

# Elections in Libya: A Troubled Democratic Transition

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## Abstract

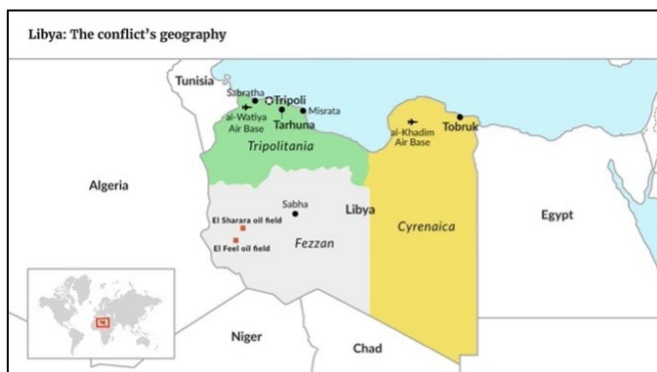
The democratic transition in Libya may be in peril because of an escalating, multidimensional crisis in the country. The crisis' internationalized nature has undermined domestic stability, with many countries vying for influence and the spoils of war. These rivalries have seeped into an election process that was originally envisaged to be a method for attaining legitimacy. Instead, it is in danger of being hijacked, which would consolidate division and increase the risks of relapse into conflict. A delay to December's elections, an extension of the transitional period, and divided institutions are again possible, recycling old developments. Ultimately, given the urgency of elections, a representative transition needs to be facilitated in Libya for overdue stability and development.

## Introduction

Since Libya's dictator of 42 years, Muammar Gaddafi, was deposed in 2011, the country has been in a state of flux. A relatively peaceful transfer of power in 2012 made way for civil war in 2014, a managed peace process in 2015, another civil war in 2019, and a fragile peace since late 2020. The current situation sees one United Nations-recognized government, the Government of National Unity (GNU)—formed in March 2021 after an elite-level power-sharing agreement was reached—as the sole legitimate authority in the country. The GNU's formation involved a 74-member forum voting

on electoral lists consisting of its Prime Minister and a separate Presidential Council, which has a member from each of Libya's historical three provinces—Tripolitania, Cyrenaica, and Fezzan (Figure 1). However, the GNU has seen its mandate challenged by influential stakeholders, both domestic and foreign. As a result, this policy brief aims to address the international context and current dynamics surrounding the democratic transition in Libya, with an eye on scheduled elections on 24 December 2021, Libya's Independence Day.

Figure 1: Libya Map



Source: Geopolitical Intelligence Services

## State of Affairs

The current government—the GNU—was preceded by the Government of National Accord (GNA), which was created in 2015 through the Libyan Political Agreement (LPA), signed in Skhirat, Morocco and co-mediated by the latter under the auspices of the United Nations (UN). The LPA represented an opportunity to bring actors together around a unity government and offer a consensus-based solution to domestic problems that had already torpedoed internal organic peace processes.

While the GNA was in place, the country's institutions remained divided between western and eastern regions. This included the Government, the House of Representatives, the Central Bank, and the National Oil Corporation. In the West, the GNA was led by Prime Minister Fayez al-Serraj, and in the east, the main actor was Khalifa Haftar, a renegade former general leading the Libyan Arab Armed Forces (LAAF). The GNA was backed mainly by Turkey and Qatar, while Haftar was materially supported by mainly Russia, the United Arab Emirates (UAE), Egypt, France, Saudi Arabia, and Jordan—for different reasons and with different levels of commitment—in his efforts against the GNA, despite its endorsement by UN Resolution No. 2259<sup>1</sup>.

This situation came to a head on April 4, 2019, when Haftar began an offensive against Tripoli<sup>2</sup>. In a recording released on Facebook, Khalifa Haftar declared war against the UN-backed government in Tripoli. The GNA

1. <https://www.un.org/press/en/2015/sc12185.doc.htm>

2. <https://www.libyaobserver.ly/news/khalifa-haftar-declares-war-tripoli>

was taken by surprise and ordered its security forces to mobilize, subsequently announcing a counteroffensive the next day dubbed the ‘Volcano of Anger’<sup>3</sup>. In terms of Haftar’s international backers, Russia—which blocked a resolution in the UN Security Council that called for a halt to the offensive—and others viewed Haftar as the strongman solution that best served their foreign policy aims. Even then-United States National Security Advisor, John Bolton, gave Haftar’s offensive the administration’s tacit approval<sup>4</sup>. As a result, a war raged on Tripoli’s outskirts for months with far-reaching humanitarian consequences.

This ultimately led to the Berlin Conference, a German-led initiative held on January 19, 2020, which essentially attempted to get influential international states around the same table to agree to stop fueling the conflict in Libya. This was part of the Berlin Process, the second step in then-UN Special Envoy Ghassan Salamé’s 2019 three-step initiative to stop the “*third war since 2011*”<sup>5</sup>. Al-Serraj and Haftar both attended but did not meet or participate in the principal talks. Overall, it was a way for mainly European countries to show they still had key interests in the Libya file and had a role to play alongside the countries that had gained powerbroker status: Russia and Turkey. The UN arms embargo, in place since 2011, was a key part of the conference, and participants agreed to adhere to it<sup>6</sup>, though there were no actionable consequences in place if they acted otherwise.

Regrettably, the arms embargo, a key basis of the Berlin Process, was immediately violated by the invited participants and signatories of the agreement. On January 25, 2020, the United Nations Support Mission in Libya (UNSMIL) stated that “*over the last ten days, numerous cargo and other flights have been observed landing at Libyan airports in the western and eastern parts of the country providing the parties with advanced weapons, armored vehicles, advisers and fighters*”<sup>7</sup>. On February 12, the UN Security Council adopted Resolution

3. <https://www.aljazeera.com/news/2019/04/libya-gna-forces-announce-counteroffensive-defend-tripoli-190407121535177.html>

4. <https://www.nytimes.com/2020/04/14/world/middleeast/libya-russia-john-bolton.html>

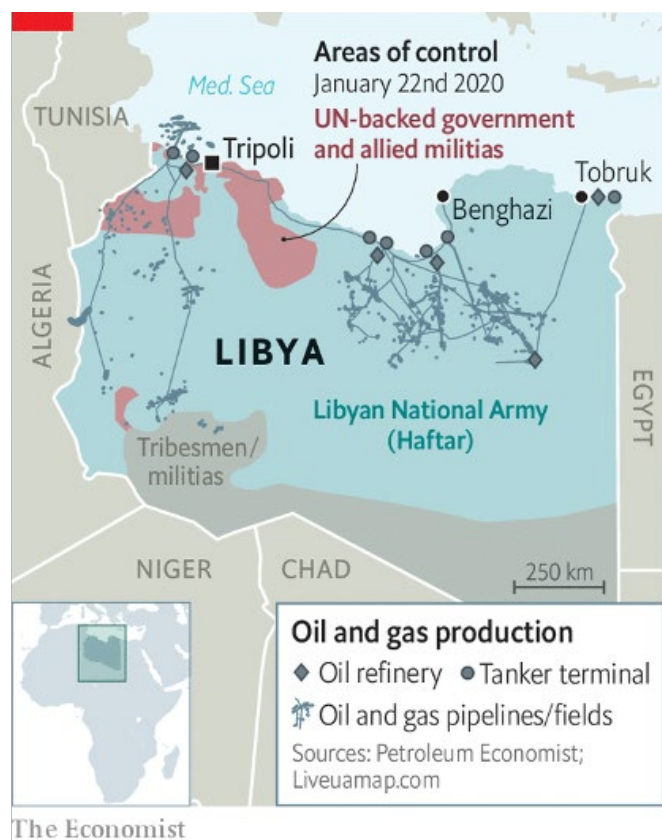
5. <https://unsmil.unmissions.org/remarks-srsg-ghassan-salamé-united-nations-security-council-situation-libya-29-july-2019>

6. <https://reliefweb.int/report/libya/berlin-conference-libya-conference-conclusions-19-january-2020>

7. <https://unsmil.unmissions.org/unsmil-statement-continued-violations-arms-embargo-libya>

No. 2510, which supported the conclusions of the Berlin Conference, with fourteen votes in favour and Russia abstaining<sup>8</sup>. This was only cosmetic, as a report sent to the UNSC in September 2020 made plain<sup>9</sup>. It stated that eight countries had continuously violated the embargo. According to the report, the UAE and Russia sent five cargo aircraft filled with weapons to Libya on January 19, 2020, the day of the Berlin Conference and at a time when Haftar's LAAF controlled most of Libya (Figure 2).

Figure 2: State of play in January 2020



On the ground, as the war continued in Tripoli, the tide began to turn irreversibly when the GNA recaptured the strategic Al-Watiya airbase on May 18. This was the LAAF's only airbase in western Libya—essentially under Haftar's control since 2014<sup>10</sup>—and had been used for logistical purposes and to launch airstrikes. Ultimately, it was Turkey's hybrid military strategy that proved to be effective, and its support was critical in

tilting the offensive in the GNA's favour. Its intervention reclaimed the air superiority from the LAAF, mainly through its Turkish Bayraktar TB2 drone<sup>11</sup>, but it was a process that had commenced in January 2020 when air defense systems were deployed in western Libya<sup>12</sup>. The capture of al-Watiya was consolidated after a key LAAF resource, the Russian Wagner Group, began withdrawing its mercenaries shortly after<sup>13</sup>. This represented a significant setback as the LAAF relied on Wagner for essential support; Wagner had increased its personnel in Libya to around 3000 during the second quarter of 2020, according to the U.S. Department of Defense<sup>14</sup>. Subsequently, on June 4, GNA forces took full control of Tripoli. This would signal the battle's endgame, as the LAAF and Wagner began moving to Sirte, a strategic city at the opening of the oil crescent in Libya's center. While the GNA initially attempted to capture Sirte, their efforts were rebuffed and over time Sirte crystallized as the midpoint. Now, a line between Sirte and Jufra divides the two sides, with the airbases there seeing "the movement of foreign fighter jets and cargo aircraft providing logistical support to foreign mercenaries... [continuing] unabated."<sup>15</sup>.

After a ceasefire was reached in September 2020 by military representatives of the GNA and the LAAF<sup>16</sup>, the peace process was accelerated. This culminated in the Libyan Political Dialogue Forum (LPDF), which held its first round in Tunis in November, and its convention in Geneva in February 2021 at which its 74 members selected a new executive authority to replace the GNA. In a shock result, the list of heavyweights, which included the GNA's Minister of Interior and the Speaker of Parliament, lost their positions<sup>17</sup>. Instead, in a case of tactical voting, a list consisting of a GNU led by Abdelhamid Dabaiba (a wealthy Gaddafi-era businessman) and a Presidential Council led by Mohamed al-Menfi (a former ambassador to Greece) emerged. While a top-down and elite-level arrangement, the LPDF achieved one primary objective:

11. <https://www.mei.edu/publications/turning-tide-how-turkey-won-war-tripoli>

12. <https://edam.org.tr/en/turkeys-air-defense-system-deployments-to-libya/>

13. <https://www.thetimes.co.uk/article/elite-russian-mercenaries-wagner-group-run-out-of-tripoli-by-turkish-forces-j5bqcmjtz>

14. <https://www.dodig.mil/reports.html/Article/2331453/lead-inspector-general-for-east-africa-and-north-and-west-africa-counterterrorism/>

15. <https://reliefweb.int/report/libya/united-nations-support-mission-libya-report-secretary-general-s2021752-enar>

16. <https://news.un.org/en/story/2020/10/1076012>

17. <https://www.libyaherald.com/2021/02/05/breaking-new-libya-government-selected-by-lpdf-in-geneva/>

8. <https://www.un.org/press/en/2020/sc14108.doc.htm>

9. <https://www.nytimes.com/2020/09/03/world/middleeast/libya-russia-emirates-mercenaries.html>

10. <https://www.theguardian.com/world/2020/may/18/forces-allied-to-libyan-government-retain-key-al-watiya-airbase>

agreeing to overdue elections, a dynamic that would soon be instrumentalized.

## International Context

Libya's internationalized conflict has seen many different foreign states vie for influence in the North African country, with profound consequences—primarily for Libyans but also for African societies, the Euro-Mediterranean region, and the world at large. Intervening states, as documented by the U.S. Department of Defense (Figure 3), include Russia, Egypt, the UAE, France, Turkey, and Italy.

**Figure 3: DoD Lead Inspector General Quarterly Report July–September 2020<sup>18</sup>**

Nations Supporting the GNA and LNA

	Diplomatic	Military	Economic	Intelligence/Counterterrorism	Social Media Disinformation
<b>Supporting the Government of National Accord (GNA)</b>					
Turkey	•	•	•	•	•
Qatar	•	•			
Italy	•			•	
Germany	•				
<b>Supporting the Libyan National Army (LNA)</b>					
Russia	•	•	•	•	•
Egypt	•	•	•		
United Arab Emirates	•	•	•		
France	•	•		•	
Chad		•			
Jordan		•			
Sudan		•			
Saudi Arabia			•		

Sources: USAFRICOM J22, response to DoD OIG request for information, 20-A NWA 11A and 11B, 9/28/2020; Lead IG analysis derived from open sources.

Russia has been a key player in Libya, propping up the LAAF militarily and economically. It hopes to gain preferential access to oil reserves as well as another naval base to encircle NATO and to further solve its traditional strategic impediment of a lack of numerous warm-water bases. It is generally regarded as a kingmaker due to its pragmatic relationship with Turkey and its non-ideological stance, though it operates outside international law with Wagner, a private military company<sup>19</sup>. The UAE, with its ideologically driven approach, has actively backed the LAAF by proxy, including by shipping in Sudanese

mercenaries<sup>20</sup>. The UAE benefits from an outfitted airforce and immense financial resources, but it has been more cautious recently with Joe Biden in the Oval Office. It should be noted that, if a strongman does not emerge victorious in Libya, it would have an effect on the UAE's grand strategy of clamping down on specific forms of government. France has backed Haftar and the LAAF. Like the UAE, it has committed to Haftar as an individual even though he has been problematic in terms of political processes taking shape. Paris has elevated a particularly pro-Haftar official, Paul Soler<sup>21</sup>, as its special envoy, with French Foreign Minister Le Drian believing Haftar "to be part of the solution"<sup>22</sup>. However, it has also tried to play both sides, so it is generally not seen as sincere by western authorities. France has a strong and historical presence in the region—which accentuates the Fezzan's (Libya's south) importance—with Total securing its oil investments since the 1950s and France importing more than 15% of its crude oil needs from Libya pre-2011<sup>23</sup>. Egypt has a border with Libya and belongs to the tacit UAE-France axis, sharing the UAE's strong stance against Islamism in the region. Despite backing Haftar, it is more pragmatic than others and has hosted some diplomatic talks, such as the so-called military track. Since the GNU's installation, Cairo has hedged its bets, reopening its embassy in Tripoli and recently signing 14 memorandums of understanding and six agreements with the government in multiple fields<sup>24</sup>. Turkey strongly backed the internationally-recognized GNA, signing bilateral deals on maritime boundaries and military cooperation. This has led to close coordination with the GNU, particularly on security issues<sup>25</sup>, and Turkey has an ongoing presence in bases in Tripoli and Misrata. It mostly has economic interests in Libya, such as valuable reconstruction contracts (it established Libya's largest concrete factory in February 2021<sup>26</sup>), but also to facilitate

18. <https://www.dodig.mil/Reports/Lead-Inspector-General-Reports/Article/2427451/lead-inspector-general-for-east-africa-and-north-and-west-africa-counterterrori/>

19. <https://carnegieendowment.org/2020/06/02/improbable-deniability-russia-s-private-military-companies-pub-81954>

20. <https://undocs.org/Home/Mobile?FinalSymbol=S%2F2021%2F40&Language=E&DeviceType=Desktop>; <https://www.atlanticcouncil.org/blogs/menasource/libya-has-a-mercenaries-problem-its-time-for-the-international-community-to-step-up/>

21. <https://www.theafricareport.com/24823/france-libya-marshall-haftar-the-controversial-friend-of-the-elysee/>

22. <https://www.diplomatie.gouv.fr/fr/dossiers-pays/libye/evenements/article/jean-yves-le-drian-la-france-est-en-libye-pour-combattre-le-terrorisme-02-05-19>

23. [https://www.economist.com/blogs/dailychart/2011/02/libyan\\_oil&gt;](https://www.economist.com/blogs/dailychart/2011/02/libyan_oil&gt;)

24. <https://english.ahram.org.eg/News/423233.aspx>

25. <https://aawsat.com/home/article/-«استمرار»-تدريب-القوات-اللبنانية>

26. <https://www.dailysabah.com/business/economy/turkeys-karanfil-group-establishes-libyas-largest-concrete-factory>

an anti-encirclement strategy. The United States and its diplomacy in Libya have been revitalized with the Biden administration. It introduced a Special Envoy for the country—Richard Norland, the U.S. Ambassador to Libya. These dynamics have translated into greater leadership, an insistence on helping facilitate December’s elections, and a demand that all foreign forces must depart Libyan soil immediately. The aim is primarily to contain Russia’s deepening influence and avoid NATO’s potential encirclement. Italy, which historically incorporated Libya as a colony (formally between 1912-1947<sup>27</sup>), had a good relationship with the GNA, which has developed into an effective rapport with the new government. However, its approach has sometimes been criticized as it has entertained eastern factions. Libyan hydrocarbons fulfil 10% of Italy’s energy needs<sup>28</sup>—importing more than 20% of its crude oil from Libya pre-2011<sup>29</sup>—with its interests mostly in the west of Libya. In that regard, ENI, the Italian energy company, recently announced it would be expanding its offshore presence in Libya towards increased gas production<sup>30</sup>.

## Post-Conflict Democratic Transition

Since the GNU’s formation, it has operated mostly as expected, relying on consociationalism and various patronage networks to govern. This has included adopting a carrot-dominant approach, initially to parliament then the public, which has benefitted from handouts such as a new marriage grant<sup>31</sup> and increased teacher salaries<sup>32</sup>. GNU Prime Minister Dabaiba has historical relations with Libya’s elites; indeed, it is notable that the location where his cabinet was endorsed, Ouagadougou Hall in Sirte—which was built in the 1990s and is one of the largest in Africa—was overseen by Ali Dabaiba, Abdelhamid’s cousin and a close Gaddafi aide<sup>33</sup>. It was built through the Organisation for Development of

Administrative Centers (ODAC), a state-owned body in charge of large public-sector infrastructure projects historically influenced by the Dabaiba family (and that has announced a new set of projects<sup>34</sup>). With PM Dabaiba’s initial formation of a cabinet of 35 ministers, despite a mandate of only nine months, it was clear Dabaiba may eventually attempt to delay the scheduled elections and, therefore, the transition. In this regard, with a power-sharing arrangement comfortably in place, he has not been the only one. While elections are an admirable goal and should be prioritised, many pitfalls have not been addressed, in some cases deliberately. This includes the lack of constitutional basis, which had a deadline of July 1, 2021, set by the High National Elections Commission to ensure there is sufficient time for preparations<sup>35</sup>. However, LPDF delegates failed to agree during contentious negotiations, with the substantial differences revolving mainly around who should be allowed to run and if elections should be postponed altogether. As a result, in August, the LPDF’s committee “*acknowledged that all possibilities of reaching a compromise on a single proposal [for a constitutional basis] had been exhausted and therefore requested USMIL transmit*” four different proposals<sup>36</sup>.

Subsequently, after months of deadlock, House of Representatives (HoR) Speaker Agila Saleh—a historical ally of Khalifa Haftar—unilaterally declared a presidential electoral law on September 9, 2021, which was met with stern opposition<sup>37</sup>, arising from the law’s scope and Saleh’s circumvention of the High Council of State (HCS) in Tripoli, despite its input being required by Article 23 of the LPA. Moreover, House of Representatives regulations—notwithstanding being expediently amended numerous times in recent years—were violated in the process due to a lack of a qualified majority and parliamentary vote<sup>38</sup>. To add to the ominous nature of the law’s strong presidential model, its Article 12 acts as a failsafe; it states that every candidate—civilian and military—will be considered suspended from work three months pre-election (now amended to when one applies

27. <https://history.state.gov/countries/libya>

28. <https://www.theafricareport.com/37172/libya-italy-refuses-to-choose-between-tripoli-and-haftar/>

29. [https://www.economist.com/blogs/dailychart/2011/02/libyan\\_oil&gt;](https://www.economist.com/blogs/dailychart/2011/02/libyan_oil&gt;)

30. <https://www.upstreamonline.com/field-development/big-project-management-contract-up-for-grabs-in-libya/2-1-1074398>

31. <https://akhbarlibya24.net/-/ملبار-لدعم-الزواج-الدينية-/13/08/2021/يعلن-تيني-ال/>

32. <http://alwasat.ly/news/libya/333631>

33. <https://akhbarlibya24.net/2014/10/10/22773/>

34. <https://www.libyaherald.com/2021/09/02/odac-to-reactivate-70-projects-worth-459-million-in-eastern-libya/>

35. <https://www.afrigatenews.net/article/-/ليبيا-هل-يحق-ا-اغتسطس-ما-لم-يتحقق-في-ا-بوليو/>

36. <https://unsmil.unmissions.org/lpdf-bridging-proposals-committee-concludes-its-deliberations-proposal-constitutional-basis>

37. <https://www.reuters.com/world/africa/libyan-parliament-speaker-says-election-plan-approved-2021-09-09/>

38. <http://alwasat.ly/news/libya/332295>

for candidacy<sup>39</sup>) but can return if they lose<sup>40</sup>. This notably benefits Haftar, who on 22 September appointed his Chief of Staff Nadhuri as General Commander of the LAAF, recusing himself until 24 December<sup>41</sup>. Haftar is seeking to consolidate his waning influence and gain credibility through elections—which he wants his forces to secure<sup>42</sup>—though this effort would essentially be limited to his base due to his human rights record. Conversely, the High Council of State (HCS), though an advisory body, passed its own electoral laws in response that disallow military officers from running for President and create a bicameral parliament<sup>43</sup>. The nature of this dispute is encapsulated by how the High National Elections Commission, after receiving the law, sent it back to the House of Representatives to ensure its “*texts are immune from being challenged by the judiciary*”—including Article 12—while concurrently confirming that “*initial measures to put this law into place*” have occurred<sup>44</sup>. The creation of a joint committee with House of Representatives and HCS representatives can be a way forward—as recently hosted by Morocco<sup>45</sup>—though some issues may ultimately prove to be insurmountable. Nevertheless, the UN’s Special Envoy, Ján Kubiš, who has met with Haftar numerous times unlike his predecessor, has considered Agila’s law as legitimate despite its various issues<sup>46</sup>. Key foreign states have also indicated preliminary support for the framework<sup>47</sup>; this can be indicative of Agila Saleh effectively exploiting the international momentum behind elections. Indeed, the House of Representatives has followed up the presidential election law with a parliamentary version in a similarly unilateral (and quorum-less) manner. In an attempt to have its cake and eat it too, the House of Representatives has argued that the LPDF eliminated the HCS’s advisory role, despite the House of Representatives not recognizing the LPDF’s

roadmap in its electoral laws and improperly staggering the elections (parliamentary elections are due one month after their presidential counterpart). Furthermore, election integrity<sup>48</sup>, the GNU’s de facto lack of national authority<sup>49</sup> (similar to the GNA’s tenure) to secure elections, and a piecemeal technical process (such as for voter and candidate registration; voter election cards are yet to be issued while the candidate list remains undetermined) are other concerns. If elections occur under contested circumstances, the crisis in Libya will continue.

Another issue hampering the transitional process has been the government’s lack of a formal budget. While it initially announced the budget’s composition in March<sup>50</sup>, the House of Representatives has repeatedly handicapped progress on this front, using it as a leverage tool and refusing to approve it unless many evolving conditions are met<sup>51</sup>. One key reason for the budget’s delay is the insistence that the GNU officially allocate a portion of it to fund the LAAF’s forces<sup>52</sup>, notwithstanding its status as a non-state entity operating outside the domestic law framework. The GNU’s Minister of Finance recently admitted that they had paid the LAAF’s salaries despite not having the required data, including on the funding’s recipients<sup>53</sup>, though this undertaking has since been suspended. This recalls one of the LAAF’s traditional forms of fund generation: exploiting the hybridity of its forces to extract funds from state organs<sup>54</sup>. Furthermore, given the deteriorating relationships between institutions in Libya, Haftar has re-elevated Abdullah al-Thinni, the former head of the parallel government in eastern Libya, to a political role within the LAAF<sup>55</sup>. The prospect of a new parallel government being established in Libya’s east is not slim—as threatened by

39. <https://parliament.ly/9-تصريح-المتحدث-الرسمي-باسم-مجلس-النواب>

40. <https://parliament.ly/-م-بشأن-انتخاب-رئيس-الد>

41. <https://www.middleeasteye.net/news/libya-elections-haftar-steps-down-military-role-run-president>

42. <https://www.alarabiya.net/north-africa/-حقت-ردعو-24/07/2021-الليبين-للمشاركة-بكتافة-في-الانتخابات>

43. <https://www.libyaobserver.ly/news/high-council-state-approves-constitutional-basis-libya-elections>

44. <https://aac-news.com/المفوضية-تطالب-مجلس-النواب-بتعديل-6-موا/>

45. <https://unsmil.unmissions.org/unsmil-statement-conclusion-hor-hcs-consultative-meeting-rabat-morocco-0>

46. <https://unsmil.unmissions.org/remarks-security-council-ján-kubiš-special-envoy-secretary-general-libya-and-head-united-nations-0>

47. <https://ly.usembassy.gov/statement-by-the-embassies-of-france-germany-italy-the-united-kingdom-and-the-united-states-in-libya-on-the-24-december-2021-libyan-elections/>

48. <https://www.libyaobserver.ly/news/haftar-loyalists-launch-his-libya-president-elections-campaign>

49. <https://apnews.com/article/business-africa-middle-east-libya-khalifa-hifter-Oe7eb1d3d4c2db59ffe4a81da02c1f4e>

50. <https://www.libyaakhbar.com/business-news/1491760.html>

51. <https://al-ain.com/article/libya-representatives-libya-budget>

52. <https://www.alaraby.co.uk/politics/-عقبلة-صالح-بطالب-الدبية-بمنح-قوات-حقت-ميزانية-لتنفيذ-مهامها>

53. <https://twitter.com/libyaalahrartv/status/1435604483803856896?s=20>

54. <https://www.chathamhouse.org/2020/03/development-libyan-armed-groups-2014>

55. <https://arabic.rt.com/middle-east/1260479-ليبيا-حقت-رعين-قيادات-بالإدارة-السياسية-عسكرية-وبكلف-الثني-بالإدارة-السياسية>

House of Representatives Speaker Saleh<sup>56</sup>. Additionally, Libya's Deputy Prime Minister for the eastern region, Hussien al-Qatrani, recently criticized PM Dabaiba for being divisive and for not giving enough concessions to eastern constituencies. The latter implicitly included the limited access to state coffers for the LAAF's salaries and a formal Defense Minister not being named<sup>57</sup>, with al-Qatrani both suggesting and refuting that a parallel government remains an option, while noting calls for another oil blockade have increased.

Tensions between state entities are captured by the ostensible withdrawal of confidence from the GNU by the House of Representatives on September 21, despite the vote violating legal frameworks, lacking the required vote total, and alleged fraud<sup>58</sup>. This move was immediately rejected by the UN and the HCS<sup>59</sup>, and has added more uncertainty to a critical juncture in Libya's transition. This is due to the possible sweeping implications of this decision, including on the GNU's authority, budget negotiations, and a parallel government's prospects. The vote led to protests in Tripoli, with protestors calling for the dissolution of the House of Representatives and expressing support for PM Dabaiba<sup>60</sup>, who has been authorized to run for elections despite it contravening the LPDF roadmap<sup>61</sup>. Furthermore, another dispute has involved sovereign positions, a process in which Morocco has played a large role as a mediator. Indeed, both the HCS and the House of Representatives have met in Bouznika, Morocco—as per Article 23 of the LPA—multiple times to decide how to allocate the positions<sup>62</sup>, with the House of Representatives announcing an extensive list of names in April<sup>63</sup>. However, there has been limited progress because of disagreements between the sides about the screening and procedural requirements. Another relationship that has seen serious tension has

been in Libya's oil sector. Mustafa Sanallah, the National Oil Corporation (NOC) chief in place since 2011, has seen his authority challenged by the new Minister for Oil, Mohamed Aoun, who has harbored ill-feeling towards Sanallah for years and was previously an official in the eastern parallel government<sup>64</sup>. These dynamics, among others, led to Aoun suspending Sanallah and the latter to ignore this order<sup>65</sup>, insisting on his harmony with the GNU<sup>66</sup> and suggesting the Oil Minister is overstepping his authority. Indeed, PM Dabaiba issued a decision cancelling the order<sup>67</sup>, demonstrating his influence. However, given Aoun has since issued another order suspending Sanallah on October 19<sup>68</sup>, the power struggle is slated to continue with no effective decentralization proposal in sight.

Notably, there are some positives. This includes the fact that there is currently a united government in place, which is a welcome development after years of two parallel governments, and there is no ongoing war, unlike last year. Foreign governments have also been competing for contracts and influence with the GNU, with many reopening their embassies in Tripoli and benefitting from the ostensibly stable environment<sup>69</sup>. The Coastal Road between Misrata and Sirte, an important trade and transport route, was finally reopened after being closed in 2019<sup>70</sup>. It came nearly two months after PM Dabaiba announced it would reopen, a decision that followed months of haggling, an extensive demining period, and several meetings between important stakeholders. Nevertheless, expectations have been gradually lowered. Despite UN Special Envoy Kubiš continuing his engagements with national and international stakeholders to mobilize support for the “*multi-track UN-facilitated, Libyan-led, and Libyan owned political*

56. <https://www.reuters.com/world/middle-east/libya-headed-back-square-one-post-gaddafi-turmoil-if-polls-delayed-parliamentary-2021-07-27/>

57. <https://www.alquds.co.uk/مع-اقتراب-موعد-الانتخابات-الليبية-المد/>

58. <https://www.alaraby.co.uk/politics/-تشكيك-في-صوابية-جلسة-سحب-الثقة-من-الحكومة-الليبية-هل-وقع-التزوير؟>

59. <https://www.libyaobserver.ly/news/unsmil-rips-hor%C2%A0-no-confidence-motion-says-gnu-remains-legitimate>

60. <https://www.reuters.com/world/middle-east/libya-pm-draws-crowd-mass-wedding-protest-against-parliament-2021-09-24/>

61. <https://www.albayan.ae/world/arab/2021-10-02-1.4260226>

62. <https://www.maroc.ma/en/news/2nd-round-bouznika-inter-libyan-dialogue-global-agreements-criteria-filling-positions>

63. <https://www.libyaherald.com/2021/04/29/10-candidates-nominated-by-hor-for-sovereign-positions/>

64. <https://www.menas.co.uk/blog/profile-libyas-new-minister-of-oil-gas-dr-mohamed-oun/>

65. <https://libyareview.com/16080/sanalla-libyan-oil-minister-does-not-have-authority-to-suspend-me/>

66. <https://www.facebook.com/noclibya/posts/3107853996105356>

67. [https://www.masrawy.com/news/news\\_publicaffairs/details/2021/9/19/2092237/-الديبية-يلغي-قرار-وقف-رئيس-المؤسسة-الوطنية-الليبية-للتفت-عن-العمل](https://www.masrawy.com/news/news_publicaffairs/details/2021/9/19/2092237/-الديبية-يلغي-قرار-وقف-رئيس-المؤسسة-الوطنية-الليبية-للتفت-عن-العمل)

68. <https://www.libyaherald.com/2021/10/19/oil-minister-aoun-suspends-noc-chairman-sanalla-from-his-post-and-refers-him-for-investigation-for-a-second-time/>

69. <https://apnews.com/article/libya-africa-europe-spain-middle-east-b802474d9e715be8bbf2227c040c3437>

70. <https://www.reuters.com/world/africa/fear-hope-libyas-reopened-highway-2021-08-12/>

process”<sup>71</sup>, the political process is at a standstill. There is no consensus-based electoral law setting out how elections in December will be held, which also papers over disparate concerns of election integrity and post-election state-formation plans.

Other than the political process, a key issue remains the volatile security sector. Khalifa Haftar held an unlawful military parade in July 2021 (that surprisingly included two deaths<sup>72</sup>), and his LAAF, a network of formalized militias, operate with impunity in Benghazi, which has witnessed many assassinations and kidnappings this year<sup>73</sup>. Haftar recently declared in a speech that he “will not hesitate to engage in battles again to impose peace by force”<sup>74</sup>, indicative of his attitude towards non-political solutions, and that the LAAF will “not be under any [political] authority”<sup>75</sup>. While the ceasefire is at time of writing holding, the UN has also deployed ceasefire monitors to Libya<sup>76</sup>; however, despite their high rhetorical value, monitoring is not an end in itself, particularly with mandate and capacity limitations. In any case, the option of another oil blockade, similar to that instigated by the LAAF in January 2020<sup>77</sup>, remains available. Haftar’s foreign backers are also crucial to his efforts as he is reliant on their funding and arms. In that regard, foreign fighters (there have been up to 20,000 in Libya according to the UN<sup>78</sup>) are an important part of the strategy of external actors; Russia relies on Wagner while the UAE on Sudanese Janjaweed mercenaries. Expecting these states to relinquish leverage is farfetched, particularly since what can be regarded as their main adversary, Turkey—which also has Syrian mercenaries in the country—has a formal security relationship with the GNU that it can exploit in the event of a supposed withdrawal, unlike others. There have been two positive developments in this regard: Tripoli hosting a “*Libya Stabilization Conference*” on October 21 with various

international stakeholders<sup>79</sup>, and the 5+5 Joint Military Commission (JMC), consisting of five military officials from the GNA and the LAAF, recently agreeing on an action plan concerning “*withdrawal of mercenaries, foreign fighters, and foreign forces from Libya*”<sup>80</sup>. However, the former focused more on style than substance, and vis-à-vis the latter a JMC member confirmed, perhaps forebodingly, that no implementation timeline has been established<sup>81</sup>.

There also remains a lack of a pathway to accountability despite PM Dabaiba’s promises<sup>82</sup> and the Presidential Council recently launching a national reconciliation program. This has thus far centered on amnesties, such as those for Al-Saadi Gaddafi and Ahmed Ramadan, respectively Muammar’s son and personal secretary (known as his ‘black box’)<sup>83</sup>. This dynamic is made especially stark as dozens of mass graves have continued to be discovered in Libya’s Tarhouna since the departure of Haftar’s forces in 2020. One recent find came a day after the assassination of Mohamed al-Kani, who had tyrannized Tarhouna for years with his brothers<sup>84</sup>. Their militia, the Kaniyat, was placed on sanctions lists by the U.S. and the United Kingdom<sup>85</sup> and was widely denounced for its brutal tactics (though Russia prevented the UNSC from backlisting the group<sup>86</sup>); it has mostly split up now over eastern and central Libya. Unfortunately, the unheeding of calls for accountability and restorative justice has only polarized Libya’s society, with material consequences from last year’s war still occurring in the form of mines planted by the Wagner Group<sup>87</sup>. Notwithstanding the dearth of traditional remedies in Libya’s judicial system, one constructive development is that the UN Human Rights Council’s

71. <https://unsmil.unmissions.org/lead-berlin-2-conference-un-special-envoy-held-consultations-national-and-international-high-level>

72. <https://www.libyaakhbar.com/libya-news/1574352.html>

73. <https://www.reuters.com/world/libya-investigate-discovery-bodies-benghazi-2021-03-19/>

74. <https://the arabweekly.com/dbeibahs-message-haftar-volcano-anger-libyas-army>

75. <https://www.bbc.com/arabic/inthepress-58175118>

76. <https://libyareview.com/17913/first-group-of-un-ceasefire-monitors-arrive-in-libya/>

77. <https://www.theguardian.com/world/2020/jan/18/erdogan-tells-europe-to-support-tripoli-government-or-face-new-threats>

78. <https://apnews.com/article/africa-libya-elections-north-africa-united-nations-faa14b50c17d2a462e755bd6e31f0709>

79. <https://www.libyaobserver.ly/news/final-statement-libya-stabilization-conference-reiterates-no-more-foreign-intervention>

80. <https://unsmil.unmissions.org/jmc-55-meets-geneva-develop-action-plan-withdrawal-mercenaries-foreign-fighters-and-forces-libya>

81. <https://africanews.dz/بدء-تنفيذ-خطة-ترحيل/>

82. [https://www.masrawy.com/news/news\\_publicaffairs/details/2021/3/10/1984702/-الوطنية-سنعمل-من-أجل-تحقيق-المصالحة-الوطنية-في-ليبيا](https://www.masrawy.com/news/news_publicaffairs/details/2021/3/10/1984702/-الوطنية-سنعمل-من-أجل-تحقيق-المصالحة-الوطنية-في-ليبيا)

83. <https://apnews.com/article/africa-libya-elections-north-africa-united-nations-faa14b50c17d2a462e755bd6e31f0709>

84. <https://www.hrw.org/news/2021/01/07/libya-militia-terrorized-town-leaving-mass-graves>

85. <https://www.reuters.com/world/uk-sanctions-libyan-al-kaniyat-militia-its-leaders-statement-2021-05-13/>

86. <https://www.reuters.com/article/us-libya-security-un-idUSKBN28101P>

87. <https://twitter.com/DabaibaHamid/status/1372651065196343299?s=20>



fact-finding mission for human rights, led by Morocco's former Minister of Human Rights Mohamed Aujjar, recently completed its first visit to Libya<sup>88</sup>. The mission unsurprisingly concluded that “*all parties to the conflicts, including third States, foreign fighters and mercenaries, have violated international humanitarian law, in particular the principles of proportionality and distinction, and some have also committed war crimes*”<sup>89</sup>.

## Conclusion

In conclusion, the current crisis afflicting Libya is multidimensional. Its internationalized nature has undermined domestic stability, with many countries vying for influence and the spoils of war. These rivalries have seeped into an election process that was originally envisaged as a way to attain legitimacy. Instead, it is in danger of being hijacked, which is a short-sighted development that would consolidate division and increase risks of relapse into conflict. A delay to December's elections, an extension of the transitional period, and divided institutions are now possible, which would make the situation—in these aspects—similar to the aftermath of the Skhirat Agreement. Additionally, the October 2020 Ceasefire includes critical provisions, such as the departure of mercenaries and the facilitation of a Disarmament, Demobilization and Reintegration (DDR) process, which have not been achieved.

There are two key and interlinked recommendations to help Libya emerge from this bleak period. First, the UN must be empowered to go beyond accommodation and effectively mediate the political dispute and ensure successful elections, as well as implement sustainable security-sector reform. On mediation, the UN's reliance on the Libyan Political Dialogue Forum has been restrictive; from the LPDF's launch, it was apparent that it was enabled to be an elite-level arrangement. The participants, brought together by the United Nations Support Mission in Libya (UNSMIL) in a top-down approach, included recycled figures from the past with dubious credibility, and it was not the transparent process many had initially hoped for. Those called “*political dinosaurs*” by former acting UN Special

Envoy Williams<sup>90</sup> should see their platforms curtailed. Accordingly, a political and electoral process rooted in representative and technocratic principles is required. On security-sector reform, this would help encourage good governance and move the situation away from disparate armed groups that have behaved as proxies under different authorities, embezzled public funds, and trafficked human beings. Security-sector reform would also limit the capacity of foreign states to behave in bad faith given their indispensable support for some armed groups.

Secondly, Libya's peace process must be defended against spoilers. While sanctioning and isolating spoilers (a central deficiency in recent years) has been a mostly uncharted tactical advantage due to the geopolitical considerations involved, sanctions should target both foreign and local actors with a track record of bad-faith non-cooperation—and before they lose influence. The United States House of Representatives' recent passing of the Libya Stabilization Act, which includes tools such as sanctions and support for democratic governance, was a positive development in this regard<sup>91</sup>. Ultimately, given the urgency of holding elections, a representative transition needs to be facilitated in Libya to bring overdue peace, stability, and development to the county. If this transpires, and if policymakers can seize the closing window of opportunity, remains to be seen.

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88. <https://www.africanews.com/2021/08/27/un-fact-finding-mission-on-libya-concludes-first-visit-to-libya/>

89. <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27625&LangID=E>

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90. <https://libyaalahrar.net/williams-political-dinosaurs-in-libya-risk-being-extinct/>

91. <https://www.congress.gov/bill/117th-congress/house-bill/1228>

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## About the Policy Center for the New South

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The views expressed in this publication are those of the author.



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