CSG PAPERS

Libya: A Post-Arab Spring Test for Security Sector Reform

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EXECUTIVE SUMMARY

If diplomatic pressure and the terrorist threat force Libya's political factions to support the UN-backed Government of National Accord, Libya could provide a test bed for security sector reform (SSR) in a post-Arab Spring security environment that includes transnational terrorism and trafficking in drugs, weapons and migrants by international organized crime. This paper provides an overview of the Libyan conflict and current efforts to establish a transitional government. It maps the components of Libya's security sector: military and police forces, justice institutions, and oversight institutions. It describes the elements of the proposed Government of National Accord and catalogues the tasks that must be performed to achieve SSR in Libya. This paper is based on a chapter by Robert Perito and Jamie Kraut in a new book entitled *Prioritizing Security Sector Reform: A New U.S. Approach* edited by Dr. Querine Hanlon and Professor Richard H. Schultz, Jr. and published by the United States Institute of Peace Press.

ACRONYMS & ABBREVIATIONS

BPD	barrels per day
DDR	disarmament, demobilization and reintegration
EU	European Union
GNA	Government of National Accord
HoR	Libyan House of Representatives
IOM	International Organization for Migration
IS	Islamic State
ISL	Islamic State in Libya
LNA	Libyan National Army
LPA	Libyan Political Agreement
LROR	Libyan Revolutionaries' Operation Room
MOD	Ministry of Defense
MOI	Ministry of the Interior
MOJ	Ministry of Justice
NATO	North Atlantic Treaty Organization
NTC	National Transitional Council
OECD	Organisation for Economic Co-operation and Development
SCC	Supreme Security Committee
SSR	security sector reform
UN	United Nations

INTRODUCTION

In a speech before the United Nations General Assembly, and in subsequent interviews, Barack Obama said his biggest mistake as president was failing to plan for the aftermath of the removal of Muammar Qaddafi in Libya. Obama said that even as the US-led NATO coalition was helping "end the reign of the tyrant, it could have and should have done more to fill the vacuum left behind" (Obama, quoted in Wroughton, 2015). The president later noted that after the success of the popular uprising, Libya descended into anarchy with rival governments, militias, al-Qaeda and Islamic State (IS) groups fighting each other for control (*The Guardian*, 2016). However, a successful offensive against the IS in Libya by forces loyal to the new Government of National Accord (GNA) may offer Obama a rare opportunity in international affairs — a second chance.

On December 17, 2015, representatives of Libya's rival parliaments signed a UN sponsored Libyan Political Agreement (LPA) that called for a GNA. The agreement was hammered out in negotiations led by the UN Special Representative for Libya, Bernardino Leon, in Skhirat, Morocco. It provided for a unity government led by a Presidential Council with the internationally recognized Libyan House of Representatives (HoR) as the country's parliament (Fahim and Alizway, 2015). On March 30, 2016, Prime Minister-designate Fayez al-Sarraj and six members of the Presidential Council slipped into Tripoli by boat and set up their headquarters in the heavily defended Abusita Naval Base near the harbour (Amara 2016). One of Libya's rival parliaments, the Tripoli-based General National Congress (GNC), refused to disband, but many of its members attended the first meeting of the Supreme State Council, a consultative body created by the LPA. Meanwhile, the GNA gradually extended its control over key government ministries in Tripoli and was recognized by the country's most important financial institutions, the Libyan Investment Authority and the rival central banks and national oil companies (El-Ghobashy, 2016). It also received strong international support in the form of official visits from the foreign ministers of Italy, the United Kingdom, France, Germany, Netherlands, the European Union (EU) and the new UN Special Envoy, Martin Kobler (Lewis, 2016; Agence France Presse, 2016a).

The GNA's biggest achievement, however, was the successful offensive conducted by loyal militia forces against the IS's stronghold in the coastal city of Sirte. By late-June 2016, fighters drawn from the towns of Misrata and Sabratha and the Petroleum Facilities Guard had reduced the area controlled by the Islamic State in Libya (ISL) from almost 300 kilometers of coastline to a few neighbourhoods in city's centre (Agence France Presse, 2016b). A small number of US and British Special Operations Forces provided intelligence and logistics support to the operation. These forces had been in Libya organizing militia opposition to ISL since earlier in the year (Ryan, 2016). While it seemed likely that the GNA-supported offensive would succeed, it also appeared that many jihadists had escaped and expectations were that ISL and other Islamist terrorist groups would continue to pose a

threat. A victory by GNA-aligned forces over ISL in Sirte could rally support and increase its authority (*The Economist* 2016a). A great deal more, however, remains to be done.

First, the GNA needs to obtain the endorsement of the internationally recognized HoR, a basic requirement for implementing the UN-brokered LPA. Led by the HoR speaker, Agila Issa, hardliners have blocked a vote on recognition despite Western diplomatic pressure, including US and EU sanctions against Issa. A major cause of the HoR's intransigence is its relationship with General Khaslifa Haftar, a former Qaddafi-era general. Haftar heads the Libyan National Army (LNA), a band of former Qaddafi soldiers and security operatives, sectarian militias and tribal forces from the eastern province of Cyrenaica. While avoiding the battle for Sirte, Haftar's troops have driven Islamist militias from Benghazi, Libya's second-largest city, and largely pacified the country's eastern region. His forces have received arms, money and air support from Egypt, the Gulf States, Russia and French Special Forces. Haftar visited Moscow in June 2016 to request arms and Russian printing of a new supply of Libyan currency. He has denounced the GNA and threatened to "liberate" Tripoli from the militias that provide the GNA's primary support (Megerisi, 2016).

Second, the GNA must work with the EU to control the trafficking in African migrants through Libya to Europe. Frontex, the EU's border control agency, reported the arrival of 19,000 migrants in Italy in May 2016 — double the number that arrived in April. In June, the EU extended its naval operations against traffickers, which has saved lives, but not stopped the increasing outflow caused by the buildup of intended migrants in Libya (Ridgewell, 2016). According to the International Organization for Migration (IOM), there were 260,000 migrants to Europe in Libya competing for space and resources with the country's 425,000 internally displaced persons (Zaptia, 2016). Human Rights Watch reported that migrants were subjected to beatings, rape, torture, killings and incarceration in squalid detention centres run by traffickers, militias and tribal authorities (Associated Press, 2016).

Finally, the GNA also must demonstrate that it can provide public services in Tripoli and in areas that come under its control. Capital residents report food shortages, power failures, skyrocketing prices, failure to pay government salaries and banks without money. Similar problems are felt across the country — the UN believes that 1.3 million people require humanitarian assistance (Dettmer, 2016). To meet the needs of the population the GNA must assist the Libyan National Oil Company to protect its facilities and to restore production closer to pre-war levels. Current production has fallen to 300,000 barrels per day (bpd). Libya has the largest oil reserves in Africa; pre-war output was 1.5 million bpd in 201l (Agence France Presse 2016c). The GNA's reconciliation of the rival National Oil Corporations into a single entity, which announced its intention to boost production, was a positive step in that direction (*Libyan Express*, 2016).

 If diplomatic pressure and the terrorist threat force Libya's political factions to support the GNA, the country could provide a test for security sector reform (SSR) in a post-Arab

Spring security environment that includes transnational terrorism and trafficking in drugs, weapons and migrants by international organized crime. This paper provides an overview of the Libyan conflict and the current situation. It maps the components of Libya's security sector: security forces, justice institutions and oversight institutions. It describes the elements of the proposed GNA and catalogues the tasks that must be performed to achieve SSR in Libya.

AN ARAB SPRING REVOLUTION

In Libya, the Arab Spring began with the arrest of a young activist and human rights lawyer on February 17, 2011, in the eastern city of Benghazi. Energized by events in Egypt and Tunisia, several thousand Benghazi citizens organized protests outside local government office buildings and demanded the lawyer's release (*The Guardian*, 2011a). Local police and soldiers responded with water cannons and tear gas. When protests continued, they opened fire. Undaunted, the protestors pushed forward, finally assaulting the Benghazi military compound with stones, Molotov cocktails and bulldozers. More than a hundred people died at the compound's walls (Schemm, 2011).

On February 20, Interior Minister Abdel-Fattah Younis arrived in Benghazi, leading a contingent of Special Forces sent to end the insurrection. Instead of attacking the city, however, Younis defected to the rebel side, negotiated a ceasefire at the military compound and escorted loyalists out of Benghazi (ibid). The rebels tore down posters of Qaddafi and flew the black, red and green Libyan flag that dated from the reign of King Idris, the country's first ruler after independence (Chulov, 2011). The Benghazi revolutionaries called for a national uprising. Qaddafi responded with typical harshness. In a 75-minute televised speech on February 22, Qaddafi made the infamous accusations that Benghazi residents were "rats" that he vowed to "cleanse house by house" (Reuters, 2011). Qaddafi ordered his elite mechanized units, Special Forces and thousands of mercenaries from neighbouring African countries to retake Benghazi (Fahim and Kirkpatrick, 2011). A line of tanks moved east, while the rebels in Benghazi braced for a bloodbath.

On March 17, the UN Security Council intervened. Resolution 1973 authorized member states to impose a no-fly zone over Libya and to "take all necessary measures to protect civilians" (UN Security Council, 2011). Within 72 hours, French jets attacked the convoy of Libyan armoured vehicles before they reached Benghazi (Bell and Witter, 2011: 24). On March 31, NATO took over Operation Unified Protector, coordinating among 14 member states and four partner countries (Daalder and Stavridis, 2012). The NATO operation launched more than 14,000 sorties over Libya, stopped over 3,000 ships from entering Libya's harbours and destroyed 304 ammunition dumps (*The Guardian*, 2011b).

With NATO providing air cover, citizens across Libya rose up to challenge the regime. They called themselves *thuwar* (revolutionary fighters) and organized street by street into hundreds of *katibas* (small armed groups of a few dozen to a few hundred men) to liberate their communities. Benghazi became the base of operations for the rebels who organized a National Transitional Council (NTC). Despite repeated NATO airstrikes, Qaddafi's forces laid siege to towns such as Misrata and Zintan, which became major battlegrounds. Tripoli remained under tight control; any signs of dissent were swiftly suppressed. By June 2011, the NATO-aided *thuwar* offensive had stalled, but Qaddafi's security apparatus was eroding from within. From cabinet members to military intelligence officers, defections rose. Qaddafi's mercenaries began slipping out of the country. *Katibas* from all over Libya closed in on the capital (Nakhoul, 2011).

On August 20, 2011, the broadcast of a speech by the NTC chairman brought Tripoli's rebel cells and civilians into the streets to attack the remaining Qaddafi forces. Revolutionary fighters from Misrata, Zintan and Benghazi pushed into the city from different sides. Within 24 hours, the *thuwar* controlled the city (ibid.). On October 20, a Misratan *katiba* hunted down Qaddafi on the outskirts of Sirte. Qaddafi was killed when he was discovered hiding in a drainpipe following an attack on his convoy (Farmer, 2011). Four days later, the NTC declared Libya liberated (Rohan and Saleh, 2011).

Libyan officials were proud of the revolution and filled with confidence that elections held in July 2012; the county's oil wealth; and its young, educated and energetic population promised a bright future. This confidence faded over the next two years as a series of calamitous events propelled the country to the brink of civil war. On September 11, 2012, armed groups with ties to al-Qaeda attacked the US Temporary Mission Facility in Benghazi, killing Ambassador Christopher Stevens and three other Americans (US House of Representatives, 2014: 3). On May 5, 2013, militias besieged government buildings and forced the GNC at gunpoint to pass the Political Isolation Law banning former Qaddafi-era officials from participating in the government (Dettmer, 2013). On October 13, 2013, Prime Minister Ali Zeidan was kidnapped by a militia group called the Operations Room of Libya's Revolutionaries and freed unharmed six hours later by another militia (Hauslohner, 2013).

In 2014 conditions worsened. On May 18, gunmen loyal to Khaslifa Haftar, a Qaddafi-era army general who had supported the revolution, attacked the GNC, demanding the expulsion of its Islamist members (RT News, 2014). In August, Islamist-affiliated militias from Misrata captured Tripoli International Airport (BBC News Africa, 2014). The airport's closure and fighting for control of the capital forced the evacuation of UN personnel and foreign diplomats, as well as the closure of the US and other embassies (Dettmer, 2014), isolating Libya from the rest of the world.

By the summer of 2014, Libya's factions had coalesced into opposing Islamist and secular alliances. Each alliance was built around a parliament, government and military force supported by tribal and ethnic groups and backed by foreign powers that provided political and military support. Islamist militias from the city of Misrata captured Tripoli and expelled the HoR, a secular-leaning parliament that was elected in June 2014 with low voter turnout. The militias, calling themselves Libya Dawn, recalled the GNC, which had Islamist sympathies, to form a National Salvation Government. The pro-GNC alliance was a coalition of Islamists, revolutionaries and business interests that was supported by Qatar and Turkey. In October of that same year, the HoR and the secular Operation Dignity, a military coalition led by General Khaslifa Haftar, formed a competing government in the eastern city of Tobruk. The secular alliance included former members of the Qaddafi government and army that had supported the revolution, militias from the city of Zintan, and Cyrenaica provincial separatists seeking regional autonomy. It was supported by arms from Saudi Arabia and air support from Egypt and the United Arab Emirates (UAE), whose jets attacked Islamist targets in Libya. The HoR was recognized as the government of Libya by the United Nations, the United States and the rest of the international community (International Crisis Group, 2015: 7-10).

The Islamic State in Libya

In April 2014, the Islamic State established a presence in Darna, an eastern Libyan city that was a hotbed of Islamist activity. The Islamic State in Libya clashed with rival jihadist groups and was expelled from Darna by the Abu Salim Martyrs Brigade in June 2015. By that time, however, ISL had established a presence in Sirte, Muammar Qaddafi's birthplace and the place where the dictator made his last stand. ISL co-opted the local affiliate of Ansar al-Sharia, taking over its networks and programs. Between January and May 2015, ISL took control of Sirte's radio and television stations, hospital, university, power plant and government buildings. It introduced Sharia law; banned cigarettes, alcohol and music; segregated schools by sex; and held public floggings and executions. It took violent action against opponents, crushing resistance from the Firjan tribe and assassinating its leader. ISL established ties with former Qaddafi supporters in the same manner that IS assimilated former Baathists in Iraq. It also recruited tribes that had remained loyal to Qaddafi and that were marginalized by political realignments in the aftermath of the revolution (Casey and Pollard, 2015).

ISL attracted international attention on February 15, 2015, when it beheaded 21 Egyptian Christians on a Mediterranean beach, dressing its victims in orange jumpsuits and using ceremonial daggers like IS used in Syria. This incident was followed by attacks on a luxury hotel and on the South Korean, Iranian and Moroccan embassies in Tripoli. In Sirte, ISL positioned itself at a geographic midpoint between areas controlled by Libya Dawn and

Operation Dignity where it could exploit their divisions (Kirkpatrick, 2015a). ISL leaders began claiming publicly that Sirte would become the equivalent of Raqqa, the IS capital in Syria (Zelin, 2015). By February 2016, ISL controlled almost 300 kilometers of Libya's Mediterranean coastline around Sirte. Western intelligence sources estimated that the number of IS fighters had nearly doubled, to 5,000, as IS in Syria directed seasoned fighters and new recruits to Libya (*The Economist*, 2016b).

ISL began a campaign against Libyan petroleum facilities. In January, ISL shelled crude oil storage facilities at the Ras Lanuf refinery and the nearby port of Es Sider. Attacks on Libyan oil facilities replicated IS strategy in Iraq and Syria, where the group first damaged oil fields and pipelines and then took control once the facilities became less valuable and not worth the risk of protecting. The attacks and ISL calls for volunteers with oil field skills appeared part of a plan to seize the oil industry as a source of revenue (Faucon, 2016). In May 2016, the rapid advance of the GNA-supported offensive against Sirte raised questions about the validity of Western estimates of the number of ISL fighters and the group's capability, but not its long-term intentions in Libya.

LIBYA'S SECURITY SECTOR PAST AND PRESENT

During his 42-year rule, Qaddafi systematically dismantled the country's institutions. In his treatise, *The Green Book*, he argued that bureaucratic institutions and political parties only distorted the people's will. In their place, he established local people's congresses, which in turn channelled public demands up to the national General People's Congress (legislature) and General People's Committee (cabinet). Qaddafi highlighted the fact that he had no official role in the Libyan government (al-Qaddafi, 1980). He argued that this stateless state represented a pure form of democracy that allowed people to manage their own lives and resources. In 1977, Qaddafi renamed Libya the Socialist People's Libyan Arab *Jamahiriya*, a term he coined that was usually translated as "state of the masses" (Vandewalle, 2006: 97-106).

In reality, Qaddafi created a facade of powerless popular institutions that masked his absolute personal control of every aspect of Libya's government, economy and society. Qaddafi ensured that he, his small cadre of revolutionary cronies and his family members dominated Libya by dismantling the nation's bureaucracy, formal institutions and civil society organizations. Qaddafi abolished the private sector, nationalizing private enterprises, seizing factories, farmland, stores and private homes. The only jobs were in state-owned enterprises, and many people were unemployed and dependent on state subsidies financed by oil revenues to buy basic goods. The only sources of food and household items were the "people's supermarkets" run by members of Qaddafi's family.[1]

Qaddafi enforced this system of public populism and private authoritarianism through a complex array of security services. The most prominent were the Revolutionary Committees, which monitored citizens' activities and suppressed dissent. Their estimated 60,000 operatives infiltrated all aspects of society, including the people's congresses, unions, media and universities (Mattes, 2008: 67). They were armed with light weapons, made arrests, brutally interrogated suspects and held trials in Revolutionary Courts that handed down death sentences. Other state forces included the Revolutionary Guards, People's Guard and Purification Committees. All were tasked with rooting out internal enemies. Intelligence gathering was coordinated by the Central Information Bureau, which was organized with assistance from the East German Ministry for State Security. The bureau directed the Military Secret Service and Qaddafi's personal security service, the Jamahiriya Security Organization. The bureau was located in the same Tripoli barracks that surrounded Qaddafi's residence. Qaddafi played these competing security services against each other to prevent any one of them from becoming powerful enough to pose a threat (Vandewalle, 2006: 150-151).

The military stood apart from Qaddafi's repressive, self-protective security apparatus. Officially, the Libyan military consisted of four branches: the army, air force, air defence force and navy (Mattes, 2004: 3-4). Qaddafi disbanded the Ministry of Defense (MOD) and made himself the effective commander-in-chief. His relatives and army comrades from the 1969 coup rotated between the roles of Chief of Staff of the Army, Chief of Staff of the Military Secret Service, and Inspector General of the Armed Forces. In reality, the formal Libyan military was allowed to atrophy. Qaddafi made no effort to recruit new officers or soldiers into its ranks. Generals saw their commands shrink from tens of thousands to just a few hundred men through attrition. The air force shrank to a few antiquated aircraft; the navy was reduced to a few warships that were unable to leave the dock. Officers received automatic promotions, so that by the end of Qaddafi's reign there were hundreds of brigadier generals and colonels, but few junior officers. Senior military officers were frequently rotated and not permitted to travel beyond a short distance from their duty stations without explicit approval. During the conflict, army and air force units in the eastern region joined the revolution. Those in the west and south stayed intact, with some half-heartedly defending the regime, but most remained in their barracks or found ways to assist the rebels.[2]

While the formal military was left to wither away, Qaddafi invested heavily in a few enhanced brigades that were dedicated to protecting the regime and led by his relatives and close associates. These forces reported to the Temporary General Committee on Defense (a "defense ministry") and the Permanent Security Committee (a "command staff"). Military forces under this command structure included the 32nd Enhanced Brigade commanded by his son, Khamis Qaddafi. The 32nd Brigade had cantonment sites around Tripoli and was equipped with outdated but functional Soviet equipment, including T-72

tanks. Qaddafi called on the 32nd and other personal forces to protect his regime during the 2011 revolution. These forces were either destroyed or scattered by the end of the conflict.[3]

The Thuwar and the Katibas

The step-by-step manner in which the 2011 revolution spread across the country from east to west shaped Libya's post-conflict reality. Revolutionary fighters who liberated their communities and joined together to free Tripoli controlled their own cities and held various parts of the capital. The *thuwar* were united by their common opposition to Qaddafi during the conflict, but no overarching force structure with a single chain of command emerged. In communities across Libya, the *thuwar* provided essential security services and behaved with dignity. In Misrata, for example, over 235 *katibas* registered with the Misratan Military Council and the Misratan Union of Revolutionaries. They manned checkpoints along the main road into the city, secured intersections and helped make Misrata one of the safest places in Libya.

 The *katibas* maintained they would not lay down their arms until the goals of the revolution were guaranteed. Meanwhile, revolutionary commanders assumed key positions in the transitional government, local councils and emerging political parties. The *thuwar* were unquestionably the most powerful force in the post-revolutionary order. The challenge facing Libya was how to integrate some of the *thuwar* into a new national army and police and convince the rest to return to civilian life. The core problem was that most of the *thuwar* were unemployed before the revolution and did not have jobs back home. Carrying arms and controlling strategic sites gave them stature, power and a steady income. Reintegrating the *thuwar* required creating employment opportunities. The problem of the *thuwar* was a prism for Libya's broader economic and social challenges.[4]

The Defense Ministry and the Libyan National Army

After the revolution, the NTC recreated the MOD and appointed Osama al Juwayli, the leader of a powerful Zintan *katiba*, as defense minister (Krauss, 2011). From the beginning, rivalries between ministers and the deputies from different regional and political factions prevented the formulation of coherent policies and action against armed groups that threatened the government and the nation's infrastructure. By mid-2014, these rivalries had turned into open power struggles over who could lawfully occupy positions in the ministry, with rival claimants for the titles of defense minister and chief of staff (Lacher and Cole, 2014). The NTC made no attempt to reorganize or reform what remained of the old army. The LNA was not a cohesive force with a unified chain of command. Its mission

changed from national defence to responsibility for dealing with civil disorder, clashes between militia groups and armed conflict between tribal forces. In the east, Army Special Forces took the lead in battling terrorist groups in Benghazi and Derna. By mid-2014, most of the regular army had joined General Hafter's Operation Dignity. On March 2, 2015, the HoR in Tobruk named Haftar LNA Chief of Staff (BBC News Africa, 2015).

The Libyan Shield Forces

 To assist the army and bring the militias under control, the MOD signed contracts with the *katibas* and placed their members on the government payroll. In June 2012, the NTC named this coalition of brigades the Libyan Shield Forces (LSF) and placed it under the authority of the chief of staff of the Armed Forces as a temporary reserve. Thereafter, the LSF became a national parallel defence force that both looked and acted very much like an auxiliary national army and was sent to various hot spots. Over the next year, the LSF grew into 13 regionally based divisions as various groups of *thuwar* joined to obtain legitimacy and access to government salaries.

Signing up units with their leadership intact enabled the *katibas* to maintain a separate chain of command. As a result, the LSF functioned independently, obeyed orders from the MOD sporadically and was unwilling to surrender its substantial autonomy by integrating into the Libyan Army (Chivvis et al., 2015: 4). To further complicate matters, the LSF included *katibas* with widely divergent backgrounds, various degrees of organizational cohesion, conflicting ideological perspectives and intense local loyalties. The units that came to define the LSF, however, were those from Benghazi and Misrata that were committed to a revolutionary and Islamist political agenda and became important players in the power struggle that defined Libya's descent toward civil war (Lacher and Cole, 2014: 16–21).

The political objective of this core group of the LSF was to marginalize political elites who formerly were identified with the Qaddafi regime and to purge the army and the security ministries of former regime supporters. In the spring of 2013, these forces organized the Libyan Revolutionaries' Operation Room (LROR), which pressured the GNC into passing the Political Isolation Law. Opposition to the LROR's actions formed around LSF units from Zintan, the National Forces Alliance and tribal groups that had not supported the revolution. Media reporting increasingly described the crisis in Libya as a struggle between Islamist militias from Misrata and secular units from Zintan. In June 2014, the victory by antirevolutionary and secular politicians in HoR elections provided the impetus for an offensive by Misrata-led revolutionary forces that saw exerting control over Tripoli as a way of reversing their loss of influence in the parliament. In July 2014, an alliance of revolutionary and Islamist groups launched an attack on Zintani positions in Tripoli,

including the international airport. Weeks of intense fighting destroyed the airport and forced the evacuation of UN personnel, closure of the US and other embassies and evacuation of the diplomatic community from Libya (ibid.).

The LSF's official authorization expired in August 2104 and government salary payments to LSF units stopped. Subsequent efforts to merge members of LSF units into the regular army were prevented by the establishment of rival parliaments and the appointments of rival chiefs of general staff. After two years, the LSF experiment had failed to create a unified, national military force capable of securing the country. Instead, it had promoted government-funded factionalism (all LSF members received government salaries throughout the period) that ended with a face-off for control of the capital between the strongest LSF contingents. The LSF proved to be a waste of critical national resources and an example of the risk of unintended consequences (ibid.).

The Libyan Police

After the 1969 coup, Qaddafi left the Ministry of the Interior (MOI) intact but did little to support the national police. The traffic police were disarmed and their vehicles were confiscated. Traffic police in dusty white uniforms were reduced to standing on street corners, attempting to unknot the throngs of people and vehicles that clogged the roads. Regular police were responsible for controlling petty crime, but lacked training and standard procedures for reporting crimes, equipment for investigating crime scenes and an understanding of what evidence was permissible in court. As recruiting lagged but promotions continued, the police developed an inverted rank structure similar to the Libyan Army, with more senior officers than patrolmen. Fear generated by the ruthless Revolutionary Committees, the presence of strong religious and family values and Qaddafi's practice of providing government stipends, often for no work, combined to make Libya relatively crime-free. When the 2011 revolution began, the national police stood down and did not defend the regime. Members of the secret police and other internal security structures were killed, fled the country or went into hiding.[5]

The NTC did little to reform the MOI. Senior leaders fled or were removed, but an estimated 80 percent of Qaddafi-era officials remained in their posts. The interim minister, Fawzi Abdel Al, was a former prosecutor who commanded a powerful Misratan *katiba* during the revolution. The NTC designated two deputy ministers, one based in Tripoli and the other in Benghazi. The ministry's internal organization remained largely intact, except for the infamous directorates that were concerned with suppression of threats to the regime. A total of 46 individual directorates, each led by a police brigadier general, reported to the minister through his two deputies. Twenty-three of the directorates oversaw the country's 23 regions. The other directorates oversaw functional areas like immigration, port security,

criminal investigation, training and finance. The result was a flat organizational chart where even decisions on minor administrative matters were made by a few overstretched senior officials.

After the revolution, police returning to duty found their stations looted and burned and were heavily outnumbered and outgunned by the *thuwar*. In Tripoli, 15 police stations were destroyed during the revolution; as of late 2013, only two were fully functional. Intimidated and uncertain of their position, the police did not challenge the *katibas* that seized buildings and commandeered vehicles; established traffic checkpoints; engaged in criminal activity; and, clashed with rival brigades.[6] After a string of attacks and assassinations targeting police and army officers, the police force retreated from the streets. Mahmoud Ibrahim Sherif, the Tripoli police chief, said arrest attempts stopped after several incidents in which police were attacked with rocket-propelled grenades (Sullivan, 2013).

The Supreme Security Committee

Following the revolution, the NTC created the Supreme Security Committee (SCC) to integrate *thuwar* into the police and to provide security and protect state property. The SCC was placed under the authority of the MOI, which signed on *katibas* to six-month contracts. The *katibas* maintained their unit commanders and internal chain of command. They pledged allegiance to the MOI, but their ultimate loyalties remained unchanged. The Libyan Central Bank made monthly payments to the *katiba* leaders, who in turn were supposed to pay their members. The number of *thuwar* serving in the SCC swelled to 149,000 by August 2012; the SCC outnumbered the regular police by four to one. The *thuwar* exchanged their mismatched military fatigues for uniform black cargo pants and T-shirts emblazoned with the initials "SCC" in white letters. Despite rebranding, SCC leaders called upon their own *katibas* to diffuse problems. The deepening security crisis forced the GNC to rely on the SSC to provide security past the end of the initial six-month contracts (Shuaib, 2011; Deshmukh, 2012; Reuters, 2012).

MOI officials argued that the problems created by the manner in which *katibas* were recruited into the SCC could be corrected by training programs that would integrate SSC members into the national police. Turkey, Qatar, Tunisia, Algeria and Jordan stepped forward to assist Libya, which had very limited training capacity. Jordan conducted a three-month training program at a US-built facility previously used to train Iraqi and Palestinian police. The Jordanian training program covered the role of the police in a democracy, basic police skills like patrolling and investigations, and weapons training, but was designed to produce *gendarmes* rather than community police officers. The first cohort of 2,200 Libyans reached Amman in late April 2012, but about 600 returned home

in May, reportedly because they objected to the rigorous, fitness-heavy training program. In addition to overseas training, several countries conducted training programs in Libya. The United Kingdom provided criminal-investigation training and equipment, the French conducted public-order training and the UN Support Mission in Libya (UNSMIL) delivered election security training to about 700 police officers. The training covered how to secure polling centres, ballot transfers and hot spots as well as how to respond to post-election violence (International Crisis Group, 2012: 12). Training by countries with widely varied policing philosophies created confusion. Libyan police who were trained abroad and in various in-country programs lacked a common understanding of how to fulfill their professional responsibilities.

In December 2012, the MOI began another effort to integrate the SCC into the regular police. A new survey of the SCC put the total number of members at 162,000, serving in highly fragmented units concentrated in Tripoli but also spread around the country. Among the SCC's various constituencies, which included both honest anticrime committees and actual criminal gangs, were some serving police officers who joined the SCC to obtain arms and secure a second salary. By January 2014, only a few thousand SCC personnel had completed the required training and otherwise met the criteria for inclusion in the police. Most units eventually dissolved and their members joined other security organizations or criminal gangs, took regular jobs or returned home. Some SCC units with Islamist leaning or strong revolutionary spirit were able to withstand the dissolution process. This was particularly true in Tripoli, where from July 2014 onward SSC units participated in the Libyan Dawn assault on the airport and other Zintan militia strongholds (Lacher and Cole, 2014: 37-39).

Formal and Informal Justice Sector

Libya's current judicial structure dates from the 1973 Judicial Organization Act that merged the Ottoman-era secular and religious court systems into a single civil-law judicial system that Qaddafi maintained would conform to Islamic legal principles. The law created a four-tier court system where Summary Courts, located in rural areas, were responsible for minor civil and commercial disputes. Courts of First Instance, located in cities, were responsible for civil disputes in excess of 1,000 Libyan dinars, criminal and commercial cases, and religious matters that were tried according to Sharia law. Appellate Courts reviewed decisions taken by lower courts and had original jurisdiction for felonies and high crimes. The Supreme Court, in Tripoli, had appellate jurisdiction over all lower courts and original jurisdiction over cases of constitutional interpretation. The court system was firmly controlled by the Ministry of Justice (MOJ); the justice minister headed the Supreme Judicial Council that supervised legal training and exercised judiciary oversight. Legal education and the quality of the judiciary were poor, court administration was negligent

and corruption was pervasive. In 1981, Qaddafi abolished the private bar and placed all attorneys on a fixed government salary. Public confidence in the judicial system, which was subject to political interference, was minimal (Mangan and Murtaugh, 2014: 8-12).

Real judicial authority was vested in the People's Court, established in 1971, which was staffed with Qaddafi supporters and granted jurisdiction over political and security offences against the state, removing these cases from the regular courts. The People's Court was abolished in 2005 in exchange for the removal of international sanctions and was replaced by a State Security Court that tried political and terrorist offenses. After 2005, criminal and commercial cases were returned to the regular courts. Judges and prosecutors from the People's Court were integrated into the regular legal system, bringing with them procedures that violated due process and human rights. This left a taint on the justice system that survived the revolution and coloured popular attitudes toward the formal court structure, despite initial efforts by the MOJ to institute reforms. The Supreme Judicial Council and the MOJ were separated to increase judicial independence. Courthouses were reopened and attempts were made to prosecute those who committed war crimes and former regime loyalists. As the post-revolution violence escalated, reform efforts stalled as militia groups established their own courts and administered summary justice. The MOJ was unable to prevent a growing climate of impunity (ibid).

The MOJ's inability to hold anyone accountable highlighted the GNC's failure to build a functioning state judicial system. The ministry was regularly attacked by armed militiamen, judges were killed or intimidated and witnesses were afraid to testify. Investigating judges lacked sufficient manpower, forensic expertise and financial resources. By late 2013, not a single investigation into hundreds of kidnappings and assassinations had been concluded and the only person arrested, Ali al-Fezzan, escaped from a Tripoli prison. The US raid to capture a top al-Qaeda suspect, Abu Anas al-Libi, in Tripoli on October 5, 2013, signalled that the United States had lost patience waiting for the Libyan government to detain fugitives living with impunity in Libya (Gall and Kirkpatrick, 2013).

Frustrated by the chronic dysfunction of Libya's judicial system, many Libyans turned to informal mechanisms of justice. Operating above the law, *katibas* assumed the roles of prosecutors, judges and jailers. Armed brigades created investigation and arrest units, drafted lists of wanted individuals and set up checkpoints to search vehicles. They arrested criminals and people suspected of aiding the former regime and ran detention facilities in their headquarters (International Crisis Group, 2013). Victor's justice was rampant, resulting in the assassination of hundreds of former Qaddafi-era officials and the detention of thousands of people without due process (UNSMIL and Office of the UN High Commissioner for Human Rights, 2013).

On November 6, 2014, the Supreme Court in Tripoli ruled that the HoR in Tobruk was illegal and unconstitutional and the GNC should be reinstated. The HoR rejected the ruling, noting that the case was brought by Islamist lawmakers and the court was surrounded by Libya Dawn fighters who threatened the judges and their families. The ruling injected the court into the struggle between the Islamist and secular alliances and further weakened public confidence in the judiciary. The court's action was ignored by the international community, which continued to recognize the HoR as Libya's legitimate government (Eljarh, 2014).

TRANSITIONAL UNITY GOVERNMENT

Today, Libya is a failed state without a functioning central government. Formation of a transitional GNA and a UN-supported peace process holds the prospect that Libya might have a new constitution, democratic elections and a permanent government in the future. According to UNSMIL, the LPA (UNSMIL, 2015a) is based upon the principles of the country's February 17 revolution: democracy, human rights, and the rule of law. It respects the legitimacy of state institutions, the decisions of the judiciary and the results of national elections. According to the LPA, the structure of a permanent Libyan government and the nature of its institutions would be determined through a consultative process leading to a referendum on a new constitution (UNSMIL, 2015). Although the installation of a fully functioning transitional government is a work in progress, the framework agreement provides a basis for assessing the country's direction and its need for SSR. As sketched out in the LPA and media reporting, the GNA would have the following elements.

Executive Oversight

The GNA would have its headquarters in Tripoli. It would be led by a Presidential Council chaired by a prime minister with two deputies and a number of ministers who would head government departments. The prime minister and his deputies would be independent persons with no political or group affiliation. The Presidential Council would represent Libya in foreign relations, serve as supreme commander of the armed forces, appoint the head of the intelligence service and declare states of emergency. The Presidential Council would be advised by a national security council on foreign policy and national security matters. An immediate priority for the GNA would be protecting the neutrality, independence and continued functioning of the three institutions that manage the nation's wealth, pay salaries and supervise the national economy: the Central Bank of Libya, the National Oil Company and the Libyan Investment Authority. These institutions represent US$130 million in financial resources and have the technical expertise that will be essential to rebuilding the state (Gazzini, 2015).

The Supreme Council of State

The Supreme Council of State would be an independent advisory body modelled on similar institutions in France and Spain. It would be composed of current members of the GNC, who would advise the executive and the legislature on new legislation, support implementation of the peace agreement and promote national reconciliation.

Legislative Oversight

The HoR in Tobruk would be accepted as the country's legislative body representing all Libyans. The HoR was chosen on June 25, 2014, in an election marked by the turnout of only 43 percent of registered voters, a significant decrease from the July 2012 GNC elections. As a result of insecurity in many areas, only 188 of the 200 seats were filled and only 158 representatives attended the swearing in ceremony in Toburk on August 4, 2014. The HoR elected a speaker and two deputies. The HoR has been regarded by the United Nations and the international community as the legitimate legislative body in Libya since its inception, even though it was forced to relocate from Tripoli to Tobruk. The acceptance of the HoR as the nation's parliament would either set aside or ignore the November 6, 2014, decision by Libya's Supreme Court that declared the HoR illegal and unconstitutional (UN Secretariat, 2014: 2).

Judiciary

Existing laws and the current judicial system would remain in place. The GNA would exert its authority over all judicial institutions and detention facilities in the country. It would work to end the practice of arbitrary arrest and ensure the release of those who are illegally detained. It would seek to quickly adjudicate pending cases and end the use of torture and other means of obtaining forced confessions. It would undertake a search for missing persons. The GNA would institute a process of transitional justice and national reconciliation in accordance with international law and practice.

SSR TASKS FOR LIBYA

In his book *Political Order and Political Decay*, Francis Fukuyama (2014) states that Libya's "most fundamental problem is that it lacks a state — that is, a central authority that can exercise a monopoly of legitimate force over its territories to keep the peace and enforce the law." The goal of SSR is to transform those government agencies that protect the state and its citizens from security threats into effective, transparent and accountable institutions (McFate, 2010: 6). SSR could enable Libya's GNA to enhance

its legitimacy by consolidating its monopoly on the use of force, restoring peace and stability, and upholding the rule of law. The problems confronting Libya's security sector are fundamentally political and must be addressed through a national dialogue and the implementation of the LPA, which provides a road map for transforming Libya's security institutions and operational forces (Wehrey and Cole, 2013: 2). The mapping of Libya's security sector in this report provides an overview of the SSR challenges confronting Libya in the post-conflict reform process. It also suggests the capabilities that Libya and the international community will require to overcome those challenges. What follows is a list of the most critical steps required to implement SSR in Libya. The steps are based on the recommendations contained the OECD Development Advisory Committee's *Handbook on SSR: Supporting Security and Justice* (OECD, 2008: 42–56) and Libya's post-revolution experience in attempting to reform its security institutions.

A comprehensive assessment of Libya's security environment, security institutions and security forces

In the chaotic aftermath of the 2011 revolution, Libyan leaders were understandably confused about where to start in rebuilding their county. Qaddafi's "stateless state" was bereft of viable security institutions. The upheaval produced by the Arab Spring fundamentally altered the regional security environment. Libyan officials needed to make a comprehensive assessment of this new situation, determine the internal and external threats they faced and decide what security institutions and operational forces were required. Now, the need for a comprehensive assessment of Libya's security environment, security institutions and security forces is more pressing. Libya faces new external threats and internal challenges from ISL, regional separatists, city-based militias and tribal forces. To begin the assessment process, the GNA will have to map the various armed threats to the Libyan state and its citizens. It will then have to determine the composition and location of the armed forces (including police and intelligence actors) that are responsive to its control.

This comprehensive assessment of Libya's security environment can be conducted with technical assistance from foreign advisers who can assist with the difficult task of evaluating the various threats and quantifying the strength of statutory and irregular forces. Following the 2011 revolution, the United Nations sought to conduct a comprehensive review of Libya's security sector, but the effort was prolonged and inconclusive. This time the United States could take the lead in organizing a comprehensive, whole-of-government assessment team that would include NATO, EU and Arab League experts. Without an objective and widely accepted evaluation of where things stand at the beginning, the follow-on work of strategic planning and implementing reform programs cannot succeed.

A strategic plan for reforming Libya's security institutions and restructuring, retraining and re-equipping its armed forces, police and intelligence agencies

A second task will be to determine the future nature, structure and relationships of security institutions in Libya. Presumably, this will include a constitutional provision for executive control of the armed forces and a national security council for formulating security policy with legislative oversight. It will also include a provision for defense, interior and justice ministries and for the organization and control of the county's intelligence agencies. Finally, it will describe the type of armed forces that Libya requires.

Given Libya's past experience, the plan should prioritize institutional development and capacity building for the security ministries over recruiting, training and equipping of operational forces. Libya's previous attempt to rapidly recruit tens of thousands of personnel completely overwhelmed the nascent capacity of the defense and interior ministries. At the same time, the justice ministry was unable to re-establish a functioning judicial system and gain control over *katibas*-controlled detention facilities.

The GNA should provide for fast-track institutional strengthening, international assistance with the demobilization of armed groups and the cantonment of heavy weapons, and the reorganization of national military and police forces with international support. The plan should pay special attention to creating the capacity to control Libya's borders to prevent the outflow of weapons, fighters and natural resources and the inflow of terrorists, drugs, migrants, and contraband. It should ensure Libya's capacity to protect its petroleum industry, refinery capacity and oil export facilities. Finally, it should restructure Libya's intelligence community, creating effective oversight while ensuring that intelligence units can perform effectively.

The United States has unique capabilities and experience in military strategic planning that would be invaluable in this effort. The United States routinely makes military planners available to help organize UN peace operations. Immediately after the 2011 revolution, experts from the US Defense Department participated in the UN-led effort to prepare a white paper on reforming and strengthening the Libyan Defense Ministry, so there is a history of cooperation.   European and Arab countries would be needed, however, for planning for the Interior Ministry, the High State Council, constabulary police forces, and the civil law–based judiciary, which do not have US counterparts. US civilian government agencies do not have the relevant strategic and resource-planning capabilities that would be required. This deficit in the capacity of US civilian agencies was apparent in previous peace and stability operations and has not been corrected (Adams, 2014: 37). It is doubtful that the US Defense Department would agree to develop the interior ministry and civilian police forces in Libya as it did in Iraq and Afghanistan.

A detailed road map for implementing security sector transformation for every institution and operational unit identified in the strategic plan

Implementing the strategic plan will require a detailed road map and program plans for each government ministry and its related operational forces. This will require that the GNA and the HoR work together to prepare, authorize and implement ministerial-level plans for institutional reform and capacity building. In order to integrate qualified personnel into the Libyan Army and police, these ministerial institutions must be strengthened and equipped to properly manage their statutory forces. Infrastructure must be updated to include computer-based administrative systems, modern management practices, new procurement and logistics systems, human resources departments, and an inspector general's office. Salary and pension reform within the ministries will help to blunt corruption and improve retention of personnel (Planty, 2012: 3). The HoR must pass legislation that clearly defines the chain of command within each ministry and the responsibilities of each ministry to avoid overlap and competition (Wehrey and Cole, 2013: 5). Legislation must ensure civilian oversight of security ministries and create programs that educate both officials and civil society on their respective duties in a democratic society.

Deployment of an international security force followed by a UN peacekeeping mission

The LPA signed on December 17, 2015, calls for the United Nations and the League of Arab States to assist in implementing security-related aspects of the peace process. If UN peace operations in Mali and the Central African Republic are a guide, this is likely to mean the rapid deployment of a UN-authorized multinational force led by NATO, and including Arab states, followed by a UN peacekeeping mission once stability is achieved (Perito, 2015). European countries have expressed a willingness to send military forces to Libya (Reuters, 2015; Squires, 2015). Egypt, the UAE, Qatar, Jordan, Turkey and Morocco have already conducted airstrikes or provided weapons to Libyan factions and likely would participate to protect their interests and reassure their clients. US participation would be essential, but would likely be limited to providing airlift, communications, intelligence and political support.

A small but highly capable military force would be responsible for securing Tripoli and ensuring that the new government, international assistance agencies and donor government representatives could function effectively. Libya is a good candidate for a successful peace operation. It has a small, homogenous population (5.6 million) without sectarian divisions. Most of the population lives in a string of cities located along a coastal highway that are easily accessible by air and sea from Europe. Libya has a talented and educated population and vast petroleum resources.

Dismantling the militias and rebuilding the country

Once an international security force has deployed, restoring peace and stability in Libya will require a disarmament, demobilization and reintegration (DDR) process for the militias, while simultaneously empowering the statutory forces through SSR to maintain internal order and provide external defence. These two processes — DDR and SSR — should be conducted in tandem since they share the same goal of consolidating the state's monopoly of force and are interdependent and mutually reinforcing (McFate, 2010: 1-2). If done properly, DDR helps ensure the success of SSR, as former fighters are integrated into the statutory forces, where they no longer threaten the state and where their presence inspires trust in the formal security forces among their former colleagues. In sequencing reform initiatives, priority must go to strengthening the security ministries that will conduct the process. Attempting to force a rapid demobilization will produce a violent backlash. Militias have made clear they will not relinquish their arms or their access to illicit revenues until they believe there is no alternative. The GNA must avoid the past mistakes of integrating intact units into the security forces and sending large numbers abroad for uncoordinated training. Militia members should be integrated into the statutory forces as individuals after undergoing in-country training programs.

Ending the conflict would help provide the manpower and the funding to rebuild Libya and restore its economy. Since 2014, Libya's war has killed over 4,523[7] and displaced more than 434,000 people.[8] Fighting has destroyed the country's two principal airports, large sections of its major cities, and critical petroleum and energy infrastructure. In January 2016, the head of the National Oil Company estimated the loss of US$68 billion in production and exports from attacks by extremist forces (Kirka, 2016). Libya suffers from food shortages and blackouts, and income from oil revenues continues to reach new lows. Libya's rival governments and militia forces have drawn down the reserves of the Central Bank, which continues to pay salaries to personnel on both sides (Kirkpatrick, 2015b).

Rebuilding Libya will be a massive undertaking, but one that Libya has the human and material resources to undertake. Libya's GNA and a vibrant private sector could manage the required effort with appropriate international assistance that would be forthcoming. In June 15, 2016, testimony before the Senate Foreign Relations Committee, US Libyan Envoy Jonathan Winer said the United States fully supported the GNA, implementing the UN-facilitated LPA and rebuilding Libya's economy. The United States was joined in this position, Winer noted, by nearly all the key European and Middle Eastern countries, plus the UN, EU and Arab League as indicated by statements made at a Libyan ministerial conference in Vienna on May 16. Winer said the Obama administration was providing US$35 million in economic aid to Libya this year. In addition, the United States was funding scholarships, professional exchanges and English-language programs to prepare young Libyans for careers in the global economy (Winer 2016).

CONCLUSION: HOPE FOR THE FUTURE OF LIBYA

On July 11, 2016, the GNA took over the official government headquarters building in Tripoli, three months after arriving in Libya's capital. Prime Minister-designate Sarraj convened a cabinet meeting in his official chambers after a brief ceremony attended by police and government officials (Yahoo News, 2016). This symbolic event was an important step toward recognition of a transitional government that will begin to address Libya's problems.

The number of challenges the GNA faces is almost beyond count, but three immediate, interrelated problems stand out. In order to legally assume office, Sarraj and his cabinet must receive a vote of confidence from the HoR, which repeatedly has refused to take such action. The major stumbling block is determining the current status and future role of General Haftar and his LNA. Haftar's troops control much of eastern Libya and he has military allies in Egypt, Russia and the Gulf States. Haftar is vehemently opposed, however, by the Misratan militia brigades that protect the GNA in Tripoli and are close to winning the battle for the IS stronghold in Sirte. Embolden by victory, these forces could seek a final showdown with Haftar unless the GNA is able to achieve an accommodation (Newsweek, 2016).

 One way of doing this is for the GNA to demonstrate its dedication to creating a fully functioning state administration and undertaking meaningful SSR. Previous Libyan regimes have attempted to avoid these issues by touring foreign capitals, exporting Libyans for training or buying off opponents with oil revenues. Instead, the GNA should undertake the steps for initiating SSR outlined in this paper with broad-based participation and competent international assistance. The GNA should indicate its seriousness about governing by mapping the country's security challenges and the institutional infrastructure and operational forces required. It would also identify the actual requirements for creating functioning security ministries and appropriate military and police forces that are able to restore and maintain peace. This will require hard internal political bargaining and enlightened foreign intervention; this time, however, the United States and the EU will not turn away. If the GNA obtains full accreditation and issues a formal invitation to provide assistance, the international community will respond.

NOTES

1.   Author interviews, Libya, May 2012. See also Vandewalle (2006: 106–119).

2.   Author interviews, Libya, May 2012.

3.   Ibid.

4.   Ibid.

5.   Ibid.

6.   Ibid.

7.   See www.libyabodycount.org/.

8.   See www.internal-displacement.org/middle-east-and-north-africa/libya/figures-analysis.

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