# The Labyrinthian International Geopolitics of the Libyan Conflict□□リビア紛争の複雑きわまる国際地政学

### **Peter Lee**

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Western self-regard was on full display in a United States headline describing the Libya Contact Group (LCG) meeting in Istanbul over the weekend of July 15. It read: World leaders open Libya talks in Turkey. Well, US Secretary of State Hillary Clinton was there. Muchdiminished leaders of 19th-century world powers Britain and France - and Italy - were there, too. But attendance from the BRIC countries was patchy: Russia, boycotted the talks. China declined to send a representative. Brazil and India only sent observers, which meant they had no vote in the proceedings. South Africa didn't attend, and blasted the outcome of the meeting. 2



U.S. Secretary of State Hillary Clinton (C), Spanish Foreign Minister Trinidad Jimenez (L) and UAE Foreign Minister

Abdullah bin Zayed Al Nahyan (2nd R) during the Libya Contact Group meeting in Istanbul July 15, 2011.

It is indicative of the desultory reporting on Libya that there has been little effort to determine the Libya Contact Group's constituting authority, its decision-making processes, or even its membership, let alone the legitimacy of its pretensions to set international policy on Libya at a time when the US may be moving toward involvement in yet other wars in Libya and beyond.

The LCG was formed in London on March 29 under the auspices of the United Kingdom, at a conference attended by 40 foreign ministers and a smattering of international organizations. Its declared mission was to "support and be a focal point of contact with the Libyan people, coordinate international policy and be a forum for discussion of humanitarian and post-conflict support".3 Since then, the group has met three times and its attendance seems to have stabilized around a core of 20 or 30 countries, mostly drawn from members of the North Atlantic Treaty Organization (NATO), conservative oil-rich states in the Gulf Cooperation Council (GCC), and GCC cadets Jordan, Lebanon and Morocco. Dutiful ally Japan has also tagged along.

The unambiguous American template for Libya - and the LCG - is Kosovo, another humanitarian bombing campaign cum secession exercise led by NATO while sidelining the United Nations to a subordinate role.

US Deputy Secretary of State James Steinberg



invoked the Kosovo precedent - and a prolonged diplomatic and sanctions campaign that grew out of a "humanitarian military action" - in testimony before the US Congress on Libya:

Our approach is one that has succeeded before. In Kosovo, we built an international coalition around a narrow civilian protection mission. Even after Milosevic withdrew his forces and the bombing stopped, the political and economic pressure continued. Within two years, Milosevic was thrown out of office and turned over to The Hague.<sup>4</sup>

As a matter of fact, the Libya adventure mimics the Kosovo action in general legal flimsiness and its inflammatory deployment of exaggerated claims of massacre and atrocity, but differs in some revealing specifics.

The justification for diplomatic and political intervention on the issue of Kosovo was relatively robust, growing out of the EU's understandable desire to put a lid on the chaos and instability in its Balkan backyard, and a lengthy history of bilateral and multilateral negotiations between Serbia and its local and European interlocutors.

The NATO air war versus Serbia, on the other hand, although understandable as an expression of the international community's exhausted patience with Milosevic's serial mendacity and skullduggery in the use of military and militia assets against his victims, is not easy to defend either under the NATO doctrine of joint defense or the temporary waiver the UN gives for states or regional groupings to engage in immediate military action to defend themselves against an imminent threat when getting prior UNSC approval is impractical.

The NATO air attack on Serbian targets was triggered by Serbia's refusal to sign the Rambouillet Agreement—which would have given Serbia's explicit endorsement of the injection of NATO ground forces in Kosovo—a rather dubious casus belli.

The demands appear to have been deliberately pitched so high as to be assure their rejection, thereby highlighting Serbian intransigence (which only slightly exceeded Kosovar intransigence) so that NATO would finally do what perhaps it should have done earlier in the much more clear-cut case of Serbian aggression against Bosnia: vigorously bomb Serbian military positions. In the matter of Libya, the situation is reversed.

Military action (leaving aside the question of what particular kind of military action) is clearly permitted by the remarkably accommodating UN Security Council Resolution 1973. In calling for protection of civilians, UNSCR 1973:

Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be



immediately reported to the Security Council.

The wording for the no-fly zone is equivalent. In other words, any interested power can attack Libya as long as it writes a prompt letter to Ban Ki-moon and keeps boots off the ground. Of course, the resolution specifically excludes only foreign "occupation" forces, giving the UK and France ample room to send in special forces as advisors/auxiliaries to the overmatched Benghazi rebels.

The passivity of the UN has been complemented by considerable overreach in the military effort against Libya. With the destruction of Libya's air assets, the no fly zone issue is moot. At the same time the "civilian protection" mandate has been stretched to cover offensive air operations assisting the rebel drive to conquer western Libya.

As to the diplomatic element, the resolution

[s]tresses the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and notes the decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution.

There is no mention, let alone endorsement, of a Libya Contact Group. However, by endorsing parallel efforts by the UN Special Envoy and the African Union (AU), the resolution implies that there is to be no coordinated negotiation effort and the UN has effectively abdicated any central role in negotiating an end to the crisis. The attacking powers have exploited the UN's latitude on the negotiation front to assemble their own political initiative, the Libya Contact Group.

The situation in Libya appears to be the reverse of Kosovo: instead of a military effort supplementing a negotiation strategy, a negotiating strategy is being cobbled together as an adjunct to military operations. On the one hand, this rescues the Libya operation from the prolonged and deadly dithering that characterized the West's efforts to sort out the Yugoslavian mess. On the other hand, the NATO-led International Security Assistance Force (ISAF) has little to show for its multi-year attempt to handle the political brief in Afghanistan.

As a look at NATO decision-making indicates, militarized policy-making through the Libya Contact Group is likely to provide no more than the illusion of international consensus and accountability. NATO's political policy on Libya is in the hands of the "North Atlantic Council" or NAC; for obvious reasons this crusaderish piece of nomenclature is not often invoked in the Libyan situation.

A 2003 paper by the Congressional Research Service described the decision-making process in the Kosovo air war in ways that are suggestive of the Barack Obama administration's template for the Libyan operation:

The NAC achieves consensus through a process in which no government states its objection. A formal vote in which governments state their position is not taken. During the Kosovo conflict, for example, it was clear to all governments that Greece was immensely uncomfortable with a decision to go to war. NATO does not require a government to vote



in favor of a conflict, but rather to object explicitly if it opposes such a decision. Athens chose not to object, knowing its allies wished to take military action against Serbia. In contrast to NATO, the EU seeks unanimity on key issues.<sup>5</sup>

Inside NATO, it appears that most countries choose to opt out in order to adhere to their diplomatic, doctrinal or political concerns, but not raise a formal, explicit objection. For instance, when NATO took over the Libya mission, a US State Department official noted that the

... Germans have made from the very beginning a very clear - a clear statement that they would not participate militarily with their own troops in any operation. But they've also made clear that they would not block any activity by NATO to move forward.<sup>6</sup>

In short, it appears that NATO countries vote as a bloc when it comes to LCG matters despite continuing differences among members.

GCC decision-making is even more opaque, but it is not unreasonable to assume that the smaller states are voting in a bloc with lead member Saudi Arabia on the Libya issue.

NATO and the GCC hammer out their position before the LCG meetings, which then provide political window-dressing to convince Western opinion that a legitimate international process is going on.

China and Russia recognize the LCG as an effort by the proponents of military intervention in Libya to advance their agenda and keep further Libya discussions out of the UN Security Council where China and Russia which were spectacularly burned by Resolution 1973 – would have the opportunity to sidetrack

the NATO/GCC-led campaign.

In its attitude toward the Libyan air war, China is probably also guided by bitter memories of the destruction of its embassy in Belgrade on May 7, 1999 during the Kosovo air campaign, an incident virtually ignored by NATO as nothing more than an unfortunate accident, but widely regarded in China as intentional. The result was to trigger a 9/11-style shock in elite and popular Chinese attitudes toward the United States (link).

China does not have large economic interests at stake in the Libya fight. It had a significant exposure to Libyan infrastructure projects, particularly a multi-billion dollar contract to build 28,000 apartment units, but only minor involvement in the Libyan oil industry.

In the original vote on UNSCR 1973, China abstained. This apparently had much to do with concern about antagonizing the United States, Saudi Arabia and others. Saudi Arabia, China's main oil supplier and implacable foe of Gaddafi, was aggressively pushing a hard line against Gaddafi at the Gulf Co-operation Council, the Arab League and the United Nations (link).

China has been relatively circumspect in its criticisms of the LCG, in part out of deference to Turkey, which has been doggedly promoting an Islamic and non-aligned style of Libyan engagement inside the councils of NATO and the LCG. Nevertheless, Beijing politely declined Turkey's invitation to join the Istanbul meeting - thereby refusing to add a further veneer of political legitimacy to the exercise - "because the function and method of operation of this contact group need further study".

The Russians have been much more blunt. In May, Russian Foreign Minister Sergey Lavrov declared that it was the LCG, and not Muammar Gaddafi, that had a legitimacy problem: "The contact group is a self-appointed organizational structure that somehow made itself responsible for how the (UN) resolution is



carried out," Lavrov continued, "From the point of view of international law this group has no legitimacy."<sup>8</sup>

In rejecting the Turkish invitation to join the meeting in Istanbul, the Russian Foreign Ministry reiterated its objections stating that, "the Russian approach to this issue has not changed. We are not a member of the Group and do not participate in its work. This applies to the upcoming meeting in Istanbul as well."

In sum, the LCG is not a united effort by "the leaders of the world"; it is an effort to circumvent the UN Security Council, largely coordinated by Atlantic ex-colonial powers and anxious Arab autocrats who are most deeply committed to the bombing campaign to eliminate Gaddafi.

That effort is not going particularly well. NATO has strayed well beyond its "protect civilians" UN mandate to conduct air operations against Gaddafi's forces and targets of dubious military legitimacy for the past four months.

For all their LCG support, the Libyan rebels have been unable to drive Gaddafi from power and thereby demonstrate the potency of Western arms, sanctions, embargoes, and self-righteous bluster, even against an isolated Third World potentate.

Alexander Cockburn has punctured the rebels, the media and European delusions that this would be a quick and politically advantageous war:

In a hilarious inside account of the NATO debacle, Vincent Jauvert of Le Nouvel Observateur has recently disclosed that French intelligence services assured [President Nicolas] Sarkozy and foreign minister [Alain] Juppe "from the first [air] strike, thousands of soldiers would defect from Gaddafi". They also predicted that the rebels would move quickly

to Sirte, the hometown of the Qaddafi and force him to flee the country. This was triumphantly and erroneously trumpeted by the NATO powers, which even proclaimed that he had flown to Venezuela. By all means opt for the Big Lie as a propaganda ploy, but not if it is inevitably going to be discredited 24 hours later.

"We underestimated al-Gaddafi," one French officer told Jauvert. "He was preparing for forty-one years for an invasion. We did not imagine he would adapt as quickly. No one expects, for example, to transport its troops and missile batteries, Gaddafi will go out and buy hundreds of Toyota pick-ups in Niger and Mali. It is a stroke of genius: the trucks are identical to those used by the rebels. NATO is paralyzed. It delays its strikes. Before bombing the vehicles, drivers need to be sure whose forces are Gaddafi's. 'We asked the rebels to [provide] a particular signal on the roof of their pickup truck, said a soldier, but we were never sure. They are so disorganized ...' "10

In fact, it appears that an important purpose of the Istanbul meeting was to jump start the ineffectual efforts by the Libyan rebels and, in particular, deal with calls by Turkey and the Organization of the Islamic Conference (OIC) for a ceasefire during the Muslim holy month of Ramadan (approximately August 1 to August 29 this year).

Ramadan is traditionally a time of fasting and peaceful reflection. In Libya, it would also undoubtedly be an opportunity for Gaddafi to regroup his forces and engage with the myriad interlocutors and negotiators - in addition to

the African Union, France and Italy were also reportedly meeting with Gaddafi's representatives – in an effort to end the embarrassing mess.

Both Turkey and the OIC - as well as otherwise disengaged Islamic power Indonesia - have warned NATO that continuing the bombing campaign during Ramadan would be a dangerous political miscue. Therefore, to guard against the dread prospect of peace breaking out in unwelcome ways post Ramadan - that is, with Gaddafi remaining in Tripoli without having received the necessary chastisement by the powers - the LCG recognized the Transitional National Council (TNC) headquartered in Benghazi as the legitimate government of Libya and declared that Gaddafi's regime had lost its legitimacy. This was despite the fact that the TNC probably controls less than half of Libya's sparse population and vast territory while Gaddafi is still apparently in firm control of the western half of the country with most of the population and the capital.

Foreign Policy's Joshua Keating noted that, before Libya, only twice has the United States declined to acknowledge the legitimacy of a nation's ruling power. The first came in 1913, when president Woodrow Wilson, who objected to the unsavory (and suspected anti-US business) tendencies of Mexico's strongman Victoriano Huerta, refused to recognize his government until it collapsed, courtesy of Pancho Villa and the US occupation of Veracruz. The second is China. The US not only refused to recognize the communist conquest of the mainland for 50 years; it also countenanced Chiang Kai-shek's pretensions to rule all of China, even as he exercised sway over Taiwan alone.11

Recognition of the TNC supposedly served the purpose of unlocking the frozen assets for the Benghazi forces, which were officially blessed as freedom-loving, not riddled with al-Qaeda sympathizers, and committed to honoring previous foreign contracts in Libya, thereby

reducing the cash-strapped Western forces' financial exposure to the Libyan imbroglio in general and the TNC in particular. This is not unrelated to the fact that the Western powers, notably the US and Britain but also the EU generally, while laboring through recessions, cutbacks in government services, and political gridlock, have taken steps to minimize the stated cost of the Libya intervention.

Brad Sherman, a US Congressman from California - and an accountant - pointed out that the US has decided to count only marginal expenditures as costs of the Libyan conflict: that means direct costs such as munitions and fuel consumed and combat pay disbursed, leaving a misleading impression of how much it costs to pound even a third-rate power into submission.

United Nations ambassador Susan Rice, one of the architects of the Libyan 'humanitarian intervention', countered with the assertion that all those US seamen and airmen would be getting paid anyway even if they weren't bombing Libya: "The Libya mission is not one that falls under UN accounting or US budgeting. It is something we are undertaking in a national capacity."

Even by Rice's limited yardstick, however, the Western alliance has already disbursed a hefty US\$1 billion on the war. By September 30, when the second NATO authorization for the war expires, the U.S. projects its own total Department of Defense (DoD) expenditures will have reached \$1.1 billion (link).

[Since this is not officially a war, the Obama administration has insisted that it is under no obligation to report its costs to Congress. The US wrote a letter to Congress descrobomg its DoD accounting, and France and the UK have estimated the costs of their contributions at irregular intervals. UK: EP 260 million as of June 24 (link); France Euros 160 million by July 13 (link).]

In any event, there is no obvious political constituency in Europe or the US for pouring

foreign dollars into Benghazi. Sherman, for instance, proposed that the operation be funded by confiscating Gaddafi's frozen assets in the US, reminiscent of US efforts to pay for the Iraq War with Iraqi oil revenues. The desire to make Gaddafi pay for the war against him by seizing his frozen assets is widespread. Nevertheless, a hitch remains: countries such as Canada have laws on their books that prevent them from unfreezing Libyan assets until the UN Security Council gives its OK - a virtual impossibility given Russian and Chinese opposition to the West's adventurism.<sup>13</sup>

In an uncanny reprise of the enthusiasm for financial derivatives that plunged the world into the Great Recession, the LCG is encouraging interested states such as Canada to evade the UN process by lending cash to the TNC, with the loans collateralized by frozen assets.

In a further sign that the US is not confident that the TNC can run its finances any better than it runs its war (and perhaps has achieved a belated awareness of the risks involve in lending ready cash against illiquid assets) it declared that most of the \$30 billion in Gaddafi assets in the US were illiquid, i.e. real estate, hence a mere \$3.5 billion could potentially be funneled to the TNC.<sup>14</sup>

Nevertheless, Western financial creativity, once again deployed in the absence of Western hard cash, will undoubtedly succeed in forestalling the collapse of the Benghazi authority for the foreseeable future.

The second purpose of the Istanbul meeting was to cut the legs out from under other negotiators - such as the Gaddafi-friendly African Union, which was holding talks with regime representatives in Ethiopia and, for that matter, the French, who were sowing epic confusion through equivocal secret contacts with Gaddafi's representatives - by setting up a single, publicly-endorsed channel.

Apparently, despite its new-found ascendancy as Libya's legitimate ruling authority, the Transitional National Council does not, in the opinion of the LCG, have the wherewithal to

engage in direct negotiations with Gaddafi's rebel bastion in Tripoli.

But the TNC was not the only organization to receive the back of the hand treatment from the Libya Contact Group. The UN also got a slap.

Initial reports indicated that the UN's special envoy for Libya, Abdul Elah al-Khatib, would be the sole designated interlocutor for the LCG. Franco Frattini, Italy's loquacious foreign minister, told reporters in Istanbul: "Mr Khatib is entitled to present a political package. This political package is a political offer including a ceasefire."15 His remarks on Khatib's "authorized" status were echoed by Frattini's British counterpart, William Hague. This raises the interesting question of how the LCG, an ad hoc organization with no legal standing, can order around the UN's Khatib as its errand boy. The problem has apparently been rectified. It seems that Ban Ki-moon, the ever-pliant UN secretary general, has agreed to put the LCG program into effect without the inconvenience and embarrassment of a UN Security Council discussion or vote, as *Bloomberg* reports:

UN Secretary-General Ban Kimoon will be the only person authorized by the contact group to negotiate with both sides in Libya. Ban will set up a board of two to three interlocutors from Tripoli and the rebel-held town of Benghazi, Frattini said.<sup>16</sup>



Ban Ki-moon arrives in Doha on April 14 to attend the first meeting of the Libyan Contact Group (Photo Paulo Filgueiras)

The Financial Times suggests that the passion to claim Gaddafi's scalp has evaporated in France and Italy and the Western powers will accept anything short of Gaddafi taunting them from his presidential throne in order to end the embarrassing conflict:

On Thursday it emerged that the western-led coalition confronting Colonel Muammer Gaddafi was beginning to examine the possibility of offering him a facesaving deal that removes him from power in Tripoli but allows him to stay inside Libya as a means of bringing a swift end to the conflict. As some 40 nations prepare to meet in Istanbul on Friday to discuss progress in the NATO-led operation against the Libyan leader, Britain, France and the US continue to state publicly that the war can only end with Col Gaddafi's physical departure from Libya.

But behind the scenes in Paris and London, senior officials are discussing whether the international community and the Libyan opposition could offer a deal that sees Col Gaddafi surrendering all power while going into internal exile in Libya.

For several days, French officials have made clear that Col Gaddafi could stay in Libya if he makes a clear statement that he will abdicate all military and political power.<sup>17</sup>

In the best tradition of Western peacemaking, it appears that a Ramadan ceasefire will be preceded by a two-week barrage of bombs and missiles that will demonstrate both to the Gaddafi regime and world opinion that, despite its abject and obvious desperation to disengage, the NATO/GCC coalition is still a force to be reckoned with, even as it hastens to fulfill its publicly-stated ambition to be "out of there" by September.

The most plausible roadmap for Libya's postconflict (or perhaps more accurately, midconflict) future is Turkey's roadmap, which foresees a Ramadan ceasefire, Gaddafi leaving power but not the country, and a constitutional commission.

As floated in the Turkish media, "the core of the commission would consist of five people: Two from Tripoli who would be accepted to Benghazi, two from Benghazi who would be acceptable to Tripoli and a fifth who would be named by those four who would set up the basis for a new constitution in Libya."<sup>18</sup>

A prompt ceasefire and a negotiated settlement do not leave the TNC with a very attractive hand. It controls less than half the country (albeit the predominantly oily half). Furthermore, it is unlikely to perform outstandingly in any nationwide democratic contest that would involve canvassing for votes among the inhabitants of western Libya, a certain number of whom are likely to regard the TNC as venal and incompetent eastern adventurers who conspired with foreign powers to bomb and sanction the residents of Tripoli



into misery and poverty.

No wonder the TNC spokesperson, Mahmoud Shamam, harrumphed to journalists in Istanbul that the TNC would ignore a ceasefire saying, "Even the Prophet Mohammed fought during Ramadan. We will continue to fight for our lives." <sup>19</sup>

However, if the West's Libya fatigue holds and the war doesn't re-ignite, the TNC may find itself lording itself over Benghazi in a de facto partitioned Libya, using its advantageous location vis-a-vis Libya's oil reserves to sustain its economy and its diplomatic standing.

In an indication of world resignation to a divided Libya, even China and Russia, who regard the TNC as a travesty and calamity, have pledged money for "humanitarian assistance" to "the Libyan people".

TNC Executive Board Chairman Mahmoud Jibril visited Beijing in late June for a meeting that Beijing used to announce that it had decided to engage with the TNC as "a powerful opposition force" and highlight the PRC's hopes for a mediated political solution to the Libyan conflict through the African Union mechanism (link).

The LCG's decision to withdraw Gaddafi and anoint the TNC as Libya's sovereign, even as momentum seemed to build for a negotiated settlement, was reflected in an unenthusiastic show of Chinese support for the TNC.

On the heels of a Russian announcement that it was sending 36 tons of aid to Benghazi, a terse announcement from China's Ministry of Foreign Affairs stated on July 11:

Q: The prolonged war in Libya deteriorates the humanitarian situation there. Will China consider providing humanitarian assistance to Libya?

A: In a bid to alleviate the humanitarian disaster faced by the

Libyan people, China has decided to provide 50 million RMB [US\$8 million] worth of humanitarian assistance to them.<sup>20</sup>

This may be symbolically important, but -considering that the TNC has consistently declared it needs \$3 billion in cash to keep the doors open in Benghazi - the offer amounts to little.

On the other hand, China made its feelings about the LCG clear as it publicized a phone call by Hu Jintao to South African president Joseph Zuma endorsing the AU peace process. The AU initiative appears to differ from the LCG/Turkish initiative in one crucial aspect: it recognizes the continued legitimacy and sovereignty of the regime in Tripoli.

As for the West, it can content itself with the observation that, if it wasn't able to save Libya, at least it was able to cripple it. It is a pattern that the West has repeated in its engineered partition instead of national reconciliation in Kosovo and Sudan, and in midwifing the fragmentation of the Soviet Union into a suspicious Russia and a host of new NATO members.

It is another lesson in US "nation-building" - born of a characteristic disregard for sovereignty, circumvention of the United Nations, a cavalier attitude toward international law and a reckless deployment of military power - to which China, one of the last remaining multinational empires, is likely to pay close attention.

**Peter Lee** writes on East and South Asian affairs and their intersection with US foreign policy.

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#### **Notes**

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- <sup>3</sup> Libya Contact Group: Chair's statement, UK Foreign and Commonwealth Office, Apr 13, 2011.
- <sup>4</sup> Assessing the Situation in Libya, US Department of State, May 12, 2011.

- <sup>5</sup> NATO's Decision-Making Procedure, CRS Report for Congress, May 5, 2003.
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- <sup>17</sup> Click here for text.
- <sup>18</sup> Turkey seeks Libyan truce before Ramadan, Hurriyet Daily News, Jul 14, 2011.
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