# The Libyan National Conference Process
## Final Report

November 2018

# The Libyan National Conference Process
## Final Report

*This report is dedicated to all Libyans:*

*• those who participated in and contributed to the consultative phase of the
National Conference Process*

*• those who embraced the National Conference Process with determination,
generosity and enthusiasm*

*• the Libyan media, which covered all the meetings of the process at home and abroad*

*• the municipalities, local bodies, universities and youth and civil society organizations
without whom the process would have never happened*

*• the women who overcame any obstacle to participate in the National Conference Process*

*• those who work every day to keep Libya untied and free.*

*We hope that this National Conference Process might contribute to building the Libya
that its people deserve.*

# Acknowledgements

## Note on Translation

This report has been translated from Arabic. The Arabic version should be considered as the official version.

# Contents

# Executive Summary

# Executive Summary

On 20 September 2017 the UN Special Representative of the Secretary-General to Libya, Dr Ghassan Salamé, announced an Action Plan for Libya at a High-Level Event on Libya on the side-lines of the UN General Assembly. A key stage in this Action Plan was the organization of a National Conference. On 9 February 2018, Dr Salamé officially requested the Centre for Humanitarian Dialogue (HD) to run preparatory consultations in order to clarify the objectives and strategy of the National Conference, and provide an opportunity for Libyans from all walks of life to contribute to its conclusions.

The consultation phase of the Libyan National Conference, which ran from April to July 2018, was a broad-based nationwide dialogue process. It aimed to find elements of consensus in Libya's fragmented political landscape on key issues related to the conflict and the future of the Libyan state. This consultation was the first truly inclusive, bottom-up and national process to occur in Libya for decades. And it started, for the first time since 2011, a formal, structured and nationwide discussion on the root causes of Libya's current crises and conflict. Moreover, it brought people into the political process who had hitherto been excluded or refused to take part. People in places in the far south of the country such as Ghat, Qatrun and Kufra participated in consultation meetings, as well as those in Bani Walid, Wershefana and Brak Shati who had not been part of a national political process for over seven years.

As part of the consultative process, 77 separate meetings were held in 43 locations both inside Libya and abroad. More than 7,000 Libyans from all parts of society took part, and a quarter of these were women. In addition to the consultation meetings, citizens also participated in the process through an online platform, submitting over 1,700 completed questionnaires and 300 additional email contributions. Social media was also used to great effect, providing an opportunity for around 131,000 followers to interact on Facebook, a further 1,800 on Twitter, and reaching an overall total of 1.8 million Libyans. In addition to the success of these online campaigns, Libyan local media outlets played a key role in covering the consultation meetings from beginning to end.

The consultation meetings were organized by local institutions, municipalities, universities, student unions, civil society organizations, community leaders and local security and military figures. These organizers moderated the events and produced reports of each meeting, summarizing the main recommendations. HD worked with the organizers and was present at each event to ensure coherence between meetings and answer any questions about the process. All efforts were made to ensure that the process was inclusive and that as many citizens as possible were able to contribute. The consultations were publicized in advance and open to all who wished to participate. Those who were unable to participate in person could send their contributions via the website. These online contributions included academic texts, joint proposals from Libyan organizations and individual contributions from ordinary citizens concerned about the future of their country. The process was entirely transparent: every individual meeting report and online contributions can be found online in their original form. These meeting reports and online contributions form the basis of this report.

The framework for the consultation meetings was a set of questions in the form of an agenda designed to generate discussion. The first session of the agenda asked the participants what they felt should be the priorities of their government at local and national level. The use of the general term

"priorities", and the open question over which government or governments should be referred to, led to a vast array of responses that touched upon the desperate nature of the current Libyan crisis. People bemoaned the absurdity of the current situation of a rich and harmonious country facing financial crises and perpetual conflict. Among the main outcomes of this session was therefore a broad statement of what Libyans felt should be the priorities of their nation state: the need for sovereignty and unity, and a state that manages Libya's wealth, security and public services for the benefit of all its citizens.

The second session focused on questions concerning Libya's security and defence. Participants were asked to offer their evaluations of current problems and their proposals for future stability. The session was often the most frank, with many strong views expressed. However, a remarkable level of consensus was eventually achieved. Participants agreed, above all, that security is both a basic right and a prerequisite for any sustainable future. The participants were unanimous in their view that current divisions in the security institutions, and particularly in the military, pose the gravest threat to such a future.

The third session discussed how resources and powers should be distributed in Libya, specifically between local and national levels of government. This session covered a range of complex issues, including ways to prevent political interference in the sovereign institutions that manage Libya's resources, as well as the technicalities involved in enhancing local governance. A clear consensus emerged that the role of all governments should be to distribute resources fairly and that this can best be achieved through a more decentralized system. Participants praised the role played by many municipalities in providing services to citizens during the crisis. Many also criticized the lack of support these local institutions received.

The fourth session addressed how Libya can exit its ongoing crisis. Discussions focussed on the constitutional and electoral processes and national reconciliation, and elicited many contrasting opinions and proposals. Views differed, for example, on the details of the constitutional and electoral processes, including their sequencing, timing and structure. The general consensus, nonetheless, was that the country needs to "turn the page" and end the transitional phase. Participants expressed fatigue and frustration with the current political situation and called for an election or other major change to usher in a new system. Few participants expressed confidence, however, that a new constitution or elections alone will solve all of Libya's deep-seated problems.

Throughout the consultative process, participants reiterated the need for national reconciliation to begin to address these problems. All participants agreed that reconciliation is needed to heal the wounds inflicted on Libyans by their own compatriots over the past eight years and earlier. The participants unanimously agreed, furthermore, that Libyan society needs to heal these wounds as a precondition for any sustainable solution.

While the consultation process produced a range of opinions, several important areas of consensus did eventually emerge and key proposals were made. These conclusions are summarized briefly below, and can be found in full in the Section 5 of this report.

1. Libya's unity and national sovereignty must be preserved, while recognizing local and cultural differences within a framework of decentralization. This entails a complete rejection of negative foreign interference.

2. Rational and effective democratic governance is needed. This must be based on clear and objective criteria and competences rather than tribal, political or regional affiliations. This requires greater transparency in public affairs and appointments, and strong judicial oversight free from all coercion and pressure.

3. Security is essential in daily life, with strong and independent security and military institutions based on national values, obedient to the rule of law and subject to civilian and judicial oversight.

4. Unified sovereign and military institutions must be protected from political, partisan and regional interference. These institutions must operate in the interests of all Libyans.

5. Libya's national resources must be protected. Economic reforms are needed to ensure an end to corruption and the waste of state resources. Strong oversight must be exercised over public spending and financial institutions.

6. Libya's resources must be distributed fairly. This entails greater allocations for municipalities and a budget for major developments, reconstruction and infrastructure. A special fund should be created to reinvest some of the wealth generated by oil-producing and exporting companies in the sustainable development of the regions in which they operate.

7. The functioning of the state must be built on strong local governance. This requires capacity-building and a revision of the current legislative framework and system of municipalities. It is essential that municipalities continue to operate as apolitical bodies and in the interests of citizens.

8. The transitional phase must be ended, definitively, with the adoption of a constitution based on a consensus that can unite the country.

9. Safe, secure and transparent elections must be held when the minimal conditions are met, with no barriers to the full participation of all Libyans.

10. National reconciliation must be achieved, based on traditional Libyan practices and values and with respect for the demands of justice. The reconciliation process must be free from foreign interference.

# Introduction: The Libyan National Conference Process

# Introduction: The Libyan National Conference Process

By early 2018, when the National Conference Process was launched, Libyans had endured seven years of state failure, instability and an inability to build up cohesive government institutions. Political conflicts among the country's elites, damaging institutional divisions and the neglect and theft of state resources had led to widespread despair. Public discontent was further exacerbated by continued uncertainty about the future, and the absence of any signs of political progress.

Numerous peace initiatives, both Libyan and international, were launched after 2011 to resolve the political crisis and prevent economic and social collapse. These initiatives failed despite often sincere desires to find a consensual and lasting solution. This failure was due in large part to a growing disconnection between those involved in the negotiations and the ordinary Libyans truly affected by the crisis. Efforts focused on the political elite with the aim of finding power-sharing mechanisms to end the crisis – and hence often overlooked the need to include and consult the broader Libyan population as a basis for all solutions and agreements.

The main aim of the National Conference Process was therefore to bring the breadth of Libyan society back to the centre of the debate. This aim was achieved by organizing meetings and consultations throughout the country and with diaspora groups abroad, thus providing a space for Libyans of all ages and social and educational backgrounds to interact.

Participation in the process was broad and inclusive. It included national elites and local power-brokers, as well as community leaders and ordinary citizens. The meetings encouraged open and straightforward dialogue between participants, regardless of their status.

The consultations were run by the Centre for Humanitarian Dialogue (HD), based on a formal request from the Special Representative of the UN Secretary-General to Libya.[1] HD then conducted a series of preliminary meetings to explore what approach to take and how to ensure that it would be effective. These meetings served to decide the aims, agenda and main themes of the consultative process. The initial meetings also helped design a comprehensive strategy aimed at encouraging all Libyans to participate in this process, whether through physical attendance in meetings or through an online platform. The hope was that, by including as many Libyan citizens as possible, the process and its outcomes would be more credible.

The meetings of the National Conference Consultative Process were held from 5 April to 11 July 2018. In contrast to previous political initiatives, these meetings set out to include all parts of Libyan society and not only intellectual and political elites. For this purpose, HD designed events targeted at specific groups not previously included in the political process, such as displaced persons, women, university students, and people in geographically remote locations.

The process had to adapt to local conditions. In many of Libya's large cities, multiple meetings were organized in order to ensure that the maximum number of people could take part. In some areas it was not possible to organize consultation meetings due to security issues or logistical and practical
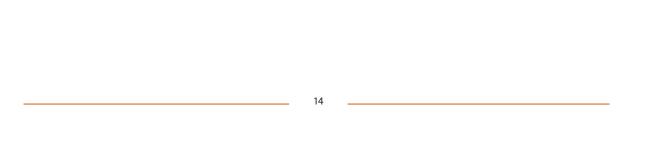
---

1    UNSMIL/2018/SRSG/0C.17,

obstacles. HD tried to overcome these difficulties by using digital communication to great effect and inciting participants who were unable to attend meetings to contribute via the website or social media platforms. In all meetings, effective cooperation and communication with local officials and stakeholders was essential for the success of the process.

In spite of ongoing instability and conflict in Libya, the process was able to take place with the invaluable support of citizens from cities, towns and villages throughout Libya. Municipalities and other local institutions oversaw the coordination of the meetings including arranging the locations, choosing people to chair the meetings and write reports, and publicizing the events within communities. This outreach frequently included interviews and advertisements with local radio, television and print media. Information regarding the details of each meeting was also publicized on the National Conference Process social media platforms and website at least 48 hours before each event, in order to maximize participation.

Both the preparatory stage for the consultative sessions and the meetings themselves represented a success for Libya and its people. Each meeting in every city, no matter the number of attendees, provided an opportunity for Libyans to express their views on the future of their state. In this way the process also confirmed the determination of Libyans to rebuild their nation and their refusal to surrender to fragmentation and division.

# 1. National and Government Priorities

# 1. National and Government Priorities

The consultation meetings of the National Conference Process opened with a session on national and government priorities. The general (and potentially ambiguous) term "priorities" gave space for participants to express their views on the wide range of issues they considered to be most urgent. This made these sessions particularly lively and dynamic. The phrasing also elicited questions about the meaning of "priorities", as well as which authorities should address them. Should these be the same authorities associated with current institutional divisions? Or should these priorities be addressed by a legitimate and unified government? Is it even possible, some participants asked, to discuss priorities in a context of continued insecurity and falling living conditions?

Taken overall, the views of the participants in this first session expressed a shared sense of frustration with the ongoing divisions, dispersions, violence, looting and wasted resources. Many participants declared their anger and confusion that a country so rich in natural and human resources should find itself in so dire a predicament. Others expressed outrage that Libya's public services were so poor when the nation possessed such wealth. Some asked how it was possible or justifiable for Libya to be suffering financial liquidity crises when the country has financial assets all over the world. For most participants, the greatest tragedy of all was that fighting and chaos continue to divide a country whose people are united by common identity, kinship and shared history. Ultimately, all discussions about priorities came back to this urgent need to reunite the nation and restore Libya's sovereignty under a united government and national institutions.

This section highlights the main opinions shared in this session, many of which are further detailed later in this report.

## 1.1 Regaining sovereignty

Protecting Libya's national sovereignty was repeatedly mentioned as the country's highest national priority. No sustainable political solution will be possible or legitimate without this as a prerequisite. All participants agreed that restoring national unity and ensuring the protection of Libya's borders are matters of paramount importance. They furthermore agreed on the need for unified sovereign institutions, a unified and effective government, and effective security institutions to protect the country and its people.

The participants condemned all external interference in Libya's internal affairs. Such interference is widely viewed as hostile, and as exploiting and exacerbating internal conflicts. Many participants concurred, therefore, that it is the duty of all Libyan stakeholders to resist and oppose any external intervention. Yet many participants also noted that rejecting foreign interference should not mean forgoing the benefits of positive international cooperation, such as sharing and exchanging knowledge and expertise with other countries. Investments and other business opportunities are also highly beneficial as long as such cooperation is based on mutual respect and common interest.

The overwhelming majority of participants saw no contradiction between calling for national unity and pursuing a more decentralized form of government. Many pointed out that a decentralized system

would allow all municipalities and cities to play a full and effective role in the management and administration of their daily affairs, and better respond to the aspirations of Libyans.

In the hope of reaching a common Libyan vision of the state, a significant proportion of the participants recommended the establishment of a national charter. This charter would outline the views of Libyans on the identity of the state, the unity of its territory, its religion, and guiding principles. This document would not replace a constitution but rather act as a set of guidelines for the nation and its people. Participants also stressed that the final session of the National Conference should be held in Libya rather than abroad, underlining the importance of principles of sovereignty and independence in an event of this type.

## 1.2 Building an inclusive national government

A common grievance expressed by participants in the consultation process was the lack of any government that genuinely represents and unifies the population. They stressed the need for a government that will defend their interests and prioritize the stability and prosperity of the country.

Participants called for a national government based on neutrality and fair treatment of all Libyans, rather than quotas or shares for different communities. A commonly held view was that a future national government should acquire its national character through demonstrating its respect for all Libyan citizens and their rights without discrimination. A truly national government should ensure the provision of essential public services to all regions throughout Libya. Likewise, no unjustified regional differentiation should be applied in the implementation of government programmes related to infrastructure, health, education and other basic necessities.

Many participants emphasized the need for improved relations between national and local government. In an effectively functioning system, local officials would no longer need to waste time and resources on pressuring central authorities to transfer funds and implement programmes. A common perception regarding local and national government relations was that the capital has become a centre for networking with officials who "open the funding tap" on the basis of loyalties and private calculations.

The great majority of participants also agreed that the immediate priority for a new government should be national reconciliation. Addressing issues of reconciliation at local and national level was widely considered an essential precondition for progress in building national unity and effective national institutions.

Participants also called for an effective national government that was transparent and meritocratic. A major cause of poor governance in Libya, many agreed, was that government appointments have not been based on skills and talent, leading to profound administrative defects in government institutions, with negative effects on many sectors. A range of differing opinions was expressed on the best mechanisms to ensure all parts of society are fairly represented in the government. Despite these differences of opinion, it was unanimously agreed that a central pillar of the national government must be a commitment to professionalism and efficiency, drawing on proven technical and academic expertise and knowledge.

## 1.3 Unifying institutions

Participants were emphatic in calling for the unity of Libya's national institutions and strongly condemned the continuation of existing divisions. Citizens cannot enjoy any security, they argued, while the military establishment is divided and the security institutions are fragmented. The chaotic spread of weapons, they added, greatly exacerbates this insecurity. They also questioned whether it was feasible to discuss Libya's economic prospects when the stability and functioning of strategic institutions such as the Central Bank, the National Oil Corporation and the Libyan Investment Authority are constantly under threat. Many expressed doubts as to the feasibility of establishing decent public services

in the current context of institutional corruption and political intrigue. Vital sovereign institutions have been overtaken and hijacked by actors preoccupied with the power struggle and preserving their privileges. These sovereign institutions include the Implementation and Management Agency of the Man-Made River Project, the General Electricity Company, the Office of the Prosecutor-General, the Supreme Council of the Libyan Judiciary and the Supreme Court of Libya.

## 1.4 Providing public services and reconstruction

While time is needed for Libya's economy and key institutions to recover, participants agreed that efforts must be made now to limit the deterioration and interruption of essential public services such as those supplying electricity, drinking water, medicine and medical equipment. Many urged that decentralization reforms should be activated at once to improve local municipal services. There was widespread consensus that provision of basic services is rapidly declining not only in remote areas but also in major cities. In this context, it was agreed, all political factions and armed groups should ensure that sovereign institutions and vital infrastructure are protected from conflicts so that essential food and medicine supplies can reach citizens.

## 1.5 Reinforcing the judiciary

The participants generally expressed satisfaction with the country's judiciary, concurring that it has so far succeeded in maintaining trust and avoiding many potential obstacles arising from political division. Justice is the basis of prosperity, it was agreed, and the sanctity of the judiciary and supremacy of its decisions must be protected from the interference of political and armed groups. Strengthening the judiciary and supporting its development is an important commitment.

Nevertheless, participants agreed that there is an urgent need for investigation into administrative and financial violations, economic looting and corruption. This investigation, they declared, should be undertaken by the judiciary and its distinguished bodies, such as the Supreme Court, the Administrative Court and the Audit Bureau. Participants believed that these bodies are capable of carrying out this role provided they are invoked unconditionally and are free from political influence and threats.

Despite notable confidence in the judiciary, participants expressed strong concerns about the increasing number of violations of judicial decisions. Courts are also increasingly disregarded by some political parties and armed groups, and judges are frequently exposed to threats. For these reasons, some participants called for the creation of administrative oversight bodies to supervise the work of the judiciary.

## 1.6 Supporting reconciliation through fair distribution of resources

Participants emphasized the need for a process of genuine and comprehensive reconciliation. Previous empty promises, or so-called "reconciliation" between figures that represented neither side of a conflict, have led only to greater discontent. Participants agreed that the question of resource distribution was at the centre of many disputes, and fair distribution would greatly support reconciliation efforts. Many had hoped that the freedom and democracy they sought in 2011 would lead to this fairer system of distribution, after decades of accumulation of wealth, power and rank by politicians at the expense of the Libyan people. This mismanagement and corruption had particularly affected regions remote from the capital. Unfortunately, in the view of most participants, the freedom and democracy hoped for in 2011 has not transpired. Instead, the opportunity to build a nation that treats Libyans fairly has given way to unchecked corruption, looting and theft of public money. The drivers of conflict are thus present even more widely than before.

Therefore, two main ingredients are required to achieve reconciliation First, the distribution of wealth and services must be fair, without discrimination between regions and groups, and must include all who have suffered political, social and economic exclusion. Second, looting, illegal commerce in all its forms, and cross-border corruption including tampering with Libya's assets frozen abroad must be prevented. The majority of participants called on the international community to support Libyan-led efforts to overcome these problems. In particular, they called for help in securing the country's borders, ensuring respect for human rights and preventing practices such as human trafficking.

## 1.7 The end of the transitional phase

A major priority for all participants was to end the transitional phase as soon as possible. For more than four decades, Libyans have suffered stagnation, recession and inertia. And while prospects seemed to improve in 2011, the years since have seen only repeated cycles of transition, including constitutional declarations that are soon overturned.

In the view of many participants, ending the transition requires holding elections on a constitutional basis. Establishing a new government and elected bodies, they argue, will make it easier to tackle other priorities.

## 1.8 Economic recovery and the end of systematic looting of national resources

The participants stressed how greatly Libyans had suffered from economic mismanagement and corruption. This suffering is often described in simplistic terms as "the collapse of the currency", "the absence of basic goods and services" or "the lack of liquidity". Yet behind these terms are tragedies the Libyans face on a daily basis. Many businesspeople have lost their capital and livelihoods because of the sudden collapse of the Libyan dinar. Many heads of families have been blackmailed when seeking finances to sustain their families. And many sheikhs, women and children remain stuck in private hospitals in neighbouring countries because those supporting them have not received their salaries or are unable to withdraw money from the bank.

The participants called for all national efforts to mobilize Libya's resources to implement economic, financial and monetary policies that restore people's livelihoods, health and basic needs. They welcomed cooperation with the international community to enable the transfer of expertise from countries that have recovered from similar crises.

The consultation meetings did not cover Libya's economic and financial issues in depth. This was because, despite the participation of financial and academic experts, the meetings were not considered an appropriate context for such technical discussions. Instead, participants drew on their own experience in proposing practical steps to resolve the economic crisis. The foremost demand was to free banks and bank branches from the control of armed groups. The participants pointed out that, in some cases, armed groups had forced the appointments of incompetent people to high positions in banks and financial institutions.

A large number of the participants bemoaned the widespread corruption, and the unprecedented and systematic looting of public money and national wealth. The discussions on this issue often returned to the need for unity of institutions and rebuilding the state. A sense of anger and bitterness about the economic situation was frequently expressed, especially with regard to the National Oil Corporation, the Central Bank and Libyan assets abroad. Many urged that all those responsible for tampering with these national sovereign institutions should be held accountable. It was further stressed that these assets must be safeguarded not only to help during the current crisis but also for future generations.

With regard to the future, the participants agreed that any strategy for economic recovery must prioritize employment training and decent jobs for young people. Beyond the current crisis, participants argued that Libya's future economy will depend on realistic plans to diversify the sources of national income. This entails gradually ending the culture of rent and dependence, and restoring decent work opportunities and possibilities for independent initiatives. Only in this way, many participants agreed, can Libya end its excessive dependence on state resources and irrational subsidization of basic commodities. Such subsidization is widely perceived as a way of buying the silence of Libyans and preventing political opposition. Some suggested that the liberation of Libyans from tyranny and oppression entails gaining independence from public sector pensions, freeing the creative individual and collective energy of Libya.

## 1.9 Media

Many participants voiced objections to the role played by the media in Libya and the divisive effects of current media discourse. They called on the media to foster a spirit of harmony and play a positive role rather than creating and aggravating differences between Libyans.

Many recommended the creation of a code of ethics or charter for the media. The charter would be a binding document, outlining priorities and principles. Having all relevant organizations sign this charter would help create a transparent and impartial media.

Some recommended that efforts be taken to create a more harmonious media discourse. This could be done, they argued, by implementing laws governing the operations of media organizations in accordance with the professional frameworks responsible for them.

A small number of participants called for controls to be imposed on media institutions found to be sowing strife and threatening the social and political fabric.

# 2. Security and Defence

# 2. Security and Defence

The discussions held on security and defence were notably frank, with participants expressing a strong demand for what they consider their fundamental right to security. Many emphasized that there was "no possibility of rebuilding the state" or of achieving a "desired sustainable status" without effective and practical solutions in the areas of security and defence.

It is worth noting that a significant number of meetings were attended by members of local armed groups. However, the presence of these groups did not prevent other participants from expressing their disapproval of weapons being used for political ends. Nor did their presence prevent participants from objecting to the unregulated proliferation of weapons, which they fear is leading to chaos and uncertainty.

While participants expressed their concerns and fears about the lack of an effective state, divided military establishment and weak security institutions, they emphasized that security should not come at the price of freedom. Military and security institutions must derive their strength from legitimacy and the respect they enjoy from citizens. The general consensus was that Libyans regard the right to security and the establishment of unified national security and defence institutions as indispensable foundations of a stable society.

A set of general principles related to military and security institutions emerged from the discussions. The debate also resulted in a set of practical recommendations, including several that were found controversial and some that were detailed and thus tabled for further deliberation.

## 2.1 General foundations and principles for a unified Libyan military

The issue of how to unify Libya's military received special attention due to the severity of current divisions. These divisions are widely perceived as a threat to the prospect of building a united nation for all Libyans. Developing a unified military, the participants agreed, was crucial to rebuilding the Libyan nation and state.

The participants agreed to a set of fundamental principles necessary for restoring security and rebuilding the state, including the following.

a. Establishing unified military and security institutions is a fundamental precondition for rebuilding the state. A divided military represents the greatest risk to Libya's present and future.

b. All military and security institutions should be subject to civil authority and must not be used for political ends. Such institutions must dedicate all efforts to serving the people's interests and representing their collective will without oppression. The military institution must respect the peaceful transition of powers and commit itself to neutrality in the political sphere, resisting any interference in civil affairs.

c. The military's first responsibility must be to protect the nation, its sovereignty, and the unity of its people and lands, while respecting the constitutional order.

d.  The competencies of the military and security institutions must be clearly defined and distributed. To avoid institutional overlaps that might negatively affect community security and stability, a clear and detailed definition of the military's tasks has been developed.

e.  The military's tasks are defined as follows:

    -   to defend the nation and its borders and secure vital areas and strategic resources

    -   to protect the nation from foreign intervention and all attempts to tamper with the nation's core interests

    -   to guarantee public security and preserve national unity and the stability of the state; in extreme circumstances, the military may intervene to ensure such security and stability

    -   to combat all types of terrorism and smuggling in cooperation with security institutions.

f.  The military is a professional body that should strive to enhance collective national belonging among all regions and groups. Its organization must be based on objective standards in accordance with defined and agreed-upon military legislation. Further professionalization of the military will require discussion with legal and professional experts and consultation with army officers. Such professionalization will require the following.

    -   Clearly defined and agreed-upon military legislation, whether by restoring previously adopted laws[2] or by establishing a new legal and regulatory framework.

    -   Rehabilitation of Libya's military and security institutions to ensure respect for individual liberties and improved relations with citizens, possibly drawing on UN expertise in this field.

    -   - Establishment of two essential conditions for joining the military and security institutions: proof of Libyan nationality and possession of a national ID number. Appointments to military and security posts must be made without any form of discrimination or favouritism, whether regional, tribal or cultural. This in turn requires that the problem concerning national ID numbers must be solved through the process of collective national reconciliation.

g.  Appointments to military posts should be based solely on standards of efficiency, professionalism and effectiveness. The practice of granting promotions and ranks to satisfy certain people or groups must be halted.

h.  The military justice system should be reactivated, with its scope limited to disputes related to military personnel.

i.  A special force should be established, with appropriate numbers of personnel, equipment and levels of training, to protect vital strategic locations and to secure national resources (oil and water) and national institutions.

    A number of other detailed proposals emerged that require further deliberation.

a.  Participants agreed on the need for a motto for the military, but proposed a number of different suggestions, including:

    -   "Loyalty to God and the Nation" (rather than to peoples, tribes, cities or regions)

    -   "Loyalty to the Nation"

    -   "Loyalty to the Nation and the Libyan People"

    -   "Loyalty to God, the Nation and the Presidency".

---

2   Previous laws adopted in 2011, or the application of Law No. 19 passed by the General National Conference of 2015 and related to the powers and characteristics of different military posts.

b. Participants also proposed possible names for the unified military institution, including the "Libyan Army", the "National Libyan Army" and the "Libyan Armed Forces". Some stressed the importance of avoiding any name that could be divisive or partisan, since the military belongs to all Libyans.

c. In terms of the transition to a permanent state and stable state institutions, some participants suggested that the Supreme Command of the Armed Forces establish official military administrations in all parts of Libya. This would allow the military's authority to spread throughout all military units in all regions of the country. These administrations may be dissolved after a referendum has taken place and when Libyans have eventually established permanent, stable and elected institutions.

d. Some participants called for building trust between the military institutions in the east and west, as well as making every effort to integrate and unite these institutions. Other participants indicated that the presence of militias and brigades in some regions will prevent such trust and integration. Some also proposed that the military units in the east should form the nucleus of the nation's professional armed forces.

e. Some participants suggested the military's authority should be extended throughout Libya regardless of geographic considerations and potential risks of partisan conflict. Others called for the establishment of three military zones in each of the three historical provinces.

f. Some participants welcomed the possibility of drawing on the experience of commissioned and non-commissioned officers who had worked for military institutions before 2011, whether in official or advisory roles. Others demanded that all those who participated in repression during the February Revolution should be excluded from any military roles.

g. Some participants preferred UN supervision to assist in coordinating initiatives related to rebuilding the military. Others welcomed the initiatives of neighbouring countries in this regard, and commended the Cairo dialogue.

h. Some participants agreed that lifting the UN Security Council's arms embargo was a prerequisite for building the state and limiting weapons proliferation. Others argued that stable state institutions need to be established before the embargo is lifted.

## 2.2 Practical conditions for unifying the military

In addition to general foundations and principles for rebuilding the unified military institution, the consultation process was also an opportunity to discuss practical and detailed conditions related to this topic. The following points were touched upon in the meetings.

a. The leadership of the military must be limited to the following three levels:

- the supreme commander of the military should be a representative of the highest political authority, at whose disposition shall be placed the National Council of Defence and Security

- governmental supervision should be conducted by a representative of the Minister of Defence; this representative would be directly accountable to the highest political authority in all matters related to the military

- the military and executive level should be supervised by the military's Chief of Staff and should comply with the constitutional framework.

b. Leadership centres should be organized and regulated in a chain of command and in accordance with standards of capability, experience and respect of military rank.

c. Military officials should be appointed according to standards of competency, experience and respect of military rank.

d. All military leaders, units and sub-units shall be under a unified leadership such as the military Chief of Staff to prevent division and disintegration.

e. All personnel with a criminal conviction should be expelled from the military. This includes those released by the previous regime during the 17 February Revolution.

f. The salary system for military officials should be reviewed. This is necessary to restore the prestige of military work and to end the practice of one person holding multiple positions.

g. Women should be integrated into the military according to Libyan social needs and norms in order to improve the military's effectiveness.

h. Soldiers should be assigned to different regions and rotated through different units to ensure that the military is national and non-partisan in character.

i. Consideration should be given to the proposal of extending service for retired military personnel whose experience and expertise can be useful.

A few disagreements emerged among participants regarding the practical conditions for unifying the military. Some of these related to the relationship between the supreme commander of the military and the political authority. Some considered that the powers of the Minister of Defence must be returned to the Chief of Staff of the military for a period of five years, renewable for one year. This proposal relates to the important behind-the-scene role the military plays during the institution-building phase. Others held that the military's Chief of Staff must be headed by a non-controversial person who respects the laws and standards in place and is characterized by the highest levels of honour and nationalism.

Some participants suggested establishing military councils in the east, south and west, to be supervised by the President of the Government. Others suggested that councils at any level of the military should be supervised by the General Command.

## 2.3 Principles and conditions for building security and police institutions

The participants agreed that security services should play a key role in guaranteeing the right to security and ensuring law enforcement. This role should be conducted on the basis of the fundamental rights and freedoms that Libyans hope the next constitution will confirm, clarify and detail. In terms of the participants' personal experience of security services in Libya, two starkly contrasting models have been witnessed in the country's recent history. The first of these was a repressive security model under the central political system. The second was a total absence of central security decisions and reliance instead on armed formations that lack an official professional character. To help build or rebuild a national security apparatus, the participants agreed to the following set of principles and conditions for forming the foundations of the security and police institutions.

### General principles for rebuilding security and police institutions

a. The security apparatus shall work under the protection of the constitution and law. The primary objectives of the security and police institutions shall be to maintain the security of citizens, uphold public order and fight all forms of crime. The security apparatus shall work to ensure the law is applied and upheld without prejudice or favouritism.

b. The security apparatus shall contribute to the fight against terrorism and smuggling, including illegal immigration, in cooperation with the military institution.

c. The loyalty of the police, other security institutions and the military shall be to the nation and people. As such, all security personnel shall be removed from political and partisan conflicts.

d.  The security and police apparatuses shall be professional institutions. They will be equipped with all necessary training and certification programmes, as well as with adequate financial and technical means to perform their duties effectively.

e.  A change in culture is needed to ensure the security apparatus views itself and is perceived by others as an entity removed from all political, personal or partisan agendas. This change is necessary so that the security apparatus dedicates itself fully to protecting the nation's citizens with respect for their freedoms, rights and property.

The participants all agreed on the importance of cooperation between the security institution and social forces at local level. This agreement is based on the role that local leaderships have played in maintaining public safety and order in recent years. The participants called for the media and community leaders to highlight the importance of being aware of security risks and respecting human rights as well as cultural, religious and linguistic norms.

## Practical conditions for rebuilding security and police institutions

a.  The police shall work under the leadership of the Ministry of Interior's local security directorates.

b.  Members of the security and police apparatus may work in their regions of origin. This would ease cooperation with local groups and improve understanding of local cultural norms.

c.  The Ministry of Interior shall be in charge of security in each of the three historical regions.

d.  Limits should be set to reduce the dependence of the Ministry of Interior and some security apparatuses on parallel structures. This is crucial to ensure such structures do not work on the ground outside the scope of the state's control.

e.  In order to limit the influence of parallel structures it is vital to end any financial support from the state for these structures.

f.  The judicial apparatus and the prison system need to be reformed in accordance with the constitution and law. This includes reforming the powers of the judicial police officers and limiting judicial powers of detention in formal agencies.

g.  Security tasks currently being performed by armed groups must be transferred to the official security apparatus. This is a necessary condition for rebuilding the security and police institutions.

h.  Effective legal protection must be provided for police officers to prevent any attacks or threats against them. This is essential to allow the state to recover its authority.

i.  In exceptional circumstances, the state may appoint competent and experienced experts to help rebuild the security institutions. Any such experts must comply with all relevant moral and professional standards.

j.  In extreme cases, the security apparatus may call on the military institution to control security and maintain public order.

k.  Securing the borders is a key condition for restoring security and preventing terrorism and smuggling. Activating the Border Guard Corps would require financial incentives sufficient to prevent corruption. Border guards would need to be provided with suitable modern equipment.

l.  In order to achieve a lasting political solution in Libya it is essential to improve the security situation in Tripoli and Benghazi. All efforts must be made and all means explored to reach a formula that preserves the security of sovereign institutions and vital infrastructure in Tripoli. This formula must safeguard against all forms of tampering with the security of the capital and vital institutions.

Given the importance of securing borders in order to restore national security, some participants called for Libya's southern borders to be closed.

## 2.4 Dealing with armed groups

Establishing a unified security institution that takes local specificities into account will clearly require the development of practical and feasible mechanisms for dealing with armed groups, including members of such formations and their equipment. The participants of the consultative process focused on two key issues related to the problem of armed groups: integration into official security forces, and prevention of the proliferation of weapons. The participants agreed on the importance of learning from international experience in tackling these sensitive issues. They further agreed that this delicate process would require a high level of confidence and trust among all Libyan citizens to achieve its aims.

### Integrating members of armed formations

The issue of how to tackle the problem of armed groups was discussed extensively in the consultation process. These discussions covered aspects such as how to develop mechanisms for the integration of individuals currently involved in armed formations. A vital concern in this regard is how to maintain national security without risking a repeat of the armed crises experienced in Libya's recent history.

The participants reached agreement on a number of key points, including the recommendations below.

a.  A crucial distinction must be made in approaching the problem of armed formations. On one hand, there are irregular armed groups that have emerged in exceptional circumstances and with whom dialogue must be initiated. On the other hand, there are criminal gangs and ideological groups using weapons to impose their interests and agendas on Libyans. Dialogue must not be entered into with such gangs and groups; nor should any of their members be considered for integration within state institutions.

b.  Possibly integrating members of armed groups into the two military institutions must, in all cases, focus on the conditions of commitment to these institutions' laws in place.

c.  The Supreme Leadership of the military should prepare a training programme for integrating members of irregular armed groups. This programme should include a plan aimed at integrating the leaders of these groups in state institutions within a period of 12 months. Before committing efforts to the integration of armed groups, the Supreme Leadership must ensure that precise stock is taken of their weapons, equipment and bases.

d.  Specific measures should be adopted in efforts to integrate younger members of armed groups. Special committees will need to be established to assess their mental health and capacity to reintegrate in the socio-economic fabric. All young members of armed groups wishing to join security and military institutions must undergo psychological, professional and social assessment.

e.  Members of armed groups, and youth in particular, will need guidance and opportunities in order to achieve integration. Those applying to join military and security institutions must be assessed and appointed on the basis of their capabilities and past record in accordance with strict standards. Opportunities must also be made available for integrating members of armed groups in the civil service, according to their specializations. An additional proposal for the integration of young members of armed groups is to offer scholarships. These could be to fund students undertaking courses in Libya or abroad.

f.  Incentives are needed to deter young people from becoming engaged in armed actions. Loans could be made available, for example, to youth who want to engage in private initiatives. Another proposal is to establish a development fund to provide home loans to people who desire to get married or start a family.

g.  It is essential to cut off all sources of funding for those armed groups that participate in economic plunder.

A number of contentious issues emerged in discussions about the integration of members of armed groups. The following contrasting views and proposals were highlighted for further deliberation.

a. One proposal is to dissolve all irregular armed groups and to assess the integration of the members of these groups in military institutions on an individual basis. This assessment must be conducted without favouritism or discrimination, in accordance with the law. Any individuals with a criminal record or who advocate an extremist political or religious ideology must be excluded and completely removed from consideration.

b. Some participants proposed that irregular armed groups (revolutionary brigades) could be integrated as reserve units of the military institution, subject to the military institution's Supreme Leadership. Participants also stressed the importance of effective socialization in integrating members of irregular armed groups. This is crucial in order to achieve mutual understanding on the ground.

c. Some suggested that a specialized structure should be established within the military institution, dedicated to integrating members of irregular armed groups.

d. Another contentious proposal is that members of irregular armed groups be tasked with preserving security at local level by joining military and security institutions. Their engagement would be on condition that they obtained assurances from their families and tribes, while also taking their security expertise into consideration. Some participants supported this, noting the important role played by these units in maintaining security and the sacrifices made by their members during the war against terrorism. On this basis, it was argued, members of these groups should be welcomed as partners in rebuilding the military and security institutions.

## Dealing with the prevalence of weapons

The participants agreed on the following points regarding the bearing of arms outside the scope of irregular armed groups and state institutions.

a. Dealing with small arms

- The right to bear arms for personal protection must be guaranteed in the law. This right must be exercised pursuant to a law or decree defining the procedures and conditions according to the type of personal weapon (for personal protection, hunting, etc.)[3]

- Licences must be granted for owning pre-defined types of small arms. The rules and conditions for using these weapons must be regulated.

- The police must destroy small arms that exceed the limits of personal use. This includes undeclared small arms in order to ensure they do not end up again on the black market.

b. Dealing with medium and heavy arms

- Laws and decrees should define the types of medium and heavy arms that should be owned exclusively by state institutions.

- Financial incentives should be offered to groups that surrender their weapons according to legal conditions. This should be combined with a fixed period of grace in order to prevent a cycle of illegal arms sales. Following this fixed period, preventive measures must be taken to confiscate all weapons that have not been surrendered. The handlers of such weapons must be held accountable.

- All members of armed groups who violate these procedures must be excluded from "social cover" and submitted to the formal justice system.

---

3    Some participants proposed that only the heads of families should be eligible to carry small arms.

- In view of Libya's peculiar situation, the confiscation and storage of medium and heavy arms must be conducted in cooperation and coordination with local bodies. This cooperation must be based on guaranteed assurances that these weapons are under the supervision of an authority collectively agreed upon by Libyans.

Among the proposals that gained consensus in the wide-ranging discussions on the proliferation of weapons, the following remain subject to further consultation.

a.  Some suggested that it is necessary to place medium and heavy arms in warehouses within municipal geographic borders, and then hand them over to the military institution when the Libyan people have arrived at a stable and permanent political situation.

b.  Some suggested that all armed groups be removed from the cities and enter into the military institution's barracks outside the cities.

c.  Some suggested that military formations be integrated and disarmament be carried out under UN supervision and support, especially with regard to heavy and medium weapons and integrating personnel. On the other hand, others believe that the UN is not objective and may favour certain actors.

# 3. Distribution of Powers and Resources

# 3. Distribution of Powers and Resources

The third session in the agenda of the consultation meetings concerned governance and the distribution of powers and resources. Unanimous agreement was reached among participants on a number of general principles regarding issues related to this theme. These issues include the need for effective decentralization, transparent management of sovereign economic institutions and national wealth, and equitable distribution of national resources.

The broad agreement of participants on these general principles did not extend, however, to agreement on how these aims can be achieved in practice. From the start of these discussions, many participants expressed their deep frustration with Libya's governance. Many declared they had lost confidence in the state over the course of successive periods of troubled administration. On the basis of these experiences, the participants submitted a set of bold proposals. These can be grouped as follows.

- Proposals to enhance the independence of sovereign institutions, public companies and municipal councils, isolating them from any political or factional intervention. This independence will guarantee that these institutions continue to function for the remainder of the transitional period by keeping them isolated from conflicts and attempts to take them over.

- Proposals to ensure the continuity of basic services by providing support to municipal councils and strengthening their role as the institutions closest to citizens.

- Proposals that seek to overcome legal confusion resulting from the political division and discrepancies in laws and regulations issued by different bodies by finding new and practical formulations and solutions.

- Proposals to enhance transparency and equity in resource management, protecting the interests of the Libyan people by strengthening distribution and supervisory mechanisms.

The proposals are presented in greater detail below in this report.

## 3.1 Criteria for Appointment to Official and Government Positions
### Competence and merit

One of the key principles that gained the most consensus was the importance of basing appointments on merit. All appointments to government and senior-level positions must be based on proven competence, experience and specialization. These criteria should be applied as far as possible in all appointments.

The participants' unanimous agreement on the need for meritocracy in appointments reflected shared frustrations with current appointments to government and other senior positions. It is widely believed that such positions are assigned to people who do not meet any competence-based criteria. Instead, political, partisan, factional, regional, tribal and personal loyalties are all seen to play a role when important strategic responsibilities are allocated. Participants reported that jobs in certain government

sectors are almost exclusively given to people from certain political or regional parties. This includes appointments to the diplomatic corps and other parts of the administration which are reported to be discriminatory. Some participants claimed that the policy in such appointments amounted to systematic marginalization.

The following principles were agreed as a basis for ensuring merit and competence in appointments to government and administrative posts.

a. All Libyan regions and social groups should be equitably represented in government and other senior positions. However, this proportionality must be achieved without prejudicing the criteria of competence and merit and without falling into the trap of political and regional appeasement. The participants noted that, in the current system, entire regions are excluded from senior positions on the pretext of lack of merit. This pretext is false, they argue, since all communities include skilled men and women and therefore proportionality is achievable without lowering standards in appointments.

b. Some specialized skills may be lacking in some regions in view of successive decades of marginalization. In such cases all necessary material resources must be provided for training and capacity-building in order to achieve adequate representation in senior positions.

c. Respecting merit criteria while helping those Libyans who were deprived of appropriate training and rehabilitation opportunities will help ensure that factional quotas and personal loyalties are not relied upon for filling government positions. It will help guarantee respect for equal opportunity as an agreed-upon constitutional principle.

A number of detailed proposals were made about the criteria of competence and merit in appointments. Of these proposals, the following included exceptions to the principles listed above.

a. Special criteria must be applied to ensure the representation of certain population groups in government and executive posts. Such criteria are needed to ensure representation of women and youth. But they will also allow for the injection of new blood into the administration and institutions, without falling into the trap of factional and regional division.

b. The government and administrative leadership must be renewed without resorting to the systematic exclusion of people with conflicting political views. This is especially important in the case of experienced people who have worked in state institutions since before 2011.

c. Integrity and financial transparency must be a basic condition for appointments to senior positions and all public functions. Accordingly, any person sentenced for a misdemeanour or felony related to public funds should not assume new responsibilities.

d. Some participants stressed the need to exclude problematic figures and people with partisan affiliations from appointments to positions of responsibility. This is necessary, they claim, in order to ensure a smooth transition to national stability.

## Guarantees of fidelity and loyalty

A significant proportion of the participants in the National Conference Process stated that government officials should hold only Libyan nationality, since assuming political, governmental and security functions is incompatible with dual citizenship. Some considered this requirement non-debatable and non-negotiable as it affects Libya's national security and is applied in countries with long-standing democratic traditions.

From the discussions held on the Libyan nationality requirement, the following points emerged as contentious or in need of further examination.

a. Some participants called for this nationality requirement to be applied to all functions, in accordance with existing Libyan laws on nationality and functional positions. In particular, they argue, the prohibition on holding dual citizenship would be applicable as it was in line with judicial rulings issued after 2011.

b. Some participants proposed that the national ID number should be used as a precondition for assuming public functions. This proposal is aimed at preventing the duplication of jobs and accumulation of multiple salaries at the expense of the state budget. However, this criterion also reflects concerns felt by many Libyans about immigration and their national identity.

c. Other participants warned of the negative consequences of extending the nationality requirement to all functions. These objections relate to the following considerations.

   - The need to wait for a consensual constitution that defines the rights and duties of Libyan citizens.

   - Most public functions are neither sovereign nor political. Therefore it would be counter-productive to ban those who have not fulfilled the citizenship condition or who have not yet obtained a national ID number from performing some tasks and jobs, especially those who have gained local confidence and knowledge. Generalizing this standard may also cause some exclusion of Libyans who have acquired other nationalities and marginalize some experts needed in some sectors.

d. Some participants argued that flexibility may be needed handle this issue. Individuals without a national ID number should be considered for some local and non-leadership positions, for example in cases where human resources are scarce or in regions where there are few candidates. Advocates of this approach cite legislation in other states allowing residents to hold public functions without bearing the nationality of their country of residence.

## Objective mechanisms to oversee government and administrative appointments

Some participants stressed the importance of having effective selection, monitoring and follow-up mechanisms in place to ensure that the criteria outlined above were applied in practice. Suggested mechanisms include the following.

a. National competitions should be held for appointments to government functions in order to prevent favouritism and nepotism.

b. Job descriptions should be regulated to avoid any confusion or corruption.

c. Administrative posts should be advertised in a way that makes information accessible to all candidates, observers, civil society institutions and members of the public.

d. Any term of office in any government or senior position should be limited to a maximum of four years.

e. Candidates should submit financial liability reports before assuming government responsibilities and senior positions.

f. An Institute of Public Administration should be established to prepare officials to lead government institutions.

g. The legislative institution should play an effective supervisory role in appointments to government and senior positions.

## 3.2 Distribution of Powers between National and Local Authorities

The participants of the consultative process agreed on the following definitions for the powers of the central government or executive authority:

a. *Sovereign powers*: these relate to issues of defence, national security, foreign relations, diplomatic representation, port management, customs, nationality, immigration, and asylum.

b. *Strategic powers:* these relate to the development of national plans in all areas. Such planning includes, most importantly, the management of institutions related to national and economic security and the development of the communications system and transport network.

c. *Organizational powers:* these relate to how government regulates state departments and the relationship between actors and institutions in various sectors. This regulation is implemented by proposing laws, setting standards, issuing regulations and ensuring these are respected.

d. *Distributive powers:* these relate to the management of public, national and natural resources and their distribution to regions and citizens.

e. *Arbitration powers:* these relate to the protection of rights and settlement of constitutional disputes. In the view of most participants, the central government is the chief arbitrator. As such it has a duty to ensure respect for the constitution, to oversee the proper functioning of state institutions and to defend human rights against any violation.

The majority of participants agreed on the following definitions for the executive powers for local institutions and municipalities.

a. *Service powers*: these relate to the provision of public services such as road maintenance, water supply, electricity, sewage, sanitation, public health and urban planning.

b. *Public service management for citizens:* concerning the supervision of municipal branches and the conduct of civil registry operations.

c. *Social mediation tasks:* on the role of municipalities in social reconciliation. Some participants emphasized the role of local government as a channel through which to represent the concerns of the local population to central institutions.

d. *Distributive powers:* these relate to the role of municipalities in distributing resources. The allocation of budgets to municipalities from the central government is one way in which national resources are distributed. Municipalities also raise and distribute local revenues, and participants generally agreed on the need to empower local governments to collect and develop these revenues through investment and partnerships with other institutions.

e. *Security powers:* these relate to the role of municipalities in coordinating and managing security affairs at the local level. Such powers may include municipal guards, security directorates and regional armed forces cooperating and integrated with the national military and security institutions.

Participants agreed that the administration of the country involves an integral relationship between central government and local institutions, each concerned with public affairs and citizens' needs. However, different views were expressed concerning the nature of this relationship and the type of balance desired between their respective powers. Some of these differences arise from the exigencies of the current transitional period and the current constitutional and institutional instability. The positions of the participants on central and local government powers is thus partly influenced by political considerations, leading to extensive debate.

These differences in stance are reflected in the terminology used to describe the desired relationship between central and local government. Participants referred, for example, to a "decentralized administrative system", "extended decentralization", a "federal system", local government, or a "parliamentary system". There was no clear consensus, meanwhile, on what exactly participants wanted from the central government. Instead, the participants focused rather on what powers they did not want the central government to have. Agreement was reached, accordingly, on the need to avoid the following negative consequences of centralization.

a. Centralization leads to the consolidation and resettlement of most national political, economic and service institutions in the capital.

b. Centralization causes significant inconvenience for citizens who reside far from the capital, since these citizens need to travel to the capital to complete administrative procedures.

c. Centralization has the effect of bringing prosperity and stability to some regions while marginalizing other regions, encouraging migration.

d. Centralization undermines equal opportunities among citizens.

e. Centralization becomes an administrative pattern for public institutions, with officials refusing to delegate sufficient powers to the regions to conduct administrative operations.

f. Centralization bypasses collective administration and governing councils for the benefit of director generals and the chairs of boards of directors.

g. Centralization leads to an unfair distribution of resources and budgets within the country and is used as a way to direct resources to some regions and not others.

h. Centralization limits decision-making powers to an administrative and economic elite in isolation from representative and supervisory institutions.

i. Centralization means that political and government decision-making is limited to a narrow group who are not familiar with the needs and problems of people at local level. The members of this elite are typically from privileged backgrounds and many have lived abroad for long periods, disconnecting them from local concerns.

k. Centralization is perceived by many participants as merely a synonym for the administrative corruption of central officials.

l. Centralization leads to negligence by officials who do not visit remote areas.

m. Centralization in Tripoli is perceived by some as an example of betrayal and neglect of the city of Benghazi, the capital of the 2011 Revolution. Many participants objected to the transfer of all Libyan institutions and officials and international institutions to Tripoli after liberation.

Participants also stressed the need to improve local government. Many called for the technical and financial capabilities of municipalities to be strengthened so that they can perform their desired role, and avoid the problems that afflict centralized government. Others emphasized that reforming local governance in Libya is not only a matter of administrative and institutional reform to increase the effectiveness of the administration. A more general and fundamental aim of local government reforms is to construct a new social contract that spares the country from conflict. This can be achieved, it was proposed, by involving the broadest range of Libyan classes and regions in the management of public affairs at different levels.

## 3.3 Criteria for Distributing Government Resources and Disbursing Budgets
### Criteria for distributing resources and disbursing budgets

The relationship between central and local government institutions raises the issue of the criteria that need to be taken into consideration when distributing resources and budgets. The participants in the consultative process agreed upon the following set of proposed criteria for distributing resources and disbursing budgets. (It should be noted that these criteria are not exclusive. Their proposal does not mean they are considered the only criteria to be applied in the distribution of resources.)

a. *Distribution to administrative / geographical entities.* A significant number of participants shared the view that Libyans identify closely with their local institutions. Accordingly, they proposed that

the distribution of resources should be through these institutions, based on either the three historical regions of Cyrenaica (Barqa), Tripoli and Phazania (Fezzan) or new administrative units, such as provinces and municipalities. The participants who submitted this proposal based it on the assumption that these local administrative units should be treated equally.

b. *Distribution according to contributions to national income.* Some participants believe that regions with more natural resources than others should be entitled to rights commensurate with their contribution to Libya's Gross National Product. Such distribution is additionally justified, they argue, in view of the negative effects on people's health and environment in these regions from the exploitation of natural resources. Indeed, some participants call for collective reparations to be paid in these regions to compensate the local population for the negative consequences of resource exploitation. Advocates of this approach base their opinion on local communities' right to develop their regions and benefit from regional wealth. In addition to oil and gas wealth, participants highlighted that natural resources, especially non-renewable resources, also include groundwater, minerals and marine resources.

c. *Distribution according to need.* Some participants advocate distributing resources according to real and actual needs. Participants of this opinion point out that some regions have previously benefited from the state support for development effort, while others have remained marginalized. Exceptional efforts should therefore be made, it is argued, to ensure marginalized regions achieve a minimum level of development.

Distribution according to need was also supported by participants on the basis that remote regions, and especially border regions, typically occupy large territories. The size and remoteness of these regions entail greater administration and maintenance costs than small regions close to the coast. Others urged for distribution to address the reconstruction needs of those regions and cities that suffered most destruction from armed conflict. The state should make exceptional efforts to rehabilitate these regions and cities as soon as possible, since any delay will exacerbate the injustices they have suffered.

d. *Distribution according to population.* Some participants believe that the distribution of resources should be based on demographic criteria, since development should prioritize equality and non-discrimination among citizens. Different views were expressed, however, on how to determine the demographic criteria to be applied.

   - Some called for distributing resources according to the latest census (2006).
   - Others argue that the census of 2006 is outdated due to changes in the geographical distribution of the population. Significant movements of population have occurred since 2006, and especially after 2011. This has resulted in an increase in the population of western Libya due to economic migration of those displaced internally due to conflict.

e. *Direct distribution to citizens.* Some participants called for resources and budgets to be distributed to citizens directly. This could be implemented, they argue, either through increased salaries or family allowances or by replacing the subsidy policy with monetary support. Advocates of this proposal call for the national ID number to be used in all financial transactions. This is because the use of ID numbers would reduce the embezzlement and loss of funds in the administration, as well as preventing smuggling. Direct distribution would lead to financial prosperity for citizens, it is argued, and this would revive spending and stimulate the economy, enabling further development.

Advocates of direct distribution propose that the state should develop alternative mechanisms to avoid pumping budgets into weak institutions, which bears the risks of corruption and waste. Proposals for alternative mechanisms include the possibility of the state granting tax concessions and facilities. For example, state land plots could be offered to encourage investment and stimulate growth instead of "spending budgets which largely evaporate into thin air".

## Principles for overseeing the distribution of resources and disbursement of budgets

The participants agreed that the distribution of public resources and the disbursement of budgets should be subject to strict control and oversight. This is necessary to reduce the potential negative effects of political fluctuations, changes of governments, and the whims of officials. Although all participants agreed on the priority of ensuring a just distribution of resources, interpretations of this "just" approach differed, with some emphasizing equality and fairness and some emphasizing solidarity. The following proposals were agreed upon with regard to the principles of oversight to be applied.

a.  Resources should be distributed and budgets disbursed fairly and transparently. Most of the discussions held as part of the National Conference Process covered the points related to distribution as outlined above. It is therefore proposed that all these points be aggregated in a single consensual formula that responds to each point according to specific arithmetic ratios.

b.  The principle of justice in the distribution of resources needs to be standardized, agreed and institutionalized. It is therefore proposed that the elaboration of detailed practical procedures to ensure justice in the distribution of resources be postponed until after the transitional phase. This can be either left for the legislature or opened up to a comprehensive national debate aimed at achieving a broad popular consensus.

c.  While the participants agreed on the need to determine ratios to distribute resources and disburse budgets, opinions differed on how to determine the ratios.

    -  Some participants stressed the importance of determining the ratios of distributed resources on a fixed basis in order to clarify responsibilities and indicate duties and rights. Others suggested maintaining flexibility in determining the ratios annually, to adapt to changes in data. Relevant data would include, for example, statistics on national and international economic conditions, population movements and natural resources. Ratios will also need to take into account the negative or positive effects of new discoveries of resources.

    -  Some participants suggested that the determination of ratios be informed by data from a neutral technical body. The National Planning Council, for example, is one such technical body that has the necessary data and capacity to calculate all relevant factors to determine a just distribution of resources. Using objective and scientific data is of extreme importance in order to build public trust and avoid misrepresentations.

## 3.4 Municipalities as Service Management Institutions

The majority of participants in the National Conference Process believe that municipalities are the most appropriate entities to distribute resources. This is because municipalities cover the entire Libyan territory and are the institutions closest to the citizens, with direct relations on a daily basis. Municipalities are seen as closely tied to local communities, often reflecting these communities' particularities.

Some participants raised the issue of corruption in central and sectoral administration. Municipal councils could also be vulnerable to corruption, it was noted, given the weakness of regulatory, judicial and security institutions. Yet such fears are exaggerated according to other participants, since local communities can subject municipalities to public oversight, and follow up on how budgets and public funds are disbursed and projects implemented.

The participants agreed on a number of procedures to support the role of municipalities, both in general and in the distribution of resources. These include the following proposals.

## Strengthen the legal framework of municipal work

a.  All participants insisted on the necessity of fully implementing the provisions of Law No. 59 on local governance from 2012.

b.  Some participants suggested overcoming the ambiguity in the current legal framework encouraging the initiatives of municipal councils without waiting for the government or the legislature to act.

c.  A permanent joint legal committee should be formed of representatives from the government and municipalities. (The committee would comprise representatives from the Supreme Council of Local Administration when activated in accordance with the text of the Skhirat Agreement.) This joint committee would have the following powers:

    -   review and consolidate the decisions and regulations issued by different governments

    -   clarify any discrepancies or inconsistencies in the application of laws related to local governance; the opinions of this committee should be binding on the government; municipal councils may challenge these opinions in court

    -   prepare a procedural guide to regulate relations between the members of municipal councils and municipal councils, service ministries and national institutions

    -   monitor and review the transfer of competencies from central to local level (provinces and municipal councils)

    -   propose amendments to conflicting legislation based on current realities and the necessary practices of many municipalities.

## Relationship between municipalities and government

a.  All participants agree that municipalities can achieve their objectives only if they have a strong and solid relationship with the central government. A number of proposals were submitted to avoid confusion in this relationship:

    -   the role of the Ministry of Local Governance should be reviewed with the aim of making it more effective; a Supreme Council for Local Administration should be established and granted powers previously vested in the Ministry

    -   coordination between the municipalities and the government should be entrusted to a government undersecretary directly subordinate to the prime minister.

b.  Provinces should serve as intermediary bodies between the central government and the municipalities. A possible interim measure could be to have mayors run the governing councils of provinces. A federation of municipalities could also be established to conduct projects that require coordination between different bodies.

## Keeping municipalities away from political conflicts

a.  Municipalities should not participate in party-political activities or issue statements that express party-political positions.

b.  The post of mayor should not be subject to dismissal except by a final judicial order with proof of wrongdoing or exceptional circumstances.

## Preserving the integrity of municipalities

a.  Some participants called for the establishment of new municipalities in accordance with the law and objective criteria, rather than on the whims of different governments.

b. Some called for a revision of the administrative boundaries of municipalities and provinces in accordance with the principles of economic integration, social harmony and national solidarity.

c. Participants agreed that any revision of administrative boundaries should be preceded by preparatory work. This preparatory work should be performed by technical committees in consultation with a wide range of local actors throughout the country.

d. The Central Committee for Municipal Council Elections should be independent from the government. Some participants proposed that the Committee be annexed to the High National Election Commission (HNEC).

e. A significant number of participants proposed that municipal elections be held as soon as possible, since the electoral term for all municipalities ceases at the end of 2018. Such acceleration of municipal elections might require work on the articles of the current draft constitution that relate to decentralization (Articles 144 to 154). If this is not possible, the constitutional declaration and existing laws can be applied instead.

## Financial administration of municipalities

a. The government should consult the municipalities or the Supreme Council of Local Administration when preparing national annual budgets and strategic plans.

b. The distribution of budgets to municipalities should be subject to transparent, clear and consensual criteria in consultation with the representatives of municipalities or the Supreme Council of Local Administration.

c. Delay in the disbursement of administrative budgets should be resolved by disbursing municipal steering budgets directly at the beginning of each year. This should be done without delay, according to the last budget approved, and automatically paid along with the first section of the national budget concerning salaries and privileges.

d. Some participants insist that the budget for municipalities should be independent of the state budget. They propose that the Central Bank of Libya should disburse the budgets of the municipalities directly at the beginning of each year. This does not mean that municipalities should be exempt from presenting their budget proposals to the government authority. Nor does it mean that they should be exempt from subsequent control by the competent bodies.

e. Municipalities should collect local revenues on behalf of the state without delay to avoid any loss of income to the state.

f. Some participants, especially those from the southern parts of Libya, noted that subsidies for basic commodities such as gas often do not reach the people for whom they are intended. This leads to multiple manifestations of corruption. For this reason a system of direct support to individuals and families is proposed. This support would be supervised by the municipalities in partnership and cooperation with the Budget Balance Fund. This will require the activation of the National Institution for Supply Commodities and Consumer Associations.

g. Standards of transparency need to be established for municipalities in order to ensure public access to information and facilitate improved communications with local authorities.

## Decentralizing some institutions and projects outside the capital

a. Many participants proposed that certain institutions, bodies and directorates should be located outside the capital. The rationale for this proposal is that some institutions should be geographically close to the subject of their work and specialization. For example, a proposal was submitted to move the Illegal Immigration Directorate to the south of the country (particularly in the city of Sabha).

b. Some proposed that large strategic projects should be located in municipalities that lack resources.

## 3.5 Preserving National Sovereign Institutions

The participants agreed on the importance of preventing interference in the work of sovereign institutions and public utilities in charge of services such as electricity and water. Such interference threatens to undermine the work of these institutions in performing their vital functions. This requires that institutions be protected from extortion or control by political, armed, tribal or regional actors. Institutions and companies must also therefore refrain from intervening in political conflicts.

In the course of the discussions, many participants praised the work of certain national institutions and public companies in maintaining services of the facilities they supervise, despite armed conflict and pressure from armed groups. In particular, the personnel of the General Electricity Company of Libya (GECOL), the Water System of the Great Man-Made River Authority, and the National Oil Corporation were praised for their sacrifices in ensuring the provision of services to all Libyan regions.

Some participants complained about the lack of control currently exercised by the legislature and collective boards of directors over the work of managers and officials of national institutions. Instead, decisions are made without institutional or legal supervision and with no regard to economic integrity or public responsibility.

In the course of discussions about the state's strategic role in the economy, participants highlighted the crucial role of two institutions: the National Oil Corporation and the Central Bank of Libya. The management of these institutions must be subject to the highest standards of efficiency, neutrality and transparency. This requires that the boards of directors be selected in such a way as to avoid *personalization* of these institutions and their exploitation for personal or political sectoral ambitions.

Despite the technical and detailed nature of the management and administration of sovereign institutions, several participants who specialized in the fields of law and economic and administrative reform submitted a number of proposals. These proposed reforms are summarized below.

a.  To develop a practical guide to serve as a constitution for the work of the administrative boards of national institutions and public companies. This guide would apply until the end of the transition period and the issuance of a new legislative framework. In order to issue this guide and publish it in the Official Gazette as soon as possible, a joint legal and technical committee could be formed. The committee would comprise representatives from the Ministry of Justice, other relevant technical ministries, the Supreme Court, the Law Directorate, the Case Directorate, the Audit Bureau and the Administrative Control Authority (ACA). Such a committee will give the guide the legal and interpretative value necessary for the acts and decisions of sovereign institutions and national companies.

b.  To establish boards of directors in these institutions to enhance the transparency and democracy of decision-making and capacity to implement decisions. In this context, the following detailed proposals were submitted.

    -   Some participants suggested that the boards of directors of sovereign institutions should be appointed in accordance with a predefined mandate and without the possibility of dismissing them. This would protect them from political interference and factional conflicts.

    -   Executive directors in national sovereign institutions are first accountable to the boards of directors of such institutions and their decisions should therefore be subject to the directives of the boards. This is necessary to ensure that executive directors do not treat institutions as if they were their personal domain. The boards of directors should meet periodically in accordance with laws and regulations.

    -   Appointments to these sovereign institutions should be made according to standards of scientific competence, integrity and practical experience at the national level. Tribal, regional and partisan quotas should be avoided.

- The demographic diversity of Libya should be taken into consideration to ensure equitable geographical representation in appointments to these institutions. Such representation must be implemented without prejudice to other aforementioned conditions.

c. Sovereign national institutions should be protected from political tensions, since their primary task is to manage the wealth of all Libyans as an economic trust. The work of these institutions should be subject to the most stringent ethical standards, thus enhancing transparency and supporting the legitimacy of the supervising bodies. Several detailed proposals were submitted to achieve this aim, including the following.

- Appoint a temporary higher administrative body whose task is to unify sovereign institutions, consider all the imbalances arising from their division, and find solutions to fulfil their previous commitments.

- This administrative body would consider all future appointments to the boards of directors of sovereign institutions and public companies. Such consideration would include reviewing their compliance with the legal and technical criteria of appointments to senior positions.

- The administrative body should be formed by a consensus among the bodies established through the Libyan political agreement or from the technical legal committee mentioned above.

d. Sovereign institutions, public companies and government bodies (except for security or national security sectors) are obliged to be transparent in their conduct. This requires the following measures.

- All decisions that impose financial burdens on the state or relate to appointments must be published, including all decisions on the development of new structures or changes in existing institutions. Unpublished decisions should be considered null and void.

- Support should be provided to the judicial and administrative authorities concerned with the supervision of financial cases. These authorities are primarily the Audit Bureau, the Administrative Control Authority (ACA), the Attorney General's Office and the competent technical units of the Ministry of Finance and the Central Bank of Libya. Such support will enable these authorities to combat money laundering and ensure they carry out their monitoring role independently without any pressures. These bodies and authorities should cooperate and work with the maximum extent of coordination to achieve optimum efficiency in their work.

e. The work of the government and the conduct of public institutions should be subject to monitoring by civil society organizations and the public. This monitoring can be achieved through the mandatory publication of administrative information and through persistent reporting of cases of corruption.

f. Various security and military apparatuses need to be developed to better protect land and sea borders, ports and oil fields. These bodies must be provided with support to ensure they have the necessary capacities to carry out their tasks.

g. International cooperation is needed to protect the wealth and institutions of the Libyan people.

- Despite objections voiced by some participants that conflicts between Libyans have been exacerbated by international actors, many agreed on the contribution made by international actors in preventing the collapse of Libya's national institutions. Some participants called for the international community to assist sovereign institutions and national companies in carrying out their duties. This demand is based on the need to avoid interference, including blackmail, from forces that want to impose their will on these institutions. These calls for international intervention reflect a loss of confidence in the capacity of the legislature and executive authority to protect these institutions.

- Some participants called for adopting international legal mechanisms, particularly the United Nations Convention against Corruption and the International Anti-Corruption Academy. They

argue that Libya would benefit from international technical and technological assistance in this area.

- Some participants believe that the national regulatory and judicial institutions are unable to combat the corruption and organized theft that is deeply rooted in the system. For this reason they call on the United Nations to help protect the wealth of the Libyan people. This can be achieved if the Security Council forms a group of financial and economic experts tasked with monitoring the arms embargo. This team would prepare periodic reports that would provide the basis for imposing international sanctions for wrongdoing. Sanctions would thus be imposed on all persons involved in financial theft to finance terrorism or armed groups, money laundering or smuggling, or in manipulating the prices of basic commodities.

## 3.6 Developing the private sector

The participants in the consultative process unanimously agreed that the private sector should be developed to undertake burdens which the public sector cannot assume. However, opinions differed as to the precise role to be entrusted to the private sector in the transitional period. Some expressed concern that calls to support the private sector undermine the institutions of the public sector. Some participants objected to the privatization of productive and service institutions. They argue that the abandonment of national institutions and companies after 2011 has been the main cause of the rapid deterioration in living conditions. Privatization, they say, left public services at the mercy of traders seeking profit without any consideration for real added economic value. Among the institutions that have suffered, participants highlighted the Price Balancing Fund (PBF) and the National Pharmaceutical and Medical Equipment Company.

Some believe that support for the private sector may conceal some parties' desire to drain the state's foreign exchange funds by supporting purchases from abroad. Some participants called for patience in this crucial period, noting that commodity subsidies should be maintained. The state should continue to intervene to control prices and distribute basic commodities, they argue, especially in the absence of political stability and clear economic plans.

Many of the participants noted that the economic model of the Libyan state is not merely a technical choice but requires a national debate involving representatives from all parties, economic actors and sector actors. Some participants considered that the legally defined economic system of the former regime needs to be reviewed as soon as possible. This review is necessary, they argue, in order to pave the way for a more sustainable economic system. This system must reduce the state's dependence on oil and gas revenues and prevent the neglect of tax revenues from productive economic sectors.

The following proposals were submitted in relation to the roles of the private and public sectors.

a. Form a Private Sector Development Council, including government and private sector representatives, to serve as a platform for dialogue, coordination and supervision of the private sector development strategy.

b. Activate partnerships between public and private sectors to strengthen and develop the national economy.

c. Strengthen cooperation and partnerships among businesses and urge them to enter into competitive joint ventures.

d. Support business councils and encourage partnerships with similar international institutions.

e. Activate interrupted contracts and projects with foreign companies in all sectors in order to restore the confidence of national and foreign investors and revive the national economy.

f. Review previous economic laws that limit the effectiveness of the private sector, especially in the banking, financial and investment sector.

g. Reduce administrative bureaucracy, activate e-government services and make optimum use of modern technologies.

h. Protect the Commercial Register from manipulations and make information available to all.

i. Protect national products in a way that does not conflict with the principles of free trade.

j. Develop Libya's infrastructure, especially the telecommunications sector.

k. Support the private sector with loans and financial facilities with simplified terms and prolonged periods for repayment.

l. Rehabilitate local national workers, encourage the private sector to employ them, and recruit qualified workers from abroad according to clear contractual and professional terms.

m. Make efforts to support economic integration and investment projects between cities and regions, such as the project to integrate the mountainous and the coastal areas in the western region.

# 4. Constitutional and Electoral Processes and National Reconciliation

# 4. Constitutional and Electoral Processes and National Reconciliation

The discussions concerning national reconciliation, electoral and constitutional processes resulted in some areas of clear consensus. The overwhelming majority of participants expressed the need for national reconciliation. At the same time, all agreed on the need for electoral and constitutional processes to be conducted in an atmosphere of national unity and respect for territorial and popular sovereignty.

Participants hoped that national unity would be achieved based on Libyans' shared history and heritage, as well as religious and national ties. They all agreed that national unity is needed to remove causes of discord and to achieve restorative justice and the restoration of citizens' rights under a fair and impartial judiciary.

Although opinions differ widely as to the preferred constitutional process, the participants were unanimous in calling for a constitution that reflects the interests of all Libyans. They also agreed that the constitution will need to achieve a balance between the need for national unity and democratic rule and the need to represent local specificities through decentralization. In pursuing the shared goal of ending the transitional phase and arriving at a permanent solution, the participants emphasized the need for transparent and fair elections. This requires security provisions to ensure that the election results genuinely reflect the will of all Libyans, without excluding any part of Libyan society, or exacerbating the crisis.

## National reconciliation

The discussions on national reconciliation were frank and wide-ranging. The participants expressed their strong and often conflicting views on this sensitive issue while not forgetting the many ties that unite Libyans, including religion, shared history and kinship ties. In this sense the debate on national reconciliation was an exceptional opportunity to affirm the unity and cohesion of Libyan society. The meetings also enabled citizens to express their shared aspiration for restorative justice to establish conditions for an inclusive Libyan citizenship. The frankness of the discussions could bode well for future reconciliation efforts, as they demonstrated that Libyans are ready for serious discussion to bring an end to the various conflicts afflicting the country.

## 4.1 The need for Libyan national reconciliation

Participants throughout Libya and abroad consider national reconciliation to be a necessary condition for building the nation and ensuring its stability. Some believe reconciliation is a legal obligation, while others contend it is a political necessity. Some view it as being in the social interest, while others emphasize the humanitarian value of reconciliation. However, all participants agreed that Libya needs to achieve national reconciliation while learning from history, and from examples of how some societies have turned the page on tyranny and oppression. This requires serious work and must be supported with all possible means, in the hope of ending conflicts between Libyans. The agreed goal of reconciliation is "to restore the Libyan social fabric in the framework of a national, civil state, which produces

a Libyan national consensus on the form of the state, the use of national resources and wealth, and the management of state institutions, which will achieve societal and geographic unity".

The process of reconciliation, in the view of participants, includes a psychological process that can sometimes be more important than material compensation for the damage inflicted on families and cities as a result of the crisis since 2011. This process relates to the idea of "making amends" and acknowledging wrongdoing.

## 4.2 Reconciliation – a national, sovereign, Libyan process

The majority of participants agreed that any successful reconciliation process must have a national character. All forms of external interference must therefore be avoided, including interventions based on sincere intentions.

Participants agreed the following.

a. The process of national reconciliation derives its authority and legitimacy from the shared heritage and historical commonalities among Libyans. As one participant said, "There can be no political reconciliation without social reconciliation; and there is no social reconciliation without political reconciliation."

b. Reconciliation derives its national character from not excluding or marginalizing any group. This means highlighting the value of citizenship, treating the process impartially, and protecting all reconciliation efforts from political and partisan exploitation.

c. Reconciliation is a national and sovereign process that Libyans are most capable and suited to lead. This means that "the dialogue sessions are Libyan-to-Libyan, and all foreign powers are excluded from dialogue sessions, even as observers."

d. National reconciliation processes must exclude all foreign interventions aimed at causing and exploiting political instability and advancing hidden agendas and ambitions. Such interference would prevent genuine reconciliation. As one participant stated, "An important measure of national reconciliation concerns the degree to which foreign groups are kept at bay and the will of Libyans is accepted."

Nevertheless, some groups indicated that Libyans should seek to benefit from international experiences of achieving reconciliation. These participants propose making the United Nations a partner in facilitating and overseeing the reconciliation process.

## 4.3 Conditions for national reconciliation

Events since 2011 have unsettled the social fabric and undermined trust between citizens. In this context, most participants agreed on the importance of magnanimity and forgiving past offences. However, this does not negate the need for comprehensive openness prior to genuine reconciliation. The results of this process will include material reparations for individuals, groups and cities whose infrastructure and property has been damaged in recent years.

Consensus among the participants emerged on the following points.

a. Making amends is necessary before making reparations, since making amends includes recognition of mistakes and responsibility.

b. The importance of making amends does not reduce the necessity of compensating affected parties and redressing moral and material violations. This includes disbursing all necessary financial appropriations to rebuild damage incurred in the war.

c. A just and impartial judiciary is a necessary condition for true reconciliation. This is especially important in order to address criminal offences such as murder, kidnapping and robbery.

d. All Libyans agree on the need to find a balance between the right to fair adjudication and the need for restorative justice. Once national institutions have been stabilized, this balance can be achieved by structuring restorative justice to achieve social reconciliation and by drawing on analogous international experience of reconciliation.

Events since 2011 have led to different local approaches to reconciliation, which should be accommodated. However participants insisted that reconciliation must not mean impunity for those who have committed crimes against humanity. The following proposals were put forward on this issue, to:

a. distinguish between political issues arising from the current crisis and issues arising from events of previous years, including the aftermath of 2011 – this is crucial as there must be a distinction between crimes committed against Libyan citizens and crimes of those performing one's duty

b. issue a general pardon for the period of the conflict

c. release all political prisoners without condition or restriction

d. ensure and support the right of all displaced persons, both inside and outside the country, to return safely to their homes and families

e. resolve the issue of national ID numbers and the right to citizenship

f. unify the military and security institutions and disarm all "outlaw militias".

Libya has a history of reconciliation, amnesties and forgiveness. For this reason many participants favoured the use of local best practices to achieve reconciliation. The use of traditional mechanisms would be more practical and effective, they argued, since these mechanisms are already familiar to Libyans. The following proposals were made in this regard.

a. To draw up a national charter of principles to guide social reconciliation, based on the key aim of restoring national unity and achieving a peaceful transfer of power.

b. To form committees composed of elders, legal experts, sociologists, specialists in psychological support and representatives of human rights organizations. The goal of these committees will be to research and examine the causes of conflicts and to submit proposed solutions to the executive authority.

## Constitutional and Electoral Processes: Conditions for Ending the Transitional Phase

The participants of the consultative process expressed collective frustration with the protracted transitional process. In all the meetings held throughout the country, participants criticized the inability of Libya's political elites to end the cycle of transition. Many suggested, either explicitly or implicitly, the continued extension of this transitional status has been in the selfish interests of some bodies and individuals. The participants categorically rejected holding elections that might produce a body without checks on its powers, which fails to adhere to rules and procedures of states and institutions. No "blank cheque" should be handed to any future elected body, they insisted, and the first prerequisite for holding elections should be the approval of a constitutional basis that enjoys the full support and agreement of Libyans. It is crucial, moreover, that neither the constitutional basis of the election nor the outcomes of that election be subject to any doubt as to their legitimacy, and can be accepted by the vast majority of the population.

## 4.4 Desired constitutional basis: values and principles

The participants in the consultative process agreed that the hoped-for constitutional basis must be consensual and representative of the collective public conscience. Otherwise the constitution and election may be subject to doubts about their legitimacy or even bring about a new crisis. The majority of participants agreed that the following values and principles must be upheld in the constitutional basis for elections:

a.  The constitution must be treated in an objective and rational fashion and removed from ideological tensions. This requires that the constitution reflects the collective identity and norms of Libyan citizens, while also complying with all treaties, pacts and international agreements.

b.  A civil state must be established that "includes all parts of Libyan society without excluding anyone". The constitution must serve as "the fair and reliable guarantee for the Libyan people".

c.  The constitution must guarantee the freedoms and rights of citizens to a dignified life as well as setting out citizens' duties, regardless of any regional or class considerations. The constitution must express the conscience and sovereignty of the Libyan people.

d.  The constitution must guarantee a fair division of powers and regulate the balance of the relationship between powers.

## 4.5 Guaranteeing fair representation for all

The discussions on this topic evoked a strong sense of patriotism and longing for national unity among the participants. As one said, "No Libyan can succeed unless this strengthens and protects Libya; and any harm inflicted on a Libyan also affects all of Libya." Participants agreed that the best way to "guarantee fair representation for all social components" was to underline the importance of patriotism and build a sense of national belonging. Some expressed their discomfort with the term "components" however since, even though Libya contains many different cultures and languages, they should all be considered as one. Reiterating the deep commonality between Libyans, participants emphasized the following.

a.  What unites Libyans is their national Libyan identity. This national identity is only strengthened by respect for internal pluralism and diversity. Libya is not comprised of a "majority" facing other "minorities". Rather, Libyans are partners in one nation, united by their shared citizenship despite all the oppression and marginalization that has occurred in the past.

b.  The participants recognize the injustices and disparities suffered by the Libyan people without exception. It is essential, therefore, to address the roots of disparities and marginalization without falling into the trap of applying quotas.

Many participants called for restoring and guaranteeing the cultural rights and historical particularities of populations that have suffered economic and political marginalization. A significant number of participants argued that this will require the provision of additional guarantees. Such guarantees would include:

a.  providing linguistic and cultural rights and protecting the cultural specificities of certain regions

b.  stressing that the majority of Libyans reject quotas, while considering that a tacit system of quotas may be necessary to create the opportunities necessary for marginalized groups to achieve real equality.

## 4.6 Path to the constitution: the range of Libyan opinions and attitudes

While it was agreed that the constitutional process should enjoy the widest consensus possible, opinions differed on how to advance this process. A key area of contention that emerged from discussions was whether it was necessary to agree to a complete constitutional text before the elections. Some proposed that the full text need not be adopted before elections. Instead they proposed that the constitutional basis could be limited to outlining the principal values that unite Libyans and the main powers of the elected bodies, their limits and relationship to other authorities.

*Should there be agreement on a fully constructed constitutional text before elections are held?*

While a wide range of participants in the consultation process affirmed the need for constitutional agreement prior to holding elections, others expressed their conviction that the adoption of the permanent constitution requires more time. They do not believe that agreement can be reached on the constitution without first ensuring security and stability, which in turn entails building national institutions. Some participants also pointed to the need for state authorities to be unified before holding an election, as well as the need to end the proliferation of arms and for displaced persons to return to their homes. All participants categorically rejected risking further chaos. For this reason they propose a standards-based roadmap to elections that guarantees stability regardless of its exact timing and form.

*On what constitutional basis should elections be held?*

The nature of the constitutional basis itself remains an area of disagreement. The contrasting views of participants on this issue can be summarized as follows.

a. A significant number of participants insisted that a referendum must be held on the draft constitution. They argue that it is the right of all Libyans to give their opinion on the work of the Constitution Drafting Assembly (CDA). They recalled that the CDA is an elected body that enjoys the confidence of a significant proportion of the population, despite the difficulties that have impeded its work.

b. Some participants insisted that there is "no alternative" to the draft constitution prepared by the elected CDA. Any mechanism, alternative or amendment to the next constitution must emanate from the Libyan people and their free will, without any external interference. Some participants called for quickly issuing the constitutional referendum law. Others contend that holding the referendum would itself be a threat to social peace and stability, and that the constitution should therefore simply be adopted.

A number of participants argued that, if agreement cannot be reached soon on holding a referendum on the current constitutional draft, it is possible to conduct a referendum on a constitutional basis. The following recommendations were proposed in this regard.

a. Either to completely return or temporally return to the 1951 constitution; and to work with the system of provinces, municipalities, municipal branches and localities during the transitional period. In this period all discussion of matters related to the powers of the monarchy should be postponed until state security and stability are established.

b. To return to the 1951 constitution, as amended in 1963, and to organize elections on that basis until conditions for constitutional consensus are achieved.

c. To organize elections on the basis of the 2011 constitutional declaration as amended in 2014.

d. To hold a referendum on the sections in the current draft constitution related to the organization of powers. This would allow for the organization of elections, leading to a permanent situation permitting dialogue on the constitution.

## 4.7 Elections and agreeing to their rules: a prerequisite for ending the transitional phase

The participants unanimously considered the electoral process to be crucial to the process of state-building. The majority agreed on the following principles.

a. In order to emerge from the transitional phase there is no alternative to elections. This requires that all conditions be provided to ensure the widest possible participation in any future elections. Agreement will also be needed on electoral arrangements, conditions and streamlined procedures to facilitate registration for candidates and voters, and voting.

b. Participation in elections, in terms of both running for office and voting, should be a right guaranteed to all Libyans. This requires simplifying procedures and providing conditions to encourage electoral participation.

c. The distribution of electoral seats must be revised based on objective criteria. Such revision must take into account demographic and geographical dimensions to ensure the fair representation of all components of the Libyan people.

d. Elections must be subject to the maximum conditions of transparency, credibility and efficiency. This is crucial in order to achieve popular consensus on the election results, to end the transition period, and to allow the establishment of permanent legally recognized institutions.

e. Oversight mechanisms and measures should be adopted to protect the electoral process from external interference and political and financial corruption.

A number of additional conditions for fair elections were proposed that elicited opposition from some participants. These proposed conditions are summarized below.

a. Some participants argued that it is not possible to organize transparent, free and fair elections without reaching a final solution to the issue of national ID numbers and identity cards. This includes verifying the consistency of civil status records with the National Number system and verifying the absence of fraud or false identities.

b. Some participants insisted that it was necessary to exclude extremists of all kinds. Others, however, believe that Libyans with all views, who are not convicted of crimes, should be eligible to run for senior political positions. This is necessary, they argue, because Libya should seek to integrate the widest possible spectrum of Libyan capabilities and channel their energies into the democratic process.

c. Some participants stressed the importance of financial disclosure and verification for all candidates to ensure maximum transparency and impartiality.

d. Some called for elections to be organized under UN supervision.

e. Some participants noted that it is not possible to hold elections "in light of illegal armed militias with whatever title or function, because they represent a threat to society and attempt to prevent people from exercising their rights to self-determination."

f. Although participants in the consultative process mainly agreed that elections are the only means of exiting from the transitional phase, fears were also expressed about lack of consensus on the conditions and criteria for elections. This lack of consensus, they argue, could exacerbate the crisis and increase the factors of fragmentation and division. This led some participants to consider the possibility of finding a non-electoral exit from the transition until the task of building state institutions is complete and security and stability have been achieved.

# 5. Key Principles and Points of Consensus from the National Conference Process

# 5. Key Principles and Points of Consensus from the National Conference Process

The consultation phase of the National Conference Process was the first opportunity for many to participate in a political process and to express their opinions on the future of their country. It was a significant event in Libya's history, bringing together people from diverse backgrounds and with a broad range of views. The participants engaged in wide-ranging discussions on the challenges faced by the Libyan people and shared national priorities, including security and defence, institution-building, good governance, and electoral and constitutional processes.

Despite some clear differences, the meetings revealed widespread consensus on a number of key points and proposals. The shared priorities and common concerns that emerged from the discussions are summarized in this section as follows.

## 5.1 Preserving Libya's unity and national sovereignty

a.  Preserving the sovereignty and unity of the Libyan state, its territory and people are essential pre-conditions for any legitimate and sustainable solution.

b.  Shared national citizenship and identity unites all Libyans. However, citizenship does not exclude local and cultural identities but builds upon diversity within the context of a single nation.

c.  Unity and national sovereignty must include some degree of regional autonomy, with participants' proposals ranging from decentralization to a federal system. Working towards such autonomy is essential in order to gradually strengthen the unity, integrity and effectiveness of national and local state institutions.

d.  Foreign interference in Libyan internal affairs must be resisted through unity and compromise. Only in this way can Libya defend itself against nefarious interventions.

e.  Developing effective institutions for governance and security is essential for Libya to be restored to full sovereignty and unity. Only through such institutions can Libya protect the nation, borders and citizens. Effective and unified government is a precondition for releasing frozen assets for the benefit of all Libyan people and ending the arms embargo under a unified state with a monopoly on the use of legitimate force.

f.  Respecting national sovereignty, the final session of the National Conference should take place in Libya and among Libyans.

## 5.2 Rational and effective democratic governance

a.  All government officials should be selected according to objective criteria, regardless of tribal, political or regional affiliations. These criteria should include technical competence, expertise and devotion to public service. The imposition of regional, political and ethnic quotas undermines national unity, encouraging division and jeopardizing effective governance.

b. Certain communities that have been deprived of development and educational opportunities should be supported with policies of empowerment and capacity-building to help these marginalized groups attain greater representation, particularly in the Foreign Service. Achieving a fairer distribution of resources and powers would be a more effective mechanism to address the structural causes of such imbalances than the blunt instrument of quotas.

c. The process of appointing officials to government posts should be transparent, and those who are selected should have clear evidence of competence in their fields.

d. The policies, decisions and programmes of the government should follow a clear public strategy based on the priorities of the Libyan people. Some of these priorities have already been identified through the consultation process of the Libyan National Conference. Further public priorities could also be identified through institutional dialogue between national and local authorities.

e. State officials must have clear responsibilities, mandates and limits to their authority. Their primary responsibility is to the Libyan people, not to any political party, community or individual interests. As such, their appointment and position should not be related to the fate of any political, regional or tribal interests. This is essential in order to combat corruption and ensure the effective running of the state.

f. Matters regarding administrative violations, legal issues and corruption should be subject to judicial oversight. This oversight should be the exclusive jurisdiction of the Supreme Court, with cases referred to the Public Prosecutor's Office, the Administrative Oversight Agency, or the Audit Bureau according to their competences. However, alternative or additional mechanisms of judicial oversight may also need to be developed, since judges cannot currently operate freely due to threats of violence.

g. The judiciary enjoys the trust and support of a broad spectrum of the population and has a key role in restoring national security and the proper functioning of institutions. The judiciary must be protected from corruption and its decisions free from all undue influence and pressure.

h. All possible efforts should be made to guarantee the right of women to participate in the political process. Measures should be taken to ensure the fair representation of women in government at local and national levels, and their ability to take on leadership roles in all state institutions.

## 5.3 Security in daily life

a. Security is a fundamental right of all citizens throughout Libya. Ensuring this right requires security and military institutions that are strong, unified and independent. These institutions must be based on national values and subject to civilian and judicial oversight in accordance with the rule of law.

b. The right of individuals to carry weapons for personal protection should remain in force at least until stable and democratic institutions have been established that enjoy the trust and respect of all citizens. A system of registration for personal weapons must be implemented to ensure weapons are not sold or used illegally.

c. Heavy weapons should not be in private hands. All heavy weapons currently in private hands should be handed over to a trusted independent authority for storage or destruction in coordination with local authorities. Establishing a centralized system of storage may be problematic, however, before a permanent solution has been reached which ensures stability and public order.

d. A balance must be struck between coercive efforts to disarm and demobilize non-state armed groups and incentives for groups to lay down their arms voluntarily and submit to state authority.

e. Financial incentives for disarmament may be provided for the benefit of communities. Such incentives must be used solely for these communities and must not be exploited for the illegal enrichment of individuals.

f.  Various initiatives were proposed to encourage individuals in armed groups to hand over their weapons. These include rehabilitation through vocational training, education opportunities in Libya and abroad, and support for their engagement in the private sector. Individuals from armed groups might also be incorporated within national and military institutions subject to strict legal review and compulsory training. Providing employment opportunities for the young is also crucial to help prevent the formation of radical groups and criminal gangs.

g.  Police agencies should be highly professional, representative and independent. Opinions differ, however, as to whether individuals in the police force should work in the localities from which they originate. While many support this proposal, some suggest that priority should be given to ensuring all security forces have a national character, with personnel representing all localities in a balanced way. Police forces should be the primary responders to security threats. However, in the event of a severe security threat, the national armed forces should be authorized to intervene. Such intervention must be conducted in coordination with local councils and municipalities, who play a key role in preserving security and the interests of individuals and residents at local level. Local customs and cultural issues must be taken into account in any intervention.

h.  All security arrangements must prioritize the safety of citizens and their property. Security operations must be carried out in collaboration with the relevant municipal and community bodies. Local sheikhs, elders and notables have an important role to play in tackling security threats at local level.

i.  There should be clear rules and limits on the powers and competencies of different security bodies.

j.  A code of ethics should be established for media organizations to ensure that the media does not undermine citizens' security.

## 5.4 Unified sovereign and military institutions

a.  The unity of Libya is undermined by the division and sometimes mismanagement of key sovereign institutions, including the Central Bank, the National Oil Company and public utility companies. This has led to a waste of Libyan resources and has contributed to the continuation of conflict.

b.  Political actors should meet urgently to find ways of unifying state institutions that are currently divided. The failure of political elites and elected representatives so far is fully responsible for the current situation. Moreover, many of these divisions have been exacerbated by the actions of the international community.

c.  Sovereign national institutions must be protected from political, partisan and regional tensions. The core mandate of these institutions is to manage the property of all Libyans, held in trust for future generations. Such institutions must therefore conform to the highest ethical standards, operating transparently and buttressing the legitimacy of bodies overseeing their work.

d.  To ensure that members of boards of directors and sovereign national institutions are free from political interference, it is proposed that members be nominated for fixed terms and should be ensured that they will not be dismissed during their mandates.

e.  The executive directors of sovereign institutions are accountable in the first instance to their board and should act in accordance with the board's instructions. They must not run the institution according to their personal concerns. The boards of sovereign institutions should meet on a regular basis as per their statutes.

f.  All efforts must be made to unify the military, while ensuring the armed forces maintain a distance from all political and civilian affairs. Political and civilian institutions should refrain from instrumentalizing the armed forces for personal or partisan purposes.

g.  The unification of the military is integral to the sovereignty and unity of the country as a whole. The Libyan army should be built to defend Libya's borders and protect the country from harmful foreign interference.

h.  The armed forces should develop a national and professional character. Military units based on personal or regional loyalties jeopardize the military's apolitical and neutral character.

i.  Opinions differ as to whether efforts by neighbouring countries to assist in unifying the armed forces are acceptable.Some argue that sensitive issues such as the unification of the military should remain an exclusively Libyan issue, while others welcome contributions from neighbours.

j.  Those who wish to join the armed forces must undertake mandatory training before being eligible for integration in the military and security forces. Such training is crucial to ensure armed forces serve the security of the homeland and its citizens.

k.  A unified professional military could be developed by making use of the skills of existing career military officers from all parts of Libya. These officers have frequently been excluded from previous efforts to rebuild a national military force.

l.  Units of the armed forces should represent all regions in order to maintain the military's national and non-partisan character.

## 5.5 Protecting Libya's national wealth and resources

a.  Revitalizing the economy is the top priority for Libyan people, as the population has suffered greatly from difficult living conditions. Proposals for improving the economy include the following.

   i.  All institutions responsible for managing Libya's strategic national resources must be protected, especially the National Oil Corporation. This includes protection from threats, extortion and attempts to impede the execution of their core functions or abuse them for the benefit of specific persons or groups. Legal measures and sanctions should be applied strictly to any groups committing such offences.

   ii.  Economic reforms are required to prevent the waste and misappropriation of Libya's resources. These should include reforms to state subsidies and the public salary system, as well as reforms to develop the banking system. A comprehensive review should be undertaken of the system of resource distribution. This review should explore ways to ensure all Libyans have decent living conditions, as well as ways to preserve resources for future generations.

   iii.  Barriers to private investment and predatory practices should be eliminated in order to encourage a culture of entrepreneurship. Economic opportunities must be provided for all, especially the young. Without such opportunities, young people may be tempted to join radical groups and take up arms.

   iv.  Urgent action is needed to address the issues of inflation, liquidity and all forms of manipulation of the exchange rate of the Libyan dinar. The technical expertise of the international community can be drawn upon to establish a balanced, sustainable monetary policy.

   v.  The state should comply with transparent contracting procedures in all the contracts it concludes. This is essential to addressing the issue of corruption and misappropriation of public funds.

b.  The international community should provide support and technical assistance to encourage the efficient use of Libyan resources. This support should include assistance in building monitoring and oversight capacities, and tools to follow and evaluate adherence to the budget.

c.  The international community could play an important role in reinforcing and supporting the efforts of Libya's oversight institutions. These include the Administrative Oversight Authority, the Libyan Audit Bureau, the General Prosecutor's Office and judiciary bodies.

## 5.6 Fair distribution of Libya's resources

a. The lack of a clear and equitable system for distributing resources is one of the key drivers of instability in Libya.

b. The public budget should not be limited to expenditures by central authorities. The annual budget must therefore include the following.

    i. An allocation distributed to municipalities on the basis of population density.

    ii. A budget for municipalities and groups of municipalities (in the absence of governorates). These resources should be dedicated to implementing development and infrastructure projects based an objective analysis of the needs of each region.

    iii. A proportion of revenues from national resources should be allocated to tackle environmental and development issues in regions of oil production and exploitation. This should redress increasingly serious environmental and health problems.

c. The budget for development, reconstruction and infrastructure should help the areas of the country that are least developed and most affected by conflict. This will help overcome the effects of marginalization in some regions in accordance with the principles of fairness and positive discrimination.

d. The capacities of municipalities to manage increased budgets and responsibilities should be strengthened. This includes building their technical capacities and supporting monitoring and follow-up mechanisms to prevent the spread of corruption at local level.

## 5.7 Strong local governance

a. Municipalities represent a major pillar for stability in Libya, justifying the decentralization of governance. An overly centralized government is widely seen as having caused many of the problems Libya is experiencing today. Therefore there should be a gradual transfer of a significant portion of ministerial responsibilities to municipalities and eventually governorates.

b. The success of decentralization depends on strengthening municipal capacities. Existing municipal borders could be revised to ensure borders correspond to geographic, economic, administrative and demographic realities.

c. In the absence of functioning governorates, mechanisms to facilitate collective action, solidarity and partnerships between municipalities are required. This is necessary to prevent wasteful duplication, as well as to allow for more ambitious projects. The formation of a Supreme Council for Local Administration, envisaged in the Libyan Political Agreement of 2015, could help support municipalities and advance effective decentralization. Such a Council should include representatives of the municipalities, as well as experts and representatives of relevant central institutions. The Council should work to bridge the gap between municipal authorities and the national government.

d. Municipalities are more knowledgeable about the needs of the local populations and should be involved in overseeing the provision of services and the distribution of resources to citizens.

e. Municipalities should play an important role in preserving security, through their advice to security actors in dealing with local particularities and problems.

f. Central and local governance bodies are inherently linked and reinforce each other's work. Given this, local governance bodies must be involved in the development of centrally coordinated budgets and strategic plans.

g. Municipalities must be purely service-oriented bodies, isolated from political battles.

h. In reality, many subsidized goods, including fuel, do not reach their intended beneficiaries, particularly in the south of the country. A system of direct transfer to families and individuals via municipalities

should therefore be established. Direct transfer would reduce the risks of corruption that arise from the current centralized system.

i. Existing budgets and financial allocations should be transferred to municipalities without delay. All relevant laws and regulations should be implemented in order to facilitate the work of the municipalities and allow them the necessary financial resources. Technical and training support should be provided for municipalities to enable them to fulfil their responsibilities as effectively as possible.

## 5.8 Ending the transitional phase

a. The transitional phase should be ended as soon as possible to allow for a sustainable and permanent situation to be reached.

b. The failure of elected representatives to find a route out of the current crisis has led to frustration with the status quo. The National Conference is a historic opportunity for the Libyan people to agree on a dignified exit from the current impasse.

c. The Libyan constitution must be based on consensus, realized through a consultative process free from intimidation and threats. This process should serve to promote national unity, not accentuate divisions.

d. Opinions differ on whether a referendum should be held on the current draft constitution. Many favour this options but some reject the validity of the constitutional draft, arguing that it may further aggravate the current crisis and disturb the political process in Libya.

e. If Libyan representatives remain unable to reach a solution to the constitutional crisis, some groups and participants have called for a return to the constitution of 1951 or 1963, while others suggest holding elections based on the Constitutional Declaration of 2011, as modified in 2014. Another suggestion was to hold a referendum on certain parts of the draft constitution, notably those pertaining to the distribution of powers. This would provide a basis upon which transparent national elections could be held, followed by further dialogue in Libya on the remaining parts of the constitution.

f. The aim of any referendum on the constitutional issue is to put an end to the political turmoil and legal confusion hampering the work of Libya's institutions. Furthermore, no referendum should include options that would lead to further chaos.

g. Whatever the outcome of a referendum, the substantive parts of the chosen constitution should be revised and developed by a committee of experts. These experts should be selected from all three parts of the country by the newly elected legislative bodies.

h. Municipal elections could be held soon, especially given that the mandates of current municipalities expire at the end of 2018. This might require adopting the articles from the current draft constitution related to decentralization. If this is not feasible, another possibility is to return to the constitutional declaration and existing legislation, which provides for a significant degree of decentralisation.

## 5.9 Safe, secure and transparent elections

a. Holding elections sooner rather than later is widely seen as a means of clearly ending the transition period and ushering in a new stable political order. However, some object that conditions are not yet right to hold elections, including security and economic conditions.

b. Barriers to the participation of all Libyans in the electoral process should be removed and the procedures for standing for election should be simplified. In this regard, many Libyans have suggested that the period for excluding supporters of the former regime has passed. Others have emphasized,

however, that this does not prohibit the continued exclusion of those with serious criminal charges against them from running for election.

c. In any upcoming elections, seats must be distributed in a balanced way between regions. Clear and fair criteria should be applied to ensure fair representation according to population and geographic area.

d. Several communities participating in the consultation process stressed the need for urgent action to address the disenfranchisement of Libyans who do not have a National Identification Number or Administrative Number. However, other participants expressed concern about the risks of enfranchising non-Libyans who are resident in the country illegally. This and related concerns, such as fraudulent identity documents, require a specific study in order to be addressed definitively.

e. Greater transparency is needed with regard to the sources of funding for electoral campaigns. Specific legislation will be required to ensure such transparency, possibly including a requirement of financial disclosure for all candidates.

f. It is vital that elections are held in proper security, political, economic and legal conditions. These conditions can be achieved, it is hoped, through the implementation of the recommendations of the National Conference process, summarized here.

## 5.10 National reconciliation

a. A process of national reconciliation is widely held to be necessary for the immediate stabilization of the country. Reconciliation is needed to enable the rebuilding of the state on foundations of sovereignty, unity, prosperity and lasting peace.

b. A national reconciliation process should take place inside Libya and among Libyans, without any foreign intervention. The process must also take local particularities into account. Reconciliation efforts are most likely to be successful if those responsible for the process reflect on the legacy of Libya's ancestors, customs and traditions, and if there is a combined effort of Libya's old and young people.

c. Libyan authorities and the international community can help to ensure that conditions for the success of such national reconciliation processes are met.

d. National reconciliation requires the reconstruction of places that have suffered as a result of being linked to groups and parties defeated in 2011 or thereafter. The participants called for the rapid mobilization of substantial financial resources for reconstruction and for reparations for innocent victims of these conflicts.

e. Many people noted that reconciliation does not negate the possibility for any rightful claimant to pursue justice when the conditions of stability, unity and functioning of institutions are fully restored. This could be supported by a transitional justice process appropriate to the Libyan context.

# 6. Annexes

# 6. Annexes

## 6.1 Methodology

### 6.1.1 Designing the consultation process

The design of the consultative process was conducted in three main phases. In the first phase, the agenda for the process and guiding questions were formulated using the UN Action Plan as a frame of reference. The second phase involved organizing the consultation meetings throughout Libya and abroad, and bringing people to participate through the online platform. The third and final phase aimed to expand participation through all available media and means of communication in order to collect, publish and summarize all opinions and recommendations.

### Agenda: the guiding questions for the consultation process

As part of its mission to organize the consultative process meetings, the Centre for Humanitarian Dialogue formulated a series of guiding questions to facilitate dialogue among Libyans and form a systematic basis for the whole process. These guiding questions were based around the issues of governance priorities, security and defence, mechanisms of good governance, distribution of powers, national reconciliation, and constitutional and electoral processes. In defining the proposed agenda, the Centre sought to consult with the widest possible spectrum of Libyan stakeholders. The guiding questions put to the participants did not constitute a rigid and systematic framework, however. Rather, they allowed for an interactive, dynamic framework. This has consolidated the participatory nature of this process and Libyans' ownership of it.

### Organizing the consultation meetings

The consultative process of the National Conference was not only a historic political event but also an exceptional social occasion in every city where the process was conducted. The process brought together Libyans from all segments of society, and of all ages and educational levels. Participants included representatives from universities, municipalities, civil society organizations, student unions, and political, security and military actors. Also included in the meetings were the Hukuma (Wise Men) and elders who contributed to the process with the wisdom and rich heritage of their ancestors. This heritage places a high value on honour and patriotism. In these ways the consultative meetings were a moment of collective hope, in which distant and recent history intersected with the present and the future.

Although the Centre for Humanitarian Dialogue sometimes initiated contact with city representatives to urge them to organize consultative meetings, it was more often Libyan citizens themselves who initiated contact with the Centre. Such contacts were made to request logistical support for organizing meetings in an organic fashion according to the arrangements most suitable for the local context. In addition, the Centre's representatives attended most meetings to ensure the best conditions to respect the main pillars of the systematic framework and the dialogue agenda. The Centre spared no effort in

responding to all requests for the organization of the National Conference. This included providing proper conditions for preparing reports and outputs in such a way as to safeguard not only the outward form of the contributions but also their spirit and deeper sense. This was necessary to ensure the reports reflected the convictions and perceptions ingrained in Libyans since the beginning of the crisis.

## Encouraging participation

Participation in the consultative process was open to all Libyans without prior invitation or criteria. The aim was to ensure that as many Libyans as possible were informed of the dates and venues of the meetings. Despite these aims, however, it must be acknowledged that most of the participants were influential local personalities and stakeholders, including local and elected opinion-makers. To overcome this limitation and ensure that the process was inclusive and gathered the views of all groups in Libyan society, the Centre for Humanitarian Dialogue organized events for specific groups. These included groups not previously adequately included in the political process such as displaced persons, women, university students, and people from remote cities. The Centre also responded to a number of special requests for meetings, including meetings on special sectors and topics. For example, owing to exceptional circumstances preventing some groups from participating in their localities, separate meetings were organized in the same region.

In order to include as many Libyans as possible, the Centre for Humanitarian Dialogue organized multiple meetings in some instances, especially in major cities with large populations. In all the cities in which the consultative process took place, constant and cordial interaction with official and local stakeholders has been the rule in the organization and success of the meetings.

Nevertheless, the precarious security situation and various logistical and practical obstacles prevented consultative meetings form being held in some areas. Transport conditions and time factors also prevented many prominent Libyan intellectuals and elites from attending social activities. Hence, to ensure inclusion of these groups, effort was made to promote participation through the website and social media.

## 6.1.2 Communication strategy

### Direct communication

Despite the various difficulties of the current situation in Libya, the organizer of the consultative process succeeded in establishing direct communication channels with youth (male and female) in cities and villages throughout the country. The municipalities and institutions that supervised the local processes formed centres that served as springboards for disseminating information about the time and place of the meetings and their proposed agenda. The scope of this direct communication was often expanded to include bilateral meetings with leaders and local radio, print, and television media. Many citizens voluntarily contributed to the dissemination of bulletin boards, news, and advance publicity for meetings. The media team also publicized details of the meetings at least 48 hours in advance.

Aside from the valuable content gathered throughout the process, the preparatory stage of the consultative meetings was a significant success for Libya and its people, enhancing national and political life. Each meeting, whether large or small, was an opportunity for Libyans to express their views. From these meetings there emerged a shared determination not to surrender to dispersion, division and powerlessness. The process itself served to consolidate the widespread hope of Libyans for a unified nation, not divided by sedition or isolated by geography.

Below is an overview of the meetings in terms of location, participation and representation (including female representation).

## Virtual participation and social media

Virtual participation accounted for more than 30% of the total contributions and comments in the consultative process of the National Conference. Internet interactions with the process exceeded 485,000.

Allowing for virtual participation facilitated a significant increase in the number and range of groups targeted by the communications strategy of the Centre for Humanitarian Dialogue. The use of social media and virtual sharing tools further enabled written contributions that were often of considerable intellectual quality. The organization received more than 2,000 detailed email responses to the guiding questions from people who devoted valuable time and effort to their formulation and editing. Overall, the social media communication campaign succeeded in mobilizing significant numbers of Libyans, including 131,000 on Facebook and 1,750 on Twitter. (It should be noted that Twitter is not currently widely used in Libya.)

### 6.1.3 Follow-up, reporting and documentation

The Centre for Humanitarian Dialogue provided all necessary documentation and safeguards to ensure the credibility of the consultative process. A list of all participants was prepared, including proof of their Libyan citizenship, and all written comments received through the website were recorded. (These records are not published, however, for the sake of protecting personal data.) All due technical measures were taken to guarantee that the open consultative process was not exploited for the purpose of exerting external influence.

In order to document and archive all the outputs of the process, a special report was prepared for each consultative meeting together with photographs of the event. All these reports were saved on the website for the consultative process, available at: www.multaqawatani.ly.

### Publication and summary of meeting reports

The Centre for Humanitarian Dialogue compiled the reports of each consultation meeting. These reports were typically written by the participants, documenting all the outcomes of the discussions. Subsequently, the Centre uploaded all the reports in their original form at www.multaqawatani.ly. In the second phase, the Centre reviewed the original copies and published summaries, together with the available media reports prepared for the consultative meetings. This provided access to the reports for all Libyan readers and all those interested in the outputs of the process.

After receiving all the reports emanating from the consultative meetings, the Centre for Humanitarian Dialogue delivered a first summary of the outputs of the process to the Special Representative of the UN Secretary-General on 11 July 2018. This summary includes the "Key Principles from the Consultative Process" contained in this report.

## 6.1.4 Methodology for preparing this report

This final report was prepared with the aim of summarizing the outputs of the meetings of the consultative process. While the report does not include every individual opinion and proposal, all of the commonly held views have been reported without exception. The outputs confirm that there is a greater level of agreement among Libyans on the key issues affecting their nation than there is contention. This level of consensus is promising for the present and future of Libya. In the interests of upholding the highest standards of transparency and integrity, however, it is also important that no points of divergence in the proposals are underplayed or concealed. Accordingly, the following levels of agreement and disagreement have been distinguished and indicated in the detailed summaries that form the main body of this report:

- points on which all or most participants in the consultative process agreed
- points proposed for consultation (i.e. points put forward by some participants but which have been neither conclusively agreed upon nor rejected)
- controversial points that include multiple and diverse opinions.

## 6.2 Guiding questions

The guiding questions discussed during the consultation can be found online at www.multaqawatani.ly. Below is the agenda used as a basis for all of the NCP consultations. It is based on the guiding questions and includes four items: government priorities, security and defence, distribution of powers, and constitutional and electoral processes.

| Item |
|------|
| **Introduction** |
| **Government priorities** |
| 1. In the context of the current crisis, what are the most urgent and pressing priorities at the national and local levels? |
| 2. What should be the government's priorities in the short and medium term (from one to three years)? |
| 3. What are the necessary conditions for achieving national reconciliation? |
| **Break** |
| **Security and defence** |
| 1. What principles and basic functions should form the pillar of the united Libyan military institution? |
| 2. What principles and basic functions should form the pillar of the Libyan police and other security institutions? |
| 3. What are the conditions and what is the ideal mechanism for integrating members of existing armed groups into the united military and security institutions? |
| 4. What conditions and incentives could allow for the smooth and effective containment of arms proliferation outside legitimate institutions, in such a way that this does not negatively impact Libyans' security? |
| **Lunch** |
| **Distribution of powers** |
| 1. What conditions and specifications should be taken into account in government appointments and high-level positions? |
| 2. What are the tasks of local institutions and municipalities, and what is the scope of their powers? |
| 3. What are the tasks of the central government and what is the scope of its powers? |
| 4. What are the best and most qualified institutions to oversee the distribution of resources and services among citizens in a just, transparent and effective manner? |
| 5. What are the mechanisms and conditions that would allow for the strengthening of unity, integrity and neutrality of Libyan sovereign national institutions, such as the central banks and national oil institutions? |
| 6. What are the criteria and factors that must be taken into account in distributing government resources and disbursing budgets? |
| 7. What mechanisms can be developed in order to protect Libyan national resources and wealth (such as oil, gas, and sovereign assets and investments) from theft, misuse and factional or political exploitation? |
| 8. How can the private sector be developed in line with Libyan national interests? |
| **Break** |
| **Constitutional and electoral processes** |
| 1. What conditions are necessary to achieve national reconciliation? |
| 2. How can just representation be ensured for ethnic and cultural communities and victims of economic and administrative marginalization, and how can human rights be protected? |
| 3. What is the ideal way to make progress in the constitutional process in a way that achieves a consensual and durable constitution for Libyans? |
| 4. What conditions must be provided to achieve credible elections enjoying national consensus? |
| **Additional comments** |

## 6.3 Participation

Schedule of session and participation in meetings

### Table 1: Overview of meetings and participants

| | Event | Date | Number of participants |
|---|---|---|---|
| 1 | Zwara | 05.04.2018 | 72 |
| 2 | Benghazi | 05-07.04.2018 | 161 |
| 3 | Benghazi working group: National Federal Bloc | 13.04.2018 | 30 |
| 4 | Benghazi working group: Youth (Group 1) | 13.04.2018 | 30 |
| 5 | Benghazi working group: Women | 17.04.2018 | 31 |
| 6 | Benghazi working group: Elders | 18.04.2018 | 30 |
| 7 | Benghazi working group: Bena Organization | 21.04.2018 | 30 |
| 8 | Benghazi working group: Martyrs Square Elkish | 23.04.2018 | 30 |
| 9 | Benghazi working group: Youth (Group 2) | 25.04.2018 | 32 |
| 10 | Benghazi working group: Women Federalists | 25.04.2018 | 30 |
| 11 | Benghazi working group: Civil Democratic Party | 27.04.2018 | 30 |
| 12 | Benghazi working group: Hukamaa Council | 04.05.2018 | 30 |
| 13 | Benghazi working group: Houkouk organization of human rights and development | 11.05.2018 | 9 |
| 14 | Benghazi working group: Youth (Group 3) | 22.05.2018 | 30 |
| 15 | Benghazi working group: Youth (Group 4 ) | 23.05.2018 | 30 |
| 16 | Brak | 07.04.2018 | 46 |
| 17 | Gharyan | 07.04.2018 | 75 |
| 18 | Abu Slim | 10.04.2018 | 350 |
| 19 | Qatrun | 10.04.2018 | 55 |
| 20 | Ghat | 12.04.2018 | 29 |
| 21 | Murzuk | 12.04.2018 | 42 |
| 22 | Ubari | 14.04.2018 | 41 |
| 23 | Wardamah | 19.04.2018 | 50 |
| 24 | Shahat | 21.04.2018 | 50 |
| 25 | Jebel Sahel | 22.04.2018 | 30 |
| 26 | Bayda (Women's event) | 23.04.2018 | 11 |
| 27 | Zintan | 24.04.2018 | 63 |
| 28 | Janzour | 25.04.2018 | 137 |
| 29 | Tripoli (Women's event) | 28.04.2018 | 30 |
| 30 | Yifrin | 28.04.2018 | 40 |
| 31 | Yifrin working group: Union Tomast Société civil | 13.05.2018 | 10 |
| 32 | Jalu | 30.04.2018 | 30 |
| 33 | Tragen | 03.05.2018 | 38 |
| 34 | Ubari (Women's event) | 05.05.2018 | 47 |
| 35 | Tarhouna | 05.05.2018 | 80 |
| 36 | Sabha Centre | 08.05.2018 | 58 |
| 37 | Jadu | 08.05.2018 | 85 |

| | Event | Date | Number of participants |
|---|---|---|---|
| 38 | Sabha | 09.05.2018 | 8 |
| 39 | Tripoli | 09.05.2018 | 127 |
| 40 | Tripoli working group: Tripoli Law Faculty | 30.05.2018 | 76 |
| 41 | Tamenhint | 10.05.2018 | 50 |
| 42 | Ghedames | 10.05.2018 | 52 |
| 43 | Khoms | 10.05.2018 | 91 |
| 44 | Tunis (Women's event) | 12.05.2018 | 70 |
| 45 | Wadi Awal | 12/0572018 | 97 |
| 46 | Internally Displaced People | 12.05.2018 | 99 |
| 47 | Tunis (Youth event) | 14.05.2018 | 20 |
| 48 | Murzuk (Follow-up event) | 27.05.2018 | 30 |
| 49 | Ubari (Follow-up event) | 28.05.2018 | 40 |
| 50 | Sabha Centre (Follow-up event) | 29.05.2018 | 40 |
| 51 | Sabha (Women's event) | 30.05.2018 | 150 |
| 52 | Tunis | 08.06.2018 | 36 |
| 53 | Tobruk (Women's event) | 09.06.2018 | 40 |
| 54 | Tobruk | 10.06.2018 | 136 |
| 55 | Tobruk Working group (1) | 05.05.2018 | 14 |
| 56 | Tobruk Working group (2) | 02.06.2018 | 22 |
| 57 | Tobruk Working group: Youth Federalist Union | 02.06.2018 | 30 |
| 58 | Souk Al-Jouma 1 | 19.06.2018 | 114 |
| 59 | Badr Tiji | 21.06.2018 | 55 |
| 60 | Souk Al-Jouma 2 | 22.06.2018 | 20 |
| 61 | Yifrin (Women's event) | 23.06.2018 | 57 |
| 62 | Syrte | 23.06.2018 | 65 |
| 63 | Idri Shati | 27.06.2018 | 137 |
| 64 | Tobruk (Follow-up event) | 27.06.2018 | 690 |
| 65 | Tadjourah | 28.06.2018 | 144 |
| 66 | Zawiya | 30.06.2018 | 20 |
| 67 | Misrata | 30.06.2018 | 120 |
| 68 | Cairo | 03.07.2018 | 80 |
| 69 | Working group: Libyan National Struggle Front | 03.07.2018 | 30 |
| 70 | Bani Walid | 03.07.2018 | 70 |
| 71 | Istanbul | 04.07.2018 | 28 |
| 72 | Kufra 1 | 05.07.2018 | 40 |
| 73 | Kufra 2 | 05.07.2018 | 40 |
| 74 | Swani | 05.07.2018 | 200 |
| 75 | Jufra | 07.06.2018 | 30 |
| 76 | Tazerboo | 07.07.2018 | 25 |
| 77 | London | 08.07.2018 | 63 |
| **Total number of participants** | | | **5,258** |

## Online participation

**Table 2: Online contribution**

| Online contributions via the online questionnaire | Online contributions via e-mail and social media platforms | Total of online contributions |
|---|---|---|
| 1,706 | 300 | 2,006 |

**Table 3: Online interaction**

| Number of followers on the Facebook page | Number of followers on Twitter | Total number of interactions on the NCP social media pages |
|---|---|---|
| 131,000 | 1,800 | 1.8 million |

## Online Presence of the National Conference Process

Website:
www.multaqawatani.ly

Facebook:
www.facebook.com/Multaqa.Libya

Twitter:
www. twitter.com/MultaqaLibya

Flickr (photo gallery):
www.flickr.com/photos/163899107@N06/albums

YouTube (video gallery):
www.youtube.com/channel/UC0gfqKwdUxannXKe0ln61RA

Email:
info@multaqawatani.ly
meetings@multaqawatani.ly
participate@multaqawatani.ly
pr@multaqawatani.ly