Forgiveness brokers: assessing the role of foreign actors in Libyan reconciliation

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Forgiveness Brokers: Assessing the Role of Foreign Actors in Libyan Reconciliation

Nikolay Shevchenko

Reconciliation encompasses a variety of problems and issues, often diverse in nature. One division related to the theory of reconciliation lies between interstate and intrastate reconciliation practices. In some cases, the process of reconciliation among different nations and people of a single nation may be similar to some degree. However, theory and practice of reconciliation draw clear a line between the two when considering the potential role of foreign players in interstate and intrastate reconciliation. A commonly articulated position of reconciliation experts and practitioners holds that while international actors may have a substantial effect on the mediation of international conflicts and the subsequent reconciliation process among nations, their role in intrastate reconciliation is rather limited. This paper outlines a preliminary assessment of international actors' role in intrastate reconciliation through the observation of reconciliation attempts in a post-conflict Libya. The goal is to gain a deep understanding of potential contributions as well as limitations, of foreign actors' attempts to assist post-conflict societies in need of reconciliation.

Key words: reconciliation, international community, foreign actors, civil war, Libya.
Introduction

Current reconciliation literature does not dedicate enough attention to role of foreign actors in intrastate reconciliation practices. It is commonly thought that the actors who are directly affected by initiatives and programs concerning reconciliation should lead them. When considering intrastate conflicts, foreign actors are eliminated from this category as they might propose different initiatives, but the genuine practice of reconciliation is considered to be an internal issue of a state in question. This paper analyzes a situation in post-conflict Libya to demonstrate that this theoretical assumption is not reflected in practice.

A number of foreign actors sought active roles in promoting reconciliation initiatives in post-conflict Libya, including international, intergovernmental, and non-governmental organizations. Contrary to the notion that foreign actors should play a minimal role in intrastate reconciliation practices, these entities sought an active role in the Libyan post-war reconciliation efforts. This active engagement not only questions a general assumption of literature on reconciliation, but also undermines one of the most important features of reconciliation – the neutrality of its brokers. In the first part of this paper, I attempt to explore why the role of foreign actors is typically neglected in literature on intrastate reconciliation. The second part uses the example of Libyan reconciliation to demonstrate why foreign actors deserve more attention in this regard. I finally conclude with posing a question of neutrality regarding foreign actors playing a role in reconciliation after intrastate conflicts.

Foreign Actors and Reconciliation

Reconciliation resembles a kaleidoscope. This may seem a rather irresponsible comparison to the professional eye of a practitioner or scholar, but nothing truer has been said about reconciliation. In the end, reconciliation is a perplexing mix of causes, purposes, objects, tools, and actors, all mixed in a colorful, but strange, difficult to conceptualize picture of multiple levels and incarcerated into a single term.

Various reasons can bring reconciliation to mind, be it quarreling with a neighbor over a minor issue, or a war breaking out. Reconciliation may be mentioned as a remedy to cure wounds inflicted by numerous and diverse causes. It is deemed vital for decreasing hostilities, preventing violence, bridging antagonists, and living together peacefully, even while the causes of antagonism may vary widely.

Some people question whether reconciliation is useful for addressing international conflicts. Successful reintegration of Germany into the society following their defeat in World War II and their current peaceful relations with former enemies illustrates how fruitful successful reconciliation can be, even following deadly international conflicts. Another question is whether reconciliation is helpful for
addressing injustices inflicted upon one group in a given society by another. Many states, including the United States, have set a precedent. A number of cases have proven that reconciliation can assist in forming alliances between former belligerents or criminals, and their victims. Whether interstate or intrastate conflict, mass human rights violations, civil wars, fall of dictatorships, or discrimination of minorities, people tend to regard reconciliation with a hope of solving problems of the past and constructing a peaceful future.

People have expectations of many goals to be achieved if reconciliation is practiced properly. However, this topic is more interesting than the one of causes because different views on reconciliation may favor different sets of goals that reconciliation is to achieve. This is where the perplexity of reconciliation develops. Depending on personal judgments, reconciliation might be perceived as either seeking to reestablish justice or to promote political and social peace, even at the expense of the former. Of course, the latter’s objective inevitably involves the existence of a just order which makes past injustices irrelevant; but the question of retribution remains.

People undergoing the process of reconciliation often have to choose between punishing abusers and perpetrators of crimes and acknowledging victims' sufferings. The two theoretical ends represent a fundamental practical choice between justice and peace, as the goals may be contradictory. The basic choice is between victim-focused or perpetrator-focused reconciliation.1 Victim-focused reconciliation may fail to punish perpetrators of past crimes or to address victims' emotions of anger and resentment. Perpetrator-focused practice of reconciliation may fail to secure a place for large groups of people in the future socio-political structure of a state and cause a problem of revenge.2

This brings the discussion to tools of reconciliation. In other words, what are the practical instruments, approaches, and techniques to conduct a successful practice of reconciliation? The answer will essentially depend on successfully resolving the goal dilemma described in the previous paragraph. There are multiple tools; each brings people toward a different outcome. A broad spectrum of tools available to address injustices begins with the dangerous practice of revenge and ends at a mild gesture of forgiveness; while in between there lie retributive and restorative faces of justice.3 The tools of this spectrum are institutionalized in different ways. Attempt to restore justice may be exercised by punishing perpetrators of past injustices through trials in courts. However, if the goal is to acknowledge victims while, at the same time, integrating perpetrators in the future order, truth and reconciliation commissions, so widely practiced now, promise a higher probability of success. Both have been widely practiced and will continue to be practiced in the future. The former tool, for example, was utilized in Yugoslavia and Rwanda, and the latter in South Africa and more than 25

2 Ibid.
Reconciliation is a kaleidoscope of causes, goals, and tools united in a single picture that easily changes its form and appearance.

While observing the complex interplay of factors that shape the practices of reconciliation, it is especially puzzling to understand literature’s modest silence regarding actors of reconciliation. One should avoid misreading the claim: it is fairly easy to distinguish between two persons reconciling their minor divergences, between fractions within a single society broken by a civil war, or between two separate states reconciling after an international conflict. It is more difficult, however, to identify third parties and their participation in bringing conflicting elements towards reconciliation.

Drawing from observations on post-civil war attempts at reconciliation in Libya, this paper aims to make a preliminary assessment of the potential effects of involvement of third parties into reconciliation among fractions in war-torn societies and of their potential contributions and limitations in this uneasy undertaking.

To be fair, the literature does examine third parties and their roles in conflict management and reconciliation. However, it focuses on the international realm, effectively restricting the question in its relation to domestic sphere.

The role of third parties in the management of international conflicts has traditionally been quite extensive, as have the methods of external-driven attempts to reconcile hostile parties, returning them to a condition of mutual trust and potential cooperation. In his review on the involvement of third parties in international conflicts, Ronald J. Fisher defines six categories of intermediary practices available at their disposal, including conciliation, that refers to provision of "... an informal communication link between or among the antagonists..." by a trusted third party; mediation, that involves a more decisive involvement of a third party which might use leverage or coercion as a mean to reconcile conflicting actors; arbitration, that include a binding judgment issued by a third party; consultation, which refers to a more scientific approach to reconciliation that includes conflict analysis and alternative scenario development "... through communication and diagnosis based on social-scientific understanding;" and, finally, a category of peacekeeping, that "involves the provision of military personnel by an outside party to supervise and monitor a cease-fire between antagonists."  

Although Fisher acknowledges these possible scenarios of foreign assistance in instances of conflict mediation and reconciliation, he admits that they, as well as the tools and techniques they provide, are largely limited to the international level conflicts and leave the domestic realm with fewer options for third party involvement. It is possible to explain this theoretical reduction to international sphere by examining a certain conceptualization of conflict roots. If one assumes that violent conflicts occur because of misperceptions and miscommunications between two or more actors who may not be willing to use force to achieve their ends under different circumstances, the emphasis on the role of neutral mediators is explainable since they can potentially

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6 Ibid. 39.
reconcile foes by the intermediary practices mentioned above. Those studying the root causes of intrastate conflicts, however, must often seek a different explanation of their outbreaks as these conflicts typically result from "the incompatible positions two or more parties have taken on issues that represent the core values of a regime and/or society."\(^7\) The conclusion of a civil war is critical to all participants; it determines the shape of the future social, political, and economic order. Intrastate wars imply an extreme form of incompatibility in the values and goals of different parties cursed to live under a single roof; the incompatibility of desired outcomes that are binding for all participants explains why it is more difficult for foreign actors to practice meditation and reconciliation in instances of intrastate conflicts as opposed to interstate ones.

An alternative view on the potential impacts of third parties on conflict management and reconciliation stresses that it is essential to take into account the complex dynamics of interplay between international factors, attempts of third parties to provide international assistance, and domestic factors in recipient states. Shiping Tang, for example, reviews a number of international and domestic factors when assessing their degree of success in attempts at reconciliation between sovereign states. His analysis stresses the importance of domestic factors such as "... regime type, regime security, social cohesion (at both elite and public levels), and leaders' preferences" in their relation to such international factors as "... distribution of power, coalitions of regimes within a region, the presence or absence of an external power, the presence of regional organizations, regional identities, and global norms (for example, human rights after WWII)" in successful reconciliation practices.\(^8\) Although his analysis concerns conflicts and reconciliation on an international level, this is to say between sovereign states, it nonetheless provides a useful insight into the framework of domestic factors shaping practices of reconciliation and the broader practice of conflict management.

Analyses concerning reconciliation in cases of interstate conflicts are important when taking into account that violent outbreaks often occur in international system. There are no intermediaries other than states themselves in these instances. Moreover, taking into consideration the current level of globalization resulting in an increasing degree of mutual interdependence, interstate conflicts in the most remote parts of the world may present a threat to those states that may not directly be involved in hostilities. In this respect, the relative abundance of tools available to third parties when attempting to reconcile two or more hostile peers is understandable. However, one should not forget that intrastate conflicts dominate the current system of international relations.

Most conflicts in the post-World War II era have started internally and in some cases led to international involvement.\(^9\) Therefore, over the past millennium, and especially following the Cold War, states and international organizations have become more sensitive to intrastate conflicts occurring inside sovereign countries. Again, due to actors’ current interdependence in the international system, violence occurring in a third country would certainly have an impact on the national interests and security of other states. Some may be affected by the flow of refugees escaping conflicts, while others may have concerns about the security and balance of power in a region where a conflict...


takes place; some may worry about the involvement of their rivals in a conflict and others may simply be interested in one party’s victory over another.

In this respect, outside interference into intrastate conflicts is a well-known phenomenon, and although some may oppose it, the trend remains. Foreign actors tend to enter into domestic conflicts of sovereign states. Typically, those parties fight for redistribution of economic resources within the borders of their own state or for reshaping of the state’s political landscape; or sometimes for both. Still, although these conflicts are purely domestic at their roots, foreign influence always affects events on the ground, shifting balance, or assisting in resolving tensions. The role of foreign actors in intrastate conflicts may not necessarily result in direct military intervention, but it encompasses a number of actions, such as issuing statements condemning one side or the other, supporting one party or the other, facilitating dialogue between foes, etc. Inevitably, these aspects of external interferences influence the development of domestic conflicts and relations between conflicting parties. Hence, all instances of external influence have their own effect on potential reconciliation between former foes when a conflict ends. This self-evident point has not been properly addressed with regard to reconciliation. The role of the international community may be acknowledged in such spheres as peace-building and peace-keeping while the question of reconciliation remains in shadow. One may assume that peace building efforts could include reconciliation as well, but this view is not accurate. When it comes to reconciliation between former foes in a period of constructing a new political and economic order prior to a conflict, it has been said "... we must be modest about the role of the international community."10 The following part of the paper is an overview of the Libyan civil war, the attempts for reconciliation in the aftermath of the conflict, and the impact of foreign actors on these attempts.

Reconciliation in Libya

Libya is one of the most illustrative situations where reconciliation is urgently required but problematic to achieve. It is almost impossible to agree on a successful approach to reconciliation in a condition where lack of trust, even mutual hatred, is still vivid among former foes.

The notorious civil wars in the Arab World began with a wave of unrest sparked in Libya, where people have been living under Gaddafi's regime for more than 40 years, in what has since become known as the Arab Spring. The unrest in Libya, following a wave of a broader unrest in the Middle East, began in mid-February 2011 with protests breaking out in Benghazi. They quickly spread to eastern cities of Libya and after several days, the protests moved west with the first clashes between protesters and governmental forces. Soon, the anti-government protesters reached the Tripoli, the capital city of Libya. Around this time, the anti-government forces claimed control over some cities located in the east of the country, including Benghazi.11

The week of February 23 to February 27 was considered the first breaking point in the Libyan turmoil when the anti-governmental forces claimed control over the

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eastern part of Libya and the largest presence of police, military, and other security forces is reported in Tripoli. At the same time, the rebels began clashing with pro-governmental forces loyal to Gaddafi over control of several cities. Eventually the rebels began to claim control of more cities than the Gaddafi's government and the protests against the government turned into a full-fledged civil war between those forces supporting an old Gaddafi regime and those fighting to overthrow it.12

Since the beginning of the protests, foreign actors exercised a degree of involvement, which grew as time passed and events on the ground developed. These attempts culminated into United Nations (UN) Security Council (UNSC) resolution number 1973 that authorized enforcement of a no-fly zone over the territory of Libya as well as implementation of "all necessary measures" to protect the civilian population of Libya.13 This UN Security Council resolution culminated into air strikes against pro-Gaddafi forces and installlations by France, the United Kingdom, and the United States.14 With the eventual help of foreign actors, the National Transitional Council (NTC) of rebels achieved a number of a decisive victory.15 The civil war was over but new problems arose.

Although the long and bloody conflict had ended, there were a number of urgent issues to be addressed by the NTC in the post-conflict environment with the reconciliation standing out. The task of addressing and eventually reconciling with the past is extremely difficult for post-conflict societies for a number of reasons. First, one of the major tasks of post-conflict states is to build a new political, social, and economic order different from the previous one, and that would take into account the roots and outcomes of the conflict. Second, it is difficult for the winning side not to fall into the trap of “victors’ justice.” The task of reintegrating your former foes into the new order of the future is demanding yet vital for the peaceful development of a state. Third, the question of refugees must be addressed, particularly if there are hesitations on behalf of refugees to return home for fears that they will prosecuted under a new regime. In the Libyan scenario, these problems became apparent following the end of the civil war.

After the open hostilities, there were significant obstacles for the Libyan government to construct a new, stable, and peaceful order. For example, as previously mentioned, the people of a new Libya had to deal with the risk of recurring authoritarianism, which a number of revolutions in the past clearly demonstrated. In any revolution there are risks of changing one authoritarian regime to another. People in many countries suffer enormously only to find themselves trapped in the same authoritarian setting that was in place prior to the revolution. Of course, this is one of the most important aspects of reconciliation: ensuring that a winning fraction does not impose authoritarian rule over other groups within a state's borders; Libya is not an exception, it only reinforces this conventional wisdom. In fact, the return of authoritarianism following the civil war is a major risk for new political order in Libya. A number of factors contribute to fears of recurring authoritarianism in the Libyan case,

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12 Ibid.
15 Ibid.
including on-going human rights violations, ineffectiveness of judicial sector, internal fragmentation of a state, and dissatisfaction with the central authority.\textsuperscript{16} Karim Mezran, a senior fellow with the Atlantic Council's Rafik Hariri Center for Middle East, warns that with many people, former supporters of the Gaddafi regime, being "... in jails without a trial, limited access to a lawyer, and in unknown physical condition, [...] the state of Libya risks implosion or a return to authoritarianism [...] [i]f a strong initiative is not undertaken rapidly by the Libyan government and its Western allies."\textsuperscript{17}

Moreover, constructors of a new political system in Libya intentionally marginalize Gaddafi-era officials, as well as those who opposed the revolution, from holding public offices and actively participating political life. As Human Rights Watch reports, in May of 2013, Libya’s Parliament passed a "Political Isolation Law," that "... bans members of various groups from working in 20 categories of public service." "Some of the excluded groups," the report says, "are fairly clearly defined, such as former senior officials under Gaddafi, but others are much vaguer, such as those judged to have shown a "hostile attitude toward the February 17 revolution." The law even bans those who held office under Gaddafi but defected from him years ago or during the uprising and war that ended in his fall."\textsuperscript{18} What is even more alarming for the process of reconciliation in Libya is that the Libyan parliament has "... attempted to ‘immunize’ the law from review by the highest court in Libya, to see if it complies with human rights."\textsuperscript{19}

This situation is typical one for a state that has only recently been torn to pieces by hostile fractions, each fighting for their own political goals and agendas. Since the NTC proved victorious in the revolution, it may appear natural that its members and their supporters would use this fact to boost their influence and legitimacy in the eyes of the Libyan people. However, this leads to problems of recurring authoritarianism and of marginalization of a large part of political strata. As a report of Chatham House on Libya rightly underlines, "the key question [for Libya now] is not who is in the government but who is out of the government,"\textsuperscript{20} for any illegitimate exclusion of some groups from a future political life of the country bears risks of recurring authoritarianism. The problem for Libya, though, is that at least "at present individual political legitimacy is drawn from the role one played in the revolution, preventing the development of fully democratic representation."\textsuperscript{21} This presents one of the major challenges to national reconciliation and construction in a newly inclusive socio-political order.

An additional reason in favor of a dedicated approach towards reconciliation in Libya is Libyan refugees in other countries. Wars force people out of their states in a search of better and safer lives. However, this is only the surface of other problems.

\textsuperscript{17} Ibid.
\textsuperscript{19} Ibid.
\textsuperscript{21} Ibid.
related to reconciliation and it appears much deeper if one recognizes the unwillingness of the refugees to return to their homes following hostilities because they are afraid of being prosecuted by new authorities. This kind of situation challenges not only the further development of the state, but can potentially deteriorate its relationship with neighbors for whom the issue of political refugees becomes significant. This scenario is apparent in Libya.

It is estimated that up to one million Libyan refugees now live in countries bordering Libya, mainly in Egypt and Tunisia. Taken together, these refugees account for up to 20 percent of the Libyan population. Obviously, such a large population cannot be excluded from the country's political life. At the same time, most of them are unwilling to return to Libya for fears of revenge and unfair trials in conditions of weak security of a post-war Libya. The issue of Libyan refugees particularly affected Egypt, where around 800,000 Libyans found their refuge. This makes Egyptian authorities interested in the progress of a national reconciliation program in Libya. As Karim Mezran writes, "Libyan authorities have assured the Egyptian government that they will protect the extradited individuals, guarantee a fair trial, and provide all protections sanctioned under international law, yet it is questionable whether they can actually deliver on this promise given that government officials themselves face significant security threats." The Libyan refugees currently living in neighboring countries, and the new government’s apparent inability to successfully address and solve this problem, constituted yet another reason for the Libyan government to dedicate further efforts toward national reconciliation in their country.

Injustices created by the Libyan civil war crystallized in the uneasy relationship between the two cities: Misrata and Tawergha. A circle of revenge that affected residents of the two cities highlights the disastrous potential of the failed process of reconciliation in post-conflict states. During the civil war, Misrata was a hot spot where some key fights took place and where its residents suffered from torture and abuse from pro-Gaddafi forces. After the pendulum of civil war changed direction and rebel forces initiated an offensive, the population of Tawergha, with its predominantly black Libyans, suffered revenge from their former victims. The cycle of violence and revenge recurring among the people of these two cities illustrates how easily roles can change in a conflict and how former victims can become abusers. A UN report on transitional justice in Libya highlights importance of this fact: "In some cases perpetrators of past crimes became victims, while victims also became perpetrators." Persistent and dedicated attempts for a nation-wide reconciliation attempt to

24 Ibid.
eliminate this type of hostilities because it is impossible to build a healthy and functional society where feelings of hatred predominate between different cities, regions, fractions, groups.

Challenges of recurring authoritarianism, internal fragmentation of state, and refugees are the reasons for conducting a process of national reconciliation in Libya between the associates of the former regime and those currently in power. Due to a number of reasons discussed above, successful reconciliation may determine a degree of stability in the future Libyan political and social conditions. However, security conditions in Libya, its ability to approach reconciliation in the country as well as stability of it socio-political order must be of interest not only to Libyan public and its political authorities, but also to a wider international community of states. There are a number of reasons for this.

First, the issue of political exiles unable to return to Libya due to its new government's failure to provide them with security guarantees and its inability to effectively conduct a process of national reconciliation may potentially lead to the political destabilization of Libya and, consequently, of the wider region. The issue appears sharper if one considers the possible effect on al-Qaida in the Islamic Maghreb and related extremist organizations.27

Second, because Libya is largely perceived as a strong historical precedent with regard to its impact on the Syrian civil war, failure of the international community to ensure effective reconciliation practice in Libya may negatively affect the current state of affairs in a conflict-torn Syria. As one expert explains, "with the Libya experience as a guide, abandoning Assad will look increasingly unattractive to his supporters."28

Third, with a complicated interplay of international and domestic actors' interests and agendas, the Libyan case may be a future model that will determine a potential role for representatives of the international community in national reconciliation efforts. In this respect, the Libyan case might be an opportunity for international actors to develop more effective international tools for influencing and facilitating reconciliation processes in post-conflict states.

Thus far, a number of international players have been assuming various roles in Libyan reconciliation. These players included sovereign states, international organizations, as well as representatives of a broader civil society and non-governmental organizations.

One of the most recognized international contributors to reconciliation in Libya was the International Criminal Court (ICC) that has been dealing with the conflict since the beginning. The Libyan case was referred to the ICC in February 2011 by the UNSC after it adopted resolution number 1970 that said, "the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution."29 Subsequently, the ICC has begun its investigation of the Libyan


28 Ibid.

case and soon after, in June 2011, the organization issued three arrest warrants: for the
Libyan ruler Muammar Gaddafi, his son Saif al-Islam Gaddafi, and Abdullah Senussi,
head of Libyan intelligence service, on charges of crimes against humanity. The case
against Muammar Gaddafi was eventually terminated due to his death; the other cases
remain open.

In this respect, one of the most important contributions to the Libyan
reconciliation by the ICC would be to ensure a fair trial for the two associates of the
former regime. Therefore, the choice of location for the trials is vital - the choice
between The Hague and Libya is going to have an impact on the future of the Libyan
reconciliation. In this light, the recent decision of the ICC to refuse to demand the
former intelligence chief, Abdullah Senussi, to be tried in The Hague is of particular
interest. This decision most likely implies that Abdullah Senussi will be tried in Libya
by the new regime.

The decision is a result of different factors. First, as a BBC analyst Rana Jawad
has explained, the new Libyan government had no initial intention to deliver its former
intelligence chief or Gaddafi's son to The Hague in the first place. In this respect, the
ICC could not demand the two men to face the trial in The Hague. At the same time, the
decision of the ICC had a symbolic effect of recognition of the Libyan judicial system's
credibility. It could be seen as an expression of trust in ability of a new Libya to
organize and conduct fair trials articulated by the respectful international body. This, in
its turn, boosts external legitimacy of the new Libyan regime.

However, this choice, on behalf of the ICC, may lead to negative consequences,
depending on the conduct and results of the trials. A major concern is that the new
Libyan regime may fail to guarantee a fair trial for the two associates of the former rule.
In this case, the major risk is that the trials may turn into “mob's justice.” A lawyer of
the former Libyan intelligence chief has already raised these concerns commenting on
the ICC decision. He claimed, "... the Libyan justice system is in a state of collapse
and ... it is incapable of conducting fair trials of any Gaddafi-era officials"; and that the
ICC decision will "condemn Mr. Senussi to face mob justice without even access to a
lawyer, and in which the inevitable outcome is the death penalty." If events develop
according to this scenario, it will inevitably have an overall negative impact on a
nationwide reconciliation in a post-war Libya.

Reconciliation is not only about punishing the perpetrators of crimes and
acknowledging their victims in judicial courts. First, reconciliation is about healing the
past traumas, forgiving abusers, learning how to live peacefully with them, and
overcoming a moral, sensual divide that is decisively drawn by wars, revolutions, or any
other catastrophes. For this very purpose, which may appear less tangible then
transitional justice but which happens to be much more influential in constructing a
future order, trials may not be as effective, even if conducted in a fair manner. What is
needed instead is formal and informal cooperation between former foes on different

30 Ibid.
31 "Gaddafi-Era Spy Chief al-Senussi to be tried in Libya," BBC Africa News Website,
24493885.
33 "Gaddafi-Era Spy Chief al-Senussi to be tried in Libya," BBC Africa News Website,
levels of social structure that will ensure former antagonists have a common goal to work towards on the condition of trust and cooperation.

It is for this purpose that the participation of national and international Non-Governmental Organizations (NGOs) is important. Muzaffer Ercan Yılmaz, an advisor at the International Middle East Peace Research Center, outlines a clear role of international and domestic NGOs in "track-two diplomacy," a practice aimed at bridging hostile to pursue a common goal. Building on Montville's research, he explains that, "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." These informal interactions and practices may help conflicting parties when addressing the root causes of their antagonism and when working together to find ways to overcome the causes and move forward, leaving behind a negative psychologically constructed image of their former foes. For this less official approach to national reconciliation, though hardly less effective, a role of international facilitators and organizers in the face of NGOs must not be underestimated.

One of the most notorious examples of this initiative in practice in Libya was the Italian NGO Ara Pacis. With support of the Ministry of Foreign Affairs of Italy and in close cooperation with a number of Libyan NGOs as well as academic institution Ara Pacis has launched a program aimed at encouraging reconciliation among Libyan people called “The Libya Initiative.” The purpose of this initiative was to develop, implement, and facilitate a path towards reconciliation by working with civil society in Libya. Incorporating a number of governmental and non-governmental institutions, universities, and NGOs, the initiative provided an example of the role of NGOs-driven efforts to facilitate reconciliation in post-conflict states. It is only unfortunate that the role of other similar initiatives was not well known in the Libyan case, although potentially they constitute a strong contribution to success of the national reconciliation.

Another type of foreign factor active in Libyan reconciliation was represented by supranational organizations. Arguably, the United Nations is the most influential player in this respect with its involvement in preparing Libyan reconciliation beginning during the civil war. In August 2011, UN Secretary General, Ban Ki-Moon, emphasized the need for preparing for a post-conflict reconciliation to the leader of NTC, Mustafa Abdul-Jalil. Later, the United Nations Security Council has authorized the UN to launch the “United Nations Support Mission in Libya” (UNSMIL) by passing

35 Ibid.
a resolution number 2040 in March 2012.\(^{39}\) This resolution marked the beginning of a heavy UN involvement into the reconciliation process in Libya.\(^{40}\) The mission's mandate was broad and included other spheres beyond reconciliation, but nevertheless, dedicated efforts to national reconciliation in Libya have been undertaken under the mandate of the mission. In particular, the mission's role in strengthening and promoting reconciliation in Libya has been undertaken through assistance it provided the new Libyan government with, including in strengthening its justice system, protecting human rights, and fostering domestic-driven reconciliation efforts.\(^{41}\) In December 2012, the UNSMIL was the major force behind an international conference on reconciliation in Libya that provided a platform for representatives of governments, civil society, and international community to discuss prospects and obstacles towards reconciliation in the post-conflict state. With nearly "... one hundred Government officials, members of the Fact-Finding and Reconciliation Commission, members of the General National Congress, members of the Council of Wise Men (Hukama), representatives from the Ministry of Martyrs and Missing Persons, civil society and victim groups, and individual experts as well as members from the diplomatic community," the UN-led initiative had a huge impact on facilitating debates on Libyan reconciliation, underlying its problems and seeking solutions.\(^{42}\) Undoubtedly, large international organizations, such as the United Nations, possess a spectrum of opportunities to contribute to a national reconciliation in post-conflict states due to their budget, connections, organizational power, and prestige and credence that they enjoy internationally.

The European Union (EU) was another foreign actor whose activities aimed at supporting post-war reconciliation efforts in Libya. In general, the EU was closely following the development of the crisis in the African state. A number of EU countries contributed their assets to the NATO operation in Libya. Consequently, reconciliation is seen by the EU officials as one of the aspects of post-war reconstruction for which the EU may contribute positively. For example, Nicolas Sarkozy, then serving as a President of France, has emphasized the need for reconciliation and forgiveness in Libya.\(^{43}\) In the aftermath of the war, reconciliation and transitional justice constitute an important part of the EU's efforts to oversee the Libyan power transition and stabilization in the country. Thus far, the EU has been working in cooperation with the new Libyan government to implement programs strengthening Libya's institutions, rule of law, and work of judicial sector, in order to ensure adequate protection of rights to both former victims and perpetrators.\(^{44}\) Due to its resources, its experience in the field of international assistance, its high records of human rights and rule of law, and its

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\(^{40}\) Ibid.

\(^{41}\) Ibid.


political interest in securing peaceful post-war transition in Libya, the EU possesses a
great potential to contribute to reconciliation process in the North African state.

The examples of the ICC, the United Nations, the NGO, and the EU demonstrate
that foreign actors seek a role in post-conflict reconciliation practices, contrary to the
assumption with regard to intrastate conflicts. It does not mean, however, that a general
skepticism about their role in intrastate reconciliation is groundless. It comes from a
legitimate concern regarding the political interests of the parties promoting
reconciliation in Libya. The majority of actors contributing to reconciliation today have
only recently become involved in the Libyan conflict. Political interests integral to their
efforts in this sphere abandon roots of an original meaning of reconciliation, where the
main feature of the practice is neutrality of a reconciling figure.45 The etymological
origin of the term demands today's political actors of reconciliation maintain neutrality
in relation to parties they aim to reconcile. Political interests, however, maintain that
preserving the neutrality of reconciliation in modern political setting is hardly possible.
An overwhelming majority of foreign actors seeking to find a role in Libyan
reconciliation favor certain scenarios of political development over others shaped by
their own interests and concerns. This is not to say that foreign actors who demonstrate
their will to promote reconciliation in Libya do not intend to do so. Their emphasis on
the need for reconciliation seems to be grounded in their political interest in Libya and
the wider region. However, it is precisely these political interests that undermine the
theoretical neutrality that actors of reconciliation are supposed to observe. Foreign
actors play a great role in shaping intrastate reconciliation practices but this role,
however, is dubious as it blurs the original meaning of reconciliation, taking neutrality
out of the picture. The question of foreign actors’ involvement in reconciliation and a
degree of their neutrality might shift a conventional theoretical conception of intrastate
reconciliation practices.

Conclusion

Literature on reconciliation does not dedicate adequate attention to potential effects of
foreign actors on reconciliation processes in sovereign states. This remains true
although some of the related topics are covered more thoroughly. For example, the role
of non-state actors in facilitating reconciliation has been addressed,46 as has broader
questions of international mediation in conflicts47 and aspects related to conflict
resolution and post conflict practice of reconciliation. However, a majority of these
studies focuses on interstate conflicts with two or more sovereign states as participants.
This approach is by no means useless or impractical; it is important to study practices of
reconciliation between states to gain insight on how can one facilitate this process in the
future. However, intrastate conflicts should attract the attention of politicians and
scholars today.

45 Murray, Michael and Rea, Michael, "Philosophy and Christian Theology, "The Stanford Encyclopedia
of Philosophy" (Fall 2012 Edition), Edward N. Zalta (ed.),
http://plato.stanford.edu/entries/christiantheology-philosophy/
46 Shogo Suzuki, "Overcoming Past Wrongs Committed by States: Can Non-State Actors Facilitate
47 Tobias Bohmelt, "Failing to Succeed? The Cumulative Impact of International Mediation Revisited,"
This trend adds to the need to study reconciliation processes with respect to intrastate conflicts. This must include an assessment of potential actors of reconciliation, those who possess an ability to facilitate dialogue between reconciling parties, to overview a process of transitional justice in the state in question, and, generally, lead the process of reconciliation to its logical conclusion. Taking into account the growing internationalization of intrastate conflicts and the growing degree of involvement of foreign actors in their resolution, it is safe to assume that these actors would also be interested in contributing to post-war reconciliation processes. However, it is frequently said that any practice of reconciliation after an intrastate conflict must be initiated by its participants, both internally and in an independent manner. While this statement is not necessarily false, it must not reduce the importance of foreign actors’ potential contributions toward successful practices of reconciliation in intrastate conflicts.

This paper has illustrated that there are a number of foreign actors, each of a different type, status, and ability, that can exercise a considerable impact on reconciliation development in a post-conflict society through the review of roles that foreign actors played in the reconciliation process in a post-Gaddafi Libya. The Libyan case demonstrates that foreign actors do seek an active role in promoting reconciliation in the aftermath of intrastate conflicts. Furthermore, the case demonstrates that initiatives aimed at promoting reconciliation can be initiated outside of the state in question and encourage and facilitate domestic-driven reconciliation efforts and programs. In addition, Libyan case has shown that a category of foreign players who have an ability to foster reconciliation after an intrastate conflict includes a number of actors, each of different nature. Hence, representatives of foreign states, intergovernmental organizations, international civil society, and of NGOs can all have their share in promoting reconciliation between hostile fractions within a sovereign state.

It is true that it remains difficult to assess the degree of success that their efforts have brought to reconciliation in Libya thus far. However, the intensity of their involvement and participation in nation-wide reconciliation efforts in Libya must not be underestimated; in addition to the effect their involvement has on a conventional and theoretical conception of reconciliation. This brief observation of roles and effects foreign actors have in Libya’s reconciliation challenges a common perception of inability of foreign actors to play a substantial role in intrastate reconciliation practices. While efforts of some foreign actors might be limited, others may have a success in facilitating and organizational effects on promoting reconciliation in post-conflict states. The question, however, is whether their political interests shift a conventional conception of reconciliation that is characterized by neutrality of its brokers. To answer this, further research on the roles of foreign actors and their potential to contribute to reconciliation processes in post-conflict states is needed.
Bibliography


