



## Opting for Second Best in Libya?

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### Abstract

The looming stalemate in the Libyan conflict is likely to lead to more civilian casualties, a *de facto* separation of Libya, the under-use of the country's energy resources, and an increase in illegal activities due to the legal and governance vacuum in the country. In addition, it risks denting NATO's credibility as a security provider. To break the stalemate, the coalition is leaning towards intensifying military operations and/or arming the rebels. Both imply a number of risks and political costs. A way to contain such risks and costs would be for NATO and its partners to re-calibrate the mission so that, alongside military action, the mission would foresee also a national reconciliation process, mediated by an international team. Linking military operations to a credible plan for Libya's political future would improve the odds for Gheddafi's regime to collapse.

**Keywords:** *Libya / NATO military intervention / United Nations Security Council (UNSC) / United States / European Union (EU) / African Union (AU) / United Nations / Conflict mediation*

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## Opting for Second Best in Libya?

by Riccardo Alcaro\*

### Introduction

The military intervention in Libya is one of the most remarkable military undertakings of the last twenty years. It was sanctioned with unusual speed and a wide-ranging mandate by the United Nations Security Council (UNSC) in order to avoid the feared bloodshed of civilians and anti-government rebels by Libya's embattled leader Muammar Gheddafi's forces. Notwithstanding, the mission now entails the risks of a drawn-out stalemate and of diminishing international legitimacy. What is worse, the options considered to break the impasse are problematic, particularly because they could jeopardise the legitimacy of the intervention itself.

### 1. Mission creep

The evolution of diplomatic manoeuvres that led to the approval of UN Security Council resolution 1973 (UNSCR 1973) on 17 March 2011<sup>1</sup> has yet to be written, but it is safe to predict that it will become a must-read in diplomatic history. Within days, French and British officials managed, first, to persuade their initially hesitant US colleagues of the merits of a limited military intervention in Libya and, second, to push for a resolution authorising the use of force within the Security Council. By all accounts, the result was striking. The Franco-British initiative allowed for Western arms to be deployed against the government of a Muslim country for the third time in a decade - after Afghanistan and Iraq - and this time with full approval of the UNSC. While the vote was far from unanimous - the five abstentions came from global heavyweights of the likes of Brazil, Russia, India, China (the so-called BRICs) and Germany - supporters of the resolution pointed to the legitimisation brought about by the Arab League's support for military action. In addition, the Libyan rebels themselves, who had set up a parallel, provisional government (recognised as such by France and, later, by Italy), had also called for help from abroad, although somewhat confusedly regarding the preferred means to be used. Adding to the surprise of many observers, not only was UNSCR 1973 approved with rapid-fire speed by UNSC standards, but it also provided for a broader mandate than expected: while barring the deployment of 'occupation forces', it explicitly authorised 'all necessary means' to protect civilians. Until the eve of the vote, the debate had revolved around the authorisation of a mere no-fly zone.

The reason behind the Franco-British diplomatic success is the series of military gains made by Gheddafi's loyalists who, in the days immediately prior to the UNSC vote, had re-taken most of the towns "conquered" by the rebels; as well as the regime's

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Paper prepared for the Istituto affari internazionali (IAI), May 2011.

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<sup>1</sup> UN Security Council, S/RES/1973 (2011).

staggering short-sightedness in its 17 March 2011 televised address threatening no mercy towards its opponents.<sup>2</sup> In such circumstances, China and Russia, both veto-wielding permanent members of the UNSC, must have calculated that renouncing their veto was wiser than incurring the possible charge of acquiescence to Gheddafi's prospective crimes in the rebel stronghold of Benghazi.

The deal was struck on two conditions: first, no occupation troops would be deployed in Libya; second, the UNSC's mandate would be limited to the protection of civilians. The former condition was not particularly controversial at that time: neither the UK, nor France, nor the United States had any appetite for another ground campaign, busy as they are on other fronts (Afghanistan, Iraq, Ivory Coast). However, this conviction has faded as and when the ambiguity of the resolution's mandate - and the difficulties incurred in practice - have come to the fore. The second condition - protecting civilians - is a universally accepted objective. But when the civilians to be protected are part of, or support, an anti-government rebellion (or simply happen to live where the rebellion has spread), it is impossible to separate in practice the objective of protecting civilians from that of destroying government forces attacking them. This implies the risk of what in military jargon is called "mission creep", that is, the shifting of the mission's objectives due to practical difficulties and ambiguities on the ground: in this case from the protection of civilians to forced regime change. Yet this prospective slide towards forced regime change is not contemplated by UNSCR 1973, nor is it supported by the BRICs, the African Union and countries other than the United States, EU member states, and a handful of their partners, such as Qatar and the United Arab Emirates (i.e., the latter being the only Arab states that have contributed, albeit modestly, to the military operations).

The advocates of the military intervention in Libya were aware of the risk of mission creep. They opted to go ahead anyway for two reasons: first, the imperative of stopping Gheddafi's loyalists from re-conquering Benghazi, since the latter's fall would have meant both a civilian massacre and the end of the rebellion; second, they naively (in retrospect) hoped that a UNSC-endorsed intervention would have caused the regime's collapse, either because Gheddafi would have surrendered following the destruction of its forces or because the rebels would have won a military victory on the battlefield.

Unfortunately, neither reason has held up to ensuing realities. Albeit weakened, Gheddafi's forces have adapted to air strikes by mingling with civilian targets, using hit-and-run tactics, and turning the conflict into an urban confrontation. Their firepower has certainly diminished, but has not been destroyed. As a consequence, neither Gheddafi seems, for the time being, to have any reason to relinquish power, nor do the rebels appear to have short-term prospects of winning the day.

## 2. The looming stalemate

The resilience of Gheddafi's forces has considerably complicated the plans of NATO, which in the meanwhile has taken over responsibility for the mission from the

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<sup>2</sup> 'Gaddafi tells Benghazi his army is coming tonight', *Reuters*, 17 March 2011, <http://uk.reuters.com/article/2011/03/17/libya-gaddafi-address-idUKLDE72G2E920110317>.

American-Franco-British trio (after much unedifying public bickering between France, which was opposed to the handover, and other NATO members). As a result, the prospect of a drawn-out stalemate has become very real, as acknowledged, among others, by the chairman of the US Chief of Staff, Admiral Mike Mullen.<sup>3</sup>

A prolonged deadlock, in which the rebels are stuck in largely defensive positions but Gheddafi's loyalists cannot win because of NATO's pressure from the sky, is problematic in many respects. It holds the prospects of leading to more civilian casualties (that is, precisely the outcome that UNSCR 1973 sought to avoid), the de facto separation of Libya between Tripolitania and Cyrenaica, and the under-use of the country's energy resources. Furthermore, the ongoing lack of law enforcement would facilitate illicit activities and trigger uncontrolled migratory flows. A prolonged civil conflict would also deal a blow to NATO's prestige. Not only would the alliance be seen as unable of defeating Gheddafi's less resourceful and equipped forces, but it would also be open to the accusation of having worsened the crisis instead of solving it.

NATO has many reasons, therefore, to ask itself how it can end the stalemate. So far, two options, not necessarily alternative to one another, have been discussed: intensifying the military campaign (with some arguing in favour of the deployment of ground forces) and arming the rebels. Unfortunately, neither is risk-free. More worryingly, neither option guarantees a rapid solution of the crisis.

### 3. More air raids?

At first sight, intensifying the bombing campaign seems to be the most practical option, based on the assumption that greater firepower would break the regime's will to fight. The targeting of Gheddafi's compound in Tripoli by NATO's air forces as well as Italy's decision to step up its involvement in combat operations point towards an escalation of the air strikes. This option however is fraught with problems: NATO's internal cohesion, public support, and international legitimacy.

In order to intensify the military operations, US participation is of the essence. After conducting most of the sorties against Gheddafi's forces in the early days of the campaign, the United States has taken a step back, limiting itself to tasks such as aerial refuelling, intelligence, reconnaissance, and jamming. US reticence to become too involved in the campaign was explained with unusual frankness by Joe Biden in a recent interview with the *Financial Times*, in which the US Vice-President plainly stated that Libya ranks, at best, in the middle of the US's list of priorities in the region, far behind the transition process in Egypt and the revolts in the Gulf. Hence, the US preference is for the Libyan quagmire to be dealt with primarily by Europeans.<sup>4</sup> Reportedly, French and British officials are waging a behind-the-scenes campaign for the United States to step up its military involvement,<sup>5</sup> but, thus far, these efforts have

<sup>3</sup> 'Libya: stalemate looms, warns Admiral Mike Mullen', *BBCNews*, 22 April 2011, <http://www.bbc.co.uk/news/world-africa-13168678>.

<sup>4</sup> 'Nato can fulfil Libya mission, says Biden', *Financial Times*, 20 April 2011, p. 7.

<sup>5</sup> 'U.S. holds to limited Libya role, despite pressure from Britain and France', *Associated Press*, 12 April 2011, [http://www.nola.com/politics/index.ssf/2011/04/us\\_holds\\_to\\_limited\\_libya\\_role.html](http://www.nola.com/politics/index.ssf/2011/04/us_holds_to_limited_libya_role.html).

amounted only to the deployment to Libya of some drones, the lethal US-made unmanned aerial vehicles employed to hit hidden targets in the mountains between Afghanistan and Pakistan. At any rate, even if the UK and France were to succeed in convincing the US to re-take the driver's seat, they would still have to account for the views of fellow NATO members. Not all are convinced that increasing the number of sorties, hitting political targets such as transport infrastructure, power plants, or the state-run Libyan TV, is wise. Key NATO member Turkey, for instance, is unlikely to support an escalation. Although it accepted NATO's command of the operation, Ankara still believes that diplomacy rather than military action is the way forward.

The intensification of bombings also implies a higher risk of civilian casualties, which would reverberate negatively on public opinions in NATO member states, where support for the operation is at best lukewarm. According to a recent ABC News poll, around 42% of Americans approve of President Barack Obama's handling of the Libyan crisis, while 56% support the intervention. Given America's economic woes at the moment, public approval in the US seems to be conditional upon the limited nature of US involvement in the crisis. Indeed, even those in the US who support Gheddafi's removal by force, are overwhelmingly opposed to increasing the US's military role.<sup>6</sup> Were the military campaign (and the US role in it) to step up, public support in the US would probably crumble, as may well be the case in other NATO members.

Finally, intensifying the bombing campaign would raise problems of international legitimacy. President Obama has taken special care to cast US participation in the operation into a UN-sanctioned legal framework. The European Union has struck a similar chord when it declared its readiness to deploy a military force in defence of a humanitarian mission only if requested by the United Nations.<sup>7</sup> Nonetheless, in spite of this emphasis on the UN's blessing, many in the non-Western world view the intervention in Libya as a 'soft' neo-colonial undertaking (one just needs to glance beyond Western media circuits, for instance at respected online papers such as the Hong Kong-based *Asia Times*, to grasp the intensity of the scepticism, if not the outright aversion, regarding the intervention in Libya beyond the West).<sup>8</sup> The intensification of air strikes, particularly if the campaign were to expand to non-military targets and edge towards forced regime change, would deepen the scepticism and entrench perceptions that the Libyan war is dangerously following the footsteps of the invasion of Iraq, i.e., the violent appropriation of another country's resources. Questionable as it is, this accusation would have to be reckoned with if the Libyan intervention seeks to maintain international support.

#### 4. Boots on the ground?

The above-mentioned problems are political in nature. Alongside these, military problems loom. The record of campaigns conducted from the sky in achieving major

<sup>6</sup> 'Obama and Libya War: Criticism Grows in Poll', *ABC News*, 20 April 2011,

<http://abcnews.go.com/Politics/obama-libya-war-criticism-grows-abc-news-poll/story?id=13420329>.

<sup>7</sup> Council of the European Union, *Council conclusions on Libya*, 3076<sup>th</sup> Foreign affairs Council meeting, Brussels, 21 March 2011.

<sup>8</sup> See, for instance, the series of articles on the Arab upheavals by Pepe Escobar, a regular contributor to *Asia Times* (<http://atimes.com/atimes/others/Pepe2011.html>).

political objectives such as the ousting of a dictator is not encouraging. In 1999, for instance, NATO conducted a 78-day long bombing campaign - on a much larger scale than the current one in Libya - aimed at halting Serbian violence against ethnic Albanians in Serbia's breakaway province of Kosovo. The campaign ultimately succeeded in driving Serbian forces out of Kosovo, but left former Serbian President Slobodan Milošević in full control of the rest of the country. The question arises therefore whether NATO can bring about Gheddafi's fall without deploying ground troops.

However, a ground campaign in Libya could lead to even greater problems than the intensification of the air campaign. Putting together the needed forces would be no small feat, insofar as the United States is, for the time being, unwilling to devote one single combat troop to the Libyan theatre. Worried of overstretching an army already heavily engaged in Iraq and Afghanistan, and mindful of the volatility of US public opinion, President Obama is unlikely to backtrack on his promise not to put boots on the ground in Libya. Besides, given that the president has gone to great lengths to seek legal cover from the UN, Obama is understandably wary of initiatives that could dent the legal and political legitimacy of the intervention. But without US participation, France and the UK are unlikely to have the resources and political will to go ahead with a ground campaign. And even if they did, they would have a hard time in justifying the escalation on the basis of UNSCR 1973. While international lawyers, prone to justifying an extension of the campaign, might dwell on the fine details between 'ground forces' and 'occupation forces' (the wording used by UNSCR 1973),<sup>9</sup> the rest of the world is unlikely to buy the argument. In other words, in the current circumstances, a ground operation would almost certainly take place with scarce international support and wavering legitimacy, an obstacle that could prove too high for French or British leaders to overcome.

## 5. Arming the rebels?

Given the difficulties in ousting Gheddafi from the sky and the risks inherent in a ground operation, arming the rebels could be viewed as a more reasonable way ahead. However, this option is also fraught with problems. In legal terms, arming the rebels is problematic, since UNSCR 1970, a resolution adopted prior to the authorisation of the use of force, imposed an arms embargo on Libya. Even though some international lawyers,<sup>10</sup> as well as US Secretary of State Hillary Clinton,<sup>11</sup> think otherwise, a decision to arm the rebels stands on uncertain legal grounds and could be interpreted as the umpteenth Western attempt to twist the law in its interest. Aware of this risk, Western powers have described their support for the Libyan rebels as logistical assistance, the provision of 'non-offensive' military equipment, and training. France, the UK and Italy announced on 20 April 2011 that they would send to Benghazi ten military advisors

<sup>9</sup> The exact wording of UNSCR 1973 is 'foreign occupation force' (UN Security Council, S/RES/1973 (2011), approved on 17 March 2011, § 4).

<sup>10</sup> See, among others Ronzitti, N. 'È lecito armare i ribelli libici?', *AffarInternazionali*, 1 April 2011, <http://www.affarinternazionali.it/articolo.asp?ID=1713>.

<sup>11</sup> 'Libya: coalition divided on arming the rebels', *BBC News*, 29 March 2009, <http://www.bbc.co.uk/news/world-africa-12900706>.

each, while news reports have been talking of Western special forces on the ground since late March.<sup>12</sup>

Beyond legal diatribes, arming the rebels would not necessarily be effective. Testifying before Congress, the top brass of the Pentagon recalled the truism that arming a rebel does not amount to transforming him into a soldier.<sup>13</sup> To that end, training is also needed, and training requires time. In other words, for the Libyan rebels to develop effective military capabilities, Western governments would have to make a longer-term investment than their public opinions could be willing to endure. In a context of open conflict, the time to do so and thus to achieve the desired results may also simply not be available. In addition, barring a sudden and convincing victory of the better-armed rebels, arming them would result in the intensification of fighting and the expansion of the civil war. This outcome would not be cost-free: openly taking sides with one of the warring factions would probably cost the coalition a share of international legitimacy. Moreover, it would also expose the rebels to the accusation, which already has some following, of being Western proxies. Last but not least, the rebels are still an unknown quantity. Although concerns that extremists are nested amongst the rebels have yet to be confirmed, empowering them with military assets is a move that could backlash, a prospect the US is particularly wary of.<sup>14</sup>

## 6. Opting for second best: National reconciliation ... without Gheddafi?

Neither expanding the range and intensity of the air strikes nor arming the rebels are, therefore, particularly appealing options. Although they could bring about the first best result of the regime's collapse at a certain stage, the costs they imply are considerable. In either case, the likelihood of mission creep from the protection of civilians to forced regime change is high, which would jeopardise the credibility and legitimacy of the mission.

An alternative would be to accept Gheddafi as an interlocutor and negotiate a ceasefire that would leave him in power, as implied by the peace proposal unsuccessfully put forward by the African Union in mid-April 2011. This, however, no longer seems to be a credible option. The rebels rejected the AU's peace plan out-of-hand precisely because it did not explicitly foresee Gheddafi's departure. For the same reason, the government in Tripoli reacted positively to the proposal. More importantly, US, UK and French leaders put in writing that they cannot envisage a future Libya in which Gheddafi (or members of his family) play a role.<sup>15</sup>

<sup>12</sup> 'France, Italy, UK sending military advisors to Libya', *Wiki News*, 21 April 2011, [http://en.wikinews.org/wiki/France,\\_Italy,\\_UK\\_sending\\_military\\_advisers\\_to\\_Libya:\\_photojournalists\\_killed\\_in\\_Misrata?dpl\\_id=257363](http://en.wikinews.org/wiki/France,_Italy,_UK_sending_military_advisers_to_Libya:_photojournalists_killed_in_Misrata?dpl_id=257363); 'President Obama Authorizes Covert Help for Libyan Rebels', *ABC News*, 30 March 2011, <http://abcnews.go.com/International/president-obama-authorizes-covert-libyan-rebels/story?id=13259028>.

<sup>13</sup> 'Gates, Mullen downplay nature of Libya mission', *Army Times-The Associated Press*, 31 March 2011, <http://www.armytimes.com/news/2011/03/ap-gates-mullen-testify-on-libya-mission-033111/>.

<sup>14</sup> 'U.S. back peddles arming Libyan rebels as 'flickers' of Islamic radicalism emerge', *Asian Tribune*, 3 April 2011, <http://www.asiantribune.com/news/2011/04/02/us-back-peddles-arming-libyan-rebels-'flickers'-islamic-radicalism-emerge>.

<sup>15</sup> Barack Obama, David Cameron, Nicolas Sarkozy, 'Libya's Pathway to Peace', *The New York Times*, 14 April 2011, <http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>.

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Hence, the question is: how to bring about Gheddafi's fall as quickly as possible without losing international support? Given that the stalemate can apparently be broken only by way of sustained military pressure, it is necessary to hedge against the legitimacy costs that would ensue from intensifying the air raids and/or arming the rebels. A way to do so is to embed the military operation into a wider framework: instead of paving the way for the rebels' total victory, the coalition should foster a process of national reconciliation, brokered by international mediation. In other words, NATO and its partners could better shield themselves from the accusation of overstepping their mandate if they were to accompany their military strategy - aimed at toppling Gheddafi, all caveats notwithstanding - with a broader political strategy on Libya's future.

The first step would be to force the regime to accept a ceasefire, in particular by breaking the siege by Gheddafi's forces of the western port of Misurata, a key strategic asset (in fact, were Gheddafi to re-take the city, he would be in a much stronger position than currently is the case). The ceasefire would be followed by the delivery of humanitarian assistance to the sites most heavily damaged by the conflict, starting with Misurata itself, which is suffering from a long siege by Gheddafi's loyalists.

Peace talks would then be launched under the aegis of the United Nations. The goal of the negotiation would be twofold. On the one hand, it should foster a process of national reconciliation, with reciprocal guarantees from the warring factions that no indiscriminate revenge would follow and that each other's legitimate interests would be taken into account. This would ensure that no key actor, irrespective of where he/she stood during the conflict, would be excluded from the post-conflict state-building. On the other hand, the negotiation should set a timetable for a political process leading to elections and the establishment of a pluralistic regime. In the meantime, a provisional government, made up of all factions involved in the conflict and under the aegis of the UN, would work on re-building state structures, including law enforcement agencies and the oil and gas industries.

As a general rule, warring factions in a civil conflict tend to accept a national reconciliation process due to the excessive costs, both in human lives and resources, of a prolonged stalemate, or because they are forced to do so by an all-powerful third party. This is what happened in Iraq, where the United States managed to contain the looming civil war by facilitating the re-integration of disempowered Sunni tribes into the political process after years of escalating violence. However, it is not impossible to achieve this goal even if the prolonged stalemate has yet to take place, notwithstanding the fact that NATO's clout over parties in Libya is not comparable to that of the US over Iraqi factions. NATO and its partners should remind the rebels that their support is conditioned on the rebels' willingness to involve their current opponents in post-conflict reconstruction. At the same time, the coalition should make clear to Gheddafi's loyalists that they have much to gain if they stop the fighting sooner than later: the longer they continue to fight, the more difficult it will be to ensure that they play an important role in Libya's future.

Ideally, peace talks would be mediated by an international team. As to its membership, an option would be to involve the UN plus influential players that have a direct stake in



Libya's stability and enjoy the trust of the two factions. The African Union and the European Union seem to fit best the job description. Both have a stake in Libya's future, having developed important links with that country. The African Union has a strong interest in playing a leading role in the post-conflict settlement. So has the European Union, which also has important energy and migration management interests at stake. While the AU and the EU have leaned towards opposing sides in the conflict - the former refusing to disown Gheddafi, the latter supporting the protection of civilians by military means - they have sufficient credibility to act as mediators. Precisely their different political stances may also confer to the mediation forum the necessary credibility in the eyes of both conflict parties. The AU's credibility derives from its peace initiative, while the EU is less compromised with the rebel faction than some of its individual members, starting obviously with France and Britain. Another option would be to enlarge the mediation group so as to include also Turkey, the United States (provided it is willing to get involved), and the Arab League. If needed, a UN-sanctioned, multinational peacekeeping force could be deployed to ensure that the ceasefire is respected and that factions do not resort to violence in order to settle political issues. Ideally, the multinational force should comprise contingents from Europe, Africa, and the Arab world.

## 7. An inclusive political strategy for Libya's future

The idea of international mediation is not far-fetched. In fact, it has many pros. The prospect of an internationally mediated reconciliation process would dent Gheddafi's loyalists' will to fight more than mere force. It could therefore accelerate the end of the hostilities at a lesser cost in human lives. It would also facilitate post-conflict state-building, insofar as it would foster power-sharing mechanisms in a society strongly characterised by urban and rural differences and where tribal logics, in particular in the countryside, are deeply entrenched. Furthermore, it would marginalise extremist groups because, in the context of an inclusive political process, the spoiling potential of hardliners at both ends of the spectrum would be circumscribed. Finally, the option of a national reconciliation would garner broad international consensus, with the United Nations sanctioning and overseeing every step of the process.

As for the cons, they boil down to one: how to convince Gheddafi's loyalists that abandoning their leader serves their long-term interests more than clinging on to him? Achieving this goal is a difficult task, given the level of control Gheddafi seems to still have over the regime. However, it is not impossible, in particular if NATO and its partners employ a combination of means.

First, the coalition should publicly embrace the goal of forcing the parties to the negotiating table aimed at national reconciliation. It should emphasise that the United Nations would oversee the political process and that international mediation would include actors whom Gheddafi's loyalists can trust (e.g., the AU). More importantly, it should make clear that the West is not intent on determining Libya's political future. In so doing, the coalition would prove it has a plan from which only very few people - namely Gheddafi and his family and a few ultra-loyalists - would be excluded.

Second, the coalition should continue to exert military pressure, also contemplating the option of hitting political targets if the stalemate persists. Contacts with the rebels should be fostered and intensified, if only to gain a deeper understanding of who they are, how much support they garner, and to what extent providing military assets to them entails a risk. The actual delivery of arms, however, should be limited to the goal of enhancing the rebels' capacity to resist Gheddafi's effort to re-conquer the territories he has lost. The point here is not so much that of giving the rebels the means to defeat their enemy, but rather to convince Gheddafi's forces that the coalition is serious about its plan to create the conditions for a post-Gheddafi Libya, thereby weakening their will to fight.

Third, the coalition should convey the message that, apart from Gheddafi's inner circle, social and tribal actors currently supporting him will play a role in a new Libya. Identifying potential interlocutors in these segments of Tripolitanian society is a corollary of this reasoning, and should be pursued in parallel with the military operation. The coalition should also continue to encourage defections within the inner core of the regime, providing guarantees that the sooner the conflict ends, the more limited post-conflict reckoning will there be. The bottom line is that early defectors will risk far less than die-hard loyalists once the conflict is over, and will have a greater chance of playing a more prominent role in the transition process. Although the underlying logic of this course of action is to accord preference to peace over justice, the balance is not tilted completely against the latter: immunity would not be guaranteed to all of Gheddafi's loyalists, not least because the UN Security Council has referred the situation in Libya to the International Criminal Court (ICC). So the prospect of potential post-conflict retribution should be used with wisdom by the coalition. The same carrot and stick approach could be applied regarding the mercenary forces currently fighting for Gheddafi, the fate of whom should also be considered by the coalition. A permission to leave the country unharmed should be guaranteed to units surrendering before Gheddafi's departure. Before then, the mercenaries should be reminded that it is in their interest to leave the boat before it sinks: national reconciliation must be accompanied by some degree of 'justice', and foreign fighters, particularly if despised, as mercenaries are often perfect scapegoats.

Fourth, the United States and the European Union should pledge humanitarian aid and economic and technical assistance to Libya. The EU, in particular, should signal its readiness to open talks for a more comprehensive bilateral agreement with the new government of Libya, than the one proposed under Gheddafi, provided it meets minimum standards of plural representation and the rule of law. They should also make clear that assets belonging to Libyan entities and frozen in the context of the current conflict would be made available again once the political process gathers momentum.

Finally, the coalition should hint at the possibility that it would accept that Gheddafi and his family find refuge in a country where they could not be reached by the ICC. NATO would not guarantee Gheddafi's immunity, but would not make any attempt at capturing him either, if he agrees to step down and leave the country.

## 8. Conclusion

The looming stalemate in the Libyan conflict is a dangerous prospect for NATO. At stake are the lives of Libyan civilians, the security of an important North African and Arab country, key European interests (migration control and energy supplies), the dangers of a broader regional conflict (with security spillover effects on Libya's neighbours) and the credibility of the alliance as a security provider. Of the options that NATO can pursue in the attempt at breaking the deadlock, a national reconciliation process, mediated by a UN-led international team, seems to be the least risky and the most likely to pave the way for a sustainable post-conflict process. In this context, continued military pressure and intensified contacts with the rebels make sense. Otherwise, intensifying military operations and/or arming the rebels could seriously reduce the international legitimacy of NATO's operation in Libya and complicate post-conflict plans. Military operations should be integrated into a broader political strategy aimed at weakening the Gheddafi regime's will to fight by providing incentives to those sections of Libyan society that continue supporting it and paving the way for Gheddafi's and his family's exile. It is difficult to assess the chances of success of this strategy. However, embracing it would at least shield the coalition from the risk of seeing international support for the military operation diminish considerably, as it probably would if NATO were to rely exclusively on more aid raids and/or arming the rebels. Pursuing the double track approach of military means coupled with a national reconciliation mediation would prove that NATO and its partners have an inclusive plan for Libya's future and are not simply intent in dictating who will run the country once violence subsides.

**Updated: 2 May 2011**



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