After Qaddafi: Building Peace in Libya

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Abstract: After the overthrown of Qaddafi, Libya has a historic opportunity to become a democratic country in the Western sense if peace building process is successfully completed in the country in the post-conflict period. This article aims to outline the basic steps of the peace building process, involving transitional justice, forming a representative government, strengthening security, making a new constitution, economic reconstruction, and national reconciliation, in that order. The study also emphasizes that since post-conflict situations usually require outside help due to institutional weaknesses, as well as limited human and financial resources, the assistance of the international community to Libya is crucial in the process of peace building.

Keywords: Libyan Uprising, Libyan Civil War, Libya, Arap Spring, Peace Building.

1. Introduction

The uprising that led to the ousting of longtime President Muammar Qaddafi in Libya is one of the most shocking events of the recent years. Before the uprising, the common belief had been that that despite some opposition, Libya was a stable authoritarian regime and prospects of change were minimal.

But something unexpected occurred at the start of 2011. After popular movements overturned the rulers of Tunisia and Egypt, its immediate neighbors to the west and east, Libya began to experience a large-scale uprising, starting on February 17, 2011. On February 27, the National Transitional Council (NTC) was established under the stewardship of Mustafa Abdul Jalil, Qaddafi's former justice minister, to administer the

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areas of Libya under rebel control. This marked the first serious effort to organize the broad-based opposition to the Qaddafi regime and on March 10, 2011, France became the first state to officially recognize the NTC as the legitimate representative of the Libyan people. By early March 2011, much of Libya tipped out of Qaddafi's control, coming under the control of a coalition of opposition forces, including soldiers who decided to support the rebels. Especially Eastern Libya, centered on the second city and vital port of Benghazi, was firmly in the hands of the opposition, while Tripoli and its environs remained under Qaddafi's control for a while.

In several public appearances, Qaddafi threatened to destroy the protest movement and many agencies reported that his government was arming pro-Qaddafi militants to kill protesters in Tripoli. This led the United Nations (UN) to officially condemn the crackdown as violating international law. Meanwhile, the United States imposed economic sanctions against Libya, followed shortly after by Australia and Canada. On March 17, 2011, the UN Security Council passed Resolution 1973 that sanctioned the establishment of a no-fly zone and the use of "all means necessary" to protect civilians in Libya.

On March 19, 2011, the first allied act to secure the no-fly zone began when French military jets entered Libyan airspace on a reconnaissance mission to secure civilians. Allied military action, particularly involving the United States and United Kingdom, to enforce the ceasefire commenced the same day.

On June 27, 2011, the International Criminal Court issued an arrest warrant for Qaddafi, alleging that Qaddafi had been personally involved in planning and implementing "a policy of widespread and systematic attacks against civilians."

By August 22, 2011, the rebel fighters entered Tripoli and occupied Green Square, which they renamed Martyrs' Square in honor of those who died during the uprising. Qaddafi asserted that he was still in Libya and would not concede power to the rebels. But he was eventually captured and killed on October 20, 2011 in his hometown Sirte.

So the uprising targeting directly the Qaddafi regime and its supporters ended, but the greatest challenge, afterwards, has been how to heal the

wounds of the large-scale conflict and build peace in the country. In that sense, Libya is at a crossroad. The country may go to the direction of democracy if peace building process is successfully completed or autocracy may continue in a new form if it is failed to do so. This article is an effort to outline the basic steps of a possible peace building process in Libya in the post-conflict period. The hope is that the country may lean towards democracy, providing a successful example for other Arab countries pursuing or desiring the same change as well.

2. The Steps of the Peace Building Process

It must be admitted that countries suffering serious internal conflicts face the difficult challenge of making the transition from war-weakened economies and highly-polarized political relations to rejuvenated economies capable of providing the basic needs of all citizens and political systems that offer all social groups meaningful participation in the decisions shaping their future. Libya is not an exception. Peace building in this country, as elsewhere, is a long marathon requiring much time and effort. Nevertheless, if a good strategy is designed, Libya can succeed political transformation with less pain and become a democratic country. "A good strategy" should basically involve transitional justice, forming a representative government, strengthening security, making a new constitution, economic reconstruction, and national reconciliation, in that order.

Transitional Justice

First of all, peace building in any society cannot be measured simply by the absence of bloodshed; it is assessed by the moral quality of the outcome. In that sense, any peace building effort necessities at least some degree of justice, and justice requires punishment of the guilty (see Park 2008, Wiebelhaus-Brahm 2010). Hence, although opening up old wounds is always problematical, the starting point in the direction of peace and democracy in Libya would be the establishment of an investigative committee or a truth commission to discover individuals, particularly including government officers and military personnel, who were responsible for acts of violence. In the final analysis, no peace can be durable without a sense of justice.

This would be basically similar to the South African Truth and Reconciliation Commission model. South Africa assumed that it could understand and to some extent expurgate itself of apartheid and apartheid's abuses by haring the testimony of about 22,000 victims. The country, subsequent to the truth hearings, also began to write a truthful history acceptable to all contending parties (see Shea 2000, Christie 2000). A similar move can be done in Libya, meanwhile offering immunity to those willing to cooperate with the authorities and genuinely willing to repent, while prosecuting others.

In the post-revolution period, the move to bring some former ministers and government officers to the court is certainly a positive step in the name of justice, but this should not remain just as a symbolic action. A just trial should be completed for these, as well as for those committing violence against humanity in Libya.

And how is that possible?

This may require some degree of outside help, considering the ongoing chaotic situation in Libya and many supporters of the ex-regime. Despite its role in helping topple Qaddafi, NATO is absent from Libya today. A greater role for the alliance is worth exploring, for example training Libyan judicial officials and providing technical assistance for security-sector reform.

In general, for their part, international partners need to make it clear to the Libyan government how they can help and what they can offer. They also need to explain to the Libyans why they believe helping Libya is in their national interest. Importantly, they cannot rely solely on the nascent and tumultuous Libyan government to tell them exactly what the country needs. The Libyan authorities simply cannot at this time have a complete understanding of all of the country's justice needs, and the government has not thus far shown the capacity to develop such an understanding in short order (Chivvis et al 2013: 3).

Many serious questions also arise in this respect. When prosecutions are undertaken, how widely should the net be cast in imposing sanctions on those who committed war crimes or similar abuses? How high up the chain of command should superiors be responsible for wrongs committed by their underlings? Conversely, how far down the chain should soldiers or bureaucrats be held liable for following the orders of their superiors in facilitating

these abuses?

International legal standards are evolving that help address these questions. But nonetheless, there is a growing consensus that a sweeping amnesty is impermissible. On the other hand, it is less certain that international law demands the prosecution of every individual implicated in the atrocities. A representative number of prosecutions of those most culpable may satisfy international obligations, especially if an overly extensive trial program would threaten the stability of Libya.

Overall, the trial and punishment of offenses is not only essential to achieve some degree of justice, but that a public airing and condemnation of crimes is the best way to draw a line between times past and present, lest the public perceive the new order as simply more of the same.

Further, since post-conflict trials tend to receive much attention from both local population and foreign observers, they often provide a significant focus for rebuilding the judiciary and the criminal justice system in accordance with the rule of law principles. Perhaps most important for purposes of long-term reconciliation, this approach underscores that specific individuals, not entire political groups, committed atrocities for which they need to be held accountable (Kritz 1996: 595). In so doing, it rejects the dangerous culture of collective guilt and retribution which too often produces further cycles of resentment and violence.

Strengthening Security

A serious problem often confronting post-conflict countries is that people's daily fear of being killed or wounded during the confrontation is later replaced by a new fear of the thieves, gangs, and mafias that operate with relative impunity in the interim period (Yılmaz 2009: 242). Libya is not an exception. Particularly new criminals in Libya are demobilized combatants and officers, still possessing their weapons but no new livelihood.

Security is a necessary condition for peace and sustainable development. The termination of the conflict in Libya offers a unique opportunity to address fundamental imbalances in the relationship between security forces and the rest of the society, imbalances that contribute to conflict and make sustainable development more difficult to achieve. In order to successfully

consolidate internal and external security after cessation of hostilities, it is usually necessary to disband opposition and paramilitary forces, discharge government troops, re-define the doctrine and missions of the security forces, institutionalize mechanisms to conduct formal assessments of security needs, train civilian security analysts to fulfill watchdog functions, reform military and police education systems to address the goals of democratic societies, and terminate extralegal forms of recruitment to the security forces. In short, what is necessary is a nuanced approach that progressively strengthens the central government's capacity to carry out key security activities while minimizing its ability to use resources for partisan political purposes.

To meet these objectives, professional assistance is mostly provided by UN specialized agencies, development cooperation agencies, civilian law enforcement agencies, as well as defense and foreign ministries.

Proper third parties also have a key role to play in promoting new norms and codes of conduct, especially in the area of human rights. One unfortunate characteristic of serious internal strives is that atrocities and violations of human rights are all too common. The security institutions of the state, that is, the armed forces and police, are usually suspect, since they are seen as instruments of coercion by the state against its people. Thus, reforming these institutions is fundamental to the peace process and the consolidation of democratic reforms.

A New Constitution

Another priority in Libya is drafting a new constitution. A constitution is the foundational legal document from which the entire national system of rules derives. Thus, it is the cornerstone for the rule of law as well.

When a constitution is drafted and imposed by a small group of elites from the victorious party, the foundation is less democratic and likely to fragile. Constitution making should involve a process of national dialogue, allowing competing perspectives and claims, hence facilitating reconciliation among conflicting groups (Yılmaz 2009: 241-242). Yet enabling a broad spectrum of society to participate in shaping the constitution means that the process will take significantly longer to complete, entail higher administrative costs and greater debate, and possibly result in some com-

promises that might otherwise be avoided. On the other hand, it may also produce a constitutional system that is more widely accepted, more stable, and more supportive of peace.

The new constitution of Libya should also emphasize international norms of human rights, nondiscrimination, tolerance, and it should be the vehicle of the development of liberal democracy. In this respect, the constitution should virtually guarantee a representative government in which the executive is accountable to the electorate, an independent judiciary, competing political parties, a clear separation of the state and political parties, periodic elections in which all adult citizens freely participate, detailed guarantees in the area of criminal procedure, special protection of minority rights, freedom of expression, as well as effective means of redress against administrative decisions.

Further, given the fact that Libya is composed of over a hundred competing tribes, it is vital that the state not be made the instrument of a dominant group, or groups, but promote tolerance and diversity. Resolving conflicts among competing groups and preventing their recurrence require the nurturing of societal structures to assure each combatant group that their interests will be protected through nonviolent means. This system should be fostered by a civil society sensitive to cultural differences. The aim should not be to replace a system of individual human rights with a system of group rights, but to find a way of combining both that does not do severe damage to either (see Lerner 2011).

In short, Libya still needs to write a new constitution. In doing so, it must particularly determine the degree to which power is centralized in Tripoli and how to ensure inclusive yet stable governing institutions.

Economic Reconstruction

Economic reconstruction in Libya is also essential in the process of democratization and peace building. Although the Libyan uprising was not directly caused by economic distress, the economic dimension is still important, for a state characterized by widespread poverty and unjust distribution of national wealth is a state where social antagonism is likely to grow. Economic well-being, on the other hand, may contribute to a sense of security

and give different groups a stake in the system (Horowitz 2000: 653-681, Yılmaz 2007: 19).

To heal economic deficits in Libya, the international community may particularly be helpful in many ways. For example, it can offer technical assistance to implement reconstruction efforts and rehabilitate the basic infrastructure. Early action is especially needed to help rehabilitate the infrastructure that is crucial to economic revival, and stabilize both Libyan currency and financial institutions.

The EU, for example, has provided over €152 million in humanitarian support, with €80 million coming directly from the EU budget. Since the very beginning, the European Commission's humanitarian teams have been working on the ground with all the humanitarian partner organisations to ensure that priority needs are met and aid is adequately coordinated both in Libya and in neighbouring countries. Beyond tackling the most pressing humanitarian needs, the EU has also been supporting longer-term economic reforms, especially including public financial management and public sector capacity-building. Similar types of support should come from other international actors as well. The countries that helped Libya oust Qaddafi ought to commit to helping Libya through its economic transition, lest that transition run off the rails.

That aside, Libya itself needs to begin rethinking the management of its economy, and especially of its energy resources, in order to maximize the benefit to its citizens, reduce corruption, and enable private enterprise to flourish in other areas, such as tourism.

It should also be noted that because of the toll exacted by war on human and institutional resources, it can be very difficult to make rapid headway in post-conflict countries. The benchmarks used to measure progress may need to be qualitatively different than those applied to "normal" development programs. For instance, the resources invested in ex-combatant reintegration programs have often not been intended primarily to guarantee the beneficiaries' long-term livelihood. Rather, they are intended to provide former soldiers with a breathing space to adjust to civilian life and examine their long-term options, giving, hence, them an incentive not to return to conflict. Likewise, the performance targets for post-conflict countries may

need to be less demanding than for countries that have not experienced a large-scale uprising.

National Reconciliation

Finally, a durable peace in Libya necessities the transformation of hostile relations. Just as lengthy civil strives undermine institutional and economic capacity, they also severely weaken the social fabric of a country by destroying communities, engendering a culture of violence, creating a sense of mistrust that makes collaboration on long-term efforts difficult to achieve, and wreaking psychological traumas. There are about 140 tribes and clans in Libya that are generally in conflict with one another (see Ayhan 2011). The uprising further deepened old hatreds among many tribes as well. What's more, the tribes supporting the Qaddafi regime during and before the uprising are now having a hard time in adjusting themselves to the post-conflict situation. But somehow national reconciliation is necessary in the country. Rival groups have all to develop a working trust to make it possible for existing and future problems to be dealt with in a constructive way.

One way to ease relational problems and build trust among hostile groups would be track-two diplomacy. Track-two diplomacy is an unofficial, informal interaction between members of adversary groups aiming to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict (Montville 1990: 160). If they are well-organized and undertaken for a reasonably long time, people-to-people interactions, often working through problem-solving workshops, mediated or facilitated by psychologically-sensitive third-parties, may provide an opportunity for disputants to examine the root causes of their conflict and to identify obstacles to better relationships. Moreover, by allowing face-to-face communication, they may help participants arrest the dehumanization process, overcome psychological barriers, and focus on relationship building (see Davies and Kaufman 2002, Yılmaz 2005).

Track-two diplomacy is an area where UN specialized agencies and especially NGOs would play a major role as third-parties. They would arrange and facilitate problem-solving workshops between adversary groups, working as intermediaries in the process as well (see Yılmaz 2008). Alt-

hough not necessary, third-party help is usually needed in organizing track-two diplomacy, since the parties in conflict cannot easily take unilateral actions due to the concern for appearing weak, as well as intense hostile feelings towards the other side.

The possibilities for easing antagonism among hostile groups in Libya would also be enhanced when these groups are brought together to work toward some common goals. Working on common goals would enhance bonds among the participants in a number of ways. One is by reducing the salience of group boundaries. That is, people who are working toward a common goal are in some sense members of the same group, and therefore, they are not so likely to be antagonistic toward one another. Another is by a reinforcement mechanism. As people work together, each rewards the other and produces a sense of gratitude and warmth in the other. Pursuing a common goal also means that each party sees itself as working on behalf of the other, a view that is likely to foster positive attitudes (Pruitt el al. 2004: 136-137).

Lastly, in transforming hostile inter-group relations in Libya, it is very important to re-design formal education to serve inter-communal relationship building. In countries suffering internal strives, formal education is usually formed by politically dominant groups to perpetuate their privileged positions. This has been the case in Libya as well. Especially after Qaddafi's successful coup in 1969, the formal curricula was deeply shaped by Qaddafi's view of revolutionary nationalism and socialism, expressed also in his "Greek Book." Yet if real progress is to be made toward internal harmony, educational programs should be revised to this end. In this regard, education programs must avoid any sort of discrimination and eliminate subjectively-judged historic enmities. They make emphasis, instead, on intellectual and moral qualities, such as critical thinking, openness, skepticism, objectivity, and respect for differences. Education of that sort would be a powerful tool in the hands of any peace builder, for the whole process of child raising may have a critical impact on attitudes and beliefs in later life. In addition, if hostile attitudes and perceptions of one generation are not passed on to the next, then younger generations may be able to deal with inter-group problems in a more constructive atmosphere (see McGlynn 2009, Finley 2011).

3. Conclusion

The conclusion emerging from the above discussions is that after the uprising that led to the ousting and killing of Qaddafi, Libya has a historic opportunity to change, politically, as well as socially and culturally. If the peace building process outlined above is successfully completed, the country may go to the direction of democracy. But this is not an easy task. The post-conflict Libyan society faces large and complex set of issues that must be addressed rapidly. Resolving the myriad of institutional, economic, social, and political problems takes on a heightened urgency as many of these issues are related to the conflict itself. Failing to respond in a timely fashion may create the conditions for a return to organized violence.

Coping with such challenging tasks and building peace in Libya are not likely through the efforts of one actor only. Multi-level efforts must be put by several actors, domestic and international. Particularly important is to encourage the participation of third-parties that operate independent of big-power political interests and that are somehow trustworthy as so many competing tribes in Libya are the least equipped to design a durable peace by themselves. Besides, the parties' capacity to meet the demands of peace building is severely constrained by institutional weaknesses, as well as limited human and financial resources. Therefore, the supports of third-parties are essential in the process of building peace in Libya. Overall, if current challenges are handled adroitly, Libya could certainly become a positive force for democratic stability in North Africa.

Özet: Kaddafi'nin devrilmesinin ardından, Libya'da eğer barışçı bir ortam sağlanabilirse, ülke demokratik bir yöne evrilme yönünde tarihi bir fırsatı yakalayabilir. Bu makale, barış inşası sürecinin aşamalarını, geçiş döneminde adaletli bir temsili hükümetin oluşturulmasını, güvenliğin güçlendirilmesini, yeni bir anayasanın yapılmasını, ekonomik yeniden yapılanmayı ve ulusal uzlaşının nasıl yapılacağı gibi konuları sırasıyla özetlemeyi amaçlıyor. Çalışmada ayrıca, çatışma sonrası ortaya çıkan kurumsal zayıflıklar nedeniyle, ihtiyaç duyulan dış yardımlar ele alınmaktadır. Bunun yanında insan ve mali kaynakların sınırlı

olması nedeniyle, Libya'da barış sürecinin mümkün kılınabilmesi için gerekli olan uluslararası toplum desteği de makalede incelenmiştir.

Anahtar Kelimler: Libya Başkaldırısı, Libya İç Savaşı, Arab Baharı, Libya'da Barışı İnşa Süreci

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