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## **THE CRISIS IN LIBYA**

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### **Introduction**

Libya, in the throes of a civil war, now represents the ugly facet of the much-hyped Arab Spring. The country, located in North Africa, shares its borders with the two leading Arab-Spring states, Egypt and Tunisia, along with Sudan, Tunisia, Chad, Niger and Algeria. It is also not too far from Europe. Italy lies to its north just across the Mediterranean. With an area of 1.8 million sq km, Libya is the fourth largest country in Africa, yet its population is only about 6.4 million, one of the lowest in the continent. Libya has nearly 42 billion barrels of oil in proven reserves, the ninth largest in the world. With a reasonably good per capita income of \$14000, Libya also has the highest HDI (Human Development Index) in the African continent. However, Libya's unemployment rate is high at 30 percent, taking some sheen off its economic credentials.

Libya, a Roman colony for several centuries, was conquered by the Arab forces in AD 647 during the Caliphate of Utman bin Affan. Following this, Libya was ruled by the Abbasids and the Shite Fatimids till the Ottoman Empire asserted its control in 1551. Ottoman rule lasted for nearly four centuries ending with the Ottoman defeat in the Italian-Ottoman war. Consequently, Italy assumed control of Libya under the Treaty of

Lausanne (1912). The Italians ruled till their defeat in the Second World War. The Libyan constitution was enacted in 1949 and two years later under Mohammed Idris (who declared himself as Libya's first King), Libya became an independent state. Idris reigned till 1969 when Col. Muammar Gaddafi overthrew him in a coup, abolished the monarchy, revoked the constitution and established the Libyan Arab Republic. Though Gaddafi faced several coup attempts, he managed to hold on to power. The Libyan uprising which started in February 2011 appears to be the most serious challenge faced by Gaddafi in his 42-year-old rule.

### **Beginning of the Revolt**

Following the anti-establishment movements in neighbouring Egypt and Tunisia, Libya too witnessed anti-regime rallies and protests, especially in the city of Benghazi located in the eastern Cyrenaican region of Libya. Eastern Libya, even in the past, has been at the forefront of rebellions against Ottoman and Italian rule. The legendary Omar Mukhtar, who fought the Italians, hailed from the region.<sup>1</sup> From Benghazi, the revolt spread quickly and Gaddafi ordered troops loyal to him to quell the rebellion. He announced the intention to “fight to the last drop of blood”<sup>2</sup> and in one of his idiosyncratic moods suggested that the rebels were “nothing more than Al Qaeda extremists, addled by hallucinogens slipped into their milk and Nescafé”.<sup>3</sup> Meanwhile, the rebels set up a local governing council for Benghazi and also announced the formation of a National Transitional Council, claiming to be the legitimate government of Libya. With this, Gaddafi intensified his crackdown aided by loyal

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<sup>1</sup>Vijay Prashad, “Raining Fire”, *Frontline*, Volume 28 - Issue 08 :: Apr. 09-22, 2011

<sup>2</sup> “Gaddafi's vow: Will fight to last drop of blood”, *MSN News*, 23 February 2011, available on <http://news.in.msn.com/international/article.aspx?cp-documentid=4952792>

<sup>3</sup> Jon Lee Anderson, “Who are the rebels”? *The New Yorker*, April 4, 2011, available on [http://m.newyorker.com/talk/comment/2011/04/04/110404taco\\_talk\\_anderson](http://m.newyorker.com/talk/comment/2011/04/04/110404taco_talk_anderson)

troops, special-forces under the command of his son Khamis as well as mercenaries from neighbouring states.<sup>4</sup> The issue of mercenaries has lingered long and there were also reports about atrocities committed by the rebels against African migrant workers and black Libyans accusing them to be part of the mercenary forces loyal to Gaddafi.<sup>5</sup>

### **The UN Intervenes**

As the counter-offensive by Gaddafi intensified, most countries evacuated their citizens from Libya. On 26 February, the UN Security Council passed resolution 1970 condemning Gaddafi's crackdown, putting in place an asset freeze and travel embargo of top officials, and referring the regime's actions to the International Criminal Court. Undeterred, Gaddafi proceeded with characteristic nonchalance targeting the rebels and their sympathizers. France and Britain pushed for further action against Gaddafi. French President Nicholas Sarkozy led from the front in the campaign to intervene more forcefully in Libya. The primary aim was to get the UN to declare a no-fly zone to protect the rebels under heavy bombardment from Gaddafi's air-force. (The no-fly zone proposal did not muster enough support to be included in resolution 1970). The Anglo-French initiative with American support received the backing of the Arab League and the Organization of Islamic Conference (OIC) and on 17<sup>th</sup> March, the Security Council passed resolution 1973 with ten votes in favour while five members (Russia, China, India, Brazil and Germany)

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<sup>4</sup> Abigail Hauslohner, "Among the Mercenaries: "Portrait of a Gaddafi Soldier", *Time*, March 1, 2011, available on <http://www.time.com/time/world/article/0,8599,2056006,00.html>, and Jason Koutsoukis, "Captured: two sides of Libyan conflict", *The Sydney Morning Herald*, March 25, 2011, available on <http://www.smh.com.au/world/captured-two-sides-of-libyan-conflict-20110324-1c8mu.html>

<sup>5</sup> David Zucchino, "Libyan rebels accused of targeting blacks", *The Los Angeles Times*, March 4, 2011, available on <http://articles.latimes.com/2011/mar/04/world/la-fg-libya-mercenaries-20110305>

abstained from the vote. As soon as the resolution was passed, Gaddafi proposed a ceasefire but this was ignored as insincere.<sup>6</sup>

### **Making sense of the abstentions**

India decided to abstain from the vote since the report of the Secretary-General's Envoy on Libyan situation had not yet been received and therefore the "resolution was based on very little clear information, including a lack of certainty regarding who was going to enforce the measures". India stated that it was in favour of giving priority to political efforts than military efforts in finding a solution in Libya. Brazil felt that the resolution went beyond the goal of enforcing the no fly zone. The Brazilian envoy argued that the use of force as provided for in the resolution will not achieve the "immediate end of violence and the protection of civilians," and may "have the unintended effect of exacerbating the current tensions on the ground. Russia criticized that the "work on the resolution was not in keeping with Security Council practice, with many questions having remained unanswered, including how the resolution would be enforced and by whom, and what the limits of engagement would be". China, while explaining its abstention stressed the importance of respecting the UN charter and solving the crisis through peaceful means. The Chinese envoy felt that "his delegation had asked specific questions that failed to be answered and, therefore, it had serious difficulty with the resolution". Germany felt that the intervention poses great risks and there is the "likelihood of large-scale loss of life". The German envoy warned that the implementation of the resolution may lead to a protracted military conflict that could draw in the wider region.<sup>7</sup>

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<sup>6</sup> "World leaders unconvinced by Gadhafi's cease-fire declaration", *Haaretz*, 18 March 2011, available on <http://www.haaretz.com/news/international/world-leaders-unconvinced-by-gadhafi-s-cease-fire-declaration-1.350086?localLinksEnabled=false>

<sup>7</sup> All quotations in the paragraph are from the report on Security Council 6498th Meeting. Available on <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm>

While the reasons cited for abstention by all the countries remain valid, the real reasons may be slightly different. None of the countries had immediate and sensitive stakes in Libya warranting an urgent intervention. China and India which had thousands of citizens in Libya managed to evacuate them several days before the resolution. With no clear indications about a future structure in Libya, these countries did not want to risk Gaddafi's ire if he manages to stay in power, especially with access to its oil wealth. At the same time, an abstention, which ensured that the resolution was not vetoed, suited the interests of the rebels as well. Moreover, Russia and China are loath to set such precedents for intervention on the basis of humanitarian principles. Therefore, these two countries crying hoarse over the coalition bombings appeared to be nothing more than theatrics. Both Russian and Chinese media were scathing in their criticism of the bombing, conveniently forgetting that their countries could have vetoed the resolution if they wanted. In Russia however, the coverage subsequently changed becoming more neutral in tone.

### **The French Leadership**

French President Nicolas Sarkozy's leadership in forging the coalition and winning support for the UN resolution has not been surprising. It is no secret that France retains considerable interest in North Africa. It is already involved in five African countries in some capacity at present—Ivory Coast, Mali, Somalia, Burkina Faso and now Libya. The French reputation took a hit when the Tunisian revolution was in its nascent stages. The French foreign minister Michele Alliot-Marie suggested that French riot police may be sent to Tunis to suppress the protestors. Even though she resigned soon, the damage was already done. So Libya offered Sarkozy a chance at redemption. Moreover, the French Presidential election is due in 2012 and Sarkozy's popularity is low. In

spite of his strident rhetoric on multiculturalism<sup>8</sup> and immigration<sup>9</sup>, his ratings have been in a free fall. Perhaps there are people in Sarkozy's inner-circle who hope that "Libya can do for Sarkozy what the Falklands did for Margaret Thatcher—anooint [Sarkozy as] a successful war leader deserving of re-election".<sup>10</sup> However, Sarkozy's party UMP (*Union pour un Mouvement Populaire*) performed badly in the local elections held after the interventions started in late March.

### **A Reluctant United States**

If Sarkozy led the campaign for intervention, the United States under President Barack Obama appeared to be hesitant in being a part of the coalition. While Obama repeatedly made it clear that Gaddafi has lost his legitimacy, he was non-committal on American intervention. Obama's Defense Secretary Robert Gates, his National Security Advisor Thomas Donilon and Deputy National Security Advisor Denis McDonough argued against getting involved militarily in a third Muslim country.<sup>11</sup> The most prominent voice on the other side of the fence favouring an active role in Libya was that of the Secretary of State Hillary Clinton. Initially Obama's reluctance to be part of the coalition was so palpable that during the annual Gridiron Club dinner in Washington on March 13, the President joked about Hillary Clinton's activism in the Middle East. Obama commented, "These past few weeks, it's been difficult to sleep with

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<sup>8</sup> "Nicolas Sarkozy declares multiculturalism had failed", *The Telegraph*, 11 February 2011, available on <http://www.telegraph.co.uk/news/worldnews/europe/france/8317497/Nicolas-Sarkozy-declares-multiculturalism-had-failed.html>

<sup>9</sup> "Sarkozy talks tough on immigration, tax", *Euronews* 17 November 2010, available on <http://www.euronews.net/2010/11/17/sarkozy-talks-tough-on-immigration-tax/>

<sup>10</sup> Jonathan Freedland, "Libya crisis may save Nicolas Sarkozy from electoral humiliation", *The Guardian*, 20 March 2011, available on <http://www.guardian.co.uk/world/2011/mar/20/libya-crisis-nicolas-sarkozy-electoral?INTCMP=SRCH>

<sup>11</sup> Josh Rogin, "How Obama turned on a dime toward war", *Foreign Policy* web-edition, March 18, 2011, available on [http://thecable.foreignpolicy.com/posts/2011/03/18/how\\_obama\\_turned\\_on\\_a\\_dime\\_toward\\_war](http://thecable.foreignpolicy.com/posts/2011/03/18/how_obama_turned_on_a_dime_toward_war)

Hillary out there on Pennsylvania Avenue, shouting and throwing rocks at the windows”.<sup>12</sup> However, support for intervention also came from Obama’s Ambassador to the UN, Susan Rice (also former President Bill Clinton’s advisor on Rwanda), and Samantha Power, an influential advisor in Obama’s national security team (who also wrote a Pulitzer prize-winning book on American responses to genocides) and the President finally decided to be a part of the coalition in Libya.<sup>13</sup>

Interestingly, President Obama’s first formal announcement about the mission was made not from Washington, but in Chile during his five day Latin American trip. While confirming the American engagement, Obama reiterated that American role will be as brief as possible and that he plans to cede the leadership of the campaign at the earliest to someone else. Clearly, the US is also worried about putting boots on ground in Libya. Back in Washington, the President addressed the nation on Libya from the National Defense University on March 28.<sup>14</sup> In his speech, Obama underscored the reasons behind his decision to participate in the coalition against Gaddafi and stressed on the humanitarian nature of the intervention in the light of the possible massacre in Benghazi. Obama also laid down a few parameters for this engagement as well as interventions in future. He said that the US will act swiftly “if vital national security interests were at stake. He would consider it if economic interests were threatened, or if there was a humanitarian crisis so deep that it could not be ignored. But in those two instances, he

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<sup>12</sup> Kathy Kiely, “Obama, Daniels Crack Wise at Gridiron Dinner”, *National Journal*, March 13 2011, available on <http://www.nationaljournal.com/whitehouse/obama-daniels-crack-wise-at-gridiron-dinner-20110313?print=true>

<sup>13</sup> Maureen Dowd, “Fight of the Valkyries”, *The New York Times*, March 22 2011, available on <http://www.nytimes.com/2011/03/23/opinion/23dowd.html>

<sup>14</sup> Remarks by the President in Address to the Nation on Libya, The National Defense University, Washington, D.C., March 28, 2011, available on <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-President-address-nation-libya>

would hesitate unless there was international participation, and the cost was not too high”.<sup>15</sup>

### **The Arab League’s Response**

The Arab League’s position vis-à-vis the Libyan situation was crucial. By voting in favour of an intervention in Libya, it provided a helpful narrative to the United States, added the much needed local flavour and legitimacy to the coalition and also smoothed the passage for a tough resolution in the Security Council. The UNSC resolution 1973 unequivocally highlighted the importance of the Arab League in the formulation and implementation of the resolution. Ironically, even as the League was passing a resolution stating that Gaddafi had completely lost his legitimacy because of the excesses he committed on his own people, Saudi Arabian and Emirati forces, aided by mercenaries were violently putting down anti-regime protestors in Manama. Moreover, there have been contradictory reports about the unanimity of the Arab League resolution. Official statements and some reports suggested that the decision was unanimous, but some others revealed that only eleven out of the twenty-two countries participated in the meeting and that Algeria and Syria expressed their opposition to the intervention. For example, according to the *Al Jazeera* channel, there were in fact two resolutions at the League meeting—one calling for a no fly zone and a second one against foreign military intervention aimed at placating the dissenters.<sup>16</sup> Meanwhile the official Syrian news agency SANA had reported that Syria, Algeria and Mauritania registered their protest against sanctioning unilateral attacks on Libya.<sup>17</sup>

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<sup>15</sup> Thom Shanker and Helene Cooper, “Doctrine for Libya: Not Carved in Stone”, *The New York Times*, March 29 2011, available on <http://www.nytimes.com/2011/03/30/world/africa/30doctrine.html>

<sup>16</sup> “Analysis: Arab League backs no-fly zone in Libya”, *Al Jazeera English* on Youtube, available on [http://www.youtube.com/watch?v=AOMHvdZE5G0&feature=player\\_embedded](http://www.youtube.com/watch?v=AOMHvdZE5G0&feature=player_embedded)

<sup>17</sup> “Ambassador Ahmad: Syria Rejects Any Foreign Intervention in Libya”, *SANA*, March 13 2011, available on <http://www.sana.sy/eng/22/2011/03/13/336372.htm>

Or perhaps, as *The Telegraph* suggested, it is quite possible that the “Arab leaders are deliberately saying one thing to the West and another to their subjects” and therefore contradictions in the reports from Cairo is understandable. Matters became worse once the coalition airstrikes began as the chief of Arab League Amr Moussa, roundly condemned the attacks, much to the chagrin of the allied leadership. According to Moussa, “what is happening in Libya differs from the aim of imposing a no-fly zone and we want is the protection of civilians and not the shelling of more civilians.”<sup>18</sup> It was evident that there were cracks in the Arab world. Moussa, being a consummate politician has been more sensitive to the voice in the Arab street as he has an eye on the forthcoming Presidential elections in Egypt. Moussa, however, clarified the very next day that he fully respects the Security Council Resolution, thus completing a series of political somersaults.<sup>19</sup>

### **The African Union**

Another regional organization, the African Union (AU) kept a low profile in the initial phases of the crisis. Many African leaders have been receiving generous financial support from Gaddafi, which is probably a reason that none of them came out openly against him. Moreover, Libya has close business ties with many African states with considerable investments. The African leaders are also wary about concepts like “humanitarian intervention” and “regime change”. South Africa, which voted in favour of the UN resolution after Jacob Zuma received a personal phone call from Barack Obama, came out strongly against the

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<sup>18</sup> Edward Kody, “Arab League condemns broad Western bombing campaign in Libya”, *The Washington Post*, March 20, 2011, available on [http://www.washingtonpost.com/world/arab-league-condemns-broad-bombing-campaign-in-libya/2011/03/20/AB1pSg1\\_story.html](http://www.washingtonpost.com/world/arab-league-condemns-broad-bombing-campaign-in-libya/2011/03/20/AB1pSg1_story.html)

<sup>19</sup> Yasmine Saleh, “Arab League chief says he respects U.N. resolution”, *Reuters*, March 21 2011, available on <http://www.reuters.com/article/2011/03/21/us-libya-arabs-moussa-idUSTRE72K1JB20110321>

coalition airstrikes as soon as they began. Jean Ping, chairman of the Standing Commission of the AU, said that they were not consulted about the crisis before the UNSCR 1973 was passed and air strikes started.<sup>20</sup> Not that the AU has a great record in resolving humanitarian crises and conducting cease-fire negotiations but it would have been appropriate to give the organization a chance before the start of the bombing campaign.

### **The Coalition Campaign**

The first wave of the coalition attacks in Libya came predictably from France (Operation Harmattan) with the Dassault Rafael bombers destroying Libyan tanks attacking the rebels. Soon after, the United States (Operation Odyssey Dawn), the UK (Operation Ellamy), Canada (Operation Mobile) and a few other countries joined the coalition in enforcing the UNSCR 1973.

In the first few days of the coalition intervention, Gaddafi's forces suffered considerable setbacks and the rebels made some headway in taking control of a few key cities and installations. However, as the attacks went on, Gaddafi altered his tactics, kept his tanks and armoured columns well camouflaged and managed to thwart rebel advances. The United States on 31<sup>st</sup> March ceded leadership of the coalition forces and NATO formally assumed charge of the mission, now renamed as Operation Unified Protector. The present mission is commanded by the American four star admiral James G. Stavridis who is NATO's Supreme Allied Commander for Europe (SACEUR). He is assisted by the Canadian Lt. General Charles Bouchard who serves as the Operational Commander, Lt General Ralph J. Jodice II (United States) as Air Commander and Vice Admiral Rinaldo Veri (Italy) who serves as the

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<sup>20</sup> "African Union 'ignored' over Libya crisis", *BBC Hardtalk*, March 25 2011, available on <http://news.bbc.co.uk/2/hi/programmes/hardtalk/9436093.stm>

Maritime Commander. As NATO took over, the US started withdrawing its combat jets, missile ships and submarines. Since the American A-10 Thunderbolt tank-busters and AC-130 Specter gunships are pulled back, the British and French forces leading NATO have been finding it increasingly difficult to summon effective firepower to counter Gaddafi's forces.<sup>21</sup> Understandably, the situation appears to be heading towards a stalemate with both Gaddafi's army and the rebel fighters struggling to gain the upper hand. There have also been instances in which NATO forces mistakenly targeted the rebel fighters resulting in several casualties and vociferous protests.

A couple of peace initiatives were also proposed during this period. Gaddafi's son Saif proposed a plan "which would limit the role of his father and include opposition figures in an interim government. Elections would be held in the near future and a reconciliation process put in place."<sup>22</sup> This was rejected by the rebels and another peace mission was initiated by the African Union (AU) under South African President Jacob Zuma's leadership. The AU delegation managed to meet Gaddafi in Tripoli on 10<sup>th</sup> April and conveyed the key elements of their plan—immediate ceasefire, relief supplies and negotiation between the two groups. While Gaddafi appeared to be in agreement with the plan, the rebels rejected it as it did not ensure the immediate ouster of Gaddafi.

On the political front, a Libya Contact Group was formed on March 29<sup>th</sup> in London with representatives from 40 nations to oversee the emerging situation in Libya and to act as a political liaison with rebel councils

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<sup>21</sup> Peter Beaumont and Mark Townsend, "US begins withdrawing forces from Libya no-fly zone", *The Guardian*, April 3, 2011, available on <http://www.guardian.co.uk/world/2011/apr/03/us-withdrawing-forces-from-libya>

<sup>22</sup> Kim Sengupta, "Fight for Libya's future enters new phase as Gaddafi's son starts talks", *The Independent*, April 2 2011, available on <http://www.independent.co.uk/news/world/africa/fight-for-libyarsquos-future-enters-new-phase-as-gaddafirsquos-son-starts-talks-2260112.html>

operating out of Benghazi. The group met in Doha on April 13<sup>th</sup>, and the meeting felt that the “military impasse between the Gaddafi regime and the rebels has turned into a long haul”. This belief has been reaffirmed by the decision of the group to meet once a month, with the next session due in Italy.<sup>23</sup> Meanwhile, the UN Secretary General has appointed Abdullah al Khatib of Jordan as his representative to Libya, who is scheduled to meet the representatives of the rebels as well as Gaddafi.

### **Examining Resolution 1973**

Resolution 1973 by all means was a sweeping document with its language, scope and range, leaving too much to interpretation. The resolution “authorizes Member States acting nationally or through regional organizations or arrangements to take all necessary measures, notwithstanding paragraph 9 of 1970, to protect civilians and civilian populated areas under threat of attack, while excluding a foreign occupation force of any form on any part of Libyan territory”. The resolution appears to be in conflict with the spirit of the U.N. Charter, especially Articles 2(4) and 2(7), which prohibit the use of force and intervention in the domestic jurisdiction of any state. Moreover, intervention under chapter VII is mandated for situations involving the breach of *international* peace and security. And even in such cases, Article 42 permits use of force only after exhausting all the measures suggested in Article 41 like “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relation.” As the coalition intervention in Libya is progressing on the basis of resolution 1973, there are a few questions which need to be answered.

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<sup>23</sup> Ian Black, “Libya contact group discusses funds for opposition”, *The Guardian*, 13 April 2011, available on <http://www.guardian.co.uk/world/2011/apr/13/libya-contact-group-funds-opposition>

The foremost challenge is about defining the ultimate objective of the intervention—is it the enforcement of a no-fly zone and protection of civilians or is it regime change? The issue lacks clarity because the resolution while “authorising military action does not legally allow regime change as a motive for the operation”.<sup>24</sup> However, several senior leaders of the coalition have made it clear that they want Gaddafi to go. On 20<sup>th</sup> March, after a bombing raid on Gaddafi’s living quarters, the British Defence Secretary Liam Fox indicated that Gaddafi could be a legitimate target.<sup>25</sup> Fox, however, was immediately rebuked by many others including his American counterpart Robert Gates. Of late, however, a consensus seems to have emerged among the leaders of the coalition. In a joint op-ed published in leading newspapers including the *International Herald-Tribune*, the *Times of London* and *Le Figaro* on 15<sup>th</sup> April, Presidents Obama and Sarkozy and Prime Minister David Cameron made it clear that they want Gaddafi to go. The three leaders declared that “it is impossible to imagine a future for Libya with Gaddafi in power” and it is “unthinkable” that he “can play a part in the future government.”<sup>26</sup> So it remains to be seen how the coalition forces can legally bring about the purported regime-change in Libya.

Confusion also prevails whether the rebels merit protection under the resolution since they are armed and are involved in fighting. This essentially makes them combatants in a civil war and the resolution’s mandate is to protect civilians and civilian-populated areas. But in many

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<sup>24</sup> Robert Winnett, Libya: We might try to kill Gaddafi with air strike, says Liam Fox, The Telegraph, 21 March 2011, available on <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8394189/Libya-We-might-try-to-kill-Gaddafi-with-air-strike-says-Liam-Fox.html>

<sup>25</sup> ibid

<sup>26</sup> Joint Op-ed by President Obama, Prime Minister Cameron and President Sarkozy: ‘Libya's Pathway to Peace’, The White House, Office of the Press Secretary, April 14 2011, available on <http://www.whitehouse.gov/the-press-office/2011/04/14/joint-op-ed-President-obama-prime-minister-cameron-and-President-sarkozy>

instances the NATO led coalition by default has ended up as the air-force of the rebel fighters. The coalition is also uncertain about its stance in the event of a direct engagement between pro-Gaddafi fighters and the rebels. Another issue is whether NATO will interfere if Gaddafi's forces engage the rebel fighters. Similarly what can NATO do if the rebel forces attack civilians who are supporters of Gaddafi or if they kill black people, suspecting them to be mercenaries? A few such instances have already been reported.<sup>27</sup>

The following comments by Gen. Carter Ham, Commander of AFRICOM illustrates some of these dilemmas. On 21<sup>st</sup> March, in a video press conference with Pentagon reporters from his headquarters in Stuttgart the General said:

“We do not provide close air support for the opposition forces...The mission is to protect civilians. If civilians are attacked, we have an obligation under Security Council resolution and the mission that's been given to me to protect those civilians. We have no mission to support opposition forces if they should engage in offensive operations. There are also those in the opposition that have armoured vehicles and that have heavy weapons. To me, that says that those entities and those parts of the opposition are -- I would argue -- no longer covered under that protect-civilian clause. So it's not a clear distinction, because we're not talking about a regular military force. It's a very problematic situation. Again, you know, sometimes these are situations that brief much better at a headquarters than they do in the cockpit of an aircraft”.<sup>28</sup>

### **Arming the Rebels**

Providing arms to the rebel fighters will be another major area of confusion. Obama said he is not ruling it out, but he is also not ruling it in. British Foreign Secretary William Hague and U.S. Secretary of State Hillary Clinton have argued that there is nothing illegal about arming the rebels. However, NATO Secretary-General Anders Fogh Rasmussen's view

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<sup>27</sup> op cit no. 5

<sup>28</sup> DOD News Briefing with Gen. Ham via Teleconference from Germany, U.S. Department of Defense Office of the Assistant Secretary of Defense (Public Affairs) News Transcript, available on <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4790>

is that NATO is not in Libya to arm people. US Defense Secretary Robert Gates and Admiral Mike Mullen, the chairman of the Joint Chiefs of Staff, have made it clear that in case it is decided to arm the rebels, the US should not do it and let other countries take charge. After reports surfaced about jihadist connections of the rebels, even Hillary Clinton has been quoted as being reluctant to “send arms to the rebels because of the unknowns about who they are, their backgrounds and motivations”.<sup>29</sup> Meanwhile Steven Vanackere, Belgium’s Foreign Minister questioned the legality of arming the rebels and argued that it is “a step too far under existing UN resolutions and providing weapons to insurgents would cost the support of the Arab world”.<sup>30</sup> There is also a debate on the legality of arming the rebels. The two Security Council resolutions 1970 and 1973 can be interpreted differently as far as arming the rebels are concerned. Paragraph 9 of resolution 1970 prohibits arming any group in Libya and clearly spells out that an arms embargo is in place. According to the resolution,

“All Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya..... of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel.....”

However, paragraph 4 of resolution 1973 while authorizing “all necessary measures” to ensure the protection of civilians also permits that it can be done “notwithstanding paragraph 9 of resolution 1970”. Resolution 1973 later on (in paragraphs 13–16) reiterates the significance of enforcing the

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<sup>29</sup> Kareem Fahim, “Rebel Leadership in Libya Shows Strain”, *The New York Times*, April 3 2011, available on <http://www.nytimes.com/2011/04/04/world/africa/04rebels.html?pagewanted=print>

<sup>30</sup> Bruno Waterfield, “Libya: legal implications of arming the rebels”, *The Telegraph*, 30 March 2011, available on <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8416856/Libya-legal-implications-of-arming-the-rebels.html>

arms embargo. Those who support the arming of the rebels argue that the provision “notwithstanding paragraph 9 of resolution 1970” provides leeway to supply rebels. This debate still continues.

### **Responsibility to Protect**

The most impressive defence for international intervention in Libya has been the responsibility to protect-R2P doctrine. This was initially formulated by the International Commission on Intervention and State Sovereignty (ICISS) set up in 2000 which was an attempt to identify measures to intervene in individual countries in case of violation of human rights without compromising the concept of sovereignty. In the 2005 World Summit<sup>31</sup>, R2P was discussed and it was made a part of the Summit Outcome document<sup>32</sup> (paragraphs 138 and 139) adopted by the UN General Assembly. The Security Council through resolution 1674 in April 2006 made R2P an enforceable concept.<sup>33</sup> This makes collective action possible if “national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”. While the principle is noble, it certainly requires exemplary standards of implementation primarily because of the sensitivity of the issues involved. As it permits international intervention defying the principles of national security, there should be an objective mechanism to identify the instances in which the merits of intervention outweigh the risk of undermining the sovereignty of the nation. It is doubtful whether such a careful evaluation has been done in the case of Libya. Moreover, what the world witnessed in Libya was an act of selective intervention. The US, France, Britain and other leaders of the

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<sup>31</sup> The 2005 UN World Summit Report, available on <http://www.un.org/summit2005/>

<sup>32</sup> Key Developments on the Responsibility to Protect at the United Nations 2005-2010, available on [http://www.responsibilitytoprotect.org/ICRtoP%20Latest%20Developments%20at%20the%20UN%20Aug%202010\(2\).pdf](http://www.responsibilitytoprotect.org/ICRtoP%20Latest%20Developments%20at%20the%20UN%20Aug%202010(2).pdf)

<sup>33</sup> Resolution 1674 (2006) Adopted by the Security Council at its 5430th meeting, on 28 April 2006, available on <http://daccess-dds-y.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement>

coalition turned a blind-eye towards several dictators across the region whose actions were not too different from Gaddafi's. The decision may have been pragmatic for them and there is also some merit in the argument that it is better to intervene at least selectively rather than not intervening anywhere at all. However, selective application of the R2P principle eventually corrodes its importance and effectiveness. As the Polish Prime Minister Donald Tusk argues, "if we want to defend people against dictators, reprisals, torture and prison, that principle must be universal and not only when it is convenient, profitable or safe".

### **Who are the Rebel Leaders?**

Presently, there appears to be a proliferation of governing bodies controlled by the rebels. Most of them are based in the rebel stronghold of Benghazi. There is the Transitional National Council, a Military Council, an Interim Government and a number of provincial council. The National Transitional Council appears to be the apex body and it is headed by Mustafa Abdul Jalil. Jalil was a former judge and justice minister who resigned in March 2010. While he was a part of the Gaddafi administration until recently, he was noted for his criticism of the government and known all over Libya. Jalil is also known to be a religious conservative with a clean and transparent record. Meanwhile, the names and other details of most members of the Transitional Council have been kept a secret. The website of the council gives the details of just nine out of the total thirty-one members citing security reasons. Interestingly, within a few days of the announcement of the council headed by Jalil, an Interim government was also formed with Mahmoud Jibril as the Prime Minister. Jibril has a PhD in strategic planning from the University of Pittsburgh and he had been teaching there for nearly two decades. Jibril returned to Libya in 2007 when requested by Gaddafi's son Saif to head the National Economic Development Board. Other prominent members of the rebel political leadership include Ali al-

Essawi, the former Libyan ambassador to India who now pleads for the rebel cause in international forums, Fathi Baja who is a political science professor, and Ali Tarhouni, an economics professor at the University of Washington. Ahmed Sadek El Gehani, a former legal aide to Gaddafi and law professor is helping to draft a provisional constitution.

The military leadership of the rebels appears to be far less unified than the political one. The head of the Military Council is General Omar Hariri, who assisted Gaddafi in the 1969 coup and he has also functioned as Libya's defence minister. Meanwhile, the rebel army is led by Abdul Fattah Younis, who till 20 February served as Gaddafi's interior minister and head of Libyan special forces. However, there have been reports that several rebels are mistrustful of Younis' leadership, some even suspecting him to be Gaddafi's mole. Khalifa Heftar has also claimed the military leadership of the rebels. Heftar was a colonel in the Libyan army during the Libyan campaign against Chad (1978–1987). During the war, he crossed over to the enemy side and finally landed in the United States when the pro-US government in Chad was toppled in 1990. He has been staying in Vienna (in Virginia) close to the CIA headquarters in Langley since then. While in the US, he also commanded the Libyan National Army (it is the military wing of the anti-Gaddafi movement- the National Front for the Salvation of Libya) and attempted a coup against Gaddafi in 1996.

### **Rebels and *Jihadi* Links**

Based on all available reports from the Libyan battlefield, a majority of the rebel fighters appear to be a incongruent bunch caught in the frenzy of revolt. There are a number of military members who crossed over to the rebel side, but they are not yet a sizeable bloc. "Most of the rebel fighters in the east have been young volunteers with almost no training,

who have careered into battle in pick-up trucks”.<sup>34</sup> There are also middle and upper class professionals, teachers and lawyers trying to be part of the Arab Spring. Since they lack even basic military training, in the battle field they are found short of discipline and tactics. “Even where they have had the advantage, they have been outmanoeuvred in large part because there has been no plan for attack or defence”.<sup>35</sup>

But in the midst of this disparate coalition, there are reports about jihadist elements, which Admiral James Stavridis in his testimony before the US Congress on 29 March, replying to Sen. James Inhofe (R-Okla.) described as “flickers of Al Qaeda and Hezbollah”. While Adm. Stavridis clarified that “the rebels were, in the main, responsible men and women who are struggling against Gaddafi”, the reply was enough to send shock-waves amongst the global strategic community.\* The Sinjar records unearthed from Iraq showed that “at least 111 Libyans entered Iraq between August 2006 and August 2007. That was about 18 percent of AQI's (Al Qaeda in Iraq) incoming fighters during that period, a contribution second only to Saudi Arabia's (41 percent) and the highest number of fighters per capita than any other country”.<sup>36</sup>

The Sinjar records have shown that nearly all of the Libyans who fought in Iraq came from the Cyrenaican cities of Darnah and Benghazi. Since it

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<sup>34</sup> Andrew England, “Who’s who in Libya’s opposition”, *The Financial Times*, March 22 2011, available on <http://www.ft.com/cms/s/0/e76197b6-54af-11e0-b1ed-00144feab49a.html#axzz1JxAujdBp>

<sup>35</sup> Peter Beaumont and Chris McGreal, “Libyan conflict descending into stalemate as US winds down air strikes”, *The Guardian*, 2 April 2011, available on <http://www.guardian.co.uk/world/2011/apr/02/libyan-conflict-descending-into-stalemate>

\* An excellent rebuttal of the jihadist charges against the Libyan rebels is given by Najla Abdurrahman, “Putting The Rebel Rumors To Rest”, NPR, April 4 2011, available on <http://www.npr.org/2011/04/04/135110129/foreign-policy-putting-the-rebel-rumors-to-rest>

<sup>36</sup> Joseph Felter and Brian Fishman, “The Enemies of Our Enemy”, *Foreign Policy*, March 30 2011, available on [http://www.foreignpolicy.com/articles/2011/03/30/the\\_enemies\\_of\\_our\\_enemy](http://www.foreignpolicy.com/articles/2011/03/30/the_enemies_of_our_enemy)

was found out that most of the fighters reached Iraq in a matter of few months between March and August 2007, it can be assumed that the “tribal or religious networks were suddenly spurred to send fighters abroad” who appeared to be “extremely dedicated” as the vast majority of them were “registered as suicide bombers when they arrived in Iraq, a larger percentage than any other nationality other than Morocco”.<sup>37</sup>

There have been several Libyan jihadists who fought the Soviet Union in Afghanistan and some of these Afghan veterans in the early 1990s announced the formation of the Libyan Fighting Islamic Group (LIFG) which later became one of the most prominent radical groups in the Arab world. The group had declared the overthrow of Gaddafi as one of its aims and as a result, it was brutally suppressed by the government. In 2007, Al Qaeda announced that the LIFG merged with it but some of the Libyan rebels rejected this. Subsequently, some negotiations took place between the regime and LIFG and in mid-2009, it was announced that the LIFG was dissolved. Those opposed to this move then set up Libyan Islamic Movement for Change (LIMC), based in London. It is quite possible that cadres belonging to LIMC are now fighting alongside the rebel forces in Libya. Al Qaeda has never wasted an opportunity to target regions facing unrest like the AfPak border, Somalia and Yemen. Prolonged civil war in Libya may lead to an increased Al Qaeda presence in Libya as well. It is already preparing ground by putting up statements that the coalition intervention in Libya is a Western plot to take over the national resources of Libya. Therefore, while it is presumptuous to argue that the entire Libyan rebel network is penetrated or controlled by Al Qaeda or its affiliates, it will be prudent for the international community to be sufficiently cautious about such radical links howsoever tenuous they may be. This is extremely important if the NATO coalition decides to

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<sup>37</sup> ibid

arm the rebel fighters so that another Afghanistan is not created in the Maghreb.

### **What Next?**

Forecasting the future of Libya may not be a wise venture at this point. Allied forces have completed a month of aerial bombings but Gaddafi is still hanging on. If the rebels and NATO were expecting a swift overthrow of Gaddafi, that dream has turned sour. Incompetence among the rebel forces, insufficient firepower from the coalition, the limitations of aerial bombardment, half-hearted co-operation from most NATO members and inadequate intelligence on ground have all hampered the coalition's mission in Libya. The rebel leadership's diplomacy continues preaching to the converted. Russia, China, India, Brazil, Germany and many other countries still continue to be critical of the allied operation. The military operation itself is not making enough headway and a stalemate looms large. The rebels want the firepower to be amplified with the reintroduction of more American fighter bombers. Meanwhile, the civilians on whose behalf NATO is fighting are suffering from the alleged use of depleted uranium shells by the coalition and cluster bombs by Gaddafi. Meanwhile, the European energy consumers, especially Italy and France are increasingly worried about disruption in supply of Libyan crude oil as the stalemate continues. A large number of European refineries are equipped to refine only the 'sweet crude' coming primarily from Libya, and therefore a substitution of the source is not easily possible. This can push up the crude prices to alarming levels.

An exasperated British Prime Minister David Cameron complained that the UN Resolution 1973 which authorized "all possible measures" is far too restrictive to get the desired results. The United States is actively scouting for an African country (and a non-signatory to the Rome statute

which established the International Criminal Court) to provide asylum to Gaddafi. Ironically, Gaddafi himself had suggested this option before the outbreak of the hostilities. A stalemate and protracted civil war in which Gaddafi keeps control of western Tripolitania and the rebels stay in control in a NATO protectorate in the East is a possibility. But it will lead to immense suffering to civilians and a massive destruction of infrastructure. If Gaddafi is persuaded to leave or if he is removed from office by a coup or assassination, it is important to ensure that the country is not ruptured along tribal fault-lines ravaged by internecine conflicts.