



INSIDE LIBYA

Special Edition

FOREWORD

The Regional Program Political Dialogue South Mediterranean (PoDiMed) of the Konrad-Adenauer-Stiftung (KAS) in cooperation with LIBYA DESK™ is delighted to present our special edition for the upcoming elections in Libya.

This special issue provides an overview of the main events in the upcoming elections - who are the candidates, how is the election process going and when are the results expected to be released. Since the elections in Libya are highly contested, one may even wonder whether the elections will take place at all and, if so, to what extent they will produce sustainable results.

In any case, it is time for Libyans to take ownership of this electoral process and decide for themselves who will lead the country in the years to come. This special issue is a continuation of our monthly «Inside Libya» reports, which are based on reliable Libyan sources and provide monthly summaries and contextualizations of developments in the broader Libyan context. Since there is no alternative to an inclusive Libyan-led and Libyan-owned mediation in political, economic, and military terms, these monthly reports highlight key events in Libya and aim to provide a better picture of what is happening «inside Libya.»

Building on existing KAS-PoDiMed formats such as the Libya Brief and the Libya Task Force, we believe it is necessary to highlight the dynamics within Libya and the importance of continuing and facilitating a national dialogue process in line with the UN-led Berlin Process.

We hope that this special issue, along with the monthly reports, will give our readers a better picture of the dynamics in and around Libya - especially in the heated weeks and months ahead for Libya's electoral process.

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EXECUTIVE SUMMARY

CONTEXT ANALYSIS

The Libyan political space is ripe for surprises and new dynamics. The last two years have been instrumental in shedding stereotypes or oversimplifications, a process that has helped international actors in reevaluating their strategies in the North African country. The narrative over tensions in Libya can no longer be framed in ideological terms as a conflict against terrorism or a battle to defend democracy against tyranny. Libya is primarily a battleground for personal and political ambitions, and awareness around this issue might help create enough safeguards to ensure that elections do not lead to another contested and divisive power grab. Political actors also know they cannot forever play the ideological card and need to carve out cross-functional alliances able to govern the country post-elections.

- 1.** Libya is now at the end of the Government of National Unity's (GNU) mandate, and faces a set of outstanding issues threatening to become roadblocks for the holding of elections.
- 2.** Even if elections do happen on time, there is still a considerable risk that their results would not be accepted by some factions. Contested elections would have a sense of déjà-vu for Libya, but post-electoral conflict is not a given as there are scenarios in which Libyan stakeholders can dial down tensions and elect a legitimate government.
- 3.** Since 2014, elections have been planned to consolidate Libya's political transition but failed to take place due to unsatisfactory conditions on the ground and political divisions, resulting in a legitimacy crisis that lasted until this year. In three out of four 2021 elections scenarios identified in this report, there is a risk of history repeating itself.
- 4.** Libya still reels from the divide that emerged in 2014 between Libya Dawn and Operation Dignity. Nonetheless, such divisions are not set in stone as novel alliances have taken place and political expectations among the population have soared since 2014.
- 5.** Insecurity at polling stations and voter fraud are the two main points of danger for upcoming elections, and could not only diminish voter turnout but also lead to highly contested polls.

ELECTIONS SCENARIOS

Forecasting post-electoral scenarios is a key factor in ensuring that Libya does not fall into chaos. Safeguards and contingency plans should be drafted in accordance, and enough pressure applied on electoral stakeholders to ensure the best possible scenario.

- 1. Scenario A:** Competition between controversial candidates is left for Libyans to decide via the ballot box, and presidential polls lead to a legitimate executive branch in Libya.
- 2. Scenario B:** Stakeholders come to grips with the current electoral process' limitations and decide to postpone elections. The roadmap's implementation remains incomplete and actors with contestable legitimacy continue to weigh on Libya's complex institutional set-up until the roadmap is revised.
- 3. Scenario C:** Although powerful candidates are unlikely to engage in widespread conflict should they lose out in Libya's next political scene, they or their supporters may conduct local-level skirmishes condemning Libya to prolonged instability.
- 4. Scenario D:** The prolongation of the GNU's mandate would recreate the political splits based on geography and ideology which were prevalent in Libya until last year. Illegitimate national institutions will continue to overrun Libyan politics. The risk of local-level conflict and disruptions would increase.

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CONTEXT ANALYSIS

Since 2014, elections have been planned to consolidate Libya's political transition but failed to take place due to unsatisfactory conditions on the ground and political divisions, resulting in a legitimacy crisis that lasted until the Libyan Political Dialogue Forum (LPDF) appointed a new Interim Government of National Unity in February 2021. With the GNU's mandate set to expire on December 24, Libya finds itself once again on the brink of another legitimacy crisis.

Since the 2011 revolution that toppled Muammar Gaddafi, Libyans have awaited elections which would bring national unity, security and political stability through a legitimate government. Unfortunately, attempts to plan such elections by both local actors and the international community have not only failed, but also helped create the superseding authorities which sustain current fault lines in Libya. These fault lines are partly rooted in the failed mandate of the early Tripoli-based legislative authority, known as the General National Congress (GNC), which succeeded the National Transitional Council (NTC) in 2012. The GNC was meant to cement national reconciliation through parliamentary elections in a country that had just emerged from 40 years of one-party rule and faced state disintegration due to the various factions seeking to fill the void left by Gaddafi. Held in June 2014, parliamentary elections were quickly contested as the losing Islamist current applied pressure on Libya's Supreme Court to dissolve the nascent House of Representatives (HOR). In turn, newly-elected MPs rejected the decision and decided to establish the seat of Parliament in the eastern city of Tobruk. The GNC, which at the time almost exclusively represented the interests of western Libyan militias close to the Islamist current, later established the National Salvation Government (NSG).

Throughout 2014, the schism between the two parliaments translated in two opposite armed coalitions which fought one another: the western-based Libya Dawn, whose prominent members included Fathi Bashagha, and Operation Dignity led by Libyan National Army (LNA) Commander Khalifa Haftar who aligned himself with the Tobruk-based HOR and its affiliated Libyan Interim Government located in al-Bayda. In December 2015, under the auspices of the United Nations Support Mission in Libya (UNSMIL) the HoR and GNC signed the Skhirat agreement in Morocco establishing a Presidential Council as well as an advisory body known as the High Council of State (HCS) that would share some limited legislative competence with the HOR. Members of the disintegrated GNC/NSG flocked into the HCS, while the Libyan Political Agreement (LPA) signed in Skhirat gave the Presidential Council the duty to appoint the Government of Na-

tional Accord (GNA), which would act as Libya's interim government for a period of one year, with the potential to extend its mandate by maximum one additional year in order to draft a constitution, hold a constitutional referendum and organise elections. Nonetheless, the LPA was never based on consensus and the HOR opposed the Presidential Council's new prerogatives as they were prior held by the Parliament's Speaker. As a result, the GNA appointed by the Presidential Council was never approved by the HOR and Libya continued to be divided in two, with Khalifa Haftar calling the LPA void by the end of 2017 and the HOR calling for general elections.

Throughout 2018, the international community sponsored talks to bring some understanding between Haftar and GNA Prime Minister Fayez al-Sarraj. First agreeing to establish a legal framework for the holding of general elections in December 2018, the two camps decided to delay polls during the Palermo Conference held in November of the same year. Despite a further meeting between the two Libyan power holders held in Abu Dhabi in February 2019, an initial agreement broke down due to pressure from armed groups in western Libya and the LNA Commander decided to use force against the GNA by launching a widespread offensive against Tripoli in April 2019. This was done right before the much-anticipated Ghadames Conference, which was meant to lead to a definite date for general elections. The prolonged conflict, which effectively lasted until June 2020, forced the GNA's Prime Minister to further consolidate his alliance with western-based militias, which ironically was the primary reason for which the LNA had launched its offensive. The showdown between the LNA and the GNA was highly internationalised, with countries such as France, Egypt, Russia and the United Arab Emirates (UAE) directly or indirectly supporting Khalifa Haftar to take over Tripoli and become Libya's dominant force. However, with strong military backing from Turkey, the GNA managed to withstand the LNA's offensive and create a standstill around the al-Jufra and Sirte frontlines. To avoid further escalation between the opposing Libyan forces, UNSMIL managed to strike a ceasefire in October 2020 between officers from each camp – known as the 5+5 Joint Military Commission (JMC) – and launched the Libyan Political Dialogue Forum (LPDF) composed of 75 Libyan figures who agreed on a political roadmap in November 2020 during a gathering in Tunis. These political and security advances were preceded by high-level economic talks between members of the GNA cabinet and the LNA, which led to Haftar lifting his year-long oil blockade in September 2020 and to promises to unite the country's divided institutions such as the Central Bank of Libya (CBL).

The roadmap devised by the LPDF was the result of longstanding efforts by UN Special Representative Ghassan Salamé to create a three-tracked dialogue between Libyan actors and find consensus over political, security, and economic issues. Such efforts gained momentum with the first Berlin Conference held in January 2020, and were further consolidated by Acting Special Representative Stephanie Williams who succeeded Ghassan Salamé in March of the same year after the latter retired for personal reasons. The roadmap called for the establishment of the Government of National Unity (GNU), which effectively took office in March 2021, and the appointment of new heads of the Presidential Council tasked with advancing national reconciliation, supporting the JMC in reforming Libya's security landscape as well as removing foreign mercenaries, and ferrying the country to general elections on 24 December 2021. The text also initially gave both the HOR and HCS until February 2021 to reach consensus on the elections' legal basis, a deadline which was extended several times but was never met by the two national institutions who failed to compromise. In parallel, the GNU, which initially made great strides in uniting Libya, reached a deadlock with the HOR as the latter was unwilling to pass the government's 2021 budget draft due to both technical and political reasons. Consequently, the political roadmap started to unravel by year's end, with the HOR removing its vote of confidence from the GNU in September 2021 and unilaterally passing electoral laws which the HCS altogether rejected.

Libya is now at the end of the GNU's mandate, and faces a set of outstanding issues threatening to become roadblocks for the holding of elections. It was clear from the beginning that the political roadmap had slim chances of being implemented in its entirety over 2021 due to its overly-ambitious goals. Nonetheless, much progress has been made on each of the three tracks. Militarily, the 5+5 JMC not only managed to maintain peace between the formerly warring parties, but also agreed in October 2021 to an action plan setting 2023 as the final year for the removal of foreign mercenaries from Libyan soil. Institutionally, progress has been made with an independent audit report by Deloitte of the CBL and further talks between high officials to unify the central bank over the next six months. Equally, the High National Elections Commission (HNEC) has been hard at work to organise elections and distribute voting cards to 2,480,588 registered voters — a number that speaks to the eagerness of Libyans to head to the polls and elect their next government. Nevertheless, the upcoming elections have reignited political competition between Libya's various factions and shown that old fault lines are still capable of hijacking the national reconciliation process. In spite of the eastern-based Interim Government having stepped down this year, Libya is still effectively split between the

Tripoli-based GNU and the Benghazi-based Deputy Prime Minister of the GNU, Hussein al-Qatrani. These national fault lines are also complemented by a multitude of local tension points between tribes, political figures, or militiamen, thus creating a large set of potential disruptions for elections.

These national and local dynamics raise a lot of questions regarding elections, their structure, and their aftermath. December 24 is to be a groundbreaking date for Libya, at least in theory, considering that it will be the first time Libyans directly elect the head of the executive in presidential elections, and potentially make a blank slate of all the superseding institutions and controversial figures that have overrun the country over the last decade. Of course, a brand new political landscape remains highly unlikely as recent transitions in Libya have only managed to reconfigure internal strife instead of bringing new actors able to transcend past fault lines. Yet, progress made over the last year has shown that Libyan political dynamics are not set in stone, and that the Libyan public has grown more adamant in having a direct voice in the country's politics. Protests for better governance in 2020 when the GNA was in power, or popular support during the elections' build-up, have shown that Libyans will want to make their voices heard and hold their politicians accountable.

A CONTESTED LEGAL FRAMEWORK

Current strife over elections' legal basis directly stems from Libya's byzantine institutional set-up, and reflects political divisions between opposed factions.

Libya is facing a chicken-and-egg problem common to any transitional process. Its revolution and the subsequent political agreements backed by the United Nations have led to a new set of actors and institutions, who have not only sought to carve themselves permanently into the country's politics but also form an incomplete institutional set-up with unclear or non-respected hierarchies. Resorting to direct suffrage is the best way for Libyans to finally filter through these actors and give popular legitimacy to the country's leaders. However, such stakeholders are using their legal prerogatives or military might to ensure that they remain part of the political scene, regardless of popular will. The technical legalities that have made the headlines in Libya over the past few months are mainly reflections of these political interests, particularly from members of the HOR and HCS who want to ensure that general elections play by their books, and if they do not, to ensure that ballots do not take place. As such, we have seen both the HOR and HCS electoral laws include provisions that would make it impossible for either sides' po-

litical opponents to participate in elections. For instance, the HCS, and its old allies composed of western-based militias close to the Islamist current, has made it clear it would not support elections in which Saif al-Islam Gaddafi or Khalifa Haftar would be candidates due to their alleged war crimes. Similarly, the HOR has made sure to include a rather informal agreement between the LPDF and Libya's new executive authority that sitting officials would not participate in elections. Article 12 of the HOR's Law 1/2021 has called upon all candidates to resign from their public or military posts three months prior to elections, something that GNU Prime Minister Abdulhamid Dabaiba has failed to do.

As a result, there is still much uncertainty as to who will be allowed to participate in elections, and most importantly whether the December 24 elections will be general or only hold presidential polls. With presidential candidates' registrations ending on November 22 and parliamentary candidates' registrations finishing on December 7, there has been a litany of complaints, sometimes becoming violent, against particular candidates which has led many to believe elections would altogether be delayed or cancelled. Each of the three most controversial candidates – that is, Khalifa Haftar, Saif al-Islam Gaddafi, and Abdulhamid Dabaiba – saw their candidacies challenged through appeals in local courts, whose decisions they then had to appeal in a confusing legal loop. Ultimately, all three have been allowed to run in the presidential race by local courts, but at the time of writing this report the HNEC has yet to announce the final list of both presidential and parliamentary candidates. For parliamentary candidates, whose numbers reached 5,385, the HNEC has been forced to delay the publication of its final list so as to go through the many applications – thus further raising concerns parliamentary elections would be postponed. For the presidential candidates, who initially were 98, there is nothing holding the HNEC from releasing the names of approved candidates apart from fear of causing turmoil, with either side of Libya's internal strife likely to attempt to disrupt elections ahead of polling date because they reject a particular candidate.

The HNEC is therefore caught in a catch-22 situation. On the one hand, the HCS and its western-based allies have already called for the boycott of elections as they would first want to have a constitutional referendum that would settle Libya's institutional set-up, something that has so far failed to happen. On the other hand, the LNA has already threatened to resort to arms should elections not happen and it is still unclear how Khalifa Haftar would react should Abdulhamid Dabaiba's popularity lead him to win the presidency. With less than two weeks from polling day, there are still strong calls from the HCS to postpone elections by at least three months, and there is a lack of clarity over whether the HNEC has actually already postponed

parliamentary elections to mid-February, something it announced earlier in November but later said could only happen with backing from the HOR. In this context, both Libyan and international actors have rightfully raised concerns over the sub-optimal environment for the holding of elections and called them “rushed”. However, there is no indication that a delay would actually resolve current disputes and manage to avert further escalation. Indeed, a postponement of elections without a clear objective to improve the electoral environment over a short and well-defined timeline would most likely lead to the unravelling of the whole process. Finally, it is also important to stress that not all strife over the elections’ legal basis is politically motivated: some actors have had genuine concerns over the lack of transitional justice in Libya, since the latter has been relegated to a lower set of priorities below national reconciliation.

A CHANGING POLITICAL LANDSCAPE

Libya still reels from the divide between Libya Dawn and Operation Dignity. Nonetheless, such divisions are not set in stone as novel alliances have taken place and political expectations among the populations have soared since 2014.

Libya’s conflict is much more complex than the oft-presented east-west divide. Each of these regions, in addition to the southern Fezzan, have their own dynamics and fault lines which could derail the final implementation of the LPDF’s roadmap. Nonetheless, it would be misleading to think of Libya’s recent history as a series of irreconcilable conflicts. The UN-backed political roadmap has so far shown that political dynamics are not set in stone in Libya: a lot has changed over the last two years and that could avert another derailed political process in Libya.

1. Political expectations amongst Libyans have soared since 2014:

In the 2014 parliamentary elections, there were only 1,714 candidates and a voter turnout of 18%. The electoral process was mired by several security incidents, with polls in Sebha and Kufra being closed, and the low participation rate allowed losing currents to contest the results. In spite of the above-mentioned challenges and concerns surrounding December 2021 elections, polls have shown that a majority of Libyans are behind elections with strong indications that they will be more present at the polls this time. The population has become more mature politically and has had the time to form a stronger civil society able to make itself heard. It is not to be forgotten that protests against poor public services and living conditions throughout

Libya in August 2020 were critical in pressuring both the former GNA and the LNA into adopting a more conciliatory stance ahead of the October 2020 ceasefire. Libyans might still feel disillusioned by their politics, which has failed to provide them with security and economic growth, but this time they are more likely to resort to political action than absenteeism, particularly because it is their first time electing a president.

2. The executive authority has encouraged an atmosphere of compromise:

In spite of the current unravelling of the political roadmap, it is important to stress that the executive authority stemming from the LPDF – the new Presidential Council and Government of National Unity – have shown that politics could be played in a more consensual manner and that cross-regional alliances were vital in order to hold some sway over Libya's political landscape. Albeit controversial, PM Dabaiba's populist policies and business acumen has pushed him to reach out to every faction in Libya, and even if his overtures were not always successful, they have demonstrated that compromise can be privileged over conflict and old fault lines can be put aside if interests and incentives align. Without external pressure from hardliners on both sides, it is highly likely that such an atmosphere of compromise would have attained far better results and averted current tensions between the GNU/HCS and LNA/HOR. Politicians have also shown more appetite in servicing other geographies than their birth-region. This was visible in the competition for services to the southern region between the GNU and the LNA. This trend remains a double-edged sword as it can either draw the country closer, or perpetuate a system in which local forces hold the government hostage to their own demands.

3. The LNA no longer enjoys widespread support in eastern Libya:

The war on Tripoli was not only fought for Khalifa Haftar's personal ambitions, but also represented the culmination of genuine grievances from eastern and southern stakeholders, including tribal elements, against the GNA's centralisation of power around Tripoli in particular and western Libya in general. This coalition of forces around the LNA is no longer a reality as corruption and criminality by senior figures and entities aligned with the LNA, including Haftar's sons, and a worsening security situation in Benghazi have hurt the military institution's legitimacy. The subsequent repression of opposition voices has managed to keep the LNA as a force to be reckoned with in eastern and southern Libya, but it also significantly damaged its ability to wage another war with popular support. Haftar's hard-headed approach to political and international alliances have also made him lose

considerable support among allies in Cairo, Moscow and Abu Dhabi. His Arab friends might still count on him to act as a bulwark against Islamist forces, but they have also sought to diversify their political portfolio in Libya.

4. The so-called “Greens” are making a comeback:

Until now, members of the ancient regime were either too afraid to make an appearance in public life, or too divided on tactical or political issues to form a unified group. This is changing with the candidacy of Saif al-Islam Gaddafi. The concerns across Libya over his candidacy have shown the Greens that their comeback is feared and that they might represent one of Libya's primary political factions should they be able to unite around one figure. Even if this does not translate into a Gaddafi presidency, Greens hope they can gain a significant proportion of the HOR in parliamentary elections to steer Libya toward their favoured trajectory. There is an obvious sense of vindication for several partisans of Libya's former ruler, but many have actually adopted other political colours and only see in Gaddafi a persona who might finally unite Libya. Dabaiba's premiership, who himself was involved in Gaddafi-era investment institutions, has further shown Greens that the taboo over their presence in politics is slowly eroding. It remains to be seen whether this revival will reshuffle Libya's political landscape or simply reignite early-revolutionary fault lines. Importantly, the Greens are gathering new support from Haftar's former backers, Egypt and Russia.

5. The Islamist current is no longer united:

Over the last few years, the Islamist current in Libya has had to grapple with the “Arab Winter”, which refers to the victory of counter-revolutionary forces backed by the Arab Quartet (Bahrain, Egypt, Saudi Arabia, UAE) throughout North Africa. This defeat has led to introspection within the Islamist current and led to the renaming of the Muslim Brotherhood in Libya to the “Revival and Renewal Association”. These actors believe that Libyans have so far sulked them at the polls because of their non-national agenda based on other Muslim Brotherhood movements across the region. They now believe that a more national stance is needed to gain more votes, but many throughout the Islamist current either reject this reform or altogether seek to postpone elections as they could lead to their ouster from the political scene. Similar to the LNA, Islamists no longer enjoy unconditional support from international backers as both Qatar and Turkey have sought to diversify their political portfolio within Libya. In this context, Islamists are likely to enter an alliance of convenience with Dabaiba for presidential elections if he is allowed to run.

In conclusion, the Libyan political space is ripe for surprises and new dynamics. The last two years have been instrumental in shedding stereotypes or oversimplifications, a process that has helped international actors in re-evaluating their strategies in the North African country. The narrative over tensions in Libya can no longer be framed in ideological terms as a conflict against terrorism or a battle to defend democracy and against tyranny. Libya is primarily a battleground for personal and political ambitions, and awareness around this issue might help create enough safeguards to ensure that elections do not lead to another contested and divisive power grab. Political actors also know they cannot forever play the ideological card and need to carve out cross-functional alliances able to govern the country post-elections.

A FRAGMENTED SECURITY ENVIRONMENT

Insecurity at polling stations and voter fraud are the two main practicable points of danger for elections, and could not only diminish voter turnout but also lead to highly contested polls.

In spite of being tasked with initiating some sort of Disarmament, Demobilization and Reintegration (DDR) as well as Security Sector Reform (SSR) by the political roadmap, the GNU made no progress on those two files throughout the year. This poor legacy not only shows a lack of political will to address this critical file, but also illustrates the longstanding intricacies between armed groups and political factions. It is those same intricacies that are the main obstacle to free and transparent elections. The problem of militias is prevalent throughout Libya, with the west of the country being particularly subject to their influence in cities like Tripoli, Misrata, Zintan and Zawiya. On top of their turf wars, militias have entered alliances of convenience with institutions or political figures. These alliances are getting strengthened ahead of elections as candidates want to ensure they have enough leverage to deter rivals such as the LNA from resorting to war. This further entrenches the securitization of Libya's political life and remains Libya's primary obstacle toward fostering democracy and a sovereign government.

Security threats are not necessarily laid out on a national level. As explained earlier, most disruptions ahead, during, and after elections are likely to be local and reflect personal or tribal oppositions. This was the case in late November 2021 when armed men belonging to the Awlad Suleiman tribe prevented Saif al-Islam Gaddafi's lawyer as well as judges in Sebha from entering the court house and debate whether an appeal launched against the candidate was valid or not. More recent examples reported by the HNEC include the theft and destruction of at least 2,213 voting cards across five electoral centres in western Libya, in addition to the kidnapping of em-

ployees working for the HNEC. On top of actual voter fraud, false witnesses are also a danger likely to disrupt elections as social media can quickly render rumours viral and create enough distrust to put results into question. It is also feared that organised institutions such as the LNA might nudge their members into voting for a particular candidate, thus raising fears that electoral results will be fraudulent and that Libyans will prefer not going to polls for security reasons. The 30,000 Interior Ministry agents supposed to secure the elections are unlikely to be able to assuage such fears, especially because they are not going to be equally present throughout Libya. As a matter of fact, the Ministry does not have adequate presence within LNA-controlled territory. In early December 2021, the Interior Ministry Khaled Mazen said himself that the current security situation was no longer acceptable for the holding of elections, in a joint communique with Justice Minister Halima Ibrahim.

The LNA itself adopted a hands-off approach in Sebha when Gaddafi's lawyer was prevented from attending court, and it is likely that whoever is in charge of security in any particular place might think twice before intervening in tribal or personal clashes. There is therefore no real safeguard in place to ensure fair, secure, and transparent elections, and the HNEC lacks adequate dispute resolution forums for the elections' aftermath. Such disputes are likely to be left to local judiciary institutions, which are usually not independent as whoever dominates the locality might easily influence their judgment. The fact that elections are primarily geared toward personalities instead of political parties or programmes also raises the possibility of conflict as controversial figures are divisive per se and cannot easily brush away criticism of their own persona. This dangerous atmosphere is likely to be exacerbated by Libya's highly divisive media, which is a powerful force in maintaining old fault lines and grievances in the country.

ELECTIONS SCENARIOS

SCENARIO A: PRESIDENTIAL ELECTIONS GO AHEAD, LEGITIMATE ACTORS EMERGE

Probability Level: 10%

The competition between controversial candidates is left for Libyans to decide at the ballot box, and presidential polls lead to a legitimate executive branch in Libya.

Although hope should not be lost for the cause of elections in Libya, it is highly unlikely that presidential or parliamentary polls will take place as scheduled on December 24. Nonetheless, even if postponed into 2022, there is still ground to believe that presidential elections could lead to a legitimate executive branch in Libya. Significantly, there is widespread frustration over the country's failed transitions and important support for conciliatory approaches to politics. In this scenario, Dabaiba, Gaddafi, and Haftar would either compete as presidential candidates or altogether be disqualified and accept the decision as a result of their own strategic calculations. Both are possibilities since the view that elections should be inclusive is held by strong international players like the United States and could be shared by the new UN Special Advisor Stephanie Williams. The disqualification of all three candidates also holds legal ground and would assuage the concerns of potential spoilers on each side of the political spectrum in Libya. Instead of gambling Libya's future for their own personal interest, each of the powerful figures could choose to act as important influencers, if not kingmakers, in presidential elections. This would not be a far-fetched scenario as each of the candidates' political teams have for long debated whether their candidacy is a wise choice for their patrons' long-term political career.

Having all three or neither of the controversial candidates would therefore allow Libyans to have the final say in their political competition, or altogether create the space for an executive branch which is not directly controlled by one of the influential families. Instead of seeking to oust their competitors prior to the holding of elections, Libyan politicians would run in a race for coalitions, whereby they would try to forge the best alliance capable of governing the entire country, even if this means entering into cross-factional coalitions. Abdulhamid Dabaiba is the best placed there due to his deal-making skills and position in the current government. He has already started a "National Coordination Group" composed of his supporters and his uncle Ali Dabaiba, as well as members of the Islamist current such as former President

of the General National Congress Nouri Abusahmain and other personalities from the Justice and Construction Party, Shura Council, and Libyan Islamic Fighting Group. As of yet, this grouping is one of the strongest but remains highly centered around Tripolitania. Similarly, former Interior Minister Fathi Bashagha, who hails from Misrata and has conserved close ties with some militias in Tripoli, has sought to get closer to eastern figures such as Aref al-Nayed, Khalifa Haftar, and some Green factions in the south. In the case none of the three controversial candidates are present in elections, the race for coalitions would get even more vibrant, as each of the remaining candidates would seek to get the backing of those disqualified.

The important point in this scenario is that the cost of contesting the elections' results will be more important for any spoiler since all three candidates were allowed to run, and each had the incentive to allow elections in the territories under their control. This development would give the Libyan people the final say, and if coupled with enough international pressure and observers, any fraud from either controversial candidate could be minimised. There have been strong recent signs that electoral participants and political stakeholders are willing to make an effort for the success of the upcoming political transition. GNU Prime Minister designate Ramadan Abujanah has vowed his government would handover power after the December 24 elections, and 18 candidates have issued a joint statement accepting in advance the rules and results of elections, including important names such as Fathi Bashagha, Aref al-Nayed, and Ibrahim al-Dabbashi. Equally, the Chief of Staff of the western-based Libyan Army, Mohammed al-Haddad, met LNA Commander-designate Abdulrazak al-Nadhouri in Sirte, where the 5+5 JMC is to meet in the coming days. This meeting between two former foes gives a sense that east-west conflict, as happened in 2019, is not a given for next year as the two forces have established some confidence-building measures and communication channels.

Limitations: Libya already saw the power of coalition-building earlier this year when the LPDF was tasked with forming the current executive authority. However, the problem is the lack of time in creating such coalitions. None of the candidates are yet certain to be approved, which severely impacts their coalition-building strategies. Equally, coalitions for the sake of taking power in the short-term does not exclude tensions over the medium- to long-term. Candidates have been given too little time to adequately present their political programmes to Libyans, and create a mature debate with their competitors/potential allies.

SCENARIO B: DELAYED AND INCOMPLETE ELECTIONS PROLONG POLITICAL DISPUTES AND LEGITIMACY DEFICIT

Probability Level: 50%

Stakeholders come to grips with the current electoral process' limitations and decide to postpone elections. The roadmap's implementation remains incomplete and actors with contestable legitimacy continue to weigh on Libya's complex institutional set-up until the roadmap is revised.

Less than two weeks before polling day, national institutions have issued contradictory statements, which strongly points at their own dismay over the unraveling of the political process and their lack of confidence regarding their ability to hold general elections on time. In fact, both the HNEC and Interior Ministry have said they were ready to hold general elections per the roadmap, but they also issued statements calling into question the environment around elections. The HOR subsequently called the HNEC in one of its sessions for questioning, but it remains unclear whether the divided MPs will push until the last second for the roadmap's implementation, or instead change tack as soon as the HNEC releases the final list of candidates. In fact, the publication of this list is hanging over the holding of elections like Damocles' sword: there is still optimism for elections but as soon as the list is released and any controversial candidate is included, all bets could be off. This is why the likelihood of the HNEC postponing elections at the very last minute remains high, with technical, security and political issues being hailed as the main reasons for the inability to hold elections.

This postponement is likely to be followed by renewed international pressure on domestic actors to ensure that the political roadmap still happens at a later date and that conflict is averted. Turkey has already commented that a clear short-term roadmap should be developed if elections are postponed, so as to peacefully manage the aftermath of the decision. There are many ways in which elections could be postponed, including a 180-degree turn from the HOR should Abdulhamid Dabaiba be allowed to run and not Saif al-Islam Gaddafi or Khalifa Haftar. In this case, the HOR would cry foul against the violation of Law 1/2021's Article 12 and would ironically join the ranks of the HCS in spoiling elections. In the case of a postponement, the next three months will be intense as national institutions will present mid-February or March as potential dates for elections, but it is still unlikely for their discussions to reach any compromise. For more than a year, both the HCS and HOR had ample time to show they are capable of reaching consensus over elections' legal basis out of their own volition, and yet they failed to narrow the gap between them.

This prolonged deadlock would mean that Libya is held hostage by two national institutions whose legitimacy is now highly contestable as the HOR was formed after low-turnout elections in 2014 and the HCS members were partly handpicked to placate supporters of Libya Dawn. It would also mean that the international community, UNSMIL in particular, might decide to revise the political roadmap in a way that would finally satisfy the HCS, which has been the largest roadblock to the holding of elections. In this case, stakeholders might choose to temporarily put the idea of presidential elections to sleep and instead conduct parliamentary polls in early 2022 followed by a constitutional referendum or agreement as demanded by several players such as the HCS, members of ethnic minorities like the Amazigh or Tuareg, the Constitutional Drafting Assembly, or members of Libya Dawn. This would mean the political roadmap would have been reformed and presidential elections postponed by at least a year, so as to assuage those who fear December 2021 presidential elections could lead to a dictatorship. A cabinet change sponsored by UNSMIL might also be likely in this scenario, so as to ensure that the postponed elections are organised by ministers who were not appointed by Dabaiba and would therefore remain impartial in implementing the political roadmap.

SCENARIO C: HIGHLY CONTESTED ELECTIONS LEAD TO SPORADIC CONFLICT AND DEADLOCK

Probability Level: 30%

Although powerful candidates are unlikely to engage in widespread conflict should they lose out in Libya's next political scene, they or their supporters may conduct local-level skirmishes condemning Libya to prolonged instability and political divisions.

Instead of approving or disqualifying all controversial candidates and in lieu of accepting results no matter who wins, Scenario C takes into account the many means through which losers could spoil Libya's political landscape during and after polling day. In the case Dabaiba is the only controversial candidate allowed to run in elections, it is likely that the LNA would put its threats into action by disrupting polls in the eastern and southern regions. This could be done either directly through a large-scale delegitimation campaign against elections, or indirectly by allowing affiliated security forces or influential notables to prevent access to polling stations. Post-elections, the LNA may also decide to hit where it hurts, by supporting local forces who want to capture energy infrastructure in the Oil Crescent, thus creating low-scale disruptions to government revenue as a means of pressure. The Greens are also likely to make themselves heard should Saif al-Islam Gaddafi be barred from running

in elections. Uprisings from members of the Gdadfa tribe already took place in 2020 across central Libya and could gain in intensity in 2022, with Gaddafi seeking the support of other losing factions and benefitting from Moscow's helpful hand in discrediting electoral results.

Sporadic conflict and continuous discrediting of the elections' results are likely to make it very difficult for the new authorities to govern across Libya and present themselves as a legitimate ruler. The HNEC would be the institution to lose the most in this situation as it would be held accountable for the failure of the political transition. Other institutions such as the National Anti-Corruption Commission have already accused the HNEC of having double standards, violating privacy laws, and going above its prerogatives. Voter fraud, or false witnesses of voter fraud, could further hurt the Commission's legitimacy as well as that of the electoral process overall. The country would therefore fall into a deadlock where progress being made for the unification of armed forces as well as economic institutions is halted, as none of the losing controversial candidates want to legitimize a political progress they deem corrupt or fraudulent. A recount of ballots, or eventually new elections, are likely as there will not be many options for UNSMIL to improve the situation and solve the deadlock – unless contestation fails to garner popular support and Libyans engage in widespread protests in support of the new government. If neither UNSMIL nor the Libyan public manage to provide solutions to this scenario, the alternative would be another crisis of legitimacy in Libya, with a weak and contested government installed in Tripoli, but failing to govern the entirety of the country. Additionally, contested presidential elections would harm the likelihood of parliamentary elections being held in 2022. This would mean that the new Libyan president would also have to deal with the legislative relics that have become the HOR and HCS, with a low likelihood of being able to pass laws such as budgets or sign meaningful international agreements.

SCENARIO D: INDEFINITE POSTPONEMENT OF ELECTIONS LEADS TO RENEWED POLITICAL FRACTURES

Probability Level: 10%

Scenario D: The prolongation of the GNU's mandate would recreate the political splits based on geography and ideology which were prevalent in Libya until last year. Illegitimate national institutions will continue to overrun Libyan politics.

Scenario D mirrors Scenario C in that political and institutional splits are likely to be expected. Albeit international pressure and domestic support in favour of elections make such a scenario unlikely, it is still possible for the

international community and local actors to surrender to their worst fears and prefer the current status-quo. In fact, there are still some within those two groups who believe that Libya is not ready for elections and that polls in the short- to medium-term can only be catastrophic for the country. In this scenario, the political, security and technical challenges currently faced by the HNEC are deemed unsurmountable and the political roadmap is abandoned due to a lack of political imagination. Of course, this does not mean that the international community would altogether give up on Libya, but rather that the country would slip from its priority list. The Libyan conflict would therefore be left to simmer, in the hope that unfettered dynamics would allow domestic actors to find a new balance of power and momentum to change the status-quo. This scenario would be a great defeat for UNSMIL which would lose much of its credibility in Libya, as it would be left with nothing to show after years of good offices and mediation to foster national reconciliation and political transition in the country.

In this case, the GNU would see one of its wildest dreams realised, i.e. a longer than expected mandate; and the recent breakdown in east-west relations within Libya would continue to worsen as neither the HOR nor the LNA would accept to deal with what would become a de facto replica of the GNA. Like Scenario C, progress over unification and national reconciliation would hit a roadblock, and non-elected institutions whose legitimacy is highly contestable would continue to be dominant voices in Libyan politics. The GNU would again not be able to pass its budgets, and the National Oil Corporation might start feeling pressure from Benghazi to cut the flow of oil revenues to the central government. This arrested development would further entrench political splits based on geography and ideology, and ultimately pave the way for national conflict in the future. This would probably not happen in 2022, but the lack of a political way-out would undoubtedly push various factions, including foreign countries, into reprioritising the military option down the line.

CONCLUSION & FORECASTS

In all likelihood, presidential elections are going to happen within the next month or two, but parliamentary polls are likely to be further postponed as there is too little time for the HNEC to veto all candidates and too much on its plate to organise both elections simultaneously. The aftermath of elections remains highly uncertain, particularly because those institutions like the HNEC or Interior Ministry, which are meant to bring confidence in the political process, have rather been self-contradictory and doubtful of their own capacities. Additionally, splits between various members of the international community and within UNSMIL have weakened multilateral efforts and led to inconsistent supervision. There remains too much dissonance in statements and actions, with for instance the International Criminal Court reiterating its arrest mandate against Gaddafi, and former Special Envoy Ján Kubiš telling one of Saif al-Islam's representatives that all political currents should be represented in presidential elections. The unraveling of the political roadmap has shown that UNSMIL's staff can also lose impartiality and give too much credence to some domestic actors, in this case members of the HCS, as well as lose hope in its own plans for a political transition in Libya.

Despite these shortcomings, the outlined scenarios — most of which remain pessimistic — show that outside pressure is absolutely necessary to avert Libya from sliding into further divides and failing another political transition. Albeit welcome, money to the HNEC and international observers to a few polling stations is not going to be enough to stop electoral disruptions. Actions from international actors should focus on realising Scenario A where the political cost of spoiling elections or contesting their legitimate results becomes too high for would-be spoilers. This pressure can only be substantial if coupled with popular aspirations and the cooperation of honest politicians who have publicly vowed to accept electoral results no matter what. The Libya fatigue which has resurfaced over the latter period of this year is a great threat to the upcoming elections, as constant monitoring and strong, unequivocal statements in support of the roadmap should be more common to support the realisation of the goals that were outlined at the Berlin I and II Conferences. In the case of any postponement, hope should not be lost and efforts should be redoubled to finetune the political roadmap and ensure that more legitimate institutions and actors can come to the fore in Libya.

None of the scenarios presented in this special edition of Inside Libya include nationwide conflict by next year. There is enough ground to believe that the international appetite for conflict is low. Additionally, domestic capacity and morale are not on par with April 2019, and the balance of power between

Russian and Turkish-backed foreign mercenaries creates safeguards against renewed conflict. On top of that, the JMC has so far managed to ward off politicisation and could trigger de-escalatory measures to prevent war between the LNA and the Libyan Army. Episodes throughout the year have shown that whenever the two are on the brink of fighting each other in a specific location, both local notables and national actors intervene to de-escalate the situation. Therefore, there is hope to believe that in the case of Scenario C and D, such momentum would continue to avert the worse for Libya – especially if foreign stakeholders directly engage in pressuring their respective domestic allies to drop their weapons.

As such, it is not helpful to expect a new Libya in the early days of 2022. Old fault lines and political strife are likely to remain, and several scenarios have shown that new grievances, such as the rise of Green militancy, could also see the light of day. Nonetheless, with enough political courage and imagination, it is possible to see the country make a few more steps in the right direction, and for longstanding spoilers to understand that political dynamics are changing and that they may no longer be able to hold their ground, nor successfully fight their loss of dominance in the political space. This gradual political change can either be met with sporadic episodes of violence or develop itself peacefully, depending on how much effort Libyans, politicians, and the international community are ready to dedicate.

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