



**Women in Public Life after the Revolution
- A Participatory Experience in Libya -
Women's Battle for the Elections**

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Background

Libya is a North African country with a rich constitutional and legislative life. After a bitter struggle with Italian occupation, Libya accomplished its independence and promulgated its first constitution in 1952 which was the basis of a system of constitutional monarchy. The *summa quaesitio* which the 1952 constitution answered was the territorial unity of the three regions of Barqah, Tripoli and Fezzan.

Women's political and civic engagement in Libya has historical roots; waves of women's participation rushed forward and receded depending on the sociopolitical environment. The Sanusi period was particularly welcoming, those that preceded and that followed were not. After the independence of Libya from the Italian occupation, on the grounds of the constitution of 1952, King Idris's regime tried to establish a participatory political system in which all segments of Libyan society were represented. The objectives were twofold: first to restore the position of societal forces that were crushed by occupation and second to translate a vision that participation and representation are rights and duties to be enjoyed by all members of society; women's presence was thus enhanced and they formed unions and associations, and participated in shaping public opinion through their writings and work in the media. The Libyan judiciary was a strong judiciary. It included female judges.

This space for participation did not last long. In 1969, the coup d'état led by Qaddafi launched a new era in which political participation was heavily circumvented. Qaddafi's years saw virtually all societal forces disenfranchised and deprived from participation and representation in political life. Qaddafi banned political parties and unions; the famous slogan of the Qaddafi period was "man tahazzab khan" or "whoever forms a party is a traitor." This put a brutal end to all shades of political and civic participation. Women continued to fill certain positions but their participation was reduced to formalities. Qaddafi spent the four decades of his absolutist rule trying to uproot the order in which the Libyan society lived, destroying the value system which constituted the fabric of its public order, in deconstructing the vibrant Libyan legal culture, and in implanting a culture of revolutionary anarchism

Women constitute 60% of the Libyan population which is estimated to be around 6.4 million living in an area of 1.8 million square kilometers, making Libya the third largest country in Africa regarding land area and the 17th largest in the world. Like the rest of the segments of the Libyan society, women were subjected to the spiral of injustice Qaddafi's despotic rule is notoriously known for. Unbroken and inspired by waves of mass mobilization in Tunisia and Egypt, when the Revolution broke out, women were at the forefront; and the first demonstrations that took place in Benghazi, historically the seat of all Libyan revolutions, were co-led by women.

Women, particularly young women, have been instrumental to the birth of a new Libyan civil society calling for an inclusive and just transition to democracy and national reconciliation. More than 200 organizations were established in Benghazi during and immediately after the fall of Qaddafi and more than 300 in Tripoli. Many of those organizations were initiated and/or led by young people and women's participation was central.

- **LWPP and Initiatives**

Young Libyan women then joined forces and established networks that brought news of the loss and heroism of the Libyan Revolution beyond the geographic borders of the homeland to the world. In Egypt, the leading NGO, Karama launched, with more than thirty women, the LWPP. Karama is focused on eliminating systematic violence and discrimination against women by building national, regional and international constituencies to lobby for women's rights, inclusion and advancement in all sectors and at the highest levels. The Libyan Women's Platform for Peace was formed in October 2011 to serve as a coordinating body for female civil society leaders throughout Libya working on youth and women's issues. It convenes trainings, organizes advocacy activities, and serves as a pressure group/movement for women's activists and their allies throughout Libya. It comprises members from throughout all regions of Libya, as well as nationals and members of the diaspora. As of 2012, the LWPP held a number of events and workshops that are designed to boost women awareness especially in relation to constitutionalism and elections, and empower women bracing for nomination in

future elections. A number of Libya's leading law professors and experts participated in the LWPP's events. Among the campaigns of the LWPP was the campaign geared towards lobbying for an electoral law which would enable a sound women representation in the then forthcoming General National Congress. The General National Congress was intended to serve as sovereign body with mixed powers in that it would carry out legislation and some executive tasks simultaneously during an interim period.

- **The Constitutional and Socio-Political Climate in which the Electoral Law Was Promulgated and the Elections Held**

Post-Qaddafi Libya was burdened with its thorny past yet remains full of promise. The lack of an institutional infrastructure has given the Libyan people a chance to rebuild their nation anew. There are important challenges, however, mostly related to the need for effective policy change and to resolving a legacy of regionalism and division from the Qaddafi period. Women's meaningful engagement in public space emerges at the crossroads between both Qaddafi's legacy and the current problems that have resulted from it and the promise of a new Libya. The absence of civil society under Qaddafi's government and women's limited political and economic influence in the past 40 years suggests that this issue requires urgent and careful support. Societal forces, including women, seem to have positioned the participation in elections as their top priorities, though in post-conflict societies national reconciliation should become the priority.

The country was in pressing need for civil amity. Libyan society is torn between those who are tainted as advocates of Qaddafi's regime since they belong to cities that referred to as Qaddafi's remaining strongholds and those who are supporters of the 17th February Revolution due to the fact that they belong to cities or tribes which initiated the Revolution. Even within the educational system, schools and students are sharply divided between pro-Qaddafi and anti-Qaddafi currents. The sense of societal brotherhood and citizenship is eclipsed by regional and factional inclinations which were reinforced during Qaddafi's rule by his dividing policies. Should reconciliation not be achieved in a timely manner, societal gaps will only widen. The quantity and quality of current initiatives that are designed to

restore societal amity are insufficient. Many women are busy with untargeted political agendas such as calling for more representation in the government or the Parliament at the expense of an agenda which places women's peace and security as the most urgent priority. Women and youth remain relatively absent from the decision making table. There were only two women in the Cabinet out of 24 ministers and only two women in the National Transitional Council (NTC) out of 62 members. Women have run for the local council elections. However, only one woman won the majority of votes in the local council elections in Benghazi, Najat Kikhia, a university professor, community organizer, and a co-founder of the Libyan Women's Platform for Peace (LWPP).

While the extreme violence against women which was practiced by the former regime during the liberation war/armed conflict has stopped, its repercussions are still present and the moral wounds of injured women are not yet healed. A number of women who were subjected to forceful disappearance are still not found. Raped women have not yet been put into counseling treatment. Some women and young girls are caught in the middle of the frequent military confrontations that have since taken place between armed militias, using heavy and light weaponry, that refuse to disarm. Each of the armed militias tries to impose its own deformed conception of order on the area it controls. The spread of chaotic armament results in increasing fear to move in the militarized areas. The NTC and the Transitional Government as well as the GNC and the new TG have been called for willful disarmament and demobilization. However, such calls have yielded no positive outcome. To date, no viable legal schemes have been put to work. Many women were forced to desert their homes to escape the hazards of the frequent military confrontations that have been taking place between armed militias of different cities. For example, we can look to the mixture of tribal, ethnic, and political feuds that took place recently in The South particularly Kufra and Sabha. Some leave to other cities and become domestic refugees, unable to find work or generate income. Others travel abroad mostly to bordering countries such as Egypt and Tunisia. Naturally, women suffer the most in such conflicts. That said, women's engagement in public and political affairs must come from within Libyan society with the support of regional and international advocates.

At the policy level, the NTC declared early on that one of its objectives was to restore women's participation and representation during the transitional period.

However, policies and laws seem to lack a gender sensitive approach. In November 2011, the NTC passed an election law for 200-member National Conference which will draft a permanent constitution and will hold both legislative and executive powers during the period when a permanent constitution is being drafted and put to referendum. In the first draft, there was a 10% quota for women. However, it was later dropped.

The NTC released a controversial amendment to Article 30 of the Constitutional Declaration. This amendment grants a committee of 60 individuals from outside the NTC or National Conference unilateral power to draft and re-draft a constitution should it fail in a national referendum. The move acknowledges the pressing issue of regionalism by allocating seats on the basis of Libya's three main historical regions: 20 to Tripolitania in the West, 20 to Cyrenaica in the East and 20 to the southern region of Fazzan. However, there is no mention of gender representation in the committee that will draft the constitution. The NTC then on the eve of the elections released another controversial amendment to Article 30. The amendment changed the mechanism of the selection of the Constitutional Assembly from being appointed by the GNC to being directly elected. The NTC also passed a Transitional Justice Law that lacks a gender sensitive approach; there is no mention of raped women as victims of the armed conflict nor that the truth seeking committee will have gender representation.

The NTC and the Transitional Government as well as the GNC and the new TG have failed to develop a National Action Plan on UNSCR 1325, the landmark legal and political framework that acknowledges the importance of the participation of women and the inclusion of gender perspectives in peace negotiations, humanitarian planning, post-conflict peace-building and governance adopted by the UN Security Council in 2000, or any policies that indicate interest in advancing women's security. Furthermore, there is no reference in the Constitutional Declaration or any of the laws or policies so far taken by the NTC to CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women adopted in 1979 by the UN General Assembly. On the contrary, there is fear after the speech given by the head of the NTC on the Day of Liberation regarding polygamy and the annulment of laws that contradict Shari'a that Libya's rectification of CEDAW will be revoked. A number of obstacles remain in the way of women's participation and security, including:

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- a) Spread of armed factions, ex-revolutionary groups and armed groups recently entering Libya from abroad, and the spread of weaponry and of militarized action resulting in continued absence of sufficient order and in frequent military engagements within cities and towns.
 - b) Lack of Law enforcement: Absence of a viable police able to provide a sense of security, deter crime, and enforce the law.
 - c) Absence of a deep understanding of transitional justice has made it difficult to manage the transition phase. Hence, people in general and women in particular do not have a clear conception when and how this transitional phase will end and yield to a better phase. The outcome is that women are deprived of the necessary sense of stability.
 - d) Absence of minimal pro-gender equality legislation.
 - e) Under-representation of women in state institutions: The power conflict between the

National Transition Council and the Government continued to hinder the building of national reconciliation. Over politicization/polarization and ideological dichotomization in Libyan social life precludes a healthy restoration of main societal ethics. Due to the perpetual sense of tribalism and regionalism, proposals for post-conflict electoral transitions following local practices of selection/representation are likely to replicate the exclusionary structures of the Qaddafi regime and favor well-organized groups or traditional decision-making systems that do not necessarily champion the protection of women's rights and gender equality.

Socioeconomic problems: The inability to find suitable jobs or to put together sound assistance programs to respond to the needs of tens of thousands of women who are without sufficient financial support due to the loss of or serious injury to their husbands in the Liberation war. Suddenly becoming single parents or supporting parents the majority of those women are not able to find suitable jobs, lacking the qualifications needed to meet the requirements of the job market. The government does not offer them qualification programs, nor work to create jobs that meet their abilities. They rely instead on irregular financial assistance from relatives or friends. Moreover, the inability to meet or realistically address the demands of the revolutionaries/freedom fighters of the Liberation war to be absorbed in state institutions or to be granted suitable jobs has resulted in their insistence to refrain from submitting their weapons.

Cultural schisms, regionalism, tribalism and cultural exclusiveness are augmenting in the relations between the different cities (Tripoly/Misrata/ Bani Waleed/ Sabhaha/Zintan/Ben Ghazi) and between different ethnic/cultural backgrounds (Arabs/Amazigh/ Twareg). Large segments of each culture adopt a zero-sum discourse in which the “other” is always excluded. This cultural schism is resulting in familial tension and the rise of inter-city and inter-culture prejudices, and in some cases is destabilizing inter-city and inter-culture marriages and relations.

Libyan Women’s Battle for the Elections and the Initiative of LWPP

After the NTC released its draft electoral law in January 2012, the LWPP joined many civil society groups across Libya to criticize four key areas. These were: 1) the lack of adequate provisions for women’s political participation, 2) possible interpretations that would exclude dual citizens from public life, 3) the risk of incentivizing political party formation along tribal lines, and 4) inadequate mechanisms to fight corruption in the electoral process. The Libyan Women’s Platform for Peace, along with a coalition of other civil society groups, called on all Libyans to reject the recently-issued draft electoral law, which promises only a 10 percent quota for women in the key legislative body that will create a new Libyan constitution. To voice its strong objection, the Libyan Women’s Platform for Peace issued this call to protest and reject the draft election law, and demand a quota of 40%, and no in circumstances less than 30%, for women in the new parliamentary body. Such a step was a rejection of women’s great struggle and sacrifice during the February 17 revolution, and of their current demand for full participation alongside their brothers in building a new, peaceful Libya

The electoral law mindset was basically exclusionist. It ran against the spirit of the 17th Feb revolution in which women and men fought together to foster equality, justice and democracy. Such an exclusionist mindset would have replicated tribal and patriarchal structures which in turn would disempower women. Democracy entitles that all voices are represented, those of the majority as well as those of the minority. As long as there is discrimination in society that is gender based, a legislation has to be made to protect the disenfranchised, in this case it’s women.

In analyzing the law proposed by the NTC, the LWPP's stressed four main issues that could have a negative impact on the rights of women and youth in the country. This is because the proposed electoral law, as currently written, lacks adequate provisions for women's political participation, unnecessarily excludes individuals from public life, risks incentivizing political party formation along tribal lines, and contains inadequate mechanisms to fight corruption in the electoral process. In mobilizing against the NTC-proposed electoral law, the LWPP and its partners organized a march the morning of Sunday January 22 in Tripoli, Benghazi and Derna.

- **The LWPP Alternative Law and the Zipper List Mechanism**

The LWPP stressed that international stipulations for complete women participation and the recognition by Libya of such stipulations, constitute a prime basis for the call of rejecting the draft law and the adoption of the alternative law. UN Security Council Resolution 1325 affirms the vitally "important role of women in the prevention and resolution of conflicts and in peace-building" and stresses the "importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution." To that end, the full representation of women at all levels of the decision-making process is crucial to ensure that Libya's post-conflict transition proceed smoothly and reflect the desires, ambitions, and sacrifices of all elements of Libyan society. Furthermore, Libya is a signatory to the Convention on Ending All Forms of Discrimination against Women (CEDAW) treaty, which states in Article 7, Section 2, requires signatories to take all appropriate measures to end discrimination with regards to women being able "to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government." Taken together, it is clear that women's full participation in Libya's constitution-drafting parliament is not simply smart policy; it is a vital step to comply with international treaties it has signed and bodies it is a member of.

The LWPP released a draft electoral law which seeks to address some of the limitations of the draft election law released in January by the National Transitional

Council. The draft law was drafted by a group of elite Libyan legal experts including Dr. Kuni Abouda, Salah El-Merghani, Hadi Buhamra, and Ali Dou.

Main Features of the Suggested Alternative Law:

- 1) **Women's Representation:** The LWPP's draft law proposes a "zipper list system" whereby women and men alternate one-by-one on party lists to ensure that female candidates are not placed lower on lists, and thus shut out of power.
- 2) **Tribal Affiliation:** The LWPP's draft electoral law contains a provision intended to prevent the creation of political parties based on tribal lines by prohibiting party lists from containing relatives up to the degree of fourth cousin. This will ensure the political parties working on Libya's new constitution evolve largely outside the influence of tribal politics and patriarchal structures.
- 3) **Social Inclusion:** The LWPP is also concerned by the prohibition on holders of dual nationality from serving in the PNC – a move which, ironically, would cast aside several currently serving NTC members and many who had a major role in the February 17 Revolution. The LWPP's draft law reverses this provision, and we are gratified by recent press reports indicating that dual nationality holders may now participate in electoral politics.
- 4) **Electoral Integrity:** The LWPP draft electoral law prohibits campaigning in mosques, schools, universities, on the basis of tribal and religious affiliation, and also forbids weapons to be carried near polling locations. Further, it stipulates that voter fraud or tampering with the results of elections will render the elections null and void, triggering a redo of voting.
- 5) Finally, unlike the current draft, the LWPP draft includes a strong role for Libyan civil society and International Organizations such as the UN to monitor and report on elections.

- **The Zipper List Voting Mechanism**

In late 2011 and early 2012, the LWPP successfully lobbied for an alternative electoral zipper list, which would guarantee women half of the 80 seats set aside for political parties. However, the new electoral law also included districting

specifications that split up the 80 seats to ensure “proportional representation” such that the 40 seats was no longer a guarantee. The LWPP launched a campaign to lobby for fair distribution of electoral districts calling for the 80 seats designated to party lists to be selected in a single district national election.

The modified “zipper list” system will ensure the representation of 67 women within the 200-member body of the National Congress which will be tasked with drafting Libya’s New Constitution. Under this proposal 136 seats in the National Congress will be allocated to party lists, with alternating male and female candidate.

The final election law designated a proportional districting law where seats were assigned to each district based on geography and eligible votes. The division of constituencies into an odd number created less opportunity for women’s inclusion. Still, the zipper list was a significant victory for women and in a way, more meaningful than a quota. It sends a stronger message than only appointing women and giving them side seats. Women are engaged in all the processes. Not only seats in the national congress but also in the political parties. This way it establishes that women from the very beginning—at the seed of political life—established with political parties – and has as a condition that women should be partnering men.

Issuance of the Law NO #14 for the year 2011

On February 8th the National Transitional Council released Law number 14 after a month-long campaign led by the LWPP and other civil society groups forced the NTC to delay and then scrap an initial, more restrictive draft law put forward by the council.

The Libyan Women’s Platform for Peace (LWPP) welcomed the passage of a new electoral law, which guarantees women at least 40 seats on the 200-member of the General National Congress. The finalized text relies heavily on language of the LWPP law, which was drafted by a team of leading Libyan legal experts. This was a success for the first draft of the electoral law released by the NTC only mentioned what was not even qualified as a quota of 10% representation for women was in the initial version of the law released in late January, but this provision was subsequently dropped in later versions of the bill which were made public. The finalized version

does not provide for a quota for women, but rather guarantees women's representation by requiring parties to alternate male and female candidates on their lists. Because 80 seats of the 200-member assembly are allocated to party lists, 40 women will be guaranteed seats in the assembly.

- **The Elections Outcome**

Libyan Women Won 33 Seats in First National Assembly Elections since 1952. Libya's first post-Gaddafi parliamentary elections took place July 7th 2012, reviving a national spirit that brought fireworks to the sky and people to the streets in celebration. Sixty-two percent of Libyans turned out for the elections, with over 1.7 million ballots cast and 3,700 candidates, including 624 women, running for seats. It was the first general election held in Libya since 1952, and, despite fears to the contrary, was widely commended by monitors for running fairly and peacefully, with few instances of interference or violence. The official results, released nearly ten days following the close of polls, were another cause for celebration. Unlike Egypt and Tunisia, which saw Islamist parties take the majority of votes, Libya announced a new parliament largely composed of an alliance of liberal parties. Led by former interim Prime Minister Mahmoud Jibril, the National Forces Alliance, which is made up of at least 58 parties, won 39 out of the 80 seats reserved for political parties. Meanwhile, the Muslim Brotherhood's Justice and Construction party won 17 seats, just over 21 percent of the party list 80 seats and 8.5 percent of the total assembly. The General National Congress is made up of 200 people in total and includes 120 independents, the allegiances of whom are largely unknown. But the greatest victory was for inclusion and representation of women. Forty percent of the voters were women and women candidates won 33 seats—32 through party lists and 1 independent. Women won approximately 16.5 percent of seats, closer to the percentages of Western nations like France and the United States. A total of 624 women registered as candidates—540 through political parties and 84 as independents. A number of women candidates planning to run as independents reportedly crossed over to run for the 80 seats allocated to political parties in order to benefit from built-in party support and resources, as well as a higher chance of

winning due to the “zipper list,” which required parties to ensure that women were included on the lists in alternating slots both horizontally and vertically.

It is fair enough to argue that if it weren't for LWPP's partnership with the legal team that drafted the alternative law, we wouldn't have the presence of women, yet there is still work to be done. For the first time, women were there as founders and partners of the political parties and now they need to continue this role, leading the charge in government with regard to the constitution and national reconciliation. We want to empower women with the right tools to become agents of peace and national reconciliation in order to become equal partners in rebuilding Libya.

LWPP Work on the Constitutional Declaration Amendment

On 3 August 2011, the NTC passed an interim Constitutional Declaration document that is valid from through April 2012; after general elections, the new General Assembly is expected to act under the provisional constitution for another twelve months, until April 2013.

In December 2012, the NTC released several drafts of the electoral law that eliminated a quota for women in the National Conference, among other antidemocratic measures. In response, the LWPP spearheaded a national activism and lobbying campaign to re-draft the electoral law using a mixed system, and won significant changes in a finalized version of the electoral law. The passed version allocates seats in the 200-member National Conference on the basis of “vertical and horizontal alternation” between male and female candidates for the 80 seats allotted to party lists, while 120 seats will be allocated to individual winning candidates in electoral districts. In cases where large parties dominate Libya's elections, this system could lead to up to 40 of the party seats being occupied by women. In cases where many small parties win single seats, there could be a lower level of female representation.

In late March 2012, the NTC released a controversial amendment to Article 30 of the Constitutional Declaration stating that, rather than the elected 200-member National Conference directly drafting Libya's new constitution, the National Conference, instead, would select a 60 member constitutional drafting committee from outside itself. This committee, comprised of 20 members from Tripolitania, 20 members from Cyrenaica and 20 members from Fazzan would be tasked with directly writing the constitution on behalf of the National Conference.

The LWPP's critique of the NTC's current electoral policies is twofold: first, that the selection of an unelected committee of 60 to draft the constitution bypasses Libya's electoral system and all the associated provisions for women's political participation, minority rights, and others. Secondly, the currently released electoral districts system injects geographical inequality into the electoral system, and reduces the prospects for women to gain seats in the National Conference. This section will provide an overview and analysis of each problem in turn.

The Problematic Amendment to Article 30

The released amendment to Article 30 of Libya's Interim Constitution radically changes the process and agency for writing Libya's permanent constitution. Prior to the amendment, constitutional drafting was the purview of the democratically elected 200-member National Conference. That body contained some provisions (outlined in the previous section) for women's participation of up to 40 seats within the party list system.

The amendment to Article 30 grants a committee of 60 individuals from outside the NTC or National Conference unilateral power to draft a constitution, and re-draft it, should it fail in a national referendum. The move makes a nod to the pressing issue of regionalism by allocating seats on the basis of Libya's three main historical regions - 20 to Tripolitania in the West, 20 to Cyrenaica in the East and 20 to the southern region of Fazzan.

While it is a praiseworthy effort to acknowledge the need for fair representation of all Libya's regions, as written the amendment to Article 30 contains significant problems. **First**, the committee of 60 is selected, not elected, and thus bypasses the direct democratic process and leaves open the possibility of cronyism in the appointment process. **Secondly**, should a large party or political coalition win a simple majority (51%) of the seats in the National Conference, they will have power to unilaterally select all 60 members of the constitutional drafting committee. This bypasses the provisions made for inclusion of women and leaves open the real possibility for abuse of the rights of political minorities in the drafting process. **Finally**, the measure provides no criteria for selection of the committee of 60 and does not state on what basis appointments will be made. Taken together, this amendment is at best deeply ambiguous and, at worst, an abrogation of democratic principles.

LWPP's Recommendations on Article 30

The LWPP, after extensive consultations with officials, legal experts and civil society leaders proposed the following amendments to Article 30:

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- 1) With a two-thirds majority, the National Conference shall appoint a Technical Committee of experts to write the constitution appointed on the basis of equality between the geographical regions and in consultations with civil society organizations to guarantee the representation of women.
 - 2) The committee will create a draft constitution which must be ratified by a two-thirds majority of the committee.
 - 3) The National Congress must ratify the draft constitution article by article, with a two-thirds majority.
 - 4) The National Congress must present the ratified constitutional draft to the Libyan people for a yes or no referendum no later than 30 days from its ratification.
 - 5) If the draft is approved by a two-thirds majority of Libyan voters, it shall go into effect within two weeks of the referendum. In the case of non-approval, the draft Constitution shall be referred again to the Technical Committee for redrafting after discussion at the National Congress and the subsequent referendum must take place within a period not to exceed thirty days.

The Problematic Electoral Districts Law

The LWPP also rejected the proposed electoral districts law, which was released in late March 2012. According to the latest law released by the NTC (Law 14 on the distribution of constituencies) the 120 individual-basis seats will be allocated to 13 constituencies & the 80 party list-basis seats will be allocated to 20 sub-constituencies.

These constituencies are in turn divided into sub constituencies (sub electoral districts). The problem with this distribution can be summarized as follows: First, dividing constituencies into smaller sub- constituencies increases the electoral prospects for bigger political parties and reduces the chances for smaller or minor political parties to be represented in the National Conference.

Second, dividing smaller constituencies into smaller and in particular odd numbers of sub constituencies violates the rule of "horizontal alternation" between male and female candidates on party lists, as stipulated in article 15 of the Electoral Law. The law's aim is that each party should have at least 2 lists, one starting with a male candidate and the other by a female candidate, and this is impossible with an odd number of electoral districts.

Third, according to this distribution of constituencies such as Gheryan, Western Mountains, Rijban, Asbi'ah, Galu, Mizda, and many others, will only have constituencies for independent seats. This means that political parties will not be able to run in these constituencies unless they support an independent candidate. This arrangement injects a geographically-based inequality into the electoral system and further distorts the ability for female members of the National Congress to achieve even representation across Libya.

As for women, they will have little chance to run in these constituencies because, after abolishing the quota, women have low chances in running as independents in single-member districts. The only chance they have is through their mandatory inclusion on political party lists. As currently written, women in these western constituencies will be deprived of their right to be represented in the National Congress, and thus in Libya's political future.

Recommendations for Amending the Electoral Districts Law

The LWPP rejected the latest version of the law on distribution of electoral districts and in its stead, and called for adopting an alternative proposal on the distribution of the 120 electoral seats on the following basis:

- 40 individual seats in the East (Cyrenaica)
- 40 individual seats in the West (Tripolitania)
- 30 individual seats in the South (Fazzan)
- 10 individual seats in Central Libya

Regarding the 80 party list seats, Libya would be considered a single, unified electoral district, but with two fully overlapping layers (each party runs a single list in each layer, one headed by a woman, the other by a man) to ensure the equal representation of women and men across party lists.

Implementation Strategy

Though there was little time to act before the NTC moves forward with its electoral system, but there were encouraging signs that civil society is mounting a forceful campaign to change these two flawed policies.

In late March 2011, the Libyan Women's Platform for Peace launched a national campaign entitled "Adelha, Mathamishnish." The campaign, whose Arabic name translates to "Amend it, don't Marginalize Me," has garnered so far the signatures of over 70 independent activists and representatives of Libyan civil society groups from all over the country. Volunteers have contributed significant personal time and resources, designing the logo, writing articles, and creating other graphical materials for the campaign.

With a heavy presence on social media, the campaign was gathering force, and was garnering significant coverage in domestic and international media. The campaign had a democratic, non-sectarian ethos and is open to support from politicians and parties, NGOs, civil society leaders, and anyone regardless of geography or political affiliation who is in favor of fair distribution of electoral districts while also preserving the democratic political process.

LWPP Advocacy on the Constitutional Drafting Process

From August 30 to September 1 2012, Karama and the Libyan Women's Platform for Peace (LWPP) convened a group of 37 Libyan activists, as well as two members of the General National Congress, in Tripoli to develop women's and youth strategies for influencing the Libyan constitutional drafting process. The session came at a critical time when the modality for selecting the Constitutional Drafting Committee has not yet been determined. Just before the elections, the National Transitional Council (NTC) stripped the General National Congress of its powers over the constitutional process. Rather than being appointed by the new congress, the constitutional commission actually drafting the charter will now be directly elected in a second round of polls that give equal representation to various regions of the country. This decision has proved to be highly controversial, and it is anticipated that it could be repealed or challenged. Libyan legal experts, Azza Maghur, Salah Marghani and Hadi Buhamra led the two-day session, which also touched on the implications of having Islamic sharia as a source of law and the best ways to lobby the constitutional committee under various scenarios.

The participants agreed on a series of formal recommendations [for Libya's congress that, if enacted, would preserve the independence of the constitutional drafting

committee from the General National Congress, ensure the input of legal experts, civil society, diverse segments of the population; and ensure that at least 30% of the constitutional committee be comprised of women.

The participants also launched a campaign called “Hay’a Sah” (“The Right Committee”) to lobby the General National Congress for selecting a diverse and independent constitutional committee. This campaign built on LWPP previous initiative starting in March to oppose the amendment by the NTC of Article 30 of the Constitutional Declaration that would marginalize the voices of women and civil society.

This is an area which LWPP intends to further work on.

1. Propose an inclusive electoral law to insure fair and qualified representation. Bring national legal experts and GNC members with International legal experts to draft an electoral law for the election of the Constitutional Assembly.

2. Train candidates of the Constitutional Assembly on specific areas of the constitution while bringing international experts to focus on integration of International Conventions in the constitution.