Building a democratic state for the new Libya: A task list

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STEFAN WOLFF, AUG 26 2011

Building democratic states is a complex and challenging task at the best of times. After violent conflict this task is additionally complicated by the fact that peace needs to be secured, institutions need to be comprehensively reformed, if not built from scratch, civil society and political culture need to be reinvigorated, and economies need to be put back on a path to sustainable growth. All these tasks are urgent and success (and failure) across the state-building agenda mutually reinforcing.

Sustainable peace, democracy and prosperity depend crucially on choosing the right institutions, but these institutions cannot flourish unless there is security. For Libya, this means first and foremost putting an end to the current violence resulting from the resistance that the old regime is still offering. It also means ensuring that law and order are restored quickly, weapons collected, rebels demobilised and reintegrated without leaving the new transitional government defenceless. In the medium-term, a proper security sector reform needs to occur, establishing full democratic control over all armed and other security forces.

As the new government assumes responsibility for running the country, a functioning system of law and order needs to be established, including mechanisms to investigate and prosecute crimes committed by the Gaddafi regime and to ensure that justice is also accessible to those who came to harm during the revolution, regardless of who the perpetrators were. This will require a carefully balanced approach that is neither equivalent to wholesale criminalisation of former members and supporters of the regime nor offers a blanket amnesty for past crimes. As the National Transitional Council has already made clear, justice needs to enable reconciliation.

A stable, peaceful, democratic and prosperous Libya can only be built with international support, especially in the short-term. This will require financial and technical assistance, especially when it comes to rebuilding the economy, to formulate a sound economic and fiscal policy, restore sources of government revenue, and avoid long-term dependency on international aid. A secure environment and international assistance are crucial factors to rebuild public finances, create a climate in which economic growth can be fostered, and gradually enable states recovering from conflict to become less aid-dependent and provide a range of public services that, in turn, will contribute to greater legitimacy of their institutional framework. Libya's hydrocarbon wealth should make this task easier, but here, too, pitfalls exist. As the haggling over Iraq's oil and gas law has demonstrated, managing resource wealth and sharing it fairly are demanding tasks that require balancing local, national, and international individual, state and corporate interests.

State-building also requires nation-building, or more precisely establishing a vibrant civil society and a political and media culture that can sustain peace and democracy by promoting cooperation and trust between different segments of society. This process can be facilitated by international actors, but it needs to be organic and bottom-up if it is to succeed. It is important that political institutions are built with the input from all local and civil society actors, that institutions are built which enable civil society and media to develop and to shape the nature of the state that is being built in the long-term as well. The legitimacy of the state that now emerges in post-Gaddafi Libya will crucially depend on the ability of institutions to facilitate the growth of civil society and truly free and independent media.

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In the short-term, and beyond, however, the most crucial link is that between security and legitimacy. Any post-conflict state's capacity to provide security for its citizens determines its legitimacy. Vice versa the legitimacy the state has (in terms of elections, the participation of key stakeholders and elites in decision-making) conditions the degree to which security is seen by citizens as protecting them rather than a new regime. The new government will need to consider carefully its options: ensuring a broad-based transitional government, preparing elections in which all political actors committed to a political, democratic process can participate, and containing those forces within the country that are set to disrupt this process. This is unlikely to be a smooth process, but nonetheless one which can succeed if all actors agree to a set of basic principles of political conduct, enshrine them in institutions, and remain united against anyone violating this consensus.

Building a secure and stable, democratic and prosperous Libya will not be easy or quick to accomplish. If local leaders realise this, and make an effort to explain the complexity and length of the task ahead to their constituents, if the international community musters the resources, stamina, and enthusiasm to support Libya on its difficult road ahead, and if the institutions being built now establish inclusive, transparent and accountable government, Libya might well turn into a case of successful democratic state-building.

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Stefan Wolff is Professor of International Security at the University of Birmingham. He is a specialist in the management of contemporary security challenges and has extensively written on ethnic conflict, international conflict management and state-building. You can visit his website at http://www.stefanwolff.com/

About the author:

Stefan Wolff is Professor of International Security at the University of Birmingham, England, UK. He specialises in the management of contemporary international security challenges, especially in the prevention, management and settlement of ethnic conflicts and in post-conflict stabilisation and state-building in deeply divided and war-torn societies.