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# LIBYA – SUPPORTING THE JUSTICE AND SECURITY SECTOR THROUGH PROPERTY RIGHTS

## SYNTHESIS REPORT

AUGUST 2013

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# ACRONYMS AND ABBREVIATIONS

ABA	American Bar Association
ADR	Alternative Dispute Resolution
CHD	Center for Humanitarian Dialogue
COR	Contracting Officer’s Representative
CSO	Civil Society Organization
DRL	Democracy Rights and Labor
GNC	General National Congress
GoL	Government of Libya
HLP	Housing, Land Tenure, and Property Rights
IED	Improvised Explosive Device
ILAC	International Legal Assistance Consortium
INL	Bureau of International Narcotics and Law Enforcement
LBBC	Libyan British Business Council
NDI	National Democratic Institute
OFAC	Office of Asset Control
PILGP	the Public International Law & Policy Group
SAM	System for Award Management
SJSSPR	Supporting the Justice and Security Sector through Property Rights
ToT	Training of Trainers
USAID	United States Agency for International Development
USG	United States Government
USIP	United States Institute of Peace
VBIED	Vehicle Borne Improvised Explosive Device

# I.0 INTRODUCTION

After the liberation of Tripoli on August 20, 2011, and in the wake of the formal cessation of hostilities on October 23, 2011, communal conflicts broke out in many locations across Libya. Many of the parties to these conflicts sought a redistribution of land, housing, or other property resources. These disputes are often rooted in competing claims over land and power that pre-existed the Gaddafi era and were exacerbated by the regime's patronage networks, by various positions of communities during the uprising, and finally by acts of revenge in the aftermath of the liberation.

In the absence of strong and functioning central institutions, the burden of peacemaking has fallen essentially upon community notables, local reconciliation councils, and regional land registration officials. Various national and international civil society organizations have begun to provide substantial assistance to local conflict resolution stakeholders. Nevertheless, while their efforts to bring social appeasement through traditional customary processes are praiseworthy in Libya's currently fragile and persistently violent context, many conflict resolution actors express frustration at the lack of a national Housing, Land and Property (HLP) policy and a constitutional/legislative framework that they can refer to in order to guide their work in the field of property dispute resolution. They point out that no informal and local solutions to property disputes can be truly sustainable unless accomplished within a national policy framework, a supporting legal structure, and the institutional capacity to administer and implement those laws and policies.

The USAID-funded project "Supporting the Justice and Security Sector through Property Rights in Libya" (SJSSPR) is a preliminary initiative designed to address a major root cause of current social and political instability in Libya: namely, housing and land disputes. During the SJSSPR Inception Mission in November-December 2012, key challenges were assessed, goals defined, and opportunities to initiate specific supportive activities were identified. Working intermittently during the short period of six months since that initial mission, SJSSPR has introduced alternative dispute resolution (ADR) techniques to local government and non-governmental stakeholders and fostered community and national dialogue on housing, land tenure and property rights (HLP) policy options in Libya.

This succinct report provides a summary of findings and recommendations based on the conclusions of the following activities:

- An Inception Mission in November-December 2012
- A property rights policy roundtable in Tripoli on June 18, 2013
- A legal report reviewing the Draft Land Law issued by the Ministry of Justice, which was finalized in August 2013 ("Legislating Property Restitution in Libya")
- A series of focus group discussions with specific interest groups (women's groups, legal professionals, and businessmen) held in Tripoli from June 23-27, 2013

In addition, the SJSSPR team has conducted a second policy dialog roundtable in Tripoli at the end of August, the summary results of which are included in Annex I.

# 2.0 BACKGROUND AND METHODOLOGY

In June 2012, the United States Agency for International Development (USAID) fielded a scoping mission on behalf of USAID, the Bureau of International Narcotics and Law Enforcement (INL), and the Bureau of Democracy, Human Rights, and Labor (DRL) to explore justice and security issues in Libya. This mission found that justice and security in Libya were being primarily delivered at the local level by tribal elders, military councils, municipal councils, *ketibas*, police, security forces, and courts. While these local arrangements help stabilize Libya in the short-term, linking them with central-level institutions and laws presents a challenge for Libya's transition. Unaddressed property rights grievances, including those of minority groups and women, and inadequate access to justice and security risk fueling inter-communal tensions and hindering Libya's democratic transition to a stable, inclusive state.

In this context, USAID instituted the "Supporting the Justice and Security Sector through Property Rights" (SJSSPR) project to support the nascent development of Libya's justice and security system, to reinforce constructive community practices in the field of dispute resolution, and to help mitigate potential housing, land and property disputes. To achieve these aims, USAID encouraged grassroots consultations with Libyan citizens, interest groups and professionals to produce policy recommendations.

## INFORMATION GATHERING

Several exercises led to the present synthesis report on policy recommendations: the inception mission, a legal report, a policy roundtable, and focus groups. Each of these is described in turn below.

The Inception Mission fielded two international consultants (property rights expert David Smith and conflict expert Alexandra Hartman), from November 23 to December 11, 2012. The team conducted 44 interviews and focus group discussions in Tripoli, Misrata and Zawiya. Interviewees included legal professionals, journalists, academics, NGO activists, real estate professionals, local councils, *hukama*, Libyan-based international organizations, and members of national and local government entities. The team conducted a full debrief of its findings with Minister of Justice Saleh Margani.

The Minister suggested that the SJSSPR program could gather additional information and feedback to contribute to the recently released Draft Land Law. To this end, SJSSPR contracted with Landesa to conduct a short legal review of the Draft Land Law in light of international best practices and guidelines. Three legal experts from Landesa conducted a review of existing documents and literature. Their resulting report, "Legislating Property Restitution in Libya," centers on restitution, compensation and gender integration.

On June 18, 2013, SJSSPR organized a policy roundtable on property rights at the Hay Andalus Community Center in Tripoli for a dialogue on property rights policies. The team was joined by international consultants Dr. Hamida Aburounia from the University of Tripoli and Judge Ahmed Tawfik from Cairo, Egypt, both of whom helped prepare the agenda and facilitate the dialogue. A total of 41 participants (3 women, 38 men) participated. While a majority of participants (26) were from Tripoli, the remainder were from Al-Homs, JaduJanzour, Misrata, the Nafusa Mountains, Tawergha, Zawiya, and

Zouara. Participants were from local councils (11 people), civil society associations (14 people), and government representatives from the National Real Estate Registration Department, the Ministry of “religious land trust,” the Ministry of Local Government (9 people), as well as independent lawyers and professionals. The roundtable started with initial presentations by a panel of experts including former Minister of Local Government, Dr. Mohamed Harari; Director of the Office of State Properties, Eng. Samir Abelazi; and Deputy Director of the National Real Property Registration Office, Mr. Abdulhakim al-Zaidi. The panelists introduced the Draft Land Law in broad lines. After a round of questions and answers, participants identified and prioritized key problems and recommended actions and strategies.

SJSSPR followed the policy dialogue with a series of three focus group discussions with legal professionals (2 women, 4 men), representatives of women’s groups (11 women), and business leaders and investors (11 men) from June 23<sup>rd</sup> to 26<sup>th</sup>, 2013. Judge Ahmed Tawfik, Dr. Hamida Aburounia and Senior Consultant David Smith facilitated productive dialogues on property rights issues. Each focus group agreed on a set of problem statements, reviewed the Draft Land Law, and discussed possible solutions.

In late August 2013, the SJSSPR team led by Ahmed Tawfik, Hamida Aburounia and conflict specialist Ms. Jennifer Graham will organize a second policy roundtable with mostly rural Libyans. The policy recommendations coming out of this second roundtable will be incorporated into the present report in Annex I.

## **LIMITATIONS**

There are several limitations to the methodology leading to the present set of policy recommendations on property rights. The most obvious one is the limited scope of the consultations, as the SJSSPR team was only able to solicit input from 120 individuals. The absence of a continuous country presence hampered the project staff’s ability to establish and build rapport with local networks. A long term in-country presence would have allowed a broader identification of participants for consultation and a more systematic approach to information gathering.

Another constraint is the security situation, which prohibited activities in the southern and eastern provinces. The team was able to successfully expand beyond a Tripoli-centric focus by inviting participants from outside of Tripoli to participate in the roundtable and an associated training. The urban-related property rights issues that were raised in Tripoli are highly relevant to urban areas across Libya. Government-led consultations should provide equal coverage of rural and urban areas as well as representation of different provinces.

Finally, the lack of public awareness of the government’s stance on land reform made it difficult to maintain a focus on productive, solutions-oriented dialogue. Individuals often chose to vent their frustrations and anger rather than discuss ways to address the issues. This was particularly true of the policy roundtable. Any attempt to broaden these consultations on property rights should be preceded by a public awareness campaign to clarify the government’s stance, and should balance the necessity of allowing space for the expression of anger and the need to concentrate on useful and constructive recommendations.

# 3.0 SUMMARY OF FINDINGS & RECOMMENDATIONS

## I. NATIONAL POLICY FRAMEWORK

### SUMMARY OF FINDINGS

All citizens consulted during the Inception Mission, the policy roundtable and the focus group discussions consider property rights issues and related disputes in Libya to be a serious social, political, economic, and legal issue meriting prompt and careful consideration by the Government of Libya (GoL). Urban participants to the policy roundtable, especially representatives of the Former Owners Association, expressed deep-seated anger and frustration for having been deprived of their property rights for many years. Roundtable participants from the rural areas or smaller cities also expressed growing discontent too, pointing out that the former regime's string of confiscations and expropriations of private properties was aggravated by forced evictions and displacements during the revolution or caused by post-revolutionary retaliations. These disputes are particularly difficult to resolve since the property issue often masks deeper social and political divisions which generally transcend the property-related component of the dispute.

Citizens are generally showing patience in the assertion of their property rights, as other matters of national priority are addressed by the government, but will not be willing to do so indefinitely. Participants realize that a definitive program to resolve property disputes will take some time, but they wonder why the government has yet to issue even a statement of objectives and basic principles to be applied in the resolution of property issues. According to businessmen, such a statement need not be detailed or definitive, but should provide enough information to assure citizens that the government recognizes the magnitude and complexity of the property rights problem and is committed to seeking practicable and equitable solutions within a reasonable period of time. At a minimum, the government should enter into these complex policy debates as soon as is feasible to create a more functional and reliable system for land administration, planning, and property rights protection and to increase funding for strengthening land administration systems. The SJSSPR team senses a growing urgency around these matters. Compared to what it witnessed at the outset of the project six months ago, by the June 2013 roundtables and focus groups, impatience and bitterness had grown considerably. As businessmen and legal professionals pointed out, Libyans are increasingly uncertain whether the GoL is willing to tackle HLP issues fairly and rapidly.

The Draft Land Law proposed by the Ministry of Justice is an innovative first step in starting to address the complex land and housing issues confronting the country. The research, dialogue, and informed debate around the proposed legislation was duly commended by the legal professionals as well as in the legal report, but severely criticized by the Former Owners Association, especially because the Draft Land Law does not propose to rescind Law 4 in its entirety. However, Libyan and international experts point out in the legal report and the focus group that the Draft Land Law lacks a problem statement, a general statement of objectives (articulating the specific government goals that the restitution program is designed to achieve), an estimate of the timeframe required to address the problem, and the identification of

eligible claimants. All the citizens consulted recall that the former regime had already initiated a property compensation program, a process felt to have been extremely arbitrary, capricious and exercised under coercion. Therefore, the population seems very sensitive to the general principles under which new reforms will be undertaken. Focus group participants echoed the recommendation by roundtable participants that the new Constitution should include an explicit reference to the sanctity of private property and private ownership.

## RECOMMENDATIONS

### 1. Introduce an article in the Constitution recognizing and protecting private property rights.

The intent is to provide a ‘clear signal’ to all stakeholders that the issues will be addressed. This would diminish much of the uncertainty that currently exists in the country, and reduce the likelihood that parties will take violent or unilateral action to enforce or protect their claims. That the protection of private property rights be included in the Constitution was unanimously mentioned by all Libyan citizens and professionals consulted in the program.

### 2. Announce and publicize a national policy framework for the adjustment of property rights.

A national housing, land and policy framework is needed. This framework could acknowledge the challenges, provide basic principles, clarify claimant eligibility, describe the scope and timing property rights adjustments, and broadly outline a dispute resolution process. The policy framework should include a pledge to carry out the property rights adjustment process efficiently, transparently, and with fairness to all parties. It could either be set as a preamble to the Draft Land Law or issued as a separate and widely publicized policy declaration.

## II. LAND ADMINISTRATION

### SUMMARY OF FINDINGS

The Inception Mission concluded that several parallel land administration traditions exist in Libya today. Broadly, these systems can be classified into three groups: (1) Gaddafi-era laws, edicts, and decisions; (2) the Ottoman, Italian, and Kingdom of Libya land administration systems which pre-date Gaddafi; and (3) Koranic laws that govern property ownership, in particular, inheritance. In certain parts of Libya, local customary practices also play a role in land administration. Property rights are currently administered by at least 10 different government ministries and agencies, in addition to the compensation committees and subcommittees created by Gaddafi in 2006. Legal professionals confirmed that this overlapping and sometimes conflicting administrative system increases confusion regarding property rights and would complicate adjudication processes. According to the legal report, a major flaw in the Draft Land Law is the lack of designation of a central government authority responsible for land and property reform.

In addition, many urban participants to the roundtable (especially from the Former Owners Association), as well as women and investors from the focus groups, highlighted the practice of corruption and favoritism inherited from the Gaddafi era. Participants feared that corruption would be perpetuated without a major restructuring of the entire land administration system. Women from NGOs, media and universities suggested that a strong anti-corruption policy should accompany these administrative changes. It is recognized that government agencies lack modern equipment needed for cadastre and claims registration systems as well as the capacity to handle the challenging task of reforming property

administration. Businessmen, women and academics highly recommend that the GoL work with international experts to improve technological and human capacities.

Finally, many citizens reiterated the complexity of property rights issues in Libya, suggesting that solutions will require more than strictly legal interventions, necessitating broad input and independent research. Businessmen and real estate professionals explained that property disputes are aggravated by post-revolutionary migration into larger cities at a time when legal real estate construction is at a standstill. These trends lead to an over-estimation of the ‘market value’ of the properties subject to compensation. Religious leaders and other experts should be involved in the discussion as well, especially on matters of inheritance and gender inequalities. The government’s efforts to legislate property rights should be complemented by independent research on related issues such as housing, market analysis, gender, customary practices, and cadastral systems.

## RECOMMENDATIONS

### 3. Identify or create a central institution responsible for the adjustment of property rights.

Land tenure, housing and property rights reform processes should be centralized in a single institution composed of officials from various agencies and ministries. This central institution would be responsible for the management of the claims registry, policy and legal recommendations, land administration and cadastral systems, and for lodging and adjudicating claims. It would compile and categorize existing records; provide a systematic, equitable and transparent claims registry mechanism; and enable rational, evidence-based formulation of policies and programs for property rights adjustment.

### 4. Develop a Unified Code of Property.

Legal professionals and businessmen suggest consolidating property rights decrees and acts governing agricultural land, urban housing, commercial use and public estate into a unified code. A Unified Code of Property simplifies the work of legal professionals, reassures investors of tenure security, and sends a clear political signal on government positions. This unified code would prove particularly useful if the GoL chooses to involve the courts in claims adjudication.

### 5. Invest in training, technology and technical assistance.

All focus groups recommended GoL invest in technology, training and technical assistance to improve the cadastral system, reconstitute the national claims registry, and strengthen property rights administration. The Inception Mission also suggested that the GoL embed international experts within institutions charged with property rights programs and policies. Finally, the legal report suggests the GoL undertake study tours to comparable post-conflict/post-socialist environments to learn from their experiences in addressing property restitution, compensation, and substitution.

### 6. Support the creation of a Center for Land and Property Rights Research and Policy Development.

The legal report advocates for the creation of an independent center for land and property rights. This center could be housed within an academic institution. It would focus on providing government, civil society, and the private sector with informed policy options based on applied research and analysis. Similar centers have proven to be effective in finding workable solutions to a broad range of difficult land tenure and property rights issues. Examples of successful centers include the Lincoln Institute of Land Policy in Cambridge, Massachusetts; the Center for Urban

Policy Research at Rutgers University; the Land Tenure Center of the University of Wisconsin; and the Van Vollenhoven Institute for the Interdisciplinary Study of Law at the University of Leiden in the Netherlands. Academics from the University of Tripoli and women intellectuals in the focus group expressed much support for this idea. The GoL should explore innovative public/private partnerships to fund the creation of this Center.

### III. LOCAL DISPUTE RESOLUTION

#### SUMMARY OF FINDINGS

Traditional and informal conflict prevention and dispute resolution techniques have reduced violent confrontations between former owners and current occupants of properties in Libya. A variety of individuals and groups address tribal land conflict, including reconciliation committees, community elders, CSO representatives, militia leaders, religious leaders, and other intermediaries (e.g., *hukama*). Further strengthening the capacity of these individuals in alternative dispute resolution (ADR) could ameliorate property-related disputes in the rural areas and serve as a model to address the large number of property disputes in urban areas.

Many roundtable participants expressed the opinion that former owners should be permitted to recover their properties, with suitable compensation for damages and lost income. At the same time, participants in the focus group discussions and the legal report recognized the rights of current occupants - many of whom paid proper mortgage to the government - and believe that the current government should be responsible for their relocation to suitable housing or commercial space. This is seen as the proper application of Islamic principles of justice. Intervention by local elders and reliance on local reconciliation committees and tribal leaders are seen as the best ways to prevent and manage conflict between former owners and current occupants, until a final settlement can be reached. There is a need, however, to recognize the validity of these informal conflict management/dispute resolution processes by law, and to allow any agreements reached to be incorporated as binding decisions into the system of official property records.

#### RECOMMENDATIONS

The GoL should:

7. Improve conflict prevention and alternative dispute resolution skills and methods.

The provision of alternative dispute resolution training and related technical resources to local councils can provide considerable benefit in this context, as formal mechanisms for resolving housing, land and property disputes are not fully functional. Support to individuals and institutions providing these services would also improve their ability to serve their local communities more effectively. The training materials should draw on customary systems for dispute resolution, on the *hukama* system, and on fundamental Islamic values, which emphasize social compassion and compromise. The GoL might consider appointing a national or international organization to design a training module. “Lessons learned” from these interventions could be compiled and then broadly disseminated.

8. Make alternative dispute resolution official as a form of preliminary adjudication.

In order to resolve many property rights disputes, especially in the rural areas and small cities, the GoL and judiciary authorities might consider adopting a set of basic ADR principles, which, if

followed rigorously, would constitute a preliminary adjudication that could be later sanctioned by the formal judiciary. In addition, agreements should be communicated to the central claims registry as final and binding decisions.

## IV. DOCUMENTATION OF RIGHTS

### SUMMARY OF FINDINGS

Real estate professionals, legal professionals and many participants to the roundtable and focus group discussions assert that many deeds and property documents are privately held. This is in spite of Gaddafi's "war on property rights"<sup>1</sup> and the partial destruction of the Public Property Registry. Documents include those from pre-Gaddafi land administration systems, duplicates of Gaddafi-era deeds, as well as notarized, unregistered property rights agreements. Moreover, the Compensation Supervision Committee of 2007 also generated around 25,000 files that could be used to document property rights.

The Inception Mission and the three focus group discussions recommend the establishment of an official and central claims registry that allows all parties to register claims. Additionally, the government is encouraged to retrieve and compile all existing property rights data. Legal professionals and the legal report added that procedures for registration should be clearly articulated and publicized and include a specified period of time within which to lodge a claim, after which the property would revert to the national public estate.

### RECOMMENDATIONS

9. Collect representative quantitative data on the prevalence of property disputes, property documentation and access to justice in property disputes.

A national representative survey on housing, land and property rights; land disputes; access to formal justice; and land dispute resolution would be highly beneficial. The survey would gather data on overlapping property claims, review relevant documents, identify dispute resolution options, and ascertain levels of threat or violence associated with disputes. The data could potentially permit rigorous monitoring and evaluation of both government programs to manage and resolve property disputes. Most importantly, it would allow state and non-state actors to get a better understanding of the scope of the problem and to identify high-risk cases requiring immediate assistance.

10. Create a property registry to document claims.

Central to a new property rights legal framework is a comprehensive property database. This would entail compiling data on existing claims and soliciting information and documents on new claims. In cases where only one claimant comes forward with a valid claim, the property would be registered in his/her ownership. Where competing claims are filed, a special tribunal or other appropriate body would be given responsibility to resolve the dispute. Where no claimant appears, the property would revert to State ownership. These steps are further fleshed out in the Inception Report. Business professionals suggest the GoL could look to the private sector to establish and manage an efficient electronic registration system.

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<sup>1</sup> Interview, Real Estate Registration Office Administration and 2007 Committee Officials, December 2, 2012, Misrata.

11. Provide clear timeframe, scope, target and procedures to lodge and adjudicate a claim.

The legal report notes that the Draft Land Law lacks important details to fairly and adequately legislate property rights. The following additions to the Draft Land Law would help bring clarity to the adjudication process: (1) a timeframe or category of seizures eligible for restitution, (2) a prescribed window of time to lodge claims, (3) criteria for restitution eligibility, (4) a ceiling on the amount of land and other property per claimant, (5) compensation and restitution guidelines, (6) a process for valuation of seized property, (7) the adjudication procedure, and (8) the specific circumstances under which property will be retained by the state.

## **V. PUBLIC AWARENESS AND NATIONAL CONSULTATION**

### **SUMMARY OF FINDINGS**

Throughout the consultation exercises, the project team noted a gap between the willingness of government officials to address the problem of property rights and the lack of information by the public at large. Even while the Draft Land Law was published on the website of the Ministry of Justice in March, 2013, as of June 2013, very few individuals seem to be aware of the law. The policy roundtable and focus group participants suggest that the government launch a national public awareness and information campaign to increase public understanding of the law and its implications. The campaign could provide information on the legal framework and accurate data on property values, while also highlighting opportunities for public participation in the law's refinement and implementation. A central component of this campaign would be a series of nationwide consultative meetings to maximize participation and minimize the risks associated with the real or perceived exclusion of underrepresented groups such as current occupants, heirs, rural women, and internally displaced persons.

### **RECOMMENDATIONS**

12. Launch a large information and consultation process.

A national public information and awareness program should be initiated, combined with a policy dialogue involving all stakeholders. Periodic progress reports and updated policy framework statements could be issued and widely publicized by the government.

13. Recognize the rights of underrepresented groups.

It is recommended that the national consultation process meaningfully integrate underrepresented groups, including heirs, current occupants, women, and internally displaced persons. At the same time, the injuries and rights of former owners also need to be acknowledged.

# 4.0 EMERGING ISSUES

The following issues appear to the SJSSPR team of consultants as critical to the future peace and stability of Libya. The team presents these emerging issues as factors that merit continued discussion and debate. The second roundtable may indeed build on our considerations.

## RESTITUTION AND COMPENSATION

Roundtable participants expressed the opinion that former owners deprived of their property by Gaddafi's Law 4 should be permitted to recover their properties, with suitable compensation for damages, lost income and for pain and suffering. In the event the former owners decline to take back their actual properties (or in cases where this is not practicable), former owners wish to receive full compensation at current market value plus loss of income since the time of confiscation. Focus group discussants stressed that former owners are not a homogenous group; they include poor people who paid a mortgage to the government in full. The rights of those occupants should be recognized. A systematic restitution process could risk creating new internally displaced people, if not new sets of grievances. On the other hand, as explained by investors and real estate experts, full or systematic compensation may not be the solution either, as the current market value of urban properties is highly overrated, resulting in correspondingly high expectations of property values by former owners.

The Draft Land Law favors restitution, which is in line with the international Pinheiro Principles. However, restitution may not always be preferable to compensation, particularly in cases where claimants would return to regions where their families have not lived for a long time or where they may face hostility from their neighbors. The case of Bosnia shows many examples of claimants who had to sell their recently restituted property for a meager price due to fear of living in a hostile environment. While this problem may not necessarily affect properties compensated under Law 4, it is very vivid for those people who were recently displaced during or after the revolution. The legal report concludes that large-scale restitution should be framed within a broader transitional justice policy, which includes non-property dispute resolution as well as a thorough reconciliation process.

The Draft Land Law does recognize the possibility of compensation. However, as the legal report points out, it does not define the circumstances or the corresponding procedures. In addition, other problems arise in the case of full compensation, including the financial means to cover this possibility. For this reason, a preliminary inventory of affected properties and survey of former owners is necessary to gauge the potential demand for compensation.

The problem of government funding seems to be of particular concern to businessmen, women and real estate professionals who fear that the issuance of a law without the proper means to implement it would be highly counter-productive. Whether the government chooses restitution or compensation, it would have to embed property rights legislation within a larger policy framework, which includes construction of alternative housing (for the current occupants), careful definition of market value, and transitional justice.

## **ADJUDICATING CLAIMS**

Legal and business professionals discussed at length which institutions would be best equipped to address claims-related disputes. Some believe the courts would be the best venue, but others questioned whether the courts have the proper technical knowledge or the capacity to efficiently expedite cases. Potential alternatives to the courts include the National Real Estate Registration Office or special adjudicatory tribunals comprised of respected judges, technicians and elders. Key interests in both the Inception Mission and the focus groups are efficiency and transparency of the process.

## **INTEGRATION OF WOMEN'S RIGHTS**

While there was some recognition that unequal access to land and property will affect their economic development, women seemed hesitant to discuss property rights directly, preferring to focus on social justice and economic development topics. Basic principles of the Shari'a Law regarding women as heirs, for instance, are reportedly not applied, especially in the rural areas. The legal report also mentions that careful interpretation of the Hadith may be necessary to recognize the specific rights of particularly vulnerable women such as women who are heads of household. Future consultations would ideally hold separate focus group discussions with women in the rural areas and smaller cities to elicit more frank discussion.

Further issues may emerge during the final round-table to supplement these considerations (see Annex I).

# ANNEX I: SUMMARY RESULTS OF THE SECOND POLICY ROUNDTABLE

[Content to be added following the August 25-26 roundtable in Tripoli.]

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