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Post-Qaddafi Instability in Libya

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INTRODUCTION

Should the Qaddafi regime fall, uncertainty over who controls Libya or whether they enjoy broad support would likely erode public order and threaten the provision of basic goods and services to the population. Such instability could not only produce a humanitarian disaster, it could lead to the emergence of new authoritarian leaders or the breakup of the country. Such outcomes would also discredit the NATO-led intervention and threaten vital European interests, including oil and gas supplies, as well as increase the likelihood of large-scale emigration. It is appropriate, therefore, for the European Union (EU) to lead an international post-Qaddafi stabilization effort, preferably under a UN umbrella, to facilitate participation by members of the Arab League and the African Union (AU). A paramilitary police force of up to three thousand personnel to maintain public security will be required in the initial stages after Muammar al-Qaddafi falls.

The United States, whose interests in Libya are more limited, should aim—through support to Libyan, European, and Arab efforts—to keep post-Qaddafi Libya a single sovereign country within its well-recognized borders, restore its oil production to prewar levels, prevent it from harboring or supporting international terrorists, and ensure stable and more democratic governance there. Success in these areas would have a positive demonstration effect on other Arab Spring transitions, help stabilize oil markets, and increase confidence in the likelihood of positive outcomes, in particular in Syria and Yemen. If a combined UN/EU operation were to fail to stabilize post-Qaddafi Libya and meet humanitarian requirements, the United States should be prepared to mobilize and support NATO forces militarily for these purposes.

Scenarios other than the disappearance of the Qaddafi regime are possible: Qaddafi could remain in place in the areas he controls, or he could disappear but with his power structure and military forces under someone else's command. Such "regime continuity" scenarios would increase the risk of Libya breaking up and require different policy responses from the "regime collapse" scenario considered here.

THE CONTINGENCY

If the regime yields, a good deal will depend on *how* it yields. There are three possibilities:
– decapitation—or sudden and irreversible removal of Qaddafi himself, as well as his sons, from power in Libya—by military means or coup;
– a negotiated agreement for Qaddafi and his sons to step aside, in return for allowing some elements associated with the regime to participate in the post-Qaddafi arrangements; and
– an agreement to allow Qaddafi and his sons some diminished but continuing role in Libya.

The first two scenarios might involve arrangements for Qaddafi and his sons, if still alive, to leave Libya, go into political exile within Libya, or be detained.

In general, both the opportunities and risks diminish with the increasing role allowed to the Qaddafi regime: decapitation could open the door to widespread disorder or civil war, but it could also increase the longer-term possibilities for democratic evolution. A continuing role for Qaddafi and his sons might reduce the likelihood of widespread disorder, but it would also hamper longer-term democratic evolution. Continuation of the military effort, or its escalation, could make a future transition more problematic if it destroys important government assets.

Stability

However the Qaddafi regime comes to end, there will be multiple threats to stability and public order. It will be important to identify and secure quickly any remaining chemical or other weapons of mass destruction, nuclear materials, man-portable air defense systems (MANPADS), major stores of explosives, and heavy weapons. Scenarios for sustained instability include the following:

– *Continued violent resistance by Qaddafi loyalist forces.* Like Saddam Hussein, Qaddafi may have prepared for foreign invasion and could possibly mount a "stay-behind" operation like the Saddam *fedayeen* conducted. Their efforts to destroy government ministries made it impossible for the coalition in Iraq to withdraw quickly. Particularly important targets of a stay-behind operation include police and intelligence records, the Central Bank, the oil ministry, and critical oil installations. A stay-behind operation is more likely if there is no transition agreement but the regime collapses due to Qaddafi's death or disappearance. His sons might possibly sow chaos that would give them an opportunity to either escape or regain power.

– *Rioting and looting.* Tripoli and other Qaddafi-controlled population centers have been under ferocious repression. It is unclear how much they have suffered from hunger, but they certainly have lacked fuel and other commodities. Rioting and looting could break out, in particular targeting merchants or private citizens believed to have benefited economically from being regime loyalists. Targeted looting by rebel forces has sometimes occurred in territory newly coming under their control. Rioting and looting are more likely if there is uncertainty about how the country will be governed; the value of its currency; and availability of food, fuel, and other commodities.

– *Internecine warfare.* The current opposition in Libya, led by the National Transitional Council (NTC) based in Benghazi, is a hodge-podge of former regime loyalists (civilian and military), liberal democrats, Islamists, expatriates, Berbers (*Imazighen*), various tribes, and *jihadis*. They are united mainly in wanting Qaddafi gone. Fragmentation has not yet been a big issue, but the large concentration of regime supporters in Tripoli will present a bigger challenge to inclusivity than faced so far. It is not clear whether the NTC will be received well, even among anti-Qaddafi militants, in Tripoli. Once Qaddafi is gone, political, tribal, ethnic, and regional fragmentation could ensue. Little is known outside Libya about these fault lines, but Libya's Qaddafi-era institutions are so confused, overlapping, and focused on him that it is difficult to see how they can provide a framework to limit the competition to nonviolent politics. The murder in July 2012 of former Interior Minister General Younis after he had joined the NTC is a potential harbinger.

– *Revenge violence and killing.* Many Libyans have suffered under the Qaddafi regime, losing family members, property, and freedom. People who have suffered in this way seek revenge, often using methods like those used against them. There have been reports of revenge killings in Benghazi. This can start a cycle of violence that is exceedingly difficult to stop. In ad-

dition, Qaddafi loyalists may be assumed to have information of value (such as hidden money, weapons, and other valuables) that needs to be extracted quickly. This could lead to detention, imprisonment, and torture. The police and intelligence services are likely targets. Few anti-Qaddafi citizens will speak up to protect them.

– *Criminal spoilers.* The collapse of a regime is an opportunity for criminals of all sorts to gain turf, open new lines of activity, and liquidate competitors. Drug traders, arms dealers, thieves, racketeers, and white collar criminals will be working overtime. Some of these spoilers will come from within the regime itself—intelligence or other officials experienced in breaking embargoes, laundering money, and selling protection. They may attempt to "privatize" state assets as they leave office. Others may have been released from prison by the regime in order to sow chaos and tribal strife early in the uprising, including some believed to be Islamic extremists and terrorists. Still others will be released after regime collapse— Qaddafi has arrested thousands of people, so there will be pressure for a general release of prisoners. Criminal spoilers emerge in many postconflict scenarios. Their activities can seriously taint a new regime and make the population feel that the transition is failing to deliver on expectations.

– *Property disputes.* Once the Qaddafi regime is clearly gone and stability established, many of the half million or so Libyan refugees and internally displaced people will return and seek to recover their property, as will expatriates who left before this year's crisis. Recovery of real estate can be particularly contentious and undermine public order, especially if the public lacks confidence in the courts.

Humanitarian Requirements

While there have been reports of fuel, food, and medical shortages inside Libya, no general humanitarian crisis has occurred so far. In rebel-held territory, international governmental and nongovernmental organizations (NGOs) as well as the Libyan Red Crescent are providing needed services without unusual difficulty, except in the besieged rebel-held town of Misrata and in the Nafusa Mountains, where fighting has made access difficult but not impossible.

The main humanitarian concern to date has been the more than one million refugees who have left: 575,000 to Tunisia, 356,000 to Egypt, and the rest to Niger, Algeria, Chad, and Sudan. More than half appear to be Libyans, some of whom have already returned, with the rest migrant workers, many from neighboring or nearby African countries. Some migrants have sought to enter Europe, where the political sensitivities are great but the numbers are relatively small.

The most immediate humanitarian requirements post-Qaddafi will be food, water, shelter, and health services for the most vulnerable, particularly the poor and displaced. According to UNHCR's estimate, there are currently 243,000 internally displaced Libyans. While per capita income in Libya prewar was relatively high (almost $15,000 in 2010), this is misleading, as most oil wealth went to relatively few people. The fighting of the past several months will have sharply decreased incomes and stressed household budgets of many Libyans.

Libya's mostly urban population will require adequate supplies of electricity and water, especially if the regime were to fall this summer. Failure to provide at least the current level of these services promptly after fall of the Qaddafi regime would undermine public order and make progress on governance, rule of law, and the economy far more difficult. Water is supplied mainly by the Great Man-Made River, which requires electricity for its operation. There have been sporadic reports of power shortages hindering its operation. The state-owned General Electric Company of Libya generates, trans-

mits, and distributes electricity, even under current conditions. Keeping its facilities operating will be vital.

Mines planted by the Qaddafi regime have been a problem in Benghazi and Misrata, where significant numbers of civilians have required medical assistance. Tripoli and other Qaddafi-controlled areas may also have been mined or booby trapped. Unexploded ordnance resulting from NATO-led operations will also be a problem. A Joint Mine Action Coordination Team under UN auspices has been identifying and demolishing unexploded ordnance, abandoned ammunition, and landmines. It could presumably extend its efforts to Tripoli and other Qaddafi-held territory once conditions permit.

WARNING INDICATORS

Rebel-liberated areas in Libya have so far not suffered widespread instability or humanitarian crisis. But risks remain, especially in Tripoli. Warning indicators include the following:

- *Public disorder on a large scale*. Indicators of growing problems stemming from a stay-behind operation include attacks on government buildings or oil installations; thefts from weapons-storage sites; systematic sabotage; attacks on security forces, symbols, or prominent personnel of the new regime; and media agitation against the new regime.
- *Rioting and looting*. As Iraq demonstrated, rioting and looting can undermine public confidence in security forces, seriously damaging the prospects for stability and generating a general breakdown in public order.
- *Violent disputes along tribal or regional lines.* Competition for power will be intense. It will be particularly dangerous if violence breaks out along tribal or regional (Cyrenaica/Tripolitania) dimensions. Libyans will know if tribal violence breaks out.
- *Discovery of tortured or mutilated bodies.* They are indicators of revenge violence.
- *A sharp increase in the crime rate*. The population will know if there is a sharp deterioration of public safety, even if no statistics are being gathered. Media, which will presumably be freer post-Qaddafi, will report a general increase in crime. Trafficking in weapons, drugs, and people can be detected by border controls.
- *Property disputes.* International nongovernmental organizations will know quickly if displaced people are having difficulty returning to their apartments or houses.

General shortages of fuel, food, water, or electricity should ring loud alarm bells. These will be evident from price spikes, black market activity, and hoarding. Also important are difficulties supplying vulnerable populations with humanitarian relief. The Libyan Red Crescent and international nongovernmental organizations will know quickly if such difficulties arise.

Deterioration of the economic situation would affect the need for humanitarian assistance. Collapse of the Libyan dinar or of the banking system, which is currently limiting withdrawals, could increase dramatically the number of destitute people.

Local hospitals will often be the first to know that mines, booby traps, and unexploded ordnance are a problem. Former Qaddafi regime forces may be able to provide guidance on their whereabouts, but may also require incentives to do so.

IMPLICATIONS FOR U.S. INTERESTS

A relatively successful transition from the Qaddafi regime to a united, stable, more open and democratic Libya would be seen in the region and more widely as a credit to the NATO-led intervention. It

would also enable Libya to resume its oil and gas exports, demonstrate international community capacity to manage such transitions, and encourage positive outcomes to other Arab Spring protests, including those ongoing in Yemen and Syria.

There are many possible gradations of success. Libya could achieve a measure of unity and stability without being fully democratic or open. Even a successful transition could lead to release from prison of extremists and trafficking in MANPADS, chemical weapons, or other arms, thus representing an indirect threat to U.S. interests.

A failed transition leading to chaos, breakup of the Libyan state that sets an unwelcome precedent elsewhere, or restoration of a dictatorship would all damage American and allied credibility and likely also cause major problems for the United States' European allies, including shortfalls in energy supplies, loss of major investments, and a continuing refugee flow. Refugees could also cause problems in Tunisia, Egypt, and the rest of the Mediterranean. Failure could thus have indirect but unwelcome effects on the United States. Failure could also produce a state prepared to harbor international terrorists, as Qaddafi himself once did, but there is little indication thus far that those supporting the rebellion would be inclined in that direction.

PREVENTIVE OPTIONS

Immediate priorities, whatever option is chosen, will include securing vital infrastructure, weapons, and matériel as well as keeping public order. There are three basic approaches for dealing with security and humanitarian issues in post-Qaddafi Libya:

1. *Let the Libyans handle it.* The Benghazi-based NTC and other legitimate interlocutors would form an inclusive interim authority recognized internationally. This interim authority would decide how to deal with the Libyan army and police it has been fighting against for several months, using them, vetting them, or disbanding them. So far, a combination of Qaddafi-era police and rebel militias has successfully secured areas liberated from Qaddafi's control. The interim authority would also design a timetable and strategy for creating new political institutions and continue the collaboration with the Libyan Red Crescent and international NGOs that has so far proven adequate to meeting humanitarian needs.

2. *Insert an international peacekeeping operation.* The main security challenges will come in Tripoli, Misrata, and some other highly contested cities. A force of several thousand paramilitary police might be able to secure vital electricity and water infrastructure, control major stores of weapons or matériel, and keep public order. The French *gendarmerie* or other European equivalents are equipped and trained in military-style units of one hundred or so that are specifically focused on imposing and maintaining stability in a civilian population. The European Union and its member states can deploy several hundred of these paramilitaries, provided they are not already committed elsewhere. Turkey and Arab countries might supply the remainder. An international peacekeeping operation would not administer Libya (as in Kosovo and East Timor) but would support an inclusive interim authority in maintaining stability, providing humanitarian assistance, and beginning the reconstruction process (as in Liberia or Sierra Leone). While such operations are often thought of as short-term solutions to be removed within a year or two, experience suggests that they more often last, at some level, for five to ten years or more.

3. *A legitimate interim Libyan authority with international community support but no armed peace-*

keepers. This option would be civilian and perhaps even be paid for by the Libyans, once their oil and gas production is restored. It could be focused on particular capacities—perhaps police, intelligence, counterterrorism operations, or other specialized requirements—that Libya lacks. The UN is currently contemplating a political mission with some attached military observers, but its capacity and willingness to plan a future operation is limited due to political sensitivities within the Security Council.

The main options for constituting an international peacekeeping operation are a "coalition of the willing" or a UN or UN-authorized force. A coalition of the willing could be constituted in response to a request from whatever interim Libyan authority is recognized as legitimate. A UN force would require a new Security Council resolution. Russia has so far opposed "boots on the ground," but a Libyan request to Russian participation might bring Moscow around. A coalition of the willing (or a single lead nation) could initiate the effort, followed by a longer-term UN or other presence.

While the United States or NATO could lead a coalition of the willing, neither seems likely to be available given their priorities, interests, and current responsibilities elsewhere. NATO capabilities might be used for specific support efforts like intelligence, lift, fuel supply, and logistics. The most likely candidates for leadership roles in any international effort are the United Nations and the European Union, both of which have appropriate experience and good reasons to want a successful transition in Libya. A combined UN/EU effort is a possibility that could be attractive to the United States.

The African Union has its hands full with Sudan and Somalia, and African mercenaries who fought for Qaddafi might make African ground forces unwelcome. But the AU should be expected to pitch in to encourage Qaddafi loyalists to adapt to the new regime. The Arab League lacks relevant postconflict experience, but it and the GCC should be expected to help mobilize needed international resources. Qatar may continue to be particularly helpful, including with financing.

The United States could play a supportive role, ensuring that the effort is based on a solid strategic framework, filling in where donors fall short, and bringing attention to top priorities. The existing "contact group" could be a vehicle for the United States to contribute without burdening it unduly.

Whichever option is chosen, the NTC is expected to combine with other legitimate interlocutors to form an interim authority to take over governance once the Qaddafi regime falls. International assistance should be conditional on inclusivity, which is vital. Even many Qaddafi-held towns have formed councils that can be drawn upon to provide appropriate representation.

These indigenous Libyan initiatives—the NTC as well as the local councils—must not be inadvertently bypassed or destroyed once the Qaddafi regime is gone, as has happened in other postconflict situations. The local councils could be particularly effective in mounting "neighborhood watch" operations to prevent public disorder, an approach taken during the protests in Egypt.

It is also important that those government institutions that exist in Libya (especially the oil ministry, the army, and the police), as well as other vital organizations like the electrical and water utilities, be maintained and their employees paid in a timely way with a currency that they can use. It is unlikely any immediate collection of weapons or demilitarization, demobilization, and reintegration (DDR) will be possible, for either the army or the rebel forces. This will be possible only once a new interim governing authority is established. It will be important to identify and continue to protect any MANPADS and chemical or other weapons of mass destruction still stored in the country.

One of the critical issues could be whether *any* foreign boots on the ground would be welcome. While international peacekeepers are an option, every effort should be made to limit a deployment that would at best be problematic and at worst catastrophic. The Libyans have done a good job of maintaining public order, supplying humanitarian assistance and even providing services in rebel-

held areas under difficult conflict conditions. Though Tripoli will present problems on a scale that they have not yet faced, because of the size of the city and the presence of many Qaddafi loyalists, the Libyans should be empowered as much as possible to meet stability and humanitarian needs.

International civilian assistance will be needed to provide humanitarian relief, rebuild the Libyan state, and enable the society to embark in a more open and democratic direction. Relief supplies need to be prepositioned for the immediate post-Qaddafi period. Preparation of a constitution (Libya currently has none) and elections at various levels will take several years. Mine clearing and retraining the police, army, and judicial systems will take the better part of a decade. Accountability for past crimes and justice for those who abused power under the Qaddafi regime may take longer.

Once restored to precrisis production, Libya's oil and gas can pay for reconstruction, but immediate financial requirements will be large. It will be important to unfreeze some Libyan assets now in order to fund the NTC now and the interim governing authority once Qaddafi is gone. If this proves difficult, wealthy Arab countries may need to fill the gap.

The post-Qaddafi era has already begun in those parts of the country—perhaps including as much as 60 percent of the population—no longer under his control. Even if the fighting continues, the NTC and the international community should initiate priority capacity-building efforts, if necessary providing training outside Libya.

MITIGATING OPTIONS

If initial efforts to avert violent instability in Libya fail, the international community would have three broad response options:

– *Provide humanitarian relief.* This would resemble current humanitarian support to rebel-held areas and require at least bridgeheads or safe havens onshore to be effective.
– *Conduct limited military intervention.* This could be required to put down an insurgency, provide humanitarian relief, or prevent restoration of a dictatorship.
– *Carry out full-scale occupation.* A complete breakdown of public order or a major humanitarian crisis could lead to calls for occupation to fulfill the obligations of the Geneva conventions.

Only as a last resort—to deal with widespread disorder, a threatened breakup of the Libyan state, or a humanitarian catastrophe—should the international community consider armed intervention without the invitation of a legitimate Libyan authority. Various operational configurations for armed intervention are conceivable—including unilateral U.S. action, a coalition of the willing without UN mandate, and a fully sanctioned international force led by NATO.

RECOMMENDATIONS

The main requirement at present is for the UN and EU to initiate planning and international consultations on post-Qaddafi Libya as quickly as possible. The UK's Stabilisation Unit has deployed a team to Libya to begin its planning process. The UN and many other international organizations are actively offering humanitarian and other assistance in Libya. The coherence and coordination of these and other efforts will depend on setting out from the start a clear set of agreed end-states toward which the Libyans and international community will work. This can best be done in a new Security Council resolution, but if that proves impossible it could also be done in a statement by the contact group or the UN/EU leadership. The goals should include a united and sovereign Libya within its

well-established borders that can sustain, govern, and defend itself through inclusive democratic institutions, using Libya's resources transparently and accountably for the benefit of all its people.

U.S. preparations for the post-Qaddafi period are currently led by Ambassador Gene Cretz, who will deploy to Tripoli with his staff as soon as possible after the regime falls. The State Department should strengthen both the embassy team and Washington support with experienced postconflict experts focused on the main issue areas: security, humanitarian relief, rule of law, governance, and the economy.

Some in Congress have resisted involvement in Libya. It is important to reassure those who oppose large new commitments that the United States sees itself as supporting, within strict budget constraints, the efforts of others who will be expected to lead and carry the brunt of the burden. It is wiser and cheaper to plan now and prevent problems than to clean up after the fact.

– *The secretary of state should encourage the UN secretary-general and the EU's high representative to take on joint leadership responsibility for the international community and begin the planning process for post-Qaddafi Libya.* In cooperation with the NTC and other legitimate Libyan interlocutors, they should be encouraged to lay out a strategic framework that specifies overall objectives, resources required, and approaches to be taken. This work needs to begin discreetly even before Qaddafi is gone. A new UN Security Council resolution should approve this framework when the time comes. This will require early and careful diplomacy with Russia and China as well as with Germany and India.

– *The EU and UN should be encouraged to put the Libyans in the lead as much as feasible but at the same time prepare now to deploy a force of up to three thousand paramilitary police to keep order in Tripoli, protect vital infrastructure, and secure weapons and matériel.* The more that can be done by the Libyans themselves, the better. Libyan capacity to organize themselves should not be underestimated, but Tripoli will require international peacekeepers to keep order, at least in the initial phase.

– *If a UN/EU effort fails to ensure stability in Libya, the United States should be prepared to mobilize and support a NATO-led effort, including if necessary the deployment for a limited duration of U.S. ground forces.* Only NATO has the military capacity required. Unilateral U.S. intervention would entail risks without commensurate gains to vital national security interests.

– *U.S. presence in Benghazi should be beefed up now.* A dozen or more people with postconflict experience should be moved there to strengthen cooperation with the Libyans and Europeans and initiate capacity building for Libyan interlocutors in Benghazi.

– *USAID, the State Department, and the Department of Defense should design now a package of multiyear U.S. civilian and military assistance focused on capacity building for the new Libyan government, its military, and its civil society.* This should be done within existing budget constraints—the capacity to absorb assistance in Libya is not large. The United States should concentrate its efforts on areas where it performs well: military equipment and training, for example, rather than police.

– *Work should begin now on a mechanism to unfreeze Libyan assets or otherwise provide needed financial resources.* The contact group decision to recognize the NTC as Libya's legitimate governing authority should facilitate mobilization of frozen assets, but it will still require both U.S. government and UN decisions. Some interim funding from one or more Arab states will also likely be needed. Provision of funding should be conditional on creation of an inclusive, legitimate interim authority and detailed plans for how to manage revenues and a sovereign asset fund in a transparent and accountable way. It is vital that the Libyans ensure timely payments to the army and government officials, maintain the country's banking system, fund pensions and the social safety net, and begin to pay for the country's reconstruction as soon as possible.

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