and idiosyncrasy. The regime attempted to diminish whatever was left of the tribal political presence from 1969 to 1979. The state rhetoric was that tribes were not compatible with the leader's vision of the unified *Jamahiriya* and its system of direct democracy and participation. Researchers argue that this could have been caused by his desire to eliminate any players on the Libyan scene that could compromise his legitimacy and attract people's loyalty.¹⁰² A Libyan argument on this matter is that his main reason was his sense of inferiority, for his tribe was one of the weakest and poorest tribes of Libya.¹⁰³ He systematically removed tribal leaders or members of tribes associated with the monarchy and replaced them with revolutionary individuals loyal to the *Jamahiriya*. Not surprisingly, such individuals were members of his tribe or allied tribes.¹⁰⁴ He consciously stated that Libya was one "big tribe;" however, his definition of such a tribe appeared to be his own tribe only.

The rules of the game changed once international sanctions were imposed on Libya, because of the regime's terrorist activities outside Libya. This massive and coordinated pressure from the outside risked the stability and continuity. Qaddafi "rehabilitated" the tribes to use them as a tool to consolidate his power and ensure stability.¹⁰⁵ The government founded the Popular Social Leadership Assembly consisting of tribal leaders in 1993, whose task was to monitor Libyans and rally support for the government during those hard times. The leaders were tasked with condemning members from their tribe that spoke against the government and

¹⁰²Hweio. Tribes in Libya.

¹⁰³Cherstich. When tribesmen do not act tribal.

¹⁰⁴Ibid.

¹⁰⁵Davis, J. (1988). *Libyan politics: Tribe and revolution. An account of the Zuwaya and their government*. Berkeley, CA: University of California Press, pp. 40–44.

denouncing them publicly.¹⁰⁶ Such leaders were a major part of Qaddafi's propaganda and mobilization of the masses.

Part of this rehabilitation was changing the structure of leadership within the tribes. He would give direct access to the revolutionary leadership to a non-influential or poor member of a tribe that he sought to bring under his wing, thus marginalizing the current leaders. This person would eventually become the acting leader, for he would be the one able to provide the members of the tribe with their needs and social security. Instead of ostracizing this person and rallying behind the tribal leader, the members would give him respect and admire his authority, despite his recent insignificance in their lives.¹⁰⁷ This proves that the need for tribalism is not for identity establishment or honoring of blood ties but rather to fill the void of lack of institutions. Due to the lack of a state and civil society in the traditional sense, the tribes filled the void of local institutions able to cater to the needs of their areas and civil society able to connect the people with their government.¹⁰⁸ Such abandonment of previous leaders for the sake of having the needs of the community met is clear proof of this argument

Amal Obeidi's survey uncovered that Libyans used tribal connections to acquire necessities and some degree of representation and were willing to let go of tribal identification if they could fulfill these desires through proper state mechanisms.¹⁰⁹ These findings give weight to the idea that tribalism in Libya is not an everlasting Libyan condition but rather an attempt at creating civil society to fill the void left by state institutions. She also uncovered that

¹⁰⁶Cherstich. When tribesmen do not act tribal.

¹⁰⁷A tribal sheikh who requested anonymity

¹⁰⁸Cherstich. When tribesmen do not act tribal.

¹⁰⁹Obeidi, A. (2013). Political culture in Libya. Routledge

tribe members often relate to their state, city, and religion as their “primal nexus of social attachment”¹¹⁰ rather than their tribe.

Till the end of the regime there was a constant mixture of tribal and national ethos to fill the needs of the regime and its whims. However, just like national coalitions or ideas, the tribal ethos had no real power outside its use as a tool for regime sustainability.¹¹¹ Unfortunately the mixture of tribal and national ethos was used to some extent during the revolution and to a great extent during the transitional period. Nevertheless, the tribal ethos continued to be a tool for powerful players, not a motivation of such players.¹¹² This will be discussed in the following chapter.

To conclude, this chapter aimed to paint an image of the state of the national institutions and identity inherited from the Qaddafi era and to indicate how there was a systematic attempt to deconstruct the major political, economic, and social aspects of the nation. The major point extracted from this chapter is that Libya’s national identity did and does exist. However, it was marginalized during the Qaddafi era through taking the state out of the picture and the empowerment of peripheral actors and pseudo-institutions. This had a grave impact on the fate of the transitional period, as will be discussed in detail in the following chapter for the state did not emerge as the central entity able to govern the country.

¹¹⁰ Ibid

¹¹¹ A tribal sheikh who requested anonymity

¹¹² Ibid.

CHAPTER V: THE TRANSITIONAL PERIOD (2012–2014)

The unsteady transitional period after the fall of the Qaddafi regime is discussed here, within the framework set by the previous chapter. It is true that the mistakes that took place in this period, burdened by the legacy of the previous one, led to the current conflict in Libya. However, those mistakes could have been avoided, the current conflict was not inevitable and neither are future conflicts. Such mistakes are discussed in this chapter in detail and an alternative roadmap that discusses what needed to be done to avoid conflict is discussed in the conclusion of the chapter. The following chapter proposes policies and ideas to help foster peace and safeguard the Libyan national identity and future.

The Political Process

What were the major characteristics of the political process during the transitional period?

During the revolutionary war of 2011, a body was constructed to present the revolution politically, administer the liberated cities, and manage the war efforts.¹¹³ The National Transitional Council received great support from the population, for it represented a sense of unity and organizational structure able to attract international support for the revolution.¹¹⁴ One of its most important tasks was creating the roadmap for Libya after Qaddafi, and it did not see itself as a part of it in the long run, for it was not an elected body. It decided to organize national elections for the General National Congress on July 7, 2012, less than a year after the end of the conflict. The hope was that the success of the election would ensure future

¹¹³Van Genugten. *Libya after Gadhafi*.

¹¹⁴Power, S. R. (2012). The role of the National Transitional Council in the economic reconstruction of Libya: Some legal challenges. *Socio-Legal Studies Review*, 115(1).

democratic and inclusive elections, legitimize the revolution by having an elected leadership, induce sustainable peace, and set the foundations of the newly born culture of democracy.¹¹⁵

A law was created for the first election that was seen to fit the situation by the transitional council, but three issues were raised after it was public. The quota for women was seen as demeaning; the inability of those having dual citizenship to run was deemed as marginalization of an important segment of professionals; and having people run as independents and not as coalitions representing political parties was criticized since the political process in Libya was too immature for that.¹¹⁶

Amendments were made: the quotas were lifted, double nationalities could run, and the TNC made a law about political parties and then repealed it and made law about political entities rather than parties, since the elections were happening too fast for the strong conditions that had to be met before parties could register. The level of ease of inception was like that of civil society organizations.¹¹⁷

It was agreed in the end that political entities would have 80 seats and independents 120 seats. At first, it was to be 200 seats for independents. The elections as procedure were considered a great procedural success, as 2.8 million citizens took part in them.¹¹⁸ A base of voters was established and divided over twelve electoral districts. The elections were viewed as a great success but that was simply a façade. Lurking underneath the beautiful image were the deep dissensions it awakened, for it was a major source of division rather than unity.¹¹⁹

¹¹⁵Pack, & Cook. The July 2012 Libyan election.

¹¹⁶Interview with Mr. Khalid El-Jazwy, head of economic policies in the National Economic and Social Development Center.

¹¹⁷Ibid.

¹¹⁸Khalil, A. (2014). *Crowds and Politics in North Africa: Tunisia, Algeria and Libya*. London: Routledge.

¹¹⁹Pack, & Cook. The July 2012 Libyan election.

A great amount of literature discusses the point that elections taking place at the immediate end of a war would be too immature and unfruitful. Holding such elections before disarmament, demobilization, and creation of a constitution can lead to adverse effects.¹²⁰ A major side effect of hastened elections without the necessary institutional support is that it incentivizes former combatants to influence it in attempts to shape the political reality to their will. Libya is a prime case study that supports this theory.¹²¹ Various powerful jihadists, criminal units, old regime cronies, Islamists, federalists, tribal leaders, liberalists, and local militias created alliances to exert pressure on the electoral process before the ballots were even cast in order to shape it to their liking.¹²²

The NTC was faced with an impossible situation that they were not equipped to deal with, for it had to choose between two difficult scenarios. If they made an effort to put into effect the formal rules of the democratic game, they could risk the re-emergence of violence. If they went through a policy of compromise, appeasement, and accommodation of such disruptive illegitimate forces they would encourage further attempts to make more demands to enforce their will on the central authority.¹²³ The latter path was chosen, since the NTC did not have the support of strong national institutions, especially security institutions, and a constitution. This opened the door for peripheral actors to subjugate the central government. The heir of the NTC, the GNC, inherited the weaknesses of the NTC, which derailed the roadmap of the transitional period and turned it into a vicious maze.

¹²⁰Roeder, P. G., & Rothchild, D. S. (2005). *Sustainable peace: Power and democracy after civil wars*. Ithaca, NY: Cornell University Press.

¹²¹ Ibid.

¹²²Interview with an advisor to the Prime Minister, who requested anonymity.

¹²³Interview with Mr. Khalid El-Jazwy,.

What amplified the weakness of the GNC were the lack of a majority within it and the interference of peripheral actors, each supporting different groups. Tension rose because of this disequilibrium. This disequilibrium caused many pressures on the formation of the ministries: there were too many interests playing on the field, and they played whatever cards they had to strengthen their parties' interest.¹²⁴ Thus a great amount of the laws that came out of the GNC were for the political interest of a party or entity. A prime example was the law of political isolation. Many researchers and the majority of the interviewees believed it to benefit one group over another, rather than being an attempt to cut ties with the previous regime.¹²⁵

The law of political isolation stipulated that anyone who held office or was part of a revolutionary committee during the Qaddafi era was banned from participating in the political process in any way whatsoever, even if no crimes had been committed by this person and no corruption was proven. This law ostracized a great number of Libyan technocrats and further deepened the divide in Libyan streets. Within Libyan streets, some hailed it as a great step forward, but the majority was shocked by such decisions and lack of coordinated work towards reconstruction and development.

Such actors who were no longer allowed to participate in the political process even if they had actively participated in the revolution, such as a great number of the members of the NTC who had led the revolution,¹²⁶ felt betrayed and ostracized. Some of them resorted to other means to affect the political process, thus adding to the number of peripheral actors on the Libyan scene who compromised the state authority. "Political isolation was designed in a way to eliminate competition. There was no need for since it the punishment law would punish

¹²⁴Ibid.

¹²⁵ Interview with a Libyan lawyer and a writer, who requested anonymity.

¹²⁶Ibid.

anyone who committed a crime and anyone who did would be out of the game. Thus the law's official goals were already met and there was no need for it," said Mr. Khalid El-Jazwy.

Parliament vs GNC

The continuous squabbling between the numerous state and non-state actors over power due to the lack of a strong central authority and institutions gave birth to political violence and an increase in the conflict between different militias and armed groups. Libyan streets were divided and an immense hatred towards the "other" reached dangerous heights. Incidents of assassinations, kidnapping, and armed groups forcing their will over the government became common, especially in Benghazi. All of this culminated in the current armed conflict taking place in Libya and the existence of two governments.

When the new parliament was elected, the voter turnout was less than a million: for example, many members won seats with 1000 votes or less.¹²⁷ This shows the lack of interest of voters to partake in the political process due to continuous disappointment in the government that culminated over the 2012–2014 period. The new parliament was meant to be in the east to calm down the federalist movement, but Benghazi was not stable so they decided to convene in Toubrok. Before they did that, the GNC wanted power to be handed over in Tripoli. The parliament refused to do such a thing for they saw it as mere protocol rather than a fundamental step in the transfer of power. The GNC declared the parliament to be unconstitutional and vice versa; thus Libya came under two governments with two budgets and two ministerial councils.¹²⁸

¹²⁷Khalil. *Crowds and Politics*.

¹²⁸Interview with Mr. Khalid El-Jazwy.

The Constitution

The lack of political experience caused a lengthening of the political process. The TNC existed from March 2011 till July 2012. The GNC was meant to create a committee to set the constitution; however, due to outside pressures, especially from the federalists in the east, it decided to have a national election for the committee.¹²⁹ Just as with the elections for the GNC itself, due to the inheritance of the policy of appeasement, the electoral process was changed to be based on an equal quota from the three parts of Libya, a prime example of regionalism and preferring appeasement over ability.

If one looks at this period, one will see that the constitutional committee was set up halfway through and was supposed to be working for a year but exceeded that. The initial road map was meant to end in a specified time with a straight road, but many turns were taken for many reasons. The governments had huge budgets but no productivity, because they were appointed due to pressures and strong-arming from many players including the political, tribal and ideological teams. At first, the conflict over Libya was ideological, for they wanted to use whatever tools they had to expand their power rather than serving the nation, and there were many layers to the conflict because of the tribal allegiances and militias. All of these actors were putting pressure on the governments. Despite the immaturity of the political process, it could have been much smoother without all the pressures from the numerous actors; but with

¹²⁹Wehrey, F. (2013). Libya's revolution at two years: Perils and achievements. *Mediterranean Politics*, 18(1), 112–118.

that pressure, it was doomed to fail. The road map was changed and halted in numerous ways.¹³⁰

Corruption and Nepotism

How was the state of the central Libyan institutions during and after the time of Qadaffi?

A typical Libyan institution after the revolution would have hundreds of employees who hardly came to work or were productive on the rare occasions when they did. The entire budget for their salaries and the cost of operation (electricity, water, etc....) is considerable without any addition to the state. At the end of the year, the institution hands in its budget to the Libyan Audit Bureau, and it gives a report stating that they are not financially corrupt, even if the actual product of the institution is non-existent.¹³¹

This was the case because they defined the budget in the same old corruption-inducing manner. There were three divisions: operational, salaries, and transformational (defined as actual production and development). There was not much care about items that were put in the first two categories; it did not matter what the budget was despite the lack of work, as if they were asking for corruption and encouraging lack of productivity.¹³²

The legacy from the previous regime and all those issues were carried on in the institutions so that, even if the chiefs who were directly involved, benefiting, and working hand in hand with Qaddafi are removed, these empty burdens of institutions riddled with corruption and lack of productivity remained, and they put a tremendous strain on the government by

¹³⁰Wehrey, F. (2014). Ending Libya's civil war: Reconciling politics, rebuilding security. *Carnegie Papers*, 223.

¹³¹Interview with Dr. Mohamed Fayad.

¹³²Interview with Mr. Hakim Nasif, a businessman.

weighing it down. The state of the institutions is enough of a burden in itself; add to that the amount of corrupt officials standing in the face of reform, either for the sake of personal gain or to undermine the revolution due to their remaining loyalty to the old regime, and this effect is multiplied.¹³³ According to some of the interviewees currently working in the state institutions, the nature of the old state still exists and the old guard still has control of the institutions either directly or through supporters within them who are hindering development and reform.¹³⁴ This is normal and expected to happen after the end of a civil war or a conflict.¹³⁵

For example, a manager of a financial department in an institution might not be aware of his specialization within it and his responsibilities. Neither does the head of the institution, and thus he intervenes in the jobs of his managers. The idea of the one-man show which would intervene in all departments as if they owned the institution still existed. This is another effect of the lack of clear job descriptions and hiring based on specialty, as discussed in the previous chapter. Much of the blatant miss-hiring known in the previous era remained. For example, while conducting this research, interactions took place with people working in international offices who did not have the simplest knowledge of the English language or a degree in the job area.

To conclude, the TNC was in a hurry to create the GNC before a constitution was even made. The political process was too immature and unable to handle all the transitions.¹³⁶ The longer such a period takes with unqualified people the harder it is to manage, as new conflicts

¹³³Interview with an advisor to the Prime Minister, who requested anonymity.

¹³⁴Ibid.

¹³⁵Lederach, J. P. (1997). *Building peace: Sustainable reconciliation in divided societies*. Washington DC: Institute of Peace Press, 4.

¹³⁶Sawani, Y. M. (2012). Post-Qadhafi Libya: interactive dynamics and the political future. *Contemporary Arab Affairs*, 5(1), 1–26.

will rise.¹³⁷ The governments that came and went throughout the 2012–2014 period were working on crisis management rather than state building, which raised the frustration levels within the population.¹³⁸ Looking at the budgets spent by such governments, one would be baffled, for such spending achieved nothing for development but was largely absorbed by the overly inflated institutions through salaries without productivity and blatant corruption due to the lack of regulatory bodies.¹³⁹

In a democratic system, the competition between parties over ideological differences is natural, but that was taken to a new level in the Libyan case, a level that put the government in gridlock and halted development. The ideological differences between the newly emerged political parties of Libya are not great at all. The limited projects and developmental plans proposed by them did not differ greatly. They all focused on reconstruction and reconciliation, while building a national army and regaining the Libyan share of the international oil markets.¹⁴⁰ However, they competed against each other within the parliament by working against bills proposed by the other, and the only way forward was compromises over key positions in the branches of government, where further competition would take place. All of these clashes were translated into unbearable inefficiency in the already subpar institutions. Not only that, but they also translated into violence in the streets created by loyal militias or organized armed criminals. There were many incidents of assassinations and kidnapping and with the unavailability of proper security institutions to investigate the perpetrators. Once such

¹³⁷Milliken, J., & Krause, K. (2002). State failure, state collapse, and state reconstruction: Concepts, lessons and strategies. *Development and Change*, 33(5), 753–774.

¹³⁸ Interview with Mr. Mohamed Abdelmalek, who worked in various telecommunication institutions.

¹³⁹Libyan Audit Bureau report, 2014.

¹⁴⁰Interview with Mr. Mohamed Elswheeh, an active member of civil society.

incidents took place, the other side would be accused immediately and tensions would rise within the camps of power, further dividing the already segmented Libyan society.¹⁴¹

Media

The majority of interviewees, including Mr. Gamal who was a veteran of the media for thirty years till his retirement in 2014, cited the new media that emerged after the fall of Qaddafi as a force of division in Libya. There was an explosion of TV networks after the fall of Qaddafi and they were heavily funded and managed by individuals or groups in the political scene or tied to them.¹⁴² Such channels are often not referred to by their names within conversation but rather by the names of their owners or of the bodies that they are affiliated with. The reason for such claims, according to Mr. Elswueh and others is that those media institutions were used as tools for spreading political dissension, based on a biased depiction of reality. There were no regulatory bodies and laws that could monitor the ethics of such channels in their reporting. It is not that the interviewees were calling for limitation of press freedom, but rather for an objective body or laws that could monitor them and have authority to point out unethical conflict-inducing coverage meant to further empower a political actor without being based on proper sources and reality. Such biased production of news by the various channels was the norm, and all actors were involved in mobilizing media for personal interest without exception.

Mr. Gamal made a very interesting comment by saying it was as if the media of Qaddafi and his state channels gave birth to many others who catered to their owners the way his media provided him with the propaganda he desired. This makes perfect sense, since the Libyan media professionals were raised and trained within such institutions, so even though their support became for other powerful players, their tools were the same. In the fragile state of

¹⁴¹Ibid.

¹⁴² Interview with Mr. Gamal Salm Elhatab. Worked in media in various institutions for thirty years.

Libya after having the social fabric of the society torn apart and new tears emerging due to the conflict over power that ensued, having such biased media helped to open old wounds and enlarge new ones throughout the nation.

Security Institutions

Why was Libya unsuccessful in creating a united national army after the revolution?

For a newly reborn nation which had just came out of a devastating war, building or reforming security institutions is an imperative task to ensure the protection and preservation of the revolutionary gains.¹⁴³ Unavailability of such institutions endangers the success of the executive, legislative, and judicial powers in building state institutions and establishing order. Most importantly it makes the legitimate government unable to establish its mandate and jurisdiction over all corners of the state.¹⁴⁴ The entity in charge of establishing the army or reorganizing it was the ministry of defense, and its performance will be reviewed based on publications by the government and international institutions alongside the in-depth interviewees conducted with statesmen and activists.

From 2012 to 2014, the ministry in general suffered from great inadequacies and inability to control spending or direct it well towards its number one priority of constructing a national army. The state of Libya gave 17 billion dollars to the ministry of defense and the Joint Chiefs of Staff between 2012 and 2014.¹⁴⁵ Despite the massive nature of the budget, it failed to be translated into reality on the ground, since no national army was created. Despite the massive spending during these two years, the ministry of defense released many statements

¹⁴³Collier, et al. Post-conflict risks.

¹⁴⁴ Ibid.

¹⁴⁵Libyan Audit Bureau report, 2014.

announcing the lack of resources and military equipment to establish stability and security. The performance of the ministry and the institutions working under it is marred by failures, mismanagement, lack of institutional structure, and chaotic decision making, showing a lack of a united vision for the major tasks at hand.¹⁴⁶

The military institution was managed within a raging conflict between the chiefs of staff and the defense ministry over jurisdiction. This had dire effects on the formation of an army, for there was a constant state of conflict over major topics such as budgets and assignments of personnel. This caused stagnation in the process of creating the army and caused the state to be unable to extend its power into the different regions of Libya.¹⁴⁷

According to the Libyan Audit Bureau report for 2014, there is a general weakness in managing provisions and direction of resources towards building a national army. The internal monitoring systems were not doing their jobs, in addition to there being huge weaknesses in organizing the different administrations. The ministry was also unable to devise time plans to their proposed goals and actions, thus causing the whole process to lack structure.

The part of the budget dedicated to salaries rose over the two years reaching a high of 3.6 billion Libyan Dinars in 2014.¹⁴⁸ This number could cover the salaries of 250,000 people if they were receiving an average of 1200 dinars each a month. This number does not make sense, for there are no official national army members on the ground to justify such salaries. In fact in times where there was a need for military intervention, the ministry would call upon rebel militias that were not under their supervision or command. There are numerous incidents of such interventions, such as the one to resolve conflict between the Tabo and Arabic tribes in

¹⁴⁶Ibid.

¹⁴⁷Wehrey. Ending Libya's civil war.

¹⁴⁸Libyan Audit Bureau report, 2014.

Koufra, confronting the pro-Qaddafi militants who occupied the Tamnhent military base in Sabha, and many others. Instead of providing the state with legitimate forces working under the mandate of the democratically elected government, the ministry depended on militias, thus legitimizing those unregulated forces that do not fall under the command of the state. Salaries and operational budgets were spent on them without them being accountable to the state.

The report continues by describing the utter lack of control over weapons and equipment contracts. Individuals within these institutions, who did not have jurisdiction over signing such contracts, did so. Such transactions took place without proper reporting and transparency. Worst of all, great amounts of money were spent for such purchases without knowing where and to whom those weapons went. This increase in the importing of such quantities of military equipment is not visible on the ground, since the scene was dominated by rebel militias rather than a national army. These purchases raised many question in regard to corruption, and the supplying of militias that are supported by strong players in the government with weapons by these government institutions, rather than integrating them into an army.

Much of the spending went into non-military ends, and with no proper documentation or financial reporting. One of the greatest areas of spending was on salaries going to members of armed militias without genuine attempts to integrate them into the national army.¹⁴⁹ Such militias received more or less the same perks as the national forces, without the regulations and accountability that should come with it. Instead of inhibiting the growth of such unregulated forces, the government induced an explosion in the numbers and capital of those militias after the revolution and maintained their weapons and bases.

According to Dr. Khamis, who worked on governmental and civil society initiatives to integrate the rebels into national armed forces, the ultimate fiasco was that salaries were given

¹⁴⁹Ibid.

to militias, or “rewards” for the rebels, as they were called. “This is what brought down the revolution and broke its backbone,” as he said. The numbers of rebels at the end of the 2011 revolutionary war was around 20,000 men who were fighting at the front for the sake of the nation and the revolution without the expectations of reward.¹⁵⁰

When the war ended, the rebels remained in their posts in order to protect the vital infrastructure and maintain peace and order during that sensitive period until they could give their weapons and bases to a legitimate institution. They did so to protect the gains of the revolution without the expectation of rewards and compensation. Many of them left and went back to their civilian lives or went abroad to continue their studies on fellowships given to them by the state. Those who remained in their militias were either waiting for the government to build an institution to absorb them or waiting till they were no longer needed before going back to civilian life.¹⁵¹

Once money was introduced into the equation, the number of rebels suddenly exploded to 270, 000, according to the latest statistics. “Where did these numbers come from? If this was the actual number of rebels fighting in the war, Qaddafi’s security militias would not have lasted a week,” said Dr. Khamis. Payments and rewards without state accountability became the expected norm. New militias started forming, and many young men who did not take part in the war started joining, while many of the actual rebels left the scene. This new wave of rebels wanted further funding and “rewards,” and if they did not receive it they would not perform their security duties such as protecting the vital infrastructure and would go on crippling

¹⁵⁰ Interview with Dr. Khalifa Elsharkasy, a medical doctor who was active in civil society initiatives to integrate the rebels into the national army.

¹⁵¹ Ibid

strikes. Due to the delay in creating security institutions that could take over, the need for such militias increased and so did their influence and power.¹⁵²

This inflation of the “rebels” gave revolutionary legitimacy and power to those that had nothing to do with it. Many of them were simply unemployed, or outlaws even. Those pseudo-rebels were a main cause of post-revolution chaos. Great amounts of money were bullied out of the government and such military units halted and stood in the way of the creation of a unified army since they were not willing to give up their weapons and privileges. In addition, since the death of the Qaddafi regime, the enemy that united the rebels no longer exists, and tensions between different cities and regions started to surface. This vast influx in militias and armed men helped to exacerbate such tensions. Such tensions will be elaborated on in more detail in the identity section of this chapter.

If one puts oneself in the shoes of a militia leader, after the introduction of money in great amounts, it would be more profitable to get more recruits with the promise of money so that your militia would get stronger. The motivation for empowering one’s militia could have different origins. It could be for patriotic reasons, to be more able to protect Libya, or it could be seen as a measure to make the military power within one’s city, region, or tribe equivalent to or stronger than that of others, or it could be out of pure greed.¹⁵³ Many of those who joined after the revolution and received leading positions within militias came from modest backgrounds, and now they have an access to income that they would not have dreamt of outside this system. There were no real and solid criteria or government supervision over who joined the militias, for they have autonomy from the government, despite functioning with money from it under the mandate of securing the country.¹⁵⁴ This repeated the sad scenario of

¹⁵² Ibid

¹⁵³ Ibid.

¹⁵⁴ A Libyan Judge who requested anonymity.

Qaddafi's creation of his militias, for, just like them, the militia leaders recruited from their tribes and cities those who would be loyal to them and their goals, be they noble or sinister.

The weakness of the government institutions in charge of creating a united army and the conflicts between its different departments over power would have made the task extremely hard but maybe doable. However, the absolute lack of an institutional structure containing supervision and regulatory systems induced so much corruption that it crippled them even further. However, the greatest blunder was the rewards paid, for they ushered in a race for wealth and control between the different militias and made the dream of an army impossible. There was limited loyalty to Libya as whole, but rather to oneself and one's own benefit or tribal and regional background. Some even signed up for more than two or three militias and would be receiving money from each.¹⁵⁵

When asked about the efforts to integrate the rebels into a national army, Dr. Khamis and others discussed numerous initiatives that failed to be translated into reality. The main reason was the introduction of money before the guaranteed formal service within state institutions, but they were others reasons and reservations. One of the main reasons was the lack of a genuine will to give up weapons and bases, because of the absence of trust in the new government. There was no legitimate body to hand the weapons over to. A lot of the weapons that the government collected at the outset were reintegrated into the streets again, due to the lack of transparency and regulatory systems over the process.¹⁵⁶ According to Dr. Khamis, a former defense minister sent the weapons collected in the early days of the transitional government to his city, which is a perfect example of officials using their power for the gains of their tribes and region. No records were found to confirm such an accusation, off course;

¹⁵⁵Ibid.

¹⁵⁶Libyan Audit Bureau report, 2014.

therefore the name of the minister is not included here. However, the point was confirmed by another interviewee who refused to have his name published.¹⁵⁷ Such corruption, blatant mismanagement, and favoritism caused a lack of trust and apprehension between the state and the militias. Even those who were willing to give up the weapons did not trust that the government would not put them back in the hands of people who might use the weapons against them. As clashes increased between armed groups, maintaining weaponry was a tool for survival.¹⁵⁸

There was no or limited unity between the different rebel groups because each one believed he and his group to be the guardians over Libya and that they should be in power and in charge. Such sense of unity should have been established by the new government through capitalizing on the general patriotic and unifying wave induced by the success of the revolution. There was no trust between the rebels and the government. The heads of the major parties were not clear enough with the people for them to place their trust in the political structure. Their loyalty was for their parties. Hence no weapons were collected and an army could not be formed.¹⁵⁹

Conferences were arranged by civil society to make policy recommendation for the task of creating an army. Their goal was to unify efforts and set the stage for the militias to be incorporated into an army by connecting their ideas and fears to the government. “We tried to propose financial ways to attract them, for example buying weapons off of them for double their value in the black market.”¹⁶⁰ They also tried to have personality and ability tests to weed out the undisciplined. Unfortunately none of those initiatives made it into reality.

¹⁵⁷Interview with a Libyan judge, who requested anonymity.

¹⁵⁸Ibid.

¹⁵⁹Ibid.

¹⁶⁰Interview with Dr. Khalifa Elsharkasy.

Numerous direct causes for the failures of the transitional governments to create a unified army were discussed in this section. However if one steps back and looks at the big picture, one will find that the heavy legacy of the forty-two years of Qaddafi's regime is the root of all of these issues. The weak institutions inherited from that time with the dire conditions discussed in the previous chapter and the lack of political or regulatory military experience hindered the ability of the state make sound decision or to be able to enforce such decisions. The destruction of the military and lack of legal frameworks that might fill the void stopped the ability of security sector reforms, for no such sector was there to begin with. What were there were informality, illegality, and inexperience. Even though Qaddafi was gone, the culture of vicious corruption and sub-national ties remained.

Identity

1. Do you believe that there is no united identity in Libya? Why or why not?
2. If you believe in the lack of or the weakness of a national Libyan identity, do you believe that it contributed in jeopardizing the transitional process?

Aspects of the distorted national identity, which is the second sinister child of the old regime, are discussed in this section. As discussed in earlier chapters, the power of tribes and nature of tribalism were fading during the time of the monarchy. It is not to say that they were no longer active on the scene, but the need for them by society members decreased due to the emergence of the state.¹⁶¹ Qaddafi brought tribalism back and politicized the tribes as a way to rally allegiance and surround himself with those who were loyal and place them as the watchers over other tribes and cities. However, at the end of the day one must recognize them as a mere tool

¹⁶¹Al-Bashir Ali Alkot, Libya; identity, tyranny, and revolution, National Libyan Library 2012 (In Arabic only)

of regime sustainability rather than a partner in government.¹⁶² Another side effect of his policy of deconstructing the state institutions is that, due to the lack of social protection, citizens turned to tribal means to achieve that, just as they did under the Italian invasion. During the time of Qaddafi, Libya's inability to foster a national identity was not because of tribalism but because of the policies Qaddafi used to maintain power and control while shaping Libya's identity and institutions as he saw fit. The same applies now. After forty-two years of chaotic rule, a year of revolutionary war, and four years of political and military hostilities, Libyans cannot receive social security from the state. Consequently, Libya is not failing to become a nation because of tribalism; tribalism is gaining ground because of the utter lack of a functional state.¹⁶³

As discussed before, nationalism, patriotism, citizenship, and unity are forged greatly once a national fight for independence takes place. In the eyes of the vast majority of Libyan society who supported the revolution, the conflict of 2011 was a war of independence for the sake of Libya: the nation that Qaddafi attempted to deconstruct in every way and build his *Jamahiriya* in its place. The Libyan anthem and flag were changed by him, even the name of the country itself became the Socialist People's Libyan Arab Jamahiriya and there was an unspoken rule of never saying Libya, but rather *Jamahiriya*.¹⁶⁴ Ironically his attempt to create a national identity with him at its core and center was successful, but not as he envisioned. It was a national identity that despised him at its core.

The old flag returned and so did the national anthem. Libya's name by itself became one of the major chants during marches against the regime. There was a thirst to claim a true

¹⁶²Cherstich. When tribesmen do not act tribal.

¹⁶³Ibid

¹⁶⁴Interview with an advisor to the Prime Minister, who requested anonymity.

Libyan identity that was pure and national, away from Qaddafi's shadow. Nationalism and patriotism grew, and the general discourse was of unity under the TNC and to let go of previous feuds and hatred within the nation, which had been instigated by his divide and conquer methods. However the continuous failures described in detail in the previous section took place and, slowly and surely, the disappointment and conflict over the future of Libya came to the forefront and the sense of unity and nationalism became dormant.

The idea of citizenship in the sense of how a citizen has rights and obligations was eliminated from Libyan society for forty-two years and Libyans were eager to adopt such principles and join the democracies of the world. As discussed earlier, however, the core necessities of social security and security were not provided by the new governments. Actors seeking power from within the government and outside it alongside the failure of state institutions to foster the newly found sense of identity caused the people to identify themselves with what could give them social security. The empowerment of tribal influences by the competing forces and the growth in federalist rhetoric forced people to pick sides, based on their best interests rather than the national interest.¹⁶⁵

The current existence of two governments right now and the call for Libya to become a federalist state again are viewed generally as a tribal civil war by numerous observers.¹⁶⁶ However, this is a complete misreading of the situation. The major cause of this is the competition between islamists, old guards, liberalists, and militia leaders all being supported by Libyan coalitions and international coalitions. The details and motives behind these conflicts are outside the scope of this research. However, one of their main causes is the

¹⁶⁵Interview with a member of the GNC who requested anonymity.

¹⁶⁶Hweio. Tribes in Libya.

lack of institutionalism and political development, which caused the national identity of Libya to become dormant once again after its awakening in 2011.

Conclusion: Was the Current Conflict Inevitable?

1. What are the most important lessons learned from the first transitional period that must be implemented once the current conflict is concluded?

One of the main questions in the interviews and the research in general was what were the major lessons to be learned from the transitional period? This aimed to help in formulating policy recommendations, which are discussed in detail in the following chapter. It also indirectly answered the question of this section: Was the current conflict inevitable? The answer is no. Despite the numerous challenges facing the transitional governments from the dark legacy of the Qaddafi era, the rise in divisions and power hungry actors' ability to influence the democratic process from the periphery could have been avoided.

Libyan decision makers should have learned from the previous Libyan experience of independence. The TNC should have remained in power, despite its lack of electoral legitimacy until the constitution was made. Elections should not have taken place before setting the proper legal framework of the state in motion. This period of constitution creation would have given time for infant political parties to develop and create viable strategies and plans; also it would have given civil society institutions the time to grow on the ground. Having a constitution and a reformed national legal framework present prior to the election would have ensured the existence of regulatory bodies and accountability, just as it did at the birth of the Libyan monarchy.

General restructuring of state institutions should have started, with the priority given to the security institutions. Financial rewards to the rebels should never have taken place until

they had become formal soldiers in the national army, and a strong institutional framework should have been set to gather weapons and store them safely. Incentives should have been made to attract militias to join the army instead, as discussed earlier; it seemed as if incentives were given not to do so.

If the GNC had inherited a more established and institutionalized state, the national unity and identity born after the revolution would have remained. A Libyan national identity does exist, despite what observers might argue. Libyans had shown it in their two struggles for independence, despite all attempts of their oppressors to eliminate it. If there were a true attempt to reform the institutions to make them capable of protecting the rights of citizens and providing them with security and rights, the personalist, self-interested spheres of influence would have not emerged or used divisive strategies to gain and maintain power.

Instead of forsaking conflict over power and joining together in a national momentum, these forces added to the tear in the social fabric of Libya. The reasons behind this cannot be known precisely. However, the following assumption can give an idea of why this happened. There was a great amount of international intervention in Libya from neighboring countries and international powers, and they supported the different contesting parties financially and military, alongside diplomatic backing.¹⁶⁷ This empowered the momentum of the conflict instead of slowing it down. Many interviewers shed light on forces loyal to the Qaddafi era manipulating the political process to compromise reforms, and post-conflict reconstruction and reconciliation. Further research on the actions done by such individuals could be instructive; however, it would be quite difficult to carry out.

¹⁶⁷Wehrey. Ending Libya's civil war.

CHAPTER VII: CONCLUSION

Institutions

The ultimate hurdle that faced Libya's transition to democracy was the delay in the creation of the constitution and legal reforms to enhance the operational capacities of Libyan institutions. Due to this void and lack of political experience, the political sphere of Libya was only democratic in theory rather than practice. This scene became a war zone between different players aiming to gain power and create their own image and vision of Libya with them at its center. Unlike the early days of the monarchy, where the executive and legislative branches worked hand in hand under the mandate of the constitutions, those branches lacked a legal framework that specified their jurisdiction and authority; thus, there were many transgressions. Such action caused an atmosphere of competition over power, rather than cooperation towards state building and development, where peripheral players exerted influence over the elected government and operated outside the democratic framework.

What happened in the transitional Libya was an institutional failure at all levels due to the shape of the institutions inherited from the old regime. The political scene turned into an open conflict zone between different parties over power and control, despite their having similar ideologies. Such conflict was not tribal, for the parties had members from different tribes and regions, and the tribal system was not able to affect Libyan politics. It was Libyan politics that mobilized the tribal sphere as a tool to gain support, rather than the opposite, which is an overwhelming argument in international literature. It is as if the new players on the Libyan scene were copying the Qaddafi playbook of command; again, they fostered illegal militias and enlisted tribal and regional support to gain power.

Libyan institutions are extremely underdeveloped and are dragged down by a high level of centralization in Tripoli, causing a sense of marginalization in the other cities. Such centralization continued after the revolution; however the transitional government recognized it

as an issue and there were attempts to reduce it. Unfortunately, success was elusive, due to the lack of institutional capacity to achieve it. As a matter of fact, it was elusive in all the tasks undertaken by the government. Libya lacked the institutions capable of ushering in the transition to democracy and equality, for such institutions were systematically destroyed during the Qaddafi era. They lacked administrative structure and proper staffing criteria. There was limited training and capacity building for employees, and they suffered from an extreme lack of productivity. The key positions were all taken by those who were loyal rather than those who were capable, and what they craved was Qaddafi's approval rather than building a nation. Thus the institutions were hollow and marred by crippling corruption.

Due to the desire of the regime to be the main source of employment, in order to control the livelihood of the population to further strengthen its grip on people, it discouraged private businesses and overinflated the public sector with employees. The institutions were being dragged down by this unbearable weight of untrained and inefficient employees during the transitional period.¹⁶⁸

The lack of regulatory bodies that can report corruption and make those who take part in it accountable caused the loss of great amounts of public funds meant for development. Corruption during the time of Qaddafi was immense because of this weak system and that continued after its fall. Looking at the reports of the National Audit Bureau, one cannot help but be baffled by the huge budgets given to the government without proof of any development on the ground. Many of the interviewees suggested that, during the post-revolutionary period, corruption was greater than it was during the time of Qaddafi. The reasoning behind such assumptions is that, before, the top-ranking employees and leaders would be the ones committing the majority of the theft of public funds. The lower level bureaucrats were not as

¹⁶⁸ Interview with Dr. Mohamed Fayad.

engaged in such practices, out of fear of the revolutionary leadership. After the fall of such leadership, corruption became a free-for-all competition for wealth-seeking by immoral means throughout all levels of the convoluted bureaucracy.¹⁶⁹

Identity

Due to its strategic location and military weakness, Libya was subjected to invaders throughout its history and in many instances different parts were under different invaders, which hindered the development of a national identity. Over the years, local Libyan leadership and unity was defined by tribal loyalty. By the time of independence, the sense of Libya was starting to operate at the national rather than the tribal and regional levels, due to resistance against the Italian invader and the joint struggle for state building after independence. Recognizing the differences within Libya and the vast distances between its urban centers, a federal system was constructed by the constitution, but once the newly independent state started to come into its own, an amendment passed that ended the federal system. The reason why this was possible was that institutions at the national and local levels served the citizens and filled the political void that the tribal system used to fill. The monarchy capitalized on the sense of unity induced by independence to help foster the newly born national Libyan identity. With the rise in education and increase in urbanization, the tribal system retreated to influencing social aspects instead of being a generator of political influence. The more integrated the citizens became in the state and its modern institutions, the more they moved away from tribal loyalty and allegiances. The tribal system still remained deeply rooted within the rural areas which remained outside the direct influence of the state, but it was slowly and surely diminishing in power and influence by the time of the Qaddafi coup of 1969.¹⁷⁰

¹⁶⁹ Ibid.

¹⁷⁰ Al-Bashir, Libya.

When Qaddafi came to power, he wanted to shape Libya's identity as he saw fit, and with him at the center, of course. He flirted with socialism, Arab nationalism, and African unity throughout his time and attempted to imprint his theories and ideas on society. He used education and endless propaganda to achieve such goals and project them abroad as Libya's identity.¹⁷¹ At first, he desired to end the tribal system in all its forms and fought against it with all means possible. Some analysts believe that he did so because of the inferior status of his own tribe in Libya; others believed that this was part of his desire to be the only source of unity and legitimacy within the state.¹⁷² However, over time it became clear to him that he could use the tribal system with his tribe at its center to consolidate his power, divide opposition, and reach the masses for mobilization. He deployed a wicked strategy of divide and conquer, by opening up old feuds between cities and tribes and treating certain tribes favorably over others to induce conflict. Tribal leaders raced to be in his good graces in order to gain political power and wealth, which caused the politicization of tribalism in Libya. The key point to derive from studying the existing literature on Libya and the in-depth interviews with people who worked with the tribal system or within it is that, at the end of the day, the tribes were used as tools and had only the political authority that Qaddafi gave them. They were not political actors able to cause any change but were rather used to rally support.

They remained as tools of the revolution after his fall, but under the new political actors competing for control over Libya. Many researchers and analysts overstate the actual power of the tribes and assume that the current conflict over Libya's future is of a tribal nature, but in reality they are just a tool to mobilize the masses, especially outside the urban areas. The majority of the interviewees and the writer of this research have no connection with their tribes and do not even know the identity of the *sheikh* of the tribe. This mobilization of tribal

¹⁷¹Ben Halim, Libya.

¹⁷²Cherstich. When tribesmen do not act tribal.

connections and waking up of historic feuds after the end of the revolution is simply a continuation of Qaddafi's policies carried out by numerous political actors.

Policy Recommendations:

What are the most important lessons learned from the first transitional period that must be implemented once the current conflict is concluded?

The Libyan government took the idea of democracy as simply voting and lost sight of the other major factors of the system. There was a lack of serious political will to establish proper institutions that would be capable of serving and representing the people of Libya, they failed to foster and assist the newly born civil society, and there was a marginalization of numerous segments of society.¹⁷³ These are not the only shortcomings of the government, but are the ones that have most relevance to this thesis, and the policy recommendations that will follow aim to tackle these issues. The policy recommendation of this thesis argue that, to heal the torn social fabric of the society resulting from the conflict and to stop further conflicts from happening, the government needs to develop a serious political will to include the people of Libya in the development process. Inclusion and participation have proven to be major tools for both reconciliation and building of the political capital of the state, a political capital that would support the government's ability to make significant changes at the macroeconomic level.

The first step that must be taken with extreme haste once the current conflict is concluded is the formation of a national constitution. The lack of it in the transitional period is one of the hurdles, if not the greatest hurdle, in the 2012–2014 periods. It has to state clearly the jurisdictions and the mandate of all of the key political institutions to avoid the conflict and dissension that Libyan institutions were engulfed in which hindered development.

¹⁶⁵Sharqieh, I.(2013). *Reconstructing Libyan stability through national reconciliation*, Doha: Brookings Doha Center.

During the time spent in Libya to conduct the interviews in February 2016, there was a general argument in the population that was discussed with more focus with the interviewees. It called for the removal of parties for their failure in the transitional period of 2012 to 2014, and many argue that they are a key cause for the current conflict. Some of the interviewees agreed with such thinking, and others believed that parties are crucial for the democratic process and must not be disbanded. However, the latter would recommend that those parties and the laws governing parties must be reformed. Once the current conflict is concluded and the constitution is on track again, the parliament should be suspended and the legislative power should be transferred to the presidential council until the constitution and laws governing parties are established. During this time the parties could improve their image and restructure their ranks and developmental strategies.

The notion of simply disbanding parties is absurd for they are a key component for the democratic process. A healthy competition between them brings out the best, and most agreed on visions for development. They work at national level, thus bringing people together across tribal and regional lines under similar goals, and, if a nation such as Libya let go of such forces that are able to mobilize the masses and reach people on the ground, that would open the door for other forces such as tribal ones. According to a member of the GNC who did not want her name to be published and an advisor to the prime minister in the western government, the eastern parliament was an example of tribal control and influence, since its members ran as independents and not through a party platform. The lack of formal political units in the east in general allowed the tribal and regional influences to be more apparent at the core of their policies. On the other hand, the only notion more absurd than disbanding the parties is to keep the status quo; the creation of proper laws governing their operation and inception is imperative, therefore this thesis recommends the suspension of the political process until the constitutions and such laws have been produced.

Efficient regulatory institutions need to be created to ensure transparency and curb corruption. Corruption has been a blood-sucking beast draining the state budget and compromising its reputation and image. The overly bureaucratic nature of the state institutions must be curtailed to limit the levels of corruption and, most importantly, massive, gradual reconstruction of such institutions must take place. The overly inflated offices need to be cut down to maximize efficiency. Of course, massive sudden layoffs can be detrimental to peace and social harmony, since the majority of the Libyan work force is employed within it. With the presence of so many weapons in the streets, such drastic moves must be taken carefully to avoid violence. A long-term plan should be set in motion, private sector companies should be encouraged to hire Libyans, and communications must be set up between the private sector and the government in order to understand each other's needs. These needs can be the core of training and continued education sponsored by the government to its employees in order to facilitate their transition to the private sector. Accessible loans should be created for people who want to start businesses once they leave the public sector. Generous severance packages should be allocated to those who would like to quit, and in the first few years after the conclusion of the current conflict the government should give every incentive for current public sector employees to leave on their own.

After such a period, which would also allow for a maturation of the private sector, the government should start laying off the most unproductive workers and limit the hiring of new ones except for extreme necessity. This would allow the maximization of efficiency, since better training and institutional development can take place with fewer employees. Also, due to the decrease in numbers, the current employees could receive higher salaries and benefits which would automatically lessen the bribe taking and foster more loyalty towards the institution specifically and the state in general.

Proper staffing must take place: each department in every institution must come up with its ideal structure, setting out how many and which positions it needs to have in order for it to conduct its duties, and the qualifications needed for each position. Such an ideal image of the institutions should be the basis for restructuring efforts and the government should strive to reach these gradually, based on a reasonable timetable.

Community-led development

Communities have within them the ability to survive and cope with hardship; humans within a social unit be it a family, tribe, or a community have intrinsic mechanisms¹⁷⁴ for survival. Therefore post-conflict community-led development in which the people play an active role in the developmental process has emerged as a crucial academic and professional discourse on the subject of reconstruction.¹⁷⁵

Due to the political weight and importance of maintaining peace after a conflict has been concluded, international mediators and central governments tend not to prioritize, and thus not pay the required attention, to participation and inclusion which induce social rights and reforms. “Unfortunately social rights rarely rise to the top of agenda in post-conflict negotiations.”¹⁷⁶ A major critique for international organizations, newly created central governments, and donors is that their focus is mainly based upon immediate relief and stabilization of the new political regime rather than long-term development of the society with reconciliation and equity as the cornerstones for the future.¹⁷⁷

¹⁷⁴Cliffe, S., Guggenheim, S. & Kostner, M. (2003). *Community-driven reconstruction as an instrument in war-to-peace transitions*, CPR Working Paper, 7, Washington, DC: World Bank.

¹⁷⁵Ibid.

¹⁷⁶Cocozzelli, F. (2001). *War and social welfare: Reconstruction after conflict*,

¹⁶⁹Ibid.

There can be severe consequences of the lack of social reform. A post-conflict society is a sensitive one that expects, unrealistically, immediate improvement in the quality of life and equality of opportunities. History has shown that this is impossible: reconstruction of both the tangible and intangible assets of a nation does not happen overnight. It is a gradual and systematic process. Those who benefit from it the earliest are those who are most equipped to do so, such as those who are most educated, have existing capital, and those who were simply on the victorious side of the conflict. Seeing this would already raise hatred and negative feelings amongst those who are not part of the mentioned groups. This would cause further social tension in a nation that is still at the beginning of healing its war scars. It could even escalate if continued to a new conflict or a continuation of the previous one. Studies have shown that post-conflict nations suffering from great inequality and corruption are more likely than others to go back to conflict within the first ten years after the conclusion of the war¹⁷⁸ and Libya is a prime example of that.

Having community-led development in which the people can become active participants in the development process, and in which the marginalized have their voices heard can play a major role in countering the negative effects of the gradual nature of post-conflict reconstruction. Unfortunately, as mentioned earlier, this was not the case in Libya after the conclusion of the conflict. This paper proposes that the Libyan government should make reconciliation and inclusion a priority through focusing on community-led development. To do so, the government must develop strong local institutions, empower civil society and be flexible with it, and last but not least turn the tribal aspects of Libya into a blessing rather than a curse.

Local Institutions

¹⁷⁸Cliffe, Guggenheim, &Kostner.Community-driven reconstruction.

Local institutions provide direct representation of the people in their area of operation. They act as a forum for discussion, decision making, and implementation. A major question that post-conflict governments face is whether they should build on and develop the local institutions that are left behind from the previous regime or create new ones.¹⁷⁹ In the case of Libya, there are a limited number of efficient local institutions, due to the high degree of centralization of the old regime, which had revolutionary committees, weak and hollow local institutions and tribal leadership work at such levels.

Unfortunately, tearing down the local institutions in Libya would be challenged by traditional authorities that are fearful of adjustment. It can be detrimental to the image of the currently new and weak government, and it can leave a vacuum that cannot be filled by new local institutions immediately¹⁸⁰ for they are not constructed overnight. The government will need to pick its battles here, and reach a middle ground. A thorough and methodical assessment of these institutions must take place. Those found to lack the ability to be participatory and inclusive post reforms must be terminated. The rest will have to go through a calculated process of reform to eliminate any intrinsic mechanisms established by the old regime that are capable of being repressive and inducing marginalization.

New local institutions must be created where there is a lack of them; they must be representative and participatory. They should also have the ability to aid the new government in avoiding the mistakes that led to conflict in the first place. All local institutions must have strong regulatory mechanisms to curb corruption, monitor progress critically, and maximize transparency. Monitoring should happen from both sides: the central government must have strong monitoring and regulatory bodies for the local institutions and the local institutions must

¹⁷⁹Ibid.

¹⁸⁰Ibid.

be able to do the same to the central government on issues related to their jurisdiction and operational framework. This is of the utmost importance in the Libyan case, for the danger of funds being misplaced and given to armed militias outside the legitimate national defense forces, which has plagued the Libyan society for the past three years, must be eliminated once and for all.

The process of reforming the existing institutions and the creation of new ones is a tremendously long-term one that is filled with hardship. It is impossible to achieve a greater level of inclusion and participation through local institutions at a pace that meets the expectations of society. Therefore, the ground forces that are able to directly engage the public, induce participation, and raise awareness especially outside the urban centers need to be capitalized on; such forces will be discussed in the following two sections.

Civil Society

A vibrant civil society is a key player in the advancement and construction of a nation. It reaches the places that cannot be reached by the government and sheds light on them, raises awareness about important issues, informs people of their rights, and serves as a civil body that critiques and point out the shortcomings of governments.¹⁸¹ The process of community-led post-conflict is impossible without it, for it is more able to reach the citizens and engage them. This role is extremely important for Libya for the local institutions are either weak or non-existent.

The task list facing a newly formed government in such a troubled time is huge to say the least. Developing civil society could easily be pushed down the ladder of priorities; the Libyan government has successfully done that over the past four years. Interviewees who were

¹⁸¹Burde, D. (2004). Weak state, strong community? Promoting community participation in post-conflict countries, *Current issues in comparative education*. New York: Teachers College, Columbia University.

engaged in civil society discussed the lack of support given to civil society and how crippling government bureaucracy halted its development. A way out of this dilemma, which is highly needed in Libya, would be to delegate the task of fostering the civil society to non-governmental actors such as international organizations, donors, and the private sector. The government failed to foster the newly civil society, but rather hindered it.

Putting community-led development as a priority in the post-conflict discussions with the first two would push them towards aiding civil society, be it through funds or capacity building, which the newly born Libyan civil society desperately needs. Encouraging the international and domestic private sector to establish partnerships with NGOs in return for tax breaks and ease of bureaucratic procedures would induce another great push for civil society. The image of a business is extremely important, and being a part of this process as a form of corporate social responsibility would make their images and products easier to sell.

Even though the thesis proposes the delegation of the development of civil society to other players, it by no means argues for the complete elimination of the government's role in this important undertaking. Open channels between non-governmental actors and central and local government must be created. The government must make the process and the legal paper work easier, and respond to those actors when they are in need of help.

Capitalize on the Social Strength of the Tribal System

A tribe is a social unit where people live, grow, and cope with outside factors together. This thesis does not assume that all members of a tribe share identical beliefs and ways of thinking. However, there is link between them due to their shared history and loyalty to their unit. Tribes in Libya were on their way to playing a merely social role in society, prior to the Qaddafi regime, as discussed earlier, and they must go back to that and not get involved again. During his time in power, they went through a process of politicization, in order for him to promote his

legitimacy. They were used as a means for regime sustainability, a mere mechanism used as the Saudi king used religion, the Egyptian regime used crony capitalism through the sinister marriage between capital and politics, and the Syrian regime portrayed itself as the last defense line against Israel. Some tribes were favored over others, which instigated hatred and feuds and helped in further dividing the country, which only served Qaddafi, a typical divide and conquer strategy.

Tribes at the end of the day are well formed social networks. The Libyan government should use these well-founded structures to promote micro-community-led reconstruction.¹⁸² A strong potential exists at this level until the government can construct strong institutions that are capable of uniting the people as a whole at the national and local levels.

The tribes have constructed a “phatic labor,”¹⁸³ through their engagement of sociality over the past century. It is a social infrastructure created through networking and engagement over a long period of time that comes close to the importance of actual infrastructure in the case of Libya. Tribal leaders have the ability to gather information about the members of their tribes more than any public institution.¹⁸⁴ Due to the lack of outreach by the old regime to the people of Libya, these leaders have greater access and knowledge of the societal and economic needs of their people than the government, particularly outside the urban centers. Working with the tribal leaders, especially the leaders of the marginalized and poor tribes would give the government more access and a greater understanding of the needs of society. It would also give the government legitimacy when interacting with the extremely marginalized tribes in the outskirts of Libya, for the tribes have filled the void left by the government in those areas for the past four decades.

¹⁸²Ibid.

¹⁸³Burde. Weak state, strong community?

¹⁸⁴Sharqieh. Reconstructing Libyan stability.

Once there is an inclusive, equal, and well-constructed government outreach to the tribes, tribal leaders would be more willing to use and capable of using their authority to push their people towards reconciliation and engender hope in the government and affection towards Libya as a whole. Tribes are quite different from each other economically and socially, which provokes further resentment. Also, there are historical vendettas built on battles fought amongst each other over the centuries. Having them all participate in an inclusive community-led development fostered by the government without the marginalization of those who fought for the Qaddafi regime and the different sides fighting in the current conflict would beget trust and hope in the government and slowly bring the tribes' loyalty to Libya as their nation rather than having loyalties to the tribe alone.

Conclusion

The government, international developmental organizations and donors must focus on social reforms and reconciliation in Libya. The situation has reached a boiling point that seriously threatens the unity of Libya. Government, international finance and expertise must target community-based development at the micro level to bring the people together. They must use the existing traditional social units such as the tribes to better reach the people on the ground. They must be used until the government achieves institutional development that can foster the participation of citizens and include both the victors and the losers in the war. Community-led development supported by the government through the building of strong local institutions and non-government actors that can reach the people and communicate their demands and fears to the government while being active and equal participants in the developmental process would be the lifeline needed to support Libya through the upcoming difficult years.

It is no surprise that the nation is engulfed in such turmoil: nations with high corruption and inequality levels post-conflict are prone to face conflict again.¹⁸⁵ Inclusion and

¹⁸⁵Ibid.

reconciliation efforts from the government were weak, due to the lack of proper institutions. International organizations and the new government worked on constructing the political and economic mechanisms, despite the social crisis and divisions within the different sectors of society. There was little or no encouragement for the community to play a part in the reconstruction efforts. Huge segments of society were marginalized and local institutions lacked the financial support or legal legitimacy to apply community-led development and reach out to their people directly.¹⁸⁶ The international focus was directed towards bringing oil exports back to the global market rather than putting people back on their feet.¹⁸⁷

If Libya does not survive this current turmoil and turns into a military state once more, all will be lost. However, if democracy prevails in this current conflict, it needs to learn a lesson and become a functional one. There must be inclusion and encouragement of participation. Community-led development has proven to be a crucial step towards these goals; thus, it has to be capitalized on in the future.

Limitations and Areas for Further Research

Many difficulties were faced in this research, and the greatest was the lack of sources and data about Libya, especially Libyan-made literature. All three periods covered in this research suffered from this. Not much had been written about the period of the monarchy, especially by Libyan writers for the Qaddafi regime was keen on painting a picture of the time that diminished the accomplishments of the monarchy and labeled it as period of corruption and betrayal of Libya for the benefit of western powers.¹⁸⁸ The majority of Libyan resources that cover this period and the development of its institutions and identity creation were written by

¹⁸⁶Ibid.

¹⁸⁷Ibid

¹⁸⁸Ben Halim, Libya.

exiled members of the opposition or after the fall of Qaddafi. As for the second period covered here, which is the forty-two years of the *Jamahirya*, not much was available in terms of data and field research since Libyan institutions did not have the ability or permission to do such things. Much of the available Libyan literature was propaganda by the regime or written by Libyans living outside or foreigners who did not have access to reliable data. Since these institutions carried on after the fall of the regime and Libya was more or less stuck in crisis management mode till the outbreak of the current conflict, not much had been added to the existing body of literature. Finding reliable sources was a very difficult part of this research and finding data was impossible, which caused the focus on mostly qualitative rather than quantitative material. The in-depth interviews conducted with members of the government, academia, civil society, and the tribal system were done to make up for the unavailability of such quantitative sources.

The fieldwork portion of this research was conducted in February 2016 in the cities of Misurata and Tripoli in the west of Libya. It could not be conducted in Benghazi during that time, due to the fighting that was taking place there, which caused a severe lack of security. To be as inclusive as possible, finding people from the east who moved into the west due to the conflict was a priority in the selection of interviewees.

More time was needed to conduct interviews than the two weeks used here. The interviewees were eager to participate and were eager to recommend others in order to enrich the research. The original plan was to interview seven to ten people, but over twenty were interviewed due to the help of the originally contacted interviewees. More could have been interviewed if time had allowed. Researchers desiring to conduct such interviews are recommended to plan an ample amount of time to do so. It is hard to get in touch with interesting interviewees and focus group subjects from outside Libya, but they can easily be contacted once the reviewer is there.

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