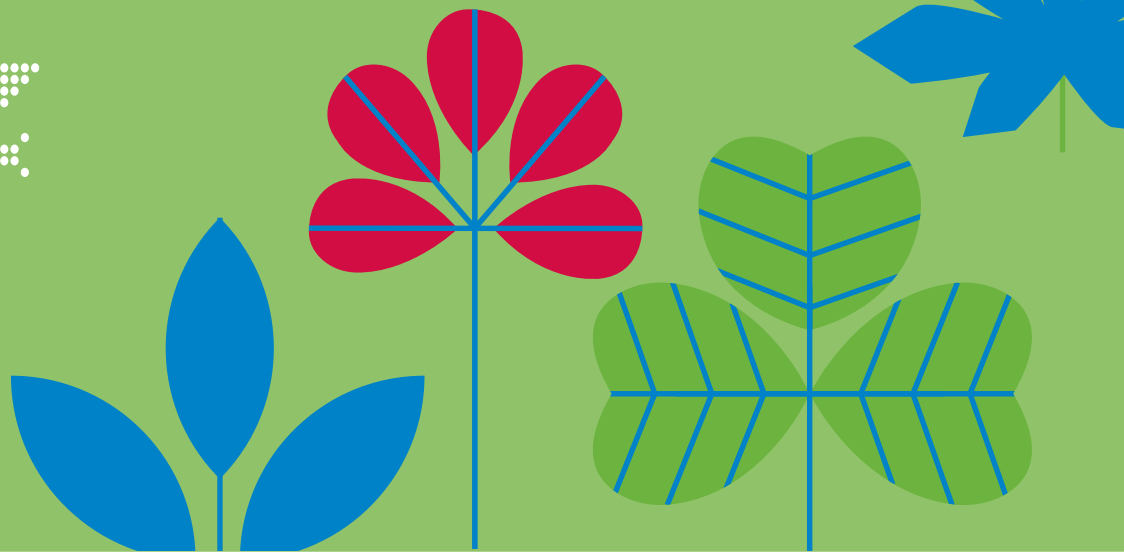


RESEARCH PAPER

GENDER MAINSTREAMING IN THE ECONOMIC TRACK FOR LIBYA



SEPTEMBER 2022
UN WOMEN

RESEARCH PAPER

GENDER

MAINSTREAMING IN

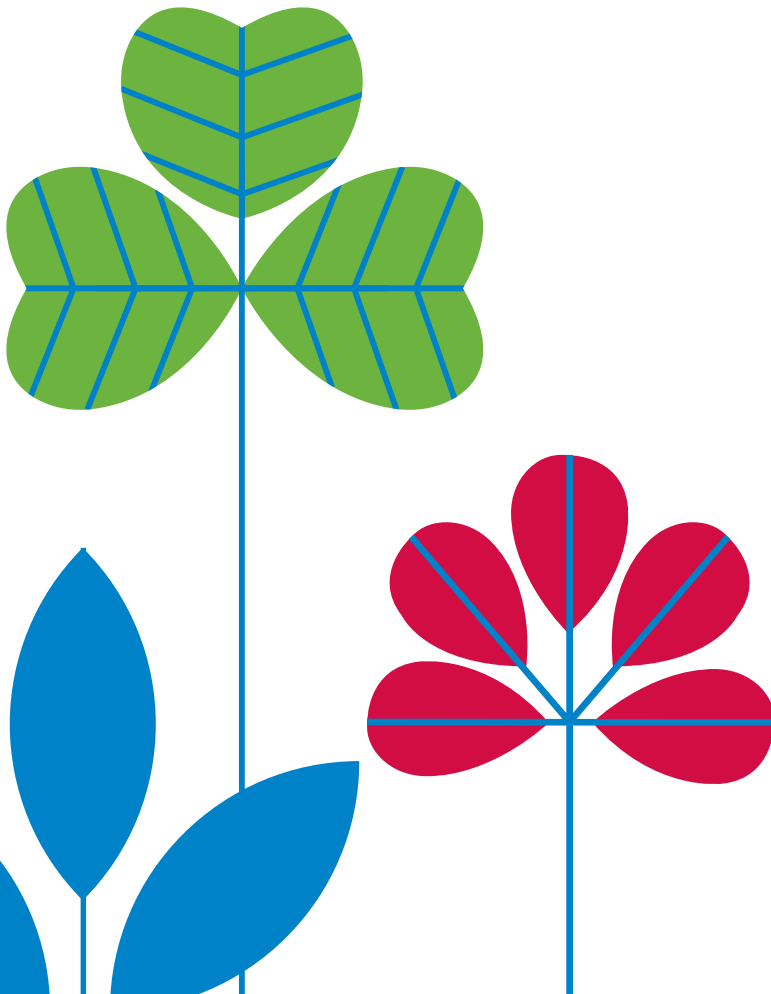
THE ECONOMIC TRACK

FOR LIBYA



FOR UN WOMEN | LIBYA

September 2022



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Executive Summary

Women's economic empowerment is critical for sustainable peace and development. Women's ability to participate in existing markets, their access to and control over productive resources, and meaningful participation in economic processes benefit both individuals, communities and future generations. In a country highly dependent on oil and gas reserves, the inclusion of women in decision-making processes related to the design, planning and implementation of projects in extractive industries can reduce negative environmental impacts.

The participation of Libyan women in decision-making positions and their inclusion in the economy is an integral part of sustainable development for Libya. This study focuses on women's role in the economic track by shedding light on how gender equality and economic empowerment of women lay the foundation for good economics for all Libyans.

This study focuses on women's empowerment in the economic track of Libya's peace process. It is based primarily on desk research, specifically on academic literature and policy documents --including reports by the UN Secretary-General on UNSMIL. It considers the benefits of gender-mainstreaming and the normative framework that supports gender equality, including UN Security Council resolutions in relation to Libya and the Women, Peace and Security agenda, the peacebuilding framework for Libya and international human rights law.

Libya is a country with great potential. Its vast oil and gas reserves and its well-educated population present opportunities for supporting the transition from conflict to peace and for achieving sustainable development in the long term. However, if Libya seeks to benefit fully from its natural wealth and human capital, it must ensure that its economic development policies benefit both men and women. Section 2 discusses compelling arguments for mainstreaming gender in the economic track of Libya's peace process, including the following:

- There is a direct correlation between higher levels of women's empowerment in post-conflict states and **rapid economic recovery and poverty reduction**;
- Improving employment opportunities for women in the oil and gas sector and integrating women's concerns in the allocation of revenues from oil and gas exploitation will significantly increase Libya's **development potential**, with lasting effects on future generations;
- Improving women's agency in consultations and decision-making processes related to the design,

planning and operation of projects in the extractive industries will **reduce the negative impacts related to oil and gas exploitation**, such as environmental degradation and pollution caused by mining;

- Drawing on women's knowledge of local water sources and their skills in disinfecting water for household purposes will contribute to **improving water management** systems as a key concern for Libya.

Currently, women's concerns are not adequately represented in the economic track of Libya's peace process. Section 3.1 discusses key constraints, including the lack of consideration to gender perspectives in the track recommendations.

This policy brief examines how gender mainstreaming is achieved in a variety of normative frameworks that apply to Libya and its business partners. Section 3.2 focuses on the domestic level and Section 4 on the international level.

Key obligations for Libya at the domestic level include:

- To adopt measures to ensure the implementation of its domestic legal provisions regarding gender-based

discrimination, with a specific focus on discrimination that hinders women's economic participation.

- To harness the potential of regional and international trade and investment treaties like The Common Market for Eastern and Southern Africa (COMESA) and the African Continental Free Trade Area (AfCFTA) that focus on women's economic empowerment for the purpose of strengthening women's business skills and opportunities in business and investment.
- To develop water and climate change national strategies and integrate the gender perspective in the design process.
- To create, upgrade and maintain functions that manage a gender database in all sectors to highlight the position of women in the different economic sectors.

Key international obligations for Libya include:

- To manage its natural resources in an equitable manner for the benefit of its entire population, with special consideration to vulnerable groups, including women (1962 Declaration on Permanent Sovereignty over Natural Resources and identical Article 1(2) of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights);
- To use its natural resources in a sustainable manner to safeguard the opportunities of future generations, including an obligation to assess the impact of oil and gas projects on the environment (customary international law);
- To take measures to ensure women's equal representation in political and public life (UN Security Council resolutions and the Convention on the Elimination of All Forms of Discrimination Against Women);
- To prevent infringements on human rights by corporations operating within its jurisdiction, including in the oil and gas sector (human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights);
- To strengthen the position of women entrepreneurs in regional trade (Treaty establishing COMESA);

- To approach climate adaptation (and mitigation) action in a gender sensitive way (Paris Agreement).

Obligations for other states with relevance for Libya include the following:

- To prevent infringements on human rights by corporations operating within their jurisdiction, also extraterritorially (human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights);
- To mainstream gender in the work of the World Trade Organization;
- To approach climate adaptation and mitigation action in a gender sensitive way (Paris Agreement).

Section 5 looks at case studies from Norway and Uganda that have useful lessons for Libya. Norway is one of the few countries in the world with abundant natural resource wealth (oil and gas) that has managed to escape the 'Resource Curse,' using its wealth instead to promote development and a high standard of living for its entire population. Key factors explaining Norway's success include the adoption of transparency measures to monitor the wealth distribution process, a highly efficient judicial system, strong and free media and women's economic empowerment. Uganda offers a model to understand how gender mainstreaming can enable a structural transformation in a country's economy. It is one of the few countries that has established direct links between gender and natural resources in its legislation and policies.

Section 6 provides key recommendations for Libya and the international community, based on benefits of gender mainstreaming, the applicable normative frameworks and the lessons learned from the case studies. Cross-cutting recommendations for Libya seek to advance women's participation, representation, capacity-building and data collection. More specific recommendations for Libya relate to the distribution of benefits, economic empowerment and environmental management. Recommendations for the international community focus on strengthening and operationalising the Security Council's Women, Peace and Security (WPS) framework.

INTRODUCING
A GENDER
PERSPECTIVE IN
LIBYA'S ECONOMIC
TRACK

I. Introducing a gender perspective in Libya's Economic Track

The peace process in Libya entered a new phase with the signing of a roadmap for the “Preparatory Phase for a Comprehensive Solution” as part of the Libyan Political Dialogue Forum (LPDF)—also known as the LPDF roadmap— in November 2020. This roadmap sets out the political process towards presidential and parliamentary elections to end the transitional phase in Libya, as agreed upon by participants in the Berlin Conference on Libya.¹ As an integral part of this political process, the newly created Presidential Council and Government of National Unity are to address several issues considered essential for creating conditions conducive to elections, including “improving services and economic performance developing the work of state institutions and the good governance of public resources”, “[c]ombating corruption and squandering of public money” and “protecting and promoting human rights”.² These steps were subsequently welcomed by the UN Security Council, which “[c]all[ed] on the interim Government of National Unity to improve the delivery of basic services to the Libyan people, to combat corruption, to protect human rights and to ensure the transparent and equitable management of resources as set out in the LPDF roadmap”.³ It further “[u]nderline[d] the importance of the unification of Libya’s institutions; good governance and improved economic performance, including through agreement on a unified budget; and the swift agreement on sovereign positions, as set out in the LPDF roadmap”⁴

The objective of this policy brief is to propose opportunities to implement the LPDF roadmap and related agreements in a gender sensitive way. While the roadmap recognizes the importance of women’s representation in leadership positions and

emphasizes “full equality of all citizens, men and women”,⁵ it does not adequately acknowledge the specific socio-economic needs of women, including in relation to natural resource management, nor does it address their needs and interests in the distribution of public wealth and resources. Incorporating such a gender perspective is key to ensuring full equality of men and women, as set out in the LPDF roadmap, and for achieving sustainable peace and development.

While the roadmap recognizes the importance of women’s representation in leadership positions... it does not adequately acknowledge the specific socio-economic needs of women, including in relation to natural resource management...

This policy brief will discuss the benefits of incorporating a gender perspective in peacebuilding and sustainable development (Section 2), evaluate the current state of affairs in the economic track of the Berlin process for Libya and the domestic legal framework (Section 3), map the international norms underpinning women’s economic empowerment and their participation in sustainable management of natural resources (Section 4) and present case studies demonstrating how gender perspectives can be incorporated in socio-economic policies (Section 5). It will further present key recommendations (Section 6) that seek to contribute to an overall strategy for gender mainstreaming in the economic track of the Berlin process for Libya.

1 Conclusions of the Berlin Conference on Libya, 19 January 2020, paras. 25-34, available at https://unsmil.unmissions.org/sites/default/files/berlin_conference_communique.pdf.

2 Ibid., Articles 1.2.4, 1.2.6 and 1.2.7.

3 Security Council Resolution 2570 (2021), op. para. 7.

4 Ibid., op. para. 8.

5 LPDF Roadmap, Article 2.2.

BOX 1

Defining women's economic empowerment

According to the OECD, economic empowerment is “the capacity of women and men to participate in, contribute to and benefit from growth processes in ways that recognise the value of their contributions, respect their dignity and make it possible to negotiate a fairer distribution of the benefits of growth. Economic empowerment increases women's access to economic resources and opportunities including jobs, financial services, property and other productive assets, skills development and market information.”⁶

UN Women defines women's economic empowerment as including “women's ability to participate equally in existing markets; their access to and control over productive resources, access to decent work, control over their own time, lives and bodies; and increased voice, agency and meaningful participation in economic decision-making at all levels from the household to international institutions.”⁷



6 <https://www.oecd.org/social/gender-development/womenseconomicempowerment.htm>.

7 <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>.



BENEFITS OF
INCORPORATING
A GENDER
PERSPECTIVE IN
PEACEBUILDING
AND SUSTAINABLE
DEVELOPMENT

II. Benefits of incorporating a gender perspective in peacebuilding and sustainable development

There is a wealth of scholarship providing evidence that incorporating a gender perspective in peacebuilding and sustainable development increases the chance of sustainable peace, enhances economic growth and improves environmental protection. A major study conducted by the World Bank in 2012 concluded that “gender equality is a core development objective in its own right”, but also “smart economics”.⁸ The World Bank found three main channels for how greater gender equality contributes to economic growth. According to the World Bank:

- Reducing barriers to more efficient allocation of women’s skills and talents can generate considerable productivity gains;
- Improving women’s endowments, opportunities, and agency can shape more positive outcomes for the next generation;
- Increasing women’s individual and collective agency produces better outcomes, institutions, and policy choices.⁹

These three channels are discussed in the following subsections, with relevant examples and data.

2.1 Reducing barriers to more efficient allocation of women’s skills and talents

Women represent 40% of the global labour force, 43% of the world’s agricultural labour force, and more than 50% of the world’s university students. Eliminating

barriers that prevent women from entering certain sectors or occupations would increase output per worker by 13% to 25%.¹⁰

For the oil and gas sector, gender gaps are even more sizable. According to a recent study, the global mining industry has only 5% female representation on the boards of the top 500 global listed companies.¹¹ Furthermore, in countries that are highly dependent on extractives, women make up only 8.7% of ministerial-level positions, occupy 9.5% of seats in national parliaments and hold 18.4% of senior and managerial positions. These numbers almost double in countries that do not depend on extractives: 16.9%, 17.9% and 32.7%, respectively.¹² This indicates that countries that are highly dependent on extractives miss out on significant development capital. Improving employment opportunities for women in the mining sector will have direct development outcomes for women, families and communities.¹³ It will also help to fully realise the potential of almost half of the labour force and ensure that jobs and wealth stay in the country.¹⁴

In agriculture, the average productivity among female farmers is 20 to 30% lower than that of their male counterparts due to discriminatory practices with respect to accessing productive inputs, such as land and credit, and technology. Legislation alone will not solve this problem, as some of these practices are deeply rooted in communities’ customs. The UN Food and Agriculture Organization (FAO) estimates

8 World Bank, World Development Report 2012: Gender Equality and Development (2012), p. xx.

9 Ibid., p. 47.

10 David Cuberes and Marc Teignier Baqué Cuberes, Gender Inequality and Economic Growth, Background paper for the WDR 2012 (2011); Erik Hurst and others, The Allocation of Talent and Economic Growth (2011), quoted in World Development Report 2012, p. 47.

11 PwC and Women in Mining UK, Mining for Talent: A Study of Women on Boards in the Mining Industry by WIM (UK) and PwC, January 2013, available at <https://www.pwc.com/gr/en/publications/assets/mining-for-talent.pdf>.

that improving access to productive resources for female farmers could increase agricultural output in developing countries by as much as 2.5% to 4%.¹⁵

2.2 Improving women's endowments, opportunities, and agency to benefit the next generation

Investing in women is investing in the future. Multiple studies show that economic empowerment of women and greater control over resources increase investments in children's health, education, and nutrition.¹⁶ Furthermore and specifically in relation to oil exploitation, protection of women's health is key to protecting future generations. Studies show an increase in miscarriages and birth defects in oil rich regions, which could be prevented by strengthening environmental regulation.¹⁷

2.3 Increasing women's individual and collective agency

Women are rarely involved in the negotiation of mining concessions or part of multi-stakeholder groups established to negotiate with the mining industry. As a consequence, their concerns are not adequately identified or addressed in planning and operations.¹⁸ At the same time, women tend to be more directly affected by environmental degradation and pollution caused by mining than men. The

adverse environmental impacts of oil exploitation, such as loss of forest cover and pollution of land and water, have direct effects on women, as they usually have primary responsibility for sustaining their households.¹⁹ Climate change and the resulting drought will only exacerbate these effects, as it further reduces the availability of water and arable land²⁰. Improving women's agency in consultations and decision-making processes related to specific projects in the extractive industries will reduce these impacts. Furthermore, there is evidence that involving women in local water management can greatly improve water quality.²¹

The...loss of forest cover and pollution of land and water, have direct effects on women, as they usually have primary responsibility for sustaining their households.

More generally, there is considerable evidence that women's representation in institutions leads to more inclusive policy outcomes. In practice, women have shown to prioritise development priorities that are beneficial to both men and women, such as access to clean water and sanitation and environmental protection. According to a study quantifying the impact of women's participation in post-conflict economic recovery, there is a direct correlation

12 UNDP, The Gender Gap in Extractive Dependent Countries, 28 July 2015, available at <https://www.africa.undp.org/content/rba/en/home/blog/2015/the-gender-gap-in-extractive-dependent-countries.html>.

13 African Natural Resources Center and African Development Bank, Women's economic empowerment in oil and gas industries in Africa (2018), p. 15.

14 Ibid.

15 FAO, IFAD, and ILO, Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways Out Of Poverty. Status, Trends and Gaps (2010).

16 See Rachel Perks and Katrin Schulz, Gender in oil, gas and mining: An overview of the global state-of-play, The Extractive Industries and Society Vol. 7 (2020), p. 380-388; African Natural Resources Center and African Development Bank, Women's economic empowerment in oil and gas industries in Africa (2018).

17 See Akosua Darkwah, The Impact of Oil and Gas Discovery and Exploration on Communities with Emphasis on Women (2010), available at https://genderandsecurity.org/sites/default/files/Darkwah_-_The_Impact_of_oil_gas_discovery_exploratn_on_communities_.pdf, p. 9.

18 United Nations Environment Programme, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Peacebuilding Support Office and United Nations Development Programme, Women and Natural Resources: Unlocking the Peacebuilding Potential (2013), p. 24.

19 See Akosua Darkwah, The Impact of Oil and Gas Discovery and Exploration on Communities with Emphasis on Women (2010), available at https://genderandsecurity.org/sites/default/files/Darkwah_-_The_Impact_of_oil_gas_discovery_exploratn_on_communities_.pdf.

between higher levels of women's empowerment in post-conflict states on the one hand and rapid economic recovery and poverty reduction on the other.²² For the private sector, research indicates that greater gender diversity and inclusion in boards leads

to better governance and improved collaboration.²³ Enhancing female representation is further associated with increased innovation and productivity as well as improved corporate images for companies.²⁴

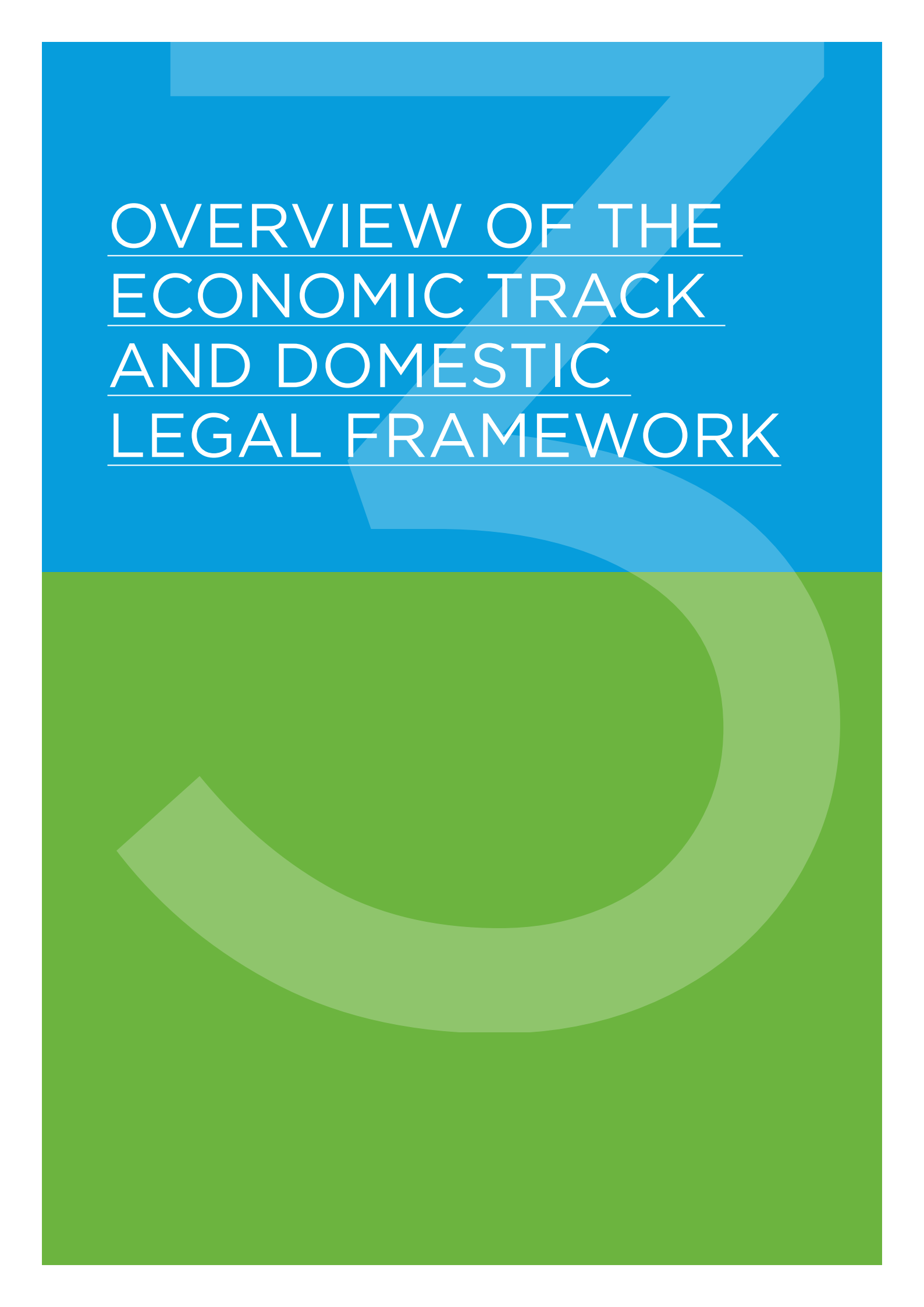
20 For an analysis of Libya's climate fragility, see Matthew Brubacher, Climate-Fragility Risk Brief: Libya, Adelphi, October 2021, available at https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf.

21 United Nations Environment Programme, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Peacebuilding Support Office and United Nations Development Programme, *Women and Natural Resources: Unlocking the Peacebuilding Potential* (2013), p. 22-23.

22 Patricia Justino et al., *Quantifying the Impact of Women's Participation in Post-Conflict Economic Recovery*, p. 23.

23 The Advocates for Human Rights 'Promoting Gender Diversity and Inclusion in the Oil, Gas and Mining Extractive Industries: A Women's Human Rights Report January 2019' (Minneapolis 2019).

24 African Natural Resources Center and African Development Bank, *Women's economic empowerment in oil and gas industries in Africa* (2018), p. 15.



OVERVIEW OF THE
ECONOMIC TRACK
AND DOMESTIC
LEGAL FRAMEWORK

III. Overview of the Economic Track and domestic legal framework

This section focuses on the local context to understand Libya's commitment to women's inclusion in the economy based on its domestic law and to assess the degree to which women are included in the economic aspects of peace negotiations. The first section will focus on the peace process led by the United Nations in Libya and highlights the position of women's participation and the extent of inclusion of a gender perspective in the economic track. The second section assesses the domestic legal framework concerning women's participation in the economic sphere.

3.1 Overview of the Economic Track

In the years following the Libyan revolution of 2011, there was a relative surge in women's presence in the political sphere. Quota systems were proposed²⁵ to ensure the representation of women at national and local levels.²⁶ Libyan women had an essential role in the civil society front and participated in the negotiations of the 2015 peace process. Women were also represented in the Libyan Political Dialogue Forum (LPDF).²⁷

Notwithstanding their participation in the political process, Libyan women continue to be excluded from the economic decision-making processes on the national and local levels. The economic track was introduced to the UN Security Council as part of the two-phase plan to end the conflict in Libya.²⁸ In

January 2020, the United Nations Support Mission in Libya (UNSMIL) organized a meeting of 19 Libyan economic experts representing the leading Libyan financial and economic institutions and the different economic sectors.²⁹ The outcome of this meeting was an announcement to establish the Libyan Expert Economic Commission (LEEC). The proposal was initially developed in preparation for the National Dialogue and announced in the Berlin process.

The economic track was formally introduced at the Berlin Conference, together with a political and military track.³⁰ The official statement of the Berlin Conference included seven points focusing on the structural reform of the economy. These points proposed to provide technical assistance and recommended the formation of a committee of economic experts from Libya to facilitate the completion of this process. Most notably, the statement mentioned a recommendation to develop a mechanism that would rebuild the economy in the country.

The second economic track meeting was held in Cairo in February 2020³¹. As a result, three committees were formed; the first committee specialises in reforming the banking and private sectors, the second in distribution of wealth, and the third in development and recovery. Of approximately 28 participants, only two women were present at the two first meetings.

25 See <https://www.idea.int/data-tools/data/gender-quotas/country-view/199/35>

26 See <https://www.hrw.org/report/2013/05/27/revolution-all/womens-rights-new-libya>

27 UNSMIL Press Release (15 November 20) <https://unsmil.unmissions.org/statement-libyan-women-participating-libyan-political-dialogue-forum>

28 UNSMIL Press Release on the Remarks of SRSG Ghassan Salamé to the United Nations Security Council on the situation in Libya (29 July 2019), <https://unsmil.unmissions.org>.

29 UNSMIL Press Release on the Meeting of Libyan Economic Experts to Discuss Establishment of an Experts Commission to Unify Financial And Economic Policy (7 January 2020), <https://unsmil.unmissions.org/unsmil-convenes-meeting-libyan-economic-experts-discuss-establishment-experts-commission-unify.org/remarks-srsg-ghassan-salam%C3%A9-united-nations-security-council-situation-libya-29-july-2019>.

30 The Berlin Conference on Libya, Conference conclusions, Press Release (19 January 2020), <https://ly.usembassy.gov/the-berlin-conference-on-libya-conference-conclusions/>.

The work of the track stalled after the spread of the Covid-19 pandemic, and it was not possible to hold regular periodic meetings. In October 2020, UNSMIL had consultative meetings with Libyan women in preparation for the national peace dialogue.³² One of the recommendations was a request to increase the number of women in the economic track. As a result, UNSMIL invited more women to join the track and women's participation increased from 6% to 22%.

However, this participation came too late since it happened after the UN-led economic track presented their proposed economic roadmap at the opening of the LPDF. The roadmap consisted of seven priorities for economic reform, relating mainly to the unification of the financial institutions and the rationalising of the national budget. The roadmap did not consider the position of women in the economic recovery plans for Libya, a result that is at odds with the UN's own standards, as per the UN Security Council's Women, Peace and Security (WPS) agenda. Moreover, women members in the track did not attend any of the meetings held by the economic group of the international follow-up committee on Libya to brief on women's economic situation in the country.

Overall, it should be noted that all tracks in the peace negotiations have focused mainly on women's descriptive representation; however, they are lacking a substantive integration of women's perspectives in the peace agendas and roadmaps.

3.2 Overview of the domestic legal framework

Libya does not currently have a constitution in place. The Libyan Constitutional Declaration issued by the National Transitional Council in 2011 currently functions as Libya's provisional constitution. Article 6 of the Constitutional Declaration states that all Libyans shall be equal before the law and have the same opportunities without discrimination.

Nevertheless, the Libyan laws are paradoxical. For example, some provisions of the labour laws explicitly prohibit gender-based discrimination, however, other

provisions limit the type of work women can do, and others define specific working hours for women. The law, in general, lacks regulations and mechanisms that monitor the discriminatory practices in the workplace or any procedures to promote women's career advancement. The lack of mechanisms to implement the laws supporting women is deeply problematic in the Libyan context. For instance, Law No. 20 on the Promotion of Freedom from 1991 states in its first article that men and women enjoy equal rights. In the end, however, the law was never implemented.

This implementation gap is at the foundation of several discriminatory institutional practices. For example, female engineers and technicians are not allowed to work in the oilfields based in the deserts. Even though the situation has changed somewhat due to international companies entering the country after the lifting of international sanctions on Libya in 2005, discriminatory practices in national companies remain firmly in place. For instance, one of the National Oil Corporation subsidiaries, the Petroleum Institute, only accepts male students for their vocational training programs. Furthermore, on the leadership level, no woman has reached an executive position in the energy sector or in finance and investment. There are no clear plans as to how the Libyan Investment Authority manages future Libyan funds and whether the process is sensitive to gender needs.

The Libyan Financial Law is an example of how a gender perspective can be entirely absent: there is no mention of women, gendered budgeting or planning in the law. Similarly, the Petroleum Law and the laws governing the National Oil Corporation do not make any mention of gender mainstreaming or include specific provisions for women. In that case, the Petroleum Law was issued in 1955 and was not reformed to reflect the changes in legislation on labour standards and commercial transactions.

The Libyan Political Agreement brokered in 2015 and ratified by the House of Representatives includes a general mention of equality between all Libyans, without referring to gender. However, the natural wealth and resources are mentioned in the governing

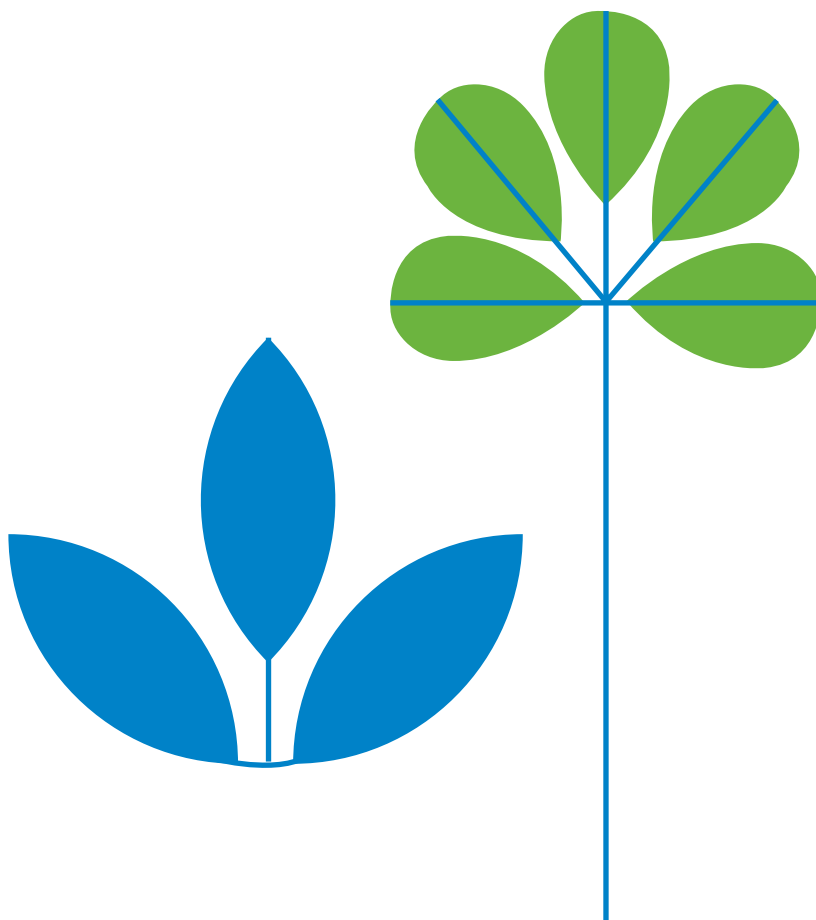
31 UNSMIL Press Release on the second meeting of the Libyan Economic and Financial Track (11 February 2020), <https://unsmil.unmissions.org/>.

32 UNSMIL Press Release, available at https://unsmil.unmissions.org/sites/default/files/consolidated_final_oct_2020.pdf

principles of the Libyan Political Agreement (LPA) in 2015: “Preservation of natural wealth, national resources belong to all Libyans, and investing them for the benefit of the people and future generations.” The same article stresses that “It shall not be permissible to control or dispose of them unless by official state authorities and in accordance with the relevant Libyan legislation in force.” Although the local legislation prohibits discrimination based on gender,

more measures are highly needed to put these laws in practice. This includes measures to ensure equal opportunities and transparency with regard to oil distribution within the sector.

In conclusion, despite the adoption of non-discriminatory laws, the Libyan authorities and institutions have not yet adopted gender inclusive concerns across its national policies and strategies.



INTERNATIONAL
NORMS
UNDERPINNING
WOMEN'S
PARTICIPATION
AND INCLUSION IN
THE MANAGEMENT
OF NATURAL
RESOURCES AND
BENEFIT-SHARING

IV. International norms underpinning women's participation and inclusion in the management of natural resources and benefit-sharing

Libya is home to Africa's largest crude oil reserves³³ and derives 60% of its total GDP from the oil and gas sector.³⁴ Thus, natural resources are crucial for its economic development and for the distribution of peace dividends. Increased participation of women in the oil and gas sector (as decision-makers, employees and local stakeholders) will only enhance the development benefits of the oil and gas sector for Libya. Such perspectives are also crucial for ensuring that the revenues from the oil and gas sector are invested in ways that benefit the entire Libyan population, including future generations.

As set out in Section 2 of this policy brief, women have in practice shown to prioritise development needs that are beneficial for society as a whole. Their perspectives therefore have a clear added value when it comes to decisions affecting Libya's future. One of the major challenges that Libya faces is to diversify its economy, as its high dependence on oil and gas exports poses risks to long-term stability and development. Especially in light of the shift to a green economy that gradually materialises, the demand

for oil and gas will likely diminish in the following decades, commensurate to states ramping up their efforts to meet their commitments under the 2015 Paris Agreement on Climate Change.³⁵ It is crucial for Libya to anticipate these developments and to use the revenues from its oil and gas industry to invest in the future. The increase in the demand for green energy may, for instance, present novel economic opportunities for Libya: given its vast land resources and intense sunlight, Libya could produce sufficient solar energy to meet all of Europe's needs.³⁶

Water represents another urgent need for Libya to invest in the sustainable management of its resources. With only 2% of its land being arable and being largely dependent on the Man Made River for its water needs,³⁷ sustainable water use is crucial for Libya. Currently, the agricultural sector consumes over 80% of Libya's water, with most irrigation conducted through unsustainable open air sprinkling systems.³⁸ Desalination and wastewater treatment are underdeveloped as alternative sources of freshwater.³⁹ Drawing on women's knowledge of local

33 See <https://www.eia.gov/international/overview/country/LBY>.

34 See https://www.opec.org/opec_web/en/about_us/166.htm.

35 Matthew Brubacker, *Climate-Fragility Risk Brief on Libya*, Climate Security Expert Network (2021), p. 8.

36 Dia Sadek Abuhadra and Tawfik Taher Ajaali, *Labour Market and Employment Policy in Libya*, European Training Foundation (2014), p. 6.

37 Matthew Brubacker, *Climate-Fragility Risk Brief on Libya*, Climate Security Expert Network (2021), p. 10.

38 *Ibid.*, p. 11.

39 *Ibid.*, p. 10.

water sources and their skills in disinfecting water for household purposes will contribute to improving water management systems.⁴⁰ Integrating women's perspectives on the sustainable management of water and land in the design and operation of extractive projects will further mitigate some of the negative externalities associated with oil and gas extraction, such as its health and environmental impacts and its impacts on community relations.⁴¹

For a complete understanding of the international norms underpinning women's participation and inclusion in the management of natural resources, the section will first briefly outline the general international legal framework for natural resource governance (section 4.1); then it will assess how and to what extent the normative framework of UN Security Council resolutions that applies to Libya builds on these core obligations (section 4.2); and then it will explore how international law has gradually incorporated gender perspectives for the purpose of making sustainable development more inclusive (sections 4.3 and 4.4).

4.1 General international legal framework for natural resource governance

The cornerstone for natural resources governance in international law is the right for States and peoples to freely exploit their natural resources. This right is both an attribute of state sovereignty pursuant to the customary principle of permanent sovereignty over natural resources (PSNR)⁴² and inherent in the right of peoples to self-determination.⁴³ These rights

are however qualified by several obligations under international law. For the purposes of this policy brief, two sets of obligations stand out.

First, the right to freely exploit natural resources must be exercised in the interest of the people of the state concerned.⁴⁴ This obligation has an international and domestic, or internal, dimension. First, it entails a prohibition for states to deprive third states and their people from their natural resources and to use them for their own benefit (international dimension).⁴⁵ Second, it entails an obligation for the state to use its resource wealth for the benefit of its population (internal dimension).⁴⁶ International human rights law further prescribes that special consideration should be given to excluded or marginalised groups within society, including women, to rectify existing inequalities.⁴⁷ For Libya, this would for instance entail earmarking revenues from oil and gas exports to improve women's access to productive resources. Other core obligations concern participation in natural resource management and access to natural resources as essential preconditions for the realisation of the right to self-determination and other fundamental human rights, such as the right to life (Article 6 ICCPR), the right to an adequate standard of living-- including access to water and food (Article 11 ICESCR) and the right to health (Article 12 ICESCR)⁴⁸. These obligations apply to Libya as a matter of treaty law.⁴⁹

Second, further limitations on the right of states and peoples to freely exploit their natural resources stem from international environmental law. States are under an obligation to conserve and use natural wealth and resources in a sustainable way for the

40 United Nations Environment Programme, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Peacebuilding Support Office and United Nations Development Programme, *Women and Natural Resources: Unlocking the Peacebuilding Potential* (2013), p. 22.

41 African Natural Resources Center and African Development Bank, *Women's economic empowerment in oil and gas industries in Africa* (2018), p. 16.

42 UNGA Resolution 1803 (XVII) on Permanent Sovereignty over Natural Resources, 14 December 1962. The International Court of Justice has stated that this resolution, containing the Declaration on Permanent Sovereignty over Natural Resources, represents customary international law. See International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment of 19 December 2005, I.C.J. Reports 2005, para. 244.

43 See common Article 1(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) and Article 21 of the African Charter on Human and Peoples' Rights. Libya is a state party to these conventions

44 UNGA Resolution 1803 (XVII), para. 1 ("The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.") and Article 21(1) of the African Charter ("All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.")

45 See Nico Schrijver, *Sovereignty over Natural Resources: Balancing Rights and Duties* (Cambridge: Cambridge University Press, 1997); Daniëlla Dam-de Jong, *International Law and Governance of Natural Resources in Conflict and Post-Conflict Situations* (Cambridge: Cambridge University Press, 2015).

benefit of current and future generations⁵⁰. This obligation imposes limits on states' use of natural resources for the purpose of preventing their decline and to ensure long-term development. It seeks to ensure that renewable natural resources, such as water, are used in a way and at a rate that allows them to regenerate and that non-renewable natural resources, such as oil, are used with restraint to safeguard the opportunities of future generations. States are further mandated to prevent collateral harm resulting from natural resources exploitation, such as that caused by the release of chemical substances in the environment. The obligation to prevent significant harm to the environment of other States and to areas beyond national jurisdiction applies to all states as a matter of customary international law.⁵¹ It is a duty of care that must be made effective through tools such as Environmental Impact Assessments (EIAs).

The obligation to conduct an EIA for (economic) activities that pose risks of significant environmental harm is binding on all states as a matter of customary international law.⁵² This obligation has particular relevance for the oil and gas sector in Libya, as it requires the government to mandate corporations to assess the impacts of oil projects on the environment, both in the planning phase and throughout the project. The obligation to conduct an EIA does not extend to assessing the impact of environmental risks to women specifically. However, it does require states (and corporations) to assess the impact of projects on natural resources, including on water resources. States are under an obligation to take appropriate measures if an EIA shows a risk of significant harm to such resources. This may even entail abandoning a project if they cannot take adequate measures to prevent harm to the environment.

46 Ibid. See also Antonio Cassese, *Self-Determination of Peoples: A Legal Appraisal* (Cambridge: Cambridge University Press, 1995), p. 55, who argues that common Article 1(2) of the ICESCR and the ICCPR “provides that the right to control and benefit from a territory’s natural resources lies with the inhabitants of that territory. This right, and the corresponding duty of the central government to use the resources in a manner which coincides with the interests of the people, is the natural consequence of the right to political self-determination.”

47 See for instance African Commission on Human and Peoples’ Rights, *State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter Relating to Extractive Industries, Human Rights and the Environment*, May 2018, p. 27, where the Commission indicates that the rights under these provisions “are also premised on the principles of non-discrimination and equality, rights guaranteed under Article 2 of the African Charter.” As a consequence, Articles 21 and 24 should, according to the Commission, “be applied and operationalized with particular regard to the most marginalized and socio-economically excluded members of society, including most notably women [...]. In the implementation of these rights, policy measures should aim at rectifying existing inequalities based on gender, ethnicity, religion and race and other similar grounds.”

48 See e.g. CESCR, General Comment No. 12 on the right to adequate food (art. 11), UN Doc. E/C.12/1999/5 (1999), para. 15 (“The right to adequate food [implies an obligation] not to take any measures that result in preventing such access [...] to ensure that enterprises or individuals do not deprive individuals of their access to adequate food [...] [and to] pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security.”) and para. 26 (“[States] should give particular attention to the need to prevent discrimination in access to food or resources for food. This should include: guarantees of full and equal access to economic resources, particularly for women”); CESCR, General Comment No. 15 (2002) on the right to water, UN Doc. E/C.12/2002/11 (2003), para. 16 (“Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women. [...] In particular, States parties should take steps to ensure that: (a) Women are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated.”) The Human Rights Committee, while not specifically referring to the gendered aspects of access to natural resources, has equally emphasised that ensuring access to ‘essential goods and services’ such as food and water is part of the measures that states should take to protect the right to life under Article 6 of the ICCPR. Human Rights Committee, General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN Doc. CCPR/C/GC/36 (2018), para. 26 and Human Rights Committee, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016, UN Doc. CCPR/C/127/D/2728/2016 (2020), para. 9.8. See the Annex for more information on human rights and environmental treaties to which Libya is a part.

49 See e.g. Article 2 of the Convention on Biological Diversity; and Article 61 of the UN Convention on the Law of the Sea.

50 See *Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay)* (Judgment) [2010] ICJ Reports 14, para. 101; *Certain*

51 *Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)* (Judgment) [2015] ICJ Reports 665, para. 118.

52 Ibid, paras. 204-205 (*Pulp Mills*) and para. 104 (*Costa Rica - Nicaragua joint cases*).

4.2 UN Security Council framework for Libya

The UN Security Council framework for natural resource management in Libya directly engages with the first set of obligations identified in Section 4.1. In many of its resolutions on Libya, the UN Security Council has stressed that Libya's oil resources "are for the benefit of all Libyan".⁵³ It thereby underlines that the revenues of Libya's oil resources should be for the exclusive benefit of Libyans (international dimension), but also that the Libyan government's policies for the exploitation of oil and the distribution of its revenues should prioritise the needs and interests of the Libyan people (internal dimension).

Furthermore, by referring to "all Libyans", the Security Council emphasises that the revenues should benefit the entire population in a non-discriminatory manner. This is made effective by calls on the interim government to improve the delivery of basic services to the Libyan people and to manage its resources in an equitable manner. Within the Berlin process, discussions on equity have focused primarily on addressing grievances resulting from inequitable distribution of public wealth and resources between different Libyan geographical areas.⁵⁴ As set out in Section 4.1, international human law prescribes that these discussions should be extended to include gender inequalities, in line with the objective of Article 2.2 of the LPDF roadmap to ensure "full equality of all citizens, men and women".

Specifically in relation to gender equality, the Security Council has furthermore repeatedly recognized in its resolutions on Libya that the political process "should be inclusive of all Libyans", urging parties to "ensure the full, equal, effective and meaningful participation of women in all activities and decision-making relating to democratic transition, conflict resolution and peacebuilding" and "to implement

the relevant resolutions on the Women, Peace and Security Agenda" (The WPS Agenda).⁵⁵ The WPS Agenda therefore provides a first point of entry for the interpretation of Libya's responsibilities towards women in the peacebuilding process.

The WPS Agenda

The Security Council's WPS Agenda consists of a framework of ten resolutions adopted by the Security Council between 2000 and 2019,⁵⁶ which is founded on the recognition that effective institutional arrangements to guarantee the protection and full participation of women in peace processes contributes to ensuring a more durable peace.⁵⁷ Relevant resolutions strongly advocate "full, equal and meaningful participation of women

The Security Council has...repeatedly recognized in its resolutions on Libya that the political process should be inclusive of all Libyans.

in all stages of peace processes, including through mainstreaming a gender perspective" and urge states to "increase their funding on women, peace and security including through more aid in conflict and post-conflict situations for programmes that further gender equality and women's economic empowerment and security".⁵⁸ The Security Council furthermore embraces human rights as a mechanism for the implementation of the WPS Agenda. It thereby expressly relies on the obligations contained in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which Libya is bound to the extent that these obligations do not conflict with personal status laws derived from Sharia,⁵⁹ and CEDAW's General Recommendation 30 on Women in Conflict Prevention, Conflict and Post

53 See e.g. Resolution 2542, 15 September 2020, preamble.

54 See for instance the Conclusions of the second Berlin Conference, 23 June 2021, para. 42.

55 See e.g. UNSC Resolution 2542 (2020). Similar references can be found e.g. in Resolution 2486 (2019); Resolution 2434 (2018); and Resolution 2376 (2017).

56 These are Resolutions 1325 (2000), 1820 (2008), 1888 (2008), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), and 2493 (2019).

57 Resolution 2493 (2019), preamble.

58 Resolution 2493 (2019), op. para. 2 and 5.

59 See the Annex for an overview of Libya's ratification record and reservations to relevant human rights treaties, including CEDAW.

60 Ibid., preamble.

61 Resolution 2242 (2015), preamble.

BOX 3

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW is a comprehensive treaty that aims to eliminate all forms of discrimination against women. In order to enhance the relevance of the convention for conflict- and post-conflict situations, the Committee monitoring the convention has issued a General Recommendation on Women in Conflict Prevention, Conflict and Post Conflict Situations.⁶² This recommendation seeks to provide authoritative guidance to state parties on how to comply with their obligations under the convention in the specific context of conflict and post-conflict situations. Most relevant

in the context of peacebuilding are Articles 7 and 8 of CEDAW which oblige states to take measures to ensure women's equal representation in political and public life, both at the national and international level, including, if necessary, through temporary emergency measures under Article 4(1) of the convention.⁶³ Furthermore, Articles 10 on education, 11 on employment, 12 on health care, 13 on economic and social life and 14 on women in rural areas are key provisions for ensuring that women have equal socio-economic opportunities.

Conflict Situations.⁶⁰ Finally, the Security Council has made an express connection between its WPS Agenda and the impacts of climate change on peace and security. It reiterated in this regard its "intention to increase attention to women, peace and security as a cross-cutting subject in all relevant thematic areas of work on its agenda".⁶¹

The Sustaining Peace Agenda

The relevance of women's empowerment for peacebuilding also comes to the fore in the twin resolutions on sustaining peace adopted by the UN General Assembly and the Security Council in 2016.⁶⁴ These landmark resolutions do not only underscore the importance of women's leadership and participation in peacebuilding, but also the importance of financing initiatives that "address the particular needs of women in peacebuilding contexts, advance gender equality, and empower women"⁶⁵. Furthermore, while largely absent in the WPS Agenda, the sustaining peace resolutions make explicit connections between peace and security on the one hand and sustainable

development on the other. They recognize that "development, peace and security, and human rights are interlinked and mutually reinforcing" and embrace the Sustainable Development Goals as a framework for a comprehensive approach to sustaining peace.⁶⁶ Finally, the resolutions mandate the Peacebuilding Commission (PBC) "to integrate a gender perspective into all of its work".⁶⁷

Building on these resolutions and the WPS Agenda,

"...development, peace and security, and human rights are interlinked and mutually reinforcing."

the PBC adopted a gender strategy in 2016, which was subsequently endorsed by the Security Council.⁶⁸ This strategy refers explicitly to economic empowerment as a specific area for gender-responsive peacebuilding⁶⁹ and builds on the PBC's 2013 Declaration on Women's Economic Empowerment for

62 General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, UN Doc. CEDAW/C/GC/30, 1 November 2013.

63 Ibid., para. 44.

64 These are General Assembly Resolution 70/262 and Security Council Resolution 2282, both adopted in 2016.

65 Ibid., paras. 21 and 27.

66 Ibid., preamble.

67 Ibid., para. 6.

68 Resolution 2493 (2019), op. para. 4.

69 PBC Gender Strategy, 7 September 2016, available at <07092016_pbc_gender_strategy_final.pdf>, p. 8.

70 Declaration of the High-level Ministerial Event on Women's economic empowerment for peacebuilding, UN Doc. PBC/7/OC/3, 26 September 2013.

71 Ibid., paras. 4 and 5.

72 Action Plan indicator 1.3.

Peacebuilding.⁷⁰ In this Declaration, the PBC recognized first that economic empowerment of women greatly contributes to the effectiveness of post-conflict economic reconstruction, thereby acknowledging the important contribution of women as active agents of peacebuilding. Second, the PBC underlined the importance of recognizing women's particular needs—related to physical security, health services, land and property rights, nutrition and education—as enabling factors for their active participation in peacebuilding.⁷¹ Economic empowerment for women and their equal participation in socioeconomic development furthermore features prominently in the 2021 Action Plan for implementing the PBC's gender strategy.⁷² As such, it provides an important benchmark for gender-responsive peacebuilding.

4.3 Empowerment of women in international economic law

Women's economic empowerment and gender equality is not just a peacebuilding concern. Legal instruments in the domain of international economic law also increasingly adopt gender perspectives, reflecting recognition of their relevance for promoting inclusive economic growth. This section explores the inclusion of gender perspectives in international trade law and in the Business and Human Rights framework.

International trade law

International trade law has among its key objectives to raise standards of living, ensure full employment, a large and steadily growing volume of real income and effective demand, and to expand the production of and trade in goods and services.⁷³ There is now widespread agreement that encouraging female entrepreneurship and financial inclusion contributes significantly to achieving these objectives. Important work has first of all been undertaken within the World Trade Organization (WTO). A formal Joint Ministerial Declaration on the Advancement of Gender Equality

and Women's Economic Empowerment within Trade was negotiated during the 12th WTO Ministerial Conference in December 2021.⁷⁴ The declaration gives WTO members a mandate to act in four key areas, relating to 1) the collection of gender-disaggregated data, 2) research to inform trade policies and programmes, 3) integration of gender issues and economic empowerment of women in the work of the WTO and 4) collaboration on trade and gender between international and regional organisations. It also establishes a process for periodical reporting to the WTO General Council on progress in relation to trade and gender.⁷⁵ The declaration has received widespread support, including from major economies such as China, the European Union, Russia and the United States.⁷⁶ This is a clear indication of the importance attached to gender responsive trade policies within the WTO membership. Libya is currently not a member of the WTO and is therefore not mandated to work on these four key areas. However, given that its principal trade partners are WTO members,⁷⁷ Libya's trade relations will be impacted by these policies. Furthermore, when Libya joins the WTO in the future, it will be expected to work on these areas.

A similar trend can be observed in regional trade agreements. According to a recent study, currently 45% of all regional trade agreements include provisions that implicitly refer to gender, with 14% including explicit gender provisions.⁷⁸ There has been a steep increase in this practice, with 40% of all regional trade agreements adopted between 2017 and 2020 containing such provisions.⁷⁹ Libya is a party to several of these regional trade agreements, including the 1993 Treaty establishing the Common Market for Eastern and Southern Africa (COMESA). It has also signed (but not yet ratified) the 2018 agreement establishing the African Continental Free Trade Area (AfCFTA).

73 Marrakesh Agreement Establishing the World Trade Organization, first preambular paragraph.

74 Joint Ministerial Declaration on the Advancement of Gender Equality and Women's Economic Empowerment within Trade, 12th WTO Ministerial Conference, WT/MIN(21)/4/Rev.1, 3 December 2021. The declaration will be adopted at the 13th Ministerial Conference in 2022. It was preceded by the informal Buenos Aires Declaration on Trade and Women's Economic Empowerment, which was endorsed by 118 WTO members and observers. See https://www.wto.org/english/tratop_e/womenandtrade_e/iwg_trade_gender_e.htm.

75 Ibid.

76 Ibid.

77 See <https://wits.worldbank.org/CountrySnapshot/en/LBY>.

78 José-Antonio Monteiro, The Evolution of Gender-Related Provisions in Regional Trade Agreements, World Trade Organization, Economic Research and Statistics Division, Staff Working Paper ERSD-2021-8, 24 February 2021, p. 2.

79 Ibid., p. 7.

BOX 4

Examples of relevant regional trade agreements that incorporate a gender perspective

Treaty establishing the Common Market for Eastern and Southern Africa (COMESA)

The 1993 Treaty establishing the Common Market for Eastern and Southern Africa (COMESA) was ratified by all state parties, including Libya, on 8 December 1994. It is an early example of a regional trade agreement incorporating gender provisions. The treaty contains a separate chapter on the role of women in development and business (Articles 154 and 155), including detailed commitments to promote women's economic empowerment. Especially relevant for enhancing women's participation in the oil and gas sector are commitments to promote the participation of women at all levels of development and to eliminate regulations and customs that are discriminatory against women.⁸⁰

These provisions are made effective through gender mainstreaming programmes which are overseen by the Gender and Social Affairs Division in the COMESA Secretariat. Examples of such programmes include the Small-Scale Cross Border Trade Initiative, which seeks to improve the position of women entrepreneurs in the region, and the 50 Million African Women Speak (50MAWS) Platform Project that seeks to enable women entrepreneurs to access information on financial and non-financial services and opportunities for the purpose of strengthening the participation of women in trade.⁸¹ A Framework for the Comprehensive Support for Women and Youth Cross Border Traders in the COMESA Region was adopted in 2018 in response to studies showing that “although progress has been achieved towards COMESA regional economic integration, evidence still reveals that participation by women, youth and people with disabilities in intra-regional

trade and investment has been sub-optimal”.⁸² The Framework seeks to “identify the [gender] gap and guide programmes for implementation by COMESA Member States, for enhancing women and youth participation in intra-COMESA regional trade”.⁸³ It includes a set of preliminary data on gender inequalities across COMESA members and identifies six concrete objectives with targets to be met in the year 2023.⁸⁴

These objectives are 1) increasing capacity and competitiveness of women and youth small scale cross border traders by increasing access to different resources and improve service provision; 2) enhancing access for women to cross border markets through conducive policy and legal environment including adequate service provision; 3) strengthening trade facilitation systems and services for women and youth small scale cross border traders; 4) constructing cross border markets and other facilities considering the various needs and concerns of women and men traders; 5) improving trade facilitation and strengthening performance management and accountability systems to eliminate harassment and gender-based violence for small scale cross border traders; and 6) enhancing gender research to have a good knowledge base of trade and gender in the region and gender responsive data collection tools and analysis and M&E Framework.

Finally, it is important to mention the work of the Comesa Federation of Women in Business (COMFWB), which aims to “promote programmes that integrate women into trade and development activities in Eastern and Southern Africa: in particular, in the fields of industry, trade and services, agriculture, fishing, energy, transport and communications, natural resources and

80 See Article 154 (a) and (b).

81 See <https://www.comesa.int/gender-social-affairs/>.

82 COMESA, Framework for the Comprehensive Support for Women and Youth Cross Border Traders in the COMESA Region, July 2018, p. 1.

83 *Ibid.*, p. 4.

84 *Ibid.*, p. 3 and 10-13.

mining, with the main objective of improving the economic conditions of women in the sub-region as well as increasing the awareness of women in development and business issues at the policy level”.⁸⁵ Libya established a COMFWB Chapter (national association) in 2021.⁸⁶

Agreement Establishing the African Continental Free Trade Area (AfCFTA)

The 2018 Agreement Establishing the African Continental Free Trade Area (AfCFTA) was adopted under the aegis of the African Union.⁸⁷ Libya has signed the agreement, but has yet to ratify it.⁸⁸ The agreement aims to boost Africa’s global trading position by creating a single African economic market, enhancing economic cooperation between African states and reducing intra-African barriers to trade, thereby generating significant trade benefits for members of the

free trade area. The agreement and its protocols explicitly and implicitly recognize the importance of gender equality. For instance, Article 3(e) of the Agreement states that the AfCFTA aims to “promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation of the State Parties.” Likewise, Article 27(d) of the AfCFTA Protocol on Trade in Services mandates states to “improve the export capacity of both formal and informal service suppliers, with particular attention to micro, small and medium size; women and youth service suppliers.” Despite being general and less ambitious compared to some other regional trade agreements, the explicit reference to gender equality in relation to trade in services is significant. This will boost the position of female entrepreneurs in sectors such as IT.⁸⁹

Business and Human Rights

Gender perspectives have also been increasingly included in the more comprehensive Business and Human Rights framework. For instance, the UN Human Rights Council’s Working Group on the issue

of human rights and transnational corporations and other business enterprises has developed a guidance for a gender responsive implementation of the UN Guiding Principles on Business and Human Rights (UNGPs).⁹⁰

85 See <https://www.comfwb.org/about/who-are-we>. See also COMFWB Charter, Article 4.

86 See <https://www.comfwb.org/member/libya>.

87 See <https://afcfta.au.int/en/documents/2018-03-21/agreement-establishing-african-continental-free-trade-area-afcfta>.

88 See <https://afcfta.au.int/en/documents/2020-12-28/state-parties-ratification-status-list>.

89 For a more extensive analysis of the AfCFTA and its protocols, see AfCFTA Secretariat and United Nations Development Programme (UNDP), *The Futures Report: Making AfCFTA Work for Women and Youth* (2020), https://au.int/sites/default/files/documents/39689-doc-ss_afcftafuturereport.pdf; and Collin Zhuawu and Hilary Enos-Edu, *The African Continental Free Trade Area: An Opportunity for Boosting Women in Trade*, *The Commonwealth, Trade hot topics*, issue 177 (2021).

90 Human Rights Council, *Gender Guidance for the Guiding Principles on Business and Human Rights within the United Nations*, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Doc. A/HRC/41/43, 23 May 2019.

BOX 5

UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (UNGPs) provide a framework for states and corporations to prevent and redress corporate human rights abuses within their jurisdiction. The notion ‘jurisdiction’ is control-based and also applies to operations outside the territory of the state where the corporation has its main seat. The UNGPs apply to all types of corporations, no matter their size or the sector in which they operate. They are premised on states’ obligation to protect human rights, corporations’ duty to respect human rights and the right to adequate and effective remedies for victims of corporate human rights abuses.

The concept of due diligence figures prominently in the UN Guiding Principles as a means to in

the UN Guiding Principles as a means to prevent and address negative human rights impacts by corporations. It is first promulgated as a means for states to discharge their obligation under international law to protect human rights, which entails an obligation for states to prevent infringements on human rights by corporations operating within their jurisdiction (also extraterritorially). In relation to corporations, due diligence is presented as a means to prevent negative human rights impacts ensuing from their operations. Corporate human rights due diligence is defined in Principle 17 as “an on-going process aimed at identifying, preventing and mitigating human rights impacts as well as to account for how these impacts are addressed”.

The Gender Guidance clarifies how the obligations of states and the responsibilities of corporations pursuant to the UNGPs apply to gender issues, building on relevant provisions in human rights instruments. For states, key obligations relate to the adoption of policies, legislation and other measures to ensure that corporations operating within their territory and/or jurisdiction respect women’s human rights.⁹¹ The reference to either territory or jurisdiction must be understood to include extraterritorial obligations for states. In other words, these obligations also apply to the states in which these corporations have their main seat, even if their operations are conducted in other states. The actions that corporations are expected to take include “find[ing] ways to offer loans and access to finance to women”; ensuring “that their land acquisition and compensation processes neither reinforce gender-discriminatory landownership practices nor adversely affect women’s livelihoods and subsistence” and taking measures “to ensure equal representation of women in the workforce at all

levels, including on boards”.⁹² The guidance further calls on corporations to assess the nature and extent of gender discrimination throughout their operations, formulate gender equality expectations for their business partners, assess the effectiveness of their gender equality measures and to take measures to address gender discrimination.

There is considerable pressure on corporations, especially those with their main seat in countries in the global North, to implement the guidance. This is most apparent from recent legislation at the domestic level. References to gender and to the gender guidance more in particular are in fact increasingly included in binding corporate due diligence legislation on the domestic and regional levels that seeks to give effect to the UNGPs.⁹³ The German Due Diligence Act, for instance, refers to violations of the prohibition of unequal treatment in employment, including on the grounds of gender, as a human rights risk that corporations are mandated to assess.⁹⁴ The European

91 Ibid., Guiding Principle 1.

92 Ibid., illustrative actions related to Guiding Principle 11 on the responsibility of corporations to respect human rights.

93 European Parliament resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability ‘Corporate due diligence and corporate accountability’ P9_TA(2021)0073, 10, 13. See also Germany’s Act on Corporate Due Diligence Obligations in Supply Chains of 16 July 2021, p. 3.

94 Germany’s Act on Corporate Due Diligence Obligations in Supply Chains of 16 July 2021, Art. 2(7).

Union's due diligence legislation is still in the drafting phase, but the preparatory materials explicitly refer to the UN's Gender Guidance.⁹⁵ Since these legislative measures have extraterritorial effects, they will be mandatory for corporations from these states operating in Libya, including in the oil and gas sector.

Gender-responsive due diligence guidance (both general and sector-specific) for corporations has further been developed under auspices of the Organisation for Economic Cooperation and Development (OECD). Relevant instruments integrate gender perspectives both in risk assessment and in stakeholder engagement.⁹⁶ Risks that have been identified by the OECD include infringements on human and labour rights, environmental destruction and bribery.⁹⁷ Likewise, the binding treaty on business and human rights, which is currently negotiated, mandates state parties to ensure that human rights due diligence measures undertaken by business enterprises integrate "a gender perspective, in consultation with potentially impacted women and women's organizations, in all stages of human rights due diligence processes to identify and address the differentiated risks and impacts experienced by women and girls."⁹⁸

Finally, mention should be made of the Extractive

Industries Transparency Initiative (EITI). This is a key instrument for promoting good governance of oil, gas and mineral resources, one of the priorities set out in the LPDF roadmap for Libya. The most recent edition of the EITI Standard includes several gender reporting requirements.⁹⁹ These relate to representation in the multi-stakeholder groups that oversee domestic implementation of EITI, employment data, information access and stakeholder participation in EITI implementation.¹⁰⁰ The collection of such gender-disaggregated data provides important information to implementing states that can help them adjust their policies and legislation. Some best practice examples include Burkina Faso, whose EITI reporting includes a recommendation to improve disclosures on the artisanal and small-scale mining sector, with a focus on livelihood opportunities for women; Ethiopia and Zambia, which disclose gender-sensitive data on social expenditures by extractive companies, for the purpose of tracking whether these respond to priorities identified by women, or benefit women's groups in areas hosting extractive activities; and Senegal, where reporting has informed reforms to promote greater inclusion – Article 115 of its 2016 Mining Code states that "the local development plan must integrate projects for the empowerment of women."¹⁰¹

95 European Parliament resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability 'Corporate due diligence and corporate accountability' P9_TA(2021)0073.

96 OECD, OECD Due Diligence Guidance for Responsible Business Conduct (2018); OECD and Women in Mining, Stakeholder Statement on Implementing Gender-Responsive Due Diligence and ensuring the human rights of women in Mineral Supply Chains, 25 April 2019 for due diligence in mineral supply chains; OECD-FAO, Integrating a Gender Perspective into Supply Chain Due Diligence note, 8 March 2021 for due diligence in agricultural supply chains.

79 See OECD, OECD Due Diligence Guidance for Responsible Business Conduct (2018), p. 38-40. Special mention can be made of the following risks/adverse impacts: forced labour, wage discrimination for equal work or work of equal value, gender-based violence or harassment, restriction on people's access to clean water, discrimination against workers with respect to employment or occupation (including on the ground of sex), ecosystem degradation through land degradation, water resource depletion and/or destruction of pristine forests and biodiversity, unsafe levels of biological, chemical or physical hazards in products or services and water pollution (e.g. through discharging waste water without regard to adequate wastewater infrastructure).

98 Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises, Third revised draft, 17 August 2021, Article 6(4)(b).

99 The EITI Standard 2019, 15 October 2019, https://eiti.org/files/documents/eiti_standard_2019_en_a4_web.pdf.

100 Ibid., requirement 1.4(a)(iii) ("The multi-stakeholder group and each constituency should consider gender balance in their representation to progress towards gender parity."); requirement 6.3(d) (relating to the contribution of the extractive industry to the economy, requiring States to disclose information on employment in the extractive industries, including information that is "disaggregated by gender and, when available, further disaggregated by company and occupational level."); requirement 7.1(a)(ii) (relation to public disclosure of information, which should be comprehensible and "consider access challenges and information needs of different genders and subgroups of citizens."); and requirement 7.4(a)(v) (encouraging the multi-stakeholder group "to document how it has taken gender considerations and inclusiveness into account").

101 Thévoz Indra and Pilliard Leila, Towards a More Gender-Inclusive Extractives Sector, The Extractive Industries Transparency Initiative (2 July 2020), <https://eiti.org/>.

BOX 6

Extractive Industries Transparency Initiative (EITI)

EITI is a voluntary multistakeholder initiative that aims to strengthen governance of oil, gas and mineral resources in resource-rich States by increasing transparency and accountability in the extractive industries. All States participating in the initiative must implement the EITI Standard, which is regularly updated to reflect lessons learned. The EITI Standard seeks to uphold the responsibility of governments to manage natural resources for the benefit of the country's population and in the interests of national development, as prescribed by the principle of PSNR and the right of peoples to self-determination. It requires states and

companies in the extractive industries to disclose information on natural resources exploitation and revenues throughout the value chain, from the point of extraction to public expenditure. For this purpose, states are mandated to establish a multistakeholder group at the national level consisting of representatives from the private sector, civil society and relevant government ministries. The principal task of these groups is to prepare and monitor the implementation of the EITI Standard at the domestic level. Currently, 56 countries implement the Standard. Libya is not among the participants.

4.4 Empowerment of women in international environmental law

International environmental law has also increasingly adopted gender-responsive approaches, in recognition of the importance of natural resource management for women and their contribution to environmental protection. These approaches can play a key role in supporting states to uphold their obligation to manage their natural resources in a sustainable manner and to prevent (transboundary) harm to the environment, as discussed in section 4.1.

The important role that women play in environmental management has been recognized early on in international environmental law. The 1992 Rio Declaration on Environment and Development already states in its Principle 20 that “[w]omen have a vital role in environmental management and development” and emphasises that “[t]heir full participation is therefore essential to achieve sustainable development”. Their key role is similarly acknowledged in major environmental conventions to which Libya is a state party. These are the UN Convention on Biological Diversity (CBD), the Paris Agreement on Climate Change and the UN Convention on Desertification (UNCCD).

The 1992 UN Convention on Biological Diversity (CBD) recognises in its preamble that women play “a vital role [...] in the conservation and sustainable use of biological diversity” and affirms “the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation.” Likewise, the 1994 UN Convention on Desertification (UNCCD) stresses in its preamble “the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought”. It further contains several provisions devoted to enhancing participation of women in decision-making and capacity-building to support efforts to combat desertification and mitigate the effects of drought.¹⁰² The third major convention adopted in the aftermath of the 1992 Rio Conference, the UN Framework Convention on Climate Change (UNFCCC), failed to include relevant provisions. This gap has however been filled by the 2015 Paris Agreement on Climate Change, which calls on state parties in its preamble to “promote and consider [...] gender equality, empowerment of women and intergenerational equity” when they take action to address climate change. Article 7 of the Agreement calls on parties to adopt gender-

102 UNCCD, Article 5 (countries affected by desertification are to “promote awareness and facilitate the participation of local populations, particularly women and youth [...] in efforts to combat desertification and mitigate the effects of drought”), Article 10 (requiring state parties to adopt national action plans which “provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men [...] in policy planning, decision-making, and implementation and review of national action programmes”) and Article 19 requiring states to include women in capacity building, education and public awareness programs.

responsive approaches to climate adaptation action and Article 11 calls for capacity-building to be “participatory, cross-cutting and gender-responsive”. Article 12 formulates a general obligation for states to “cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.” Even though this provision does not expressly adopt a gender perspective, it is highly significant, as it explicitly mandates the state parties to take affirmative action to empower local communities.

Gender Work Programmes and Action Plans have been adopted under the umbrella of these conventions to give effect to the relevant provisions.¹⁰³ These Work Programmes and Action Plans seek to enhance participation of women in decision-making and capacity-building and to bolster women’s leadership in environmental management. They do so by formulating focal points for action by state parties and convention bodies. Some are further developed in policy documents. Particularly relevant for Libya as a country struggling with water scarcity are policies adopted under the UNCCD on gender-responsive approaches in drought preparedness policy making and programming.¹⁰⁴ Others are directly operational. This is, for instance, the case for the (enhanced) Lima Work Programme and its Gender Action Plan adopted under the Paris Agreement. This document sets out concrete actions for states and convention bodies in relation to capacity-building, women’s participation and leadership, gender-responsive implementation and monitoring and reporting of gender disaggregated data, subject to periodic review by the Conference of

the Parties. As such, the Lima Work Programme and its Gender Action Plan provide an important framework for cooperation under the Paris Agreement to involve women more directly in climate action. Involving women in climate change policies is essential, as studies show that women’s participation is vital for the success of climate mitigation and adaptation policies.¹⁰⁵

The frameworks developed under environmental conventions for gender mainstreaming are first and foremost facilitative and bottom-up. This makes them highly suitable for supporting gender-responsive environmental policies at the domestic level.

In conclusion, relevant international legal instruments have recognized the strong interlinkages between women’s empowerment on the one hand and sustainable peace, economic growth and sound environmental management on the other. While the general international legal framework for the governance of natural resources does not specifically address gender concerns, gender-responsive policies and standards have been developed in all relevant normative frameworks for the governance of natural resources. The rationale for adopting such policies and standards differs according to the objectives of the relevant bodies. Standards developed by the Security Council and the PBC aim to attain a more durable peace; those developed by international economic law aim to enhance economic growth and good governance; and the standards developed by international environmental law aim to capitalise on the environmental benefits of including women in decision-making processes and capacity-building. What they all have in common is that they see the potential of engaging women for realising key societal objectives.

103 See CBD Gender Plan of Action 2015-2020, UN Doc. UNEP/CBD/COP/DEC/XII/7, 17 October 2014 (building on The Gender Plan of Action under the Convention on Biological Diversity, UN Doc. UNEP/CBD/COP/9/INF/12/Rev.1, 23 May 2008); Gender Action Plan to accompany implementation of the UNCCD 2018-2030 Strategic Framework, 17 January 2018, <https://www.unccd.int/publications/gender-action-plan>; and Lima Work Programme on Gender and its Gender Action Plan, UN Doc FCCC/CP/2019/L3, 12 December 2019, for the Paris Agreement.

104 UNCCD, Guidelines and Background Documents For Development of National Drought Plan, <https://www.unccd.int/sites/default/files/relevant-links/2018-06/model%20drought%20plan.pdf>. Also relevant is a manual regarding gender mainstreaming in the design of transformative Land Degradation Neutrality (LDN) projects, authored by Tzili Mor and published by Global Mechanism of the UNCCD and UN Women, available at https://catalogue.unccd.int/1223_Gender_Manual.pdf.

105 Office of the United Nations High Commissioner for Human Rights, Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women, UN Doc. A/HRC/41/26, 1 May 2019, para. 26-30. For the climate-gender-security interface, see UNEP, UN Women, DPPA and UNDP, Gender, Climate & Security: Sustaining inclusive peace on the frontlines of climate change, 11 June 2020 (revised edition); and T. Ide et al., Gender in the Climate-Conflict Nexus: “Forgotten” Variables, Alternative Securities, and Hidden Power Dimensions, *Politics and Governance* 2021, Vol. 9(4), p. 43–52.

The background is split horizontally into a blue top half and a green bottom half. Overlaid on this are several semi-transparent, overlapping shapes: a large light blue circle on the right side, a light green circle on the left side, and a light blue rectangular shape at the top left. The text 'CASE STUDIES' is centered in the blue section, underlined.

CASE STUDIES

V. Case Studies

Two case studies offer best practises by resource-endowed states that have successfully introduced gender policies in relation to the management of natural resources and the distribution of benefits.

5.1 Norway

Norway and Libya both have vast oil and gas reserves and a small population. These similarities provide a good starting-point for a comparison between the two states. However, where Libya is still highly dependent on its oil and gas sector, Norway has used its oil and gas wealth to develop a diverse economy based on agriculture, forestry, fishing and manufacturing. This has helped Norway to escape the Resource Curse and to become one of the most thriving economies in the world.¹⁰⁶ Key elements of Norway's success include the adoption of transparency measures to monitor the wealth distribution process, a highly efficient judicial system, strong and free media and women's economic empowerment.¹⁰⁷ As a result, Norway offers valuable lessons to policy-makers elsewhere.¹⁰⁸

Gendered Economic Growth Policies

In 1990, Norway passed a law to establish the Government Pension Fund¹⁰⁹ with the purpose of supporting the long-term management of the country's petroleum revenues. The Fund is considered the world's largest sovereign wealth fund.¹¹⁰ There are no direct references to gender in the objectives of the Government Pension Fund. However, in a position paper on gender diversity in companies, the fund

made it abundantly clear that it expects all companies in which it invests globally to have at least 30% gender representation on their boards and to report on progress to achieve this target.¹¹¹ In December of 2003, Norway passed a quota law – which went into effect in 2008 -- requiring that women make up a minimum of 40% of Norwegian corporate public boards (publicly-owned companies, as well as public limited companies in the private sector). As a result of the law, the percentage of female board members went from 5% in 2001 to 40% in 2008.¹¹²

Norway has a clear policy commitment to gender equality. It realises its aims through gender mainstreaming, with targeted actions and the use of tools such as the Equality and Anti-Discrimination Act. The law protects against discrimination based on gender; it regulates issues such as maternity leave and caring responsibilities; and it requires employers and public authorities to adopt policies to promote gender equality actively. The law was followed by The Anti-Discrimination Ombud Act, which works to prevent gender-based discrimination and sexual harassment; the Ombud is accessible to all citizens to provide guidance on discrimination legislation. In addition, the law established the Norwegian Anti-Discrimination Tribunal, which handles complaints relating to breaches of the law. As a result, Norway offers generous benefits, including innovative tools to support men and women to achieve life and work balance.¹¹³ These policies are crucial for closing the gender gap and supporting inclusive growth.

In addition, Norway's public sector employs the

106 <https://www.npd.no/en/facts/news/general-news/2022/record-high-revenues-from-the-norwegian-shelf/>

107 Norway ranks third in the Global Gender Gap report of 2021.

108 <https://www.weforum.org/reports/global-gender-gap-report-2021>

109 <https://www.nbim.no/en/the-fund/about-the-fund/>.

110 <https://www.swfinstitute.org/fund-rankings/sovereign-wealth-fund>

111 <https://www.reuters.com/article/us-norway-swf-exclusive-idUSKBN2AFoTX>. The position paper on board diversity can be found here: <https://www.nbim.no/en/the-fund/responsible-investment/our-voting-records/position-papers/board-diversity/>.

112 Espen Eckbo et al., Valuation Effects of Norway's Board Gender-Quota Law Revisited, European Corporate Governance Institute (ECGI) - Finance Working Paper No. 463/2016.

113 https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_o81359/lang-en/index.htm

majority of the citizenry with no discrimination towards women in this respect.¹¹⁴ By so doing, the government is thus able to channel some of the oil wealth into salaries, a sound education system and social benefits.

Gendered Environmental Policies

Although most policies and national environmental policies and national plans do not explicitly explain the gendered impact of climate change, the environmental degradation associated with oil extraction activities have direct and indirect implications for women worldwide.¹¹⁵

Norway has successfully identified its economic vulnerability to the oil prices trends and harnessed its natural strengths to deliver inclusive and sustainable growth policies¹¹⁶. Recent reports show that some 98% of Norway energy production comes from renewable sources.¹¹⁷ Furthermore, the national country plan includes a solid commitment to the environment and clean energy to create sustainable communities.¹¹⁸

Libya and Norway are similar in many ways: both countries depend on oil exports as a primary source of income and both have a small population relative to the amount of natural resources. However, unlike Norway, Libya's attempts to diversify the economy have so far been unsuccessful. Libya could therefore draw important lessons from Norway, for instance on how to sustain its sovereign fund to ensure that its oil wealth is utilised to benefit future generations. The diversity and transparency measures adopted by Norway are key in this respect. Libya could also learn from Norway how to develop its potential to produce clean energy, mainly solar and wind power. The country could adopt a long-term national inclusive approach to natural resource management similar to Norway.

5.2 Uganda

Despite very different local contexts, Libya and Uganda have some points in common: both countries have a majority of young population, are rich in natural resources, and are undergoing major transformations in their economic development. Uganda has substantial natural resources, including fertile soils, regular rainfall, significant reserves of recoverable oil, and small deposits of copper, gold, and other minerals. Agriculture is one of the most important sectors of the economy, employing 72% of the workforce. Oil revenues and taxes are expected to become a more prominent source of government funding as oil production starts in the next three to 10 years.¹¹⁹

Gendered Economic Growth Policies

The government of Uganda issued a comprehensive National Development Planning Framework to implement a national vision to transform Ugandan society into a modern and prosperous country within 30 years. The vision also aims to change from a low income to a competitive upper middle-income country within 30 years.¹²⁰

The plan prioritises investment in five areas with the most significant multiplier effects on the economy, including minerals, oil and gas.¹²¹ The National Development Plan also identified gender inequality as the key binding constraint to socio-economic development in Uganda. The strategic actions for promoting gender equality consist of eight action plans, including gender issues in the development plans and women's economic empowerment in all sectors and industries. One successful practice was developing and implementing a land reform program focusing on poverty eradication and ensuring women's ownership and control of land as part of the Land Sector Strategy Plan.¹²² This, in

114 <https://www.oecd.org/gov/gov-at-a-glance-2021-norway.pdf>

115 https://genderandsecurity.org/sites/default/files/Darkwah_-_The_Impact_of_oil_gas_discovery_exploratn_on_communities_.pdf.

116 <https://www.regjeringen.no/en/topics/energy/renewable-energy/renewable-energy-production-in-norway/id2343462/>

117 <https://www.regjeringen.no/en/topics/energy/renewable-energy/renewable-energy-production-in-norway/id2343462/>

118 https://www.regjeringen.no/contentassets/4e0b25a4c30140cfb14a40f54e7622c8/national-plan-2030_version19_desember.pdf

119 The world factbook <https://www.cia.gov>.

120 <https://www.gou.go.ug/content/uganda-vision-2040>

121 <https://www.greengrowthknowledge.org/sites/default/files/downloads/policy-database//NDPII-Final.pdf>.

addition to the policies concerned with women's economic empowerment, played a role in tapping the potential of women in the country. According to data, women own about 40% of private enterprises, mainly in the microenterprise, informal sector.¹²³ About 29.5% of women in business are in export trade. The Equal Opportunities Commission¹²⁴ is another successful example of reducing gender inequality: the commission was established in 2015 to provide equal opportunity to women and other disadvantaged groups to participate and benefit from trade. Another best practice was adopting mainstreaming gender and implementing gender-responsive budgeting into development.¹²⁵

Gendered Environmental Policies

There are more calls to develop strategies to address environmental policies since Libya suffers from one of the world's highest levels of water scarcity; compounding the issue is the ongoing conflict, which has negatively affected water service in the country. To make matters worse, Libya has no water management strategy in place, and there were no development plans to upgrade and maintain the water infrastructure in Libya. Uganda is one of the few countries that links natural resources and gender, offering a key example for Libya to follow by adopting a similar inclusive strategy.

Through its Water and Sanitation Gender Strategy,¹²⁶ Uganda has outlined a strong commitment to reducing gender inequalities related to water resources. In order to achieve this commitment, the government adopted five key strategy areas for implementation: a) gender integration in policies,

plans and guidelines; b) capacity enhancement and promotion of a gender-sensitive work environment; c) economic empowerment through equitable access to water resources; d) gender documentation, reporting and monitoring and e) gender coordination, partnership and networking. The strategy includes implementation approaches and defines roles and responsibilities for each stakeholder.

Uganda's National Climate Change Policy issued in April 2015¹²⁷ also recognizes the relationship between gender and climate change. The national policy identified five policy priorities to address climate change in Uganda: awareness and education; support to policies and programmes; information sharing and research; promoting technology through research and development; and gender mainstreaming. The government commits to position gender equality squarely among its priorities for policy and implementation plans to address climate change.

Despite challenges in implementation, including limited technical capacity, little attention to local contexts and financial limitations,¹²⁸ Uganda is a promising case as the country progressively engages with gender mainstreaming and climate change issues at the policy level. There is a strong understanding that integrating women's concerns into development strategies will speed up sustainable development and economic growth. Libya currently does not have policies concerning climate change, water management, or environmental plans. Therefore, following the Ugandan model in integrating gender mainstreaming as a cross-cutting issue in formulating these policies will ensure the inclusivity of the recovery and development process.

122 <https://mlhud.go.ug/wp-content/uploads/2019/09/LSSP-II.pdf>.

123 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_seed/documents/publication/wcms_360427.pdf

124 <https://eoc.go.ug/about-us/>.

125 UNDP, Gender Budget Project for Northern Uganda Recovery, Reconstruction and Development, available at https://www.ug.undp.org/content/uganda/en/home/operations/projects/womens_empowerment.

126 <https://www.mwe.go.ug/sites/default/files/library/Water%20and%20Sanitation%20Gender%20Strategy.pdf>

127 <https://www.mwe.go.ug/sites/default/files/library/National%20Climate%20Change%20Policy%20April%202015%20final.pdf>.

128 Ampaire E L, JASSOGNE L, Providence H, Acosta M, Twyman J, van Asten P. Institutional challenges to climate change adaptation: A case study on policy action gaps in Uganda 2017

RECOMMENDATIONS

Recommendations for:
Libyan National Institutions and the
International Community

VI. Recommendations

Recommendations for Libyan national institutions:

Cross-cutting

- **Ensure women's participation as a cross-cutting issue**, ranging from the higher levels of political decision-making in the oil industry to technical committees, including company consultation processes. This can be achieved through national gender policies, implementation of existing legislation concerning employment relations, and monitoring of the oil companies.

- **Increase representation of local female leaders**, natural resource producers, entrepreneurs, and women's organisations in the oil industry and in natural resource management. By taking decision-making and participation in the oil sector to the local level, it ensures that women's needs are being represented vis-à-vis oil companies and adapted to local contexts.

Effective representation involves not only government action and the introduction of targeted gender policies, but also creating the conditions where women can advocate themselves both on a local level as well as within the oil industry.

- **Education and skills training are critical** to provide women with equal opportunities to participate in the oil industry. There is a potential for using gender-responsive budgeting and initiatives to support education, create capacity-building programmes, and facilitate civil society engagement in the sector of business development.

- **Expand data collection and statistics disaggregated by gender**. Not only will this raise awareness on the inequalities between men and women, but it also points out the shortcomings of the production industries. Comprehensive data collection may assist in targeting sectors of the oil industry from which women are being excluded and trace it back to discriminatory practices or the lack of education and training programmes. In this context, assessing the

conditions in the oilfields can be vital for evaluating how the local practises of the oil industry may be adapted to be more inclusive of women's needs.

- **Facilitate access to accurate, disaggregated data and information**. The data collection is closely connected to access to information concerning the oil industry, gender training, or capacity-building programmes, especially at a local level. Access to information enables women to make informed political, social and economic decisions without relying heavily on local institutions to represent their interests. Undertaking public information campaigns may raise awareness on the benefits of female inclusion in the oil sector, on how to support gender diversity and how to overturn harmful stereotypes against women in the workforce.

Distribution of benefits

- **Allocate budgets based on women's needs**. As demonstrated through the case study on Norway, budget allocation should be directed towards women's needs. This can be done both directly by establishing funds for women workers, producers, and entrepreneurs, as well as indirectly through social welfare benefits (such as Norway's parenthood benefit policies). Sufficient resources should be allocated to gender officers and women councillors to assist them in implementing gender policies and to encourage interaction with local communities.

- **Enable good governance through transparency and accountability** in the wealth distribution process in order to monitor the revenue generated from the oil industry. This will ensure that the management of natural resources benefits both Libyan men and women. Becoming a member of the EITI would support Libya in tracking revenues from oil and gas exploitation, making equitable allocations of oil revenues, and advancing transparency and good governance from a gendered perspective.

Recommendations for the international community, especially the UN Security Council and UNSMIL:

- **Implement gender mainstreaming in the National Oil Corporation's** sustainable development strategy to ensure that women can contribute to and benefit from national development plans. This should include implementing standards under the UN business and human rights framework.

Economic empowerment

- **Create employment opportunities and develop strategies** for the economic empowerment of local women as workers, producers, and entrepreneurs, which will benefit both the community and the development of the oil industry as well as the management of natural resources.

- **Eliminate regulatory and institutional barriers** that indirectly discriminate against female engineers, such as granting permits for on-site inspection of oil facilities exclusively to male engineers.

- **Take measures to promote women's access** to and ownership of productive resources, such as land, and financial credit.

Environmental management

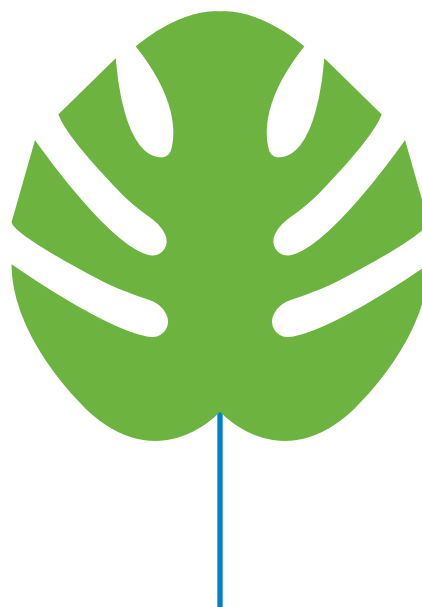
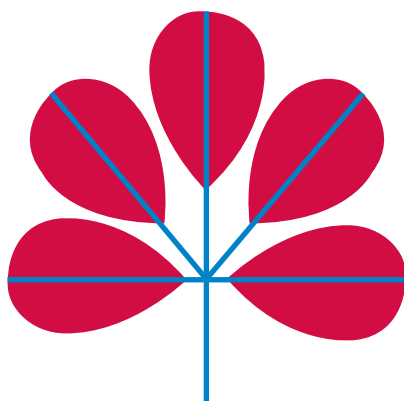
- **Introduce a gender-responsive climate policy** that will facilitate the inclusion of women's needs in climate change adaptation, most importantly with respect to access to water. Environmental damage and climate change reshape the realities of oil extraction and natural resource management.

- **Integrate socioeconomic aspects of environmental damage**, climate change, and natural resources, and their relation to gendered livelihood opportunities in the design and operation of economic projects, especially in the oil and gas sector. Specifically, the Environmental Impact Assessments should take into consideration the gender dynamics of the environment and the gas and oil industry, including specific indicators to reflect gender inequalities, and account for access to and control of land and water.

- The Security Council has stressed in its resolutions that the interim government must **manage its resources in an equitable manner**. It should establish a direct connection between this obligation and the WPS Agenda;

- The Security Council has made an **express connection between its WPS Agenda and the impacts of climate change on peace and security** in Resolution 2242 (2015). The Security Council should operationalize this connection in its resolutions regarding Libya, for instance by including relevant tasks in UNSMIL's mandate.

- UNSMIL, UN agencies, and the international community should prioritize **gender mainstreaming across all aspects of their joint work**. Priority should be placed on programming and financing that supports gender-sensitive climate policy, natural resource management and women's active role in each step of the peacebuilding process.



Bibliography

- The Advocates for Human Rights (2019). Promoting Gender Diversity and Inclusion in the Oil, Gas and Mining Extractive Industries: *A Women's Human Rights Report*. Minneapolis: *The Advocates for Human Rights*.
- AfCFTA Secretariat and United Nations Development Programme (UNDP) (2020). *The Futures Report: Making AfCFTA Work for Women and Youth*. Available at https://au.int/sites/default/files/documents/39689-doc-ss_afcftafuturereport.pdf.
- African Natural Resources Center and African Development Bank (2018). Women's economic empowerment in oil and gas industries in Africa. Cote D'Ivoire: ANRC/ADB.
- Ampaire E L et al (2017). Institutional challenges to climate change adaptation: *A case study on policy action gaps in Uganda*. Available at <https://www.sciencedirect.com/science/article/pii/S146290111630716X>
- Brubacher, M (2021). Climate-Fragility Risk Brief: *Libya, Adelphi, October 2021*, available at https://climate-security-expert-network.org/sites/climate-security-expert-network.org/files/documents/csen_risk_brief_libya.pdf
- Cassese, A (1995). *Self-Determination of Peoples: A Legal Appraisal*. Cambridge: *Cambridge University Press*.
- COMESA (2018). Framework for the Comprehensive Support for Women and Youth Cross Border Traders in the COMESA Region. Available at https://www.comesa.int/wp-content/uploads/2020/05/ENG_Comprehensive-Framework-for-the-Support-of-Women-and-Youth-Cross-border-Traders.pdf.
- Conclusions of the Berlin Conference on Libya (2020). Available from https://unsmil.unmissions.org/sites/default/files/berlin_conference_communique.pdf
- Convention on Biological Diversity (CBD) (2014). Gender Plan of Action 2015-2020. UN Doc. UNEP/CBD/COP/DEC/XII/7.
- Cuberes, D. and Marc Teignier Baqué Cuberes (2011). *Gender Inequality and Economic Growth*. Washington DC: World Bank.
- Dam-de Jong, D. (2015). *International Law and Governance of Natural Resources in Conflict and Post-Conflict Situations*. Cambridge: Cambridge University Press, 2015.
- Darkwah, A (2010). *The Impact of Oil and Gas Discovery and Exploration on Communities with Emphasis on Women*. Available at https://genderandsecurity.org/sites/default/files/Darkwah_-_The_Impact_of_oil_gas_discovery_exploratn_on_communities_.pdf.
- Eckbo, E. et al. Valuation Effects of Norway's Board Gender-Quota Law Revisited, European Corporate Governance Institute (ECGI) - Finance Working Paper No. 463/2016.
- The EITI Standard (2019). Available at: https://eiti.org/files/documents/eiti_standard_2019_en_a4_web.pdf.
- FAO, IFAD, and ILO (2010). *Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways Out Of Poverty - Status, Trends and Gaps*. Rome: IFAD/FAO.
- Human Rights Council (2019). *Gender Guidance for the Guiding Principles on Business and Human Rights within the United Nations*. Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, UN Doc. A/HRC/41/43
- Indra, T. and Pilliard Leila (2020). *Towards a More Gender-Inclusive Extractives Sector*. The Extractive Industries Transparency Initiative.
- Hurst, E. and others (2011). *The Allocation of Talent and Economic Growth as quoted in World Development Report 2012*.
- International Court of Justice (2005). *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. The Hague: International Court of Justice.
- _____(2010). *Case Concerning Pulp Mills on the River Uruguay*
- (Argentina v. Uruguay). The Hague: International Court of Justice.
- Justino, P. et al. (2012). *Quantifying the Impact of Women's Participation in Post-Conflict*

- Economic Recovery. Brighton, UK: International Development Studies (IDS).
- Monteiro, José-Antonio (2021). The Evolution of Gender-Related Provisions in Regional Trade Agreements. World Trade Organization, Economic Research and Statistics Division.
- Mor, T. A Manual for gender-responsive Land Degradation Neutrality (LDN) Transformative Projects and Programmes (2019): New York, NY: Global Mechanism of the UNCCD and UN Women. Available at https://catalogue.unccd.int/1223_Gender_Manual.pdf.
- Office of the United Nations High Commissioner for Human Rights (2019). Analytical study on gender-responsive climate action for the full and effective enjoyment of the rights of women.
- Perks, R. and Katrin Schulz (2020). Gender in oil, gas and mining: An overview of the global state-of-play. The Extractive Industries and Society Vol. 7. Available at <https://internationalwim.org/wp-content/uploads/2020/10/Gender-in-oil-gas-and-mining-An-overview-of-the-global-state-of-play.pdf>.
- PwC and Women in Mining UK (2013). Mining for Talent: A Study of Women on Boards in the Mining Industry. Available at <https://www.pwc.com/gr/en/publications/assets/mining-for-talent.pdf>
- Sadek Abuhadra, D. and Tawfik Taher Ajaali (2014). Labour Market and Employment Policy in Libya. Torino, Italy: European Training Foundation.
- Schrijver, Nico (1997). Sovereignty over Natural Resources: Balancing Rights and Duties. Cambridge: Cambridge University Press.
- T. Ide et al. (2021). Gender in the Climate-Conflict Nexus: “Forgotten” Variables, Alternative Securities, and Hidden Power Dimensions, Politics and Governance.
- UN Convention to Combat Desertification (UNCCD). Guidelines and Background Documents For Development of National Drought Plan. Available at <https://www.unccd.int/sites/default/files/relevant-links/2018-06/model%20drought%20plan.pdf>.
- United Nations Development Programme (UNDP) (2015). The Gender Gap in Extractive Dependent Countries. Available at <https://www.africa.undp.org/content/rba/en/home/blog/2015/the-gender-gap-in-extractive-dependent-countries.html>
- _____. Gender Budget Project for Northern Uganda Recovery, Reconstruction and Development, available at https://www.ug.undp.org/content/uganda/en/home/operations/projects/womens_empowerment
- UNEP (United Nations Environment Programme), UN Women, United Nations Peacebuilding Support Office and UNDP (2013). Women and Natural Resources: Unlocking the Peacebuilding Potential. New York: UNEP/UN Women.
- UNEP, UN Women, DPPA and UNDP (2020). Gender, Climate & Security: Sustaining inclusive peace on the frontlines of climate change.
- United Nations Peacebuilding Commission (2013). Declaration of the High-level Ministerial Event on Women’s economic empowerment for peacebuilding, UN Doc. PBC/7/OC/3.
- United Nations Peacebuilding Commission (2016). PBC Gender Strategy. Available at <https://www.un.org/peacebuilding/2016-07-09-2016-pbc-gender-strategy-final.pdf>
- UN Special Mission in Libya (UNSMIL) (2020). Libyan Political Dialogue Forum (LPDF) Roadmap. Accessed at <https://unsmil.unmissions.org/libyan-political-dialogue-forum>
- World Bank (2012). World Development Report 2012: Gender Equality and Development. Washington, DC: World Bank.
- WTO (2021). Joint Ministerial Declaration on the Advancement of Gender Equality and Women’s Economic Empowerment within Trade, 12th WTO Ministerial Conference, WT/MIN(21)/4/Rev.1. Available at https://www.wto.org/english/tratop_e/womenandtrade_e/iwg_trade_gender_e.htm.
- Zhuawu, C. and Hilary Enos-Edu (2021). The African Continental Free Trade Area: An Opportunity for Boosting Women in Trade, The Commonwealth, Trade hot topics, issue 177.

Annex - Multilateral human rights and environmental treaties to which Libya is a party

Human Rights Treaties

The International Convention on the Elimination of All Forms of Racial Discrimination

Ratified: 3 July 1968

Reservations:

«(a) The Kingdom of Libya does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

«(b) It is understood that the accession to this Convention does not mean in any way a recognition of Israel by the Government of the Kingdom of Libya. Furthermore, no treaty relations will arise between the Kingdom of Libya and Israel.»

The International Covenant on Economic, Social and Cultural Rights

Ratified: 15 May 1970

Reservation:

«The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant.»

The International Covenant on Civil and Political Rights

Ratified: 15 May 1970

Libya accepted the individual complaints procedure on 16 May 1989

Reservation:

«The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant.»

The Convention on the Elimination of All Forms of Discrimination against Women

Ratified: 16 May 1989

Libya accepted the individual complaints and inquiry procedures on 18 June 2004

Reservations:

1. Article 2 of the Convention shall be implemented with due regard for the peremptory norms of the Islamic Shariah relating to determination of the inheritance portions of the estate of a deceased person, whether female or male.

2. The implementation of paragraph 16 (c) and (d) of the Convention shall be without prejudice to any of the rights guaranteed to women by the Islamic Shariah.

Note: In 1995, Libya modified its reservations to a general reservation, thus replacing the points covered above to read “(accession) is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Sharia.”

Convention on the Political Rights of Women

Ratified: 16 May 1989

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Ratified: 16 May 1989

Libya accepted the inquiry procedure on 16 May 1989

Convention on the Rights of the Child

Ratified: 15 April 1993

Libya is also a party to the two optional protocols to this Convention.

Convention on the Rights of Persons with Disabilities

Ratified: 13 February 2018

[International Labour Organization \(ILO\) Conventions](#)

C001 - Hours of Work (Industry) Convention, 1919 (No. 1)

Ratified: 27 May 1971

C003 - Maternity Protection Convention, 1919 (No. 3)

Ratified: 27 May 1971

C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)

Ratified: 27 May 1971

C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

Ratified: 27 May 1971

C029 - Forced Labour Convention, 1930 (No. 29)

Ratified: 13 June 1961

C052 - Holidays with Pay Convention, 1936 (No. 52)

Ratified: 20 June 1962

C081 - Labour Inspection Convention, 1947 (No. 81)

Ratified: 27 May 1971

C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Ratified: 4 October 2000

C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Ratified: 20 June 1962

C100 - Equal Remuneration Convention, 1951 (No. 100)

Ratified: 20 June 1962

C105 - Abolition of Forced Labour Convention, 1957 (No. 105)

Ratified: 13 June 1961

C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Ratified: 13 June 1961

C122 - Employment Policy Convention, 1964 (No. 122)

Ratified: 27 May 1971

C138 - Minimum Age Convention, 1973 (No. 138)

Ratified: 19 June 1975

Minimum age specified: 15 years

C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

Ratified: 4 October 2000

Environmental Treaties

Convention For The Protection Of The Mediterranean Sea Against Pollution

Ratified: 31 January 1977

Libya is also a party to the protocols to this Convention, including the protocol relating to pollution from land-based sources (such as onshore oil installations)..

Convention For The Protection Of The World Cultural And Natural Heritage

Ratified: 13 October 1978

Convention For The Protection Of The Ozone Layer

Ratified: 11 July 1990

Libya is also a party to the Montreal Protocol on Substances that Deplete the Ozone Layer

Convention On The Ban Of The Import Into Africa And The Control Of Transboundary Movement And Management Of Hazardous Wastes Within Africa

Ratified: 2 November 1992

Convention To Combat Desertification In Those Countries Experiencing Serious Drought And/Or Desertification, Particularly In Africa

Ratified: 22 July 1996

United Nations Framework Convention On Climate Change

Ratified: 14 June 1999

Libya has recently also become a party to the Paris Agreement.

Convention on Wetlands of International Importance especially as Waterfowl Habitat

Ratified: 5 April 2000

Convention On Biological Diversity

Ratified: 12 July 2001

Libya is also party to the Cartagena Protocol on Biosafety.

Convention On The Control Of Transboundary Movements Of Hazardous Wastes And Their Disposal

Ratified: 12 July 2001

Convention On The Conservation Of Migratory Species Of Wild Animals

Ratified: 1 June 2002

Convention On International Trade In Endangered Species Of Wild Fauna And Flora

Ratified: 28 January 2003

Convention on Biological Diversity

International Convention On Civil Liability For Oil Pollution Damage

Ratification: 28 April 2004

International Convention On Oil Pollution Preparedness, Response And Cooperation

Ratified: 18 June 2004

Convention On The Law Of The Non-Navigational Uses Of International Watercourses

Ratified: 14 June 2005

Convention On Persistent Organic Pollutants

Ratified: 14 June 2005

African Convention On The Conservation Of Nature And Natural Resources (Revised)

Ratified: 4 June 2006

Convention Relating To The Development Of The Lake Chad Basin

Ratified: 1 January 2008

UN Women is the UN Organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes, and services needed to implement these standards. It stands behind women's equal participation in all aspects of life, focusing on five priority areas: increasing women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to all national development planning and budgeting.

UN Women also coordinates and promotes the UN system's work in advancing gender equality.

UN Women Libya



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