



PEACE AND SECURITY

# Libya's stalled political process

Options for the way forward

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March 2025



Libya's current status quo is untenable, while the credible risks military outburst could have disastrous consequences for the region and beyond



Elections failed, in Dec. 2021, over the sequencing of parliamentary and presidential elections, and eligibility conditions for the latter



It might be advisable to frame elections as a popular endorsement for a pre-agreed deal envisioning a collective presidency, an inclusive post-electoral government, and effective governance safeguards and guarantees



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# INTRODUCTION

Libya's descent into chaos is staggering—and yet redeemable. To stabilize the country and facilitate an effective and credible political process, the determined engagement of international and, in particular, regional actors is required.

The failure to hold elections in December 2021 paved the way for the re-emergence of competing governments. In February 2022, a Government of National Salvation (GNS) was appointed in the east, backed by the House of Representatives (HoR) and General Haftar's Libyan National Army (LNA), while the Tripoli-based Government of National Unity (GNU) established in accordance with the Geneva process remained the internationally recognized authority.

Up until the recent movement of military units<sup>1</sup> by the LNA in the south of the country and the latest central bank crisis<sup>2</sup>, the prevailing view among international diplomats, who had already shifted their attention to the wars in Ukraine and Gaza, was that the status quo in Libya was convenient to all parties. However, the arrangements agreed in Geneva in February 2021 have largely collapsed<sup>3</sup> while divisions run deep in each of the competing state institutions. The economy is struggling and the national currency in freefall. While there is no political process in sight, the temptation to settle the conflict by military means is great. Moreover, given that Russia has transformed the country into a logistical hub<sup>4</sup> for its operations in Africa, new armed clashes will have entirely different ramifications.<sup>5</sup> They could, for instance, further fuel ongoing civil wars in Sudan and Mali thus destabilizing the entire Sahel region as well as important neighboring countries, such as Egypt and Algeria, already struggling with other active conflicts on their respective borders. A new war will also inevitably bring spillover effects for Europe and strategic losses for the West and NATO.

To avoid this, the international community and regional powers in particular should use the current standoff as an opportunity to promote a credible political process culminating in presidential and legislative elections in line with the Libyan Political Agreement (LPA)<sup>6</sup>, the Libyan Political Dialogue Forum's (LPDF) Roadmap<sup>7</sup>, and the relevant UN Security Council Resolutions.<sup>8</sup>

Thus far, UN mediation has prioritized processes over outcomes. However, Libya's key actors are primarily concerned with securing an outcome that ensures their inclusion in the country's future governance. The credible prospect of such an outcome is the only guarantee for a peaceful and successful process. Exclusion remains an existential concern. This is a reminder to mediators of the need for creative bridging proposals, where the process can be designed in reverse mode to achieve a goal that is accepted by the parties concerned.

Accordingly, the purpose of this policy paper is to suggest elements of a way forward likely to foster a peaceful process and outcome that is widely accepted. To this end, the paper will first outline some pertinent background features highlighting the points of contention and existential fears that led to the failure of the December 2021 election (II). It will then assess the initiatives proposed following the collapse of the elections by the UN Special Representatives to Libya (III), and highlight the unsustainability of the current status quo (IV). Finally, the paper will put forward various possible elements of a way forward for the political process in Libya (V), and will conclude with a set of recommendations (VI).

1 Nova News (2024). Libya: concerns are growing about the movements of Haftar's forces towards the border with Algeria, 21 August. Available at <https://www.agenzianova.com/en/news/Concerns-are-growing-in-Libya-about-the-movements-of-Haftar%27s-forces-towards-the-border-with-Algeria/>

2 Megerisi, Tarek (2024). Libya's central bank chaos must serve as a wake-up call for the West. Euronews, 12 September. Available at <https://www.euronews.com/2024/09/12/libyas-central-bank-chaos-must-serve-as-a-wake-up-call-for-the-west>

3 Mezran, Karim (2024). *The end of Libya's false stability period*. Atlantic Council. 20 September. Available at <https://www.atlanticcouncil.org/blogs/menasource/libya-central-bank-kabir-dbeibah-haftar-oil/>

4 Georgetown Security Studies Review (2024). Strategic Ambitions: Russia's Deepening Military and Geopolitical Footprint in Libya. 24 June. Available at <https://georgetownsecuritystudiesreview.org/2024/06/24/strategic-ambitions-russias-deepening-military-and-geopolitical-footprint-in-libya/>

5 Megerisi, Tarek, op. cit.

6 Libyan Political Agreement, signed on 17 December 2015 in Skhirat Morocco. Available at <https://unsmil.unmissions.org/sites/default/files/Libyan%20Political%20Agreement%20-%20ENG%20.pdf>

7 The LPDF Roadmap For the Preparatory Phase of a Comprehensive Solution, adopted on 15 November 2020. Available at [lpdf - roadmap\\_final\\_eng\\_0.pdf](https://www.lpdf.org/roadmap_final_eng_0.pdf)

8 UN Security Council, Resolution 2570 (2021). Available at [n2109656.pdf](https://www.un.org/press/docs/2021/21109656.pdf)

## PRESIDENTIAL ELECTIONS: A TALE OF EXISTENTIAL FEARS

The Libyan elections of December 2021 failed over two specific issues. First, the sequencing of parliamentary and presidential elections and second, the eligibility criteria for the latter. The Conclusions of the Berlin Conference<sup>9</sup> held in January 2020 stated that legislative and presidential elections could take place before the adoption of a permanent constitution. To this end, it would have been necessary to amend two aspects of the Libyan Interim Constitutional Declaration. First, the position of President of the State—and the related eligibility and powers—which had not been provided for in the country's constitutional declaration, needed to be created; and second, the sequence of the transitional process, which, as it stands, envisages only a constitutional referendum as the next electoral stage, needed to be reversed. The pursuit of a compromise on these two aspects is referred to in the Libyan debate as the search for “a constitutional basis for elections.”

The issue of the presidential election—and related eligibility criteria—quickly emerged as the main point of contention. Indeed, it has been controversial since the overthrow of Qadhafi. The establishment of the position of president was ruled out in 2012 and 2013 ahead of the national elections. The rationale for this, mainly put forward by the revolutionaries (known as the February camp), was that electing a president during the interim period would pre-determine the nature of the political system, which, in their view, should be determined only by a permanent constitution. They were also concerned that having a strong president during a transitional period would entail a serious risk of authoritarian drift. However, upon the insistence of the Egyptian delegation, the idea was reintroduced in the political process by the Conclusions of the Berlin Conference in January 2020, in which Libyans did not participate.

Neither the LPDF, nor the two houses (the HoR and the High Council of State or HCS) could agree on the eligibility criteria for the president. The February camp favored criteria which banned active military personnel and holders of dual citizenship from the race, as well as individuals with criminal records. This was a strategy specifically aimed at excluding General Haftar who is officially still on active military duty and also holds US citizenship. These criteria would also mean the exclusion of Saif Al-Islam Al-Qadhafi for whom arrest warrants had been issued by both the Libyan courts and the International Criminal Court. The same criteria had already been set out in the draft permanent

constitution of 2017 and had been a factor in the rejection of the constitution by the eastern camp.

Exploiting the international desperation for elections at the time, on November 8, 2021 the Speaker of the HoR, also a presidential candidate, unilaterally issued a “presidential electoral law”<sup>10</sup> that allowed anyone interested to stand for president. Then UN Special Envoy Ján Kubiš endorsed<sup>11</sup> this law and called on Libyans<sup>12</sup> to support the elections.

By then, potential candidates were starting to announce their candidacies, and the polls were being published. The Prime Minister of the GNU Abdel Hamid Dbeibah who, as a condition of his eligibility for the GNU leadership, had pledged not to run for president, and Saif Al-Islam Al-Qaddafi both announced their candidacies, which were approved by courts. They soon emerged as the likely front-runners in the presidential race. Wary of this outcome, the HoR, which had thus far been the main advocate of a presidential election, rejected the courts' decisions and placed pressure on the country's electoral body to suspend election preparations.

What this sequence of events reveals is that all political players in Libya have existential fears of being marginalized or eliminated following an election won by their opponents. The controversy over eligibility criteria served to exclude adversaries upstream. The HoR, which had been pushing for the presidential election, ended up calling for it to be cancelled because Qadhafi or Dbeibah were likely to win. A Zawiya-based court in the west of the country invalidated<sup>13</sup> General Haftar's candidacy, and the Court of Appeal in Misrata condemned<sup>14</sup> him to death the same week. In Sebha, a Qadhafi stronghold, the Court of Appeal reinstated<sup>15</sup> Saif Al-Islam Al-Qadhafi as a candidate in the presidential race after the electoral body had excluded him.

In the aftermath of this episode, the HoR expressed its support of a parallel cabinet, thus returning the country to an era of competing governments. Since then, the HoR has started to set out the conditions for replacing the GNU and unifying the governments ahead of any election. It engaged in a series of consultations allegedly aimed at reaching an agreement on a framework for elections. Over the years, the two houses, the HoR and the HCS, had proven unwilling to reach such an agreement as they both have a vested interest<sup>16</sup> in the status quo. A new election would result in their replacement.

This is the situation that UN Special Envoy Abdoulaye Bathily inherited when he took office<sup>17</sup> in October 2022.

<sup>9</sup> “The Conclusion of the Berlin Conference on Libya”, 19 January 2020. Available at <https://tinyurl.com/nsy35fn>

<sup>10</sup> Libyan House of Representatives, Law No 1/2021 on the Election of the President of the State and the Determination of his Prerogatives of 8 September 2021. Available (in Arabic) at <https://tinyurl.com/3baa23du>

<sup>11</sup> UNSMIL (2024). Remarks of the UN Special Envoy for Libya, Ján Kubiš, League of Arab States Meeting of Foreign Affairs Ministers - Cairo, 9 September. Available at <https://tinyurl.com/8ywsmbd>

<sup>12</sup> Kubiš, Ján (2021). Security Council Briefing of 24 November. Available at <https://tinyurl.com/yc7bhxj2>

<sup>13</sup> Al Jazeera (2021). Libya... a court in Zawya accepts a challenge against Gaftar's candidacy, and another court in Tripoli postpones examining the exclusion of Al-Dbeiba. 30 November. Original in Arabic, available at <https://tinyurl.com/3xv87tn9>

“ليبيا.. محكمة بالزاوية تقبل طعنا ضد ترشح حفتر وأخرى بطرابلس تؤجل النظر في استبعاد الدييب”

<sup>14</sup> Nova News (2021). Libya: Misrata military court issues death sentence against Haftar. 25 November. Available at <https://tinyurl.com/y5p82s3e>

<sup>15</sup> Libya Herald (2021). Court re-instates Saif Al-Islam Qaddafi to Libya's presidential race. 3 December. Available at: <https://tinyurl.com/3nkrzf5t>

<sup>16</sup> Al Wasat (2022). A constitution-making expert: Cairo talks are a smoke screen for extending the two houses in office. متخصص في صياغة الدستور. (21 لسنة ٢٠٢١ بشأن انتخاب رئيس الدولة وتحديد اختصاصاته). Available at <https://alwasat.ly/news/libya/359636?author=1> reporting on a thread on the failed HoR-HCS consultations. Original available here: <https://tinyurl.com/yc66ybjy>

<sup>17</sup> Libya Herald (2022). New UNSMIL head Bathily arrives in Tripoli Friday to “assume functions”. 15 October. Available at <https://tinyurl.com/mr49yhst>

## ATTEMPTS AT REVIVING THE ELECTORAL PROCESS

Six months into his tenure, Bathily proposed taking the matter out of the hands of the two houses. According to the provisions of the Libyan Political Agreement (LPA), there are two ways that it can be amended, notably to adopt a constitutional basis for elections. These are either an agreement between the two houses, the HoR and the High State Council (Art. 12, Additional Provisions), or a meeting of the LPDF which includes a wider range of actors (Art. 64). On 27 February 2023, Bathily announced<sup>18</sup> his intention to establish, “based on article 64 of the LPA” a high-level steering panel for Libya to facilitate the adoption of the legal framework and time-bound roadmap for the conduct of elections in 2023 and to advance consensus around related matters.

The reference to article 64 of the LPA meant that the planned mechanism would be a new type of Libyan political dialogue, potentially in the form of a reconvened LPDF or an adjusted version thereof. The mechanism was thus rejected by the two houses as well as by some regional actors who are able to exert leverage only through the two houses.

Bathily eventually abandoned the idea and, nine months later, came up with the proposal of convening<sup>19</sup> the “key Libyan institutional stakeholders (...) to reach a settlement on the politically contested issues pertaining to the implementation of the electoral process.”

Once again, the initiative was rejected, this time due to the format of the negotiations. The LNA and the HoR, who recognize the GNS parallel government led by Osama Hamad, demanded his participation, while the GNU and the HCS favored the exclusive presence of the internationally recognized government.

The HoR was also of the view that the legal framework for elections did not need to be discussed, since it had already been promulgated, which the HCS did not agree with. Further, the HoR and the LNA would only attend the negotiations if the issue of forming a new cabinet were on the table, which is something the GNU and the HCS did not accept. Thus, the idea of interinstitutional dialogue failed.

Bathily's initiatives remained light on substance and provided no agenda, timelines, procedures, or bridging proposals. His determination to tackle the matter as a mere technical issues about the elections reflected a lack of understanding of the political context. In essence, Bathily perceived himself as a convener, not a mediator, and he failed to grasp

the existential fears of the parties and thus to address them with incentives and guarantees.

On 17 April 2024, 18 months after his appointment, Abdoulaye Bathily tendered his resignation, citing<sup>20</sup> Libyan politicians' “stubborn resistance, unreasonable expectations and indifference to the interests of the Libyan people,” as well as the parallel and competing<sup>21</sup> “tracks led by individual state members that effectively undermined the UN-led process.” His then newly appointed deputy Stephanie Khoury took over and outlined, eight months later, yet another initiative.

Following a series of consultations with Libyan and international actors and, in particular, a Wilton Park-hosted meeting with a group of international actors and experts in early December 2024, Stephanie Khoury announced, on December 15, her intention to convene “a technical committee of Libyan experts to develop options to overcome contentious issues in the electoral laws and options to reach elections in the shortest possible time including with proposed guarantees, assurances and a timeframe.”<sup>22</sup> On the following day, she referred, before the UN Security Council, to the envisioned body as “an advisory committee to develop options for resolving outstanding issues in the electoral framework and pave the way for the holding of general elections and one government for all Libyans.”<sup>23</sup> The reference to a unified government may encourage the GNS, the LNA, and the HoR Speaker to support the Committee. It would also antagonize the Tripoli-based GNU and the Presidency Council.

On 4 February 2025, UNSMIL published a list of the Advisory Committee's 20 members,<sup>24</sup> which included some widely respected lawyers and personalities, but overall comprised people with known political preferences.

<sup>18</sup> Bathily, Abdoulaye (2023). Security Council Briefing of February 27th 2023. Available at [Abdoulaye Bathily, “Security Council Briefing of February 27th 2023”: ‘s Remarks to the Security Council meeting on Libya - 27 February 2023 | UNSMIL](https://www.un.org/press/en/2023/20230227libya.htm).

<sup>19</sup> Bathily, Abdoulaye (2023). Security Council Briefing of Nov. 23rd, 2023. Available at <https://tinyurl.com/24ukd8z2>

<sup>20</sup> Fetouri, Mustafa (2024). UN envoy to Libya resigns, further complicating already complicated reconciliation. Middle East Monitor, 25 April. Available at <https://www.middleeastmonitor.com/20240425-un-envoy-to-libya-resigns-further-complicating-already-complicated-reconciliation/>

<sup>21</sup> Abdallah, Kamel (2024). Libya: UN envoy quits. 30 April. Available at <https://tinyurl.com/589yhjd7>

<sup>22</sup> UNSMIL (2024). Statement by UNSMIL Officer-in-Charge, Stephanie Koury, on the UN-facilitated Libyan political process, 15 December. Available at <https://unsmil.unmissions.org/statement-unsmil-officer-charge-stephanie-koury-un-facilitated-libyan-political-process>

<sup>23</sup> UNSMIL (2024). DSRSG Koury's remarks to the UN Security Council - 16 December 2024, 16 December Available at <https://tinyurl.com/39mnsa5b>

<sup>24</sup> UNSMIL (2025). NSMIL announces the establishment of the Advisory Committee, 4 February. Available at <https://tinyurl.com/mtt69frw>

While the formation of this Advisory Committee was welcomed by the embassies of the US, the UK, and the EU, reactions from within Libya were mixed.<sup>25</sup> Individual members of the HoR, as well as some political parties, including the Muslim Brothers' National Democratic Party, welcomed the establishment of the Committee. Before the information on the Committee's composition was released, President Mnefi appealed to Libyan institutions to consider and assess its recommendation while at the same time calling for a national referendum on the contentious aspects of the electoral laws.<sup>26</sup> The two competing presidents of the HCS criticized the Committee, highlighting its imbalanced composition, which made it difficult for its members to recommend acceptable solutions.<sup>27</sup> The influential Mufti, Sadigh Al-Ghryani, seized the opportunity to criticize the UN Mission's work in its entirety accusing it of "deepening the Libyan conflict".<sup>28</sup>

It would seem that the initial idea, emerging during the Wilton Park meetings in particular, was to appoint a "technical committee" as part of a two-pronged process: one political, the second technical with the aim of jettisoning some of the problematic technicalities introduced by the two houses during the electoral debate, and thus depriving them of some of their agency.

However, what was eventually announced is just one of the two initially envisioned tracks feeding into the political forum. As indicated in the UN Mission's statements: "The Advisory Committee is not a decision-making body or a dialogue forum. (its) proposals will be submitted to UNSMIL for consideration for the subsequent phase of the political process".<sup>29</sup> This is, therefore, a downgraded version of Bathily's "Steering Committee", since the group only advises the UN Mission itself. But the reality is that the Libyan political process has not stalled due to technical problems. It has as a result of fundamental political issues that need mutual consent and guarantees for all. While this Committee could be extremely helpful for a UN Mission that lacks expertise, it is unlikely to have an impact on the Libyan political stalemate itself.

## THE UNTENABLE STATUS QUO

Despite the failure of Libyan institutions to agree on a path toward elections, and the gradual collapse of the arrangements set out in Geneva, international diplomats saw no urgency to push for a new political process. The status quo, they believed, seemed convenient to all parties: the oil was flowing, illegal migration was somehow being managed, and there were no military hostilities, nor were there any active terrorist groups. Further, the competing governments enjoyed equal access to state funds.

This assessment is, however, no longer valid, at least since the recent shifts in alliances within the Libyan political elite and the consolidation of the Russian military presence in the country in summer 2024. The arrangements agreed in Geneva have largely collapsed: they did not make it possible to hold elections, which was their primary goal. Instead, the country is back to competing governments, with an unprecedented degree of rivalry and fragmentation within state institutions and military groups, and divisions running deep within the High Council of the State, the Presidency Council, and the HoR. The recent crisis of the Central Bank of Libya (CBL) and the growing military build-up clearly sound the death knell of Libya's false stability period.<sup>30</sup> These developments have also revealed a new line of institutional confrontation: the Presidency Council has grown more and more willing to compete with the HoR in establishing faits accomplis, eventually imposing certain changes. This was evidenced, for example, in its dismissal of the Central Bank's governor, the establishment of a National Referendum Commission<sup>31</sup>, and questioning<sup>32</sup> the legitimacy and efficacy of the HNEC, and is now promoting the idea of an (electronic?) constitutional referendum.

Recent shifts in alliances risk superficially consolidating the status quo and dashing any hopes that Libyans might democratically decide on who is to govern them. The alliance between the speakers of the HoR and the HCS, a domestic reflection of the rapprochement between Egypt and Turkey, seeks to replace the current GNU without paving the way for elections. New elections would indeed result in replacing the members of the two houses. Likewise, General Haftar might be comfortable with the status quo, especially given his increased access to funds thanks to arrangements agreed with Prime Minister Dbeibah in a UAE-sponsored political track. This, however, does not exclude contradictory dynamics in the military landscape, notably attempts to destroy the western-based armed groups from within, thus facilitating an LNA takeover.

25 « ليبيا: ترحيب دولي وقلق محلي عقب الكشف عن تفاصيل اللجنة الاستشارية المشكّلة بمبادرة من البعثة الأممية », ٥ فبراير ٢٠٢٥. International welcome and local concern following the revelation of details about the advisory committee formed at the initiative of the UN mission, 5 February. Available at: <https://shorturl.at/wD3qU>

26 President Mnefi (2025). X, 1 February. Available at <https://x.com/LPCLYM/status/1885812572680560921>

27 « بوابة الوسط: ماذا بعد تشكيل اللجنة الاستشارية الليبية؟.. «بوابة الوسط» ترصد أبرز ردود الفعل », ٥ فبراير ٢٠٢٥. 'Al-Wasat Gate' monitors the most prominent reactions, 5 February. Available at <https://alwasat.ly/news/libya/466179>

28 Fawasel (2025), 5 February. Available at <https://x.com/fawaselmedia/status/1887228233344749724>

29 UNSMIL (2025). UNSMIL announces the establishment of the Advisory Committee, 4 February. Available at <https://unsmil.unmissions.org/unsmil-announces-establishment-advisory-committee>

30 Mezran, Karim. [The end of Libya's false stability period, op. cit.](#)

31 Libya Observer (2024). Mnefi establishes a National Referendum Commission, 12 August. Available at <https://libyaobserver.ly/inbrief/menfi-establishes-national-referendum-commission>

32 Al Wasat (2024). هل تعصف الصراعات بمفوضية الانتخابات؟ (Are conflicts plaguing the Electoral Commission?), 12 November. Available at <https://alwasat.ly/news/libya/457450>

To complicate matters further, Russia<sup>33</sup> has effectively transformed Libya into a crucial hub for its role<sup>34</sup> in Africa. Since the fall of the Assad regime in Syria, Moscow will only further increase its footprint in Libya.<sup>35</sup> This means that the next military confrontation will further fuel the civil war in Sudan and Mali, thus destabilizing the entire Sahel region. It will also pose serious security challenges for two important neighbors: Egypt, which is already facing active conflicts on its borders with Gaza and Sudan; and Algeria<sup>36</sup>, which is struggling to manage the Sahel conflicts<sup>37</sup> on its southern borders. Other risks include direct spillover effects for Europe, and strategic wins for Russia on NATO's southern flank.

Most countries in the West remain divided over Libya, while the US is focusing<sup>38</sup> on other conflicts such as Ukraine or Gaza, and on managing its competition with China. Yet, unless the international community, and especially the regional powers, act swiftly and effectively, there is a real risk that the future of Libya's political process will be hijacked and shaped by individual states such as Russia, Turkey, and Egypt.

At best, a Syria-like scenario would see these three countries act as guarantors for the warring parties, effectively sidelining the UN and Western countries. This is what the Astana Platform served as before Assad's downfall. A more extreme scenario might see Libyan politicians, based on precedents in Mali, Sudan, and Iraq, asking the UNSMIL to leave the country, thus depriving international actors of a multilateral forum from to address the Libyan crisis.

## AN ALTERNATIVE WAY FORWARD: CONSOCIATIONAL GOVERNANCE LEGITIMIZED THROUGH ELECTIONS

It would still be possible to avert Libya's downward trajectory through a credible political process stabilizing the country, unifying its institutions, and granting them popular legitimacy.

The LPDF Roadmap and the UN Security Council Resolutions endorsing it envision presidential and parliamentary elections being held simultaneously. Yet, as evidenced by the failure of the December 2021 elections, Libya has made no progress toward conducting competitive elections with winners and losers. Accordingly, one viable way forward might consist in holding elections in a manner that grant popular endorsement to a pre-agreed inclusive form of governance.

Resistance to elections in Libya stems from the existential fears of different political players. To counter these fears, elections should seek to contribute to a peaceful process and outcome, not the reverse.

- A first corollary to this objective is that presidential elections, in particular, cannot take the form of a zero-sum game but must be shaped by some sort of power-sharing agreement with safeguards and guarantees to avoid the usual traps.
- A second corollary is that the electoral framework can neither be unilaterally imposed by only one of two houses benefiting from the status quo, nor subject to their de facto veto.
- A third corollary is that elections can only be held in a conducive environment—and this is yet to materialize.
- A fourth corollary is that any kind of deal in Libya needs the commitment of the international community, especially the regional powers, as well as a competent and accepted mediator.

**First**, the failure of the December 2024 election<sup>39</sup> proved that a presidential election in the form of a zero-sum game represents an existential threat to all political players in Libya. Accordingly, a sole-presidency model is unlikely to be accepted in Libya's current context. An alternative would be for the presidential office to take the form of a collective body whose members reflect the country's geographical and political diversity. Such a solution is likely to shape candidacies and incentivize actors to build coalitions across the spectrum. To widen the participation of all political players in the management of postelection state institutions, power-sharing arrangements can be expanded, notably to include sub-ministerial positions and the so-called sovereign institutions. The prospect for all key players of being represented in the postelection phase would substantially reduce the risk of them opposing elections and make controversies over eligibility criteria irrelevant. Likewise, it would facilitate compromises on election security, management, supervision, and dispute resolution, and could render the demand for a new government moot.

In essence, the outcome would be a power-sharing formula ratified by elections. Yet, since power-sharing<sup>40</sup> in divided societies often makes it more difficult to govern and is prone to widespread corruption, the formula could be coupled with a governance protocol outlining princi-

33 Le Monde (2024). La Russie accroît sa présence en Libye, au grand désarroi des Occidentaux. 10 May. Available at: <https://shorturl.at/J8ZGo>

34 Georgetown Security Studies Review. Strategic Ambitions: Russia's Deepening Military and Geopolitical Footprint in Libya, op. cit.

35 Badi, Emad (2025). Russia is making a fragile pivot from Syria to Libya. The West should beware falling into a new trap. The Atlantic Council, 2 January. Available at <https://www.atlanticcouncil.org/blogs/menasource/russia-syria-haftar-libya/>

36 The Arab Weekly (2024). Military mobilisation of Haftar forces raises concern in Algeria, 11 August. Available at <https://thearabweekly.com/military-mobilisation-haftar-forces-raises-concern-algeria>

37 Toumi, Abdennour (2024). Algeria-Mali tensions: Long storm to instability in African Sahel., Daily Sabah 12 February. Available at <https://www.dailysabah.com/opinion/op-ed/algeria-mali-tensions-long-storm-to-instability-in-african-sahel>

38 Winer, Jonathan M. (2024). In Libya, UN failure and Russian influence require updated US policy. Middle East Institute, 25 April. Available at <https://www.mei.edu/publications/libya-un-failure-and-russian-influence-require-updated-us-policy>

39 Hammady, Omar (2022). What Went Wrong With Libya's Failed Elections. Foreign Policy, 18 February. Available at <https://foreignpolicy.com/2022/02/18/libya-elections-2021-postponed/>

40 Said, Salam (2024). Oil, power and military might – Democracy and society. IPS Journal, 4 October. Available at <https://www.ips-journal.eu/topics/democracy-and-society/oil-power-and-military-might-7822/>



ples of government formation and operation, with clear safeguards, effective oversight, and dispute resolution mechanisms, as well as sanctions for breaches. The overall framework would serve as an interim constitutional arrangement.

This arrangement should also help the country avoid the mistakes of the past, specifically the transformation of temporary deals into permanent arrangements and the entrenchment of the current military status quo. A serious shortcoming of the LPA was that it rewarded continued negotiations and transformed the two temporary houses -that it was meant to replace through elections- into permanent institutions. This arrangement should, therefore, only be in place for a predetermined period of time, during which the country's permanent constitution should be completed. Beyond a fixed deadline, incumbent institutions would automatically lose their mandate triggering snap elections. While security sector reform (SSR) and disarmament, demobilization, and reintegration (DDR) plans would be unrealistic in the current context, the ultimate objective of the deal should be to bring all armed forces under unified and professional command. Tools to achieve this should be developed immediately and should seek to address the economic interests underlying the existence of armed groups as well as other ill-governance challenges.

Even elections with the least polarizing outcome need a framework for their management and dispute resolution. The Libyan electoral body, the HNEC, has been politicized by domestic and foreign actors. It would also seem that, if involved in the electoral dispute resolution, the Libyan judiciary will be operating under duress. It was already politicized in the run-up to the December 2021 elections. Its weaponization has now reached new levels with the establishment<sup>41</sup> of a competing constitutional court in the east of the country, thus creating chaos<sup>42</sup> at the apex of the judicial branch. Therefore, involving courts in the electoral process would endanger both the judiciary and elections.

The management of elections and the resolution of related disputes might therefore be best addressed by an ad hoc international(ized) body with endorsement and guarantees from all authorities in the different areas of territorial control. Notably, Libya's Permanent Representative to the UN recently suggested<sup>43</sup> holding elections "under UN or international supervision." Instead of a "new unified government" that does not have access to all areas of territorial control, de facto authorities might be more amenable to granting access and protection to an international(ized) electoral body with a large and accepted mandate.

**Second**, should the two houses fail to agree on elections, if not exert a de facto veto, the procedure for the adoption of an election framework, in line with the Libyan Political Agreement, would require the convening of a Political Dialogue Forum. The latter would be more diverse and inclusive than the process implemented by the two houses and, notably, would bring together the key political players. The Forum could decide on and directly promulgate the constitutional and legal frameworks. This should not be designed as a protracted process but rather a well-prepared event.

**Third**, the push for presidential and parliamentary elections while dismissing the prevailing environment on the ground has so far only resulted in exacerbated tensions and rival cabinets. This is a reminder of the need to create a conducive environment for elections. This should include reinvigorating the ongoing national reconciliation processes, empowering local governance units, improved and fairer provision of services and state investment throughout the country, and confidence-building among institutions and communities. Likewise, incentives for members of the two houses and the GNU to accept elections that are meant to replace them will be critical. These incentives do not need to be preconditions for elections but credible processes for their realization should at least be underway.

**Fourth**, challenges to the current political process are compounded by the lack of much-needed international consensus<sup>44</sup> on Libya and an accepted mediator.

With the US focusing elsewhere and European countries divided over Libya, regional powers should, together with Western nations who are willing and able to invest in stabilizing Libya, build on the current momentum to help shape a credible and effective political process, putting an end to Libya's descent into chaos. Libya could be a showcase for a cooperative and mutually beneficial approach<sup>45</sup> in the context of the recent rapprochement between Egypt and Turkey. Several GCC countries hold influence over the Libyan parties, while the African Union is mandated to facilitate a national reconciliation process. This is an indicative list of potential brokers of a viable political deal in Libya.

The mediator's art would consist in leveraging international and regional positions to effectively manage a multilevel mediation process. The UN has finally appointed a new Special Envoy for Libya, Hanna Tetteh from Ghana. Her true test will lie in her ability to navigate the contingencies and complexities of the Libyan landscape, and to formulate sound and creative bridging proposals.

41 Fawasel Media (2024). رغم الحكم ببطان إنشائها من المحكمة العليا... افتتاح وتفعيل المحكمة الدستورية في بنغازي - منصة فواصل (Despite a Supreme Court's ruling annulling its establishment... opening and activation of the Constitutional Court in Benghazi), 19 September, Available at <https://shorturl.at/QW6MV>

42 Hammady, Omar (2022). No one should be judge in his own cause. Minbar Libya, 12 December. Available at <https://en.minbarlibya.org/2022/12/14/no-one-should-be-a-judge-in-his-own-cause/> From an X thread. Original available here: <https://tinyurl.com/s54jy29n>

43 Intervention of Libya's Permanent Representative during the UN Security Council meeting on the situation in Libya, 19 June 2024. Available at <https://webtv.un.org/fr/asset/k15/k15xcuh7nm>

44 International Crisis Group (2022). International Unity is Needed to Prevent a Divided Libya, 3 March. Available at <https://shorturl.at/H4Cdi>

45 Al-Ghwell, Hafed (2024). What does Egypt-Turkiye rapprochement mean for Libya? Arab News, 6 April. Available at <https://www.arabnews.com/node/2489121>

# CONCLUSION AND RECOMMENDATIONS

Libya's slide into chaos is reversible. It can still be addressed with robust international and regional diplomacy seizing the rapidly closing window of opportunity. Failing this, there is a real risk that the political process will either be hijacked by certain individual states shaping it in their own interests, or that a long cycle of suffering and disintegration will ensue before a new political process can be designed.

The only way to reverse the current downward trajectory is to hold elections, providing the country with unified and legitimate institutions. In any case, this seems to be the only item on the international agenda for Libya. If elections are to contribute to a peaceful process and outcome, not the reverse, diplomats and policymakers may wish to consider the following recommendations:

As the UN contemplates yet another attempt at political dialogue in Libya, effective planning and preparation are of the essence. The UN needs a strong mediator in Libya with the required expertise and acceptance by the parties. The mediator should be able to rely on, mobilize, and leverage regional and international support.

Regional countries and international actors who are both willing and able to help Libya and have an interest in the country's stability should use their leverage with the Libyan parties and their foreign backers to move toward elections, putting an end to the long political transition and institutional disintegration.

The outcome of any political dialogue that might be launched cannot be a deal between the two houses only. The HoR and the HCS have so far proven unable and/or unwilling to pave the way for elections, and inclusiveness requires a broader range of participants. The LPA was not an agreement between the two houses, nor was it meant to prolong their mandates. It was an agreement between "participants in the Libyan dialogue," a wider and more diverse set of actors, and aimed precisely at moving beyond the institutional split of which the HoR and HCS are the first expression, both chronologically and politically.

The bridging proposals suggested in this paper, notably a collective presidency and an inclusive government, should provide all parties with incentives, including the guarantee that they will be part of the country's governance in the postelection phase. The purpose of this package is to lend democratic legitimacy to a pre-agreed political deal for peaceful and effective governance. This includes elected institutions having a time-bound term, being subject to effective oversight and control, and implementing a clear

program of government. Their ultimate purpose shall consist in paving the way for competitive elections based on a permanent constitution.

Elections must be organized in a conducive environment. To this end, processes must be initiated to achieve national reconciliation, empower local governance, ensure service delivery, improve the framework, and create the conditions for the exercise of civil and political rights.

Elections must be organized/supervised by an international(ized) body with endorsement and guarantees from all authorities in the different areas of territorial control. The High National Electoral Commission (HNEC) might not be regarded by everyone as a politically neutral or impartial organ. Further, de facto authorities in certain areas of control in the Libyan territory might be more amenable to granting access to and cooperating with an empowered international(ized) electoral body than with a new government allegedly tasked with preparing elections. If need be, this option could render the controversy over "a new government" moot.

The weaponization of the judiciary during the run-up to the December 2021 elections, culminating in the recent split at the apex of the judiciary, showed that involving the Libyan courts in the resolution of electoral disputes endangered both the judiciary and elections. It would therefore be advisable to entrust the role of organizing and supervising elections to the same international(ized) body suggested above.

## ABOUT THE AUTHOR

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## IMPRINT

Publisher:  
Friedrich-Ebert-Stiftung Libya Office  
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Design: Mehdi Jelliti  
Review: Dr. Salam Said



[Libya.fes.de/publications.html](http://Libya.fes.de/publications.html)

# LIBYA'S STALLED POLITICAL PROCESS

## Options for the way forward



Despite apparent stability, Libya's status quo is untenable. Pragmatic understandings between the competing authorities reflect their own predatory policies rather than attempts at stabilizing the country. Risks of military takeover remain credible. Yet, given the increasingly complex ramifications of the conflict, renewed military hostilities risk disastrous consequences for the region and beyond. The political process designed by the LPDF Roadmap should have culminated in the holding of simultaneous parliamentary AND presidential elections. These failed, in Dec. 2021, over two issues reflecting existential fears of the political players: the sequencing of elections, and eligibility conditions of the President.



The purpose of this policy paper is to suggest a way forward for Libya's stalled political process. It contends that if elections are contribute to a peaceful process and outcome, the presidential office cannot be framed, in the current context, as a one-man office. The electoral framework should be adopted by an inclusive forum, not be hijacked by the two houses. A conducive environment for elections needs to be built; and, finally, an effective engagement by regional actors and a competent mediator, would be critical.



The key proposal of the policy paper is a package deal addressing the existential fears on elections. It assumes that the prospect for the key political actors being included in the post-election governance would reduce resistance to election. Accordingly, framing the presidential office as a collective body would make the controversy over eligibility conditions irrelevant. It also envisions an inclusive post-electoral government. This inclusivity could be expanded to sub-ministerial and other key State positions. The outcome would be a power-sharing formula which, in divided society, is prone to corruption and ungovernability. To address this challenge, this package shall include effective safeguards and oversight mechanisms and sanctions for breaches. It shall notably include a fixed time-limit, to implement a clear program of government, with a view at adopting a permanent constitution ending the transitional period.

For further information on this topic:

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