

Libya—100 Days On

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On 27 March 2011, NATO launched **Operation Unified Protector** (http://www.nato.int/cps/en/SID-5B2037D1-DBE41FC7/natolive/topics_71652.htm?) to protect civilians in Libya under (the threat of) military attack by forces loyal to the regime of Colonel Muammar Gaddafi, deriving its mandate from **UN Security Council Resolution 1973(2011)** (<http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>). One-hundred days on from the beginning of the operation, and the **question remains** (<http://www.stefanwolff.com/notebook/libya-a-solution-worse-than-the-problem>) whether an eventual solution to the on-going crisis will be worse than the problem it was meant to deal with.

In a widely expected, yet nonetheless important development, the International Criminal Court in The Hague, on 27 June 2011, **issued an arrest warrant** (<http://www.icc-cpi.int/NR/exeres/D07229DE-4E3D-45BC-8CB1-F5DAF8370218.htm>) for Gaddafi, his son Saif al-Islam and secret service chief Abdullah al-Senussi for crimes against humanity. Much as the initial almost unanimous support for Resolution 1973(2011) has waxed and (now mostly) waned, so too have the reactions to the arrest warrant been mixed. The US (not, in fact a signatory of the **Rome Statute** (<http://www.icc-cpi.int/NR/rdonlyres/0D8024D3-87EA-4E6A-8A27-05B987C38689/0/RomeStatuteEng.pdf>) that governs the ICC) and **UK** (<http://www.fco.gov.uk/en/news/latest-news/?view=News&id=622088282>) have welcomed the arrest warrant; the **EU** (http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/123127.pdf), too, has issued a declaration of strong support. In contrast, **South Africa** (<http://mg.co.za/article/2011-06-27-zuma-says-warrant-against-gaddafis-undermines-the-au>), initially backing Resolution 1973(2011) in the Security Council, has strongly criticised the arrest warrant, in part because it undermines an **African Union mediation initiative** (<http://allafrica.com/stories/201106260007.html>). The **Arab League** (<http://www.guardian.co.uk/world/2011/jun/21/arab-league-chief-libya-air-strikes>), which no longer is the strong supporter of military action against the Gaddafi regime that it initially was, has not yet positioned itself clearly.

As Libyan rebels cheered and the regime's foreign minister denounced the arrest warrant, more **sober analysis** (<http://www.opencanada.org/features/r2p-v-icc/>) would suggest that the arrest warrant is largely unhelpful in ending the crisis. The ICC arrest warrant significantly limits the likelihood of a negotiated end to the crisis as it leaves the Libyan dictator no real option but to fight to the last bullet. Moreover, as NATO has not been able to bring about any decisive change on the ground yet to make Gaddafi budge, pressure on the Alliance now will increase further to escalate its operations, and possibly deploy ground troops (which is explicitly ruled out by the existing Security Council Resolution), in order to save face. One only needs to remember how close NATO came to deploying ground troops in Kosovo in 1999. Yet **support** (<http://www.bbc.co.uk/news/world-africa-13092451>) for any kind of military escalation is extremely limited in NATO with only the UK and France prepared to do so, and **Italy** (http://www.upi.com/Top_News/Special/2011/06/27/Italy-rattles-Libya-coalition/UPI-76521309196518/) now openly calling for a pause in the military operation to facilitate humanitarian aid and encourage negotiations.

Rebel forces, of course, would welcome more decisive NATO action and support. However, this highlights their own inability to inflict serious damage on Gaddafi's forces. Over the past 100 days, rebels certainly have gained some ground, but also lost some of it again to the regime. As they continue fighting, they will become a more effective force and gradually advance, but a decisive defeat of Gaddafi in the near future remains unlikely.

As time passes, those around Gaddafi will also be less moved to take action against the dictator as they, too, will be increasingly implicated in similar crimes and face ICC arrest warrants and/or possible legal action in Libya after the downfall of the regime. Thus, even if Gaddafi was killed or driven out of Tripoli, a prolonged civil war within Libya is more likely than not. In the end, NATO will prevail as it has prevailed in Kosovo and Afghanistan, but some victories are pyrrhic and look more like defeats.

At the same time, one must not forget that the mandate that Security Council Resolution 1973(2011) gives is actually NOT for regime change but "to take all necessary measures to protect civilians under threat of attack in the country." Leaving aside the civilian casualties of NATO air raids to date, the crisis has created a vast number of Libyan **refugees and IDPs** (<http://www.un.org/apps/news/story.asp?NewsID=38845&Cr=libya&Cr1=>). The latest situation assessment by **UNHCR** (<http://www.unhcr.org/4e0201a09.html>) estimates that more than 320,000 Libyans fled to Tunisia and more than 170,000 to Egypt, the two largest receiving countries. This is apart from about a quarter-million internally displaced Libyans. For those remaining in the country, especially in areas of heavy fighting between rebels and regime loyalists, the humanitarian situation is increasingly grave and the **absence of food and medicine** (<http://www.bbc.co.uk/news/world-africa-13937817>) is soon to become an even worse problem and possibly generate even more refugees and IDPs with all the likely follow-on problems in receiving areas.

So, 100 days on from the beginning of NATO's military operation against the Gaddafi regime we have a situation characterised by a very expensive military operation (costs to the UK alone have passed the £250m mark already), by increasingly damaging rifts within the international community and potentially within NATO, by ICC arrest warrants for Gaddafi and two of his closest supporters that all but eliminate their exit options, by a military stalemate on the ground, and a by worsening humanitarian situation in Libya and in neighbouring countries.

Will Libya turn into another ill-conceived NATO adventure, a far cry from the defence mission that the alliance had for much of its lifetime, or is there a reasonable exit strategy even now? Three scenarios appear likely:

1. The prolonged civil war—with or without Gaddafi—is the least desirable, but unfortunately not the least likely scenario. It would be a tragic irony of some magnitude if what started as a mission to protect civilians were to cause the long-term suffering that civilians tend to have to endure in civil wars.
2. An internal coup against Gaddafi from among senior figures in the regime remains on the cards. But the window of opportunity for this scenario is closing fast —with each day of the fighting continuing, those around Gaddafi become more likely to face international legal action and their incentives to mount an internal coup reduce. It would be important, therefore, for the international community to send a clear message to current regime loyalists about the conditions under which they might be granted immunity from prosecution. What is needed, however, are not more defections, but credible and successful resistance and opposition to Gaddafi from within his regime. Defections may be symbolically important, but they are less useful when it comes to actual change on the ground.
3. An AU mediation that manages to achieve a ceasefire and a negotiated transition of power would perhaps be the most preferable outcome of the current crisis. Established on 10 March 2011, the AU's High-Level Ad Hoc Committee on Libya reiterated in its latest **Communiqué of 26 June 2011** (<http://www.polity.org.za/article/communique-on-the-meeting-of-the-au-high-level-ad-hoc-committee-on-libya-26062011-2011-06-26>) its determination to pursue its roadmap towards a political solution of the crisis. The chances for its success are not as bad as they were: without further military escalation by NATO, rebel options are limited; with no further arrest warrants from the ICC, credible partners within the regime might emerge to facilitate a negotiated transition; and with the humanitarian situation in and around Libya deteriorating, pressure on all sides might increase sufficiently to achieve a sustainable bargain.

None of these scenarios are without material and non-material costs, none will return the country quickly to any sense of stability, let alone normality. Yet, it would be equally foolish to pretend that a political solution, however unpalatable it might be in some of its dimensions, is not more desirable than to play for a military victory that may well be impossible to achieve. It should not take the ten years that it has taken in Afghanistan to realise this. Nor should it take that long to realise that military operations of that kind are unlikely to provide either a quick-fix solution or one that is sustainable in the long term.

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