AMERICAN AMBIVALENCE AND THE 'RESPONSIBILITY TO PROTECT' IN LIBYA:

VEERING TOWARD

'BOOTS ON THE GROUND'?

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Introduction

The Anglo-French military intervention in Libya, backed by US and then NATO, and legitimized by the Arab League and the UN Security Council, represents a complete reversal of US and European efforts to co-opt the Qaddafi regime that had begun in 1997-99— and which culminated in the US recognition of the Libyan regime in 2006 under George Bush, Jr. Although justified as a means to protect civilians against

Qaddafi's brutal use of force, the military intervention has metamorphosed into support for anti-Qaddafi political insurgents as a step toward possible "regime change." It is certain that the goal of democratic "regime change" in Libya by means of international sanctions and through the backing of insurgents has represented the predominant thrust of American and European policy since 1969 after Colonel Qaddafi seized power by staging a *coup d'etat* against King Idris. Yet unable to overthrow Qaddafi by clandestine means, the UK, France, US (and South Africa) then began to engage in a policy of cooptation in the period 1997-2010. These negotiations began prior to the 2003 Iraq war— although George Bush, Jr. tried to claim that the US-led military intervention in Iraq served as leverage to press Qaddafi to eliminate his Weapons of Mass Destruction (WMD) program. Once Qaddafi did agree to eliminate WMD, the Bush administration recognized the Libyan regime in 2006. Libya was also removed from the US government list of states that support terrorism in 2006, but this step largely ignored the use of state terror by Qaddafi against his own population, even though the regime did begin, belatedly, to consider reforms. This US-European policy of cooptation largely remained in place until the rise of Arab "democracy" movements in 2011. The overthrow of authoritarian leaders Ben Ali in Tunisia and Hosni Mubarak in Egypt suddenly led to the popular hope that other regimes in the Arab/Islamic world could be peacefully overthrown by popular insurgency— including that of Qaddafi.

This article will outline US and European efforts to overthrow Qaddafi during the Cold War, and then co-opt him in the post-Cold War period. It will argue that the demands to overthrow the Qaddafi regime by force came about in the aftermath of the Arab "democracy" movements, under the guise of the "responsibility to protect" supported by the Arab League and the United Nations. It was France that largely seized the initiative, backed by the United Kingdom, with the United States reluctantly and ambivalently following, but insisting that the operation be under NATO auspices. In effect, the ultimate French goal in acting in Libya is to develop a stronger European security and defense umbrella over the Euro-Mediterranean. The article will argue that the conflict appears to be moving toward the deployment of ground forces either to overthrow Qaddafi (which was not the initial UN mandate) or

as peacekeepers. But *if so*, whose boots? Those of the US and NATO? Or those of the Arab League and/or African Union?

Failed Efforts of Regime Change

Once Qaddafi seized power in 1969, he ejected the Americans from Wheelus Air Base, the largest US air base in the region. Qaddafi nationalized American and European transnational oil concessions and eventually sought diplomatic backing and arms from the former Soviet Union. Libya played a leading role of the 1973 Arab oil embargo, which led to a major hike in world oil prices. In addition to personally planning the Lockerbie bombing of Pan AM Flight 103 on 21 December 1988 according his former justice minister(1) among other violent actions, Qaddafi also financed numerous revolutionary and "terrorist" organizations throughout the world. These included the Irish Republican Army and differing Palestinian groups, in addition to carrying out numerous assassinations against domestic and external enemies. In the region, France and Libya supported opposite sides in the horrific conflict over Chad, among other conflicts throughout Africa. In the Arab/Islamic world, Qaddafi has generally been isolated (in opposing monarchist Saudi Arabia); Libya has consequently forged alliances with Syria and to a certain extent, with Iran, discussing possibilities of joint oil and gas projects and of developing infrastructure such as factories, roads, and hospitals in January 2010, for example.(2) Libya has likewise forged alliances with pan-African movements and other states and political movements that oppose American, European or Saudi interests under the general dictum, "the enemy of my enemy is my friend."

In 1981 the National Front for the Salvation of Libya (NFSL), backed by the CIA, French intelligence and Saudi Arabia, was established to overthrow Qaddafi. The NFSL launched a series of military attacks in the 1980s and created its own Libyan National Army (LNA). At roughly the same time, in 1981, a squad of Libyan hit men was said to be plotting a terrorist attack against the White House and to assassinate President Reagan. Shortly after terrorist attacks in the Rome and Vienna airports on

Dec. 27, 1985, President Reagan purportedly approved a secret directive under which United States military forces would support Egypt in the event of a "pre-emptive" attack on Libya. Egypt, then under Hosni Mubarak, and the United States continued to prepare for this contingency throughout 1986. In April 1986, a bomb exploded in a Berlin nightclub, killing two American soldiers; the attack was blamed on Libya. The Reagan Administration clashed with the Libyan fighter jets over control of the Gulf of Sidra, and bombed Qaddafi's bunker, killing his adopted daughter. Qaddafi was said to revenge himself by bombing Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988. (Qaddafi may also have been acting in alliance with Iran, after the US shot down an Iranian airliner earlier that year).(3) By 1993, the UN imposed sanctions on the regime after Scottish prosecutors charged two alleged Libyan intelligence agents in November 1991 with carrying out the Lockerbie attack.

Steps toward Cooptation

By 1997-99, however, US and European policy began to reverse itself: If the US and Europeans couldn't overthrow Qaddafi, then it was better to co-opt him. By 1997-99, Nelson Mandela, Tony Blair, and Kofi Annan sought to convince Qaddafi to give up his Weapons of Mass Destruction programs in exchange for an end to UN sanctions and US/European recognition of the regime. Qaddafi consequently sought a deal over Lockerbie while the US and Europeans sought oil concessions.(4) Qaddafi was to stop supporting international terrorism. This was in Qaddafi's own interests in that he saw Al Qaeda and the Muslim Brotherhood as threats to his leadership; he consequently sought to brutally repress those movements, particularly in poorly developed eastern Libya where the present rebellion began in 2010. In addition, the EU provided funding for Qaddafi to strengthen border security and thus prevent illegal aliens from going through Libya from Africa to Europe.(5) Despite promises for domestic reforms within Libya, Qaddafi's dictatorship and use of state terrorism against his domestic political opponents largely remained unchecked. On May 15, 2006, the US decided to renew full diplomatic relations with Libya and remove Libya from the list of countries that foster terrorism. These steps were taken after a gradual normalization of relations in which Libya accepted responsibility for the Pan

Am 103 bombing and provided compensation. Libya's dismantling of its weapons of mass destruction was likewise represented a major step. In the period 2006-2010, both American and European politicians hoped to obtain major contracts from the Qaddafi regime. At the same time, the pace of domestic reform was very slow. This was true even though Libyan businessmen (not accused of economic "crimes") returned from exile and Qaddafi's son, Sayf al-Islam, promised to engage in political and economic reforms, including dialogue with the repressed Muslim Brotherhood, among other groups.(6)

The Decision to Intervene and the "Right to Protect"

At the roots of the crisis has been the apparent failure of co-optation policies. The benefits of recognizing Qaddafi did not appear to bring rapid results, from either an international or domestic Libyan perspective. According to Wikileaks, French relations with Libya were considered "stable" but the French were nevertheless frustrated with the Libyans' failure to deliver on promises regarding visas, professional exchanges, French language education, and commercial deals, including civil nuclear power, for example. These factors appeared to illustrate a significant degree of incompetence and corruption within the regime. French interests were not entirely satisfied. French President Nicolas Sarkozy had gone so far as to invite Qaddafi to stay in his Bedouin style tent in the heart of Paris in July 2007 in the hope to sign lucrative contracts, including a memorandum of understanding on nuclear energy cooperation, plus petroleum and weapons deals.(7) In March 2010, France invited Libya and Syria among roughly 60 countries, for a two-day conference on access to nuclear power. The French meeting was said to be "complementary" to the US talks on the nuclear question, addressing efforts for nuclear disarmament alongside prospective growth in the civil nuclear power sector. By contrast with France, however, it was Italy that not-so-ironically appeared to make major contracts with its former colony, Libya— including missiles, electronic equipment and other arms deals. Both Russia and the European Union provided Qaddafi with a significant weapons capability which explains, in part, his ability to hold out against largely

untrained resistance fighters today.(8) The opening of Libyan oil wealth to the US and Europe also provided a major opportunity for number of multinational banks to invest Libyan sovereign wealth funds worth an estimated $53 billion.(9)

While there were some rumors that Qaddafi had placed significant fines on French oil interests prior to the outbreak of the conflict, the main spark of the conflict had to do with the tepid European reaction to the regional Arab "democracy" movement. In particular, French failure to deal immediately and effectively with the nation-wide protests in Tunisia and then Egypt led France to reconsider policy toward the entire region. President Sarkozy wanted to appear to be in the forefront of future social and political transformation, largely in the effort to forge a more integrated Euro-Mediterranean. Having supported a number of dictatorships for decades, France wanted to be seen as the state most concerned with assuring a transformation to democracy for the entire region in the future. France also wanted to obtain Arab League support and investments, if not obtain contracts for items such as the advanced Rafale fighter jet, which was among the first aircraft to engage in combat in Libya, but which has not yet found an export market. It was argued that if Qaddafi remained in power for much longer, he could destabilize the Tunisian and Egyptian revolutions. Moreover, if Qaddafi used force against his own people, then the militaries in Tunisia and Egypt might do the same. Moreover, the possible failure of the US, Europe and the Gulf states to provide sufficient aid and assistance could ultimately permit political extremists to come to power in Egypt, Tunisia and elsewhere. In addition, Iran could possibly find ways to take advantage of the situation. French and British demands for military action were initially opposed at the G-8 summit meeting before those demands for a "responsibility to protect" were taken to the UN Security Council by Lebanon.(10)

On a domestic level, the decision to intervene in Libya took place when President Sarkozy opted to support the highly mediatized demands of French political philosopher Bernard Henri Lévy, among other liberal interventionists, for military

intervention on grounds of the "responsibility to protect" the civilian population. It was argued that Qaddafi would soon be engaging in a more widespread repression that would make the US and Europe once again look impotent in the face of mass killing. Yet it is not absolutely certain that this would prove to be the case. At the same time, even if large scale killing would have taken place, the question raised in this article is how to implement the doctrine of the "responsibility to protect" in practical terms *without making the situation even worse than it already is*. In many ways, the doctrine of the "responsibility to protect" developed out of the failure to prevent genocide in Rwanda in 1994.(11) In the latter situation, UN peacekeepers were already on the ground and their mandate *as a preventive conflict force* needed to be expanded with greater numbers of UN troops in order to prevent a clearly foreseen genocide. In Libya, the situation has been quite different: Preventing massacres by Libyan government forces depends on a military intervention *from the outside* in a situation in which peacekeepers are not already on the ground. Such an intervention involves the ostensibly "accidental" killing of civilians (so-called "collateral damage") in order to prevent the further *deliberate* killing of civilians by Qaddafi's forces. In protesting NATO bombing, Amr Moussa, Secretary General of the Arab League stated on 20 March 2011, for example, that the no-fly zone should involve "the protection of civilians and not the shelling of more civilians."(12) Yet, as to be argued, the military enforcement of the "responsibility to protect" *in real circumstances in Libya* requires the significant use of force. On the one hand, aerial bombardment alone may not be adequate to protect the population and, on the other, military action may result in significant numbers of "accidental" causalities, plus significant loss of life of combatants *on both sides*.

The Doctrine of the "Responsibility to Protect"

The "responsibility to protect" depends on an appropriate analysis of what is "large scale" loss of life, actual or "apprehended." Yet "apprehension" of a *future* large scale loss of life raises questions as to how the event is perceived, interpreted and then mediatized, so as to justify an intervention based on predictions that *may* or *may not* prove accurate. Responsibility to protect doctrine also depends upon "right

intention." Yet the "right intention" of states is questionable in that states generally hide ulterior motives, even if working multilaterally or in concert. Moreover, state intervention is always *selective*: Why intervene in Libya while ignoring other states that are also engaging in egregious human rights violations? Using force only as a "last resort" is likewise crucial to the doctrine, yet it is not at all clear that states engage in all possible measures to prevent conflict, even in situations where the outbreak of conflict has been predicted long before it actually breaks out. It is generally only once the possibility of conflict becomes imminent that states engage in last minute efforts to mediate, and hence attempt to prevent conflict. The dilemma is that they often fail, doing too little, too late. Even more importantly, states generally do not give sufficient long term attention to transforming or reforming the *deeper* structural and systemic causes of conflict and consequently are unable to prevent conflict in the first place.(13) Military intervention and peacemaking/peacekeeping then becomes a palliative that does not necessarily prevent conflict in the not-so-long term or only perpetuates it (as in Afghanistan)— as the root causes of the conflict are not fully addressed. Rather military intervention can lead to long term peacekeeping (as in Kosovo). The latter can possibly lead to an "occupation" despite denials to the contrary— a situation which is ironically not the goal set by the "responsibility to protect" doctrine itself.

Once the decision is made to intervene by military means, actions are expected to be "proportional," according the doctrine of the "responsibility to protect." But in an age of asymmetrical warfare, how can proportionality be defined? Here, once again, the possibility of expanding of UN peacemaking capabilities in Rwanda would have been very different than battling Qaddafi's forces, which are willing to engage in unconventional forms of warfare from a position of relative inferiority. The doctrine furthermore expects a "reasonable" chance for the "success" of the intervention. But "success" according to whose standards, values and perspectives? By whose "reason"? And finally, beyond the scope of this paper, is the fundamental question of "right authority" that legitimizes military action in the first place. Without a radical reform of the UN system, it is not clear that the present United Nations truly

represents the post-Cold War "world community," and yet it is the only global governance authority that we have at present.

The French Attempt to Seize the Initiative

Initially, French demands at the European Council on 10-13 March 2011 included recognition of the Interim National Transition Council (INTC) as the *sole* diplomatic representative of Libya. France furthermore wanted to act *unilaterally* even if other countries disagreed while waiting for an accord from the UN Security Council. (This is a position that actually violates "responsibility to protect" doctrine which demands multilateral and concerted action.) The European Council subsequently decided that it would recognize the Interim National Transition Council (INTC) as one of the representatives of the Libyan people (but not the *only* one) and that military action had to be agreed upon by the UN Security Council and the states of the region. (Newly appointed foreign affairs minister, Alain Juppé, was not present at this European Council meeting.)(14) Demands for military protection of the civilian population by means of a no-fly zone, coupled with claims that a much greater massacre might take place in the near future if the international community did not soon intervene, suited the interests of President Sarkozy, who has been determined to build a stronger European defense capability that could act outside of NATO command, if necessary. President Sarkozy initially opposed President Obama's insistence that the Libyan operation be under a NATO command, in part due to Arab sensitivities and general opposition of the Arab/Islamic world to NATO involvement, but also in the hope that this intervention could become a French-led European, and not American-led, operation.(15) French unilateralism was, in part, intended to pressure the US and NATO into accepting European-led operations.

Clashes in American Policy

While Sarkozy picked up on liberal interventionist ideology, as promulgated by Bernard Henri Lévy (in tacit alliance with American neo-conservatives), a number of American women leaders likewise urged military intervention under the

"responsibility to protect"— by pressing the reluctant (and overstretched) Pentagon to intervene. While Secretary of Defense, Robert Gates, national security adviser, Thomas E. Donilon, and the counter-terrorism chief, John O. Brennan, argued against American military action in Libya, Secretary of State Hillary Clinton, who obtained some Arab League support, was able to override their objections. Samantha Power of the National Security Council and UN ambassador Susan Rice, who pressed the UN Security Council to obtain a 10-5 vote in favor of a no-fly zone, likewise argued for the deployment of military force.(16) Republican John McCain, among other neo-conservatives (Sarah Palin and Joe Lieberman) — as well as liberal interventionists (John Kerry) — likewise supported US military action in support of a no-fly zone. While the G-8 initially opposed military action, as had Washington, the Arab League supported a no-fly zone, which was crucial to obtaining UN support for Security Council Resolution 1973 (10 votes for UNSC 1973 with 5 abstentions). But the Arab League then disputed the US-UK-French-led military intervention. The Arab League was seen as backing off from its initial support for military action when the US, France, the UK, and then NATO, began to bomb Tripoli and other locations. Amr Moussa, Secretary General of the Arab League, argued on 20 March 2011 that a no-fly zone should seek "the protection of civilians and not the shelling of more civilians".(17) From a military perspective, however, it was not possible to enforce a no-fly zone without first bombing key air defense centers which could unfortunately be positioned near population centers. "Collateral damage" should be minimized but did not seem possible to avoid altogether.

The Views of Saudi Arabia, Iran and other States

Prior to the onset of hostilities, on March 7, the Gulf Cooperation Council had backed a no-fly zone over Libya, after NATO suggested that it might intervene to protect the population. Saudi Arabia strongly supported military intervention against the Qaddafi regime, although the Saudi's have not taken a leading military role— unlike Qatar and United Arab Emirates. King Abdulla of Saudi Arabia (who sees Libya as anti-monarchist) and Qaddafi (who opposes Saudi Arabia in that it is aligned to the US) had traded insults in past Arab League summits. Once it began its brutal

crackdown on its own population, Libya was expelled from the Arab League. By contrast, the African Union, of which Libya is also a member, declined to take part in sanctions or suspend Libya's membership. At the same time, Riyadh strongly opposed a number of American democratization efforts, such as American pressures to force Mubarak out of power in Egypt. This was in part due to the fear that the democratization process could bring to power more radical elements in Egypt which could oppose pro-Western monarchist rule in Arab countries. Saudi Arabia additionally engaged troops in Bahrain (invited by the latter's Sunni minority leadership) in order to repress what it saw as a regional pan-Shi'a movement backed by Iran. Riyadh argued that such a pan Shi'a movement could seek to destabilize the predominantly Shi'a regions of the oil rich province of eastern Saudi Arabia (Shi'a make up roughly 15% of the Saudi population), as well as Sh'ia regions in Iraq, Lebanon, and Yemen. The latter country now appears to be entering into a civil war, in part fuelled by Saudi-Iranian rivalry superimposed upon inter-tribal rivalries. By contrast, the US has urged the Bahraini leadership to seek a political, as opposed to a military, solution with respect to accommodating its majority Shi'a population. While Iran can certainly attempt to take advantage of the situation, it is not necessarily the main cause of the conflict, in the American perspective.

Ironically, in response to Libya, Iran itself has played a double game: On the one hand, Tehran affirmed its demand that states respect national sovereignty and not to intervene forcibly in the internal affairs of other states. On the other hand, top Iranian officials including President Mahmud Ahmadinejad and some editorialists have strongly criticized Qaddafi for the brutal suppression of his own people.(18) This fact raises concerns that Iran might still seek accords with Qaddafi, but also provide clandestine support to some opposition movements depending upon the outcome of the struggle. (At the same time, though willing to criticize Libya, Israel and other states, Iranian leaders appear to have no qualms about repressing their own population and the Green Movement, while Israel has remained largely quiet, not wanting to imply support for yet another intervention against a Muslim country.)

Russia and China, which both abstained from the voting on the U.N. Security Council Resolution 1973 authorizing a no-fly zone (as did Brazil, Germany, and India), expressed regret that Western powers had chosen to get involved militarily in Libya.(19) Here it interesting to underscore that the rising new powers, China, Brazil, and India all sought a common position. All generally argue that a weak and collapsing Libyan regime is in no one's interests. (There has been some speculation that had Vladimir Putin been President of Russia, he might have vetoed UN Security Council Resolution 1973.)

American and NATO Policy

Having backed a number of Arab dictatorships with significant economic and military assistance, both the US and Europeans were slow to react to the socio-political revolutions in Tunisia and Egypt, despite some very limited behind-the-scenes efforts by American diplomats to urge both authoritarian governments to reform, as revealed by State Department cables leaked by Wikileaks.(20) The overthrow of authoritarian leaders Ben Ali in Tunisia and Hosni Mubarak in Egypt consequently led to the popular hope that other regimes in the Arab/Islamic world could be peacefully overthrown by popular insurgency— including that of Qaddafi. Here, however, there was a key difference in regimes: the military in both Tunisia and Egypt have remained under American and European tutelage, and hence these regimes were cautioned by the United States not to repress popular aspirations for democratic rights and a modicum of justice. By contrast, regimes in Libya, Syria, Iran, all countries which generally oppose American foreign policies, engaged in violent repression against popular demands for political reforms. Not-too-dissimilarly, as discussed above, Saudi Arabia, whose massive oil wealth makes it relatively independent of US pressures, sent peacekeeping troops into Bahrain (called by Teheran an "invasion")— so as to counter what Riyadh has interpreted as the rise of regional pan-Shi'a movements backed by Iran.(21) The present conflict with Libya is, at least to a limited extent, an indirect outgrowth of US/Saudi-Iranian rivalry that appears to be widening throughout the "greater Middle East"— in the not-to-be exaggerated fear that Tehran might be able to capitalize on events in Libya and Arab

revolutions elsewhere in the region, to the detriment of the Arab states. The danger is that Saudi-Iranian conflict appears to be superimposing itself over Arab democracy movements, possibly leading these movements away from implementing differing forms of "democratic" governance that would be more suitable to Arab/Islamic custom and culture.

The rise of the Arab "democracy" movements accordingly led to the assessment that Qaddafi's days were numbered (as were those of other Arab dictators). By contrast, Qaddafi's reaction to the Arab democracy movement was to engage in violent repression in order to prevent his future overthrow by factions of his own people (opposing clans), whom, he claimed were supported by the Americans, Europeans and the Saudi's (plus groups such as Al Qaeda) that had historically sought to overthrow him. For essentially domestic political reasons, the US could not justify its involvement in Libya unless the operation was under a NATO mandate, even if it were US Tomahawk cruise missile strikes (at US expense) that primarily worked to destroy Qaddafi's air defenses. This is largely due to the fact President Obama's decision to back the Anglo-French intervention has been seen by many in Congress as violating the 1973 War Powers Resolution. The latter requires the US to withdraw military forces from conflict after the expiration of a 60-day deadline for hostilities which have not been approved by Congress. Moreover, as President Obama has sought to disengage from Iraq and soon Afghanistan, Obama has needed to make Libya look more like a European action, even if the United States predominates over NATO military assets. The US has also been cautious due to roughly 5,000 Americans living in Libya, who have had some difficulties leaving the country.(22) The major concern of American critics is that this war represents yet another war of "strategic choice" (after Afghanistan and Iraq) as opposed to a war of "strategic necessity"; yet it is not entirely clear that the choice of strategy in support of the "responsibility to protect" and that involves American forces has been thoroughly determined or planned.

While France plunged ahead in bombing Libya with UK backing, a number of NATO members were reluctant to engage in military force. Both Turkey and Germany initially opposed military intervention. France itself preferred a European command in part due to Arab sensitivities, but also in the effort to "Europeanize" NATO. France under President Sarkozy had rejoined NATO's integrated command; yet in so doing, Sarkozy has sought to implement a French-led European security and defense umbrella over the Euro-Mediterranean (while demanding that the US remain in the background). Eventually a Canadian general was appointed to command NATO forces in Libya, in an effort to forge a compromise among NATO members who still did not agree as to the exact nature of the UN mandate (UNSC Resolution 1973). Fourteen NATO countries have thus far taken part in the operation, "Unified Protector" which has included air strikes, a no-fly zone and naval enforcement of an arms embargo. While there was general agreement among those NATO members who agreed to participate as to the "responsibility to protect," there has, however, been no clear agreement as to whether the ultimate goals should involve regime change, political compromise with Qaddafi, or even recognition of the political opposition. To date, France, Italy, Qatar, Kuwait, Gambia, Turkey, Senegal, the Maldives, and also Russia, have formally recognized the Interim National Transition Council (INTC) as a legitimate diplomatic representative of the Libyan people. The US has invited the INTC to set up an office in Washington DC. (For a statement of Interim National Transition Council goals see, "A vision of a democratic Libya.")(23) Here, for example, Moscow, which has moved away from support of Qaddafi (despite Libyan promises to purchase up to $4bn in Russian arms), does not see the INTC as the sole representative of the Libyan government. Moscow has offered to mediate between warring factions in Tripolitania and Benghazi if both sides will accept.(24)

While still thriving neo-conservatives have forged a tacit alliance with liberal interventionists in supporting the military operation, it is interesting to note how other "ethical idealists" and "traditional realists" initially joined forces in opposing military intervention in Libya. International lawyer and scholar Richard Falk denounced the intervention as illegal, immoral and hypocritical.(25) Falk argued that

the Libyan Interim National Transition Council had fooled the Obama administration in much the same way as the Iraqi National Council had fooled the George W. Bush Administration.(26) Both Richard N. Haass, President of the Council on Foreign Relations, and traditional realist and editorialist George Will, essentially argued that it would not be possible for a "no-fly zone" and military intervention to avoid "mission creep."(27)

The American Congress itself was split; some argued that Obama had no right to engage in military force without explicit Congressional approval; others indicated that military intervention to protect civilians was justified. Richard Lugar, the ranking Republican on the Senate Foreign Relations Committee, stated: "Given the costs of a no-fly zone, the risks that our involvement would escalate, the uncertain reception in the Arab street of any American intervention in an Arab country, the potential for civilian deaths, the unpredictability of the endgame, the strains on our military, and other factors, it is doubtful that U.S. interests would be served by imposing a no-fly zone over Libya."(28) By 3 June 2011, nearly 100 House Republicans supported Democratic congressman Dennis Kucinich's resolution that demanded the withdrawal of all US forces from Libya within 15 days. Although that vote lost by 265-148, an alternative resolution by John Boehner, the Republican leader of the House called for the restoration of Congress's constitutional role for funding the conflict. This vote was passed by 268-145 votes and requires President Obama to supply information on the operation within two weeks. The Boehner resolution also states that President Obama may not commit ground troops to a NATO campaign that has thus far been waged by air and on sea. The two votes avoided the key issue as to whether Congress should authorize this mission or not. It remains to be seen what the Senate will say, although some Senators are concerned that the two votes in the House could damage relations with NATO allies. Although President Obama has promised not to put boots on the ground, James Stavridis, the head of NATO's military operations, told a Senate panel in March 2011 that "the possibility of a stabilization regime exists."(29) This implies the possibility of peacekeeping deployments— even if Qaddafi is eventually forced out without the use of ground

forces. It thus opens up the eventual prospect of the deployment of NATO peacekeepers, *but could also imply the deployment of forces from other countries, assuming they can be made available*.

Toward "Boots on the Ground"?? If so, Whose Boots??

The issue raised here is that of "mission creep." A no-fly zone is not sufficient: one cannot fully protect civilians without arming the opposition; it furthermore appears dubious that aerial bombing alone will bring down a dictator. (War "over" Kosovo did not bring down Slobodan Milosevic; the no-fly zone and intensive US-UK bombing of Iraq from 1998-2003 did not bring down Saddam Hussein.) The French and UK have asked the US for at least eight AC-130 flying gunships and A-10 attack planes that are needed for ground-support operations at a time when NATO forces have augmented attacks against Qaddafi headquarters in Tripoli. France and Britain have wanted closer air support in order to deploy attack helicopters that would help resistance forces capture more of the ground now held by the Qaddafi forces. In mid-May, Britain urged the expansion of NATO targets to command and control centers in order to put greater pressure on the regime.(30) The UK has recently begun to deploy "bunker buster" bombs to destroy underground military facilities. Yet in addition to the deployment of military advisors and rumored use of special forces,(31) these demands appear to represent one more step closer to putting boots on the ground. This raises the prospects of "mission creep" involving greater numbers of causalities and even greater financial, political and military obligations.

The French-led UK-supported policy is caught up in spiraling tensions in which there appears to be no way out, while the Obama administration has hoped to straddle the fence, but appears to be ceding to European demands. So far, following the ongoing fiasco in Iraq in which US troops are threatened even as they exit the country, and the widening crisis in Afghanistan, Pakistan and ongoing containment of Iran, among other more vital strategic concerns, including rising tensions between Israel and the Palestinians in opposition to the Fatah-Hamas accord brokered by the new post-Mubarak Egypt, plus civil war in Yemen, the US and Europeans (as well as Arab states which helped to legitimize the operation) have thus far refused to put

troops on the ground in Libya, except for special forces. While the Arab League initially expressed its opposition to US or European forces to set foot on Libyan soil, the situation increasingly appears to be heading toward the deployment of troops.

Despite bombing Qaddafi's headquarters (raising ethical and legal questions about the targeted killing of a leader in which the US is not technically at war), the risk is that Qaddafi (and his sons) may not give up in the short term, and that the country could be partitioned, with forces and clans loyal to Qaddafi and family still in control of Tripolitania. This pessimistic scenario could become a reality as long as Qaddafi and sons and Interim National Transition Council (INTC) resistance forces in Benghazi refuse to recognize one another, or if Qaddafi refuses to step down and seek asylum in Uganda or elsewhere. Or, on the contrary, *even if* Qaddafi eventually does fall, weakened and isolated by NATO bombing and international sanctions, plus defections of his key members of military staff, it is not certain the INTC can necessarily gain the trust of *all* Libyans, given social and regional divisions among the differing clans and political divisions among "democrats," "constitutional monarchists" and differing kinds of Islamicists, including those with alleged links to Al Qaeda.(32)The longer Qaddafi remains in power, even from a relatively weaker position, it is feared that he could return to his old ways. These fears in turn fuel demands to use even greater force to remove him and his family from power, raising the prospects for more civilian deaths and destruction. It has been argued that the *threat* of concerted actions and direct military intervention with boots on the ground will soon press Qaddafi to accept a total cease fire, much as was the case for Slobodan Milosevic at the end of the war "over" Kosovo, when the latter felt completely isolated without Russian supports. Yet, unlike Milosevic, Qaddafi may continue to call NATO's bluff, in the hope that Arab populations will oppose yet another direct Western military intervention in the Arab/Islamic world.

The situation might be different, however, if a proposed military intervention involving 'boots on the ground' were to be made up of Arab forces, as once purportedly sought by the Reagan administration, which hoped to engage Egyptian forces against the Qaddafi regime in the mid-1980s.(33) But this dangerous option appears highly unlikely given the lack of strong leadership in Egypt and the real

potential for political-economic instability that could further destabilize the entire region.(34) At the same time, some form of Arab League or African Union peacekeeping force might be needed in the aftermath of the conflict— if a political settlement is ultimately to be achieved. Outside the very significant strategic and political risks inherent to any direct military intervention on the ground, whether by European or Arab forces, there still remains the option of a *coup d'etat*— an action which has been attempted against Qaddafi in the past, but which could possibly succeed in current circumstances given the fact that Qaddafi appears increasingly isolated, with a number of high level official defections, and with civilian movements in Tripoli protesting against him. On 25 February, 2011, the UN Human Rights Council adopted a European-drafted resolution condemning Qaddafi for his crackdown and established a UN commission of inquiry to examine possible war crimes by Libyan authorities. On 17 May 2011 the International Criminal Court issued a request for an arrest warrant against Qaddafi for crimes against humanity.(35) Perhaps just as significantly, a *fatwa* was placed against Qaddafi by a very influential Egyptian Islamic theologian, who additionally urged Egypt to support anti-Qaddafi forces.(36) On 28 May 2011, the G-8 (including Russia) demanded that Qaddafi step down.

By the end of May, South African president Jacob Zuma stated that Qaddafi was ready to accept an African Union initiative for a ceasefire that would stop all hostilities, including NATO airstrikes in support of rebel forces. The latter options, however, were rejected by both NATO and the insurgents who demand that Qaddafi to step down first before any kind of deal is made.(37) Both the UN and Russian President Medvedev have likewise sent envoys to discuss possible options. Having urged a ceasefire and diplomatic compromise, China has also met with Libyan opposition representatives in Qatar, representing another blow to Qaddafi.(38) The key dilemma, however, is that the NATO insistence that Qaddafi step down immediately could perpetrate the conflict for quite awhile; by contrast, what is needed is a political formula in which Qaddafi and his sons will eventually step down after a mutually agreed transitional period.(39) Evidently, a negotiation that will not be easy to achieve.

The longer the conflict continues, the greater the cost and the greater the social instability, and greater the difficulty involved in the political and economic reconstruction of Libya (and the region). Despite its oil wealth, the slow disaggregation of the Qaddafi regime could open up schisms among Libya's divergent clans and highly uneven levels of regional development. Libya's southern and eastern regions could be subject to infiltration by the Al Qaeda Organization in the Islamic Maghreb among other pan-Islamic groups. The collapse of the Libyan regime could also result in refugee flows (so far some 900,000 people have fled the country) that could further destabilize the weak political economies of Tunisia and Egypt which are in desperate need of $20bn in economic loans and assistance promised over the next 2 years by the G-8 through the World Bank, the IMF and the European Bank for Reconstruction and Development (EBRD), plus as much as $10bn in bilateral loans and $10bn in loans from Arab states, who seek to create a new Middle East Investment Bank.(40) These financial concerns— which may not be sufficient in assisting Arab-style democratic governance or even capable of preventing further socio-political-economic instability— unfortunately add a significant burden to the general financial crisis in the US and Europe, not to overlook indirect costs that impact upon an overstretched US and NATO.

Given the fact that the Libyan intervention represents a costly diversion from a large number of more pressing geostrategic concerns from the American perspective (but not necessarily from the European view), there is a real danger that US and European military interventions from Afghanistan, to Iraq, to Libya will not resolve the deeper systemic and structural roots of these conflicts, leaving these regions to fester in social-political-economic instability without prospects for real human development. While the goals of the "responsibility to protect" doctrine may appear, on the surface, to be noble and just, and could work in certain situations, the actual implementation of those goals may not be feasible or "successful" in all cases. A failure of the doctrine could prove to be the case in Libya *if the conflict continues to*

drag on for many more months without some form of political resolution, and particularly if it ultimately requires the unwelcome prospects of NATO boots on the ground.

N O T E S

[1]   http://www.france24.com/en/20110223-kadhafi-ordered-lockerbie-bombing-ex-minister-tells-paper#

[2] http://www.irantracker.org/foreign-relations/libya-iran-foreign-relations

[3] It has been claimed that Qaddafi's action against Pan Am Flight 103, which was carrying American military personnel, was also in revenge for the bombing of Iran Air Flight 655 (IR655) shot down by the USS Vincennes on 3 July 1988, which Iran claimed was not an accident.

[4] It has been alleged that the decision to free the Lockerbie bomber Abdelbaset al-Megrahi could have been influenced by lobbying over British Petroleum's commercial interests in Libya — an allegation denied by the Scottish government.

[5] Dan O'Huiginn, blog

http://ohuiginn.net/mt/2011/02/eu_libya_arms_press_review.html

[6] See Christopher M. Blanchard, "Libya: Unrest and U.S. Policy" Congressional Research Service (April 25, 2011) http://www.fas.org/sgp/crs/row/RL33142.pdf

[7] French State Secretary for Human Rights, Rama Yade, criticized the visit of the Libyan leader, which took place on Human Rights Day: "Our country is not a doormat on which a leader – terrorist or otherwise – can wipe off the blood of his country." Shortly afterwards she was removed from her post and transferred to the unimportant sports portfolio. See analysis by Marcel H. Van Herpen, "The Foreign Policy of Nicolas Sarkozy: Not Principled, Opportunistic and Amateurish" *Cicero Foundation* Great   Debate   Paper   No.   10/01   (February   2010) http://www.cicerofoundation.org/lectures/Marcel_H_Van_Herpen_FOREIGN_POLICY_SARKOZY.pdf In reshuffling his cabinet, Sarkozy then dropped the post of State Secretary for Human Rights altogether.

[8] EU arms exports to Libya: who armed Gaddafi? *The Guardian*

http://www.guardian.co.uk/news/datablog/2011/mar/01/eu-arms-exports-libya
On   cancellation   of   Russian   arms   sales : http://english.aljazeera.net/news/europe/2011/03/20113107287576160.html For details on Russian arms sales which were cancelled: http://theasiandefence.blogspot.com/2010/02/details-about-russian-arms-sale-to.html

[9]   *New   York   Times* http://www.nytimes.com/2011/05/27/world/africa/27qaddafi.html?src=un&feedurl=http%3A%2F%2Fjson8.nytimes.com%2Fpages%2Fworld%2Fafrica%2Findex.jsonp Goldman Sacks may have lost as much as $1.3bn of Libyan investments; the firm then asked Qaddafi to buy $5bn in preferred shares of the company!

[10]   http://www.msnbc.msn.com/id/42099059/ns/world_news-mideast_n_africa/t/libya-no-fly-resolution-offered-un/

[11] International Commission on Intervention and State Sovereignty, "The Responsibility to Protect" (December 2001) http://www.iciss.ca/pdf/Commission-Report.pdf   See also UN Resolution 1674 (2006) http://www.un.org/News/Press/docs/2006/sc8710.doc.htm

[12]   http://www.washingtonpost.com/world/arab-league-condemns-broad-bombing-campaign-in-libya/2011/03/20/AB1pSg1_story.html

[13] One possibility to address structural and systemic conflict is the step by step formation of internationalized "regional security and development communities." See my argument in Hall Gardner, *Averting Global War: Regional Challenges, Overextension and Options for American Strategy* (Palgrave-MacMillan, 2010).

[14] http://www.lepost.fr/article/2011/03/13/2433201_libye-quand-bhl-remplace-juppe-sarkozy-devient-il-une-menace-pour-la-diplomatie-mondiale.html

[15] http://www.guardian.co.uk/world/2011/mar/22/sarkozy-nato-libya-france

[16] *New York Times*, "Obama Takes Hard Line With Libya After Shift by Clinton."

http://www.nytimes.com/2011/03/19/world/africa/19policy.html?_r=3&ref=us

[17] http://www.washingtonpost.com/world/arab-league-condemns-broad-bombing-campaign-in-libya/2011/03/20/AB1pSg1_story.html

[18] http://www.atimes.com/atimes/Middle_East/MC15Ak05.html

[19] Bosnia and Herzegovina, Colombia, Gabon, Lebanon, Nigeria, Portugal, South Africa, and permanent members France, the United Kingdom, and the United States all supported the resolution.

[20] In recognizing the need for political economic reform, US Ambassador to Tunisia, Robert F. Godec, for example, stated "Corruption is the elephant in the room; it is the problem everyone knows about, but no one can publicly acknowledge."

[21] http://www.nytimes.com/2011/03/15/world/middleeast/15bahrain.html

[22] http://www.guardian.co.uk/world/2011/mar/22/sarkozy-nato-libya-france

[23] http://www.ntclibya.org/english/libya/

[24] Russian Foreign Minister Sergey Lavrov stated that the "The Transitional National Council does not seek to be recognized as the only legitimate representative of the Libyan people, but wants to be seen as a legitimate partner in negotiations on Libya's future." http://en.rian.ru/russia/20110524/164197576.html See also http://www.msnbc.msn.com/id/43195428/ns/world_news-europe/t/medvedev-says-gaddafi-must-go-sends-envoy-benghazi/

[25] Richard Falk, http://english.aljazeera.net/indepth/opinion/2011/03/201138143448786661.html

[26] Richard Falk, http://www.tahrirsquared.net/post/al-jazeera-obamas-libyan-folly-richard-falk

[27] Richard N. Haas: http://www.cfr.org/libya/united-states-should-keep-out-libya/p24325; George Will http://www.washingtonpost.com/wp-dyn/content/article/2011/03/08/AR2011030803149.html

[28] Senator Richard Lugar stated the following: "*On Saturday, March 12, in a consensus decision, the Arab League endorsed a no-fly zone over Libya imposed by Western nations. What was not included in the Arab League's decision was any commitment to provide resources for the costs of a no-fly zone. Any effective no-fly zone likely would require American participation and military assets. Such an operation could cost American taxpayers millions of dollars, or more, depending on the length of time it was imposed and the depth of American commitment…. If the Obama Administration is contemplating this step, however, it should begin by seeking a declaration of war against Libya that would allow for a full Congressional debate on the issue. In addition, it should ask Arab League governments and other governments advocating for a no-fly zone to pledge resources necessary to*

pay for such an operation…. Finally, given continuing upheaval in the Middle East, we should understand that the situation in Libya may not be the last to generate calls for American military operations. We need a broader public discussion about the goals and limits of the U.S. role in the Middle East, especially as it pertains to potential military intervention."

http://www.politico.com/politico44/perm/0311/counterpoint_d3971f49-cfc1-4b97-aaef-523e6e1bd771.html

[29] Siobhan Hughes, "House Challenges Obama on Libya" *Wall Street Journal* (June 3, 2011)

http://online.wsj.com/article/SB10001424052702304563104576363463784559654.html

[30] http://www.guardian.co.uk/world/2011/may/15/british-defence-chiefs-bombing-libya

[31] "Libya: SAS veterans helping Nato identify Gaddafi targets in Misrata" SAS Special Air Service http://www.guardian.co.uk/world/2011/may/31/libya-sas-veterans-misrata-rebels ; "Downing Street denies British troops in Misrata" http://www.bbc.co.uk/news/world-africa-13619347

[32] Even if Qaddafi and sons step down, the ITNC will need to deal with former Qaddafi loyalists. Differing opposition groups in exile have included the National Alliance, the Libyan National Movement (LNM), the Libyan Movement for Change and Reform, the Islamist Rally, the National Libyan Salvation Front (NLSF), and the Republican Rally for Democracy and Justice. A royalist contingent supporting Mohammed al Rida al Sanusi has been based in London. In late February 2011, the Libyan Muslim Brotherhood welcomed the formation of the ITNC but called for a future, non-tribal government to "be formed by those who actually led the revolution on the ground" and to exclude supporters of the original Qadhafi coup or officials involved in human rights violations. Radical Islamic groups opposed to Qaddafi include the Libyan Islamic Fighting Group (LIFG)/Libyan Islamic Movement for Change (LIMC). See Christopher M. Blanchard, "Libya: Unrest and U.S. Policy" Congressional Research Service (April 25, 2011) http://www.fas.org/sgp/crs/row/RL33142.pdf. Al-Qaeda linked groups are known to recruit in eastern Libya. See Clinton Watts, "Beyond Iraq and Afghanistan: What Foreign Fighter Data Reveals About the Future of Terrorism" *Small Wars Journal* http://smallwarsjournal.com/blog/journal/docs-temp/49-watts.pdf.   See   also, http://timesofpakistan.pk/editorials/2011-03-31/libyan-rebel-groups%E2%80%99-al-qaeda-links/29459/

[33] Other possibilities might be the use of forces from Tunisia or else Jordan and Morocco. The latter two have asked to join the Gulf Cooperation Council, which would create a bond among monarchies (to counter Iran) and could supply potential troops to protect GCC interests. Including Jordan and Morocco in the GCC would permit the GCC population to almost double in size, rising to 82.9 million as compared with 45 million in the current GCC; it could also boost the GNP of the GCC by 12%. See "Jordan, Morocco to boost GCC" http://www.emirates247.com/business/jordan-morocco-to-boost-gcc-2011-05-25-1.397093 Another possibility would be to involve African forces. Some form of Arab League or African Union peacekeeping force might be needed in the aftermath of the conflict.

[34] The Egyptian Revolution appears to be entering a new phase with the prosecution of Hosni Mubarak. On 27 May 2011, demonstrations took place throughout the country against the military-led government and in opposition to closer links between the Muslim Brotherhood and the Egyptian military. These protests were not supported by the Muslim Brotherhood or other Islamic groups and appear to represent a splintering of the Egyptian democratic movement into distinct and opposing factions. http://www.huffingtonpost.com/2011/05/27/egypt-protests-tahrir-square_n_868002.html

[35] This has given him very few countries to escape to, except perhaps for Uganda.

[36] On 21 February 2011, less than a week into the Libyan insurrection, Egyptian Islamic theologian Shaykh Yûsuf al-Qaradâwî not only condemned Qaddafi's handling of the popular uprising against him but also pronounced a *fatwa* calling for his assassination. http://www.scribd.com/doc/51219918/Qadhafi

[37] http://www.bbc.co.uk/news/world-africa-13597702

[38] http://mg.co.za/article/2011-06-03-china-meets-libya-rebels-in-latest-blow-to-gaddafi

[39] Crisis Group, "Popular Protest in North Africa and the Middle East (V): Making Sense of Libya" Middle East/North Africa Report No 1076 June 2011 http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/libya/107-popular-protest-in-north-africa-and-the-middle-east-v-making-sense-of-libya.aspx

[40] The IMF estimate that External financing needs of oil-importing Middle East and North African states could top $160bn over the next three years. http://www.guardian.co.uk/world/2011/may/27/tunisia-and-egypt-promised-g8-aid

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