

Libya: Corruption, Legitimacy and the Responsibility of the International Community

How questions of legitimacy, such as endemic instances of corruption, continue to undermine domestic actors and institutions within Libya, and why the international community shares responsibility for allowing this climate of illegitimacy.

REVITALISING MULTILATERAL PERSPECTIVE AND POLICY SERIES – POLICY BRIEF

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1. INTRODUCTION

Only months ago, there was optimism¹ about elections in December 2021 in Libya following the appointment of Prime Minister Abdul Dbeibah by a UN-backed process and the instalment of a new transitional government, the Government of National Unity (GNU). Yet, as with such prospective dates in the past, this was not met, with UN Special Envoy Stephanie Williams instead expressing hope² that elections would take place in June 2022, which again looks entirely doubtful.

¹ <https://www.bic-rhr.com/research/libyas-new-government-sign-hope-or-prematurity>

² [https://www.africanews.com/2022/01/17/libya-elections-could-be-in-june-un-official//](https://www.africanews.com/2022/01/17/libya-elections-could-be-in-june-un-official/)

In fact, the polarisation in Libya looks to be as bad as it has been since a ceasefire was declared in October 2020. The eastern based House of Representatives (HoR) have declared³ Dbeibah's mandate to have expired, as he was installed only on the premise of reaching national elections by December of last year, which has not happened. The HoR have instead appointed former Interior Minister, Fathi Bashaga as a new Prime Minister of a different government. Bashaga was notably⁴ ousted by Fayeze el-Sarraj, the former Prime Minister in charge of the prior Government of National Accord (GNA) in August 2020. The GNU has rejected⁵ the legitimacy of Bashaga and refused to cede power until an election is held. Events came to a head when Bashaga entered Tripoli on 17 May 2022⁶, with an aim to take over the Tripoli administrations, leading to violent clashes between the factions. Bashaga eventually withdrew, with an intention to prevent civilian deaths and instead looks set⁷ to establish his government in the central city of Sirte.

2. THE LEGITIMACY PROBLEM

This escalation of tensions appears to mirror previous events in the cycle of conflict in Libya following the deposition of former President Muammar Gaddafi in 2011; that is, east and west administrations diverging due to political differences amidst claims of illegitimacy⁸, with violent conflict erupting amidst the impasse. The response from the international community has twice been to impose an unelected transitional government, firstly the GNA headed by Sarraj in 2015 following the Libyan Political Agreement; and now the GNU and Dbeibah in 2021, as an attempt to unify the country and set the stage for elections. However, both times these supposedly neutral parties have slipped into the landscape of polarisation and become a part of the problem, rather than assisting in the democratic and institutional development necessary for national elections. At present, the events in Libya are at the stage in the cycle where they currently appear to be on the cusp of

³ <https://www.libyaobserver.ly/news/hor-speaker-says-unity-governments-mandate-has-expired>

⁴ <https://www.reuters.com/article/us-libya-security-idUSKBN250301>

⁵ <https://www.libyaherald.com/2022/03/citing-false-votes-and-no-quorum-the-incumbent-aldabaiba-government-refuses-to-give-up-office-to-the-new-bashagha-government/>

⁶ <https://www.france24.com/en/africa/20220517-clashes-in-tripoli-as-rival-libyan-government-enters-capital>

⁷ https://www.washingtonpost.com/world/rival-libya-pm-to-set-up-govt-in-sirte-after-tripoli-clashes/2022/05/18/5ae3b1ce-d6c2-11ec-be17-286164974c54_story.html

⁸ <https://www.bic-rhr.com/research/libya-need-new-international-approach>

a new wave of violence. What will the solution of the international community be then? Another unelected transitional government?

While there are several pervasive problems sabotaging the transitional process such as the prevalence of militias⁹, foreign sponsorship in terms of weapons and fighters¹⁰, and ongoing roadblocks inhibiting the necessary consensus for the running of elections such as candidate eligibility¹¹, current events show that legitimacy, both of institutions and actors themselves, continues to be a significant problem.

Legitimacy, according to Ian Hurd of Princeton University¹², “is a belief, held by individuals, about the rightfulness of a rule or ruler”. The nature of legitimacy in deeper terms is a matter of debate. Some¹³ argue that citizens will see a ruler/institution as legitimate if it serves their self-interest, others¹⁴ see it purely as a matter of consent, or even¹⁵ as a determination of the fairness of procedures that govern their life. Regardless of the theoretical foundation, the actors in Libya face a crisis of legitimacy.

For example, are the needs of the citizens being met by either political administration? With the prevalence of militias, lack of employment opportunities and a breakdown in social and government services, the answer appears to be no.

Did the people consent to either administration through a process such as an election? The nomination of both governments and premiers was done by select individuals, and not by the population, so the answer is again, no.

Are the procedures governing the lives of citizens fair? This is a more subjective assessment of course. However, we have several indicators for why the answer is for the third time, no, but perhaps the most significant indicator is the widespread incidence of corruption.

3. ENDEMIC DOMESTIC CORRUPTION

⁹ <https://www.bic-rhr.com/research/violence-tripoli-over-dependence-militias-libyas-capital>

¹⁰ <https://www.bic-rhr.com/research/turkey-and-libya-urgency-europe-act-prevent-further-tragedy>

¹¹ <https://www.bic-rhr.com/research/libyan-elections-postponed-again-better-prospects-2022>

¹² <https://pesd.princeton.edu/node/516>.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

Libya, as of 2021, places 172 out of 180 countries on the transparency index compiled by Transparency International¹⁶. Meanwhile a report by a UN Panel of Experts¹⁷ said “the absence of mechanisms of effective monitoring and the complicity of political figures, in addition to the growing power of armed groups had led to the embezzlement of state funds at unprecedented levels”. More specific allegations of corruption persist for both political sides.

Allegations of corruption during the nomination of Dbeibah have continued to tarnish the reputation of the GNU leader, which a UN inquiry¹⁸ eventually confirmed in March 2021 that up to \$500,000 were offered as bribes for votes. Since then, further revelations have shown nepotistic appointments of family and friends of Dbeibah¹⁹, such as Dbeibah’s brother-in-law and cousin Ali Ibrahim Dbeibah, as well as the award of work contracts to Turkish companies²⁰ seemingly as a reward for the backing of the Turkish government. Certain infrastructure projects have faced criticism²¹ from the HoR as being a front to siphon off state funds. His government too faces similar questions. Ministers, such as the Minister of Culture²² and the Minister of Health²³, have been arrested, and other senior figures have been accused of embezzlement. Dbeibah for his part denies²⁴ the allegations of corruption against him.

Bashaga also faced allegations of corruption whilst holding his position of Minister of Interior, such as being named²⁵ in the annual report by the state-run Libyan Audit Bureau for 2019, an allegation which he dismissed²⁶ as being politically motivated.

¹⁶ <https://www.transparency.org/en/countries/libya>

¹⁷ <https://lbcc.org.uk/can-libya-ever-rid-itself-of-corruption-the-new-arab/>.

¹⁸ <https://www.theguardian.com/world/2021/mar/02/libyas-interim-pm-elected-through-bribery-un-inquiry-says>

¹⁹ <https://www.occrp.org/en/suisse-secrets/libyans-who-looted-gaddafis-graft-ridden-development-fund-banked-at-credit-suisse>

²⁰ <https://channel16.dryadglobal.com/erdogans-sinister-game-in-libya-construction-corruption>

²¹ <https://www.occrp.org/en/suisse-secrets/libyans-who-looted-gaddafis-graft-ridden-development-fund-banked-at-credit-suisse>

²² <https://www.plenglish.com/news/2021/12/30/wave-of-arrests-for-corruption-includes-minister-in-libya/>

²³ <https://www.africanews.com/2022/01/26/libya-health-minister-remanded-in-custody/>

²⁴ <https://www.middleeasteye.net/news/libya-crisis-peace-process-threatened-allegations-vote-buying>

²⁵ <https://almarsad.co/en/2021/03/12/special-libyas-2019-audit-bureau-report-reveals-massive-corruption-by-gnas-interior-ministry/>.

²⁶ <https://www.libyaobserver.ly/news/bashagha-audit-bureau-report-blackmail>.

In more recent events, the allegations of corruption towards Dbeibah and the GNU instead form a significant part of the rhetoric²⁷ used by Bashaga as to the failings of the GNU.

With such a climate of well-known corruption allegations, can citizens truly consider the procedures implemented by these figures and institutions to be fair? Arguably no.

4. AN INTERNATIONAL PROCESS UNDERMINED

The role of the international community in resolving the Libyan political crisis has been criticised²⁸ for being ineffective and limited, more concerned with fixing a new election date rather than taking the difficult, yet necessary, steps to address some of the underlying problems at the heart of the crisis. And similarly, the persistent failure has considerably undermined, not only the legitimacy of the imposed transitional governments like the GNU, but the value of the political process itself.

For every promising sign, such as the consent-building initiatives like the national Libyan Political Dialogue Forum²⁹, there has been several negatives; the hypocrisy of external actors calling for a political settlement whilst arming a side of the conflict³⁰, the hosting of actors implicated in targeting civilians which could amount to war crimes³¹, and the undermining of multilateral initiatives by the UN through the hosting of private state-sponsored conferences amongst others³². Allegations of corruption during the nomination of Dbeibah were well-known even then³³.

These factors undermine trust in the international process and highlight weakness in the UN-process. Why should citizens believe in the process and trust in a government imposed without an election, when said process is itself a subject of contempt?

²⁷ <https://decode39.com/2839/libyan-government-mezran/>

²⁸ <https://www.bic-rhr.com/research/libya-need-new-international-approach>

²⁹ <https://reliefweb.int/report/libya/libya-ceasefire-un-relaunches-inclusive-political-forum-amid-growing-sense-hope>

³⁰ <https://www.bic-rhr.com/research/turkey-and-libya-urgency-europe-act-prevent-further-tragedy>

³¹ <https://www.politico.eu/article/frances-double-game-in-libya-nato-un-khalifa-haftar/>

³² <https://www.bic-rhr.com/research/libya-need-new-international-approach>

³³ <https://northafricapost.com/47961-libya-suspicious-of-corruption-during-election-of-transitional-prime-minister.html>

To even begin to address the widespread issues of legitimacy within Libya, the international community should themselves re-evaluate and implement changes to ensure that their own political process can be considered legitimate. That is, make efforts to ensure that firstly, the process is beneficial to Libyan citizens; second, that consensus to the process is sought as best as possible; and thirdly, that the process itself is fair and accountable.

On the first point, the international community is doing a poor job of demonstrating why successive transitional governments, and the chaos associated with such regular political change, is preferable to some sort of unilateral settlement. There is widespread³⁴ frustration and anger towards the successive administration's inability to hold elections or make meaningful democratic progress, and the international community, especially the UN, needs to do more to demonstrate to Libyan citizens that the process is in their best interest rather than an imposition by some external outside authority. The Public Information Division of the United Nations Support Mission in Libya is a good mechanism in principle³⁵, but its activities need to be expanded and promoted further.

For many years, the holding of a national conference for citizens to engage with the political process was sought by the UN. And yes, through the Libyan Political Dialogue this was a successive consensus-building procedure. However, the international community must not stop there, and provide further ways for citizens to engage with the process. Links with civil society should be strengthened and not dismissed, and more informal citizen-polls could be conducted in the absence of the sufficient conditions for formal elections.

Finally, the international community can and should do more to make their engagement with the Libyan transition fair and transparent. A needed international financial audit of the two branches of the Central Bank of Libya was finally started in July 2020³⁶, but the international community should and could go further. Accountability monitors should be implemented including oversight of the spending of state funds by the GNU, and to ensure that the government is working to the

³⁴ <https://www.france24.com/en/live-news/20211223-libyans-voice-frustration-and-unease-over-poll-delay>

³⁵ <https://unsmil.unmissions.org/public-information-division>

³⁶ <https://unsmil.unmissions.org/united-nations-pleased-announce-launch-international-financial-review-two-branches-central-bank>

benefit of its citizens. And the international community can do more to show a genuineness to improve Libya from a unified position. Importantly, states engaged with doublethink by being a part of the international discussion on transition, yet supplying weapons and fighters to the conflict, should be held accountable for violating international arms embargos and the like.

RECOMMENDATIONS

To the United Nations Support Mission in Libya:

- Improve communication to the Libyan public about the importance of the international process by expanding the role and scope of the Public Information Division beyond Tripoli and consider hosting more interactive workshops with citizens.
- Increase consensus-building events such as informal polls and conferences to directly engage with the public on outcomes and aims of the political transition process. On this, expand the partnership with relevant civil society organisations.
- Improve reporting and evaluation mechanisms of financial transactions carried out by the UN-endorsed Government of National Unity as well as the branches of the Central Bank of Libya and ensure that any suspicious activities are relayed to the UN Security Council for investigation.

To United Nations Security Council:

- Expand the mandate of the UNSMIL to prioritise financial accountability in Libya in its activities. Approve the inclusion of financial monitors on-ground to work in tandem with the UNSMIL to this end. Ensure that any violations are sufficiently investigated and where appropriate, sanctioned.
- Thoroughly investigate and where appropriate sanction states found in violation of the arms embargo, UNSC Resolution 1970 (2011), to Libya. Work with neighbouring states including the European Union, to limit the influx of illegal weapons and fighters.

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