

Libya: Stuck in Transition

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Libya remains in limbo of a drawn out political transition process. The 2015 Libyan Political Agreement (LPA) was a UN-backed arrangement for Libya's, at most, two-year transformation into a stable and possibly democratic government. After its second anniversary, the agreement has stalled in its early stages, and the current dynamics do not indicate a speedy completion. The persisting disorder leaves room for security threats and political spoilers to emerge, begging the question: what comes next?

Background

The main division that exists in Libya today is between those who can live with an authoritarian regime and those who cannot. This polarization has led to a contention within the Libyan society that caused the fragmentation of authority and a high level of conflict between various factions. Both historical and recent causes gave rise to this division. Among the possible historical reasons is the lack of a strong national identity among the population as well as the lack of state institutions that would foster the creation of such a sentiment. Libya, until independence, had never been ruled as a united country, save for the short period of Italian colonization from 1934 to 1939. Even under the Sanussi monarchy, there was no deliberate government effort to create strong institutions that could develop a Libyan national identity. When Muammar Gaddafi intervened and seized power in 1969, his main ideology

of pan-Arabism – that later became pan-Islamism and ultimately pan-Africanism – neither contributed to the emergence of a comprehensive identity among Libyans, nor to the establishment of strong national institutions, which, on the contrary, were intentionally kept weak for Gaddafi's purposes. The moment the regime fell on 23 October, 2011, most state institutions collapsed and the Libyan people turned to local identities and institutions, resulting in the fragmentation that has crystallized over the last few years. The return to local identities and institutions is not a testament to the lack of allegiance to a larger united Libya and it does not deny the fact that, sixty years after independence, *some* sense of being a Libyan exists among most of the population. Among the more recent causes for the Libyan crisis is the misunderstanding that the 2011 uprisings were a simple revolt of a population against the long-term dictator and his few mercenaries. This narrative completely overlooks the fact that Gaddafi had support in many parts of the country. The role of Libyans fighting on behalf of the regime during the uprisings may categorize the event of 2011 more as a civil war rather than a revolution. Had Libyan elites understood this, they would have organized national reconciliation programs to bring together the population and create a strong base for the development of a democratic Libya. A second reason is that Libya's revolutionary elites gave all credit to the Libyan identity of the actors that brought down the regime, completely ignoring that what saved the revolt was NATO's intervention on its behalf. It is clear by now that had the Libyan elites asked for help from NATO to disarm the militias and establish order in the country after the intervention, the subsequent crisis could have been mitigated if not entirely avoided. Instead of pursuing national reconciliation and disarming militias, Libya's elites held national elections

in 2012. The elections crystallized the very divisions that sparked the initial 2011 crisis and continue to prevent the establishment of a united government today. Because of the acute exigency in Libya, in 2014 the United Nations (UN) appointed a Special Representative of the Secretary-General (SRSG) to establish negotiations in order to resolve the crisis. By the end of 2017, three special representatives had succeeded each other but tangible results are yet to be seen.

Changes in 2017

The international community has been formally behind the UN's activity in Libya but some regional powers, for their own interests, preferred to support certain actors over others in the conflict. Egyptian and Emirati support for General Khalifa Haftar and his army have been particularly determinant in bolstering him and his unwillingness to seal a deal with his counterparts in the west of Libya.

An important change in 2017 was the expanded international legitimacy given to General Haftar, who is presently the strongest actor vying for the complete takeover of Libya. European leaders granted positive optics as well as concrete legitimization by inviting Haftar to high level meetings and negotiations. Most symbolically, Haftar and the Prime Minister of the UN-backed Government of National Accord (GNA) Fayez al-Sarraj agreed to a ceasefire and 2018 elections during a highly publicized meeting facilitated by the French President Emmanuel Macron in Paris.¹ Nevertheless, in separate statements to the public, Haftar called on the LPA's demise² and his intentions to take over Tripoli,³ contradicting what he pledged to Western powers on the international stage. He used the West's willingness to meet with him as a tool for his political legitimization domestically, thus giving him leverage in both arenas.

The new SRSG for Libya, Ghassan Salamé, continues to grapple with the dilemma of the LPA and the

need to amend it. The eastern-based House of Representatives (HoR), elected in 2014 and loyal to Haftar, has refused to ratify the original LPA after its signing, on the basis that some provisions favour the western-based government. In addition to this, in late 2017, the western-based High State Council (HSC), an advisory board to the UN-backed GNA, rejected Salamé's modified LPA agreement, claiming eastern favouritism in the amendments. In essence, members of the Libyan political circle continue to disagree on the basic power-sharing mechanisms and structure of a new government, preventing them from making permanent agreements and leaving the interim Libyan government in limbo.

Spoilers on the Ground

The situation on the ground among the warring factions is also extremely complex and fluid. Clashes and shifting alliances are an almost daily occurrence. Fighting between militias in the west, particularly around the capital, has increased, constituting an additional problem for the mediation efforts. The GNA-linked Presidency Council's (PC) coalition of forces often fight among themselves. In recent days, a military operation led by the commander of the western forces under the PC/GNA authority Major General Osama Juwaili was carried out to push back Haftar supporters from Tripoli. Juwaili is rapidly emerging as a leading military figure in the west. Whether he is capable of becoming the western counterweight to Haftar remains to be seen.

On top of the difficulty posed by the fragmentation of authority, Libya is suffering from the actions of various radical Islamic terrorist organizations. In particular, there are signs that the Islamic State of Iraq and al-Sham (ISIS) is potentially resurging in the exact locations it targeted in 2016. This is a serious threat that should be addressed immediately. As ISIS falls in Syria and Iraq, the leadership's focus will shift. ISIS is directing its fighters to use Libya as a base for recouping as well as a gateway into Eu-

¹ STEPHEN, Chris and Patrick WINTOUR. "Libyan rival leaders agree to ceasefire after Macron-hosted talks." *The Guardian*. 25 July 2017. www.theguardian.com/world/2017/jul/25/france-raises-hopes-of-deal-between-libyan-rival-factions

² ASSAD, Abdulkader. "Libya's eastern warlord Haftar pronounces end of LPA and its bodies." *The Libya Observer*. 17 December 2017. www.libyaobserver.ly/news/libyas-eastern-warlord-haftar-pronounces-end-lpa-and-its-bodies

³ XUEQUAN, Mu. "Libyan eastern army vows liberation of Tripoli from militias." *Xinhua Net*. 16 October 2017. http://news.xinhuanet.com/english/2017-10/16/c_136681723.htm

rope,⁴ where known Libyan cells have been linked to attacks.⁵ ISIS has restarted a campaign of sophisticated attacks targeting security forces and populated areas in both the east and the west. It is nevertheless clear that terrorism and the widespread criminal networks are the consequence of Libya's instability, not its cause. Continued attacks will deter foreign diplomatic and UN presence, which will delay the institutional building and political training necessary to maintain a unified government once in place.

The UN Action Plan

As of the beginning of 2018, Libya is approaching four years of two/three governments, none of which hold uniform legitimacy or recognition from all Libyans. The UN plan devised by the latest SRSG Ghassan Salamé was a possible way out. It consisted of various steps to be performed within a one-year time frame, beginning with an agreement between a committee representing the HoR and one from the HSC in Tripoli to modify specific points of the original LPA signed in 2015. This modification would then lead to a second step consisting of the organization of a National Dialogue Conference that, by bringing together most actors, would lay the foundation of a new state. The final step will be the holding of presidential and legislative elections. However, the first step failed to be positively concluded when the two committees withdrew from the negotiations. The second step, the organization of the National Conference, while still advocated by Salamé, is seen by most to be too complicated to organize in a reasonably short time. This prompted both the Libyans as well as the UN negotiators to propose jumping to the third phase, that of national elections. The objections to holding elections in this

moment are many, ranging from the lack of a census to clearly define the electorate, to the lack of security in many parts of the country and the lack of a legal framework such as a constitution within which to frame the new institutions. All of these objections are relevant. However, it is understood that holding elections in this historical moment is not the best step, but rather the last resort after the failure of every initiative so far and given the lack of any alternative. Elections would also be the only way to reengage a Libyan population which has been rendered apathetic and distant by the evolution of events in the last few years.

Conclusion

Despite the relatively low level of violence since 2014, Libya should still be treated as a situation that needs to be solved quickly. The stalling of the UN-led plan gives ISIS a chance to resurge along the seams of the civil war, dissolving months of progress made by the GNA-led campaign to run ISIS out of Sirte in 2016.⁶ Local militias are defecting to their immediate economic interests, causing violence in populated areas. This stalling is also what is allowing Gaddafi's son Saif al-Islam al-Gaddafi, the time to negotiate his way out of prison and set himself up to run for political office in the upcoming elections.⁷

Libya cannot afford to stall anymore. *Lack* of action incubated the chaos in Libya just as much as flawed actions taken by Libyans and international efforts in the country after the 2011 uprisings. That is why a successful future for Libya can only be guaranteed by coherent and substantial collaboration between Libyans and the international community in carefully setting the steps necessary to move the country out of this painful crisis.

⁴ FAUCON, Benoit and Hassan MORAJEA. "In Libya, Islamic State Seeks Revival in Gateway to Europe." *The Wall Street Journal*. 17 September 2017. www.wsj.com/articles/in-libya-isis-seeks-revival-in-gateway-to-europe-1505678113

⁵ CALLIMACHI, Rukmini and Eric SCHMITT. "Manchester Bomber Met With ISIS Unit in Libya, Officials Say." *The New York Times*. 3 June 2017. www.nytimes.com/2017/06/03/world/middleeast/manchester-bombing-salman-abedi-islamic-state-libya.html

⁶ *Eye on ISIS in Libya*. 14 November 2017. <http://eyeonisisinlibya.com/isis-in-action/8-14-nov-isis-establishes-checkpoints-south-of-sirte-and-claims-to-have-repelled-ina-attack/>

⁷ "Gaddafi's son Saif al-Islam 'to run for Libyan presidency.'" *Middle East Eye*. 18 December 2017. www.middleeasteye.net/news/gadaffis-son-saif-al-islam-run-libyan-presidency-518043043