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LIBYA 2012, AN INCLUSIVE AFFAIR

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As Egyptians participated in the first round of Parliamentary elections in a context of growing tension between the military council and protesters in the streets, a very different type of protest took place in Tripoli's own Tahrir square. On December 7th, Martyr square filled with hundreds of protesters (among them many policemen) carrying banners that read "no weapons in Tripoli". Protesters were not chanting slogans against the transitional authorities, as has recently been the case in Egypt or Tunisia, but against the *qatibas* (armed militias) that still fill the streets of Libyan cities.

The protest, despite being minor, is a clear illustration both of how different the Libyan revolution has been from others in the region such as Tunisia and Egypt, but also of how different some of the challenges that Libya faces are. After an eight-month conflict that has directly affected most of Libya's small 6.5 million population, the main short-term challenge is not ensuring that those in positions of legal authority act responsibly, but that the hundreds of armed militias that still patrol the streets hand in their weapons.

Beyond the many signs of joy after the fall of Muammar Gaddafi's regime, some people are concerned. In Tripoli armed

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> **A** peculiar backdrop of nationalism, localism and Islamism will define a slow transition in which local, national and international actors must tread carefully
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> **T**ransitional authorities cautious approach until now must be replaced by a more executive mindset that includes local actors in state-building tasks
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> **I**f security challenges, namely disbanding militias, can be overcome, and progress is made in building solid and representative institutions, Libya can still become a success story for the region

clashes between militias have taken place in the past weeks. The transitional government has set deadlines for the militias to leave the city but they have been ignored. Throughout the country these semi autonomous armed groups control the streets. Former interim Prime Minister Mahmoud Jibril's warning on October 19th that Libya risked turning "from a national struggle to chaos" and moving into "a political struggle with no boundaries" is still far off but appears closer than a few weeks ago.

Libyans generally trust the good sense of most militias and believe that they will eventually hand in their weapons, but the struggle between the transitional authorities and the militias reveals a wider more worrying reality for Libya's transition. In the words of a youth leader from Misrata who preferred to remain anonymous: "the biggest problem right now is that the people that currently have legal authority (the politicians) don't have power, and the people that don't have legal authority (militia leaders) have all the power."

Libya therefore begins a different type of transition to democracy, a post-conflict transition in which power is highly fragmented. The main challenges of such a transition are apparent: It will prove difficult to placate the diverse interests of many armed local actors with high levels of local legitimacy from their role in the revolution, but until this happens

unelected transitional authorities will continue to struggle in commanding respect.

But the current fragmented post-conflict transition context also reflects something positive: unlike Tunisia or Egypt, the revolution in Libya has been a truly national affair. As far as the fragmentation of power is a reflection of the population's high degree of involvement in the conflict, it also speaks to the intimate ownership that almost all Libyans feel for their revolution. During the conflict, and despite the army quickly disintegrating, there was practically no looting of private property and the local population worked together so that basic services were quickly up and running again.

Libyans are generally convinced that their transition to democracy will persevere with different groups overcoming their differences. A peculiar backdrop of nationalism, localism and Islamism will define a transition in which all actors involved (local, national, and international) must tread

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carefully and work together to create a unified Libya that all Libyans can be proud of. There are recent hopeful signs. On December 22nd National Transitional Council (NTC) Chairman Mustafa Abdel Jalil announced that he would include 8 to 9 "revolutionaries" in the NTC and would accept candidatures from militias for the position of commander-in-chief of the national army.

Libya's transition will take time. The institutional vacuum that exists in Libya after 42 years of Gaddafi's *Jammahiriya* (state of the masses) regime is immense. And as people's focus shifts from celebrating the end of Gaddafi's despotic regime to reaping the benefits of living under an effective and accountable democracy, transitional authorities are already having to deal with growing demands from Libyans. But if state-building becomes a national priority and adequate systems and functioning institutions are put into place, Libya still has the potential to become an encouraging success story for democratic transitions in the Arab world.

Nationalism, localism and Islamism on the rise

The fall of Gaddafi's regime after a brutal eight-month conflict has unleashed a series of powerful emotions among Libyans. It is hard to imagine the psychological state that many Libyans are currently in not only from the effects of conflict but also from adjusting to the change that getting rid of an oppressive system that ruled during 42 years means. Libyans of all kinds today express a disparate array of sentiments that include relief, joy, fear, euphoria, and even exhaustion.

A clear sign of these different emotions are the simultaneous waves of nationalism, localism and Islamism that the country

is experiencing. While at first sight these may seem mutually exclusive, in today's Libya they are all defining this crucial period of democratic transition.

National pride is the most evident of these sentiments upon arriving in the new Libya. People waving Libya's new flag (recovered from the 1951-1969 Sanusi monarchy years) is still a common sight as is hearing the chant of 'Libya al-hurra' (Free Libya). When asked, Libyans reject any possibility of the country splitting up into the three historic regions of Tripolitania, Cyrenaica and Fezzan. Especially for Libya's youth (one out of 3 Libyans are under 15 according to their 2006 census) regional allegiances based on these historic regions seem outdated.

Similarly, Libya's tribes do not appear to be highly influential political forces. While tribal allegiances are still important in smaller towns, in a country where around 80% of the population is urban, tribal allegiances have faded strongly through internal mobility, intermarriage and over four decades of a tribal divide and rule policy by Gaddafi. According to a Libyan human rights lawyer: "In Libya we have tribes but we are not tribal".

The most important trend in Libya is, indeed, that of localism. In this context, localism, as opposed to regionalism, refers to people identifying and organising themselves at local levels. In cities, dwellers organised themselves into armed militias at neighbourhood level (over 120 in Misrata only). People's pride at their specific neighbourhood's role is evident, as shown by the graffiti-filled walls of these cities, full of references to specific armed militias.

The decentralised nature of the revolution and the conflict has played a key role in creating this localist sentiment. Bengasi's role as sparkler of the revolution, Misrata's epic civilian struggle or Zintan's strategic role in the last stage of the conflict result in a conviction that such roles now deserve reward as power is redistributed.

A rise in Islamism is also apparent. Libyans as well as long time Libya observers insist that people are more pious than before the conflict and that the ever-present 'Allu Akbar' chant is something new. The rise of Islamism can be partly explained by Libyans' belief that their prayers were answered and "the grace of God" allowed them to overcome such adversities and finally topple the regime. The mosques' calls for the *takbeer* on August 20th -that were reportedly a signal to take the streets on the day that Tripoli was freed-added to the symbolic and instrumental role of Islam in the revolution.

But there are more deep-rooted explanations. Despite an anti-imperialist rhetoric based –among other things- on the importance of Islam, Gaddafi installed secular policies throughout his rule and arrested and forced into exile hundreds of Islamists. It is in this context, that NTC President Jalil's populist public comments on the new constitution being based on

sharia law must be understood. In the current context, secularism is associated with Gaddafi's oppressive regime, while Islamism is associated with the free will of the Arab street.

Recently, much of the Western media's attention has turned to the rise of Islamic political forces in the region, with Islamist parties winning elections in Tunisia, Egypt and Morocco. Libya will not be an exception. Local branches of the Muslim Brotherhood are quickly reorganising and cleric Ali Sallabi and the Commander of the Tripoli Military Council and former Emir of the Libya Islamic Fighting Group Abdul Hakim Belhaj are, by all accounts, two of the most powerful men in Libya today.

Neither is however present in the recent ministerial appointees of transitional Prime Minister Abdul Rahim el-Keeb. Localist forces have dominated the rationale in this process, with Islamists clearly snubbed. With the NTC's legitimacy questioned early on in because of its Bengasi bias, el-Keeb (himself from Tripoli) gave the important posts of Defence and Interior Minister to two powerful figures from Misrata and Zintan respectively, two cities central in the conflict's outcome.

For the time being nationalism, localism and Islamism will continue to coexist in Libya. In a December 9th interview with the Washington Post, cleric Ali Sallabi responded to a question about the position of Islamic parties in Libya stating that "our view is more patriotic than Islamic." Sallabi, who headed the campaign to oust former NTC Prime Minister Jibril, knows that most Libyans will not accept a purely Islamic discourse. While some may doubt Sallabi's moderation, the Islamists' current discourse in favour of a modern nationalist Islam inspired by Turkey's AKP party seems to mirror most Libyans' aspirations.

Transitional authorities' struggle for legitimacy

Libya's transitional authorities have been assigned a difficult role. Beyond concerns about the legitimacy of making decisions as unelected bodies, the NTC and the transitional executive must also deal with the fragmentation of power amongst many local actors and the lack of capacity to implement or enforce decisions due to the institutional vacuum that exists after 42 years of Gaddafi's regime.

During the conflict, the NTC was active, among other things, creating a Stabilization team that ensured that basic services remained functioning. Since the end of the conflict, the transitional authorities' decisions have been guided by caution, reluctant to make decisions without reaching consensus. This has often meant unproductive meetings that frustrate many locals and international actors. But caution has been a guiding principle until now.

One example has been the NTC's reluctance to accept a massive inflow of frozen funds. While, of course, there is a demand for funds to pay salaries and basic services, behind closed doors some Libyan officials express concern that, as unelected officials, transitional authorities are not legitimated to allocate an inflow of up to $ 160 billion. Another important concern is what Libya expert Alison Pargeter refers to as "the corruption routine". After years of endemic bribery and corruption fuelled by Libya's vast natural resources, serious care must be taken so that nepotism and patronage systems are not recreated with a different set of actors.

The NTC has also adopted a responsible, pragmatic attitude to issues that have proved divisive in other post-conflict scenarios. Transitional authorities have allowed most people to remain in their positions in Ministries and other State run institutions under the maxim that only "those with blood in their hands" would loose their jobs. Conscious of the disastrous effects of the de-Baathification policy that left Iraq without a full generation of civil servants and exacerbated internal divisions, Libyan transitional authorities have so far opted for an inclusive approach.

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Libya's interim authorities have however been less sensible in other aspects. Surprisingly, a full list of the members of the NTC has still not been made public despite widespread complaints since its creation regarding its Bengazi biased composition. While initially such secrecy made sense because of fear of reprisals against family members, more than two months after Gaddafi's death such a lack of transparency is unacceptable. On December 12th, protesters in Bengasi demanded an end to this lack of transparency. Fred Abrahams, a senior official for Human Rights Watch, complained that "we don't know when they are meeting, what they are discussing and some of the new laws are not available to the public". The protest should serve as a warning that post-revolution euphoria is wearing out.

Prioritising inclusive state-building

Libya's electoral agenda foresees the election of a Constituent Assembly by June 2012 and parliamentary and Presidential elections by the late spring of 2013. One year and a half is a long time for decisions to be postponed. As current popular protests in Tunisia and Egypt show, people demand decisive and immediate change towards the principles of dignity and justice that inspired this year's revolutions in the Arab world

Libya must now move on to a new phase in which steps must be taken towards state-building. Transitional authorities' hitherto understandably cautious stand needs to be replaced by a more executive mindset, among other things, because -as Nicolas Penham wrote in the New York Review of Books on September 29th- "the longer Libya's would be civilian leaders dither over showing their presence, the greater the risk

that others will fill the political vacuum". Interim authorities must therefore work hard to get local actors onboard this state-building process.

One of the main challenges will thus be for many different actors with varying backgrounds and interests to work together. As Wolfram Lacher has warned, in this new phase technocrats from Gaddafi's regime, aristocratic families who dominated Libya during the monarchy (1951-69) and commanders from the revolution must learn to coexist and work together. This will prove challenging for the current elitist political leadership, particularly when dealing with Islamist actors and militia commanders, but failure to co-operate would prove disastrous.

A pragmatic, case-by-case response that incorporates relevant actors into decision-making is what is therefore currently required in Libya. Conscious of the urgency of advancing towards the far off goal of re-establishing State monopoly over the use of violence, transitional authorities and some local actors have begun working together to address pressing security issues. Through a Supreme Security Committee that works with local military councils, some efforts are be-

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ing made to start absorbing fighters from militias into a national army and police force. NTC's Chairman Jalil's recent invitation to include militia commanders in the NTC and the national army could be a defining step for more substantial progress.

The problem, however, is that most militias are still reluctant to give up their weapons. They want to know whom they are handing their weapons to and the national army–which was purposefully kept weak by Gaddafi and quickly disintegrated during the conflict- is not yet seen as a respected body. For the time being, most militias prefer to stay assembled and assume policing responsibilities in their neighbourhoods. Many young men who joined these militias during the conflict have now gone back to their jobs or university studies but keep their weapons with them and participate in weekly shifts patrolling the streets.

The International Crisis Group has rightly called for a "balancing act" whereby "central authorities must take action, but not at the expense of local counterparts". Both disarmament, demobilization and reintegration (DDR) programmes done at a local level as well as a genuine national process to create a strong national army and police force should be a part of this process. An example to avoid is Afghanistan, where billions of international funds were spent on forces that in no way represent the ethnic make up of the country's population, thus rendering them illegitimate in much of the

country. Steps should be taken in Libya, so its different regions and cities are well represented.

Many important decisions are yet to be made regarding other crucial institutions. Amongst others, a fair, efficient judiciary, supported by civil police and the civil court, will be a key element in Libyans feeling that the revolution's ideals are being respected. It is also indispensable to address transitional justice and national reconciliation in cities associated with Gaddafi's regime such as Sirte and Tawergha, where residents are scared to return to their homes because of fear of reprisals. Transitional authorities and local actors must work together to advance on all these state-building fronts while nationalism and post-revolution remain high. The short-term objective should be that by the time parliamentary and Presidential elections are held in 2013 pre-conditions that the UN has encouraged such as establishing public security and building public trust in the impartiality of police can be met.

Before then, difficult dilemmas and questions will also be faced when those tasked with drafting a Constitution decide what kind of political system to install. In the current fragmented context, where some people in cities such as Misrata are calling for special autonomous statute, it would seem inevitable that a decentralized system be put into place that recognises the specific needs and interests of different regions and cities. Such a system must also serve to redistribute oil income fairly in a country where most of the oil is in the east but the bulk of the population is in the west. This, more than any other question, will define the major power brokers' willingness to accept the new systems and institutions that will be put into place in the coming years.

The transitional authorities appear to be sensitive to these concerns. On December 13, the NTC announced that many ministries would relocate outside Tripoli. Amongst others, Bengasi will be become an economic hub, with the oil and economy ministries located there, the finance ministry will be located in Misrata (where Gaddafi once created a special tax free area) and the culture ministry will be in the eastern city of Darna. These symbolic decisions are important and should serve to consolidate links with the transitional authorities based in Tripoli.

International actors' uneasy landing

Libya has always been a difficult country for international actors to navigate. As Libya expert Dirk Vandewelle has observed, while Libya needs outside expertise, international actors have little influence in practice because of the oil driven capital surplus that the country can rely on. In the current context, Libyans' pride in managing the transition in their own way has sometimes set them at odds with different international actors. In practice, some of these international actors are supporting specific political players at the risk of

exacerbating internal divisions, while others are effectively being sidelined.

Despite immense business opportunities in oil and gas in Libya, the United States and European countries are so far ill at ease in their dealings with the transitional authorities. Conscious of Libyan pride and local suspicions regarding Western interests after years of supporting Gaddafi's regime, most countries are still working with relatively small delegations and budgets. For its part, the UN discarded some calls for a larger peacekeeping mission, and operates from a small political office (UNSMIL) centred on key technical issues elections, constitution-making and DDR. The EU still has not even opened an office in Tripoli, with its few representatives working officially out of the Tunis office. Once a planned office is staffed, the EU's work will be limited to technical support on borders, promoting investment in the private sector and supporting civil society.

The EU, its member states and other Western countries have generally been of little influence. Hundreds of Libyan civil society organisations, born mostly out of the conflict, openly express their frustration with Western countries and international organisations that offer rhetorical support but cannot financially support worthwhile initiatives because of bureaucratic impediments. Perhaps in recognition of such short-comings, the EU is set to approve a European Endowment for Democracy to "help political parties, non-registered NGOs and trade unions and other social partners".

The Gulf countries, particularly Qatar, do not have the same bureaucratic impediments and have been active throughout. After training and arming rebel forces during the conflict (in violation of the UN arms embargo), Qatar has been omnipresent in the post-conflict phase not only signing checks for civil society organisations but also setting up radio stations and satellite TV channels.

While Libyans recognise the important role Qatar played in the revolution, for many their support is quickly turning into internal meddling. Tripoli Brigade Commander Belhaj is said to be directly funded by Qatar as is Ismail Sallabi, the Commander of the eastern-based 17 February brigade and brother of Cleric Ali Salabi, who was based for some years in Doha. The most drastic public reaction to Qatar's present role in Libya has come from Libya's Ambassador to the UN, Abdel Rahman Shagman, who warned in an interview to Deutsche-Welle on November 3rd: "I do not rule out Qatar setting up a Hizbullah party in Libya. We don't want a foreign country to interfere."

For the time being, international actors are better off maintaining a low profile while gaining the trust of Libyan citizens and leaders. Only with this trust will they be able to contribute lessons learnt and technical expertise in important areas such as local administration, rule of law and eventually brining security forces under civilian control.

Creating a new 'Libyan mentality'

When asked, most Libyans consider that their country's greatest challenge today is what they call the "Libyan mentality". Despite the terrible oppression of Gaddafi's regime, Libya had the highest Human Development Index (HDI) in the continent, ranking 53 globally before the conflict. After over 40 years of a social contract based on Libyans receiving important subsidies for all their basic needs (in particular food and fuel) in exchange of their subservience to the regime, some Libyans are concerned that most of their compatriots are not used to assuming responsibilities and working hard. If anything, with a corrupt regime gone, many Libyans might now expect to work less and receive more from a distributive state which employed around 75% of the population.

A new mentality is needed in this crucial stage of state-building. The short-term challenges in disbanding the militias

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and creating national level security institutions will require a constructive attitude from many Libyans of different socio-economic backgrounds, who must work together to create a new Libya. Of no lesser importance will be the creation of a modern, diversified economy with room for small and medium private sector businesses. While this may be far off still, it must be prioritised early on.

The pervasive sense of pride and ownership of the revolution after the 8-month conflict should help to contain the inevitable power struggles that are now taking place. If, and this is a big if, Libyans and their leaders do assume a constructive approach to this important phase in their transition to democracy and avoid further armed conflict, there are plenty of causes for optimism in Libya. The country's oil reserves (the largest in Africa) and its homogenous ethnic and religious make up (97% Sunni Muslims) will spare the country some of the sources of tension and challenges now present in Egypt, Tunisia and other countries in the region. While new problems will continue to arise, if Libyans unite at this crucial phase, it is not unrealistic to look forward to Libya becoming a success story for the region.