

COMPARISON BETWEEN CORRUPTION IN LIBYA DURING GHADDAFI'S RULE AND CORRUPTION IN LIBYA POST- GHADDAFI'S

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Abstract

This paper provides a comparison between corruption in Libya during Ghaddafi's rule and post- Ghaddafi's rule. The researcher has used qualitative approach. The researcher concluded several findings; First, corruption in Libya during Ghaddafi's rule include: 1) the causes of corruption; absence of media and press freedom, absence of transparency, rule of law, Non-independence of SAIs, poor wages of public servants, absence of civil society organizations, nepotism and favoritism; 2) the policies and actions to reduce corruption; absence of the real willingness of leadership to fighting against corruption, lack of bureaucracy reform, integrity, career and remuneration systems, and ratification on UNCAC; 3) the general effects of corruption; brain drain scientific and professional, blurred of the authorities, corruption drags the society into fatal conflicts, weakens public institutions, and led to poor infrastructure; 4) the factors led to the aggravation of corruption: a) regulatory and legislative factors, b) administrative factors, relate to fragility of SAIs, the complacency in addressing of the administrative deviations, prevalence of authoritarian style between administrative levels, c) secondary factors follow as: 1) political factors; relate to the political tension, wars fought by Gaddafi with neighboring countries, 2) economic factors; relate to recession and economic inflation caused by the blockade, 3) social and cultural factors; relate to corrupt behavior created by the authoritarian regime. Second; corruption in Libya post-Ghaddafi include; 1) the causes of corruption; absence of the judicial authority, waning accountability, nepotism, the weak security situation, the misuse of laws, deceit and fraud, and poor performance, 2) the policies and actions to reduce corruption. The governments have failed over the past three years to begin to remedy the widespread corruption and the mismanagement of public funds, 3) the general effects of corruption; fragile security conditions are further aggravate, abuse of functional authorities, and deficits in sovereign revenues collection, 4) the factors led to the aggravation of corruption; a) pervasive of financial irregularities, b) violence erupted in 2014 by KhalifaHiftar, c) many corrupt Ghaddafi officials remain in positions of power. The researcher recommended that; 1) the institutional formation and ending the administrative chaos inherited from the former regime, 2) increased oversight of the House of Representatives by Civil Society Organizations, 3) implement an electronic government system, 4) promotion of free media.

Keywords: Libya, Corruption, Ghaddafi, post- Ghaddafi.

I. INTRODUCTION

Corruption defined as an abuse of public power for private benefit. [1] (Bardhan 1997; Tanzi 1998). Corruption reduces overall economic growth and output due to inefficient allocation of public and private resources. [2] Corruption results in a transfer of wealth from the general population to a small group of individuals.[3]Corruption acts as a symptom of weak governance.[4] Corruption distorts or skews the effects of these public policies, making them less effective. [5] Corruption changes the composition of foreign investments between equity and bank loans that could increase the probability of currency crisis. [6] Corruption adds another layer of uncertainty to the policy maker's design and implementation process. [7] Corruption also increases the level of unofficial activities (underground activities) making outcome of policies less certain. [8] Corruption reduces governmental revenue from taxes,

licenses, fees and fines.[9] Corruption reduces governmental revenue directly when officials accept bribes to reduce the amounts payable to the government. Corruption also reduces governmental revenue indirectly by slowing economic growth. [10]

Corruption reduces returns, increases risk, and magnifies uncertainty of investments for both local and foreign investors, making investments less attractive. Corruption increases the monetary and other direct and indirect costs of investments and reduces their returns. Increase risk and uncertainty are the more detrimental effects of corruption. [11]

The crisis of corruption in Libya has become the major cause accounting for why the ruling regime in Libya was unable to achieve its socio-economic and development objectives. This factors were included but those are not limited to the weakness and backwardness of the administrative and functional legislations to keep pace with developments in the field of public administration; the continuous changes in administrative framework; the cancellation or merger of administrative units resulting in the absence of clear lines of management. This led to poor service delivery and failing public trust in the state and its governance institutions and agencies.[12]

Ghaddafi's regime never took serious precautionary procedures against the elements of corruption. This reluctance is due to several reasons. He had always employed the issue of corruption to racketeer absolute loyalty to his own regime. Ghaddafi was known to have taken punitive procedures in several cases against state officials for charges of financial corruption. In more than one case, however, he allowed these same officials to come back to higher and even more sensitive positions with bigger chances of corruption.[13]

Corruption permeates every sector of Libya's society and institutions, including the government, public sector, and private businesses. According to international organizations and observers, such as Transparency International and the World Bank (2012), [14] corruption intensified after the 2011 Libyan revolution against Muammar Gaddafi's regime. Despite efforts to fight corruption, Libya is characterized by impunity for corruption during and after Gaddafi's rule. The various post-revolutionary governments have failed over the past 3 years to begin to remedy the very real and existing issue of widespread corruption and the mismanagement of public funds in Libya, especially in wake of the current conflict between Libya Dawn and Operation Dignity. In addition to there were many corrupt Gaddafi officials remain in positions of power. [15] After the fall of Ghaddafi, there was some hope that corruption, which was pervasive in both Libyan's Judicial and security sector under his rule, would decline. The law provides for penalties for corruption by officials. However, corruption rates were still high, mainly caused by the absence of reliable and effective judicial institutions. [16] According to United Nations Support Mission in Libya (UNSMIL), corruption is rampant in Libya,

mainly at top levels. It's unclear what the scale of corruption is at lower levels like individual civil servants, lawyers and judges. [17] According to a Libya expert working for Crisis Group, it is difficult to measure the amount of corruption, as few cases reach the courts.[18]

Financial corruption peaked after the ousting of Ghaddafi, caused by the absence of juridical authority. Nepotism is one of the most problematic issues in Libya today, alongside the weak security situation. This is enhanced by bribery, making it relatively easy for Libyans to avoid legal penalties far; government efforts to eradicate corruption have failed.[19]

Ethics in public administration is not a transient concept but has proven to be an approach which has shown a great deal of sustainability which is fundamental to the area of public administration. [20] Public administration has certain issues with regard to ethics

implementation and finds it troublesome to come to terms with them. One reason for this is because ethics is embedded in an intellectual framework. This framework is based on stable institutional as well as role relationship levels, among both public employees as well as the organization.[21]

Malfunction of ethics in public administration causes corruption. Corruption can be defined as the use of money or gifts to get certain kinds of benefits and advantages. In case of the public administrator it is the acceptance or requirement of bribery in the profession that indicates the level of corruption. A society with corruption is a society without trust and integrity and in this sense a society with no justice or fairness. In this sense, with Alain Etchegoyen, we may define corruption as a “theater of operations where the state and democracy are the only certain and sure victims”. [22]

When ethical wrongdoings and scandals occur in government, they pose a threat to the democratic principles of the rule of law, equity, and individual rights. Fraud, bribery, and other abuses in government take the power from people and give it to a few in position of control, which distorts the concept of the equality of all participants of public life. [23]

Corruption is an abuse of public office for private gain and it is often symptomatic of wider governance problems hurting economic development. Moreover, ethical behavior can certainly be costly, but the consequences of ignoring ethics are costlier still, in terms of foregone opportunities as well as economic inefficiency. Second, economic ideas and methodology are essential to any discussion of business ethics. Economic ideas should take precedence over ethical principles, but they should not eliminate ethical norms. [24]

II. CORRUPTION IN LIBYA DURING GHADDAFI’S RULE:

1) The causes of corruption in Libyan government during Gaddafi’s rule

Absence of media and press freedom and lack of access to public information and records, absence of transparency in decision-making concerning the affairs of the State, absence of the rule of law. Impotent and non-independence Supreme Audit Institutions (SAIs), poor wages of public servants provide breeding grounds for corrupt practices, and difficulty of living conditions, absence of civil society organizations. Nepotism, favoritism in the employment and partiality toward relatives and friends, based upon that relationship, rather than on an objective evaluation of ability, meritocracy or suitability. [25]

2) The policies and actions to reduce corruption,

Based on the results of interview indicate that; Absence of the real willingness of political leadership to combat against corruption, lack of bureaucracy reform, absence of reward and punishment mechanisms for public services, lack of integrity, career and remuneration systems not entirely based on management performance.

Policies formulated to regulate actions to reduce corruption. The prevalent sense in intellectual circles is that Gaddafi can launch a program to reform the internal affairs and fight corruption within months. However he has no intention to do anything to curb these „Fat Cats’, simply because of their loyalty to his person and because of the favors they have done his regime fails submitted honorable national elements. The lack of ratification on United Nations Convention Against Corruption (UNCAC) and prevailing public involvement in monitoring the management of state finances and poor handling of complaints from the public. [26]

3) The general effects of corruption

Based on the results of interview indicate that varies effects of corruption on public servants behavior, brain drain scientific and professional in the policy and decision-making, blurred of the authorities, competencies, functional responsibilities, corruption drags the regime and society into fatal conflicts, weakens public institutions as well as civil society organizations, weakness of administrative performance of executive apparatus, corruption effects on the educational and social aspect, failed to attract of the foreign investment, and contributed to flight of domestic capital, corruption lead to loss of fixed assets or reduction its value, and led to a widening gap between the power wealthy and ordinary people, tax and customs evasion was impact on economic development, corruption lead to poor infrastructure, lack in the optimal use of available resources, failure to provide the democratic approach, and failure in the privatization program of strategic projects.[27]

4) The factors lead to the aggravation of corruption

1) Regulatory and legislative factors, these factors closely relate to; frequent of the restrictions and administrative obstacles, Insistence to hold on to a number of figures at sensitive executive positions for long periods of time, which produced the symbols of corruption, frequent of the exceptional authorities, double dealing with the corruption. 2)Administrative and motives factors, these factors closely relate to multiplicity and the fragility of SAIs, shortage of the qualified personnel, the complacency in addressing of the administrative deviations, prevalence of authoritarian style between hierarchical administrative levels. Secondary factors follow as: a) political factors; these factors closely relate to; the political tension, adventures and regional wars fought by Gaddafi with neighboring countries such as (Chad, Egypt and Soudan) etc., acts of terrorism, such as: bombing of Pan American airliner over Lockerbie on December 21, 1988, bombing of UTA Flight 772 of the French airline over Niger on September 19, 1989, bombing of a nightclub in Berlin-Germany in 1986 etc,b) economic factors; these factors closely relate to; recession and economic inflation caused by the blockade, unrest continued in price levels, and state's inability to achieve the minimum to satisfy the basic needs of citizens,c)social and cultural factors; these factors closely relate to; residual pattern of corrupt behavior created by the authoritarian regime, who has worked since the first months to smash of urban community through spread the worst nomadism behaviors, seizes on public property and low level of social awareness. All in all it can be said that statement made by Lord Acton some decades ago applies to Libya during Ghaddafi's era. Power tends to corrupt, absolute power corrupts absolutely. [28]

III. CORRUPTION IN LIBYA POST-GHADDAFI

1) The causes of corruption in Libyan government in post-Ghaddafi

Absence of the judicial authority. The government has been unable to fully activate of the judiciary.[29] In the three years since the revolution, the new state has attempted to address the weaknesses in the police, military, and judiciary by creating and empowering new entities. This effort is most evident on the security side, where the incorporation of many quasi-state actors through integration programs has been slow to yield results. [30] And much of the damage to and limitations in Libya's security and justice institutions are rooted in Ghaddafi-era policies, which systematically dismantled the state's central institutions by diverting power to parallel structures directly controlled by Ghaddafi and his inner circle. [31] Financial corruption peaked alongside diminished law enforcement and waning

accountability. Nepotism, alongside the weak security situation, are among the most problematic issues in post-Gaddafi Libya. This is exacerbated by bribery, making it easy for people to evade the much-needed legal penalties that led to absence of social equity, justice and stability. Tense security situation across the country. [32] which is experiencing a rapid buildup of weapons among violent militias, leaving the state unable to enforce penalties on security, financial and economic breaches. The misuse of laws for personal gain. The initiation of a new sort of expenditure in order to buy loyalties and prove legitimacy. [33] Deceit and fraud in taking advantages, Bribery to gain loans or other services and contracts, Manipulating in the banking loans and facilitations, Opening bank accounts in a violating manner, and Purchase through direct assignment [34]. Abuse and fraud of public funds, exploiting the post to achieve others interests in an illegal manner [35]

Weakness and defect in the applied accounting system which lacks the rules and standards that make of it a tight system characterized by efficiency and validity and provides the sufficient protection to the public funds especially the part related to the holding of financial and organizational register books stipulated per the state's Financial Law and its executive regulation. [36]

The dual power condition, shall be deemed that the most difficult event, and the most influential factor on the country, having that several authorities have taken charge of legislative and executive powers following June 2014 elections, and the outbreak of conflict around legitimacy on convening the sessions of the new authority (House of Representatives) in the city of Tubruk, and the rejection of the former authority (National Congress) to hand over power. After Libya's Supreme Court ruled that the election of Parliament was unconstitutionally.

As a result the extent of divisions has worsened including political, social and military division and the escalation in fighting, and deterioration of security situations. This has worsened the already degrading circumstance of the state's institutions such as mismanagements, poor performance, waste of funds and capabilities, proliferation of corruption. [37]

2) The policies and actions to reduce corruption

The various post-revolutionary governments have failed over the past 3 years to begin to remedy the very real and existing issue of widespread corruption and the mismanagement of public funds in Libya.

Though the Libyan Audit Bureau is a newly founded one, however was dealt with 79 files and were forwarded to the authorities concerned and the completion of other files is underway, totaling to 40 files, the most important detected issues focus on cases of financial fraud and corruption, waste of public funds, criminal offenses, financial and administrative violations, whereby the most important offenses discovered by the Audit Bureau via its auditions the files of which were forwarded to the investigation authorities, are focused on the following: 1) Waste of public funds, 2) Abuse of authority, 3) Defect in preserving and saving public funds, 4) Utilizing funds in purposes other than the allocated targets, 5) Deceit and fraud in taking advantages, 6) Bribery to gain loans or other services and contracts, 7) Manipulating in the banking loans and facilitations, 8) Opening bank accounts in a violating manner, 9) Purchase through direct assignment. [38] 10) Skip the advance audition of the Bureau, 11) Carrying forward between the accounts in violating manners, 12) Manipulation and forging in the basic pensions, 13) Abuse of public funds, 14) Forging of official documents, 15) Refrain from providing the Audit Bureau with the required documents, 16)

Issuance for checks without coverage, 17) Refusal to enable the Bureau from conducting inspection, 18) Exploiting the post to achieve others interests in an illegal manner, 19) Using revenues to spend thereof in a violating manner, 20) Robbery on the banks, and 21) Fraud of public funds. [39]

3) The general effects of corruption in post-Ghaddafi

Fragile security conditions are further aggravated, Lacks a trained civil service to manage and administer governance. This shortfall in capacity has been further exacerbated by the outflow of Libyans who have left the country for better prospects abroad. Mismanagement of Libya's oil and natural gas has led to greater corruption, prop up inefficient government subsidies, and subvert the development of the private sector, potentially derailing Libya's long-term political and economic development. (International Monetary Fund, [40] The failure of some authorities in applying the decision no. 23, 2015 of the Chairman of the Libyan

Audit Bureau ((by freezing the state's account and reinstating the portions to be executed under the, in collaboration with the Ministry of Finance and the Banks, because of insufficiency or weakness of performance of those in charge of the management of public fund and misunderstanding of the financial and accounting regulations and rules (as a result of assignment of persons with an inappropriate missions), or due to the attempt of some of them to push forward for the continuity of financial mess and chaos in the state, which led to spread different corruption forms. [41]

Evasion Payment of customs duties and taxes, It has been remarked that the most of the tax offices do not use the electronic system and still using the manual records. Customs Revenues The actual total customs revenues collected by Customs Dept. for the period from 1.1.2014 to 31.12.2014 amounted to LD 59,540,953 (Fifty nine million five hundred forty nine hundred fifty three Libyan Dinar) representing 19% only of the amount estimated by the Budget in LD 700,000,000 in 91% decrease. [42]. It has been remarked that the main reason for the deterioration of Taxes and customs performance after February Revolution is the corruption following the revolutions, and the inability of the State to fight it. This effected of the developing economy in Libya. [43]

Salaries issue is the biggest challenge for the State as it consumes about 50% of its resources without work added value due to the big inflation in 2011 for four years until it arrived about LD 24 billion in 2014

Budget. [44] Because the absence of the approved jobs in most of the public bodies and the noncompliance with real need for employment with consideration to the existing labor. And payment of salaries without referring to the national No. in violation to Article 28 of Law No. 13 of 2014 on Approval of Public Budget of 2014, especially in regard of the employees sent abroad. [45] It has been remarked that 123,729 salaries in 24% of total sector labor have national number problems. [46]

Prime Minister Ali Zeidan administration's inefficiency and failure to address the oil meter crisis was one symptom of the corruption that was rife within his Cabinet. And he has been payment of LD 172 to Petroleum Constructions Guards in Middle Area to end their refuging. As a result, Corruption spawned the rise of Ibrahim Jadran, who seized the country's main eastern oil terminals last July (2014) and more than halved the oil production in the name of "federalism", the movement demanding more of Libya's resources be devoted to the long-neglected east. [47]

Absence of annual plans foremost of the ministries and its affiliates resulting in failure to

achieve its goals. [48] Most of the government offices has been exposed for assault, vandalism and theft, cause disability of the security authorities to protect it. [49] Neglect and negligence to keep public money. Abuse of functional authorities for the benefit of others or harm them. Forgery of official documents. [50] And deficits in sovereign and local revenue collections as a source of financing for the general budget. [51]

4) The factors lead to the aggravation of corruption in post-Gaddafi Libya

The major factors that led to the aggravation of corruption in post-Gaddafi Libya; First: Corruption culture financial irregularities and circumventing of regulations within institutions has become pervasive across all sectors of Libyan society for decades. Second: the former regime's perpetuation of corruption at the highest levels (through nepotism and tribal/political patronage) left behind officials who see corruption as the only effective means to „getting things done“. Administrative corruption has long plagued Libya's public sector, and most notably, government institutions. [52] Third; Violence erupted in May 2014 when renegade Retired General Khalifa Hiftara prisoner of war (Former Ghaddafi-era military official and a prisoner of war during Ghaddafi's ill-fated military adventure in Chad in the 1980s,) launched an abortive coup attempt, which named Operation Dignity, by an air and ground offensive against Benghazi and Tripoli cities for dominated of power, Khalifa Hiftara declared the campaign, Operation Dignity-aligned forces stormed the parliament building in Tripoli and called for the dissolution of the General National Congress (GNC), Libya's democratically-elected legislative body. This led to Libya's most severe political crisis since Ghaddafi's overthrow, also that's led to Instability and political crisis. Also this ongoing violence has exacerbated Libya's long-standing corruption problem. Fourth; there were many corrupt Ghaddafi officials remain in positions of power. [53] The country suffers from two main types of corruption: administrative and financial, that is most evident in the bloated public sector. Fifth; the various post-revolutionary governments have failed over the past 3 years to begin to remedy the very real and existing issue of widespread corruption and the mismanagement of public funds in Libya, especially in wake of the current conflict between Libya Dawn and Operation Dignity. [54]

IV. CONCLUSION

From the previous indicators it could be deduced that corruption continues in Libya, but its shape has changed from the grand-scale corruption in contracts, projects and budgets committed by the former regime's state figures and officials, to the small scale corruption related to greater number of the public and the corruption of medium administrations who continued engagement in powers under the same previous policy.

In the short term, the country faces the complex and costly tasks of rebuilding its economy, infrastructure, and institutions, and responding to the demands of its population, especially for improved governance. The conflict that accompanied the revolution had a severe impact on the economy.

Libya faces a number of challenges to establishing a robust, efficient, and transparent Public Financial Management system and to ensuring sustainable use of its hydrocarbon revenues. There is a need to set up a clear macro-fiscal policy framework with a consistent fiscal rule reflecting the country's economic objectives and the volatile nature of hydrocarbon based revenues.

We could be noted that the indicators of 2012 were improving and better than previous years, but the deliberately planned conflicts and distresses in 2013 have led to the descending of the

scale. It could also be noted that corruption incubation environments were degrading, but it changed under the events trending towards the negative direction, that the corruption character continued in it in the same manner of corruption societies as was the case during the former regime, but the difference is latent in the state of instability and tension that follows the outbreak of revolutions which tends to be temporary in most cases until the features of the new state show up, the most important characters in this regard are the following: 1) Absence of the state of institutions and weakness of authority, 2) Weakness of the margin of freedom and participation, 3) Absence of law, legislation and human rights, 4) Lack of independency of judiciary, weakness of justice and illegibility of prosecution courts, 5) Defect of awareness and knowledge of mechanisms, laws, accounts and systems, 6) Lack of media independency, 7) Changes in the leaderships added to administrative and political stability, 8) Organized repression, 9) Protection of corruption by law and immunity for its parties, 10) Prompt economic and political transformations, 11) Absence of superintendence and accountability especially for senior officials and the absence of assessment, 12) Weakness in the performance of audition institutions and existence of corruption practices within them, and 13) Weakness and defect in the applied accounting system which lacks the rules and standards that make of it a system characterized by efficiency and provides the sufficient protection to the public funds. 14) The absence of annual plans for most of the ministries and its affiliates resulting in failure to achieve its goals. 15) Most of the government offices have been exposed for assault, vandalism and theft, cause disability of the security authorities to protect it. 16) Neglect and negligence to keep public money. 17) Abuse of functional authorities for the benefit of others or harm them. 18) Forgery of official documents. 19) And deficits in sovereign and local revenue collections as a source of financing for the general budget.

V. RECOMMENDATIONS

- 1) The institutional formation and ending the administrative and institutional chaos inherited from the former regime which was the main reason for the loss of public money and deterioration of the State's affairs.
- 2) Increased oversight of the Libyan House of Representatives by Civil Society Organizations (CSOs) who can then hold parliament accountable through the media by making it mandatory to broadcast their sessions and publish periodical reports of their work. CSOs can be incentivized to receive training in parliamentary monitoring through a partnership with international media outlets
- 3) The Libyan government should implement an electronic government system (electronic administration) to ease services for citizens allowing them to perform their administrative activities online without the hassle of traditional administrative bureaucracy, and decrease wait time for customers and build trust between citizens and the government.
- 4) Implementation of a body that documents and tracks corruption in Libya, as well as a system that allows citizens to report suspicious or corrupt activities to their local parliament with the help of civil society organizations and international organizations that can manage these activities, also advocate for tougher anti-corruption laws and develop workshops on methods for fighting corruption and exposing perpetrators. It would also, collaborate with different anti-corruption agencies in Libya and abroad.
- 5) Promotion of free media through civil society, the government, and parliament that will

encourage journalists to investigate corruption cases. This will allow the media to play a role in holding the government accountable, and strengthen communication between media outlets and Civil Society Organizations (CSOs) reporting on corruption issues. It is necessary that the Libyan government protect whistleblowers who expose corrupt practices.

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