

**The Reconstruction of Libya
Local and International Constraints and Opportunities**

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In the struggle over Libya, as the fighting moves westward, the easy part is over. Whether or not Libya descends into a true civil war that would pit the western and eastern provinces of Tripolitania and Cyrenaica against each other is no longer a Libyan matter. Rather, it is in the hands of the international coalition forces that entered the fray in the wake of United National Security Resolution 1973.

With coalition support the rebels can resist Qadhafi's forces and--albeit more problematic--perhaps advance into Tripolitania and into Tripoli, displacing Qadhafi. This is what most western leaders want but are constrained to openly ask for in light of Resolution 1973. Without the coalition the rebels have very little chance of succeeding in the near future, the resulting stalemate effectively creating the conditions for civil war. If the struggle moves westward, the coalition's mandate to protect civilians becomes increasingly unclear if those civilians are Qadhafi supporters in Tripolitania who ask for no protection--or seek protection against the onslaught of rebel forces.

Assuming the outcome of the ongoing conflict in Libya means the removal of Qadhafi, the economic, social, and political challenges Libyans will face in its aftermath will be enormous. With virtually all modern state institutions having been eviscerated or neglected by the Qadhafi government, Libya will confront a simultaneous need to restructure its economy away from excessive reliance on the state and on hydrocarbon revenues; to come up with a political formula that is acceptable to a number of different players that have traditionally been antagonistic but that were held together artificially by the authoritarian policies of the Qadhafi government; and to create a system of law that serves its citizens equitably. All of this will need to be established in an oil economy that creates all kind of opportunities for different Libyans players--individuals, families, tribes, and provinces-- to pursue their own interests at the expense of whatever kind of new Libya may emerge.

Strictly speaking, what will be needed is not simply the re-construction of the political, social, legal and economic institutions of a Libya past, but in more significant ways the creation for the first time of the kinds of rules, mutual obligations, and checks-and-balances that mark modern states and how they

interact with their societies. In light of the traditional antagonisms between different tribal groups and between the different provinces and the lack of institutional frameworks to resolve differences, governance challenges in the post-Qadhafi period will be enormous.

The United States and the international community, therefore, should do all in their power to help create facts on the ground that alleviate those traditional tensions and faultlines. For all the sympathy the United States may currently feel for the opposition movement headed by the Interim National Council (INC), it should be cautious about unconditionally supporting it. The declaration the Council issued on 29 March 2011--"A Vision of a Democratic Libya"--contains all the buzzwords about democratic government and rule of law that appeal to an international community eager to see Qadhafi disappear, and to have any alternative take hold. But democracy usually only comes at the end of a process of institutionalization that creates precisely the institutional checks and balances Libya has never possessed. If the INC became the de facto government, it would be hard pressed to create them ex nihilo in the aftermath of the conflict.

Perhaps inevitable, the Interim National Council's declaration is a document that is more than anything aspirational. It contains, as yet, no clear true vision of how the opposition intends to bring the different sides together in a post-conflict situation; how it intends to deal with those who have supported the Qadhafi regime; how it envisions the creation of truly national and representative institutions that will serve Libya as a whole.

Despite the claims that it represents the entire country, the INC so far is national once more only in its aspirations. Only roughly 12 of its members are known. The remainder, claimed to geographically represent the rest of the country, are kept secret for alleged fear of retaliation by the Qadhafi government. Not surprising in light of Qadhafi's policies, none is a truly national figure who can command allegiance in all provinces and across all tribes.

Genuine support for Qadhafi has traditionally been stronger in Tripolitania. The country's long-standing checkered history between the two northern provinces harks back to the creation of the Kingdom of Libya in 1951 when Tripolitania, anxious for independence, resentfully agreed to be pushed together by the Great Powers into a single political entity ruled by the Sanusi monarchy with its roots in Cyrenaica. History could well repeat itself under the auspices of the international coalition--and the resentment within Tripolitania would be enormous if once more a government were foisted upon it either by a Cyrenaican-led rebel movement or through the support of the international community.

This does not mean of course that the Interim National Council could not eventually emerge as a unified political body that represents Libyan national interests. But the extraordinary support of the United States for the rebel cause should certainly allow us to press Council members much harder on some of these

unresolved questions that will determine how likely and feasible their vision truly is.

As the United States continues to find its way toward a long-term, coherent Libya policy, there are some guidelines about a possible involvement in the country's immediate future we may want to keep in mind. We should first of all realize that in a post-conflict Libya we will encounter a country that is not only torn and traumatized by multiple, deep-seated social and economic divisions--but also a country that will, as part of its historical legacies, be extremely reluctant to see any outside power establish a powerful presence.

How then should we deal with a post-Qadhafi Libya? How can the United States play a productive role in Libya's future without jeopardizing its standing among the different family, tribal, and provincial factions that will inevitably re-emerge in a country where Qadhafi violently suppressed all rivalries and divisions for over four decades?

There are in fact several areas where the United States possesses unique resources Libya will badly need once the fighting is halted. The reconstruction of Libya will need to be both integrated and systemic, interweaving various social, political, legal, and economic initiatives that can help prevent the kind of backsliding that disparate efforts at economic and legal reform or political liberalization if made in isolation often provoke.

Because of the evisceration of all political, legal, and social institutions under Qadhafi, Libya will be severely lacking in even the basic understandings of how modern, representative governments and the rule of law work. Our natural impulse will be to insist on elections, as soon as possible. But elections without the prerequisites for a modern democracy in place--and here Libya will be found profoundly deficient--are hollow and counter-productive. Libyans are unlikely to be impressed with calls for early elections in a country where justice and the most basic checks and balances to make a democratic system work are not yet in place. With its vast experience of political capacity building through a large number of government agencies, however, the United States is in a unique position to help create a sustainable network of civil, social, and political institutions that can build the foundations of a future, democratic Libya.

Furthermore, the economic reconstruction of Libya's economy after four decades of inefficient state management, cronyism, and widespread patronage could provide a sustained focus for United States expertise. Almost 95 percent of Libya's current income is derived from oil and natural gas. How the proceeds from this hydrocarbon-fueled economy are distributed will be seen as crucial by all sides. This will require a number of creative solutions to keep the country unified. The United States could be helpful in mediating and suggesting a number of ways out of the conundrums Libya will encounter in this regard--perhaps by suggesting a federal formula that provides incentives for the different provinces and tribes to

work together rather than go their own way. A more diversified and de-centralized economy will make the reappearance of a dictator less likely: it is precisely the unchecked centralization and spending of revenues in oil economies that often sustain authoritarian governments through intricate patronage systems managed from the center. A carefully balanced federal formula once more would prove immensely helpful in this regard.

In addition, the United States should be pro-active in helping establish or support those institutions, such as the International Criminal Court, that will hold the Qadhafi regime responsible and accountable for the crimes it has committed against its own citizens. But we could go even further. Since the settling of scores seems inevitable in Libya after decades of Qaddafi's deliberate divide-and-rule policies, the United States could help establish a Libyan version of the Truth and Reconciliation Commission that brought political opponents in South Africa to some kind of understanding. Libya is a tribal society; such societies have long memories, and forty years of Qadhafi's rule made some collaboration with the regime virtually unavoidable for almost everyone. In thinking about rebuilding Libya, any actor who can help prevent the settling of scores will be seen as a valuable interlocutor.

In conclusion, the challenges for the reconstruction of Libya will be enormous. For the first time since its independence in 1951, Libyans at the end of their war of attrition will be asked to create a modern state-- that provides checks and balances between its citizens and those who rule over them. Four decades of fragmentation of the country's society and the competition for the country's massive oil reserves will make a consensus around such a creation exceedingly difficult.

Once the euphoria over the future removal of Qadhafi wears off, the hard tasks of state-building within Libya lie ahead. In a political landscape where citizen loyalties were deliberately never aggregated at the national level, this road ahead will prove unsettling and uncertain. It will undoubtedly provide ample opportunities for those who want to obstruct that process.

To avoid this, the country will need substantial expertise that will help a post-Qaddafi Libya start to build a new, democratic state, to reform and develop its badly functioning economy, and to improve local democratic governance through a number of educational, economic, and political initiatives. Libya's survival as a unified country will not only depend on how its own citizens deal with its long-standing fissures but also on the careful planning of outside powers. The United States is uniquely situated to help Libyans address exactly those multiple, overlapping tasks, and, for the first time, create a political entity in Libya that all its citizens can truly subscribe to.