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**3.4 The Libya review**

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## GENERAL INFORMATION ABOUT THE COUNTRY

This section provides general information about the country<sup>1</sup>.

**Official name:** State of Libya

**Date of formation:** 24 December 1951 (from UN trusteeship )

**Capital:** Tripoli

**Population:** 6,411,776 (July 2015 est.)

**Total area:** 1,759,540 km<sup>2</sup>

**Geography:** Northern Africa, bordering the Mediterranean Sea, between Egypt, Tunisia and Algeria 25.00 °N, 17.00 °E

**Neighbours:** Tunis, Algeria, Niger, Chad, Sudan, Egypt

**Languages:** Arabic (official), Italian, English, Berber (Nafusi, Ghadamis, Suknah, Awjilah, Tamasheq)

**Religion:** Muslim (official; virtually all Sunni) 96.6%, Christian 2.7%, Buddhist 0.3%

**Ethnic mix:** Berber and Arab 97%, other 3% includes Greeks, Maltese, Italians, Egyptians, Pakistanis, Turks, Indians and Tunisians

**Government:** Transitional government

**Legal system:** In flux and driven by state and non-state entities

**Economy:** Libya's economy, almost entirely dependent on oil and gas exports, struggled during 2015 as the country plunged into civil war and world oil prices dropped to seven year lows. In early 2015, armed conflict between rival forces for control of the country's largest oil terminals caused a decline in Libyan crude oil production, which never recovered to more than one-third of the average pre-Revolution highs of 1.6 million barrels per day. The Central Bank of Libya continued to pay government salaries to a majority of the Libyan workforce and to fund subsidies for fuel and food, resulting in an estimated budget deficit about 49% of GDP.

**Annual budget:** \$35 billion (2012 est.)

**Public debt:** 6.6% of GDP (of \$29.72 billion, 2015 est.)

**Currency:** Libyan dinar (LYD)

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<sup>1</sup> Central Intelligence Agency (CIA), *World Factbook article 'Libya'*, at <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> , accessed on 15 April 2016.



**ACRONYMS**

CIVCOM	Committee for Civilian Aspects of Crisis Management
CMC	Crisis Management Concept
CONOPS	Concept of Operations
CRT	Civilian Response Team
CSDP	Common Security and Defence Policy
DDR	Disarmament, demobilisation, and re-integration
EEAS	European External Action Service
ESDP	European Security and Defence Policy
EUBAM Libya	European Union Integrated Border Management Assistance Mission in Libya
GNA	Government of National Accord
GNC	General National Council
HoR	House of Representatives
IBM	Integrated Border Management
IMF	International Monetary Fund
JCP	Justice and Construction Party
LNA	Libyan National Army
NATO	North Atlantic Treaty Organization
NFA	National Forces Alliance
NIP	National Indicative Programme
NTC	National Transitional Council
OPLAN	Operation Plan
SOMA	Status of Mission Agreement
SRSC	Special Representative of the Secretary-General
SSC	Supreme Security Committee
SSR	Security Sector Reform
UN	United Nations



UNSMIL	United Nations Special Mission in Libya
WB	World Bank



## EXECUTIVE SUMMARY

This IECEU project deliverable 3.4, The Libya review, assesses the contribution by the EU CSDP mission EUBAM Libya to the overall security of the state of Libya. The EUBAM Libya mission was launched in May 2013 with the objective of supporting Libyan authorities in improving and developing the security of the country's borders. After the security situation in Libya became unbearable in the summer of 2014, the mission was evacuated to Tunis and subsequently put on hold. Therefore its contribution to the security in Libya and its ability to support the Libyans in terms of the border management ended up being minimal. However, this does not mean that the mission would not provide valuable information and lessons for the future CSDP missions and operations.

This deliverable sets out to map the overall conflict trajectory in Libya and the particular contexts in which EUBAM Libya was functioning, in order to assess, on a strategic level, the processes that led to the mission and to its, at least temporary, closure. The deliverable is divided in two parts. The first part maps out the conflict and the second part describes the particular context in which the EUBAM Libya was functioning, assessing the mission through its changing activities, as a part of the international effort to rebuild Libya and also raises up some critique that was presented at the time of the mission, such as the possible human right violations by some of the Libyan partners of the mission.

The first part of this deliverable analyses, by using research literature and media, the Libyan conflict, starting from its historic roots. This history explains large parts of the volatility of the conflict and many of the conflict related difficulties that the EUBAM Libya mission faced. The underlining problem for all international agents in Libya has been the fundamental nature of the Libyan "state", which is its statelessness. It is arguable that Libya has never formed a unitary state with undivided state institutions, but it has always been a collection of personal or regional allegations, knit together by a ruler of the time. In research literature this fundamental nature of Libya has been described as an "accidental state". This accidental state was inherited from the monarchy by Colonel Mu'ammar al-Qadhafi in 1969, when he after a military coup became the leader of the country. Qadhafi kept the uninstitutionalized nature of the country and used the regional and tribal tensions to create a system in which all power was concentrated on the top, but which lacked cohesion on all levels of governance, including the security sector, which Qadhafi kept deliberately weak. This allowed Qadhafi to rule, but it also built the Libyan state extremely volatile. This volatility was controlled by Qadhafi in a typical way of a rentier state, by providing



welfare to its citizens by using the revenue from oil. After Qadhafi's downfall the stateless nature of Libya and the volatility that Qadhafi had inserted came out in full force and has since plagued the people of Libya in the form of continuous and multifaceted conflict.

Qadhafi's downfall, aided by the NATO led intervention, created a power vacuum, which could not be controlled by the National Transitional Council (NTC), which collapsed followed by three systemic shocks to the Libyan political, economic and judicial systems and society. These shocks were collapse of the political arrangements, such as those establishing the NTC, militarization of the regional tendencies and institutional collapse, which finally led to the factional take over and ultimately to the division of the country into two rivalling political blocks and countless other factions, which most corresponded with an armed militia.

At the point when this process was already well on its path, the EU established its EUBAM Libya mission with a task to develop an Integrated Border Management (IBM) strategy together with the Libyans and support and train the capabilities of Libyan border control. From the start the mission had severe problems related to the security situation, which first handicapped the work of the mission and ultimately led to its evacuation. However, the fundamental and more "lesson-like" problem identified behind the failure of the mission is the systemic fragmentation of the Libyan state, which prevented a symmetric relationship between the mission and the Libyan counterparts. The problem of changing counterparts on the Libyan side of the administration was confirmed by the interviews of the locals<sup>2</sup>. In short, there was not a single accountable recipient representing a particular branch of border management that could have served as an established partner. Instead, the limited strategic planning that the mission was able to carry out was unproductive, partly because the absent and changing partners, partly because of the misplaced idea that the Libyans would be interested in IBM style way of arranging border management. While the strategic goals of the mission failed, it did, however, engage in some operational training, which's effectiveness is difficult to assess within the scope of this review, due to the relatively small scale of those activities and especially due to the present security situation, preventing a field trip to Libya.

Libya at the time of the mission was plagued by proliferation of arms, smuggling, and irregular migration, which all were central concerns from the perspective of border security. Therefore the EU's desire to establish a mission to tackle especially these problems is understandable, however,

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<sup>2</sup> E.g. Interviewee P17





considering the difficult context of Libya, state-building and other large scale development missions should have taken place in tandem. The existence of these operations, such as the United Nations UNSMIL mission is brought up in this deliverable, as it is also the fact that also their ability to have a substantial impact in the Libyan conflict was unfortunately left minimal. This deliverable closes with presenting some external critique towards the mission, namely related to the accusations concerning human rights violations and discussing the relaunch of EUBAM Libya, with notion that the same parameters that made the mandate implementation of EUBAM Libya impossible are still present, probably even more so and therefore the new, more flexible mandate of the EUBAM Libya in February 2017 does seem more likely to open potential for more effectiveness, although the Libyan conflict does remain volatile.

## 1 INTRODUCTION

As the overall need of the EU to make an impact on the southern shores of the Mediterranean has increased, the ability to do so has decreased, due to the escalation of the Libyan crisis and disappearance of a single political entity with which to negotiate. This dilemma produces problems both on the strategic and on the operational level, which are both present in the case of EUBAM Libya, EU's CSDP mission to develop an Integrated Border Management strategy for Libya, with the Libyans. EUBAM Libya, in a nutshell, was an example of strategic level plans crushed by political reality, a mission which had to tackle with the collapsing security situation in Libya from the start and which in the end had to adjust away from the strategic towards the operational, before its ultimate evacuation and the present state of "on hold".

This, certain out of sync -nature between the operational reality and the strategic level ambitions is where the most important lessons in the case of EUBAM Libya might be learned. Therefore any assessment of the mission has to analyse both the politico-strategic level of the mission planning and execution with the operational reality of the mission. This deliverable focuses on the first level of analysis, that is the politico-strategic, and introduces the operational level of analysis, which is more on focus in the next phase of this project, namely in the deliverable 3.5. This deliverable at hand, for example, analyses the foundations of EU's policy on Libya and maps out the strategic level thinking behind the mission and seeks to connect this strategic thinking to the mission mandate of EUBAM Libya, which is reflected in the operational plan that the mission set out to follow. As is well known, the mission immediately ran into the more short term realpolitik problems, which forced the mission to adjust towards a more operational focus. These problems are



tentatively discussed in this deliverable, but they are more on focus in the future deliverables of the project, more relying on the interview material.

The motivation behind the CSDP mission EUBAM Libya was to curb the unwanted consequences of the rapidly escalating conflict in Libya, which were proliferation of arms, smuggling of different goods, irregular migration and the existence of an overall security vacuum close to the southern borders of the European Union. The mission was part of an international reconstruction and state-building effort, which all ran into similar problems due to the volatile security situation in Libya. This provides the wider context for this deliverable, which is to situate the mission in the framework of post-Qadhafi international effort to reconstruct Libya.

The conflict in Libya is multifaceted and the conflicting partners are numerous. The conflict trajectory has been very sharp, with steps that, based on the chosen policy, many of the western powers were not able to see. The first part of this deliverable tackles the conflict by trying to map its trajectory starting from the colonial times through the various stages of Libya's existence as a political unit. The lack of a functioning state in Libya has been a key problem for all of the international agents operating in Libya and the first part of this deliverable rises up the historic roots of this political and institutional.

The deliverable seeks to answer the question given in the Grant Agreement **to assess the contribution by the CSDP mission EUBAM Libya to the overall security in Libya**, with the exception that the elaboration of the expectations by the Libyan officials for the mission is not discussed, as the security situation in Libya during the spring of 2016 prevented a field research trip, as communicated with and approved by the Commission. Subsequently a new effort to contact the Libyans, who had been in contact with the mission in 2013-2014, was made in January 2017 and three additional interviews were conducted, mapping the Libyan perspective to the mission. However, to overcome the difficulties of hearing the local voice, this paper focuses more on the external critique that has been presented towards the mission, than is outlined in the grant agreement. Namely, the paper gives more room for the ngo's and academics who have commented the mission. Pleasingly the additional interviews of the Libyans conducted in 2017 did not alter the image this paper painted by leaning on its original material, but corroborated its findings.

Methodologically this deliverable combines analysis of research and media sources to the tentative use of interview material. The latter is to be fully utilized in the coming phase of the project (3.5).



Research material is mainly used in putting together the context in which EUBAM Libya was functioning. This compasses the conflict in Libya and the role of other international actors and world politics. Interview material is used more towards the end of this deliverable to analyse the more operational functions of EUBAM Libya and how the problems perceivable through the research material were faced on operational level. In accordance with the Grant Agreement, the whole methodological framework for field WPs (WP2, WP3, WP4) rests on the theoretical considerations done within several deliverables of WP1, most importantly D1.4 (Identifying the Success Factors - Indicators) and D1.5 (Conceptual Framework and Methodology).

The Structure of the deliverable is as follows: The first part of this deliverable seeks to map out the context in which EUBAM Libya operated. It starts with a look to the history of Libya and to the nature of the Libyan state, which is ingrained with different regional and socio-political forces together creating a country with substantial regional and other autonomous tendencies. These tendencies were partly used by Qadhafi to stay in power, but since his demise they have formed a massive obstacle in the consolidation of political power and state-building. Namely the nature of Libya is a nature of multi-level fragmentation, which is directly inflaming the present conflict and creating most of the problems for international agents in the area. The deliverable then goes through the conflict in Libya between 2011 and present, mapping out the different conflicting partners and their political aims. The deliverable then moves to the analysis of the CSDP mission EUBAM Libya. The mission lifespan is first described in short, after which the mission and its rationale is contextualized with the broader EU policy on Libya. Finally the mission is assessed against its operational context, the conflict in Libya. This deliverable closes with a short look at the possible future developments in Libya, discussing these from the perspective of re-launching EUBAM Libya or establishing another CSDP mission. Finally the deliverable draws into conclusion.

## **2 CONFLICT MAPPING**

### **2.1 Conflict context**

#### **2.1.1. THE HISTORY OF LIBYA**



To understand the problems of the modern day Libya, one has to understand the historical roots of the situation<sup>3</sup>. Until 1963 Libya was governed as three provinces (Tripolitania, Cyrenaica and Fezzan), which have little common history. This notion lays the grounds for understanding the present security situation and overall collapse of the country after the 2011 revolution. During the Ottoman rule (1551-1911) the somewhat organized nature of the geographic area of present day Libya still sustained a considerable regional autonomy. After that, the country was colonized by Italy, which brought upon a modern state but such that subjugated and dominated the Libyans. Among the decolonizing wave, Libya achieved independence in 1951, with a spirit of unity that was partly influenced by the Arab nationality, but also dictated by the Great Power interests. This resulted in a low level of national consciousness and political identity that came with a somewhat fabricated nature of the state. To use the common phrase, it is very questionable, if the Libyans ever had something like an "imagined community"<sup>4</sup>. In addition, the state of Libya has always been such, that the Libyans have put more trust on personal relationships than formal position<sup>5</sup>.

The post-colonial state formed to be a power structure combining personal relationship of the King to the leaders of the various tribes. In addition, people with economic resources were allocated a considerable share of the political power. This custom is transported to the present, for example, in the way the Misrati businessmen represent a share of the Libya Dignity leadership, which is one of the two major conflict partners in present Libya.<sup>6</sup>

As the colonial legacy had left Libya un-unified, the new King Idriss al-Sanusi<sup>7</sup> (1889-1983) was not able to create a national unity and the independence years were characterized by weak institutions, political and economic exclusion of members from the colonial establishment, and the continuation of a non-existent national identity. The term used to describe Libya before the Qadhafi regime, the *accidental state*, is very descriptive. Libya's state-like existence was more than in other cases of nationalism dictated by external factors, mainly colonialism and great power interests. The discovery of the oil reserves in 1959 did not shatter the exclusive way the power and resources were divided, but rather cemented it. The discovery also solidified the way of the state power was used, which was to gain personal and tribal benefits, based on personal relationships. Oil,

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<sup>3</sup> Rosan Smits, Floor Janssen, Ivan Briscoe and Terri Breswick, "Revolution and its discontents: State factions and violence in the new Libya". The Clingendael Institute, September 2013, 8. at <http://www.clingendael.nl/sites/default/files/Libya%20-%20Revolution%20and%20its%20discontents.pdf>

<sup>4</sup> Benedict Andersson (2006 [1983]) *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. Verso: London.

<sup>5</sup> Smits et al. , "Revolution and its discontents: State factions and violence in the new Libya", 8.

<sup>6</sup> Ibid.

<sup>7</sup> Ruled 1951-1969



however, energized the opposition against the monarch, as the part of the society was feeling left out by the monarchy, which was accused of elitism. Growing resentment led to the military coup in 1969, which installed Mu'ammar al-Qadhafi as the charismatic leader of the state.<sup>8</sup> Interestingly the dynamics of the 1969 revolution were similar to 2011 in a sense that the increasing resentment towards the elite finally erupted, but the difference was that Qadhafi managed to consolidate state power, unlike the 2011 revolutionaries.

### 2.1.2. THE QADHAFI LEGACY

Considering Libya's past, it is not surprising that Qadhafi's vision for the country was articulated as self-governance (Jamahiriyya), which transferred the old diversity and division under a new philosophy. Although the system nominally gave political power for the masses, represented by the General People's Congress and local committees, de facto power was centralized to the hands of Qadhafi. The decentralized nature of the state served an important purpose, which was to prevent any possible nationwide opposition movements, by keeping the country divided. By placing relatives and trustees to the central state institutions, such as the Revolutionary Guards, Qadhafi essentially carried over the previous system of the monarchy based on personal relationship and power consolidation among the elite. In essence, accidental state was transformed into a state of *institutionalized statelessness*<sup>9</sup>. Qadhafi added to the fragmentation the division of the security sector, of which's purpose was to prevent a similar coup that had elevated him to power. The weakness and lack of structure of the security sector was reflected in the post-Qadhafi situation via the difficulty to navigate in the multitude of different security sector and border management operators, which eventually became a significant barrier for the EUBAM Libya mission. Additionally it made it impossible to apply the Integrated Border Management (IBM) concept, which was the core task of the mission, as management of border issues was distributed among several government organizations of which some were military and some civilian in nature.

In regarding security to sector, which is essential in securing power in a dictatorship like Libya, Qadhafi continued the same policy of divide and rule. Essentially he concentrated the best security resources to the Revolutionary Guards, keeping the regular army deliberately weak. Only certain

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<sup>8</sup> Smits et al. , "Revolution and its discontents: State factions and violence in the new Libya", 9-11.

<sup>9</sup> Ibid., 8.



units of the regular army, led by Qadhafi's kin, were equipped well and those units were an exception of the general rule under which Qadhafi prevented the emergency of strong state institutions<sup>10</sup> Under Qadhafi the use of the oil reserves continued to develop towards a typical rentier state in which the oil money was used to subsidize the welfare of the people and in a way to buy the acceptance of the government. However, the Qadhafi family and his close circle at large still kept most of the revenue. This policy created a state of a schizophrenic nature, a state in which state was everything and nothing at the same time.<sup>11</sup>

Due to the regime's support for international terrorism and the international sanctions that followed from that, especially after the Lockerbie bomb in 1988, the system of the state funded livelihood became increasingly unstable. Privatization and liberation of the economy was tried on a small scale, but eventually these reforms were mainly used to manipulate even more assets to Qadhafi and his family. If successful, the reforms to spread economic wealth might have slowed down the inevitable radicalization of the opposition movement against the regime, but they all failed and eventually the Qadhafi regime had to start suppressing numerous small uprisings. The regime, however, was able to do this relatively easily due to the system Qadhafi had inherited from the monarchy and perfected, which did not allow a consolidated opposition to be born because of the disorganized way of the Jamahiriyya. Nevertheless, the uprising and increasing resentment towards the regime had its effect and the regime started to become increasingly paranoid. In many senses Libya became politically unstable, like many other Arab countries before the so called Arab Spring of 2011, handicapped with a populous grievance against those in power. In Libya, these grievances were especially pronounced in Cyrenaica, which, as a hotbed for Islamist uprisings, was kept in a permanent state of underdevelopment. When the grievances finally turned into disturbances and ultimately to a revolt in 2011, the eastern parts of the country were leading the anti-regime sentiments against the uneven distribution of power and wealth. The eastern parts are also where the majority of Libya's oil reserves are located, and as oil is the central incentive behind all militia groups in Libya, it is easily understandable that the repressed people of the east were quick to renounce the Qadhafi regime.<sup>12</sup>

The uprising was eventually supported and funded also by the businessmen resenting being left out from the nepotism of the Qadhafi regime. It is noteworthy that this alliance between money and

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<sup>10</sup> Wolfram Lacher "Libya's local elites and the politics of alliance building" *Mediterranean Politics*, 2016, Vol. 21, No. 1, 64-85, 67.

<sup>11</sup> Smits et al. , "Revolution and its discontents: State factions and violence in the new Libya", 5-13

<sup>12</sup> Florian M. Schauseil "Conflict analysis of the Libyan civil war". Bradbury's, 2014. <http://www.bradburys.co.uk/wp-content/uploads/2014/12/Conflict-analysis-of-the-Libyan-civil-war.pdf>



power was familiar also from the colonial and pre-colonial era<sup>13</sup>. The fairly fast disintegration and collapse of the system exposes the centuries of fragmentation of Libya, explaining the state to which the country has further descended. The historical forces, pulling the country apart and creating regional, ethnic and religious alliances are further strengthened by the fact that the fall of the centralized Jamahiriyya system collapsed the whole of the state. The civil society, functioning as social glue for the people in a typical country that forms a single polity had been non-existent during Qadhafi. Libya has lacked the required attributes of a functioning state, from the non-existence of a metaphoric imagined community to even to the questionable presence of the monopoly of violence. The elites in the Qadhafi Libya were not national elites, being able to assert their authority throughout the country, but they were defined by their membership in specific communities, or their positions of power in such communities<sup>14</sup>. In the subsequent power vacuum the local figures, such as tribal leaders and militia chiefs, moved in to grab power and the considerable resources that were on offer. In hindsight the disintegration of Libya into a war of multiple agents is hardly surprising.

### 3 THE CONFLICT 2011-2013

#### 3.1 The systemic root causes of the conflict

Looking from the historic perspective, presenting the ancient stateless nature of Libya, the root causes of the present conflict can be argued to emerge directly from that stateless ambiguity and the fragmented nature of institutions. This state infrastructure was largely inherited from monarchy and developed by Qadhafi, and its inbuilt capacity to make elite corruption possible was the fact that eventually led to Qadhafi's downfall. The conflict, starting in February 2011, escalated largely because the institutions, which in a normal state structure would have served as instruments of negotiation and deliberation between the different elements within the Libyan state, were not there, effectively blocking any attempts of nation building in terms of a single, unitary state. Institutional politics had not been a platform to maintain political stability during the time of the Qadhafi regime and for this reason it can, in hindsight, be considered overly optimistic to assume they would carry that that in any short term way.

<sup>13</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 8.

<sup>14</sup> Wolfram Lacher "Libya's local elites and the politics of alliance building", 66-67.





As a rentier state, Libya was effectively run by a power and benefits grabbing Qadhafi family. Removal of Qadhafi also removed the only thing that stabilized the country, which opened a door for the chaos that followed from the run for the resources of the collapsing state. In 2013, at the time of the EUBAM Libya's deployment, there was already a considerable risk of Libya turning into a giant clearinghouse for multiple interest groups vying for resources and political power<sup>15</sup>. The root causes of the conflict can therefore be argued to be the inherent volatile nature of the Libyan "state", which was sparked by the Arab spring, but which also had its unique nature. In addition to history and the political structure of Libya, another motivator behind numerous conflict partners is Libya's role as a producer of hydrocarbon revenue<sup>16</sup>.

### 3.2 R2P and the fall of Qadhafi

The immediate trigger for the conflict was the incidents in Libya's neighbours, Tunisia and Egypt commonly known as the "Arab Spring". The "Day of Rage" organised in Benghazi in February 2011 epitomized the release of the pent-up anger and resentment towards the regime. Although Qadhafi was able to quickly suppress the original revolt, the uprising soon expanded, again, taking advantage of the lack of the ability of the Qadhafi state to effectively use the state institutions or the monopoly of violence to remain in power. The protests erupted in the four Libyan cities (Benghazi, Al Bayda, Tripoli and Misurata) and were suppressed by the Qadhafi regime, although, the suppression might have happened with much less bloodshed than originally reported, which is important in evaluation of the later intervention<sup>17</sup>. After the start of the revolution, a six week period followed, during which the Qadhafi forces quelled the uprising to the point that Qadhafi forces were closing in on Benghazi, which was the last stronghold of the revolution. Those who have voiced critical arguments about the western intervention that then followed, argue that at this point the civil war was coming to an end and so far the casualties had been mainly male combatants from both sides of the front<sup>18</sup>. The dominant narrative of the time, however, was that Qadhafi's actions were endangering the momentum of the Arab Spring and his forces were poised to commit a bloodbath. The UN Security Council adopted a resolution 1970 26 February 2011, which was the first time that it had made a reference to the Responsibility to Protect (R2P) principle, legitimizing international

<sup>15</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 5

<sup>16</sup> International Crisis Group (ICG) "The Prize: Fighting for Libya's Energy Wealth", Middle East and North Africa Report No. 165 (December 2015), <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/libya/165-the-prize-fighting-for-libya-s-energy-wealth.pdf>, iii.

<sup>17</sup> Alan J. Kuperman "Obama's Libya Debacle: How a Well Meaning Intervention Ended in Failure. Foreign Affairs March/April 2015, p 66-67 ; Alan J. Kuperman "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign". International Security, Vol 38 (2013), 1, 105-136.

<sup>18</sup> Ibid.





intervention in order to prevent genocide. Subsequently March 17 the UN Security Council passed a resolution 1973, intending to bring about an immediate cease-fire in Libya by the use of force of a NATO led coalition, which then began to impose a no-fly zone and a naval blockade. The intervention effectively aided the war efforts of the revolutionaries by stopping Qadhafi's advance. Seven months later that phase of the civil war ended in Qadhafi's death.

### 3.3 Filling the power vacuum after Qadhafi

Immediate statements considered the intervention a success, which had stopped Qadhafi from killing masses of Libyan civilians<sup>19</sup>. In the same spirit the EU started to prepare for a EUFOR Libya mission, which was to support humanitarian assistance missions there. EUFOR Libya, however, became to symbolize the difficulties that the EU and its CSDP has in terms of rapid planning and the operation never got off the ground, demonstrating a lack of capability in crisis response<sup>20</sup>. Since then much more critical tones about the original, Security Council sanctioned western intervention, its motives and effects have been uttered. For example Alan J. Kuperman has argued<sup>21</sup> that effectively the intervention multiplied the conflict's duration sixfold and its casualties sevenfold and that the claim, that without the intervention Qadhafi would have massacred the people of Benghazi, is very questionable. This critique does not take away the ideological merit in overthrowing Qadhafi and ending his dictatorship<sup>22</sup>. However, it is beyond a doubt that after Qadhafi an immediate power vacuum was born, which served as a platform for unharnessed desires for political and economic power between different factions<sup>23</sup>.

Although the original uprising might have showed a unified front against Qadhafi, which persisted even through the first steps of the transitory government, National Transitional Council (NTC), the revolution fundamentally meant an extensive proliferation of state and non-state actors, which destabilized and ultimately draw the system into chaos<sup>24</sup>. The civil war started because of the underlying power structures, namely the deeply fractious nature of Libya. The Libyan population

<sup>19</sup> Ana Gomes "Was EUFOR Libya an April fool's joke?". EUObserver 13.7.2011. <https://euobserver.com/opinion/32624>, accessed 30.3.2016.

<sup>20</sup> Florian M. Schauseil "Conflict analysis of the Libyan civil war".

<sup>21</sup> Alan J. Kuperman "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign. International Security".

<sup>22</sup> Derek Chollet and Ben Fishman "Who lost Libya" Foreign Affairs, May/June 2015. <https://www.foreignaffairs.com/articles/libya/2015-04-20/who-lost-libya>

<sup>23</sup> Florian M. Schauseil "Conflict analysis of the Libyan civil war".

<sup>24</sup> Ibid.



consists of 140 tribes and only small minority of the Libyans does not have tribal connections<sup>25</sup>. Qadhafi's effort to limit the tribal power in 1971 by marginalizing some clans and enforcing compliance might have worked temporarily, but it also sowed the seed of bitterness, which explain some aspects of the post-Qadhafi conflict. In any case, playing the tribal system to his advantages can be considered one of the pillars that kept him in power for such a long time. Another important factor behind Qadhafi's success was the control of the military and the security apparatus. The dynamic with which Qadhafi controlled the security sector is also one of the factors directly explaining the present state of affairs in Libya. Naturally Qadhafi, who came to power through coup, understood the importance of keeping the military at bay.<sup>26</sup> Libyan army as a whole, was, however, chronically underdeveloped as the military spending was irrational and done without a proper strategic planning<sup>27</sup>. For example, Qadhafi kept Libyan army under armed and short of ammunition, trusting only the 32<sup>nd</sup> Brigade, the so called Khamis Brigade after its leader Khamis Abu Minyar al-Gaddafi, with proper, modern equipment.

It has been argued in hindsight that the role of the international community should have been more prominent after the fall of Qadhafi. This argument can be questioned, as it is evident that the hostility felt by Libyans towards any international peace keeping operation, for instance, would have been considerable and a prominent external role would have undermined the transition process<sup>28</sup>. In terms of the EUBAM mission it is probable that, considering security issues being so prominent, an international, or local, unitary and powerful enough force would have made a positive impact in the security reality surrounding the mission, but imagining that as practical possibility would be difficult, due to the harsh resentment by the Libyans. It is also probable that international military intervention would have opened politicking between the different Libyan factions over the principle of local ownership. Choosing the Libyan side which to support in such an intervention would almost certainly have further escalated the conflict.

Considering EUBAM Libya, the time period between Qadhafi's downfall and the establishment of the mission was arguable too long, due to the fact that the invitation by the Libyan authorities for the establishment of the mission took its time. It can be said that this delay led to a loss of momentum in terms of the actualized effectiveness of the mission. This view was also corroborated

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Wolfram Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", Stiftung Wissenschaft und Politik, Berlin, 2013, 6-7. [http://www.swp-berlin.org/fileadmin/contents/products/research\\_papers/2013\\_RIP04\\_lac.pdf](http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2013_RIP04_lac.pdf)



by many of the interviewees. On a more strategic level it seems, that the ambitions of the EU were somewhat unrealistic, especially when considered against the clear unwillingness of the United States to commit into a long term active role, which in retrospect would have been the only external agent capable of providing sufficient security guarantees. Nevertheless, as described above, the whole concept of international military intervention was not realistic.

According to newspaper sources<sup>29</sup> the EU was confident it could handle the aftermath of Qadhafi, against which the EUBAM Libya seems like a very limited solution. The reported sureness of the unnamed European leaders of the willingness and ability to take care Libya hints towards a mismatch between political desire and the actual capability to deliver a solution that would have prevented the Libyan security sector and the whole country from collapsing<sup>30</sup>.

After the fall of Qadhafi the central problem was that there was no political force, alliance or anything similar, which could have taken power. Instead of building a national unity under some sort of imagined Libyaness, the country submerged into a power struggle, which ultimately in 2014 coalesced in to the de facto division of the country into two<sup>31</sup>. As has been pointed out<sup>32</sup>, post-revolution Libya was in a state in which the central way of being politically relevant was having power to prevent other groups from seizing power. This kind of rationale for the will to power cannot produce a polity with a consolidated political power. Therefore, due to the divisive history of the country, political relevance and politics overall was strongly emphasizing the centrifugal tendencies, instead of nation building. Especially important to note is the fact that the Libyan elites were predominately local elites, not national. This fact was realized in the actual policy making of the transitional governments in a sense of distributing funds and other means to the clients of particular clans or militias without necessarily any desire in Libya-wide policy making<sup>33</sup>. In terms of the security sector this progress became especially dangerous as the locally organized security forces started to obtain official recognition and seize control over borders and other government facilities. This tendency was already a reality at the time of the establishment of the EUBAM Libya and such factionalism was one of the key problems behind all international operations in Libya. The EUBAM Libya was a mission whose task was directly to build government capacity in the field

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<sup>29</sup> Scott Shane and Jo Becker (27.2.2016) "A New Libya, With 'Very Little Time Left'", The New York Times <http://www.nytimes.com/2016/02/28/us/politics/libya-isis-hillary-clinton.html>

<sup>30</sup> The New York Times quotes Derek Chollet from the (US) National Security Council "And by the way, the Europeans were all along saying 'No, no, no we're doing this. We believe in Libya. This is our neighbourhood'" <http://www.nytimes.com/2016/02/28/us/politics/libya-isis-hillary-clinton.html>

<sup>31</sup> Wolfram Lacher "Libya's local elites and the politics of alliance building".

<sup>32</sup> Ibid., 65.

<sup>33</sup> Ibid., 67.



of border control and therefore it falls straight to the minefield of drag and pull between factional elites, all of which would like to use the mission for a particular gain, or who stood to gain financially from the control of borders<sup>34</sup>.

In hindsight the deeply factional nature of the country and the way that this directly influenced the security situation should have reflected the way in which outside powers formed their policies towards Libya, starting from the decision to intervene. On the other hand, the situation in Libya had a level of complexity that would have been very difficult to analyse and use as a base for a strategic planning within the spectrum of instruments that the CSDP has.

### 3.4 The political process after the revolution

The post-Qadhafi national resurrection started with the election of the General National Council (GNC), in July 2012. Unfortunately, instead of becoming a source of harmony or national unity, the GNC became the primary vehicle for elite in-fighting and started the way towards the ultimate collapse of the state. At this point EUBAM Libya was on the drawing board. GNC was elected with 62 percent voter turnout. The biggest party-list groups of the GNC were the National Forces Alliance (NFA) and Justice and Construction Party (JCP), of which the former is national centrist and the latter aligned with the Muslim Brotherhood after the elections. However, both of these groups, similarly to smaller ones, work to serve as many interest groups as possible to gain maximum support, although compared to NFA the JCP has somewhat internal unity. With these allies, the JCP manoeuvred to block its rival NFA from the government via the *Political Isolation Law*, which was signed in May 2013 and removed the former Qadhafi government officials from public and political life. This included also those who had defected from the Qadhafi regime, that is those who effectively made the revolution possible. These people were prominent especially within the ranks of the NFA, thus the law allowed JCP to gain the upper hand. The return of the bonds of loyalty and factionality to the GNC, soon rendered the cabinet effectively powerless, as it became totally dependent on the parliamentary goodwill. This relationship is not to be confused with normal parliamentarism, as the Libyan cabinet was not formed through parliamentary procedure, but made to reflect geographic balance. In addition, some of the key ministers were appointed outside the main parties to enhance regional representation and political diversity. Although coalition building seems the best long term solution, although at the present impossible, it also carries the risk of

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<sup>34</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 5.



returning the elitist, rent-seeking power centre, which might result from the ascendancy of an all-embracing coalition.<sup>35</sup>

The political situation following the downfall of Qadhafi can be viewed as a series of shocks that has rendered the fundamentally weak and non-existent Libyan state into to the state of chaos<sup>36</sup>. The first shock was the collapse of the immediate political arrangement after the revolution, which came about after the internal wrangling made the survival of the too broad coalition impossible. This shock shows the lack and need of the institutional norms and procedures. Shock number two was the structural problem of regionalism inbuilt in the first transitional government (NTC). This meant that the high profile regionalism of the country and the general local interests manifested themselves in the difficulty of distributing the state resources strategically. Instead, they have been allocated through a competition between different regions and interest groups, the eastern federalist movement being the most prominent one. The difficulty of the situation following the fall of the old regime is increased by the fact that virtually all division and cleavages in the Libyan society correspond with an armed actor, which makes the security situation fundamentally very difficult. The efforts by the transitional government to tame these rival armed groups were only superficially successful, which can be seen from the further escalation of the conflict and the ever worsening security situation.<sup>37</sup>

The final shock, number three, which started the rapid escalation of the conflict was the collapse of the institutional safeguards against factional takeover. One key event behind this institutional deterioration was the acceptance of the *Political Isolation Law*, which splintered the NFA and increased the power of the political forces closer to Islamism and the Muslim Brotherhood. This process revealed the systemic nature of the negative diversity in Libya.

In addition to these political shocks, the economy of Libya was constantly destabilizing the political situation. As a legacy of the old system, most Libyans still feel entitled to be provided by the state, but at the same time wanted to take part in the utilization of the oil reserves. This has created a "consumer bonanza", without the economic foundation to sustain it. The process has added an individual level to the systemic centrifugal tendencies that were already taking place between political factions. In addition, the collapse of the judicial system soon followed the splintering of the

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<sup>35</sup> Ibid., 22.

<sup>36</sup> Smits Smits et al., "Revolution and its discontents: State factions and violence in the new Libya".

<sup>37</sup> Ibid.



political map. The paralysis of the judicial system led to the victims of violence and their families being unable to access justice, as judiciary processes were splintered along regional and tribal lines, questioning the existence of centralized and overseen rule of law. All the above factors created a reality in which virtually all state institutions were either inactive, or they were multiple, competing with each other for legitimacy.<sup>38</sup>

With the disintegration of the once unitary revolutionaries, entering the summer of 2013, the time of the deployment of EUBAM Libya, Libya was in a state of hundreds of militia factions, low-intensity combat, terror attacks on state and foreign targets and increasing overall violence<sup>39</sup>. In hindsight, simply looking analytically at the situation at the start of the EUBAM mission, the mission was doomed, at least in terms of achieving its ambitious, strategic level mandate. This view is also backed by the interviews: "The mandate was ok, but the timing was wrong. The country was not ready for an intervention, as we understood our mission"<sup>40</sup>. One of the local interviewees said that the problem of the EUBAM Libya mandate was that it was too heavily focused on the borders, while it should have allowed more wide impact for better effectiveness<sup>41</sup>. Even the presence of an external military power, whether US or NATO, most likely would not have changed the situation, as most of the key factions were hostile and suspicious towards external influence and even more with "boots on the ground". "The organizational structure of the local government was not ready to accept. They were fighting for their own survival and having power struggles"<sup>42</sup>. However, there were also more optimistic views among the interviewed: "Without the need to evacuate, it [accomplishment of the mandate] would still have been slow because of the absorption capacity of the Libyan counterpart. But the mission would have been accomplishable with the changes that were done"<sup>43</sup>. The changes refer made refer to the adjustment of the mission goal set by CIVCOM in July 2014, in which the mission was to focus on operational, smaller scale level, instead of developing a full blown IBM system<sup>44</sup>.

### 3.5 Parties to the conflict

<sup>38</sup> Wolfram Lacher "Libya's local elites and the politics of alliance building", 13.

<sup>39</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 5.

<sup>40</sup> Interviewee P3.

<sup>41</sup> Interviewee P 17

<sup>42</sup> Interviewee P3 member.

<sup>43</sup> Interviewee P2.

<sup>44</sup> Interviewee P6.





The National Transitional Council (NTC) became the face of the revolution after the fall of Qadhafi. NTC seemed to have very good prognosis in stabilizing the country, as it was recognized abroad, was popular in Libya and also held the considerable oil reserves at its disposal. Remarkably fast it, however, ran out of touch with some of the key revolutionaries, which resulted in NTC being held hostage by different militias. The judges, lawyers and academics who filled the ranks of the NTC were increasingly worried about the legitimacy of the institution, which was soon accused of elitism and lack of transparency. Even with international recognition and support<sup>45</sup>, the political looseness and fractional nature of the NTC weakened its chances to work as a combining force. Eventually, with its division the NTC actually inserted factionality into the heart of the emerging state, explaining things to come<sup>46</sup>. The failure of the NTC can be seen for example in its failure to produce national reconciliation and security sector reform, in which it instead integrated particular tribes into the Libyan army command structure, thus giving them the upper hand in the free floating tribal rivalries and further destabilizing the security sector<sup>47</sup>.

Soon even the groups in the East, originally united by their hostility towards the predominance of the NTC and the national-centrists, started to become mutually hostile. At the time of the EUBAM mission launch the new Libya was already deeply divided and its division was primary regional. Factions seeking countrywide dominance were rare in comparison to regional actors fighting for autonomy. The main groups in the new national parliament the General National Congress (GNC) were National Forces Alliance (NFA), Justice and Construction (Muslim Brotherhood), smaller national lists, Salafi party lists and local interest groups, while most of the parliamentary seats were given to independents, which, however, were independent only nominally<sup>48</sup>. Most of the independents were actually supporters of the NFA, Islamists, or Salafists, the two latter being together the biggest receivers of the independent support and votes. This fact was not mirrored in western press which wrongly claimed the 2012 elections as a victory for the liberals (NFA) over the Islamists<sup>49</sup>. In any case the political map at the time of the mission planning was basically: the ideologically loose Alliance, which consisted of many people who had some kind of a past in the old regime, the more cohesive Muslim Brotherhood and the less homogenous Salafist block. As mentioned above, the *Political Isolation Law* adopted May 5<sup>th</sup> 2013 effectively smashed the NFA and already before its passing, the law worked to demarcate politics based on the support of the

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<sup>45</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 9.

<sup>46</sup> Ibid.

<sup>47</sup> Wolfgang Mühlberger, "Libya After Qadhafi: Reshaping the Political and Security Systems", *Connections: The Quarterly Journal* 11, no. 3 (2012): 1-20.

<sup>48</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 10.

<sup>49</sup> Ibid.



law, creating a "Promise to the Martyrs" parliamentary block to back the law. Certain groups, such as Touaregs, were disfranchised from GNC thus being unable to have any effect on the constitutional process, which further increased their desire to take revenge of the persecution under the Qadhafi era and assert their power<sup>50</sup>. Such moves by the GNC therefore only increased the centrifugal tendencies further fragmenting the post-Qadhafi state.

The Islamists of the GNC were separately divided into parliamentary and extra parliamentary Islamists, but even with their divisions they were in 2013 the only political force with a chance to proceed with a national agenda, in contrast to others, which were either too small or too splintered<sup>51</sup>. The main division inside the Islamists is the one between the more hard line Grand Mufti Sadeq al-Ghariani and the moderates, like the religious scholar Ali Sallabi. The Islamists also have had a strong influence in the security sector from the time right after the revolution, which is natural as they were prominent in the anti-Qadhafi revolutionary brigades. In addition to these, the Salafi Jihadi brigades and the groups around Benghazi linked to al-Qaeda represent a more extreme, radicalised and anti-western militarisation.

In addition to Islamist and the GNC led security forces, the early stages of new Libya already had a situation where local agents, whether regional or municipal, often had some kind of a militia in their disposal. Everywhere outside the larger cities of north-west, the role of the tribal leaders was and is paramount. This is of no surprise and reflects the stateless history of the country. Some of the regions joined the revolution only late. For instance as the south (Fezzan) joined the revolution only in its last month, causing suspicion, but also reflection internal division. Subsequently this has led to the marginalisation of the South, as its loyalty to the central governance has been questioned. Partly this is because the tribes in southern Libya are somewhat disconnected from the central governance in the north, but according local perspective, they still remain loyan to the state of Libya<sup>52</sup>. In any case the marginalisation of the south is striking as it does hold many of the Libyan oil- ja water supplies and serves as gate to Sahel. From this perspective the south really is the key to the conundrum of Libya for the EU.

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<sup>50</sup> The Global Initiative Against Transnational Organized Crime, 2015 "Libya: a growing hub for Criminal Economies and Terrorist Financing in the Trans-Sahara". <http://www.globalinitiative.net/download/global-initiative/Libya%20Criminal%20Economies%20in%20the%20trans-Sahara%20-%20May%202015.pdf>

<sup>51</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 14.

<sup>52</sup> Interviewee P18





On the other hand, cities that were revolutionary strongholds have become local power centres. Misrata is a case in point, having in 2013 40 000 members of the revolutionary guards in its 300 000 inhabitants. In addition, Misrata had wealthy business elite, previously marginalised by the Qadhafi regime<sup>53</sup>. Another city that has tried to gain local dominance is Zintan, whose brigades are considered moderate and which are heavily involved on the anti-Islamist and anti-Misrata side of the present phase of the conflict. Overall, the losers of the revolution can be considered to be the tribes and areas that supported the Qadhafi regime, like the tribe Gaddadfa around Sirte and Sabha. These areas faced the fate of political marginalisation, which made them vulnerable to outside influence. This actualised in 2015, when the power vacuum around Sirte, a stronghold of the Qadhafi's tribe, helped ISIS to advance and start making hits against oil fields, with the intention to weaken the Libyan state and affect those European states reliant on Libyan oil<sup>54</sup>.

### 3.6 Federalists vs. Autonomists

Because of the long federal past and the unequal treatment of the provinces by the Qadhafi regime, it must be noted that hopes for regional or ethnic autonomy are also important political projects driving some parties of the conflict. At the same time the long history of Libya as a one political unit, although not polity, has paradoxically moulded the country in such a way that the call for independence, or even radical autonomy are made difficult because of the political, economic and ethnic structure of the country and the division of resources, namely oil, within it. The most established of the federalist or independence movements is the one in the previously oppressed Cyrenaica, which is led by members of the old opposition and local intellectuals. However, the call for autonomy in Cyrenaica failed to win the support of the local revolutionary brigades and therefore the real chances for its success are slim. Also the ethnicity based calls of autonomy by ethnic minorities such as the Berbers are mostly unrealistic, for instance, in the case of the Berbers, because their homeland is too dispersed with Arab population. All these aspirations do have support base and the support of some militia's so they can be considered at least potential agents in the conflict. As can be seen the conflicting parties in Libya are too numerous to list and the ever changing coalitions that they form make it analytically more sound to look at the ideological and socio-ethno-national processes underlining the conflict.<sup>55</sup>

<sup>53</sup> Lacher "Supporting Stabilization in Libya: The Challenges of Finalizing and Implementing the Skhirat Agreement", 6-7.

<sup>54</sup> ICG, "The Prize: Fighting for Libya's Energy Wealth", 16-17.

<sup>55</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 20-22.



### 3.7 Lines of division

It is often repeated that the most significant division line in Libya goes between the revolutionary camp and its opponents. However, there are many more lines of division in Libya. These lines are drawn between Islamists and non-Islamists, but also between revolutionaries and the representatives of cities or tribes that either supported the old regime or have abstained from the revolution. At the moment, the most obvious line of division is drawn between the two centres of power, one in Tripoli and one in Tobruk. These rivals consist of different networks and they both are after internationally given recognition and legitimacy, which they, at the moment cannot gain internally<sup>56</sup>.

The various political and militia groups are very heterogeneous: The revolutionary camp is in itself unstable and the agents opposing the revolutionary camp are even more so. What unifies the revolutionary camp is that its members are all advocating the exclusion of the Qadhafi loyalists from public office. While the protagonists of the original uprising played a major role in the revolutionary camp, the attempts to jointly represent the revolutionary interests have failed. Numerous organisations claiming to do so have been founded, but they have failed to attract a wider support base beyond their regional or other, often sectarian, base. The use of revolutionary rhetoric and attempts to own the language of the revolution, have been particular tactics used by different factions seeking to represent themselves as the representatives of the real revolution. The even more heterogeneous groups opposing the revolutionaries consists of moderate, conservative and counter revolutionary forces. All of the non-revolutionaries do not have ties to the old regime, but they are simply not supporting the more extreme revolutionary politics. One significant and somewhat untapped power is the people who fled Libya during the demise of the Qadhafi regime. These people represent about one sixth of the population and are a significant political and perhaps security risk to the endeavours of the post-Qadhafi Libya.<sup>57</sup>

<sup>56</sup> Frederic Wehrey & Wolfram Lacher "Libya's Legitimacy Crisis: The Danger of Picking Sides in the Post-Qaddafi Chaos", Foreign Affairs, October 6, 2014, <https://www.foreignaffairs.com/articles/middle-east/2014-10-06/libyas-legitimacy-crisis>.

<sup>57</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 22-24.



### 3.8 The collapse of the state security in 2013

The disarray of the security sector reflects the situation in the rest of the country. Similar to the heterogeneous nature of the political forces the security sector is divided between different factions all striving to power. The first attempt to unify the military operators was the forming of the *Supreme Security Committee* (SSC) to stabilise Tripoli after the war at the end of the 2011. The SSCs were in themselves eclectic, comprising of revolutionary militias and local police forces. However, another security sector operator *Der' Libya* also rose, comprising of regional revolutionary brigades. The revolutionary brigades were also represented in the National Guard and Border Guards. Especially alarming, from the perspective of the emerging EUBAM mission, were the skirmishes between the latter and the forces under the command of the then defence minister<sup>58</sup>. Overall, the armed forces lacked a national structure after the assassination of General Abdel Fattah Younes in July 2011 and several units started to pursue their own interests increasingly, similarly, in tandem and in collaboration with other regionally or otherwise defined political actors. Again, this fact rises from multiple interviews conducted with the EUBAM personnel: "[the Libyans] were more coming for the meetings for their own personal benefit than for the benefit of any organization"<sup>59</sup>. The internal struggles created an overall disarray of the security sector, which manifested in incidents like the attack against the US Embassy in Benghazi 11 September 2012. In May 2013 when the EUBAM mission launched, the dissolution and disintegration of the security sector was ongoing and the core question of integrating the hard core revolutionaries into the new security architecture remained unanswered<sup>60 61</sup>.

Portraying Libya in 2013 simply as a struggle between Islamist and secular powers, as is done in the western media, was misleading. Instead, the most dominant actors were the diverse local interest groups and the more dominant fault line was between the revolutionaries and the rest.<sup>62</sup> Since 2013 the conflict became more and more a clash between the two largest military coalitions,

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<sup>58</sup> Ibid., 27.

<sup>59</sup> Interview, EUBAM Libya staff member.

<sup>60</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 29-30.

<sup>61</sup> Ibid., 26-30

<sup>62</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya"



those associated with Zintan and Misrata<sup>63</sup>. The conflict started to escalate sharply in May 2014 when renegade military forces from Zintan, led by General Khalifa Haftar, clashed with Islamist groups in Benghazi in an event called Operation Dignity. The operation led the revolutionary, Islamist and jihadi groups to unite against the Zintanis<sup>64</sup>. A subsequent offensive, named Libya Dawn, by the Misratan led coalition against the Zintanis, took place in July, when Zintani positions in Tripoli and its airport were attacked. The Libya dawn offensive consolidated the control of the Misrati-led alliance of the greater Tripoli, after which the country was effectively divided into two camps<sup>65</sup>. The country was divided into two institutional settings, led by the General National Congress (GNC) in Tripoli and the House of Representatives (HoR) in Tobruk - with competing claims of state institutions, like the Central Bank of Libya and the National Oil Company<sup>66</sup>. The Tobruk Government became increasingly isolated and it became open to influences from the Gulf area and Russia<sup>67</sup>.

In this picture, the external actors and their possibility to make a difference was clearly very limited. In addition, the fact that the legitimacy of both of the governments depend on their relationship to outside powers, instead of leaning on the support of the people in Libya, like normally, calls for extra caution in choosing a partner. Further, especially the outside support for the security sector, as the EUBAM mission, was hampered by the politicization of the individual units or branches of the security sector. In this context, while the support for the security sector reform was important, it also carried significant risks and research in 2013 recommended possible external security sector assistance to focus in creating structures and forums addressing the conflicts within Libya, instead of trying to build systems for external threats, based on the illusion of Libyan state cohesion<sup>68</sup>.

### 3.9 International efforts in state-building

#### 3.9.1. INTERNATIONAL FRAMEWORK

The institutional fragmentation and collapsing security was realized by the international community, which tried to engage in state-building measures. International efforts in state-building and political

<sup>63</sup> ICG, "The Prize: Fighting for Libya's Energy Wealth", 8.

<sup>64</sup> Lacher "Libya's local elites and the politics of alliance building", 69.

<sup>65</sup> Ibid.

<sup>66</sup> ICG, "The Prize: Fighting for Libya's Energy Wealth", 18.

<sup>67</sup> Ibid.

<sup>68</sup> Lacher "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", 35.



consolidation started to take place already during the collapse of the Qadhafi regime and took form for example through meeting like the "Friends of Libya" meeting in Paris in September 2011<sup>69</sup>, where, among other things, the World Bank (WB) and the International Monetary Fund (IMF) were named as the ones assessing the needs of Libya in terms of economic recovery. The international framework worked together to share the load of activities to help and develop Libya both in short term needs, such as reconstruction, and in the long term with state-building, institutional strengthening and rule of law. In terms of the state-building process the United Nations Special Mission in Libya (UNSMIL) was central. It was grounded on the UN Security Council Resolution 2009, dating to September 2011, establishing the mission and giving it the role of supporting Libya's transitional authorities. UNSMIL's role was to further state-building in Libya, as well support in DDR<sup>70</sup> and SSR<sup>71</sup> whereas the EUBAM mission was focusing first in strategic border management planning and later in capacity building through training and mentoring. EUBAM Libya was therefore relying on the work done by the UN the EU Delegation on a more strategic level.

In the International Ministerial Conference on Libya in February 2013<sup>72</sup> the international partners reiterated the need for a coordinated engagement, in accordance of the principles of leadership and national ownership by the Libyans themselves. By this time the UNSMIL operation was ongoing and the EUBAM Libya mission was in the pipeline. The conference participants stressed especially the emphasis on UN and EU, which were seen as the main international agents in the area, in accordance, for example with the recognized framework of Euro-Mediterranean cooperation<sup>73</sup>. The conference participants also noted the weak state institutions and the debilitated security sector as a potential problem and stressed the need of the Libyan government to press ahead with State and institution-building. They also especially stressed the "urgent priority" for Libya to control its borders, and to develop and to deliver a plan for integrated border management<sup>74</sup>. This underlines the shared understanding that reaching a solution on the Libyan border issues was priority, not only for the EU, or some EU member states, but for the international community at large.

### 3.9.2. UNSMIL

<sup>69</sup> Ralitsa Kovacheva "Friends of Libya are meeting in Paris. EUInside 1 September 2011, <http://www.euinside.eu/en/news/friends-of-libya-are-meeting-in-paris>

<sup>70</sup> Disarmament, Demobilisation and Reintegration.

<sup>71</sup> Security Sector Reform.

<sup>72</sup> Gov.uk 13 February 2013, "Libya Conference in Paris: Communique" <https://www.gov.uk/government/world-location-news/libya-conference-in-paris-communique>

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.



The prominent agent by the international community functioning in Libya after the fall of Qadhafi was the United Nations, with its Special Mission for Libya (UNSMIL). UNSMIL was established in 2011 by the Security Council resolution 2009 after the request of the transitional authorities of Libya. The UN activities in Libya are guided by the principle of national ownership. The mission, led by Special Representative of the Secretary-General (SRSG) was initially mandated for three months and it has since been extended several times. The mandate was also expanded already in December 2011. The mandate of the UNSMIL is fourfold and tasks the mission to (a) ensure the transition to democracy (b) promote the rule of law and protect human rights, (c) control unsecured arms and related material in Libya and counter their proliferation and (d) build national governance capacity.<sup>75</sup>

As can be seen, the mandate and the scope of the UNSMIL mission were much broader than the EUBAM mission. Instead, UNSMIL can be seen to have a comprehensive, even classic approach to peace building, including elements of state building and even truth and reconciliation, which in retrospect can be considered a premature step in the chaotic situation to which Libya descended. Similarly to EUBAM Libya, the impact of the UNSMIL mission was limited and the deterioration of the situation and the increasing difficulties of the mission to carry out its duties can be read from the reports of the mission, which are useful as the same change in the operational context affected also EUBAM Libya the missions.

In the summer of 2013, at the time when the EUBAM mission became active, the political and security situation started its downfall. The report by the Special Representative of the Secretary-General and Head of UNSMIL, Tarek Mitri, given June 18<sup>76</sup> makes note of the unilateral declaration of the Transitional Council of Barqa to seek regional authority based on the central government's inability to maintain security. The same report also noted the arbitrary and far reaching nature of the Political Isolation Law, which had been approved in May. The UN makes note that the restrictions based on people who had somehow been affiliated with the old regime led to the resignation of the President of the GNC and violated the civil rights of a large number of people. Also interesting is that the UN presence had started to create misperception in which the external element in Libya was portrayed as a colonial force. Considering the EUBAM mission this

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<sup>75</sup> United Nations Security Council Resolution 2144 (2014), <https://unsmil.unmissions.org/Default.aspx?tabid=3544&language=en-US>

<sup>76</sup> Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 18 June 2013, [https://unsmil.unmissions.org/Portals/unsmil/Documents/SC%20Briefing%20June%202013%20\\_12%20June%2013\\_%20check%20agenda%20delivery.pdf](https://unsmil.unmissions.org/Portals/unsmil/Documents/SC%20Briefing%20June%202013%20_12%20June%2013_%20check%20agenda%20delivery.pdf)



type of thinking clearly presented a danger. The report also raised problems with the border security and the lack of overall authority in the south of Libya. Based on the UN description one can see that the UNSMIL mission was about to face escalating problems, which proved overwhelming, even with the relative period of calm during which time the mission was able to establish itself. Regarding EUBAM, such time was not available as the overall context started its rapid change right when EUBAM became active.

Since the summer of 2013 the UN view of the Libya situation is of steady worsening. 16 September the UN reports of growing polarization and urges for a law on transitional justice to facilitate reconciliation. Also the worsening of the border security is steadily noted. For example 16 September 2013 Mr. Mitri notes border control as one of the issues that the authorities as yet to address efficiently. Even though the political situation in Libya worsens towards a civil war, the UN emphasizes, even increasingly, that the peace process, if there would be any, should be Libya owned and Libya led national dialogue<sup>77</sup>. In the report on 9 December the levels of insecurity have already reached "unprecedented" levels as the heavy fighting between the Islamists and the government special force units had broken out in Benghazi<sup>78</sup>. Again, the UN activity was also misinterpreted as a sign of coming intervention. This continuous trend partly explains the eagerness of the UN to repeat its commitment to Libya led peace process in practically all in its reports. The situation kept worsening and finally in a report dated 9 June 2014 one can see the collapse of the authority in Libya as the operation Dignity divides opinions between it being an act against terrorism or a coup d'Etat<sup>79</sup>. At this point the chances of the UN carrying out its mandate without unreasonable restrictions becomes increasingly difficult as at first the UN is prohibited from meeting people accused of crimes and therefore of upholding its rule of law -part of the mandate and the UN personnel themselves become detained. All leads to the evacuation of the UN mission to Tunis, coinciding with the evacuation of the EUBAM mission. The evacuation that took place 13 & 14 July was seen as a temporary move, as it was with the EUBAM, but as we can see, it has become an ongoing state<sup>80</sup>.

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<sup>77</sup>Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 16 September 2013 <https://unsmil.unmissions.org/Portals/unsmil/Documents/2013.09.16.SRSG.Briefing.to%20SC.En.pdf> quoted

<sup>78</sup>Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 9 December 2013 <https://unsmil.unmissions.org/Portals/unsmil/Documents/2013.12.9.SRSG.Security.Council.Briefing.EN.pdf>

<sup>79</sup> Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 9 June 2014 <https://unsmil.unmissions.org/Portals/unsmil/Documents/SRSG-Briefing-to-UNSC-%209-6-2014-EN.pdf>

<sup>80</sup> Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 7 July 2014, <https://unsmil.unmissions.org/Portals/unsmil/Documents/SRSG%20Tarek%20Mitri%20Briefing%20to%20the%20Security%20Council%20-%202017%20July%202014.pdf> quoted 8.4.2016





From the thematic perspective in relation to the EUBAM mission, the most relevant point in terms of implementing the UNSMIL mission is the segment concerning Security Sector and its sub-section dealing with Border Security. The UNSMIL mission recognizes the control of the national borders was a key challenge for Libya, right from the beginning of the fall of Qadhafi<sup>81</sup>. The issues needing to be addressed are also related to the diverse and factional nature of the Qadhafi era Security Sector in which several different agencies were responsible for the border security. Because of this, the introduction of the integrated model was of utmost urgency and importance, a fact that is reflected in the EUBAM mandate as well. Also the lack of infrastructure especially in the south was raised up. The south of Libya became later even more problematic as it was declared a military zone in December 2012 and therefore off limits from any kind of international mission.

On the other hand, the local perspective on the matter was somewhat different, as the Libyan interviewees stressed that without touching the border on the south, the whole matter of border reform was useless. They also stated that the southern border could have been reached in some way, not necessarily through the official, central government officials, but through connecting with the local tribes in the south.<sup>82</sup>

## 4 EUBAM LIBYA

### 4.1 The mission lifespan in short

EUBAM Libya followed the usual EU protocol in launching a mission. The mission was preceded by a needs assessment in 2012 which produced a "thick report"<sup>83</sup>, which kick started the planning. The mission planning, however, stalled as in Libya there was not a sovereign, or a single government which could have given a needed invitation for the mission. These problems were visible for example in the inability to get the Status of Mission Agreement (SOMA). SOMAs are bilateral or multilateral treaties that define the legal position of civilian personnel deployed by the EU in the territory of another state with the consent of the receiving state. Typically SOMA's include privileges and immunities for the personnel of the mission and also define other legal

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<sup>81</sup> Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 16 September 2013 <https://unsmil.unmissions.org/Portals/unsmil/Documents/2013.09.16.SRSG.Briefing.to%20SC.En.pdf>

<sup>82</sup> Interviewees P16 and P17

<sup>83</sup> Interviewee P2.





aspects between the mission and the host state<sup>84</sup>. The inability to successfully close the negotiations regarding SOMA was problematic on the operational perspective as it took away the standard legal umbrella that is common practice with the CSDP operations, but it also demonstrated the fragmented nature of the Libyan state and its problems in reaching agreements to enter treaties. Border related missions of the CSDP fall under the so called comprehensive assessment, which is required to take place before a mission is established. In this process the EU personnel evaluate the host country's present capacities in terms of border management needs, -risks, and -vulnerabilities as well as wide social and political matters.<sup>85</sup>

When the invite for the mission finally came from the government of Prime Minister Zidan, the EU wanted to launch the mission as fast as possible. This is why the normal procedure of drafting an Operation Plan (OPLAN) was not followed, but the mission had strengthened Concept of Operation (CONOPS) instead<sup>86</sup>. A Civilian response Team (CRT)<sup>87</sup> based core team then allowed the mission to be launched quickly, so the slow period of planning and waiting for the invite was altered into a fast paced deployment<sup>88</sup>.

The EUBAM Libya mission was given a green light by the Council of the European Union 22 May 2013<sup>89</sup>. The mission was realized after the Council recognized the serious security situation in Libya and acknowledged the need of the EU to provide assistance through CSDP especially in relation to areas of security and border management. The mission objective was to "support the Libyan authorities to develop capacity for enhancing the security of Libya's land, sea and air borders in the short term and to develop a broader IBM strategy in the longer term"<sup>90</sup>. Generally the mission was following EU's goal to prevent a failed-state scenario and fragmentation on the southern shores of Mediterranean, with political parameters that excluded a large scale intervention or the use of military forces<sup>91</sup>. It must be noted that the mission was not a sole instrument that the EU used to reach this goal, as there was EU delegation present in Tripoli, whose task, among other things, was to support EUBAM Libya and generally create confidence

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<sup>84</sup> Aurel Sari "Status of Forces and Status of Mission Agreements under the ESDP: The EU's evolving practice", *The European Journal of International Law*, Vol. 19 (2008), no. 1., 67-100, 68.

<sup>85</sup> The Council of the European Union "Revised Draft EU Concept on CSDP Support to Integrated Border Management". Doc. no. 16044/2/13

<sup>86</sup> Ibid.

<sup>87</sup> A Civilian Response Team (CRT) is a civilian crisis management rapid reaction capability of flexible size and composition, consisting of Member State experts.

<sup>88</sup> Interviewee P2.

<sup>89</sup> Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border management Assistance Mission in Libya (EUBAM Libya) OJ L 138, 24.5.2013.

<sup>90</sup> Ibid.

<sup>91</sup> Mühlberger, "Libya After Qadhafi: Reshaping the Political and Security Systems", 3.



among the Libyans. However, EUBAM Libya still was the main operational instrument of the EU to pursue its CSDP goals.

The tasks of the mission were to "through training and mentoring, to support Libyan authorities in strengthening the border services in accordance with international standards and best practices, to advice the Libyan authorities on the development of Libyan national IBM strategy, and to support Libyan authorities in strengthening their institutional operational capabilities<sup>92</sup>. The strategy was to impact positively on state-consolidation and economic development, and to fight against organized crime. The mission was to achieve its objectives by transferring know-how instead of financing the Libya's capacity building directly and the mission did not have executive power<sup>93</sup>. The number of personnel for the mission was planned to be 165 at full operational capability, but with the continuous and worsening security challenges, this was never reached and the personnel had to be rotated between Libya and Malta<sup>94</sup>.

The accomplishments of the mission during its de facto existence from May 2013 to the fall of 2014 were modest. EUBAM Libya helped the Libyan authorities setting up a cross-ministerial body to coordinate the operations of the agencies responsible of border control; however, according to the interviews this body was not fully effective as the required buy-in for the IBM concept was not present<sup>95</sup>. Therefore the task to advise the Libyans in developing a national IBM strategy was not successful. The training and mentoring tasks of the mission were somewhat successful, although because of security problems they remained small scale. Some progress was however made with Libyan customs, maritime coastguard and at airports at Tripoli and Sebha, in terms of training and mentoring, so that after it became evident that the task of developing the IBM strategy for Libya was too ambitious, the mission was to focus more on the training and mentoring tasks. The mission also coordinated international support in the field of border management, which can be seen as an added merit<sup>96</sup>.

In July 2014 the mission had to evacuate to Tunis due to the collapse of the security situation, which had severely hampered the mission throughout its existence. At this point the mission was

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<sup>92</sup> Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border management Assistance Mission in Libya (EUBAM Libya) OJ L 138, 24.5.2013..

<sup>93</sup> Ibid.

<sup>94</sup> United Kingdom Parliament, "Documents considered by the committee 10 December 2014"

<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeuleg/219-xxiv/21916.htm>

<sup>95</sup> Interviewee P6

<sup>96</sup> European External Action Service (EEAS) [http://www.eeas.europa.eu/csdp/missions-and-operations/eubam-libya/pdf/factsheet\\_eubam\\_libya\\_en.pdf](http://www.eeas.europa.eu/csdp/missions-and-operations/eubam-libya/pdf/factsheet_eubam_libya_en.pdf) quoted 6.4.2016; Interviews, EUBAM Libya staff members.



yet to be able to reach the full capacity of mission members or to reach the objectives stated in the mission mandate. Already by this point the conclusion was drawn that the mission should concentrate on a more operational level activities, as the strategic level drafting of the IBM concept and similar level projects were not proceeding, due to the fragmented nature of the Libyan counterparts and the inability to secure a needed buy-in<sup>97</sup>.

The main conclusion stemming from the research and from the interviews is that an undivided sovereignty, necessary for a mission like EUBAM did not exist, as the legitimacy of the factions was highly contested. In reality, the territory of Libya was an assemblage of mutually conflicting and often armed interest groups. Rather than leading the improvement of the security situation, the context for the mission was such that it had to react to the ever worsening security situation<sup>98</sup>. Most likely, heavily supported state consolidation and security sector reform (SSR) projects would have been needed, before a strategic level IBM mission would have been possible. This is because in the context in which EUBAM Libya existed, there simply was not a receiving strategic level partner to negotiate and interact with. If the EU would have used its power to push a move by either of the parties in conflict to take a more aggressive approach, it would have risked undermining that particular party and perhaps destabilizing the situation and even escalating the conflict<sup>99</sup>.

#### 4.2 General approach of the EU to the conflict: Security and migration concerns

To grasp the origins and rationale of the EUBAM mission, one has to take a look at broader EU-Libya relationship, as strategy which the EU decided to apply comes directly from its interests, formulated already years before. In a strategy paper under the European Neighbourhood and Partnership Instrument, titled "Libya: Strategy Paper and National Indicative Program 2011-2017" it is stated that the objective of the EU is to consolidate Libya into the rules based international political and economic system, which is to be achieved by tackling jointly with Libya the obstacles on the way to Libya's modernization. These measures include capacity building and other forms to modernise Libya's system of governance<sup>100</sup>. The problem of irregular migration is one of the key focus points brought up in the NIP. Especially the increasing pressure on the southern border of

<sup>97</sup> Interview, various staff members, EUBAM Libya

<sup>98</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 57-58

<sup>99</sup> Wolfram Lacher "Supporting Stabilization in Libya: The Challenges of Finalizing and Implementing the Skhirat Agreement". Stiftung Wissenschaft und Politik, Berlin, 2015, 8. [http://www.swp-berlin.org/fileadmin/contents/products/comments/2015C36\\_lac.pdf](http://www.swp-berlin.org/fileadmin/contents/products/comments/2015C36_lac.pdf)

<sup>100</sup> "Libya: Strategy Paper & National Indicative Programme 2011-2013" (NIP) [http://eeas.europa.eu/enp/pdf/pdf/country/2011\\_enpi\\_csp\\_nip\\_libya\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/country/2011_enpi_csp_nip_libya_en.pdf) p. 5-6.



Libya and the risks that it may cause towards the European states are repeated. Especially the fact that Libya was developing into a well suitable transit country for the immigrants into the European Union is emphasized<sup>101</sup>. Also the fact that Libya was at the time of the NIP's release the third largest importer of oil into the EU is brought up. Therefore it can be seen that Libya represented for EU both a great opportunity, with its liberating economy after the sanctions had been lifted, but also a risk with the images of uncontrollable flow of migrants.

As the NIP states, "the EU has strong political interests in providing assistance to Libya, in particular in areas where there is a need for joint action, in particular migration and energy security"<sup>102</sup>. In this framework illegal migration is labelled as "common challenge"<sup>103</sup> and the way in which the EU is seen to be able to assist is in improving border management, improving treatment of illegal and stranded migrants and strengthening Libya's capacities to manage asylum seekers and foreign workforce as well as supporting the Libyan authorities in establishing an institutional framework for migration<sup>104</sup>. Capacity building in Libya and the aim to develop border related institutions is clearly stated in the EU strategy, from which they have been transferred to the mission mandate of EUBAM. The expected impact of the implementation of the cooperation in terms of migrants and border security should have ideally resulted in the fall of illegal migrants reaching Europe and in the overall improvement of Libya's capability to address the migration problems, including taking care of the relevant human rights issues<sup>105</sup>. The mission and its objectives naturally have to be also viewed through regional lens, that is a part of the EU's desire, shared with the Libyan authorities, to quell the flow of both the people and violent militia's that might have gotten their hands on the arms from the collapsing Qadhafi regime. In terms of southern Libya the United States expertise from the experiences of the US-Mexican border was to be used as well<sup>106</sup>.

The EUBAM Libya mission can be seen at least implicitly being connected to the European Union's global strategy to control migration and mobility<sup>107</sup>. For example, it aligns with the EU's Migration III project, which is to produce meetings, training sessions and expert missions on legal migration,

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<sup>101</sup> Ibid., 7.

<sup>102</sup> Ibid., 15.

<sup>103</sup> Ibid., 117.

<sup>104</sup> Ibid., 28-29.

<sup>105</sup> Ibid., 18.

<sup>106</sup> How the United States Partners with the Government of Libya and the Libyan People, <http://libya.usembassy.gov/partnerships.html>

<sup>107</sup> European Commission (2014) "Report on the implementation of the Global approach to Migration and Mobility 2012-2013".

<http://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-96-EN-F1-1.Pdf>



migration and development and irregular migration<sup>108</sup>. The EU has had dialogue with the ACP countries<sup>109</sup> already from June 2010, which have, however, lacked engagement of the member states, as critically noted by the European Commission<sup>110</sup>.

However, although multiple aspects in EU's policy, in the direct context of the launch of EUBAM Libya and also in some of the interview material point to the irregular migration being a substantial motive behind the operation, the actual mandate and the list of implemented tasks of the mission quote other reasons. As one interviewee states: "The mission was wanted because of security concerns being Boko Haram, Al-Qaida and other organisations operating in that region...security vacuum forming so close to Europe was a genuine concern. Weapons proliferation, organized crime, uranium mines, oil and gas were also high on agenda. Migration concerns became evident quite soon after the mission was launched"<sup>111</sup>. Interestingly this is contrasted with a local view, which argues that the "talked about democracy, when the need was to talk about security"<sup>112</sup>.

In terms of the specific case of Libya the overarching goal for the perspective of the CSDP was to avoid a failed state scenario leading to a fragmentation of the area of Libya. The question that needs to be asked were proper action taken to prevent this from happening, or was the present outcome, reflecting closely a worst case scenario, unavoidable? Explicitly was the mission that was launched appropriate for these goals, which can be considered highly ambitious<sup>113</sup>.

#### **4.3 State of the border management in Libya: Institutional fragmentation**

In relation to its population (6.5 million), Libya has extensive borders, with 4,300 km of land borders and 1,800 km of sea borders<sup>114</sup>. The presence of the state actors on those borders vary greatly and, as noted, the south of Libya is a military zone, which in practice is under no-ones control. The need for action in terms of the border security was recognized in June 2013, right when the EUBAM mission became operational and soon the then Prime Minister Zeidan established an inter-ministerial Committee on Border Affairs, which was to serve as an institutional partner also towards EUBAM Libya. Also the UN Security Council Resolution 2144 (2014) mandated UNSMIL

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<sup>108</sup> Ibid., 7.

<sup>109</sup> African, Caribbean and Pacific Group of States.

<sup>110</sup> Ibid., 14

<sup>111</sup> Interviewee P2.

<sup>112</sup> Interviewee P16

<sup>113</sup> Mühlberger, "Libya After Qadhafi: Reshaping the Political and Security Systems", 3.

<sup>114</sup> For comparison, Finland with its 5.2 million people has approximately 2500km of land borders and 1100km of sea borders.



to support Libyan government in its efforts to strengthen border security. UNSMIL planned to work in close cooperation with the EUBAM mission and together assist the Committee on Border Affairs. Capacity building, present in the EUBAM Libya mandate, was also an area of cooperation for the UNSMIL, which has carried out several courses with international partners to train the Navy Coast Guard, Custom Officials and the Tripoli Airport Security personnel. Another focal point of the UNSMIL Border Security assistance has been enhancing of regional cooperation and coordination, which is done in cooperation with the Regional Ministerial Conference on Border Security. The short term plan of the Border Security section was to establish a joint regional secretariat based in Tripoli to enhance information sharing.

The Qaddafi regime was not fully functional in border management, while it did improve its control especially on its maritime borders. However, one part of the Qadhafi legacy was the poor control of Libya's southern border, which has continued and even worsened till present time. Overall, Libya's capability in terms of border management was fragmented and not in compliance with international standards at the time before the EUBAM mission establishment. Mirroring the overall situation of the country, the central authority over border security was weak and fragmented and local militia and tribal elements controlled their territories.<sup>115</sup> In the case of EUBAM Libya this was somewhat of a problem and many of the interviewees have considered over-optimistic the idea that an IBM concept could have been developed without the Libyan partners wanting such themselves. This notion is backed by the fact that the mission effectively discarded its original mandate in developing an IBM concept and moved towards a more operational capacity building, for which the Libyan counterparts were more receptive.

The concept of Integrated Border Management was born in the EU sense in 2006 when it was agreed that border issues had become an important aspect of the civilian crisis management and it became necessary to draft a concept for the ESDP (later CSDP) missions focusing on borders. This was partly an element in the process in which the EU wanted to make its political objectives identifiable in the future crisis management operations. The EU noted that in failing states the lack of central authority and working institutions can lead to an increase in organized crime, human trafficking and terrorism, which all can lead to escalation of a particular conflict and overall insecurity. In 2014 the IBM concept was refined and the three types of IBM missions were identified: 1. Supporting and strengthening missions, 2. support with executive tasks and 3. border

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<sup>115</sup> Roderick Parkes "Integrating EU defense and migration policies in the Mediterranean". Friede, Working papers, 2014. [http://fride.org/download/WP\\_125\\_Integrating\\_EU\\_defence\\_and\\_migration\\_policies\\_in\\_the\\_Mediterranean.pdf](http://fride.org/download/WP_125_Integrating_EU_defence_and_migration_policies_in_the_Mediterranean.pdf)





monitoring missions. In this typology, EUBAM Libya falls in the first category. Based on the Justice and Home Affairs Council conclusion from 2006, IBM consists of Border control, Detection and investigation of cross-border crime in coordination with other authorities, inter-agency cooperation for border management and international cooperation and Coordination and coherence of the activities of Member States and Institutions<sup>116</sup>. Essentially this type of interagency cooperation was the model that the EUBAM Libya was also mandated to develop for Libya with the Libyans.

The problem with the mission mandate being so focused on borders was that the EU had to compete against very strong players to "get the border project". Especially the United States was, according to the local perspective much more invested in getting the Libyan to agree on developing their border management on the basis of the American homeland security model. Eventually this model was to prevail. When the EU lost the "border project" to the US, the whole ratio of the mission suffered a clear setback and can be seen in the way the new EUBAM Libya mandate is formulated to go beyond the border management reform.<sup>117</sup>

In addition to migration and border management issues, the key challenge for the EUBAM Libya mission was multidimensional fragmentation of the state institutions. This fragmentation worked on two levels, institutional and territorial. In terms of the short- and long term objectives of the mission, the institutional fragmentation that can be taken as a legacy of the Qadhafi regime and which was made bare by the erupting conflict, can be seen as the factor making the mandate implementation virtually impossible. The responsibilities of the Libyan state institutions were not clearly defined and there seems to have been serious overlapping. Also, considering the isolated nature of the Qadhafi regime, it can be assumed that the culture of cooperation, especially with international actors in Libya was not developed. However, the EU at that time maintained a fairly positive mindset that the obvious problems could have been worked out together with the mission.

One of the key things that EU wanted to prevent from happening, territorial fragmentation, was already a reality at the time when the mission was launched<sup>118</sup>. The fragmentation had its historic fundamentals; external even to the conflict, but also the acute territorial fragmentation, which came about through the emergence of the two separate governments, was an ongoing process by the time the mission was established. It was clear that the local militia was tightly connected

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<sup>116</sup> The Council of the European Union "Draft Council Conclusions on Integrated Border Management", Doc. no. 15628/06.

<sup>117</sup> Interviewee P16

<sup>118</sup> Ibid., 12.



to partial regions or clans and many of those militias had conflicting desires, which indicates fragmentation also on the level of population, in addition to the geographic. The most distressing element during the time of the mission deployment was the fact that there was no monopoly on the legitimate use of force in Libya<sup>119</sup> and in essence Libya was saturated with different armed actors corresponding with divisions in almost every division and cleavage present in Libya's internal politics<sup>120</sup>. The amnesty International had noted already in February 2012 that the Libyan militia was "largely out of control"<sup>121</sup> and the situation since that had not gotten better, as the fragmentation first evident in the militia had slowly moved into the political system. Overall, based on literature, it is evident that the planning and implementation capability of the Libyan state was severely hampered at the time the mission was established. In addition at the time of the mission establishment, it was becoming obvious that the *Political Isolation Law* was going to be accepted in the National Congress, carrying the short term effect to increasing the destabilization of the country through affecting many in the then leadership of the country.

#### 4.4 Security issues: Migration, proliferation of weapons

One problem that started to plague Libya soon after the fall of Qadhafi was the massive exodus of weapons. Qadhafi's vast arms caches were being trafficked from all directions, landing in conflict areas such as Syria or Mali, or in the hands of militias or individuals and groups engaged in kidnapping for ransom<sup>122</sup>. The United States efforts to curb the trafficking failed systematically because the American representatives were trying to negotiate with the Libyans as if they formed a single unified government, which did not lead to any results as the Libyan counterpart seemed as paralyzed to the US officials<sup>123</sup>. The same impression is evident in the interviews of the EUBAM Libya personnel and can be considered systemic and fundamental problem in probably most western missions and operations in Libya post-Qadhafi. However, the importance of the control of the Libyan borders was clearly visible already in 2011, but so was the inability of the Libyan officials to do so<sup>124</sup>. This created a situation in which the incentives for EUBAM Libya -type border mission were extremely high, even though the environment in which any kind of border mission was to function were as clearly very challenging.

<sup>119</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 40

<sup>120</sup> Ibid., 44

<sup>121</sup> Amnesty International "Militias threaten hopes for new Libya", Amnesty International Publications, 2012, <https://www.amnesty.org/en/documents/mde19/002/2012/en/>

<sup>122</sup> Scott Shane & Jo Becker 27.2.2017. A New Libya with 'Very Little Time Left' The New York Times, <http://www.nytimes.com/2016/02/28/us/politics/libya-isis-hillary-clinton.html>

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.





Since the fall of Qadhafi smuggling, trafficking and organized crime has skyrocketed in Libya, creating volatility in both North Africa and the Sahel, for example finances and weaponry has helped the rebellion in Mali. All these activities create revenue, which is the driving force behind many of the Libya's militia's and therefore in order to create positive political development and improve the security situation the issue of profiting and migrant smuggling are of highest priority.<sup>125</sup> Especially the migrant smuggling has increased dramatically since the downfall of Qadhafi. The Qadhafi regime had, for example, through bilateral agreement with Italy limited the flows of smuggled migrants. Only 4500 seaborne refugees were picked up in 2010 in contrast to at least 170 000 in 2014 and 153 946 in 2015<sup>126</sup>. By the time the illegal migrants coming to Europe by crossing the Mediterranean from Libya constituted 60% of all illegal migrants to Libya and the increase of the migrants coming through Libya was 277% from 2013 to 2014<sup>127</sup>. Judging against the rapid and immediate proliferation of all kinds of trafficking, including people, the assessment of the western intervention and the optimism that followed concerning the capability of the Libyan counterpart to manage rebuilding the institutions responsible for curbing this development can easily be argued as a severe miscalculation<sup>128</sup>. Additionally the fragmentation of the security sector and collapse of the border security helped the armed groups and terrorists escaping the French Operation Servali in Northern Mali (2012-2014) to fill the vacuum especially in southern Libya<sup>129</sup>. In this context the possibility of a mission with a mandate and manpower such as the EUBAM Libya, the prospects for a substantial success were extremely limited and as one can see from the numbers provided by FRONTEX above, the exploding number of illegal migrant crossing Libya's borders presumably corresponds to the similar increase of other goods. Therefore one can easily argue that the impact of the mission for the overall security situation in Libya was minimal.

The present state of border affairs in Libya, according to Frontex in March 2016, is that as all state institutions, including those responsible of security and border security and judiciary remain fragmented and weak, and the vast land and sea borders remain largely uncontrolled. The

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<sup>125</sup> The Global Initiative Against Transnational Organized Crime "Libya: A Growing Hub for Criminal Economies and Terrorists Financing in the Trans-Sahara, May 2015, <http://www.globalinitiative.net/download/global-initiative/Libya%20Criminal%20Economies%20in%20the%20trans-Sahara%20-%20May%202015.pdf>

<sup>126</sup> Frontex, "Annual Risk Analysis 2016", [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annula\\_Risk\\_Analysis\\_2016.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf)

<sup>127</sup> Frontex, "Annual Risk Analysis 2015", [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2015.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf)

<sup>128</sup> See e.g. Alan J. Kuperman "Obama's Libya Debacle: How a Well Meaning Intervention Ended in Failure. Foreign Affairs March/April 2015

<sup>129</sup> The Global Initiative Against Transnational Organized Crime. 2015. <http://www.globalinitiative.net/download/global-initiative/Libya%20Criminal%20Economies%20in%20the%20trans-Sahara%20-%20May%202015.pdf>



challenge that also FRONTEX is raising up is identifying the right interlocutors within the Libyan establishment who could have a positive impact in reduction of transiting irregular migrants.<sup>130</sup>

## 4.5 The reception of EUBAM Libya: Critique on human rights

### 4.5.1 CRITIQUE ON HUMAN RIGHTS

The critical view to EU's decision and the subsequent activities related to EUBAM Libya can be approached by looking at the ways in which the mission came potentially close in fudging the lines between some bilateral programs that were more aggressive, for example, in migration control. This opens difficult questions about the relationship of the mission and possible human rights violations conducted by the Libyans that might have been trained by EUBAM Libya.

Especially the relationship of the mission with Italy was potentially problematic, as research has shown. From the Italian perspective the operation is highly important, but it can also be seen as an effort to push the EU's external border further from the Italian controlled Mediterranean and into the southern parts of Libya. In practice, a critical reading of Libya's capacity building can be seen as a hope for an improved capacity to detect illegal migrants or asylum seekers already on Libyan waters or land borders, so that the strains of managing the irregular migration by the EU would be partly lifted by the Libyan partners. As stated above, this was not the outspoken aim and mandate of the EUBAM Libya, but as some of the Italian mission members were also members in the bilateral military cooperation with Libya, which tackled the migration issue much more straightforwardly, there was a danger of blurring the line between Italy's bilateral engagement and the EU mission<sup>131</sup>.

Few critical aspects arise from this thinking: One can ask, is the EU's decision to emphasize the assistance to Libyan border authorities in a situation in which Libya is not a signatory state in several international agreements on migrants and asylum seekers rights? Should even a basic acknowledgement of such treaties by the Libyan state have been a precondition to the mission?

<sup>130</sup> Frontex, "Annual Risk Analysis 2016", 39.

<sup>131</sup> Fulvio Vassallo Paleologo "The Eclipse of Europe: Italy, Libya and the Surveillance of Borders" E-International Relations, March 30, 2014 <http://www.e-ir.info/2014/03/30/the-eclipse-of-europe-italy-libya-and-the-surveillance-of-borders/>



Further one must critically evaluate whether the activities that the EUBAM Libya was engaging with were such that took notion of the need to improve the status of the migrants and not only to enhance the capabilities of the Libyan authorities to control the flow of illegal migration by using whatever means the Libyan authorities saw necessary. This is the downside of the emphasizing the local ownership in a situation in which the institutional and legal development is very limited.<sup>132</sup>. In addition, during the EUBAM Libya mission Libya was very much in a state of so much institutional and factional fragmentations, so that in all capacity building efforts it was necessary to ask whose capacity was being built<sup>133</sup>. This is also a question that needs to be addressed assessing the EUBAM Libya mission, such as the coming deliverables of this project. There is also some indication that the willingness of the Libyan authorities to fight the abuse of the asylum seekers has been lacking and unwillingness to do so have led to disagreements with the EUBAM mission<sup>134</sup>. It is also important to note that EUBAM Libya's mandate does not extend to the detention of the immigrants, a period of time when the human rights violations usually occur and also in the case of Libya were widely documented<sup>135</sup>.

Although human rights and the their overseeing or development are not mentioned in the EUBAM Libya mandate, they are in the core of the European Union and should, also by according to EU's own, policy papers, be at the heart of all the CSDP and other actions. *The Strategic Framework and Action Plan on Human Rights and Democracy*, dating to 2012 states that the "EU will continue to throw its weight behind advocates of liberty, democracy and human rights in the world" and the article 21 of the Treaty on European Union specifically affirms EU's determination to promote human rights and democracy in all its external actions. Further, the above *Strategic Framework* states that the EU will "systematically include human rights...in the mandates of EU missions and operations and in their benchmarks, planning and evaluation". This framework, however, makes problematic the fact that in the EUBAM Libya mission the EU was in cooperation with a country, which has not signed, for instance, the UN Convention relating to the status of the Refugees (CRSR). As the mandate of the mission was only to train and build capabilities of the Libyan border control authorities, a problematic situation arose, in which the EU's capacity building was, at least in theory, increasing the capability of the Libyan authorities to detain migrants and asylum seekers

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<sup>132</sup> Ibid.

<sup>133</sup> Smits et al., "Revolution and its discontents: State factions and violence in the new Libya", 58.

<sup>134</sup> Matthew Wella "Libya refuses to cooperate with refugee workers in EU-funded mission" Malta Today 27 January 2014 [http://www.maltatoday.com.mt/news/world/36061/libya-refuses-to-cooperate-with-refugee-workers-in-eu-funded-mission-20140127#.Vqn\\_FzJf3ct](http://www.maltatoday.com.mt/news/world/36061/libya-refuses-to-cooperate-with-refugee-workers-in-eu-funded-mission-20140127#.Vqn_FzJf3ct)

<sup>135</sup> Human Rights Watch "Libya: Whipped, beaten and hung from trees: Detained Migrants, Asylum Seekers Describe Torture, Other Abuse in Detention." Human Rights Watch, 22 June 2014, <https://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>



in detention centres, which were found to be carrying out serious human rights violations. The same difficulty goes with all external capacity building missions as the chronic political rivalry between different factions and elites in Libya drives will to power of local elites whereas the broader political project has been largely absent<sup>136</sup>. In this case external missions, such as UNSMIL or EUBAM Libya do not necessarily lead to more security, as they risk the chance of alienating groups unaligned with the governing coalition(s)<sup>137</sup>.

According to the Human Rights Watch report in 2015, consecutive interim governments in Libya "have failed to investigate, prosecute, charge and end the arbitrary detention of thousands of people held in relation to the 2011 uprising<sup>138</sup>". This is not in a direct connection to the EUBAM Libya activities, as it can be considered to be part of the larger democratic development and the rule of law process, which is primarily the task of the United Nations UNSMIL-mission. The matter, however, becomes problematic, if the EUBAM can be seen to be in contact or in a supportive relation to Libyan authorities submitting refugees or asylum seekers to the detention centres, which by the above quoted report and others are places where multiple human rights violations take place. According to earlier Human Rights Watch Report<sup>139</sup>, this seems to be the case. This poses the question, is a mission following the spirit of EU guidelines on human rights, if it is training an organisation implicated with documented human rights violations? From this perspective, EUBAM Libya risks being viewed as an ethically questionable action of externalizing EU's border and doing this with the added weight of bearing a proxy responsibility of human rights violations.

Even larger problem is connected to the question of whose capabilities are being built by a capacity building CSDP mission working in a framework of multiple conflict partners. A leaked CONOPS document of the EUBAM Libya mission contained information linking the training operations carried out by the mission to particular units of the Libyan militia, which was picked up by the press. Even if the reporting was unsubstantiated this created negative publicity for the mission, in addition to the fact that the leaked document was apparently genuine.<sup>140</sup>

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<sup>136</sup> Lacher "Libya's local elites and the politics of alliance building",

<sup>137</sup> Smits et al. , "Revolution and its discontents: State factions and violence in the new Libya", 58.

<sup>138</sup> Human Rights Watch "The Endless Wait: Long Term Arbitrary Detentions and Torture in Western Libya", Human Rights Watch Report, 2 December 2015, <https://www.hrw.org/report/2015/12/02/endless-wait/long-term-arbitrary-detentions-and-torture-western-libya>

<sup>139</sup> Human Rights Watch "Libya: Whipped, beaten and hung from trees: Detained Migrants, Asylum Seekers Describe Torture, Other Abuse in Detention".

<sup>140</sup> Andrew Rettman "EU 'civilian' mission training paramilitaries in Libya" Euobserver, 18 November 2013, <https://euobserver.com/investigations/122134>



#### 4.5.2 LOCAL PERSPECTIVE TO THE MISSION IN SHORT

Overall the Libyans interviewed shared the view that the EUBAM Libya of 2013-2014 was crippled by its inability to address the border situation in the south. The security measures that the mission had to follow prevented it from activities in the south, so it is arguable that not that much more could have been done. However, it is the view of the Libyans interviewed that with a more creative approach the mission could have contacted some of the tribes in the south and in that way they could have in many ways improved the border security in the south<sup>141</sup>. It was clear that the central government was not in charge of the southern borders, so it would have been necessary to bypass it and connect with the locals. Even though border management is a responsibility of the state and the central government, in this situation it might have been wise to reach outside that scope, testifies one of the interviewees<sup>142</sup>. In terms of the overall success of the strategic border management cooperation, it was the opinion of another local, that the EU did not have enough muscle and expertise to compete with the Americans, who also wanted to have the border project<sup>143</sup>. The local also criticised the international effort for Libya as a whole, as they saw that there was too much competition and too little coordination amongst the international donors<sup>144</sup>

The local view also differed from the argument shared, especially by the mission planners, that the Libya as a rich country does not need to be equipped. The Libyans themselves saw the richness of Libya as an illusion, where the wealth was in practice unreachable for the locals<sup>145</sup>. Overall the local perspective offered by the interviews does not counter the view produced by the literature and the mission member interviews, but it does corroborate the findings.

#### 4.6 The present day situation: Prospects of a new or a continued EUBAM Libya

Since the evacuation of the mission to Tunis, the mission has been on hold, but at the time of writing the mission has been activated again and it waits its deployment in Tunis.. However, the security situation, the overall problematics that have plagued Libya and the systemic questions that are still unanswered, beg the question whether the necessary elements are in place to continue the operation. Libya remains institutionally deeply divided. Despite of this, the efforts to create a

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<sup>141</sup> Eg. Interviewee P16

<sup>142</sup> Interviewee P18

<sup>143</sup> Interviewee P17

<sup>144</sup> Interviewee P17

<sup>145</sup> Interviewees 16 and 17



Government of National Accord (GNA) have been relentless. However, major problems can be observed, most notably the fact that the peace process in the form of the GNA has not received acceptance of the sizable number of parliamentarians in the two rivaling parliaments. Without actual accord amongst the divided segments of the society, hopes for a deal remain scant, even if the deal is backed by the UN. While it seems that on the diplomatic front people seem generally optimistic about the possibility of a positive development and a return of the large scale international missions, expert statements<sup>146</sup> and interview material of this study suggest that the present approach might not enjoy sufficient buy-in from the numerous Libyan factions and that pushing any agreement too aggressively will ultimately jeopardize a large scale deterioration of the situation.

In addition to political problems the economic situation in Libya seems very troubled. Even though Libya is theoretically a wealthy country, which has been the base for the planning of the EUBAM Libya as well, its capability to import its oil has taken a dramatic drop and the contraction Libya's economy overall is at the moment the largest in the world. Additionally, Libya's financial institutions face the same kind of division than its political institutions. For example, there are now parallel central banks and national oil companies. The importance of this for the possible future operations is that the missions should include equipping to training. In the case of Libya, the perception that the Libyans can themselves provide the equipment needed to has been proven misplaced. This assessment was also corroborated in the interviews and in the statement by Cladia Gazzini from the International Crisis Group<sup>147</sup>.

The two central military alliances, Libya Dawn in the west and Operation Dignity in the east are driving the process of fragmentation, which is not helping the peace process aiming to consolidate power into undivided political institutions. The same factional nature is also evident in the Libyan National Army (LNA), which operates in eastern Libya and is backed by the House of Representatives in Tobruk. The LNA is led by General Khalifa Haftar, who has been one of the main obstacles to peace negotiations. The main problem in the UN-backed process seems to be the absence of a security track, which would be an approach that would address if not all, but the great majority of the potentially conflicting factions. The most dangerous international action seems to be military intervention as it might alienate those supportive of the UN-backed peace process

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<sup>146</sup> International Crisis Group (ICG) "Testimony by Claudia Gazzini for the hearing of the Senate Committee on Foreign Affairs on "Libya: The Path Forward"" 3.3.2016., p. 2.,

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/libya/gazzini-testimony-us-senate.ashx>

<sup>147</sup> ICG "Testimony by Claudia Gazzini for the hearing of the Senate Committee on Foreign Affairs on "Libya: The Path Forward"".





and enable spoilers opposing it. The same local ownership should be followed also in terms of ISIS against which the actions and strategy must be based on Libyan leadership. The fighting in the Gulf of Sirte between the two dominant political block in Libya did create the vacuum which enabled ISIS to establish a presence there and the chances of ISIS to further strengthen its position in Libya is directly related to the process of political consolidation and reformation and unification of the Libyan security sector<sup>148</sup>. The first thing that is required is a dialogue and communications to be established within the Libyan security actors and the external agents, such as UNSMIL and/or possible future EU CSDP mission.

The essential fact about the Libyan conflict is that it is multidimensional and complex and any type of interventions and shows of political support should be carefully considered from the perspective that they are inclusive and not alienating any part of the society, nevertheless carrying enough capabilities and resources to make a difference. Simultaneous efforts with comprehensive state building, security sector reform and economic rebuilding are needed, instead of strict counter terrorism operation or forcing the Libyans for political solution.

At the time of the writing the Libyan security and political situation remains very difficult. After the UN brokered a deal between the competing Tripoli and Tobruk parliaments, numerous difficulties have arose and there still exists no single authority in Libya. The biggest difficulty in establishing a single political authority remains the fact that the security sector with still countless militias has a de fact veto power over any political arrangements. If the powerful militias withdraw their support from any possible candidate for a unity government, it will not stand a chance of survival. Therefore the normal political process remains suspended until a comprehensive agreement on political and security matter is reached.<sup>149</sup> On the other hand there remains a strong incentive for the European Union to intervene theirregular migration through Libya is not under control<sup>150</sup>. On a positive note, the new mandate of the mission seems to have a more flexible approach, which hopefully has a positive effect on many of the problems crippling the border management focused EUBAM Libya.

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<sup>148</sup> ICG, "The Prize: Fighting for Libya's Energy Wealth".

<sup>149</sup> BBC 6.4.2016 "Libya government U-tun over stepping aside" <http://www.bbc.com/news/world-africa-35982308>

<sup>150</sup> European Union, "Final remarks by President Donald Tusk to the European Parliament Plenary Session", 13 April 2016. <http://www.consilium.europa.eu/en/press/press-releases/2016/04/13-tusk-final-remarks-european-parliament/>





## 5 CONCLUSIONS

The task of this Desk Review has been to map the context in which the EUBAM Libya operated. The review was explicitly to assess the contribution of the mission to the overall security of the State of Libya, identifying challenges and lessons in implementing the mandate of the mission, elaborating on the expectations for European action by the Libyan officials. In short this study was to evaluate its set of goal and the identifiable lessons. In a nutshell it would be easy to conclude that the answers to these questions are self-evident as the contribution of the mission to the overall security in Libya was not existent, according to both the research literature and the mission members interviewed. Assessing the expectations of the Libyan officials has also been largely beyond the capabilities of this review as the state of security in Libya has prevented any field trips and the Libyan counterparts of EUBAM Libya are nowhere to be reached. However, some information about the expectations of the Libyan counterparts has been collected from the interviews of the mission members. The constantly surfacing narrative from this material is the heterogeneous nature of the Libyan counterparts, which were ever changing and represented individual agents instead of institutions. This leads to the conclusion that the fragmented security sector in Libya prevented the whole existence of a counterpart that would have represented a similar and symmetrical partner, or a host-institution, to EUBAM Libya.

A large part of the process of fragmentation that took place in Libya can be explained by looking at the history of Libya. As described above, Libya has never formed a state in which the people would have shared a common understanding of the undivided and unified polity, some kind of an imagined community that tends to be taken as a model for a functioning country. Instead Libya has throughout its existence as an administrative entity, consisted of three somewhat autonomous provinces and countless tribes and local assemblies, which have been virtually uncounted for by the central authority. The fragmentation has been only deepened by the Jamahiriyya state of the late dictator Qadhafi, which kept the state of fragmentation and cultivated it by using the *divide et impera* -strategy to play the Libyan factions against each other, while concentrating the real state and economic power to the small clique of his trustees. When the Qadhafi regime collapsed in 2011 largely due to the western intervention, the numerous factions in Libya were freed to run for the resources that were suddenly within reach. At the same time the Transition Government failed to unite the people and ignite a spirit of Libyaness, which was in retrospect unrealistic given the history of Libya. What followed was a turn of the revolution into a civil war, which still, while writing, has not been ended.



Based on the contextual assessment, the mandate of EUBAM Libya was clearly overoptimistic and its task to develop a completely new (to Libya) concept for border management was not realistic. However, the worsening security situation, which effectively ended EUBAM Libya in the summer of 2014 might have masked the other problems that the mission had, also in terms of its effectiveness and the lessons learned. These lessons seem to be mostly related to the mission planning and to the assessment process that predated EUBAM Libya. One must ask how was it possible that the problems that the mission faced were not to be seen by the time of its planning, or did the political ambitions of member states cloud the decision making process in such a way that a mission that was not scaled up to the challenges it was facing, was capable of escaping the drawing board?

It is obvious that based on the documented EU policy towards Libya, EU considers Libya an extremely important area, a status which has only strengthened during the difficult migration situation in which Libya is one of the key challenges for EU. It is evident that the EU wanted to be active and to make an impact in building "New Libya", but it also evident that this desire was not able to harness the necessary resources that would have been needed in its realization. The security situation in Libya in the summer of 2014 was such, that securing a CSDP civilian crisis management operation, such as EUBAM Libya, was beyond EU's political possibilities and probably also overall means.

Strictly from this perspective it can be concluded that the EUBAM Libya did not reach its goals, but this does not mean that the process would be of no use for learning. There are multiple lessons learned from EUBAM Libya, which are related primarily to the strategic level thinking and planning within the structures of the EU. It is not hindsight to argue, that EUBAM Libya was a mission that was timed and placed wrongly, and that the errors that led to this were not unavoidable. It is the conclusion of this deliverable that to improve, more emphasis has to be laid on the careful mission planning, evaluating the context to which a mission is being deployed. However, EU is a political union and its member states have conflicting interests. In the case of EUBAM Libya it might well be that the culprit is not to be found in the mission planning but from unrealistic political desires, that have the capability of overruling the facts on ground. In many other cases this mismatch of politics and realism, or flawed planning, might not be revealed, as the missions still manage to function and are capable of having an effect. In the case of EUBAM Libya, the brutal security situation of Libya left bare the malfunctions of the mission architecture, whether they were products of the drawing board or the cabinets. This is why the lessons to be learned from EUBAM Libya may



reveal to be extremely important in improving the effectiveness of capabilities in EU conflict prevention.

## 6 REFERENCES

Amnesty International "Militias threaten hopes for new Libya", Amnesty International Publications, 2012. Accessed 14. April, 2016. <https://www.amnesty.org/en/documents/mde19/002/2012/en/>

Andersson, Benedict, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London: Verso, 2006 [1983].

BBC "Libya government U-turn over stepping aside" 6.4.2016. Accessed 14 April 2016. <http://www.bbc.com/news/world-africa-35982308>

The Global Initiative Against Transnational Organized Crime, 2015 "Libya: a growing hub for Criminal Economies and Terrorist Financing in the Trans-Sahara". Accessed 14. April, 2016. <http://www.globalinitiative.net/download/global-initiative/Libya%20Criminal%20Economies%20in%20the%20trans-Sahara%20-%20May%202015.pdf>

European Union, The Council of the European Union "Revised Draft EU Concept on CSDP Support to Integrated Border Management". Doc. no. 16044/2/13

European Union, Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border management Assistance Mission in Libya (EUBAM Libya) OJ L 138, 24.5.2013.

European Union, Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border management Assistance Mission in Libya (EUBAM Libya) OJ L 138, 24.5.2013.

European Union, European External Action Service (EEAS). Accessed 14. April, 2016. [http://www.eeas.europa.eu/csdp/missions-and-operations/eubam-libya/pdf/factsheet\\_eubam\\_libya\\_en.pdf](http://www.eeas.europa.eu/csdp/missions-and-operations/eubam-libya/pdf/factsheet_eubam_libya_en.pdf)

European Union, "Libya: Strategy Paper & National Indicative Programme 2011-2013" (NIP). Accessed 14. April, 2016. [http://eeas.europa.eu/enp/pdf/pdf/country/2011\\_enpi\\_csp\\_nip\\_libya\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/country/2011_enpi_csp_nip_libya_en.pdf)

European Union, European Commission "Report on the implementation of the Global approach to Migration and Mobility 2012-2013". Accessed 14. April, 2016. <http://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-96-EN-F1-1.Pdf>

European Union, The Council of the European Union "Draft Council Conclusions on Integrated Border Management", Doc. no. 15628/06.



European Union, "Final remarks by President Donald Tusk to the European Parliament Plenary Session", 13 April 2016. Accessed 15 April 2016. <http://www.consilium.europa.eu/en/press/press-releases/2016/04/13-tusk-final-remarks-european-parliament/>

Chollet, Derek and Fishman, Ben "Who lost Libya" Foreign Affairs, May/June 2015.

Gomes, Ana "Was EUFOR Libya an April fool's joke?". EUObserver 13.7.2011. Accessed 14. April, 2016. <https://euobserver.com/opinion/32624>

Frontex, "Annual Risk Analysis 2016". Accessed 14. April, 2016.

[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2016.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2016.pdf)

Frontex, "Annual Risk Analysis 2015". Accessed 14. April, 2016.

[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2015.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf)

Gov.uk 13 February 2013, "Libya Conference in Paris: Communique". Accessed 14. April, 2016. <https://www.gov.uk/government/world-location-news/libya-conference-in-paris-communique>

Human Rights Watch "Libya: Whipped, beaten and hung from trees: Detained Migrants, Asylum Seekers Describe Torture, Other Abuse in Detention." Human Rights Watch, 22 June 2014.

Accessed 14. April. <https://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>

Human Right Watch "The Endless Wait: Long Term Arbitrary Detentions and Torture in Western Libya", Human Rights Watch Report, 2 December 2015. Accessed 14. April.

<https://www.hrw.org/report/2015/12/02/endless-wait/long-term-arbitrary-detentions-and-torture-western-libya>

International Crisis Group (ICG) "The Prize: Fighting for Libya's Energy Wealth", Middle East and North Africa Report No. 165, December 2015. Accessed 14. April, 2016.

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/libya/165-the-prize-fighting-for-libya-s-energy-wealth.pdf>

International Crisis Group (ICG) "Testimony by Claudia Gazzini for the hearing of the Senate Committee on Foreign Affairs on "Libya: The Path Forward"" 3.3.2016. Accessed 14. April, 2016.

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/libya/gazzini-testimony-us-senate.ashx>

Kovacheva, Ralitsa "Friends of Libya are meeting in Paris. EUInside 1 September 2011. Accessed 14. April, 2016. <http://www.euinside.eu/en/news/friends-of-libya-are-meeting-in-paris>

Kuperman, Alan, J. "Obama's Libya Debacle: How a Well Meaning Intervention Ended in Failure. Foreign Affairs, March/April 2015.

Kuperman, Alan, J. "A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign". International Security, Vol 38, 2013, 1, 105-136.

Lacher, Wolfram "Libya's local elites and the politics of alliance building" *Mediterranean Politics*, Vol. 21, 2016, No. 1, 64-85.



Lacher, Lacher "Supporting Stabilization in Libya: The Challenges of Finalizing and Implementing the Skhirat Agreement". Stiftung Wissenschaft und Politik, Berlin, 2015. Accessed 14. April, 2016.

[http://www.swp-berlin.org/fileadmin/contents/products/comments/2015C36\\_lac.pdf](http://www.swp-berlin.org/fileadmin/contents/products/comments/2015C36_lac.pdf)

Lacher, Wolfram "Fault Lines of the Revolution: Political Actors, Camps and Conflicts in the New Libya", Stiftung Wissenschaft und Politik, Berlin, 2013. Accessed 14. April, 2016.

[http://www.swp-berlin.org/fileadmin/contents/products/research\\_papers/2013\\_RP04\\_lac.pdf](http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2013_RP04_lac.pdf)

Mühlberger, Wolfgang "Libya After Qadhafi: Reshaping the Political and Security Systems", Connections: The Quarterly Journal Vol. 11, 2012, no. 3.

Paleologo, Fulvio Vassallo "The Eclipse of Europe: Italy, Libya and the Surveillance of Borders" E-International Relations, March 30, 2014. Accessed 14. April, 2016.

<http://www.e-ir.info/2014/03/30/the-eclipse-of-europe-italy-libya-and-the-surveillance-of-borders/>

Parkes, Roderick "Integrating EU defense and migration policies in the Mediterranean". Friede, Working papers, 2014. Accessed 14. April, 2016.

[http://fride.org/download/WP\\_125\\_Integrating\\_EU\\_defence\\_and\\_migration\\_policies\\_in\\_the\\_Mediterranean.pdf](http://fride.org/download/WP_125_Integrating_EU_defence_and_migration_policies_in_the_Mediterranean.pdf)

Rettman, Andrew "EU 'civilian' mission training paramilitaries in Libya" Euobserver, 18 November 2013. Accessed 14. April, 2016. <https://euobserver.com/investigations/122134>

Schauseil, Florian M., "Conflict analysis of the Libyan civil war". Bradbury's, 2014. Accessed 14.

April, 2016. <http://www.bradburys.co.uk/wp-content/uploads/2014/12/Conflict-analysis-of-the-Libyan-civil-war.pdf>

Sari, Aurel "Status of Forces and Status of Mission Agreements under the ESDP: The EU's evolving practice", The European Journal of International Law, Vol. 19, 2008, no. 1, 67-100.

Shane, Scott and Becker, Jo " A New Libya, With 'Very Little Time Left'", The New York Times, 27.2.2016. Accessed 14. April, 2016. <http://www.nytimes.com/2016/02/28/us/politics/libya-isis-hillary-clinton.html>

Smits, Rosan, Janssen Floor, Briscoe, Ivan and Breswick, Terri "Revolution and its discontents: State factions and violence in the new Libya". The Clingendael Institute, 2013. Accessed 14. April, 2016.

<http://www.clingendael.nl/sites/default/files/Libya%20%20Revolution%20and%20its%20discontents.pdf>

United Nations, Security Council Resolution 2144 (2014). Accessed 14. April, 2016.

<https://unsmil.unmissions.org/Default.aspx?tabid=3544&language=en-US>

United Nations, Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 18 June 2013. Accessed 14. April, 2016.

[https://unsmil.unmissions.org/Portals/unsmil/Documents/SC%20Briefing%20June%202013%20\\_1%20June%202013\\_%20check%20against%20delivery.pdf](https://unsmil.unmissions.org/Portals/unsmil/Documents/SC%20Briefing%20June%202013%20_1%20June%202013_%20check%20against%20delivery.pdf)



United Nations, Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 16 September 2013. Accessed 14. April, 2016.

<https://unsmil.unmissions.org/Portals/unsmil/Documents/2013.09.16.SRSG.Briefing.to%20SC.En.pdf>

United Nations, Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 9 December 2013. Accessed 14. April, 2016.

<https://unsmil.unmissions.org/Portals/unsmil/Documents/2013.12.9.SRSG.Security.Council.Briefing.EN.pdf> quoted 8.4. 2016.

United Nations, Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 9 June 2014. Accessed 14. April, 2016.

<https://unsmil.unmissions.org/Portals/unsmil/Documents/SRSG-Briefing-to-UNSC-%209-6-2014-EN.pdf>

United Nations, Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 7 July 2014. Accessed 14. April, 2016.

<https://unsmil.unmissions.org/Portals/unsmil/Documents/SRSG%20Tarek%20Miri%20Briefing%20to%20the%20Security%20Council%20-%202017%20July%202014.pdf>

United Nations, Briefing to the Security Council Special representative of the Secretary- General and the Head of UNSMIL, Tarek Mitri, 16 September 2013. Accessed 14. April, 2016.

<https://unsmil.unmissions.org/Portals/unsmil/Documents/2013.09.16.SRSG.Briefing.to%20SC.En.pdf>

United Kingdom Parliament, "Documents considered by the committee 10 December 2014". Accessed 14. April, 2016.

<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeuleg/219-xxiv/21916.htm>

United States "How the United States Partners with the Government of Libya and the Libyan People" Accessed 14. April, 2016. <http://libya.usembassy.gov/partnerships.html>

Wella, Matthew "Libya refuses to cooperate with refugee workers in EU-funded mission" Malta Today 27 January 2014. Accessed 14. April, 2016.

[http://www.maltatoday.com.mt/news/world/36061/libya-refuses-to-cooperate-with-refugee-workers-in-eu-funded-mission-20140127#.Vqn\\_FzJf3ct](http://www.maltatoday.com.mt/news/world/36061/libya-refuses-to-cooperate-with-refugee-workers-in-eu-funded-mission-20140127#.Vqn_FzJf3ct)

Wehrey, Frederic & Lacher, Wolfram "Libya's Legitimacy Crisis: The Danger of Picking Sides in the Post-Qaddafi Chaos", Foreign Affairs, October 6, 2014. Accessed 14. April, 2016.

<https://www.foreignaffairs.com/articles/middle-east/2014-10-06/libyas-legitimacy-crisis>.





## 7. INTERVIEWS

<b>Nr</b>	<b>Category</b>	<b>Date of Interview</b>
P1	EEAS official	25 January 2016
P2	EEAS official	15 February 2016
P3	EUBAM Libya staff member	16 February 2016
P4	EUBAM Libya staff member	9 March 2016
P5	Senior EUBAM Libya staff member	9 March 2016
P6	Senior EUBAM Libya staff member	10 March 2016
P7	Senior EUBAM Libya staff member	15 March 2016
P8	EUBAM Libya staff member	29 March 2016
P9	Senior EUBAM Libya staff member	29 March 2016
P10	EUBAM Libya staff member	19 April 2016
P11	EUBAM Libya staff member	30 April 2016
P12	EUBAM Libya staff member	2 May 2016
P13	EEAS Official	30 May 2016
P14	EEAS Official	31 May 2016
P15	EUBAM Libya staff member	31 May 2016
P16	Libyan NGO chairperson	12 January 2017
P17	Libyan consultant for EUBAM Libya (currently)	21 January 2017
P18	Libyan advisor for an NGO	10 February 2017

