



# TEPSA BRIEF

## Options for EU engagement in post-conflict Libya

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### Summary

The EU's response to the Libyan crisis has been weak and divided. The EU failed to speak with one voice and to get its act together in the field of military crisis management. While the UN and NATO have been the main players in the first months of the Libyan civil war, the EU is expected to step up to the plate for civilian support to a post-conflict reconstruction. This policy brief analyses the most serious medium- and long-term challenges for the (re-)building of a functioning Libyan state. On this basis it examines options for EU engagement in the area of security sector reform taking into account lessons learned from previous CSDP missions in Iraq and Afghanistan. The policy brief concludes that the establishment of a civilian CSDP mission providing training mainly outside Libya will be the most feasible option.

### 1. Background

The Libyan crisis has been the first major conflict since the entry into force of the Lisbon Treaty in 2009. The EU's response to the crisis has been widely criticised for revealing the EU's weakness to handle the crisis coherently and efficiently. However, the EU has not been inactive in terms of crisis management. The EU has been successful in protecting its citizens and third-country nationals living in the conflict zone as well as in the delivery of humanitarian aid. The EU implemented the sanctions imposed by the UN Security Council and went even beyond them. However, member states remained at odds with each other regarding the establishment of a no-fly-zone over Libya. The EU's decision to set up EUFOR Libya in April 2011 was equally neither supported by all member states, nor did it seem to fulfil the UN's needs. Tied to a request made by the UN Office for the Coordination of Humanitarian Affairs, EUFOR Libya would have been deployed with the aim of contributing to the safe movement and evacuation of displaced persons and to support the delivery of humanitarian aid. Within the UN, concerns were expressed on "blurred lines" between military and humanitarian action and EUFOR Libya was thus considered a measure of last resort. Within the EU particularly Sweden – back then the framework nation of one of the two Battlegroups on stand-by, whose deployment was considered in the context of Libya – opposed a decision on the operation in the Council meeting.

With Gaddafi's death on October 2011 and a slowdown of the conflict, Libya entered a process of reconciliation and reconstruction facing a range of post-war challenges. In its conclusions from 1 December 2011, the Foreign Affairs Council affirmed its "readiness to provide further assistance to Libya across a range of possible sectors, including inter alia security sector reform and border management." According to an EU official, assisting Libya is a high priority for the EU and it is keen on showing engagement in Libya's reconstruction.

Arguably, while military force was necessary to remove Gaddafi, a successful reconstruction process will require a different set of methods and approaches. This policy brief explores several options for

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the EU to get engaged in the area of security sector reform based on an analysis of the main mid- and long-term challenges for post-conflict Libya. The EU is well positioned to assist the Libyan authorities in the post-war reconstruction and has valuable experience in the field of security sector reform for example in Africa and the Middle East. The recommendations are thus backed by lessons learned from previously established civilian CSDP missions in Iraq and Afghanistan. In both cases the EU has been operating in a highly sensitive environment in terms of security but also concerning the question of international agreement on engagement on the ground. Taking into account some of these previous experiences made in Iraq and Afghanistan could help the EU to design an adequate framework for its post-conflict engagement in Libya.

## 2. State of play

Following the end of the fighting in Libya the EU shifted its humanitarian support to issues related to the field of development cooperation. The EU is currently providing two packages of short-term and medium-term support. Within the first package, 10M euro have been envisaged to support the Libyan government to build general public administrative capacities and to provide technical assistance. More specifically, the EU funds civil society in Libya and an education programme supporting the establishment of basic education for all children but also including training of teachers and assisting the Ministry of Education in the formulation of an effective education policy. Regarding the medium-term support, 50M euro have been made available for the cooperation with Libya for the period of 2012 until 2013. These funds are to be allocated according to the needs of the Libyan authorities following the results of a coordinated needs assessment by the international community.

The needs assessment process started with the Paris Conference on Libya in September 2011 bringing together EU member states, the UN, the World Bank and the IMF as well as the Libyan authorities. The participants agreed to divide their assessments across 12 different sectors. The EU has initially been assigned the assessment in the areas of border management, civil society and media. In early March, the EU sent an expert mission to Libya that aims at assisting the Libyan authorities to assess their specific needs on border management. Consisting of ten experts, the mission is deployed for a period of three months in order to make recommendations to the EU for concrete action and support to an efficient border management regarding Libyan land, sea and air borders.

The EU also became active in the area of security sector reform. From 20 to 21 of February 2012, a workshop on ministerial level with EU and UN representatives as well as with the Libyan authorities took place providing the Libyans with the opportunity to present their gravest security concerns. The meeting aimed at achieving a better understanding of the kind of support and assistance the Libyan authorities would like to have in the security sector. During the workshop, a range of issues such as the building of a police force, the reintegration of freedom fighters, the upcoming elections as well as a comprehensive disarmament process were discussed. However, the outcome of the workshop was not as conclusive as expected. According to informal EU sources, this is mainly related to the difficulties of the Libyan authorities to clearly articulate their needs. Since the transitional Libyan authorities have only been in place since November 2011 and their mandate will end with the elections in June 2012 it is presumably a daunting task to manage all aspects of the reconstruction process at the same time. A follow-up meeting is likely to be convened in the near future. The continuing negotiations show that the needs assessment is a lengthy process, particularly regarding sensitive issues such as security sector reform.



### 3. Post-intervention challenges for Libya

“Gaddafi is dead, but the revolution lives on. As one battle comes to an end, another begins today”, Aljazeera titled in October 2011.<sup>2</sup> While the international intervention put an end to the on-going violent conflict between Gaddafi supporters and opponents, it also generated a new set of problems. The biggest challenge in the post-conflict Libyan environment will be to manage the legacies of Gaddafi. Gaddafi’s misuse of governmental instruments and assets has left a gaping political vacuum, an impaired civil service, and a virtually non-existent civil society in Libya. Moreover, a system of political alliances, a network of economic associations or national organizations of other kinds does not seem to be in place. Political institutions have to be built from scratch.

The political situation that has settled so far does not address a number of important aspects within the security and justice sector. This concerns highly sensitive issues such as the commitment of war crimes and human rights violations during the conflict. A recent report by Amnesty International documented reprisal attacks, torture and arbitrary arrests on the part of both Gaddafi loyalists and opposition forces. Armed militias – former Gaddafi loyalists – operating across the country are accused of committing widespread human right abuses with impunity. The lack of a (new) system of law and accountability increases insecurity and hinders the rebuilding of state institutions. Accordingly, the report underlines the importance of the “establishment of an independent investigative commission, as envisaged by the Transitional National Council (...)”<sup>3</sup> for the stabilization of Libya. Since the former court system has broken down, such a commission could help to implement a system of transitional justice in order to start an effective reconciliation process.

In the assumed absence of public sector bureaucracy under Gaddafi’s regime including a reliable police force security and safety had been provided by kin networks. In comparison to Egypt and Tunisia, where there are national armies to maintain peace and security during transition from authoritarian to civilian rule, maintaining security in Libya, where there are only remnants of militias formerly loyal to Gaddafi, is likely to depend on the police.

Libya’s post-war challenges are of course not only of political nature but also address economic issues. Security concerns are also hampering the oil production which is the country’s key export and the main source of government revenue. Although oil exports are reaching pre-conflict level, experts note that Libya’s financial situation remains fragile.<sup>4</sup> The new leadership has inherited an economy in disorder and afflicted by corruption. Key short-term challenges include establishing fiscal discipline and reviving the banking system while at the same time maintaining macroeconomic stability.

However, the oil sector is not very labour intensive and poorly linked to the broader economy. Another challenge for the Libyan authorities will therefore be to rely on other sources, address underemployment particularly for the younger generations as well as invest in education. The economic recovery is closely linked the creation of a rule-based regulative environment and institutions that can effectively enforce the rule of law.

Moreover, the country’s infrastructure will need repair – not only to rebuild the damage from air strikes but also to build the non-existing one. Under Gaddafi, large parts of Libya have remained underdeveloped and lacked vital infrastructure. Few roads exist in the country and even in the capital only 40% are surfaced roads. Hospitals are also in a dilapidated state and the nursing sector is almost non-existent. Schools and universities are in urgent need of improvements and investments.<sup>5</sup> During and after the intervention resources have been rationed in Tripoli. The main overland route for medical and food supply to Tripoli has not been functioning and the cut-off of the pipeline which

<sup>2</sup> Sadiki, Larbi: “Keeping Libya’s promise after Gaddafi’s death”, aljazeera.net, 20 October 2011.

<sup>3</sup> Amnesty International: “Libya: Militias threaten hopes for New Libya”, February 2012.

<sup>4</sup> News24: “Libya struggles to revive economy”, 16 February 2012.

<sup>5</sup> Mahfud, Gada: “Opinion: Is Libya Degaddafinated?”, Tripoli Post, 6 February 2012.



provides gas from the west has temporarily stopped gas-fire power and water desalination. Electricity and water supply will thus have to be restored.<sup>6</sup>

#### 4. Options for EU engagement

Considering the above mentioned challenges particularly regarding the security sector, the EU could engage in the reconstruction of Libya by establishing a civilian EU mission under the CSDP framework that aims at supporting the Libyans in the areas of a) political reform, b) rule of law reform or c) police reform and reintegration.

As stated by the Council, two general principles should guide the EU's actions in post-Gaddafi Libya – local ownership and multilateralism. The EU should closely coordinate with the Libyan authorities to ensure that its actions match the needs on the ground. The principle of local ownership should moreover be seen in the sense of human security. Therefore the views and inputs of the most local actors in need of security and justice in Libya (local councils, women's groups, youth association etc.) should be included. Furthermore, the EU should coordinate its actions with international partners, like the UN, to ensure that all efforts go in the same direction.

Taking into account lessons from EUPOL Afghanistan and EUJUST LEX Iraq the EU could consider the option of establishing a training mission on the ground or conduct the training mainly outside the country. The Libyan authorities have indicated so far that “they do not want foreign boots on the ground”<sup>7</sup>. This is also the main reason why the EU is currently not considering a military option but it is not ruling it out completely.

##### **A. Support to political reform**

In post-conflict societies it is vital that the new security infrastructures are carefully constructed with special attention to vetting inter-ethnic balance in recruitment and democratic oversight of the new security institutions. The success of security sector reform is thus closely linked to the implementation of required changes in the political process of governance. Moreover a successful economic reconstruction will depend on the creation of a rule-based regulative environment and institutions that can effectively enforce the rule of law. In this context, the first option for the EU is to support the creation of impartial and sustainable governance institutions by serving as an example and assisting the NTC in garnering credibility. It should assist the TNC in acting as a unifying force that fairly represents Libya's complex tribal system by providing expertise and training. For the EU it will be important to ensure the unity of the country that is made up of approximately 400 different tribes. In the region, Libya could serve as a paramount example for the Middle East and North Africa that tribal divisions can be overcome and joint nation building achieved.

##### **B. Support to rule of law reform**

Concerning the rule of law, the unique and complex situation in Libya requires devising a strategy on the basis of a comprehensive and well-structured evaluation of the existing security and justice framework. The assessment process must recognize and identify competing frameworks where they exist and determine the level of legitimacy that each enjoys among local communities. One of the biggest challenges in reconstructing the rule of law system will be the lack of experts in Libya. A second option for the EU is thus to provide expertise and to offer training courses to teach and prepare local practitioners in the area of rule of law. As experiences with EUJUST LEX Iraq have shown, training could successfully take place mainly outside Libya within EU member states. This would also offer a cost-effective and personnel-saving alternative for the EU. In fact, since some of the Mediterranean EU member states are already offering such facilities, the EU could combine bilateral efforts and turn them into a bigger programme and more comprehensive approach. In this case the EU would need to ensure the establishment of a detailed and common training curriculum in

<sup>6</sup> Chatham House: “Libya: Policy Options for Transition”, Middle East and North Africa Programme: Libya Working Group Report, August 2011.

<sup>7</sup> Interview with an EU official, February 2012, Brussels.



all participating member states as well as a system of evaluation and post-training mentoring. Ideally the EU would deploy civilian mission staff on the ground at a later stage in order to be able to assess the effects of the training and to give advice on the spot.

### ***C. Support to police reform and reintegration***

A third option for the EU is to provide the Libyans with expertise and advice in (re-)building the police. A police reform mission deployed in the country similar to EUPOL Afghanistan would need a significant amount of staff as well as a substantive budget. The recruitment process will most likely be difficult given the unstable security situation in Libya, as experiences in Afghanistan have shown. Moreover, the EU should be aware of the issue of corruption and gender sensitivity if establishing a training mission on the ground. The problem of corruption should be addressed by supporting the Libyans in increasing the level of literacy as well as the linkage between the police and the justice sector. In questions of human rights and gender balance the EU should engage and consult with local stakeholders. The question of (re-)building a functioning and effective police corps relates closely to the issue of reintegration of freedom fighters. According to questionnaires that were sent out by the Libyan interim government to former freedom fighters most of the respondents indicated the wish to return to civilian life instead of joining the yet to be built national army or the police force. This reinforces the implication that Libya will need a lot of vocational training not only in the police but also in the civilian sector. From the perspective of reintegration, training and education becomes part of the security question.

## **5. Conclusion**

While the three options are not mutually exclusive but rather interdependent, focussing on one of the above mentioned areas the EU could overcome previously established internal divisions regarding the military intervention and potentially repair some damages to its image as a well-governed entity. From an outside perspective, in times of the euro crisis the EU is likely to pick the option involving less cost and less personnel as possible. This could not only help gathering consensus but also resources in the current political context. On the other hand a training mission conducted mainly outside Libya following the experiences with EUJUST LEX Iraq would also be less visible for the public. However, the EU's biggest concern at the moment should not be public attention but it should ensure a democratic and smooth transition process. "The last thing the EU wants is a country that falls into pieces right on the EU's doorstep."<sup>8</sup>

Whichever choice the EU makes it should make sure that the mission mandate is clear and not too broad. The mandate should state specific and manageable objectives as well as set realistically achievable target dates. The EU should thus be clear about the aim of the mission being a training mission and not a strategic reform mission that would nevertheless tackle some of the crucial factors to establish a functioning security sector.

Whether the EU will or will not establish a mission under the CSDP framework and the kind of mission will largely depend on the preferences of the Libyans. The EU is currently considering all kinds of assistance concerning the security sector such as police training, rule of law advising or rebuilding the national army, but continuously commits itself to the principle of local ownership. This points to the EU's dilemma in this phase of the reconstruction process in Libya. On the one hand, the EU is keen in getting engaged, also in order to re-establish good relations with Libya as an important trading partner. Therefore some member states are currently pushing for stronger and quicker action. On the other hand, any assistance is bound explicitly to a request by the Libyan authorities. The principle of local ownership seems to be almost holy to the EU – a fact that might be subconsciously linked to the not uncontroversial application of the 'Responsibility to Protect' by the United Nations Security Council. Based on resolution 1973 the military intervention in Libya mainly led by France and the UK was not supported by all EU member states, as Germany for example abstained in the respective UNSC voting. The EU is thus very cautious in assuring that yet another

<sup>8</sup> Interview with an EU official, February 2012, Brussels.



intervention is explicitly requested by the Libyans. By the time of writing, the lengthy process of consultations between the EU and the Libyan authorities on needs and concrete assistance in the security sector has not led to an agreement.

Libya's reconstruction will be a major challenge for the international community but should not be left behind in the light of recent events in Syria and Egypt. The EU has the skills and tools to tackle this challenge. A substantial and well-coordinated EU reconstruction effort in post-Gaddafi Libya could make up for the poor performance the EU delivered in the first months of the Libyan crisis.

