Joint EC-UNDP Thematic Workshop on Sustainability in Electoral Administration: Challenges for Sustainability - The Electoral Process in Libya
Libya’s Transition: Milestones

February 2011  Protests trigger revolution
March 2011    Transitional government formed
August 2011   Constitutional Declaration
October 2011  Declaration of Liberation
January 2012 Electoral legislation adopted
February 2012 EMB established
May 2012      Voter registration/candidate nomination
July 2012     Election of General National Congress
Libya’s Transition: Next Steps

- **Election of Constitution Drafting Assembly**
  - Timeline not defined

- **Constitution Drafting Assembly Convenes**
  - Timeline not defined

- **Adoption of a Draft Constitution**
  - 120 Days

- **Conduct of a Referendum**
  - 30 Days

- **Redrafting and a Second Referendum (if required)**
  - 30 Days

- **Elections according to Constitution Adopted**
  - Timeline not defined
UN Support to EMB (HNEC)

- Legal framework for UN support to the electoral process
- Configuration of United Nations Electoral Support Team as an integrated team of UNSMIL, UNDP and UNOPS providing assistance to the electoral authorities in Libya.
Situation of EMB (HNEC)

Current challenges:

• HNEC transitional institution for GNC election
• Mandate yet to be reaffirmed by General National Congress through new law
• Electoral calendar/timeline unclear
• Institutional capacity
Situation of EMB (HNEC)

Going forward:

• Independence of action
• Financial autonomy and protected funding
• Transparency, integrity, sustainability and impartiality
• Institutional capacity & memory
• Revised structure (decentralization)
• Conclusion: Constitution needs provide for permanent structure of EMB to allow build up professional and sustainable institution
Legal Framework

Constitutional Declaration

Law no. (4) of 2012 on The Election of the General National Congress
- Electoral System
- Voter & Candidate Eligibility
- Voter Registration
- Polling
- Campaigning
- Appeals
- Crimes
- Observation

Law No. (3) of 2012 on The Establishment of the High National Election Commission
- Selection and Composition
- Structure
- Powers of Board and Chairman
- Prohibitions
- Termination

Laws on constituencies, political parties, other Domestic Law, and NTC decisions
Electoral System

MIXED/PARALLEL

80 proportional representation seats, 120 majoritarian seats

- Coalition of National Forces
- Justice and Construction Party
- National Salvation Front
- Union for the Homeland
- National Centrist Party
- Wadi Hayat Gathering for Democracy & Dvlpmnt
- Entities with one seat each

Individual Candidates
Electoral Systems

Results:

• Mixed system as result of political negotiation
• Majoritarian system: local leaders well represented, however only one women elected
• Proportional system: special measure (zebra-list system) allowed good representation of women, 32 women elected out of 80 members
• Not all minority groups well represented
Electoral System

Particular challenges for constitutional drafting assembly (size 60 seats in three regions)

- Delimitation of constituencies
- Role of political entities

Conclusion

- Encourage participation, representation, inclusivity, accountability
- Support the overall peace and stability in the fragile transition period.
Challenges/Issues

- Political parties forbidden 1969-2011
- No culture of organized political parties, therefore classical role of political parties very limited
- Limited representation: 80 members in GNC
- Lack of experience and knowledge
- Lack of trust on the part of electorate
- Formation of coalitions around three political blocks
Conclusion

- Promote internal democracy, accountability and clear roles and responsibilities of political parties
- Promote a system of political party financing
- Constitutional drafting assembly need to decide on how the electoral system can help structure the political party system
• How to cope with challenges deriving from public opinion and public expectations: need for performance and professionalism, transparency, a good communication and public outreach strategy; good voter education to allow electorate to understand electoral process

• As an EMB: need to enforce independence, transparency, integrity, impartiality, and efficiency, in order to meet the challenges of a critical public

• Conclusion: The confidence of key stakeholders in the EMB’s performance is essential for the acceptance of electoral results and the stability of the political system
General Conclusions

- Sustainable groundwork can already be laid during transition period: legislation, good practice, capacity development
- Lessons thus far can be taken into account by the constitutional drafting assembly
- Crucial to provide proper information to all stakeholders with significant role in constitutional discussions & all voters