

#14
March 2011

Libya: Too Hot to Handle

By Patrycja Sasnal

The rapidly evolving events around the crisis in Libya will be the first test of this kind for the European countries that lead diplomatic efforts against Colonel Muammar al-Qaddafi. France's symbolic first strike in operation "Odyssey Dawn" was quickly followed by an American lead offensive. The American administration, deeply involved in Afghanistan and still effectively responsible for Iraq's security, wanted to avert the impression that they were leading yet another military offensive against a mostly Muslim country. However, the crisis shows deep divisions within the international community, NATO, the EU and the arrayed coalition itself. It is a high-risk but also a possible high-gain type of operation although there is not enough evidence to suggest that Qaddafi has completely lost popular support or that the opposition speaks on behalf of the majority of Libyans. As the awakening wave is sweeping the Middle East, events in Libya set a precedent for other Arab countries and citizens, torn between their quest for dignity and reluctance to accept outside intervention.

High Risk

The end goal of the ongoing operation looks to be the removal of Qaddafi, although legal opinions vary on whether the UN SC Res 1973 authorizes such a goal. It explicitly demands an immediate ceasefire and end to violence (a demand that extends to both sides of the conflict in Libya), authorizes states to take all necessary measures to protect civilians, allows for the establishment of a no-fly zone, imposes a complete arms embargo on Libya, bans flights operated by Libya and freezes the assets of Libyan authorities. At the same time it excludes "a foreign occupation force of any form on any part of Libyan territory."¹ The mandate is very broad, and when combined with the complexity of the situation on the ground it does not allow a clear goal to be determined for the "coalition of the willing." In fact, conflicting views have emerged not only between and within countries involved in the military operation in Libya. Both Prime Minister David Cameron and President Obama have indicated that Qaddafi "must go," but high-level British and American military officials have denied that he was being targeted and U.S. Defense Secretary Robert Gates has gone as far as to say that such a goal would be a mistake. By recognizing the Interim Transitional National Council, France alone has made it clear that the goal of its operation is the removal of Qaddafi.

The option to shape the circumstances in a way that a national dialogue would be possible seems less plausible as military action itself further radicalizes both sides. Although it not inconceivable that weakening the Qaddafi camp on the one hand and indirectly strengthening the opposition on the other hand will even the forces in such a way that diplomatic efforts will prove indispensable. Such a scenario, albeit optimal, is unlikely. Previous, similar interventions in the Muslim world provide two lessons. The first one, the imposition of a no-fly zone over Iraq in 1991 that lasted 12 years, teaches the lesson that ongoing military action may not necessarily lead to the overthrow of Qaddafi and could result in long-time strife with the sanctioned regime. He still has a certain amount of internal backing from the Libyan population. Much will depend on whether and how many high-rank officials decide to defect, and whether Arab and international public opinion remains wary of his actions.

The second lesson vividly revealed by military actions in 2001 in Afghanistan and 2003 in Iraq is that regime change again can be but the first scene in a long drama. The possibility of a Libyan or

¹ United Nations Security Council Resolution 1973 (2011), 17 March 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>

even regional insurgency emerging from this conflict remains valid. If that turns out to be the case in Libya, European forces will face possibly their toughest test to date: an open conflict in close proximity, in a country of vital interest to at least four EU member states (Italy, Germany, France and Spain) with the potential of spreading to other countries of similar significance.

The worst-case scenario would be for there to be a mistaken attack on civilian targets. This is increasingly likely as Qaddafi apparently has gathered civilian populations around sites of strategic importance. The military compound in Bab al-Aziziya and the Tripoli airport are among those shown on official Libyan TV. A British Tornado plane was recalled from a mission into Libyan territory after it emerged that civilians had gathered around the targeted site. Even surgical strikes are not always 100 percent accurate. And furthermore there are still about one million foreign citizens in Libya.

At least in the first phase, the imposition of a no-fly zone surely will aggravate the humanitarian situation in Libya. The estimated death toll in the last week of February 2011 was 233 by Human Rights Watch.² The current numbers are imprecise although HRW proved cases where “government forces opened fire on peaceful protesters and the arbitrary arrest and enforced disappearance of scores of people.”³ More than 260 000 people (mostly foreign nationals) have left Libya since the beginning of the crisis. Unofficial data put the number of remaining foreign nationals at one million.⁴ They are mostly located in Tripoli and central Libya. The ongoing operation, and the subsequent imposition of the no-fly zone, puts their lives in direct danger.

No International Unity

The seemingly unified condemnation by the international community of Qaddafi’s rule over Libya, as suggested by the Security Council’s adoption of Resolution 1973, is anything but unified. First, while the Arab League did call for a no-fly zone to protect Libyans from Qaddafi’s air strikes, it is generally omitted from reports that the league explicitly rejected the idea of any military intervention in the country. The call came after heated debates in which countries like Iraq opted for the no-fly zone, while others (e.g., Syria and Mauritania) were against it. The majority of Arab states are somewhere in between—they want to be viewed as supporters of true democracy while retaining their undemocratic rules. Saudi Arabia for example is seemingly supportive of military action against Qaddafi while at the same time, together with the UAE, has sent troops to Bahrain to help the regime maintain its posture in light of anti-government protests. Algeria, Libya’s neighbour, is similarly wary of the ongoing operation. When it emerged that the no-fly zone would require an extensive military operation and the Arab public was not entirely supportive of it, Arab governments and officials voiced reservations based on popular sentiment in the region. In an ironic twist in Egypt, Amr Mousa’s conflicting statements (from a staunch supporter of the action to a critic then back to supporting it again) demonstrated the tangible effect of the revolutionary wave in that country and the need to respond to sentiments in the Arab street. Initially, Arab public opinion seemed to support action against Qaddafi. He was seen as arrogant, hostile to ideas of Arab unity and he eventually turned against his own people. However, the military operation in Libya will not receive easy approval in the Arab world.

People below the age of 30 make up the majority of Arab societies. They are also the ones who orchestrated the revolutionary changes in Tunisia and Egypt. American interventions in the Muslim world constitute their generational memory: from the Gulf War of 1990/1991 through Afghanistan in 2001 and to Iraq in 2003. These people, however vocal about their aspirations, will not accept long-term foreign intervention. The longer the crisis lasts the more probable an Arab backlash. Such a response could expand throughout the Muslim world. Worth noting is the Turkish stance, which offers support to the Libyan people but not for foreign intervention. Certainly, it is void of any real impact on the situation in Libya, but image-wise Turkey once again sets a good example to Arab eyes.

Next, the African Union is openly cautious in its response to the events in Libya, as reiterated by its rejection of foreign intervention in the country. It formed a panel of five countries (South Africa, Uganda, Mauritania, Congo and Mali) who were supposed to go on a fact finding mission to Libya before the Union decided on its overall stance. Some of its members have kept exceptionally good relations with Qaddafi, receive support from Tripoli and are far from condemning his regime. Uganda

² “Libya: Governments Should Demand End to Unlawful Killings,” *Human Rights Watch*,

20 February 2011, <http://www.hrw.org/en/news/2011/02/20/libya-governments-should-demand-end-unlawful-killings>

³ “Libya: Benghazi Civilians Face Grave Risk,” *Human Rights Watch*, 17 March 2011, <http://www.hrw.org/node/97419>

⁴ “Situation report #6,” *World Health Organization*, 14 March 2011,

http://www.emro.who.int/eha/pdf/libya_situationreport_6_14_3_2011.pdf

and Zimbabwe have openly criticized UNSC Resolution 1973, with Uganda refusing to freeze Qaddafi's assets. Even South Africa—until recently, critical of Qaddafi—has rejected any possibility of regime change in Libya.

But these institutions are nowhere nearly as integrated, nor have they kept as close a relationship with Qaddafi's Libya as have some European countries, including Italy, France and the UK, with the latter two leading the military action. Germany remains highly sceptical and very wary of “dangers and risks”⁵ associated with military intervention. Diverging views about the crisis in Libya within the EU weaken the position of HR Catherine Ashton, and subsequently leave the EU as a whole on the outskirts of events. It will be that either France and the UK will reap the political benefits or the whirlwind of their actions; or, in another scenario, it will be the cautious remainder of the EU (i.e., Germany and Poland) that will prove irreproachable. In either case, the crisis blatantly demonstrates the immaturity of a common EU foreign policy.

The EU formally responded to the unfolding crisis by imposing sanctions on the regime,⁶ but it was France that unexpectedly went further. On 10 March 2011, it recognized the Libyan Interim Transitional National Council as the legitimate rulers of Libya. After France had missed the moment in Tunisia, its foreign policy came under grave criticism at home.⁷ France now is calculating to emerge as the strongest European ally of all new North African democracies—should they come into being—and reap the diplomatic and economic fruits.

To a certain extent, the relatively new British government also was internally motivated. By acting against Qaddafi, Prime Minister Cameron accentuated his disapproval of the previous Labour government's handling of UK-Libyan relations concerning the Lockerbie bomber's release and closer contacts with Qaddafi's regime. But the joint Franco-British initiative causes friction within NATO, which will most likely have to take up the day-to-day military command of the no-fly zone in Libya while an ad hoc political body is formed (including Arab nations) in place of the North Atlantic Council. Such a complex solution does not prevent further differences of opinion within the Alliance, or bode well for the effectiveness of the operation.

A Very Different Libya

The discordant opinions in the international community reflect the complexity of the Libyan uprising, which shares few similarities with the revolutions in Tunisia and Egypt. First of all, despite the usual social problems (unemployment, wealth gap etc.) the state of the economy and social development in Libya was relatively good. Economic growth was expected to reach 3.6% this year and social indicators—the status of women and the literacy rate—topped regional statistics. Unlike the rulers of Tunisia and Egypt, Qaddafi has been despised by a large portion of the Libyan population from the moment he toppled King Idris in 1969. Realizing this resentment, Gaddafi intentionally neglected Cyrenaica where opposition to his rule was strongest.

It is then more of a Cyrenaican revolution than a general Libyan one. In fact a good portion of the Libyan population still supports Qaddafi, although the precise number of his followers is hard to determine. His son, Saif al-Islam al-Qaddafi, had significant backing from middle-class Libyans and was considered a reformist who would put Libya on a truer track. He wanted to create a formal constitution (including greater power for elected representatives) and orchestrate administrative and economic reforms. The triumvirate that has supported Qaddafi—the tribes Qadadfa, Maqariha and Warfalla—did split, but it is mostly unclear along which lines. Small but influential Qadadfa and

⁵ “Security Council passes Resolution on Libya,” *German Federal Foreign Office*, 18 March 2011, http://www.auswaertiges-amt.de/sid_2A75A712DEFA066B6E81E6EA834F55DE/EN/Aussenpolitik/Laender/Aktuelle_Artikel/Libyen/110318-Libyen-SR-Res_node.html

⁶ COUNCIL DECISION 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:058:0053:0062:EN:PDF>); COUNCIL IMPLEMENTING DECISION 2011/156/CFSP of 10 March 2011 implementing Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:064:0029:0030:EN:PDF>); Declaration of the Extraordinary European Council on developments in Libya and the southern neighbourhood region, 11 March 2011, (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf)

⁷ French diplomats criticized Sarkozy's foreign policy in very harsh words in the national press: “La voix de la France a disparu dans le monde,” *Le Monde*, 22 February 2011, http://www.lemonde.fr/idees/article/2011/02/22/on-ne-s-improvise-pas-diplomate_1483517_3232.html

Magariha, together with Awlad Sulayman, largely still support him. Warfalla, presumably the biggest Libyan tribe, which has been reported here and there to oppose the leader, seems to be remaining on the sidelines of the conflict. Among the groups that have pledged allegiance to the Libyan Interim Transitional National Council in Benghazi are the six listed on its website: Nalut, Zintan, Ajdabiya, al-Kufra, ar-Rajban and Msallata. There is no mention of Warfalla as such. The Interim Transitional National Council in Benghazi, however, is a mixture of many breeds of political and social views.

Benghazi itself already did rebel against security forces in 2006, for which it paid a dear price by being further neglected by Tripoli. On March 24, the opposition nominated as their prime minister Mahmoud Jibril, the U.S.-educated former minister of planning who was brought to the government by Saif al-Islam al-Qaddafi to set economic reforms in motion. The Council's leader—Mustafa Abd al-Jalil—was Qaddafi's justice minister until February 21, when he defected. He is viewed by many young people in the opposition as too conservative. He belongs to the Barasa tribe, which was closely connected to the Qaddafi family but also one of the first to have abandoned the leader. The remaining members of the Council—not all their names have been made public—are an amalgam of tribal elders, secularists and Islamists, impressively inclusive but at the same time rather unpredictable in their policies and uncertain in their unity. Islamists are also better mobilisers since mosques serve as organizational centres. It is even said that jihadists had been waiting for Western support of anti-Qaddafi institutions.⁸ The military operation in Libya suggests the coalition forces are taking sides in a largely civil war, which will most likely drag on with or without Qaddafi.

Even if the opposition does get to shape Libya's future after Qaddafi has gone the social structure of the country begs for a complicated political system like consociational democracy, one that would ensure fair representation for the tribes in the political sphere. The example of Lebanon, however, shows that these systems are extremely difficult to implement and notoriously deficient.

Finally, the response of the international community also sets a precedent on how to deal with defiant autocratic leaders in other Arab countries. Apart from Tunisia, Egypt and Libya, similar events are quickly unfolding in Bahrain, Yemen, Syria and Algeria and a number of other Arab countries where it might be a matter of time before anti-government protesters take to the streets. Operation "Odyssey Dawn" puts these governments in a position where they should be more accommodating towards possible opposition calls knowing how the international community reacted to Qaddafi's inflexible stance. It may even boost the revolutionary wave elsewhere in the Middle East, speeding up changes there and causing intense instability in the rest of the region. In as much as the changes themselves may be desirable, the speed with which they might be unfolding will be hard to keep up with, let alone control.

⁸ N. Pelham, *The Battle for Libya*, The New York Review of Books, 10 March 2011, <http://www.nybooks.com/articles/archives/2011/apr/07/battle-libya/?page=2>