

Position Paper

Libya and Federalism: Past Contexts and Future Fates

Al Jazeera Centre for Studies



"I am pleased to announce to the good Libyan people the end of the federalist government structure and the start of comprehensive unity...This is a great national hope...and treasured wish...Unity is a new national goal ... it is a gratifying fruit of jihad."

This is how King Idris as-Senussi of Libya declared on 26th April 1963 the end of federalism after Prime Minister Mohieddin Fikini introduced a constitutional amendment passed by the House of Representatives and Senate and the legislatures of Libya's three states.

This marked the end of the federalism that divided the country into three states, reflecting a practical political and administrative reality in Libya after the allied victory in World War II (as Libya then was under British and French control which divided the country into the provinces of Cyrenaica, and Fezzan, and Tripolitania).

The debate on federalism has been revived, posing challenges that will affect the shape of the political future of the country including the lack of effective authority, Libya's post-war status, and the interaction of different national forces in the presence of foreign powers. Potential to overcome the challenges of transition and reconstruction is affected by the negative effects of Gaddafi's dictatorship and the lack of any political experience or institutions that would ensure the continuity of construction and its basic conditions. For example, the effective and emerging forces were previously united on the goal of overthrowing the regime. However, after the goal was achieved, differences between them arose in several issues relating to identity, national integration, democratisation and the political determinants of the new political system as a whole, including federalism. It is clear that there are strategic factors to the declaration of federalism at this time has strategic dimension, as it is happening in a territory stretching from the borders of Egypt in the east to the centre of the country in the west, and from the Mediterranean in the north to the border with Sudan and Chad to the south – where most of Libya's oil and gas resources are located.

The Battle of Legitimacy

Libyans were surprised by the Conference for the People of Cyrenaica held on 6 March 2012 in which an announcement was made declaring the establishment of Cyrenaica as part of a call for the revival of federalism and the constitution of 1951, ignoring the consensus of the National Transitional Council which was articulated in the vision document, the Libyan Interim Constitutional Declaration, and the Liberation Declaration. There has been a heated debate in an exchange of accusations, and there were frequent clashes between supporters and opponents of this call. Demonstrations erupted in almost all Libya's cities rejecting the idea in form and content, and there even were some casualties. Threats and accusations of treason escalated within a month of the declaration, until the Second Conference for the People of Cyrenaica on 17 April 2012, which declared the institutions of Cyrenaica (such as the Armed Forces, named the "Cyrenaica Defense Force" as used by Idris as-Senussi), and the formation of a constituent assembly in accordance with the constitution of 1951, rejecting the election law. All of this veritably ends the recognition of the authority of the National Transitional Council over the country.

Remarkably, the debate over federalism is not a reaction to economic needs or a matter of efficiency and effectiveness, or transparency and democracy. Rather, it is because federalism is the right representation of geographical affiliations and identities and a call against continuous marginalisation. Nonetheless, opponents base their attack on the threat to national unity. In order to understand the current developments, dimensions, and forces behind them and their significance to the political future of Libya, it seems that a return to the contemporary history of Libya is needed to answer the current questions.

The Province of Cyrenaica: *The Prince and The Game of Nations*

There were no economic or social reasons behind the adoption of federalism as system of government. The Senussi order had spread and gained supporters, and some of its elders played a prominent role in the war of independence against Italy. Idris as-Senussi had left for Egypt in 1922, leaving behind jihad and armed resistance to Italy. He had known ties to the British, with whom he worked until he managed on to establish the small "as-Senussi army" on 9 August 1940 to fight with Britain and initiate political negotiations that enabled him to return to Libya in 1944, after Britain's victory, and become the Emir of Cyrenaica. He acquired this status through the consent of Italian authorities in the Ar Rajmah Agreement on 20 October 1920 on power sharing in Cyrenaica; granting him the title of Emir of Cyrenaica and the hereditary rule in the territory including the two oases of Awjila and Jaghbub; but Italy later canceled the agreement in 1929. Once the British occupied large areas in Libya and gained control over Cyrenaica and Tripoli while France gained control over the south, as-Senussi's status was reinforced in the British administration that contributed to the expansion of his scope of powers. At the time, the fate of Libya was a subject of controversy in what was known as the United Nations Council of Libya, which included Britain, France, the United States, and other countries. Member states were divided between those that called for the division of Libya, its independence as a united state, or its declaration as a protectorate. Generally, the Libyan National Movement wanted full independence and rejected the idea of a protectorate. Libyans expressed these demands before United Nations committees sent for the purpose of exploring their views.

Due to the differences and failure to reach an agreement, the issue was voted on in the United Nations General Assembly, and the independence resolution was drafted. As-Senussi attempted to set conditions that would hinder agreement on the country's independence as a united state; national politicians were surprised to know that independence and unity were conditioned by accepting the Senussi hereditary monarchy against their demands of a republican regime, especially given that Libya was the first Arab republic to be declared on 16 November 1918 under the name "Tripolitanian Republic," with Al 'Aziziya as its capital.

It was critical, especially since the Emir, who was seeking the throne of the country and had external support, did not have much of a history of struggle. Confronting this strong rejection of monarchy, as-Senussi declared Cyrenaica an independent province on 11 October 1949 with the support of Britain. It was clear that this declaration was a provocative decision and even a pre-emptive move to end the debate over the system of government before it started; by making the choice between jeopardising independence and risking a civil war on one hand, and accepting monarchy as as-Senussi insisted on turning Cyrenaica into an independent state if other Libyan leaders denied him ascension to the throne, insisting on claiming titles like "King of Libya" and "Emir of Cyrenaica" even after independence. The national movement had no choice but to accept him as a king under a federal arrangement of three provinces (Fezzan, Cyrenaica, and Tripolitania) with a constitution formulated by a committee under UN supervision.

The "Kingdom of Sand": The Burden of Federalism

Libya was suffering from of poverty, illiteracy, and disease to the extent that the Committee of Economic and Social Council has described it as the poorest country in the world. Libya's population was about one million and seventy five thousand, of which no more than a quarter was literate names and only about sixty thousand had skills. There was no economy after the Italian and French occupation destroyed caravan trade routes and the Italians took over the agricultural and craft sectors, bringing the annual per capita income to about thirty five dollars. There was no transportation or communications infrastructure, and the country lacked an industrial sector and energy sources, as the domination of three countries resulted in the destruction of economic and cultural communication and restricted the movement of people.

Federalism was imposed on Libya due to the pressures of foreign interests and the role played by as-Senussi. Each province had different factions, and thus Libya was forced to bear the high economic and political costs of a federal system with three governments,

three parliaments, a central government, two houses of parliament, and two capitals at the same time. Despite these constraints, unity was achieved through the national consensus that was aware of federalism and its high economic costs. Thus, the federal system was abolished and Libya was united as the Kingdom of Libya. Then, Libyans entered a crucial stage of their contemporary history where the abundance of financial resources as a result of oil revenues played an important role in the promotion of identity and national integration characterised by the state's efforts to modernise the state at all levels.

Dangers of Tribalism and Regionalism

Libya relinquished federalism and lived without the need for a regime from late December 1951 to April 1963. With this exception, Libya it has never lived under a federal system throughout its modern and contemporary history. Also, under Ottoman, Italian and British rules, it had a central government – not to mention the time the semi-independence of Tripolitania during the reign of Yusuf Karamanli who achieved its independence in the early nineteenth century. Karamanli went to war with the United States, and later clashed with some members of his family who wanted to divide the eastern territories starting from Derna with U.S. support.

However, advocates of federalism believe that the federal system, by virtue of the division of power between the central government and regions, is suitable for the achievement of due attention to all areas and elimination of the negative effects of centralisation in order to establish balance – and this does not mean division or national disunity. However, exploring the actual forces and balances that influence federalism portrays the real concepts of these presuppositions.

Tribal forces are influential as their existence with regionalism throughout modern history cannot be ignored. However, this does not diminish the importance of the fact that the anti-Gaddafi revolution was neither tribal nor regional, and through the stages of the revolution, Libyans asserted that Libya is united and that Gaddafi had failed to aggravate Libyan tribes against each other, and attributed the uprising to regionalism or separatism. However, tribalism and regionalism remain critical factors in post- Gaddafi Libya as they are expected to play to play an influential role in the contexts of political conflict and the future of the country as a unified entity. Thus, the nature of the Libyan uprising against Gaddafi, and the political exploitation of tribalism or regionalism as well as the National Transitional Council's use of them during the conflict to rally support made them an appropriate tool to establish legitimacy to rule the country. There is no doubt that this would have serious consequences as recent developments reveal.

The revolt against Gaddafi has generated strong ties of regionalism and tribalism, especially in the regions or cities that had previously participated in a revolution or revolted. There is talk about dividing Libya into at least seven regions including Jebel Nafusa, Misratah, Az Zawiyah, Wershafana, Ghat, and Ghadamis. Such a division raises pertaining to the polarisations of the revolution against Gaddafi, but Cyrenaica is no longer one whole territory as it was before. In addition, the borders between these regions were not demarcated accurately, which may cause a dangerous conflict. These polarisations will lead to the complexity of political life, prolong the transition period, and potentially harm the political future of the country. For example, statements delivered by the heads of the Cyrenaica project about receiving or consenting to the proposals for the joining of Sirtem, Tarouga, and Taraghin respectively confirm that all the pro-Gaddafi cities or towns want to join the province of Cyrenaica.

Just as the history of Libya in the reigns of monarchy and Gaddafi illustrates, there is a fact that should not be overlooked Libya has never had the political circumstances necessary for the establishment of a civilian democratic state with non-primary institutions that play an active role and reduce the political role of, for example, tribalism and regionalism. Following independence, the king banned political parties, rigged elections, and fought freedom of press. This generated a kind of political vacuum, in which the monarchy exploited tribalism and regionalism as leverage for political action,

or for the distribution of wealth and influence. This situation intensified during the reign of Gaddafi, who denied any kind of independent political activity and relied on tribalism to achieve security for his regime, adopting a policy of reward and punishment towards tribes and regions according to their positions on him. Thus, tribalism and regionalism were used as social defence mechanisms, especially as social security was reduced to a dangerously low level, causing the instinct of self-defense to seek safety nets outside the state institutions.

On another level, Gaddafi's policies aimed for the ignorance of youth and denied them the knowledge of their country's history, which had negative impact in this regard. In addition to this, the desire to revolt against Gaddafi and the tendencies generated by the revolution that caused the reverence of monarchy as a frame of reference and an influential symbol because the youth lack real knowledge of Libya's modern history, the elements that made it up as an entity, and the reasons behind the adoption and abandonment of federalism.

Furthermore, the debate is now marked with a high degree of tension that threatens social peace and security in a country that has gone through a war in which it lost many human, material, moral, and psychological elements, and had negative impact in every aspect; the National Transitional Council could not deal with the polarisation due to its confused and hesitant or delayed arrangements. There is also the failure to establish security, form an army, rehabilitate the state, and revive the economy, let alone face the challenges of social reconciliation and transitional justice that were not considered strategically and no policy action were taken to achieve them.

All this contributes to growing division and polarisation, which are becoming increasingly dangerous especially with the prominent political leaders' involvement in political and ideological battles that ignore the present dangers and challenges. One example of this is the Mufti's declaration that "federalism is the beginning of division and a violation of Islam, because it will lead to chaos and division to conflict."

Therefore, the current situation concerning the call for federalism is characterised by loosening communal ties, fragile national political institutions, rising regional ties, and growing feelings of divergence and differentiation. All are notions that do not guarantee durability and stability of the political system as a whole, let alone the structure of distribution of powers between the centre and regions.

Federalism and the Challenge

Does the Libyan people's acceptance on the eve of independence of federalism and as-Senussi's ascension to the throne in order to keep their nation safe and maintain the objectives of the national liberation movement against the threat of Cyrenaica's separation or civil war necessarily imply that they must accept federalism once again in light of the threat of Cyrenaica's independence, the call for UN intervention by Ahmed Zubair as-Senussi, head of the Cyrenaica Transitional Council, and statements that threaten to resort to force? Does it need to employ regionalist provocation to choose the form of the state?

The call is backed by supporters of the Senussi movement, some of the Gaddafi's opponents, monarchy advocates, what is known as the federalist bloc that consists of the Libyan Salvation Front, tribal figures from the east as well as an armed military bloc. They all believe that that federalism is the guarantor of democracy and equality, and the way to terminate or confront the marginalisation of eastern Libya arguably practiced by the transitional council and the transitional government. Meanwhile, the National Transitional Council of Libya and other political forces accuse advocates of federalism of being Gaddafi supporters who can no longer show their anti-revolution tendencies openly and thus demand self-determination, agents of foreign countries seeking to control the region's rich oil resources, or at least separatists seeking glory and personal gain.

The rivalry between the two parties is acute as it affects the legitimacy of authority representing the legitimacy of the post-Gaddafi era. The constitutional declaration issued by the transitional council on 3 August 2011 laid out a roadmap for democratic transition but did not specify the political and administrative form. This issue was left to the permanent constitution that will be adopted on 23 September 2012. None of the steps announced by the transitional council about its position on federalism are based on the interim constitutional declaration, which mentions these issues only once in the context of local government. The interim government includes the Ministry of Local Government, which reinforces the view that the leaders of the transitional council, the government, and those who participated in the drafting of the interim constitutional declaration advocate administrative decentralisation not political decentralisation.

However, the Cyrenaica Transitional Council's declaration to adhere to the legitimacy of the 1951 Constitution casts doubts on their true intentions for the constitution of the transitional council and its legitimacy. Issued on 17 April 2012, the declaration indicates that after the Declaration of Liberation on 20 November 2011, the transitional council lost its significance and no longer plays a role, that every citizen has the right to choose the form of the state and system of government with constitutional institutions are formed by the rotation of power and a multi-party system, and that sovereignty over Libya, including Cyrenaica, will be only through constitutional institutions and an elected parliament. This dispraise of the legitimacy of the council and its government becomes clearer after reading the text of the Second Conference for the People of Cyrenaica which only recognises the 1951 Constitution and does not recognise the electoral law. It also declares that the elections are not legitimate before the drafting of the constitution and calls for the formation of a UN-sponsored committee or commission to hold a referendum on federalism.

Perhaps the most important aspect of the call for federalism is the implications it has for the future of the Libya, and polarisation on multiple bases, including that which occurred during the armed revolution between different regions, and the negative effects of foreign interference on some sectors of the Libyan people. The call for federalism could open the door to different possibilities linked to the country's ability to remain united. Libya today is not the Libya of 1952, and requires the exploration of a new vision due to the changing economic, social, and demographic considerations as in it more than a million people received their salaries from the state, the work force does not exceed 1.7 million, and the population is small relative to the its size. There is also the risk of low annual population growth, entailing danger to national security as the economy suffers from structural distortions and requires reconstruction and development in order to correct the imbalances between different regions of the country.

The Future: A Question of Unity and Democracy

Threatening to use force against the call for federalism or attempts to silence it by making concessions (such as modifying the share of the eastern region of seats in the national congress and the constitution drafting committee, amending the constitutional declaration, considering a law for local government, opening branches of the government and its ministries and bodies, declaring Benghazi the economic capital, etc.) does not reflect any developmental or strategic orientation or vision. It only reflects the policies of the moment, demonstrates the ambiguity of vision, and represents the real threat to democratisation and the establishment of the modern state.

Still, it is important to highlight the huge demonstrations rejecting federalism that pervaded in the eastern cities of the east and the results of some opinion polls that showed the low popularity of federalism especially in the east. Libyan websites and social networks are full of debates and discussions on federalism attended to by thousands of users. These debates clearly show lack of clear knowledge of terms and concepts, the existence of fear, and the desire to resist marginalization; the emergence of clear signs in the debate conjures up negative aspects of federalism in the Arab world such as Iraq, which has been divided into several independent entities, and Sudan of which separation was accompanied by war between the mother country and the new state. All this casts

doubt on those who call for federalism, claiming concern for the unity of Libya and the recognition of the legitimacy of the transitional council.

Regardless of the outcome of the conflict that characterises the transition, the real chance of success lies in what is described as the decision phase in which the parties involved accept compromises and adopt rules for the work based on everyone's participation until time plays its crucial role in the training the conflicting parties to adapt to the rules of democratic action.

Because the political leadership appears to be unable achieve these objectives, Libya today may be in more need for international assistance, albeit different from that which decisively contributed to Gaddafi's overthrow, than ever before. It is interesting that federalism has turned into a concept of conflict that is being used for political purposes in a manner that obscures the need for a genuine national debate about finding an appropriate system of government, and reduces the chances for such. Libya's history and circumstances show that opportunities for development and democracy pertain to a state system that promotes integration; national identity; and democratisation, and that empowering all regions will contribute to building a democratic state that achieves the aspirations of its people. Therefore, the priority now is to reach a consensus on the aspects involved in the political system. Then comes the debate over the international distribution of power. Nevertheless, reversing these priorities will negatively affect relationships between the Libyan people.

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