

A Libyan model for Libyan state- building

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According to the Fragile States Index (FSI), Libya rates as the most-worsened country in the world for the past decade (Taft, 2020). With no political authority or social contract upholding the monopoly over the use of legitimate force, chaos is the only proclaimed system of rule in Libya. This failure is not only conceptualized within its contested statehood, but also bolstered by competing armed governments and the convulsion of violence. The two main contending parties dominating the Libyan political scene today are the internationally recognized Tripoli-based Government of National Accord (GNA), and the interim Government, operating West of the country, against the Libyan House of Representatives (HoR) and the Libyan National Army (LNA), operating East and led by General Haftar.

According to Ján Kubiš, Head of the UN Support Mission in Libya and Special Representative of the Secretary General, “*Libya is at the crossroads where positive or negative outcomes are equally possible*” (UNSMIL, 2021). However, in light of this, Libya remains deeply divided between various political and military actors, and the many attempts of internationally supported efforts to successfully transition to democratic governance have failed (Athalia, 2020). The country’s fragmented security landscape contributes to long-standing local conflicts, disorder and political instability, thus paralyzing the country’s political transition (Athalia, 2020).

In November 2020, through the Libyan Political Dialogue Forum (LPDF), the United Nations Support Mission in Libya (UNSMIL) emphasized the importance of uniting the Libyan society by soliciting constitutive parliamentary and presidential elections by December 2021. Nevertheless, the electoral process has been undermined by bitter divisions over security threats, the legal basis for the elections and the candidates allowed to run, considering the controversial figures stepping for

candidacy. For the latter reasons, the electoral commission decided to postpone the election date to January 24, upon concluding the final list of presidential candidates. Saif-al-Islam, Gadhafi's son's candidacy was rejected by the electoral commission, however, his lawyer claimed that a court had overturned its decision (Wintour, 2021). It was also unclear whether General Haftar could run for presidency as the processing of his application was suspended until he was questioned over accusations of human rights abuses (Wintour, 2021). Not to mention that a court in Misrata, Western Libya, sentenced him to death in absentia for bombing a military college in 2019. Over and above, a few days before the scheduled day of elections, armed groups took up positions in the suburbs around the capital, Tripoli, and four oil fields in the south were closed (Wintour, 2021). Given the series of bulging events, it was ascendingly foreseeable that the elections are firstly unrealistic to be held on time, and secondly, unrealistic to be held at all.

Thereby, the questions that need to be brought forth to the international arena postulate the following: are parliamentary and presidential elections what Libya needs? Will the UN-led and supervised democratic elections provide security and prosperity to the Libyan people? It is noteworthy that Libya's security dilemma is invariably tied to the challenges of state-building and democratization, which is reflected through its weak institutions and contested legitimacy (Athalia, 2020). Will the elections terminate the political deadlock and armed fighting between the East and the West? Will it reconcile the two administrations into a unified Libyan society?

There are compelling domestic explanations for Libya's ongoing struggles, ones that must be vigorously contextualized in order to effectively disentangle the

power struggle and the complex dynamic governing the social interactions within the country (Athalia, 2020). While UN efforts brought together the two rival governments in 2015 by signing the Libyan Political Agreement (LPA) and instituting a unified authority under the Government of National Accord (GNA), it was only a matter of time until another escalation of tension erupted (Athalia, 2020).

The main objective of the Libyan Political Agreement was to address the internal conflicts between the two rival governments and was intended to be in effect during the country's transitional period until the creation of a new constitution and parliamentary elections. Allegedly, mediation efforts continued up until 2018, when General Haftar, backed by the House of Representatives (HoR), launched offensive attacks at cities supporting the GNC, sparking further tensions and leading the country into another civil war (Athalia, 2020). Such fallouts are exactly why the Libyan presidential elections are sternly contested, because with no security landscape, there is no guarantee that another offensive attack will not be launched against the elected party.

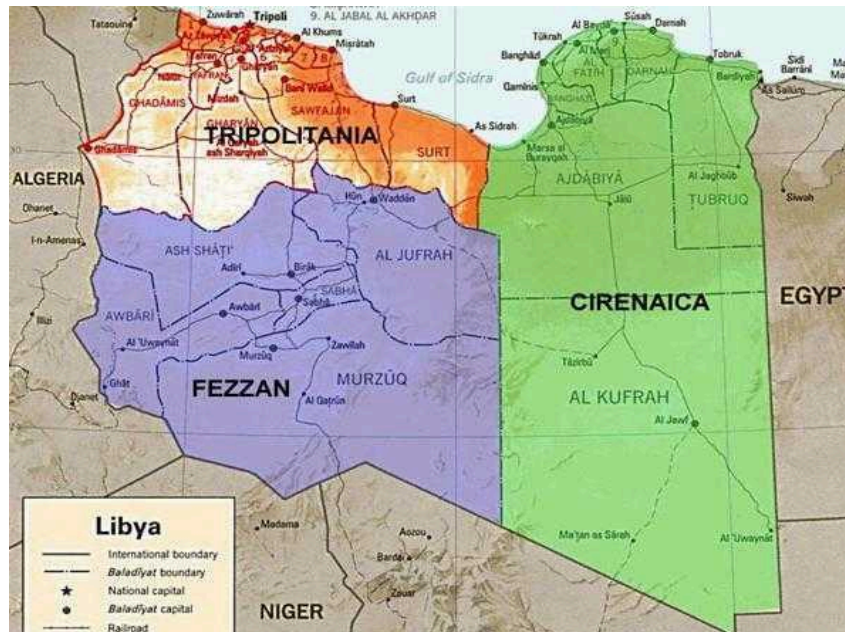
This paper contends that implementing a western model of democratization by postulating a presidential and parliamentary electoral process does not necessarily repudiate the ongoing local conflict that is haunting Libya. Expounding the Libyan crisis does not require a "western reform agenda", but rather, calls for more Libyan-tailored solutions (Aslan, 2020). This effectively means working with partner governments and civil society to develop a security sector that reflects local norms, history and tradition, that is economically sustainable, operationally effective and meets basic international democratic standards (Aslan, 2020). In recognition of past events, there is no guarantee that the elections will not erupt into another battlefield

between the East and the West, which is contingent upon who triumphs in the electoral process. The priority areas to the current political landscape include, but are not limited to, establishing more sustainable governance, stronger institutional building and reform, decentralization as well as security reforms (GIZ, et al. 2020). This paper will discuss the priority areas for state-building in Libya and the perpetual challenges faced by the Libyan authorities. In order to effectuate the latter, a deeper scrutiny will be allocated towards the components impeding Libyan political and social development, such as the centralization of weak-state institutions, the security apparatus and tribalism.

Contextualizing Libya and its State-building challenges

Centralization of Weak State Institutions:

Ten years on from the fall of Gadhafi in the 2011 uprising, Libya still remains in a state of transition. The fall of the 42-year-old regime directed the country into a spiral of power vacuum. Instead of re-building and equipping the state's security apparatus, rival political factions that came to power post-2011, funded and trained their own militias and were also offered formal affiliations and legitimacy. Over and above, it is important to highlight that political parties and civil society institutions have been absent from Libya's political scene for more than four decades. Currently, an administrative divide between the official body in the East and a parallel one on the West is still present, and the latest manifestation of the debate surrounding centralization vis-à-vis decentralization is a very complex issue, with roots in Libya's three historical regions: Cyrenaica (East), Tripolitania (West) and Fezzan (South) (USIP, 2021).



Umana, Felipe. *Is Libya Dissolving?*. March 2012. Foreign Policy in Focus. https://fpif.org/is_libya_dissolving/

The interim government in place today is facing the perplexing tasks of simultaneously holding elections, fostering national reconciliation, drafting a new constitution, ensuring economic development as well as demilitarizing and reintegrating militias. Even though the Tripoli government is recognized by the UN and many other countries, it holds neither the authority, nor the influence over Libyan territory (IFIMES,2020).

Libya under Gaddhafi was never able to develop strong centralized state institutions, and the only institutions that did function were the ones tasked with overseeing investments and the extraction of the country's oil. Presently, the remnants of state institutions are incompetently managed, highly centralized, and only advance individual interest. Problematically enough, all attempts to re-establish state control over these government structures have so far failed. Although



policymakers deem the unification of national institutions across the East-West divide a top priority, and while reconciliation is a valuable endeavor, it is still a point of contention considering that there is no clear idea of what it would lead to (USIP, 2021)

Security Apparatus

As a strategically situated, resource rich country, with a large territory and a small population, Libya has become a breeding nest for terrorist activity and a battleground for armed militias since 2011 (Aslan, 2020). The proliferation of armed non-state actors, some of which have assumed semi-official roles, is Libya's biggest curse. Post-2011, revolutionaries formed military councils based on regions and arranged armed groups based on their loyalty to a tribe or ethnicity. These military actors are tied to political groups and operate outside the command and control mechanism of the government. Subsequently, today the issue of who commands Libya's armed forces remains a very divisive issue between the East and the West (USIP, 2021).

In tandem with these local militias, Libya suffers from the presence and active role of a multitude of foreign military actors spread around its territory to defend the interests of regional and international powers. While the removal of foreign troops is a top priority and a major obstacle to stabilizing Libya, the interim GNU is not equipped to deal with this unchaperoned, thus, raising fundamental questions about who retains the monopoly over the use of legitimate force to preserve Libyan autonomy (USIP, 2021). If Libya's unity is to be maintained, then security sector reforms cannot be overlooked or postponed (Aslan, 2020).

Tribalism

There are more than a hundred tribes across Libya, and Libyan society is structured along twenty major tribal lines divided among three main ethnicities: Arab, Berber and African (Lavrilleux, 2020). Nonetheless, only the following tribes are truly influential and have dominated the political and social scenes for decades :

Tribe	Location
Warfala (largest tribe in the country)	Spread across different cities in Libya but Bani Walid is considered as its home base
Magarha (second largest)	Southern regions of Wadi al-Shati and Sebha
Zintan	Concentrated in the Nafusa mountains in the western part of Libya. Most members belong to the Amazigh minority.
Obeidat	Located in northeastern cities
Zawiya	Located in the oil-rich southeast
Qadhadhfa	Qadafi's own tribe, based in Sirte and Sebha regions.

Charkow, Ryan. "The role of Tribalism in Libya's History". *CBC News*. March 2011. <https://www.cbc.ca/news/world/the-role-of-tribalism-in-libya-s-history-1.1045638>

During Gaddhafi's rule, the regime ascertained to weaken tribal importance and influence by pitting tribes against each other in order to propagate pan-Arab nationalism (Mattes, 2014). After the fall of Gaddhafi and post-2011 uprising, tribal groups faced the same exclusion practices by the new power holders in Tripoli and Benghazi, the same groups that were instrumentalized in the East-West confrontations (USIP, 2021). Now that the elections are coming up, these groups look at the window of opportunity in the upcoming elections as their last chance to be part of Libya's future. However, it must be highlighted that the grievances of these ethnic groups and their exclusion from the political scene will continue to be problematic and will only grow the appetite of regional and international powers to instrumentalize them, thus impeding further stabilization efforts. In other words,



tribalism is a societal reality in Libya and it would be naïve to undermine such reality, believing that it will cease to be of critical influence for the forthcoming political scene.

What Libya Needs:

Prior to any electoral process, Libya requires more stabilizing efforts to ensure a peaceful transition to democracy. This means that the presidential elections shall be postponed until Libya has undergone disarmament of militia groups and is secure from threats. As long as the East-West divide persists, the continuous rivalry elucidating which tribal militia will conquer the other side of the country, will only escalate into another race for the Libyan throne. Thereby, a collective security architecture that encompasses ethnic and tribal representation and ensuring the monopoly over the use of force is what Libya necessitates. An improved security should support the consolidation of the Libyan state and the safety of the Libyan people, but most importantly, the driving force for this liability should inflict collective profit rather than individual gain. The latter shall not only apply for the monopoly over the use of force but for the political scene and civil society as a whole.

Additionally, a consensually-based constitution laying the foundations of a new Libya is essential for a successful transition towards effective state and institution-building. This involves revising the legislation of Libyan laws and the formation of a new constitution that clearly states the jurisdictions and mandates of all key political institutions, as well as the structuring of a new social contract that disseminates national reconciliation and launches societal consensus.

Alongside the judicial revisions, the building of strong state institutions and the endorsement of a decentralized system of administration are the provisions that the

Libyan political system necessarily requires. This entails the establishment of numerous municipal authorities that satisfy tribal, regional and local interests, while developing their capabilities and determining their relationship with the central government. The latter cannot be implemented without a comprehensive national strategy that promotes good governance and translates into actionable programs.

Lastly, the structure of the Libyan society and its tribal nature calls upon the creation of a federal system of tribal representation that incorporates the legal and political participation of different tribes. The Libyan state needs to ensure that within this federal system, each state/province has its own set of laws and rules that coincide with tribal identity and cultural differences. Additionally, an inclusive strategy adopting a “bottom-up” approach to promote nation-building and political engagement is of crucial importance to solidify state actors and institutions. This includes promoting the concept of national identity through providing opportunities within the political process for different societal fractions such as women, youth, informal actors, and civil society institutions.

Works cited

Aslan, Murat. "Security Sector Reform for Libya: A Crucial Step Towards State-Building". *The Foundation for Political, Economic and Social Research (SETA)*, 2020. <https://sesricdiag.blob.core.windows.net/sesric-site-blob/files/article/763.pdf>

Athalia, Jasheil. "A Critical Analysis of Libya's State-Building Challenges Post-Revolution". July, 2020. <https://www.e-ir.info/2020/07/07/a-critical-analysis-of-libyas-state-building-challenges-post-revolution/>

Charkow, Ryan. "The role of Tribalism in Libya's History". *CBC News*. March 2011. <https://www.cbc.ca/news/world/the-role-of-tribalism-in-libya-s-history-1.1045638>

El Katiri, Mohammed. "State-Building Challenges in a Post-Revolution Libya". *JSTOR*. Oct, 2020 https://www.jstor.org/stable/resrep11707?seq=4#metadata_info_tab_contents

International Institute for Middle East & Balkan Studies (IFIMES). "2020 Libyan Nightmare: Will Libya be divided to East and West Libya?" 2020. <https://www.ifimes.org/en/researches/2020-libyan-nightmare-will-libya-be-divided-to-east-and-west-libya/4622>

Lavrilleux, Ariane. "Libya: What Is Behind the Rise of Tribes?" *The Africa Report*. August 2020. <https://www.theafricareport.com/38093/libya-what-is-behind-the-rise-of-the-tribes/>

Mattes, Hanspeter. "Challenges to the State Building after the Fall of Qaddafi". *Middle East Institute*. April, 2014 <https://www.mei.edu/publications/challenges-state-building-after-fall-qaddafi>

Taft, Patricia. "Libya continues path as the decade's most worsened country". *Fragile State Index by the Fund For Peace*. May, 2020. <https://fragilestatesindex.org/2020/05/10/libya-continues-path-as-the-decades-most-worsened-country/>

UN ESCWA, et al. "An Introductory Study on the Status, Challenges and Prospects of Governance and Institutions in Libya". 2020 https://www.unescwa.org/sites/default/files/pubs/pdf/introductory-study-status-challenges-prospects-governance-institutions-libya-english_1.pdf

UN Support Mission in Libya (UNSMIL). "Libyan Political Dialogue Forum". *Department of Political and Peacebuilding Affairs*. 2020 <https://unsmil.unmissions.org/libyan-political-dialogue-forum>

Wilson, Nate and Abouaoun, Elie. "On the road to peace, Libya makes progress but hits pitfalls". *United States Institute for Peace*. July, 2021.

<https://www.usip.org/publications/2021/07/road-peace-libya-makes-progress-hits-pitfalls>

Wintour, Patrick. "Libya elections: Presidential Poll Postponed". *BBC News*. December 2021.

<https://www.bbc.com/news/world-africa-59755677>