

Commentary, June 25, 2014

THE DANGERS OF INCONCLUSIVE ELECTIONS

MATTIA TOALDO

Today, Wednesday, June 25, Libyans go to the polls for the second time since Gaddafi's fall in 2011. The atmosphere surrounding the polls is not one of enthusiasm and participation. Libya is slowly but steadily slipping into a period of protracted violence, if not a full blown civil war. Elections were seen by many as a panacea but they may turn out to be a missed opportunity if no meaningful reconciliation is started and if a low turnout affects legitimacy.

Since May 16, two armed coalitions have been fighting each other: on one side an alliance between Retired General Khalifa Haftar, former members and units of the army who defected from the Gaddafi regime during the revolution in 2011 and the Zintan militias which control crucial parts of Tripoli; on the other side the extremist militia-cum charity Ansar al-Sharia and militias from Misrata or close to the Muslim Brotherhood. Violence concentrated in the east, particularly in Benghazi, although the parliament in Tripoli was assaulted on May 18 in what remains to date the most symbolic act of the fighting.

Haftar's coalition, united under the banner of "opera-

tion Dignity", claims to be fighting against "terrorists", though this concept often overlaps with those of "Islamists" or with the Muslim Brotherhood. The retired general has attracted a good level of popular support in light of several factors: the concern over rampant violence which in Benghazi alone left 50 dead among government and security officials in February; the anti-Brotherhood feelings among large parts of those who have supported the revolution; the distrust of the sitting parliament, the General National Congress (GNC), which had attempted to extend its mandate well beyond what many Libyans thought was legitimate.

The GNC was unable to approve the 2014 budget, which went into effect "automatically" four months after deposed Prime Minister Zeidan proposed it. Nor was the GNC able to quell the chaos generated by the tens of different militias, some even linked to prominent members of parliament. The result is a growing distrust of democratic institutions and of the transition in general.

As a consequence, registration for these elections was



about half of that for the previous polls in July 2012: 1.5 million now as compared to 2.8 back then and out of a population of over six millions. Given the violence in the east and in the south, a first question was how many of the 1,300 polling stations spread all over the country would be open. In this sense, Libya may surprise the world again: in 2012, separatists in the east threatened to block the elections but managed to keep only a handful of polling stations closed.

More worryingly, few of the usual guarantees for free and fair elections are in place in Libya today. No courts are operating in Benghazi, Derna, Sirte and Sebha while, despite UNSMIL's efforts, there is no comprehensive international monitoring mission in all corners of the country.

Ultimately, these elections may not solve the crisis of legitimacy affecting Libya's main institutions. Results will be hard to understand immediately for foreigners since the electoral law forbade party lists and candidates are formally all independents and elected in single-seat constituencies with a simple majority system. In the absence of clearly defined political blocs, this may result in the elections of notables and local leaders without clear affiliation. Although existing national parties will field their candidates, existing fragmentation coupled with the single-seat constituencies may again produce members of parliament who represent only around 10% of the voters in their district. This could mean an extremely narrow base of support if turnout is low among the already low number of registered voters.

Most factions have guaranteed to international envoys that they will recognize the results but it is hard to say whether elections will put an end to the fighting. The last attempt at reconciliation was organized by the UN Special Mission in Libya (UNSMIL) for June 18 but it was aborted because of opposition from Haftar's front. The new parliament, which will change its denomination into "House of representatives", will need to elect soon a new Prime Minister if government authority is

to be restored. Not an easy task given the fragmentation resulting from the electoral law which will add to the existing territorial rifts between cities that played different roles in the revolution and the ensuing civil war.

Squabbling and inconclusive negotiations over the new cabinet may leave the country without a government in its full powers for months, at a time when the country badly needs to be governed: resuming oil production and stopping the current violence should be the priorities. Some of the warring militias may see this potential power void as a window of opportunity to make a consensual solution even harder to achieve. This would imply waging an all-out war against the Brotherhood and Ansar al-Sharia, on the lines of the regional confrontation between the conservative monarchies and Egypt on one side and different strands of Political Islam on the other side. Coincidentally, Haftar has asked more or less explicitly Egypt's support.

But Libya is not Egypt: no "deep state" exists that could prevail on the different strands of Islamists who, contrary to Egypt, have organized and powerful militias on their side. A period of protracted violence, if not a full blown civil war, could ensue at least in the East of the country while the South could further slip outside of the control of civilian authorities.

A national unity government, with the support of all or most of the big power-brokers (including the powerful militias from Zintan and Misrata), could be the beginning of the solution. It would need to rest on the confidence of parliament, whose legitimacy will hinge on turnout and the dangers of fragmentation described above. In this sense, elections may prove to be a missed opportunity to re-legitimise democratic institutions with a strong popular mandate or, worse, an accelerator of the crisis if the new government is not recognized by the warring factions.

This would precisely be the right moment for more engagement with Libya from Europeans and Ameri-



cans. The US, the UK, France and Italy have all appointed Special Envoys which have worked relentlessly to bridge the gaps between the factions. This has proved an impossible task in the past as most actors seem to prefer a winner takes all approach while appearing to have solid regional backers to pursue this strategy.

The big prize in Libya is control of the oil sources. The main leverage, particularly for Europeans, is to restate what was implied in UN Security Council Resolution 2146: that they will not buy oil traded by forces antagonistic to the democratically elected government while actually putting in place military operations to block such illegal trade. Whether this will be enough to stop a civil war is hard to say.