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The European Union Border Assistance Mission in Libya – successes, shortcomings and lessons identified

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TABLE OF CONTENT

Introduction	4
The Mission Context: Pre- and Post-Qadhafi Libya	5
The Mission's Main Obstacles	6
Strategic Shortcomings.....	7
Conclusion	9

Introduction

The speed and significance of the 2011 revolt in Libya surprised many Arab Spring observers,¹ and initially the revolution showed promising signs towards democratic transition. However, Libya constituted an unconventional state in that it had just endured half a century of ‘institutionalized statelessness’ with a historic lack of government institutions and power centred at the top.² This gave the transition difficult odds from the onset. When revolutionaries, aided by an international intervention based on United Nations Resolution 1973,³ removed Colonel Mu’ammār al-Qadhafi from power, a power vacuum was created which the newly established *de facto* government could not control. This in turn led to a division of the country into two main opposing political blocks and an array of violent subgroups and conflicting interests.⁴ Also, following the revolution and Qadhafi’s removal, Libya experienced an outbreak of Islamist extremist attacks.⁵

While Libya experienced a meltdown of its security apparatus, the European Union (EU) was at the drawing board constructing a civilian mission strategy that could support Libyan authorities in improving and developing the country’s border security. On May 22nd 2013 the Council of the European Union gave the green light for the EU Border Assistance Mission (EUBAM) in Libya, a civilian mission under the Common Security and Defence Policy (CSDP).⁶ The mission’s objective was to provide support for Libyan authorities in improving and developing border security.⁷ The mission was for the most part unsuccessful and had to be withdrawn a year later due to a further deterioration of the security situation. In sum, EUBAM Libya failed, and in hindsight there are important lessons to be learned from the mission’s shortcomings.

The objective of this brief is to analyse the contribution that the 2013-2014 EU CSDP mission EUBAM Libya made to the overall security situation and border management in Libya. Given this objective, the following question is raised: ***Why did the EU Border Assistance Mission fail, and could anything have been done differently?*** This brief is based on the framework and

1) Rosan Smits, Floor Janssen, Ivan Briscoe and Terri Breswick, ”Revolution and its discontents: state fractions and violence in the new Libya” (2013), The Clingendael Institute, p 4. <https://www.clingendael.org/publication/revolution-and-its-discontents-state-factions-and-violence-new-libya>

2) Smits, et al. (2013), p. 4.

3) United Nations, “Security Council Approves ‘No-Fly Zone’ over Libya, Authorizing ‘All Necessary Measures’ to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions”. Press release, 17 March 2011. <http://www.un.org/press/en/2011/sc10200.doc.htm>

4) Smits, et al. (2013), p. 4. & Florian M. Schauseil, “Conflict analysis of the Libyan civil war” (2014), Bradburys Global Risk Group. <http://www.bradburys.co.uk/conflict-analysis-of-the-libyan-civil-war/>

5) Smits, et al. (2013), p. 1.

6) EEAS, “About EU Border Assistance Mission in Libya (EUBAM)” (2016). https://eeas.europa.eu/csdp-missions-operations/eubam-libya/3859/about-eu-border-assistance-mission-libya-eubam_en

7) EEAS, COMMON SECURITY AND DEFENCE POLICY EU (2015), “Integrated Border Assistance Mission in Libya (EUBAM Libya)”. http://eeas.europa.eu/archives/docs/csdp/missions-and-operations/eubam-libya/pdf/factsheet_eubam_libya_en.pdf

findings produced by the 2015-2017 IECEU research project.⁸ It does not include all elements needed to answer this question, but highlights the IECEU's most significant findings in this case.

The Mission Context: Pre- and Post-Qadhafi Libya

In order to evaluate the successes and shortcomings of EUBAM Libya, it is essential to understand what led to the post-2011 political situation in the country. From a historic perspective, the present conflict emerged directly from the stateless ambiguity and fragmented nature of institutions.⁹

Until 1963 Libya had three governing provinces with little common history or contact with one another; thus, the fragmentation of post-Qadhafi Libya was historically rooted.¹⁰ A historical embeddedness with different regional and socio-political forces created a state with substantial regional and local autonomous tendencies. "The fundamental nature of the Libyan "state" is its statelessness."¹¹ Therefore, Libya represents an unconventional state.

When Qadhafi came to power in 1969, he implemented an approach towards authority, where real power operated on an informal level through a group of revolutionaries and tribal leaders.¹² Qadhafi kept Libya's stateless nature alive and used it to stay in power by intentionally keeping all institutions and levels of governance, especially the security sector, weak to prevent a military coup like the one that brought him to power.¹³

This weakness and lack of structure in the security sector was reflected in the post-Qadhafi situation, and it became difficult to navigate between the magnitude of different security sector and border management operators.¹⁴ Even though the 2011 revolution successfully broke with Qadhafi's type of leadership and repression, it came at the cost of having to build statehood from scratch. Instead of successfully building a national alliance the country plunged into a power struggle, which in 2014 resulted in the *de facto* division of the country into two.¹⁵ Out of the revolution came a large array of distinct groups and interests, and this fragmentation shattered the political spectrum and reduced the legitimacy and effect of the nation's security forces, which in return were replaced by large quantities of revolutionary armed groups and militia.¹⁶

8) See http://www.ieceu-project.com/?page_id=197

9) IECEU. D3.4. The Libya Review (2017), p. 16 http://www.ieceu-project.com/?page_id=3006

10) Ibid., p. 13.

11) Ibid., p. 12.

12) Smits, et al. (2013), p. 5.

13) IECEU D3.4. (2017), p. 8.

14) Ibid., p. 14.

15) Wolfram Lacher, "Libya's Local Elites and the Politics of Alliance Building, Mediterranean Politics" (2016). Taylor & Francis, 21:1, p. 64. <http://www.tandfonline.com/doi/pdf/10.1080/13629395.2015.1081451?needAccess=true>

16) Smits, et al. (2013), p. 2.

The Mission's Main Obstacles

During the 10 months that followed the revolution the National Transitional Council (NTC) took on the role as *de facto* government, with a goal of 'providing the revolution with a "political face", and to lead the country in the transition towards a free and democratic state'.¹⁷ However, it failed to produce national reconciliation and security sector reform in which it instead 'integrated particular tribes into the Libyan army command structure, thus giving them the upper hand in the free floating tribal rivalries and further destabilizing the security sector'.¹⁸ The weak and unstructured security sector presented a significant challenge for EUBAM Libya and prevented successful implementation of the Integrated Border Management (IBM)¹⁹ concept. The power vacuum that had been created in the aftermath of the toppling of Qadhafi prevented the NTC from succeeding due to 'three systemic shocks to the Libyan political, economic and judicial systems and society'.²⁰ These led to a collapse of institutional and political arrangements and eventually to a division of the country and a fractional power structure. This fragmented system was one of the main obstacles to EUBAM Libya, because it prevented the establishment of a systemic relationship between the mission and Libyan interlocutors.²¹ This meant that there was no single responsible recipient that the mission could partner with – a significant limitation, because it prevented productive planning. The strategic level drafting of the IBM concept was at a standstill due to the fragmented nature of the Libyan counterparts. From this standpoint the mission was caught between a rock and a hard place, in the sense that if the EU had chosen to push a move by either of the conflicting parties to take a more forceful approach, 'it would have risked undermining that particular party and perhaps destabilizing the situation and even escalating the conflict'.²²

As the mission's task was to build government capacity in terms of border control, it fell directly into a minefield of fractions of elites pulling in different directions, all interested in using the mission to their own advantage.²³ The Libyan administration was an atomised collection of individual and tribal interests, which in retrospect should have been considered more carefully during mission planning.²⁴ From an analytical point of view, looking back at the situation at the beginning of EUBAM Libya, the mission was doomed, at least in terms of realising its ambitious, strategic level mandate.²⁵ In hindsight it is likely that strongly supported state

17) Ibid., p. 19.

18) IECEU D3.4. (2017), p. 24.

19) The European Integrated Border management Strategy. <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=33415&no=7>

20) Ibid., p. 9.

21) Ibid.

22) Ibid., p. 36.

23) Smits, et al. (2013), p. 5.

24) IECEU D3.5, "Study Report of DR Congo, South Sudan, CAR and Libya" (2017), p. 146.

25) IECEU D3.4 (2017), p. 23.

consolidation and security sector reform (SSR) projects should have been implemented before it would have been possible to carry out a strategic level IBM mission.²⁶

Another important aspect that arguably played a role in the mission's limited effect was the outside support the two institutional settings were receiving, after the country had been divided into two. On one hand was the General National Congress (GNC), supported by the UN,²⁷ and on the other side stood the House of Representatives (HoR),²⁸ both claiming to be the legitimate government of Libya. However, as time passed HoR, influenced by Russia and the Gulf states, became increasingly isolated.²⁹ 'The fact that the legitimacy of both governments depends on their relationship to outside powers, instead of leaning on the support of the people in Libya, like normally, calls for extra caution in choosing a [strategic] partner.'³⁰ Outside support for the security sector, such as that provided by EUBAM Libya, was severely hampered by the politicisation of individual units and institutions.³¹ The mission had already faced this issue at the drawing board, as Libyan recipients resisted the initial plan to deploy a European Force (EUFOR) on the ground. This later played an important role in the security arrangements of EUBAM Libya, which had to be organised so that there were no member states or other military forces involved in the mission. The reluctance towards foreign forces on the ground was amplified when the south of Libya was declared a military zone in December 2012, which meant that the area was off limits to any international mission.

Strategic Shortcomings

Evaluating the mission in hindsight, the EU had too high ambitions to begin with. The EU seemed confident that it could handle the situations in Libya, which 'hints towards a mismatch between political desire and the actual capability to deliver a solution that would have prevented the Libyan security sector and the whole country from collapsing'. Furthermore, a lack of historical consideration arguably also played a significant role in the mission's outcome, because the EU did not fully take into account during its planning the stateless nature of Libya, and according to mission planners, this is where the EU really 'got lost'. The EU considered Libya like any other country, despite the fact that it had no central structure or administration, which would have been essential elements needed to secure both effectiveness and sustainability.³²

26) Ibid., p. 36.

27) UNDP Libya, "Support to the General National Congress (2013-14)". http://www.ly.undp.org/content/libya/en/home/operations/projects/closed-projects/project_sample.html

28) Ibid., p. 29.

29) International Crisis Group, "The Prize: Fighting for Libya's Energy Wealth" (2015), ICG, p. 18. <https://www.files.ethz.ch/isn/195212/165-the-prize-fighting-for-libya-s-energy-wealth.pdf>

30) IECEU D3.4. (2017), p. 29.

31) Wolfram Lacher (Ed.), "Fault lines of the revolution: political actors, camps and conflicts in the new Libya" (2013), Berlin, SSOAR, p. 35. http://www.ssoar.info/ssoar/bitstream/handle/document/38566/ssoar-2013-lacher-Fault_lines_of_the_revolution.pdf?sequence=1

32) IECEU D3.5 (2017), p. 144.

Because Libya had experienced an increase in arms smuggling and migration, both of which are related to border security, the concern raised by the EU, and its need to establish a mission to deal with these issues, was both understandable and legitimate. However, taking into account the extremely problematic context of Libya, 'state-building and other large scale development missions should have taken place in tandem'.³³ The mission's goal was off from the beginning, and focus should have been directed elsewhere. The EU effort might have been more successful if it had concentrated its assistance on constructing structures and fora addressing Libya's internal conflicts, rather than focussing on systems against external threats, based on the false assumption that Libya was a unitary state.³⁴ External missions, such as EUBAM Libya, do not necessarily lead to more security, because of the risk of alienating groups that are not affiliated with the governing coalition(s).³⁵

When evaluating the strategic planning and effect of EUBAM Libya, it is also essential to look at the timing, which played an important role in the mission's failure. The time span between the removal of Qadhafi and the mission establishment was too long. The EU had to wait for an invitation from the Libyan authorities, which was difficult to obtain because there was no single state structure in Libya at the time from which the invitation could have come. This delay led to a loss in momentum which negatively influenced the mission's effectiveness.³⁶ When the invitation finally came, from the government of Prime Minister Zidan, the EU rushed to launch the mission, which meant that the normal procedure for constructing an operation plan³⁷ was not followed.³⁸ CDSP border-related missions generally require comprehensive assessment, such as evaluation of the country's present border capability and management needs as well as wider security, social and political risks and vulnerabilities. This assessment is usually a standard requirement before a mission is established and launched, but was not completed in the case of EUBAM.³⁹

Furthermore, when EUBAM Libya was deployed in 2013, there were already considerable signs that the Libyan state was turning into 'nothing more than a cleaning house for multiple interest groups and fractions vying for resources and control over parts of the national territory or public administration'.⁴⁰ As early as February 2012 Amnesty International had contended that hundreds of armed militias in Libya were 'largely out of control'.⁴¹ This situation did not

33) IECEU D3.4. (2017), p. 10.

34) Lacher (2013), p. 35. & IECEU D3.4 (2015), p. 29.

35) Smits, et al. (2013), p. 58.

36) Ibid., p. 19.

37) The Council of the European Union, "Revised draft EU Concept on CSDP Support to Integrated Border Management" (2013). Doc. No. 16044/2/13, Rev. 2.

38) IECEU D3.4 (2017), p. 34.

39) The Council of the European Union (2013).

40) Smits, et al. (2013), p. 5.

41) Amnesty International, "Militias threaten hopes for new Libya", Amnesty International Publications (2012), p. 5. https://www.amnesty.nl/content/uploads/2016/12/libya_i_report_i_militias_threaten_hopes_for_new_libya_-_no_pic.pdf?x65391

make the mission easier to plan or execute. Initially, the mission was planned to number 165 personnel at full operational capacity; however, as the security situation deteriorated in Libya, this goal was never reached – and eventually the mission was terminated.⁴²

Conclusion

In retrospect one might ask why the challenges faced by the mission were not detected or the shortcomings foreseen. The political ambitions of EU member states affected the decision-making process to the level that a mission, which was not up to the challenge, was launched.⁴³ There are multiple lessons to be learned from this experience. These are ‘primarily related to the strategic level thinking and planning structures of the EU. It is not hindsight to argue, that the EUBAM Libya was a mission that was timed and placed wrongly, and that the errors that led to this were not unavoidable.’⁴⁴ In conclusion, if improvement is to be made, more emphasis and attention must be put on planning by first and foremost including a comprehensive assessment of the context to which the mission is being deployed.⁴⁵ Three important shortcomings negatively influenced the mission’s outcome: (1) The EU had too high ambitions, and unrealistic desires overshadowed the facts on ground. The mandate was too optimistic and should have been scaled down in order to improve effectiveness; (2) not paying enough attention to the history and complex nature of the ‘state’ in Libya. Complications might have been better anticipated by looking at Libya’s history as an unconventional state; and (3) the mission did not match the reality it was deployed into. By the time of EUBAM’s evacuation, the EU was no longer politically capable of carrying out a civilian crisis management operation in Libya.⁴⁶

42) IECEU D3.4. (2017), p. 35.

43) Ibid., p. 50.

44) Ibid.

45) Ibid.

46) IECEU D3.6, Discussion Report on Libya, South Sudan, CAR and DR Congo (2017).