

Can Turkey and the UAE Help Break Libya's Deadlock?

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Articles & Testimony

Finding a compromise timeline for elections will be delicate, but the recent thaw in relations between Ankara and Abu Dhabi removes a significant external impediment to progress.

Eleven years after the start of the Libyan revolution, the country appears as deadlocked as ever in its quest to end the cycle of civil wars and political divisiveness that have marred the democratic prospects envisioned by the bold leaders of the 2011 uprising. There are many roots to this pervasive stalemate: the manipulation of the country's wealth by a new class of elites; the proliferation of armed groups and inability to conduct any meaningful security sector reform over the last decade; the blatant political and military interference in Libya's affairs by external actors, including the ongoing deployment of thousands of foreign forces and mercenaries within the country's borders; and ultimately, a failure by the Libyans themselves to compromise on a new path forward.

At the moment, the situation appears dim after an indefinite delay to the planned elections in December 2021, and the February 10 appointment of a rival prime minister threatening to split the country once again, or worse, provoke another round of violence. But there are some bright spots that call for hope. A renewed effort by UN Special Advisor to the Secretary-General, Stephanie Williams, could create a new timetable toward elections if she is properly supported by a majority of countries who have interests in Libya. The warming of relations between the United Arab Emirates and Turkey, who backed opposite sides during Libya's 2019-2020 civil war, is also a major shift in regional dynamics impacting the stability of Libya. With such a renewed regional consensus, it may become possible for Libyans themselves to forge a consensus on new elections based on an agreed constitutional basis—one of the key issues that prevented elections in 2021.

From War to Attempted Elections

Once General Khalifa Haftar and his Libyan National Army retreated from Tripoli in June 2020, effectively ending

another deadly civil war, the question for Libyans became how to secure a tenuous peace and put in place another political process that would unify the country and establish a legitimate government.

Notably, Haftar sabotaged then UN Special Representative of the Secretary-General Ghassan Salame's plan to convene a national conference that sought to establish an agreed framework for pushing the country's transition forward, when he launched his attack days before the event was scheduled to begin. To add insult to injury, UN Secretary-General Antonio Guterres himself was on the ground in Libya to help facilitate the conference, and even went to meet Haftar in his headquarters to appeal for peace,[1] which the general rebuffed. However, Haftar miscalculated his support in western Libya and encountered stiff resistance from an alliance of militia groups. A lengthy stalemate ensued until a surge in foreign forces backing Haftar, including Russian Wagner mercenaries, threatened to tip the balance of forces. At that point, Turkey answered the Government of National Accord's pleas for help and deployed drones, anti-air systems and fighters in early 2020, eventually forcing Haftar and his backers from the UAE, Russia and elsewhere to retreat to central Libya.[2] An informal ceasefire line was established in June and formalized in October 2020.

The question for renewing a political process then focused on how to move beyond years of fruitless negotiations between Haftar and Government of National Accord Prime Minister Fayez Sarraj. Further, the legislative House of Representatives (HoR) and consultative High State Council (HSC) formed by the 2015 Libya Political Agreement[3] also lacked legitimacy and authority given their length in office and questionable mandates. Still seeking to focus on a bottom-up, rather than a top-down, leadership-level political agreement, the United Nations Support Mission in Libya (UNSMIL) named a 75-member Libya Political Dialogue Forum (LPDF) that would be charged with establishing a new transition roadmap. That effort entailed establishing a date for presidential and parliamentary elections on December 24, 2021, electing a new transitional government, and attempting to provide a constitutional or legal basis for holding the December 24 elections. After electing Abdel-Hamid Debaiba as prime minister and Mohammed Menfi as president in February 2021 (defeating former interior minister Fathi Beshagha and chair of the House of Representatives Aguila Saleh), the LPDF bogged down amid reports of vote buying by Debaiba, and a change of leadership at UNSMIL to Jan Kubis, who lacked enthusiasm for the forum. The legal committee of the LPDF could not produce a constitutional basis for elections and therefore failed to achieve its primary purpose—to pave the way for mutually agreed elections.

In the absence of an agreed legal basis from the LPDF, Saleh drafted and passed an electoral law that Kubis accepted in September,[4] despite questions of procedure and consensus within the HoR. The law would have established a strong presidential system, including authority over the military, which has always been Haftar's long-term ambition. The technical provisions of the law offered few restrictions on potential candidates, especially those involved in potential illicit activity or even war crimes, allowing Saif al-Islam, wanted by the ICC for his role in the 2011 revolution, and Haftar, to enter the race.

As difficult as it would be to organize a national election in three months, the High National Elections Commission (HNEC) likely could have done so with clear guidelines on candidate eligibility. However, when nearly 100 candidates registered for president and thousands for parliamentary seats,[5] it became obvious that the elections would have to be delayed, if only to adjudicate their eligibility. The four most prominent candidates, Al-Islam, Haftar, Debaiba—who pledged not to run when he was appointed prime minister—and Beshagha, each had significant controversies surrounding their candidacies and could not even campaign nationwide. HNEC tried to defer eligibility questions to the judiciary, but given Libya's dysfunctional legal system, no one ruled definitively on these issues. As the clock ticked closer to December 24, technical and logistical issues, such as printing ballots with no definitive candidate lists, essentially inhibited the elections. Still, no party wanted to admit responsibility for the delay—HNEC insisted it was a political decision yet the HoR refused to claim ownership for it. Eventually, December 24 came and

went with minimal attention or formal statements.

The international community, particularly the United States and its European partners, had promoted simultaneous presidential and parliamentary elections on December 24 as the policy priority through much of 2021. Even as late as a November 12, at an international conference in Paris, the assembled group called on “all Libyan stakeholders to commit unequivocally to the holding of free, fair, inclusive and credible presidential and parliamentary elections on 24 December 2021 as stipulated in the Libyan political roadmap,”[6] even though the chances of that happening had become very slim by then. The United States and its partners agreed that delaying elections was riskier than holding imperfect elections, given the limited authority of the Government of National Unity (GNU), the risk of renewed civil war among the main parties, and the demand of the population, of which 2.8 million had registered to vote. However, there was an alternative that the western allies never pursued. Once it became obvious that the December 24 elections were an unrealistic expectation, given the variety of unresolved legal and constitution disputes, they should have worked to develop an alternative roadmap and timeline for the elections based on a revised and agreed electoral law. That never transpired, leaving another legitimacy vacuum on December 24.

Fortunately, the worst scenario of renewed violence did not materialize, in part because of the return of Stephanie Williams to UNSMIL after Jan Kubis abruptly resigned in December 2021. She shuttled among the main parties to achieve a limited consensus to avert violence and encouraged renewed negotiations over a new electoral timeline. Williams’ diplomacy likely prevented an immediate crisis since Saleh and other opponents of Debaiba had long suggested the GNU’s legitimacy would expire on December 25, the day after the planned elections. Williams insisted that the original LPDF spanned 18 months, therefore giving an extra six months to address the questions of holding elections, ostensibly turning back the clock to summer 2021 when the legal basis for holding elections should have been resolved.

Constitutional Logjam

Although Saleh and his allies did not instantly cut ties with the GNU, he convened the HoR on February 10 and pushed through a constitutional amendment that empowered a roadmap committee to develop a transition plan to hold elections, and possibly a referendum, on the draft 2017 constitution within 14 months, i.e. by mid-2023. During the same session, there was a hasty vote appointing Beshagha to replace Debaiba as head of the GNU, giving him two weeks to form a government. The international community responded to the vote with some hesitation, given its circumstances and the lack of transparency, but believed Saleh had support from at least some elements within the HSC. The statement reacting to the vote came from the UN Secretary-General’s spokesman that “takes note of” the adoption of the constitutional amendment and the “designation” of a new prime minister, without naming Beshagha, “in consultation with the High State Council.” [7] Initially, it appeared Beshagha had the means to oust Debaiba when he arrived in Tripoli the evening of the vote, but as the days passed, Debaiba succeeded in splitting the High State Council. He recruited a visible display of armed groups to support him and proposed his own version of a timeline that would aim for new elections by June. The HoR reconvened on March 1 and approved Beshagha’s proposed government with 30 ministers, but questions about the quorum again marred the proceedings.

As of early March, there are two electoral and constitutional scenarios and timelines based on Debaiba’s four-month plan and Saleh’s 14-month aspiration. Whether and when a referendum on the problematic draft 2017 constitution would transpire, in advance or subsequent to those elections, remains to be spelled out by either side, as each establishes committees to work out further details. UN Special Advisor Stephanie Williams has proposed an initiative to mediate these issues with six representatives each from the HoR and HSC.[8] What is clear is that Libyans have increasingly less faith in their leaders, and the two parliamentary bodies that came into being as part of the 2015 Libya Political Agreement have long extended their expected timelines. Yet the irony is that these institutions and their leaders are charged with replacing themselves, which they have little incentive to do unless

guaranteed a reasonable chance at the polls.

The best path forward now is to mediate some compromise timeline between four and fourteen months, without holding a referendum on a full constitution, as that would threaten to delay the timeline indefinitely. Instead, they should aim to establish a minimal constitutional basis for holding elections, since elections should be held with an idea on what the responsibilities are for the elected individuals and bodies. And here, effective mediation can be achieved through the recent thaw in relations between Ankara and Abu Dhabi, who were on opposite sides during 2019-2020, but could now help secure Libya's transition.

New Regional Dynamics

As noted above, one of the significant impediments to Libya's transition has been the almost perpetual foreign interference by actors who have exacerbated local differences politically, economically, and militarily. No country has been innocent of this dynamic, and many have flagrantly violated the UN arms embargo nominally in place since 2011, as documented by years of UN Panel of Experts reports.[9] Often the Europeans have been divided between France and Italy, with France supporting Haftar at various times. Regional states have been divided between the UAE and Egypt, mainly backing Haftar and his loyalists in the East, and Turkey and Qatar supporting the West to varying extents throughout the years. Even the United States played a role in enabling conflict when President Trump's White House signaled to Haftar that it would not object to his attack on Tripoli in 2019.[10] The warming of relations between Turkey and the UAE, and the respective visits by Crown Prince Mohammed bin Zayed in November to Ankara[11] followed by President Erdogan's February trip to Abu Dhabi[12], present an opportunity to expand on their economic, trade, and defense agreements to help facilitate a more durable peace in Libya. It would also mark a remarkable turn of events from two years ago when they were supporting opposites sides in Libya.

Relying on the former antagonists, who are distrusted in different parts of Libya depending on who they supported on the ground, may seem like a challenging premise. Certainly, the Libya conflict was not the impetus behind the Turkish-Emirati reconciliation, which is much more about Erdogan's economic needs and Mohammed bin Zayed's reassessment of the UAE's interests in limiting regional conflict. Those mutual interests and the influence of both parties with influential Libyan and other outside actors, such as Egypt, could make them productive messengers if they work with the UN to support mediation on an agreed transition roadmap.

Turkey and the UAE could start by fulfilling the demand of the October 2021 ceasefire agreement[13] and remove their own and associated forces, although legitimate training and other activities, such as demining support, should be allowed to continue. Following their own actions, Turkey and the UAE could also press Russia to follow suit and remove their mercenary forces. With such steps, it is possible that past interference in Libya could be transformed to facilitate much-needed political breakthroughs.

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