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# **Security Sector Reform in the Maghreb : Finding a Realistic Approach**

**Brahim Saidy**

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Please contact: [contact@mipa.institute](mailto:contact@mipa.institute)

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# About the Author

## About the Author:

| **Dr. Brahim Saidy** is an associate professor of diplomacy, security and defense studies at Qatar University. Prior to this, he served as a lecturer in international relations in Canada, especially at Ottawa University and Laval University. He obtained his Ph.D in international relations from the Université du Québec à Montréal in June 2009. He also holds a master's degree in the same field of studies from Laval University, and a graduate degree in strategic studies and defense policy from the High School of International Relations in Paris. His research interests are in NATO, military strategy, defense policy, civil-military relations in the Arab world, and GCC's defense cooperation. He worked as a researcher at The Institut québécois des hautes études internationales. In 2010, he has held a research stay as researcher in residence at the NATO Defence College in Rome. He was hosted as a visiting scholar by Foreign Policy Research Institute (Philadelphia, USA), and by Korea Research Institute for Military Affairs (Seoul, South Korea). He also serves as visiting professor at Ahmed Bin Mohamed Military College (Doha, Qatar).

# Abstract

## Abstract

Security sector reform (SSR) is a key concern in the current landscape of political transition towards democracy in the Maghreb. It is particularly important given the fundamental and historical roles played by the security services in maintaining the authoritarian regimes in this region. The process of reforming the security sector is highly dependent on the nature of each political system in the Maghreb as well as the current conflictual situation characterized by the wider struggle for change and detachment from authoritarianism. Throughout the Maghreb, there are strong variations in the context and conditions for implementing SSR. The priorities and needs differ considerably from country to country.

# Introduction

## Introduction

Security sector reform (SSR) is a key concern in the current landscape of political transition towards democracy in the Maghreb. It is particularly important given the fundamental and historical roles played by the security services in maintaining the authoritarian regimes in this region. The process of reforming the security sector is highly dependent on the nature of each political system in the Maghreb as well as the current conflictual situation characterized by the wider struggle for change and detachment from authoritarianism. So far, the security reforms and various initiatives launched by these countries are limited to counter terrorism. However, the steps towards good security governance in terms of accountability, transparency and democratic control are still less visible.

This article aims to explain the necessity and relevance of SSR in countries undergoing democratic transitions. It examines the opportunities and challenges associated with successful SSR in the states of the Maghreb that have different experiences in this regard. It is divided into three parts: the first one outlines certain theoretical concept of SSR; the second one focuses on the complex relationship between SSR and democratic transition; and the third one addresses the case study of Algeria, Morocco, Tunisia, and Libya.

## I. What is Security Sector Reform?

Before discussing the security sector reform (SSR) in the Maghreb it is important first to present a brief overview of this relatively new concept, which entered in the discipline of security studies at the end of 1990s. SSR is recognized as a central element of consolidating democracy, promoting development, conflict prevention and success in post-conflict peace-building<sup>1</sup>. The major idea behind it is that security services should be controlled and accountable

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<sup>1</sup> Michael Brzoska, *Security sector reform in development donor perspective: origins, theory and practice*, Geneva Center for the Democratic Control of the Armed Forces (DCAF), *Occasional Paper 4*, Geneva, 2003, p. 13-14.

to democratically elected civilian authorities, and should act based on the rule of law<sup>2</sup>.

In this regard, there are two joint concepts in SSR: security and governance. Both concepts have undergone change in recent decades since the end of the Cold War. Today, security is not understood as being state centered or in military threats. It's extended to non-military issues affecting states, individuals and people. Governance concerns the ways in which the management of security institutions and issues serve the needs of the citizens and the state<sup>3</sup>. Good governance incorporates all the security actors in the decision-making process, not only by referring to the armed forces, the police and the intelligence services, but also to the constitutional and political institutions that is expected to guide and oversee them<sup>4</sup>. In 2005, the Organization for Economic Cooperation and Development (OECD) noted that « SSR seeks to increase partner countries' ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance, and the rule of law. SSR extends well beyond the narrower focus of more traditional security assistance on defense, intelligence and policing»<sup>5</sup>.

## II. Shared challenges to the governance of security in the Maghreb

The political protests that erupted in the Arab region in 2011 were a unique event that opened the door to democratic political transitions in the region in an attempt to establish a new social contract between state and society. This historical event provided an opportunity to reform the security sector as an integral component of the democratic process. After all, Mohamed Bouazizi, the merchant who triggered the “Arab Spring” set himself on fire to protest against female police harassment and humiliation, which led to the Tunisian revolu-

2 Heiner Hänggi, “Conceptualising Security Sector Reform and Reconstruction”, in: Alan Bryden and Heiner Hänggi, *Reform and Reconstruction of the Security Sector*, DCAF, Geneva, 2004, pp. 3-20.

3 Ibid.

4 Nicole Ball, «The Evolution of the Security Sector Reform Agenda», in Mark Sedra (eds.), *The future of the security sector reform*, CIGI, 2010, p.30

5 OECD, *Security System Reform and Governance*; DAC Guidelines and Reference Series; 2005; <http://www.oecd.org/dac/incaf/31785288.pdf>

tion, and consequently the wider Arab spring. The latter was, in fact, driven by widespread dissatisfaction with the security forces, perceived as instruments of repression. Yet, despite its relevance, the public and academic debate on SSR in the Maghreb remains nascent, and it focused on the repressive role of the security services<sup>6</sup>.

SSR in the Maghreb is facing challenges manifested in several levels. First and foremost, the promotion of a new image of the security services, which requires a transformation of the perceptions of the security services from a coercive into an accountable, transparent and professional apparatus. The 2011 uprising was a crucial event to measure dissatisfaction about security personnel, as police had come to be, for a long time, a source of distress rather than the protector and helper of population due to arbitrary arrests, cruel methods of interrogation, verbal and physical abuse, torture and detention without trial. The armed forces, police and intelligence services had more power than political institutions and their missions were foremost dedicated to keep the regimes in power rather than ensuring state and citizens' security. In this regard, Donald Planty argued that «(...) before the Arab Spring, the security sectors in Middle Eastern and North African countries were structured to assure control of populations. The police focused more on monitoring political activities than on law enforcement. Intelligence agencies spied on citizens»<sup>7</sup>. In the same vein, Tewfik Aclimandos outlines «(...) the decrease in legitimacy that accompanied the sharp drop in the performance levels of state institutions pushed the regime to rely increasingly on the security services. These, in turn, used their pivotal position and power to, on the one hand, tighten the noose around the citizens' necks and, on the other, develop economic tentacles and corruption networks»<sup>8</sup>.

An additional obstruction is the security elites of the old regime, who do not believe in the benefits of reform and consider matters of security a reserved domain. They are wary of any form of democratic reform as it would ultimately

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6 Arnold Luethold, "Security Sector Reform in the Arab Middle East: A Nascent Debate", in: Alan Bryden and Heiner Hänggi, Alan Bryden and Heiner Hänggi, *Reform and Reconstruction of the Security Sector*, DCAF, Geneva, 2004, pp. 93-120.

7 Donald J. Planty, *Security Sector Transformation in the Arab Awakening*, USIP Special Reports 317, September 2012, p.2

8 See, The Arab Reform Initiative, *Workshop on reform of the police in Egypt: Issues and challenges*, July 2012, p.2 ; <http://www.arab-reform.net/workshop-reform-police-egypt-issues-and-challenges>



weaken their influence and advantages. This means that the culture inherited from authoritarian regimes appears to be an obstacle for any genuine SSR. Ultimately, the focus should lie on the reconstruction and reconfiguration of the militaries, the police and the intelligence agencies. All three of these statutory security forces must be at the focus of democratically motivated SSR. The main goal is the creation of a professional security sector under democratic control with a precise mandate and an appropriate use of resources. Without this guideline for reform, it will be difficult to achieve the establishment of a consolidated democratic transition in the Maghreb.

### **III. Different National Experiences in the Maghreb**

SSR is context specific. This is why it is important to highlight the different institutional contexts throughout the Maghreb, and these variations in the context and conditions are crucial to take into consideration for implementing any reform in the security sector. In each country, the priorities and needs differ considerably. For instance, the army in Algeria has been the main pillar of the regime, whereas the Tunisian military played a very marginal political role. In Libya under Gaddafi, the army was marginalized in favor of the Revolutionary Guard, and in Morocco, the military has evolved from one of political nature to that of an apolitical one.

#### **Algeria: The enormous power of the army and intelligence services**

What are the prospects for security sector governance in Algeria? To answer this question, we need to take into account the hegemonic role of the army throughout the history of the state, and the contemporary security challenges related to national reconciliation after civil war in the 1990th, terrorism and border security.

Historically, the armed forces have had a high degree of influence over politics. From the point of view of the Algerian military elite, this influence is justified by the legacy of the war for independence (1954-62). The Algerian army

emerged through this context and has continually asserted its legitimacy with colonial experience and the war of liberation. The civil-military relations in Algeria have been and still influenced by the transformation of the Algerian army from revolutionary forces to the period of reconstruction after independence<sup>9</sup>.

The supremacy of the military and its intervention in the political sphere started with a military coup in 1965, which removed the first Algerian president Ahmed Ben Bella from power, and replaced him with Houari Boumediene. Since then, the unique party FLN (the National Liberation Front) became an extension of the army into the political life, and facilitated the military's control over political and civilian institutions at national and local levels<sup>10</sup>. Furthermore, the army gained more popular support and domestic prestige during this period of reconstruction due to its economic and social activities, such as its role in the implementation of rural development projects. It was also perceived as the guarantor of law and order. The Army subsequently became the key elite group both in the state structure as well as in the political hierarchy through developing fundamental principles by which it guides its actions: people, revolution and the unity of the state<sup>11</sup>. For Guney and Çelenk, « one other important characteristic of the Algerian military is their ideological orientation due to their training either in France or in the Soviet Union. They believe in 'Algerianisation' which has strong components borrowed from nationalism and socialism»<sup>12</sup>.

The critical role played by the army in the political life in Algeria has been characterized by several evolutions and adaptations throughout each presidential period<sup>13</sup>. Boumediene (1965-1978), who also retained the post of Minister of Defence, had the support of the military to maintain high control over Algerian politics. His successor Chadli Benjdid (1979-1992) launched a process of

9 J.-F. Daguzan, *Le Dernier rempart ? Forces armées et politiques de défense au Maghreb*, Paris, éditions Publisud, 1998, pp. 21-49.

10 Between independence in 1962 until popular revolution of 1988, Algeria was ruled by FLN as one-party state. But, this party was acted on the basis of the Algerian army's identity and ideology. See Hugh Roberts, *Demilitarizing Algeria*, Carnegie Paper, N. 86, May 2007, p.5.

11 Entelis, John P. 'Algeria: Technocratic Rule, Military Power'. *Political Elites in Arab North Africa: Morocco, Algeria, Tunisia, Libya and Egypt*, ed. William I. Zartman, Mark A. Tessler and John P. Entelis, London: Longman, 1982, p. 92-143.

12 A. Guney & A. Çelenk, «The European Union's Democracy Promotion Policies in Algeria: Success or Failure?», *The Journal of North African Studies*, Vol. 12, No. 1, March 2007, P. 110.

13 François Gêze, « Armée et nation en Algérie : l'irrémissible divorce ? », *Hérodote*, vol. 1, n. 116, 2005, pp. 175-203

political liberalization and introduced a multi-party system after the popular uprising in October 1988<sup>14</sup>. However, his options to manoeuvre were strictly limited since he could not dissociate army from politics<sup>15</sup>.

In 1992, the army intervened to force Benjdid to resign from the power, put an end to the electoral process, and to impose the state of emergency. During the 1990s, also referred to as the “black decade” due to the rise in terrorism, all the presidents were chosen by the military elite and every significant aspect of politics required the consent of the military, which became the vanguard against political Islam<sup>16</sup>. As a result of the violent and harsh military responses to these events, the Algerian army lost part of its popular support and legitimacy.

During the presidency of Abdelaziz Bouteflika, who took office in 1999 until April 2019, there were attempts to restore a balance between the presidential authority and the army. There were many factors that offered certain opportunities to reduce the political role of the army, such as the promulgation of the “Charter for Peace and National Reconciliation”, which enjoyed general popular approval; and the events of September 11 that ranked Algeria as an ally of the USA and the European Union in the global war on terrorism. However, Bouteflika’s project to reinforce the presidential power was confronted by resistance of the military elite, who were not convinced that political reforms were necessary. Overall, despite these evolutions, the nature of the Algerian regime has essentially remained unchanged<sup>17</sup>. That is to say that the military has remained the main decision-maker in the country. In this sense, Lahouari Addi distinguishes between formal powers exercised by the president and government<sup>18</sup>; and real power detained by the military and state intelligence services; which constitute the second pillar of the Algerian regime. In 2016, Bouteflika dissolved the, Département du Renseignement et de la Sécurité(DRS), powerful

14 The Chadli period is significant for its political and economic liberalization process, namely the multi-party political system. (Entelis and Arone, 1994, p. 184).

15 Lahouari Addi, «Army, State and Nation in Algeria», In Kees Kooning and Dirk Kruijt, *Political Armies. The Military and Nation Building in the Age of Democracy*, Zed books, New-York, February 2001, p. 162.

16 Ayşe AslıhanÇelenk, «Promoting democracy in Algeria: the EU factor and the preferences of the political elite», *Democratization*, Vol. 16, No. 1, February 2009, p. 181.

17 Mustapha Mohamed, « State, Security and Reform: The Case of Algeria», *ARI Projects*, June 2012, 8p.

18 AddiLahouari, «Algeria’s Army, Algeria’s Agony», *Foreign Affairs*, Vol. 77, No. 4, July-August 1998, p.53.

state security service, and replaced by the Direction des services de sécurité in order to reduce its influence in Algerian politics.

The military's involvement in politics poses a major challenge in the establishment of a democratic system of security governance<sup>19</sup>. There is no doubt that demilitarization of the Algerian polity is a fundamental precondition for a successful SSR. It would be extremely unrealistic to promote security reforms without resolving the enormous influence of the military in the political life. This is not an easy task for a country undergoing the transition from an authoritarian regime dominated by the military to a democratic government, but this sort of obstacle is not impossible to overcome. In other words, the price to pay is to promote a consensus between civilians and militaries in order to define a certain number of exit guarantees to prevent the military from impeding the democratic transition.

Algeria is thus among the most problematic recipients of SSR in the Maghreb given the intelligence services' and the army's dominance. In the words of Mustapha Mohamed, the reform of the security sector in Algeria requires a «reform of the state»<sup>20</sup>.

## **Morocco: Corruption, extensive royal competences and the Western Sahara conflict**

The issues that Morocco is facing in respect to SSR differ in certain matters from Algeria. For Abdellah Saaf, the debate on security governance in this country is framed within the terms of an ongoing process of democratisation<sup>21</sup>. Since the early 1990s, Morocco has experienced moments of political opening<sup>22</sup>, prior to the Arab Spring. Among these progressive steps of reform are the elections of 1997 allowing the socialist opposition to come to power, and in 2011 the adoption of a new Constitution and the early parliamentary election on 25

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19 Virginie Collombier, « The Military and the Constitution: The Cases of Algeria, Pakistan and Turkey », *ARI Project*, June 2012, p.1

20 Mustapha Mohamed, Op.cit., p.1.

21 Abdalla Saaf, «Democratic Governance of Security in Morocco», *ARI Projects*, August 2012, p.2.

22 Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman: University of Oklahoma Press, 1991.



November during the same year, which allowed the Justice and Development Party (PJD), a moderate Islamist party, to lead the government. All these political changes were accompanied with social and economic reforms.

In addition, Morocco stalled a transitional justice process in 2004 under King Mohammed VI that led to the establishment of the Equity and Reconciliation Commission (ERC). The Commission's mandate was to investigate allegations of past human rights abuses by the security forces during Morocco's independence in 1956 to 1999; to establish the truth about these abuses; to provide reparations to victims and their families; and to recommend measures to prevent future violations<sup>23</sup>. The ERC determined the responsibility of the state for the past violations and concluded that human rights violations were the result of missing democratic oversight over the security services. The final report of this Commission outlined several recommendations to the Moroccan government regarding how to legislate the security sector and to develop controlling institutions. These recommendations – that have yet to be applied - are articulated on the following major priorities:

1) developing a public national security policy, 2) clarify and publish the legal framework regulating the institutional attributions, decision-making, and supervision and evaluation mechanisms of all security forces and administrative authorities, 3) oblige the government to inform the public and Parliament about any event that required the intervention of security forces; and 4) establish just and transparent internal control mechanisms within security forces<sup>24</sup>.

Morocco gained valuable experiences through this process, which could serve as lessons for other countries, intending to restore reconciliation and transitional justice. As a result, the SSR should be seen as a part of the broader process of establishing the rule of law. This is not an easy task, as the security reform is highly interlinked with others reforms in the overall political system.

23 IER, '2005 Closing Report (*Rapport Final*)', available at [www.ier.ma](http://www.ier.ma) ; the statute of the IER was published by Royal Dahir on 12 April 2004.

24 DCAF, *Security Sector Reform: in Light of the Recommendations of Morocco's Equity and Reconciliation Commission*, 2009, <http://www.dcaf.ch/Publications/Security-Sector-Reform-in-Light-of-the-Recommendations-of-Morocco-s-Equity-and-Reconciliation-Commission>

However, there are outstanding obstacles that prevent the ERC's agenda from pushing forward. In Morocco a comprehensive reform of the security sector is hampered by « (...) the economic and financial interests and the corruption of SS officials. Transparency International indicates that justice and local government are the two most corrupt sectors. Therefore, how can the rule of law be applied in the security sector without progress in fighting corruption within the judiciary? To fight corruption, only a change in the general climate can allow corruption within the SS to be addressed»<sup>25</sup>.

In addition, the reform of this sector is limited by the nature of the political system<sup>26</sup>. The ultimate power over the state's execution remains a sovereign asset in the hand of the king, who exercises effective control over all security services<sup>27</sup>. Kodmani argues that « Morocco has a monarchical conception of security, i.e. the primary *raison d'être* of SS is the protection of the monarchical institution»<sup>28</sup>. The royal competences are extensive. While Morocco is a constitutional monarchy with an elected parliament, the king holds large executive and legislative powers. The constitutional framework of civil-military relations is essentially characterized by the royal preeminence<sup>29</sup>.

For this reason, it seems crucial to amend the Constitution in order to establish a democratic distribution of competences and power. In Morocco, security sector is not a public policy that reflects a clear decision-making process and analysis of governmental decisions. The head of government does not have any effective control over the armed forces or the intelligence services. Following the failed military coup against King Hassan II in 1971 and 1972, the ministry of Defense was dismantled and replaced by a Defence administration, with a limited participation in the decision-making process<sup>30</sup>. Furthermore, the parliament does not exercise any significant oversight over the security services,

25 **Bassma Kodmani**, «The Security Sector in Morocco and the Broader Reform Agenda», *ARI Reports*, March 2009, p. 9; [http://www.arab-reform.net/sites/default/files/ARI\\_SS~1.PDF](http://www.arab-reform.net/sites/default/files/ARI_SS~1.PDF)

26 Hanspeter Mattes, «Morocco: Reforms in the Security Sector But No 'SSR'», in Hans Born and Albrecht Schnabel (eds.), *Security Sector Reform in Challenging Environments*, Zürich: Lit Verl. 2009, pp. 157-160.

27 Brahim Saidy, «Relations civilo-militaires au Maroc : le facteur international revisité», *Politique étrangère*, n°3, automne 2007, pp. 589-603.

28 **Bassma Kodmani**, *op.cit.*, p.2.

29 See, Brahim Saidy, « La structure constitutionnelle des relations civilo-militaires au Maroc », in Centre d'études internationales (sous la dir.), *La constitution marocaine de 2011 : analyses et commentaires*, Paris, L.G.D.J. 2012, pp. 139-170.

30 Brahim Saidy, «Relations civilo-militaires au Maroc : le facteur international revisité», *op.cit.*, p.597

namely the intelligence authorities and the armed forces. Theoretically, it has the power to approve the military budget, but the discussion remains unanimous in places of true public deliberation. Generally, the parliament and government have only limited powers in this field<sup>31</sup>.

However, the civil society - in particular the press, human rights organizations and Moroccan Association of fight against corruption - play a key role in the public debate on security issues and strongly criticizes human rights violations, and call for the codification of rules in this sector. The civil society was for instance the leading actor in the legal and political debate raised by the military immunity bill 12-01 ratified by the parliament committee on July 18th, 2012, notably over the article 7 of the original draft, that provided the military personnel with full immunity during military operations<sup>32</sup>.

Lastly, the Western Sahara conflict puts additional pressure on SSR in Morocco because its security forces are accused of human rights violations in this territory. Morocco absolutely refuses to incorporate a human rights monitoring mechanism in the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), despite the fact that SSR appears to be a primary component in the ongoing conflict resolution process for two major reasons:

Firstly, the implementation of SSR in order to limit abuses of power by the security services will improve Morocco's image and standing in terms of human rights;

Secondly, SSR will provide credibility and legitimacy to the Moroccan offer of autonomy to the Sahara region within the boundaries of the Moroccan state in 2007, as a potential solution to the conflict. It's obvious that the idea of regional autonomy is a part of the conflict resolution practices, but it can only truly work and exist within a democratic regime. Thus, the SSR will have a positive impact and more viability to the Moroccan proposal.

31 Ibid., pp. 599-600

32 Article 7 of the proposed act stated that « Military personnel in the Royal Armed Forces (FAR) who carry out orders received from their superiors in the chain of command in the framework of a military operation conducted at home in their mission shall not be questioned criminally and shall enjoy the protection of the state from exposure to threats, prosecution, attacks, abuse, slander or insult in the practice or performance of their duties or thereafter». This article was amended to clarify that the military personnel enjoy the protection of the state, but they have not immunity from criminal accountability.

## Tunisia: limited importance of military reform

The Tunisian case shows, unlike other Maghreb countries, two distinct features: the military reform has for the short term a limited importance, but the major SSR challenge since the fall of Ben Ali is restoring the internal security apparatus and judiciary.

The military in Tunisia is well regarded in the society. They have gained more public respect after 2011 because of their role during the popular uprising and considerably helped to the success of the revolution, which was determined to exclude the former President from power<sup>33</sup>. The Tunisian army has not interfered with the revolution and refused Ben Ali's orders to open fire and to move against the protestors. The Tunisian army demonstrated that it is a professional institution and refrains from intervening in politics.

In contrast to some Maghreb countries, in particular Algeria and Morocco, the Tunisian army was not the basis of power for authoritarian regime<sup>34</sup>. It was marginalized by both Bourguiba and Ben Ali, the presidents who had known Tunisia from the independence in 1956 to the revolution in 2011. Derek Lutterbeck outlines that «Tunisian military officers who served under Ben Ali typically describe him as an anti-militarist who tried to limit the political influence of the military as much as possible. While during the first years of Ben Ali's reign, the Tunisian army came to assume a somewhat more prominent role than under Bourguiba, and several military officers were promoted to high-level positions by Ben Ali, since the end of the 1980s the armed forces' overall evolution has been characterized by their depoliticization and removal from the centre of political power.»<sup>35</sup>

The marginalization of the Tunisian army is manifested in its size. Made up of about 36,000 officers and conscripts, it's the smallest army in the Maghreb.

33 Sharan Grewal, "A Quiet Revolution: The Tunisian Military After Ben Ali," *Carnegie Endowment*, 24 February 2016, available at <https://carnegieendowment.org/2016/02/24/quiet-revolution-tunisian-military-after-ben-ali-pub-62780>.

34 L. B. Ware, 'The Role of the Tunisian Military in the Post-Bourguiba Era', *Middle East Journal*, vol. 39, no. 1, 1985, p.37; L. B. Ware, *Tunisia in the Post-Bourguiba Era. The Role of the Military in a Civil Arab Republic*, Maxwell: AL: Air University Press, 1986, p. 47.

35 Derek Lutterbeck, «After the Fall: Security Sector Reform in post-Ben Ali Tunisia», ARI Projects, September 2012 p.6.



But, this size is sufficient to meet Tunisian security needs given that the country is not exposed to threats from its neighbors and given that the military power is rather related to efficient and effective military systems in education, training, and equipment<sup>36</sup>. In addition, this marginalization is also reflected in the Defense budget, which did not exceed 1.5% of GDP and due to a lack of resources, Tunisian purchases were very modest, relying on foreign military assistance particularly from the United States and France<sup>37</sup>.

In conclusion, this downgrading was part of Ben Ali's coup-proofing strategy to ensure the military could not remove him from power through a military coup. So the anti-regime uprising which erupted in December 2010 offered an opportunity for the security forces to seek revenge in order to avoid this marginalization in the future and to demonstrate the importance of the role played by the army to maintain stability and the protection of state institutions. The Tunisian army has gained a positive image in society as a professional and republican force whose principal mission is to defend the country.

From these considerations, the military reform is not seen as an urgent concern in post-Ben Ali area. In contrast, there is notably more focus on police reform among the public. The old regime was highly oppressive, thereby relying heavily on the internal security apparatus. During the popular uprising, the police, unlike the army, took the side of the regime against the protesters and it has been accused of serious human rights violations. Tunisia was one of the most heavily policed states in the world<sup>38</sup>. «In a country of 11 million, Tunisia had about 200 000 policemen and repression was a veritable job-creation program»<sup>39</sup>. At the same time, the intelligence services, which as a guardian regime, with interests in parallel with those of the police, were among the privileged security elite.

In this regard, reforming the country's internal security apparatus should focus on three levels:

36 Brahim Saïdy, «The Role of Military in Tunisian Democratic Transition», *Al Jazeera Centre for Studies*, Qatar, March 2011, 7p.

37 See, Tunisia: Foreign Military Assistance, <http://www.globalsecurity.org/military/world/tunisia/assistance.htm>

38 Over the years, Ben 'Ali has dramatically expanded Tunisia's internal security apparatus.

39 Eric Goldstein, «Dismantling the Machinery of Oppression », *The Wall Street Journal*, February 17, 2011.

- The establishment of a new legislation based on democratic values and human rights in order to abolish repressive regulations of the former regime;
- The implementation of good governance mechanisms at the level of administration, namely transparency and accountability of police forces;
- The promotion of a new security culture based on the rule of law and the democratic education. This would help cleaning up the security services from inside and push elements, which remain loyal to the old regime and attempt to hinder reform, to change their behavior.

All these factors should go together with judicial reform and a structural transformation of the Ministry of Interior, which controls the majority of Tunisian security apparatus. This Ministry is, in fact, the foundation of the whole security edifice in the country. Its transformation along democratic lines and accountable mechanisms appears as a crucial challenge for SSR.

Tunisia has some necessary assets to undertake a successful SSR like homogenous population, existence of an educated middle class, economic integration in the free market system, and presence of new elected political institutions (President, parliament, and government). These assets are strong contributors of stability and collectively provide an important precondition for peaceful and smooth democratic transition<sup>40</sup>.

## **The case of Libya: SSR's challenges in the post-conflict**

The Libyan case is completely different from other Maghreb countries due to the ongoing situation of civil war. According to Paul Jackson, there are three main features: « the need to provide immediate security; the need to demobilize and reintegrate combatants; and the need to downsize security actors»<sup>41</sup>. All of these conditions are clearly met in the Libyan case.

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40 **Querine Hanlon**, «**Security Sector Reform in Tunisia. A Year after the Jasmine Revolution**», *Special Report*, N. 304 March 2012, 16p.

41 **Paul Jackson**, «SSR and Post-Conflict Reconstruction: The Armed Wing of State Building?», in **Mark Sedra** (eds.), *The future of the security sector reform*, op.cit., pp. 119-120.

The Libyan government does not have a monopoly on the legitimate use of force, as is key to sovereignty of a state. It doesn't possess complete control over its own territory and has to share security power with rebel forces. Some revolutionary groups refuse to join the national army or hand over their weapons. During the rebellion against the Qaddafi's regime, the rebels have never been unified under a single banner, and when the war ended, some still occupied their own cities or territories area, and thus owe little allegiance to the new political authority in Tripoli. Worse, militias continue to flourish in different parts of the country and pursue their own agendas. For this reason, Libya stands out in the Maghreb as an exception due to the need to reconstruct the Libyan security sector from the bottom up.

This need of immediate security requires a strong strategy of disarmament, demobilization and reintegration (DDR). Former combatants could eventually be integrated into the national military and police forces under the central government and thereby making it subordinate to the public. The DDR is a crucial precondition for any successful SSR in Libya in order to prevent further deterioration of internal security, to avoid a renewal of conflict, to protect energy infrastructure, and to create favorable conditions for reform. As an indicator, there are up to 20,000 Man Portable Air Defense Systems (MANPADS)<sup>42</sup>, which have proliferated throughout the country since the inception of the revolution. Securing these weapons will be difficult, given the lack of a coherent Libyan security apparatus.

However, the DDR strategy is hampered by many factors. This includes the lack of historical experience in a country ruled for 42 years by Muammar Gaddafi without a state structure<sup>43</sup>, dilapidated nature of the security services inherited from the old regime, and the social fragmentation of the Libyan society. The latter can be seen in various forms, in particular that of tribal and regional rivalries. In such an environment, the national centralized power faces the critical challenge to assert its authority over all tribes and territorial regions. In addition, dealing with both the crimes of the previous regime and rebels is

42 Matt Schroeder, "Missing Missiles The Proliferation of Man-portable Air Defence Systems in North Africa", *Small Arms Survey Issue Briefs*, November 2, June 2015, p.4.

43 Moussa Grifa, «The Libyan Revolution : Establishing a New Political System and The Transition to Statehood», *ARI Projects*, September 2012 p.1.

a hard issue in terms of transitional justice, which in itself is not a part of SSR, but it is intricately connected to it<sup>44</sup>. In fact, all of these factors explain the weak performance of the new government to issue laws with the objective to organize this period of transition and ensure that national norms of conduct at the level of centralized governance are respected and implemented by all local sectors of the security forces.

The SSR in Libya goes the path towards sustainable peace with a significant capacity building in the sectors of defense, police and intelligence. In terms of national defense, Libya is not exposed to an external threat from its neighbors and therefore does not require a significant force for territorial defense. But, the establishment of a unified national army under central civilian control is a prerequisite to strengthen the power of the Libyan state. The appropriate manner of achieving this goal is a « combination of incentives and broad-based negotiation between Tripoli and militia leaders. Only in extreme cases should the use of force be considered»<sup>45</sup>.

The second key aspect of sustainable economic, social and political development is the police reform. The Libyan police is in dire need of improvement in transparency, training and new equipment. In addition, many of the issues are related to granting all members of Libyan society access to the police force, in order to reflect tribal, ethnic and cultural diversity of all the Libyan regions they are meant to serve. This requires that police forces enhance their level of professionalism, as some former revolutionary groups have joined the new army and police; thus are likely to retain their loyalty to their commanders and home communities. The reform of the intelligence services should not be forgotten however. The intelligence structures inherited from Gaddafi's regime such as the Libyan External Security Organization need massive overhaul towards effective democratic civilian control and the enforcement of human rights.

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44 Alan Bryden & Heiner Hänggi, 'Reforming and Reconstructing the Security Sector', in *Security Governance and Post-Conflict Peace building*, (Munster; LIT, 2005), 34-35.

45 Christopher S. Chivvis, Keith Crane, Peter Mandaville and Jeffrey Martini, *Libya's Post-Qaddafi Transition. The Nation-Building Challenge*, RAND Corporation, 2012, p.1.



## Conclusion

Despite their different experiences and contexts, three board lessons that could be drawn from this study on SSR in the Maghreb. The first cluster of lessons illustrates that the SSR is essential for promoting a new image of the security services, image that doesn't resemble to the lack of freedom and the violation of human rights, in order to confirm the change from the old order to the new one.

The second cluster is that the SSR in the Maghreb is bound to face the following challenges:

The transformation of the culture inherited from authoritarian regimes;

The problem of resistance against reform because the security elites of the old regimes don't believe in its benefits and still consider matters of security as a reserved domain;

The issue of politicization that means the disengagement of security services from political life in order to make them subordinate to civilian authority.

The third cluster of lessons goes to the heterogeneity of the Maghreb in terms of culture, context and conditions for implementing SSR. Despite some similarities, these countries differ significantly in their priorities and needs for SSR. This reform must be tailored to the circumstances of each country with the consideration of regional and international experiences.



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