

# What the UN can do to revive the political process in Libya?

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[Link to the paper](#)

## [Abstract](#)

The Libyan civil war has raged on for more than 10 years since the revolution erupted in 2011. The UN mission in Libya has played a critical role in shaping the events. The policy brief traces the evolution of the UN approach to Libya and developments on the ground. It evaluates the efforts of UN envoy Stephanie Williams to conclude the Libyan transition by creating the Libyan Political Dialogue Forum (LPDF) which unfortunately failed to lead Libya to elections due to different reasons. The policy paper outlines several recommendations for the incoming UN envoy Abdulla Bathily that could provide a better outcome towards resolving Libya's political stalemate.

## [Contents](#)

### [1.1 Policy Recommendations](#)

### [1.2 Background](#)

## [2. Stephany William's plan 2020-2022](#)

### [2.1 Lack of Legal and Constitutional Framework](#)

### [2.2 Election Expected Violence](#)

### [2.3 Original Roots of Conflict](#)

### [2.4 Blank Cheque for Edbaiba](#)

### [2.5 Wider Regional Developments and their effect on the Libya's Transition:](#)

## [3. Conclusion:](#)

## 1.1 Policy Recommendations

- The Libyan crisis is multidimensional. Thus, we advise that the UNSMIL need to coordinate between two levels: regional and domestic.
- The agreement between the main regional actors intervening in Libya would provide the support for a domestic political agreement. This would ensure that regional countries will resist the temptation to influence certain groups to spoil the political agreement.
- At the domestic level, the UN envoy must ensure that the original roots of the conflict should be considered and settled in order to finalise a peace agreement and a constitutional foundation in Libya. These roots of conflicts are the centralization of decision making, and devolution of power, and wealth distribution.
- As long as the political system remains centralized, wealth distribution efforts will be hampered. At the same time, if a devolution of power is attained, wealth distribution and responsibility for the facilitation of social services would be given to the sub state organizations. The decentralization of political authority would decrease the polarization of Eastern and Western factions.
- At this point of the Libyan political transition, the UN envoy needs to propose an alternative de-centralised governing system, which distinguish between two levels of governance: central level of governance, including limited number of ministries, and provincial level of governance including other public service institutions, as exist in decentralised systems.
- An agreement on decentralised type of governance during transition period can be conducive to sustainable peace in Libya.
- The UN envoy needs to send clear signals to the domestic actors who might spoil the agreement that they will face consequences, such as sanctions, for their non-cooperation internationally through the UN mechanisms.
- The UN envoy has the opportunity to benefit from a renewed American interest in resolving the Libyan crisis evidenced by Barbara Leaf's visit to the region. The American sponsorship of the new UN envoy's plan would compel the domestic actors, to accept the compromise and allow peace process to take place.
- To conclude, the solution in Libya requires the following consecutive steps: Addressing the roots of conflict, finding an agreement on de-centralised governing system, establishing a constitutional foundation and a new electoral system. Then the country can move to general election.

## 1.2 Background:

Since Ghaddafi's overthrow in 2011, the United Nations (UN) has played a significant role in Libya's political transition process. Resolution 1973, approved by the Security Council in March 2011, authorised the use of force in Libya to defend civilians, clearing the stage for Gaddafi's fall.<sup>1</sup> The UN, then, sought to assist Libyan transitional authorities in establishing new democratic institutions that are supportive of democratic transition and the rule of law in Libya. In doing so, the UN has formed the United Nations Support Mission in Libya (UNSMIL) in September 2011, to encourage the Libyan actors to engage in inclusive political discussion, to foster social reconciliation, to initiate the process of drafting a constitution and holding elections, and to advance human rights.<sup>2</sup>

Since the uprising in 2011, Libya has had two national elections: the General National Congress (GNC) election in July 2012 and the House of Representatives (HOR) election in June 2014. Nevertheless, these democratic practices have not guaranteed stability in Libya.

Despite holding elections, Libya had not yet been able to move toward stability and democracy. In the absence of an institutional political legacy, the Libyans have returned to the embrace of primitive identities of tribes and regions contending for survival and superiority. Likewise, the weakness of the state apparatus and the vacuum of power allowed the armed groups to emerge and flourish. The transitional authorities have attempted to establish control over the revolutionaries armed groups and to integrate them into the remaining security bodies. However, the incorporation of revolutionaries had not advanced significantly as long as locally based organisations continued to possess arms. Thus, the first electoral process itself was a hotbed of social conflict that has made Libya more fragmented than ever.<sup>3</sup>

In June 2014, Libya's second parliamentary elections favoured the nationalist-federalist alliance over the Islamist bloc. The election took place amid an armed confrontation in Benghazi, 1000 km east of Tripoli, in which General Haftar launched Operation Dignity to recover Benghazi from Islamist groups. This prompted Operation Libya Dawn later in July between Haftar affiliated militias, mainly from Zintan and Warshfana tribes, and Libya's Dawn coalition, which was included armed units from Misurata and Zawia cities, in addition to Islamic armed groups. After elections, the new HoR decided to assemble in Tobruk instead of Benghazi as planned. This decision fractured unity among Libyans, forcing the GNC to reject the elections and declare themselves Libya's official parliament. In 2014, the situation has worsened, resulting in two dysfunctional and barely legitimate governments.<sup>4</sup>

During this time, division between east and west became more pronounced, and the country became ungoverned. Oil output abruptly decreased, leading to enormous deficits that

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<sup>1</sup> OCHA. 2011. Libya: Security Council adopts resolution 1973 (2011). <https://www.unocha.org/story/libya-security-council-adopts-resolution-1973-2011>. Accessed by October 24<sup>th</sup>, 2022.

<sup>2</sup> UN. 2011. Security Council authorizes UN support mission for Libya. <https://news.un.org/en/story/2011/09/387042>. Accessed by October 8<sup>th</sup>, 2022.

<sup>3</sup> Pack, J., & Cook, H. (2015). The July 2012 Libyan election and the origin of post-Qadhafi appeasement. *The Middle East Journal*, 69(2), 171-198

<sup>4</sup> Winer, J. M. (2019). Origins of the Libyan Conflict and Options for its Resolution. *Policy*

devoured Libya's savings. As the UNSMIL looked for a way to kick off negotiations, the country headed toward a relatively mild but possibly widespread civil conflict.<sup>5</sup>

Late in 2014, when the political and military environment in Libya was exceedingly uncertain, the United Nations pushed for a greater role for itself in the country.<sup>6</sup> On August 14, 2014, Spain's Bernardino Leon was appointed as a head of the United Nations Stabilization Mission in Libya (UNSMIL), succeeding Lebanon's Tarek Mitri. During the administration of Mitri, from 2012 to 2014, UNSMIL's role was restricted to resolving the political issue. However, it was unsuccessful due to the Libyan actors' disinterest in the solutions, and due to the Tripoli-Tobruk split in June 2014. Bernardino Leon, instead, centred his efforts on developing a political deal to replace the two rivals with a new transitional administration.<sup>7</sup>

In 2015, Leon sought to negotiate a temporary power-sharing solution to end Libya's internal division. The UN mediators enjoyed the unanimity of the Security Council and Western states, but their influence on local actors was limited since deploying peacekeepers to implement the agreement was never a realistic option, and the great powers were reluctant to dissuade intervening states from supporting the conflict parties.<sup>8</sup>

To resolve the political dispute between the HoR and the GNC, Leon was able to bring them together in Skhirat, Morocco, in December 2015, to sign a political agreement.<sup>9</sup> He established the High State Council (HSC), which is a new political entity comprised of former GNC members, as well as an executive body known as the Presidency Council, which established its headquarter in Tripoli and was charged with putting together a unified administration. The HoR remained the only legislature. By doing so, the UNSMIL aimed to centralize the power in hands of part of the elite and terminate the other autonomous entities. However, the institutional set-up was insufficient, leading to a lopsided conclusion.<sup>10</sup>

Leon's attempt at creating a political power sharing framework in Libya have failed because it did not touch the socioeconomic roots of conflict in Libya. The key point is that Skhirat agreement failed to address the flawed economic institutions and the lack of a social contract as the root causes of Libya's crisis.<sup>11</sup> Libyan experts have said that the political accord ignored fundamental concerns such as the future structure of the Libyan state in addition to how natural resources can be distributed. They claimed that a Libyan Economic Agreement was required in addition to the Libyan political agreement.<sup>12</sup> Others warned that the political

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<sup>5</sup> Ibid.

<sup>6</sup> Asseburg, M., Lacher, W., & Transfeld, M. (2018). Mission impossible? UN mediation in Libya, Syria and Yemen

<sup>7</sup> Lefèvre, R. (2016). High stakes for the peace process in Libya. *The Journal of North African Studies*, 21(1), 1-6

<sup>8</sup> Asseburg, M., Lacher, W., & Transfeld, M. (2018). Mission impossible? UN mediation in Libya, Syria and Yemen

<sup>9</sup> <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

<sup>10</sup> International Crisis Group. (2016). The Libyan Political Agreement: Time for a Reset

<sup>11</sup> Pack, J. (2019). It's the economy stupid: How Libya's civil war is rooted in its economic structures. *Rome: Istituto Affari Internazionali*

<sup>12</sup> Mattia Toaldo. (2017). If You Want Peace in Libya, Shun Partition and Embrace Power-Sharing, in Middle East Eye. <https://www.middleeasteye.net/opinion/if-you-want-peace-libya-shun-partition-and-embrace-power-sharing> Accessed by October 9th, 2022.

agreement would not endure since the signatories lacked power over the military forces and militias.<sup>13</sup> In November 2016, a report by the International Crisis Group stated that the Skhirat Agreement has run into an impasse due to the absence of a security dialogue. The analysis showed that in order to have a political solution in Libya, it would be necessary to work with local leaders and armed factions.<sup>14</sup>

The political agreement in Libya that led to the creation of the Presidency Council and the Government of National Accord has not worked, and the weakness of the unity government is a result of the UN's inability to lead. The UN Support Mission in Libya's credibility and ability to do its job were hurt by the scandal that appeared after Bernardino León's departure as a Special Representative of the UN Secretary-General.<sup>15</sup> León's decision to resign and accept a position in the United Arab Emirates (UAE) has provoked a heated response from the political actors in Tripoli, including the president of the GNC who has requested an investigation by the United Nations.<sup>16</sup>

In November 2015, the German diplomat Martin Kobler took over from Bernardino León as the UN's envoy to Libya. Despite the fact that both HoR and GNC had their doubts about the validity of the agreement, Kobler pushed to have it passed. At that time, Western countries that sponsored the agreement were losing patience with the discussions because they were concerned about the rise of the Islamic State (IS) in the Sirte area. They considered the creation of a unity government with whom they might collaborate in defeating IS as being a more essential matter disregarding the validity of the agreement and its impact on Libya's political transition.<sup>17</sup>

Ghassan Salama, who replaced Kobler in June 2017 as a UN's special envoy to Libya, tried to make the most of a fragile power-sharing deal by adding additional components. Late in 2017, Salama unveiled what he called an "Action Plan for Libya." Salama's plan included a set of actions that were intended to break the impasse that had been reached in Libya's peace process. Salama was certain that an everlasting resolution to the dispute would not materialise until a national discussion that included all domestic parties involved was allowed to take place. According to Salama's plan, it was suggested that there should be a national discussion in which the essential concepts of the constitution would be addressed and agreed upon by the participants. Following the completion of these processes, a referendum on the constitution to be held followed by legislative and presidential elections. The deadline set for finishing all of these stages was rather premature.<sup>18</sup>

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<sup>13</sup> Farag Al Esha. (2016). When Agreement Fail. Correspondents.org. <https://correspondents.org/en/2016/11/21/when-agreements-fail/> Accessed by October 9th, 2022.

<sup>14</sup> International Crisis Group. (2016). Libyan Political Agreement: Time to Reset. <https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/libyan-political-agreement-time-reset>. Accessed by October 8th, 2022.

<sup>15</sup> Mezran, K., & Miller, E. (2017). *Libya: From Intervention to Proxy War*. Atlantic Council

<sup>16</sup> Al-Jazeera. (2016). Anger at UN chief negotiator in Libya's new job in UAE. <https://www.aljazeera.com/news/2015/11/5/anger-at-un-chief-negotiator-in-libyas-new-job-in-uae>. Accessed by October 9th, 2022.

<sup>17</sup> Lacher, W. (2020). *Libya's fragmentation: Structure and process in violent conflict*. Bloomsbury Publishing

<sup>18</sup> Watanabe, L. (2019). UN Mediation in Libya: Peace Still a Distant Prospect. *CSS Analyses in Security Policy*, 246

Salama sought to finish all of the Action Plan's steps within a year. There has been some development in this Salama's plan who prepared for a high-level national conference scheduled for April 2019. However, Haftar's forces' attack on Tripoli in April ruined Salama's plan.<sup>19</sup> After this dramatic change in the Libyan arena, and as his plan was completely derailed, Ghassan Salama resigned in March 2020, claiming that his attempts to bring peace to Libya were detrimental to his health.<sup>20</sup>

After Salama's departure, the position of Special Representative to Libya and head of UNSMIL was assumed by Stephanie Williams, a U.S. diplomat and deputy head of UNSMIL, according to the United Nations Secretary-General António Guterres announcement.<sup>21</sup>

## **2. Stephanie William's plan 2020-2022:**

After the military stalemate that followed Turkey's intervention in Libya to halt the Libyan National Army's push on Tripoli, commanded by Khalifa Haftar, opposing parties reached a ceasefire agreement in October 2020.<sup>22</sup> The agreement served as the foundation for the first gathering mediated by the UN inside Libya in a long time, which took place in last week of October 2020 under the supervision of the UNSMIL.<sup>23</sup>

In November 2020, Stephanie Williams, Acting Head of the United Nations Mission in Libya, launched the Libyan Political Dialogue Forum (LPDF) in Tunis. The 6-day conference was based on Berlin conferences' outcomes, Security Council Resolution no. 2510, and political understandings to form a presidential council and a government in Libya.<sup>24</sup>

Stephanie Williams has had a huge burden to carry on and implement the commitments outlined in the conclusion of the Berlin conferences I and II. The UNSMIL operationalized these commitments into 3 distinct tracks which were comprised of political, economic and military track. The UN mission facilitated a political dialogue forum that brought together 75 representative Libyans from the major constituencies of Libya to agree on a reform of the executive authority and to elect a government that will lead to a national election ending Libya's transitional phase. The Libyan political dialogue forum ended up electing a new prime

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<sup>19</sup> Ibid

<sup>20</sup> BBC. (2020). Libya conflict: 'Stressed' Ghassan Salame resigns as UN envoy' <https://www.bbc.co.uk/news/world-africa-51713683>. Accessed by October 9<sup>th</sup>, 2022.

<sup>21</sup> <https://unsmil.unmissions.org/secretary-general-designates-stephanie-turco-williams-united-states-acting-special-representative>

<sup>22</sup> UN News. 2020. UN salutes new Libya ceasefire agreement that points to 'a better, safer, and more peaceful future'. <https://news.un.org/en/story/2020/10/1076012>. Accessed by, October 16, 2022.

<sup>23</sup> Mezran and Badi. 2020. Libyan ceasefire agreement faces hurdles due to foreign intervention. *Atlantic Council*. <https://www.atlanticcouncil.org/blogs/menasource/libyan-ceasefire-agreement-faces-hurdles-due-to-foreign-intervention/>. Accessed by, October 16, 2022.

<sup>24</sup> LANA. 2020. The envoy of the un-Secretary-General to Libya Stephanie Williams confirms that the discussions of the Libyan Political Dialogue Forum will be public. <https://lana.gov.ly/post.php?lang=en&id=183113>. Accessed by October 16, 2022.

minister in a process that was marred by accusations of bribery and demanded that the House of representative prepare the necessary laws and constitutional frameworks to prepare the country to conduct elections by 24 December 2021.<sup>25</sup>

In fact, there have been a number of criticisms levelled against the UNSMIL's strategy, and it would appear that those criticisms were justified once the strategy failed.

One of the major deficiencies of the outcomes of the LPDF, for instance, was that no mechanism was instituted to enforce the HOR and High State Council (HSC) to conclude their efforts to present a legal and constitutional framework for the elections. Hence, both actors dragged their feet and could not reach an agreement for a constitutional framework for the elections. At the same time, fears were heightened when the date for the elections got sooner as Khalifa Haftar, Saif Al Islam Al Gaddafi and PM Dbeiba all announced their intentions to nominate themselves to the presidential elections. So, the elections did not take place as the High National Electoral Commission (HNEC) announced the postponing of the elections. As a consequence of this, Libya entered yet another era of chaotic domestic turmoil, at the centre of which is a conflict over how to establish a national government that is legitimate.<sup>26</sup>

In the following sections we address the major flaws in UNSMIL's strategy in Libya and to provide light on the strategy's utter failure.

## **2.1 Lack of Legal and Constitutional Framework**

The significance of having a constitutional framework in Libya stems from the urgency of establishing a clear agreement on the major concerns that have fuelled a civil war in Libya for a decade, as well as on the basic values that unify Libyans.

As a whole, the constitutional dispute in Libya is more historic, socio-economic, and political in nature than it is either technical or legal in nature. The Libyan constitution-making process, which began after the 2011 revolt, has stalled out owing to disagreements amongst the country's historic regions. The LPDF's 75 members, thus, were charged with, among other crucial tasks, resolving the nation's constitutional impasse.

Theoretically, the UNSMIL road map has emphasised the significance of reaching an agreement on "a constitutional framework" for Libya's upcoming national elections. However, during the six-days forum, the UNSMIL has ignored the profound constitutional disagreement between the Libyan factions and historic regions. Instead, the UNSMIL supervision during the forum was merely focused on how to nominate new executive authority, as it did in Skhirat, Morocco in December 2015. Also, the forum identified 24

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<sup>25</sup> UNSMIL. 2021. UNSMIL Statement Regarding the Holding of a House of Representatives Session in Sirte and Allegations of Bribery in the LPDF. <https://unsmil.unmissions.org/unsmil-statement-regarding-holding-house-representatives-session-sirte-and-allegations-bribery-lpdf> Accessed by 24 October 2022.

<sup>26</sup> Bourhrous. 2022. 'Libya's electoral limbo: The crisis of legitimacy.' *SIPRI*. <https://www.sipri.org/commentary/blog/2022/libyas-electoral-limbo-crisis-legitimacy>. Accessed by 17 October 2022.

December 2021, as a milestone for parliamentary and presidential elections without securing any level of agreement on the legal and constitutional framework that will regulate the polls.

The LPDF was initially intended as a replacement for the constitutional committee, first to create a legal foundation for the elections, and second, to resolve the key issues that have driven Libya's political and social turmoil for a decade.

On the constitutional foundation for the election, the agreement was extremely difficult to come by. According to the roadmap, the institutions involved in the constitutional process, namely the HoR and HSC, should agree to complete the constitutional arrangements within a timeframe not exceeding 60 days. The LPDF would then take over if an agreement between these entities could not be reached.

Initially, the HoR/HSC looked to achieve progress on the constitutional foundation, keeping the prospect of a referendum on the document produced by the Constitutional Drafting Committee. In a subsequent meeting, however, it recanted, claiming that practical obstacles may prohibit the referendum from being held before the December elections.<sup>27</sup> A vote on Libya's draught constitution could potentially fail to settle Libya's legitimacy dilemma due to opposition from various social segments, especially the federalists in the east as well as the Amazigh in the west. Thus, the sixty-day term came to an end therefore without any kind of consensus being reached on a constitutional foundation for the elections.

As the election date drew nearer, the Legal Committee, which originated from the LPDF, conceived up other potential alternatives. A constitutional referendum looked more unrealistic, and many political players opposed to the draught did not favour it. Some Legal Committee members advocated a revised Interim Constitutional Declaration for the elections in May 2021. Other election-related provisions also sparked Forum discussion. The last LPDF meeting in Geneva, in July 2021, was tense and failed to address these lingering issues and establish common ground among members

The failure of the LPDF allowed the HoR to establish its own legal framework for the elections in October 2021. This, however, elicited strong reactions in Libya. The process by which the laws was passed was widely criticised as being in violation of the Libyan Political Agreement and the HoR's norms of procedure.<sup>28</sup>

The HoR, HSC, Unity Government, and Presidential Council aim to demonstrate their electoral commitment by legal manoeuvres. However, Libyans distrust competing parties' statements. Each side accuses the other of engaging in political manoeuvring over the establishment of the constitutional framework in order to obstruct the elections and lengthen the amount of time they spend in power. Alternately, it is asserted that they have devised certain measures with the intention of thwarting the candidacy of particular members of the opposing group.<sup>29</sup>

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<sup>27</sup> Zabtia. 2021. 'Holding referendum on draft constitution could delay election date beyond 24 December 2021'. *Libyaherald*. <https://www.libyaherald.com/2021/02/holding-referendum-on-draft-constitution-could-delay-election-date-beyond-24-december-2021/> Accessed by 17 October 2022.

<sup>28</sup> CHERIF, N. (2021). Libya's elections without a constitution: a risky gamble.

<sup>29</sup> Ibid



The HoR and the HCS, in particular, have dragged their feet on providing the constitutional framework that will allow the elections body to hold the elections that ends Libya's political transition. The UN envoy Stephanie Williams has hosted several meetings between Aguila Saleh, Speaker of HoR, and Khalid Al Mishri, the head of the High Council of the state. Yet, these meetings have failed to lead to a convergence of opinion between both bodies leading to the faltering of the political process and a painful status quo that only drags Libya into a worse situation. Williams has been reluctant to call for a larger role for the LPDF despite the roadmap's clear guidelines for the LPDF to monitor the constitutional framework process and to hold the two bodies accountable to the Libyan people in case they are not able to reach a consensus on the constitutional framework for the elections.

## 2.2 Election Expected Violence.

Through its mandate in Libya, the UNSMIL has developed its plan with the primary purpose being to hold elections, despite the fact that elections are often criticised as a political transition mechanism in conflict affected countries.<sup>30</sup>

Generally, elections have become largely irrelevant in many cases characterised by widespread political conflict and entrenched electoral violence. As a result, elections no longer play a significant role in bestowing legitimacy on a government or laying the groundwork for the establishment of a new political setting in fragile situations. The finding of research on this topic reveals that in the majority of cases, post-war election procedures have been extremely difficult; such processes can lead to war recurrence, be plagued by extensive electoral violence, or provide the circumstances for ethnic reification or power control by a limited minority.<sup>31</sup>

Likewise, observers have attributed national division on Libya's post-2011 early elections.<sup>32</sup> The UN and Western powers were criticised for urging the Libyan Transition Council (NTC) toward elections in July 2012, less than a year after Qadhafi's death. The claim was that Libya required longer time to get ready for elections and provide the conditions necessary for a newly elected parliament to be successful.<sup>33</sup> The NTC didn't think that elections would be a perfect solution to Libya's deep social, economic, and regional divisions. Instead, they were realistic about what elections could do in a country that had never had political parties or elections before.<sup>34</sup>

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<sup>30</sup> Sisk, T. D. (2013). Elections and statebuilding after civil war: Lurching toward legitimacy.

In *Routledge Handbook of International Statebuilding* (pp. 285-294). Routledge

<sup>31</sup> Ibid

<sup>32</sup> Bennor, Jamal. (2015). A model for dialogue and national reconciliation in Libya. *Norwegian Peacebuilding Resource Centre. February.*

<sup>33</sup> Fishman, B. (2018). Libya's Election Dilemma'. *The Washington Institute Policy Watch*, 297

<sup>34</sup> Interview with the former Prime Minister-elect, Dr. Mustafa Abushagur, conducted by Jason Pack in 2013 in London.

The electoral crisis that occurred in 2021 is undeniable proof that these critiques have some bearing on the situation in Libya.<sup>35</sup> The most important obstacle to overcome in this scenario is for the warring groups to reach a consensus on a constitutional framework that would make it possible to hold elections. Since the elections were unable to be held, many parties have asserted their legitimacy. The fact that the exact elites and institutions whose power should be challenged through elections are the ones in charge of arranging such elections adds an additional layer of complexity to the existing issues. There is little motivation for them to stop from impeding the process unless they can guarantee that they will be able to keep their jobs and their influence in whatever future political configuration.<sup>36</sup>

Thus, it's clear that if some parties have the power to start widespread violence again, such as the case in Libya, it makes it more likely that there will be another war, and it's unlikely that elections held in situations, where there is a lot of political violence, a proliferation of armed groups, and where state cannot exert monopoly over the use of force, will produce results that are legitimate or widely accepted.<sup>37</sup>

### 2.3 The Original Roots of Conflict

All of the efforts that have been made so far in Libya to have a national dialogue concerning a constitution or political power-sharing have been unsuccessful because they do not address the socio-economic reasons of the problem.<sup>38</sup> These include the economic inequality and the dispute over resources distribution between the Libyan historic regions, namely Tripolitania, Cyrenaica, and Fezzan.

In fact, economic inequality sparked the 2011 Libyan uprising and reshaped the power struggle between social factions following Ghaddafi's overthrow. One of the factors that might be stated as one of the causes contributing to a developing sense of discontent among the revolutionaries in February 2011, against the arbitrary leadership of Gaddafi is the issue of wealth distribution.<sup>39</sup> The conflict over natural resources between armed factions in Libya's west and east after the toppling of Ghaddafi, rise of the federalism question, and the consequent divide between the west and east of Libya, indicates that resource wealth is more of a burden than a benefit in the Libyan case.

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<sup>35</sup> Bourhrous. 2022. 'Libya's electoral limbo: The crisis of legitimacy.' *SIPRI*. <https://www.sipri.org/commentary/blog/2022/libyas-electoral-limbo-crisis-legitimacy>. Accessed by 17 October 2022.

<sup>36</sup> Ibid

<sup>37</sup> <sup>37</sup> Sisk, T. D. (2013). Elections and statebuilding after civil war: Lurching toward legitimacy. In *Routledge Handbook of International Statebuilding* (pp. 285-294). Routledge

<sup>38</sup> Pack, J. (2019). It's the economy stupid: How Libya's civil war is rooted in its economic structures. *Rome: Istituto Affari Internazionali*.

<sup>39</sup> Costantini, I. (2016). Conflict dynamics in post-2011 Libya: a political economy perspective. *Conflict, Security & Development*, 16(5), 405-422

This is because of the lack of a constitutional framework based on which any disagreement on the distribution of natural resources revenues may be managed. On one hand, the Libyan Interim Constitutional Declaration (2011–present) has implicitly adopted a simple central system for which a central government can exert influence over the entire country resources revenues. On the other hand, the Libyan conflict is just as complicated as the Libyan economy, as the dispute between Libya's historic provinces reveals. The constitutional declaration did not tackle the question of resources allocation on a geographical or provincial basis. Additionally, it did not address the issue of Libya's economic structure, which may be either centralised or decentralised.

Sub-regional and territorial affiliations have become stronger as a result of the criticisms of a centralised rentier economy built on territorial supremacy. The Cyrenaicans in the east raised their voices in protest of the unequal distribution of resources after armed factions in the West of Libya took control of the official financial institutions after overthrowing the Gaddafi dictatorship.

The subregional rivalry was exacerbated by the escalation of violence that occurred in the summer of 2014, when Operation Dignity and Operation Libya Dawn were both initiated. Since then, the democratic transition has been wholly and thoroughly derailed, and the political legitimacy, in and of itself, has been the matter of contention. In conclusion, the regional divide manifested itself clearly around two different topics (terrorism and its definition, and the way oil resources are distributed).

During that time, between 2014-2015, the UNSMIL and some European mediators worked to revive the political process by supervising in a selective political dialogue. This dialogue resulted in the signing of the Skhirat Agreement in December 2015, which was criticised by many observers for being an elite-based compromise that produced a transitional central authority ignoring the social and economic causes of the conflict.

Both the 2015 agreement in Skhirat and the 2021 agreement in Geneva were followed by an armed dispute over legitimacy of the central government and natural resources distribution. In 2019, armed forces under Haftar's Army command took off from their bases towards Tripoli, were mostly supported by forces from Cyrenaica and the Arab Bedouin tribes in the west versus armed formations that follow other west Libyan cities (the former Libya Dawn coalition) under the Leadership of the Government of National Accord GNA. Recently, in 2022, Libya was again divided between military factions loyal to Bashagha, who was nominated by the Libyan Parliament as a Prime Minister, and those loyal to Edbaiba, who was nominated in Geneva by the LPDF. The latter refuses to step down and is still recognised by the international community.

In both cases, the central governing system that dominated by armed groups located in Libya's capital, Tripoli, stimulated the conflict and promoted the winner-take-all mentality. At the same time, the approach adopted by the UNSMIL either in Skhirat or Geneva was to establish a compromise between certain political groups and incumbents to capture the central system. In all cases, the UNSMIL did not touch historical and socio-economic roots of conflict by which a treaty peace in Libya can be established.

## 2.4 Blank Cheque for Edbaiba

Edbaiba's refusal to give up his role as prime minister of the transitional executive government following the failure to conduct elections by 24 December 2021 has thrown Libya into a new uncharted territory. The UN's failure to hold Edbaiba accountable has led to this unfortunate outcome. Soon after the certification of the government led by Edbaiba by the parliament, a UN inquiry has found that bribes as much as 500,000\$ were offered during the LPDF elections to support Edbaiba's campaign to become the prime minister.<sup>40</sup> Edbaiba's legitimacy was called into question as soon as he was elected. The UN envoy failure to call out the corruption that engulfed its own process and to call for a renewal of the elections has hurt the credibility of the UN as a mediator in Libya. Moreover, the bribery accusations that were acknowledged by the UN inquiry means that the LPDF's legitimacy is compromised. It's a political question whether the new UN envoy would be willing to go through the exhausting process of selecting new delegates for a revamped Libyan political dialogue forum, but it would be a worthwhile endeavour to secure legitimacy for the Libyan political process.

By giving Edbaiba the legitimacy to lead Libya's institution during the transitional period, as per the mandate shown in the political agreement, meant that he has the ability to use the Libyan state's resources to affect the political transition to his advantage, and to extend its authority without any legislative control or any kind of check and balance system.

Although the competencies of these authorities are defined in the UNSMIL plan; there were sub-competencies that were not stipulated, and common competencies that were not regulated. This needed putting in place mechanisms for the authorities to act accordingly. In fact, the Libyan constitutional declaration does not define the Unity Government and thus it cannot set regulations or rules to regulate it. This allowed Edbaiba's government to enact laws for itself, which granted it the opportunity to extend and expand its authority. Furthermore, Edbaiba government has enacted new laws unilaterally on the pretext of non-cooperation of the HoR. The most important of which are appointing ministers in the government without granting confidence from the HoR, forming new governmental institutions, and concluding bilateral agreements with foreign countries.

Because of the blank check that the UN mission has given to Edbaiba, he has refused to step down from his position after the expiration of his mandate, his government has a terrible track record of providing services to the people of Libya, and he took a gamble by signing a memorandum of understanding (MoU) with the Turkish government regarding gas and oil exploration of Libya's natural resources in the Mediterranean Sea, which was a risky gambit considering the geopolitical tensions in the region. The UN mission, thus, should consider enforcing the LPDF's outcomes through raising the costs on any actor that does not abide by the LPDF's roadmap.

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The Guardian. 2021. Libya's Interim PM Elected Through Bribery, UN Inquiry Says. <https://www.theguardian.com/world/2021/mar/02/libyas-interim-pm-elected-through-bribery-un-inquiry-says> Accessed by 24 October 2022.

## 2.5 Wider Regional Developments and their effect on the Libyan Political Transition:

Several new regional developments affect the Libyan situation in different ways. Over the last three years, Turkey, and Egypt, for instance, interfering in Libya for economic and geopolitical reasons. The gas and energy resources in Mediterranean is among disputed issued between the two countries. Egypt collaborated with Greece, the Republic of Cyprus, and Israel to figure out the economics and politics of natural gas in the Eastern Mediterranean. Apparently, Turkey was excluded from joining the Forum. In the conflict that took place in Libya, Turkey and Egypt backed different sides. On the one hand, Turkey has often backed Tripoli-based governments, either the National Accord Government or the Unity Government, signing agreements with both of them. On the other hand, Egypt was a crucial ally of Khalifa Haftar, the military leader who was attempting to take over the entire country. As a result of the two countries' strategic rivalry in Libya and competitiveness in the eastern Mediterranean, Libya's political transition has deteriorated further.<sup>41</sup>

Egypt's support to Fathi Bashaga's bid to replace Edbaiba as a rival government have led to further fracturing on the Libyan political arena. While Bashaga's efforts have not been recognized internationally, different countries might be tempted to assist it if they perceive Libya to be tilting against them. Thus, it is imperative on the UN mission to make sure that the Libyan transitional government is supported by a regional consensus to end the Libyan transition and move to a political settlement that is accepted Libyans and by regional powers.

Furthermore, Al Ula summit in January 2021, which has led to the lifting of the blockade on Qatar and resuming diplomatic relations with it, can has potential positive impact on Libyan conflict. While there has not been any apparent Qatari Emirati discussion on Libya, Qatar and Egypt renewed relations could open up the door to further cooperation on Libya.<sup>42</sup> The cooperation can be useful in the bridging of the East West divide of Libyan politics with Qatar's opening up to dealing with Eastern Libya's political factions.<sup>43</sup>

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<sup>41</sup> Meliha Benli Altunışık. 2022. Turkey and Egypt: The Challenges of Normalisation. *ISPI – Italian Institute for International Political Studies*. <https://www.ispionline.it/en/pubblicazione/turkey-and-egypt-challenges-normalisation-34277> Accessed by 24 October 2022.

<sup>42</sup> Andreas Krieg. 2022. Are Qatar and Egypt crafting a deal. *Middle East Eye*. <https://www.middleeasteye.net/opinion/libya-qatar-egypt-crisis-deal-crafting-are>. Accessed by 24 October 2022.

<sup>43</sup> Fetouri. 2022. Qatar opens up to Libya's eastern camp after years of animosity. *Middle East Monitor*. <https://www.middleeastmonitor.com/20220922-qatar-opens-up-to-libyas-eastern-camp-after-years-of-animosity/> Accessed by 24 October 2022.

### 3. Conclusion:

For a variety of causes, UNSMIL's efforts to establish a road map for political transition in Libya have not resulted in either permanent or interim peace. First, there is a lack of a constitutional framework that can represent core principles that unite Libyans and address the primary concerns that have driven a decade of civil conflicts in Libya. The constitutional controversy in Libya is more historically, and socioeconomically based than technically or legally. Thus, the absence of a consensual constitutional framework addressing the shape of the new Libyan state and how to manage the relationship between Libya's historical provisions has exacerbated the rift and division between Libya's West and East.

The UNSMIL's attempts in Libya to have a national dialogue about a constitution or a way to share political power have failed because they don't address the social and economic causes of the problem. These include the disparities in wealth and power between Libya's three historic regions, namely, Tripolitania, Cyrenaica, and Fezzan. Ensuring power-sharing agreement between the provinces and establishing a decentralised system of governing during transition can mitigate the domestic conflict in the North African country. At the same time, the central governing system that dominated by armed groups located in Libya's capital, Tripoli, stimulates the conflict and promotes the winner-take-all mentality.

In a similar vein, the conclusions of this paper indicate that the UNSMIL has developed its plan with the principle aim of holding elections, despite the fact that elections are frequently criticised as a mechanism for political transition in countries that are in the midst of a conflict. In conflictual and fragile situations, such as the case in Libya, the election is unlikely to produce results that can be deemed legitimate or widely accepted.

In addition to this, the system proposed by the UNSMIL roadmap in Geneva 2021 lacked check and balance mechanisms. It granted the nominated prime minister, Abdelhamid Edbaiba, a blank cheque to do whatever it wants. This is why he has refused to resign after his mandate expires despite his government's terrible performance.

Additionally, regional powers have made an impact on the current situation in Libya through different means. Due to economic and geopolitical concerns, Turkey, and Egypt in particular have been actively involved in the internal affairs of Libya over the course of the previous three years, interfering considerably. Between the two countries, there are a number of controversial problems, one of which being the allocation of gas and energy resources in the Mediterranean.