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EUROPE AND THE LIBYAN CRISIS: A FAILED STATE IN THE BACKYARD?

Arturo Varvelli

Three years after the Libyan uprising in 2011, and a few days after the elections for the Constitutional Assembly, the country is preparing for the “Friends of Libya Conference” in Rome on March 6, designed to provide support on security, justice and the rule of law in the country. The conference, a follow-up to one a year ago in Paris, arrives against a background of continuing insecurity. The European Union and its individual members are trying to support Libyan transition, but, till now, they have had little impact on stabilization.

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Europe and the military intervention in Libya: divided we stand

If the military intervention in Libya in 2011 did not reproduce the European divisions occurring during the 2003 Iraq War, when the EU notoriously split into two camps, nevertheless, the lack of political consensus in the EU concerning the humanitarian intervention in Libya became evident once again. France and the United Kingdom took up a diplomatic leadership role in the Security Council and were at the forefront of the military campaign, later joined by Italy. Germany, on the other hand, significantly abstained from voting on Resolution 1973.

Different domestic and foreign policy considerations have dominated the European states' calculations over Libya: France's Arab policy is deeply affected by the weight of its own Maghreb community; in the United Kingdom, foreign policy calculations have been influenced by the transatlantic alliance and concerns over North African regional stability; in Germany, domestic politics have trumped traditional German value-oriented foreign policy and concerns over the Spring 2011 state elections have led to an anti-intervention stance. As for Italy's attitude, its initial inaction was motivated by an attempt to not jeopardize its privileged relationship with Qaddafi and by domestic concerns over a possible political crisis within the right-wing government – with the “Northern League” party opposed to military intervention. In light of these mixed considerations, the EU remained mostly silent when the protests in eastern Libya erupted in mid-February 2011, though the UK and France quickly asserted themselves as the revolution's protagonists¹.

While NATO intervention was effective in removing Qaddafi from power, it resulted in a huge security and power vacuum in the post-Qaddafi state, making reconstruction difficult.

The “New Libya” and the European perception: from “democracy”...

The long period of transition which began with the death of Muammar Qaddafi on October 20th, 2011 is proving to be very complex and bristled with obstacles, notwithstanding the (actually quite mediocre) success of the National Congress elections held on July 7th, 2012. The collapse of Qaddafi's regime has inevitably led to the destabilization of the country, with European politicians, particularly from France and the UK, that largely underestimated the difficulty of this transition, hoping for a fast “democratic escalation”, as supported by Bernard Henry Levy's mindset.

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¹ R.H. SANTINI - A. VARVELLI, “The Libyan Crisis Seen from European Capitals”, Brookings Institution, June 2011. <http://www.brookings.edu/research/papers/2011/06/01-libya-santini>.

The elections held on July 7th, marked the first turning point in the recent history of the country. The Libyan people voted for the General National Congress (GNC), a body enjoying full legislative authority, composed of 200 members and endowed with the power to appoint a new interim government. The elections were held in a quasi-peaceful climate, especially in the big cities. The mixed electoral system (120 members elected with a ‘first-past-the-post’ system, 80 elected with a proportional system) led to a variegated parliamentary composition, particularly benefiting local communities who had voted for independent candidates, thus favoring the candidates in connection with their respective territories rather than with their political orientation. Generally speaking, the European politicians looked at the election results with optimism. Apparently, unlike other countries where the Arab Spring has brought to power groups related to the Muslim Brotherhood (MB), Libya has partially escaped this fate. In such an uncertain political landscape, an important role has been played by the National Coalition of Mahmud Jibril, the former NTC Prime Minister. On the eve of the elections, Jibril created the “National Forces Alliance” (NFA), a 58-party coalition that established itself as a more secular and modern nationalist movement, although it did not renounce the importance of Islam in its program. Moreover, NFA proposes a liberal economy and territorial decentralization, while arguing against federalism. In order to counterbalance the Islamist parties, the United States and their Western allies have chosen to support Jibril's Alliance, which eventually gained the strongest electoral success, winning 39 seats.

...to “failed state”

This “positive” result had the effect of overshadowing the country’s persistent instability. The September 11th, 2011 attack in Benghazi – in which Christopher Stevens, the U.S. Ambassador to Libya, and 3 other U.S. officials lost their lives – made clear a progressively developing phenomenon in Libya: the presence of terrorist groups or militias linked to radical Islamism. Western perception rapidly changed. The US and Europe realized that Libya’s pacification process was far from being over and that the state-building process, too, was merely at its initial stage. The influence of the Libyan Muslim Brotherhood over the country’s political system, initially perceived as internally fragmented, has been growing over time, particularly in the last several months, when the party has been able to influence many independent congressmen and to converge into a tactical alliance with other Salafi members.

In 2013, clashes between militias or tribes, targeted political assassinations, kidnappings and energy supply blockadestook place all over the country, especially in the south and in the east. In January 2014

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Qaddafi's sanctuaries in the south revitalized. Terrorist groups are growing stronger, especially in Cyrenaica, though the actual number of armed militias on Libyan territory is decreasing but still present. The NTC started to integrate the militias into the national army, but the program was not met with success, as the army appeared for a long time to be an incoherent gathering of various militias poorly coordinated by central authority and hindered by a dangerous double loyalty. The creation of two hybrid security structures, such as the Supreme Security Committee (SSC) and the Libyan Shield Force, with unclear and ambiguous roles and authority, has worsened the framework, adding instability and rivalries to an already fragmented scenario. About the militias' disarmament the weak Ali Zeidan government is maintaining a swing position.

Militia intimidations resulted on May 5, 2013, into the decision of the GNC to approve a sweeping political isolation law that will cause a range of officials who worked for the late dictator's regime to be discharged from political office or government jobs, despite their contribution to the downfall of the late dictator. The ban on them will last for ten years but their departure from the ministries and government is unlikely to improve bureaucratic efficiency or competence. The isolation law has a wide scope and will only add to the 'leadership deficit' in Libyans running for government and political administration. As some experts argue, this leadership deficit is bound to increase: many top civil servants will be forced out when the law comes into effect next month, as will approximately 40 - 60 GNC members, most of whom are moderates². European policymakers are very concerned about this shift in power. As Jamie Dettmer emphasizes³, the beneficiaries of the political isolation law are not only the major militias - who besieged key ministries and threatened to storm the GNC unless the law was passed - but also their allies in the Muslim Brotherhood and smaller Islamist parties, that obtained an unassailable, overwhelming majority of the seats in the GNC.

A negative trend that is affecting the post-revolution stabilization process – in the European view – is represented by a marked polarization of the political scenario, which reverberates in the GNC and government's activities. A few weeks ago the Muslim Brotherhood decided to suspend their participation in the Zeidan government, seen as illegitimate⁴. As a matter of fact, post-conflict and post-revolution societies often experience

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² GNC President Muhammad Magarief resigned on 28 May, weakening the already shaky authority of 'New Libya' and the government of Prime Minister Ali Zeidan.

³ J. DETTMER, "Libyan Militias Shape Country's future", The Jamestown Foundation, 24 May 2013.

⁴ As underlined by Tarek Mitri (head of United Nations Support Mission in Libya – UNSMIL), although partially reversed, those contrasts were in large part a reaction to

polarizing trends during their phases of stabilization and institution-building (i.e.: the Iranian revolution or the post-invasion Iraq, just to mention two well-known historical examples).

The secular and anti-Islamist forces are part of a political polarization: probably they are also influenced by what is happening in the region, in particular the military takeover in Egypt. The national front is delegitimizing the GNC and the institutions, since they consider it as too influenced by the MB and the Salafi. They try to promote a narrative for the international community (the US and EU in particular) which can put all the blame on the Islamists, denying them any institutional role, as they would be “unfit” to govern in a democratic regime.

In the summer of 2013, the GNC’s activities and role seem to have been “defended” by the MB and some Salafi movements, while the secularists consider it to be under the Islamist spell. This fact might provoke its definitive paralysis, with negative consequences on the institution-building process; it also offers room for ignoring and not implementing laws and decrees (as for the contested political exclusion law). Unfortunately, the polarization is not only political, but it is turning into armed conflict. Islamists and secularists are related to associated militias: the first with Al qa’qa and the Zintan militaries, the former with Misrata’s militias or the Libyan Revolutionaries Operations Room militia in Tripoli.

From the European point of view, however, another important news in the recent months of tension comes from radical Islamists in the south of Libya, since new command logistics and the organization of AQIM seem to be concentrating in the Fezzan region. French intervention in Mali has forced the organization to seek refuge in southern Libya. Security officials say the Fezzan, poorly controlled by Libyan government forces, is likely to become the core of radical Islamist organizations. The vertical European axis has become one of the most important human trafficking routes linking central and northern Africa to the old continent, and groups connected with smuggling and trafficking take advantage of the instability in Libya for strengthening this trend, with significantly negative consequences for the EU, Italy in particular. In addition, blockades and strikes are halving oil exportations. Libya remains a major energy supplier to Europe. In the European perception, these dynamics resulted in the emergence of Libya as a “black spot” or a “failed state”⁵.

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wide-spread popular discontent with political parties and reflect an accentuated polarization also in public life. <http://www.un.org/News/Press/docs/2013/sc11123.doc.htm>

⁵ See for example “The Independent”, *Special report: We all thought Libya had moved on – it has, but into lawlessness and ruin*, 3 September 2013 (<http://www.independent.co.uk/news/>

Europe and the US: towards a common approach

However, in general, Libyan instability is proving significant in promoting a more consistent Western approach towards North Africa; with each debacle, European politicians are striving harder to find common ground, showing an increasing interest in the region's fate. As a matter of fact, the EU and major European players responded with an astounding delay in support of the Libyan people during their first steps of transition. Now, through cooperative approaches on security, institution building and migration, Europe is attempting to "help maintain (?) momentum and support the transition to democracy"⁶.

The current European objective is to support stability in Libya in order to permit holding peaceful and credible elections of a Constitutional Council, facilitating a national dialogue. The EU is currently running a €30 million program in Libya to address some of the country's most pressing needs. Activities include support in the fields of: reconciliation, elections and respect for human rights; public administrative capacity; media, civil society and promoting the involvement of women in public life; migration; health and education.

In particular, the EU is supporting the administration of security and justice in Libya, with the presentation of the €10 million Security and Justice Support Programme for Libya (SJSP). The Programme is placed under a joint management arrangement between the EU and the International Management Group (IMG), and is implemented in partnership with public services from the EU member states. The program is articulated into five pillars: strategic security capacity; human resource management security and training; judicial capacity enhancement; local security governance; integrated crime fighting capacity⁷.

As the transition progresses, European programs of assistance will shift from the current focus on meeting immediate needs to longer term programs based on the results of several need assessments - which are currently being undertaken by the EU in the areas of border security, civil society and elections. In the longer term, the EU will seek to intensify the relationship through political, financial and technical cooperation, and through the use of the various instruments denoted under the European

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world/africa/special-report-we-all-thought-libya-had-moved-on-it-has-but-into-lawlessness-and-ruin-8797041.html).

⁶ <http://eeas.europa.eu/libya/>.

⁷ "Stabilising the country and establishing common and unified security structures is essential to consolidate the rule of law, an independent judicial system and of course long term stability", said last September Suzanne Kodosi, the European Union Head of Operation in Libya.

Neighborhood Policy. In May 2013 the EU launched a border assistance mission (EUBAM). Given Libya's vast borders (4,348 km of land and 1,770 km of maritime), the mission tries to fill an important gap in Libyan as well as regional security, providing training, advice and mentoring. NATO is also currently exploring potential areas of security cooperation⁸.

The United Nations Support Mission in Libya (UNSMIL) has been charged with five primary tasks: assisting with democratic transition; preserving human rights and the rule of law; reestablishing internal security; controlling the trade of arms; and improving government capacity. However the role of UNSMIL has been detached from local actors and its impact has therefore remained limited⁹. US and European partners tried unsuccessfully to revise and upgrade the mandate.

Libya has become one of the top priorities on the international agenda. At the June G8 summit in Northern Ireland, the leaders of Canada, France, Germany, Italy, Japan, Russia, the UK, and the US stated that they were "committed to leading international support for Libya's security and democratic transition"¹⁰. In July, several of the G8 nations, largely European¹¹ offered to train thousands members of the Libyan military intending to support Libya's ongoing "democratic transition" and the Libyan government's efforts to make visible improvements on public security in Libya. In September Libyan Prime Minister Ali Zeidan announced that around 1,600 more military personnel are to be sent abroad for training. The first groups are trained in Turkey, Italy and the UK. Another batch of soldiers is trained under US supervision at bases in Bulgaria¹². This is the first real step to organizing a close cooperation between the US and its Europeans partners on Libyan security. At the same time Europe and US are trying to support programs favoring national reconciliation, and promoting a better understanding of power dynamics in the Libyan post-conflict society as well as on the concept of federalism/local autonomy¹³.

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⁸ F. GAUB, *Libya: the struggle for security*, ISS, June 2013, http://www.iss.europa.eu/publications/detail/article/libya-the-struggle-for-security/?utm_source=em%40il+24%2F06%2F2013&utm_campaign=Em%40il+24%2F06%2F2013&utm_medium=email.

⁹ I. SHARQUIEH, *Reconstructing Libya: Stability through national reconciliation*, Brookings Doha Center Analysis Paper, no. 9, December 2013, <http://www.brookings.edu/research/papers/2013/12/03-libya-national-reconciliation-sharqieh>.

¹⁰ <http://www.libyaherald.com/2013/06/18/g8-leaders-affirm-support-for-libya/>.

¹¹ Italy, France, UK and Germany, in addition to the US.

¹² <http://www.libyaherald.com/2013/09/23/zeidan-announces-more-military-to-train-abroad/#ixzz2fp3PoG24>.

¹³ K. MEZRAN, *Libya's Choice: National Reconciliation or Chaos*, Atlantic Council, 12 August 2013, <http://www.atlanticcouncil.org/blogs/menasource/libya-s-choice-national-reconciliation-or-chaos>.

Enforcing liberal democracy: an European illusion?

Given the regional context and Libya's proximity to Europe, it is clear that Libyan security has to be addressed collectively as soon and as fast as possible. The longer insecurity reigns, the more difficult its reconstruction will be¹⁴. Europeans policy-makers are converging on three goals: contributing to re-legitimize the political process (drafting the constitution, national dialogue, implementation of the law on transitional justice), avoiding political and military polarization; restructuring and strengthening Libyan security forces; helping Libyans in the state-building process.

Europeans policy-makers hope that all Libyan political blocs remain committed to the new institutional framework. In particular, Europe is watching whether MB – perceived as a growing actor – is able to keep most of the Salafi movements within the state, marginalizing the ones which prefer an extra-institutional path (Tunisia model), but, at the same time, the EU should be concerned with clming the secular front.

Beside the much-needed assertion of Europe's international role in the region, European efforts raise the following question: can Libya actually evolve into a stable liberal democracy, irrespective of the level of economic development reached, the progress of the state- and nation-building processes, the “rentier state” peculiarities, and again, the degree of its domestic and regional order? As Mattia Toaldo argued, no one should be under any illusion that EU or single European actors can be decisive: “Libya's fate is ultimately in Libyan hands, particularly with regard to the political process and the simultaneous building of a new national narrative and of an efficient decision-making process”¹⁵.

The current de-legitimization of institutions is suggesting new solutions for a more stable form of government. The idea of some sort of alternative constituent assembly (i. e. the model of *loya jirga* or tribal “grand assembly” solving disputes in Afghanistan) is emerging between some GNC independent members, local leaders and tribal elders. It's a dangerous tendency undermining the democratization/constitutional process (and EU policy).

Political stability is challenged by a dangerous “multiple legitimacy”: in part deriving from the revolution (militias), in part from the election results (parties), in part from connection with religion and its political activation, and in part from tribal/local authorities. Which of these will prevail or what kind of mix between them

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¹⁴ F. GAUB, op. cit.

¹⁵ M. TOALDO, *Why Europe should step up its efforts in Libya*, 17 February 2014, ECFR, http://ecfr.eu/content/entry/commentary_why_europe_should_step_up_its_efforts_in_libya.

will materialize is uncertain.

For example, in November/December 2013 the government succeeded in mobilizing the people against the militias after a bloody confrontation between residents in Tripoli and Misurata militias and after a clash between the new special forces and the radical militias Ansar al-Sharia in Bengasi. It's also true that – despite the fact that only one third voters in 2012 took part in 2014 elections - many Libyans are demanding a participatory constitution-making process and a group of more than one thousand civil society organizations have signed a manifesto to that effect¹⁶. In general, public opinion seems to support a pacific transition.

According to “The Economist”¹⁷, in the midst of its economic crisis, “the EU has little money to offer. [...] To some in the Arab world, the EU’s conditionality is an affront, not an incentive, especially when the likes of Saudi Arabia and Qatar are offering far more money with fewer strings attached”. But, in EU dogma, Libya doesn’t really need money: “what Libya needs is expertise. Our main priority is to help Libyans understand what they need to do in order to establish a normal functioning democratic society”¹⁸. Europeans are betting that “democracy” will prove to be a powerfully attractive force in the coming decade – in the Mediterranean as well – but European politicians, in a more realistic view, are also aware that Libya may well be doomed to remain a hybrid country – if not a “failed state” – for some years to come.

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¹⁶ K. MEZRAN - D. PICKARD, *Negotiating Libya's Constitution*, Atlantic Council, 22 January 2014. <http://www.atlanticcouncil.org/publications/issue-briefs/negotiating-libya-s-constitution>.

¹⁷ “The Economist”, *A post-war continent. Europe cannot decide the course of the Arab spring, but it still matters*, 14 September 2013, <http://www.economist.com/news/europe/21586334-europe-cannot-decide-course-arab-spring-it-still-matters-post-war-continent>.

¹⁸ “Libya does not need cash, what it needs is expertise”, interview with Andrew Jacobs and Fabienne Bessonne, EU Neighbourhood Info Center, September 2013, http://www.enpi-info.eu/files/features/Interview_Libya%20%28en%29II.v.5.pdf.