Libya after Qaddafi

State Formation or State Collapse?
Wolfram Lacher

Under pressure from a rebellion, an international intervention, and comprehensive sanctions, Muammar al-Qaddafi's regime is on the verge of collapse. As of late March 2011, regime forces are focussed on retaining control of north-western Libya, raising the prospect of protracted civil war and partition. Qaddafi's demise is a necessary, but not sufficient, condition for Libya's renewed stabilisation. The post-Qaddafi state will essentially have to be built from scratch. However, political players will likely be more focussed on the redistribution of wealth than on building state institutions. Scenarios for the post-Qaddafi era include a new deal among former regime elites that would lead to renewed instability in the medium-term, or a more protracted, but ultimately more sustainable, state-building process. Hastening Qaddafi's fall should be the main priority of Germany and other EU member states now. External actors should also support the Interim National Council as the nucleus of a post-Qaddafi government. However, they should refrain from playing an active role in the state-building process that will follow Qaddafi's demise, as this would risk discrediting the process.

The revolution of 17 February – as it is called by the rebels – began as an attempt by mainly young Libyans to emulate the events in Egypt and Tunisia. The uprising erupted simultaneously in north-eastern Libya (Benghazi and Al Bayda) and south of Tripoli (Zintan); quickly, the overthrow of the regime became the rebellion's stated goal. Developments in Libya took a completely different direction from those in Libya's neighbouring states, largely because Qaddafi's security forces attempted to crush the uprising with extreme brutality. Shocked by the actions of special units and mercenaries, the majority of the population

quickly sided with the rebels. The state and security apparatus rapidly disintegrated, and by late February Libya was in a state of civil war. As entire army units defected, the rebels became a military force, defending the north-eastern part of the country and parts of the north-west as "liberated areas".

While the Qaddafi regime's power base and areas of control eroded dramatically in the first two weeks of the uprising, it has remained largely stable since. Forces loyal to the regime are largely confined to special units and militias under the direct control of Qaddafi's sons and close allies. They are, however, better equipped and organised

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than the regular army. Qaddaddfa, members of Qaddafi's tribe, are strongly over-represented among these troops. As of late March 2011, Qaddafi forces have regained control over Tripoli and the western cities of Zawiya and Zuwara through large-scale repression and major army offensives, and continue to besiege rebels in Misurata and the Jebel Nafusa in the north-west. The regime has also managed to coax parts of the urban population and some tribal constituencies in north-western and central Libya into obedience through a combination of cash handouts and threats. International alliance airstrikes authorised under UN Security Council Resolution 1973 to protect civilians and enforce a no-fly zone mean that Qaddafi's forces are on the defensive and have no realistic prospect of recapturing the north-east. The key question, though, is whether external military pressure – in combination with sanctions and the rebellion – will lead to further defections in Qaddafi's entourage, or to efforts by security officials to topple the Qaddafi family. Failing the unravelling of the regime's core, Qaddafi's forces could yet retain control over north-western and central Libya for months, possibly longer. In the meantime, however, a new political order is emerging in rebel-held areas, spelling the end of the Qaddafi era there.

The post-Qaddafi political arena

Under Qaddafi's 42-year rule, there were neither political parties nor civil society organisations. It is only now that they can develop. The contours of the post-Qaddafi political scene, therefore, remain sketchy.

The Interim National Council

The Interim National Council that formed in late February in Benghazi quickly gained the support of defecting military units, state officials, and tribal leaders, and has since been seeking international recognition as the sole legitimate representative of Libya until a new government can be established. The Council aims at steering the transition to a post-Qaddafi government, and is calling for free elections and drafting a new constitution to establish a democratic state with a separation of powers. The Council comprises a loose coalition of different groups, and is currently dominated by Libyans from the country's north-east. However, it should not be dismissed as an instrument of north-eastern elites being used to expand their influence; rather, representatives of areas that remain under Qaddafi's control are unable to join due to the ongoing civil war, or fear that their families will be subjected to reprisal if their identities become known. As of late March 2011, the names of 13 of its 31 members have been made public, while the others are kept secret due to security concerns. The chairman of the Council is Mustafa Abdel Jalil from Al Bayda, who resigned as Qaddafi's Justice Minister on 21 February. The most prominent representative of the opposition groups that led the rebellion in the first weeks is Abdel Hafiz Ghoga, a lawyer from Benghazi. Another key figure is Mahmoud Jebril, who is in charge of external relations and has been tipped to be head of a future transitional government. Jebril is a US-educated academic who between 2007 and 2009 played a leading role in (unsuccessful) efforts to reform the Libyan economy. On the whole, former officials dominate the Council, although the revolutionaries – lawyers like Ghoga and academics such as Fathi Baaja – retain significant representation. However, the composition of the Council is bound to evolve: the coalition between regime defectors and revolutionaries would likely be affected by Qaddafi's demise, which would require the Council to accommodate representatives of other tribes and regions.

The tribes

Tribal loyalties play a key role in Libyan politics. Qaddafi's regime could be understood as essentially an alliance of the small

Qaddadfa tribe with two of the country's largest tribes: the Warfalla based mainly in Tripolitania, and the Magarha from the Fezzan. These three tribes were disproportionately represented in government, the military, and the security apparatus. Representatives of other tribes were also accommodated to ensure stability. The tribes also functioned as networks through which the Qaddafi regime distributed patronage. The continuing importance of tribal loyalties was demonstrated during the first two weeks of the rebellion, when a number of leading tribes and numerous smaller groups publicly withdrew their support from the regime. Most prominent among them were the north-eastern tribes. Numerous tribes or sub-groups from other areas also joined the rebellion, including the Berber tribes of the Jebel Nafusa, the Toubou minority in Libya's south, and parts of the Warfalla. Senior officials such as Justice Minister Abdel Jalil, Interior Minister Abdel Fattah Younis, or Ambassador to Washington Ali Aujali – all members of north-eastern tribes – followed their tribes in supporting the rebellion.

After Qaddafi's demise, the tribes will be primarily interested in redistributing influence within the state apparatus and access to state resources and services. There is potential for major shifts in this regard, given that the Qaddadfa tribe and some of its allies would inevitably lose influence in a successor state. Groups that remained loyal to the regime during the insurgency could be politically marginalised or face reprisals. Such groups could form the basis of (potentially armed) opposition to the new regime, unless they are politically accommodated.

However, the current rebellion and post-Qaddafi politics should not be misunderstood as simply a power struggle between tribes. All available evidence suggests that the goal to topple the Qaddafi regime commands overwhelming support across Libya's regions and cities. Moreover, the influence of tribal loyalties is limited in the large cities of Tripoli, Benghazi, and Misurata, where more than a third of the country's six million Libyans live. The young population that led the uprising in these and other large cities is unlikely to feel adequately represented by tribal leaders. Finally, the tribes are not homogeneous entities. Each of the larger tribes consists of numerous smaller sub-groups. Many tribal leaders have been discredited due to the role they played under Qaddafi. Consequently, the transition is also likely to see power struggles within the tribes – for example, rivalries between opponents and loyalists of Qaddafi among the Warfalla, Magarha, and Qaddadfa.

The former regime elite

Following a spate of desertions by senior officials in the first two weeks of the uprising, the former ruling elite is deeply divided. Many former officials now play a prominent role in the Interim National Council and are positioning themselves for the post-Qaddafi era. This includes former Justice Minister Abdel Jalil and former Trade Minister and Ambassador to India, Ali al-Essawi (now responsible for external relations, along with Mahmoud Jebril) as well as the former Ambassadors to the UN and the United States, Abderrahman Shalgam and Ali Aujali. Omar al-Hariri (now nominally in charge of the rebel army) and Abdel-Monem al-Houni, former Ambassador to the Arab League, fall into a slightly different category: both participated in Qaddafi's 1969 coup but were jailed or exiled after a failed coup attempt against Qaddafi in 1975. Some defectors are viewed with a high degree of suspicion by the revolutionaries, such as former Interior Minister Younis, who is accused of being responsible for serious human rights violations.

Within the inner circle surrounding the Qaddafi family, there have thus far been few desertions, and confirmed information is scarce. Qaddafi's cousin Ahmed Qaddaf Eddam, who until recently was Qaddafi's personal envoy to Egypt, on 24 February

announced his resignation and fled to Syria, though opposition media allege he continues to support Qaddafi. Qaddafi in late February reportedly dismissed his brother-in-law, Abdallah Senoussi, head of the secret service and one of the most important representatives of the Magarha tribe surrounding Qaddafi. The head of the army, Abu Bakr Younis Jabr, has apparently been under house arrest since the start of the rebellion. Qaddafi himself and his sons have no real prospect of being offered a dignified exit or playing a role in a political transition. However, key players in the security apparatus and the tribes that continue to support Qaddafi would need guarantees, such as non-prosecution or political accommodation, in order to change sides.

Opposition groups

Prior to the uprising, opposition to the Qaddafi regime consisted primarily of exiled political parties with a narrow support base and armed Islamists who waged a rebellion in the north-east in the late 1990s. Reflecting the absence of organised opposition, the main driving forces behind the uprising were spontaneous and unorganised. Unemployed or underemployed young men without political affiliation took the lead in setting fire to police stations and government buildings in cities across the north-east and in the Jebel Nafusa in the north-west, thereby escalating the uprising. Particularly in Benghazi, however, representatives of the liberal professions played a prominent role in the uprising and are now represented in the communal and national interim councils.

Among the opposition, the Muslim Brotherhood stands out with organisational structures and significant support, primarily based in the country's north-eastern cities. Representing a moderate strand of political Islam, the Muslim Brotherhood distinguishes itself by an ideologically defined programme in a political context that is likely to be defined by rivalries over access to resources and positions. Its social justice platform targets the urban middle classes and therefore transcends tribal constituencies. While the group's leadership had long been exiled and lacks prominent figures, the Muslim Brotherhood played an important role in initiating the uprising by calling for protests from early February onwards. The Brotherhood has pledged its support to the Interim National Council, provided the Council incorporates all forces involved in the revolution and excludes deserters from Qaddafi's inner circle. The group therefore opposes a mere restoration of the ruling elite without Qaddafi.

Islamist extremists associated with the former Libyan Islamic Fighting Group (LIFG) represent a marginal phenomenon. They are mainly based in the north-east, where armed groups were active in the 1990s. Even after the dismantling of the LIFG, the vast majority of Libyan jihadists fighting in Iraq originated from the north-east, suggesting that extremist groups retain some support in the region. The majority of former LIFG fighters were released from prison in recent years after renouncing violence; some have since integrated the Islamist mainstream and now support the rebellion. Although former fighters will not necessarily return to armed struggle, extremist groups could reorganise during the transition and seek to expand their influence.

The monarchists surrounding Mohammed al-Sanussi, great-nephew of King Idriss, who was overthrown in 1969, are unlikely to play any significant role. The fact that the monarchy's flag has become the symbol of the rebellion does not express a desire to bring back the monarchy, but simply refers to a Libya before and without Qaddafi; its tricolour also symbolises the unity of Libya's historic three regions. There is no sign of efforts to re-establish the monarchy.

State collapse or state-building?

The key challenge after Qaddafi's demise will be to create a new state from the

ground up. Libya currently does not have a constitution, and the 1951 constitution of the Senoussi monarchy cannot be easily resurrected. Due to Qaddafi's insistence, Libya does not even have a formal head of state. The institutions of the old regime – including the General People's Congress (Parliament) and the local Basic People's Congresses – play a purely symbolic role and will not survive Qaddafi's fall. As a consequence, the foundations of the state and the political system will have to be built entirely from scratch, such as the form of government, the separation of powers, the role of the regions, and the electoral system. There are virtually no institutions that will be able to maintain continuity. Government institutions and the military were deliberately weakened by Qaddafi and have disintegrated during the uprising. Instead, a new body – the Interim National Council – is set to play the leading role in the transition.

In addition, the rebels do not appear to be promoting any clear vision of post-Qaddafi Libya, focussing instead on Qaddafi's demise and voicing general demands for democracy, freedom, and an end to corruption. This is understandable, as debates on the nature of the political system had, to date, been impossible in Libya, and because the rebels' efforts are necessarily focussed on Qaddafi's defeat as long as he continues to rule. However, the lack of concrete ideas about the future system is also telling, insofar as – during the transitional phase – most players are likely to be focussed on the redistribution of resources: positions in the state apparatus and government; sectoral and provincial budgets; public services and infrastructure. Virtually the entire Libyan economy is directly or indirectly dependent on the distribution of state revenues from the oil sector. Disagreements over the structures of the new state will primarily be distributive conflicts, or are likely to conceal such conflicts. This will pose additional obstacles to state-building.

Scenarios

Civil war is likely to continue for at least as long as the Qaddafi family can retain control over its security apparatus, and would probably result in a drawn-out stalemate and a temporary partition of the country. Violent conflict could persist after Qaddafi's demise if key constituencies are not accommodated in a future government. Two alternative scenarios for the post-Qaddafi era are: a new deal by old regime elites that would likely fail to produce stability, or a protracted, but ultimately more sustainable, state-building process.

Civil war and temporary partition

The ongoing conflict is unlikely to come to a quick end unless Qaddafi loses the loyalty of key tribal constituencies and security officials, who would then topple the Qaddafi family or lead another large-scale uprising in the north-west. If Qaddafi's security apparatus remains intact in its current state, a military solution to the conflict is highly unlikely. Rebel forces are too weak to wrest control of Tripolitania away from loyalist troops. Attempts to that effect would trigger protracted urban warfare. On the other hand, Qaddafi forces are unable to lead large-scale offensives on rebel-held areas as long as the international coalition continues to enforce UN Security Council resolution 1973. As a result, a protracted stalemate looms that would effectively divide the country into a western part controlled by Qaddafi – with some pockets of resistance – and a rebel-held east. An internationally mediated ceasefire could further cement such a stalemate. Although it has so far shown no interest, the regime could agree to a ceasefire once Qaddafi's forces have sufficiently weakened the pockets of resistance in the north-west to retain control by repression, rather than large-scale military offensives. The ceasefire would then allow the regime to quietly cement its hold on western Libya through widespread repression. Before long, such a stalemate would necessitate the agreement

of an oil-for-food deal to alleviate the impact of sanctions for civilians, since international sanctions would trigger the economy's collapse before drying up Qaddafi's funds. Such a situation would be costly for international allies, since it would require a continued military operation to police the ceasefire, and effectively sustain a highly unstable and repressive state in western Libya.

Alternatively, as Libya slides deeper into civil war, parties to the conflict could splinter and militias could form, raising the possibility that violence could continue even after Qaddafi's demise – for example, previously privileged tribal constituencies that are excluded from a post-Qaddafi political deal could continue to wage an insurgency against a new government.

However, there is little danger of the power struggles that would follow Qaddafi's demise unleashing centrifugal forces; partition would be unlikely to survive Qaddafi. Observers correctly point out that Libya's territorial unity is relatively recent. Until colonisation, Libya consisted of three largely separate political structures (Tripolitania, Cyrenaica, Fezzan), and under the monarchy, these three regions were autonomous entities with their own parliaments until 1963. However, there are no regional identities today. The Interim National Council understands itself as the basis for a transitional government for all of Libya, with Tripoli as its capital. Most importantly, Libya has become a centralised state under Qaddafi's rule because the central government controls oil revenues. As soon as a transitional government takes control of oil revenues – or even just part of these revenues, as is conceivable in the north-east – it will be able to establish itself as the new centre of power. While the Tripoli government is in any case unlikely to survive Qaddafi's fall, the emergence of two permanent entities will be prevented as long as one of these entities is targeted by the comprehensive international sanctions in place under resolution 1973.

Old elites, new deal

As outlined above, former members of the ruling elite under Qaddafi play a prominent role in the Interim National Council. If they succeed in toppling Qaddafi and ending the civil war by accommodating senior players from the Warfalla or Magarha, the old elites could form an alliance that would dominate the post-Qaddafi political scene. This would effectively amount to a restoration of the old regime without Qaddafi – not in terms of its institutional structure (which would be obsolete in any case) but its social basis. The latter would continue to consist of a coalition of large tribes linked to the central government through patronage networks. While this scenario would also entail considerable power struggles over the redistribution of wealth, the ruling elite would remain largely identical, aside from internal power shifts and the exclusion of smaller groups like the Qaddadfa. Ethnic minorities, liberals, and Islamists would be largely excluded. Fundamental questions relating to the form of government or the electoral system would still have to be addressed, but debate on these issues would be cut short and reformist interests excluded. As a result, fundamental changes to the state and governance structure – for example, strengthening the powers of the regions and provinces – or far-reaching reforms in education, social, or industrial policy would be unlikely. The seemingly rapid stabilisation would therefore probably soon give way to renewed instability in the form of rioting in the major cities or armed resistance in certain tribal areas.

Protracted state-building

While any post-Qaddafi government would need a certain degree of buy-in from former regime heavyweights to be stable, a coalition incorporating a broader spectrum of political forces would provide a more promising avenue for stabilisation in the medium term. In this scenario, the interest

groups from Tripolitania and central and southern Libya pushing into a post-Qaddafi government would include not only representatives of key tribes, but also moderate Islamist groups and liberals from the urban middle classes, the younger generation, and ethnic minorities like the Toubou and Berber. Such a coalition would not content itself with quickly restoring stability, but push for wider changes. This would likely provoke protracted power struggles, not only over the distribution of access to resources and positions, but also over fundamental policy questions. Smaller groups looking to boost their influence – such as tribes controlling certain oil-producing regions – could act as spoilers and block progress. Over the long term, however, the prospects for a stable political entity would be greater under this scenario.

Policy options for Germany and the EU

Ending the conflict: Given the military balance on the ground, there is no purely military solution to the conflict. Even with external assistance in the form of arms deliveries and aerial support for their offensive – both of which would violate UN Security Council resolution 1973 – the rebels would be unlikely to conquer Tripoli solely through military means. Diplomatic options are also limited. Any mediation effort aimed at a deal between the Qaddafi regime and the rebel leadership – as the panel formed by the African Union (AU) is seeking – is highly unlikely to end the conflict. As discussed above, a ceasefire would merely cement the country's partition, thus allowing Qaddafi to crush the remaining opponents in the north-west and encouraging the emergence of two highly unstable political entities. A power-sharing deal between the rebels and the old regime that involves Qaddafi or his sons is out of the question, not only due to the crimes for which they are responsible; Qaddafi and his son Saif al-Islam have also shown a degree of intransigence and disingenuousness that

disqualifies them as a negotiating party. For both reasons, the rebel leadership is unlikely to agree to negotiating with Qaddafi, and such negotiations have little prospect of leading to an agreement that would be honoured by both parties. In fact, there is much to suggest that the Qaddafi family sees holding onto power as its only option for survival, given that it faces prosecution both domestically and internationally, and has next to no allies left who would be willing to grant asylum. Under these circumstances, Qaddafi and his sons will only enter into negotiations to gain time.

Political solutions to end the conflict, therefore, necessarily begin with Qaddafi's departure. There are broadly two possible ways to achieve this: first, external actors could facilitate the Qaddafi family's move to exile. This would represent a highly problematic trade-off between justice and conflict resolution, and could easily fail if Qaddafi refuses to leave Libya alive, or if no state can be found that would grant the family sanctuary. Second, and more realistically, Qaddafi could be toppled by his own allies, or by another major uprising in the Tripoli area that would cause the rump state to unravel. To achieve this goal, maintaining the military pressure exerted through the international coalition is indispensable to ward off any attempts by Qaddafi forces to recapture rebel-held territory and to raise the risks for remaining loyalists. The comprehensive sanctions and arms embargo in place are equally important as a signal to loyalist decision-makers that the Qaddafi regime has no prospects of long-term survival. But further efforts are needed to encourage defections or a palace coup, including providing guarantees and assistance to potential defectors. The financial and arms embargoes should be tightened to close off clandestine channels, which requires intensified intelligence and diplomacy focussed on Libya's neighbours. Finally, external actors seeking to mediate in the conflict should focus on facilitating a deal between the rebel leadership and senior officials but exclude

Qaddafi. Such mediation may be needed both before and after Qaddafi's demise.

While the international coalition has been weakened by internal squabbles over its command and doubts over its political goals, the intervention remains crucial to stop attacks by Qaddafi's forces on rebel-held cities, particularly in the north-east. NATO member states should build consensus by ensuring that the coalition stops short of backing rebel offensives with air power, as opposed to thwarting attacks by Qaddafi's forces on rebel-held areas. The coalition should also rule out any use of ground troops, which would dramatically erode support for the intervention in Libya and the region, and exacerbate international controversy. Finally, the arms embargo should also be enforced for the rebel-held north-east. Supplying the rebels with weapons would only fuel the conflict and heighten the post-conflict proliferation of arms, without rendering the defeat of Qaddafi's forces in Tripoli any more likely.

Supporting the transition of power: Since its creation in late February, the Interim National Council has established itself as the undisputed leadership of the rebellion, and the diversity of its members suggests it is as representative as circumstances permit. That said, major changes to its composition, or that of a transitional government, are inevitable as the Council broadens its regional and tribal base. In view of this, EU member states should offer the Council a clear roadmap for the establishment of formal diplomatic relations tied to the establishment a government representative of all groups and regions. To enable the Council to establish itself as a legitimate and viable alternative to the Qaddafi regime, and increase its attractiveness for defectors, EU member states should support the Council as the nucleus of a post-Qaddafi government. Support should begin with expanding relations and providing humanitarian assistance to conflict-affected areas, as well as urgent economic assistance (such as fuel exports or other

vital commodities). But steps should also be taken to enable the Council to begin exporting oil in order to gain access to financing. This would mean amending the sanctions imposed by the UN Security Council and the EU, which freeze the assets of the National Oil Corporation (NOC), to exclude entities controlled by the Interim National Council – such as Agoco, a former NOC subsidiary that has also been specifically designated by US sanctions – that may be able to export oil once the security situation permits and ownership issues have been clarified. Although external actors will lose much of their leverage over the Council once the latter is financially independent, these steps are necessary to bolster the Council's position until and beyond Qaddafi's demise.

External mediation may be needed to facilitate the accommodation of former pro-Qaddafi forces; regional powers viewed as neutral brokers, such as Turkey, would be best placed to mediate. However, external actors should avoid getting involved in the power struggles that are likely to surround the formation of a new government and the establishment of a post-Qaddafi state – provided these power struggles do not provoke large-scale conflict. While the military intervention against Qaddafi's forces appears to command broad support in Libya and the region, external interference beyond Qaddafi's fall would likely be viewed with great suspicion. Distrust of external interests is deep-seated in Libyan political culture; overt external attempts to influence the state-building process would risk being viewed in terms of foreign interest in Libya's oil. Even if rapid disengagement may be difficult following the military intervention, NATO and EU member states, as well as the international Contact Group on Libya formed in late March, should take a back seat in negotiations over Libya's future.