

# Libya: TNC releases anti-democratic draft electoral laws

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13 January 2012

Libya's self-appointed Transitional National Council (TNC) last week released draft laws governing elections scheduled later this year for a "General National Congress."

The Congress is supposed to elect a new government to replace the TNC, and draft a new constitution to be put to a referendum. The deeply anti-democratic draft electoral laws make clear that the new governing body, like the NATO-installed TNC, will be carefully vetted by the US and European imperialist powers and will represent different regional and tribal elite cliques against the interests of the Libyan people.

The draft legislation features provisions preventing people nominating themselves as candidates for the Congress. Libyan workers are blocked from participation by the requirement that candidates must have a "professional qualification." Virtually everyone who worked at any level of Moammar Gaddafi's former government is barred, unless they can demonstrate "early and clear support for the February 17th revolution." Those with an academic degree in Gaddafi's "Third Universal Theory" or Green Book—previously required by many people to advance their careers—are ineligible.

Other statutes reportedly disqualify people who allegedly benefited monetarily from the regime or received diplomas or university degrees "without merit." Massaoud El Kanuni, a Libyan lawyer specialising in constitutional law, told the *Wall Street Journal*: "That criteria could be used against three-quarters of the country. How are we going to follow a

path of national reconciliation if so many people are excluded from [the country's] future?"

The electoral laws underscore the fraudulent character of the efforts to provide a democratic veneer to the NATO intervention. From the beginning, the US and European powers aimed to oust the Gaddafi regime and install a pliant administration to secure control of the country's lucrative oil reserves and bolster their geostrategic position in North Africa.

The TNC largely comprises ex-Gaddafi regime figures, Islamist elements, CIA assets and tribal leaders. On December 17, the *Guardian's* Tripoli correspondent reported: "The TNC refuses to say who its members are, or even how many there are. Although it appointed a cabinet last month, policy decisions are taken inside what amounts to a black box. Meetings are held in secret, voting records are not published, and decisions are announced by irregular television broadcasts. Typical was last week's announcement, which came out of the blue, that the oil and economy ministries would be moved to Benghazi, and the finance ministry to Misrata."

These moves sow the seeds for the further fragmentation of Libya, as rival regional and tribal cliques vie for power and control over the country's wealth.

Different militias that served as proxy forces for NATO during its regime-change campaign have carved up Tripoli into zones of influence. Military checkpoints separate brigades from eastern Libya, Misrata, Zintan and different ethnic minorities such as the Berbers, with each outfit flying its town or tribal flag in the areas it

controls. Islamist brigades, including one led by former Al Qaeda ally Abdel Haqim Belhaj, who claims authority over Tripoli, are also prominent. Firefights have erupted between militias in recent weeks, including a clash on January 3, which killed four people.

The TNC has attempted unsuccessfully to persuade the militias to integrate into the so-called Libyan National Army. The army is little more than another militia, comprising an estimated 200 fighters from eastern Libya. According to the *New York Times*, CIA asset Khalifa Hifter has recently “emerged as the army’s most influential officer,” though Yousef Al-Manqoush, a former Gaddafi military commander who retired in 1999, is the official head of the force.

The militias function as mafia-type outfits. A revealing incident occurred on December 10, when Libyan National Army troops failed to capture Tripoli’s main airport from a militia from the small western town of Zintan. The militia is desperate to control the airport so it can secure a cut of the billions of dollars in previously frozen Libyan government assets. “The glittering prize immediately in prospect is a consignment of several billion dinars, printed in Germany, which is due to be flown into Libya on board five cargo planes,” the *Guardian* explained. “Whoever controls the airport when the cash arrives will be able to levy a hefty security fee for delivering it to the country’s central bank.”

Ongoing militia clashes may provide a pretext for the TNC to postpone the General National Congress elections, planned for July, and the subsequent vote on a new constitution in 2013. On January 3, TNC chairman Mustafa Abdul Jalil declared that the violence threatened a slide into civil war, warning: “If there’s no security, there will be no law, no development and no elections.”

Behind the scenes, the scramble for control over Libya’s oil continues. Tripoli and Benghazi are nests of intrigue, with the rival imperialist powers vying for energy contracts.

*Bloomberg* last week published an article entitled,

“Italy Last Among Libya Friends for Potential Oil Concessions.” It welcomed statements issued by Ali Tarhouni, who served as the TNC’s minister of oil and finance between March and November last year. Tarhouni declared that the US and France did not come across as “someone who is basically grabbing” and are “playing it right,” while Italy “will take time to figure it out.” The former minister pointedly listed Libya’s “friends” in the following order: France, the US, Britain and Italy. “We are indebted to the French, and I cannot find the right words to say it,” he declared. “If everything else is the same, of course we will remember our friends.”

However, the TNC’s current oil minister Abdul-Rahman Ben Yezza is a former executive with Italy’s oil corporation ENI, which was the dominant foreign oil firm operating under Gaddafi. Prime Minister Abdel Rahim al-Kib issued a statement in late December declaring that “contracts signed between ENI and the former regime are going to be reviewed and re-examined to meet Libya’s interests before being executed,” adding that ENI had to prove its loyalty to Libya by “playing a significant role in the reconstruction of the cities destroyed by Gaddafi’s forces.” Yezza was reportedly involved in the subsequent discussions that resulted in Kib disavowing his criticisms of ENI and insisting that his comments on reviewing oil contracts had been misinterpreted.



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