

# Libya's Renewed Legitimacy Crisis

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Brief Analysis

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**Washington and Europe need to clearly signal that they will not endorse any new governing arrangements until all local actors peacefully adhere to a negotiated political roadmap.**

**O**n February 10, Libya's House of Representatives (HOR) hurriedly voted to appoint former interior minister Fathi Bashagha as the country's next prime minister. He is slated to replace Abdulhamid al-Dabaiba, who has served as head of the internationally recognized Government of National Unity (GNU) for just over a year. HOR chairman Aguila Saleh orchestrated the vote, arguing that the current GNU's tenure expired in December after planned presidential and parliamentary elections were postponed. Bashagha now has two weeks to submit a cabinet for HOR approval.

Dabaiba has remained defiant, however, reiterating that he will not step down until he can hand power to a nationally elected government. He also pledged to submit a new election timeline that would see voting take place in June and suggested that the parliamentary election could precede the presidential vote (the debate over sequencing them helped stymie the December vote). At the same time, the HOR approved a new fourteen-month transition timeline whose details will be specified later by a designated committee.

Depending on the balance of political and security forces in Tripoli—where Bashagha arrived shortly after being tapped by the HOR—the coming days could produce a shift in government. To ensure that the latest developments advance rather than exacerbate Libya's stalled transition, the United States and its partners should forestall any recognition until a clear, consensual electoral timeline is established.

## Lack of Agreed Roadmap Leads to Electoral Chaos

**L**ibya's decade-plus transition has been marred not just by lengthy civil wars, but also by the lack of an agreed roadmap with clear timelines to establish constitutionally based elected bodies. Absent this roadmap and a functioning judicial system, multiple executive and legislative institutions have claimed legitimacy and challenged

their rivals.

Technically, Libya still operates under an amended version of the interim 2011 Constitutional Declaration drafted by the self-appointed National Transitional Council, the political body that opposed Muammar Qadhafi during the revolution. An elected sixty-member Constitutional Drafting Assembly produced a draft constitution in 2017, but that document remains controversial, as does a subsequent referendum law.

In late 2020, the Libyan Political Dialogue Forum (LPDF) set December 2021 as the next election date, but its efforts to design a constitutional basis for holding that vote stalled due to ineffective UN leadership, and later due to the controversial manner in which Dabaiba was appointed last February amid accusations of buying HOR votes, which damaged the forum's credibility. In September, Saleh spearheaded the approval of an elections law that would have created a super-empowered president and a weak parliament, among other controversial aspects. A **[rush to run for president \(https://www.washingtoninstitute.org/policy-analysis/december-elections-libya-risk-return-civil-war\)](https://www.washingtoninstitute.org/policy-analysis/december-elections-libya-risk-return-civil-war)** ensued, with over 100 people seeking the nomination amid limited vetting standards and judicial reviews regarding the qualifications of the most controversial candidates—in particular, Gen. Khalifa Haftar, Qadhafi's son Saif, and Dabaiba, who had previously pledged not to run for president. That scramble, among other logistical issues, made it impossible for the elections commission to adequately prepare for voting in such a compressed timeline.

## Alternative Paths Ahead

**T**he most immediate question provoked by Bashagha's appointment is whether Libya will revert to split governments—which last year's creation of the GNU had sought to resolve after years of division—or, worse, military conflict. In the longer term, the country needs to negotiate a new political roadmap, but no one has set forth a clear path to get there.

Technically, the original LPDF roadmap extends through Dabaiba's proposed June election date. On February 13, he tasked his justice minister with proposing a new elections law, which would include the prospect of holding a constitutional referendum. But organizing and running both a referendum and national elections in four months is unrealistic.

The HOR's preference—lengthening the election timeline to fourteen months—would give more space for these processes, but it also runs the risk of indefinitely delaying the parliamentary and presidential votes if the constitutional referendum stalls. Presumably, Saleh's preferred scenario is to have Bashagha serve as prime minister while he remains chair of the HOR—a position he has held for seven years and seems content to occupy indefinitely if he cannot contend for the presidency.

One plausible option is a hybrid approach in which the parties negotiate a limited constitutional basis for holding elections as originally envisioned by the LPDF. This would require drafting an interim constitutional document delimiting the key institutions of government, their respective authorities, and candidate qualifications while leaving broader legal issues (e.g., citizen rights) for a later process. The eastern-based HOR and the consultative, Tripoli-based High State Council could agree on such a path, but their on-again, off-again relationship makes this unlikely without active UN mediation.

## Significant International Leverage

**D**espite their current preoccupation **[with the Ukraine crisis \(https://www.washingtoninstitute.org/policy-analysis/russia-ukraine-crisis-creating-energy-predicament\)](https://www.washingtoninstitute.org/policy-analysis/russia-ukraine-crisis-creating-energy-predicament)**, the United States and its European partners can and should intervene diplomatically to prevent Libya from re-dividing and bring the country back to the electoral track. In a February 11 statement, Secretary-General Antonio Guterres “took note” of the HOR's vote to adopt the new fourteen-month timeline and appoint Bashagha as prime minister “in consultation with the High State Council”—a reaction that indicates the rival bodies are already in active negotiations. Beyond this wait-and-see

approach, Washington and Europe should adopt a four-part strategy to restore the prospects for legitimate, constitutionally based elections.

First, the GNU remains the internationally recognized government, so the HOR cannot replace it just by holding a single legally and procedurally dubious vote. Western officials should make clear privately and publicly that their views of the GNU will not change unless all local actors accept a peaceful handover to a new government—otherwise, the result will be an unrecognized government with limited authority and, most important, restricted financial viability.

Second, the West should support a UN-mediated process to establish an agreed constitutional basis and timeline for elections. Regardless of the HOR roadmap committee’s pending recommendations, these elements must be negotiated with the High State Council. If the rival bodies fail to agree on a process, then the UN should be empowered to strike a compromise between Dabaiba’s four-month proposal and the HOR’s fourteen-month timeline. Any UN proposal would be limited to outlining the sequence and timing of elections; the nearly 3 million citizens who are registered will ensure that the elections process remains “Libyan-owned.”

Third, Libya’s supporters must preserve current momentum on the economic and security tracks. The dialogue aiming to unify the Libyan Central Bank with its breakaway eastern branch could restore economic well-being to the country and end certain practices that have sown division, such as paying armed groups through illegitimate means. Further, unity cannot occur without bolstering the security dialogue that has aimed to solidify the October 2020 ceasefire, remove foreign forces, and restructure a unified, national armed forces. A split government would jeopardize these steps forward.

Finally, Washington should push for broader international acceptance of an agreed transitional roadmap by taking advantage of the [thaw in relations \(https://www.washingtoninstitute.org/policy-analysis/middle-east-olympics-six-countries-compete-while-great-power-politics-display\)](https://www.washingtoninstitute.org/policy-analysis/middle-east-olympics-six-countries-compete-while-great-power-politics-display) between Turkey, Egypt, and the United Arab Emirates—key actors that have been on opposite sides of Libya’s recent conflicts. Although the post-Qadhafi legal vacuum has produced yet another legitimacy crisis, each of the above diplomatic interventions can help steer the transition back on course.

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