Arab Reform Initiative

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Why Elections Won't Happen in Libya

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Hundreds of people stage a protest to demand elections in the country be held right away and for the transitional period to end - Tripoli, Libya, 5 March 2022.
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The protracted conflict in Libya has reached a turning point with the offensive of 2019. While in part a continuation of the drivers of the Libyan civil war, the military campaign led by the Libyan Arab Armed Forces (East) against the Government of National Accord (West) was an internationally backed power grab over the capital and part of the rivalries of regional and international actors. The open interference of regional and European states has made Germany take the lead in bringing all parties involved to the table in Berlin on 19 January 2020. The Berlin Conference concluded the discussion on several key issues, including a ceasefire, arms embargo, security sector reform, and the return to the political process. While a ceasefire agreement was signed, it was short-lived, and in the first quarter of 2020, the conflict intensified and led to a defeat of the Libyan Arab Armed Forces from the south of Tripoli. Compounded by the COVID-19 pandemic, the Berlin process faced a multitude of challenges.

Following the Berlin Conference, the United Nations Special Mission in Libya (UNSMIL) facilitated the Libyan political dialogue forum, which concluded with voting for the Government of National Unity led by Abdulhamid Dbaiba. The sole purpose of this transitional government was to prepare for simultaneous presidential and parliamentary elections to take place on 24 December 2021. These elections have had no electoral or constitutional basis, and on 10 September 2021, Agilah Saleh, the spokesman of the House of Representatives, issued an electoral law based largely on the law of 2012, although It did not pass through the required voting process and was not amended to consider nine years of civil conflict. The Government of National Accord in Tripoli was busy promoting itself by introducing development projects to increase employment and draw the support of young people. Despite the lack of preparation for the elections, the dates never changed and the whole process steamrolled towards failure with the elections not taking place as planned.

The 2021 agreement on holding elections was perceived by many Libyans as the light at the end of the dark tunnel of civil war and a reset to the political stagnation and the legal crisis. Although elections would produce yet another transitional government, they would bring an end to the division of executive and legislative powers and begin the process of institutional healing from the war. The support for such an outcome was quite significant, given the general fatigue of the

population and their lack of participation in any political processes for over eight years. More than 2.5 million Libyans registered to vote, only for them to watch on the media a deliberate sabotage by those who were trusted in the process to commit to the agreement.

While Libya is again setting the ground for future elections, this paper puts forward three points on why elections will not happen in Libya.

Lack of Legal and Constitutional Basis

After the 24 December elections failed to take place as planned, the House of Representatives in Tobruk issued a decree on 10 February 2022 that would allow for the appointment of another prime minister to form a new government. Libya finds itself again with two governments, none of which has been elected or chosen by Libyans – rather, both are the product of continuous deflection by corrupt politicians who do not wish to let go of their positions of power. The lack of a legal basis was one of the main hurdles in the fall of 2021; it allowed for the manipulation of rules so that those who would have been excluded from running for the presidency were able to do so.

Agilah Saleh's electoral law was mostly copied from the 2012 law,[1] it ignored nine years of civil war and has no connection to the outcome of the Libyan Political Dialogue. It was, however, endorsed by UNSMIL special representative at the Security Council in September 2021, where it was conveyed that the country was on the right track, and preparations for the elections were on schedule. This ignored that Libyans had a controversial draft constitution which none of the politicians communicated on and ignored the fact that all legislative documents are set to further exclude and marginalise the indigenous population in Libya.

Elections in Libya were supposed to be a means towards a transition to post-war recovery, which requires strong and conflict-sensitive legislation that would mitigate risks of relapse into more conflict. So long as such a basis is not prepared by constitutional law experts and conflict mediators, the prospect for elections will continue to be used as a way for politicians to cement their positions while the rest of what is left of the state crumples.

In an attempt to remedy the lack of a constitutional and electoral basis for the elections, UNSMIL brought representatives from the House of Representatives and Presidential Council to draft these legal documents in Spring 2022. However, the government in Tripoli continued with its irresponsible spending, intragovernmental infighting and refuting recurring reports of corruption. In June 2022, UNSMIL failed yet again to bridge the gap to form a basis for the election. In the following month, the Government of National Unity made its boldest move yet to change the chairman of the National Oil Company, Mustafa Sanalla – a fixture figure throughout the years of Libyan conflict who was portrayed as a custodian and protector of the Libyan oil sector. While Sanalla, like most men with power in the country, is problematic, the move highlighted the instability of Dbaiba in his quest for control and power over Libya.

Lack of Trust in the Political Elite

What started as a proclaimed era of reconstruction and assistance for youth to marry and get loans quickly devolved into vicious attempts to remain in place. Dbaiba issued decrees to fund armed groups to join a new security apparatus called the "Support of the Elections and Constitution", and began to appeal to the Mufti, another power-hungry conservatively religious figurehead, to support his government. Dbaiba has no political project, and he was not meant to: the role he had undertaken and promised to keep is to lead a unified government that would prepare for elections. After months of deliberate failure to fulfil this role, the decisions and decrees Dbaiba has undertaken were meant to give him more power. It was evident he wanted to remain where he is, and if elections were ever to happen, he would be a candidate.

These political moves clashed with several attempts of the parallel government to enter Tripoli, whilst the country is plunged into further high inflation, long power cuts and rising tensions between various armed groups within Tripoli. These conditions are among the main reasons why young people took to the streets, and protests continued for some days in multiple cities, including in Tobruk where the building that housed the House of Representatives was set on fire. The protests were not connected, aside from young people facing the same dire living conditions. However, the organisers of the protest in Tripoli, "Harak", seemed to

be coordinated and secured various permissions to be able to protest. Months before July 2022, and during my visits to Tripoli, conversations with young people always boiled down to discussions over revolt and putting a stop to all these political bodies.

The Threat of Violence

The protests have been intercepted by the security apparatus, which compromised armed groups, who at various points used violence. Eventually, "Harak" in Tripoli was not allowed to obtain permits to be on the streets. Soon the tensions between the armed groups would eclipse youth mobilisation as safety concerns take precedence over anger with the political deadlock and sentiments of injustice. On 27 August 2022, the government of Fathi Bashagha attempted what would seem like the last try to enter Tripoli. The result was violent clashes between civilian neighbourhoods that rocked the capital for nearly two days. Clashes ended with the death of 30 civilians, and over a hundred injured. Civilian infrastructure was severely damaged and many feared the clashes could spill over to another full-scale civil war. The alliances and structures of armed groups have shifted in the city, leaving Fathi Bashagha with no military support within the city. It is hard to speculate if he would try to take the capital by force again.

The threat of violence, however, always looms ahead in Libya. It is what keeps civilians subdued and insecure about their future. Armed groups operate with total impunity and often with complete disregard for consequences.

What Does the Future Hold?

It is not possible to discuss Libya's future in isolation from regional and international actors who have been directly involved in the many armed conflicts over the years. This internationalisation of the conflict in Libya is what has allowed Dbaiba to cling to his position shamelessly and explains how the House of Representatives can only be creative at coming up with plans that would recycle it into future institutions. Now throwing all these colourful characters, dire socio-economic conditions, and direct and structural violence into the mix with a pandemic and even more wars that will impact Libya's conflict and you have as a

result a collapsed country on so many levels. The enablement of Libyan politicians is due to the converging interests of so many actors and a UN-led process which operates on the basis that those who cause problems can resolve them. There is no accountability in sight, not for Libyan spoilers nor for international and regional actors whose converging interests place the fate of the country at risk.

This leads to multiple questions. What next? Would Dbaiba be allowed to continue to claim that his government wants elections while he plans for his biggest heist yet? And will that eventually stir feelings of discontent to remove him by force? The lack of leadership internationally also means that there is little to be done through the Berlin process with Russia on the opposite side.

The answer to some of these questions is more accountability, and a strong political will, that would force both Libyan and international actors to hold to their agreements. The enforcement of arms embargo on a non-selective level, the withdrawal of foreign troops and a political process that is designed by Libyans and only mediated by the UN. None of this can happen without addressing the severe and deep lack of trust in the political elite by the majority of the population in Libya, even more so by young people who make up a large percentage. This broken trust resulted in political apathy, disenfranchisement, and further marginalisation of a vital force in the country.

Endnotes

1. Agilah wrote a law that was very similar to 2012 electoral law, it did not pass the vote at the house but he sent it to UNSMIL SRG in an email saying it was approved.

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About the author



Asma Khalifa

Asma Khalifa is a Libyan activist and researcher who has worked on human rights, women's rights and youth empowerment since 2011. From 2014, she focused on Peacebuilding in Libya. Her work in Libya includes improving women's participation in local government and addressing gender-based violence. In 2015 she co-founded Tamazight Women Movement, a think/do tank that aims to research and advocate on women's rights issues in Libya and North Africa. She also co-founded the Khalifa Ihler Institute. In previous years, she fulfilled several roles as consultant, advisor and research on gender issues and capacity building in peacebuilding in Libya.

On May 25th 2016, Asma received the Luxembourg Peace Prize during The World Peace Forum in the European Parliament in Luxembourg and in 2017 she was named as one of the 100 most influential young Africans by the Africa Youth awards. Currently she is doing her PhD at the German Institute for Global Area Studies, researching the impact of civil war on intergenerational relations.

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