

POLICY UPDATE

June 2018 | GPoT PU № 18

Spotlight on Africa | What Next for Libya?

Michael Asiedu¹

2017 could be described by Libyans and many in the international community as a year of political stagnation with no vital accomplishment in terms of the political impasse and deadlock in post-Gaddafi Libya (El-Gamaty, 2018), a scenario that has seen the establishment of rival governments and the proliferation of militias among certain factions embroiled in the Libyan conflict. A ray of hope has however appeared in the form of renewed efforts to get the country back to full functionality. It is in this vain that on 29 May, French President Emmanuel Macron hosted leaders of rival Libyan factions together with diplomats from over 20 countries (including UN Special Envoy for Libya Ghassan Salame, French Foreign Affairs Minister Le Drian, Congo President Denis Sassou Nguesso) in Paris in attempt to broker a peace deal and a pathway to elections in Libya.

The Meeting

Key Libyan figures such as east Libyan Army Commander and Chief of Staff Field Marshall Khalifa Haftar, President of the Libyan House of Representatives based in Tobruk, Aguila Saleh Issa, Leader of the Presidential Council of Libya/ UN-backed Government of National Accord (GNA), Fayeze al-Sarraj and President of Libya High Council Khaled Mechri all participated in the meeting in Paris (Samuel, 2018).

At the meeting the parties agreed in principle to hold presidential and legislative elections on 10 December with work on agreeing to a constitutional framework in mid-September. “We now have clear commitments for the country, an approved calendar for parliamentary and presidential elections”, Macron indicated after the meeting with the Prime Minister of Malta, Joseph Muscat indicating that all efforts should be made in support of the timeline agreed at the Paris meeting. The key passage at the end of the meeting read: “We pledge...to work constructively with the United Nations to hold credible and peaceful elections on December 10 and to respect the results of the elections. UN Libyan Envoy reiterated that he was “optimistic” going forward noting the keen involvement of all parties present.

¹ Michael Asiedu is a researcher at the Global Political Trends Center (GPoT) – Istanbul Kultur University, Turkey.

Are Elections feasible?

Irrespective of the supposed timeline reached in Paris certain rights organizations as well as analysts argue that Macron would do well not to rush the election timeline given that the conditions in Libya are currently not conducive for a free and fair election, Essentially, there are concerns that trying to hold elections this year could trigger more violence in the country.

For instance, a group of 13 military councils and brigades in western Libya put out a statement that Macron's Paris initiative did not represent them. They stated their opposition to what they claimed was "foreign interference" and added that the initiative would end up 'normalizing military rule', (VOA, 2018) thus, allegedly in reference to Field Marshall Khalifa Haftar, should he come out as a victor in the said elections.

Rights groups such as Amnesty International and Human Rights Watch (HRW) on the other hand have accused Haftar forces of major rights abuses; HRW in its 8 August, 2017 *Letter to the Commander of the Libyan National Army* stated that the organization has tracked violations which included extrajudicial executions of captured persons among other crimes by Haftar forces against civilians in Benghazi since the 2011 uprising. In Amnesty International's March 2017 titled *Evidence Points to War Crimes by Libyan National Army forces* too, its North African research director, Heba Morayef pointed out that, "the deplorable conduct of members of the Libyan National Army show the fatal shooting of defenseless captives and violates international humanitarian law and amounts to a war crime".

Do Elections have the support of the International Community?

In terms of international backers, Qatar, the United Arab Emirates and Egypt support the French drive for elections as well as parties present at the 29 May meeting in Paris which included the UN Envoy for Libya, Ghassan Salame. However, irrespective of considerable backing with regards to the push for elections, other European countries (UK) and the United States have been more skeptical, they have rather been pushing for an agreement on a constitution for Libya first. The latter's skepticism is conceivable especially, given the current state of Libya, what should come first, a constitution or elections?

If the a constitutional framework option should be pursued before elections what is the likelihood that a common ground could be reached in the light of the difficulties faced by *The 2015 Shkirat Agreement*². In fact the 29 May meeting in Paris also sought to roll out a timeline for a "constitutional

² In addressing the post-Gaddafi anarchy in Libya- (an offshoot of the broader Arab Spring that ended the over four decades rule of Libyan leader Muammar Gaddafi), members of the Libyan House of Representatives (HoR) and the New General National Congress signed a political agreement on 17 December 2015. This agreement signed in Skhirat, Morocco has come to be known as The Libyan political Agreement or The Skhirat Agreement. Per the terms of The Agreement a nine-member Presidential Council and a seventeen –member interim Government of National Accord (GNA) was formed with the notion of holding new elections within two years. The HoR was to continue to exist as a legislature and an advisory body to be called the State Council. The State Council was thus formed with members

basis” to be agreed upon in mid-September. A scenario in which Libyan analyst Mohammed Eljarh of the Atlantic Council argued that there could be no easy agreement in terms of deliberations leading to a constitutional framework before the elections proposed for 10 December. Essentially, he is of the conviction that the disagreements among the parties involved make elections unfeasible before the end of 2018.

HRW also issued a report critiquing the idea of holding elections this year. The rights group argues that Libya’s rival authorities should at the minimum ensure conditions for candidates to campaign freely without undue risk of attacks. HRW stressed that this risk was there as there was no independence of the voter registry and questioned whether polling stations could even be sufficiently secured. This critique also comes at the backdrop of recent Islamic State attack on 2 May, 2018 on Libya’s High National Election Commission which left a dozen civilians dead. The attacks prompts fears that given Libya’s fragile situation, rushed elections will act as a magnet for further militant attacks.

Benedicte Jeannerod, France’s HRW Director further stated that, the international community including majority of Libyans, must hear Libyan leaders pledge significant improvements to the rule of law, justice and accountability including for their own abusive forces before organizing elections.

Thus, the onus now lies on both the UN-backed Government of National Accord under Fayez al-Serraj, Libyan National Army Commander Khalifa Haftar, Aguila Saleh Issa, President of the House of Representatives as well as Khaled Mechri , President of Libya High Council to pursue a pathway to stability that will ensure the sanctity of elections should they occur this year.

Jean-Marie Guehenno, a senior advisor with the Centre for Humanitarian Dialogue is also of the view that, “in Libya as in other peace processes, a delicate balance has to be struck between pushing parties to settle and letting them take ownership”. The International Crisis Group also seem to lean towards this position as they argue that “much more work remains to be done for a peace-building effort in Libya to succeed”.

In juxtaposition to the aforementioned developments too, on 21 May 2018 too, Jonathan Allen, UK Deputy Permanent Representative to the UN, at the Security Council delivered a briefing on Libya. He stated that as the UK government had indicated previously, the Libyan status quo was not sustainable and indicated his country’s position to welcome efforts to prepare for elections in Libya. Allen further quoted the fact that 2.4 million Libyans had registered to vote, a sign which according to him reflects popular demand in the country to end the transition period and move on to an engagement in a democratic political process – essentially, the appetite to move on is evident.

nominated by the New General National Congress. The GNA and Agreement is backed by the United Nations. To read the full Agreement visit: unsmil.unmissions.org

The Hurdle

However, irrespective of these pronouncements, Allen reminded the Council of UN's three elements which ought to form part of the political sequence in Libya, these are: the constitution, parliamentary elections and presidential elections; stressing that it was of immense necessity to maintain the sequencing so that credible elections as well as stability could be achieved. Precisely according to Allen, before elections could take place, Libya's leaders must agree to an inclusive political package on the technical, security and political measures needed to ensure that elections would be inclusive, peaceful and that results would be accepted. With this caution at the backdrop, it is highly unlikely that elections could come off this year, see *The Libyan political Agreement, Time for Reconsideration* GPoT Policy Brief No.45³ for the main parties and their positions in the Libyan crisis.

For instance, even the statement issued at the end of the 29 May meeting in Paris was only endorsed but not signed by any of the four Libyan leaders – Fayez al-Serraj, Prime Minister of UN-backed government in Tripoli, the Military Leader of east Libya, Khalifa Haftar, the President of the House of Representatives, Aguila Saleh Issa and the Head of the Council of State, Khaled al-Mishri. Commenting on the reason why none of the leaders appended their signature, Macron said the agreement had not been signed because the groups needed to consult as they did not recognize one another's authority. A clear case of the hurdle needed to be overcome in reaching a constitutional framework in mid-September before the proposed 10 December elections.

The possibility of organizing elections without any prior constitutional agreement is also huge a non-starter hence, the factions could not agree to that. However, what could be feasible pathways to really enhancing the overall climate for possible national elections could be: the relocation of the Tobruk-based House of Representative which is close to Haftar to Tripoli, the capital of Libya and the parallel government established in east Libya should also eventually be disbanded. The proliferation of military and security forces into multiple militias beside the self-proclaimed Libyan National Army (LNA) of Haftar should also be unified under the umbrella of UN. Other institutions significantly the Central bank should also be unified, at least active pursuit of these peace building initiatives could set Libya well on course for sustainable stability.

Conclusion

While it was symbolic for Libyan leaders to sit together in the 29 May meeting in Paris, of intrinsic significance would be to see the extent to which the four leaders deliver on promises made at the meeting in conjunction with how Libyans react. Should the elections come off this year and turn out well, it would have the capacity to further stimulate the change the country desperately needs, however, should the build-up to it become chaotic for instance – elections would have to be organized in a safe environment free of any interference and harassment. In the absence of well-established army and police institutions, those security groups that would partake would have to be totally impartial, a feat largely accomplished in the 2012 and 2014 elections, failure of which would lead to a more anarchy, a situation post-Gadhafi Libya could no longer afford.

³ To read GPoT Policy brief No. 45, please visit: <http://www.gpotcenter.org/dosyalar/PB%2045.pdf>

References

Allen, J. and Foreign and Commonwealth Office. (2018, May 21). A Peaceful, Secure, Prosperous Libya through credible elections. Statement by Ambassador Jonathan Allen, UK Deputy Permanent Representative to the UN, at the Security Council on Libya. Gov. UK. Retrieved from <https://www.gov.uk/government/speeches/a-peaceful-secure-prosperous-libya-through-credible-elections>

Amnesty International. (March 23, 2017). Evidence points to war crimes by Libyan National Army forces. Retrieved from <https://www.amnesty.org/en/latest/news/2017/03/evidence-points-to-war-crimes-by-libyan-national-army-forces/>

Dettmer, J. (2018, May 29). Is Libya Ready for Elections? VOA. Middle East. Retrieved from <https://www.voanews.com/a/is-libya-ready-for-elections-/4414429.html>

El-Gamaty, G. (2018, January 11). What does 2018 hold for Libya? The New Arab. Retrieved from <https://www.alaraby.co.uk/english/comment/2018/1/11/what-does-2018-hold-for-libya>

Human Rights Watch. (August 8, 2017). Letter to the Commander of the Libyan National Army. Retrieved from <https://www.hrw.org/news/2017/08/08/letter-commander-libyan-national-army>

Megerisi, T. (2018, June 1). Libya Elections: The Missing Ingredient. European Council on Foreign Relations. Retrieved from https://www.ecfr.eu/article/commentary_libya_elections_2018_the_missing_ingredient

Samuel, H. (May 29, 2018). Rival Libyan Leaders in Paris agree to hold elections in December. The Telegraph. Retrieved from <https://www.telegraph.co.uk/news/2018/05/29/rival-libyan-leaders-paris-agree-hold-elections-december/>

Wintour, P. (2018, May 29). Libyan factions agree to hold elections on 10 December. The Guardian. Retrieved from <https://www.theguardian.com/world/2018/may/29/macron-hosts-libyan-factions-in-paris-in-push-to-secure-elections>

Global Political Trends Center (GPoT Center) is a nonprofit, nonpartisan research institution established under the auspices of Istanbul Kültür University in 2009.

GPoT Center was founded with the aim to support reconciliation and non-violent solutions to international as well as domestic issues through dialogue. Our mission is to contribute to stability, democratization and peace through organizing multitrack diplomacy meetings, conducting innovative and independent research, and encouraging informed debates in the media on key issues affecting Turkey and the world.

GPoT Center serves as a platform for the free exchange of views and information on political, social and economic matters concerning a variety of parties and segments of society. We aim to achieve our mission by routinely bringing together opinion leaders, government officials, policy makers, analysts, scholars, experts and members of the media from Turkey and abroad.

Our publications can be downloaded from our website for free. They are also accessible through online libraries worldwide, such as the International Relations and Security Network in Zurich, Europe's World in Brussels, and Columbia University Press in New York. Additionally, you can find our books on Google Books and Amazon Kindle.

CONTACT DETAILS

Global Political Trends (GPoT) Center

Istanbul Kültür University

Atakoy Campus, Bakirkoy

34 156 Istanbul, Turkey

www.gpotcenter.org

info@gpotcenter.org

Tel: +90 212 498 44 76/65

Fax: +90 212 498 44 05

