Unsustainable Instability in Libya

by Karim Mezran

A major question, and threat, facing Libya today is the eventuality of a disappearance of the state as it has been known for the past 60 years. There is a subtle and well determined cohort of people in and outside the country that are profiting from the dire situation and are actively seeking to stall attempts to reconstruct the state's institutions and bring a modicum of law and order to the country.

If efforts to reconcile the various factions and give birth to a consensual government in a relatively short time were to fail, the destiny of Libya will resemble that of Somalia, characterized by poverty, human rights violations and permanent state of conflict between various components of society.

One word to describe conditions on the ground in Libya today is "confusion". At every level of analysis confusion dominates the discourse. At the national level, there are two governments that enjoy some degree of consensus in

their respective areas.[1] In the eastern city of Bayda, Abdullah al-Thani heads one government that was approved and therefore legitimized by the House of Representatives (HoR) in Tobruk, in east Libya.

In theory, because the HoR is the legitimate parliament of the country, this legitimacy should extend to the government of al-Thani. In reality, however, the international community has rather endorsed the results of lengthy negotiations, which culminated in the formation of another government in western Libya. The UN-led negotiations culminated in the signing of the Libyan Political Agreement (LPA) and the appointment of a Presidential Council and subsequently of a Government of National Accord (GNA) led by Fayez al-Sarraj, based in Tripoli.[2] The GNA in the

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[1] "Why is Libya so Lawless?", in *BBC News*, 25 May 2017, http://www.bbc.com/news/world-africa-24472322.

[2] United Nations, *UN Welcomes 'Historic' Signing of Libyan Political Agreement*, 17

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west rivals the al-Thani government in the east.

The situation on the ground in Libya, where hundreds of militias' compete over interests and resources, reflects the fractured nature of the government.[3] Some militias are loyal to Tobruk, such as General Khalifa Haftar's Libyan National Army (LNA) headquartered in the eastern part of the country. Others are loyal to the various militias that control the city of Tripoli that have pledged their support to the GNA, and therefore act in recognition of those interests in western Libya.

Political authority is fragmented also at the local municipal level. The national level crisis is reflected in the lack of consistency in the expression of local governance. There are cities in which the council has been elected and works, with many difficulties, for the rendering of services to the population. Some cities, mostly in the east, are governed by military officers appointed by the LNA.

A number of elders or notables enjoy authority over certain cities and consensus among their fellow citizens. Criminal organizations are spreading all over the country and are becoming stronger and richer by the day. Shady businessmen and power-hungry militia leaders are prospering from this confusion and are advancing their own narrow interests to the detriment of the wellbeing of their fellow countrymen.

To try to solve this situation, the UN has been endorsed by the most relevant international actors to conduct a process of negotiation between rival parties and governments in Libya. The hoped-for result was an agreement that would re-establish order and the rule of law, allowing the country to proceed with its economic reconstruction.

Unfortunately, with every passing day, domestic actors supported their own interests over mediation efforts, therefore squandering any chance of success. Additionally, much to the detriment of the UN process, many international actors pledged support to the UN-led negotiations yet intervened in the country in support of one faction or the other in pursuit of their own geopolitical and economic interests.

The case of Egypt is emblematic. The support Cairo has given to Haftar was intended to keep Islamist groups out of power in Libya and away from the border between the two countries.[4] It was also aimed at re-establishing order in Libya so as to initiate the process of economic reconstruction, of which Egypt planned to obtain a lion's share. This has not happened and is looking less and less likely, thus causing a possible shift of strategy in the Egyptian capital. How this change will be expressed is still unclear.

There are rumours that the recent reshuffling in the security cabinet could lead to a change in policy *vis-à-vis* Libya and specifically regarding

December 2015, https://shar.es/1L2mow.

[3] Mattia Toaldo and Mary Fitzgerald, "A Quick Guide to Libya's Main Players", in *ECFR Publications*, 18 December 2016, http://www.ecfr.eu/mena/mapping_libya_conflict.

[4] Andrew McGregor, "How Does Russia Fit into Egypt's Strategic Plan?", in E*urasia Daily Monitor*, Vol. 15, No. 23 (14 February 2018), https://jamestown.org/?p=78979.

Haftar. Egypt could pressure Haftar to effectively collaborate with the UN toward the realization of a sound negotiated solution to the country's crisis. Because Egypt's role in the Libyan conflict is so important, this is the only case in which a consensus-driven government to replace that led by Sarraj today becomes a realistic scenario.

Although Egypt is the clearest tangent, other regional actors also played a role in diplomatic negotiations by inviting the various parties to their capitals and conducted negotiations. These were in theory connected to the national mediation of the UN but, in reality, undermined these efforts by creating different and overlapping fora for the discussions, while pursuing their own particular interests.

The latest UN envoy for Libya, Ghassan Salamé, has tried to gather both domestic and international actors around the UN-led mediation to unblock the process and push forward with state-building efforts. Salamé and his collaborators designed an Action Plan[5] that was as academically and logically impeccable in its theoretical expression as it was unsound and unrealistic once translated to realities on the ground.

The idea was to have two delegations from the HoR and the Tripoli based High State Council (HSC) to modify the terms of the LPA, originally signed in 2015. This should then be followed by a national conference, where representatives of all strata of the Libyan population would meet and agree to a charter expressing adherence to a common set of values and responsibilities that should then govern the holding of new elections, presidential and legislative, as well as post-elections behaviour. In the meantime, the referendum on the new constitution would be held and hopefully endorsed by the people. The objective was to have a constitution in place before the elections.

This very sound sequence of policies was aborted from the beginning when the two delegations did not agree on reforming the LPA.[6] Salamé, rather than seeing the whole plan collapse, skipped to the step of organizing a national conference. The Libyan population, however, has become apathetic to the idea of national reconciliation and the conference seems increasingly difficult to organize in a reasonably short amount of time. Conversations of the national conference have turned into murmurs, yet the idea has not yet been completely abandoned.

The only step that remains is the holding of presidential and legislative elections that could serve as a uniting moment for hundreds of factions in Libya. Since the idea of bypassing the legal and political conundrums that have held up the UN-track has become appealing, the idea of anticipating elections started to gain traction both within Libya and elsewhere.

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[5] UNSMIL, *Step by Step, UN Action Plan for Successful Transition Takes Hold in Libya*, 11 January 2018, https://unsmil.unmissions.org/node/100041788.

[6] Rhiannon Smith and Lachlan Wilson, "Libya: A Stalled UN Roadmap and the Coming Battle for Tripoli", in *Middle East Eye*, 25 October 2017, http://www.middleeaseye.net/node/66912.

Holding the elections now is undoubtedly a double-edge sword. On the one hand, it is the last resort, emanating from the frustration caused by the failure of all former attempts to rally the population around a national project. In other words, elections could be seen as a moment of action to gain back the consensus of an increasingly apathetic population that has become angered by the many difficulties affecting day-to-day life.

The problem is that all of this is occurring at the same time and different messages are broadcasted daily. Therefore, on the other hand, adding elections to the mix would augment the sense of confusion and further instability among Libyans'. Moreover, recent events have caused the collapse of a main national narrative which depicted Haftar as a secular nationalist and the sole leader capable defeating armed Islamists in Libya.

To convince his supporters of this narrative, Haftar drew on the fact that his controlled territory in the east is relatively safe compared to the territory in the west where he claimed that Islamists have territorial control. Recent attacks in Haftar's *de facto* capital of Benghazi have weakened his leadership credentials.[7] To add to the confusion, prominent Salafists militias constitute a powerful core of the LNA, which are fighting a number of more radical Islamists.

In the coming months, there is much to fear for a further involution of the country. The stalling of Salamé's mediation, the lack of traction of the various international and regional initiatives, the increasing insecurity due to the explosion of criminal activities – not to talk about the threat posed by burgeoning Islamic radicalism – are only some facts that militate for a pessimistic view of the proximate future.

Nevertheless, there are few trends that if realized could brighten the analysis. Oil is flowing and has reached good levels of production, averaging around one million barrels per day.[8] International actors have begun to understand that support offered to one faction against the others could easily result in unwanted blowback and provoke the opposite of what was desired.

At this moment the best option to stabilize the situation would be the formation of a technocratic government with the purpose of unifying the security forces, disarm as many militias as possible while incorporating single militiamen into state structures, and beginning the process of reconstruction, particularly of critical infrastructure, needed to jumpstart the economy. To this end, the efforts of international actors should be proactive, united and focused rather than indulgent in endless debates and pointless negotiations.

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[7] Erin Neale and Yousuf Eltagouri, "Libya's Falling Strongman", in *MENASource*, 9 February 2018, http://www.atlanticcouncil.org/blogs/menasource/libya-s-falling-strongman.

[8] Rupert Rowling, "Libya's Oil Gushing Again as Output, Exports Hit Multiyear Highs", in *Bloomberg*, 2 March 2018, https://www.bloomberg.com/news/articles/2018-03-02/libya-s-oil-gushing-again-as-output-exports-hit-multiyear-highs.

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