

The Nature of the Libyan Crisis and Forthcoming Election

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ABSTRACT *Libya, which ended the 42-year rule of Muammar Gaddafi in 2011, has been dragged into another crisis. This study addresses the situation, by taking local and regional dynamics into consideration and assesses the election and constitutional debates. It claims that the main dynamics of the Libyan crisis are the power struggles in the Arab World and efforts to solve the crisis have failed due to external interventions under the leadership of the United Arab Emirates. The research was based on reports in the local and international press, policy papers and interviews with Libyan actors.*

Introduction

Many international regional solution initiatives, particularly the initiatives led by the United Nations (UN), were unsuccessful in Libya which was dragged into a crisis as a result of the coup attempted by Khalifa Haftar in May 2014 following the 2011 February Revolution. The February Revolution was a reflection of the Arab revolutions in Libya, so the developments in Libya after the revolution were directly related to the developments in the region. Haftar's coup attempt, however, was part of the power struggle in the region which included the Egyptian coup, the political crisis in

Tunisia, and the Yemeni civil war. After the Egyptian coup, Haftar gained ground in Libya. He clearly expressed his close relationship with Egyptian President Sisi, who came to power with a coup. He visited the United Arab Emirates (UAE) many times and was received at the highest level. Haftar adopted the same political rhetoric as the UAE and Egypt and described the same actors as the enemy. In other words, the Libyan crisis is a regional crisis with local characteristics, hence the UN and international solution initiatives have failed through their local allies, the regional actors caused the failure of all political solutions that could potentially transform into a political order that

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was likely to contradict their foreign policy visions. Certain agenda items have been discussed at regular intervals in Libya since 2011. These agenda items were largely the issues instrumentalized by regional actors and their local allies rather than items that reveal the true nature of the crisis. Some of the issues discussed up to that time were the parliamentary elections in 2014, negotiations in Morocco in 2015, the entry of the Presidential Council into Tripoli in 2016, and the roadmap currently offered by the UN.

However, the position of local actors in relation to these agenda items is determined by the position of regional actors. It is known that there is a historical competition between France, Italy and the United Kingdom over Libya and there are certain areas in Libya on which each actor aspires to be more influential. Russia tries to play a more active role and the U.S. recently started to be more interested in the Libyan crisis. How-

ever, this work will not go into the details of these dynamics since it will instead focus on evaluating the Libyan crisis with regards to the power struggle in the MENA region. The most influential regional actors in all post-revolutionary processes in the region are the UAE and Egypt. In this framework, this paper will discuss the local character of the crisis by dealing with the regional dynamics and the international initiatives for the solution of the crisis. By assessing the current debate on the elections and the constitution, the paper will discuss how a technical issue is transformed into a deadlock for political reasons at one stage of the crisis. The regional dimension of the crisis will be addressed and the characteristics of the basic dynamics of the Libyan crisis will be explored with reference to its characteristics and the historical background of its parameters. Thus, correspondence regarding the local dimension of the crisis and the provisional agenda items at the regional level will be presented.

Local Dynamics of the Libyan Crisis and Solution Initiatives

Solution initiatives within the framework of the roadmap prepared by Ghassan Salamé, Special Representative and Head of the United Nations Support Mission in Libya, who took office in 2017, are ongoing in Libya. Salamé's roadmap foresees making some changes in the Libyan Political Agreement (LPA) with the participation of representatives of conflicting parties in Libya, creating new exec-



utive bodies through convening the National Congress, providing infrastructures for elections, and holding a constitutional referendum and parliamentary elections. In this framework, the summit meetings that were held under the leadership of Macron in Paris in May 2018, with the participation of conflicting parties, emphasized the fact that the LPA is the legitimate ground for a political solution in Libya and declared support for the roadmap prepared by Salamé. December 2018 was announced as the date for elections in Libya.

While the constitutional referendum and elections are the most important topics in the country's agenda in the context of Salamé's roadmap, it is observed that the actors in the country have developed a strategy that centers on elections. All actors

in the country, who are in favor of political solutions, seem to have reached a consensus that a single authority should be established to take over control throughout the country instead of the present political structures. Yet, none of the present structures have a voice across the country independently such as the Tripoli-based parliament, which took office with the elections held in July 2012 and was named as the High Council of State in the framework of the LPA, the Tobruk-based House of Representatives (HR) which took office with the 2014 elections and the Presidential Council (PC) that took office in the framework of the LPA. In addition, the divisions between different legislative and executive bodies obstruct the decision making processes and deepen the crisis in the country.

Libyan National Transitional Council (NTC) fighters celebrate in the city of Sirte after the final bastion of resistance by forces loyal to Gaddafi fell to fighters of the new regime.

PHILIPPE DESMAZES
AFP / Getty Images

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The point which the Libyan crisis has focused on is the obstruction of political solution efforts by those who insist on the military solution. The Libyan Revolution, referred to as the “2011 February Revolution,” was interpreted in the context of the uprisings in the Arab world. After the revolution, there were high hopes for establishing a democratic, civil and institutional structure in Libya. In this positive atmosphere, Libyans showed great interest in the elections held in July 2012 and representatives from all the cities in the country gathered under the roof of the General National Congress. However, anti-Nahda demonstrations that started after an important political figure was assassinated by unknown assailants in Tunisia and the fact that Mursi was overthrown by a military coup in Egypt in 2013 dispersed the positive atmosphere generated by the Arab revolutions. The pessimistic atmosphere for the future of the Arab revolutions began to be felt in Libya from mid-2014. The actors of the February Revolution were divided, some of them took sides alongside

regional actors against the Arab revolutions and were transformed into the main actors of the internal conflict.

The country was drawn into a deep military and political crisis by Khalifa Haftar who returned to Libya with the February Revolution and secured a place of action for himself following the military operations he launched in Benghazi. The country entered the elections held in 2014 in a conflict environment and the participation in elections was low. The fact that the elected House of Representatives (HR) which had to take over from the General National Congress with a ceremony in Tripoli, according to Libyan Interim Constitutional Declaration, gathered instead in Tobruk which was under Haftar’s control, was perceived as a threat by Tripoli-based actors. For this reason, the General National Congress decided to continue its mission in Tripoli, HR defined itself as the sole legitimate authority and conflicts arose between Libya Dawn and Zintan troops in Tripoli. Thus, the legislative and executive institutions in the country were fragmented in this atmosphere of armed conflict and all sides claimed legitimacy with their own justifications.

The UN Libyan Mission launched a dialogue process by bringing the conflicting parties together to end the crisis in Libya. The negotiations that started in Ghademes, Libya continued in Skhirat, Morocco after changing locations a few times and the Libyan Political Agreement

(LPA) was completed by the end of 2015. Although the parties signed the agreement in the city of Skhirat, they found upon their return to Tobruk and Tripoli that the actors who favored the military solution did not allow the LPA to be ratified by both parliaments. Some of the actors in Tripoli acted on behalf of the LPA by announcing that they had annihilated the General National Congress, transforming it into the High Council of State in the framework of the LPA which they endorsed. In a short time, the parties in favor of LPA gained importance in Tripoli and the Presidential Council and the Government of National Accord created in the framework of the LPA entered Tripoli in March 2016.

While the LPA foresaw a political transition that responded to the demands of all parties under the leadership of the Presidential Council, the fact that military actors in the eastern provinces blocked the approval of the LPA by pressuring the HR, prevented the political solution foreseen by the LPA from being fully operational. For this reason, not only was it not possible for the political transition under the Presidential Council and the Government of National Accord to be carried into effect, but also social, economic, political and security problems in the country continued to deepen. To generalize, there are two main movements in Libya: those who advocate a military solution and those who favor a political solution. These two main movements are divided into various subgroups within themselves. While the military solu-

tion is represented by those who continue the conflict by refusing to enter under the umbrella of the civilian authority in Libya, the political solution is represented by those who take political negotiations – particularly the LPA – as their reference. The roadmap prepared by Salamé focuses on the process of establishing a political authority that will take control over the country by overcoming obstacles, in these outlined processes and country-building, by ending the political transition.

The mentioned political, military and societal crises have created serious fault lines which continue to deepen. Tribal rivalries, social differences and political and ideological divisions, that were not visible under the pressure of the central authority during the 42-year Gaddafi Administration, have come to light with the revolution and became significant elements in the ongoing crisis. The convening of the House of Representatives in Tobruk and the Government of National Accord and Presidential Council in Tripoli along with the political competition among these institutions has produced a serious institutional crisis.

The fact that a referendum is yet to be held for the constitutional draft makes many issues questionable including the elections and the powers and responsibilities of the institutions to be elected. The armed revolutionary groups formed during the revolution have been politicized by intertwining with political pressure and power groups during the process



Libya's NTC leader
Jalil stands
between then
French President
Sarkozy and
Britain's PM
Cameron as
they address the
crowds in the city
of Benghazi on
September 15,
2011.

ABDULLAH DOMA /
AFP / Getty Images

and have grown by using the state resources. In particular, the “Libyan National Army” of Haftar is working as an autonomous structure entirely outside the military institutions in the western part of the country. The chain of command among the General Staff in Tripoli, the Ministry of Defense, the Military Territorial Commands and other troops has not been clearly identified. This has resulted in a fragmented security structure that cannot be controlled by the civil government. Development projects were discontinued during the revolution in Libya and all projects that started after the revolution were halted as a result of political instability. On the other hand, since the revolution, the Libyan Dinar lost its value against the dollar five times in the free market, the cash in banks has diminished and the economic cri-

sis has begun to negatively affect the daily life of the people.

One of the Provisional Headlines of the Crisis: Discussions on the Election

The majority of the Libyan parties express the view that the constitution must be adopted before the elections in order to ensure the legal ground for the elections in the country and to determine the powers of the institutions to be formed after the elections. The Constitutional Council was elected in the February 2014 elections and set out a draft constitution in July 2017. While there are objections to the constitutional draft, it is generally believed that a referendum should be held for the draft constitution, because otherwise there will be no legal

ground for elections, but a confusion of authority after the elections which can be abused by ill-intentioned actors. In particular, many actors, led by the President of the High Council of State in Tripoli, Khalid Mishri and the Justice and Development Party affiliated with the Muslim Brotherhood, have taken a firm stance that the Constitution must be approved before the elections. It is crucial for the House of Representatives to ratify the Referendum Law so that the constitutional referendum can be carried out in the country but this law has not been ratified to date.

Although the House of Representatives convened four times with the referendum law agenda, the law was not adopted at these meetings. Even if the meetings ended with a decision on ratification, this decision would have been controversial because sufficient numbers for the voting would not have been reached. Participation of at least 120 of the 200 MPs is a prerequisite at the meetings in the House of Representatives to make any decisions. As of today, the participation of a maximum of 104 MPs was recorded at meetings held in regards to the adoption of laws. At the meetings, the main agenda item was the issue of separating Libya into three electoral districts: Tripoli (west), Barka (east) and Fizan (south).

Whether Libya should have only one electoral district or three different electoral districts has different implications in terms of internal balances in Libya. It is anticipated that with the requirement of three electoral

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regions and 51 percent of the votes, all regions will adopt the constitution because it is known that there are sections in the eastern region that are disturbed by the current constitution and demand federalism. It is claimed that if the constitution is adopted in a single electoral district in Libya by two-thirds of the votes, the disquiet in the eastern region will deepen. In order to overcome this problem, it is necessary to obtain an absolute majority in each region or two-thirds of the votes in the adoption of the Constitution.

The election and constitutional referendum issues are the last of the agenda items so far discussed since the country was drawn into a crisis by Khalifa Haftar's coup attempt in February 2014.

The country discussed Haftar's coup attempt, the counter-operations of the Libyan Dawn forces, elections of the House of Representatives in 2014 and negotiations that continued in Skhirat, Morocco in 2015. From the end of 2015, the country talked about the applicability of the Libyan Polit-

ical Agreement (LPA) and whether the Presidential Council arising from LPA could enter Tripoli and the fight against the ISIS. In 2017, the discussion centered on the increasing influence of the militia groups in Tripoli and the operations of Khalifa Haftar in Benghazi. After discussing the roadmap prepared by Ghassan Salamé, the summits held in Paris and the negotiations that the soldiers in Egypt made to unite the Libyan army in 2018, now it is time to put the constitutional referendum and the elections on the agenda. However, so far no solutions have been found in Libya by discussing all these agenda items related to the crisis, because the Libyan crisis is part of a quest for a new order after the Arab revolutions in the region and it is not possible to reach a solution in Libya without establishing a political order in the region. The locally discussed agenda items have already turned into issues that regional actors have instrumentalized in order to buy time for their interventions.

In Libya, the aim is to establish a single legislative and executive institution, so overcoming the existing fragmented political structure through holding a constitutional referendum followed by elections. However, it can be argued that it will be very hard to solve the problems in Libya even if all the problems mentioned here are overcome, elections are realized and a new legislative and executive institution emerges. Whether the newly formed political arena will reflect popular will and sovereignty is arguable considering the deep influence

of Haftar in the east of the country, the work of the UAE lobby, the profound impact of the militia groups in the western region and the work of the UAE bloc. In the new political arena, regional actors can block any political solution through actors who communicate with them comfortably. Whether the new parliament will be established in Tripoli, Benghazi or in another city, the position of Khalifa Haftar and whether the security sector can be restructured by redesigning its fragmented structure will continue to be the important parameters of the crisis. The collection of weapons distributed during the revolution, resistance to change by the armed interest groups, economic crisis and the negative impact on the economy and society created by foreign companies that are hesitant about returning to Libya, are other significant parameters. By intertwining with regional interventions, all these areas of crisis form a very difficult conundrum to solve.

Diagnosis of the Crisis' Regional Dimension

The Libyan crisis is not one in which the local dynamics are decisive, but a crisis shaped by the power struggle in the MENA region. Local actors are trying to gain ground by intertwining in the region with actors who are in conflict with one another. The Libyan Revolution, which took place in February 2011, is part of the Arab revolutions. Most of the actors who opposed the order established after World War II through Arab rebel-

lions relocated to the center of power in their own countries. However, the invisible pressure groups at the center of power and their regional connections have won over some of the opposing actors and made them a part of the ongoing power struggle. The political role played by Mahmoud Jibril in Tripoli, the military role played by al-Qaqa and al-Sawaiq, and the religious role played by Madkhali Salafis were the reflections of the effect of the power struggle in the Arab world on Libya before Khalifa Haftar's coup attempt.

Assassinations against Libyan army officers increased in Benghazi in 2013 and when Mursi was overthrown by the Egyptian military coup in 2013, Khalifa Haftar started to present himself as the liberator of the Libyan Army, attempting a coup in Libya at the beginning of 2014 shortly after Sisi came to power in Egypt. It is not possible to distinguish the threats of the Zintan troops supporting Mahmoud Jibril against the elected parliament in Tripoli from the coup process in Egypt and from the activities of the UAE in the region. It is now a generally accepted fact that the regional bloc under the UAE leadership was actively involved in the Egyptian coup. It is known that it supported Khalifa Haftar through Egypt logistically, offered air support by establishing air bases and undertook interventions in their own favor with global diplomatic missions as observed in the case of Bernardino Leon. In addition to the military and logistical support given to Haftar, Madkhali Salafism and militia units seem to

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have combined powers as seen in the case of some powerful militia units in Tripoli.

The regional bloc under the leadership of UAE is seeking to build a political order in Libya within the framework of its regional vision by developing relations with many military, political, religious and social actors in Libya. The local allies of the bloc have repeatedly caused the solution initiatives that do not comply with this vision to fail. Local actors may be forced to enter regional and international alliances with the awareness of the regional nature of the crisis.

The dynamic of the conflict in the region is the power struggle between the carriers of social demands and the actors of the previous political order which had been gradually established after the Second World War (WWII) in the Arab world but was destroyed

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by the Arab revolutions. The order established in the region over the traditional elites by the British and French, who came out victorious in the First World War (WWI), began to be threatened by the new actors in the process that went on until the WWII. As a matter of fact, when the Ottoman Empire withdrew from the region, there were no armies in the region.

Armies were formed by the British and the French, that is to say, in addition to traditional elites, a new military elite group was established with modern education and new ideas. These military elites gradually entered into conflict with the traditional elites. After WWII, the military elites became more determinant in the region and the military regime established in Egypt by Free Officers' coup d'état in 1952 spread across the Arab world, excluding the Gulf Monarchs. It would be useful to record that the important parameters in the region after WWII included the U.S.-Israel relations, the fact that Israel was the absolute ally of the U.S. in the region and the deep impact of the U.S. on regional structuring.

The timeframe from the WWII to the Arab revolutions included the pro-

cess shaped by the U.S. and its allies based on their struggle among themselves and with external actors. The quest for order was shaped in a sense by the conflicts created by the conflicts between Israel and Arab countries manifested in the process of Camp David and Oslo. On the other hand, the conflict between military dictatorships and opposition movements and the isolation of the Arab regimes from the world resulted in an inability to respond to social demands along with withdrawal from economic development and global integration. Within the Gulf Monarchs, the UAE has developed a different alliance with the U.S. and with global capital on its way to being the financial center for the region. Saudi Arabia preferred to take sides with the U.S. in this process, based on its role as the leader of Salafi Islamic movements, as the strong ally of the U.S. against Iran and the security associations developed by means of arms agreements. While these struggles, which continued for decades in the region, created an order within itself, the Arab revolutions turned all the balances upside down.

By their nature, Arabian revolutions had to produce a new political order but the fact is that the actors of the revolution had been the opponents of old regimes for decades. This old order took action against the demands of the revolutionaries in a coordinated and synchronized manner throughout the region. A careful reader can clearly see the footsteps of the bloc under the leadership of the UAE in the following events:



the overthrow of the Muslim Brotherhood in Egypt, demonstrations against Nahda in Tunisia and the recent evolution of the Yemeni revolution into a civil war.

These events resulted from the anxiety expressed by the people with high positions in the previous order under the UAE, that their opponents of many years would create a political order against their own. They stepped into action to reverse the revolutions (counter-revolution) by organizing the invisible rulers of the old regimes under the umbrella of some actors of the revolutions. They preferred to establish closer relationships with liberal actors such as the National Forces Alliance under Mahmoud Jibril in 2011, 2012 and 2013 in Libya. Besides this, a religious network was created through Madkhali Salafism and the leaders in the military and

armed militia groups that were close to them were brought to the forefront. When the failure of political actors that were close to their ideas was clearly apparent, they began to support military scenarios. In Egypt, there were four coup attempts against Morsi and Haftar attempted a coup in Libya. Although the process in Tunisia did not evolve into a civil war with Nahda's masterful maneuvers, it was shaped against Nahda.

In other words, the bloc under the leadership of UAE is in search of a regional order governed by its allies. The local allies of the UAE are composed of the actors who were in the background in the previous regime, weak chains of former opponents and the traditional elites who were dissatisfied with the revolution. The decades-long opponents that managed to achieve a central role with

President of "Libya Peace Group" and executive of Gaddafi regime, Kasune, and Representative of "February 17 Revolutionists," al-Urfi, hold a joint press conference after the launching of the national reconciliation initiative, September 13, 2018.

YASSINE GAIDI / AA Photo

It is not possible for the Libyan crisis to be resolved in the short and medium term unless one of the actors prevails, actors come to an agreement or a more powerful actor intervenes in the MENA region

the help of revolution continue to shoulder the demands of the revolution with their organized opposition experience of many years, regional and international networks and social support that they had already established.

Conclusion

The Libyan crisis has been penetrated, shaped and determined by the regional actors. The debates about the election and constitution are the symptoms of a deep crisis shaped by external interventions. In the same manner by which technical reasons caused the House of Representatives to reject the Libyan Political Agreement proposed by the UN Libyan Mission, the inability to ratify the amendment to the change in election laws that would make a referendum possible was also caused by technical reasons. Essentially, the debates over the election law by the House of Representatives, and the failure to meet the requirement of the majority and get 120 MPs together for ratifications, obscure the nature of the crisis in a

climate where even the legitimacy of the House of Representatives was under discussion. As a matter of fact, the House of Representatives has a political position in regards to elections and the roadmap offered by the UN. The primary determinants of this position are Khalifa Haftar, who governs the eastern region with military governors and the bloc composed of his allies who are under the leadership of the UAE. As stated above, Libya has witnessed many attempts at resolution such as peace negotiations in Morocco, the Libyan Political Agreement, Paris summit meetings that were held twice and Salamé's roadmap. However, Khalifa Haftar's role in the future of Libyan politics is the focal point in almost all of the failed solution initiatives.

The United Nations, or any initiative for a solution, should have a clear position with regard to the illegal intervention of regional actors in Libya. The specific initiative that is selected should prevent illegitimate actors from blocking the solution by clearly describing the legitimate actors. The problems encountered in the implementation of the arms embargo to Libya on the Egyptian-Libyan border, the training of Khalifa Haftar's soldiers in Jordan, the air bases of the UAE in the eastern region, and the existence of religious groups acting on the direction of religious authorities in Saudi Arabia are the parameters that disrupt solution efforts. These parameters breed political divisions, institutional fragmentation, religious extremism, fragmentation in the security sector and internal conflict.

In accordance with UN Resolution No. 2259, the sole legitimate authority of the country is accepted as the Presidential Council, in which case it is illegal for an institution or person to act in the country without the approval of the Presidential Council. However, almost all of the military operations in the eastern provinces were carried out without the permission and approval of the Presidential Council. Moreover, the Deputy Interior Minister, appointed by the Presidential Council, was arrested by the military administration and there are other numerous actions that have occurred without the ratification of the Presidential Council. In addition, the

Presidential Council did not sanction against most of the actors who did not accept the legitimacy of the Presidential Council and acted without its approval. These facts limit the scope of the Presidential Council's radius of action and make the realization of Salamé's roadmap impossible since the turmoil of authority causes instability in the country.

In line with all these, it can be claimed that it is not possible for the Libyan crisis to be resolved in the short and medium term unless one of the actors prevails, actors come to an agreement or a more powerful actor intervenes in the MENA region. ■