

ELECTION REPORT ☆

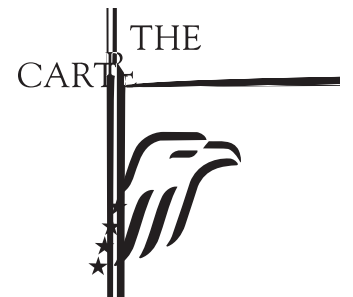
The 2014 Constitutional Drafting Assembly Elections in Libya

Final Report

LIBYA

THE
CARTER CENTER





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| Executive Summary

The elections for Libya's Constitutional Drafting Assembly (CDA) were soundly administered but failed to achieve the desired inclusiveness to have a truly representative body. Despite the achievements of the High National Election Commission (HNEC) in making the polls accessible to the vast majority of the Libyan population, 13 seats of the 60-member assembly remain unelected, including five of the six seats for Libya's Amazigh, Touareg, and Tebu communities as well as one of the six seats reserved for women. The elections took place amid lingering security concerns as frustrations with the General National Congress (GNC) and the pace of the country's political transition were mounting. Voter registration and subsequent voter turnout for the polls fell short of expectations that had been created following the GNC 2012 election.

Libya's emerging political institutions failed to address the growing apathy of the public, the increasing irrelevance of the institutions themselves within Libya's political life, and the concerns of the Amazigh and Tebu communities prior to election day.

While the Amazigh and Tebu were not formally

comprehensive assessment of the electoral process and election-day proceedings. The focus of the expert assessment was on the legal framework, election administration, technical preparations, general political environment, and resolution of electoral disputes.

Pre-election Developments

The Constitutional Drafting Assembly elections were organized pursuant to the Constitutional Declaration as amended by the General National Congress on April 9, 2013; Law 17 of 2013 (the election law); Law 8 of 2013 (on the establishment of the High National Election Commission); and regulations passed by the HNEC board of commissioners. The commission, which was led by the board, oversaw 17 electoral committee offices throughout the country and administered the elections. Despite a challenging security situation, the commission managed to deliver all election materials on time and to provide thorough training to election committee office and polling-station staff. In terms of the administration of the elections, The Carter Center team found that HNEC staff performed their responsibilities with a high level of professionalism and dedication.

While the legal framework provided an acceptable basis for administering the elections, in some areas it fell short of fully meeting Libya's international obligations for democratic elections. Of particular concern were the lack of equal suffrage due to large differences in population across electoral districts, limitations on candidacy rights,

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with criminal convictions, regardless of the severity of the crime. Members of the General National Congress, the interim government, and the military are also barred from participating. In advance of the elections, the GNC passed the Political and Administrative Isolation Law, which was applied to CDA candidates. Of the 702 originally registered candidates, eight were isolated, six of whom successfully appealed and stood as candidates in the election. International jurisprudence supports narrowly defined restrictions on the right to be elected, and these figures seem to demonstrate the conservative application of the law and the effectiveness of the appeal process. The Political and Administrative Isolation Law is currently under review by the Constitutional Chamber of the Supreme Court. To fully comply with Libya's international obligations, any restrictions on the right to stand for office must be justifiable on objective and reasonable nondiscriminatory criteria².

Out of 649 registered candidates, 64 were women. Fifty-four of these women contested seats reserved for female candidates, one contested a seat reserved for the Tebu, and the remaining nine competed for open seats. Electoral stakeholders informed The Carter Center that women faced more difficulties than their male counterparts in registering to vote and campaign and that female voters would have benefited from more targeted voter education. The Center encourages the legislature to provide for greater participation of women through the establishment of a more inclusive electoral system, with particular consideration given to positive discriminatory measures to support women's participation in elected bodies.

The legitimacy of Libya's political parties has steadily eroded. The GNC has fallen behind the ambitious timetable set by the Constitutional Declaration. Its purpose as a political institution has been diluted, and its activities have come to be characterized by patronage rather than political decision making on issues of national importance. Political parties can play a vital role in democracy, assisting citizens in organizing, nominating, and supporting candidates; encouraging voters to register; and informing voters about the nature of the elections and the issues at stake. While the

election law did not explicitly ban political parties from participating in the Constitutional Drafting Assembly elections, it was interpreted by party leaders and the general public alike as having done so. This de facto ban fails to fulfill Libya's international commitments to ensure the right to association.³ Future elections should allow citizens the right to participate as representatives and members of political parties.

The campaign period began on Dec. 25, 2013, and ended 24 hours prior to the opening of polls. However, many candidates waited until the official announcement of the election date, only three weeks before the election, to begin campaigning. General insecurity in the pre-election period greatly affected the media and impacted the ability of candidates to campaign, making candidate access to free airtime and print space all the more important for reaching voters. However, neither the election law nor the HNEC regulations explained how the free airtime and print space were allocated to candidates and, therefore, the regulations did not sufficiently ensure free access to public media for candidates. To guarantee the equal treatment of all candidates, public and private media should be required by law to offer paid airtime and space on an equal basis.

Also, candidates were required by law to submit campaign finance reports showing how they complied with campaign regulations and spending limits set by the commission. Failure to comply with campaign finance regulations and submit a financial report within seven days after the election could have resulted in severe punishments, including fines, imprisonment, and future ineligibility to stand for office. While acknowledging the HNEC's efforts to inform the candidates of the requirements, The Carter Center remains concerned and calls on judges to use their discretion to ensure that sentences are proportionate to the offense committed and to the resulting harm. In an open and inclusive process, the HNEC accredited 2,466 citizen observers and 3,540

¹ U.N. Human Rights Committee, General Comment 25, Paragraph 4

² Ibid.

³ UNHRC, General Comment 31, Paragraph 9

candidates' agents for the Constitutional Drafting Assembly elections. This represented a significant drop in the number of domestic observers from the General National Congress election in 2012 and left some areas, such as Sirte and Sabha, completely unobserved. The accreditation process was kept open by the commission until Feb. 19, 2014, and decentralized to allow for easier accreditation at the local level.

Polling and Postelection Developments

According to High National Election Commission data, 1,496 election centers opened around the country on election day. While no official turnout figures are available, the commission estimated that just under 50 percent of registered voters cast their ballots.

and uncertainty over the adjourned polling. The incidents of violence that disrupted polling in some parts of the south and east on election day were characteristic of the low-level violence and instability that has characterized Libya's political transition and has been a deep source of frustration for its people. This lack of stability is a major source of Libyans' disillusionment with the political process and, therefore, their lack of interest in the Constitutional Drafting Assembly elections. It is the Carter Center's firm belief that Libyans must renounce violence, surrender their arms, and participate peacefully in the political process.

The Center recognizes that no one individual or body can guarantee that an election will take place without incident. It appears that incidences of violence directly related to the elections were limited and did not significantly interfere with HNEC operations such as staff training or distribution of materials. However, to ensure citizens have the right to participate without fear as voters, candidates, and election officials, the Carter Center strongly recommends that relevant Libyan authorities establish a meticulously defined security plan well in advance of election day and that it be communicated to the public and fully implemented so as to provide a safe electoral environment.

Conclusions

The Constitutional Drafting Assembly elections clearly demonstrate a determination to move forward with the country's democratic transition, despite difficult political circumstances and troubling security concerns. While the elections represent a needed institutional step forward for Libya, the procedural difficulties and the low levels of participation underscore the urgent need for further political dialogue to ensure that all Libyans continue to be a part of the transition process and can contribute to the shaping of the future state. This assurance is particularly important in advance of any future electoral processes so that the elected body is able to represent the will of the Libyan people effectively. The low levels of participation and the general fatigue with the country's political road map may well be an indication that Libya's political institutions remain in danger of being hollowed out—valued more by the people for what they can deliver in patronage than as real institutions through which the country's political future can be charted.

The Carter Center's recommendations for strengthening future electoral processes are highlighted in this summary and can be found throughout the report. A comprehensive list of recommendations is provided at the end of this report.

The Carter Center in Libya

The Carter Center's involvement in Libya's transition began at the conclusion of the revolution, during Libya's first nationwide elections in 2012. At the invitation of the High National Election Commission, The Carter Center deployed a limited election observation mission of 45 observers from 21 different countries to assess the General National Congress elections. Due to security conditions in several areas of Libya, most notably in the south and east, the Center deployed a limited mission with several technical experts, 10 medium-term observers, and 14 short-term observers. Over the course of the mission, Carter Center observers visited 12 of Libya's 13 electoral districts. Core team members remained through the end of July 2012 to monitor the complaints process and announcement of final results.

Subsequent to the 2012 observer mission, The Carter Center conducted two assessment missions to evaluate continued political, electoral, and security developments in Libya. The Center determined that the situation was sufficiently stable for a small expert presence in Tripoli. In October 2013, the Center received an official invitation from the HNEC to observe the Constitutional Drafting Assembly elections. The Center re-established a field office in mid-December 2013 when five international experts conducted a two-week trip to Tripoli. The team returned to Tripoli in early January 2014 to provide an assessment of the anticipated elections—which eventually were announced for Feb. 20 and stayed in-country until March 2014.

Historical and Political Background

The Monarchy and the Jamahiriyya: 1951–2011

The Feb. 20, 2014, elections of the Constitutional Drafting Assembly represent a needed institutional step forward for Libya. Following historical precedent, this 60-member body, charged with writing a new constitution, will represent the interests of Libya's different regions and peoples. These elections are the second to be held in the sequence envisioned under the National Transitional Council's (NTC) Constitutional Declaration, and they mark a determination to move forward with the country's democratic transition despite difficult political circumstances.

Libya achieved independence from Great Britain, Italy, and France after a protracted struggle among the Great Powers at the United Nations in the wake of World War II from Great

The Democratic Transition: 2011–Present

The military campaign against the old regime was waged by local militias whose ranks swelled as it appeared that the regime was about to fall. Nominally and in part, these militias were coordinated by the National Transitional Council,

Days before the election, the GNC announced female candidates in the Constitutional Drafting that a political solution to some of their grievances had been achieved. As a result, the Amazigh would take part in the assembly elections. The Amazigh, however, rejected the solution and declared that the boycott would continue. The Tebu National Assembly, in consultation with the community's candidates, also announced they would boycott the process. Polling centers did not open in Amazigh and Tebu areas on election day and barring any future political settlement, the two communities will be without representation in the assembly.

Women's rights advocates were also critical of the election law, which reserved six seats for female candidates. While 33 women were elected to the GNC, only one woman was elected as an individual. Other female representatives were elected via party lists, which were required to alternate between male and female candidates. Advocates argue that the seats reserved for

Assembly elections failed to guarantee them sufficient representation. Nonetheless, women have registered as both candidates and voters in substantial numbers.

To date, Libya's democratic transition has been plagued by intermittent violence and has been subject to delays. The GNC has fallen behind the ambitious timetable set by the Constitutional Declaration. In the process, its legitimacy steadily eroded, and with it that of Libya's political parties, which the public has held responsible for the consistent deadlock within the GNC.

By the time the election process began to gain genuine momentum, calls for the dissolution of the General National Congress were being heard from all quarters, and the Constitutional Drafting Assembly elections were subsumed within this debate. Preparations for the elections, however, moved ahead quickly and efficiently, demonstrating the capacity of the HNEC.

Electoral Institutions and the Framework for the Constitutional Drafting Assembly Elections

Legal Framework

A comprehensive legal framework that thoroughly regulates the entire electoral process and guarantees the basic rights of the people is essential to the effective administration of genuine democratic elections. Through this framework, the state must take all necessary steps to safeguard voters' rights to equality, freedoms of expression and peaceful assembly, and access to an effective remedy. As well, the state must meet international obligations regarding civil and political rights. In Libya, further legal reform is needed to ensure that citizens are free to assemble even in protest against the ideals of the revolution, are allowed to associate with political parties and organizations of their choice, and can express their views without fear of criminal liability.

The elections for the Constitutional Drafting Assembly are regulated by the Constitutional Declaration as amended by the General National Congress on April 9, 2013; Law 17 of 2013 (the election law); Law 8 of 2013 (on the establishment of the High National Election Commission); and regulations passed by the HNEC board of commissioners. Further, the election law gives the HNEC the authority to pass regulations elaborating the rules and procedures necessary for the organizing of elections.

Initially, the Constitutional Declaration dictated that the GNC itself would appoint a drafting body for the constitution. On July 5, 2012, 48 hours before the national elections, the National Transitional Council amended

the Constitutional Declaration to mandate the creation of a Constitutional Drafting Assembly elected through free and direct elections rather than one appointed by the members of the GNC. On Feb. 28, 2013, the amendment was found unconstitutional by the Supreme Court on the grounds that the NTC lacked the quorum required to pass an amendment to the Constitutional Declaration. On April 9, 2013, the GNC passed its own amendment to the Constitutional Declaration, again providing for the constitutional assembly to be directly elected.

Although enacted on July 20, 2013, the election law was not immediately published. Domestic observers report that as late as Sept. 19, 2013, the law was still not officially available. Its lack of timely publication and dissemination limited the public's opportunity to become acquainted with the law before the beginning of key stages of the election process: in particular, candidate registration.

⁶ Libya is a signatory to the following international conventions and treaties, among others: the International Covenant on Civil and Political Rights (ICCPR) (ratified 5/15/70); the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) (ratified 7/3/68); the Convention on the Elimination of Discrimination Against Women (CEDAW) (ratified 5/16/89); the Convention on the Rights of People with Disabilities (CPRD) (signed 5/1/08); International Covenant on Economic, Social, and Cultural Rights (ICESCR) (5/15/70); Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT) (5/16/89); and the Universal Declaration of Human Rights.

⁷ Other applicable laws are amendments to the Constitutional Declaration, the Political and Administrative Isolation Law (Law 13 of 2013), the Law on the Right to Organize a Peaceful Public Gathering (Law 65 of 2012), and the relevant provisions of the criminal and civil codes.

⁸ Articles 7, 11, 13, and 21 of Law 17 of 2013 and Law 8 of 2013

The election law was amended on Nov. 17, 2013, a) to address the lack of clarity on the electoral system to be used in multiseat districts and b) to remove residency requirements for voter registration. While these amendments clarified two key aspects of the electoral process, the election law still did not sufficiently detail the allocation of seats. In particular, it failed to clarify the allocation of reserved seats for women and for cultural components or to explain the basis for the delimitation of constituencies.

The election law and Law 8 of 2013 grant the HNEC the authority to pass regulations elaborating on the rules and procedures necessary for the organizing of elections. The commission adopted regulations on candidate registration, voter registration, observers and candidate representatives, media, the campaign, out-of-country voting, polling and counting, and complaints and appeals procedures. Adopted regulations were available on the commission's website. However, The Carter Center noted that the HNEC only issued the regulations for tabulation on Feb. 20

candidates and another in which only Touareg candidates were eligible. In both cases, voters received one consolidated ballot and could only vote for one candidate from either contest. The candidate with the highest number of votes in contest races wins the seat.

In principle, the allocation of seats to cultural components was intended to enhance the inclusivity of the process and to ensure adequate representation. In practice, however, the electoral and seat allocation systems rendered the election process more complicated for different stakeholders and undermined this goal. Voters in the subconstituencies in which seats were allocated to Tebu and Touareg could only vote for a candidate from either the general contest or a candidate from the special election for cultural components. Although voting happened on one consolidated ballot, in reality there were two different contests. These voters were confronted with a choice between their national identity in the “general contest” and their cultural identity in the “special contest.”

The seats reserved for women posed even greater complications. Female candidates running for some of the reserved seats would replace the winner of the seat in the general contest in the area in which the female candidate was registered. The Carter Center noted a general lack of awareness of the functioning of this system among some candidates, voters, and other stakeholders, including some GNC members. In addition, this replacement takes place regardless of the number of votes received by the female winner of the reserved seat or the replaced winner of the open seat.

The Carter Center encourages Libyan lawmakers to consider implementing a less complicated electoral system that is easier for voters, candidates, and other stakeholders to understand, particularly with regard to seat allocation. A chart detailing seat allocation information can be found in Appendix D of this report.

Effectiveness of the 2014 Constitutional Drafting Assembly Elections in Libya

disseminated. The Carter Center inquired about the possibility of attending these sessions but did not receive a clear answer, and no observation was facilitated.

The HNEC is supported by an executive body, a central administration office, and 17 local electoral committee offices that are responsible for implementing the electoral process in their respective areas.¹⁹ These 17 offices report directly to the central administration office. On election day, approximately 23,000 polling staff implemented the elections in 3,700 polling stations located in 1,496 election centers. Most polling staff was trained through four-tier cascade training, the first three levels of which The Carter Center observed in Tripoli. In a commendable effort to address the needs of Libya's displaced and disabled voters, the commission prepared 16 centers for internally displaced people as well as 19 for oil workers and made approximately 10 percent of election centers accessible to disabled voters.

¹⁹ The law defines 11 main responsibilities for the HNEC. These responsibilities address all aspects and phases of the electoral process and could be summarized as follows: issuing regulations in conformity with the election law, voter education, setting the timeline for implementing the process, voter and candidate registration, preparing and implementing polling, counting and tabulation of results, putting in place the appropriate mechanisms for electoral dispute resolution, setting the needed budget, announcing and crediting results, forming relevant committees if deemed necessary, and accrediting domestic and international media representatives and civil society observers as well as candidate agents.

of processing time, the names of some voters who registered during the in-person period were not included in the preliminary voter list used for the exhibition period.

Under the election law, all Libyan citizens have the right to challenge another's eligibility to vote by submitting a complaint to the courts. However, because an individual can register to vote in any election center throughout the country, a potential challenger may not be able to ascertain where another person may have registered, making it nearly impossible to exercise this right.

For future elections, The Carter Center recommends that the HNEC should ensure that the preliminary lists are complete prior to exhibition, extend the exhibition period, and increase public outreach while explaining the process to enable voters to check their data on the list. Additionally, while protecting personal data, the commission should consider making the entire list available for public scrutiny so that citizens can exercise their right to challenge a person's eligibility to vote. Given the capacity of the SMS system, which allows for a large number of voters to be processed over a short period of time and which is a simple procedure for the majority of users, this system should be used again in future elections. However, a further expansion of network coverage and a more robust voter education campaign, particularly for elderly voters, should be carried out during the registration drive. If the SMS system is used again, the commission should conduct both SMS and traditional voter registration in parallel to make sure the largest pool of eligible voters is able to register and participate in the polls.

During the General National Congress elections of 2012, military personnel were not allowed to vote. In a positive step, on Dec. 30, 2013, the General Authority for the Judiciary determined that, based on Articles 6 and 7 of the Constitutional Declaration, military personnel would be allowed to cast their ballot. Therefore, military personnel could vote in the Constitutional Drafting Assembly election if they had registered during the registration period and had photo identification. Military personnel assigned to oil fields could vote at polling stations for oil workers. However, this was only announced

after the conclusion of the first phase of voter registration and may not have been communicated in a timely fashion to all military personnel. This delay might have led to the disenfranchisement of some military personnel during the elections.

There is no data available on the number of military personnel who registered as voters.

Voter Education

Voter education efforts are necessary to ensure an informed electorate is able to effectively exercise their right to vote.

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registration at the beginning of the registration period, particularly for in-person registration. It is possible that voter education efforts needed more time to impact the rate of registration, as demonstrated by increased registration prior to each deadline. There were no challenges about voter eligibility, most likely due to a lack of information about the timing and duration of the exhibition period.

The general feeling of apathy and dissatisfaction with the General National Congress seemed to eHNEC ha posined but thet vore tsupprts from

Candidates, Parties, and Campaigns

While the right to be elected is a widely recognized principle in both regional and international treaties, it is not an absolute right and may be limited on the basis of objective and reasonable criteria established by law. Unreasonable restrictions to the right to be elected include those based on political affiliation, past or present. In addition, good practice says that the loss of this right should be imposed only after adjudication by a court of law.²⁶ The Carter Center noted that there were some undue restrictions on candidacy rights, including the prohibition of political parties to nominate candidates and unreasonable restrictions on criminal convictions. The Center recommends that the legislature reconsider candidacy requirements to uphold Libya's international obligations and that the HNEC conduct voter registration prior to candidate registration to avoid confusion regarding eligibility.

The right to stand for office in the Constitutional Drafting Assembly elections was granted to every Libyan at least 25 years of age who completed secondary education or its equivalent; who was not a member of the General National Congress, of the interim government, of official security or military authorities, or of the High National Election Commission; who was endorsed by a notarized list of signatures by 100 voters registered in the same constituency; who had not been convicted of a criminal felony or an honor-related misdemeanor, even if expunged; who submitted a nonrefundable application fee of 500 Libyan dinar; and who signed a copy of the code of conduct. It is noteworthy that there was

no legal obligation that required candidates who wished to run for the "special race for cultural components" to present proof that they belong to this cultural group.

Any restrictions on the free participation of citizens in public life or on the right to stand for election must be reasonable and justifiable. Citizens who are otherwise eligible to enjoy this right must not be disenfranchised by unreasonable requirements such as political affiliation. Although the election law stopped short of an outright ban on political parties, it was interpreted as barring candidates from being in any way affiliated with them and did not provide any avenue by which parties might nominate candidates. Such a ban, whether de facto or de jure, fails to meet Libya's international obligations and should be repealed.

Denying the right to participate to citizens who had been previously convicted of a crime, even if their conviction had been expunged, is also an unreasonable restriction on the right to participation.²⁸ Furthermore, the law lacks clarity on whether General National Congress members could resign from their legislative positions to run for the Constitutional Drafting Assembly elections or whether their past membership, even if terminated, denies them this right.

25 U.N., ICCPR, Article 25; African Union, African Charter on Human and Peoples' Rights, Article 13; Arab Charter on Human Rights, Article 24

26 OSCE/ODIHR, Existing Commitments, Page 59

27 UNHRC, General Comment 25, Paragraph 15

28 UNHRC, General Comment 25, Paragraph 4

It is also noteworthy that under the law, the list of signatures required during the candidate registration process is to include only registered voters, despite the fact that the candidate registration process preceded voter registration. The HNEC

amendment to the Constitutional Declaration that both lowered the necessary number of votes required in the GNC to pass such legislation from a two-thirds majority to a simple majority and protected the future law from constitutional challenge. The law and the related amendment to the Constitutional Declaration are currently being challenged by a total of seven appeals before the constitutional chamber of the Supreme Court. A joint hearing on the appeals submitted to the Supreme Court was held on Feb. 24, 2014.

According to the Supreme Court, the seven appeals were filed by five individuals, one group of lawyers and judges, and the National Council for Civil Liberties and Human Rights. The law is being challenged regarding a) the way it is applied to the judiciary, b) conditions under which it was adopted, c) the procedures followed, d) whether it is discriminatory in nature. Furthermore, the law is criticized for being too broad requiring isolation based on position rather than on concrete actions—and for being retaliatory in nature. On Feb. 24, 2014, the Supreme Court adjourned hearings on the Political and Administrative Isolation Law and announced they would resume on April 18, 2014.

The HNEC submitted 700 candidate applications for review with the commission, of which eight were isolated. Six of the eight isolated candidates appealed, and all successfully had their decisions overturned and were able to run in the elections. Two remained ineligible, though The Carter Center was unable to determine the reason for their ineligibility. Further, the commission informed the Center that there was one additional candidate that they decided should be isolated, but due to a delay in communicating the decision to the HNEC, he remained on the final list of candidates.

While the Supreme Court is still considering the constitutionality of the Political and Administrative Isolation Law, its application for the Constitutional Drafting Assembly elections was limited to a small number of candidates, and the right to appeal was in line with international standards for effective remedy. This suggests that although the law itself provides grounds for isolation that appear unnecessarily broad, its

implementation, in practice, did not have significant impacts on candidates. The right to appeal the decisions of the commission before a court of law meets Libya's international obligations concerning access to effective and timely remedy.

In October 2013, the Political and Administrative Isolation Law was amended to provide an expedited review of candidate applications for the Constitutional Drafting Assembly elections.³⁸ Under the amendment, appeals of commission decisions for CDA candidates are submitted to the primary court in the area of the candidate's registration and are appealed to the respective court of appeals. The timeline for review by the courts is also shorter in the case of CDA

subject to lingering insecurity, particularly in the Eastern and Southern regions. Some candidates running for seats in the Southern region said that they had been unable to campaign due to armed clashes there. Civil society representatives in the Eastern region reported that candidates were subject to intimidation.

Libyan civil society organizations and domestic observers, international nongovernmental organizations, and candidates themselves all reported that campaigning was subdued and often carried out on a small scale. Turnout at two debates attended by Carter Center representatives was low, and voter awareness of particular candidates and constitutional issues was highly limited. In general, candidates appeared to rely on billboards, posters, fliers, text messages and, particularly, social media to publicize their candidacies. Candidates and civil society organizations reported minor campaign

Campaign Finance

While there are no binding obligations in international law regarding campaign finance, good practice calls for its regulation to ensure transparency and accountability.⁴² Balanced and transparent systems for candidates are important in the prevention of corruption.⁴³ It is also sometimes necessary to impose such limitation to ensure that disproportionate expenditures by candidates do not affect the free choice of voters.⁴⁴ The Carter Center noted that the measures to ensure transparency for campaign finance during the elections were insufficient. The Center recommends that the HNEC be obliged to publish candidates' financial reports and that the government strengthen the commission's capacity to monitor the campaign.

The election law delegates this power and responsibility—as well as the task of setting the ceilings for campaign expenditures—to the HNEC. The commission set maximum expenditures for candidates in each electoral district. These ranged from 6,000 Libyan dinar (approximately \$4,700) to 94,000 Libyan dinar (approximately \$74,000).⁴⁵ These ceilings were decided according to a formula primarily determined by the number of registered voters during the General National Congress elections.⁴⁶ None of the candidates who met with The Carter Center complained about these ceilings being insufficient. Furthermore, in Libya there is no provision for state funding of campaigns.

The law requires all candidates, regardless of the results, to submit a report on campaign finances within seven days of polling.⁴⁷ In these reports, all candidates are required to identify the sources of funding and the amounts they spent during their campaigns. The Center notes that the election law and HNEC regulations did not provide a mechanism for candidates to withdraw after the final candidate list had been published. This means that candidates on the final list who no longer wished to participate in the election would still have to report their campaign expenditures, regardless of their spending, or be subject to severe penalties. Two candidates on the final list reported to The Carter Center that they would

have withdrawn if the HNEC had allowed for such procedure.

The law gives the HNEC the right to publish the reports submitted by candidates. However, there is no legal obligation for the commission to do so. In the interest of transparency, these reports should be made available to the general public.

The High National Election Commission has made a noticeable effort in raising candidate awareness of the reporting obligations and spending limits as well as the severity of punishments for noncompliance. In most press conferences, commission officials reiterated the importance of submitting the reports by all candidates, including those who did not win as well as those who boycotted after the final list of candidates was published. According to a commission official, all candidates were contacted during the campaign period to stress the importance of submitting these reports. This was confirmed by some candidates who met with Carter Center staff.

The HNEC has the right to revoke the candidacy of any candidate (or annul the results) if it becomes evident that the candidate violated the provisions of the legal framework. Potential punishments also include fines, a prohibition from standing in future elections for a period of up to five years, and imprisonment. These punishments are unreasonable if applied to minor violations.

Despite having the legal authority, the commission did not have the capacity to monitor expenditures by candidates during campaigning. Rather, the commission primarily depended on the reports submitted by candidates themselves. As a result, it might only be able to hold accountable those

42 The United Nations Convention Against Corruption, Article 7 (3) states that "Each state party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

43 UNCAC, Article 7

44 UNHRC, General Comment 25, Paragraph 19

45 HNEC Regulation 80/2013

46 The formula was multiplying the number of registered voters during the GNC elections by 0.5 Libyan dinar (approx. \$0.4).

47 Law 17 of 2013, Article 20

candidates who failed to submit reports. The reliance on self-reporting hampers the commission's capacity to determine if candidates have complied with the regulations. While good efforts have been made to increase the commission's capacity in this area, further efforts are needed to enable the commission to monitor campaign finances sufficiently, an issue that has previously been highlighted by The Carter Center.⁴⁹

The Media

Although the state must respect the media's right to free expression, this right is balanced by obligations to regulate the media so that all candidates have an equal opportunity to express their views to the electorate. When providing access to public media, best practice suggests that it should be provided on a nondiscriminatory basis and that airtime should be fairly distributed.⁴⁸ Here, equality refers not only to the amount of space provided but also to the timing and use of such space.

The election law and the regulations issued by the HNEC for campaigning in the media require the commission to work with public media to ensure that all registered candidates are given free airtime and print space on an equal basis.⁵⁰ However, neither the election law nor the commission's regulations explain how this time and space will be allocated to candidates and, therefore, they did not sufficiently ensure free access to public media for candidates.

While candidates are entitled to free airtime on TV and radio under the campaign regulations propagated by the HNEC, none of the candidates the Center interviewed had been able to take advantage of this provision. Some were unaware of its existence; others said they had attempted to obtain access but were told they had to pay. Additionally, there are no legal requirements for private media to provide paid airtime or print space on an equal basis to all candidates. The election law further prohibits candidates from campaigning through foreign media. In the absence of a clear purpose to protect national security or public order, this measure violates Libya's

international obligation under the International Covenant on Civil and Political Rights.⁵¹ Due to the limited nature of its mission, The Carter Center was unable to engage in systematic media-monitoring during the election. The Center received complaints from candidates that some TV and radio hosts who were running for election to the Constitutional Drafting Assembly used their privileged access to the media as a platform to promote their candidacies and views.

Throughout the election period, media were subject to a series of seemingly politically motivated attacks. More than 20 attacks on media institutions were documented by international advocacy organizations during the campaign period. These included incidents of serious intimidation, kidnappings, assassinations, arson, and rocket-propelled grenade attacks.⁵² In addition to the violence targeting journalists, a series of legal cases and legislation threatened freedom of expression. On Jan. 22, 2014, the GNC passed a decree that prohibits broadcasting any satellite TV station whose programs criticize the Feb. 17 revolution, destabilize the country, or promote internal dissent.⁵³

On Feb. 11, the commission also passed the law banning insulting the government. Separately, there are three ongoing prosecutions in which individual Libyans are being tried for insulting official figures and Islam.⁵⁴ This hostility toward

freedom of expression threatens the ability of the media to cover political developments and threatens the right of all Libyans to engage in public discourse.

Civil Society

Impartial citizen observation monitoring is a way for citizens to participate in and promote the integrity of democratic processes. Some citizen observation groups participated in election observation, either as individual organizations or as part of a bigger network. The HNEC should be commended for its efforts to facilitate the full participation of citizen observers in the election process. The commission has been open to receiving and accrediting observers, and the process went smoothly. The process was kept open until Feb. 19, 2014, and decentralized, through the 17 election committee offices, to allow for easier accreditation at the local level.

In an open and inclusive process, 2,562 citizen observers and 3,973 candidates' agents were accredited for the Constitutional Drafting Assembly elections. The most visible group of domestic observers, the Libyan Network to Promote Democracy (LNPD), a coalition of domestic civil society organizations, deployed around 500 observers, 22 percent of whom were women, in 450 polling centers within eight main constituencies. This constitutes a significant decrease in number from the General National Congress elections in 2012, when the HNEC accredited 11,344 citizen observers. When compared to the national elections of 2012, the significant decrease in citizen observers for the Constitutional Drafting Assembly elections left some areas, such as Sirte and Sabha, without observers.⁵⁵ According to an LNPD representative, this decrease is related to a number of factors such as the general political apathy regarding the CDA elections, political boycotts, and the deteriorating security situation, particularly in the Eastern and Southern regions.

Participation of Women

Women should enjoy the same fundamental rights as men to participate in public affairs, including voting in elections and participating in other aspects of the electoral process.⁵⁶ Participation of Libyan women in these elections was lower than in previous elections. During the GNC election, in addition to the female candidates placed on party lists, another 85 women ran as individual candidates. The CDA elections saw only 64 women register as candidates. Out of 1.1 million registered voters, 449,501 were women. As of the publication of this report, no reliable data is available regarding the number of women who voted on election day. The Carter Center encourages the HNEC to focus greater efforts, resources, and voter outreach campaigns to encourage women to register and vote and to ensure their representation in the constitution-drafting process.

The rate of women's registration for these elections (41 percent) was lower than the previous elections (46 percent). This may have been related to the nature and requirements of the new voter registration system used for these elections. Women reportedly found it more difficult to register via SMS, as the family book was usually in the possession of their husband or father, limiting their access to the information required to register. Fewer women possess mobile phones than men, leaving some women dependent on men to register. Women's participation also may have been diminished by the general lack of information about the process.

The HNEC estimates there were approximately 5,500 Libyan women, married to foreigners, who did not possess a national identification number. This technical issue was resolved in cooperation with the Civil Registration Authority. However, the format of the numbers subsequently issued to these women differed slightly from the standard

55 Official HNEC statistics, published at: <http://h nec.ly/assets/uploads/2014/01/%D8%B9%D8%B1%D8%A8%D9%89-11.pdf>. Accessed Feb. 21, 2014

56 U.N., ICCPR, Article 25(b); African Charter on Human and Peoples' Rights, Article 13 (1)

format. Libyan observers report that as a result, these women were then reluctant to register.

In the Constitutional Drafting Assembly elections, 64 out of the 649 registered candidates were women. Fifty-four of these women contested the seats reserved for female candidates, while another contested one of the seats reserved for the Tebu and the remaining nine women competed for open seats. According to the findings of a focus group published in January 2014 by Danish Church Aid, men and women generally supported the idea of women as candidates, but few of those surveyed said they would actually vote for a woman at this stage.⁷

HNEC has regulated campaign finance by setting a maximum expenditure for each candidate depending on the subconstituency in which the candidate registered. However, in the case of the seats reserved for women, female candidates competed in larger areas of the south and east, while still being subject to the limit for the area in which they were registered. Should the electoral system again provide for women's lists in the future, efforts should be made to account for these differences.

As in the General National Congress elections, Libyan civil society organizations reported that women's campaign posters were more likely to be defaced and destroyed than those of male candidates. Female candidates were also more vulnerable to security concerns while campaigning and had less access to financial resources than their male counterparts. The results of the GNC election suggest women are less likely to be elected

All three communities were subject to marginalization, discrimination, and repression throughout the Qadhafi period. In particular, the Amazigh objected to the election law during its drafting and subsequent to its passage. They demanded that Constitutional Drafting Assembly decisions on certain issues be reached by consensus as opposed to being decided by a two-thirds majority of the body. Amazigh representatives identified the following critical issues for which consensus should be necessary: the name of the state, the identity of the state, the state flag, the national anthem, and language rights.

The Amazigh called for an amendment of the Constitutional Declaration to require consensus on these issues. Tebu and Touareg representatives offered support for this call. Although days before the election General National Congress statements suggested the issue had been resolved, the GNC did not pass an amendment. On the day before election day, the Supreme Amazigh Council announced the boycott would proceed.

In the past, representatives of all three communities and rights advocacy groups have also raised concerns over discrimination in the distribution of national numbers and, therefore, in the ability of members of these communities to register to vote. This was a particular concern for the Tebu, whose citizenship has frequently been contested. For example, fighting in the south prior to the election saw much talk on social media of alleged participation by “Chadian Tebu.” In the absence of a census, the size of these communities is difficult to determine. The Carter Center’s discussions with members of the Tebu community suggested that efforts had been made to include the Tebu in the civil registry and that this was no longer as serious a concern as it once was. Nonetheless, Tebu protesters in Awbari forced the suspension of polling on election day. Given the lack of transparency of the civil registry and the absence of a reliable census, any assessment of the participation of these communities was necessarily limited.

Electoral Dispute Resolution

Libya has an international obligation to provide effective remedies for violations of rights and to ensure there are adequate venues for addressing election complaints.⁶¹ Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. If that process is to retain credibility, voters and other electoral stakeholders must be given—and must perceive they possess—a voice in the quality of the electoral process.⁶² The election law fails to guarantee the right to effective remedy for everyone whose electoral rights have been affected by limiting the right to appeal election results and by not allowing for the filing of official complaints in polling stations. To maximize the effectiveness of the dispute resolution mechanism, further efforts are needed to inform the voters and candidates of their rights and procedures for exercising this right.

The right to appeal voter or candidate eligibility is extended to any citizen, while the right to appeal preliminary results is restricted to candidates who were on the final candidate list.⁶³ Restrictions on the right to appeal results should be lessened to better meet Libya’s international obligations in this regard; at a minimum, voters should be given the right to appeal the results of the polling station where they voted.

Appellants have three days from the time the decision, inaction, or action was taken to submit their appeal. The courts then have three days in which to consider the matter and to issue a decision. Appeals are filed with the district court (the lowest-level court in Libya’s four-tier court system) that enjoys geographical jurisdiction over the electoral office that made the decision. Final appeals are heard by the primary courts. The timeline for review of complaints and appeals is in line with international standards and good practice that call for expedited review of election matters.

⁶¹ U.N., ICCPR, Article 2(3); UNHRC General Comment 25, Paragraph 20

⁶² UNHRC, General Comment 32 on the ICCPR, Paragraph 25: “The notion of fair trial includes the guarantee of a fair and public hearing.”

⁶³ There were no challenges to the eligibility of voters or candidates.

With the support of the International Foundation for Electoral Systems, and in cooperation with the High Judicial Institute, a reported 130 judges from district and primary courts were trained on complaints and appeals procedures. While this training enhances communication between the courts and the election offices, there is no official mechanism for the communication of court decisions. The Carter Center encourages the election management body and the judiciary to continue their current cooperation and consider

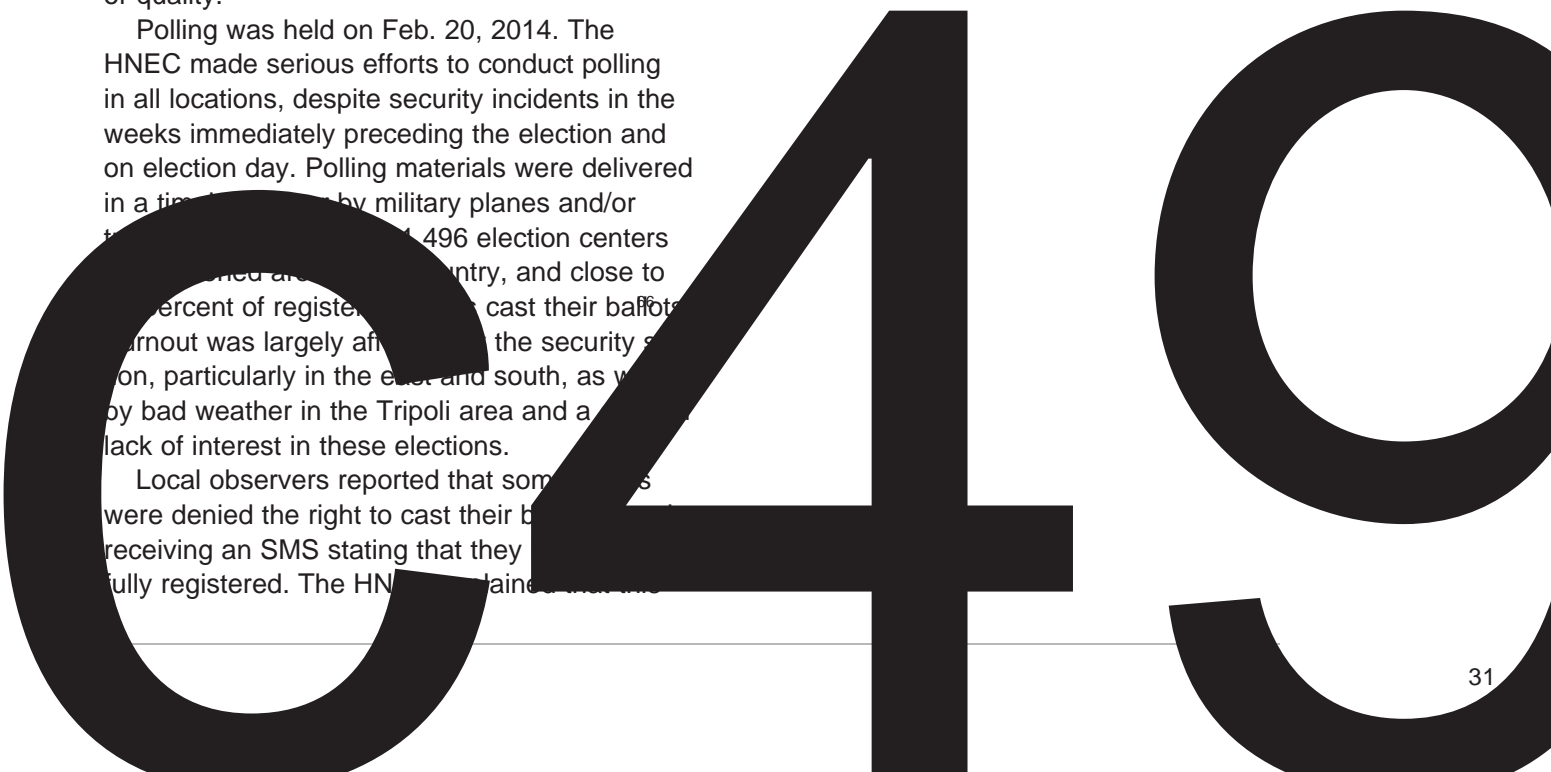
The voting process is the cornerstone of the obligation to enable the free expression of the will of the people through genuine, periodic elections. For the voting process to reflect the will of the people, certain participatory rights must be fulfilled.

Foremost among these are the right to vote, to participate in public affairs, and to enjoy personal security.⁶⁵ The HNEC should be commended for training polling staff and distributing all polling materials in a timely manner.

However, election day was marred by security incidents and boycotts in the Southern and Eastern regions. Due to the limited nature of its mission in Libya, The Carter Center did not conduct observation of polling procedures on election day and cannot comment on their success or quality.

Polling was held on Feb. 20, 2014. The HNEC made serious efforts to conduct polling in all locations, despite security incidents in the weeks immediately preceding the election and on election day. Polling materials were delivered in a timely manner by military planes and/or trucks to 496 election centers throughout the country, and close to 90 percent of registered voters cast their ballots. Turnout was largely affected by the security situation, particularly in the east and south, as well as by bad weather in the Tripoli area and a general lack of interest in these elections.

Local observers reported that some voters were denied the right to cast their ballots after receiving an SMS stating that they were not fully registered. The HNEC should ensure that





any other problem on the reconciliation and results forms, these forms be referred to further scrutiny, with the board of commissioners to decide on the necessary action to be taken. While the HNEC opened the data entry process to observers and candidates and informed them of audits that took place, The Carter Center recom-

the procedures, timeline, or the location of the recount. The Carter Center recommends that the coming election management body issue a more detailed tabulation regulation and publish it in a timely manner before the election day.

The HNEC officials at the data entry center welcomed observers and candidate agents to the center, where cell phones, computers, memory sticks, and other electronic devices were prohib-

On election day, the Nalut local council (an Amazigh council), denounced the elections and declared their intent to challenge the constitutionality of the election. This call was followed by protests of Amazigh community members outside the Supreme Court in the days following election day. Amazigh community leaders informed The Carter Center that they intended to file an appeal with the Constitutional Chamber of the Supreme Court, asking the court to find the Constitutional Drafting Assembly elections unconstitutional for failing to comply with Constitutional Declaration Article 30 that requires the election of a 60-member Constitutional Drafting Assembly.

Following election day and prior to the announcement of preliminary results, complaints were filed in the district courts of Jebel 1 and Al Bayda, asking the court to cancel results of specific

polling stations. The court in Jebel 1 found in favor of the complainant and canceled the results in three of the four requested polling stations. This decision was successfully appealed to the primary court on the behalf of HNEC. In Derna, the complaints to cancel results in one polling center was granted, and the court ordered repolling for all polling stations in that center.

The HNEC announcement of final results covered 47 of the 60 CDA seats. One additional seat could still be affected upon determination of the winner of one special race for women.⁸²

⁸² The woman who wins each of these two seats replaces the winner of the general contest at the subconstituency at which the female candidate has registered.

Conclusions and Recommendations

Three years after its revolution started, Libya remains a fragile state, with multiple political, economic, and security challenges. The hopes of local policymakers and the international community alike that the country will prove capable of institutionalizing itself as a modern state remain alive, but it is clear that the process of doing so will be more arduous and time-consuming than anticipated during the country's civil war. Particularly, the lingering power of different militias has cast a pall over the pace and possible outcomes of the country's political progress.

As the ongoing debates about federalism, decentralization, and the incorporation of Tebu and Amazigh into the political process testify, some basic issues of state- and nation-building remain unresolved in Libya. It is clear that until an agreement on those issues is finally reached, state authorities in Libya will continue to face obstructions and challenges from groups whose interests are antithetical to those pursuing a unified, institutionalized, open, and accountable form of government for the country. Until the Libyan government obtains sufficient coercive power to impose solutions, the country's political life will be kept hostage to this variety of actors whose interests do not coincide with those of Libya as a unitary political community and who demand political and economic payoffs from the central government.

It is within this more general context that the future of Libya's political institutions must be judged. It is important to point out that despite ongoing difficulties, the political process

in Libya, formed originally during the revolution and pursued admirably through the 2012 General National Congress elections and the Constitutional Drafting Assembly elections of 2013, continues to move forward. So far, both sets of elections have represented needed institutional steps for Libya. Despite an understandable amount of popular unease and exhaustion with the country's emerging political rules and institutions, the institutionalization of Libya's political life remains *de sine qua non* for the consolidation of the country as a state and as a nation after decades of neglect of popular participation and of outright destruction of state institutions.

It is also important that the country's ongoing process of political institutionalization adhere to the highest international standards. It should not simply represent a rush toward the establishment of political institutions and political guidelines for the country but, more importantly, must ensure that in the process these institutions and rules continue to be perceived as relevant, legitimate, fair, and accessible to everyone.

It is based on this conviction, in light of the Constitutional Drafting Assembly elections, that The Carter Center offers the following recommendations to the different stakeholders in Libya's unfolding political life.

To the Government of Libya:

Comply with international law.

- The General National Congress and future legislative bodies in Libya should undertake

a thorough review of pre- and postrevolution legislation for compliance with international obligations for freedom of expression, assembly, and association. The legislature should refrain from passing any new legislation that further restricts these basic freedoms.

Develop a clear security plan in advance of any future elections.

- Libya's fractious security environment makes the conduct of elections particularly challenging. Citizens must have the right to participate without fear as voters, candidates, and election officials. A meticulously defined security plan must be established well in advance, with particular attention given to known hot spots. Insofar as is possible, this plan must be communicated to the public so they can feel safe participating in elections. Clear roles must be established for the ministries of Defense and Interior, along with coordination with local governance authorities, to ensure the right to participate is respected.

Strengthen legal mechanisms that guarantee women's equal participation.

- To fulfill Libya's international obligations to ensure that women are able to participate fully in the political process, encourage the

international obligations, the next election law should reconsider the requirements for candidate registration to remove any undue limitations on candidacy rights. In particular, limits to candidacy rights should be restricted to those convicted of a serious crime who have not been exonerated. As well, members of current government institutions should be allowed to stand for office upon resignation of their current post.

Allow participation of political parties.

- While the election law did not explicitly ban political parties from participating, it was interpreted as doing so. This seems to have had the opposite effect than the one intended, breeding suspicion of candidates among voters and undermining trust in the system. This de facto ban fails to fulfill Libya's international commitments to ensure the right to association. To

Ensure timely announcement of an electoral calendar with key electoral dates.

- While the overall campaign period was of sufficient length, the late announcement of the date for elections led some candidates to delay launching their campaigns. This left some candidates with insufficient time to make their case to the voters—and voters with insufficient time to familiarize themselves with candidates. In future elections, the polling date must be determined by HNEC and publicly announced by the relevant authorities well in advance to allow for a robust campaign season and sufficient outreach to voters. Only in this way can voters' ability to make an informed choice be ensured.

Publish candidates' financial reports.

- To further enhance the transparency of coming elections, The Carter Center recommends that the HNEC be obliged to publish candidates' financial reports and that the government strengthen the commission's capacity to monitor the campaign. Furthermore, to ensure that campaign spending limits guarantee equal opportunity for all candidates, limits for women and cultural components running in larger geographical areas should be adjusted accordingly.

Ensure equal opportunities for media representation.

- To ensure voters have access to information on election contestants, a detailed mechanism for the equal allocation of airtime and print space should be elaborated in the regulations and strictly followed by the election management body and public media. To guarantee the equal treatment of all candidates, public and private media should be required by law to offer paid airtime and space on an equal basis.

Develop a more accessible process for filing complaints.

- To ensure all citizens access to an effective remedy, the complaint process should be made accessible to all, both in law and in the implementation of procedures. Arrangements for filing complaints in polling stations or accepting electronic complaint forms should be considered. The election management body should undertake an aggressive information campaign

on the right by individuals to seek remedy with the commission and the courts. In future election legislation, the right to appeal election results should not be limited to candidates but, rather, should be open to all whose electoral rights have been affected.

To the International Community:

Continue to support Libyan civil society initiatives.

- Libya's civil society groups have been valuable, if often marginalized, segments of Libya's emerging political life. The international community should continue to support a wide panoply of domestic civil society organizations and observers, particularly through capacity-building, training, and funding. This support should be a continuous process not simply limited to election cycles. In the long run, however, only a vibrant civil society can act as both a catalyst for sustained change and as a mechanism for greater accountability.

Continue to provide international expertise on political systems.

- After a long period of disenfranchisement, it is clear that both the expectations of many Libyans—as well as their limited understanding of how representative political systems work—influence how political institutions are perceived within the country and how effectively they can ultimately function under those circumstances. It is important for the international community to continue to provide expertise and extensively disseminate such knowledge, which increases the understanding, limits, and opportunities that various modern under

elections, emphasize the values of an open, representative, and accountable political system, without respect to the way Islam is incorporated within that political system. Understanding

and tolerance of diverse opinions are crucial building blocks of vibrant political systems and are particularly important in Libya after decades of the political exclusion of citizens.

Appendix A

Acknowledgments

The Carter Center is grateful for the support of a number of individuals and organizations that helped make its international election observation mission in Libya possible. Above all, the Center thanks the High National Elections Commission for inviting the Center to observe the elections and for welcoming its staff and observers in Libya.

The Carter Center's mission in Libya would not have been possible without the generous support of the Swedish International Development Agency, the government of Denmark, and the government of Norway.

The Carter Center would like to recognize the invaluable contributions made by the expert team in Tripoli, including Diederik Vandewalle,

Meaghan Fitzgerald, Sasha Pajevic, Sherif Alaa, Nicholas Jahr, Francis Talbot, and Davor Corluka. The Center's work in Libya was also made possible through the unwavering commitment and support of its national staff, including Samira Mahdi, Rafeeq Al-Breaky, Ahmed Saber, Abir Chniti, and Marwan al-Wahshi.

The Center's Democracy Program staff in Atlanta had overall responsibility for the mission. The Libya project was managed by Sarah Johnson with assistance from Aliya Naim. Essential support was provided by David Carroll, Lance Alloway, Ramiro Martinez, Traci Boyd, and Tynesha Green.

Appendix B

Terms and Abbreviations

CDA	Constitutional Drafting Assembly	IOM	International Organization for Migration
CRA	Civil Registration Authority	LNPD	Libyan Network to Promote Democracy
GNC	General National Congress	NTC	National Transitional Council
HNEC	High National Election Commission	SMS	Short Message Service
ICCPR	International Covenant on Civil and Political Rights		

Appendix C

Carter Center Statements

Carter Center Urges Intensified Voter Education and Security Coordination Ahead of Libya's Elections

The Carter Center is conducting a small expert mission in Libya to assess the legal framework, key issues related to the administration and preparation of elections, and the overall political environment ahead of Feb. 20 elections for the Constitutional Drafting Assembly. These elections represent an important stage in the country's transition to democracy. In advance of the elections, the Center encourages Libyan authorities to intensify voter information efforts and to strengthen security coordination in the final days leading to the polls to support peaceful and inclusive polls.

This will be the second election in the sequence established under the constitutional declaration issued by the National Transitional Council. The first election, which established the General National Congress, was recognized by domestic and international observers as democratic and transparent. Pressures on the congress, however, led to changes in the original timeline for the transition process set by the constitutional declaration. The Constitution Drafting Assembly elections offer an opportunity to imbue the transition with new momentum.

Following an invitation from the High National Elections Commission (HNEC), The Carter Center has deployed a team of six experts to Libya to assess the elections. The Carter Center team visited Libya in December to learn about the candidate registration process and other key preparations, and returned in mid-January to assess political conditions and key election administration issues.

In light of security considerations, which restrict the size of the team and prevent deployment outside of Tripoli, the Center's expert mission is limited in nature and will not offer a comprehensive assessment of the electoral process and election day proceedings. The focus of the expert as on the legal framework, election administration, technical preparations, the general political environment, and the resolution of any electoral disputes.



county, the mission is analyzing the legal framework for campaigning, and is monitoring reports various Libyan interlocutors regarding campaign issues. The campaign period began on Dec. 25, 2013, following the publication of the final list of candidates, and ends 24 hours prior to the opening of polls.

Key stakeholders have reported to Carter Center representatives that campaigning has been subdued.

The HNEC is responsible for educating and raising citizens' awareness about the electoral process. As part of its wider education campaign, the HNEC plans to air television and radio spots in addition to publishing newspapers ads, posters, and leaflets. The Carter Center encourages the HNEC to fully implement this plan and intensify its voter education efforts in the time remaining to provide voters with the necessary information, including the election date, polling hours and locations, and in particular detailed voting procedures and ballot design. Only such an intensified effort will enable voters' full participation.

Voter education also plays a critical role in ensuring access to an effective remedy for all election stakeholders. In order for an electoral dispute resolution mechanism to be effective, voters and candidates must be aware of the procedures, and the process must be clear and understandable to all stakeholders. The Carter Center therefore urges the HNEC to use the time remaining before election day to inform both voters and candidates of their rights to file complaints and appeal decisions and make the process accessible to all.

The Carter Center in Libya

The Carter Center is nonpartisan and conducts its assessments against the interim constitutional declaration, Libya's national election laws and regulations, and the country's international

Appendix D Seat Allocation

Western Region

Main Constituency Number	Constituency Name	Subconstituency	Number of Seats	Electoral System	Seat Type	Contest Level
1	Zawiyah	Zawiyah	1	*	Women's	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
2	Zawiyah	Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
3	Zawiyah	Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
4	Zawiyah	Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	1		General	Local
		Zawiyah	2	**	General	Local
		1				

* In the fifth subconstituency in the main Western region shall win the seat without replace-constituency of Zawiyah, voters receive one ment, as these two seats are designated for women consolidated ballot that includes two sections: Where there is a contest for women candidates, one for candidates running on the general contest voters receive two separate ballots: one that has and another for candidates running for the special the names of candidates for the general contest incontest for Amazigh in that area. Voters can only a subconstituency, and another that has the names choose one candidate from either section. of candidates running for the women seat in the same subconstituency.

Eastern Region

Main Constituency Number	Constituency Name	Subconstituency	Number of Seats	Electoral System	Seat Type	Contest Level
1	-	شمال	2	...	شمال	...
		وسط	1	...	شمال	...
		جنوب	2	...	شمال	...
2	-J شمال	شمال	1	...	شمال	...
		وسط	2	...	شمال	...
		جنوب	1	...	شمال	...
		شمال	1	...	شمال	...
3	شمال شمال	شمال	3	...	شمال	...
		وسط	1	...	شمال	...
		جنوب	1	...	شمال	...
4		شمال	2	...	شمال	...
		وسط	1	...	شمال	...
		جنوب	1	...	شمال	...
		شمال	1	...	شمال	...

Remark: In the third subconstituency in Ajdabiya, on the general contest and another for candidates where there is a contest for Tebu candidates, running for the special contest for Tebu in that voters should receive one consolidated ballot that area. Voters can only choose one candidate from includes two sections: one for candidates running either section.

Women's Seats in the Eastern Region

Main Constituency Number	Name of Main Constituencies	Number of Seats	Electoral System	Contest Level
1 & 2	- & -J شمال	1
3 & 4	شمال شمال &	1

Remark: The woman who wins each of these two the winner in the general contest was a woman seats replaces the winner of the general contest herself. Where there is a contest for women the subconstituency at which the female candidate candidates, voters receive two separate ballots: one has registered. In case the subconstituency at that has the names of candidates for the general which the female candidate has registered had contest and another that has the names of candi- two or three seats, then the female candidate dates running for the women seat; each in their replaces the second or third winner, respectively. respective areas as shown in the table. In all cases, this replacement takes place even if

Remark: The woman who wins each of these two

Appendix E Results

Western Region

Main Constituency Number	Constituency Name	Subconstituency	Seat Type	Candidate Name	Number of Votes
1					1,169
					1,033
					992
2					21,752
					3,333
					4,311
					3,175
3					15,031
					16,305
					5,366
					17,226
					1,306
					4,361
4					3,359
					4,166
				UNKNOWN	
					1,360
					6,277
					3,777
			UNKNOWN		

Southern Region

Main Constituency Number	Constituency Name	Subconstituency	Seat Type	Candidate Name	Number of Votes
1					4,96
					1,067
					2,333
					2,403
					579
					3,516
					359
					44
					579
					579
2				UNKNOWN	605
				20	
				UNKNOWN	UNKNOWN
				UNKNOWN	UNKNOWN
				UNKNOWN	UNKNOWN
				UNKNOWN	UNKNOWN
				UNKNOWN	UNKNOWN
				609	
3					1,643
					245

Eastern Region

Main Constituency Number	Constituency Name	Subconstituency	Seat Type	Candidate Name	Number of Votes
1			၈	၈	3,345
			၈	၈	1,335
				*	
			၈	*	1,21
			၈	UNKNOWN	
			၈	UNKNOWN	
2	J	၈	၈	J ၈	1,442
			၈		4,715
			၈		1,621
				*	
			၈	*	2,531
			၈	၈	1,330
3		၈	၈		20,35
			၈	၈	501
					21,426
			၈	UNKNOWN	
			၈	၈	1,650
4		၈	၈		2,03
			၈	၈	1,633
			၈	၈	1,545
			၈	UNKNOWN	
				UNKNOWN	

* ဘဏ္ဍာရေးဝန်ထမ်းများ၏ အမတ်ရွေးချယ်မှုများကို ဖော်ပြပါ ဇယားတွင် မပါရှိပါ။

■ The Carter Center at a Glance

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in

80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. Please visit www.cartercenter.org to learn more about The Carter Center.



Martin Frank

