

CONFIDENCE BUILDING MEASURES FOR 5+5 DEFENSE INITIATIVE UNDER A 2020-2025 HORIZON

BRUNO CARDOSO REIS, ALEXANDRE CARRIÇO

This paper is the result of National Defense Institute's contribution to Euro-Maghreb Centre for Strategic Researches and Studies (CEMRES) 2014 research paper "What Confidence Building Measures Would Help Setting up a More Structured 5+5 Defence Area in 2020".

It is a personal contribution that does not reflect the position of the Portuguese Ministry of National Defence.

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A LÍBIA PÓS-KADHAFI: GEOGRAFIA, SEGURANÇA E DIREITOS HUMANOS

MARIA FRANCISCA SARAIVA

Três anos passados sobre a intervenção militar, a pacificação da Líbia não só não foi conseguida como em termos de segurança e respeito pelos direitos humanos as condições no território têm vindo a degradar-se. A onda de violência traduz-se em confrontos envolvendo milícias, grupos criminosos, tribos e grupos islâmicos extremistas, sequestro de embaixadores acreditados em Trípoli, assassinatos de membros do governo e a recente destituição de dois Primeiros-ministros.

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5+5 DEFENSE INITIATIVE: CONFIDENCE BUILDING MEASURES UNDER A 2020-2025 HORIZON

BRUNO CARDOSO REIS

National Defense Institute's advisor and researcher. Social Sciences Institute (Lisbon University) and King's College (London) researcher.

ALEXANDRE CARRIÇO

Lieutenant-Colonel (Army). National Defense Institute's advisor and researcher. Since 2010 he's the Portuguese representative at the Defense College of the 5+5 Defense Initiative.

GENERAL FRAMEWORK

The geographical proximity between Europe and the Mediterranean Sea creates an interdependence regarding security and many other issues that requires dialogue under a practical cooperation framework.

Although historically the Mediterranean Sea was not always viewed as a bridge because of conflicts, between East and West and North and South (Catholic or Christian vs Orthodox or Muslim, rich vs poor, colonizer vs colonized). But the Mediterranean is one sea, even if along its shores different political, demographic, economic and cultural subsystems, languages, religions and civilizations have co-existed as well as confronted each other. This does not make it any less true that the two shores of the Mediterranean shared and still share commonalities stemming from a similar environment, and to certain degree, a shared past.

These commonalities became more salient because the Mediterranean became a growing avenue for all kinds of traffics, legal and illegal, between East and West and North and South¹.

This setting of partly shared concerns but also of sources of differences of interest as well as of mistrust and misperceptions make a pragmatic, flexible, gradualist and cooperative institutional framework such as the 5+5 Defense Initiative dedicated to addressing security risks and threats and crisis

management through proper implementation of a set of Confidence-Building Measures (CBMs) of vital importance in the sub-regional western Mediterranean context.

Because of its geographical focus and its principles of simplicity, pragmatism, the 5+5 Defense Initiative, being entirely based on consensus around proposals for cooperation freely made by a small number of member States had already made some progress in the development and implementation of CBMs.

But this should not stop us from asking what problems remain and what more can be done. A central challenge is reaching an agreement around the core aim of "Mediterranean security"? From a European point of view this has traditionally been identified as challenges originating from the southern Mediterranean to its stability such as: illegal immigration, Islamic fundamentalism, light weapons proliferation, organized crime, terrorism, drug trafficking, energy security, potential threats to surface lines of communication (SLOC's), asymmetric economic development, and a growing demographic gap. Many of these challenges reside not in inter-state security, the typical challenge addressed by CBMs but in intra-state challenges. From a southern Mediterranean point of view this concern is often perceived as a form of neo-colonialism, associated with a threat of

intervention in its internal affairs.

Is this not the case anymore? Have security perceptions between the two shores tended to converge, especially in more recent years? It certainly seems to be the case that European countries have tended to become increasingly sensitive to the difficulties and costs (economic and political as well as military) of Western armed interventions overseas. And there are signs that southern Mediterranean countries have come to recognize that transnational threats threaten their own security as well as that of northern Mediterranean countries. The development of the 5+5 Framework as a partnership of equals can be seen as a sign of this.

But can will it be possible to develop deeper CBMs, involving other dialogue and partnership mechanisms which are more comprehensive and have more potential of addressing the key western Mediterranean security issues?

Evidently part of the answer will inevitably depend from political choices made in the North and South of the Western Mediterranean. This is a point we will not develop here. Suffice it to say that the potential growth of far right populism in the North and radical Islamism would cause a serious rift; and that any open political intervention of the military could pose challenges to further North-South military cooperation.

MEDITERRANEAN SECURITY DIALOGUE AND PARTNERSHIP MECHANISMS

Currently there is two all-Mediterranean dialogue (European Union's Union for the Mediterranean - UfM and NATO's Mediterranean Dialogue) and one sub-regional (western Mediterranean) dialogue – the 5+5 Defense Initiative. All are the result of a gradual reconfigurations of security in the Mediterranean area, from an exclusively northern states political and military alliances framework to a more encompassing multilateral, multidimensional, consultative and cooperative regional approach.

The majority of the 5+5 Defense Initiative member states are at the core of the effort, belonging to all three major Mediterranean dialogues or partnerships (table 1).

as persistent grievances regarding the unresolved Palestinian question and what they perceive as a Western-dominated international order. On the other hand some in European countries have concerns

Table 1 – Current Membership in Multilateral Organizations

States	EU's Union for the Mediterranean	NATO's Mediterranean Dialogue	5+5 Defense Initiative
Algeria	✓	✓	✓
France	✓	✓	✓
Italy	✓	✓	✓
Libya	observer	X	✓
Malta	✓	X	✓
Mauritania	✓	✓	✓
Morocco	✓	✓	✓
Portugal	✓	✓	✓
Spain	✓	✓	✓
Tunisia	✓	✓	✓

This should in principle facilitate the development of a more comprehensive, integrative and practical perspective towards the security challenges facing the western Mediterranean but, in fact, the aim of deepening these two other major dialogue and partnership mechanisms has so far proved to be largely wishful thinking. This was the result of several political and institutional difficulties with some arguing that this reduced the two very large European Union's and NATO's multilateral mechanisms in the Mediterranean mainly to "talk shops". This may well be also the result of a persistence of different security perceptions and even conflicts between this very wide grouping of northern and southern Mediterranean states². For instance among some in southern Mediterranean countries there are suspicions regarding the real goals behind European Union's energy security strategy, but especially NATO's latest security strategic concept which envisaged a "global NATO", as well

with democratization and doubts about the ability or willingness of Southern countries in addressing some of the illegal trafficking in the Mediterranean, terrorist groups that target Western targets are also a major concern. The problem is made even more complex because neither European North nor the Arab South are homogenous, there are different currents of opinion and while some value security cooperation, others for a number of reasons in both North and South look at it with suspicion. In practice there has been progress although with limitations in addressing some of these mutual suspicions and shared threats. Limited results and limited funding was made available for more ambitious programs of international assistance requested by Maghreb countries in areas of military training, technology transfer, information sharing. The most concrete results were obtained in the areas of border control, maritime surveillance, intelligence sharing, energy security, counter-terrorism and the

fight against organized crime, usually in a bilateral or multi-bilateral cooperation framework.

The Mediterranean was always important for European, especially southern European security. However, during decades of the Cold War, particularly after 1949 with the creation of NATO, it was accepted that primary responsibility for security matters, at least hard security matters, would be the responsibility of the latter. This had an impact in the framing of relations with the Mediterranean.

Certainly the process of European integration – starting with CECA in 1952 and then the EEC from 1957 – had a security dimension, but primarily in terms of building a security community within Western Europe by economic means. In so far as European integration projected security abroad it was solely through economic and institutional means, via aid to overseas development and by trade association agreements.

NATO, on the other hand, despite its name was not limited to the North Atlantic. France and Italy were founding members, and very quickly political objections were overcome and Greece and Turkey also became members of NATO in 1952. This was of course all the more natural, given the fact that US security guarantees and military and other aid to Greece and Turkey was the original catalyst for Truman's speech to Congress on 12 March 1947 that is seen as a landmark statement of the Cold War doctrine of containment. We will not go into any details of the complexities of NATO Cold War strategy in the Mediterranean, except to underline that the US was and is the leading military power in NATO, and is and has been the leading military power in the Mediterranean for decades. The US has maintained a naval presence in the Mediterranean since its independence – generally designated in the "Nineteenth Century Mediterranean Squadron or Station". In fact, the so-called "Barbary Wars" (1801-1805 and 1815) with northern African maritime powers were the first significant US overseas military interventions. More importantly, the US has,

become the leading naval power in the Mediterranean since the early Cold World War, when President Truman decided to send the *USS Missouri* in 1946 to signal its resolve to support Greece and Turkey, and then set up the US Sixth Fleet that has been based since 1947-1948 in Naples³.

Paradoxically, however, contemporary US strategy has, in recent decades, had some difficulty conceptualizing the Mediterranean – if we look at the mission statement of the Sixth Fleet, for instance, it does not expressly mention the latter in its designation⁴. The Mediterranean as such is seems almost totally absent from American strategic institutional framework, official documents and strategic thinking. The US thinks strategically in terms of Europe, the Middle East or Africa. The primary focus of US strategic concerns in this region has in fact been the Levant/Mashriq – and has been centered on Israel and its neighbors, Egypt and the Suez, as well as the oil producing States of the Persian Gulf. After 9/11 the American strategic conception of the Middle East, has tended to be widened, it is true, but both to the East all the way to Pakistan as well as to the West⁵.

After the end of the Cold War, US and European concerns converged enough to lead to the creation of the NATO Mediterranean Dialogue in 1994 – with Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia. It was revitalized after 9/11 and complemented by the Istanbul Initiative, since 2004, significantly directed towards the Gulf States. These initiatives are essentially conceived in a classical CBM framework, namely aiming at dispelling "any misconceptions about NATO". It has tended from the beginning to be unfavorably compared in terms of level of investment and commitment with the Partnership for Peace directed to non-NATO European and former Soviet States. This is probably an inevitable but also a questionable comparison, given the very different aims of both NATO and partner countries in these different cases, in which the question of transition to full membership is neither

possible under the framework of the Washington Treaty nor desirable for southern Mediterranean countries.

In terms of its own modest goals can the NATO Mediterranean Dialogue be seen as a success? It is an open question whether it has fundamentally changed the suspicions and negative perceptions of many in the southern Mediterranean about NATO and US policy in the region. But as a conventional CBMs it is surely better than nothing. One of its advantages in practical terms is the very significant experience and prestige NATO has in terms of training and military experience, as well as the framing of the implementation of these initiatives in a flexible framework that tries to be responsive to the concerns partner countries in a multi-bilateral framework, between NATO and each individual country according to principles of: "*Non Discrimination*, all Mediterranean partners are offered the same basis for their cooperation with NATO; *Self-Differentiation*, allowing a tailored approach to the specific needs of each of our MD partner countries; *Inclusiveness*; *Two-way Engagement*; *Non Imposition*; *Complementarity and Mutual Reinforcement*"⁶. This certainly seems like a paradigmatic listing of basic principles of traditional CBMs.

The EEC/EU started to develop the embryo of a specific Mediterranean policy in the 1970s, at the very origins of European political cooperation with the so-called Luxembourg process. It started since then an ever-widening circle of Association Agreements between the EEC/EU and individual Mediterranean country that now covers all the states of the Mediterranean basin that are not part of the EU itself⁷. Unlike US policy, the Europeans did give priority attention to the Mediterranean region in general, with two EU regional strategies for the Mediterranean so far. This is also visible in concrete terms in the fact that EU-MEDA aid to development of the region comes second only in relative terms to aid to Eastern Europe. In 1995 the EEC/EU took a further very ambitious step with the initiation with

the so-called Barcelona Process of Euro-Mediterranean Partnership; that in turn, led, in 2007-2008, to the establishment of the so-called Mediterranean Union. These two initiatives, separated by a decade, were significantly promoted by a Spanish and a French Presidency of the EU. They have been important in formalizing and institutionalizing a consensus around a strong commitment of the EU to its southern neighbors. These two initiatives were especially relevant in the context of a Northern enlargement of the EU, in 1995, and again after the major enlargement, primarily to Eastern Europe, in 2004. This also means that the Euro-Med process has grown from a total of 27 member States from both shores of the Mediterranean in 1995, to a total of 28 from the EU plus 15 member States from the rest of the Mediterranean, with the latest additions being, in 2007, Albania and Mauritania. The Euro-Med Partnership and the Mediterranean Union are very ambitious in their stated aims. They can be seen as paradigmatic of a transformational CBM. Ultimately their aim is region-building (*i.e.* creating a Mediterranean region, as a new security community based on shared values, shared prosperity and shared security). The tools were, typically for the EU, primarily economic and institutional, namely the creation of a Free Trade Area, EU-MEFTA initially targeted for 2010 and embodied in the Agadir agreement of 2004. This was the most obvious concrete failure of the process to deliver some of its most ambitious and concrete results. It has, nonetheless, created an intense network of exchanges that has intensified contacts between the parties. But how much impact these Euro-Med processes have had on the field of security and defense cooperation is an open and complex question, not least given the complexity of the development of ESDP/CSDP⁸. Still some key elements in any evaluation can be briefly addressed. A very large membership with 28 EU states and 15 Mediterranean states plus the EU Commission and Arab League now means that the process has often been portrayed

as unwieldy and cumbersome. That it includes both Palestine and Israel was seen as a key element of this Euro-Mediterranean Partnership process as a transformational CBM – the Euro-Med process was very much, in its origins, the child of the optimism born of the 1991 Madrid Conference and the 1993 Oslo Agreements. It also meant it was soon and enduringly affected – especially in its security dimension – by the negative impact of the failures and tensions in the Arab-Israeli Peace Process. The limitations of the Euro-Med relationship were made clear by the inability to reach agreement on a joint Charter for Peace and Stability at the 2000 Marseille Summit⁹. To many members very much concerned with their own national security priorities and sovereignty in security matters, unresolved conflicts between members, means that achieving significant progress at the level of EU-Mediterranean relations, even at the level of classical CBMs, not to mention transformational ones has been very difficult or impossible to implement – The very ambitious ultimate aims of the Barcelona Process and the Union for the Mediterranean of “creation of an area of peace, stability, security and shared economic prosperity, as well as full respect of democratic principles” seem beyond the scope of possibility in the short-term¹⁰.

COMPARING 5+5 DEFENSE INITIATIVE WITH OTHER MEDITERRANEAN SECURITY DIALOGUE OR PARTNERSHIP MECHANISMS

Multilateralism in a vast scale has been a key problem. Adding to it is the question of co-ownership. While the process is formally a partnership of equals, for institutional reasons the EU with its very structured and powerful Brussels bureaucracy is often seen as being too much in the driving seat. Whether this will be at least partially corrected by the inclusion in the Union for the Mediterranean of a rotating co-presidency and a Secretariat as well as the addition of the Arab League remains

to be seen. What can be said with certainty is that there seems to be a marked loss of salience of security cooperation – for instance it is not mentioned among the specific priority issues in the official website of the Union for the Mediterranean. This, in sum, seems to mean that the Euro-Med process as led by the Union for the Mediterranean seems tacitly avows that it is not the right setting in the current context for open, candid, transparent exchanges in matters of state security interests, of the kind required for effective CBMs. It is in this context, therefore, that the 5+5 Defense Initiative seems to gain special relevance. If compared to the EU's Mediterranean Union and NATO's Mediterranean Dialogue, it's a more discreet, manageable in size and focused on security and defense, in terms of classical and even transformative CBMs in the western Mediterranean. Of course, this does not mean that the wider macro-regional context doesn't matter. It would be non-sense to argue for negative competition between 5+5 Defense Initiative and these other regional dialogues that have different aims and scopes, or even to argue for opting for one over another. However, even in terms of these wider regional dialogues, good communication and cooperation between the western Mediterranean states may be advantageous in terms of helping set the agenda. Nevertheless, it does seem clear that in terms of promoting classical and transformational CBMs, mutual trust and convergence of security interest and coherence of views and actions will probably be more easily achieved in a smaller sub-regional grouping of Western Mediterranean States than in very wide multi-regional groups. If this is to be the case, will of course require further work and deeper commitment from the member-states of the 5+5 Defense Initiative as well as positive trends in terms of the wider political context. Until recently there was a strong discrepancy between foreign policy and security priorities of the northern and southern countries of the Mediterranean rim. For the

European countries of Union for the Mediterranean countries and NATO's Mediterranean Dialogue their main concern was very much about "soft threats" coming from the south: illegal immigration, light weapons proliferation, organized crime, drug trafficking, energy security, potential threats to surface lines of communication (SLOC's), asymmetric economic development, and a growing demographic gap. Even if increasingly there was a concern also with potential terrorist connections with radical violent Islamist groups. On the other hand, for many southern countries, albeit not disregarding a "soft threat" perspective, tended to give priority attention to "hard threat" issues such as the defense of their territorial integrity.

The new geostrategic and geopolitical issues identified in the previous report of the CEMRES research group such as: the *de facto* enlargement of the Mediterranean to the south of the Sahel and of the Sahara; the increase of internal decomposition risks; the stabilisation problems of Libya, including a possible re-organization of formerly pro-Qaddafi forces and the increased power of local or tribal interests; the importance of transnational and non-territorial risks in a space comprising Europe, the Western Mediterranean, the Sahel and the Atlantic coast of Europe and Africa; the presence of a diffused socio-economic malaise in the area, in the Southern Mediterranean as well as in the European Union in crisis and uncertain about its model for the future and its place in the World; and the difficulties and, often, conflicts that always come with democratization that will only be consolidated if it has strong endogenous support, while support for established democracies is being shaken by persistent economic grievances; they all brought back the importance of a serious regional security dialogue and taking into account both so-called "soft threats" and "hard threats" in a more comprehensive North-South approach.

This possibility of a still fragile convergence was also fueled by the so called "Arab upris-

ings" which opened a window of opportunity to revise security strategies, redefine the relationship between security, stability, and democracy, dissociate national security from regime security, and formulate accordingly an improved political dialogue and security cooperation framework in the Mediterranean in which engagement is a key word for any kind of progress regarding a transformative approach to Mediterranean security.

In sum the new strategic environment reinforces the paradigm of multidimensional security, especially when there is a double strategic void - both north and south of the Mediterranean - due to the wearing down of northern and southern nation-states national defence budgets. In this context the 5+5 Initiative framework is extremely useful, especially if it is kept in its actual operating principles.

Some concrete achievements of the 5+5 Defence Initiative in terms of CBMs can indeed be pointed out. For example, to the creation in 2007 of a Regional Virtual Centre for Maritime Traffic Control (V-RMTC 5+5); the creation in 2008 of the Defence College dedicated to joint and annual training and education of military and civilian staff with three level courses (senior, intermediate and junior); the foundation of the Euro-Maghreb Centre for Strategic Researches and Studies for Western Mediterranean (CEMRES), headquartered in Tunisia; and the recent creation of 5+5 Defence Initiative official webpage where relevant information is available to the public, researchers and former Defence College students¹¹.

2020 PROSPECTIVE SCENARIO AND DEFINING AND RE-DEFINING CBMs

Although evidently always debatable, we have adapted the following set of certainties and uncertainties regarding the future security and cooperation dynamics in the area, taken from a Soler I Lecha and Dokos' 2011 study (table 2)¹². Based on these particularities the scenario we have selected is the "mixed" one of three developed by Soler I

Lecha, not wishing to be either too pessimistic or too optimistic.

The "mixed" scenario envisages until 2020 a western Mediterranean area characterized by the following vectors: a turbulent political transition processes in the Maghreb; troubled civil-military relations; Libya as a source of regional instability; a dysfunctional regional integration process; a two speeds Europe (marginalizing southern Europe); anemic economic growth; social and political unrest; the region of Sahel as a source of regional instability; a lack of coordination and limited transformative influence of the European Union policies; the continuing convergence of European Union's and NATO's "security first" approach towards the Mediterranean; occasional fluctuations of oil and food prices; continuation of environmental degradation (desertification and water scarcity)¹³.

Following on these assumptions we are now able to address the issue of CBMs, particularly its conceptualization and implementation.

The concept of CBMs was designed in the context of conflict management in the 1970s Cold War European context to prevent wanted and especially unwanted escalations of hostilities and build mutual trust – They can be formal or informal, unilateral, bilateral, or multilateral, military or political, and can be state-to-state or non-governmental. CBMs can be defined in both military and non-military terms and constitute building blocks capable of providing operational substance to the concept of common security. They can also be understood in terms of a classic/functional approach as "arrangements designed to enhance assurance and trustworthiness of states and the facts they create"¹⁴, through the exchange of information about military and security forces (*e.g.* notification of maneuvers, notification of alert exercises and mobilization drills, notification of naval activities outside of normal areas, notification of aircraft operations and flights near sensitive and border areas, notification of other military activities which might be misinterpreted); their respective

Table 2 – Relative Certainties and Uncertainties in the Western Mediterranean Area until 2020

Relative Certainties	Uncertainties
Job creation and social disparities as major challenges to western Mediterranean states	Consolidation of the democratic transition processes
Islamists forces growing political relevance in the southern Mediterranean states	Participation of Islamist parties in the political process
Social and political tensions in western Mediterranean states	Role of civil-military relations
Increasing linkage between the security in the Sahel, Maghreb and southern Europe	Resurgence of ethnic and religious tensions
Growing environmental vulnerability (water scarcity)	Terrorist threats
Continuing migration flows towards southern Europe	Piracy threats
Growing food dependency in the Maghreb	Ability of radical political and religious factions to curtail internal reform processes
Growing energy dependency of southern Europe from the Maghreb	Stabilization in Libya and its regional spill-over effects (Sahel, Maghreb and southern Europe)
Growing use of new technologies as a social and political tool	Improvement of bilateral relations between several southern Mediterranean states dyads
Increasing regional influence of reemerging powers	Territorial disputes between several states yet to be resolved
	Speed and depth of economic recovery in all countries
	Rise of populism and xenophobia in Europe
	Escape from the “security first” regional approach
	The future of multilateral security cooperation mechanisms (UfM and NATO’s Mediterranean Dialogue)
	Oil and food prices

equipment (*e.g.* military budgets, new equipment and arms, unit locations, significant changes in a unit’s size, equipment or mission, and major elements of strategic and tactical doctrine); exchange of personnel (*e.g.* inviting observers to maneuvers, exercises and “out of garrison” activities, stationing permanent liaison observers at major headquarters, exchanging personnel as students or instructors at military academies, military schools, and war colleges, and exchanging military attachés from all three services); and on a functionalist basis through

direct cooperation mechanisms (*e.g.* search and rescue missions for aircraft and shipping, disaster relief, humanitarian projects) capable of mitigating the negative impact of potential threats to human security.

In the context of the forecasted geopolitical and geostrategic fluid evolution in the western Mediterranean area up to 2020, and the security risks and challenges they offer to the current regional multilateral institutional security framework – due to some of the their political limitations – three

questions arise:

(1) Does the classic/functional concept of CBMs need a review in the context of 5+5 Defense Initiative?

(2) Is the adoption of a transformational concept of CBMs a better option aiming at 2020? And if not, should it be adopted at some point in the future?

(3) What further classic/functional CBMs should be developed in the context of 5+5 Defense Initiative until 2020?

To answer the first two questions we need to decide if classical CBMs are fitted for the scenario posited, and if not, are what are the challenges and possibilities of adopting and implementing a transformational view of CBMs until 2020?

A particularly important dimension of the transformational view is the proposition that the changes in security thinking facilitated by confidence building can become institutionalized as a collection of new rules and practices stipulating how participating states should cooperate and compete with each other in their security relationship. This restructured relationship redefines expectations of normal behavior among participating states¹⁵. The problem is that without at least some wider transformation of the broader political and security context and expectations, it is difficult to see how confidence building alone can improve basic security relations in meaningful ways.

The 5+5 Defense Initiative as a sub-regional arrangement based on the principles of simplicity, pragmatism and volunteering seem as we have argued well-suited as a model of regional cooperation aimed at pooling efforts for better risk governance and security challenges in the western Mediterranean. These principles provide the Initiative with practical tools capable of gradually advancing the agenda of security cooperation, as has been proved in the last decade. This implies that the adoption of a transformational approach to CBMs in the

short term may not bring added value compared to the classic/functional approach, which has been present since the beginning.

Of course it can be argued that the adoption in 2004 of a "Declaration of Intentions" by the Ministers of Defense was a first step towards the implementation of a transformational approach. But if that was the case, it should have been followed by the development and approval of a regional security "Code of Conduct" (a time consuming process that requires general consensus) yet to be materialized ten years later (to be fair in part due to the political and financial turmoil that has affected most member-states of the 5+5 Defense Initiative since then).

As such we argue that there is no obvious need for a re-definition of CBMs in the western Mediterranean area by the 5+5 Defense Initiative. The classic/functional approach suits well the current goals. And given the scenario sketched above for 2020 it is already ambitious and will require a strong political endorsement and committed military implementation during this time frame of a deepening not a widening of the scope of current CBMs through concrete proposals.

CBMS PROPOSALS TOWARDS 2020 AND AFTER

Before we put forward some proposals we should keep in mind that they are only possible to implement if you have as an interlocutor a functioning state and a government. State collapse prevention measures are a precondition for confidence building measures. It is imperious to preserve the state's authority in this area, preventing the possibility of their implosions and the unpredictable impact this might have on security of people across the western Mediterranean area. This also means, of course, that State security should not be made to oppose human security in the Western Mediterranean.

When we look at future priorities for the 5+5 Defense Initiative some are relatively clear and consensual, namely those pointed out in the report of the first meeting of this 2014 CEMRES research group: improved North-South cooperation; improved South-South co-operation; the fight against terrorism; border security; practical support given to the reconstruction of the Libyan armed forces; military education.

There is also the possibility to be explored of creating effective linkages between the 5+5 Defence Initiative and other regional security initiatives regarding key points like the reducing technology gaps and a focus on human security. Pragmatic gradualism and consensus building should continue to be the guiding light concerning dialogue on new CBMs' proposals and their respective implementation.

Aware of the difficulty of the exercise but not wishing to avoid it, we put forward the following CBMs proposals based on a two phased implementation timeline: from 2015 to 2020 and between 2020 and 2025.

For the period between 2015 and 2020 we should put forward the following deepening in classic/functionalist CBMs:

At the political level

- Promote a security dialogue and close cooperation and coordination between the European Union, Arab Maghreb Union and 5+5 Initiative in the context of a comprehensive approach to Western Mediterranean-Sahara-Sahelian security.

At the strategic and operational levels

- Schedule and plan joint military exercises on a yearly basis and developing agreements concerning the establishment of joint border patrols.
- Reinforce cooperation and coordination between

5+5 Initiative Armed Forces concerning disaster relief operations and civil emergencies through the creation of a non-permanent joint-staff (proposed initially by France and under development in collaboration with Algeria and Spain).

- Reinforce cooperation in Search and Rescue missions (SAR).
- Create a Training Centre for Humanitarian Demining (as proposed by Libya).
- Reinforce information and intelligence sharing mechanisms. Exchange information on criminal networks in general, particularly weapons and narcotics trafficking, smuggling and organized crime and illegal immigration networks.
- Reinforce the current Early Warning System. Increase cooperation through air and maritime surveillance platforms between 5+5 countries in the provision of information to security forces engaged in maritime operations.
- Improve technological and knowledge transfer in the security field.
- Publish a digital annual report of the activities developed by the Initiative and made it available at the 5+5 Initiative webpage.
- Deepen education and training programmes and courses already in place and coordinated by the 5+5 Defence College.
- Develop a partnership and cooperation programme with the European Security and Defense College reinforcing networking and augment bilateral knowledge and exchange of experiences concerning crisis management issues.
- Increase transparency through the publication and dissemination at the CEMRES webpage of think-tanks reports dealing with the western Mediterranean security issues.

- Enhance cooperation on research with the EU through joint seminars and projects between EU-ISS and CEMRES.

- The CEMRES webpage should be managed as potential interface to facilitate contacts not only between researchers of the 5+5 countries but also those from other countries who are specialists in the area and are willing to cooperate with the CEMRES¹⁶.

- Reinforce public diplomacy activities aimed at the general public concerning the 5+5 Defence Initiative (e.g. the state which occupies the annual presidency of the Initiative should develop during this year national information activities – seminars, debates and expositions at universities and military academies – explaining the aim of the Initiative, the challenges and security risks she addresses, taking advantage of the 5+5 Initiative webpage as an interface).

During the second phase, the period between 2020 to 2025:

Each country will commit itself to cooperate on a draft and approval, no later than 2025, of a “5+5 Initiative Charter” which will include:

- a “Code of Conduct” signed by Ministers of Interior, Foreign Affairs, and National Defence;
- a definition of common security threats;
- a set of other progressive CBMs based on multidimensional and more transparent exchange of military and security information and intelligence concerning the western Mediterranean area:
 - prior notification of military activities;
 - observation of selected military activities;
 - annual calendars of military exercises , etc..

Only after the signing of this comprehensive agreement, that presupposes a significant convergence at

the political as well as the wider security level – for instance, fully overcoming traditional suspicion of neo-colonial interventionism or of violent authoritarianism – it will be possible to move towards the adoption and implementation of other and even more truly transformational CBMs, implementing a even more effective regional security mechanism capable of addressing with both legitimacy and effectiveness the multidimensional regional challenges through intra-institutional supervision and national verification tools, reinforced by mutual transparency and confidence principles which will be added to the traditional pragmatic, flexible and simplicity that have provided the 5+5 Initiative with its current élan.

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¹ Emr Ye Bagdagul Ormaci (2000). *Mediterranean Security Concerns and NATO's Mediterranean Dialogue*. Rome: NATO Defense College. Available at <http://www.nato.int/acad/fellow/98-00/ormanci.pdf>, p. 5.

² In this respect the creation of EUROFOR and EUROMARFOR in 1995 by the four Mediterranean members of the Western European Union (France, Italy, Spain and Portugal) arguably with the aim of rebalancing European defense policies towards the Mediterranean despite its good intentions was regarded by southern Mediterranean states as a instrument of Western regional preponderance and possible increased militarization of the area. This is a good example of the need for multilateral security arrangements based on transparency and confidence building.

³ For the early Cold War in the Mediterranean see e.g. Alessandro Brogi (2006). “‘Competing Missions’: France, Italy, and the Rise of American Hegemony in the Mediterranean”. *Diplomatic History*

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⁴ See US Commander US Six Fleet Europe-Africa. Available at <http://www.c6f.navy.mil/index.html> (last access 5.5.2014).

⁵ See e.g. Lawrence Freedman (2008). *A Choice of Enemies: America Confronts the Middle East*. New York: Public Affairs.

⁶ See NATO – Mediterranean Dialogue. Available at http://www.nato.int/cps/en/natolive/top-ics_60021.htm (last access 5.5.2014).

⁷ See e.g. Filippos Pierros et al. (1999). *Bridges and Barriers: The European Union's Mediterranean Policy, 1961-1998*. Aldershot: Ashgate.

⁸ See e.g. Alvaro Vasconcelos and George Joffé (eds.) (2014). *The Barcelona Process: Building a Euro-Mediterranean Regional Community*. London: Routledge. Roberto Aliboni et al. (eds.) (2013). *Security Challenges in the Mediterranean Region*. London: Routledge.

⁹ Roberto Aliboni et al. (2006). *Ownership and Co-ownership in Conflict Prevention in the Mediterranean Region*. Euromesco Paper 54, October.

¹⁰ This was the original formulation of the Barcelona Summit Declaration of 1995 and is still among the stated among the historical aims of the Union for the Mediterranean. Available at <http://ufmsecretariat.org/history/> (last access 5.5.2014).

¹¹ Available at <http://www.5plus5defence.org/SitePages/Home.aspx>.

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¹⁴ John Jorgen Holst (1983). "Confidence-Building Measures: A Conceptual Framework". *Survival* n° 1, p. 2. Concerning the classic/functional approach see also United Nations Centre for Disarmament (1982). *Comprehensive Study on Confidence-building Measures*. New York, pp. 6-7. Available at <http://www.un.org/disarmament/HomePage/ODAPublications/DisarmamentStudySeries/PDF/SS-7.pdf>.

¹⁵ James Macintosh (1996). "Confidence Building in the Arms Control Process: A Transformation View". Department of Foreign Affairs and International Trade, Arms Control and Disarmament Studies n° 2.

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A LÍBIA PÓS-KADHAFI: GEOGRAFIA, SEGURANÇA E DIREITOS HUMANOS

MARIA FRANCISCA SARAIVA

Doutorada em Relações Internacionais pelo ISCSPP onde é docente. Assessora e investigadora do IDN.

INTRODUÇÃO

Em 2011 o mundo assistiu à desintegração de regimes árabes no Norte de África, na Tunísia, Egito e finalmente o derrube de Muammar Kadhafi na Líbia. A queda do regime militar líbio, ao contrário do que ocorreu na Tunísia e no Egito, apresenta características particulares, desde logo porque as condições económicas e sociais da população líbia em 2011 eram melhores do que as que existiam nos países vizinhos do Norte de África.

Em segundo lugar, as forças de segurança do governo líbio reagiram com grande violência aos protestos populares de fevereiro de 2011 contra o Coronel Kadhafi. Ao contrário de outros países árabes, o patrimonialismo do regime e a autoridade carismática de Kadhafi permitiram quatro décadas de uma governação tranquila sem participação popular baseada numa administração central informal e numa política de alianças com algumas tribos que habitam no território líbio. Neste período da história do país foi quase impossível estruturar movimentos de oposição com capacidade de participação no debate político, pese embora o facto de oficialmente a Líbia ser governada pelos comités populares, uma versão local do modelo de “democracia direta”. Por conseguinte a inexistência de canais de mediação dos conflitos com o poder político poderá explicar a resposta brutal do regime aos primeiros protestos pacíficos da população.

Finalmente, a comunidade internacional reagiu à situação líbia de forma musculada, o que não aconteceu no caso de outras convulsões sociais em países árabes. No caso líbio o Conselho de Segurança das Nações Unidas aprovou a resolução 1973 de 17 de março de 2011 (S/RES/1973) através da qual autorizou uma intervenção humanitária armada para proteger os cidadãos líbios do governo de Kadhafi, alegadamente ao abrigo do princípio da Responsabilidade de Proteger, com a preocupação de restituir a segurança a todos aqueles que dela tinham sido privados. Três anos passados sobre a intervenção militar, a pacificação da Líbia não só não foi conseguida como em termos de segurança e respeito pelos direitos humanos as condições no território têm vindo a degradar-se. A onda de violência traduz-se em confrontos envolvendo milícias, grupos criminosos, tribos e grupos islâmicos extremistas, sequestro de embaixadores acreditados em Trípoli, assassinatos de membros do governo e a recente destituição de dois Primeiros-ministros.

A GEOGRAFIA E O CONFLITO LÍBIO

A falta de um discurso unificador e de liderança política central forte com capacidade para pacificar as tensões no território líbio é uma questão de geografia desde pelo menos o século VII a.C., com a criação de colónias fenícias, gregas e cartaginesas

nas costas líbias (Lacoste, 2008; Joffé, 2011). O território líbio é muito vasto, 1.759.540 km², e pouco povoado. Situado no Norte de África tem uma posição charneira entre o Magrebe e o Machrek (eixo horizontal) e a África Negra e a Europa do Sul (eixo vertical). Possui uma vasta zona desértica que separa a parte Este do território, a Cirenaica, com Bengazhi como capital política no período da monarquia, e a parte Noroeste, a região da Tripolitânia que tem em Tripoli a sua capital política e económica desde sempre ligada ao Magrebe. No Sudoeste encontramos Fezzan, zona de passagem para o conturbado Sahel. Ao centro o deserto de Sirte, muito rico em hidrocarbonetos, forma uma fronteira natural de 500 km que separa a Tripolitânia e a Cirenaica. Refira-se que 95% da população é Árabe e muçulmana sunita (Gourdin, 2011). A “democracia direta” instituída por Muammar Kadhafi em 1977 nunca entregou verdadeiramente o poder ao povo (Lacoste, 2008; Achcar, 2013). Durante mais de quarenta anos vingou uma ditadura patrimonial centrada na figura de um líder carismático, que diferentemente do Egito e Tunísia, não confiava em forças militares convencionais mas numa rede de brigadas paramilitares, “os comités revolucionários” de seguidores fiéis, líderes tribais e mercenários estrangeiros (Anceschi, Gervasio e Teti, 2014). O exército líbio era uma força mal armada e pouco treinada, o que segundo o Coronel Kadhafi facilitava a prevenção de eventuais golpes militares contra o regime – estratégia que ele próprio seguiu para chegar ao poder em 1969. Em fevereiro de 2011 os rebeldes anunciaram a constituição do Conselho Nacional de Transição na região Leste do país, com a participação de ministros de Kadhafi, como o ministro da Justiça Mustapha Abdeljalil e o ministro da Administração Interna, Abdul Fattah al-Obeidi, ambos da Cirenaica, elementos do exército que desertaram, exilados políticos, intelectuais urbanos e também forças revolucionárias locais, ex-guerrilheiros islamitas e líderes tribais. Neste sentido, as deserções de

parte do governo e forças armadas de Kadhafi e o apoio militar decisivo da NATO (Harlow, First e Hishan, 2012; Lacher, 2012) foram indispensáveis ao esforço de guerra dos movimentos de oposição ao regime. Outro fator que favoreceu o Conselho Nacional de Transição foi a geografia do território. Os rebeldes sabiam que bastava controlar a Cirenaica, ou a Tripolitânia, para que, na prática, metade do território líbio passasse para as suas mãos, tendo em conta que a zona central do país é ocupada por uma enorme faixa desértica que separa a Cirenaica da região da Tripolitânia. O governo da Líbia negou sempre ter cometido crimes durante a guerra civil, mas o Conselho dos Direitos Humanos das Nações Unidas diz ter provas de que as forças leais a Kadhafi cometeram crimes contra a humanidade e crimes de guerra – assassinatos extrajudiciais, prisões arbitrárias, desaparecimentos forçados e tortura. Quanto aos grupos rebeldes agrupados em torno do Conselho Nacional de Transição foi apurada a sua responsabilidade por violações generalizadas e sistemáticas de direitos humanos. Em particular, a tribo Thuwar aparece associada a crimes de guerra, como tortura, assassinatos extrajudiciais, desaparecimentos forçados e pilhagens contra os Tawergha – por razões raciais, por serem negros – e outras comunidades árabes e povos de origem subsariana (Human Rights Council, 2012). Em agosto de 2011, em Sirte, foi proclamada a libertação da Líbia. Formalmente o Conselho Nacional de Transição saiu vencedor desta guerra mas quem na realidade controlava, à época, os destinos políticos da Líbia eram as milícias independentes de Misurata, Sawiya e Zintan, localizadas na parte ocidental do país (Joffé, 2012).

SEGURANÇA E DIREITOS HUMANOS NA LÍBIA PÓS-KADHAFI

Mal terminou o conflito o Conselho Nacional de Transição assumiu o poder num ambiente confuso,

marcado por conflitos no interior do movimento e acusações de favorecimento das aspirações políticas da Cirenaica em detrimento dos interesses da população líbia. De facto as tribos do leste da Líbia nunca aceitaram a revolução de 1969 encabeçada por Kadhafi que acabou com a monarquia do Rei Idris (Joffé, 2011; Lacoste, 2011). Com a transferência do Conselho Nacional de Transição para Tripoli, capital política do país, o Leste do país entrou numa fase de grande convulsão. A distribuição de lugares no parlamento de transição, entretanto constituído, é o principal foco de discórdia. Contrariando as expectativas dos movimentos que representam os interesses da zona Leste a região ocidental teve direito à maioria dos deputados no parlamento, por ser a região mais populosa do país (Chivvis e Marin, 2014). Como é sabido, a zona de Bengazhi concentra grande parte das reservas de petróleo líbio. Na Cirenaica há hoje um forte movimento de tendência federalista que se opõe às políticas da autoridade central – manutenção da unidade política sem federalização do território e monopólio da exploração e distribuição dos proveitos da venda do petróleo. O governo tem sido incapaz de dominar a agenda de segurança tanto na Cirenaica como nas outras regiões disputadas, estando largamente desacreditado junto da população. A tensão entre o governo central e o Leste do território é uma das divisões políticas do período pós-Kadhafi mas não é a única. Encontramos outros focos de conflito regional na própria Cirenaica, onde o objetivo de consagrar um modelo de governo federal e autônomo é alvo de intensas disputas entre o Conselho da Cirenaica, ou Barqa na sua designação árabe, liderado por Ahmed al-Senussi, que contesta a distribuição de lugares no parlamento de transição, e o Escritório Político da Cirenaica sob as ordens de Ibrahim Jodhran, que se proclamou em 24 de outubro de 2013 presidente e anunciou a formação de um governo local paralelo ao governo central, tendo fundado uma empresa nacional de petróleo

que rivaliza com a companhia nacional por exportar petróleo da Cirenaica diretamente para o exterior. Na realidade o problema de fundo é que o governo central não controla Bengazi, como não controla Fezzan, a sul, nem os territórios a ocidente (Jesús, 2013).

Outra dificuldade é a infiltração do Islão político. O facto do regime de Kadhafi ter forçado os líderes da Irmandade Muçulmana a viver na clandestinidade – ao mesmo tempo que mantinha alguns dos seus membros presos nas prisões líbias (Lacoste, 2008) – não permitiu a este movimento ganhar as primeiras eleições livres, o que não prejudicou a reorganização da Irmandade Muçulmana e a sua ascensão política no espectro político líbio, no qual participam uma grande variedade de formações partidárias. Para além da Irmandade Muçulmana, vários outros grupos extremistas de inspiração islâmica estão ativos no território, como a milícia Ansar al-Sharia, uma das milícias alegadamente responsável pelo ataque que provocou a morte do embaixador americano na Líbia, e afiliadas regionais da Al-Qaeda. A caótica situação de segurança na Líbia é agravada pelo surgimento de grupos criminosos organizados durante o período da guerra ou depois do conflito ter terminado.

A escala dos abusos e as violações sistemáticas dos direitos humanos na Líbia não param de aumentar desde o final do conflito armado. As perseguições, detenções e atos de tortura são praticados pelas milícias com total impunidade. Os 8.000 presos da guerra de 2011, essencialmente pertencentes a tribos que lutaram ao lado de Kadhafi, estão na sua maioria presos à guarda das milícias, estimando-se que apenas 3.000 estarão à guarda das autoridades centrais. Os migrantes da África subsariana, tradicionalmente alvo dos ódios dos árabes, têm sido perseguidos tanto pelo governo central como pelas milícias. Segundo a Amnistia Internacional a tortura sistemática que tem levado, em alguns casos, à morte dos presos, é mais frequente nas prisões controladas pelas

milícias da oposição. Os apoiantes de Kadhafi são os principais alvos da perseguição (Amnesty International, 2014) ao passo que os atos cometidos pelos revolucionários durante o conflito não são investigados pela justiça. Assim, os ex-membros do governo de Kadhafi estão inibidos de exercer cargos públicos por 10 anos, por exigência da população e de parte das milícias (Lei 41 de 2012). Por outro lado a Lei 38 decretou uma amnistia geral para todos aqueles que protegeram ou promoveram a revolução (Haddad, 2013).

O governo provisório não exerce controlo efetivo sobre as milícias e brigadas revolucionárias tanto em Bengazhi como em Tripoli. Algumas das milícias estão sob comando do governo mas há grandes quantidades de armamento ligeiro e pesado nas mãos das milícias que escapam ao seu controlo. Algumas são grupos “revolucionários” que provocaram o derrube de Kadhafi mas a maioria são organizações que surgiram após a morte de Kadhafi e que, tal como os primeiros, não aceitaram a desmobilização. O governo central tem patrocinado a atuação de algumas milícias numa tentativa de impor a ordem no território na ausência de forças armadas e polícia capazes de desempenhar o seu papel securitário. Têm-se registado conflitos entre tribos e outros grupos armados por razões relacionadas com o controlo territorial de regiões específicas (Human Rights Watch, 2014).

A situação política na Líbia está cada vez mais confusa. Desde março a Líbia já mudou duas vezes de primeiro-ministro. Recentemente, o general Khalifa Haftar lançou a Operação Dignidade contra o islão radical que opera em Benghazi. O atual primeiro-ministro, Ahmed Maiteeq, que tem o apoio da Irmandade Muçulmana e de outros grupos de inspiração islâmica, tem denunciado as ações militares sangrentas do general Khalifa Haftar e parte do exército e força aérea que lhe jurou fidelidade (The Guardian, 2014), que já provocaram a morte a dezenas de cidadãos líbios. O general contará com o apoio dos Estados Unidos e pretende

impor uma fórmula semelhante à encontrada para a questão do Egito, um governo militar para a Líbia (Baroud, 2014), numa tentativa de resgatar o país da influência do islão radical.

CONCLUSÃO

Passados anos sobre o derrube de Kadhafi ainda não foi possível fortalecer um sentimento nacional líbio.

A situação líbia caracteriza-se pela ausência de um sistema político funcional. Sem Constituição redigida e com um governo fraco, a fragilidade da autoridade central agrava-se de dia para dia: as poucas instituições existentes deixaram de funcionar – tribunais, parlamento de transição –, os terminais petrolíferos estão praticamente paralisados e a autoridade do governo central não existe em vastas zonas do território.

A Líbia pode estar à beira de uma guerra civil ou de uma fragmentação territorial por falta de liderança política. A fragmentação do poder está na origem da insegurança e da violência. A ampla circulação de armas nas mãos de civis, milícias locais, “revolucionários” e movimentos islâmicos extremistas torna impossível a vida quotidiana. A Líbia enfrenta um problema de autoridade política agravada pelo problema de não existir verdadeiramente uma estrutura administrativa no país, que Kadhafi nunca quis desenvolver. O povo não reconhece a nenhuma das fações legitimidade para governar. Por este motivo o destino comum da Líbia parece cada vez mais distante. O modelo final, unitário, federal ou qualquer outro modelo de organização política que venha a ser desenhado não será fácil de acordar.

Neste clima de instabilidade são reduzidas as possibilidades de realização das eleições para o novo parlamento marcadas para 25 de junho, antes do começo do Ramadão. O que está verdadeiramente em causa na crise líbia é muito mais do que uma mediação internacional dos interesses das fações

armadas que lutam pelo acesso ao poder. Tendo em conta a influência de várias potências na política interna líbia é fundamental que a França, a Itália, os Estados Unidos, a Alemanha, a China e a Rússia – com o apoio da União Europeia e das Nações Unidas – concordem numa estrutura político-administrativa do território que permita alcançar a paz e a estabilidade. Até lá não se espera que a mediação do conflito produza resultados significativos.

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