EU PEACE AND STATEBUILDING IN LIBYA: SUCCESS IN THEORY AND PRACTICE

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Executive Summary

Following the civil war in Libya and the crisis that followed, the European Union has had to deal with an influx of refugees and migrants crossing the Mediterranean to reach its shores. In 2016, the EU proposed a mission to assist Libya in reforming its security sector to stabilize the country and lower the number of refugees and migrant attempting the crossing. The plans for the mission were presented in a policy document. This thesis examines that policy document and compares its contents to what is found in the literature on Security Sector Reform as an effective peace and state-building tool. Using content analysis, the document is analysed and conclusions are drawn on the potential for the mission to be successful. The findings of the content analysis were placed within the context of the complex situation in Libya. The resulting conclusions show that the situation in Libya leaves much to be desired for effectively performing an SSR assistance program, the plans also do not properly consider the complex situation in Libya. This has led to this thesis recommending that alternative steps be taken first before making plans to reform the security sector in Libya. Most important is the creation of a single acting legitimate government.

Inhoud

Abbreviations list

−	ASU	−	Arab Socialist Union
−	CSDP	−	Common Security & Defence Policy
−	DRC	−	Democratic Republic of the Congo
−	EEAS	−	European External Action Service
−	EU	−	European Union
−	EUTM	−	European Union Training Mission
−	ENP	−	European Neighbourhood Policy
−	GNA	−	Government of National Accord
−	GNC	−	General National Congress
−	NATO	−	North American Treaty Organization
−	NTC	−	National Transitional Council
−	LSF	−	Libya Shield Forces
−	OECD	−	Organization for Economic Cooperation and Development
−	SSC	−	Supreme Security Committee
−	SSR	−	Security Sector Reform
−	UN	−	United Nations
−	UNSC	−	United Nations Security Council
−	UNSMIL	−	United Nations Support Mission in Libya

1. Introduction

The European Union prides itself on being well-versed in good governance. This is evident from the Agenda for Change document released by the European Commission in 2011. In this policy plan, the European Commission mentions that good governance is vital for sustainable development and has stated the European Union will include support for good governance in every mission and partnership (European Commission, 2011 Para. 2). The Agenda for Change is the basis for implementation of state (re)building projects from the European Union. The European Union has had projects to assist in the development of different countries, including Egypt, Morocco, and Tunisia (European Commission, 2015 Para. 1).

In 2011, Libya was in the grips of a violent civil war and after an intervention led by NATO (North Atlantic Treaty Organization) (NATO, N.d, Para. 1), the regime fell with the death of President Muhammar Gaddafi. Soon after, international forces left and Libya could start rebuilding. Since then, they have tried multiple times to form a single government. However, they have been unsuccessful in forming one. This has eventually lead to two groups claiming power, and countless militias and armed groups fighting each other (Boghani, 2015). The European Union presented new plans in 2016 to assist Libya in rebuilding their state (European External Action Service, 2016a, pp. 1-18).

1.1. Problem Definition

The problem this research project aims to address is analysing the policy plans from the European Union on how capable they could be in assisting in state building and improving governance in Libya. The current situation in Libya is incredibly unstable and complex. The problems experienced in Libya impacts the EU greatly due to the large amounts of migrants setting off from the Libyan coast to reach the EU (UN, 2017, p. 2). The increased presence of Islamist terrorist activities is also a concern for the EU (Tabib, 2014, p. 5). To assist in peace and state-building, the EU has written a policy plan to help Libya to achieve more stability and create a safer space.

The chosen method to conduct research is content analysis on the EU policy plans for Libya and compare the results to academic literature and theory on what the best practices are. These best practices are outlined in Security Sector Reform (SSR). According to the United Nations, the concept of Security Sector Reform is a crucial element in peace and state building,

stating; "it is essential that reform of a country's security sector takes place once a conflict has come to an end. It is vital for sustainable peace and development that people feel safe and secure, and have confidence in their state" (UN, N.d. Para. 1).

As a concept, SSR has been closely related to state building in the past. Afghanistan, Sierra Leone, Iraq, Liberia, the Democratic Republic of the Congo (DRC), and the Sudan, among others, all have had SSR programmes as an integral element of state building. The reconstruction and reformation of security institutions following a conflict has become a central element of international intervention where 'relatively cheap investments in civilian security through police, judicial and rule of law reform . . . can greatly benefit long-term peacebuilding' (Jackson, 2011, p. 1810). This strengthens SSR' position as a best practice for use in this research.

All the information provided above has cumulated into the following research question:

To what extent are the European Union's plans to assist Libya in peace and state building likely to be successful when compared to the literature on Security Sector Reform?

To fully explore this research question, the following sub-questions will be addressed:

What does the literature say about SSR as a state building tool?

What are the critiques on SSR as a policy?

Where and how has SSR been used in the past and how effective was it?

How does the EU use the ENP to help neighbouring states?

How can content analysis be used to compare policy to literature?

1.2. Societal Relevance

The relevance for this research stems from the European Union' choice to assist Libya in rebuilding a stable democratic government. Previous cases of EU plans to assist fragile or post-conflict states provide a background. While in terms of societal relevance, there is the issue of migrants and asylum-seekers coming to the EU. In 2016, according to statistics from the United Nations, of the over 5000 migrants that reached Italy by sea, over 95% came from Libya (UN, 2017, p. 2). Assisting Libya to rebuild would be a great method to help curb the number of migrants that risk crossing the Mediterranean. The societal relevance for this research is then to improve the policies of the European Union and therefore improve the situation in Libya. This will also reduce the number of people who perish at sea and the number of migrants reaching the EU. The problems that surround migrants previously mentioned also provide a link to Crisis and Security Management studies. The migrant crisis has created problems for the EU as is evident from disagreements between member states on how to tackle the crisis (BBC, 2016 Para. 1). Research has also shown the topics of migration and asylum-seekers has been described more often in terms of security rather than in humanitarian terms (Hansson Malmlöf, Bengtsson, & Ahlstrand, 2016, p. 1). This highlights a shift in thinking about asylum-seekers from offering a helping hand towards worrying about the risks to safety and security. This further increases the societal relevance of the problem this research aims to address.

1.3. Academic Relevance

The academic relevance is derived from a knowledge gap. Tools for measuring the successes of SSR as an instrument is something that has seen a growing demand within the academic communities as well as by donor (assisting) nations conducting SSR operations and policies (Schnabel & Ehrhart, 2005, p. 30). This research aims to fill the void as well as attempt to explore a new angle. This new angle is viewing policy and plans from the pre-implementation stage of the policy cycle. This research attempts to address a knowledge gap concerning the stage at which research aims to evaluate the EU's policies. Thus far, the research done shows that a policy field is often researched prior to the policy being formulated and evaluated once it has been implemented. The goal of this thesis is to analyse the policy between the steps of formulation and implementation. This is done to gauge whether the policy adheres

to the theory and if so, it should have a greater chance of succeeding. This thesis, therefore, aims only to examine the possibility of success.

It is important to examine the policy prior to its implementation due to failures in the past. An example of this can be found in evaluation of the SSR program implemented in the DRC. Preliminary research for this thesis has shown that it is crucial for the EU to adopt a holistic approach when designing and implementing SSR programs. The EU Common Security and Defence Policy (CSDP) mission in the DRC focussed on SSR in that country. The mission results however, have been disappointing, and according to Martinelli, this is due to a misplaced focus. The SSR mission did not cover all the key aspects of SSR, neglecting governance and accountability (Martinelli, 2010, p. 245). Thus, by examining the EU policy document concerning the assistance for Libya prior to implementation, it is possible to examine whether all the necessary aspects, per the literature, is present and therefore increasing the chances of success.

The rationale behind choosing Libya as the chosen case was due to the current situation and changes in policy being developed by the EU. The complex situation coupled with the effects experienced by the EU from the instability in Libya, as described above, have led to the EU formulating a policy plan to address this. The case is relevant to examine now and to examine if the plans that were developed have a good chance of succeeding. The EU is attempting to adopt a comprehensive approach to assist Libya in its development through state building. From preliminary desk research, certain parts of the plans focus on the rebuilding or reforming of the security sector in Libya, whether the plans comprise a holistic approach is to be determined.

2. Theoretical Framework

[sub questions:

What does the literature say about SSR as a state building tool?

What are the critiques on SSR as a policy?

Where and how has SSR been used in the past and how effective was it?

How does the EU use the ENP to help neighbouring states?]

The previous chapter covered the introduction for this research paper. The following chapter will review the vital concepts for the research that should be defined and examined. These are Security Sector Reform, the link between SSR and state and peace-building, and the different policies and departments from the European Union involved.

2.1. Security Sector Reform

First is Security Sector Reform. As the name suggests, SSR is the reforming of the security sector in a country. The main concept of SSR comes from the idea that a country cannot rebuild or develop if there is violence, disorder, and crime. If a country is to create a situation where it can develop away from these security problems, it is key that socioeconomic, justice and security issues are tackled together (OECD, 2008, p. 20). This means that a well-functioning security sector in a fragile or developing state is crucial if it wishes to develop or rebuild. The definition of "security sector" is in a country is not a uniform concept. Not every country's security sector is the same, this also goes for the actors involved. The fact that the security sector is not a uniform concept, means a SSR programme needs to be created based on the context of the situation (Ehrhart, Schnabel, & Blagescu, 2008, p. 2). In European systems, the actors involved are generally the "conventional" actors. These are the armed forces, police and intelligence services. In Africa, you frequently see the involvement of presidential guards and militias as well (Schnabel & Ehrhart, 2005, pp. 22-23). Per Schnabel & Ehrhart, the security sector is defined and separated into different categories. The categories are, (1) Forces, (2) Security Management, (3) Justice and Law enforcement and, (4) non-statutory security forces.

(1) <u>Forces</u> refers to specific parts of the government that have the authority to use force. These would be the policy, armed forces, presidential guards, borders guards, etc.

(2) <u>Security Management</u> is concerned with the legislative aspect of government who define the laws and rules in terms of security. This would include the president or prime minister, ministries of defence, internal or foreign affairs, etc.

(3) The <u>justice and law enforcement</u> sectors refers to the judiciary and prosecution services.

 (4) The <u>non-statutory security forces</u> are liberation or guerrilla armies.

 The first three sectors are the most important as they make up the state sectors of the security sector. Additionally, they are the main focus of SSR. However, the non-statutory security forces can still play a significant role (Schnabel & Ehrhart, 2005, p. 23). The militias play a rather large role in Libya which will be explained later (Chivvis, Crane, Mandaville, & Martini, 2012, p. 5). Security Sector Reform is the strengthening of the institutions involved in the sector. This strengthening must adhere to the principles of civil oversight, accountability and transparency (Schnabel & Ehrhart, 2005, p. 24). The fundamental idea of SSR is that "poorly governed and unreformed security sectors in states are an obstacle to the promotion of sustainable development and democracy, as well as to peace and security", thus linking the previously separated fields of security and development (Egnell & Haldén, 2009, p. 30). This link between the two fields is important. SSR as a concept us derived from the development community, whereas most other approaches to peacebuilding stem from the defence community. This brings a new approach to peacebuilding, one which includes non-military or defence aspects, such as law and order.

According to the SSR handbook from the Organization for Economic Cooperation and Development (OECD), there are three key principles that should form the basis of a SSR programme. These are:

- Improvement of delivery of professional security and justice services,
- The strengthening of governance and oversight of the justice and security institutions (including accountability, respecting human rights and upholding rule of law),
- Enhancing local ownership of SSR processes and increasing sustainability of justice and security through development of human capacity and strengthening budgetary processes and financial management (OECD, 2008, p. 63). The OECD repeatedly refers to the importance of local ownership. It views local ownership as incredibly important for creating a sustainable developed in justice and security (OECD, 2008, p. 64).

Other academics have expressed the importance of the principle of civil supremacy. This principle covers the separation of powers, legality, accountability and transparency (Ehrhart et al., 2008, p. 2). This reiterates the need for professional and trustworthy security sector which

the population can count on. The trust is immensely beneficial to sustainable development of other sectors and to increase the legitimacy of the government and the security sector.

2.2. SSR and state and peace-building

In the past, SSR has been regularly linked to state and/or peace-building. Jackson (2011) argues there is a close link between the two. He mentions previous cases where SSR has been applied as an integral part of state building. Examples being Afghanistan, Sierra Leone, Iraq, Liberia, the Democratic Republic of the Congo and the Sudan (Jackson, 2011, p. 1810). The main tool of SSR is to strengthen the security sector. The main goal, however, is for a much broader transformation of civil society and aid in development of the state. Jackson (2011) refers to a coming together of the different agendas - SSR and state building. These agendas come together "not just to reconstruct the security institutions but to remould social, political and economic structures" (Jackson, 2011, p. 1812). Others have also expressed how SSR has been utilized more often as a tool for effective post-conflict reconstruction, state building and democratization (Dursun-Ozkanca & Vandemoortele, 2012, p. 139).

The linking of SSR to state and peacebuilding is also the rationale for using SSR as the basis for the analysis performed within this thesis. The EU in the past has used SSR as the base for its state and peacebuilding assistance programs. In the past, the EU focused on economic growth, poverty reduction, human rights and good governance in their state building mission. The EU's focus has shifted at the beginning of the millennium to include security next to these other forms of development assistance. All the previously mentioned development assistance aspects join together in their proposed holistic SSR approach (Spence, 2010, p. 200). This coincides with what the OECD has said about the importance of including all the aspects in a holistic approach to SSR assistance programs (OECD, 2008, p. 20). However, when the EU's DRC mission was evaluated, it became apparent, that this holistic approach was not adopted. Especially in terms of local ownership there appeared to be issues and this proved to be a major limiting factor for the mission success (Martinelli, 2010, p. 246)

The multiple researchers mentioning SSR as a tool for peace and state building, as well as the EU expressing its ambitions for using it as an effective peacebuilder, have led to SSR becoming the main analysis tool for this thesis. SSR will be used to analyse the proposed EU policy and predict the chances of success when compared to the literature on SSR.

The case selected for analysis in this thesis is Libya. The EU has proposed a plan to assist Libya in state and peacebuilding following a civil war, which culminated in a military intervention from NATO. After the intervention in Libya in 2011, which was prized for its "light footprint"[1] approach (Boeke & de Roy van Zuijdewijn, 2016, p. 40), there was a distinct lack of priority for Security Sector Reform. It was evident following the intervention there was the absence of national leadership. The United Nations Support Mission in Libya (UNSMIL) was launched following the intervention. It was able to advise local actors in security and the security sector. However, the lack of leadership meant that the advice was mostly ignored. This eventually led to another total collapse in peace and security in 2014 (Boeke & de Roy van Zuijdewijn, 2016, p. 44).

2.3.   Policies and departments of the European Union

The main instrument the European Union uses to assist in development of states is the European Neighbourhood Policy (ENP). The ENP was started in 2004 and aims to increase development, stability, and peace to countries that are considered neighbours to the EU. This would be both beneficial to the neighbouring states as well as to the EU (European Commission, 2011, p. 4). The ENP was extensively reviewed after the 2011 Arab Spring uprisings. This led to the 2015 revision of the ENP resulting in stabilization of the region, in political, economic and security related terms at the core of the new policy (European Commission, 2016 Para. 3). This revision helps strengthen the link to SSR. The increased importance of stabilization in security related terms increases the potential for SSR implementation. The use of Libya, for this research, is not the first case where SSR has possible been used in the ENP. The European Union Training Mission Somalia (EUTM Somalia), among others, also used concepts of SSR in its design. The EUTM Somalia assists the transitional government in training security forces in Somalia to uphold peace and order (Skeppström, Hull Wiklund, & Jonsson, 2015, p. 354). One critique mentioned in academic literature important to mention is that in the past, the EU has not always appeared to have pursued a full holistic approach to SSR. Meaning only parts of the concepts of SSR was used in policy or programs (Dursun-Ozkanca & Vandemoortele, 2012, p. 141). The OECD stresses the importance of using all of the key aspects of SSR in order to have the best chances of success (OECD, 2008, p. 21).

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[1] "A 'light footprint' with no boots on the ground will minimize risks of entanglement and maximize local ownership" (Boeke & de Roy van Zuijdewijn, 2016, p. 5).

Next to the ENP, the European Union also has the European External Action Service (EEAS) to tackle problems outside its borders; it is also the tool for conducting diplomacy for the European Union (Duke, 2013, p. 10). It was created after the signing of the Lisbon treaty in order to give the European Union a method for conducting diplomacy for the European collective rather than individual national diplomacy (Spence, 2012, p. 117). The main tasks of the EEAS are to assist the EU High Representative in conducting EU foreign and security policy, manage diplomatic relations with non-EU countries, peace building, development and humanitarian aid, and ensuring security. To ensure security, the EEAS works within the Common Security & Defence Policy (CSDP) (European Union, Para. 2). It is the CSDP which gives the European Union, and specifically the EEAS the capability, as well as the leading role in peace-keeping, conflict prevention internally within the EU and internationally (European External Action Service, Para. 1).

3.   The Libya Case

The previous chapter covered the theoretical background of this research, reviewing the different aspects of SSR covered as well as covered the context of the EU with regards to the policy plans for Libya. This next chapter will cover the case that will be used for this research, Libya. There will be a short overview of the history of the country setting the scene for the situation leading up to the 2011 civil war and subsequent intervention. This is followed by an overview of the civil war and ending with an explanation of the current situation following the civil war and intervention.

3.1. History and Background

Libya was once part of the Ottoman Empire from as early as the 16th century. During this this early period of control however, the Ottomans did not rule over the different areas, which we would later refer to as Libya, with a strong grip. It was not until the 19th century, with the expansionist polices of the British and the French that this changed. During what is referred to as the second Ottoman occupation in 1835, the borders of Libya were more clearly defined (Vandewalle, 2012, p. 17). During this period, it became increasingly difficult for the Ottomans to remain in control over the region. The European powers were interested in the region and the local population was also not happy with Ottoman rule (Vandewalle, 2012, p. 18). Eventually, it was not France or England that gained control over Libya from the Ottomans; rather, it was the Italians, which after its unification wanted to expand its colonial possessions, that gained power over the region (Vandewalle, 2012, p. 21). Libya remained under Italian control until the second World War. After Italy's defeat, it fell under British and French administration. Britain, France, the United States, and the Soviet Union agreed that Italy would have to relinquish its sovereignty over the three provinces that made up Libya (Vandewalle, 2012, p. 38). However, the different provinces Cyrenaica, Tripolitania and Fezzan could not agree on how to move forward. Fezzan was in favour over continuing under French administration, while the other two provinces preferred unifying and forming their own government (Vandewalle, 2012, p. 38). Conflicts between the different parties involved such as rising Cold War tensions between the US and the Soviet Union and referral to the United Nations Security Council (UNSC), Libya gained independence in December 1951 (Vandewalle, 2012, pp. 39-40). The newly formed United Kingdom of Libya faced many obstacles. The three provinces had vastly different interests but joined together out of fear for

any alternatives. The first part of its independent history Libya was ruled by King Idris for 18 years. His rule lasted until it was suddenly revoked following a coup d'état by a group of army officers in 1969. The actual overthrowing of the monarchy did not come unexpectedly. Leading up to the coup, there had been a multiple political incidents that had highlighted the problems faced by the monarchy and the low levels of legitimacy held by the kingdom, especially outside the Cyrenaica region (Vandewalle, 2012, p. 77). One of the army officers involved in the coup was Muammar Gaddafi (Boeke & de Roy van Zuijdewijn, 2016, p. 18). The new leadership had vastly different ideas on how to run the country, with their ideas and message filled with populist and revolutionary rhetoric (Vandewalle, 2012, p. 79). To mobilize the population for political participation, as well as consolidate the revolution, the Arab Socialist Union (ASU) was established. The traditional power identities and institutions were made increasingly impotent through the creation of local, provincial, and national assemblies for the ASU. In 1972, it was made illegal for the population to actively participate in politics outside the ASU, as a crime punishable by death (Vandewalle, 2012, p. 83). The ASU, however, turned out to be a mere failed experiment to mobilize the population. In 1973, unhappy with how it was unfolding, Gaddafi launched what he described as a Popular Revolution (Vandewalle, 2012, p. 84). Gaddafi used this to gain more power and began to consolidate the political system around himself to achieve the desired results of the revolution. He did this because he was displeased with the political practices in place, which prevented direct participation from the people in the revolution. Gaddafi published his vision of the world and how he wanted to shape Libya in his "Green Book". It outlined the Third Universal Theory, which in the eyes of Gaddafi was an alternative to capitalism and Marxism (Sensini, 2016, p. 49). The contents and policies of the book reflected a strong mistrust of political parties, representative government and bureaucratic institutions. These entities only acted as barriers for the participation of the people (Sensini, 2016, p. 49).

In 1977, Gaddafi had a new constitution drawn up that would replace the first constitution with one based on the principles in the Green Book. It was from this moment that Gaddafi stepped down from all his officials posts and would continue as the unofficial leader, or permanent "guide" of the revolution (Sensini, 2016, p. 51). Two important aspects that Gaddafi had within this revolution was the principles of religious pluralism and gender equality. Especially the latter would lead to conflicts. The Islamic clerics were not happy with this view and felt that there should be a separation of the sexes in compliance with Qur'anic norms (Sensini, 2016, p. 54).

The West has had a turbulent relationship with Gaddafi. His views on politics was a major reason for Libya to be an important player in the Non-aligned Movement[2] during the Cold War. Problems with weapons of mass destruction and refusal to cooperate with the investigation of the Lockerbie bombing in 1988 meant Gaddafi and Libya were considered pariahs. After the second Gulf War and the removal of Saddam Hussein in Iraq, Gaddafi agreed to do away with Libya's weapons of mass destruction. The West regarded Gaddafi as being rehabilitated and relations improved, followed by arms contracts and energy deals (Boeke & de Roy van Zuijdewijn, 2016, p. 19).

The Arab Spring started in Tunisia and spread to neighbouring countries in the region, as well as Libya. It spread like a wave, a movement of political protest. The Libya created by Gaddafi, after the revolution, was meant have been built around individual political participation of the people; a country designed to be run directly by its citizens. However, during four decades this was not what really happened. The country was instead run by a select group of people who had close ties to Gaddafi (Brahimi, 2011, p. 607). The two regimes of long lasting authoritarian rulers were quick to fall and this motivated protesters in neighbouring countries; this had "nearly every authoritarian regime in the region scramble to concoct the "right" mix of repression and co-optation in the hope of stemming the protest" (Bellin, 2012, p. 127). The protests in Libya grew and Gaddafi responded with a strong and violent crackdown. The difference between Libya and other countries that make this such a complex case can be placed within three factors. These factors are the personalization of politics, tribalism, and the pre-existing geographical patterns of opposition (Brahimi, 2011, p. 607).

The personalized politics factor was mentioned earlier with individual political participation. Although Gaddafi was not officially the leader and he held no official position, he was in control. The government was specially made up of individuals close to him and these individuals had either a personal or an ideological relationship with him. The individuals from his personal sphere were made up of family, childhood friends and members of his own tribe (Brahimi, 2011, p. 607). His family members were given political positions, personal militias or access to lucrative business roles and positions. This allowed the regime to have a strong top-down monopoly on power. The regime also ensured that they profited personally from certain contracts and kickbacks from the countries oil and gas industry (Brahimi, 2011, p. 609).

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[2] "The Non-Aligned Movement was formed during the Cold War,[…] as an organization of States that did not seek to formally align themselves with either the United States or the Soviet Union, but sought to remain independent or neutral" (NTI, 2017 Para. 5.).

Gaddafi's close cohorts profited while the general population did not receive the many benefits, creating a growing divide between rich and powerful and those not in power.

Gaddafi installed many members from his own tribe, from the Cyrenaica region, to political position as well as high level military posts. He formed important alliances with two large tribes from outside the Cyrenaica region in Libya and featured them prominently in the security services (Brahimi, 2011, p. 611). Gaddafi used the tribal divide to rule over them individually. This meant that some of the tribes were within the folds of power, while the rest fell outside of it, creating a complex situation that influenced the path the protests and eventual civil war would take (Brahimi, 2011, p. 614).

Tribalism can be viewed as a geographical component in the opposition to the regime. The rise of Islamism in Cyrenaica was also an important factor. This rise proved to be a problem for Gaddafi and the regime prior to the 2011 revolt (Brahimi, 2011, p. 614). Gaddafi had punished the eastern region of Cyrenaica for the Islamic extremism by purposely keeping the region in a state of poverty and underdevelopment (Boeke & de Roy van Zuijdewijn, 2016, p. 21).

These factors had an enormous effect on not only the course of the conflict, but the start of it as well. The conflict originated in Cyrenaica's largest city, Benghazi. Where the regimes in neighbouring countries fell swiftly, the lack of national identity due to the division of tribes, regions, and socio-economic groups within Libya meant there was also a large grouping on the other side of the conflict, on the side of the regime.

3.2. Timeline of the Libyan Civil War and after

3.2.1. The NATO resolution

When the protests started, so did the crackdown. The strong and violent crackdown from the regime on the protest began in February 2011. The strategies used by Gaddafi to 'coup-proof' his regime turned out to be effective. By placing close friends in powerful position and overly ambitious officers rotated often, there was no real power base within the military. This meant that when the crackdown started, this strategy prevented Libyan forces who defected from the army in the east from organizing into a viable armed opposition (Willcoxon, 2017, p. 93). In the first few months of the uprising, the Libyan army up to 30,000 soldiers had defected. The deserters were mainly individuals and not entire units, thus limiting the cohesion and structure they could provide to the rebels. The levels of desertion were higher in units with lower amounts of loyalty towards Gaddafi, mostly due to either tribal affiliations or other forms of loyalty towards a local identity (Gaub, 2013, p. 235). The rebels were not able to mount a strong defence due to this lack of cohesion and power structure within the armed units. The lack of political and civil society leaders due to no political parties existing under Gaddafi meant that there was no one to fill the governance vacuum in rebel held areas further increasing the threat of violence and unrest for the rebels (Willcoxon, 2017, p. 93).

The United Nations Security Council quickly responded in condemning the violence and calling on the Libyan government to acknowledge its responsibility to protect its people (Garwood-Gowers, 2013, p. 602). The rebels in Cyrenaica (most of Libya's oil is found here) and Fezzan had the immediate support of the French, Americans, and the British. Initially however, the European countries were reluctant to intervene in Libya and were hoping that the rebels would able to end the conflict quickly. The rebels were made up of a broad spectrum of actors, including Egyptians from the Muslim Brotherhood as well as Jihadists from Algeria, Morocco, Tunisia, Jordan, Qatar and Afghanistan (Sensini, 2016, p. 76). Gaddafi publicly called to "cleanse Libya house by house, alley to alley, to drive out the rats and cockroaches", it became a warning of an upcoming massacre (Boeke & de Roy van Zuijdewijn, 2016, p. 24). The French and UK governments played an active role in pushing for an international military intervention, with the United States joining later. The United States, however, were adamant there be broad support for an intervention, including a UNSC resolution (Boeke & de Roy van Zuijdewijn, 2016, p. 26). This led to United Nations referring to the responsibility to protect,

like covered previously. It was still very unexpected that the UNSC passed the resolution which provided the legal mandate to intervene in Libya. The Chinese did not veto the resolution, as expected due to their history of a non-intervention and state sovereignty principles, mainly due to the support of regional organization like the Arab League (Boeke & de Roy van Zuijdewijn, 2016, p. 27). On March 17th 2011 the resolution was passed which authorised member states to take "all necessary measures (…) to protect civilians and civilians populated areas under threat of attack in the Libya Arab Jamahiriya" (United Nations Resolution UNSC, 2011 #1973).

NATO followed the passing of the resolution by starting to plan a mission that was within the scope of the UNSC resolution. The resolution states "all necessary means" with the objective being to protect civilians. This meant that a mission to force regime change was not an option, this was important because has this been the case it would have almost certainly led to a veto from Russia and or China (Boeke & de Roy van Zuijdewijn, 2016, p. 28).

3.2.2. NATO Intervention

When the intervention started, NATO stated it would continue with its attacks and would only cease when the attacks and threats against civilians had ended and that the regime had withdrawn all its forces from populated areas (Boeke & de Roy van Zuijdewijn, 2016, p. 29). The first task was to enforce the no-fly zone and to destroy the Libyan air defence to reduce threats to allied aircraft, which were the most widely used tool during the intervention (Boeke & de Roy van Zuijdewijn, 2016, p. 32). After this initial task had been completed the allied nations switched to "dynamic targeting", which meant that there were no chosen targets before the mission launched. This was due to the difficulties identifying targets. It became increasingly difficult to tell the difference between the rebels and Gaddafi's forces (Boeke & de Roy van Zuijdewijn, 2016, p. 33).

By October 20th, 8 months after the intervention started, Gaddafi was captured and killed by the rebels as he attempted to flee Sirte. The National Transitional Council (NTC), which had already been recognized by increasingly more countries as the legitimate representative body of Libya, declared the country liberated (Boeke & de Roy van Zuijdewijn, 2016, p. 38). It was now up to the NTC to take up the responsibilities over the post-conflict situation. This would not be easy. In August, the US State Department concluded the NTC was rather passive, not in control and a lot of work was needed to "nurture its legitimacy and authority to prevent a political vacuum after the fall of Tripoli" (Boeke & de Roy van

Zuijdewijn, 2016, p. 39). There was however, reason for optimism directly following the intervention. Unlike in the transition phase in Iraq, there appeared to be no chaos, there was no looting, there was a return to daily life. This was viewed as proof that limiting international involvement, using mainly air power and few boots on the ground, was the correct decision (Boeke & de Roy van Zuijdewijn, 2016, p. 40). This belief was short lived. In 2012, a RAND report on the Post-Gaddafi transition stated that "the sine qua non[3] of post-conflict reconstruction is that without security, all other necessary nation-building and state-building stats become nearly impossible" (Chivvis et al., 2012, p. 5).

The intervention was lauded by the United States as a "model intervention", achieving all its goals all without placing a single U.S. service member on the ground (Kuperman, 2015, p. 66). Not everyone agreed with these statements however, claiming it had only resulted in more chaos, and that the real reason to intervene was to force regime change, and not out of humanitarian reasons (Chollet & Fishman, 2015, p. 159).

3.2.3. Post-intervention

After the proclamation of "liberation" from the NTC, the process of transitioning away from the conflict towards stability began. An interim government was formed and plans were made to hold national elections. In the meantime, the NTC would attempt to stabilize the country somewhat. The NTC, however, experienced a great deal of trouble in the wake of the civil war in attempting to recreate a functioning security sector to aid in this stabilization. Following the conflict, the NTC was unable to use what remained of the official security forces from the government to provide "peacekeeping" services. Instead, they had to turn to non-professional, revolutionary brigades to fulfil this role. The loyalty of the revolutionary brigades was not guaranteed and it was uncertain if they supported the transitional government. What these brigades turned into were a formalization of localized militias in many towns with a monopoly on force and often independent from the militias in other towns (Willcoxon, 2017, p. 99). This situation created a parallel security sector with different independent actors operating in parallel of one another. Major actors within this parallel security sector were the Supreme Security Committee (SSC), the Libya Shield Forces (LSF) and a lot of the smaller localized militias mentioned earlier.

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[3] Indispensable, absolutely necessary or essential (Oxford English Dictionary)

The SSC was created in September 2011 to control the different brigades or militias in Tripoli. In early 2012 the government, still led by the NTC at the time, took control over the SSC and placing it under the Ministry of Interior and expanded it to cover more areas of the country outside of Tripoli. It functioned like a policy auxiliary, allowing members to serve in their hometowns. They initiated a salary for recruits and allowed former rebels to register. Half way through 2012, some 85,000 rebels had reportedly been registered to join the SSC (Willcoxon, 2017, p. 99).

The LSF was another organization of revolutionary brigades, this one under the command of the Ministry of Defence. Like the SSC, the LSF also allowed brigades to register themselves and their fighters in exchange for a salary. However, there was no screening done on the fighters and not even a formal declaration of subordination ton the ministry was required (Willcoxon, 2017, p. 99).

The prospect of receiving a decent salary meant that many people were interested in joining the brigades and this led to a great number of new members entered into this new private security market. These fledgling security providers created a lot of problems with loyalty for the young government. Groups were hired to protect the oil facilities to retain the oil revenues to finance the governmental operations. However, in turn, the group mutinied and pledged support for an autonomous Eastern Libya. Another example of problems with loyalty was a militia hired to protect government leadership, but instead they kidnapped the prime minister they were assigned to protect during a political dispute (Willcoxon, 2017, p. 100).

These militias and brigades were viewed as an all-purpose paramilitary force to be used in the interim to suppress violence and aid in bringing stability to the country. This was needed during the period that responsibility for security would be transferred back the army and police. The police and army however, were never really able to assume this responsibility and the militias were proving to be extremely unreliable partners (Willcoxon, 2017, p. 99).

The elections that the NTC wanted were held successfully in July 2012 and a relatively moderate parliament was formed, called the General National Congress (GNC). This would lead to a government with more legitimacy than the interim government formed by the NTC (Chivvis et al., 2012, p. 2). The elections however, did not guarantee security. This was proven when efforts to bring the many militias formed during the conflict under centralized control started deteriorating. The deteriorating security situation became even more apparent when on September 11th 2012 the US consulate in Benghazi was attacked and the US ambassador killed

(Chivvis et al., 2012, p. 2). The failing security situation coupled with problems faced by the government in terms of legitimacy after failing to write a new constitution, further raised tensions when after a second election in 2014 - a new conflict erupted between different power bases between the militias (Boeke & de Roy van Zuijdewijn, 2016, p. 41). The tribal factions mentioned earlier, who had played a role leading up to the protests and the civil war that followed, would also played a role now. A new enemy came into the picture. The government also fighting against the growing jihadist groups who had gained in popularity before and during the civil war. The new authorities in Libya had an incredibly difficult time coping with the rise in violence between the groups due to the inability to establish a national army (Tabib, 2014, p. 7).

3.2.4. Libya Divided again

The GNC, after taking office in 2012 following the elections, carried a mandate till early 2014 with its main purpose to create a new constitution. At this end of this mandate, new elections were to be held to replace the GNC with a House of Representatives (HoR).

The Islamist parties that had dominated the GNC, lost a lot of power in the 2014 elections and wanted to discredit the results due significant gains from the federalist parties. The Islamist parties were concerned that the new HoR would impose stricter anti-terror laws as well as increase support for Operation Dignity (Eriksson, 2016, p. 822).

Operation Dignity had started earlier that year. On May 16th 2014, a former general who had previously attempted and failed to gain a position in the NTC, launched a large-scale military offensive. Khalifa Haftar was a former officer within the Libyan military under Gaddafi. He had defected in the 1980's and left the country; he only returned to partake in the uprising in 2011 (Gartenstein-Ross & Barr, 2015, p. 1). The offensive he launched and led was called: Operation Dignity. The primary goal of Operation Dignity was to defeat a group of jihadist factions located in Benghazi. The former general was able to count on a large base of support for this movement, receiving funds from a rich businessman who shared his concern for the rising influence of the Islamist militias (Gartenstein-Ross & Barr, 2015, p. 15).

Militias loyal to the Islamist parties and unhappy with the results of the elections launched an offensive of their own under the name of the Dawn Coalition. The operation saw the militias enter Tripoli and take control of it. After a 6-week long conflict, the Dawn Coalition emerged as the victors and reinstated the GNC with mostly Islamist members. They demanded that the

HoR be nullified as it challenged the power of the GNC. The supreme court in November 2014 ruled the HoR illegal and unconstitutional. Critics stated however, that the GNC no long had the mandate to rule and that the supreme court was pressured to reach the decision to dissolve the HoR (Eriksson, 2016, p. 822).

Following this ruling, Libya was split, on the one side there was the GNC in Tripoli, on the other, the HoR in Tobruk, in the east of the country. Libya now counted two opposing parliaments and governments. The government in Tripoli receiving the support of the Dawn Coalition and the government in Tobruk aligning itself with Operation Dignity and General Haftar (Eriksson, 2016, p. 823).

The internal conflict in Libya as complex as it is with a large array of local actors, becomes even more complex due to the meddling into the crisis by external powers. The conflict that has erupted has been referred to as a second civil war and the divide between the Libya Dawn and Libya Dignity groups has increased due to the involvement of these external actors (Eriksson, 2016, p. 828). One of the biggest meddlers in the conflict was Egypt. Following their own revolution during the Arab Spring, Egypt was concerned a Libyan Muslim Brotherhood would come to power. Egypt has had its own conflict with the Muslim Brotherhood at home and wanted to prevent them coming to power in Libya, and therefore supported General Haftar and the Dignity group (Eriksson, 2016, p. 828).

In 2015, a special envoy from the UN attempted to stop the conflict and tried to mediate between the different factions. In October of that year, the UN announced that a National Unity Government, or Government of National Accord (GNA) was to be formed to close the divide between the different factions. The deal made between the different factions was not based on a solid footing. The agreement was contested heavily by some members on all sides. There were disagreements within the HoR over who could appoint the leader of the national army. Meanwhile, the GNC was not in full agreement over the nominations for the Presidency Council of the Council of Ministers, which would lead the country towards the GNA (International Crisis Group, 2016, pp. 3-4)

In February 2016, the composition of this new government was announced, however, there were still major problems as the legitimacy of this new government was questioned again by groups on both sides (Boeke & de Roy van Zuijdewijn, 2016, p. 42). Since February 2016 until the start of 2017, there have still been many issues with the now internationally recognized GNA. The HoR, which had to vote to ratify GNA under the Libyan Political Agreement, has

failed to do so (House of Commons Foreign Affairs Select Committee (UK), 2016, p. 30). The GNA has been able to perform some daily tasks, however, ongoing conflicts between General Haftar's Dignity coalition and the remnants of the GNC has made it difficult to establish stability. This has led to new talks being held in mid-2017 between the different parties to come to a new agreement of to amend the previous Libyan Political Agreement (Gazzini, 2017 Para. 1).

All that has transpired since the 2011 civil war, in the context of the history of Libya, has left the country with an immensely difficult and complex situation. It is this situation that will be used to put the analysis of the EU policy plans into the correct context.

3.3. EU and Libya

Even before the civil war in Libya, the intervention, and the chaos that followed them, the EU has attempted to work together with Libya in preventing illegal migrants using Libya as a setting off point. The EU had shifted its focus on migration to emphasize on "externalizing" the matter and stop the problem before it arrives at its shores and borders as early as 2004 (Hamood, 2008, p. 20). The EU, who at the time was still sanctioning Libya, in an attempt to build a friendship with Gaddafi, lifted all economic sanctions. In that same period, several heads of government, as well as commission officials travelled to Tripoli to meet with Gaddafi (Bosse, 2011, p. 451). This highlights the attempts made by the EU to work together with Libya in order to combat illegal migration, culminating in financial assistance to Libya to aid them in the management of illegal immigration (Bosse, 2011, p. 452).

Following the civil war and the situation that followed it further increased the illegal migrant problems for the EU. 2015 say a dramatic surge in the number of refugees and migrants, with many doing so by crossing the Mediterranean Sea (Collett, 2017, p. 150). This has placed a lot of strain on the inter-EU relations between the member states and has led to a rise in support for populist parties (Collett, 2017, p. 154). In March of 2016, the EU struck a deal with Turkey to reduce the number of migrants within the EU. The deal saw migrants returned to Turkey from Greece and Turkey would help to crackdown on migrant-smuggling operations. In return for this, the EU would provide financial assistance to host the millions of migrants and refugees, as well as accelerate the talks on allowing Turkish nationals visa-free travel to the EU (Collett, 2017, p. 150). The EU would have liked to make similar deals with other countries in the region, Libya being a possibility. The unstable conditions and lack of functioning

government in Libya prevented this from happening. Federica Mogherini, the High Representative of the European Union for Foreign Affairs and Security Policy has in the past expressed multiple times that stabilizing Libya is one of the top priorities for the EU, as the instability there poses a great threat to "all of Europe, not just Southern European countries" (European External Action Service, 2015)

   That is where the policy document that is the focus of this thesis is of importance. In the same period in 2016 as the Turkey deal, the European External Action Service (EEAS) proposed a CSDP mission in Libya to assist the country in peace and state-building.

   The document that was drafted and proposed outlines the major tasks and goals for a potential mission in Libya. The main goal of the mission would be to assist the new government of Libya, the GNA at the time, in SSR (European External Action Service, 2016b, p. 2. para. 3). The policy document is the basis for the analysis performed for this thesis and will be analysed on its contents and how well it could perform when compared to what the literature says on SSR and conducting successful SSR assistance missions.

4. Methodology and Operationalization

[Sub question: How can content analysis be used to compare policy to literature?]

4.1. Research Methods

The method chosen to answer the research question is to compare the contents of the EU policy to the best practices as described in literature on SSR. The UN, among others, have mentioned the importance of SSR in state and peace building and is the focus of the content analysis performed here. Content analysis is also the main research method and data analysis tool. The analysis uses the SSR best practices to form the indicators of the content analysis. The choice to use content analysis was made in order effectively gather information from text. This thesis is analysing the contents of an EU policy document. The document or text is analysed to find specific indicators within it and create measurable inferences from them. It allows the researcher to make "valid inferences from texts to the context of their use" (Krippendorff, 2004, p. 18). This research is looking specifically at a piece of text and its context; for that reason, content analysis was chosen as the primary method of data analysis from which conclusions will be drawn and recommendations made.

4.1.1. Data acquisition

To accomplish this, the research will look at the policy document[4] on the European Union's policy plans for Libya, and apply the content analysis method. "Content analysis is a method of analysing written, verbal or visual communication messages" (Elo & Kyngäs, 2008, p. 107). The analysis is done through coding. Coding refers to words or sentences within a text and classifies them into smaller content categories, also called a coding scheme or codebook (Elo & Kyngäs, 2008, p. 109). For this research, the content analysis will be based around the literature on SSR by forming a set of indicators. These indicators will be specified later. The analysis will look for parts of the texts that reflect specific parts or elements of SSR that the literature defines as good examples of SSR, and whether the texts adheres to or matches them. It is also possible to find pieces of policy that are counter-intuitive to SSR. These would result in a negative score. By using a coding scheme derived from SSR literature it will be possible to see how much of the policy corresponds with the literature on SSR. Before the content

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[4] *Planning for a possible non-executive Civilian CSDP mission in Libya* (European External Action Service, 2016a EEAS (2016) 436)

analysis can be carried out, an extensive literature review was performed to get a good insight into the case used for this research, Libya.

4.2. Operationalization

4.2.1. Indicators

To properly perform the analysis of the policy plans from the EU it is crucial to first define the indicators to be used. For this analysis, the indicators were derived from different academic sources on Security Sector Reform, as well as the OECD DAC handbook on SSR (Brzoska, 2006; Schnabel & Ehrhart, 2005; Schroeder, 2010) (OECD, 2008). The OECD DAC handbook is often referred to as providing the overall core guidelines for SSR (Jackson, 2011, p. 1810).

The main points and indicators from these articles are combined to form a list of 5 indicators. These indicators would normally be used to measure the success of an already implemented policy. For this research, this is not the goal. This research focusses on a policy plan prior to implementation, attempting to measure the chance of success beforehand. The texts of the policy will be examined, and using content analysis, this thesis will reveal if all the 5 indicators are covered and to what extent. Through this content analysis using the indicators, the aim is primarily to predict the chances of success. According to the literature, these indicators can be used to measure success after implementation, therefore, if all these indicators are covered and addressed in the policy documents, it would suggest a high chance of success, if the policy is implemented according to plan.

The first indicator looks at the risk of violence. In a post conflict state that is lacking a strong form of government and with a surplus of (illegal) weapons, there is a tendency for a resurgence of violence. Warlords and militias are also often a problem that must be addressed. A central government must seize control over its territory (Brzoska, 2006, p. 9). This is combined with the process of disarmament, demobilization, reintegration, and transformation of all kinds of armed forces. This must be done in order to re-establish state monopoly of the use of force (Brzoska, 2006, p. 3). Any part of the text that mentions the need for an immediate reduction in the risk of violence, as well as methods to do so will be viewed as corresponding to this indicator. Specific examples of terms that could apply to this indicator are: disarmament and demobilization.

The second indicator concerns the (re)creation of security sector institutions. The core principle of Security Sector Reform is, as the name states, to reform the security sector, particularly the institutions are important. The institutions involved within a state that are responsible for security must be created (if they do not exist) or rebuilt (if they are broken or not functioning) (Brzoska, 2006, p. 3). The strengthening and improved capability of these institutions is crucial for SSR and state building, and would be a strong contributor to improving stability. Any mention within the text that refers directly to creation, reforming or repairing of the security sector and its institutions will be marked as a mention of this indicator. Specific examples of terms for this indicator could be: (re)training of policy and military personnel and creation of new security institutions.

The third indicator addresses the problem of a lack of professionalism. This indicator shares some aspects with the creation of effective security institutions, but tackles specific problems that can often occur. Militarization, ethnicization, corruption, and politicization of security forces are some of the main problems mentioned in academic literature (Brzoska, 2006, p. 9; OECD, 2008, p. 63; Schnabel & Ehrhart, 2005, p. 25). Militarization concerns the excessive expenditure and size of the military, as well as forced military education which leads to an over emphasis on the military and its use for internal security (Brzoska, 2006, p. 10). Ethnicization refers to a clear expression of preferences in the makeup of the security sector institutions based on ethnicity. It can also refer to the same institutions neglecting certain ethnicities (Brzoska, 2006, p. 10). Corruption is often a problem in states with a weak fundamental legal framework for the security sector (Schnabel & Ehrhart, 2005, p. 24). Here, any mention found in the text that covers these different aspects of professionalism of the security sector institution and actors will be deemed as a mention for this indicator. A mention of improvements of professionalism will also be included. Specific examples which would full under this indicator would be: Establishing of rules for behaviours or policy and soldiers with respect to human rights and training personnel accordingly.

Informalism and transparency build up the fourth indicator. Informalism reflects the lack of enforceable and public binding norms that guide the decision making of the security sector (Brzoska, 2006, p. 10). Transparency is linked to this as it would create norms and guidelines that are available to everyone and this would create public binding norms (Schnabel & Ehrhart, 2005, p. 25). Mentions of transparency, rules and guidelines for the security sector and human rights will be associated with this indicator. Specific examples could be: better

availability of information to the public and creation of documented rules of guidelines for police.

The final indicator is about local ownership. The importance of local ownership is stressed greatly by the OECD in the SSR handbook. Local ownership requires the local government to take ownership over the problems as well as the solutions. This is incredibly important if an outside actor is involved, as is the case of EU with Libya. Ownership is much more than simple participation. It is important for the participant to have the "belief that it is being effective, producing tangible results" (OECD, 2008, p. 64). The OECD provides specific tasks that should be accomplished in order to improve and stimulate local ownership to create sustainable security sector reform and governance. This indicator will be looked for in the text in terms of participation from Libyans. Mentions of external actors taking a leading or demanding role will be viewed as a mention for this indicator, but deemed as an incorrect use of this aspect of SSR. This is because SSR is deemed to have to have a strong leadership role being taken locally. An outside party taking these roles would be detrimental to local ownership.

4.2.2. Data-analysis

The coding for content analysis of the policy documents will be carried out using the above-mentioned indicators. The policy documents will be examined for the presence of these 5 indicators: risk of violence, (re)creation of security sector, professionalism, informalism and transparency, and lastly local ownership. If the presence of one of the indicators is found in the policy documents, a determination will be made to what extent the indicator is represented in the text. Using previous research as an example, a decision was made to split this determination of extent into two categories using a binary coding strategy (Semetko & Valkenburg, 2000, p. 99). This binary coding strategy refers to possibility that a piece of text can correspond to an indicator in one of two ways. Meaning that the indicator, when present within text, can fall into one of two categories. The text can adhere to what the literature says about the specific indicator, and correctly applying the best practices from the literature, category 1. The other option is that it does not correctly apply the best practices, but still falls into the theme of the indicator, category 2. An example of this could be local ownership where an external country or organization plans to take control of as much as possible. This would fall under local ownership, but would mean incorrectly applying the best practices and therefore not corresponding with the literature/indicator resulting in the piece of text being be placed within in category 2.

1:	Correctly supporting indicator	Covers/supports indicator completely and implementation is mentioned correctly
2:	Incorrectly supporting indicator	Mentions or covers the indicator but does so incorrectly in definition and/or implementation

Once the document has been coded using the above scheme, data analysis will be carried out on the results of the document analysis. The data analysis will look at the focus within the document and whether the components of SSR within the document correspond with what the literature states (shown by the two categories). The most important aspect of the analysis will be on where the focus lies in respect to the different indicators and thus the different aspects of SSR. The five different indicators each cover one of the, according to the literature, important aspects of SSR that should covered in the overall package of reform. The same literature states that the presence of all the indicators should give the best possible chances of success and can

therefore be deemed as the best practices of SSR (Brzoska, 2006; OECD, 2008). The differences in the number of references per indicator found within the text will highlight the focus from the documents drafters. Preferably, the focus will be shared amongst all the five indicators as found in the literature, as according to this literature they are all important components of SSR and a holistic approach covering all aspects is deemed important for success.

5. Analysis results

The previous chapter explained the methodology for the analysis being done for this research. It explained where the data came from and how the data would be analysed, expanding on the indicators used in the content analysis of the text. The results of this analysis will be covered in this following chapter. This will be done by first explaining what the table below shows, followed by explanations for the individual indicators and their presence in the text and what this implies.

Table 1: Content Analysis Indicator Mentions

Indicators	Mentions	Supported (1)	Not Supported (2)	% of total mentions
Risk of Violence	16	16	0	22%
(re)creation of security Sector	27	27	0	37%
Professionalism	5	5	0	6.8%
Informalism and Transparency	6	6	0	8.2%
Local Ownership	19	18	1	26%
Total	73	72	1	100%

Table 1 above shows which indicators were present within the text (Mentions column) and how many times parts of the text covered and correctly supported these indicators (Supported column). Due to the choice for having a binary coding scheme, the table also shows if there was a negative mention of the indicators (Not Supported column). This refers to an indicator being present but opposing, or not correctly supporting the indicator. The full text and the complete coding of the text can be found in the appendix under appendix entries 1 and

2 respectively. Lastly, there is a column for the percentage for the number of mentions of the total amount.

The values for the percentage of total mentions are an easy way to gauge the focus of the document. Preferably all five of the indicators would be nearly equally represented. Specifically, the OECD handbook on SSR mentions the importance of all these aspects to create sustainable and lasting security reform (OECD, 2008, p. 61). From Table 1, it is already clear that there is not an even division. This does not always mean there could be problems. It is, however, important to mention the low percentage for the Professionalism and Informalism/Transparency indicators. What this means more specifically for this research will be explained in more detail below in the section covering those indicators respectively.

Table 1 (see above) reveals that the majority of the mentions cover one of the five indicators; specifically referring to the second indicator, which is the (re)creation of the security sector. Of the 73 mentions within the text, 27 referred to this indicator, which accounts for nearly 37%. The next two highest number of references are for the Local Ownership and Risk of violence indicators with 19% and 16% respectively. The lowest two indicator mentions are for Informalism and Transparency, and Professionalism, with 6% and 5% respectively.

The following sections cover the results of the analysis per indicator and what the results for these individual indicators mean when placed specifically in the context of the Libya case background.

5.1. (re)creation of Security Sector

For the (re)creation of Security Sector indicator, it is logical that this indicator is found most within the text. This is due to that fact that the main goal of the EU for Libya is to conduct SSR and the indicator covers the basic requirements of SSR. SSR is about reforming the security sector to improve its functioning. For this to take place, there must first be a security sector to improve. In the case of Libya, there is no real functioning government as well as any form of security sector (Boeke & de Roy van Zuijdewijn, 2016, p. 42). The document also makes references to this problem with some sections from the text. One specific mention in the text refers to the creation of "capable, accountable Libyan ground forces" implying the need to create a completely new force (EEAS(2016) 436, pp. 5, Para. 17).

5.2. Local Ownership

The second most found indicator is Local Ownership. This is important for the results of the analysis because according to the literature reviewed as part of the theoretical framework, Local Ownership is a crucial part of SSR. The OECD mentions it as one of the four key principles at the basis of SSR in their handbook (OECD, 2008, p. 63). The EU deems it important, as is evident from the text, that Libya is involved in the process of reform and improving its security sector. The text repeatedly mentions the need for an invitation from the new Libyan government in order to assist in this process (EEAS(2016) 436, pp. 3, Para. 10).

Other specific parts of Local Ownership found within the text that should be mentioned are the references to a strong Libyan "buy-in" to the planning and execution of the proposed mission and that the security forces in charge of ensuring security in the initial phases, as well as for the long-term latter phases, should be Libyan forces and not international foreign troops. In terms of a "buy-in", the EU believes that Libyans should also invest time and effort into achieving the goals set out within these plans. This philosophy adheres to what the can be found in the literature concerning local ownership in terms of SSR. The country or government, where the reform is taking place, should play an active role as this would greatly increase the legitimacy of the mission. The mission plans from the EU highlight the importance of local ownership in order to create legitimacy for the overall mission and the presence of the international community, stating that local support is crucial in this regard (EEAS(2016) 436, p. 4, Para. 16).

The local ownership indicator is also the only indicator to have a mention fall into category 2 [not supported] (EEAS(2016) 436, p. 10, Para. 44). This specific mention within the text talks about the possibilities of pooling together the international community efforts with an increased foreign presence. This could have a negative impact on the perceptions of the local population and could harm the legitimacy of the mission and the chances of success, as well as harming the legitimacy of the newly formed Libyan government.

5.3. Risk of violence

The third ranked indicator, in terms of mentions, within the text is the Risk of Violence, specifically reducing this risk. This indicator is incredibly important for the case in Libya. The EU mission plans also express this. Multiple times a direct statement is made towards

preventing further violence between the remaining militias from the civil war and increases in Islamic State (IS) activities and influence. The civil war saw large numbers of small arms and heavy weapons enter the country, and these weapons are still there. This creates a difficult situation for creating a stable country and reducing the risk of violence. The militias mentioned earlier have access to a lot of these weapons and their cooperation in installing a new elected government is paramount. Without their support, the government would have an additional armed adversary to deal with to provide security. Possibly hurting the chances of success of the mission and undermining the position of the government.

5.4. Informalism/Transparency and Professionalism

The fourth and fifth ranked indicators are informalism and transparency, and professionalism. From reading the text and looking at the situation in Libya, a reason for the low number of mentions, can possibly be found in the current phase that Libya is in. The EU text mentions it importance of getting the elected Government of National Accord (GNA) to the capital Tripoli to assume its duties of running the country (EEAS(2016) 436, p. 2, Para. 2). The fact that there is no real active government in Libya for the EU to support in SSR means there might be a shift in focus away from aspects of these indicators such as professionalism, transparency and accountability. Informalism and transparency, and professionalism are important for successful SSR, however, they are barely mentioned within the EU mission plans. There are a few mentions of accountability, human rights, transparency and separating law enforcement from the military. The reason there are so few mentions is most likely due to this shift in focus or priority suggested earlier. The focus shifts towards the very early phases in SSR where the most important aspect is the creation of a security sector that can be reformed. When the EU mission plans were conceived, there was no real security sector to speak of. To increase professionalism, transparency, accountability etc., there must first be a security sector created which these concepts can be instilled upon.

6. Conclusions

Following the analysis, there must be concluding remarks to summarize and conclude the research and the results. The conclusion will bring together the different aspects of the research and provide a clear picture of the results coming from the research. This section will be followed by a recommendations section. This section will make suggestions for follow up research which could be beneficial to improve the conclusions and results of this research. The research will then be closed by an evaluation on the research and look back at what could have been improved or done differently if there was an opportunity to do so.

Looking at the results of the analysis and placing this in the context of the incredibly complex situation in Libya a few things stand out.

First, the EU document shows a strong focus on reducing the risk of violence. This shows that the document drafters are aware of the complex, unstable situation in Libya. However, this could also prove to be a problem for the plans moving forward. With the situation in Libya as it is, it is incredibly hard to move forward with any serious form of security sector reform. There might be necessary to first plan other missions and plans to stabilize the country and form a functioning, accepted and legitimate government. This government can possibly then be assisted in SSR. Currently, the GNA still does not have support of all the major stakeholders in Libyan leadership. General Haftar and the Dignity group do not accept the GNA as the proper government (Gazzini, 2017).

This conclusion is supported by other results from the analysis as well. The fact that very little focus is placed within professionalism and transparency is most likely because that it is viewed as a next step, a step that cannot yet be achieved now nor can it be achieved soon. The country simply isn't ready for it. The EU government states the importance of increasing legitimacy of the government and to have it move to the capital Tripoli. At the time of drafting the document, the internationally recognized government, the HoR, was not able to perform its duties from the capital. This due to an opposing government having control over Tripoli (Boeke & de Roy van Zuijdewijn, 2016, p. 17). Following this, the situation has not improved significantly. Since the drafting of the document, Libya, as covered in the previous section, is still divided. The GNA has also not been successful in maintaining stability, it also still does not carry the support of the entire nation. The country has tremendous issues in unifying due to tribal and religious divisions.

The last conclusion that can be drawn refers to the main research question, which reads: "To what extent are the European Union's plans to assist Libya in peace and state building likely to be successful when compared to the literature on Security Sector Reform?" This thesis' answer would be that the chances are not very good. The plans are too dependent on the GNA gaining control and legitimacy. Although the plans follow the best practices of SSR from the literature and the OECD handbook to a large extent, there is a clear imbalance in terms of focus for the different aspects of SSR. This can be seen when looking at the distribution of the percentage of mentions per indicator as shown in table 1. The EU plans focus heavily on reducing the risk of violence and creating security sector institutions and units. However, there is little focus for professionalism and legitimacy, which could harm the sustainability of the reformation of the security sector. Referring to earlier statements in this thesis concerning the importance of a balanced, holistic approach to SSR assistance mission, the imbalance within the EU document could be problematic for its chances of success. The EU must also deal with the current unstable situation, insuring a longer period where SSR can be implemented by taking steps to achieve this. The steps that need to be taken first to get to a point where the best practices of SSR can be implemented, are not well defined. The plans rely on the situation improving in terms of stability and in terms of legitimacy and functioning of the government. The plans however do not cover this aspect and are focused on the phase following the aforementioned situation. There are currently actions being taken by the countries in the region to assist Libya in creating a lasting peace through a single, widely accepted and legitimate government (al-Warfalli, 2017). Until that time, this research shows little chances of success for SSR in Libya as prescribed in the EU plans analysed here.

This research started with the idea that, according to the literature, SSR can be an effective tool in assisting a country in rebuilding after a conflict. This could be the case for Libya. Several authors can be quoted as stating that SSR is both a state building and a peacebuilding tool in post conflict states (Dursun-Ozkanca & Vandemoortele, 2012; Jackson, 2011). SSR, however, does have its limits. The Libya case is an example where it is not as straight forward as simply conducting SSR to build peace, rebuild and stabilize the country. The situation is very complex, and because of this, the plans drafted by the EU to use SSR to help Libya might not be as straight forward in its implementation.

6.1. Recommendations

This research, resulting from the analysis performed and the conclusions drawn from this analysis recommends that the plans be delayed or changed. The current situation in Libya leaves much to be desired before SSR can be implemented effectively. It is recommended that further research is done towards how to achieve a more stable situation in Libya where the EU plans could succeed. For this to happen, there must first be more stability and a single recognized government in power. SSR can be, like stated earlier, an effective tool, specifically in post conflict state building. The situation in Libya now does not look like a post-conflict state.

What this research has shown is that it is important to look for the correct situation and case to apply SSR. This is an aspect of SSR that could be considered further. When is a situation correct for SSR to be the chosen tool to assist in state and peace-building. It is important to find what is needed to start the implementation of SSR. This research has shown that there are specific issues that prevent the implementation from being successful. Further research would be needed to specify further what these issues are and show when a situation is ready for SSR to be carried out. It has become apparent that the implementation of SSR must be specified to the case. There is no copy and paste solution that can be applied everywhere. The individuality of the case is extremely important to consider and what has worked before, may not work again.

If the situation turns out to not yet be suitable for SSR implementation, the next question would be look at what is then necessary to create a suitable situation or case. If specific issues arise or certain situational characteristics exist, how would these issues and situations be resolved to create a suitable scenario that allows for the successful implementation of SSR.

6.2. Discussion and Reflection

In reflection, following the conclusion of this research, there a few aspects that should be discussed. There are aspects of this research that, in other circumstances and in hindsight, would have been handled differently. One aspect that could have been improved upon was the different sources of data collection. Unfortunately, due to time constraints it was not possible to include interviews with experts on the subject. Preferably individuals with a deep understanding of Libya and the current situation would have been interviewed to provide supplementary information concerning the implementation of the EU policy plans in Libya.

This would provide a lot more relevant contextual information to apply to the analysis of the document text.

Furthermore, the fact that the analysis is based on a single document has a limiting effect on what can be concluded from the results. It would have been preferable to either use other documents concerning the Libya case, or use document and policy plans from a comparable case. By adding a second case as a comparison it would have placed the results from the analysis performed in this thesis in perspective. SSR policy is very specific to the case, making finding a suitable comparable case difficult, this would have been beneficial to the research if possible within the timeframe.

6.2.1. Theory vs. Practice

It should be mentioned how important it is to consider that this research is based on the best practices as found within the literature and that, in practice, the outcomes can be very different. The best practices described in the literature are generalizations based on average cases. However, every case is unique and especially in the case of Libya, incredibly complex. As discussed earlier, the situation in Libya is multifaceted with multiple parties vying for power and control after the civil war and the fall of the regime. The complexity of the case in Libya is caused, large in part, by the lack of fully functioning government. There are researchers who mention the importance of a functioning democratic government. They also mention the "chicken and the egg" scenario over which should happen first. A democratic government must be elected, and election require safety and security, something which is provided by a properly function security sector. (Brzoska, 2006, pp. 5-6). This is of great importance for this Libya case where the government is not functioning properly and will influence the reformation of the security sector. This research paper attempted to draw accurate and relevant conclusions from the analysis of the case based off literature and theory. This form of analysis was deemed the best option to perform an evaluation of the policy at the pre-implementation stage. It is, therefore, evident that this research does have its limitations due to these complex situations and the current phase that the policy is in.

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Appendix

1. Content Analysis: Text mentions

<mark>risk of violence</mark>

4. At the Foreign Affairs Council of 15 March 2016, Ministers had an informal debate on Libya with the participation of the UNSG Special Representative M. Kobler. <mark>The urgent need to achieve stability in the country was highlighted.</mark> In this context, recent statements by the Libyan Political Dialogue and by the Presidency Council were identified as a first important step towards the establishment of a Government of National Accord in Tripoli. The European Council of 18 March further reiterated the EU readiness to support the Government of National Accord, as the sole legitimate government of Libya, including, at its request, to restore stability, fight terrorism and manage migration in the central Mediterranean. (1)

12. The proposed civilian mission would need to be conducted in a number of phases. It could commence with <mark>refining planning and supporting police capacity</mark> (1)

15. The political situation remains extremely fluid. Several political and military actors still remain opposed to the LPA and the GNA itself. <mark>This has an important bearing on the legitimacy and longevity of the GNA, its ability to be located in Tripoli, and how the EU can engage meaningfully on security issues. It is thus paramount that both the EU and the international community continue to assist the UN SRSG in his efforts to broaden the support of the LPA and GNA and to ensure that the latter is able to operate effectively from Tripoli.</mark> (1)

16. <mark>The security situation in Tripoli (and elsewhere) remains volatile in face of the persisting and bitter rivalries between the local and regional militias. The consent of the militias to adhere to a code of conduct and support the establishment of the GNA will be critical in providing tangible results on the ground</mark> (1)

17. <mark>The security situation in Libya is increasingly influenced by the activities of Daesh and other terrorist groups which threaten to undermine stabilization efforts in Libya</mark>. (1)

19. <mark>Neighbouring countries are concerned by the evolution of the political and security situation in Libya. All of them have repeatedly raised their concern about the risk of infiltration of terrorist elements from Libya into their countries.</mark> (1)

23. The initial focus on Tripoli is broadly outlined in UNSMIL's Concept Note2, a document which depicts the UN mission goals for the three months after the GNA forms. In terms of the security sector, it foresees three main objectives<mark>; firstly, securing Tripoli and beyond;</mark> (1)

24. the TSC convenes a high-level meeting on security with the support of the IC and the UN; and lastly that the <mark>TSC and PC initiate strategic planning to counter the capabilities of extremist groups.</mark>   (1)

25. <mark>In order to provide a bridging capability for the early stage of GNA in Tripoli, …It could total some 2,000 personnel to be deployed as advanced party of the regular Libyan forces to protect the GNA in its vital first days in the capital</mark>. The exact composition and capacity of the Presidential Guard has yet to be confirmed. (1)

27<mark>. It is currently estimated that some elements of the Presidential Guard could be deployed without any training period</mark> (1)

30. <mark>European Gendarmerie Force (EGF). The EGF has the potential capacity, subject to a political decision, to provide policing support in Libya</mark> (1)

37. <mark>It has immediate responsibility for delivering the security track for Tripoli and in particular overseeing arrangements for the withdrawal of armed groups from Tripoli and the cantonment of heavy weapons.</mark> (1)

40. <mark>EULPC. Since its establishment in April 2015, the Cell has provided a fundamental role in supporting UNSMIL planning. Its immediate focus is to operationalize the military element of the security track in order to enable the GNA to move to Tripoli and operate effectively as a government</mark>. In addition to informing EEAS planning, the EULPC's added value is in being a credible partner in Tunis which is allowing it to engage directly with the TSC (in conjunction with UNSMIL). This credibility is also facilitating early access to key interlocutors for EUBAM Libya's civilian planners. The EULPC currently consists of nine personnel (including one EGF planner/police advisor since the outset). Its mandate expires on 18 April 2017. (1)

50. The potential civilian CSDP Mission, in line with phases described below, could be to further support police capacity in Tripoli in the interim (1)

55. The Mission will commence being located in Tripoli and will be subsequently operating further afield, subject to MS approval and if conditions allow. Advisory tasks would likely be to provide planning/advice on addressing urgent policing needs in Tripoli and how best to support policing elements (particularly once a temporary Libyan Chief of Police for Tripoli is appointed by the TSC). This key leader engagement could be complemented with technical advice on the recommissioning of key enablers such as the Joint Operations Room for Tripoli and the effective functioning of the police stations and those police personnel already identified as available for training in the Tripoli area. (1)

68. The political and security instability in Libya and increase in terrorism within the region present serious threats to Mission personnel. Operational planning should therefore explore the potential synergies in complementarity activities, extraction capacities and force protection possible through an increased IC presence in Libya (e.g. UNSMIL, Op Sophia and LIAM). In addition to the wide range of security measures that will need to be established, the engagement of a private security company under contract will most likely be needed. (1)

(re)creation of security sector

3. Resolution of this impasse could potentially pave the way for the EU to offer security sector support to the GNA at a crucial juncture in its development. The paper assumes that the GNA will be formed, is established in Tripoli, and able to consolidate its position; alternative scenarios are not considered at this stage. (1)

5. This paper builds upon existing analysis and planning, originally developed under the PFCA for Libya. It describes the factors governing existing planning and outlines an option for developing civilian police capacities both to support the functioning of the GNA in Tripoli as a functioning government, to underpin broader efforts on Security Sector Reform (SSR) across Libya, and to develop capacity in the Criminal Justice Sector (CJS). The paper underlines the need for close cooperation with UNSMIL. (1)

12. The proposed civilian mission would need to be conducted in a number of phases. It could commence with refining planning and supporting police capacity in Tripoli while contributing later to longer term efforts within an overall SSR effort. (1)

14. The proposed CSDP activity will complement existing CSDP efforts in the region, including supporting, conditions provided, capacity for coordination of border management with neighbouring countries and will be developed as part of the overall envisaged EU package of support for Libya. The need for continued close cooperation with UNSMIL/LIAM and coordinated and coherent action from the IC remains paramount in this regard. (1)

17. threat will require the generation of capable, accountable Libyan ground forces able to defeat these groups in position (1)

20. Accordingly, diplomatic engagement with these regional countries and both the LAS and the AU will be required throughout to support planning and foster engagement for the potential mission. Close coordination with the UN could facilitate this engagement. EU support to Libya's neighbours in border management and security sector capacity building also needs to be further enhanced. (1)

23. The initial focus on Tripoli is broadly outlined in UNSMIL's Concept Note2, a document which depicts the UN mission goals for the three months after the GNA forms. In terms of the security sector, it foresees three main objectives; firstly, securing Tripoli and beyond; secondly, the reorganization of the national security apparatus (once conditions allow), and finally the development of a Counter-Terrorism Strategy. (1)

24. In order to reach these objectives, a number of landmark events are listed in the paper. Based on the provisions of the LPA, these events depict both planning steps or actions realised on the ground, such as the GNA is established in Tripoli; the GNA begins the process of reorganizing the National Security Forces; the TSC convenes a high-level meeting on security with the support of the IC and the UN (1)

25. the concept of an *ad hoc* unit called the "Presidential Guard" is being developed. This is thought to comprise a mixture of former military and police personnel, personnel trained in UK and Italy (under the now defunct General Purpose Force training), and militia members. (1)

27. follow-on Libyan forces would need (a yet to be defined) period of training to reach a first operating capacity (1)

28. The current IC planning focus remains on the provision of capacity to the Libyan military as well as some police and border management capabilities (see LIAM below). Potential

support to the Libyan police and criminal justice sector, is an area, where the EU, with its proven experience in delivering a number of civilian CSDP policing and Rule of Law (RoL)/SSR related Missions, could add value and provide a capability not foreseen to be provided by any other actor. (1)

29. Securing early Libyan political support for police and criminal justice sector reform will be essential as it will involve shifting power centres and access over key institutions of the state. Furthermore, functional police and judiciary are instrumental to ensure sovereignty over national territory and borders, while enabling the fight against transnational organized crime (e.g. trafficking in human beings and money laundering, smuggling of migrants and counter-terrorism). (1)

31. LIAM. Italy is providing the framework nation capability for P3+3 planning for a possible non-executive international support, assistance and training mission to Libya which will focus primarily on providing military training capacity (1)

A first pillar of activity is likely to focus initially on basic training to provide capacity in infrastructure protection, crowd control, diplomatic protection and the general provision of security. Two other pillars of activity are being considered; provision of capacity on policing and border management/coastguard. (1)

35. The planned End State for LIAM is "that the GNA and its security forces are capable of maintaining an acceptable level of security and stability in Tripoli without LIAM assistance, and are able to gradually expand authority throughout Libya (1)

41. EUBAM Libya. Following the revision of its mandate on 21 February 2016, the main objective for EUBAM Libya is to inform EU planning for a possible civilian capacity building and assistance crisis management mission. EUBAM will support UNSMIL's planning capacity on police and criminal justice cooperation and contribute to planning for a possible future civilian CSDP mission. The mission's existing mandate expires on 21 August 2016. The opportunity exists for EUBAM Libya to continue as the shell for the proposed civilian mission option outlined in this paper or to close at the end of the current mandate. (1)

43. EUNAVFOR Med Op Sophia. The military CSDP operation has been conducting Phase 2 activities on the High Seas off the coast of Libya since 7 October 2015. The transition of the

operation to subsequent phases in Libyan territorial waters currently foreseen in its existing mandate should be pursued with the GNA authorities as soon as practicable. The necessary legal arrangements will need to be agreed and put in place for the processing of alleged smugglers and human traffickers encountered by the operation. A role for Op Sophia in support of building Libyan Coastguard and Navy capacity could also be considered. Subject to the findings of a strategic review (due in April 2016) the current mandate of the operation expires on 27 July 2016. The offer of police and CJS support articulated in this paper, in addition to the coastguard and navy training possible under Op Sophia, could be part of an overall package that could contribute to ensuring GNA support for Op Sophia to transition to phase 2b 44. An increased IC presence in Libya as a result of the transition of Op Sophia, combined with the potential concurrent deployment of LIAM and a civilian CSDP mission, would have an impact on Libyan perceptions regarding foreign support. This increased presence however also suggests the possibilities for synergy from pooled force protection and extraction capacities. (1)

45. CSDP missions in the region. Coordination on policing and criminal justice sector issues as well as on illegal migration flows and support on counter-terrorism activities with the two regional civilian CSDP missions in the Sahel and ENFM Sophia, including through the identification of lessons learnt, would be of importance for the envisaged mission. (1)

50. when conditions allow, contribute to longer term efforts on SSR (including through mapping) of the Libyan Police and Libyan Law Enforcement and Criminal Justice Sector across Libya (including relevant border management authorities), thus enabling the EU, the UN and the IC to coordinate their joint efforts in assisting the GNA with more overarching reforms likely to be needed after the interim phase. (1)

57. Support to develop a Libyan National Security Architecture; Recommissioning of vital communication facilities in Tripoli (border management and control procedures/facilities at airport/harbour), developing policing aspects related to coastguard and customs capacities/procedures; Support to establishing a Libyan judicial process on suspected smugglers/traffickers and terrorists; CT advice/support to relevant Libyan authorities (in conjunction with the EU Delegation CT advisor and regional EU initiatives) (1)

58. Capacity building of the Libyan police and CJS could support Libya in providing normal policing activities, e.g. more in a "EUCAP" sense in particular in the area of "civilian policing" criminal investigations, and reform of the MoI/Criminal Procedures. These capacity building activities could also include logistics, human resources management and other sustainability issues. (1)

59. Given the threat of terrorism in the country, building counter-terrorism capacities of the police and related CJS actors (and the possible creation of a gendarmerie, including in the areas outlined above, should be an integral and important part of the mission, as anticipated by the HRVP in her letter to FAC of 4 December 2015. (1)

60. The police reform process in Libya could include: a. Institutional reform of the Ministry of Interior

b. Development of a training strategy and modern senior management techniques; c. After the first phase, the mission should continue to provide CT advice and support to the Libyan authorities, including the development and implementation of a comprehensive CT strategy and inter-agency coordination. (1)

61. Activity could also be focused on improving police aspects in relation to the migration challenges. Anti-migrant smuggling and countering trafficking of human beings is a logical challenge for the Libyan authorities to deliver on. This capacity would need to focus on:

Increasing investigative capacity and improving international cooperation in fighting irregular migration; Complementary support as regards coastguard capacity building. (1)

64. Longer term efforts could focus on the reform of broader criminal justice sector, providing training for Libyan police, judiciary and penitentiary officials, including counter-terrorism aspects (e.g. investigations, prosecutions, adjudication of CT cases, development of rehabilitation programmes inside and outside of prison, counter financing of terrorism/Anti Money laundering aspects). This could contribute to the establishment of a professional criminal justice system based on rule of law and respect of human rights and development of coordination and collaboration between the various branches of the criminal justice system.

65. Within Libya itself, lessons previously identified from EUBAM Libya show that training is beset by confusion/rivalry on inter-ministerial responsibilities regarding security.

Accordingly, an essential underpinning function of capacity delivery will be to support Libya through the provision of strategic advice on designing Libyan internal security architecture/processes under civilian government responsibility, and re-establishing the rule of law, advice on establishing and resourcing this architecture, and also the capacity to deliver it including through training and on the basis of broader UNSMIL coordination.

End State and Duration

66. The End State of the Mission is that a critical mass of a Libyan-led police and criminal justice capacity is in place and being delivered by Libyan authorities without further CSDP assistance.

Professionalism

17. establish broad public confidence.

28. Provision of assistance for the professionalization of Libyan police and military forces is an area which will require coordinated IC support

30. Civilian policing/law enforcement to the fragmented Libyan law enforcement sector needs ideally to be distinguished from its military counterpart from the outset.

60. professionalization of the Libyan National Police and development of justice-police linkages, with a strong emphasis on an intelligence driven and evidence based approach, anti-corruption, human rights and gender;

62. quality and diversity of personnel being trained, funding, appropriate training needs analysis, absorption capacity and buy-in from the Libyan training audience.

informalism and transparency

17. capable, accountable Libyan ground forces

58. oversight and accountability

61. Establishing institutional accountability and transparency; Maintenance of temporary shelters/accommodation for migrants and refugees in line with international best practice.

Consideration needs to be given to incarceration facilities, but also for alternatives to incarceration for migrants; Dignified treatment, in full respect of Human Rights, of the migrants (regular and irregular alike) and of the refugees by the police/law enforcement authorities; Particular attention to those with special needs: children, including unaccompanied minors and women;

62. challenges of security vetting, accountability mechanisms

63. All training programmes involving police and the criminal justice sector should include elements on human rights, international humanitarian law and refugee law. This is a commitment in the EU Action Plan on Human Rights and Democracy (adopted by the FAC in July 2015), and in the Valletta Summit Action Plan.

local ownership

10. Only an established GNA in Tripoli could allow the EU a window of opportunity to engage meaningfully with the Libyan authorities and, at an appropriate moment, secure a Libyan request for a non-executive civilian police and criminal justice sector capacity building and assistance mission, and allow planning to be developed further.

12.

CSDP engagement needs to be linked to the Libya Political Agreement (LPA) implementation and enable the EU, the UN and the IC to coordinate their joint efforts in assisting the GNA with more overarching reforms which will be needed in the medium to long term.

16.

shaping the necessary political and security conditions to support the presence of the international community

21. UNSMIL. Notwithstanding the emerging threat from Daesh and other terrorists in Libya, the prime security planning focus of UNSMIL, the broader IC, and the nascent Libyan authorities, will likely remain on installing the GNA in Tripoli as quickly as possible in order to enable it to function as an effective and representative government.

24. In order to reach these objectives, a number of landmark events are listed in the paper. Based on the provisions of the LPA, these events depict both planning steps or actions realised on the ground, such as the GNA is established in Tripoli; the GNA begins the process of reorganizing the National Security Forces

25. Within this broad concept, existing planning undertaken by UNSMIL in the 'Security Track' for Tripoli, foresees that security in Tripoli could be achieved through dividing Tripoli into three concentric security zones, controlled by a mix of units coming from the Libyan National Army (LNA) and some elements of the Tripoli police and able to take up duties as the embryo of a new Libyan force.

This reflects the urgency of installing the GNA to Tripoli as quickly as possible to avoid losing political momentum. Confirmation by the GNA, TSC and indeed by UNSMIL about the Presidential Guard concept in this regard, and on the overall Libyan ownership of such a plan, remains a key planning consideration.

29. Simply put, no effective police or criminal justice sector assistance can be rendered unless there is political common ground between all relevant Libyan actors on the basis of a nationally owned reform blueprint, in the interim phase as well as for the more overarching reform needed in the future.

31.the GNA for the Libyans to provide their own security in Tripoli.

32. It is understood that, if requested by the GNA, lead elements of the LIAM capacity forces could be in Tripoli between 40-90 days after invitation, with the main body deployed thereafter.

37. TSC. The Temporary Security Committee is mandated, under the arrangements of the LPA, to be the main technical Libyan interlocutor on security in the vital period ahead of the formation of a National Defence and Security Council

44. An increased IC presence in Libya as a result of the transition of Op Sophia, combined with the potential concurrent deployment of LIAM and a civilian CSDP mission, would have an impact on Libyan perceptions regarding foreign support. This increased presence however also suggests the possibilities for synergy from pooled force protection and extraction capacities. (2)

47. Analysis of the Libya security situation highlights the following key planning issues:
a. The potential civilian CSDP action should have a non-executive mandate;
b. It will be, by definition, part of a broader comprehensive EU approach;
c. It will need to be phased and coordinated with other IC efforts and follow a conflict sensitive approach;

d. It will be based on a Libyan request with strong Libyan ownership of the process, taking into account Libyan capabilities, needs, absorption capacity, and a vision for a National Security Architecture;
e. Close liaison with the TSC, EU actors, UNSMIL, LIAM and other key partners is required to avoid duplication and underpin effective cooperation, coordination and a viable communication strategy. This includes taking into account Libyan sensitivities on the combined profile, posture and presence of all foreign forces in Libya;
f. There is a potential need for shared intelligence to assess the security situation and possibly to pool resources for force protection and in case extraction of IC actors is required

56. The Libyan authorities will need to ensure effective coordination (with UNSMIL) amongst all security elements including army, militia and police services as well as the IC present, in particular LIAM (including its Gendarmerie component) and potential EGF and EU actions. Advice on coordination to the relevant Libyan authorities could be provided as part of the initial phase activities.

69. A lack of effective coordination by the IC, insufficient local buy-in, and inability to develop a National Security Architecture, will jeopardise the sustainability of mission accomplishments.

70. The level of ambition for the Mission must be kept both manageable, measurable and targeted against real needs that will add value. This requires a progressive build up in capabilities and resources, together with close dialogue with the Libyan authorities to ensure the effective management of expectations.

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To:	Political and Security Committee
Subject:	Planning for a possible non-executive Civilian CSDP mission in Libya

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Planning for a possible non-executive Civilian CSDP mission in Libya

Background

1. During its discussion on Libya on 9 March 2016, the PSC "welcomed the EEAS's intention to present a paper on the state of play of planning of a possible CSDP mission".

2. The political situation in Libya remains dynamic. On 12 March 2016, the Libyan Presidency Council announced that the Government of National Accord (GNA) was ready to move to Tripoli and assume its duties. It has done so with the support of the Libyan Political Dialogue and a majority of members of the House of Representatives (HoR), but without the latter's formal endorsement. It is therefore currently unclear what the response of the political and security actors across Libya will be.

3. Resolution of this impasse could potentially pave the way for the EU to offer security sector support to the GNA at a crucial juncture in its development. The paper assumes that the GNA will be formed, is established in Tripoli, and able to consolidate its position; alternative scenarios are not considered at this stage.

4. At the Foreign Affairs Council of 15 March 2016, Ministers had an informal debate on Libya with the participation of the UNSG Special Representative M. Kobler. The urgent need to achieve stability in the country was highlighted. In this context, recent statements by the Libyan Political Dialogue and by the Presidency Council were identified as a first important step towards the establishment of a Government of National Accord in Tripoli. The European Council of 18 March further reiterated the EU readiness to support the Government of National Accord, as the sole legitimate government of Libya, including, at its request, to restore stability, fight terrorism and manage migration in the central Mediterranean.

5. This paper builds upon existing analysis and planning, originally developed under the PFCA for Libya. It describes the factors governing existing planning and outlines an option for developing civilian police capacities both to support the functioning of the GNA in Tripoli as a functioning

government, to underpin broader efforts on Security Sector Reform (SSR) across Libya, and to develop capacity in the Criminal Justice Sector (CJS). The paper underlines the need for close cooperation with UNSMIL.

6.   The proposed option does not focus on directly developing coastguard capacity. Nonetheless, the paper notes the possibility for the proposed option to address law enforcement aspects of coastguard activities.

EU Planning Overview

7.   Planning is being informed primarily through the dedicated work of the EU Liaison and

Planning Cell (EULPC) in Tunis which focuses on military planning issues and, since early March 2016, through the increased civilian planning capacity made possible by the reinforcement of EUBAM Libya. Further development of the planning option outlined in this paper should be the main focus of the civilian planning capacity currently provided by EUBAM Libya.

8.   The EULPC continues to provide an essential element of the overall security planning led by the UN Support Mission to Libya (UNSMIL). The intention is that this effort will be coordinated with military planning presently being conducted by the P3+3[5] community to provide a potential Libyan International Assistance Mission (LIAM) to Tripoli in order to ensure a safe and secure environment which would be delivered solely by Libyan forces trained and mentored by LIAM, <u>if requested by the GNA</u>.

9.   All of the above planning is constrained by a limited possibility to engage with Libyan interlocutors. No substantive fact finding mission to Libya by the EULPC, EUBAM, UNSMIL, LIAM or other international body has been possible since the International Community evacuated from Tripoli in July 2014. Situational analysis based on ground truth to inform planning and risk management has yet to be in place. There is a consequent lack of clarity on key infrastructure available in Tripoli (and elsewhere), how exactly assistance could be delivered and to whom, and what the Libyan authorities' capabilities, needs, absorption capacity, desires and visions for security are.

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[5] P3+3 grouping = FR, UK, US + DE, ES, IT.

10. Only an established GNA in Tripoli could allow the EU a window of opportunity to engage meaningfully with the Libyan authorities and, at an appropriate moment, secure a Libyan request for a non-executive civilian police and criminal justice sector capacity building and assistance mission, and allow planning to be developed further.

11. The option outlined in this paper is necessarily reliant on a number of planning assumptions and information gaps which will need to be addressed and refined through subsequent engagement with Libyan interlocutors. This includes a comprehensive mapping of different Libyan criminal justice actors' capacities across Libya; the Libyan legal framework; and analysis of the plans and capacities of other international actors, including EU Member States.

12. The proposed civilian mission would need to be conducted in a number of phases. It could commence with refining planning and supporting police capacity in Tripoli while contributing later to longer term efforts within an overall SSR effort. To this end, this CSDP engagement needs to be linked to the Libya Political Agreement (LPA) implementation and enable the EU, the UN and the IC to coordinate their joint efforts in assisting the GNA with more overarching reforms which will be needed in the medium to long term.

13. The EU is committed to pursuing a conflict sensitive approach in Libya, in collaboration with a number of Member States, the UN and other partners.

14. The proposed CSDP activity will complement existing CSDP efforts in the region, including supporting, conditions provided, capacity for coordination of border management with neighbouring countries and will be developed as part of the overall envisaged EU package of support for Libya. The need for continued close cooperation with UNSMIL/LIAM and coordinated and coherent action from the IC remains paramount in this regard.

Political and Security Situation

15. The political situation remains extremely fluid. Several political and military actors still remain opposed to the LPA and the GNA itself. This has an important bearing on the legitimacy and longevity of the GNA, its ability to

be located in Tripoli, and how the EU can engage meaningfully on security issues. It is thus paramount that both the EU and the international community continue to assist the UN SRSG in his efforts to broaden the support of the LPA and GNA and to ensure that the latter is able to operate effectively from Tripoli.

16.   The security situation in Tripoli (and elsewhere) remains volatile in face of the persisting and bitter rivalries between the local and regional militias. The consent of the militias to adhere to a code of conduct and support the establishment of the GNA will be critical in providing tangible results on the ground, and shaping the necessary political and security conditions to support the presence of the international community.

17.   The security situation in Libya is increasingly influenced by the activities of Daesh and other terrorist groups which threaten to undermine stabilization efforts in Libya.   Countering this threat will require the generation of capable, accountable Libyan ground forces able to defeat these groups in position and establish broad public confidence.

18.   Human smuggling is a very profitable activity in Libya with low risk for smugglers, allowing criminal groups – possibly including terrorists- to obtain important resources for their activities. Re-establishing the rule of law in Libya is therefore paramount.

The Regional Perspective

19.   Neighbouring countries are concerned by the evolution of the political and security situation in Libya. All of them have repeatedly raised their concern about the risk of infiltration of terrorist elements from Libya into their countries.

20.   Accordingly, diplomatic engagement with these regional countries and both the LAS and the AU will be required throughout to support planning and foster engagement for the potential mission. Close coordination with the UN could facilitate this engagement. EU support to Libya's neighbours in border management and security sector capacity building also needs to be further enhanced.

Security Planning Perspective

21. <u>UNSMIL</u>. Notwithstanding the emerging threat from Daesh and other terrorists in Libya, the prime security planning focus of UNSMIL, the broader IC, and the nascent Libyan authorities, will likely remain on installing the GNA in Tripoli as quickly as possible in order to enable it to function as an effective and representative government.

22. UNSMIL's mandate was renewed as a technical 3-month extension on 15 March 2016 under UNSCR 2273/2016. This mandate remains political, rather than adding any capacity building. UNSMIL's role as a coordinator for all the IC's support to Libya is crucial and is anticipated to be retained after June 2016. There are currently no plans being undertaken by DPKO for a possible peacekeeping mission in Libya on capacity building support to law enforcement and criminal justice. There is the need to clarify with the UN and its agencies the modalities of their future political and security engagement in Libya.

23. The initial focus on Tripoli is broadly outlined in UNSMIL's Concept Note[6], a document which depicts the UN mission goals for the three months after the GNA forms. In terms of the security sector, it foresees three main objectives; firstly, securing Tripoli and beyond; secondly, the reorganization of the national security apparatus (once conditions allow), and finally the development of a Counter-Terrorism Strategy.

24. In order to reach these objectives, a number of landmark events are listed in the paper. Based on the provisions of the LPA, these events depict both planning steps or actions realised on the ground, such as the GNA is established in Tripoli; the GNA begins the process of reorganizing the National Security Forces; the TSC convenes a high-level meeting on security with the support of the IC and the UN; and lastly that the TSC and PC initiate strategic planning to counter the capabilities of extremist groups.

25. Within this broad concept, existing planning undertaken by UNSMIL in the 'Security Track' for Tripoli, foresees that security in Tripoli could be achieved through dividing Tripoli into three concentric security zones, controlled by

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[6] Libya; "The Way to Peace in Unity", January 2016.

a mix of units coming from the Libyan National Army (LNA) and some elements of the Tripoli police and able to take up duties as the embryo of a new Libyan force. In order to provide a bridging capability for the early stage of GNA in Tripoli, the concept of an *ad hoc* unit called the "Presidential Guard" is being developed. This is thought to comprise a mixture of former military and police personnel, personnel trained in

UK and Italy (under the now defunct General Purpose Force training), and militia members. It could total some 2,000 personnel to be deployed as advanced party of the regular Libyan forces to protect the GNA in its vital first days in the capital. The exact composition and capacity of the Presidential Guard has yet to be confirmed.

26. The success of this plan is dependent on a number of currently unconfirmed variables, including the exact composition and compliance of the Armed Groups in the capital (originating either from Tripoli or Misrata), a suitably permissive environment, the necessary infrastructure to allow the IC to provide capacity to the GNA, and the continued availability, loyalty, professionalism and readiness of the identified Libyan security forces.

27. It is currently estimated that some elements of the Presidential Guard could be deployed without any training period, while follow-on Libyan forces would need (a yet to be defined) period of training to reach a first operating capacity. This reflects the urgency of installing the GNA to Tripoli as quickly as possible to avoid losing political momentum. Confirmation by the GNA, TSC and indeed by UNSMIL about the Presidential Guard concept in this regard, and on the overall Libyan ownership of such a plan, remains a <u>key planning consideration</u>.

28. Provision of assistance for the professionalization of Libyan police and military forces is an area which will require coordinated IC support. The current IC planning focus remains on the provision of capacity to the Libyan military as well as some police and border management capabilities (see LIAM below). <u>Potential support to the Libyan police and criminal justice sector, is an area, where the EU, with its proven experience in delivering a number of civilian</u> <u>CSDP policing and Rule of Law (RoL)/SSR related Missions, could add value and provide a</u> <u>capability not foreseen to be provided by any other actor</u>.

29. Securing early Libyan political support for police and criminal justice sector reform will be essential as it will involve shifting power centres and access over key institutions of the state. Simply put, no effective police or criminal justice sector assistance can be rendered unless there is political common ground between all relevant Libyan actors on the basis of a nationally owned reform blueprint, in the interim phase as well as for the more overarching reform needed in the future. Public support and engagement in developing this strategy will also be important. Assisting in developing this common framework should therefore be a first priority for overall EU engagement. Furthermore, functional police and judiciary are instrumental to ensure sovereignty over national territory and borders, while enabling the fight against transnational organized crime (e.g. trafficking in human beings and money laundering, smuggling of migrants and counter-terrorism).

30. <u>European Gendarmerie Force</u> (EGF). The EGF has the potential capacity, subject to a political decision, to provide policing support in Libya. This could either complement or be in advance of activity envisaged in the proposed option described in this paper. Civilian policing/law enforcement to the fragmented Libyan law enforcement sector needs ideally to be distinguished from its military counterpart from the outset. This could allow the EU to contribute to an overall strategic approach on police and criminal justice in Libya.

 Coordination with and clarification of EGF planning is required.

31. <u>LIAM</u>. Italy is providing the framework nation capability for P3+3 planning for a possible non-executive international support, assistance and training mission to Libya which will focus primarily on providing military training capacity to the GNA for the Libyans to provide their own security in Tripoli. A first pillar of activity is likely to focus initially on basic training to provide capacity in infrastructure protection, crowd control, diplomatic protection and the general provision of security. Two other pillars of activity are being considered; provision of capacity on policing and border management/coastguard.

32. It is understood that, if requested by the GNA, lead elements of the LIAM capacity forces could be in Tripoli between 40-90 days after invitation, with the main body deployed thereafter.

33. The exact level of ambition for LIAM's security capacity, if requested by the GNA and authorised under a UNSCR, is therefore yet to be decided but by implication would represent the main international security presence/capacity in Libya.

34. The provision of LIAM capacity for the Libyan police and also the coastguard remains to be clarified. It is axiomatic that EU coordination with LIAM is further developed as a matter of priority to achieve an efficient division of labour and ensure a coordinated and coherent approach is achieved. Depending on the deployment rhythm, sequencing of efforts on policing capacity building between LIAM and the EU could be considered.

35. The planned End State for LIAM is "that the GNA and its security forces are capable of maintaining an acceptable level of security and stability in Tripoli without LIAM assistance, and are able to gradually expand authority throughout Libya". Accordingly, this assistance could be expanded to include participation by a broad coalition of the willing, and possibly include countries who expressed interest during the Rome Conference of 19 January 2016, thereby enhancing a regional focus. The Force Sensing Conference of 15 March 2016 confirmed this planning concept and revealed that there is considerable political interest from the IC in the initiative. A Force Generation Conference is anticipated shortly after a GNA invitation for support which would further frame the LIAM structure and strength.

36. Potential synergies possibly through shared research and analysis, intelligence, agreed force protection arrangements, common training locations and vetting procedures, and the development of standardised training curricula, and complementary joint training, could also

    be further explored by EU planners with LIAM and the TSC.

37. TSC. The Temporary Security Committee is mandated, under the arrangements of the LPA, to be the main technical Libyan interlocutor on

security in the vital period ahead of the formation of a National Defence and Security Council. It has immediate responsibility for delivering the security track for Tripoli and in particular overseeing arrangements for the withdrawal of armed groups from Tripoli and the cantonment of heavy weapons. The TSC has only recently started to meet (and not yet as a full committee) and the ability of EU planners to engage effectively with the TSC through UNSMIL will be crucial to future mission effectiveness.

38. ***In sum, t*he provision of security support to the GNA is challenging. The urgency of the situation, the current lack of a Libyan agreed and coordinated plan, limited absorption capacities and complex nature of security challenges and actors all indicate the need for a phased approach by the IC to ensure success. A key factor remains that a number of planning assumptions have yet to be assessed fully.**

Current EU engagement on security in Libya

39. <u>EU Delegation to Tripoli</u>. The Head of the EU Delegation is responsible for the local coordination of all EU activity in Libya, raising Libyan awareness and buy-in of CSDP missions, and for providing political advice on engagement with the Libyan authorities and other IC actors. In this regard, the HoD is supported by a military security advisor (dualhatted as the Head of the EULPC) and a senior Police and CT advisor. Both advisors will have a crucial continuity role in providing advice and corporate memory to any potential civilian CSDP mission in Libya. At the operational level, the local coordination, conflict sensitive programming and implementation of EU cooperation programmes in Libya remains a key activity for the Delegation.

40. <u>EULPC</u>. Since its establishment in April 2015, the Cell has provided a fundamental role in supporting UNSMIL planning. Its immediate focus is to operationalize the military element of the security track in order to enable the GNA to move to Tripoli and operate effectively as a government. In addition to informing EEAS planning, the EULPC's added value is in being a credible partner in Tunis which is allowing it to engage directly with the TSC (in conjunction with UNSMIL). This credibility is also facilitating early access to key interlocutors for EUBAM Libya's civilian planners. The EULPC

currently consists of nine personnel (including one EGF planner/police advisor since the outset). Its mandate expires on 18 April 2017.

41. <u>EUBAM Libya</u>. Following the revision of its mandate on 21 February 2016, the main objective for EUBAM Libya is to inform EU planning for a possible civilian capacity building and assistance crisis management mission. EUBAM will support UNSMIL's planning capacity on police and criminal justice cooperation and contribute to planning for a possible future civilian CSDP mission. The mission's existing mandate expires on 21 August 2016. The opportunity exists for EUBAM Libya to continue as the shell for the proposed civilian mission option outlined in this paper or to close at the end of the current mandate.

42. The policy, timing and practical arrangements for the move of the EU Delegation, EULPC, and EUBAM Libya to Tripoli requires both coordination within the EU (mainly to assess security conditions), and consultation with external partners.

43. <u>EUNAVFOR Med Op Sophia</u>. The military CSDP operation has been conducting Phase 2 activities on the High Seas off the coast of Libya since 7 October 2015. The transition of the operation to subsequent phases in Libyan territorial waters currently foreseen in its existing mandate should be pursued with the GNA authorities as soon as practicable. The necessary legal arrangements will need to be agreed and put in place for the processing of alleged smugglers and human traffickers encountered by the operation. A role for Op Sophia in support of building Libyan Coastguard and Navy capacity could also be considered. Subject to the findings of a strategic review (due in April 2016) the current mandate of the operation expires on 27 July 2016. The offer of police and CJS support articulated in this paper, in addition to the coastguard and navy training possible under Op Sophia, could be part of an overall package that could contribute to ensuring GNA support for Op Sophia to transition to phase 2b.

44. An increased IC presence in Libya as a result of the transition of Op Sophia, combined with the potential concurrent deployment of LIAM and a civilian CSDP mission, would have an impact on Libyan perceptions regarding

foreign support. This increased presence however also suggests the possibilities for synergy from pooled force protection and extraction capacities.

45. <u>CSDP missions in the region</u>. Coordination on policing and criminal justice sector issues as well as on illegal migration flows and support on counter-terrorism activities with the two regional civilian CSDP missions in the Sahel and ENFM Sophia, including through the identification of lessons learnt, would be of importance for the envisaged mission.

46. <u>EU Cooperation Programmes</u>. There are at present no planned EC projects related to policing and the criminal justice sector focused on Libya. Previous programmes in those areas were confronted with several implementation-related obstacles. Lessons learnt from those experiences confirm the need to utilise CSDP as the appropriate instrument tool to deliver in this challenging domain. Nonetheless planning for the envisaged mission should draw upon lessons identified and mapping already conducted by previous programmes. An improvement in the security situation on the ground may allow a renewed focus on Libya in due course. Consideration is currently being given under the IcSP for stabilization funding for UNDP that might include sending a small number of policing experts to Libya.

Planning Factors

47. Analysis of the Libya security situation highlights the following key planning issues:

   a.   The potential civilian CSDP action should have a non-executive mandate;

   b.   It will be, by definition, part of a broader comprehensive EU approach;

   c.   It will need to be phased and coordinated with other IC efforts and follow a conflict sensitive approach;

   d.   It will be based on a Libyan request with strong Libyan ownership of the process, taking into account Libyan capabilities, needs, absorption capacity, and a vision for a National Security Architecture;

e. Close liaison with the TSC, EU actors, UNSMIL, LIAM and other key partners is required to avoid duplication and underpin effective cooperation, coordination and a viable communication strategy. This includes taking into account Libyan sensitivities on the combined profile, posture and presence of all foreign forces in Libya;

f. There is a potential need for shared intelligence to assess the security situation and possibly to pool resources for force protection and in case extraction of IC actors is required.

48. <u>Assumptions</u>. The following assumptions are made and will need to be refined where appropriate through further strategic and parallel operational planning:

a. The GNA is formed;

b. The GNA is based in Tripoli;

c. The GNA requests the proposed EU civilian CSDP mission;

d. A Status of Mission Agreement is concluded with the GNA;

e. UNSMIL's mandate 2273/2016 is renewed in June 2016 and thereafter;

f. The necessary infrastructure exists in Tripoli to support the IC engagement (as identified by an appropriate fact finding mission);

g. The security environment is sufficiently permissive and protective measures are considered satisfactory;

h. EU MS will provide the necessary resources;

i. A National Security Architecture will be developed to underpin the necessary training and recruitment programmes required to reconstitute Libya's security forces;

j. The GNA will request complementary support from LIAM;

k. Libyan political stability is maintained throughout the Mission mandate;

49. **Constraints.** Existing planning has been conducted with limited possibility to engage with Libyan interlocutors and will need to be updated on the basis of thorough mapping and needs analysis.

Description of the proposed Option

50. **The potential civilian CSDP Mission, in line with phases described below, could be to further support police capacity in Tripoli in the interim and, when conditions allow, contribute to longer term efforts on SSR (including through mapping) of the Libyan Police and Libyan Law Enforcement and Criminal Justice Sector across Libya (including relevant border management authorities), thus enabling the EU, the UN and the IC to coordinate their joint efforts in assisting the GNA with more overarching**
reforms likely to be needed after the interim phase.

51. A formal request from the GNA would commence the process outlined in the conceptual design below. Prior to establishment of a Crisis Management Concept, political engagement

    with the GNA (and in the region) would need to be taken to foster awareness and gain support for the intended CSDP action.

52. The CSDP mission could either be delivered as a new CSDP activity or through adapting the existing mandate of EUBAM Libya.

53. At present, operating from Tunis, EUBAM Libya's civilian planning capacity, together with the EULPC and the EU Delegation, is and will continue working on planning, in close coordination with UNSMIL, LIAM and other IC actors. Enhanced engagement with the Libyan authorities has recently started and needs to be pursued fully.

54. A key deliverable in the initial phase will be a mapping exercise and thorough analysis (including needs and risk management) to inform options envisaged for future phases to be elaborated in further planning. Consideration could be given in this phase to the possibility of conducting training outside Libya, if appropriate.

55. The Mission will commence being located in Tripoli and will be subsequently operating further afield, subject to MS approval and if conditions allow.

Advisory tasks would likely be to provide planning/advice on addressing urgent policing needs in Tripoli and how best to support policing elements (particularly once a temporary Libyan Chief of Police for Tripoli is appointed by the TSC). This key leader engagement could be complemented with technical advice on the recommissioning of key enablers such as the Joint Operations Room for Tripoli and the effective functioning of the police stations and those police personnel already identified as available for training in the Tripoli area.

56. The Libyan authorities will need to ensure effective coordination (with UNSMIL) amongst all security elements including army, militia and police services as well as the IC present, in particular LIAM (including its Gendarmerie component) and potential EGF and EU actions. Advice on coordination to the relevant Libyan authorities could be provided as part of the initial phase activities.

57. Additional advisory tasks in this phase could include the provision of policing support on other security-related confidence building measures including through:

> Support to develop a Libyan National Security Architecture;

> Recommissioning of vital communication facilities in Tripoli (border management and control procedures/facilities at airport/harbour), developing policing aspects related to coastguard and customs capacities/procedures;

> Support to establishing a Libyan judicial process on suspected smugglers/traffickers and terrorists;

> CT advice/support to relevant Libyan authorities (in conjunction with the EU Delegation CT advisor and regional EU initiatives).

58. Capacity building of the Libyan police and CJS could support Libya in providing normal policing activities, e.g. more in a "EUCAP" sense in particular in the area of "civilian policing" i.e. oversight and accountability, criminal investigations, and reform of the MoI/Criminal Procedures. These capacity building activities could also include logistics, human resources management and other sustainability issues.

59. Given the threat of terrorism in the country, building counter-terrorism capacities of the police and related CJS actors (and the possible creation of a gendarmerie, including in the areas outlined above, should be an integral and important part of the mission, as anticipated by the HRVP in her letter to FAC of 4 December 2015.

60. The police reform process in Libya could include:

    a. Institutional reform of the Ministry of Interior, professionalization of the Libyan National Police and development of justice-police linkages, with a strong emphasis on an intelligence driven and evidence based approach, anti-corruption, human rights and gender;

    b. Development of a training strategy and modern senior management techniques;

    c. After the first phase, the mission should continue to provide CT advice and support to the Libyan authorities, including the development and implementation of a comprehensive CT strategy and inter-agency coordination.

61. Activity could also be focused on improving police aspects in relation to the migration challenges. Anti-migrant smuggling and countering trafficking of human beings is a logical challenge for the Libyan authorities to deliver on. This capacity would need to focus on:

    Increasing investigative capacity and improving international cooperation in fighting irregular migration;

    Establishing institutional accountability and transparency;

    Maintenance of temporary shelters/accommodation for migrants and refugees in line with international best practice. Consideration needs to be given to incarceration facilities, but also for alternatives to incarceration for migrants;

    Dignified treatment, in full respect of Human Rights, of the migrants (regular and irregular alike) and of the refugees by the police/law enforcement authorities;

> Particular attention to those with special needs: children, including unaccompanied minors and women;
>
> Complementary support as regards coastguard capacity building.

62. Apart from other initiatives at governmental level (policy development and legislative proposals), considerations should be given to the possibility to undertake capacity building activities *in situ* in Tripoli and/or abroad as appropriate. The relative merits of these options would need to take into account the urgency of the situation, challenges of security vetting, accountability mechanisms, quality and diversity of personnel being trained, funding, appropriate training needs analysis, absorption capacity and buy-in from the Libyan training audience.

63. All training programmes involving police and the criminal justice sector should include elements on human rights, international humanitarian law and refugee law. This is a commitment in the EU Action Plan on Human Rights and Democracy (adopted by the FAC in July 2015), and in the Valletta Summit Action Plan.

64. Longer term efforts could focus on the reform of broader criminal justice sector, providing training for Libyan police, judiciary and penitentiary officials, including counter-terrorism aspects (e.g. investigations, prosecutions, adjudication of CT cases, development of rehabilitation programmes inside and outside of prison, counter financing of terrorism/Anti Money laundering aspects). This could contribute to the establishment of a professional criminal justice system based on rule of law and respect of human rights and development of coordination and collaboration between the various branches of the criminal justice system.

65. Within Libya itself, lessons previously identified from EUBAM Libya show that training is beset by confusion/rivalry on inter-ministerial responsibilities regarding security. Accordingly, an essential underpinning function of capacity delivery will be to support Libya through the provision of strategic advice on designing Libyan internal security architecture/processes under civilian government responsibility, and re-establishing the rule of law, advice on establishing and resourcing this

architecture, and also the capacity to deliver it including through training and on the basis of broader UNSMIL coordination.

End State and Duration

66. The End State of the Mission is that a critical mass of a Libyan-led police and criminal justice capacity is in place and being delivered by Libyan authorities without further CSDP assistance.

67. *The duration of the Mission could initially be based on an extension and adaptation of the existing EUBAM Libya mandate for a period of 2 years i.e. expiring on 21 August 2018. The eventual duration of the Mission would likely be over a period of several years.*

Risks to Mission Effectiveness

68. The political and security instability in Libya and increase in terrorism within the region present serious threats to Mission personnel. Operational planning should therefore explore the potential synergies in complementarity activities, extraction capacities and force protection possible through an increased IC presence in Libya (e.g. UNSMIL, Op Sophia and LIAM). In addition to the wide range of security measures that will need to be established, the engagement of a private security company under contract will most likely be needed.

69. A lack of effective coordination by the IC, insufficient local buy-in, and inability to develop a National Security Architecture, will jeopardise the sustainability of mission accomplishments.

70. The level of ambition for the Mission must be kept both manageable, measurable and targeted against real needs that will add value. This requires a progressive build up in capabilities and resources, together with close dialogue with the Libyan authorities to ensure the effective management of expectations.

Conclusion and next steps

71. The political and security tracks in Libya are not aligned and the situation is dynamic.

72. The GNA is not yet in Tripoli and the extent of Libyan political support and compliance for such a move, particularly from militias present in the Tripoli area, is not yet clear.

73. The security situation in Tripoli and security arrangements must provide sufficient guarantees for the deployment of the IC and to support meaningful CSDP engagement.

74. The move of the EU Delegation, EULPC and EUBAM Libya to Tripoli is a key priority but its timing depends on several factors – in particular staff security – that need to be analysed further.

75. The planning challenges in designing any new CSDP activity in Libya are considerable and many planning assumptions will need to be assessed as conditions allow.

76. Coordination and an agreed division of labour between UNSMIL, LIAM, the EU and other IC actors are required.

77. There is a potential requirement for the IC to support the GNA in terms of police and CJS capacity; this is an area where the EU could add value in a phased approach.

78. Planning should continue to ensure greater clarity on the issues highlighted in this paper.

79. Member States are invited to have an exchange of views on the matter to allow planning to proceed and, if appropriate, to allow a timely approach to be made to the GNA to solicit consent for the option proposed in this paper.