



PA-X SPOTLIGHT: GENDER



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# A Gender Analysis of Peace Agreements and Transitional Documents in Libya, 2011-2018

Robert Forster



This research draws on the PA-X Peace Agreement Database ([www.peaceagreements.org](http://www.peaceagreements.org)), a database of all peace agreements at any stage of the peace process from 1990 to 2016. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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## PA-X Spotlight Series

The PA-X Spotlight Series addresses questions regarding comparative peace processes, asked by those seeking to influence peace and transition processes in becoming more inclusive. Each Spotlight provides brief comparative peace agreement material regarding a key issue, sometimes with reference to the specific context from which the question originated, and sometimes framed more generally. This Gender Series deals with questions posed by a range of actors in the MENA region, with reference to women's meaningful participation as well as gender-sensitive and responsive approaches.

This Spotlight addresses the questions:

How did peace agreements and transition documents signed in Libya between 2011 and 2018 provide for the inclusion of women and gender? When and how are women and gender explicitly mentioned in the agreements, and how are some key areas relevant to gender equality dealt with?

## Introduction

In this Spotlight, we review 26 peace agreements and transition documents signed in Libya between 2011 and 2018, assessing how they provide for the inclusion of women and gender.<sup>1</sup> There are different notions of how to analyse gender in peace agreements and peace processes (see Box 1).<sup>2</sup> Here we review when and how women and gender are explicitly mentioned in the agreements, and how some key areas relevant to gender equality are dealt with.

The analysis primarily focuses on two documents, the [Constitutional Declaration of 2011](#)<sup>3</sup> and the [Libyan Political Agreement \(LPA\)](#) of 2015. Together, these documents were to function as Libya's interim constitution for the transitional period. Even though the LPA was not formally adopted by Libyan political institutions, both documents provide a framework for ongoing formal peace talks. The Spotlight goes on to provide an overview of eight intercommunal local agreements as well as ten localised ceasefire agreements (see summary of agreements in Appendix). The analysis concludes that while there are increased references to women and their participation in Libya's main transitional documents over time, specific provisions for women are ad hoc across Libya's national and local peace processes; there is little evidence of a gender sensitive approach and none of the agreements are fully gender responsive or gender inclusive (see Box 1 for definitions).<sup>4</sup>

### Box 1: Gender Perspective Framework (Buchanan and True 2018)

Gender sensitive agreements show a conceptual/theoretical awareness of gender inequalities, but do not extend this further.

Gender responsive agreements are informed by a gender sensitive analysis and "enable operational and practical capacity [...] that [is] feasible and measurable."

Gender inclusive agreements combine gender sensitivity and the gender responsiveness to "enhance women's substantive representation and meaningful participation in decision-making processes."

# The Agreements of Libya's Unfolding Transition: Background

The Libyan transition has been mediated by several documents, but two have been key to the process: the [Constitutional Declaration \(2011\)](#) and the [Libyan Political Agreement \(2015\)](#). This report starts by briefly describing these documents, and then moves on to examine their gender content, pointing to areas where a fuller integration of the gender perspective could be adopted.

## Constitutional Declaration, 2011

The Constitutional Declaration was issued on 3 August 2011, by the National Transitional Council (NTC), a provisional revolutionary government opposing the regime of Muammar Gaddafi. The Constitutional Declaration sets out the basic institutions for government (which are based on regional representation), in addition to outlining a bill of rights and a transitional roadmap aimed at facilitating the peaceful transfer of power to a constitutional democracy with an elected government. In practice, the transition failed to progress as a result of a political split within the country, whereby two camps emerged following the refusal of the General National Congress (GNC) (elected in 2012) to recognize the election of the 2014 House of Representatives (HoR). This resulted in two rival legislatures, the GNC in Tripoli and the HoR in Tobruk, with both sides deploying armed groups to support their political ends in the 2014 conflict. The gender provisions of the Constitutional Declaration are addressed in Part II below.

To overcome the impasse, the United Nations (UN) brokered the Libyan Peace Agreement which was signed by representatives from both the HoR and GNC on 17 December 2017. Negotiations for the LPA were opened in 2014 to include multiple tracks: a main political dialogue track being supported by parallel tracks with representatives of political parties, tribes, military groups, civil society organizations, municipalities and local councils. In 2015 a women track was announced.

In practice the talks did not proceed smoothly. The participation of the political actors was viewed as key in a context of GNC boycotts, however a multi-track process was created to ensure participation and civil society groups (CSOs) were present.<sup>5</sup> Two of the negotiators in the political track were women: Naima Muhammad Jibril and Nihad Amr Maiteeg.<sup>6</sup> According to Article 65 of the LPA, the Constitutional Declaration was supposed to be amended in response to the agreed measures, in a sense constitutionalizing the agreement. The HoR adopted the LPA in January 2016, but failed to formally ratify the agreement. The HoR then refused to endorse the government proposed by the Presidency Council which included representatives from Libya's major political constituencies. Therefore, despite the formation of a Government of National Accord (GNA) in January 2016, the High State Council (composed for the most part of former GNC members) and HoR never fully transformed into the respective advisory and legislative bodies envisioned by the LPA. There have been multiple attempts at breaking the deadlock since 2016. In January 2017, the parties identified six main issues outlined in the Hammamet Agreement (see Appendix). Attempts by French President Emmanuel Macron to broker an electoral timetable were followed by a push from the new UN Special Envoy Ghassan Salamé to launch a UN roadmap (or Action Plan) during a 'High-level meeting on Libya', hosted around the margins of the 72<sup>nd</sup> UN General Assembly in September 2017.

The UN Action Plan for Libya intended to: amend the LPA by agreement; hold a National Consultation Process; hold a referendum on the constitutional proposal (the constitutional proposal was adopted by the constituent assembly in July 2017)<sup>7</sup>; and, finally, to facilitate elections.<sup>8</sup> In the summer of 2018, a preparatory National Consultation Process was implemented as a series of 77 town hall meetings across Libya.<sup>9</sup> Among the participants in the National Consultation, which was facilitated by the Centre for Humanitarian Dialogue (HD), women made up 20 per cent. Additionally, women-only sessions were held to ensure greater participation of women in the process. The gender provisions of the LPA are addressed in Part III below.

## Local Agreements

Meanwhile, the fragmentation of the state has led to multiple attempts to consolidate peace on the sub-national level, between various formal and informal groups, based on a number of organisational, kinship, geographic and ethnic ties. These have resulted in a number of inter-communal agreements.<sup>10</sup> For example, a range of armed groups have negotiated territorially limited ceasefires on multiple occasions. In addition, various groups have negotiated agreements seeking reparations or reconciliation and setting out codes of conduct. Some of these were negotiated in support of the Constitutional Declaration and LPA, whereas others have been negotiated outside this framework. A list of peace agreements from Libya that have been made public are included in the Appendix, although this list does not claim to be comprehensive, and the degree of implementation of many local agreements is unclear.<sup>11</sup> The gender provisions of these agreements are addressed in Part IV below.



## I. The Constitutional Declaration, 2011

The Constitutional Declaration is a short document intended to provide a basic framework for government during the transition. It consists of five sections in addition to an untitled Preamble. The Preamble sets out the ideological 'stage' of the document, emphasising the revolutionary principles that led to the overthrow of the Gaddafi regime, as well as the goals and principles of "tranquillity and justice", stability, Islam, and the end of dictatorship. In Part One, the Declaration provides for six principles defining the symbols and nature of the state, including the flag, anthem, and language (Arabic), and the goal of establishing a pluralist democracy with peaceful transfers of power (Arts. 1-4). This section further provides for rights, including freedom around practicing religious rituals, and equality of Libyans before the law, but there is no straightforward non-discrimination clause despite the general references to equality contained in Article 1.

Part Two of the Constitutional Declaration contains a bill of rights that addresses: equal opportunity; adequate standards of living; the right to work; education; asylum; privacy and sanctity in the home; health care and social security; as well as intellectual and actual property rights (Arts. 8, 10-13, 16). Other civil rights include: freedom of opinion; press; movement to strike or demonstrate; and the freedom of assembly and to form associations (Arts. 14-15). Part Four of the Constitutional Declaration contains judicial guarantees that provide for the right to fair trial, rule of law, judicial independence, access to the judiciary and a prohibition on 'exceptional courts' (Arts. 31-33). Article 33 forbids the formation of laws that prohibit court rulings against ratified legislation.

Beyond principles and rights, the central aspect of the Constitutional Declaration is found in Part Three on the Form of the State (Arts. 17-30). Article 30 provides specifically for the transition roadmap, with a strict timeline that includes the election of a transitional legislature (the GNC – to which 33 women were elected in 2012<sup>12</sup>), and the drafting and ratification of a new constitution. Finally, after drafting an electoral law and holding elections supervised by the UN, the transition ends with the first session of the new permanent legislature. The final provisions of the Constitutional Declaration provide for the repeal of the existing constitution, but existing legislation that does not contravene the Declaration is maintained (Arts. 34-35). It further outlines that amendments may be undertaken by a two-third majority vote by the NTC (Art. 36).

### Gender Relevant Provisions:

From a gender perspective, the Preamble highlights the desire for 'justice' and 'equality' as well as ideals including human rights and democratic rights that imply principles of gender equality. Article 5 states that "the family is the basis of society", and "the state shall encourage marriage", and that the family in addition to "motherhood" is guaranteed protection by the state. Except for 'motherhood', women are not mentioned explicitly.<sup>13</sup> There is no further detail on how the State is to 'encourage' marriage and this is left open to interpretation. These clauses are a reflection of the family being "the fundamental institution that socializes the individuals to the core values, traditions, and cultures of [Libyan] society."<sup>14</sup> Another clause that prohibits the spouses of members of government from purchasing or renting state-owned property during their terms in office uses the masculine form of the term 'member of government' (Art. 21).

### Gaps in the Agreement:

The Declaration has an equality clause (Article 6) framed in general terms without an explicit statement of equality for women. The text does not use gender neutral language and uses (male) gendered titles, for example, the use of male terms for positions such as ra'is (head, chair, president). These could be interpreted as signalling the exclusion of women (ra'isah signifies the feminine version of ra'is) and can be drafted in Arabic to include both genders (ra'is aw ra'isah). The bill of rights contains provisions for the protection of some categorical rights, and talks of equality of opportunity in Article 8, but again without specific mention of women or gender. In 2017, a report by the United States Department of State noted that equality and other rights had not been adequately enforced and lacked implementation legislation.<sup>15</sup>

A gender perspective is absent in the formation of transitional institutions listed in the Constitutional Declaration (Arts. 17-30). Among the members appointed to the NTC in February 2011, initially only one was a woman (Salwa el-Deghali, Women's Affairs).<sup>16</sup> The second woman among 73 declared members of the NTC, Hania al-Gumati (responsible for social welfare), joined the NTC executive committee in May 2011.<sup>17</sup> Four women were also represented in the cabinets of the two subsequent interim governments under Abd al-Rahim Keib and Ali Zeidan.<sup>18</sup> Law 59 of 2012 pertaining to the election of municipal councils states that at least one member of each municipal council must be a woman.<sup>19</sup> Stipulating the involvement of women can be effective in ensuring the public visibility of women in transitional bodies and could be extended to include diplomatic appointees and other offices. This point was emphasised by a group of 35 Libyan women activists in January 2015, who argued for 45 per cent representation of women in elected councils and 33 per cent representation in the constitutional court.<sup>20</sup> On a general note, confidence building measures (CBMs) and security arrangements are absent from the Declaration, therefore institutions were ill-equipped to counter the proliferation of armed groups that emerged as the conflict continued to mutate.<sup>21</sup>

## II. The Libyan Political Agreement

The LPA is the longest and most comprehensive of Libya's transitional documents. Moreover, it continues to provide a framework for several of Libya's conflict parties, including being hailed as "the only viable framework to pursue an inclusive and sustainable path towards the stabilisation of Libya" at the Palermo Conference, held in November 2018.<sup>22</sup> This section outlines the general structure of the agreement: the principles of the state and human rights; political institutions and processes; and security arrangements.

### Principles and Rights

The Preamble of the LPA echoes the Constitutional Declaration, in providing a narrative of the path of Libyan politics, explaining the emergence of the three legislatures (NTC, GNC) (and later High State Council (HSC) – see below), and House of Representatives (which we will continue to term the HoR, despite a designated change in status by LPA). It also explains the relationship of these bodies to each other, as well as the important contributions of other stakeholders, including women's organisations. Meanwhile, the Preamble underscores the parties' commitment to rule of law, democratic ideals, judicial independence and respect for legal rulings, concern around human rights violations and 'terrorist' groups, as well as condemning the former Gaddafi regime.

The Agreement then moves on to cover 'Governing Principles' reiterating aspects of the Preamble and emphasising commitment to the Constitutional Declaration (Principles 2, 4 & 9). The LPA further commits to the decentralisation of the state, the rule of law, and the institutions established by the LPA (Principles 10-14 & 29). Other Principles emphasise: state monopoly on the use of force and control of the army and security services; the criminalisation of non-state violence, terrorism and incitement of hatred; transitional justice principles including the right to return, reparation, accountability and prisoner release; and cultural, natural and state resources (Principles 15-27, 30-32).

### Gender Relevant Provisions:

Several provisions in the Preamble and Principles sections have a gendered component, including recognition of “the important role of women,” and their “equal contribution,” and the “need to increase their decision-making role in relation to those efforts.” References to international humanitarian law, international treaties to which Libya is party, pertinent UN Security Council (UNSC) resolutions, and “international obligations”, while not specifically mentioning women’s rights, highlight the need to adhere to international commitments that include women’s rights, such as UNSC Resolutions 1325 and 1820 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which Libya acceded in 1989.

In other provisions, there is no explicit reference to women or discrimination on the basis of sex, although there are general commitments to human rights and equality (Principles 4, 8 & 23). Principle 8 affirms “the principle of equality [...] in terms of civic and political rights and equal opportunity, and rejection of any discrimination [...] for whatever reason.” Provisions related to transitional justice have no specific reference to women or gender, but do touch on issues affecting women, including reparations, voluntary return to their homes, accountability, reform of state institutions, and human trafficking (Principles 26-28).

### Gaps in the Agreement:

The principle of equality between genders is implied through references to human rights and the ‘rights of Libyans’. Nonetheless, an explicit provision providing for non-discrimination on the basis of gender and ideally other grounds of discrimination would be stronger. Similarly, use of gender-specific language such as the ‘rights of Libyan men and women’ can signal the importance of gender equality. As noted by Buchanan et al., gender-neutral third-person pronouns can be used to ‘hide exclusion.’<sup>23</sup> In relation to the Libyan Constitution, the set of women’s rights advocated for by a group of 35 Libyan women in January 2015 included: the right to a free education to a secondary school level; the right to nationality; the transfer of property; the criminalization of violence against women and girls and forced marriage; and for “a decent life for retirees, divorced women, widows, women heads of households, and women who have never married.”<sup>24</sup>

Transitional justice and post-conflict crime have different effects on women and men respectively. While the LPA highlights “voluntary return” of refugees and displaced persons, it is usually women that first return to their communities following conflict. Provisions for their security and rights would have been stronger if gender-specific outreach mechanisms had been put in place and tasked with identifying priorities for reconstruction and service provision, as well as providing mechanisms of accompaniment.<sup>26</sup>

Principle 5 of the LPA, following from the Constitutional Declaration Article 1, emphasises that “Islamic Shariah will be the source of all legislation, and that all [laws] that contradict it shall be null and void”. Islamic ‘supremacy clauses’ are prevalent in constitutions worldwide and are most often introduced into constitutions during moments of liberalisation (such as when negotiating peace agreements).<sup>27</sup> In their review of constitutions, Ahmed and Ginsberg find that the incorporation of Islamic supremacy clauses in constitutions often correlate with a greater number of human rights provisions.<sup>28</sup> In the context of Sharia provisions from the Aceh conflict, Buchanan et al. note that gender rights may be strengthened further by highlighting pre-existing international obligations and international legal standards understand that equality standards should take precedence over inconsistent national, local or cultural laws.<sup>29</sup> When drafting the new Libyan Constitution, consultations with 35 Libyan women activists emphasised the principle of gender equality in Islam, in addition to the necessity of emphasising ‘Islamic principles’ as a legally established term that “allows for active interpretation of the religious text”.<sup>30</sup>

## Political Institutions

### 1. Government of National Accord (GNA)

As envisioned by the LPA, the GNA was to consist of two main bodies in addition to sub-committees and have an initial mandate of 12 months, to be extended by another 12 months. In December 2017, the United Nations Security Council emphasised the continuity of the LPA throughout Libya's transitional period. The two main bodies of the GNA are a Council of Ministers and, within that, the Presidency Council for the Council of Ministers (PC). The Council of Ministers consists of a Prime Minister, five Deputy Prime Ministers and three Ministers (Art. 1.2). The PC consists of nine members: the Prime Minister; five Deputy Ministers; and three further Ministers. Of these three further Ministers, one shall be the President of the Council of Ministers and Legislation Affairs; the second, Minister for Specialized Councils Affairs; and the third, Minister for Civil Society Affairs (Art. 1.3). Mandates and priorities of the GNA and the PC are stipulated (Arts. 3, 7 & 9) and the Article provides further details on how the legislature may withdraw confidence from the GNA (Art. 1.5), how the Prime Minister may dismiss Ministers (Art. 6), and specifies the procedure for dealing with vacancies (Arts. 4 & 5; Additional Provisions, Arts. 9-10).

Decisions have to be made unanimously including those made by the Council of Ministers and the Presidency Council. The Prime Minister and Deputies choose other Ministers based on representative criteria and the principle of unanimity (or majority vote), and in consultation with the parties to the Libyan Political Dialogue (Art. 2). The Presidency of the Council of Ministers must agree to all appointments (Art. 2.3). The GNA also establishes a Joint Commission with the State Council (the GNC) and the House of Representatives (the HoR), to agree on the competencies of the Supreme Commander of the Libyan Army and other senior officers (Art. 10). These requirements provide, in essence, for some element of power-sharing between different Ministers and interests.

### Gender Relevant Provisions:

On the establishment of the GNA, the principle of equal opportunity is evoked (Art. 1.2) and further strengthened by Article 2.2, which states that the GNA shall give "consideration to fair representation of women and youth". Moreover, to promote women's inclusion the GNA is mandated to form a Women's Empowerment and Support Unit that operates under the PC (Art. 11). The United Nations Support Mission in Libya (UNSMIL) also has a Women's Empowerment Section.<sup>31</sup>

### Gaps in the Agreement:

Despite the call for fair representation of Women, Annex 1 of the LPA listing the membership of the Presidency Council does not mention any women and no women have been appointed since. The first Council of Ministers appointed by the GNA in February 2016 included three women: Faïda Mansour El-Shafi (as Minister of Social Affairs); Amsa Mustafa Usta (as Minister of State for Women's Affairs and Development); and Iman Ben Younes (as Minister of State for Institutional Reform).<sup>32</sup> It is possible in a transitional appointed government to designate seats for non-armed groups and CSOs, to ensure broad-based participation as well as specifying the criteria of selection. This type of provision could also have been used to provide for specific inclusion of women in the GNA and even the Council of Ministers and its Presidency Council (PC). Emphasis on the inclusion of women, and gender balance, could have been included in the mandates of the PC and GNA to make appointments to sub-committees and form the National Defence and Security Council. Providing for women's representation in the selection of Ambassadors and Libyan representatives by the PC may also have been a valuable addition (see Art. 8.2.c).<sup>33</sup> In retrospect, the LPA could also have included a clear and agreed upon mandate and commitment to geographic, age, tribal, and political diversity within the Women's Empowerment Unit (formerly Women's Empowerment and Support Unit), which was paralysed due to political deadlock and not implemented until October 24, 2018.<sup>34</sup>



## 2. House of Representatives (HoR) and High State Council (HSC)

The HoR performs the legislative functions during the transition in accordance with the Constitutional Declaration (Arts. 12-13). To ensure agreement, the HoR is to have oversight of the GNA and provide it with a vote of confidence, in addition to ratifying the budget and passing legislation (Arts. 13-14). But the LPA also provides a new political institution called the 'High State Council' (HSC). This is in an attempt to incorporate members of the General National Congress (GNC), the body which had replaced the Constitutional Declaration's National Transitional Council after elections in 2012, into the political structure. The HSC is to be comprised of the 134 male and female elected members of the GNC and also 11 members 'male and female' who were on the GNC electoral lists.<sup>35</sup> The HSC is to form what would essentially be a second legislative body based in Tripoli.

The HSC and the HoR are to take 'consensus' decisions, and both are to be dissolved following the first session of the legislature elected by the new Constitution (Arts. 18 & 22.2). The HSC is to function as an independent advisory body in accordance with an amended Constitutional Declaration and may submit binding opinions to the GNA regarding draft legislation that may be taken into account by the HoR (Art. 19).<sup>36</sup> The HSC must respond to GNA requests for advice on any matter within three weeks (Arts. 19.4 & 25.1). All parties commit to cooperate (Art. 23.2). In joint-collaboration, the HSC and HoR are to decide on several leadership roles in the state, as well as forming a joint committee to draft legislation on the constitutional referendum and elections, according to the constitution (Arts. 15 & 23.1).

### Gender Relevant Provisions:

The HSC's mandate provides for it to propose legislation on social development projects and legislation to combat exclusion, as well as policies on the safe return of displaced persons (Art. 24). Language regarding both the HoR and the HSC is gender-neutral in tone, and Annex 3 specifying the organisation of the HSC's work, specifically refers to 'male and female' members. Furthermore, the transparency procedures outlined in Article 8 of Annex 3 declare that sessions should be public and open to the media, and this provides some opportunity for women and women's organisations to remain informed, mobilise in response to events, and perhaps even provide feedback on HSC decisions by targeting sympathetic or strategic 'allies' within the HSC.

### Gaps in the Agreement:

Provisions relating to the HoR and HSC do little to promote women's participation. Measures, such as requiring gender balance or appointment of women in the selection processes and sub-committees of both institutions, could have ensured a measure of gender participation at that level. Article 15 on the selection of leadership positions within state institutions would ideally have included a commitment to the inclusion of women, and even special temporary measures to ensure a minimum number of women in these roles. Similarly, the formation of sub-committees by the HoR and HSC could have been used to promote greater women's representation (Arts. 16.3 & 25.2; Annex 3, Art. 6). Neither institution explicitly provides for women to occupy senior roles (Art. 21; Annex 3, Art. 3.2). Regarding the HoR, provisions delegating roles for women could have been accomplished through minor amendments to the Constitutional Declaration, depending on political will. Similarly, the LPA does not stipulate women's participation in the joint HoR-HSC commission on referenda and electoral laws. Electoral laws, in particular, provide an opportunity for incorporating measures to ensure a greater level of representation, by mandating women as candidates on electoral lists.<sup>37</sup> Regarding the mandate of the HSC, it would have been possible to introduce gender-specific language and priorities to underpinning issues, such as economic and social development projects, or the displacement of persons and exclusion (Art. 24).

### 3. Specialised Institutions and Councils

This section of the LPA provides for three articles. Article 53 calls for the establishment of a Supreme Council of Local Administrations to operate according to established legislation (Law 59 of 2012). Article 54 calls for the creation of a Reconstruction Commission. Lastly, Article 55 sets out that the GNA, within 45 days of receiving a vote of confidence from the HoR, will draft the terms of reference for the National Defence and Security Council.

### Gaps in the Agreement:

As with the establishment of councils and commissions elsewhere in the LPA, it would have been possible to provide for the participation of women in all three councils by making specific provisions for creating places for women. Using the existing legislation for the Supreme Council for Local Administrations, in the form of Law 59 from 2012, meant that a chance to include new principles such as equality was missed, in either its criteria for membership or in the use of gender inclusive language. To illustrate, Article 8 on Council Membership states that, "Before taking office [...], he shall submit a financial disclosure for himself, his spouse and children...".<sup>38</sup> In relation to the Reconstruction Council, the LPA does not provide detail for its operation, which is to be decided by the GNA. A government-led needs assessment, founded on broad-based community consultations, could be helpful in identifying gender-relevant issues and strengthening reconstruction and aid programmes.<sup>39</sup> Lastly, throughout the LPA, the establishment and mandate of the National Defence and Security Council is also general and opaque (see Art. 10). Article 55 which stipulates that the GNA shall draft legislation, could have represented an opportunity to introduce principles or main areas of focus of the Council, ensuring international human rights and inclusion standards. Libyan women consulted in relation to the constitution-making process also argued for the creation of a Supreme Council for Women as well as a special fund to promote women, paid for by the state budget.<sup>40</sup>

## 4. Constitutional Process

The GNC was originally responsible for deciding on how the constitution would be drafted, in very loose wording in Article 30 of the Constitutional Declaration (referring not to the GNC specifically but to the future elected body). In the LPA, Section 9 focuses on the constitutional process, and affirms the parties' commitments to the constitutional process and the role they have in finalising it according to the agreed timelines, as well as the independence of the Constitutional Drafting Assembly (Arts. 47-48). All parties guarantee the Assembly's security and the necessary resources to complete its duties (Arts. 48-49). The Constitutional Drafting Assembly is to issue a drafting timeline and a means for 'all cultural components' to participate (Art. 50). The HoR and HSC are to provide their opinion within 30 days of receiving the draft before it is sent to referendum (Art. 51). Finally, the LPA provides a cut-off point for constitutional drafting of 3 months and one week after its signing - a deadline that came and went - after which a five-person committee with members from the PC, HoR and HSC are to 'deliberate' the matter (Art. 52). The Hammamet Agreement, signed on 24 January 2017 also highlighted the need to finalize the Constitution (Point 6).

### Gaps in the Agreement:

This section could have been more explicit about the need for inclusion of women although it talks about “communication and access to all sections of the Libyan Society, inside and outside Libya” (Article 48). The only other explicit reference to inclusion is in a reference to the need to “work towards finding a suitable way for the all cultural components to participate in the work of the Assembly” (Art. 50). This language could have been broadened to specifically mention inclusion of women.

## Security

### 1. Confidence Building Measures<sup>41</sup>

Confidence building measures (CBMs) are primarily proposed in peace agreements as avenues for conflict parties to cooperate in pursuit of relatively short-term mutually beneficial aims, and to facilitate greater levels of trust. The LPA provides for CBMs relating to: missing persons; prisoner release; refugee assistance; a lifting of sieges; an end to hostile media campaigns; freedom of movement; and transparency in public finances (Arts. 26-29, 31-32). To facilitate some of these commitments, the parties agree to form an independent body on Missing Persons and a committee on Fact Finding and Reconciliation according to existing legislation, and to guarantee the independence of the National Council on Civil Liberties and Human Rights (Art. 26).

### Gaps in the Agreement:

A key aim of CBMs is to “consolidate the peace process and its outcome”<sup>42</sup> and this relies on buy-in from the largest segments of society, including women. With the exception of inclusive language guaranteeing freedom of movement for “men and women” (Art. 31) however, the section falls short of incorporating specific mention of women. The agreement established several new institutions that missed opportunities to ensure that legislation provided for the direct participation of women and civil society members in the membership of these institutions. Law 29 from 2013, which establishes a Fact Finding and Reconciliation Commission, does not include any gender criteria for membership.<sup>43</sup>

Information on the membership of the National Council on Civil Liberties and Human Rights is not publicly available. Specific provisions for the inclusion of women could have strengthened women's participation. The structure of these committees also does not mention gender in relation to their sub-branches, where the inclusion of women is important for implementation purposes. In the Fact Finding Commission, for example, comparative experience indicates that informants may be reticent in discussing incidents of sexual and gender-based violence (SGBV) with male interviewers. A lack of women in fact-finding roles can make it more likely that gender issues are not addressed. Another means of improving the participation of women and promotion of their rights, is through the establishment of formal seats on the committees dedicated to promoting gender equality or women's rights, or by creating mechanisms which enable CSOs to interact with the committees, particularly CSOs with a focus on women and including gender sensitivity in the mandate.

The LPA takes a macro perspective on several issues, including displaced persons and aid distribution. Rarely does it define terms or incorporate aspects which relate to or specify implementation mechanisms. In relation to displaced persons, the LPA encourages their voluntary and safe return, as well as to facilitating unobstructed communication with humanitarian organisations and agencies (Art. 27). Displacement in conflict settings makes women more vulnerable to SGBV, in addition to facing greater barriers in accessing education, healthcare and training.<sup>44</sup> Women heads of household may experience difficulty in securing aid.<sup>45</sup> The LPA does not dedicate attention to these issues or provide for basic aspects of post-conflict reconstruction, such as guarantees of shelter or counselling. Specifically, survivors of SGBV in Libya face stigmatisation, are pressurised to remain silent on the issue, and may not receive sufficient services.<sup>46</sup> Although the Council of Ministers issued Decision No. 380 (2012) on "establishing a psychological support centre for the victims of SGBV, torture and other humiliating or degrading treatment", its implementation could have been reinforced by specific references in the Agreement.<sup>47</sup>

Lastly, peace agreements from other conflict contexts often establish humanitarian principles, sometimes prioritising the release of detained women, particularly pregnant women, as well as children, the elderly and the sick.<sup>48</sup> The prioritisation of the release of women can be helpful in minimising risks including overcrowding due to inadequate facilities, a lack of gender-appropriate sanitation facilities, rape, harassment, and other forms of SGBV faced by women prisoners.

## 2. Interim Security Arrangements <sup>49</sup>

In contrast to the Constitutional Declaration, the LPA contains considerable security provisions providing for the establishment of a national army and police force (Art. 33), as well as interim security arrangements (Arts. 34-43). Undertaken by a temporary security committee (Annex 6), the interim arrangements include: a ceasefire (Art. 38); withdrawal of forces and cantonment (Arts. 39-40); disarmament and reintegration (DDR) (Arts. 41-42 & 45); dealing with terrorism (Arts. 35-36); monitoring and verification (Arts. 34.3.e, 34.4, & Annex 6); as well as institutional procedural modalities (Arts. 36-37).

### Gender Relevant Provisions:

The establishment of security is essential for post-conflict reconstruction. From a gender perspective, security for women is necessary to facilitate women's involvement in public life.<sup>50</sup> The LPA emphasises that aspects of the interim security arrangements are to be undertaken according to Libyan legislation, international humanitarian law and international human rights law (Arts. 36 & 42). Disarmament, Demobilisation and Reconstruction, and security reform will take place "in line with the best international practices and standards", implying the incorporation of gender sensitivity, and DDR, specifically, shall be "guided by the principles of non-discrimination" (Additional Principles, Arts. 6-7). The agreement highlights community involvement in ceasefire implementation, and includes 'men and women' in the consideration of community representation in sub-committees of the Committee for Monitoring the Implementation of the Interim Security Arrangements (Arts. 37.1 & 37.4).

### Gaps in the Agreement:

From a gender perspective, guarantees of security and the reigning-in of impunity is essential for women to remain in the public sphere. This is not just important in public life, but also in relation to the increased roles for women in everyday economic and social life, that may be a feature of conflict and post-conflict countries. There are three main areas where the LPA could improve its gender perspective in relation to security. First, by providing for the incorporation of women in the formation and deployment of security services, as well as placing greater emphasis on the recruitment of women into these roles, and also by incorporating gender sensitivity training into these institutions. Here the complex historical context has to be acknowledged. Women were once regularly included in the security services during the Gaddafi era, including as his private body guards.<sup>51</sup> This has influenced popular perceptions of women in the security services. The use of gendered language in articles on DDR and security reform can help underscore the inclusion of women in a positive way.

Second, the Committee for Monitoring the Implementation of the Interim Security Arrangements (CMIISA) makes no mention of gender requirements within its membership, which could be strengthened through stronger inclusion modalities. For example, Article 37 mentions the importance of community leaders in implementation monitoring and could specifically include reference to women leaders and women's organisations. There is no mention of active members receiving training relating to inclusion of women or SGBV. Provision such as this can spell out how these mechanisms will consult with women and CSOs to guarantee an active role in decision-making. Moreover, many of the processes overseen by the Committee do not promote women's rights. The LPA does not specifically recognise women's role as combatants, or as family members of combatants or abductees, and it does not provide specific guarantees for the security of women in cantonment areas. Although the DDR mechanisms noted in Articles 44 and 45 are to adhere to "international standards", these aspects could be strengthened through specific reference to gender-specific standards such as CEDAW and UNSC Resolution 1325. It would be possible to provide for a gender advisor to the CMIISA, to consult on these issues as well as providing training to CMIISA staff on the different needs of women in DDR processes and how to engage with women in the various communities.

Lastly, although the interim security arrangements provide for "ceasefire arrangements", these are not expanded. Ceasefires usually contain a list of issues which constitute violations.<sup>52</sup> SGBV should be listed as a violation for three reasons: (1) to ensure that these forms of attacks are monitored and recorded and viewed as ceasefire violations, and perhaps even used in post-conflict trials; (2) to help the on-the-ground effectiveness of the agreement and build a wider legitimacy for the process as a whole; and (3) to boost economic recovery by providing added protections for women and girls to undertake market activities and attend school.<sup>53</sup> In addition, despite evidence of landmine use in the Libyan conflict,<sup>54</sup> the LPA includes no provisions for de-mining activities that can improve the security of men, women and children in urban settings, along roads and on farm land.

## Implementation

### 1. International Support<sup>55</sup>

This section of the LPA outlines that the GNA may request the UNSC to issue a resolution in support of the agreement. If issued under Section VII, a resolution in support of this agreement would offer further legal underpinning of the LPA (Art. 56). This section goes on to state that the GNA section states that the GNA may request support from UNSMIL in developing a plan for further international support, particularly economic stabilisation (Art. 57). Lastly, Article 58 states that the GNA, UNSMIL and regional organisations will organise a donors' conference.

### Gaps in the Agreement:

Gender inclusion and women's rights could be strengthened by specifying the HoR and HSC's support for pre-existing and relevant UNSC resolutions including 1325. In addition, international donors can advocate on behalf of women and partner with and provide funding for local women's organizations and civil society, as well as fund programmes promoting gender equality and the empowerment of women.



## 2. Final Provisions<sup>56</sup>

The final provisions in the LPA focus on easing implementation by securing Tripoli and resolving the security issue in Benghazi (Art. 59). Furthermore, the parties commit to refrain from taking action inconsistent with the agreement and commit to "supporting this Agreement by all ways and means possible" (Art. 60). The GNA are to commit to returning Libyan state funds that are missing and to creating an expert committee to reconcile legislation issued by the HoR and the GNC in their respective domains (62 & 63; Additional Provisions, Art. 15; Annex 5). Any legislation issued between August 4, 2014 and December 17, 2015 that contradicts the LPA is nullified (Additional Provisions, Art. 14). The LPA enters into force upon signature and the Constitutional Declaration is to be amended accordingly (Arts. 65 & 67; Annex 4). Any subsequent amendments to the Constitutional Declaration, the LPA or any of the institutions created in the LPA must be made via consensus between the HoR and HSC (Additional Provisions, Art. 12). In case of breaches, the Libyan Political Dialogue may reconvene to discuss them (Art. 64). Disagreements on interpretation shall be solved by a 2+2 committee from both the HSC and HoR as well as a judge from the Supreme Court (Additional Provisions, Art. 13).

### Gaps in the existing Agreement:

Overall, the implementation modalities included in the LPA could be stronger. Implementation could be improved through the inclusion of guarantors, the creation of monitoring and verification committees, as well as fact-finding bodies, in addition to the inclusion of neutral third parties, such as international observers or vetted CSOs academia or 'eminent personalities' from Libya. All such bodies are useful vehicles for ensuring a greater level of inclusion of women in the peace-building process, as well as distributing power beyond the political elites and armed factions that currently dominate the process.

### III. Intercommunal Agreements

In addition to national transitional documents and agreements that address the political settlement for Libya as a whole, a series of intercommunal agreements have also been signed between communities, and between armed and other groups. These form a diverse tapestry of peace-making efforts and alliances. Intercommunal agreements cover an array of issues including reconciliation, ending localised cycles of violence, and providing for the implementation of national-level agreements. Women are known to be active in the negotiation and implementation of intercommunal agreements. Networks of women's activists mediated between Islamist militants and community leaders in Benghazi between 2012 and 2014, and between the GNC and armed groups in the Nafusa Mountains in 2014.<sup>57</sup> However, Langhi describes how women were marginalized in the mediation efforts in other intercommunal processes, such as those of Misrata and Tawargha, and were not present during the Tebu and Awlad Sulayman process of March 2017 (see Appendix).<sup>58</sup> Alunni, Calder and Kappler, note that women are often given a minimal role in formal mediation, with some exceptions, but are nonetheless viewed as critical to social cohesion and dialogue efforts around agreements.<sup>59</sup> This marginalisation is evident in the agreement texts emerging from these processes, which have no mention of women or gender. Additionally, women do not appear to be included as signatories or even stated interest groups.

### Gender Relevant Provisions:

Only two inter-communal humanitarian appeals, the [Humanitarian Appeal for Benghazi, 16 March 2016](#), and the [Fezzan Humanitarian Agreement, 16 June 2016](#), mention the need for aid and other relief to reach the most vulnerable, including women. Three additional agreements mention or provide support to families, in provisions which seem targeted at women.<sup>60</sup> The [Agreement between Misrata and Tawargha, signed on the 31 August 2016](#), includes multiple such issues, particularly in relation to reconstruction. The agreement provides for de-mining, the repairing of schools and hospitals/healthcare centres, as well as family care centres and the provision of mobile homes for the owners of destroyed houses (Eighth Matter). Regarding reparations, the families of unmarried individuals that were killed or disappeared receive 70,000 Libyan Dinars (LD) (circa US\$ 50,000) from a special state fund – 30,000 LD (ca. US\$ 21,000) less than married individuals (Fourth Matter). To implement the agreement, the Libyan state is responsible for the creation of an independent committee in which two individuals from the Misrata-Tawargha committee will participate, to ensure “transparency, credibility and the requirement of victims as well respect for human life” (Tenth Matter).

Signed on 18 May 2017, the [Reconciliation Agreement between the Zintan and Mashashiyya Tribes](#) emphasises the return of internally displaced persons to their original regions and the securing of roads (Points 1-2 & 4). The agreement allocates responsibility for the following tasks to the reconciliation council: overall mediation of the agreement; facilitating and maintaining public services; compensation; rubble clearance; arbitration in cases of dispute; and the investigation of “matters of blood, misdeeds and missing persons” (Points 7-9). In contrast, the [Agreement of Social Honour between the Tribes of Tarhuna and the Tribes of Ghriyan, Mashashiyya, al-Qa’lah, Yafrin, Jadu, Kabaw, Nalut and Wazin, signed 8 February 2017](#), commits to criminalising human trafficking, as well as respecting and safeguarding the dignity of non-Libyans, and pledges to work on unconditionally returning migrants and displaced persons.<sup>61</sup> Equality also features as a theme across some agreements, such as the 2017 Reconciliation Agreement between the [Tebu and Awlaw Sulayman Tribes](#), including with reference to access to public sector jobs and the treatment of martyrs.<sup>62</sup>

### Gaps in Agreements:

Most intercommunal agreements focus on security-related items. Those that deal with the nature of the state regularly frame principles and values through quotations from the Quran and Hadith that provide a religious reference for prohibiting violence, keeping promises, and the benefits of cooperation.<sup>63</sup> Agreements do not include guarantees of non-harassment or the denouncing of other forms of SGBV towards women. Similarly, none of the agreements call for disarmament, while the presence of firearms has been known to play a role in post-conflict domestic and other violence. More generally, despite some opportunities to provide for greater inclusion of women, youth, and other groups in implementation committees - local agreements only distribute seats based on political affiliation and not on grounds of gender or other identity characteristics. Last, in matters related to reconstruction, the agreements fail to provide mechanisms to ensure women equal access to aid and reparations - this is essential considering the increased instances of women becoming heads of households during and post-conflict.

## IV. 'Localized' Ceasefires

There have been numerous attempted and negotiated ceasefire agreements reached during the contemporary conflict, particularly in Tripoli and the South. These agreements share similarities in style and content, including a cessation of hostilities, withdrawal of forces, and the formation of joint monitoring committees. These agreements do not appear to incorporate a gender perspective, despite the role of women in negotiating some of them through organisations such as the National Movement (*al-harikat al-wataniyya*).<sup>64</sup> Most of these agreements are not particularly detailed and rarely list what constitutes accepted or unaccepted practices during the ceasefire period. Listing what constitutes violations provides impetus for the monitoring of these activities by semi-official bodies, including ceasefire monitoring committees and CSOs. Items worth considering from a gender perspective include, but are not limited to:<sup>65</sup>

- ▶ Inclusion of human rights provisions and particularly protection modalities for civilians and vulnerable persons, including women. Protection modalities can include recognition of the rights of women as prisoners, civilians, combatants and other roles under international law
- ▶ The inclusion of non-discrimination clauses generally, and specifically ones designed around women, in providing access to humanitarian aid and services
- ▶ The provision of opening "humanitarian corridors" and facilitating the delivery of humanitarian aid and services
- ▶ Listing more clearly that SGBV constitutes a ceasefire violation therefore providing grounds for monitoring committees to record instances of such crimes, as well as tackling the impunity of gender-based crimes

In addition, the gender perspective of ceasefires could be strengthened through provision requiring the inclusion of women on monitoring commissions and other fact-finding bodies, perhaps by requiring a specific proportion of women to be included. Women are more likely to be included as CSO representatives, human rights activists, or state representatives. Nonetheless, armed groups count women among their membership and could nominate women for positions within these security bodies.

## Appendix: Chronology of Agreements and Transition Documents from the Libyan Conflict

Table I: Definition of degree of gender inclusion in Libyan peace agreements and transitional documents listed below.

Limited gender references	Provisions mention women/gender explicitly, but references are limited in content (only three agreements found have such explicit reference to women or gender).
No explicit gender references	No provisions mention women/gender directly, but provisions may have indirect references to items that have a strong (though unstated) gender dimension, including development rights, equality, family, migration, specific security issues, etc.
No gender references	No provisions reference gender/women directly or mention items that have a gender component.

### Agreements in-line with Constitutional Declaration and the Libyan Political Agreement:

*3 August 2011: Draft Constitutional Charter for the Transitional Stage: The Constitutional Declaration:*

- ▶ Interim Constitution (limited gender references).
- ▶ Issued by the NTC in the months before the capture and death of Muammar Gaddafi, the agreement focuses on providing a bill of rights as well as the transitional mechanism, including the formation of transitional state institutions and a timeline for completion of a new constitution.

2 July 2015: Statement by the Libya Dialogue Participants:

- ▶ Pre-negotiation agreement (no gender references).
- ▶ A call by the participants of the Libyan Dialogue in Skhirat, Morocco, for all parties to sign the LPA. The LPA was first signed by the House of Representative (HoR) members of the Dialogue in July 2015, before it was renegotiated and signed by the Political Dialogue Participants on December 17, 2015.

17 December 2015: The Libyan Political Agreement:

- ▶ Comprehensive agreement (limited gender references).
- ▶ The LPA was signed by the Libyan Political Dialogue members (including members of the HoR and the GNC) and was to become an integral part of the Constitutional Declaration through an amendment to this document. Despite support for the creation of the Government of National Accord (GNA) by the UN in January 2016, the GNA never received the vote of confidence by the HoR as required by the LPA, nor did the HoR pass an amendment to the Constitutional Declaration.

21 April 2016: Joint Declaration of the Representatives of Touareg and Tebou tribes in 4 points supporting the Presidency Council of the Government of National Agreement which recently took office in Tripoli:

- ▶ Process support agreement (no gender references).
- ▶ An agreement signed by the National Movement of Tuareg Youth and the High Revolutionary Council of the Tebu in the South on behalf of Tebu and Tuareg groups, announcing support for the GNA and the UNSMIL-supported national level peace process.

31 August 2016: Minutes of Misrata-Tawargha Agreement on the Return of Displaced Persons and Compensation for those Affected:

- ▶ Substantive agreement/multiple issues (no explicit gender references).
- ▶ An agreement between the Dialogue Committees of the cities of Misrata and Tawargha emphasizing reparation modalities. The agreement seeks to end hostile media, provides specific material reparations for lives lost, missing persons, time spent as a detainee, damage to health and compensation for transportation during the round of fighting between February 17, 2011 and August 11, 2011. Reparations will come from a fund established by the Libyan state, as well as accelerated prisoner release or trial, the creation of a shared command to implement necessary (and unspecified) security arrangements, and priorities in reconstruction.

24 January 2017: Consultation Meeting for the Libyan Political Dialogue (Hammamet Agreement):

- ▶ Implementation/renegotiation agreement (no gender references, but included women signatories, such as Fayrouz Abdelrahim al-Na'as).
- ▶ Agreement identifying the six most contentious barriers to the implementation of the LPA including: (1) a re-structuring of the presidency council; (2) selection of the President of the GNA; (3) the appointment of the Supreme Commander of the Libyan Army; (4) commitment of the HoR to apply Articles 16-17 of the LPA and the mechanism in the law on membership for the HoR; (5) broadening the membership of the High State Council according to the election results of July 2012; (6) pursuing Article 52 of the LPA to finalize the Constitution.

25 February 2017: Points of Initial Agreement (Abu Salim Ceasefire):

- ▶ Ceasefire agreement/related (no gender references).
- ▶ Calls for a ceasefire at 11.30pm between the Installation Guards and the Central Security Forces and their withdrawal from contested locations. A separation line will be manned by the Ministries of Defense and Interior and a ceasefire commission established to monitor. Parties also agree to respect the sanctity of hospitals.

15 March 2017: Statement on Current Events in the Capital Tripoli:

- ▶ Ceasefire agreement/related (no gender references).
- ▶ Calls for an immediate ceasefire, the departure of all armed groups from Tripoli. Furthermore, the agreement assigns new deployments to the 301st Brigade, the 17th Security Band, the Command of the Presidential Guard, and lastly, the creation of a committee in 30 days, to coordinate actions between the Ministries of Defense and Interior.

27 July 2017: Joint Declaration, Paris:

- ▶ Ceasefire agreement/mixed (no gender references).
- ▶ Joint declaration by General Khalifa Haftar of the Libyan National Army (self-proclaimed) and Prime Minister Fayed Serraj of the GNA committing to: a ceasefire; the implementation of Art. 34 of the LPA; rule of law; continue political dialogue; prepare for upcoming elections, the integration of all fighters and other DDR mechanisms; create an action plan for the security of Libya; ask the UN Security Council for support.



*29 May 2018: Political Statement on the Matter of Libya:*

- ▶ Pre-negotiation/process (no gender references).
- ▶ Agreement between the main conflict parties providing for elections held with the support of UNSMIL. Agreement also provides for limited security sector reform.

*4 September 2018: Ceasefire Agreement (Tripoli):*

- ▶ Ceasefire agreement/mixed (no gender references).
- ▶ Agreement between armed groups and State to end fighting in the capital, Tripoli, mediated by UNSMIL.

*9 September 2018: Agreement to Consolidate the Ceasefire (Tripoli):*

- ▶ Ceasefire agreement/mixed (no gender references).
- ▶ Agreement between armed groups and State to implement the Tripoli ceasefire agreement brokered by UN Support Mission in Libya (UNSMIL).

*28 September 2018: Ceasefire in Southern Tripoli:*

- ▶ Ceasefire agreement/mixed (no gender references).
- ▶ Agreement between non-State armed groups for a ceasefire enforced by 'the Middle and Western Areas', as well as for the Red Cross to receive the dead from both sides.

*13 November 2018: Palermo Conference for and with Libya: Conclusions:*

- ▶ Pre-negotiation/process (limited gender references).
- ▶ The gender reference pertains to urging the participants to "support the principle of full inclusivity, including women participation [sic], for the National Conference, without vetoes" (pg. 2). Participants confirm the unity of the state and iterate support for the LPA and Salamé's 2017 roadmap, including finalizing the constitutional and electoral process, ending parallel institutions, and supporting the outcomes of the National Consultation Process. Participants should be committed to adopting a referendum law; when holding elections, they should respect the results, as well as making provision for matters relating to security and the economy.

## Other Agreements:

### 19 March 2015: Final Communiqué: Comprehensive Dialogue for Calm and Peace in the Nafusa Mountains:

- ▶ Pre-negotiation/principles (no gender references).
- ▶ Communiqué provides for: the return of IDPs; lifting social cover available to criminals; the return of security institutions to work; access of humanitarian aid; and the promotion of a culture of tolerance. It also makes commitments to: work on sparing the cities and areas of the Nafusa mountains from conflict; reaching out to other tribes and assigning responsibilities among them; creating an implementation mechanism; and supporting the municipalities and crisis committees in pushing forward solutions.

### 26 April 2015: Statement by the Martyrs Brigade in Zawiya al-Mahjoub regarding the ceasefire agreement in Aziziyyah and the latest developments in and near Tripoli:

- ▶ Ceasefire agreement/related (no gender references).
- ▶ A statement by the Martyrs Brigade announcing support for a ceasefire negotiated by those on the front lines. The statement calls for support to Tripoli's security services,

### 12 November 2015: Minutes of the Disengagement Agreement and Truce between the areas of Warshafānah and al-Zāwiyyah:

- ▶ Ceasefire agreement/related (no gender references).
- ▶ A ceasefire by the Committee of al-Rajaban and al-Asabah and the Committee of Warshafanah near Tripoli, providing for: a ceasefire; a prisoner exchange; a joint committee, supporting them to solve the issues surrounding the Ocean Road and missing persons; a call to end hostile media; and provisions for creating an investigatory committee to consider a helicopter crash, in which several senior commanders were killed – the incident that triggered the round of fighting.

### 16 March 2016: Humanitarian Appeal for Benghazi:

- ▶ Pre-negotiation/process (limited gender references).
- ▶ A pre-pre-negotiation document establishing a common position among CSOs in Benghazi, highlighting the importance of adhering to International Law, acquiring humanitarian aid for those in need, urging the importance of the right of return for Internally Displaced Persons; and working within the confines of Islam, among other matters.

16 June 2016: Fezzan Humanitarian Agreement:

- ▶ Pre-negotiation/process (no explicit gender references).
- ▶ Underscores the need to secure access for humanitarian aid, particularly to health centres in eight cities, and leverages this need as a confidence building measure between signatories. Mediated by the Community of Sant'Egidio.

31 October 2016: Draft Agreement between the Elders of the Western Tribes on the Battle of al-Zawiyah:

- ▶ Ceasefire agreement/related (no gender references).
- ▶ A four-point ceasefire between local Reconciliation Councils, calling for: an end to hostilities; a handover of 'wanted persons' and lifting of 'social cover' of killers; as well as the creation of an implementation committee.

4 December 2016: Accord and Peaceful Coexistence Document Between the al-Qadhadhfa Tribe and the Awlad Sulayman Tribe:

- ▶ Ceasefire agreement/related (no gender references).
- ▶ A 12-point agreement providing for: a ceasefire; the lifting of social protection from those that violate the agreement; confirming that punishments are reserved for the individual not communities; removal of roadblocks and ending the practice of tinting car windows; withdrawal by armed groups from previously seized locations, and militias promising not to involve themselves in tribal disputes; confirming that the Conflict Resolution Committee is responsible for implementation of the agreement, and dispute resolution.

8 February 2017: Agreement of Social Honour for the Tribes of Tarhūnah, and the Tribes of Ghriyān, Mashāshiyah, al-Qal'ah, Yafrin, Jādū, Kābāw, Nālūt and Wāzin:

- ▶ Substantive agreement/multiple issues (no explicit gender references).
- ▶ A social contract between tribes witnessed by city councils of the region. The contract confirms the centrality of Islam and respect for the new Libyan state. Moreover, the tribes distance themselves from ongoing political tensions and adhere to Shariah, which prohibits strife between Muslims. The parties further call for lifting the 'social cover' of criminals, and for the criminalization of human trafficking, respect for non-Libyans, to work for the return of migrants, and they also denounce actions by the international community to settle migrants in Libya. Last, the agreement provides for an implementation committee.

29 March 2017: Reconciliation Agreement between the Tebu and Awlad Sulayman Tribes:

- ▶ Substantive agreement/multiple issues (no explicit gender references).
- ▶ Guaranteed by the state of Italy, the agreement calls for: reconciliation and reparations between the two sides; the departure of all armed formations from public passes and places; the right to work; the re-opening of Sabha International Airport; the treatment of wounded, and consideration of all dead as martyrs; the lifting of social protection of wanted individuals; and the formation of an implementation committee. Agreement contains an appendix that is not released to the public.

18 May 2017: Reconciliation Agreement between the Zintan and Mashashiyya Tribes:

- ▶ Substantive agreement/multiple issues (no explicit gender references).
- ▶ The agreement provides for: refugee return from al-Awina, Zawiyya al-Baqul and 'Umur to their place of origin; the return of emigrants from Mizda to Zintan, Quntrar, Mashashiyya and elsewhere; an end to armed presences in conflict zones, securing roads and ensuring an absence of checkpoints; the handing over of offenders, rather than the pursuit of collective retaliation; for the reconciliation council to take on tasks of governance; the resolving of land issues, in accordance with Sharia laws/values; and that the council investigates matters raised by the parties.

7 April 2018: Statement from the Supreme Council of the Tribes and Cities of Fezzan calling for a Ceasefire:

- ▶ Ceasefire/related (no gender references).
- ▶ The statement calls for a ceasefire, the opening of roads, and that government buildings are spared from conflict and returned to use. The statement also calls for a return of security forces to work, and that political representatives from Fezzan in central government institutions return to the region to facilitate an end to fighting. The call was responded to by the Council of Tebu Tribes to Coordinate and End the Crisis in Sabha two days after, on the 9 April. Ceasefire was renewed in the lead up to the National Dialogue on the 5 July 2018.

13 May 2018: Agreement for Peaceful Co-existence between Tebu and Awlad Sulayman in Sabha:

- ▶ Pre-negotiation/process (no gender references).
- ▶ Agreement provides for a cessation of hostilities on individuals and property. It also calls for transgressors of the agreement to have their social protection lifted and that responsibility is individual as well as forming an implementation committee.

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