SECURITY SECTOR REFORM (SSR) IN LIBYA

ASSESSMENT OF THE SITUATION AND EVALUATION OF PERSPECTIVES FOR THE CZECH REPUBLIC AND NATO

BACKGROUND PAPER
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AUTHORS’ NOTE

This paper is part of a project organized by the Prague Security Studies Institute, in cooperation with the Ministry of Foreign Affairs of the Czech Republic, entitled, “Transformation of Libyan Security Sector: Current State and Perspectives of Cooperation with the Czech Republic and NATO”. Its purpose is to provide background on the contemporary security situation in Libya and current state of Libyan security sector reform (SSR). It also aims to present suggestions how the Czech Republic and NATO could support Libya’s SSR. The thematic scope of the paper corresponds with the topics of the related “Expert Roundtable on Security Sector Reform (SSR) in Libya”.

1 CONTEMPORARY SECURITY SITUATION IN LIBYA

In several ways, Libya is a unique country even in the context of the Arab world and the region of North Africa. Its size, geopolitical position between the unstable Sahel region and Europe, harsh climate, rich reserves of oil and natural gas, combined with a relatively small population concentrated nearly exclusively around the coast, variety of ethnicities (the Arabs, blacks, Berbers, Tuaregs and Tebu), and relatively poor society of which approximately one-third lives at or below national poverty line, make it a tricky security environment.

Recent conflicts have rendered the Libyan situation even more precarious. The Libyan revolution was the most profound change of political and social order in a country affected by the Arab Spring. The former regime was completely overthrown; its leader was killed and the rest of the ruling family was either captured or expelled. So far, the NATO-led intervention in Libya remains the only overt foreign military intervention during the Arab Spring targeted against a ruling regime, also signifying a stark contrast with the development of the war in Syria.

The Libyan revolution was a bloody conflict which saw around 30,000 people killed. This represents 0.5% of the local population, which is still a higher percentage compared to the current war in Syria. Besides, many more people were injured, not to mention high levels of material damage in some parts of the country. Nevertheless, relatively smooth parliamentary elections, the ability of the central government and other non-state actors to prevent large-scale civilian conflict, and post-war reconstruction progress give reason for cautious optimism.

The war in Libya inflicted on its society many tragic events with lasting consequences. The cities of Misrata and Sirte were heavily damaged and their population faced collective punishment. In the case of Misrata, punishment came from the regime forces, and in the case of Sirte, from the opposition. In the town of Tawergha, around 25,000 black inhabitants were displaced by opposition fighters. All over the country, various communities and ethnicities were the subject of repressions: the Berbers were targeted by the regime; the black people, suspected of being Gaddafi mercenaries, were attacked by the opposition. Sexualized violence and other psychological traumas are not being properly dealt with due to the lack of specialized medical personnel, cultural taboos and delicate political situation.

This precarious political and social context leads to the weakness of the central government, infighting among local tribes, clans or ethnicities (for instance, the Tebu vs. the Arabs in the South), and disputes about territory, control of natural resources and redistribution of oil wealth (mainly between the East and West of the country). There is a real danger stemming from the lack of oil revenues, caused by the instability and related inability to buy loyalty of the local tribes and clans, which can lead to even higher insecurity. Consequently, it can cause another round of oil shortages. This month, the threat was highlighted by the armed strike at oil terminals, which nearly brought the whole country to a halt.
Violent Salafist groups, the presence of international jihadists coming primarily from the Sahel region, gang violence and other forms of organized crime supported by the release of 16,000 prisoners held by the Gaddafi regime added “fuel to the fire”. Combined with other causes, it creates a critical security situation in Benghazi, in addition to the attacks on power, water and oil installations around the country, and water and electricity cuts in the capital Tripoli. It can be said that in some areas, Libya is now partially working as a loose group of city-states. In some places, groups of thuwars run their own detention facilities, make arbitrary arrests and illegally use state property.

The control of Libyan borders poses another significant problem. Security forces are not adequately equipped to protect Libya’s 4,348 km long land border and 1,770 km of coastline. As a result, it has been very difficult to prevent illegal trafficking of people, weapons and drugs. This leads to instability, especially in the southern part of the country, which is infamous for its migrant trails, cross-border smuggling, weapons proliferation, tribal conflicts and presence of armed extremists.

The weakness of the Libyan state also manifests itself in the insufficient physical protection of state institutions – especially in the case of the General National Congress, and Ministries of Defense, Interior and Foreign Affairs, which were blockaded or seized by thuwars, faced incursions of violent protestors, or were the target of terrorist attacks. Furthermore, the lack of security, and inability of the state to seek justice for victims and bring perpetrators to the court increasingly lead citizens and local communities to take justice into their own hands.

2 CURRENT STATE OF SSR IN LIBYA AND ITS GOALS

According to Omar Ashour, a Non-Resident Fellow at Brookings’ Doha Center, the Libyan security sector faces six challenges. The first challenge is a political polarization, which can lead to the further politicization of the SSR process. The second is an internal resistance by anti-reform factions within the security sector. The third problem is the limited capacity and resources of the government. Weak democratic institutions pose the fourth challenge. The fifth problem is a limited knowledge and experience of SSR requirements among the stakeholders and the sixth is an incomplete demobilization, disarmament and reintegration (DDR) of former anti-regime fighters.

However, there are three additional factors that make overcoming of these challenges even more complicated. The first factor is the looming threat of internal armed conflict. To deal with this challenge, a political consensus is required. The second factor is a mismanagement of the Libyan SSR related to the deeply rooted clientelism and corruption, inherited from the times of the Gaddafi regime. Terrorism and political violence, including assassinations of security officials, especially in the East of the country, present the third factor.

The national army and police are still weak and, according to Libyan Prime Minister Ali Zeidan, part of the new recruits must be sent abroad for further training. Thuwars are not yet fully integrated into regular units and the state is still sometimes dependent on their support in order to fill the security vacuum. Recent experience from Tripoli shows that determined and well-equipped special forces, formed in collaboration between Ministries of Defense and Interior, can gradually solve the problem of militias in the big cities by pushing them out or disarming them one by one. However, the lack of political backing, salaries and equipment is hampering their efforts.

There is also another burden from the past. During the Gaddafi regime, the Ministry of Defense did not exist. Therefore, its current minister does not possess any legitimacy in the eyes of the public, the army, its chief of staff and the ruling elites, as they are not used to this type of institution. Under these circumstances, the conflict over the competences is inevitable and it is hard to establish democratically accountable armed forces with a proper civilian oversight.
The ramifications of the current political and security situation in Libya and limited resources available to deal with them also influence unofficial rules of engagement used by the police and the army, which is sometimes functioning as a national institution. In a divided country such as Libya, the police and the army must play the role of a local peacekeeping force and mediator, show restraint, not intervene by force and always take into account broader political consequences of their actions.

Security sector reform in Libya has two core objectives. The first is establishment of effective governance, oversight and accountability in the security system and the second is the improvement of the delivery of security and justice services with public safety at the forefront. To accomplish these objectives, the Libyan government identified in February 2013 during "International Ministerial Conference on Support to Libya in the Areas of Security, Justice and Rule of Law" six priority areas in the security sector, including: i) national security coordination and architecture; ii) disarmament, demobilization and reintegration (DDR); iii) arms and ammunition control; iv) border security and management; v) defense reform and development; and vi) police reform and development. Successful addressing of these priorities represents an immense challenge to the Libyan state, which needs targeted assistance from its international partners. Nevertheless, even in such a case, successful SSR can prove impossible in some areas for the time being.

3 GUIDELINES AND LIMITS OF SSR IN LIBYA

Successful SSR in Libya requires, among other things, three preconditions: political consensus, institutional oversight and new laws targeting abuse, eradicating torture and ending the impunity of the security services. Transparent, accountable and politically neutral state security institutions not aligning with any tribe, ethnicity or family are the cornerstone of Libyan security transition. Corruption, clientelism and general sense of insecurity and impunity may derail this process.

A need for political and legal backing and material support of SSR implies that it cannot succeed in itself and must be supported by favorable external circumstances, especially a carefully balanced distribution of power and healthy economy, including effective functioning of the oil sector in order to enable allocation of sufficient funds. The other indispensible requirement is a functional, transitional justice and rule of law. From a material point of view, successful SSR requires the lifting of the UN arms embargo. Last, but not least, the creation of a new constitution and drafting of complex Libya’s security strategy are also considered a paramount precondition for successful SSR.

In the transitional period, however, other available tools must be used, too. The temporary use of local customs for conflict resolution and mediation based on traditions and Islamic law proved beneficial and enabled Libya to prevent many more internal clashes so far, even when the state authority in some areas was too weak or simply nonexistent. Tribes and their leaders can be also valuable for national reconciliation efforts, overcoming old grievances and integrating members of the former regime into the new political order.

The importance of the army in SSR is crucial because in a society that is divided according to social, ethnic, tribal, provincial and sectarian lines, national armed forces are playing an essential role in maintaining law and order and political stability, especially during the initial period of post-war reconstruction when state institutions are still weak and war-scarred society is not yet functioning properly. For example, the experience of the Lebanese Armed Forces (LAF) after the end of civil war in multi-ethnic Lebanon can provide valuable lessons to the building of the Libyan army. Also, the complex experiences of Western partners with SSR in Lebanon can provide Libyan SSR with a set of best practices to follow.
SSR in Libya should prevent any kind of political or social discrimination or provision of privileges when it comes to human resources management. Representative composition of the army on all levels and the security apparatus, as a whole, are the key to gaining trust and respect for the state from alienated local communities, especially in Sirte and Bani Walid, which will then see these institutions as inclusive and not as a mere tool in the hands of a particular tribe or ethnic. It should also not be forgotten that SSR in a democratic society is not only about national security perspectives, but also about aspects of cultural (e.g., protection of minorities) and human (freedom from fear, freedom from want) security.

4 TOOLS FOR SUPPORT OF SSR IN LIBYA FROM NATO AND THE CZECH REPUBLIC

Security and political developments in Libya are closely related to the security of NATO member countries for several reasons, be it energy security, immigration and illegal trafficking of people, the fight against terrorism or preventing state failure in the EU’s neighborhood. Moreover, it is usually more effective (and less costly) to engage threats, quell conflicts and address humanitarian concerns as well as promote human and civil rights out of NATO territory and before they get out of hand. Therefore, it is in the best interest of NATO and the Czech Republic to readily support Libya in its security transition.

Apart from bilateral cooperation, Libya’s SSR depends on three main external actors: the EU, NATO and the UN. The EU acts as Libya’s long-term strategic partner and, via its EU Border Assistance Mission (EUBAM), focuses on Libya’s border protection. NATO, practically absent from Libya after the end of its operation Unified Protector, is now enhancing cooperation with the Libyan government through a series of expert-level visits with an eye on of deeper cooperation. Last, but not least, the UN is present in Libya, primarily in the form of the United Nations Support Mission in Libya (UNSMIL), acting as a coordinator of international SSR assistance.

The Alliance can offer Libya various forms of tailored partnerships like Partnership for Peace (PfP) or its Middle Eastern equivalents called the Mediterranean dialogue (MD) and the Istanbul Cooperation Initiative (ICI). Expert support in the SSR is already underway and perspectives of cooperation in the field of training, joint exercises and educational cooperation in the field of security studies and military science are a possibility, especially after the Libyan government formally requested NATO in May, 2013 to support its SSR efforts. However, NATO does not seem to be willing to deploy any troops to Libya, even in a form of a training mission.

The Czech Republic is capable of helping Libya in the field of harmonizing the national army’s standards with NATO criterions due to its experiences from the PfP program, especially when it comes to the military education, acquisition of armaments, operational and logistical planning and training of troops. Due to the Czech’s Soviet-era armament and experience with missions in desert areas of Afghanistan and Iraq, the Czech Republic can also offer know-how regarding refitting and modernization of Russian-made military equipment and increase the Libyan army’s capabilities at least before the Libyan state is able to buy new military hardware.

Nowadays, the Czechs do not have the resources or the political will to establish its own training mission in Libya. However, as was the case of the EU’s training mission in Mali (EUTM Mali), where the Czech elite troops are dispatched to defend the mission’s headquarters in Bamako, or the Czech participation in NATO’s ISAF mission in Afghanistan, the Czechs can join the ranks if there is a general push inside of the Alliance or the EU to create such a mission. Besides, the Czech Republic also has experience with the training of national police forces from EUPOL, EULEX and ISAF mission.
5 RECOMMENDATIONS FOR NATO AND THE CZECH REPUBLIC

Apart from what is already being done by Libya and its international partners when it comes to its security transition, here are several proposals in case of a successful development of SSR cooperation between Libya and NATO or the Czech Republic.

SUPPORT:

• Establishment of the Libyan Ministry of Defense as a respected institution within security sector architecture and help explain its indispensable role to the political actors and Libyan public.
• Offer technical support with improving the effectiveness of border control including hardly accessible or deserted areas.
• Education of informed and security-minded practitioners and NGOs dedicated to the development of democratic institutions and civil society oversight of the state security apparatus.
• Anti-corruption training for defense procurement officers and effective human resources management, especially when it comes to promotion and recruitment.
• Establishment of a National Guard as a new auxiliary force within the army mainly to protect strategic sites outside of urban centers and/or creation of gendarmerie function of police.

KEEP IN MIND:

• Due to the Libyan political climate, all external help should be kept discreet, tailored to Libyan needs and responsive to Libyan requests.
• The target group of SSR support should always be state institutions or civil society, not other non-state actors like tribes, clans or local strongmen. However, the provision of support should always take into account the local culture.

AVOID:

• Favoring any political or ethnic group even if it means temporary weakness or disadvantage for the state and its international partners.
• Partial SSR solutions which do not have local ownership and are not accepted by local communities (e.g. the case of improvement of border control and its consequences on livelihood of local people).
• Selective approach to SSR in Libya and disproportional support of only some dimension of the SSR at the expense of others (e.g. do not exclusively favor the fight against terrorism and related capacities of national army and police force).
• Development of special forces aimed at counter-terrorism if there are not sufficient safeguards to ensure that such an elite force will be under oversight of state authorities and not be used for selfish interests of any political actor or group.