



POLICY BRIEF

Less than the sum of its parts Europe's fixation with Libyan border security

Matt Herbert

Europe views the drop in migration from Libya to Europe as a success. The EU and member states have buttressed Libya's border security by training and equipping formal forces, working with hybrid security forces, and making deals with armed groups. But these efforts impede the emergence of a functioning, civilian Libyan security sector and threaten stability. This is a problem for Europe. Migration will wax and wane, and its political salience will shift, but Libya remains on Europe's doorstep.

Key findings

- ▶ Over the last 20 years, the EU and member states have sought to build a layered border security system in collaboration with neighbouring states, including Libya before and after the revolution.
- ▶ EU and member state border security efforts in Libya in the wake of the revolution have targeted a mix of statutory forces, hybrid forces and armed groups.
- ▶ These efforts have helped halt migration, but they put at risk efforts to create an effective and accountable security sector capable of addressing the needs of Libyans.
- ▶ The security priorities for Libyans differ from the migration issues focused on by the EU. The highly visible emphasis by donors on counter-migration could fuel the perception that security force recipients of aid act primarily to further international rather than national priorities.
- ▶ Key actors with whom the international community deals most frequently on border security issues may well end up enjoying a privileged 'gatekeeper' role, allowing them to more readily access donor support, to the detriment of lesser-known forces with more pressing needs.
- ▶ The EU and member states' approach to counter-migration has led to an emphasis on short-term operational success. This has resulted in an aversion to the sort of sequenced, strategic and necessarily long-term approach required to holistically develop and strengthen security institutions.

Recommendations

- ▶ Donors should embed counter-migration programming within a larger, Libyan-owned and -focused security sector reform programme. The sequencing of reform should be determined in cooperation with the Libyan population and should respond to their identified needs.
- ▶ Libyan government officials should review the broader vetting criteria for individuals and armed groups, in order to ensure that those implicated in human rights abuses or linked to criminal organisations are not incorporated into formal forces.
- ▶ International partners should implement a rigorous system of review to ensure that individuals and armed groups who are implicated in human rights abuses or linked to criminal organisations are not recipients of foreign donor aid, including training, equipment, and other resources.
- ▶ International partners should support Libyan authorities in efforts to strengthen their justice system in order to address the issue of impunity of members of armed groups. This requires a clear understanding of how Libyans view the impunity issue, and what measures the population deems adequate to address it.

Beaches in western Libya that were once busy points of embarkation for migrants heading north are now quiet. Migration through the central Mediterranean has dropped precipitously over the last 24 months. Migrant apprehensions by Italian authorities fell from approximately 119 000 in 2017 to around 23 000 in 2018.¹ Migrant apprehensions in the first months of 2019 underscore this continued decline.

The European Union (EU) and its member states construe this decline as a success. These actors have put in place a series of programmes through the Government of International Accord (GNA) in Tripoli that are intended to buttress Libyan border security capacity, primarily that of the country's coastguard. In addition, one member state, Italy, has sought a more direct approach to addressing migration by making a series of deals with Libyan armed groups along the coast to prevent migrants from embarking. In effect, Europe has externalised its borders and border control into Libyan hands.

Programmes designed to block irregular migration are not the only security assistance provided by the EU and member states to Libya. They are, however, the most publicised and enduring component of the assistance, and the one most touted for its impact.

These approaches to migration management in Libya appear to have accomplished European goals of reducing the number of irregular migrants arriving on European soil in the short term. However, for Libyans the gains touted by Europe do not contribute to a stable and secure country. Overall, the country's security forces remain weak and fractured, with armed groups holding effective security power.² Armed group violence, extortion, kidnapping and petty crime thrive in the absence of effective government and are an ever-present menace to Libyans. While some international efforts have been made to stabilise and reform the country's security sector, these have largely been unsuccessful, ad hoc, uncoordinated, or too small to have a structural impact.

And that poses a serious problem for Libyans and, ultimately, for Europe.

The EU and member state emphasis on finding quick solutions to the short-term priority of irregular migration risks undermining the long-term goals of establishing a strong, civilian security sector that can support peace and stability in Libya.

The EU, Libya and border security before the revolution

The European focus on building an effective partnership with Libya on border security predates the 2011 revolution, stretching back to the early years of the century. This was the point where two trends began to converge: rising irregular migration through the Mediterranean, and increasing EU and member state employment of collaborative border security strategies.

Prior to the end of the 20th century, Moroccans, Algerians and Tunisians had migrated in large numbers to Europe, drawn by the continent's labour needs. When, in the 1980s and 1990s, European states began to impose stringent entry requirements on North Africans, many were driven to migrate northward irregularly, mainly from the Tunisian and Moroccan coasts.³

Migration through the central Mediterranean has dropped in the last 24 months

To combat this phenomenon, the EU began to craft a series of bilateral agreements with North African states aimed at building a collaborative, or layered, border security approach in the Mediterranean.⁴ Unlike unilateral border security, which prioritises national solutions to border security problems, collaborative border security is premised on the idea that a nation's security is best assured through cooperation with neighbouring states.

In a collaborative approach, two polities work together – sharing intelligence and investigative information, simultaneously conducting operations, etc. – to jointly provide for the security of their mutual border.⁵ The states involved commit to addressing cross-border 'threats' that emanate from within each of their sovereign territories before these impact that of their neighbour. This creates a layered approach to security that can extend far beyond the physical frontier itself.⁶

The EU and its member states were enthusiastic supporters of collaborative border security before the rise of cross-Mediterranean migration in the 1990s. This is most apparent within the EU itself. However, the EU also reached agreements with states on its borders,

including Eastern Europe and the Balkans.⁷ Because the cross-border threats of most concern to the EU, notably migration, were not necessarily priority security concerns for these neighbouring states, EU agreements often included inducements, such as financial and/or security assistance.

The EU and its member states began to reach border security agreements with North African states in the late 1990s that included commitments around migration control.⁸ The incorporation of North African states into Europe's border security architecture worked to a degree, with the number of migrants departing from Tunisia and Morocco falling sharply. However, the flow of migrants had not actually abated; only their routing had changed.

At this time, Libya, under international sanctions and diplomatically ostracised, was left out of the developing collaborative border security architecture in the Mediterranean region. And so, Libya became the go-to destination for irregular migrants – both from the region and from further aboard – seeking to transit from North Africa to Europe. For the EU, Libya was a weak spot in its efforts to build an effective system to halt irregular migrants before they arrived on Europe shores.

Libya's 2011 revolution largely shattered the country's formal security institutions

For this reason, the EU and its member states moved quickly to re-engage with Libya when the sanctions were lifted in the early 2000s. Despite the weakness of Libya's security forces, especially their lack of effective land-border control in the south, and the occasional complicity of formal state actors in migrant smuggling, the country was generally able to control migration from its coasts when the political decision was made to do so.⁹ Thus agreements were struck between Italy and Libya, and others negotiated between Libya and the EU, although these were not finalised owing to the events of 2011.¹⁰

In stark contrast to later events, before the revolution the EU and its member states had thus sought to build a collaborative system with a functional Libyan state, one whose security forces served broader societal

needs even as they helped to address European migration priorities.

The revolution and Libya's hybridised security system

Libya's 2011 revolution largely shattered the country's formal security institutions, a state of affairs that has continued to the present. As one European official explained, 'There is a pronounced difference between the legal security structures – what should exist – and the reality on the ground.'¹¹

While ministries continued to exist and some security forces continued to operate, the provision of security largely passed into the hands of a constellation of armed groups.¹² In effect, a hybrid system arose, and exists today, in which the three forces – de jure security authorities, armed groups quasi-affiliated with state security structures, and armed groups operating entirely outside formal state structures – uneasily coexist.¹³

In the case of armed groups quasi-affiliated with state structures, some are mandated by either local or central government forces, but they are still not integrated into the nominal chains of command of the ministries of defence and interior, and unaccountable for their actions. The latter point is especially problematic given the heavy involvement by many armed groups in illicit activities, including different types of smuggling, even as they nominally portray themselves as legitimate security providers.

However, while the different types of entities co-exist and in some cases operate together, the balance of power clearly rests in the hands of the armed groups, not de jure security authorities. One Libyan officer described it in blunt terms: 'If the security forces interfere with smuggling by an armed group, they threaten our officers and their families. It can take months for the security forces to reassert control. So, we refrain from working due to the dangers.'¹⁴

The international community is aware of this hybridity but faces serious challenges in addressing it. 'You try not to deal with the bad guys,' said a European official. 'Instead, you deal with the weak institutional leaders who are complicit with the bad guys, or who are too weak to resist them.'¹⁵

The extreme weakness of the formal security institutions has caused international actors, including the United Nations (UN), to acknowledge the need for security sector stabilisation and, ultimately, security sector reform in order to lay the groundwork for a functional and stable Libyan state.

Per international good practices, the security sector stabilisation and reform process should not simply entail building the capacity of a security sector but should also ensure accountability.¹⁶ The process should be locally owned and tailored to respond to a country and citizenries' security priorities and needs, thus strengthening the likelihood of sustainable impact.¹⁷ It is necessarily a strategic, long-term process.

The lack of a political settlement has proved a stumbling block to effective security sector reform in Libya

In the wake of the revolution, international actors funded a number of security sector reform programmes and plans. Many focused on strengthening institutions, or creating people-focused policing. However, the lack of coordination, limited scale and ad hoc nature of the programmes, along with the lack of a political settlement – and the renewed violence between eastern and western Libya – have proved stumbling blocks to security sector reform.

EU and Libyan border security after the revolution

While the EU and member states have been involved in security sector stabilisation and reform activities, the most persistent and visible programming done by the bloc remains around border security. In the wake of the revolution, Libya once again emerged as the weak point in European efforts to build effective, collaborative border security in North Africa. Migrant departures from Libya spiked from 4 450 in 2010 to over 170 600 in 2014.¹⁸

In an effort to address this issue, the EU deployed the EU Border Assistance Mission (EUBAM) to Libya in 2013. EUBAM construed its mission in such a way that collaborative border security, the 'effective coordination and cooperation with neighboring countries leading ideally to the sharing of intelligence, joint operations and coordination', remained one of its central goals.¹⁹

Yet unlike previous efforts by the EU to buttress a neighbouring state's border security, EUBAM had to contend with a situation in which formal state security institutions were largely toothless and armed groups fielded the greatest operational capacity.

To accomplish its mission, EUBAM and a separate EU naval mission, Operation Sophia, began working with the Libyan Naval Coast Guard, a 6 500-person service under the Ministry of Defence. It was assessed by EUBAM to have retained more of its pre-revolutionary operational capacity than the land border units.²⁰

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In part, EU and member state support to the Coast Guard involved providing equipment, such as patrol craft that enabled the Coast Guard to extend its operational reach and effectiveness.²¹ Of equal importance, given the accession of a large number of untrained personnel into the Coast Guard in the wake of the revolution, some formal training was also provided by the two EU missions.²²

However, despite working with the Coast Guard, the EU has not been able to avoid the hybrid nature of Libya's security sector. Several units attached to the Coast Guard are heavily influenced by armed groups and only minimally responsive to centralised command and control. The most notable of these is the Coast Guard unit based at the western city of Zawiya, which UN investigators have flagged for complicity with armed groups in fuel smuggling and migrant exploitation.²³

The Zawiya Coast Guard unit has also been one of the most operationally effective in Libya, making half of all migrant interceptions in the first six months of 2017.²⁴ While the EU has reportedly avoided engagement with or training for the unit, the Zawiya Coast Guard has received equipment and training from European donors.²⁵ This direct engagement with international actors has reinforced the unit's autonomy from central control, enabling its members to freely collude with criminal organisations.²⁶

Several units attached to Libya's Coast Guard are heavily influenced by armed groups

In working with the Libyan Coast Guard, the EU has essentially prioritised buttressing the operational capacity of a force over building strong institutional structures that are more likely to benefit Libya in the long run.

The EU's reliance on and training of a military force for what is, at heart, a civilian, law enforcement mission undermines efforts to define proper civil-military roles and functions in modern Libya. Additionally, the continued existence of hybrid units within the Coast Guard outside the formal chain of military command underscores the fact that the force is not unitary and could see continued criminal activity within its ranks.

Finally, in addition to the EU and member state engagement with the Libyan Coast Guard, Italy has sought to leverage armed groups to help halt migration.²⁷ This again is predicated upon a desire for quick solutions to short-term priorities. Armed groups are the defacto power holders across much – if not all – of the western Libyan coastline, and so engagement offers Italy a way to achieve quick tactical successes by dealing directly with the most operationally capable forces.²⁸

The specifics of Italy's deals are shadowy: aid, money and equipment are primarily funnelled through the GNA, although rumours suggest Italy may also be dealing directly with the armed groups.²⁹ In return, the armed groups have created a cordon along parts of the western Libyan coast through which migrants nominally cannot pass.

Arguably, both the EU's approach of building collaborative border security through the Coast Guard and the Italian tactic of employing armed groups have delivered a tactical success. While migration through Libya to Europe has not fully stopped, the level has fallen significantly. However, the narrow focus on ending migration in the near-term hinders the longer-term effort to stabilize and reform Libya's security sector.

The tension between security sector development and collaborative border security

Weak institutions and reliance on hybrid forces remain dominant features of Libya's security forces. Formal institutions are largely bereft of real power to assert their writ over a given situation.³⁰ Even within Tripoli itself, nominally the point where GNA power is greatest, key institutions are secured and controlled by armed groups.³¹

The lack of effective security forces poses a challenge to the EU and member states seeking to build a successful and collaborative border security partnership. For Libyan citizens, however, the lack of a functioning security sector is of far greater concern. They are menaced not only by crime but also by violence and the impunity of armed groups, including some of those tasked with providing security. Many armed groups, such as the Coast Guard unit in Zawiya, remain deeply involved in criminal activity.

The needs and priorities of Libyans in terms of the development and functioning of their security sector should be the driving factor that defines security sector stabilisation and the reform process. However, there is reason to fear that the heavy emphasis by the EU and member states on building collaborative border security forces will in fact impede the security sector reform process.

First, while the EU and member states concentrate on migration, the issue is arguably not a primary concern for most Libyans, nor will it be in the future. By publicly focusing on this issue as a marker of success, the EU risks creating a perception that donor aid around security forces is meant only to further donor political interests and needs, rather than reflect and support those of the Libyan people. The security force units receiving aid risk becoming seen as actors primarily furthering international rather than national priorities.

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Emphasis on donor objectives over local ownership risks alienating key government stakeholders, something that already seems to be happening. As a journalist working in Libya explained, ‘Officials in Tripoli are frustrated by the EU focus on migrants, they think it should be on fuel smuggling.’³²

Second, there is a risk of path dependency: the actors with whom the international community deals most frequently – especially those from the Coast Guard – may well end up enjoying a privileged ‘gatekeeper’ role. The international community had little exposure to Libyan officials during the Qadhafi era. After the revolution, this paucity of knowledge led international actors to gravitate to the Libyans who spoke English, could travel, and could provide the operational capacity to meet donor needs.³³

The number of Libyans who engage routinely with donors has expanded somewhat since 2011. However, international community representatives admit they sometimes do not fully understand the dynamics and tend to rely on whichever Libyan interlocutors are most reliable.³⁴ This is a point of frustration for some Libyan security officials, who underscore the frequent disconnect between Libyan needs and those of donors.³⁵

The potential emergence of gatekeepers is all the more concerning because of the fragmentation and lack of strategy by the donor community when it comes to security.³⁶ ‘Donors are working at cross purposes, specifically on security,’ explained one researcher.³⁷ This risks creating a series of nationally supported gatekeepers who fulfil specific donor priorities yet are unable to cooperate in a cohesive manner to provide Libyans with effective security.



ARMED GROUPS ARE THE DE FACTO POWER HOLDERS ACROSS MUCH OF LIBYA

More broadly, clientelism risks skewing the evolution of Libya's security forces. The propensity of donors to work with commanders they know risks allowing specific commanders and forces to more readily access donor support (including training and equipment), to the potential detriment of lesser-known forces that may have more pressing needs and missions of more immediate value to Libyan citizens.

The best equipped and trained security forces could thus be those that are best connected to international donors, rather than those most important for meeting Libyan security needs. Unless current trends are addressed, for example, the Libyan Coast Guard could well become the most well trained and equipped security force in a country defined mainly by its vast landmass and deserts.

The fixation with hybrid forces and armed groups is one imbued with risk

Clientelism thus hinders the emergence of a security sector that is truly reflective of cross-cutting national priorities, and hence is less legitimate in the eyes of Libyans and ultimately far weaker than it could be.

Third, the EU and member state promotion of military forces' involvement in civilian law enforcement missions furthers confusion in Libya over the proper roles of military and security forces. This in turn risks creating long term dysfunction between the two sectors due to the de facto overlap in functional activity.

Fourth, the EU and member state focus on building a collaborative border security approach to counter-migration has led to an emphasis on short-term operational success. This has created an aversion to the sort of sequenced, strategic and necessarily long-term approach required to holistically develop and strengthen security institutions.

Further, at present operational successes in Libya are most likely to be delivered by hybrid forces or armed groups. But by steering resources towards these groups, international actors offer them capacity, power and legitimacy, which enable them to maintain their autonomy within formal state structures. As current challenges around these units underscores, autonomy from centralised control can lead to a fixation by those units

on local issues and conflicts, and heightens the risk of collusion with criminal organisations. Simply, the current reliance on on hybrid forces and armed groups is one imbued with risk.

As the EU itself notes, 'the loyalty of militias is not a comprehensive, long term strategy as they often alter allegiance to the highest bidder and may seek alternative illicit activities'.³⁸ This may become especially acute as changing political dynamics in western Libya raise the risk of inter-armed group conflict, including among groups that are all nominally affiliated with and/or paid by the GNA.³⁹

Finally, there is a danger of criminal infiltration of the security sector under the umbrella of effectiveness. The international community's fixation with short-term, operational needs risks blinding them to the longer-term risk of hybrid force commanders tainted by criminal activity assuming key roles within the emergent Libyan security structures.

The reliance on hybrid forces also furthers the impunity of those forces, ensuring they cannot be held responsible for criminal activities they perpetrate. This in turn undermines efforts to re-establish the rule of law and ensure the re-establishment of effective, functional justice and security in the long term.

The European focus on building better, collaborative border security partners outside of a larger security sector reform process hinders the creation of the effective and accountable institutions required by Libyans. It also risks the internal legitimacy of the Libyan security force on an issue viewed only by Europeans as acute.⁴⁰ Migration focused interventions are not looking at the long-term security sector strategy. While they may mitigate short-term problems, in doing so they make addressing the long-term process far harder.⁴¹

Conclusion

The present challenge of collaborative border security between Libya, the EU and individual states is that Libyans are being asked to uphold the border security interests of other nations, not their own.

This is problematic for Libya. European efforts around migration are putting at risk the possibility of a functioning, civilian Libyan security sector, capable

of upholding and promoting the rule of law and responsive to Libyan security needs.

It is also a problem for Europe. Ultimately, migration pressure will wax and wane, and the issue's political salience in Europe will shift. However, Libya will remain on Europe's doorstep, whether stable, with a functioning security sector, or unstable, dominated by armed groups and defined by impunity and citizen insecurity.

Europe's long-term interests are clearly best served by a stable Libya. And for this, it behoves the bloc to consider adjusting its short-term programmes and priorities around migration in order to ensure that they do not harm the stabilisation and reform of the Libyan security sector.

This will require political courage, significant strategic patience on the part of both the European public and policymakers, an effective sequencing of programmes, and open debate about what constitute core European goals in the country.

However, this is the best option available for the creation of a strong and durable partnership and collaboration on border security between EU and Libya.

Recommendations

- The EU and member states should sublimate counter-migration programming within a larger, Libyan-owned and -focused security sector reform programme. The sequencing of reform should be determined in cooperation with the Libyan population and should respond to their identified needs.
- Libyan government and international partners should clarify the proper roles of military forces and civilian security forces. Capacity building and other support should ensure and uphold these distinctions as a critical component of long-term security sector reform.
- Libyan government officials should review the broader vetting criteria for individuals and armed groups, in order to ensure that those implicated in human rights abuses or linked to criminal organisations are not incorporated into formal forces.
- International partners should implement a rigorous system of review to ensure that individuals and armed groups who are implicated in human rights abuses or linked to criminal organisations are not recipients of foreign donor aid, including training, equipment and other resources.
- International partners should support Libyan authorities in efforts to strengthen their justice system in order to address the issue of impunity of members of armed groups. This requires a clear understanding of how Libyans view the impunity issue, and what measures the population deems adequate to address it.



EUROPE'S LONG-TERM
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About this project

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