



Libya's Electoral Impasse

Jalel Harchaoui

October 2022

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About

Noria Research Middle East and North Africa Program

More than a decade since the eruption of the Arab Uprisings, the crises at their root—political, economic and social—remain no closer to resolution. The push for democratization and justice-oriented economic change has for the time being relented. In its wake, new anti-democratic coalitions have solidified and expanded, bound by both a shared rejection of popular governance and human rights and a shared fondness for repressive methods of control and surveillance.

With matters of ecological and fiscal sustainability, food insecurity, intensifying inequality and mass joblessness looming ominously, these developments have left the Middle East and North Africa standing before yet another critical juncture. The hopes and welfare of generations now hanging tenuously in the balance, it is imperative that a light be shone upon the local, international and transnational drivers of MENA's (re)turn to authoritarianism, and that the consequence of this distressing resurgence be interrogated in full.

Author

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Executive Summary

In 2021, Libya's U.N.-backed election plans collapsed due to technical difficulties, yes, but also politically-motivated maneuvering. Powerful players both within and outside the country moved to subvert and weaken the electoral process. At the top of the list of the Libyan actors implicated in these outcomes is Speaker of the House of Representatives Aqila Saleh. Saleh's negative interventions—which received active diplomatic support from Egypt and France—ran counter to the spirit of the U.N. roadmap and inspired confusion and animus within the political field.

On the other side of the political divide, Libyan politicians backed by Turkey – interim Prime Minister Dabaiba and, separately, HSC president Khaled al-Meshri – contributed to hurting the electoral process, too. Dabaiba, who had earlier promised U.N. officials that he would not run for president, reneged on his pledges. In addition to flouting U.N. rules, he also violated aspects of Saleh's electoral law. The sitting Prime Minister' behavior added much to the atmosphere of distrust that ended up compromising the electoral process. As for Meshri: he promoted the holding of a constitutional referendum instead of working on ways to make the elections materialize within the agreed-upon U.N. roadmap.

These schemes unfolded at a time when the U.N.'s own capacity as mediator and facilitator on Libyan affairs showed exceptional vulnerability. Indeed, crucial mistakes committed by the organization are certainly responsible for 2021's election failures as well.

Beyond the shortcomings of incumbent Libyan officials and the U.N.'s lapses, the 2021 experiment also revealed the extreme political fear that Saif al-Islam Qadhafi, the late autocrat's son, inspires amongst the country's post-2011 elites. The presidential ambitions of Saif al-Islam, despite his weakness on the ground, divide not only Libyans but also foreign states. Russia, which is militarily present in Libya, wishes to see Saif run for president, while Washington doesn't. This obstacle may potentially reappear in future attempts at elections even if the other issues are addressed.

Key Findings

- Libya's incumbent political elite's attitudes toward free and fair elections contrasts starkly with the outlook of ordinary citizens. The latter hope for and support elections. The former, whose earnest cooperation is necessary for a successful electoral process, fear losing their existing privileges.
- Among the Libyan politicians who were in a position of power in 2021, none proved genuinely committed to working towards a successful electoral process. In fact, many applied themselves to contributing negatively to the experiment – by either attempting to subvert it or simply sabotaging it.
- The most formidable hurdle on the road to elections was the exceedingly frail, ambivalent, and defiant character of the electoral laws, which Speaker of the House of Representatives Aqila Saleh wrote and imposed without any parliamentary vote. Saleh's negative intervention received active diplomatic support from Egypt and France. Meanwhile, the U.N.'s performance as mediator and facilitator showed exceptional weakness, which helped precipitate the process' collapse.
- Interim Prime Minister Abdulhamid Dabaiba also took actions that helped undermine the electoral process. The same can be said of Khaled al-Meshri, the High State Council's president. Instead of general elections, Meshri promoted the holding of a constitutional referendum in December 2021. Both Dabaiba and Meshri are backed by Turkey.
- The existence of political currents faithful to Muammar Qadhafi's ideology presents a potential impasse for presidential election in Libya in the years ahead. This is particularly true with regard to Saif al-Islam Qadhafi, the late autocrat's son, whose presidential ambitions divide not only Libyans but also foreign states. Russia, which is militarily present in Libya, wishes to see Saif run for president, while Washington doesn't.

Introduction

General elections in Libya, slated to take place in December 2021 as part of the U.N.-backed political dialogue, failed to materialize. A previous attempt, spearheaded by France, had also come to naught in 2018. Seen in hindsight, the missed opportunity in 2021 would become especially gutting because in the lead-up, the country had experienced the rarest of alignments: an absence of large armed clashes and a single government – the one seated in Tripoli – claiming sovereign authority¹.

After the disappointments of late 2021, Libya's institutions unsurprisingly continued to fragment while tensions between competing armed factions rose to a boil. On the diplomatic front, ostensible hand-wringing was the response of the day; beyond issuing boilerplate statements on the need for Libyan leaders to re-commit themselves to adopting

a constitutional basis for “early” presidential and parliamentary elections, foreign states of influence exhibited little interest in articulating serious plans². Come August 2022, a senior Tripoli-based European diplomat candidly admitted that “There are no prospects for elections.” Another senior diplomat opined that “No Libyan politician truly wants elections.”

This report attempts to identify the primary drivers behind Libya's failed elections of 2021. It highlights three specific causes as being most salient to the outcome in question. The first is the missteps of the U.N. itself, whose leadership will be shown to have made several notable mistakes during the months preceding the scheduled elections. The second is the shortcomings of incumbent Libyan officials, whose selfishness, myopia, and opportunism proved

1 On the fact that Libyan elections may have been feasible in the first months of 2022 had further international mediation helped secure a more robust legal framework approved by Libya's legislatures and by the Libyan Political Dialogue Forum, see: Lacher, W. (2021). “Libya: Elections at any cost?” *Bulletin FrancoPaix*. Nov. 2021.

2 An example of such a diplomatic utterance was a Sep. 9, 2022, statement posted on [Twitter](#) by the U.S. Libya External Office in Tunis

a massive hindrance to progress. The third is foreign meddling: While certain nations, like Germany, displayed relative earnestness in their support for elections, their efforts were ultimately overwhelmed by those of Egypt and France, both of whom acted to undermine the electoral process. Other nations, like Turkey, dedicated little of their sway in Libya to the issue of December 2021’s elections, remaining largely unconcerned, as the project crashed.

The report is organized into two sections. To set the stakes and situate the reader in time, Section One begins by laying out why elections matter in present-day Libya before proceeding to a review of the country’s recent history. This retrospective will cover significant political and military developments between 2011 and 2021. Having brought everyone up to speed, Section Two turns to analysis. Herein, we dissect the three causalities introduced above and show how

each contributed to the disappointments of 2021. A conclusion will then recapitulate our findings and furnish a sketch of the road ahead for Libya.

The data upon which the claims in this report are based was gathered from a number of sources. The author consulted both the academic literature as well as local and international media. He also conducted roughly twenty semi-structured interviews between March 2021 and September 2022 with relevant principals and individuals possessing first-hand knowledge of U.N. mediation efforts. Interviewees include diplomats, mediators, planners and a number of Libyan political actors and observers. For the sake of collecting the most candid testimonies, interviewees’ anonymity has been preserved in almost every case.

Libya's Long Road to 2021

1.1 Why Elections Matter in Libya

In August 2021, Russian Foreign Minister Sergey Lavrov declared that the world has “learned the lessons” from Libya’s example: “Attempts to impose one’s value system [...] are highly explosive,” he went on, echoing previous remarks from 2021 where he asserted that U.S. attempts to establish “democracy” in Libya transformed the country into “a black hole.”¹ That the same Lavrov previously vowed that Russia would “facilitate” the organization of “inclusive” elections in Libya “in every way possible” only vested his comments with a sense of tragic irony.²

Moscow and its fellow travelers demonstrate a tendency toward portraying U.N. efforts to help organize elections in Libya as an initiative imposed by Washington on Libyans. Cast in this frame, the project of Libyan democracy dissolves into a foreign design – one animated by a U.S. drive to impose democracy and liberal principles around the globe as part of a hegemonic strategy.³ Such a rendering is both inaccurate and, in many ways, offensive. It obscures the fact that the overwhelming majority of Libyan citizens are anxious to see the country exit its

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- 1 Russian Foreign Ministry (2021). “Foreign Minister Sergey Lavrov’s statement and answers to media questions at a joint news conference with Italian Minister of Foreign Affairs and International Cooperation Luigi Di Maio following talks in Rome, Aug. 27, 2021.” on [Facebook](#). See also: Russian Foreign Ministry (2021). “Foreign Minister Sergey Lavrov’s interview given to Channel One’s Bolshaya Igra ([Great Game](#)) talk show, Moscow, Apr. 1, 2021.”
 - 2 *Tass* (2021). “Russia to facilitate organization of inclusive elections in Libya in 2021.” Apr. 2021.
 - 3 Ikenberry, G. J. (2001). *After Victory: Institutions, Strategic Restraint and the Rebuilding of Order after Major Wars*. Princeton University Press.

long-standing crisis and view elections as a desirable means of toppling the current ruling elite responsible for that crisis.

Democracy's prospects in Libya are vital for a domestic population entitled to a political life far better than the one they have suffered the past decade. Not only that, they are also vital due to their implications for security. Without fair and free elections, the establishment of institutions with the capacity to more efficiently, transparently manage the country's wealth will remain elusive. This will allow

the current ruling elite to persist in deepening their personalized stranglehold over the economy through their control over the interim executives and security institutions. Such an eventuality will only aggravate the legitimacy deficit already compromising Libyan institutions, and heighten the probability of a return to civil war. No temporary agreement between incumbent power brokers can suffice to slow down the ongoing decay. The reinvigoration of the electoral process is necessary.

1.2 The Years Leading Up to 2014's Electoral Crisis

In 2011, an array of rebel factions rose up and toppled Libyan autocrat Muammar Qadhafi with the assistance of a U.S.-led NATO intervention with a handful of Arab nations participating, Qatar and the UAE in particular.

Legislative elections were held in July 2012 on the basis of the provisional constitutional declaration of August 2011⁴. The vote, which produced a parliament called the General National Congress (GNC), was a technical success, but a premature one, given the proliferation of armed groups after Qadhafi's fall. The factions that had been strengthened the most by the 2011 war – namely, the proponents of political Islam and those in favor of the most uncompromising break with the old Qadhafi social order – performed surprisingly poorly at the ballot box⁵. Another political force – a liberal anti-Islamist caucus known as the National Front Alliance⁶ – won more seats in the freshly elected legislature, and thus came close

to earning a full-blown popular mandate. But the National Front Alliance was disjointed, severely lacking in organizational skills compared to their more unpopular rivals. Such pronounced imbalances helped render the GNC riven with factionalism. High from the start, tensions between the two main voting blocs – the first a coalition of hard-line anti-Qadhafists and political Islamists, the second the National Front Alliance – only rose further over the months, preventing the GNC from achieving any constructive legislation, let alone any progress on the constitutional question.

Parliamentary dysfunction predictably opened the door to alternative expressions of political voice. With state institutions too weak to project any countervailing force, political entrepreneurs of different stripes shrugged off their own lack of popular legitimacy and opted to pursue their agendas through collaboration with extant armed

4 A link to the constitutional declaration is available [online here](#).

5 Henneberg, S., 2020. *Managing Transition: The First Post-Uprising Phase in Tunisia and Libya*. Cambridge: Cambridge University Press, p. 148.

6 Laessing, U., 2020. *Understanding Libya since Gaddafi*. London: Hurst & Company, p. 43.

groups, militarizing Libya's post-Qadhafi politics in the process⁷.

In May 2013, Libya became even more fractured when a small group of intransigent legislators hailing from each of the main parliamentary blocs coalesced to pass a law banning anyone who had served an official function during the Qadhafi era from public-sector employment⁸. The legislation threatened the welfare of thousands of households.

Adding to national disunity was the profound asymmetry between the eastern and western provinces in how the 2011 war had been experienced: Cyrenaica rejected Qadhafi in a matter of days whereas Tripolitania fought for months. In the east, the forces that viewed themselves as the new elite were soon challenged by a majority of the populace. Discontent rose in Benghazi, Cyrenaica's largest city, as a result of insecurity, too. Much of the population held the revolutionary Islamist groups – then in control of the city's military, political, and economic affairs – responsible for the worsening situation, including the assassination of dozens of military officers and functionaries linked to the Qadhafi regime.

The climate of fear and lawless retribution prevailing in Benghazi made career military officials and local militias throughout Libya's northeast ripe for the appeal of one who could promise a new war for stability. Such an appeal was made by Khalifa Haftar, a former Qadhafi-aligned military officer whom a 1987 defeat in Chad turned into a regime opponent with ambitions to rule Libya⁹. In May 2014, Haftar and his allies launched an offensive against their political opponents in both Benghazi and Tripoli, respectively. Although it featured a legitimate counterterrorism

component, Haftar's offensive – backed mainly by Egypt in its initial phases – was in large part driven by a thirst for power.

The deterioration of security caused by the May 2014 offensives contributed to the low participation rate in the legislative elections of June 2014. Barely a fifth of potential voters cast a ballot – considerably fewer than in July 2012's legislative elections¹⁰. Some representatives were elected with less than 1,000 votes. Such was the case for Aqila Saleh, a lawyer who became the representative for the eastern-Libyan district of Qubba and went on to become the Speaker of the freshly formed HoR (HoR)¹¹. Also, in sparsely populated electoral districts, the geographical distribution of electoral facilities gave undue advantage to some communities or tribes.

This sort of operational distortions combined with the rates of abstentionism witnessed in June 2014's legislative elections to give a rather clear indication of the legitimacy crisis befalling Libya's transitional politics. Weeks after the vote, a coalition of hardline revolutionaries and political Islamists conducted a major armed offensive, which succeeded in expelling Haftar's allies from the capital, Tripoli. Barring numerous local fractures and territorial exceptions, a rough east-west divide ensued. Haftar's main forces tended to concentrate in the east while his top rivals, in the west. The geographic breakdown was then compounded by institutional partition: Two separate legislatures began convening in August 2014. The first was a portion of the newly-elected House of Representatives (HoR), which set up its operations in Tobruk, near Egypt, although some in-coming parliamentarians boycotted it¹². The second legislature was a portion of the former GNC made up of members refusing to relinquish

7 Wehrey, F. (2018). "After Gaddafi: Libya's Path to Collapse" in Hanssen, J., & Ghazal, A.N., 2020. *The Oxford Handbook of Contemporary Middle Eastern and North African History*. New York: Oxford University Press, p. 673.

8 Initially, the bill drafted by a group calling itself "fidelity to the blood of martyrs" consisted in banning all Libyans who had served the regime during the 2001-2011 period. But the bill's time span was soon expanded to 1969-2011 owing to the zeal of the National Forces Alliance, the coalition led by Mahmud Jibril. Known for his anti-Islamist stance, Jibril – who was prime minister in March-October 2011 – reluctantly gave in to pressure from members of his own party clamoring for an even more draconian version of the "political isolation law." See: Abdullah, K., 2013. "Interview with Mahmoud Jibril." *Al-Ahram Arabic Magazine* (مجلة الأهرام العربي). May 25, 2013.

9 Pollack, K. (2019). *Armies of Sand: The Past, Present, and Future of Arab Military Effectiveness*. Oxford University Press, pp. 290-291. Soudan, S., et Boisbouvier, C. (1990). "Objectif Kaddafi : L'histoire secrète des « contras » libyens." *Jeune Afrique*. Dec. 1990.

10 Elumami, A., and al-Warfalli, A. (2014). "Poor turnout in Libyan parliament vote as prominent lawyer killed." *Reuters*. Jun. 2014.

11 Al-Qubba is a town situated to the west of Tobruk and dominated by Ait Ghyath, a major clan of al-Obeidat, one of the largest tribes in Cyrenaica. Within the confines of that local setting, Saleh is an influential figure.

12 Pargeter, A. (2016). *Return to the Shadows: The Muslim Brotherhood and An-Nahda Since the Arab Spring*. London: Saqi, p. 178.

power despite their mandate having expired six months earlier¹³. Complicating matters further, each legislature soon appointed its own executive.

Beginning in the autumn of 2014, the UAE, France, and Russia joined Egypt in militarily backing Haftar. In

pursuit of his political goals, the commander would carry on his military campaign in various areas of Libya for six years almost without interruption.

1.3 After 2015’s Skhirat Agreement, the U.N. Tries to Forge Ahead

While fighting went on in Benghazi and further afield, U.N. mediation managed to bring together representatives from Libya’s eastern and western power centers. In December 2015, in Skhirat, Morocco, these parties signed the Libyan Political Agreement (LPA).

In substance, the accord included the following compromises: part of the GNC, still convening in Tripoli, was to be remade into an upper legislative chamber called the High State Council (HSC). The HoR, elected in June 2014, meanwhile, was to continue receiving the U.N.’s recognition as Libya’s legitimate lower chamber (a body akin to the House of Commons in the United Kingdom). Executive partition, finally, was to be done away with through the formation of a new Government of National Accord, which was to be led by the U.N.-appointed Fayaz al-Serraj.

The Skhirat Agreement quickly ran into a significant problem: the HoR refused to ratify the LPA and refused to recognize Serraj’s government. Instead, Speaker of the HoR Aqila Saleh issued a protocol making him Libya’s rightful head-of-state. By

consequence, when Serraj arrived in Tripoli on March 30, 2016 to begin his tenure as prime minister and head-of-state, many of the institutional divides which the LPA had been meant to resolve, persisted. That no progress would be made towards the constitutional referendum called for by the LPA’s Article 23 – even though an assembly of 60 previously-elected Libyans had proposed a draft constitution in July 2017 – only added to the mixed character of the LPA’s scorecard¹⁴.

From Haftar’s viewpoint, this level of confusion and dysfunction meant he could consolidate his own power in Cyrenaica – Libya’s eastern province – and utilize that as a platform to challenge and undermine the U.N.-recognized government in Tripoli in hopes of co-opting it or replacing it with another more subservient to him. Toward this end, a few weeks before the LPA was meant to expire in December 2017, pro-Haftar partisans circulated a petition meant to reveal the public’s desire for a government led by the field marshal himself¹⁵. A similar maneuver, including the use of an unverifiable petition, had been deployed by the supporters of Egypt’s Abdel Fattah Sisi in 2013 before he seized power¹⁶. In this

13 Laessing, U. (2020). *Understanding Libya since Gaddafi*. London: Hurst & Company, pp. 87-88.

14 Toaldo, M. (2017). “A Constitutional Panacea for Libya?” Carnegie Endowment’s Sada Journal. Aug. 2017. For further discussion on Libya’s constitutional issue, see: Cherif, N. (2021). *Libya’s constitution: between conflict and compromise*. Florence: Middle East Directions - European University Institute.

15 Shennib, G., and Alexander, C. (2017). “Russia’s Man in Libya Turns to the Street in Bid for Power.” *Bloomberg*. Oct. 2017.

16 Kirkpatrick, D. (2018). *Into the Hands of the Soldiers: Freedom and Chaos in Egypt and the Middle East*. New York: Viking, pp. 216-217.

instance, Haftar brandished the “results” in a bid to come across as a reluctant though willing national leader. He was, in his words, a man with a “popular mandate” and one who was prepared to seize power in Tripoli “if all classic mechanisms for a peaceful power transition via free and democratic elections were exhausted.”¹⁷

At around the same time, the U.N. inaugurated a new strategy. Taking the LPA as its starting point, the goal of the strategy was to cultivate an inclusive political dialogue which could “address the conflict’s fundamentals by working with all Libyans,” recalled a former diplomat who participated first hand in the U.N.’s efforts. Operationally, this was advanced first via the holding of dozens of local workshops across the country in 2017 and 2018¹⁸. These sessions ultimately yielded ten consensus points¹⁹. Perhaps the most significant was the widespread agreement that military forces needed to “maintain a distance from all political and civilian affairs” – a principle incompatible with Haftar’s claim to national power²⁰.

Having secured buy-in from across Libya’s vast geography, the U.N. then proceeded to organize a high-profile National Conference for April 2019 in Ghadames. On that occasion, it was hoped that more than 150 relevant stakeholders previously consulted would agree to a comprehensive road map akin to

what was achieved by Tunisia’s National Dialogue Quartet in 2013.

The would-be roadmap was to include an electoral process. On the constitutional question, though, U.N. leadership made sure to remain flexible. The situation was not one wherein the U.N. could simply exhort Libyans to organize a swift referendum on the July 2017 document. The draft constitution produced by the aforementioned 60-member body in 2017 had alienated the Amazigh in the west and the autonomists in the east, as well as other communities, such as the Tebu and the Tuareg in the south. For that reason, the organization’s chief diplomats deemed it prudent to keep other options open²¹.

Moving on a separate track from the U.N.’s efforts were those of France. The spring prior to the holding of the would-be National Conference in Ghadames, the government of Emmanuel Macron hosted a high-profile Libya summit which gathered Field Marshal Haftar, the Tripoli-based Prime Minister Fayaz al-Serraj, Speaker of the HoR Aqila Saleh, and the President of the HSC, Khaled al-Meshri. Though no agreement was signed in the end, the Élysée Palace declared that the summit had achieved consensus amongst the principals on the necessity of holding parliamentary and presidential elections

17 Haftar and his closest associates portrayed themselves as the leadership of all of Libya’s regular armed forces and described Tripolitania’s population as being held hostage by a set of militias taking advantage of state weakness to enrich themselves while being complicit with extremist groups. “If the army is forced to assume political responsibility by itself, it will be a burden, but it is necessary,” the spokesperson of Haftar’s armed coalition told the press in autumn 2017. If there are general demands [from citizens] that Haftar take over the helm of the state, there will be no objection [from him].” In other words, Haftar had to become Libya’s president in all cases, whether via peaceful elections or via military takeover. See: Hatita, A. (2017). “Libya: Plan to Unify Army, Regain Misrata without Fighting.” *Asharq al-Awsat*. Oct. 2017. See also: AFP (2017). “Libya’s strongman backs 2018 elections.” Dec. 2017.

18 “Our goal was to exert pressure on the Libyan elites, who were working overtime to prevent the country from exiting its crisis,” a former U.N. mediator explained. “To achieve this, the idea was to tap into two sources of legitimacy: the local constituencies and communities that the U.N.’s Libya mission consulted with across the country on the one hand, and the mandate granted by the Security Council on the other.

19 Center for Humanitarian Dialogue (2018). The Libyan National Conference Process: [Final Report](#). Nov. 2018; p. 54.

20 Haftar’s doctrine of privileging “extreme force” for political purposes was formed while he was in Chad, Iraq, and the U.S., during the years 1988-1993, as the head of the military wing of anti-Qadhafi group National Front for the Salvation of Libya (NFSL), under the leadership of Mohammed Youssef al-Meqarief. After the NFSL-backed Bani Walid coup attempt failed in October 1993, Haftar fell out with Meqarief and founded the Change and Reform movement in the U.S. with Breik al-Swessi and Saber Majeed al-Ghaithi al-Ubeidi. In 1995, a then-U.S.-based Haftar circulated a pamphlet extolling the use of force for the sake of effecting political change in Libya. The short document referred to the so-called “Libyan National Army”, which would come into existence in the form of a small militia after Haftar’s return to Libya in mid-March 2011 following 24 years of exile. The expansion of Haftar’s armed coalition to its current size began in 2014. In December 2017, Haftar told a French weekly that Libya was not yet ripe for democracy. In sum, throughout the decades, Haftar has always expressed his preference for the use of force over democracy when it comes to realizing his political agenda. See: De Saint Périer (2018). “Interview Khalifa Haftar.” *Jeune Afrique*. Jan. 2018; Harchaoui, J. (2019). “La politique libyenne de la France et ses antécédents historiques.” *Revue internationale et stratégique*. Dec. 2019 (116), pp. 33-43.

21 On the discontent with the July 2017 constitutional draft amongst Amazigh, Tuareg, and Tebu, see: Stocker, V. (2019). *Citizenship on hold: Undetermined legal status and implications for Libya’s peace process*. Brussels: European Institute of Peace, pp. 19-22.

on December 10, 2018²². Macron's government also asserted that attendees agreed that the constitutional issue was to be resolved by September 16, 2018²³.

No aspect of France's plan came close to being implemented. Key in this regard was resistance by HSC head Khaled al-Meshri and his opposition to the constitutional referendum law issued by Aqila Saleh

in late 2018. Combined with Saleh's own lack of good faith, Meshri's rigidity ensured continued immobility on the constitutional question. In the interim, just as France's plan for elections was quietly dying on the vine, Haftar was busy preparing a military advance into western Libya²⁴.

1.4 Haftar Attacks Tripoli

Ten days before the scheduled start of the U.N. hosted Ghadames conference – and at a moment when U.N. Secretary General Antonio Guterres was actually on the ground in Libya – Haftar launched a large-scale military advance on Tripoli, accusing the U.N.-recognized government there of being linked to extremist groups and under the influence of unruly militias. His offensive was materially and diplomatically aided by the UAE, Russia, Egypt, and France, with the latter's involvement drawing into question how honest its 2017-2018 mediation attempts in Paris had actually been. Diplomatically, the kickoff of Haftar's Tripoli campaign also enjoyed the blessing of the White House.

Haftar's campaign lasted fourteen destructive months, though without delivering any significant territorial gains. In part, this can be attributed to Turkey's intervention, which dispatched significant assets into the Libyan theater for the ostensible purpose of defending the Tripoli-based government of Serraj²⁵. In the spring of 2020, forces aligned with the Tripoli government and backed primarily by Ankara overcame Haftar's brigades

in northwestern Libya, putting an end to his protracted siege on the capital. Haftar's Russian partners, too, helped force the field marshal to abandon his offensive on the greater Tripoli area, preferring to turn their focus to deepening their own entrenchment in the rest of Libya and establishing a defense line, which, among other things, protected their client now retreated to the east and south. Turkey, meanwhile, leveraged its local victory to double down on its material presence. For its part, the UAE – hitherto Haftar's most aggressive sponsor, by far – suspended its support for any attempts by the eastern-based commander to control Tripoli. The lull in fighting which prevailed in Libya thereafter has been attributable to the tacit *modus vivendi* reached between Ankara and Moscow as much as anything else. Taking in the new balance of power, Washington – faced with the issue of permanent Turkish and Russian military presence – decided to let the U.N. promote elections first, assuming that the removal of foreign forces could be addressed later²⁶.

22 The French drive towards early general elections in Libya was spearheaded by the office of President Macron, with the French ministries playing a secondary role.

Source: Personal Correspondence with senior officials covering Libya within the Élysée Palace's diplomatic cell, the Foreign Ministry, and the Defense Ministry. Spring and Summer 2018.

23 Élysée (2018). "[Déclaration politique sur la Libye](#)." May 2018.

24 Harchaoui, J. (2021). "The Pendulum: How Russia Sways Its Way to More Influence in Libya." *War On The Rocks*. Jan. 2021.

25 Yüksel, E. (2021). *Turkey's Interventions in Its Near Abroad: the Case of Libya*. The Hague: Clingendael.

26 Ryan, M., & Woodson, C.R., 2021. "Libya summit holds promise and risks for Biden administration." *The Washington Post*. Nov. 2021. The order of priority set by the U.S. was questionable, for it presupposed that neither Ankara nor Moscow would use its military presence in Libya to influence the electoral process' outcome.

1.5 The Libyan Political Dialogue Forum is born

Keen to exploit the cooldown ushered in by concerted Turco-Russian cohabitation, the U.N. intensified its diplomatic efforts in the summer of 2020. This began by first insisting that relevant parties make formal ceasefire declarations. From there, the U.N. returned to a playbook developed as part of an earlier mediation effort, January 2020’s Berlin Summit. There, the primary takeaway had been plans for the establishment of a new Presidential Council and the formation of a new interim government. The latter was to be tasked with reunifying the institutions first, and, then, “paving the way to end the transitional period through [the holding of] parliamentary and presidential elections.”²⁷

As part of its bid to implement the Berlin outcomes, the U.N. launched the Libyan Political Dialogue Forum (LPDF) in late October 2020. Seventy-five Libyan delegates were handpicked for participation. And having learned from the failure of Macron’s attempt at delivering elections in 2018, U.N. planners sought to protect the new peace process from the quagmires of institutional partition: Rather than fully depend on the willingness of the HoR and the HSC to agree on a common constitutional arrangement for elections, the U.N. assigned the seventy-five delegates invited to take part in the LPDF ultimate responsibility over the matter in case the two chambers failed to agree by February 2021.

1.6 The Final Rough Stretch Before the December 2021 Deadline

Soon after the LPDF’s in-person meetings started in Tunis on November 9, 2020, delegates came together around the idea of announcing an election date. After a vote, the LPDF decreed that elections for both the parliament and presidency would be held on December 24, 2021, the 70th anniversary of Libyan independence. Notably, the highly symbolic deadline was six months in advance of what the LPDF roadmap had specified at first. Truncating the timeline in this way unnecessarily added to the difficulty of an already-difficult agenda.

If that seemed to settle the question of electoral timetable, the next issue to be handled was that

of appointing a new interim government. A favorite in this context was Fathi Bashagha, the Minister of Interior in the Tripoli government and a top leader in the Turkish-backed armed resistance against Haftar’s aggression on the capital. Soon after that offensive on Tripoli collapsed in 2020, Bashagha struck a political deal with Haftar ally Saleh. By doing so, Bashagha and the HoR Speaker hoped to become prime minister and president, respectively, in February 2021. But the LPDF delegates elected Abdulhamid Dabaiba prime minister – as well as a three-person Presidential Council led by Mohammed al-Menfi, an eastern-Libyan native like

27 Zaptia, S. (2020). “The Berlin Conference on Libya: Conference Conclusions.” *Libya Herald*. Jan. 2020.

the scorned Saleh – surprising most observers.

The following month, the HoR endorsed Dabaiba's cabinet with a vote of confidence. In doing so, the parallel eastern executive branch came to a peaceful end. Importantly, however, the HoR did not recognize the new Presidential Council, nor did it formally acknowledge the legal status of the seventy-five-member LPDF. Moreover, Haftar's armed coalition did not recognize Prime Minister Dabaiba.

The last matter to resolve was the legal framework for the elections themselves. When deliberations on the constitutional basis eventually came before the LPDF, paralysis took hold amongst the seventy-five delegates. At the root of this were debates around the Presidency. The first centered on whether presidential elections should indeed be held in synchrony with the parliamentary elections of 2021.²⁸ The second concerned the eligibility of dual-nationals and active-duty military officers for the presidential contest. As the LPDF grappled with its internal divisions, HSC president Khaled al-Meshri embarked upon a campaign which consisted in advocating for the holding of a constitutional referendum in lieu of the sought-after elections. This arguably was a disguised means of stonewalling and boosting the probability of indefinite postponement.

Only muddying things further, in July 2021, *The New York Times Magazine* published the first picture in years of Saif al-Islam Qadhafi – the most famous among Muammar's still-alive sons – amid rumors he might himself have eyes on the presidency²⁹. Then in September 2021, after the LPDF had failed to reach a final decision on the electoral process, Aqila

Saleh – without holding a proper vote in the HoR – unilaterally issued a “presidential electoral law.”³⁰ The text disregarded the LPA, which the LPDF roadmap leaned upon, and imposed a sequence wherein the presidential elections had to happen first, violating another fundamental tenet of the LPDF roadmap. For reasons that will be discussed later, the law was also structured in such a manner as to allow both Haftar and Saleh to run for president without running the chance of losing their existing positions. One month later, Saleh then had his right-hand man Fawzi al-Nawri issue a “parliamentary electoral law” – again without any vote in the HoR³¹. Amongst other things, the law dictated that legislative elections could only occur in February 2022, at the earliest.

In November 2021, Saif al-Islam Qadhafi, Khalifa Haftar, Aqila Saleh, Abdulhamid Dabaiba, Fathi Bashagha, and more than another 90 hopefuls submitted their paperwork to the High National Election Commission to run for president. The three most popular candidates were also the most controversial and divisive. Nevertheless, after a few days of legal armed stared-downs and legal confutations, almost all contentious candidates ended up being approved by the courts.

With election-day just weeks away, the tensions elicited across Libya by the most visible presidential candidates proved far too much to manage. Facing an atmosphere more charged than ever, the High National Election Commission stopped short of publishing the final list of authorized candidates in time for the designated two-week campaign season to commence. The standstill meant that the much-

28 In November 2020, few of the 75 LPDF delegates devoted attention to the question of whether elections ought to be parliamentary only, or both parliamentary and presidential. The motion to announce that both would take place on December 24, 2021, passed by a large majority (more than three-quarters of the votes). One of the prime proponents backing the motion was Abdel Rahman Swehli – a vocal anti-Haftar figure from the western city of Misrata – who insisted on the need to have all occupants of elected office replaced at the earliest opportunity. “The actual issue of whether presidential elections should happen at all would become a toxic battle only later on, during the year of 2021,” explained a former U.N. hand familiar with the LPDF meetings. During the spring of 2021, debates over the presidency, especially with regard to the eligibility criteria during the spring of 2021, did indeed cause profound splits between delegates. Some of those who, the previous year, had supported the rush to announce simultaneous parliamentary and presidential elections became more circumspect. “Do I support presidential elections now? Honestly, I do not. In the absence of a permanent constitution and without clearly defining the powers of the president, it will be very difficult to organize presidential elections in Libya,” said Abdel Salam Shoha in an August 2022 interview. An HoR member representing the electoral district from Ajdaibiya to Kufra, Shoha was the LPDF delegate who, back in November 2020, had put forward a motion to issue an announcement for simultaneous presidential and legislative elections to be held on December 24, 2021.

29 Worth, R. (2021). “Qaddafi's Son Is Alive. And He Wants to Take Libya Back.” *The New York Times Magazine*. Jul. 2021.

30 Hammady, O. (2022). “What Went Wrong With Libya's Failed Elections.” *Foreign Policy*. Feb. 2022. A facsimile copy of the Sep. 8, 2021, law for the presidential elections can be found on the High National Election Commission's [website](#).

31 For a facsimile copy of the law pertaining to the parliamentary elections, see the High National Election Commission's [website](#).

touted deadline of December 24, 2021 was going to be missed. To the sadness of a great many, Libya’s general elections were postponed indefinitely.

Presidentialism in today’s Libya

The presidency question has divided Libyans since 2011. During the war against Qadhafi, “Mustafa Abdul Jalil, the chairman of the National Transition Council, held a quasi-presidential role,” remembered a former senior U.N. official. “Between him and Prime Minister Mahmoud Jibril, tensions already existed in those early days – simply because neither role was defined anywhere. And after the successful legislative elections in 2012, there were tensions between Mohammed Youssef al-Meqarief, the chairman of the GNC, and then Prime Minister Ali Zeidan. The only way to sort this out was to adopt a proper constitution, which was never done.” Fully cognizant of the presidency issue’s polarizing character, the U.N. circumvented it for several years: even though the U.N.-backed LPA formally introduced the role in December 2015 by creating the Presidential Council, the document stopped short of defining it. From 2016 through 2021, Serraj was both prime minister and president of the presidential council. As a result, Serraj’s long tenure set no meaningful precedent as to how to delineate the president’s powers. Afterward, Mohammed al-Menfi, Serraj’s successor as head of the Presidential Council, turned out to be a purely ceremonial figure with almost no influence on the ground. For that reason, Menfi’s tenure, too, supplies no indication about what electing a president would mean for Libya.

A parliamentary regime – with a weak presidency, similar to that of Germany, for instance – could be an adequate solution for Libya, as the system gives space for divergent interests. The parliamentary path would also help increase the chances of elections happening, by reassuring the constituencies most fearful of a hyperpresidential system, which in turn could easily morph into a one-man rule similar to 2022 Tunisia. On the other hand, Libya’s deeply fragmented and polarized body politic could also make it difficult to pass bold laws and institute substantive change. An executive president, by virtue of a fixed term, would be more likely to guarantee stability than a prime minister who could be dismissed or stalemated at any time³².

Here, one must note however that the disagreement responsible for LPDF’s paralysis in 2021 was not between unambiguous executive-presidency advocates on the one hand, and unambiguous weak-presidency champions on the other. As Omar Hammady, a constitutional and political affairs advisor at the U.N., explained in an important 2022 essay, some factions feared that electing a president during the interim period would prejudice the nature of Libya’s political system before a proper constitution had the chance to establish it³³. Those Libyans opposed electing anyone president in the context of a weak, as-yet-ill-defined state because they suspected that said president would use the malleable role as a vehicle to turn Libya into an autocracy.

Such fears were rendered all the more vivid by the fact that proponents of presidential elections opposed the holding of a constitutional referendum prior to Libya’s first presidential elections. In fact, Libyans in favor of a strong presidency preferred to hold presidential elections on the basis of a blurry framework. On the other side were Libyans opposed to a strong presidency. Some among them harbored sincere fears of a drift towards autocracy while others disingenuously used those very fears to prolong the status quo by advocating for a postponement of all elections.

32 For further discussion on presidentialism, see Al-Ali, Z. (2021). *Arab Constitutionalism: The Coming Revolution*. Cambridge University Press; Choudhry, S., and Goetz, C. (2014). *Semi-Presidentialism as Power Sharing: Constitutional reform after the Arab Spring*. Center for Constitutional Transitions at NYU Law and the International Institute for Democracy and Electoral Assistance (IDEA); Abebe, A. and Bulmer, E. *Electing Presidents in Presidential and Semi-Presidential Democracies*. International IDEA - Constitution-Building Primer 21.

33 Hammady, O. (2022). “What Went Wrong With Libya’s Failed Elections.” *Foreign Policy*. Feb. 2022.



2. Why Elections Failed In Libya

Libyan history following the fall of Muammar Qadhafi has been full of twists and turns. We hope the brief review just furnished both attests to this fact, and clarifies many of the sequences and players most essential to this still-developing story.

With what remains of the report, we turn our attention to making sense of why plans for elections in

2021, while once inspiring such hope, ultimately went awry. As mentioned in the introduction, we see three parameters as being most implicated in this outcome: (i) the missteps of the U.N.; (ii) the shortcomings of Libya's political elite; and (iii) foreign meddling.

2.1 The Distinct Weakness of the U.N. in 2021

Decisions taken by the U.N. at two critical junctures in 2021 wound up exerting a significantly adverse effect on Libya’s electoral prospects. The first had to do with mediating methods at the LPDF sessions in Geneva. The second concerned the organization’s response to Saleh’s unilateral passage of electoral legislation.

Regarding the former, it is difficult to overlook the counterproductive character of the U.N.’s attitude when it came to negotiations over the constitutional basis needed for the 2021 elections. Several first-hand sources acknowledged that though the presidential issue was a thorny one, the seventy-five delegates participating in the LPDF were not far from finding a solution. “The Libyan delegates actually carried out very sustained, diligent work,” insisted a former U.N. insider, singling out a diverse sub-committee of seven delegates who had endeavored to promote consensus within the LPDF on the constitutional basis. As the source continued:

“By the time of the [late June 2021] meeting, an imperfect but still solid compromise had been drafted up by the group of seven... When the senior U.N. facilitator mentioned the bridging proposal to the rest of the Committee, it didn’t elicit consensus right away. But it had every chance of doing so if only the entire Committee had been invited to discuss it seriously. Yet, for some inexplicable reason, the senior U.N. facilitator chose not to push for it at all. Instead, he asked for other bridging proposals to be submitted. Needless to say, this caused the whole session to immediately slip out of control. A real and valuable opportunity had gone to waste – by the U.N. facilitator’s fault.”

A similar critique of the U.N. role was offered by a member of the LPDF: “During those crucial weeks of 2021, the heads of the U.N.’s Libya mission were loath to mediate, as though helping us Libyans find common ground was beneath their remit.” This reluctance proved costly, as it contributed to the LPDF missing its July deadline for establishing a legal framework. That miss, in turn, opened the door for the interventions of Aqila Saleh. And in the face of his unilateral actions, the U.N.’s response, once again, proved wanting.

Despite Saleh having issued a presidential election law by what amounted to edict, the U.N. mission to Libya oddly chose to applaud the HoR Speaker’s unilateral venture.¹ The rushed move greatly added to the Libyan political scene’s polarization, restricted the U.N.’s own room for maneuver, and drew the organization’s neutrality into question. It also violated the terms of the LPA, which demanded that any electoral law be ratified by the HSC.²

Both U.N. actions – those taken in Geneva and those taken in response to Saleh’s fateful intervention – served to vest the political climate with more confusion, frustration and distrust. They did so, moreover, at a moment when a steady hand – and one prepared to encourage all the various factions and sub-factions to play by the same consistent rules – was needed more than ever. The consequences proved significant. Though not the only variable obstructing Libya’s road to elections, choices made by the U.N. at these two critical junctures certainly increased the probability of failure.

1 The phrase interpreted as an unconditional endorsement by the U.N. of the presidential electoral law was as follows: “I was informed by HoR President Mr. A. Saleh that the presidential electoral law was already adopted.” See: UNSMIL (2021). “Remarks of the UN Special Envoy for Libya, Jan Kubis, League of Arab States Meeting of Foreign Affairs Ministers - Cairo, 9 September.” Sep. 2021, [online](#).

2 The U.N. mission’s mandate, as defined by the Security Council, established the need to “further the continued implementation” of the LPA, which requires a consensus between the two legislative chambers in this context.

2.2 Elite Relationship Management

More salient to this missed opportunity of December 2021, of course, was the selfishness and cynicism of the Libyan political elite. These shortcomings – be they born of character defects or the system of incentives and restraints that principals were subjected to – are fundamental to the outcome in question.

Before addressing the damage done by individual Libyan actors, it is worth considering the underlying cleavages structuring post-2011 politics. Contrary to what is commonly thought, these cleavages are not geographical in nature, nor do they break along the lines of secularists and Islamists. Rather, Libya's primary political cleavage opens upon the conflict between two competing styles of authoritarian governance.

One form of authoritarianism – populist in character and often portraying itself as revolutionary – allows space for horizontal arrangements between rivals and a small degree of tolerance for political initiative on the part of citizens and local leaders. This authoritarian system is somewhat pluralistic and therefore inherently fraught with political uncertainty. This model has prevailed in Tripolitania – the northwestern province of Libya – for several years. Leaders in Tripolitania have received diverse levels of support from Qatar, Italy, Great Britain, and, more importantly, Turkey.

In direct competition with the pluralist authoritarianism of Tripolitania is a more vertical rival, which tolerates almost no contestation, even moderate³. The provincial regime built by rebel commander Khalifa Haftar near Benghazi in Cyrenaica best represents this second contender. Haftar and his associates have received the support of Egypt, France, Russia, and, to a lesser extent, Saudi Arabia. The UAE, far and away the most

consequential backer of Haftar from 2014 through 2020, has been self-restrained since 2021. The U.S. has had a history of supporting both sides of the divide to differing degrees.

It is not fortuitous that the main sponsors of Tripolitania's leaders have been the Turks or that Cyrenaica's patrons have been the Egyptians and the Emiratis: Resemblance in authoritarianism style results from the ideological affinity that each of Libya's power centers have developed with their external sponsors as well as from the direct patronage bestowed on Tripolitania and Cyrenaica by these parties. Indeed, present-day Turkey is a classical manifestation of the first model of authoritarianism. It features elements of parliamentary democracy, somewhat free elections, and a modicum of diversity in the way of political parties. These manifestations of pluralism are constrained by the repressive methods of an increasingly autocratic President Recep Tayyip Erdogan, but continue to exist nonetheless. The second model of authoritarianism – which can be found in Abu Dhabi, Cairo, Riyadh, Damascus, and Manama – does not tolerate any debate, any authentic multi-party competition, or any organized political thought at the individual citizen's level. Societal life is entirely centered around edicts issued from the highest levels of the state.

The effects of Libya's primary political cleavage being defined by a struggle between two contenders for the authoritarian mantle are profound. The most immediate result is to deprive the domestic elite of any honest defender of free and fair elections. This reality may be concealed by the recent proliferation of political parties – whose total number jumped to more than 60 in the months preceding the would-be December 2021 elections. Many of those parties,

3 When seen from the perspective of a liberal democratic society, the difference between these two styles of authoritarianism may appear small, involving only strategic views on how to best consolidate and operate power. But in actual fact, the difference, in the context of post-2011 Libya, is profound. For instance, the question as to whether or not an individual citizen should be permitted to have voice and agency politically has both ideological and religious overtones that cannot be disregarded. See: Gause, G. (2017). "What the Qatar crisis shows about the Middle East", *The Washington Post - Monkey Cage*. Jun. 2017.

however, have little in the way of a political base⁴. As for those that do, they are not the engines of democracy that Libyans need them to be. “Since 2014, political parties have really struggled,” admitted in an interview the leader of a centrist political party founded in 2012, blaming not only the various bouts of civil wars and the absence of national elections, but also the fact that June 2014’s legislative elections forbade party lists⁵. Indeed, come 2021, the political parties thought to have the greatest institutional capacity – the National Forces Alliance, the Change Party, the National Front, and the Justice and Construction Party – showed little ability for mobilizing a constituency or pressuring the incumbents. Worse, many demonstrated themselves less committed to the integrity of ballot box than to participating in intrigues and power plays driven by individual elites.

Testifying to the cynicism of partisan calculations are the actions of Mohammed Sowan’s Democratic Party. Sowan, a veteran politician from Misrata and representative of a subset of the Libyan Muslim Brotherhood, opted to break away from the Islamist camp and enter a tight alliance with Haftar in 2021⁶. In so doing, Sowan bucked the pro-elections agenda that had guided the Brotherhood during the early days of post-Qadhafi Libya, and put his organizational strength at the service of a force known for its harsh authoritarianism.

The absence of a democrat amongst Libya’s

current power players keeps the North African country’s population marginalized from the political process. This is not to say, of course, that Libya’s leading protagonists can single-handedly impose themselves against the will of popular forces. In actuality, each principal is surrounded by a tight-knit circle of advisors, spies, security chiefs, business magnates, political allies, and loyal technocratic partners ensconced within the state’s formal institutions, as well as a loose network of armed-group leaders and local notables. These informal coalitions have used a combination of hard power, foreign support, messaging campaigns, and resource distribution – often kept to a barebones level – to secure some degree of acquiescence from the segments of the population they claim to represent. Fatigue, fear, and a lack of accountability also work in their favor. Understandably, the Libyan public is still reeling from years of social disorder and conflict as well as declining living conditions. In this context, the capacity of a handful of foreign-backed kleptocrats to present themselves as indispensable and perpetuate their rule can hardly be deemed surprising.

As is such, no organic, popular political formation has gained traction at the national level in Libya in recent years. Spontaneous, horizontally organized protest movements have occasionally erupted – most recently in July 2022.⁷ Nevertheless, these short-lived intifadas struggle to institutionalize and

4 In 2014, the dedicated committee within the Ministry of Justice stopped issuing licenses for new political parties. When, ahead of the 2021 elections, the government resumed issuing licenses, it did so using more stringent procedures along with new criteria. Moreover, the Ministry of Justice demanded that each existing political party re-apply for its license. Despite the heavy bureaucracy introduced in 2021, more than 60 parties obtained the proper paperwork – out of more than 200 applications. “But among those 60 political parties, I would say no more than a dozen are active and with a real presence on the ground,” the head of a meaningful political party in existence since 2012 said in a September 2022 interview.

5 The restriction forced candidates to run on individual platforms in 2014, unlike the 2012 elections, in which eighty of the 200 seats in the GNC were reserved for parties, with the remaining 120 allocated to individual candidates. See: Pargeter, A. (2016). *Return to the Shadows: The Muslim Brotherhood and An-Nahda Since the Arab Spring*. London: Saqi, p. 154.

6 In post-2011 Libya, the main Muslim Brotherhood-aligned party has been the Justice and Construction Party (JCP), which Sowan led until June 2021. Soon after he lost JCP’s presidency to Emad al-Banani, Sowan founded the Democratic Party in August 2021, ahead of the tentative elections. Since 2020, Sowan has been a key backer and advisor of presidential hopeful Bashagha, encouraging the latter to ally with Saleh in 2020 and, then, Haftar. Intense enmity long existed between the Libyan Muslim Brotherhood and Haftar before 2018. But that particular year, Sowan changed tact and began pursuing a brand-new strategy, which consists in cultivating Haftar as an ally. “Prime Minister Dabaiba controls only parts of Tripoli and some of its surroundings. This is a minuscule part of Libya!” pointed out a close confidant of Sowan in a March 2022 interview conducted for this report. “This is not sustainable; we must work with others who control much larger swathes of the country, otherwise the country will split,” he expounded, when asked about the fundamental logic behind Sowan’s new rationale. For more on Sowan’s pro-Haftar pivot in 2018, see: Bensaad, A. (2018). “Libye. Les Frères Musulmans, une minorité agissante.” *Mondafrique.com*. Jul. 2018. For more background on Sowan and the JCP, see Trauthig, I.K. (2019). “Gaining Legitimacy in Post-Qaddafi Libya: Analysing Attempts of the Muslim Brotherhood.” *Societies* 2019, 9, 65. On the Muslim Brotherhood’s willingness to face truly free and fair elections in the immediate aftermath of Qadhafi’s fall, see: Martin, I. (2022). *All Necessary Measures?: The United Nations and International Intervention in Libya*. London: Hurst & Company, p. 124.

7 AFP (2022). ‘Fragile situation’ as Libya anger boils over living conditions. Jul. 2022.

thereby live on beyond their initial coalescence. In the end, Libya’s silent majority remains largely helpless, a social fact granting the ruling elite carte blanche for abuse.

At a structural level, the chasm separating Libya’s elites and the foreign states backing them on one side and the populace on the other, goes a long way toward explaining why elections failed to materialize

in December 2021. Though the vast majority of citizens wish to see Libya exit its long-standing crisis via free and fair elections, they simply lack the means of imposing their will. Largely insulated from the population’s predicaments, the country’s main power brokers – who never operate without foreign backing – took contingent actions that helped derail 2021’s thrust toward elections, as demonstrated below.

2.3 The boldness of Aqila Saleh

Among the many hurdles on the path to December 2021’s general elections, the most formidable was the exceedingly weak character of the electoral

laws that a small group of MPs – led by the Speaker of the HoR, Aqila Saleh – designed and rammed through without a proper parliamentary vote.

Saleh: Haftar’s civilian counterpart in Cyrenaica

Since August 2014, Saleh and Haftar, the two main figures in Cyrenaica, have largely worked in tandem⁸. Despite the fact that Haftar is more powerful than Saleh, and despite recurring differences over leadership and strategy, the two men have maintained a lasting de-facto partnership. Whenever Haftar – who wields physical force – needs the legitimizing umbrella of the HoR, he can pressure the Speaker into setting things in motion. Conversely, Saleh has used the U.N.’s formal recognition of the HoR combined with the Haftar coalition’s enmity towards Tripoli to position himself as a defiant independent – and leverage that public image into a bid for national political leadership⁹. Simultaneously, Saleh and foreign states such as Egypt and Russia have on more than one occasion worked together to keep Haftar in check¹⁰.

In the lead-up to the elections of 2021, Saleh not only helped enable Haftar’s push onto a presidential ticket; he also leveraged his own procedural powers to hold the wider electoral process hostage. After he personally wrote the rules, Saleh put his own name up for the presidency without resigning as Speaker of the HoR – considering the possibility of losing on both fronts unacceptable.

8 Lazib, M.E. (2021). “Construction inachevée d’une monopolisation de pouvoir, l’ascension de Khalifa Haftar en Libye.” *Hérodote*. Oct. 2021, 182, pp. 63-74.

9 Soon after the 2014 elections, the HoR passed a law that rescinded the legitimacy of the GNC, a measure that made the HoR the nation’s sole legislative authority. The HoR also amended the August 2011 constitutional declaration so as to make its Speaker both the interim head-of-state and the supreme leader of the armed forces. The HoR then gave the role of chief-of-staff to a close associate of Haftar, Abdul Razzaq Nadhuri, based in al-Marj, near Benghazi. Nadhuri proceeded to give Haftar’s then-ongoing armed operations the status of a formal military campaign officially conducted on behalf of the state. In March 2015, Saleh – in his capacity as supreme leader of armed forces – appointed Khalifa Haftar commander general of the armed forces. These formalities engineered by Saleh are key to understanding the links between the HoR’s leadership and the top echelons of Haftar’s armed coalition. They also are a reminder of Saleh’s long-standing presidential ambitions.

10 In April 2020, for instance, Russia and Egypt worked with Saleh to stop Haftar from carrying out a coup against the civilian authorities in Cyrenaica. See: Harchaoui, J. (2021). “The Pendulum: How Russia Sways Its Way to More Influence in Libya.” *War On The Rocks*. Jan. 2021.

After the LPDF's failures to propose electoral laws in the summer of 2021 left Libya's electoral ambitions in limbo, Saleh steered the process down a cul-de-sac. As discussed in Section One, Saleh issued a law in September 2021 relevant to presidential elections, aware that the U.N. and members of the international community were anxious to see some kind of electoral framework put forward even if it transgressed the U.N.'s own prerequisites. The law contained many important idiosyncrasies. It established that presidential elections would need to occur prior to the holding of parliamentary ones. It established that a majority was needed to win the office and that a second round run-off between the two vote getters would be held in the event such a majority was not secured in the first round. Yet the law did not guarantee that said second round would take place within a reasonable amount of time. While scanty and vague in many regards, Saleh's law also included considerations of a constitutional character, including provisions defining presidential powers and term limits. Crucially, and unsurprisingly in view of Saleh's relationship with Haftar, the law allowed active-duty military officers to run for the presidency¹¹. Furthermore, the law granted the HoR the authority to accept or reject the election results, even if the High National Election Commission deemed voting void of any irregularities. Lastly, the law defined a single national voting jurisdiction, doing away with the three-district system delineated in a 2018 constitutional referendum law and ratified in January 2021.

From behind the scenes, Saleh also oversaw the passage of a law in October that was to govern parliamentary elections. Amongst the law's most visible peculiarities were its forbidding of party lists, a measure guaranteeing a fractured parliament. Of greater importance was the law's non-specification of the maximum amount of time that was to separate the holding of parliamentary elections from the first round of the presidential elections. In conjunction with Saleh's September law on presidential elections, the October law's lack of enforcement on timing left the electoral process without any binding anchor points. Theoretically, this would have allowed Saleh, should he perform poorly in the presidential election, to simply stonewall the holding of a vote on parliamentarians, thereby protecting his post as Speaker. Less abstractly, it vested the entire process with incoherence and debilitating conflicts of interest, making it far more difficult (i) for the various political factions in Libya to come together over the terms of competition, and (ii) for the High National Election Commission to do its job.

The problems inherent to Saleh's electoral laws go a long way toward explaining why the High National Election Commission froze the election process three weeks before the December 24, 2021 deadline, to the great chagrin of many citizens. And yet, although Saleh carries much of the responsibility for this outcome, he is not the sole Libyan political actor at fault.

11 Although Saleh's law nominally excluded dual-citizenship holders, it still made it possible for them to run by submitting a signed declaration. This – added to the fact that the September 8 law did not specify the judicial authority responsible for determining the eligibility of candidates to run for office – enabled both Haftar and Dabaiba to run for president. Haftar is a U.S. citizen while Dabaiba is widely suspected to be a citizen of Saint Kitts (a Caribbean island) and/or the United Kingdom.

2.4 Dabaiba Did His Part to Sabotage the Elections

Abdulhamid Dabaiba, too, must share in the blame for the disappointments of December 2021. The Turkish-backed interim Prime Minister's culpability stems from a number of actions, such as his reversing of a pledge he made within the scope of the U.N. proceedings¹². As part of the LPDF's February 2021 designation process in Geneva, Dabaiba, like all the other candidates for the executive authority via, issued a written promise not to run for the elections later that year. Once he won the prime ministership however, it didn't take long before Dabaiba would begin projecting himself as a leader president-in-waiting.

As early as spring 2021, his wealthy uncle and eminence grise Ali Dabaiba – one of the seventy-five delegates in the LPDF committee – tried to sway the mediation process in Geneva. When it became apparent that the U.N. was struggling to shepherd the LPDF committee towards any agreement on the constitutional basis, some delegates demanded a constitutional referendum and, thus, a deferment of all elections. At this occasion, Ali Dabaiba emerged as one of the most vocal advocates of postponement, according to both an LPDF delegate and a former U.N. official present¹³. Needless to say, a postponement of the December 2021 elections meant that interim Prime Minister Abdulhamid Dabaiba would stay in power beyond the scheduled end of his term.

On August 12, 2021, Abdulhamid Dabaiba gave a much-noticed speech in Leptis Magna, the prestigious Roman ruins site located to the east of

Tripoli. Attended by thousands of young citizens, Dabaiba cut the figure of a man who most certainly saw himself fit to lead the nation as president. He also made the point of having Sadeeq al-Kabir, the governor of the Central Bank of Libya (CBL), on stage with him. Al-Kabir's personal closeness to the Dabaiba family goes back to the Qadhafi era. His presence on the day constituted a tacit endorsement of Dabaiba's presidential ambitions, and a violation of the political neutrality expected of a technocrat of his status. As it is Kabir who controls Libya's public coffers for all effects and purposes, his accompaniment of Dabaiba was also interpreted by some as an attempt to communicate to the public that should they give the presidency to the interim Prime Minister, they could expect social stipends, civil-servant salary raises, and other cash bonuses to come their way.

Dabaiba's flirtations with the presidency made a slew of Libya's most prominent political players – Saleh, Haftar, and Bashagha especially – gravely uncomfortable. It breached, after all, the spirit of fair play that was going to be necessary in order for elections to go forward: a pact amongst the country's most ambitious leaders to comply with the LPDF roadmap for the good of the country. To the contrary, Dabaiba's moves encouraged his rivals to plot their own entrances into the race with an equally ruthless disregard for the U.N.-sponsored process. The probability of elections materializing at all was the collateral victim.

12 Dabaiba's lawyer argued that his client's formal commitment to not running at the elections had been issued abroad and, therefore, had no legal standing in Libya. To make matters worse, by taking his required leave of absence a month instead of 90 days before elections, the interim prime minister violated Saleh's electoral law. Lastly, some Libyan activists, such as Husam al-Gomati, maintained that Dabaiba did not possess the required academic degrees to run for president. See: Sadler, D. (2021). "Controversy In Libya Over The 'Dabaiba Testimonies'." *Globe Echo World News*. Dec. 2021

13 The adversaries of Abdulhamid Dabaiba, such as fellow presidential candidate Fathi Bashagha, maintain that Libyan delegate Ali Dabaiba resorted to corruption within the scope of the LPDF in 2020 and 2021. Asked about this topic, another LPDF member interviewed said the following: "As far as the accusations of bribery, thorough investigations should definitely be pursued, especially when it comes to Ali Dabaiba, given that his nephew Abdulhamid won the interim prime minister's position in February 2021. But by no means should the Dabaiba camp be the only camp suspected of bribery. I was approached with unethical offers by at least three different factions in total. That's proof enough that several camps within the LPDF used corruption." On Bashagha's corruption allegations regarding Dabaiba, see: Airault, P. (2021). "Fathi Bachagha (ex-ministre de l'Intérieur): « La Libye a besoin d'un régime présidentiel fort »." *L'Opinion*. May 2021.

As it ultimately played out, Dabaiba made his intention to run for the presidency explicit in November, taking a leave from office thereafter to commence campaigning. Although unhelpful in several regards, it should be acknowledged that Dabaiba was not an all-out enemy of the electoral process. His government supported the High National Election Commission, contributing 95 million dinars to its total budget of about 500 million dinars (the balance came in the form of foreign donations). “Dabaiba’s Government of National Unity facilitated the work of the High National

Election Commission,” recognized reluctantly a former High National Election Commission official, despite his antipathy for the interim prime minister. “The Dabaiba government provided many of the necessary resources, also the security, planning, and so forth.” On the other hand, his candidacy – and the behind the scenes role played by his uncle at the LPDF – corroded the elite consensus building that was required for elections to be a success. If not Saleh’s equal in hurting Libya’s hopes for a return to the ballot box, then, Dabaiba was hardly guiltless¹⁴.

2.5 The Qadhafist Problem

At the time of Libya’s parliamentary elections in 2014, most Qadhafi loyalists were out of the game. Over the seven years that followed, however, they staged a comeback of sorts. After slowly rebuilding influence, the resurgence of the “Greens” – or Libyans who, in 2011, favored a survival of the Qadhafi rule – would be accelerated upon the HoR’s passage of an amnesty law in July 2015¹⁵. As yet leaderless, acolytes of the movement henceforth managed to penetrate key national institutions, establishing footholds within the Government of National Unity cabinet in Tripoli, as well as within the advisory and security circles of Khalifa Haftar. At a grassroots level, meanwhile, Qadhafists enjoy a visible presence in secondary municipalities such as

Ghat and Awbari in the south, Sirte and Bani Walid in the center, or Tobruk in the east.

Due to their internal divisions and lack of a national figure, though individual Qadhafists restaked their claim as a scattered force across the Libyan political theater, they were never seen as standing any chance at capturing the presidency. The closing weeks of 2021 altered that perception, however, when Saif al-Islam Qadhafi resurfaced to announce his intention to run for president¹⁶. Angry at the entire post-2011 political elite, many young Libyans responded positively to Saif’s reemergence. For much of that post-2011 elite, however, his entrance into the race was utterly unacceptable. Though unlikely to mount a serious challenge to Dabaiba

14 “You would expect the incumbent prime minister in Tripoli to act as the most ferocious obstructionist [in order to stay in power], but he didn’t need to. It was Saleh and Egypt who did the bulk of the work,” analyzed a former U.N. hand, echoing other insiders interviewed.

15 Galtier, M. (2016). “Libye : les kadhafistes de retour en scène.” *Middle East Eye*. Nov. 2016.

16 “I have just received my voter’s card,” said a 34-year-old engineer and ordinary citizen in the Tripoli suburb of Tajura during a November 2021 interview. “And if the elections happen, I can tell you I’ll vote for Saif,” he continued, referring to Saif al-Islam Qadhafi, Muammar’s most famous son, who is still alive. “I am someone who, in 2011, was for the revolution. And my family had suffered at the hands of the Qadhafi regime. But still, I can assure you I’ll vote for his son if I can.” Similar thoughts were not uncommon in the wake of Saif a-Islam’s November 14, 2021, announcement that he had submitted his name to the High National Election Commission as a potential presidential candidate.

in particular¹⁷, the mere presence of Qadhafi's on the ballot – a man still wanted by Libyan and international enforcement, and a man whose father abhorred representative democracy – was immensely disruptive.¹⁸

So too were the actions of other Libyan networks loyal to Muammar Qadhafi's ideology though uncommitted to his alleged son-as-heir. In a January 2022 testimony, High National Election Commission's president Emad Sayeh suggested that his agency had been flooded by an abnormal number of presidential candidacies, a volume that contributed to undermining the High National Election Commission's work¹⁹. Among those candidates, many were Qadhafists²⁰. Similarly, many of the new political parties created in 2021 were founded by Qadhafists.

The very existence of these currents in today's Libya constitutes a conundrum for any presidential election. This is because contempt for pluralism,

political parties, and representative democracy writ large, is a keystone of Qadhafist ideology²¹. Any Green candidate doing well within the context of presidential elections will not only be perceived as a threat by the other candidates, but will also elicit the acute distrust of large swaths of the country's body politic. Many Libyans suspect that any politician with a history of loyalty to, or complicity with, Muammar Qadhafi will be bound to use any democratic opening as a mere step towards restoring a system whose anti-democratic and anti-liberal nature is still vividly resented by a large percentage of the population.

Now that some of the most prominent features characterizing Libyan behavior vis-à-vis the December 2021 electoral attempt have been dissected, we must shed light on how foreign states subverted, damaged, or interfered into, that same attempt.

17 An early-December 2021 poll showed Saif's popularity far outpaced by that of then-U.N.-recognized Prime Minister Dabaiba. See: Diwan Research (2021). "National Opinion Poll of Registered Voters in Libya December 1-5, 2021." Dec. 2021, [online](#). At the time of writing, Dabaiba's popularity is much lower than it was in 2021.

18 Saif al-Islam was sentenced to death in absentia by a Tripoli court in 2015 for using violence against protesters in the 2011 uprising against his father. "Under Libyan law, if someone is sentenced to death in absentia, like Saif was, the person remains officially wanted until they present themselves in person to the court which convicted them in the first place – even if they have a right to a retrial and even if an amnesty law was issued in the interim," explained a Libyan lawyer interviewed in August 2022, alluding to the irrelevance of the amnesty law issued by the HoR in September 2015. Separately, Attorney General Sadiq al-Sur is expected to issue a new arrest warrant against Saif al-Islam. If it is indeed taken, this measure will remove the confusion surrounding the presidential candidate's wanted status, making his candidacy unambiguously impossible going forward.

19 Briefing by the President of the High National Elections Commission, Emad al-Sayeh, before the HoR. Jan. 2022, on [Youtube](#).

20 Among the highest-profile Qadhafist candidates were Bashir Saleh, Asaad Zhio and Muhammad Sharif. Other Qadhafist candidates included Rafiq Qadhafi, of the Fateh September Revolution Leadership Council, and Abdel Moneim al-Houni, Libya's former envoy to the Arab League, as well as private business magnate and former Qadhafi loyalist Hassan Tatanaki. Besides the Qadhafists, one should acknowledge that other unrelated factions also contributed to "flooding" the High National Election Commission with an artificially large number of presidential candidates.

21 Pargeter, A. (2016). *Return to the Shadows: The Muslim Brotherhood and An-Nahda Since the Arab Spring*. London: Saqi, p. 153; Trabelsi, S. (2016). "« Qui fait parti trahit » : la lente émergence d'une Libye politique après la révolution." *Confluences Méditerranée*, 98, pp. 135-143.

2.6 Incessant Foreign Meddling, 2017-2021

The tragedy of Libya’s election failures in December 2021 was not authored by indigenous hands alone. As Section One already intimated, the interventions of various foreign actors, too, shaped the final outcome. Most impactful amongst those meddling in Libyan affairs during the crucial months and years leading up to the planned elections were four countries: Egypt, France, the UAE, and Russia.

Egypt, France, and the UAE

From a fairly early date, Khalifa Haftar and his main foreign backers – Egypt, France, and the UAE – recognized the utility that the language of democracy could proffer a bid for power. As early as 2017, the field marshal was seen attempting to commandeer pro-elections sentiment for his own purposes. Then as in years later, the Haftar camp put special emphasis on presidential elections, despite the authorities of such an office having yet to be constitutionally defined. The rebel commander and his supporters also made a point of trying to speed up the election timeline. They did so not because they were compelled to see democracy restored more swiftly, but because they knew that their rhetorical jolts would suppress or divert the mediation initiatives being led by the U.N. – initiatives they feared would not redound to the field marshal’s benefit – while helping Haftar present himself as the true champion of the Libyan people.

Egypt and France – along with the UAE, on some occasions – played critical roles in these ploys throughout. During the two years preceding Haftar’s attack on Tripoli, the three powers worked to undermine the U.N.’s efforts by launching independent political dialogues under their own

supervision. They leveraged these sidetrack discussions to push their “rush to presidential elections” storytelling. In May 2017, an Abu Dhabi-orchestrated encounter saw both Haftar and his Tripoli rival Serraj verbally promise presidential elections within months²². It is later within the context of that diplomatic initiative that Haftar demanded an amendment to the LPA so as to ensure presidential elections be held in early 2018. Egypt and France soon threw their weight in, and waged, in coordination with Abu Dhabi, a diplomatic push for early general elections²³.

This rhetorical campaign must be juxtaposed with the fact that Abu Dhabi, France and Egypt propped up Haftar’s non-stop military campaign in Benghazi, in eastern city Derna, in Libya’s south, and, beginning in April 2019, in the greater Tripoli area. Beyond the wanton destruction and population displacement, the most immediate effect of the April 2019 attack was to cancel the U.N.’s Ghadames Conference, where it was hoped a final formula for the electoral process could be hammered out. Though certainly a blunter instrument than the diplomatic interventions of the previous two years, the support given to Haftar’s attack on Tripoli by his foreign patrons followed an identical rationale in the end: the thwarting of the U.N.’s multilateral, inclusive approach, in the hope that this would allow an authoritarian friendly to those same foreign patrons’ interests to seize national power.

This reality was not lost on senior U.N. officials. As one speculated, “I guess the reason Egypt and France were so adamant about the urgency of presidential elections is simply because they had already nudged themselves onto Haftar. They probably thought that presidential elections would

22 AFP (2017). “Libya PM in rare meeting with rival strongman.” May 2017. See also: Al-Arabiya (2017). “اتفاق حفتر والسراج على تشكيل” (“Haftar and al-Sarraj agree to forming a Presidency Council in Libya, to hold presidential and parliamentary elections 6 months after the agreement takes effect.”) May 2017.

23 AFP (2017). “En Libye, le ministre français Le Drian appelle à des élections rapides.” Dec. 2017.

see him win nationally.” Another former U.N. hand interpreted the interference less generously, viewing all their talks of early elections as a deliberate ploy to prevent any elections: “In 2018, the Egyptians made clear that they did not support elections in Libya.” A free and fair vote next door seems to carry an unacceptable amount of uncertainty for the Egyptian government. “The real problem has been – and remains – that the countries most involved in Libya would not facilitate elections unless they know in advance who would win them,” summarized a former senior U.N. official.

As for Paris’ policy of assistance to conservative Arab governments interfering in Libya, one interlocutor highlighted the divisions within the French state. In their recollections, the French ministries of foreign affairs and defense were genuinely supportive of the U.N.’s step-by-step approach, but the Elysée Palace’s diplomatic cell, upon Emmanuel Macron’s ascension, developed a different outlook. Critical in these regards was Paul Soler, assuredly the most influential voice within Macron’s circles when it comes to Libya. An unwavering supporter of Haftar, Soler has played pointman for French policy on Libya and, in that context, leveraged the country’s close relationship with the UAE and Egypt, almost always sidelining the French foreign service in the process²⁴.

If not fooling anyone about their true intentions, Haftar’s non-Libyan partners nevertheless continued the same tactics once the U.N. renewed its mediating efforts in the aftermath of Haftar’s defeat in Tripoli. This was evident at the Berlin Summit of January 2020. As a U.N. official recounts, there was consensus at the time that “elections in a broad

sense ought to be pursued as part of the U.N. peace process. But the participants who went out of their way to heavily insist on the need for presidential elections – in addition to the parliamentary elections – were the Egyptians and the French.” As in the past, this insistence reflected a desire to increase the probability of Haftar or one of his allies reaching the presidency before Libya adopts a permanent constitution. And as in the past, it made things more difficult for all those sincerely attached to peace and democracy in Libya.

One final act of the French in particular is worth highlighting as relates to the December 2021 failure: their immediate and full embrace of Aqila Saleh’s electoral laws. On September 11, Macron’s government gave its public backing to the HoR Speaker’s unilateral move²⁵. Once France – a prestigious Western democracy with a permanent seat in the U.N. Security Council – had intervened so unreservedly to give its blessing to Saleh’s legislation, all other Western powers became less likely to press the HoR Speaker for much-needed amendments. This is why few were surprised by the Biden Administration’s indolent complacency on the same issue during that crucial month of September 2021²⁶. At a time when the controversy associated with Saleh’s September 8 law was tearing Libyans apart, these two foreign states’ endorsement functioned to push the North African nation farther away from the conciliation and patience it needed, setting it on a course from which there would be no return²⁷. In many regards, Paris and Washington helped seal the fate of 2021’s elections. Needless to say, during that same pivotal month of September 2021, the head of Egyptian diplomacy praised

24 From May 2017 through September 2019, Paul Soler, in Macron’s Élysée, was instrumental in devising France’s policy of support to Haftar. He then spent a little more than a year in Amman. After his return to Paris, Soler became France’s special envoy to Libya in early 2021. For more on Soler and Paris’ support for Haftar, see Chesnot, C. and Malbrunot, G. (2022). *Le déclassement français - Elysée, Quai d’Orsay, DGSE : les secrets d’une guerre d’influence stratégique*. Paris: Michel Lafon, pp. 139-140; Harchaoui, J. (2019). “La politique libyenne de la France et ses antécédents historiques.” *Revue internationale et stratégique*. Dec. 2019 (116), pp. 33-43. Soler’s ability to supersede almost all other French officials when it comes to Paris’ Libya policy was reported to the author by several interviewees in the summer of 2022, including former French diplomats and current European diplomats working on Libya.

25 As early as September 11, the French embassy to Libya tweeted its full support for Saleh’s September 8 text. See on [Twitter](#).

26 On September 15, U.S. State Department Counselor Derek Chollet visited Tripoli, where he met with the HSC chairman, to discuss the upcoming elections and their legal framework. But Chollet did not visit eastern Libya, where the author of said legal framework is based. The senior American diplomat also refrained from saying – or even implying – that Saleh’s September 8 text necessitated amendments, read [online](#).

27 In November 2021, Italian Prime Minister Mario Draghi publicly stated that “there needs to be an electoral law.” He was the only Western voice to break the international silence regarding the flaws in Saleh’s laws. Alas, Rome’s interventions were too little, too late. See: Reuters (2021). “Libya must agree on new electoral law in coming days - Draghi.” Nov. 2021.

Saleh's law, making it even more difficult for any other nation to ask for any amendments²⁸.

Russia

Russia, of course, has also played a role in proceedings. Since 2017, and independently from its tight partnership with Haftar, Moscow has quietly dedicated part of its growing sway in Libya to promoting the attractiveness of a return to the pre-2011 era. "What's critical [with regard to Libyan elections] is ensuring that representatives of all leading political forces can take part in the elections," said Russian Deputy Representative to the U.N. Dmitry Polyanskiy a month after the doomed elections of December 2021²⁹. Similarly, in the preceding months, Russian officials insisted on the elections' "inclusive" character. The "inclusivity" here always alludes to the candidacy of Saif al-Islam and other Greens.

Although these currents present many weaknesses as a viable political force, Russia cynically works to build up the image of Saif al-Islam Qadhafi and Qadhafists in general³⁰. The policy is not pursued out of the belief that Greens can actually rule Libya.

Rather, it is mainly designed to discredit the wider electoral process by injecting into it an agent provocateur of no equal.

One significant driver behind Moscow's calculus is a desire to tarnish the image of the United States in the Middle East and Africa, including on an ideological level³¹. In that regard, relatively modest Russian support for Qadhafists in Libyan politics always generates big rewards. In the same way a successful vote would constitute a victory for American diplomacy, a discomfiture like the only seen in late 2021 is good news for Russia, who not only maintains a military presence in Libya but also makes a point of attributing the North African country's troubles to Washington's liberal democratic aspirations in the region.

Thus, Russian exploitation of the Qadhafist problem described earlier in this report will likely continue – especially knowing that the policy offers the extra benefit of helping Moscow keep Haftar, its other partner in Libya, in check. The field marshal considers any eventuality whereby the Qadhafists acquire greater visibility as an independent force, an existential threat.

28 Youm 7 (2021). "سامح شكري يشيد بجهود البرلمان الليبي بإعداد قانون الانتخابات.. ويؤكد: خطوة هامة" (Sameh Shoukry praises the efforts of the Libyan parliament to prepare the election law.. and stresses: an important step.) Sep. 2021, [online](#).

29 See on [Twitter](#).

30 Grossman, S., Ramali, K., DiResta, R. (2020). "Blurring the lines of media authenticity: Prigozhin-linked group funding Libyan broadcast media." Stanford Internet Observatory Cyber Policy Center. Mar. 2020; Meyer, H., and Magdy, M. (2021). Aug. 2021. "Putin's Qaddafi Comeback Gambit Sows New Conflict With the West." Bloomberg News; Lavrilleux, A. (2021). "Libye : à la recherche de Saif al-Islam Kadhafi." *Jeune Afrique*. Aug. 2022.

31 Washington does not wish to see Saif al-Islam Qadhafi run for president. See: Bwaba al-Wasat (2021). "Joey Hood: The world has a problem with Saif al-Islam Gaddafi running for president of Libya." Sep. 2021, [online](#).

Conclusions

Though a vast majority of Libyan citizens wish to choose their leadership peacefully through a free, fair, and credible vote, odds are against them. The half-life of 2021’s missed opportunity may be long indeed, its causes found in the confluence of U.N. weakness, the shortcomings of domestic leadership, and egregious foreign meddling.

In the final instance, Libya’s democratic project faces not merely technical difficulties, but also political ones. Powerful players both within and outside the country evince a commitment to subverting and weakening the electoral process. Concerning the former, Aqila Saleh stood above the rest in 2021. Ignoring many rules, informal ethical codes, and legal procedures, the Speaker looked after the interests of Haftar as a presidential candidate, just as he looked after his own, working to obstruct the election of a new parliament unless he is certain he’ll preserve the means of exerting major influence on Libyan politics. The moral hazard that Saleh embodies remains active today and thereby represents one of the factors most detrimental to Libya’s electoral prospects. As for the international dimension, Libyans and foreign diplomats alike point to Egypt as a destructive force par excellence. Often assisted by the government of Emmanuel Macron, the Sisi regime has proved deft in leveraging diplomatic clout and relations inside Libya to undermine a return to the polls. At the same time, one need note that Turkey is far from innocent. Libyan actors close to Ankara – interim Prime Minister Dabaiba and, separately, HSC president Khaled al-Meshri – after all, can hardly be said to have advanced the cause of Libyan democracy. Zoomed out, the combined effect of foreign interventions in Libya has been to consolidate the positions of two competing strains of authoritarianism: the messy horizontal arrangements improvised by Abdulhamid Dabaiba in Tripoli, and the more tyrannical, more vertical one directed by Khalifa Haftar in the eastern province. Both systems are anti-democratic; both are unstable; both are corrupt.

The Road Ahead

The High National Election Commission’s suspension of the electoral process via the invocation of force majeure clauses in early December 2021 put an end to Libya’s most recent attempt at a democratic restart. The High National Election Commission’s decision was largely attributable to Aqila Saleh’s passage of two flawed electoral laws in September and October of 2021. Among other things, Saleh’s texts furnished no clear protocol for determining eligibility for office; this guaranteed a crisis of confidence as the most polarizing candidates – Dabaiba, Qadhafi, and Haftar – could neither be excluded nor included in an authoritative, unequivocal fashion. More importantly, the laws trampled a hallmark of the U.N.’s roadmap: the simultaneity of legislative and presidential elections. They also failed to set forth a workable timeline for the High National Election Commission to be able to do its job and make the vote happen, thus further condemning the process to collapse.

Looking ahead, the outlook appears bleak for Libya in the short to medium term. There are talks of reviving the electoral process, though the path is murky. Knowing that the HoR and HSC have yet to legislate a proper legal framework, Presidential Council head Mohammed al-Menfi said he might invoke emergency powers. Though this, in theory, might allow Menfi to impose electoral outlaws overriding those previously passed by Saleh, the entire gambit remains far-fetched as it would risk outright war, even if one assumes immense diplomatic backing from foreign states for the very weak Menfi. Anticipating this sort of intervention by the Presidential Council or others, Saleh installed 45 additional advisors – all loyal to the Speaker – onto the Supreme Court in August 2022. The former High Judicial Council president, who attempted to resist, ended up leaving the following month. These developments mean that, legally, Saleh is even more powerful at the time of writing than in 2021.

As is such, a fragile and dangerous state of paralysis is likely to prevail in the months ahead, always threatening to tip back into violence. In the final instance, unless a fortuitous alignment of brave domestic leaders and committed international partners should come into being, it is difficult to see how democracy will return to Libyan shores.

On that last point, it must be underscored that nothing in this report has established that Libya's electoral impasse is immutable. To the contrary, the fact that actors had to work so hard to prevent elections in 2021, proves that elections are possible in present-day Libya. More specifically, we have

demonstrated that some external meddlers played a major role – as opposed to merely a supporting one – in precipitating December 2021's debacle. This means that external actors could, also, help resolve the current impasse. If, for one reason or another, influential foreign states come to perceive as beneficial to themselves the occurrence of elections in Libya, the probability of such an event materializing will increase dramatically. Should nations like Turkey and the United States deploy slightly greater efforts than in 2021 towards Libyan elections by hammering out intelligent compromises with Egypt and others, things may change rapidly.

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