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Luis Martinez

New Libya between the past and the future

The Unexpected end of the Qadhafi's regime

Until the Arab spring, the Qadhafi's regime had overcome the three challenges threatening it (armed Islamist dissidence, international sanctions and attempted coups). The Libyan regime had managed to survive and had since seized the twin opportunities presented by the 11 September 2001 attacks and the invasion of Iraq in March 2003. A clever tactician, Muammar Qadhafi signed Libya up to the "global war against terrorism" and created an image of his country as a Mediterranean Eldorado. This conversion had been accompanied by a new rhetoric tailored to international community standards, peppered with terms such as transparency, the fight against corruption and democracy. This transformation was the product of the new "national economic strategy" designed by Michael Porter, a Harvard professor. In the preface to a 200-page report drafted in conjunction with the Libyan Planning Council, he portrayed Libya as having such huge potential that it will have great influence in the future. According to Seif El Islam, «Libya will be a modern country with modern infrastructure and a high GDP. Its citizens will enjoy the best standard of living in the region. Libya will have closer relations with the rest of the world and with Africa, as well as a partnership with the EU. It will join the WTO. Libya will be the bridge between Europe and Africa»¹. But will Libya be democratic? The question did not come up at any point during the interview.

Libya's conversion was swift and affected all areas. It emphasised the convergence of its interests with those of the United States and Europe. It terminated its weapons of mass destruction (WMD) programme and encouraged other countries to do the same. It liberalised its petroleum sector and offered Europe guarantees for its energy supply. The new elites that emerged in the fields of oil and security, trained in the United States, gradually aligned with the "revolutionaries" train in

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Abstract

The unexpected end of the Qadhafi's regime achieved in October 2011 leaves many unanswered questions. During the six months of war which preceded the collapse of the regime, the National Transitional Council and the rebels were able to reconcile their differences in order to hunt Qadhafi's power. Will they be able to maintain that unity and, above all, will they be able to face the numerous challenges of post-Qadhafi Libya? Otherwise, the price to be paid for the new Libya could be way too high, even for the most optimist analysts.

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¹ Interview, «Le Figaro», 8 December 2007.

(*) The opinions expressed herein are strictly personal and do not necessarily reflect the position of ISPI.

Eastern Europe. These new elites believe that Libya must firmly attach itself to the West. The question was: how to dismantle the revolutionary regime without causing a stir? The old regime still had its “guard dogs” who were resistant to change. In short, what was to be done with the revolution? How could the *Jamahiriyya* be made effective? The reformers, who considered communist China as a model, hoped to combine the legacy of the revolution and the Green Book with a market economy. On 21 August 2007, Seif El Islam called for the end of the revolutionary era and the conversion of the Revolution into a constitutional state. In 2008, he called on reputed professors to take part in drafting a Constitution for Libya, paving the way for a succession to the Guide without for all that altering the non-democratic nature of the regime². However, in 2007, the government authorised the creation of private media, most of them belonging to the Ghad Foundation, headed by Seif El Islam himself. In April 2008, this Qadhafi’s son explained that Libyan society should have «several media that denounce corruption, fraud and violations of the law. These companies should be independent and not answer to the Ministry of Information, the Parliament, the government or even Seif El Islam»³. This media liberalisation gave the impression that Libya was leaning toward reforms that would have opened up the political system. But in May 2009 came the crackdown: a government decree nationalised the private media (al-Libi satellite channel, Eman Al Libye radio, «Quryna» and «Oea» newspapers), bringing to an end the experiment with free expression in the media. In December 2010, drawing the consequences, Seif El Islam announced his withdrawal from political activity, thereby ceasing to promote political reform in Libya. However, on 10 December 2010, his Ghad Foundation published a report on human rights in Libya, underscoring “a dangerous regression” in the situation of civil society organisations.

Against all expectations, in February 2011, the Libyan population began demonstrating to demand Qadhafi’s departure. Inspired by the success of movements in Tunisia and Egypt, the demonstrators took the risk of defying the regime. Predictably, government forces did not hesitate to retaliate with violence, which caused the protest movement to turn into an insurgency. Taken by surprise, the regime seemed on the verge of collapse before regaining control of the situation and retaking the “liberated” cities that had fallen into the hands of the insurgents. In the space of a few weeks, Libya slid into violence and the Qadhafi regime again became a pariah for the international community. Whereas Qadhafi’s regime had managed to escape the trajectory of Saddam Hussein’s regime in Iraq by cleverly exploiting its role as policeman of migratory flows toward Europe, partner in the fight against Al Qaeda and stable hydrocarbon producer, it failed to handle protest against the regime in a peaceful manner, thereby destroying the slow and costly strategy of reintegrating into the international community that it had undertaken on the morrow of the 11 September 2001 attacks.

After six month of war, on 1 September 2011, Moustapha Abdeljallil announced the end of the revolutionary interlude in Libya and the start of the transition to democracy. However, that didn’t put an end to the doubts about the ability of insurgents to overcome a system that, despite the NATO bombings, was able to maintain its position. Unable to move the front lines, the fear of stagnation dominated the general perception. The murder, on July 28, of General Abdel Fatah Younes, head of the rebel army, has only increased this sense of anxiety. When, on August 17, the NTC (National Transitional Council) indicated its roadmap in Tripoli, Seif El Islam and the government spokesman mocked those people who were planning to overthrow them. Meanwhile in Djerba, Tunisia, government members, representatives of the NTC and emissaries of Venezuela, began mysterious negotiations, which were denied by the parties involved. A few days later Operation

² B.R. BARBER - H. De SOTO - R. PUTNAM - A. GIDDENS - F. FUKUYAMA - J. NYE visited “the Guide”. «Maghreb Confidential», 23 December 2008.

³ «Magharebia», 3 June 2009, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2009/06/03/feature-02.

Sirene was launched. In less than 48 hours, the rebels entered and succeeded in Tripoli Green Square. The Tripolitans seemed incredulous. It was clear that in Djerba part of the discussion had focused on the defection of some of the regime's security forces, leaving the way open to the green square. Qadhafi's bodyguards laid down their arms suggesting that the Guide was no longer in the capital. Coincidentally, this was when the former number 2 of the Libyan regime in the Eighties, the commander Jallud, had managed to escape to Rome, where he had urged members of the tribe of Qadhafi to dissociate from their leader in order to preserve their future in the new Libya. When the conflict seemed to freeze and threatened to stalemate, it suddenly turned into an attack on the capital. The foreign military instructors could savor their victory: a ragtag group of inexperienced fighters with no strategy had become a military force capable, with the help of NATO, to take top of loyalists strongly supported by mercenaries.

During those six months of war, the NTC and the rebels were able to reconcile their differences in order to hunt Qadhafi and his son's power. Will they be able to maintain this unity in the phase of transition? Will they continue to obey the authority of the NTC? The challenges of post-Qadhafi Libya are numerous: to "déqadhafiser" Libya without falling into the excesses of post-Saddam Hussein Iraq, to reconcile the country after the civil war, to demilitarize the militias, to build relationships of trust with the Algerian army. In order to do this, Libya has many assets: a society eager to show that Libya is not the caricature that has given Qadhafi for forty two years and considerable financial resources coming from the frozen assets and an oil miraculously spared during the six months of war.

The new Libya...

«By the end of about 20 months the Libyan people will have elected the leaders they want to lead their country», announced Guma El-Gamaty, the UK co-ordinator for the NTC in London on September 2, 2011. Indeed, a constituent assembly composed of two hundred members will be elected in the summer of 2012 and parliamentary and presidential elections will be held a year later. In unveiling its policy agenda, the NTC hopes to reduce the uncertainties surrounding Libya post-Qadhafi. The future of Libya raises many concerns and questions as shown in the reactions of the international community at two public events that have tarnished the image of "freedom fighters": the unbearable lynching of Qadhafi, the desire for having Sharia as the guide for legislation in the new Libya, the issue of the tribes and the insecurity in the South. There are therefore a number of question marks on how Libya will manage its post-Qadhafi transition. Will Libya become an Islamic state? Will it descend into chaos? Did we create a "potential Somalia" in the Mediterranean?

For the public opinion this fear is nourished by the feeling that Libya is not Tunisia: in Libya there is no civil society, but only tribes, numbering about 250, composed of fierce fighters and fanatics. The Libyan Islamists would be more dangerous than the Tunisians because they are ignorant: the "Bedouin enlightened" somehow. Moreover, the Libyan society is deeply conservative and attached to its religion. Political parties must take all this into account in order to win the elections. As in Tunisia, the challenge is to integrate emerging political aspirations and contradictory projects. Again, Libya is a country where more than 50% of the population is less than thirty years. In recent decades the country has experienced a strong population growth. In 1973 the population was estimated at 2,052,372 inhabitants; in 1995 it reached 5.6 million, including 1,719,692 children under fifteen. In 2000, the six million mark was crossed. This population growth is coupled with rapid urbanization. Thus, if in 1950 townspeople were only 20% of the total population, in 1995 this figure was already 80%. Similarly, in terms of education there has been a considerable change: in 1951 Libya had a single university in the city of Benghazi; in 1995 it had thirteen. The number of students, meanwhile, has grown steadily to reach 269,302 in 1999 against only 13,418 in 1975. Led by Seif El Islam, who, before being charged with crimes against humanity by the International Criminal Court, was regarded as the designated successor of Qadhafi, there was talk of reforming the media. This war confronted Libya with its history, the formation of its territory and the influence

of tribes. The new regime has a lot to do if it wants to restore peace, and it will be lucky to Libya to redefine the foundations of its social and national cohesion. Indeed, unlike Tunisia or Egypt, the Libyan state is recent. It is the product, under the Italian colonization (1911-1942), of the aggregation of three provinces: Fezzan, Cyrenaica and Tripolitania. The violence of this occupation which saw more than half of the Libyan people imprisoned in “concentration camps” provoked a fierce resistance, instilling a deep sense of nationalism. But, following the creation of the kingdom of Idris in 1951, the country was deeply marked by regionalism. The capital had also temporarily been moved to the city of El Bayda, in El Jebel Akhdar, Cyrenaica. If, in 1969, the Qadhafi coup was possible, it is both in response to regionalism and “decadence” of manners assumed during the period of the monarchy. As stated by the then-Colonel: «[requires] a process of radical change in the political, economic and social human society. It must destroy a society rotten to rebuild a new and just society». But in order to achieve this, the state, political parties, democracy itself are doomed to disappear in favor of the tribe considered by Qadhafi as “a natural social umbrella” and that «by its traditions, guarantees its members the social protection». He stressed that «the tribe is a family that has expanded due to births. The tribe is one big family. The nation is a tribe that has spread». Also his tribe, the Qadhafa, which included yet few members and had emigrated in the nineteenth century, from Cyrenaica to the region of Sirte, was now the Libyan nation. The collapse of Qadhafa and its tribal allies has raised the specter of the division of territory. The establishment of a “national army” and a “national police” under the direction of a military command are in the immediate future, the two levers used by the NTC to integrate former rebels and establish authority of the State. But, because of its arms purchases in the past, representing more than \$27 billion, Libya became a true “open barracks”, which today without barracks, turned into a huge market weapons smuggling that worries the whole region, particularly the Sahel. If the coastal towns gradually find the peace, those in the South live in fear of violence: the former regime loyalists and Tuaregs have taken refuge here and seem to try to settle there.

If the disarmament of the militians is the primary objective of the new regime, a policy of reconciliation is also encouraged by the international community. Indeed, the overthrow of the Qadhafi regime has been very costly in human lives: 60,000 victims according to various estimates. If these were proven, this would represent almost 1% of the population. Half the victims are from the ranks of the various brigades that made up the security apparatus of the regime, units “neutralized” by the eight miles of NATO raids, while the other half come from civilians, prisoners of some cities. So these people were, at first, bombed by loyalist forces in cities released as Zawiyah, Misrata, Zliten, then by the revolutionaries in cities that resisted as Sirte and Bani Walid. For Qadhafi’s regime, the rebels could not be as “rats”, animated by the desire to destroy the foundations he had built. To these victims, there are those caused by retaliation against African migrants, wrongly perceived as mercenaries of the old regime. Of the two million Africans who lived in Libya, only six thousand were part of Qadhafi’s brigades of power. These populations are the collateral victims of civil war. The war against the regime released the hatred against them and forced them to flee the country.

The only consolation: in the immediate, the NTC is not facing a financial crisis that would limit its means of action, since the freezing Qadhafi’s assets totalled more than \$100 billion. The consolidation of accounts of Libya will take time. Thus, in addition to the eight bank accounts of the NOC (National Oil Company), the NTC was discovered to have over twenty fed secret accounts, according to Ali Tarhouni, Minister of Finance and Petroleum, for «the sale of oil cash which person has kept track». For the NTC, the gradual lifting of the blockade of these accounts is a priceless treasure of war. It is able to meet the needs of the population with basic food and can provide the national economy with resources for its investments. Certainly, oil production is now estimated at 1.4 million barrels per day (b/d), so far 1.6 million of pre-war. However, the restarting of the oil industry which is the priority of the NTC, should allow Libya to reach pre-war production very soon. In fact, for the interim prime minister, the country’s economic policy will be determined after the 19 June elections. Until then, the economy is not the major concern of the NTC. If it seeks to reduce con-

cerns about its ability to restore civil peace, ahead of elections increases the uncertainties on the political transition in Libya.

Technically, the Libyan delegation visited Tunisia to observe the elections. They tried to compensate for their ignorance of the electoral modes because in Jamahiriyya (the name given to the form of government established by Qadhafi on March 2, 1977), political parties and democracy were banned. To find the traces of an embryonic political pluralism, we must go back to the period of the monarchy (1951-1969). If the support of the European Union to Libyan transition is likely to encourage the organization of elections, the fact remains that the outcome may be uncertain. The victory of al-Nahda in Tunisia has revived the fear of Islamism. What will it take to Libya? The war against the regime has mobilized disparate currents, united by a common desire to end the regime of Qadhafi. They still have to do this to turn into political forces. Prohibited since 1972, the parties are reviewing the day: the party of the new Libya, the Libyan socialist movement, the Democratic Party of Libya, the national gathering for justice and democracy etc. However, it is likely that in an open political competition, Islamist parties are able to capitalize on the electoral level. Abused, tortured and often murdered, their leaders are those who oppose the old regime who called them "Aids policy". But, as in Tunisia, the Islamists have learned that authoritarian regimes have fallen, not under the blows of their actions, but through the mobilization of all segments of civil society. Libya has twenty months to hunt the concerns and the uncertainties were born after the death of Qadhafi. However, the incessant clashes between rival militias cast doubt on the ability of the government to hold the elections. Moreover, according to a survey (University of Benghazi and Oxford), only 12% of the respondents prefer a democratic system, while 25% prefer a strong man and 23% a technocratic government. Does the past represent the future of Libya?

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