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Security sector reform, disarmament, demobilization and reintegration of militias: the challenges for state building in Libya

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ABSTRACT

Even though the rebels, later turned 'revolutionaries', actually had an insignificant role as combatants in the violent downfall of the Gaddafi regime in Libya in 2011, they became involved in acts of war in many parts of the country in what came to resemble a civil war. Their militias flourished thanks to the lucrative financial handouts that governments paid to them. To complicate matters, additional militias sprang up in the absence of any sort of viable state/institutional control on the part of the nascent 'state' or an inability to restrict and monopolize the use of force. Therefore, disarmament, demobilization, reintegration and security sector reform have not been possible, and the Libyan case demonstrates the failure to emulate international best practices, thus hindering any state-building. This paper seeks to analyse the Libyan case and provide an approach and framework for dealing with the genuine causes of the current situation in order help put the appropriate disarmament, demobilization and reintegration (DDR) and security sector reform (SSR) policy in place, while simultaneously not ignoring other major, contributing factors. This study suggests that the case of Libya is unique and likely to prove challenging to both established and evolving theoretical approaches to both DDR and SSR. Experiments in the country that have ignored the holistic security sector reform will be examined and its programmes analysed to ascertain whether these have produced any effective state-run structures and mechanisms, norms and procedures, or whether they have only served to reinforce the de facto roles of militias. The article argues that unless the state-building approach is revitalized and national reconciliation made a top priority, Libya's current debacle and instability is most likely to continue.

DDR and SSR international best practices

There exists a vast body of literature on conflict resolution and post-conflict issues of disarmament, demobilization and reintegration (DDR)/security sector reform (SSR) with an ample degree of agreement and consensus amongst specialists about what they consider international 'best practices' (Ashour 2013; Brahimi 2007). This section introduces these practices and attempts to apply them to the Libyan case and identify why attempts

at DDR/SSR have failed in Libya. It also suggests that a dire need exists for considering the merits and indispensability of national reconciliation if Libya is ever to emerge from its on-going crisis.

From the mid-1990s onwards, DDR has become an essential component of peace-making and reconstruction equations. According to the literature, the essential objective underpinning the application of DDR is the prevention of the recurrence of circumstances that may degenerate into or reignite war and threaten the social fabric that typically emerges in very fragile and highly polarized fashion in the wake of an intra-state conflict and/or civil war (Bryden and Scherrer 2012) The main objectives of this approach have been expressly:

> [to] build security and reconstruct the social fabric of, and develop human capacity in, countries coming out of conflict so that a sustained long-term peace can be established. Combined DDR and SSR initiatives are now considered indispensable for the realisation of security, and to guard against the re-eruption of violence that inevitably threatens the social fabric and prospects for national recovery. (Knight 2009)

An essential element that may well guarantee successful DDR is that of negotiating and agreeing on a peace treaty. This is a precondition for the initiation and continuation of the peace process that involves a framework and a road map for the realization of DDR that is acceptable to all parties concerned. The peace agreement must be sufficiently clear and detailed on these issues, otherwise any resultant peace may prove unsustainable – as disparate views will continue to pervade and contend over specific details before any such initiative can even be launched (Edole, 2007).

The success of the disarmament dimension of a peace accord serves as a prelude and prerequisite segue into the next important component of demobilization. One of the most serious challenges in any intra-state armed conflict or civil war hinges on the prevention of rearmament. Ex-combatants who do not undergo a programme of demobilization wherein they relinquish their arms are prone to take them up again (Schulhofer-Wohl and Sambanis 2011).

In Libya, most of the dangerous, heavy and sophisticated weapons are held by tribal, regional and city militias, and these, despite their politicization and tribalization, may also be 'bargaining chips' of considerable value in the DDR process. Since building confidence in reconciliation arrangements may not be inclusive and is – by definition – a gradual process, many parties will still feel potentially threatened and therefore resort to hiding arms and holding back weapons caches for possible use later.

Therefore, a programme of 'arms for development' might prove well suited to encouraging these social formations to hand over their caches of arms in exchange for awarding them special financial provisions for local or regional development. This would certainly be a step towards sustainable development and getting the national economy moving again. Moreover, it would likely provide enough incentive for giving arms that have been hidden. Failure to anticipate for this phenomenon, experience tells us, risks derailing the disarmament process at a later stage and may well lead to a resurgence of violence (Bryden and Scherrer 2012).

In addition to developing special programmes for realizing this goal of reintegrating militias, syncing and correlating these programmes with a sustainable peace and reconciliation strategy is the essential ingredient for the success of the whole

process of national reconciliation, stability and democratic transition. When significant segments of the population – especially the youth – factor in the equation, reintegration will not be sufficient to achieve the desired outcomes unless accompanied by an inclusive programme of social and political dialogue that aims at realizing reconciliation.

In situations where civil war has been triggered by uprisings against a regime, as in the Libyan case, which have led to the division of the populace into pro- and anti-regime elements as well as the polarization of regions, cities and towns, and tribes into broad categories under the rubric of 'winners' and 'losers', the conclusion of a national peace and reconciliation treaty is of paramount priority as alluded to above. It is crucial that the process involve engaging all parties without exclusion in the name of safeguarding the peoples' revolt and securing whatever achievements and gains it made. Hence, any transition strategy must involve a national dialogue and reconciliation that places an appropriate value on transitional justice. It is also vital that this strategy contains elements for the revival of the national economy and that address the grievances of all vulnerable social groups and minorities (Edole 2007).

SSR is directed towards rendering the state capable of controlling these institutions under a democratic government. The central objective is that security-sector institutions function to protect the security of the country and its people and do not become repressive or interfere in politics, while maintaining effectiveness and promoting efficiency. SSR complements the DDR programme, and once an integrated security-sector reintegration for former combatants is in place, the potential for successful peace and institution-building is enhanced. The major goals of these two processes are complementary as DDR is basically part of the larger SSR (Yasutomi 2008).

In the Libyan case and given the social, regional, political and tribal polarizations resulting from the conflict, national reconciliation enshrined in an agreement between the multiplicity of stakeholders and actors is a precondition for the potential success of any DDR programmes. This is because 'political will' is the sole guarantor of the readiness and willingness of parties to proceed towards a peaceful political process that predisposes them to the possibility of abandoning violence and laying down their arms. Experience in Africa makes it abundantly clear that unless the DDR programmes are part of a longer-term strategy of making peace and state-building through reconciliation, these programmes will face serious challenges (Knight 2009).

The Libyan experience

The uprising in Libya eventually led to the total collapse of the political, security and military structures of the previous regime.[1] The causes of Libya's current chaos are – in part – traceable to the unique socio-political and economic experiment of the Jamahiriya and its failure to establish a viable modern state. Nevertheless, it should be pointed out that the failure of the Gaddafi regime should not be taken as justification for another failure to occur with regard to an inclusive state-building process.

> This is particularly true if informal actors such as tribal structures and quasi-autonomous actors including armed groups are brought into the political scene through institutional arrangements … to reinvent politics by peaceful means, acknowledge the country's socio-political diversity, and preserve [Libyan] territorial integrity. (Jebnoun 2015, 832)

On the Libyan scene, the attempt at peace-building was inconceivable since it was predicated on consolidating the interests, views, prejudices and prerogatives of the 'victors' to the exclusion of the 'losers'. There was only *one*, monolithic 'desired peace' that excluded any real or potential rival counterparts whose representatives were either killed, in prison or else in exile. Hence, the objective of reaching a comprehensive and reasonably just peace deal was ruled out, particularly given that the victorious 'rebels', their transitional body and their foreign backers left no room to admit the value of recognizing the disenfranchized elements of the other 'side' and were completely disinterested in including them in discussions or a peace settlement.

This reality raises interesting questions as to why the Western forces that toppled the Gaddafi regime went against the express conclusions and recommendations of specialists and think tanks that highlighted the paramount importance of preventing wartime militias from becoming armed wings of political fronts, orientations or groups. Ian Martin, the first chief of the United Nations Support Mission in Libya (UNSMIL) stressed in his December 2011 testimony at the United Nations Security Council (UNSC) that 'unless the security situation is addressed quickly and effectively, interests of various stakeholders may become entrenched, undermining the legitimate authority of the state' (UNSC 2011, 14).

If for no other reason than to reject or otherwise dismiss Gaddafi's contentions and persistent warnings that al-Qaeda and other jihadists and criminals were involved in the fighting, NATO and its alliance in the operation to topple him ignored facts on the ground. This had the effect of leaving part of the tasks of security and post-conflict reconstruction precisely in the hands of such elements – on the premise that the interim Libyan authorities, which they actually help create, were not ready to accept any real meaningful post-conflict operations, thereby facilitating the control of armed factions over the country.

The consequence of this omission, unfortunately, has been the continuation of hostilities, instability and renewed fighting in many parts of the country. Many military operations ostensibly that sought to coerce the so-called Gaddafi loyalist areas and 'consolidate the revolution' served only to polarize society further. This implied a continuous deterioration of the security situation during which time militias gain the upper hand, thereby foiling all attempts at DDR, which ultimately proved superficial. Meanwhile, militias have only become more entrenched in their positions and lethal weapons further proliferated. The problem has actually become more acute with the transitional authorities unable to bring the situation under control with the flow of weapons and arms continuing to pour into the lawless country. The proliferation of arms, the large number of armed persons and their use with impunity have contributed to the instability of the country and mounting risks to the lives of citizens and have, in many cases, caused renewed conflict that threatens – at times – to spill over into neighbouring states.

In real terms the establishment in 2012 of the Supreme Security Committee (SSC) and the Libya Shield Force (LSF) as new security and military bodies to integrate the rebels only managed to bring more than 200,000 individuals onto their payrolls. The number – which was astronomical by all accounts – had the net result of simply fielding yet other militias and that included jihadists and extremists, thereby providing only the flimsiest appearance of a new, emerging 'security order'.

Suspicions were later confirmed by developments attested to by many sources which confirmed the fact that the SSC and LSF were simply among many militias that operated

entirely independent from state control. The groups that were brought under the wing of SSC and LSF as complete units continued to operate as independent ones just as they had been doing previously, thereby reinforcing their own legitimacy and exercising 'authority' and without any interference. Almost entirely aligned with Islamist forces and jihadists, these have instead become a threat to security and instability (Chivvis and Martini 2014).

The steps taken by the General National Congress (GNC) first legislative elected in 2012 were in effect nothing more than an award of impunity to the hybrid and parallel security structures that emerged after 2011. The consequence, as Sayigh (2015) has noted was that:

> transitional justice was replaced with victor's justice … coupled with the political isolation law of May 2013, which took the process of lustration and criminal prosecution of large numbers of civil servants and officers associated with the Qaddafi era to considerably greater lengths than in any other Arab Spring country; and, this generated a powerful back-lash and eventually led to civil war.

One challenge that remains to be surmounted is the adamant rejection on the part of the so-called 'revolutionaries' and 'winners' of the 2011 war of any call for making peace with their former adversaries or with the regions, towns and tribes that are now categorized and labelled as former regime remnants, despite the fact that these elements actually constitute *majority* of Libyans. As Filípková and Kužvart (2013, 5) have noted:

> SSR in Libya should prevent any kind of political or social discrimination or provision of privileges … representative composition of the army on all levels and the security apparatus, as a whole, are the key to gaining trust and respect for the state from alienated local communities, especially in Sirte and Bani Walid, which will then see these institutions as inclusive and not as a mere tool in the hands of a particular tribe or ethnic [group].

Once unified in their fight against Gaddafi, Libya's militias have proven unprepared to disarm, demobilize or to be integrated into the ranks of a national-state army or other security institutions. Islamist militias in particular have been keen on maintaining their organizational and military capacity intact in order to pursue their own agendas. The upshot of this situation is the emergence of a curious and peculiar military and security 'balance', wherein militias have had the upper hand while the nascent state has lacked any exclusive control over military force and has been obliged to rely on semi-co-opted militias, eventually became hostage to them and their diverse and independent agendas.

The security institutions that had been constructed in the Gaddafi era emerged dilapidated and in disarray after his ousting. In order to be rehabilitated or transformed into viable structures, they require adequate attention in an inclusive process of overhaul and reform. To date, all attempts at SSR and DDR have proven poorly designed and ill-starred, despite heavy funding, which unfortunately resulted in corruption and squandering of public resources, inflicting further harm to the perceived rationale for and appeal of DDR. Even those militia members who joined the newly established organs of the SSC or LSF hardly see themselves as representing the Libyan state and answer only to their own commanders. In addition to their internal feuds, their power structure remains diffuse, lacking clear chains of command, unreliable and beyond any state control. In the end, they have only done harm to its power and legitimacy.

Attempts at SSR and DDR have suffered from the absence of an integrated and overarching conceptualization, only progressing in an ad-hoc manner (Chivvis et al. 2012).

This may be explained, partially at least, by the legacy of Gaddafi whose regime harboured marked and abject contempt for typical or 'normative' state institutions and, instead, relied on parallel organs and paramilitary and parastatal organizations. The Libyan officer corps lacked professionalism and had no real capacity for strategic thinking and planning (Chivvis et al. 2012). Hence, against this backdrop, it is highly dubious as to how Libya might possibly proceed with viable SSR programmes *without* the assistance of the international community. It goes without saying, however, that Libyans themselves need to determine and posit the core objectives of their national security and its doctrine. This entails defining their perceived and actual risks and threats to national security upon which the functions and responsibilities of their security institutions are based.

According to a RAND Corporation study it is important that for any SSR and DDR strategy in Libya to have some success, and it is crucial to establish the appropriate criteria that will enable planners to differentiate between militias that can be peacefully demobilized and those that demand the application of 'other means' in order to achieve their disarmament and demobilization (Chivvis et al. 2012). However, the developments that Libya witnessed in 2014 demonstrate that, contrary to expectations, most militias are not ready or prepared to abandon their weapons and arms or to be demobilized and reintegrated into civil society. Even legislation issued by the National Transitional Council (NTC) granting automatic amnesty for any previous actions and violations of human rights violations by these elements failed to achieve any desired effect.

The creation of a new challenge: consolidating militias

According to some writers, Libya now faces what may well be termed a 'catch-22' situation wherein the dissolution of the militias cannot be achieved until the country has a unified national army able to function and perform its duties, with the 'catch' being that such an objective may not be realized or realizable until such a time and when the armed groups are demobilized (Holm 2013).

In the words of Lacher and Cole (2014, 28–29):

> There has been no evidence of any coherent strategy to establish integrated, depoliticised units recruited from the pool of *thuwwār* [revolutionaries] and regular soldiers … revolutionary and post-revolutionary battalions have been left largely intact. … As long as political rivalries over- and within the security sector persist, armed groups and their backers in the security institutions are unlikely to transform into politicized units.

However, the primary problem and challenge was that the Libyan DDR programme was politically manipulated and ran rapidly devolved into corruption – arising, in part, from a lack of transparency. Islamist, tribal and regional formations became actively involved in feeding the nascent programme with false information that would facilitate the channelling of funds to their respective constituencies. Therefore, the programme fell into use as a tool for appropriating public funds and as a means for accessing job, training and scholarship opportunities it held out to former combatants.

The programme was beset with claimants providing falsified information that led to the inclusion of even those with criminal records or those who joined militias which actually had no role in the war against the Gaddafi regime but rather those that had mushroomed – opportunistically – after its fall. Significantly, the programme also lacked any reliable,

clear-cut mechanism for determining how a given criterion ought to be implemented since there was no practical approach commensurate with matching the socio-economic profile of individuals who claimed former combatant status.

Furthermore, all those benefiting from the programme were not actually discharged from their militias or demobilized and instead of using the programme as a 'safety net' for their transition from military to civilian life, considered it a legitimate path to accessing their perceived 'share' public funds – facilitated by institutional corruption or dysfunction and sanctioned by the culture of a rentier economy. Payments of cash benefits for militia members (alleged veterans), housing, public-sector employment, bank loans, treatment of injuries or illnesses abroad, and benefits earmarked for the incapacitated were used to buy political support or consolidate existing constituencies.

In addition, granting particular cities or areas favourable public funding by virtue of their leading roles during the revolt has been among the most overt mechanisms effective in restructuring power and influence and undergirding the emergence of new power elites. Such has gone hand in hand with a reciprocal process aimed at depriving particular areas or tribes from gaining their share of both the transitional political process and public monies on their basis of having been labelled as former regime loyalists. These policies have had the negative consequence of widening the gap that separates 'winners' and 'losers' in the conflict while becoming the most dangerous obstacle to restoring law and order while simultaneously inhibiting the restoration of the functions of state institutions. Vested interests that have developed in all areas and dividing lines were created not only between the 'winners and losers' in broad sense but also at the micro-level within each community.

New elites have risen to prominence and new power structures – both national in scope and within each region, town or tribe – have sprung up and consolidated their positions, thereby hindering or completely derailing normalization of politics and the return of the rule of law. With exclusionist policies and programmes such as the infamous 'political exclusion law' issued by the GNC in contested circumstances, directed against many elements of society including all those who worked in middle- or high-ranking position during Gaddafi era irrespective of their actual conduct has meant 'winners' have control over public funds and institutions. In reality, however, this has been tantamount simply to the replacement of the old regime elites with new ones while inheriting its culture of exclusion.

It is a well-known fact today that the cities, areas and tribes that were 'victors' in the conflict and which managed to accumulate large military arsenals and militias are now acting almost completely independently and outside the sphere of the tenuous state authority. They administer their own political, military, judicial and police affairs and handle executive authority. Even more hazardous are their attacks and ready-to-go-to-war onto other areas, to seize any public facility or resource and even to set up their own prisons and courts that act independently, even when handing down verdicts of capital punishment. This further cripples the weak, nascent state authority and prevents the government and the legislative branch from developing any institutional capacity at any level, thereby impeding prospects for national post-conflict reconciliation, reconstruction and democratic transition.

Libya: the urgent need for state-building and the responsibility of the world community

The discussion shows that Libya is in dire need of an inclusive national reconciliation agreement and process that transcends the limitations of DDR while simultaneously recognizing its values. During the Gaddafi era, Libya suffered from all types of institutional weaknesses given that the regime adopted a *singular* stance and approach that thoroughly disavowed the concept of permanent state institutions. Once the regime was ousted, Libya appeared in urgent need of institutional capacity-building and a strong centralized government that could help overcome the structural deficits of the past and manage the fallout of the conflict while leading the reconstruction effort.

However, the fact that the Libyan uprisings in 2011 had basically been staged on the periphery and either echoed or developed local, regional, tribal and ideological orientations, post-Gaddafi Libya proved a theatre for the continuation of long-sublimated conflicts and impending fragmentation. The facts are that the foreign powers that intervened and helped to oust Gaddafi and his regime declined the opportunity and did not respond to the country's need for post-conflict assistance in reaching reconciliation and state-building. A review of the situation and a cursory review of the literature on Libya would, or *should*, have alerted these powers and the UN to anticipate the necessity of attending to the country's dire need for such help (Burke 2013; Stokes 2014).

The UN role has, however, focused on helping the new executive apparatus in designing operational programmes and policies, but has actually been less concerned with these challenges in terms of state-building of a sort similar to that undertaken by the international community in Bosnia after the conclusion of the Dayton Agreement in December 1995 (Cox 2001). Tragically, even though Libya – by all accounts – was swiftly moving towards renewed conflict and chaos and the UNSMIL encountered continued obstruction and frustration, neither the UN nor the powers that had intervened in Libya in 2011 were ready or willing to fulfil their moral responsibility and reconsider the developing situation in light of post-revolt realities.

This served to exacerbate the increasing level of external involvement in Libyan internal affairs, and it was a known fact that foreign governments and non-state actors were engaging in actively playing Libyans against each other or carrying terrorist activities. The lessons that may be drawn from the experience of the international mission in Bosnia indicate that the transition process rests on the fundamentals of resolving conflict issues through a sustained strategy of state- and institutions-building (Cox 2001).

The international community, particularly the countries that were behind the military operations in Libya in 2011 that led to the victory of anti-Gaddafi rebels, has so far refrained from a meaningful engagement in support of Libya to reform its Gaddafi-era institutions and build new ones, as well as to help impose the rule of law (Burke 2013; Stokes 2014).

Given that Libya currently lacks any security or military institutions that can help implement this kind of strategy or provide the populace with security, it is imperative that the global community and the UNSC take all the necessary steps and make available all the required units to undertake a proper management of weapons collection for destruction or reuse. It is here that the role for an international or regional force that can stand in for the unavailability of a national security or military apparatus can be

envisioned and would come into play. Such a force ought to be entrusted with the tasks of collecting arms, protection of cantonments and training of former combatants who desire – as unaffiliated individuals – to join the future country's security or military units and are willing to be integrated as such.

Being content with issuing resolutions at the UNSC or the statements of the numerous multilateral meetings have so far proved of little real effect or value and have failed to bring about the desired changes in the attitudes and behaviour of Libyan parties, especially with the militias. The DDR is linked conceptually to the 'responsibility to protect principle' (R2P) as a humanitarian impulse that 'places a high premium on the importance of rebuilding societies torn apart by conflict' (Knight 2009, 31).

UNSC resolutions 1970, 1973 and 2074 were all adopted on the premise that the international community has a moral responsibility to protect civilians. Libya now faces real and dangerous threats not only to civilians but also to its very existence. Therefore, the involvement of the international community is its responsibility, so that a successful DDR may be put into place and result in the desired outcomes of peace and national reconciliation. The UN Peace Building Commission established in 2005 may play a pivotal role in helping Libyans achieve the objectives of DDR and SSR, thereby significantly contributing to reconciliation and state-building.

For these reasons, the time has arrived for the world community, and in particular the great powers that had the major role in militarizing the Libyan uprising in 2011, to acknowledge their duty and moral responsibility to attend to the implementation of a well-warranted desire to protect civilians and save the country from real prospects of another all-out civil war that would only lead to further disintegration. As Sayigh (2015) has noted:

The extensive involvement of major international and regional powers in the process also complicated security sector reform and restructuring in the Libyan [case] … it was driven by agendas that often worked against security sector reform priorities and best practices. These external priorities skewed the pace and direction of security sector restructuring.

The powers that helped the rebels oust Gaddafi by force enjoy real leverage that they should employ in conjunction with their moral responsibility as they can bring the Libyans to the negotiating table and help them reach a national and social reconciliation agreement sooner rather than later, if at all.

Obviously, it is necessary that such negotiations should not be limited by political preconditions or social prejudices and exclusions. Such also should include a clearly defined strategy and plan of action for DDR/SSR and security and military sector reform capable of being implemented with the active and direct involvement of a UN mission that is technically well developed in an integrated approach that provides measures for peacekeepers or UN police units who have a credible and visible presence. An active UN role is warranted for in Libya, similar to the one played in rescuing the failed DDR in Sierra Leone in 1998, when the UN established its mission there in 2002 to implement the peace treaty. That active engagement was based on the existence of a peace agreement that came as the result of the hard and dedicated work of African and UN diplomats.

Any future scheme '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' (Perito 2016).

Transitional justice and national reconciliation

The violent Libyan uprising meant that Libya is compelled to struggle to deal with both the Gaddafi regime's legacy of human rights violations and war crimes and similar acts, violations or atrocities committed in the post-Gaddafi era since 2011. This challenge must be confronted along with the issues that link it to the transformation period that should result in the adoption of an inclusive democratic process while resolving post-repression and post-conflict issues. Here, transitional justice (TJ) becomes relevant where issues of redress, justice and accountability automatically spring to the fore and feature prominently in the ensuing transition particularly as far as *governance* is concerned.

There is a vast and evolving body of literature that draws on relevant conflict and post-conflict experiences from all corners of the globe. In this context, the definition of TJ is a highly contested since its defining parameters are subject to continuous change in response to the developments in conceptualization and the apparent differences in each country's particular circumstances along with the determinants of expectations of the stakeholders. However, the concept may be simply defined as including an 'array of processes designed to address past human rights violations following periods of political turmoil, state repression, or armed conflict' (Olsen et al. 2010, 2).

Much of TJ has been centred on issues of truth, justice and retribution with a wide range of mechanisms, activities and objectives that seek the realization of 'restorative justice measures and goals, such as establishing a new truth about atrocities, recognizing the right of victims and their families, reparations and the restitution of property to victims' (Domingo 2012, 2). However, TJ – and whatever such ostensibly entails – has recently undergone some expansion of scope to include elements that transcend the immediate concerns of victims and which extend to those of dealing with the root dynamics and engines of conflict and violence that factor in political and social change.

Given the characteristics of the Libyan case as alluded to above, this is the dimension of TJ that appears most relevant to the success of the efforts to bypass impediments to positive change towards building a new polity as this relates to reconciliation. It is obvious that without reconciliation there can be no hope of obtaining justice or accomplishing the desired democratic governance and successful state-building. The UN and the World Bank have emphasized that TJ is instrumental in both short- and longer-term state-building and development (Domingo 2012).

Taking into consideration the nature of the Libyan conflict and how it continued and spread after the fall of the Gaddafi regime, this only emphasizes the argument about the necessity of extending the parameters of TJ beyond mechanisms of an exercise in truth-telling, justice, reparations and restitution, and the purging governmental and security departments of those individuals who are perpetrators of crimes. TJ in post-Gaddafi Libya must include and aspire to more far reaching objectives:

> associated with the longer-term state-building and development objectives. These broader goals include rebuilding the rule of law and trust between state and society, uncovering and addressing the root causes of conflict and violence, such as social exclusion and discrimination and improving social cohesion. (De Greiff and Duthie 2009, 4)

Libya is a tribal society and the developments since 2011 have shown that the country suffers from regional and tribal rivalries. The struggle for the control of the country's

government and resources has already claimed much of the national unity. The negative repercussions and fallout of the uprising that divided Libyan regions and tribes into absolute categories of 'winners' and 'losers' further intensified by the political exclusion law, the forced displacement and migration of hundreds of thousands of Libyans in neighbouring states and the tribal wars in 2012–14 have all factored in creating deep animosities and engendering distrust (Sawani 2012).

Though it could be argued that such divisions were the result of Gaddafi's long-standing and deep-seated policies of 'divide and rule', the conflict and what ensued have brought these identical modes of operation to the fore. Therefore, Libya needs to take all possible steps to mitigate these destabilizing dynamics. State-building that embarks with a process of national reconciliation is the only viable solution that may successfully deal with these challenges and help restore national unity. The formation and reformation of security-sector institutions, particularly a national army, national reconciliation process and TJ, are indispensable to the task at hand.

There are many good reasons why the countries that intervened in Libya in 2011 should expand their roles in helping Libya to extricate itself from its current crisis and start on a worthwhile state-building process. A priority among these is that the initial success of the 2012 elections was soon replaced with failure, particularly where security and the spread of Islamist extremism are concerned. Radical Islamist, militias and al-Qaeda splinter groups and affiliates or similar ones have mushroomed and are doing their utmost to sabotage and prevent any democratic peaceful transition that involves or rests upon the establishment of security institutions and the reform of the existing ones. Foreign powers were dissuaded from any active involvement in Libya after Gaddafi's ousting because they were concerned about adversely impacting the tenuous legitimacy of the nascent transitional authority (Chivvis et al. 2012).

Nevertheless, the fact of the matter is that Islamists who were virtually in control of the spheres of Libyan transitional authority, especially the NTC and the GNC, decided early on that the intervention of the international community would be counter to their interests and designs on the future of the country. Islamists constituted the effective and well-armed faction of the rebels who rose against Gaddafi. While others were busy with the military aspect of the conflicts, the Islamists were bent on and actively engaged in acquiring weapons, forming militias and consolidating their positions particularly in the east of the country with an eye on carving out their power base in the post-regime transition.

During the months of the conflict these groups were active in setting up the so-called local councils, Shūra and Elders' Council, and the so-called civil society organizations that were basically formed and manned by their cadres. This was the work of Islamists who were well-versed in clandestine activities and had backing from the professional know-how and expertise of regional and international networks intent on guaranteeing their supremacy in post-Gaddafi Libya. Therefore, any foreign intervention or active involvement in the post-conflict peace and institution-building was unacceptable to them as it threatened their plans to realize objectives; and, thus unsurprisingly, they sought to dissuade foreign powers from intervening. Developments, especially after the July 2012 elections, proved this and Islamists were able to offset the results of that election, brushing aside the liberal Nationalist Alliance, led by Mahmoud Jebreel, that had actually garnered the majority of the votes.

Libya is a relatively rich country and the foreign powers not only deemed it less desperate for financial assistance but also assumed that its post-conflict reconstruction and rehabilitation would prove lucrative and beneficial for Western businesses and companies. To say the least, this was a sort of opportunism that ran counter to the supposed 'moral/ethical motives' of the intervention. The wealth that Libya possessed was destined to become a curse rather than a blessing. Islamists, who are part and parcel of extraterritorial designs of an Islamic 'caliphate' and state, view Libyan oil wealth as a potential source for the financing of such grand designs. This conviction and the determination to hold onto assets has only intensified in the wake of the military intervention in Egypt on the heels of wide popular discontent, resulting in the overthrow the Muslim Brotherhood government in June 2013. Differently stated, it has proven in the interests of the Islamists to stymie and argue against any active engagement by outsiders (Butt 2012).

Unfortunately for Libya, resources that might have otherwise factored in reconstruction and development have become an object of contention among its various factions, further threatening its fragile peace. With what ensued in Egypt after the outright confrontation between the Muslim Brotherhood and the instalment of the regime of President Sisi along with the proxy war of regional powers in Libya, it is only too obvious that the regional geopolitical situation no longer serves to factor in a stable transition.

Islamists have been intent on dismantling or destroying whatever remained of Gaddafi's state apparatus and institutions, including the state bureaucracy. They were at the forefront of barring all ex-regime officials from assuming any role. Not only was the Law of Political Exclusion directed at top Gaddafi-era officials, but also indiscriminately at all state officials as well as those who had worked in non- or quasi-governmental positions since 1969. Islamists exploited their superior position in the GNC and with the help of their militias to impose the legislation and thereby assure themselves that they would have no rivals.

This strategy of the Islamists was ultimately successful in realizing their objectives at the expense of the country's stability and gravely hampered national reconciliation. However, the most disastrous element and result, simultaneously, was the prevention of the reformation of the armed forces and reconstitution of other security institutions. Employing the same justification that was touted in the case of political isolation, Islamists set up many organs that appeared – superficially – to be analogous to 'state institutions' but which were in reality no more than militias and paramilitary and security entities that they manned and controlled. Their argument was that any remaining Libyan army or security personnel affiliated to Gaddafi's deposed regime would be comprised of people who had pledged loyalty to him; and, thus, their former status rendered them 'untrustworthy' for the protection of the country and its people, where their involvement would – ostensibly – pose an imminent threat to the revolution.

On such grounds, any schemes for DDR/SSR and greater inclusivity were blocked, derailed or otherwise foiled. Conflict erupted in many parts of the country and even those elements of the Libyan army that had actively participated in the regime's ousting were a target of orchestrated propaganda and a campaign of physical liquidation. The 2012 elections, however, were hardly suitable for creating peace or democracy as the country's security situation deteriorated. Furthermore, the 2013 House of Parliament elections added to and aggravated the polarization already dispersed and disseminated on multiple levels. Libyans have been engulfed in all sorts of ideological, regional and tribal struggles

threatening the social fabric and the existence of the country itself as a united entity and its nascent national identity.

More than five years after Gaddafi's death, Libya finds itself in a highly precarious situation with real sovereignty belonging to militias that dispute the legitimacy of the transitional authorities or entirely reject the concept of a civil state outright. The policy of minimal intervention or 'light-footprint' approach adopted by external powers was an expression of an unrealistic and overly excessive optimism about Libya's potential. It has so far proven catastrophic and the continuation of such a stance is tantamount to an irrational or wilful ignorance of the challenges the country faces, rendering it a policy that is no longer feasible or conscionable.

Libya is in urgent need for the active engagement of the Western powers that helped its people rid themselves of a draconian dictator. Libya's friends, especially the United States, need to lend the country more constructive support, particularly where it is needed most critically. Direct involvement should be planned and pursued to help the country at the levels of policy and technical and strategic levels of engagement.

The areas that are in most need of active engagement and intervention are those pertaining to the setting up of appropriate, effective and efficient governance institutions, security institutions and administrative agencies. Getting the Libyan economy back on track is an indispensable prerequisite task without which the country's resources may simply be unduly drained. These constitute an urgent set of interventions needed in Libya, and moreover attention to these would be well suited to initiating a serious state-building process.

Libya's transitional authority has been an object of continuous contestation and it actually enjoys only nominal sovereignty at best. The government has no monopoly over the means of force and its legitimate use in promoting law and order. Thus, again, it must be reiterated that the international community, especially Western countries, has a moral obligation in Libya; and they need to prove that their actions in 2011 were just and sincere in pursuit of the R2P and not undertaken at the behest of political opportunism, business and realist interests.

A key lesson that may be drawn from worldwide experiences of conflict resolution is that any attempt at DDR and SSR is unlikely to bring about the desired outcomes unless such is part and parcel of a peace treaty or a national reconciliation agreement: 'The political solution to ending the conflict is the most pressing contextual factor in which rebel military integration will be implemented' (Knight 2008, 12). Therefore, no call for a peace agreement is likely to be accepted, but what may be suitable instead is to have a process of social and national reconciliation. An agreement among all stakeholders must be reached detailing the strategy and plan of action for DDR/SSR. As international experience has demonstrated, it is vital for such an objective to be achieved that the national and social reconciliation agreement spells out the necessary details of the elements of DDR/SSR. Such an initiative should formulate a detailed plan of action or road map, specifying dates, criteria and benchmarks according to a realistic timetable.

Given that Libya already has a constitutional proclamation, it is important that any road map aiming at state- and institution-building focuses on constructing new or reforming existing core and indispensable institutions essential for the functioning of the state. Though the Commission of Sixty elected for the purpose of drafting the permanent constitution has been working for some time, it has been doing so in the absence of minority

representation and the boycott of some members. It is important that the international community ensure an open, inclusive nationwide debate and negotiations that exclude none and involve all Libyans, including those now living in other countries.

These negotiations should form part of the wider national reconciliation agreement and detail the elements of the fundamental constitutional structures and vision, including the role of Islamic *sharīʿah*, cultural group rights and regional/local governance for it to be suitable to overcoming the many levels and dimensions of polarization. This highlights the need for an inclusive strategy to facilitate and create broader national consensus on the elements of conflict transformation and its objectives within an inclusive new social contract, where:

> the broader the ownership, the greater the chances that the root causes of the conflict will be placed on the peace-building agenda and that the parties will generate and maintain the political will to bring about necessary forms to democratize, familiarize, develop, and reconcile the country. (Dudouet 2012, 12)

Conclusions

The situation in Libya as described and presented by the international media, think tank assessments and diplomatic reports reveals that this country is not any closer to democracy and the provision of human rights than it had been prior to the 2011 military intervention. The goals and aspirations of the Libyan people for democracy and prosperity are remote. The current state of affairs might best be described in the vernacular as the realization of a 'recipe for disaster'. 'Libya has become a toxic mixture of inherited structural weaknesses, post-conflict challenges and the fallout of regime change … the country seems poised on the edge of … atomization and even renewed authoritarianism' (Gaub 2014, 101).

The chances for peace, reconciliation, and prosperity and state-building in Libya are trapped in a 'vicious circle', where attaining the goals of the popular uprising requires building state institutions. This obviously rests upon security and the state's monopoly of arms that may not be achieved before dismantling militias. Simultaneously, these militias are not ready to relinquish their influence, privileges and vested interests.

Due attention must be given to the realities of Libya and how regional, tribal, ethnic and religious dynamics have all interacted to shape its past and present, as well as how to engage better their constituencies in order to rescue this country from its current crisis. The international community must abandon an ill-conceived policy of reconciling with political and armed groups that employs any of these dynamics for partisan purposes. Recent developments only further attest that once any of these dynamics, particularly *religion*, is politicized it tends to leave no room for tolerance.

Libya desperately needs a comprehensive peace and security plan. Direct help in devising and implementing a new road map for genuine democratic transition is long overdue. This road map must echo the opinions of the electorate whose free choice should not be hostage to ill-conceived alliances or the opportunism of foreign governments.

Note

1. A Harvard researcher" paper stated that the NATO campaign in Libya had actually prolonged the war six times longer than it would have been without the military intervention.

The number of casualties and deaths increased at least seven-fold (Kuperman 2014). NATO forces indiscriminately attacked Gaddafi'' forces and even targeted elements that were retreating or stationed in towns that were not part of the fighting theatre. The international alliance also provided arms and advisors to the rebels; and they rejected the regime'' offer of a ceasefire, which, if it had been accepted, would have limited the number of casualties. NATO'' direct intervention in the conflict extended the revolt for another seven months, causing the death of an estimated 7000 persons (Kuperman 2014).

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