

KARABUK UNIVERSITY
SOCIAL SCIENCES INSTITUTE
BRANCH OF INTERNATIONAL POLITICAL ECONOMY

NATIONAL RECONCILIATION AND POLITICAL STABILITY IN LIBYA

MASTER'S THESIS

PREPARED BY
Abdul Baset M. ALSARI




SUPERVISED BY
Assist. Prof. İsmail ŞAHİN

KARABUK
JANUARY 2017

Thesis Approval Page

Karabük University Institute of Social Sciences,

We as Thesis Board we approved the “National Reconciliation and Political Stability in Libya” named master thesis which submitted by **Abdulbaset Mohamed ALSARI** unanimously/majority of votes.

	Academic Tittle, Name and Surname	Signature
Chairman of the Board (Advisor)	: Assst. Prof. Cemal Sahin	
Member	: Prof. Nevret Arslan	
Member	: Assst. Prof. Sevil GEMRIK	

Thesis Exam Date : 10/02/2017

ACCURATE DECLARATION

As a graduate thesis I would like to emphasize that I am writing this work without resorting to plagiarism and that is contrary to scientific and academic tradition, that the works I have used are those shown in the source and that I make use of these works by citing every use: I affirm it with condemnation.

I declare that I will endure all the moral and legal consequences that will arise if this institution does not observe a certain period and that a non-compliance with the seminar is detected.

05/01/2017

AbdulBaset M. Alsari

ACKNOWLEDGMENT

I would like to express my deepest gratitude to my supervisor Dr. Ismail ŞAHİN since he was always so polite in every step of the thesis. and also he encouraged me with his positive point view to the every kind of benefits information I am so thankful to Assist me.I am so thankful to him due to the time and the efforts that he spent to improve my skills and thesis.

I would like to extend my gratitude to my family my wife and children for their support.

Also,I would like to extend my thanks to military annexes in their cooperation with us.

Finally, I would like to thank the Department of the International Political Economy, at Karabuk University.

TABLE OF CONTENTS

INTRODUCTION.....	1
-------------------	---

CHAPTER ONE

NATIONAL RECONCILIATION AND POLITICAL STABILITY

1.1 NATIONAL DEFINITION CONCEPT.....	4
1.1.1. National Reconciliation Definition.....	4
1.1.2 Definition Of Reconciliation Linguistically.....	4
1.1.3 Reconciliation In Legal Terminology.....	5
1.1.4 National Reconciliation.....	6
1.2 NATIONAL RECONCILIATION SUCCESS REQUIREMENTS.....	7
1.3 POLITICAL STABILITY.....	9
1.3.1. Definition Of Political Stability.....	9
1.3.2 Requirements And Dimensions Of Political Stability.....	10
1.3.3 Political Stability Requirements.....	11
1.3.4 Cultural And Intellectual Requirements.....	11
1.3.5 Political Requirements.....	12
1.3.6 Economic And Social Requirements.....	14
1.3.7 Dimensions Of Political Stability.....	15
1.3.8 Internal Stability.....	15
1.3.9 External Stability.....	17
1.4. POLITICAL VIOLENCE AS ONE OF THE CAUSES FOR POLITICAL INSTABILITY.....	17
1.4.1 Political Violence Definition.....	17
1.4.2 Violence Is A Type Of The Local Violence.....	19
1.4.3 Violence Circling Around Power.....	19
1.4.4 Political Violence Is Violence Characterized With Symbolism.....	19
1.4.5 Political Violence Is A Collective Violence.....	19
1.4.6 Political Violence For Sacrifice.....	20
1.4.7 Causes Of Political Violence.....	21
1.4.8 Economic Causes.....	21
1.4.9 Unemployment.....	21
1.4.10 Class Discrimination.....	21

1.4.11 Corruption.....	22
1.4.12 Political Causes.....	22
1.4.13 Social And Cultural Causes.....	22

CHAPTER TWO

THE REAL CHALLENGES FOR NATIONAL RECONCILIATION IN LIBYA

2.1 DEALING WITH THE PAST.....	23
2.2. ABU SLIM PRISON, THE KILLING OF MORE THAN 1200 PERSONS.....	26
2.3 LAW NO. 4 IN THE YEAR 1978 OR (PROPRIETORSHIP LAW).....	27
2.4 REGIONAL AND HISTORICAL COMPETITION.....	27
2.5 REVENGE AND REACTION.....	28
2.6 CLEANSING AND ELIMINATION.....	29
2.7 ALTERNATIVES TO POLITICAL ISOLATION LAW.....	31
2.8 DISARMAMENT.....	34
2.9 DISCRIMINATION AND DIVISION IN THE LIBYAN SOCIETY.....	38
2.10 LOCAL IMMIGRANTS AND REFUGEES.....	40
2.11 SOLVING IMMIGRATION PROBLEM IN LIBYA.....	43

CHAPTER THREE

PERIMETERS OF NATIONAL RECONCILIATION IN LIBYA

3. NATIONAL RECONCILIATION MOTIVES IN LIBYA.....	45
3.1 Essence Of The Libyan National Reconciliation.....	48
3.2 Goals Of The Libyan National Reconciliation.....	50
3.3 Challenges Faced By The Revolution At Start In 2011.....	50
3.4 Restoration, Reformation, Rebuilding The Security And Military Institutions.....	50
3.5 Transitional Justice And National Reconciliation.....	52
3.6 Regional And Tribal Conflicts.....	54
3.7 Jihadi Groups Who Are Intellectually Extreme And Who Are Opposing The Establishment Of The State.....	55
3.8 What Is Left From The Former GADAFI System.....	55

CHAPTER FOUR

NATIONAL RECONCILIATION METHODS

4.1 TRANSITIONAL JUSTICE	57
4.2 TRUTH AND RECONCILIATION COMMITTEE	58
4.3 COMPENSATION	60
4.4 ACCOUNTABILITY	62
4.5 INSTITUTIONAL REFORM	63
4.6 NATIONAL DIALOGUE	65
4.7 MEDIATORS OF RECONCILIATION	68
4.7.1 The Civil Society	69
4.7.2 The Woman	72
4.7.3 The Tribes	73
4.7.4 The International Community	75
4.8 INTERNATIONAL MODELS FOR NATIONAL RECONCILIATION AND HOW TO BENEFIT FROM THEM	79
CONCLUSION	82
THE RESULTS	84
RECOMMENDATIONS	85
BIBLIOGRAPHY	88
ANNEXES	89
ABSTRACT	100

INTRODUCTION

On 17th of February 2011, the Libyan people revolted against the oppressive MuammarGADAFI regime which had lasted for 42 years. Moreover, after only eight months, GADAFI was killed in the battle over control of his home town the city of Sirt. The Libyan people cheered for the collapse of the GADAFI regime and were happy and were glad for the freedom which they have waited for a long time. However, they very quickly realized that the transfer to democracy meant that there are many challenges.Awaiting them.

Now, after many years since the death of GADAFI. the Libyan people is still struggling to rebuild their country, and because of the complexity of the post-conflict rebuilding process. Libya is in need for an overall national reconciliation to ensure a successful transfer to state of sustainable peace. and stability ,a topic shall be addressed here in this paper, however, there are very complex challenges standing in the way of this process as GADAFI, in his effort to stay in power, has subjected the country to a destructive civil war which has left a divided society in a state of chaos all over the country.

The current security conditions in Libya cannot be justified nor defended militias, and military councils are controlling the country. Many cities and tribes have been completely marginalized from the rebuilding process because they simply accused of being close to the old regime. A number of refugees have reached nearly one million in addition to hundreds of thousands of economic migrants.

The revolution has disrupted the social web of the Libyan society. The post-war deep divisions have come about, and no effective restoration has taken which poses a threat to social stability and peace and destroys the opportunity for the

process of transfer from dictatorship to democracy. Moreover, due to the large division which has struck the Libyan society, a national reconciliation shall not only include the revolutionaries and the old regime because the Libyan society has divided into more than two halves, it has divided into a number of groups and factions, all of whom need to be given a share in Libyan stability. Hence, the reconciliation process shall include the refugees and migrants as well and those who are loyal to the old regime in addition to the representatives of the new Libyan state. Moreover, despite the difficulty of the new challenge of including all of the above parties, it remains a reconciliation with wide community base which shall ensure transferring Libya from a fragile state torn and divided by war to one nation and united people.

However, there are some critical and urgent challenges standing in the way of the Libyan reconciliation. Reconciliation processes are costly especially if they cover extended periods of war or human rights violations. They include compensating the victims and their families, disarmament, release, re-merging of the old fighters and returning refugees to their homes. In such case, reconciliation will have effects exceeding the Libyan borders, as a divided Libya poses a threat to neighboring North Africa countries. We have seen how the smuggled weapons from Libyan storehouses have driven Azawad independent movement in Mali to challenge the central government in Bamako and overtake the northern half of the country which in turn led to French military intervention in Mali and refugees flow (in addition to armed Jihadin) to Mauritania, and that shall treat the political balance which is already fragile there. Libya is also bordered by fragile political systems (Egypt and Tunisia). Thus, the extension of this state over the borders of Libya may lead to shaking the stability of the two countries.

Many countries worldwide seek stability, and the stable nations try to keep such stability, as for the countries which in progress of being politically stable, they intensify their efforts to achieve that as soon as possible. Away from that, there are other countries who dream of such kind of stability and do all they can to achieve it. And we find that most of these countries have pursued national

reconciliation. Hoping to meet its supreme goal of political stability. The studies of national reconciliation find himself forced to refer to other concepts related to national reconciliation including political stability, political violence, and political instability. Because we cannot talk about national reconciliation without talking about political violence. just like we cannot talk about national reconciliation without understanding the political stability of the country. Also, we cannot speak about political violence without relating it to political instability. In fact, many confuse between political violence with political instability on one scale. Moreover, to study that, we have divided this chapter into three topics, the first one about political reconciliation concept, the second is the political stability concept and the third one about political violence as one of the causes of political instability.

CHAPTER ONE

NATIONAL RECONCILIATION AND POLITICAL STABILITY

1.1 NATIONAL DEFINITION CONCEPT

Many countries, particularly the one which faced Inter revolutions or suffered foreign occupation, have known the term national reconciliation as they deem it the only way to out of its conflict and achieve stability. It also brings benefits to society. That is why we shall divide this part into two main topics; the first shall address national reconciliation regarding its definition and the second one to deal with its success requirements.

1.1.1 NATIONALRECONCILIATION DEFINIATION

The term reconciliation is amultidimensional term which is hard to define without linking it with one of the other aspects. For example, we find the term reconciliation in psychology meaning conciliation with the self, and in sociology, the family reconciliation is thebest example where in the political field it means national reconciliation along with another aspect. What concerns us in this research is reconciliation in the political sphere?which is divided into many types; reconciliation between state and people and between the state and a group of individuals (terrorist groups) and the triangular reconciliation between the three parties (state, individuals and terrorist groups or militias) as is the case in Libya. Following this small reference, we must introduce national reconciliation which includes the following definitions:

1.1.2 DEFINITION OF RECONCILIATION LINGUISTICALLY

Reconciliation or compromise linguistically means ending corruption. Reconciliation is against corruption, and it is the opposite of corruption. To conciliate ways to repair after corruption. For example, he conciliated his riding

animal, and thus it has become reconciled. If people have reconciled, it means they have settled the differences and ending the conflict and compromises. Reconciliation is asynonym to peace; it is peaceful after conflict.¹

1.1.3 RECONCILIATIONIN LEGAL TERMINOLOGY

- a) It is an agreement of displacing the conflict between the aggressors and reaching approval between the two disputants parties.²
- b) Stopping violence and resorting to common factors to come to an agreement on establishing a national government
- c) Reconciliation (an agreement made between the aggressors to end an existing or potential conflict where each one waives some of his claims.
- d) Reconciliation is a long preparation for some aspect of the dispute between the factions divided in the society.³
- e) Reconciliation is a process including changing attitudes, hopes, ambitions, emotions and feelings and even beliefs. Such process relates to all society classes and not only those suffering or affected including the persons holding top positions as reconciliation must deal with locally.
- f) It also means the restoration of the peaceful relationship where each party shall not harm the other, and all live in security and peace and being involved in the dispute again. Revenge canceled from the list of the alternatives. Hence, it encounters the unwanted truth with the aim to enhance harmony between conflicting points of view and continuing conflicts in a communicative environment. Also, reconciliation focused on inside the society where it has four main elements: the truth which means open expression about the past, mercy which means forgiveness to build a new relation, justice which means social rebuilding and compensation,peace which means shared future and good and secure life for all parties.

¹Adel Majed, Implementation OfTransitional Justice In Egypt, Democracy, Cairo, issue 54, April 2014.

²Taha Abdin Taha, Reconciliation In Light Of Holy Quran, 3m, d t p.12-13.

³Jaun E. Mendez, “National Reconciliation: Transitional Justice And The International Criminal Court”, p. 28.

1.1.4 NATIONAL RECONCILIATION

1. It is a national agreement with the aim to match the different views and fill the gaps between the disputing parties or parties in the war. In addition, national reconciliation is the common strive towards deleting the past obstacles. and political, legitimate, economic, social and cultural sustainability and correction the outcomes of injustice, wrongdoings, errors, violations, extreme crimes and final stoppage by all to such acts with deep solutions to deal with files and causes related to them, and to look positively to the future through of the present correct establishment of real democratic system.
2. It is a process with the aim towards democratic transformation and establishing a law respecting state.
3. It is a tool to settle conflicts, disputes and crisis between persons, parties, and countries amicably and peacefully. It has an advantage over other instruments in settling conflicts and solving disputes more simply and with more discipline regarding cost, effort, time, efficiency and comprehensive and deep solutions.
4. It is a political decision that is logical and disciplined welcomed by Libya and accepted by most people. Such policy included in a general strategy.
5. It is a form of transitional justice that is required to help the society to transform from the past full of division into a future where all can participate in, and establishing the society on legal basis, democratic diversity simultaneously.⁴

We can define national reconciliation in a procedural term as a strategy taken by the state to solve a dispute and get out of a crisis which can affect it because of violence acts and to restore peace and end internal conflicts threatening the state stability.

⁴David Bloonfield, Terasa Barnes and Luc Huyse, *Reconciliation After Violent Conflicts*, Stockholm, Information Unit, 200,p. 19.

1.2 NATIONAL RECONCILIATION SUCCESS REQUIREMENTS

In order of national reconciliation to be successful in a particular country, many elements and conditions must establish including:

- a)** An official recognition about the incidents forming the violation of human rights must provide as a principle of holding accountable the criminals and those violating innocent people's rights. That is done amicably to include all political and social aspects.
- b)** Physical and moral support must provide to those persons and families harmed by violence caused by the system so that this compensation shall be an official recognizable and applicable principle.
- c)** Demonstrating the transitional justice experiment in the national memory to be like a dam in the face of anyone thinking of doing the same, through presentation in the media or by showing memoirs and signs showing human rights violations and the role of transitional justice in restoring security
- d)** Extending all efforts to find the disappearing and lost persons and defining how they disappeared or were lost and to help their families to find them.

In addition to the above conditions, other success factors are affecting the course of national reconciliation:

- a)** Providing peaceful solutions for the dispute: national reconciliation is by necessity associated with setting a peaceful settlement to the dispute. Such solution must satisfy both parties who believe that it would fulfill their basic needs and essential hopes. This condition is very critical in dealing with any conflict. However, this does not mean that groups do not change their goals and interests, but each party has needs which he deems as justifying his existence. Also, waiving such rights under pressure or being fragile does not

only mean impeding the reconciliation but also may pave the way for future conflicts.⁵

- b)** Exchange of obligations: exchange is one the most important factors for successful reconciliation, as such exchange between the disputing parties in the official and non-official obligations. As aggressiveness and distrust have been pervasive in the years of conflict, so the two sides must show enthusiasm and satisfaction to change these feelings and take actions which are usually considered simple but are symbolic in showing goodwill and aiming to establish good relations. So such actions and efforts shall impact the establishment of a peaceful environment in the society and form the continuous support for reconciliation.
- c)** Involvement of leaders in the peaceful process: this means that leaders involved in the peace process and the trustful relations between them despite the opposition which they might face from the group members to impede the peace process. Therefore, leaders must overlook such obstacles and show persistence in continuing peace efforts.
- d)** Supporting the national reconciliation supporters: national reconciliation requires the participation of individuals, groups, and organizations with the aim to convince the hesitating or opposing groups about the importance of national reconciliation. It also required an efficient approach to enhance peaceful relations between enemies of the yesterday. Thus, national reconciliation requires convincing all parties that they have goals they must achieve.
- e)** E) assigned to non-governmental organizations to support the national reconciliation process. Such institutions include political, military, social, cultural and educational institutions as those institutions must prepare and dedicate it to support national reconciliation.
- f)** International community support: this is such an important factor because it gives a significant push to the reconciliation process. When the international community shows interest in a certain peaceful settlement that helps the course of the settlement and encourages the parties to overcome the

⁵Abdulmajid Ahmed Biuk, An Article Titled: The Most Important National Reconciliation Elements, www.alrabia.com, logged on 14/03/2016.

difficulties. That also can provide real and tangible support for its continuation. That was the case in Northern Ireland, Salvador, Nicaragua, and Bosnia.

Therefore, these conditions and requirements are interconnected based on a pre-set strategy by the state. They also require providing the right environment and sufficient and right time to make the national reconciliation successful in any country.⁶

1.3 POLITICAL STABILITY

Man, by nature, is in continuous need form stability. That applies to the society and the state as well. Most nations when defining their internal and external policies so long to achieve political stability in the end. Moreover, to understand this concept, we have divided this part into two main topics, the first relates to the political stability concept and the second is concerned with requirements and dimensions of political stability.

1.3.1 DEFINITION OF POLITICAL STABILITY

The definition of political stability may differ from one scientist to another. However, the political field specialists are the closest in defining political stability:

- a) Political stability is the absence or lack of political violence such as violent demonstrations, riots, revolts or political assassinations or explosion or destruction acts in public and private properties, civil wars, arrests and court action for political reasons...etc. The continuation of such acts or the like and their frequent happening poses a threat to the state in that it is possible that the political stability becomes a problem related to violence and counter-violence

⁶Abdulmajid Ahmed Biuk, An Article Titled: The Most Important National Reconciliation Elements, previous reference.

- b) There is another definition of the political stability by a group of scales including lack of basic changes or disruption of the political system and in the violence level and ability of the state and national disputes level.
- c) Political stability: is a state of instability of free and governed quick change characterized by increasing political violence to serve suspected political purposes which lead to a decrease of the legitimacy and reducing the capabilities and performance of the system.
- d) Political stability: is the use of violence for political purposes and resort by political groups and powers to constitutional techniques to solve the conflict, and the ability of the political system institutions to respond to the claims given to it source from the internal and external environment of the scheme.
- e) It is the ability of the efficient bodies in the political, social and cultural life to There is also bear and program internal and external factors impeding the system.
- f) Another definition of political stability as the systematic and controlled change process which increases legitimacy and efficiency of the political system.⁷

Political stability is the outcome of the system performance in the legal, political fields and social justice and economic development, and the ability of the political system institutions to response to changes surrounding the local and external environment through the systematic and gradual change which contributes to preserving the system from losing its legitimacy or its efficiency.

1.3.2 REQUIREMENTS AND DIMENSIONS OF POLITICAL STABILITY

Political stability needs many different requirements including intellectual cultural, political, economic and social requirements.

⁷Abdunur Mansuri, National Reconciliation In Algeria From Human Security Perspective, Algeria, 2009, p. 69.

1.3.3 POLITICAL STABILITY REQUIREMENTS

Political stability requirements include:

1.3.4 CULTURAL AND INTELLECTUAL REQUIREMENTS

Some see that political stability requires intellectual, cultural and ideological harmony between the different political and social powers interacting within the pervasive ruling system. That opens the door for dialogue and exchange of view peacefully on the base of serving the public interest and achieving means of agreement, consolidation, and harmony within the society. In this regard, we have the religious view and the secular view. As the famous Muslim scholar, Imam Gazali sees that political stability achieved by adherence of the leaders of the system itself and their obedience to religious instructions through committing to its principles otherwise that would lead to political instability. The same thing we stress is that religion is the core foundations for the ruling and its sustainability. The ruling that based on the religious foundation is a firm and constant ruling and characterized by stability and acceptance from the ruled people.

Mr. Almon relates establishing the stability of the system and following the liberal democratic model which highlights its image in the Anglo-Saxon democracy. Such systems characterized by liberal culture and stable and unified political culture representing a unified national identity. Therefore, Ibn-Khaldun, responds by saying that political instability is the result of cultural disharmony. Nations with multiple tribes and races have no political stabilities due to their different views and perspectives.⁸

However, such view cannot be generalized because examples are showing the opposite. Ideal as an established political stability in spite of the community of

⁸Husain Tawfik Ibrahim, Charity Work And Political Stability In The Gulf GCC, Perimeters, Fields And Horizons. A Research Presented At Fourth Gult Charity Conference Organized By Islamic Education Society In Kingdom Of Bahrain From 02 to 04 March, 2010 p. 6.

different races because of democracy by which justice established. Also, the U.S is a state with manifold and harmonized religions and races, but thanks to its relative democracy, it has achieved some political stability with continuous racial and religious melting within the American life. Thus, if there is an approach which sees that cooperation between the different cultural groups and has equal representation in decision-making would lead to competition between their groups due to non-settlement between these groups and hence would result in political instability. On the other hand, there is another approach which sees that diversity of social, economic and political loyalties is a stability factor. They interpret that based on the reality of some advanced countries like Switzerland who made of four cultural groups and still the political stability established in this country is unprecedented by any other nation worldwide. Such is also the case for other countries including Canada and U.K although with fewer percentages than Switzerland due to high cultural awareness in such countries which plays the significant role in achieving political stability.⁹

1.3.5 POLITICAL REQUIREMENTS

Political stability and adjustment of the political system require outstanding political structures meaning that such structures must be specialized and independent. That means the strength of the system and its efficiency increases as its structures are more efficient and dependent in addition to having independent branch systems including multiple independent economic, social, cultural and media organizations...etc. Which seeks to express different interests and control of the ruling power at the same time. Political stability requires that the governing authority has political legitimacy. A government that has great legitimacy is highly efficient in making decisions and executing them. Max-Viber sees that the ruling system becomes legitimate within the limit that the citizens feel that that system is valid and deserves support and obedience.

⁹Karima Bakdi, Political Corruption And Its Influence On Political Stability In North Africa (Case Study, Thesis Presented For Masters Degree In Political Science And International Relations, Abubaker Belgaid university, Telmsan) 2011/2012, p.5.

According to this definition, legitimacy has a role in stability between the rulers and the ruled peoples which in this case leads to the stability of the society. The legitimate political system is the one system that can rule without having to use oppressive and forceful tools. Hence, legitimacy becomes the more humane alternative for coercive principles or religious and moral coercion used to operate the ruling process. As leaders of political systems try at all times to ensure the use of government tools to deal with conflicts and that the decisions made are acceptable on the wide range not only because of fear of violence or punishment or coercion but also because of the belief that it is morally right and suitable to do so. Thus, the government is considered legitimate if the persons were given instructions from which they believe that the structure and actions and decisions and policies of the government officials and leaders are valid or suitable or morally supreme.

About the democratic legitimacy, Europeans believe that it is made by the international community which is higher than the administration of authority of any nation. That is not embodied physically in one global democratic system or one constitution, but it gives legitimacy to the existing international institutions which are considered the partial embodiment of it. Therefore, the peacekeeping forces in former Yugoslavia were not merely procedures negotiated between some governments to achieve a certain purpose but also a pure expression of the more general will and norms of the international community. So, legitimacy is the foundation upon which any stable system is based, and without it, no ruling system can have the ability required to manage conflict appropriately and be stable for an extended time. Therefore, there is recognition that no stability of any system or authority can be achieved without having the legitimacy element. Without it, the system and its authority will stay insecure and unable to be open to the society and involving it in the political process. Thus, legitimacy is one of the political stability components.

On the other hand, achieving political stability requires political participation in the political decision-making process.¹⁰ That is getting the citizens involved in expressing their interests. Political participation is defined as the political behavior

¹⁰previous reference, p.6.

including personal acts or all activities such elections. It is also considered the mental and emotional interaction of the individual with the group attitude in such a way encouraging him to do so.

Also, political participation is considered the base of democracy and expressing the people's sovereignty. It requires the existing of a human group made of male and female citizens who have the loyalty feeling to this human group or the necessity to express their will whenever they provided with physical and moral capabilities and the expression means and mechanisms.

1.3.6 ECONOMIC AND SOCIAL REQUIREMENTS

With the combination of the extractive ability and distributive ability, as the extractive ability refers to the efficiency of the extractive system through the loading of physical and human resources and extracting them from both the internal and external environments. Such ability has extreme importance for the political system as it provides the resources required for managing the political society. On the other hand, the distributive ability refers to the capacity of the political system in distributing the benefits and values including all intended goods, services, honor ranks, racial bonuses, opportunities, services between the individuals and groups within the society.

Therefore, financial requirements mean the increase in state capabilities by reactivating public institutions. In other words, designing active principles and restrictions to prevent random acts by the state and fight corruption and subject public institutions to a higher degree of competitiveness to increase its efficiency and provide better wages and more incentives to public employees with the aim to improve performance. That also means to make the state more responsive to needs of the society overall. In addition to the financial requirements, there are the social requirements which mean the ability of the system to practice control over the behavior of persons and groups under the system in addition to the amount of penetration by the system in its international community and imposing its power and

influencing it. Such ability depends on the use of the concept of physical coercion as the political system protects the public system and national security and also protects the individuals and properties which create some trust between the ruling class and the ruled people and enhance peaceful cooperation between the two.

Political participation is highly significant for being the core mechanism in establishing an institutional structure for the state. Also, it represents a framework of the political system and a tool for preserving political stability. That is why Huntington sees that there is a strong relationship between political participation and political stability and also sees that necessity of achieving political stability requires the building of political institutions which organize the political participation and prevent instability.¹¹

Therefore, the stability which we find inside any political system associated with the level of political involvement and the degree of the political institutions. It means that the political stability of society depends on the relationship between the degree of participation. The higher the level of political institutions for political participation, the higher the political stability achieved and vice versa considering that political institutions represent simultaneously one structure based on efficiency, success, and ability to achieve and work on developing the specialized structure and also expanding social group participation in the public political life.

Hence, political stability according to the system analysis theory indicates the ability of the political system to preserve the status quo over time and stay in an integrated state which can't achieve unless its different structures perform their functions perfectly including the role of the political establishment. That will depend on the ability of the establishment in enforcing the respect of constitution principles and effective laws and public order by the citizens their enthusiasm for participating in political parties and develop their efficiencies within the system mechanism. That shall push toward achieving political stability. Also, the religious systems have a role in achieving political and social stability as Mohamed Ezzedin Elgarian refers to the

¹¹previous reference, p. 55-56.

role of Malki system in achieving stability inside the society as this school calls for treating politics with respect and appreciation by obeying the rules within the limits of no sins. This school also prohibits revolting against the ruler to conserve the interests of the nations and keep stability and prevents whatever that might cause harm or damage to the nation. Also, the notion of asking for good deeds and advising against evil deeds are some of the most important means of correction of the society and developing it and establishing its security and stability.

1.3.7 DIMENSIONS OF POLITICAL STABILITY

Political stability can divide into two parts:

1.3.8 INTERNAL STABILITY

It means the management process of internal conflict within the state institutions and through the balancing of inherent powers. Thus, this is connected to the ability of the state to respond to sources of unrest and pressure in the external environment and utilizing them to serve the national interests. Some examples included political assassinations inside the country, and number of revolutions arising in the country and number of public strikes as well as number of opposing demonstrations to the government, number of riot acts inside the state system, number of people who have died in the local violence, number of national crises in the political structure. Instability is the reaction to oppression by the political system in the previous stage in addition to imbalance between the different military, economic and political powers which the state founded upon may cause disruption of the structure of the state itself ¹²

That is what happened in Libya following the Libyan revolution as a big gap in the internal Libyan stability has been caused. Such gap or abrasion is still existing due to the instability features in Libya including assassinations, kidnapping based on personal identification, armed militias are everywhere, no effective role of the

¹²Abdulhaq Ahmed Hmish, A Contribution Named: Anti-Corruption From Islamic Perspective (first international arab anti-corruption conference), Riad, Research And Studies Center, 2003, p. 22.

governments taking power consecutively which has caused a gap in the social structure of the Libyan society. However, what we have observed that the last government of Mr. Faez Siraj may play an effective role in stabilizing Libya internally which shall contribute to the progress of the national reconciliation in the country and the return of the immigrants.

1.3.9 EXTERNAL STABILITY

That means the ability of the state in protecting and managing its higher interests overseas and stopping any external interventions. According to international developments and variable, external interventions cause instability to political systems due to their direct effect on the local social and economic levels. Therefore, it is essential to be aware of all of these requirements and to use them very well to achieve political stability both locally and externally. Also, these requirements differ in their advantages from one society to another and from state to another.

1.4 POLITICAL VIOLENCE AS ONE OF THE CAUSES FOR POLITICAL INSTABILITY

The word violence made of three letters in the Arabic language, but its impact exceeds those three letters. Political violence is one of the most important factors that threaten the country's stability and undermine its position internally and externally. Moreover, to go further into this and in depth, we shall divide this part into two topics, the first related to political violence, and the second is concerned with causes of political violence.

1.4.1 POLITICAL VIOLENCE DEFINITION

First of all, we can refer to violence and then associate it with the political side:

- a) Violence defined as violating the matter and not being soft with it. Is the opposite of softness. Being violent with something means taking it with force

and power and with blame and reproach. In other words, violence in the language takes the form of forcefulness, harshness and not being soft.

- b)** It is the case of using power to solve a dispute or conflict between two parties or more. It is also a conflict between two bodies or more to stop it through the direct intervention of using power and authority.
- c)** Violence defined as affecting a person or forcing him to act against his will by using force or resorting to threatening him.
- d)** It is any act aiming to press and force others.
- e)** It is the illegal use of physical power with different means to harm others and damage properties.

That includes meanings of punishment, rape and interfering in others freedom, kidnapping, blackmail, and what is going on in Libya is an indication of frequent violence committed against people¹³

As for the political violence, there is no certain and comprehensive definition for this term. Violence is a multi-parties and multi-variables phenomenon. However, there is an agreement that violence is political when its objectives and motives are political despite some differences between them in defining the nature and type of these aims and nature of related powers which have to lead them to define political violence as (the use of physical force or threat to achieve political goals).

- 1.** Ted Hinrich defines it as the resorting to power or threat against individuals or things. Resort to power which prohibited by law directed to make a change in politics in the ruling system or its persons. Thus, it is also present to make a change of existence of individuals in the society.
- 2.** Mr. GadriHanafi defines it as (a type of political violence circling power and characterized by symbolism, collectiveness, sacrifice, and publicity. That means that:

¹³Nabil Naser Mohamed Judaa, previous reference, p. 21-23.

1.4.2 VIOLENCE IS A TYPE OF THE LOCAL VIOLENCE

Violence characterized as violence with interrelated boundaries between parties which mean it made between parties with something in common having them together. It is in this specific meaning political violence, and the relationship between the parties provides the opportunity in that they all are under one political power where some revolt against and others try to hold onto it.

1.4.3 VIOLENCE Circling POWER

Political power is essentially related to power and its symbols. Hence, it takes two main directions, the first towards those holding onto power, and the other towards the symbols of the power.

1.4.4 POLITICAL VIOLENCE IS VIOLENCE CHARACTERIZED WITH SYMBOLISM

Most types of violence are intended to cause harm to a certain person or properties of this certain person. As for political violence, it belongs to those types of violence which are not intended for the persons themselves but rather for their social, intellectual, religious or racial capacities. Political violence thus is not targeted towards persons but only symbols.

1.4.5 POLITICAL VIOLENCE IS A COLLECTIVE VIOLENCE

Political violence mostly characterized with collectiveness. It not understood that the actual commitment of violence always done collectively or in groups, but in fact, many violence incidents filled with types of individual heroism. However, what is intended here is that political violence is done considering it representing its group.

1.4.6 POLITICAL VIOLENCE FOR SACRIFICE

It is violence directed and driven by concepts and motives exceeding at least the direct personal interests of those from both sides. The public interest is the basic announcement board lifted by political violence parties overall. Political violence becomes evident in the form of demonstrations, strikes, suicidal acts in fighting. However, it has been mixed with other acts and has mostly become in the shape of political and social terrorism¹⁴

Political violence is defined as (it is all practices which have social objectives with policy implications. Such practices may be individual, collective, secretly. Or openly, systematic or non-systematic, as it is a conflict methodology by which and through the terror resulting from it, the door intends to force his political view or impose control over the society or the state and preserve public social relations or change or even destroy them.

Mustafa Elite defines political violence as the violence utilized for a certain political status or getting political gains including changing the existing system or commit where a coup against According to this meaning, political violence refers to two types of activities. Regarding the source, there is authority violence and group violence which oppose the authority. Therefore, political violence is the use of all available means including power or threat and using it to achieve preset goals based on minimum theoretical clarity from the people in authority or the dissidents to influence their decisions.

Mohamed Elmansuri defines it as (violence is the lack of legitimacy and representation of the ruling group). Mr. Husain Tawfik Ibrahim defines political violence as (the behavior which based on the power to incur damage and harm to persons and properties, and that the political form of violence that which concentrates on policy goals and incentives. Also, political power is the actual use of authority and threat to achieve political aims or social goals with policy implications

¹⁴Dictionnaire Des Sciences Humaines: Sociologie, Psychologie Social, Anthropologie, Paris Fernand Nathan, 1990.

and dimensions which take individual, common, secretive, open, systematic or nonsystematic forms.

We can define political violence as the phenomenon which resorted to when all other means have failed for dialogue or imposing a viewpoint(s) for power. It is a state resorted to for making a change when not satisfied with or happy with the power.

1.4.7 CAUSES OF POLITICAL VIOLENCE

There are many causes controlling political violence and interconnected in their degree of impact which includes:

1.4.8 ECONOMIC CAUSES

Political violence associated with the economic side, and both influence one another as economic factors have an impact on political violence in such a way that it makes it one of its effects like unemployment. Also, political violence has an influence on national economy through the regression of this economy...etc. However, what we want to study is the economic side as one of the causes of political party based on the following:

1.4.9 UNEMPLOYMENT

Unemployment, regardless of its type, whether explicit or rationalize, it dedicated to political violence or criminal violence or terrorism for the purpose of expressing by the unemployed of the status.

1.4.10 CLASS DISCRIMINATION

To show the vast difference between the haves and the have nots. That is the differentiation between the wealthy class and poor class in the society and the losing party. Here is the poor class.

1.4.11 CORRUPTION

Meaning that the higher the corruption levels are in the society, the higher tendency by the society towards political violence as a reaction to losing rights of the citizens in return for getting gains for a class that is close to the system and its symbols.

1.4.12 POLITICAL CAUSES

It addresses many factors like limited political participation, peaceful power rotation, the absence of democracy, corruption, ethnic and racial factors and the state behavior which is the role of security systems and foreign policies.

1.4.13 SOCIAL AND CULTURAL CAUSES

This includes several factors which help acquire violent tendencies by groups and individuals so they seek violence to achieve their intended purposes. For example, the kidnapping phenomenon, particularly kidnapping foreigners involve mostly requesting a ransom or demanding other benefits like getting projects or contracts or money transfer or demanding L/C's illegally. All of these causes regardless of their types of variability lead to political instability. Hence, we find that political violence, regardless of its many definitions and causes is in the end a negative phenomenon unacceptable by the society because it leads to destabilization. Stability is the first priority to achieve goal of societies which is development in all fields. Political instability, whose main cause is political violence, is one of the factors leading to regression of the status of the country locally and internationally. Instability may prevent the country from joining global and international organizations. Therefore, the degree of political stability is related to the volume of violence and the results

incurred by it and that is what we have observed on most of the Arab revolutions and how violence and people's anger over the state has led to the destabilization of the country.

CHAPTER TWO

THE REAL CHALLENGES FOR NATIONAL RECONCILIATION IN LIBYA

The comprehensive national reconciliation in Libya faces many challenges including dealing with the past, disarmament, victory culture, immigrants (local immigrants).

2.1 DEALING WITH THE PAST

The experience of 42 years of dictatorship, leading to oppression and aggression to the human dignity, has made it difficult for Libyans to forget or ignore their past. Libyans presently are working on getting rid of the identity given to the country by GADAFI which focused on GADAFI himself and his social vision of the Jamahiriya. Meanwhile, Libyans seek the past to define and create a new identity. For many Libyans, the GADAFI era forms their common historical memory according to what VamikVolkan calls (the chosen shock) or (common mental representation for an unexpected historical event), which becomes the highlight of the identity of a group of people. Moreover, to overcome this collective shock, the Libyans tend to focus on what Volkan called (chosen glories) which are bright historical events the Libyans gathered around. The Libyans have struck GADAFI, and his Jamahiriya to the wall and have decided to associate themselves with their (chosen glory).

The pictures of the famous fighter Omar Mukhtar, leader of resistance to the Italian occupation fill the streets of Tripoli that may think he was the one who leads the revolution of February 17. On the other hand, the name of King Idris, who ruled the country from 1951 up to the coup by GADAFI in 1969, is rarely heard. It is

worth mentioning that the Libyan speech intended clearly to satanic GADAFI and glorifies El Mukhtar, and on the side, it disregarded to a large degree the imperial past of the country.¹⁵

Libyans have tried to destroy anything reminding them of GADAFI era, if go around the city, will notice that the car plates with the name (Jamahiriya) painted. Also, Libyans have erased the picture of GADAFI shown on Libyan dinar. Moreover, as Libyans struggle with their past, they must decide to which stage they must return and how much of their past they want to dig out. As a starting point, investigations on court level of the violations of human rights and legal elimination of the former regime members from the political scene would lead to serious results known as (cleansing). Discussions with different Libyan factions have shown some events which can form a starting point towards making an investigation of Libyan past as follows:

September 1st, 1969: the GADAFI successful coup against King Idris. In general, the extremist Libyan politicians are requesting investigating past crimes starting from this date. This starting point may pose a problem because it would lead to investigating the whole GADAFI era. In 42 years, a significant number of Libyans were involved one way or another with the regime and hence they can indict for assisting in crimes widely.

1973: the announcement by GADAFI of the (people's revolution) and forming affiliate people's committees. This program formed what he called (third world theory). The direct democracy statement included in GADAFI's green book

1977: The official dissolving of the Libyan Arab Jamahiriya and the establishment of socialist people's Libyan Arab Jamahiriya by GADAFI. That was the point where GADAFI started applying what is called (revolutionary justice) by legal force on his internal opponents.

¹⁵Folkan Vamic, Mogiro Straus, Frar, *Blood Lines: From Ethnic Prided To Ethnic Terrorism*, New York, 1997.

1980: the re-distribution of wealth by GADAFI including all monies over 1000 dinars in bank accounts of Libyan citizens.

February 17, 2011: the outburst of the Libyan revolution against GADAFI.

March 19, 2011: The start of aerial bombings by NATO. Any Libyan official who defected from the regime following this date- as it became clear that GADAFI will not stay in power- was acting to protect himself and not based on principles. Selecting a starting point is a tough matter because each of the above dates has many implications on individuals inside and outside. For example, the detection of Mahmoud Gebril, an interim prime minister in 2011, 2012, on the first days of the revolution. Thus, it is to his interest and interest of those defected from GADAFI regime before the NATO bombing to have 19 of March 2011 approved as a starting point. On the other hand, for the Libyan national salvation front, which has fought against GADAFI since the eighties of last century, there is no difference to have it before or after March 19. Therefore, they want to discover the truth for these two periods. As for the victims' families (e.g., those killed in Abu Slim prison and those killed in Libyan airline airplane crash flight no.1103 which we shall discuss later on), they claim first and for good to have the starting point to include these traumas. Also, it is the interest of the regional players in such discussion, for example, Chad lately has requested to investigate about the intervention of GADAFI in the country as well as compensating it for losses of the war. Also, Lebanon has pressed to form a mission investigating. The truth about Musa Sadr who disappeared after meeting with GADAFI in 1978, In other words, the starting point to find the truth in Libya closely associated with the transitional politics and that any point of departure would be a reflection of the balance of powers in the country.

Nevertheless, there are other events in modern Libyan history which can't ignore. Historical tense points remain before, during and after the 2011 revolution. Libya has destabilized, and a grave and comprehensive investigation must start as soon as possible.

2.2 ABU SLIM PRISON, THE KILLING OF MORE THAN 1200 PERSON

Human rights Watch estimates the number of the victims of Abu Slim prison in 1996 of about 1,270 killed after protesting the mistreatment and violating their human rights. Moreover, to ensure the punishment of the officials responsible for the killing, the families of the victims have established a powerful group called the association of families of Martyrs of Abu Slim massacre. In its annual meeting for the year 2013 held on January in Tripoli. The association issued a number of claims including honoring the martyrs of the Muslim massacre including celebrating the annual anniversary and including it in the educational texts and handling the bodies of the martyrs to their families and taking the criminals to court and issuing a call for forgiveness from the martyrs families and publishing it in the newspapers and other media, and giving the physical compensation to the victims' families and investigating the real facts of the massacre including the names of the those killed and anyone involved and any other circumstances related to the massacre and enforcing the law completely particularly imposing punishment on those held accountable for the crime.

The method to be applied in dealing with Abu Slim massacre and the compensation issue will depend on wide transformation process. Most of the victims were from Islamists, so the high compensations to the families of the victims may raise opposition from other parties. For example, in Tunisia, the Islamic government lead by Elnahda movement was accused of wasting the public money when it pays compensations to the political detainees who were mostly Islamists. Another method applied in other areas based on ensuring jobs in the public sector for the families of the victims as an alternative way of compensation which was exhausting. Also in Tunisia, the government was accused of trying to control the state by employing former prisoners (particularly the Islamists) in public institutions. Moreover, considering that it undoubtedly expected that the Islamists will demand compensations and answers about the massacres even if most Libyans empathize with the Abu Slim victims, the government must think of the results of any settlement.

2.3 LAW NO. 4 IN THE YEAR 1978 OR (PROPRIETORSHIP LAW)

The first demonstration in Tripoli after the collapse of GADAFI was by people whose properties and houses were confiscated by law no. Four on 1978. Such law, which based on the principle (the house owned by the resident), lead to a wave of confiscation of houses by Libyans from other Libyans. As a result, the question about the legal ownership becomes very complex especially when those overtaking the houses were able to sell them to others. In some case, the ownership transferred from one person to another many time. Moreover, in many other cases, the current owners of the houses paid their values whereas the original owners have not compensated. It is tough to measure the range of the problem, but some estimation indicates that to return original owners to their homes in Tripoli completely will only mean the expelling and relocation of one-quarter of the city population of 2.2 million. Moreover, based on the absence of the right solution to this problem, can see the graphics on walls of some houses in Tripoli stating (holy property) for one of the families subject to thelaw of proprietorship. Meanwhile, some original homeowners are ready to wait for the fair compensation. However, others have resorted to illegal action and have by themselves expelled the current (owners) under threat of aweapon.

2.4 REGIONAL AND HISTORICAL COMPETITION

Many on-going conflicts in Libya have their historical roots which may complicate the national reconciliation process. For example, the ongoing feud between BaniWalid and Misrata goes back to 1920 at least. It also holds Misrata, Bani Walid responsibility for the death of leader Ramadan Swihli against the mandate of the Italian. After nearly a century since the incident, specifically in 2012, Bani Walid city refused to hand over some of the most wanted persons by the National Conference's decision to him because they convinced that Misrata was behind this decision, which was passed by the legislature only under pressure from the people of the city. In return, the Misrata battalions imposed a blockade for 25

days on Bani Walid resulting in the fall of Bani Walid and killing of 100 people and hundreds of disabled. To make it worse, the victorious fighters from Misrata hanged pictures of Ramadan Swahili in different areas of the city which enforces strictly the notion of the old feud existing between these two cities.

2.5 REVENGE AND REACTION

The Libyan history is full of feuds which must settle. For example, many Islamists in Libya were tortured and mistreated in GADAFI prisons. Moreover, during the revolution, the goal of all factions was one, which is ousting GADAFI. However, this temporary unity was very slim. The major general Mr. Abdulfatah Younis, the interior minister during GADAFI regime who defected on 22 February 2011 and became the chief of staff for the revolutionaries' army, but the old enemies were not ready to wait until the collapse of GADAFI for settling their calculations. It believed that former Jihadis were behind the assassination of Mr. Abdulfatah Younis on 28 July 2011. After the fall of GADAFI, this case came out. For example, the city of Benghazi faced many wide attacks on police stations and security offices. It understood that the targeted people were former members of the old regime working with Benghazi police and it believed that such attacks made by former Islamists Jihadis who were tortured by GADAFI security or old regime loyalists who wanted to get revenge from the defectors.

Libyans for example, want to know why their country started a war on Chad which lasted for about ten years from 1978 to 1989 and what justifies the killing of over 7000 soldiers in a war in which Libya was the loser. After some years, an aircraft belonging to the Libyan airlines with flight no. 1103 from Benghazi crashed in Tripoli in December of 1992 killing all passengers on board who were about 157. Many assume that GADAFI plotted the accident to get international attention on the effects of the sanctions on his country. Meaning that the sanctions have deprived the civil aircraft of spare parts and required maintenance which has led to the crash and killing of civilians. Regardless of the real causes of the accident, the Libyans want to know what exactly happened which they have a right to seek the truth they deem very

necessary for them to go on. Also, Libyans deserve to know the truth about the Pan Am airline flight crash no. 103 in Lockerby in 1988 called (Lockerby explosion) killing 270 civilians. Fingers of accusation pointed towards Libya, and in 2003, a settlement was made with the families of the victims to pay them 27 billion dollars in return for lifting the sanctions. Unfortunately, the list of vague tragedies during GADAFI ruling goes on starting from Abuslim massacre to the 400 children hit by AIDS between 1999 and 2007.

2.6 CLEANSING AND ELIMINATION

After the defeat of GADAFI and capture or departing of many of his higher assistants, Libyans now face a new challenge of reformation of the state. This challenge has led to a more difficult challenge which is what to do the old regime officials and others who worked under the GADAFI regime and granted some authorities. As a result, the rebuilding of Libya after the fall of GADAFI requires establishing processes and organizing the participation of the old regime officials in the new political system in Libya or preventing them from participation, a process which known in East Germany as (cleansing process). The technique to be approved about dealing with old regime employees in the public sector formed one of the biggest challenges causing disputes which stand in the way of rebuilding Libya after the end of the conflict. The proposed methods start from imposing a full sanction on former regime officials and preventing them from holding any positions regardless of the level of participation of this official and its nature to merging them into the new state organizations gradually.

Libyans have at the end selected the more extreme alternative in the form of political isolation law issued on May5, 2013. The law greeted with overwhelming support as out of 200 representatives, 164 voted for the law and only four against it. The law imposed on those who had high positions in the old regime from 1969 to 2011 a sanction in different categories away from the public life including prime ministers and high level police officers, chiefs of student unions (refer to Annex 1), and gives other criteria leading to elimination including cooperating with security

forces and open complementing of GADAFI or his book titled: Green paper or who had any business relation with the regime. The revolutionaries insisted that the law should include not only the leading officials from the old regime and high figures from the security system but also a wider range of employees who were involved with and worked for the old regime.¹⁶ Their justification was that the scheme worked as a whole unit and not a single one. Even those who were not involved directly in torturing prisoners, for example, were assisting to the survival of the regime as the crimes continued. Regardless of the motives for the political isolation law, if the issued law is applied presently may lead to a prolonged state of instability and will complicate the national reconciliation process in the future. Moreover, in his word given before the International Security Council in June, the U.N. envoy to Libya Mr. Tarek Metri said that many elimination criteria were cleansing and long ranged and vague at times. They may violate civil and political rights for many people. Moreover, from his point of view, the Libyan constitutional law professor, Mr. Elhadi Abuhamra, warned from the outcomes incurring from the political isolation law which may lead to the division of the Libyan society into two halves.

The law poses a grave threat to the stability of the Libyan society and is the opposite of transitional justice. Thus, the enforcement of this law would lead to the elimination of a high portion of the society and in turn create a workforce against the state which may largely support the old regime loyalists and threaten the state of Libya more dangerously. To make a clear comparison, this political isolation law reminds us of the extraction of the infamous (Baath) party, approved by the U.S in Iraq. Paul Bremer, the chief of temporary alliance then, committed a grave mistake when he issued the decision of the temporary alliance authority no. 1 in May of 2003. This act eliminated the different Baath party members the affiliate of Saddam Hussain from the civil and military services in Iraq which lead to the stoppage of therebuilding of Iraq and marginalizing wide sectors of the Iraqi society and stir up sectarianism which has lasted up to date.

¹⁶Ibrahim Sharkia, "Rebuilding Of Libya: Establishing Stability Through National Reconciliation", Brookings Institute, Duha, 2013, p. 10.

Most probably, the political isolation law in Libya would leave similar effects. Supporters of the law say that Libya is not Iraq as 97% of Libyans are Sunna Moslems, so there is no threat of (sectarianism) in the same Iraqi context. Still, Libya does have some other social cracks which the political isolation law may aggravate. Tribalism and Regionalism are among the divisions which may become worse because of this law. Moreover, if the law may inappropriately affect on groups who are considered loyal to GADAFI or the so-called (Azlam) and excludes them, then the political isolation law will contribute to increasing the ongoing conflicts. The threats of the political isolation law may not only damage the social structure in Libya, but also erase the institutionalized memory of the Libyan state by eliminating experts working in public institutions and make the case even more complex. In fact, the general national congress has not yet decided to apply the law although many forced resignations of high officials made as a signal that the Congress is keen on implementing the law. In this regard, Mahmud Gebril warned that half a million would lose their jobs because of the law and that may destroy the power structure.¹⁷ In other words, the political isolation law may simply lead to new corruption replacing the old one.

2.7 ALTERNATIVES TO POLITICAL ISOLATION LAW

For all of the reasons stated above, Libyans will more likely find that the isolation law in its present form is not applicable. Moreover, as is the case in other countries, we may expect that the law would be amended or complemented with other laws or may totally cancel. Moreover, although it may seem a little too late, we think that it is still appropriate to present some alternatives to the political isolation law. Libya may create an efficient framework for cleansing. That may do by integrating these methods with the law or completely replacing it. The transitional justice process provides the same credibility as the alternative which may approve for political isolation law.

¹⁷ previous reference, p. 13.

The transitional justice law, which based on the facts investigation mechanism, the punishment of human rights violators and the corruptors regardless of their association with the old regime or the new government. The facts investigation committees and the serious investigations must use the evidence to protect the revolution (and that is the goal of the supporters of political isolation law) and prevent old regime elements from having a big task in the new Libya. Moreover, whether Libya has approved the political isolation law and the transitional justice law or both, Libyans must go into a transparent and comprehensive national dialogue about the proposed methodology for the (cleansing) concept and its advantages in the post-GADAFI era, and that should set the basis for a broad and extensive reconciliation process.

There are many likely results for this proposed national dialogue; one is an amended political isolation law which must enforce the law in addition to a complete strategy to rehabilitate most of the personalities related to the old regime and re-merge them. The figure below shows that when the isolation law targets only the higher officials from the former regime, a strategy executed in parallel with dealing the wider base of the scheme. This strategy must focus on containing those individuals and members of the old regime who were not involved in human rights violations through the development and national reconciliation program. That method shall deal with the concerns of the revolutionaries through the elimination of very high officials especially from the security forces, and at the same time allows the reintegration of persons less related with the regime.

We propose another alternative for political isolation law which is the checking of the security information of the old regime. After the fall of GADAFI immediately and during the preparation to do the general national congress elections, the national transitional council working as the defected government during the war against GADAFI from February 2011 until the elections of the national general congress in June 2012, issued the law no. 16 in 2012 about establishment an auditing agency for security information called the higher board for enforcement of national transparency criterion. The task of this committee was to investigate the background of any

candidate for a leading post in the state (e.g. membership of the general national congress) to ensure that the candidate has no previous history of the former regime or corruption. A committee was formed temporarily and will be dissolved upon the effectiveness of the new Libyan constitution.

Unfortunately, the committee was busy with many cases to investigate. For example, the committee received 5000 candidacy applications and was given 21 days only to approve or prohibit them from entering. The general manager of the committee Mr. SaadEddin said: we have excluded 250 application and approved the remaining waiting for any new evidence linking them to the old regime (it is without a doubt that there are many complaints about the nature of the committee and its work. One of the committee members said to the Libyan Herald newspaper: the name of our board is the higher board for implementation of transparency and nationalism standards. Moreover, when we vote to delete someone, that means in one way or another that he is not patriotic, and that is a toughdecision. On his part, one of the general national congress(the parliament). who has been excluded by the higher board for implementation of transparency and nationalism standards after being elected at the general national congress by saying: I was very surprised when the secretary of the General Congress stated that the board had excluded me, no one met with me from the board. It is as if they are above the rest. That is the Libyan version of democracy. Whereas the experiment of the higher board for implementation of transparency and nationalism standards was far away from perfection, the lessons learned may help the Libyan authorities to establish a modified board.

The reformation of the higher board for implementation of transparency and nationalism standards depends on improved transparency and firm and strong standards through which the candidate can appeal the decisions of the committee at the courts. The contributions of the other political parties through a real national dialogue shall give the proposed board the support and legitimacy required to play the main role in the Libyan transitional stage. Moreover, although Tripoli holds the higher security committee which has significant power and includes representatives of different military groups, there is no structure organizing Libyan revolutionaries to

work under. The tens of military council all over the country work independently in the absence of clear leadership organizing these boards. There is about one military council for every city.

The main goal of the revolutionaries according to their vision is (protecting the revolution of 17th February. It generally understood that what they need to protect against is the counter-revolution possibly coming from the old regime loyalists. They also assume that they want to ensure the successful transition from dictatorship to democracy and certainly many revolutionaries refused to hand in their weapons based on the principle of their commitment to what they consider (protecting the revolution), whereas others pushed by their distrust of the transition process itself. The absence of a trustful process by the countrymen is reflected usually in the lack of security and prohibiting the revolutionaries from the transition, all of which have weakened the efforts extended to build the state.¹⁸ Consequently, the old fighters and their leaders must secure a future in which peaceful deeds exceed war deeds. Moreover, up to now, the efforts made by the new Libyan state to ensure the future has gone astray.

2.8 DISARMAMENT

One of the main requirements of a successful national reconciliation in a post-conflict era is the restoration of the state sovereignty and disarming the former fighters and reintegrating them into the society. Reconciliation cannot be achieved in an environment controlled by militias. The Libyan revolutionaries have succeeded in ousting the old regime, but two years have passed since then, and they still refuse to give away their weapons to become part of the structure of the new Libyan state. When you visit Tripoli, you will immediately notice that there are two states. Ruling Libya in parallel. The official state represented in the form of the elected national general congress (parliament) and the cabinet, and the state of the revolutionary who possess the military power. Under such circumstances, reconciliation is doomed to fail. The feuds between security forces have had different implications on the ground. Such implications were clearer in Tripoli based on the fast fall of Tripoli and

¹⁸previous reference, p. 14.

how it fell. A public uprising from the inside accompanied by the defense from the outside by the different battalions of revolutionaries and the support of the NATO in the form of aerial bombings and the security gap which have to lead the revolutionaries to compete over the responsibilities and their relationships were full of distrust, a state that was aggravated at times and transformed into encounters between the militias. At the same time, these militias disapproved the two leaders and powers from both the national transitional council or from the national army. That not only leads to encounters but also to establishing independent systems parallel to the police and seizure and imposing justice or revenge even though they were from the inside of the security powers of the old regime and police and ministry of interior who had returned to work. So both institutions were lacking equipment and were undergoing a transitional process particularly in the few days following the fall of the capital. They also lacked funds and competent decision makers. The ministry of interior quickly fell under the control of the revolutionaries due to the appointment of new managers among the detected but couldn't provide the high-security needs of the capital.

The main goal of the revolutionaries according to their vision is (protecting the revolution of 17th February). It is generally understood that what they need to protect against is the counter-revolution possibly coming from the old regime loyalists. They also assume that they want to ensure the successful transition from dictatorship to democracy and certainly many revolutionaries refused to hand in their weapons based on the principle of their commitment to what they consider (protecting the revolution), whereas others pushed by their distrust of the transition process itself. The absence of a trustful process by the countrymen is reflected usually in the lack of security and prohibiting the revolutionaries from the transition, all of which have weakened the efforts extended to build the state. In this regard, Derek Solomons states: the old fighters and their leaders must secure a future in which peaceful deeds exceed war deeds. Moreover, up to now, the efforts made by the new Libyan state to ensure the future has gone astray.

Some observers (including the revolutionaries) firmly believe that the militias have penetrated by some opportunists who joined the revolution for personal interest. The total number of revolutionaries who fought against GADAFI all over the country were about 40000 fighters. The war from the start was in Misrata, and everyone knows that the estimates were very accurate. We do not know how the number of revolutionaries has reached 200000; we do not know where those 160000 came from, of course, there are many opportunists who want to exploit the revolution. Many fighters are hesitant to put down their weapons and joining the formal structure of the state fearing to lose many benefits which they enjoy presently. The higher security committee has some power and budget allowing it to provide many incentives which are bigger than anything which the new state can provide. Therefore, keeping things as they are has become one of the main concerns (s) of many of the revolutionaries.

All efforts of disarmament of these powerful militias have gone astray; the attempt to integrate the individuals in the state security systems also to a great extent has failed. The number of revolutionaries who handed their weapons and joined the police and the army has decreased to about 10000 fighters all over the country. For example, the minister of interior Mr. Ashur Shwail announced in March 2013 that the number of graduating revolutionaries from the police college was 5000.

In January, Mr. Shwail said that there are about 26000 fighters under the umbrella of the higher security committee who have submitted applications to join the police force. Moreover, according to a statement by the Libyan chief of staff Mr. Yusuf Elmangush that 5000 revolutionaries have acceded to the army officially starting from the month of February. Also, the insurgents who have not given away their weapons have frustrated such numbers which are representing a limited progress towards the big task which is rehabilitation and reintegration of the revolutionaries into the society. Moreover, as the revolutionaries continue to refuse to hand in their weapons, and despite the efforts to restore the rule of law or hold accountability after the revolution. Sif Islam GADAFI, since his capture in November 2011 by the revolutionary council and to be tried in Zintan court at the

same time. The transitional council bent to the pressure and adopted the laws no. 35 and 38 in April of 2012; this gives the two laws the immunity against this litigation against the revolutionaries who committed war crimes or human rights violations through the amnesty of the acts which the Feb 17 Revolution made it necessary.

Tension reached its highest levels in early 2013 between Libyan state and the different military councils were at the same time the general national congress was discussing the political isolation law proposed on March 5 2013 when armed demonstrators surrounded a meeting of the general national congress requesting the members to pass the political isolation law. The general national conference. had been relocated from its main site in February when it occupied by the old wounded revolutionaries who were asking for medical treatment overseas and in the end the legislators were able to leave the building when one of the demonstrators shot at the automobile of the chief of the general national congress (the Parliament) Mr. Mohamed Elmagrief who after one week announced that the general national congress would suspend its work for security reasons. However, the armed protesters were asking for the passing of the law and continued surrounding the state institutions including the foreign ministry in April. Worse yet, in October 2013, armed group belonging to the Libya Revolutionaries operations kidnapped the Prime Minister Mr. Ali Zidan and held him for hours. He, later on, said that this militant group was intending to (oust the government) and went on to accuse one of the general national congress members of being involved in the kidnapping.

A process of finding solutions for the complex and disturbing relationship between the Libyan state and the revolutionaries assuming that the revolutionaries are sincere in their will to protect the Feb 17 revolution. Moreover, whereas the opportunistic revolutionaries have refused to put down their weapons to protect their personal interests, revolutionaries will be profiled as very inaccurate. Maybe the best description for the revolutionaries is that they are legitimate but lack legitimacy. Moreover, although many sympathize with the revolutionaries issue of forming a post- GADAFInew system, they have not necessarily got together to support this problem after the revolution. Also, the reason behind the tension between the state

and the revolutionaries mainly is the difference of the methods to stop the counter-revolution and not because of lack of harmony in views of both about the essential integrity of this goal. The leader of the Misrata militia himself said: We have no problem joining the state; we have no beneficial personal claims. If we had been seeking to achieve personal interests, we could have easily done that with no problem at all, we have the capability. Our goal is to hold the GADAFI leaders accountable and to protect the revolution.

However, when the state gets into a successful transition, the distrust would make it difficult to settle the differences concerning some techniques where the revolutionaries believe that GADAFI loyalists control the state. On the opposite side, the state sees that the revolutionaries are going after their interests and are standing in the way of the reintegration greatly. Still, Libya must work to reach an exchanged understanding through dialogue including the state and the revolutionaries on one table. The dialogue must focus on how to achieve the shared goals of the two parties, successful transition, and sustainable peace. The current dynamic must be replaced particularly surrounding ministries and other state institutions by the revolutionaries in a forum which should allow for exchanging of views and finding points of agreement between the two. Also, a third party that is well trusted may act as the mediator in improving the chances of the success of the dialogue.

2.9 DISCRIMINATION AND DIVISION IN THE LIBYAN SOCIETY

The fall of the GADAFI regime has led to extreme divisions in the Libyan society as well as a high abrasion in the social structure. National reconciliation cannot be achieved as long as this last division exists with the polarization between the revolutionaries and the GADAFI loyalists. The victorious victory has led to the classification of regions and even tribes as revolutionaries or GADAFI loyalists (Islam). Moreover, whereas the victorious revolutionaries were treated with dignity and honor, disgrace, guilt, and shame have been openly attached to the loyalists. Such naming has produced a deeply divided society in addition to its division on the fundamental level. In an interview with the former national congress Mr. Salem Elahmer, He said

(Libyans currently are classified as either “revolutionaries or Islam” “he added: this is unjust. The term revolutionaries have been given to a small number of cities like Misrata, Zentan, and suqJumaa as if the rest of the country did not contribute to the revolution. On the other hand, the term (Islam) has been over-generalized to include many cities which did not support GADAFI. For example, Warfalla tribe made of about one million people, so it is not fair to label some of the tribe people as Islam or GADAFI loyalists. At the same time, only dozens were loyal to GADAFI. The same thing applies to Bani-Walid as only a few fought with GADAFI, but the whole city whose population is about 80 thousand person treated as Azlam. This matter must end if we want to build a new country enjoying stability and prosperity. This culture in Libya also includes a selective reading of history. This issue provokes polarization. GADAFI ruled for 42 years during which many parties fought against his dictatorship. The Feb 17 revolution may considered the date of ousting of GADAFI, but the struggle was accumulative. All contributions made by Libyans to resist his totalitarian regime and destabilize it were significant and recognizable regardless of their exact dates. For example, the death of the student Sadiq-Shwehdi who executed in 1984 for organizing anti – GADAFI demonstrations must be given same interest as to those who were killed by GADAFI troops during the Feb 17 revolution. Still, the common speech in Libya presently circles glorifying Feb 17 revolution and rarely others are mentioned. Mr. Elahmer continued by saying: the fathers of Bani Walid were the first to revolt against GADAFI, the sons of Bani Walid made a coup in 1993 but failed. Naturally, they suffered the harsh revenge because of that. We paid a high price in 1993 when the rest of the country was only watching. He added; this seems forgotten now. The spread of the winning culture has led to dividing Libya in other ways. Particularly, according to what was described by Rania Sofia, a specialist at the U.S Institute for peace as the feeling by the revolutionaries of (deserving) certain rights. The victorious revolutionaries believe that they have the right to possess military power and private prisons, and even in the case of Zentan, they think they have the right to continue seizing Sif Islam GADAFI in Zentan prisons and to trial him in a local court. Many of Zentan tribe believes that having trial for Sif Islam in a local court is an honor for them. In fact, many have even referred to the authorities in charge of Zentan as the (Zentan government).

In addition, the researcher, from his point of view, sees that the victorious culture and discrimination intentionally implanted in the Libyan society, and the division we have witnessed in the regions supporting the revolution and the opposing regions was from the start intended to spread such culture which will greatly contribute to impeding and blocking the reconciliation efforts, but from the point of view it will not form a significant obstacle.

2.10 LOCAL IMMIGRANTS AND REFUGEES

Collective immigration is considered the biggest obstacle to the rebuilding of the political consolidation at the post-conflict stage. In this regard, the term (migration) includes the local immigrants (evacuees) and the refugees who have fled the country. No national recovery in Libya can happen as long as an integral part of the society is living in refugee camps inside and outside the country.

The defeat of the old regime and the death of GADAFI have left his loyalists in a state of chaos with fear of revenge especially in the absence of law enforcement and the collapse of the state security institutions. Many members of the old regime have left the country with their families. Meanwhile, others have become local immigrants because of the continuation of violence. According to estimations by the U.N higher refugee's affairs commission, the number of political refugees in Libya is about 60000.

The local immigrants live in refugees camps in Libya (in very hard health conditions). The number of Libyan immigrants at one point reached its high of one million refugees even though some official estimates show that many have returned to the country since then. Still, there are significant numbers of Libyans live currently in Tunisia and Egypt who are not registered officially as refugees.

One of the more severe problems related to the local immigrants today is the issue of the city of Targa. According to residents of Misrata, the fighters loyal to

GADAFI from Targaa attacked Misrata and committed a series of rapes and killing during their blockade which they imposed on Misrata for about two months. Moreover, after the fall of GADAFI, the Misrata revolutionaries forced all of the people from Targaa of about 42000 to evacuate the city which has become deserted completely. Most Targans live in three camps while others have either gone to other cities or fled the country.

Nevertheless, the people of Misrata still claim justice to be made and have even destroyed the city of Targaa that the people cannot return to it.

Farid Ibrahim, the special consultant for the Human rights watch, says: the people of Targaa have chased, captured and tortured. Satellite pictures analyzed by human rights watch confirm that what we saw, in reality, is a systematic destruction of the residence, commercial and industrial buildings after the end of the fighting in a clear effort to prevent them from returning.

Mr. Ali Targi, the speaker for the internal Targaa immigrants in Janzour the suburb of Tripoli, says that Targans have become the victims of barbaric acts. He adds: (before knowing the truth about past violations; we need to know the truth about the present violations. There is no transitional justice; there is only one justice, the victorious justice. Moreover, up to this point, the conflict between Misrata and Targaa a very complex issue that is far from achievement due to the rape accusations. Misrata seems to be ready to consider a decision which is negotiated concerning the killings during Misrata blockade. However, they are not ready at all to discuss the rape cases. The minister of justice, Mr. Salah Elmergani clarifies by saying: the Libyan cultural heritage (their value system) can provide some tool to deal with the theft and killing crimes, but not the intentional rape. Accepting a compensation for rape is a no- no. Just discussing the rape is in itself very disturbing. But not when a whole city accuses another town of committing rape. Neither our legal system nor our values tell us what to do in such case.

As for the people of Misrata, the crimes committed can't in any way fixed. They refuse to negotiate or give certain claims in this regard. Mr. HaiderElmisrati, a member of the Misrata military council in Tripoli says: There is nothing to talk about concerning the war crimes committed by Tuargans in Misrata. Maybe as time passes, things shall improve. It is not possible to speak of this problem now. The people of Taurgaa may go anywhere they want, but there is no return to Taurgaa.

It is true that the Taurgaa case represents the more dramatic example of immigration inside Libya. However, it is not the only one. Other tribal conflicts have contributed to the migration of some societies in Libya including those disputes between the tribes of Mshashia, Gwalish, Awinia, and western Riaina, Twareg, to and others.

It is true that the division between GADAFI supporters and dissidents has come out as a factor in aggravating Libyan disputes. Disputes are a common factor to most of all immigration cases in Libya. However, it is worth noting that there are other factors which may have contributed such as disputing over lands, historical oppression, race, tribal feuds...etc. For example, the tribal conflict over lands in Jabal Nfusa between Zentan tribe (whose people joined the revolution) and the Mshashia tribe (accused of being GADAFI loyalist) goes back to the time of the invasion. Moreover, even in the case of the ongoing conflict between Misrata and Taurgaa, many Libyans believe that main factors which complicate it are race and social class. This makes resolving the problem more complicated. The people of Tauraa are black, and it is believed that their roots are from different parts of Africa. Whereas the people of the city of Misrata are white and come from a mix of Arabs, Turks and Shirakis. Moreover, it is believed that the people of Tauraga expelled in the past by the city of Misrata and that Misrata has been a main market and source of work for the Tuargans and that until the 2011 revolution, many of them were depending on Misrata for their living.

2.11 SOLVING IMMIGRATION PROBLEM IN LIBYA

As migration—and conflict causing it—forms a large challenge to the achievement of national reconciliation in Libya, it is possible to address and deal with considering that the above-mentioned factors can be the starting point towards finding a long range solution to the migration problem.

- a) Undoubtedly, all the suffering by the city of Misrata and other communities during the GADAFI ruling were genuine and that they should deal with the old regime, especially during the revolution became crueler than any time ago. As it is natural that those groups would resort to punishing the criminals outside of the judicial system especially in the absence a suitable alternative to deal with their complaints.
- b) It worth noting that most internal migrants and refugees were not involved with GADAFI security systems directly or indirectly. Most of the internal migrants are families, children, fathers, and persons who worked with the old regime in different degrees. The researcher observed, during his visit to Janzour camp for example that most of the camp residents are families, children and elderly ...etc. And that their relatives involved with the old regime have either escaped or are inside Misrata prisons. Hence, the dynamic and suffering are inappropriate to those who are not sinful with the old regime crimes. It is simply a collective punishment.
- c) Amongst the internal migrants and refugees, particularly, many empathizes with the old regime but they were not involved in the violations. They have escaped their city because of lack of security and fear of revenge from the allies of the old regime. In some extreme cases, some of them escaped because they had shown on Libyan TV attending the last speech of GADAFI in the Martyrs Square in Tripoli.

That requires justice with all parties. This law may cancel all three consideration and establish a legal framework. Transitional justice law is to deal with the wish of the harmed communities instead of enforcing the law by them. Also, applying it to

all the persons involved in committing crimes shall dispose of the need to threaten communities in whole and randomly. Stopping this collective punishment would allow many innocent individuals who are living in refugee's camps all over Libya to return to their homes which would lead to achieving a just national reconciliation. Furthermore, those loyal to the old regime, from their part, may be ready to come back to Libya to face the charges directed to them once they are sure that the state is in control of the internal security and that they would not be subject to aggressive and revengeful acts. The state must play the necessary role. The agreements made between Libyan tribes are not enough to secure this type of assurances as there will always be extremists who would violate them. In fact, the need for intervention by the state exceeds enforcing the law. The role of the state includes setting a package of conditions required to facilitate the return of the migrating communities with safety and dignity to their homes and re- operate the services (including utilities such as water, electricity, schools) in those regions. Only the strong state can fulfill all of these requirements. For example, if the people of Zentan allowed Western Riaina people to return, it would only be a partial solution because most of their homes have destroyed and the infrastructure damaged in those areas. Therefore, the role of the state shall not be based only on leading national reconciliation and providing safety, but also on the repair of the damage left by the war and to allow the migrants to live their normal lives.

CHAPTER THREE

PERIMETERS OF NATIONAL RECONCILIATION IN LIBYA

3. NATIONAL RECONCILIATION MOTIVES IN LIBYA

One of the deepest divisions which have come about in Libya in post-GADAFI era is between the revolutionary cities and the tribes labeled as revolutionary (e.g. Misrata, Zentan, Benghazi, SuqJuma, Zawia, Zwara) the Azlam (old regime supporters such as parts of Werfalla, baniwalid, Gdadta, Mshashia, western Riaina and Wershfana). This divisional gap was enlarged due to the manipulation by GADAFI of the tribe as being a Libyan social institution and which he exploited to preserve his power which lasted for 42 years. Moreover, because of the 2011 revolution, many tribes today who are closely linked with the old regime feel the defeat and being marginalized and discriminated against.

Libya must also deal both with the terrible crimes committed during GADAFI era and the 2011 revolution. Some of the horrific crimes previously committed include the massacre of Abu Slim prison in 1996 and the forced disappearance of the political GADAFI dissidents. On the other hand, the wrong doing taking place during the revolution includes rape cases in Misrata and Ejdabi as an example. It is worth noting here that the Libyan society is very conservative which is used to revengeful justice. Hence, if these past crimes are not resolved, Libya may get into a cycle of revenge which may aggravate the conflict. Moreover, to put a stop to the chaos resulting from the fall of GADAFI, a national comprehensive reconciliation process must be implemented. In this regard, national reconciliation may be defined as the course of resolving complaints of parties in conflict with the aim to redefine their relationships and revise a new social contract.

Approaches to achieving national reconciliation have always focused on national dialogue and transitional justice as convenient and efficient methods to make any national reconciliation in the country successful. The country must compromise with

its past and resolve the victims and their families complaints their suffering under the old regime and hold the criminals accountable for the crimes which they have committed. Also, it must reform the state institutions in such a way to prevent future violations.

It is highly important to stress that striving to achieve social justice and national reconciliation must not necessarily be done by applying a planned method starting from the top of the pyramid and going down. There are no certain groups of steps to be taken to achieve these results, but rather there should be a comprehensive national dialogue at the heart of the reconciliation process. If all concerned parties allow for discussion of the more appropriate arrangements to investigate the facts, compensation, questioning, institutional reformation, only then this method can ensure the insular possession of any agreement.

However, there are some critical and urgent challenges standing in the way of the Libyan reconciliation. Reconciliation processes are costly especially if they cover extended periods of war or human rights violations. They include compensating the victims and their families, disarmament, release, re-merging of the old fighters and returning refugees to their homes.

In such case, reconciliation will have effects exceeding the Libyan borders, as a divided Libya poses a threat to neighboring North Africa countries. We have seen how the smuggled weapons from Libyan storehouses. have driven Azwad independent movement in Mali to challenge the central government in Bamako and overtake the northern half of the country which in turn lead to French military intervention in Mali and refugees flow (in addition to armed Jihadin) to Mauritania ,and that shall treat the political balance which is already fragile there. Libya is also bordered by to fragile political systems (Egypt and Tunisia). Thus, the extension of this state over the borders of Libya may lead to shaking the stability of the two countries. There is an urgent case particularly in Libya which is the need to enforce the law because reconciliation cannot achieved in the midst of chaos, as the minister of justice, Mr. Salah Elmargani, states (building a state and enforcing the laws

are two basic conditions for national reconciliation). Law and order ensure implementation of agreements reached through dialogue and reconciliation. For example, for the migrants and refugees to be able to return home, the state must stop any revenge acts against them. Thus, reconciliation cannot process without an efficient and cohesive government.¹⁹

The second challenge, the concept of (reconciliation) itself can be ambiguous which may understood in different ways by Libyan citizens. Moreover, in the absence of a precise definition of reconciliation, Libyans attitude towards reconciliation is usually based on their personal belief (which is mostly biased) to the process. For example, some Libyans reject the idea of reconciliation as it means forgetting the past completely without any accountability to those who committed the crimes in the past. In this regard, one of the civil society activists say: Libyans are very sensitive to the term (national reconciliation) particularly, as he adds how reconciliation can be achieved after all that we have suffered during and before the war, we cannot do that. We must talk about justice before we speak of reconciliation. Hence, the transitional justice poses itself as another problem as it is an essential element for reconciliation.

The third challenge is about the timing of the start of executing national reconciliation in Libya. It cannot be started too early and shouldn't started too late. Many Libyans may not in the short term feel that they are ready to talk about reconciliation immediately after the fall of the old regime. For example, Shiekh Ali Salabi, an influential religious figure, met with Ahmed Gadaf Dam, one of GADAFI cousins in Cairo in May 2012, seven months after the death of GADAFI. The meeting was part of initiation proposed to discuss the horizons of national reconciliation. However, he faced much criticism by the Libyan media and political parties and the people. According to one of Mr. Salabi attendants who participated in the meeting said: my brother called and said: are not brother anymore, how come you meet with war criminals and talk with them about reconciliation. Such reaction shows the significant confusion between Libyans concerning reconciliation with old

¹⁹Alison Bargiter, *The Originals And Intruders In New Libya Arab Politics* (Arab Center For Politics Study And Researches, Duha), issue 11, Nov, 2014, p. 24.

enemies. Without a doubt, the attempt by Mr. Salabi to achieve reconciliation came prematurely for many. However, the start of the reconciliation process too late may be faced with disinterest from the parties in this process, and then it becomes impossible to achieve later on. The adjustment to the new reality of a post-war stage would make difficult for people to remember the past and get into a reconciliation process. Furthermore, the old regime supporters and the insurgents with the passing of time would take an entirely opposite direction in the Libyan case. If a real reconciliation process not launched now, it is possible that the divisional gap between the disputing parties will increase and that the pending cases will create new conflicts.

3.1 ESSENCE OF THE LIBYAN NATIONAL RECONCILIATION

National reconciliation, in its simplest meaning, means (a process of national compromise upon. which a relationship established between political and community parties based on forgiveness, justice, and removal of effects of the past conflict to achieve peaceful co-living between all spectrums of the society and to ensure the right transition to democracy through certain mechanisms and in accordance with a number of agreed principles and procedures. However, reaching a real national comprehensive reconciliation is not an easy task. It requires complete awareness of the political, social and legal situation in the relevant country, and to know the right path and procedures needed to reach the national reconciliation, and to also study other countries experiences. The right technique to achieve national reconciliation requires following the good mechanisms for transitional justice. Therefore, it is imperative to study national reconciliation together with the transitional justice mechanisms. Specifically uncovering the facts, holding accountability, cleansing, institutional reformation, amnesty, repairing victim's damage and keeping their memories alive, and keeping the collective memory.

Hence, the national reconciliation intended by the implementation of transitional justice is based primarily on legal and justice techniques. It is in that respect different from the reconciliation sought by the political factions and parties undertaken essentially by parties representative and various political powers. The

term transitional justice does not mean at all making peace with those committing serious crimes because the concept of accountability which is one of the core pillars of transitional justice according to the modern international approaches which based on the principle of not getting away from punishment. Reconciliation with criminals of serious crimes and terrorist offences is prohibited. Thus, this concept ,when applied to the situation in Libya.means sorting and classifying process and applying other available transitional justice mechanisms to repair the cracks. in the society and restore its stability by defining the causes and types of violence and containing it, and reintegrating those have gone astray or seduced back into the arms of the society.²⁰

We must take into consideration when correcting the course of transitional justice that the national reconciliation parties in Libya are numerous and that they are not limited to a certain tribe, region or faction. Hence, the required forms of reconciliation will also be variable. There is a reconciliation to be made with the old regime officials and other classes from the Libyan society who were oppressed or tortured or seized before the Feb 17 revolution. Reconciliation will stem from it between the grave human rights violations which happened under this regime and his security powers and symbols who committed such violations in addition to the reconciliation with many categories who have suffered elimination and marginalization. Moreover, then comes the grand reconciliation which aims to remove the tribal feud and severe social division promoted by the old regime figures and lead to bloody encounters between his followers and other Libyan peoples and which developed into committing terrorist acts by the supporters of this regime as they well known by international treaties and local laws. Then comes the more important and more difficult reconciliation especially following the Feb 17, 2011, revolution between the classes of the Libyan society who stood with and supported GADAFI regime and contributed to its sustainability and with those the majority who resisted this dictatorship regime in different ways.

²⁰Mohamed Abdulhafid Elshikh (Challenges Of National Reconciliation In Libya After 2011) Arab Future, year 37,issue 431, Jan, 2015, p. 105.

3.2 GOALS OF THE LIBYAN NATIONAL RECONCILIATION

The most important goals sought to be achieved by national reconciliation include:

1. Finding the right social and security environment
2. Rebuilding trust between Libyans
3. Achieving justice
4. Removing any traces of the disgusting practices committed by the old regime
5. 5. compensation for those affected. Reaching the highest amount of reconciliation between individuals, families, groups, kinsfolk, tribes, cities.
6. Issuing a statement of national reconciliation.

3.3 CHALLENGES FACED BY THE REVOLUTION AT START IN 2011

After three years from fall of GADAFI, and based on the crises encountered in the Libyan scene, it is safe to say that there are significant challenges facing the Libyan revolution which can be summarized as follows:

3.4 RESTORATION, REFORMATION AND REBUILDING THE SECURITY AND MILITARY INSTITUTIONS

The main challenge facing Libya is Restoring, reformation and building the security and military institutions which very critical. It is to rebuild the safety and military institutions and the return of the employees and reintegration of the armed groups. The other essential challenges include the increase of a number of revolutionaries as the number of militant groups has multiplied many times. After the official liberation announcement and end of fighting on 23 October 2011, the number of enlisted persons at the higher security committee which belongs to the ministry of interior was about 143 thousand whereas the official estimates of those who carried arms against GADAFI and participated in the battles against his troops were 30 thousand fighters.

Containing those fighters affects the building of the ministry of interior and the army. They need more vocational training to dispose of the adverse effects of their connection with their local leaders on one side, and that they feel they are more outstanding than others on the other side. Also, many revolutionaries did not show serious readiness to give up weapons. In fact, some of them have initiated the establishment of political parties. Of course, there were no signs of success of the transitional authorities in achieving any decisive step in this regard. In fact, there were evidence of deterioration of the security conditions and delay of the building of the army and security institutions. Meanwhile, the armed groups have continued imposing their will on the ground as a clear challenge to the government, and the national congress which stormed and its activities halted continuously, and its members attacked, and some of them even were forced to give their resignations fearing for his life and having received threats. As for the state institutions and its ministries, they were also stormed into and closed by the armed people, and the employees prevented from entering, and its properties and contents looted. It is possible to understand why the Congress could not take any grave and decisive steps to implement the roadmap due to the inherent weakness in the Congress as an institution itself. As this Congress reflects a considerable amount of division and disruption and is full of political maneuvers and competition between the parties or those who are concerned only with the personal and regional interests only.

Consequently, the political isolation law came about which issued under the threat of arms and the break in of the ministry of justice and ministry of the interior by the armed militias. Moreover, there is no doubt that this law will have the significant impact on the political life in Libya and its stability both on the long and short range depending on the mechanism to be adopted between those who can be involved in the political life in Libya and those who cannot according to this law. There is no doubt that Libyan revolution has the right to protect itself from the old regime figures and to prevent them from returning to power but without incurring from this right the isolation of a wide range of the Libyan people. There are fears that the national reconciliation will be disregarded due to the political isolation law if it based on a random and overwhelming method in its implementation which would

lead to marginalizing a significant portion of the Libyan people and threaten its unity. The implications of this law are becoming clear in many crises which have hit the country after the imposing of this law.

3.5 TRANSITIONAL JUSTICE AND NATIONAL RECONCILIATION

The Libyan experiment after 2011 has shown weakness in dealing with the concept of transitional justice and the concentration on national reconciliation without specifying the conditions and implementation mechanisms of the reconciliation and the principles on which it based. That has led to impeding the rebuilding process of the national state and the smooth transition to democracy. That was evident from the divisions, participation, and agreements in addition to the lack of awareness about justice and lack of forgiveness and apology culture which has enhanced the social divisions and has created obstacles for co-living and its effects are even greater with political motives. Such is the case today in the country as it is in urgent need in its new experiment to spreading forgiveness culture which states: (accepting political diversity, respect, cultural diversity, forms of expression of human qualities. Thus, forgiveness assumes knowing others and being open to them and communicates with them and freedom of interacting and co-living with them). Dealing with past crimes and offences committed during the revolution is an issue that is becoming more complex because of involvement of revolution troops in torturing the seized persons as well as the revengeful attacks against groups considered loyal to the old regime. Transitional justice must face such violations also for it to perform its tasks in addressing these issues and challenges. Transitional justice includes a full scope of operations and mechanisms related to the attempt by the society to face the broad range violations. Develop transitional justice strategies in dozens of countries, which included the transition to democracy in Latin America and apartheid in South Africa. Transitional justice includes the illegal status, facts investigation mechanisms, repairing the damage and institutional reconciliation. It is a secure element of the peacebuilding efforts in post-conflict stages. That requires implementation of transitional justice in Libya on the wide range of violations including systematic oppression during 42 years of dictatorship and the barbaric acts

by the regime against this uprising at beginning of the revolution and the conflict stage which faced many wrongdoings by both parties including political oppression violations known to be committed by GADAFI regime by criminalizing the opposite point of view and the opposition , the executions with short procedures, the forced disappearance and torture , the show trial before political courts , the years of imprisonment in the (black hole) prisons like Abu Slim, AinZara, promoting racial and tribal divisions.GADAFI regime usually was committing barbaric acts openly, and at times they were even televised to provoke terror. Then the question is about who shall be accountable for the continuation of this regime from those are other than the higher leaders. The question remains pending. Dealing with past crimes committed during the revolution and after that including torture of detainees and the revengeful attacks against groups loyal to the old regime. Transitional justice must address these violations also to make the reconciliation efforts in Libya successful.The arising of local disputes in many parts of Libya because past historical oppressions call for a comprehensive approach to addressing the past. Since the month of October, this type of disputes has arisen in different parts of the country including Bani Walid and Kufra between Tabo and Zweia and in Sebha, In Zawia with Wershana tribe, and in Zentan with Mshashia tribe, and in Zwara with Jmil and Regdalin, in Gdames between the Arabs and Twareg. Such encounters have led to losses in civilians. Moreover, although many delegations have dispatched for reconciliation on the local level, these initiatives could not solve the historical roots and past injustice based on the statement of rights. Moreover, up to this point, there has not been a unified national reconciliation process in Libya.

3.6 REGIONAL AND TRIBAL CONFLICTS

Following the fall of GADAFI, tribal conflicts were provoked most of were related to land property and political influence as it seems that the tribes which did not get any benefits are trying to restore their status and even getting revenge from their tribal opponents after the revolution especially that transitional power has become very fragile as was the case in the encounters in Bani Walid whose most population was from Werfalla tribe and who supported GADAFI during the civil war. Also, Mort that 30000 people in Taurgaa were expelled and immigrated by Misrata tribes. Also, the Arab tribes in the south. who were oppressed by GADAFI were seeking the retrieval of their status after the revolution in the face of the Tabo which lead to armed encounters in 2012 and the enrooting of hatred based on supporting or opposing GADAFI which opens the door for a division with which chances and will for forgiveness would become slim , and that threatens the newly started democracy and the conditions would be made more critical and challenging especially the defeated regions and the losing tribes like Werfalla, Gdadfa, and Mgarha. Here lie adverse aspects of dividing the country into victorious cities, regions, and tribes against the sad ones. Furthermore, that would create a social crack and increase the degree of internal tribal and regional divisions and also increase violence between the Libyan society components. On the other hand, the external factor cannot overlooked in increasing degree of internal tribal and regional divisions. In this regard, intelligence reports have shown. that there is a role by some by some Arab countries in what is taking place in Libya who want to control the extremist movements and limit the influence of Islamic brotherhood group in Libya not to mention the will of these parties to disseminate the revolutionaries fears at their doorsteps and keep Arab spring in a narrow corner. These reports have proven financial and logistic support to the retired brigadier Khalifa Hafter in the eastern region in parallel with the intelligence and technological support.

3.7JIHADI GROUPS WHO ARE INTELLECTUALLY EXTREME AND WHO ARE OPPOSING THEESTABLISHMENT OF THE STATE

Armed jihadi groups, following the revolution, came to the scene refusing the national perspective of the Libyan state and raise symbols of Sharia (Islamic legislation) application. Moreover, even though the Islamic jihadi groups played a real role in the fighting against GADAFI, it represented an obstacle to thebuilding of the state after his fall.

The Libyan fighting group is one of the armed groups who adopt the Jihadi Salafi belief. Moreover, although Mr. Abdulhakim Belhaj, the most prominent figure of the group said that the Libyan fighting group has been dissolved and is no longer existing on the ground, its members have joined (Islamic change movement) and that he supports a civil democratic. However, some of the leaders have appeared again as leaders of militias groups in Benghazi and Derna and other eastern countries. One the most important groups is the Ansar Sharia group in Benghazi .which face strong opposition in the east because of their anti-state practices because of social norms as those spared no time in calling democracy as (atheism) and in their verbal attacks on other non-Islamic parties, particularly the liberalists whom they equalize with secularism which is a synonym of atheism in their view. It is also noteworthy that this group has accused of targeting western interests in the East particularly the attack on the American embassy in Benghazi which resulted in the death of the American ambassador Mr. Chris Stevens and three other diplomats in September of 2012.²¹

²¹Khalid Hanafi Ali, Libyan Violence Groups And (Jihadi Transit), International Politics, issue no. 198, October 2014. p.104.

3.8WHAT LEFT FROM THE FORMER GADAFI SYSTEM

Libya will continue to be unstable unless a methodology set on how to manage and deal with the remaining figures from the old GADAFI regime, particularly the revolutionary committees and the security troops especially that they have funds which may be exploited to spread chaos and instability in the country by supporting some of the armed groups. In this regard, there are clear differences in the Libyan scene. There is one team which thinks it is important to reintegrate those into the new Libya which is the only way to build the nation. Another group such as the Islamists and other powers from the opposition see that there is no place for those in the new Libyan system.

CHAPTER FOUR

4.NATIONAL RECONCILIATION METHODS

Many Libyans believe that the road to national reconciliation requires the founding of the rule of law. However, to establish transitional justice law and avoiding the top to the bottom method, Libya will need a comprehensive national dialogue. In other words, transitional justice and national dialogue must work side by side to provide the tools required to achieve a national reconciliation agreed to by all concerned parties.

4.1TRANSITIONAL JUSTICE

Transitional justice is a great concept whose application differ from one place to another. The Tunisian minister of human rights and transitional justice, Mr. Samir Dilo, probably best summarized the difficulty of adopting one definition for transitional justice during an interview made in 2013 where he said: (it is a new concept. We discovered after making a questionnaire on what transitional justice is and found out that there are more than 40 definitions. However, Mr. Dilo was able to outline what the views were agreed to: (the fears of the respondents were focused on the common goals, discovering the truth and holding the accountability of the violations and doing justice for the victims and reforming institutions to prevent arepeat of violations.

In Libya, citizens are asking for justice to done before reconciliation. Power relationships here play a significant role as it seems. As long as the full and final defeat Gaddafi does not have any motives for the rebels to give any assignments. In fact, they are asking for doing justice completely first. As a result, many Libyans rejected the idea of reconciliation believing that it is the alternative for reconciliation and complementary to it.

Transitional justice has become a necessity for a healthy society transition and a sustainable national reconciliation as it provides the opportunity to victims to reconcile with their past suffering and giving them the healing and end needed to go on with life. It can also help the criminals by giving them the chance to admit their mistakes and repent. The Libyan analyst and writer Mr. AbullaElmazi interpreted the need for national reconciliation by saying: national reconciliation helps heal the festering wounds and is a national cleaning process. If Libyan fails to clean from the terrible past, the sediments will chase them forever.²²

Moreover, with the vast majority of Libyans agreeing on this, the country must go on with the implementation of national reconciliation as the first step towards national reconciliation. Moreover, to achieve this objective, a special transitional justice law is needed to be clearly formulated and adopted by the legislative authority in the country. This law must state the methods of dealing with violations and shall include instructional principles to get compensations (financial and economic) and lead institutional reformation at the same time in addition to preventing such violations from happening again. The law shall allow the country, by providing an organizational framework of the transitional justice in Libya to progress through the main four transitional justice steps; investigating the facts, compensation, accountability, institutional reformation, in addition to setting the principles needed for a more comprehensive and sustainable reconciliation.

4.2 TRUTH AND RECONCILIATION COMMITTEE

The truth is important for the Libyan collective memory. However, is the Libyan society ready to know what happened under GADAFI regime and during the revolution? This question is hard to Answering most of the countries that are undergoing transitional stage. The concern remains that knowing many facts could harm the social structure of these countries instead of helping them to overcome the shocks of the past. That applies specifically to the tribal societies like Libya which

²²Ibrahim Sharkia, previous reference, p. 20.

may face revengeful acts if the investigators whose service during their in GADAFI security systems lead to torture or death of many Libyans. However, Mr. Husain Boishi, the chief of truth and reconciliation committee in Libya. about investigating facts of the Libyan problem, sees that: knowing the truth in Libya would lead to social unrest because all- victims and Libyan society- know those who worked with the regime and committed violations and that they have not disappeared, and almost everyone knows them.

Furthermore, the Libyan Mufti (religious reference) discusses this matter by saying that knowing the truth is necessary for applying justice, then forgiveness and reconciliation. For example, during the trial, the judge cannot order the parties to get into peace and reconciliation before stating the facts and specifying the rights of each party first. Only then can the judge encourage the parties to forgive and reconcile.

The Libyan authorities seem to have adopted this method by defining during the GADAFI regime knowing the truth as a primary step towards peace. Moreover, in the implementation of this objective, and immediately upon the fall of GADAFI regime, the national transitional council forms truth and reconciliation committee as an entirely independent board with its first administration, leadership, and budget.

The committee is independent of the executive authority of the country. It presents reports to the national transitional council. The chief of the truth and reconciliation committee stated that the board had set its constitution and hired facts investigation experts and that it should start receiving claims of victims and their families. The investigations shall include some multiple violations of human rights including killing, torture, and rape, imprisonment and disappearance, also corruption cases, bribery, money laundering. Moreover, according to Mr. Boishi, the committee shall investigate crimes and document them in addition to the accurate estimates of victim's compensations. He added: (in addition to the financial contribution, the committee recommends psychological treatment and consultation. It also implements some symbolic steps like naming a street or a school or public square after the victim). Moreover, despite the necessity of investigating the facts in Libya, the

challenges have been burdensome. First of all, the truth and reconciliation committee overdid itself by establishing facts investigation board in the absence of the transitional justice law. The board cannot work without a transitional justice law that is in progress. The lack of a proper legal framework explains why the committee has not received one case after one and a half year from its date of establishment. In fact, the hiring of Mr. Boishi was another challenge. which the truth and reconciliation committee faced in Libya since the latter had been in the position of chief of supreme court during GADAFI regime even though he resigned from the post before the revolution, he may be affected by the political isolation law and removed from office himself.²³

Finally, the work of the board will become more complex due to loss or damage of evidence all through the past forty years. This problem faced by most countries who established truth and reconciliation committees when they tried to collect all evidence for the cases. Usually, evidences are distorted or damaged with time. In some case, nations responded through replacing strong evidence with the verbal statements of the witnesses. Still, investigating crimes which happened forty years ago is a tough task. The truth and reconciliation committee must do its best to find creative ways of investigating old crimes and seek solutions for the offences which the committee has not conclusive evidence about.

4.3 COMPENSATION

Compensating a past damage- as much as possible- is an essential element of transitional justice. That was used in most post-conflict cases to make up for the victims and their families and help achieve national reconciliation. Compensation can come in two forms; financial or nominal.

The compensation process is usually costly. Moreover, in the case of Libya, as the violations go back to 1969 when GADAFI overtook the power, the cost can be very high. What makes the Libyan situation more complicated. is that the

²³Ibrahim Sharkia, previous reference, p. 21.

compensations the compensations must not be only granted directly to those who were tortured by the regime, but also solving the critical disputes about properties and ownerships also will require repairing the damage incurred by GADAFI law No. 4 in 1978(ownership law) by the state for those whose homes were confiscated or those who bought those homes after that illegally. The parties have legitimate rights for claiming property and the state must compensate anyone whom legal ownership removed. The good news about Libya is that it is a rich country, an oil producing nation with a total population of 6 million which is relatively low. Therefore, Libya should be able to expand its range of compensation of the reasonable past violation cases. In fact, the Libyan government paid the medical treatment costs for most of the wounded during the revolution. For example, hospitals in Jordan received about 27000 patients all of whom were sponsored by the Libyan state. The Tunisian hospital treated similar numbers also financed by the state.

Regardless of the high amounts of funds currently available, the financial resources are not sufficient by itself for complete reformation covering decades of mistreatment to the Libyan people. The victims need a non-financial rehabilitation also. Such nominal arrangements play a central role in equitability of the old regime victims.

The best example for that is the Abu Slim victims' families claim. They have requested to build a monument for their victims and naming the streets and schools and another public place after them to remember them. They also claim to include the massacre in textbooks for next generations and to avoid such incident.

The formal recognition is necessary to found the reformation within a Libyan cultural context. Victims of past torture give close attention to their recognition of their suffering. When asked about kind of compensation they expect to get, some of the victims who interviewed stated the great Libyan expression: show me my right, and then take it. Which means they want their rights must first recognize the request without penalty or compensation.

ACCOUNTABILITY

Implementation of national reconciliation in Libya requires one certain principle, accountability. It is essential not only for the victims and families of past crimes, but also the society which is undergoing a transitional stage from dictatorship to a government enforcing peace and stability. Also, victims and families particularly would want to see those who tortured them held accountable in order to go on with life. In addition, accountability helps the criminals in establishing a new era in Libya where the rulers shall think twice before getting involved in human rights violations.

Libya has taken some steps to hold figures of old regime accountable for their governance. There are currently more than 200 important figures from the old regime in Libyan prisons. In October of 2013 about 38 of them came to court in Tripoli including the former Prime Minister Baghdadi Mahmudi and former foreign minister Abdulaati Abidi and the former chief of intelligence Abdulla Sanusi.

The presence of the families of Abu slim prison massacre victims in the court was important. They insisted to inflict (maximum punishment) on the criminals. It is nothing new that the victims' families believe that Abdulla Sanusi supervised this massacre. In addition, The Libyan authorities has sent capture requests to the Interpol for 40 former figures who are still free including the GADAFI cousin and personal assistant Ahmed Gadaf Dam and former minister of interior Nasr Elmabruk and GADAFI daughter Aisha.

And despite the need for accountability particularly forms the victims and their relatives; its implementation practically is limited to the punishment of high figures of the old regime. The first challenge of accountability is the lack of a competent and fair justice system in Libya to manage fair and just court proceedings against persons accused of committing crimes for 42 years of GADAFI ruling .As is the case, justice system needs deep reformation because it has been marginalized and corrupted under the old regime. In fact, the insistence by the revolutionaries to reform the justice

system and cleanse the judicial authority before making any trials is one of the main reasons for bad security conditions in Libya.

Level of credibility of the Libyan justice system worsened after the trial of son of the old dictator Sif Al Islam GADAFI. Since his capture in November 2011, the military council of Zentan seized Sif Islam and has refused to hand him many times. The distrust in the ability of the Libyan state to protect Sif Islam is one of the reasons why people of Zentan city insisted on keeping him in the city prison. The trial has increasingly become complicated since the ICC has requested that he is trialed in its courts. In fact, the crisis between the Libyan state and ICC about Sif Islam trial is ongoing up to now.

4.4 INSTITUTIONAL REFORM

In order to get closer to reconciliation and prevent future human rights violations, most Libyan state institutions need structural reformation. In a transitional context, reformation is usually based on four main fields: the security sector in charge of torture and other violations, the jurisdiction responsible for holding trials of old regime figure fairly, media which was marketing and promoting old dictatorship, and the historically corrupted administrative system. Each of these four fields has special importance in the Libyan case which requires a comprehensive reformation process and specifically and comes as first priority the court system. Its reformation would be an example of the challenges facing the efforts directed towards reformation of other state institutions.

Following the collapse of the GADAFI regime, the revolutionaries insisted on cleansing the court system politically considering that it is one of the foundations for transition of the country to insure justice and dispose of former dictatorship completely. Such claims reflect the urgent need to address the past injustice caused by GADAFI Dictatorship, and based on justice with complete credibility. For example, the former chief of Libyan fighting group Sami Saadi was sentenced with death penalty under the old regime for accusations related to being a member of a

party trying to destabilize Jamahiriya system(GADAFI ruling system) and states today (the judge who has sentenced me to death during GADAFI regime still doing his tasks, so how can I trust this judge or court system which it employs? I need to see new judges with integrity to achieve justice for those who had suffered and those who committed the crimes, only then is shall trust that Libya is going into a new era of justice and equitability and then I shall be able to forgive and reconcile.²⁴Still, the disadvantages resulting from cleansing the court system are more than the advantages and will destabilize more than what most of the revolutionaries think. One of the main obstacles is who would do the cleansing process of court system members during GADAFI ruling. As stated earlier, that would even include the chief of truth and reconciliation committee Mr. Hasan Boishi. Is it possible to set criteria insuring (integrity) of some persons over othersElimination of most judges who worked under the old regime would lead to the collapse of the court system in Libya. In the short range, training new judges is not an alternative because it takes time. And as Mr.Nuredin Akremi, a Supreme Court judge and member of the truth and reconciliation committee in Libya, clarifies: training a judge takes about ten years, and Libya is facing severe insufficiency of qualified judges.

One of the possible solutions proposed by Libyans is to get the assistance of judges from Arab and Islamic nations to solve this matter in the short range. Still, this poses other practical problems especially based on bad security conditions in Libya. The court system requires active and efficient security and implementation of the court orders and protection by police not to mention the need of judges to protect themselves .In such a vacuum circle, the lack of judges impedes the efforts extended by the court system (legally) to enforce order and eliminate the outlaws from the Libyan streets. That would help deteriorate the security conditions and impede the implementation of rule of the law. Instead of direct political cleansing as requested by the revolutionaries; the Libyan authorities shall start in-depth reformation of the court system. A positive point may be that to remember that even during the GADAFI regime, the court system was not completely corrupted. Mr.Akrmi comments by saying: the court authority to some extent resisted the old regime. For

²⁴Ibrahim Sharkia, previous reference, p. 23.

example, the justice system did not support the 1978 law No. 4(the house is owned by its resident). The ownerships were transferred from the owner to the leases directly and independently of the court system. In addition, many prisoners were detained for years without trial because the system simply refused any negotiations on these cases.

The ongoing method is based on reforming the judicial authority- and political cleansing – and to treat judges as innocent until proven guilty. Removal of judges must be done through legal frames based on proofs of corruption or any form of misbehavior under the old regime. Court reformation must be done through the national transitional council. Also, the legislative board has a public authorization according to Akrimi statement. The national transitional council must issue reformation laws of the Supreme Court council which is the most appropriate board to lead the execution of the reformation. The national transitional council may first check the safety of the seven members of the court council and insure that and then appoint two new additional members to form a council made of , for example, 15 members. The Supreme Court council after subject to reformation may lead the reformation process of the judicial system in Libya not through the political isolation laws but based on past records and practices of the individuals.

4.5 NATIONAL DIALOGUE

National dialogue is a vital and essential element in most post-conflict cases. It is a tool for the different conflict parties to discuss the sensitive issues. It also provides an environment to find possible common and sustainable solutions. The national dialogue in Libya will probably have more importance than any other place as the country, after four decades of hierarchical communications which start from top of the pyramid to bottom. These are the dictatorial orders and instructions which are not arguable. Never during GADAFI has regime been two way communications. In addition to the cultural transformation, the large challenges faced by the Libyan society at present, and the need for public solutions based on harmony of view, make the national dialogue a necessity.

The Libyan revolution, due to its randomness and short time, is lacking the theoretical framework which would direct the revolution itself and consequent transformation on real grounds. The Libyan revolution concentrated on one goal only- ousting GADAFI-. The Libyans did not start planning for the state they hope to have except after the fall of the regime. They have been faced with disarmament challenges and returning the refugees to their homes, cleansing, economic boost among other issues. The lack of firm theoretical framework- philosophy needed to direct the transformation and its formation- made addressing these challenges a random and chaotic process. The comprehensive national dialogue is the best tool to fill such gap. The process shall include all those involved in the revolution to consider and discuss their visions about how to go on in the transitional period in Libya.

Libyans have only the constitutional announcement of August 2011; there are no other documents to direct the next stage, no literature or theories, no concepts or clear philosophies about building a nation. For this reason, we are in urgent need of making a national dialogue including all Libyan parties to discuss the critical national issues. There remain some questions about who would participate in the dialogue and what are the issues to be discussed, and what are the state priorities in the rebuilding stage (e.g. justice or security).

Making a direct transition from a fall of a dictatorship and consequent collapse of the state to having elections without first having a comprehensive national dialogue was full of risks threatening this transitional process and national reconciliation. At this stage, emotions and tensions are still high. If there is any voting, the majority would chose laws leading to elimination and destroying the country instead of unifying and rebuilding it. The political isolation law which was issued by the general national congress is a clear example (and extremely dangerous) on this result. The national dialogue will provide an important opportunity for Libyans to identify the risks caused by similar laws and also the potential results on the national unity. In addition, the national dialogue is a tool for all Libyan society

elements to redefine their relationships and make decisions in a cooperative way about the issues of difference. Sensitive matters such as power of the revolutionaries and disarming can only be addressed within a framework of a constructive and open dialogue.

The state is not in a position to limit the authorities of military councils like those in Misrata and Zentan let alone disarming the militias by force. However, a constructive national dialogue may fill the gap between the official Libyan state and these parallel states which may help reach an agreement about how to go forward and enhance the state capabilities. The chief of the (party for change) Mr. Jumaa Gmaati stresses the importance of national reconciliation dialogue in Libya as he states: we need a national dialogue concerning the status of revolutionaries and their role in the new Libya but their weapons stand in the way of achieving order and security.

Military councils present themselves as the protector of the revolution and allege that they have the revolution legitimacy. And that is what the old regime did by the so-called (revolutionary legitimacy). The national dialogue between the different Libyan social classes will be able to solve such challenges towards a real national reconciliation.

The state and the revolutionaries fight for the same goal (building a unified state) not allowing the repeat of old regime crimes against its citizens. There is no doubt, each has his own way and there is the threat that this distrust and Hostile environment would lead to bloody encounters. And in order to avoid the conflict, the new government must communicate with the revolutionaries not only to convey its vision but also to understand the claims of the revolutionaries and goals very clearly. The state shall not force the revolutionaries to do so which may produce opposite results. The state needs the revolutionaries and vice versa. The country is facing security challenges which the revolutionaries are not able to deal with. The recognition should have been from the start, but due to increasing number of revolutionaries and the coming out of many opportunists, all of that has posed a

threat to the state. At the same time, Strategies which may encourage Libyans to have a national dialogue vary considering it the best forum to discuss and settle their differences at present time. There is no ongoing dialogue process in Libya despite the proposal by Prime Minister Mr. Ali Zidan in August of a similar initiative as he states: it is a matter of forming a committee comprised of Libyan civil society figures to initiate discussion about the next constitution matters, national reconciliation, immigrants, disarmament or security. The statement by the prime minister was immediately criticized. Some tribal groups said that they were not consulted accordingly. And since then, very few discussions were made regarding the matter. Public awareness campaigns may play an essential role educating people about national dialogue. Also, radio and T.V programs can provide some time to for constructive and healthy discussions and to enhance understanding of the issues at hand let alone limiting the divisions about polarization subjects in particular. In addition, these programs contribute to telling the people about the risks and advantages of the main decisions. For example, concerning the political isolation law, the extreme supporters of the law did not know the serious risks attached to it and explaining about national dialogue and general discussion process, risks of the social divisions and marginalization of complete sectors from the Libyan society. This all shall push some Libyans to take a different stance about elimination and expelling or they shall at least be ready to look for different techniques to defend their revolutionary gains.

4.7 MEDIATORS OF RECONCILIATION

There are many parties whom we can consider as the mediators of national reconciliation and who should have an effective role in making the reconciliation process successful. Their roles may vary and differ but the goals must be the same which is pushing towards fixing what can be fixed.

4.7.1 THE CIVIL SOCIETY

GADAFI effectively strangled the civil society in Libya in his attempt to completely control the Jamahiriya system and only allowed some selected

organizations to work under his supervision. But during the first years following the fall of his regime, hundreds of new civil society organizations saw light and civil society organizations were established in about every sector of Libyan life including that which related to youth, women, charity, media, dispute solving and politics. Meanwhile, there is a limit to the influence of civil society organizations in the national reconciliation process. Many of the increasing number of civil society organizations have a unique role to perform in the following three fields:

1. In absence of the state, civil society organizations can fill this gap through the practice of some of the state responsibilities and functions. The GADAFI regime has left a gap of authority not only in Tripoli but also in remote areas where the danger is higher. In many cases, the civil society organizations helped in restoring security and order in those areas.
2. The unofficial nature of participation of civil society organizations has contributed in establishing special cooperation between the disputing parties. And unlike the state, civil society organizations don't operate from an authority point qualifying them to impose a solution, and that helps them in fact in involving the disputing parties in a real dialogue away from coercion. In addition, civil society organizations are different in from the state bureaucratic structure. They depend on spirit of volunteering. The two members of Libya wise men and Shura council (we will mention them later on) Mr. Husain Elhaboni and Abdunaser Ibrahim Elabidi come from the city of Toburk as part of their reformation and peace building work as they have crossed thousands of miles to arrive to Tripoli and Jabal Nafousa western mountain. They will remain there for over one month in each visit to focus completely on reformation of the relationship between the local tribes. They have volunteered to do this work in the beginning, but the Libyan authority has now recognized the importance of their work and has started to contribute to their travel expenses and hotel accommodation but only partially.
3. Awareness of civil society organizations about cultural values and tribalism which should make these organizations more efficient. When the Libya Shura and wise men council interfered to solve the dispute between the two tribes

Zentan and Mshashia in Jabal-Nafousa, it made sure that each proposed solution would comply with the local norms and traditions accordingly and that the solutions are based on the cultural standards of that area and making them both acceptable and sustainable solutions. The work of the Libya Shura and wise men council is an evidence of the possible contribution of civil society to national reconciliation. The council worked in areas of tension all over Libya particularly in Jabal-Nafousa. The group concentrated on ending conflict between tribes inserted by GADAFI to protect its regime and their neighbors supporting the revolution with the absence of authority from this area. The council played a major role in ending the deadly tribal encounters. For example, hard battles were started on June 17 2012 between Zentan and Mshashia tribes in western Jabal-Nafousa over disputed lands and because of the assumed alliance of Mshashia with GADAFI regime. The violence resulted in 300 people either killed or injured from both sides in addition to imprisonment of more than 85. The council interfered for negotiations about ending the violence and releasing the hostages and succeeded. The council also was able to convince the tribes to sign (code of principles of behavior) which states anyone participating in fighting after 9 December 2012 shall only be representing himself only. And this way the fighters would lose the tribe protection and hence avoiding further disputes on wider range. In addition, an arbitration committee was formed to address the points of differences between the two tribes. The council also added other tribes to the agreement in Jabal-Nafousa accused of supporting GADAFI including Shgiga, Mezda, Fasato and Awinia. And as an example of how civil society organizations undertake state tasks and compensate state failure. We can look at the work of the activist Mrs. WafaEltaibElnaas. She established the national reconciliation and compromise society in Tripoli immediately after the fall of GADAFI regime. Her target was Abu slim area, a poor and highly populated area in Tripoli. And the center for mostly GADAFI supporters. In the midst of chaos associated with the fall of GADAFI, this community was in great need of help and basic human needs. The society first gave food and blankets. And when the conditions got more stable, she started organizing

education and training programs in the area. And having won the trust of the people in Abu slim, the society organized sports events between people from other areas who were opponents of Abuslim and supporters of the revolution.

A football tournament in the areas of conflict as well as a race in which 54 person from different cities participated including those cities with historical and political disputes like Werfalla and Misrata. During the games, they changed their aggressive attitudes by working together to make the tournament successful. The society extended its services to reach the south of Libya including Libyan refugees in Tunisia in addition to facilitating reconciliation in the south between tribes like Tabo and Twareg and towns like Gdames.

The Libya without borders society also undertook traditional state tasks to establish peace and solve disputes. For example, the Libya without borders society helped end the fighting 75 Km west of Tripoli and the neighboring feuding towns like Regdalin and western Jmail. Zwara supported the revolution whereas Regdalin and Jmail supported the old regime. The Libya without borders society was able to intervene and put an end to this fighting and went on to even see an exchange of hostages. This network of civil society organizations have played an important role in pushing the wheel of peace building and unifying Libya. Of course, there is always to what it can do by itself. In this regard, the manager of international group for crisis management in Libya Mrs.Claudia Gazini, said: the Libya shura and wise men council was very effective in solving disputes in eastern Libya, Benghazi and was also able to end the fighting between Zentan and Mshashia tribes. And despite the limited ability of the council in putting pressure on the parties to implement these agreements, the release of prisoners of Zentan-Mshashia, for example, was not completed. In addition, Gazini says: Misrata did not cooperate completely with the council. In fact, the council was accused of being GADAFI supporters (Azlam) and that it was defending the other party (Baniwalid).

4.7.2 THE WOMAN

Despite facing many challenges and big obstacles, the female has been able to insure a good place in the national reconciliation post-conflict stage, Women have played an important in the beginning of the revolution and they are now in a good status which qualifies them to work as a changing factor. In fact, we are not exaggerating if we say that women were the first to start the revolution against GADAFI. For about one year prior to Feb 17 revolution, the female relatives of the Abu slim massacre demonstrated in front of Benghazi court every Saturday claiming to know what exactly happened to 1270 of their relatives . On February 15, two days before the revolution, the female demonstrators escalated their movement by moving from the court to the interior security office. In the beginning, they were chanting about (reforming the system), but in few hours, they started to request changing the regime. The female Abu slim movement was basically formed with anti- GADAFI resisting culture. And as the rest of the country were silent against the oppression of the government. The regime proposed a settlement of the prisoner's case outside the court by paying monetary compensations to the mothers of the victims so that they do not file lawsuits or take any other legal actions. RidaTaboli, the chief of (we build it together) society for female rights said: the regime simple proposed to buy the silence of the victims' families. Many women refused to make a deal with the dictator and continued their protest and drew the pictures and were involved in different forms of non-violent resistance. Women in Abu slim were a small model of a revolution against GADAFI dictatorship referring to the methods of protest against one of the totalitarian regimes that is the most oppressive in the region. Their protest was unprecedented since the taking of power by GADAFI. And even when the Libyan revolution got into its violent stage, women still played a vital role in the struggle to oust GADAFI. They contributed in the media efforts in addition to their work as nurses and supplying food items and giving other forms of logistic support. Eltaboli says: smuggling arms was done very effectively by women during the revolution. She adds: women were subject to being stopped at every inspection point, moving was easier for them than men.

Women must have a main role in the national reconciliation not only for its revolutionary role but also because she suffered the crimes of rape for example during the revolution. And to achieve national reconciliation, women must be among those setting strategies of dealing with such crimes. GADAFI used rape as a war tool during the Libyan revolution which impacted women in cities and towns all over Libya. It is difficult to know the exact number of rape cases because of the social shame related to the crime in the conservative Libyan society. However, in some interviews low numbers were mentioned of about 200 rape cases and high numbers reaching up to several thousand referred to in Misrata and Ejdabia and western mountain as the areas where systematic rape acts were committed during the revolution. And regardless of the number of case, such crimes represent an open wound for Libyan society as is the case in the conflict between Misrata and Targaa where women were the element harmed more from war crimes from anyone else, and that's why they should be part of any decision.

Different parties, including civil society organizations, push to participate in reconciliation process. For example, the board for women supports to participate in decision-making. Pressure group, which was formed after the fall of GADAFI, to involve women in leadership positions and national and inclusion of women's voices in the settlement of disputes and national reconciliation in Libya in accordance with UN Security Council Resolution 1325.

4.7.3 THE TRIBES

Since the start of the revolution in Libya, GADAFI threatened to (arm the tribes). This warning reflected the understanding of GADAFI to the Libyan society tribal structure in addition to his ability to manipulate that. GADAFI was hoping to change the conflict from people's revolution against a totalitarian regime into a civil war in which Libyan tribes play central role. GADAFI succeeded in getting support of some of the tribes. And today, some of the tribes like Werfalla has been marginalized whose people fought with GADAFI in a society torn by tribal

aggression. Tribes felt that GADAFI has deceived and manipulated them. Sheikh Khalifa Riani, a tribal chief from Jabal-Nafousa explains these emotions by saying: some tribes were unable to read the demonstrations accurately. When the revolution started, there was no Face-book or Twitter to know exactly what was happening as the GADAFI assistants assured them that GADAFI controls everything, so these tribes were convinced and refused to join the revolution. Obviously, they paid the price later on.

The exploitation by GADAFI of the tribe escalated old disputes to reach conflict level. Relationships between the tribes are very complex. You can easily provoke any old issues to raise conflict between them. For example, Zentanians not only consider their neighbors and historical opponent's in Jabal-Nafousa of Riaina as GADAFI supporter, but also supporters of the Italian invasion in the forties of last century. At the beginning of the revolution of Feb 17, the Riainian people cooperated as allies to GADAFI whereas the opponent Zentan included the revolutionaries to reach the feud between the two its highest levels and the Zentanians now insist that Riaina must pay the price for being an ally with GADAFI. The continuation of the conflict between the two tribes lead to, among other things, the immigration of about 470 families from western Riaina town.

In spite of the role of the tribe in escalating the conflict in Libya, it still can help in the reconciliation process in post-GADAFI stage. Tribes which fought side by side with GADAFI-including Werfalla and Mgarha, Gdadfa and Tarhun-represent a big portion of the Libyan society. The total number of these tribes reaches about two million people which definitely cannot be disregarded. Tribes may contribute to reconciliation through their unique role of keeping security of the country. Especially that Libya after GADAFI has seen a collapse of state in some form or another as the state authority is almost non-existent around the capital let alone most Libyan towns and cities.

Among the social power in Libya, the tribe remains the best to fill the security gap. And even throughout history, Libya has depended upon the tribal

component in the conservative society to preserve its power and finally, the tribal chiefs play a big role in breaking the revenge cycle and hence improving reconciliation conditions. Tribal chiefs have strong power to force other members of the tribe to stop revengeful killing and reaching agreements of cease fire with chiefs of other tribes and usually the youth start the trouble and the tribes immediately work to solve them. Indeed, the local tribes were the ones who stopped the fighting in Baniwalid, and there is no reason why they don't do the same in other places.

4.7.4 THE INTERNATIONAL COMMUNITY

To achieve successful and sustainable national reconciliation, a national model must be followed which mainly depend on local parties and which must work in a cooperative way to set strategies to rebuild the communities torn by war. In this kind of process, the role of foreign players shall be limited. In some cases, foreign intervention in national reconciliation may have destructive effects in worst cases or the minimum benefit in best cases. In fact, one of the criticisms about the national dialogues in Yemen as being directed and organized to a great extent under the supervision of the international community particularly the United Nations instead of the local parties. On the other hand, the strong point of the Tunisian dialogue is that it is local, meaning that civic society and other social and political parties and not international agencies which are leading the national dialogue forward. The role of the international community in the Libyan transitional process must be limited to certain aspects where the Libyans themselves need foreign help like training security forces, forming political parties and other technical aspects of rebuilding the country in the post-GADAFI era. And although foreign parties can provide this kind of support, the political leadership must be in the hands of Libyans to insure the possession of the transitional process and sustaining its progress. When the matter is concerning national reconciliation particularly, Libyans must bear this burden by them and not having the international community do it on their behalf.

The Libyan case is very complex specifically due to the foreign intervention from the start of the revolution. And in response to the oppressive campaign by

GADAFI to the Libyan demonstrations, the U.N Security Council issued decision no. 1973 on 17 March 2011. By this resolution, an aerial no fly zone was imposed and all means of protecting the civilians were used.

The military intervention led by the NATO on 31 October 2011 after removing GADAFI from power on 20 October and the collapse of the regime. And since the end of this task, the U.N has played a consultant role in rebuilding Libyan state and its institutions. A U.N mission for support was assigned five main tasks: assisting in the democratic transition, protecting human rights and rule of law, rebuilding internal security, monitoring arms trading, improving state capabilities especially getting foreign aids. However, the role of the mission in the post-conflict rebuilding process was separated from the local effective authorities. Hence, their impact remained very limited. This limited consulting role has left the Libyan state which is lacking experience to bear the burden of the transitional process alone. So maybe the task of the U.N mission in Libya must be reconsidered in such a way to provide larger and practical support to Libyan authorities. And after two years from the removal of GADAFI from power, stability is still missing in Libya as more than 200,000 fighters are still around waiting for the reintegration into the civil life, and that has made the security conditions more fragile than any time ago. And although the NATO intervention was effective in removing GADAFI from power, it created a huge security gap in the post-GADAFI state which has made the rebuilding process very difficult. Richard Weitz, the manager of military political center of Hudson Institute says that this type of quick military intervention has become a pattern for the U.S and NATO in Iraq and Afghanistan as well. In these three regions, the military strikes destroyed the local security capabilities (the army) without being involved in any serious rebuilding process of the security units thereafter so that building the police would usually be the alternative and which is unable to deal with the big security challenges arising after the intervention. Mr. Sanusi Bzikri, the chief of Libyan research and development center in Benghazi, sees that involvement in effective processes for re-construction and reconciliation in Libya required first and before anything the re-building of the Libyan security forces and this the part which the international community must help in. Mr. Bzikri states that Libya has signed

agreements with many countries to develop its army and police. However, the execution percentage of these agreements is very low when the security conditions deteriorated and Mr. Ali Zidan was kidnapped by armed groups in October 2013. NATO has agreed to provide small support in the form of ten security consultants only. And according to local analysts, that has no real impact on improving the capability of the country to deal with security challenges. After two years from end of the revolutions, about 104 assassinations targeted 17 Feb. Revolutionaries and old regime figures in the city of Benghazi. The Libyan state is not only lacking the power needed to deal with these assassinations, but also the basic skills of forensic medicine which enables it to investigate these assassinations and enforce the rule of law.

The international help in giving professional aspect to the security sector in Libya is an extremely important matter to achieve national reconciliation in the country. In this regard, he says: building efficient police power and other state institutions shall help the state in reforming the system. Also, enhancing the role of the state is necessary. Without that, there would be no national reconciliation. But when the international community provides security assistance, it must be careful about playing the state role and must respect sovereignty of Libya and shall follow any strategy aiming to enhance security inside the state itself. As previous experiments in Iraq showed that such solutions must be made locally if we want to be sustainable solutions.

There is a close link between security assistance and the need for cooperation from next door countries including Tunisia and Egypt in order to insure effective control of Libyan borders. When security is achieved inside Libya and its court system is rebuilt, there will be a chance for the neighboring countries in handing in the persons wanted by the Libyan authorities. And as stated earlier, holding the old regime figures accountable for human rights violations is an integral part of any national reconciliation. However, handing in the criminals prior to establishing a transitional justice law and implementing rule of the law strictly may have negative results and may push the transitional process into more penalizing direction. For

example, the handing of Baghdadi Mahmoudi, the former prime minister of GADAFI in June 2012 to Libya stirred some fears in the Libyan refugees in Tunisia that they might be also returned to their countries where mistreatment of the detainees is very common.

There is no doubt that achieving a successful transitional stage requires foreign help not only on security level, but also on other levels. Based on representatives from 20 Ramadan institutions for justice and national reconciliation, there is a need for expertise, consultancy and training. Libya needs essential technological assistance regarding the best tools which can be adopted in the management of reconciliation process, and to investigate the old crimes and subject the corrupted figures to fair and transparent trials and compensate the old crimes ,and participating in a deep institutional reformation process to prevent human rights violations. For example, the organization members proposed, to support the Libyan court system and transitional, to seek assistance of judges from other Arab nations. The other possibility is the involvement by the international community to enable the international committee concerned with the missing persons to assist in defining and identifying the large number of missing Libyan people. That should help Libya identify the remnants which have not been identified yet including those in the collective burials which should help the victims' families to close the past page and achieve reconciliation at end of the day. Libyans also need assistance in building a court system to take into consideration the differences between the two sexes in order to deal with crimes committed against women prior to and after the revolution. Libya is facing difficulty in implementing these laws. Women issues are threatening to impede reconciliation. The international committee may also in training the civil society in Libya. Civil society organizations in Libya have taken some initiatives which were productive but very limited. Members of these organizations had roles in ending the fighting between Jabal-Nafousa tribes and helped erase the difference of views of local parties to end their disputes. Unfortunately, Libya still needs a training campaign of the civil society on wider range because they had to start from scratch as these civil society organizations were prohibited during GADAFI regime. And as Libya saw some prosperity of civil society organizations in the first year following

the fall of GADAFI, but this prosperity was not organized. The Libyan society generally needs awareness of the role of such organizations and their contributions in the post-conflict rebuilding process.

The role played by the international community in Libya in the post-GADAFI stage is very essential. However, other countries must know the separating line between assistance and intervention. For example, not all Libyans welcome a big international role on the Libyan grounds. The international community will benefit from reducing his intervention in Libya. For the U.S, anything is overdone would lead to opposite results. The large intervention raises many questions about the respect of Libyan sovereignty. At the end of the day, Libyans do not want to feel that they have done this revolution to replace a dictator with western invasion. But for the interest of Libya, the international community shall be strict with the new Libyan authorities concerning human rights violations issues or continuance of old conflicts or lack of progress of national reconciliation . The international community must not accept policies which impede stability and reconciliation in Libya in the future including the political isolation law. There must be a progress in achieving reformation and rebuilding. The international community can provide some form of assistance to the Libyan government by at least being sincere to it.

8. INTERNATIONAL MODELS FOR NATIONAL RECONCILIATION AND HOW TO BENEFIT FROM THEM

The most dangerous thing facing the countries which have undergone revolutions and conflicts is the extreme division between its components. Such matter requires adopting a package of mechanisms and procedures under the umbrella of transitional justice to restore cohesion to the society and achieve peaceful living leading to social stability. We must clarify here that the concept of transitional justice is not completely crystallized by historical experiences, but it is defined by certain steps and procedures and is practically achieved by institutions working overnight and going into certain battles to achieve it with the aim of giving its demonstrations and manifestations proper meanings for the private and local

transformation requirements. However, in the historical experiences where they entered the paths of transitional justice, we shall consider a number of facts making the features of these paths. The concept begins to crystallize in the course of conflict in a certain society as a result of forming board, committees and societies most of them directed towards achieving three goals; knowing the truth about incidents and accidents which call for transitional justice. The most important procedure is making serious investigations in the violations committed and then uncovering the crimes and their dimensions, and then repairing the damage and taking the procedures to insure rule of law and preventing the crimes from happening again to perform the political and institutional reformations to limit power tendencies in the state. And since the seventies of last century and up to now, the world has seen more than 40 experiments of transitional justice. The most important ones include Chile, Argentina, Peru, Salvador, Rwanda, Sierra Leon, South Africa, East Timor, Serbia and Greece and it is possible to include Spain and Portugal and the old socialist nations as countries which have had some kind of transitional justice and national reconciliation. We must also add the Moroccan experience as one of the most important Arabic and international trial about possibility of having peaceful transfer of power especially with the involvement of the opposition lead by Abdurahman Elyusfi who was appointed as prime minister. The forceful disappearance and torture files were opened and later on the board of justice and reconciliation and victims' compensation was established, and there was work on correction and rehabilitation of large number of institutions. And if the goal behind focusing on international experiments of transitional justice to understand its intellectual angles and application conditions, then the assumption concentrates on benefiting from previously achieved success. At the same token, to also contemplate the gaps and errors and defaults to avoid them in the future and learn the lessons and examples from them from one side and at the same time get practical models with the advantages and disadvantages from the other side. As taking a certain model or repeating it without taking into consideration the specialty of each experience would be a distortion of the first model and coercion to the second model. The first model has its own successful and failed conditions and circumstances, and the second has its own conditions and different structures because each experience has its own

specialty and that every country has its own conditions, challenges and problems. Regarding the South Africa experience, we find that it was b to the truth and reconciliation committee an important part of the truth was discovered and transition to democracy was established and large numbers of victims were compensated upon knowing the truth and by group and official admission about their suffering. One of the success factors in the truth and reconciliation committee in South Africa was the independence of the truth and reconciliation committee and the support from the civil society and political society and having extensive authorities which facilitated its task in addition to reasonable time and sufficient physical and human resources as well as the balance of political powers in the society and agreement between the moderates on medium solution. On the Arabic level, we can use the Moroccan experience as a guideline in achieving reconciliation from the review of the experience of establishing (the independent board for arbitration and compensation for physical and moral damage of victims and owners of rights of those who have been subjected to forced disappearance and capture and the board of justice and reconciliation. These two boards succeeded in addressing past critical violations of human rights. The commission work was concluded by issuing reports dealing basically with the statement of procedures taken to complete its assigned task and presenting the incidents discovered by it and the relevant procedures taken and specifying those accounted for the violations of human rights and other violations as well as presenting recommendations to deal with such violations and wrongdoings and correction of state institutions and its legislative structure.²⁵

²⁵Kamal Abdulatif, "Transitional Justice And Political Transformation", The Experiment Of Truth And Reconciliation Committee, v.1, Beirut, **Arab Politics Study And Publishing Center**, Jan, 2014, p. 24-25.

CONCLUSION

It seems like Libya is in need of a long breath and sufficient maturity and national spirit believing in firm citizenship principles free of any internal or external influences to overcome the obstacles and bad effects of GADAFI Regime which destroyed everything as in the expression (left no Green or dry plant), As his negative effects included not only human rights violations, war crimes, wasting natural, financial and national resources, but also exceeded the physical waste of resources to include destroying ethical values and social structure. A policy that led to faulting and harming the political culture of the society and corrupting it, despite its importance as a foundation for development. The GADAFI legacy has left great challenges which will make it difficult to overcome the obstacles and also make national reconciliation even more difficult despite its importance for rebuilding and establishing democracy and building the society and the state in the end. National reconciliation is considered one of the biggest challenges facing Libya in the post-GADAFI Era. Maybe the most important obstacles standing in the way of the national reconciliation project is the degree of readiness of the disputing parties to get involved in it and granting assignments, waives and sacrifices to make it successful. In addition, there is the security fragility and spread of arms everywhere. Libya today is more than ever needs a new political leadership believing in their task and able to face the challenge in a historical mission where there is no place for regional disputes, and developing its project free of any tendency towards revenge, retaliation and elimination and to use the political agreement as the base. This leadership can deal with the legacy of distrust inherited by the political powers before and after GADAFI fall, and how to formulate a new agreement between the parties based on a constitution representing a map which organizes the political life.

Transitional justice and national reconciliation form one of the basic mechanisms to rebuild Libya which is characterized by tribal, cultural and social diversity. The success of this mechanism requires fulfilling conditions and information helping achieving political and social stability. Therefore, the following issues must be given special attention:

1. All Libyans must be given right to participate in this democratic system without any political isolation, political or social discrimination based on full citizenship rights of all Libyans.
2. Developing a scenario of the truth and equitability committee to trial criminals and not by the collective punishment concept of the old regime and to stay away from revenge acts, and to resort to law and just litigation of any past violations or infringements but through doing justice to children, women and men who were did not commit a bad act, and to identify and study old experiments of other societies which faced similar challenges.
3. Setting the foundations of the national reconciliation process through a comprehensive dialogue to achieve peaceful co-living. The process cannot be achieved randomly but requires a start with reconciliation based on real awareness of what will be to the interest of Libya or not.
4. Adopting practical procedures to achieve national unity and setting national reconciliation priorities through giving medium solutions and exchange assignments and creating a culture based on respecting diversity and variability and protecting it constitutionally, legally and politically.
5. To make good use of transitional justice and national reconciliation experiences in other different regions worldwide.
6. To make sure that foreign powers don't interfere, particularly the western, in internal and external policies of the new regime in Libya.

THE RESULTS

The defeat of the dictator Muamar GADAFI by Libyan revolution was, in spite of its importance, merely a start of a long process of development and national reconciliation. The building process of a peaceful and cohesive Libyan state in the post-GADAFI era was very slow. In fact, the latest security violations and the spread of violence inside the country and its extension to the neighboring North Africa countries-and fragile ones also- have highlighted the instability of the current conditions in Libya. The research discussed the urgent need of the Libyan people under their new government to start a comprehensive and credible national reconciliation process. In order to achieve this process and making successful, the following points must be taken into consideration:

1. Not monopolizing the revolution against GADAFI by the revolutionaries and to recognize the contribution of the Libyan people with its different spectrums in ousting the GADAFI regime, instead of pushing the country into severe divisions and destabilizing the country and security of the Libyan society.
2. Dispose of the division culture which reflects many concepts by revolutionaries, Azalm, revolution supporters and opponents.
3. In spite of the terrible acts committed by the old regime to the Libyan people, and that the victims of this regime deserve justice to be made. This must not lead to collective immigration of Libyan groups which are considered responsible for those crimes, because that will result in large numbers of refugees and local homeless people. This group immigration is due to the collective punishment of the families of the old GADAFI regime supporters. This must be stopped one and forever, so the suspected war criminals must only be treated according to law. Particularly, according to transitional justice law in the post-conflict stage.

RECOMMENDATIONS

1. Libyans must think seriously about overlooking their past and stress their social cohesion referring and depending of their Islamic heritage in order to reach national reconciliation.
2. Reconciliation does not mean retaliation or escaping punishment or forgiving criminals of crimes committed against others. But justice and fair compensation are the requirements for national reconciliation and this direction must be taken towards achieving reconciliation.
3. Issuing a law regulating all things related to transitional justice to include all transitional justice components and reformation of institutions. This law must be presented for comprehensive discussion involving all components of Libyan society.
4. Focusing on continuous dialogue between all disputing parties and involving all components of Libyan society especially tribes chiefs.
5. Investigating the facts that are considered the cornerstone for national reconciliation to address the basic roots of the conflict in Libya.
6. Taking into consideration all stages undergone by Libya starting from GADAFI era and the post-GADAFI stages in order to have a comprehensive national reconciliation.
7. To consider the NGO's an important partner in the transitional justice particularly in the facts investigation process.
8. Settling the problem of detainees who have been detained not according to law and sorting them and investigating them and releasing the ones whom there is no sufficient evidences against for indictment, and to expedite trials of the remaining accused persons.
9. Pay more attention to developing and adopting initiatives made by institutions especially those which are based on scientific and democratic principles to promote participation in social reconciliation which shall enhance their credibility and impact on the society.

10. Making citizens more aware of human rights and basic principles of these rights. The world must have a main role as it is an effective element in enhancing national reconciliation, and preserving national cohesion and enforcing social structure.

REFERENCES

- Abdelhusin Shaban, forgiveness jurisprudence in Islamic Arabic thought, culture and state, presented by George khadr, 3, v.3, Arbil, Naras hall, 2011.
- Adel Majed , implementation of transitional justice in Egypt , Democracy, Cairo, issue 54, April 2014.
- Ali Mohamed Salabi, justice and national reconciliation , a human and religious necessity, Cairo, Ben khaldoun , 2012.
- Baz. David, the right to participate in political life, Alexandria: Dar Alfekr Aljami. 2006.
- Bedwi. Manner, analysis of international conflict, recent trends in political science , Cairo: General Committee of Political Science and Public Administration ,.1999.
- Bedwi. Manner, Dictionnaire Des sciences humaines :soci ologie , psychologie
- Boukhars. Anwar, political violence in North Africa, the difficulties of liberation incomplete, Doha : Bokenjr Center, No3. January, 2011.
- Dictionnaire le Robert analphabétique et analogique ,française , Paris; société du nouveau Livre.1978 .
- Fathi Hamad Ben Shitwan, social dialogue, the challenge of Libyan reconciliation, Arab institute, Jan 2012.
- Figures cited in Larry Diamond, “Why Are There No Arab Democracies?” Journal of Democracy, XXI: 1 (2010), 96.
- FuadAjami, “Demise of the Dictators: The Arab Revolutions of 2011,” Newsweek, February 14, 2011.
- Ghazal. Osama, the political parties in the Third World, Kuwait: Printing, Alresala, 1987.
- Ibrahim Sharkia, rebuilding of Libya: establishing stability through national reconciliation, Brookings institute, Duha, 2013.
- Ibrahim Tarawneh, crisis management: Dar Alyara for publication and distribution .2011.
- Jad Mahmoud , crisis management, Dar Osama publishing and distribution Jordan, Oman, 2002.
- Kamal Abdulatif, transitional justice and political transformation in Morocco: the experiment of the reconciliation and equitability board (Beirut, arab center for policies research and studies, 2013.

- Khaled Abu Toameh, "From an Arab Spring to Islamist Winter," Hudson Institute, NY, October 28, 2011 (www.hudson-ny.org/2541/arab-spring-islamist-winter).
- Khalid Hanafi Ali, Islamic current characteristic, Democracy (Ahram) issue no. 55, April 2014.
- Khalid Hanafi Ali, Libyan violence groups and (Jihadi Transit), international politics, issue no. 198, October 2014.
- Mohamd Ez Alarab (transitional justice), mechanisms of achieving national reconciliation after the Arab revolutions. Regional office for strategic studies, Cairo , 19 July 2012.
- Mohamed Abdulhafid Elshikh, problem of non-transfer to democracy in Libya after 2011, middle east studies, Aman, issue 68, 2014.
- Mohamed Sanusi Eldawdi(security gap), the implications of the outburst of conditions in Libya), international politics, issue 197, July, 2014.
- Samuel P. Huntington, The Third Wave: Democratization in the Late Twentieth Century, (Norman, OK, 1991).
- See Arch Puddington, "Democracy under Duress," Journal of Democracy, XXII: 2 (2011), 17- 31.
- Stefan Wolff, "The regional dimensions of state failure," Review of International Studies, XXXVII: 3 (2011), 951–972.
- Yusuf Mohamed Jumaa Elswani, Libya, the revolution and challenge of building a state, Beirut, Arab unity study center, 2013.
- Yusuf Mohamed JumaaElswani: Libya, the revolution and challenges of building the state(Beirut, Arab unity study center)2013.
- ZuhairHamdi, three years since the Libyan revolution, challenges and prognosis) Arab policies, Arab center for policies research and studies, Duha, issue 7, march 2014.

ANNEXES

Law No (13) In 2013 Concerning Political And Administrative Isolation

Having reviewed:

The initial constitutional announcement issue on 3 august 2011 and its amendments.

And the two laws of criminal penalties and procedures and their amendments.

And law No. (12) In 2010 concerning issuance of work relations law and its executive regulation.

And law No. (88) In 1971 and its amendments.

And law No. (6) In 2006 concerning issuance of court system law and its amendments.

And law No. (26) In 2012 concerning the higher board for implementation of national transparency standards and its amendments.

And the internal system of the general national congress.

And resolution of the general national congress No. (2) in 2012 concerning the formation of a committee and defining its tasks.

And resolution of the general national congress No. (17) in 2012 concerning the approval of institutional reformation principles and the political and administrative isolation.

And to concluding results of the general national congress in its regular meeting number eighty five held on Sunday 5/5/2013.

The Following Resolutions Have Been Made

Article (1):

The standards for taking public positions within the context of this law mean the controls and conditions required to be in place and complied to when taking the public posts and jobs included in its provisions from 1 September 1969 until the date of announcement of liberation of the country on 23 October, 2011 which include the following categories:

Category 1: everyone who held a post from 1 September 1969 to the date of announcement of liberation of the country on 23 October 2011 in any of the following tasks or jobs;

Membership in the so-called the revolution leadership council of the September coup in September of 1969 or membership in the so-called the free unifying officers or the membership of the leader's friends association, coordinators of social people's leaderships on municipality level or state level.

The job of general people's congress or assistant, or being a member in its general secretariat, or holding the position of secretary of municipality or Shaba congress.

Chiefs and managers of the boards, systems, organizations or bodies or affiliate councils of the cabinet or the revolution leadership council or what was formerly called the G.P.C or general people's congress.

Everyone who has held the position of a prime minister or secretary of G.P.C or assistant secretary or minister or secretary of G.P.C for specific sectors or assistant secretary or undersecretary of the G.P.C or the specific general people's committees.

Or was secretary of municipality or Shabia committee or a secretary of one the people's committees of the sectors in the Shabia.

Everyone who has worked as an ambassador or secretary of people's office or permanent Libyan representative at one of the international or regional organizations of all kinds of specialties or general consul or charge d'affaires.

Everyone who held the post of dean of university or secretary of people's committee of the university or a deputy of the dean of university or secretary assistant or undersecretary of the university.

Everyone who has held the position of chief of interior security or external security or military intelligence or security battalions or was a manager of one of its departments or chief of security squares or chief of one of the political offices at security or military bodies.

The chiefs of the student unions inside or outside affiliate of the general Libyan student union.

Anyone who held a leading political position at organizations connected with GADAFI family or was a partner in any business activity with them.

Anyone who was a member of or employed by revolutionary committees communication office or a coordinator of any of the revolutionary centers or a member with the revolutionary workforce or the revolutionary convoys or extraordinary courts and prosecutions, or was a member of what was called the revolutionary nuns. Also, the chiefs and members of revolutionary guard, chiefs and members of cleansing committees, leaderships of people's guards in higher departments and branches and anyone who participated in organizing revolutionary conferences.

Anyone who held the position of general manager, manager and researcher in any of the so-called centers of green book studies and researches or was in a leading position in one of the media institutions.

Anyone who chaired any of the armed forces as chief of staff or a commander of defense region or chief or commander of a military authority, organization or system.

Anyone who belongs to external organizations threatening the security and stability of the country and unity of Libyan soil and who is using violence as his approach.

Second category: political and administrative isolation for this category is concerned with behavior leading to disrupting the political and economic life in the country during the above-mentioned period in previous article as stated in the following patterns of behavior:

Civilians cooperating with GADAFI security systems whose cooperation resulting human rights violations.

Anyone who frequently praised and celebrated the GADAFI regime or system or his green book call whether through different means of media or by direct address to the public.

Anyone who took an adversary stance against the Feb 7 revolution either through action, agitation, agreement or assistance.

Anyone who committed or contributed in any form in killing, imprisonment or torture of Libyan citizens inside or outside in favor of the old regime.

Anyone who had committed any act of overtaking or damaging public or private properties during the period of old regime for political reasons.

Anyone who was involved in theft of Libyans monies or became rich or gained monies benefits or deposits unrightfully inside and outside.

Anyone who had a scientific, technical, intellectual, cultural and social activity to glorify Muamar GADAFI or his regime, or promoted what was called the reformation project of (Libya tomorrow).

Article (2)

None of the abovementioned persons included in the provisions of article one hereto shall take any of the following posts or positions:

1. Chief or membership of legislative, control and establishment boards internationally or locally.
2. Leading state positions.
3. Executive positions starting from president of the country or government chairman and up to the position of department manager locally or internationally.
4. Chief of membership of board of directors and administrative , executive or control positions from department manager and higher at board, organization, systems

,banks, public or investment companies owned fully or partially by the state of Libya or any of its affiliate organizations doing business both locally and overseas.

5. Membership of court bodies.
6. Leading positions in security and military organizations.
7. The positions of ambassador, consul or representative at international and regional organizations and other diplomatic positions in addition to technical attaché
8. Chief or membership of leading bodies in parties. Entities, organizations or institutions with political nature.
9. Chief of universities, academies, colleges and higher institutes.
10. Financial auditors, leading position in different media and publishing agencies.

Article (3):

By virtue of stipulations hereto, a board is established named, the board for implementation of standard for taking public positions which shall be corporal body capacity and independent financial status with its location in Tripoli, and may establish branches and offices in other cities if required.

Article (4):

Chief and members of implementation of the standards of the public posts (those stated in the national transitional council resolution No. (16) In 2012 concerning the nomination of the chief and members of the board. The higher jurisdiction council shall be competent to implement the standards and requirements stipulated in article one and five hereto on the board members. The council shall also nominate the replacement of whoever his membership in this board is relinquished. Such nomination shall be by a resolution from the general national congress.

Article (5):

Any candidate to membership of the board shall fulfill following requirements:

Must be Libyan

Must be known with integrity

Must not be less than thirty five years of age.

Must not have been issued previously or convicted in felony or breach/violation of honor.
That he had not been removed from his job for political reasons
Not belonging to any political party
Must have a university degree in law or legislation

Article (6):

The chief and members of the board must give legal oath before commencing their work before the general national congress in the form decided by the congress.

Article (7):

The board members may select in their first meeting the chairman and his deputy of the board among them. The board shall issue decisions and regulations related to administrative and financial organization. The board shall prepare its special budget to be approved by the general national congress upon a proposal from chairman of th board.

Article (8):

In case that a position of the chairman of board becomes vacant, his deputy shall replace him and undertake his tasks authorized by law to the chairman of board until a new chairman is appointed.

Article (9):

The chairman and members of the board shall be subjected to what the judicial board members are subject to in accordance with law No. 6 in 2006 concerning the jurisdiction system and its amendments in terms of discipline and investigation and filing criminal lawsuits , and shall have the judicial immunity granted to judicial officers provided that the filing of lawsuits against them or investigating them shall only be done by virtue of a resolution by the general national congress granting the permission thereon. And in case of convicting a member of the board with a final decision or verdict or vacating his position for any other reason, the higher judicial council shall nominate his replacement to be approved by the general national congress upon a decision issued by it accordingly.

Article (10):

The board shall be entitled to investigate the person holding the post or position or the candidate and also requesting all information and data which it deems necessary. It is also entitled to call the concerned person to hear his statements and investigate his defense submitted in writing or orally. It may also use all required tools to investigate the validity of data and information stated in article one above as well as seeking the assistance of whomever it deems needed for performing its tasks.

Article (11):

The board stated in article three hereto shall implement standards stipulated in article two on those holding jobs and positions or the candidates in accordance with stipulations hereto. The board shall issue a causal decision. The board shall take its decision by half of its members plus one on whether those standards are conforming or not within a maximum of twenty one day from receipt by the board of the financial status form and the C.V fulfilling all data and information stated thereto.

Article (12):

The concerned persons may appeal in resolution of the board before the administrative jurisdiction at the court of appeals in which the post or position subject hereto lies in its department within ten days from date of its announcement to them by the body they belong to. The administrative jurisdiction department shall issue a decision over the appeal within twenty one days from date of the appeal without going over the preparation procedures and the entries and references upon which were based on prior the decision over the appeal must be included. The litigants may appeal the issued verdict by the administrative jurisdiction department before the Supreme Court within ten days from it announcement to them, and the supreme court shall issue a decision over the appeal within one month from submission, and the litigants must lodge their memos within the deadline stated above.

Article (13):

The board shall issue its decisions related to the standards of holding public positions and posts according to principles and procedures stated in the regulation issued to organize its work approved by the national congress.

Article (14):

The chief, members and personnel of the board are prohibited from disclosing any secrets or confidential information or data which they have been given to them or to the board through their jobs for any reason. Its decisions and reasoning must be open. Any violators thereof shall be expelled.

Article (15):

Any one holding the post or position or the entity running for candidacy must submit the questionnaire made the board after filling it including a detailed statement of his C.V and financial possession and his pledge to bear all legal responsibilities of the validity of such information supported by his affixed signature and handprint.

Article (16):

Notwithstanding provisions of article eleven herein, the higher jurisdiction board shall implement the standards stated in article one on the members of court bodies.

Article (17):

Notwithstanding any penalty stipulated by law, anyone who refuses to , defaults, neglect, give incorrect information in the questionnaire prepared by the board, and who is included by provisions of the law hereto, shall be penalized with a minimum of one year imprisonment. Also, any employee or person who refuses to provide the board or enable it to review any evidences , documents or papers in his possession or under his disposal, or who refuses to cooperate thereto or has destroyed, kept away from the board. Same punishment shall be imposed on anyone who has continued in his post or position even despite the conformity of the standards stipulated hereto.

Article (18):

This law shall be effective for ten years from its date of issue.

Article (19):

Law No (26) in 2012 shall be canceled concerning the higher authority for implementation of national transparency standards and its regulations starting from date of effectiveness hereto.

Article (20):

This law shall be applicable within thirty days from date of issue. Any provision contradicting hereto shall be cancelled and shall be published in the Gazette.

General national congress/Libya

Issued 5/2013in Tripoli

On 8/5/2013

ÖZET

Libya uzlaşının başarısı, tartışmacıların bu uzlaşmaya ne kadar hazır olduklarına, savaş sonrası yankıları nasıl algıladıklarına ve intikam hayalleri olmayan ulusal kapsamlı bir çalışmaya ve fedakarlıkyapmalarına bağlıdır. Ülkenin siyasi veya ideolojik çatışmaları önlemek için toplumsal barış, kalkınma, istikrar ve ulusal birlik üzerinde aşırı derecede önemle durması gerekmekte ve Kaddafi mirasını her şekilde gözden çıkarmalıdır.

Bu amaç bir güvenlik önlemi olarak, güvenlik durumunu control etmek ve silahlı kargaşaya son vermek ve ordu ile polisın ulusal ilkelere dayalı olarak (özellikle ve tehlikeli olarak Libya'ya karşı olan en büyük zorluk olarak) inşa edilmesini gerektirmektedir. Hukuk ve kurumlar devletinın başarıyla kurulmasını güvence altına alacak ve daha sonar Libya'yı uyum ve uzlaşma evresine taşımanın en önemli tesisi olan siyasi ve ekonomik reform sürecini ilerletmeye devam edecektir.

ARSİV KayıtBilgileri :

TezinAdı:Libya'da Ulusal Uzlaşma ve Siyasal İstikrar

TezinYazarı: Abdulbaset M. ALSARI

TezinDanışmanı : İsmailŞAHİN

TezinKonumu: YüksekLisans

TezinTarihi: 10/02/2017

Tezin Alanı: UluslarArasıPolitikEkonomi

TezinYeri: KBÜSBE/KARABÜK

AnahtarSözcükler: LİBYA – KADDAFİ – POLİTİKA – YÜKSELTME – ARAP BAHARI

ABSTRACT

The success of reconciliation depends on how ready the disputants are to be involved in this reconciliation and provide compromise and sacrifices for its success with a national comprehensive work overlooking negative post –war repercussions and revenges, and to avoid the country any political or ideological conflicts which would have extreme influence on social peace, development, stability and national unity and to dispose of the GADAFI legacy on all levels.

Such goal requires as a pre-condition, controlling state of security and bringing an end to this armed chaos, and shall build the army and police based on national principles as the (main challenge facing Libya particularly and dangerously. It is the primary step that shall not be preceded by any other step to insure successful building of the state of law and institutions , and then to push further the political and economic reformation process being the most important resort to transfer Libya to the stage of harmony and conciliation.

Archive Registration Information:

Name of the Thesis: National Reconciliation and Political Stability in Libya

Writer of the Thesis: Abdulbaset M. ALSARI

Advisor of the Thesis : İsmail ŞAHİN

Status of the Thesis: Master

Date of the Thesis: 10/02/2017

Field of the Thesis: International Political Economy

Place of the Thesis: Kbüsbe/Karabük

Keywords: Libya – Gaddafi – Politica – Reconciliation – ArapSpring

RESUME

Abdul Baset M. Alsari was born in 26/12/1965 Libya. After he graduated high school he joined Military Academy. He worked in financial management and Authority Organization and Administration. He is interest current crisis in his homeland Libya and the par of international relations in ongoing dispute.