

FIXING LIBYA'S BROKEN TRANSITION

Ahmed-Tarek Megerisi

(Consultant of Arab Politics, Governance and Democratisation)

Copyright: Research Institute for European and American Studies (www.rieas.gr)

Publication Date: 27 August 2014

Many eulogies have been written for the post-Qaddafi Libyan state since the heavy fighting - which has been sporadically subsuming different parts of the country since independence - engulfed the capital Tripoli in July.

Libya's popular characterisation as a 'failed state' is not baseless. Having failed to re-vamp Qaddafi's political structure of destructive competition and power through patronage; Libya's transitional political bodies have gradually ceased to play any constructive role in the lives of the populace. Transitional legislatures have repeatedly failed to pass laws to arrest the slide into instability and the lack of services; and the executive has proven itself unable to enforce the few which are passed.

As people await the completion of the heavily delayed constitutional process, a transitional legal system to deal with the thousands of suits accumulated since the revolution has yet to be erected. After repeatedly unsuccessful attempts to form a police or army, the Libyan state cannot even claim to be one of the main powers in the country let alone hold the monopoly on violence necessary to fulfil the Weberian definition of a state.

The international community, who played the decisive role in granting the 2011 revolution victory, now looks on forlorn at how what was once deemed 'low hanging fruit' could have spoiled so quickly. The UN mission, as well as independent states all attempted to provide transitional assistance which for myriad reasons failed in myriad ways.

However, within the event-driven forum of geo-politics such eulogies are limited by their aura of finality when only tracking progressions and identifying root causes can prove constructive.

Cause & Effect

The attack on Tripoli International Airport which started the current round of national violence was not an anomalous event but rather the ratcheting up of a 3 year conflict which has spanned different arenas.

At the end of 2011's revolution, the figurehead of the venal regime which had despotically ruled the land was defeated, yet no plans were conceived for how or what could replace the system which propped him up for 42 years. Internationally inspired documents such as the transitional constitution – which loosely defined a path towards constitutionalism - were too light, left too many gaps for exploitation, and were more notable for what they lacked than what they contained. This created an environment which drove the creation of two loose alliances antagonistic to one another who viewed the transitional period as a zero-sum battleground for supremacy; an environment which corrupted national political development.

As such, these aforementioned alliances and the individual opportunists within them fought for power through laws, political appointments, government tenders, and treasury control; the Qaddafi-era levers of power. The absence of any constructive national agenda, and the failure to combat the problems which had only become more acute after a year of warfare created a disconnect between the political class and the populace which has widened over the past 3 years.

With one side losing many of its political gains as the GNC collapsed and feeling threatened from the introduction of the failed Qaddafi-era General Khalifa Haftar's military campaign in the East; it reacted violently, attempting to gain control of the capital's power-bases to provide the political and military clout needed to re-define the political scene more favourably. This started the current conflict in the capital, and eventually re-ignited the Eastern front which had enjoyed a tentative peace since the elections for the latest transitional legislature – the House of Representatives.

The nature of narratives

The narratives constructed by the politicians to explain their failings have been grasped at by those seeking a ready-made explanation both domestically and internationally and have only served to destructively fuel the zero-sum environment. Different groups in Libya have been rallied, and drawn into alliance, on the exploitation of the narrative which most strongly resonates with them. This has created committed groups who each perceive themselves fighting grand existential, yet realistically unresolvable, conflicts and which can only lead to further fracture and violence.

Defining the current conflict using any of the popular narratives be it: Islamist Vs. Liberal, Revolutionary Vs. Counter-revolutionary, Federalist Vs. Centralist etc... focuses attention away from the wider problems which have created these partisanships and empowers warring groups through grandstanding their inaccurate definitions. A better tool is to identify the arenas of combat and the flaws which facilitate conflict.

The political standoff over where to seat the House of Representatives continues with one side worried it will lose the ability to withstand pressure from the other side if seated in an area in which they hold no influence. The Constitutional Committee which has been quietly progressing with its work is still inherently flawed yet will likely only spur on conflict once a document to fight over exists. With one side scared of losing its political power in entirety if

it cannot gain leverage, and with enough support coming from the international backers of each alliance the conflict looks likely to continue for the short-term future. As American Ambassador Deborah Jones said in a recent television appearance, in order to make peace you need to have two sides exhausted enough to sit down.

Fixing the transition

In the current environment finding avenues for creation amidst the ongoing destruction is hard yet not impossible. The necessary first-step is to stop the escalation of violence whilst both sides still feel confident to continue. Currently all parties believe themselves able to operate with impunity when faced only with small-scale local protest and rhetorical condemnation from international actors. Whilst local resistance will gradually escalate as conditions worsen, only the international community has the influence necessary to end it quickly. Both sides of the conflict are extremely cautious of international actors and the range of soft weaponry they wield. Threats of travel bans, sanctions, referrals to the ICC for war-crimes, and asset freezes could pressure both sides towards a ceasefire.

A ceasefire would create the breathing space to begin real progress, however truly correcting the path which post-revolutionary Libya has gone down means altering the political environment which has bred this conflict and will continue to perpetrate political, economic, and violent destruction. Furthermore attention must be given to the social, economic, and political injustices which first drove Libyans to revolution and sustained them throughout the trials they underwent to topple Qaddafi.

Currently there is no alternative proffered to replace the broken system which at once subsists Libyans and yet drives them towards further conflict. The state is essentially non-existent at present, ministries exist to pay salaries, un-coordinated line-offices are ineffectual, and all actors in the Libyan political system are engaged in an internal destructive competition characterised by un-cooperation and a quest for localised power through patronage. This is exacerbated by an economic system which is a text-book definition of a rentier economy, where hydrocarbons provide 94% of the state's revenue which in turn provides for its population.

The massive structural problems which Libya inherited must be realistically faced, as quick solutions are not available for any. Realising the gravity of the problem allows for a unique solution to be created for Libya's unique case. A quick transition to a constitutionally backed version of the current structure will not solve these problems and so a longer transition is needed, and must be planned for to prevent repetition of recent mistakes.

The role of the international community

The international community may be exasperated yet their role in any potential progress is vital. Whilst the weight of Libya's actors and the diverse power-brokers can be daunting for international actors wishing to assist the transition, the international community is unique as it is the sole actor which can influence all parties. By taking a principled stand, the

international community can side-step the quagmire of domestic politics and improve the situation through pressuring for the enforcement of individual principles such as particular human rights, or regulations applicable to all militias.

In the short-term a mutually trusted and fair arbiter must be created to encourage a more peaceful approach to conflict resolution. Whether it is a domestic body which is internationally supported and regulated, or an international body in any of its possible guises; the firm support of the international community in forcing conflict through this body, and protecting its fairness is necessary.

The international community can also target various areas of the state for longer term structural-support, which have the capacity to positively affect institutional cultures and other areas of the state. For example working with economic bodies such as the Central Bank to facilitate the creation of a sustainable private sector could begin to take the burden of support and the associated ills which come with the patronage system off the state.

Whilst Libya rapidly progresses down this destructive path, there still remains opportunities for change, arenas in which this change can be propagated, and actors who can positively influence developments. It is how these individual tools are used which will define whether Libya will continue down this path or avert its failure and truly begin to address the problems which initially drove it to revolution.