LIBYA'S NEXT ELECTIONS

A STEP FORWARD OR A STEP BACK?

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[Libyans need new elections to produce a competent and electorally legitimate government that the international community can support in navigating the myriad challenges the country faces.…That said, elections themselves present a major risk.]

Summary

- Amid deadlock in resolving Libya's internal conflict, Libyans and the United Nations Support Mission in Libya are preparing to hold presidential and parliamentary elections—possibly before the end of 2018.

- Because none of Libya's existing governments has enough legitimacy to garner the necessary domestic and international support, elections are necessary. Elections, however, present a serious risk—especially if they are held prematurely.

- The risk for violence and further state collapse is heightened by Libya's long-standing fragmentation, its recent history, and uncertainty around the future of the state.

- Raising the stakes is competition over Libya's state institutions, oil resources, and frozen assets. Political, factional, and local grievances also exacerbate the risks for violence.

- The ongoing National Conference, subnational reconciliations, security-sector reform talks, and the inability of any actor to militarily dominate could all serve as resiliencies as Libyans approach elections. These are likely not enough, however, to mitigate much of the expected violence.

- The UN Support Mission and the international community are encouraging competing Libyan factions to come together to produce a constitution and election laws. Both are crucial steps before elections are held.

- After the elections, Libyans will face a host of unresolved challenges, not the least of which will be consolidating competing factions, finalizing a constitution if this is not accomplished before the elections, and conducting security-sector reform.

- The international community should support alternatives that delay general elections. This would give Libyans time to work toward compromises and establish conditions for more durable elections that see less violence.

- Members of the international community also need to be more deliberate in coordinating their approach to avoid unintentionally complicating efforts in Libya.

- Finally, the international community should prepare for the possibility that elections could prompt another, more intense phase of violence.

Introduction

Since the uprisings in Libya began in February 2011, the country has seen considerable upheaval. The international community has tried to facilitate a transition to democracy, but success in remedying Libya's fragmented politics has been fleeting thus far. The General National Congress (GNC)—an outcome of the July 2012 elections—and the government it formed proved unable to withstand the centrifugal forces of competing militias and power centers that pulled away from Tripoli and continue to violently contest fledgling state institutions, resources, and territory. The June 2014 elections produced a rival parliament—the eastern-based House of Representatives (HoR)—and resulted in a multiyear internal conflict. Since then, Libya has seen fierce fighting among numerous militias, many of which have taken zero-sum positions, though none is powerful enough to take control of the country.

Amid the conflict, the United Nations Support Mission in Libya (UNSMIL) has worked toward a resolution by mediating negotiations between the competing governments, which resulted in the Libya Political Agreement (LPA); the Government of National Accord (GNA), intended to be a unity government; and most recently, in September 2017, an "Action Plan" intended to facilitate a national conference, fully enact the LPA, establish a constitution, create election laws, and, last, hold presidential and parliamentary elections before the end of 2018. Almost a year later, little progress has been made on any of these objectives, and the peace process has continued to stagnate.

If the current dynamics persist, it is unlikely that Libyans will both fully undertake the action plan and hold elections by the end of 2018. If factions attempt to bypass or rush crucial elements—especially the enactment of a constitution—and move toward elections too quickly, the results could be disastrous. Without a constitution in place, newly elected leaders will have poorly constrained powers and poorly defined term limits and mandates, and the stakes for the elections will therefore be far higher than they would be otherwise. Clashes and violence are expected regardless of election results, and, in the probable outcomes this report explores, multiple scenarios portend a high probability for escalated conflict.

Despite the risk, international powers—most notably France—have pressed for elections on a tight time frame. On May 29, 2018, French President Emmanuel Macron held a conference in Paris with prominent Libyan figures representing competing governments and factions and reached an agreement to hold elections by December 10, 2018.[1] If Libyans are to meet this deadline, they may need to skip over fully implementing the action plan. They will, at the very least, need to draft and pass election laws before holding new elections and to come to some kind of constitutional basis. Because opportunities for obstruction in this process are numerous, the possibility is very real that either militias or political factions could prevent elections from coming to fruition.

Elections are indeed necessary to produce a new body that Libyans and the international community can support to take up the mantle of governance and state-building, but they are a dangerous undertaking. Because Libya is in a state of tumultuous transition and conflict, the risk for election violence—that is, violence intended to influence outcomes, invalidate results, or disrupt and prevent elections altogether—at each stage of the electoral process is high. Libya is controlled by competing and clashing militias rather than by cohesive political institutions and a unified security apparatus, and thus elections, if they are held, will take place under varied levels of security across the country. The access of the High National Election Commission (HNEC) to multiple areas will likely be inhibited, making elections all the more contentious.

Map 1. Libya

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Even if elections avoid exacerbating the conflict and produce a new government, they will hardly address the underlying drivers for violence in Libya, which require both short- and long-term mitigating measures. Elections will, in a best-case scenario, be a horizontal move to transfer power from defunct and competing institutions to a new body that the international community can support. A new government will still face profound challenges as it attempts reconciliation and undertakes much needed state-building measures, and it could easily falter.

This report uses a modified version of the US Department of State Bureau of Conflict and Stabilization Operations' Electoral Violence Assessment Framework as a methodology, complemented by relevant elements from other leading frameworks and practice guidelines. The report is structured as a hybrid between an electoral violence assessment and an analysis of the conflict rather than as a traditional electoral violence assessment. This is necessary given that Libya's elections are not the continuing function of an existing state but rather part of an attempt to construct a new state out of ongoing internal conflict.

In addition to an extensive review of secondary sources, the author and contributors interviewed UNSMIL officials, Libyan interlocutors and practitioners, country and regional experts in the US government, nongovernmental organizations, and the academic community working on and in Libya.

Background

Multiple factors increase the likelihood for violence and could prompt a resumption and intensification of conflict around Libya's next elections. These include, but are not limited to, the long-standing fragmentary nature of the state, the recent history of contested elections and internal conflict, and the profound uncertainty regarding Libya's future.

A Fragmented Libya

Libya's fragmentation, a major source of conflict and impediment to electoral success, is by no means a new phenomenon. Since well before the formation of the modern state of Libya, inhabitants of the three regions of the country—Tripolitania, Cyrenaica, and Fezzan—have been, for the most part, tribally and locally oriented. When Muammar Gadhafi took power in 1969, he began further de-institutionalizing Libya, abolishing the monarchy and later creating what he called the Jamahiriya, a "state of the masses." Although the Jamahiriya was nominally an experiment in direct democracy, it was hardly a functioning democratic enterprise. Instead, it consisted of disparate local governance committees—which bypassed central institutions and had direct relationships with an all-powerful Gadhafi—and, as a result, Gadhafi became the only entity holding Libya's localities together.[2] Given the country's historical lack of strong central institutions, the fall of Gadhafi resulted in the fragmentation of a fragile order. Now, as Libyans approach elections, they are not trying to *restore* cohesion. Rather, they are trying to form institutions and cohesion for the first time. Electoral politics in such a fractious environment portend violence.

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Recent Electoral History

Previous electoral contestation, violence, and internal conflict are predictors for future election violence, and, indeed, all three factors have been present in Libya since the Gadhafi regime collapsed in 2011. Although the July 2012 parliamentary elections did not result in significant violence, the body they produced—the GNC—and the government that parliament formed failed to quell internal rivalries, setting the stage for contestation and disorder and inhibiting Libya's transition. The secular-oriented National Forces Alliance (NFA) initially won the plurality of seats, but the Muslim Brotherhood, by forming alliances with independents and Salafists, overtook the NFA.[3] In May 2013, the Islamist-dominated GNC passed the highly controversial Political Isolation Law to prevent any officials of the former Gadhafi regime from holding office—a measure widely regarded as targeting the NFA and secular parties.[4] In December 2013, the GNC controversially voted to extend its mandate from February 2014 until December 2014.[5]

Met with backlash over the extension, the GNC relented, agreeing to hold parliamentary elections later in 2014. However, prior to these elections, Khalifa Haftar—a former general in Gadhafi's armed forces, an anti-Gadhafi dissident in the 1980s and 1990s, and most recently a self-appointed military leader in eastern Libya—launched a military campaign dubbed Operation Dignity. In May 2014, gunmen loyal to Haftar stormed the parliament building, taking hostages and forcibly suspending the GNC. Haftar concurrently launched a military campaign on Salafi jihadist militias in Benghazi, some of which were affiliated with and loyal to the GNC.[6] Sporadic fighting continued across Libya in the following weeks. In June, with forces loyal to Haftar still holding Tripoli, elections were held to replace the GNC. These elections saw notably low turnout—largely because of violence that prevented polling in numerous loca-

tions across the country.[7] Given the low turnout, secular factions aligned with Haftar defeated the Islamists handily.[8]

In July 2014, Misratan militias and their Islamist allies launched Operation Libya Dawn in Tripoli in defense of the would-be outgoing GNC. These militias prevented the newly elected body, referred to as the House of Representatives, from taking power in Tripoli, and the security situation made it impossible for the body to take power in Benghazi. In turn, the HoR relocated to the eastern city of Tobruk.[9] Meanwhile, the GNC refused to disband and remained in power in Tripoli.[10] In November 2014, Libya's Supreme Court ruled that the HoR was illegitimate, but the HoR and its supporters rejected the ruling, accusing Misratan and Islamist militias of holding the Tripoli-based court hostage.[11] The political and electoral dispute resulted in a multiyear factional conflict, and though fighting has slowed and the security situation has improved in Benghazi and Tripoli, the experience of 2014 set a bad precedent. For Libya's competing factions, it is clear that violence can be an effective response to electoral disputes.

Uncertainty Regarding Libya's Future

Although UN-led negotiations produced a political agreement and the GNA in December 2015, crucial issues remain unresolved. The lack of resolution leaves open the space for violent competition to answer questions of governance and security, thus presenting a significant risk ahead of elections.

The most prominent of Libya's unresolved issues are the lack of a constitution and, relatedly, the lack of clarity on the structure of the next government and the security sector. The Constitutional Drafting Assembly (CDA) completed a draft constitution on July 29, 2017, but the Libya Political Agreement still requires the draft to be ratified by a public referendum organized by the HoR. Political rivalry between and within eastern and western blocs and disputes over the constitutional draft's measures may stand in the way of its adoption. And even if these impasses are resolved, given the time that would be needed for preparations, holding a well-structured referendum far enough in advance of general elections will be difficult, if not impossible, should those elections take place in 2018. If a constitution—one that clarifies the structure of governance, the powers and limitations of the president and parliament, and the future roles of major armed groups and military leaders—is not in place, the stakes will be especially high in Libya's next elections. A lack of constraints on presidential power and poorly defined term limits and mandates will make zero-sum calculations more prevalent and likely result in violence.

The future structure of the security sector also remains unclear. Because the country's numerous militias have been unwilling to shed their existing structures and form a national army loyal to a central government and neutral police forces, Libya has been unable to create a viable security apparatus. Following the 2011 uprising, the National Transitional Council's and GNC's attempts to circumvent this fragmentation created a sprawling and disjointed security sector that incorporated militias by putting them on the government's payroll without requiring them to disband and restructure into a unified force. Militia-dominated parallel structures were cumulatively more powerful than the regular army, which was itself dominated by select militias and factional forces that largely retained their structures and political objectives.[12] Militias that were opposed to one another were able to collect revenues and weapons from Tripoli, biding their time until they fought openly, rupturing the state. If the government that the new elections produce is not capable of implementing and enforcing effective reforms in the

security sector, nonstate armed groups will be validated in a similar way as before, and further violence will likely follow.

Major Actors

Libya's main actors can each have an impact—positive or negative—on the process and outcomes of elections. The following is by no means an exhaustive list, nor does it fully explore all of the internal fragmentations within these camps.

Government of National Accord

Formed in December 2015, the GNA took its seat in Tripoli in April 2016. This government is headed by the nine-member Presidency Council, which is led by President Faiez al-Serraj and eight vice presidents and ministers to represent Misrata, Haftar's Libyan National Army, Zintan, the Muslim Brotherhood, southern Libya, and other constituencies.[13] The GNA is intended to incorporate the HoR as its legislative body and the General National Council as a High Council of State (HCS)—the latter serving as an advisory body under the HoR. Most of the GNC disbanded and reconstituted itself as the HCS, but the HoR has yet to join the GNA. Thus the GNA has yet to fully come into effect.[14]

Despite its international recognition, the GNA does not have wide support across Libya and still controls only select areas in the capital. Any control it exerts on the ground is possible only because of a loose and fragile alliance of militias—most from Misrata, Tripoli, and other parts of western Libya. Indeed, militias within the GNA have fought each other at times—most notably in the clashes between Misratan and Tripoli militias over the presence of Misratan forces in the capital.[15] Even if they stay consolidated, however, these militias are not capable of providing elections security across the country. Moreover, they have the capacity to disrupt the electoral process and may well do so should they fear losses.

[The GNA's] militias are not capable of providing elections security across the country.

Khalifa Haftar and the Libyan National Army

Among Libya's most powerful actors, Field Marshal Khalifa Haftar is a military figure who fought both for and against Gadhafi over the course of his decades-long career.[16] After spending twenty years in exile in northern Virginia, he returned to Libya amid the 2011 uprisings. He originally formed his self-styled Libyan National Army (LNA), while in exile, as the military wing of the anti-Gadhafi National Front for the Salvation of Libya in the late 1980s. The group resurfaced as a meaningful entity during and in the aftermath of the 2011 uprisings.[17] Today, the LNA mainly comprises regular armed forces; the Special Forces (or the Saiqa Brigade), under the command of Wanis Bukhamada; tribal factions in the east; and Tebu fighters from the south.[18] It has also quietly forged alliances with Saudi-backed Salafist fighters in multiple localities.[19]

Under Haftar's leadership, the LNA launched Operation Dignity against Ansar al-Sharia and other jihadist fighters in Benghazi and against Misratan militias supporting the GNC in Tripoli. In March 2015, the HoR appointed Haftar as commander of the armed forces on its behalf—effectively christening the LNA as its armed forces.[20] Most elements of the LNA have remained opposed to authorities in Tripoli, be they the defunct GNC or the GNA.

According to several public sources, including a May 2016 UN Panel of Experts report, Haftar's LNA has enjoyed financial and military support from the United Arab Emirates (UAE), Egypt, and Russia, enabling it to finance its military campaigns.[21] *The Guardian* and

the *Middle East Eye* reported in 2016 that the LNA has also received diplomatic and counter-terrorism support from France and alleged counterterrorism support from the United States and the United Kingdom.[22] If it acts as a cohesive entity, the LNA will have the capacity across the country—and especially in the east—to mitigate violence ahead of and during elections, but it will also have the capacity to foment and disrupt elections. If external backers exert their influence, they likely can pressure the LNA to support High National Election Commission activity and facilitate elections rather than undermine them.

Since defeating Ansar al-Sharia and its allies in Benghazi, the LNA has become more fragile in the face of tribal divisions, tribal grievances against Haftar, and tensions between regular LNA units and the Special Forces. Rumors and reporting that reverberated throughout April 2018 of the seventy-five-year-old Haftar being medically incapacitated (though they proved false) made internal tensions all the more pressing. Should Haftar be forced to step down or substantially weakened before the elections, the LNA could become far less cohesive. Factions are unlikely to fight one another—certainly not in any sustained fashion—but in a weakened alliance, they may be less likely to cooperate and less capable of projecting force beyond Cyrenaica. If the LNA fragments, HNEC's task of ensuring security in the east during the electoral process will be far more complex and will portend escalated violence.

House of Representatives

Libya's House of Representatives was formed by the June 2014 parliamentary elections but, unable to take power in Tripoli or Benghazi, was forced to operate out of the eastern city of Tobruk. Ageela Saleh Issa, from the eastern town of Qubbah, is president of the HoR, which mainly comprises members of the National Forces Alliance, who are more secular leaning and internationally oriented, and Federalist factions in Cyrenaica that seek greater autonomy in a federated system.[23] Because the HoR is tasked with drafting election laws (alongside the HCS) and preparing a referendum for the constitutional draft, it has significant influence over pre-election proceedings.

As noted, Haftar is the HoR's commander of armed forces, and his LNA provides protection for the HoR, but the HoR has no civilian oversight over Haftar and the LNA. In some sense, the HoR can be seen as a political extension to Haftar's military power; it has on more than one occasion blocked measures in the negotiations that would weaken Haftar.[24]

Because the HoR does not control its allied militias, it has no capacity in and of itself to conduct violence or provide security during the elections. But insofar as its political figures have greater access to the international community than its armed factions, it may be able to leverage its position to dissuade these fighters from engaging in violence.

Misratan Militias

The western coastal city of Misrata is home to an array of Libya's most powerful militias, most of which fall under the Misrata Military Council and have played a decisive role in Libya's conflict. The most powerful of these militias mainly consist of more moderate elements, such as the pro-GNA Halbous and the Mahjoub Brigades, but also include more extreme factions, such as in Salah Badi's Sumoud Front, that have continued supporting the remnants of the GNC.[25] The degree to which Misrata is a cohesive entity varies, but its militias have for the most part remained unified in the face of external opponents from the east. Many of the more

powerful Misratan militias, though perhaps conservative, are not necessarily Islamists themselves, though they sided with Islamists for much of the conflict in opposition to Haftar.[26]

When they were aligned with the GNC in Libya Dawn, it was widely reported—including in the May 2016 UN Panel of Experts report—that Misratan militias had received support from Turkey and Qatar. However, in 2016, most of Misrata's powerful militias abandoned the GNC and Libya Dawn to join the newly formed GNA.[27] Now backing the internationally recognized government, Misrata's most powerful militias have received international logistical and material support and counterterrorism support from the United States and its partners via Tripoli in the fight against the Islamic State.[28] The degree to which hard-line Misratan militias—especially those still supporting the GNC—continue to receive support from external actors outside the framework of the GNA is unclear.

Misratan militias control major territory in western Libya and have the capacity to either facilitate or hinder elections in these areas. The course they choose, and whether they remain largely consolidated, remains to be seen. Many in Misrata's business community want an end to the war and a return to some degree of normalcy.[29] Invested in their relationship with the international community vis-à-vis the GNA and hoping to protect their interests by gaining sufficient access to the new government, Misratan militias may indeed prove cooperative as the HNEC carries out its work. That said, Misratan factions are widely seen to harbor anti-Gadhafi, anti-Haftar, and anti-NFA sentiments. If they believe their opponents will win and neglect their interests, these militias may opt to use violence to disrupt elections.

Tripoli Militias

Controlling Tripoli is an array of local militias, the most prominent of which are the Tripoli Revolutionaries Brigade, formed in April 2011, and anticrime Salafist militias, including the Nawasi Brigade, the Special Deterrence Forces, and the Abu Slim unit of the Central Security Apparatus.[30] Although they have at times clashed, these militias have mostly cooperated or at least refrained from seriously challenging one another. Before the GNA arrived in Tripoli, these brigades supported Libya Dawn, and in this capacity received support via the GNC. After the GNA arrived in March 2016, however, many of these militias joined the new government, acting as a crucial component of its security apparatus and allowing it to take control of parts of Tripoli. Because the GNA is the internationally recognized government, these militias have been able to receive international support.

Tensions between Tripoli's militias and their Zintani counterparts are long-standing—and were especially heightened from May to August 2014, when the two clashed in the capital and over the airport. However, since joining the GNA, Tripoli and Zintani militias have cooperated—most notably defending the GNA against the October 2016 coup attempt carried out by pro-GNC militias. The Tripoli militias have also for the most part cooperated with their Misratan counterparts—first under the Libya Dawn umbrella and today as co-supporters of the GNA—but tensions between the two over the Misratan presence in the capital have surfaced, most notably resulting in clashes in March 2017.[31]

Like other powerful armed factions, the Tripoli militias have the capacity to either facilitate or hinder elections and other crucial state-building efforts. Although most of these militias have thus far defended the GNA, they have also faced accusations of participating in kidnappings and extortion.[32] Their perceptions of how they and their favored candidates and factions will fare in the elections will factor into their calculus and behavior vis-à-vis the electoral process.

Zintani Militias

Zintan, a large city in the northwestern Nafusa Mountains just southwest of Tripoli, is home to an array of powerful militias that, like the Misratan groups, have been able to project power outside their home city. Most of these fall under the Zintan Revolutionaries' Military Council, and their most powerful groups include the anti-Islamist Lightning Brigades (or the Sawa'iq Brigades) and the Qaa'qaa' Brigades. Zintani militias have had long-standing rivalries with both Misratan and Tripoli militias—especially during the height of the Zintani militias' alliance with Haftar during the conflict that emerged in 2014. Since the GNA came to power in March 2016, a number of Zintani militias have grown closer to the new government and have fought to protect it—even alongside former rivals in Tripoli and Misrata.

Given the Zintani militias' strength, they too can either facilitate or hinder elections in both their territory and beyond. Although they seem cooperative with the UN's and the international community's efforts at present, they could (should they fear losing) easily launch attacks and offensives to disrupt the electoral process.

The Muslim Brotherhood and Islamist Factions

Although the Islamist-dominated GNC is no longer a meaningful entity, the Muslim Brotherhood remains a player in Libya. Today it likely has a substantial, if not dominant, faction within the High Council of State. Indeed, the HCS voted for the Muslim Brotherhood's Khaled al-Mishri to be its president in April 2018.[33] Given this position, the Muslim Brotherhood may have influence—if not veto power—on the election laws that an HCS and HoR joint committee is tasked with drafting. The Muslim Brotherhood may also have some influence through its informal relationships with Salafi jihadist and Islamist militias, in the past funneling logistical support to these fighters in Benghazi and elsewhere.[34] In addition, pro-GNC, pro–Muslim Brotherhood militias still exist—mainly in the west—and continue to oppose the GNA, but the Muslim Brotherhood has not demonstrated ability to control them.[35]

Because the Muslim Brotherhood and Islamist political figures have no control over any militias, they cannot directly conduct violence to inhibit elections. However, if they fear losing standing in the elections, they may well attempt to instigate protests and violent reactions among more extreme followers. Given that the Muslim Brotherhood has reportedly received support from Qatar and Turkey, these powers may have some influence and ability to pressure it to support rather than disrupt the electoral process and other state-building efforts.[36]

Salafi Jihadist Groups, the Islamic State, and al-Qaeda

Various Salafi jihadist groups are likely to remain outside of, and may attempt to disrupt, the political process. Although some of these groups have received indirect support from the Islamist-dominated GNC, they have consistently rejected any central government—regardless of whether it is controlled by secularists, the Muslim Brotherhood, or any other faction.[37] The most prominent include, but are not limited to, the following:

- The *Islamic State* has taken and subsequently lost multiple swaths of territory since it emerged in Libya in 2014. That September, the group took control of much of the eastern city of Derna, holding it until April 2016, when it was driven out by a combination of Haftar's offensives and attacks by competing jihadist groups. In the spring of 2015, the Islamic State took control of the central city of Sirte from Libya Dawn, holding it until December 2016, when Misratan militias and the GNA-affiliated Petroleum Facilities

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Guard retook the city. In early 2016, the Islamic State took control of parts of Sabratha in western Libya, but competing militias recaptured the city in October 2017. Although the Islamic State has lost most of its territorial control, it continues to operate clandestinely in areas across Libya, conducting attacks against multiple factions. One such attack, when two suicide bombers targeted the High National Election Commission's headquarters in Tripoli and killed at least fourteen people on May 2, 2018, underscores how serious a threat the Islamic State and other jihadist factions pose to elections and to Libyans working toward peace writ large.[38]

- *Al-Qaeda* exists in two main capacities in Libya—al-Qaeda in the Islamic Maghreb (AQIM) and loosely linked groups that emerged out of the now-defunct Libyan Islamic Fighting Group (LIFG). AQIM, along with a handful of groups that have splintered away from it, operate in southwestern Libya in cooperation with Tuareg tribes and other interstate factions, taking advantage of the porous borders and operating lucrative smuggling networks in the Sahel region.[39] Because of its distance from Libya's main cities and vital infrastructure, AQIM has been relatively removed from the current conflict. Al-Qaeda's loosely affiliated groups in the northeast that broke away from the LIFG, however, have been far more involved. The most prominent of these, Ansar al-Sharia Libya, operated in Benghazi and led the Benghazi Revolutionary Shura Council to fight Haftar from the summer of 2014 to the spring of 2017.[40] These groups in the northeast largely collapsed after Haftar's operations in Benghazi and either joined the Islamic State or formed the Benghazi Defense Brigades.

- The *Benghazi Defense Brigades* are an assortment of Islamist fighters—many of whom are connected to the now-defunct Ansar al-Sharia Libya—who fled Benghazi after Haftar's military operations there.[41] The brigades mainly operate in parts of central Libya and briefly took control of key infrastructure in the oil crescent and Jufra farther south before Haftar's forces drove them out.[42] The Benghazi Defense Brigades are at odds with the GNA but have had a cooperative relationship with some Misratan militias.

The stated objectives of most of these and other jihadist groups include the establishment of an Islamic caliphate and the implementation of sharia (and indeed many of these groups do implement some version of sharia). Their more immediate objectives, however, have been to dominate patronage networks outside those that would fall under a state apparatus and to accrue power and money.[43] Successful central governance is a profound threat to the success of these groups, and to prevent such an outcome they are very likely to disrupt HNEC activities in the lead-up to and during elections.

Interests and Grievances

An understanding of competing interests and grievances at play in Libya offers insight into the nature and intensity of violence expected before, during, and after elections. Interests at stake center around the state institutions needed to capitalize on Libya's oil resources and sovereign wealth. Grievances include polarization over the role of former and current Gadhafists, perceived Gadhafists, and Haftar; the secular-Islamist divide; and localized divisions, sometimes within camps and tribes, across the country.

Control over Resources and State Institutions

Since Gadhafi's fall, Libya's militias and political factions have fought over Libya's lucrative oil fields, production facilities, terminals, and the institutions needed to monetize these resources—the National Oil Corporation, the Central Bank of Libya, and the Libyan Investment Authority (Libya's sovereign wealth fund). Although these three institutions are all under control of the GNA, Libya's most lucrative oil fields and terminals, which span from Es Sidre to Zuetina, are under LNA control, complicating Tripoli's efforts to export.[44]

Following the political division that resulted from the 2014 parliamentary elections, the HoR established and attempted to operate its own rival National Oil Company, Central Bank, and parallel sovereign wealth fund, but throughout 2014 and 2015, oil sales were significantly reduced and inconsistent.[45] Although the parallel institutions have not formally disbanded, the HoR and the LNA have come to deals with the GNA's National Oil Corporation to sell oil via Tripoli, and, since the GNA was established, Libya has been able to increase its outputs, reaching 1.05 million barrels per day in April 2018.[46] Despite these improvements, the situation is highly precarious—most recently demonstrated in a succession of contestations over eastern oil terminals in June and July 2018 by Haftar, elements of the Petroleum Facilities Guard and the Benghazi Defense Brigades, and the competing oil companies. The summer 2018 issues have since been resolved, but the situation remains fragile. Control over Libya's oil resources and related institutions will be hotly contested in the next elections.

Beyond capitalizing on Libya's current and future oil sales, Libya's $67 billion sovereign wealth fund is also at stake. The Libyan Investment Authority is intended to control this fund, but most of it was frozen by the United States and European countries in 2011 to prevent theft and abuse by competing Libyan factions. The Investment Authority has been a source of consternation and is a focal point for potentially violent competition. In August 2018, the body accused the nominally pro-GNA militia that was tasked with guarding it of extorting and coercing its employees. As a result, it was forced to relocate to an undisclosed location.[47] That the winner of the next elections may gain control of the Investment Authority and access to Libya's frozen assets makes the elections all the more contentious.

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Anti-Gadhafi Sentiments and Policies, and Divisions over Haftar

Another source of tension lingering in the post-Gadhafi era is that of Gadhafi himself and former regime figures. Since the uprisings, Misratan and Islamist factions have seen the NFA and eastern factions (which now dominate the HoR) as being littered with former Gadhafi officials. In May 2013, the Islamist-dominated GNC pushed through the Political Isolation Law to prevent any members of the former Gadhafi regime from holding office.[48] In February 2015, however, the HoR revoked the law. Any attempt to reconstitute another version of this policy will likely be a trigger for violence. Concurrently, attempts by Gadhafists to run for the presidency and parliament will also be a trigger for violence.

In addition to anti-Gadhafi sentiments, strong anti-Haftar sentiments also exist among Libyans—especially those in the west who fear Haftar will attempt to retake all of Libya by force, as he has vowed to do.[49] Should Haftar run for or win the presidency, he indeed could provoke a violent reaction from his opponents.

Secular-Islamist Divide and Libya's Proxy War

Most Libyans are fairly conservative Muslims, but many are divided into ostensibly secular and Islamist factions. Those in the secular camp are for the most part aligned with the NFA and LNA and, having performed well in the 2014 elections, dominate the HoR. Those in the Islamist camp formed the Muslim Brotherhood and, having come to dominate the GNC, remained with it and Libya Dawn militias during the HoR-GNC standoff. Libya's Islamists have also had connections with harder-line Salafist militias, many of which operated outside the GNC's security apparatus. These Islamists have promoted a range of governance models for Libya, from a constitution based on Islamic law to harsher variations of Islamic governance. Tensions between secular and Islamist factions are expected to manifest in the next elections and may well result in violence.

A secular-Islamist divide, however, is not the best framing for Libya outside discussion of the foreign involvement that these inclinations attract. Although these labels can be used to identify two broad domestic camps in the conflict, major disputes have largely centered on control of state institutions and patronage networks rather than religious or irreligious policies, and neither Islamist nor secular ideology has been an overriding factor in determining alliances. Nonetheless, these camps have attracted foreign support on the basis of their purported ideologies. The secular camp has reportedly attracted support from the UAE and Egypt, and the Islamist from Qatar, Turkey, and Sudan. That these external actors' competitions have manifested in proxy conflict has complicated and intensified Libya's conflict. This competition is likely to continue into elections, because external parties will want to ensure that their Libyan proxies take control of state institutions and resources and diminish the influence of their competitors.

Divisions Within the East, West, and South

Although Haftar's LNA dominates the east, and Misratan and other Tripolitanian militias largely dominate the west, divisions exist within these areas. Violence in each of these areas presents major obstacles to the High National Election Commission's elections and current and future governance efforts.

In eastern Libya, tensions within the LNA and Operation Dignity have grown far more acute since the defeat of Ansar al-Sharia. In late March 2016, elements of the Petroleum Facilities Guard defected from the LNA, opting to support the GNA, and even began cooperating with former opponents in Misrata to fight the Islamic State in Sirte.[50] Since then, the Petroleum Facilities Guard and the LNA have clashed over oil infrastructure and territory in the oil crescent.[51] Other militias and key figures who were once supporters of Haftar have also reportedly defected since the GNA took its seat in Tripoli.[52] Within the rest of the LNA are rifts between the regular LNA units and the Special Forces, tensions among tribes, and tensions between native eastern tribes and Haftar.[53]

In the west, divisions exist in and around Tripoli among pro-GNA militias, militias supporting the remnants of the GNC, and tribal factions, and these sides have clashed periodically. In October 2016, this fighting came to a head as pro-GNC militias attempted a coup against the GNA.[54] In Misrata, tensions simmer between hard-line and more pragmatic militias. Misratan divisions have not often lead to open fighting—especially during the height of the current conflict when Misratan militias stayed consolidated to face Haftar—but the city's militias are by no means in lockstep.[55]

As they do in the east, geographic, tribal, and ethnic rivalries pervade in the west. The Misrata-Zintan rivalry saw fierce clashes over Tripoli in 2014, and though factions reached a reconciliation agreement in March 2018, friction between them likely persists.[56] Clashes in Tripoli between Misratan and Tripoli militias supporting the GNA have mainly been over the presence of Misratan forces in the capital. This fighting was most prominent in March 2017 and resulted in a tenuous ceasefire that month.[57] In addition, Sabratha has seen fighting between local clans and GNA forces, discord between Arabs and Berbers continues, and tensions are high between Misratan militias and localities seen as pro-Gadhafi—most notably Sirte and Tawergha.[58]

Although eastern and western cities and towns along Libya's coast have commanded most observers' attention, significant divisions are also present in the south. These include tensions among Arab, Tebu, and Tuareg tribes over oil resources and smuggling networks, as well as tensions among factions in the south that have aligned with the LNA, the GNA, or the GNC.[59]

Opportunities

Opportunities that can and should be fostered to mitigate violence and resolve disputes in advance of elections include the UN Support Mission in Libya's National Conference, ongoing subnational and security-sector reform (SSR) talks, and the lack of a capable strongman or entity that can take the entire country by force.

The National Conference

Moving away from the shuttle diplomacy at the core of UNSMIL's efforts to produce the Libya Political Agreement, the new UN special representative to Libya, Ghassan Salamé, has attempted to bring disparate parties together in a more dialogue-oriented approach.[60] In September 2017, Salamé announced an "Action Plan" to implement the LPA, which included a National Conference—a multipurpose forum to bring together Libyans from all factions, especially those who felt excluded from previous peace talks—to engage in discussion, strengthen the LPA, and give input to the Constitutional Drafting Assembly.[61]

Ideally, the National Conference can renew national dialogue efforts, which will be necessary to bridge the gaps between Libyans for whom—thanks to the long-standing fragmentation of the country—the defining factor of their relationships with one another has been competition and contention. Establishing a meaningful dialogue ahead of Libya's next elections would be an important step to mitigating contestations and violence and preventing rivalries from becoming crystalized in electoral disputes.

Although the conference has the potential to serve as a resiliency, it remains unclear that it will. On July 17, 2018, the "consultative phase" of the conference was reported to have been completed, but it is still unclear what the next phase will be, how representatives will be or have been selected, and what input and impact the conference will have on UNSMIL's action plan and other state-building efforts.[62] Whether the National Conference does make progress—before or after the elections—and discourages spoilers from disrupting the electoral process remains to be seen.[63]

Subnational Talks and SSR Negotiations

Amid the conflict, Libyans have held a handful of subnational negotiations and reached local agreements that could serve as a basis for further reconciliation. In late March 2018, officials, notables, and military figures from Misrata and Zintan—two localities long at odds

that have engaged in violent clashes—concluded reconciliation talks in Tunis with an agreement to avoid further bloodshed, ensure a civil state, work toward national reconciliation, promote rule of law and a peaceful transfer of power, push for security-sector reform and a unified army under civilian control, and fight terrorism.[64] Earlier, in the December 2017 South Reconciliation Forum (also held in Tunis), local representatives from the Fezzan region came to a similar agreement, calling for unity and an end to violence.[65]

Meanwhile, LNA representatives and military figures from Misrata have engaged in multiple rounds of talks in Cairo since June 2017 to discuss SSR. In mid-February 2018, LNA spokesman Ahmed al-Mismari claimed that negotiators were close to reaching a deal, though it remains unclear what, if any, progress has been made to bridge key divides among the camps.[66]

These subnational negotiations and talks over SSR are important first steps toward reconciliation and should be encouraged, but considerable progress is still needed. Agreements on paper and the fact that competing parties are engaging directly are indeed positive developments, but conferences in Tunis and Cairo will not necessarily produce results on the ground without substantial support and pressure from the international community.

Limited Capacities

The inability of major actors such as Haftar's LNA, Misratan militias, and other competing factions to use military force to take control of the country, its resources, and its institutions could serve as a resiliency. These limited capacities have already prompted otherwise intractable actors to negotiate oil- and revenue-sharing agreements vis-à-vis the Tripoli National Oil Company. To benefit from the sale of oil, western factions have had to negotiate with eastern factions that control Libya's most lucrative oil resources and infrastructure. Likewise, eastern factions have had to negotiate with the Tripoli National Oil Company to legally sell the oil resources they control to international buyers.

Whether factions' limited capacities can be used to produce compromises on political and other state-building initiatives remains to be seen, but such opportunities will not come to fruition if competing actors continue receiving support that is not conditioned on their cooperation with one another. Such support, if it continues, may result in some form of de facto partition rather than compromise.

Pre-Election Challenges

The UN Support Mission in Libya's Action Plan calls for Libyan factions to agree on amendments to fully implement the LPA and legitimate the GNA, ratify a constitution, and pass election laws prior to general elections—all of which are contentious endeavors.[67] In the absence of international consolidation, these factions have not felt enough pressure to make progress on the LPA and are now likely to abandon this step. The GNA is therefore not, and likely will not be, officially enacted. International actors pushing for elections hope the new government they produce can replace Libya's competing governments, rendering efforts to legitimate the GNA a lower priority.

Now the question is whether Libyans can agree on a constitution and election laws. If Libyans attempt to hold elections on an accelerated schedule—such as that outlined in the May 2018 Paris agreement—factions may well attempt to hold elections without a properly enacted constitution and rush election laws without reaching meaningful compromises. These dynamics stand to make elections more contentious and more violent.

The question is whether Libyans can agree on a constitution and election laws.

Drafting a Constitution

Libya's lack of a durable constitution is a major challenge to holding elections. Its interim constitution—the 2011 Constitutional Declaration, agreed upon by the unelected National Transitional Council—and the amendments to it were the basis for the country's 2012 and 2014 parliamentary elections. These documents, however, do not provide guidance for presidential or new parliamentary elections nor do they clearly enumerate term limits and mandates for these bodies. Because Libya's governments are divided, it is unclear what the mechanisms to further amend the Constitutional Declaration would be.

Libyans have been trying to come to a permanent constitution, in which they can define mandates, powers, and term limits, since the February 2014 elections for the sixty-member Constitutional Drafting Assembly. The CDA was tasked with drafting a new constitution within 120 days that, upon approval by parliament, would be put to public referendum, in which it would need to secure a two-thirds majority approval.[68] The CDA began working in April 2014 and continued its work as Libya devolved into violent conflict, producing multiple drafts between late 2014 and 2017, but, amid the violence and political contestation, these drafts did not make it to parliamentary approval or referendum.[69] The most recent draft was passed July 29, 2017 (despite eastern protestors storming the CDA headquarters to stop the vote), and, per Article 23 of the LPA, was then sent to the HoR for approval.[70] The HoR has yet to approve the draft or make necessary preparations for a public referendum.

Key issues that remain in dispute include the lack of constraints on presidential power, the inability to amend the constitution once it is ratified (the current version contains a provision that prevents it from being amended for five years), and, perhaps most important, targeted measures that restrict who can run for president.[71] The latter dispute is of particular concern for eastern factions because the current draft would prevent Haftar and any other dual citizen from running for president unless they formally renounce their non-Libyan nationalities at least one year before their candidacy.

In August 2017, constitutional battles took to the judiciary. The Beida appeals court ruled that the CDA's July 2017 vote was invalid because it was held on a Saturday, attempting to exculpate the HoR from its responsibility to continue the constitutional process.[72] On January 9, 2018, the Primary Court of South Benghazi challenged the Beida court's ruling, deciding that the CDA was outside the jurisdiction of the judiciary; on February 14, the Supreme Court based in Tripoli also ruled that the Beida court's objections to the CDA's draft were invalid, allowing it to move forward to the HoR.[73]

In June 2018, the HoR began internal debates on the articles of the draft constitution, but it remains unclear whether the document will move forward.[74] In mid-July 2018, the HoR announced it would vote on holding a referendum on July 30 and 31, but it failed to do so. Members cited disputes over the parameters of the referendum and obstruction by demonstrators.[75] Because eastern factions have struggled and will likely continue to struggle to consolidate around a presidential candidate, they may well be inclined to continue blocking forward progress on a constitution and elections until they have better standing.

If eastern factions see Haftar as the only figure who can coalesce support in Cyrenaica, they might attempt to hold elections without a durable constitution in place so they can prevent his candidacy from being blocked. These factions could receive international support to this end as well. The May 2018 Paris plan—organized by France and tentatively endorsed by the United Nations—calls for elections to be held on a "constitutional basis," but it remains unclear what this basis could be.[76] The plan does not call for the passage of the July 2017 draft, nor does it

call for the CDA to make changes to the draft to make it more amenable to eastern factions. If Libyans attempt to draw on a previous constitution or formulate a new document without the participation of the CDA, it would be a major breach in the path established by the 2011 Constitutional Declaration and the LPA, and, in turn, those who wish to disrupt the proceedings will capitalize on the misconduct.

If elections are held with no document in place to set restrictions on the president and parliament, or with a hastily constructed document that bypasses most factions and is widely disputed, contestation and violent conflict will be more likely. In such a scenario, observers should expect to see heightened tensions and increased violence during the electoral process because the lack of constraints on presidential power, poorly defined term limits, and a severe dearth of clarity on the structure of governance will raise the stakes and prompt fiercer clashes over control of the ill-defined state.

Drafting Election Laws

With or without a constitution, Libyans will need new election laws to both structure and legitimize the High National Election Commission's operations for presidential and parliamentary elections. Previous election laws from 2012 and 2014 were complex, using a combination of first-past-the-post systems, single nontransferable vote systems, and closed-list proportional representation systems within contentious boundary lines to elect a combination of party list and independent candidates.[77] The convoluted and contentious nature of these election laws contributed to Libyans having a poor sense of who their candidates were and how the national system was relevant to them, resulting in staggeringly low voter turnout and contestations.

Unfortunately, the next election laws, should they come to fruition, may be convoluted as well. According to Article 23 of the LPA, a joint committee of the HoR and the High Council of State is to agree upon draft laws for a general election that the HoR will then be responsible for passing. The competing HoR and HCS factions will each attempt to draft the election laws in ways that are favorable to their own standing, and thus the compromises these laws will necessarily entail may create complexities similar to those of previous iterations.

Should Libyans follow the timeline set forth by the May 2018 Paris agreement, they will need to agree on election laws by September 16 to prepare for December 10 elections. Success in drafting election laws is tied to the constitutional basis for the elections. If the parameters set forth by whatever is used as a constitutional basis are unfavorable to eastern factions, the HoR will likely block the passage of the election laws. Likewise, if the parameters are unfavorable to western factions, the HCS will block passage. If members of the HoR-HCS joint committee do draft election laws but the laws they pass are unfavorable to their respective wider bodies and associated militias, then elections may come to fruition, but they will be more controversial and more likely to provoke violence.

Given the numerous openings for obstruction, coming to election laws that satisfy all the necessary parties will be no easy feat, and thus the possibility that no such law will pass and that elections will not be held is very real.

Improving Security Conditions

Numerous armed actors have the capacity and the inclination to use violence if they are fearful of how elections will affect their standing, and so if Libya is able to move toward elections, it will do so in a highly fraught security environment. Attacks like the May 2, 2018, attack on

HNEC headquarters in Tripoli demonstrate how vulnerable the electoral process is to disruptions and violence.

Yet, given the proliferation of militias across Libya—both inside and outside the competing governments' respective security apparatuses—the notion of ensuring security across the country in a consistent and consolidated fashion is highly implausible. To improve the environment for elections, Libyans and the international community will attempt to work at the local level, empowering various militias with training and material support to protect their localities. The international community will likely try to put conditions on assistance based on recipients' willingness to cooperate with the UN Support Mission in Libya's efforts and integrate into a future government's official security apparatus. However, the more support these militias are provided, the less amenable they may be to the compromises needed for Libya to move forward.

Indeed, Libya's governments and the international community have only a limited capacity to rein in and regulate the competing militias. These militias are only likely to support elections if they believe that the results will enhance, or at least validate, their power, and are not likely to allow a constitution, election laws, or any other measures that will facilitate the creation of a government that could restrict them. If militias fear that pre-election conditions are setting the stage for a new government that is against their interests, they are unlikely to guarantee security for elections and may well attempt to disrupt the electoral process.

> *Given the proliferation of militias, the notion of ensuring security across the country in a consistent and consolidated fashion is highly implausible.*

Windows and Triggers

Because of the myriad unknown factors surrounding elections, predicting the exact nature and timing of election violence is difficult. Nonetheless, extrapolating from Libya's previous two elections, assessing its transitional vulnerabilities, following the trajectory of its continuing conflict, and understanding its current cleavages can offer some sense of the violence expected before, during, and after elections.

Pre-Election Negotiations and Campaign and Public Opinion Polling Periods

As Libyans negotiate pre-election issues and, if elections are able to move forward, the nomination, campaigning, and public opinion polling periods, the ongoing low-grade violence may intensify. Parties that fear losing—or are disengaged from the process and refuse to endorse elections—will have the incentive to use force to spoil negotiations and inhibit the High National Election Commission's preparations, possibly resulting in increasingly violent interfactional clashes.

The candidate nomination period will be especially fraught given the lack of any clear figures likely to emerge as contenders for presidential elections. As factions within these coalitions attempt to ensure that candidates friendly to their interests come to the fore, they may well attempt to assassinate and kidnap disputed candidates. This period could also see militias blocking candidates from reaching areas under their control, gender-based attacks in the media on female candidates, further hate speech intended to fuel violent reactions, and militias preventing election observers and polling staff from conducting preliminary operations.

This period, and each that follows, is also likely to see an increase in terror attacks by the Islamic State and other jihadist factions that specifically target HNEC sites and operations. Any progress toward a cohesive government is a threat to these groups, and they will attempt to block such a government from coming to fruition.

These violent incidents may cause delays and inhibit HNEC access to multiple parts of the country, but unless they escalate into broader conflict, it is not clear that they will prevent elections from being held. Major factions, however—if they believe that a rival presidential candidate who would severely threaten their interests is likely to win—may indeed attempt to launch larger-scale military campaigns that prevent elections from being held altogether. Because the most powerful of these factions have enough force to control their localities but not enough to control the country, this scenario could easily result in the further, if not permanent, fragmentation of Libya.

Election Day

Like the June 2014 elections, Libya's next elections may very well be wrought with election-day violence.[78] Given that the HNEC will need to rely on a patchwork of militias to provide security for elections, security and cooperation will be inconsistent across the country. In a number of geographic areas, militias and spoilers may severely impede if not outright block voters, HNEC staff and operations, and independent election observers. Particular areas of concern will in part depend on which camp or camps pre-election conditions favor.

In the east, as long as Haftar remains at the helm of the LNA and can manage the coalition, he will likely be able, if he chooses, to ensure that the HNEC has access to Cyrenaica. But if the LNA becomes less cohesive—in the event either that Haftar is forced to step down for health reasons or that his grip is loosened due to other developments—the HNEC will have considerably more difficulty managing hyperlocalized fragmentation as Libya goes into the elections, and will struggle to engage with disparate factions. The eastern federalists, in particular, are opposed to elections that reinforce any Tripoli government's authority and will have the incentive to prevent the HNEC from conducting operations. If election-day obstruction and violence are widespread, the disruptions will surely skew the electoral results and contribute to follow-on violence after results are announced.

If Misratan, Tripoli, and Zintani militias believe pre-election conditions will allow them to remain in good standing with the next government, and thus expect to receive favorable status in the future, they likely will continue cooperating with HNEC operations on election day. However, should pre-election conditions bode poorly for these factions, they too have the capacity to inhibit HNEC operations in the capital and other localities across western Libya.

Postelection

The announcement of elections is a crucial flashpoint that may spark violence—the nature of which will depend on the results. No matter the outcome, multiple factions will likely contest the results, degrading the electoral legitimacy of the next government, which, like the previous governments, will struggle to control the country. This will result in an environment that is ripe for continued and escalating violence.

Outcomes and Risks

The risks of violence and conflict surrounding Libya's next elections depend heavily on who wins the presidency and parliament and how well winners can incorporate, coerce, or sideline their opponents and competitors. As noted earlier, the success or failure in reaching a constitution will also have considerable bearing on the levels of electoral violence. Without a constitution in place, or with a weak and disputed "constitutional basis," the powers and term limits

of the president and parliament will be poorly defined, making competition over these bodies fiercer and contestations more likely.

Beyond these factors, the sequencing of the elections themselves is also important. On the one hand, if parliamentary elections are held before presidential elections, the new body—especially if it is balanced between factions—could be more inclined to remain intact, as those factions will not yet know whether a president friendly to their interests is coming to power. On the other hand, if presidential and parliamentary elections are not held concurrently, the first election will give losing factions an indicator of their standing and may prompt them to employ violence to disrupt the second election.

The following is not an exhaustive list of outcomes by any means but rather an examination of particularly consequential plausible outcomes.

Presidential Outcomes

Although it is not yet clear who will run for the presidency, it is likely that eastern and western factions will attempt to consolidate around respective candidates. The more effectively these camps consolidate and, more important, ensure that militias will allow their supporters to vote, the more likely their candidate is to win. Whether the winner is a compromise candidate or a hard-line candidate (from any camp) will be a determining factor in the scope and nature of violence after results are announced and the trajectory Libya will take after elections.

Figures new and old could of course emerge and reemerge, but some early indicators point to potential contenders for the presidency. From the east, Haftar is among the most likely candidate, but his running would likely create its own set of complications that increase the risk of violence.[79] Beyond grievances against Haftar—particularly in the west—and concerns about the field marshal's health and age, technical challenges also surround his candidacy. If the current constitutional draft is passed, Haftar would not be eligible to run unless he renounces his US citizenship one year before announcing his candidacy. Eastern factions could attempt to modify the current constitutional draft, find another constitutional basis for the elections, or hold elections without a constitution in place, but the HCS and its militia backers would likely resist these efforts. These challenges notwithstanding, the real possibility exists that eastern factions will consolidate around Haftar.

Former Libyan Ambassador to the UAE Aref Ali Nayed is also a likely contender from eastern factions. As ambassador from 2011 to 2016, Nayed is regarded as diplomatically savvy and has reportedly been establishing connections with western governments and foreign policy establishments to increase his international standing and support.[80] Nayed has openly expressed his inclination toward the Arab Quartet—the UAE, Egypt, Saudi Arabia, and Bahrain—over Turkey and Qatar, calling the latter two countries supporters of terrorism.[81]

HoR President Ageela Saleh Issa is another likely eastern contender. In summer 2018, Saleh repeatedly called for presidential elections, even attacking his own HoR as an invalid body and calling elections the only remedy.[82] Saleh may see an opening for himself given the challenges to Haftar's candidacy.

From the west, Khaled al-Mishri rose to prominence in April 2018 as the HCS's new leader, unexpectedly winning its competitive internal elections by a wide margin.[83] Coming from the Muslim Brotherhood, al-Mishri may face difficulty on the national stage, drawing fierce opposition from multiple factions. However, thus far, al-Mishri has presented himself as a mainstream figure, reaching out to eastern factions by meeting with Saleh in April 2018,

proposing to send a thirty-member HCS delegation to meet with the HoR in Tobruk, and offering to come to Tobruk himself in June 2018.[84]

Other western contenders could include prominent Misratan figures such as Ahmed Maiteeq, former GNC prime minister (before the 2014 split) and current deputy prime minister of the Presidency Council, and Abdulrahman Swehli, former head of the GNC and High Council of State. Maiteeq is widely regarded as a moderate. Swehli has a mixed reputation, previously an aggressive advocate for the Political Isolation Law but also cooperating with UNSMIL's unity efforts—most notably heading the elements of the GNC that accepted the GNA and reconstituted themselves as the HCS.[85] Aligned with the more internationally oriented Presidency Council and High Council of State as well as with powerful Misratan militias that have convening power in the west, both Maiteeq and Swehli have better standing than overtly hard-line figures like current GNC Prime Minister Khalifa al-Ghweil and former GNC President Nouri Abu Sahmain, neither of whom have international access, given the GNC's now-defunct status, or connections to militias that would allow them to project authority.

Because alliances and purported ideologies are highly fluid in Libya, each of these candidates, and others that may emerge, could act as either compromise or hard-line candidates despite previous stances. It is important to assess these figures based on their continued actions and outreach to potential opponents.

Compromise Candidate Wins

A compromise candidate from the east or the west—one amenable to the interests of factions and militias across the country—would surely produce the best possible outcomes in postelections Libya, but such a candidate may struggle to come to the fore. The more oriented candidates are for compromise, the more difficulty they will face in consolidating enough support in their base to ascend to the presidency.

If, however, a compromise candidate does manage to win the presidency, they may well have some success in constructing a viable government and patronage network that consolidates enough domestic political and military support to survive. Success in such an endeavor will of course depend on the willingness of regional and international powers to curtail their support for actors outside the central government that elections produce. Any new government, no matter how compromise-oriented, will still be too weak to wield formal control over the security sector. Alternate streams of support that enable competing militias to evade compromises will therefore have the potential to critically undermine the new government.

Even if the new government is able to implement a balanced patronage network, it will still face challenges from spoilers—including Salafi jihadist fighters and others who have remained outside the UN-sponsored peace process. These actors may well use violence to disrupt government operations and postelection state-building efforts. This violence could include assassination attempts, kidnappings, and clashes with state-aligned militias. Moreover, even militias that are incorporated into the state are likely to retain their existing structures and could easily defect and use violence should the government enact political, security, or economic policies that threaten their interests.

If a compromise candidate creates a government that entails a patronage system balanced enough to ensure militias' support—and if that government is complemented by a parliament balanced between members of prominent eastern and western factions—then the new government may have enough credibility to enact more lasting political solutions than Libya's existing governments have been able to produce.

Eastern Hard-Line Candidate Wins

An eastern hard-line candidate—one not inclined to incorporate and extend adequate patronage to western opponents—would likely face tremendous challenges in consolidating power and could provoke substantial violence in the process. Any eastern figure who wants to take office in the capital would need to make deals with major militias in Tripoli and mainstream Misratan militias, but the more hard-line an eastern president, the less likely they would be to compromise with western militias for fear of compromising standing and support in the east. A hard-line eastern president may forgo Tripoli altogether, opting to take office in Benghazi—a move that would certainly provoke contestations.

Regardless of where a hard-line eastern president takes office, a number of western militias are likely to remain outside the confines of the state and, disaffected, may be inclined to use violence and direct money, arms, and other resources to Salafi jihadist groups—just as they did in the 2014 conflict—in order to prevent the new government from functioning or even taking office. In such circumstances, the levels of violence would lead to considerable instability and could cripple the new government—especially if anti-government subnational actors secure foreign support.

Western Hard-Line Candidate Wins

If a hard-line candidate from the west wins, and if the government the new president forms receives international support, then the majority of western factions are likely to consolidate around the new body, but eastern factions are unlikely to be swayed. Absent a president who is willing to extend patronage or advantageous formal security arrangements, Haftar, the LNA, and other eastern militias are highly unlikely to adhere to the state. Eastern political factions likewise will be highly unlikely to accept the legitimacy of elections and the new government. A hard-line western president will give HoR members impetus to maintain their parallel parliament in Tobruk in opposition to the new government and strengthen their ties with antistate LNA militias.

Without acquiescence from eastern factions, the new government will have virtually no access to Cyrenaica and its oil resources and infrastructure. This could prompt clashes between pro-government western and anti-government eastern militias—especially if eastern factions cease cooperating with the Tripoli government to export oil. If eastern factions continue receiving support from the UAE and Egypt, they will likely be able to maintain their hold on the east and could effect a de facto partition of the country—something that could easily prompt a violent reaction by western militias that fear losing access to Libya's natural resources. The current conflict will continue and could very well see more intense and sustained fighting.

A Gadhafist Candidate Wins

A third scenario is one in which Gadhafi loyalists who are not currently affiliated with the LNA and the NFA come to power. The most prominent force in this camp is the Supreme Council of Libyan Tribes and Cities (SCLTC), which has coalesced around Gadhafi's son, Saif al-Islam Gadhafi. Saif al-Islam had been held prisoner since 2011 by a Zintani militia until the HoR passed an amnesty law in June 2017 that allowed for his release. His whereabouts, however, remain unknown. In December 2017, the SCLTC announced that Saif al-Islam will run for president in the next elections, claiming he "enjoys the support of the major tribes in Libya."[86] Indications of Saif al-Islam's popularity beyond the SCLTC's claims are scant.

In the event that Saif al-Islam does run and wins the presidency, he will likely try to form a new government that draws support from tribal factions that have sympathies for the late leader and have been disaffected by Libya's governments since 2011. Because the International Criminal Court issued an arrest warrant for Saif al-Islam for crimes against humanity committed during the 2011 uprising, providing support for a government he forms would pose a real dilemma for members of the international community. They may well choose not to assist a Saif al-Islam government or to release Libya's frozen assets to it, making it far more difficult for Saif al-Islam to form a durable patronage system and win adequate domestic support. If major militias and factions in both the west and the east cannot be appeased, they are likely to reject the new government—perhaps violently.

Perhaps the only way Saif al-Islam or another Gadhafist figure could hold on to power would be to form an alliance with Haftar and the LNA. If such an alliance were to come to fruition, it would exacerbate Libya's polarization, intensifying already deep anti-Gadhafi sentiments and grievances against the former Gadhafists in the LNA. This could easily result in an escalation of violence, given that multiple disaffected anti-Gadhafi factions would be reenergized to fight.

The chances of success for Saif al-Islam or any other outright Gadhafist actually winning elections are slim, however. Although it is difficult to gauge what support they have among Libya's tribal entities, Gadhafists do not control or enjoy significant influence over any of Libya's institutions responsible for drafting election laws and carrying out elections. Because the HoR and HCS factions are producing the election law drafts, it is unlikely that they will knowingly create the space for a Gadhafist victory. Even HoR factions that quietly lean pro-Gadhafist—including the factions that secured Saif al-Islam's release—have incentives to avoid an outright Gadhafist coming to power for fear of alienating their own anti-Gadhafist constituencies.

Parliamentary Outcomes

Parliamentary outcomes will also play a major role in the success or failure of a new government and the violence Libya will see after the elections. The composition of the legislature will be especially consequential if a permanent constitution is not yet approved because the new body will then be tasked with ratifying and preparing a referendum for the constitution—be it the current draft or a new one.

Balanced Parliament

If parliamentary elections yield a legislature that is balanced between competing factions from the east and the west—and, critically, if these results are complemented by a compromise-oriented presidential figure—such an outcome may minimize boycotting and defection and, in turn, produce a functioning legislature that can replace the HoR, the HCS, and the GNC. Such a body may have more credibility and success in producing compromises on a constitution (assuming one is not yet passed), which can then serve as a mechanism by which a compromise-oriented government's patronage can be distributed to localities across the country. Some factions and candidates may still boycott, including federalists in the east and hard-line Islamists in the west. These figures may continue operating the remnants of the HoR and the GNC, but if the new parliament retains enough membership—and if militias on both sides of the country are incorporated into the new government—then the boycotters likely will not have enough strength to prevent the new government from operating.

The composition of the legislature will be especially consequential if a permanent constitution is not yet approved.

If elections produce a balanced parliament but do so alongside a hard-line president—whether the president is from the west or the east—the new legislature will likely be less successful in discouraging defections and boycotting from the camp opposite the president. Members of the new parliament opposed to the president will be unlikely to legitimize a government that does not afford them sufficient patronage. Assuming the hard-line president also deprives opposing militias of patronage, parliamentary boycotters and fighters may remain aligned in opposition to the new government, making it even more difficult for it to function.

Stacked Parliament

If one faction or camp wins parliamentary elections by a wide margin, the outcomes that follow will depend on whether the parliament is stacked in favor of or against the winner of the presidential elections. If the parliament is dominated by factions aligned with the president—especially a hard-line president—losing factions will more likely contest the results and boycott the body, continuing to run their own parallel governments. HoR members are unlikely to disband in favor of a new parliament dominated by their opponents alongside a western president they believe will oppose their interests. Likewise, GNC and current HCS members are less likely to accept a parliament dominated by HoR factions alongside an eastern figure as president, and they will be more likely to maintain their own parallel institutions. If enough members from the east or the west boycott, they will undermine disparate localities' confidence in the new government, which will then have more difficulty consolidating support after taking power. Insofar as this outcome makes it harder to coalesce militias, greater instability and more violence may result.

Alternatively, a scenario in which the new parliament is dominated by factions that oppose the new president would present both a challenge and an opportunity. On the one hand, success in parliamentary elections could inflate factions' and their militias' positions, making them more intractable in negotiations on critical state-building measures with their opponents who, holding the presidency, may also have inflated positions. Moreover, the parliament would be highly unlikely to accept and prepare a referendum for a constitution if one is not yet passed by the time of elections, as doing so would likely enhance the credibility and international legitimacy of a president they oppose. On the other hand, a parliament dominated by factions opposite the president could afford the president an opportunity and a mechanism by which to incorporate opponents into the government's patronage networks. This could serve as a basis for cross-factional cooperation on which Libyans can build. Moreover, if the July 2017 draft constitution is passed, the parliament will theoretically have some checks it can put on the president if it can reach a two-thirds majority, perhaps making the dominant parliamentary factions less likely to boycott after losing presidential elections.

Parliament Dominated by Independent Candidates

If election laws are drafted to allow a sizeable cohort of candidates to run and take office as independents rather than on party lists, it will likely be unclear—at least initially—which factions dominate the parliament. Such independent candidates played a major role in Libya's previous elections. Although Islamist factions came in second to the NFA in the July 2012 contest, they eventually overtook their secular opponents by forming alliances with independent candidates whose allegiances were previously unknown. In the 2014 elections—in which no party lists were allowed and all candidates were independents—the NFA and eastern federalists dominated. It remains to be seen who would benefit from a wide array of independent

candidates in Libya's next elections, and not knowing who dominates the parliament could make factions more skeptical of the new government. But the ambiguity could also buy the new government some time to establish itself and its political alliances before losing factions register their loss and respond with violence.

If Elections Cannot Be Held

Given the risk that elections entail for multiple factions, Libya may be unable to hold elections in 2018 or 2019. Should this be the case, the trajectory the country takes will largely depend on whether obstinate actors use political or violent methods to block the elections.

Political Obstruction

If Libyan factions use political tactics to block progress on elections—which would most likely manifest as eastern or western factions refusing to come to agreement on election laws in the HoR-HCS joint committee or the HoR refusing to pass election laws should they come through that committee—then the High National Election Commission would be unable to move forward and conduct elections. The question for Libya would then be one of whether the status quo can hold. For now, especially after the defeat of Ansar al-Sharia in Benghazi, the Islamic State in Sirte, and other Salafi jihadists in Derna, the security situation seems to have improved since the current conflict began in 2014, and although eastern and western factions may not be able to overcome political impasses, they have come to agreements necessary to continue selling oil and increase their output. Libyans were able to increase oil output to around 1.05 million barrels per day as of April 2018, up from a low of 128,000 barrels in December 2014.[87] That these indicators have improved, however, does not guarantee Libya will stay on this trajectory.

Libya's increased output is based on precarious arrangements in which the GNA, the sole entity legally able to sell oil internationally, must constantly negotiate and renegotiate with the competing militias that control oil fields and infrastructure. Many of these militias are otherwise opposed to the GNA and use their control of Libya's resources to undermine its ability to act as a government. As Libya's competing political bodies continue losing what semblance of legitimacy they may have had—and continue to struggle to extend their influence beyond the buildings and hotels that house them—local militias, rather than state institutions, have the greatest say over whether Libya will be able to continue outputting oil and maintain the status quo. As this quasi-anarchic state becomes more entrenched, the chances of breakdown and renewed wider conflict will increase.

Violent Obstruction

Should the HoR and the HCS come to election laws and allow the High National Election Commission to proceed, it is possible that powerful factions, on seeing polling and fearing losses, will engage in new military campaigns that result in violence that impedes the HNEC from carrying out the elections. With his power in the east and with alliances with western militias, Haftar likely has the greatest capacity to project some degree of force across the country. Meanwhile, in western Libya, Misratan militias so far have been more cooperative with the UN Support Mission in Libya's efforts and the GNA, but if they fear losing standing in the elections, they could block voting in significant portions of western Libya—including Tripoli. Tripoli factions and Zintani factions also have considerable capacity should they attempt to forcibly block elections.

If elections cannot be held because of military campaigns and widespread violence, Libya's fragmentation will deepen and become even harder to reverse. Because no elections will have taken place and no faction will have electoral legitimacy, the international community will struggle to consolidate its support behind the right actors and prevent spoilers. If outside countries continue their support for disparate and competing actors, Libyan factions of all stripes will feel little if any incentive to comport with UNSMIL's peace process. Libya's messy conflict will drag on and could easily become more complex and more violent.

Postelection Challenges

Even if violence does not intensify, in a best-case scenario Libya's elections will not be a significant step forward, but rather a horizontal step to reestablish an electoral body with which the international community can engage. If elections succeed in creating a new government, an array of crucial issues will remain unresolved, the most pressing of which will be factions boycotting the new government, the lack of a constitution (if one is not passed before elections) and the highly fragmented and contentious security sector.

Consolidating Competing Governments

As noted, depending on the election results, parties that perform poorly in the parliamentary elections may boycott the new government and retain their existing structures. Thus, elections could easily produce a new government that simply enters the fray and struggles to compete with Libya's existing defunct governments rather than replacing them.

Whether these spoilers can be brought into the fold depends on domestic considerations as well as levels of external support. Domestically, the new government's willingness to accommodate its competitors and provide them access to newly established patronage networks (or its lack of willingness to do so) will have considerable impact on disparate parties' propensities to buy into the new system and cooperate with one another. Whether these spoilers can be contained will also depend on whether external countries maintain support to their allied militias. Abrogating illicit support for militias operating outside the new government will be crucial to its viability.

Reaching a Constitution

If a constitution is not passed before elections and the formation of a new government, Libyans may still struggle to produce one in the aftermath. The success of a postelection constitutional drafting process will depend on the results. Winning parties may well try to force a constitution advantageous to their interests, and losing parties will likely attempt to disrupt the process, perhaps violently.

Even if violence can be forestalled, reaching a constitution remains a challenge. It is unclear whether the Constitutional Drafting Assembly is still a valid body that can draft the constitution, what an alternative drafting and ratification process would be, and who would have the authority to amend the procedures.[88] The UN Support Mission and the international community will have to make difficult choices when deciding whether to confer legitimacy to a poorly defined process that competing parties are likely to contest.

Security-Sector Reform

Regardless of whether a constitution is in place to determine the authority of the president and parliament over the military, Ministry of Interior, and intelligence apparatus and the appointments for these bodies, the structure of the security sector will likely remain largely undefined. Moreover, if a new government seeks to dismantle existing local militias in favor of a national apparatus—which would be necessary to produce a unified security sector—it remains unclear how powerful militias could be persuaded or forced to disarm and dissolve themselves. Such an initiative would, at the very least, require agreements between Libya's most powerful militias. Whether the ongoing Cairo talks can produce such an arrangement remains to be seen.

Rather than a consolidated and robustly redefined security sector, a new government may be forced to bid for the support of existing militias vis-à-vis patronage networks and payments without forcing them to disband—not dissimilar to the parallel security structures and paramilitary systems that failed to consolidate Libya's security sector in years past. There is little if any indication that a new government will be more successful in this endeavor than its predecessors.

Conclusion and Recommendations

Elections in Libya, if they take place, are a gamble. Libyans need new elections to produce a competent and electorally legitimate government that the international community can support in navigating the myriad challenges the country faces. The current competing governments—including the UN-recognized government—all suffer from legitimacy crises. The longer Libya goes without elections, the worse the political vacuum will become and the more precarious the economic situation will be, leading to the further, and perhaps permanent, collapse of central governance in the country.

That said, elections themselves present a major risk. Libya's 2014 elections heightened tensions and were the triggering mechanism for the country's current conflict. Rushing into Libya's next elections before a durable constitution is completed may result in even more violence. Parameters of power will not be established, and, as such, the stakes will be high and the competition fierce. And even if important pre-election steps are taken, multiple actors will not hesitate to use force to attain greater standing ahead of elections, inhibit voting to sway the results, prevent elections if they fear they will lose, and secure a victory or mitigate a loss after results come in.

If presidential and parliamentary elections are held, not only will each stage of the electoral process present Libya with daunting challenges and risks, but the period after the elections will also be highly fraught. Most potential electoral outcomes have a strong chance of precipitating a new, more violent phase of the conflict, and, even if large-scale violence is averted, Libya's most difficult steps still lie ahead. If Libya's elections go smoothly, they should not be regarded as a success in and of themselves. In a best-case scenario, they will offer a modicum of credibility to a new government upon which success can, but will not necessarily, be built. It is vital that countries supporting the UN Support Mission in Libya's efforts approach Libya's elections with this sober outlook.

With respect to addressing and mitigating electoral violence, and to ensuring that the subsequent government can undertake the mantle of governance and state-building, this report offers the following recommendations to the international community—primarily the United States, Europe, and regional countries supporting UNSMIL's efforts:

Support alternatives that delay elections. Because hastily held elections portend greater violence and contestation, the international community should ensure that conducive conditions for durable elections are in place; otherwise, it would be better to support alternatives that delay elections until minimal conditions are in place.

One such alternative could be encouraging the HoR and the HCS to come to an agreement to form a technocratic interim government that restructures or replaces the GNA. This new interim government would need to pull more competing militias under its umbrella—crucially Misratan militias, Tripoli militias, and the LNA. This would enable it to work toward compromises on a constitution (perhaps implementing the July 2017 draft or perhaps pressing the CDA to come to a new draft that will be more amenable to competing parties), lay the groundwork for more meaningful security-sector reform, and support and facilitate HNEC and international efforts to undertake proper preparations for a future election.[89] This endeavor, however, will undoubtedly be no more successful than the GNA if it is not accompanied by far greater international consolidation and coordination.

Strengthen international coordination. The international community needs to more deliberately coordinate its approach to support UNSMIL's efforts and engage with Libyans across the country in a manner that strengthens those working toward unity and prevents spoilers. Such efforts could take the form of more formal coordination mechanisms to facilitate the international community's efforts to work in tandem and more effectively engage with Libyans while preventing competing factions from spoiling. In the absence of such coordination, UNSMIL's initiatives will be less effective, and spoilers will be far more inclined to disrupt the electoral process and crucial state-building measures.

In line with a more coordinated approach, oil sales should be conducted only through the internationally recognized government's National Oil Company in Tripoli as per UN Security Council Resolution 2146, and arms transfers should be conducted only pending approvals by the Committee of the UN Security Council established by UN Security Council Resolutions 1970 and other related resolutions. If after the elections a viable new government is formed—or if the UN Support Mission and the international community recognize a newly formed interim government in lieu of elections—then it, in turn, should be the only entity provided oil contracts and military transfers. The international community should denounce and pursue secondary sanctions against any country that provides material support to militias and warlords outside these boundaries.

Support the National Conference. The international community should provide vocal support for the UN Support Mission's National Conference. The conference can serve to advance high-level reconciliation and consensus-building efforts needed for reaching a constitution (assuming the current draft cannot move forward) and making progress on security-sector reform. The forum can also serve to complement grassroots and mid-level reconciliation initiatives as well as civic education initiatives that civil society organizations are already undertaking.[90] The more engagement disparate Libyan communities have with one another, and the sooner they have it, the less likely they will be to spoil elections and the peace process. As Libya prepares for elections, a successful conference in which competing factions feel they can fairly participate can make for greater cooperation with the HNEC, greater voter turnout, and fewer boycotting members when results are announced.

Countries supporting the UN Support Mission should strongly encourage Salamé to provide additional details of the conference's next phases and begin holding it in full as far in advance of elections as possible. They should also strongly voice their expectation that the

National Conference continue after elections to give Libyans an ongoing forum to discuss crucial state-building issues alongside any fledgling government that works toward resolving them.

Provide robust and informed technical and civil society assistance. Leading up to and during elections, the international community should offer robust and informed technical support to the High National Election Commission. This should include technical assistance for the HoR-HCS joint committee in developing a simplified election law and working with the HNEC to bolster its tabulation system to ensure accuracy and transparency. The international community should also work with civil society organizations to strengthen their capacities to engage in civic education and conflict mitigation efforts during the election cycle.

Beyond training and support for actors engaged in the electoral process, Libya will also need a significant presence of international observers to discourage violations.[91] This training and these observers may or may not succeed in strengthening technical aspects of the electoral process, but at the very least they can send a message. Libyan factions—especially those that have sought, and will continue to seek, international support—must see that the international community is watching Libya's elections and is expecting them to be held in accordance with the election laws and unimpeded by violence.

Navigate security challenges. The lack of security across Libya presents a major challenge as the country approaches elections. Because Libya has no consolidated security apparatus, protecting election sites will require ad hoc arrangements with an array of militias, and yet providing these fighters with additional support may make them less likely to compromise.

To navigate this challenge, the international community should ensure that the support it provides—material or otherwise—is commensurate with recipient militias' levels of cooperation with UNSMIL initiatives and HNEC operations, and with their participation in ongoing security sector reform talks and local reconciliation agreements. If the international community does find militias that are adequately cooperative, it should provide them with training on how to protect candidates, political party property, polling places, and voters while clearly and forcefully articulating that it expects them to allow the HNEC to operate independently and without impediments. If it cannot find cooperative militias, the failure should signal that conditions are not right for elections, and the international community should refrain from providing support to competing nonstate actors.

Stay engaged after elections. Even if elections are held with few disruptions, Libya will still face profound challenges—not the least of which will be reconciling competing political actors, establishing a constitution (if one is not enacted before elections), and undertaking security-sector reform. First, the international community should impose sanctions on actors who boycott the newly formed parliament or otherwise seek to undermine the new government. Second, if a constitution is not in place before elections, members of the international community should make clear that they expect the newly formed parliament to agree on a constitution that is structured to be as inclusive as possible and seeks to mitigate zero-sum calculi that will undermine the Libyan state.

Third, the international community should also pressure Libyans to make progress on security-sector reform. Meaningful reform will be immensely challenging and take years to accomplish, but in the short term, the international community can and should clearly articulate that militias' willingness to cooperate and facilitate the election process will in large part determine how supportive outside powers will be in securing their future place within the new government's security apparatus.

The international community should condition the extent and nature of its support for any new government based on that government's willingness to undertake genuine efforts to make progress on these crucial state-building issues.

Develop a Plan B. The international community should prepare for the real possibility that elections could prompt another, more intense phase of violence. Should this happen, the LPA, as it stands, will not be an adequate basis to resolve the conflicts between competing factions and coalesce the rival governments—the mandates of which are all expired or in question. The UN Support Mission in Libya will need more coordinated support as it recalibrates the negotiations and tries to determine which Libyans to engage in talks and how best to engage with them.

To support UNSMIL in these efforts, members of the international community need to be more proactively but also more consistently involved. They need to learn to better engage with Libya, not as a single entity but as what is effectively a semi-fragmented state. However, at the same time, they need to engage with different localities in a cohesive manner that preserves, rather than undermines, the durability of any settlements and the viability of the state. If the international community fails to consolidate and coordinate its policies, UNSMIL's efforts will be ineffective, and Libya's turmoil will continue. Libya, its neighbors, and other countries in the region and beyond will suffer the consequences.

Notes

1. Samia Zaptia, "Paris conference communique commits parties to December 2018 elections," *Libya Herald*, www
    .libyaherald.com/2018/05/30/paris-conference-communique-commits-parties-to-december-2018-elections.

2. Gadhafi organized the military in a similarly fragmented structure, preventing the Ministries of Defense or
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    security forces answer directly to him. In both the military and in civil affairs, Gadhafi often played one
    tribe or locality against another in order to solidify his power and prevent alternate power centers from
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    101–36; Florence Gaub, "The Libyan Armed Forces Between Coup-Proofing and Repression," *Journal of
    Strategic Studies* 36, no. 2 (2013): 230–33.

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    /content/libyas-political-isolation-law-politics-and-justice-or-politics-justice; see Eric Knecht, "The
    Questionable Campaign Behind Libya's Political Isolation Law," Atlantic Council, May 8, 2013, www
    .atlanticcouncil.org/blogs/menasource/the-questionable-campaign-behind-libya-s-political-isolation-law.

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    /middleeast/2014/06/libyans-mourn-rights-activist-amid-turmoil-2014626161436740827.html.

8. Callum Paton and Seraj Essul, "Elections 2014: Final Results for House of Representative Elections
    Announced," *Libya Herald*, July 22, 2014.

9. Chris Stephen and Anne Penketh, "Libyan capital under Islamist control after Tripoli airport seized," *The
    Guardian*, August 24, 2014, www.theguardian.com/world/2014/aug/24/libya-capital-under-islamist
    -control-tripoli-airport-seized-operation-dawn.

10. A number of Islamist and Misratan representatives that were elected to the HoR in June 2014 boycotted the
    body, remaining loyal to the GNC. See Frederic Wehrey and Wolfram Lacher, "Libya's Legitimacy Crisis,"
    Foreign Affairs, October 6, 2014, www.foreignaffairs.com/articles/middle-east/2014-10-06/libyas
    -legitimacy-crisis.

11. The court ruled the HoR invalid because it was not seated in Tripoli or Benghazi and citing discrepancies
    in the electoral process. See Mohamed Eljarh, "The Supreme Court Decision That's Ripping Libya Apart,"
    Foreign Policy, November 6, 2014, www.foreignpolicy.com/2014/11/06/the-supreme-court-decision-thats
    -ripping-libya-apart; Azza K. Maghur, "A Legal Look into the Libyan Supreme Court Ruling," Atlantic
    Council, December 8, 2014, www.atlanticcouncil.org/blogs/menasource/a-legal-look-into-the-libyan
    -supreme-court-ruling.

12. The most prominent of these parallel structures were the Libya Shield Force militias, under the aegis of the
    GNC's Office of the Chief of Staff, and the Supreme Security Committee militias, under the Ministry of
    Interior. For more, see Frederic Wehrey and Peter Cole, "Building Libya's Security Sector," Policy Outlook
    (Washington, DC: Carnegie Endowment for International Peace, August 2013), www.carnegieendowment
    .org/files/building_libya_security.pdf.

13. In early October 2017, HoR and HCS negotiators agreed to reduce the Presidency Council from nine to three
    members—one from each of Libya's main regions—though it remains unclear how, or if, these members will
    be selected (*Libya Herald*, "HoR and State Council dialogue committees agree on 3-person Presidency Council
    and separate prime minister," October 1, 2017, www.libyaherald.com/2017/10/01/hor-and-state-council
    -dialogue-committees-agree-on-3-person-presidency-council-and-separate-prime-minister). Eastern repre-
    sentatives Ali Faraj al-Qatrani and Fathi Majbri, both considered to be in Haftar's camp, have boycotted the
    council. The Presidency Council has also dismissed Defense Minister Mahdi Al-Barghathi—a figure who
    once fought alongside Haftar's LNA but was later accused of supporting its opponents (Abdulkader Assad,
    "Libyan Presidential Council gives its Defense Minister the sack," *Libya Observer*, July 29, 2018, www
    .libyaobserver.ly/news/libyan-presidential-council-gives-its-defense-minister-sack; Saber Ayyub, "Opposing
    reactions to appointment of unity government's defence minister," *Libya Herald*, January 21, 2016, www
    .libyaherald.com/2016/01/21/opposing-reactions-to-appointment-of-unity-governments-defence-minister).

14. Haftar and others have claimed that the GNA's mandate expired as of December 15, 2017. This allegation
    refers to Article 1 Section 4 of the LPA, which states that the GNA's mandate lasts for one year and can only
    be renewed once. This reading, however, is inaccurate. As per Article 1 Section 4, the GNA's year-long
    mandate begins only when the HoR grants the GNA a vote of confidence. The HoR has refused to take
    such a vote, and, as a result, the GNA's year-long mandate technically has yet to begin.

15. *New Arab*, "Tripoli ceasefire declared after ex-PM injured in shootout," March 16, 2017, www.alaraby.co.uk /english/news/2017/3/16/tripoli-ceasefire-declared-after-ex-pm-injured-in-shootout; Valerie Stockter, "Upheaval in Tripoli and Misrata rocks Libya's 'unity government,'" *New Arab*, March 28, 2017, www .alaraby.co.uk/english/indepth/2017/3/28/upheaval-in-tripoli-and-misrata-rocks-libyas-unity-government.

16. Haftar helped Gadhafi come to power in the 1969 coup d'état, later served as Gadhafi's field marshal, and eventually fought against Gadhafi in the National Front for the Salvation of Libya in the late 1980s. For more on Haftar's career, see Jon Lee Anderson, "The Unravelling," *New Yorker*, February 23, March 2, 2015, www.newyorker.com/magazine/2015/02/23/unravelling.

17. Brian Todd, Tim Lister, and Katie Glaeser, "Khalifa Haftar: The man who left Virginia to lead Libya's rebels," CNN, April 4, 2011, www.cnn.com/2011/WORLD/africa/04/04/libya.rebel.leader/index.html.

18. Since 2017, a number of Zintani militias have slowly become more aligned with the GNA than with Haftar. Mattias Toaldo and Mary Fitzgerald, "A Quick Guide to Libya's Main Players," European Council on Foreign Relations, n.d., www.ecfr.eu/mena/mapping_libya_conflict.

19. Ahmed Salah Ali, "Haftar and Salafism: A Dangerous Game," Atlantic Council, June 6, 2017, www .atlanticcouncil.org/blogs/menasource/haftar-and-salafism-a-dangerous-game; Francesca Mannoucchi, "ANALYSIS: After Sabratha battle, scramble for western Libya is on," *Middle East Eye*, October 25, 2017, www.middleeasteye.net/news/analysis-after-sabratha-scramble-western-libya-287767410; Frederic Wehrey, "Quiet No More," Carnegie Middle East Center, October 13, 2016, www.carnegie-mec.org/diwan/64846.

20. Although the HoR appointed Haftar to be the commander of its armed forces, in reality the HoR has no armed forces outside of those loyal to Haftar. Thus, the HoR has no civilian oversight and little influence over Haftar and his fighters.

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22. Karim El-Bar, "REVEALED: Leaked tapes expose Western support for renegade Libyan general," *Middle East Eye*, July 29, 2016, www.middleeasteye.net/news/revealed-leaked-tapes-expose-western-support -renegade-libyan-general-185825787; El-Bar, "UK troops 'operating from French-led Libyan base aiding renegade general,'" *Middle East Eye*, June 23, 2016, www.middleeasteye.net/news/french-led-secret -operations-room-backing-renegade-general-libya-81826394; Chris Stephen and Kim Willsher, "French special forces assisting anti-Isis efforts in Libya, say sources," *The Guardian*, February 24, 2016, www .theguardian.com/world/2016/feb/24/isis-behead-11-police-officers-in-fighting-in-libya.

23. Both Islamist and Misratan members are elected to the HoR, but these figures have boycotted the body and remained with the GNC.

24. The HoR has long objected to and attempted to remove Article 8 of the LPA, which would attempt to curtail Haftar's power and put eastern security actors under the control of the Presidency Council (*Libya Herald*, "HoR sets conditions for dialogue on Libyan Political Agreement: separate Presidency Council and government, no UNSMIL involvement, and no Additional Article 8," April 3, 2017, www.libyaherald .com/2017/04/03/hor-sets-conditions-for-dialogue-on-libyan-political-agreement-separate-presidency -council-and-government-no-unsmil-involvement-and-no-additional-article-8; Abdullah Ben Ibrahim, "Tobruk parliament annuls article 8 of additional provisions of Libyan political agreement," *Libya Observer*, October 10, 2017, www.libyaobserver.ly/news/tobruk-parliament-annuls-article-8-additional -provisions-libyan-political-agreement).

25. Toaldo and Fitzgerald, "A Quick Guide."

26. Misrata has been widely described as Islamist because some of the Misratan militias are Islamist and Misrata formed alliances with the Muslim Brotherhood–dominated GNC and Salafi jihadist fighters in eastern and central Libya. That said, many Misratan militias are more secular and decidedly anti-Islamist. Like most alliances in Libya, Misrata's relationships are more often than not marriages of convenience. See also Brian McQuinn, "In Libya, will Misrata be the kingmaker?" *Washington Post*, February 24, 2015, www .washingtonpost.com/news/monkey-cage/wp/2015/02/24/in-libya-will-misrata-be-the-kingmaker.

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31.   *New Arab*, "Tripoli ceasefire declared"; Stockter, "Upheaval in Tripoli and Misrata."

32.   Lacher, "Tripoli's Militia Cartel," 3.

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35.   Indeed, some of these militias have vacillated between supporting and opposing the Muslim Brotherhood.

36.   Stein, "Turkey's Proxy War."

37.   Beyond conducting attacks on the HoR and the GNA, prominent Salafi jihadist groups also targeted the Islamist-dominated GNC. In January 2015, the Islamic State claimed an attack on then GNC President Omar al-Hassi's residence; in September 2015, Ansar al-Sharia Libya denounced the GNC, calling it an "apostate…fighting against Allah and his messenger" (Tom Westcott, "Attack on Corinthia Hotel leaves Libya's Tripoli in shock," *Middle East Eye*, January 28, 2015, www.middleeasteye.net/news/attack-corinthia -hotel-leaves-libya-s-tripoli-shock-284063203; *Al Quds*, "الانسار تنظيم تعلن بمبايعته ينفي ليبيا في الشريعة الدولة الاسلامية لتنظيم مبايعته ينفي ليبيا في الشريعة [The Ansar al-Sharia Organization in Libya Denies its Allegiance to the Islamic State Organization], September 26, 2015, www.alquds.co.uk/?p=409015).

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39.   See Sergei Boeke, "Al Qaeda in the Islamic Maghreb: Terrorism, Insurgency, or Organized Crime?" *Small Wars & Insurgencies* 27, no. 5 (August 2016): 914–36, www.tandfonline.com/doi/full/10.1080/09592318 .2016.1208280.

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41.   Despite comprising Islamist fighters of the now-defunct Benghazi Revolutionary Shura Council, the Benghazi Defense Brigade has denied that it is a "coalition of Islamist fighters," as UN Secretary-General Antonio Guterres claimed (*Libya Herald*, "BDB denies UN claim it is a 'coalition of Islamist armed groups.'" April 19, 2017, www.libyaherald.com/2017/04/19/bdb-denies-un-claim-it-is-a-coalition-of-islamist -armed-groups).

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45.   This said, Haftar and his LNA have cooperated with the Tripoli-based National Oil Company to sell oil internationally.

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Libyan Political Agreement." As the agreement reached in the Paris summit can be interpreted as skipping over multiple steps in the LPA, the UN Security Council statement can be seen as a soft rebuke.

77. The first-past-the-post system is used in a single-seat race wherein voters cast ballots for one candidate, and the candidate with most votes wins the contested seat. The single-nontransferable-vote system is used in a multiseat race wherein voters cast their votes for a single candidate, and the array of candidates with the most votes win, but many seats are available. The closed-list proportional system is one in which voters cast their ballots not for individual candidates but instead for parties that supply the list of candidates to take office. For more on the parameters and intricacies of Libya's previous elections, see Carter Center, *General National Congress Elections in Libya: Final Report* (Atlanta, GA: Carter Center, July 7, 2012), www.cartercenter.org /resources/pdfs/news/peace_publications/election_reports/libya-070712-final-rpt.pdf; International Foundation for Electoral Systems, *Elections in Libya: July 7 General National Congress Elections* (Washington, DC: IFES, June 28, 2012), www.ifes.org/sites/default/files/ifes_libya_faqs_general_national_congress.pdf; *Elections in Libya: June 25 Council of Representatives Elections* (Washington, DC: IFES, June 23, 2014), www. ifes.org/sites/default/files/2014_ifes_libya_council_of_representative_elections_faqs.pdf.

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84. An HCS delegation did visit Tobruk in early June 2018, but it was headed by HCS First Deputy Speaker Naji Mukhtar, who denied that the visit was connected to al-Mishri's proposal. Al-Mishri himself has yet to visit Tobruk (see, among others, Abdulkader Assad, "High Council of State delegation visits Tobruk to resolve issues in Libya's south," *Libya Observer*, June 10, 2018, www.libyaobserver.ly/news /high-council-state-delegation-visits-tobruk-resolve-issues-libyas-south).

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88. According to Article 52 of the LPA, the CDA's mandate was set to expire on March 24, 2016. However, that the LPA is technically not in force calls into question whether the expiration on the CDA's mandate is valid (see note 72). It remains to be seen which actors will continue recognizing the legitimacy of the CDA—especially after an election. Members of the HoR have said that if the July 2017 draft fails to pass referendum, the HoR would be responsible for forming a new CDA. This position is likely to be contested (Zaptia, "HoR continued debate").

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Amid the deadlock in resolving Libya's political division and internal conflict, Libyans, the United Nations Support Mission in Libya, and members of the international community are attempting to hold presidential and parliamentary elections—possibly before the end of 2018. Libya will need elections to produce a new government that the international community can support, but at the same time, elections are a gamble and could easily escalate violence. The risks elections pose are heightened by Libya's long-standing fragmentation, its recent history of violence, and uncertainty around the future of the state—and these risks will be even more heightened if elections are held prematurely. Drawing on interviews and an extensive review of secondary sources, this report presents the background of the ongoing violence, identifies the interests and grievances at play, suggests possible election outcomes and scenarios, and offers critical recommendations for the international community.

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