

# **The Role of Law in Libya's National Reconciliation (RoLLNaR)**

Report on Phase 1 | National Identity  
|April-October 2018



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**Colophon**

Report of the first phase of the project The Role of Law in Libya's National Reconciliation (RoLLNaR).

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Libyan Flag flying over a building in Benghazi.

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Suliman Ibrahim, Benghazi, 31 October 2018



## List of Abbreviations

|            |                                   |
|------------|-----------------------------------|
| <b>CD</b>  | <b>Constitutional Declaration</b> |
| <b>CDA</b> | Constitutional Drafting Assembly  |
| <b>CH</b>  | Centre for Humanitarian Dialogue  |
| <b>GNA</b> | Government of National Accord     |
| <b>GNC</b> | General National Congress         |
| <b>HoR</b> | House of Representatives          |
| <b>HSC</b> | High State Council                |
| <b>NTC</b> | National Transitional Council     |
| <b>PA</b>  | Political Agreement               |
| <b>PC</b>  | Presidential Council              |
| <b>TP</b>  | Transitional Period               |

## Tables

**Table 1: Key Political Events and Developments 2011-2018**

| DATE                        | EVENT                                                                                                                             |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| FEBRUARY 2011               | Start of the February Revolution that would eventually lead to the toppling of the regime of Muammar Gaddafi                      |
| MARCH 2011                  | National Transitional Council becomes the transitional government of Libya                                                        |
| AUGUST 2011                 | Issuing of the Constitutional Declaration                                                                                         |
| OCTOBER 2011                | Muammar Gaddafi killed, the NTC declares the liberation of Libya                                                                  |
| JULY 2012                   | General National Congress elected, elections won by the Coalition of National Forces ('civil current')                            |
| MARCH 2012 - MARCH 2014     | Cabinet of Ali Zeidan                                                                                                             |
| MAY 2013                    | Issuing of the Political Isolation Law targeted at Gaddafi loyalists                                                              |
| FEBRUARY 2014               | Formation of the February Committee to draft proposal for amending the CD and a public elections law                              |
| FEBRUARY 2014               | Election of the Constitutional Drafting Assembly                                                                                  |
| MARCH 2014 - AUGUST 2014    | First Cabinet of Abdullah Al-Thani                                                                                                |
| MAY 2014                    | Operation Dignity of Haftar's Libyan National Army                                                                                |
| JUNE 2014                   | Elections for the House of Representatives                                                                                        |
| JULY 2014                   | Operation Libya Dawn launched by armed forces mainly from Misrata                                                                 |
| AUGUST 2014                 | House of Representatives takes power; the GNC mandate ends. However the refusal to step down leads to two legislative assemblies. |
| SEPTEMBER 2014              | Second Cabinet of Abdullah Al-Thani                                                                                               |
| SEPTEMBER 2014 – MARCH 2015 | National Salvation Government in Tripoli under Prime Minister Omar Al-Hassi                                                       |
| APRIL 2015 –                | National Salvation Government in Tripoli under Prime Minister Khalifa al-Ghweil                                                   |
| NOVEMBER 2014               | Supreme Court declaring unconstitutional the 7th amendment of the CD, which formed the basis for the elections of the HoR         |
| DECEMBER 2015               | Signing of the Political Agreement                                                                                                |
| JULY 2017                   | The CDA announcing the draft constitution                                                                                         |

**Table 2: List of relevant legislation**

| LEGISLATION                            | TITLE / TOPIC                                                                                                                         | ISSUER                        | PLACE OF ISSUANCE |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------|
| <b>CONSTITUTIONAL DECLARATION 2011</b> | First version of August 2011, since then several times amended by the National Transitional Council and the General National Congress | National Transitional Council | Benghazi          |
| <b>LAW 15/2012</b>                     | Establishment of the Dar al-Ifta                                                                                                      | National Transitional Council | Tripoli           |
| <b>LAW 37/2012</b>                     | Criminalization of the Glorification of the Tyrant                                                                                    | National Transitional Council | Tripoli           |
| <b>LAW 26/2012</b>                     | Establishment of the High Commission for the Application of Standards of Integrity and Patriotism                                     | National Transitional Council | Tripoli           |
| <b>LAW 35/2012</b>                     | Amnesty on Some Crimes                                                                                                                | National Transitional Council | Tripoli           |
| <b>LAW 13/2013</b>                     | Political and Administrative Isolation of Gaddafi loyalists                                                                           | General National Congress     | Tripoli           |
| <b>LAW 29/2013</b>                     | Transitional Justice                                                                                                                  | General National Congress     | Tripoli           |
| <b>LAW 1/2013</b>                      | Prevention of Usurious Transactions                                                                                                   | General National Congress     | Tripoli           |
| <b>LAW 17/2013</b>                     | Elections of the Constitutional Drafting Assembly                                                                                     | General National Congress     | Tripoli           |
| <b>LAW 18/2013</b>                     | Rights of Cultural and Linguistic Components                                                                                          | General National Congress     | Tripoli           |
| <b>LAW 2/2015</b>                      | Abolishment of Law 13/2013 on the Administrative and Political Isolation                                                              | House of Representatives      | Tobruk            |
| <b>LAW 8/2014</b>                      | Dissolution of the Dar el-Ifta                                                                                                        | House of Representatives      | Tobruk            |
| <b>LAW 6/2015</b>                      | General Amnesty                                                                                                                       | House of Representatives      | Tobruk            |
| <b>LAW 7/2015</b>                      | Postponing the enforcement of Law 1/2013 on the Prevention of Usurious Transactions                                                   | House of Representatives      | Tobruk            |
| <b>RESOLUTION 25/2015</b>              | Formation of a committee of religious scholars led by the Deputy Mufti to review legislation for compatibility with Sharia            | General National Congress     | Tripoli           |

|                                 |                                                                                                                            |                                  |          |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------|
| <b>DRAFT CONSTITUTION</b>       | Last draft of the Constitution dated July 2017                                                                             | Constitutional Drafting Assembly | Al-Baida |
| <b>LAW 10/2015</b>              | Amendment of Law 10/1984 on Marriage and Divorce                                                                           | General National Congress        | Tripoli  |
| <b>POLITICAL AGREEMENT 2015</b> | Designing a new structure for unified national governance and basic elements of government policy, signed in December 2015 | UNSMIL                           | Skhirat  |
| <b>LAW 6/2016</b>               | Amending the Civil Code to make it compatible with Sharia                                                                  | General National Congress        | Tripoli  |
| <b>LAW 20/2016</b>              | Amending the Penal Code to make it compatible with Sharia                                                                  | General National Congress        | Tripoli  |
| <b>LAW 22/2016</b>              | Amending Law 70/1973 on adultery, to introduce stoning to death as a punishment when the adulterous person is married      | General National Congress        | Tripoli  |



## Summary

This report maps the disagreements over Libya's national identity. It identifies and describes these disagreements, looks at the main legislative responses and the political context in which they were made, makes assessments of these responses in terms of their feasibility and potential for reconciliation, and finally provides suggestions for desirable legislation, policy, and a vision which is needed to move towards an inclusive Libyan national identity.

Disagreements over national identity in Libya have evolved around three main themes: religion, politics, and ethnicity. Within the theme of religion, two key issues are the position of Sharia in the legal system, and the position of the *Maliki* and *Ibadi* Schools. While some see Sharia as the only and dominant source for legislation, others allow for other sources of inspiration. Moreover, whereas the *Maliki* and *Ibadi* Schools have been the traditional *fiqh* schools in Libya, Salafi influence has grown and poses a threat to these schools. Key issues of ethnicity are the status of minority languages - as either 'official' i.e., state languages or national languages - and discrimination of non-Arab minorities by an explicit mentioning of the Arab affiliation of the Libyan state or its institutions. Lastly, within the political theme, the main issues are the choice for state symbols, such as the flag and the anthem, and the participation or exclusion of persons who served in certain positions under Gaddafi in offices in the new Libyan state. After 2011 the flag and anthem chosen when Libya became independent in 1951 were revived as the symbols of the state. Since these are presently regarded as symbols of the February Revolution against Gaddafi, they are seen to antagonize those who still sympathize with his regime and prefer a different flag and anthem.

The main political actors and institutions have taken a variety of standpoints towards these issues. Legislative responses have varied in accordance with changes occurring in the political environment. The researchers have assessed the responses based on the feasibility of each response, and its effectiveness in national reconciliation. They concluded that assigning an exclusive and dominant role to Sharia in legislation creates a risk of polarizing society, while seeing Sharia as a source of inspiration amongst other sources would be more supportive of national reconciliation. Moreover, conferring special status on the *Maliki* and *Ibadi* Schools would be more supportive of Libya's unique religious identity, and therefore these should be the preferred schools. Regarding the symbols of the state, maintaining the Independence flag is in line with the wishes of the majority of Libyans, and as such more supportive of national reconciliation. Such a response should, however, allow for a review at a later state. As for political participation, the researchers concluded that the principle of the equality between Libyans before law should be unqualifiedly upheld, allowing all to take part in politics. Only those convicted of crimes either before or after the revolution should be barred. Regarding the status of minority languages, the researchers concluded that deeming these languages 'official' languages would be unfeasible, but considering them 'national' languages would be a more viable option. Lastly, regarding discrimination, omitting Libya's Arab affiliation from its official name, as has been the case since 2011, was considered a praiseworthy endeavour.

This research has also made an effort to develop a vision for a desirable Libyan national identity. This vision recognizes and respects ethnic, religious, ideological, cultural, political and social diversity, and is based on the principles of equal citizenship, peace, social solidarity, and equal opportunities. As a consequence of the research findings, while Sharia, as the majority of Libyans desire, should play a

role as a source of legislation, other sources of inspiration such as comparative law should also be considered. This is, in fact, the case throughout our world, including the Muslim world. In this, the *Maliki* and *Ibadi* Schools, as the traditional schools in Libya, should be the preferred schools. The Arabic language should be deemed the language of the state as it is an essential pillar of the Libyan identity, and minority languages should preferably be 'national languages'. While Libyans should not disqualify their Arab past, state institutions should preferably remove their Arab affiliation from their names, as they have been doing. Lastly, preference should be given to the Monarchy flag and anthem, while allowing for reassessment of that choice at a later stage. Moreover, only those Gaddafi loyalists who committed crimes during the Gaddafi regime or in the aftermath of the Revolution should be excluded from political participation.

In this way the Libyan national identity may include a value system constituting of tolerance, plurality, fairness, and acceptance of 'the Other', and should respect the law, and solidify the pride of belonging to the Libyan nation, while being receptive to other cultures.

# 1. Introduction

## 1.1. The Role of Law in National Reconciliation in Libya (RoLLNaR)

More than seven years ago, in February 2011, people in Libya took to the streets, starting a revolution that ended the regime of Muammar Gaddafi. Over time conditions in the country deteriorated, stemming from divisions along different axes, among them religious, political, ideological, ethnic and social. As of mid-2014, national governance has been fragmented following the establishment of two governments, one in the East and one in the West. Neither of them has the legitimacy nor the capacity to govern the whole of Libya. Armed groups have assumed power in particular areas, and are beyond control of the central state. This has heightened instability and insecurity. Salafist groups, some of them armed, have emerged in Libya, challenging traditional religious schools long established in the country. Discussions over the role of Sharia in Libya's legal system have re-emerged. Divisions also appear over ethnic concerns. Libya is home to several ethnic minority groups, notably Amazigh, Touareg and Tabu. After a long history of Arabization, during which the rights and concerns of these groups were largely ignored, they are now advocating for their rights. In this polarized, fragile atmosphere, the importance of exploring possibilities for reconciliation becomes apparent.

The Centre for Law and Society Studies of Benghazi University, in collaboration with the Van Vollenhoven Institute of Leiden University addresses the options for national reconciliation in Libya in the research project 'The Role of Law in Libya's National Reconciliation (RoLLNaR)'. This project focuses on five areas of concern, i.e. national identity, national governance, decentralization, security forces, and transitional justice, and looks at how law may contribute to national reconciliation. This report is the result of the first phase of the research, which focused on the theme of national identity.

## 1.2. Why the law?

While this research focuses on the role of law in national reconciliation, we are acutely aware of the fact that Libya's legislative culture has been plagued by excessive polarization, and prioritization of group interests and personal ambitions over national interests. This is true not only for new legislation, which should serve as a tool in the reconciliation process, but also for pre-existing legislation. Both were influenced by the ideologies and viewpoints of those in power. As such they are set in a specific context. Law should therefore not only be seen as a helpful tool for reconciliation, but as something to be critically analyzed, in order to understand its impact on society, and if needed to be reformulated or revised.<sup>1</sup> Thus, in looking at the role of law in resolving issues concerning national identity, we have not only studied the 2015 Political Agreement,<sup>2</sup> the 2011 Constitutional Declaration<sup>3</sup> and the drafts of the Constitution Drafting Assembly notably that of 2017,<sup>4</sup> as well as other new legislation, but also assessed certain pre-existing legislation of the Gaddafi era regarding these issues, and systematically analyzed their content and impact to understand their potential for reconciliation.

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<sup>1</sup> This observation is based on a piece by Lorna McGregor (2011: 115). She describes how "discourses of reconciliation attempt to depoliticize the law, thereby simplifying their own task by holding law captive as an applicable tool, rather than attempting simultaneously to understand, revise, and reformulate the legal system as a participant of the previous regime."

<sup>2</sup> See for an English version: UNSMIL 2015.

<sup>3</sup> See for an English version: NTC 2011.

<sup>4</sup> See for an English version: DCAF 2017.

### 1.3. Why national identity and what is national identity?

The theme of national identity was chosen as the first phase of this research, because of its pivotal role in national reconciliation. The Special Representative of the UN Secretary General in Libya, Mr. Ghassan Salamé, in a recent speech to the Security Council described the increasing identity cleavages in Libya, which result in widespread ostracism and violence.<sup>56</sup> The issue of national identity is at the heart of Libya's divides, and leads to struggles around a number of concerns, most notably surrounding religion, ethnicity, and politics. As long as these deep cleavages exist, national reconciliation will not be possible. Fortunately, it is possible to address these issues. In our research, we look at national identity as something that is rooted in history, but that can change over time. We contend that national identity is constructed around an inherited identity that already exists in society. To follow the words of Bhikhu Parekh (1994: 504): "a coherent view of national identity must grow out of a constant dialogue between the past and the present in which each interrogates and illuminates the other."

National identity is different from sub-national identities - e.g., religious identities or ethnic identities, and from transnational identities - in that it aims to unite the whole population of a country. Meanwhile, it is influenced by those other types of identities, and vice versa. In our research, we define national identity as: a sense of belonging to a nation-state, which is created and defined by, notably, the following features: (1) an historic territory, or homeland; (2) common myths and historic memories; (3) a common, mass public culture; (4) common legal rights and duties for all members; (5) a common economy with territorial mobility for members; (6) a set of shared values that promote respect and inclusiveness towards all members of the nation.<sup>7</sup> To develop such 'sense of belonging' the nation-state obviously must make itself something valuable to its citizens, by actually enhancing their well-being.

### 1.4. Research plan, team, languages of reporting and publication

The RoLLNaR project will run for a total of 36 months, and has been divided into five phases, respectively focusing on national identity, national governance, decentralization, security and transitional justice. It will combine consultations with stakeholders, interviews and focus group discussions about existing disagreements with analysis of legislative responses. Political configurations and a dynamic, rapidly changing environment ask for continuous reviewing of the issues at hand.

The research team consists of a senior researcher and project leader, Suliman Ibrahim, four principal researchers, Dr. Jazeeh Shayteer, Dr. Hala Elatrash, Ms. Lujain Elaujalli and Mr. Fathi Mousay and an assistant researcher, Ms. Nienke van Heek. They are accompanied, guided and supported by four professorial experts, i.e. Prof. Nagib Al-Husadi, Prof. Zahi Mogherbi, Prof. Al-Koni Abuda and Prof. Jan Michiel Otto. In addition, senior academic specialists were asked to write papers on topics

<sup>5</sup> 21 March 2018, Remarks of SRSG Ghassan Salamé to the United Nations Security Council. See also Otto 2013: 25-26.

<sup>6</sup> This recognition of the importance of national identity, however, has not been translated into [...] revise sentence – some words missing?] according to this theme the place it deserves in the public consultations held in preparation for the upcoming National Conference (*al-Multaqa al-Watani*), which is a significant milestone in UNSMIL's Action Plan for Libya. See 1.7 below.

<sup>7</sup> This definition has been influenced by the definition of Anthony D. Smith (1991), in his seminal work on national identity. His definition excludes the sixth attribute of shared values, but we contend that they are vital for any concept of national identity to be accepted by a large group of people.

connected to national identity. These ‘specialist researchers’, coming from diverse backgrounds and disciplines, among them history, geography, political science, religion, law, sociology, and economics, are Prof. Abdallaa Ali Ibrahim, Prof. Mansour M. El-Babour, Dr. Dhu Al-Mabrouk, Mr. Ali Abu Raas, Mr. Ahmed Yousif, Mr. Salem Aokli, Prof. Mohamed A.M. Abusnina, Prof. Mahmoud Abossawa, and Dr. Amal Obeidi. They have written papers on national identity from their perspectives and their papers provided invaluable input for the report that now lies before you.<sup>8</sup>

A much more extensive academic report about the research on national identity has been drafted, mainly by Prof. Nagib Al-Husadi with contributions from his colleagues, in Arabic.<sup>9</sup> The papers of the specialist researchers have been written in Arabic as well. Also, in Arabic is the first version of the so-called canon of Libya. These works address primarily a Libyan audience, and is a direct product of the team in Benghazi. The plan is that these works will be published by the CLSS in Benghazi, and translated into English, if funding is available.

### 1.5. Structure of the report

The report is divided into eight sections. After the introduction (1), section 2 will focus on issues surrounding national identity in Libya, and the various positions taken on them. Then, section 3 will present the political environment in which the legislative responses, and other responses, were given. This will pave the way for presenting the various responses in section 4. In section 5 you will find our assessment of the responses. The main findings on the issues discussed, the positions taken, the responses given and the assessment of these various responses will form the core of section (6). Since a national identity that contributes to reconciliation presupposes certain values and attitudes, the research team has also developed in section 7 a vision of national identity that would be desirable in Libya. Section 8 finally, provides suggestions as to how this vision could be realized through legislative solutions, policies and measures.

### 1.6. National identity and other areas of concern

In this report we contend that national identity has a pivotal role in achieving national reconciliation. Indeed, our research has clearly shown the deep rifts and disagreements in Libyan society. People’s weak sense of belonging to the Libya nation undercuts processes of national reconciliation. Addressing these disagreements is therefore of utmost importance. However, we also acknowledge that the formation of a national identity accepted by all Libyans alone will not lead to national reconciliation in and by itself. In fact, we cannot see the issue of national identity as separate from the

<sup>8</sup> A total of 9 research papers were written as part of the research phase on national identity: (1) Al-Husadi, Nagib (Professor of Philosophy, Benghazi University). “Libiā ila ayna: al-huwiyya al-Libiā wa ḥuzūz al-Libiyyin fi injāz mušālaḥa waṭaniyya wa banā’ dawla ḥadītha.”; (2) Ibrahim, Ali Abdallaa (Professor of History, Benghazi University). “Al-Dōr al-tārikhī li-ta’zīz al-huwiyya wa al-waḥda al-waṭaniyya fi Libiā.”; (3) Al-Babour, Mansour (Professor of Geography, Benghazi University). “Dōr al-jughrāfiā fi balwara al-huwiyya al-waṭaniyya.”; (4) Al-Mabrouk, Dhu (Associate Professor of Sharia, Tripoli University) and Ali Abu Raas (Judge, Tripoli Court of Appeal; Lecturer at the High Institute for the Judiciary). “Qirā’a li-dūr al-dīn fi tashkīl al-huwiyya al-waṭaniyya.”; (5) Yousif, Ahmed (Specialist in Libyan folklore). “Al-shakhṣiyya al-Libiā min khilāl al-turāth.”; (6) Aokli, Salem (writer and poet). “Jadal al-thaqāfa wa al-huwiyya fi Libiā.”; (7) Abusnina, Mohamed A.M (Professor of Economy, Benghazi University, Advisor, Central Bank, Tripoli). “Huwiyya al-Iqtisād al-Libi wa dūr al-iqtisād fi al-huwiyya al-waṭaniyya.”; (8) Abossawa, Mahmoud (Professor of History, Tripoli University). “Ḥafriyyat fi judhūr al-huwiyya al-waṭaniyya.”; (9) Obeidi, Amal (Associate Professor, Political Sciences, Benghazi University). “Dūr al-tanshia fi balwara al-huwiyya wa tashkīl al-shakhṣiyya al-waṭaniyya fi Libiā.” See also the list of references.

<sup>9</sup> See: Al-Husadi et al.

other areas of concern in our research, being national governance, decentralization, security, and transitional justice. The issues are deeply interlinked and reinforce and strengthen each other.

For example, national governance will not be possible unless the parties who currently disagree over issues concerning national identity, will find a way to overcome their disagreements and to accept ‘the other groups’ to be part of the political process. Yet, to make any concrete steps in socializing a constructive national identity, a working system of national governance needs to be in place. National identity also plays a role in decentralization, we will see this in this report, for example in the fact that areas of Amazigh majority are starting to teach Amazigh languages and cultures. The topic of national identity clearly relates to the topic of security as well, for example in discussions about the extent to which former and current Qaddafi loyalists should have a place in the national army and police force. Moreover, Hafter’s Libyan National Army is also called the Arab Libyan Armed Forces, which relates to discussions on the use of “Arab” in institutions. Lastly, the topic of national identity relates to transitional justice in that it addresses the political inclusion or exclusion of Gaddafi loyalists as well as the former marginalization and discrimination of ethnic minorities.

We therefore look forward to the upcoming research phases on the other issues, which are all vital for Libya’s reconciliation, starting with the research phase on national governance.

### **1.7. Our project and the Libyan National Conference Process**

In November 2018, the Centre for Humanitarian Dialogue (CH) published its report on the Libyan National Conference Process (NCP). The NCP was launched in early 2018, and it aimed to “find elements of consensus in Libya’s fragmented political landscape on key issues related to the conflict and the future of the Libyan state.”<sup>10</sup> To do so, the Centre organized meetings and consultations with Libyans of different backgrounds throughout the country, and with diasporic groups outside of the country between April and July 2018. The conference is part of the UN Action Plan for Libya, and the results of the CH project could therefore be seen as contributions to reconciliation and to a roadmap for the future of Libya. As such, the project is an important contribution to reconciliation in Libya. The project, moreover, connects to our research on national reconciliation in Libya, as it touched upon many of the topics that are part of our research, i.e. topics related to national governance, decentralization, security and transitional justice.

The importance of this process and the corresponding report should not be underestimated; still, we think that national identity, as one of the major themes on which there are disagreements in Libya, did not get the attention it deserves in the NCP, and as a result, in the report. In the report, national identity is mentioned, but never becomes a main topic of discussion. The report suggests that a unified national identity is already a reality, as opposed to proposing it as a desired option for the future. We see this, for example, in the first section of the report, which states that participants in the conference are of the opinion that “the greatest tragedy of all was that fighting and chaos continue to divide a country whose people are united by common identity, kinship, and shared history.”<sup>11</sup> This is reinforced under section 4.5.: “What unites Libyans is their national Libyan identity. This national identity is only strengthened by respect for internal pluralism and diversity. Libya is not comprised of a ‘majority’ facing other ‘minorities’. Rather, Libyans are partners in one nation, united by their

<sup>10</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 9.

<sup>11</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 16.



shared citizenship, despite all the oppression and marginalization that has occurred in the past.”<sup>12</sup> This is amplified under section 5.1., which states: “shared national citizenship and identity unites all Libyans. However, citizenship does not exclude local and cultural identities but builds upon diversity within the context of a single nation.”<sup>13</sup> As we will explain in subsequent chapters of our report, though much needed, this national identity is not, unfortunately, a reality yet, and serious efforts should thus be directed towards realizing it. The National Conference in Libya, which is supposed to be held in early 2019 will build upon the results of the NCP, and will once again provide a platform for Libyan people.<sup>14</sup> As such, it should be seen as an opportunity to address the topic of national identity in more detail.

The NCP report does address certain aspects of national identity such as cultural rights of minorities,<sup>15</sup> and the participation/exclusion of supporters of the former regime in the democratic process. In this regard, it reports that: “Many Libyans have suggested that the period of excluding supporters of the former regime has passed. Others have emphasized, however, that this does not prohibit the continued exclusion of those with serious criminal charges against them running for elections.”<sup>16</sup> This is in line with our assessment and recommendations concerning former loyalists of the regime.

Lastly, the NCP report states, in what could be seen as an acknowledgement of the importance of Libyan national identity and its problematic status quo, that “a significant proportion of the participants recommended the establishment of a national charter. This charter would outline the views of Libyans on the identity of the state, the unity of its territory, its religion, and guiding principles. This document would not replace a constitution but rather act as a set of guidelines for the nation and its people.”<sup>17</sup> Our report has, based on various consultations, also identified the need for a foundational text. To this end our project has not only formulated and proposed a Vision for a new inclusive Libyan national identity (see chapter 7), but also formulated a Canon of Libya. They might provide useful input for such a charter on national identity.

## 2. Disagreements

Disagreements over national identity evolve around three main themes: religion, politics and ethnicity, under each, there are two issues. The responses to these disagreements have varied not only in their type: legislative and other responses, but also in their substance. Key factor in this variation is the change noticed in Libya’s political environment since February 2011. As a result, these responses have scored differently in terms of supporting national reconciliation.

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<sup>12</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 49, section 4.5. Guaranteeing fair representation for all.

<sup>13</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 54, section 5.1. Preserving Libya’s Unity and National Sovereignty.

<sup>14</sup> UNSMIL. 2018. “Remarks of SRSG Ghassan Salamé to the United Nations Security Council on the Situation in Libya.” 9 November. Accessed online: <https://unsmil.unmissions.org/remarks-srsg-ghassan-salam%C3%A9-united-nations-security-council-situation-libya> [last accessed 28 November 2018].

<sup>15</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 49.

<sup>16</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 59, under 5.9.b. Safe, secure and transparent elections.

<sup>17</sup> Centre for Humanitarian Dialogue. 2018. The Libyan National Conference Process. Final Report. November 2018: 20.

As earlier explained, main disagreements on national identity are about religion, politics and ethnicity. We will address them in this order.

## 2.1. Religion

The two key issues when it comes to the role of religion in national identity are: the status of Sharia and that of the *Maliki* School.

### 2.1.1. Status of Sharia

Sharia always occupied an important place in Libya's legal system especially under Gaddafi's rule; yet, a heated debate has taken place since the February 2011 Revolution on what status ought to be given to Sharia in the legal system. While there are voices calling for limiting its role to family matters, such voices are rarely heard. The much more pronounced positions are two. The first calls for Sharia's dominance in the legal system, so it, understood as detailed rulings as well as general principles and objectives, becomes the sole source of legislation. Its interpretation is to be tasked to religious scholars, and whatever deemed incompatible with it, is to be deemed void. To this group, adhering to Sharia in this way is a prerequisite for the true Islamic identity. The other position is also supportive of a bigger role for Sharia in the legal system; still, it allows for other sources of inspiration when legislating, e.g., comparative law. It also adopts a definition of Sharia limiting its application, and when deciding on its interoperation, it deems this a task not exclusively given to religious scholars, but also to e.g., parliamentarians and judges trained in law faculties. Incorporating Sharia in national law does not necessarily, according to the second position, lead to annulling incompatible legislation.

### 2.1.2. Status of the *Maliki* School

This issue evolves around the position that the *Maliki* School, and the *Ibadi* School to some extent, should enjoy.<sup>18</sup> The *Maliki* School is the predominant jurisprudential school, *maddhab*, in Libya, as it is in other North African countries, and for centuries was the reference when interpreting and applying Sharia. It was also, and still to a lesser extent, the reference for religious discourse, e.g., rituals, fatwas, and religious education. The *Maliki* School in this regard is seen as not only a reference in jurisprudential matters, e.g., conditions for paying alms, *zakat*; it is also a school featured by *Sufi* practices and *Ashari* theology. The question is also posed about the *Ibadi* School. It is followed by the Amazigh minority in the west of Libya, and has its own theology and jurisprudence as well.

The dominant position both schools enjoyed for centuries has recently been under threat. The threat has come from *Salafist* groups that, while this trend started before the February revolution, have grown immensely in number and influence in recent years. These groups believe that Muslims should seek the correct interpretation of Sharia without limiting themselves to one school; it is the evidence based on the Quran and the Prophetic Sunnah that ought to be followed. To these groups, *Sufi* practices are innovative, *bidaa*, unknown to the Prophet and the Righteous Forefathers, *Salaf al-Salih*, and Muslims should thus abstain from them. The *Salafists* take issue also with *Ashari* theology; they

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<sup>18</sup> See Al-Mabrouk, Dhu and Ali Abu Raas. Reading in the Role of Religion in the Formation of Identity (forthcoming).

deem it deviant from the correct Islamic theology. Their position concerning the *Ibadi* School is even more condemnatory; it is unislamic.<sup>19</sup>

## 2.2. Politics

The two issues related to the political dimension of national identity are the shape of symbols of the state and political participation. They concern the position which ought to be taken towards the Gaddafi regime; should there be a complete break with this regime?

### 2.2.1. Symbols of the state

The question concerning the symbols of the state is whether the flag and the anthem should be those adopted by the Monarchy regime when Libya got its independence in 1951. Restoring them in the very early days of the February revolution was seen as part of the revolt against the Gaddafi regime, which derived much of its legitimacy, especially in its early years, from condemning its predecessor. This way, it also meant rehabilitating the Monarchy regime, and resuming the state building efforts interrupted by Gaddafi's coup d'état. It was thus perceived as marginalizing, and perhaps, dropping, Gaddafi's regime. That is why those supportive of this regime are adamant that a new flag and anthem, if not those of Gaddafi's, should be adopted.

### 2.2.2. Political participation

The question here also departs from one's take on the former regime; should there be a complete break with it including its people, or at least those perceived to be so? On the one hand, there has been a position, especially in the early years following the revolution, calling for such a break; Gaddafi after all, it is argued, managed to lead, and so corrupt, Libya with the aid of many people, and for the revolution to achieve its goals all those people should be excluded from any important administrative and political posts, at least for a period of time. On the other hand, there has been another position, growing by the day, more reconciliatory with the former regime; Gaddafi led the country for over four decades, and serving under his rule per se does not mean contributing to any crime, corruption or mismanagement the regime may have committed. Any exclusion, if any, should be limited to those who actually committed criminal acts. Some proponents of this position argue that even those accused or convicted of criminal acts should be pardoned, if national reconciliation is to be achieved.

## 2.3. Ethnicity

Libya is a multi-ethnic country. Besides the Arabs, who constitute the vast majority of the population, there are several minorities.<sup>20</sup> The major minorities are: Amazigh, Tebu and Touareg. Under

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<sup>19</sup> See for example: Al-Jāzawī, Jihān and Asma bin Sa'īd. 2017 "Arā' ḥawla fatwa "al-Abāḍiā"..taḥrīḍ 'alaal-fitna tis'ad'ī ḥallā fawriā lilajna al-iftā" *Al-Wasat*, 14 July. Accessed online: <http://alwasat.ly/news/libya/138195> [last accessed 27 November 2018].

<sup>20</sup> It should be noted that the term used to refer to the minorities in Libya refer to the cultural and linguistic components. Tarek Mitri (2015. *Sunnatān fī Libiā wa min Ajlihā*. Beirut: Dar Riyad Al-Ra'is: 93), claimed that the term was 'borrowed' from Iraq because the minorities disliked being called minorities for they claim that they are the indigenous inhabitants of Libya. In our interviews with an Amazigh activist, however, she expressed her rejection of the term component; it has no legal meaning, and she preferred the term minority that is known in international public law.

Gaddafi's rule, these minorities suffered a systematic marginalization. For example, they were prevented from using their own languages and names, and celebrating their own special occasions such as the Amazigh New Year. Not surprisingly, they took part in the revolt against the regime, and demanded afterwards an end to the marginalization. Ending this marginalization is not in itself a contentious matter, but what it entails is. This can be seen in two main issues: the status of the minorities' languages and discrimination.

### 2.3.1. Status of minorities' languages

The question here concerns what status ought to be given to the minorities' languages. Should they be deemed, as Arabic, official languages? In that case they would be state languages, which entails using them, among other things, in education and in all state business, e.g., legislation, and correspondence. Or, should they be deemed national languages? While this would entail obligating the state to protect and promote these languages, they would enjoy a more limited status; it is only in the minorities' own geographic areas that education is to be conducted, besides Arabic, in these languages.

### 2.3.2. Discrimination

This issue is about whether the state, or any of its institutions such as the army, should affiliate itself with the Arab world. Arabism was one of the pillars of national identity during Gaddafi's rule,<sup>21</sup> and the minorities see any such affiliation as discrimination against them.

## 3. Political environment

### 3.1. Introduction

The responses of the transitional authorities to the national identity related issues have varied in accordance with changes occurring in the political environment. It is of the essence thus to first explain these changes, and their impact on the way the transitional authorities reacted to the issues at hand.

In the early days of the February 2011 Revolution, the assumption was that a limited Transitional Period (TP) from Gaddafi's dictatorship to democracy would follow. The National Transitional Council (NTC), which led the revolution, would solely preside over the TP, appoint a Constitution Drafting Assembly (CDA), approve the resulting draft, put it to a public referendum, and, once accepted, promulgate it as Libya's permanent constitution. The election of a legislative assembly in accordance with the new constitution would mark the end of the TP. This assumption, however, did not come true. Instead of one body, the NTC, two others followed: the General National Congress (GNC), then the House of Representatives (HoR), and instead of an appointed CDA with limited

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For this very reason, a civil society activist expressed her concern for the growing use the term minority and indigenous people in Libya; according to her, this could form a basis for interfering in Libya's internal affairs under the umbrella of the international public law protection of such groups (Khalifa, Asma, an Amazigh activist. Interview via Skype with Ibrahim, Suliman. 1 October 2018.

<sup>21</sup> For more information on the history of language politics in Libya and the position of minorities, see also Anna Baldinetti (2018).

powers, an elected one with significant powers came into existence, and instead of the TP being limited in time, it has, so far, extended to more than seven years, and there are no clear signs that it will end any time soon.

This prolonged TP has witnessed an influential presence of revolutionary and religious forces,<sup>22</sup> and a rather limited presence of ethnic forces. The presence of these forces, however, has varied in time and space.

### 3.2. National Transitional Council, 2011- 2012

During the NTC term (2011-2012), the influence of the revolutionary and religious forces gradually increased while that of the ethnic forces was rather limited. Back then, the revolutionary fervour was at its highest; unsurprisingly, the NTC, being the body leading the revolution, strived to fulfil what was presented as the revolution's goals. This fervour was also associated with religious features; religious forces played a significant role in the revolution, and it was part of the campaign against the Gaddafi regime that it violated Sharia. Unsurprisingly also, the NTC adopted a discourse calling for assigning Sharia a prominent place in the legal system. Still, the NTC included also lawyers, human right activists and persons who until recently occupied important posts in Gaddafi's regime.<sup>23</sup> This helped calming down the effect of the religio-revolutionary fervour.

Ethnic forces were also present but to a lesser extent. The minorities, especially the Amazigh, joined the revolution, and had representation in the NTC. Still, their influence was quite limited. First, the NTC resided for about half of its term in Benghazi – in the east – where the presence of the minorities is very limited, and even when it moved to Tripoli – in the west – where this presence is much stronger, it could not excrete much influence.

This background explains the legislative responses the NTC gave to the national identity related issues. The Constitutional Declaration (CD), which the NTC issued in Benghazi in August 2011, shows the NTC's largely moderate position on the position of Sharia, and the insufficient position – from the perspective of the ethnic forces – on the minorities' demands.<sup>24</sup> A bit differently, Law 15/2012 on the Establishment of Dar el-Ifta and Law 37/2012 on the Criminalization of the Glorification of the Tyrant, which the NTC issued while being in Tripoli, present a position more accommodating to the demands of the revolutionary and religious forces.

### 3.3. The General National Congress, 2012-2014, and after the 2014 elections

Accommodating these demands to a larger extent was the position of the GNC. The results of the 2012 GNC elections showed that Islamists did not win most of the seats; the winner was the so-called 'civil current', principally the Coalition of National Forces. Yet, the reality was that the Islamists

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<sup>22</sup> When writing about 'revolutionary forces' and 'religious forces' we realise that these umbrella terms do not do justice to the variety and complexity of the political and religious actors under review. For brevity's sake we still use these terms in this report as they do provide a useful indication.

<sup>23</sup> For example, Mustafa Abd' al-Jalil, was a judge and the last minister of justice under Gaddafi rule, and his deputy Abd' Al-Hafiz Ghoga, was a lawyer and human rights activist. Mahmoud Jibril, the head of the NTC's executive office was the director of the national planning assembly, and his deputy, Ali Abd' Al-Aziz Al-Isawi, was Libya's Ambassador to India when the revolution took place.

<sup>24</sup> For more information on the Constitutional Declaration (CD), and how it was contested by different groups, see Sawani and Pack (2013).



formed alliances within the GNC including ‘independent’ members enabling them to excrete great influence on the GNC. Still, they did not enjoy full control due to the presence of their opponents, the civil current. The GNC being located in Tripoli, where revolutionary and religious forces dominated the scene, contributed also to the GNC responding favourably to these forces’ demands. A testimony of this can be found in Law 1/2013 on the Prevention of Usurious Transactions. Law 13/2013 on Administrative and Political Isolation and Law 29/2013 on Transitional Justice.

The GNC being in Tripoli, in the west where the Amazigh mostly live, enabled ethnic forces to excrete influence albeit limited.<sup>25</sup> This led to legislative responses seen by these forces as insufficient including the Seventh Amendment of the CD, Law 17/2013 on the Elections of the CDA and Law 18/2013 on the Rights of Cultural and Linguistic Components.

Like its predecessor, the GNC had to step down. For allegations of bad performance, the GNC had to amend the CD so a new legislative assembly (HoR) would lead the TP. Widely seen as controlling the GNC, the religio-revolutionary forces bore much of the blame for this bad performance. It therefore came as no surprise that as a result of the 2014 parliamentary elections, these forces were modestly represented in the HoR.<sup>26</sup> The HoR opting for Tobruk – in the far east of the country and where the influence of the religio-revolutionary forces is quite limited – contributed to further marginalizing these forces. These forces came to see the HoR as a threat and a body leading to a counter revolution, especially after the alliance between Operation Dignity against Islamists in the east and the HoR.<sup>27</sup> Ultimately, the GNC refused to hand over power to the HoR leading to the situation of the two legislative assemblies contesting legitimacy.

The revived GNC was a body fully controlled by religio-revolutionary forces, not only because the representatives of these forces constituted most of the remaining GNC members, but also because the GNC was located in Tripoli, where the February Revolution was still praised and cherished. The effect of these forces could be seen in the Ninth Amendment of the CD as well as several laws the GNC introduced in 2015 and 2016.

### 3.4. House of Representatives

The HoR, the rival legislative assembly, however, was different. The representation of any religio-revolutionary forces was very limited; the few who succeeded in the elections boycotted the HoR. Besides, the HoR was based in Tobruk where such forces have no influence. It was actually their opponent, Operation Dignity, that had the upper hand in the region. In addition, the presence of Gaddafi loyalists in the east became not only tolerable but at times welcomed; perhaps because of the needs of Operation Dignity. Also, the failure of the GNC, which paved the way to electing the HoR, was widely attributed to the influence excreted by the religio-revolutionary forces.

Thus, it was only to be expected that the HoR acted reactionarily to the GNC’s legislation. This can be seen in Law 2/2015 on the Abolishment of Law 13/2013 on the Political and Administrative

<sup>25</sup> Al-Shalwī, ‘Abd Al-Fattāh Būrwaq. 2015. *Asrār taht qubba al-barlamān, 700 yawm bi-al-mu’tamar al-waṭani al-‘āma*. Misrata: Dar was maktaba al-Sha’ab: 414-417.

<sup>26</sup> See: 2014. “Libiā: al-tijār “al-madani” yataqadamu ‘ala al-islāmiyyin fi intikhābāt al-barlamān.” Accessed online via: <https://www.france24.com/en/> [last accessed 27 November 2018].

<sup>27</sup> See: rashīd, rājā. 2014. “Amāzigh Libiā yuḥqqūna naṣran siāsī bi-ḥalli al-barlāmān min qabli al-maḥkama al-‘ulīā.” *Al-‘Alim Al-Amāzighī*. Accessed online via: <http://www.amadalpresse.com>, last accessed 27 November 2018].



Isolation, Law 8/2014 on the Dissolution of Dar el-Ifta, and Law 7/2015 postponing the enforcement of Law 1/2013 on the Prevention of Usurious Transactions until January 2020. In other instances, the HoR enacted laws reflecting its reconciliatory attitude towards Gaddafi loyalists; Law 6/2015 on Amnesty is the prime example. As Mohamed Jibril, a key figure in the Gaddafi regime, said in an interview we had with him: while the laws of the NTC and GNC were exclusionary, those of the HoR were not; the latter, according to him, enabled key figures in the Gaddafi regime to return to Libya from exile.<sup>28</sup> It should be noted though that the effect of the HoR's laws was limited to the east; they were largely ignored in the west. According to Sahar Banoun, Deputy Minister of Justice in the Interim Government (east), courts in the east, but not in the west or south, applied Law 6/2015 on Amnesty, and, as a result, Gaddafi loyalists were pardoned. Mohammed Al-Gamoudi Al-Hafi, Chairman of the Supreme Court and the Supreme Council for the Judiciary made a similar comment; he added that when inspecting, they tried to recognize both positions: of those applying the law and of others ignoring it.<sup>29</sup>

The HoR, on the other hand, had no response to the issues related to minorities. One explanation could be that activist minorities, the Amazigh, see themselves as revolutionaries, and so joined the GNC camp, becoming, as a result, unworthy of the HoR's attention. Besides, the HoR being located in Tobruk, in the far east, where minorities' presence is quite limited, has not helped placing their demands on its agenda. In any case, addressing the minorities' demands had by then become the task of the CDA.

### 3.5. Constitution Drafting Assembly

The CDA, like the HoR, was elected around the time when the GNC's popularity, and that of religio-revolutionary forces, was at its lowest. Unsurprisingly then the representation of these forces in the CDA was slim. Besides, the CDA took as its seat al-Baida, in the east, far from the influence of both the religio-revolutionary forces and the ethnic ones. There were ethnic forces that boycotted the CDA: the Amazigh, and so lost the opportunity to influence its outcomes, and others: Tabu and Tuareq that joined it but still enjoyed limited influence. Being based in the east, on the other hand, exposed the CDA to an environment that became increasingly more tolerant of, if not sympathetic with, the former regime's loyalists.

This could explain the varied responses the CDA gave to the issues at hand. For instance, its latest draft, July 2017, adopted, as will be explained shortly, a position on Sharia that, while seen by religious forces as insufficient, deemed by others as establishing for a religious state. In an attempt to find a middle ground between the demands of the revolutionary forces and those of Gaddafi loyalists, the draft took a position on the state symbols, the flag and anthem, that angered the former. Likewise, the position it held on minorities' languages was disappointing to them. Thus, there was not much optimism in the draft which gained the required approval of two-thirds of the voters in the public referendum.

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<sup>28</sup> Jibreel, Mohammed. Secretary of the Unions' Affairs, People's General Congress. Interview with Fathi Mousay, 9 August 2018.

<sup>29</sup> Interview by Ibrahim, Suliman. Tripoli. 2 August 2018.

### 3.6. Political Agreement

This resulted in the search for an agreement extending the TP and ending the political divide. The Political Agreement (PA) signed in December 2015 was the result of a dialogue sponsored by the UN between various political actors to share power. The HoR would be the only legislative assembly while the GNC would become a High State Council (HSC) with significant advisory powers. The executive would be a Presidential Council (PC) composed of representatives of the political rivals and a Government of National Accord (GNA), chosen by the PC and subject to the HoR's approval. This approval, however, never came. The HoR also refused to incorporate the PA in the CD, as required by the PA. Thus, the PA failed in ending the political divide; indeed, it, as some argued, resulted in further divide when it established a third rival body, i.e., the PC.

One frequently quoted reason for the PA's failure is the lack of representation of important factions in the dialogue that led to the PA. Revolutionary forces were amongst the important absentees as well as ethnic ones; the Supreme Council for the Amazigh, for instance, was initially invited but later excluded from the dialogue.<sup>30</sup> Important religious forces such as those associated with Dar el-Ifta were included, and the PA incorporated provisions about Sharia clearly designed to please these forces; yet, they, as explained below, fell short of their expectations. Also, Gaddafi loyalists saw the PA as one between the February Revolution supporters and, like the other excluded factions, rejected it.<sup>31</sup> That is why the Special Envoy of the UN Secretary General to Libya, Ghassan Salamé, announced upon starting his post that the PA would be amended, and the consultation process would include previously marginalized factions including the former regime's loyalists.<sup>32</sup> The process of amending the PA, however, has yet to yield tangible results.

## 4. Responses

### 4.1. Responses on Religion

The responses to the issues related to the role of religion in national identity have varied in terms of type - legislative and other responses - and substance: their take on the issue at hand.

#### 4.1.1. *Status of Sharia*

As for the legislative responses to the issue concerning the status of Sharia, one can safely conclude that they have been largely in favour of a bigger role for Sharia in the legal system. They have differed, however, as to the extent of this role. One, as earlier explained, can find the justification for this tendency, and the variation in the responses in the rise and relative decline of the religio-revolutionary fervour in the aftermath of the February revolution.

As early as August 2011, the NTC issued the CD announcing Sharia to be "the principle source of legislation".<sup>33</sup> Implied in this wording that legislation can be derived from other sources, albeit not as

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<sup>30</sup> Khalifa, Asma, an interview via Skype by Ibrahim, Suliman. 1 October 2018.

<sup>31</sup> Jibreel, Mohammed. Secretary of the Unions' Affairs, People's General Congress. Interview with Fathi Mousay, 9 August 2018.

<sup>32</sup> UNSMIL. 2018. "Remarks of SRSG Ghassan Salamé to the United Nations Security Council." 21 March. Accessed online: <https://unsmil.unmissions.org/remarks-srsg-ghassan-salam%C3%A9-united-nations-security-council-2> [last accessed 28 November 2018].

<sup>33</sup> See National Transitional Council 2011: 3, under article 1.

important as Sharia. Besides, the CD includes provisions emphasizing the civil and democratic character of the state, and establishing for human rights and basic freedoms. Unsurprisingly, religious forces criticized the CD. It should have made Sharia the sole source of legislation, and conditioned any rights and freedoms by not violating Sharia. The NTC should have also consulted a committee composed of religious scholars before issuing the CD.<sup>34</sup>

To, perhaps, compensate for that, the NTC issued Law 15/2012 on the Establishment of Dar el-Ifta. Dar el-Ifta has since developed to be one of the main actors in the political scene, not as much as to the provisions of Law 15/2012 as to the practices of the persons leading it. The law indeed gave the Mufti the rank of the Prime Minister and his salary, prohibited any discussion of the Dar's fatwas in the media, and obligated all members of society to respect these fatwas. Still, the law did not obligate the state to consult Dar el-Ifta about, for example, any laws planned to enact. Seeking the advice of Dar el-Ifta was only optional, and the law did not require the state to follow it.

Yet, Dar el-Ifta practiced a role far stronger than that provided for in the law establishing it, as could be seen in the debate on Law 1/2013 on the Prevention of Usurious Transactions. The GNC enacted this law with a view to replacing the conventional banking system with another based on Sharia, i.e., Islamic banking. While it was Dar el-Ifta that drafted the law, the GNC was, besides the Ministry of Awqaf, the main supporter. It influenced members of the GNC, and the main argument it provided was that enacting the law would ensure Libya's Islamic character even it may result in financial losses.<sup>35</sup> This argument was used in such a way that GNC members, including those representing non-religious forces, found it difficult to argue against the law; "it would have looked as explicitly arguing against the Quran",<sup>36</sup> a GNC member recalled. The fear of financial losses, however, led the GNC to include in the law a provision giving legal entities, such as banks, until 1 January 2015 to fully comply with the law. This move, the Mufti said, showed that the GNC was not serious in combating usury, *riba*.<sup>37</sup>

Not before long, however, the GNC became fully devoted to the efforts of promoting Sharia. As explained before, Libya witnessed a political divide around August 2014 in which the GNC continued to act as the legislative assembly albeit limited to the west of the country. Since then, it enacted legislation enhancing Libya's Islamic character and the role of Sharia. It first amended the CD, for the ninth time, so Libya was described as an independent Muslim state instead of an independent democratic state, and Sharia became "the source of all legislation" instead of, only, being the chief source. The amended version deemed "void any legislation, work or act incompatible with its [Sharia] provisions and objectives." Celebrating this achievement, the GNC issued a statement describing this provision as "the best constitutional text in all the constitutions of Muslim countries without any exception."<sup>38</sup>

<sup>34</sup> Bayān hay' a 'ulamā' libiā bi-sha'ān al-i'lān al-dustūrī al-mu'aqit. *Ansar Al-Sunna Forum*, 29 November. Accessed online: <http://ansarsunna.com/vb/showthread.php?t=27111>, [last accessed 27 November].

<sup>35</sup> Bughayra, Daw and Nasir Al-Ghitta. 2015. Al-qānūn raqm 1 li-sana 2013 bi-sha'ān man 'a al-fawā'id al-rabwiyya. In: Ibrahim, Suliman and Jan Michiel Otto, eds. *Taqwīm tashrī'āt Libiā al-ajal i'āda al-banā'*: 70-78.

<sup>36</sup> Moghairbi, Imina, former member of the GNC. Interview by Elatrash, Hala. Benghazi. \* August 2018.

<sup>37</sup> See the website of the Dar al-Ifta: <https://ifta.ly/web/index.php/2012-09-04-09-55-33/2013/871-2013-01-09-13-01-55> [last accessed 1 July 2018].

<sup>38</sup> Al-mu'atamar al-waṭānī al-'ām. "Bayān bi-juhud al-mu'atamar al-waṭānī al-'ām fi taḥkīm al-sharī'a al-islāmiyya wa aqrār al-qawānīn bimā la yukhālif aḥkāmihā." 19 April 2016.

Later, the GNC formed by virtue of its Resolution No. 25/2015 a committee of religious scholars led by the Deputy Mufti to review legislation for compatibility with Sharia. The review revealed, as to the committee, violations to Sharia even in legislation claimed to be derived from it. It drafted laws to end or amend incompatible laws, which the GNC readily enacted. Amongst the new laws was Law 10/2015 that amended Law 10/1984 on Marriage and Divorce so, among other things, polygamy became no longer restricted. Another was Law 6/2016 that amended 40 articles of the Civil Code and abolished 16 others; the hierarchy of sources the Judge is to resort to became legislation compatible with Sharia; and other sources, i.e., customs, principles of natural law and rules of equity were left out. A third example is Law 20/2016 amending the Penal Code via abolishing provisions incompatible with Sharia and introducing new ones such as a provision making apostasy punishable by death. A fourth example is Law 22/2016 that amended Law 70/1973 on *Hadd al-Zina*, adultery, to introduce stoning to death as a punishment when the adulterous person is married.

In contrast, and for the reasons earlier explained, the HoR, the rival legislative assembly in the east, showed no such enthusiasm for promoting the role of Sharia in the legal system. In fact, albeit limited, the relevant legislation the HoR enacted could be seen as restricting the role of Sharia. At first, the HoR enacted Law 8/2014 on the Dissolution of Dar el-Ifta and transferring some of its powers to the Authority for Awqaf and Islamic Affairs, in the east. This law, legally speaking, ended Law 15/2012 that established Dar el-Ifta and empowered it in the way previously described. Later, the HoR enacted Law 7/2015 that postponed the date at which juristic persons, notably banks, would have to comply with the prohibition of interests until January 2020.

Meanwhile, the UN, as explained above, sponsored a dialogue which led to a Political Agreement (PA) to end the political divide. Seemingly, in an attempt to please the religious forces, the PA included amongst its Governing Principles a “commitment that Islamic Sharia is the source of all legislation, and that all that contradict it shall be deemed null and void.”<sup>39</sup> It was reported that Dar el-Ifta was behind this inclusion. Still, the Mufti criticized the PA for not including a provision protecting the laws that the GNC enacted in 2015-2016. The Principle also, the Mufti said, did not explicitly state that previous legislation would also be void if incompatible with Sharia; its scope, in his view, was limited to future legislation.<sup>40</sup> The PA also included provisions emphasizing the democratic character of the state, and establishing for human rights and basic freedoms. Such a mid-ground could also be found in the drafts of the constitution.

The CDA produced several outcomes in which it responded variously to the issue of the status of Sharia. Still, these responses have three main features in common; (1) promoting the role of Sharia in the legal system, (2) providing for an advisory body of Sharia scholars, and (3) emphasizing the civil and democratic character of the state, the rule of law, and the enjoyment of a number of human rights and basic freedoms. For instance, the CDA announced its latest draft in July 2017 in which Sharia is deemed *the* source of legislation, an advisory Council for *Shari* Research is established, and judicial rulings are to be issued in the name of Allah not the people. Still, the draft is silent on the important issue of the meaning of Sharia. It would actually be the task of parliament, when enacting new legislation, or the constitutional court, when deciding on the compatibility of legislation with Sharia, to decide on this meaning. The draft also underpinned the democratic character of the state and the

<sup>39</sup> UNSMIL 2015: 4, under Governing Principles, point 5.

<sup>40</sup> “Mulāḥazāt li-Dār al-Ifta’ al-Libīa ‘ala masūda al-ittifāq al-sīāsī” Accessed online: <http://www.libyaalkhabar.com> [last accessed 27 November 2018].

rule of law. It provided for numerous human rights and basic freedoms, and set a quota for women in the House of Representatives and municipal councils.

While the CDA's responses were seen as favouring the position taken by religious forces on Sharia, some of these forces regarded them as insufficient. Their dissatisfaction, in fact, extended to the other responses as well. This led them to provide responses of their own. The prime example is what IS did when controlling the cities of Darnah in the east and Sirte in the middle of Libya. IS then established Sharia courts presided over by *qadis*, some of whom were foreigners, who applied uncodified Sharia, especially the provisions related to *hudud*. The execution of *hudud* punishments in public squares became a recurrent scene under IS.<sup>41</sup>

Not as severe, perhaps, were the practices of Salafist groups in the east. Since they joined forces with Operation Dignity, these groups gained much power. In more than one instance they have taken it in their hands to implement what they think is the right meaning of Sharia. For example, at their checkpoints, they inspect all transported newspapers, books, and seize whatever they deem as violating Sharia. Under their influence, the Military Governor in the east, issued decision No. 6/2017 on 6 February 2017 preventing Libyan women younger than sixty from travelling abroad without male guardians. The Salafists issued a statement praising the decision, and asking the Military Governor to fulfil his other promise to prevent women from driving cars without male guardians. The statement had as title: "It is us who are more entitled to apply Sharia".<sup>42</sup>

#### 4.1.2. Maliki School

As for the second issue, the status of the *Maliki* School, there have been fewer responses. One example is Law 15/2012 on the Establishment of Dar el-Ifta. It made the jurisprudential school predominant in Libya the reference for fatwas, which was understood by Dar el-Ifta, as the Deputy Mufti told us, as referring to the *Maliki* School as well as the *Ibadi* School.<sup>43</sup> Accordingly, *muftis* in Amazigh areas were chosen from *Ibadi* School adherents, and they were obligated to follow this school in their fatwas; in other areas, the *muftis* were to be *Maliki* and issue their fatwas accordingly. However, when the HoR abolished Dar el-Ifta, it abolished this provision as well. The alternative to Dar el-Ifta in the east was a High Committee for Fatwa, which happened to be composed of Salafists. As could be seen in its fatwas, the committee attributed no special place to the *Maliki* or *Ibadi* Schools. In fact, it issued a fatwa condemning the latter, and describing it as deviant from the true Islam.<sup>44</sup>

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<sup>41</sup> See for example the Human Rights Watch Report: "Al-ḥayā fi ḡill dā' ish fi sirt al-libiā." Accessed online: <https://www.hrw.org/ar/report/2016/05/18/290175> [last accessed 27 November 2018].

<sup>42</sup> "Al-Salafyoun fi Libya Yutaliboun al-Nadouri bi man' Qiadat al-Mara lil Siyarat (Salafists in Libya Asking al-Nadouri to prevent women from driving cars)". *Afriqiyah News Gate*. 20 February 2017. Available online: <http://www.afriqatenews.net>, last accessed 27 November 2018.

<sup>43</sup> Fakhri, Ghai, Deputy Mufti. Interview with Al-Mabrouk, Dhu. Tripoli. July 2018.

<sup>44</sup> See for example the fatwa in which the inquirer asked if the *Maliki* School knows of a specific invocation at the beginning of the prayer. While the fatwa was that indeed the School does know it, it ended by warning the inquirer that his concern should be whether such an invocation is known in the Sunna of the Prophet regardless; if it is, then he must follow it regardless of the position of the *Maliki* School. The fatwa is available in Arabic via the Committee's webpage: <https://www.aifta.net/archives/1223>, last accessed 28 November 2018. Another example is the fatwa concerning the alms Muslims are to make at the end of Ramadan, *Zakat al-Fitr*. While the fatwa and practice in Libya has been for centuries to give alms in the form of monetary payment, the Committee deemed this incorrect, and stated that only valid alms are those given in kind, i.e., food. See the Committee's webpage: <https://www.aifta.net>.



The other response can be found in the draft constitution of July 2017. When regulating the Council for *Shari* Research, the draft stated that the council, when issuing fatwas in matters of theology, rituals and personal transaction, is “to consider the jurisprudential heritage predominant in the country”.<sup>45</sup> This is understood as a reference to the two schools: the *Maliki* and *Ibadi*. While ‘considering’ these schools does not necessarily mean being obliged to follow them, the reference is nonetheless important. It is doubtful though that such a reference, or even a stronger one, would have any impact on practices growing by the day by Salafist groups. For example, in the mosques they control, which are not limited to the east, fatwas, prayers and other rituals do not adhere to the *Maliki* or *Ibadi* Schools, or any specific school for that matter. They have also their own religious schools where the education is not based on either School; in fact, the rejection of following specific *madhabs* is core in such an education. In addition, these groups have radio stations promoting their own discourse.<sup>46</sup>

## 4.2. Responses on Politics

As previously said, the disagreements here evolve around two issues: the symbols of the state and political inclusion or exclusion of those who had served Gaddafi’s regime. Concerning each, there have been legislative and other responses.

### 4.2.1. *Symbols of the state*

As for the issue of the symbols of the state, notably the flag and the anthem, the legislative responses varied in accordance with the revolutionary fervour previously explained. When it was at its highest, taking pride in the February revolution and denouncing the Gaddafi regime, the Independence flag and anthem were strongly held. When it started weakening, because of the failure to realize the revolution’s goals, which resulted in a weaker condemnation of the former regime, and even, at times, praising it, initiatives to replace the flag and anthem appeared.

It should be mentioned first that restoring the Independence flag and anthem was a popular initiative by the demonstrators in the early days of the revolution against Gaddafi. The NTC then adopted them as the state’s flag and anthem prior to issuing the CD. When it finally issued the CD, the NTC established for that flag, but it referred to a law to be issued later to decide on the anthem. This law was never issued, but the NTC, and the subsequent bodies, continued to hold the Independence anthem as the state anthem. Not establishing for the Independence anthem in the CD could be explained by the reluctance of the NTC to take any position on the Monarchy regime. The anthem in its complete form includes references to King Idris, but it was omitted after the February revolution.<sup>47</sup> In practice, however, the NTC continued to use the Independence anthem as the state official anthem, and so did the GNC, albeit without the part referring to King Idris.

While the HoR upheld both the Independence flag and anthem, some of its members submitted a proposal to change them. Maintaining both would risk the efforts to achieve national reconciliation, they argued. The flag and anthem became an obstacle to the country’s unity, and “a wide sector of the Libyan people maintained that they will not engage in any dialogue to end the divide and go forward

<sup>45</sup> See DCAF 2017.

<sup>46</sup> Al-Mabrouk, Dhu.

<sup>47</sup> Al-‘Abādīa. Aḥmad. “ḥay Adris salīl al-fātiḥīn.” *Lībīā al-Mustaqbil*. 29 October 2012. Accessed online: <http://archive2.libya-al-mostakbal.org/news/clicked/27465> (date last accessed 27 November 2018.)



unless the flag and the anthem are reconsidered”.<sup>48</sup> While the chairman of the HoR agreed to discuss the proposal in one of the HoR’ sessions, this never happened, due, seemingly, to the bitter criticism the proposal received. Still, the initiative indicated a change in the political environment; so, the latest drafts of the CDA.

In its early days, the CDA established for the Independence flag and anthem. The draft of the Thematic Committee on the Form of State and Political System stated that the flag of Libya is the flag of the independence (Article 3), while the national anthem is “the anthem of the independence (*ya biladi*) that accompanied the 17<sup>th</sup> February Revolution”. The draft of 2016, however, adopted a slightly different position. On the one hand, it established for the Independence flag and anthem (Articles 4 and 5). On the other hand, it subjected the flag and anthem to a public referendum to be held before the end of the second legislative cycle (Article 217). This change could be seen as a response to the change in the political environment that, gradually, required considering the concerns of the former regime supporters. A perhaps stronger stance in this direction is the one pronounced in the latest draft constitution, July 2017. This draft referred to a law the House of Representatives would issue (Article 5) in determining the flag and anthem. Meanwhile, “the existing flag and anthem” would be held (Article 197). In justifying this stance, the chairman of the CDA said that there was a need for a constitution based on consensus including that of the former regime supporters.<sup>49</sup>

As for the other responses, the wider celebration of the Independence flag and anthem, on one hand, as well as the celebration of the green flag – Gaddafi’s regime flag – in areas where Gaddafi supporters resided could be cited.

#### 4.2.2. *Political inclusion or exclusion*

About the second issue, political participation, the responses have also varied in accordance with the changes in the political environment. In the early years of the revolution, when the revolutionary fervour was at its highest, the tendency was to exclude those perceived to be loyal to the former regime from political life. This was not as strong during the NTC term as it became under the GNC’s. The CD, which the NTC issued in August 2011, emphasized the equality of all Libyans before law regardless of their political opinions (Article 6). Law 26/2012 on the Establishment of the High Commission for the Application of Standards of Integrity and Patriotism, which the NTC issued in July 2012, actually excluded from a wide array of public posts categories such as those who did their postgraduate studies in the thought of Gaddafi and his Green Book (Article 8/B/15). It, however, exempted important categories if they had joined the February revolution before 20 March 2011, e.g., ministers, ambassadors, and leaders of security and military organizations. This exemption could find its justification in the fact that several of the NTC members, including its chairman, held such important position under Gaddafi’s rule.

However, the revolutionary fervour during the GNC’s term increased so such exceptions were no longer allowed. According to Law 13/2013 on the Political and Administrative Isolation, anyone, during the period from 1 September 1969, Gaddafi’s coup, and 23 October 2011, Liberation Day, who occupied one of a wide array of posts under Gaddafi’s rule including ministerial, ambassadorial posts,

<sup>48</sup> See: Majmū‘a min a‘ḍā’ majlis al-nawāb taqtariḥ taghaira ‘alm al-istiqlāl a nashīd “ya balādi.” Bawaba Al-Wasat, 10 January 2017. Accessed online: <http://alwasat.ly/news/libya/121507> [Date last accessed: 26 November 2018].

<sup>49</sup> “Muqābala khāṣa ma‘a ra‘īs al-haw‘a al-ta’asisia li-al-dustūr Nowḥ ‘Abd Allah.” *Akhbar Libia al-An*, 19 February. Accessed online: <https://www.libyaakhbar.com/libya-news/579432.html> [Last accessed 27 November 2018].

and anyone who had intellectual, artistic, religious, cultural, societal activities aimed at glorifying Gaddafi's regime would be banned for ten years from holding a number of public posts. The law, in this form, applied not only to Gaddafi loyalists, but also to others who not only joined the revolution when it started, but had been active in the opposition for years. The prime examples are Muhammad al-Magariief, the chairman of the GNC, and Juma Attiga, his deputy. Anticipating that the Political Isolation Law could be struck down by the Supreme Court for violating the CD that prohibits any discrimination based on political views (Article 6), the GNC amended this article (the 5<sup>th</sup> amendment) so "it will not be deemed a violation to this Declaration isolating some persons and barring them from holding sovereign posts in the state's high administration for a temporary period of time and in accordance with a law to be issued in this regard with any prejudice to those persons' right to resort to courts". Indeed, this law was immediately challenged before the Supreme Court for this very reason.<sup>50</sup> Yet, the Court never ruled on the case.

It was actually the HoR that struck the law down by virtue of Law 2/2015 motivated by the reconciliatory approach it adopted vis-à-vis the supporters of the former regime. In the same spirit, the HoR issued Law 6/2015 on Amnesty. Unlike the NTC's Law 35/2012 on Amnesty on Some Crimes that exempted from amnesty Gaddafi's family and his aids, the HoR's extended amnesty to all Libyans who committed crimes during the period starting from 15 February 2011 until the date of issuing the law; specifying the start date clearly indicated that the amnesty law applied to the former regime's men.

An increasing sympathy for the Gaddafi regime supporters could also be seen in the work of the CDA. In all drafts, the CDA emphasized the principle of equality before law regardless of political views; yet, the latest draft omitted any reference that could be understood as condemning the former regime. This is also the case in the preamble. While the 2016 draft contained multiple references to dictatorship, complete break with the rule of injustice and tyranny, and continuation with the establishment of the Libyan state as in 1951,<sup>51</sup> the 2017 draft had no preamble in an apparent attempt to avoid any reference that may anger the former regime supporters.

The Political Agreement, however, showed no such sensitivity. It indeed included amongst its Governing Principles, "8. The Affirmation of the principle of equality between Libyans in terms of enjoyment of civic and political rights and equal opportunity, and rejection of any discrimination between them for whatever reason." Still, the preamble emphasized the "... condemnation of all forms of tyranny that characterized the former regime, which was an unfair and tyrannical era that represented a dark period in Libya's history as it controlled the country from 1 September 1969 until

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<sup>50</sup> Al-Shalwa, Hishām. "Al-Maḥkama al-Libiā al- 'alīa turja' "al- 'azl al-sīāsī" li-ajal ghayr ma'lūn." Al-Arabi Al-Jadid, 26 november 2014. Accessed online: <https://www.alaraby.co.uk> [Last accessed 28 November 2018].

<sup>51</sup> The preamble reads: "Based on the values of our true religion, guided by the struggle of Libyans against colonization and dictatorship, barring their return of any kind, and recalling the bitter experiences of the country that violated rights and liberties. With loyalty of Libyans, past and present, some who become righteous martyrs, sacrificing so much for the sake of independence and liberation from injustice and tyranny, a victory for all the oppressed. To move towards freedom, peace, and preservation of the country's unity, to completely break with autocracy, to build the rule of law, to achieve social and economic growth, to establish a society built on citizenship, peaceful rotation of power, good governance, and solidarity, justice, and equality for all Libyans, and in continuation of the Libyan State that was established in 1951, the three provinces (Cyrenaica, Tripolitania, and Fezzan), and the transition to a unitary state in 1963. With a view to work with the people of the world within the framework of equality, mutual interests, and respect for national sovereignty, God opened the horizons widely for us to build a State of Law and its institutions. We the people of Libya, in the name of the Merciful and Benevolent God and our Prophet Mohammad, peace be upon him, the Greatest Messenger, recognize this Constitution (CDA 2016: 9)."

the victory of the blessed February Revolution.” It also “underscore[ed] the non-repetition of this tyranny and prevention of any act that calls for a reproduction of that era in any form, as well as rejection of any attempt for the non-peaceful transfer of power, including all forms of coups ...”. It is no surprise then that former regime supporters expressed their dissatisfaction with the PA.<sup>52</sup>

### 4.3. Responses on Ethnicity

The ethnicity related issues are two: the status of the minorities’ languages and discrimination. Both received legislative responses from the early days of the revolution; yet, the minorities’ representatives saw these responses as insufficient.

#### 4.3.1. *Minorities languages*

The first response was the CD. Article 1, on identity, obligated the state to guarantee the cultural rights of all components of Libyan society, and considered the languages of these components national languages. Arabic is the official language, the article stated. The NTC later amended the CD, for the third time, so the CDA would be an elected body whose membership would include representatives of the components of Libyan society with cultural and linguistic specificities. When the Supreme Court struck down this amendment for unconstitutionality, the GNC reintroduced it in the fifth amendment.

The GNC also issued Law 18/2013 on the Rights of Cultural and Linguistic Components. It deemed the languages of Amazigh, Tebu and Touareg part of Libyan society’s linguistic and cultural components, granted the minorities the right to learn their languages as elective subjects in their areas, and, to this end, obligated the Ministry of Education to provide books and teachers and all other relevant necessities. In addition, it tasked the Ministry of Culture and Civil Society with organizing annual or seasonal festivities to celebrate the minorities’ cultural heritage. Likewise, it entrusted the Ministry of Education with establishing research centres to protect and promote the linguistic and cultural identity of the minorities.

Furthermore, the GNC amended the CD for the seventh time, requiring the CDA to base all decisions concerning provisions related to minorities on consensus. It also issued Law 17/2013 on the Elections of the CDA allocating the Amazigh, Tebu and Touareg six seats, two each. However, not all minorities’ representatives saw these responses as satisfactory. The Amazigh in particular spoke up against them, and subsequently boycotted the CDA elections.

The CDA’s responses, as seen in its outcomes, were not really different with regard to the status of the minorities’ languages. All but one emphasized their status as national, rather than official, languages. The one that opted for deeming them official languages was a draft submitted by the representatives of the Tebu and Touareg in the Thematic Committee on the Form of State and its Fundamentals. It reads: “1. Arabic continues to be the official language of the state. 2. The languages of the Touareg, Tebu and Amazigh are also deemed official languages, being a shared heritage for all Libyans, and the official character of these languages is to be effectuated in steps and according to a mechanism determined in a regulatory law to be enacted in the first parliamentary cycle, so its provisions ensure the integration of the languages of Touareg, Tebu and Amazigh in the educational

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<sup>52</sup> Jibreel, Mohammed. Secretary of the Unions’ Affairs, People’s General Congress. An interview with Mousay, Fathi. Al-Marj. 9 August 2018.

infrastructure and other fields of public life such that they can fulfil their role in the future as official languages.” This draft, however, did not get the acceptance of even the other members of the Committee; those members submitted another draft considering Arabic the official language and those of the minorities as national.

While the other drafts upheld the same stance regarding the status of the minorities’ languages, they tried to compensate for that by emphasizing the importance of these languages and the need to protect and promote them. For example, the 2016 draft included an article on the identity and language (Article 2) stating that “Libyan identity is founded on inclusive and diverse constants (*thawabit*), and Libyans cherish all their social, cultural, and linguistic components”. This article avoided describing Arabic as the official language; instead, it deemed it “the language of the state”, and referred to a law to be issued in the first parliamentary cycle to regulate “the details of integrating the other languages in the fields of public life at the local and national levels”. The draft also established for a national council to protect the cultural and linguistic heritage (Article 171). The draft of July 2017, the latest, included almost identical provisions.

These responses, including the CDA’s latest draft, were seen as insufficient by the Amazigh and Tebu; the Touareg accepted them; Maulay Gdidi, the Head of the Supreme Council for the Touareg Tribes, stated “the representatives of the Touareg in the CDA accept the rights the new constitution gives, for they believe that it is the best possible.” “Touareg”, he added, “made compromises and sacrifices for Libya ..., not for any other part”.<sup>53</sup> In response to these dissatisfactory responses, the Amazigh came with their own proposal. The Supreme Council for the Amazigh of Libya issued the so-called ‘law’ 1/2017 conferring the official character on the Amazigh language, obligating all municipal councils and civil society organizations in the Amazigh areas to write all their documents in the Amazigh language, considering it the language of education in primary and secondary education in both public and private sectors, and pronouncing it the language of litigation.<sup>54</sup> Since this ‘law’ was announced, Amazigh municipalities have taken steps towards treating the Amazigh language as official. For example, the Mayor of Zuwara issued a decision on 25 March 2018 requiring that all advertisements and billboards within the municipality be written in the Amazigh language.<sup>55</sup>

#### 4.3.2. *Discrimination*

As for the second issue, which is discrimination, the responses have been rather accommodating of the minorities demands. Unlike the situation under Gaddafi rule, the description of the state as an Arab state has been omitted from the very beginning. It is only the state of Libya or the republic of Libya. When there is mention of Libya being part of the Arab world, for example in the drafts of the constitution in 2016 and 2017, it is accompanied by it being also part of the Muslim world, Africa, and the Mediterranean area. It is also interesting to note that such omission of any reference to the Arab affiliation of Libya in the official name did not generate any public debate. It seems that Arab

<sup>53</sup> Jibreel, Mohammed. “Ra’is al-majlis al-‘ali li-qabā’il al-Ṭawāriq yukashif mawqifhum min al-dustūr.” *Afriqiya News Gate*. Accessed online: <https://www.afrigatenews.net/a/130998> [date last accessed 28 November 2018].

<sup>54</sup> Kariwa, Nuri. “Wikāla Fassato Al-Ikbāriyya tunshur nusja min qānūn raqm 1 li-sana 2967/2017 bi-sha’ān tarsim al-lugha al-Amāzighia.” 23 April 2017. Accessed online: <http://www.fassatonews.net> [last accessed 27 November 2018].

<sup>55</sup> Mu’ammār, Ḥafīz Aḥmad. “Amīd Zawarā: Qarār kitāba al-lāfītāt bi-al-Amāzighiyya huwwa ta’akīd li-hūwiyya al-madaniyya.” *Afriqiya News Gate*, 28 March 2018. Accessed online: <https://www.afrigatenews.net> [last accessed 27 November 2018].

nationalism being associated in the minds of many Libyans with the Gaddafi regime contributed to such silence.

## 5. An assessment of the main legislative responses

The assessment is based on two criteria: the feasibility – political and legal - of the response, and its potential effectiveness in contributing to national reconciliation.

### 5.1. Religion

As for the issue of the status of Sharia, the responses accommodating the position calling for its dominance risk polarizing society, as is the case with Article 6 of the 2017 draft constitution on Sharia, and threatening the long-established legal system, as is the case with Law 6/2016 amending the Civil Code. They disregard the views of the majority of Libyans as shown in a nationwide survey conducted in 2013 which showed that only 28% were in favour of Sharia being the only source of legislation, compared to 45% who thought it should be the main source, and 22% who were content with it being one of the sources.<sup>56</sup>

In contrast, the other responses promoting a bigger role for Sharia in the legal system, but not a dominant one, are more in line with the wishes of the majority of Libyan people; and therefore, more supportive of national reconciliation.

About the second issue, the status of the *Maliki* School, conferring a special status to the *Maliki* and *Ibadi* Schools is more supportive of Libya's unique religious identity, and should therefore be preferred. However, none of the responses recorded meet this requirement. Law 15/2012 establishing Dar el-Ifta could have been one example, but the divisive practices of Dar el-Ifta thwarted its potential; they contributed to bad publicity for this law resulting in the end in abolishing it altogether by the HoR. The HoR, however, failed to abolish Dar el-Ifta in practise, as it continued to operate in the west of Libya; it contributed instead to the creation of the Supreme Council for Fatwa in the east, which is Salafist in essence, and quite divisive as could be seen in the fatwas it issued against the *Ibadi* School.

### 5.2. Politics

About the symbols of the state, maintaining the independence flag and anthem responds more positively to the wishes of many Libyans as shown in nationwide surveys; so, it is more supportive of national reconciliation. Still, such a response should allow for a review of this position permitting people to decide differently should they wish so. The draft constitution of 2016 met this requirement as it kept the flag and the anthem while subjected the matter to a later public referendum.

As for political participation, the principle of equality between Libyans before the law regardless of their political opinions should be unqualifiedly upheld allowing all to take part in politics; only those convicted of crimes either before or after the revolution should be barred. Amnesty for those convicted should not come at the expense of transitional justice. For example, amnesty should not be granted regardless of the crimes committed, and the interests of the victims or/and their families. As such, laws isolating persons politically and administratively for merely working under Gaddafi rule

<sup>56</sup> "Nata'ij al-mash' al-waṭanī al-shāmil ḥawli al-dustūr." *Benghazi University*. 2013. Published online: <http://uob.edu.ly/assets/uploads/pagedownloads/70b47-.pdf> [last accessed: 26 November 2018].



without necessarily engaging in any criminal activity are problematic. Isolation should be limited to the convicts. Laws granting amnesty unqualifiedly, on the other hand, are also problematic. While neither Law 35/2012, issued by the NTC, nor Law 6/2015, issued by the HoR, grants amnesty this way, the latter, in practice, is widely understood, and applied, as such. Gaddafi regime aids accused of grave crimes are being pardoned in parts of Libya in the name of Law 6/2015 without actually complying with the conditions this law specifies for amnesty.

### 5.3. Ethnicity

As for the status of the minorities' languages, deeming them official is not very feasible as it entails massive costs, especially when considering that the languages meant are diverse in their dialects. Besides, such a position is not unanimously upheld even amongst the members of the minorities. Considering them national, on the other hand, is much more feasible. It is in line with the wishes of many Libyans, including minorities' members. As such, the legislative responses since 2011 are praiseworthy; yet, they need to actually be enforced. For example, while Law 18/2013 on the Rights of the Cultural and Linguistic Components protects and promotes such rights, implementation has been a real issue. As Isam Mawi, former chairman of the National Council for Civil Liberties and Human Rights (NCCLHR) told us, the Ministry of Education declined to provide books and that of Culture refused to sponsor minority related festivals.<sup>57</sup>

Regarding discrimination, all legislative responses omitted Libya's Arab affiliation from its official name, and, as such, are praiseworthy. While they accommodate for the minorities' demands, they are also in line with the wishes of the majority of other Libyans. They as such conform to the principle of equal citizenship, and recognize the ethnic diversity of Libyan society. The fact that some of responses refer to the fact that Libya is part of the Arab world does not disqualify them; they always accompany such reference with others referring to the country's belonging to the Muslim world, Africa and the Mediterranean area without giving a preference of one over the other(s). Thus, the responses' reference to the Arab belonging is not discriminatory.

## 6. Main findings

Our main findings concern the disagreements surrounding national identity, the responses given to these disagreements and then our assessment of those response.

Disagreement over national identity occurred in all three themes: religion, politics and ethnicity. When it comes to religion, two dominant stances are taken. On the one hand there are those who see a dominant role for Sharia in legislation, seeing it as the sole source of reference, while on the other hand there are those that allow for other sources of inspiration. Moreover, whereas the *Maliki* and *Ibadi* Schools can be considered to be the traditional schools of Libya, they are now being threatened by *Salafist* groups, who condemn other strands of thought, and whose influence has become quite visible in recent years.

Within the theme of politics, disagreements occur over the symbols of the state and political in/exclusion. Disagreements over the former evolve around the choice for the Independence flag and anthem, which are seen as symbols of the February 2011 revolution. Pro-Gaddafi forces therefore

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<sup>57</sup> Interview with Shayteer, Jazeeh. Al-Baida. 29 July 2018.



want a different flag and anthem. Disagreements also evolve around the exclusion of Gaddafi loyalists from the political process.

Lastly, disagreements over ethnicity amount in the final analysis to two issues, i.e. the status of minorities' languages – should they be state languages, official, or only national? – and discrimination – should Libya affiliate itself with the Arab world, thus ignoring the wishes of non-Arab ethnic minorities, or should it not?

Assessing the responses led to several conclusions. First, assigning an exclusive and dominant role to Sharia in legislation creates a risk of polarizing society, while seeing Sharia as a source of inspiration, would be more supportive of national reconciliation. In this, the *Maliki* and *Ibadi* Schools should be the preferred schools.

Secondly, regarding symbols of the state, preference should be given to the Monarchy flag and anthem, while at the same time allowing for reassessment at a later stage. Gaddafi loyalists, moreover, should be allowed to participate in the political process, provided that they were not convicted of committing crimes under the regime or in the aftermath of the revolution.

Finally, making the languages of minorities national languages is a feasible option, which is in line with the wishes of a large group of Libyans. Also, while Libyans should not disqualify their Arab past, omitting the Arab affiliation from the official name of the Libyan state and other institutions is a praiseworthy endeavour.

## 7. Towards an inclusive Libyan identity

If the Libyan people are to enjoy a shared national identity – a sense of belonging to the Libya nation-state – this state must be inclusive in terms of religion, politics and ethnicity. Therefore, the research has developed a new vision for the Libyan national identity. This vision represents Libyan national identity as it should be, one believed to help achieve national reconciliation and sustain it. To realize it, law is instrumental, but is by no means the only medium. Existing law, as previously explained, has already addressed the issues of national identity, with varying levels of success. Thus, we conclude that, in addition to resorting to other means to realize the vision, specific legislative responses need to be considered.

In our vision, the Libyan national identity recognizes and respects ethnic, religious, ideological, cultural, political, and social diversity, and is based on the principles of equal citizenship, peace, social solidarity, and equal opportunities.

As for the religious component of this identity, Sharia should enjoy a special role in the legal system, but this should not exclude the possibility of learning from others' experiences. Thus, considering Sharia a source, a main source, the main source of legislation is preferable to considering it the only one. Of course, all depends on the meaning given to Sharia, and here it is preferable to adopt one emphasizing its objectives and values rather than its detailed rulings. When such detailed rulings are needed, as in the case of issuing fatwas and practicing rituals, the reference within Sharia should be to the schools predominant in Libya, i.e., the *Maliki* and *Ibadi* Schools.

Regarding the ethnic component, the Arabic language should be deemed an essential pillar of the Libyan identity. It is the language all Libyans speak, and their means of connecting with Arabic-Islamic heritage. Deeming it official ensures that it continues fulfilling this role. The languages of the minorities ought to be considered essential parts of the Libyan national tradition, and a cultural asset all Libyans appreciate. Hence, they should be protected and promoted.

In terms of the politics, the Libyan national identity should be based on equal citizenship allowing political participation for all shades of the Libyan society, without exclusion, except for those convicted in court.

The Libyan identity should also include a value system prioritizing public interests over private ones, appreciating the values of science and work, adopting efficiency as a criterion for performance, emphasizing the values of tolerance, plurality, fairness, and acceptance of others, respecting law, solidifying the pride of belonging to the nation, with its history, heritage, and symbols, and being receptive of other cultures.

The national identity, thus understood, should be embodied in a social contract constituting the basis of a consensual constitution.

This vision acknowledges sub-national identities, e.g., tribal, regional, as well as transnational identities, e.g., ethnic, ideological, as long as they are not detrimental to the loyalty to the national identity, and are not promoted by violence.

Finally, this vision of the Libyan national identity stresses positive coexistence with the different Other, regardless of the type and source of such difference.

## 8. Suggestions for legislation, policy, and practical measures

### 8.1. Legislative suggestions

- a) Phrasing the provision in the constitution on Sharia such that while providing it an important position, it welcomes other sources of inspiration for legislation. It should also emphasize its understanding as values and objectives rather than detailed rulings.
- b) Stressing in the constitution the freedom to practice religious rituals, and the resort to Libya's religious heritage, the *Maliki* and *Ibadi* schools, when interpreting Islam.
- c) Stating in the constitution that Arabic is the official language of the state, and that all local languages spoken by Libyans are common cultural heritage, acknowledged as 'national languages' meaning that the state is responsible for their protection and promotion.
- d) Abstaining from enacting any legislation conveying any ethnic connotation in the name of the state or its institutions.
- e) Adopting the flag and national anthem of 1951 while establishing for a national referendum to be held in the future on the issue.
- f) Stating in the constitution that political isolation is prohibited, and that political participation is a right guaranteed to all citizens, except those who are denied this right by a court of law.
- g) Enacting laws and adopting policies conducive to national reconciliation and transitional justice.

## 8.2. Policy suggestions

Realizing this vision requires, amongst others, the following major steps:

- a. Prioritizing the stability of Libya and its security so the unity of the country and the sovereignty of the state are maintained.
- b. Stressing the values of equal citizenship and spreading the principles of civic culture.
- c. Repairing the social fabric.
- d. Combating destructive cultures (specifically the culture of corruption and rentier culture).
- e. Implementing transitional justice.
- f. Developing a free and professional media.
- g. Improving the communication and transportation networks in order to strengthen the ties between Libyans.
- h. Concentrating on integrated and comprehensive national economic projects.
- i. Designing and implementing psychological and social programmes geared to help Libyans restore their self-confidence.

## 8.3. Suggested programmes and practical measures, notably in the areas of education, research and culture

- a. Teaching civic education with an emphasis on national values at the primary education level.
- b. Modernizing the methods of teaching the Arabic language.
- c. Disseminating an enlightened religious consciousness and teaching.
- d. Developing the cultural heritage and studying it critically.
- e. Teaching critical thinking at the secondary level so students can learn how to think objectively and address disagreements via dialogue.
- f. Awarding scholarships to study Social Sciences and Humanities abroad; thus, allowing Libyan researchers to approach the social and political history of Libya from different perspectives using the most advanced scientific methods.
- g. Directing graduate students in different Social Sciences and Humanities to conduct their research on issues vital to Libya.
- h. Reconsidering the horizontal spread of higher education institutions, in order to encourage students to seek education in institutions located outside their regions, so they get to know their homeland and fellow citizens.
- i. Celebrating notable scientists, intellectuals and thinkers as well as historical and religious symbols, and considering them national symbols.
- j. Examining Libyan history, events and figures, objectively and fairly.
- k. Improving the artistic taste and disseminating the appreciation of aesthetic attitudes.
- l. Celebrating the popular heritage through seasonal festivals and exhibitions.
- m. Organizing seasonal cultural festivals bringing together academics, intellectuals, artists, athletes, and scouts from various parts of the country, hosted by different Libyan cities.
- n. Celebrating Libyans' international achievements in all fields.

Writing a canon for Libya in which notable historical events and figures showing Libyan unity and national identity are presented.



## References

Abossawa, Mahmoud. “Ḥafriyyat fī judhūr al-huwiyya al-waṭaniyya.” Unpublished Research Paper [trans. Excavations of the Roots of National Identity].

Abusnina, Mohamed A.M. “Huwiyya al-Iqtisād al-Lībī wa dūr al-iqtisād fī al-huwiyya al-waṭaniyya.” Unpublished Research Paper [trans. The Identity of the Libyan Economy and the Role of the Economy in National Identity].

Aokli, Salem. “Jadal al-thaqāfa wa al-huwiyya fī Lībīā.” Unpublished Research Paper [trans. The Debate on Culture and Identity in Libya].

Al-Babour, Mansour. “Dōr al-jughrāfiā fī balwara al-huwiyya al-waṭaniyya.” Unpublished Research Paper [trans. The Role of Geography in the Formulation of National Identity].

Al-Husadi, Nagib, Suliman Ibrahim and Jazeeh Shayteer. “Dōr al-qānūn fī al-muṣālaḥa al-waṭaniyya fī Lībīā: al-marḥala al-baḥṭhiyya al-ūla ḥawla al-huwiyya al-waṭaniyya, abrīl – uktobir 2018. Unpublished Research Paper [trans. The Role of Law in National Reconciliation in Libya: the First Research Phase on National Identity, April – October 2018.

Al-Husadi, Nagib. “Lībīā ila ayna: al-huwiyya al-Lībīā wa ḥuḏūz al-Lībīyīn fī injāz muṣālaḥa waṭaniyya wa banā’ dawla ḥadītha.” Unpublished Research Paper [trans. Libya, Where to: Libyan Identity and the Chances of Libya in Achieving National Reconciliation and Building a Modern State].

Baldinetti, Anna. “Languages in Libya: Building Blocks of National Identity and Soft Power Tools.” *The Journal of North African Studies* 23 (4): 418-439

Constitutional Drafting Assembly (CDA). 2016. : 9). “Libya’s Draft Constitution of 2016: Draft of 2 March 2016.” *Constitute Project: English Version*. Accessible online via: [https://www.constituteproject.org/constitution/Libya\\_2016D.pdf?lang=en](https://www.constituteproject.org/constitution/Libya_2016D.pdf?lang=en), [last accessed 27 November 2018].

Democratic Centre for the Democratic Control of Armed Forces (DCAF). 2017. “Proposal of a Consolidated Draft Constitution.” English Translation. Accessible online via: [https://security-legislation.ly/sites/default/files/lois/229-2017%20Draft%20Constitution\\_ENG.pdf](https://security-legislation.ly/sites/default/files/lois/229-2017%20Draft%20Constitution_ENG.pdf) [last accessed 27 November 2018.]

Ibrahim, Abdallaa Ali. “Al-Dōr al-tārīkhī li-ta’zīz al-huwiyya wa al-waḥda al-waṭaniyya fī Lībīā.” Unpublished Research Paper [trans. The Historical Role in Enhancing National Identity and Unity in Libya, 1911-1969].

Al-Mabrouk, Dhu and Ali Abu Raas. “Qirā’a li-dūr al-dīn fī tashkīl al-huwiyya al-waṭaniyya.” Unpublished Research Paper [trans. A Reading in the Role of Religion in the Formation of National Identity].



McGregor, Lorna. 2007. "Reconciliation: Where is the Law?" In *Law and the Politics of Reconciliation*, edited by Scott Veitch, 111-128. Abingdon and New York: Ashgate Publishing.

National Transitional Council (NTC). 2011. "The Constitutional Declaration: Draft Constitutional Charter for the Transitional Stage." English Translation. Accessible online via: <https://www.ndi.org/sites/default/files/Handout%204%20-%20Libya%20Draft%20Interim%20Constitution.pdf> [last accessed 27 November 2018].

Obeidi, Amal. "Dūr al-tanshia fī balwara al-huwiyya wa tashkīl al-shakhṣiyya al-waṭaniyya fī Lībiā." Unpublished Research Paper [trans. The Role of Socialization in the Formulation of Identity and the Formation of Nationalist Character in Libya].

Otto, Jan Michiel, Jessica Carlisle, and Suliman Ibrahim. 2013. *Searching for Justice in Post-Gaddafi Libya: a Socio-Legal Exploration of People's Concerns and Institutional Responses at Home and From Abroad* Leiden: Van Vollenhoven Institute. Accessible online via: <https://openaccess.leidenuniv.nl/bitstream/handle/1887/21634/Otto%20JM%2c%20%20J%20Carlisle%2c%20J%20and%20S%20Ibrahim%202013%20Searching%20for%20Justice%20in%20Post-Gaddafi%20Libya.pdf?sequence=2> [last accessed 27 November 2018].

Otto, Jan Michiel. "Hello or Goodbye to Good Governance in post-Gaddafi Libya?" Unpublished Research Paper.

Parekh, Bhikhu. 1994. "Discourses on National Identity." *Political Studies* 42: 492-504.

Sawani, Yusuf and Jason Pack. 2013. "Libyan Constitutionality and Sovereignty Post-Qadhafi: the Islamist, Regionalist, and Amazigh Challenges." *The Journal of North African Studies* 18 (4): 523-543.

Smith, Anthony D. 1991. *National Identity*. University of Nevada Press.

UNSMIL. 2015. "Libyan Political Agreement, as Signed on 17 December 2015." English Translation. Accessible online via: <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf> [last accessed: 27 November 2018].

UNSMIL. 2018. "Remarks of SRSG Ghassan Salamé to the United Nations Security Council." Retrieved online via: <https://unsmil.unmissions.org/remarks-srsg-ghassan-salam%C3%A9-united-nations-security-council-2> [last accessed 25 October 2018].

Yousif, Ahmed. "Al-shakhṣiyya al-Lībiā min khilāl al-turāth." Unpublished Research Paper [trans. The Libyan Character in the Popular Heritage].