



المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

ASSESSMENT REPORT

Libya: State-Building Challenges Three Years after the Revolution

ACRPS Policy Analysis Unit | February 2014

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Introduction

On February 14, 2014, Brigadier Khalifa Haftar, former general commander of the Libyan land forces, issued a statement that came to be viewed as a “televised coup”. In a recorded video message that was distributed to news agencies, Haftar announced the suspension of the General National Congress and the government, including the interim constitutional declaration; he also announced that a presidential committee would govern the country until new elections are held. Although Libyan authorities rushed to deny that a coup attempt had taken place, issuing an arrest warrant for Haftar, the incident indicates that something was being prepared against elected Libyan institutions, and exposed the challenges facing the state-building process.

The Context of the Latest Crisis

The so-called “failed coup” occurred while forces dissatisfied with the evolution of the transitional course in Libya tried to exploit the popular discontent caused by the deteriorating security, political, and economic situation to gain influence and seize power. These forces, however, do not possess alternative political programs or practical solutions for Libya’s problems; their leaders’ initiatives are spurred by their personal ambitions, which are anchored in alliances with foreign powers that oppose the path of democratic transitions throughout the region.

In early-February 2014, the General National Congress announced amendments to extend its mandate, which was supposed to end on February 7; since then, a wave of protests have ensued, calling for the departure of the General Congress given its failure to draft a new constitution within the initial time frame. Throughout Libya, protestors rejected the congressionally-approved roadmap. The first aspect of this map grants the “committee of the 60” a chance to draft the constitution within three months, while another calls for early presidential and parliamentary elections if the committee fails to formulate the new constitution.

Protesters have also called for the resignation of Prime Minister Ali Zaidan’s government because of failure to control the armed militias or disband the gangs formed under Colonel Qaddafi’s regime, which continue to destabilize Libya. The government has also failed to

provide basic services or manage the nation's economic situation. Even though these demands are rightful and justified, it is illogical to pursue them by undermining the only institutions capable of enacting change on the national level, i.e. the government and the parliament.

Despite the fact that the General National Congress has backtracked on its decision to extend its mandate, calling instead for elections "at the earliest opportunity," and despite the High Elections' Commission inviting Libyans to vote on February 20 to select the "committee of the 60," some parties sought to escalate the situation. On February 18, two of the large al-Zintan battalions issued the Congress an ultimatum to disband and evacuate its headquarters within five hours in what came to be termed "the second coup". This attempt failed not only because the National Congress refuses to let the country slip into a state of constitutional void, but also because the only elected institution in Libya was granted support by many political factions. It became clear that forces affiliated with "the Coalition of National Forces," founded by Mahmoud Jibril, insist on doing away with the democratic path since they do not enjoy real chances in the general elections set for later this year, or are incapable of running for elections in the first place due to the law of political exclusion, which banned all those who were publicly active during Qaddafi's reign from assuming public offices or becoming candidates for such posts.

The latest developments exposed the weakness of Libya's civil and political society due to the legacy of an unprecedented form of despotism. Things were made worse by the emergence of a new political map that has made local and regional forces prime players in the new political equation. These forces are represented by the local councils, tribal coalitions, and armed militias who were able to increase their influence on Libyan political life at the expense of national institution building, particularly in the domains of security and defense.

The struggle that has flared between the local forces and the political elites of the General National Congress has led many important political leaders to exit the political equation, either through elections, popular pressure, or as a result of the political exclusion law. Some of the figures who were politically active in the previous era decided to use the media to incite hatred and mobilize opposition, reflecting their bitterness and frustration with being excluded from political action because of their role in the former regime. This was the case of Mahmoud Jibril who had worked with Saif al-Islam al-Qaddafi up until the revolution. However, the complex challenges currently facing Libya are not related to the debates stirred by these figures, but to their attempts to abolish the revolutionaries' influence on the decision-making process. They have even accused Arab states, Qatar in

particular, of supporting Islamist factions merely because Qatar refused to support their efforts to exclude the revolutionary forces following the removal of Qaddafi. These people worked primarily from Doha during the revolution; moreover, the television station that represented these politicians, "The Channel of Libya for the Free," continues to broadcast from Doha. Individual desires have even trumped worthy political stances, such as those held by Jibril, who stated that the revolution must be assimilated within the military and security institution because the state cannot rise without having a monopoly over weapons and legitimate violence. From this perspective, undermining democratically-elected institutions, coupled with the tendency to seek political spoils while rejecting compromise, are no less dangerous than the erratic diffusion of weapons. The attempt to abolish democratic institutions undermines the only common denominator that is capable of controlling the spread of weapons, founding the national army, and establishing other national institutions.

Challenges Facing State Building

The latest failed coup attempt constituted a new indicator of the political, constitutional, and security voids endured by Libya, as reflected in the successive security tremors. Foremost among these is the takeover of three oil-exporting ports in October 2013 by armed groups close to the "Cyrenaica council," led by Ibrahim al-Jadran who demanded an increase in eastern Libya's share of oil proceeds. These ports, with the potential to export more than 600,000 barrels per day, which represents half of Libya's oil production, fell into the hands of armed groups that are out of the control of the state and that boast separatist tendencies.¹ Though al-Jadran and his group had taken over these ports during the revolution, and exploited them to export oil for the benefit of the revolutionaries, a portion of these revenues was also diverted to al-Jadran. He then established his own armed group, which quickly turned into a veritable military force which his "Cyrenaica council" relies on to establish a federal state.

Even though the government was able to prevent oil from being exported from these ports, the fact that they remain out of government's control exposes the state's inability

¹ Michael Reed, "Federalism and Libya's Oil," *Foreign Policy*, February 3, 2014, http://mideastafrica.foreignpolicy.com/posts/2014/02/03/federalism_and_libyas_oil.

to build a national army capable of preserving the country's unity or providing security and stability throughout Libya.

While armed groups were shutting down the oil-exporting ports in the east, political upheaval, and an inability to control the militias, in the west, caused a lull in the work on a pipeline linking two large oilfields to the export facilities. The oil workers and guards at these facilities went on strike due to low wages and poor working conditions, effectively threatening Libya's national economy. The loss of these facilities would have disastrous repercussions on the state, including the loss of three-quarters of the GDP and 90 percent of the treasury proceeds, and would undermine the state's ability to fulfill its commitments.

On a different front, at a time when the government is facing growing political and security challenges on the national level, its ability to control the militias that are supposed to be under its command is loosening. While a large number of these militias formed during the revolution are under the authority of the interior or defense ministries, such as the case of the Sawaiq and al-Qaqa Battalions, they maintain their internal structures and make their decisions independent of the official authorities. These conditions are increasingly limiting the state's ability to assert its power in various domains, especially in the judicial system, which lacks the ability to carry out its decisions, and has no professional security forces that are free of political affiliations to implement its executive orders. This is particularly true as the struggles and conflicts continue over the draft of the constitution, the shape of the state, the political system, questions of transitional justice, the law of political exclusion, and national reconciliation.

Where is the Crisis Heading to?

Given the security, political, and economic challenges faced by the country, and given the intense conflict over the legitimacy of the National Congress and its ability to persist in performing its tasks, the Congress decided to abolish its decision to extend its mandate, holding early elections instead. This was the best possible choice since complying with the warnings of armed militias would have propelled the country into a constitutional vacuum that would have caused a serious deterioration in the state's security. At the same time, moving toward elections without an agreement on the bases and fundamental rules of governance, which can be resolved through the drafting of a constitution prior to the elections, also carries threats to democracy and the unity of the country at once.

Thus, if Libyan elites do not head toward reconciliation, and sacrifice some of their factional ambitions for the sake of rebuilding Libya, the country will turn into a failed state, or many failed states, ruled by armed militias—Islamist or secular, tribal or urban. In order to prepare for the rebuilding of the state, Libya cannot be ruled without concessions offered by influential Libyan political and social forces. Historically, Libyan tribes have been known to reject the use of violence among themselves, forming urban elites in the Libyan cities and in exile that are capable of reaching conciliatory solutions. Based on this, the political- and security-minded Libyan elites must focus on national institutions, public interests, and the unity of the state. No faction, regardless of its orientation, should be permitted to impose itself through force, for such acts would implicate the country in a destructive form of civil strife, with weapons being widely available in a society governed by traditional, tribal, and regional structures.