


## Relapsing into deadlock: Libya's recurring government splits and international recognition dilemmas

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### Theme

In Libya, domestic authority fractures have become a constant in the midst of a fluid conflict. The practices of international recognition of governments pursued since 2011 have faced dilemmas stemming from three dichotomies: international vs domestic recognition; legitimacy vs effectiveness; and coherence vs inclusivity in conflict mediation and peacemaking.

### Summary

Twelve years after the spark of the revolution and the international military intervention that overthrew the regime of Muammar Gaddafi in 2011, Libya is yet to see the light at the end of the tunnel of protracted turmoil and intermittent civil war. Parliamentary and presidential elections were planned to take place on 24 December 2021; however, three days earlier, the High National Election Commission suspended the entire process. Agreed by the Libyan Political Dialogue Forum (LPDF), this electoral roadmap provided some hope for Libyans to overcome **conflict and fragmentation**. Since its failure, the country has seen a new government split along the lines of the authority fractures in 2014-15 and 2016-21. Two parallel cabinets are operating again in Tripolitania (West) and Cyrenaica/Barqa (East) since February-March 2022, with the ensuing increased risk of return to violent conflict.

### Analysis

#### Background and analytical reconsiderations of the Libyan conflict

Over the past 12 years, Libya has gone through the overlapping upheavals of revolution, international military intervention and civil war in three episodes (February-October 2011, May 2014-December 2015 and April 2019-October 2020), as well as relatively quieter interludes devoted to stabilisation, political transition, security sector reform (SSR) and state-building attempts (October 2011-May 2014, December 2015-April 2019 and October 2020-now). Yet, at no time have the latter efforts resulted in a sustainable conflict settlement. Against a backdrop of deepening political fragmentation and hybridisation of security governance in the country –due to the blurred boundaries between state and non-state actors–, the failure of conflict resolution has been conspicuously associated, at the institutional level, with recurring authority splits and international recognition contests.

The 2014 fracture stemmed from a controversy over the extension of the mandate as a legislature of the 2012-elected General National Congress (GNC), as well as the validity of the results of the elections that were held to replace it by a new House of Representatives (HoR). The two rival parliaments ended up operating in parallel from Tripoli and Tobruk, respectively, with each of them sustaining its corresponding appointed government. Furthermore, as Libya's second civil war (May 2014-December 2015) broke out, each of them received armed support from armed non-state actors remobilised around the coalitions Libyan Dawn (pro-GNC) and Operation Dignity (pro-HoR), the latter led by the military strongman Khalifa Haftar and what the HoR would designate as the 'Libyan National Army', also known as the Libyan Arab Armed Forces (LAAF).

A second government recognition controversy emerged just as this one drew to a close. In late 2015 a Government of National Accord (GNA) was established in Tripoli under the terms of the UN-led Libyan Political Agreement. Yet, while backed –and arguably created– by a strong international recognition consensus, the GNA's domestic recognition was never complete, impaired by the denial of consent from the HoR and its armed allies. As a result, an eastern parallel government and administration remained in place operating from Bayda, though with a decreasing political salience compared with Haftar, his LAAF and the HoR itself. The third and last government split is the one that has signalled the deadlock of the transition roadmap following the end of the third civil war (April 2019-October 2020). The unification and exclusivity achieved by the interim Government of National Unity (GNU) designated in March 2021 by the LPDF, under the leadership of Abdelhamid Dabeiba, were short-lived. A new eastern competitor came up just one year later amid disagreements over the irregular prolongation of the GNU's mandate in the absence of parliamentary elections, as the HoR appointed former Interior Minister Fathi Bashagha to form yet another government.

This pattern of divisions and polarisation at the executive and legislative levels has become a constant in the midst of a fluid conflict whose core cleavages and framing have significantly changed since 2011. While the collective identity and purpose of most armed non-state actors was primarily local in origin and reliant on their 'social embeddedness',<sup>1</sup> their larger-scale positioning within the broader game of the conflict owed much to the external recognition and support they received at different points in time. This applies to the revolution vs the Gaddafi regime framing of the 2011 civil war, which translated into a revolutionaries vs counterrevolutionaries dichotomy in the post-war transitional politics, as well as to the overlapping West vs East and Islamists vs secularists oppositions that have prevailed since the 2014-15 civil war. The latter discursive framework, in particular, was always in fact less reflective of the actual makeup of the two sides and armed alliances –both of which have comprised an assorted range of non-Islamist and Islamist forces– than the ideological leanings of the regional backers of each side, ie, Turkey and Qatar for the GNC/Libyan Dawn and later the GNA, and Egypt, the United Arab Emirates (UAE) and Saudi Arabia in the case of the HoD/Operation Dignity and Haftar's LAAF.

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<sup>1</sup> Wolfram Lacher (2020), *Libya's Fragmentation: Structure and Process in Violent Conflict*, I.B. Tauris, London.

In fact, the most fundamental and longstanding political cleavage shaping the post-2011 confrontation in Libya has been one between horizontal and vertical modes of authoritarian governance. Tripolitania has been dominated by a form of authoritarianism 'populist in character and often portraying itself as revolutionary' that 'allows space for horizontal arrangements between rivals and a small degree of tolerance for political initiative on the part of citizens and local leaders'. On the other hand, in contrast to this relatively more pluralistic and unpredictable governance, the alternative model consolidated by Haftar and his supporters in Cyrenaica is a 'more vertical' one, 'which tolerates almost no contestation, even moderate'.<sup>2</sup>

When it comes to the violent conflict dynamics, it is similarly useful to reconsider the analytical lenses through which the international community has approached Libya over these years in at least two ways. First, while this is certainly an internationalised civil war, and one that has become more conspicuously so in its 2019-20 iteration due to the overt foreign (para)military intervention of Russia –through the Wagner Group– and Turkey, describing it as a proxy war is inaccurate and misleading inasmuch as it underrates domestic agency. In fact, rather than acting at the initiative or on behalf of regional or global powers, Libya's 'local actors played a key role in internationalising the conflict by soliciting and manipulating foreign support for their own interests and agendas'.<sup>3</sup> From a political economy perspective, the autonomy of such local actors, including armed non-state actors, has been preserved and reinforced thanks to the persisting rentier nature of the Libyan state and its institutional bits and pieces. Oil and oil revenues managed by the Central Bank of Libya have kept flowing even in the shakiest conditions to all sorts of (para)state and double-hatted local actors.

Secondly, rather than pigeonholing the country into the problematic category of failed states, the outcome of Libya's deepening fragmentation may be better understood as the consolidation of multiple areas of limited statehood. Defined as 'parts of the territory or policy areas in which the central government lacks the capacity to implement decisions and/or its monopoly over the means of violence is challenged', the point about areas of limited statehood is that they are 'neither ungoverned nor ungovernable',<sup>4</sup> and not always necessarily associated with violent conflict.

### International government recognition dilemmas and pitfalls (2011-19)

One further aspect of the international involvement in post-2011 Libya that deserves closer attention is the broad range of practices of international recognition of governments that have been pursued during the course of this conflict, ranging from the macro to the micro level, and from highly formalised procedures with legal implications to purposefully unofficial modes of interaction. The repertoire includes declaratory, diplomatic, informal engagement, intergovernmental cooperation and support practices. Furthermore, in a context of recurring domestic authority splits and areas of limited

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<sup>2</sup> Jalel Harchaoui (2022), 'Libya's electoral impasse', *Noria Research*, November.

<sup>3</sup> Alessia Melcangi & Karim Mezran (2022), 'Truly a proxy war? Militias, institutions and external actors in Libya between limited statehood and rentier state', *The International Spectator*, vol. 57, nr 4, p. 121-138.

<sup>4</sup> Tanja A. Börzel & Thomas Risse (2021), *Effective Governance Under Anarchy: Institutions, Legitimacy, and Social Trust in Areas of Limited Statehood*, Cambridge University Press, Cambridge.

statehood, these practices have confronted three dilemmas stemming from the gaps or tensions between international vs domestic recognition, legitimacy vs effectiveness and coherence vs inclusivity.

First, the mismatch between international and internal recognition has been prominent in situations where the former has preceded the latter, yet the externally-backed government has proved eventually unable to achieve a viable [social contract](#) with all the key societal groups and political stakeholders inside the country. This domestic recognition deficit has affected, to a greater or lesser extent, all the successive internationally-recognised governments in post-2011 Libya. It was already a concern for the National Transitional Council (NTC) established in Benghazi upon the anti-Gaddafi uprising in February 2011. Originally conceived as a tool of rebel diplomacy vis-à-vis the international community, the NTC, in parallel, had to provide governance in areas under rebel control during the 2011 civil war, and eventually became the country's government for nearly 10 months after the civil war came to an end. Tensions between the two roles were inevitable. Still, the NTC mitigated them thanks to a mix of revolutionary legitimacy and the legal effects of its increasingly formal international recognition, which enabled it to secure access to some of Libya's frozen assets abroad and thereby continue to pay state salaries at home.

The gap between international and domestic recognition was greater in the case of the GNA established in late 2015. The reason for this was the rush that pushed a powerful range of international actors –including multilateral organisations such as the UN, the EU, the Arab League and the African Union– to '[pledge \[their\] support](#)' for this would-be unified central government even *prior to* the actual signature by Libyan actors of the Libyan Political Agreement (Skhirat agreement) that founded it. The urge mostly came from the Western crisis approach to both the capture of the Sirte region by the Islamic State (IS) group and the increase in migrant sea crossings from the Libyan coast to Italy. A regular Libyan government was needed as a partner for international anti-terrorism and anti-migration cooperation efforts to be effectively, and legally, boosted. Yet, the initial [strong international](#) and EU endorsement of the GNA was not met with a similar level of domestic sanctioning. The power-sharing elite deal was spoiled as the HoR –the country's (transitional) legislative authority in accordance with the Libyan Political Agreement– denied consent to the GNA. Besides a new West-East government split, the GNA's domestic recognition shortage was reflected in its very struggle to physically set foot in and operate from Tripoli, exerting effective rule over the [armed non-state actors that controlled the capital's security](#). In my interviews with Libya-focused diplomats and international practitioners based in Tunis in early 2019, there was a widespread, ex-post acknowledgment that the GNA had been one of those 'fictions the international community has to get into'.<sup>5</sup>

Secondly, the relationship between the legitimacy and effectiveness of the various aspiring Libyan governments is a complex one, and foreign actors have had to balance between these two types of criteria. In the case of the GNA, after being originally externally enabled, legitimacy became taken for granted and prioritised by the

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<sup>5</sup> As part of the research project 'The Transnational Politics of Recognition in the Libyan Civil War', funded by a British Academy/Leverhulme Small Research Grant (SRG18R1\181252).

international community, who expected a virtuous circle whereby effectiveness would progressively come to match it. However, from 2016 onwards, the GNA did not become more effective in its rule over Libyan territory and population. Quite the opposite: its rival Haftar's LAAF consolidated and expanded its control in the east and the south of the country. This led international interaction with this anti-GNA rebel to gradually shift from informal engagement to increasingly official diplomatic practices, deflating the exclusiveness of the recognition of the GNA in several respects.

Diplomatic practices towards Haftar grew in significance from bilateral visits from regional allies such as Egypt and the UAE to official invitations from Russia in 2016, and to participation on an equal footing with the GNA's head Fayez al-Sarraj in the Libya-focused multilateral summits organised by France and Italy in 2017 and 2018. Chief among the justifications for such an evolution provided in my fieldwork was that Haftar could 'not be ignored' as an effective 'party on the ground' and that it was 'one of the stakeholders' with most 'influence on the peace process'. The non-governmental nature of this actor was helpful because it allowed to claim that dealings with him were not in breach of the international recognition consensus. In any case, Haftar's effectiveness-based international recognition worked as a self-fulfilling prophecy in consolidating a diplomatic *fait accompli* at least until the 2019-20 civil war.

Thirdly, the de facto veto-player role of Haftar's LAAF and other Libyan armed non-state actors raised the dilemma between coherence and inclusivity in conflict mediation and peacemaking processes. This applied most notably to the mediation efforts undertaken by the UN Support Mission in Libya (UNSMIL) after the establishment of the GNA, when the UN had thrown all its weight behind this government and was thus considered one-sided by other Libyan players. From mid-2017 onwards, though, concerns about the counterproductive side-effects of this approach led UNSMIL to reconsider and reframe its mandate putting a greater emphasis on engagement with 'all Libyan political actors' and 'bridging the inter-Libyan divide'. This change of method was influenced by the Special Representative of the Secretary-General Ghassan Salamé's preference for bottom-up mediation and grassroots dialogue initiatives involving non-state actors, as part of his roadmap for the Libyan national conference that was supposed to be held in the spring of 2019. The aim of such a wide-ranging preparatory consultation process was that the national conference endorsed a pre-negotiated transition plan that enjoyed the wide domestic consensus and domestic recognition that the Libyan Political Agreement and the GNA had lacked three years earlier.

### A collapsing transition roadmap and yet another authority split (2020-22)

Some lessons from the previous decade's international government recognition and peacemaking dilemmas seemed to have been learnt at the outset of the new transition stage upon the end of the 2019-20 civil war. The page was definitely turned regarding coherence on the international recognition of an insufficiently effective GNA. Inclusivity was the name of the game in the LPDF launched by the UN in November 2020, whose 75 participants were supposed to represent 'the full social and political spectrum of Libyan society'. The first outcome of this dialogue was what UNSMIL described as a 'roadmap to credible, inclusive and democratic national elections'. This comprised both



parliamentary and presidential elections, which were supposed to be held jointly on the symbolic date of the 70<sup>th</sup> anniversary of Libyan independence, 24 December 2021.

In addition, the same LPDF appointed the GNU as a new interim, unified Libyan government for the pre-election period, electing Dabeiba as Prime Minister. Dabeiba's cabinet stood out as the country's first single government since 2014. Unlike in the negotiation process leading to the establishment of the GNA in 2015, this time domestic recognition took precedence over international recognition. Furthermore, the former was fully accomplished in institutional terms, as the GNU won [parliamentary confidence from the HoR](#) with a sweeping majority in March 2021 –which also put an end to the existence of the eastern parallel government–. A different question is whether the LPDF delegates, the HoR members and the Libyan political elite they represented could genuinely embody and provide domestic recognition in the sense of the broader social contract. UN peacemaking continued to rely on an [elite bargain](#), and internal 'power dynamics which mirror those that followed the establishment of the GNA in 2016' could be observed again soon after the inauguration of the GNU.<sup>6</sup> Also, and putting legitimacy aside, the GNU's effectiveness in terms of territorial control and monopoly over the use of force remained as partial and patchy as that of the GNA. Areas of limited statehood continued to characterise Libya's governance.

Indeed, as predicted by several Libya analysts, the LPDF's roadmap was doomed to crumble in less than a year's time. Its weaknesses emerged in the first place in relation to the electoral process, for which the LPDF failed to establish a legal framework. This, compounded with the more fundamental absence of a constitution, made longstanding disagreements resurface over the sequence of elections, ie, the order in which parliamentary and presidential elections should take place, and whether a constitutional referendum should necessarily precede them. Seizing the opportunity provided by such a legal vacuum, the HoR speaker –and Haftar ally– Aguila Saleh issued a [unilateral and skewed 'presidential electoral law' in September 2021](#). Besides not having been approved in a regular parliamentary vote, Saleh's law was controversial for two main reasons: first, it reversed the LPDF's agreement to hold presidential and parliamentary elections jointly by establishing that the former occur ahead of the latter; and second, it loosened eligibility criteria in a way that allowed both Haftar and Saleh himself to run for the presidency –while maintaining their existing official positions–.

Two additional problematic developments that concurred with Saleh's manoeuvring were the announcements of the presidential candidacies of Prime Minister Dabeiba and the son of the former dictator, Saif al-Islam Gaddafi. The former thereby reneged on an earlier commitment not to do so, while the latter, wanted by the International Criminal Court, provoked an intense backlash in many circles inside and outside Libya. Political tensions were thus running high when, three weeks before the election date of 24 December 2021, the High National Election Commission suspended the whole process.

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<sup>6</sup> Emadeddin Badi (2021), 'Libya's government of national (dis)unity: the misleading choreography of conflict resolution', *Confluences Méditerranée*, nr 118, p. 23-35.

Just two months later, the GNU also lost its brief status as Libya's unified government. With the electoral process frozen and the GNU's interim mandate extended sine die under the leadership of a Dabeiba willing to perpetuate himself in power, in February 2022 the HoR took the initiative to replace this cabinet by a new one headed by Bashagha. At the end of the 2019-20 war, the GNA's former Interior Minister had struck a political deal with his hitherto rival Saleh –and thereby with Haftar– which resulted in both Bashagha and Saleh leading what looked like the favourite list for the GNU at the LPDF. The alienation of this duo/trio due to the LPDF's unexpected election of Dabeiba would culminate with the swearing-in at the HoR of Bashagha's so-called Government of National Stability (GNS) in March 2022. Unsurprisingly, Dabeiba's GNU refused to cede power to this competitor, resisting political pressure and stopping –with some Turkish support– a budding military offensive on Tripoli to dislodge it in the summer.

Clashes in the capital in the summer of 2022 heightened the international community's fears that Libya's new government split and legitimacy crisis further destabilise the country, provoking a return to civil war. The international and regional political conjuncture is not pushing in that direction at the moment, though. The Turkish-Russian entente that greatly contributed to putting an end to the 2019-20 war has been matched by a wave of reconciliations between the regional supporters of Libya's opposing conflict parties, including the end of the Qatar blockade by Saudi Arabia and the UAE, and the mending of ties between Egypt and Turkey. Yet, the present stability reflects 'a stalemate rather than a settlement'.<sup>7</sup>

In this fragile context, in September of 2022 the Senegalese Abdoulaye Bathily was appointed the new Special Representative of the Secretary-General and head of UNSMIL. Bathily called for the organisation of the postponed elections to be sped up so as to avoid putting the country 'at risk of partition'. Then, following an extensive series of consultations in February 2023, he has proposed to set up a high-level steering panel in charge of agreeing the legal framework as well as a time-bound roadmap for presidential and legislative polls to be held in 2023.

## Conclusions

While foreign players have certainly had a crucial role in freezing or unfreezing the Libyan conflict at various points in time, the key to solving it remains first and foremost domestic. This is no proxy war, and both the Libyan political elite and armed non-state actors seem overall content with the status quo given the currently limited levels of violence and, not least, the rising global prices of energy since the outbreak of Russia's war on Ukraine. That explains the general lack of a genuine commitment to relaunch the transition and electoral roadmap. Last summer's protests by disgruntled Libyan youth in multiple cities from Tobruk to Tripoli were indeed directed against the entire national political elite, revealing more profound domestic recognition and social contract issues that will affect any future conflict settlement and Libyan government.

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<sup>7</sup> Wolfram Lacher (2023), 'Libya's new order', *New Left Review*, nr 139, January-February.

The international community has learnt only half of the lessons from the past decade of Libyan government splits and international recognition dilemmas (2014-15, 2016-21 and 2022-now). Upon the end of the 2019-20 civil war, at the time of the establishment of the LPDF, it was already widely assumed that domestic recognition should always take precedence over international recognition, that governance legitimacy cannot thrive by itself without effectiveness, and that coherence around international government recognition positions may stand in the way of the inclusivity –and success– of conflict mediation and peacemaking. However, the problem of the now-embraced inclusivity – common to both the LPDF and Bathily's new high-level electoral steering panel– is that it remains partial and vulnerable to hijacking from members of the Libyan political elite who have little interest in a successful transition. Overcoming this catch-22 situation is certainly not easy, but in any case, the only way ahead hangs on democratic elections. Attempts to form a viable, unified Libyan government by other means have repeatedly failed.

In order to actively support UNSMIL and Bathily's plan of holding elections by the end of 2023, the EU's efforts in the coming months should focus on ensuring intra-EU and broader international political unity to deter spoilers. At the same time, if it materialises, the national reconciliation conference for Libya that the African Union has announced it is preparing to host should also receive strong EU backing. Finally, complementary dialogue formats should be considered in order to give some international oxygen to an increasingly neglected Libyan youth and civil society.