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Qadhafi's Libya

Infinitely Stable and Reform-Resistant?

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After the formal ending of Libya's diplomatic isolation in 2004 Western leaders expressed the hope that a political opening inside the country would follow in the medium term. At the beginning of 2008 there is hardly any sign of such a process. Political parties remain banned, freedom of opinion continues to be massively restricted, and the handful of open dissidents continue to live dangerously. In short, thirty-nine years after Qadhafi took power the Libyan regime continues to be one of the most repressive, not only in the Arab world. Both the regime itself, and its political system based on a combination of formal direct democratic institutions with semi-formal revolutionary and tribal structures, have turned out to be stable and reform-resistant. The diplomatic normalization has in fact contributed to this, deflecting the danger of "regime change" from outside and allowing the oil and gas industry, whose redistributed revenues are decisive for Qadhafi's hold on power, to recover from the effects of sanctions.

Some four years after the ending of the country's international isolation, the limits of the strategy on which this turn was based have become apparent. Diplomatic normalization has proven incapable of solving many of the notorious structural problems, be they socioeconomic (like the high rate of youth unemployment) or political (like the corruption ingrained into the system and the lack of legitimacy and efficiency of the chaotic political processes). Instead they have merely been swept under the carpet which was possible because the high oil price allowed a massive increase in state spending. The loss of the "enemy without" has also exacerbated internal problems, first and foremost the policy clashes between the status-quo-defending old guard and the reformers. Last but not least, the normalization of international relations has awakened high expectations of improvements in living conditions among the population.

This study examines the multiple challenges confronting the Libyan leadership today. It identifies the regime's approaches, instruments, and resources employed to address them. On the basis of an analysis of the regime's capacity to reform, answers are sought to the question of what kind of Libya Europe must expect to be dealing with in the medium term.

Although the ruling elites share a broad consensus about the domestic challenges facing Libya, there are substantial differences even within the Qadhafi family about which instruments should be used to deal with them. The reformist forces around Qadhafi's son Saif al-Islam argue that resolving existing problems will require market reforms and a transformation—albeit limited—of the political institutions. The old guard, by contrast, actively oppose economic reforms and have no concept for overcoming the problems. They insist that semi-formal and repressive institutions such as the revolutionary committees must be retained.

Qadhafi cultivates these differences—which are ultimately also political positioning in view of the unresolved succession issue—by alternately supporting both camps. This tactic not only causes contradictory and erratic political steps but also hinders reforms necessary for solving the structural problems. As long as the sixty-six-year-old Qadhafi remains in power the room for reforms in Libya is very small. Hence, European decision-makers are well advised to rein in their expectations of what is currently plausible and feasible in Libya. In the short to medium term it can be expected that power struggles will intensify and that there will be erratic and inconsistent political signals and moves.

There is much to suggest that Libya could become a "hereditary republic" like Syria. But there is no guarantee for the widespread Western assumption that Saif al-Islam, rather than one of his brothers or his father's cousins, will prevail. Fundamentally, the succession is likely to be negotiated or fought out among the existing ruling elites. This may lead to a certain destabilization of the state, but civil war scenarios are not to be expected.

Even if Saif al-Islam continues to gain in influence or indeed replaces his father, only limited reforms are to be expected. His calls are for a more market-oriented and pluralistic system with greater legal security, but not actually for a democratic one. One of the guiding principles of his reform agenda is: "From Mao's China to Lee Kuan Yew's Singapore." Furthermore, Libya is a tribal society operating along informal and clientelist lines. Under these conditions neither modern institutions, nor a civil society, nor an independent business class can simply be conjured up out of thin air. And it will be many years before the intellectual and social aftereffects of several decades of international isolation under a "climate of fear" will have subsided.

Although the conditions are difficult and the only prospects of success are very long-term, European foreign policy leaders can help to prepare the ground for reforms in Libya:

- As many communication channels as possible should be opened up with the Libyan civil service, professional bodies, and the university milieu. It is important to provide a large number of Libyans with insight into how democratic states function and to create mutual trust as a basis for communication. Years of isolation and indoctrination have left both sorely lacking.
- It makes sense to meet Libya's wish for cooperation in the field of education. This should encompass language teaching, exchanges of teachers and students, as well as training programs for journalists, for justice, finance, and administrative officials.
- The European Union (EU) should try to base the framework agreement currently being negotiated with Libya as closely as possible on the association agreements drawn up under the Barcelona Process and the action plans of the European Neighborhood Policy. Not least in order to avoid undermining the credibility of the EU's Mediterranean policy among other southern Mediterranean partners.
- To avoid jeopardizing their credibility, the EU and its member states would also be poorly advised to turn a blind eye to Libyan human rights violations, or worse to give occasion for such violations by deporting illegal migrants and terror suspects. Moreover, the numerous political prisoners should not be forgotten. Since the diplomatic opening at least some representatives of the Libyan elite feel compelled to respond to reports of mistreatment of oppositionists and the lack of press freedom. So it is likely to pay off, if leading European politicians could bring themselves to address these issues publicly. This would signalize that despite all its economic and energy interests the EU still abides by certain principles in its dealings with Libya.

Securing Power through Diplomatic Normalization

Libya's revolutionary leader Mu'ammar al-Qadhafi has been in power for thirty-nine years. Of the world's current leaders only Gabon's Omar Bongo Ondimba has served longer. About 80 percent of Libyans alive today were born under Qadhafi's rule, so the number who can remember the previous system of undemocratic rule under the Sanusi monarchy (1951–69) or Italian colonial rule before that is negligible. In other words, the overwhelming majority of Libyans has grown up under a system that by any international standard is one of the least free in the world. For example, in 2007 on Freedom House's scale for political freedoms and human rights Libya came in the same category as Burma, North Korea, and Turkmenistan. Further, according to Freedom House—only in North Korea is there less press freedom (although in one of the many Libyan paradoxes satellite television reception is allowed and internet access is largely unregulated).[1]

Western politicians' hope that the diplomatic normalization with the former "rogue state"—which has been proceeding apace since 2003—would be followed by a domestic liberalization have so far remained unfulfilled.[2] The only sign of structural reforms is in the economic sector, and even these are very slow. Even if one takes into account that relatively little time has passed since the end of Libya's international isolation, it is clear that those Western hopes were misplaced. Western political elites seem to have misunderstood the motives for Qadhafi's diplomatic U-turn. The compensation payments for victims of Libyan attacks abroad, the rejection of international terrorism, the disclosure and dismantling of Libya's ABC weapons programs did not reflect an abrupt change in the leader's mindset. Rather they were part of a long-term strategy to secure power for him and his family. Contrary to Western public perceptions, this change of strategy took place not overnight but had in fact been under way since the early 1990s.[3]

Two thoughts appear to have guided Qadhafi's actions. Firstly, that international legitimacy would do more to stabilize his power than a costly arms program or the occasional applause of the "Arab street" for his support of anti-Western violence. This insight may also have been a lesson Qadhafi learnt from other authoritarian rulers, such as his Tunisian neighbor Ben Ali: exemplary cooperation with Western states in the fields of economics and fighting terrorism reduces the pressure from the EU and the United States for democratic reforms. The risks of pursuing a policy of confrontation, on the other hand, were dramatically demonstrated by the example of Iraq, where Saddam Hussein's regime was toppled by the American military in 2003.

Secondly, Qadhafi seems to have realized that maintaining the political status quo meant ending the sanctions that had badly affected the oil and gas sector, which in 2000 generated 92.8 of export revenues and 38.7 percent of GDP (2006: 97.9 and 78.7 percent respectively).[4] Oil revenues are not only the backbone of the Libyan economy, but also a central instrument of power for the Libyan regime, whose legitimacy and internal stability depend decisively on a broad and sophisticated system of distributing the proceeds from oil and increasingly also gas exports. The consequences of sanctions and state mismanagement had led oil production to fall by one third since the end of the 1970s, while during the same period Libya's population grew to over five and a half

1 Freedom House, *Combined Average Ratings: Independent Countries 2007*, www.freedomhouse.org/template.cfm?page=366&year=2007 (accessed December 17, 2007); on the Libyan media see also Carola Richter, *Das Mediensystem in Libyen: Akteure und Entwicklungen* (Hamburg, 2004).

2 After Qadhafi's visit to Brussels in April 2004 the EU Commission under Romano Prodi expressed optimism that Libya would accept the Barcelona acquis, which contains principles such as democratization and observance of human rights; *Agence Europe*, April 27, 2004.

3 Harald Müller, *Libyens Selbstentwaffnung: Ein Modellfall?* HSFK-Report 6/2006 (Frankfurt am Main: Hessische Stiftung Friedens- und Konfliktforschung, 2006); Patrice Claude, "Kadhafi à Canossa?" *Politique Internationale* 103 (spring 2004): 169–83; George Joffé, "Libya: Who Blinked, and Why," *Current History* 103, no. 673 (May 2004): 221–25.

4 US sanctions were imposed in 1986 and lifted in stages from 2004; UN and EU sanctions were imposed in 1992 and lifted in 2003 and 2004 respectively.

million.[5] So there were more Libyans looking for a share of a shrinking oil revenue cake.

By the second half of the 1990s this situation had led the mood of the population to become increasingly fractious: the standard of living fell, unemployment increased, and the country's international isolation began to bite. Support increased for the (militant) Islamists and there were attempts to overthrow Qadhafi.[6] Consequently, expanding the resources available for state redistribution by increasing oil production and exports and creating jobs by diversifying the economy were imperative if Qadhafi was to secure his power base in the long term. The key lay in access to Western technologies, know-how, and foreign investment, which meant normalizing diplomatic relations.

Domestic Impact of the New Foreign Policy?

Qadhafi's plan has succeeded, at least in the short term. His regime has left behind the years of sanctions, and he has succeeded in normalizing diplomatic relations without making any domestic political concessions worth speaking of. For the moment Libya's political system has proved itself to be stable, resistant to reforms, and adaptable. But much of that is down to fortunate circumstances. A high oil price and rising demand for Libyan oil have increased the funds available for redistribution once again. As a result the government has been able to assuage the popular dissatisfaction about poor living conditions, through measures such as public sector pay rises of up to 80 percent announced in 2007.[7] But structural problems such as the economic monoculture, the demographic challenge, deficits in the education system, associated problems of youth unemployment, as well as efficiency and legitimacy deficits in the political structures remain unresolved.

Moreover, the strategy of diplomatic normalization that was supposed to bring about a lasting domestic political stabilization and consolidation has had a whole series of unintended consequences and exacerbated some of the existing internal challenges. This is partly because these challenges have received more attention in the international media since the normalization of international relations and were for that reason increasingly taken up by Libya's political elites: by the supporters of reform in order to underline the need for action and to demand structural changes; by the status-quo-oriented old guard to relativize the problems and reject the blame. In 2007, for example, the government responded to Libya's placing in Transparency International's Corruption Perceptions Index being even worse than the year before. A few days after the list was published, the Secretary of the General People's Committee (or prime minister), al-Baghdadi Ali al-Mahmoudi, appointed a committee to consider the report and propose measures for improving Libya's ranking, while hardliners launched aggressive tirades against Transparency International.[8]

This confirms hypotheses from the literature on international relations about the relationship between international norms and internal reforms. According to these, the (pro forma) acceptance of international norms, coming with the reintegration of a state into the international community, affects discourses, institutions, and actors in that state. Even if they are only intended for international consumption, new discourses among the ruling elites—in particular about human rights and press freedom—awaken desires at home too.[9]

Libya has yet to adopt international norms and standards that could have an impact on domestic political conditions. For example, it continues to refuse full membership of the Euro-Mediterranean-Partnership (renamed Barcelona Process: Union for the Mediterranean in 2008) or negotiations for an Action Plan within the framework of the European Neighborhood Policy. Both would require not only embarking on structural economic but also on political reforms. Nonetheless, the mere fact of negotiations with European states about abandoning ABC ambitions and paying compensation to victims of Libyan attacks abroad has transformed the political constellations within the country. For example the role of Qadhafi's son Saif al-Islam as a successful diplomatic negotiator

5 Although the UN and EU sanctions never included a ban on oil imports, they did prevent modernization of the oil sector.
6 Luis Martinez, *The Libyan Paradox* (London, 2007), 13ff.
7 International Monetary Fund (IMF), *The Socialist People's Libyan Arab Jamahiriya, Staff Report for the 2006 Article IV Consultation* (Washington, DC, 2007), 3.
8 *Libya al-Youm* (London), October 28 and 29, 2007.
9 See for example Andrew P. Cortell and James W. Davis, "Understanding the Domestic Impact of International Norms: A Research Agenda," *International Studies Review* 2, no. 1 (spring 2000): 65–87; Thomas Risse, "International Norms and Domestic Change: Arguing and Strategic Adaptation in the Human Rights Area," *Politics & Society* 27, no. 4 (December 1999): 526–56.

and intermediary contributed to making him an important figure at home.

Furthermore, the political truism that the loss of an external enemy makes it much more difficult for a regime to distract attention from domestic problems and maintain cohesion among the elite also applies to Libya. This is reflected not least in the struggles between reformers and the old guard, whose leading representatives hold programmatic speeches criticizing the other side's political decisions.

The still small group of reformers wants transformation of Libya's state-run economy into a market economy, closer relations with the West, a constitution to establish clearer rules in the political system, a more independent judiciary, and improvements in the human rights situation. What they do not demand (at least not publicly) are fundamental political changes, such as curtailing the role of Mu'ammar al-Qadhafi. Their most prominent representatives are Qadhafi's son Saif al-Islam and former prime minister Shukri Ghanem, who is now chairman of the Libyan National Oil Company (NOC). Reformers, moreover, are also found at the universities of Tripoli and Benghazi, as well as in the professional bodies of lawyers and of journalists.

The status-quo-oriented old guard, for its part, resists the liberalization of the economy, criticizes the rapprochement with the West, and sharply attacks domestic political concessions and liberalization initiatives such as the release and rehabilitation in 2007 of leaders of the Muslim Brotherhood.[10] The size of this group is difficult to estimate because only a number of prominent hardliners speak out in public. But the camp of potential losers of reforms is large and it must be assumed that the old guard enjoys strong backing especially among senior civil servants. Representatives of the old guard are found above all in the security apparatus, in the revolutionary committees led since 2007 by hardliner and Qadhafi cousin Omar Ishkal, and in the quasi-parliament where the most prominent hardliner, Ahmed Ibrahim—another cousin of Qadhafi's—is deputy speaker.

The divide between the two camps runs right through the government, through the Qadhafi family, and through many state institutions, including the Green Book Research Center, the regime's most important research institute. The conflicts concern political direction, distribution of resources and not least the unresolved question of the succession to the revolutionary leader. His role is not codified, therefore there is no arrangement for the succession to the de facto head of state (see Box1: "The Libyan System: Theory and Practice" on page 12f).

10 *Menas Libya Focus*, 2006, no. 10:3.

Multiple Challenges after the End of Isolation

Libya's ruling elites are certainly aware that they are facing huge domestic challenges.[11] But few express this as clearly as the thirty-six-year-old Saif al-Islam, Qadhafi's most prominent son. Although he—like his father—has no official function in the Libyan system he nonetheless played a decisive role in the negotiations leading to a normalization of diplomatic relations, through the "Gaddafi Development Foundation" (which he founded). Regardless of how much power or influence he actually has on his father, what he says is taken seriously inside Libya and by Western governments, especially since he has increasingly come to be regarded as the crown prince both at home and abroad. In two programmatic speeches in August 2006 and August 2007, Saif al-Islam listed a whole catalogue of challenges that Libya will have to face up to.[12] In important respects the young Qadhafi's view from within coincides with the external perspective of Western observers, be they researchers, international organizations and institutions, or diplomats on the ground. The most important challenges can be roughly assigned to three areas: (a) legitimacy and rule of law, (b) economy and welfare, and (c) security.

Legitimacy and Rule of Law

Power in Libya continues to be concentrated in the hands of a small circle of individuals around Mu'ammar al-Qadhafi, who run the country in an informal and intransparent manner. The Libyan system combines relatively transparent direct democratic institutions and processes with absolutely unaccountable autocratic revolutionary bodies. Because of its dual character this political system suffers from considerable deficits in rule of law and legitimacy (see Box 1: "The Libyan System: Theory and Practice" on page 12f).

The state of affairs regarding the rule of law was demonstrated by the trials of five Bulgarian nurses and a Palestinian doctor who were accused of deliberately having infected Libyan children with HIV. The accused were tortured, and important scientific evidence and exonerating circumstances were ignored by the Libyan courts. Libyan politicians rejected European calls for intervention with the rather cynical argument that the independence of the Libyan judiciary made this impossible. That might be the case on paper, given that the four-tier court system offers several instances of appeal.[13] Still, the reports by Amnesty International and Human Rights Watch draw a picture of political despotism when it comes to the rights of dissidents, migrants, or minorities. The notorious "people's courts" that tried political cases may have been abolished in 2005, but there are still many laws in force that massively restrict political rights and civil liberties and allow for collective punishment in the name of upholding the revolution.[14]

Freedom of association is laid down in the 1988 Great Green Charter of Human Rights and formally independent organizations do exist—especially charities. But any initiative aiming at autonomy, even just in internal decision-making processes, is terminated immediately. In 2005, for example, the bar association was forced to accept a pro-regime candidate as its head. Organizations campaigning for fairer trials, such as the Libyan Arab Committee for Human Rights, have to proceed correspondingly cautiously. Even in comparison with other Arab states,

11 Interviews, Tripoli, November 2006. See also IMF, *Libya 2006 Article IV Consultation* (see note 7), 3.

12 For the complete text of the speech of August 20, 2006, see the website of the Gaddafi Development Foundation, http://gdf.org.ly/; for the speech of August 20, 2007, see *MideastWire.com*, August 24, 2007. See also Saif al-Islam's development agenda *Ma'an min adschl Libya al-ghadd* [Together for tomorrow's Libya] (Tripoli, 2006).

13 The Libyan legal system is based on a mixture of Italian civil law and Islamic legal principles; for further detail see Carnegie Endowment for International Peace and Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), eds., *Arab Political Systems: Baseline Information and Reforms – Libya*, www.carnegieendowment.org/files/Libya_APS.doc, 5 (accessed December 17, 2007).

14 Assemblies, sit-ins, strikes, and demonstrations are banned (Law 45 of 1972); see also Human Rights Watch, *Libya: Words to Deeds: The Urgent Need for Human Rights Reform* (New York, January 2006) (vol. 18, no. 1[E]).

Libya fares very poorly in terms of rule of law, control of corruption, regulatory quality, and participation.[15]

Yet it would be problematic to automatically conclude from this, that the Libyan population shares the Western public's dissatisfaction with the existing power structures. Reliable estimates of popular opinion are impossible to obtain, because conducting independent surveys on such issues is a taboo. Discussions with Libyan officials, social scientists and people on the streets are problematic. Article 166 of the penal code foresees the death penalty for anyone who maintains contact to a foreign state or its employees. Even if actual prosecution of such contacts has become only sporadic—for example in order to put dissidents behind bars—there is still widespread fear about the consequences of meeting with foreigners. Diplomats report that Libyans—officials and academics—are rarely willing to attend embassy receptions. Identifying political and social trends under these circumstances means largely relying on analyses of the regime's measures and responses, on interviews with foreign observers in the country, and on informal interviews with Libyans.[16]

Institutions and Constitution

When Saif al-Islam says, "the democratic system of which we dreamed does not exist in the realm of reality. Rather, the existing system has its equivocation and misuse of the term 'democracy,'"[17] he is addressing the population's disillusionment about the system of direct democracy. According to both insiders and critics, participation in these institutions has been falling steadily. In fall 2007 the website *sahifat al-watan al-libyya* (the "Libyan fatherland newspaper"), reputed to be close to Saif al-Islam, published the results of an online poll asking "Does the General People's Committee conduct its work in the interests of the citizen?" More than 91 percent of respondents said no, and only 8 percent answered yes.[18] Whether or not the figures themselves were manipulated, their publication in such a prominent place reflects two things: firstly, Saif al-Islam's perception that the population is extremely dissatisfied with the political institutions, and secondly, his attempt to distance himself from the discredited direct democratic institutions, as his father has often done in the past.

As well as these institutions' lack of legitimacy, the cumbersome nature of the processes also poses problems, especially for the reformers. If the General People's Congress is well disposed toward the government it can approve bills directly in an informal process. But formally all legislation has to pass through the direct democratic process, and that can take years because the basic people's congresses only meet a couple of times a year. The existing structures consequently offer influential hardliners like the deputy speaker of parliament Ahmed Ibrahim the possibility to torpedo and water down reforms by insisting that all proposals are fed into the endless loop of (pseudo-)direct democracy.

The reformist government of Shukri Ghanem (2003–06) failed not least because it was permanently sabotaged by the General People's Congress and because there was confusion about institutional powers.[19] For example the conflict over competences and procedures between the Libyan National Oil Company and the oil ministry (which was abolished in 2006 and replaced with a supervisory body) considerably slowed the granting of concessions and contracts in the oil sector after the lifting of sanctions. This did not exactly do a lot to boost investors' confidence in the Libyan reform process.[20]

So it comes as no great surprise that the (economic) reformers—as whose vanguard Saif al-Islam perceives himself—see their top priorities in establishing a constitution to enshrine a separation of powers, to regulate the relationships between the different state institutions, and to set up an independent supreme court.[21] Since the late 1990s various bodies have

15 Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, *Governance Matters VI: Governance Indicators for 1996–2006*, http://info.worldbank.org/governance/wgi2007/ (accessed December 17, 2007).

16 The statements below are based largely on interviews conducted in November 2006 with government officials and academics from various milieus.

17 Speech of August 20, 2006 (see note 12).

18 www.gaddafi-today.org/more.asp?NewsID=76&catID=16 (accessed September 30, 2007). When the website *Qadhafi al-Youm* (Qadhafi today) was launched in 2007 it was initially unclear who had initiated it: father (whose portrait crowned the homepage) or son Saif al–Islam (whose line it seemed to espouse). By early 2008 the website was no longer accessible.

19 Ghanem went so far as to complain in the Libyan media that the People's Congress was paralyzing his work by delaying or blocking appointments in the ministries; Alison Pargeter, "Libya: Reforming the Impossible," *Review of African Political Economy* 108 (2006): 219–35 (225).

20 *Middle East Economic Digest* (MEED), December 9–15, 2005.

21 See speech of August 20, 2007 (see note 12).

Box 1
The Libyan System: Theory and Practice

In a bloodless coup in 1969 the "free officers" led by Qadhafi deposed King Idris al-Sanusi who had ruled since independence in 1951. In the aftermath the new Libyan leadership fundamentally "revolutionized" the political, economic, and to a certain extent also the social structures.

At least in theory Libya is ruled from below by direct democracy. According to the Third Universal Theory, which Qadhafi expounded in the three volumes of his Green Book (1975–79) and which forms the system's ideological superstructure, the people exercise power directly and must not be hindered by any mediating institutions. This explains why to this day political parties are banned in the Libyan Jamahiriya (state of the masses). The Third Universal Theory, which sees itself as a third way between communism and capitalism, unites egalitarian socialist principles with Islamic ones.[a] In practice the Libyan system represents an unusual amalgam of: (1) elected direct democratic institutions, (2) unelected revolutionary institutions and (para-) military units with strong loyalty to the regime, (3) semi-institutionalized tribal structures, and (4) the Qadhafi family and its informal advisory bodies. The function and mutual demarcation of these different structures are extremely unclear, because to this day Libya has no real constitution and political decisions are made in intransparent informal processes.[b] Yet, there can be no doubt that Libya's center of power consists of Mu'ammar al-Qadhafi and his informal networks. These include members of the Qadhafi family and the Qadadfa tribe, leaders of other influential tribes, security bosses, and revolutionary comrades.

Direct Democracy

The political system comprises several levels. On the lowest, there are the basic people's congresses, of which currently around five hundred exist (the number of congresses fluctuates, as does the number of members, which can vary between a few hundred and several thousand depending on the catchment area). These legislative bodies meet two to four times a year in order to (a) discuss and approve draft bills and proposals, (b) elect representatives to the basic people's committees (the local executive), and (c) to choose a delegate to the General People's Congress (a quasi-parliament). Voting at the basic people's congresses is by an open show of hands. In 1998 such congresses and committees were also established at the regional level: the *sha'biyat* are made up of representatives of the basic people's congresses and from professional bodies and labor unions, and also send delegates to the General People's Congress (GPC) whose task is to pass on the decisions of the lower levels and turn them into laws and political strategies. The GPC also elects a seven- or eight-member General Secretariat, whose chairman is the nominal head of state, and the members of the government, known as secretaries of the General People's Committee (in 2007 there were seventeen, the number varies from year to year). In reality, however, the ministers are appointed by Qadhafi.

In theory all legislation must pass through the direct democratic process, whether it is prepared from below or fed in from above. But the government and the ministries have the possibility to pass decrees on specific issues, which regularly causes tensions between the government and the GPC. To what extent these and other dynamics of the direct democratic process are or could be escaping Qadhafi's full control is unclear.

In March 2008 the revolutionary leader announced fundamental changes to the existing structures including the abolition of almost all the ministries.[c] However, similar pronouncements in the past have usually been only partially implemented or withdrawn again after only a short time.

The Revolutionary Structures and the Security Apparatus

Decision-making processes at all levels are influenced and controlled by members of the revolutionary structures. To start with, the policy speeches and ideas of the revolutionary leader set the agenda of the basic people's congresses and dictate important government decisions. The position and function of Mu'ammar al-Qadhafi is symptomatic for the many irregularities in the Libyan system. The self-appointed revolutionary leader—unelected and impossible to vote out of office—has no official position in the direct democratic institutions that formally govern Libya. Yet, he commands the military and

forces and is the leader of the revolutionary institutions. This paradoxical status is reflected in the term "Brother Leader" often used by the Libyan media to refer to Qadhafi.

The revolutionary committees, which were founded in 1977 to promote revolutionary values and possess no formal function in the political system, manipulate the direct democratic process, for example by exerting massive pressure on persons with diverging opinions.[d] They also keep tabs on all areas of society and intervene in the justice system and elsewhere. Sensitive security matters are entrusted to the People's Guard, which Qadhafi created during the 1990s and is loyal to him, rather than the conscript army.[e]

The structures of the labyrinthine Libyan security apparatus are largely impenetrable to outside observers. What is known is that a series of figures from various security services, including Musa Kusa, the head of the foreign intelligence service, have great influence on Qadhafi's decisions. In 2007 three of Qadhafi's revolutionary comrades (and members of the former Revolutionary Command Council) held leading positions in the security apparatus.[f] At least since the 1990s the security apparatus has been in a phase of "primordialization," keeping key posts within the Qadhafi family and within the Qadadfa tribe.[g]

Tribal Structures

Libya is a society where tribes still play a decisive role. Although initially Qadhafi set out to combat tribalism, over the years it has become one of his most important political tools; he has succeeded in integrating the most influential tribes in his system by providing them with material privileges and posts. Qadhafi formalized this process in 1994 with the founding of the People's Social Leadership Committees, consisting of tribal leaders and prominent individuals, through which he exercises social control and organizes the distribution of privileges and funds. This capacity to redistribute resources, which is based in the rentier nature of the Libyan oil-economy, is a decisive element for the smooth functioning of this highly personalized and only loosely institutionalized system of power.[h]

a For further detail on the Green Book and the development of the Libyan system since 1969 see Hanspeter Mattes, *Bilanz der libyschen Revolution: Drei Dekaden politischer Herrschaft Mu'ammar al-Qadhafis*, Wuquf-Kurzanalysen 11–12 (Hamburg, September 2001); Amal Obeidi, "Elitenstruktur in Libyen: neue Institutionen und aufstrebende Eliten," in *Elitenwandel in der arabischen Welt und Iran*, ed. Volker Perthes, SWP-Studie 41/2002 (Berlin: Stiftung Wissenschaft und Politik, December 2002), 65–77; Dirk Vandewalle, *A History of Modern Libya* (Cambridge, 2006), 97–138.

b A series of partially contradictory documents such as the 1969 Constitutional Proclamation and the 1977 "Declaration on the Establishment of the Authority of the People," which also declared the Koran to be the "source of leadership," function as a quasi-constitution.

c BBC Monitoring Global Newsline: Middle East Political, March 3, 2008.

d *In the Country of Men* by Libyan novelist Hisham Matar (London, 2006) paints a vivid picture of the climate of terror propagated by the revolutionary committees, especially during the 1980s.

e For further detail see Luis Martinez, *The Libyan Paradox* (London, 2007), 70–81.

f The Commander-in-Chief of the Armed Forces Abu Bakr Yunis, his deputy al-Khuweldi al-Humeidi, and security chief Mustafa al-Kharrubi.

g John Barger, "From Qadhafi to Qadadfa: Kinship, Political Continuity, and the Libyan Succession," *The Journal of Libyan Studies* 2, no. 1 (summer 2001): 24–38.

h For further detail on rentier systems see Hazem Beblawi, "The Rentier State in the Arab World," in *The Arab State*, ed. Giacomo Luciani (Berkeley et al., 1990), 85–98.

worked on drafting a constitution, but all so far have been stymied by the same points, which include the question of the purpose of the revolutionary committees and whether and how the role of revolutionary leader should be codified.[22]

Press Freedom and Human Rights

Since the Libyans gained largely free access to information via the internet and satellite television at the end of the 1990s, the regime has been faced with a number of problems. Firstly, the major pan-Arabic stations like *al-Jazeera* offer Libyan dissidents a platform and report unflatteringly on conditions in the country. Secondly, foreign electronic media bring Libyans generally into contact with a more analytical and critical style of reporting. Libyan newspapers increasingly often publish articles about press freedom—albeit on a rather abstract plane and without mentioning Libya explicitly. In combination with admonitions by international human rights and press organizations all this seems to be bringing a certain pressure to bear on the ruling elites. Saif al-Islam declared in 2006 that in the future Libyans would no longer have to be satisfied with three poorly made newspapers that they were sick of.[23] In 2007 he kept his promise and launched a private television station and two "independent" newspapers with a more up-to-date visual design. In terms of content they distinguish themselves from the state-run media above all through relentless exposure of certain scandals in the state bureaucracy and in the government. But regime-critical circles complain that Saif al-Islam is monopolizing the private media in exactly the same way as his father does with the state-run sector, while at the same time attempting to conceal the fact.[24]

The greater flow of information into and out of Libya made possible by the internet and the attempt by sections of the ruling elite since the diplomatic normalization of 2003 to present a positive image of the regime abroad have also had consequences for the human rights situation. In 2004—whether out of conviction or calculation or both—Saif al-Islam allowed Amnesty International (AI) back into the country for the first time in almost two decades. In 2003 he launched an anti-torture campaign, in 2005 pushed for a proper investigation of the murder of an opposition journalist, and in 2006 and 2007 spoke increasingly often of the need for an independent judiciary. Along with the locally researched reports of AI and Human Rights Watch these campaigns have not only increased transparency in relation to human rights violations against Libyans and (illegal) migrants but also increased the international pressure to punish them. They have also had an impact within Libya itself. Growing numbers of relatives of Libyans who were in all likelihood abducted and murdered by the state during the 1980s and 1990s have won themselves a public hearing and are demanding that the courts investigate their cases (during the brutal suppression of a 1996 revolt in the Abu-Salim prison alone more than one thousand prisoners are said to have been shot dead).[25] Increased international attention also plays a role in attenuating the climate of fear a little by putting the regime under a certain degree of pressure to justify its actions.[26]

Opposition Groups

Libya's unarmed opposition can be divided into four groups, none of which were able to organize (openly) within the country as of 2007. Pro-democracy individuals who break taboos by publicly criticizing not only the system but also Qadhafi himself represent a small and numerically insignificant group. Their activities generally lead to imprisonment. The best example is Libya's most prominent political prisoner, Fathi al-Jahmi, who has been detained almost uninterruptedly since 2002.[27] While posing no danger to the regime, the attention these opposition figures attract from international human rights organizations presents a certain irritation to the regime.

22 Interviews, Tripoli, November 2006.
23 Speech of August 20, 2006 (see note 12).
24 *Jeel Libya*, August 26, 2007; *Al-Jazeera.net*, October 30, 2007.

25 For example *Libya al-Youm* (London), May 27, 2007.
26 One senior official told the author: "What has changed since the normalization of diplomatic relations is that we have less fear of being picked up on the street and disappearing without trace, because our leaders are deterred by the many questions that would lead to" (interview, Tripoli, November 2006).
27 Al-Jahmi, an engineer and former senior civil servant, was arrested for calling for free elections, a free press, and the abolition of the Green Book at a Basic People's Congress meeting. In 2004 he was released temporarily following the intervention of a US senator (*Washington Post*, November 16, 2006), but shortly thereafter detained again after calling Qadhafi a dictator on various pan-Arab television stations.

The second group is the strongly fragmented opposition in exile, most prominently the National Front for the Salvation of Libya (NFSL), under whose auspices the Muslim Brotherhood also operated for a time during the 1990s. A congress held by these opposition groups in 2005 (which the Muslim Brotherhood boycotted) made a rather feeble impression. In the face of Qadhafi's grip on power their demands for his resignation, a transitional government, free elections, and respect for human rights had a rather utopian air to them. These actors represent a problem for the Libyan leadership to the extent that they systematically publish information about developments within Libya that the government otherwise keeps secret or presents in a distorted form.

A third group—strictly speaking not a political opposition at all—are ethnic minorities such as the Tuareg, who make up 10 to 20 percent of the population (estimates vary) and suffer discrimination. For example, until 2007 they were not permitted to use non-Arabic names. For the moment Libya's minorities are not very politicized, but unrest among the Toubou in the south of the country was reported in November 2007.[28]

The biggest headache for the regime is plainly caused by the fourth group, the Islamist opposition. By the early 1970s resistance to what was seen as heretical in Qadhafi's idiosyncratic interpretation of Islam was already springing up among Islamic scholars within and outside Libya.[29] During the 1980s, when the country was going through a deep socioeconomic crisis largely caused by falling oil prices and the revolutionary committees were increasingly terrorizing the population, a militant Islamist movement sprang up. In the mid-1980s Islamist students committed the first arson attacks on state buildings (including various state-run supermarkets); executions of activists soon followed. Violent clashes between militant Islamists and security forces reached a new high at the end of the 1980s. Between 1995 and 1998 there were regular guerilla attacks by armed groups, primarily in the east of the country, in addition to an unsuccessful Islamist attempt to assassinate Qadhafi. The regime responded with massive violence and collective punishments. To this day, Islamist activities are repressed. This includes those of actors like the Libyan branch of the Muslim Brotherhood, who have renounced violence.

According to Libyan sociologists and political scientists the Muslim Brotherhood is the country's most relevant Islamist current today. Libyan academics report that the number of students praying and wearing beards at the universities has increased noticeably and that the Muslim Brothers are gaining support especially in student milieus. In spring 2006 more than eighty leading members of the Brotherhood were released after eight years in prison. One of Qadhafi's legal advisers commented this with: "We arrested them because the Muslim Brotherhood was growing in strength. But when their leaders were in prison they grew stronger still, so it seemed to us to make more sense to set them free."[30] When Saif al-Islam railed against (imaginary) secular opponents of *shari'a* in Libya in a speech broadcast by Libyan television in 2007 and described the abolition of the punishments laid down in the *shari'a* as inconceivable, an uncrossable red line, then this was probably largely to gain support in the Islamist milieu.[31]

Economy and Standard of Living

Libya's per capita GDP in 2006 ($12,848; purchasing power parity) was considerably higher than its neighbors Algeria (2006 $7,747) or Egypt (2006 $4,895).[32] And with fifty-sixth place of the 177 countries in the United Nations' 2007 Human Development Index (HDI) it was considerably ahead of all its neighbors. But the Libyan example illustrates very well how perceptions are often more important than real (or statistical) facts. Young Libyans in particular feel that their standard of living is low and compare less with adjacent countries than with the Gulf states (here too satellite television plays an important role).[33] A com-

28 *BBC Monitoring Global Newsline: Middle East Political*, November 17, 2007.

29 For a more detailed account see Hanspeter Mattes, *Qadhafi und die islamistische Opposition in Libyen: Zum Verlauf eines Konflikts*, Mitteilungen des Deutschen Orient-Instituts 51 (Hamburg, 1995), 9–17.

30 Interview, Tripoli, November 2006.

31 In personal status law the principles of the *shari'a* are applied, and in 1994 *shari'a* punishments were extended to a range of legal offenses; on the partial Islamization of the law see Hanspeter Mattes, "Libyen – staatliche Religionspolitik im Dienste der Septemberrevolution," in *Staatliche Religionspolitik in Nordafrika/Nahost: Ein Instrument für modernisierende Reformen?* ed. Sigrid Faath (Hamburg, 2007), 123ff.

32 IMF, *World Economic Outlook Database October 2007 Edition*, www.imf.org/external/pubs/ft/weo/2007/02/weodata/index.aspx (accessed December 17, 2007).

33 Interviews with young people and with Libyan sociologists researching the attitudes of young Libyans, Tripoli,

mon argument of young Libyans is that with its high oil revenues, large foreign currency reserves, and a small population their country should really look like Dubai if the money was not disappearing into the pockets of corrupt elites. One Libyan joke suggests that in its post-2003 inspections the International Atomic Energy Agency found no weapons of mass destruction but simply mass destruction.[34]

The visual appearance of Libyan cities and their urban infrastructure do indeed come as a surprise. Although one does not find the poverty of rural Morocco or the shabby suburbs of Algeria or Morocco, by external appearances no visitor to the capital Tripoli could imagine that he was in an oil-rich country with a very low foreign debt and currency reserves of more than $65 billion (mid-2007): not a whiff of the architectural splendor of the Gulf states, nor of their shopping and entertainment facilities.

The Libyan leadership had suggested to the population that the diplomatic opening would also offer economic opportunities. That is now increasingly rebounding as a problem because living conditions for the majority of the approximately six million Libyans have not so far noticeably improved. This is not least because Libyan real wages fell steadily until 2006 partly because the level of state salaries was frozen from 1981 to 2007 at an average of $110–120. Recent high oil prices have increased the pressure on the regime to raise wages and expand state welfare services.[35]

The general dissatisfaction with state welfare services and economic developments is obvious and also finds expression in letters to newspapers, in the complaints section of the government website, and on other regime-linked websites. At least a part of these complaints can also be interpreted as covert criticism of the regime and the system. The health service in particular, which is in a desolate condition due to serious mismanagement, comes under fire on a daily basis.[36] That is one reason why it was so important for the regime to find scapegoats for the infection of hundreds of children with HIV in a Benghazi hospital. Especially in the field of welfare Libya is facing an array of interlinked problems whose socially explosive potential makes solving them a matter of urgency. Some of the most important are outlined in the following.

Demography and Structural Reforms

Today Libya has one of the youngest populations in the Arab world. One Libyan in three is younger than fifteen, and on average every woman gives birth to 3.0 children.[37] Consequently the existing problem of youth unemployment will worsen dramatically unless a large number of new jobs can be created and foreign workers replaced with Libyans (estimates of the overall unemployment rate vary between 30 and 65 percent).[38] It will only be possible to create new jobs if progress is made with liberalizing and above all diversifying the Libyan economy—specifically if other branches that have longer-term prospects of growth and international competitiveness can also prosper alongside the relatively labor-unintensive hydrocarbon sector.[39] One indication of how far there is still to go to reach this goal is provided by the American Heritage Foundation's competitiveness index. In 2007 Libya occupied 155th place among 157 countries investigated.[40]

For a "Libyanization" of the labor market, education and establishing a new work ethos are key elements. Most Libyans still assume that the state will take care of them, by paying them either directly for work (about one million Libyans are state employees) or indirectly by granting them a pension through formal or informal channels. Foreign firms are increasingly required to employ Libyans, but fail to find enough qualified staff.[41] The Libyan education system

November 2006.

34 Pargeter, "Libya: Reforming the Impossible" (see note 19), 220.

35 IMF, *Libya 2006 Article IV Consultation* (see note 7), 3.

36 After the Qadhafi al-Youm website in August 2006 published a report about corruption and neglect of patients in a hospital in Benghazi the health ministry felt compelled to appoint a commission of inquiry. Problems in the health service—such as shortages of personnel and medicines are caused by poor administration and corruption, and by the decentralized organization of the health service and the lack of a national controlling instance; see also World Health Organization (WHO), *Country Cooperation Strategy for WHO and the Libyan Arab Jamahiriya, 2005–2009* (Cairo, 2006).

37 United Nations Development Programme (UNDP), ed., *Human Development Report 2007: Fighting Climate Change: Human Solidarity in a Divided World* (New York, 2007), 229–32.

38 The Economist Intelligence Unit, ed., *Country Profile Libya* (London, 2007), 34; *MEED*, February 16–22, 2007.

39 The Libyan economy is one of the world's least diversified; IMF, *Libya 2006 Article IV Consultation* (see note 7), 4.

40 The Heritage Foundation and The Wall Street Journal, eds., *Index of Economic Freedom 2007: The Link between Economic Opportunity and Prosperity* (Washington, DC, et al., 2007), 9–13.

41 *MEED*, February 16–22, 2007.

has achieved the great feat of reducing the illiteracy rate (which on independence was about 80 percent for men) to under 16 percent in the population as a whole. Yet, the years of isolation combined with a ban on teaching foreign languages that remained in force until just a few years ago means that young Libyans possess no foreign language skills, have a very one-sided general education, command very little international expertise, and shy away from thinking for themselves.[42]

Young Libyans, in addition to jobs, need an attractive sociocultural environment in a broader sense. The latter is particularly relevant given that young Libyans have more money than their Arab neighbors but even after the end of diplomatic isolation there is very little entertainment such as cinemas or concerts. Matters are further complicated by Libyan tribal society's ideas about gender roles, which are conservative even in comparison to other Maghreb countries. Despite Qadhafi's relatively open attitude in this respect, few women are seen at public events. Yet, living the "traditional way" is becoming ever more difficult because of material obstacles to starting a family. Weddings are traditionally very expensive and affordable housing has become scarce. Hence, there is a growing frustration among young Libyans.[43]

According to Libyan sociologists the term *faragh* (emptiness) is widely used among youngsters and drug and alcohol consumption as well as violence are increasing.[44] If the state leadership does not soon succeed in creating economic and sociocultural perspectives for the young generations it will in the future be confronted with similar problems to its neighbors Egypt and Algeria: social tensions, religious extremism, the desire to emigrate,[45] criminality, and drugs.

Corruption

The widespread corruption is one of the few politically sensitive issues that has been discussed in public for years in Libya. But all of Qadhafi's declarations of war on the "fat cats" and around half a dozen anti-corruption laws and decrees have so far had little effect. The many articles and complaints on government and opposition websites suggest a massive level of popular anger over the extent of corruption. This was also reflected in the Tobruk Declaration of 2006, in which fifty-three Libyans put their names to a request to the revolutionary leader to be allowed to set up an NGO to fight against corruption within the administration. This was a courageous step not only because independent organizations are banned by law, but also because naming names in the corruption debate can be perilous. Before he was murdered in 2005, journalist Daif al-Ghazal had threatened to publish documents incriminating figures in the state apparatus.

In 2007 Libya occupied position 131 out of 179 in Transparency International's Global Corruption Perceptions Index, which was worse than the year before (105 out of 163) and the worst placing of any Arab state.[46] This is not really surprising given that the Libyan system is simply built on corruption: Qadhafi's practice of distributing posts and privileges through informal channels such as tribal and revolutionary structures has led to the rise of intricate networks of patronage. Many state services are available only through bribery, and it is even said that Libyans can influence their personal rate of taxation through bribery.[47] Foreign firms are generally unable to conclude contracts without paying bribes to intermediaries,[48] and there is practically no separation

42 Libyan libraries are so poorly provided that university professors often have no choice but to bring books from abroad and translate them into Arabic themselves (interviews, Tripoli 2006).

43 A concert by British popstar Bob Geldof organized by Saif al-Islam in Benghazi in August 2007 ended in a riot. The concert had to be abandoned and Geldof nearly lost all his equipment. It is unclear whether the revolutionary committees actively incited the youth to rebel against Saif al-Islam or the import of Western culture. Whatever motives were in play, the event certainly demonstrated the considerable explosive potential among youth in Benghazi; *Menas Libya Focus*, 2007, no. 9:3–4.

44 For further detail see Nadim Chedli, "Les jeunes en Libye," *Maghreb-Machrek* (Paris), no. 171–172 (January–June 2001): 90–99.

45 It is still the case that most Libyans who travel to Europe for personal or professional reasons return home again (unlike their Maghreb neighbors). This is also one of the reasons why close to 90 percent of the visa applications received by the German embassy in Tripoli in 2006 were successful.

46 In the same year the IMF mentioned that most of the government's financial operations appear nowhere in the budget; IMF, *Libya 2006 Article IV Consultation* (see note 7), 16.

47 Pargeter, "Libya: Reforming the Impossible" (see note 19), 232.

48 Discussions with numerous businesspeople operating in Libya, held in Algiers, January 2006; Tripoli, November 2006;

between private interests and public office. For example members of the Qadhafi family exercise functions in the security apparatus and at the same time in the private sector. The dividing line between the formal and informal sectors has also become blurred since sanctions and the public sector wage freeze caused the parallel economy to flourish.[49] Corruption is even rife within the official anti-corruption bodies.[50]

Migrants

According to official Libyan estimates there were about six hundred thousand legal foreign workers in the country in 2006, most of them from North Africa and the neighboring Sahel region. The government estimates the number of illegal labor migrants and war refugees, who come largely from sub-Saharan Africa, at between one and 1.2 million, whereby it is unclear how many of these migrants regard Libya merely as a transit country on their way to Europe. Until a few years ago Qadhafi was explicitly encouraging Africans to enter Libya, promising them easier access to residence and work permits than other foreigners. However, the social, political, and economic problems these migrants have come to pose for the Libyan leadership should not be underestimated.

Firstly, Qadhafi's rhetoric of pan-African brotherhood is in no way echoed in Libya's "Arab street." Racism is rampant, and the dominant perception in society is that migrants are to blame for all the current grievances, such as criminality, drug consumption, decline of moral standards, and prostitution. And official Libya is increasingly singing the same tune. At the EU-Africa Ministerial Conference on Migration and Development in Tripoli in 2006 the hosts distributed a brochure listing the crimes committed by migrants.[51] As youth unemployment grows, so does Libyans' aggravation over the employment of non-Libyans. Attacks on migrants occur regularly, although not on the scale of 2000 when about fifty migrants were murdered in anti-African riots.

Secondly, the Libyan government faces twofold external pressure in the migration question. European governments expect Libya to help stem the flow of migration across the Mediterranean. At the same time international human rights organizations point out Libya's gross violations of illegal migrants' rights.[52] So on the migration question Libya is being asked to square the circle: it should combat migration but without committing any human rights violations in the process, and it must appease the anti-African mood of the population without too obviously contradicting Qadhafi's pan-Africanist rhetoric.

Security

The security situation in Libya in 2007 was better than in its neighboring states Egypt and Algeria. The 1990s, by contrast, had been a decade of bloody confrontations between Islamists and security forces. From 2000 to 2005 was a period of calm in terms of security—apart from occasional arrests of radical Islamists with supposed connections to international terrorist networks. Still, in June 2006 rumors circulated about coup preparations in the security forces and related arrests.[53] Furthermore, in 2006 and 2007 there were repeated anti-regime disturbances and growing signs of renewed activity by armed Islamists in the east of the country. This part of Libya has been systematically neglected by Tripoli and in the 1990s was subject to collective punishments, such as subsidy cuts, imposed in response to the Islamist leanings of the population there.

Violent Islamist Groups

In August 2007 in a speech to thousands of young Libyans Saif al-Islam told those who felt a calling to martyrdom to go to al-Anbar or al-Ramadi (in Iraq) or to Palestine, adding "we will all support you". But, he

Berlin, May and November 2007.

49 For further detail see Martinez, *The Libyan Paradox* (see note 6), 14ff.

50 Libya Human and Political Development Forum, ed., *Libya Human Development Report 2004*, www.libyaforum.org/index.php?option=com_content&task=view&id=3422&Itemid=186 (accessed December 17, 2007).

51 The brochure was entitled *Efforts of the Great Jamahiriya in Dealing with Illegal Migration Problem* [sic], Tripoli 2006.

52 They call on the EU to urge Libya to ratify the 1951 UN Refugee Convention, to pass an asylum law, and to permit the UN refugee agency UNHCR to carry out its functions unhindered in Libya. For further detail see Human Rights Watch, ed., *Libya—Stemming the Flow: Abuses against Migrants, Asylum Seekers and Refugees* (New York, September 2006) (vol. 18, no. 5[E]), 40.

53 *Menas Libya Focus*, 2006, no. 7:3–4.

said, anyone who came to Libya and blew themselves up would go not to paradise but to hell.[54] This was a clear indication of the regime's growing nervousness about the activities of armed Islamists. Following a longer period of inactivity, summer 2007 saw renewed clashes between armed Islamists and security forces in Darna and Benghazi—both former strongholds of the militant Islamists in eastern Libya—that were reported to have caused deaths on both sides. In a television interview Saif al-Islam confirmed the death of three police officers.[55] The reported merger in late 2007 between the Libyan Islamic Fighting Group (LIFG) and al-Qaida could further exacerbate the Islamist threat.[56] Founded in the mid-1990s, the LIFG became Libya's strongest armed group.

The recruitment potential for international jihadism in the country is demonstrated by the number of Libyans captured in Iraq, which is considerable in relation to the population. According to a report in the *New York Times* in November 2007, Libyans accounted for 18 percent of the seven hundred foreign fighters (most of whom had entered Iraq via Syria since August 2006) whose details were contained in a list found by the Americans in Iraq. Various militant Libyans have also been killed or captured in 2007 in Algeria, where the largest armed group has for some time been following a strategy of "pan-Maghrebization" and renamed itself "al-Qaida in the Islamic Maghreb" in early 2007.[57] One clear indication of Libya's panic about the infiltration of internationally networked jihadists was the plan in early 2007 to introduce entry visas for all visitors from the Maghreb countries, which was subsequently partly rescinded following protests from the neighboring states.[58]

Anti-Regime Disturbances

The riots in Benghazi in February 2006 were the biggest for years in Libya. A rally against the Danish Mohammed cartoons and their reproduction on the T-shirt of an Italian government minister—in the course of which the Italian consulate was ransacked—turned into an anti-regime protest with demonstrators setting fire to offices of the revolutionary committees and destroying state symbols and emblems of sovereignty, including portraits of Qadhafi. At least a dozen protestors were shot dead by security forces. In other cities in 2006 and 2007 acts of sabotage or small demonstrations against the regime were observed too. In 2006 well-informed foreign sources also reported anti-regime leaflets being distributed in the city of al-Bayda and elsewhere. Foreign diplomats regularly witnessed stone-throwing at official Libyan government vehicles—but not at their official cars. Opposition websites reported anti-regime disturbances by young people during Ramadan in downtown Tripoli in October 2007.[59] It is unclear to what extent the frustration that is expressed in such events has political causes in the narrow sense or whether it is rooted in the socioeconomic situation.

54 Speech of August 20, 2007 (see note 12).
55 *Menas Libya Focus*, 2007, no. 8:5.
56 *Al-Hayat* (London), November 4, 2007.
57 *El Watan* (Algiers), May 13, 2007; *Jeel Libya*, October 26, 2007.
58 Interview with Libyan Foreign Minister Abd al-Rahman Shalgam on al-Jazira, *BBC Monitoring Global Newsline: Middle East Political*, February 5, 2007.
59 *Libya al-Moustaqbal*, October 13, 2007; *Oea* (Tripoli), October 15, 2007.

Adaptation Strategies and their Limits

The Libyan government is responding to the current challenges with great activism, creating an initial impression of a country trying to make a fresh start. However, given the contradictory nature of individual political measures it would be bold to attribute a clearly recognizable and focused strategy to Qadhafi. There are signs of both the "divide and rule" and the "carrot and stick" approach, but given the confusing signals from the state leadership these could also simply be the outcome of tactical maneuvering in a context of power and policy struggles. The revolutionary leader's habit of making concessions alternately to the old guard and the reform camp fuels the power struggles.[60] It is unclear to what extent he has the knock-on developments under control.

The instruments of power at the revolutionary leader's disposal are not very different from those available to the authoritarian rulers of other Arab states.[61] They range from small and symbolic liberalization moves and strategic distribution of oil revenues through cooptation, rhetorically taking over opposition issues, patronage, populism, charisma, and propaganda to meticulous surveillance of the population and massive repression and intimidation.

What is specific to Libya is the instrument of permanent uncertainty. This state of affairs is not only produced by the security apparatus. It is also a consequence of arbitrary application of laws, of confusing signals from Qadhafi's inner circle, of the absence of clear rules, and of the "permanent institutional revolution"— the continuous reorganization of state structures. The result is institutional and institutionalized chaos. A prime example of this is Qadhafi's call at the beginning of March 2008 for all ministries—with the exception of a few strategic ministries such as the Defense and Foreign Ministries—and the entire national bureaucracy to be dissolved and their responsibilities transferred to popular self-organization at the local level.[62] A similar announcement in 2000 had led merely to the temporary abolition of ministries.[63] Scarcely a year passes without five or more ministries being created or dissolved. The communication of institutional and legislative reforms is also poor or contradictory. It can happen, as in March 2007, that reports circulate of a new law that the General People's Congress then claims was never passed.[64] The impression created is that one hand of the system (in this case the "parliament") has no idea what the other (the government) is doing, or that the two institutions are working against one another. Ultimately, few Libyans know what rules are being played at any given time and which institution is responsible for what.[65]

For the past four or five years the mechanisms of power have included a kind of "good cop/bad cop" division of roles between Mu'ammar Qadhafi and his son Saif al-Islam. In August 2006 Saif unveiled his development agenda "Together for tomorrow's Libya," which exercised criticism of existing structures in almost every field of policy.[66] A few days later his father responded with a speech gushing with praise for the revolution and the "Libya of yesterday" and calling for the destruction of its enemies.[67] Saif does not and cannot act completely independently, and this is also reflected in the way his role is not clearly defined and alternates between that of a radical critic of the system, a government ombudsman, and a

60 When in 2007 Qadhafi appointed Omar Ishkal as the leader of the revolutionary committees (rather than Saif's candidate Abdullah Othman, director of the Green Book Research Center) this was a clear concession to the hardliners.

61 See the various country examples in Volker Perthes, ed., *Arab Elites: Negotiating the Politics of Change* (Boulder and London, 2004).

62 *BBC Monitoring Global Newsline: Middle East Political*, March 3, 2008.

63 In 2000 thirteen of the eighteen ministries were abolished and their powers transferred to the regional level, to the General People's Congress, and to new non-ministerial institutions.

64 In this case it was not a law at all, but an ad hoc decision of the interior ministry (revoked just a few days later) to ban Libyan women under the age of forty from travelling abroad without a male guardian. It was rumoured that the decision was prompted by a young Libyan woman's "drinking binge" in a bar in Cairo.

65 In interviews even leading Libyan politicians and administrators had their difficulties explaining the role of their own institution and how the political process works.

66 *Ma'an min adschl Libya al-ghadd* (see note 12).

67 For excerpts from the speech see *BBC Monitoring Global Newsline: Middle East Political*, August 31, 2006.

mediator for his father's interests. Saif al-Islam has never expressed criticism of his father, instead repeatedly emphasizing that Mu'ammar al-Qadhafi's status is non-negotiable: "The leader you cannot change. You can change everything except the leader because he is a leader."[68]

Regardless of the state of the father/son relationship and the way their division of roles is regulated, there is no doubt that the emergence of Saif al-Islam and his reform agenda on the political stage has exposed more clearly the internal contradictions of the Libyan system. The increasing power and policy struggles have further curtailed the regime's already limited capacity to act consistently, to implement reforms, and to find real solutions to problems rather than just sweeping them under the carpet. In 2007 the limits to adaptation strategies became apparent in almost all fields of policy.

Legitimacy and Rule of Law: Two Steps forward, two Steps Back

In the judicial system Qadhafi gave a highly symbolic positive signal at the beginning of 2006 with the abolition of the notorious people's courts, which was intended for both the domestic and the international audience. But not much more than one year later, in August 2007, the Supreme Judicial Council created a new judicial instrument for suppressing independent political currents by founding a state security court.[69] Whether this was a concession to hardliners or a move of which Qadhafi himself was convinced is ultimately irrelevant: it demonstrates the difficulty the regime has freeing itself from the old style of rule.

This is also reflected in dealings with the opposition. On the one hand the revolutionary leader follows a strategy of cooptation and for several years has been calling on opponents in exile to return home where, he assures them, they need have no fear of reprisals, and promising the return of confiscated properties. But on the other, several critics of the regime have been arrested on their return, including the prominent dissident Idriss Boufayed who was accused, together with a dozen others, of having planned a peaceful demonstration. In Libya a "crime" punishable by death.

It is anyway questionable whether the cooptation strategy is sustainable, and whether it can guarantee stability and substitute for reforms. The regime has for the moment largely succeeded in drawing the Muslim Brotherhood onto its side. In 2004 they began calling for national reconciliation and since the release and rehabilitation of their leaders in 2006 they have been explicitly, if not uncritically, supporting the course of Saif al-Islam.[70] With no sign of system change coming from outside those opposition circles that seek structural change using political means place their hopes on Saif al-Islam largely because he appears to be the best option on offer within the system. However, more recent statements from the Brotherhood express clear impatience and suggest that Saif al-Islam promises a lot but has less desire or ability to deliver.[71] In order to steal the Muslim Brotherhood's thunder Qadhafi has pursued a strategy of partial Islamization of legislation since the 1990s. In the long term this could well backfire and strengthen the Muslim Brotherhood instead.[72]

The current efforts on the part of both the reformers and the old guard to make the political structures more credible, more legitimate, and more efficient seem especially paradoxical and consequently unlikely to succeed. Whereas Saif al-Islam identifies structural deficits in the existing system, the old guard sees the problem not in the system but in a population that fails to properly understand and use the system—a line of argument that has also been used by Qadhafi.[73] The reform camp around Saif al-Islam urges a simplification of the existing structures and institutional continuity and stability.[74]

68 Quoted in "Saif Gaddafi's Vision for Libya," *BBC News Online*, November 16, 2004, http://news.bbc.co.uk/2/hi/africa/4014147.stm (accessed December 17, 2007).

69 The new court is to prosecute violations of the 1972 law criminalizing the formation of any kind of political association.

70 *Al-Hayat* (London), August 23, 2007.

71 For instance in an interview with one of the most important leaders of the Libyan Muslim Brotherhood living in exile that was broadcast by al-Jazira on August 21, 2007; *Mideast-Wire.com*, August 23, 2007.

72 On partial Islamization see Mattes, "Libyen – staatliche Religionspolitik" (see note 31), 123ff.

73 In June 2003 Mu'ammar Qadhafi declared in a speech to the General People's Congress that he was only in theory responsible for the system; everything that now happened, he said, was "your responsibility, you have created this state," adding that he was now satisfied "to observe you"; Claude, "Kadhafi à Canossa?" (see note 3), 179.

74 To draw up a blueprint for more effective institutions—under the existing framework of direct democracy—he put together a team of regime-critical academics. Yet, even the participants were unsure to what extent Saif al-Islam enjoyed Qadhafi's support for this project or whether it was merely

That wish is completely contradicted by pronouncements by the revolutionary leader such as the one of March 2008 to abolish most of the ministries and cabinet posts and channel oil revenues directly to needy sections of the population. Of course, such initiatives, which also include the plans announced in January 2006 to create thirty thousand additional local congresses, are generally only implemented in part or are quickly reversed again.[75] But they do have an impact in the sense that they increase the institutional and institutionalized chaos and curb the already slow pace of political decision-making processes.

Economy and Welfare: Too Little too Late?

It is no coincidence that Saif al-Islam's development agenda concentrates primarily on market reforms, introducing modern technologies, and social infrastructure, for it is designed to satisfy the popular expectations that had been released by the diplomatic opening and subsequently disappointed . Qadhafi was already paving the way for a turn away from a socialist planned economy in 1988 with his *infitah* (open door policy).[76] But laws that were very radical in theory, such as liberalizing foreign trade, were not—or only partially—implemented. The age of the market dawned in Libya only shortly before the diplomatic opening with manifest and rather symbolic acts, such as the appointment of a US-trained economist and economic reformer, Shukri Ghanem, as prime minister in 2003.[77]

To date the reforms in the economy and welfare system have lacked a clear line. On the one hand there are moves to strengthen the Libyan entrepreneurial spirit, the small private sector outside the oil and gas business and to restructure the labor market. This includes financial incentives for Libyan civil servants to make themselves self-employed and the announcement in winter 2007 that one third of the state employees, more than three hundred thousand people, were to be made redundant (although with their wages and salaries paid for a period of three years and offers of training and low-interest loans). On the other hand, the massive (re)expansion of the state welfare function demonstrates that the Libyan leadership continues to rely on broad distribution of revenues from the booming oil exports to solve its socioeconomic problems. The government planned to increase state spending by 50 percent in 2007,[78] with public sector wages rising by 80 percent.

The signals to foreign investors are similarly contradictory. Easy infrastructure improvements such as modernizing the banking and payments system still contrast with an astonishing level of legal uncertainty. Liberalization measures get reversed;[79] laws and decrees are often very temporary and are only announced at the last minute. A good example of this occurred at Tripoli airport on November 11, 2007, when the authorities refused entry to hundreds of foreigners because that morning a new decree had come into force that made an Arabic translation of the traveler's passport a condition of entry. Apparently this decision had been taken in a hurry and not even the airport authorities were properly informed.[80]

A certain degree of decisiveness can be identified in the "Libyanization" of the labor market and the associated policy toward migrants. Since the beginning of 2007 visas have been required for most African states, and in summer 2007 the government reduced the number of residence permits for Egyptian migrant workers following clashes between Egyptians and Libyans. According to official Libyan sources, more than forty-eight thousand migrants were expelled between January and November 2006 because they were in the country without valid documents, and international human rights organizations report that about sixty thousand illegal migrants are held in camps. However, there must be doubt as to whether many young Libyans will be willing to take the low-wage jobs done by Arab and African migrant workers.

being used to test the possible responses to reforms. They were also uncertain whether Saif had the power to protect them if needed; interviews, Tripoli, November 2006.

75 The goal of this measure was probably not only to increase the political legitimacy of the direct democratic process but also to increase the pressure to participate and the granularity of control by creating units of only about one hundred citizens.

76 Dirk Vandewalle, *Libya since Independence: Oil and State-Building* (Ithaca and London, 1998), 142–68.

77 However, in 2006 Shukri Ghanem was replaced by the less reform-oriented al-Mahmoudi and appointed chairman of the National Oil Company instead.

78 IMF, *Libya 2006 Article IV Consultation* (see note 7), 3.

79 In 2006 for example the General People's Congress passed a law requiring a Libyan minimum stake of 35 percent in any foreign direct investments outside the oil sector.

80 *Neue Zürcher Zeitung*, November 12, 2007.

Increasingly, many Western firms are being urged to employ Libyans.[81] But qualified Libyan staff with foreign language skills are extremely hard to come by. At the beginning of 2008 it was not yet possible to assess whether and to what extent Saif al-Islam would be able to realize his ambitious plans for an education system tailored to the needs of the Libyan labor market. But it is to be feared that his highly publicized campaign to propel Libya's youth into the communication age overnight by providing every Libyan child with a laptop will fail to address the real need, which is for solid training and basic skills.

In the economic and welfare sectors many plans are started but little is carried through. Michael Porter, the Harvard economist commissioned by Qadhafi in 2005 to prepare a study on the development of the Libyan economy made it clear after publication of his report that political changes represented a precondition for the proposed economic reforms.[82] But, he said, the required changes were being blocked by "a senior leadership layer,"[83] by which he probably alluded to hardliners and corrupt government officials. Qadhafi declared war on the latter yet again in 2006, but he has repeatedly set back the deadline for all government officials to reveal their assets and income (originally the end of 2006). If Qadhafi pursues the anti-corruption campaigns only half-heartedly and fails to set a consistent reform course, one reason is probably that he prefers not to incur the wrath of important supporters of the regime—or cannot afford to.

Security: Externalizing the Problem?

Qadhafi in the 1990s responded to the rise of Islamist sympathies in the conscript army and to coup attempts by officers from other tribes by restructuring his complex security apparatus, further fragmenting it by creating special units loyal to him personally, such as the People's Guard. Today almost all the key positions in the security apparatus are occupied by close relatives or members of his Qadadfa tribe.[84] In dealing with supporters of the armed opposition, which largely comprises the LIFG, the regime is currently following a dual strategy. The first and most important component is a policy of zero tolerance. In this respect the events of September 11, 2001, were a blessing in disguise for the Libyan leadership, because they gave its repressive strategy international legitimacy and offered the Libyans the opportunity to cooperate with Western security services even before the formal process of lifting the multilateral sanctions began in 2004.[85] The severe repression could be one reason why such large numbers of militant Islamists leave Libya and go to Iraq. According to a report in the *New York Times* in November 2007, based on official sources in the US Army, between August 2006 and fall 2007 fifty young men from a single Libyan town (Darnah) went to Iraq. It is difficult to imagine that the Libyan security services have been unaware of the radicalization of such a large number of young men. However, they appear to refrain from using all means at their disposal to prevent radical Islamists from leaving the country.

The second part of the strategy is to divide the LIFG through a dialogue with its imprisoned former fighters and to co-opt the prisoners by making concessions. Following an uprising by Islamist prisoners in the notorious Abu-Salim prison in October 2006 where one died and several were injured, Saif al-Islam announced that he would begin negotiating with LIFG members. In January 2007 about sixty imprisoned former members were released, although none of the LIFG's leaders were among them.[86]

Although this dual strategy has so far been successful, the danger of armed insurrection has not been banished in the long term. One indicator is the increase in—generally unofficial—reports of clashes with armed Islamists in the east of the country. And there is

81 For example when it is indicated that a visa for a foreign worker can only be issued if a Libyan is employed at the same time (these often being the offspring of the elites); interviews with Western employers and diplomats, Tripoli, November 2006.

82 Excerpts from the only partially published Porter Report are available at www.libya-watanona.com/news/n2006/apr/n02apr6a.pdf (accessed December 17, 2007).

83 *Menas Libya Focus*, 2006, no. 2:3.

84 John Barger, "From Qadhafi to Qadadfa: Kinship, Political Continuity, and the Libyan Succession," *The Journal of Libyan Studies* 2, no. 1 (summer 2001): 24–38; Hanspeter Mattes, "Challenges to Security Sector Governance in the Middle East: The Libyan Case," Working Paper 144 (Geneva: Geneva Center for the Democratic Control of Armed Forces, August 2004), 2–20.

85 Back in October 2001 Musa Kusa, the head of Libya's foreign intelligence service, met with British officials to discuss the LIFG members living in London; Martinez, *The Libyan Paradox* (see note 6), 49.

86 Negotiations continue with the organization's former religious leader, who is still in detention.

always a possibility that at least a few of the fighters who went to Iraq will return some day.

Overall, however, the Libyan regime's security challenges seem to be a good deal smaller than its socioeconomic ones. But if the latter remain unresolved and the regime fails to rectify its legitimacy deficits in the medium term then it is probable that these will begin to produce greater security challenges, either in the form of widespread disturbances or increased activity by armed Islamists.

Perspectives: Where Is Libya Going?

Libya's current problems can ultimately not be solved without changes to the political structures. To reform these structures thoroughly—whether by permitting political parties or by establishing an effective dictatorship without direct democratic trimmings—would mean that Qadhafi admits the failure of his utopia of the people exercising power directly as laid out in his Green Book. That is not to be expected. Qadhafi may occasionally name Malaysia as a possible model for Libya in a speech.[87] Yet, his basic tenor has remained unchanged: he continues to praise the benefits of his Third Universal Theory and is not afraid to suggest that the United States should also adopt it.[88] His insistence on these ideas explains the lack of political will to lend coherence and clear direction to those reforms that have already been initiated. Political parties and truly independent civil society forces have no chance, because they contradict the direct exercise of power by the people as propagated by Qadhafi. In other words, as long as the "Brother Leader" (today aged sixty-six) remains at the helm there will be very narrow limits to reform in Libya.

The growing rifts within the political elite change little about the fundamental situation. With Qadhafi—to whom the old guard is loyal—there is a strong leader and master of machiavellian politicking presiding over two hostile camps. Furthermore, any niches in the domestic political scene are too small for a civil society or a business class independent of the regime to emerge. The civil society praised by Libyan functionaries largely comprises foundations run by the Qadhafi offspring, without a trace of genuine independence. Furthermore, social, economic, and political interests are articulated in tribal terms, and tribes undertake certain civil society functions, while at the same time preventing the formation of a real civil society.[89] That means that in Libya there is currently a lack of actors who in other parts of the world—in Latin America, Eastern Europe, or even elsewhere in the Arab world—would be able to profit from division with a regime and force a political opening, even if only to establish a more pluralist and competitive authoritarianism of the kind existing in Algeria for example.

Internal Libyan reform efforts will probably not be able to fulfill their true potential and transform the nature of the Libyan system until the post-Qadhafi era. Radical breaks such as a democratization process for example are not to be expected, for a number of reasons that are described below. But even in the event that Mu'ammar Qadhafi were to remain head of state for another two decades European decision-makers would be well advised to prepare not for stagnation but for spectacular—but not necessarily coherent—domestic and foreign policy moves. Not only because the revolutionary leader is always good for a surprise, but also because the struggle for the succession is already in full swing.

Succession: Two or Three Sons in the Starting Blocks

Western observers are not the only ones to anxiously raise the question of what might come after Qadhafi.[90] Even opposition-minded Libyans intimate that although they might wish to see Qadhafi gone, at the same time they paradoxically hope that he lives a long time because so far there is no sign of a robust arrangement for the succession and there is great fear of a power vacuum.[91] Worries of this kind are aroused by the increasing power squabbles among Qadhafi's sons, which the revolutionary leader appears to actively encourage. The West and large parts of the Libyan opposition abroad believe it is more or less a done deal that Saif al-Islam will inherit his father's mantle and establish a dynasty of his own.

87 Pargeter, "Libya: Reforming the Impossible" (see note 19), 220.

88 *BBC Monitoring Global Newsline: Middle East Political*, August 31, 2004.

89 John Barger, "After Qadhafi: Prospects for Political Party Formation and Democratisation in Libya," *Journal of North African Studies* 4, no. 1 (spring 1999): 62–77.

90 It is impossible to judge whether persistent rumors that Qadhafi's health is ailing have any basis in truth or are merely the wishful thinking of his adversaries; *Jeune Afrique*, September 9–15, 2007, 88.

91 Interviews in Tripoli, November 2006.

Saif al-Islam operates at home as a kind of informal super-minister for development, is given more important diplomatic responsibilities than the current serving prime or foreign ministers, enjoys the support of Musa Kusa, the powerful head of the foreign intelligence service, and appears to be the current favorite. But at the same time his brothers al-Sa'adi, Hannibal, and especially Mu'tasim should not be written off too soon. They have all completed a military education and—unlike Saif—command a power base in the security apparatus: Mu'tasim commands the Presidential Guard and a brigade of his own. But neither of them has so far drawn attention as a political reformer (see Box 2: "Mu'ammar al-Qadhafi's Children" on page 27).

Mu'tasim in particular is being given increasingly important responsibilities by his father and enjoys a growing media presence. He sits on the new National Security Council (created in 2006) which oversees all the security forces. In September 2007 it was Mu'tasim rather than Saif al-Islam who traveled with the Libyan delegation to the United Nations General Assembly and met with Condoleezza Rice and other senior American officials. Nor should it be forgotten that Qadhafi has granted considerable powers to a number of cousins and nephews, most prominently Ahmed Ibrahim and Ahmed and Sayyid Muhammad Qaddaf ad-Dam.

At the moment there are several conceivable scenarios for the succession. A violent take-over by the most relevant opposition movement, the Muslim Brotherhood, can be practically excluded in the short to medium term—unless the oil price were to fall dramatically and fail to recover for several years, in which case the regime would lose its ability to redistribute resources and there would be room for a broad protest movement to form, as in Algeria at the end of the 1980s. However there must be doubt over the extent to which such a movement would be able to crack open the tribal loyalties that are so strong in Libya. In certain scenarios Islamists who are willing to cooperate with certain currents within the regime might be integrated into the system. But fundamentally the succession is likely to be negotiated or fought out among the current regime elites.

Firstly, it is possible that the father will establish one of his sons as his successor during his lifetime.[92] If this takes place over a longer period, and the chosen son controls the security apparatus and also has a hand on the other important source of power, the oil and gas sector, a transition could initially take place relatively smoothly. But if—and this represents a *second* scenario—a named successor is not yet anchored in the power apparatus and proves unable to draw at least his most important rivals and the most influential tribes onto his side through a share of power and access to state resources then power struggles could break out within the ruling elites and these might turn out to be bloody. Here it is quite conceivable that different political visions for the future of the country would cease to play a role any more and instead family and tribal loyalties would come to the fore. The Qadadfa tribe would certainly have good prospects of staying on top, because its members hold the key positions in the security apparatus. However, longer (and violent) conflicts within the Qadhafi family and the Qadadfa tribe over participation in power and resources cannot be excluded either. Such conflicts might weaken the tribe, but it would appear unlikely that it would completely lose its predominance.

If Qadhafi were to die without a clear succession, the power struggles within the elites described in the second scenario could break out too. Or—and this is the *third* scenario—the most influential figures in the regime, first and foremost the sons and cousins, the leadership of the security forces, and the most important tribal leaders, might agree on a consensus candidate or a collective leadership. Here the sole motivation would be to ensure that opposition movements and elites that had previously been excluded from power (above all the Muslim Brotherhood) and marginalized tribes (there is a certain overlap between the two) did not step in and successfully demand a share of power.

In all the scenarios with the exception of the first, the regime's stability will be less than today and struggles within the regime, were they to continue for longer, would impact negatively on the state's stability. Civil war of the kind observed today in Iraq is unlikely to occur in Libya. The population is confessionally homogeneous (with about 97 percent Sunnis), the ethnic minorities are fragmented and (for the moment) relatively unpoliticized, and the state's capacity to distribute resources is comparatively strong in the medium term. Furthermore all the currently influen-

92 In fall 2007 rumors appeared on opposition websites that Qadhafi wanted to make Saif prime minister and Mu'tasim head of security. However, there is no indication that the two brothers are especially close, not that they wished to cooperate as closely as this arrangement would have required.

Box 2
Mu'ammar al-Qadhafi's Children

Setting aside the many generally unverifiable rumors circulating in Tripoli as well as articles in the Western yellow press, little credible information exists about most of the Qadhafi offspring. Even dates of birth are subject to doubt.

Mohammed al-Qadhafi (born 1970) is from Qadhafi's first marriage to an officer's daughter. Studied information science and now heads the state postal and telephone company. He also heads both Libyan cellphone companies, Libyanna and Al-Madar. No political ambitions or functions to date.

Saif al-Islam al-Qadhafi (born 1972), eldest son from Qadhafi's second marriage to a nurse (Safia Farkash). Studied architecture in Tripoli and management at a private university in Vienna, and in 2002 began studying for a doctorate at the London School of Economics. Founded in 1999 the formally independent "Gaddafi Development Foundation", as whose president he exercises several functions: quasi-minister for development and vanguard of the Libyan reformers, ombudsman and critic of the regime, and informal intermediary assisting foreign governments and (oil) companies in communicating with his father and Libyan officials. Also owns various holdings and companies that are very active in trade, investment and the media. Regarded in 2007 at home and abroad as the most likely candidate for Qadhafi's succession.[a]

Sa'adi Mu'ammar al-Qadhafi (born 1973) attended the Libyan military academy and holds the rank of colonel. Headed the elite brigades in the 1990s that bore the brunt of fighting with the Islamists and is said to have become commander of the special forces in 2006. Has played a role in important—but often murky—business deals (for example the sale of Tamoil) and in 2006 initiated a free trade zone in the west of the country. Since 2003 has been a member of various Italian professional soccer teams (Perugia, Udine, Genoa) but rarely played first-team matches. Thanks to his position in the military apparatus he has a power base within the security forces. During the 1990s he exercised diplomatic functions of the kind Saif al-Islam does now, but rarely does so today.

Mu'tasim Billah al-Qadhafi (born 1975) today commands the Presidential Guard following military education in Libya and Egypt. He is an adviser to the National Security Council or may even be its head (accounts diverge). Mu'tasim also commands a brigade of his own, which is reported to have drawn him into a conflict with his father that led him to flee Egypt for a time. Today he is close to the revolutionary committees. Since 2006 his father has given him increasingly important and also political responsibilities (for example meeting with American officials). In 2007 regarded as the most likely successor after Saif al-Islam.

Aisha al-Qadhafi (born 1976), Qadhafi's only biological daughter. Studied law in Tripoli and Paris, served on Saddam Hussein's defense team, and today heads a charity. Her officer husband is a cousin. Holds no (obvious) political ambitions, and to date no official political missions either.

Hannibal al-Qadhafi (born 1977), graduate of the Libyan military academy, is reported to have taken up a leading military position in the Benghazi region in 2007. Has attracted attention in Europe for his hedonistic lifestyle and violent episodes, including attacking his pregnant girlfriend in a Paris hotel. No official political functions to date.

Saif al-Arab al-Qadhafi (born 1979 or 1983, accounts diverge) studied in Munich and elsewhere. Little else is known of him, other than rumors and headlines concerning fights (for example in a Munich discotheque). No official or unofficial political functions to date.

Khamis al-Qadhafi (born 1980), about whom next to nothing is known. According to the little available information he is pursuing a career in the security apparatus, like Sa'adi and Mu'tasim. No official or unofficial political functions to date.

a Cf. Hanspeter Mattes, "Saif al-Islam al-Qaddafi," *Orient* 46, no. 1 (2005): 5–17.

tial tribes would have a lot to lose in terms of positions and privileges if they were not to proceed by consensus.

And it must be remembered that most members of the Libyan elite have learned to come to terms with the situation. Neither the old guard nor the reformers appear to hold a dominant position within the elite. Many members of the elite appear undecided, keeping their cards close to their chests and waiting to see how the game develops before revealing their hand.[93]

On the Way to a "Normal" Arab Autocracy?

Whoever gains the upper hand in a post-Qadhafi era, the Libyan system will be deemed to change. Of course it will be relevant for its future internal structures whether the reform supporters, reform blockers, a consensus candidate, or a collective leadership comes out on top. But in all of these versions Libya's institutional arrangements are likely to become more like other authoritarian Arab republics such as Syria, Algeria, or Tunisia—if for no other reason than because no successor will match Qadhafi's revolutionary and charismatic legitimacy and will have to compensate this in some other way. The successor will also stand under great pressure to develop successful strategies for dealing with socioeconomic challenges. Hence, one can assume that the cumbersome political structures will have to be adapted and that there will be a stronger institutionalization and formalization of the system. This would be the case even if the old guard won the day. It is unclear whether they would attempt the almost impossible task of making the direct democratic structures more efficient, or whether they would simply set up an authoritarian but more efficient parallel system. There are already signs of such a process today in the strategic oil sector.

In the not unlikely event of Saif al-Islam coming to power we are able to sketch out a relatively contoured picture of Libya's medium-term future, provided that Saif stays true to the essence of the reformist ideas he espouses today. One of the principles mentioned in the preamble to his agenda "Together for Tomorrow's Libya" is "From Mao's China to Lee Kuan Yew's Singapore"; another "From the revolution to the state, from the revolutionary to the national, from internationalism to Libya"; a third "From the revolution of April 7 [1973] to the education revolution"; and finally a fourth "From a ban on the English language to the teaching of English." If one also factors in statements from his speeches, for example that Libya needs more press freedom, political parties, and a business class and that he sees the Emirates as an economic model, Morocco as a political one,[94] one finds a vision of a well-governed free-market dynasty that is tied into global developments, permits more freedoms and a degree of political pluralism. In a Libya under Saif al-Islam we could expect a constitution and a minimum separation of powers to be established, institutions with clear competences and responsibilities to be set up, political parties to be allowed, and human rights to be respected a bit more. In other words, in the best case the country would turn from a closed authoritarian system into one of hegemonic electoral authoritarianism.[95]

It is extremely unlikely that a Libya under Saif al-Islam would turn out to be the scene of a real democratization process, something that has not really occurred in any Arab state. For one thing, Saif al-Islam places his faith in the paradigm of modernization, not democratization. All his plans focus on modernizing the economy and society. He mentions political reforms only where he sees them as a precondition for more efficiency, competition, and knowledge. Statements that there are no political prisoners in Libya and that the human rights situation is better than in Tunisia, Morocco, Jordan, or the United States give little grounds for confidence.[96] In fall 2007 Saif al-Islam accused Amnesty International of trying to weaken Libya by pursuing a political agenda.[97] As far as Saif is concerned, democracy ends where it starts to encroach on his father's role. Even if such comments could be interpreted as concessions to his father or his adversaries it would be naive to expect Saif al-Islam to undermine his own position through a sweeping political liberalization.

From another perspective the experience with political reform processes worldwide shows that these depend not only on individual political leaders. At least as important are social forces such as independ-

93 It is striking that in discussions leading Libyans, whether or not they hold official positions in the system, are generally hesitant to give an opinion on Saif's reform agenda, but are equally reticent about defending the current system.

94 *Die Presse* (Vienna), February 20, 2006.

95 For the characteristics of such systems see Larry Diamond, "Elections without Democracy: Thinking about Hybrid Regimes," *Journal of Democracy* 13, no. 2 (April 2002): 21–80.

96 Saif al-Islam, quoted from *Le Figaro*, December 8, 2007.

97 *Jeel Libya*, October 18, 2007.

ent trade unions, whose perception and comprehension of institutions are crucial. Libya is an absolutely traditional tribal society operating along informal and clientelist lines. Under these conditions neither modern institutions, nor a civil society, nor an independent business class can simply be conjured up out of thin air. Finally, it will take a very long time before the intellectual and social after-effects of several decades of international isolation under a "climate of fear" will have subsided.

What Kind of "Partner" for Europe?

The question of whether Europe should have dealings with a Libya that is not very willing to reform does not arise, because Europe has no choice. In 2007 Libya was Europe's most important non-European oil supplier after Russia. And as the second-largest North African country in terms of area, with an enormous investment backlog for creating infrastructure and modernizing its armed forces it represents an attractive export market for many European industries. Last but not least, Europe needs Libyan cooperation in stemming illegal migration and in the fight against terrorism.

In these respects Libya is a problematic and often unpredictable partner. Because of Europe's growing dependence on Libyan oil, the high oil price, and the good overall macroeconomic constellation Libya currently finds itself able to dictate the terms.[98] In July 2007, during the negotiations over the release of the Bulgarian nurses Tripoli wrung a series of concessions out of the EU Commission, some of them substantial.[99] On the other hand, human rights issues received not a word of mention in the Memorandum of Understanding on EU-Libyan relations signed at the time.

In contrast to all the other southern Mediterranean states, Libya has so far ignored the repeated European requests to join the Euro-Mediterranean Partnership (EMP), also known as the Barcelona Process. So far, Libya has only observer status in this process which shall be re-launched under the new name "Barcelona Process: Union for the Mediterranean" in July 2008. Libya has to date also refused to join the European Neighborhood Policy (ENP). Tripoli cites various official reasons for its rejection: Israel's membership in the EMP, the EMP undermining African unity, and the Barcelona Process involving cooperation between states that have nothing in common. However, in informal discussions it turns out that the regime in Tripoli takes umbrage above all at the political reform requirements that are linked to integration in these multilateral (Barcelona) or multi-bilateral (ENP) structures.[100] This explains why Libya initially reacted positively to President Sarkozy's idea of founding a Mediterranean Union:[101] after all this initiative in its original form envisioned project-based cooperation with no political conditionality attached to it. Libya's reluctance towards the existing cooperation frameworks has paid off, as the EU in 2007 accepted to start negotiations for a framework agreement with Libya outside the ENP and EMP.

With or without Qadhafi at the helm, in the short to medium term little is likely to change in Libya's decision to pursue cooperation rather than confrontation with the West. A confrontational foreign policy would drastically worsen the outlined internal challenges for the regime. Libya has its strong own interest in cooperation on the migration question and the fight against terrorism. In the Libyan foreign ministry there are a number of pragmatic individuals who are well aware that Libya will have to enter compromises if it is to get a grip on its problems. Here it is sometimes hinted that foreigners need not necessarily take all the speeches of the "Brother Leader" too literally.[102]

Because Libya's foreign policy is so closely tied to the revolutionary leader's personal whims and prestige, priorities in this field are likely to shift in a post-

98 Isabelle Werenfels, "Algerien und Libyen: Vom Tiersmondismus zur interessengeleiteten Außenpolitik," in *Petrostaaten: Außenpolitik im Zeichen von Öl*, ed. Enno Harks and Friedemann Müller (Baden-Baden, 2007), 79–107.

99 Including the promise to propose to the Council of Ministers that Libya be granted better access to EU markets for its agricultural and fishery products, and that the technology needed for monitoring Libya's land and sea borders to stem the flow of migration be supplied and funded in full; Memorandum of Understanding of July 23, 2007.

100 Firstly, in order to enter the negotiating process Libya must accept the principles of the Barcelona Declaration of 1995, including the strengthening of democracy and human rights; secondly all EMP association agreements contain an essential elements clause requiring democratization and observance of human rights; and thirdly the bilateral action plans concluded under the ENP with other Arab states contain concrete calls for reforms in fields such as freedom of association and human rights.

101 In a speech on Libyan foreign policy at the Green Book Research Center in Tripoli on September 17, 2007.

102 Interviews with Libyan diplomats in Libya and in European capital cities in 2006 and 2007.

Qadhafi era. If the old guard becomes the dominant power, Libyan foreign policy is likely to concentrate more strongly on the Arab world. In Africa, policy would likely be guided by the economic interests that are already paramount, but not in the form of ambitious political schemes for the whole continent or playing with fire by supporting political mavericks like Charles Taylor. Should Saif al-Islam one day rule the country, a stronger focus on the Mediterranean region and the United States can be expected. But to date Saif al-Islam has not expressed any great interest neither in the EMP or its new version, the Union for the Mediterranean, nor in the ENP. Consequently, Europe will have to adjust to a Libya that wishes to shape its relations with the EU on a bilateral path and will resist any external attempt to push for political reforms.

Recommendations

Great European expectations based on a substantial Libyan opening would be misplaced in the short to medium term. But European leaders could help to prepare the ground for such reforms in the long term: above all by meeting the Libyans' explicit wish for cooperation in the field of education. Beyond that European policy makers should strive to open up as many communication channels as possible with the Libyan civil service and with the scientific community. In particular, young Libyans should be brought to Europe through exchange programs (for teachers, students, and school students) and training programs (for example for journalists, or for justice, finance, and administrative officials). Experience with courses for Arab diplomats run by the German foreign ministry, in which Libyans have also participated, shows that such visits help to convey an understanding of the way a democratic state functions. Moreover, they create mutual trust and a basis for communication. In the case of Libya this is especially important because after decades of isolation and indoctrination there is often a lack of a shared language.

In security policy Europe would be well advised to keep Libya at arm's length. This applies in particular to cooperation with Libyan security forces in the fight against terrorism. Because Libya, like other Arab states, tends to label oppositionists as terrorists in order to justify their brutal treatment, European partners should attempt to draw their own picture of the opposition wherever possible. Given the human rights situation in Libya, extraditing terror suspects to Libya, as practiced by the UK, potentially represents a gross violation of human rights and should definitely be avoided.

A certain degree of caution is also advised on the issue of integrating Libya in European moves to combat migration. Libya's request for technological and military equipment to stem the flow of illegal migration should not be met until Tripoli satisfies international human rights standards for dealing with refugees. Furthermore, in the case of Libya the EU Commission should continue to abstain from proposing a mobility partnership. Such an arrangement would make it easier for Libyan citizens to migrate to Europe legally, but would also oblige Tripoli to do more to combat illegal migration to Europe. This would legitimize problematic measures and further inflame the already virulent anti-immigrant mood in the country.

The EU Commission and in particular the member states should also remember that they would be setting precedents and undermining the credibility of the multilateral Barcelona Process and of the multibilateral Neighborhood Policy among the other southern partner states if they were to accept Libya's request for special economic agreements. It would make much more sense for the framework agreement that the EU is seeking with Libya to be based as closely as possible on the association agreements and action plans concluded with other southern Mediterranean states.

Europe's credibility among Arab populations and regimes is always at risk when leading European politicians turn a blind eye to Libyan human rights violations. Now that the Bulgarian nurses have been released, the spotlight must be kept on the numerous political prisoners. Since the diplomatic opening at least some leading Libyans feel compelled to respond to critical reports about the mistreatment of oppositionists and the lack of press freedom. Hence, it is advisable for leading European politicians to begin to address these issues publicly. To that extent Qadhafi's official visit to France in December 2007 was educational and important—despite the unconditional embrace of Sarkozy. It set in motion the overdue public debate about finding the difficult balance between economic and energy policy interests and the observance of European values and principles.

Abbreviations

ABC	Atomic, biological, chemical
AI	Amnesty International
EMP	Euro-Mediterranean Partnership
ENP	European Neighborhood Policy
EU	European Union
FRIDE	Fundación para las Relaciones Internacionales y el Diálogo Exterior (Madrid)
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
HSFK	Hessische Stiftung Friedens- und Konfliktforschung (Frankfurt a.M.)
IMF	International Monetary Fund
LIFG	Libyan Islamic Fighting Group
MEED	Middle East Economic Digest
MENA	Middle East and North Africa
NFSL	National Front for the Salvation of Libya
NOC	National Oil Company
TI	Transparency International
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization