



Under Two Flags: The Development of NGOs in Libya

Submitted by

Mabroka El Sahli

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Abstract

This thesis presents a case study of civil society in Libya, examining the development of civil society associations from 1969 up to the present time. The study argues for, and utilises, a broad definition of the term “civil society” that includes traditional associations. The World Bank definition of civil society provides the basis of the analysis. The latter is presented via a contrasting assessment of Libyan NGOs under two different political regimes. The relationship with the state is shown to have been the primary factor shaping their form and character whether in terms of numbers or activities. State control and the legal framework governing civil society were the primary factors that limited the autonomy of these associations, under the Qadhafi regime. With the sudden absence of the state during and after the 2011 uprising, NGO numbers mushroomed. Associations took the initiative to establish themselves through collective action. The study shows how quickly and effectively NGOs came together to confront the regime and to occupy the public space left by the displaced government in order to provide essential services. The NGOs were able to provide the framework to prevent the collapse of society, which was an indication of the latent strength, effectiveness and importance of civil society in Libya, despite the ongoing challenges faced due to the collapse of the Qadhafi state apparatus.

The thesis findings challenge the prevalent assumption that civil society, as commonly defined, has little strength in the Arab world. The broader definition of civil society used in this study (in accordance with the World Bank definition of the term) helps to provide a wide understanding of civil society and is thereby shown to have useful applications in various contexts, outside the presumed European norm.

The thesis uses a range of qualitative research methodologies including interviews, documentary data and observation.

Notice

Arabic Romanization Table

Arabic

Letters of the Alphabet

Initial	Medial	Final	Alone	Romanization
ا	ا	ا	ا omit	
ب	ب	ب	ب	B
ت	ت	ت	ت	T
ث	ث	ث	ث Th	
ج	ج	ج	ج	J
ح	ح	ح	ح	+
خ	خ	خ	خ	Kh
د	د	د	د	D
ذ	ذ	ذ	ذ Dh	
ر	ر	ر	ر	R
ز	ز	ز	ز z	
س	س	س	س	S
ش	ش	ش	ش Sh	
ص	ص	ص	ص	~
ض	ض	ض	ض	#
ط	ط	ط	ط	%
ظ	ظ	ظ	ظ	&
ع	ع	ع	ع '(ayn)	
غ	غ	غ	غ gh	
ف	ف	ف	ف F	
ق	ق	ق	ق	Q
ك	ك	ك	ك	K
ل	ل	ل	ل	L
م	م	م	م	M
ن	ن	ن	ن	N
هـ	هـ	هـ،ة،ه	هـ،ة	H
و	و	و	و W	
ي	ي	ي	ي Y	

Vowels and Diphthongs

اَ	a	اِ	ā	اِوْ	ā
اُ	u	اِوْ	ā	اِوْ	Aw
اِ	i	اِوْ	ū	اِوْ	Ay

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Glossary and Abbreviations

Abbreviations:

BPCs	: Basic People Conferences
GICDF	: Gaddafi International Charity and Development Foundation
GNC	: General National Congress
GONGOS	: Government Organised Non-Governmental Organisations
GPC	: General People's Conference
IMF	: International Monetary Fund
LIFG	: The Libyan Islamic Fighting Group
NTC	: National Transitional Council
TG	: Transitional Government

Glossary:

Al-Madanī: Civil

Al-Mathāba: meeting place for revolution committees

ATHAL: Libyan Brotherhood Federation of Rebels.

BASF: (*Barā'im wa 'Ashbāl wa Sawā'id al-Fātih*) Youth mobilising preparatory camps.

Diya: (in Arabic: الدية) Money given to the family of a murdered relative as compensation, according to Islamic law.

Faz'a: (in Arabic فزعة) an immediate and emotional reaction to offer support and help, reflecting the values of nobility, bravery, generosity and chivalry to which every person (especially males) should adhere.

Hizb: Political party

Jam'iyah: association

Kuttābs: Qur'anic schools

Madhhab: "doctrine", is a Muslim school.

Mu'assāt 'Ahliya: Civil foundations

Salafism:(in Arabic السلفية)is a movement among Sunni Muslims named by its proponents in reference to the Salaf "predecessors", the earliest Muslims considered to be examples of Islamic practice.

Sufi Order: the mystic path

Ṭariqah: (in Arabic طريفة) is the term for a school or order of Sufism, or especially for the mystical teaching and spiritual practices of such an order.

waqf: public endowment

Zakāt and Ṣadaqah :money derived from acknowledgement of the second pillar of Islam which requires all Muslims to give part of their income to poor people.

Zawāyā: lodges

Chapter One

Introduction: Questions and Aims of the Thesis

1.1 Premises

The study of civil society has become central to several disciplines in the social sciences, including political science. Recent history has seen a steady increase in the number of groups, movements and organisations that are outside the State but which nonetheless influence society and politics at the local, national and international levels. These include environmental movements, women's rights groups, peace associations, and organisations that seek to eradicate poverty, campaign against nuclear power etc. This thesis centres around an exploration of civil society. In the case of Libya, with especial reference to the role played by the attitude of, and approach taken by the state to the formation and activity of civil society groups. In all of the analysis related to Libya the concept and definition of civil society which is used is that enshrined in the definition given by the World Bank (see Chapter 2, section 2, below).

Civil society (defined in a variety of ways) has become one of the most frequently discussed topics in the social and political sciences, drawing on several fields of study and subject areas, as stated by Mitsugi Endo:

Academic interest in the concept of civil society has rapidly been increasing. As a result, there has appeared a mushrooming of the literature related to the concept, including both theoretical and analytical aspects. (1996:5)

The topic has also become recognised as important by many international organisations, such as the World Bank, the International Monetary Fund and the United Nations.

Almost every study on civil society covers the relationship between civil society and the state, where the institutions of civil society, in the simplest definition, are intermediaries between the state and society. Although the State constitutes an important element in the establishment and effectiveness of these institutions, it may also be one of the main obstacles challenging their effectiveness.

As far as the Arab world is concerned, Eva Bellin (1995: 121) recognises that the language of civil society is used widely in the region and not only by those involved directly in its activities. She points out that:

State officials use it to promote their projects of mobilisation and ‘modernisation’, Islamists use it to angle for a legal share of public space and independent activists and intellectuals use it to expand the boundaries of individual liberty.

In the Arab region, debate about civil society has been ongoing for more than two decades, particularly in regard to how the term may be defined and what it does and does not include. Two significant questions have emerged. The first concerns the nature of the relationship between the institutions of civil society and the state; the second focuses on whether or not traditional social groupings (such as tribes) and contemporary Islamic movements are components of civil society.

1.2 The Research Question and Conceptual Framework

The main question pursued in this study is as follows: What does the experience of NGOs in Libya tell us about the relationship between civil society (as defined by the World Bank) and the Libyan state, 1969-2012?

This question raises a number of issues which will need to be addressed: To what extent can Libyan NGOs be seen as occupying the public space between the family and the state? Does the existence and operation of NGOs in Libya really reflect a significant expansion of civil society? To what extent has the state dominated the activities, administration, policy-making and financial structures of NGOs? Do Libyans regard NGOs as an effective channel for meeting their needs (e.g. through the delivery of services or changing government policy)? How have the events of 2011 influenced civil engagement in Libya? To what extent has the transition had an impact on civil society? How does the situation facing pre-2011 associations differ from that facing the new ones established after 2011? Lastly, how are these changes reflected in an increase in the numbers of associations in post-Qadhafi Libya?

This thesis then is a study of civil society in Libya which examines the nature of NGOs in the country and seeks to assess what light this throws on the relationship between civil society and the Libyan state. It will explore the political, social and legal factors that

have constrained and enabled NGO associations under two very different political periods: that of Qadhafi's authoritarian rule, and that of the transitional period which has followed the Libyan uprising of 2011. The thesis sets out to define what NGOs are and what civil society is, and then how NGOs fit as part of Libyan civil society. It will analyse how NGOs developed under circumstances where their foundation, although legal, was heavily constrained by the Qadhafi regime, such that they were in effect incorporated into a state-sponsored reform project. In post-Qadhafi Libya, consideration is given to how groups of people have established NGOs through collective action in the wake of the 2011 uprising and afterwards. Attention is paid to the legal restrictions and incentives placed on the establishment of NGOs in Libya, both before and after 2011; how NGOs have been funded, the level of public motivation on which they are based, and the scope of their activities.

A prevalent assumption has been that civil society has little strength in the Arab world due to restrictions which have been imposed by governments, and the lack of a "civic culture"¹. The Libyan experience challenges this assumption, at least in terms of the ability of civil organisations to spring up quickly when they are permitted. Soon after the Qadhafi regime fell in 2011, the populations in the Libyan cities hurriedly formed associations which reflected their needs and around which they could organise their lives. As the state has pulled back, a new level of civil activity has begun to be established by NGOs. These developments confirm the hypothesis that the Libyan people exhibit a strong sense of civic membership, whether or not this is defined as "civic culture".

The thesis will examine in detail a number of NGOs, in order to determine the political factors and legal framework which have either contributed to or limited their development within the context of civil society in Libya. This requires some discussion of what kind of civil society has existed in Libya historically, and how civil institutions functioned at that time. The political structure and nature of the Libyan State under Qadhafi then needs to be assessed, to see how this kind of state circumscribed or facilitated civil society. The thesis will study the legal structure relating to NGOs in Libya under Qadhafi, to show how the regime sought to control and limit NGOs. In

¹ Gabriel Almond and Sidney Verba (1965:32) defined it as: "a balanced political culture in which political activity involvement, and rationality exist but balanced y passivity, traditionality and commitment to parochial values".

examining NGOs under the Qadhafi regime, attention is also given to the Gadhafi Foundation (GF) in order to evaluate whether it can be classified as an NGO, and also to examine the nature of its activities. The GF will be assessed within the context of the Libyan state under the Qadhafi regime.

The study would be incomplete if it dealt only with the Qadhafi regime. The post-2011 period provides the basis on which a comparative dimension can be introduced. An account of the dramatic political and economic changes of Libya's 'Arab Spring' is necessary so as to enable an analysis of civil society and Libyan associations in post-Qadhafi Libya. One possible benefit for civil society under the new regime is that Qadhafi had undermined state institutions. As a result of this, the collapse of his power has provided Libyans with an unprecedented opportunity to build everything anew. The erosion of traditional state institutions in Libya created an opportunity for Libyan people to become involved in civil associations.

The study borrows the terms 'invited'² and 'invented' spaces of citizenship. Miraftab (2004:1) defines these terms as:

'Invited' spaces are defined as the ones occupied by those grassroots and their allied non-governmental organizations that are legitimized by donors and government interventions. "Invented" spaces are those, also occupied by the grassroots and claimed by their collective action.

Cornwall (2002:2) conceives the "invited" space as a kind of participation; she describes this as:

Making room for different opinions to be heard where previously there were very limited opportunities for public involvement, and about enabling people to occupy spaces that were previously denied to them.

I deploy the term 'invited' spaces to describe those occupied by NGOs that were legitimised by the old regime and subject to its interventions. By contrast, 'invented' spaces are those occupied by NGOs that have been founded by people's collective actions. In effect this occurred only after the Qadhafi state fell apart in 2011.

It is important to clarify here, however, that this thesis will not enter the debate over the link between civil society and democracy. This, in any case, is not directly relevant when

² These terms were introduced by Cornwall (2002) and developed by Miraftab (2006)

the World Bank definition of civil society is used, as it is here. At the stage of political development which Libya has reached, there is little empirical basis on which conclusions could be drawn on this issue. Rather, civil society (as defined in the next chapter) is seen as a positive value in itself, given that, where there are organizations outside of the control of the state, there is something to balance the power of the state.

The present study considers only one component of civil society, namely NGOs. The objective is to examine whether or not Libyan NGOs reflect the expansion of civil society (i.e. expand the range of activities which are not under direct state control), and how they interact with the state. This approach will throw light on the impediments, issues and problems faced by wider civil society. An understanding will be sought in this study of both the uniqueness and the commonality of Libyan NGOs, relative to those which exist elsewhere – and therefore how the civil society dimension differs.

1.3 Defining NGOs and Conceptualising their Role

The difficulties inherent in defining the term “NGO”, despite of its widespread usage, are a reflection of the complexity surrounding the phenomenon of NGOs themselves.

Abdelrahman (2004:41) thinks that the “non” preceding the word “governmental” makes the term rather confusing:

The term NGOs has a more confusing ‘negative’ connotation, signified by the prefix, ‘non’. This implies that NGOs exist only in contrast to organisations that are ‘governmental’, thus explaining what they are not rather than what they actually are.

The term non-governmental organisation (NGO) was not widely used before the formation of the UN. When 132 international NGOs decided to co-operate with each other in 1910, they did so under the label “the Union of International Associations”. The League of Nations officially referred to its “liaison with private organisations”. Meanwhile, under Article 71 of the UN Charter, “non-governmental organisations” have “suitable arrangements for consultation”. “Specialized agencies” and “NGOs” became UN technical jargon. Unlike much UN terminology, the term NGO passed into popular usage particularly from the early 1970s onwards. Article 71 of the UN’s Charter defines NGOs as “any organisation which is not part of a government and which has not been established

as a result of an agreement between governments”. Abdelrahman (2004:41) claims that this view is too broad to serve as a clear and precise definition.

Anheier (2007: 39) points out, ‘the term NGOs (non-governmental organisations) is the term used to depict these organisations in the developing world ...but it tends to refer only to a portion of what elsewhere is considered to be part of this sector’ (my emphasis).

Clearly there is a lack of conceptual and terminological clarification regarding the nature, types and roles of various NGOs. Different scholars working on the same area of research may use different concepts and conceptual systems to group NGOs according to their similarities or other relevant factors. This approach has resulted in NGOs being categorised in a multiplicity of ways including Non-Profit Organisation (NPO), Public Voluntary Organisation (PVO), Membership Organisation (MO), Grassroots Organisation (GRO), People’s Organisation (PO), Civil Service Organisation (CSO), Third Sector Organisation (TSO), Non- Governmental Development Organisation (NGDO), Charitable Organisation (CO), Community-Based Organisation (CBO), Private Organisation (PO), Civil Society Organisation (CSO), Non-Governmental Institution (NGI) and Quasi-Non Governmental Organisation (QUANGO) (Etzioni 1973; Anheier and Seibel 1990; Korten 1990; Tvedt1998)

The underlying uncertainty was shared by Cernea (cited in Najam, 2003) who observed that “the residual nature of the term itself offers such a broad umbrella for a kaleidoscopic collection of organisations that attempts at simple definitions are quickly rendered meaningless”. This confusion stems from what Najam (1996: 205) viewed as “different conceptual lenses” being applied in discussions about NGOs.

Libyan law No. 19 of 2001 defines associations as “any group of people seeking to provide social, cultural, sport, charitable and humane activities”, and adds that “[t]hese associations can serve the whole country or specific regions and are non-profit seeking”.

The lack of a precise definition and puzzling boundaries between different spheres has prompted some scholars to seek out a universally applicable’ definition and thus gain a better understanding of what NGOs are (Brown and Korten, 1991; Najam, 1996). However, such interest has prompted other scholars to argue that the preoccupation with

the conceptual aspect of NGOs has produced only a “partial view” of their nature and often “diminished” understanding of the actual contributions they make to solving developmental problems (Brown and Korten, 1989: 2).

It is therefore important in research such as this that the concept of NGO used takes into account the geographical and cultural context it explores. NGOs in Arabic are usually known by the term (*jam'ia*). The term, *mu'assasat ahliyia*, which is equivalent to the English “civic associations”, is generally preferred by scholars working in this field as well as by the founders of these associations.

It is noticeable that among these definitions, most emphasise two elements: being non-profit seeking and independent from government.

Given the available definitions discussed above, and the specific interests of this study, it seems useful to follow the UN Rule of Law unit (a UN resource group chaired by the Deputy Secretary-General, promoting the rule of law in member countries). This defines an NGO as:

[A] not-for-profit group, principally independent from government, which is organized on a local, national or international level to address issues in support of the public good. Task-oriented and made up of people with a common interest, NGOs perform a variety of services and humanitarian functions, bring public concerns to governments, monitor policy and programme implementation, and encourage participation of civil society stakeholders at the community level. Some are organized around specific issues, such as human rights. ³

It has been argued that although NGOs were unknown in the southern hemisphere during the colonial era, there were equivalents in the forms of traditional bodies and groupings such as religious establishments and movements, and generally in the areas of healthcare and education (Abdelrahman, 2004). Bodies known as associations have been established in different periods in the Arab World: for example, in Egypt after 1821. In Libya, as I will show in Chapter Three, the first body which described itself as an association was established by the Ibrahim Sirājaldīn movement in the era of Sultān Abd al-Hamīd II (1876-1908). This underground movement and its guiding ideas are

³ http://www.unrol.org/article.aspx?article_id=23&emailit=y

considered today to mark the start of the growth of national awareness in Libya (al-Miṣrātī, 2000:8 and al-Jarārī, 2005:471). The Italian colonial period witnessed the establishment by the Italians of a small number of associations, which tended to increase over that period.

Over the last few decades, specific concerns have helped to determine the role of NGOs within the Arab context, reflecting a rapidly changing political, economic and social framework. The concerns have been shaped by interested scholars, governments, and many international organisations such as the World Bank, World Trade Organisation, human rights organisations and the UN. Two basic issues are reflected in this interest: one is the growth of NGOs in terms of their numbers and purposes; the second is the fact that globalisation has placed enormous challenges on the functioning of the state, which have in turn posed the question of how the state can deal with these changes within the principles of the national and sovereign state. NGOs play a substantial role in this transforming environment, in which they have emerged as new political actors.

There has been widespread debate regarding the role of NGOs in strengthening civil society. Indeed, as mentioned above, this issue has started to be of concern to many international organisations like the World Bank, IMF and the UN. Pratt (2005:124) argues that:

NGOs have the potential to belong to civil society and strengthen civil society in order to contribute to good governance. Nevertheless, this does not mean that NGOs are contributing to good governance at the moment.

De Tocqueville hypothesises that civil associations (i.e. NGOs) will attempt to protect the rights of the people against the inherent authoritarianism of the state. As John Keane (1988:51) has claimed, De Tocqueville stressed that civil associations are crucial barriers against state despotism, in respect of which he considered them to be the “independent eye of society” (Makary, 2007:78).

NGOs play a vital role due to their ability to work in parallel with state power in the globalised. (Nerfin, 1986:47). NGOs constitute the essence of civil society by helping people to pursue diverse interests. Moreover, they represent the political aspect of what

the World Bank refers to as “mechanisms through which citizens define and articulate a broad range of interests and make demands” (Brown, D. and Korten, D. 1989:8).

There have been some positive acknowledgments of the potential role of NGOs as agents of the delivery of welfare services. Advocates of such provision see NGOs as efficient, small- scale, cost-effective and easily managed, and able to further policies of decentralisation, elimination of corruption, strengthening of civil society and facilitation of political participation at the grassroots level (Frantz, 1987; Bebbington, 1993 as cited in Gideon, 1998: 303).

This section has attempted to provide an overview of the various definitions and applications of ‘NGO’. Although these organisations form the key focus of this study, other important related terms, particularly ‘civil society’ and ‘association’ will form part of the debate. The concept of ‘civil society’ and its many forms will be discussed in detail in Chapter Two. The thesis’s analysis of Libyan civil society, however, relates exclusively to the definition given by the World Bank.

1.4 The Interest of the Topic

My interest in the subject of the relationship between state and society began when I was called in for questioning to "*Barā'im wa Ashbāl wa Sawā'id al-Fātiḥ*" (BASF) a youth mobilisation camp, following my proposal to establish an association to protect children who were being emotionally and physically abused by their own families and parents. The regime had formed a restrictive legal and political framework which prohibited any sort of institution other than those of the people's authority system. At the same time, I had very little knowledge about civil society and a narrow concept of charities, believing their activities were limited to giving alms.

My objective, at the time, was to approach parents and older siblings and make them aware of the destructive consequences of violence against children. Children had no rights, whatsoever, to protection under the law. Violence against children, including both corporal punishment and deliberate humiliation, had never been officially denounced. I noticed that the BASF focused only on integrating the younger generation into the revolutionary regime and recruiting more loyal individuals. Neither the BASF nor the Basic People Conferences (BPCs) had ever raised the problem of violence against

children. Therefore, I requested the BASF to adopt, in its programmes, a commitment to contact families and educate them in order to reduce violence against children. Meanwhile, my role was to secure volunteers to get involved in such activities. A few weeks later, I was called to the centre, where I was warned and even intimidated for thinking of establishing an entity that would be in direct communication with the public and disturb the course of revolutionary transition. I was told that the revolution of *al-Fatah* had already met the needs of the whole population, granted all their rights and left nobody in need of any institution that would contradict the people's authority. In order for any entity to be in line with the people's authority,⁴ it had to have been mentioned in the Green Book or the so called Universal Third Theory Interpretations, which were a series of political, economic and social precepts created by Qadhafi.

At the turn of the 21st century, Saif al-Islam, the son of the late Colonel Qadhafi, stepped forward claiming that he would bring about reform and create a new Libya. The reform project he initiated included the establishment of "civil society organisations" (CSOs). This proposal for building civil society alongside the system of the people's authority was indicative of a simmering offstage conflict between the old and new elites, which was one of the obstacles that needed to be overcome by the new CSOs. A more basic obstacle to the success of this initiative these was the inherent character the people's authority system, which granted Colonel Qadhafi ultimate power in Libya. This meant that all decisions operated in a top-down manner, restricting the possibility of direct participation by citizens, or the realisation of their initiatives. Public involvement in CSOs thus largely remained an orchestrated façade. Moreover, at the grassroots level, Libyan society under Qadhafi seemed far from constituting a fertile soil in which democracy could take root.

Even the reforms which the regime did introduce were of limited real significance. In 2001, as part of its campaign to reintegrate the country into international society, the Libyan government issued a new law - No. 19 - the purpose of which was to regulate "associational activities". This followed the lifting of UN sanctions, and the regime's attempt to initiate economic and legislative reform. The reason for creating a framework for the establishment of NGOs, however, was to respond to international pressure rather

⁴ The system will be explained in Chapter Five

than an attempt to genuinely meet people's demands. The organisations formed did not emerge from the grassroots level, nor did they reflect the real needs of their members or the need to protect members' interests. Even though law No. 19 was intended to grant the right of association, in practice it simply re-established the framework of a law passed in 1970 that had regulated associational activities in Libya.

1.5 The Significance of this Study

The study seeks to contribute to the literature on civil society in the Arab world in general. It focuses however, specifically on the major structural and cultural barriers to the project of developing civil society in Libya.

This study is the first of its kind in Libya to explore the mapping of NGOs, their characteristics and activities, and the current and historical capacity within Libya. It is also the first study to tackle the effect of the dramatic changes resulting from the Arab Spring on Libyan civil society. It is hoped that these findings will be of interest to specialists in the Middle East, more the Libyan government, and population specifically. It is intended to initiate and contribute to a debate about ways of overcoming the obstacles faced by Libya in this sector. An aspect which this project will in some measure help to explain and redress.

1.6 Research Methodology

The approach taken in this thesis is qualitative. The aim of qualitative methods is to gain access to the 'world' of the people who are being researched (Burton, 2000: 197). Accordingly, the present study is an attempt to derive meaning from the perspectives of those who have established and work within these organisations, and from the material available in documentation and through observation.

Many studies stress the importance of qualitative research within the social sciences. In particular Myers (1997:2) emphasises the significance of qualitative research on social aspects, such as culture and values, and states: 'Qualitative research methods are designed to help researchers understand people and the social and cultural contexts within which they live'. Quantitative method aim to be more objective and data-led, but my research relies on interpretation diverse source and seeks to provide multifaceted overview, rather than a reduction a reduction 'answer' to the question.

I chose qualitative methods because this suits the study and enables the researcher most effectively to examine the main research question. Different types of qualitative research methods are employed, mainly interviews, observation and the analysis of documents. The latter is important when I discuss the legal framework governing Libyan NGOs. I use discourse analysis in seeking to understand Qadhafi and Saif al-Islam's views from their speeches.

Structurally, the study employs the following steps: first, it defines a research question (as above) which addresses the topic of Libyan NGOs; and second, it tries to find answers to this question, by examining the political, social and legal factors which influence the capacities and activities of the associations. As already stated, a variety of research tools are used to achieve this: first, documentary evidence, such as the regulatory codes and speeches of key figures, such as Qadhafi and his son Saif al-Islam; second, interviews conducted by the researcher with the leaders of various types of associations and with people who were involved in these associations' activities; and third, the researcher's own observations of the aforesaid associations. The latter are especially important in the second part of this study.

A list of questions was prepared and classified with regard to the theme of each fieldwork chapter. The questions covered a range of issues in the NGOs' management, funding and relations with the state. The questions list was designed to be flexible so that it could meet the different levels of participants and situations: flexibility is important in the Libyan environment.

1.6.1 Interviews

Interviews have been chosen as a method of collecting data for this study to redress the shortcomings of information available from official reports and of legislative and other types of documentation. The latter tend to represent the views of government and not those of NGOs or private individuals. The law is not able to explain the extent to which these organisations are in practice independent of the state, nor how far, in reality, the state dominates their activities and administration. It is possible through interviews to explore how the organisations understand and practice their independence from state hegemony. In other words, the researcher hopes to understand the

dimensions of the relationship rather than making a superficial analysis based on the regulatory framework. The study represents an attempt to derive some meaning from the perspectives of those people who have established and work within the NGOs. It is an approach that can, at least, go some way towards dealing with these kinds of issues. Additionally, it should be stressed that following the changes in Libya in 2011, interviews became the only viable source of data for this research, since at this time the associations were working mainly in the absence of government. Especially, there is lack of governance and reduced public services like the internet.

The research material stems mainly from data collected during my field work conducted in Libya between 2010 and 2011 in the cities of Tripoli, Benghazi and Misurata. The first stage of my fieldwork was carried out between March and April 2010, during which time 11 in-depth interviews were conducted with the leadership of associations involved in different types of civic activities. The majority of these associations were involved in charity work, but there were also some providing service delivery and advocacy. These associations were selected to represent the different types of Libyan NGOs. In regard to the Gaddafi Foundation (GF) I conducted three interviews, one with the executive director and two with heads of department. It was the largest and strongest NGO in Libya. The second stage of my fieldwork was carried out between August and September 2011 in the cities of Benghazi and Misurata. This time around 26 in-depth interviews were conducted with the leaders of associations and also with some activists who participated in the 2011 uprising.

The aim of the initial fieldwork was, as far as possible, to gather representative data about the different types of Libyan association, including their sizes and the range of civil activities in which they were involved. Thereafter, substantive questions could be raised with interviewees. The interviews consisted of a series of questions and follow-up probes. General questions were posed to all informants so that comparable data would be available for all interviews. Meanwhile, the follow-up questions differed according to the interviewees' stories, and were intended to encourage them to divulge what they perceived as important information to the relevant research issues. The topics covered in interviews included: general information about civil society organisations, how they are funded and managed, voluntary work undertaken, their relationship with the Libyan state and foreign organisations, and interviewees' own opinions about the whole NGO

phenomenon. Research questions and interviews were conducted in Arabic in order to make it possible to communicate with the informants and to facilitate their engagement with the research project. The interviews were recorded on a digital voice recorder. (Questions- appendix No. 1)

Being an indigenous researcher studying my own society gave me certain significant advantages in the research process, as I was better placed to build a balanced relationship between myself as a researcher and the interviewees, and develop natural interaction and trust with the interviewees. Moreover, some interviewees believe that my study will be useful for improving their work and will give them some useful guidance, since the findings of this research would be available to any organization, to discuss and build up new strategies and plans for the future. Being Libyan and from the same society, as well as speaking the same language, helped me to conduct the interviews at a variety of different times and places, and reduced much of the need for explanation about them. Also, being from the same culture was helpful in understanding the values of the interviewees and how they interpret different issues. Sharing the same language and nationality facilitated communication with the interviewees, since as an insider it was easier to build a relationship of the trust and to increase awareness of the significance and principle of the interview. However, some other factors, especially gender, played a limiting role in my ability to conduct interviews. In particular, my being a woman was sometimes given as a reason to refuse or cancel interviews.

1.6.2 Documentation

Yin (2003:85) states that:

documentary information is likely to be relevant to every case study topic [...] the information may come in a wide range of forms such as: letters, memoranda, and other communiqués, agendas and announcements, minutes of meetings, and other written reports; administrative documents, proposals, progress reports, and other internal documents; formal studies or evaluations of the same site under study; newspaper cuttings and other articles.

The researcher has opted to use documentation, along with interviews, in the belief that these sources can enable a better understanding of the circumstances of civil society associations in Libya and of their relationship with the Libyan state.

Secondary sources will also be used in this study, such as newspapers, books, journals and all other data relevant to the research question.

1.6.3 Observation

Observation is another qualitative method. Flick (1998:215) argues that it:

enables the researcher to find out how something factually works or occurs. Compared to that claim, presentations in interviews are said to comprise a mixture of how something is and of how something should be, which still needs to be untangled.

The observations from the field notes provide an appropriate background for interpreting the interview data and deepening the understanding of the data.

In the observations I made use of my background as a Libyan citizen, watching and observing the "street" and what people say about these associations and the services they provide. Also relevant were observations on how the activists of these associations behave in dealing with some of the beneficiaries, or in their responses to the calls which they receive.

1.6.4 Data Analysis

Data analysis is an essential part of qualitative methods, to make sense of material collected through the four methods just outlined. My analysis of the material was guided by seeking to understand how the relationship between the political system and NGOs has been shaped in Libya. The analysis had to focus on the factors which contributed to the relationship, such as funding, management, the law and how NGOs understand their role in civil society. The themes which were identified as important were those that were frequently mentioned and relevant to the operation of independent NGOs. For example, among the central themes recognised by the study were the negative impact of Libyan state intervention in NGOs' activities and the lack of funding. These factors were evident in the data, acting as restricting factors in the first stage (Qadhafi regime) and as positive factors in the second stage (with the absence of the state).

I developed categories of NGOs' activities by adopting a classification model.

1.7 Chapters Structure

To best answer the various aspects of the research question I divided this study into nine chapters. The present chapter includes a rationale for the research, including the methodological framework and the suitability of the research and data collection methods.

In the first section of Chapter Two the relevant background literature is reviewed. The chapter also discusses how the term ‘civil society’ can be defined, and analyses how it has been understood by scholars. The researcher then makes clear the definition of civil society which she will use, namely that given by the World Bank. Another section of the chapter discusses the relationship between civil society and the state, and provides some models that show different dimensions of the relationship. The chapter provides the theoretical framework for the thesis.

Chapter Three looks at the historical background of civil society in Libya and traces its development under different political systems from 1835 to 1969. In order to provide understanding of the Libyan context, it explores various types of traditional organisation that acted as intermediaries between the family and the state, such as Sufi orders, tribes, and the *waqf* system. It then looks at the historical development of Libyan associations, showing how the different types of organisation and institution that existed in the past have reflected the role of civil society in Libya.

Chapter Four considers the background to, and structure of the Qadhafi-era Libyan political system, and how this system affected the development of civil society. It questions whether there was space within these structures for civil society or whether the structures dominated all public activities.

The legal framework surrounding civil society in Libya is dealt with in Chapter Five. It focuses on the relationship between the state and law. Also, legal rules that supposedly guarantee freedom of association, in assessing whether Libyan law promotes or restricts the role of civil organisations.

Chapter Six discusses the functions of associations in Libya under the Qadhafi regime with particular regard to activities such as education, healthcare and social relief services.

It also scrutinises the various problems faced by these organisations. It identifies and focuses on what appear to be the three main obstacles towards building a civil society: culture, inappropriate laws and structural impediments.

Chapter Seven discusses the Qadhafi International Charity and Development Foundation (GICDF), which was the largest and strongest NGO in Libya, with the aim of defining its character as an organisation. Consideration is given to whether it served as a good model for reform. The GICDF was involved in many activities and aided the development of Libyan civil society. It was unique as an NGO because its role went beyond that which is typical of civil society organisations.

Chapter Eight examines the dynamic which sparked the uprising of 2011 in Libya. It attempts to map the changes which have taken place in Libya since 2011 and sheds light on the development of events. The chapter will look at the nature of the changing of civil society from the perspective of the development of NGOs. Also this chapter examines the changes in civil society institutions after the collapse of the previous regime, especially in Benghazi and Misurata. In particular, it deals with how the sudden change in the political situation of Libya affected the emergence of civil society institutions, and how those associations have been established. Some thought is given in this chapter to the issue of how the associations can be classified.

Finally, this study concludes with Chapter Nine which attempts to conclude and to predict possible future developments for civil society in Libya.

1.8 Thematic Overview

Overall, the thesis will show that Libyan pre-modern history suggests that the concept of civil society as developed in the European context is inadequate and needs to be broadened to include traditional social formats (including tribes and religious associations) which fulfilled a similar purpose as conventional CSOs but which would normally be excluded as being ascriptive or exclusivist groups. This is in keeping with the World Bank definition of the term. These traditional social groups allowed society to develop civic activism, volunteerism, and participatory activities which are similar to - but not necessarily the same as - those of European civil society.

Under Qadhafi, the Libyan State developed 'fierce' characteristics, with power residing in personalised rule, backed by coercion, rather than in the hollow institutions of the State. This denied civil society the space to develop, not least by the law being used to constrain and inhibit civil society formation. However, society was able to maintain limited and innovative forms of civic activism, volunteerism and participatory activity through the few NGOs that were allowed to operate, and through the tribal and religious formats which were allowed by Qadhafi. This civil culture was significantly but complexly boosted by the activities of the Gadhafi Foundation, which enabled degree of freedom of debate and new discourses that challenged the State.

The complications and challenges of the positions held by the Gadhafi Foundation, as well as other organisations active in the civil society sphere are discussed in later chapters. The more appropriate definition of NGOs that this study recommends for the Libyan and related contexts will assist in understanding how they operate within and through specific social structures.

When the uprising occurred, it was not led by organisations in civil society (since these had not been allowed to develop fully). However, as the hollow state institutions quickly fell, the culture of civic activism, volunteerism and participation which had been sustained throughout the previous decades meant that Libyans quickly formed associations and NGOs to fill the space now available to them, offering good potential for the development of a thriving post-transition civil society.

Chapter Two

Civil Society and the State: the Theoretical Map

This chapter seeks to examine and explain the concept of civil society in both its broad sense (which includes traditional organisations) and narrow sense (which excludes them). It also discusses several theoretical frameworks for studying different aspects of civil society. The definition of civil society as used in this thesis is made specific, and justified, in section 2.2.

2.1 Origins: Development and Use of the Term

The purpose of this section is to provide a historical background and to discuss how the idea of civil society has developed over time. It seeks to explain the philosophical, social, economic and political roots behind the emergence and development of the concept. This requires going back to the period when the idea of separating the State from civil society began to crystallise. I will trace the emergence of the modern idea of civil society by focussing on thinkers such as Locke, members of the Scottish Enlightenment, Hegel, Marx, De Tocqueville and Gramsci.

2.1.1 The Starting Point

As an outgrowth of the European Enlightenment period, Seligman (1995:11) summarises the main understanding of the term of civil society at that time as “a mode of overcoming and synthesizing the emergent contradictions between public and private existence in the eighteenth and nineteenth centuries.” This specifically European and historical origin of the term is worth noting, since its applicability to other (especially Arab) cultures must take it into account, as the later sections of this chapter will demonstrate.

2.1.2 Civil Society in the 17th and 18th Centuries

The problem was raised by late seventeenth and eighteenth century thinkers who witnessed the end of the feudal system and the establishment of the bourgeois nation-state. The industrial revolution with its increased mechanisation, increased communication fuelled by newly invented transport systems, and the Protestant reform movement, paved the way for the emergence of new social layers and categories (See Becker (1994), Chambers and Kymlicka (ed) (2002), Carapico (1998) and Cohen and

Arato (1990)). Colonialism moreover had led to an expansion of markets. Miyoshi (1993:713) states that:

The high cost paid for such a social change is to be expected. Industrialization and colonization converge in this development. And thus all industrialized nations are former colonizers.

The emerging bourgeois class demanded rights and privileges they had not enjoyed under the former religious-feudal order (Edwards, 2010; Israel, 2011) and attempted to break down absolute and despotic monarchies, which derived their ‘legitimacy’ from God. The traditional order was put into question (De Condorcet, 1955). Israel (2011:8) says that “an underground literature of clandestine manuscripts rejecting all the most basic and sacred suppositions of existing authority and religion” evolved. They saw the need to carve out a social and political space between, on the one hand, secular, public (working) lives, and private (family) lives on the other, and sought to reduce state control in all areas of life in order to defend their growing interests.

‘Civil’ became a counterpoint to the twin framework of religion and state. It countered the religious ideology which was also the culture of feudal social membership (Edwards, 2010) and introduced the concept of the public good. The new authority derived its legitimacy from society and individualism (Edwards, 2010; Israel, 2011). The doors were opened to new regulations which have served emergent classes ever since (Israel, 2006). Hall (1995:5-6) highlights the central element to the formation of European civil society in his statement: “[...] civil society gained in self-consciousness from the experience of fighting against politico-religious unification drives”. However Seligman (1995:15) gives another reason for its emergence, stating that it was the result of a crisis in social order which came from the commercialisation of land, labour and capital, the growth of market economies, the age of discovery and revolutions in Europe and North America. Edwards (2011:7) agrees that civil society was “a response to a perceived crisis in the ruling social order.” However it is important to note that, at the time, there was no clear definition of civil society.

In the following section, I will address the differences in scholars’ definitions of the concept of civil society and their contributions to its development.

2.1.3 Locke and Liberalism

Locke is one of the foremost philosophers to address the idea of civil society. His theorising is based largely on his consideration of the atrocities of the civil war in England (Aaron, 1955), on Renaissance thinking and on the effects of the scientific revolution. He was the first thinker to use the term in his book *In the Civil Rule* in 1691. In true Enlightenment tradition, Locke believed humans to be naturally rational and good. Society is a space into which individuals enter naturally and voluntarily and in which they are guaranteed the same rights as they enjoyed under natural law. Being fully capable of self-regulating there is no need for absolute authority in a society, which he interchangeably calls 'civil' and 'natural'. The emergence of absolute power, such as the divine right of kings or totalitarian dictatorship, threatens the pursuit of individual interests and the practice of individual rights and must be curbed (Karen Vaughn, 1980).

However Locke did note that people are sometimes led to "an unpeaceful life in the State of Nature" (quoted in Pangle, 1988:209). They therefore agreed to form a civil society in order to protect their respective self-interests and private property (Connolly, 1993). Locke's civil society is consensual and democratic, with a parliament that passes legislation which benefits the people who make up the society. The aim of its power is limited by law and social contract, and its function is not to organise society, but to deal with any shortcomings and flaws resulting from war, crime or violation of natural law (Seligman, 1995). Locke's State is a seamless extension of the civil society from which it is derived, so that he does not clearly differentiate between 'civil' and 'political' society (Pelczynski, 1984).

Throughout his discussion of civil society, the individual remains at the centre of Locke's analysis. Individual rights of person, labour and property are central to civil society and at the same time are free from State intervention (Plamenatz, 1981). Although Locke provided no actual framework for the formation of a civil society, he was the first thinker to divide the private citizen from the State, creating two arenas and the potential for a third to emerge, as a mediator, between them. His emphasis on individualism, rationality and the social contract had a great impact on other thinkers of the Enlightenment period. Seligman (2002:21-22) argues that "it is with John Locke that we must begin our understanding of the modern concept of civil society."

2.1.4 Scottish Enlightenment

Whereas Locke had arrived at his concept of a civil and political society from philosophical premises regarding human nature, philosophers of the Scottish Enlightenment regarded civil society more in the nature of a planned project. The same ideas regarding essential goodness, rationality and innate sociability underpinned both strands of thinking. Israel (2011:3) says:

It is largely valid to say that the Enlightenment began, not as a definite thing or even as a chronological period, but as processes concerned with the central place of reason and experience and experiment in understanding and improving human society.

In his *An Essay on the History of Civil Society* of 1767, Adam Ferguson emphasises neither individual interest, nor the social contract. Instead he states that “innate sentiment” toward doing good and love of humankind led to the formation of society, without purpose or planning and this can lead to unexpected outcomes. However the Scottish philosophers (for example Hume, Hutcheson and Smith) took a more material approach with their concern about the defence against unwarranted intrusion by the State and called for the establishment of actual social organisations to prevent this. Edwards (2010:7) points out that “... in this school of thought, civil society was a self-regulating universe of associations committed to the same ideal that needed, at all costs, to be protected *from* the state.”

The Scottish thinkers “[...] were more concerned than Locke about the role of manufacture and commerce” (Oz-Salzberger, 2001: 59). They placed more emphasis on economic factors and their impact on the emergence of mutual interest. More importantly “both [David Hume and Adam Smith] innovated arguments on traditional theories, [and] ... envisaged a civil society where economic and social transaction mattered as much as political institutions” (Oz-Salzberger, 2001:58).

At this point in history, civil society was regarded largely as an economic sphere. The social nature of NGOs was yet to emerge.

2.1.5 Hegel and the Separation of the State and Civil Society

Half a century later, Hegel presented the first concrete definition of civil society as the space between the family and the State (Pelczynski, 1984). However, unlike others he does not see its role as beyond State control. On the contrary, he argues that a civil society cannot stand alone free from the influence of the State, as the latter is necessary in shaping it.

To Hegel, the State is a 'spirit'; a divine idea reflected on earth; the 'rational representation' of the development of a spiritual element in civilization (Connolly, 1993). Civil society gains its stability and unity from the existence of the State which gives it moral character and leads it toward morally specific ends. Ultimately the goal of civil society is to strengthen the State or in Keane's (1988:35) words "the task of the State is to conserve and transcend civil society". Connolly (1993:116) summarises it thus:

The members will recognize more fully the freedom which is theirs, the limitation they must accept to protect this freedom, and the ethical life they must endorse to enable the State to achieve its highest level of existence. And this recognition will infuse the life of the individual, the family, corporate association, the market, the civil service and the relation all these entities bear to the state.

Civil society is a "system of needs" which aims to meet the individual's interests and protect his/her possessions. Hegel has channelled the meaning of 'civil society' into a form of market society, a set of social practices created by the capitalist economy, which explains why it emerged as capitalism blossomed, matching its interests to individual rights to private property (Dhanagare, 2001). Given the likelihood of tension and conflict in a market society that affords a spectacle of extravagance and want, as well as of the physical and ethical degeneration common to both (Wood: 1991), the State is necessary to keep ethical order in society and therefore stands apart from it, with the power to correct its flaws and setbacks.

Civil society also stands separate from the family. The family is based on self-denial and unity whereas civil society is a moral life embodied in competition, where individuals pursue their own interests. It goes beyond individuals and the relations between individuals to encompass the life of the community as a whole. It is a process of mediation – integration and conflict at the same time:

The 'concrete person' of civil society differs from the isolated subject of the sphere of morality (*Moralitat*) in that he gradually comes to recognise himself as a member of society and realizes that to attain his ends he must

work with and through others. Through working with others, his particularity is mediated. He ceases to be a mere unit and eventually becomes so socially conscious, as a result of the educative force of the institutions of civil society, that he wills his own ends only in willing universal ends and so has passed beyond civil society into the state. (Kumar, 1993:378)

According to Kumar (1993:378), civil society as Hegel argues is "[...] part of ethical life, the part that provides the middle term between the family and the state." He argues that this status developed in two phases or 'monuments'. In the first, the feudal system changed to private ownership and property. With the accompanying shift in the economic system, social groups emerged as also did family and individuals' rights, rights to private property and constitutions and civil law to protect these rights. The second monument occurred when civil society developed in the space between the family and the State. It was expressed in civil unions, political parties, religious organisations and educational services such as schools and universities.

To summarise, Hegel views civil society as the area of conflicting individuals' interests. The problems of civil society are resolved in a State which encompasses it (Keane, 1988; Pelczynski (ed.), 1984; Cohen and Arato, 1990; and Kaviraj and Khilnani (ed.), 2001). His definition of civil society as the space between the family and the State has become the basis for modern analysis, including this study, and was expanded on by writers who followed him.

2.1.6 Civil Society in the 19th and 20th Centuries Marx and Class

One of the later writers who built on the Hegelian idea was Karl Marx. He adopted the concepts underpinning the 'Hegelian dialectic' and applied them in his own theory. For example, the term '*bürgerliche Gesellschaft*', ('bourgeois society') is a Hegelian term adopted by Marx and used in his social theory (Pelczynski, 1984). However Marx broke with Hegel in his book *A Critique of Political Economy*. (1859) He theorised society as fundamentally divided in terms of economic relations between two classes: the bourgeoisie, whose ownership of the means of production is an effective tool for controlling the proletariat, and the proletariat who work within this system. In this way, Marx deconstructed Hegel's highly structured and complex concept of 'civil society' and placed it firmly in the economic sphere, which he regarded as fundamental to all other spheres of social relations (Pelczynski, 1984).

Therefore, in Marx's thinking the bourgeoisie hold more than economic control in society (see for example, Cohen and Arato, 1990; Femia, 2001). According to Marx, civil society is a bourgeois concept which, like all elements of social relations, is imposed on the proletariat. The cross-class unity it falsely suggests hinders discussion of the conflict between them. The role of the State in civil society merely strengthens bourgeois control as a tool used to maintain hegemony over the proletariat. In this way, Marx emphasises the negative characteristics of civil society (Dunleavy and O'Leary, 1987; Connolly, 1993).

Whilst Hegel emphasised the unity of civil and political society and the positive role of the State, Marx differentiated between them. For him, civil society was the 'base' over which the 'superstructure' of political society reigns, always representing the interests of the dominant or ruling class and enacting laws to protect their interests. The close relationship between civil society and the pursuit of individual interests under capitalism further emphasises bourgeois interest in maintaining the illusion of unitary interest in maintaining civility (Femia, 2001; Edwards, 2004).

Separation of the proletariat from the products of their labour produces a 'process of atomization' which ultimately causes alienation (Femia, 2001:135). In this way the proletariat become unaware of their distance from the decision-making which controls their lives and the economic benefits of their labour. Marx theorised that the end of history will take place when revolutionary action brings about the elimination of the bourgeoisie and the withering away of the State (Brown, 2001). Under such conditions there will be no need for intermediate institutions to act as channels for individuals and their goals, and they will be able to live a truly human or democratic life, referred to by others as 'Communism'.

Marxist theory implies that the predicted progression applies only to a technologically advanced society with a well-developed capitalist economic system. In developing or 'traditional' societies the demise of the State is not necessarily a precondition for the emergence of a prosperous and successful society because the proletariat in such societies is not completely alienated from the products of its labour. Moreover, Marx also believed that whilst it is important to prevent the inhibition of individual freedom by a State with too much power, it can equally be argued that it is important for the State to be sufficiently

strong to protect individual rights. Marx warns of the danger of NGOs closely tied to the state, as they can operate to isolate individuals for each other, in the service of the dominant class. This raises important questions about the conditions necessary for the formation and successful (non-oppressive) organization of civil society. However, Marx's theory is limited by the supposedly universal character of the social conditions he describes, which do not take into account alternative social models, as might apply in the Libyan context. While the Marxist attention to large-scale forces and historical development is valuable, attention to particular case studies makes it difficult to apply his ideas directly.

2.1.7 De Tocqueville

Alexis De Tocqueville, a French philosopher and historian of the mid-19th century, is considered one of the most prominent theorists of civil society. In his writings he analysed the rising living standards and social conditions of individuals and their relationship to the market and State in Western societies. Unlike Hegel and Marx he saw civil society as a field lying outside the political system and its laws beyond the framework of government. This idea is consistent with and has influenced the current definition of civil society as an arena that lies between the individual and the state.

De Tocqueville arrived at this conclusion through his analysis of European states and the newly-formed American state. He saw in the emerging United States a strong society with a weak State, and in Europe, strong states with weak societies. His concept of civil society is based on the American model where deeply individualistic people promote public welfare under conditions of broad social equality (Woldring, 1998; Pope, 1985). It can be argued that De Tocqueville's concept of the link between the State and civil society is a reversion to the idea of State power combined with the weakness of civil society. However, his view of civic associations as the heart of civil society is his principal contribution to contemporary understanding.

In his book *Democracy in America*, he focuses on 'associational life'. De Tocqueville saw the potential for a strongly protective State with a powerful governmental apparatus becoming a barrier to individual freedom and argued that "[...] mechanisms for preventing monopolies of power must be strengthened within the spheres of the State and civil society" (Keane, 1987:50). Within a balanced framework "[...] free local and

provincial institutions and free associations could serve as buffers between State and citizens” (Woldring, 1998:367).

Through his analysis of American society in the 1830s, De Tocqueville saw political associations as the ‘great free schools’ of democracy within which members of the community can learn the general theory of association. One lesson is to “[...] realise that self-interest is best served by considering the needs of others as well” (O’Brien: 1999). He concluded that civil society “puts special emphasis on the ability of associational life in general and the habits of association in particular to foster patterns of civility in the actions of citizens in a democratic polity” (Foley and Edwards, 1996:38).

Therefore De Tocqueville saw civil society as a powerful check on political power, as Robert Cox states:

Tocqueville saw this proliferation of associations as a guarantee against a tyranny of the majority that might result from an electoral sweep in an era of populist politics. (1999:6)

This view of associations as a potential counterweight to the potentially tyrannical and despotic nature of the state is still an appropriate model for analysing the role of NGOs (Shawa, 2005:213). Seligman somewhat undermined De Tocqueville’s analysis by arguing that the “USA lacked a coherent concept of state” (1992:8). However, De Tocqueville; ideas have been highly influential on modern studies of NGOs and their role in building a civil society.

2.1.8 Gramsci and Cultural Hegemony

Bratton states that:

De Tocqueville's emphasis is on the importance of voluntary associations in promoting democratic citizenship, while Gramsci's emphasis is on the role of social institutions in either buttressing or challenging State power. (Bratton, 1994:1)

Antonio Gramsci was an Italian who wrote mainly between the two World Wars. Although a Marxist, Gramsci’s ideas differed somewhat from Marx. Though he agreed that the function of the State is control and coercion, he did not see civil society as existing simply to serve its interests. Instead he divided the State into two societies; the political, which consists of political institutions such as the army and police; and the non-political

often called 'private' which consists of family, unions, the education system and other elements. Although these two levels often function in unity with the dominant group exercising power throughout society, they do not necessarily correlate, and between them is a space of ideological and political competition where the uniting factor is culture (Hoare and Smith (ed.) and translated, 1971:12). The space occupied by civil society is a field of struggle for intellectual, cultural and political 'hegemony'.

Gramsci defined civil society as a set of regulations related to the superstructure, which dominates through culture and ideology, domination and coercion (Bobbio in Keane (ed.) 1988). However cultural leadership is not mere economic or political coercion. Bobbio (1988:93) argues that "Gramsci's hegemony includes both the factor of political leadership and the factor of cultural leadership." Though the bourgeoisie can dominate ideology in its own interests, the working class can equally attain power through cultural hegemony through intellectual and moral leadership. Cox (1999:38) summarised his thinking as follows:

Antonio Gramsci's thought embraced both meanings: civil society was the ground that sustained the hegemony of the bourgeoisie but also that on which an emancipatory counter-hegemony could be constructed.

Because Gramsci's analysis of civil society is premised more on the superstructure of society than its economic relations – a broader character than a narrowly capitalistic meaning - Keane (1988:83) argues that "Gramsci is openly indebted to Hegel". However, unlike Hegel, Gramsci does not see civil society as an ethical sphere, but as an institution of domination and power. Gramsci located civil society within the political superstructure (Edwards, 2004). However he also underlined the central role of civil society as a contributor to the cultural and ideological capital required for the survival of the hegemony of capitalism (Ehrenberg, 1999). He claims that the bourgeoisie can protect its economic interests by enabling the political sphere to meet some of the demands of civil society represented by its associations or unions. In this case, the bourgeoisie willingly participates in what he named 'passive revolution' by going beyond some of its economic interests.

Gramsci further highlighted civil society's key role in defending people against the State and the market, and in emphasising the democratic will to influence the State (Ehrenberg, 1999). In other words, Gramsci, unlike Marx, viewed civil society as the site for problem-

solving. Education and revolution are the forces that will enable the proletariat or the working-class to create an alternative hegemony and dominate civil society. For Gramsci, those forces are the means to undermine bourgeois domination. They open the door to change and to reformist movements. Ultimately the proletariat's task is to create a 'regulated society' which is capable of undertaking bureaucratic responsibilities for the collective administration of society following the withering away of the state after a Marxist revolution.

Gramsci's central theme of 'hegemony' removes civil society from the purely political sphere. In the use of this term he expands the space of civil society, giving the social, including traditional forms, a larger role to play. His analysis is supported by events in Libya following the uprising of 2011, when the State was initially largely absent and civic associations filled all the gaps necessary for society to continue to function.

2.2 Civil Society: Defining the Concept

In this study the researcher has adopted the World Bank's definition of civil society. This is given as:

the term civil society is refer to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations. (World Bank, 2013)

The value of this definition can be explained in three points:

- 1- It is culturally unspecific while well-known on a global scale. It is acceptable to those of all cultures, and can not be accused of being applicable only in western societies.
- 2- It is used internationally: almost all countries are members of the World Bank, and they have to relate to its policies.
- 3- It has come about as a result of the collective efforts of many research centres.

2.3 The Interaction Relationship between the State, the Market, the Private Sphere and Civil Society

This sub-section will briefly discuss the interaction or overlapping of different social spheres and civil society.

In *Citizenship and Civil Society*, Janoski (1998) argues that society can be divided into four spheres. They are the State (with its legislative, executive and judicial organisations), the private sphere (consisting of family life, friends, acquaintances and personal property), the market (including private firms, corporations and institutions directly involved in business such as stock markets and employers) and the public sphere. The latter includes civil society. The public sphere contains at least five categories of associations: political parties, welfare associations, interest groups, religious bodies and social movements.

Each sphere occupies its own social space. However they also interact in distinctive ways. Each of the other three overlaps with the public sphere and Janoski (ibid) asserts that this overlap is crucial to any theory of civil society. In modern times the State, the market, and the public sphere have invaded the private sphere. For instance, the State has the power to remove children from families under child protection legislation, and regulates divorces through the courts. It can therefore be argued that the private sphere has lost its privacy (also though the media, and the market.

Janoski (1998) analysed three models from three regime types to provide a theoretical framework for analysing civil society. Under liberal regimes, ideally, using pluralist principles neatly avoids overlap between the public, the State and the market. Yet in reality, these three spheres inevitably overlap. The United States is an example of this model, where political parties overlap with the State, and labour unions and employer federations overlap with the market sector. However in social democratic regimes such as Sweden, overlap between all spheres is maximised. Religion often receives public subsidies through taxes; labour and capital organisations overlap with State administration; part of the media are subsidised by the State and public sectors (unlike most liberal regimes where the market controls the media) and voluntary associations often operate on full or partial State subsidies. Finally, the dynamics of traditional regimes are often quite mixed, similar to those of social democracies, though there is often much

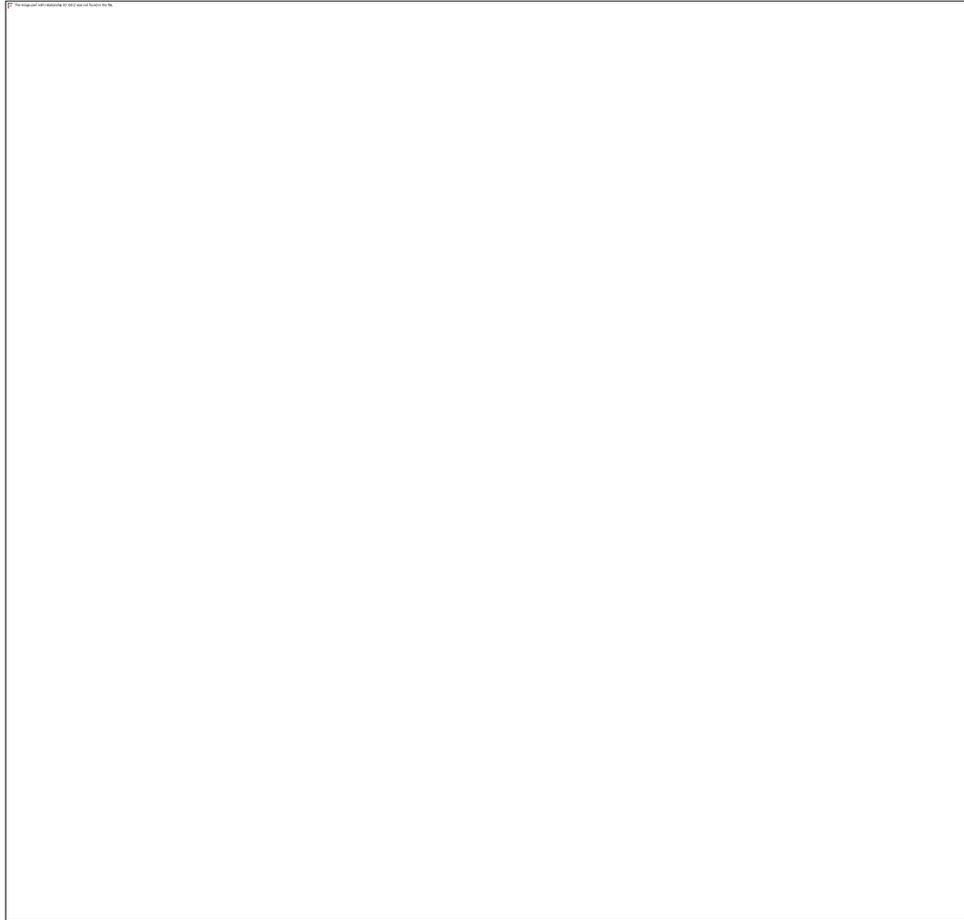
less overlap between unions, employers, and religious and/or voluntary associations. Here, either the State or business will have more overall influence, pluralist and social democratic countries having larger public spheres than traditional countries.

Cohen and Arato (1990: ix) highlight how the correlation between these spheres is substantial in a civil society. They say:

It would be misleading to identify civil society with all social life outside the administrative State and economic processes in the narrow sense [...] In fact liberalism presupposed and could not survive without a State, or without the dualistic coexistence of State and society.

In his article on Freund's work, Sales (1991: 297) however, argues that, "[...] in fact, Freund makes a clear distinction between the political sphere and other social spheres". By this he means that Freund's model (see Figure 1) has divided society into only two spheres – the politic (synonymous with 'public' and political relations) and the non-politic (synonymous with 'private' in all other social senses). For Freund, the private sphere contains the individual, their personal relations with others, and with a variety of associations. Sales (1991:299) however argues that the boundaries of the political:

[...] can also appear more blurred because areas traditionally considered to be part of the private (e.g., physical and mental health, consumption, training, identity, social assistance, the many undertakings and evaluations) are subjected to a process of politicization and bureaucratization caused by massive intervention of the large public agencies managing the social.



From this discussion perhaps the most important point to emerge is that made by Cohen and Arato, (1990: X) when they say, “under liberal democracies, it would be a mistake to see civil society in opposition to the economy and State by definition”. In my view the relation between civil society and both the State and the market, shifts and overlaps, depending on its role and function. As Cohen and Arato (1990: X) argue, when the State sees civil society promoting positive behaviour in its citizens and improving their lives by meeting their needs, it is supportive. However, when it attempts or succeeds in taking over what are or have been State roles, it confronts and tries to restrict its activities.

Similarly, when civil society limits poverty through programmes of social care and development, the market supports it. However, when the third sector trains people to produce goods and services and threatens to lower prices or reduce consumption, the market perceives it as a threat.

2.4 Normative Prescription: Models of How State- Society Relations Should Be.

The relationship between the State and civil society is a topic of rising concern across the world. This section will summarise several models and theories that address this relationship and will also explore the models of civil society–State relationships.

2.4.1 Relations between Government and Non-Government Organizations

Because of its regulatory dimension, relations with the State are important to NGOs - often more than relations with any other sectors or stakeholders. The State is capable of supporting or promoting the work of NGOs, or of hindering their ability to fulfil their functions. Over time, NGO relations with the State have emerged as a key issue and favourite topic for debate in the study of civil society.

There are a variety of theories that address the relationship between State and civil society. Some argue that the State and civil society are polar opposites. This, however, shows a lack of understanding of the role and function of each of these social spheres, even in so-called ‘traditional’ societies. If civil society is an intermediary between the individual and the State then the deterioration of the State will limit the scope for a civil society. Similarly we cannot say that having a weak State means NGOs will succeed or prosper. The separation of these two spheres overlooks the importance of balance. Neither is concerned solely with the provision of services. As social problems become globally more complex and multi-faceted, there is a growing consensus that they cannot be solved by governments alone and an ever more diverse range of solutions are required.

At the same time it is almost universally accepted that markets cannot be the sole alternative to the State. The role of NGOs in filling the gap between the government and the free market has grown significantly over the past thirty or forty years (Hansmann, 1987), so that they have become an important political and social actor – sometimes referred to as the ‘third sector’. NGOs are more efficient because they face fewer requirements for equality and accountability than government service providers and are hence less bureaucratic and more flexible (Douglas 1987). According to Kandil (2007: 15) “In 1985 the term good governance [...] emerged within the vocabulary the World Bank”. This demonstrates that the market came to see civil society as a partner in political processes. It acknowledges that change in one dimension of a system affects the whole system.

The focus on the relationship between the State and NGOs has emerged from the involvement of NGOs in service delivery, a prominent role in many countries and societies. The change of term from ‘government’ to ‘governance’, suggests that the nation State has become a facilitator or a partner, rather than a sole actor in government. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) clarifies the difference between these terms as follows: “Government is one of the actors in governance. Other actors involved in good governance vary depending on the level of government that is under discussion.” As shown in figure 2.

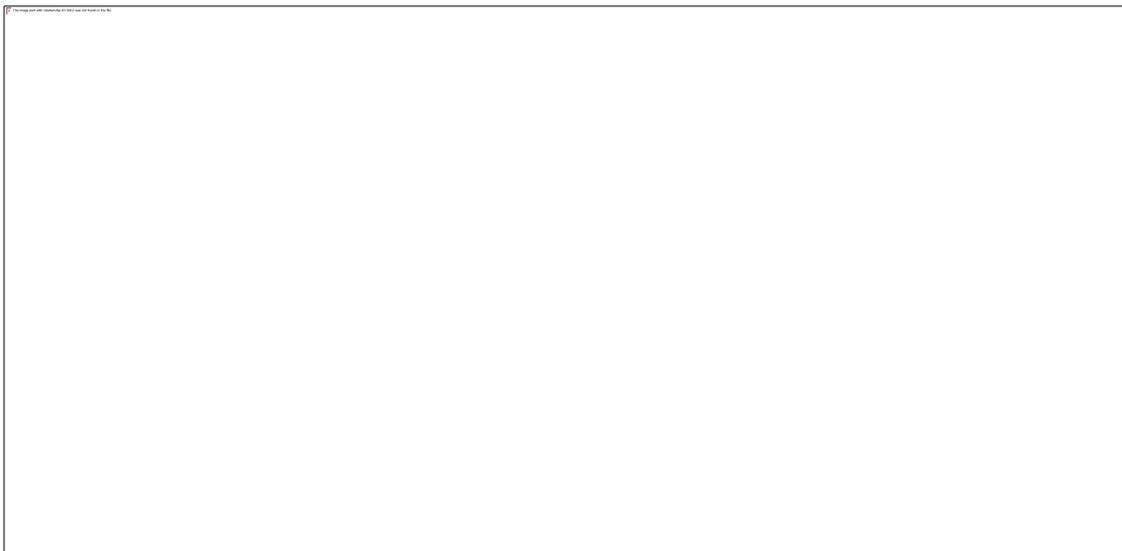


Figure 2: Characteristics of Good Governance

Source: United Nations Economic and Social Commission for Asia and the Pacific, (UNESCAP), *What is Good Governance?* p.3. [Online]. Available at: <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>. (Accessed: 5 September 2009).

Brinkerhoff and Brinkerhoff (2002), emphasise that it makes increasingly less sense to talk about NGOs and the State as operating in completely different spheres. They argue that it is significant and useful to analyse the ways in which the State and NGOs interact, particularly when the NGOs play a role in advocacy, policy-making, human rights and other forms of civil participation which go beyond service provision. Rather, unless advocacy is taken into account, the relationship between the State and NGOs is likely to be confrontational. The expansion of this relationship has been the result of political failure in many countries, underpinning the earlier point that NGOs are more than mere service providers. Brinkerhoff and Brinkerhoff also claim that the relationship has been further strengthened by the failure of markets and contracts so that NGOs are highly

helpful to citizens as well. Hence NGOs satisfy the definition of civil society adopted in this study as being comprised of intermediary organisations between the individual/society and the State. However, the most important factor is as stated above, i.e. the relationship of both State and NGOs while delivering their services to society, regardless of whether these take the form of service delivery or advocacy.

2.4.2 The Advantage and Disadvantage of Service Provision

A positive aspect of NGO activity is where service delivery provides greater diversity and better quality than government provision (Weisbord, 1975). The lower demand for equity and accountability in NGO service provision makes them more effective and less bureaucratic. However there can also be weakness when they work closely with government in service delivery. Economic models suggest that non-profit organisations filled gaps left by standardised service packages (Weisbord, *ibid*), and encourage competition (which lowers prices) and efficiency (leading to unemployment) (Hansmann, 1987). NGOs are also more trusted than governmental and private sector providers (Mansbridge, 1998 and Smith, 1989-1990) both factors which have contributed to the evolution of governance models.

2.4.3 Models of State-Civil Society Interaction

Coston (1998) identified two possible models of the State/NGO relationship, one negative and one positive. The first is defined broadly by repression, contest and competition; the second by cooperation, collaboration, and complementarily. When relations are of the first type, determined by domination and opposition, the opportunity for policy advocacy by NGOs will be extremely limited, and the space for them to occupy very narrow.

Gidron *et al.* (1992) have devised four models of interaction: where government is dominant; where NGOs are dominant; the double model where they operate in distinct spheres with little interaction; and the collaborative model where they work closely together with positive regard for each other's methods.

Brinkerhoff and Brinkerhoff (2002:8) argue that a partnership model differs from other relationships

[...] according to two defining dimensions: the maintenance of government's and the nonprofit organization identity, and mutuality (e.g., in decision making, resource and responsibility sharing and

accountability)[...] both pragmatic and normative mean and ends are believed to produce a value-added beyond that which each actor could produce alone.

As interpreted by the ‘governance’ rather than ‘government’ paradigm in places such as New Labour Britain or among African business associations, such examples almost never explain the full extent of a particular relationship.

This discussion shows there have been a number of attempts to model the State/NGO relationship. However the question remains whether it is possible to use these models to understand processes ‘on the ground’. Brinkerhoff and Brinkerhoff (2002) summarise the current understanding through frameworks which establish the difficulties inherent in a range of contexts and enhance our understanding of options and possibilities. These are evolving governance models; theories on sector failures, and comparative frameworks.

In his triangular model, Young (2000) identifies three types of relationship between the State and civil society: supplementary, complementary or adversarial. A supplementary relationship is where NGOs fulfil the demand for the public good that is left unsatisfied by government. In the complementary relationship, the State and civil society have a direct relationship as partners in delivering the public good. As government expenditure increases, it finances increasing levels of activity in NGOs, and may even incorporate the most important into the State framework. An adversarial relationship is where both State and NGOs hold the other accountable. Young bases his model on a comparative study of the US, the UK, Japan and Israel, showing that as the non-governmental sector develops, the State and NGOs can work together. However he concludes that no single model gives a complete understanding of the state/NGO relationship in any particular country.

Najam (2003:383) argues that the relationship is determined by the strategic interests of both the State and the NGOs, and identifies four ways in which they interact. He calls his model the ‘Four Cs’. As shown in figure 3 per the table below, they are:

- Cooperative: If goals and means of attaining them are similar, then State and NGOs work together
- Complementary: If the goals are similar but the means dissimilar the State and NGOs work side by side but separately
- Co-optive: If the goals are dissimilar and means are similar, the State tries to take the NGO under its umbrella

- Confrontational: If the goals and means are both dissimilar, then the State and NGO come into conflict.

Type	Goals	Means
Cooperative	Similar	Similar
Complementary	Similar	Dissimilar
Co-optive	Dissimilar	Similar
Confrontational	Dissimilar	Dissimilar

Figure 3: Najam's Theory of Four C's

Najam's Four C's (2003:383)

Similar ideas regarding the positive or negative nature of the State/NGO relationship underpin the models of all three scholars - Coston, Young and Najam. However Najam considers the additional dimensions of the 'strategic interests' of the State and NGOs through 'goals' and 'means'.

Although these models may be considered incomplete or over-simplistic, it is important to understand them, so that challenges to these ideas help to build new models and theories. These models represent approaches which may be difficult to achieve in their totality in the context of the Arab world, for example with regard to participation, transparency and the rule of law. Incorporating State dominance as a dimension, Gidron's model (1992) may be the most appropriate here, including the case of Libya.

In the context of this study, it is difficult to avoid generalisations, identify an inclusive model and decide how it should be applied to State/NGO relations in the Arab World. This will be addressed in the chapters which follow. The study will investigate the Libyan legal framework, examining whether NGO activity is promoted or restricted, and whether its former dominance of the public sphere has permitted a space for civil society to emerge. This will be analysed in the context of recent problems and a possible role for NGOs alongside the State.

2.5 Defining the Dividing Line between Civil Society and the State

The previous section has examined the range of scholarship, terminology and context in discussions of civil society. To develop the discussion further it is necessary to address the dividing line between civil society and other social spheres, particularly the State, because of its relevance to this study. This discussion is approached from a political and sociological, rather than a philosophical perspective. A central question is whether and to what extent these spheres overlap, whilst acknowledging that clarity will be difficult to achieve.

2.5.1 Differences in Terms of Objectives, Belonging, and Function

Weiner (1991:127) describe the bases of the State and of civil society as follows:

We find that the State makes its decisions on the basis that it seeks to achieve the public interest of the whole of society, while in civil society each special interest unit of civil society seeks to achieve its own ends for itself.

Fried (cited in Bannazizi and Weiner, 1991) argues that the State needs a formal organisation of power including but going beyond the social control functions of kinship. This organisation has as its central task the protection (and often extension) of the order of stratification.

In terms of belonging, the concept of civil society differs from that of the State in a number of ways. Whereas association membership is optional, a person is forced through birth into State membership. State membership is compulsory: social group membership freely chosen. The loyalty of citizens to the State seems comprehensive, universal, and general, whereas civil groups have no special bonds and reflect special interests. Loyalty to the State is stable since nationality seldom changes over a lifetime, whereas social group membership changes with fluctuations in personal circumstances such as occupation, locality etc. The State is singular, whereas the individual can belong simultaneously to a range of organisations and move between them as interests change.

In terms of function both the political and civil sectors provide social functions such as service provision. However only the State can use physical power to enforce law on its citizens and impose sanctions for contraventions. Equally, only the State is responsible for organising public authorities when managing the concerns of society as a whole. Civil society is directed towards the interests of particular groups within the society, which may

entail defending them against government intervention. Janski (1978) describes the State's functions as legislative (law-making), executive (law-implementing), and judicial (law and constitution-evaluating).

Scholars have identified a range of elements of civil society. Brinkerhoff and Brinkerhoff (2002) focus on economic elements, where non-profit associations fill gaps left by standardised services and market competition. They argue that non-profit organisations are seen as more trustworthy than both government and private service-providers, and solve problems related to contract failure.

As for the State, Muller (2006) argues that the state's basic function is the existence of a restricted and responsible public authority. In a democratic State this has four dimensions: legitimisation (validating the authority of the State); participation (disseminating information and knowledge); integration (coordinating society and the State into a cohesive whole); and protection (of the citizen from centralised power). These dimensions are inter-linked each within the other. Whilst the legitimising function is the cornerstone of democracy, depending on the trust of citizens, and whilst integration is key to a functioning society, "the main value of civil society is its independence from State power, and the ability to maintain independence". Civil society is the tool whereby the State and society agree on social priorities. Muller says:

The legitimizing function of civil society is based on the fact that it, through its independence and autonomy [...] gives the state and its government legitimacy [...] To form public opinion, civil society must constitute a relatively large structure within which social interests [...] are consistently articulated, agreed upon and verified. (2006:319)

Cohen (1978) sums up the notion that the centralised government has a monopoly over the use of force, by emphasising that the State refers to any and all variations in power, authority structure, and values by which the organisational framework of society is supported.

It is clear that some theorists find it difficult to separate the State from civil society. Norton (1995:8) emphasises that "[i]t is meaningless to speak of civil society in the absence of the State", as there are so many threads linking different spheres of society (state, political society, market, civil society) in complex ways. Cohen and Arato (1990: ix) assert that it is deceptive to identify civil society with all social life outside the

administrative State and economic processes. They say that “[i]t is necessary and meaningful to distinguish civil society from both a political society, and political publics of parties, political organisation, and political publics”. This notion is important for this thesis specifically political organizations are not seen as NGOs. However Cohen and Arato acknowledge that there are overlapping and common areas such as, citizenship rights, trade unions and consumer associations.

Keane (1998: 24) has analysed the discourse regarding civil society that has resurfaced over the last two decades or more. He sees the language used in campaigns by citizens in Latin America as a theoretical weapon against bureaucratic-authoritarian dictatorships. He calls these movements ‘revolution from below’, and maintains that ‘civil society’ has also become a mass ideology against one-party systems in ‘the forgotten half of Europe’ such as Yugoslavia, Czechoslovakia and Poland. His analysis is based on Tesar (1981) arguments that civil society was encouraged by the evident failure of Communist attempts at reform from the top downwards.

Some theorists argue, that it is obvious there are differences between the State and civil society. Here, nonetheless, the researcher has highlighted certain elements as a way of helping to define civil society and understand its complexities as an independent sphere.

2.6 Contemporary Discussion of the Concept of Arab Civil Society

2.6.1 Factors Affecting the Development of CSOs in the Arab World

This section explores recent theoretical debate within the Arab world. It will address and analyse several issues which have arisen regarding civil society in the region, such as how this concept has been understood by different scholars and the accompanying debates on the types of groups which constitute civil society. In particular, this section asks whether the Arab world has or had these kinds of organisations, or their equivalent, historically or in the present.

The contexts of the Arab states’ emergence are worth keeping in mind in this discussion. Following the end of the Second World War, governments and State structures in Arab countries became the main or only actors in political life. These governments used ‘development planning’ to create what Ayubi (1995:3) called “all-consuming and over-stretched” states. In his view, these states were trying to pursue both developmentalist

and welfare policies simultaneously. This could be justified because the State retained the existing colonial structures and was automatically accepted as responsible for development programmes, particularly for the impoverished. For this reason, scholars of civil society have prioritised the State, its role, structure, and political bodies in studies, described as the 'vertical axes'.

Also important to Arab discussion of civil society has been the growing use of the term in the wider world. Following a gap of some half a century, interest in the term 'civil society' re-emerged amongst Western writers in the latter part of the 20th century. Seligman (1995) gives three reasons for this: the re-organisation of the European Economic Community, the revolutions in Eastern Europe in 1989, and the rising tide of national consciousness. The latter contributed to the active role of civil organisations (such as the Solidarity movement in Poland, Charter 77 in Czechoslovakia and the Hungarian National Forum) in overthrowing formerly Marxist regimes. As more writers analysed the concept, a number of issues emerged which serve as the theoretical framework for this study. From the Arab researchers' perspectives, some of the preceding discussion can be described as decidedly Eurocentric. The Arab analysis of civil society is strongly based on the particular nature and characteristics of Arab experience. Hamzawy (2002) claims that the term was the outcome of three significant events during the 1980s and 90s, namely the crisis of the nation-state, the heightened strength of radical Islam, and the global transition that occurred following the Cold War.

Whatever the key causes of the development of civil society are deemed to be, NGOs have certainly increased over the past two decades, and this section investigates reasons for this increase. It also classifies Arab regimes in terms of their attitudes toward civil society, and considers the impact of political systems of Arab countries on the status of civil society.

This will be discussed in reference to the World Bank definition of civil organisations quoted earlier; it will be shown that a broadly understood definition that captures the long history of civil organisations in Arab society is compatible with this definition.

This increase of Arab NGOs may be due to many political and economic factors. Some of these stem from within the Arab states; others have their origin in external forces.

Amongst them are external and internal support; global and international changes; an enormous increase in NGOs internationally; changes in the role of the nation-state from the public sector (nationalisation) to the private sector (privatisation) for example in Egypt; increasing levels of education; and escalating social problems such as unemployment, lack of housing, and poverty which highlight the State's inability to meet all societal needs, especially amongst the poor and marginalised. The growth of NGOs in the Middle East indicates that the region is not unique but shares a common discourse with countries around the world.

Schwedler (1995) argues that the Middle East is not immune to the global trend towards democracy. She believes this is firstly because there have been various examples of controlled political reform where citizens have shared in political processes both through civil society and legitimate elections, for example in Algeria in 1992. Secondly, she believes Middle Easterners are not comfortable living under authoritarianism and that there are many indications that its citizens are politically aware and motivated to play a direct role in their government, for example the emergence of a wide range of civil society organisations and political parties. Thirdly, she argues that, despite the impediment to political reform that can exist in traditional cultures such as those of the Middle East, there is actually no particular obstacle to any country or area modernising or developing in the same way as any other.

Ibrahim has noted that:

[A] new civil formation is emerging. Hundreds of Private Voluntary Organizations (PVOs) and Community Development Associations (CDAs) have mushroomed in the last two decades. The number of Arab NGOs is estimated to have grown from less than 20,000 in the mid-1960s to about 70,000 in the late 1980s. (1995:39)

Although NGOs have increased in the Arab world, their numbers are still modest compared with other societies. The researcher now discusses the motives behind civil work. The motive or the reasons for the emergence of NGOs which underpin the growing number of these associations. They can be divided into two groups: internal and external factors.

A. Internal factors: Social, Culture and Economic

One reason given by writers such as Norton (1993) for the emergence of civil society has been as a response to people's demands. Norton argues that there is little doubt that regimes in the Middle East are under pressure from their citizens.

Some researchers (Hamzawy, 2000; Ibrahim, 1995) argue that the failure of State-centred developmental and modernisation projects in Arab countries, together with the shift to privatisation, meant that the State was no longer able or willing to provide such mainly socio-economic services as housing, health, quality education, and food supplies. This led to increasing prices of basic commodities, unemployment and marginalisation of groups. These increasingly unmet needs of Arab individuals and communities legitimised the establishment of civil organisations to provide services such as health, education, and welfare. Similarly, in war situations (e.g., in Sudan, Palestine, Lebanon and Somalia) there was a need for such organisations to provide relief (Kandil, 1994).

Over recent decades, the Arab region has witnessed the growth of education, creating higher levels of consciousness and organisational skills. Professional groups such as journalists, lawyers, doctors, professors and engineers have become more active and involved through their provision of services, which contribute to the balance of power, social development and social practice. Kandil (1995) argues that the Arab intelligentsia have played an important role through their work in establishing a reform movement aimed at modernising the Arab regimes.

Other researchers mention the growing margins of cultural, expressive and associative freedoms. These increased gradually in many Arab countries, due to State incompetence. This pushed many citizens to move to countries where opportunities were greater and many Arab civil organisations were first established abroad before their activities were transferred to their home countries where participation on different levels became more accepted (Ibrahim, 1995: 40).

Three trends dominated the Arab civil society movement: the liberalist, the Islamic and the progressive socialist trend. As a response to the diverse population needs, political parties, professional associations, and professional syndicates were created across the region. These groups appealed for assistance in facing rising social problems such as

poverty, unemployment and lack of housing, believing that civil society would offer a solution through sharing resources.

B. Political Systems of Arab Countries and their Impact on Civil Society

The character of the political system inevitably impacts the nature and activities of CSOs. As noted above, Kandil (1995) identifies three categories of the Arab political system, which relate to Arab countries as follows:

1. The pluralistic system with limited democracy through votes, a multi-party system, interest groups, and NGOs with a margin of freedom depending on their relationship with the state. Civil society develops more rapidly in such countries, including organisations for human and women's rights. Arab countries in this category include Egypt, Lebanon, Tunisia, Morocco, Jordan, Yemen and Mauritania (before the Arab spring).
2. The traditional system, which is pragmatic and introduced with the intention of achieving limited popular participation in government. In these countries, civil organisations are mainly charitable with little or no human rights and women's rights agenda. The GCC states are the main example in this category within the Arab world.
3. The authoritarian-popular system which permits the establishment of organisations under government control. Examples are Libya and Syria.

Niblock (2005:497) classifies Arab countries according to “whether the State is willing to allow organizations which are critical of key aspects of government policy to operate”. He explains that such tolerance indicates acceptance of the limitations of governmental power. He divides Arab countries into four categories. The first category contains countries – Jordan, Morocco and Lebanon - with a range of political parties, and a notable number of civil associations with direct access to social activities. Civil society in this category can turn against key elements of government policy. The second category contains countries with civil associations which are heavily restricted by government if they criticise the State. Civil associations only access areas that do not conflict with government policy, though some groups may play significant roles. These include Egypt, Kuwait, Tunisia and Yemen. The third category contains countries which have civil associations only “where the State permits such activity”. The only country in this category is Saudi Arabia. The fourth category includes countries with limited civil associations, which exist under the control of the State. This category includes Syria and Libya.

Niblock (2005:501) concludes that the main factor determining how civil society develops is the political structure and its “preparedness to relinquish power”. This may offer a kind of guarantee that change towards a strong civil society will continue to be made but at present “the room for civil associations critical of government policy is narrow”. Though both Kandil and Niblock argue that the main factor shaping and supporting civil society development in the Arab world is the political system, they interpret that influence somewhat differently.

The discussion above demonstrates that civil society in the Arab world is ‘shaky’ because its existence and operation depends largely on government policy. This demonstrates the need for a legal framework to give civil associations the right and protection to operate, rather than each programme being separately dependent on State approval. As current cases show, the Arab public does not always have access to civil associations. The legal regulation of such associations would enable the public perception of civil work to be one of sympathetic aid from the state, create more positive regard, and broaden the space of operation. This constitutes the earth which nourishes the seeds for positive and voluntary participation by individuals.

It is worth noting that many of the Arab frameworks have been changed by the events of the Arab Spring. However, these events are still very recent, and it is too early to say what the various long or even short-term developments will be. For this reason this chapter does not attempt to cover such changes; no doubt further research into these areas will prove fruitful in the future.

C. The Rise of the Islamists

The rise of Islamism, in theory or practice, is an independent element neither internal nor external to Arab States. As a major political operator, the Islamist movement is an essential element to any discourse about civil society and the Arab State. As in any religion, Islamic doctrine is susceptible to multiple interpretations and since there is no centralising religious authority. There are multiple understandings of its tenets, especially its social and political teachings, including within Islamist movements themselves.

In 1979, the Iranian revolution instigated the mission to spread Islamic society, linking religion and politics at both the theoretical and practical levels. Over the past few decades, Islamist movements have made electoral gains in many Arab countries such as Egypt, Algeria, Sudan and Palestine. The rise of 'fundamentalist Islam' has been described by the media and some liberalist groups as a return to the pre-modern stage. Political Islam has been extensively studied and not only in Muslim countries. Kandil (1995:21) for example, considers the relationship between Islamist movements and civil society, arguing that:

[T]he interaction between the Islamic reformist movement and the third sector began in the nineteenth and early twentieth century. The relationship was built on the rationale that organizations within this sector were one of the main channels for access to the public and its mobilization. In certain Arab countries, PVOs, which were highly related to the Islamic reformist movement, were in many ways an expression of the social applications of the Islam that augments its political applications. The Islamic movement has interacted effectively with PVOs.

She also notes that some Islamist political groups have been banned from functioning as political parties, but operate clandestinely as social associations (Kandil, 1994). This explains why Islamist movements have become a key factor in the growth of civil associations and may constitute a majority within them. In Egypt they make up 34 percent of the total number of associations.

As the rise of Islamism accelerates the operation of different types of civil organisation, sometimes even those contrary to the agenda of an Islamist movement, many states across the region permit and support other movements, such as liberalism, in an attempt to provide a counter-balance and limit their impact on the people

The extended role of Islamist movements in the politics of a civil society stems from their criticism of their state's plans, policy and foreign policy, especially any alliance with the United States of America. The most important confrontation between Islamism and many of the region's governments is in the arenas of democracy and public liberty, which challenges State oppression. This controversy opens the door to debate about democracy, social development and human rights and about the role of civil society in these transformations.

It is important to note that the relationship between Islam and civil society is not merely a modern trend. It is rooted in religious principles and the charitable organisations which provide social services such as education and health care. This will be discussed further in Chapter Three. Islamist organisations do not suffer from a lack of funding as they rely on support from *zakāt*, and *waqf* and also from the Islamist banks. Islamist organisations can communicate widely with the masses and mobilise a broad range of the population to support their programmes.

D. External impact

Changes can also be attributed to external causes. With the collapse of the Soviet Union and the idea of strong State control, states in Arab countries have become more tolerant of civil society. The downfall of many regimes in Eastern Europe was widely attributed to the absence of democracy and civil society in those countries. The culture of unilateralism (one party, one ideology, one leadership) has become outdated so that new structures do not have to be based on traditional forms of absolute control. This ideological change provided the motivation for many human rights, women's rights and religious movements to play a role in public life. The United States and the United Nations have also attributed the failure of development to the absence of civil society and political participation.

Howthorne (2004:4) argues that the United States of America (USA) and other donors have also been assisting Arab civil society groups for more than a decade. This has been part of low-level efforts which began during the George H. W. Bush administration, and following the events of 11 September 2001, continued under the US democracy-promotion strategy in the Middle East.

2.6.2 Parameters of Civil Society in the Contemporary Arab World: The Academic Debate.

The debate (analysis) about civil society within Arab context revolves mainly around the question of whether civil society exists in this region and in the case of existence what are its components and could be define. In responding to this question there are two approaches. One stresses the existence of civil society and its capacity to included traditional organizations, while the other emphasizes the difficulty (non-acceptance) of

'stretching' political or social terms that come from western experience to suit situations where there is a different experience.

The first approach is taken by a range of scholars, both western and Arabs. Within the Middle Eastern context, Norton (ed.) in his *Civil Society in The Middle East* (1995) characterised civil society as the place where a mix of groups, associations, clubs, guilds, syndicates, federations and unions come together to provide a buffer between the State and the citizen. In this definition Norton separates political parties from civil society. Contributors to his book, amongst them Göle, and Carapico, conclude that civil society in the Middle East can be found without formal political organisations

Kawtharānī (1992) argues that the term 'civil society' is, by its very nature, imbued with religious ideas. Religion has in a variety of different national contexts played a significant role in the past, and has continued to do so into the present. For example, the Catholic Church mobilised its adherents against Marxism and Marxist governments in Eastern Europe in the 1980s. In Muslim society, charitable embodiment through the principle of *zakāt* and *ṣadaqah*, are undertaken by the mosque, or *zāwiyā*, which links donor/s and recipient/s. Above these bodies is the endowment (*waqf* or *aḥbās*) system, which has been in operation since the second Hijra century (Kandil, 2000).⁵ These organisations were led by the educated classes and the traditional elite, and "they covered a wide range of social, cultural and political aspects and activities" (Kandil, 2000:32). They also played a significant role in education, as with *kuttāb* (Qur'anic elementary schools), demonstrating that human rights and social solidarity are not limited to Western liberal democracy but were a fundamental part of Muslim society. Under Islam, politics is a human activity; citizens must be accountable to the State, but the State also serves its citizens as the keeper of justice and safety and must balance the requirements of different social groups (al-Ghannouchi, 1999). In this way, Islamic social analysts such as al-Ghannouchi (1999) argue that human rights are acknowledged in Muslim society.

Other scholars stress its feasibility and indeed existence. For example, Norton (1995) contends social formations based on blood and marriage ties should not be include from civil society, and that many types of civil organisations exist in the region. His approach

⁵ All these forms and their various roles will be elaborated and discussed in the study context in Chapter Three.

is shared by others such as Hadenius and Ugglå (1996) who argue that a broad definition of civil society would cover a wide range of organisations (e.g., fraternal orders, sports clubs, and cultural activities such as theatre and dance), including idealistic groupings such as trade unions, religious congregations, environmental organisations and others. They see civil society as a 'multifaceted phenomenon' including political parties, social groups and associated social networks which fluidly occupy the space between the State and the citizen.

Moussalli (1995:81) provides a similarly broad definition, asserting that civil society is :

part of society that is a distinct sphere from the state, and is composed of a network of political, economic, social, educational, professional, and religious institutions, that lobby governments for their own interests, rather than the interests of state. The hallmark of civil society is the autonomy of private associations and institutions.

He remains silent about how traditional organisations can integrate with modern organisations in order for both to become elements of a coherent civil society.

Brand (1996) also includes political parties, as a form of associational life between the State and citizen, in the definition of a civil society. Schwedler (1995) concludes that the question of including Islamist organisations in a definition of civil society remains a sensitive and central question for debates throughout the region.

Some argue that there cannot be cultural neutrality in the human and cultural concepts of civil society. Each culture will have its own expression and understanding through its ideas, beliefs and history and this is just as true in the Middle Eastern or Muslim world as elsewhere. As Sadiki suggests in his book *Rethinking Arab Democratization* (2009), different criteria and approaches may be used to address different societies. Sadiki argues that Euro-American interpretive frameworks cannot be expected to fit comfortably when being transplanted into a new milieu. Any attempts to import terms or to style them as general social science terms will fail, especially when they are used to understand radically different societal cultures or history.

Al-Ghannouchi (1999) claims that the main target of the modern Islamic movements is not to build the Islamic State but to rebuild *al-Mujtama' al-'Ahlī*, even in such cases as the absence or collapse of the state, e.g. by war. It is important to continue to protect

society and its interests; for example, to establish that Muslims pay *zakāt* directly to a recipient or to an organisation instead of to the State.

The second approach stresses that civil society should not be taken to include traditional associations; for example Ibrahim (1995) sees civil society as a vehicle for development and for democracy. It is composed of non-state actors or NGOs such as political parties, trade unions, professional associations, community development associations and other interest groups, but excludes all traditional structures such as tribes and religious movements. He emphasises the behavioural code of at least tolerating ‘different others’ together with either a tacit or explicit commitment to the peaceful management of differences among individuals and collectives amongst the polity. He considers these to be the necessary conditions for modern social forms to emerge.

Gellner (1995) argues that the term demands autonomy from the State, most importantly to guarantee individual rights. Civil society is therefore firmly rooted in Western liberal democracy and is either weak or absent from Muslim cultures, based as they are on family, kinship and religion. However Niblock (2005) argues that the Western tradition has not always been dominated by individual rights, citing examples from fascism, National Socialism and communism, where political dreams have focused on ideologies which promote the group rather than the individual, and he stresses the relevance of the bitter experience of colonial occupation for Middle Eastern thinking and social action. Gellner argues that a Middle Eastern civil society is less likely than a Western one.

Keane (1998) also disagrees with Gellner, citing example of Muslim countries such as Malaysia, Iran and Turkey, where Islam is actually a motivating factor in the emergence of a strong civil society. Anheier (2004) stresses this is grounded in religious text (the Quran), pointing out that charity (Sadaqah – helping the poor and destitute) is fundamental to Islamic faith and one of the five pillars on which Islam is based. Although Islamist movements may use Islamic precepts to reject democracy, Schwedler (1995: 14) argues that Islam is not, in itself, an obstacle to democracy; the obstacle lie in the movements themselves. She also notes that:

Any analysis of social movements in the Middle East – whether or not conducted under civil society paradigm – must pay careful attention to the nature of each individual organisation and avoid characterising all groups on the basis of the activities of a few.

The researcher's conclusion to the varying analyses is that with a focus on only modern or formal organisations, the study of civil society may be erroneously truncated. Formal structures are little more than the outer shell of a civil society and the deeper layers, though less accessible or easy to analyse, are no less crucial. Ultimately the wellbeing, size and nature of civil society depend on the willingness of citizens to play a role in sharing and shaping political and public life.

2.6.3 Arab Researchers' Understanding of term Civil Society

This section discusses the various ways that specifically Arab researchers have viewed and used the term 'civil society'.

Hamzawy (2000) has provided an examination of the literature published between 1986 and 1992 by Arab social scientists on state-society relations. From this review, scholars can be classified into two groups.

The first group adopts the concept of civil society as applied by Western thinkers in Western contexts and ties it to West-related concepts such as democracy, human rights, political pluralism, the right to participate, and the separation of religion and state, treating them as universal principles. Amongst others, this group includes Ibrāhīm, al-Azmeh, Kandil and al-'Alawī, who see the Western experience as a product of the segregation of Church and State and the secularisation of life in Europe. Al-Sayyid accepts this concept but argues that Western norms and values are a remnant of the colonial period which, therefore, has had a lasting effect on social life in the Arab world. Within this group, there is some differentiation in their interpretation of the concept, which can lead to confusion amongst scholars who use different terms to describe the same phenomenon, thereby obstructing the development of epistemological paradigms. For this group, in both the Western and Arab context, civil society is the buffer between the citizen and the government, responding to religious tribal calls to be a counterbalance to the State. It is important to note, however, that this relationship is regarded as a partnership.

The second group questions and denies the relevance of a Western understanding of civil society to the Arab world. Supporters of this approach argue that the concept reflects the West's initial hegemony over Middle Eastern studies. There are different reasons for their

rejection. One stream maintains that the traditional European understanding represents an 'unneutered' sociological term. For example Saif al-Dīn 'Abd al-Fattāḥ 'Ismā'īl (1992) describes it as a fashionable, ambiguous and highly ideological term which lends itself to being adopted even where it might not be appropriate. He does not reject the value of studying such terms as terms, but notes that the more important question is how Arab researchers apply it to Arab culture and history. He links the definition of the term to the purpose of its use, describing five ways in which the term 'civil society' may be used to achieve a purpose, whether political, economic, social or cultural, which is independent from the State: (a) political purposes such as political parties; (b) advocator purposes, for example guilds; (c) professional purposes, such as doctors' or engineers' syndicates; (d) societal purposes, like social work and development organisations; and (e) cultural purposes, such as cultural clubs and writers' unions.

'Īsa (1992) also draws attention to the ideological nature of the term and how it stems from philosophical ideas ranged against the feudal system, and is therefore accompanied by a parcel of concepts and ideas such as political freedom, human rights, the market economy and democracy. He sees it as a paradigm to legitimise the emerging and struggling capitalist system. To Isa, civil society is the public face of the market in which everyone is free. The popularity of civil society in modern Arab settings is a manifestation of the abandonment of the nation-state and the selling-off of the public sector.

Kawtharānī (1992) asks what the term means in the light of the end of the Cold War, and the information and communication revolutions sweeping the Arab world. He suggests that the classical Arab concept *al-Mujtama' al-'Ahlī* is an equivalent to the 'civil society' of European thought. He argues that it is necessary to look beyond the view that civil society is an anti-religious philosophy, and that the objective of Islamic movements is to integrate the State with Islam under Islamic law (*Sharī'a*). Kawtharānī uses the term *al-'Ahlī* not only as a translation of concept of civil society into the Arabic language, but also to refer to a definition that views traditional forms such as family and tribe, as part of civil society.

This second group contests the idea of civil society as a mission for universal values. It sees it as an imported product which cannot be transplanted from one environment to another alien setting (Kawtharānī, 1992). It is the product of a particular era of European

history which has matured over time but bears no relationship to the cultural and historical traditions of the Arab and Middle Eastern worlds. For example, Christians (particularly Roman Catholics) see the priest as mediator between the individual and God; in Islam, such mediators do not exist. Jesus is reputed to have said “Render unto Caesar that which is Caesar’s and unto God, that which is God’s” (The Bible, Luke 21:25), thereby separating religious and civil affairs, whereas it is almost impossible to separate religion from social life in Arab or Islamic societies where religion is a basic element of public life and a constituent part of the State, continually affirmed through the mosque, the school and the media. As an analytical tool, the European concept cannot be usefully applied in the Arab context.

Some in this group has developed an intermediary, adapted concept, derived from the West but tailored to suit Arab societies. It asserts that civil society is capable of incorporating religious groups which successfully input services to their communities, as well as the existing familial and tribal bodies. Researchers, for example, Burhān Ghalyūn and al-Ghannouchi shows that the concept can and has been applied to an Islamic State. Their emphasis is on the ideological nature of the term.

The debate between these groups is not one of being for or against civil society in principle, but of understanding the European roots of the term, the Arab context to which it is applied, and of debating which socio-economic and political models may be accurately transplanted from one social context to another. For such an endeavour to succeed all groups need to agree that a definite understanding of the individual’s relationship to the State in the Arab context must be reached. Much of the debate concerns whether Islamic movements constitute a part of civil society or whether they stand opposed to it. This study assumes that religious movements are a part of civil society because they play a significant role in the Arab World and have the ability to meet people's needs. However, the principle of tolerance towards others presents a problem in a religious context.

A prominent example of traditional organization is the debate over whether tribes form part of civil society is ongoing. Some researchers argue that traditional social formations such as tribes do form part of civil society because they mediate between the individual and the State. Indeed, loyalty to traditional institutions is often very important in defining

political attitudes since tribal loyalty can be stronger than loyalty to the State. Some writers describe tribes as ‘channels to redistribute resources’ (al-Naqeeb, 1990:152). Where the public space - economic and political – is occupied by the State, the tribe can shield the individual from the tyranny of a despot (al-Naqeeb, 1990:152). Tribal and sectarian systems provide protection and economic help for large groups in the Arab World, and act as a framework for determining rights and duties. Tribes provide a space where individuals find familiarity, kindness and virtue and act as channels for individuals to make demands on the ruler (Sabihi, 2000).

Khoury and Kostiner (1990) argue that monarchs, military officers, and other elites who came to power in the twentieth century Arab world, have faced difficulty in building monopolies of coercive authority and control, largely because they have been unsuccessful in developing forms of popular legitimacy. Consequently, they have faced opposition and resistance from a range of social forces including tribes. Tapper (1991) suggests that as a rule tribes do not usually relate directly to the top of the State, but rather through such intermediate structures as social associations. Some researchers (e.g., Al-Harmasi, 2000) assert that the emergence of the latter leads to discrimination, where people are divided on the basis of kinship and descent in which loyalty to the State is seen as a weakness. Sabihi (2000:87) addresses the issue from a quasi-psychological perspective, claiming that:

... identification with nature, and with the tribe with religion give the individual a deep sense of security ... because he feels he has roots and he is known to have a certain place; he may feel hunger or deprivation but will not be plagued by the worse aches of foreignness and the suspicion of the community.

When the political system becomes incapable of performing its functions, this increases the risk of identity crisis. We can describe this experience as alienation, which individuals are motivated to avoid.

Other researchers argue that traditional formations are not part of civil society (Thamer, 1985) because of their negative aspects. For example, inter-tribal ‘intolerance’ can lead to constraints on individual behaviour. Where the tribe is the individual’s only association, such intolerance limits social development and diminishes the importance of the clans of other social groups. Other researchers, such as Ibrahim, consider that sectarian, ethnic, tribal, regional and family loyalties are antithetical to the modern State.

The dilemma which this issue poses can be seen from two angles: first the term ‘civil society’ lacks precision and is broad and vague; and second, much depends on the researchers’ theoretical framework as this shapes their own understanding.

This study adopted the broad definition of civil society which included traditional associations and believe that what suitable the Libyan case as traditional society.

2.7 Conclusion

This chapter has explained the theoretical frameworks of the term ‘civil society’ and highlighted different interpretations of the term, including its traditions and institutions. The complexity of the concept and the history of its development have enabled different understandings by different theorists across time and place. Broadly speaking, the development of the term is in line with philosophies of social contract and political and economic changes in European societies during the period of the Enlightenment, which included the fall of monarchism, the rise of democracy and of the free market.

The relationship of civil society to various social spheres such as the political and economic has been highlighted and a number of models to describe these relationships have been considered. Further development of the concept has been analysed in terms of recent historical events such as the fall of Communism in Eastern Europe and revolutions in Latin America.

This chapter has also considered the relevance of European theories of civil society to traditional societies and in particular to the Arab and Middle Eastern contexts. Theories of Arab scholars have been considered, placed in the context of both European and Arab analyses of Middle Eastern political systems and events. This chapter has also considered the role of Islam and of Islamist movements in the development and practice of civil society.

The definition, development and elements of a civil society are central to the framework of the research which follows. This discussion suggests that several aspects of the concept could apply in the Libyan case if a broad definition of ‘traditional’ organisations is accepted. This is possible within the framework of the definition given by the World Bank.

As noted, I have adopted the World Bank definition of civil society, as it is able to cover a range of activities, cultures and its diversity. This is crucial to the overall approach taken in this thesis. It is vital to recognise that other definitions carry different implication. To quote the World Bank:

The civil society sector is not only emerging as a clear societal actor in many parts of the world, it is also quite varied in its nature and composition. For this reason definitions of civil society vary considerably based on differing conceptual paradigms, historic origins, and country context. (World Bank, 2013)

Western definitions of civil society often do not take into account the wide range of ways in which other societies organize themselves, thus their application to those societies is limited. Despite the problems of the transfer of Western concepts and terminology to Arab culture, nonetheless, this cannot be an excuse to close the doors on discussion. While ambiguity may remain around the best definition of the term civil society when applied to countries like Libya, it is undeniable that certain universal human patterns of behaviour are in play (collective action etc) which ought to be studied appropriately.

Civil society, then, is a concept which needs to be used in a manner which recognises the context, and in non-western countries (Arab countries among them) this means that it needs to be inclusive of traditional social formations which have fulfilled a similar function to modern sector associations.

Chapter Three

Historical Development of Civil Society in Libya (1835-1969)

3.1 Introduction

This chapter addresses the development of civil society in Libya during the period 1835-1969. It sheds light on different types of organisations and institutions that have existed during this period of time in an attempt to understand the relevance of the term ‘civil society’ (as defined in Chapter two, following the World Bank definition) to Libya. It will address what are known as ‘traditional’ organisations which have contributed to the development of a civil society in Libya’s past and present, and currently act as mediators between the State and the individual. It will also consider their potential to do so in the future. Through historical analysis, this chapter is intended to provide a better understanding of, firstly, the roots of civil society in Libya, and secondly, the different ways in which the public sphere has been analysed and conceptualised. Islam has played a large role in shaping Libyan social organizations through public affairs and opinion. During the Ottoman era, religious institutions formed a counterbalance to State power prior to the rise of the Libyan nation state.

The chapter is divided into six sections. The first discusses the place of the *zawāyā* in civil society. The second focuses on the endowments system, discussing its definition and purposes. Section three outlines the importance of the Qu’ranic schools (*kuttābs*) and tribes. Section four makes it clear that Libyan people were aware of civil society prior to the emergence of the State. The fifth section focuses on the roles played by political parties in the past; and the sixth examines tribal organizations which have played, and continue to play, significant roles in Libyan society.

Drawing on the detailed analysis of the term in the previous chapter, this study has adopted a broad definition of the term ‘civil society’, in order to encompass the civil organizations which have been a feature of Libyan society since the pre-modern era. This chapter will provide further context to support the use of this term, while noting the advantages and limitations of the particular definition adopted.

The previous chapter briefly mentioned how traditional organisations brought together donors and recipients in a charitable system. The foremost of these is *waqf* (public endowment). Others are the *zawāyā* (lodges) of the mystic Sufī Order, the *kuttābs* (Qur'anic Schools) and tribal organisations. It is my contention that religion has been the main factor influencing the development of traditional organisations, giving them their purpose: *i.e.* to act as charities, providers of services and perhaps to exert political influence.

Because of their socio-religious prominence, public awareness of the traditional institutions is widespread. Ibrahim (1995:31) argues:

[The] central authority collected taxes and administered justice through the *sharī'ah*, maintained public order and defiance; and occasionally patronized arts and sciences. Social services and direct economic functions were not expected obligations of the 'state' but mostly left to local communities. In this sense, traditional Arab society not only knew the equivalent forms of civil society but also survived through them.

Local communities “covered a wide range of social, cultural and political activities” (Kandil, 2000:32) and played a significant role in indigenous education through institutions such as the *kuttābs* (Qur'anic schools). Although these institutions engaged in political activities, they were considered a civil mission between families and the authorities at that time when the State was not fully formed Kandil stated that:

They were led by the educated classes as well as by the traditional elite and it should be noted that during the European occupation of the Arab world they played a key role in social provision including during the Italian colonisation of Libya (Kandil 2000:32).

3.2 Sufi Orders

‘Sufism’ is an umbrella term to describe a range of philosophical, social, and literary phenomena in the Islamic world. In its narrowest sense it refers to schools of Islamic mystical philosophy and theology, religious orders and guilds (*tarīqah*), which have exerted considerable influence over the development of Islamic politics and society and to expressions of popular piety and devotion to shrines (Jamal J. Elias, 1998:59). This section examines Sufi orders, discusses one of the most popular movements amongst them [the *Sanūsī* order (*tarīqah*)] together with some other orders. The final part discusses the activities of the *zawāyā* (Lodge) and how they may be regarded as civil institutions.

3.2.1 Background

The *zawāyā* were both centres for Sufi *turuq* leaders and places where people could meet to pray and worship. Because of their religious associations, they were lodgings for students of the *Qur'an* and for the poor, though they were also open to visitors who visited them to resolve problems or to vote. They served as collection points for donations to their maintenance (Bai bel'ālim, 2000:01).

Historical resources show that *zawāyā* were established in Libya in the tenth *Hijrī* century, and that since that time they have played a significant role in promoting Islam and Sufism (Kandil, 2000:31). Some studies suggest that geographical and economic factors promoted their acceptance amongst Libyan people (Obeidi, 2001:38). Libya is a very large country, almost half of which is desert and for much of its history prior to the discovery of oil in 1950, it has been very poor (Obeidi, 2001:39). Long years of drought frequently led to the failure of crops and the death of the grazing animals upon which people depended. Historically, Libya's poverty suited the austere Sufi emphasis on depriving the self of pleasures in order to build stamina and patience, leading to serenity and self-purification.

The Sufi order spread across the country, especially near oases. One of the most popular traditional institutions, Abd al-Salām al-'Āsmar's *zāwiyā* in Zlīṭīn, played a major role in educating individuals and had a cultural influence so profound that some scholars regard it as a "university of the arts and knowledge" (al-Basher, 2005:551). The same can be said of *al-Zarrūq* in Misurata and the *Sanūsī* in al-Bayḍa'. Sufi organisations had, and continue to have, a large membership and constitute a significant part of Libyan civil society (al-Basher, 2005:557).

3.2.2 The Sanūsī Order (Tariqah)

This *Sanūsī* is one of the most popular Sufi movements in Africa. It was founded by Mohammed Ben Ali al-Sanūsī (Grand Sanūsī 1787-1859), an Algerian scholar who travelled to Hijāz in Morocco in 1846 (Abd al-Mālik Bin 'Alī, 1966:5; Wright, 1969:109-110) to study theology, jurisprudence, and the exegesis of the *Qur'an*. He was influenced by the Moroccan order of the *Tijāniya* (St John, 2008:47) and subsequently travelled to Libya, arriving in Cyrenaica (Barqa) in 1840. He established the first *zāwiyā* at al-Bayḍa' in 1843 which served as the Mother Lodge of the Order (Evans-Pritchard, 1949:14). In

1856, he moved to Jaghbūb, a desert location, which became the centre of his Order. Evans-Pritchard (1949:14) states that, in choosing a remote location, al-Sanūsī wished, "...to place a wide stretch of desert between himself and the Turkish authorities". Jaghbūb was outside Turkish, French and Egyptian control. This suggests that the *Sanūsī* were pursuing a political agenda as much as a religious one. For example, Mahdī⁶ refused a request by the Ottomans to assist in their war with Russia (1876-1878), as he believed that the Order should not become involved in international conflicts (Niqolā Ziyādah, 1966:69).

The *Sanūsī* order made its influence felt, defining itself as a civil and reform movement. Peters (1987:27) has stated, "... anywhere in the vast territory between the Atlantic and Iran the religious purposes of lodges, would be familiar to any Muslim". The movement gave the Cyrenaica tribal people a religious attachment and feelings of unity and purpose what Evans-Peters (1990:22) called a 'system of values'. Obiede describes it as "... a religious revivalist movement whose ascribed purpose was to purge Islam of the impurities that had accrued over previous centuries" (Obiede, 2001:40), and St John (2008:48) describes it as "... a revivalist rather than a reformist movement".

Wright (1969:230) argues that although some the *Sanūsī* family associated with the political functions of monarchy, they remained two separate institutions. However, Anderson (1987:229-230) states that, "[...] the installation of the head of the *Sanūsī* as king was a result of the promise the British made him during the war, not widespread enthusiasm for the person of the king or the institution of the state". The movement's ideology was later adopted by the political elites of Libya, and in 1851, established the monarchical regime. Libya's only king - Idris I - came from this Order and was grandson of the founder.

⁶Sayyid al-Mahdī (1859-1902) was the son of Mohamed Ben Ali al-Sanusi, the founder of the *Sanūsī* order and King Idris's father. Following the death of his father, al-Mahdī succeeded to the leadership of the *Sanūsī* order and was pledged allegiance by the seniors of the *ulama* and *Sheikhs*. During this time, the movement shifted its efforts towards education, industry, agriculture, trade and land reclamation in Libya with the aim of establishing an 'Amirate'. Furthermore, al-Mahdī transferred the headquarters of the *Sanūsī* order from al-Jaghbūb to al-Kufrah (Muftāh al-Sharīf, 2008:193-215).

The *Sanūsī* was not the only Order (*Ṭuruq*) in Libya. The *Ṭarīqā al-‘Īsawiyyā* (named after Sheikh Muḥammad Bin ‘Isā) has followers across the Maghreb (the area spanning from Morocco to Libya). *al-‘Arūsiyyā*, founded by Sheikh ‘Abd al-Salām al-‘Asmar is also a popular movement, as are the *Ṭarīqat al-Qādiriyyā* Order of Tripoli and the *al-Madaniyya* of Muṣrātā, established by Sheikh Muḥammad Zāfir al-Madanī, and the *al-Zarrūqiyya*, founded by Sheikh Ahmad Zarrūq. Finally, *al-Shādhiliyyā* was named after Sheikh Ḥasan al-Shādhilī whose most famous follower, Abū al-‘Abbās al-Mursī, is now buried in Alexandria.

3.2.3 The Role the *Zawāyā*

Whereas the Ottoman (1551-1911) authorities had a limited role in Libya, the tribes and the *zawāyā* played a major social role, parallel to that of the central authority. Ottoman authorities showed little interest in people’s affairs, focusing mainly on collecting taxes which were sent to Constantinople rather than used to develop Libya. Both education and health lacked funding and provision (Basher, 2005:335).

Zawāyā are not only centres of worship. From the outset, Sheikh Mohammed Ben Ali insisted that followers of the order helped to construct their *zawāyā*’s building. *Zawāyā* also acted in agriculture and trade as there was a constant urge to not rely solely on *Zakāt* funds- money derived from observance of the third pillar of Islam, which requires all Muslims to give part of their income to poor people. In its orientation, the order is comparable to NGOs with a mission of empowerment. The *zawāyā* also helped resolve conflicts between tribes and supported and helped to consolidate relations between other social groups. It sheltered refugees, fed the poor, provided minimum levels of education for marginalized groups and assisted pilgrims undertaking the *hajj*. It also provided refuge for those being pursued by the State.

al-Jarari (2005: 357) states that the order was recognised by the Ottoman Emperor when the *Imam* of the *Sanūsī* Movement, Muhammad bin Ali al-Sanūsī, sent his assistant, Sheikh Abd al-Raḥīm al-Maḥjūb of the *zawiyā* of Benghazi, to Istanbul in 1856. al-Maḥjūb met with Sultan Abd al-Ḥamīd and won a decree exempting the movement’s properties from taxes whilst nonetheless allowing it to tax its followers and supporters (al-Jarari, 2005:352). Istanbul granted these privileges because it recognized the order as

an autonomous public and civil organization. When the Ottoman Empire fell, the order was relatively unaffected (St John 2008: 48-49).

3.3 The Waqf

The Islamic principle of *waqf* - supporting people in need – is widely practiced in the Muslim world. To understand how it works in Libya it is necessary to understand the influence Islam has had on Libyan society. The first part of this section defines the term *waqf* and discusses its religious and philosophical origins. The second part examines its civil functions. The last part provides an example of its independence from Libyan State control.

3.3.1 Defining the Term *Waqf*

The *waqf* can be described as:

[A]n endowment or a charitable trust set up for Islamic purposes (usually for education, mosques, or for the poor). It involves tying up a property in perpetuity so that it cannot be sold, inherited, or donated to anyone (Euromoney Training, 2009).

In Arabic, it is *al-Waqf sadaqah Jāriyah fī Sabīl 'Allāh* (ceaseless charity).

The *'ulama* (Islamic Scholars) attribute the reasoning behind *Waqf* to the *Qur'an*. Verse 92 of chapter 3 reads: “Never will you attain the good (reward) until you spend (in the cause of Allah) from that which you love. And whatever you spend - indeed, Allah is knowing of it”⁷ [al-‘Asqalānī, (n.d)]. According to this verse, spending, particularly the giving away of something dearly loved, is a way of showing devotion to Allah and seeking His reward. *hadīth* adds:

When a man dies, his deeds come to an end except for three things: *sadaqah jāriyah* (ceaseless charity); knowledge which is beneficial; or a virtuous descendant who prays for him (the deceased)⁸ *Ṣaḥīḥ Muslim*.

However, other *'ulama* ascribe *waqf* to an incident involving the prophet, peace be upon him, and Omar Ibn al-Khattab. After gaining a plot of land in Khaibar (near al-Madina),

⁷The Noble Qur'an, verse 92, chapter 3 (Sūrat al-‘Umrān)

⁸It is signified that when a person dies s/he is not able to perform any deeds (that merit reward) anymore. But there are three kinds of deed for which s/he can be rewarded even after death. One of these actions is *sadaqah jāriyah*, which means any good deed done (by the one who perished) from which people continue to benefit: for instance, establishing a mosque, donating a property or any assets, having a well dug to provide water, setting a shade, planting a fruit tree or emancipating a slave.

Omar approached the prophet for advice claiming the land was the dearest thing he possessed. The prophet recommended that he dedicate it to charity, whereupon Omar made it *waqf*, that is to say, subject neither to purchase nor sale (Raḍwān al-Ssayid, 2003: 45).

3.3.2 The Role of *Waqf*

The *waqf* has played a historical role in organised charity and voluntarism. It is a system of religious endowment, whereby real estate is bequeathed for specific purposes. Funds, agricultural land, buildings and sometimes books may be consecrated under the *waqf* system to help the poor and needy. For example, the *zāwiyā* of ‘Abd al-Salam al-‘Asmar donated five hundred books to public libraries (Soiuse 2005:550). Resources from *waqf* are used to build schools, hospitals, mosques, and institutions for homeless children, the aged, disabled people and animals (Afifi, 1991:15-20). Even during the occupation, Italy respected the importance and independence of the *waqf* and did not seek to control it.

Hoexter (2002:128) argues that, “the *waqf* served as a vehicle for the crystallization of various autonomous groups in the space between the private individual and the ruling authority.” She also states that, “the idea of charity was defined in Islam in a much broader and more flexible manner than in other cultures” (2002:122). It can be construed as the best example of the institutionalisation of Islamic principles and a bridge between theory and practice. It is the framework for individual duty within society (*‘umma*), supporting the view that Islam is not just a religion, but a way of life (discussed in Chapter Two).

Hoexter (2002:128) identifies the three key roles and influences of the *waqf* system as:

1. Providing support for mosques, *madaris* (schools), towns’ water supplies or *zāwiyā* and local administration;
2. Providing resources to finance the activities of family guest houses;
3. Providing resources to pay for teachers and officiating preachers.

The *waqf* also serves as a focus of group autonomy within different communities and may incorporate the guild leader (*‘imām*), local representatives of the descendents of the Prophet (*Naqīb al-‘Ashrāf*) or other representatives chosen locally (*ibid.* 128).

The *waqf*, therefore, has both a religious and an economic function. “[I]t was one of the ways for the rich to protect their money from nationalism by the state” (Kalil, 2006:111). Hoexter (2002:132) also identified that the rich seek to ensure that their properties are

protected from state authority by *waqf*. The *waqf* also helps autonomous groups, such as scholars, to remain outside government control, giving them a freedom of speech which permits criticism of government rules or policies.

3.3.3 *Waqf* Institutions and the State

An event of the 1990s demonstrates this freedom from government control, showing that the authority of the *waqf* is not derived from law but from cultural hegemony (the theory developed by Gramsci) beyond government.

Throughout Islamic history endowments were immune from government interference. They were administered by beneficiaries or inspectors according to terms and conditions set by the endower. The Islamic State was not able to directly intervene in *waqf* affairs because income received from private donors made it economically independent. This situation changed, however, following the formation of Islamic ‘nation states’. To extend their power, these states nationalised all institutions, including endowments and the sizeable resources they had accumulated. *Waqf* came under state supervision and individuals within them became government employees receiving income from the State. Although this move was met with resistance and some victories were won, State control has continued until the present day. Despite this, the *waqf* have on occasion been able to exercise independent judgement. The following case is an illustration of this, highlighting how efforts by corrupt State officials to confiscate or expropriate endowments have been resisted.

The case occurred in Libya, administrative appeal No.46/58, dated 27th July 2003, at the supreme court of Tripoli, headed by Judge Dr. Khalife Sa'id al-Qadhi (Head of the administrative department of the court). The appeal was submitted by the Secretary of the General Institution of Endowments Committee, against the following: first, the Secretary of the General People's Committee (the prime minister); second, the Secretary of the General People's Committee of Housing and Utilities; third, the Secretary of the People's Committee of Housing and Utilities of Zliṭin; and fourth, the Secretary of the Popular Conferences of Zliṭin.

The appeal was against a verdict issued by the Misurata Court of Appeal dated 20th April 1999. The *waqf* found that a number of its properties had been unlawfully looted,

including a plot of land in the district of Misurata in the town of Zlīṭīn. A verdict was issued by the council of al-Mirqib County claiming that the land was for public benefit and could be used to build a tourist hotel for Social Security provision. This decision was made according to an agreement between the two parts and after securing consent from the General People's Committee (the government). An appeal against the case took place in Misurata where it was initially accepted, but later rejected according to the fact that law No. 124 of 1972 does not outlaw expropriation of the *waqf* estate for the public benefit.

The court's verdict was that expropriation contradicts the basic premise of *waqf*. Ownership of *waqf* property cannot be transferred, and to do so is an immoral act. The *madhhab* (doctrine) of Imam Malik, to which law No. 124/1972 referred, does not permit compromising *waqf* property except for very good reasons, such as extending mosque space or building a road for the benefit of the people. *Waqf* property is not intended for the benefit of investment bodies. On the basis of the fact that expropriation contradicts the essential premise of *waqf*, the court upheld the appeal.

3.4 Kuttāb (The Qur'anic School)

The *kuttāb* demonstrates how local people can manage and fund their needs without government control. It is the practical application of the principles of Islam, creating images of popular solidarity in educational services, with minimal government spending. Education in Libya has followed the *kuttāb* system (there are not even approximate figures for their number). They are funded by *Zakāt* money or by contributions from local communities (Basher, 2005:550).

According to Mohamed Said Mohamed (2010:4), the first *kuttāb* was established in the year 100 AH by Ismail Abu al-Muhajer, an African *wali* (ruler), beside his residence in Kairouan. His example was followed by other Arabs. *Kuttāb* teach reading and writing, the Quran, Arabic and Mathematics. They are equivalent to the modern day elementary school. They are large enough to include many students.

Al-Abrashy distinguishes three types of *kuttāb*. The first are primary level where children learn to read, write, to memorise the *Qur'an*, religious principles and the basics of mathematics. The second are legal *kuttāb* where children and young people study

linguistics and literature. These two types are primarily concerned with expanding religion and science. The third type provides education for orphans, the poor and the children of soldiers. This provides scientific education and social care for the poor, thus enabling poor children to enjoy the same care and education as those of richer classes.

In the second AH century, the number of *kuttāb* increased, as did the number of teachers, until one or more were found in every village. Many Muslims contributed to the establishment and funding of *kuttāb* and undertook building in order to bring them closer to God and to enable both the rich and poor to be educated. *Kuttāb* were sometimes attached to mosques and sometimes separate. Some teachers worked without pay in order to please God, and some accepted a small salary for the basics in life (Attia, 1975:70-90) these schools are separate from government control, and are integrated into the culture and tradition

3.5 Civil Associations

This section focuses on civil associations in Libya. Although there have been very few, it will shown that they are historically linked with traditional institutions. It will also outline how they have worked in Tripoli, and consider the most famous NGOs in Barqa (Cyrenaica).

3.5.1 Profile

Civil association history in Libya began with the movement of Ibrahim Sirāj al-Dīn (al-Muṣrātī 2000:8 and al-Jarari, 2005:471). It developed during the reign of Sultan Abd al-Ḥamīd II (1876-1908) and although it did not long survive the Ottoman era, it was the first nationally-conscious organisational structure of its kind in the Arab world (al-Muṣrātī, 2000:8 and al-Jarari, 2005:471).

The movement was an underground association and to disguise its actual activities, its internal law was called “charitable benefits and advice”. At a time when the country had limited natural and human resources, its existence contradicts the claim by al-Mughairbī (1995:137), that civic society institutions were not established in Libya prior to 1943.

The structure of the Sirāj al-Dīn movement showed a trend toward democratic principles and practice, tolerated and accepted openness towards global culture and thought. Article

11 of its byelaws stated that the society should consider and accept foreigners (Emmesh, 2008:25). Act 16 stated that societies should increase in both numbers and activities as more societies would lead to greater competition and more good deeds. These Acts demonstrate a good understanding of the value of intellectual and political pluralism (Emmesh, 2008:25-26). This association also stated that Libyan society should treat Bedouin tribes as communities which have strayed from becoming civic beings, and that it was the duty of its members to guide the Bedouin and consider them within its law (Emmesh, 2008:27).

3.5.2 Civil Association in Tripoli

In 1944 a hospital was established through anonymous contributions from a civil association, with 54 beds for general medical services (Abu Shawareb, 2005:876). At that time, there was no state and no notional government in Libya; here the civil associations offered significant service.

3.5.3 ‘Umar al-Mukhtār Association 1943.

Since the British colonial administration forbade the formation of associations and parties, the Umar al-Mukhtār society was initially founded as a sports club in Benghazi (Maghairbi, 1995:137). The Umar al-Mukhtār association had two branches; one in Benghazi and the other in Derna. Each worked independently from the other except with regard to the general policy of the association. The membership of each branch was almost 1,000 (al-Sharef, 2010: 104), with each member paying a fee. The branches had the ability to raise funds to finance their activities. The association organised significant political, social and sporting activities and was also publically critical of the British administration and more indirectly of some of the king's policies. It went on to call for full independence for Libya (Emmesh, 2008:183). The association began issuing a weekly newspaper, entitled *al-Watan*, on 1st April 1944. It was shut down on 11th July 1951 by the government of Cyrenaica.

3.6 Tribal Associations in Libya

This section considers tribal associations to be part of traditional civil institutions in Libya and a key facet of civil society in the Maghreb. It involves tribal leaders (*shaikhs*) defending the interests of their group against other tribes and also against the government. *Shaikhs* are also responsible for protecting members of their tribes from problems or

obstacles and the respect paid by tribes to each other's customs and traditions has fostered a solidarity amongst them, which has frequently acted as a barrier to violations of their rights. Accordingly, they have played an important role in protecting parts of society from central tyrannies, as I discussed in Chapter Two [al-Naqeeb, (1990); Sabihi, (2000); Khoury and Kostiner (1990)]. Tribes provide a social function which is crucial where modern forms of civil society have not been developed.

In the case of Libya, some studies emphasise that:

There is an inter-relationship between tribalism, tribal structure and religion (Islam) which together have played a vital role in socio-economic, cultural and political development. This inter-relationship has undergone some development since the mid-nineteenth century following the emergence of the *Sanusi* order, which was initially a religious movement and later a political one (Obeidi, 2001:43).

Within societies such as Libya, traditional institutions such as tribes play an important role in maintaining customs and cultural values whilst at the same time acting as deterrents against violations of their members' rights by outsiders. In this sense the tribe is part of civil society rather than a substitute for it, especially where the institutions of modern civil society are still under construction. In times of development, the tribal system has become a means of social and economic support for individuals.

Libyan tribes have played a significant role in the country's politics (Khadduri, 1963:77), but not in terms of forming political parties. An Electoral Law issued in April 1950 divided Barqa into three electoral districts with the number of seats allocated on tribal lines (Khadduri, 1963:77). The official distribution of power reflected level of influence wielded by three tribes, as opposed to overtly political groupings such as the 'Mukhtar group'.

Tribal influence is also demonstrated in the succession of King Idris. In 1956 there were suggestions that the monarchy be abolished. Mustafa Bin Halim was proposed to replace the federal state with a united republic, but this was opposed by Cyrenaican (Barqa) tribal leaders who encouraged the king to reject it (Wright, 1969:231). During his reign, with the prohibition of political parties and in the absence of any political programme, the only involvement in political life and elections was through tribal or family routes (John Wright, 1969). The *shaikhs* held such power that different administrations, including the

Turkish, Italians and British, used their powerful influence, albeit mainly for the purposes of collecting taxes (Peters, 1949:112).

To conclude, it seems reasonable to agree with Ahmida's (2005:83) view that:

[In] theories of the state, analyzing the region's history, and exploring alternative perspectives to explain social and political development knowledge is often circumstantial and constrained within institutional and social boundaries. Modern social science, however, was developed in response to European problems at a point in history when Europe dominated the world.

3.7 Political Parties

This section considers political parties. The first part focuses on parties active during the Italian occupation, the second discusses these parties under British Administration in pre-independence Libya. It should be noted that political parties are not included in my definition of civil society. However, they are discussed here because of their importance during the early period of Libya's independence. They did not form government and existed outside any legal framework but played an important civic role. Political parties after the 2011 uprising will not be considered because they are very recent and their most important objective is to form a government and become part of the political process.

3.7.1 During the Italian Occupation - The National Tripolitania Reform

Party 30-09-1919

The first political party in Libya was The National Tripolitania Reform Party. Ramaḍān al-Suwīhlī and his colleagues observed that internal and international conditions, together with the military stance of Italian occupying authorities, were obstructing the decisions and actions of the national government in Tripoli. This necessitated the foundation of a political party to maintain their duties and keep pace with the development of political and intellectual methods useful in the struggle for national liberation (Emmesh, 2005:183). The party was formed on 30th September 1919 and announced on the front page of the *Tripolitanian Banner* newspaper which became the voice of the party. Ramaḍān al-Suwīhlī was nominated as the honorary president and its agenda included providing support to a national political movement; mediating in political disputes; addressing national and international institutions, involving them in the Libyan question; and resistance to the Italianization of the country (Emmesh, 2008:78).

3.7.2 Political Parties in Libya during the British Administration

Following the defeat of Italy in World War II and their withdrawal from Libya, the country fell under British administrative rule in November 1942. The British liberated the Libyans from Italian colonialism and helped them build their own country. The British government supported Idris al-Sanusī as ruler of Barqā (Cyrenaica). A request was submitted to the British administration in Tripolitania “[...] to grant permission for organizing political parties on January 25, 1943” (Khadduri, 1963:81). However, the British turned down the request, because the war was not yet over (Khadduri, 1963:83). British administration permitted a Literary Club to exist, which functioned as a political party. Following the end of the World War II in 1945, there was a mushrooming of political parties as outlined below:

(a) The National Tripolitania Party

The National Tripolitania Party was founded on 8th April, 1946. Article 10 of its charter committed the party to the establishment of cooperative associations for the development of the country's resources; the expansion of agriculture, industry and trade on the basis of modern methods; and the establishment of civil schools to curb unemployment (Emmesh, 2008:78). The Party was dissolved following the turmoil which accompanied the first legislative elections following independence in 1952, and its leader Bashīr al-Sadāwī was exiled on the pretext that he was a non-Libyan national (because he held it at the time Libyan passport were not been issued). From that time, political parties of any form were banned in Libya.

(b) The United National Front (*al- Jabhā al- Waṭaniyyā al- Mutaḥidā*) 1946

The United National Front was formed on 10th May, 1946, as a ‘Defence Committee’ (Emmesh, 2008:202). It was a representative coalition of people from across the political spectrum, including both Arabs and Jews, who opposed the French plan for an Italian trusteeship in Tripolitania under the United Nations (Khalaf, 1993:236). Its original aim was the creation of a united and independent Libya as a member of the Arab League, under the constitutional rule of Idris al-Sanusī, in alliance with Britain (Khalaf, 1993:236). However, “[T]he immediate purpose of the creation of the *al-Jabhā* was to present the Cyrenaican case to the international commission.” The party made its first declaration on November 1946 which included the following demands (Khadduri, 1963:62):

- 1- Recognition of the *Sanusī* Emirate under Idris;
- 2- Permission to form a national government to administer the country in preparation for complete independence.

(c) The Free National Bloc party (*al-Kutla al-Waṭaniya al-Ḥurra*) 1946

The Free National Bloc party was founded on 26th May, 1946, as a splinter group from the Nationalist Party (Khalaf, 1993:236). It opposed British administrative control, the *Sanusī* leadership and Italian immigration, and was also critical of French activities in Fezzan (Khalaf, 1993:245). The party's membership grew to 70,000 and it formed two new wings: a youth group and a trade union (Khalaf, 1993:247).

(d) The Party of the Egyptian Tripolitania Federation of Libya 1947

The Party of the Egyptian Tripolitania Federation of Libya was founded with the aim of bringing about the union of Tripolitania, Cyrenaica and Fezzan under the Egyptian crown. Later, in May 1948, the party supported the *Sanusī* Emirate against a united Libya (Khalaf, 1993:249).

(e) The Tripolitanian Labour Party 1947

The Tripolitanian Labour party was a very small group whose aim was to achieve a united, independent Libya with Arab League membership (Khalaf, 1993:249).

(f) The Liberal Party [*Ḥizb al-`Aḥrār*] 1948

The Liberal Party was authorized by the British Administration in March 1948 (Emmesh, 2008:237), and revolved largely around the personality of its leader, Sadek Bin Zara. It represented the middle classes, especially in the education sector, and advocated that all people have the right to establish and join associations (Emmesh, 2008:238).

(g) The Muslim Brotherhood

The Muslim Brotherhood's ideas and organization came to Benghazi in the late 1940s when three young members of the movement escaped from Egypt. All three had been accused of involvement in the assassination of the Egyptian Prime Minister, Nuqrqshi Pasha. Among them was Dr. `Izz al-Dīn Ibrāhīm who later worked as a consultant in the United Arab Emirates. Prince Idris al-Sanusī, the Emir of Cyrenaica, granted them political asylum. They preached sermons in mosques, gave religious lessons and public lectures which influenced many young people in Benghazi. Since that time, the

ideology of the Muslim Brotherhood became a prominent feature of the religious, cultural and political landscape of Benghazi. This ideology soon spread to every city and region in Libya without, however, being reflected within the country's regulatory or organizational framework due to its being prohibited by the Libyan authorities.

The Islamist movement was an essential component of the political scene during the years of monarchy. It manifested as the Muslim Brotherhood movement – at the time, the only major voice stemming from Islamic principles. Other organized Islamic political movements did not develop until the 1970s.

(h) Arab Nationalist Movements

During the Libyan monarchy, nationalist movements including the Nasserites, the *al-Ba'ih* and the Movement of Arab Nationalists, were a major component of the political landscape. Their ideology spread for several reasons. The most prominent figure of the Nasserites, Abdel Nasser, was strongly anti-colonial and anti-imperialist, which was attractive to Libya. The *al-Ba'ih* and the Movement of Arab Nationalists both maintained influential presences in Libyan cultural and political arenas during the 1950s and 1960s. In 1960, the Libyan authorities arrested a group of intellectuals and young people from cities across Libya, accusing them of forming a secret organisation which followed the prohibited Syrian Arab *al-Ba'ih* Party. The judiciary sentenced the defendants to imprisonment ranging from a few months to several years. The third element consisted of groups whose members had been influenced by Marxist ideologies, either through Marxist literature available within the country, or while studying outside Libya (Emmesh, 2008).

In 1967 the Libyan government announced the discovery of a secret branch of the Arab Nationalist Movement whose members were tried and sentenced under a similar regulation to that used against the *al-Ba'ih* party. In both cases, amongst the defendants were Syrians, Palestinians and Jordanians working in Libya as teachers and other professionals. According to Emmesh, these parties were those of the Libyan elite (Emmesh, 2008:282).

During this period the role of the *zawāyā* was strengthened because, unlike political parties, it had not been prohibited. This is possibly because loyalty to the *zawāyā* was

guaranteed by its origins lying in the *Sanusi*. The king banned political parties for two reasons: firstly, to avoid foreign ideas and ideologies impacting on the political and social life of Libya under a conservative government; and secondly because in his Islamic training, he could have interpreted Islam as being incompatible with the party system. This depends on an understanding of the term ‘party’ (*hizb*). In the Qur’an it has a negative connotation as a segment of society. However, the Quran does not link this word with the term ‘political’. Wright (1969:16) claims that “... overt political activity in the 1950s was limited to the trade unions.”

It can be seen that almost all the political parties were located in Tripolitania rather than Cyrenaica. This is thought to be because: firstly, the public space in Cyrenaica was dominated by the Sufi order (especially the *Sanusi* order), and; secondly, under the formation of the Ottoman State, Tripolitania had moved away from the old trading and tributary political economy to a more advanced form of capitalism (Ahmida 1994:67). These parties also emerged as channels of communication and forums for nationalist expression during a period of national struggle against colonialists. Their aims were the liberalization and independence of Libya. Nevertheless, these parties and movements existed in the absence of a pluralistic political system. The period of British administration was a transitional phase characterized by the formation of political movements promoting the establishment and development of a Libyan State.

3.8 Conclusion

In this chapter, I have introduced different types of associations that were developed in the pre- and post-independence periods. An analysis of the role of traditional associations has revealed that these acted as tools of resistance against colonialism, and preserved Libyan identity. These associations became sources of political mobilization.

It can be seen that a specific and established culture of participation is embedded within Libyan political culture, and that the Libyan people have historically believed in their ability to help shape the conditions facing their lives. Islam has not only been a religion, but also a political theory, a major source of identity, a means of legitimisation of political power and a provider of social services. Even the resistance to Italian colonialism had strongly religious components which provided a dynamic driving force.

The structure of Arab society of which Libya is a part of it is not a feudalist structure, and also is not capitalism in the classic European sense. It is a structure that is controlled by the traditional structures of pre-bourgeois revolution and capitalist development, which are not characterized by class polarization, but dominated by the patriarchal system.

The ability to understand the dynamic of the Libyan case is bolstered by the broad definition of civil society, used in this thesis, which include traditional organizations and how these were a way of organizing people outside the scope of the state. I have discussed civil society from the perspective of the way in which the term of civil society has been used in the World Bank definition and in Libyan society. This study is not put within the context of democracy in the western political theory which came as a result of the industrial revolution. As Beckman, (1997:2) suggests: "It is more useful if such contested positions and ambiguities are addressed as the complexities of civil society itself rather than as an awkward way for determining what civil society is at any particular time"

I will to conclude this chapter by stating that the need in the Muslim World is to establish a theory of civil society appropriate to an Islamic context, but at the same time cognisant, that we are living in global world where we can contribute to human civilization. It is an example of the value of "cultural diversity".

Chapter Four

The Political System under the Qadhafi Regime in Libya

4.1 Introduction

The purpose of this chapter is to demonstrate the interplay of power structures and social/political organisation under the Qadhafi regime, in order to understand the context in which civil association operated at this time. Specifically, this chapter will explain the dynamics and institutions of the Libyan political system under Qadhafi, as a precursor to detailed information on Libyan NGOs, provided in Chapters Six and Seven. The chapter will discuss the nature of the Libyan state, not just the formal institutions of government, since the latter narrow view might be misleading. It will also examine how the structure of the Libyan political system influenced the shape of society, considering whether within this system there was room for civil association independent of the state, or whether the structure dominated all public activities. It asks whether or not there can be a strong civil society (as defined by the World Bank) in a strong and fierce state, as Libya was under Qadhafi.

Many scholars emphasise the importance of the political atmosphere surrounding civil society, especially whether it offers resources and support, or creates restrictions. For example, Denooux (2005:79-80) points out that civil society is “unlikely to sustain its role.” Without a supportive state environment. He interprets the dynamics of Moroccan civil society, considered the most active within the Arab World, as stemming not from the leaders of civil society or the pressure of civil society exerts on government, but from the “political context in which it operates” (al-Sayyid Sa’id, 2005:63).

4.2 The Nature of the Libyan State during the Qadhafi Era.

The state is much more than a set of formal government institutions. In discussing the character of the Libyan state during the Qadhafi era, it is important to note the ways in which civil society was limited and controlled through methods of manipulation, coercion and fear. This section addresses the question of how the leader (Qadhafi) maintained his rule, and what the mechanisms and levers of power were. It will be shown that the formal institutions were hollow, but that complex networks of participation helped maintain the status quo.

The researcher will discuss this question by applying Hisham Sharabi's concept of the 'neo-patriarchal state' to the Libyan case. The term "neo-patriarchy" seeks to define a distinct form of social organization found in the Arab World. This form of social organisation arose from the era of European penetration, when a process of modernization imposed by Western colonialism within the framework of the colonial project lead to a hybridization and distortion of traditional structures. This process produced a situation where "the past did not end yet the present had not been born." The neo-patriarchy argument thus derives its significance, according to Sharabi, from two sides: first, it captures a history different from the traditional social system known as the medieval Islamic civilization, and secondly it differs from the pattern of social evolution/development that prevailed in Europe after the French Revolution and the rise of the bourgeois class. More specifically, Sharabi (1988:3) uses the concept of the neo-patrimonial state as a: "universal form of traditional society, which assumes a different character in each society," without depending on Western Europe's first historical break with traditional society as its model. Where modernity has not been able to throw away patriarchy, but patriarchal systems have interacted with the modernist tide and produced a hybrid system (caused by making an arbitrary reference between traditional and modern looks), this situation creates what Sharabi called neo-patriarchy.

The patriarchal system at the level of the mental or intellectual is characterized by a holistic system and tyranny, where there is a refusal to engage with criticism or dialogue. One of the features on this system is the claim to possess absolute truth: a belief that the patriarchy's claims cannot be doubted or opened to review and critique. There is one absolute truth possessed by the 'father' (at the level of the family/household), or men versus women in general, or the father as a political representative in the person of the ruler. In all cases, arguments of force prevail over the power of argument.

This hierarchy of vertical relationships classifies individuals and groups in the social order, and therefore in the priorities that determine rates of access, rights and privileges. These are not subject to standards of intellectual, scientific practical effectiveness, or the level of productivity, but just to one's belonging to a certain category or group, or one's affiliation to a clan or class or family. Sharabi came to important conclusions through this analysis regarding the social phenomena in which power, represented by the father in the

family, finds its extension into other institutions: the power of the party leader, the Shaikh's authority in the tribe and the absolute authority of the governor of the State.

We can analyse how Qadhafi led Libya according to this concept. He started his rule as a "national" project, but this was not borne out through the building of institutions, but rather as a state-level form of patriarchy. Qadhafi broke traditional loyalties or patterns, and introduced "revolutionary" legislation. That the leader succeeded in the implementation of this during the first years of the rule was in part due to his charismatic manner, but also his cultivation of political clients, whose personal loyalty to the leader (rather than the state) presented them with certain privileges.

Qadhafi's parental style shared many aspects with that of other leaders in the Arab and Muslim world. There, patriarchy also constitutes a symbolic order, based on the idea of an inspirational leader, who is necessary to lead people/peoples (still children or not mature) and to carry out their affairs responsibly. This concentration of power in a single individual can transfer to other social and political levels. However, the similarity with established Arab and Muslim forms of society should not blind us to two special characteristics which are essential to the form of Qadhafi's rule: his penetration into the religious sphere, and into the family institution.

As to the religious sphere, here Qadhafi had a prominent role, contributing numerous interpretations of religious texts and doctrines that ran contrary to more widespread views in the Muslim world. He espoused a set of opinions on the doctrines of all the various currents of Islam and declared his intention to fight against the Wahhabi doctrine, which created enmity between himself and Saudi Arabia. His expression of these views was not confined to Libya, but was broadcast all over the Arab and Muslim world; he dedicated himself to serving the issues of Arabism and Islam, seeing it as his task to explain the key elements of Islam to all Muslims. He built many mosques in different countries, and his international role was promoted through the Islamic Dawa Association (Jam'iyat al-Da'wa al-Islamiah). In addition, in 1989 he gave himself the title of the "Muslim's

Imam”); this name carried an even greater status than that of al-Faqih,⁹ giving him responsibility for the interpretation and determination of many aspects of religious life.

In the family institution, Qadhafi made many contributions. For example he put restrictions on polygamy. This did not represent religious concerns only, but also addressed social phenomena reflecting male dominance. This was considered as a breach from traditional patriarchal models of the family institution. Another example was the establishment of the military college for girls, and his use of an all-female guard; these would not previously have been considered acceptable social roles for women.

The weakness of the state’s structure and its institutions mean that the contemporary state in the Arab world is often unable to fulfil its fundamental role in the modern world, both in terms of building the institutional infrastructure, and establishing an identity separate from the person ruling (whatever the method by which he came to power). This limitation has played an important role in distorting the notion of the State in the social consciousness, and in diminishing political awareness, and awareness of the law. What happened in Libya was that the Libyan State had an informal character with shadowy “institutions” such as the Social People's Leadership Committees, the Revolutionary Committees Movement, the Forum of the Companions of Qadhafi and the Free Unionist Officers Movement. All those “institutions” were formed outside of the official *Jamahiriyah* system (the people’s authority) and were not subject to election.

Libyan state institutions under Qadhafi were therefore accountable only to the leadership that formed them. Mattes (2011:55) explains that the regime used “some” institutions, organizations and political groups to keep itself in power or when faced with challenges. He adds that the unofficial institutions have not been constitutionally defined and are beholden only to the leadership. This fits one of the themes covered in Chapter Five, that which relates to ‘Revolutionary Legitimacy’. Held power outside the official channels.

⁹**Imam:** Imam literally means "the president" but it also a title of those who excel in reading the Qur'an, well acquainted with Islamic teachings or who hold ranks in jurisprudence. Scholars of Islamic studies and law hold this rank.

Faqih (fə'kiħ): is a scholar who studies religious rulings derived from Islamic law and the sources of legislation relate to acts and behaviours. Text is the basic source of the Faqih in analysing literary Islamic sources in order to deduce Islamic rulings into; obligatory, prohibited, recommended, undesirable and allowed.

The view that for various reasons the institution of the state in Libya did not exist fully within frameworks whereby it could become properly representative and act for the benefit of society in all its variations is not only a theoretical assumption. Support for this appears in the Declaration of the Popular Revolution or what known as (Five Points of Zwāra), also known as the “Cultural Revolution”, in April 1973. The third paragraph of this document states that “[t]he revolutionary administration is to eliminate bureaucratic management”, where the meaning of bureaucracy here is not the complexity of administrative routines, which actually increased, but rather the administrative structures.

The authorities in Libya have used the circumstances of statelessness to justify their constant interference, by claiming that the state is still at the so-called stage of revolutionary transition, never having moved on to that of the state. Accordingly, the prime focus for any reform in Libya must be to move from the stage of the revolution to that of the state.

The absence of a state institution provides an explanation for why civil society in Libya is still so weak. Whether under Qadhafi or under King Idris, the state institutions were not strong, not only as a result of legal constraints, but also because of the inherent difficulty in building a civil society that is active and strong in a country lacking a fully-fledged state. This is because civil society, as defined here, occupies the space between society and the state, and it is precisely this space which is lacking or at least poorly-defined in Libya.

A key example of the effect of this lack of strong, continuous institutions is Qadhafi's official political position as the Supreme Commander of the Armed Forces, when he left the Revolutionary Command Council. Because this meant that the army revolved around a single person rather than the institutions of the state, the Libyan army was in effect dismantled, because its loyalty was bent towards its supreme commander instead of its homeland. Another problem facing Libya is the issue of reduction of the army's number, which, in fact, is not limited to it: there are many countries in the so-called Third World that also have this difficulty in building their armies.

The Libyan army was subject to reorganization several times; Qadhafi's speech in April 1979 suggested an alternative programme for the national army, which he described as being a "classic army". The alternative was the "armed people", a programme that included military training for civilians and women. Also, revolutionary committees were set up, comprised of Gaddafi loyalists. In August 1988 Qadhafi announced plans to dismantle the "classic army" and police, and replace them officially with "armed people". It meant a significant reduction in the size of the army and its services being dispensed with. In 1989, the Qadhafi regime abolished military ranks and the General Command of the Armed Forces Committee, replacing the latter with a Temporary People's Committee of Defence. Many of the leaders of the army were dispensed with, and turned most of them into business. Then Qadhafi created security battalions under his son's leadership, consisting of loyal and certain tribes. These battalions were trained to the highest levels, and tasked with protecting the regime. These battalions become a parallel or alternative to the national army (Sergei Balmasov, 2012).

Qadhafi's authority for his second unofficial position came from the issuance of a document called "Revolutionary Legitimacy", under which even the spoken word of Qadhafi became the rule of law, and at times superseded it.

Most interviewees from Libyan associations considered that the discourse on civil society within Libya amounted to involvement in the political arena. Therefore, most interviewees tried to show their disinterest in politics. At the same time, however, the associations (represented by the interviewees) faced impediments placed on their structures, administration and funding, which prevented them from realizing their goals and taking part in the building a civil society. These impediments included both internal and external limiting factors. In this respect, I can borrow the words of Shawa (2005:210) who emphasises that civil society is problematic in the context of Libya.

Even though the Libyan state is a neo-patriarchy, as this section has explained, it did leave a small amount of room for some associations with limited activities, as I will illustrate in Chapter Six. It is important to understand these spaces, in order to reveal the specific and complex characteristics of the Libyan context, and avoid unquestioned application of ready-made labels for the situation, as discussed in earlier chapters.

4.3 The People's Authority Declaration

On March 2, 1977 the Libyan government declared the "People's Authority" and the Republic of Libya became the "Socialist People's Libyan Arab Jamahiriya", a newly created term. Colonel Qadhafi considered this as a world historic change compared to the introduction of the term "Republic" in the French revolution. He added that this was only the starting point for the world, which would be moved steadily in the same direction.

This change was not only in the names and terms, but was a fundamentally radical one. It eliminated the governmental institutions along with their legal frameworks and traditional bureaucracy, which were replaced by structures that were completely different. The declaration of the power of the people stated that, "power is to the people with no power to others. The people are to exercise their power by the People's Conferences and People's Committees, unions and professional associations, and the General People's Conference" (Declaration Document of the Power of the People: Sabha, 1977). As a result of this declaration, the Revolutionary Command Council and the Council of Ministers were dissolved, and Colonel Muammar Qadhafi became the first general secretary of the General People's Conference. The remaining members of the Revolutionary Command Council were appointed as members of the General Secretariat of the General People's Congress. However, all these individuals resigned later in 1979. This resignation was a turning point, when a division of authority began. The Colonel declared that power would be divided into revolutionary power (de facto authority), and the power of the people (the official form of the government, whose function was to carry out the administration of the state). (Libya's Revolution in Twenty Years, 1989: 123-126). of the revolutionary power was under the supervision and "guidance" of Colonel Qadhafi, and this was given formal status in 1990 with the issuance of the "Statement of Revolutionary Legitimacy" which outlined guidelines and instructions which became superior to the force of law.

The researcher will present a summary of this political system, which can be seen as an attempt by Muammar Qadhafi to apply the thoughts that he developed in the Green Book and in his in many speeches. He conveyed it as a third way between Marxism and capitalism: Marxism, he said made the state the owner of everything, including the effort and sweat of the people who became the state's slaves, while, capitalism is brutal, stealing the efforts of workers and allowing the rich classes to become richer. The Colonel believed that neither system considered the rights of the people.

The Green Book was composed of three parts: the first part covered politics, and was entitled "Solving the Problem of Governance" -through direct democracy. The system was based on People's Basic Conferences as a basis of legislation and People's Committees as a means of implementation. The second part was entitled "Solving the Economic Problem" - of communism, and the third part focused on the social side of the Third Universal Theory, dealing with topics such as nationalism, women and minorities.

The analysis here will focus on the political system, to understand if it allowed for the existence of civil society organisations and how the system perceived those organisations.

4.4 The Structure of the Political System (People's Authority)

The organisational structure of the power of the people consisted of two main pillars, which were the People's Conferences of all levels representing the legislature, (the consideration of draft laws and recommendations to the General People's Conference), and the People's Committees at all levels representing the executive authority. This section will address this structure thoroughly and examine in detail the role of each part of it.

4.4.1 People's Conferences

The People's Conferences formed the legislative body, and were divided into three levels. The first was the People's Basic Conferences, which were located in every locality. The second was the non-basic conferences, which were based in branches of the municipalities and the third was the General People's Conference, which was equivalent to parliaments in other countries. There were also vocational and professional conferences, which were equivalent to professional unions.

4.4.1.1 Basic People's Conferences

These Conferences were forums for local people to discuss the impact of state policy (political, economic, social and security) on local and national issues. The conferences were arranged at specific times, dictated by law and were managed by a special Committee The Basic People's Conferences were not limited to a specific number of people, hence the number of attendees varied.

The Basic People's Conferences were considered a tool of legislation, for consideration of resolutions before passing them to the People's Conferences for approval and ratification. According to the first chapter of the Green Book “the people are distributed to basic popular Conferences, where each Conference selects a secretariat to run its meetings”. Basic People's Conferences were held 3 times a year. The first meeting was usually devoted to develop a detailed agenda for the next two meetings, and the second was used to discuss local issues, while the third meeting was dedicated to both domestic and international topics. The members of the committee drafted resolutions and then voted by show of hands.

The Basic People's Conferences were the backbone of the political system and the vehicle, through which people exercised authority, power, and control over the affairs of state and society, from local issues to conflict resolution with other nations and the negotiation of International agreements and alliances, etc. The Basic People's Conferences were considered to be the supreme sole political reference (See letters, speeches and explanations of Muammar Qadhafi: national record: issued 1986).

This theoretical concept had two objectives for Muammar Qadhafi. The first objective was to establish democracy through the conferences and the second was to replace centralised decision-making with a process of decision- making carried through multiple levels.

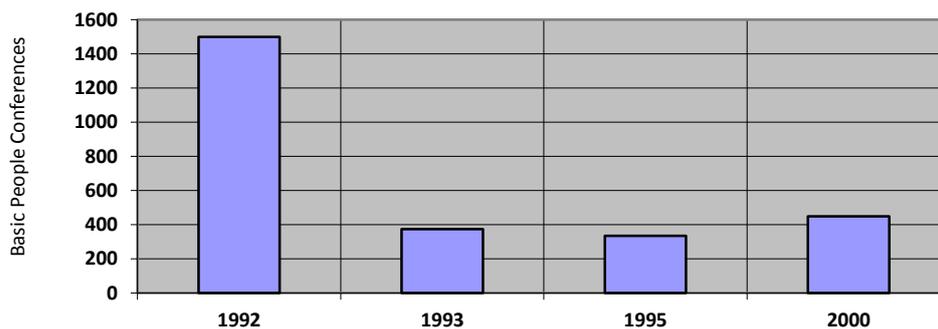
However, the application of Qadhafi’s theory fell far short of the democratic participation it had envisaged. The fragmentation of political decision making between the different departments of authority created a state of administrative chaos that lacked the minimum requirements of institutionalisation; therefore theoretically it moved away the centrality of decision-making at the same time as moving away from the decentralisation of management. This was considered one of the most important structural factors in the Libyan regime that put the country in a state of administrative chaos. There were manoeuvres to bypass this theoretical framework on the ground. Although Qadhafi did not have any role in the selection of trustees or in discussions of the agenda, those who lead the secretariats were keen to please him. This made people lose their trust in the conferences and attendance declined. This was most noticeable in the last session of the People’s Conferences in December 2010, as only the secretariats attended. In other

conferences even the secretariats were absent. (*Libya al-Youm* newspaper and *al-Manara* newspaper 22-12-2010).

Muammar Qadhafi persisted in explaining this decline by saying that it was a result of the non-cooperation of the Libyan people, who lacked the required level of revolutionary spirit, rather than the obvious imbalance in the theoretical construction drafted by him. In Chapter 7 of this study, the researcher criticises the theoretical basis of the Green Book, which was based upon the concept of the power of the people.

In 1992 the number of Basic People's Conferences was 1500, in 1993 it was 375 and in 1995 it was 336. It rose again by the year 2000 to 450 (Periodic Report of the Secretariat of the General People's Conference for the year 2001:17). There is in 2000 may have reflected Qadhafi's attempt to re-engage people in the political process.

Figure 4: Basic People conferences



Source: Secretariat of G.P.C report 2001

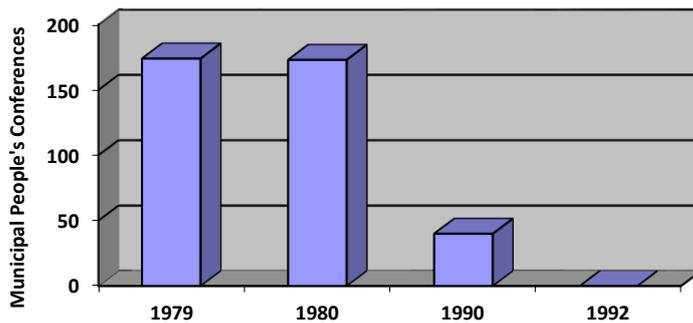
4.4.1.2 Municipal People's Conferences

These conferences consisted of all popular contiguous conferences within a specific geographical area. They were specified by the General People's Conference, and their popular committees consisted of the total chosen members for each sector, for example, health, education, utilities... etc. People chosen from the People's Basic Conferences of a specific geographical area, and the Non Basic Conferences of the main municipal branches selected a secretary or minister for each popular committee (health, education ...etc). The committees which represented the executive authority then chose a secretary-general. (Masses Dictionary, 1989: 274). In the first chapter of the Green Book

it states that "out of the secretariats of the People's conferences, the popular non-basic conferences emerge".

In 1979, Libya was divided to 174 municipal branches, and in 1980 the number was revised to 173. However, in 1990 the number was reduced to 40. In late 1992, these branches were totally abolished (al-Mīghīrbī 1995:67).

Figure 5: Municipal People's Conferences



Source: (al-Mīghīrbī 1995)

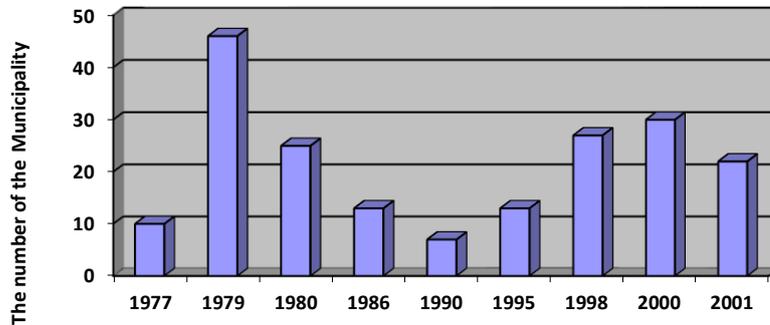
4.4.1.3 People's Conferences of the Municipality

Libya, which has a population of about 6 million inhabitants, was divided into 22 branches (province or municipality) and this number changed frequently as a result of mergers or further divisions; for example, in 1977, Libya was divided into ten provinces consisting of 46 municipalities. In 1979, the provinces were annulled and Libya was divided into 46 municipalities, which fell to 25 in 1980, 13 in 1986 and 7 in 1990 (the lowest recorded number). In 1992, the municipal system was abolished in Libya and power transferred into the hands of the basic conferences and the General People's Conference.

In 1995, Libya was divided into 13 "districts", rather than municipalities or provinces. This re-naming lasted until 1998 when the districts became "branches" (Shaabat), and their number increased to 27. In 2000, the number increased again to 30 (Periodic report of the General People's Congress 2001) and finally to 22 (the website of the General People's Committee. These branches had legal status and were publicly accountable, and many powers that were granted to the General People's Committee and its general sub-

committees to provide public services, Within those powers was the power to permit the establishment of non-governmental organisations (NGOs) at the level of their branches.

Figure 6: The Number of the Municipality



Source: Secretariat of G.P.C report 2001

4.4.1.4 The General People's Conference

The General People’s Conference corresponds to parliaments in other systems and was a legislative power. It was composed of the secretariats of the popular conferences, committees, unions and professional associations. The conference selected a secretariat that chaired the meetings and signed laws and endorsed the credentials of the representatives of foreign countries. The secretariat consisted of five members including: Secretary General, Secretary of Women's Affairs, Secretary of the affairs of the People's Conferences, and the Secretary for unions and professional and vocational associations.

Theoretically, the General People's Conference held the political power in the masses system in Libya. As stated in the first chapter of the Green Book (P7) "The General People's Conference is not the total of persons or members such as parliaments, it is a forum that gathers both the People's Conferences and People's Committees”.

The General People’s Conference was the melting pot in which the decisions of the People's Basic Conferences were formulated and applied in practical ways. The General People's Conference published and implemented legislation. According to Article (1) of the People's Conferences and People's Committees 2001, the General People's Conference had extensive powers (pp. 17-19).

Under this jurisdiction, the General People's Conference was not the representative of the public and its members were not deputised by the people to make laws and decisions, as is the case of parliaments and assemblies in other countries. The General People's Conference members were representative of the Basic People's Conferences, associations, unions, and professional associations. Therefore they were responsible for drafting the final wording of the decisions that they conveyed from the conferences of the people, in an honest and responsible way without the right to modify.

4.4.1.5 Professional People's Conferences

Those conferences represented another form of the people's power which differed completely from patterns of associations in other political systems. It was stated in the first chapter of the Green Book that: "All citizens who are members of these Popular Conferences belong, vocationally and functionally, to various sectors and have, therefore, to form themselves into their own professional Popular Conferences" (p.12).

Professional People's Conferences included unions which belonged to the people of specific professions. These conferences also included professional associations which were popular gatherings for people with artistic or scientific talents. They also included the unions which were the forum of professional unions and associations.

4.4.2 People's Committees

The People's Committees represented the executive power in the country at all levels, thus for every People's Conference there was a corresponding People's Committee that was responsible for implementing its decisions. The committee members were chosen by the conferences. It is worth noting that the People's Committees corresponded to ministries in other systems. In this section, the researcher will present the different levels of People's Committees.

4.4.2.1 People's Committee for the Basic People's Conferences

(Locality or Mahalah)

The Basic People's Committee for locality consisted of a secretary and four members. These committees were responsible for handling local affairs and for implementing the decisions of the Conference at the local level. All committee members were elected

through complicated and changeable procedures by the Conferences, for a period of 3 years.

4.4.2.2 People's Committee of the Municipal Branch

The People's Committees of the Municipal Branches were made up of a secretary-general and a group of trustees responsible for various sectors.

4.4.2.3 Municipal People's Committee

The Municipal People's Committees consisted of a secretary-general and a group of trustees, each heading a Sectoral People's Committee (health, education, housing, etc.).

4.4.2.4 General People's Committee (The Cabinet)

This committee was the supreme administrative body in the pyramid structure of the power of the people as it was in charge of overseeing and monitoring the implementation of public policy. It was the highest executive body in the country and it was equivalent to the cabinet (or council of ministers) in other countries. The General People's Committee was responsible for the issuance of regulations and decisions, which were regarded as second legal ranks following the laws of the General People's Conference, had a Secretariat and among the tasks that were given to the General People's Committee by the legislator was that of endorsing NGOs throughout the country.

The most important functions and specialisations of the General People's Committee were as follows:

1. Implementing laws and decisions of the Basic People's Conferences that were formulated in the General People's Conference.
2. Proposing a draft operational budget and draft budget of the developmental programme and submitting them to the General Planning Council.
3. Preparing transformation plan projects and public projects and submitting them to the General Planning Council.
4. Proposing draft laws, as well as other issues that it wished to present to the Basic People's Conferences.
5. Managing and implementing public strategic projects.
6. Following-up the work of the General People's Committees of the sectors, the Sectoral People's Committees and the People's Committees of agencies,

institutions, public companies and related bodies. Supervising these entities to ensure that they were functioning in accordance with the resolutions of the Basic People's Conferences.

7. Supervising and following-up on Libya's Great Man-Made River Project and its investments.
8. Making decisions on the organisational structures of the General People's Committees of the sectors.
9. Encouraging foreign investment in Libya and following-up on Libyan investments abroad.
10. Putting controls on the dispatch of work, study, training, medical treatment, or for missions abroad.
11. Adopting educational curricula.
12. Issuing governing regulations to contracts for the implementation of works and services that were financed from the public budget.
13. Issuing executive regulations for laws that were related to their jurisdiction.
14. Establishing, resolving, integrating, organising, reorganising, and specifying the respective mandates of: institutions; bodies and agencies; interests and public companies; and public administrations.
15. Carrying out any other assigned tasks issued by the General People's Conferences or the General Secretariat of the Basic People's Conferences.

The General People's Committee had a Secretariat that consisted of a secretary, trustee's assistants, secretaries of the General People's Committees of the sectors and inspectors general. The Secretariat was responsible for monitoring the work of the following: the trustees of the General People's Committees of the sectors and inspectors general; secretaries of the People's Committees of branches; Trustees of the People's Committees of the branches, institutions, departments, agencies and public bodies that belonged to the General People's Committee to perform, for example, the central bank and the high court.

The most important functions and specialisations of the Secretariat of the General People's Committee were the following:

1. Implement laws and decisions of the Basic People's Conferences that were formulated in the General People's Conferences.

2. Call for meetings of the General People's Committee and the General People's Committee of branches, and follow up on the implementation of their decisions.
3. Propose draft laws, and other topics that it wished to present to the Basic People's Conferences, presenting these to the General People's Committee for approval, then forwarding these to the Secretariat of General People's Conference.
4. Conclude treaties, conventions, and submit them to the Basic People's Conferences for approval.
5. Adopt minutes of meetings of joint committees, and follow-up on international cooperation affairs.
6. Nominate trustees and members of the People's Committees for the branches, institutions, agencies, interests, and public companies, as well as members of the general assembly of public companies. Nominations were carried out in coordination with the Secretariat of the General People's Conference, and as determined by the executive regulations of the law.
7. Provide permission to the People's Committees of the branches, institutions and public companies to contract with foreign companies and agencies for the implementation of projects.
8. Provide study scholarship, training, work and placements abroad.
9. Investigate the Trustees and members of the People's Committees, and put penalties on them according to the applied legislation and controls specified in the executive regulations of this law.
10. Carry out any other assigned tasks issued by the General People's Conference or its Secretariat, the General People's Committee, or the General People's Committee of the branches.

We can conclude from the description of the political system in Libya that this construction fulfils the concept of the power of the people, as it included all people, males and females from the age of 18 years starting at a local level, which made room for civil society. In practice, however, it did not fulfil this purpose.

In reality, the escalation process of nominating people to occupy the executive positions in the "secretariat" became as time passed a tool for incorporating the worst types of

corruption, where bargaining on those positions among individuals, tribes, and clusters became commonplace, as those positions allowed them the opportunity to steal public money, access various benefits and gain personal prestige.

4.5 Conclusion

In this chapter I have discussed the Libyan political system during the Qadhafi era, raising the question of whether there was indeed room for civil associations under this regime. Ever since March 1977, Qadhafi did not hesitate to disregard these structures as a whole and make decisions according to his own wishes and advantage, when he so chose. Perhaps the most extreme case was his decision to pay huge financial compensation for two incidents involving French and American planes, and his announcement that the nuclear weapons development programme in Libya would be closed down. These issues did not go through the approval process of the political system. The system had turned into a sacred doctrine which no one dared to criticise, but which Qadhafi felt free to use or not use according to his wishes. It did not, therefore provide the clear sound stable legal and political structures in which civil associations can flourish.

Chapter Five
The Legal Framework for State - Civil Society Relations
in the Qadhafi Era

5.1 Introduction

This chapter examines the legal framework which developed for civil society organisations during the time when Qadhafi held power in Libya. This links with the key role played by Qadhafi, whether in the formulation of laws or in their application. The chapter deals with the question of how the change in political context, which was the main concern of the previous chapter, impacted on the legal context. It assesses whether Libyan law promoted or restricted NGO's activities, with particular attention to Law 19 of 2001. This law is still in effect because a government has yet to be established with the power to issue new laws (this will be explained later in the thesis). The chapter addresses the relationship between law and civil society as a framework regulating the relationship between the State and NGOs. It will be argued that NGOs should have the right to operate and not be constrained by the State nor seek its permission for these operation, and that this provision was effectively missing under law 19.

It is worth noting that under the laws described below there is no protection for NGOs as autonomous entities. This is clearly a severe shortcoming in the Libyan code, especially when the laws themselves, as we will observe, are flawed.

The contribution of civil society organisations to the political process, and patterns of interaction between them and the State is one of the main debates concerning civil society. There are three reasons why it is worthwhile studying the legal structures which regulate NGOs and determine the relationship between them and the State. Firstly, it highlights the distinction between the functions, duties and roles of the State on the one hand and civil society on the other; secondly, it enables understanding of the points of conflict and areas of cooperation, interaction and integration between them; and thirdly, it provides a basis for comparing Libyan law on NGOs with those of other countries, from which theoretical conclusions may be drawn.

5.2 The Law and the Qadhafi State

This section takes up one of the threads of analysis of Chapter Four, concerned with changes that happened in the power structures, which had impacts on the legal framework and the position of the leader within it.

Despite the fundamental change Libya witnessed since the coup d'état of Colonel Qadhafi in 1969, the legal system initially retained remarkable continuity. Article 34 of the Libyan constitutional declaration of 1969 read "all existing provisions of laws, decrees, and regulations which are not in conflict with the provisions set forth in this constitutional proclamation remain in effect. References to the King and Parliament in these laws shall be regarded as references to the Revolutionary Command Council and reference to the kingdom shall be regarded as reference to the Republic."¹⁰ This means that commercial and civil affairs retained continuity and remained active. Family law was put under a separate Shariah system during the reign of King Idris, and remained so in the early years after the coup. However, both Islamic and secular courts were integrated into one court system in 1973 after the colonel's speech in the city of Zwara, where he declared the suspension of all active laws. However, some laws remained active; new laws have been added without nullifying previous and potentially contradictory ones. In practice, however the most recent law would overrule the older one.

Following the declaration of what was known as the "People's Authority" in 1977, the Green Book invoked the Quran as the basis of law, but Libya's legal system continued to be a twin system of both elements, Islamic as well as secular. The Criminal Code of 1973, for example, refrains from full application of Shariah punishments such as limb amputation and flogging.

The second turning point in the relationship between the law and the Qadhafi government was when Qadhafi made the change in Libya's official name. This change was not merely cosmetic, but was fundamental and radical. At a stroke it eliminated the governmental institutions of the status quo, along with their legal frameworks and traditional

¹⁰Constitution of Libya 1969, available at: <<http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan004643.pdf>

bureaucracy, replacing them with structures that were completely different. The declaration of the power of the people stated that

"Power is to the people with no power to others. The people are to exercise their power by the People's Conferences and People's Committees, unions and professional associations, and the General People's Conference" (Declaration Document of the Power of the People: Sabha, 1977).

As a result of this declaration, the Revolutionary Command Council and the Council of Ministers were dissolved, and Colonel Muammar Qadhafi became the first general secretary of the General People's Conference. The remaining members of the Revolutionary Command Council were appointed as members of the General Secretariat of the General People's Conference. However, all these individuals resigned later in 1979. These resignations were a turning point, marking a new distribution of authority. However, the declaration of the People's Authority "continue revolution led by Colonel Muammar Qadhafi."

The Colonel declared that power would be divided into revolutionary power (de facto authority) and the power of the people (the official form of the government, whose function was to carry out the administration of the state) (Libya's Revolution in Twenty Years, 1989: 123-126). The revolutionary power was under the supervision and "guidance" of Colonel Qadhafi, and this was given formal status in 1990 with the issuance of the "Statement of Revolutionary Legitimacy" which outlined guidelines and instructions which became superior to the force of law.

Qadhafi used to interfere in the process of legal enactments by pressuring the General People's Conferences to adopt a particular matter and legalise or outlaw it, and in doing so, he resorted to what he called the revolutionary legitimacy. Al-Werfalli (2011:39) explains that:

His authority is absolute and is based on the revolutionary legitimacy charter, which justifies his remaining in power indefinitely and his interfering in people's authority. It also gives him the right to have the final say. His decisions are irrevocable and they overrule the BPCs decisions.

Another element he used was the proposal of laws, which was partly monopolised by Qadhafi, since he played a crucial role as the guide of the People's Conference. As a

consequence of this role, the official institutions become effectively hollow structures, as discussed in the previous chapter.

In the previous chapter I presented a summary of this political system, which can be seen as an attempt by Muammar Qadhafi to apply the thoughts that he developed in the Green Book and in his many speeches. He conveyed it as a third way between Marxism and capitalism: Marxism, he said made the state the owner of everything, including the effort and sweat of the people who became the state's slaves, while capitalism is brutal, stealing the efforts of workers and allowing the rich classes to become richer. Qadhafi believed that neither system respected the rights of the people. In his new system the decision-making institution was putatively the People's Conference, as a formal legislative body, but in practice, Qadhafi was the key figure of the decision-making process.

The Green Book, which provided the theoretical underpinning for the new system, was composed of three parts: the first covered politics, and was entitled "Solving the Problem of Governance", to be achieved through direct democracy. The system was based on People's Basic Conferences as a basis of legislation and People's Committees as a means of implementation. The second part was entitled "Solving the Economic Problem", and the third focused on the social side of the Third Universal Theory, dealing with topics such as nationalism, women and minorities.

On this basis of this thinking, Qadhafi claimed that he had restored and handed over power to the people, but he installed himself as the leader of the revolution, which position was directly imposed and perpetuated via the so-called "document of revolutionary legitimacy", issued in March 1990, which says in its first item: "The guidance issued by the leader of the revolution is binding and enforceable.'

Also, on March 05, 2006, the General People's Conference emphasized the need to expedite the implementation of the directives of the Leader of the Revolution as the Platform for Action of the people's and People's Conferences. The General People's committee (the cabinet) made these "guidance" superior to their own decisions and the accountability of committees. This formed the basis for the transformation plans "commissioned" by the secretariat of the General People's Conference to form committees to review existing laws, and make sure they did not conflict with the directives of the

Leader of the Revolution, "and" consider the failure to implement the directives of the Leader of the Revolution points accountable to the people's committees.

I can conclude by saying that this period was characterized by a foggy and confused picture. Almost as soon as a decision had been made, it was susceptible to being changed or cancelled, and its opposite being announced. Legislation proceeded in effect by trial and error, leading to a lack of stability.

5.3 Legal Relationship Between State and Civil Society

5.3.1 Background

It is useful, at the outset, to understand the international legal status of civil society associations. The United Nations Universal Declaration of Human Rights states that:

- 20.1 Everyone has the right to freedom of peaceful assembly and association.
- 20.2 No one may be compelled to belong to an association (UNUDHR, Art. 20, 1948).

In addition, The International Covenant on Civil and Political Rights, issued according to the UN decision No. 2200 (1966) was adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. This came into force on 23 March 1976, following ratification by a number of countries, amongst them Libya, which ratified both agreements in 1970 (accessed 6 February, 2013).

The United Nations International Covenant on Civil and Political Rights states:

- 22.1 Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
- 22.2 No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
- 22.3 Nothing in this article shall authorise States Parties to the International Labor Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention (UNICCPR, Art.22, 1966).

5.3.2 The Libyan Case

The Libyan government under Qadhafi granted and regulated the right of association through Law No. 111 of 1970.

5.3.2.1 Law No. 111 of 1970

Law No. 111 (1970) was issued by the Revolutionary Command Council headed by Qadhafi. It contained seven chapters and 65 articles, which will be outlined below.

Chapter I: 25 articles covered general requirements for the registration of associations. The chapter defined an association as a group which organised itself for non-profit-making activity as a permanent organisation, or for temporary reasons, and consisted of several people (Article 1). In Articles 1 and 2 this law established the conditions for associations. Firstly, the association had to be consistent with the law, public interest and public morals. Secondly, it had to be established in writing, and signed by the founding members, with not less than fifty members including none who had been deprived of political or civil rights. The rules of procedure were as follows:

- 3.1 The association's name, purpose, location, personal details of all members, financial sources, and members' rights and obligations, must be registered.
- 3.2 The association has no legal status unless it exists according to the provisions of this law. The association must also be registered with the Ministry of Social Affairs.
- 3.3 The association's bank account, its financial matters and annual budget must be subject to regulation (Article 3- Law 111).

Chapters II and III addressed administrative issues. They stated that each association had to have a Board of Directors consisting of at least five Libyan citizens elected annually by the General Assembly (Articles 26 and 27) who did not receive salaries or bonuses for carrying out their work (Article 29). The Social Affairs Ministry had to be informed of the decision-making process and the General Assembly had to meet with an agenda agreed a minimum of fifteen days before the meeting. A copy of the minutes of each meeting and the decisions had to be distributed within fifteen days following the meeting (Article 41).

Chapter IV and V dealt with supervision of the association, and authorised the judiciary to revoke any decisions which contradicted the law. It also combined and dissolved

associations. The Minister of Social Affairs was warranted, in an urgent case, to overturn any decision made by the Board of Directors or the General Assembly if the decision violated the law, public interest or public morals. The Minister could appoint a temporary Board of Directors of any association, integrate multiple associations which shared the same purpose, and amend the purpose in accordance with social needs.

Chapter VI consisted of one article with regard to sanctions. It stipulated the following:

Any members of an organisation may be punishable by imprisonment for a term not exceeding three months and/or a fine of not more than one hundred Libyan Dinar (£50) for any of the following offences:

- 57.2 Preventing the publication of any record or documents that have been requested by the law or the publication of invalid data. Also deliberately giving data to a non-competent person or hiding necessary data.
- 57.3 Any involvement of an association in activities not in accordance with the provisions of this law, or any association conducting activity beyond the purpose for which it was created.
- 57.4 Continuing to pursue the activity of an association which has been dissolved or integrated into other associations
- 57.5 Collecting donations for the association or receiving funding for personal benefit, which is contrary to this law. Such funds will be confiscated.
- 57.6 Any board members, managers and staff who fail to deliver the details of the assets of the charity, records and documents.
- 57.7 Any other violation of the provisions of this Act or its implementation.

However, the Penal Code contained additional sanctions with more severe penalties, thus rendering this chapter of the law redundant.

Chapter VII dealt with further provisions such as the entitlement of the Ministry of Social Affairs to rearrange the sector according to Law No. 111. It excluded youth and sport clubs, co-cooperatives and student associations from this provision.

Overall, the law focused primarily on behaviour and was obligatory for associations and their members. It did not mention nor provide rights for these associations and was clearly not formed in the spirit of encouraging them. Because of the narrow opportunities for their activities and the lack of enthusiasm and encouragement for this sector, its limitations and weaknesses are obvious. Under Qadhafi there were few associations – only thirty in total - and of these, half were for women's activities (Committee of the General People's Social Affairs, 2009:326). Subsequently, women's associations were

replaced by the Revolutionary Nuns movement and the Revolutionary Committees of Women. This was consistent with the ideology of the revolutionary system.

Law no.111 was suspended following the people's revolution launched in April 1973. Without exaggeration, it can be said that between 1973 and 1989 NGOs were few in number, and existed as semi-State institutions. Their role was limited to working in conjunction with official institutions. They were subject to strict regulations in the selection of their leadership, in financial matters and in all their activities.

5.3.2.2 Substantial Laws

After the issuing of Law No. 111 of 1970, the Revolutionary Command Council issued the following decisions, which related to public freedoms and freedom of speech. Many of these laws, such as Act No. 45 of 1972, prohibited strikes, sit-ins and demonstrations.

Act No. 75 of 1973 nationalised independent newspapers and journals so that the State controlled all printed media. The law muzzled the press and was in contravention of both the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, both of which treat freedom of speech as a basic human right.

Act No. 71 of 1972 criminalised political parties. One of its Articles stated that to join any party was treason against the fatherland. The third and fourth articles mandated either the death penalty or imprisonment for not less than ten years for anyone calling for the establishment of a prohibited group. Act No. 52 of 1974 made defamation, slander and aspersion criminal offences, for which the punishment was eighty lashes of the whip.

At this time Qadhafi declared his Third Universal Theory, embodied in the Green Book, which became official State ideology. According to this book, members of professions across the country were to form their own unions and syndicates which were to be called Professional Congresses.

5.3.2.3 Civil Society in Qadhafi's Political Discourse

When we say civil society, we mean the opposite of the military. Who is not a civilian? All right [...] In Libyan society, what body does not consist of civilians? (Qadhafi speech: 28.01.2010).

Here Qadhafi argued that because the government had been dissolved and its entire apparatus replaced by the People's Authority, all of Libyan society was now civil. 'Civil society' was described as a 'Western bourgeois idea' because the Western political model (party parliamentary democracy) required civil institutions in order to counterbalance State power and improve the lives of needy people. Since this was not required under the People's Authority, calls for civic institutions in Libya were therefore inappropriate imitations of the West and demonstrated a failure to understand this deeper meaning.

Qadhafi emphasised this theme, together with closely related ideas, on many occasions. For example, in an address to the General People's Conference on 8 October 1992, he maintained that if society did indeed need associations, then they should exist only as charitable institutions serving widows, orphans, the blind, disabled, etc. He argued that associations provided a social umbrella for people who were disadvantaged, and that they substituted political shortcomings, serving as a lobby to influence elections. He claimed that all Libyan people belonged to tribes and families which met their social needs, and also to Conferences where they could voice their opinions about any domestic or international issue which concerned them. Thus, Libyan society did not require civil associations.

This has some resonance with Ibrahim's argument (1995) that in the West, the processes of capitalisation, industrialisation, urbanisation and citizenship are all connected. Both Ibrahim and Qadhafi start from the same perspective, but their conclusions are divergent. While Qadhafi argued that civil society is a Western construct which some Arab people have borrowed, Ibrahim argues that the Western values relating to urbanisation, citizenship, modernity and democracy must be promoted. Ibrahim further argues that civil society is a precondition for democracy, and "the linkage between civil society and democratisation should be obvious."

Paradoxically, in another session of the General People's Conference (1 September 2001), Qadhafi emphasised the importance of civil associations because they employed a significant number of people in a 'third sector', providing social services, as exemplified in the United States of America (USA) and Europe. He called for the initiation of planning by the Basic People's Conferences in order to establish such a third sector, promoting this

view as a step toward settlement with the West. Together, these speeches reflect his narrow understanding of civil society and demonstrate great inconsistency.

5.3.2.4 Law No. 19 of 2001 on the Reorganisation of Civil Associations

This law, combined with Qadhafi's newly-stated views on civil society, reflected ideas not far from a Western perspective. It could be argued that it was a law based purely on international pressure to 'reform' and that this generates associations without real purpose which are unlikely to establish a strong and effective legal framework to meet their needs. The Law Committee of the People's Conferences drafted the law, regulating already-existing associations and opening the door to the establishment of new organisations.

With growing international pressure, and to keep in step with globalisation, the General People's Conferences thus issued Law No. 19 of 2001. This law replaced the previous Law No. 111 of 1970 and reorganised NGOs. It consisted of 51 articles in six chapters which covered the issues indicated below.

Chapter I contained 19 articles dealing with general requirements, including:

Article 1: Definition of the Association and its internal order. An association is "Any group of people seeking to provide social, cultural, sporting, charitable and humanitarian activities. These associations can serve the whole country or specific regions and are non profit-seeking."

Article 2: Procedure to be followed to approve the establishment of an association.

Article 3: Accounts and records of the association, including registration of sources of funding.

Article 11: Annual budget

Article 12: Bank details

Article 14: Status of forbidden activities.

Article 15: Donation regulations

Article 16: Branches of the Association.

Article 17: The right to form sub-confederations of similar activities.

Chapters II and III dealt with the management of associations, such as the nature and organisation of meetings, including how decisions are made, and the management of the daily work of the Association. Article 26 of Chapter II states that 'Any association must have a Board of Directors of five members and be elected by a General Assembly of the Association'.

Chapter IV dealt with the supervision of the Association, its relationship to the judiciary, the justification of and the procedure for dissolving the association, integration with other associations, and the rationale for integration.

Chapter V dealt with sanctions applicable when associations break the law, eg, obtaining funding from outside of Libya, or making profit from their activities.

Chapter VI dealt with final requirements, including transitional exemptions such as for tax.

This legislation shows a lack of confidence in NGOs in general and a deep mistrust of their agendas.

The differences between this and the former law (Law No. 111 of 1970) are insignificant and only a few differences can be identified. Law No.19 replaced the Board of Directors of Law No. 111 by a People's Committee of the Qadhafi foundation and adopted the Conference of the Association instead of a General Assembly. Law No. 19 assigns oversight of the Associations to either the Secretariat of the People's General Conference (Parliament) or the General People's Committee (Cabinet), whereas the previous law assigned oversight to the General People's Committee for Social Affairs. This was a legitimate change, as it is not valid for an overseeing body to have no legal prerogative to grant licenses. At State level, the appropriate authority was the General People's Committee, and at local level, the Secretary of the People's Committee.

As in many legal systems, under Law 111 the government had to respond to applications within a specified period (often sixty days); not to do so was interpreted as acceptance. Law No. 19 does not require the government to respond.

This shows that little progress was made toward the establishment of a civil society in Libya under Qadhafi: State domination is retained.

5.3.2.5 Saif al-Islam al-Qadhafi Seeks to Issue a New Law

Because of the failings in Law No.19 of 2001, Saif al-Islam al-Qadhafi, Chairman of the Qadhafi International Charity and Development Foundation, proposed a law consisting of 26 Articles, and launched a campaign among civil society associations and the media to discuss it. He expected this to lead to changes in the status of civil society. I will briefly highlight some contradictions in this objective.

Most importantly, Saif al-Islam draft law did not actively promote the idea of civil society. For example, Article 2 of the draft Law relates to the objectives of NGOs but

insisted that the State continues to play the main role in shaping them. This did not constitute a significant change to Law No. 19 where the State controls and dominates these organisations.

Article 15 of the draft Law prevents associations from running business activities for commercial purposes, but it also allows large-scale investment activities for profit. Since both types of activity commercial and investment result in profit-making to finance the organisation's activities, this draft article lacked consistency in outlining the types of activity which are permissible.

Article 24 of the draft law permits the establishment of relations with organisations or clubs outside of Libya. However the organisations are not permitted to receive funding from them.

Article 25 of the draft law guarantees that such organisations be eligible for self-governance. There are four criteria needed for such independence: transparency, allowing people and state accessibility to these associations, subscription, the complaint mechanism of submission, and evaluation. Yet the existence of such criteria means that information is provided to both public and official authorities, which leads to another form of domination and control. Since civil society organisations would be guaranteed their independence, it is inconsistent that they be required to submit reports to official bodies, such as unspecified security agencies.

Article 14 of the draft law sets out the requirements and necessary commitments of those who join civil society organisations. It also sets out how these accord with the Constitution when, in fact, Libya had no constitution. This Article also seems contrary to Article 4 of the same draft which gave the right of membership without regard to religion, ethnicity or doctrine.

The proposed law explicitly sought to redress the inadequacies of the current law, and to create an adequate environment for the establishment of civil society. The proposed law used the term "civil society organisations" unlike the existing law which used the term "al-`Ahli Associations". This change may have reflected Saif al Islam awareness and the need to meet standards required of social actors and the responsibility for promoting civil

society. The draft also provided that a civil association should be organised and operate primarily in line with international requirements, such as transparency, participation, respect for freedom of speech, democracy in decision-making, and equality of opportunity regardless of gender, religion, ethnicity or nationality.

The proposed law envisaged a reduction in the number of founder members from fifty to twenty, it emphasised the accountability of Boards of Directors, which would consist of at least five members, re-elected on a four-yearly basis, and allowed for the evaluation of their activities. It provided for an Executive Council instead of the General People's Committee as the body with responsibility for permitting formation of associations and allowed for a right of complaint if the Council failed to reply within sixty days. The draft law assured the independence of civil society from the State. However, the law was not enacted.

5.4 General Requirements for Civil Society Associations to be Recognised as Organisations in Law

This section covers the core principals of international law regarding NGOs and examines how these principals apply in the context of Libyan law. It then discusses the main findings of the first round of fieldwork conducted for this study in April 2010.

Salamon and Anheier conducted a project under the auspices of Johns Hopkins University, which with regard to the core principals, established a framework and identified three legal requirements which must be met by organisations in order for them to constitute proper NGOs.¹¹ They divided them into main issues and sub-issues, each of these requirements will be discussed below.

5.4.1 Requirements of Organisational Eligibility

5.4.1.1 Background: Requirements on the Legal Status of Organisations

Legal recognition by the law as a non-governmental body means that the organisation has a legal 'personality'. It must also have an institutional presence and be administered by a group of people. The number of people in this group must be sufficient to allow the

¹¹Working paper of the Johns Hopkins Comparative Non-profit Sector Project: *The Nonprofit Sector: For what and for whom. Nonprofit Law: Ten Issues in Search of Resolution (1996)*

establishment of the organisation or group of organisations. As Salamon and Flaherty state: "In other words, some act must be undertaken that transforms the group of individuals into a formally constituted organisation distinct from those individuals" (2000:5).

Business Dictionary defines the legal personality as an:

...entity (such as a firm) other than a natural person (human being) created by law and recognised as a legal entity having distinct identity, legal personality, and duties and rights. Also called juridical entity, or legal person. (Business Directory, accessed 26 February 2012).

The term 'legal person' is sometimes referred to as a 'juristic person' or body wherein an entity is regarded by law to be like a person with such status being granted legal rights to protection and/or privileges under law.

5.4.1.2 The Libyan Case

According to Libyan law, in order to formally register an organisation it must have a building for the exercise of its activities, and a statute signed by the founding members. The minimum number of founders must be not less than fifty (Law No. 19, Article 2, 2001). This requirement for such a large number of founding members does not fit with the current global trend amongst non-governmental organisations to reduce the number of founders.

5.4.1.3 Findings from the Fieldwork

As a result of the numerical requirement, many NGOs are compelled to make up the number of fifty, without care or concern for the motives of the people with respect to the work of the association. For this reason, many of those who work in or lead associations believe that this condition should be changed and be made more flexible.

5.4.2 The Requirements of Purpose

5.4.2.1 Background

These requirements are related to the definition of purposes of non-profit organisations. Under the English Charities Act of 2006, there is no determination of purposes. However, the Act makes a distinction between charitable and non-charitable purposes in pursuing

common goals. Under the criterion of public benefit, an organisation can be considered an NGO only if it benefits the whole community or an appreciable section of it.

The Act contains guidance as to the meaning of 'charity' - Act 2006, Chapter 50, Part 1 - and lists a number of charitable purposes, including the following:

The prevention or relief of poverty, the advancement of education, religion, health or the saving of lives, citizenship or community development, the arts, culture, heritage, science, amateur sport, human rights, conflict resolution or reconciliation, or the promotion of religious or racial harmony or equality and diversity, environmental protection or improvement, the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage, the promotion of efficiency of the armed forces of the Crown, or of the efficiency of police, fire and rescue services or ambulance services and animal welfare(part 1-p.2).

Under Indian law (No. 186) areas of activity include literacy, science, and charitable purposes. Amendments to this law have expanded to include small-scale industries, rural development, the development of industry and agriculture and religious purposes. The law also indicates that NGOs in India should adopt a broad concept of charity law to include not only helping poor people, but also education, health and many other public issues, such as civil and political rights (Kalil, 2006:60).

5.4.2.2 The Libyan Case

Libyan law also lists purposes for NGOs. Any group seeking to provide social services and cultural, sports, charitable, or humanitarian services can form an NGO (Law No. 19, Article 1, 2001). Notably this law does not mention human rights as one of these activities.

5.4.2.3 Findings from the Fieldwork

In reality, Libyan associations include a greater variety of activities and purposes than we find in the law itself. For example, there are human rights associations with many branches. I was told that women's rights associations are considered to be a type of humanitarian service.

The weakness of effective advocacy associations, such as those dealing with women's rights reflects the lacking of awareness of women's rights. The same applies to wider

human rights concerns. A notable exception to this is the Qadhafi Foundation for Development and Charity, which dealt with difficult and complex aspects of human rights, such as torture in prison and compensation to the families of those who died in prison or under torture.

In general, there is a lack of associational activity relative to population size, both in terms of numbers of organisations and the range of their activities. During interviews, all participants emphasised this, together with the need to extend every aspect of associational activity. However some NGOs are remarkably successful in providing services to meet the needs of particular groups (e.g. the disabled, blind, orphans, those suffering from incurable diseases etc). Furthermore, this role increased following the withdrawal of the State from spending on social services. Philanthropic work, acceptable to founders, beneficiaries and donors, is a dominant form of NGO activity in Libya. Interviewees commented that this was due to religious motivation which has a historical foundation (as discussed in Chapter Three). Some associations offer their services to groups such as children, the disabled and the blind, while others provide public services such as health, aid and cultural activities. Explaining civil work in terms of religious principles reflects the idea that NGOs in Libya are returning to traditional solutions where, rather than facing the causes of poverty and the origins of the need for charity, they focus on the responsibility of the rich to be generous to the poor.

The majority of participants stressed that the legal and procedural constraints on civil work are too heavy. This contradicts the Universal Declaration of Human Rights which states that such legal procedures must be minimised.

5.4.3 Requirements of Registration Procedure

5.4.3.1 Background

The third set of requirements relate to legal recognition of an organisation, together with its benefits, prerogatives and rights. In the modern world, the procedure of registration is simplified and not time-consuming. In the United Kingdom, associations seeking to benefit from tax privileges and donations find it in their interest to register as charities with the Charity Commission (Salamon and Flaherty, 2000:10). The register contains:

- (a) The name of every charity registered in accordance with section 3A (which deals with registration), and

- (b) Such other particulars of, and such other information relating to charity, as the Commission thinks fit (Charities act 20).

In the Arab world things are more complicated. There are two systems for incorporating associations. One is the *notification* system, where a charity already exists and informs the State of its existence. This is also known as the *declaration* system and has been adopted by some countries such as the Lebanon. The other is the *registration* system, also known as the *acknowledgment* system, where permission must be sought from the State prior to formation. This has been adopted by the majority of Arab States including Libya. There are long procedures for disclosure. If the Administrative Committee considers that there is no need for the proposed association's services, or if its activities contradict the law or public morals, then it refuses the application. The Secretariat of Justice in Libya can also refuse its request, and the organisation must also obtain clearance from each of the security apparatuses in the country.

5.4.3.2 The Libyan Case

A range of governmental bodies oversee civil society organisations and their responsibilities are vague. In many legal systems governments must respond to applications within a specified period - often sixty days - and if they fail to do so this is interpreted as acceptance (as was the case under Law No. 111 of 1970). The Law No 19 does not require the government to respond to an application.

5.4.3.3 Findings from the Fieldwork

As a result of this complex system, associations found great difficulty in opening new branches; one participant said it took him three years. Some participants complained about registration procedures and the number of documents required of associations. One participant stated:

The system as adopted by the government does not develop associations. The law requires obligations for associations even before declaration which is itself against the law, and compared with the previous law, is much better. This law gives the government greater control over each step that stifles the civil work. (My interview with the head of al-Jam'īyah al-'Arabīyah li Ḥuqūq al-Insān Tripoli April 2010)

Another participant regarded this law as more penal than associative in its orientation.

5.5 General Characteristics of Non-Governmental Organisations

5.5.1 Requirements of Non-Profit Seeking

5.5.1.1 Background

One of the most important legal concepts related to NGOs is their non-profit making status. This is included in all legislation, including Libyan law. 'Non-profit making' means that the organisation is not primarily commercial and does not distribute any money made to Boards of Directors, stockholders, or managers. NGOs can generate profits in the course of their operations, but they must be ploughed back into the organisation. This serves as a proxy for the 'public purpose' criterion used in some definitions of civil society (Brody, 2006:243).

The criterion differentiates between civil society organisations and commercial businesses. As West states: "It is commonly argued that the most important characteristic of the not-for-profit organization is that it is barred from distributing its net earnings, if there are any" (1989:1). Libyan Law No. 19 stipulated this in Article 1. Hansmann calls it the 'no distribution constraint' which means that the distribution of profits is prohibited (1980:838). Anheier argues that a correct reference would be 'non-profit-distributing' rather than 'non-profit-making' (2004:115).

5.5.1.2 The Libyan Case

Law No. 19 prevents associations from seeking profit. This is not only a matter of a particular Article of law, but also constitutes part of the definition of an NGO under the same law.

5.5.1.3 Findings from the Fieldwork

Findings from the fieldwork contradict the law. Many associations conduct investment projects and I was told that the profits from these are used to cover the costs of the association's activities and allow the continued successful operation of the NGOs. However this can be problematic for the State which may interpret this kind of activity as profit-making, and thus a violation of Law No 19.

5.5.2 Requirements Regarding Political Activities

5.5.2.1 Background

Salamon and Flaherty argue that the rule of law must govern the work of any NGO no matter where it operates. Legal restrictions should be imposed on NGOs if their activities can be construed as involvement in political debate (Salamon and Flaherty, 2000:30). They also propose that these organisations must not in any way support the campaign for a political party or candidate. It enforces rules on NGO spending, though these rules may conflict with any advocacy function such as supporting public issues or involvement in peaceful assembly. This is the case in many countries.

5.5.2.2 The Libyan Case

The Libyan government prevents all associations from involvement in political activity. Article 13 of Law No.19 states that, "It is not permitted for any association to involve itself in any activity other than the purpose for which it was established".

5.5.2.3 Findings from the fieldwork

Many interviewees state that because the Libyan government is afraid that NGOs may shift from being civil organisations to political parties, and may be penetrated by foreign agendas or politically manipulated, they are suspicious and mistrusting of NGO activity generally. Because of this, the General Forum of NGOs meeting in Tripoli in 2005, which was organised by the General Federation of NGOs, issued a 'National Charter for the work of al-Ahli' as a guarantee to the State that they would not violate the political system, would not have hidden agendas, would work within the law, and would support the People's Authority.

For instance, the sixth article of the Charter pledges non-participation in political activities, stating that:

Civil associations work independently to achieve the objectives established for them without political or ideological, partisan or sectarian, or regional expediency that is contrary to the Authority of the People, and any attempt at infraction of this system is considered a violation of this charter.

While the issuance of the National Charter is explicitly non-political and concurs with associations' pronouncements that their work is only charitable, the same Charter in more than one Article (Articles 5, 8, 9, 10, 12 and 13) supports the political ideology of the

state. Moreover, it considers these associations as an integral part of the political system a form of 'direct democracy'. Furthermore, it declares that organisations will organise their structures and management using the same model as the Authority of the People. There is therefore a paradox at the heart of the Charter.

5.5.3 Requirements of Self- Government

5.5.3.1 Background

One of the key features of civil society organisations is autonomy. This means being self-governed, which is one of the main indicators of the relationship between the State and NGOs. This term is associated with good governance, a concept which has become widespread especially since 1997 when the United Nations Development Programme (UNDP) adopted it as part of management reform. The UNDP aimed to recognise the contribution of organisations outside the government in facing the challenges of social development. It is worth recalling that the term had previously been used, by the World Bank in 1985, as a mechanism of reform and to establish partnership between various actors. Thus it is important to consider the question of what is meant by 'good governance' and what it consists of.

Carter and Man (2003) define 'governance' as "[...] the processes and structures that an organisation uses to direct and manage its general operations and programme activities.' By extension, 'good' governance means this governance is 'good' in two ways: firstly, by achieving, or working towards achieving, desired results; and secondly, by achieving them in an ethically or morally sound way, especially one which is consistent with values such as democracy or social justice. Governance comprises the "... structures, functions (responsibilities), processes (practices) and organisational traditions that the board of an organisation uses to ensure accomplishment of the organisational mission".

According to Carter and Man the key factor in the achievement of good governance is the exercise of due diligence by directors who recognise and act within the statutes, regulations and policies under which the organisation operates. Firstly, directors must draw up and implement a mission statement which complies with the law, and carry out a periodic review to ensure this continues. Secondly, directors are responsible for communicating effectively with members, stakeholders and the public, including using minuted meetings and a code of ethics. Thirdly, directors should build up a documented

structure with proper legal procedures. Fourthly, directors must develop a Board governance strategy with a code of conduct, a conflict of interest policy and continuing education of Board members. Fifthly, they must establish and maintain a budget, including proper accounting and auditing. Sixthly, they must ensure an effective management, including that of volunteers. Seventhly, they must establish internal regulation and policies, with periodic review. Finally they must appoint new Directors with diverse abilities which are useful to the organisation, and provide orientation, training and monitoring.

Carter and Man (3003) believe that the importance of good governance requires more care in the third sector than in the private sector. They say that 'in the for-profit sector, corporations are primarily accountable to their shareholders for the ability of the corporation to return a profit. In the not-for-profit and charitable sector, however, organisations are accountable to their members as well as to the general public.'

In practice, a literature review reveals that there is significant ambiguity in the use of this term due to its multiplicity, diversity and remarkably widespread use, particularly in Arab literature.

Salamon and Flaherty argue that a strong case can be made for matters of internal governance to be left wholly to the non-profit organisations themselves (Salamon and Flaherty, 2000:12). He identifies three reasons for this:

1. In the meaning of the law, the status of non-profit organisations is "legal person".
2. As a consequence of being non-profit organisations, these organisations often enjoy privileges related to their public character tax and some other privileges.
3. To preserve their voluntary character, non-profit organisations must have internal governance.

According to Salmon and Flaherty (2000) the law should establish a broad spectrum of requirements such as defining the role of directors and Board membership, emphasising the major aspect of these organisations and procedures, and then leaving the details of how and when operations should be done to the internal governors. This offers flexibility for organisations to form their own internal management. Plans and aims should be consistent with the law and public order. However, it can be argued that public order,

public morality, national security and public safety are relative concepts, and that they change and develop according to time and place. These are 'elastic' ideas which narrow or expand depending on society and its level of development.

Some scholars wonder to what extent organisations must be autonomous in order to be 'authentic'. In a study about China, Yijiang (Karina) Qian (June 2010) writes that, '... research suggests that one must use a tailored approach to deal with the autonomy question in China, originating in China and sensitive to the unique nuances of CSOs' 'Civil Society Associations] social and political environment' (p.10).

5.5.3.2 The Libyan Case

Law No. 19 of 2001 did not address this matter.

5.5.3.3 Findings from the Fieldwork

Although those questioned were already workers in grassroots organisations, their answers reflect a lack of awareness and understanding of civic or Ahli work in general. When asked about their relationship to the State, they are clear that they are opposed to being restricted by the State, but work within the framework of law and permitted activities and in accordance with the People's Authority.

The associations have suffered from a lack of skills and training necessary to increase their capacity and improve their performance. Though many insist on their freedom from State interference, their answers reveal that this was far from a genuine response. This explains the consensus among respondents on the need to change the law governing associations.

5.5.4 Requirement of Business Activity

5.5.4.1 Background

Because NGOs are non-profit organisations, the question is not whether they are entitled to engage in business activities, but a matter of how this activity serves the purpose of the association in achieving its goals. Salamon and Flaherty distinguished between two types of business activities, calling them 'related' business and 'unrelated' business (2000:26). 'Related' business is closely related to the purposes of an organisation, for example where a non-profit making school charges some users for lessons. An 'unrelated' business is one not closely related to fulfilment of the purposes of a non-profit organisation, or perhaps

not related at all, for example where the school opens a restaurant (Salamon and Flaherty, 2000:27).

In international law, there are two approaches to dealing with the business activity of NGOs. The first focuses on the source of income - whether it derives from related or unrelated businesses. For example, in American law related incomes are dealt with under the same beneficial tax regulation (Salamon and Flaherty, 2000:28). The second approach focuses on the 'ultimate destination' of the income (Salamon and Flaherty, 2000:27) – i.e. whether it is used for NGOs' purposes or not. Most national laws, for example Australian and UK law, employ this approach. When a government exempts business activity from taxation, the main issue is the destination of the income.

5.5.4.2 The Libyan Case

Libyan law prevents NGO business activity because it seeks to maximise profits and these associations, by definition, are non-profit-making organisations.

5.5.4.3 Findings from the Fieldwork.

Results from the fieldwork show that, in fact, many associations are running their own business activities. One example is the al-Nour Association for the Blind in Tripoli where the NGO invests in rental buildings in a shopping centre. According to the leaders of this organisation - the Secretary of the General Federation of Associations - this investment only became a problem for the local authority because the latter wanted to expropriate the property for its own benefit using the pretext that this investment was contrary to the law. The case went to Court. Another example is the Association of Youth Welfare, which runs training courses in computing and English language for young people as a part of the preparation for future leaders. Yet there is no data available to show what income, if any, is generated from such business activities.

5.5.5 Requirements of Personal Benefit Restrictions

5.5.5.1 Background

With their voluntary and public service ethos, the distinguishing characteristic of NGOs is their not-for-profit orientation and restrictions on personal benefit. Any income from business activities or the sale of goods and services must not go to members but to benefit the public, or put back into the activities of the organisations themselves. Some scholars

state that any profit must be used to advance the purposes for which the organisation was created (Salamon and Flaherty, 2000:23). Elsewhere, some laws states that it is sufficient for profits to benefit public rather than private interest for example the Australian law (Khalil, 2006:77). Salamon and Flaherty say this is necessary ‘... in order to maintain public confidence in, and support for, the non-profit sector’ (2000:23). For example, the English Charities Act deals with this as follows: (b) ‘... prohibiting the charity trustees or trustees for the charity receiving any personal benefit out of the funds of the charity. This avoids ‘conflict of interest’ where Board members are prohibited from taking advantage of their position in NGOs in order to benefit their own business. This prohibition is necessary in order to avoid corruption, and is one of the main pillars of good governance.

Anheier (2007:234-235) argues that there is ‘... loss of public confidence in the organization resulting from conflict of interest situations.’ He provides suggestions for helping NGOs prevent self-harm through conflicts of interest. These require the adoption of specific policies taking account of:

- Limitations on business transactions with Board members and the requirement that Board members disclose potential conflicts;
- Disclosure of conflicts when they occur so that Board members who are voting on a decision are aware that another member's interests are being affected;
- Requesting Board members to withdraw from decisions involving any potential conflict;
- Establishing procedures (competitive bids, asking external agencies to carry out contracting, etc.) to ensure fair value in transactions.

Some suggest that a Board can avoid this conflict by establishing a clear policy on conflict of interest applying to both Board members and management staff. He adds that “many NGOs require Board members to commit in writing that they do not have any conflict of interest arising from their membership of the Board” (Hong Kong Special Administrative Region, 2002).

A Code of Conduct for Arab Civil Society Organisations prepared by the Friedrich Naumann Foundation with its Arab partners in Beirut in June 2008 (2008:9), states that conflict of interest is relevant when a person or group is in a powerful position or holds high status in an organisation which authorises him [sic] to use his position to promote personal, familial, partisan interests or those of other organisations which he has relations with. To prevent this occurring, the Code states:

- Procedures should be implemented (by the staff and Boards) with full transparency.
- All Board members should declare all financial or personal interests when discussing any related issue. They should withdraw from any decision-making process where these interests are involved.
- Board members shall not work for the institution in return for a salary during their term.
- The Board shall not have members with first or second degree kinship relations.
- No privileges shall be obtained in services as a result of Board membership. This includes research, training and paid consultation.

5.5.5.2 The Libyan Case

Article IV of Act 19 of 2001 states that ‘... it is not permitted in the internal regulation of the association that moveable and immovable funds and assets are provided to members or to their heirs or their families when the association has been dissolved.’ Article V states that ‘... the member withdrawing or dismissed from an association has no right to money and assets moveable and immovable.’ This is also the subject of Article 26 which states that ‘... it is prohibited for the member of an Association's Conference to attend any meeting that discusses matters where that member has any personal interests, or when kinship relationships of the first until fourth degree are involved.’ In addition, Law No. 19, by definition, does not regard civil associations as entities seeking profit.

5.5.5.3 Findings from the Fieldwork

This is a true challenge for these associations. Many seek to benefit from tax privileges for personal business. This is widely suspected to be the case (by the state and the donors too). In one of the most successful associations which supports many families, for example, the Chief Executive is running his own business under the name of the association and thinks that this is acceptable because he tries to help the beneficiaries, and claims that his business is not affecting their interests. However, the reality is that in these cases there is often a detrimental affect on the support provided to the people for whom the Association was established.

5.5.6 Requirements of Tax Treatment

5.5.6.1 Background

Beneficial tax treatment is a great advantage for NGOs, as indeed for all organisations everywhere. In the USA NGOs are helped greatly by exemption from taxes (Salamon and Flaherty, 2000:16). Regarding the question of why NGOs should be offered the support of beneficial tax status, Salamon and Flaherty 2000:16 give two reasons. Firstly,

[B]ecause they perform functions that are supportive of central values that a government wishes to encourage, or at least avoid discouraging. For example, it is often said that non-profit organisations foster democracy, voluntarism and pluralism and that these are values that should be promoted through a supportive tax policy.

Secondly, because NGOs relieve the government of burdens, providing 'collective goods' which meet societal needs in fields such as health, education, care for the disadvantaged and culture. One way to encourage such activity and further reduce the burden of government is to provide tax advantages.

Brown and Korten (1989:3) state that:

Tax exemptions provide non-profit organisations with a competitive advantage in market situations and this advantage in itself motivates their formation. Government are often understandably concerned that many non-profit [organizations] are nothing more than commercial enterprises that use the legal form of the non-profit [organisation] to avoid the tax collector.

According to USA law, to receive tax-exempt status, organisations must be operated exclusively for one or more of the following purposes: charity, religion, education, science, the arts, public safety, sports and the prevention of cruelty to children or animals (Welytok 2007:13).

The criteria on which tax subsidies are based varies from country to country. In England, it is public benefit; in the USA it is mutual benefit (Salamon and Flaherty, 2000:.17-18). In the USA, almost all types of NGO are exempted from income tax, while, in the UK many special taxes and other advantages are only available to persons or organisations which serve exclusively charitable purposes.

5.5.6.2 The Libyan Case

Libyan law also exempts NGOs from taxation. This has led to some private businesses using them, even in areas such as the importation of goods. In some cases imaginary associations have been created specifically for this purpose. This has been pointed out by many, including the head of the Association Unit in the Social Affairs Ministry.

5.5.6.3 Findings from the Fieldwork.

During interviews, it was commonly agreed that many associations exist exclusively to benefit from the tax advantages accorded to non-profit-making organisations. In my interview with the coordinator of associations in Misurata, he emphasised that this was the reason for the emergence of most associations. This is consistent with the perspective of Brown and Kortan, 1989. In fact, many participants agreed that NGOs are ‘commercial entities’ under a non-profit title.

5.6 Administrative Organisation

5.6.1 Background

NGOs are an important part of the economy which makes their administration an important topic for study. In the USA, there are more than one million non-profit organisations. They employ more than 10 percent of the workforce and account for 6 percent of Gross National Product (Hallock, 2001:1). Seen from this perspective, NGOs should attract the same attention as firms in the private sector. It is also important for attention to be paid to management theory in the NGO sector and to legislation surrounding it. Many writers (Hallock and Van Horn and Wedig, 2002) note a lack of studies in this area. Anheier (2007) claims there have been significant changes in NGO organisational environments, and the recognition they receive. However, these factors have not attracted a corresponding amount of study of non-specific NGO management approaches. According to Anheier the debate is limited to whether NGO management is a variation of private or public sector management. There is clearly a need for a specific paradigm.

Anheier (2007: 243) accepts that any NGO administration model requires firstly, a degree of distinctiveness from the private sector, and secondly, the need for rules separating political and managerial decision-making to establish and preserve a buffer between politics and service provision. He claims (2007: 244) that the lack of clear separation

between NGO management on the one hand and private and public management on the other, has until now disallowed the development of comprehensive management models for NGOs and wonders whether there could be a third option with aspects of management which relate only to this sector.

Although this thesis drew a distinction between the public, private and civil society spheres in Chapter Two, it seems that aspects of NGO management fall into an area of overlap. Administrative matters play a central role. Anheier (2004 244-245) states that NGO management 'is the process of planning, organising, and controlling activities to accomplish the stated organisational objectives of organisations and their members.' He states that NGO management consists of eight activities: planning, controlling, monitoring, supervising, coordinating, marketing, external relations and consulting with professionals.

Hudson (2002: xvii) agrees that there is confusion as to whether third sector management is different to public and private sector management. He points out that '[...] until the middle of the 1970s, management was not a word many people used when talking about third sector organisations. It is seen to be part of the culture of business and was not felt to be appropriate in third sector organisation.'

The Hong Kong Special Administrative Region argues that '... one of the most vital roles of the NGO's Board is the appointment, training and evaluation of its members, both individually and as a group.' Harris and Rochester (1996:31) point out that '... in British Charity law the key duty of the Board is to ensure that the organisation pursues the aims for which it was established.' Ideal Board members, they state:

- are carefully chosen for the skills and connections they can offer
- play an active part in long-range strategic planning
- actively promote the agency in the community and open doors to possible funding sources
- prepare for meeting by reading the material sent to them beforehand, and
- review financial statements carefully, asking questions if there is anything they do not understand (Hong Kong Special Administrative Region, 2002).

The Code of Conduct for Arab Civil Society Organisations (2008) lists the following descriptors of good administration:

- to enhance the principle of participatory management in order to develop a sense of ownership among employees and beneficiaries
- to encourage the emergence of new leadership and the development of the capacities of the existing one
- to allow the staff of NGOs to participate in the strategic planning process
- to clarify means of communications between governing bodies and employees
- to critically review the institution culture and its procedural methods in order to encourage self-responsibility, renewal, and respect for pluralism
- to establish clear performance standards as part of follow-up and assessment methods
- to encourage democracy by participation
- to encourage the spirit of initiative-taking
- to create a Code of Conduct for employees
- to create policies related to employees and volunteers which are set out in writing and within the existing laws.

5.6.2 The Libyan Case

Law No. 19 of 2001 regulates the administration of associations using the same form and substance as the political system where the People's Conferences correspond to the 'assembly' in Western organisations, and the People's Committee of the association to the Board of Directors Trustees of Western organisations. Management is selected by the General Conference choosing the members of the General People's Committee. Libyan law does not therefore appear to contain what Anheier (2007) calls a 'buffer' between the political system and service provision, and there is a confusion of roles. The question arises as to how we can explain the gap between theory and reality.

5.6.3 Findings from the Fieldwork.

There are more men than women on the People's Committees and there are almost no women interested in women's issues. In the sample only one assembly (in Benghazi) was led by women. There is, therefore a considerable gender gap.

This can be explained by the interaction of two factors. Firstly it is linked to the status of women in Arab society. Despite progress in the status and roles of women and their entry into the public domain in all disciplines including the military, the prevailing social culture is still based on divided gender roles. Secondly it relates to the nature of civil society itself in both present and historical forms. At present, the weakness of these

Associations and their inability to attract diverse membership has led to their inability to achieve goals related to women's issues, as women feel unable to express their needs. Historically civil society has been linked to the public sphere, which has been historically linked to organisations, trade unions and parties, which are run by men.

Associations as part of civil society are generally seen as organisations which enhance democratic participation, which is reflected in:

- the way in which the Board is chosen
- the number of meetings convened by the General Assembly and how decisions are made (Shoukr,2004).

By these measures, Libyan associations have not developed democratic participation. The General Conference chooses (or selects) the members of the General People's Committee. According to interviewees, meetings are held regularly, but this does not mean the meetings are accountable.

5.7 Fund-Raising

5.7.1 Background

Funding is central to civil action at all levels, from the establishment of the organisation to its life and activity. Without financial resources, NGOs can not pay employees or expenses, nor provide, fund or maintain projects and services. In short, funding is necessary in order to achieve objectives. NGO funding is linked to the State, both at the level of support and in the development of laws that govern NGO operation. In the last 20 years corporate fundraising for charities has been established as an essential facet of strategic planning (Elischer,T. 'Sources of funding of NGOs', *Journal of Non-profit and Voluntary Sector Marketing* Vol. 1, No. 1, p.63).

NGO funding sources are of three types:

1. Donations and profits: Funding from members' contributions, the sale of products, services offered by the organisation, unconditional contributions and donations from non-members, and campaigns organised to raise finance.
2. Government sources: Subsidies granted by the government according to the rules of each country. These include government projects or the government giving the responsibility for implementation of projects it has created, to

organisations. The government may also support organisations by paying wages and experts (al-Baz, 1997:163). Anheier emphasises that government funds still play an important role in the financial stability of non-profit organisations (2004:291). Ulrich Vogt (1999:99) states that 'Nowadays, perhaps around 10% of the government budget for development cooperation in EU member countries is granted to NGOs.'

3- Foreign sources of funding: this is often the most important source of funding for organisations in the Third World, where profits, donations and government funding are deficient. These sources become more attractive with growing global interest in the role played by NGOs outside the traditional framework of charity (al-Baz, 1997 and Kalil, 2006). With attention focused on the economic, political and cultural development of countries in the South, the North has begun financing new projects and activities, either directly or through financial aid for NGOs. Accordingly, the amount of funds that have been devoted to NGOs increased from \$1 billion in 1970 to \$7.2 billion in 1990 (al-Baz, 1997:162). The majority of the £150 million aid in the USA Democracy Promotion Programme for the Middle East from 1991 to 2001 went to projects classified as 'civil society strengthening' (Hawthorne, p26). These projects were targeted almost exclusively toward service and pro-democracy NGOs (Hawthorne, p.15). NGOs have become key players in development and agencies have increasingly become oriented toward them.

On these grounds, it is difficult to be sure of the independence of NGO activities. Fouad, Ref'at and Murcos (2005:177) explain that there are two points of view on this. The first argues against foreign funding and is suspicious of all activities which receive foreign support, especially those related to human rights, as they are accused of undermining national unity. The second supports foreign funding, refusing to evaluate the NGO activity solely on the basis of financial aspects, regardless of whether the finances are local or international. They propose criteria which relate only to the objectives and core of the activities and the priorities of the national agenda.

The problematic nature of the funding issue led to the drawing up of the *Code of Conduct for Arab Civil Society Organisations*. This stipulates the following requirements:

To ensure that programmes developed respond to the needs of the society and [are] not restricted to the directives of donors. To ensure that these programmes do not have a negative impact on the local communities, are sustainable and economically feasible.

5.7.2 The Libyan Case

In Article 11 of Law No. 19 of 2001, each association's annual budget is deemed to consist of members' contributions, dividend activity, investments, and unconditional donations. The budget must be presented to members at the annual conference, at least two weeks prior to the conference for ratification, along with final accounts, reports of the General People's Committee, and reports from the Auditor-General.

Article 15 (Law 19 of 2001) states that:

The Associations are not allowed to raise funds in any way except for the purposes they are aiming at/working towards and only after obtaining permission from the General People's Committee or the People's Committee of the Municipality, depending on the case. Also any amendments to the purpose of fund raising or to the arrangements or the ways in which these are spent cannot be made without the approval of the Authority that had granted permission to collect donations. These authorities should verify/ check the source of the donations and how they are obtained and spend.

Libyan law strictly prohibits campaigns by the association to collect donations and grants, possibly due to fear that they will be exploited for personal business purposes.

5.7.3 Findings from Fieldwork.

In Libya the private business sector does not significantly contribute to the funding of these associations as happens in developed countries. This may be because developed countries have reached a higher level of structure and finance, with clear rules and stability. When asked about the role of the private sector as a funder of such associations, interviewees answered that it depends on its personal relationships with businessmen whether they trust the association and whether they are members of it. However, this relationship differs with the Gaddafi International Charity and Development Foundation (GICDF). In developed countries, the private sector appears to have formed a sense of social responsibility which is not shared in less developed countries. However, since the private sector enjoys many economic benefits, it could be argued that it should play a significant role in funding NGOs, particularly following the opening-up of Libya and the negative impact change has had on some groups in Libyan society.

The researcher previously thought that the State provided significant funding to NGOs. However, research showed that this funding is limited to the payment of the salaries of the staff of these associations. At the same time, the law prevents them from campaigning to collect donations. There are exceptions to this rule, one being the GICDF which receives huge governmental funding (To be explained further in Chapter Seven). Comparable foreign statistics show that in France the State contributes 59% of NGO funding, and in Germany, 68% (al-Baz, 1997: 165). There is consensus amongst respondents on the need to change the law regulating NGOs as it is highly restrictive and permits little free movement. Associations were not supposed to accept funding sources which they believed to be unreliable or unsafe. Despite this, a few associations are headed by figures close to government, who gain unconditional and unlimited support from the State and, as a matter of courtesy, also from the private sector. They can in practice link with foreign agencies. Examples are the GICDF and the Waatasemu Charity Association, which is headed by Aisha Qadhafi.

Findings from the fieldwork demonstrate the inability of Libyan NGOs to mobilise funds. The only exceptions are the GICDF, Anwar Charity Association in Misurata and the al-Nour for Blind Association in Tripoli. Human Rights associations are rare, and there is little support for them, largely because of the widespread belief that their development conflicts with the State ideology, especially in a culture of non-participation amongst citizens. This is why zakāt and ṣadaqah funds are allocated mostly to the building of mosques and not to NGOs. Membership fees are very low (only 12 Libyan dinars = £6 per year), and most respondents said that members do not pay their contributions anyway.

Most participants attribute NGO activity to long-held religious motives encouraging good works and the helping of others, especially the needy. In my view this approach to civil work from the religious standpoint has led to the promotion of such work being limited to charity. Libyan NGOs attract contributions mainly by seeking to emotionally influence potential donors, not on the basis of a clear, long-term policy to attract funding for projects.

Finally, some scholars emphasise that laws must add clear enforcement mechanisms (Salamon and Flaherty, 2000: 29). This researcher agrees that it is not sufficient to simply impose rules without demonstrating their application, as has happened in Libya.

5.8 Critical Issues

Transparency and accountability are considered to be basic elements of civic culture, especially in building civil institutions.

5.8.1 Background

Accountability and transparency are central to the relationship between State law and NGO administration. Together they enable the NGO to demonstrate to the State that it is compliant with regulations and provides a mechanism for the evaluation of their functioning. This is an important focus in the light of the rapid increase in the number of NGOs, their growing public role, and their shift from purely charitable activities to becoming the developers and providers of essential public services.

Transparency and accountability are useful to help to avoid wasting scarce resources and promote consolidation in parts of the sector' so that NGOs can learn from each other's mistakes' so that money is 'used with the utmost care to ensure that it will make a real difference. Overall, transparency and accountability measure how NGOs fulfil their objectives, and how they spend donor's money. One way to develop and extend this sector and its capacity is to adopt some features from the private sector. (Walecki, 2007)

Transparency and accountability are among the eight characteristics of good governance in the UN framework of requirements for NGOs (see above). They will be further investigated below.

5.8.1.1 Transparency

The emphasis on transparency is increasing in large part because of globalisation. As the world becomes more closely integrated and many international and national organisations pay global norms closer attention, it has become a key factor of credibility. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) defines transparency as follows:

...decisions [are] taken and their enforcement [is] done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and

media. (UNESCAP, Macroeconomic Policy and Analysis, Poverty and Development Division, *What is Good Governance?* p.2, 2012)

The key elements of rules, information and accessibility make transparency the opposite of secrecy in many fields such as politics and science, ethics and business, management, law, economics, sociology, etc. To be transparent, actions and activity must be open and clear. Florini (1999:2) notes that 'increased transparency would frequently be beneficial, often indispensable, and is sometimes a 'moral imperative.' However, Florini (p.8) acknowledges that transparency alone does not necessarily redistribute power from the strong to the weak. Rather, secrecy can be the refuge of the weak against the strong, as in the case of human rights organisations working in repressive countries.

The outcome of the absence of transparency and the prevalence of secrecy will be a lack of public trust in government, and civil society organisations will lose public credibility. In such an atmosphere, conspiracies find fertile soil and rumours spread. Rational political debate becomes impossible and people become susceptible to irrational and even dangerous beliefs. The spread of such a culture impedes the capability and potential for sustainable development. No progress can be made on economic, political and social issues. Such a culture can only be changed through transparency.

5.8.1.2 Accountability

Accountability affects the credibility of civil institutions to the public, governments, the private sector and international organisations. It can be achieved through honesty and transparency, advertising widely both objectives and activities, and through openness regarding sources of funding and expenditure. Associations should both be open to and involve the public and the media. ESCAPE emphasises that 'Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organisations must be accountable to the public and to their institutional stakeholders.' According to Gray et al 'The nature of this relationship allows us to infer much about the necessary formality and the channels of accountability (2006:319).

All types of organisation -governmental, private sector and NGOs- must be accountable to the public and to their stakeholders. Precise patterns of accountability depend on whether decisions or actions are internal or external. In general an organisation is

accountable to those who will be affected by its decisions or actions. 'Accountability cannot be enforced without transparency and the rule of law' (UNESCAP, *ibid*, p.3).

5.9 Conclusion

This chapter showed the need for NGOs to have the right to work and inform the public of their right to access NGO services, rather than being dependent on State permission as has been the case in Libya. More independent legal regulation of NGOs would enable NGOs to change the public perception of civic work as based on sympathetic support from the State, and would enable positive and voluntary participation by citizens.

In Libya, NGOs are seen as part of the revolutionary system which appropriated and nationalised all aspects of life and society, and as having been coercively integrated into revolutionary political experience.

There is a lack of an adequate legal framework required for NGO growth. Such a framework requires flexibility, clarity of legal texts and incentives and training for civic action. During fieldwork the researcher has noted that this needed to be addressed particularly in marginal associations lacking sufficient funding to establish a headquarters.

Civil society in Libya under the Qadhafi regime did not emerge from below and does not represent common concerns. Rather it reflects the vision and attitude of revolutionary leadership. Generally speaking, laws relating to civil society are blurred and stretched. They do not reflect an understanding of the significance of NGOs as social actors. Civil associations are therefore incapable of promoting the concept of civil society and cannot consolidate their positions.

The lack of clarity has damaged public trust in the sector. The aim of the law is to provide a clear legal framework for this sector, to promote the role of associations in the public interest and to demonstrate that they benefit people. However this chapter shows that there is no evidence that Libyan law can create a suitable environment for a viable civil society. All laws have come about as a response to political circumstances and not for the promotion of civil society. For example, Law No. 111 followed immediately after the Revolution as part of the package of laws. The findings of this chapter serve as an example

of the way in which governmental control of public spaces results in the inability of associations to perform their roles.

Law No. 19 of 2001 was nothing more than a response to international pressure for reform of the political system in order to change Libya's image on the international stage, no more than an attempt to put a new face on the old system. It uses different forms of speech with the aim of resonating both internally and externally particularly the latter. As part of its new face, it sought to legitimate the aspirations of leaders in a world where the language of civil society dominates global discourse. In so doing, it sought to cover the militaristic and ideological language of the old face.

The call for civil society in Libya, under the Qadhafi regime was driven by the State and disregarded the views of people who demanded serious changes in the law. The latter do not have the power to influence; nor did they have access to channels that might help to capture public opinion. The associations' demands became an internal monologue rather than a public debate.

Chapter Six

Functions and Impediments of Libyan NGOs under the Qadhafi Regime

6.1 Introduction: Milieu Preceding the Establishment of NGOs

This chapter deals with NGOs in terms of their performance and the obstacles they faced during the Qadhafi era. Considerable attention has been given to NGOs in recent years. The attention has come from scholars, governments, and many international organisations such as the World Bank, the World Trade Organisation, Human Rights organisations and the UN. NGOs play a substantial role in this transformative environment, wherein they appear to emerge as new political actors. Some academics argue that we are witnessing what has been called a ‘global associational revolution’ which has led to a redefining of the role of these associations within development discourse (Abdelrahman, 2004; 40; David Moore, 2007).

Recent research on civil society and NGOs in the Arab world has tended to focus on the relationship between the state and civil society: that is to say, where civil institutions are, by the simplest definition, intermediaries which operate in the space between the state and family¹². In the case of Libya, I believe that while the state can play an important part in establishing and empowering these institutions, it has also been one of the major constraints and thus a challenge to them.

In Libya from 2001 to 2011 the debates on civil society were associated with demands for it to be strengthened since it would form the soil from which the seeds of democracy would grow. The political milieu in Libya in this decade made this demand not only legitimate but also urgent. In the search for democracy, reformists in Libya believed that establishing independent and effective institutions was a necessity.

In the debate on civil society in the Arab world, three significant questions have emerged, the first asking what kind of relationship there is between the institutions of civil society and the state, and the second focusing on whether the Islamic movements are components of civil society or not. This discussion has been dealt with extensively in Arab studies.

¹²The difficulties in this simple definition are

The most significant question is: could a genuine civil society have come to exist in pre-intifada Libya.

This chapter pays attention to the background and environment in which the need for NGOs in Libyan pre-2011 society developed. Furthermore, it profiles the various associations in Libya and discusses issues relating to their structure and how they may be defined. The analysis then moves on to deal with the performance of these organisations in several sectors such as education, health and social relief services, while the section that follows attempts to identify the relationship between NGOs and the state, with the aim of determining whether these NGOs had the potential to contribute to the process of developing civil society in a highly centralised country. The last section sheds light on the principal constraints on NGOs in Libya, seen as being cultural, legal, financial, administrative and structural.

Since the creation of NGOs in Libya was part of the reform project, it is clear that those organisations could not have been established without securing approval from the regime and particularly its head, Qadhafi, who designated the performers and the agencies that were to carry out political reform in the country.

6.2 The Settings Studied

6.2.1 Fieldwork Experience

The first stage of my research fieldwork aimed at mapping the sector and understanding its reality and main issues. This was necessary due to the lack of statistical data. This stage included two initial meetings. The first was with the General Federation of Associations of the Ministry of Social Affairs, the body that is responsible for the licensing of civil society associations and represents the state. This meeting took place in Tripoli on 4 January 2010. One of the employees in the General Federation of Associations of the Ministry of Social Affairs informed me that I should confirm that this study would not serve the purpose of any foreign interest and the research would not conflict with the interests of the state and its political system. They also asked for a formal letter from my university and preferably also one of the national Universities in Libya, as well as a copy of the scholarship letter from the Libyan Ministry of Higher Education.

The second meeting was conducted with the Executive Director of the Second General Federation of Associations, Dr Abd al-Qādir al-Lamūshī, who was very helpful. He

provided me with some publications and briefed me about their tasks and activities. The interview took around three hours. It was mainly about the establishment of the Federation, its aims and its relationship with the state, which he described as cooperative and supplementary most of the time, but conflictive in some cases. He talked about the obstacles facing civil work in general. He focused particularly on two dimensions. The first was the lack of civil culture, and the second was the Ministry of Social Affairs, which was supposed to facilitate and support their work, whereas in reality the relationship was semi-hostile. He also talked about the law governing the activities of associations, which had become a significant barrier to them. The Federation was at the point of proposing a new law that would avoid the shortcomings and flaws in that which was current. This proposal would be presented to the people's conferences at the next meeting.

It is useful here to make two observations. First, it is confusing that two Federations have the same name, the "General Federation of Associations". Second, even though Dr al-Lamūshī said that the second Federation was independent from the state, this Federation was closely related to the state through Saif al-Islam Qadhafi, president of this Federation. These meetings helped to raise issues, at the heart of them the relation between the state and the law, which were included in the research.

I gathered information about 10 associations which represent a broad spectrum of social work and activities. These associations were classified according to the association's field of activity. The associations operated in different regions in Libya; east, west, and south. Therefore, one of the research obstacles was the distance between where I live in Libya and the locations of these associations.

6.2.2 A Profile of Libyan Associations

Associations in Libya had to be registered with the Secretary of Social Affairs and were (after 2001) subject to Law No.19 of 2001 regardless of whether they provided their services to any particular group, such as the elderly or poor families, or to the whole community. According to official statistics, by the year 2009 there were over 430 registered associations in Libya. The difficulty with this figure rests on the fact that the number of registered associations is not commensurate with the extent of their activities, such as might be expected of such a large number. The researcher, therefore, believes that

the actual number of operational NGOs in Libya is far less than the figures given by government sources.

It is noteworthy that the accuracy of data on the number of associations is a common issue in this field. It is difficult to determine how many NGOs there are, but the World Bank for example has commented on a significant increase in both the developed and the developing world:

According to the Yearbook of International Organisations, the number of international NGOs was reported to have increased from 6,000 in 1990 to more than 50,000 in 2006. Civil Society Organisations (CSOs) have also become significant players in global development assistance, with the Organisation for Economic Cooperation and Development (OECD) estimating that, as of 2006, CSOs provided approximately US\$15 billion in international assistance (World Bank,2010).

The concern over inadequate data is shared by Kandil (1999:116).The lack or unavailability of data on various aspects of Libyan associations makes it difficult to paint a complete picture of them.

In Chapter Two, the relationship between the two spheres of civil society and the state within the theoretical framework provided by the literature on civil society was discussed. One especially important element of that discussion concerned the existence of vital or weak forms of civil society. I also briefly discussed the political systems presence in Arab countries and their impact on civil society; whether they share similar characteristics; and how the differences between them affect the characters and activities of civil organisations.

Niblock's (2005) analysis of civil society in the Middle East highlights the significance of two factors, first population size, and second whether there is a substantial industrial sector. By applying the first hypothesis to the case of Libya, it may be concluded that civil associations are not likely to be as powerful or active in the face of the state, because Libya does not have a large population. Ali Layla (2002:56) has also pointed out the correlation between the growth of civil society and population size. For him, this factor has two key effects. The first is that larger populations coupled with limited resources make the state unable to spend enough on its citizens' basic needs. This situation tends to create a surplus population whose basic needs are not met, especially among people under

the age of fifteen who constitute 40% percent of the population of the Arab World. This prompts the establishment of different kinds of NGOs to help such marginalised groups. The second effect that tends to promote the development of NGOs is linked to population size and the level of heterogeneity there in Salamon and Anheier (1997:7-1998:220) sum up this link in terms of a theory of relations between the degree of heterogeneity in a population and the extent to which non-profit organisations operate:

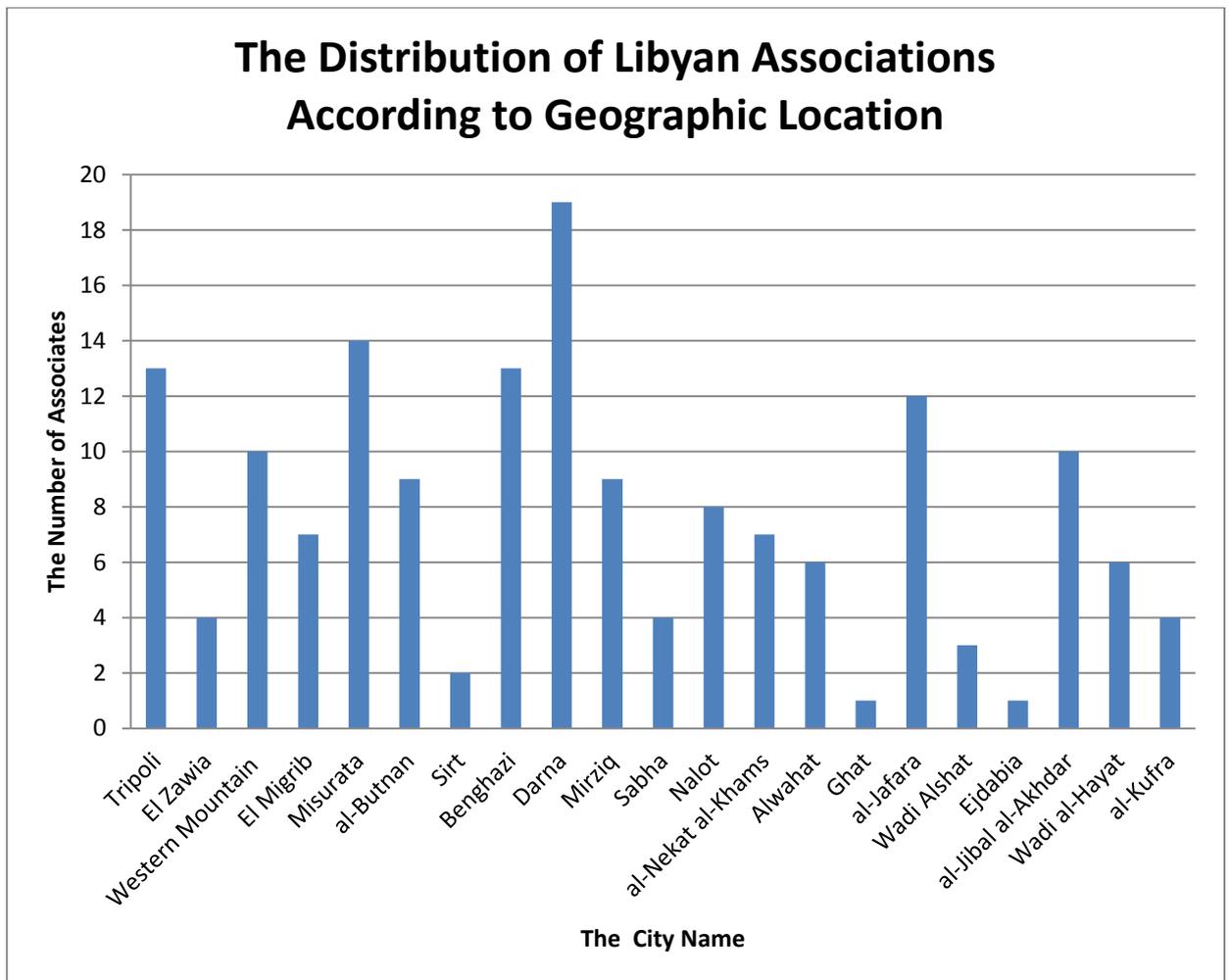
[T]he greater the diversity of a population, the larger the non-profit sector. The different population subgroups consequently fall to non-profit organisations. (Salamon and Anheier, 1997:7)

The data shows that there are some additional factors that need to be taken into account when studying civil society in a hyper-autocratic regime such that of Colonel Qadhafi. The second factor put forward by Niblock hypothesizes that civil associations are more active in countries with significant industrial sectors. The examples given by Niblock (2005:497) are Jordan, Morocco, Tunisia and Lebanon. Questions may reasonably be asked about how applicable this model is to Libya, a rentier state where the economy is based solely on oil and the public sector.¹³ It can be argued that the economies of rentier states have impacted negatively on the course of democracy since access to large amounts of externally generated economic resources have frequently served to strengthen state authority. Indeed, since rentier states are dependent on international markets to generate revenues, state decision-makers are much less constrained by the interests of domestic actors. (Brynen, Bahgat, and Paul, 1995). In such cases, it may be considered very likely that economic factors will weaken civil society associations. Furthermore, rentier economies often strengthen the state by helping it to support needy groups through government-sponsored charitable organisations or so-called GONGOs (government organised non-governmental organisations), such those catering for the blind, orphans, the disabled, and women. Such organisations are highly active in societies governed by rentier states like Libya. The existence of GONGOs makes it extremely difficult to establish independent NGOs, and undermines the activities of those that already exist. What follows is intended to evaluate the strengths and weaknesses of civil society (as defined by the World Bank) in Libya, and to identify the reasons for these strengths and weaknesses.

¹³Oil resources account for approximately 95 % of export earnings and an estimated 23 % of Libya's GDP (gross domestic product), which give a clear idea about the Libyan economy where there is no space for any other sector except oil.

The data shows that there are a limited number of associations in Libya, and that the activities they perform are limited even relative to the size of the population. NGOs in Libya tend to be fairly new, and most have a narrow social base and demographical coverage. Surprisingly most NGOs are concentrated in Darna and Misurata, while Tripoli and Benghazi come second and third respectively. A similar number of associations are registered in al-Jufra which is located in the heart of the Sahara and has a very low population density. This could be due to the growing activities of the Islamically-motivated; in fact, religious and ethnic groups in Arab countries have contributed significantly to the formation of organisations, as can be seen in the cases of Lebanon, Egypt and Libya. Despite the comparative lack of demographic diversity, the strongly religious and ethnic community in Libya can be regarded as a source of improvement and fortification of NGOs.

Figure 7: Geographic Location of Libyan Associations in 2010



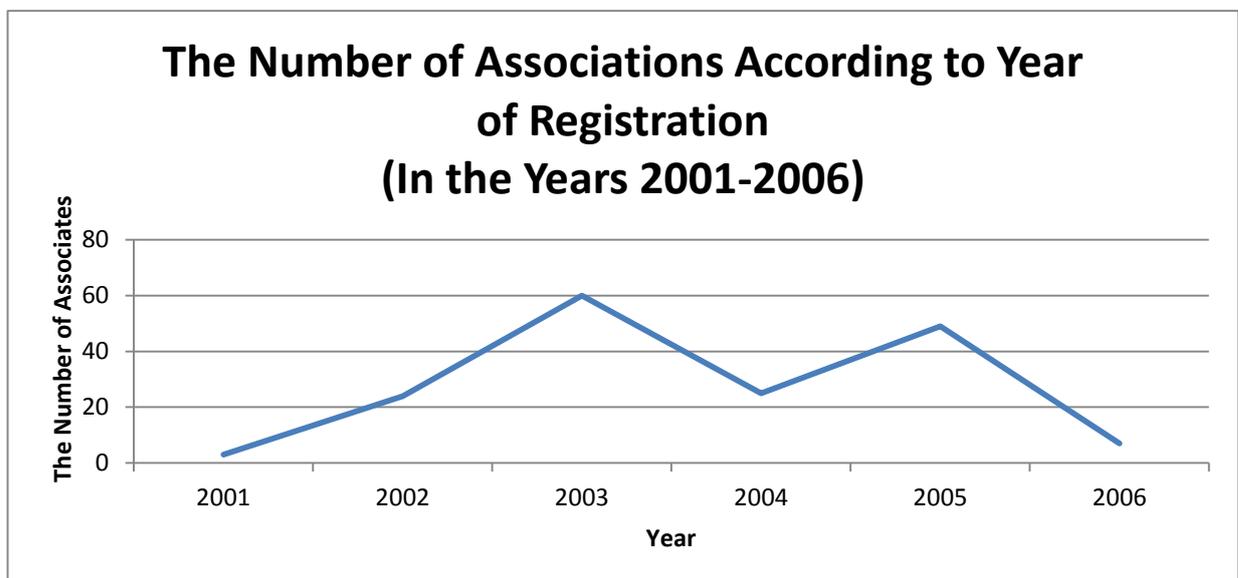
Source: researcher fieldwork

From Figure 7, it can be seen that the largest number of associations were in Darna (20) while the smallest numbers were in al-Wahat, Ghat, Ejdabia and Sirt, all having only two associations.

The researcher has noted that all the activities of these associations have an impact on the possibilities available to them and also go towards determining the type of people who work for them. For example, there are important differences between associations working in the domains of philanthropy and development.

As we can see from the graph below, the year 2003 marked the highest point in the number of new associations established in Libya, while the lowest points were in 2001 and 2006.

Figure 8: The Number of Libyan Associations



Source: researcher fieldwork

It is evident that the number of new associations being created steadily increased over the five years between 2001 and 2006, rising from 3 in 2001 to 24 in 2002 and peaking in 2003. This trend fluctuated somewhat between 2003 and 2005, going down to 25 in 2004 and up to 49 in 2005. It dropped off sharply in 2006 when the number of associations decreased from 49 to only 7. The dramatic rise of 2003 was due to Qadhafi's speech on the thirty-third anniversary of the first September revolution in 2002 when he vowed to foster civil society in Libya and stated that he wanted to expand civil associations. That speech effectively gave the go-ahead for the public to form associations, and associations were established at the state level. Despite the semi-dominant state associations and registration restrictions one can

note a marked increase in the number and diversity of activities, due to a decline in the state's distributional role, because of the reduction in oil revenues, reduced overheads and the government pursuing austerity measures. According to Mighirbi (1995:138) oil revenues fell from \$26 billion in 1983 to \$10 billion in 1986. According to many interviewees the other reason for the increase in the number of associations from 2001 was the issuing of law No. 19 which called on associations established before 2001 (which had long been neglected and marginalised) to obtain legality for their existence by registering. Accordingly, a good number of these hidden associations came forward to register their names and thus become lawful entities. However, the number of associates cast doubt on the authenticity of some of the associations coming forward, saying "These numbers are not correct and they only register to get funds from government or use the associations as private businesses. "Some associations were money-making project disguise, benefiting from tax exemption."

6.2.3 Associations' Structures

As mentioned above and in Chapter Four, Libyan Law No. 19 of 2001 regulated associations in line with the political system so that each registered association was obliged to form a people's conference (general assembly) and a people's committee (board of directors). This section will investigate the structural dimensions of associations: namely, the people's conference, the people's committee. The composition of each of these bodies will now be examined separately, with the aim of showing the main characteristics of the managerial styles of associations. In order to do so, light will be shed on whether associations operated relatively democratically and independently of the state, and whether they were able to find ways of meeting people's demands primarily catered for and the needs of their beneficiaries.

A) People's Conference (General Assembly):

The first component of the association is the people's conference. Law No. 19 of 2001 stipulates that "every association should form a people's conference as a precondition for its recognition by the authorities". According to Article 20, the conference must include all members of the association who must number no less than fifty. Article 21 gives more details about the responsibilities of a people's conference, stating "the conference of the association should hold an annual meeting during the first three months of the fiscal year to review the association

activities, its budget and final accounts”. In this meeting, the election of the people’s committee of the association, consisting of a chair and two assistants, and its secretary was supposed to take place. The law also required that the (national) General People’s Conference be informed about the meetings and their agendas at least 15 days in advance.

B) People’s Committee (Managing Committee)

According to Article 28 of law No.19, each association should have a people committee’s which is the body responsible for appointing an executive director, carrying out executive tasks and managing the day-to-day administration and work of the association. It should consist of a chair and four members of the committee. In practice, however, this style of management did not exist on the ground. As I found in my fieldwork, the chair of the people’s committee (the Libyan term is secretary), who was its principle member, was the only person who knows everything about the association. He was responsible for the association’s external relationships, and implementing its plans and policies.

C) Federations of Associations

According to Article17 of Law No. 19, “all associations which have the same range of activities are part of wider specialised federations which represent them at the national level. However, each association has all legal status”. The boards of the federations were composed of the board members of associations, although only members favoured by the government were chosen in this respect. In fact, as noted by Abdelrahman (2004: 172), these federations did not play an active role in strengthening the NGO sector in Libya.

One interviewee argued that:

if we do not accept this structure, that is means we are against the government and we cannot register our association and moreover we will come under suspicion

Another interviewee said that:

Without exaggeration, this structure confirms that the associations are under pressure, even when they are in the form of official institutions and subject to the laws and regulations. Thus we have to deal with the situation and try to get around it and use it.

This reflects the difficulty of the situation, there was a lack of trust between the associations and the government, and the associations were hyper-aware of government policies and its priorities in reproducing its political model.

One interviewee emphasised the inconsistency in the law. He pointed out that it allowed for “specialised federations”, but it also forbade associations sharing the same activities from establishing more than one association. This was seen as a contradiction in the law [the researcher interviewed the executive director of al-Jam’īyah al-’Arabīyah li Ḥuqūq al-’Insān (Human Rights Association) in Tripoli: April 2010].

Most interviewees emphasised the need to change the law. One stated:

Under this law the association does not have legal status; only when it has officially registered does it have permission to carry out its role and take the actions needed to achieve its goals and objectives, according to the terms and conditions set forth in the law, regulations and instructions issued. However, in the case of a delayed response, the association does not exist.

The research interviews of this thesis reveal mixed views among the interviewees with regard to how they perceived their mission in civic work. The interviewees had different attitudes towards state interference. Despite their awareness of the extent of intervention in their activities and how this could lead to limits being placed on them, some believed in the importance of their role in society, and viewed positively in some government decisions. For example, when Ramadhan (interview of 10 April 2010) was asked if he was involved in some activities that he saw as important without permit from the government, he said, shocked: “Why? If the government did not agree to this activity, it means the government sees it as being against the social interest. In that case I am not going to challenge it.” He argued that, “our association is not a political group or a political party or anything else. It is formed for the development of young people, to help them to get skills.” He went further, and accused the researcher of having an agenda (like most of those studying in Western universities) and wanting to use these associations to achieve this agenda. On the other hand, when Salame (interview of April 2010) was asked

about the same point, he said: "our existence is a challenge to the government, because we work in the area of human rights, which by definition is against the government."

In a third case, Abd al-Qader (interview of April 2010) argued that he tried to avoid clashes with government, but that at the same time he had to navigate through a system dominated by distrust, state interference and domination. He provided the example of his association's relationship with some African organizations, where the law did not authorise such activity.

In general, it may say that the interviewees had a sense of their important role, but that the law and a relationship with the state characterised by distrust limited their negotiating power.

6.3 Civil Associations Services

The literature on NGOs suggests that they have an advantage over the state due to their flexibility, the relative cheapness of what they offer adaptability to local conditions, freedom from political constraints and small scale (Brown and Korten, 1989: i). These advantages perhaps were behind their role in filling the gap after the economic crises of the 1980s, when the state withdrew from some of its functions. As Devine (1996:6) has stated:

the economic crises of the 1980s coupled with [a]structural adjustment programmes designed to address macro-economic problems has created a political vacuum in which the state is no longer encouraged or capable of providing services to its citizens. NGOs, it is argued, are well positioned to fill this gap.

Others see these organisations as "possible alternatives to government in addressing the needs of populations" (Brown and Korten, 1989:1).

Through interviews and observations, this researcher has taken note of changing state policies in Libya affected by the activities of the civil sector. The percentage of services contributed by the state dropped as a result of the economic liberalisation policy, and in a number of sectors state services were replaced by NGO services. This was seen in healthcare provision. Additionally, NGOs seem to have filled gaps left by the state early in 1999 (when number of the ministries were reduced), such as in the education of the blind and the care of women with disabilities. From the interviews conducted, the

researcher found that some associations focused on providing services for certain groups in society such as children, the disabled and the blind, while others provided public services for the whole community in the areas of healthcare, charitable work and cultural provision according to needs on the ground. In this section I will try to illustrate the various services provided by these associations. It should be noted, however, that in reality it is often difficult to distinguish between different categories of associations, and for this reason I have grouped them according to their function.

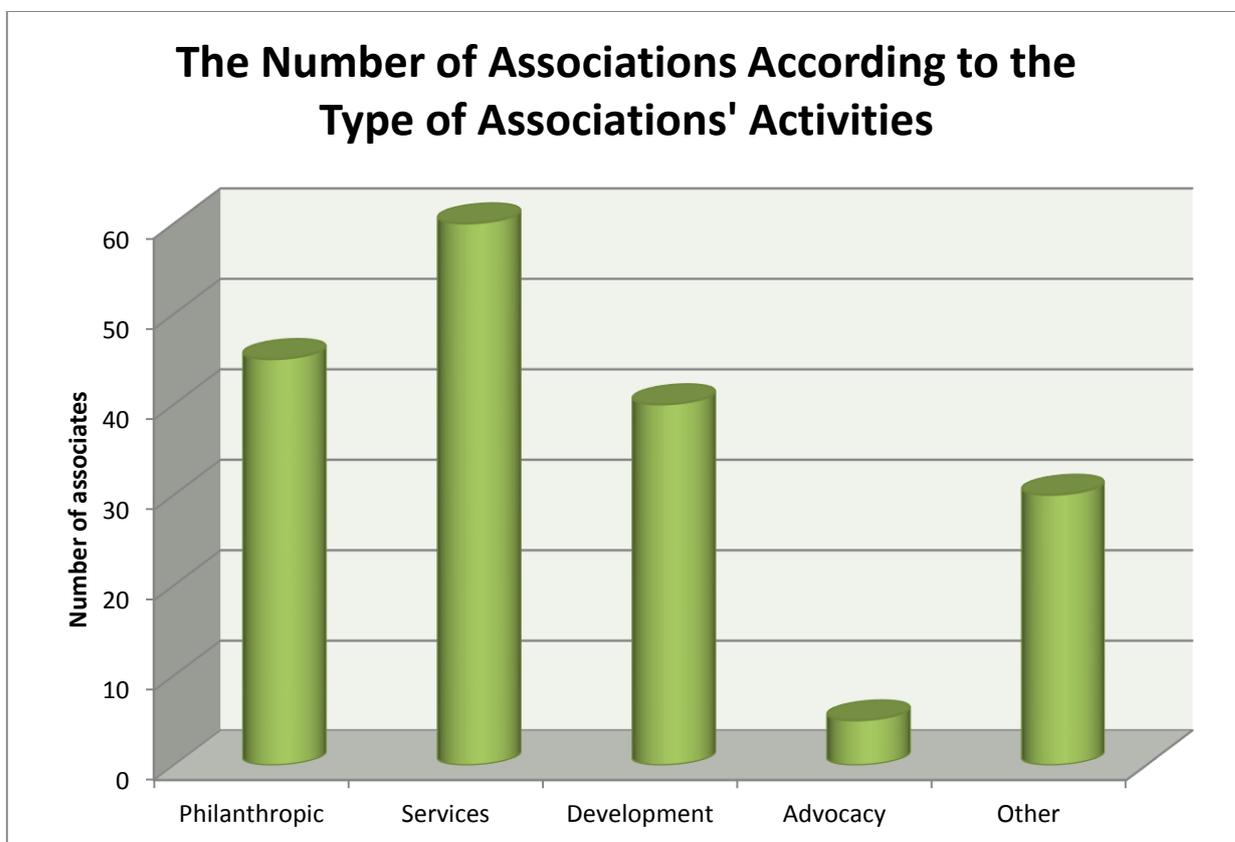
In an interview with the executive director of al-Jam'īyah al-'Arabīyah li Ḥuqūq al-'Insān (Human Rights Association) in Tripoli; April 2010, the executive director revealed that the 2001 law has not improved an association's activities:

Article 27 of the law states that the association must inform the secretariat of the General People's Conference or the Secretariat of the People's Conference of all meetings of the Conference and the issues to be discussed, at last one week before meeting .Also, it is allowed for delegates of the General People's Conference to attend the meetings and the association must submit a copy of the minutes of the meeting and decisions issued to the Secretariat of the General People's Conference. This without a doubt, shows to what extent the state intervenes in the work of these associations and therefore we can say that any action by us can become a violation of the law, and the state uses this to control us. How can we develop our activities?

6.3.1 Services Provided

Libyan NGOs pursue a variety of activities, as shown the graph below.

Figure 9: The Number of Associations According to the Type of Associations' Activities



Source: researcher fieldwork

The above graph shows that service associations represent the largest group, possibly because they do not face the state and its policies. In contrast, the advocator category, meaning those associations which protect groups like women, children and prisoners, is the smallest.

Civil society encompasses not only charitable bodies and service associations, but also NGOs, which seek to represent social movements and development associations which serve communities as well as the whole of society (Carapico, 1998:2). Nevertheless, it is not surprising that the largest number of associations in Libya fall into the service and charity categories.

Libyan NGOs provide a range of services such as healthcare and education. Young (2000:149) sees NGOs as helping to carry out the delivery of public goods, and in this

respect they have a direct relationship with one another. Some associations in Libya providing social and economic services to help satisfy the needs of various groups in society (e.g. the disabled, visually impaired, orphans and the terminally ill) have achieved remarkable success. The roles played by these associations increased after the withdrawal of state support. For example, the association that provided support to patients with renal failure in Misurata, provided all kinds of medical care for those patients who could not to finance the cost of treatment. The executive director of al-'Ikhwah al-Khayrīyah said that they would provide more help if they got more funding, and that they target people most in need. He was concerned that the number of people with this disease was increasing by the day, and stressed that the “gap-filling” role of the associations was growing in importance.

An example of the same role is the “Association of Women with Disabilities” in Tripoli, which was established because there was perceived to be a particular gap in this area. As one staff member described it:

The idea of establishing such an association started with my observation of a handicapped female relative. She struggled to cope with her living needs. I thought of women like her; how many women out there need support? Thus, we tried to raise awareness among society regarding the needs of these people. From my observation, it seems that both the family and the state have ignored these unfortunate people.

Another successful example of “gap-filling” can be seen in the focus on orphans, in Misurata. As the director of the al-'Anwār association for orphans has confirmed:

We see that the state has withdrawn from this group and left them on the street and to the rich people if they are willing to help them. Therefore, our role is to help people to stand up for their rights and to live with dignity.

The al-'Anwār association aims to improve the lives of orphans. It can be seen from its reports between 2001 and 2009 that the association provided donations worth 245,000 LYD for the families registered with it; it distributed stationery to orphan students to the value of 32,000 LYD, furnished orphans' homes to the sum of 49,500 LYD and undertook maintenance of some houses worth 28,000 LYD. Expenses for the outstanding orphan students amounted to 36,000 LYD.

The al-Nūr Association for the visually impaired in Tripoli and a similar association in Benghazi focussed attention on providing education. During my interview with this association, I was told that their approach to rehabilitating visually impaired people was aimed at enabling them to integrate as useful members of society and to help them to engage in economic activities whereby they could support themselves and their families. I interviewed an IT (Information Technology) engineer who graduated from this association, and is recognised as one of the most notable qualified engineers in the country.

6.3.2 Charitable Aid

Philanthropic work is the second largest field of activity for the various NGOs in Libya. Many derive their income from properties held as *waqf* Islamic charitable endowments. NGOs are favoured by both the founders of the associations and beneficiaries, as well as the donors. When asked why this is the case, most participants mentioned religious motives that encourage people to do good things and help others, especially the needy. It can perhaps be traced historically to the start of civic work and its association with religion. It is considered a part of Islamic values and thought. Muslims believe that they should contribute positively to their society, regardless of whether such activities are viewed as an aspect of civil society or not. Their purpose is to improve the societies in which they live. In my view, it is the limiting of civil work to a religious principle which has led to the promotion of charitable work, and this is reflected in the idea of a return to traditional solutions which rely on the generosity of the rich and their giving to the poor, rather than facing the causes of the phenomenon and its association to the distribution of wealth among all social classes. Most associations with the principles of charity at their core do not use the word charity in their titles, with the exception of the Hanā' and Wa'taşīmū charitable associations.

Some findings from the data which highlight the role of religious motives in encouraging civil works find interesting support in a comparative study undertaken by the Johns Hopkins Comparative Non-profit Sector Project, this was entitled as "The Third World's Third Sector in Comparative Perspective" and was carried out by Salamon and Anheier (1997:6). The project concluded that:

religions differ in the emphasis they place on building formal institutional structures for religious worship and other purposes. Religions that place a premium on institutionalisation will likely

contribute more to the development of non-profit organisations than those that do not.

As shown above *waqf* (discussed in Chapter Three) are charitable endowments which have management and governmental departments, and are therefore, according to the above theory, in a good position to receive support.

6.3.3 Development

Brown and Korten (1989:10) have suggested a model that defines development organisations. They comprise of the following activities:

- Provision of services such as healthcare, family planning and agricultural extension
- Community organisation, including providing technical and educational assistance to enable local groups to organise themselves and solve local problems
- Training and technical assistance support to other organisations performing development functions
- Development education to increase public opinion and leader understanding of key development issues

By considering these associations as participants in the development process, they can be seen to reflect the desire not to depend on the state for development. Among a list of reasons for this, according to Brown and Korten (1989:1), place emphasis on what they call “a sharp decline in public development resources”, leading to a search for alternatives to conventional public services. Lewis (2003:327) distinguishes NGOs from other types of organisations because, as he states, “NGOs are distinctive in the sense that they are third sector organisations which are focused on ‘development’ tasks and purposes (which can broadly be taken to mean efforts towards poverty reduction)”. Perhaps the dominant perspective in this sector is that NGOs fill the gaps left by governments. Many researchers support this view: (Bebbington and Farrigon,1992:55); (Clark,1992), ‘services substitution’, ‘public service contractors’; (Clark,1992:152) ‘agents of democratization’, ‘helping people to help themselves’, ‘change and development’ and so on. These views reflect the theory, believed by many that the failures of governments and markets are behind the growth in this sector, as was shown in Chapter Two. These are the images which these organisations are trying to project to communities and societies.

In brief, the mushrooming of the NGO movement has been caused and affected by the challenges that have occurred in the theory and practice of what is broadly termed “development”: that is, the process of improving the conditions and prospects of people and nations.¹⁴

The prominence of the role given to NGOs in development since the early 1980s is often explained as a reaction to the crisis facing state-sponsored development strategies and the failure of Third World government to face the challenges of development (Abdelrahman, 2004).

Brown and Korten (1989:6) believe that even though the voluntary sector has a greater potential for mobilising voluntary workers and novel problem-solving, development is difficult to achieve in societies where the state has total control over civil society. When they were asked whether they participate in the course of development, the majority of interviewees in this researcher’s fieldwork seemed startled. This was because none of them saw themselves or the associations in which they were active as being entitled to play any role in development. By contrast, they genuinely believed that this should be a task of government.

In my fieldwork, I noticed that development associations are basically limited to only three main areas where they can significantly participate in development. For example, of the 4,000 blind students who have graduated from the al-Nūr Association for the blind, a number of them gained PhD degrees. At the time when I was conducting my interviews, this association offered education to 187 students at primary and secondary schools and 42 students at universities (interview with executive director of the association in April 2010). The executive director claimed that some public universities would not enrol blind students. Another example of what could be considered a development association is al-Nūr’s twin in Benghazi, the Blind Association, which has been helping blind people to achieve their educational and academic ambitions for more than forty years. It also improves its students’ skills by providing training in certain crafts from which they can

¹⁴<http://www.turkishweekly.net/article/222/historical-evolution-of-ngos-ngo-proliferation-in-the-post-cold-war-era-.html> (Last accessed 20.04.2010).

earn a living. A third example is the Libyan Association for the Disabled which aimed to empower this group through rehabilitation, and to shift them from a position of powerlessness to one of normality and equality as citizens with all the same rights enjoyed by other Libyans. As the Secretary of the association points out:

Our aim is to deal with the person not on an emotional basis, because this would negatively affect his or her self-confidence, ability and skills. This association does not only work to provide services and medical instruments but also to build up self-confidence in these people and increase awareness of playing a positive role in society regardless of their disability. We try to achieve equality in society for them, like any human being without discrimination; old or young, woman or man and black or white. We have a role in development, we address our target and we have transferred our ‘support’ to a development concept to change how these people are perceived by others and how they see themselves.

The Libyan Association for the Disabled interviewees stated that this segment of the population went through three stages in terms of their relationship with the state. The first stage had its roots in 1969, as shortly after the coup the new political system began to take shape. This was what we can describe as a “golden time”. The second stage was from 1971 to 1989, during which the state met the major needs of this group showing sympathy but without clear program. The third stage started from the 1990s and has continued up to the present date, and has been characterised by a lack of state support. The target group is subject to change to meet new needs. For instance, road accidents leave more people, from various professional backgrounds disabled and thus in need of rehabilitation in order to continue their lives normally.

6.3.4 Advocacy

Advocacy associations are different to other kinds of NGOs because of the nature of their activities, which are most likely to intersect with state tasks and to involve political issues.

Kandil (2005:116) gives a procedural definition of the concept of “advocacy” as a set of continuous and planned efforts by an organisation to cause change in attitudes, policies, decisions and trends in public opinion. In this way, society achieves a collective benefit and marginalised groups are defended.

The Arab Network for NGOs (2008:121) defines advocacy organisations as those voluntary organisations that adopt the international covenants of human rights, gaining “international legitimacy” and engaging in advocacy to protect human rights. This

includes respect for and awareness of these rights, monitoring and controlling them; exposing violations of them, and working to stop any violations by monitoring government behaviour and legislation on human rights issues. The question that arises here is why has interest in this type of organisation increased over the last two decades and become more widespread. The Arab Network for NGOs points out the variables that have led to the proliferation of interest in NGOs for several reasons. First, the democratisation process in various countries around the world after the collapse of the Soviet Union and the emergence of nationalism in Eastern Europe. Second, the spread of globalisation, which has led to further marginalisation and social exclusion of the poor. Additionally, the central political values that have accompanied globalisation, the most prominent being democracy and respect for human rights, have stimulated the growth of social and political movements around the world and the development of quantitative and qualitative discussions in civil society organisations. Third, the technological revolution has facilitated demands for human rights and, accompanied by globalisation, has contributed to the collapse of barriers between countries and different entities. Furthermore, it has increased the speed of interaction between activists through electronic and other means of global communication. These developments have allowed for a much faster and greater flow of knowledge which has helped activists to become better organised. A major effect of this process has been to challenge the concept of state sovereignty. Fourth, an increase in interest in the establishment of networks of regional and international defence which has in turn given support to advocacy organisations financially, politically and in the media. Fifth, is the increased effectiveness in the demand for legal rights for women. Sixth, the importance of human rights organisations, especially in monitoring and focusing on human rights violations, as one aspect of political reform in the world.

The role of NGOs has expanded and developed since the beginning of the 1980s in response to neoliberal ideology and thought on democracy (*Turkish Weekly*, 2003). The findings from my fieldwork suggest that the activities of advocacy associations for women can be divided into two types. The first are those which provide services for women who are disabled, blind, poor or widowed. These activities are intended to improve these women's standards of living by providing healthcare, education and childcare, and to help them to earn a living by providing relevant skills and training.

Despite the importance of these activities, these associations have still not done enough work to promote the status of women in Libyan society by challenging prejudice and established gender roles.

The second type of advocacy association for women covers those which focus on gender issues. Their goal is to improve the status of women, to eliminate all kinds of gender discrimination and to improve gender relations in society in order to achieve equal opportunities in the workplace and to allow women to participate in decision-making. There are very few organisations of this type.

It is important to note that the Libyan law does not discriminate against women. There are many resolutions and decisions that support the participation of women in political life and engagement in the public sphere. For example, there is equality in income and position depending on qualifications rather than gender. Another example is the right to attend and be elected to the People's Conferences at any level. Even though there has been remarkable progress in this area, there are still some issues related to women rights that need more lobbying in order to be solved. One example is that a Libyan woman who marries a non-Libyan man cannot pass on her nationality to her children, unlike men marrying non-Libyan women. Another example is that children do not benefit from their mother's salary after her death even though both men and women pay the same percentage of their incomes in social security. Accordingly, advocacy associations should work to improve people's awareness of gender issues, and take advantage of the opportunities already available to fight the dominant patriarchal culture.

The existing associations do nothing to promote women's demands and actually undermine the idea of women's rights because they tend to encourage the idea that the only issues of importance to women are poverty and disability as opposed to their rights in society. As shown in Figure 9, there is currently a lack of advocacy associations in Libya focusing on the issues of human rights, women's rights and gender. What is more, those which do exist are not effective and reflect a total lack of awareness of women's rights. Nevertheless, when I interviewed the executive director of the Arab Association for Human Rights in Tripoli (this association has three branches), he stressed "checking on the state" as a way to achieve justice and influence the state by pursuing it through the media and the law, as well offering advice to prevent it from deviating from its function.

Moreover, he argued that the main role for these associations and civil society can be found in the roots of our religion and our culture:

We work with the people to help them strengthen their knowledge of their rights and protect people who have been subject to injustice, torture or imprisonment, or who have not had their rights, or who have been affected by abuse of authority: we are opening the way for citizens to take their rights.

Another interviewee argued that:

The phrase "or to achieve any political goals," in the 2001 law is broad and open to interpretation. By the existence of such a phrase the government can restrict the activities of associations working in the field of human rights, and in defence of the rights and freedoms of citizens. The existence of such a phrase makes associations easily accountable if they make a study of reality or the laws governing political life and the results are not acceptable to the government or not in its interests. It could be claimed to be political activity, making associations subject to sanctions, such as closure or abolition.

A notable exception here is the Gaddafi International Charity and Development Foundation (GICDF), which made significant contributions in this area and dealt with difficult and complex matters such as torture in prisons and compensation for the families of those who have died in prison or under torture in the hands of Islamic fundamentalist groups. The GICDF derived its power from its founder, as will be discussed in Chapter Seven of this study.

The interviews conducted for this study show that there is limited awareness of the roles of advocacy associations in Libyan society even among workers in civil associations. The responses I received reflect a lack of awareness of civil work in general in that the interviewees did not understand the roles they played in terms of making changes to social and political life. Additionally, when I asked about the relationship of associations with the state, interviewees were only able to point out the state's role in constraining their work in as far as it had to be done within the framework of the law. This response may be because of the novelty of civil work in Libya and also because most of the activities of associations involve charitable work. This means that associations mainly focus on the traditional domain of charity rather than providing channels for social development and political participation. This may be accounted for by the prevailing rule under Qadhafi

that the only channel of social and political participation was through the Basic People's Conferences.

The measures and limitations in Section 2 of Article 22 of The United Nations Universal Declaration of Human Rights are often used by governments to undermine this right, even in democratic societies. Here, the governments use terms such as public order or national security or public morals, changing and evolving practise in accordance with the circumstances of time and place. For example the idea of social order is flexible; sometimes it is narrowing and sometimes widening; also the public interest is here equated to the political system.

In Article 14 of law No 19, no one may not be associated with any association or participate or join the association or a club based outside Libya without the approval of the Secretariat of the General People's Committee. This is explicitly contrary to the global trend towards networking and relationship building between the associations in different countries, for the exchange of experiences and the block support on some issues. At the same time, Article (1) prohibits the registration of the association in cases of the violation of law and public order.

6.4 Obstacles of Development of NGOs

The purpose in the section is to explore the main obstacles facing the development of civil society in Libya. Al-Sayyid Sa'id (2005:56) points out that "the development of civil society in Arab nations requires four basic elements: volunteerism, administration skills, economic resources and a culture of peaceful conflict-resolution".

The most important data collection method used for the purposes of this chapter is the in-depth interview, many of which were conducted by the researcher with activists working for NGOs in the field, with the aim of uncovering the opinions of the active elites within these associations. All interviews were recorded mostly after the participants had given their approval. Questions focused on a set of core issues: cultural impediments, finances, organisation, management and relationship with the state.

6.4.1 Volunteering

In Chapter Four, reference was made to the view of Salamon and Anheier (1999) that, among other things, one of the key characteristics of associations is that “they are voluntary such that they involve a degree of voluntary participation at the level of activity or governance”. In a similar vein, al-Sayyid Sa’id (2005:56) considers voluntary work to be a fundamental element in civil society: he states that, “undoubtedly, the culture of voluntary work is the dividing line between an independent civil society and dependent one, between the existence and non-existence of a civil society”. According to Volunteering England (Volunteering England, 2009), “[g]enerally, volunteering is described as an unpaid activity where someone gives their time to help an organisation or an individual who they are not related to”.

Karajah (2007) offers the following definition of volunteerism: “Volunteerism means providing moral and financial support by free will and without seeking profit or distributing profit among participants in the civil society organisations”.

The roots of voluntary work may be found in religions which encourage people to help others, especially the poor and needy. This type of voluntary work can be referred to as the philanthropy principle. People volunteer for many different reasons. They may choose to volunteer to develop skills or gain experience, to socialise or to give something back to society. They may also volunteer because they feel a moral duty, or that they have compelling reasons to take part in voluntary action or to support a particular cause. The key element is that it is freely undertaken. During my fieldwork, when I asked the participants why they joined the organisations they were working for and what they hoped to get out of doing so, a majority of them responded along the lines that, by taking part in the said organisations, they were able to participate in developing their society and promoting a culture of civil work and society (Conn, 2012).

From the findings of my fieldwork, it was expected that men would account for most of the volunteers working for associations. From interview data, however, it was clear that women make up a greater number of the volunteers. In fact, this can be counted as one of the most important reasons why most associations provide social services (in the parts of society) where women are normally active. It was also observed that the volunteers, both men and women, were generally highly educated and included people such as doctors and

social workers. Strong links could also be seen between volunteering and religion. Indeed, religion provided a strong driving force behind participation in civil work thanks to the religious principles of helping the poor and supporting the needy.

The culture of voluntary civil work has not occupied much space or done much to improve civil society in the Arab World as many scholars have claimed, particularly in the case of Libya. The main reason behind this lack of impact is the kind of social structure dominant in Arab countries, which is based on the family, local community and tribal loyalties. These links encourage individuals to support the interests of these groups rather than those of the general public which can be better supported by NGOs. However, the latter sector needs to transform itself from being based on individual and informal contributions to institutions that are able to organise volunteering through volunteer networks. In this way, NGOs can extend volunteer work to the areas of development and advocacy.

6.4.2 Administrative Skills

The administrative aspects of NGOs were discussed extensively in Chapter Four of this study. Chapter Four also discussed the ways in which the Libyan law No. 19 regulated the administration of associations in line with the Libyan political system: hence associations were required to form counterparts to state institutions including the People's Conferences, the People's Assembly and the Board of Directors corresponding to the People's Committee of the Association.

In this section, I will investigate how a statement by al-Sayyid's (2005:56) applies to the Libyan associations. Al-Sayyid states: managerial skills could be understood as abilities that are capable of building institutions and developing those institutions capacity to achieve and to cope with problems, seize opportunities and achieve the best results. He argues that Arab civil society suffers from a shortage of managerial skills and thus people capable of building institutions and developing their capabilities to achieve goals, face problems and seize opportunities. Furthermore, he notes that this lack of managerial skills has a negative impact on how associations work with and gain the confidence of the public, and cope with the demand for their services.

One interviewee reported that he did not have knowledge or awareness of civil work. Most people involved in such work do so to make money and corruption is widespread.

He cited as an example of mismanagement the fact that the board of his association gained its recognition after just a year and four months (April, 2010).

The interviews reveal the absence of managerial skills in associations. In addition, most of them revolved around a single person who had led their organisations being assimilated into the structure of state decision-making processes. This finding supports al-Sayyid's view that poor managerial skills have had a negative impact on the capacity of associations to achieve their goals. However, among the associations, there are examples of successful management such as, in the al-Nūr Association in Tripoli. In this case, although two thirds of administrative staff have very little experience, the remaining third are knowledgeable about the organisation and the needs of its members. At the same time, this association is considered to be one of the older (established in 1962) and more successful of its kind.

Finally, the interviews showed that associations are dealing with problems and attracting contributions on the basis of their emotional influence over donors rather than their knowledge of how social, economic and cultural factors can help to raise funds and attract donors. This way of dealing with issues also highlights the lack of managerial skills and economic resources available to associations.

6.4.3 Economic Resources

As discussed in Chapter Four, there can be no doubt as to the importance of economic resources for civil associations. As al-Sayyid (2005:56) states, [...] "for civil organisations to fulfil their role, they need economic and financial resources", to which he adds "we can note the fragile economic foundation of civil society in Arab countries". Accordingly, in this subsection I will discuss the economic and financial burdens on Libyan associations.

Before my fieldwork I had the impression that the Libyan state, as a dominant actor, controlled all associations. However, it turned out that these associations do not receive any support or funding from the state. Indeed, in interviews most associations stressed the lack of funding from the state. At the same time, the law forbids campaigning for donations and the government only pays the salaries of staff who are assigned to work in these associations. Associations expect to receive state funding. One interviewee said that

the state does not have a constant vision or direction toward this sector, and that this has resulted in cuts to state funding for associations. By contrast, most states provide some funding for this sector both in the West and in some Arab countries (interview in Tripoli with the Director of Federation of Youth Associations, April 2010). Another participant added that:

If the state leaves associations without funding, the associations may resort to foreign funding which is dangerous and risky; at the same time we do not want this kind of funding (interview in Tripoli with the Director of Arab Association for Human Rights).

The associations' code strictly prohibits them from campaigning to collect donations or grants from the public, possibly as a result of the fear that collected funds will be exploited for personal gains. However, some interviewees confirmed that "it is true some associations use the funding for personal purposes". Moreover, one of the directors of the regional federations went further, pointing out that "establishing an association is a quick way to make money" (interview in Misruata April, 2010). In my view, the problem of corruption undermines development and builds up a sense of distrust in NGOs. In regard to foreign funding, associations were prohibited by law from receiving funding from any foreign donors. This situation changed after 2011 as I will explain in Chapter Nine.

Sources of self-funding for Libyan associations included members' contributions in the forms of *zakāt* and *waqf*. From the findings of my fieldwork, it can be observed that there was no awareness among the interviewees of the advantages of these two resources. However, when the researcher asked whether the participants had considered these legacies as sources of funding, they responded with surprise and stated that they never had considered them. Many of the members of associations who were interviewed during my fieldwork complained their associations had been refused permits to collect donations or accept foreign funding.

Regarding my question about the role of mosques in encouraging people to support associations, one interviewee agreed with me and responded: "If our association cooperates with mosques as places which have an influence among the people, it will improve our capacity to serve a larger community in general" (interview with the Executive Director of one association).

6.5 Conclusion

A fundamental feature of civil work is that it is neither an extension of state bureaucracy nor motivated by profit, as is the case in the private sector. The non-profit sector is usually based on new and creative work initiatives, and driven by a dynamic and expressive culture of civil work which allows it to interact flexibly with its target groups. In contrast, as this chapter has demonstrated, the Libyan associations have suffered from a lack of essential skills and training, which would have enabled them to increase their capacity and improve their performance.

One of the main features of Libyan associations (NGOs) under the Qadhafi regime was the inconsistency between their image as organisations and the reality of their operations, which were based on clientele and family relations. In other words, the conditions under which they operated determined their character, which was therefore different to what would be expected of such organisations in other societies (including those on which some of the definitions of civil society discussed in earlier chapters are based.) Nonetheless, Libyans continued a degree of activism and volunteerism, despite the legal and institutional problems faced by NGOs.

This is a reflection of the way government, rather than society, characterised these associations, with the exception of the few capable of serving their beneficiaries, for example the al-Nūr association for the visually impaired. The findings of this chapter bring into focus a number of different kinds of Libyan association and the impediments facing them. With the state system extending heavy control over the public sphere, these obstacles shaped the available modes of operation. Despite this, Libyans were able to continue a culture of activism and volunteerism throughout the Qadhafi era through the various NGOs, though in family and client based forms, rather than as extra-political institutions or organisations.

As such, one of the main points discussed above is the lack of associations acting as advocacy groups. The majority of them are active simply as charity groups. This apparent lack of certain types of associations can be seen as being partly the result of a tendency of the state (prior to 2011) to inhibit any social activities falling outside the official channels. An advocacy group is by definition in a form of conflict with the government while a service group can be dependent on the state for funding. As was discussed in

Chapter Four and will be discussed further in the next chapter, the (pre-2011) state fiercely opposed views contrary to its own official ideology.

The role given to NGOs was limited and constrained, and therefore it was not feasible for these associations to participate in the building of civil society. The fieldwork conducted for this study shows that Libyan associations are still fragile and unable to fill the vacuum left by the state or the market. In their meeting on 12th and 13th December 2010, the Libyan civil associations themselves declared that “they are supplementary to the state” (see the statement of this meeting in 2010). Therefore the existing NGOs were only able to operate in a quite limited way with at least as many connections with the government as with the public.

It cannot be claimed that political and economic reform in Libya came as a result of public demands or pressure. Libya’s return to the international community supposedly presaged radical domestic reform. The founding of civil society organisations, was more or less a response to this return. There were no public demands for civil society (in pre-2011 Libya) and the only individual who managed to do so and get away with it was Saif al-Islam. The main why calls for reform did not arise from the bottom up, can be summarised as follows: State-building in Libya was not linked to internal processes of generating revenue, and the primary internal economic function was to divide among citizens revenue that had accrued directly from the marketing of a natural resource or asset under state control (Vandewalle, 1998:21).

Chapter Seven

Gaddafi¹⁵Foundation

7.1 Introduction

This chapter will focus on the Gaddafi International Charity and Development Foundation (GICDF), which was founded in 2003, and the association organised under it. The Foundation played a prominent role in the political life of Libyans in the subsequent period up to 2011. It was a unique case as a non-governmental organisation because its role went beyond that which is typical of such organisations: acting as a mediating body between the state and society, taking responsibility for many projects, and engaging in many political issues. It is of key significance that this was an unusual ‘NGO’- given that, due to its leadership, it was in many ways part of the ruling system. The Foundation needs to be examined to ascertain how exactly it related to civil society in Libya.

One of the major obstacles that faced the researcher, particularly in writing the first draft, is that many resources, especially those related to Chapter Seven, disappeared from the internet after the fall of the Qadhafi regime in 2011. One example is the al-Qadhafi Foundation website, which was my primary online source, as well as websites of the Libyan newspapers connected with this Foundation. This had a huge effect on some of the material and it became difficult for the researcher to review some quotations, which led to the deletion of some material from the thesis.

The data presented in this chapter stems from observations and suppositions based on examples taken from the Foundation’s activities: the speeches of its chairman at different events and interviews - especially those with the Foundation’s executive director, and Professor Richard J Robert, a member of the Foundation’s council of trustees. The first section will provide an overview of the GICDF as it represents itself in its literature. I believe that this should be the first step for studying the Foundation, as it provides important ideas concerning the Foundation’s self-conception and basic information for the reader. At present this literature is the only source available about the Foundation. In

¹⁵ In this chapter I will use “Gaddafi” as the official name when referring to the Gaddafi Foundation, but in general I will use “Qadhafi” which is linguistically a more correct spelling.

the second section, I shall study the political character of the GICDF with a view to seeing how this differs from that of the NGOs I discussed in Chapter Four. In the third section, I will discuss the sustainable development programmes which were adopted by the GICDF in fulfilment of the “Millennium Development Goals”. In the fourth section I will discuss the contribution of the Foundation in stimulating public debate and examine its influence on the development of political awareness. In the fifth section, I shall try to answer the following question: what is the relationship between the GICDF and civil society (as defined by the World Bank) in Libya? I will focus on the extent to which the GICDF can be seen as a contribution. In the sixth section, I will discuss what was perhaps the principal achievement of the GICDF, namely the reconciliation of previous opposition movements, the Muslim Brotherhood and the Libyan Islamist Fighting Group. In the seventh section I will cover the GICDF’s efforts to promote human rights in Libya. Finally I will briefly examine its apparent role in political and economical reform to see to what extent this Foundation played a political role.

7.2 Overview of the Gaddafi International Charity and Development Foundation

According to Anheier (2007:304) a foundation is:

a non-governmental, non-profit organisation with its own funds (usually from a single source - an individual, a family, or a corporation) and programme managed by its own trustees and directors; established to maintain or aid educational, social, charitable, religious, or other activities serving the common welfare, primarily by giving grants to other non-profit organisations.

The GICDF will be assessed in the light of this definition. The Foundation defines itself in the following way: “The Gaddafi International Charity and Development Foundation (GICDF) is an international non-governmental organisation, which carries out developmental and humanitarian activities in the social, economic, cultural and human rights fields” (GICDF Report, 2006).

Although the Foundation had a Libyan name and chairman, it was registered in 2003 in Geneva, Switzerland. This does not detract from its Libyan identity because most of its funds came from Libyan sources. Although some of its activities are international, some elements are based on Libyan policy. Its chairman was Saif al-Islam al-Qadhafi. The Foundation was composed of an executive director who was chosen by its council of trustees:

1. Professor Benjamin R. Barber. Barber is a theorist and the founder and president of the Interdependence movement. He was a consultant in the US and other countries such as the UK and Libya. He was a member of the International Board of the GICDF until 22 February 2012. He has written 17 books, one of which is *Jihad vs McWorld*. He has won several prizes such as the Berlin Prize of the American Academy in 2001 (Interdependence movement, 2010).
2. Professor Richard J. Roberts. Roberts was made a Nobel Prize winner in physiology or medicine in 1993 and was a member of the GICDF until 24 February 2012. In 2006 Professor Richard J. Roberts delivered a letter from 114 Nobel Laureates to the leader of the Libyan mission to the UN, to prevent the prosecution of 5 Bulgarian nurses and a Palestinian doctor (Nobel Prize, 2013).
3. Giulio Andreotti. Andreotti served seven times as the prime minister of Italy from 1972 to 1992 (The World Political Forum, 2010).
4. Jose Claveria de Venecia. De Venecia is a former Speaker of the House of Representatives of the Philippines, serving from 1992 to 1998 and from 2001 to 2008. As Speaker, he was the fourth highest ranking official of the Philippines. He was the former president of the Philippines' dominant party, LAKAS-CMD. He ran for president in the 1998 election but lost (Books Google, 2009).
5. Dr. ‘Alī Muḥammad al-Ṣalābī. Dr. al-Ṣalābī is an Islamic cleric who spent 8 years in one of Qadhafi’s prison in Tripoli. He played a significant political role in the 2011 Libyan uprising, and is now an important figure in the Libyan Brotherhood Movement. (*The Telegraph*, 2011)
6. George Papandreou. George Papandreou is the former prime minister of Greece and was the president of Socialist International (Sipa, 2010).

7.2.1 GICDF Objectives

According to its literature, the GICDF set objectives that covered a wide range of activities. It emphasised that its mission was made up of two specific aims: development and charity. The first of the GICDF's four main goals was to start to foster the emergence, creation and support of civil society and to contribute to the development of these aims by using volunteers. The GICDF's second goal was to promote practical programmes and

initiatives to accelerate comprehensive development. The third goal of the GICDF was to protect human rights as a precondition of development, civilisation and prosperity. The fourth goal was to offer relief and aid to the victims of disasters. According to the executive director Dr. Yūsif Şawānī, these objectives were met. He argues that:

The idea, as publically announced, was to fulfil the objectives of development in Libya in addition to carrying out humanitarian and charitable activities worldwide. The Foundation indeed played its roles in such domains. (The researcher's interview with Dr. Şawānī on 3 December 2012.)

7.2.2 Financial Resources

According to its report, the Foundation funded its local and foreign activities from the following resources:

- Contributions from member societies
- Unconditional grants from the Libyan state
- Donations from institutions, companies, and societies in Libya and abroad
- Donations from individuals
- Revenues from investing the assets of the Foundation through its affiliated businesses, which are as follows:
 - First of September Company for International Trade, established in 2002, which specialised in importing goods to the local market.
 - First of September Company for Aviation, established in 2002, which organised domestic air flights.
 - First of September Company for Investment, established in 2002.
 - First of September Company for Media, established in 1999, as a service company working in the field of publication, advertising and exhibitions (GICDF report 2005).

In response to a questionnaire written by the researcher, Dr. Yūsif Şawānī (the executive director of GICDF) referred to other sources of funding:

we had donations from individual businessmen who wanted to support Saif initiatives; international companies working in Libya who adhered to the principle of social corporate responsibility; the Jihad Fund, which Libya set up in the 1970s to promote good causes; and government indirect funding that was earmarked for projects of developmental assistance in developing countries (Interview with Dr Yūsif Şawānī on 3 December 2012).

7.3 Debate over the GICDF

The nature of the GICDF¹⁶ needs to be understood by placing it in a wider context. Arab countries have not experienced the sorts of fundamental democratic changes which have occurred in many countries in Latin America, Asia, Eastern Europe, and even some African countries. What they have achieved in the best cases has been a type of partial political openness. This openness has provided (before and after 2011) a limited margin of democracy. Even that margin of democracy however has been narrowed this margin gradually through the use a variety of justifications, which has infected the process of democratic development with a state of inertia and stuttering, and even decline in some cases. Thus, the process of transition towards political pluralism that took place prior to 2011 in several Arab countries for example Egypt, Jordan, Tunisia, Algeria, Yemen, Mauritania and others, did not lead to a fundamental change in the nature of power and methods of governance practiced, where the ruling elites put a set of political, administrative, legal and operational practices restrictions in place to control the process, making it meaningless and with little real content. In some cases pluralisation was even used as a mechanism for updating the nature of the authoritarian ruling regimes. Despite the existence of multi-party systems in many Arab countries, political parties were mostly ineffective, playing a marginal role in the political process. This was due to the great number of restrictions imposed by the ruling regimes on the opposition parties on the one hand, and the dominance of the party headed by the head of State over the reins of political life, as was the case in Egypt, Tunisia, Mauritania, and Yemen. In addition, the weakness of the possibilities for cooperation and coordination between the opposition parties, and the lack of grass-roots political parties in the Arab world further hampered change.

There are several other factors that hindered the process of democratization in these countries, such as the continued dominance of the executive branch over the legislative authority, the weakness of the independence of the judiciary, and the multiplicity of human rights violations. All of these practices occurred in the light of legal frameworks that included special laws imposing restrictions on the rights and freedoms of citizens.

¹⁶The GICDF was often known as the Gadhafi Foundation. , as will be stated later, the foundation started as the "The Gaddafi International Foundation for Charity" and then changed to ' The Gaddafi International Charity and Development Foundation".

There is no doubt, then, that there was only a hesitant process of development of democracy in the Arab world. The initiatives towards political pluralism of some Arab regimes did not come as a result of those regimes being convinced of the value of democracy, or in a belief in the importance and usefulness of the representation of competing interests in society through peaceful means, on the desire to establish a new social contract between the state and society. Rather, it came as a result of the dynamics affecting the ruling regimes, and were intended to ensure their own continuity, employing the rhetoric of political pluralism as a source of political legitimacy. This was particularly so where earlier sources of legitimacy for these regimes had become eroded. Regimes considered political pluralism as a mechanism that would enable some political and social forces to give vent to their political feeling facilitating the task of passing the policies of economic stabilization and structural adjustment pursued due to pressure from the IMF and the World Bank. Adverse public reactions as a result of continued application of these policies could thereby be avoided, lessening the threats to political stability resulting from negative economic and social development mainly on the lower and middle classes.

Furthermore, the desire of these regimes was to obtain economic aid and facilities from international financial institutions and some Western countries, and this was behind the move towards political pluralism to gain a new image and face in the view of the West (as "democratic" developing countries). In the light of this, one can understand the political, legal and administrative constraints imposed by the "political pluralism" introduced by regimes. Some researchers (Glenn E - Robinson, 1998) have called this phenomenon the concept of "defence democracy", because the actions taken by these regimes toward democratic procedures are designed to ensure the continuation of the systems, without any fundamental change in the existing autocracy and monopoly. Thus, the limited margin of political openness depends on the authority's views, not on legal or democratic framework, and effective and independent civil society organizations.

Part of the explanation for this may be found in the writing of Eva Bellin(2002), where the analysis seeks to show that the lack of democracy in the Arab world is linked to the limited role played politically by the bourgeoisie. Also, the failure of democratisation, or the acceptance of authoritarian regime has been attributed to some factors, such as the rentier state paradigm and the lack of independence of civil society from the state.

Thus autocratic Arab regimes perceived civil society associations as threats to their stability and longevity. They therefore place restrictions on those associations, to limit their independence. Elagati states (2012):

following the emergence of the first independent civic associations outside of political parties in the 1980s, Arab states sought to quickly oppress, co-opt and control these organizations by imposing restrictive laws that provided the state with extensive oversight rights and by offering rewards to those organizations willing to comply with government restrictions.

Some regimes resorted to installing their own organizations, giving rise to the acronym GONGO (Government Organized Non-Governmental Organizations), in order to co-opt civil society. These organizations seldom represented the true relationship between the state and the populace. CSOs in the Arab world lacked protection, autonomy, and freedom of action. Sometimes they were merely extensions of the state apparatus.

GICDF can be considered as a Libyan example of a GONGO. The regime inaugurated the Foundation to be the vehicle for some political liberalisation and transformation. The particular significance of the GICDF was that it involved in the issue of human rights.

The GICDF, to some extent was proclaimed as a non-political instrument, actually served to make Qadhafi's grip on power more secure. It had the name and professed role of an NGO but was registered abroad and had political connections. It hid or hindered more meaningful change that could have occurred if Libya had independent association in the legal and political fields.

The GICDF occupied an uncertain space between an NGO and an overtly political organization. This section will show some of the inconsistencies in its identity and operations, including the changes that it went through in response to political and operational developments. The GICDF stands out as atypical in comparison to other NGOs due to its political nature, which will be examined in this section. One of the main characteristics of NGOs in Libya was that the legal restrictions (Article No.2) imposed upon them prevented involvement in political debate or activity, or in a campaign for a particular political party or specific candidate (Salamon and Flaherty, 2000:30). It is difficult for the researcher to categorise this Foundation because, at the same time as being registered as an NGO in Switzerland, it existed as a political entity in Libya and therefore

had the power to engage in activities that went beyond the restrictions imposed on Libyan NGOs. There are three further factors making categorisation of the GICDF problematic. First, it has never been registered in Libya, because Saif al-Islam was critical of the laws governing NGOs and did not want the Foundation to be restricted by them. Second, its funds initially came from the Libyan government in a lump sum, although later the government mainly funded it through support for projects, such as the \$50 million reconstruction project to rebuild 1,250 refugee homes in Gaza (from interviews with ex-members in the projects departments). Third, the GICDF chairman - the driving force in the organization domestic and international affairs- was Saif al-Islam Qadhafi, the son of Colonel Muammar Qadhafi, the leader of the revolution. Saif al-Islam became the coordinator of the Libyan Socialist Popular Leadership organisation. This position was established on 6 October 2009 after Colonel Qadhafi, while attending a commemoration for the Union of Free Officers (the movement that planned and executed the 1969 revolution), called on Libyans to create a formal position for his son so that he could properly serve them. As George Joffe (2010:1) points out, this was “a position that made Saif al-Islam the second most powerful person in the Libyan hierarchy after his father”. It would, therefore, be misleading to discuss the GICDF in isolation from Saif’s political ambitions.

In fact, we can only understand the GICDF dilemma within an Arab world context where there is an overlap between the political regime and the family of the country’s leader, regardless of his title. Libya is not an exception. In Yemen for example, Ahmed Saleh, son of a leader of the Republic, held the presidency of the broad council of the al-Saleh Social Foundation for Development. The traditional (western) paradigm (mentioned above) the researcher classify Arab institutions such as the GICDF. The paradigm and approach are products of western civilisation in terms of a conceptual perspective, and are distinct from the question of whether civil society exists or not. This was discussed in Chapter Two, from the perspective of Arab scholars. Roca (2005:42) emphasises the difficulty of applying the western approaches adapted to individualistic societies to the Middle East and the Third World.

In 2005 The GICDF transformed itself from "The Gaddafi International Foundation for Charity" into "The Gaddafi International Charity and Development Foundation". This came as a result of the change in the nature of its activities to those which were mainly

developmental (Activities Report, 2005/2006:8). It could be said that the GICDF was posing as an NGO, playing a political role. The transfer revealed more than a mere change in name to a shift in its role and its function; it was an attempt to spread emphasise a more political vision, while continuing to engage in charitable functions. The slogan of Saif al-Islam in his GICDF vision was the transformation of Libya from a Revolution to a State. How could this proposal of comprehensive renaissance fit with the mission or role of a non-governmental organisation? The following points illustrate how the GICDF assumed roles not associated with the aims or attributes of NGOs.

Firstly, that which represents the view of many people opposed to the regime, was that this project served as an election campaign; it concerned the “succession of power” rather than political reform and development. Saif was the most important figure in many political activities and decisions, and there was a gradual shift of these responsibilities in government tasks, although not officially. Consequently his presence in government became a reality. These steps paved the way and gave the programme legitimacy, so that he could assume authority. The father, Muammar Qadhafi played a waiting game to fill the gap between the previous era and its end. In addition these efforts become associated with international campaigns to support steps to improve the country’s image abroad: to rid it of its association with terrorism.

Secondly, Saif al-Islam, in addressing the new generation’s aspirations, was acknowledging the influence of global changes, especially the information revolution, and the suffering caused to Libya by international sanctions; further, he wished to demonstrate that Libya had learned important lessons from its past. The conflicting aspects of the GICDF's identity make it difficult to classify, but do shed light on the internal conflicts of the structures of Libyan power

In conclusion, the GICDF had some aspects of NGOs through the associations belonging to it which operated in the field of charities, and its efforts to open the stage for freedom of speech and the most essential one that its involvement of human rights issue

7.4 Human Rights

Human rights are at the centre of and an invariable principle of humanity on the global agenda. Libya tried to integrate into international society by adapting its profile. However, the steps which had been taken by Qadhafi's regime did not meet the minimum international standards. The Libyan Human Rights Watch (HRW) reported that:

over the past decade Libya dramatically transformed its international status from a pariah state under UN, EU and US sanctions to a country that, in 2009 alone, held the Presidency of the UN Security Council, the chair of the African Union and the Presidency of the UN General Assembly. But this transformation in Libya's foreign policy has not galvanised an equivalent transformation of Libya's human rights record which remains poor, despite some limited progress in recent years (Human Rights Watch Report, December 2009:1).

It is indisputable that human rights have become one of the factors of concern in domestic and international policy. It has also become a significant element of international relationships between states and international organisations such as the United Nations.

On 10 December 2009, The Human Rights Society of the GICDF issued its first annual report which included seven topics: civil society; information and the press; state security; Abūsilīm prison; torture in detention and arrest locations; women's issues; illegal immigration; and international organisations. In its introduction it states that "our efforts make a clear difference on the map of human rights work and humanitarian action within Libya over the past years" (GICDF: 2010).

The above report was the subject of The Secretariat of General People's Conference in 2010. A letter to all the secretariats of the federations, trade unions and professional associations asked them to study the report issued by the GICDF. The letter stressed the need to fill the gaps and correct imbalances, as well as acknowledging the positive points in the report. The letter emphasised the use of facts and documents to refute the fabricated information which existed in the report. It also asked those concerned to address the themes which were not consistent with the *Jamahiri* community's ideas, such as community ownership of public information. The letter called for this to be done in a democratic manner transcending the visions of individuals rather than the will of the society. The implication in Qadhafi's request was to ask for radical solutions to the problems of humanity as contained in the Green Book. The letter concluded by requesting them to be patient and objective in dealing with all views, especially those that

undermined well-established principles. The homeland is for all and is based on diversity (*Almanara*, July 2010).

In response to the contents of a speech by a member of the Secretariat of the General People's Conference, the Human Rights Association issued a statement which clarified several points related to the report, claiming that:

The contents of the Association's report pertaining to the freedom of press and civil society, and the freedom of trade unions, is in fact a claim that the Libyan State meets its obligations resulting from its adherence to international legitimacy represented in the Universal Declaration of Human Rights and the two International Covenants on Human Rights, particularly that the State has already taken a positive step in this regard by publishing these documents in the Legislation Code in the special issue of May 20, 2009, and thus the provisions of these documents have become part of the Libyan national legislation corpus which makes it incumbent on all parties and public authorities, including the judiciary to act according to their provisions and to accord them priority over domestic legislations in case of disagreement. (Human Rights Association, 7.1.2010)

The statement emphasised that:

The association believes that the point which dissatisfied the member of the Secretariat is the question of civil society, and particularly the statement concerning trade unions whose affairs are entrusted to this very member; the Association emphasises each letter and word it included in its report regarding civil society, and calls upon the said member of the General People's Conference to refute the argument with a counter-argument, and evidence with counter- evidence. The memory of trade unions is still full of lots of tragedies that accompanied their performance, including direct intervention in the most exclusive of its private affairs and particularly setting forth the rules for (choosing) selecting against the law, and the lack of respect for the Trade Union law and executive regulations, as well as their statutes. (Human Rights Association, 7.1.2010)

On 12 December 2010, the Human Rights Association of the GICDF issued its second annual report for the year 2010. The report included many issues: civil society organisations, the state security court, missing people, those blocked from travel, state prisons, Libyan prisoners, and returnees from abroad, non-implementation of judicial decisions, Libyan nationality, media and journalists. The report noted significant improvement on some issues and failures in others. Therefore, the secretariat of the General People's Conference continued to intervene in the affairs of trade unions, federations and professional Conference. In regard to NGO associations, the Human

Rights Association called for the abolition or amendment of law No. 19 which restricted their role in matters such as funding and dealing with political affairs, which were to be practised only through the official channels (Basic People's Conferences) as required by the rules of public order.

The Human Rights Association demanded the cancellation of the state security court because it replaced the people's court which was established as a result of exceptional circumstances and conditions, but the legislator did not abolish it. The Association did not give sufficient attention to the issues surrounding Abūsilīm Prison, but it praised the open direct dialogue that the administrative body conducted with victims' families.

The report addressed one of the painful issues in Libya's human rights record, at both national and international levels: that of the missing. These people had disappeared without their kin knowing their places of detention, or whether they were alive or dead. Thus, the Association called on all state institutions to take responsibility for detection and disclosure in this issue, which had created legal and administrative difficulties resulting from the lack of knowledge of the fate of missing people.

The Association received many complaints from citizens who had been prevented from travelling, which is against all laws, including the law of The Promotion of Freedom. The Association emphasised that the freedom of movement inside and outside Libya is a constitutional right confirmed by Libyan and international laws.

As for the state of prisons, the Association noted that some prisons were not subject to judicial scrutiny, specifically those detaining political prisoners, since a large number of these prisoners had been arrested without a warrant from the prosecution. There were also a number of prisoners who had finished their sentence but had not been released. It was noted that Libyan prisons did not reach basic international standards.

The difficulty in attributing responsibility for crimes and outrages in the prison system was due to the lack of certainty and information about the numbers involved and the circumstances. It is difficult to speculate about how successful the GICDF would have been in implementing reforms, given the violent course of the regime in its final days. The Association expressed surprise that several public bodies had stalled in taking the

necessary administrative procedures to support returnees from abroad and released prisoners back into work. The Association also called upon the General People's Committee to carry out all procedures to ensure their integration economically and socially.

The report emphasised the issue of Libyan nationality. The Association had received a number of petitions from people for Libyan nationality, some of whom have been resident for more than thirty years and some with Libyan roots. This humanitarian issue is very important because stateless people and their families faced many problems (GICDF Report, 2010). I followed the general course of events relating to the Libya Press Agency and the *Oea* newspaper, specifically: the fate of their workers, the way in which the authority dealt with the incident and the arrest of journalists, which was contrary to the law. At the end of its report, the Society called upon the Libyan legislators to expedite the issuing of the Constitution as a reference which defined the rights and duties of individuals; which set guidelines for determining the work of state institutions, in order to prevent conflict and overlap; and identified the legal and political position of all public utilities. It stated that the absence of a constitution facilitated the adoption of contradictory legislation, and undermined protection against human rights violations. In the absence of a clear constitution that defined the branches of government and regulated the relationship between them, i.e. stipulating the separation of power, security agencies operated with impunity.

However, the Association emanated positive signals towards the GICDF's efforts in the field of human rights. They gave examples of these efforts, such as the release of hundreds of political prisoners and prisoners of conscience. Saif al-Islam al-Qadhafi initiated a dialogue with the Libyan Islamic Fighting Group (LIFG).

According to the UN's reports and principals, human rights should be considered a fundamental and democratic right which allows individuals to fully participate in the decision-making process with the authority, and to determine rights and duties without fear of the state. These rights and freedoms should not be seen as gift from the state as a separate entity from society, in which the people fear its authority and hope for its mercy (UN, 2004.2005.2012). The GICDF played a significant role in improving human rights, and reduced the number of violations, but did not abolish them. The evidence of this

failure is found in the criticism by international organisations of Libya's record in this field. The Association's role was limited only to denunciation and condemnation, such as that of an external organisation, whose mission is only to draw attention to the violation of human rights.

On 15 December 2010, the GICDF announced that it would no longer include advocacy for political and human rights reform among its activities. This will be discussed in another section of this chapter; here we will see how this decision affected the Human Rights Association and the issue of human rights in Libya.

On 17 December 2010 the Human Rights Association surprised everyone by announcing its independence from the GICDF and issued a short statement which said that:

Following the annual meeting of the Board of Trustees in London on 14-16 December 2010, the Association reviewed its report which included the focus on activity in the field of philanthropy and development. On this occasion, the Human Rights Association, which had already established its founding organisation, and was then joined to the GICDF like the other associations, would like to emphasise the continuation of its activities and its mission according to its implementation of regulations as an independent human rights association.

Consequently, the Secretary-General of the Libyan Human Rights Society of the GICDF, Muḥammad al-‘Alāqī, resigned from his post for health and social reasons. It is worth noting that Muḥammad held the presidency for two years after the resignation of the previous head, Dr. Jum‘ah ‘Atayqa. At the end of each year he issued an annual report on the state of human rights in Libya (*Libya Alyoum*, 2010).

There were significant concerns about being targeted by law No. 19 (2001), because the Human Rights Association was operating under the protection of the name of the GICDF, which had been established in Switzerland and was subject to the law of NGOs, with Saif al-Islam as its head. This was the case for any association operating in Libya. Thus, this association found itself subject to the restrictions of law No 19, and not only were its activities restricted, but it feared that it would find it difficult to continue its work, or at least the impetus for it would become very difficult. In practice the first test was when the government arrested Jamāl al-Hajjī in January, 2011.

The GICDF has in fact done very much to help the human rights situation in Libya and has played a significant role in breaking the barrier of silence. However, the way in which the GICDF adapted to improve human rights and how it justified violations, were questionable. It addressed violations within a framework of forgetfulness rather than accountability and justice. For example, Saif al-Islam al-Qadhafi stated that:

Many of these assassinations and these violations are not justified and they have been carried out by individuals who blamed the revolutionary system and Mu‘ammar al-Qadhafi. However this is not right; these people decided to do such things themselves, but everything is blamed on Muammar Qadhafi and the revolution (*Al- Jazeera*, 2005).

7.5 GICDF Activities Aimed at Motivating Public Debate

Perhaps one of the greatest successes of the GICDF is that it exhibited a strong tendency in motivating public debate through its focus on the media; it established two newspapers and two satellite channels. This reflected the GICDF’s efforts to challenge the stagnancy of debate due to the lack of freedom of speech. It created spaces for people, especially intellectuals and journalists to interact with each other and engage in issues that concerned them and the public. Before the establishment of the GICDF, the government did little to address the neglect of social issues and public opinion.

I will discuss the contribution of the GICDF in stimulating public debate in two ways. First, in its role in opening a door to mass media such as the press, satellite channels and radio, and also the kinds of issues that arose in discussions through these media. Second, the GICDF encouraged qualitative change that emerged after it opened up files and addressed thorny issues affecting people in all walks of life. In fact, it was difficult to approach or even mention issues, such as human rights, because they were seen as taboo. I shall also examine the influence of the GICDF on the development of civil society, as well as the view that corruption is a result of the absence of civil society organisations and transparency.

I will discuss whether or not this has helped to promote and strengthen public awareness of the need for civil society. I shall also trace the development of the approaches taken by the GICDF towards specific issues, such as Islamic groups. By following this course, it is possible to see how the GICDF has shaped the discourse about these issues in the Libyan context. This chapter reveals the vital role played by the GICDF in the political

life of Libya, and discusses the idea of civil society in terms of the language in which it has been framed in Libyan political discourse by the GICDF.

7.5.1 Newspapers and TV Channels

Following the emergence of the GICDF, speech became freer as the media started to disclose information about critical issues such as corruption and poverty. In addition, the GICDF went further by talking about the need for a constitution, which had previously been a major taboo for the government. The number of electronic newspapers also increased as well as the range of subjects discussed in them. The press law issued by the Revolutionary Command Council in 1972 nationalised all the mass media, thus placing TV and radio stations totally under the control of the government. This censorship resulted in the suppression of public debate. By 2007 however, a new language began to emerge in the media, with words such as “reform”, “democracy”, “elections”, “human rights” and a “booming economy” (see for example Almanara, Oya, Cyrene and Libya Alyom). In 2005 the GICDF launched the Libyan Satellite Channel, *Allibiya*, and *Allibiya* Radio. These stations played a notable role in relation to many social, economic and political issues, which were neglected in the past. However, it was still forbidden to discuss certain issues: for example, a poor health service; delays in salary payments; low educational levels and a lack of basic necessities in schools; nepotism in employment; cartels in the marketplace, providing property for members of the conference secretariats and popular committees; and corruption in general. These channels were for the general public rather than just the elite.

Two newspapers, *Oea* in Tripoli and *Quryna* (*Cyrene*) in Benghazi, were established on the 20 August 2007 (*Almanara*, 2010). However, their set-up did not lead to free speech, especially since the Penal Code, which imposed restrictions on the freedom of expression, was still in effect. Nevertheless, a 2009 Human Rights Watch Report admitted that, “the two new private newspapers and the internet have created a new limited space for freedom of expression” (Human Rights Developments in Libya: Truth and Justice Can’t Wait).

On 4 November 2010, the print version of the *Oea* newspaper was suspended again on the order of the Prime Minister, al-Baghdādī ‘Alī al-Maḥmūdī. No official reason for this decision was ever given (see all news agencies, November 4, 2010). However, it did come after *Oea* published an article on 28 October 2010 entitled, “Libya; where to this time?”

which focused on the high level of corruption in Libya at that time. The newspaper stressed that Libya had reached a crisis in “the practice of the Authority of the People” and the administration of the State because of what it described as “thieves”, “corruption” and “traffickers”. However, it proposed that the solution to these problems would be the fulfilment of the idea of a “final assault” on the government as referred to in Qadhafi’s speech in Misurata (August, 2008). It called on members of the Revolutionary Command Council to assume leadership positions in the country. In particular, the newspaper stated: “Thus, what if the leader requested his comrades, whom he released from the burden of four thousand days of underground work, to rise up on 1st September 1969”. The newspaper listed the names and suggested tasks for each:

1. Major ‘Abd al-Salām Jallūd: Secretariat of the General People’s Committee (the Prime Minister);
2. Major General Muṣṭafā al-Kharūbī: Secretary of the General People's Conference (the President of Parliament);
3. General al-Khuwwīldī al-Hamīdī: to oversee the Security Services (Minister of Interior Affairs);
4. Marshal Abū Bakir Yūnis Jābir: Head of the People's Committee for Defence (Commander of the Army), (*Oea*, 2010).

These men, working as a team with Qadhafi as their leader, would take collective responsibility for the fulfilment of the idea of the “final assault”, which would no longer tolerate delays in restoring the “revolution’s purity”, and would take swift action to eradicate the evil trinity of bribery, nepotism and corruption. In this way, they would confront the conspiracy against the People’s Authority, including tampering with the decisions of the masses and administrative corruption.

The article in *Oea* became a sensation, especially for Major ‘Abd al-Salām Jallūd. The newspaper proposed that he should take the position of Head of the General People's Committee which is equivalent to Prime Minister. This came in spite of Jallūd having retired from political life 17 years earlier. Jallūd was somewhat different from Qadhafi, in that he believed that projects, programmes and policies should be based on strategy and meticulous planning rather than dreams and ideology. With this in mind, he tried to build a strong bureaucratic state. However, Qadhafi saw this kind of state as dictatorial and instead tried to create a new kind of state which he called the “mass state” (al-Jamāhīriya). In fact, the relationship between Jallūd and Qadhafi was often in conflict. Jallūd was reluctant to endorse some of Qadhafi’s ideas, such as The Great Man-Made River Project, in collaboration with Morocco and the situation whereby Egypt became a

broker between Libya and the Western countries, in what was known as the Lockerbie Case.

Since the newspaper was not completely independent from the state, many thought that this article was in line with the leadership's desire to find a way out of the congestion of state as was then being experienced by the country.

Another article published on 21 October 2010 created significant debate about the major Libyan media, especially within the *al-Ghad* media group and the exile sites. This topic was published in newspapers and discussed at a meeting convened by a notable member of the Revolutionary Committee's movement, namely the President of the Centre for the Study and Research of the Green Book. In this meeting, as reported by *Oea*, he called for the establishment of the Association's aim to prevent Libyans who had returned from exile in the West from assuming any position in the future. He was directing his comments at the *al-Ghad* media group's journalists who were living in exile, especially in the UK. Conservatives criticised the leadership of *al-Ghad* because they were living outside of Libya during a difficult period in the country's confrontation with Western countries when sanctions were in play. The conservatives believed they were taking a hard line and standing up for Libya in the confrontation.

Subsequently on 7 November 2010, ten journalists from the *al-Ghad* media group (which included *Quryna* weekly, a radio station, and the Libya Press news agency) were arrested by Libyan's internal security agency. Then on 9 November 2010, the number of journalists arrested increased to twenty with no reasons given. The next day Qadhafi issued an instruction for the release of all the journalists and ordered an investigation into who was behind the decision to arrest them.

On 10 November 2010 Sulaymān Dūghah, the head of the *al-Ghad* Media Group, resigned. He justified his actions by stating that "he was unable to do anything to help his colleagues", adding that "it seemed that society was not tolerant of other opinions". The following day *Oea* took on the new title, *Sabah Oea* (*Oea Morning*), under a new editor. At this time, questions emerged over whether, as Reuters (2010:8) pointed out, the Libyan leader's son had been involved in a "turf war with [the] old guard", and whether there had been "an apparent escalation of a power struggle inside the country's ruling elite". *Oea*,

which was still available online, had helped spearhead a limited opening up of freedom of speech in Libya by printing articles alleging official corruption and incompetence that would have been unthinkable a few years earlier. ‘Ashūr Shāmis, editor of akhbar-libyaonline.com (17 November 2010), said that “Quadafi is trying to make himself the ‘referee.’ He is also, I think, enjoying the fight.”

Some Libyan writers such as, Jum‘ah al-Qmāfī, have wondered whether this was “a blow to the Muslim Brotherhood”, because almost all of the *al-Ghad* journalists belonged to the Muslim Brotherhood. This included Sulaymān Dūghah, the head of the *al-Ghad* media group who took this position in 2009, when he faced denunciations from so-called conservatives. Furthermore, Dūghah added that Saif al-Islam was inconsistent in his support of the media. It was a very short honeymoon and ended quickly between him and the Muslim Brotherhood (*Libya al-Mostakbbal*, 2010).

The Deputy Programme Director for Amnesty International in the Middle East and North Africa, Ḥassība Ḥadj Saharaoui, said that “nice words about freedom of expression are meaningless when the government rejects calls to amend penal code provisions that criminalise peaceful dissent”. At the same time, the director of HRW and Amnesty International pointed out that:

Libya's refusal to consider amending those provisions came in the same week in which its Internal Security Agency (ISA) arbitrarily detained 20 journalists for three days. Security forces frequently harass journalists and overly broad provisions of the penal code serve as the basis for frequent charges of criminal defamation when they exercise their right to freedom of expression (hrw, 2010).

The result of these escalations in the action taken by the Libyan state against the journalists in 2010 ended in ‘stalemate’, according to a Reuters report (17November 2010) published at the time:

A new round in a power struggle between reformers and defenders of the status quo in Libya showed that Muammar Qadhafi alone will decide which path the country will take, and he is not yet ready to give his verdict. The latest row which pitted a pro-reform son of the Libyan leader against powerful conservatives in the government ended with no outright winner, just stalemate and prolonged uncertainty about the oil exporter's future direction (Christian Lowe, Reuters: 2010).

What is interesting about this was that during all of the events described above, Saif al-Islam and the GICDF were completely silenced. Even the *Oea* newspaper, which had shown itself to be in favour of reform when it published an article about corruption in Libya, recommended the army as the solution rather than democratic action involving civil society organisations. The fact that the *Oea* took this position is strong evidence for the absence of civil society institutions in Libyan society as well as within the reform camp itself.

It is difficult to draw conclusions from these events because the decision-making processes were highly personal. However, the question as to the nature of the problem remains wholly ambiguous. This experience was not a rich one and we cannot benefit from comparisons in the future because the journalists were neither arrested for any clear reasons, nor prosecuted. Furthermore, they were arrested by the authorities in charge of the judiciary, and while they were not released as a direct result of legal challenges to their detention, they did ultimately gain their freedom. In this way, their cases helped to develop the effectiveness of institutions such as the judiciary, as well as contributing to the struggle for press freedom in Libya. Nevertheless, it also ended in a vague paternalistic manner which conformed with the traditional methods for dealing with issues in Libya. Indeed, this provides further evidence of the weakness and fragility of freedom of speech in Libya, as discussed above.

On 7 December 2010, the Libya Press agency decided to close its office in Tripoli because of “security harassment”. According to them, the decision was taken after security agencies told the leadership of the *al-Ghad* Corporation that the “presence” of the Libya Press agency inside Libya “was undesirable”. The Libya Press agency added that “in such circumstances” it was obliged to protect its correspondents in Libya. Amnesty International was concerned that the decision to close the Libya Press agency, the only privately-owned news agency in Libya, was the latest in a rising series of government attacks on non-state owned media in the country, which risked further narrowing the media landscape and scope of freedom of expression (Amnesty International, 2010).

The process, however, also reflected the more general continuing need to press for laws to be passed within a legal framework by a legislative body commissioned to carry out such tasks. Despite talk about the freedom of the press and the increasing margins for free

speech in Libya at that time, on the ground these things were still being violated; Muḥammad al-Şirīfī, a journalist in Benghazi was severely injured in an attack on the street and then withdrawn from hospital by the state authorities to investigate complaints against him. This attack may have been provoked by an article he published on al-Jazeera Net on 2 August 2010, concerning poverty in Libya in spite of the country's wealth. The paradox was that the GICDF was the first institution to issue a statement about the incident, claiming, "[t]he investigations did not show any violations of human rights or any relationship with the press, but that the attack on al-Şirīfī was a criminal incident in the street which some journalists have taken advantage of to gain fame". The GICDF went further in this statement, defending the state security apparatus by pointing out that, "it is a Libyan institution which has a mission to maintain the security of this country and to defend it according to the law" (*Almanara*, 2010). In addition, the Human Rights Association, as a civil society association, monitors the performance of this association and other institutions according to standing conventions (*Almanara*, 2010).

The lack of independent press and freedom of information in Libya, were addressed by the Human Rights Associations in its annual report in 2009, which stressed that: "the society suggests that all media organisations are still state-owned, and monopolised by the State alone, and that restrictions and obstacles are still hindering the granting of licenses to issue privately-owned, independent publications, although the current press law allows for the private practice of journalism" (Human Rights Association, 2009).

Saif al-Islam, as quoted by another newspaper, *Libya Today*, stated that there was a need for a proper environment of press freedom incorporating the right to express opinions and criticisms of the state, which should be protected by the institutions and laws of the latter.

In 2006 the GICDF established the Publication of Information Centre in order to keep pace with the activities of the institution and its affiliates as well as the issue of annual reports. Yet, the editor of the *Afāq* magazine noted that at that time the Foundation's activities in the field of publishing were limited to annual reports. By the end of 2009, the GICDF had published the first issue of its quarterly magazine, *Afāq*, which covered the GICDF's activities.

There is still a shortage of laws regulating the press in Libya. It is for this reason that Saif al-Islam highlighted the need for a charter of the press to regulate media workers in terms of their rights and duties. In regard to funding such a development, he emphasised that he was considering a stable source of income whereby the services of the future could be funded. This would have involved a long-term endowment, known as *waqf*, which would provide an independent source of legal, administrative and material assistance to media organisations. Al-Islam claimed that this would have been the ultimate solution for companies facing shortfalls in funding (*Libyan Press*, 9 July 2010).

7.6 Creating Civil Society Associations

In this section I will attempt to answer three questions. First, what was the relationship between the GICDF and civil society in Libya? Second, what could the GIDCF have done to contribute to the “building of civil society?” Finally, in what ways did the GICDF contribute to building civil society? Supporting the development of civil society was considered by the GICDF to be its most important purpose. It stated in one of its reports that: “among the most important goals of the Foundation is the building and consolidation of civil society by promoting the creation of associations and supporting them” (GICDF Report, 2007:08). Accordingly, I will investigate the GIDCF’s attempts to build civil society and the public discourse generated as a result.

The main resources for this section will be the GICDF’s annual reports and an interview with its executive director. In its activity report for 2007-08, the organisation stated that, among other things, it “participated in internal and external activities related to civil society, such as the Fourth NGOs Forum held in Libya between 25-27 December 2007, and the International Conference on Islam and Aids, which was held in South Africa between 26-29 November 2007”. Additionally, the GICDF hosted other kinds of activities in response to requests from local and international non-governmental and volunteering organisations (GICDF Report, 2007:8).

7.6.1 Qadhafi Website for Citizens’ Complaints

In 2004 the GICDF launched the Qadhafi Website for Citizens’ Complaints, or “Nedaa al-Qadhafi”, as a channel of direct communication with citizens (GICDF Report, 2005). According to GICDF reports, this website received:

[a] total of 444 complaints mostly about violations, abuses and assaults on rights, and claims for compensation against certain public bodies, including the security services, *inter alia*. Most of these complaints were forwarded to the competent authorities for consideration and elimination of abuses if there were any (GICDF Report, 2008-2009:12).

7.6.2 Community Civil Society Bureau

In 2005 the GICDF established the Community and Civil Society Bureau which had the aim of building up the capacities of civil society. The GICDF set the goals of this body as follows:

- To attempt to expand civil society in various forms of volunteering and civil work, and to seek its development and integration in the overall development dynamics with a view to inculcate the values of democratic dialogue, partnership and collective action.
- To oversee the work of societies affiliated with the Foundation and facilitate the performance of their activities.
- To communicate with civil society organisations, to implement joint action activities and programmes, to achieve integration among them and to strengthen the role of civil action in overall community development.
- To contribute in improving the organisational, planning and implementation capacities of civil society organisations, to encourage and support the initiatives they undertake, and to motivate their members and collaborators.

In its report for the years 2005-06, the GICDF stressed that its aim was, “promoting volunteerism and civil society based on volunteerism”, adding that “[t]his is for the benefit of both the volunteer and the beneficiary”. This goal led the GICDF to establish five NGOs with the aim of strengthening the organisational capacities of civil society. The common goal of these organisations was to serve as model NGOs for Libya, by undertaking to support local groups such as, the poor and needy, deprived children, and international institutions serving humanitarian goals.

7.6.3 New Associations

The GICDF created five different associations in order to build NGOs and support their activities, and thus to promote the principles of civil society. There were as follows:

1. The Libyan National Association for Drug Control. This was established in 1994 in order to carry out studies and research about drug abuse and ways of addressing it, and also to support those recovering from drug problems by offering social and psychological support and reintegrating them into society (GICDF Report, 2005-06:11).
2. The Human Rights Association. This was established in 1999 to address, among other things, the issues of protecting, defending and respecting human rights and basic freedoms; it also had the aim of deepening the principles of human rights as set out in international charters and national laws, and creating awareness of these issues (GICDF Report, 2005-06:11). One reason for the emphasis laid upon these issues was the human rights dilemma in Libya at the time, particularly in light of political prisoners held by the state who had become a major focal point of international human rights organisations.
3. The Association for the Vulnerable on Earth. This was established in 2001 with the aim of defending people and groups exposed to oppression because of their attitudes toward rights and justice, or as a result of struggles against colonialism (GICDF Report, 2007-2008:3). According to an interview with a GICDF member this association did not operate on the ground.
4. The Association of Brothers in the South. This was established in 2003 with the objective of focusing on Africa's various issues: development, healthcare, education and traditional industries (GICDF Report, 2005-06:12). It seems that this association was very active.
5. The De-Mining Association. This was established in 2004 in order to remove and prevent the laying of landmines and to offer assistance to those who had been harmed by landmines (GICDF Report, 2005-06:12).

Nevertheless, despite the GICDF establishing these institutions, the domain of civil society still had many weak points, as the chairman of the GICDF revealed at the American University in Cairo in May 2010. He stated that one of the most important challenges facing Libya was how to build a strong civil society that would serve the country. He added that “[t]he GICDF is a Swiss foundation, not Libyan. It had registered in Geneva because it is difficult to establish a foundation in Libya. The GICDF is an independent association, which includes associations for Human Rights, the removal of mines and the treatment of addiction” (Saif al Islam’s speech at the American University in Cairo, 2010).

Furthermore, the Human Rights Association, in its first annual report of 2009, criticised the state of civil society in Libya:

Trade unions, federations and vocational associations are still under full control of Trade Union Affairs at the General People's Conference that interfered wantonly in the selection of their secretariats and in the drafting of their statutes, and thus deprived them of any form of autonomy, and we do not need to recall here the experiences suffered by the Bar Association, the Authors' and Writers' Associations and other unions (Human Rights Association Report, 2009: 2).

In the same report the association emphasised that:

[w]ith regard to law (19) on associations, which is still suffocating all thoughts or intentions to establish an association, it is urgently required to repeal this law, and we do not believe that anyone would consider establishing an association under its unjust provisions. The experiences of the Centre for Democracy, and the Justice Society for Human Rights, which were cancelled after their promulgation, are still fresh in our minds (Human Rights Association Report, 2009: 2-3).

The report called upon the legislator to review these laws and to consider whether there was a need for them to be changed or amended to guarantee that civil society associations were able to serve the needs of society.

7.6.4 The Rise of Public Debate about Civil Society

(a) The Debate on Civil Society in Libya

The GICDF tried to engage Libyan society in many ways through its activities and it motivated public debate. One could say that the GICDF opened the door for the public on many issues, such as the constitution and the change of laws, and for the first time, the civil society and the legitimacy of the revolutionary committees were discussed in public. On 7 September 2010, the Lawyer Syndicate in Tripoli in conjunction with The Human Rights Association of the GICDF held a symposium entitled, "Civil Society Organisations, the Reality and Expectations". This conference was witness to calls for the active role of civil institutions in Libyan society to be allowed to emerge. Furthermore, there were criticisms of Law No.19 which governed associations in Libya: it was described as the "notorious law".

This conference was followed by many articles on various sites covering civil society in Libya. The main question that arose from these discussions was whether Libya needed

such institutions, with the supporters and opponents of associations clashing over the matter.

The most important result to come out of the aforesaid symposium was the argument of “the illegality of the Revolutionary Committees Movement” in accordance with Law No.71 (issued in 1972), which criminalised all political parties. This argument was based on a paper written by the lawyer, ‘Umar al-Ḥabāssī, who classified the Revolutionary Committees Movement as a political party for several reasons including the following:

- It deals with political affairs and interacts with them in order to gain the upper hand;
- It has a headquarters in each city district and in rural areas;
- It is required to take any position from the main conference so that the General People's Committee and the General People's Conference belong to the membership;
- The membership can report or identify internal and external policies of the State;
- All the current and the former trustees (ministers) are members of this movement.

Although the Revolutionary Committees Movement had the same qualities as political parties, it possessed an additional characteristic which separated it from the party system: the freedom to become or cease to be a member of the Revolutionary Committee at any time. In response to the symposium mentioned above, the al-Zaḥf al-’Akhḍar newspaper, which came under the supervision of the Liaison Office, published an article entitled, “The failures of the Revolutionary Committees Movement” (No5936, 03.10.2010). In fact, this article is considered to mark a radical change in the movement’s discourse. The writer ‘Ali Būjāzyah argued that the Revolutionary Committees Movement did not differ a great deal from other political movements in terms of swinging between success and failure.

There is a need to criticise political movements, particularly with regard to how they attempt to overcome setbacks and failures in achieving their goals. Therefore, it became legitimate to question the fairness of the Revolutionary Committees as well as their supposed successes in achieving their goals.

According to Būjāzyah, a prominent member of the Revolutionary Committee Movement, the movement had been more effective in the early stages of the establishment of the People's Authority. He argued that the growing passivity and carelessness of the Revolutionary Committees (RCs) towards the level of abstention from political participation in the People's Authority, had given rise to a diffuse belief that the movement was old-fashioned and out of place. Būjāzyah warned that the derailing of the RCs was taking the country to an uncertain future and finished his article with a call for an immediate act of reform before it was too late (*al-Zahf al-Akhḍar*, 2010).

While the above article can be described as moderate, using acceptable and discursive language, it was the first time that the Revolutionary Committees Movement was described as having similarities to political movements, and as such, it should have been open to challenge and criticism. This may be considered a turning point for the Movement. Saif al-Islam, in an interview with al-Jazeera, noted that, “the Revolutionary Committees have to become part of civil society, and that this will help them to get rid of the negative elements in them” (*al-Jazeera*, 2007).

During mid-December 2010, the Revolutionary Committee Liaison Office investigated a number of human rights activists, including ‘Azza al-Maḡhūr and Muḡammad al-‘Alāqī, because they had written essays discussing civil society institutions and calling for real civil society in Libya. The investigation also targeted ‘Abd al-Salām Diqīmish, Secretary of the Tripoli Bar Association, Muḡammad Salīm and ‘Umar al-Ḥabāsī, due to their participation in the symposium, “Civil Society Organisations, the Reality and Expectations”, and called for the repeal of the Revolutionary Committees as a party.

(b) Benghazi Lawyer's Syndicate Crisis

The second important issue which raised public debate was the GICDF's concern about the Benghazi Lawyers Syndicate Crisis. On 23 September 2010 the Lawyers Syndicate in Benghazi held a meeting to choose a new board, one year after the period of tenure of the previous board of directors had expired. However, the previous board refused to step down and blocked the selection of its successor. This being the case, the meeting was held in the street where a new board was elected to represent those present. A statement was also issued at the meeting which states in the introduction:

The continued legal absence of the lawyers' union and its transformation into a de facto unit limits its ability to serve its members and creates a situation which allows others to intervene in and cause harm to lawyers' work.

This situation damaged the ability of lawyers to carry out their duties as partners in judiciary processes, and also had a negative impact on the values of justice and the rights and freedoms of the whole of society (*Almanara, 2010*).

On 30 September 2010, Libyan websites reported that an emergency meeting had been held by the Revolutionary Committees Movement in Benghazi following an instruction from their Liaison Office. As a result of this meeting, a stern statement was issued insisting that the meeting of the Lawyers Syndicate was illegal, emphasising in particular that those present at the meeting wanted to implement the western agenda of instability in Libyan society. They concluded their statement by stressing that the Revolutionary Committees would have the right to respond decisively and strongly.

Subsequently, in a meeting held in Tripoli on 6 October 2010, members of the General Union of Lawyers condemned a speech made by the Secretary of the Federation of the Unions and Professions in the General People's Conference, for the way in which he had described them (*Cyrene, 2010*). In response, the Secretary of the General People's Conference also insisted on investigating those who had contravened the regulations of Law No.10 of 1990 which governed the professions; in Article 3 of the secretary's response, the lawyers who had attended the meeting were labelled as "pariahs". Therefore, it was confirmed that the offending lawyers were subject to the provisions of Law No.10 on the reorganisation of the legal profession, and in particular Article 3, which referred them to the Disciplinary Board. Furthermore, the secretary considered the outcome of the lawyer's meeting in Benghazi to be invalid (*Quryna, 2010*).

On 13 October 2010, the GICDF intervened in a dialogue begun by the Secretary of the Human Rights Association, Muḥammad al-ʿAlāqī, who issued a statement condemning the circular issued by the Secretary of General Unions in the General People's Conference. The document in question concerned the selection of the Board of the General Conference of Lawyers of Benghazi. In his statement, al-ʿAlāqī stressed that the new board and the meeting held by those who had selected it were both legal. He

mentioned the difficulties faced by the Benghazi Lawyers Syndicate under pressure to choose a new board. Furthermore, he argued that the associations should be independent and have the right to make their own schedules, adding that the administrative body should only attend as an observer. He went further, criticising the Secretary of General Unions in the General People's Conference, by decrying the latter's speech as something from the past: "such words as these have disappeared from the Libyan political dictionary and we have replaced them with other terms such as "social peace", "national reconciliation" and "Libya tomorrow". Indeed, al-'Alāqī claimed that such language should be considered offensive to the Libyan state, the Libyan political experience and the Libyan people (Libya Press, 2010).

Despite continuing pressure from the union, the Lawyers Syndicate held an emergency meeting on 11 October 2010 to select a new board. A consensus was reached in this meeting on the lawyers' right to choose a new board (secretariat) after what they described as the previous secretariat's total disregard of their demands. The attendees also discussed a range of difficulties, obstacles and charges levelled at them by both the previous Secretary and the General People's Conference. A majority of lawyers approved the new board chosen at the meeting. Many observers saw the action taken by the Lawyers Syndicate as a challenge to a memorandum issued by the General People's Conference declaring the former group's meeting as illegal and its results invalid. Additionally, the General People's Conference had the right to abrogate any decisions made by this meeting (*LibyaAlyom*, 2010).

7.6.5 Political and Cultural Platforms

Saif al-Islam Qadhafi attended a youth event in Benghazi on 20 August 2007, as a representative of the GICDF. At this event he expressed his views about political and cultural platforms which helped to create a new environment in which public debate was encouraged (GICDF Web). As a result of the increase in electronic media, especially academic websites, many subjects began to be discussed. These cultural and news platforms acted as forums for both the educated elite and the uneducated to express their views and criticise government policies. Although there was some controversy over the feasibility and effectiveness of these platforms, they were nevertheless welcome developments and marked a step forward; they allowed observers to express their opinions about the political process and economic changes in Libya, civil peace and

national reconciliation. These platforms helped to promote a culture of awareness of human rights, by encouraging people to demand the return of, or compensation for houses and other property nationalised during 1979. This reflected the role of the GICDF in creating a climate for discussion and for challenging the political regime.

However, prior to 2011 the regime saw this kind of activity as a way of planting the seeds of political parties, which were then forbidden under Libyan law - Act No. 71 (1972), as was discussed in Chapter Four. Indeed, this act stated in one of its articles that to join any party amounted to treason against the fatherland. In addition, its third and fourth articles stated that the death penalty or imprisonment for not less than ten years would apply to anyone calling for the establishment of any group, organisation or prohibited gathering.

Some called for the termination of political groups because they feared they would undermine the idea of the People's Authority. At the youth event in Benghazi, which was mentioned earlier, Saif al-Islam stated:

It is necessary that decision-making in the Basic People's Conferences is preceded by a dialogue in clubs and political forums and in the institutions of civil society, in order to crystallise the ideas and develop them as a prelude to the decision-making later in the Basic People's Conferences (*Almanara* and GICDF, 2007).

As a result of the above statement, meetings were held in 2008 by the following groups and organisations: the National Planning Council, the International Centre for Studies and Research of the Green Book, the People's Committees for Universities, Research Centres and Scientific Institutions, the Media, the Lawyer's Syndicate and Academia (*Almanara*, 2008).

In these meetings there was an emphasis placed on the role of platforms in creating a type of political movement, through discussions on public affairs. Furthermore, it was discussed how the platforms could be set up in practice and used as means of shaping public opinion. The meetings were considered a kind of expansion of popular participation (*Almanara*, 2008).

Two observations can be made about platforms: first, although they are similar to the idea of intellectual and political associations, and therefore they are not a new idea, they are novel in as much as they presented the first opportunity for the discussion of political

affairs outside of the People's Conferences; second, these platforms should be accompanied by media to assist them in transferring their ideas to and receiving feedback from the public. It is noteworthy that many of the channels of communication ascribed to these platforms could have been established in thirteen universities in Libya. The Cyrene and Oea newspapers announced their own platforms (Network of Arab Media, 2008). The GICDF had therefore raised concerns about the need for discussion about societal issues, by different segments of society, such as academics and lawyers. People were able to discuss issues beyond their family, creating awareness of their community which is at the heart of our understanding of the idea of civil society.

7.6.6 Debate about Laws

In 2006 the GICDF put forward for discussion the review and change of several laws:

- The law on Freedom of the Press
- The Penal Code
- The law governing civil associations
- The drafting of a constitution to define the rights and duties of citizens

(a) The Law on Freedom of the Press

Libya's basic legal system granted the right of everyone to freedom of expression as supported by Articles 19-26 of the 1988 Green Charter on Human Rights, and Law No. 20 of 1991 on Enhancing Freedom, which enshrined these rights. However, the reality on the ground was very different since the law was used to curb these principles. For example, Law 76 of 1972 restricted freedom of expression by imposing the condition that it must not "contradict the values and goals of society" (*Libyan Official Gazette*, 1972, 1991).

In his meeting with efficiencies media *Jamahiriya* on 5 September 2010, Saif al-Islam stressed the importance of the law of press freedom and praised a new draft law intended to protect that freedom; he stressed "the need for the existence of a Charter of the Press governing the workers in this area in terms of their rights and duties". The new draft was put forward for discussion in the People's Conference in 2006 but was never issued. The press in Libya needed a suitable environment in which their freedom as well as acceptance of all opinions and criticisms would be protected by the institutions and laws of the state. Saif al-Islam believed that funding would make the press more independent and he

stressed that he would consider a stable source of financing, so that the organisation of legal and administrative material be a source of independent funding (Index: 2010).

(b) Penal Code

In a speech on 24 July 2008, under the title of The Truth of All, Saif al-Islam stated: “I would like to stress this idea: tomorrow and after tomorrow; there must be a national dialogue and deep debate everywhere on all these laws, especially the penal code, because this affects each one of us”. In another meeting he praised a drafting of the Penal Code, saying that it represented a major achievement in the field of rights and freedoms, which was a big leap in the direction of openness. Saif al-Islam emphasised that because this law affected everyone, all should contribute to the drafting of it, which would consolidate Libya’s security and judicial institutions.

(c) The Law Governing Civil Associations

As discussed in Chapter Four, Saif al-Islam introduced a bill to fill the shortage in the area covered by Law No.19, to meet the needs of national and global demands. He also launched a campaign among civil society associations and the media to discuss the bill in the expectation that changes in civil society would take place as a result. However, this draft lacked clarity regarding the relationship between the state and these associations where it insisted that the state play the main role in shaping them.

(d) Drafting of a Constitution Defining Rights and Duties

Saif al-Islam called for a constitution on many occasions. He attributed the chaotic situation prevailing in Libya to “the absence of a constitution and the laws which provide a reference”. He also emphasised the lack of clear planning for the future (August, 2006). He added that the challenge was to put into place a package of laws that could be called a constitution or social contract. Saif re-emphasised this point in his talk at the American University in Cairo on 5 May 2010, stating that, “you cannot manage the country without having a constitution and without basic laws. It is a necessity”. Moreover, he said that it was a major priority for the laws to be seriously reviewed. However, since Saif al-Islam was promoting the constitution from overseas rather than in Libya itself, it seemed that the idea of a constitution was still in exile and not acceptable within Libya.

Some saw Saif al-Islam's calls for a constitution as intended to attract foreign investment to Libya, in which respect the existence of clear laws and a constitution was of great importance (Ali Abu Zekok, 2010).

On 22 October 2010, 'Amāl 'Ubīdī, a member of the Constitution Drafting Committee, told the present researcher that no one knew what had happened to the issue of the constitution. This included the researcher, who had sat on the set-up committee from 2008 and the review committee until February 2009.

The Human Rights Council mentioned the continuing absence of a constitution in Libya in its 2010 report, pointing out that:

There is no written constitution in Libya. On 1 September 1969, a group of army officers led by Colonel Muammar Abu Minyar al-Qadhafi assumed power after a military coup. The constitution of 1951 was suspended and a temporary "*Constitutional Declaration*" was adopted by the Revolutionary Council on 11 December 1969, but a formal constitution was never adopted (HRC, 2010).

7.7 Reconciliation with Previous Opposition Movements

The most successful step taken towards reform and social integration in Libya before 2011 was the dialogue between the government and Islamic movements, such as the Libyan Islamic Group and the Muslim Brotherhood. This dialogue, which was proposed by the GICDF, resulted in the Islamic movements begging for the "release of 90 members and help for them to find jobs and facilitate their reintegration into public life" (GICDF Report, 2-28:37). In March 2010, these efforts yielded the release of 214 members of these groups. At the time, Saif al-Islam stated:

Today is indeed a very important day here in Libya, for it is a day of reconciliation and openness and reunification, and it is also a day for freedom. Today and in my capacity as Chairman of the GICDF, sponsor of this initiative - the initiative of dialogue with all Islamic groups in prison or abroad, with a view to reopen the bridges of dialogue, debate and re-integration of all our brothers into the community so that they become factors of construction not for destruction - I would like to announce, today and after good efforts and thanks to God, the release of 214 prisoners. The process will continue until the release of the last prisoner (GICDF Report, 2010).

Therefore, this group issued a review of the idea of Jihad called the "Corrective Studies of the Concepts of Jihad, Accountability and Governance of the People". Saif al-Islam,

the chairman of the GICDF stated, “This is the most important reference work in the world with respect to the jihad, and the details of the subject. This work was done by our brothers who have long experience in this area” (24 March 2010).

7.8 Sustainable Development Programmes

NGOs have become key actors in development programmes in the new global economy. Accordingly, this section deals with sustainable development programmes and the role that the GICDF played in them in Libya. The GICDF set itself a wide range of goals in a variety of areas and activities in regard to sustainable development; however, there was considerable disparity between those goals and the reality of the GICDF's achievements. For example, one of the most significant goals in sustainable development is supporting the capacity of individual work through collective action rather than relying on capital. Yet while the GICDF tried to take on this responsibility, the absence of other NGOs on the ground in Libya meant that it effectively acted as a quasi-political agency. Thus, there is little evidence of consistency between the GICDF's goals and the reality of its work.

Article 1 of the Declaration on the Right to Development states that:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised (Ohchr, 2010).

Layla (2002:88) summarises the character of sustainable development as follows:

1. Development of a positive nature involves the participation of members of the targeted community in activities, such as donating resources or volunteer work, and helps to keep participants positive in all phases of the project.
2. Democratic participation is where a model of equality of development needs to be reached, requiring the awareness and participation of everyone concerned, according to a common point of reference and goals. Hence sustainable development is a gateway to the exercise of true democracy.
3. Sustainable development seeks to empower the marginalised, including the poor and minorities, who have been excluded from participation in order to create a society without barriers, and to empower women to become active participants by eliminating some of the ways in which they have had their rights denied.

4. Diversity allows several layers to exist in parallel which together lead to development, so that every country can choose to approach development in whatever ways they see fit, even though they may have the same long term development goals. This approach can benefit from past experience. Thus, local traditions, customs and usages become sources of enrichment rather than hindrances to development, as claimed by modernisation theory. In this model of development, human development, education and the strengthening of institutions become key foci, which lead to a further strengthening in the capacity of individual work through collective action rather than relying on capital.
5. Social capital in sustainable development is close to civil work or volunteering, hence the moral obligations that constitute social capital should flow from the base and rise to the top. Additionally, social capital settles through agreements between the small groups and organisations that make up civil society. Sustainable development tends to start with smaller projects and works up to larger ones, unlike traditional models of development which usually favour large projects.
6. Sustainable development takes into account the interests of future generations which are the backbone of social capital.
7. The idea of social capital, upon which sustainable development is based, is more appropriate to the circumstances of the developing countries. Current development theories focus on what is found in the developed world with the assumption that the same conditions can be reproduced in the South, despite the cultural differences between the two areas. This may be what is behind the failure of those trying to bring about development in the developing countries in spite of successes in the developed countries. The model of sustainable development gets around this problem by recognising the impact of local cultures.
8. According to the sustainable development model, NGOs are the lead actors rather than the state.

In 2007 the GICDF issued what it called “Together for Tomorrow’s Libya” (GICDF Report, 2005: 25). This undoubtedly reflected a dramatic change: The report showed that

Saif al-Islam had derived his view from pragmatic considerations, whereas the previous view came from an ideological perspective.

In terms of civil society, the impact of the project outlined in the report was limited and associated with the intervention of Saif al-Islam himself. This hampered the project from creating automatic mechanisms such as: laws and corrective legislation, democratic institutions, an active civil society, etc.

I would argue that the overlap between the project “Together for Tomorrow’s Libya” and the country's economy was almost complete and absolute, and also that what is known in Arabic as the “godfather”, i.e. the project leader, is the same as the godfather of this development project. Bearing in mind that development programmes are one of the main responsibilities of any state, the fact that a foundation such as the GICDF was tasked with overseeing development programmes in Libya is evidence of the failure of the state.

The GICDF stated that its implementation tools would be “suggestions, approaches and solutions” (Report, 2005: 25). The above project, according to the GICDF’s literature, contained the following:

[A] comprehensive sustainable development plan which can be implemented during a specific period of time. This plan deals with all vital fields in the country like culture, education, health, food, medicine, social insurance, banks, land reclamation, tourism, housing, construction planning, investment, trade, consumer’s services, and mass media. Also, the plan includes suggestions for developing security, military institutions, and the judicial system (GICDF Report, 2005-06:25 and “Together for Tomorrow’s Libya”, Tripoli: 2005:3).

With a view to implementing the “Millennium Development Goals” adopted by the Summit of Heads of Member States of the United Nations, at the end of 1999, the GICDF shifted the goal of development from increasing Libya’s gross national product to maintaining the interests of future generations (GICDF Report, 2008: 3).

The Millennium Development Goals are as follows:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality rate
5. Improve maternal health

6. Combat HIV/AIDS, malaria, and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development
(UN, 2010).

Through its internal policy the GICDF played the role of an institution carrying out development of the country in two ways: first, by setting up some development programmes for the General People's Committee (Council of Ministers); and second, by launching a number of initiatives including:

- 1- The initiative of Pilot Schools which aimed to promote education in the following ways:
 - (a) Developing and improving existing schools: the GICDF selected six schools in Tripoli, Benghazi, Sirt, Zlīṭīn and Zwārā to act as models for other schools in Libya.
 - (b) Establishing pilot schools with modern designs adaptable to the various climates of different regions and meeting in cooperation with the General People's Committee for Higher Education and the National Consultancy Bureau (GICDF Report, 2007-08:22).
 - (c) Setting up The One Million Computers Initiative in 2006. This was aimed at improving the educational system in Libya by providing one million computers for one million school children (GICDF Report, 2008:3)
 - (d) Setting up The Education Advancement Initiative through which the GICDF intended to develop the education system in line with the requirements of modernisation (GICDF Report, 2008-09:3). One step seen as necessary to achieving this goal was to send students overseas in order to complete their studies and training. To this end, the GICDF nominated thousands of Libyan students in various disciplines (GICDF Reports, 2007).¹⁷

¹⁷(For more details see GICDF Reports 2007-08:21 and 2007:34-38).

- 2- Launching the Health Sector Development initiative with the aim of establishing new hospitals in Tripoli and Jāluw (GICDF Report, 2009:4). In addition, the GICDF established the African Centre for Infectious Diseases in Tripoli for conducting research into combating infectious diseases (GICDF Report, 2005: 28-29).

As we can see from above, the GICDF tried to achieve some elements of development programme goals such as: planning for future generations by providing scholarships for top students to study in developed countries. It was also concerned with providing affordable housing for the young. However, these efforts were undermined by corruption and lack of empowerment of civil society participation.

7.9 Political and Economic Reform

There is increasing concern that NGOs are becoming a tool for pressurising governments towards political reform and restructuring of the economy. This section deals with the political and economic reforms that were undertaken by the GICDF during 2005 -2010 and will examine its understanding of reform, which appeared to be focused mainly on developing the economy, through construction projects. I do not aim to discuss the theories and concepts of reform because this would go beyond the remit of this chapter, which will focus on the GICDF. I will divide this section into three subsections: the first will focus on economic reform, the second will deal with political reform and the last will address the problem of reform in the context of Libya.

It is important to highlight that five years after raising the slogan of comprehensive reform, it was evident that the GICDF was no longer intervening in political life in Libya. The global and local news agencies reported that the GICDF had abandoned its political activities and support for human rights, while focusing solely on charitable work in the poorest countries in sub-Saharan Africa. In response to these claims, the GICDF released a statement saying, “[a]fter discussing various courses of action, the Board adopted a decision that would remove such political advocacy from the Foundation’s remit” (*Oea*, 2010).

7.9.1 Economic Reform

There is a perception that reform in Libya was associated with the Weapons of Mass Destruction programme (WMD) which was announced in 2003. This announcement coincided with the establishment of the GICDF, which became one of most important developments in Libya upon which too many expectations were placed. I have to emphasise here the fact that the Libyan economy depends on its petroleum sector which accounts for around 95 per cent of total exports. Additionally, the main funding for most economic programmes comes from oil resources both in development and administrative budgets.

In 2006 the GICDF proposed an economic development plan to the value of 70 billion dollars. In his article on reform in Libya, Rashīd Khashāna (2010) states that Saif al-Islam emphasised the need for economic openness in forty percent of the statements he made, with the intention of attacking the bureaucratic administration of the state which was a stronghold of opposition to economic reforms.

Yet in reality the Libyan centrally-planned economy depended primarily upon revenues from the petroleum sector. For example, in an interview with *Oea* newspaper on 15 September 2009, the Tourism Minister pointed out that economic reform required a diversified economy and a decision was taken by the General People's Committee to re-structure the tourism sector. However, this had the effect of restricting rather than developing the sector and contravened Tourism Law No.7. The Secretary of the Commission for Tourism stated that if tourism was to be considered the second source of revenue in Libya after oil, then its administration should be autonomous and able to exercise influence over its area of responsibility (*Oea Libya*, 2011). This interview showed that the Libyan economy suffered from a lack of diversification and that the steps that were taken towards addressing this problem were ultimately counterproductive.

In a move towards economic reform, Saif al-Islam announced details of a 104 billion dinar plan for the development of water sanitation, the countryside, roads and airports. According to this plan, an airport would be built in every Libyan city and the country would buy 47 aircraft. There would be new housing, grants and loans for Libyans to start private business ventures and, finally, every child would be granted at birth a sum of money, deposited into a bank account in the child's name, to pay the

expenses of their future education and healthcare needs. This last measure was aimed at enabling children to live without total dependence upon the help of their parents. Saif al-Islam said that the plan had begun a year prior to his speech but did not specify when its aims would be achieved (speech in Benghazi, August 2006). His comments exemplify how the discourse for economic change has consistently been driven from above.

The GICDF led initiatives in cooperation with other partners such as lawyers, and advocates of reform inside Libya and abroad. In addition, experts from various countries helped in the preparation of initiatives and committees were formed to work in different areas and to present proposals to the government. The sectors still needed to be drastically improved to enable them to compete in the international market. In 2003, Libya accepted IMF monitoring of its economy which called for wide ranging structural reforms, improved macroeconomic management, and the removal of trade barriers and price subsidies (Pargeter, 2010:7). One of the results of this agreement was to privatise 360 companies. However, this transfer did not mean that these companies became successful or met their goals. Furthermore, as Alison (2010: 7) argues, employees of some of the companies that were privatised were literally thrown out onto the street with minimal compensation for their loss. Thus, the way in which privatisation was implemented aggravated both economic and social problems.

A remarkable step was taken in March, 2005 when a new banking law was issued permitting foreign banks to open up branches in Libya on the condition of having a minimum capital of 50 million US dollars (for more details on this law see Article 43 of the law No.1 of 2005, Central Bank of Libya).¹⁸ In 1997, Libya issued Law No.5 on the Encouragement of Foreign Capital Investment which was added to in 2002 with Law No. 21 (Otman and Karlberg, 2007:71, 281). Although I do not believe that these initiatives actively promoted the banking sector, they did indicate a move away from viewing foreign investment as western interference, towards active steps to improve a sector which was still suffering from a lack of modernisation. Following the implementation of these

¹⁸ In 26-2-2012 the Central Bank of Libya modified law No. 1 of 2005 by issuing law No. 46 of 2012. The Bank justified this by saying that it would attract foreign investment in Libya.

new laws, Saif al-Islam announced the reorganisation and privatisation of five state banks (cbl, 2010).

Another aspect of economic change was the remarkable development in the telecommunication sector, which up until 2011 was owned by Qadhafi's son Muḥammad, thanks to the influence of his ex-wife, who was the chair of Libya's General Post and Telecommunications Company. This company monopolised all the components of telecommunications, including internet products and satellites, and owned both of the mobile phone companies active in Libya- *Libyana* and *al-Madar*. In 2009, the Emirates Telecommunications Corporation (*Etisalat*) sought to obtain the third mobile phone operating license in Libya Jamāl al-Jarwan. The chief executive of Etisalat's international unit, told Reuters that, "Libya is very strategic" (Reuters, 2009).

These aspects of economic reform are seen as inseparable from political reform. However, there was some discontinuity in the programme of economic reform adopted in Libya prior to 2011. Furthermore, there was a lack of a concrete association between political and economic reform which made efforts towards the latter goal fragile.

The open-market economy or privatisation in Libya mainly benefited those who were close to Qadhafi and his family; when the government enabled loan facilities for people to establish their own businesses in accordance with the investment law, which aimed to support small and medium size businesses, one bank manager told the researcher that there was an unwritten rule that significant amounts of money should only be lent to members of Qadhafi's tribe. Everybody else had to go through the endless bureaucracy and approval procedure with no certainty of what the outcome would be. Furthermore, the whole of Libyan society was affected by sudden changes without warning, for example, people complained about the cut in subsidies to welfare payment and food without any increase in salaries, which was stipulated by Law No.15 of 1981. This law was issued at a time when the Libyan government wanted to commit resources to its budget for the war in Chad in what was known as "Ouzou". Unskilled workers were badly affected when privatisation led to job cuts in this sector. In addition, the concept of an open-market economy in Libya encompassed small businesses only. It is still difficult to acquire licenses for some activities without having links in some way or other to high ranking figures inside the political system.

Finally, it is worth considering whether all these changes made prior to 2011 can be considered as reforms or not. I am strongly in agreement with Bienen and Herbst (1996:33) who state “it is exceptionally hard for long-standing leaders to engage in dramatic economic reform precisely because reform essentially disrupts the way they govern and hurts those on whose support they rely”. Although Bienen and Herbst are referring more generally to regimes in Africa, their statement is also true of Libya. The problems facing the reform process in Libya before 2011 were the reduction of the state and its domination by Qadhafi.

7.9.2 Political Reform

In his study of reform in the Arab World, Abuall Saafif (2008:2) classifies the Arab countries into four types according to their position regarding: democracy and democratisation; how they approach or move away from this system of government; and the extent of their political consistency or inconsistency in relation to it. He locates Libya in the third type. He argues that:

We can distinguish at least four basic positions:

- 1– The first are those countries where there is a choice and a degree of openness for democratic change such as: Morocco, Jordan, Mauritania, Kuwait and Bahrain.
- 2– The second are those countries where change is more complex, combining the level of political and institutional development, the cultural form of the political organisation of states and the abundance of material wealth. In this second group the economic aspect of reform is emphasised at the expense of the political side. It contains: Qatar, the United Arab Emirates and the Sultanate of Oman.
- 3- The third are those countries which question the nature of the change itself, for example: Saudi Arabia, Syria, Algeria, Yemen, Libya, Egypt and Tunisia. In this category, reform is discussed but despotism remains stable. Many of these systems succeed in marketing an image of political change, without any disclaimer to democratise their societies.
- 4- The fourth are countries such as Iraq, Palestine, Lebanon and Sudan, whose models raise particular questions, as they relate to strategic dimensions, international politics, regional balances, and especially the specificities of religious, ethnic and tribal dimensions (Abuoall Saafif, 2008:2).

I believe that the complexity of the issue of reform in Libya stems from what I would describe as the absence of the institution of the state. Reform ordinarily addresses the policies, plans and strategies of the state. However, in Libya reform needs to begin by tackling the very absence of a state. Without going too far into the history of the country, I shall now discuss two examples of scholars who have written about Libya and the formation of its state.

Anderson (1987: 183) argues that:

By the time the country became independent, there was no nationwide administration or broadly based political organisation, only the memory of the upheaval that had attended the creation and destruction of the short-lived bureaucratic state.

Ahmida (1994: 14) adds to this argument by highlighting what she describes as “qualitative differences between French and Italian colonisation”. The French model of Capitalism included the utilisation of its colonies as markets for French goods. By contrast, Italy was a semi-capitalist country whose main problem was overpopulation; hence Italian colonisation was of the settler type.

In Libya however, the notion of the state did not exist in the sense of a body which could provide for the common interests of all society.

Although the bureaucratic state in Libya did not exist in a complete form, the third point of the Popular Revolution which was announced in April 1973 emphasised that an administrative revolution would abolish all forms of bureaucracy. Therefore, although the literature talks about reform in terms of how the structure of the state can be made more effective, reform in Libya should be focused on rebuilding or reforming specific sectors. The idea of the absence of the state continued in official discourse when the pre-2011 Libyan authorities justified their intervention in most political processes, by claiming that Libyan society was still in the revolutionary stage, and that reform should be aimed at transferring the country from revolution to statehood.

This helps to explain why civil society in Libya is very weak. Furthermore, it suggests that it is difficult to build civil society not only because of the law, but also because of

the absence of the entity of the state which has left a gap between the state and society which is too large to be easily filled by an active civil society movement.

In order to address this complicated issue, it is necessary to highlight the theoretical framework of the Qadhafi regime. This system stemmed from what was known as the *Third Universal Theory* which appeared in the *Green Book*. It consisted of three parts:

- The Solution to the Problem of Democracy: “The Authority of the People”
- The Solution to the Economic Problem: “Socialism”
- The Social Basis of the Third Theory

I will argue here that, after decades of practice, this theory has resulted in huge problems and mismanagement in all sectors in Libya. The failure of the Third Universal Theory can be attributed to two factors. First, most of the ideas encompassed by the theory follow the utopian dreams of many previous thinkers and philosophers which are unworkable in practical terms.

The theory used these utopian ideas to develop an ideology without foreseeing the difficulties in applying it to society. The second, maybe more important factor, is that this theory was presented as a comprehensive and final solution for all problems connected to politics, economics, society and law. This position meant that the Third Universal Theory could not be the subject of criticism or revision because, as its author assumed, no one could argue with it. Any ideas or thoughts that differed from the theory, however slight, were considered to be critical and were not encouraged. The government went to great lengths to enforce this by withdrawing all books from libraries, which explored ideas and philosophies which differed from the Third Universal Theory. Furthermore, this ban extended to criticism about the application or limitations of the Theory. In my view, the reason behind these measures was that the Third Universal Theory was an ideology of power which made it uncompromising.

With regard to practice, I will give an example from The People Monitoring Report from 2010 which states that the People's General Committee issued 375 decisions, and its Secretary a further 81 decisions, in relation to the establishment, integration and abolition of public integration. These decisions have led to instability and confusion in the affected

administrative bodies and also show the difficulties monitoring bodies face in their checks on ministries (*Oea Libya*, 2011).

There were two necessary steps for legislative reform in Libya. I would argue that the first step was the recognition of the need for a constitution. It was a surprise for all when Saif al-Islam suggested this during his speech in 2006. In support of this view, he pointed out that imperfections in the practice of the People's Authority had allowed for the larger tribes to hold all high governmental positions at the expense of the smaller ones. Therefore, the solution, as proposed by Saif al-Islam, was to develop a constitution, national charter, or some other document that could be agreed upon by everyone.

In response to Saif al-Islam's speech, 'Alī Abū Za'kūk, the Executive Director of the Forum of Libyan Political Development and Humanitarianism stated that a return to a constitution "is to return to a reference which unites the country, which has been absent from Libyan society since 1969; this could be the focus of political reform and society and culture in the country". He added that, "Libya is in urgent need of such reforms, especially civil society, trade unions and NGOs which are no longer effective institutions in society". Additionally, Za'kūk commented, "I think that a constitution will be transferred to the State of Libya, which is seeking to catch up with the twentieth-century".

In Cairo, Saif al- Islam said:

[W]e need a constitution. You cannot run the state without a constitution and basic laws. It's a necessity. It will become the social contract, the social contract for Libyan people and we all abide by it.

To this end, he demanded that the government reconsider all its administrative and regulatory bodies. He argued further that:

We need the Constitution, reference and basic laws. But this topic involves the five and a half million Libyan people; this is not my personal battle, this is a battle of the whole Libyan people (15 March 2009).

Saif al-Islam called for a constitution, *a fortiori*, in order to attract foreign investors who attach great importance to the existence of clear laws. It is known that businessmen demand transparency, governance and an independent judicial system to ensure the necessary guarantees for their investments. Prior to 2011, these things were all absent from the political system in Libya.

However, 'Amāl 'Ubīdī, a member of the Constitution Drafting Committee told the current researcher that nobody knows what happened to the issue of the drafting of a constitution. This was in spite of her having been part of a setup committee from 2008 and later a review committee until February 2009.

The second step to reform was to abolish the revolutionary legitimacy which gave Colonel Qadhafi precedence over the law, which prevented debate. Furthermore, specific laws needed to be abolished, including Law No. 4 of 1978 ("A house for whomever inhabits it") and Law No. 15 of 1981 covering wages and salaries.

7.9.3 The Problem of Reform in the Libyan Context

The GICDF tried to progress many reform programmes and campaigns, however this was constrained by the political ideology of the People's Authority. The question of reform in Libya at present centres not so much on the needs of the country or the elements requiring reform, as on the extent of the necessity and importance of reform in itself. The researcher would like to stress that calls for reform have come even from among the beneficiaries of the *status quo ante*, who came to recognise the implausibility of the situation before 2011, which in fact threatened their own long-term interests. The researcher would also argue that only Colonel Qadhafi and a few members of the interest groups saw the pre-2011 situation as optimal. However, the debate around reform in Qadhafi's Libya gradually shifted towards the methods and procedures through which it could occur and where it should have been prioritised. The views on reform and change in Libya, as they existed before 2011, can be divided into three main groups as follows.

The first group believed that reform should be applied through the theoretical and political structure of the system itself. This group thought that the need for reform stemmed from deviations from the application of direct popular power, and that some people benefitted from this. Accordingly, this group believed that the purpose of reform should be to correct these deviations through the application of theory, to eliminate corruption and to appoint the right people to take specific jobs, especially on the popular committees. Thus, in brief, this group favoured addressing problems through existing frameworks rather than departing from them. Before the events of 2011, this position represented a majority of

the members of the Revolutionary Committees and many of those in Qadhafi's inner circle.

The second group believed that reform required radical change to the ideological and political foundations of the system as it was up to 2011, whilst keeping the revolutionary authority intact. While this group may have held the ideals of the popular system, it considered them to be impractical on the ground. Furthermore, it believed that reform must be directed towards real change built on the establishment of a constitution that governs the country and the principles of the separation of powers, thereby defining jurisdictions and ensuring the freedom of opinion and assembly; of forming political parties and trade unions; of civil society; and the implementation of an open free market in the economic field. In other words, this approach was based on efforts to keep Qadhafi in power while also redirecting his theoretical views towards liberalism. This was seen as a plan for comprehensive reform meeting all the demands of reformists.

The most important advocates of this approach were Saif al-Islam and those around him. In addition, this approach was also adopted by many intellectuals and journalists, and even some of the movements that were opposed to him such as the Muslim Brotherhood. Nevertheless, another reason for adopting this strategy may have been the absence of other options at this time when the need for reform was urgent. This approach has provided a glimmer of hope to many people over the past decade and has thus been a focus of political activity in Libya. Unfortunately, it was obstructed by successive blows and oppression from the authorities, the most recent of which was the announcement of the withdrawal of the GICDF from domestic issues in Libya. This turnaround led conservative people to request that the status quo be maintained, which in turn provided an opening for other options to develop for the future.

The third group, which was the most extreme, saw that it was impossible to achieve reform while Qadhafi, his ideology and his family members were still actively involved in Libyan politics. This group believed that there was a fundamental conflict between Qadhafi's ideas and reform. Therefore, they took the view that the first step toward reform was to end Qadhafi's rule and to reject the theory and ideas that accompanied it. This group represented the radical Libyan opposition abroad who, despite their small size and

impact, held beliefs matching those of the silent majority of people inside Libya; the latter lacked the channels whereby they could express their views.

This group believed that the Qadhafi regime rejected pluralism, whereas they believed the framework of direct democracy to be the ultimate and ideal solution to all problems everywhere. The informal position held by Qadhafi gave him unlimited and absolute rule which meant he could assume all roles within the political power. Meanwhile, the idea of reform, as entertained by the third group, leaned towards the acceptance of all people without exclusion or marginalisation.

It seems that the enthusiastic steps taken by Saif al-Islam, both in demanding reform and affecting it, made their impact on the street and on the educated elite who were moving in the direction of encouraging and even escalating the demands for transformation and reform. This shift continued day after day and so threatened the long-term security and stability of the system itself, by depriving it of absolute control over all aspects of politics and the economy. Indeed, Saif al-Islam's political activities encouraged and accelerated the pace of the demands for reform among Libyans, including the demand that some men of the "old guard" be stripped of their powers and privileges and be prosecuted. The regime found a quick solution to these challenges by temporarily freezing certain kinds of political activities, much to the disappointment of the reformers.

Freedom of speech was withdrawn from the media in 2010. This move indicated that the country was still not ready for reform because press freedom was crucial for the disclosure of corruption. Colonel Qadhafi blocked reform further by supporting the old Lawyer Secretary in Benghazi over the new one which had once received support from Saif al-Islam (as explained earlier on in this chapter). The selection of the new secretary was eventually cancelled.

It seems clear that the GICDF responded to increasing pressures from the old guard and became more aligned with governmental associations to avoid clashes with the General People's Conference (GPC). St John (17 January 2011) described this move as an admission of defeat by Saif al-Islam. Whatever the reasons behind it, the result in the long term, assuming the Qadhafi regime had remained in status quo, would have been to have opened the door for change. Meanwhile, in the short term the Libyan people, especially

the youth, would have lost their only hope of reform at that time. As the events of 2011 showed, the failure of the GICDF reform initiatives and campaigns led to an explosion of the situation.

7.9.4 Previous Ideas of Reform (Within Revolutionary Committees)

The appearance of reform within the Revolutionary Committees Movement, which was supposed to be one of the regime's tools, demonstrates that civil society institutions were totally absent. These associations carried out the role of overseeing and checking the government since one of their purposes was to criticise the existing policies and propose alternatives. This development is evident in the lack of modern institutions in pre-2011 Libya, as well as the inability of traditional institutions, such as the tribe, to challenge the regime, and thus strengthen the hypothesis proposed here: that the public arena between the family and the state were occupied by government instead of civil society associations.

The idea of reforming the Libyan regime and making improvements to its administrative style is not a recent one. Neither was it initiated by the GICDF or Saif al-Islam. Reform was a necessity back in the early 1980s when the Revolutionary Committees Movement started to gain power and was assigned missions that were characterised as crucial and necessary steps to the reform of the People's Authority. In 1984 some of the Movement's young activists, mainly students from the University of Garyounis in Benghazi, formulated demands for change focused on three key points.

The first point related to the 7 April 1976, when the revolutionary forces came to dominate the universities. On that day anyone affiliated with political parties including the Islamists, liberals and leftists was executed; this day became known as the "day of terminating the enemies of the revolution" and on its anniversary each year similar persecution against anyone who did not tow the official line took place in Libyan universities.

The aim of these activists was to change the picture entirely, by celebrating the 7 April as a day of diversity and an opportunity to involve various parties in transforming universities into institutions where all ideas and opinions, including the Third Universal Theory, would be tolerated. The key difference was that advocacy for the Third Universal

Theory should be done through peaceful debate and discussion, which should not be seen as a sign of weakness but rather as a way of enriching the participants and testing their strength and cohesiveness. Some of the group members wrote articles in April 1983 arguing for the changes they wished to see, which were to be published in a newspaper issued for the occasion. However, these articles were not published and the activists were personally and directly warned by the newspaper's officials that the approach they had taken ran entirely against the purpose of the occasion, and that a lack of political maturity on their part had made them write the articles, which were described as romantic and with no foundation in political reality.

The second point pursued by the activists was that it should be permissible to criticise the Power of the People theory, at the levels of both theory and practice, and that it should be modifiable without any compromises. They believed that this could help to explain the huge gap between theory and practice, which had led to the failure to achieve democracy as demanded by the people.

The third point, which I believe is the most important one, is that this group expressed concerns about the working style of the Revolutionary Committees Movement which they thought was incapable of creating a movement towards direct popular democracy. They believed that the Movement had no intentions of transforming itself into an ideological party with a comprehensive character, as is the case with other parties. Therefore, the Revolutionary Committees Movement, had it wished to maintain the role of the leader in the Authority of the People, should have reviewed its programmes and ways of dealing with the masses. The activists believed that the Movement should not have used violence for any reasons whatsoever: otherwise it would have become a politically-motivated police force. The goal of the student movement was to raise awareness and educate people about democracy. Political participation as the means of achieving these goals was therefore based upon: dialogue, persuasion and focus on the movement's objectives.

The emergence and spread of ideas between the members of this group of activists resulted in an invitation to meet Colonel Qadhafi on 5 - 6 April 1984 to discuss the group's ideas and demands.

On 7 April 1984 the researcher met with the most prominent figure from this group at the University of Garyounis. He was considered to be one of the leading thinkers of the group, and during the interview he remarked, “The meeting with the leader continued from the afternoon until the early hours of the next morning; he was a good listener and the youth were very honest with him, explaining to him in detail the contradictions between the theory and practice of the regime.”

This activist concluded that there would be only two possible outcomes from the meeting. The first outcome would have been that the situation would have improved and the country would have witnessed developments, either in the Revolutionary Committees Movement or the country as a whole.

The second possibility would have been that Qadhafi would have considered the matters discussed to be none of their business and the activists would have been imprisoned and possibly executed. The activist whom I interviewed added to this that intelligence knew how to extract confessions from prisoners under torture, often with the aim of forcing them to confess to being members of political parties, even when they lacked knowledge of the ideologies of those parties, in the belief that their confessions would guarantee their lives.

On the night of 10 April 1984 most of the activists were arrested on the charges that they formed the nucleus of a cell not conforming to the Revolutionary Committees Movement, and that they were in the process of creating leaders to substitute Qadhafi. Furthermore, it was claimed that those leaders would be the points of reference for interpreting theory of direct democracy and practice, which was considered taboo in Libya at that time. On this basis, Qadhafi issued the so-called Circular Number One for the Revolutionary Committees Movement (RCM), which advocated the immediate execution of all members of the group who were not absolutely committed to the regulatory guidelines. This circular was endorsed at the annual meeting of the movement in Benghazi in August 1985, as well as the establishment of the Revolutionary Court, which held trials for members of the movement.

After less than two years, the activists were forwarded to the Revolutionary Court in Tripoli where they were sentenced to death by ‘Alī Mahdī al-Firjānī, who was the

president of the movement of the RCM, along with Muṣṭafā al-Kawāfī and Ashraf al-Bayḍawī. One of the activists, ‘Umar al-Mahdī, was sentenced to life imprisonment thanks to the intervention of his cousin, Major ‘Abd al-Salām Jallūd, who was the second man in the government of the time and thus able to prevent the former being executed. The mandatory detention sentence was given to ‘Abd Allāh ‘Uthmān, since he came from the same tribe as Qadhafi. In addition, the membership of Zāhya Muḥammad ‘Alī and her colleagues in the Revolutionary Committees Movement was revoked. In August 1986, during the annual summit of the movement, through an interview which was not broadcasted, but was transmitted only in closed circuit, Qadhafi stated: “the revolution will not tolerate any deviation. It had to sacrifice young people, including some of the best and the most revolutionary ones, because we will not allow any divisions within the movement so as not to convert to the parties; therefore we must eliminate them early and baptise these attempts with blood”. Another speech given by Qadhafi in al-Bayḍā’ on the anniversary of the evacuation of British bases on 28 March 1988, was broadcasted on state television immediately after Qadhafi heard the cries of Ashraf’s mother, whose son was an only child and without a father, asking where her son had been taken and why nobody had told her that her son had been executed (National Record for the year 1989).

The course of this story, which was played out at the height of the revolution and in the presence of many of its supporters, reveals how the Libyan leadership viewed its vision of change and reform. Furthermore, it shows how the opinions which opposed the revolution were treated as acts of rebellion and departures from the principles and ideas of the Third Universal Theory. These non-conformist views had no chance of being discussed because they opened up opportunities for making other claims, all of which, it was believed, would lead to great variations in people power such as were taboo at the time.

Within the government, there was significant intent for reform, but this intent was perceived as challenging the regime, even if it came from Qadhafi’s son. The proposed reforms were strongly and brutally repulsed.

7.9.5 The Response of the Regime to Demands for Reform

Before 2011, there was an absence of any real political will to engage in reform in Libya. When the regime saw the recent popular uprisings in Egypt and Tunisia, Qadhafi held

several meetings with bloggers and tribal leaders in the eastern area of Libya. During these meetings he threatened and warned the tribal leaders against allowing their sons to engage in any movements against the regime and held them responsible for the actions of their groups' members (*Libya Alyom*, 2011). In this way, the regime returned to traditional methods of controlling the tribes. However, I would argue that this method did not work in the context of the 2011 uprising for two reasons. First, the role of the tribe has witnessed a huge change, in that members of the younger generation no longer consider their tribes to be the main elements of their identities. Indeed, tribal leaders are involved in their own businesses and have come to represent government interests more than those of their tribes. Second, the internet has become the main source of information, and thus has helped to develop points of view, knowledge and global culture. These factors have in turn influenced the reform of the system of values and ways of thinking in Libya from a time when Sheikhs could order and be obeyed. I have come to this conclusion, not only from my reading but also from my observations of world events, including those in the Arab world, and from my discussions with and observations of my students and relatives. It now often appears that the younger generations live in the sphere of Facebook, more so than with their families, and that by interacting with world issues they tend also to see local issues from a global perspective. This does not mean that the tribal framework no longer exists, but rather that its role is now more limited. However, in western Libya the tribal factor is still more effective than in the eastern part of the country in terms of its role in politics.

Therefore, I would argue that even Qadhafi believed that people should have the right to a degree of freedom of expression, and also that he was fully aware of what was going on in the country and what his regime was facing. However, he never reached the conclusion that the country needed real reform at all levels.

7.10 Conclusion

This chapter shows that, despite the limitations on its activities and achievements, and its "compromised" status as an instrument of the "heir to the throne", the GICDF did offer Libyans an opportunity to expand the space open to civil activism, to develop their culture of resistance to the encroachments of the state, and of volunteerism and participation. In short, the GICDF was pursuing a practice which Libyan NGOs had

used more widely: finding ways around the law to pursue its desired activities, as explained in Chapter Six.

An analysis of the chapter shows that the GICDF tried to promote Libyan NGOs, but its capability to do so was limited because of government interference. The first conclusion concerning this public debate about civil society is that the GICDF tried to place the term 'civil society' within the public domain, whether in the media, academia or within the civil sector itself.

The GICDF set a number of goals, and had a variety of areas of activity; however in reality did not reflect much consistency between the theoretical goals and practice. Even though the GICDF was an example of an NGO, it did not consider the building of civil society as a priority, but only one of the elements in the reform agenda. Thus, for the GICDF to have succeeded in strengthening civil society, it would have needed to have strategy and power and have interacted with other NGOs, serving as a guide for other associations. The method that the GICDF used to achieve its goals in some instances was withdrawn, because the GICDF wanted to avoid conflict with the head of the regime.

The findings of this chapter have shown that the GICDF contributed to the process of building civil society but it did not make significant steps towards achieving this aim. The findings have also shown that the GICDF struggled with Qadhafi's regime, and revealed that the relationship between the GICDF and the regime was paradoxical. The regime provided funding that facilitated the GICDF into strengthening its capacity and activities, whilst at the same time obstructing many of its functions, such as creating space within the People's Authority system, and facilitating the freedom of expression through the media.

It is possible to differentiate between two eras; an era in which institutions that provided education and charitable deeds enjoyed autonomy from the central government, and an era where the wave of liberalization and democratization necessitated the existence of other bodies that would exert pressure on the state and increase demands for democracy and transparency, and therefore showing that the institutions lacked autonomy.

The GICDF was able to lead civil society institutions towards installing a new generation of social leaders after the phase of the revolutionary committees and revolutionary

violence. However, it was working in a grey area, where Muammar Qadhafi himself lacked clarity about the way in which he viewed the GICDF. He vacillated between the desire to give an opportunity to the GICDF to achieve its programmes, and the fear of opening the door to change, especially if this were to lead to the leadership no longer being under his control.

Chapter Eight

The Political Changes in Libya of 2011; Impact on civil society organizations

8.1 Introduction

This chapter deals with the political and social changes that took place in Libya in 2011, specifically in order to address the question of how those events have influenced the progress towards civil activities in Libya. It will be necessary, in that context, to cover the basic circumstances and dynamics of the changes. These events were a surprise and presented enormous challenges for the researcher in the new political environment. The chapter is based on the researcher's understanding of the country, her observation of developments, and most importantly interviews. The situation remains in flux, and therefore only initial conclusions can be drawn.

The chapter attempts to answer (in an initial manner) the following questions:

1. How has the sudden change in the political situation in Libya affected the emergence of civil society associations, even though they were not instrumental in bringing about that change?
2. How have these institutions been established, how are they run and how do they finance themselves?
3. What does the experience indicate with regard to the Libyan population's aptitude for civil society organisation (World Bank definition)

The specific focus is on Benghazi and Misurata, as the material is derived from interviews and observations which were conducted by the researcher in August and September 2011 in these two cities. Through this the changes that have occurred in the Libyan NGO sector as a result of the collapse of Qadhafi's power and the emergence of the NTC will be examined. The goal here is to determine what factors facilitated the emergence of NGOs, and how they have reacted to the surrounding circumstances.

Benghazi and Misurata were the first two big cities to fall out of government control and thus to start developing some sort of alternative institutions. In order to present a broad picture of the implications of this, details will be given of the construction of administrative structures, organisational goals and values and channels of transmission.

Additionally, the following questions will be addressed: how do these organisations' activists pursue their goals, and what methods do they adopt to achieve them?

Investigating such questions from the angle of civil society associations is not easy. The researcher had difficulties in acquiring relevant information and accessing the sources. Additionally, the researcher is aware that it is problematic to focus on the transitional period following the toppling of Qadhafi's regime, given that the features of this period have not yet fully crystallised.

Given the hollow nature of the civic institutions described in Chapter Five, characterised by the researcher as those of a neo-patrimonial state, it is hardly surprising that in the immediate aftermath of the fall of the Qadhafi regime these institutions collapsed alongside it. Therefore despite the greater opportunities created by the removal of state dominance over the public sphere, the previous civic institutions were not able to step in, but had to be rebuilt or reinvented. This process will take a long time.

The first section of this chapter presents a brief introduction of the chapter. Section two examines the background and environment in which the movement for change developed in Libya to try to answer the questions of how and why the regime collapsed quickly. Section three explores the events which provoked resistance, particularly the revolutions in Egypt and Tunisia, and examines the circumstances that helped to mobilise resistance. This is followed by section four, which seeks to cast light on the actions taken by the former regime in Libya to counter the uprising. Section five highlights the different reasons for, and stages of, the rapid collapse of the Qadhafi State, which began with a demonstration in Benghazi. Section six focuses on the process of obtaining original research materials. Section seven focuses on the identities of the case study associations, by mapping these new associations and the motivation for creating these associations during and after the uprising. Section eight focuses on the activities of these associations based on interviews conducted in Benghazi and Misurata. Section nine deals with the funding issues of these associations. Lastly, section ten provides some conclusions drawn from the chapter.

8.2 The Background to the Uprising

Some background on the fall of Qadhafi needs to be given so as to show how and why the regime collapsed quickly. There were several factors which contributed to the desire for political change in Libya. Some of these were deep-rooted, others emerged as events unfolded and gathered momentum, resulting in greater public anger and participation in the protests. The following points provide the background to the uprising.

- At the time of the Libyan uprising Qadhafi had been the longest-serving Arab ruler, having first come to power through a military coup d'état in 1969. It was clear that a successor to Qadhafi was necessary. As Qadhafi got older, an ever-increasing gap opened up between him, as the head of the regime, and the bulk of the population, of whom nearly 60% were under the age of twenty by the year 2000. This situation resulted in the political estrangement of Libya's youth. Colonel Qadhafi had been ruling Libya for nearly 42 years. The younger population, born after the coup of 1969 or shortly before, did not share the political experience of the Colonel and his regime; nor did it see itself as having a heavy investment in the historical legitimacy of the post coup regime. It did not see the Colonel's regime as embodying its political aspirations (al-Werfalli, 2011:168).
- There was a demand for broad political reforms, such as the drafting of a new constitution which would ensure the effective and meaningful participation of the Libyan people in their country's political system, and allow them greater civil rights, including the freedom to form political parties, hold and express opinions.
- The regime continued to overlook the relentless calls for reform from different political groups, for which some paid a high cost. Only the reforms headed and initiated by Saif al-Islam were taken into account; but this situation urged people to resist further, for several reasons, but mostly to prevent Saif al-Islam being groomed to succeed his father and, consequently, to perpetuate the same regime.

- As discussed in Chapter Four, up to 2011 the Libyan political system was based on a unique form of political rule. This system had alienated the people, due to growing corruption. This coupled with demand for political change by the majority of Libyans led to growing abstention from political participation which, in turn, highlighted the meaninglessness of the so-called People's Authority. For instance, in some Basic People Conferences (BPCs), nobody attended except the Secretariats of the Conferences; in others even the Secretariats did not attend (al-Manara and Libya *al-Youm* Webpage, 16-01-2011).
- Exhaustion and stagnation troubled the state and the regime following years of isolation.
- The sanctions imposed by the international community had taken their toll on Libya.
- There was an absence of political choices available to Libyans, except for those allowed through the People's Conferences, which did not go far enough towards meeting the need for political participation.
- There was a continuous violation of human rights such as repression and torture carried out by Libya's security agencies and state officials.
- In spite of Libya being a very rich country, demands for economic reforms were not met and many Libyans complained of poor living conditions.

8.3 Events which Provoked Resistance

The roots of dissent in Libya can be traced back to the 1990s with the resurgence of Islamist movements across the country. However, a particularly significant year was 2006 when Eastern Libya witnessed an outbreak of discontent following the killing of a number of young people who had been demonstrating against satirical cartoons of the Prophet Muhammad (published in Denmark). The demonstrations took place in the city of Benghazi, as well as throughout the Islamic world, with arrangements being made by *Awqāf* (The General Authority of Endowment) to denounce any such cartoon drawings. However, since demonstrations that were not guided or approved by the government were forbidden, the demonstrators took advantage of the situation by shouting anti-regime chants as well as by sabotaging and destroying some public places. These events led to clashes between the demonstrators and security forces, the latter of whom used live

ammunition on the demonstrators killing many (at the time the government only admitted to killing 12 people). Rioting then continued for about a week.

Another significant event was the massacre at Abūsīlīm Prison on 29 June 1996, when Libyan Special Forces invaded the prison and opened fire on the prisoners, who were being detained for their involvement in Islamist groups, killing 1,200 of them. This issue remained taboo in Libya until 2009, when Saif al-Islam ensured that police officials and Abūsīlīm prison personnel would be brought to trial over the incident.

In 2008, the regime tried to dispose of the burden of the massacre at Abūsīlīm prison by publicly acknowledging it. This move was prompted by the leaking of information about the massacre, which led some human rights organisations outside of Libya to put pressure on the regime to officially recognise what had happened. Additional pressure was applied to make the government inform the families of those who had been killed, not least by the families themselves. Each week, the families (especially mothers of victims) arranged small demonstrations, carrying pictures of their sons who had been killed in the Abūsīlīm massacre, calling for the punishment of the killers and for the state to pay attention to the issue. These developments surprised people in Benghazi and the rest of Libya who followed them via YouTube. By drawing attention to the Abūsīlīm massacre in this way, human rights organisations and victims of regime violence helped to set off the chain of events that would lead to the Benghazi protests and the eventual overthrow of the regime.

By way of response, the regime proposed the idea of giving so-called financial pay-offs (in Arabic called *diya*) for the families of the victims of the Abūsīlīm massacre to make them give up their legal claims against the regime. In fact, the regime put a lot of pressure on the victims' families by offering them small amounts of money in exchange for their silence about this crime, and handled it within a humanitarian rather than a political framework. In addition to stopping the families from pursuing their legal claims, the regime also held them accountable for its acts, and revealed the actual reasons behind the killings of their sons, as well as handing over their sons' remains, or informing the families of where they had been buried.

For the Libyan people, the demonstrations over Abūsīlīm came as a shock, since the families of those who were murdered at Abūsīlīm were protesting in the streets of

Benghazi, demanding revenge for their sons and, calling on Qadhafi by name, asking, “Qadhafi, where are the remains of our sons who had neither decent burials nor proper graves?” Additionally, the families declared their refusal to accept the regime’s blood money by chanting “It is not blood money we are after, we want the perpetrators who ordered and perpetrated the massacre”. To antagonise the public and have them join in the demonstrations, they also chanted “Grieve the mass killing of your sons” or “Woe to your men, Cyrenaica, who are killed in masses”.

Prior to 2011, the Libyan people were not used to seeing people openly demonstrating and questioning the regime without being detained or imprisoned. These events psychologically prepared the Libyan public for uprising. From 2008, the families of the victims of the Abūsīlīm massacre began organising a group called the “League of victims of Abūsīlīm”, and this became the vehicle for communication with the authorities, representing the families of victims of Abūsīlīm. The attorney Fathī Tirbil, led protests every Saturday in Benghazi which included many mothers and families and a small number of activists no more than five (as stated by Jalāl al-Kuwafī¹⁹). The demonstration represented the beginning of a public challenge to the authority of the regime coming from outside of the known bodies.

Another notable event that preceded the uprising in Libya was the outbreak of the popular revolution in Tunisia on 18 December 2010, due to the deterioration of social and economic conditions, and government policies towards the poor. The revolutionaries aimed to show solidarity with Muḥammad Bū‘zīzī who had set himself on fire after his complaint about the confiscation of his goods had led to harassment by the police. This revolution was able in less than a month to overthrow the Tunisian President, Zīn al-‘Ābidīn Bin ‘Ali (*Time*, 2010).

On 25 January 2011, an Egyptian revolution started, spurred on by the events in Tunisia. The Egyptian revolutionaries also managed, after 18 days, to overthrow what was considered one of the strongest and most influential Arab regimes in the Middle East, that of Ḥusnī Mubārak.

¹⁹ Jalāl is activist, who was arrested in Benghazi in mysterious circumstances because of his call through the social networking sites for the peaceful demonstration on February 17 (Aljazeera.net, 17.02.2011).

8.4 Circumstances which Mobilised Resistance

This section considers how far web pages and social networking sites helped to mobilise resistance, the uprising to spread. In order to explain how these sites were influential, I hypothesise that when people undergo a state of political alienation they become more susceptible to receiving and interacting with any message, whatever it is and whoever has sent it. In this case, the message of the Libyan opposition corresponded with the people's demands for civil society, democracy, human rights and a state of law. The findings of one study (al-Werfalli, 2011:168), which assessed the political attitudes of Libyan citizens just before the popular uprising of 2011, supports the assumption that political change was a top priority among Libyans, including some of those who were involved with the regime. Additionally, the same study found that more than a third of the people it sampled were inclined towards radical change while a similar proportion preferred reform over radical change. In total, it concluded that 76% of Libyans supported political change either through reform or by dismantling the existing system altogether.

This popular demand for change spurred the opposition movement to mobilise support from Libyans living abroad and at home via online chat rooms on "Paltalk Chat". By communicating in this way, the opposition was able to provide instructions and directions to Libyans living in Libya, on how to continue their civil disobedience. The rioting subsequently developed further in Benghazi, where it seemed as if the instructions given through Paltalk chat rooms were being realised, as well as showing that there was communication between opposition members living in and outside of Libya. Part of the reform project initiated by Saif al-Islam involved declaring forgiveness to the opposition, opening up channels of communication with them and granting them safety to return home. Without doubt, this call was highly appealing for many individuals who had been living in exile for as long as half a century and many did indeed come home. This gave a unique chance to the opposition groups to communicate directly with the Libyan people and allowed the message of political change to be adopted by more and more individuals.

8.5 Developments in the Events of the Uprising in Benghazi

In 2011 Qadhafi called on Libyans to prevent the revolutions that had occurred in Egypt and Tunisia from spreading to his country and called on all Muslims to fight Western colonialism. He claimed that:

The white man has decided to get rid of the green colour, and that these countries should unite against the White Man because the White Man is, historically, an enemy of Islam [...]If that fails, let us blame it on Israel. Come on. Let us all use this anger to fight Israel. The Palestinian refugees should take advantage of a wave of popular revolts in the Middle East through gathering peacefully around the borders of Israel to voice their demands (BBC, 2011).

The Libyan authorities sabotaged a number of websites that the Libyans used to communicate with each other, namely: Libya al-Mostakbal, Jeel, Manarah, Asan, Libya al-Youm, and Libya Watanona.

The regime tried to put in place other pre-emptive measures to suppress a potential revolution by sending two of Qadhafi's representatives to the Eastern Region. The first of these representatives was Tayib al-Şāfi who held a meeting at Darna on 31 January 2011, with different sectors of the local population, including NGOs and youth sports officials, to discuss national and local issues in Libya. In particular, he talked about the growing difficulties faced by Libya's youth due to unemployment, poverty and marginalisation; matters pertaining to the management and administration of the state, such as corruption; and proposed solutions to those problems. On this occasion, some of the attendees raised issues related to the constitution, freedom of the press, the lifting of restrictions on civil society organisations and the establishment of parameters around state law and institutions (*Journal of Libya Press*, 2011).²⁰

The second representative was 'Umar 'Ishkāl who was sent to meet with the Popular Social Leadership (al-Qiyátát al-sha'biyah in Benghazi) to deliver the following message:

[T]he Leader is with the poor, and there will be many facilities to be provided for citizens, asking them in return for their loyalty to the Leader of the revolution and to ensure that the sons of their tribes will not participate in demonstrations (*Libya al-Youm*, 2011).

For their part, many of the elders stated that they were with the al-Fātiḥ revolution and its leader Qadhafi. They also said that they were against damaging the country's security by placing it in chaos (*Libya al-Youm*, 2011).

²⁰This media agency which belonged to the GICDF took a different stance from the official one by reporting about both sides of the uprising in the early stages.

Qadhafi's attempt to prevent revolution in Libya failed and the uprising, which started out as a peaceful demonstration in Benghazi, ended up as an armed revolution that spread across the country. The uprising began on 15 February 2011. The initial protests in Benghazi were triggered by the arrest of Fathī Tirbil and Faraj al-Sharānī. Fathī Tirbil was a prominent lawyer and activist in the field of human rights and head of the committee representing the families of the victims of the Abūsīlīm massacre. Both individuals were members of the committee. These arrests were apparently the regime's response to a press release issued by the aforementioned committee on the same day as the arrests were made. The document in question announced a set of resolutions and exhortations to the people to, "stop all contacts with state bodies" and to "maintain their stance, as a result of the failure of the meetings between the Committee and various government bodies to reach a satisfactory result". The authorities were forced to release Fathī Tirbil on 16 February, who then became a member of the Council of the Revolution in Benghazi.

On 17 February the uprising spread across the coastal cities of Cyrenaica. Four days later, the whole region was taken over by the rebels and freed from the grip of the old regime.

The reaction of Qadhafi and his son to the uprising was an element which served to inflame matters. Due to his ignorance of the real situation in Benghazi, on 17 February Qadhafi sent his son al-Sa'dī and 'Abd Allāh al-Sunūsī (his brother in law), to bring about reconciliation. However, 'Abd Allāh al-Sunūsī was detested in Cyrenaica because he was widely believed to have ordered and supervised the massacre of prisoners at Abūsīlīm, most of whom were from that region. al-Sa'dī was also unpopular, as he was associated with the banning of the 'Ahli football team, the most popular team in Benghazi, which was closely associated with the 'Umar al-Mukhtār Association. The banning of the 'Ahli team was followed by the knocking down of the shrine of 'Umar al-Mukhtār in Benghazi. For these reasons, both of Qadhafi's sons failed in their missions. According to an eyewitness from the Revolutionary Green Guards, who had gathered to protect the al-Fātiḥ Revolution on 17 February, no bullets were fired at the demonstrators from the side of the regime. It is worth mentioning that those known as "yellow hats fighters" were armed only with sticks. A report in *The Guardian* newspaper claimed: "Witnesses said that security forces broke up a protest held in Jamāl 'Abd al-Nāssir Street in central Benghazi a few hours ago, deploying tear gas canisters and firing live bullets into the air for the first time since the protests began" (*The Guardian*, 2011).

The researcher spoke to eyewitnesses from different areas of Benghazi: particularly those who were far away from the al-Birkah neighbourhood and outside of the firing-range of the al-Faḍīl Bū‘Umar barracks, and the places of the demonstrations. However, there was still gunfire and casualties in these remote areas: for instance, one of the staff of the General Authority of Endowment (*Waqf*), named Ḥusīn Karkāra, was shot in front of the al-Zakāt department in the Rās‘Bīdah neighbourhood. This event stirred the anger of his children, work colleagues and neighbours, pushing them into joining the demonstration. In another case, a citizen called “Ramzī” was shot in front of his home in ‘Arḍ al-Sharīf, which again prompted his brothers and uncles to join the demonstration.

There was shooting coming from everywhere, killing not only demonstrators but also bystanders. While the unarmed Revolutionary Green Guards were calling Tripoli relentlessly to send troops to help suppress the intifada, mourners at the funerals of “martyrs” were being shot from unidentified sources. This escalation in the killing of innocents in Benghazi antagonised people across the country whose slogan, when demonstrations began to appear in Tripoli and Misurata, was “soul and blood we redeem you, Benghazi”.

In Misurata, the demonstrations which had swept through Benghazi were followed by similar demonstrations. Misurata was under siege from all directions except its port, although even this was under threat at times. This section describes how the Libyan NGOs took responsibility for organising the city in the absence of the state. On 19 February 2011, a small demonstration broke out in Misurata in protest against the events in Benghazi, and demanding the release of a group of youths who had been arrested shortly before for their writing on various websites and blogs. The security forces used live ammunition on the demonstrators, killing one youth. This death antagonised people even further, and led to crowds on the street venting their anger during the funeral of the young man on Sunday, 20 February. It was said by eyewitnesses from Misurata that twenty thousand mourners gathered on the streets of the city as the funeral took place. In another bid to break up the demonstration, the security forces again fired live ammunition at the demonstrators which resulted in the killing of five more people and dozens of others being injured. The demonstrators reacted by attacking and sabotaging government centres and other buildings that symbolised the regime, including: those linked to the police and

security services, the “*al-Mathāba*” of the Revolutionary Committees in the city, and the school where Qadhafi studied as a student in the 1950s, which had been turned into a headquarters for the so-called “Leader's Comrades”. Consequently, all the employees of these bodies had to evacuate the buildings, which provided a chance for the protesters to burn the buildings down. On 21 February, the city was emptied of the institutions and symbols of the state. Students and teachers deserted schools out of fear, and banks, shops, bakeries, factories and other facilities closed. As basic services broke down, a need emerged to bring order back to the city and manage certain basic facilities. In the absence of government the NGOs took responsibility for organising and managing the city. In the following section I will describe how they quickly and effectively they achieved this. Misurata witnessed a much greater growth of spontaneous activities than Benghazi did, so I will first examine how this city adapted to the post-conflict situation.

Information in this section is based on research and fieldwork by the writer. Between 4 March and 20 August Misurata became almost totally isolated from the outside world, under besiege by forces loyal to Qadhafi. This situation left the sea as the sole route in and out of the city, although even this was not very safe, as it had been bombed several times. The shops were closed and services ground to a halt. In this situation, perhaps motivated by the will to survive, or in an attempt to deal with the new reality imposed on them, many citizens enthusiastically took responsibility for rapidly organising the city and providing security around the shops and public facilities, preventing any attempts aimed at destroying them. Misurata was therefore left relatively unscathed, except for attacks on some buildings, symbolic of the old regime. As one interviewee said, “We did not know each other before this crisis, and we found that people of all ages and social levels, and even those who are originally from outside the city, were cooperating with each other to try to serve this city”. The people of the city had to set up teams of volunteers to undertake the necessary work in the various areas of the city

The first official response to the uprising came from Saif al-Islam who appeared on Libyan television on 20 February. He went on to make what has since become a widely-renowned speech, which is so significant as to be worth quoting at length here:

We all know that the area is being stormed with the winds of change; winds of democracy; winds of liberation; you name it. We all need to talk frankly, we need to know the truth, and I, today, will say nothing but the truth. There are some opponents who live abroad; they have a good deal

of friends and assistants inside; this is not a secret. There are opponents who wanted to mimic what has happened in Egypt and Tunisia; they use the so-called “Facebook Revolution”. Things have developed very rapidly; shooting has taken place, casualties have increased...Police stations, Police headquarters and the Benghazi brigade that belong to the army, have been the targets of the demonstrators’ attack. It has kept on progressing this way and when the angry people attacked those places; [they] were met by police and army troops who were defending themselves in the first place. This is, in short, what has happened in Benghazi. It has developed to become strife and a separation attempt, which threatens not only the nation’s cohesion but also the national unity of Libya as a nation and as a state. We are now in a national initiative, calling the General People’s Conference to meet, with a clear agenda to issue a chain of laws which were being agreed upon prior to this event: the media law, civil society, a new penal code, civil society laws, new laws that suit the global situation now, that enhance freedom, and terminate most of the existing ridiculous restrictions and penalties.

The “national initiative” also includes a national dialogue concerning Libya's constitution, which was agreed upon. The leader has actually said to the press that it is time for the Libyans to set their constitution. The “national initiative” involves, moreover, that the system of local governance should be brought back in Libya; you then call them provinces, municipals, communes or whatever but the local governance system should return. The “national initiative” takes in sustaining development; pushing it forward and keeping going the spending of the 200 billion that was allocated for projects across the county. The media is exaggerating in reporting the number of casualties; there is a well pre-coordinated campaign of rumours. There are three groups beyond what is happening in Cyrenaica which is being transmitted to the rest of Libya's cities.

The first group are the organised groups; like the civil society organisations; and they have no clear political plan or programme, nor do they have any clear political demands. This group of people does not really worry us as we understand their opinions and have some agreement with them. The second group are the Islamic organisations; they have taken over the city of al-Bayḍā’. This group became a military one and the first thing they did when they attacked the army barracks was to kill officers and soldiers. The third group, which is the biggest in numbers, is made up mainly of misled children and other adults who are taking drugs and hallucinogenic pills; they are being used.

Although most of the speech was very reasonable, it shocked many people, because it did not present Saif al-Islam as the reformist they believed him to be. There was a great deal of apprehension among the people regarding the uncertain future awaiting Libya following the uprising. These concerns were expressed first by Saif al-Islam in his speech, when the whole region of Cyrenaica fell into the hands of the rebels. Most people,

especially the young, expected him to take a softer approach to the events than his father, and to engage in a serious dialogue with the demonstrators, making an effort to understand their demands and deal with them using the logic of a statesman. In this way, many thought he could be part of the solution rather than a driver of the conflict: somebody who would provide solutions to the issues and fulfil the promises of reform he had made that had not been reflected in realistic policies. However, some people felt that in this speech Saif al-Islam did not show the level of wisdom required to address the issue. Instead, he chose to warn the Libyan people of the possibility of serious issues such as a breakup of the country, civil war, foreign occupation, the burning of oil, that all the Libyan tribes were armed and that the final victory would be clinched by force only: that is, by armed resistance. This showed that Saif al-Islam had a dark, pessimistic perspective on the future, which came in sharp contrast to his reputation as a man of reform and modernisation, and promoter of democracy, human rights and civil society, especially in Europe.

Following the above speech many were certain, even the most hesitant, that there was no going back. Demonstrations began all over Libya, which were almost suppressed in some areas, although in eastern areas they were completely outside of the regime's control. Many young people claimed that their motive for fighting against the forces of Qadhafi, was that they had completely lost hope that the regime would listen to the people, after hearing Saif al-Islam's speech. Many people did not believe that Saif al-Islam could be trusted to act independently from his father's views. Therefore they chose to fight, saying that they had nothing to lose: no jobs, no dignity and no freedom.

Qadhafi's response to this situation can be seen in his now famous speech, made on 22 February, in which he said:

Mu'ammarr al-Qadhafi does not occupy any political post to step down or resign; I am a leader of revolution; and revolution means sacrificing to the last day of one's life. I am far more sublime than those political posts...I am a leader, a fighter, a *Mujāhid*, a rebel, and this march will never be impeded by a bunch of wretches. A small group of youth, high on drugs, is raiding police stations and army barracks just like rats. It is not their fault, those youth; they imitate what happened in Tunisia and Egypt. There is a small group of sick people tucked away in the cities who offer money and drugs to the youngsters and have them involved in such battles. I am on the side of the people's will; from tomorrow we will re-establish the people's authority. We have not used force yet, but if it becomes necessary we are going to use it according to the international

law and the Libyan constitution. If I were a president, I would have resigned. You are confronting a hard rock upon which the American fleets crashed and collapsed. Never mind, you filthy bunch of lice-infested rats. You do not represent even one percent of the Libyan people. From tomorrow, security will be imposed by the army, security organisations and by you. Wake up and come out of your homes. I built Benghazi brick by brick, myself. I allocated the Free Officers to lead the tribes; to liberate them from those rats, and to try those rats according to the law. I have not yet given the commands to use force. Form local popular security committees to safeguard all the Libyan cities. I call the Libyan people to go into the streets to control them and I shall lead this popular revolution. From tomorrow, a new administration shall begin a new Jamahiriya, new popular revolution and new constitution. Since you do not trust the popular committees any more, take your oil and manage it yourselves. I request that the arms that terrorised people be handed in. You people of Benghazi get up and save yourselves; go to freedom and save ‘Abd al-Fattāḥ Yūnis.

In this speech, he threatened the demonstrators, claiming that they were not representative of the people of Libya, and calling them a “filthy bunch of lice-infested rats”. In other parts of his speech which are not quoted above, Qadhafi referred to the Constitution, in listing actions which would be punishable by the death penalty. In this way, a clear message was given: that the demonstrators would not be tolerated, and that Qadhafi held a legal authority over them which included the power to authorise executions.

Qadhafi also gave examples of where “the governments of China, Russia, Israel in the Gaza Strip and Romania had all dealt with similar situations with utter ruthlessness and brutality and without the interference of the international community”. He made it explicit that he considered such issues as “internal affairs of these countries”. That speech resulted in an even larger number of demonstrators going out onto the streets and more demonstrations, as the protesters felt that retreat would lead to their deaths.

In his speech, Qadhafi did not speak like a statesman responsible for calming down the protestors and trying to understand and meet their demands as far as possible. Instead, some believed that he portrayed himself as an enemy to his people. By citing examples of other countries where demonstrators had been crushed, and by stressing that those matters were “domestic affairs”, he made it clear that he believed “the international community had no legitimacy whatsoever to interfere”.

This was an indication of his lack of awareness of the significance of external factors, such as the changes in international politics, and showed a shallow comprehension of world politics in the age of globalisation. I can argue here that if there was any of state institutions interested in world affairs, it was realized by what happens in the world. It was equipped with a different response which was not centred on the leader in particular, he did not have a good understanding of how the election of President Obama in the USA, whose election slogans emphasised “change”, had altered global influence. Neither did he properly understand the uprisings in Tunisia and Egypt, nor America’s role in that of Egypt. Qadhafi was not acceptable to the Western countries which had fought a long and bitter struggle with him. He was only reluctantly accepted after presenting Saif al-Islam as a reformer who could restore relations with the West. From the Western perspective, it would have been foolish to miss such an opportunity, especially since Qadhafi governed a country that sells oil which can affect European voters and taxpayers directly. Thus, although the situation in Libya is not a great concern for some Europeans, it nevertheless has a bearing on the price of fuel they pay at home.

Qadhafi did not deal wisely and objectively with the events, nor showed an understanding of the changes that were taking place in neighbouring Tunisia and Egypt. He thought that making concessions, as was done by Mubārak in Egypt, would lead to further loss of control. Instead, Qadhafi started making accusations, such as claiming that the young people protesting against him had been given drugs and led astray. Furthermore, he accused the West of deceiving those people, as well as hot-headedly blaming al-Qa’idah for being behind the events in Libya. However, from the researcher’s perspective, Saif al-Islam did offer two concessions in his speech. First, he proposed the abolition of the People’s Authority and second, he proposed the establishment of a local government system, which would manage local services efficiently and rapidly. This would have made a significant change to the political system.

The confrontations between the opponents and supporters of Qadhafi escalated, with many of the former being detained. What is more, reports began to come in saying that there were mercenaries among the fighters loyal to Qadhafi. These reports came through stream media and were combined with video clip recordings. At this point, a new factor emerged in the reporting of events of such importance, which was perhaps the only source for obtaining information about what was happening in Libya: that is, the role played by

the media, especially al-Jazeera, in intensifying reports and news regarding the events by broadcasting videos taken on mobile phones. This method of reporting created a more complicated picture of the situation, from which it became more difficult for the outside observer to know what was really happening. For example, there has been suspicion regarding the allegations of rape, which were overstated to a large extent, because of the great sensitivity surrounding the issue of rape, especially in a conservative society like Libya. Placing stress on an issue related to the honour of all Libyans, such as the raping of Libyan woman, would definitely result in mass anger, especially if the perpetrators were foreigners. Therefore, the linking of the reported rapes to the mercenaries, by the media, inflamed anger and pressed more young men to join the armed uprising. The researcher has been told that this issue was used by the media to generate sympathy for the uprising in Western public opinion and to bring about a Western intervention.

On 17 March, the UN Security Council imposed a no-fly zone over Libya, stating in the relevant resolution that “all necessary means” would be used to enforce it: flights providing humanitarian aid, medicine or evacuations were exempt (CNN, 2011). Ten of the fifteen council members voted in favour of the resolution, with Russia, China, Germany, India and Brazil abstaining (al-Jazeera English, 2011). The resolution itself appears to have given legal weight to attacks against Qadhafi's ground forces (BBC, 2011).

In the meantime, Qadhafi's troops had begun to deploy heavy arms around Benghazi in an attempt to dissolve the intifada and reassert control in Eastern Libya ,including Marsā al-Briqah and 'Jdābyā. A day earlier, Qadhafi made a speech on the radio urging the residents of Benghazi to capture the rebel fighters. He stressed that his targets were the rebels and defectors rather than the civilian population. However, by that time confidence in Qadhafi had gone, both inside Libya and internationally. Moreover, parts of were used by President Obama to claim that Qadhafi would “crush the population of Benghazi without mercy”. Qadhafi's army arrived at the western gate of Benghazi where there were clashes with, killing 94 of the latter.

It can be said that, regardless of whether Qadhafi intended to act on his speech or not, he nonetheless gave a unique opportunity for European interference led by France and Britain. On the European side, Vandewalle (CNN, 2011) pointed out that “[f]or four

decades, the [Libyan] regime withstood open confrontations with the West that included the US bombing of Tripoli and Benghazi in April 1986, a series of unilateral US economic sanctions and multilateral diplomatic and economic sanctions”. On this point, I agree with Walter Fauntroy (2011) who stated “[t]he truth about all this will come out later”.

These events prompted the implementation of UN Security Council resolution 1973, on 17 March 2011, which authorised NATO to carry out airstrikes in Libya. NATO hurriedly began its operations soon afterwards on the frontline located to the east between Marsā al-Brīqah and ʾJdabyā, where forces loyal to Qadhafi and the rebels were clashing.

8.6. Conclusion on the Rapid Collapse of the Qadhafi State

In Libya, can it be said that the institutions of the state were partially absent? Certainly, their absence could be seen in the unstructured variant of a modern state Libya represented, where the political power remained in all its branches – including the legislative, executive, military and security – concentrated in the hands of only one leader, who had no official political position and was, in effect, above the law. In such cases, the gap between an absent state and the leadership closes, to the extent that it becomes difficult to differentiate between them. This is problematic, because the state’s leader becomes the sole guarantor of the stability and unity of a country that would otherwise – certainly in the Libyan case – be divided by opposing tribes and hence civil war, due to the absence of any other political alternatives.

This maintaining of power through its concentration is perhaps what the system worked for over the duration of Qadhafi’s rule. His absolute power emptied all aspects of political life to the extent that it did not allow other Libyans to enrol in the only political movement, the movement of the Revolutionary Committees. This movement was the only channel for those who wanted to play a significant role in the society. Gradually this channelling of activity led to amendments and the addition of more functions, duties and programmes to the movement, to fit ever closer the vision of its founder.

Another reason behind the rapid collapse of the regime is the fact that Qadhafi always concentrated on matters outside the Libyan borders. Qadhafi considered himself a universal leader, an equivalent to Mahatma Gandhi or Nelson Mandela. Libya was never adequate for Qadhafi to fulfil his ambitions to spread his ideology. This resulted in less

and less focus on the concept of building institutions in Libya. This is partly due to Qadhafi's acceptance of Libya as only a part of his larger dream. At first, Qadhafi concentrated on the Arab world in which he clearly considered Libya such a part. After that, as Qadhafi did not achieve his objectives, he moved his concentration from the Arab world to the African continent. Using revenues from oil and gas sector, Qadhafi could provide financial support for many countries in the continent. Consequently, African leaders created the African Union in 9th September 1999.

Marlowe (2014) usefully summarized some of the key factors underlining the fragility of the Libyan state. First, he notes the very young age of Libyan institutions as a critical factor. Libya gained its independence in 1951 (only six decades). At that time, it had the poorest economy in the world with an almost illiterate society. Second, bureaucracy was another critical factor. Almost three quarters of Libyans worked in the public sector (one of the highest percentages in the world). Bureaucracy was combined with Qadhafi's unpredictability. This led to severe and significant confusion. Only high officials had the courage to take decisions. This was reflected on and in the lives of ordinary Libyans. Planning and organizational deficiencies were common, as well as lack of trust in others' promises. Third, the high production of oil led to a culture of laziness, irresponsibility and ignorance. This was observed by foreigners. Oil guaranteed salaries and money flowing in, so most people did not look to improve themselves. Furthermore, corruption was another critical factor. The very low salaries given to the public sector or government workers forced some Libyans to start their own private business. Some of them received remittances either from relatives inside Libya or abroad, while others had to take bribes. Marlowe claims that this not only created a culture of corruption, but also created cynical reactions in elections. Voters tended to vote for incompetent candidates simply because they had not been convicted or become infamous for corruption. Consequently, high officials performed badly and slowly. 'While Marlowe has correctly noted the weakness of the Libyan electoral system, this description is still too functional. In reality there is no elections and the political system were largely for show, and there was little genuine participation.

8.7 The Sample

I managed to identify several associations involved in the civil sector in Libya with the aim of conducting interviews with one or two members from each. What happened with each interview guided how I approached the next, and also led to my being introduced to other associations.

The associations, and their members whom I interviewed, were selected with a view to create as wide and substantial a sample as possible in the circumstances, reflecting differences between the different types of activities carried out. Although I can make no claim that these interviews are exhaustive or universal in the views they share, the spread of viewpoints is as wide as the research allowed. The limitations of a selective gathering of sources are noted (e.g. certain groups will be self-selecting to a degree), so my more generalised comments should be taken as qualified by this consideration. However, the selection presented is still usefully broad, and as such I saw the associations operating in Benghazi and Misurata as highlighting certain issues and ways of understanding the idea and role of civil society.

The sample consisted of 26 associations, differing in terms of their size and activities on the ground. Research data was collected through 26 in-depth, semi-structured interviews. This type of interview was selected as an essential method for this study, and was combined with my own participant observations of certain aspects of the associations' activities. The interviews gave me insights into how the members of the associations participated in civil activities.

8.8 Mapping of Case Study Associations

This section gives an overview of the associations that began operating during and after the uprising. The number of these associations boomed. The number of associations registered with the Ministry of Social Affairs and the Ministry of Culture and Civil Society in Benghazi in September 2011 reached 392, almost equal to the number for all of Libya before the uprising. Eighty-five of the associations were based in Misurata. The section also attempts to explain the emergence of these associations, the activities they carry out and how they fund those activities in the extraordinary circumstances of post-Qadhafi Libyan society. As pointed out in previous chapters, it was thought that Libya did not have the expertise to set up civil society institutions able to take on the duties of

organising people or determining what were priorities in emergency cases. Yet the experience showed it did.

8.8.1 Motivation for Creating Civil Associations During and After the Uprising

The interviews conducted for this study reveal that since the uprising, and principally after 19 March 2011, when NATO took action against Qadhafi's regime, the number of associations increased very rapidly. It is important to discuss the motivation leading to the creation of the new associations. The researcher asked this question of all those who were interviewed for this study. Their responses and interpretations were varied.

The obvious explanation was that given by a member of the board of directors of the Libyan Development Organisation, Benghazi, who said:

The reason, in my view, is that the demand for having NGOs was previously forbidden and considered a suspicious request. The result was counterproductive; it created a desire among the people to know what civil society organisations and associations are; hence their establishment was accelerated (the researcher interview with him in Benghazi 8-9-2011).

Another explanation came from the person in charge of civil society in the local council of Misurata, who put it as follows:

Libyan society in its structure is actually a modern and civilized one. It is merely a rumour that Libyan society is a tribal society. That is not true and it is mainly said to keep the community underdeveloped.

Civil associations in Libya, in other words, developed quickly because that is what happens in 'modern society', and Libya is a modern society.

The Director of the *Nida al-Khair* Foundation in Benghazi (who is also a senior member of the coalition of NGOs in Benghazi), Mr. 'Abd Allāh al-Muṭardī, had another interpretation. In his view, the main factors driving the boom in civil society were external. In particular, he believed that this development is mainly due to the return of Libyans living abroad, many of whom have experience in civil work, especially in the field of relief. These people participated in the formation and emergence of strong associations, as well as in organising training courses to improve efficiency. They also provided funds to support these institutions.

The Chairperson of the Board of the *Tawāṣul* Association in Benghazi (and head of the Coalition of Associations in September 2011), Mrs. Amīna al-Mughīrbī²¹, explained the trend by saying:

[I]t is due to the thirst of people and their willingness to participate in public work. It is also the desire for freedom, which they have been deprived of for a long period, which made people eager to organise, participate and do something. Therefore, the civil associations were the channels that absorbed that eagerness and enthusiasm (The researcher's interview with Mrs. Amīna al-Mughīrbī in Benghazi 10-09-2011).

The Chairman of the Gathering for Change Association, ‘Abd al-Ḥamīd Ḥusīn, stressed that the ultimate reason behind the formation of his society was to serve as the nucleus of a political party. He added that the framework of that party would be ready once a law of parties was published and passed by the parliament. It would eventually form the base for a political party that would push for permanent change in Libya. Mr Ḥusīn stated “I estimate that around 10% of the associations in Misurata are intended to be the nuclei of political parties, even though they have not formally announced this”. Support for this observation can be found by looking at the goals, objectives and even the names of these associations, which all clearly point to the fact that their underlying purposes are for them to become political parties rather than remaining associations.

Three women leaders in the Muslim Forum in Misurata said that the aim of their association was to rationalise the role of Muslim women in Libyan society at large and also to push forward a commitment to Islamic ethics, especially regarding the Islamic headscarf and veil.

One of the most prominent businessmen in Misurata and also one of the main founders of the *’Imdād* Association (Jibrīl al-Ri‘īḍ), the best resourced association in Misurata in terms of capital (estimated to be in millions of Libyan dinars), said that he had not initially been interested in establishing an association. It was only when he realised that other businessmen that they were either financing or providing substantial financial assistance to other associations that he thought of creating an association of his own. The motivation

²¹In 2012 Mrs. Amīna al-Mughīrbī was elected a member of the General National Congress as a representative from Benghazi.

here was prestige. The person concerned had funded the military operation in Misurata, and was now seeking a civilian and politician role after the end of military operations.

The founders of the Jurists Association in Benghazi said that they established the association in order to provide legal services and advice to people. They aimed to shed light on negative forces at work in society and to make people aware of their rights and duties under the law in Libyan society. They are currently working on setting up a television channel to educate and interact with people.

The researcher observed that many of the new associations were geared towards dealing with crisis issues and that, as such, they might cease to exist once conditions in Libya returned to normal. The ideas and goals underpinning them were not clear in the minds of their founders. Many of their goals did not seem to be long-term ones since the principal reason for their establishment was to tackle practical issues that needed immediate solutions. Many supporters and donors were motivated by revolutionary or emotional factors, in their rush to help the needy. This is known in some Arab culture as *faz'a*, which literally means an immediate and emotional reaction to offer support and help, reflecting the values of nobility, bravery, generosity and chivalry to which every person (especially males) should adhere. It is an immediate response to any call for help²² and it, in most cases, takes a form of collective collaborative action.

Clearly the present situation is the start or initial phase in the formation or evolution of civil society. That is, people notice a problem, gather to help each other and participate in action to change the status quo. Given time, that level of participation may evolve and translate into goals, objectives and clear plans for these groups of people. This might be the real start of the emergence of civil society. Only time will judge whether these organisations will climb further up the ladder to the next stage of development, and in doing so reflect a popular desire to change and reform society through mass civil participation. There are some associations that do already have clear plans and objectives,

²²*Faz'a* is the term used for help given to those in need. This help can take many forms, from declaring war against enemies to helping a person in need e.g., helping to finish house work or building work, helping to prepare for a celebration, such as a wedding or farewell party, greeting a person who is going to/coming back from Pilgrimage, lending money or supporting a person who is frightened or in trouble, etc.

and are thus well-placed to survive the present situation. Among these are the Tawāṣul Association and the 'Ayadīnā Association in Benghazi. The latter have plans and fully understand the functions and roles they can play in Libyan society.

8.9 Activities

The researcher did not apply a classification model in Chapter Six of this study because there was no real diversity in the activities that were carried out by the associations, and therefore she did not see any need for the use of such classification. Applying one in this chapter reflects the changing character of this sector. This section is based on interviews conducted in Benghazi and Misurata with around 26 associations. The activities of these associations have been categorised according to a framework created by Salamon and Anheier (1992:2). The latter reference warns that: “While classification is essential, it is also very difficult. No single classification system is perfect for all possible purposes”.

Salamon and Anheier’s approach classifies NGOs “according to their area of primary economic activity” (Salamon and Anheier, 1992:11). This approach is designed to be applied globally, in respect of which it has been called the International Classification of Non-profit Organisations (ICNPO). The application of the approach is a little difficult because many associations are engaged in more than one activity, but it will nonetheless be used here, with some modifications, as a guide and indicator for the classification of the Libyan associations.

Salamon and Anheier divide associations into 12 main groups, some of which encompass further sub grouping. The categories are:

- 1- Culture and Recreation
- 2- Education and Research
- 3- Health
- 4- Social Services
- 5- Environment
- 6- Development and Housing
- 7- Law, Advocacy and Politics
- 8- Philanthropic Intermediaries and Voluntarism Promotion
- 9- International
- 10- Religion

- 11- Business and Professional
 - 12- Not Elsewhere Classified
- (Salamon and Anheier, 1992:31)

I have divided the associations into similar groups to apply this model; however, for the purposes of this study, the associations will be arranged into eleven categories. The health category will be located under social services instead of constituting a separate group.

8.9.1 Culture and Recreation

This category includes associations whose activities are related to the full range of cultural and recreational activities: cultural services, sports, recreation and social clubs, entertainment and sporting facilities, the publishing of books, and brochures, music, newspapers and journals etc. My research indicates that there are 13 associations that fall under this category in Benghazi and one in Misurata.

8.9.2 Education and Research

The ISIC system places a variety of educational activities under this category, including primary, secondary and higher education, technical and vocational education and different research areas (Salamon and Anheier 1992:36). In Libya the associations created have been for the support of schools. There are 19 such associations in Benghazi that fall under this category while in Misurata there are none.

The further growth of NGOs in this area is likely to be limited, because there is only one religion in the country which contrasts with Lester and Anheier's hypothesis: "The greater the level of religious competition, the larger the non-profit education sector." (Salamon and Anheier, 1998:222).

8.9.3 Social Services

A broad range of services come under this category providing different kinds of services: the provision of healthcare, food and other goods, shelter and disaster relief for people caught up in wars, financial assistance, medical supplies and social welfare appliances and equipment etc. As a mentioned earlier, health comes under this category because there is some correlation between the Ministry of Health and social services associations in Libya. Health services cover multiple activities linked to health, such as, the running

of hospital services and medical and dental practices. There are 65 associations that fit into this category in Benghazi and a further 21 in Misurata.

The provision of public goods is generally considered to be one of the main legitimate functions of government. In classical economics, the shortcoming of markets serves as a major justification for government (Lester and Anheier, 1998:220). Nevertheless, sometimes governments cannot offer this service for reasons such as cost, time constraints or a lack of resources. The World Bank explains the advantages of civil society in this regard as follows:

NGOs have demonstrated substantial comparative advantages; especially their ability to innovate, adapt to local conditions, and to reach and work with poor and difficult-to-reach populations in developing countries. These capacities are a function of their values, special skills, small size, limited resources, flexibility, and freedom from political constraints (The World Bank, 1989).

The disintegration of the government and disappearance of the market in Libya in 2011 created an environment in which the advantages of civil society, as explained above, were brought to the fore. In fact, the activities of the associations in Libya went further as they became the only actors in the arena of development.

As discussed in Chapter Two and elsewhere in this study, one of the main reasons behind the rise of civil society in post-Qadhafi Libya is the failure of both the state and market to allow for its development as an alternative way of filling this gap. In addition, it is thought that in developing countries the informal sector of the economy tends to be prominent (Lewis, 1954). Taking these two theoretical suppositions together, Edwards (2011:29) argues that:

[S]uch associations could have an important role to play in encouraging attitudes of cooperation and trust, as well as representing the interests of their members.

8.9.4 Environment

Perhaps the smallest area covered by the Libyan associations is that associated with the environment and media, which includes groups dedicated to the protection of animals. The number of registered associations fitting this category in Libya is very small, with only three in Benghazi and one in Misurata. The reason for this may be that most of the Libyan associations were set up quickly in response to the emergency situation brought

about by the war in 2011, during which the major priority was the distribution of relief aid.

8.9.5 Development and Housing

The World Bank describes the Development and Housing category as follows:

A process by which the members of a society develop themselves and their institutions in ways that enhance their ability to mobilise and manage resources to produce sustainable and justly distributed improvements in their quality of life consistent with their own aspirations(World Bank, 1989:6).

Associations falling into this category in Libya perform a range of activities, such as business and management consultancy, job training and helping the disabled to become involved in development activities. There are 29 development associations in Benghazi and 3 in Misurata. These organisations represent an important new development in Libya as in the recent past such activities were very limited and had a fragile existence.

It is in the nature of development organisations to provide economic strength, and social and political integration for citizens through development. This type of association is significant from the perspective of the development of democracy and its aim to serve the whole of society. It is also important in terms of its contribution to the development process by suggesting plans and targets for development which take into account social, economic and cultural factors. Organisations in this group seek to become vehicles of empowerment, particularly for groups such as women and those marginalised within the development of local communities. In addition, they play an essential role in discovering and overcoming obstacles to development such as corruption and lack of transparency. NGOs are gaining recognition for the crucial role they play in the development process.

8.9.6 Law, Advocacy and Politics

The Law, Advocacy and Politics category, as Vakil (1997: 2063) states, “refers to the intention of influencing policy- or decision-making related to particular issues, and building social support, both among like-minded organisations as well as in the wider population around these issues”.

According to Salamon and Anheier's model, this group covers organisations providing legal services and those which are involved in politics. The Libyan political associations, at the time of this research and before the government had issued the Political Parties Law, were working as mobilisation agencies. (The Political Parties Law was issued by the NTC on 2 May, 2012.)

However, the World Bank assumes that NGOs involved in politics supplement political parties by acting as mechanisms through which citizens can define and articulate a broad range of interests and place demands on governments (World Bank, 1998:8).

In the recent past, organisations fitting this category have been almost non-existent in Libya. However, many of the issues they seek to address can be related to the activities of the GICDF, as was shown in Chapter Seven.

Prior to the 2011 uprising, there were 51 associations of this type in Benghazi and 13 in Misurata. These organisations play a prominent role in protecting human rights without taking sides, such as, the Jurists Association in Benghazi. This activity was especially important during the 2011 uprising when there were significant violations of human rights in all cities in Libya (for more on this issue see reports from HRW, 2011 and 2012 and Amnesty International, 2011 and 2012). These associations have a very significant responsibility in their role to protect human rights, which is recognised and supported by the UN.²³

One of the demands that drove the uprising was for the restrictions imposed on civil society to be lifted. Law No.19 of 2001 nonetheless is still regulating the work of associations in Libya because there is still not a government or constitution in place that can serve as the basis for any new laws.

²³ On 14 March 2013 the Security Council issued the Resolution No 2095(2013) under Chapter Seven of the UN Charter, regarding the human rights situation in Libya and extended the mandate of the UN Support Mission in Libya (UNSMIL) and that of the Panel of Experts assisting the Libya Sanctions Committee for 12 more months. http://unsmil.unmissions.org/Portals/unsmil/Documents/UNSMIL_UNSCR%202095_En.pdf

Although the law stipulates that an association needs 50 members to form a quorum, many associations have been established with less than this number of members. The continuation of this restriction has prompted some associations working in the field of social affairs to declare themselves “family associations” to gain a share of the international aid for associations which was held the NTC. Rather than using the aid to benefit the public, such groups sold it on the black market for their own benefit. This resulted in disputes about profit-sharing among the group members, which had led to the administrator shutting down twelve of these associations in Benghazi. The law in this sector does not reflect recent changes. After the interviews for this study had been conducted, the associations drew up the draft for a possible new law. In Chapter Four it was indicated that Saif al-Islam’s proposed changes had not made any real different to the limited role played by associations. Since the 2011 uprising, therefore, the associations decided it was right for them to take the initiative by tabling a draft of a new law, based on discussion among themselves. This project had a considerable impact, as much of it could be implemented in the almost total absence of a government. Moreover, it is different in terms of the mechanism of its preparation which has come as a result of the efforts of civil society organisations themselves, which need a law to regulate their work. Although a draft for a new law was considered an important step to improving civil work, it is still too early to say whether it will be effective. This draft makes considerable changes in the legal framework for civil associations. The most important articles are:

Article 1: The Right to form Associations

Founding, taking part in and withdrawing from associations is an essential citizenship right, exercised in accordance with this law to guarantee independence and development. The associations are committed in their founding system, their activities and their funding to the principles of democracy, civil values, equality, human rights, transparency and combating corruption and seeking characteristics of good governance according to the international laws and conventions.

The change here is that the definition considers involvement in associations 'an essential citizenship right', so that this article links the associations with citizens rights. This was completely missing from the previous law. Here, value is place on associations’ founding and activities. The article applies the universally accepted standards to Libyan law.

Article 3: Goals of the Associations

Founding an association is done in the cause of fulfilling its purposes, which must not include any violations of public order or morality, nor to aim at achieving private profits for their members.

The draft states explicitly that the associations should setting their own purposes taken in their account exclude any violations of public order or morality, nor seek to profits for their members, while the previous law limits the goals only on non-make profits.

Article 5: The Associations Must Not

- 5.1. Call for violence, intolerance, hatred, or discrimination on the basis of race, gender, religion, tribe or region.
- 5.2. Undertake commercial business in order to allocate the funds and profits to their members.
- 5.3. Take advantage of their status as associations to evade tax.

This article reveals of forbidden for associations such as; call for violence, intolerance, hatred, or discrimination .Also, it prevents expressly any commercial business for the benefit of their members and enjoying from avoid the tax as a result of their status as associations.

Article 7: Rights of the Associations

Associations have the following rights:

- 7.1. The right to obtain information related to the association and its activities.
- 7.2. The rights to assess the state's institutions and provide proposals to improve them.
- 7.3. The rights to assemble, hold free meetings, demonstrate, and take on conferences and workshops and all different civil activities.
- 7.4. The rights to publish reports and information and to undertake opinion polls.

This article deals with the rights of the associations, which include; gaining access to information linked to the association and its activities. The second item deals with an absolutely new aspect, having the 'right' to oversee the state's institutions and evaluate them, to help them to improve their works. Also, the right to assemble, have free meetings, and hold demonstrations is asserted. By comparison, in the previous version these kinds of activities should be controlled by the government.

The general authorities are forbidden from impeding the activities of associations, either directly or indirectly, unless they have a court order authorising this. Here, the judiciary is the only body has the right to impeding any issues.

8.9.7 Philanthropic Intermediaries and the Promotion of Voluntary Work

The organisations falling into this group are grant-making foundations, many of which focus on relief work. These associations make up the largest group in Libya according to the categories being used here, with 55 in Benghazi, for example, Mu'assasat al-Dawḥah al-Lībiyyah al-Khayriyah (al-Dawḥah- Libya Charity Foundation) and Jam'iyat Abū al-Barā' li al-'A'māl al-Khayriyah (Abū al-Barā' for Charity Works Association) and 16 in Misurata for example, Jam'iyat Miṣrātah al-Khayriyah (Misurata Charity Association).

Analysis of the interviews showed that philanthropy organisations were one of the most common types of association operating in Libya at the time. The literature focuses on volunteering as a cornerstone of civil work. Accordingly, the absence of a culture of voluntary work is one of the most important problems facing the philanthropy sector, as was mentioned in Chapter Six. Nevertheless, the data gathered from interviews exceeded my expectations in showing that most Libyan associations relied on volunteers to carry out their activities. Some associations, like *al-Tawāṣul* in Benghazi and Free Association in Misurata, complained that they lacked the resources to enable all those who wished to volunteer to work for them. All the associations I made contact with depended on volunteers to provide the services and aid, they offered on the frontline in areas affected by the war.

8.9.8 International

This category covers associations promoting better intercultural understanding between people from different countries or historical backgrounds, and thereby encouraging development and overseas welfare (Salamon and Anheier, 1996:19). The researcher questioned why the establishment of this type of association, which was aimed at international cultural exchange, would be of interest to the people at a time of war. It would seem that the reason behind the establishment was to attract foreign funding. Also, the researcher was not able to make contact with any association within this category, despite their existence on paper.

There are 17 associations of this type in Benghazi, for example, al-Munazamah al-Lībiyyah li Shu'ūn al-Hijrah (The Libyan Organisation for Immigration Affairs) and Jam'iyat 'Aṣḍiqā' Lībyā wa 'Ītālyā (The Friends of Libya and Italy) and none in Misurata.

8.9.9 Religion

Associations falling into this category support religious beliefs and administer religious services and rituals. The number of these organisations in Libya is small, perhaps because there is little in the way of religious rivalry, which in other countries has led to there being large numbers of this type of association. In Benghazi there are 11 of these associations, for example, Mu'assasat 'Arwat al-Taḥbīr li al-'Iṣlāḥ wa al-Taghyīr ('Arwat al-Taḥbīr Reformation and Change Association) and there are two in Misurata, for example, the Muslim Life Forum.

8.9.10 Business and Professional

The classification system used here places many kinds of activities and groups under this category. This covers business associations, such as organisations that work to promote, regulate and safeguard the interests of special branches of business (*e.g.* associations for manufacturers, farmers or bankers), and professional and employees' associations that promote, regulate and protect the interests of their members (*e.g.* the bar and medical associations, and trade unions) (Salamon and Anheier, 1996:21). In Benghazi there are 33 associations in this group, for example, Tajamu' Muhandisūn li 'Ajl Lībyah (Engineers for Libya Association), while in Misurata there are three, for example, Jam'īyyat al-'Imdād (al-'Imdād Association).

Business people have been of key importance in the formation of associations in Libya, both directly and indirectly. Moreover, the work of these associations played a prominent role in financing various aspects of the 2011 uprising, including providing for the basic needs of the markets, buying arms and paying the monthly salaries of public sector employees in Benghazi. The interviewees for this study interpreted the importance of business people in the activities of associations in two key ways. Some argued that the response of business people to the crisis of the war reflects a spirit of patriotism, whereas others claimed that the Libyan homeland does not mean anything to these people other than a source of wealth. This group believed that business people were involved in a form of money laundering through their relationship with the Qadhafi regime up to 2011. In other words, they were able to earn their wealth because of the corruption inherent in the political, financial and administrative systems of the state. Therefore, this prevented the researcher from probing into the source of wealth of these types of associations. Those who were supportive of business people believed that they had formed the backbone of

the economy in a period of crisis. Yet it is also claimed that these people are motivated to influence government policy in order to protect their interests and will play a major role in the formation of any new government. Thus, the NTC is now in many respects under the control of business people because of its need for financial support.

8.9.11 Not Elsewhere Classified

There are 40 associations in Benghazi and 23 in Misurata that fall under this unclassified heading. Among them are:

Jam‘iyyat Dir‘al-Thawrā (The Shield of the Revolution Association)

Jam‘iyyat Abnā’ Misrātā (Sons of Misurata Association)

Jam‘iyyat Lībyā al-Ḥurrā (Free Libya Association)

Mu’assasat Afkār Lībyā (Afkār Lībyā Association)

Jam‘iyyat ‘Umar al-Mukhtār Banghāzī (‘Umar al-Mukhtār Association Benghazi)

Jam‘iyyat Lībyā li al-Khiṭāb al-’I‘lāmī (Libyan Media Discover Association).

8.10 Funding

In the previous section I dealt with the activities of the associations, in this section I move to look to how these associations fund themselves. The involvement of local communities in the funding of associations has been significant. Advertisements can be seen everywhere requesting support for associations. Charity markets (or bazaars) sell products for the associations' benefit, while some members donate personal funds or materials. The researcher attended one such charity market organised by three associations in Benghazi, which was followed by a theatrical play. The level of attendance for both events was high, with an upper limit of 500 people being imposed. These fund-raising methods are recent developments, having been absent in the past.

New sources of funding for associations have recently surfaced in the form of foreign financing and partnerships with international institutions. These resources have been warmly welcomed by the Libyan associations. Some of the interviewees for the study stressed that they would accept foreign funding as long as there were no conditions, but, all those interviewed emphasised that they had not so far received any such funding. Instead, the partnerships they had formed had been limited to the provision of training, workshops and material resources including relief aid and medical supplies.

The capacity of the associations to accomplish their activities is limited by the lack of a permanent source of funding, which may eventually lead to the disappearance of most of them. This concern has been expressed by the president of the National Gathering of Freedom in Misurata, who said:

I do not know how organisations are operating to help others without sources of funding, or how they can help others when they cannot help themselves. In many cases, the establishment of associations is announced first, and then they come to request financial support.

In spite of their having strong grassroots support, the NGOs that participated in the interviews highlighted the constraints placed on their abilities to adapt and innovate by their limited institutional capacities. There is thus an increasing need to strengthen the management capability within the NGOs.

What characterises these organisations is their inequality in terms of how much political support they are enjoying, reflecting the balance of power in Libyan society. Islamic and businessmen associations are the most active. The Islamic associations own huge financial resources and have strong connections with similar organisations outside of Libya (sometimes on a partnership basis). The international organisation of the Muslim Brotherhood works in a manner similar to a trunk connecting a variety of branches. The organisations owned by businessmen possess substantial financial resources underpinning their activities.

8.11 Advocacy Role

The growth of advocacy organisations marks this period off from that of the Qadhafi regime and the researcher is devoting a separate section to it. A number of organisations, at the time of the research, were attempting to influence the policies of the NTC. Many of them, especially the ones dealing with law and human rights, were focusing on the role they could play as advocates. They were aware that there was a lack of clarity in the NTC's policies, and believed that their voices must be heard. The Executive Director of the Libyan Development Organisation stressed that, when demonstration took place in Benghazi against the claim of the 'Coalition of the Seventeenth February' to be guardians of the uprising, "we were behind the masses demonstrating against the coalition".

In addition, more than 30 human rights associations organised a meeting which resulted in the emergence of a bloc committed to the demands of amending or abolishing the Constitutional Proclamation. One of the activists, a member of the Women Jurists Associations, described the Constitutional Proclamation as:

The Great Green Charter for Human Rights in the Era of the Masses (*al-wathīqa al-khadra al-kubra lihuquq al-‘insan fī ‘asr al-jamahir*). Despite the failure of the former regime to honour Qadhafi’s Charter, it was much more advanced than this Constitutional Proclamation. It was compiled by people who lack experience in these matters, who claimed that the civil associations had approved it, whereas we had no knowledge of it. The bloc will remain a united front until the proposed Constitution is amended (Mabrūka al-Shirīf in Benghazi, September 2011).

The bloc was also behind the mobilisation of people in Benghazi in November 2011 to demand a change in the local city council. This was due to failures in the performance of the existing council and corruption. The bloc achieved its goal when the director of the city council resigned on 3 October 2011. One of the members of the bloc revealed her position on the role of the associations after the political changes as follows:

These institutions are supposed to play a very important role in the coming period, especially on the interpretation of many of the legal texts which may be seemingly contrary to their targets. The revision of some of the texts gives some political groups the opportunity to become involved and impose their visions upon other groups, such as the Muslim Brotherhood. Also it should be our goal to monitor the authorities' commitment to the laws. (Interview with Mabrūka al-Shirīf in Benghazi, September 2011)

In the same vein, the director of the Libyan Development Organisation emphasised the importance of the role of the associations as follows:

It is our duty to form pressure groups to check the performance of the authorities and determine the extent of deviation from the democratic process to which we aspire and the extent of its commitment to transparency and human rights. It is also our work to assist other associations to strengthen their role in the overseeing of the authorities. Moreover, we should help these associations to have a role in the establishment of development and democracy. We will take advantage of the new climate to benefit from international expertise in building effective institutions (Interview with the director of the Libyan Development Organisation, ‘Abd Allāh al-Nayhūm, in Benghazi, September 2011).

Many associations demand that they should be made channels for lobbying for changes to government policies and amendments to laws. In the current context, this may be seen

by some people as an attempt by these organisations to become politically active in the absence of political parties. Consequently, the person responsible for licensing associations in the Executive Office of the NTC confirmed that there are three requirements for registration: first, associations should not be political or politically oriented; second, they should be non-profit making organisations; and third, their activities should be based on voluntary work (interview with Sāmī al-Firjānī, the head of the licensing associations office in Benghazi on 11/09/2011).

An awareness and understanding of the building of their role can be seen in the work of the associations, for example, the *al-Tawāṣul* Association in Benghazi, has focused on the issue of “capacity building” in the work of other associations, in order to create greater professionalism in their activities. *al-Tawāṣul* wants to make associations more active agents in the building of civil society. The director of *al-Tawāṣul* Association stated:

Everyone wants to develop themselves through building and gaining new skills. They feel they have been deprived of these skills. Everyone is willing and hungry for such programmes: when we announce a training course, we receive more applicants than we expect.

(Researcher’s interview with ‘Amīna al-Mighīrbī, Benghazi, 2011)

Meanwhile, The Libyan Development Organisation, for instance, focuses on fighting corruption and promoting transparency as essential elements for all the institutions of a democratic society, including associations participating in civil society. The *al-Tawāṣul* Association and the Libyan Development Organisation have gone further by setting up workshops and training sessions to educate the community about their roles in building and supporting civil society and the state, and to enable the community itself to become involved. (The researcher attended part of a workshop held by one of these associations in a Benghazi hospital in the first week of September 2011.)

Advocator organisations are now more prominent and abundant than they have previously been. Their work focuses on forming strong lobbying groups on many issues, such as the Constitutional Proclamation, women's rights and the documentation of war crimes. They also work to determine human rights violations. For instance, the director of the Libyan Jurists' Association told the researcher that her group was working to document and monitor violations against former Qadhafi soldiers held as prisoners by the rebels. She also sought to address the issue of the relationship between the people of the city of Misurata and the town of Tāwūrghā’, which is inhabited by black Libyans who have

suffered from racism in the past. Some have characterised racist attitudes towards black Libyans as a form of collective revenge by the people of Misurata for the Tāwurghian support of Qadhafi. Elmaazi (2013) states that:

The Ottoman Sultan offered slaves [...] the right to emancipation. [...] The majority [...] went to a small village just outside Misurata, called Tāwurghā'. Misurata has long been one of Libya's most entrepreneurial communities with trade [including] slaves from sub Saharan Africa, being the mainstay of the city's livelihood. Many ex-slaves [...] continued to work for their former owners in agricultural jobs or as domestic help [...] Tāwurghā' became a "dormitory" town. The relationship between the inhabitants of the town and the city was cordial but never one of equals [and] race was always an obstacle to social mobility. It is [still] virtually impossible for the grandson of an emancipated African slave, to marry into a notable Misuratian family. Slavery is still a stigma [though] hardly ever discussed.

Instead of providing services, advocacy organisations focus on defending the human rights of individuals and specific groups alike. In addition, they aim to raise awareness of issues among the public and to influence public policy. However, their effects are still limited in spite of their increasing numbers.

In June 2011 in Benghazi, a civil body was formed by a coalition of civil society organisations and political activists (who were not part of the government), to monitor the way of which the Libyan government operated. This group was behind the issuing of the declaration on 21 January 2012, against the NTC's policies, which runs as follows:

Having assessed the performance of the NTC, the Libyan National Powers along with the political institutions and the civil society organisations which have collectively issued this declaration, are announcing that they will not commit perjury or be false witnesses regarding the disadvantageous performance of the NTC, and regarding overrunning its legitimate authority and violating its founding declaration by incorporating in the Constitutional Proclamation wordings that would impede the Libyan People from establishing a democratic, civil state: the ultimate cause of the revolution of 17th February.

These national powers confirm their adherence to their demands that were included in their note to the NTC in August 18th 2011, and anticipate the vulnerabilities and hazardous outcomes that may result from the unsound performance and continuing violations in this critical moment, which would tremendously affect the future of Libya, and accordingly they press the NTC and the Transitional Government for the following: The NTC is to act precisely according to its founding declaration, and to terminate the Constitutional Proclamation that was issued on August 3rd 2011, which, by its poor language and contradictory contents, highlighted

serious abuses of the basic norms of the revolution of February 17th, and that led the country to a state of chaos.

1. The NTC is to stop making compromises at the expense of the national principles, the stability of the country, or anything that would impede establishing a civil, democratic state.
2. The head and members of the NTC are to stop dealing with the NTC's buildings and properties as private properties, by not responding to the demands to dismiss the controversial members of the NTC, and by violating the founding declaration, when in the Constitutional Proclamation they decided to negate the NTC before the end of its intended term, which could stir up conflicts over electing a new transitional authority in such critical circumstances.
3. The election draft should be rejected since it was based on the confusing, deviated Constitutional Proclamation.
4. The National powers call the NTC and the Transitional Government (TG) to take sensible procedures to enable the state to keep control over its investments overseas and combat corruption so as to prevent the leaking of the Libyan gold reserves and secure Libyan assets at home and overseas.
5. They are also called to consider their limits as a transitional authority whose core role is to ensure stability and security, and to handle the citizens' urgent problems. Neither the NTC nor the Transitional Government have the authority or the right to sign international agreements, including strategic treaties, that would affect the rights of the Libyan People or influence negatively the Libyan economic interests or the country's sovereignty and it must stop promising favouritism or preferences to the country's friends for the course of rebuilding the country.
6. The National powers call the NTC and the TG to terminate all signs of exclusion which would damage the cause of the national reconciliation and would impede building the hoped, longed for democratic, civil state.
7. The National powers call the NTC and the TG to adhere to transparency by broadcasting their meetings, identifying the quorum of the Council, and offering youth the proportion identified in the NTC Founding Declaration, which stipulated that youth membership should be no less than five out of the thirty members.
8. The sovereignty of the Libyans over their land and sea borders and their wealth shall not be undermined or compromised. The NTC and the TG should never neglect preserving and protecting them. They are to prevent any overseas intelligence from working in the country; they are to consider deporting the special forces and troops belonging to foreign countries that have entered Libya for any reasons. They are not to remain passive, or silent towards any foreign military intervention in Libya under the pretext of protecting their so-called economic interests or their citizens and embassies.

Although the above statement mentions the institutions of civil society, it does not state whether it was designed specifically for Benghazi or for Libya as a whole.

By combining ideas about the role of civil society in democracy, Diamond (1994:6) has expressed the belief that “without a free, robust, and inquisitive press and civic groups to press for institutional reform, corruption is likely to flourish”.

8.12 Conclusion

This chapter has given an overview of the political changes in Libya and highlighted some of the main events in the Libyan uprising that took place in 2011. It has explained the reasons for the Libyan uprising and addressed the question of how the regime collapsed easily, leaving no institutional structures to speak of. Having sustained a culture which was receptive to civil activism and participation throughout the Qaddafi years, the Libyan people were prepared to step in to fill the space now available to them with a rush of associational life and NGO activity, in the absence of a functioning state.

NGOs thrive in the absence of totalitarian regimes which limit their activities, on the basis of narrow ideologies. The period following the uprising in Libya provided a wide opportunity for associations to develop. Some ordinary people established associations because they believed in civil society as an element of democracy, which others saw it as an opportunity to protect their own interests or as a step towards a political position in the future.

When the uprising occurred, it was not led by established civil society institutions (since those had not been allowed to develop properly) but, as the hollow state institutions quickly fell, the culture of civic activism, volunteerism and participation which had been sustained throughout the previous decades meant that Libyans quickly formed associations and NGOs to fill the space now available to them, offering good potential for the development of a post-transition thriving civil society.

It was to be expected that these associations would indeed flourish after the changing of the political regime in Libya, and that they would grow into significant bodies with important roles in society. However the lack of political stability and security, which threatened the continued existence of the Libyan state itself, ultimately weakened the associations and caused them to either decline or collapse completely. Then gradually lost their social significance, while the power of militias grew ever stronger.

Chapter Nine

Conclusion

9.1 Introduction

This chapter gives a summary of the arguments and main findings of the thesis. It also discusses the contribution the study has made and suggests areas for future research into definitions of civil society and their implications.

9.2 An Overview of the Thesis' Approach

Although in Western political theory the idea of civil society is strongly connected with notions of democracy, in 'less developed' countries this linkage is not universally accepted. Indeed, it has been quite widely contended that the Western use of the term is tied in specifically to Western cultural and historical experience. This thesis avoids becoming involved in this controversy, taking a definition of civil society which is both sanctioned by a leading global body (the World Bank), and enables the researcher to focus directly on her key concern: the nature of NGOs in Libya. The latter are taken as a case study, to show how these organisations have operated in Libya relative to other countries. This is not, therefore, a discussion of the civil society/democracy relation on the standard Western model, since that is not strictly relevant to the discussion. Whether Libyan NGOs are able to operate in an independent manner, without undue state influence or control, is of course relevant, and that is given considerable attention here. In the future it may of course be possible to see whether Libyan NGOs can play a role in promoting democracy in the country, but at the present neither the state of the country nor the level of development of the organisations (and country) make that a relevant or feasible topic for examination. In the meantime, the focus needs to be on the more limited (World Bank) definition of civil society, and on how the organisations which have existed in Libya have been fashioned by Libya's patriarchal state.

The thesis gave some attention to justifying this approach. A key starting-point was Sariolghalm's observation (1997:55) that "The concept of civil society developed and matured within a certain historical and socio-economic setting." This is a theme which runs through much of the critical literature relating to applying the Western concept of civil society to less developed societies. In the case of Libya there is little doubt that civil society (World Bank definition) has at times played an important role in state and society, and that this is worth examining, yet it is also true that it has played little role in spreading

the values of citizenship and democracy, monitoring government, safeguarding human rights etc., as it necessary under the Western concept. The researcher sees the difference as stemming from the level of development and the nature of state structures. This, indeed, relates not just to Libya but to most other Arab countries (and some others elsewhere), where NGOs are inhibited by, first, their inability to protect individuals against the arbitrariness the State, and second, the absence of a law that regulates and protects their rights and ensures that they do not lose their privileges.

The emergence of civil society in the West has been associated with democratic society, and a democratic society is not based solely on the existence of the legal and democratic state, but beyond that on the localised embedding of the principles of democracy in practices of both the individual and the society. The talk of civil society and its institutions in industrialized countries came as a sign of a mature democracy and the stability and maturity of the society. Also, a high degree of interaction and communication between the state and society was characteristic. The state, regardless of its actual objectives, encourages the society to be innovative and to occupy domains that had previously been occupied by the state for a long time. It facilitates the emergence of legal and civil institutions, and provides them with financial support and the regulatory and legal framework for the role they play. The state therefore operates to extend the democratic approach beyond its own legal and governmental framework, into wider society.

States in all democratic countries do not favour the state having a monopoly over the entire public sphere. Those democracies have long worked to preserve a space for a variety of organisations and institutions. Consequently, non-governmental organizations have proliferated that are interested in the same national and international matters that were originally the prerogative of the state. Conversely, in a country like Libya, the talk of civil society comes perhaps as compensation for the complete absence of this form of society, and in response to the vacuum created in public space by the disintegration of the state, the corrosion of public authority into the authority of the owners of private interests, and the collapse of any rule of law. Strong and stable institutions were in fact lacking in both the areas of the state and society.

Civil society organisations in nondemocratic societies had to work within the framework of the dominant ideology, which also meant on occasions being used as a tool or as a means to achieve the state's objectives and in effect strengthening the state's political, ideological and economic positions, without these being their real concerns.

Civil society under these conditions is not necessarily linked to democratic development, and it does not necessarily make it easier to find independent solutions to political conflicts. Thus the difference in the nature of the state has produced very important differences in the scope of activity and social role which NGOs in Libya (and some other less developed countries) play relative to those in more developed countries. Yet their role remains one which is worthy of study. This study, indeed, shows that, in spite of the differences with Western NGOs, Libyan NGOs have sometimes been significant in providing services which fall outside the remit of government. Traditional associations, furthermore, have played an important role in meeting people's general living requirements in addition to providing services. This provision became particularly important during the period of Italian occupation, and after the fall of the Qadhafi regime. The Gadhafi Foundation also provided the population with some much-needed goods (material and non-material).

The thesis has explored how Libyan NGOs have developed under two different regimes/political phases that of Qadhafi's rule and that of the transitional period that followed the 2011 uprising. The various theoretical, political, social and legal factors that have affected Libyan NGOs have been examined, and a multi-layered understanding of civil society organisations as captured by the World Bank's definition of the term in Libya established. The thesis also tracked the development and practice of several types of Libyan associations and evaluated the nature and the roles played by them before and after the 2011 uprising.

In an attempt to discover to what extent political, social and legal factors influenced the development of NGOs in Libya and to provide an intensive and in-depth examination of the factors that influenced the capacities and activities of the Libyan NGOs, the thesis adopted both a qualitative and a case study approach. It employed a variety of research tools, such as interviews, documentary evidence, discourse analysis, and the researcher's own observations.

As noted above, the field of civil society has become a much-discussed subject among various disciplines, including political science, and has attracted considerable attention, especially after the collapse of the Eastern Bloc in the late 1980s. This work on Libya complements that body of literature, within a closely specified context.

The central significance of the study is that it adds to our knowledge of the social dynamics leading into and resulting from changes in power in Libya, and how the two areas of state and civil society have influenced each other. It is hoped that this may make some contribution to understanding of processes of change elsewhere, especially in the Arab world. Historically, civil associations in Libya played a significant role due to the absence of strong state institutions. Subsequently, under the Qadhafi regime, NGOs became weaker because the existing associations came under the control of the regime. However, since the fall of Qadhafi, NGOs have been playing an important role in the absence of a strong central government.

9.3 Major Findings

Given the lack of relevance of standard Western academic definitions of civil society to Libya, the World Bank's formulation has been adopted as the most acceptable. Valuable, it includes a large variety of different elements. The World Bank uses the term civil society to refer to:

..the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political²⁴, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide array of organizations: community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations. (World Bank,2013)

This thesis shows that, in this conception, a kind of civil society did exist in Libya pre-1969. This took traditional forms such as the *waqf* institution and *zawāyā* (lodges). These played a significant civilian role by providing social services such as education and medical assistance. The associations also had the ability to mobilise people, and the

²⁴Not 'political' organization but the political interests of NGOs

researcher believes that because of this proactive role they may still have a crucial role in the future of Libyan civil society.

The World Bank definition can be used to cover traditional as well as modern forms of organisation, as long as they are non-governmental (formally, at least) and are non-profit. These conditions clearly held, in particular for *waqf* institutions. The latter were able to be independent in their actions, while also avoiding the threat of suspension by the government. As a result, they could extend the public space outside the state arena. These associations had the ability to mobilize people, either by resisting the colonial state or through civilian action. This was seen in the education sector, for example the establishment of the *Kuttābs*. These traditional social institutions allowed society to develop civic activism, volunteerism, and participatory activities which were similar to - but not necessarily the same as - those of European civil society.

Under the Qadhafi regime NGOs in Libya were effectively absent from the public arena. Most associations suffered from a lack of essential skills and training which would have enabled them to increase their capacity and improve their performance. They were accepted by the regime and integrated into the political sphere. The majority were active as charity groups, perhaps to avoid clashes with the government. The prevailing supposition was that there was a lack of civic culture in Libyan society, but in fact this was only an effect of the political regime. The Qadhafi regime adopted a totalitarian ideology which fully occupied the public space in society, and therefore according to Qadhafi's theory there was no real need for these associations and very little justification for them to have an independent existence. Nonetheless some of the traditional institutions continued to exist, such as the *waqf* together with some tribal associations. The *waqf* retained its independence from the state, because it derived its legitimacy from religion and its funding from the *zakāt*. Another reason for its continuation outside the control of the state was that it took advantage of what was written in The Green Book, "The Qur'an is the law of society", and thus did not explicitly oppose the ideology of the government. Also, the *waqf* had historically proven that it had the ability to continue even during the near-total absence of the state during the Italian occupation. The institution of the tribe, also, may have remained strong because it formed a traditional, protective umbrella in the absence of any modern forms of state institution. It formed a refuge, shielding society in its rejection of the regime's ideology and supporting the lack of desire

to integrate with this ideology. This ideology was seen as strange, not a product of the society, and needing to be imposed from above.

The officially-recognised NGOs in Libya under the Qadhafi regime, by contrast, were formed within the framework created by the regime and were seen as part of the overall system. Their roles were closely tied to the requirements of the Qadhafi regime, leading to a distrust of the NGOs within the wider society. During the Qadhafi period; therefore, NGOs only represented a very limited aspect of civil society. Possibly the only exception was the GICDF, which tried to address civil society as an area for reform. The GICDF set up some associations, the most important of which was the Human Rights Association, and worked as an umbrella for these associations internally and externally. The GICDF also encouraged and opened the door to public debate about previously taboo issues such as the constitution, freedom of the press, and civil society, and it pushed towards the establishment of a private media. It held dialogues with the opposition and tried to incorporate opposition elements into public life.

In spite of all this, and despite the view that the GICDF provided a way out of the crisis (which gained the support of parts of the Libyan elite), it failed to constitute an acceptable alternative model for reform and it failed to promote a strong and active civil society at a wider level. This failure could be attributed to two factors. First, the GICDF did not encourage the establishment of independent associations, or support them in the face of the government. Instead it “represented” them by its work on their behalf. Second, its work was obstructed by the political regime, which was suspicious of any activity outside the framework of the People’s Authority system. Both of these factors related to the complex position of Saif Qadhafi who, as the son of the leader, had both greater freedoms from, and closer ties with, the regime than an outsider would have had. The failure to fulfil the desire of the Libyan people to work beyond the restraints imposed by the government fuelled calls for more direct and independent reform, which led to the 2011 uprising.

The Qadhafi regime and its ideology had become a kind of sacred doctrine which put it above any criticism, affecting all aspects of life in Libya. This situation closed the door for many associations. Research findings demonstrate that the political regime and the

legal framework governing civil society have been the primary factors in shrinking, restricting and shaping Libyan NGOs.

When the uprising occurred, it was not led by civil society associations (since these had not been allowed to develop fully) but, as the hollow state institutions quickly fell, the culture of civic activism, volunteerism and participation which had been sustained throughout the previous decades meant that Libyans quickly formed new associations and NGOs to fill the space now available to them, offering good potential for the development of a post-transition thriving civil society.

The uprising marked a major turning point in civil society (as defined by the World Bank) in Libya. The experience shows how quickly civil society organisations can grow, notwithstanding some shortcomings. Libyan society has shown greater awareness than was previously thought possible in terms of the importance of these associations and the role that they play. The study findings have shown how these associations, which developed out of dire circumstances, were “invented” rather than “invited”.

However, the uprising has had a wider range of noticeable impacts and challenges throughout the different levels of Libyan society, creating intense rifts and rivalries among the various parts of the population. These conflicts have led to a state of chaos and may ultimately enable the old alliance between power, armed force and money to dominate the political scene via new forms of political manoeuvring, among them control of the media by a limited number of businessmen and group leaders.

Even though NGOs did not contribute to the 2011 uprising, their role went beyond providing social services. After the withdrawal of the State, they helped to form the NTC as a transitional body taking on some aspects of government, with representation from various segments of society, such as doctors, engineers and judges. This initiative from the NGOs exemplifies the awareness of the effective role of civil society among these institutions and their leaders to take the initiative and find creative solutions to overcoming obstacles, rather than simply criticising the government. It remains true, however, that this hopeful episode has been limited in time.

The study shows how quickly and effectively NGOs came together to confront the regime and to occupy the public space abandoned by the government, to provide essential services and play advocacy roles. The NGOs were able to provide the framework to prevent the collapse of society, which showed their strength, effectiveness and importance. Religious, political and social roles traditionally played by the government came to be played by some of these associations for a period of time. New types of associations emerged from the uprising, driven by religious, business and advocacy concerns.

The research also shows that the Libyan legal framework (as created under the Qadhafi regime) had many weaknesses and had a negative effect on NGOs, preventing them from strengthening their role and becoming key actors in society. Despite subsequent developments, this remains the case today. Thus interviewees who represented NGOs in this study agreed that there was a need to change and improve the law governing them. The legal restrictions coupled with government intervention which were the main impediments under the Qadhafi regime remain in place, although the means to enforce them may not be. The political system has changed but there is as yet still no Libyan constitution. In order to properly manage the development of NGOs within society, the new constitution should describe the right to form associations as a citizen's rights, rather than as a gift from the government. This will pave the way for the establishment and strengthening of civil society in Libya.

For civil society to become a vital player within the country, as an independent mediator between family and state, it must build influence in the public arena through responsiveness and compliance with the requirements of capacity building, transparency and good governance. Avoiding being used as an ideological pawn by competing political forces will be crucial to its effectiveness.

In this uncertain situation, Libya's civil society will need to find a creative response to the challenges it faces, such as infringements of human rights, and it needs to provide opportunities for young people so they are able to play a role within civil society and participate in developing a national leadership. Civil society will need to become an instrument for balancing power relations between different groups and supporting the weak, such as women, the marginalized poor and the disenfranchised.

The researcher has discussed the question of whether the NGOs have the potential capacity to contribute to the processes of developing civil society under a centralised system. This question is still of concern. It is yet to be seen how the creation of a more centralised state will affect NGOs and if they are able to build the opportunities to enable them to play a fundamental role in society. In addition, the research also examined what NGOs might be able to do to promote wider civil society organisation in Libya.

In general, it is clear that the role of NGOs tends to shrink in some areas and increase in others, as spaces open or close in the political and social landscape. It was to be expected, therefore, that these associations would flourish after the changing of the political regime in Libya, and spread and grow into new aspects, due to the reduction of restrictions on them. But the lack of political stability and security, which has threatened the entire state entity, made these associations withdraw or decline. The experience of what happened in Benghazi and Misurata in particular was examined in the thesis.

The Libyan case can be seen as an exceptional one, brought on by the political emergency. However, this is not to say that the Libyan case is unique. The analysis of civil society and power structures presented here can be usefully applied elsewhere, especially to other developing states (and the Arab world within that category). This researcher argues that civil society is not a substitute for a strong state and central government, but in fact requires a strong (but not dictatorial) state in order to avoid the public sphere being dominated by militias or organisations based on divisive tribal formations. The existence of the State alongside civil society forces the two sides to work together and cooperate for the benefit of society. The challenge facing Libya is that currently the country is undergoing two processes: the transformation of the political system and the building of civil society. It is important to understand the relation between rebuilding state institutions and civil society. Libya needs to develop those two areas in conjunction and redefine the relationship between civil society and the state as the country moves through its transition period.

The thesis has touched on the issue of human rights and the violations of these rights in Libya. It has discussed the emergence of advocacy associations, and the extent to which they can defend the idea of a civil society.

Finally, on the issue of funding, what has emerged from my interviews shows that in the past civil society associations did not receive sufficient financial support from government while at the same time the law forbade them from receiving any foreign funds. After 2011, some associations received significant support, especially those headed by businessmen and Islamic associations. But much of this funding came from foreign sources. The associations came to attract elements that did not necessarily believe in the mission of civil society, but were mainly interested in access to the funds. This problem is one of the main challenges the NGO sector now faces.

In general, the challenges facing the development of civil society in Libya, and the required solutions, can be laid out as follows:

1. The legal framework: this must allow civil society to work and be active within the framework of legal legitimacy and provide it with the necessary guarantees for all activities. Without suitable structures civil society will be weak and unstable; but with protection it can extend its reach and plan more effectively.
2. The political framework: this can be most conducive to an active civil society if there is a reasonable degree of political and intellectual pluralism, where there is support for the freedom of establishment of political and social organizations and institutions. Civil society needs to be geared to protecting the principles of human rights and freedoms. Structures that oppose or undermine this influence – especially those designed to maintain state monopoly over the public sphere – can be damaging to civil society's capacity and objectivity.
3. The economic framework: civil society can contribute to economic and social development through the promotion of the private sector and its integration in the economic process, as well as through individual initiatives undertaken by citizens, which aim to create wealth and growth. Over-centralised power restricts the opportunities for such innovation, and limits the spaces for entrepreneurship that civil society can engender.

9.4 Areas for Future Research

In writing this thesis I have mainly focused on important aspects of the development of civil society in Libya to date. However, this is an ongoing process and it needs further research. The central significance of the study stems from the fact that it is the first study of its kind to tackle the effects of the dramatic changes resulting from the Arab Spring on Libyan civil society, a society that has suffered from a lack of attention in terms of research. It has also added to our knowledge of the social dynamics resulting from changes in power in Libya, and how the two areas of state and civil society have influenced each other. It is hoped that this study makes a significant contribution to the wider literature on civil society, especially in the Arab world and for specialists in Middle East studies.

That said it is worth mentioning that the achievements of this thesis are only a small step forward and additional studies which are needed to follow up on the themes discussed here. There has been no significant democratisation in Libya, so that dimension can not at present be usefully analysed, but there is no doubt that civil society will evolve as the country's political infrastructure changes. It will be of interest to examine how the political parties will use civil society for political gain. The development is ongoing, and therefore requires ongoing research.

One crucial area of study is the potential influence of Islamic movements on civil society. Given their ability to resolve two main problems, funding and volunteering, the researcher argues that Islamic associations will have a strong position in the future of Libyan civil society. These associations represent a channel of communication between broad segments of society and they could help meet basic social needs by aiding the poor and providing social and health care. Another function they perform is the mobilization of supporters, providing a transition from social work to political action, which in turn may facilitate a shift in power within the country, but it remains to be seen what use they will make of this.

Civil society actors play an essential role in bringing issues to political debate; this issue needs deeper study to explore whether Libyan associations could play this role and in what way. Moreover, further study is required to determine whether civil society can exert significant and productive influence on shaping the dynamics of the political system, or

whether the political system will in fact shape these associations and controls their activities.

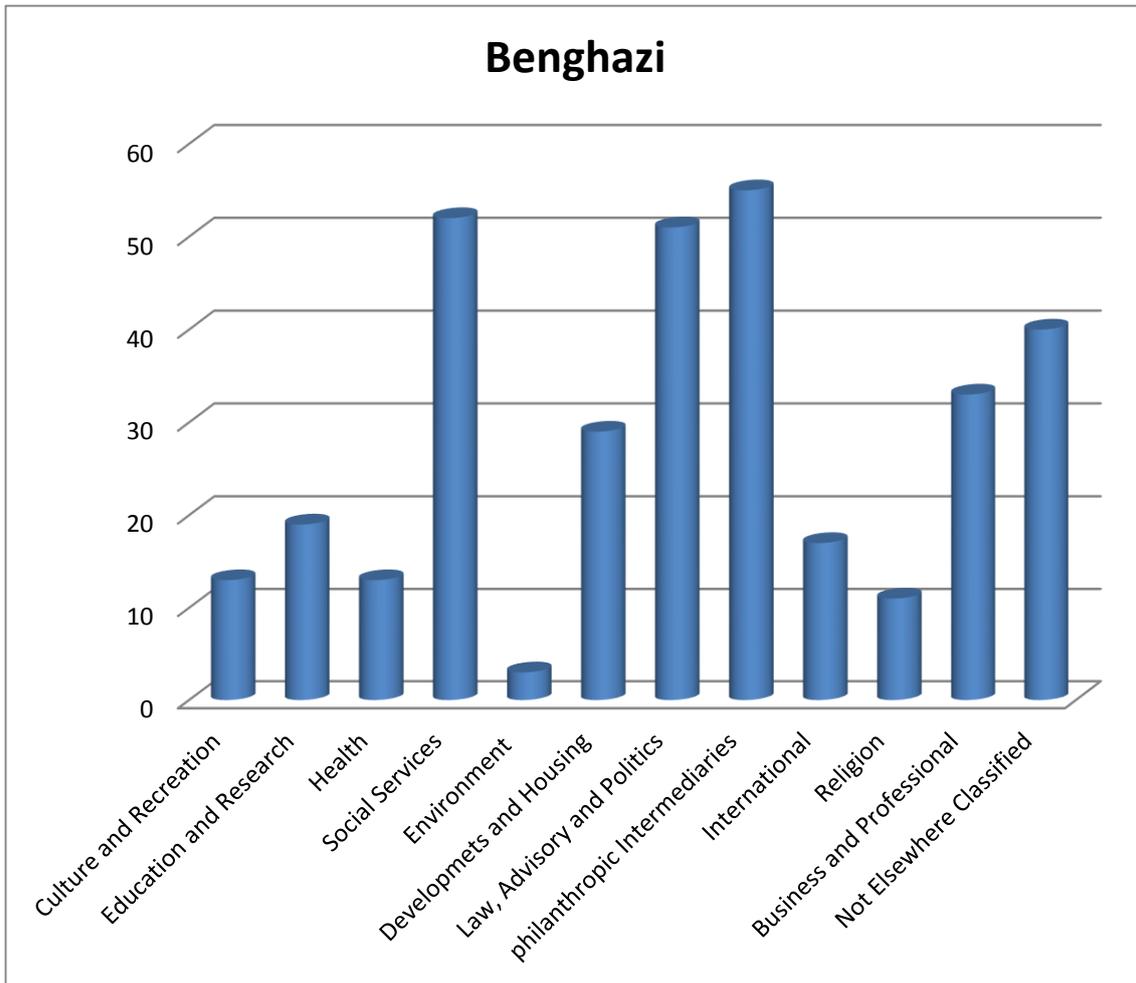
What has emerged from my interviews is the need for Libyan NGOs to be aware of their potential role within society and the need to guarantee their rights under a legal framework with the ability to promote the associations. A more comparative analysis would help clarify the nature of the relationship between the state and NGOs, determining how civil society influences the shaping of the political system and vice versa.

The issue of human rights and their extreme violation is of central importance in Libya, and the emergence of advocacy associations has the potential to defend civil society's commitment to the humanitarian ideal. Again, the potential is there, and analysis will be needed to see whether that potential is fulfilled.

Finally, research is needed to further examine the role played by social networks, specifically those who mobilised during the 2011 uprising, and whether such networks will continue to be effective in the future. This may have a significant effect on the nature of the associations which will emerge in the future. Crucial also is the development of techniques that can effectively monitor the performance of a transitional government while remaining alert to the risks to human rights and the prosecution of offenders. Such capacities will assist the development of a new democratic legislation that guarantees the freedoms of civil society, away from the constraints of any regime that may hinder its growth by subjecting it to a state monopoly on public space.

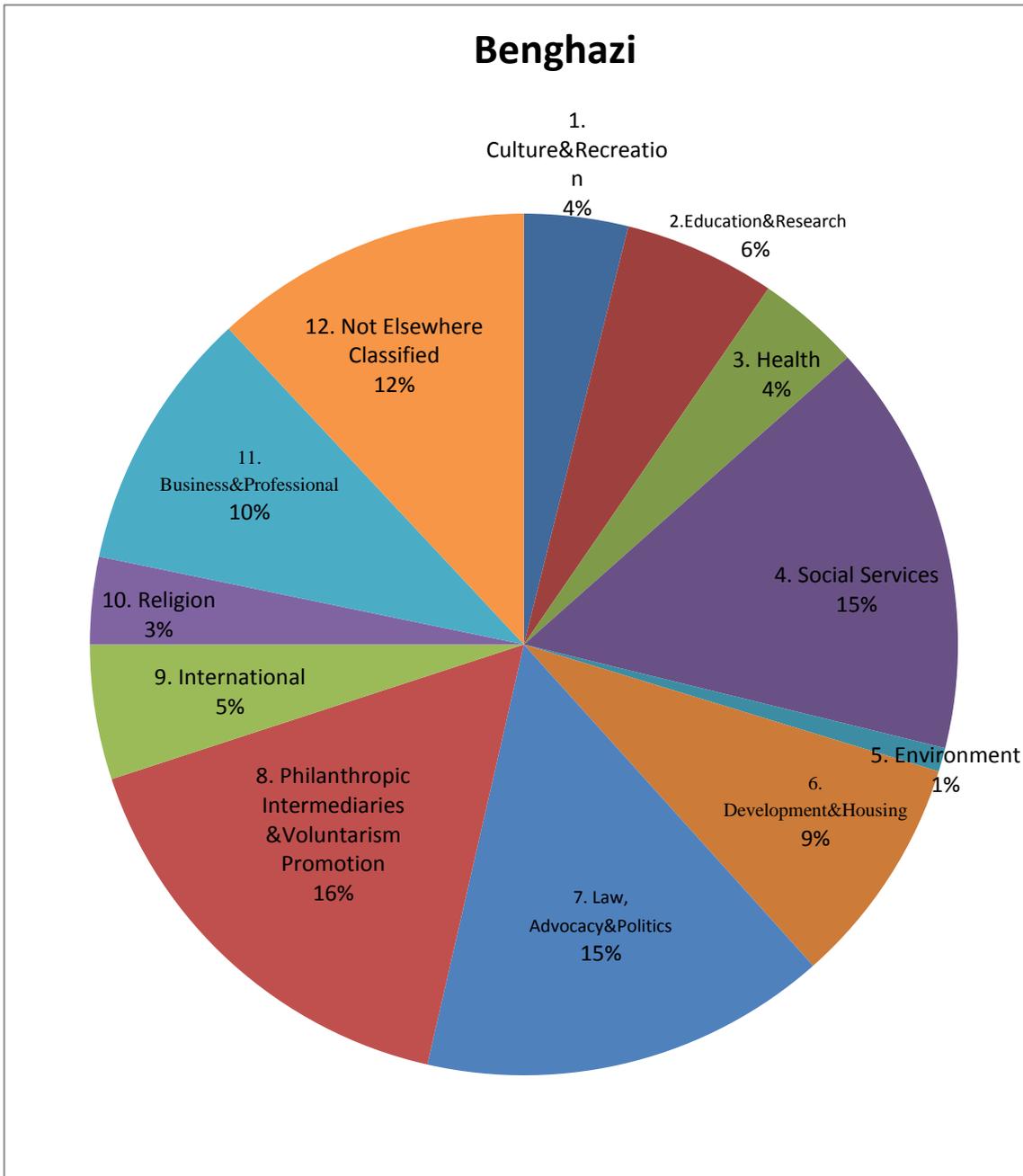
In summary, all the perspectives which this thesis opens up are contingent on both the State and civil society actors. The former need to be willing to guarantee the space and the freedom for this sector to evolve, flourish and overcome its obstacles, and the latter willing to engage with the state in a respectful, responsive manner, and reach out to society at large, to represent and reflect all the colours and points of view of Libyan society.

Figure 10: The Distribution of Associations According to their Activities in Benghazi



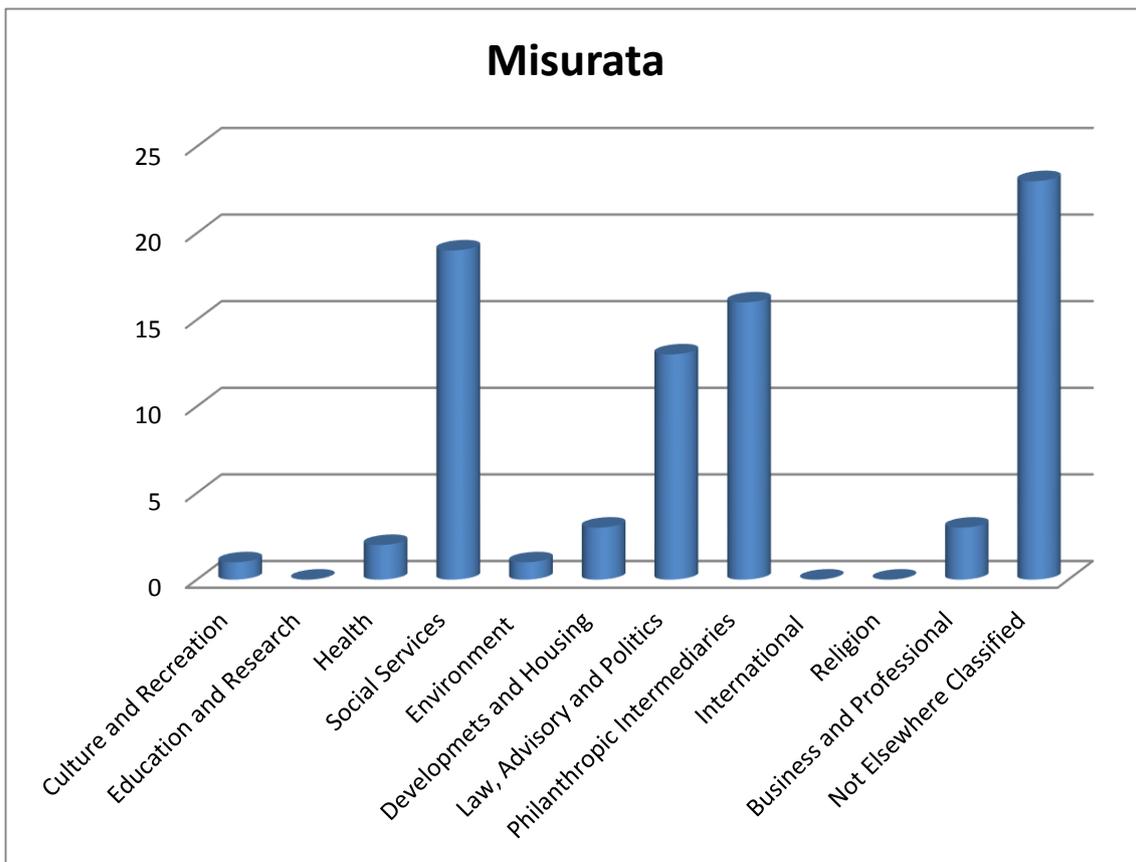
Source: researcher fieldwork

Figure 11: Breakdown of the Activities of Associations in Benghazi Shown as Percentages



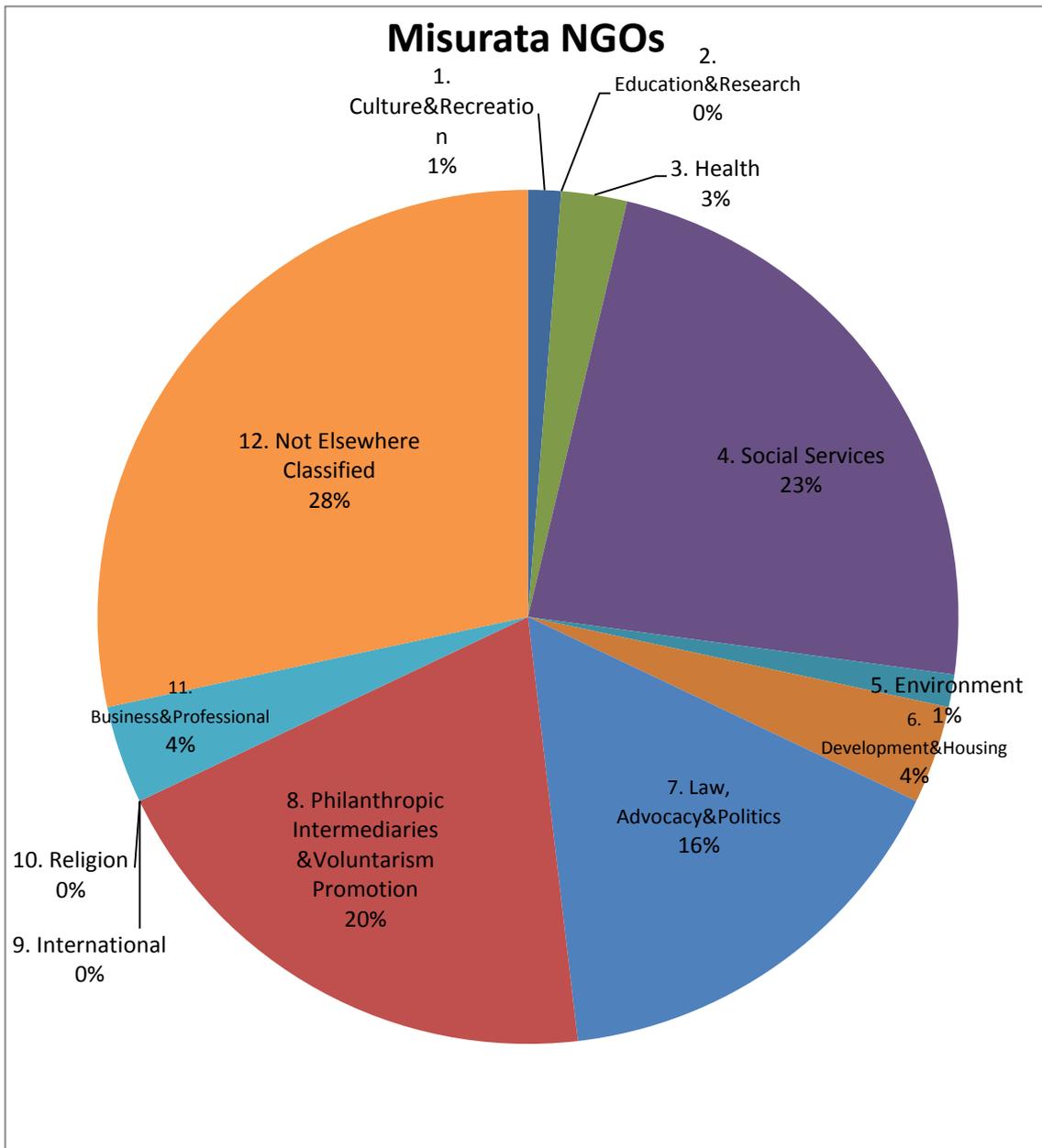
Source: researcher fieldwork

Figure 12: The Distribution of Associations According to their Activities in Misurata



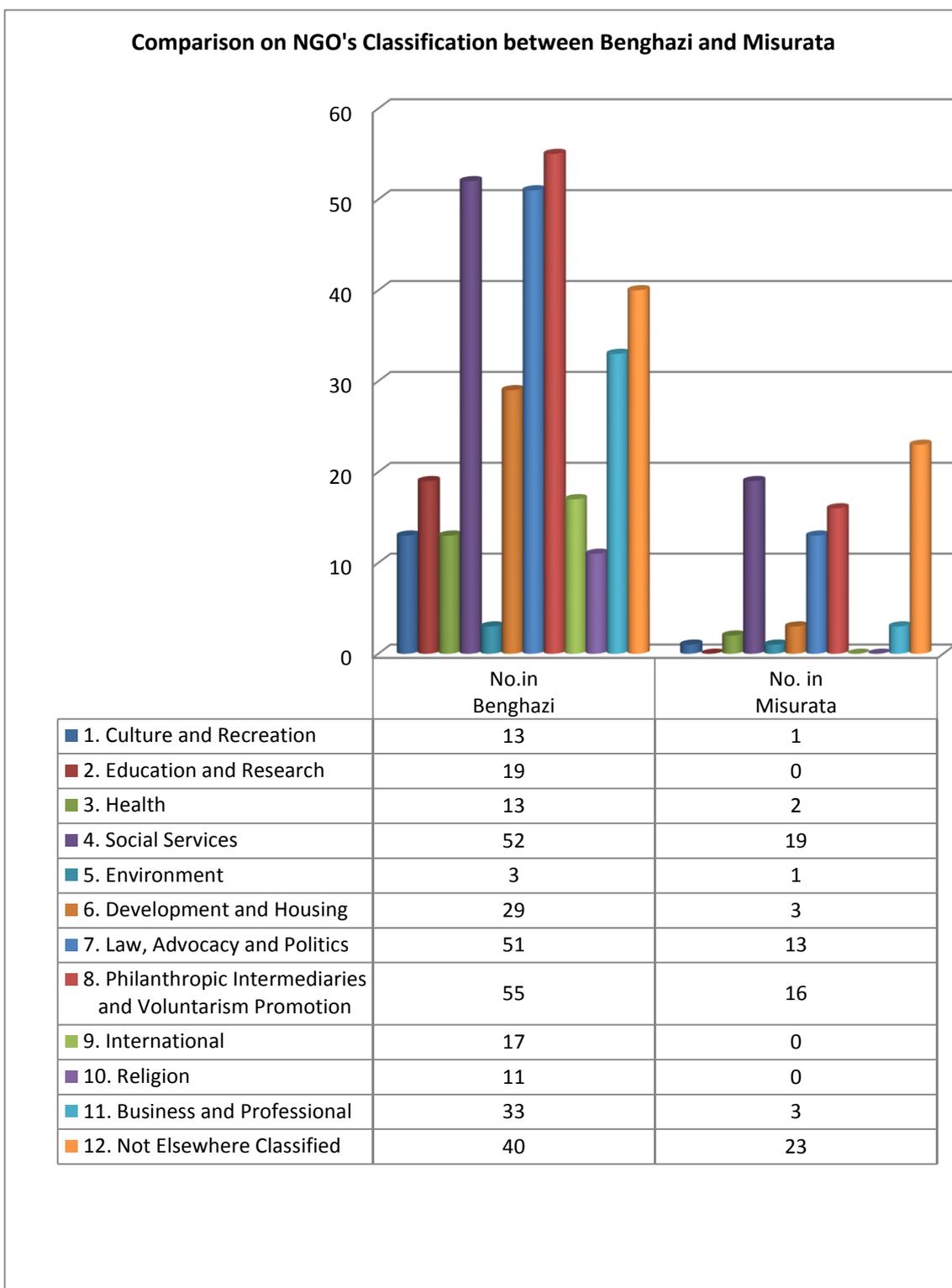
Source: researcher fieldwork

Figure 13: Breakdown of the Activities of Associations in Misurata Shown as Percentages



Source: researcher fieldwork

Figure 14: Comparison on NGO's Classification between Benghazi and Misurata



Source: researcher fieldwork

Appendices

Appendix 1

The List of Interview's Questions

Date:

Name of interviewee:

Location of the interview:

1. What is the organization? Would you please introduce yourself and your work in the organization?
2. And what is your position at the organization?
3. How long have you been working with this organization?

General Information about the Organization:

4. When was this organization established?
5. Does it have other branches? Location/s?
6. What are the aims of the organization? And how many members?
7. What kinds of services does your organization offer?
8. How many employees are there in your organization?
9. How many members are there in your organization?

General Questions

10. Why did you take part in this organization? What do you hope to get out of it? Is it because you are interested in such kind of activities or is it because you think that they become a fashionable trend or it might add to your prestige? Or do you believe that through taking part in this organization you can participate in developing your society and to promote the culture of civil work and civil society?
11. Do you think these organizations have any mission?
12. Do you think that people know enough about the civil society organizations or is there lack of information among people about these organizations?
13. Any idea about the number of recipients?
14. How was this organization established? In other words was it a response to the needs of the community or was it an idea of the founders or there is some role of the state?
15. Do you see any necessity for a larger role of civil society organizations in the future?

16. Where do you think that civil society organizations need to expand? Is it in relief and services sector, religious activities, cultural activities, development or promoting democratic values and human rights?
17. Do you see any necessity for a larger role of civil society organizations in the future?

Fund Issue:

18. Can I see the organization's budget?
19. What are the sources of your budget? Does it enough for your organization activities?
20. Have you ever asked the people for donations? And if so, did you get a significant amount of donations? If not, what do you think were the reasons? Is it the lack of money – disbelieve of the work of the organization - the lack of civic culture – or because of the way in which you requested the money?
21. Who funds or supports your organization?
22. Are there any other sources of fund that the organization relies on?
23. Do the members pay any fees for membership? How much is that?
24. How many members have paid their membership fees this year?

Organization's Management

25. What is the purpose of the organization or which kinds of activities the organization focus on: children and maternity care, family welfare, social care, health care, educational , environmental, religious services, community development, training women, cultural activities, care for the aged and the disabled, human rights, relief, youth or charities.
26. How many members does the board of trustees consist of?
27. What are the criteria in selecting the organization's head of trustees or board?
28. What is the procedure adopted in selecting the board of trustees members?
29. Are there any appointed members in the organization's board? If yes how many? And how do you explain such appointments?
30. How often does the board of trustees meet? How many times was it held this year?
31. How do you explain that the highest number of civil society organizations was established in 2003 while the lowest number of civil organizations was in year 2001 and 2006?
32. How do you explain that the large number of civil society organizations exists in Darna city while the small number exists in al-Wahat (region) and Sirt city?

Relationship with the State:

33. How do you describe the relationship with the state?
34. Does it help the organization get funding?
35. Does the state respond to the needs and requirements of your organization?
36. Has the state ever asked you to implement certain types of projects? If yes what are the nature of these projects?
37. How do you evaluate the laws and rules that govern the work of civil society organizations in Libya?
38. Do you think that such laws need to be modified or changed? If yes what type of change do you recommend or suggest?
39. Do you think that the funding you get from state affect your organization work or its independence? How?
40. Who decides the ways/ criteria in which the fund will be spent?
41. What do you think are the obstacles that face the establishment of any new organization?
42. Does your organization work or cover areas that are not covered by the state? If yes, what are these areas?
43. Do you try to influence at the political level more than the service level?
44. Did the government ever interfere in your activities? If so how and when? Did this interference result in activity modifications, activity cancellation or perhaps support for your activities? Would you explain?
 - modification
 - cancel
 - support
45. What are the factors that hinder the cooperation between state and civil society organizations in serving the community?
46. Do civil society organizations play any role that might affect public polices? And in your opinion what are the obstacles that these organizations face in this regard?
47. What is the motivation leading to creation of a new organisation duringand after uprising of 2011?

Relationship with foreign organizations:

48. Have you ever dealt, been in touch or worked with foreign partners or organizations?
If yes what are these organizations?
49. What was the areas of cooperation (fund, training, exchange, etc)? How did you find this cooperation or relationship?
50. Was that cooperation, between you and that foreign organizations based on your own initiative, was it directed by the state or was it an initiative of the foreign organization itself?
51. If the later was the case did you need to have the state approval? Does the state encourage such relationships?

Voluntary work

52. Do you believe in the importance of organization's members or recipient's involvement in community's voluntary work and what is the importance of that involvement?
53. How many voluntary workers do you have?
54. Are the current civil society organizations in a position which allows them to work and participate with people or with the state to promote civil rights and civil culture to development of civil society as another sector?
55. What are the factors that hinder the participation of these organizations? Are these reasons belonging to the weakness of these organizations, the lack of belief in civil society organizations role, the shortage of fund or other factors?
56. In your opinion what are the issues/solutions that might strengthen the role of civil society organizations in development and their contribution to change? Do these solutions include?
 - A- Increasing or having sufficient fund
 - B- Awareness of the important roles of these organizations particularly in media filed?
 - C- Or allowing these organizations to have more independence
57. Do you face any problems or shortage in the number of volunteers? Is that problem more visible with males or females?
58. In your opinion, what are the reasons behind that problem? And are these reasons related to?
 - A- shortage of people's time

B- the need for money

C- traditions (especially when it comes to women)

D- lack of appreciation or respect to voluntary work

59. What do you suggest to bridge these problems? Do you believe the shortage of volunteers affect the work of civil society organizations? If yes, in what capacity?
60. Do you believe in the importance of organization's members or recipient's involvement in communities' voluntary work and what is the importance of that involvement?
61. Is there anything you would like to add?

Appendix 2

The List of Interview's Questions for GICDF

1. How did you get appointed or involved with the GICDF?
2. Were all board members involved in determining the outcome of discussions?
3. What were the mechanisms of decision-making?
4. How many meetings did you attend? What projects or issues have been discussed at these meetings?
5. How often did the Board meet? Were minutes of the meetings kept, and if so is it possible to gain access to them?
6. To what extent has the annual budgets of the Foundation been agreed on proper basis, and if so were these budgets accessible?
7. Has the Board run or manage the Foundation as a whole including all the subsidiary associations of GICDF For did each association has an independent management?
8. In your opinion, why has the GICDF abandoned its political activities and stopped its support for human rights at its meeting last December?
9. Do you think the Foundation develops or promotes democratic values and human rights? And of so to what extent does this take place?
10. What are the sources of the Foundation's funding?
11. Who decides the ways/ criteria in which the funds are spent?
12. Have you ever felt that the Foundation was pursuing a strategy which is quite separate or independent from that of the Libyan state?
13. Does the Foundation attempt to gain influence through both political and its activities at the service level?
14. How do you evaluate the Foundation? And does it reflect or represent in any way the civil society in Libya?

Appendix 3

List of Associations had been Interviewed on Stage One from the Fieldwork (2010)

1. Jam‘iyyat Aṣḍiqā’Marḍā al-Sokkar - Misrātā (Association of friends of diabetes – Misurata)
2. Jam‘iyyatShurūq al-Ḍuḥá lil Mar’ah –Ṭarābulus (Shurūq al-Ḍuḥá Association for the Disabled Women –Tripoli)
3. Jam‘iyyat al-’Ikhwah al-khayrīyyah - Misrātā (al-’IkhwahCharity Association – Misrata)
4. al-Jam‘īyyah al-Waṭanīyah lil Mutafawiqīn –Ṭarābulus (National Association for Eminent – Tripoli)
5. al-Jam‘īyyah al-Lībīyyah lil Mun‘āqīn wa al-Qasirīn ‘an al-ḥarakah – Ṭarābulus(Libyan Association for the disabled and Paralyzes- Tripoli)
6. al-Jam‘īyyah al-Lībīyyah li Ḥuqūq al-Ṭifl wa al-Mar’ah fī Lībiyyā – Ṭarābulus (the Libyan Association for Women and Children Rights- Tripoli)
7. Jam‘īyyat Ḥuqūq al-Mar’ah – Banghāzī(Women Human Rights-Bengazi)
8. Jam‘īyyat Ḥuqūq al-Insān- Banghāzī (Human Rights Association- Benghazi)
9. Jam‘īyyat al-Nūr lil Kafīf – Banghāzī (al Nour for Visually Impaired- Benghazi)
10. Jam‘īyyat al-Nūr lil Kafīf –Ṭarābulus (al Nour for Visually Impaired- Tripoli)
11. Jam‘īyyat al-Anwār al-Khayrīyyah-Misrātā (al-Anwār Charity Association-Misurata)
12. al-Jam‘īyyah al-Waṭanīyyah li Ri‘āyat al-Shabāb– Ṭarābulus (Notional Association of Youth Welfare).
13. al-Ittiḥād al-‘Āmm lil Jam‘īyyat al-Ahlīyyah –Ṭarābulus (the National Federation of NGOs – Tripoli)
14. al-Jam‘īyyah al-‘Arabīyah li Ḥuqūq al-Insān– Ṭarābulus (al-‘Arabīyah Association for Human Rights –Tripoli)
15. Munsīq al-Jam‘īyyāt al-Ahlīyyah bi Maktab al-Ittiṣāl bi al-Lijān al-Thawrīyah – Ṭarābulus wa Misrātā (Coordinatorsof NGOs in the Revolutionary Committee Liaison Office-Tripoli and Misrata)
16. Mas’ūl al-Jam‘īyyāt al-Ahlīyyah bi Amānat al-Lajnah al-Sha‘bīyyah al-‘āmmah- Majlis al-Wuzarā’ - Ṭarābulus (Coordinator of NGOs in the General People’s Committee- Cabinet-Tripoli)

Appendix 4

List of Associations had been Interviewed on Stage Two from the Fieldwork (2011)

Benghazi

1. Mu'assasat Tawāṣul (Tawāṣul Association)
2. 'Itilāf al- Jam'iyat al-'Ahliyyah al-Lībiyyā (Coalition of Libyan NGO's)
3. Jam'iyat al-Midadli al-'A'māl al-Khayriyyā (al-Midad Charity Association)
4. al-Munazamah al-Lībiyyah lil Tanmiyah (Libyan Organization for Development)
5. Ministry of Culture and Civil Society Affaires (Executive office of Civil Society)
6. Jam'iyat Lībyā al-'Intifādā (Lībyā al-'Intifādā Association)
7. Farīq Nidā' al-Khayr al-Lībī (Nidā' al-Khayr Libyan Party)
8. Munazamat al-Tazamon li-Ḥuqūq al-'Insān (Libyan Human rights solidarity Organization – Geneva)
9. Yunis Dbeesh (Coordinator of Local Social Affairs-Benghazi)
10. Munazamat al-Ḥuqūqiyeen al-Lībiyyīn (Libyan Jurist Organization)
11. al-Tajamu' al-Lībī li 'Iṣlāḥ wa al-'adālah (Libyan Forum for reform and Justice)
12. Jabhāt al-Taghyīr (Front of Change)
13. Majmū'at al-Tawāṣul byna al-Majlis al-Waṭanī wa al-Shāri' (The Connection between NTC and Public Group)
14. Jam'iyat Sanābil al-Hidāyyā al-Khayriyyā (Sanābil al-Hidāyyā Charity Association)
15. Jam'iyat al-Ḥayāt al-Hurrah (al-Ḥayāt Free Association)
16. Dewān al-R'ai al-Thaqāfi (Opinion Court for Culture)
17. Hay'at al-Da'm wa al-Mashurah (Support and Consultation Body)

Misurata:

1. Jam'iyat al-'Imdād (al-'Imdād Association)
2. Jam'iyat Waṭan al-'Ahliyyah (Waṭan Civil Association)
3. Jam'iyat Misrātā al-Khayriyyā (Misurata Charity Association)
4. Jam'iyat al-Nushatā' al-ḥuqūqiyyīn li rasd jara'im al- harb wa al-jara'im qd al-'isāniyyah (Association of human rights activists to monitor and document war crimes and crimes against humanity)
5. Jam'iyat Jīlunā (Jīlunā Association)
6. al-Tajamu' al-Waṭanī al-Hur (The Free National Association)
7. Jam'iyat Ḥarā'ir Miṣrātā (Ladies of Misurata Association)
8. al-Muntadah al-shamel li Ḥayāt al-Muslim (Forum of Universal Muslim life)
9. Director of Civil society unit in Misurata city council (Mr. Abdullateef Koleeb)

Appendix 5

List of NGOs Classification in Benghazi and Misurata

Culture and Recreation

A- Benghazi

1. al-Jam'iyah al-Lībiyyā li al-Shaṭaranj (The Libyan Chess Association)
2. al-Munazamā al-Lībiyyā li al-Mūsīqā wa al-Funūn (The Libyan Art and Music Organization)
3. Jam'iyat Banghāzī lil 'Andiyyā al-Riyādiyyā al-'Ilīktrūniyyā (Benghazi Association for Electronic Sports Clubs)
4. al-Markaz al-Lībī al-'arabī li Fan al-Brutikuwl wa al-Atikīt (The Arab Libyan Centre for the Protocol and Etiquette)
5. Munazamat al-Turāth wa al-Ta'diyā al-Thaqāfiyyā (Heritage and Cultural Pluralism Organization)
6. Markaz al-'ajyāl al-Thaqāfi (Al-'ajyāl Cultural Centre)

B- Misurata

1. al-Jam'iyah al-Waṭaniyyā li al-Thaqāfāwa al-'Ulūm Miṣrātā (The National Association for Culture and Science Misurata)

Education and Research

A- Benghazi

1. al-Jam'iyah al-Lībiyyah lil 'Ikhtirā' wa Taṭwīr (The Libyan Association for Invention and Development)
2. Jam'iyat al-Khubarā' wa al-Istishāriyyīn al-Lībiyyīn (The Libyan Experts and Consultants Association)
3. Markaz Ru'yah li-'inmā' wa Ta'sīl al-Funūn al- Baṣariyyah (Ru'yah Centre for the Development and Rooting of Visual Arts)
4. Mu'assasat Lībyah Mawṭini li al Istishārāt wa al-Tawthīq (Lībyah Mawṭini Organization for Consultation and Documentation)
5. al-Jam'iyah al-Lībiyyah li 'ulūm al- Miyāh (The Libyan Association For Water Sciences)
6. Markaz Lībyah li al-Dirāsāt al-Tārikhiyyah (Libya Centre for Historical Studies)

7. Markaz Daif al-Ghazāl al-‘ālamī li al-Dirāsātwa al-Buḥūth al-’i‘lāmyyā (Daif al-Ghazāl Centre for Media Studies and Research)
8. Jam‘iyyat ‘iqra’ li al-Tanmiyā wa Maḥū al-’umiyyā (‘iqra’ Association for Development and Literacy)
9. al-Rabiṭā al-Lībiyyā li al-Ta‘līm al-Tiḡanī wa al-Mīhanī (The Libyan Association for Technical and Vocational Education)
10. al-’Itihād al-Waṭanī li Derāsāt wa Abḥāth al-Naftwal Ghāz (The National Union for Oil and Gas Research)
11. al-Markaz al-’istrātījī li al-Tadrīb wa al-Tatwīr (The Strategic Centre for Training and Development)
12. al-Jam‘iyyā al-Lībiyyā li ‘asdiqā’ al-Lughā al-‘Arabiyyā (The Libyan Organization for the The Friends of the Arabic Language)
13. Jam‘iyyat al-Tawāṣul li Ta‘līm wa Tathqīf al-ṣum (al-Tawāṣul Association for the Deaf Education)
14. Jam‘iyyat al-Kalimā al-Tayyibāal-‘ilmiyyā (al-Kalimā al-Tayyibā Scientific Association)
15. Munazamat al-’ibdā‘ al-Handasī li al-’abḥāth al-‘ilmiyyā wa al-Tiḡaniyyā (Creative Engineering Organization for the Scientific and Technical Research)
16. ‘Ariq Nahwā al-‘ulā al-Tarbawiyyā al-Ta‘līmiyyā (‘Ariq Nahwā al-‘ulā Educational Association)
17. al-Mu’assasā al-Lībiyyā li al-Fikr wa al-Tanmiyā wa al-Dirāsāt al-’Istrātījiyyā (The Libyan Association for Intellect, Development, and Strategic Studies)
18. al-Markaz al-Lībī li al-Tawthīq (The Libyan Documentation Centre)
19. al-Munazamā al-‘ilmiyyā al-Lībiyyā li Nuḡum al-Ma‘lūmāt wa Taḡniyātiha (The Libyan Scientific Organization for Information Technology)

B- Misurata

Health

Benghazi

1. Munazamat Lībyah al- Waṭaniyyah li Mukāfaḥat al-Tadkhīn wa al-Mukhadirāt wa al-Khumūr wa al-Mu'athirāt al-ʿAqliyyah (The Libyan National Organization Against Smoking, Drugs, Alcohol and Psychotropic Substances)
2. al-Munazamah al-Waṭaniyyah al-Shabābiyyah li Mukāfaḥit al-Mukhadirāt (The National Youth Organization Against Drugs)
3. Jamʿiyyat ṣayadilat ʿAla Khuṭah al-ḥabīb li al-ʿIghātha al-Dawāʿiyyah (ʿAla Khuṭah al-Habīb Pharmacists Association for Medical Relief)
4. Jamʿiyyat al-Shifāʾ li ʾmarād al-Dam wa al-ʾAmrād (al-Shifāʾ Association for Blood Diseases and Tumors)
5. Jamʿiyyat al-Lībī al-Khayriyyah li al-ʾAṭrāf al-ṣināʿiyyah al-Taʾwīdiyyah (al-Lībī Charity Association for Prosthetic Limbs)
6. Jamʿiyyat al-Ṭib wa al-ʾUsrā (Medicine and Family Association)
7. al-ʾItihād al-Lībī al-Duwalī li al-ʾisʿāf wa al-ʾistijābā (The International Libyan Union for Help and Response)
8. Jamʿiyyat Kuliyyat Tib al-ʾAsnān (School of Dentistry Association)
9. al-Jamʿiyyā al-Lībīyyā li Faniyyī al-ʾAshiʿā al-Ṭibīyyā (The Libyan Association for X-Ray Specialists)
10. ʾItihād al-ʿāmilīn bi al-Kulliyyāt al-Ṭibīyyā - Jamiʿat Banghāzī (The Union of Medical Schools Faculty and Staff - The University of Banghāzī)
11. Munazamat al-ʿAmāl al-Ṭibbī al-Muwaḥḥad (United Medical Work Organization)
12. Jamʿiyyat Aṣḍiqāʾ Marḍā al-Sukkar (Friends of Patients with Diabetes Association)
13. al-Jamʿiyyā al-Lībīyyā li Riʿāyat Ḥasasiyyat al-ʾAghdhiyā (The Libyan Association for Food Allergies)

B- Misurata

1. Jamʿiyyat Aṣḍiqāʾ al-Sukkarī (Friends of Diabetes Association)
2. Jamʿiyyat al-ʿIlāj al-Ṭabīʿī Miṣrātā (Misurata Physiotherapy Association)

Social Services

A- Benghazi

1. al-Jamʿiyyah al-Lībīyyah li al-ʿAlāqāt al-ʿāmmah (The Libyan Association for Public Relations)

2. al-Mu'assasah al-Lībiyyah al-'Irlandiyyah li al-'Ighāthah (The Irish Libyan Emergency Aid Association)
3. Mu'assasat ḥayāh Lita'hīl ḍaḥāyah al-ḥarb (ḥayāh Association for the War Victims Rehabilitation)
4. Jam'iyat Shabāb al-Bidāyah li al-Taw'iyah wa al-Tathqīf (The Association of Shabāb al-Bidāyah for Awareness and Education)
5. Jam'iyat li Naḥyah min Jadīd li al-'a'māl al-Khayriyyah wa al-Taw'iyah wa al-'irshād (Li Naḥya Min Jadīd Association for Charity Works and Awareness)
6. Samā li al-'A'māl al-Tathqīfiyyah wa al-Taw'iyah (Samā Association for Educational and Awareness Works)
7. Muntadah Shabāb al-'Amal al-Taṭawu'i (The Youth of Voluntary Work Forum)
8. Jam'iyat al-'Amāni li Ri'āyat al 'Aytām wa al-'Amrād al Muzminah (al-'Amāni Charity Association for Orphans and Chronic Diseases Care)
9. Markaz al-Ghars al-Ṭayyib li al-Taw'iyat wa Tathqīf al-Ṭifl (al- Ghars al-Tayyib Centre for the Child's Education and Awareness)
10. Mu'assasat Ṭarīq al-Nūr li al-'Islāh wa al-Ta'hīl (Ṭarīq al-Nūr Association for Reform and Rehabilitation)
11. al-Munazamah al-Waṭaniyyah al-Lībiyyah li al-Da'm al-'Ijtimā'i wa al-Nafsi al-'Insāni (The National Libyan Organization for Social and Psychological Human Support)
12. Mu'assasat 'Itihād Saḥāfat al-Tifl (The Union of Child Press Association)
13. Munazamat Ma'an li al-Mustaqbal li al-'A'māl al-'Insāniyyah wa al-Taw'iyah al-Fikriyyah (Ma'an lil Mustaqbal Organization for Human Works and Awareness)
14. Munazamat Hibat al-Thawrah li al-'A'māl al-Khayriyyah wa al-'Ighāthah (Hibat al-Thawrah Organozation for Charity and Relief Work)
15. Şundūq Ri'āyat al-Yatīm (dhawī al-Sanad) (Orphan Care Fund)
16. Munazamat al-'Ighāthah al-'Islāmiyyah Faransah - Far' Lībyah (The Islamic Relief Organization France - Libyan Branch)
17. Jam'iyat 'Ittihād al-Thuwwār al-Lībiyyīn (The Federation of the Libyan Revolutionaries Association)
18. Jam'iyat Arkanu al-Thaqāfiyyah wa al-Khadamāt al-'Ijtimā'iyyah (Arkanu Cultural Association for Social Services)
19. Rābiṭat 'Usar Shuhadā' Thawrat 17 Fibrāyir Banghāzī (The Families of the Martyrs of the 17th of February Revolution Association)

20. Mu'assasat al-Murā'ā li al-Shuhadā' wa al- Jarhā wa al-'Asrā wa al- Mafqūdīn li Thawrat 17 Fibrāyir (al-Murā'ā Association of the 17th of February Martyrs, Prisoners and Missings)
21. Mu'assasat al-Ḥurriyyā li Naṣrat al-Thuwwār wa al-Shuhadā'(al-Ḥurriyyā Association for Revolutionaries and Martyrs Support)
22. Rābiṭat Lībyā li al-'Asrāwa al- Mafqūdīnwa al-Jarhā (Libya Association of Prisoners, Missings and Injured)
23. Mu'assasat Maktab al-'Imārā li al-'A'māl al-Taṭawu'īyyā (Maktab al-'Imārā Charity Works Association)
24. Mu'assasat Nushaṭā' Ḥimāyat al-'Intifādā (Ḥuqūqiyyā - 'Ijtimā'īyyā -Thaqāfiyyā) (The Uprising Protection Activists Association (Juridical-Social-Cultural))
25. Mu'assasat Labaykā Waṭanī li al-'A'māl al-'Insāniyyā wa al-Tathqīfiyyā (Labaykā Waṭanī Association for Human and Educational Works)
26. Hay'at Shu'ūn al- Mun'āqīn wa Dhawī al-'Iḥtiyājāt al-Khāssā (The Board of the Disabled and People of Special Needs Affairs)
27. Jam'īyyat Lamsat Ḥanān li al-Ri'āyā al-'Ijtimā'īyyā (Lamsat Ḥanān Social Care Association)
28. Jam'īyyat Malāk Miṣrātā li al-Ṭufūlā (The Angel of Miṣrātā Childhood Association)
29. Rābiṭat Yūsbrīdus li al-Taṭawu'(Yūsbrīdus Volunteering Association)
30. Jam'īyyat al-Watīn al-Khayriyyā li al-'Ighāthā wa al-Tathqīf al-Ṭibī (al-Watīn Charity Association for Relief and Medical Awareness)
31. Markaz al-'i'tiṣām li al-'a'māl al-Da'awiyyā wa al-Khayriyyā(al-'i'tiṣām Centre for Call and Voluntary Work)
32. Munazamat Hibat al-Thawrā li al-'A'māl wa al-'Ighāthā (Hibat al-Thawrā Charity and Relief Organization)
33. Mu'assasat al-Shabakā al-Lībiyyā li al-'I'lām (The Libyan Net Association for Media)
34. Munazamat al-'Istiqrār li al-Taw'īyā wa al-Tathqīf (al-'Istiqrār Organization for Awareness and Education)
35. Mu'assasat Mazāyā al-'I'lāmiyyā (Mazāyā Media Association)
36. Jam'īyyat Nūr al-Hudā al-Khayriyyā li 'I'ānat al-Shabāb 'alā al-Zawāj (Nūr al-Hudā Association for the Youth Support in Marriage)

37. Mu'assasat Banāt al-Mukhtār li al-Taw'īyyā (Banāt al-Mukhtār Association for Awareness)
38. al-Munazamā al-Lībiyyā li al- Mutakā'idīn (The Libyan Organization for the Retired)
39. Munazamat Shabābunā 'Awwalan li al-Taw'iyā wa al-Taqwīm (Shabābunā Awareness and Reform Organization)
40. al-Mu'assasā al-Waṭaniyyā li Mukafaḥat al-ḡawāhir al-Salbiyyā (The National Association Against Negative Phenomena)
41. Mu'assasat Kul al-Lībiyyīn li al-'A'māl al-Khayriyyā wa al-'Insāniyyā wa al-'Ijtimā'iyyā wa al-Tathqīfiyyā wa al-Siyāsiyyā (All Libyans Association for Charity, Human, Social, Cultural and Political Work)
42. al-'Itihād al-Lībī li al-Mutaqā'idīn (The Libyan Union for the Retired)
43. Mu'assasat Li'ajl Lībyā li al- Ḥiwār wa al-Tanwīr al-Fikrī (For Libya Dialogue and Intellectual Enlightenment Association)
44. al-Munazamā al-Lībiyyā li Da'm al-Muḥāribīn wa al-Jarḥā wa al-'Usar wa al-Shuhadā' wa al- Mafqūdīn (The Libyan Organization for the Fighters, Injured, Martyrs' Families and Missings Support)
45. al-Markaz al-'I'lāmī 'Uwbārī (The Media Centre 'Uwbārī)
46. Mu'assasat Risālatī al-Tarbawīyyā wa al-'Ijtimā'iyyā wa al-'A'māl al-Khayriyyā (Risālatī Educational, Social, and Charity Association)
47. Jam'iyyat 'Ummī li Ri'āyat Dhawī al-'Iḥtiyajāt al-Khaṣṣā ('Ummī Association for People with Special Needs Care)
48. Mu'assasat al-Ḥaṣād al-'I'lāmiyyā (al-Ḥaṣād Media Association)
49. Mu'assasat al-'Usrā min 'Ajl al-Muwāṭanā (al-'Usrā Association for Citizenship)
50. Jam'iyyat wa Ta'āwanū li Ri'āyat al-'Aytām (wa Ta'āwanū Orphans Care Association)
51. Muazamat Ri'āyat al-Shabāb (The Youth Care Organization)
52. Mu'assasat Mālik al-Khayriyyā al-Taw'awīyyā al-Tanmawīyyā (Mālik Charity, Education, and Development Association)

B- Misurata

1. Jam'iyyat Ḥarā'ir Miṣrāṭā (Ladies of Misurata Association)
2. Jam'iyyat Miṣrāṭā li al-Da'mwa al-'Isnād (MisurataSupport Association)
3. Jam'iyyat Waṭan al-'Ahliyyah (Waṭan Civil Association)

4. Jam'iyat al-Shajrā al-Ṭayyibā li al-Mu'āqīn (al-Shajrā al-Ṭayyibā Association for the Disabled)
5. Jam'iyat Ayādī al-Salām (Ayādī al-Salām Association)
6. Rabiṭat al-Mukhtaṭafīn (The Kidnapped Association)
7. Tajamu' Ḥafidāt al-Suwayḥilī (Ḥafidāt al-Suwayḥilī Association)
8. Jam'iyat Da'm wa Musānadat Thuwwār 17 Fibrāyir (The Support of the 17th of February Revolutionaries Association)
9. Jam'iyat Aṭfālunā (Aṭfālunā Association)
10. Jam'iyat Sanābil al-'Amal (Sanābil al-'Amal Association)
11. Jam'iyat 'Ayādī al-Maḥabā ('Ayādī al-Maḥabā Association)
12. Jam'iyat Jūd (Jūd Association)
13. Jam'iyat Manār (Manār Association)
14. Jam'iyat al-'Amal al-Khayriyyā li al-Makfūfīn (al-'Amal Charity Association for the Blind)
15. Jam'iyat 'Anwār al-Khayriyyā li Ri'āyat al-'Aytām ('Anwār Charity Association for Orphans Care)
16. Munazamat Lībyā li al-Musā'adāt al-'insāniyyā (Libya Organization for Humanitarian Aid)
17. Jam'iyat 'Um al-Shahīd ('Um al-Shahīd Association)
18. al-Jam'iyā al-Lībiyyā li Dhawī al-'Iḥtiyājāt al-Mukhtālifā (The Libyan Association for People with Different Needs)
19. Jam'iyat al-Naṣr li Tamwīl al-Jabahāt (al-Naṣr Association for the Frontline Funding)

Environment

A- Benghazi

1. Jam'iyat Assuhūl al-Ghawriyyah li al-Maḥmiyāt al-Ṭabī'iyah (Assuhūl al-Ghawriyyah Association for Nature Reserve)
2. Mu'assasat al-Muḥsin li al-Difā' 'an Ḥuqūq al-ḥaywān wa al- Bī'ah (al-Muḥsin Association for Animal and Environment Rights)

B- Misurata

1. al-Jam'iyā al-Lībiyyā li al-Bī'ā (The Libyan Association for the Environment)

Development and Housing

A- Benghazi

1. al-Munazamah al-Waṭaniyah li al-Tanmiyyah al-Mustadāmah (The National Organization for the Sustainable Development)
2. Al-Munazamah al-Waṭaniyyah li al-Shafāfiyyah wa Mukāfahat al-Fasād (The National Transparency Organization)
3. Muntadah al-Muwāṭanah al-Dīmuqrāṭiyyah wa al-Tanmiyyah al-Bashariyyah (The Citizenship Forum for Democracy and Human Resources)
4. al-Munazamah al-Lībiyyah li al-Tanmiyah (The Libyan Organization for Development)
5. al-Tajamu' al-Lībī li al-Shafāfiyyah (Libyan Transparency Association)
6. al-Majmū'ah al-Lībiyyah li al-Tanmiyah al-'Ijtimā'iyah (The Libyan Group for Social Development)
7. Munazamat al-'āsimah li al-'A'māl al-Khayriyyah wa al-Tanmiyyah al-Bashariyyah (al-'āsimah Organization for Charity Works and Human Development)
8. Markaz Janūb Fazzan li al-Tanmiyah al-Bashariyyah (South Fazzan Centre for Human Development)
9. al-Munazamah al-Lībiyyah li al-'Amal al-Ijtimā'i wa al-Thaqāfi wa al-Tanmiyyah (The Libyan Organization for Social and Cultural Work and Development)
10. al-Jam'iyah al-Lībiyyah li 'Idārat al-Masharīf (The Libyan Association for Project Management)
11. Majmū'at al-Ruwwād li al-Tanmiyyah al Bashariyyah (al-Ruwwād Group for Human Development)
12. Rabiṭat Jamā'at al-Iṣlāh wa al-Tanmiyyah (The Reform and Development Group Association)
13. Nabḍ al-Ḥayāt li al-'A'māl al-'Insāniyyah wa al-Tanmiyah (Nabḍ al-Ḥayāt for Human Works and Development)
14. al-Markaz al-Lībī li Tanmiyat al-Mawārid al-Bashariyyā (The Libyan Centre for Human Resources Development)
15. Jam'iyat Tawāzun li al-Tadrīb wa Taṭwīr al-Qudurāt al-Bashariyyā (Tawāzun Foundation for the Training and Development of Human Resources)
16. Rābiṭat al-Muntasibīn li Ṣundūq al-'I'timān al-'Iqtisādī wa al-'Jtimā'ī (The Association of the Economic and Social Development Fund members)

17. Mu'assasat al-'Ajjāl al-Lībyyā al-'ālamīyyā li al-Ṭufūlā wa al-Tanmiyā (The International Libyan Generations Association for Childhood and Development)
18. Jam'īyyat al-'Ikhwā al-Falastīnyyā al-Lībyyā (The Libyan Palestinian Brothers Association)
19. Jam'yyat Ḥimāyat al-Mustālik (The Consumer Protection Association)
20. Mu'assasat Nabḍ al-ḥayāt li al-'a'māl al-'Insaniyyā wa al-Tanmiyā (Nabḍ al-Ḥayāt Association for Human Works and Development)
21. Jam'īyyat al-Mustaqbal al-Mudī' li al-Tanmiyā al-Bashariyyā wa Ri'āyat al-Ṭufūlā (al-Mustaqbal al-Mudī' Association for Human Development and Childhood Protection)
22. Jam'īyyat al-Taṭwīr li al-Mawāni' wa al-Marāfi' al-Lībiyyā (The Development Association for the Libyan Ports and Harbours)
23. Munazamat Binā' al-Mawārid al-Bashariyyā (Human Resources Development Association)
24. al-Mu'assasā al-Shabābiyyā al-'ālamīyyā li al-Tanmiyā wa al-Tatwīr (The International Youth Association for Development)
25. Jam'īyyat al-Bayān li al-'Adālā wa al-Tanmiyā al-'Ijtimā'īyyā (al-Bayān Justice and Social Development Association)
26. Munazamat al-Rashād li al-Shafāfiyā wa Mukāfaḥat al-Dhawāhir al-Salbiyyā (al-Rashād Transparency Organization)
27. al-Munazamā al-Lībiyyā li al-Shafāfiyā (The Libyan Transparency Association)
28. Munazamat al-Ḥuriyyā li Mukāfaḥat al-Fasād al-Mālī wa al-'Idārī (Freedom Organization Against Financial and Administrative Corruption)
29. Munazamat al-Hadaf li al-Tanmiyā wa al-Tawṣul al-'Ijtimā'ī (al-Hadaf Organization for Development and Social Networking)

B- Misurata

1. al-Jam'īyyā al-Waṭaniyyā li al-Taghyīr wa al-'Iṣlāḥ (The National Association for Change and Reform)
2. Jam'īyyat Muntadā al-Ra'y wa al-Mashūrā (The Association of the Opinion and Advice Forum)
3. Tajamu' Lībyā li al-Tanmiyāwa al-Dīmuqrāṭiyyā (Libya Association for Development and Democracy)

Law, Advocacy and Politics

A- Benghazi

1. al-Munazamah al-Lībiyyah li al-Difā' 'an al-Ḥuriyyāt al-'āmmah (The Libyan Organization for the Defense of Public Freedoms)
2. al-Munazamah al-Lībiyyah li al-Laji'īn wa al-Muhajirīn wa al-Jaliyāt al-'Ajnabiyyah (The Libyan Organization for Refugees, Immigrants, and Foreigners)
3. Tajamu' al-'Intifaḍah (The Uprising Association)
4. Al-Munazamah al-Lībiyyah li Ḥuqūq al-'Insān (The Libyan Organization for Human Rights)
5. Al-munazamah al-Lībiyyah li Ḥimāyat al-Ḥuqūq wa al-Ḥurriyyāt (The Libyan Organization for the Protection of Rights and Freedoms)
6. Al-Munazaamah al-Lībiyyah al-Shabābiyyah li Ḥuqūq al-'Insān (The Libyan Youth Organization for Human Rights)
7. Al-Munazamah al-Duwaliyyah li al-'Adālah wa al-Musāwah (dhūd)(The International Organization for Justice and Equality)
8. Munazamat 17 Fibrāyir li Ḥuqūq al-Shuhadā' wa al-Jarḥah wa al-'Asrah wa al-Mafqūdīn (The 17th of February Organization for the Rights of Martyrs, Injured, and Prisoners)
9. al-Tajamu' al-Waṭani min 'ajl al-'Adālah wa al-Dīmuqratiyyah (The National Association for Justice and Democracy)
10. Munazamat Lībyah li Ḥuqūq al-'Insān (Libya Organization for Human Rights)
11. Munazamat li' Ajlik li Ḥuqūq al-'Insān (li' Ajlik Organization for Human Rights)
12. al-Munazamah al-Lībiyyah li al-'Adālah wa al-Musāwah (The Libyan Organization for Justice and Equality)
13. Hay'at Da'm Mushāarakat al-Mar'ah fī ṣun' al-Qarār (The Board of Woman's Support in Decision Making)
14. Munazmat Tarābuṭ li Ḥuqūq al-Mar'ah wa al-Ṭifl wa al-Mu'ākīn wa al-'Aqaliyyāt (Tarābuṭ Organization for the Rights of Women, Children, Disabled and Minorities)
15. Jam'iyyat al-Sujanā' al-Siyāsiyyīn al-Lībiyyīn (Libyan Political Prisoners Association)
16. Mu'assasat Lībyah 'Awalan li Ḥimāyat al-Thawrah (Libya First for the Revolution Protection)
17. Mu'assasat I'tilāf al-Mar'ah al-Ḥurrah (The Foundation of Free Woman Coalition)

18. Munazamat 'Amal al-Mustaqbal al-Ḥuqūqiyyah li al-'A'māl al-'Isāniyyah ('Amal al-Mustaqbal Jurist Organization for Humanitarian Work)
19. Munazamat al-Mīzān li Ḥuqūq al-'Insān (al-Mīzān Human Rights Organization)
20. al-Jam'iyyah al-Lībiyyah li al- Qānūn al-Duwali al-'Insāni wa Ḥuqūq al-'Insān (The Libyan Association for the International Human Law and Human Rights)
21. al-Mu'assasah al-Waṭaniyyah wa al-'Adālah (The National Association and Justice)
22. Tajamu' al-Wifāq al-Waṭani (The National Agreement Association)
23. Mu'assasat Sujanā' 17 Fibrāyir (17th of February Prisoners Foundation)
24. al-Markaz al-Lībiy li al-Dīmuqrātiyyah (The Libyan Centre for Democracy)
25. al-Munazamah al-Waṭaniyyah li Ḥimāyat al-Ḥuqūq wa al-Ḥurriyyāt (The National Organization for Rights and Freedoms Protection)
26. Munazamat 'Amān li Munāhaḍat al-Tamayyuz al-'Unsuri ('Amān Organization Against Racial Discrimination)
27. 'I'tilāf Thuwwār Lībyah min 'Ajl Ḥuqūq al-Thuwwār (The Libyan Revolutionaries Coalition for the Rights of the Revolutionaries)
28. Al-Munazamā al-Lībiyyā li Ḥimāyat Ḥuqūq al-Muwazaf wa al-'Iṣlāḥ al-'Idāri (The Libyan Organization for the Protection of the Rights of the Employee and the Administrative Reform)
29. Markaz Qatrūn li Ḥuqūq al-'Insān (Qatrūn Human Right Centre)
30. Munazamat al-'Afū al-'Arabiyyā (The Arab Amnesty Organization)
31. Tajamu' al-'Adālā wa al-Dustūr (Justice and Constitution Association)
32. al-Munazamā al-Waṭaniyyā li 'Amāzūnāt Lībyā ('Amāzūnāt Lībyā National Organization)
33. al-Tajamu' al-Jumhūrī (The Republican Party)
34. Mu'assasat al-Mutawasit li al-Dīmuqrātiyyā wa al-'Intikhābat (al-Mutawasit Democracy and Election Association)
35. al-Jam'iyyā al-Waṭaniyyā li al-Tawaṣul wa al-Ḥiwār (The Libyan Association for Dialogue)
36. Hay'at al-Da'm wa al-Mashūrā (Support and Counseling Association)
37. Ḥarakat Shabāb Lībyā (The Youth of Libya Movement)
38. Tajamu' 24 Dīsimbir al-Waṭanī al-Mustaqil (24th of December National Independent Association)
39. Ḥarakat Shabāb Lībyā (The Youth of Libya Movement)
40. 'Itihād Thuwwar Sūryā fi Lībyā (The Union of the Syrian Revolutionaries in Libya)

41. Muntada Lībyā al-Dīmuqrātī (Libya Democratic Forum)
42. al-Marsad al-Lībiy lil Raqabah wa Huqūq al-'Insān (The Libyan Observatory for Control and Human Rights)
43. al-Munazamā al-Duwaliyyā li Huqūq al-Mar'ā (The International Women Rights Organization)
44. Tajau' Lībyā al-Shabāb al-Dīmuqrātī (The Youth Libya Democratic Association)
45. 'Itihād Shabāb Lībyā (Libya Youth Union)
46. al-Jam'iyā al-Waṭaniyyā li Huqūq al-'Insān (The National Human Right Association)
47. Rābiṭat Ḍubāṭ 'Aghustus 1975 (The Officers of August 1975 Association)
48. Jam'iyat Shuhadā' al-Rihlā LN1103 (Flight LN1103 Martyrs Association)
49. Munazamat al-Qārrā al-Samrā' li Huqūq al-'Isnān wa al-'A'māl al-Khayriyyā (The Black Continent Organization for Human Right and Charity Works)
50. 'Itihād al-Mullāk al-'Aṣliyyīn li al-'Amlāk al-Mughtaṣabā (The Original Owners Union for Usurped Properties)
51. Tajamu' 23 Nuvimbir li al-Ḥuriyyā wa Taṭbīq al-Shūrā wa al-Dīmuqrāṭiyyā wa al-'Adālā al-'Ijtimā'iyā (23 November Association for Freedom, Law, Democracy and Social Justice Application)
52. Munazamat al-Ḥuqūqiyeen al-Lībiyyīn (Libyan Jurist Organization)
53. al-Tajamu' al-Lībī li 'Iṣlāḥ wa al-'Adālah (Libyan Forum for reform and Justice)
54. Jabhāt al-Taghyīr (Front of Change)

B- Misurata

1. I'tilāf 17 Fibrāyir (The 17th of February Coalition)
2. Tajamu' Shabāb 17 Fibrāyir (The 17th of February Youth Association)
3. al-Jam'iyā al-Lībiyyā li al-Dīmuqrāṭiyyā wa Huqūq al-'Insān (The Libyan Association for Democracy and Human Rights)
4. 'Itihād Thuwwār 17 Fibrāyir (The 17th of February Revolutionaries Federation)
5. al-Tajamu' al-Waṭanī al-Hur (The Free National Association)
6. Jam'iyat al-'Adālā al-'Ijtimā'iyā (Social Justice Association)
7. al-Tajamu' al-Waṭanī al-Hur (The Free National Association)
8. Tajamu' Wifāq (Wifāq Association)
9. Muntadā Shabāb Bilādī (Shabāb Bilādī Forum)
10. Jam'iyat Muntadā 'āfāq Lībyā (The Association of 'āfāq Lībyā Forum)

11. al-'Itihād al-Waṭanī al-Ḥur (The Free National Union)
12. Tajamu' al-Risālā Miṣrāṭā (Al-Risālā Misurata Association)
13. Jam'iyat Shuhadā' wa Sujanā' al-Waṭan (The Martyrs and Prisoners of the Homeland Association)
14. Jam'iyat al-Nushatā'al-ḥuqūqiyyīn li Rasd Jara'im al-Harb wa al-Jara'im ḍed al-'Isāniyyah (Association of human rights activists to monitor and document war crimes and crimes against humanity)

Philanthropic Intermediaries and Voluntarism Promotion

A- Benghazi

1. Munazamat Jisr al-Tawāṣul li al-'A'māl al-Khayriyyah (Jisr al-Tawāṣul Charity Organization)
2. Mu'assasat Wiṣāl al-Raḥmah al-Khayriyyah (Wiṣāl al-Raḥmah Charity Foundation)
3. Jam'iyat al-Quds li al-'A'māl al-Khayriyyah (al-Quds Charity Association)
4. Mu'assasat al-Dawḥah al-Lībiyyah al-Khayriyyah (Al Dawḥa- Libya Charity Foundation)
5. al-'Andiyyah al-Riyāsiyyah li al-'A'māl al-Khayriyyah (The Sports Clubs for Charity Works)
6. Mu'assasat Lībyah al-Khayriyyah li Kafālat al-Yatīm (Libya Charity Association for Orphan's Sponsorship)
7. Mu'assasat Sa'id al-Khayriyyah (Sa'id Charity Association)
8. Jam'iyat 'Urināk al-Khayriyyah ('Urināk Charity Association)
9. Jam'iyat Nidā' al-Ḥaq li al-'A'māl al-Khayriyyah wa al-Taṭwī'iyyah (Nidā' al Ḥaq Association for Charity and Voluntary Works)
10. Jam'iyat al-Barā'ah li al-Ṭufūlah al-Khayriyyah (al-Barā'ah Charity Association for Childhood)
11. Jam'iyat al-Sharārah wa 'Arūs al-Baḥr li al-'A'māl al-Khayriyyah (al-Sharārah wa 'Arūs al Baḥr Charity Works Organization)
12. al-Jam'iyah al-Maṣriyyah li al-'A'māl al-Khayriyyah wa al-Taṭawu'iyyah (The Egyptian Association for Charity and Voluntary Works)
13. Jam'iyat al-'Ayādi al-Baydā'al-Khayriyyah (al-'Ayādi al-Baydā' Charity Association)
14. Jam'iyat Kullunah Ma'an li al-'A'māl al-Khayriyyah (Kullunah Ma'an Association for Charity Works)
15. Jam'iyat Abu al-Barā' li al-'A'māl al-Khayriyyah (Abul Barā' for Charity Works Association)

16. Mu'assasat Ḥara'ir Lībyah li al-'A'māl al-Khayriyyah wa al-Taw'īyyah wa al-'Irshād (Free Libyans Association for Charity Works and Counseling)
17. Jam'iyyat Siptimus Safriyus al-Khayriyyā (Siptimus Safriyus Charity Association)
18. Jam'iyyat Salsabīl al-Khayr li al-'A'māl al-Khayriyyā (Salsabīl al-Khayr Charity Works Association)
19. Jam'iyyat 'Izdihār Lībyā al-Ḥurrā al-Khayriyyā (The Prosperity of Free Libya Charity Association)
20. Jam'iyyat Ruḥamā' Bilā Ḥudūd al-Khayriyyā al-'ālamīyyā (Ruḥamā' Bilā Ḥudūd International Charity Association)
21. Jam'iyyat Da'imat al-'Atā' (Da'imat al-'Atā' Foundation)
22. Farīq Nidā' al-Khayr al-Lībī (Nidā' al-Khayr Libyan Party)
23. Jam'iyyat 'īthār li al-'A'māl al-Khayriyyā ('īthār Charity Work Association)
24. Jam'iyyat Abnā' al-Waṭan li Ri'āyat al-'Aytām wa al-'A'māl al-Khayriyyā (Abnā' al-Waṭan Association for Orphans Care and Charity Works)
25. Jam'iyyat al-Raḥmā al-Khayriyyā li Ri'āyat al-'Aytām (al-Raḥmā Orphans Care Charity Association)
26. Jam'iyyat 'āfaq al-Mustaqbal li al-'A'māl al-Khayriyyā ('āfaq al-Mustaqbal Carity Work Association)
27. Mu'assasat al-Da'wā li al-'A'māl al-Khayriyyā (al-Da'wā Charity Works Association)
28. Mu'assasat al-Risālā al-Khayriyyā (al-Risālā Charity Association)
29. Jam'iyyat Manārat al-Ghad al-Khayriyyā (Manārat al-Ghad Charity Association)
30. Jam'iyyat al-Shifā' li al-'A'māl al-Khayriyyā (al-Shifā' Charity Works Association)
31. Jam'iyyat Khudh bi Yadī li al-'A'māl al-Khayriyyā (Khudh bi Yadī Charity Works Association)
32. Munazamat al-'ādil li al-'A'māl al-Khayriyyā (al-'ādil Charity Works Organization)
33. Jam'iyyat Baṣamāt Islāmiyyā li al-'A'māl al-Khayriyyā (Baṣamāt Islāmiyyā Charity Works Association)
34. Jam'iyyat al-Ta'ākhī li al-'A'māl al-Khayriyyā (al-Ta'ākhī Charity Works Association)
35. Jam'iyyat al-'Affāf li al-'A'māl al-Khayriyyā (al-'Affāf Charity Association)
36. Munazamat al-Janūb li al-'A'māl al-Khayriyyā (The South Charity Organization)
37. Jam'iyyat Nasīm al-Ḥuriyyāli al-'A'māl al-Khayriyyā (Nasīm al-Ḥuriyyā Charity Work Association)
38. Jam'iyyat Shuhadā' Banīnā li al-'A'māl al-Khayriyyā (Shuhadā' Banīnā Charity Works Association)

39. Jam'iyat al-Qarḍ al-Ḥasan li al-'A'māl al-Khayriyyā (al-Qarḍ al-Ḥasan Charity Works Association)
40. Jam'iyat Tarīq al-Ma'ālī li al-'A'māl al-Khayriyyā (Tarīq al-Ma'ālī Charity Works Association)
41. Mu'assasat al-'Atā' al-Da'im li al-'A'māl al-Khayriyyā (al-'Atā' al-Da'im Charity Works Association)
42. Jam'iyat Banghāzī al-Sharārā li al-'A'māl al-Khayriyyā wa al-'Ighāthā (Benghazi al-Sharārā Charity and Relief Association)
43. Jam'iyat 'Abnā' Lībyā li al-'A'māl al-Khayriyyā (The Sons of Libya Charity Works Association)
44. Jam'iyat al-Jūd al-Khayriyyā li Da'm Muntasibī al-Kulliyāt al-Ṭibiyyā (al-Jūd Charity Association for Medical Schools Students)
45. Jam'iyat al-Kawthar li al-'A'māl al-Khayriyyā (Al-Kawthar Charity Works Association)
46. Jam'iyat al-'Amal li al-'A'māl al-Khayriyyā wa al-Tarbawīyyā (al-'Amal Charity and Educational Work Association)
47. Jam'iyat Hilāl al-Khayr li al-'A'māl al-Khayriyyā (Hilāl al-Khayr Charity Work Association)
48. Jam'iyat al-Rabī' al-'Arabī li al-'A'māl al-Khayriyyā (The Arab Spring Charity Work Association)
49. Jam'iyat Bashā'ir al-Khayr li al-Takāful wa al-'A'māl al-Khayriyyā (Bashā'ir al-Khayr Support and Charity work Association)
50. Jam'iyat Lībyā al-Salām li al-'A'māl al-Khayriyyā wa al-Tatawū'īyyā (Libya the Peace Charity and Voluntary Work Association)
51. Jam'iyat 17 Fibrāyir 2006 li al-'A'māl al-Khayriyyā (17 February 2006 Charity Association)
52. Jam'iyat Ṭa'm al-Ḥuriyyā li al-'A'māl al-Khayriyyā wa al-'Ighāthā (Ṭa'm al-Ḥuriyyā Charity and Relief Association)
53. Mu'assasat Banghāzī li al-'A'māl al-Khayriyyā (Benghazi Charity Work Association)
54. Jam'iyat al-Taraqī li al-'A'māl al-Khayriyyā (Al-Taraqī Charity Work Association)
55. Jam'iyat Kāfil al-Yatīm al-Khayriyyā (Orphan Sponsor Charity Association)
56. Jam'iyat al-Midādli al-'A'māl al-Khayriyyā (al-Midad Charity Association)

B- Misurata

1. Jam'iyat Misrātā al-Khayriyyā (Misurata Charity Association)
2. Jam'iyat al-'I'mār al-Khayriyyā (al-'I'mār Charity Association)
3. Jam'iyat Jinān li al-'A'māl al-Khayriyyā (Jinān Charity Works Association)
4. al-Jam'iyah al-Lībiyyā li al-'A'māl al-Khayriyyā (The Libyan Charity Works Association)
5. Jam'iyat Qaṣr Aḥmad li al-'A'māl al-Khayriyyā (Qaṣr Aḥmad Charity Works Association)
6. Jam'iyat Tobaktus al-Khayriyyā (Tobaktus Charity Association)
7. Jam'iyat al-Ḥayāt al-Khayriyyā (Al-Ḥayāt Charity Association)
8. Jam'iyat wa 'Ibshirū li al-'A'māl al-Khayriyyā (Wa 'Ibshirū Charity Works Association)
9. Jam'iyat al-Nawāyā al-Ḥasanā li al-'A'māl al-Khayriyyā (al-Nawāyā al-Ḥasanā Charity Works Association)
10. Jam'iyat al-Shahīd 'Abd al-Ghanī Zawbīk al-Khayriyyā (The Martyr 'Abd al-Ghanī Zawbīk Charity Association)
11. Jam'iyat 'Azr al-Khayriyyā ('Azr Charity Association)
12. al-Barā'ā al-Khayriyyā li Ri'āyat al-Ṭufūlā (al-Barā'ā Charity for Childhood care)
13. Jam'iyat al-Maḥabā li al-'A'māl al-Khayriyyā (Al-Maḥabā Charity Works Association)
14. Jam'iyat 'Ahl al-Birr ('Ahl al-Birr Association)
15. Jam'iyat Du'āt al-Raḥmā (Du'āt al-Raḥmā Association)
16. Jam'iyat Ru'ī al-Khayriyyā (Ru'ī Charity Association)

International

A- Benghazi

1. al-Munazamah al-Lībiyyah li Shu'ūn al Hijrah (The Libyan Organization for Immigration Affairs)
2. al-Munazamah al-Lībiyyah li al-Tadrīb al-Qiyādāt al-Shabābiyyah wa al-Ta'āwun al-Duwaliy (The Libyan Organization for the Youth Leadership Training and International Cooperation)
3. Jam'iyat Vāl li al-Ṣadaqah al-Lībiyyah al-Faransiyyah (Vāl Association for Libya France Alliance)
4. Jam'iyat al-Ṣadāqah al-Lībiyyah (Libyan Friendship Association)
5. al-Duwaliyyah al-Lībiyyah li al-Tawāsul (Libyan International for Communication)

6. Jam'iyat al-'Rtiqā' li al-Ta'āruf al-Duwali (al-'Rtiqā' Association for International Dialogue)
7. Jam'iyat Aṣḍikā' Lībyā wa 'ītālyā (The Friends of Libya and Italy)
8. al-Mu'assasā al-Lībiyyā al-'ītāliyyā li al-Ṣadāqā wa al-Tanmiyā (The Libyan Italian Friendship and Development Association)
9. Mu'assasat al-Ṣadāqā al-Lībyyā al-Qatariyyā (The Libyan Qatar Friendship Association)
10. Mu'assasat al-Ṣadāqā al-Lībyyā al-Turkiyyā (The Libyan Turkish Friendship Association)
11. al-Munazamā al-Lībiyyā li al-Hijrā Ghayr al-Shar'īyyā (The Libyan Organization for Illegal Migration)
12. Jam'iyat al-Ṣadāqā wa al-Ta'āwun al-Brazīliyyā al-Lībiyyā (The Brazilian Libyan Friendship and Cooperation Association)
13. Munazamat Shabāb Lībyā al-'ālamīyyā (Youth of Libya International Organization)
14. al-Mu'assasā al-Lībiyyā al-'īṭalyā al-'ālamīyyā li al-Ṣadaqā wa al-Tanmiyā wa Ḥuqūq al-'Insān (The International Libyan Italian Association for Friendship, Development and Human Rights)
15. Jam'iyat al-Ṣadaqā al-Lībiyyā al-Kanadiyyā (The Libyan Canadian Friendship Association)
16. al-Munazamā al-Lībiyyā al-Mālṭiyyā li al-Tanmiyā wa al-'Ighāthā wa al-'Amal al-Taṭawu'ī (The Libyan Malta Organization For Development, Relief, and Voluntary Work)
17. al-Munazamā al-Waṭaniyyā li al-Hijrā Ghayr al-Shar'īyyā (National Organization for Illegal Organization)

B- Misurata

Religion

A- Benghazi

1. Rābiṭat al-'Amal al-'Islāmi (The Islamic Work Association)
2. al-Majlis al-'A'lah li al-Taṣawuf al-'Islāmi al-Sunni fī Lībyah (The Supreme Council for the Islamic Sunni Mysticism in Libya)
3. Mu'assasat 'Arwat al-Taḥbīr li al-'Iṣlāh wa al-Taghyīr ('Arwat al-Taḥbīr Reformation and Change Association)
4. Mu'assasat al-'urwā al-Wuthkī li al-Da'wā wa al-'irshād(al-'Urwā al-Wuthkī Call and Counseling Association)
5. Mu'assasat 'Islām Taw'awīyyā Tathkīfiyyā Ḥuqūqiyyā (Islam Awareness, Educational and Juridical Association)

6. Jam'iyat Dhāt al-Niṭāqayn li al-Da'wā wa al-'Irshād (Dhāt al-Niṭāqayn Call and Counseling Association)
7. Markaz al-Fārūq li al-'a'māl al-Khayriyyā wa al-Da'awiyyā (al-Fārūq Charity and Call Works Centre)
8. al-Munazamā al-Lībiyyā li Naṣrat al-Rusul wa al-'Anbiyā' wa al-'Adyān al-Samawiyyā (The Libyan Organization for Messengers, Prophets and Heavenly Religions Support)
9. Majlis al-Da'wā wa al-'Irshād fī Lībyā (Call and Counseling Council in Libya)
10. Jam'iyat Ḥarth al-'ākhirā al-Khayriyyā al-Da'wiyyā (Ḥarth al-'ākhirā Call and Charity Association)
11. Mu'assasat al-'Anṣār li al-'A'māl al-Khayriyyā wa al-Da'awiyyā (al-'Anṣār Charity and Call Association)
12. Jam'iyat Sanābil al-Hidāyyā al-Khayriyyā (Sanābil al-Hidāyyā Charity Association)

B- Misurata

1. al-Muntadah al-Shamel li Ḥayāt al-Muslim (Forum of Universal Muslim life)

Business and Professional

A- Benghazi

1. Tajamu' Muhandisūn li 'ajl Lībyah (Engineers for Libya Association)
2. 'Itihād 'Ummāl al-Ḥurriyyah (Labourers of Freedom Union)
3. Muntadah Lībyah li al Māl wa al 'A'māl (Libya Forum for Finance and Business)
4. Jam'iyat Rijāl al-'A'māl al-Lībiyyīn (The Libyan Businessmen Association)
5. Rabiṭat Muwaḍafī Maṣrif al-Tijārah wa al-Tanmiyah (The Bank of Commerce and Development Employees Association)
6. Rābiṭat Muwazāfi Maṣrif al-Wiḥdah (The Employees of al-Wiḥdah Bank Association)
7. al-Jam'iyah al-Lībiyyah li al-Takhtīṭ al-'Imrāni (The Libyan Organization for Structure Planning)
8. al-Rabiṭah al-Khayriyyah li Aṣhāb al-Qurtāsiyyat wa al-Maktabāt (The Owners of Stationery Shops and Libraries Charity Association)
9. 'Itihād al-Kafā'āt al-Lībiyyah (The Union Of Libyan Technocracy)
10. al-Rabiṭah al-Lībiyyah li al-'Ulūm al-Siyāsiyah (The Libyan Association for Political Sciences)
11. al-Mu'assasah al-'ūlah li Fursān Lībyah (The First Association for Libya Knights)

12. Munazamat al-Taḡniyah al-Ṭibiyah (Medical Technology Organization)
13. al-Munazamah al-Akadīmiyyah al-Lībiyyah (The Libyan Academic Organization)
14. Takatul al-Kānūniyyīn al-Lībiyyīn (The Libyan Lawyers Association)
15. Jam'iyat al-Muqāwilīn al-Lībiyyīn (The Libyan Contractors Association)
16. al-Jam'iyā al-Lībiyyā li al-Handasā al-Ṣinā'iyā (The Libyan Association for Industrial Engineering)
17. al-Iitiḡād al-'Akādīmī al-Ṭullābī (The Academic Student Union)
18. Tajamu' al-Muḡāmīn al-Shabāb (The Young Lawyers Association)
19. al-Jam'iyā al-Lībiyyā li al-Faḡṣ wa al-Taṭwīr (The Libyan Organization for Cross-Checking)
20. Muntadā Khirrijī al-'Ulūm al-Siyāsiyyā wa al-Ma'āhid al-Dublumāsiyyā (The Forum of Social sciences and Diplomacy Graduates)
21. 'Itiḡād al-Mustashārīn al-Qanūniyyīn Banghāzī (The Union of Legal Counselor)
22. al-Jam'iyā al-Lībiyyā li al-'Ulūm al-Siyāsiyyā (The Libyan Association for Political Sciences)
23. al-'Itiḡād al-Lībiyyā li al-'Istishārāt al-Handasiyyā (The Libyan Union for Engineering Consults)
24. 'Itiḡād al-Taḡāmun li al-'āmilīn bi al-'Ismant (al-Taḡāmun Union for the Cement Workers)
25. al-Munazamā al-'āmmā li al-'Ikhtisāsiyyīn al-'Ijtimā'iyīn wa al-Nafsiyyīn fī Lībyā (The General Organization for Social and Psychological workers in Libya)
26. Majlis al-Khibrāt al-Masrifīyyā al-Lībiyyā (The Libyan Bank Expertise Council)
27. al-Hay'ā al-Lībiyyā li al-Mi'māriyyīn (The Libyan Council for Architects)
28. Jam'iyat Mu'alimī Lībyā al-Ḥurrā al-Fikriyyā al-'Ijtimā'iyā (The Intellectual Social Association for Free Libya Teachers)
29. 'Itiḡād 'Ummāl al-Nift wa al-Ghāz (Oil and Gas Labourer Union)
30. Hay'at al-Khubarā' wa al-Mukhtaṣṣīn al-Lībiyyīn (The Libyan Experts and Specialists Board)
31. al-Munazamā al-Duwaliyyā li Rijāl wa Sayidāt al-'A'māl (The International Organization for Businessmen and Businesswomen)
32. 'Itiḡād 'Ummāl al-Kārubā' Banghāzī (Electricians Union Benghazi)
33. al-'Itiḡād al-Lībī li Makātib al-'Itiṣālāt al-Hatifiyyā (The Libyan Union for Telecommunication Offices)

B- Misurata

1. al-Tajamu' al-Akādīmī li 'A'ḍā' al-Hay'ā al-Tradrīsiyyā (Faculty Academic Association)
2. Tajamu' al-Burj al-'Iqtisādī (The Economic Tower Association)
3. Jam'iyyat al-'Imdād (al-'Imdād Association)

Not Elsewhere Classified

A- Benghazi

1. al-Munazamah al-Waṭaniyah li Shabāb Lībya al-Ḥurrah al-Fatiyyah (The Youth of Free Libya National Organization)
2. Markaz Jīl al-Mustaqbal (The Future Generation Centre)
3. Jam'iyyat I'tilāf al-Thawrāt (The Revolutions Coalition Association)
4. 'Itihād Thuwwār 17 Fibrāyir (The 17th of February Revolutionaries Federation)
5. Ḥarakat Wafā' Thuwwār Lībyah (Libya Revolutionaries Fidelity Organization)
6. Jam'iyyat Aṣḍiqā' Lībyah (Friends of Libya Association)
7. Jam'iyyat al-Raḥmah li al-Iṣlāḥ wa al-Salām (al-Raḥmah Association for Reform and Peace)
8. Mu'assasat Naḥnu Hunah al-Lībiyyah (The Libyan Foundation Naḥnu Hunah)
9. Muntadah Sakīnah wa Rabāb (Sakīnah and Rabāb Forum)
10. al-Mu'assasah al-Lībiyyah li al-Da'm wa al-Tansīq (The Libyan Association for Support and Coordination)
11. Rabiṭat Jaysh al-Taḥrīr al-Sunūsi (al-Sunūsi Liberation Army Association)
12. Mu'assasat Ḥallāqīn Bilā Ḥudūd (Barbers Without Borders Association)
13. al-Majlis al-'A'lah li al-Shabāb (Youth Supreme Council)
14. Jam'iyyat 'Islāḥ Dhāt al-Bayn ('Islāḥ Dhāt al-Bayn Association)
15. Mu'assasat al-Nahj al-Thābit li al-Mujtama' al-Madani (al-Nahj al-Thābit Civil Society Association)
16. Mu'assasat Nisā' Bar Lībiyah (Bar Libya Women Association)
17. Markaz Shabāb al Mustaqbal (Future Youth Centre)
18. Jam'iyyat Yālah 111 (Yālah 111 Association)
19. Jam'iyyat al-Tawāfuq al-Waṭani (National Compatability Association)
20. Jam'iyyat al-Sayyidah Zaynab (al-Sayyidah Zaynab Association)
21. Hay'at Shabāb al-Thawrah (The Youth of the Revolution Body)

22. Jam'iyat Ibn Sīnah (Ibn Sīnah Association)
23. Rabiṭat al-'awfiyā' li ri'āyat 'Usar al-Shuhadā' wa al-Mafqūdīn bi Harb Tshād (al-'Awfiyā' Association for the Families of Martyrs and Missings in Chad War)
24. Majlis al-Murāqibīn (The Overseers Council)
25. Jam'iyat al-'ālam min 'ajl Lībyā (The World for Libya Association)
26. al-'Itihād al-'ām li Munazamāt al-Mujtama' al-Madanī (The General Union of the Civil Society Organizations)
27. Ḥarakat Shabāb Naltaqi li Nartaqi (Naltaqi li Nartaqi Youth Movement)
28. Jam'iyat al-Bunyān al-Marsūs (al-Bunyān al-Marsūs Association)
29. 'Itihād al-'Ikhwā al- Filastīnī (The Palestinian Brothers Union)
30. Munazamt Bukrā (Bukrā Organization)
31. Jam'iyat Sawfā Nabqā Hunā (Sawfā Nabqā Hunā Association)
32. Mu'assasat Afkār Lībyā (Afkār Lībyā Association)
33. Jam'iyat 'Umar al-Mukhtār Banghāzī ('Umar al-Mukhtār Association Benghazi)
34. Jam'iyat Lībyā li al-Khiṭāb al-'I'lāmī (Libya Media Speech)
35. Mu'assasat Sunnā' al-Ḥayāt (Life Makers Association)
36. Jam'iyat La Akhāf al-Mawt (La Akhāf al-Mawt Association)
37. al-'Itihād al-Lībī li Mu'assasāt al-Tadrīb al-Khaṣṣā (The Libyan Union for Special Training Associations)
38. Munazamat al-'Inḍimmām al-Waṭanī (National Joint Organization)
39. Mu'assasat Tawāṣul (Tawāṣul Association)
40. Mu'assasat Hayyā Shabāb (Hayyā Youth Association)
41. Jam'iyat Lībyā al-'Intifādā (Lībyā al-'intifādā Association)
42. Jam'iyat al-Ḥayāt al-Ḥurrah (al-ḤayātFree Association)

B- Misurata

1. Jam'iyat Dir' al-Thawrā (The Shield of the Revolution Association)
2. Jam'iyat Abnā' Misrātā (Sons of Misurata Association)
3. Jam'iyat Lībyā al-Ḥurrā (Free Libya Association)
4. Jam'iyat al-Ṣumūd (al-Ṣumūd Association)
5. Jam'iyat Jīlunā (Jīlunā Association)
6. Jam'iyat al-'Aṭā' (al-'Aṭā' Association)
7. Jam'iyat al-Muwāsāt (al-Muwāsāt Association)
8. Jam'iyat Min 'Ajl Bilādinā (Min 'Ajl Bilādinā Association)

9. Jam'iyat Ḥafīdāt al-Mukhtār (Ḥafīdāt al-Mukhtār Association)
10. Jam'iyat al-Wafā'(al-Wafā' Association)
11. Jam'iyat Bashā'ir Miṣrāṭā (Bashā'ir Miṣrāṭā Association)
12. Jam'iyat Nasā'im Miṣrāṭā (Nasā'im Miṣrāṭā Association)
13. Jam'iyat Samā Miṣrāṭā (Samā Miṣrāṭā Association)
14. Jam'iyat Labaykī Miṣrāṭā (Labaykī Miṣrāṭā Association)
15. Jam'iyat 'Abnā' Lībyā Banghāzī Far' Miṣrāṭā (The Sons of Libya Benghazi Association Misurata Branch)
16. Jam'iyat dhāt al-'Imād Miṣrāṭā (Dhāt al-'Imād Miṣrāṭā Association)
17. Jam'iyat al-Tawāṣul (al- Tawāṣul Association)
18. Jam'iyat Amāṭīn (Amāṭīn Association)
19. Jam'iyat al-'Ikhwā (al-'Ikhwā Association)
20. Jam'iyat al-Rāḥimūn (al-Rāḥimūn Association)
21. Jam'iyat Baṣmat al-Ḥuriyyā (Baṣmat al-Ḥuriyyā Association)
22. Jam'iyat al-Qulūb al-Nabiḍā (al-Qulūb al-Nabiḍā Association)
23. Jam'iyat 'Amwāj Qaṣr 'Aḥmad ('Amwāj Qaṣr 'Aḥmad Association)

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