

**35** January  
2010

## Bedouinocratic Libya: Between Hereditary Succession and Reform

*Rachid Khechana* \*

There are two fundamental aspects to reform in Libya. The first is Colonel Muammar Gaddafi's passing of the country's leadership on to his son, Saif al-Islam, and the plan's potential ramifications; the second is the political line adopted by the latter, and the internal and external roles he has played in the past few years. Saif al-Islam is portrayed as the leader of the reform movement in contrast with the "conservatives" represented by the regime's old guard, in particular the Revolutionary Committees. The present paper examines the relationship between Saif al-Islam and various constituent elements of the Libyan opposition, and comes to the conclusion that the future leader is trying to forge a compromise based on normalization with the regime, in return for a change in the brutal way this regime deals with the opposition. He is also attempting to lay the foundations for an unprecedented dialogue format within the country, especially with the Libyan Islamic Fighting Group linked to al-Qaeda. It is interesting to compare the reformist movement's demands, especially in recent years, with Saif al-Islam's agenda, and examine the possible avenues of rapprochement between the two, especially after the succession process has been put in motion. The possibility of any rapprochement should also be viewed in light of Saif al-Islam's failure, between 2006 and 2008, to lay the proper foundations for a constitutional framework for the country. This is despite the positive response of various sectors of the opposition, both liberal and Islamist, who, encouraged by a number of media reforms, saw the possibility of achieving their demands with help from elements within the regime. However, once the succession plan became official and various elements of the *Jamahiriya* government pledged allegiance to Saif al-Islam, as head of both the executive and legislative authorities, the debate within Libya regarding the need to reform the governance system expanded, focusing mainly on the delineation of the General Coordinator of Popular Leaderships' prerogatives, making the constitution a necessary conduit. In the final analysis, however, it is Muammar Gaddafi who keeps a tight grip on both the reformist and conservative wings in the country.

\* Journalist, member of the PDP's direction.

## Son of the Regime

Colonel Muammar Gaddafi passed the mantle of power on to his son, Saif al-Islam, by naming him the number two man in the country. Soon thereafter, various elements of the *Jamahiriya* pledged allegiance to Saif al-Islam as head of both the executive and legislative authorities and in his capacity as General Coordinator of Popular Leaderships. The stage for this current phase has been in the process of being set over the past ten years with the increasingly important role being granted to Saif al-Islam, especially since the lifting of international sanctions imposed on the country. This role was manifested in the dialogues that Saif al-Islam had personally undertaken with major Western capitals, especially with Washington, London, and Paris.

However, contrary to the Syrian model, the elder Gaddafi is keen to keep very close tabs on the succession process and to complete the transfer of power before his death, albeit keeping the reign of power firmly in his hands as long as he lives. The questions that pose themselves here are: what possible impact could the succession process have on the calls for reform, and what impact did the message of openness, sent by Saif al-Islam in recent years, have on making concessions in favour of the reform movement possible, especially in the media and human rights domains? These concessions have included destroying the fearsome Abu Sleem prison complex and allowing Human Rights Watch to publish its report on Libya from within the country itself, in the presence of former political prisoners.

Although the above steps could prepare the path for a future comprehensive reform programme, they could also be seen as a necessary condition for safe succession, namely securing a stable environment for the new ruler. However, what guarantee is there that all the democratic promises will

not evaporate into thin air once the new ruler gains control of the state apparatus, and the ruling clique re-establishes its control over the country's political and social life? This is precisely what made certain elements of the Libyan opposition who call for reform hesitate before pledging allegiance to Saif al-Islam.

Saif al-Islam, who is 37 years old, is Gaddafi's younger son from his second wife. He has never been elected to high executive office, neither in a public referendum nor a general election, and has instead followed in his father's footsteps by means of a bloodless coup that confounded groups within the Revolutionary Committees opposed to this move. Muammar Gaddafi has been preparing for this day since 1995, when he announced in a speech on April 30, 1996, that the Popular Social Command should replace the Revolutionary Command Council, which became obsolete in the late 1970s. He was even clearer than that in March 2, 2000, when he stated that there is nothing higher than the Popular Social Command: it consolidates the people's power and acts as an umbrella over the General Secretariat of the General People's Congress (parliament), the General People's Committee (government) and the security services, meaning that "the General Coordinator will one day become the Head of State."

In Libya, the Popular Commands refer to prominent tribal personalities and local society leaders selected to play the role of civil society, and whose decision-making powers are limited to resolving conflicts, as tribal chiefs traditionally do. Granting them a political role today creates a certain ambiguity in Saif al-Islam's role within the state establishment. With this step, Libya is moving closer to a key intersection on its political path, a path that consolidates the presence of two heads atop the pyramid: the

leader, who bestowed upon himself a global role, and the executive head, who is supposed to manage the country's internal affairs. This is a hitherto unprecedented formula. The presence of two leaders, with one emerging from under the shadow of the other, is worth reflecting upon given the country's non-monarchic system. It poses a series of questions, the most important of which are: does Saif al-Islam have a reform agenda designed to fight corruption, draft a constitution, alter the political regime, and allow individual freedoms in the country? And will he have the appropriate tools of governance to execute such a programme? In other words, will his father relinquish power to allow his son to establish a pluralistic system in the country? And finally, will the Libyan elite accept a quid pro quo arrangement, whereby they would accept the succession plan in return for partnership in a process that leads the country to a civilian and pluralistic governance system that would eventually lead to democracy?

Saif al-Islam has worked on two parallel fronts: improving Libya's relations with Western capitals, and raising the banner of internal reforms. On the first front, he succeeded in positioning himself as the favourite interlocutor of major Western countries and succeeded, through the Gaddafi International Charity and Development Foundation which he heads, in solving the Lockerbie issue that justified imposing international sanctions on Libya for seven years (1992-1999). He also succeeded in reaching a similar solution to the issue of the French aircraft that blew up over Niger, and played a key role in releasing the six Bulgarian nurses jailed alongside a Palestinian doctor in Libya. He took part in the negotiations that led to the release, by the Scottish government, of Abdel-Basem al-Migrahi who served several years in jail over the Lockerbie incident, and helped open Libyan oil and gas fields to international investments. All of the above culminated in a total normalisation of

political and economic relations with Western capitals, including the reopening of the American Embassy in Libya that had remained closed for over twenty years.

With this, Saif al-Islam has become the trusted man of the West, which saw his accession to the highest echelons of power as an opportunity to put the country on the path towards reform and modernisation, a view reinforced by an image gradually taking root of the regime's reformist wing involved in a bitter struggle with the "old guard." This image was formed thanks to the initiatives that Saif al-Islam had launched and that the government of Shukri Ghanem, one of the proponents of openness, had implemented before his deposition and replacement by al-Baghdadi al-Mahmoudi, a conservative bureaucrat.

Despite the ongoing confrontation between the reformists and conservatives (which the elder Gaddafi always harboured inside his tent), Saif al-Islam has achieved undeniable successes in the field, successes that changed the political scene in Libya in a manner that could not have been even imagined in the 1990s. In the media domain, he established the Al-Ghad Media Group that launched two daily newspapers, *Oya* and *Korina* in Tripoli and Benghazi (the historic names of the two cities), thus liberating public opinion and the elite from the hold of the mass-oriented media, itself a bad copy of Soviet media. The Al-Ghad Group also launched the satellite channel Al-Libiya that succeeded in attracting a far larger number of viewers inside Libya than Al-Jamahiriya, the country's official channel. It also established the first private news agency in the country, thus ending the four-decade long monopoly of the only official agency, Al-Jamahiriya, over the mass media. The Al-Ghad Group also played a key role in the return of Arab and international newspapers to Libyan kiosks, after an absence of more than twenty years.

In the human rights domain, the Gaddafi International Charity and Development Foundation, launched an initiative to settle the issue of the approximately 1,200 prisoners executed in the Abu Sleem prison complex in 2006. It paid financial reparations to 598 families, with another amount pending delivery to 596 additional families. The move coincided with the destruction of Abu Sleem, an event that many lawyers, human rights activists, and victims' families saw as an attempt to cover-up the crime and protect those who committed the atrocity, some of whom still hold state positions. It is rumoured that the legal advisor to the Supreme Court Mohammad Bashir al-Khaddar, charged with investigating the incident, succeeded in gathering all available information and intends to call witnesses and victims' families to testify. However, the move that provoked the widest debate was the dialogue that Saif al-Islam launched two years ago with the Jihadist Islamist current represented by the imprisoned leadership of the Islamist Fighting Group, a dialogue that culminated in the release of the Groups' prisoners in return for an undertaking to abandon all violence and armed action against the regime.

### **The Constitution's Centrality**

This two-pronged effort- improving human right conditions and consolidating pluralism in the media- emanated from a central idea in Saif al-Islam's mind, and within the wing he leads, to return Libya to a constitutional setup within the context of the *Jamihiriya* style of government, in existence since 1977. The centrality of the constitutional idea was made clear in Saif al-Islam's doctoral thesis, entitled "The Role of Civil Society in the Democratisation of Global Governance Institutions: From Soft Power to Collective Decision Making?" (428 pages). Officially, the younger Gaddafi spent four years researching his thesis at the London School of Economics (LSE), though he was in fact also engaged in the

negotiations that led the Scottish government to release Abdel-Baset al-Migrahi. Although Saif al-Islam also played a role in opening Libyan oil and gas fields to international investments, more important were the reformist ideas contained in his thesis. He called for more democracy throughout the world, starting his thesis by stating: "I shall be primarily concerned with what I argue is the central failing of the current system of global governance in the new global environment: that it is highly undemocratic." Therefore, he added, he sought to "analyse the problem of how to create more just and democratic global governing institutions," focusing on the importance of "civil society's role." Saif al-Islam argued that the introduction of elected representatives of non-governmental organisations (NGOs) to parliament creates a more democratic global government, and that there were "strong moral reasons to explore reform of the World Trade Organisation," because power is currently concentrated among a few northern states. Saif al-Islam sought the help of experts and consultants to carry out a survey of NGO leaders, which provided the data used in his thesis. The survey found that 91% of respondents believed that there is a "democratic deficit" in intergovernmental institutions, while 85% believed that NGO participation would lead to better decision-making. Based on that, he writes, "Citizens in undemocratic states emphasise that they are not represented in the decision-making process of the IGO (intergovernmental organisation)... even if their governments are represented in some capacity, because their governments are authoritarian, abusive and unrepresentative of their people's real interests." He referred to the United States of America as the "new Leviathan," and said that the "behaviour of the Bush Administration does not invalidate the liberal view that we can build meaningful international rule by law and institutions based on expectations and reciprocal obligations." He ends his thesis by stating: "I believe that the evidence

presented in this thesis suggests that the collective decision-making approach has real potential and deserves further examination.”

It was from the above perspective that Saif al-Islam presented a vision of his reformist agenda for Libya, calling for a constitution based on the “First Statement of the Revolution,” in reference to the coup that brought his father to power. This implies that he intends to modernise the regime from within while relying on the principles founded by Gaddafi and his colleagues from the Free Officers, principles that remained merely ink on paper. Saif al-Islam blamed the lack of implementation on “shortcomings in applying the people’s power resulting in the hegemony of large tribes over government positions, at the expense of smaller tribes and groups, making it necessary to find a solution based on a constitution, or formula, that we can all agree on.”

In this context, he proposed that both the central bank and the media be independent from the government and called for an independent supreme court to which judges would be named for life. He referred to three issues that could pose a “threat to Libya and its national security.” The first is those who claim *jihad* and yet refrain from fighting in Iraq or Palestine, opting instead for bombing peaceful civilians, in reference to operations carried out by armed Libyan groups suspected of having links to al-Qaeda. The second is the illegal immigration of Africans to Libya on their way to Europe, which poses a dual security and social threat. The third threat, in his opinion, is “conspiring with foreign parties, whether beyond the borders or across the seas, against Libyan national unity,” in reference to Islamist and liberal opposition members who sought refuge in Europe and the United States and refuse to normalise relations with his father’s regime.

## Four Red Lines

Saif al-Islam delineated four red lines that should not be crossed by any development process seeking to implement the theory of “direct democracy and the people’s power” on which the Libyan political system is based. These are: application of the *Shari’a* Law, Libya’s security and stability, the country’s territorial integrity, and Muammar Gaddafi himself. He enumerated the above in a speech delivered in a gathering that brought together thousands of supporters in the city of Benghazi, on August 21, 2007, and added that the First Statement of the Revolution was the most important document for any constitution drafted in Libya. Moreover, he reaffirmed in that speech that “Libya will not follow the path of hereditary succession or revert back to the monarchy, nor do we want the return of dictatorship; this chapter is now over.” He went on, “We shall say now directly on air what we have already said before, so that the world will hear us: we are forging ahead to consolidate our present democratic system; we intend to apply and consolidate it in a better and more efficient manner.” Hereditary succession, however, was indeed further consolidated barely two years after this public denial.

It went further than that when Gaddafi, with one stroke of his pen, put an end to the entire debate that had brought life to Libya and energised it for almost two years on the hope that there would be a new constitution for the country. After Saif al-Islam confirmed in the summer of 2007 that “the next challenge is drafting a series of laws, whether we call them a constitution or set of references,” insisting that it is incumbent on the people to develop it and specify its details, and that “once it is approved by the people in its final form, it becomes the people’s own social contract and we will all abide by it,” the entire subject was shelved in a move explained as a “veto” by the old guard, represented by the Revolutionary Committees, namely the ruling party which

is the political arm of Colonel Gaddafi's regime.

Despite this, Saif al-Islam held on to his reformist agenda, a fact he revealed in a press interview in February 2009, in which he stated that "no force in or outside Libya could stand in the path of reform... because this is what the Libyan people want, and it is their will. Anyone who dares defy the Libyan people will be crushed and defeated, as well as anyone who plays an obstructive role, as happened yesterday when we heard that the prosecutor general ordered a number of arrests; this is something we reject, it is unacceptable and silly. Their end is already known, because the days when one could humiliate the Libyans, muzzle them, scare them, and violate the law are over, and there is no going back to that. Corrupt and evil people exist in all countries of the world; since we live on this earth such people exist in Libya as they do elsewhere." He went as far as to say that such corrupt people exist even within the Libyan state administration and occupy official positions, referring to the incident involving his assistant, lawyer and academic Jum'a 'Atiqa who no sooner had returned from exile than, in Saif al-Islam's own words, "a trumped up charge was concocted to silence him" (Mr. 'Atiqa was later released).

The ease with which the idea of drafting a new constitution for Libya was thwarted proved the vulnerability of the reformist wing led by Saif al-Islam, so much so that after this setback the latter announced his intention to leave Libya and live in Switzerland, and to devote his attention to setting up his own research centre. Moreover, Libya's open arms policy towards a number of opposition members who voiced their readiness to take the path of "more moderation" was accompanied by stricter security and legal measures against opposition members described as "extremists." Severe sentences were passed on elements accused of harming state

security for having merely attempted to demonstrate in Tripoli's Martyrs' Square to express their views and call for political and civil rights. The authorities also revoked the operating licence granted to the Adala Society for Human Rights, a public association under establishment that held its founding conference on February 25, 2009, and formed a preparatory committee made up of prominent private citizens, among whom were lawyers, media people, and academics. According to the daily *Libya al-Yaom* (Libya Today), the Government of Associations and Civil Action at the General People's Committee for Social Affairs (a ministry) blamed the decision to revoke Adala's licence, barely ten days after it was granted, on what it said was the non-conformity of the Society's basic law with laws in effect. There was a stranger explanation yet, namely that the association had not waited for the decision of the General People's Committee allowing it to operate, although the latter had agreed to license the Society without any reservations regarding its basic law, or any other objections. This is what prompted Libyan opposition organisations and legal associations abroad to renew their call to abolish "all laws that restrict freedoms and violate human rights" and dissolve the state security court. They also called for the release of all prisoners of conscience and political opposition members in Libyan jails and detention centres.

Saif al-Islam's shift from the country's external to internal affairs, after having resolved various pending foreign issues, posed the greatest challenge to him personally, in particular the formulation of conditions necessary for national reconciliation. This was especially so after the leaders of the Muslim Brotherhood in Libya, the Libyan Fighting Group, and the *ulemas* issued a declaration endorsing his reform agenda aiming at the establishment of a state of laws and institutions. Furthermore, they also invited all efforts to converge to make this possible. However,

many opposition figures who believed Saif al-Islam and returned home found themselves either in jail or severely hassled by the authorities, which prevented them from pursuing their activities for fear of being mistreated. This shows that Saif al-Islam's agenda is limited to reinventing and whitewashing the same political discourse, using the media empire he created and the Gaddafi International Charity and Development Foundation to do so, all the while leaving the dictatorial core of the regime intact. Oppression in Libya assumes particular characteristics emanating from the tribal nature of its society. Researchers and experts analysing Muammar Gaddafi's thoughts say that he is influenced by the ideas of French philosopher Jean-Jacques Rousseau (which he read in Arabic early on), particularly the philosopher's ideas concerning the people's power and the natural government, meaning that which is closest to nature. These ideas coincided with Gaddafi's own and those of his Bedouin peers, as they had sidelined the urban elements and quickly got rid of them during the revolution. According to Libyan affairs expert Tawfiq al-Manastiri, this is due to the fact that "the Bedouin understands neither the meaning of borders nor of positive law ... he usually escapes from the city and trusts only his fellow Bedouins." Manastiri goes on to say, "the building was built one stone at a time, and Gaddafi was the only theoretician during the entire first phase, before the present ones came along, like Rajab Boudabbous and Mahdi Imbirsh." Manastiri has described the Libyan regime as a *bedouinocracy* that is neither theocratic nor autocratic, nor any other model known in classical political sciences. Non-state conditions prevailed, with no president but a leader, no parties but People's Committees running the administration, and revolutionary committees that were the revolution. Later, the Control Boards were formed.

Based on the above, the governance system in Libya relies on three pillars, with roles distributed as follows:

-The administration, which is in the hands of the People's Committees. They are neither appointed nor elected but selected through a special election ("accession") process, and they in turn elect (select) the General People's Committee, which is in fact the government, a term they reject. The latter body chooses its own general secretary, i.e. the prime minister, and includes the municipalities since there are no mayors. Atop this pyramid lies the General People's Congress, often headed by Gaddafi himself until the 1980s, when others started assuming this role.

-The Revolutionary Committees, with an unknown process of selection or election of members. They govern but are not responsible for the functioning of different institutions, in the administrative sense of the term. They sometimes disagree with the People's Committees, even with the leader, forcing him to alter some of his views.

-The People's Control Board, formed recently due to disagreements between the Popular and Revolutionary Committees; little is known about their inner workings as well.

In this sense, governance ultimately rests in the hands of the leader, the army, and the tribes, who themselves are armed. Over the past four decades, however, Gaddafi's brothers-in-arms have started to gradually distance themselves from him, the most prominent among them being Abdel-Salam Jalloud who finally sought refuge amongst his tribe, just as Gaddafi himself is protected by his own. As long as the leader holds firmly onto the reins of power and refuses to share them with anyone, and as long as he believes that partisanship is tantamount to treason and independent civil society institutions are hiding places for spies, it will be difficult, in the foreseeable

future, to establish the conditions necessary for Saif al-Islam's reformist agenda to succeed. This is especially true given that the United States and the European Union do not believe that Libya's transition to democracy deserves a place of priority in their relations with this country, at least for now, lest they jeopardise the ongoing commercial competition to win more oil contracts and conclude more commercial deals.