

A model for dialogue and national reconciliation in Libya

By Jamal Bennor

■ Executive summary

In 1946 Libyans adopted the Harabi Charter, in which they put aside their past differences and allowed the country to move towards independence and consensus based on a shared national vision. Today the country faces the same kind of need – one that can only be fulfilled by undertaking a national dialogue in which Libyans put aside their narrow and divisive self-interests and agree on a unified vision for the country and its institutions that allows it to move forward into a brighter future. In particular the Islamist movement, which has adopted a polarising and exclusionist approach, needs to hold an intra-Islamist dialogue that will allow it to participate once more in the broad national project.

1946-51: Libya's successful experience with dialogue and reconciliation

When it comes to dialogue and reconciliation in Libya, everyone remembers the Harabi Charter, which was adopted on April 18th 1946. This document is widely considered to be a lesson in national reconciliation. It set an example for all Libyans on how to build a state that transcends narrow self-interests and promotes broad national consensus.

The Harabi Charter marked the beginning of a new Libya and came as the result of a call issued by Mohamed Idriss Al Sanoussi, prince of Cyrenaica at the time, who became king of Libya after the country's independence. By virtue of this charter all Libyan sheikhs, mayors and tribal notables pledged to put an end to their past quarrels, disputes and disagreements, as well as to all future conflicts that might arise. They also agreed not to claim any past rights, whether such rights were related to vengeance, blood money, injuries or even property. They all shared a common desire to unite in the interests of the whole nation, and for this nation to be able to determine its own future. Those who signed the charter succeeded in reuniting the Libyan people, and the country gained its independence on December 24th 1951.

We recall this important event today to point out that at that time Libyan society achieved an astonishing degree of reconciliation. No case has ever been brought to any Libyan court after the country's independence to claim redress for

past grievances. As the late king once said: "Let the past subside", meaning that the bitterness of the past should be forgotten and that everyone should look to a brighter future for the coming generations. Remarkably, Libya set a successful example of national dialogue at a time and in a society in which illiteracy rates were extremely high.

Back then – as well as under the Qaddafi regime – social norms were the only strategy for resolving conflicts and disputes between Libyans. They were the only basis for reconciling people and preserving the unity, sovereignty and interests of the state, as well as the country's social fabric. Hence, only when Libyans agreed on a national agenda and worked hard to create an environment of reconciliation did Libya become a unified country.

The fragility of military and security institutions as an obstacle to reconciliation

Unlike what happened in both Tunisia and Egypt in the context of the Arab Spring, in Libya the military proved to be incapable of restoring security in the country and protecting its institutions. The reason for this is that the Qaddafi regime had not preserved the military as a politically unbiased, independent institution that served the nation as a whole. Instead, the former regime manipulated this institution and exploited it in order to promote personal interests. As a result, the military was organised into various security brigades commanded by Qaddafi's sons and supporters. When the revolution started, these security

brigades opposed the Libyan people. The civil war eventually put an end to the Qaddafi regime, but after its fall a new order was established involving the creation of armed militias. Some of these militias adopted a political ideology, while others were not affiliated with any political movement. They imposed themselves as an alternative to the defence and security institutions on the ground, and came to seriously complicate the Libyan political equation.

In July 2011 the assassination of General Abdel Fattah Younis, commander-in-chief of the rebel army, constituted one of the first and most significant events that have stood in the way of dialogue and national reconciliation in Libya. The consequences of this assassination can be observed even in present day Libya, with indications resurfacing from time to time that individuals in the Islamist movement played a significant role in planning and executing this crime, while the National Transitional Council (NTC) and its executive board contributed to this by facilitating the arrest of General Younis and the surrender of him and his companions to extremists.

The assassination of General Younis was designed to exclude him from the political sphere and prevent the restoration of the military as a national institution. As such, it demonstrates that from the very beginning the political transition has faced serious impediments.

Early parliamentary elections and the trap of the second transitional period

The NTC's decision to hold elections for the General National Congress (GNC) as early as July 2012 further complicated matters. It led to the transfer of power from the NTC to the GNC without the major state institutions (the army, police and justice system) being reorganised and functional, and started a second transitional phase whose rules and term remain unclear.

It is noteworthy that the Constitutional Declaration adopted in August 2011 was based on the recommendations of two committees formed by the NTC. The first was a committee of experts headed by Minister of Justice Muhammad al-Alaki, while Professor Salwa al-Daghili, a former member of the NTC, headed the second. Neither of the two draft recommendations they submitted included any provision that was intended to start a second transitional period under the leadership of the GNC. There was never any question in these recommendations of any transfer of power to any body other than the NTC before a stable order and institutions that were able to protect it were in place. Contrary to what occurred, the revolutionary institutions, especially the NTC, were meant to be kept in place.

However, despite these recommendations, Article 30 of the Constitutional Declaration adopted on August 3rd 2011 stipulated that "the National Transitional Council shall be dissolved upon the convening of the first meeting of the General National Congress". According to some testimo-

nies, the final drafting of Article 30 was the result of an agreement between 'Ali Salabi and Mahmud Jibril, on the one hand, and Mustafa 'Abdul Jalil and 'Abdul Hafiz Ghoga, on the other. 'Abdul Razzak al-Arabi, a member of the Libyan Muslim Brotherhood party and former member of the NTC, wrote on his Facebook page that he was proud to support the adoption of Article 30 of the Constitutional Declaration. Its adoption constituted a turning point in the Libyan transition.

The election of the GNC in July 2012 undoubtedly received huge popular support. However, although the election was successfully organised and conducted, it did not really come as the result of a sociopolitical agreement. On the contrary, the NTC pushed for it under pressure from the Muslim Brotherhood, which had gained a significant presence in the NTC after the number of its members had increased in October 2011.

The rush to hold early elections and transfer power from the NTC was essentially meant to benefit the ideological interests of some individuals and the power and monetary ambitions of others. It was never the result of a national consensus that could guarantee the move from revolution to stability through the rebuilding of national institutions, the resolution of conflicts and the absorption of armed militants into strong institutions that would make the militants feel sufficiently secure to give up their weapons.

However, those who acted for their own benefit at that time failed to achieve their goals by gaining a sweeping victory through the GNC, which was soon paralysed and disabled, constituting yet another obstacle to national agreement and further fomenting the current crisis.

The ambiguous behaviour of Islamist groups as a further dividing factor

In a relatively homogeneous and conservative society like that of Libya (the majority of the population are Sunni Maliki), it was never expected that the issue of religious affiliation would become a source of tension, yet this is a real challenge facing the country.

The behaviour of some religiously affiliated groups has raised many questions, because they seemed to practise a double standard. While claiming to support the democratic project, participating in the elections and sharing power in the GNC, they have committed criminal acts either directly or by supporting criminal groups through inciting them or simply refraining from "reacting" to the deeds of their associates, which has undermined national security and stability.

The reality on the ground has clearly demonstrated their lack of commitment to democratic governance, which some members of the Islamist movement consider to contradict the principles of sharia law. These groups have not offered an alternative system of governance and have

contributed to destabilising and dismantling existing institutions. Some of them have created tensions in society over the application of the concept of sharia, using it to discredit their political opponents by calling them “secular” and by dividing society into “Islamists” and “non-Islamists”, “revolutionaries” and “non-revolutionaries”.

In doing so the Islamist movement benefitted from the wide popular support for sharia in its moderate, tolerant form and from the people’s sympathy for the movement’s members who had suffered imprisonment, death, torture and displacement under the former regime. Members of the movement incited public opinion on this issue by attacking the credibility of some public figures and establishing a connection between the latter and the supporters of the former regime. All this contributed to increased polarisation in a society that had recently emerged from a revolution and was experiencing deep political turmoil and insecurity.

The Islamist movement’s push for the adoption of the Political Isolation Law in May 2013 constituted another form of polarisation and exclusion, because it was designed to prevent many former officials from playing a role in rebuilding the state and its institutions. Because some of the Islamist movement’s affiliates insisted on reshaping state institutions unilaterally, this law paved the way for establishing a narrowly constituted authority and ultimately a monopoly of power.

Some groups went even further in the implementation of a policy of exclusion, uprooting and polarisation. Dozens of officials in the security, military and judicial sectors and many active political, civil society and media figures were killed. This caused a void that paralysed the management and reconstruction of state institutions and seriously impeded any progress towards the restoration of stability. In addition, in such a context many nationalists decided to withdraw from the political arena in order not to become involved in the killing of their fellow Libyans.

The direct involvement of some members of the Islamist movement in the targeted assassinations of security leaders and personnel, together with the silence of others in the face of these killings, confirmed the ambiguous position of many members of the Islamist movement towards the democratic process.

The urgency of establishing an “intra-Islamist dialogue”

The fact that the Islamist movement in general has not yet made clear political choices regarding the democratic project has undermined stability and caused considerable confusion in the country.

Some of the movement’s members (groups and individuals) participated in both the 2012 GNC elections and the 2014 Constitutional Committee elections, as well as in the

parliamentary elections that took place early in 2014. Yet this participation was not based on clear legal arguments widely recognised as legitimate, but rather on jurisprudential arguments that did not go further than attempting to carry out short-sighted efforts to manage the affairs of the community.

In such a context democratic mechanisms themselves can be used to undermine democracy. With the Islamist movements using political parties as their political arms, doctrinal, vocational and educational policies became confused with other political outputs. As a result, *fatwas* and other religious interdictions were used for political purposes.

Other groups that are still sticking to their principles of non-participation in the political process and reject the democratic project as a whole have resorted to violence as an alternative way of taking power and eventually applying sharia.

At this stage, the various members of the Islamist movement should clarify their position. A transition is needed in Islamist thinking from responding to short-term needs and ambitions to achieving a realistic understanding of the country’s problems through a discourse that matches Libya’s current requirements and allows for the building of institutions and the establishment of a state based on the rule of law.

In light of this, the establishment of an “intra-Islamist dialogue” is a priority, and such a dialogue should be used to examine and clarify the principles on which the new political project is to be based.

In doing so Islamist thinking should not isolate itself, but should rather work through its existing institutional bodies for the good of the country as a whole. The various organisations that make up the religious establishment in Libya – Dar Al Ifta (the Grand Mufti’s Office), the Ministry of Endowments (*waqf*) and the League of Ulama – have not initiated this kind of serious dialogue in an attempt to contain disputes through jurisprudence (*fiqh*) that considers modern needs but does not violate sharia. No workshop, conference or other type of dialogue has been held for concerned people from inside and outside Libya who are closely linked to Islamist groups.

Libyan *‘ulama* should engage in dialogue and consultations in order to agree on common principles that cannot be ignored by the members of the Islamist movement. Whenever these principles are transgressed, the *‘ulama* and religious institutions in general should be asked to take steps to maintain or restore the consensus regarding these shared principles. Any material and moral support to groups that adopt an exclusionist or polarising vision should be withdrawn and interaction with them should be limited. The implementation of such a policy would significantly reduce the scope of violence.

This kind of dialogue can only take place through a collective and institutional effort that reflects popular support and aims at bridging the gaps among the various parties. To be successful, the process would have to engage groups that have isolated themselves from the political space and the democratic system. This will lead to the normalisation of relations among the various groups and parties, and a transition from ad hoc actions motivated by temporary or short-term interests towards the establishment of a broad political legitimacy based on national consensus.

Conclusion

The February 17th Revolution, like the other uprisings that took place in the context of the Arab Spring, came as a result of the absence of political reforms. In Libya, while society at large supported the overthrow of the Qaddafi regime, the establishment of a new government lacked a sociopolitical agreement based on a serious national dialogue. As a result of ideological bias and self-interest the many efforts undertaken by various Libyan activists have been dissipated and wasted. The ineffectiveness and lack of capacity of civil society organisations and the lack of active engagement by trade unions and legal organisations have also contributed to this failure.

In addition, elections were held too early, before common ground among various groups with different agendas was reached and in a political culture emerging from authoritarian rule. No serious initiative has ever been undertaken in Libya to support dialogue and promote democracy.

Furthermore, Libyan society has failed to understand the legacy of the former regime in terms of the corruption and tyranny that were widely practised and the denial to civil society of its role in promoting citizens' participation as a first step to expanding political action.

The press and the media also had a detrimental effect in the transition phase because radio and TV stations and media outlets have served a variety of financial, political and ideological interests, thus further impeding the national dialogue process. "Alternative media", which provide information to citizens through social media sites, were the only remaining option in this regard – but one that is very limited and not free of risks, due to the absence of any form of control or censorship.

In addition, most citizen and youth initiatives were undertaken without any clear framework or organisation to implement them, which is why they eventually failed and were used to compete for power.

Civil society organisations should now see dialogue among Islamist groups as a priority and should be ready to put pressure on the various religious institutions to establish such a dialogue. Only dialogue can prevent violence and terrorism and make it possible to reach agreements that both comply with the principles and beliefs of sharia and help overcome the current crisis.

The international community should continue to exert pressure on armed groups that stand in the way of rebuilding state institutions and conducting a much needed national dialogue. This could be done by prosecuting these groups and cutting off their resources both inside and outside the country.

Support for neighbourhood councils in Libyan cities is also crucial in light of the efficient role they played during the uprising, especially since they constituted one of the main factors that helped to bring about some kind of local stability and order during the revolution. In the case of Benghazi, for example, the role of neighbourhood councils cannot be stressed enough, because they ensured the delivery of services to citizens and the functioning of local institutions in a time of acute crisis.

Finally, in light of the breakdown of state institutions, Libya must resort to social and tribal connections as a way to repair the damage that has been done to the country's social fabric.

Unless a firm basis for dialogue is established, the revolution will not only have failed, but may lead to a full-scale civil war which threatens to ravage the country. By following the path of our forefathers and the experience of the Harabi Charter, we may manage to wholeheartedly put the interests of Libya first and transcend narrow self-interest while realising the dreams of future generations.

■ THE AUTHOR

Jamal Bennor has worked as an attorney-at-law and a judge in Benghazi since 1990. In 2011, as a member of the February 17th Revolution Coalition, he contributed to the establishment of the first revolutionary structures in the city, the creation of the local council, and in particular the reactivation of the judicial system. In October 2011 he became the head of Benghazi's local council, a position he occupied until June 2012. In this capacity he was notably responsible for the organisation of the first local elections in the city.

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