

SECURITY IN TRANSITION:
AN INTERDISCIPLINARY
INVESTIGATION INTO THE
SECURITY GAP



Libya: security, economic development and political reform

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Abstract

Given Libya's everyday anarchy and violence, there is a strong temptation to take a “security first” approach. Yet this would repeat a principal weakness of European policy between the fall of Gaddafi and the start of the civil war. After 2011, European policy in Libya was based upon heavy doses of “local ownership”, in reaction to the failures of the top-down approach in Iraq. This ran up against the limited capacity of the Libyan government to assess its needs, let alone to devise overall policies for which to request international assistance. Past failures in this sense should not lead Europeans to revert to a top-down approach, however, which would probably fail here as it did in Iraq. But it is up to the Europeans to get the agenda right, so that their discussions with a future Libyan national unity government focus on the right priorities. The paper examines these challenges in Libya and elaborates an alternative approach for European policy.

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1. Introduction

Since 2011, Europe has seen Libya mostly through the lens of security threats. Its sprawling militias and their grip on the weak central government; the prospect of uncontrolled migration through and from Libya (seen in the EU as a quintessential security threat); the rising jihadi presence – these have framed the EU’s perception of the country. Yet, the anarchy and growing violence has always had both political and economic roots, and Europe’s failure to address them has only contributed to Libya’s descent into its current state of conflict.

Now Europe may have a second chance at getting Libya’s transition to democracy right. In December 2015, a range of Libyan lawmakers and municipalities signed an agreement in Morocco, under the auspices of the United Nations, to establish a government of national unity. The implementation of this agreement faces many challenges: the government will only be able to establish itself in Tripoli if the UN can negotiate a security agreement with the militias now controlling the capital; the support of many eastern tribes and political leaders will depend on the role given to the existing Libyan National Army (in fact, one of the factions that fought in the current conflict); the rapid expansion of ISIS could push the West to intervene in the country through air strikes and the use of Special Forces, in a way that would ultimately undermine the legitimacy of the UN-supported government. Beyond these security considerations, however, the success of any new government will also depend on the wider context in which it tries to govern.

2. Western responsibilities and regional dynamics

It is often said that the current chaos in Libya stems from the failure of the United States and European countries to remain involved in the country after their 2011 military intervention. Yet this account is misleading: Libya was not left by itself after 2011. The EU and member states developed programmes to try to build capacity in a number of sectors, from the civil service to security. In most cases, the post-Gaddafi government did not have the absorption capacity for these programmes; in some cases it lacked even the skills to conduct a thorough assessment of needs, a first step in the provision of assistance.

The security situation in Libya deteriorated after the fateful decision of the National Transitional Council, the interim post-Gaddafi government, to create a hybrid security sector by “integrating” the “revolutionary” militias into the Ministry of Defence or the Ministry of the Interior. These militias kept their pre-existing chains of command and gained a government salary while using their new position to hold politicians hostage

rather than providing security.¹ As these “integrated” militias contributed to the Libyan chaos, the EU and member states responded primarily with a narrow, security-driven approach to assistance. While some programmes tried to build up capacity in other areas of the civil service, the largest and most expensive programmes dealt with security as a standalone issue.

Much of the EU’s attention was devoted to its Border Assistance Mission (EUBAM), which was only taking off in 2014 when Libya’s civil war started. EUBAM focused on capacity building and strengthening the hold of the central government on the border regions. In addition, in response to the request of then-Prime Minister Ali Zeidan, four NATO countries (the US, UK, Italy and Turkey) undertook in 2013 to create a General Protection Force of some 15,000 soldiers by training Libyan soldiers in their countries, and then returning them to Libya. The intended purpose of this force was never clear. The training was an utter failure in the UK and never started in the US, while in Turkey a large number of recruits dropped out during training. Only the Italians managed successfully to train hundreds of troops thanks to several layers of vetting; however they too had to drop the programme once violence escalated in 2014. Similar failures occurred in the large-scale programme to train and support a police force, to which France also contributed. Germany focused on a disarmament programme for the militias that was equally unsuccessful.²

Ultimately, these programmes all ran up against the same problems. First and most obviously, Libya had neither the capacity nor the structure to absorb these efforts. Often, Europeans struggled to do any capacity building with organisations where only a fraction of the employees bothered to show up to work. As with many dictatorships, Libya's government under Gaddafi was not meant to work except under his direct orders or those of his clique.

Second, but most importantly, the narrow security approach failed to see the connections between insecurity, political dynamics and the peculiar Libyan model of rentier state. Under Gaddafi, Libyans were “entitled” to a share of the oil rent, usually paid as a state salary that did not imply actual work but rather loyalty to the regime. Since individual salaries were disconnected from any constructive output, there was no incentive to create an even moderately functional government bureaucracy.

Ultimately, institutions could not be built up from scratch after the revolution merely through technical assistance; a new social contract was needed and this could only be built through a political process, not just through bureaucratic benchmarks. The responsibility for this task obviously lay first of all with the post-Gaddafi Libyan leadership, but it is also true that the West did not push Libyan authorities to take this

¹On Libya's “hybrid” security sector, see Wolfram Lacher and Peter Cole, *Politics by Other Means. Conflicting Interests in Libya’s Security Sector*, Small Arms Survey, October 2014, available at <http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf>

²For more on European assistance programmes, see Mattia Toaldo, “A European Agenda for Libya”, ECFR, May 2014, available at

on, instead treating constitution-making as a purely technical endeavour for law experts. In the absence of a true political compact, and because of the decisions taken by the NTC after the fall of the regime, the “hybrid” security sector based on militias was now the real political actor that hampered or hijacked reform. Ultimately, it would become the main beneficiary of the Libyan post-Gaddafi rentier state with salaries for this hybrid security sector absorbing an ever greater share of public finances. Gradually, militias absorbed also the functions of the collapsed dictatorship in a peculiar decentralisation of authoritarianism in which they managed their own detention centres and repressive apparatus.³

As the political role and the financial weight of “integrated” militias grew, both Libyans and Europeans made the mistake of thinking that the chaos could be sorted by forcing those same militias to surrender weapons, while at the same time building a central state. The Libyan conversation on the future of the country – and as a consequence, the analysis of most international actors – came to be dominated by the DDR (Disarmament, Demobilization, Rehabilitation) narrative by which there was an indistinct “militia” world where politics, relations between centre and periphery, or the distribution of economic resources, did not matter.

On the backdrop of this essentially Libyan post-conflict and post-regime change dynamics, Libya was simultaneously becoming one of the battlegrounds of the regional confrontation between Sunni conservatives and political Islam. Even though the drivers of the conflict here were only marginally linked to the existence of the Muslim Brotherhood, the deterioration was a direct consequence of the coup in Egypt. The example of General Sisi’s deposition of President Morsi led the renegade Libyan general Khalifa Hefatar to launch “Operation Dignity” against “Islamists and extremists” from Benghazi in May 2014; this action in turn precipitated the formation of the “Libya Dawn” coalition by militias from Misrata and the Amazigh/Berber community, along with Islamist groups mostly from the West of the country. The formation of two rival governments and parliaments swiftly followed. Ultimately these developments vindicated the essentially political nature of struggles which had been previously framed as a DDR problem.

The EU and member states were at fault in not doing more to try to contain this spillover from Egypt and the competing support from different Arab capitals to the various Libyan factions. Ultimately, what was lacking was not European assistance but rather high-level political pressure and coordination. These came only with the formalisation of the P3+5 format that included the three permanent members of the UN Security Council along with the EU, the UN, Italy, Germany and Spain. While this coordination existed at the ambassadorial level, it was upgraded to the ministerial level only after the summer of

³For more on the decentralisation of authoritarianism, see Mattia Toaldo, “Decentralising authoritarianism? The international intervention, the new “revolutionaries” and the involution of Post-Qadhafi Libya”, *Small Wars & Insurgencies*, forthcoming, to be available here <http://dx.doi.org/10.1080/09592318.2016.1122905>

2014, at a time when the violence in Libya had already escalated into civil war.

Nevertheless, high-level international coordination did produce significant effects by pushing the warring parties into the UN-led dialogue (and renewing the pressure every time they dragged their feet) and by opposing efforts by regional powers to escalate the fighting. The UAE and Egypt in particular tried to use the ISIS threat to shift international support to the “anti-Islamist” Tobruk government (and thus away from a power-sharing outcome) and more importantly to push for an end to the arms embargo on Libya. Repeated joint statements by the P3+5 in favour of dialogue and against lifting the arms embargo, coupled with concrete efforts to stop the warring parties from taking control of financial institutions, were crucial in keeping Libya away from the death tolls witnessed in Syria or even Yemen. International coordination was expanded in 2015, above all with the Rome conference in December that brought together 17 different states or international organisations, including all the P5, and committed all countries attending to have relations only with the national unity government and not with those based in Tobruk or Tripoli. The challenge will be to sustain the “Rome format” and make it a recurrent forum to exert political pressure on the Libyan parties and coordinate Western and Arab-Turkish positions.

3. Next step for Europe: Fighting ISIS and migrants?

The summer of 2014 not only destroyed most of what was left of the Libyan state, but also gradually pushed all internationals out of the country. By mid-2015, all Western embassies had closed; even the UN does not have a stable presence in Libya any more. This affects the degree of understanding of the country, with a growing number of diplomats who are theoretically posted to Tripoli, but have never been allowed to set foot there. However, the first months of 2015 also saw a marked renewal of European attention to Libya, due to the combination of two elements: the growing ISIS threat and the skyrocketing number of migrants and refugees passing through Libya and into Europe. The two phenomena were often combined in the European media, with reports (often based on shaky or non-existent evidence) suggesting that jihadists would infiltrate groups of migrants and refugees in order to attack Europe.

Starting from February 2015, when ISIS released a video showing the beheading of dozens of Egyptian Copts in Libya, there has been increasing talk of Western military intervention in the country. The French Minister of Defence, Jean-Yves Le Drian, had already suggested in December 2014 that France was ready “to take it’s part” to fight jihadists in Libya.⁴ Now other European officials, particularly in Italy, seemed to take up the idea of renewed military action. The suggestions of a possible military intervention took different forms and aimed at different things, and often combined: providing a

⁴ « La France appelle à la mobilisation contre la poussée djihadiste en Libye », 31 December 2014, Le Monde, available at: http://www.lemonde.fr/libye/article/2014/12/31/paris-ne-veut-pas-accepter-le-developpement-d-un-sanctuaire-djihadiste-en-libye_4548235_1496980.html#kqLuSXe6Gfkel7oE.99

peace-keeping force in case of a national unity deal brokered by UN Special Representative Bernardino Leon; directly attacking ISIS, as in Syria and Iraq; and combating people smugglers and illegal immigration into Europe.

After the Mediterranean shipwreck in April 2015, when hundreds of migrants and refugees died off the coasts of Libya while trying to reach Europe, the EU expanded search and rescue operations by the Triton border agency and created EUNAVFOR MED, a mission tasked with combating people smugglers also by seizing and destroying their boats. An implied part of this operation was to involve military action on the ground in Libya to destroy the assets of the traffickers, but this would only be possible with the support of a UN Security Council resolution. UN Security Council 2240 was adopted on 9 October 2015 but it only authorized operations in international waters.⁵

The new European attention to Libya runs the risk of looking at the country only through the prism of a security response to terrorism and migration. European ad hoc initiatives on these issues could be counterproductive if they neglect the political dynamics that underpin these problems. Smuggling, including people smuggling, is part of the illicit economy of most Libyan border communities. Non-Arab border minorities such as the Tuareg and Tebu are also politically marginalised, as demonstrated by their exclusion from the constitution drafting process initiated by the election in February 2014 of an assembly composed of 60 members equally divided between Libya's three historical regions of Tripolitania, Cyrenaica and Fezzan. It is unlikely that these communities will stop their involvement in criminal activities unless a feasible economic alternative is provided, based on the legalisation of some of these traffics (obviously, those involving legal goods). Ultimately, the problem of people smuggling must be addressed not just as a security issue but also through political reform (by reversing the disenfranchisement of the minorities) and through a realistic plan for economic development that doesn't rely solely on long-term development aid programmes.

Similarly, the security threat posed by ISIS is the result of both political and economic dynamics: the political marginalization of the supporters of the former regime, some of whom are now reported to be supporting the so-called Islamic State; the political and organisational links between some sectors of Libya Dawn and jihadist groups; the high-density criminal scene and its relationship with jihadist groups. Last but not least, both the rise in illegal migrations and the birth of ISIS are the result of the power void created by the Libyan civil war in 2014. The months ahead will show whether Europe has enough strategic patience to address these problems, starting with filling the power void with a national unity government.

In the meantime, any Western military intervention that precedes the entrenchment of the new UN-sponsored government would be likely to have a counterproductive effect:

⁵Mark Shaw and Fiona Mangan, Illicit trafficking and Libya's Transition: profits and Losses, United States Institute of Peace, 24 February 2014, available at www.usip.org/publications/illicit-trafficking-and-libya-s-transition-profits-and-losses

if it was ignored by the intervention, the government would be delegitimized in the eyes of the Libyans; if it gave its approval to the intervention, it would strengthen the views of those Libyans who see it just as a tool for Western interference in the country.

4. An alternative approach

Looking at Libya's everyday anarchy and violence, there is a strong temptation to take a “security first” approach. Yet this would repeat a principal weakness of European policy between the fall of Gaddafi and the start of the civil war in 2014.

After 2011, European policy in Libya was based upon heavy doses of “local ownership” in reaction to the failures of the top-down approach in Iraq. This ran up against the limited capacity of the Libyan government to assess its needs, let alone to devise overall policies for which to request international assistance. Past failures in this sense should not lead Europeans to revert to a top-down approach, which would probably fail here as it did in Iraq. But it is up to the Europeans to get the agenda right, so that their discussions with a future Libyan national unity government focus on the right priorities.

Economic development. Libya does not need development aid money, as it can count on dozens of billions of euros’ worth of cash reserves and assets accumulated thanks to the country’s oil wealth. Because of the fighting, however, this wealth is shrinking. Libya’s current economy, as devised by the Gaddafi regime and only tweaked by its successors, is actually a driver for conflict and violence.

First, the largely tolerated and politically instrumental smuggling sector contributes to Libya’s violence, as it helps the flow of weapons and drugs while boosting the wealth of criminal groups that are almost always involved in political violence. Second under Gaddafi, Libya was no more than a rentier state. The regime exchanged the uneven distribution of largesse for political loyalty. After the fall of the regime, control of the sources of this largesse, notably the oil fields and the institutions connected to the energy sector, became the largest battleground.

The economics of smuggling has been fuelling conflicts, which in turn have transformed smuggling into the default source of revenue of Libya's war economy. As suggested above, dialogue with border communities could start by drawing a clear line between the illicit trade of legal goods such as petrol or medicines, and the smuggling of illegal goods such as drugs and weapons, or the illegal exploitation of migrants and refugees. The former should be brought into the legal realm, while the latter should be subject to law enforcement by the same border communities.

As for the oil wealth, this should be part of a new social contract in which it is used to build the post-oil economy. Some young Libyan analysts have proposed a “sovereign wealth account” instead of a “sovereign wealth fund”, where every Libyan would be entitled to a share of the oil wealth to be used as collateral for loans to start new

businesses. While the details of the idea need to be fleshed out (perhaps with EU help), it carries with it the advantage of eliminating most causes of conflict over the oil wealth and at the same time building the conditions for economic growth.

Many of these reforms need to be agreed, finalised and initiated by Libyans. Yet the EU and member states can provide expertise as well as political mediation to facilitate economic reforms. Last but not least, if the separation between the two tracks of the smuggling economic is to be taken seriously, some degree of European law enforcement against smuggling of arms and drugs will need to be provided while the Libyan side of the operation takes shape.

Political reform. In contrast to Tunisia and Egypt, Libya has not yet approved a post-revolutionary constitution. After much dithering, elections for a Constitution Drafting Assembly were held in February 2014. Turnout was extremely low and the productivity of this body has been hampered by conflict. It is unclear whether the CDA will ever produce a draft and, if so, whether it will carry any weight, given that the CDA has been unable to carry out consultations on the text and that Libya's three largest minorities (Amazigh, Tebu, Tuareg) have boycotted it.

Paradoxically, the UN agreement now under negotiation provides for some agreed ground rules that would allow the country's institutions to function for some time. Europeans could encourage Libyans to take this time to conduct a broader consultation on a constitutional draft while broadening its base of support, particularly among minorities.

Moreover, EU assistance for political reform should focus on building the safeguards for a functioning democracy, starting with those bodies that can guarantee accountability: the judiciary, an independent media, and civil society. There is not now a single functioning court in the whole of eastern Libya. The first town whose court was shut down was Derna, which also happened to be the first place where ISIS established itself in Libya.

Libya, even more than other North African countries, needs administrative reform of the state. Yet Europe must take stock of its past efforts in assisting reform at the level of the central government. A new Libyan government, like all other governments since 2011, will be ineffective in assessing its needs or implementing an agreed plan. While Europe should not give up on administrative reform, it should also not over-burden the central government with expectations and demands. There is only so much that can be achieved in Tripoli.

It may in fact be more important for the EU and its member states to provide expertise to local authorities, which have benefited from the de facto process of decentralisation that has taken place in Libya since the anti-Gaddafi revolution. More recently, local communities started to negotiate ceasefires which have extended a web over most of western Libya, greatly improving the region's security. The Association of Netherlands Municipalities already has an assistance programme in place while the EU's External

Action Service has been at the forefront of the municipal dialogue, a specific track of the UN-led process.

Countries like Germany, Spain or Italy have a longstanding tradition of local government, which they should put at the disposal of Libyan local authorities to help them build security but also run public services, another significant method used by ISIS to infiltrate local communities.

What security sector reform? Dozens of European officials have worked over the years on the reform of Libya's security sector. The main goals have always been to disarm militias, build up a central government with a national army, and secure the borders. Many of these goals must now either be reframed or put aside for the moment. Building a national army usually takes several years, in some cases up to 15. In Libya it is even more complicated by the existence of militias that have a political role, mostly without real intermediaries.

While it is up to the Libyans to decide how to (re)build their security sector, Europe should get its priorities right. First, functioning local authorities can have a much more significant impact on domestic security than a national army; if anything, any renewed attempt to set up new armed forces would restart the competition to head them and the fight over arms procurements. Second, as in other parts of North Africa, it is crucial to establish civilian oversight of the armed forces and police – not just to guarantee human rights but also to improve the performance and focus of existing structures. Europe can do a lot in this respect, as with political reform and accountability.

Finally, who should take care of security while a new security sector is built? In the past, there has been a discussion about a peace-keeping force to be deployed to guarantee the safety of key government facilities and transportation hubs, at the request of the new Libyan government. UNSMIL, through General Paolo Serra, is now pursuing negotiations with a different objective: a political agreement on security in Tripoli with key military actors that would ensure the safety of the new government. In this scenario, outsiders (particularly Italy and the UK) would offer training and assistance to the nascent security forces in Tripoli. Outside of Tripoli, a lot will depend on local authorities (broadly defined, to include tribal leaders and elders) along with a “coordination agreement” among existing forces to fight against ISIS, based on European mediation where necessary.