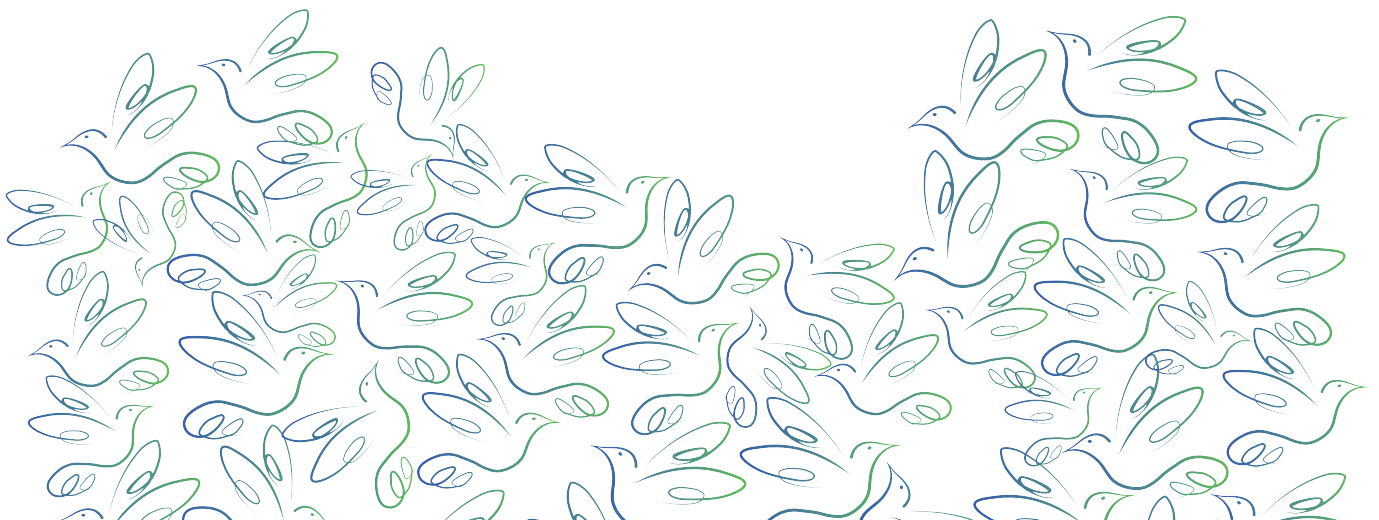




The Proposed Strategic Vision Forthe National Reconciliation Project

**June
2022**



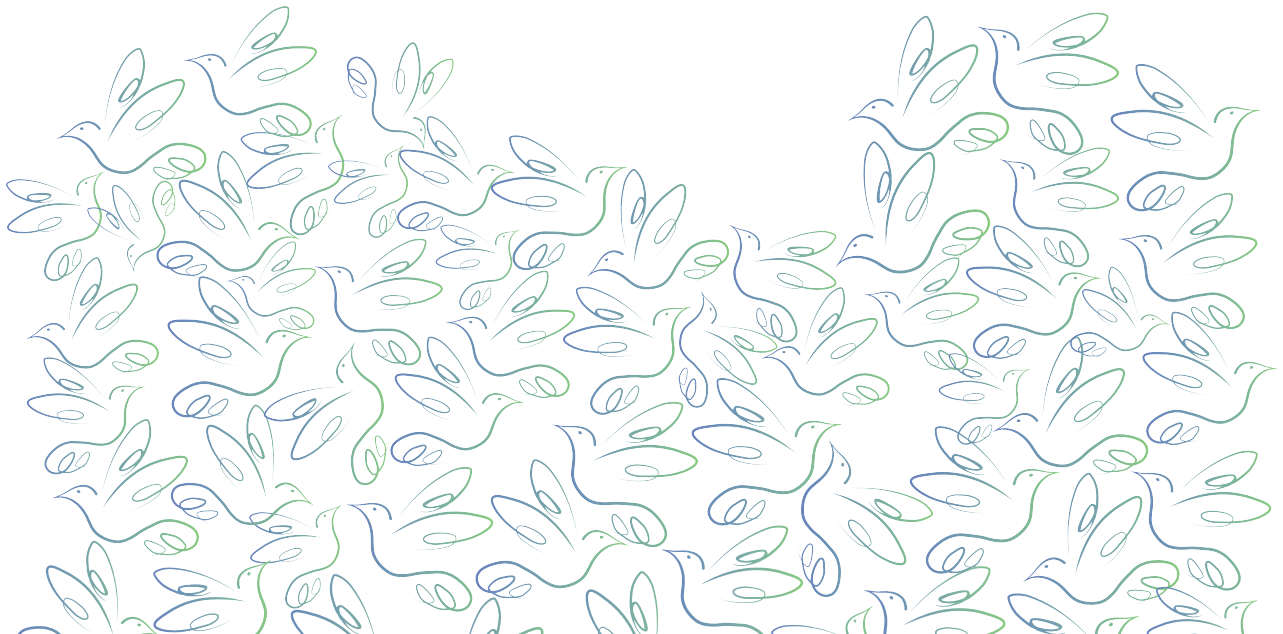


مجلس التخطيط الوطني
National planning Council



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Introduction

Libya might be today in dire need of national reconciliation that contributes to building a state that enjoys security and stability, whose people enjoy a decent life, and in which relations between the citizens themselves and between them and state institutions are based on trust and respect. International experiences have proved that the success of national reconciliation efforts depends on resolving differences on pivotal issues that collectively constitute a package of crises: an identity crisis, a legitimacy crisis, a crisis of infiltration, a crisis of distribution and a crisis of participation. However, studies conducted by those in charge of the "National Reconciliation Proposal" show that Libya has been facing these crises all at once and simultaneously.

There is no doubt that there are many obstacles and challenges facing national reconciliation, such as the security situation, the rentier culture, the culture of quotas, tribal authority, the novelty of the democratic experience, the weak performance of transitional institutions, the weakness of civil society, religious extremism that makes use of violence, an unhealthy legal environment, external interference, the leverage of those benefiting from the current situation, and the influence of subnational and transnational loyalties. However, there are opportunities, such as the historical legacy, societal support, social cohesion and the awareness of the need for a consensual constitution, that, if seized, can contribute to achieving national reconciliation.



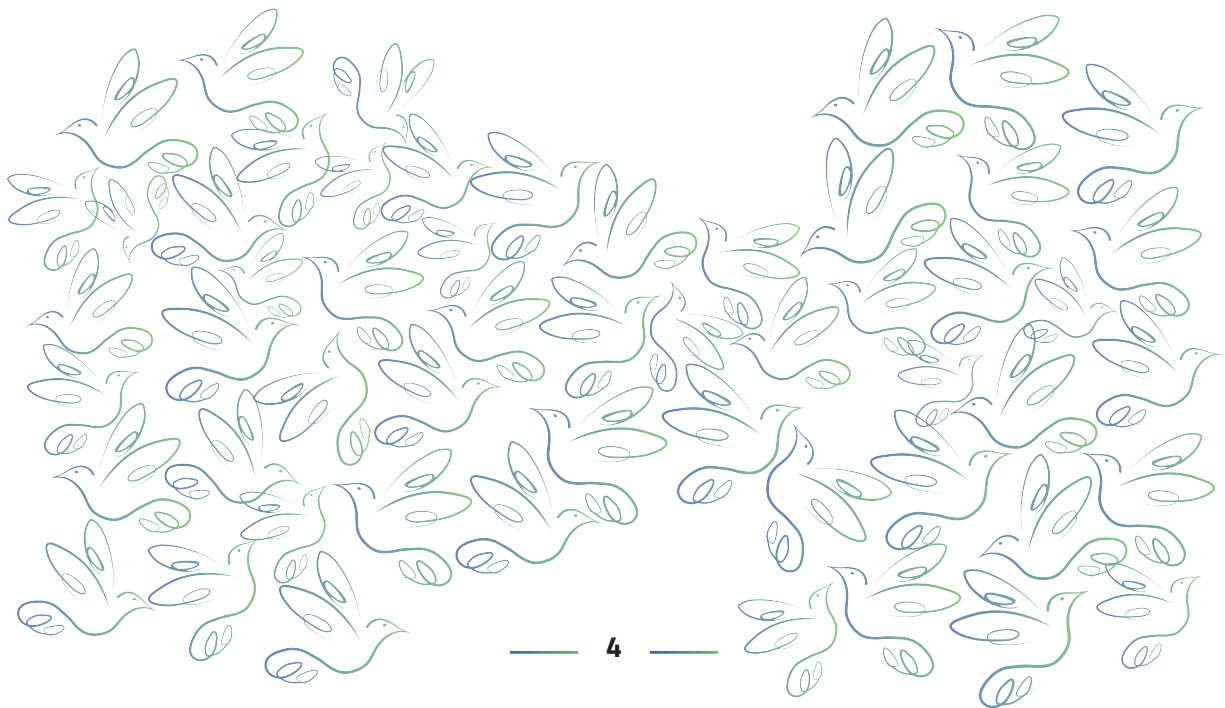


First: rationale of the proposal

The proposal is based on theoretical research in legislation, field research that monitors its movement in society and measures the extent of its success in rooting out the conflict through quantitative studies, oral and written consultations provided by subject matter expert, and field meetings with samples from different segments of Libyan society. The proponents of the proposal have selected a group of the best local experts in various fields for the purpose of preparing specialized papers on issues that constitute a polarization that has led, or threatens to lead, to conflicts or strife; and since the experts' consensus is the best way to reduce the impact of possible conflicting biases, the proposal was limited to taking the opinions and recommendations agreed upon by the experts in the issues on which they were consulted.

In times of conflict, there is also a need for strong societal support to ensure that the competent authorities adopt the experts' agreed upon opinions and recommendations, especially in the issues in which common people are the decision-makers or influencers, such as constitutional issues and national reconciliation.

Since the most appropriate mechanism for obtaining societal support is to reveal the tendencies and preferences of community members through conducting nationwide surveys and polls, and since it is difficult to apply such research methods in times of conflict, the proponents of the proposal resorted to previous polls and surveys, held in-depth meetings with heads and prominent members in the legislative, executive and judicial institutions, and with the leaders of the political and social landscape, and held meetings (in the form of focus groups) with active people in whose selection the representation of the different components of the Libyan spectrum was taken into account.





Second: the roots of the conflict

There are those who reduce national reconciliation to transitional justice, transitional justice to reparations, and reparations to monetary compensation. There are also those who reduce national reconciliation to social reconciliation, political consensus, wealth-sharing, or security. However, using the aforementioned research methods, the proposal has identified 33 issues, each of which constitutes a source of division and conflict, and it has categorized them into 5 concerns. It has also monitored the positions taken on each issue, the legislation issued in its regard, and the view of a significant sample of stakeholders vis-à-vis the role that this legislation played in promoting or obstructing national reconciliation efforts.

Although there is a disparity in the relative importance of these issues, each of them has an important role in provoking conflict and it must be given more significance in terms of resolving priority.

The following is an account of the issues whose resolution is primordial, according to the proponents of the proposal, for the full achievement and sustainability of national reconciliation:

- **The concern of national identity**

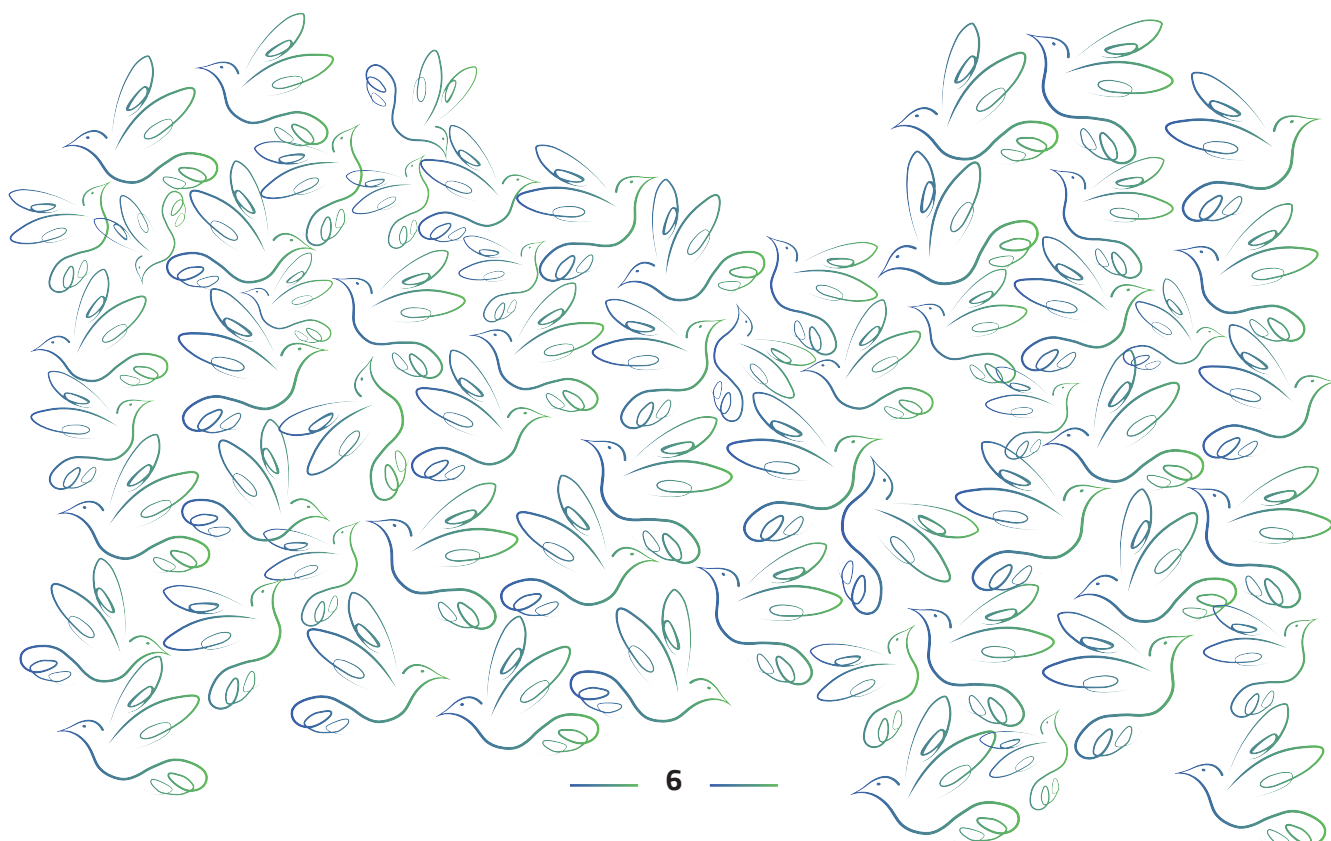
1. The role of Sharia in legislation (a main source, the main source, the only source).
2. The place of doctrines in society.
3. Languages of the cultural components (demarcation, care, ...).
4. Discrimination against cultural components.
5. Political isolation.
6. The State (the flag, the anthem).

- **The concern of National Government**

7. System of government (federal / central).
8. System of government (royal / republican).
9. System of government (parliamentary/ presidential).
10. The relationship between the legislature and the executive branch.
11. Independence of the judiciary.
12. Adequacy of the democratic system.
13. The role of political parties.
14. Participation of Islamic parties and currents.
15. Empowerment policies (youth, women, children, people with social merit, ...).
16. Financial, administrative, political and cognitive corruption.
17. Distribution of resources income.

- **The concern of decentralization**

18. Number of sub-national levels of government.
19. Formation of sub-national level councils.
20. Prerogatives of sub-national level units.



- **The concern of transitional justice**

21. Legitimacy of the concept of transitional justice (ordinary justice, restorative justice, ...).
22. Possibility of application (no transitional justice without stability and no stability without transitional justice. They mutually reinforce each other, ...).
23. Time-frame and substantive framework of violations.
24. Revealing the truth.
25. Amnesty for the perpetrators.
26. Reparation (necessity, nature, affordability for the State, ...).
27. Institutional reform (judiciary, security institutions, media, ...).
28. Cultural specificity.
29. Position on the existing transitional justice legislation.
30. The exclusive jurisdiction of the national judiciary.

- **The concern of National Security**

31. Dealing with previous security institutions.
32. Dealing with armed formations.
33. The relationship between civil and military power.

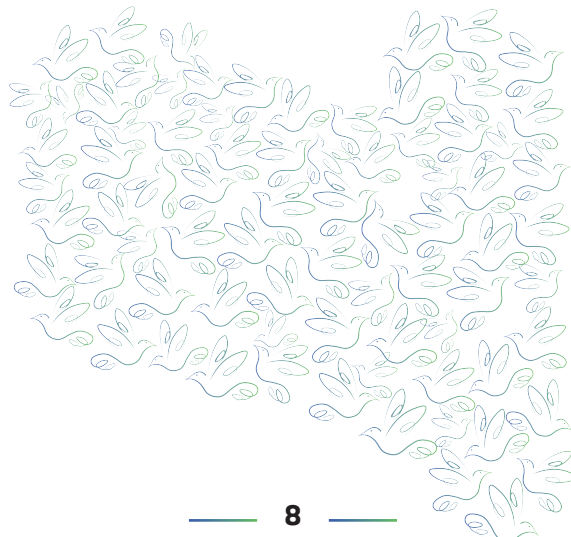


Third: vision and goals

National reconciliation is a project that responds to bloody conflicts that have resulted in massive human rights violations, deep cracks in the social fabric, and crises in society's relations with the State and its authorities. It is a comprehensive project to establish multi-dimensional and multi-level relations, as it is cultural, political, social, economic and security. It is indeed a self-reconciliation between the victim and their past, a reconciliation between individuals i.e., victims and perpetrators, a socio-political reconciliation between conflicting groups, and an institutional reconciliation between State agencies.

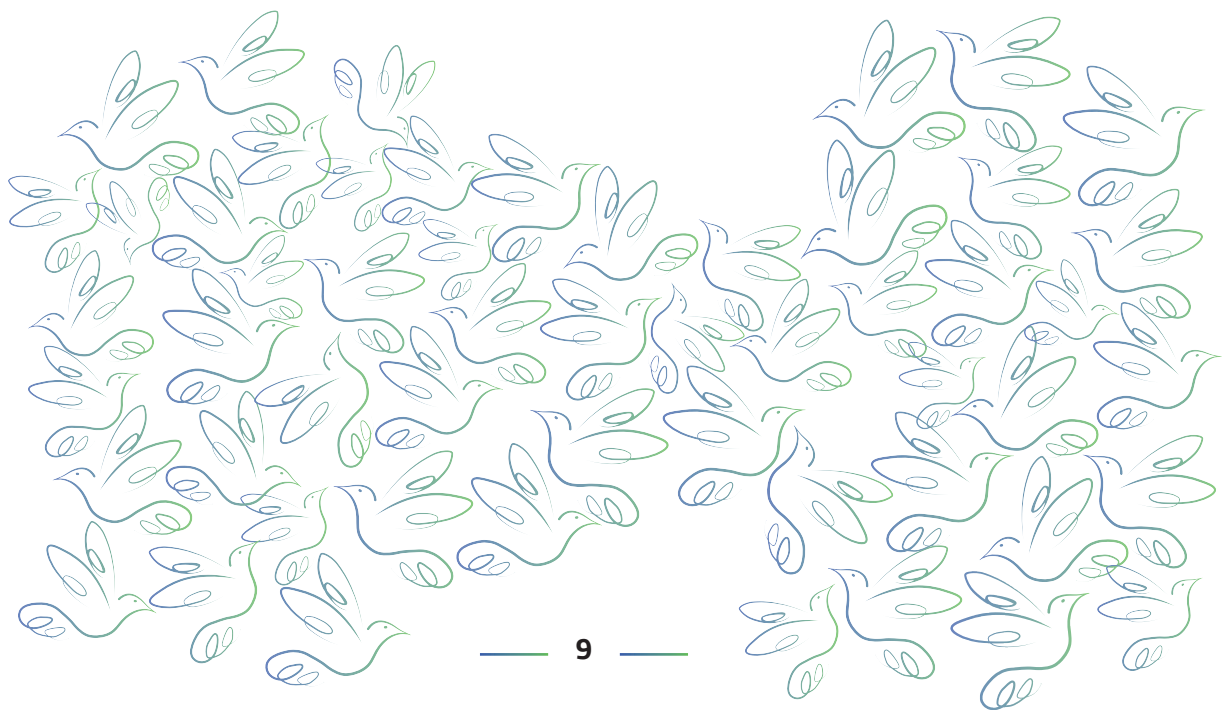
Reconciliation is national in the sense that it is accomplished at the level of an entire nation, and assumes a supreme role played by the state. The proposal adopts a socio-legal approach based on legislative responses to the crises afflicting the country, and concludes with proposing legislation, measures and mechanisms that maximize the chances of achieving comprehensive and sustainable national reconciliation. The proposal has adopted a legal approach due to the long-term impact of laws, and the ability to enact laws that deal with conflicts of any nature that occur in society, which makes them most suitable for resolving multidimensional and multi-level disputes that prevent national reconciliation.

Because laws alone are not sufficient when the state is unable to enforce them, the proposal recommends taking measures and actions beyond the scope of law, and relies on accompanying societal efforts. Even in the event that an authority is capable of enforcing laws, they always remain subject to circumventing and deception, which makes national reconciliation also dependent on members of society's awareness of the need for it and of how its primary motive stems from their own selves rather than being a response to pressures that are imposed on them coercively. For such reasons, the proposal emphasizes the role of a culture of reconciliation, awareness of values, patriotism, customs, religion and the media in promoting each of them.



The national reconciliation proposal is based on five governing principles:

- **Comprehensiveness and sustainability:** targeting addressing the roots of the conflict and implementing mechanisms to eradicate it.
- **The rule of law:** applying the issued legislation on an equal footing to everyone, individuals, institutions and entities, and getting each of them what they deserve by resorting to an independent judiciary, for there must be no arbitrary rulings, no injustice against innocents, and no reprisals – even though it is permissible within a framework of transitional justice to implement measures and enact conciliatory legislation that mitigate penalties or pardon previous violations.
- **Equal citizenship:** equality in civil and political rights, duties and freedoms among all citizens, without any discrimination based on race, tribe, region, gender, or doctrinal belief – even if it is permissible to implement positive discrimination measures and mechanisms that redress grievances or damages, or compensate for unfairness if their adoption or enactment enhances national reconciliation efforts.
- **The public interest:** giving priority to the public interest over any private one.
- **Accumulation and integration:** accumulating the results of previous conciliatory measures, and integrating serious restorative projects into a unified vision.



The vision of the proposal for national reconciliation can be summarized as:

An inclusive, comprehensive, fundamental, consensual, legal-social, transitional justice, legitimate, empowering, foundational reconciliation that secures a stable societal environment whose members enjoy secure living without discrimination or exclusion.

The following is an explanation of the main concepts in this **vision**:

- **Inclusive**: includes the entire country.
- **Comprehensive**: addresses all concerns: cultural, political, economic, social and security.
- **Fundamental**: addresses the origins of the conflict to ensure its sustainability.
- **Consensual**: it is based on mutual trust and common values that are acceptable to all parties to the conflict without necessarily being satisfied with them.
- **Legal-social**: in which legislation is integrated with supportive social efforts.
- **Transitional justice**: it is based on a transitional justice law that enjoys legality and legitimacy.
- **Legitimate**: based on a societal support that makes everyone feel like they own it.
- **Empowering**: responds to the demands of women, youth, people with disabilities, and groups of social merit.
- **Foundational**: It is based on a national charter that enjoys societal consensus.

National reconciliation is fully achieved when the following **objectives** are met:

- An inclusive **national identity** that respects diversity.
- A democratic **system of government** that guarantees a balance between powers and the independence of the judiciary, that realizes the principles of good governance, that is based on a social contract, and that is governed by a constitution based on the principle of equal citizenship.
- A constitutionalized **decentralized** system in which the institutions and functions of the political and administrative system and the competencies of the central and local authorities are determined.
- A **society** that applies transitional justice in order to achieve societal peace.
- **National security** based on the concept of human security, in which the military and security institutions are subordinate to the civil authority.





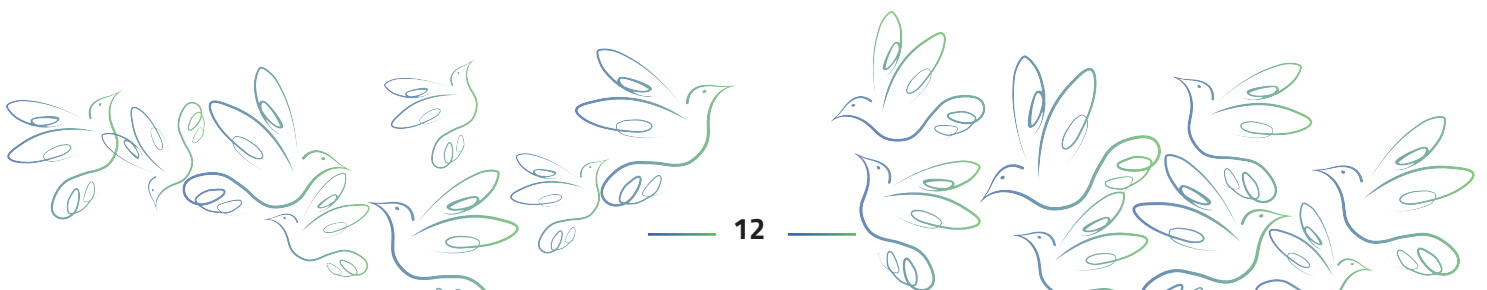
Fourth: ending the conflict

Based on expert and societal sources, the proposal concludes that political consensus is a first and essential step in the success of national reconciliation efforts, since without it, legislative, executive, and judicial bodies cannot achieve control over the country, and it is impossible to initiate legislation and implement mechanisms that ultimately promise to root out the conflict. It also concludes with a set of recommendations formulated in the form of measures and mechanisms whose implementation ensures the achievement of reconciliation that is based on the vision and the governing principles, and that would meet the aforementioned goals:

- Constitutionalizing the status of Sharia as a source of legislation without excluding other sources.
- Consolidating people's doctrines through the channels of religious upbringing.
- The State guarantees attending to the languages spoken by Libyans, or any part of them, as a common cultural asset that contributes to enriching their collective culture.
- Avoiding the issuance of legislation that gives ethnic characteristics to the name of the State or its institutions.
- Consolidating a culture of tolerance and civic culture, and all other cultures that favor national reconciliation.
- Combating the culture of discrimination, of centralization and all other cultures that obstruct national reconciliation.
- Paying attention to the ruling value system in order to identify any distortions therein and working on reforming it.
- Enacting legislation that preserves the democratic model of the state, and preserves the right to political and partisan pluralism, the right to political participation, and the right of access to information.
- Supporting the gains obtained by women with constitutional and legal guarantees.
- Combating corruption in its various financial, administrative, political and cognitive forms.
- Strengthening the role of the judiciary in the oversight of the legislative and executive branches.
- Reforming and modernizing the economy in a way that contributes to diversifying the production structure and sources of income.

- Developing an administration that depends on competence and qualification, and is subject to control, accountability and evaluation.
- Supporting civil society institutions.
- Addressing the media that contributes to fueling conflicts.
- Adopting a governance system centered on the localities and that serves development goals.
- Organizing the central and local administrative units to ensure a clear link between
- responsibility, authority and accountability.
- Developing societal awareness of transitional justice to maximize the chances of its
- application.
- Implementing transitional justice mechanisms in a way that rises above political, ideological
- and regional rivalries.
- Issuing a transitional justice law: that takes into account the peculiarities of the Libyan experience; that is based on the fact that revealing the truth is a right for the victims and that amnesty, despite its importance, should not deny this right or immunize the perpetrators of human rights violations; that provides a framework with varied instruments for reparations; in which the public interest is taken into account; and where institutional
- reform is not reduced to political isolation, which is to depend on the office holder's conduct
- and not the office per se.
- Distancing the military and security institutions from interfering in political life.
- Constitutionally stipulate that the head of the executive authority is the supreme commander of the armed forces.
- Constitutionally stipulate that the loyalty of the armed forces and security forces is tied to the homeland, and that joining them is available to Libyans without discrimination.
- Reforming the State's military and security institutions structurally, developing their
- performance, and training their members on the rules of international humanitarian law and human rights.
- Allowing members of armed groups to join the military and security institutions, as individuals, where they are to receive the necessary evaluation and rehabilitation.

It remains to say that national reconciliation, after the wars and conflicts that the country has witnessed, and the grudges and enmities that have prevailed in it, is no longer an option that the Libyans must consider, but rather has become an inevitable path for them to take if they want their entity to remain and for their future generations to live in a homeland that promises a free and dignified life.



Fifth: action plan

To enhance the chances of societal acceptance of the national reconciliation project (the national reconciliation proposal and the transitional justice bill), we suggest that the action plan during the next few months includes the following:

	Date	Statement
1	Fourth week of June 2022	The Presidential Council's announcement of the adoption of the national reconciliation proposal.
2	Fourth week of June 2022	Referring the proposal to bill drafting committee for reference.
3	Fourth week of June 2022	The Presidential Council tasks a committee to follow up on the measures to finalize the proposal.
4	End of the fourth week of June 2022	Translation of the proposal into English and French.
5	From the fourth week of June 2022 to the third week of July 2022	The Presidential Council addresses the relevant State institutions, political entities and civil society coordinating offices, and unions and associations of important representation and moral influence to discuss the proposal and recommend whatever amendments it deems appropriate, and send it to the Follow-up Committee.
6	Fourth week of July 2022	The Draft Law Committee submits the outcome of its work to the Follow-up Committee.
7	From the first week of July 2022 to the second week of July 2022	The Presidential Council commissions the National Planning Council to amend its proposal to restructure the National Reconciliation Commission in light of the draft law.
8	From the second week of July 2022 to the third week of July 2022	The Follow-up Committee presents the draft law to a group of experts for review and suggestions.
9	End of the third week of July 2022	The Follow-up Committee refers the proposals related to the draft law to the Committee that drafted it to consider amending it.
10	From the fourth week of July 2022 to the first week of August 2022	The Draft Law Committee reviews the draft legislation in light of the experts' suggestions and present a revised version to the Follow-up Committee.

11	From the first week of August 2022 to the third week of August 2022	Holding seminars and panel discussions on the reconciliation proposal, under the supervision of the National Planning Council, in which universities and civil society institutions participate, and which is to be broadcast through various media and via the website of the National Reconciliation Commission.
12	From the third week of August 2022 to the third week of October 2022	The Center for Law and Society Studies, commissioned by the Presidential Council, conducts a comprehensive national survey that determines the percentages of those who agree to the reconciliation proposal without amendment, those who reject it, and those who are willing to approve it if it is amended, with identification of the aspects of the amendment.
13	From the fourth week of October 2022 to the third week of November 2022	The Follow-up Committee refers the reconciliation proposal and the draft law to experts from the National Planning Council, the Center for Law and Society Studies and others to make amendments in light of the proposals that the Follow-up Committee had previously received and of the results of the survey.
14	From the third week of November 2022 to the second week of December 2022	The experts review the reconciliation proposal and the draft law, and present revised copies to the Follow-up Committee.
15	End of the second week of December 2022	The Follow-up Committee submits a final report on its overall work to the Presidential Council accompanied by the reconciliation proposal and the draft law.
16	Fourth week of December 2022	The Presidential Council refers the national reconciliation bill to the House of Representatives for enactment and the national reconciliation proposal to a "National Conference", to be convened by the Presidential Council, to discuss, vote, and approve it as it is or after its amendment, and to translate this agreement into the a national charter.

