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Brief

No. 26

April 2023

## Resolving Libya's Legitimacy Crisis: 2023 Elections as a Pathway for Peace and Democratisation?

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This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement N. 959143.

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# Resolving Libya's Legitimacy Crisis: 2023 Elections as a Pathway for Peace and Democratisation?

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Beyond having an internationally recognised government, Libya is in dire need of a legitimate administration to take it a step away from political stagnation and division. A legal framework and a roadmap associated with a timetable for Libya's elections in 2023 is therefore paramount, although caution is required – as to not be too hasty. Holding elections without an implementable constitutional basis and without unifying key state institutions like financial institutions (central bank), security institutions and the executive branch, will be counterproductive. It will unravel the peace process, deepen divisions and replicate the aftermath of the 2014 election when warring factions backed rival governments. The realisation of all political, legal and security requirements is therefore vital for the success of elections in 2023. There is an entry point for the African Union to support the United Nations' effort and the European Union can be a strategic partner in this regard.

## The legitimacy question

Delayed elections have complicated the legitimacy crisis between Prime Minister Abdulhamid Dbeibah – who heads a transitional government in the capital, Tripoli – and his Sirte-based rival, Prime Minister Fathi Bashagha, appointed by a parliament residing in the east. Thus power struggle between the east and west continue to undermine peace efforts in Libya as the two rival governments, each

backed by foreign actors, pursue power and legitimacy.<sup>1</sup> The involvement of foreign actors, engaged in a multipolar competition for resources and power, has not only turned Libya into a proxy conflict but also into part of what has been described as a vicious circle of fragmentation.<sup>2</sup>

While Libya has experienced little peace or stability since the 2011 uprising against Muammar Gaddafi, and split between warring eastern and western factions in 2014 after the elections, neither of the current feuding governments seems to want conflict and both have more or less respected a 2020 ceasefire agreement. The absence of democratic elections, however, “worsens economic insecurity, heightens political instability, risks renewed conflict, and raises the specter of partition”.<sup>3</sup> Whilst Libya’s trade and current account balances rebounded in 2021 and early 2022 (due to high oil/energy prices), it is consequently impossible to predict economic outcomes with confidence due to the high degree of uncertainty surrounding the political deadlock, the fragmented nature of security institutions and the overall legitimacy crisis from which all Libyan institutions suffer.<sup>4</sup> Illegitimacy in a war-torn Libya, with political leaders willing to maintain the status quo in order to secure their position of power and influence, is a cause of grave concern. Illegitimacy jeopardises the hard-won 2020 ceasefire agreement, risks causing an escalation of violence and makes the country more vulnerable to foreign interference.<sup>5</sup> Consensual elections, therefore, remain one of the best chances to re-establish legitimacy to Libya’s government and institutions. Yet, they alone are no panacea.

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<sup>1</sup> Ahmed Alsharkasi, “From Factionalism to Foreign Interference: Libya’s Conflict Remains Frozen”, in *USIP Analysis*, 3 November 2022, <https://www.usip.org/node/150191>.

<sup>2</sup> Jesutimilehin O. Akamo, Caterina Bedin and Dario Cristiani, “The Vicious Circle of Fragmentation: The EU and the Limits of Its Approach to Libya”, in *JOINT Research Papers*, No. 15 (February 2023), <https://www.jointproject.eu/?p=1521>.

<sup>3</sup> UN Secretary-General, *Secretary-General’s Remarks at African Union High-level Committee on Libya*, Addis Ababa, 17 February 2023, <https://www.un.org/sg/en/node/266337>.

<sup>4</sup> World Bank, *Libya Economic Monitor, Summer 2022*, September 2022, <http://hdl.handle.net/10986/37947>.

<sup>5</sup> Ahmed Alsharkasi, “From Factionalism to Foreign Interference”, cit.

## Libya's 2023 elections in context

Libya's presidential and legislative elections were originally planned for December 2018 and later rescheduled for December 2021, before being postponed again indefinitely. These postponements have resulted from disputes over the fundamental rules governing the election, including the voting timetable, the eligibility of the main candidates and the powers to be vested in the elected president and members of parliament. Presidential candidates for the postponed 2021 elections included, among others, Gen. Khalifa Haftar, a former CIA asset-turned-warlord in Libya's east, and Saif al-Islam Gaddafi, the Russia-backed son of Libya's ousted ruler Gaddafi.<sup>6</sup>

As the elections stalled, disputes over the legitimacy of Dbeibah, who was installed as head of the UN-recognised interim Government of National Accord (GNA)<sup>7</sup> in 2020, arose. The speaker of the Libyan House of Representatives (HoR), Aguila Saleh Issa, claimed that Dbeibah's mandate ended when his government failed to hold elections that were scheduled for 24 December 2021. Consequently, Libya found itself again with two governments (like in 2014–2019): Dbeibah's government based in the capital Tripoli and another one led by Bashagha, who was appointed by the eastern-based Libyan House of Representatives, itself backed by Haftar, leader of the Libyan Arab Armed Forces (LAAF). After several unsuccessful attempts to establish his government in Tripoli, Bashagha installed it in Sirte.<sup>8</sup>

In an attempt to address Libya's legitimacy crisis and political deadlock, the United Nations has been pushing for new elections. The UN Secretary-General's Special Representative for Libya and Head of the United Nations Support Mission in Libya (UNSMIL), Abdoulaye Bathily, notably announced on 27 February 2023 the launch of an "initiative aimed at enabling the organization and holding of [Libya's] presidential

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<sup>6</sup> Elizabeth Hagedorn, "The Takeaway: Can Libya Pull Off Elections in 2023?", in *Al-Monitor*, 1 March 2023, <https://www.al-monitor.com/node/55644>; Julian E. Barnes, "Ex-C.I.A. Asset, Now a Libyan Strongman, Faces Torture Accusations", in *The New York Times*, 18 February 2020, <https://www.nytimes.com/2020/02/18/us/politics/hifter-torture-lawsuit-libya.html>.

<sup>7</sup> As an advisory body for Libya, The High Council of State (HCS) advises both the interim Government of National Accord (GNA) and the House of Representatives (HoR).

<sup>8</sup> Ferhat Polat, "Analysis – Libya's Never-Ending Cycle of Crises", in *Anadolu Agency*, 8 September 2022, <http://v.aa.com.tr/2679727>.

and legislative elections in 2023”.<sup>9</sup> To that effect, he plans to establish a high-level steering panel for Libya that would be responsible for facilitating the adoption of a legal framework and a roadmap associated with a timetable for the holding of elections in 2023.<sup>10</sup> It would bring together all relevant Libyan actors, including representatives of political institutions, important political figures, tribal leaders, civil society organisations, security actors, women and youth representatives.<sup>11</sup> The proposed 2023 presidential and legislative elections intend to unify the divided country under a single executive authority. While the international community and Libyan actors have voiced support for Special Representative Bathily, many have warned against acting with haste, as badly organised elections would only prove counterproductive.

## The role of the African Union

It is worth noting that the African Union (AU), Africa’s main intergovernmental body, has been playing a significant role in advancing national reconciliation and stabilisation in Libya. A preparatory meeting for the Libyan national reconciliation conference was notably initiated on 8 January 2023, in Tripoli, under the auspices of the AU.<sup>12</sup> The AU High-Level Committee on Libya, headed by Congo’s President Denis Sassou Nguesso, further proposed the organisation of an inclusive national reconciliation conference, which was adopted by AU leaders at the February 2023 AU Summit. If implemented in a manner that includes all relevant key stakeholders, the AU high-level committee’s national reconciliation conference can facilitate the efforts by the UN high-level steering panel and Libyan authorities to move towards building unity and agreeing on the modalities for organising elections.<sup>13</sup> Hence, the African Union should support the UN Special Representative for Libya’s efforts towards holding free and fair presidential and legislative elections. Bathily is not only an eminent diplomat but also a committed pan-Africanist whose remarkable

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<sup>9</sup> “Libya: UN Launches Initiative for Elections in 2023”, in *Africa News*, 28 February 2023, <https://www.africanews.com/2023/02/28/libya-un-launches-initiative-for-elections-in-2023>.

<sup>10</sup> United Nations, *Clear Road Map, Timeline Urgently Needed for Holding Elections in Libya, Special Representative Tells Security Council (SC/15212)*, 27 February 2023, <https://press.un.org/en/2023/sc15212.doc.htm>.

<sup>11</sup> Ibid.

<sup>12</sup> Amani Africa, “The Situation in Libya”, in *Insights on the PSC*, 1 February 2023, <https://amaniafrica-et.org/?p=11907>.

<sup>13</sup> Ibid.

efforts and contributions to promote peaceful solutions to complex conflict situations in countries like Madagascar are an asset for the AU.

## **Key takeaways: Can Libya hold elections in 2023?**

Elections have an important role in conflict-to-peace transitions as they spearhead efforts for more legitimate governance. Consequently, allowing Libyans to decide on their own leaders in free and fair elections twelve years after the fall of Gaddafi would be a major step towards democracy, peace and long-term stability. However, questions remain over whether a consensus on the modalities in which the elections would be held can be achieved in less than twelve months. Such questions revolve around, among others, selecting members of UN Special Representative Bathily-proposed high-level steering panel, adopting a legal framework and drafting a roadmap for the elections. The roadmap is paramount as it will enable Special Representative Bathily to determine whether it is feasible to hold both parliamentary and presidential elections in 2023 and, if not, hold just parliamentary elections and postpone presidential elections to the following year. In either case, acting with haste, without unifying key state institutions like financial institutions (the central bank), security institutions and the executive branch will only result in counterproductive elections that would unravel the peace process, deepen divisions and replicate the aftermath of the 2014 election.

The AU high-level committee on Libya should therefore work closely with the UN high-level steering panel for Libya in order to develop an electoral roadmap with specific timelines that will enable Libya to get back on a pathway to legitimate, democratic and unified governance. Moreover, the AU should support the High National Elections Commission with essential technical preparations in an attempt to meet Special Representative Bathily's deadline to hold elections in 2023. There is further a need for enhanced coordination and complementarity of efforts among the AU and the EU. The latter should complement the former in its ongoing national reconciliation process in Libya in order to avoid duplication of mediation efforts between the two organisations. The UN, AU and EU should equally coordinate efforts and organise a joint high-level dialogue with security leaders/actors in Libya in order to facilitate an agreement on measures to ensure peaceful conditions during the elections. In addition, the EU should provide technical trainings, logistics and equipments to improve the capacities of the High

National Elections Commission and help build institutional capacity to prepare and deliver credible elections. The withdrawal of foreign forces from Libya is also a pivotal component for the success of the elections. Consequently, the EU should demand that all foreign troops leave the country in order to pave the way for a more lasting solution to Libya's conflict with lesser external intervention. Such complementarity and response will not only foster the EU's foreign and security policy actions, but also provide the necessary support to Libya in the fulfilment of one of the main agitations that led to the conflict in 2011 – a democratically elected government with term limits.



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