Dealing with the Past, Winning the Future. Implementing Intelligence Reform in Libya

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Guest post from Benedetta Berti, Gonca Noyan, Hristiana Grozdanova, Jelena Petrovic, members of the Atlantic Council's Young Atlanticist NATO Working Group.

Since the end of the hostilities that led to the ousting of Muammar Qaddafi, Libya has been undergoing a post-authoritarian political transition. Although the internal drive for reforms is present, it remains unclear whether this transition will be successful. To guarantee such an outcome, the country needs to embark on substantial reforms. Among those, the implementation of extensive and successful reforms of the security sector (SSR) is particularly important.

In this context, the reform of the intelligence services is a vital type of first-generation SSR. If poorly implemented it may prevent the transition of the entire sector. To be successful, this process should be long-term, public and transparent. In addition, it should be considered a priority.

The Experience of the past

To offer guidelines on intelligence reforms to a country as unique and complex as Libya, one should search for valuable lessons from the closest matching region – the Western Balkans. The reasons for such a comparison are many. All Western Balkan countries are post-authoritarian, whether or not the dictatorship occurred during or during and after communist rule. Furthermore, most of them experienced internal violence, some even colliding with international forces.

The degree of success of the intelligence reforms in the Western Balkans varied between the different countries. In Macedonia—only a few of the reforms were publicized and a little was done to improve the image of the intelligence sector among the public. In Bosnia and Herzegovina (BiH), the unification of two intelligence services under one state-level institution (the Intelligence and Security Organization) in 2004 represented great challenge due to political sensitivities and mistrust between the agencies, as well as because of their links to war criminals.

In the case of BiH, the EU relied on conditionality to accelerate the reforms of the intelligence sector, using negotiations on the Stabilisation and Association Agreement

as a carrot to encourage and accelerate reform. Serbia and Montenegro's experience can also teach a great deal about intelligence reforms by emphasizing the importance of personnel clean-up. In the Serbian and Montenegrin case, clean-up allowed to handle personnel with loyalties to the previous regime, to deal with internal resistance to reforms, as well as to address pre-existing relations between intelligence services and organized criminal groups.

The way forward

However, applying the lessons of the WB to Libya is a daunting challenge, as the country itself is still far from stable. Libya is highly fragmented internally —with competing tribal loyalties taking precedence over national identity—and lacks strong and functional central political institutions. In this sense, one of the toughest challenges of the National Transition Council (NTC) is to assert authority over tribes, cities, and provinces which had basically relied on self-ruling over the past four decades and which are now resisting attempts to bring about a measure of national centralized control.

Weak central government, proliferation of armed groups and militias, and widespread internal divisions and instability make lagged SSR unsurprising. This seems to be specifically the case when referring to reforms of the intelligence sector. It seems that little to no progress has been achieved in terms of rebuilding Libya's intelligence sector.

However, rebuilding the secret services and bringing the previously highly insular and secretive intelligence sector under the civilian control of the NTC would be a crucial step in the right direction.

Steps not to be missed

Until the collapse of the previous regime, the Libyan secret services were closely associated with Qaddafi and, as such, the new authority faces the monumental challenge of rebuilding them completely, while bringing them, in parallel, under civilian democratic control. At the moment, the NTC has not made public any restructuring plan.

However, as the Western Balkan cases demonstrated, to be effective, secret services reforms should be conducted openly and transparently. The lack of publicly available information on Libyan secret services and their reforms (if already started) is not only discouraging but also clearly points out the first shortcoming of the SSR process.

In addition to openness, transparency, and involvement of the civil society, the focus should be also on including personnel clean-up, followed by a national process to deal with the archives and the information collected by the previous regime. This allows the transformation the secret services from a tool of the regime to a tool of the new state and its people protection.

Equally important, Libya should establish a solid framework to define roles and responsibilities of the new intelligence sector. This will serve as a guide to shape and place boundaries on the mandate of the intelligence services both within and outside

the country. Such normative framework should not only clarify the mandate of the intelligence services, but it should also establish effective civil democratic control over this institution, in particular parliamentary oversight on their activities. The normative framework should also be in line with international human rights standards.

A new organizational structure for the intelligence services is also needed. Special attention should be paid to boosting the professionalism and experience of the personnel. The political authorities should invest time and political capital in recruiting and training. At the same time, in a sharply internally divided society like the Libyan one, it will be important for the new intelligence sector to rely on personnel that represents all the main internal tribal groups.

As a last point, receiving international support and assistance will also represent a step in the right direction. In the BiH case, there are studies praising the support received from Slovenia and Hungary and its role in helping the BiH SSR process. Both Hungary and Slovenia had previously experienced similar problems while reforming their own intelligence sectors, and therefore they were effective when assisting BiH in its own post-conflict transition. In the case of Libya, collaborating with international actors can be similarly beneficial.

To conclude, Libya is undergoing a particularly complex and difficult time, and its transitional success depends on the country being able to successfully implement a number of substantial reforms. Among those, rebuilding and reconfiguring of the intelligence sector is of utmost importance. This challenge should not be overlooked and postponed to a later stage of the post-revolutionary phase, as its success is deeply connected to the overall successful transition of the security sector and society as a whole.

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