



The UN Support

The implications of postponing Libya's legislative elections to January 2022

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On October 2021, Libyan House of Representatives announced that the election dates would be rescheduled, so that presidential elections would be held on December 24, while the legislative elections would take place thirty days later. Originally, the legislative elections were supposed to be held on the same day as the presidential elections. This can be considered a new step taken by the Parliament with the aim of showing commitment to the roadmap by approving the parliamentary election law.

Approving the new parliamentary election law has special importance for many reasons. One of the most important of these is the fact that 70 -75 (out of 200) of the members of the Eastern parliament (based in Tobrok) voted in favour of the law.

The new law is actually based on the rules governing parliamentary elections at the present time. The main difference, however, is that according to the new law, people will vote for individual candidates rather than lists of candidates. The law will not change the total number of MPs (i.e. 200 members). However, it necessitates that the number of seats and voter representation in the 13 constituencies be reviewed by the new parliament.

The new legislative election law was approved a month after the House of Representatives, which was elected in 2014, approved the presidential election law, which prescribes that the president be elected directly by citizens.

Various Reactions

1- The UN welcomed the law: The UN mission in Libya expressed approval of this step, especially as UN special envoy on Libya Ján Kubiš previously urged the parliament to finish making the law as soon as possible.

2- The High Council of State rejected the law: Libya's High Council of State rejected the new law (just as it rejected the presidential election law last September), due to the following reasons:

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a) According to the High Council of State, the approval of the law is considered a violation of article 23 of the political agreement implied in the constitutional declaration, which states that both the High Council and the House of Representatives must agree on the law in order for it to be approved. The High Council insists that it must have a say in making election laws. Its spokesperson even affirmed that if the elections are to be postponed instead of being held on December 24 as planned, the parliament is the one to blame. The House of Representatives refuses to consider the High Council a partner in the process of lawmaking, contending that the parliament is the sole lawmaker of the nation.

b) The High Council rejects the presidential election law, notably the article that allows current officials to run for the upcoming election provided that they resign their posts three months before the election is held. This encouraged the leader of the Libyan National Army Khalifa Haftar to leave his post for Chief of General Staff Abdulrazek al-Nadoori so that he can run for president. The High Council is opposed to giving Haftar such opportunity.

c) Abdul-Salam al-Safrani, a Muslim Brotherhood leader and a High Council member, claimed that the new law is a setback for democracy, as, according to him, only 20 MPs took part in the voting process. This means that the new law has limited support.

d) One of the reasons why Muslim Brotherhood members reject the new law is that candidates will be elected on an individual basis and not by list. This change is not in Muslim Brotherhood's favour. This is why members of the movement are demanding that a party-based electoral system be approved, so that seats dedicated to parties should be no less than 70% of the Parliament seats. As a matter of fact, the nature of the electoral system will not have a great effect on the number of the votes which a party can win. These objections from Muslim-Brotherhood members are no more than an attempt to hinder the elections, as they are aware that they are no longer

popular and, therefore, are more than likely to fail if the elections are held as planned.

Political Significance

The fact that both laws (parliamentary and presidential) were passed highlights certain factors that actually led to such situation, as well as implications of these developments, which can be summed up as follows:

1- The Rabat consultations did not bear fruit: On October 4, Morocco hosted representatives of the High Council of State and of the Parliament in Rabat so that they can consult about the new parliamentary election law and reach an understanding concerning mechanisms of approving new election laws. As each party insisted on its viewpoint, the consultations failed, and, consequently, the law was passed by the House of Representatives amid objections from members of the High Council.

2- The pressure was effective: The House of Representatives approved the election laws as a response to local and international pressure. Domestic and non-domestic players alike have urged Libyan authorities to go on with the UN roadmap by electing a new President and a new Parliament so as to put an end to ten years of political disturbances and military conflicts.

It is also noteworthy that the law was passed after the US Congress approved the Libya Stabilization Act, which imposes sanctions on individuals and entities in case they impede the upcoming elections in any way. The Libyan Parliament, therefore, had to accelerate the process of approving the election laws so as to prove to the US administration that its members are keen on holding the elections as planned, and that it is the Muslim-Brotherhood members, who are trying to hamper UN efforts to bring about stability in Libya.

Previously, Washington accused the House of Representatives of not being keen enough on approving



a constitutional basis for holding the upcoming elections. It is not without significance that US ambassador to Libya Richard B. Norland took part in the aforementioned Rabat meetings.

3- Withdrawing mercenaries could accelerate the election process (and vice versa):

The parliamentary election law was announced almost at the same time as Libyan foreign minister Najla Mangoush said that foreign fighters and mercenaries were leaving Libya. On October 6, the Syrian Observatory for Human Rights announced that 300 Syrian fighters left Libya to Turkey. Approving election laws and electing a new government, not affiliated with the Muslim Brotherhood movement, will result in reconsidering foreign presence in Libya, and may even lead to putting an end to it altogether.

At the same time, it is noteworthy that African Union's Peace and Security Council called for systematic withdrawal of foreign fighters from Libya. The Council threatened to expose individuals and entities hindering the peaceful settlement of the Libyan crisis by exporting arms to Libya. This will help secure a safer environment for holding the parliamentary elections

in December, to be followed by the presidential elections in January.

4- It is now obvious who is putting obstacles in the way of the UN roadmap:

As the parliament approved the new laws whereas the High Council, led by Muslim-Brotherhood member Khalid al-Mishri, opposed it, it is now obvious that it is the Muslim Brotherhood that is impeding the elections. If the High Council continues to reject the new laws, supported by the UN, it will be subject to US sanctions prescribed by the Libya Stabilization Act.


5- National economy can benefit from the approval of the election laws:

Libyan economy experts believe that approving the election laws will help improve the deteriorating economic situation in Libya; they point out that electing a new president and unifying the legislative and executive powers will encourage and attract investments, both local and foreign, by providing the security and political stability necessary for economic growth.

In the final analysis, though Muslim-Brotherhood members were keen on hindering the approval of the new election laws in Libya, UN support and US pressures helped to counter their attempts. As a result, it is expected that the elections will be held as planned.

ABOUT FARAS

Future for Advanced Research and Studies (FARAS) is an independent think tank founded on April 4, 2014 in Abu Dhabi, U.A.E. FARAS seeks to enrich public dialogue, support decision-making and enhance academic research pertaining to future trends that currently constitute a real problem in the Middle East region. In light of instability and unpredictability, the overarching goal of FARAS is to help ward off future shocks regarding these developments.

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