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**To: Ministry of Foreign Affairs of Germany**

**From: UNDP-Libya**

**Subject: Fund request to support the New Parliament of Libya**

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**UNDP support to the New House of Representatives HOR of Libya**

**Concept Note**

**Background**

Following a long period of dictatorship, Libya is undergoing a democratic transition in line with the commitments made in the August 2011 Constitutional Declaration. In July 2012 the first democratic elections were held and a General National Congress “GNC” was elected.

The GNC was the legislative power of the country and established gradually a secretariat to support the daily work of the elected members. Nevertheless, limited staff remains familiar with the nature of the work of the legislative institution. It was also noted that the committees were unable to perform their duties due to the lack of qualified staff in one hand and the lack of the experience in parliamentary work on another hand. The quality of the legislation produced by the GNC was often criticized. In addition to a complete confusion between the legislative and the executive power in terms of roles and prerogatives.

The GNC adopted in 2012 the rule of procedures for its functioning and organization. It is made up of 172 articles, the procedures were set according to article 2 to “ensure the freedom of expressing opinion and thought of all the members of the Congress regardless of their political or partisan orientations or affiliations in accordance with the public order and morals”.

The GNC operated with the rule adopted for almost two years. However, and based on a research paper conducted by UNDP the rules unable the elected body and the administrative body to perform their duties and mandate properly. The deadlocks provoked by the misinterpretation and the ambiguity of some provisions of the procedures resulted several complications to the GNC management and work.

Areas of glitches include:

* Management of the sessions and the committees (legislative process)
* The role of the rapporteur and his deputy
* The role of the three parliamentary administrators (questeurs)
* Communication management and the role of the spokesperson
* The relationship between the GNC’s chief of cabinet and the presidency bureau

The miscommunication with the public and media were also the main issues contested. In February 2014, protesters against the GNC stormed its Tripoli headquarters, demanding the non-extension of the GNC mandate. One month later, on 16 May, 2014 [Khalifa Belqasim Haftar](http://en.wikipedia.org/wiki/Khalifa_Belqasim_Haftar), a senior military officer in [Libya](http://en.wikipedia.org/wiki/Libya) oversaw a large scale air and ground offensive in the [Benghazi](http://en.wikipedia.org/wiki/Benghazi) area in what Haftar described as a "correction to the path of the Libyan revolution". This offensive targeted Islamist militias in Benghazi and was what Haftar referred to as Libya's new "war on terrorism". On 18 May, 2014 the operation was extended into Tripoli, with the storming of the Libyan General National Congress building and paralyzed the work of the GNC including the administration for weeks. New Parliamentary election were activated and held on 25 June 2014 as part of the agreement on the transition of Libya.

Nevertheless, the announcement of the results of the election where the start of an armed conflict between the Islamists and nationalists unable proper transition between the GNC and the HoR.

The GNC, sitting in Tripoli claim is the only legitimate legislative body and the House of Representatives, sitting in Tobruk claiming the same thing.

The militia groups, many of whom are allied to rival politicians, have been fighting for power among themselves.

In this context, UNDP will continue to support the elected House of Reprenative and provide the newly elected members with the tools and the information needed to facilitate their mandate within the new context and challenges of the democratic transition of Libya.

**Objectives**

The new parliament within the timeframe of the next legislature needs to reinforce its institutional capacity as well as its public image. A strong development of the Parliament is a pre-requisite to institute the practice of democratic governance and henceforth provide the adequate platform for a proper elected national institution representing all the people of Libya.

This additional support is an attempt to contribute to Parliament efforts and provide an opportunity to the newly elected members to reinforce their knowledge on their role and their legislative work with respect to the following key objectives:

1. ***Support the representative role of the elected members and establish a platform for consultation and dialogue***

The challenges of arms proliferation, political violence and instability in Libya call for an increased attention to the new elected parliament as an institution with key role in peace building and conflict prevention. Therefore, UNDP, in close consultation with key actors and UNDP’s partners in Libya, will be launching a dedicated series of activities towards empowering the new parliament as actor of crisis prevention. The activities will focus on the following:

* Reinforce the capacities of the elected members in terms of knowledge on mechanisms of dialogue and consultation
* Share approaches and experiences on consultation and dialogue
* Dissemination of good practices
* Facilitate meetings and round tables between elected members and civil society organizations and other groups in Libya or in Tunisia
1. ***Support the legislative wok of the elected members and the committees***

Laws of good quality and of precise and transparent procedures are essential elements of rule of law. This requires thechnical expertise in legilsation in addtion to the participation of the public and of all governmental and parliamentary institutions in the legislative process.

In this context, the project will support the new parliament to produce good legislation through thechnical workshops foscing on the legal drafting and the legilative process. Training sessions will be provided for committees’s staff as well as the MPs to reinforce their legal knowldge and drafting thechniques.

1. **Reinforce the communication of the Council and establish the media center of the CoR**

The Complexity of the parliametry work, as well as respect and consideration of the political nature of the instutution, make it difficult for legislators to organize the communication. This challenge is being observed in several Arab parliaments and it is even more acute in countries which undergo periods of transition, such as Libya. In this context, UNDP project will support the design of a communication startegy and support its implemetation at the commiittees level and at the parliament in general. The strategy will include the establishment of a media center

**Methodology**

This additional support is envisioned to reinforce the HoR institution through facilitating discussions and exchange among the elected members around key topics. It is also a sequence of activities, which come in four main categories:

* Advisers
* Trainings
* Publications and manuals
* Study missions and exchange of experiences

For a detailed breakdown of the activities, reference is made to the “Results Framework” including the budget. The overall feature is as follows:

1. Advisers will be recruited. They will be commissioned to address key facets of institutional capacity. Regulations and processes will be established and proposals for improvement will be suggested. Advisers will be placed in different departments and for different periods of time. Some will advise the President’s (speaker’s) office; others will address internal Secretariat matters.
2. Training will remain a top priority. Development of individual skills and knowledge will be facilitated through provision of relevant long term training programs.
3. The project will encourage the production of guides and manuals and will commission research papers to provide the new elected members with the information needed to perform their mandate and facilitate their decision making.
4. Study missions and exchange of experiences: the project will encourage the exchange of experiences. Special attention will be devoted to the **Parliament of Germany** as well to the **political Federal system of the Germany**.

The project will provide support to the HoR in Libya when the security situation permits or remotely. Workshops and meetings could be convened in Libya, Egypt or Tunisia depending on the security environment. Regular contacts through phone and email will be also ensured with HoR staff and members. New information technologies offer significant methods of regular communication and the project will explore various ways to secure regular contacts with the HoR.