

Country/entity	Libya
Region	Middle East and North Africa
Agreement name	Minutes of Misrata-Tawagha Agreement on the Return of Displaced Persons and Compensation for those Affected
Date	31 Aug 2016
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/local conflict

Libyan Conflicts (1969 - 1994) (2011 -)









Agreements relate to two distinct conflict dyads.

Libya-Chad. Since the 1970s, Libya under Colonel Muammar Gaddafi had a tense relationship with its neighbour Chad, predominantly focused on the resource-rich Aouzou Strip in northern Chad. Libyan claims of the Aouzou Strip were held in an unratified treaty between France and Italy in 1935, similarly Chadian claims of the Strip were argued with support of a 1955 treaty between Libya and France. In 1973, Libya effectively annexed the Strip to gain access to natural resources. This spurred cross-border clashes between 1979 until 1987 until escalated to a brief war known as the Toyota War, wherein Chadian government troops succeeded in repelling Libyan forces. A brief and repeatedly violated ceasefire was held from 1987-88, followed by a series of unsuccessful negotiations, until an International Court of Justice ruling in 1994, which granted sovereignty of the Strip to Chad.

Libya post-Gaddafi. Gaddafi's downfall following the Libyan Civil War in 2011-2012, led to several factions fighting for the country's leadership. Since 2013, the country effectively split into three entities, with the National Army controlling the east including the city of Benghazi, and the New General National Congress and their militias such as the Golden Dawn controlling the northwest including the capital of Tripoli. Significant portions of the country in the south-west are currently held by Tuareg forces. The civil war and chaos continued into 2014 as the General National Congress refused to disband after the expiry of its mandate, resulting in eruption of mass protests. The UN efforts continue to broker peace between the Libyan Army and the Libya Dawn factions, and a partial ceasefire was declared in January 2015. A new interim-government (Tunisia-based) called 'Government of National Accord' is formed with the backing of UN despite the refusal of the other forces to recognise its authority and arrived to Tripoli with the UN in 2016. A state of emergency was declared by the UN backed government amid clashed between rival militia in Tripoli's southern suburbs. Since April 2019 there has been sustained fighting between the Libyan National Army and the UN-backed government in Tripoli as the Libyan National Army aims to seize Tripoli.

Close

Libyan Conflicts (1969 - 1994) (2011 -)

Stage	Framework/substantive - partial
Conflict nature	Inter-group
Peace process	Libyan local processes
Parties	<p>Signature of the President of the Dialogue Committee of Misrata  Name/ [Illegible] Signature/ [Illegible] Date/ [Illegible] </p> <p>Signature of the President of the Dialogue Committee of Tawagha  Name/ [Illegible] Signature/ [Illegible] Date/ [Illegible] </p> <p>Approval of the City Council of Misrata  Name/ Signature/ Date/ [No signature] </p> <p>Approval of the Local Council of Tawagha  Name/ Signature/ Date/ [No signature]</p>
Third parties	<p>Ratification of the Libyan State  Name/ Signature/ Date/ [No signature]</p>
Description	Agreement providing for comprehensive reparation and reconciliation between Tawagha and Misrata, organised by local councils and underwritten by the state.

Agreement document	LY_160831_Agreement between Misrata and Tawagha_EN.pdf (opens in new tab) Download PDF
Agreement document (original language)	LY_160831_Agreement between Misrata and Tawagha_AR.pdf (opens in new tab)

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 3, Seventh matter: Security arrangements 28
In order to realise a safe return, the necessary security arrangements must be taken.
What the agreement says about this is considered in a security arrangement meeting mentioned above. That is the foundation and therefore the two Ministries of Defence and Interior will take the measures. A shared Misrata-Tawagha operations room will be created to coordinate the security arrangements. The two Ministries commit to specifying the number of people and providing the necessary equipment.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 3-4, Eighth matter: Reconstruction 28
... 1- Tawagha
... (G) Family care centres will be established. 28
... 2- Misrata
... (E) Family care centres will be established by mobilising the Municipal Branch.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders Page 1, Preface
Based on the meetings between the City Council of Misrata and the Local Council of Tawagha and on the meetings and results of the committee formed for reaching an agreement. [Also based] on the statement and sheikhs of the people of the tribes of Tawagha, the tribes that inhabit them and the Provisional Facilitation Council of the city of Tawagha - dated 23 February 2012 - which includes an apology to Misrata for all proved forgetful actions on any of the inhabitants of Tawagha. [Also based] on the road map dated 18 December 2015, on the meeting of the Deferred Security Arrangements held on 8 December 2015 and on the will of the two sides to put an end to the problems between Misrata and Tawagha. [Also based on] the will to have social peace, justice, re-establishment of a state of law and to cooperate in preventing the mistakes of the past or transferring it to coming generations and the insistence of everyone on finding solutions to all obstacles making it difficult to implement the agreement into peace and justice.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing Power sharing→Military power sharing→Joint command structures
Page 3, Seventh matter: Security arrangements 28
In order to realise a safe return, the necessary security arrangements must be taken. What the agreement says about this is considered in a security arrangement meeting mentioned above. That is the foundation and therefore the two Ministries of Defence and Interior will take the measures. A shared Misrata-Tawagha operations room will be created to coordinate the security arrangements. The two Ministries commit to specifying the number of people and providing the necessary equipment.

Human rights and equality

Human rights/RoL general Page 1, Preface
... [Also based on] the will to have social peace, justice, re-establishment of a state of law and to cooperate in preventing the mistakes of the past or transferring it to coming generations and the insistence of everyone on finding solutions to all obstacles making it difficult to implement the agreement into peace and justice.

Page 4, Tenth manner: Implementation mechanisms 29
The Libyan State takes all necessary measures and steps to implement the principles of this agreement. It is among its priorities to create a special fund for this issue. The Libyan State has established an independent committee in which two representatives of the shared committee participate, in order to ensure that transparency, credibility and the requirements of victims as well respect for human rights are achieved.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights	<p>Human rights and equality→Civil and political rights→Fair trial</p> <p>Page 3, Sixth matter: Justice 28</p> <p>The investigation of justice regarding the ones accused of committing violations during the period of the agreement will go through the judiciary by the following official steps. It is for the Libyan State to take all the necessary legal steps to bring the accused to justice. The two sides request the Libyan State and the Ministry of Justice to conduct a fair trial for the accused and the detainees, as well as to accelerate the release of the innocents among them. The files of the compensation requests will be presented to the judicial system to solidify the assessment of the accused's special compensation requests on criminal cases related to the conflict during the period of the agreement until lawsuits were issued towards them. Anyone who is not found guilty will be paid a compensation according to the ruling of the fifth point in this agreement.</p> <p>Human rights and equality→Civil and political rights→Other</p> <p>Page 2, Fourth matter: General rulings</p> <p>... 5- The injured have the right to resort to the judiciary if they finds their compensation insufficient.</p>
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	<p>Rights related issues→Media and communication→Media roles</p> <p>Page 1, Second matter 28</p> <p>The two sides agree to make all necessary efforts to realise and consolidate reconciliation, peace and social harmony between Misrata and Tawagha. [They also agreed] to raise awareness among people through workshops, the media, religious forums, meetings and different activities, about the importance of realising peace, healing the wounded and seeking to treat all the effects of the conflict. 28</p> <p>The two sides of this agreement commit to work on ending all media campaigns and media coverage that broadcast killings, hatred, the embitterment of souls and encouragement of hatred.</p>
Mobility/access	<p>Page 3-4, Eighth matter: Reconstruction 28</p> <p>... 1- Tawagha</p> <p>(A) The roads will be re-opened, mines will be cleared and garbage will be transported.</p> <p>... 2- Misrata</p> <p>(A) The roads will be re-opened and mines will be cleared by mobilising the Municipal Branch.</p>

Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	Page 2, Fourth matter: General rulings ... 5- The injured have the right to resort to the judiciary if they finds their compensation insufficient.
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 3-4, Eighth matter: Reconstruction 28</p> <p>The Libyan State will form a committee for provision of essential requirements and items for reconstruction, enabling to live a decent life, clearing mines and remnants of war, opening the roads, reinstating essential facilities like hospitals and schools, connecting an electricity network, connecting water and repairing houses according to the following principles:</p> <p>Page 3-4, Eighth matter: Reconstruction 28</p> <p>... 1- Tawagha</p> <p>... (B) An electricity and water network will be connected.</p> <p>(C) The schools will be repaired.</p> <p>(D) The hospitals, health and administrative centres will be repaired.</p> <p>... 2- Misrata</p> <p>... (B) An electricity and water network will be connected by mobilising the Municipal Branch.</p> <p>(C) The schools will be repaired by mobilising the Municipal Branch.</p> <p>(D) The hospitals will be repaired by mobilising the Municipal Branch.</p> <p>Page 3-4, Eighth matter: Reconstruction 28</p> <p>... 1- Tawagha</p> <p>... (G) Family care centres will be established. 28</p> <p>... 2- Misrata</p> <p>... (E) Family care centres will be established by mobilising the Municipal Branch.</p>
National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	<p>Page 3, Fifth matter: Creation of a fund 29</p> <p>A fund will be established for reparation and for providing compensation to those affected by this issue. It will have a legal status and independent financial power. A decision will be issued by the Libyan State to implement it. This fund presides over the follow up of the financial and administrative steps in the issue of Misrata and Tawagha. It is funded by the Libyan State, donor countries, local and international associations and organisations. The operation of this fund ends after the completion of the compensation steps and the reimbursement of all the affected.</p>
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** Page 3-4, Eighth matter: Reconstruction ²⁸
The Libyan State will form a committee for provision of essential requirements and items for reconstruction, enabling to live a decent life, clearing mines and remnants of war, opening the roads, reinstating essential facilities like hospitals and schools, connecting an electricity network, connecting water and repairing houses according to the following principles:

Security sector

**Security
Guarantees** Page 3, Seventh matter: Security arrangements ²⁸
In order to realise a safe return, the necessary security arrangements must be taken. What the agreement says about this is considered in a security arrangement meeting mentioned above. That is the foundation and therefore the two Ministries of Defence and Interior will take the measures. A shared Misrata-Tawagha operations room will be created to coordinate the security arrangements. The two Ministries commit to specifying the number of people and providing the necessary equipment.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR Security sector→DDR→Demilitarisation provisions
Page 3-4, Eighth matter: Reconstruction ²⁸
... 1- Tawagha
(A) The roads will be re-opened, mines will be cleared and garbage will be transported.

... 2- Misrata
(A) The roads will be re-opened and mines will be cleared by mobilising the Municipal Branch.

**Intelligence
services** No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts Transitional justice→Courts→National courts
Page 2, Fourth matter: General rulings
... 5- The injured have the right to resort to the judiciary if they finds their compensation insufficient.

Page 3, Sixth matter: Justice 28

The investigation of justice regarding the ones accused of committing violations during the period of the agreement will go through the judiciary by the following official steps. It is for the Libyan State to take all the necessary legal steps to bring the accused to justice. The two sides request the Libyan State and the Ministry of Justice to conduct a fair trial for the accused and the detainees, as well as to accelerate the release of the innocents among them. The files of the compensation requests will be presented to the judicial system to solidify the assessment of the accused's special compensation requests on criminal cases related to the conflict during the period of the agreement until lawsuits were issued towards them. Anyone who is not found guilty will be paid a compensation according to the ruling of the fifth point in this agreement.

Mechanism No specific mention.

Prisoner release

Page 2, Fourth matter: General rulings

... 2- This agreement covers compensation for damages related to the following affected people, and only within [the domain of] the period of the agreement, according to the following financial values:

... (B) The detainees: '1' The due value for each detainee is 334 DL (three hundred and thirty four Libyan Dinar) for every day detained, meaning 10 ten thousand Libyan Dinar every month. It will be paid as a single payment. '2' A single payment of the value of nothing else but (5) five thousand Libyan Dinar will be paid to those who were detainees for a period between a day and 15 days. '3' Those who continued to be detained or who were detained after 11 August 2011, are not included in this agreement. They are entitled to be included in the Future National Programme for reparations in the period following the agreement.

Page 3, Sixth matter: Justice 28

The investigation of justice regarding the ones accused of committing violations during the period of the agreement will go through the judiciary by the following official steps. It is for the Libyan State to take all the necessary legal steps to bring the accused to justice. The two sides request the Libyan State and the Ministry of Justice to conduct a fair trial for the accused and the detainees, as well as to accelerate the release of the innocents among them. The files of the compensation requests will be presented to the judicial system to solidify the assessment of the accused's special compensation requests on criminal cases related to the conflict during the period of the agreement until lawsuits were issued towards them. Anyone who is not found guilty will be paid a compensation according to the ruling of the fifth point in this agreement.

Vetting

No specific mention.

Victims

Page 2, Fourth matter: General rulings

... 2- This agreement covers compensation for damages related to the following affected people, and only within [the domain of] the period of the agreement, according to the following financial values:

(A) The deceased: The amount that is due to be paid for death as a single payment. Its value is as follows: '1' Married 100,000 DL, meaning one hundred thousand Libyan Dinar. '2' Unmarried 70,000 DL, meaning seventy thousand Libyan Dinar.

... (D) Reparation of health damages: The Libyan State commits to issue a health insurance card for treatment of the injured within and outside of Libya.

Page 4, Tenth manner: Implementation mechanisms 29

The Libyan State takes all necessary measures and steps to implement the principles of this agreement. It is among its priorities to create a special fund for this issue. The Libyan State has established an independent committee in which two representatives of the shared committee participate, in order to ensure that transparency, credibility and the requirements of victims as well respect for human rights are achieved.

Missing persons

Page 2, Fourth matter: General rulings

... 2- This agreement covers compensation for damages related to the following affected people, and only within [the domain of] the period of the agreement, according to the following financial values:

... (C) Missing persons: The amount that is due to be paid for a missing person as a single payment. Its value is as follows: '1' Married 100,000 DL, one hundred thousand Libyan Dinar. '2' Unmarried 70,000 DL, seventy thousand Libyan Dinar

Reparations

Transitional justice→Reparations→Material reparations

Page 1, Third matter 28

The two sides of the agreement have agreed to the necessity of reparations as a right to compensation for the violations suffered, as well as justice, reconciliation and the return of security. They also help in realising stability, security and social peace. This is a consensual mechanism to which societies are guided for solving the differences between them. It is also what has been followed in the agreement.

Page 2, Fourth matter: General rulings

1- The period of the agreement referred to below is between 17 February 2011 and 11 August 2011.

2- This agreement covers compensation for damages related to the following affected people, and only within [the domain of] the period of the agreement, according to the following financial values:

(A) The deceased: The amount that is due to be paid for death as a single payment. Its value is as follows: '1' Married 100,000 DL, meaning one hundred thousand Libyan Dinar. '2' Unmarried 70,000 DL, meaning seventy thousand Libyan Dinar.

(B) The detainees: '1' The due value for each detainee is 334 DL (three hundred and thirty four Libyan Dinar) for every day detained, meaning 10 ten thousand Libyan Dinar every month. It will be paid as a single payment. '2' A single payment of the value of nothing else but (5) five thousand Libyan Dinar will be paid to those who were detainees for a period between a day and 15 days. '3' Those who continued to be detained or who were detained after 11 August 2011, are not included in this agreement. They are entitled to be included in the Future National Programme for reparations in the period following the agreement.

(C) Missing persons: The amount that is due to be paid for a missing person as a single payment. Its value is as follows: '1' Married 100,000 DL, one hundred thousand Libyan Dinar. '2' Unmarried 70,000 DL, seventy thousand Libyan Dinar

(D) Reparation of health damages: The Libyan State commits to issue a health insurance card for treatment of the injured within and outside of Libya.

(E) Compensation for transportation: A special compensation for transportation has been specified for limiting the relevant damage by testimony of the witnesses in the official Libyan circles. This agreement does not include compensation for fixed assets (real estates). The Joint Committee will calculate the financial value of the compensations in their statements.

4-This agreement has nothing to do with what will be compensated for damage suffered throughout the rest of 2011 and beyond, including damages as a consequence of military bombing, armed conflict, and what the Libyan State gives compensation for according to the legal steps. 29

As such, the Libyan State commits to compensate for the damage this agreement compensates for outside the time period included in the General National Programme for Reparation.

5- The injured have the right to resort to the judiciary if they finds their compensation insufficient.

6- This agreement and what is said in its principles are regarded as the foundation for explaining and specifying the obligations of the two sides subject to it in the case of any differences between them.

Page 2, Fourth matter: General rulings

... 4-This agreement has nothing to do with what will be compensated for damage suffered throughout the rest of 2011 and beyond, including damages as a consequence of military bombing, armed conflict, and what the Libyan State gives compensation for according to the legal steps. 29 Page 13 of 15

As such, the Libyan State commits to compensate for the damage this agreement compensates for outside the time period included in the General National Programme

Reconciliation

Page 1, Second matter ¶¶

The two sides agree to make all necessary efforts to realise and consolidate reconciliation, peace and social harmony between Misrata and Tawagha. [They also agreed] to raise awareness among people through workshops, the media, religious forums, meetings and different activities, about the importance of realising peace, healing the wounded and seeking to treat all the effects of the conflict. ¶¶

The two sides of this agreement commit to work on ending all media campaigns and media coverage that broadcast killings, hatred, the embitterment of souls and encouragement of hatred.

Implementation**UN signatory**

No specific mention.

Other international signatory No specific mention.

Referendum for agreement

No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 5, Twelfth matter: Return date 28

The two sides have agreed on the necessity to take the following steps in order to realise a voluntary and peaceful return of security. These are as follows: 28

1- The agreement will be approved by the City Council of Misrata and the Local Council of Tawagha on 20 September 2016. 28

2- The agreement will be approved by the Libyan Government on 28 September 2016. 3- The fund will be established, the Fund Committee will be formed and money will be deposited to it on 15 October 2016. Tawagha is open to return [Illegible] the completion of these principles. The two sides give the Libyan State the full responsibility for realising this agreement.

Page 4, Tenth manner: Implementation mechanisms 28

The Libyan State takes all necessary measures and steps to implement the principles of this agreement. It is among its priorities to create a special fund for this issue. The Libyan State has established an independent committee in which two representatives of the shared committee participate, in order to ensure that transparency, credibility and the requirements of victims as well respect for human rights are achieved.

Page 4, Eleventh matter: Concluding rulings 28

The City Council of Misrata and the Local Council of Tawagha are considered as the two committees of the dialogue. They are the two representatives of the two sides in this agreement. They are working towards its realisation and implementation and towards following up on everything stated in it. 28

This agreement is valid once it has been signed by the two committees of the dialogue, adopted by the City Council of Misrata and the Local Council of Tawagha and authenticated by the Libyan Government. The two sides have agreed that the City Council of Misrata and the Local Council of Tawagha are working on a comprehensive solution on [urgent]1 issues. The Libyan Government is regarded as the lender and guarantor for facilitating the rebuilding process and paying the value of the relevant compensations according to this agreement. The two sides invite the United Nations, all international institutions and supporting bodies to make all efforts to support this agreement and to oversee its implementation.

Related cases

No specific mention.

Source

Libya Mustaqbal. 'Text of Reconciliation Agreement between Misrata and Taghawa', 31 August 2016, <https://bit.ly/2v0CtYo> [accessed November 4, 2017]
