



# INSIDE LIBYA

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## FOREWORD

The Regional Program Political Dialogue South Mediterranean (PoDiMed) of the Konrad-Adenauer-Stiftung (KAS) in cooperation with LIBYA DESK™ is delighted to continue our monthly reports on Libya for 2022. This format examines the most important political, economic and social developments of the previous month, which are of central importance for understanding the situation in Libya. The report is based on reliable Libyan sources and provides a summary and a contextualisation of developments in the wider Libyan context. The report is usually being published every first week of each month.

While much attention has been paid to the external and geopolitical dimensions of the situation in Libya, voices from within Libya are central to understanding local developments and the evolution of the Libyan conflict as well as its impact on the wider Mediterranean region. As an inclusive Libyan-led and Libyan-owned mediation with regards to the political, economic and military tracks are without alternative, these monthly reports emphasise the most important events within Libya and aim to give a better picture of what happens “Inside Libya”.

Based on existing KAS-PoDiMed formats such as the Libya Brief and the Libya Task Force, we consider it necessary to shed light on the dynamics within Libya and to emphasise the importance of continuing and facilitating a national dialogue process in the spirit of the UN-led Berlin process.

We hope that these monthly reports will give our readers a better picture of the dynamics of the ongoing Libyan conflict, its actors and multiple dimensions.

Dr. Thomas Volk  
Director  
Regional Program Political Dialogue South Mediterranean  
Konrad-Adenauer-Stiftung

## EXECUTIVE SUMMARY

- 1.** The Libyan Political Dialogue Forum's (LPDF) roadmap is no longer alive as elections are unlikely to take place before 2023 and objectives of demilitarisation and national reconciliation have seen little progress.
- 2.** The rise of Fathi Bashagha as Prime Minister-designate signifies significant changes in Libya's political chessboard and the formation of yet another transitional government in Libya.
- 3.** Whilst frustration with the Government of National Unity's (GNU) failure to hold elections is real, political, armed and civil society groups have voiced concern against the new roadmap put forward by the House of Representatives (HOR), including numerous High Council of State (HCS) members.
- 4.** Gradually losing international and domestic support, the GNU opposes PM-designate Bashagha's ascent to power and has been engaging itself in questionable initiatives in an attempt to muster popular support.
- 5.** With each attempt at political transition, a new constitutional amendment is added to an already confusing and interposing set of legal and constitutional arrangements.
- 6.** With chances of a Libyan-Libyan initiative leading to political change, international actors are forced to reevaluate their positions and reassess alliances with Libyan figures.
- 7.** National reconciliation is once again on the back-burner and the prospects of a peaceful transfer of power between Dabaiba and Bashagha become slimmer as Libya is facing heightened tensions and greater insecurity.
- 8.** When faced with the possibility of a new government focused on a security agenda, Libyan armed forces are divided between optimistic backers in the east and partly perplexed actors in Tripolitania.
- 9.** Libya once again finds itself with the prospect of another government pledging to do better economically than its predecessor. Historically, such promises have not solved deep-rooted issues in Libya's economy and public services.
- 10.** Libya faces several possibilities: a new government enjoying unprecedented local support, parallel governments ignoring each other or falling into conflict, and ever more politicking to find Libyan-mediated roadmaps.

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## A NEW GOVERNMENT STARTS TO TAKE SHAPE IN LIBYA

*The rise of Fathi Bashagha as Prime Minister-designate signifies significant changes in Libya's political chessboard and the rise of yet another transitional government.*

On February 10, the House of Representatives (HOR) held a session to appoint a new Prime Minister for Libya after the country's political class failed to uphold their commitment to organise general elections on December 24, 2021. The session was aired live, with enough MPs to fulfill the legal quorum required for the vote to be valid. 126 MPs out of the 132 parliamentarians present decided to appoint former Government of National Accord (GNA) Minister of Interior (2018-2021) Fathi Bashagha as Libya's new Prime Minister as long as he presented a compelling government proposal by the month's end. Pledging not to represent himself in the country's next elections, Bashagha introduced his vision for the country during a speech on February 17, the anniversary of Libya's 2011 revolution, and primarily vowed to protect the country's sovereignty and hold general elections. In his hometown of Misrata, the politician surmised that Libya's current situation was fragile and that agreement between all Libyans was badly needed to save the country from financial corruption, insecurity and promote reform as well as development. For this, he affirmed the need to rely on "Libyan experts" to provide better economic conditions and public services to his countrymen, as well as the necessity of working on the reconciliation file. Being attached to the security file due to his own involvement in revolutionary brigades in 2011 and his later tenure at the Interior Ministry, Bashagha also spoke of setting up Disarmament, Demobilization and Reintegration (DDR) programmes throughout the country as well as upgrading the rule of justice in all Libyan cities.

On the same day of Bashagha's appointment, the HOR unilaterally adopted a new roadmap which stipulates that a constitutional referendum and general elections should be held within 14 months, i.e. by May 2023. Yet, the PM-designate's long to-do list creates many parallels with the current Government of National Unity (GNU) and has left many doubtful of the rationale behind replacing an overambitious government with another. Transitional governments are not primarily designed to remedy a country's structural economic and social woes, but rather to create the necessary political environment to push into being a more legitimate political reality through elections. However, with his pledge to turn Libya into "an international trade centre", Bashagha and the HOR seem to be falling in the same trap that led to the collapse of the Libyan Political Dialogue Forum

(LPDF) roadmap devised in November 2020. Oversized ambitions and populist rhetoric by transitional governments have become a recurrent development for Libya as politicians tap into the vast hopes and needs of the Libyan people by claiming to have their best interests at heart and having the necessary resources to bring their promises to fruition. Parallels with the GNU's inception are many, including generous calls to include all political factions and focus on national reconciliation. Ironically, this stance has even led Bashagha to voice his best intentions to the GNU he wants to replace by promising that the transfer of power would be peaceful as PM Dabaiba would “respect democratic principles.”

These principles are questionable. Not only is the appointment of a new government not entirely accepted by the country's important political institutions, the process in itself looks democratically hollow as Bashagha was ultimately the only candidate evaluated by the HOR. Dozens of other candidates were disqualified or, wilfully or not, had their candidacies withdrawn, including former Civil Registry Authority (CRA) head Khaled al-Bibas who accused HOR Speaker Agila Saleh of removing his name from the race against his will. Nonetheless, what actually matters in this political process is not democratic principle but rather the extent to which political actors can agree on a candidate. Despite complications that will be presented later in this report, local political actors have struck a real Libyan-Libyan process in which consensus seems to have brought together many powerhouses – most of whom vehemently opposed each other a few years ago. Bashagha, who himself is a key figure in Tripolitania's political chessboard, seems to have gathered the tacit support of many status-quo figures such as HOR Speaker Agila Saleh, High Council of State (HCS) Chairman Khaled al-Mishri and Libyan National Army (LNA) Commander Khalifa Haftar. Contrary to the GNU, which was hand-picked by the UN-mediated LPDF, this prospective government primarily stems from local bargaining as well as hostile cooperation between the HOR and HCS who had to give recommendations to PM candidates, with about 50 HCS recommendations going to Bashagha. The latter's appointment as PM-designate also reflects the everlasting effect of Agila Saleh on Libyan politics, having now fully regained control of the HOR whose speakership he temporarily left at the end of last year.

The possibility of a “Government of National Stability” headed by Bashagha also signifies the revenge of Libya's status-quo political class over the new realities created by the LPDF. As a reminder, Bashagha and Saleh competed and lost against Dabaiba and Presidential Council (PC) Head Mohamed al-Menfi during the LPDF's vote a year ago. While this pros-

pective government's longevity and ability to uphold current support remains questionable, it is important to recognise that tacit support from major figures from both western and eastern Libya gives Bashagha a better chance at national reconciliation, or at least greater luck in having the voice of the central government heard throughout Libya. His ability to gain the tacit support of former enemies within the LNA and ability to appear in revolutionary stronghold Misrata to present his political vision can be viewed as significant strengths to navigate Libya politically. Bashagha's rise once again shows that political grievances and competition are fluid and sometimes nothing more than a facade as Libya's political environment pushes former enemies to form alliances to compete against current power holders. It remains to be seen whether Bashagha's bargaining power and inclusiveness can create a strong and legitimate government, or rather break under the pressure of forces pulling in different directions.

## **ORDAINING A NEW GOVERNMENT CREATES CONSTERNATION**

*Whilst frustration with the Government of National Unity's (GNU) failure to hold elections is real, political, armed and civil society groups have voiced concern against the new roadmap put forward by the House of Representatives (HOR), including numerous High Council of State (HCS) members.*

In spite of assertions by supporters of the new roadmap that would see Fathi Bashagha replace Abdulhamid Dabaiba, Libya does not find itself in a stable political environment. The former GNA Interior Minister might argue that his prospective government is bound to succeed thanks to the legislative backing from the HOR, something that the GNU has lacked since the Libyan parliament withdrew its confidence vote in September 2021. However, not everyone in Libya believes that Bashagha represents the best path ahead for political transition in the country. For many, the political process continues to be hijacked by institutions suffering from frail legitimacy like the HCS and HOR, as both unilaterally appoint a new PM and further postpone the prospect of general elections that would effectuate real political change in the country. Civil society groups like the Libya Bar Association or the Forum of the Parties to the Electoral Process have criticized the current "legislative tampering" and called for an immediate return to the LPDF roadmap so as to set a date for elections as soon as possible. Many, particularly in western Libya, fear that the country might fall into another HOR machination to stay in power, one which risks once again dividing Libya in two political blocs and fostering conflict. Local figures such as 43 Tripolitanian

mayors voiced their dismay at reports that they were supporting the upcoming government, thus pointing the finger at potential media disinformation to raise the profile of the HOR's roadmap. Bashagha cozying up to Haftar has remained a hard pill to swallow for many groups in Libya, particularly western armed groups which are not only opposed to the LNA but also fear Bashagha's security agenda.

As a result, there are already signs that Bashagha's possible assent to premiership might not be accompanied by widespread support throughout Libya. In Misrata, Bashagha met some western MPs, local notables and elders, as well as military brigades' leaders and civil society figures. Whilst welcome, the PM-designate struggled to convince his hometown's leadership of the need for the HOR's roadmap, as many are uneasy about supporting the political downfall of fellow-Misratan Abdulhamid Dabaiba and risking a new political reality where the economic and status advantages might not be as readily available as with the GNU. In turn, the city's leadership was also unable to convince Bashagha to sit down with Dabaiba so as to find an amenable solution to the current crisis. Within the HOR, MPs like Mohamed al-Raed have voiced opposition to Saleh's roadmap, fearing it could risk the country's stability whilst others have raised questions about the HOR's procedures and regulations, thus creating doubts as to whether the latest parliamentary decisions are valid. There are in fact genuine concerns to be had about the methods of Saleh and the political practices of MPs, many of whom have immediately engaged in bargaining to gain or influence seats in Bashagha's cabinet – another development drawing strong parallels with the GNU's first days in power. Accordingly, the PM-designate has struggled to form a small technocratic government he often referred to, as ministerial positions quickly ballooned from the 15 seats advanced by some of his advisors to more than 30 to accommodate the various factions that need to be compensated for their political buy-in. This does not bode well for what could be Libya's future government and main chance at delivering elections, and possibly more stability and economic growth. Although his tacit supporters like Khalifa Haftar might understand that pushing for nominations is not helpful, people close to his entourage – including Haftar's two sons, Saddam and Belgasim – certainly do not share the same view and have been accused of interfering with the government formation process. Whilst there is no compact anti-Bashagha front in Libya, his current supporters are most likely to turn at times into liabilities since they represent too wide a group of interests. In conclusion, there are no clear guarantees that Bashagha's new government will be able to avoid the GNU's fate.



Talking of divisiveness, the most flagrant instance was found this month within the HCS, whose members are engaged in a tug-of-war between hardliners and more pragmatic minds over the HOR's initiatives. Seeing an opening to cooperate with the HOR to finally get the constitutional referendum prior to election that he coveted for long, the Council's Chairman chose to work on the nearly non-existent level of trust between the two bodies and initially supported the parliament's roadmap. Putting a decisive end to his alliance with PM Dabaiba, al-Mishri said during a televised speech that the GNU's term ended on December 24, 2021, and that, as a result, the appointment of Bashagha to succeed Dabaiba was "based on law and a consensus between the HCS and HOR." This bargain with the HOR seems to have cost al-Mishri a lot politically as hardliners within and without the HCS, many of whom were his close allies, referred to him as a "sell-out" and threatened him, thus cornering him into a reversal of his position. Opponents to the new roadmap within the HCS insist on voting on the PM-appointment as well as a constitutional amendment, something that is not warranted by the Libyan Political Agreement (LPA) of 2015 as the HCS created by it only enjoys advisory and consultative powers, not legislative authority. Some, including former HCS head Abdelrahman al-Swehli, accused both al-Mishri and Saleh of forging the statement allegedly signed by 70 members in support of the new roadmap, thus reinforcing suspicions regarding procedural irregularities surrounding the current political process. While these accusations are yet to be filed into a complaint to the Attorney General, the general political mood in Tripolitania is one of divisiveness regarding a Bashagha premiership. Most are starting to recognise the difficulty of keeping a GNU whose powers are faltering day-by-day, but many are not ready to commit to a reshuffling of political cards — especially as long as the position of powerful foreign powers like Turkey remains indeterminate. A minority, albeit a powerful one as it is made up of armed groups and ultra-conservative religious figures, is likely to categorically oppose Bashagha should he continue to be supported by Cyrenaica forces. This division in Tripolitania currently benefits Haftar and Saleh, as it gives their relatively more unified bloc increased leverage to control the country's political future and let western politicians and militiamen argue their differences instead of uniting.

## THE PRO-DABAIBA CAMP VOWS RESISTANCE

*Gradually losing international and domestic support, the GNU opposes PM-designate Bashagha's ascent to power and has been engaging itself in questionable initiatives in an attempt to muster popular support.*

Understandably, one of the primary forces behind attempts to malign Bashagha's bid to take power has been the pro-Dabaiba camp. Very quickly, supporters of the current PM have painted the HOR's latest decisions as farcical, and Dabaiba accused the body of lacking transparency, integrity and even called for MPs to be sacked. Pro-Dabaiba media, which has enjoyed a year of close affiliation with the state, have amplified voices against the new political process and fears that it could lead to division and fragmentation of the country. In a way, the pro-Dabaiba camp has acknowledged that it is facing its most dire time and has decided to embrace its besieged state, albeit in a confused manner. The PM is using all the scarecrows possible to heighten tensions and ensure some audiences are genuinely opposed to a Bashagha premiership. To do so, Dabaiba has logically used Haftar as a threat lurking behind Bashagha, and warned that allowing such figures to govern Libya would push the country back to Gaddafi-era authoritarianism. Surprisingly however, the PM has also used a common scarecrow used by Haftar and his eastern backers, i.e. the Muslim Brotherhood, even though some of his closest associates have been affiliated to the organisation. This accusation further reflects the fluidity of Libya politics, at a time when both Turkey and the HCS' Chairman are drawing closer to eastern factions whilst a desperate Dabaiba seeks to use the Muslim Brotherhood to draw the support of both local and international actors, primarily the United Arab Emirates (UAE). Dabaiba and his spokesman have also leveled harsh criticisms against Stephanie Williams, the UN Secretary-General's Special Adviser to Libya, questioning her impartiality. These comments were redressed by the PC's Vice-President Abdullah al-Lafi, who praised Williams for her media- tion efforts in Libya. Overall, it has been felt that the GNU has been aimless in its targets, domestic and foreign, instead of building a unified bloc in its defence.

Nonetheless, Dabaiba's stance is therefore clear: he will not stand down, unless it is to an elected government. Accordingly, the GNU PM also has a new-found interest in holding elections as soon as possible, a position that contradicts his own legacy as he previously did not share the same enthusiasm for December polls and actively plotted against them. Dabaiba is portraying an image as fighting against elections' spoilers — in this case

the HCS and HOR — and has formed the “Force for Supporting the Constitution and Elections” to oppose their latest initiatives and vowed to stop any new, unelected government from entering Tripoli. On top of engaging itself in legalistic debates against the HOR, arguing that only the PC can designate a PM, the GNU also formed a ministerial committee headed by the Minister of Justice to choose a legal team in view of writing an electoral draft law as part of a four-track plan called “Returning Trust to the People” meant to hold parliamentary elections before June 24, as this is the last day of the roadmap devised by the LPDF and the United Nations Support Mission in Libya (UNSMIL). According to the plan, the electoral draft law should be passed by the HOR by mid-March or parliamentary elections would be held based on the earlier parliamentary elections law of 2021 (HOR Law 2/2021). It also allows electronic consultation for voting should there be any risk of violence, postpones presidential elections to an unknown date and holds a constitutional referendum in conjunction with parliamentary elections. Through this initiative which allows parliamentary elections to happen this year, instead of early 2023 per the HOR’s roadmap, Dabaiba is seeking to draw back the support of the pro-elections supporters in Libya. However, it is unlikely that this tactic will succeed as Dabaiba has lost a lot of credibility and there is next to no chance that his four-point plan comes to fruition. Needless to say that the GNU has no legal ground or legislative power to draft electoral laws or political roadmaps.

Regardless of its dire situation, the GNU has also put on an act by pretending that all is fine and that it does not allow current circumstances to perturb its services to the Libyan people. Rumours of internal divisions and ministerial divisions are brushed off by the government’s spokesman and, ironically, Dabaiba has expected close cooperation between his Ministry of Finance and the HOR to organise the 2022 draft budget — a naive demand considering the conflict between him and the legislative branch. The GNU has continued to call for international support, asking for the lifting of the freeze of its funds abroad so as to support its security and financial stability at a time of crisis. Yet, despite clear and expected financial problems, the PM has continued to make promises to the population, with the Ministry of Local Government meant to distribute 2.5bn LYD (€480m) to municipalities and a yet another billion Libyan Dinar (€190m) being allocated for the continuation of the controversial marriage support grant. Dabaiba has also pledged to distribute 50,000 plots of land for young people across the country and facilitate the disbursement of loans by the state-owned Investment Bank for them to build on the plots of land. He also promised to increase allocations to the war-wounded and the salaries of Ministry of Interior employees, a likely bid to gain support from key security actors who will be vital if Dabaiba really expects to make a fight to keep his seat in power.

## THE LEGAL MAZE DEEPENS IN LIBYA

*With each attempt at political transition, a new constitutional amendment is added to an already confusing and interposing set of legal and constitutional arrangements.*

Alongside the appointment of Bashagha as PM-designate, the HOR also approved a twelfth constitutional amendment according to which 24 experts, divided equally between the country's three historic regions, will propose a new draft constitution to replace the current draft proposed by the Constitutional Drafting Authority (CDA). According to the HOR's spokesperson Abdullah Belheeg, the amendment was voted by 126 out of around 150 MPs, and approved in consultation with the HCS – something that the Council later rejected. In fact, the HCS claimed that it was not given enough time to review the amendment and asked to extend the deadline on the final vote, something that the HOR refused as it unilaterally pondered on the amendment. Once again, the HOR is not required to have the HCS vote on such matters but is advised by the LPA to consult in good faith with the body. This trust remains shallow and the HCS would prefer to do away with the panel of 24 experts and replace them by a joint committee made of HOR/HCS members to decide upon a constitutional basis for elections prior to the end of March 2022, before a referendum can be made. Agila Saleh on his part opposes participation of HoR or HCS members in the proposed 24-member strong constitutional committee. Added to that comes Dabaiba's own attempt to create a draft parliamentary electoral law, a move that was called out by the Administrative Control Authority (ACA) as illegal.

Each initiative angers the CDA, which alongside the HOR is one of Libya's only elected institutions, as the authority is against legislative tampering in constitutional matters. As a result, there are efforts by groups such as the Libya Bar Association and CDA members to have the Supreme Court reactivate the country's constitutional chamber to regulate the "legislative absurdity" that has reigned over the country's political and legal scene over the last few years, thus referring to the many attempts of the HOR/HCS to craft a new draft constitution. Many see in these manoeuvres a veiled attempt at indefinitely postponing elections and preventing the population from making tabula rasa of the country's current political landscape. The constitutional chamber, inactive since 2014, could rule to enable the CDA to regain primacy over the constitutional file, and end continuous attempts at carving a new constitution that would benefit its drafters, something that is never achieved as the HOR/HCS are seldom on the same page and cannot agree on a final draft. However, it remains highly unlikely that the Supreme Court would reinstate the constitutional chamber and help regulate the never-en-

ding debates over the country's constitution. An alternative would be to use the administrative chamber to raise a legal challenge to either the HOR's 12th amendment on procedural grounds or any new development from the HCS.

This means that, without a final authority on this question, Libya is likely to have highly contested laws, with various political actors picking those that best fit their interests. The last year has been a concrete example of how disagreements over legal and constitutional debates stall political progress as well as democratic processes, and at present this is likely to continue without any end in sight.

## **THE INTERNATIONAL COMMUNITY SLOWLY DISOWNS DABAIBA**

*With chances of a Libyan-Libyan initiative leading to political change, international actors are forced to reevaluate their positions and reassess alliances with Libyan figures.*

The early red lines advanced by some western powers against the replacement of the GNU by a parliamentary initiative have gradually subsided over the past month. Of course, officials from the United Nations and the European Union have maintained their position in support of general elections, with Special Adviser Stephanie Williams employing strong words against the “obstructors” present in Libya's political class who have disrupted the country's electoral process for the sake of their interests. However, those voices seem to have given up to resignation in the face of the HOR's resolve to replace Abdulhamid Dabaiba. Both the Secretary-General and Stephanie Williams did not directly condemn the appointment of Bashagha as PM-designate, and instead called for the process to be carried out in a “transparent and consensual manner” so as to maintain stability in the country. In reality, the UN is weakened significantly and is unable to play a sufficient mediation role at this stage; several protests have been held in front of its headquarters in Tripoli by disgruntled Libyans fed-up by UNSMIL's failed roadmap, and divisions within the UN Security Council have continued to harm the Mission's standing. In fact, not all countries are happy with having only a Special Adviser to Libya, and Russia has dedicated itself to replace Williams and bring a new head at UNSMIL. Whilst western powers do not share Moscow's assessment, this stance has pushed them to seriously consider different options to save UNSMIL, whose mandate has only been extended up until April 2022 due to Russian demands. This means that, despite Stephanie Williams' numerous attempts at mediation on the ground, her position is seen as momentary. As a result, domestic actors have felt more dynamic to pursue their own Libyan-Libyan initiative.

In this environment, international pressure to hold elections as soon as possible is no longer palpable. Foreign diplomats such as Morocco's Foreign Minister Nasser Bourita have questioned the viability of internationally-imposed "recipes" which might not apply to Libya's context and indirectly criticised the focus on elections as an end in itself, without prioritising stability in Libya. Whilst strong actors like the U.S.' Ambassador Richard Norland more or less rebuffed such comments by reminding that elections are a way to bring legitimacy to Libyan politics and highly demanded by Libyans as 2.8 million people registered to vote, the reality remains that elections are no longer central to the country's political process. Instead, the next few months are likely to be characterised by international actors seeking to either befriend or challenge the new government, as well as mediate between the various interest groups that are currently supporting Bashagha. Egypt has shown itself to be the clearest backer of a Bashagha premiership, going as far as expressing its confidence that the Misratan politician will be able to expel foreign mercenaries, safeguard the country's sovereignty and stability, and eventually organise general elections. Other countries like Russia voiced that the "choice of Libyan lawmakers" should be respected and expressed hopes that this new chapter in Libyan politics could bring compromises and peace to the country. Even the Secretary-General's spokesperson gave tacit approval to the HOR's Libyan-Libyan initiative by saying that the matter of assigning a new Libyan prime minister by Parliament was "up to the Libyan people."

Importantly, Fathi Bashagha remains a fairly easy personality to engage for many capitals as the political figure has heavily invested in international representation and enjoys strong support in European capitals like Paris. However, this does not mean that its backers are fully behind him as of yet, and that there are no concerns regarding the transfer of power away from the GNU. The Arab League has expressed fears that the new government could once again polarise Libya and foster conflict in the country. Turkey, which is arguably the most influential foreign actor in Libyan politics and has strong ties with Bashagha, has also shown indecisiveness and has so far stuck with Dabaiba due to its fears that Libya could once again be ruled by parallel entities. Like many capitals, the dilemma of Ankara is that of choosing between two friends. On the one hand, Dabaiba has privileged commercial ties with Turkey and proved to be a good political ally. The Libyan businessman is also Turkey's preferred choice in regards to its current normalisation of relations with Abu Dhabi, which continues to reject a Bashagha premiership. On the other hand, Bashagha is an even older ally of Turkey and presents the country with the opportunity of dealing with all Libyan actors. In fact, Turkey is increasingly interested in having a stable and genuinely united government able to

control the entirety of Libya. Bashagha's current ties with eastern factions are a strong draw for Turkey, whose ambassador to Libya made a rare visit to the municipality of Benghazi early this month. If Bashagha becomes the PM, it remains to be seen how capitals like Ankara, Cairo and Paris will shift away from Dabaiba and help the new PM in balancing the eclectic coalition that currently stands behind him. If history is any guide, it is certain that this is easier said than done.

## **THE THREAT OF A RETURN TO CONFLICT IS REAL IN LIBYA**

*National reconciliation is once again on the back-burner and the prospects of a peaceful transfer of power between Dabaiba and Bashagha become slimmer as Libya is facing heightened tensions and greater insecurity.*

On the same day the HOR was voting to approve Bashagha as PM-designate, Abdulhamid Dabaiba was targeted by an assassination attempt whilst in his car. The GNU's PM left the scene unscathed, but the incident reflects the current stakes in Libya and likely increased Dabaiba's paranoia as well as resolve to resist efforts to topple him. Although there are no signs that the assassination attempt and current political process are linked, the GNU's spokesperson later said that it was unacceptable that "criminals" would take power in Libya. Equally, the HCS session meant to deliberate the HOR's latest decisions was unexpectedly suspended after a sudden power cut and some members claimed to have been threatened. Later communication with the General Electric Company of Libya (GECOL) showed that there was no disruption in the grid around that area at the time, thus raising suspicion of a politically-motivated sabotage as the session was mainly convened by opponents of current attempts to remove the PM. In late February, the PC's Security Advisor Mohamed al-Muhareb was also kidnapped by unknown armed men. All these developments reflect heightened tensions and threats around the executive authority. Refusal by either Dabaiba or Bashagha to engage in negotiations, and statements from the GNU that it will not allow another government to install itself in Tripoli, create much anxiety around the possibility of renewed conflict focused around the capital. Whilst the extent of Dabaiba's armed support remains murky, armed units affiliated to the western region have already rejected the HOR's roadmap as absurd and could lend a hand to the GNU to prevent Bashagha from governing from Tripoli.

On top of such tensions, armed clashes between militias are continuing in western Libya as seen in early February in Zawiya between elements of the

Awlad al-Saqr and Awlad al-Shawsh tribes. The fighting, caused by the theft of trucks holding cigarette shipments, resulted in four deaths including a bride. The moment is also auspicious for the creation of new militias, with Haitham al-Tajouri announcing the 777 Brigade which clashed in south Tripoli against the Judicial Police affiliated with the Special Deterrence Force (SDF) over the control of a roundabout. Assassinations continue to be common, with the gruesome killing by knife of one of the former leader of the Tripoli Revolutionaries' Brigade (TRB) Ibrahim al-Nalouti and his family in the capital. The security environment also increasingly becomes less tolerant of journalists and activists, whether they are targeting the LNA's mafia-like practices or criticising hardline factions in Tripolitania. These developments are a strong impediment to the political development and growth in civic awareness in the country. Libyans have increasingly discussed corruption on social media and popular media channels have sought to capitalise on this interest, but they have been faced with threats from security forces. This remains true of media channels that are friendly to one group, such as the LNA, but do not stop at shining a light on the questionable practices of some such as Haftar's sons. In this environment, media scrutiny, political opinion and mild criticism are heavily repressed, thus showing that political and security forces have low tolerance and are rather fearful of allowing civil society into the political process.

Accordingly, national reconciliation remains on the back burner, despite void calls by the international community and local actors to prioritise dialogue. The PC, whose task it is to foster national reconciliation according to the LPDF's roadmap, is not active in this pursuit and has been criticised for marginalising civil society. The country's National Human Rights Committee (NHRCL) has lamented that only government institutions have been involved in drafting a national reconciliation law and called upon the PC to involve academics and experts to launch a series of legal, human rights and cultural dialogues so as to create genuine pathways to deliver transitional justice and bring more pacified relations throughout Libya. The committee also pointed at the unilateralism of the executive authority, claiming that it only used national reconciliation as a political project. The distance between civil society and political actors continues to grow as a result. Protests against political institutions and UNSMIL have been visible throughout February, but there are no viable channels for these grievances to be heard and resolved, thus potentially leading to more frustration in the future. Importantly, the current bargaining behind Bashagha and UNSMIL's optimistic view that Libyan political actors have learned to peacefully deal with their differences should not hide the fact that distrust, opposite interests and political repression are very much at the centre of the current political process. There are little chances that a



disowned GNU would manage to remain at the helm of power in Tripoli, but its influential elements and backers could still represent an important challenge to the next government. The same goes for other powerful groups such as supporters of Saif al-Islam Gaddafi who has not joined the pro-Bashagha alliance.

## THE MILITARY REMAINS DIVIDED ON THE POLITICAL PROCESS

*When faced with the possibility of a new government focused on a security agenda, Libyan armed forces are divided between optimistic backers in the east and perplexed actors in Tripolitania.*

As expected, the military file concerning the removal of foreign mercenaries and potential Security Sector Reform (SSR) has taken a nosedive alongside other roadmap objectives like elections and national reconciliation. Meeting in Sirte with UNSMIL, the 5+5 Joint Military Commission (JMC) clearly said that a political decision was lacking in this file, with officers from the LNA directly pointing the blame at the GNU for being controlled by militias and failing to unify the military institution which remains divided between the western-based Libyan Army and the eastern-based LNA. Although the JMC managed to develop into a fairly independent body capable of maintaining the October 2020 ceasefire in Libya, differences between western and eastern officers always existed. These differences are becoming more apparent with the current political process, as western officers have voiced concerns that peace-building efforts were under threat and could collapse at any time, in addition to calling for the holding of elections as soon as possible. In contrast, whilst rejecting any involvement in the current rift between the GNU and Bashagha, eastern officers share the hope that a Bashagha premiership would significantly reshape the military and security map in the country.

In fact, both the LNA's General Command and JMC member Lieutenant General Faraj al-Sawsa expressed hopes that the potential new government could establish close working relations with the "country's military and security bodies to impose the prestige of the state, preserve its capabilities, and protect all sovereign institutions from extortion and domination attempts of outlaws." These hopes are deep-rooted in al-Rajma, the LNA's headquarters, and are arguably the primary factor in explaining Haftar's tacit support to Bashagha. Whilst the GNU refused to give in to the LNA's pretences over the country's military sphere, eastern officers believe that they can enter a fruitful alliance with Bashagha, unify the military institution and drive-off foreign

mercenaries. The latter point is even more potent when considering the latest geopolitical developments. Turkey, which traditionally backed western Libya but has close ties to Bashagha, sees interest in forming better relations with eastern factions including the LNA, which potentially decreases the latter's fear and criticism of Turkish-backed troops in Libya. In turn, the LNA has increasingly been frustrated by its Russian ally whose Wagner paramilitary group has grown more difficult to control due to unpaid dues. Financial difficulties in eastern Libya therefore push al-Rajma to reevaluate the necessity of having foreign mercenaries in the country – even if those were initially meant to support its military position. In this calculus, Wagner troops with their trained combatants and heavy machinery represent much more of a liability than sub-Saharan troops from which the LNA has increasingly distanced itself from, with the latest example being phase two of its security campaign in southern Libya, where LNA fighters allegedly killed about 30 foreign mercenaries who were involved in illegal activities around Kufra city.

The LNA's pivot to Bashagha and its vision of a cross-Libyan force able to negotiate, or even force out, the departure of Turkish and Russian-backed fighters is not without its own political challenges for Haftar. For instance, the Commander had to sideline some PM candidates such as Ismael Shtewi, going as far as blocking the latter's entry to Cyrenaica despite Shtewi's close ties with al-Rajma. Just like Bashagha has been chastised by many western groups for developing ties with the LNA, many within eastern Libya are uneasy with Haftar's politicking. This is made worse by the fact that the LNA continues to suffer from the malpractices of some of its key exponents, some directly related to Haftar with the example of his two sons. Media reports abound regarding those personalities that are the gatekeepers to Haftar and often engage in corruption, such as using tax revenues for personal purposes. This further puts a strain on the LNA's political prestige, which took a hit throughout last year, and which will need to be addressed should the LNA want to be perceived as a respected and well-built military institution instead of a mafia-like armed group. For al-Rajma, support from traditional allies is fundamental, and growing criticism from those will be important to follow. Potentially, the SSR and DDR initiatives dreamed by the LNA under the new potential government are not only going to be focused on Tripolitania. Instead, such initiatives could place pressure on career officers to also push for cleaner records in eastern Libya and fight-off current corruption that has solidified opposition to the military institution.

## **POLITICAL INSTABILITY NOT A GOOD SIGN FOR THE ECONOMY**

*Libya once again finds itself with the prospect of another government pledging to do better economically than its predecessor. Historically, such promises have not solved deep-rooted issues in Libya's economy and public services.*

Naturally, the subject of the economy has time and again been used to galvanise popular support for a new set of rulers. The GNA, GNU and now Bashagha's potential government have all promised to redress the country economically by implementing reform, diversifying the economy and improving public services. However, the end-result has remained underwhelming with continued failures to adopt a set budget, pay government salaries and build modern infrastructure apt for the future. As a result, GECOL this month reminded that Libya suffers from an electricity deficit of 1.6GW and further complications linked to maintenance issues and lack of fuel in several power plants. In his broad statements on the economy, Bashagha pledged to create comprehensive public services and review the Dinar's devaluation, a decision that has so far been delayed by the slow unification process of the Central Bank of Libya (CBL). The latter's two officials, its Governor Sadeq al-Kabir and eastern-based Deputy Ali al-Hibri, met on January 20 to announce the "start" of this process in four stages. However, there is little indication that much progress is to come despite pressure from UNSMIL. The current strife between the GNU and HOR over the latter's roadmap to replace the former is likely to be accompanied by political fights to have sovereign institutions' heads removed before any actual policies are undertaken to reevaluate the Dinar and unify the country's banking system.

Figures like al-Kabir, Audit Bureau Head Khaled Shakshak, National Oil Corporation (NOC) Chairman Mustafa Sanallah and the returning Minister of Oil Mohamed Aoun all reflect the political infighting going on around economic and supervisory institutions. The NOC Chairman continued to be attacked by Aoun this month through accusations of violating regulations, bypassing his own Board of Directors, serving foreign interests and even wiretapping the Ministry of Oil by allegedly obstructing the wireless communication of the ministry through radio jamming. Nonetheless, Sanallah has remained unphased and continued to defy his opponents by claiming that actions taken by the likes of the Audit Bureau are directly responsible for the oil sector's underperformance. In fact, he directly blamed the temporary halt in production of 100,000 barrels of oil per day linked to delayed maintenance at storage tanks on the Audit Bureau, whose bureaucratic duty of checking contracts

has “prevented the liftoff of the national economy” according to Sanallah. The latter also joined oil sector syndicates in calling out the GNU for failing to go through its promise of implementing a 2013 law meant to increase oil sector salaries by 67% along other tax and insurance prerogatives. Cognizant of the political battles between the NOC and other Tripoli-based institutions, the embassies of France, Germany, Italy, the U.K. and the U.S. issued a joint statement urging all actors to respect the unity, integrity and independence of the NOC, and preserve its apolitical and technical nature. This statement faced a backlash from the Ministry of Oil, as it somehow validated accusations by Aoun that Sanallah is too close to foreign powers. However, it also reflects the support enjoyed by the NOC Chairman and international interest in pushing for a more stable political environment around the energy sector in Libya.

Feeling in control of the situation, the NOC Chairman met representatives of several foreign companies in February, including U.S.’ UOP Honeywell to discuss new oil refineries in the Fezzan, British Petroleum to reconsider the international oil companies’ exploration of gas in the country, and Italy’s Eni to extend a Memorandum of Understanding (MoU) on security management systems. Algeria’s Sonatrach company also announced a return to its operations in the country, which had halted a decade ago. PM Dabaiba also attended the 6th Gas Exporting Countries Forum’s Summit in Doha, Qatar, where he highlighted Libya’s readiness to export more gas toward Europe. As long-discussed, north-African gas exports (from Algeria and Libya) to southern Europe are likely to become even more important considering current concerns around energy security in Europe.

## CONCLUSION & FORECASTS

On the last day of February, the HOR was meant to approve the government proposal of Bashagha but decided to postpone its session due to “lack of completion of consultations.” This is partially explained by the fact that, similar to the GNU, Bashagha’s government has caused much haggling within Libya’s political class and parliamentarians in particular. In fact, there are 30 ministers and 8 ministers of state in his cabinet, numbers which slightly exceed the GNU’s without offering more female ministers. All that is in spite of the former Minister of Interior’s wish to form a small technocratic government. Even if Bashagha’s cabinet gets approved, this formation already predicts similar governance challenges faced by the current government and does not bode well for Libyans’ hope to finally end with transitional periods. Moreover, there is the volte-face of Khaled al-Mishri who caved in under hardliners’ pressures as he no longer welcomes a new government backed by Haftar and instead asks for focusing on the constitutional and electoral drafts before setting timelines for holding presidential and parliamentary elections. This also means that a Bashagha government might not enjoy as wide a buy-in as initially anticipated and might face significant opposition in western Libya.

A strong and stable government finally ruling Libya as a whole through Bashagha might therefore not be Libya’s next most likely chapter. The Misratan figure might well get a vast majority of votes from MPs thanks to Agila Saleh’s intermission, even if this happens at a later stage in March, but he could end up in the position of being neither west nor east. This means that his government would fail to topple the GNU which would keep control of Tripoli — albeit with nominal power and no more pretence of being a “national unity” government. As a result, Bashagha’s political worth in the eyes of the LNA would decrease as he would no longer represent the opportunity of having a like-minded figure on security issues governing from Tripoli. In such a scenario, it remains to be seen whether Bashagha and his current allies would remedy such weaknesses by going after the GNU, or whether his allies would prefer to abandon their roadmap and consider other options. This abandonment is not the easiest option for Haftar and Saleh, however; they would probably rather wait and see how the new government fares since other options are not a dime a dozen. This would mean that Libya would once again find itself governed by two ineffective governments, not being able to pursue their promises of redressing public services and not controlling enough territory to hold new elections. Whilst Bashagha currently believes his government would be the strongest due to HOR support, it might not be so for long as the HOR itself suffers from brushed-off divisions and could

once again be divided between a group in Tripoli working with the GNU and the other in Tobruk cooperating with Bashagha's cabinet.

In the case that Bashagha's allies decide to act against a resilient GNU, all bets would be off and much international mediation, particularly on Turkey's part, would be needed to avoid the worst. Current levels of desperation within the GNU do not augur strong resistance, despite the rhetoric of Dabaiba. If Bashagha manages to gain enough support from western militias traditionally close to him, a show-of-force could lead to the GNU's departure from Tripoli, but would still not guarantee a pacified western region since pro-Dabaiba or more accurately opponents to the anti-Dabaiba front would challenge the new authority. In all eventuality, Libyan-Libyan initiatives are as likely to be faced with failures than internationally-backed roadmaps like the LPDF. This is why it is disappointing for the international community to have seemingly given up on Libya by allowing mainly status-quo politicians to carry on with their plans.

Understandably, the international community is now absorbed by the Ukraine conflict and is unwilling to put much effort into redressing the political situation in Libya. However, it needs to be reminded that the risk of a relapse into conflict in Libya remains high. Now more than ever, the international community will need to strike a unified tone to ensure Libya does not regress any further. The longer the current state of confusion, the greater the legitimacy crisis and institutional vacuum will become. This situation is not auspicious to fruitful political processes but rather invites armed conflict as a way to force one's position upon another. What happens in March with the HOR's roadmap, i.e. whether Bashagha has an effective government, needs to be followed closely so that the next steps and strategies to avoid conflict in Libya can be taken. The waters are too muddy to currently envisage any viable political process on the part of international actors, but there is the need to be prepared for any eventuality and not lose out of sight the earlier goal of holding general elections to redress the current legitimacy crisis, even if marginally.

**Authors:** Mohamed Dorda and Oliver Crowley from LIBYA DESK™.

**Contacts:** EDITOR@LIBYADESK.COM | WWW.LIBYADESK.COM | @LIBYADESK

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### **Konrad-Adenauer-Stiftung e. V.**

Thomas Volk  
Director  
Regional Program Political Dialogue South Mediterranean  
[www.kas.de/poldimed](http://www.kas.de/poldimed)

Konrad-Adenauer-Stiftung e. V.  
Regional Program Political Dialogue South Mediterranean  
Le Prestige Business Center, No. F.0.1  
Rue du lac Windermere, Les Berges du Lac  
1053 Tunis, Tunisia  
Telefon: +216 70 029 460  
E-Mail: [info.poldimed@kas.de](mailto:info.poldimed@kas.de)



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