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Post-Conflict Reconstruction: Security Sector Reform
Libya: The Struggle of a Hybrid Security Sector During Conflict

I. Introduction

Conflicts are erupting, declining, stabilizing, and reoccurring around the world from Myanmar to Israel and Palestine to Yemen.[1] Many states in a post-conflict environment are trying to recover from the devastation that a past conflict caused to its infrastructure, governance, and civilian's lives with weakened political institutions and little, if any, civilian control over security structures.[2] The process of recovery, the process of reconstruction varies state by state dependent on the context of the conflict and the nuances of culture and politics within each state.[3] This process is commonly known as post-conflict reconstruction.[4]

Frameworks to implement post-conflict reconstruction are abundant but one principal framework is based around four pillars: security, justice and reconciliation, social and economic well-being, and governance and participation.[5] The goal is to prevent the resurgence of violence, to ensure sustainable peace, and to provide sustainable development.[6] Post-conflict environments do not often fall into a box that can be reconstructed with a neat bow, especially in the Middle East and North Africa; reconstruction along the four pillars does not always equate to an end to conflict "as it may only trigger new regional and international rivalries."[7] These more complex circumstances involve perpetual conflict and unstable

[1] *Global Conflict Tracker,* COUNCIL FOREIGN RELS., https://www.cfr.org/global-conflict-tracker.
[2] ALBRECHT SCHNABEL & HANS-GEORG EHRHART, *Post-Conflict Societies and the Military: Challenges and Problems of Security Sector Reform in,* SECURITY SECTOR REFORM AND POST-CONFLICT PEACEBUILDING 1, 5 (2006).
[3] *See* Maha Yahya*, The Politics of Post-Conflict Reconstruction*, CARNEGIE MIDDLE EAST CTR. (Sept. 13, 2018), https://carnegie-mec.org/2018/09/13/politics-of-post-conflict-reconstruction-pub-77243.
[4] *See Post-Conflict Reconstruction,* CTR. STRATEGIC & INT'L STUDS., at 2 (May 2002).
[5] *Id.* at 3. *See also* Policy on Post-Conflict Reconstruction and Development (PRCCD), African Union, art. 14(a).
[6] Police on Post-Conflict Reconstruction and Development (PCRD), A.U., art 12.; Sukehiro Hasegawa, *Post-Conflict Leadership*, UN Chronicle (April 2015), https://www.un.org/en/chronicle/article/post-conflict-leadership.
[7] Amr Adly ET AL., *Conflict by Other Means: Postwar Reconstruction in Arab States*, CARNEGIE MIDDLE EAST CTR. (Feb. 5, 2021), https://carnegie-mec.org/2021/02/05/conflict-by-other-means-postwar-reconstruction-in-arab-states-pub-83824.

environments that devastate civilians.[8] Though difficult to perceive a solution to such insecurity,[9] analyzing such circumstances is important to prevent similar reconstruction adversity. As the United Nations ("U.N.") Security Council notes, to try to achieve this peace and stability, to further attempt to achieve good governance, poverty reduction, and state legitimacy, security reconstruction is critical.[10] To dive into the intricacies of security reform in the post-conflict reconstruction context,[11] Libya incomparably provides a strong basis for analysis due to its perpetual fragmentation of and tension between formal and informal security actors.[12]

This paper will thus analyze the security reconstruction strategies implemented in Libya through the perspective of post-conflict security reconstruction. First, I will analyze the theory behind security during post-conflict reconstruction, focusing specifically on security sector reform ("SSR"). Second, I will briefly address what led to Libya's uprising during the Arab Spring and the state of the security sector under Gadhafi. Third, I will examine the multiple attempts at SSR since the Arab Spring and the fall of Gadhafi's regime until present day, detailing the failures of its hybrid SSR. Lastly, I will conclude with an analysis of Libya's SSR attempts in relation to SSR theory and address steps forward—the SSR necessary in the post-conflict environment not just for Libya but states with similar security sector complications.

II. Security in Post-Conflict Reconstruction

There are several frameworks in which to analyze post-conflict reconstruction; one common denominator among the frameworks is security as the center of reconstruction, the "sine qua non of post conflict reconstruction,"[13] the foundation for development and successful governance.[14] In a post-conflict

[8] *See The Civilian Consequences of Conflict,* WORLD101 COUNCIL FOREIGN RELS., https://world101.cfr.org/how-world-works-and-sometimes-doesnt/conflict/civilian-consequences-conflict.
[9] Adly, *supra* note 7.
[10] S.C. Res 2553 (2020), at 1-2.
[11] *See id.*
[12] *See* Christopher M. Blanchard, *Libya: Transition and U.S. Policy,* CONG. RSCH. SERV., at 2-4 (2022), https://sgp.fas.org/crs/row/RL33142.pdf.
[13] John J. Hamre & Gordon R. Sullivan, *Toward Postconflict Reconstruction*, WASH. QUARTERLY, 85, 92 (2002).
[14] Craig Valters et al., *Security in Post-Conflict Contexts: What Counts as Progress and What Drives It?*, ODI at 2, https://cdn.odi.org/media/documents/8915.pdf; ROBERT M. PERITO, *Security Sector Reform in,* RESEARCH HANDBOOK ON POST-CONFLICT STATE BUILDING, 145, 145 (Eds. Paul R. Williams & Milena Sterio 2020).

environment, the security structure is often eroded by "violence and disruption;" the local police either dissipate or are perceived as "defenders of the regime under . . . attack."[15] The weakened security institutions make society vulnerable to increased rates of crime, affecting reconstruction efforts through schemes such as the theft of aid.[16] In order to ensure country conditions are compatible with reconstruction, the goals of post-conflict security reconstruction tend to be twofold: attaining national security objectives and addressing human security concerns.[17] The particular goals to be accomplished are immediate securitization, demobilization and reintegration of armed individuals, and diminution of security actors[18] with the assistance of peacekeepers, donors, and stable national leaders.[19]

A. Evolution of Security Reconstruction

The first, traditional iteration of security reconstruction focused principally on state building—rebuilding government institutions through state actors.[20] The strategy included reforming military institutions,[21] establishing regime security, implementing the training and equipping of police and soldiers, and building efficiency and capability, with little to no attention on accountability and governance.[22] This method of security reconstruction continues to be implemented, particularly in relation to the war on terror and the perceived necessity "to address immediate instability and insecurity."[23]

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[15] BRUCE BAKER & DILIP K. DAS, *Africa and the Post-Conflict Security Environment in*, SECURITY IN POST-CONFLICT AFRICA: THE ROLE OF NONSTATE POLICING, 1, 7 (2009).
[16] *Id.* at 8.
[17] *Security Infrastructure in,* RESEARCH HANDBOOK ON POST-CONFLICT STATE BUILDING, 114, 114 (Eds. Paul R. Williams & Milena Sterio 2020).
[18] Paul Jackson, *SSR and Post-Conflict Reconstruction: Armed Wing of State Building? in,* THE FUTURE OF SECURITY SECTOR REFORM 118, 120 (Ed. Mark Sedra 2010).
[19] BAKER & DAS, *supra* note 15, at 17-18.
[20] *Id.* at 14.
[21] MICHAEL BRZOKSKA, *Introduction: Criteria for Evaluating Post-Conflict Reconstruction and Security Sector Reform in Peace Support Operations in,* SECURITY SECTOR RECONSTRUCTION AND REFORM IN PEACE SUPPORT OPERATIONS 1, 3 (Eds. Michael Brzoska & David Law 2007).
[22] DUSTIN SHARP, *Security Sector Reform for Human Security: The Role of International Law and Transitional Justice in Shaping More effective Policy and Practice in* INTERNATIONAL LAW AND POST-CONFLICT RECONSTRUCTION POLICY 166, 168 (Eds. Matthew Saul & James A. Sweeney 2015); Sarah Detzner, *Modern Post-Conflict Security Sector Reform in Africa: Patterns of Success and Failure*, 26 AFRICAN SEC. REV. 116, 119 (2017).
[23] Detzner, *supra* note 22, at 119.

However, security reconstruction based principally on state and military rebuilding began to shift as conflicts transformed from interstate to intra-state after the Cold War in the late 1990s.[24] This transformation led to civilians suffering increased harm[25] and an increased possibility of danger due to weakening states and the failure of institutions with militaries, dependent on shrinking aid, growing larger than their aid could support.[26] Reconstruction thus refocused toward a more human-centered, human security approach that addresses insecurities born from conflict.[27] This renewed security reconstruction does not just evaluate "the capacity of the security forces, but how well they are managed, monitored and held accountable," perceiving stability as not just dependent on the capability of the army but the welfare of the state's citizens.[28] This new form of human-centered security reconstruction is more commonly known as security sector reform ("SSR"), reform "that envisions a rights-respecting, democratically controlled, transparent, inclusive, and accountable security force[]"[29] with local ownership.[30] SSR is perceived as the standard when reforming post-conflict environments.[31]

B. Security Sector Reform in a Post-Conflict Environment

SSR first emerged at policy dialogues in the 1990s for the Organisation for Economic Co-operation and Development ("OCED") "through work led by" the British Department for International Development ("DFID").[32] The DFID addressed the interconnection of development and security, stating that poverty reduction and economic progress were impeded by conflict, thus directing attention toward corrupt militaries to ensure human security.[33] At first, the OECD focused on implementing SSR in stable states that primarily required assistance with their declining economic growth from poverty and a lack of

[24] Valters ET AL., *supra* note 14, at 2; SHARP, *supra* note 22, at 168.
[25] Valters ET AL., *supra* note 14, at 2.
[26] Detzner, *supra* note 22, at 118.
[27] Valters ET AL., *supra* note 14, at 2.
[28] Detzner, *supra* note 22, at 118.
[29] SHARP, *supra* note 22, at 169.
[30] BAKER & DAS, *supra* note 15, at 156-57.
[31] Mark Sedra, *Adapting Security Sector Reform to Ground-Level Realities: The Transition to a Second-Generation Model*, 12 J. INTERVENTION & STATEBUILDING 27, 27 (2018).
[32] PERITO, *supra* note 14, at 145.
[33] *Understanding and Supporting Security Sector Reform,* DEP'T INT'L DEV., at 1 (2002); Leni Wild & Samir Elhawary, *The UK's Approach to Linking Development and Security: Assessing Policy and Practice*, OVERSEAS DEV. INST., at 1-2 (2012).

infrastructure.[34] However, the U.N. began to perceive that the "security and well-being of peoples and States are fundamentally intertwined;"[35] the U.N. began to implement SSR in states recovering from violent conflict, formally endorsing SSR in 2008 as one strategy in post-conflict reconstruction and itself as a supporting actor for national authorities working to implement SSR.[36] Even the U.N. Security Council since 2014 has included SSR as part of its strategy to strengthen security reconstruction.[37]

SSR is increasingly viewed as a multi-layered approach that focuses on "assessment, review, and implementation led by national authorities" to address the state's national security infrastructure, military, and police and to determine what approaches are "responsive to the security concerns of citizens."[38] Achieving SSR in post-conflict environments depends on "development assistance rather than on short-term conflict resolution," lending itself to a long-term process with a continual focus on human rights protection and democratization[39]—also known as "'Orthodox' SSR."[40] The OECD Development Assistance Committee and U.N. Secretary-General's reports on SSR implementation address six core post-conflict SSR principles.[41] These principles address the primary necessity to reconstruct the security sector based on the local context; the principles address the necessity to strengthen governance through local leadership and transparent oversight of military and police operations managed by civilians, with reconstruction occurring not only for the traditional military institutions but also for non-state security actors and government institutions.[42] These SSR strategies are often applied in "transitional environments" where intervening military forces—often peacekeepers—"operate[] under the international law governing the occupying powers," allowing time for locals to attain the capability required to take part in dialogue.[43]

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[34] PERITO, *supra* note 14, at 145.
[35] U.N. Secretary-General, *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, A/62/659-S/2008/39, at 13, 18 (Jan. 23, 2008).
[36] *Id.* at 13, 18; PERITO, *supra* note 14, at 146.
[37] U.N. Secretary-General, *Strengthening Security Sector Reform*, U.N. Doc. S/2022/280, at 2-3 (Mar. 15, 2022).
[38] BAKER & DAS, *supra* note 15, at 149, 156-57; *Security Infrastructure, supra* note 17, at 114-15.
[39] DYLAN HENDRICKSON & ANDRZEJ KARKOSZKA, *The Challenges of Security Sector Reform in,* SIPRI YEARBOOK 2002: ARMAMENTS, DISARMAMENT AND INT'L SEC., 175, 180-182 (2002).
[40] Detzner, *supra* note 22, at 119.
[41] PERITO, *supra* note 14, at 146.
[42] *Id.* at 146-48, 156.
[43] Detzner, *supra* note 22, at 119-120.

SSR acknowledges the mistrust and hostility civilians may have for security forces in a post-conflict environment.[44] Thus, SSR is further composed of "approaches and processes aimed at establishing a well-governed security sector that is accountable to the people in accordance with democratic principles"[45] and with optimized and responsive security frameworks.[46] SSR experts are aware of the susceptibility of a recurrence of war "between the formal end of fighting and the re-establishment and consolidation of the state's capacity" to provide security; to prevent recurrence, SSR includes not only figuring out a twelve to eighteen month plan but a quick response.[47] The quick response includes quick wins to establish a foothold in the country, searching for access points where trust can be built amongst local populations to increase the chance of an invitation to take part in further reform.[48] This period of opportunity is known as the "golden hour."[49]

During this golden hour, SSR is often described as the "deployment of intervention forces" where the deployed soldiers are expected to consider not only military strategies but also the "political consequences of their actions."[50] The forces should cooperate with the police and civilians in the country to ensure local support,[51] while also cooperating with elites and rival groups.[52] These military forces play a role in reforming armed forces, particularly in "training and equipping indigenous police and military personnel,"[53] but can take a limited role in supporting non-military reforms if, for example, the environment is hostile.[54] The most successful SSR includes external support with "strong internal dynamics" that first prioritize the

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[44] Jackson, *supra* note 18, at 122-24.
[45] Christoph Bleiker & Marc Krupanski, *The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship*, DCAF, at 37-38 (2012). *See* Sean McFate, *The Link Between DDR and SSR in Conflict-Affected Countries*, USIP, at 71 (2010).
[46] Emadeddin Badi, *Exploring Armed Groups in Libya: Perspectives on Security Sector Reform in a Hybrid Environment*, DCAF, at 4 (2020).
[47] MARK DOWNES & ROBERT MUGGAH, *Breathing Room: Interim Stabilization and Security Sector Reform in the Post-War Period in,* THE FUTURE OF SECURITY SECTOR REFORM 136, 141-42 (Ed. Mark Sedra 2010).
[48] PERITO, *supra* note 14, at 148-49.
[49] JANE STROMSETH ET AL., *Security as Sine Qua Non in,* CAN MIGHT MAKE RIGHTS? BUILDING THE RULE OF LAW AFTER MILITARY INTERVENTIONS 134, 145 (2006).
[50] SCHNABEL & EHRHART, *supra* note 2, at 5; PERITO, *supra* note 14, at 150.
[51] PERITO, *supra* note 14, at 150.
[52] *See id.*
[53] *Id.*
[54] Marian Bae, *Security Sector Reform – An Integral Part of Post-Conflict Reconstruction*, BULLETIN OF "CAROL I" NATIONAL DEFENSE UNIV., at 5 (2012).

restoration of stability and security sector capacity before addressing "fundamental institutional problems" for fear of mobilized opposition.[55]

Importantly, for a military intervention to be legal, one of two options must occur. Either the state requiring the intervention must invite the intervening force into their state[56] or the intervening force must be authorized by the U.N. Security Council[57]—the U.N. Security Council is authorized to make recommendations and decide the measures necessary to "maintain or restore international peace and security"[58] when there is a threat against international peace and security.[59] If neither option occurs, the intervention infringes on the state's sovereignty.[60] However, when a state violates the rights of its civilians, states are authorized, even without Security Council authorization, to conduct humanitarian intervention, under the name of Responsibility to Protect ("R2P"); R2P is imposed when a state is "unwilling or unable" to protect their population from suffering harm.[61] There are three prongs to R2P. The first prong is responsibility to prevent.[62] The second prong is responsibility to react, the prong responsible for deciding if military intervention is appropriate; this drastic measure is implemented "when all order within a state has broken down or when civil conflict and repression are so violent that civilians are threatened with massacre, genocide or ethnic cleansing on a large scale."[63] The third prong, most important to SSR, is responsibility to rebuild, meaning that if a military intervention occurs "there should be a genuine commitment to helping to build a durable peace, and promoting good governance and sustainable development," including a focus on public safety.[64]

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[55] HENDRICKSON & KARKOSZKA, *supra* note 39, at 182.
[56] Laura Visser, *May the Force Be with You: The Legal Classification of Intervention by Invitation*, 66 NETH. INT'L L. REV. 21, 21 (2019).
[57] U.N. Charter, art 42.
[58] *Id.* at art 39.
[59] Marcel-Mihai Neag & Loredana Neag, *Post-Conflict Reconstruction and Human Security Insurance*, 64 Military Art & Science 364, 366-67, 369 (2011).
[60] U.N. Charter, art 2(4); Jasmeet Gulati & Ivan Khosa, *Humanitarian Intervention: To Protect State Sovereignty,* 41 DENVER J. INT'L L. & POL'Y 397, 401 (2013).
[61] International Commission on Intervention & State Sovereignty, *The Responsibility to Protect*, at 6.11, 6.14 (2001); Neag & Neag, *supra* note 59, at 366-67, 369; Gulati & Khosa, *supra* note 60, at 408.
[62] Int'l Commission on Intervention & State Sovereignty, *The Responsibility to Protect*, at 19 (2001).
[63] *Id.* at 31.
[64] *Id.* at 39, (2001)

No matter the SSR approach taken, local ownership is imperative to success.[65] Civilians' political will is necessary to accomplish successful security reconstruction.[66] Examples of SSR practices that take into account local ownership include "facilitating national civil-military dialogue, or strengthening the capacity of local civil society groups to do security-sector monitoring and advocate for much-needed policy reforms."[67] However, establishment of local ownership is complicated by the fact neither the "government nor civil society are usually strong or unified in post-conflict contexts."[68] Furthermore, the initial local leaders who step forward to assist are often those responsible for the conflict.[69] Thus, the primary focus may be toward working with a transitional government before local civilians, not the perpetrators, have the courage and ability to take a leadership position.[70]

As the U.N. noted in its 2008 SSR report, no one way exists to implement security sector reform, with each effort requiring a "highly individualized" model based on the state's situation.[71] It is further imperative to note that in post-conflict settings where the state continually faces insecurity and local resistance, SSR often "shift[s] and downscale[s], prioritizing" training and equipping soldiers to ensure stability.[72] Therefore, for success, SSR relies on consensus building and the ability to "adapt[] in a responsive and flexible manner to the needs and priorities of each particular context."[73] A conventional security plan hastily created will not address the "complex and shifting" post-conflict environment composed of diverse actors.[74]

C. Security Sector Reform Actors

SSR involves a number of actors, state and non-state, working interconnectedly,[75] desiring to transform the local security actors into ones that are "professional, effective, legitimate, apolitical, and accountable."[76]

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65 PERITO, *supra* note 14, at 156.
66 SHARP, *supra* note 22, at 179.
67 *Id.* at 180.
68 Detzner, *supra* note 22, at 125.
69 PERITO, *supra* note 14, at 149.
70 *Id.* at 149.
71 *Id.* at 145-46.
72 Sedra, *supra* note 31, at 33.
73 General Assembly Security Council, *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, U.N. at 18 (2008).
74 DOWNES & MUGGAH, *supra* note 47, at 142.
75 Valters, *supra* note 14, at 3.
76 McFate, *supra* note 45, at 4.

There are several different conceptions of the composition of SSR actors. The security sector actors vary depending on the circumstances and context but overall the actors include armed personnel, management and oversight bodies such as the ministries of interior and defense as well as the executive, justice and the rule of law institutions, non-state security forces, intergovernmental and non-governmental organizations, and private military and security companies.[77] Western views perceive actors and the security reform structure to be organized in three main groups: operational actors such as armed personnel that directly protect citizens, managerial institutions such as the ministry of interior and defense that manage actors, and oversight bodies such as the executive that ensure the security sector puts citizens above personal interests.[78] Depending on the environment, and particularly in post-conflict African states, groups such as the presidential guards, military forces, and private security actors are prominent.[79]

D. Parallel Reconstruction Efforts

As weaved throughout the SSR analysis, security reform does not occur in isolation as "failure in one component can undermine efforts . . . made in others,"[80] requiring simultaneous reconstruction of other sectors.[81] In particular, SSR and transitional justice occur in tandem, overlapping when it comes to "trust building and reconciliation" and their role in increased legitimacy of security forces.[82] Moreover, the training of local police goes hand in hand with reconstructing the justice system and implementation of lustration to avoid corruption.[83] Most closely intertwined with SSR is demobilization, disarmament, and reintegration ("DDR").[84] SSR and DDR are mutually reinforcing, sharing "the goal of consolidating the state's monopoly;" DDR shifts ex-combatants into civilian life or the new security forces to decrease their

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[77] Valters, *supra* note 14, at 6; McFate, *supra* note 45, at 4; *Security Sector Reform in Post-Conflict Peacebuilding*, Geneva Center for the Democratic Control of Armed Forces at 4 (2009); Bae, *supra* note 54, at 4.
[78] McFate, *supra* note 45, at 4. *See* OECD DAC HANDBOOK ON SECURITY SYSTEM REFORM: SUPPORTING SECURITY AND JUSTICE, OECD DAC, at 5 (2007) (stating the SSR's defined composition of the security system: security actors, oversight and management bodies, non-state security forces, and justice and law enforcement institutions).
[79] HENDRICKSON & KARKOSZKA, *supra* note 39, at 178-79.
[80] JEFFERY ISIMA, *Scaling the Hurdle or Muddling Through Coordination and Sequencing Implementation of Security Sector Reform in Africa in,* THE FUTURE OF SECURITY SECTOR REFORM 327, 330 (Ed. Mark Sedra 2010).
[81] PERITO, *supra* note 14, at 146-48.
[82] SHARP, *supra* note 22, at 183.
[83] PERITO, *supra* note 14, at 151; Badi, *supra* note 45, at 19.
[84] *Security Infrastructure, supra* note 17, at 114-15 (defining DDR as transitioning ex-combatants from their role in the conflict to contributing economically and socially in society).

threat to the state while SSR establishes the new security forces to protect against the opposition.[85] The strong interconnection of SSR with other aspects of post-conflict reconstruction highlights the importance of sequencing and coordination[86] as security actors must be prepared for their initial approach to evolve rather than remain rigid.[87]

E. Security Sector Reform Challenges

In countries without the capacity to implement a full-scale SSR, where there is state fragility, the fragility, "occasioned in most cases by decades of violent conflict, has made . . . ambitious reforms prohibitive without substantial external assistance."[88] There is thus the necessity for peacekeeping missions to accompany SSR or else the domestic security institutions bear the weight of SSR.[89] Reform challenges in a fragile state are exacerbated by the fact that SSR tends to create winners and losers, potentially "provok[ing] conflict between rival elites or lead[ing] to violent reprisals against supports of change."[90] A contradiction exists in which there is an urgency to build security institutions to ensure domestic security actors are held accountable and do not exploit external actors while requiring domestic actors to be able to enforce and implement security.[91] Importantly, there is a gap between practice and policy with many of the SSR core principles left without resources to be implemented or are ignored.[92] Moreover, the external actors, the international community assisting with SSR lack capacity to oversee reconstruction "except through a powerful regime."[93] Thus, there is a fear that the focus on human security will shift to regime protection[94] and achievement of counter-terrorism objectives as the favored approaches to security reconstruction for the international community.[95]

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[85] PERITO, *supra* note 14, at 152. *See* OECD DAC HANDBOOK ON SECURITY SYSTEM REFORM, *supra* note 78, at 105.
[86] ISIMA, *supra* note 80, at 328.
[87] *Id.* at 331.
[88] *Id.* at 329.
[89] Sedra, *supra* note 31, at 30.
[90] PERITO, *supra* note 14, at 149-50.
[91] BRZOKSKA, *supra* note 21, at 8-10.
[92] Sedra, *supra* note 31, at 27.
[93] Paul Jackson, *Introduction: Second-Generation Security Sector Reform*, 12 J. INTERVENTION & STATEBUILDING 1, 5 (2018).
[94] *Id.* at 5.
[95] SHARP, *supra* note 22, at 171.

Overall, SSR is particularly difficult to implement when there are two competing interests: the need to provide security and the need for change.[96] Due to the fragile nature of post-conflict environments and armed groups or powerful elites with vested interests for potential post-war violence, SSR is "routinely transformed and adapted as practitioners seek to reorient activities towards (proximate) risk reduction and enhancing resilience."[97] It is noted that non-state security providers such as guerrilla forces or indigenous military organizations sometimes contribute to community security, particularly when state actors are not cooperating.[98] However, terrorist groups continue to pose a threat to SSR, requiring SSR to form more than "well-mannered and citizen-friendly security units," requiring the establishment of armies and police capable and prepared to combat external, internal, and civil disorder.[99]

F. Acknowledging the Western View of Security Sector Reform

In most post-conflict countries, particularly in Africa, SSR implementation focuses primarily on military assistance, as well as reform to police due in part to "political pressure . . . for quick results."[100] This state-building model perceived as a "healthy" Western version of a state "has little relevance to most" African "states because it has simply never existed there."[101] This lends itself to the perspective that the African state is failing and in need of governance that comes from state building.[102] However, this form of SSR is perceived as weighing too heavily on "Western liberal principles," creating counterproductivity; the focus should be on programs shaped by the human security aspect of SSR, by "local dynamics and perceptions of security" as it is futile to wait for aid that arrives infrequently.[103] Even when local ownership is supposedly applied in the African context, critics state it is not applied effectively as donor governments focus more on ownership of the "government, national politicians, and national civil society," overlooking

[96] PERITO, *supra* note 14, at 152.
[97] DOWNES & MUGGAH, *supra* note 47, at 146.
[98] Detzner, *supra* note 22, at 126.
[99] PERITO, *supra* note 14, at 152.
[100] ISIMA, *supra* note 80, at 336.
[101] BAKER & DAS, *supra* note 15, at 152.
[102] *Id.* at 154.
[103] Detzner, *supra* note 22, at 119.

diversity in the country.[104] Thus, SSR can be seen as a process of post-conflict reconstruction "forced on states by external forces."[105]

One particular factor of SSR that the Western model does not take into complete account is non-state actors, and the importance of indigenization of SSR programs.[106] Thus, in the African context, there are several alternative SSR approaches to consider. Scholars have suggested calling SSR security sector transformation ("SST") as reform focuses on the legitimization of unpopular regimes whereas transformation focuses on transforming all aspects of institutions in interrelated fields.[107] The alternative approach pertinent in this paper[108] is the "hybrid" model where non-state actors work in parallel with state actors; the indigenous, local mechanisms that existed before remain in place and the community provides security due to greater trust in the community compared to the state.[109] The hybrid approach in weak states "is caused by competing power structures, none strong enough to displace the other" while in fragile states, the government enters into arrangements with local actors who may be seen as more legitimate, incorporating multiple authorities.[110] The flourishing of the informal security sector "fosters a bifurcated security system in which the formal and informal compete for precedence, engendering new fault lines of conflict."[111] It is thus important to acknowledge flexibility in the implementation of formal security institutions of Western designs where non-institutional actors heavily participate,[112] as is very pertinent in Libya.[113]

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[104] BAKER & DAS, *supra* note 15, at 159-60.
[105] *Id.* at 149.
[106] *Id.* at 152; ROCKY WILLIAMS, *African Armed Forces and the Challenges of Security Sector Transformation in,* SECURITY SECTOR REFORM AND POST-CONFLICT PEACEBUILDING 45, 46-47 (2006).
[107] WILLIAMS, *supra* note 106, at 47.
[108] Hamzeh al-Shadeedi ET AL., *One Thousand and One Failings, Security Sector Stabilisation and Development in Libya*, CLINGENDAEL, at 13, (April 2020) (explaining that Libya has taken a hybrid SSR approach).
[109] BAKER & DAS, *supra* note 15, at 154-55.
[110] Wolfram Lacher & Peter Cole, *Politics by Other Means Conflicting Interests in Libya's Security Sector*, SMALL ARMS SURVEY, at 15 (2014).
[111] Sedra, *supra* note 31, at 30.
[112] WILLIAMS, *supra* note 106, at 67-68.
[113] al-Shadeedi ET AL., *supra* note 108, at 13.

III. Background to Post-Conflict Security Reconstruction in Libya

Eleven years after the fall of Gadhafi's regime and the end of Libya's first civil war, post-conflict security reconstruction has yet to succeed.[114] The current landscape of political and security turmoil[115] is a "de facto partition of the country" between militia groups and transitional leaders split between the east and west "with competing, ever weaker claims to legitimacy,"[116] and with no national state security institution.[117] The perpetuation of conflict, of tension stems from several overlapping economic, ideological, and political interests, from divisions based on governance, marginalization, and a power struggle[118]—a "direct legacy of [Gadhafi's] way of governing which was based on distribution of oil wealth, the manipulation of local conflict, and the systematic use of disinformation."[119] This developed a lack of trust between political and societal actors and a "zero-sum mentality among decision[]-makers."[120]

Economically, armed groups in power militarize the economy, implementing revenue-generation mechanisms such as violence and coercion to achieve economic stability.[121] Ideologically, there is tension between Islam and secularism—Gadhafi's perpetuation of fear of Islamists and the Muslim Brotherhood, in particular, evolved into fears of political Islam, Islam extremism, identity defined by an ideology, and the clash of Islamic ideologies while still perceiving Islam as the central faith in Libya—further inhibiting successful SSR.[122] There is a regional divide between militias in cities such as Zintan and Misrata over

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[114] *See* Blanchard, *supra* note 12, at 2-4; Amal Bourhrous, *Libya's Electoral Limbo: The Crisis of Legitimacy,* STOCKHOLM INT'L PEACE RSCH. INST. (Apr. 29, 2022), https://www.sipri.org/commentary/blog/2022/libyas-electoral-limbo-crisis-legitimacy; Hafed Al-Ghwell, *Libya—A Tale of Two Governments, Again*, ARAB NEWS (June 11, 2022), https://www.arabnews.com/node/2101466.
[115] *See* Bourhrous, *supra* note 114; Al-Ghwell, *supra* note 114.
[116] Blanchard, *supra* note 12, at 1.
[117] al-Shadeedi ET AL., *supra* note at 108; Thomas M. Hill, *What's Next for Libya's Protracted Conflict?*, U.S. INST. PEACE (June 14, 2022), https://www.usip.org/publications/2022/06/whats-next-libyas-protracted-conflict.
[118] *See* Al-Hamzeh Al-Shadeedi & Nancy Ezzedine, *Libyan Tribes in the Shadows of War and Peace*, CLINGENDAEL, at 8-9 (Feb. 2019).
[119] ROLAND FRIEDRICH & FRANCESCA JANNOTTI PECCI, *Libya: Unforeseen Complexities in,* RESEARCH HANDBOOK ON POST-CONFLICT STATE BUILDING, 430, 441 (Eds. Paul R. Williams & Milena Sterio 2020).
[120] *Id.* at 441.
[121] *See* Badi, *supra* note 46, at 45-4; Tim Eaton ET AL., *The Development of Libyan Armed Groups Since 2014: Community Dynamics and Economic Interests*, CHATHAM HOUSE, at 57 (2020).
[122] Inga Kristina Trauthig, *Ghosts of the Past: The Muslim Brotherhood and its Struggle for Legitimacy in post-Qaddafi Libya*, INT'L CTR. STUDY RADICALIZATION, at 25-27 (2018); Manal Omar, *Libya: Rebuilding From Scratch,* WILSON CTR. (Aug. 27, 2015), https://www.wilsoncenter.org/article/libya-rebuilding-scratch.

economic and political power in Tripoli and between federalists and their opposition in the east; there is a political divide between Gadhafi era officers and revolutionaries, often Islamists sent into exile; and there is a local divide between tribes in tension over economic and political power.[123]

The armed groups continue to fill the security void created from these various competing interests, establishing a hybrid security structure; the groups institutionalized their position in the formal security sector through their affiliation with the Ministry of Defense and Ministry of Interior,[124] "collaborat[ing] and compet[ing] depending on what best serves their interests."[125] This relationship of armed groups interwoven throughout society and the state[126] leads to further fragmentation within the armed groups but also legitimizes the armed groups, thus delegitimizing the government institutions to which they affiliate.[127]

A. History of Libya's Security Sector

Before the U.N. granted Libya's independence on September 24, 1951, Libya was under the domain of the Ottoman Empire until 1911 when Italy's military invaded; Libya became occupied by the French and British administration between the end of World War II and 1951.[128] King Shah Idris bin Muhammad al-Mahdi as-Senussi governed Libya between 1951 and 1969; Idris maintained good relations with the United Kingdom ("U.K.") and the ("U.S."), leading to both countries installing military bases on Libya, though the installation brought with it Arab nationalist resentment toward Idris.[129] Idris governed through the transformation of Libya into a global oil producer,[130] enforcing social and economic tensions by

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[123] Frederic Wehrey, *What's Behind Libya's Spiraling Violence?*, WASH. POST (July 28, 2014), https://www.washingtonpost.com/news/monkey-cage/wp/2014/07/28/whats-behind-libyas-spiraling-violence/; Mary Fitzgerald & Mattia Toaldo, *Mapping Libya's Factions*, EUROPEAN COUNCIL ON FOREIGN RELS., at 6-7, https://ecfr.eu/archive/page/-/ECFR_Mapping_of_Libyas_factions.pdf.
[124] Jean-Louis Romanet Perroux, The Deep Roots of Libya's Security Fragmentation, 55 MIDDLE EASTERN STUDS. 200, 205 (2019).
[125] al-Shadeedi, *supra* note 108, at 13.
[126] Fitzgerald & Toaldo, *supra* note 123.
[127] al-Shadeedi, *supra* note 108, at 13; Badi, *supra* note 46, at 4.
[128] Abebe Tigire Jalu, *Libya: Relapse in to Crisis After Muammar Gadhafi (Since 2011)*, INT'L J. POL. SCIENCE, L. INT'L RELS. Aug. 2017, at 3.
[129] SADIA SULAIMAN, *Post-Conflict Fragility and Road to Extremism in Libya in* POST-CONFLICT RECONSTRUCTION: FROM EXTREMISM TO PEACEFUL CO-EXISTENCE 192, 192 (Sage Publications India 2020).
[130] *Id.* at 192; Jalu, *supra* note 128, at 3.

highlighting "rampant corruption and incompetence [within] the central government."[131] Thus, in 1969, Colonel Muammar Gadhafi overthrew Idris in a coup.[132]

Gadhafi was a nationalist, proclaiming Libya the "Libyan Jamahiriya" in which society was "governed by local popular revolutionary councils" through Gadhafi's own philosophy—"a blend of both socialism and Arab nationalism."[133] Gadhafi attained international attention for his stance against the West and his social welfare assistance to Libyans.[134] Though the standard of living improved, citizens had limited political participation as Libya "was a highly centralized power structure under [Gadhafi's] direct control."[135]

Most pertinent to SSR, due to Gadhafi's fear of a strong opponent, a national army threatening his regime, Gadhafi's army was "ill equipped, poorly trained, and deliberately weak and underfunded;"[136] Gadhafi structurally disempowered the police, the "People's Security Force," while supporting a "People's Militia"—civilians employed for regime protection.[137] However, in practice, security brigades and intelligence services drawn from Gadhafi's tribal and familial support maintained the regime, a regime "underpinned by a concept of statelessness" moving toward "the systematic deconstruction of Libya's modern state institutions."[138] Tribes were thus vital for ensuring rights and protection under Gadhafi's dictatorship[139] with approximately 140 clans and 30 "influential tribes."[140] Gadhafi's own tribe—Qaddafa—and his allied tribes controlled the army while the opposing tribes remained unarmed.[141]

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131 Jalu, *supra* note 128, at 3.
132 SULAIMAN, *supra* note 129, at 192.
133 *Id.* at 192-93; FRIEDRICH & PECCI, *supra* note 119, at 430.
134 SULAIMAN, *supra* note 129, at 192-93.
135 FRIEDRICH & PECCI, *supra* note 119, at 430; *id.* at 193.
136 Jalu, *supra* note 128, at 8-9; SULAIMAN, *supra* note 129, at 199; Florence Gaub, *Libya in Limbo: How to Fill the Security Vacuum,* NATO, at 3 (Sept. 1, 2011) [hereinafter Gaub, *Libya in Limbo*].
137 SULAIMAN, *supra* note 129, at 199; Florence Gaub, *A Libyan Recipe for Disaster*, 56 GLOBAL POLS. & STRATEGY 101, 104 (2014) [hereinafter Gaub, *A Libyan Recipe for Disaster*]; Gaub, *Libya in Limbo, supra* note 136, at 3.
138 FRIEDRICH & PECCI, *supra* note 131, at 430; Jason Pack ET AL., *Libya's Faustian Bargains: Breaking the Appeasement Cycle,* ATL. COUNCIL, at 43 (2014).
139 Abdulsattar Hatiah & AsharqAl-Awsat, *Libyan Tribal Map: Network of Loyalties That Will Determine Gadhafi's Fate*, Cetri (Feb. 24, 2011), https://www.cetri.be/Libyan-Tribal-Map-Network-of?lang=fr.
140 Floor El Kamouni-Janssen ET AL., *Local Security Governance in Libya, Perceptions of Security and Protection in a Fragmented Country*, CLINGENDAEL, at 22 (2018).
141 SULAIMAN, *supra* note 129, at 198-99.

The weak security institutions began to develop into a security vacuum when on February 14, 2011 a human rights activist, Fathi Turbil, was imprisoned.[142] The next day the Arab Spring[143] reached Libya.[144] The uprising centered around socio-economic and political reform including human rights violations, corruption, authoritarianism, economic disparity, and marginalization of minority tribes.[145] The uprising became a civil war in March 2011.[146] Western media first reported that civil conflict broke out when Gadhafi's security forces fired indiscriminate bullets at protesters in Benghazi and Gadhafi declared his security forces would essentially commit genocide against his opposition.[147] However, in retrospect, Western media fell prey, in part, to rebel propaganda, as the U.N. and Amnesty International reported the protestors initiated the violence while Gadhafi's forces focused on the narrow target of combatants.[148]

The civil war ended thirty-six weeks after its commencement with the death of Gadhafi and his regime; the transition was chaotic as "[t]he centralization of power in the hands of Gadhafi left a paralyzed system to be built upon."[149] The revolution destroyed Gadhafi's security structures and political institutions.[150] Domestic governance could not fill the security vacuum nor could the international community "comprehend Libya's unique socio-cultural, tribal and political dynamics."[151] The security vacuum led to the rise of approximately 300,000 armed militiamen and hundreds of armed groups—based around geographic, tribal, ethnic, kinship, or ideological associations.[152] Libyans turned to the groups for safety

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[142] Jalu, *supra* note 128, at 2.
[143] Liz Sly, *The Unfinished Business of the Arab Spring,* WASH. POST (Jan. 24, 20210) (explaining simply that the Arab Spring was many uprisings in the Middle East against dictator regimes whose rulings led to abhorrent levels of poverty).
[144] GISELLE LOPEZ, *Responsibility to Protect at a Crossroads: The Crisis in Libya in,* TRANSATLANTIC PERSPECTIVES ON DIPLOMACY AND DIVERSITY 119 (Ed. Anthony Chase 2015).
[145] Jalu, *supra* note 128, at 3; Alex Serafimov, *Who Drove the Libyan Uprising?*, J. INT'L AFFS, 2012, at 1, http://www.inquiriesjournal.com/articles/1062/who-drove-the-libyan-uprising.
[146] MARK KERSTEN, *Transitional Justice Without a Peaceful Transition—The Case of Post-Gadhafi Libya in,* BUILDING SUSTAINABLE PEACE: TIMING AND SEQUENCING OF POST-CONFLICT RECONSTRUCTION AND PEACEBUILDING 300, 303 (Eds. Arnim Langer & Graham K. Brown 2016).
[147] LOPEZ, *supra* note 144; KERSTEN, *supra* note 146, at 303; Alan Kuperman, *Lessons from Libya: How Not to Intervene*, BELFER CTR POL'Y BRIEF at 1-2 (2013) [hereinafter Kuperman, *Lessons from Libya*].
[148] Kuperman, *Lessons from Libya, supra* note 147, at 1-2.
[149] SULAIMAN, *supra* note 129, at 193; LOPEZ, *supra* note 144.
[150] FRIEDRICH & PECCI, *supra* note 119, at 430.
[151] SULAIMAN, *supra* note 129, at 193.
[152] *Id.* at 199-200; Murat Aslan, *Security Sector Reform for Libya*, SETA, at 86, (2019); Badi, *supra* note at 46.

and protection, establishing fragmented security, while the transition authorities turned to militias for their connection to local and international support.[153]

IV. The Evolution of Post-Conflict Security Reconstruction in Libya

To coherently present the evolution of SSR in Libya's security vacuum, it is necessary to begin with the military intervention for humanitarian purposes under R2P.[154] It is then important to address the attempts by various informal and formal security actors in Libya to reform the security sector amidst constant turmoil and conflict. This structured analysis will bring to light the difficulties, but also the possibilities, of reforming and reconstructing security institutions in a post-conflict environment.

A. Military Intervention Under Responsibility to Protect

Post-conflict reconstruction in Libya began in part with concerns of the possibility of a massacre during the civil war, concerns voiced by NGOs urging for the fulfillment of the international community's responsibility to protect civilians.[155] The international community was hesitant at first to authorize an armed intervention; however, with the support of the Arab League and the U.S.,[156] Security Council Resolution 1973 was passed on March 17, 2011 by a vote of ten affirmations to five abstentions.[157] The resolution permitted the use of "all necessary measures" to protect civilians,[158] reaffirmed the support for and strength of the Responsibility to Protect ("R2P"), and added that the Libyan government committed crimes against humanity, one of the threshold conditions for R2P.[159] Thus, the resolution permitted a military intervention—called Operation Unified Protector—the first "full-blown test" of R2P.[160]

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[153] SULAIMAN, *supra* note 129, at 199-200; Aslan, *supra* note 152, at 86; Badi, *supra* note 46, at 13, 43.

[154] The international community is self-interested in Libya, in part, due to its perception of Libya forming a "bridge . . . between Europe and Africa" with extensive interest in its oil exports and efforts to curb illegal migration. al-Shadeedi ET AL., *supra* note 108, at 8. Sally Khalifa Isaac, *NATO's Intervention in Libya: Assessment and Implications*, EUROPEAN INST. MEDITERRANEAN YEARBOOK 121, 122 (2012).

[155] LOPEZ, *supra* note 144.

[156] *Id.* at 146.

[157] SIGMUND SIMONSEN, *The Intervention in Libya in a Legal Perspective: R2P and International Law in,* POLITICAL RATIONALE AND INTERNATIONAL CONSEQUENCES OF THE WAR IN LIBYA, 245, 254-53, 259 (Eds. Dag Henriksen & Ann Karin Larssen 2016); S.C. Res. 1973, (Mar. 17, 2011).

[158] SIMONSEN, *supra* note 157, at 258-59.

[159] *Id.* at 254-53, 259.

[160] LOPEZ, *supra* note 144.

Two days after the Security Council authorization, the North Atlantic Treaty Organization ("NATO") initiated its intervention.[161] The intervention was at first "low-intensity" with the establishment of a no-fly zone and aerial strikes against government forces, which succeed in stopping Gadhafi's violent repression.[162] These intervention methods were within the resolution, however the question become "whether civilians were sufficiently protected" and thus "whether further attacks were necessary."[163] Kurt Volker, the former American ambassador to NATO, "urged a maximalist interpretation of the UN resolution," a strategy that was adopted as seen by the expansion of the resolution interpretation to regime change—expanding to the point of NATO rejecting ceasefire calls from Gadhafi while supporting rebel attacks on Gadhafi's forces.[164] NATO's thirty-six week military intervention led to rebels capturing and killing Gadhafi on October 20, 2011 and the end of the regime three days later.[165]

In the short term, the intervention succeeded as it ended Gadhafi's rule through legal and legitimate means without casualties on the NATO side and civilian casualties minimized by the air strikes.[166] However, many scholars argue that expanding the goal of the intervention to regime change went beyond the UN mandate of civilian protection;[167] scholars contend that targeting retreating forces, bombing Sirte—Gadhafi's hometown—where no threat was posed, and aiding rebels who rejected ceasefire calls did not advance protection of civilian goals but actually "magnified the harm to civilians."[168]

Even without the controversy of the military intervention, the international community ignored the third prong in R2P—the responsibility to rebuild,[169] not taking advantage of the "golden hour." The already very weak Libyan security forces completely disintegrated from NATO's air strikes.[170] Thus, Libya required

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[161] Alan Kuperman, *A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign*, 38 INT'L SECURITY 105, 105 (2013) [hereinafter Kuperman, *A Model*].
[162] *Id.* at 105; LOPEZ, *supra* note 144.
[163] SIMONSEN, *supra* note 157, at 261-62.
[164] LOPEZ, *supra* note 144.
[165] *Id.*
[166] *Id.*
[167] SIMONSEN, *supra* note 157, at 261-62.
[168] LOPEZ, *supra* note 144; Kuperman, *A Model, supra* note 161, at 113-14.
[169] Christopher Hobson, *Responding to Failure: The Responsibility to Protect After Libya*, 44 MILLENNIUM: J. INT'L STUDS. 433, 449 (2016); LOPEZ, *supra* note 144.
[170] FRIEDRICH & PECCI, *supra* note 19, at 438.

assistance to rebuild its security institutions from scratch.[171] However, NATO pulled out two weeks after the end of its operation on October 20 due to spending cuts[172] and the misplaced perception that Libya had the capacity to manage reconstruction.[173] These factors were paired with the little "consensus in the UN Security Council about broader post-conflict military involvement"[174] as each foreign player had an interest in one armed group or another.[175] In the end, the U.N. Security Council chose "a light footprint international assistance mission" in which it adopted Resolution 2009 in September 2011; the resolution created the United Nations Support Mission in Libya ("UNSMIL") "at the request of the Libyan authorities" who stressed the importance of national ownership and responsibility[176]—though the civilians and militias were hostile to outside help and interference in the transition.[177] The technical advisory section of UNSMIL established SSR, specifically focusing on advising ministries dealing with defense and police reform.[178]

However, the limited rebuilding effort reversed the gains made through intervention.[179] Libya plunged into instability, with rebels gaining control, perpetrating insecurity, violence, and arbitrary detention of Gadhafi supporters.[180] The transition was lawless, not democratic; thus, the initial attempt by the international community at post-conflict security reconstruction did not succeed.[181]

B. Security Sector Reform Efforts & Implementation: 2011-2015

Between 2011 and 2014, post-conflict security reconstruction addressed the traditional aspects of SSR, completely restructuring the security sector and training and equipping new soldiers with little emphasis on

[171] PERITO, *supra* note 14, at 154.
[172] Akanksha Khullar, The Problems of NATO's R2P Implementation in Libya: Has the International Community Learnt its Lessons? (Oct. 2017) (Master's honors thesis, Australian National University) (on file with the university), at 45.
[173] MIECZYSTAW P. BODUSZYNSKI & MARIEKE WIERDA, *Political Exclusion and Transitional Justice in,* TRANSITIONAL JUSTICE IN THE MIDDLE EAST AND NORTH AFRICA 141, 152 (Ed. Chandra Lekha Sriram 2016).
[174] FRIEDRICH & PECCI, *supra* note 119, at 431.
[175] *See* al-Shadeedi, *supra* note 108, at 8; Anna Molnar ET AL., *Security Sector Reform by Intergovernmental Organization in Libya,* 14 SCIENTIFIC ARTICLE 7, 22-23, 33 (2021).
[176] FRIEDRICH & PECCI, *supra* note 119, at 431.
[177] BODUSZYNSKI & WIERDA, *supra* note 173, at 152.
[178] Yezid Sayigh, *Crumbling States, Security Sector Reform in Libya and Yemen,* CARNEGIE MIDDLE EAST CTR., at 7 (2015); FRIEDRICH & PECCI, *supra* note 117, at 433.
[179] Khullar, *supra* note 172, at 45.
[180] *Id.* at 49.
[181] *Id.* at 50.

local ownership or civilian security. Domestic security sector reform in post-conflict Libya began with the quick formation of the National Transitional Council ("NTC") in the early days of the 2011 civil war.[182] Its purpose was "to represent revolutionary interests" and to coordinate armed groups.[183] By the end of the war, it was composed of political exiles, local elites, and military defectors from Gadhafi's military structure.[184] These members had a limited understanding of security restructuring and institutions that "were fractured along local, tribal, ideological, partisan, personal, and regional lines."[185] The NTC only had 20,000 armed forces with which to control—though in reality many had defected, deserted, or did not exist.[186] Thus by October 2011, the only security forces that existed were 300 revolutionary brigades and militias born from the conflict, composed of civilians lacking military experience and expertise in civilian security.[187]

Domestic and international actors first tried to preserve the institutional security sector—namely the National Police and National Army—through the integration of militias that fought against Gadhafi.[188] The armed groups worked alongside standard security professionals such as border control and law enforcement—performing tasks that included "revenge attacks; securing weapons and ammunition to prevent their proliferation; and the protection of infrastructure."[189] However, carrying out tasks normally conducted by the government undermined the government and its supposed "monopoly on the use of violence."[190] Distrust of the formal security forces further allowed militias "to build independent security systems in their neighborhoods not only to protect their families, but also to intervene in neighboring

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182 Paul Salem & Amanda Kaldec, *Libya's Troubled Transition*, CARNEGIE MIDDLE EAST CTR., at 4 (2012).
183 al-Shadeedi, *supra* note 108, at 10.
184 *Id.* at 10.
185 Jonathan M. Winer, *Origins of the Libyan Conflict and Options for Its Resolution*, MIDDLE EAST INST., at 11 (2019); Gaub, *supra* note 163, at 111.
186 Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 104, 107; Pack ET AL., *supra* note 138, at 43.
187 Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 107; Pack ET AL., *supra* note 138, at 43.
188 Naji Abou-Khalil & Laurence Hargreaves, *Perceptions of Security in Libya: Institutional and Revolutionary Actors*, USIP, at 6 (2015); Sayigh, *supra* note 178, at 9. *See* Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 111.
189 Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 107.
190 BODUSZYNSKI & WIERDA, *supra* note 173, at 151; Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 108.

regions to prevent other groups from dominating."[191] The strong informal and weak formal security institutions were paired with divergent political interests between all security actors.[192]

Therefore, the NTC neither succeeded in establishing control over "militias that sprung from the first revolutionary fires"[193] nor succeeded in coordinating one national security force under the Tripoli government.[194] The failure led to several different SSR approaches—substitution advanced by the *thuwar*,[195] ad hoc measures advanced by various security sector actors, and exclusion advanced by institutional actors.[196] However, throughout these SSR efforts the national armed forces experienced a "déjà vu" in which they were no longer "outgunned and supplanted" by Gadhafi's forces, but were similarly suppressed by the *thuwar* and militias,[197] culminating in a second civil war.[198]

i. Substitution Security Sector Reform

The *thuwar* suggested substitution SSR to promote revolutionary actors in the place of institutional security actors.[199] The first SSR substitution strategy was a top-down approach.[200] Between 2011 and 2014 the Ministry of Interior housed the Supreme Security Committee ("SSC")[201]—revolutionary forces built as a police force by the NTC.[202] The NTC believed it could not rely on Gadhafi regime armed forces or police due to their deterioration during the civil war.[203] Thus, the SSC recruited over 100,000 militiamen;[204] these men joined through several armed groups with a variety of interests from the *thuwar* focused on detaining allies of the former regime to armed groups of Gadhafi's former regime, each seeking to profit from the

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[191] Aslan, *supra* note 152, at 86.
[192] Trauthig, *supra* note 122, at 25-27; Omar, *supra* note 122.
[193] al-Shadeedi, *supra* note 108, at 10.
[194] Ethan Chorin, *NATO's Libya Intervention and the Continued Case for a "Responsibility to Rebuild,"* 31 B.U. INT'L L.J. 365, 366 (2013); Christopher S. Chivvis et al, *Libya's Pot-Qaddafi Transition: The Nation-Building Challenge*, RAND CORP. at 5, 8, (2012).
[195] Eaton ET AL., *supra* not 121, at 11 (stating that *thuwar* means revolutionaries).
[196] Abou-Khalil & Hargreaves, *supra* note 188, at 6.
[197] Lacher & Cole, *supra* note 110, at 54.
[198] Abou-Khalil & Hargreaves, *supra* note 188, at 7, 15.
[199] *Id.* at 6-7.
[200] Lacher & Cole, *supra* note 110, at 39.
[201] al-Shadeedi, *supra* note 108, at 20.
[202] Chivvis *supra* note 194, at 9.
[203] Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 107.
[204] Sayigh, *supra* note 178, at 11.

SSC's authority.[205] Potential recruits were incentivized by "state-issued registration cards and, more importantly, salaries and one-off bonuses."[206]

The militiamen were neither trained nor vetted, earning the SSC a reputation of violent clashes with civilians, torture, and seizure of government ministries along with the notoriety of being "infiltrated by Islamists"[207]—due to the Islamist backgrounds of appointees to the Ministry of Interior.[208] The SSC lacked oversight, allowing armed groups to remain autonomous[209] while preventing the SSC from creating a cohesive group that could resist fragmentation.[210] The SSC was designed to be temporary, a step to returning policing to formal Ministry of Interior institutions; however, dissolution into the police force was met with resistance as many officers had economic and political interests in the SSC, and thus SSC factions retained their autonomy and salary.[211]

The second SSR substitution strategy was a bottom-up approach; the *thuwar* attempted to secure a role in Libya's government and "maintain their autonomy while lobbying against the unreformed armed forces."[212] The interim government saw this as an opportunity to strengthen its position in the security sector.[213] Therefore, between 2012 and 2014, the Ministry of Defense housed a security force under its Army Chief of Staff—the Libya Shield Force ("LSF").[214] It included "[p]owerful revolutionary armed groups"[215] without formal training[216] deployed in the place of the non-existent army and police.[217] The plan was to be a substitute for the army; but, due to opposition from the National Army officers, it became

[205] Lacher & Cole, *supra* note 110, at 34-35.
[206] *Id.* at 31.
[207] Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 107. *See* Badi, *supra* note 46, at 20 (explaining that anti-revolutionary groups applied Islam broadly to all *thuwar* groups).
[208] Lacher & Cole, *supra* note 110, at 32.
[209] al-Shadeedi, *supra* note 108, at 20; Sayigh, *supra* note 178, at 10.
[210] *See* Lacher & Cole, *supra* note 110, at 34-35.
[211] *Id.* at 35-38; al-Shadeedi, *supra* note 108, at 20-21.
[212] Lacher & Cole, *supra* note 110, at 39.
[213] Sayigh, *supra* note 178, at 10; Badi, *supra* note 46, at 75.
[214] al-Shadeedi, *supra* note 108, at 20; Eaton ET AL., supra note 121, at 40, n. 118.
[215] al-Shadeedi, *supra* note 108, at 20.
[216] Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 108.
[217] Frederic Wehrey, *Ending Libya's Civil War: Reconciling Politics, Rebuilding Security*, CARNEGIE ENDOWMENT FOR INT'L PEACE, at 8 (2014) [hereinafter Wehrey, *Ending Libya's Civil War*].

a temporary substitution while waiting for the army to be reformed.[218] The government also envisioned the LSF as a reserve force of individual actors but, the *thuwar* co-opted the force by integrating complete brigades "without diluting their localistic inclinations."[219] The LSF expanded to thirteen divisions as other *thuwar* and armed civilians sought legitimacy and salaries.[220] However, the LSF eventually lost credibility due in part to conflicts and violence it perpetrated, no longer seen as a stabilizing force.[221] Despite its loss of formal authority, the LSF units continued to pursue self-interested alignments with one government or another.[222]

Within both the SSC and the LSF, the promised salary further contributed to the failure of these initial SSR strategies. The institutions provided a salary greater than that of the army or police which equated to more men registering than the government could afford; due to lack of oversight, even when the government paid the salary, the men registered through their armed group and thus their commanders received their salary, retaining more than their fair share.[223] In May 2012, the Libyan Interior Ministry's foreign donor coordinator requested assistance to pay salaries.[224] However, no donor government took up the invitation and thus lost out on a opportunity to develop a relationship with the Interior Ministry for further SSR developments.[225] Importantly, hostility and clashes continually existed between and within the SSC and the LSF, further perpetuating instability; these clashes did not exist in isolation as they spread to the national armed forces in which both types of institutions believed the other institution was politicized and corrupt; the secular armed forces in particularly believed the SSC and the LSF were Islamist.[226]

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218 Abou-Khalil & Hargreaves, *supra* note 188, at 7.
219 Sayigh, *supra* note 178, at 10; Badi, *supra* note 46, at 75.
220 Lacher & Cole, *supra* note 110, at 41.
221 *Id.* at 43, 46-47.
222 *Id.* at 49-50.
223 al-Shadeedi, *supra* note 108, at 21; Wehrey, *Ending Libya's Civil War, supra* note 217, at 7.
224 PERITO, *supra* note 14, at 149.
225 *Id.* at 149.
226 Wehrey, *Ending Libya's Civil War, supra* note 217, at 7-8; JASON PACK ET AL., *Meet the Militias, Their Leaderships, Alliance System, and Subgroupings in,* LIBYA'S FAUSTIAN BARGAINS: BREAKING THE APPEASEMENT CYCLE, ATL. COUNCIL 25, 26 (2014). *See* Cameron Glenn, *Libya's Islamists: Who Are They - And What Do They Want,* WILSON CTR. (Aug. 8, 2017), https://www.wilsoncenter.org/article/libyas-islamists-who-they-are-and-what-they-want.

Competing political interests were not extinguished, rather they were further perpetuated by the "weak and dysfunctional" Defense and Interior Ministries handing official government roles to militias without removing "their own chain of command."[227] Thus, the substitution approach to SSR only contributed to security deterioration, leading to further fragmentation as factions of the SSC and the LSF refused to dismantle and fully integrate by the time their temporary status concluded.[228] Furthermore, the transitional government was "blamed for the 'militization' of Libyan society" by subsidizing militias through programs like the SSC and the LSF, and thus sowing "the seeds of 'warlordism.'"[229] Focusing just on the militias was not an adequate SSR strategy; there needed to be trust, a balance of those involved in the approaches, and a willingness to compromise—characteristics not present amongst the security actors.[230]

ii. Ad Hoc, Provisional Security Sector Reform Initiatives

The ad hoc, provisional measures of the SSC and the LSF became the norm while continually waiting for the reconstruction of the army and police forces.[231] The fragmentation in the security sector mirrored political and social divides; thus, by not tackling civilians' human security needs, fragmentation and division continued.[232] Within the ranks of the armed groups, fragmentation occurred between "former regime defectors" and the *thuwar*; within the hybrid structure, the armed groups continued manipulating the government to achieve their own goals.[233] To note, while controlling and coordinating with the formal institutions, armed groups were also infiltrating security locally; in homogenous communities with local and social ties, the armed groups "played a role akin to a local gendarmerie," but when it came to strategic, fragmented cities such as Tripoli, the armed groups within the communities were "dangerously parasitic and predatory entities, pursuing agendas that are at once criminal, political and ideological."[234]

[227] Perroux, *supra* note 124, at 205.
[228] Lacher & Cole, *supra* note 110, at 38-39, 46-47, 50-55; al-Shadeedi, *supra* note 108, at 21.
[229] Jalu, *supra* note 128, at 10.
[230] *See* al-Shadeedi, *supra* note 108, at 22-23.
[231] Sayigh, *supra* note 178, at 9. *See* Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 111.
[232] *See* Badi, *supra* note 46, at 18.
[233] *See* El Kamouni-Janssen, *supra* note 140, at 8-9; Badi, *supra* note 46, at 19.
[234] Wehrey, *Ending Libya's Civil War, supra* note 217, at 5.

In late 2011, the *thuwar* in eastern Libya attempted to set up their own SSR, called the Preventative Security Apparatus, tasked with targeting Gadhafi loyalists; it dissolved as forces joined the LSF.[235] Around the same time, the NTC and the *thuwar* set up military councils in communities over which the *thuwar* gained control to "facilitate[] cooperation between the military and civilians" and help coordination between armed groups.[236] In 2012, UNSMIL suggested a national guard called the Libyan Territorial Army to act as an interim "security stabaliser."[237] Notably, the same year, while the formation, training, and equipping of soldiers was underway, SSR and DDR were heavily intertwined; the NTC established the Warrior Affairs Commission, renamed the Libyan Programme for Reintegration and Development.[238] The program was established as another way to integrate the militias into the security force—due to the slow progress of the armed forces and police reconstruction[239]—while providing education and vocational training;[240] 250,000 ex-rebels registered.[241]

The U.S. itself tried to implement a training mission between 2012 and 2013, aiming to "train and equip several hundred Libya counterterrorism and special forces"—though it ended with the seizure of the training camp by militias.[242] Additionally, the Ministry of Defence in conjunction with international assistance created the Libyan General Purpose Force ("GPF") in 2013—an agreement by G8 nations to train 20,000 individuals to become a military force in order to help extend the authority of the Libyan government.[243] Italy, Turkey, the U.S., and the U.K. offered to train 15,000 soldiers; Turkey, Italy, and the U.K. began training camps abroad—only Italy ever succeeded to train 250 officers as many defected home or sought asylum,[244] while the US chose Bulgaria as its training base but never implemented the training

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[235] Sayigh, *supra* note 178, at 12; Aslan, *supra* note 152, at 86.
[236] Aslan, *supra* note 152, at 91; Badi, *supra* note at 46, 17.
[237] al-Shadeedi, *supra* note 108, at 23.
[238] al-Shadeedi *supra* note 108, at 18-19.
[239] Gaub, *A Libyan Recipe for Disaster*, *supra* note 137, at 111.
[240] Sayigh, *supra* note 178, at 9.
[241] Badi, *supra* note 46, at 17.
[242] *Id.* at 24-25.
[243] *Id.* at 25-26; Lacher & Cole, *supra* note 110, at 28.
[244] al-Shadeedi, *supra* note 108, at 25-26; FRIEDRICH & PECCI, *supra* note 119, at 433.

program.[245] Egyptian, Jordanian, and Sudanese instructors offered to train an additional 15,000 officers of the GPF on Libyan soil. [246]

Though these measures represent clear attempts to reconstruct Libya's security sector, they are only an amalgamation of training and equipping strategies without consideration for coordination, accountability, a clear plan for the present or future security sector, or assurance of human security.[247] Despite the involvement of Western states, they only offered what "fit[] their expertise and interests," not what was needed.[248] Furthermore, the measures were plagued by similar issues that the SSC and the LSF faced. There was a lack of oversight and funds as well as recruits with limited military experience and more applicants than the government could support.[249] Amongst the most prominent issues was divergent political interests between and within armed groups and the government.[250] On the one hand, the *thuwar* demanded officials associated with Gadhafi's regime leave the security sector.[251] On the other hand, tribes loyal to Gadhafi, revolutionary groups, and regular army officers believed that several of the initiatives were an Islamist attempt to increase their control over the country and establish an Islamist army.[252]

iii. Exclusion Security Sector Reform

The exclusion strategy was born, in part, from the little trust that prevailed between senior government officials and the *thuwar* with the continued division of the "Libyan population into winners and losers."[253] In July 2012, the NTC transitioned into the parliament, the General National Congress ("GNC") based in Tripoli, through a national election; the GNC vowed to end militias and rebuild the security sector.[254] In

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245 Missy Ryan, *Libyan Force was Lesson in Limits of U.S. Power*, WASH. POST. (Aug. 5, 2015), https://www.washingtonpost.com/world/national-security/a-security-force-for-libya-becomes-a-lesson-in-failure/2015/08/05/70a3ba90-1b76-11e5-bd7f-4611a60dd8e5_story.html.
246 Lacher & Cole, *supra* note 110, at 28.
247 *See* al-Shadeedi, *supra* note 108, at 24.
248 *Id.* at 26-27.
249 *Id.* at 19, 24.
250 Eaton ET AL., *supra* note 121, at 8.
251 Sayigh, *supra* note 178, at 10.
252 al-Shadeedi, *supra* note 108, at 24.
253 *Id.* at 22.
254 Kali Robinson, *Who's Who in Libya's War?*, COUNCIL FOREIGN RELS., (June 18, 2020), https://www.cfr.org/in-brief/whos-who-libyas-war; Ben Fishman, *Libya's Election Dilemma,* Wash. Inst. (May 21, 2018), https://www.washingtoninstitute.org/policy-analysis/libyas-election-dilemma; Badi, *supra* note 46, at 19.

2013, General Khalifa Haftar—a loyal officer of Gadhafi turned disavowed soldier with the goal of toppling Gadhafi[255]—was supposedly forced to resign from the GNC [256] as supposed Gadhafi loyalists were excluded from the negotiation table.[257] This, along with the GNC's neglect of the army, began Haftar's motivation to remove the GNC from power.[258] Haftar recruited "a loose alliance of armed groups" composed of "eastern tribes, federalist militias, and disaffected military units," groups with strong ties to their communities but limited reach to other localities, thus making it difficult to "form a coherent integrated force."[259] Haftar attempted and failed to overthrow the GNC in February 2014.[260] Then in June 2014, a second national election led to the election of the House of Representatives ("HoR") based in Tobruk.[261] HoR Speaker Aguilah Saleh nominated Haftar to lead the Libyan Arab Armed Forces/Libyan National Army ("LNA").[262] Thus, the groups Haftar recruited formed the LNA, appealing to those affected by political isolation.[263]

These institutionalists—HoR and Haftar—continued to worry any attempt at parallel or new security structures was an attempt by Islamists "to take over the security sector."[264] Thus, Haftar proposed the exclusion strategy—exclusion of "revolutionary elements" from the security sector—supported by tribes formally allied with Gadhafi.[265] The fight against temporary security reform—namely the SSC and the LSF—concluded with the 2014 civil war—the Dignity-Dawn Operations in which Haftar launched Operation Dignity in Tripoli and the armed groups defended in Operation Dawn.[266]

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[255] *Khalifa Haftar: The Libyan General With Big Ambitions*, BBC (Apr. 8, 2019), https://www.bbc.com/news/world-africa-27492354.
[256] Tim Eaton, *The Libyan Arab Armed Forces: A Network Analysis of Haftar's Military Alliance,* CHATHAM HOUSE, at 11 (2021).
[257] al-Shadeedi, *supra* note 108, at 22.
[258] Eaton, *supra* note 256, at 11; Wehrey, *supra* note 123.
[259] Eaton, *supra* note 256, at 13.
[260] FRIEDRICH & PECCI, *supra* note 119, at 434.
[261] Blanchard, *supra* note 12, at 1; Robinson, *supra* note 254; Fishman, *supra* note 254.
[262] Robinson, *supra* note at 254.
[263] al-Shadeedi *supra* note 108, at 27.
[264] Abou-Khalil & Hargreaves, *supra* note 184, at 6-7
[265] *Id.* at 6-7
[266] Lacher & Cole, *supra* note 110, at 38-39, 46-47, 50-51; Abou-Khalil & Hargreaves, *supra* note 188, at 7, 15.

iv. The 2014 Civil War: A Culmination of Security Sector Reform Efforts

Through Haftar's attempt to gain power in Tripoli, the civil war began with Operation Dignity on May 16, 2014.[267] Haftar with his LNA "seized control of the air force to attack Islamist militias in Benghazi" in an attempt to "eliminate Islamist factions from eastern Libya."[268] Operation Dignity was supported by the HoR particularly with the appointment of Haftar's ally Abd al-Razaq al-Naduri as the new Chief of General Staff.[269] Haftar garnered further support through co-opting grievances and tensions amongst eastern tribes and civil society, promoting himself as their necessary military support.[270] Operation Dawn, the Islamist-Misrata group, then launched its own campaign against brigades in Tripoli with the support of GNC members.[271] The political tensions, the empowered militias paired with renewed conflict resulted in complete bifurcation within the Libyan government into two rival governments—both claiming the right to govern[272] —the HoR and LNA against the GNC and the *thuwar*—"each controlling only a fraction of the country's territory and militias."[273] These governments were further supported by international actors supplying weapons.[274] The civil war created further security fragmentation and human insecurity as it "enabled rebels, mercenaries, terrorists and criminals from other countries to roam unhindered around large parts of Libya."[275] The hybrid SSR institutions thus collapsed.[276]

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[267] Daveed Gartenstein-Ross & Nathaniel Barr, *Dignity and Dawn: Libya's Escalating Civil War*, ICCT, at 2 (2015); Badi, *supra* note 46, at 21.
[268] Alan J. Kuperman, *Obama's Libya Debacle, How a Well-Meaning Intervention Ended in Failure*, FOREIGN AFFAIRS (2015), https://www.foreignaffairs.com/articles/libya/2019-02-18/obamas-libya-debacle [hereinafter Kuperman, *Obama's Libya*]; Gartenstein-Ross & Barr, *supra* note 267, at 2.
[269] PHILLIPE DRO-VINCENT, *The Arab Spring Region in a Constitutional Era in,* SECURITY SECTOR REFORM IN CONSTITUTIONAL TRANSITIONS 213, 241 (Eds. Zoltan Barany et al. 2019); Lacher & Cole, *supra* note 110, at 54.
[270] Badi, *supra* note 46, at 21.
[271] DRO-VINCENT, *supra* note 269, at 241.
[272] Bourhrous, *supra* note 114; Lacher & Cole, *supra* note 110, at 54; Gartenstein-Ross & Barr, *supra* note 267, at 2.
[273] Kuperman, *Obama's Libya, supra* note 268.
[274] Mary Fitzgerald, *Small Arms and Light Weapons as a Source of Terrorist Financing in Post-Qadhafi Libya*, INT'L CTR. COUNTER-TERRORISM, at 1 (2021) (stating UAE, Egypt, and Russia supplied Haftar with weapons while Turkey and Qatar supplied weapons to Haftar's opponent).
[275] al-Shadeedi *supra* note 108, at 27-28.
[276] Badi, *supra* note 46, at 21.

During this second civil war, ISIS entered Libya in spring 2014, contributing to the fragmentation by declaring Libya "its best opportunity for expansion."[277] The Islamist militias apart of Operation Dawn in Benghazi were weakened through Operation Dignity, meaning Dawn-backed militias had little option other than to cooperate with ISIS by 2015.[278] This development led to the U.S. taking an interest in stopping the spread of ISIS, working with the Libyan forces and forced to cooperate with militias because there was no central government or national armed force.[279] By 2015, Libya was split between three ruling factions: the HoR governing in Tobruk and Baida, the GNC governing in Tripoli, and ISIS controlling Derna and Sirte.[280]

After several attempts to end the second conflict in three years, the U.N. began negotiations called the Libyan Political Dialogue, or the Skhirat process.[281] Through the process, UNSMIL succeeded in brokering the Libyan Political Agreement ("LPA"),[282] signed December 17, 2015; the agreement established the Government of National Accord ("GNA") composed of a Council of Ministers and a Presidency Council to govern the Ministers.[283] The LPA was designed as a roadmap with the goal of integrating "the eastern and western factions into" the GNA[284] in order "to unify rival administrations."[285] However, in reality, the government remained bifurcated as the GNA was only able to retain control over some parts of the west with the LNA and HoR controlling the east.[286] The UN recognized the GNA as the official Libyan government;[287] nonetheless, the HoR, aligned more closely with the LNA, refused to recognize the GNA due to its installation by the international community and support of Islamists.[288]

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[277] FREDRICK WEHREY, *The Islamic State's African Home in,* THE BURNING SHORES, INSIDE THE BATTLE OF THE NEW LIBYA 229, 229-30 (2019).
[278] *Id,* at 234; Badi, *supra* note 46, at 22.
[279] WEHREY, *supra* note 277, at 240.
[280] FRIEDRICH & PECCI, *supra* note 119, at 432, 434; Molnar ET AL, *supra* note 175, at 26.
[281] FRIEDRICH & PECCI, *supra* note 119, at 434.
[282] *Id.* at 433; DRO-VINCENT, *supra* note 269, at 241.
[283] Libyan Political Agreement, art 1 (Dec. 17, 2015).
[284] SULAIMAN, *supra* note 129, at 194.
[285] Robinson, *supra* note 254.
[286] *Id*; *A Quick Guide to Libya's Main Players, supra* note 280; El Kamouni-Janssen, *supra* note 140, at 5.
[287] *Libya: Events 2021,* HRW (2021), https://www.hrw.org/world-report/2022/country-chapters/libya?gclid=CjwKCAiAyfybBhBKEiwAgtB7fu4dDDlbmIspMpQ5WQCAmg9pFU-mdGoXnuvs5gw9CW92us-Ivn903hoCOv4QAvD_BwE; *Libya,* Freedom House (2022), https://freedomhouse.org/country/libya/freedom-world/2022. [hereinafter *Libya,* Freedom House]
[288] Robinson, *supra* note 254.

The security aspect of the political dialogue was called the "security negotiations track."[289] Proposed security arrangements included "a state-wide ceasefire, withdrawal of armed groups from cities and strategic infrastructure starting with the capital, and the activation of army and police to replace armed groups."[290] However, this security track failed to be fully implemented due to the abstention of Haftar's LNA from the dialogue.[291] Moreover, in early 2015, UNSMIL itself turned away from capacity-building to refocus its mandate toward mediation; the international state-building assistance, including the security sector programs, stopped functioning.[292] Therefore, despite the LPA, SSR remained difficult; the hybrid structure remained fragmented and incohesive as armed groups attached themselves to one of the two governments or their allies, or remained autonomous—based on what was in their best interests to ensure protection and revenue streams.[293]

C. Security Sector Reform Efforts & Implementation: 2016-present

The fact Libya did not spiral into complete deterioration after the 2014 conflict highlights "the extent to which security is managed . . . locally."[294] However, the rivalry between governments that continued after the 2014 civil war left Libya in a precarious state.[295] SSR strategies in this new post-conflict environment focused on the creation of further hybrid security institutions and the creation of new, informal forces parallel to formal forces over a long-term focus on SSR.[296] The armed groups thus maintained control, still without security in the hands of civilians.[297]

i. Continued Hybrid Security Sector Reform Attempts

The GNA attempted to create hybrid groups reminiscent of the post-2011 civil war security reconstruction particularly as the GNA's move to Tripoli was only possible due to "the support of local

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289 FRIEDRICH & PECCI, *supra* note 119, at 434.
290 *Id.* at 434; Libyan Political Agreement, arts 33-46.
291 FRIEDRICH & PECCI, *supra* note 119, at 434-35.
292 *Id.* at 435.
293 DRO-VINCENT, *supra* note 269, at 241. *See* Eaton ET AL., *supra* note 121, at 15.
294 Badi, *supra* note 46, at 77.
295 DRO-VINCENT, *supra* note 269, at 242.
296 Eaton ET AL., *supra* note 121, at 52-53; DRO-VINCENT, *supra* note 269, at 242.
297 *Id.* at 53.

militias," still without the power to overcome its rival government in the east.[298] In 2016, the GNA created the Counterterrorism Force ("CTF") to combat ISIS, formed of an amalgamation of three brigades;[299] these soldiers were recruited and trained by British, Italian, and American personnel due to the fear of ISIS as an existential threat to the lives of particular tribes—Misrata especially—similar to the threat Gadhafi posed.[300] In the same year, UNSMIL and Western powers endorsed the creation of the Presidential Guard.[301] The Guard was created when the Presidency Council and GNA officials realized the need for a protective force in Tripoli upon their move in 2016—yet, it dissolved in 2018, as, with past SSR strategies, the Guard was unable to "withstand the powerful armed factions present in Tripoli" due to the GNA's military inferiority.[302]

Then between October 2018 and April 2019, the armed groups in Tripoli unified to create the Tripoli Protection Force, which helped increase security to the capital's population; however, it was not just formed as an SSR strategy but as an attempt to establish informal security forces connected to formal GNA security institutions in anticipation of further conflict with the LNA.[303] Throughout this time, the international community was engaged with the desire to accomplish quick security results; due to the continued presence and power of militias, foreign powers often "bet on the support of some militias" or the LNA and Haftar.[304] However, there was a lack of funding and support, despite requests from the GNA prime minister, not only because of the unsuccessful training programs in 2013 "but also the lack of a sufficiently homogenous vision and political buy-in among international stakeholders and the UN on a realistic approach to rebuilding Libya's security sector."[305] Each attempt by Libyan security actors was presented as SSR institution-building but was in fact self-interested—pursued in preparation of war and in pursuit of power.[306]

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[298] El Kamouni-Janssen, *supra* note 140, at 5.
[299] Badi, *supra* note 46, at 39-40.
[300] Trauthig, *supra* note 122, at 20; Badi, *supra* note 46, at 39.
[301] al-Shadeedi ET AL., *supra* note 108, at 28-29.
[302] *Id.* at 28-29.
[303] *Id.* at 31.
[304] DRO-VINCENT, *supra* note 269, at 242.
[305] FRIEDRICH & PECCI, *supra* note 119, at 437; Molnar ET AL, *supra* note 175, at 31.
[306] al-Shadeedi ET AL., *supra* note 108, at 31-32.

ii. Further Derailment of Security Sector Reform by the 2019 Civil War

Since the 2014 civil war, Haftar continually attempted to consolidate and expand the LNA in pursuance of overthrowing the GNA.[307] In the east, Haftar's LNA "revived former regime security bodies and established control over the" HoR backed interim government.[308] Then Haftar further extended his control over Benghazi in 2017 and Derna in 2018, before launching Operation Southern Purge in January 2019 to expand his control over southern Libya under the guise of restoring order and "clamping down" on crime.[309] This expansion was in anticipation of launching Operation Flood of Dignity against Tripoli on April 4, 2019 to unseat the GNA.[310] During this time, the GNA was unable to expand its control past Tripoli "driven by internal division and rivalries," while continually depending on militias for security support.[311] Haftar used this dependency as justification for his invasion.[312] The 2019 offensive was an attempt to further consolidate the LNA network while asserting dominance, triggering the launch of counterforces controlled by the GNA.[313] Forces who mobilized against Gadhafi in 2011, mobilized against Haftar's 2019 offensive as social cohesion between opposition forces remained due to the continued stigmatization, marginalization, and fragmentation amongst opponents.[314]

The offensive and counter-offensive led to a "stalemate south of" Tripoli.[315] Since then, SSR strategies have been diverted to establishing stability through peace agreements. The 2020 Berlin Conference was convened January 19, 2020 to address the international factors in the Libyan conflict—the fact that external actors were perpetuating the conflict through supplying weapons, creating the belief on both sides of their ability to overtake the other militarily; this made it increasingly difficult to establish post-conflict security

[307] Winer, *supra* note 185, at 20-21.
[308] FRIEDRICH & PECCI, *supra* note 119, at 435.
[309] FRIEDRICH & PECCI, *supra* note 119, at 435; Eaton, *supra* note 256, at 12-13.
[310] FRIEDRICH & PECCI, *supra* note 119, at 435; Badi, *supra* note 46, at 37.
[311] Winer, *supra* note 185, at 20-21; FRIEDRICH & PECCI, *supra* note 119, at 435.
[312] Winer, *supra* note 185, at 20-21.
[313] OCHA, *Libya: 2019 Year in Review,* (Feb. 17, 2020); Eaton ET AL, *supra* note 121, at 37.
[314] Badi, *supra* note 46, at 37-38.
[315] FRIEDRICH & PECCI, *supra* note 119, at 435.

reconstruction.[316] The 5+5 Joint Military Committee ("JMC"), which included five representatives from both sides of the conflict, was also established to operationalize support of UNSMIL and find a path forward.[317]

A ceasefire agreement was signed on October 23, 2020.[318] Then in November 2020, based on the Berlin Conference, the UN facilitated the Libyan Political Dialogue Forum ("LPDF") to create a "transition roadmap" which included the creation of the Government of National Unity ("GNU"), in place of the GNA, with the mandate to facilitate elections in December 2021; the HoR remarkably supported the GNU and swore it in as the interim authority on March 15, 2021.[319] On June 23, 2021, a second Berlin Conference occurred, noting the cessation of hostilities since the 2020 ceasefire and affirming the goal of elections and removal of foreign fighters.[320] Hope persisted that the GNU and successful elections would create an opportunity to end the conflict and establish security stability; however, the electoral process collapsed before the December 24, 2021 elections with continued political tensions.[321] The HoR thus granted their confidence to the GNU opposition, the Government of National Stability ("GNS") established in February 2022, through the appointment of the GNS leader, Fathi Bashagha, as the interim prime minister.[322] Thus,

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[316] Jeffrey Feltman, *The Berlin Conference on Libya: Will Hypocrisy Undermine Results?*, BROOKINGS, (Jan. 21, 2020), brookings.edu/blog/order-from-chaos/2020/01/21/the-berlin-conference-on-libya-will-hypocrisy-undermine-results/.

[317] *The Berlin Conference on Libya,* PRESS & INFO. OFF. FED. GOV'T, at 11 (Jan. 19, 2020), https://reliefweb.int/report/libya/berlin-conference-libya-conference-conclusions-19-january-2020; *Remarks of SRSG Ghassan Salamé to the United Nations Security Council on the Situation in Libya*, UNSMIL (July 29, 2019), https://unsmil.unmissions.org/remarks-srsg-ghassan-salam%C3%A9-united-nations-security-council-situation-libya-29-july-2019.

[318] Agreement for a Complete and Permanent Ceasefire in Libya, (signed Jan. 19, 2020).

[319] *Libyan Political Dialogue Forum,* UNSMIL, https://unsmil.unmissions.org/libyan-political-dialogue-forum; Economist Intelligence, *Libya*, (June 6, 2022), https://country.eiu.com/article.aspx?articleid=1712213554&Country=Libya&topic=Summary&subtopic=Political+forces+at+a+glance&subsubtopic=Political+stability; *Libya,* Freedom House, *supra* note 282.

[320] Frederic Wehrey, *America's Window in Libya,* Carnegie, (June 24, 2021), https://carnegieendowment.org/2021/06/24/america-s-window-in-libya-pub-84846; *The Second Berlin Conference on Libya*, at 1, 3 (June 23, 2021).

[321] Bourhrous, *supra* note 114.

[322] *Libya,* Freedom House, *supra* note 287; Bourhrous, *supra* note 114; *The Situation in Libya: Reflections on Challenges and Ways Forward*, INT'L PEACE INST., at 1-2 (June 2022).

political tensions and issues of legitimacy continue as the GNS is not recognized by the international community while the U.N. recognized GNU attempts to push the "UN-sponsored road map" forward.[323]

Tensions are rising politically and economically as violent clashes in Tripoli are ongoing.[324] Just this past May 2022 and then again on August 26, 2022 the forces loyal to Prime Minster Fathi Bashagha of the GNS, tried, though unsuccessfully, to take over the GNU government in Tripoli led by Prime Minister Abdulhamid al-Deibah.[325] The current situation remains in flux with a "fractured security system"[326] in which the traditional state security institutions—army and police forces—remain weak without one strong leader able to implement "decisions in crucial security-related matters."[327] The bifurcated government continues to function with a hybrid security sector, relying on armed groups for authority and to "safeguard their presence,"[328] with the west, south, and east remaining controlled by several different actors—a mix of non-state groups, tribal militias, and the LNA, respectively.[329]

iii. Current Prominent Security Sector Reform—The Hybrid Security Sector

At this moment, a non-traditional form of SSR is prominent when analyzing Libya's SSR—the hybrid security sector—due to armed groups actively permeating the weak government security institutions.[330] This hybrid structure has been established throughout two government levels: armed groups' intrusion in formal government security institutions and armed groups' social embeddedness in local municipalities. First, SSR has evolved through the development of various relationships with the formal security sector. Groups either have clear affiliations with the government, are in direct competition with the government, or are in between, carving out a position in local governance that gives them legitimacy, profiting from the weak institutions.[331] The armed groups are able to bargain with the state government, providing security in

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[323] Bourhrous, *supra* note 114.
[324] *Libya: Some Leaders 'Actively Hindering Progress Towards Elections,' Security Council Hears*, U.N. (Nov. 15, 2022), https://news.un.org/en/story/2022/11/1130647; S.C. Res. 2656, (Oct. 28, 2022).
[325] Hill, *supra* note 117; Ahmed Elumami, *Tripoli Calm, Libya Riven After Worst Fighting in Years,* Reuters (Aug. 28, 2022), https://www.reuters.com/world/africa/libyas-tripoli-quiet-after-worst-fighting-two-years-2022-08-28/.
[326] SULAIMAN, *supra* note 129, at 198.
[327] *Id.* at 198.
[328] *See* El Kamouni-Janssen, *supra* note 140, at 9.
[329] FRIEDRICH & PECCI, *supra* note 119, at 438-39.
[330] *Id.* at 67.
[331] El Kamouni-Janssen, *supra* note 140, at 11-12.

exchange for resources, revenue, and recognition.[332] The groups are additionally able to integrate "elements of the defence and security apparatus into their forces to boost their own effectiveness," such as recruiting trained soldiers or police officers.[333]

In the west and south of Libya, armed groups use "state affiliation to co-opt the state and [state officials] from the state security apparatus into their ranks."[334] In particular, in the west, the connection of armed groups to the GNA have helped them access state resources while in the south, armed groups are increasingly relying on the LNA who itself has co-opted formal security institutions.[335] In the east, the LNA has attempted SSR. The LNA presents itself as the banner under which armed groups should align, describing itself as Libya's foremost military institution that houses Libya's national army; though the LNA tries to present the HoR and GNS as its oversight bodies to assure legitimacy, it is without civilian oversight.[336] However, the LNA's actions have incentivized army and police officers to partake in SSR training in order to join the LNA, even if that means working alongside armed groups.[337] It is important to note that due to armed groups' "level of autonomy and lack of accountability," these hybrid structures "negatively affect[] the state's ability to fulfil its [security] obligations, including the protection of communities."[338] Therefore, local community SSR has evolved to take the form of neighborhood security provisions in which armed groups work with neighborhood command centers to police the municipalities.[339]

This leads into the second type of the current hybrid structure. The ability to influence SSR, to intrude into formal security structures has been based on armed groups' level of co-existence with civilians and social embeddedness in local municipalities.[340] Armed groups in local communities created relationships

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[332] Eaton ET AL., *supra* note 121, at 8; Badi, *supra* note 46, at 43-46, 90; FRIEDRICH & PECCI, *supra* note 119, at 441.
[333] *Id.* at 53.
[334] *Id.* at 2.
[335] *Id.* at 7, 41, 54.
[336] *See* Badi, *supra* note 65, at 84.
[337] *See id.* at 85-86.
[338] *Id.*
[339] Eaton ET AL., *supra* note 121, at 42.
[340] *Id.* at 67.

with the local inhabitants to strengthen ties and their security role.[341] There is either cooperation of local communities translating into organization during conflict, or compliance of local communities translating into coerced recruitment during conflict.[342] However, what is clear is that the armed groups' influence on SSR remains isolated as expansion relies on military and social alliances that are short-lived.[343] The short-lived alliances are seen by the fact that most armed groups continue to coerce their local communities to attain social legitimacy and revenue through guaranteeing local civilians in each armed group's municipality the provision of security or public services in exchange for legitimacy.[344] Tribes have also filled the security void in local communities, "function[ing] as a backstop safety net" particularly when there is one dominant security actor compared to municipalities with fragmented security actors.[345]

Overall, local armed groups continue to contribute to ineffective SSR, yet fill the SSR void the formal government has been unable to execute; the armed groups continue to perpetuate the development of an ineffective hybrid security sector as their "influential leaders . . . are able to coerce, mobilize and manage formal state institutions and deployments."[346] Although local communities perceive the formal security bodies as the best security protection and as the step to continue pursuing SSR, the communities realize that SSR depends on reconstruction centered around armed groups due to the "weak, underdeveloped and ineffective" formal security structures.[347] SSR remains stagnant in its pattern of armed groups' control over weak formal security institutions as this perpetuates the fragmentation of the security sector, establishing increased "security pockets" that maintain insecurity, deprivation of development, and marginalization;[348] this then reinforces the ineffective SSR.

V. Analysis: What Does the Future of Security Sector Reform in Libya Hold?

[341] *Id.* at 51.
[342] *Id.* at 67.
[343] Eaton ET AL., *supra* note 121, at 8, 53; Badi, *supra* note 46, at 43-46.
[344] Eaton ET AL., *supra* note 121, at 8; Badi, *supra* note 46, at 43-46, 85; FRIEDRICH & PECCI, *supra* note 119, at 441.
[345] El Kamouni-Janssen, *supra* note 130, at 2, 13, 30.
[346] Eaton ET AL., *supra* note 121, at 53.
[347] *See id.* at 26.
[348] Aslan, *supra* note 152, at 100-03.

The post-conflict reconstruction of Libya's security sector has been turbulent since the fall of Gadhafi's regime in October 2011.[349] The one constant is the hybrid security structure in which the informal, armed groups remain a steady security actor within their communities, forming dominant relationships with the formal security institutions.[350] The little to no progress in SSR, particularly nationally, relates to the political fragmentation.[351] Though reported two years ago, the fragmented hybrid security sector in Libya is best explained by Hamzeh al-Shadeedi, Erwin van Veen, and Jalel Harchaoui, researchers at the Conflict Research Unit of the Clingendael Institute:

> While on the face of it the present situation is formed by the competing coalitions of the Government of National Accord (GNA) [now the GNU], under Prime Minister Al-Serraj in Tripoli and the Libyan National Army (LNA) under General Haftar in Tobruk/Al-Baida, the reality is much more fragmented. It includes: militia rule of Tripoli, which constrains the GNA's authority to the buildings it operates from; an amorphous Fezzan, which straddles smuggling, crime and cross-border conflict; the use and mobilisation of tribal identities and allegiances throughout much of the country; the persistence of at least two dozen key militias – revolutionary, tribal, Islamist and other – that profit from both the state payroll and illicit revenue; and Salafist armed groups.[352]

Thus, instead of creating a chain of command, the powerful armed groups and weak formal security forces have fragmented the security sector[353] with a "dysfunctional hierarchy."[354]

Analyzing Libya's SSR within the framework of SSR, human security should be the Libyan security actors' principal concern when developing future SSR strategies.[355] However, little focus is currently on civilians. Armed groups exploit civilians for their own benefit, for revenue, for social legitimacy, for conflict.[356] The government is too weak to assist with civilian security, depending themselves on armed groups for their own protection.[357] Libyan officials and external actors ignored the civilians, focusing on

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[349] *See supra* note 114.
[350] *See supra* note 124 and accompanying text.
[351] *See supra* note 116-120 and accompanying text.
[352] al-Shadeedi ET AL., *supra* note 108, at 7.
[353] Eaton ET AL., *supra* note 121, at 54.
[354] Aslan, *supra* note 152, at 100-03.
[355] *See supra* note 38 and accompanying text.
[356] *See supra* notes 270, 340-42 and accompanying text.
[357] *See supra* notes 192, 227, 327 and accompanying text.

mass security institution formation; they ignored the difficulty to transform a collapsed security system from an authoritarian regime to a functioning democratic security system.[358] The focus was continually on gaining strength, the upper hand, and capability and not on true governance and accountability.[359]

In regards to local ownership, civilians are left without formal security structures to turn to due to the formal institutions' weak and ineffective capabilities, allowing armed groups to perpetuate violence; thus the current structure of the hybrid relationship of the formal and informal security institutions is a primary obstacle to SSR as it prevents the opportunity to establish local ownership.[360] In one sense, there are municipalities, local communities, tribes, and armed groups that cooperate with civilians, placing more power and influence in the hands of civilians; however, most of the time, it is armed groups coercing civilians, acting in their own self-interest.[361] It is mainly the elite that have their hand in the security sector.[362]

Regarding democratic principles, accountability, transparency, cooperation, and collaboration, again the rivalry between the governments especially since 2014 set forth a huge shift from continuous attempts to create formal security institutions with the militias and armed groups to pure co-option of the formal security sector that continues eleven years on from the first civil war.[363] There is no transparency, oversight, or accountability due to the formal government's weakness and own dependency on militias.[364] There is technically collaboration and cooperation when only focusing on the less coercive or at least the mutually beneficial relationships; nonetheless, the relationships are principally based on economic and political self-interests, neither democratic principles nor human security.[365]

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[358] *See* al-Shadeedi ET AL., *supra* note 108, at 9; Azeem Ibrahim, *Rise and Fall? The Rise and Fall of ISIS in Libya*, US ARMY WAR COLLEGE, at 39 (2020); *supra* notes 118-223, part IV, section C.
[359] *See* al-Shadeedi ET AL., *supra* note 108, at 33.
[360] *See* El Kamouni-Janssen, *supra* note 140, at 26-27, 29.
[361] *See* Badi, *supra* note 46, at 45, 53 n. 136, 88; *supra* note 114-120, 331-33, 341-44 and accompanying text.
[362] *See supra* note 124, 333 and accompanying text.
[363] *See supra* part IV, section C.
[364] *See supra* notes 298, 302, 311 and accompanying text.
[365] *See supra* part II, section D, subsection ii-iii.

When evaluating international assistance, the international community assisted with quick responses to quell the security deterioration during the 2011 civil war, coordinating and collaborating through the NATO intervention.[366] Yet, when it came to assisting with the aftermath of its quick response to secure the state in order to supposedly establish the foundation for effective SSR, the international community opted for minimal assistance and minimal cooperation and collaboration, only focusing on state capacity and the traditional training and equipping of soldiers.[367] Additionally, the external actors assisted with various peace agreements in peace negotiations.[368] However, what Libya required was hands on assistance at the beginning, an understanding of the complex fragmentation that the civil war created and of the inability of the formal security institutions to gain control of the militias without increased support.[369] Moreover, many of the international actors' SSR programs were not tailored toward the social and political context of Libya itself, but copied and pasted from other states on top of few, if any, reliable members in the Interior or Defense Ministries to help support the programs.[370] Even the larger SSR programs, such as the General Purpose Force project in 2013, "were quickly undermined by mismanagement and corruption on the part of Libyan stakeholders" as well as competing agendas from different foreign states who had varying interests in Libya.[371] The international community even perpetuated the conflict by supplying weapons.[372] Different states supported varying armed actors, with further exacerbation of the conflicts when Libyan factions exploited the international competition to gain military support and international recognition for counterterrorism assistance—funding, weapons, and equipment.[373] SSR programs were thus difficult to implement as political conflicts resulted from desires to control the SSR programs and armed groups amassing, not decreasing, in "power, weapons, and funds."[374]

[366] *See supra* part II, section A.
[367] *See supra* part II.
[368] *See supra* notes 281-85, 316-19 and accompanying text.
[369] *See supra* notes 172-73 and accompanying text.
[370] FRIEDRICH & PECCI, *supra* note 119, at 439.
[371] *Id*.
[372] *See supra* note 316 and accompanying text.
[373] FRIEDRICH & PECCI, *supra* note 119, at 440-41.
[374] *Id.* at 439.

How can the failures and continued struggle in Libya be applied to future Libyan SSR strategies and other similar circumstances? The first questions to ask are: how can one create local ownership within this hybrid structure?[375] How can one create transparency, accountability, collaboration, and cooperation within this hybrid structure?[376] How can the answers to these questions ensure that the formal and informal security institutions are not running parallel but are intermingling?[377] With the continued political tension in Libya, it is evident that SSR should continue along a hybrid structure as the informal security institutions and actors have been embedded within the Libyan security sector for eleven years.[378] Especially since the bifurcation of the Libyan government after the 2014 conflict, implementing traditional, western designed SSR with a centralized government and a national security force is not feasible as there are too many competing interests to reconcile anytime soon.[379]

In Libya, and similar states, increased focus should thus be directed toward figuring out how to support the hybrid structure, not dismantle it, and how best to implement SSR strategies while acknowledging that whatever security institutions are established, armed groups will need to be a part of them.[380] It is further clear that SSR strategies moving forward will need to continue to be intertwined with DDR. Currently an inversion of SSR and DDR have been at work in Libya;[381] instead of establishing one national force with demobilized and reintegrated militiamen, fragmented security institutions have been created with the integration of militiamen into formal and informal security institutions.[382] It is difficult to separate many of the SSR strategies from DDR because of the role of militias, the control armed groups have over the formal security sector, and the integration of armed groups within the creation of new security institutions.[383] Therefore, SSR will need to be implemented hand in hand with DDR.

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375 *See supra* notes 65-70.
376 *See supra* notes 42, 50, 71, 75-76 and accompanying text.
377 *See supra* notes 109-11 and accompanying text.
378 Badi, *supra* note 46, at 41-42.
379 *Id.* at 41-42. *See supra* part IV, section C.
380 *See supra* notes 328-29.
381 *See* Eaton ET AL., *supra* note 121, at 54; *see eg., supra* part III, section C, subsection ii.
382 Eaton ET AL., *supra* note 121, at 54.
383 *Id.*

Is there hope for an established security sector in the future to assist with further reconstruction efforts? The formation of the GNU and the acceptance, albeit temporary, by the HoR of the GNU highlights that there is hope for establishing a more unified security sector, repairing the divisions throughout Libya.[384] The armed groups, the informal security sector will continue to be a vital aspect of SSR, but the security actors should continually work toward implementing strategies that solidify a relationship in which the formal government is not the weak partner.[385] The government could offer expertise and assistance financially and acknowledge the armed groups less as militias and more as equal partners while building state capacity.[386] This could help increase the legitimacy of the government while increasing the capability of the government to directly offer civilians financial assistance as well as food and water to prevent the co-option of provisions; this could in turn increase human security while making it more difficult for the armed groups to prey on civilians' grievances for their own benefit.[387]

Overall, the external actors and formal government should not be afraid to work with armed groups that are effective and socially legitimate within their communities, taking advantage of the civilians in those communities to assist with bridging the divide.[388] SSR going forward requires collaboration and cooperation with not just the informal and formal security actors but also civilians and communities to begin the process of local ownership, of civilian oversight. These are only the first steps to ensure neither the armed groups nor the formal security actors overpower one another.[389]

VI. **Conclusion**

To conclude, security reconstruction in a post-conflict environment is difficult to achieve without first establishing some level of peace, some level of political reconciliation. Libya continues to experience turmoil as political interests continue to fragment the country despite multiple attempts at reconciliation through peace agreements. It is futile to implement SSR that separates the informal and formal security

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[384] *See supra* note 319 and accompanying text.
[385] *See supra* notes 298, 302, 311 and accompanying text; El Kamouni-Janssen, *supra* note 140, at 26-27, 29.
[386] *See* Eaton ET AL., *supra* note 121, at 54-55.
[387] *See eg., supra* note 223, 270 and accompanying text.
[388] *See id.*
[389] *See id.* at 55.

institutions as is typical of traditional SSR strategies. For any state with such division, strategies that support hybrid structures are vital. The strategies should address the interaction of formal and informal institutions, the power imbalances and weaknesses, the close interconnection of SSR and DDR, and the necessity to have civilians as the third group of security sector actors.