



# Libya's General Assembly election 2012

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On 7 July 2012, Libya held its first democratic election since 1964. Preliminary results suggest that the former interim Prime Minister Mahmoud Jibril won a landslide victory among seats reserved for party candidates. However, this should not yet be interpreted as a victory for liberals over Islamists. 120 of the 200 seats are reserved for independents and their politics are not yet clear. Mahmoud Jibril has denied that he is a secularist. Nevertheless, it is very different from election results in Egypt and Tunisia, where the parties associated with the Muslim Brotherhood did well.

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## 1 Background

Until 2011, Libya had been ruled since 1969 by Muammar Qaddafi in a highly personal autocracy. The semblance of democracy in the Jamahiriyya, or 'state of the masses', was provided by indirect elections from a hierarchy of 'people's committees' to the General People's Congress, the last of which was held in 2010.

Real power, however, remained firmly with Muammar Qaddafi, who was effectively head of state and head of the armed forces. Qaddafi prevented the formation of any institutions that might challenge his authority, so civil society had little influence on Libya's direction. However, Qaddafi's repressive policies failed to unify Libya, and it was notable that regional, ethnic and tribal rifts reopened when the uprising against Qaddafi's rule broke out in February 2011.

Opposition was at first concentrated in the east of the country, in and around the second largest city, Benghazi. Qaddafi quickly lost control of the east of the country, where support for his rule had traditionally been weakest and the population had benefitted least from the country's mineral wealth. As the revolt spread westwards from Benghazi towards the capital Tripoli, rebels in the western mountains were decisive in the final fall of Tripoli in August. The western mountains are heavily populated with Berbers, the pre-Arab inhabitants of North Africa, who were persecuted under Muammar Qaddafi.

After the fall of Qaddafi in October 2011, the National Transitional Council, established in Benghazi for some months, extended its control, at least nominally, across the whole of the country. Mahmoud Jibril had been chairman of the NTC since March and on the formation of a government in October became Prime Minister. On 23 October, however, Jibril resigned as Prime Minister, to be replaced by Abdelrahim al-Keib.

After the fall of Qaddafi, the divisions in the country that helped to end his rule made re-establishing order difficult. About 60 locally-based militias emerged during the civil war; since the end of it many have been reluctant to disarm. This is no small problem, as Libya is flooded with millions of guns, about three per inhabitant, according to one estimate.<sup>1</sup>

The east of the country is perhaps the biggest source of opposition to the new regime. In Cyrenaica, with its largest city, Benghazi, there are some "extreme federalists" who would like far more independence from the Libyan authorities in Tripoli. There is also resistance to the new regime from towns that supported Colonel Qaddafi, and concerns have been expressed about violent jihadis who were repressed under Qaddafi but who may have gained arms and operating space since the civil war.

## 2 Preparation for the election

The TNC released an interim constitutional declaration in August 2011,<sup>2</sup> describing its plans for the transition to democracy. It provided the legal basis for a transition lasting 20 months, during which time a General Assembly would be elected and would appoint a new government and a Constituent Assembly. 120 seats in the General Assembly are reserved for independents and 80 for party candidates. Having appointed by the General Assembly,

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<sup>1</sup> "So far, so hopeful", *Economist*, 14 July 2012

<sup>2</sup> [Draft Constitutional Charter For the Transitional Stage](#), Interim Transitional National Council, 3 August 2011 (English version posted by the Max Planck Institute)

the Constituent Assembly will draft a new constitution. The TNC will remain in power until the new government takes over.

On 19 January, the National High Commission on Elections was established, the legislation for the forthcoming election to the General Assembly was passed and political parties were legalised.

In March 2012, the constitutional declaration was amended to allow four months instead of two for the drafting of the permanent constitution. The composition of the Constituent Assembly was also set out: 60 members would be appointed by the General Assembly, equally representative of each of Libya's three main regions, Cyrenaica in eastern Libya, Tripolitania in the north west and Fezzan in the south west. Decisions of the Constituent Assembly would be taken by a majority of two thirds plus one.<sup>3</sup>

## **2.1 Electoral system**

The election for the General Assembly was very complicated, combining features of three different systems. Forty seats were chosen in single-member constituencies, 80 in multi-member constituencies using a single non-transferable vote (both on simple plurality) and a further 80 were chosen through a closed-list proportional representation system. Different constituencies will have different mixes of PR and majoritarian seats. According to one analysis, the multi-member majoritarian constituencies make party formation and coordination between parties difficult but are beneficial to local tribal elites.<sup>4</sup>

## **2.2 Women**

The electoral law sets out a gender quota for the 80 seats elected by closed-list PR. Article 15 sets out that parties should alternate men and women on their lists and that half of all a party's constituency lists must have a woman as first candidate. The first condition does not secure high female representation in countries where there is a proliferation of tiny parties, since many may only get their top candidate elected and their top candidate can be a man. The second condition seeks to remedy that, and will work as long as parties contest a number of constituencies.

## **3 Election of the General Assembly**

There had been concern that there might be a campaign of disruption to the election in the east; the election had already been delayed, from 19 June, because of security and organisational worries. A few days before the election, eastern militias forced the closure of three oil refineries because they thought their region had not been allotted enough seats in the General Assembly. Polling stations were destroyed in some parts of the country and a number of other violent disputes broke out. However, the authorities handled the disruption well. There was a turnout of about 65% of registered voters.

International observers of the election process reported that it was conducted relatively peacefully and there were no major allegations of electoral fraud. In a joint statement, High Representative Catherine Ashton and the European Commissioner responsible for the Neighbourhood Policy, Stefan Füle, said:

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<sup>3</sup> Max Planck Institute for Comparative Public Law and International Law, Constitutional reform in Arab countries, [Libya](#)

<sup>4</sup> [Libya's Electoral System](#), Democracy and Society blog, 5 July 2012

Today's truly historic elections for the Libyan National Congress should mark the beginning of a new era of democracy in Libya. In a climate of freedom, in spite of reports of isolated incidents of violence, Libyan citizens cast their votes today and have decided their future in a dignified and orderly manner.<sup>5</sup>

Alexander Graf Lambsdorff, an MEP and head of the EU mission, said that the conduct of the election had been impressive:

The High Electoral Commission managed the electoral process with resolve, professionalism, openness and trust. Fundamental liberties were respected, and the campaign climate was calm and open to debate. These elections laid the foundations of future democratic development.<sup>6</sup>

He said that incidents of violence had been handled well by the Commission and that had allowed voters to go to the polls in a "holiday atmosphere."<sup>7</sup>

Mr Lambsdorff's only criticism was that women had not been able to run for office as easily as men, blaming 'social, religious, economic, and cultural factors.'<sup>8</sup>

The UN representative in Libya, Ian Martin, said that there remained enormous challenges for Libya, but he welcomed the successful election: "...it's a critical first step in Libya's democratic transition, which has gone better than I think almost anybody in the international community or the international media expected."<sup>9</sup> He also welcomed Mahmoud Jibril's undertaking to reach out to other parties:

...certainly it will be very positive if the different political groupings agreed to work together during the constitutional process, but also in reaching agreement on the formation of a new government, because the electoral system will, I think, produce diverse representation from around the country.<sup>10</sup>

After a visit to Libya on 16 July, British Foreign Secretary William Hague paid tribute to the Libyans for successfully conducting the election:

I am pleased to return to Libya so soon after its landmark elections on 7 July when, for the first time in over 42 years, the Libyan people were able to vote freely. The successful conduct of the elections is a testament to the fortitude of the Libyan people and the efforts of the Libyan authorities.<sup>11</sup>

### 3.1 Preliminary results

Unofficial results gave the **National Forces Alliance**, the coalition of parties supporting former Prime Minister Mahmoud Jibril, about 60% of the votes in Benghazi and about 80% in some parts of Tripoli,<sup>12</sup> winning half of the seats reserved for party lists. Mr Jibril's alliance is reported to be 'moderate', although he claims that it is not secular. One successful independent candidate in Benghazi said that Jibril should not be seen as a liberal: "There are

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<sup>5</sup> "Joint statement by the spokespersons of High Representative Catherine Ashton and Stefan Fule, Commissioner for Enlargement and European Neighbourhood Policy, on the Libyan elections.", EU press release, 9 July 2012

<sup>6</sup> "Libya: Elections were free and democratic, EU says", *ANSA News Agency*, 9 July 2012

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> "UN Calls Libyan Election 'Extraordinary Achievement'", *Voice of America*, 9 July 2012

<sup>10</sup> "UN Calls Libyan Election 'Extraordinary Achievement'", *Voice of America*, 9 July 2012

<sup>11</sup> "[Foreign Secretary visits Libya](#)", FCO press notice, 16 July 2012

<sup>12</sup> "Libyan elections: moderate Mahmoud Jibril poised for victory", *Guardian*, 9 July 2012

no liberals in Libya. Jibril is a Libyan who fasts and prays and whoever says he is a liberal doesn't know what they are talking about."<sup>13</sup>

Qaddafi appointed **Mahmoud Jibril**, a former lecturer in political science at Pittsburgh University, to head the National Economic Development Board of Libya, a post which he held from 2007 to his resignation in 2011. As a former member of the National Transitional Council, he will not take a seat in the General Assembly, but some Libyans think that someone who was so close to Muammar Qaddafi should not have a prominent role in the new Libya.

**Justice and Construction**, a party close to the Muslim Brotherhood (although it denies any formal link), looked to have come second in the contest, with early reports suggesting that it was soundly defeated: in Central Tripoli district, the National Forces Alliance is reported to have won 46,000 votes while Justice and Construction got 4,000.<sup>14</sup>

**Al-Watan**, (the Homeland), is the Islamist party led by Abdelhakim Belhadj, the Qaddafi-era Islamist militant who claimed to have been the subject of an unlawful transfer sanctioned by the UK authorities ('extraordinary rendition') to the custody of the Qaddafi regime where he was tortured. Al-Watan did not do well at the election, and Belhadj was heading for a loss in his Tripoli constituency.

### 3.2 Seats

Final interim results were declared on 17 July 2012 (the results will be declared final when the two-week period for appeal is over). The distribution of the party seats is as follows:

**Election to the Libyan General Assembly - party list seats**

Party	Tubruq	Baida	Benghazi	Ajdabia	Sirte	Sebha	Obari	Misrata	Khoms	Tripoli	Azzizyah	Zawya	TOTAL
National Forces Alliance	4	3	7	1	1	2	1	3	2	9	2	4	39
Justice and Construction	1	1	2	0	1	2	1	2	1	4	0	2	17
National Front Party	0	0	1	1	0	0	0	1	0	0	0	0	3
Wadi Al Hayah	0	0	0	0	0	0	2	0	0	0	0	0	2
Federation for Nation	0	0	0	0	0	0	0	1	0	0	1	0	2
National Central Party	0	1	0	0	0	0	0	0	0	1	0	0	2
Other parties (1 seat each)													15
Seats Total	5	5	11	3	4	9	7	7	3	16	3	7	80

Source: *Libya Herald*

<sup>13</sup> "Libya's Jibril in election landslide over Islamists", *Reuters*, 12 July 2012

<sup>14</sup> "Libya's Jibril in election landslide over Islamists", *Reuters*, 12 July 2012

One local analyst explained the result as a reaction against Qaddafi's rule: "The people saw in Jibril an openness to the rest of the world and they craved this openness after being closed off by Qaddafi."<sup>15</sup>

The final outcome of the election is unclear, however. The 120 seats in the General Assembly reserved for independents could determine its political direction; how the successful candidates will vote is not certain, although the Justice and Construction Party claims that it has done better in the seats reserved for independents and that, when these are taken into account, its sympathisers will equal those of the National Forces Alliance.<sup>16</sup>

### **3.3 Constituent Assembly**

The General Assembly has still to appoint the 60-member Constituent Assembly, which must draft the country's constitution. Whether Libya adopts a presidential or parliamentary system of government remains to be seen, but Mr Jibril is well placed for a leading role.

### **3.4 Formation of a government**

Before the confirmation of results, Mahmoud Jibril called for a grand coalition government of national unity. Justice and Construction Party members rejected the suggestion, however, perhaps still shocked not to be in a dominant position. Other parties were reported to be working on a coalition that would exclude the Jibril's National Forces Alliance.

It is not clear how long it will take to form a new government once the General Assembly is finally constituted, although one report says that the National Transitional Council will hand over on 6 or 8 August.<sup>17</sup> International observers have called on the parties to cooperate with each other in forming a government.

## **4 Outlook**

### **4.1 Divisions and unity**

The conduct of Libya's election may have been impressive and the outcome encouraging for those that want to see a new Libya open to the outside world, but vast problems remain to be resolved, not least the fracturing of the country along ethnic, tribal and regional lines.

Perhaps 10% of Libyans are of predominantly Berber descent and identify themselves as Berbers (although it is difficult to tell, since a majority of the population may be 'Arabised' Berbers, speaking Arabic and with Arabic names). Tuaregs, living in the south east of the country, are part of the Berber culture. Another significant proportion of the Libyan population is black African.

Security remains tenuous at best in much of the country. In Berber (or Amazigh) areas, there are scores to settle. Under Qaddafi, Berber culture was suppressed and anyone caught speaking Berber in public could be arrested. Activists were imprisoned. Berber language and culture have already started to re-appear, but armed clashes between Berbers and Arabs have also taken place. 17 were killed in March when clashes erupted between Berbers of Zuwara, in the far west of the country, and Arabs of the neighbouring town of Riqdaleen.<sup>18</sup> The dispute was partly about the control of resources: in this case, land and smuggling routes.

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<sup>15</sup> "Libya's Jibril in election landslide over Islamists", *Reuters*, 12 July 2012

<sup>16</sup> "Analysis: Elections in Libya —the surprises", *Libya Herald*, 16 July 2012

<sup>17</sup> "Libya's NTC to hand over power in four weeks: deputy chairman", *Xinhua news agency*, 11 July 2012

<sup>18</sup> "Libya beset by ethnic tension as elections loom", *Guardian*, 4 July 2012

In the south, there is a significant conflict developing between African Toubou or Tebou clans and Arabs which has led to more than a hundred deaths. In one case, the African and Arab inhabitants of the southern town of Kufra are reported to have used mortars to shell each other's part of the town. Disputes were brewing over the control of the area's oil fields. In Sabha, capital of the south western Fezzan region, Arabs are reported to have used tanks to shell the African part of town.<sup>19</sup>

Tuaregs are reported to have looted large amounts of weaponry during the civil war, and to have taken them across the border into northern Mali, where the arms helped the Tuaregs to take the control of a large amount of territory from the government. Militant Islamist jihadis have since seized much of the territory from the Tuaregs. Looted weapons, including man-portable surface-to-air missiles, are also reported to have turned up in the hands of Islamists in northern Nigeria, and in Gaza.

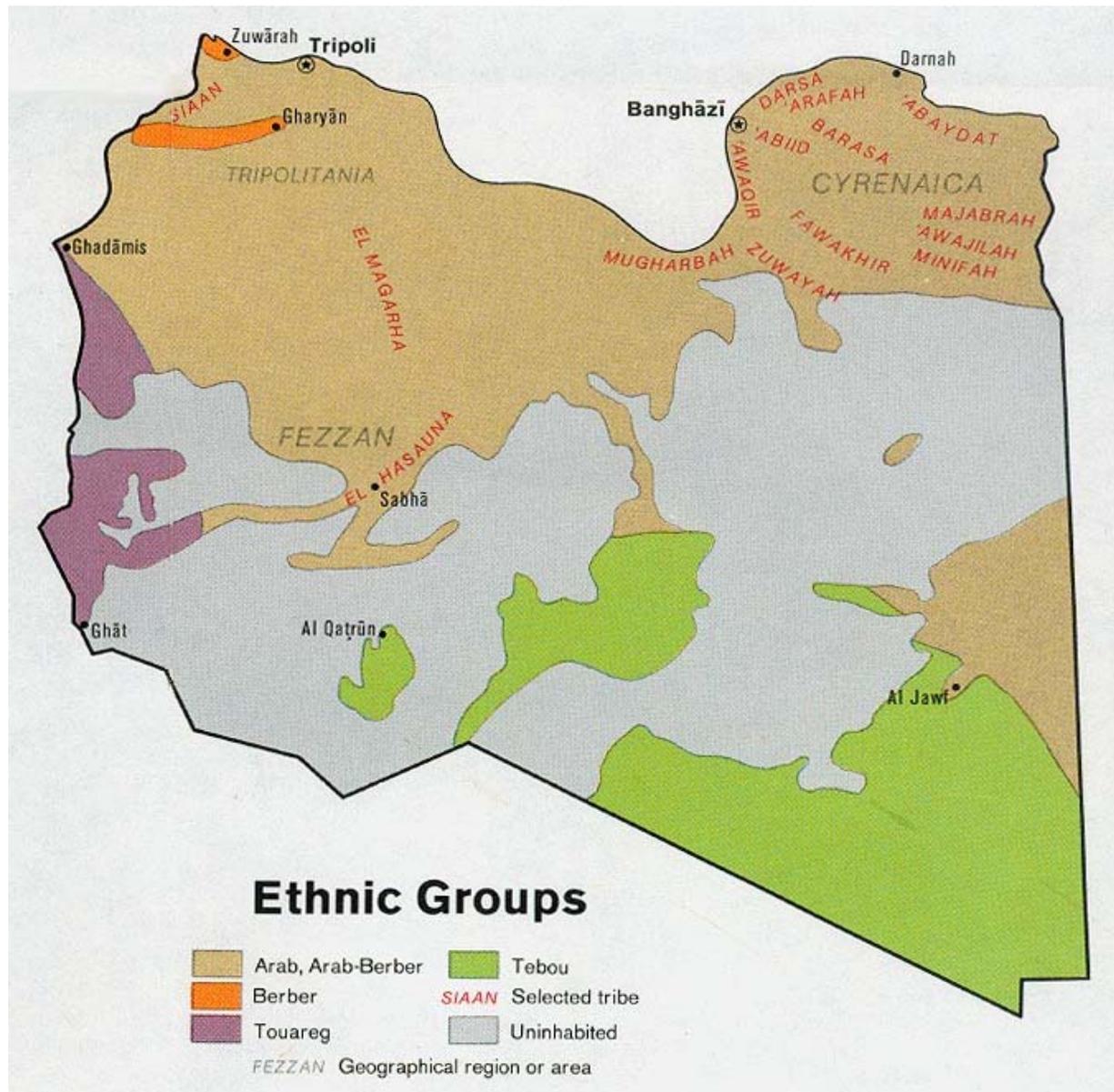
Almost all Libyans are Sunni Muslims, which is an important source of unity for Libya, at least in comparison with Iraq, for example. Unlike Egypt, however, Libyans still have a very strong clan or tribal identity. Mahmoud Jibril's membership of the Warfalla tribe, the most populous in the country, may have helped his party to perform well in the election. The other significant division in the country is between the three old provinces under which Libya was administered until 1963. The west, (Tripolitania) centred on Tripoli and the east (Cyrenaica) centred on Benghazi, and the southern region of Fezzan. The revolution was born in Benghazi and the civil war progressed from east to west. Disputes may lie ahead when the Constituent Assembly turns its attention to the degree of devolution of power under the new regime.

These tribal, ethnic and regional rifts may turn out to be an important factor in the country's political future. Regional instability could also easily undermine any progress in Libya.

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<sup>19</sup> "Is Libya Cracking Up?", *New York Review of Books*, 21 June 2012

## Map of Libya's ethnic groups and tribes



Map courtesy of the University of Texas

## 5 Economic outlook

Libya's economic prospects are good, and very different from those of neighbouring Tunisia and Egypt.

Before the war, Libya had one of the highest incomes per head in Africa, being in the upper middle income group of countries with a higher Gross National Income per capita in 2008 than Poland.<sup>20</sup> The International Monetary Fund forecasts real Gross Domestic Product growth of 116.6% for 2012 and 16.5% for 2013, after a fall of 60% in 2011.<sup>21</sup>

<sup>20</sup> GNI per capita (Atlas method, current US\$), Middle Income countries, World Bank

<sup>21</sup> Libya - Staff Visit Concluding Statement, International Monetary Fund, 4 May 2012

According to the World Bank, hydrocarbon output is expected to recover completely in 2012, after the disruption of the civil war,<sup>22</sup> although non-hydrocarbon GDP is not predicted to recover until 2014. *Business Monitor International*, a newspaper, described the recovery in Libya production as “incredible”.<sup>23</sup>

The potential for development in the non-hydrocarbon economy is considerable, with commentators pointing to strong tourism potential in the medium term. Big projects to improve water and transport infrastructure have been suspended for some time due to the war, but should be re-started soon, adding to Libya’s economic potential.

The creation of jobs is perhaps the biggest task for any incoming government. Distribution of the country’s wealth is uneven and unemployment, particularly among young people, is high: maybe 30% according to the International Labour Organisation.<sup>24</sup>

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<sup>22</sup> [Libya Country Brief](#), World Bank, April 2012

<sup>23</sup> “Instability Demands Post-Recovery Strategy”, *Business Monitor International*, 1 August 2012

<sup>24</sup> ILO, [Libya](#)