



**SUMMARY VERSION**  
**VIRTUAL PRE-ELECTION ANALYSIS TEAM STATEMENT REGARDING LIBYA'S 2020  
LOCAL ELECTIONS AND PLANNED NATIONAL ELECTIONS**

**Introduction**

The National Democratic Institute (NDI) assembled a group of experts to form a virtual pre-election analysis team (V-PEAT) from October 19 to 29, 2020, to examine conditions for elections in Libya. The purpose was to demonstrate the interest of the international community in Libya's continued democratic transition; assess the prevailing political environment and preparations for ongoing local elections and potential future parliamentary elections, presidential elections and/or a constitutional referendum; and identify areas where change is possible to improve the integrity of the elections.

NDI's delegation recognizes that elections can be a step toward Libya's democratic future, but must not be seen as a panacea or the sole destination of political dialogue. For elections to be as meaningful as possible, Libyan citizens must be presented with clear alternative visions for the political future, with a focus on regaining control of Libya's sovereignty and ending toxic foreign intervention.

It is important to get the national elections framework and preparations right, as stakes are high: holding a major national electoral contest prior to achieving consensus on exactly what Libyans are voting for could lead to more instability and conflict; however, a drawn-out status quo without elections, pending agreement on such a consensus, could lead to an implosion in delivery of services, dominant influence by militias, and de facto partition of the country due to the growing presence of foreign military forces.

The views expressed in this statement are those of the authors and do not necessarily reflect the views of the United States Agency for International Development (USAID) or the United States Government. This is a condensed version of the V-PEAT statement.

**Summary of Observations:**

*Political Context*

Following the cessation of hostilities and the signing of an official ceasefire in October, the pace of political developments has increased in Libya. In early November 2020, the Libyan Political Dialogue Forum (LPDF), which was convened by the United Nations Support Mission in Libya (UNSMIL), released a roadmap for political transition, including the framework for a unity government and calls for national presidential and parliamentary elections on December 24, 2021. Against this wider political backdrop, the Central Committee of Municipal Council Elections (CCMCE) plans to hold local elections in Tripoli and western Libya in December 2020 and January 2021, and in additional municipalities throughout 2021.

*Security*

Militia groups, non-state actors, and foreign governments who continue to flout arms embargoes all have the potential to threaten the success of local and national election events. Libyans are concerned about the security of elections, which in the past and in some recent municipal elections have been marred by violence. Without a clear, credible plan for election security, Libya can expect to see low

voter turnout, unexpected election cancellations, and reticence by citizens to participate as candidates or in other roles.

### *Electoral and Legal Framework*

While there are divergent opinions as to whether a constitutional referendum (and adoption of a new constitution) should take place prior to parliamentary or presidential elections, a consensus exists on the need for a legal framework for national elections. There is hope — tempered by significant skepticism — among Libyans that the LPDF will succeed or spur the legislature in establishing an agreed foundation that will allow for national elections to take place. Additionally, election laws and guidelines for past national elections have expired and need to be revised or replaced.

With regard to municipal elections, a number of political and civic activists shared concerns about the electoral framework, in particular the independent list block vote, which often leads to the exclusion of candidates who are elected to quota seats independent of the winning list. Furthermore, the nature of the system permits a large number of lists to compete, thereby allowing for a winning list to be elected after receiving only a small percentage of the vote.

### *Election Administration*

The High National Election Commission (HNEC) and the Central Committee of Municipal Council Election (CCMCE), responsible for national and local elections, respectively, share an increasingly collaborative relationship. On November 30, the GNA allocated 50 million LYD for the national election, which does not account for a potential constitutional referendum and may not be enough for presidential and parliamentary elections. The HNEC is one of the more trusted Libyan institutions and remains well prepared to respond to planned national elections, provided it receives the necessary lead-time and financial support.

The CCMCE has held 33 municipal elections in the west and south since 2018 to replace councils with expired mandates. While these elections have been administered well, there is an unpredictability of electoral schedules and a lack of transparency in the CCMCE's decision making processes, with a frequent lack of lead time in announcements for satisfactory fulfillment of regulations. Additionally, the CCMCE has been unable to unify its eastern subcommittees and administer municipal elections in the eastern region, and the CCMCE's voter registry excludes many individuals, as it is reliant upon the civil registry, which is infrequently updated.

### *PWD, Gender, and Ethnic Minority Groups/Inclusion*

Polling centers are not always accessible for persons with disabilities (PWD), as they rely upon existing infrastructure, such as schools and municipal buildings. Additionally, regulations for assisting PWDs are not always followed. Quota seats reserved for disabled veterans are not seen as representative as the broader PWD community, and the veteran criteria limits the participation of most women with disabilities.

Women are underrepresented both as candidates and voters. Civil society organizations (CSOs) have been working on campaigns to advocate for greater political participation for women in Libya, including campaigns calling for 30 percent quotas of representation of women at all levels of government. Such campaigns have gained some traction in broader dialogues, including the LPDF.

Ethnic minority groups, including the Amazigh, Tebu, and Turaeg, are often marginalized in electoral processes, with voting materials rarely available in minority languages and minority representatives overshadowed, outvoted, or co-opted by the majority. Community members have expressed a desire

for inclusion in any dialogue about Libya's political future and a need for meaningful quotas for ethnic minority populations in future elections and governing bodies to ensure representation.

#### *Citizen Election Monitoring*

CSOs have deployed observers in Libya since 2012, and are now focused on developing the capacity to engage in long term observation of the pre- and post-election environment. The delegation found that civil society organizations share a strong relationship with the CCMCE, and their observation efforts are welcomed by Libyan election authorities, including the HNEC.

#### *Voter Education and Voter Turnout*

Several factors contribute to low voter turnout for municipal elections, which averages 37 percent, according to the CCMCE. There is a short time between election announcements and election days, and awareness is low about how to register to vote and the purpose of electing municipal councils.

#### *Candidates and Political Parties*

A complete ban of political parties under the rule of Muammar Gaddafi resulted in a lack of experience with the formation and mobilization of effective political organizations and suspicion of political parties as institutions. In the absence of strong parties, personalities and individuals dominate decision-making. At the municipal level, candidates typically run on independent lists formed through tribal or personal connections, rather than political parties. Few lists conduct robust campaigns, and campaigning has been complicated by COVID-19, as the CCMCE has limited activities.

### **Highlights of Recommendations Include:**

#### *UNSMIL/International Community/Libyan Political Leaders*

- Take concerted steps to ensure the inclusion of all of Libyan society, including women, youth, ethnic minority groups, and other underrepresented peoples in political dialogues.
- Build dialogue processes on a foundation of transparency, and recognize that elections are not the end result of any dialogues; they are a step toward Libya's democratic future, but must not be seen as the sole destination.
- Base future political progress on an accepted legal framework. Consider the viability and advisability of holding a constitutional referendum to clarify the institutions and processes that will form Libya's polity prior to holding a national election to choose new parliamentarians or a president.

#### *Government of Libya - GNA*

- Consider revising the framework governing municipal council elections by analyzing the bloc voting system and reconsidering the seat reserved for disabled veterans, perhaps allowing any PWD to compete or adding an additional seat.
- Continue to approve and obligate the requested budgets of the HNEC, CCMCE, and other government agencies involved in the election in a timely manner. If elections are planned and subsequently delayed, ensure that budgets can be carried over between calendar years.
- Consider combining the responsibilities and mandates of the HNEC and the CCMCE under a single entity that oversees elections at both the municipal and national levels.
- Obligate sufficient resources to municipal councils so they can complete their duties as assigned by Law 59, the legal framework for decentralization. Provide regular training for new municipal councilors to ensure their understanding of their roles and responsibilities.
- Reiterate to all security services their obligation to be professional and impartial in guaranteeing election security for all citizens and political contestants.

### *“Interim Government” - LNA*

- Engage with security elements east and west (e.g., via the GNA/LNA “Committee of 10” that delivered the October 23 ceasefire) to use relevant security elements to deliver effective security for elections on a regional/municipal basis; reiterate to all security elements their obligation to be professional and impartial in guaranteeing election security for all citizens and political contestants.
- Promote a climate of tolerance in the east for differing opinions and criticism, including by actively preventing and responding to instances of hate speech, intimidation and violence against those exercising their right to freedom of speech.
- Commit to not interfering in the work of international and domestic election observation groups as they conduct their activities prior to and during elections.

### *Election Management Bodies - HNEC and CCMCE*

- Commit to conducting widespread voter registration and voter education campaigns for national and local elections, including targeted elements germane to marginalized groups. Provide adequate time between announcing the date of elections and election day for campaigning, keep election dates consistent, communicate changes clearly, and ensure education and registration campaigns are inclusive and target minority groups.
- Ensure elections are possible in all areas of the country before committing to a particular electoral sequence, and launch preparations with sufficient time to ensure voter and candidate outreach efforts, robust security, adherence to COVID-19 protocols and other necessary preparations.
- Work towards building one national voter registration system.
- Implement a PWD framework completely to ensure voting processes are accessible and inclusive, and ensure election materials, including ballots, are available in all relevant native languages.

### *Political Parties and Candidates*

- Issue joint recommendations for political parties’ inclusion in the political process to ensure parties play an integral part in future elections.
- Begin initial preparations for planned national elections by building and refining internal organization processes, membership outreach, and messaging.
- Make concerted efforts to support diversity among candidates.

### *Civil Society Organizations*

- Offer concrete, realistic, and actionable recommendations to the electoral authorities at each stage of the electoral process.
- Monitor the election process and consider monitoring the pre-election period and conducting analysis on the legal framework.
- Design voter education and get-out-the-vote (GOTV) initiatives that are responsive to COVID-19 regulations, but also are not exclusively online so that a broader segment of the population can be reached. These efforts should also target marginalized groups, including PWD, women, and ethnic minority communities.