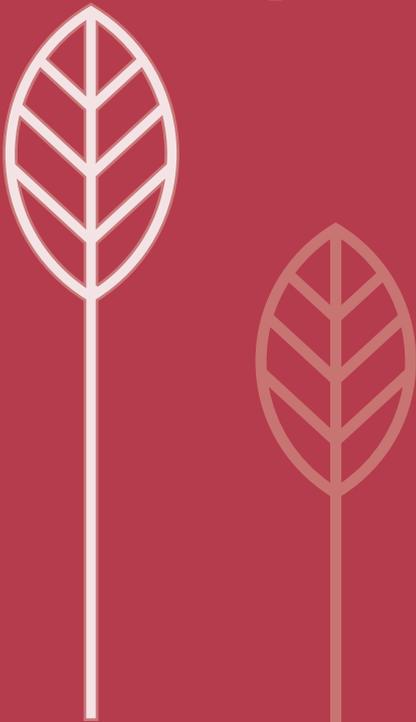




Strengthening the  
State authority and  
the rule of law

**through a fair and  
independent justice  
system, and human  
security based on human  
rights and the principles  
of comprehensive justice**



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## NOTE

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This document is one of a set of eight studies<sup>2</sup> on policy options relating to the socioeconomic vision mentioned above, conducted by ESCWA in collaboration with a group of Libyan experts. These studies are meant to contribute to realising this vision, addressing its challenges, and facilitating the process of drafting policies and developing strategies that take into account its socioeconomic and institutional dimensions.

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**1** Vision for Libya: towards prosperity, justice and strong State institutions.

**2** Titles of these studies:

1. Towards an inclusive national identity in light of a just citizenship State.
2. Social protection system.
3. Human capital, youth and women empowerment, and the integration of militant forces.
4. The role of the State in sustainable economic development and the strategic positioning of Libya in the global economy.
5. **Strengthening the State authority and the rule of law through a fair and independent justice system, and human security based on human rights and the principles of comprehensive justice.**
6. Restoring trust and reconciliations to establish a national charter.
7. Building a State of institutions, regional integration and international cooperation.
8. Mechanisms for economic reform and recovery.



## Executive summary

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Negative attitudes towards the law in Libya clearly appear in the behaviour of individuals, as well as that of the legislative institution, the Government and legal institutions. This phenomenon encompasses practices of many different forms, such as breaking the law, ignoring it, circumventing it, suspending it, obstructing it, and slowing down judicial procedures. Added to this is the complete absence of any role played by security services, as well as repeated cases of unlawful arrest and forced disappearance. Cases of humiliating and inhumane treatment inside prisons that are outside Government control have also been revealed.

Under the current circumstances, there is an urgent need to build a political life grounded in increasing the participation of citizens in political institutions, and broadening the range of choices available to everyone, without discrimination of any kind, and without excluding anyone for unconstitutional or unlawful reasons. The fact is that non-discrimination relies on two inseparable principles, namely those of equality and dignity. Discrimination can reduce a human being to a mere job, feature or number. Indeed, whether they are men or women, those discriminated against are no longer seen as human beings with unique personalities, who have their own needs and aspirations, but rather as mere means for asserting control and domination.

There is a relationship of complementarity between awareness of one's rights on one hand, and commitment to one's obligations and adherence to the law on the other. In the case of Libya, adherence to laws can be asserted in practices that should become generalised in society, such as committing to perform military service, paying taxes and respecting traffic laws. Libyans should also resort to the judicial process rather than seek to assert their rights by using force against their adversaries, and should support efforts to expose and combat corruption.

In this context, institution-building ranks as one of the main pillars supporting the State of institutions and the rule of law. Yet after the events of 2011, the failure of institutions contributed to the descent into violence. In truth, the cause of this can be attributed to an ill-designed network of institutions and jurisdictions, weak capabilities and poor institutional performance on the part of those in charge, and overlapping and conflicting jurisdictions among State institutions.

**At the societal level**, Libya currently faces many challenges, beginning with the social rift resulting from fighting and war, through the heightened rhetoric of violence and hatred at the expense of harmony and reconciliation, and up to growing talk of marginalisation and inequality. The latter has become increasingly

prevalent among certain segments of Libyan society, especially the Tuareg, Toubou and Amazigh ethnic groups. Indeed, the members of these groups have been demanding their social rights (including when it comes to teaching their own language and respecting other cultures) on grounds of comprehensive justice. Likewise, women and young people in Libya have been demanding justice in access to employment, representation and participation in decision-making and implementation.

Using civic awareness to confront threats can be effective, and can represent a fundamental driving force. Yet certain mechanisms are needed to create and develop collective civic awareness, to make patriotism prevail over any other loyalties, and to convince people to embrace the founding principles of their society. This can be done through political action that would embody the values and principles of society in public policy, institution-building and the development of mechanisms that would meet society's needs. It can also be done by having civil society organisations play an active role in the process.

**The judicial system** in Libya is barely able to function, at a time when it is facing grave challenges. The latter include security-related pressures, resulting from fears by the members of judicial bodies that armed militant groups might interfere in the judicial process, and kidnap or blackmail members of the judiciary. Indeed, judges, members and employees of the judicial branch of Government are currently operating in the absence of security protection. There are also organisational challenges, such as the absence of clear legal and judicial frameworks. And there are political challenges resulting from institutional division, as well as other procedural challenges. Building an independent judicial system would require resolving current challenges, and working to develop mechanisms to keep representatives of the executive branch of Government from interfering in the judicial process, in addition to instilling the principles of transparency and justice.

**The security sector** has, like other sectors, been affected by the crisis. There have been no clear national strategies for rebuilding security institutions, while parallel security institutions and bodies that are not controlled by the State have been established, not to mention armed formations attached to specific cities, tribes and social groups. The latter now control a substantial part of the country, and have become involved directly or indirectly in criminal activity and corruption. In one way or another, these groups have become part of the decision-making process. Rebuilding security institutions would require taking clear measures and enacting legislation to combat terrorism, ensure peaceful coexistence and build a State grounded in the rule of law.

# Introduction and historical background

The responsibility of restoring to Libya the form or status of an organised and stable State represents one of the most important, dangerous and difficult tasks facing the country today. Indeed, Libya is currently going through a state of chaos, obstruction, corruption and division, being systematically fuelled by both domestic and foreign actors. Such a situation makes it absolutely necessary to transition from a state of crisis, which is driving society and State towards the unknown at the political, economic, social and security levels, to a better reality that would meet the aspirations of all Libyans.

## State institutions and the rule of law

With the persistence of the state of disrespect for legal regulations, and the complete lack of security and legal protection, legislative, political, legal, economic and administrative institutions, bodies and authorities have remained vulnerable to attacks, infiltrations, infringements and violations of rules and principles. As a result, they now suffer from institutional inertia, which has in turn made them incapable of soundly performing their functions. Thus, those institutions have in recent times failed to implement successful policies that would reflect the interests of society in an organised way, reduce suffering and despair, and instil a feeling of approval and hope.

Negative attitudes towards the law in Libya clearly appear in the behaviour of individuals, as well as that of the legislative institution, the Government and legal institutions. This phenomenon encompasses practices of many different forms, such as breaking the law, ignoring it, circumventing it, suspending it, obstructing it, and slowing down judicial procedures. Added to this is the complete absence of any role played by security services, as well as repeated cases of unlawful arrest and forced disappearance. Cases of humiliating and inhumane treatment inside prisons that are outside Government control have also been revealed. This situation can be summed up by saying that the State is currently powerless and almost completely absent, with all that this entails in terms of the absence of public prosecution, the judiciary and civil society organisations.

### A. Comprehensive justice

Enforcing the law and achieving justice carry a significance that is not always easy to put into words. Thus, achieving social justice involves a number of different matters, most prominently satisfying people's basic needs and sharing resources equally. Social justice aims to give everyone the opportunity to access basic services, achieve equality of opportunity, and provide protection and care to individuals and groups.

While cohabitation, coexistence, partnership and cooperation are some of the main elements that should be found among citizens of the same country, they can be destabilised and disrupted when the

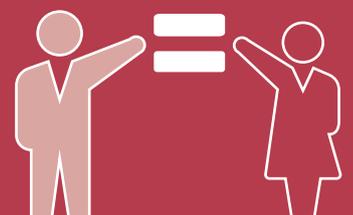
#### Breaking the law

- Ignoring it
- Circumventing it
- Suspending it
- Obstructing it

Slowing down  
judicial  
procedure

Complete  
absence of any  
role played  
by security  
services

Repeated  
cases of  
unlawful  
arrest



principle of equality is not respected in legal and judicial institutions. The same occurs when these institutions break down, which can ultimately threaten stability. Indeed, anyone who feels like they have been treated unfairly or denied their rights, and have been turned away by every avenue of justice, might rebel against the values of citizenship, or resort to unlawful means to secure what they consider to be their rights.

In theory, the law opens the door to participation in public life. This means that it would be possible for everyone, without any discrimination, to access all political, economic, social and cultural fields. This would include children benefiting from the right to education, training and learning about citizenship and human rights, and the general population, both men and women, benefiting from public services. It would also include freedoms like freedom of economic initiative, freedom of intellectual and artistic creation, and freedom of cultural and social activity. Furthermore, this would include the right to participate in the management of public affairs. Such a right could be exercised directly, such as by holding public office and attaining decision-making positions. It could also be exercised indirectly, such as by joining political parties, expressing opinions about current policies, and participating in elections for representative institutions at the local, national and professional levels.

Equality and justice rank among the most important values that give citizens the feeling of being in a country that respects them, and respects their individuality and their rights. This is especially true when all members of society enjoy equal rights and obligations, and are afforded the same opportunities, and when the law is the only authority on rights and obligations. Then would justice and fairness prevail. Indeed, the values of equality and equal opportunity can ensure the unity and stability of a country, when the principle of citizenship relies on a comprehensive legal, political, social and ethical system – one in which there is no discrimination between citizens on the basis of gender, race, ethnicity, religious belief, ideological conviction, special affiliation, or political and cultural activity.

## B. Non-discrimination and human rights

In truth, non-discrimination relies on two inseparable principles, namely those of equality and dignity. The principle of non-discrimination itself implies accepting the definition of a human being as an indivisible whole, while discrimination defines human beings on the basis of certain characteristics, such as gender, race, skin colour, religion or others. Discrimination can thus reduce human beings to a mere job, feature or number. Indeed, whether they are men or women, those discriminated against are no longer seen as human beings with unique personalities, who have their own needs and aspirations, but rather as mere means for asserting control and domination.

Justice has many different aspects that all need to be taken into consideration. Those include legal, judicial, social, economic and other aspects, representing the foundation upon which society relies to uphold the dignity of its members, and ensure their safety and security. It is a political truth that the growth of authoritarianism under a Government with limitless powers, or under the rule of undisciplined armed formations, is a grave threat that draws its strength from the negativity of citizens who fail to object to the status quo. Refraining from engaging in public affairs and negativity towards them have become a prevalent trend, manifested in behaviours that are obstructing the progress of Libyan society towards the major goals of a democratic country – such as equality, justice, oversight, accountability, the rule of law and public freedoms. Renouncing freedom means renouncing responsibility, and it can lead to numerous problems that threaten the nation's spirit and undermine its unity. Indeed, a nation that has lost its spirit becomes fragmented and powerless, and its future becomes shrouded in obscurity.

There is a relationship of complementarity between awareness of one's rights on one hand, and commitment to one's obligations and adherence to the law on the other. In the case of Libya, adherence to laws can be asserted in practices that should become generalised in society, such as committing to perform military service, paying taxes and respecting traffic laws. Libyans should also resort to the judicial process rather than seek to assert their rights by using force against their adversaries, and should support efforts to expose and combat corruption.

The relationship between the individual and the State cannot be sound without a successful relationship between the individual and the authorities, especially in a democratic country, or one going through a democratic transition. In such countries, there should be multiple connections between democracy and the law, and these connections should involve many different and interconnected matters. The latter might include a legal framework that would govern expressions of protest in demand of social rights, and respect for the parallel nature of the legal and electoral avenues, as well as other matters that affect the behaviour of the masses (both the general public and the elites) and their support for the legitimacy of legal and political institutions.

Building a political life for the country should be grounded in increasing the participation of citizens in political institutions, and broadening the range of choices available to everyone, without discrimination of any kind, and without excluding anyone for unconstitutional or unlawful reasons. A system should be established that is rooted in respect for each and every individual, their rights, freedoms and dignity, and what they entail in terms of responsibility.

# I. Methodology

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Over the course of an entire year, the ESCWA team conducted preliminary studies to identify and analyse the challenges facing Libya, relying on official statements issued by Government officials. The research team then recommended mechanisms for reform, which were presented to 88 Libyan experts, so that they may assess them, suggest additions and provide appropriate clarifications, making use of the best past experiences at the global level. Priority issues were then identified, particularly when it comes to strengthening the authority of the State, the rule of law, and the principles of comprehensive justice. These recommendations were

then discussed in a wide-ranging societal dialogue, which included various different social groups, including public and private sector employees, people with disabilities, and representatives from every region of Libya. This dialogue went on for eight sessions, with discussions involving 262 Libyan participants, and over 857 written submissions received. All of these efforts led to a set of important recommendations and priorities for the preparation of a unified national vision for the future. All of the data previously obtained were then gathered, reformulated and presented in a validation session, with the participation of 81 Libyan citizens of diverse backgrounds.

# II. Recommended options and policies

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The issue of justice under the rule of law is a complex one, in terms of its effects, its requirements and the ways of committing to it. It therefore requires a comprehensive multi-dimensional approach, especially as the rules of justice are shared between all people and essential to their lives. Indeed, they are necessary for the life of both society and the State.

Successful public policies are the ones that achieve a balance between individual rights and responsibility to society, and link together entitlements, obligations and commitments. It is especially important in this context to focus on the issue of the values embodied by laws. Indeed, any kind of social contract would necessarily be directly connected to the issue of rights, in terms of determining what they are, defining them, agreeing on them,

embodying them and defending them. Thus, upholding those rights is in reality what is primarily needed, not merely enacting legal texts. This would require policies that would account for the particularities and complexities of the reality of Libyan society. In fact, in the case of Libya, there is also a need to look at the particularities of the phase that led up to this complex crisis, with its dangerous effects on both society and State, as well as on the principle of adherence to the law. This is especially true in the wake of the collapse of the security institution, and of judicial and correctional institutions.

This paper recommends a number of policies relevant to all the complexities and problems that require quickly repairing and reorganising the security and judicial sectors. Indeed, a security institution and a judiciary



represent indispensable cornerstones for any society and any State. They are also of the utmost importance for providing equal opportunity to integrate all segments of society and place them on a path towards balanced and comprehensive political and social development.

## A. Institution-building

Institution-building ranks as one of the main pillars supporting the State of institutions and the rule of law. Yet after the events of 2011, the failure of institutions contributed to the descent into violence. In truth, the cause of this can be attributed to an ill-designed network of institutions and jurisdictions, weak capabilities and poor institutional performance on the part of those in charge, and overlapping and conflicting jurisdictions among State institutions. And after 2014, State institutions went through a phase of even greater chaos and institutional division in every aspect, whether legislative or executive. Judicial institutions were also indirectly affected by those divisions.

Institutional division has made the problems facing the State even more acute, especially in terms of the expanded spending caused by this division. Indeed, the costs of new appointments and operating expenditures has increased, and expensive new financial positions were created. Many of the State's rights were lost as a result of conflict over representation, and of the absent role of important institutions that contribute to the stability of Government structure, such as the police and the military. In fact, those institutions also suffered from institutional division themselves. Working to repair the institution-building process would require taking urgent measures, such as working to reunify institutions, and developing long-term plans to restructure institutions in line with local needs and international standards. The goal would be to establish a system capable of creating sustainable stability and growth without overlaps and contradictions, and primed to launch the country on a path towards comprehensive justice.

## B. Society and vulnerable groups

Libya currently faces many challenges at the social level. Those include the rift resulting from fighting, wars and rising levels of violence since 2011, as well as the heightened rhetoric of violence and hatred at the expense of harmony and reconciliation. The latter has in fact led to a greater role for tribal and narrow sub-national identities, at the expense of loyalty to a citizenship State and an inclusive identity. Challenges also include the growing talk of marginalisation and inequality, which has become increasingly prevalent among certain segments of Libyan society, especially the Tuareg, Toubou and Amazigh ethnic groups. Indeed, the members of these groups have been demanding their social rights (including when it comes to teaching their own language and respecting other cultures)

on grounds of comprehensive justice. Likewise, women and young people in Libya have been demanding justice in access to employment, representation and participation in decision-making and implementation. There are also conflicts between cities, and between supporters of different political movements, not to mention the problem of the displaced and dispossessed inside Libya and abroad, and the difficult circumstances they face.

All of those societal challenges require working to develop mechanisms to address them, rebuilding trust between the different components of society, achieving consensus, giving precedence to the principles of understanding, reconciliation and tolerance, and reducing violence and fighting.

## C. Political participation, civic culture and the role of civil society

The institutional and social division resulting from armed conflict has led to a lack of participation in public life, which can be measured by the number of people participating in elections and engaged in public affairs. Moreover, unlawful activity, kidnappings, armed robbery, and the targeting of human rights activists in some cities and areas (without retribution against perpetrators or compensation for victims) have all led to widespread unwillingness to participate in social matters, and have given rise to a kind of negativity among the majority of people. Similarly, the rhetoric voiced by political elites, which fuels the violence and calls for more fighting and escalation, has given rise to a kind of desperation and loss of hope for change, as well as a reluctance to participate in social matters.

Using civic awareness to confront threats can be effective, and can represent a fundamental driving force for confronting those challenges. Yet certain mechanisms are needed to create and develop collective civic awareness, to make patriotism prevail over any other loyalties, and to convince people to embrace the founding principles of their society. This can be done through political action that would embody the values and principles of society in public policy, institution-building and the development of mechanisms that would meet society's needs. It can also be done by having civil society organisations play an active role in the process.

It would be useful here to point out that the post-2011 period has witnessed a growth of the role played by civil society organisations. Yet the impact this has had remains limited, compared to what these organisations are hoped to achieve. So far, civil society organisations are not yet considered real partners in the rebuilding and restructuring process. The hope is that they, as institutions that enable individuals to voice their needs and demand their rights, would play a pioneering role in bringing about civic awareness, assessing the work



of political and executive institutions, and actively participating in rebuilding the State and restructuring its institutions and agencies.

The necessary measures and steps must thus be taken to encourage political and social participation among members of society, through civil society organisations, by enacting laws that would guarantee rights and freedoms, and by developing mechanisms to impose sanctions on violators.

#### D. The specificity and standing of the role of the judiciary

The judicial system in Libya is currently facing a major crisis. Indeed, it is barely able to function, at a time when it is facing grave challenges. The latter include security-related pressures, resulting from fears by the members of judicial bodies that armed militant groups might interfere in the judicial process, and kidnap or blackmail members of the judiciary. Indeed, judges, members and employees of the judicial branch of Government are currently operating in the absence of security protection. There are also organisational challenges, such as existing systems suffering from overlapping jurisdictions, and from the absence of clear legal and judicial frameworks. There are political challenges resulting from institutional division, as the connection of judicial institutions to the Ministry of Justice could hinder the independence of the judiciary, especially in a situation of division and conflict. There are other procedural challenges as well, especially as, according to the legislation currently in effect, the authority of the Minister of Justice overlaps with that of the Supreme Judicial Council, allowing the Minister to interfere with the work of the courts and select candidates for judicial positions. In addition to all of this, there are challenges originating from the lack of educational achievement and lack of training among the employees and consultants of judicial bodies, the primitive way in which judicial work and procedures are conducted, the lack of digitisation and the absence of legislation governing electronic transactions.

Building an independent judicial system would require resolving current challenges, and working to develop mechanisms to keep representatives of the executive branch of Government from interfering in the judicial process, in addition to instilling the principles of transparency and justice.

#### E. Revitalising the security institution

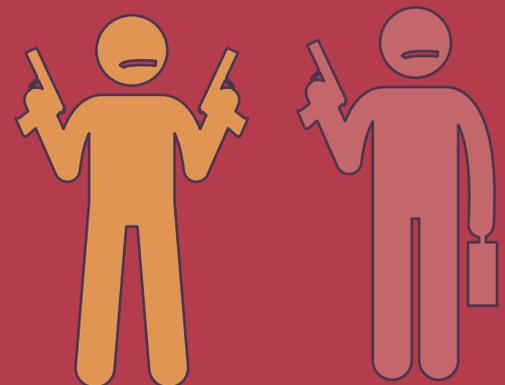
The security sector has, like other sectors, been affected by the crisis, and there have been no clear national strategies for rebuilding security institutions. Alongside the challenges imposed by institutional division on national security, the challenge of restoring security has grown more complex, as parallel security institutions and bodies that are not controlled by the State have been established. There are also armed formations attached to specific cities, tribes and social groups, that now control part of the country, and have become involved directly or indirectly in criminal activity and corruption (especially when it comes to corrupt documentary credits, and control of key Government and sovereign positions). In one way or another, these groups have now become part of the decision-making process.

Rebuilding security institutions would require taking clear measures and enacting legislation to combat terrorism, ensure peaceful coexistence and build a State grounded in the rule of law.

After the events of **2011**, the failure of institutions contributed to the descent into violence. This can be attributed to

an ill-designed network of institutions and jurisdictions, weak capabilities and poor institutional performance

overlapping and conflicting jurisdictions among State institutions



## III. Moving forward

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### A. On institution-building

- Working to resolve institutional division by developing plans and mechanisms to integrate and unify institutions, and to unify spending budgets.
- Supporting efforts to unify institutions between the Government of National Accord and the Interim Government.
- Developing mechanisms to review legislation, decrees and decisions issued by the divided institutions, and address any overlap between them.
- Developing strategic plans to redesign, reform and restructure institutions, such as to reconstitute the security sector and the judiciary, and make the successful functioning of these institutions represent an essential and powerful driving force towards achieving political stability, economic progress and social cohesion.
- Including the partnership of active international organisations in recommending the systems that are best suited to Libya for restructuring institutions, sorting out jurisdictions, and determining rights and obligations.

### B. On society and vulnerable groups

- Working to contain complex crises; developing mechanisms for communication and dialogue; and making public interest and the language of reconciliation, understanding and tolerance prevail over violence and fighting.
- Developing mechanisms to achieve consensus between the different components of society, on a basis of awareness of the importance of justice, at both the societal and institutional level, especially when it comes to the distribution of resources, employment and representation.
- Ensuring the equal participation of the different social forces, groups and movements in public affairs.
- Developing special programmes to raise awareness in society about the importance of the role played by citizens in strengthening the powers of the State and enforcing the law.
- Building partnerships between society and its different components on the one hand, and volunteer and civil society organisations on the other.
- Ensuring marginalised groups their right to vote in all public elections and referendums, and to select the representative bodies whose members would be elected by universal suffrage.

- Ensuring marginalised groups their right to participate in drafting and implementing Government policy, to be employed in Government positions, and to perform all public functions at every level of Government.
- Designing a social protection programme with a clear set of goals.
- Providing education and training to marginalised groups, providing them with caretaker institutions and organisations, and including their role in national legislation.

### C. On political participation, civic culture and the role of civil society

- Developing legislation that would help protect public rights and freedoms.
- Adopting values as a standard to set limits on the freedom to exercise one's rights.
- Supporting institutions that promote public rights and freedoms, so as to raise awareness in society and defend those who have suffered harm.
- Including the partnership of international organisations in developing comprehensive action strategies to revitalise the role of societal participation and strengthen civic vitality.
- Working to support the spirit of communication and follow-up that would drive the political system towards ensuring and defending rights.
- Controlling the outcomes of the political system so that it may achieve its goals and embody the values from which it derives its legitimacy, which in turn is rooted in the conviction of individuals and groups that it is worth maintaining.
- Developing mechanisms to improve the performance of institutions, individuals and groups in all areas of human, economic, cultural and political life.
- Creating channels for dialogue and communication, and for responding to society's problems and addressing them frankly, responsibly and unequivocally. This can be done by increasing participation among members and components of society, both quantitatively and qualitatively, and both horizontally (by addressing the problems of all groups and regions) and vertically (by having issues addressed and discussed at all levels of Government and administration, as well as at the highest levels of scientific research).
- Raising societal awareness of rights, ensuring those rights, and linking commitment to them with the law, on

a basis of equal treatment and equal exercise of rights and obligations, through specially designed workshops and programmes (in collaboration with national and international institutions).

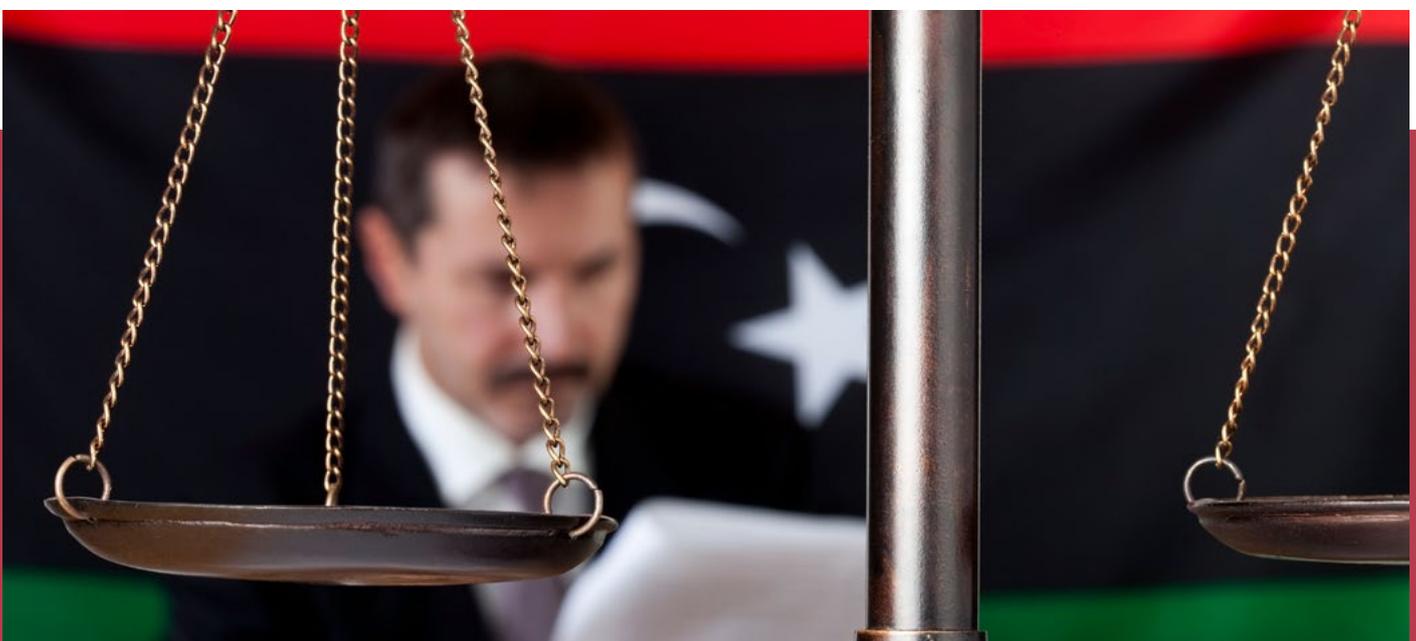
- Giving civil society organisations a greater role to play, and including them as partners in recommending, assessing and monitoring policies.
- Developing communication mechanisms to enable individuals to voice their rights, interests and values, outside the scope of Government action, and in fact in contrast to it, by revitalising the role of civil society organisations.
- Developing plans to revitalise the exercise of citizenship through the work of civil society organisations, in a systematic and continuous manner, and through daily interactions, so as to ensure the instillment of societal values like honesty, hard work, self-control, personal responsibility, adherence to the law and helping others.

#### D. On the specificity and standing of the role of the judiciary

- Taking decisive measures to ensure the independence of the judicial branch of Government, and assert its exercise of professional and humanitarian values, which represent an important element for revitalising society in various ways, and revitalising economic, political and social institutions as well.
- Ensuring confidence in the integrity and competence of the judiciary, and respect for court rulings and the consequences they entail.
- Working to provide the power needed to enforce the law and ensure the security of the judicial apparatus, so as to allow the judicial institution to perform its function of protecting the principle of equality between all citizens,

men and women, within a society in which interests and purposes are often at odds with one another.

- Creating legal guarantees and a fair and independent judiciary, which can be resorted to by all those who have had their rights infringed upon or violated by others, whether they are natural or legal persons.
- Working to ensure the sustainable independence of the judiciary, under no authority but professional conscience. Judges should enjoy legal protection to enable them to perform their function without pressures or interference. The judicial inspection administration should also be kept separate from membership in the Supreme Judicial Council.
- Working to protect the judicial branch of Government against political pressure. Indeed, the more judicial rulings are connected to politics, the more political groups are targeted by them, which in turn makes those groups not hesitate to make use of all possible means to exert pressure on the judiciary.
- Enacting constitutional guarantees that would ensure the independence of the judiciary, keeping the three branches of Government separate, and not allowing the judiciary to be politicised.
- Cleansing the judicial apparatus of those proven to be corrupt, revitalising the judicial inspection apparatus, and working to strengthen the judicial inspection administration to limit the influence of clientelism on decision-making.
- Having the Supreme Judicial Council collect and seriously examine the complaints of citizens.
- Creating a Supreme Constitutional Court.
- Assessing the judicial apparatus as per international standards.



## E. On governance and its role

- Focusing, when making arrangements, on the importance of the legal and security aspects of the political process and of governance issues, so as to resolve the root causes of insecurity, corruption, subversion and economic crimes.
- Keeping a record of ethical issues relating to the behaviour of Governments, administrations, corporations, associations and elected representatives.
- Making it mandatory for top employees and officials to declare their assets and undergo financial audits, as soon as they assume their functions and begin working in public affairs.

## F. On revitalising the security institution

- Establishing a firm link between the strength of the security institution and its role in the all-out war against corruption, in all of its forms and all of its consequences for the economy, values and society; and adopting mechanisms for accountability, verification, monitoring and legal follow-up, so as to fight back against the systematic looting of the State's assets and funds.
- Working to create a disciplined, strong, organised and well-trained police force.

- Structurally reforming the judicial and security institutions, and ensuring transparency in their work; and committing to the principle of equal opportunity in appointments, while ensuring that vulnerable groups are being afforded their equal rights to employment.
- Strengthening the centralisation of the security institution at this juncture, to ensure its capabilities and efficiency, then gradually and equally strengthening security at the decentralised level.
- Maintaining part of the centralised security apparatus to ensure the necessary security coordination and external communication, as is the case in most countries around the world.
- Imperatively adopting specific standards for employment and public office, to ensure that qualified and experienced individuals attain positions of leadership.
- Providing financial and technical support to the security apparatus, and making sure that it adheres to the principles of integrity and neutrality.
- Developing mechanisms to ensure that there is no impunity, and restoring an effective criminal justice system.

# IV. Conclusion

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Strengthening the role of Libyan State institutions is considered one of the most important issues that must be carefully addressed, as the most important mechanism and greatest challenge for putting the country back on its feet. This is especially true under the current circumstances of corruption and chaos, disregard for the legal apparatus, lack of security and legal protection, circumvention of laws and legislation in effect, and practices like dragging out judicial procedures to ultimately lead to impunity for the perpetrators.

Strengthening the role of institutions requires focusing on a number of policies, most prominently: working to reunify, develop and restructure legislative and executive State institutions; working to keep the three branches of Government separate; developing national strategies to restructure and clarify rights and obligations; and

restoring the standing and role of the judiciary, supported by effective and disciplined security institutions.

Work must also be done to guarantee public freedoms and human rights, and ensure the participation of vulnerable social groups (particularly women, young people and cultural minorities). This would include the fair distribution of resources and equal access to employment, as well as political and economic participation. To ensure the achievement of all the measures recommended, it is imperative to revitalise the role played by civil society organisations, so that they may monitor, follow up and uncover deviations from the strategies adopted, and ensure public rights and freedoms. Civil society organisations would also contribute to shaping social awareness, which could be used to uphold national values and standards.

# List of Publications Issued by the Libya Project

Document Number	Title	العنوان
E/ESCWA/CL6.GCP/2020/TP.3	An Introductory Study on the Status, Challenges and Prospects of the Libyan Economy Part I of a Baseline Study for the Libya Socioeconomic Dialogue Project	دراسة تمهيدية عن الاقتصاد في ليبيا: الواقع والتحديات والآفاق الجزء الأول من دراسة أولية لمشروع الحوار الاجتماعي والاقتصادي الليبي
E/ESCWA/CL6.GCP/2020/TP.2	An Introductory Study on the Status, Challenges and Prospects of the Libyan Society Part II of a Baseline Study for the Libya Socioeconomic Dialogue Project	دراسة تمهيدية عن المجتمع في ليبيا: الواقع والتحديات والآفاق الجزء الثاني من دراسة أولية لمشروع الحوار الاجتماعي والاقتصادي الليبي
E/ESCWA/CL6.GCP/2020/TP.1	An Introductory Study on the Status, Challenges and Prospects of Governance and Institutions in Libya Part III of a Baseline Study for the Libya Socioeconomic Dialogue Project	دراسة تمهيدية عن الحوكمة والمؤسسات في ليبيا: الواقع والتحديات والآفاق الجزء الثالث من دراسة أولية لمشروع الحوار الاجتماعي والاقتصادي الليبي
E/ESCWA/CL6.GCP/2020/TP.8	The economic cost of the Libyan conflict	الكلفة الاقتصادية للصراع في ليبيا
E/ESCWA/CL6.GCP/2020/TP.5	Economic cost of the Libyan conflict Executive Summary	الكلفة الاقتصادية للصراع في ليبيا ملخص تنفيذي
E/ESCWA/CL6.GCP/2020/2	Benefits of Peace in Libya :Neighbouring Countries and Beyond	السلام في ليبيا: فوائد للبلدان المجاورة والعالم
E/ESCWA/CL6.GCP/2020/2/ SUMMARY	Benefits of Peace in Libya :Neighbouring Countries and Beyond Executive Summary	السلام في ليبيا: فوائد للبلدان المجاورة والعالم ملخص تنفيذي
E/ESCWA/CL6.GCP/2021/TP.1	Vision for Libya: towards prosperity, justice and strong State institutions	رؤية لليبيا: نحو دولة الازدهار والعدالة والمؤسسات
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.1	Towards an inclusive national identity in light of a just citizenship State	نحو هوية وطنية جامعة في ظل دولة العدالة المواطنة
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.2	Social protection system	منظومة الحماية الاجتماعية
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.3	Human capital, youth and women empowerment, and the integration of militant forces	رأس المال البشري وتمكين الشباب والمرأة ودمج المسلحين
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.4	The role of the State in sustainable economic development and the strategic positioning of Libya in the global economy	دور الدولة في التنمية الاقتصادية المستدامة والتموضع الاستراتيجي لليبيا في الاقتصاد العالمي
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.5	Strengthening the State authority and the rule of law through a fair and independent justice system, and human security based on human rights and the principles of comprehensive justice	تعزيز سلطة الدولة وسيادة القانون في ليبيا: دور مبادئ حقوق الإنسان والعدالة الشاملة في إرساء منظومة مجتمعية عادلة، وقضاء نزيه ومستقل، وأمن إنساني مستدام
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.6	Restoring trust and reconciliations to establish a national charter	ترميم الثقة والمصالحات: الطريق نحو تأسيس ميثاق وطني ليبي
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.7	Building a State of institutions, regional integration and international cooperation	بناء دولة المؤسسات والتكامل الإقليمي والتعاون الدولي
E/ESCWA/CL6.GCP/2021/ POLICY BRIEF.8	Mechanisms for economic reform and recovery	آليات الإصلاح والتعافي الاقتصادي

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