



NEW YORK UNIVERSITY

CENTER ON INTERNATIONAL COOPERATION



**The Libyan War: A Diplomatic History |
February - August 2011**

Emily O'Brien and Andrew Sinclair
Preface by Richard Gowan

August 2011

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The world faces old and new security challenges that are more complex than our multilateral and national institutions are currently capable of managing. International cooperation is ever more necessary in meeting these challenges. The NYU Center on International Cooperation (CIC) works to enhance international responses to conflict, insecurity, and scarcity through applied research and direct engagement with multilateral institutions and the wider policy community.

CIC's programs and research activities span the spectrum of conflict, insecurity and scarcity issues. This allows us to see critical inter-connections and highlight the coherence often necessary for effective response. We have a particular concentration on the UN and multilateral responses to conflict.

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The Libyan War: A Diplomatic History | February-August 2011

Preface

Richard Gowan

Some crises flare up and are forgotten fairly quickly. Others offer lasting insights into the global balance of power and the state of international diplomacy. The Libyan crisis falls into the second category. In a period in which serious commentators dwell on “the decline of the West” and “the erosion of the post-Cold War order”, the war has been both a test of Western military might and international cooperation. There have been multiple surprises. A pundit who predicted in January 2011 that NATO was about to embark on a new war involving a Muslim country would have been dismissed. But it would have seem equally outlandish to suggest that China and Russia might permit Western military actions against an Arab leader to win a UN mandate, let alone that the Arab League would actively support this outcome. Well-established assumptions about the evolution of the international system in the wake of Iraq and the financial crisis have been found wanting.

In March 2011, with the Libyan war gathering pace, the Center on International Cooperation (CIC) at New York University asked Emily O’Brien and Andrew Sinclair to track multilateral efforts to manage the crisis. The result is this detailed narrative of diplomatic negotiations across international and regional organizations ranging from the United Nations, NATO and the EU to the African Union, League of Arab States and Organization of the Islamic Conference. The narrative runs from the first international responses to the uprising in Libya in February to the eve of the rebel assault on Tripoli in the second half of August.

The implosion of the Gaddafi regime in the face of this offensive is likely to precipitate a new bout of intensive diplomacy over the post-conflict settlement in Libya. There will be talk of looking forwards rather than backwards. Nonetheless, this turning-point is a good moment to look back over the complex diplomacy that resulted in NATO’s air campaign over Libya and a host of failed initiatives to negotiate an early compromise to end the war.

There are three reasons for doing so. The simplest is that there

are numerous unresolved disputes over how both major powers and international organizations responded to the Libyan crisis. Non-Western governments have, for example, accused NATO of pursuing a policy of regime change while claiming to protect civilians. Western officials grumble that their critics have been naïve or disingenuous in calling for a mediated settlement. These arguments have poisoned discussions of the bloodshed in Syria, with non-Western members of the Security Council pointing to the West’s (supposed) bad faith over Libya.

As these arguments have rumbled on, it has been easy to lose sight of the actual diplomatic processes involved. The basic goal of any diplomatic history is to disentangle conflicting claims about who said what when and what they meant by it. Academic historians are able to do this in great detail by digging through archives and memoirs. Nobody can yet do this in the Libyan case, and nor will they be able to do for some years or decades to come. For the time being, a narrative such as that which follows can at least clarify the timing and substance of public or semi-public discussions of the crisis.

The second reason for exploring these discussions is that they provide important elements of context for the emergence of a post-conflict settlement in Libya. Experts on peacebuilding typically emphasize the need to respect the political dynamics inside a war-damaged state. But experience shows that post-conflict settlements are more often shaped by the rifts and compromises that emerged in earlier phases of crisis diplomacy.

In the case of Kosovo, the complex post-war administration that emerged in 1999 (involving the UN, NATO, European Commission and Organization for Security and Cooperation in Europe) reflected the need to balance the conflicting positions of the US, EU members and Russia. The US deliberately structured its post-war presence in Iraq to exclude those powers (such as France and Germany) that had opposed the invasion.

In the Libyan case, there is unlikely to be a heavy post-conflict international presence comparable to those in Kosovo and Iraq. But the post-Gaddafi government will surely make decisions on the country’s future based on the experiences of the last six months. It will be intriguing to see how Libya aligns itself vis-à-vis those powers and organizations that turned against Gaddafi (most obviously NATO and the Arab League) and those

accused of sympathy towards his regime (arguably including the African Union). The ramifications of the diplomatic maneuvering described here will be felt for some time yet.

The third reason for tracking this maneuvering extends beyond these immediate concerns. The Libyan crisis has been important not only in its own right but as a test-case for multilateral crisis diplomacy in an increasingly multipolar international environment.

In 2003, inter-governmental debates over the Iraq war boiled down – as President Bush observed – to whether states were with or against the United States. In the Libyan case, there has not been a comparable sense of black-and-white decision-making. The US shifted from opposing to endorsing (and delivering) military action. The Arab League shifted from favoring the use of force to questioning its implementation. South Africa voted in favor of the resolution mandating force in the Security Council before becoming an apostle of a mediated solution. Brazil, Russia, India and China abstained at the UN, but failed to offer a clear alternative to NATO's strategy. Perhaps the only feature of the international landscape identical to the Iraq case was that the EU was painfully divided.

Is it possible to extract any firm lessons about the state of multilateral cooperation from this imbroglio? The evidence is open to multiple interpretations. Here are just three:

- **The Libyan crisis demonstrated the importance of the UN in a multipolar world:** the fact that the Obama administration and EU powers turned to the Security Council to legitimate action over Libya shows that, with non-Western powers gaining in importance, the UN is still a forum for big power diplomacy.
- **The Libyan crisis proved that regional organizations are gaining in importance:** the fact that the Arab League played a significant role in arguing for the use of force against Gaddafi shows that regional organizations are gaining influence. So has the fact that the African Union has maintained a role in the crisis, in spite adopting a position in favor of mediation that alienated the West.
- **The Libyan crisis showed that, in the final analysis,**

the West still calls the shots: the fact that, in spite internal debates and military obstacles, NATO sustained its air campaign over Libya shows that the Cold War-era Alliance is still relevant, and the only coalition capable of concentrating serious force in a crisis.

All these analyses have merits, but they reflect very different visions of the way the international system is evolving. This in turn raises questions about the ability of the so-called “international community” to hang together during intense crises. While governments were briefly semi-united in disgust with Gaddafi's behavior in March – an unremarkable achievement given the regime's isolation in the West and among the Arabs – the rest of the year has been characterized by disputes within and between international and regional organizations over how to act. The Colonel and his advisers were frequently able to exploit tensions to their advantage, prolonging the crisis far longer than expected.

This crisis also stoked arguments about what the Libyan crisis has demonstrated about the values that animate international cooperation today. After the Security Council initially approved the use of force to protect civilians in Libya, many commentators welcomed its decision as a victory for the “Responsibility to Protect” (R2P). As the air campaign dragged on, more negative analyses emerged. The campaign, it was argued, was slowly weakening the international appeal of R2P. Both cases have probably been overstated. CIC's narrative should, we hope, provide a corrective to both excessively optimistic and excessively negative interpretations of Libya's implications for R2P.

The narrative has deliberately been designed to give an international perspective on diplomacy over Libya, interweaving discussions in different organizations, rather than telling “the NATO story,” “the African Union story” and so on separately. Ultimately, the narrative offers no final opinion on the lessons of Libya. We hope that scholars and policy analysts will mine it for information in developing their own conclusions. CIC, meanwhile, will continue to track the evolution of diplomacy over Libya as it enters its next phase, which may yet prove to be quite as controversial as what has gone before.

New York, 22 August, 2011

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The authors wish to thank CIC's Deputy Director for Programs (Conflict), **Jake Sherman**, for his editorial advice and guidance. CIC's Director **Bruce D. Jones** and Chief of Staff **Molly Elgin-Cossart** also gave essential advice and encouragement.

All views expressed in this report are those of the authors only, and do not necessarily represent the views of CIC or their current employers.

Brief chronology of the Libyan war

February

- Protests beginning in Benghazi on 15 February 2011 sparked a harsh crackdown by Colonel Muammar Gaddafi's security forces. By 20 February, protestors had taken control of Libya's second city, Benghazi, coalescing rapidly into an anti-Gaddafi force.
- On 26 February, the United Nations Security Council (UNSC) unanimously passed Resolution 1970, which demanded an immediate end to the violence, leveled sanctions against Gaddafi and advisers close to him and referred Libya to the ICC, calling for a war crimes investigation by the body into "widespread and systematic attacks" against Libyan civilians.
- The Libyan rebels announced the formation of the Interim Transitional National Council (TNC) in Benghazi on 27 February.

March

- With debate about implementing a no-fly zone over Libya ongoing in world capitals, the African Union (AU) opposed the initiative in a 10 March meeting.
- The League of Arab States (LAS) called on the UNSC to impose a no-fly zone at a 12 March meeting in Cairo.
- The UN Security Council passed Resolution 1973 with ten votes in favor and five abstentions – China, Russia, India, Brazil and Germany – on 17 March. The resolution authorized member nations to "take all necessary measures...to protect civilians and civilian populated areas" in Libya under Chapter VII of the UN Charter. It also authorized the implementation of a no-fly zone. UNSC Resolution 1973 marked the first time the UNSC had approved the use of force in support of "Responsibility to Protect" (R2P) without the consent of the target country.
- Speaking on a radio show in Tripoli before the UNSC vote, Gaddafi lent urgency to calls for international

action, saying his military would commence an assault on Benghazi, the last rebel stronghold, that day.

- With coalition allies meeting in Paris to discuss military planning, US and European forces began air strikes against Gaddafi forces on 19 March.
- China joined India and Russia on 22 March in demands for a cease-fire, and in suggesting that allied forces had exceeded the UN's mandate by imperiling civilians in Libya.
- NATO reached an agreement to assume leadership from the US of the military campaign mandated by UNSC Resolution 1973 on 24 March.
- On 29 March, Britain hosted the first meeting of the Libya Contact Group. Created as a focal point to coordinate political efforts between international organizations, there were foreign ministry officials from more than forty countries as well as representatives from key regional organizations present in London.

April

- The European Union (EU) announced a military operation to support humanitarian relief operations in Libya (EUFOR Libya) on 1 April.
- The AU presented its roadmap for a negotiated end to the Libya crisis on 11 April. The proposal called for an immediate cease-fire and the suspension of NATO airstrikes, among other points.
- The Libya Contact Group gathered for a second meeting in Doha, Qatar on 13 April. The meeting was the first between representatives from the NATO-led coalition, regional leaders, and Libyan rebel leadership.
- On 15 April, US president Barack Obama, UK prime minister David Cameron and French president Nicolas Sarkozy published an opinion piece in the *International Herald Tribune* in which they stressed that they were "united on what needs to happen" to put an end to the conflict in Libya, writing that "it is impossible to imagine a future for Libya with Gaddafi in power."

May

- The secretary-general's special envoy for Libya, Abdel-Elah Al-Khatib, briefed the Security Council on 3 May on his mediation efforts. He said that although both the Libyan authorities and the rebels were "ready and willing" to implement a cease-fire, they disagreed on the terms. The Libyan government said that a cease-fire must be accompanied by a halt to the NATO bombings, while the TNC said that a cease-fire would not end the conflict if it were not directly linked to the departure of Gaddafi.
- After meeting with Gaddafi in Tripoli on 30 May, South African president Jacob Zuma indicated that the Libyan leader was not willing to step down, but evinced interest in negotiating a political solution to the crisis.

June

- Outgoing US secretary of defense Robert Gates offered a pointed critique of NATO's operations in Libya on 10 June, arguing that the US was being forced to prop up coalition operations.
- On 21 June, the chairman of the TNC, Mahmoud Jibril, visited Beijing.
- International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo issued an arrest warrant for Gaddafi, among others, on 27 June.
- While the AU agreed to play host to any potential talks between the Libyan rebels and the Gaddafi regime on a cease-fire and transition process, it did not take a definitive position on Gaddafi's prospects for remaining in Libya during a 30 June-1 July summit.

July

- At the fourth Libya Contact Group meeting in Istanbul on 15 July, the decision was taken by all members of the Contact Group to officially recognize the TNC.

- On 23 July the Libyan regime declined terms set out by the UN's special envoy to Libya for Gaddafi to relinquish power but remain in Libya as part of a negotiated settlement.

August

- After taking a series of strategic towns near Tripoli, the Libyan rebels continued toward the capital in a rapid advance in mid-August. By 22 August, with Gaddafi's whereabouts unknown, clashes between regime loyalists and Libyan rebels were ongoing in Tripoli.
- Despite uncertainty about whether rebel gains in securing Tripoli would be transformed swiftly into a decisive victory, Gaddafi's fall from power appeared to be imminent.

The Libyan War: A Diplomatic History February-August 2011

February

Protests beginning in Benghazi on 15 February 2011 sparked tens of thousands of anti-government demonstrations throughout Libya in the days that followed, mirroring the turmoil in the Arab world. The escalating unrest represented an unprecedented challenge to Colonel Muammar Gaddafi's 41-year reign, and he responded by ordering Libyan security forces to move against protestors in a harsh and violent crackdown. By 20 February, protestors had taken control of Benghazi, as demonstrations spread across the country, beginning to coalesce into an anti-Gaddafi rebel force.

The Obama administration condemned Gaddafi's use of lethal force against peaceful demonstrators on 20 February, as did the European Union (EU), calling for an end to the violence.¹ The escalating conflict in Libya marked the unrest there as the most deadly of any of the uprisings sweeping across North Africa and the Middle East. Gaddafi urged his supporters to attack those that challenged his rule, prompting Libya's deputy United Nations (UN) ambassador, Ibrahim Dabbashi, to reject Gaddafi on 21 February and say that the speech would trigger genocide. Dabbashi also claimed that the regime was using mercenaries to attack demonstrators, called for a no-fly zone, and requested that the Security Council refer the Gaddafi regime to the International Criminal Court (ICC).² Libya's representative to the League of Arab States (LAS) also resigned.³

On 22 February, Gaddafi vowed to track and kill protestors "house by house" as he moved to tighten his grip on Tripoli while the eastern part of Libya appeared to be slipping beyond his control.⁴ The UN Security Council (UNSC) met in a closed session to discuss Libya, and issued a statement calling for "an immediate end to the violence."⁵ In an emergency meeting in Cairo on 22 February the LAS released a statement condemning the Libyan regime's use of force against civilians and suspended Libya's participation in the organization.⁶ The

following day the African Union (AU) Peace and Security Council met in a closed-door meeting on Libya—with Libya's ambassador defending the government's use of force.⁷ The communiqué, viewed as more cautious in tone than the LAS and UN responses, nonetheless "strongly condemn[ed] the indiscriminate and excessive use of force and lethal weapons against peace protesters."⁸ Unlike the LAS, the AU stopped short of expelling Libya. Gaddafi served as AU chairman in 2009 and Libya is among five nations that contribute nearly two-thirds of the AU's funds.⁹

By 22 February, governments rushed to evacuate their citizens from Libya as the security situation there continued to deteriorate, though they differed in their assessments of the level of threat, and in their evacuation plans. For example, while the Germans advised all their citizens to depart Libya, the Italians initially expressed a willingness to help all who wished to leave, but did not require them to depart. Some countries chartered military and civilian planes, while others deployed military ships to rescue stranded citizens.¹⁰ There was also a divide between citizens of wealthier nations, who benefited from the rescue efforts of their home governments, and migrant workers from poorer nations, whose home countries lacked the resources to coordinate their rescue.¹¹ While China evacuated its 30,000 citizens rapidly, India struggled to do the same with far fewer people.¹² Governments scrambled to evacuate their nationals, and some were criticized for the shortcomings in their efforts. The British government, for one, came under fire for Britain's difficulties in evacuating its citizens, prompting an apology from British prime minister David Cameron.¹³

On 22 February, US secretary of state Hillary Clinton described the Libyan government's use of violence against its citizens as "completely unacceptable." She added that the UNSC was an appropriate venue to consider further action against Libya.¹⁴ US president Barack Obama demanded an end to the violence in Libya in a speech the next evening.¹⁵ French president Nicolas Sarkozy proposed on 23 February that the EU "swiftly adopt concrete sanctions to ensure that all those involved in the ongoing violence are aware that they will have to assume the consequences of their actions." His proposal found support from Britain

and Germany, although Italy, Malta and Cyprus were said to be reluctant about sanctions, because of business relationships in Libya and concern that ongoing violence in Libya would cause a wave of immigrants to seek refuge in Europe. Italy in particular has historical and commercial ties to Libya, which resulted in hand-wringing in Rome as to what approach to take toward the Gaddafi regime. After stating on 19 February that he did not wish to “disturb” Gaddafi, Italian prime minister Silvio Berlusconi shifted course on 21 February, condemning the “unacceptable” use of force by Gaddafi’s security forces.¹⁶

The US leveled unilateral sanctions against Libya and shuttered its embassy in Tripoli on 25 February.¹⁷ At a UNSC meeting on peace and security in Africa, UN secretary-general Ban Ki-moon encouraged the UNSC to act on Libya, saying that “it is time for the Security Council to consider concrete action” and end the killing that had led to more than 1,000 deaths.¹⁸ And France and Britain called on the international organization to approve an arms embargo and sanctions. During a special meeting of the alliance, NATO said it was ready to help evacuate refugees.¹⁹ The UN Human Rights Council (UNHRC) convened a special session in Geneva, recommending Libya’s suspension and ordering a commission of inquiry.²⁰ It was the first special session in the Council’s history devoted to a situation in the territory of one of its members. NATO held an emergency meeting in Brussels, but took no action, with its secretary-general Anders Fogh Rasmussen indicating that it had no plans to intervene.²¹

French president Nicolas Sarkozy visited Turkey the same day, and met with criticism from Ankara about Europe’s limited reaction to the unfolding refugee crisis in Libya and other parts of North Africa. During a joint news conference with Turkish president Abdullah Gul, Sarkozy called for Gaddafi to resign and be tried before the ICC. Sarkozy also dismissed the possibility of a military intervention in Libya, asking: “What kind of credibility would such intervention bring to the people there?”²²

Ahead of the UNSC meeting on 26 February to consider imposing international sanctions, American, French, German and British diplomats distributed a draft resolution

to refer the conflict in Libya to the ICC.²³ Britain, France and Canada also closed their embassies in Tripoli.²⁴ Hours before the UNSC meeting, Turkey’s prime minister Recep Tayyip Erdogan argued that international sanctions would do greater harm to Libya’s people than to Gaddafi, adding: “We call on the international community to act with conscience, justice, laws and universal humane values – not out of oil concerns.”²⁵ Yet it was Erdogan who was a personal recipient of the al-Gaddafi International Prize for Human Rights. Moreover, prior to the conflict in Libya, there were 30,000 Turks working on \$1.5 billion worth of construction jobs for Libya’s government; Ankara had an economic rationale for keeping up good relations with the Gaddafi regime.²⁶

On the evening of 26 February, the UNSC unanimously passed Resolution 1970, which – using the language of “Responsibility to Protect” – demanded an immediate end to the violence, leveled sanctions against Gaddafi and advisers close to him and referred Libya to the ICC, calling for a war crimes investigation by the body into “widespread and systematic attacks” against Libyan civilians.²⁷ The unanimous support for UNSC Resolution 1970 was of note. It seemed to indicate that emerging powers like China were moving away from an international posture of non-interference.²⁸ On the American side, US president Barack Obama said during a phone call with German chancellor Angela Merkel following the vote that Gaddafi should relinquish power, the most forceful statement a US official had made against Gaddafi by that point in the conflict.²⁹

The following day, Italy’s foreign minister suspended a nonaggression treaty with Libya, because the Libyan state “no longer exists.”³⁰ The decision was perceived as allowing Italy to play a role in any future peacekeeping operations, or serve as a base of operations for any intervention against the Libyan regime. Clinton described how the US was in contact with Libyan rebels to “offer any kind of assistance.” The Libyan rebels announced the formation of the Interim Transitional National Council (TNC) in Benghazi. And US, European and NATO officials also held talks on 27 February that included discussions about – and planning for – the implementation of a no-fly zone over Libya. Meanwhile, the Office of the United

Nations High Commissioner for Refugees deemed the Libyan crisis a humanitarian emergency.³¹

On 28 February, US secretary of state Hillary Clinton confirmed after a special meeting of the UNHRC in Geneva that the US and its allies were discussing the imposition of a no-fly zone: "No option is off the table," she said, adding "that includes a no-fly zone." British prime minister David Cameron seemed to send a similar message: "We must not tolerate this regime using military force against its own people" he said, "In that context I have asked the Ministry of Defense and the Chief of the Defense Staff to work with our allies on plans for a military no-fly zone."³²

The Pentagon also began moving military aircraft and ships closer to the Libyan coast, in anticipation of a role in a humanitarian relief effort in Libya, where refugees were fleeing Libya's conflict-plagued cities. The EU announced further sanctions, including an arms embargo. While the sanctions were more stringent than those agreed to in UNSC Resolution 1970, they were less so than US unilateral measures.³³

But also on 28 February, France's prime minister Francois Fillon voiced doubts about an international military intervention in Libya, which Western diplomats asserted that France opposed during NATO discussions and at the UN. Fillon argued that a no-fly zone over Libya would require a UNSC resolution, as well as NATO involvement. According to Fillon, "It would be necessary to involve NATO, and I think that has to be thought about. Should NATO get involved in a civil war to the south of the Mediterranean? It is a question that at least merits some reflection before being launched."³⁴

March

US secretary of defense Robert Gates minimized the possibility of a US military intervention in Libya in remarks on 1 March, pointing to a lack of consensus within NATO, among other reasons. This appeared to be a retreat of sorts from Clinton's forceful comments the week before that a no-fly zone in Libya was under "active consideration." Turkish prime minister Recep Tayyip Erdogan rejected

the idea of a no-fly zone, calling it an "absurdity." Russia's foreign minister Sergei Lavrov also rejected the possibility. And asked to comment on a no-fly zone, a French government spokesman said: "It's not a priority. The priority is humanitarian aid; it's no longer diplomacy."³⁵ Cameron seemed to retreat from his earlier proclamations about a no-fly zone, focusing instead on employing EU "soft power" in Libya; his aides said the no-fly zone was only a "contingency plan." Cameron told British officials to team up with officials in Paris to craft proposals for an EU response in anticipation of an emergency summit in Brussels on 11 March.³⁶ And on 1 March, the UN General Assembly removed Libya from the UNHRC, in a move adopted by consensus in the Assembly.³⁷

Obama repeated his call for Gaddafi to immediately relinquish power on 3 March, and said that a no-fly zone was one of the options under consideration to hasten Gaddafi's departure.³⁸ On 5 March, in a letter to the General Assembly, the TNC declared itself the "sole representative of all Libya," and called for the international community to protect the Libyan people "without any direct military intervention on Libyan soil."³⁹

On 7 March, the British government gave a detailed explanation of an embarrassing British mission that was intended to strengthen ties with Libyan opposition leaders, but instead resulted in eight Britons from SAS and MI6 being detained on a military base in eastern Libya for two days. The botched mission heightened British fears about both a loss of British credibility, and damage done to UK prime minister David Cameron's efforts to rally support in the EU against the Gaddafi regime.⁴⁰

As the no-fly zone debate continued in world capitals, Obama reiterated on 7 March that the US was in talks with NATO allies about military options in Libya, and also authorized an additional \$15 million for relief operations there. The Gulf Cooperation Council (GCC) "demanded that the UN Security Council take all necessary measures to protect civilians, including enforcing a no-fly-zone over Libya," and said that "those responsible should be brought to justice."⁴¹ The GCC declaration in support of a no-fly zone was the first major foreign policy decision

taken by the regional body since 1991. It was also the first regional bloc to demand a no-fly zone for Libya, creating momentum toward international action.⁴² Meanwhile, according to EU crisis management chief Agostino Miozzo, Gaddafi invited the EU to send monitors to Libya to conduct an “independent evaluation” of the crisis. While some EU ambassadors were reported to be in favor, others, including the Germans, French and British were said to be opposed.⁴³ On 8 March the secretary-general of the Organization of the Islamic Conference (OIC) announced that the OIC supported a no-fly zone over Libya.⁴⁴ That same day, Obama and Cameron said that Gaddafi must go “as quickly as possible.”⁴⁵

Yet NATO defense ministers seemed to reject a no-fly zone on 10 March during a meeting in Brussels, deciding only to reposition warships near Libya and arrange for humanitarian aid. Although NATO secretary-general Anders Fogh Rasmussen said that “time is of the essence,” there was disagreement within the alliance over what to do about Libya.⁴⁶

While Gates stated in a press conference after the meeting that military plans for a possible no-fly zone would proceed, he noted: “that’s the extent of it.” Moreover, both Gates and Rasmussen asserted that NATO would support a no-fly zone only with “a clear legal basis” – in other words, only with the endorsement of the United Nations. Using similar language, both asserted that NATO would not take military action except in the case of “a demonstrable need” and only with meaningful backing from Arab states in the region. The US and Germany were reported to be opposed to a no-fly zone. Britain and France, who have been working on a draft resolution at the UN calling for one, were said to be in support.⁴⁷

Policy differences between France and Britain widened, however, when France became the first member of NATO to recognize the TNC. In his comments at the European Union in Brussels, William Hague, the UK’s foreign secretary, opined that the rebels were “legitimate people to talk to, of course, but we recognize groups rather than groups within states.”⁴⁸

Also on 10 March, the AU Peace and Security Council met at the heads of state level and established an ad hoc High-Level Committee on Libya to engage with all parties, facilitate an inclusive dialogue, and engage and facilitate the coordination of efforts with the AU’s partners including the LAS, the OIC, the EU, and the UN. The communiqué also condemned the indiscriminate use of force and rejected any foreign military intervention.⁴⁹ The same day, the GCC declared the Libyan regime illegitimate, called for the LAS to make contact with the TNC, and reiterated their call for a UN Security Council-imposed no-fly zone.⁵⁰ Meanwhile, UN secretary-general Ban Ki-moon appointed a special envoy to Libya, former Jordanian foreign minister Abdel-Elah Al-Khatib, on 10 March.⁵¹

During an emergency European Union summit in Brussels on 11 March, the EU came to an agreement to consider “all necessary options” to protect civilians in Libya, and called on Gaddafi to give up power. The statement did not make reference to recent French and British calls for a no-fly zone. It did note that any proposed military action would require a clear legal basis – in other words, a UN mandate – regional support and a clear purpose. In remarks after the meeting, German chancellor Angela Merkel described herself as “fundamentally skeptical” of military action.⁵² Sarkozy, in contrast, went so far as to indicate that France and Britain were contemplating airstrikes in Libya.⁵³ Also on 11 March, Obama announced that he would appoint a special representative to Libya’s rebel leaders, which many read as a step toward formal recognition of the rebels as the legitimate representatives of the Libyan people.

The LAS, at a ministerial-level meeting in Cairo on 12 March, called on the Security Council to impose a no-fly zone, and pledged to cooperate and communicate with the TNC.⁵⁴ News reports suggested that at the Security Council, the Arab League decision was necessary for a no-fly zone, but not sufficient. Objections, coming from Russia and China among others, revolved around the two remaining questions of whether there was a compelling need for a no-fly zone, and whether it had strong legal justification, since the Arab League had met the third main condition of meaningful regional support.⁵⁵

Foreign ministers of the G8 met in Paris on 14-15 March, and Clinton had a side meeting on 14 March with the Libyan opposition leader, Mahmoud Jibril, though the two did not release a public statement following the meeting. The G8 failed to reach a consensus on a no-fly zone or any other kind of military action, punting the problem to the UNSC. German foreign minister Guido Westerwelle held firm to the German line that “military intervention is not the solution,” and the US was reported to be non-committal.⁵⁶

In New York, the UNSC remained split over no-fly zone authorization. After a closed-door meeting on 14 March, French representative Gerard Araud said, “We would prefer to act as soon as possible.” Russia’s representative Vitaly Churkin noted separately, “You need to be sure any decision the council takes is not going to exacerbate the military-political situation in Libya.” His sentiments were echoed by his counterparts at the G8 meeting in Paris.⁵⁷

By 16 March, the Obama administration had shifted on Libya policy: the US began to push for the UNSC to authorize military action to halt Gaddafi’s forces as they prepared to lay siege to the last Libyan rebel stronghold of Benghazi. The US wanted any military action to be executed by an international coalition, featuring representation from Arab states. “The turning point was really the Arab League statement on Saturday,” said US secretary of state Hillary Clinton, “That was an extraordinary statement in which the Arab League asked for Security Council action against one of its own members.” Meanwhile, the US ambassador to the UN, Susan Rice, was involved in negotiations over the language of the UNSC resolution, which was sponsored by Lebanon and supported by France and Britain.⁵⁸

A day after UN secretary-general Ban Ki-moon called for an immediate cease-fire, the UNSC voted on 17 March to authorize member nations to “take all necessary measures...to protect civilians and civilian populated areas” under Chapter VII of the UN Charter. The resolution highlighted the concept of “Responsibility to Protect,” which, in the words of the 2005 UN World Summit Outcome, is the duty of the international community to “help protect populations from genocide, war crimes,

ethnic cleansing, and crimes against humanity.” While the principle of Responsibility to Protect (R2P), had been invoked before by the Security Council, including in Resolution 1970, Resolution 1973 was the first time the Security Council approved the use of force in support of R2P.⁵⁹

UNSC Resolution 1973 passed with ten votes in favor and five abstentions – China, Russia, Brazil, India and Germany.⁶⁰ Although it abstained from the vote, according to reports, China had no intention of vetoing Resolution 1973.⁶¹ Speaking on a radio show in Tripoli before the vote, Gaddafi lent urgency to calls for international action, saying his military would commence an assault on Benghazi, the last rebel stronghold, that day. “We will come house by house, room by room. It’s over. The issue has been decided,” he said. To those who did not lay down their arms, he said, “We will find you in your closets. We will have no mercy and no pity.”⁶² The combination of Gaddafi’s vitriolic language and past behavior was cited by supporters of an international intervention as reason to act: without an outside intervention Gaddafi would have perpetuated a massacre on the scale of what occurred during the Balkans war, or worse.⁶³ White House Middle East strategist Dennis Ross described the stakes to a group of foreign-policy experts in a closed-door meeting, “We were looking at ‘Srebrenica on steroids’ – the real or imminent possibility that up to 100,000 people could be massacred, and everyone would blame us for it.”⁶⁴

According to news reports, the US, Britain and France did not want the military coalition to enforce Resolution 1973 to be led by NATO, fearing the optics of a Western coalition invading a Muslim country. They all wanted Arab League forces to take part in military action and help foot the bill for operations. UNSC Resolution 1973 specifically referred to an “important role” for Arab states in implementing the no-fly zone. The following day, the Libyan government said it would abide by the cease-fire, but the UN secretary-general’s office said that this could not be verified.⁶⁵

With coalition allies meeting in Paris to discuss military planning, US and European forces began air strikes against Gaddafi forces on 19 March. The mission was described

by Pentagon and NATO officials as being under French and British leadership.⁶⁶ The campaign commenced with French warplanes, which attacked Libyan targets even before the end of the emergency allied planning meeting. In Paris, the diplomats assembled included the prime ministers or foreign ministers from Britain, Canada, Germany, Norway, Italy, Qatar, Morocco, the UAE, Denmark, Belgium, Spain, Poland and the US. Amr Moussa, outgoing head of the LAS, and the League's incoming secretary-general Hoshiyar Zebari, were also in attendance, as was the EU's foreign policy chief Catherine Ashton and UN secretary-general Ban Ki-moon. Turkey, conspicuously, was not invited. There were no African leaders present; the AU chief, Jean Ping, traveled to Mauritania for a meeting with African leaders who wanted to mediate a peaceful conclusion to the crisis in Libya.

Only a day after the Paris meeting, Amr Moussa spoke out against the way military operations had so far transpired, telling Egyptian state media that he was arranging an emergency league meeting to discuss the Libya crisis. "What is happening in Libya differs from the aim of imposing a no-fly zone, and what we want is the protection of civilians and not the bombardment of more civilians," he said. Meanwhile, the US and France both announced that Qatar would join the military coalition, making it the first Arab force to join the military operations.⁶⁷

The criticisms of the military operation leveled by Amr Moussa and the LAS were echoed on 20 March by the AU, China, Germany and Russia, which expressed concern about the "indiscriminate use of force" by the allies, charging that they had exceeded the UN mandate.⁶⁸ "We are not going after Gaddafi," said US vice admiral William E. Gortney at the Pentagon the same day, although news reports suggested that the allied military strikes might very well threaten Gaddafi's government nonetheless.⁶⁹ On 21 March, the youth wing of South Africa's ruling African National Congress (ANC) criticized the South African government's decision to support Resolution 1973, threatening President Jacob Zuma's position as the continent's top mediator in conflicts in Zimbabwe, Côte d'Ivoire and Sudan. In a statement the ANC said, "The South African government is expected to always

propagate for African solutions to African problems and not allow for the outsourcing of the resolution of domestic politics to Western powers."⁷⁰

The Libyan government released four *New York Times* journalists into the custody of Turkish diplomats the same day, after military forces of the Libyan regime detained them. The nature of the discussions over the journalists' release highlighted Turkey's role as a mediator in the conflict.⁷¹ By 21 March, the US-led allied operation – with the US, Britain and France each in charge of their own operations – to destroy Gaddafi's air defenses and implement a no-fly zone appeared near to achieving its initial objections, and the US sought to hand off operational command to European allies. But there was disagreement and uncertainty about who would take over operations when the US withdrew from a lead role.⁷²

At NATO's headquarters in Brussels, alliance members could not agree on who would take the lead on military operations. British prime minister David Cameron argued that responsibility for the no-fly zone should be transferred to NATO, while French foreign minister Alain Juppé argued, "The Arab League does not wish the operation to be entirely placed under NATO responsibility. It isn't NATO which has taken the initiative up to now." Italy wanted NATO to take command. Turkey declined to back a NATO plan for the no-fly zone. Speaking in Mecca, Saudi Arabia, Turkish prime minister Recep Tayyip Erdogan said, "Now the issue is NATO going into operation. If NATO is going into operation we have some conditions."⁷³ Erdogan said Turkey was not against NATO participation in the Libyan operation, but that such participation must not be lengthy, and not result in occupation.⁷⁴

China joined India and Russia on 22 March in demands for a cease-fire and suggesting that allied forces had exceeded the UN's mandate by imperiling civilians in Libya. The day before, hours after Obama departed Brazil, Brasília encouraged "the start of dialogue." The criticism of the BRICs came as the Libyan government alleged that allied military action had resulted in the deaths of Libyan civilians, an assertion rejected by coalition officials. China offered up particularly strong criticism. Jiang Fu, a foreign

ministry spokesperson, said, "We've seen reports that the use of armed force is causing civilian casualties, and we oppose the wanton use of armed force leading to more civilian casualties." Turkish prime minister Recep Tayyip Erdogan also weighed in on the 22nd, saying that Turkey backed giving humanitarian aid, but would "never be the party that points weapons at the Libyan people."⁷⁵

The strategic command of the US portion of the international military intervention in Libya – code-named Operation Odyssey Dawn – fell under the purview of the US Africa Command (AFRICOM). AFRICOM was seen as acquitting itself well in its military operations, but reports suggested that its central role in the intervention exacerbated political tensions. While South Africa, Uganda and Nigeria, the three non-permanent African members of the UNSC, all voted in favor of UN Resolution 1973, the AU firmly opposed it, preferring a political solution. AFRICOM's prominent role in the Libyan intervention may very well make it more difficult for it to strengthen its relationships with a variety of African governments; the Libyan intervention heightened concerns that AFRICOM may be used as a tool for the US to aggressively pursue its strategic interests in Africa, at a cost to the continent's governments.⁷⁶

On 24 March, NATO announced that it would take over leadership of the no-fly zone from the US, but the alliance remained at odds as to who would take charge of the coalition airstrikes against Gaddafi's military forces. NATO secretary-general Anders Fogh Rasmussen said that NATO was still debating whether to assume "broader responsibility" for the war. Both Turkey and Germany opposed NATO playing a role in military strikes that they viewed as exceeding Resolution 1973's mandate.⁷⁷

The long-term goals of the campaign continued to divide NATO, as the allies disagreed about how aggressive NATO should be in attempting to remove Gaddafi from power. The United States spoke in support of Gaddafi's ouster, with US commanders on 24 March encouraging Gaddafi's forces to ignore their orders, although the Obama administration reiterated that Gaddafi's removal from power was not the stated objective of the military

campaign in Libya.⁷⁸ France for one had already gone further, recognizing the Libyan rebels as the legitimate representatives of the Libyan people.

Late in the day on the 24th, NATO finally reached agreement to assume leadership from the US of the military campaign against Gaddafi.⁷⁹ So NATO took over the implementation of Resolution 1973, which authorized both a no-fly zone and military action to protect civilians.⁸⁰ In a boost to the coalition, Qatari jets patrolled with Western allies on 25 March, and the UAE announced that it would send warplanes to join coalition forces. The UAE sent six F-16s and six Mirage warplanes to the coalition.⁸¹ Meanwhile, details of the next phase of the military operation were to be worked out in a military planning document ahead of a coalition foreign ministers meeting in London the following week.

On 25 March in Addis Ababa, a consultative meeting on Libya was held with the AU High-Level ad hoc Committee, members of the AU Peace and Security Council, neighboring countries, African members of the Security Council, the Permanent Five (P5), the EU, LAS, OIC, and UN and other interested states. The meeting produced a roadmap that stressed protection of civilians and cessation of hostilities; delivery of humanitarian assistance; initiation of a political dialogue; establishment and management of an inclusive transitional period; and adoption of political reforms necessary to meet the aspirations of the Libyan people.⁸² The African Court on Human and Peoples' Rights in a 25 March ruling called on Libyan authorities to "immediately refrain from any action that would result in the loss of life or violation of physical integrity." This was the first judicial response to the events in Libya from Africa.⁸³ The following day Libya said it was ready to implement the AU roadmap.

Meanwhile, Turkey was reported to be working behind the scenes to mediate a ceasefire in Libya. Turkish prime minister Recep Tayyip Erdogan explained to *The Guardian* that discussions were ongoing with Gaddafi's government and the TNC, stating that he was concerned that if the conflict did not wrap-up quickly it risked becoming a "second Iraq" or "another Afghanistan." While Turkey opposed international military intervention in Libya, it

accepted a non-combat role in operations following the Arab League's petition for a no-fly zone and UNSC Resolution 1973. Turkey's efforts to broker a political solution after the coalition intervention had begun were seen as presenting a challenge to the military operation's main backers, the US, France and Britain, as well as a threat to relations amongst the NATO allies.⁸⁴ At the UN, on 28 March the chairman of the Libya sanctions committee briefed the Security Council.⁸⁵

On 29 March Britain hosted the London Conference on Libya with more than forty foreign ministers and representatives from key regional organizations; the outcome was the Libya Contact Group, created as a focal point to coordinate political efforts between organizations. Apart from a political show of support for the rebels, the leaders did not announce any new steps to aid them directly. The US, for one, was said to be considering arming rebel forces, but had not reached a decision.⁸⁶

April

Libya foreign minister Moussa Koussa defected to Britain on 30 March, even as Gaddafi's forces made headway against the rebels in eastern Libya. Sanctions were dropped against Koussa on 5 April to encourage other defections. On 31 March, NATO issued a warning to the Libyan rebels not to attack civilians, and NATO's spokesperson noted that the UNSC resolution "applies to both sides." Reports on 1 April indicated that a senior aide to one of Gaddafi's sons had held secret talks with British officials. On 2 April, a NATO airstrike killed 13 rebels outside of Brega, underscoring the difficulty of relying on airstrikes to counter Gaddafi's military.

On 1 April, the EU announced a military operation to support humanitarian relief operations in Libya, EUFOR Libya. If requested by the UN, EUFOR Libya would support humanitarian assistance in the region, underpinning the mandates of UNSC resolutions 1970 and 1973.⁸⁷ EUFOR Libya gained little traction, however, because the UN body the Office for the Coordination of Humanitarian Affairs (OCHA) expressed a preference to explore all civilian options before requesting military assistance, among other reasons.⁸⁸

On 4 April, the US transitioned into a support role, with NATO taking the lead on military operations in Libya. According to NATO spokesperson Carmen Romero, "After Monday the vast majority of strike assets will be provided by non-US allies and partners." The same day, Italy became the third nation to officially recognize the Libyan rebels. Meanwhile, Ankara announced that it was endeavoring to broker a cease-fire agreement. Libyan rebels complained that the changeover to a NATO-led operation had resulted in diminished coalition airpower overhead. Reports indicated that no warplanes were visible overhead in Libya on 4 April.⁸⁹ Responding to criticism on 6 April, NATO denied that its bureaucracy was impeding its campaign. But news reports raised questions about how NATO would respond as Gaddafi's forces altered their tactics to minimize the damage to them by NATO air sorties.⁹⁰ News reports also highlighted Turkey's ongoing mediation efforts, which Turkish foreign minister Ahmet Davutoglu described on 6 April as a three-fold strategy: first, to encourage the TNC and the Gaddafi regime to agree to a cease-fire, second, to encourage a political dialogue between the regime and the rebel forces and third, to facilitate a transition to a democratically-elected government. But Ankara, to its frustration, reported little success as a result of its diplomatic overtures.⁹¹

UN special envoy Abdel-Elah Al-Khatib briefed the Security Council about his activities following four trips to Libya on 4 April.⁹² On 11 April, a five-man AU High-Level Panel on Libya – led by South African president Jacob Zuma – presented their peace-plan to Gaddafi, which he accepted.⁹³ The proposal called for an immediate cease-fire, delivery of humanitarian assistance, the protection of foreign nationals, talks between the rebels and the government, and a suspension of NATO airstrikes. The rebels rejected the plan because the so-called AU roadmap did not call for the end of Gaddafi's rule.⁹⁴ Echoing these sentiments, State Department spokesmen Mark C. Toner insisted on Gaddafi's departure stating, "it's a non-negotiable demand."⁹⁵

Meanwhile, a stalemate seemed to be in the offing between Gaddafi's forces, and the combination of rebel forces and Western air power. The facts on the ground in Libya led

to diplomatic squabbling among NATO allies in mid-April as to the scope and intensity of attacks. Britain and France in particular prodded NATO to intensify airstrikes. On 13 April, Pentagon officials also made known that US warplanes continued to run sorties in Libya even after the Obama administration had announced that the US was taking on a more limited role in Libya, letting NATO take the lead. This brought home a point about capabilities: the US was shown to be a partner in the alliance with a set of capabilities that NATO needed to carry out operations effectively.⁹⁶

Cote d'Ivoire

Concurrent to Libya, Cote d'Ivoire was in the throes of a violent political crisis. In December 2010, Alassane Ouattara won the presidential election in Cote d'Ivoire, but the incumbent Laurent Gbagbo refused to give up power. African leaders, as well as the international community, were vocal in their demands for Gbagbo to accept the results of the election. A violent standoff between Ouattara and Gbagbo's forces ensued, and Cote d'Ivoire developed into a test case for the international community: could the international community compel Gbagbo to step down? The UN, EU, US, AU and ECOWAS, the West African regional grouping, all leveled sanctions against him. West African nations even threatened to use force to oust him.⁹⁷

Through the first months of 2011, Ouattara's forces gradually made headway against Gbagbo's in a protracted, violent political crisis. It took UN and French military intervention beginning on 4 April to pave the way for Gbagbo's capture on 11 April, ending the four-month standoff.⁹⁸ UN and French officials were emphatic that they had not exceeded their mandate (UNSC Resolution 1975, among others) by bringing about regime change: rather, they sought to protect civilians, actions that were independent of the efforts by Gbagbo's rival forces to capture him. They did acknowledge, though, that UN and French military strikes weakened Gbagbo's forces.⁹⁹ Ouattara was formally inaugurated as president of Cote d'Ivoire on 21 May.

On 12 April, Qatar announced that it was marketing Libyan crude oil and buying fuel on behalf of the Libyan rebels.¹⁰⁰ On 13 April, the Libya Contact Group met in Doha, Qatar, in a meeting co-chaired by the UK and Qatar, agreeing to "work urgently" with the rebel leadership to transfer frozen assets belonging to Gaddafi to the Libyan rebels. The meeting assembled twenty-one countries and the UN, the LAS, NATO, the EU, the OIC and the GCC; the AU attended as an invitee only. The Contact Group reiterated its demand

for Gaddafi and his regime to end attacks on civilians and called for a political process that would allow Libyans to choose their own future, noting that "Qadhafi's continued presence would threaten any resolution of the crisis," and calling on "all Libyans who wanted to see a process of political transition to urge Qadhafi to step down."¹⁰¹ The meeting was the first between representatives from the NATO-led coalition, regional leaders and Libyan rebel leadership.

NATO's foreign ministers met on 14 April in Berlin, and sought to play down divisions in their ranks about the Libyan air campaign's intensity.¹⁰² But at that point in the campaign, only 14 of NATO's 28 members were playing an active role in Operation Unified Protector – with support from other states including Qatar, the UAE, Jordan and Sweden – and only 6 countries were striking targets in Libya.¹⁰³ This reflected deep disagreements within the alliance about the utility of force and the prospects of intervention in a civil war.¹⁰⁴ France and the UK continued to be vocal about ramping up the war effort, as well as bringing in more allies. Rasmussen announced himself to be optimistic that more allies would "step up to the plate," though he did not cite any specific promises to do so.¹⁰⁵ Germany, Turkey, and Poland chose not to participate in NATO operations, although news reports indicated that they refrained from interfering in NATO's operational decisions. The French, however, initially hesitant to put the operation under NATO command, were dissatisfied with the bureaucratic hurdles involved in NATO's operation. For example, because of different nations' restrictions on engagement, airstrikes continued to be conducted primarily by the US, France and Britain. And although the US had stepped back from a lead role, news reports indicated that the US role in NATO's campaign was significantly greater than advertised, as the Obama administration sought to avoid the impression that the US was embroiled in another conflict in the Middle East.¹⁰⁶

Meanwhile, UN secretary-general Ban Ki-moon chaired the Cairo Conference on Libya on 14 April with the UN, the LAS, the AU, the EU, and the OIC. He stressed that the international community must remain engaged, and noted that the UN had started post-conflict contingency

planning.¹⁰⁷ The same day, Ian Martin was named the secretary-general's special adviser on post-conflict planning on Libya, with staff support and guidance from the Department of Political Affairs.

On 14 April, at a summit in Sanya, China BRICS leaders—all of whom are Security Council members—said that Resolution 1973 was being interpreted arbitrarily.¹⁰⁸ Analysts noted that the BRIC coalition had voted as a bloc to abstain from UNSC Resolution 1973, and debated in the wake of the Sanya summit about the BRICS future as an alternative bloc to the Western, developed powers.¹⁰⁹ On 15 April, US president Barack Obama, UK prime minister David Cameron and French president Nicolas Sarkozy published an opinion piece in the *International Herald Tribune* in which they stressed that they were “united on what needs to happen” to put an end to the conflict in Libya, writing that “it is impossible to imagine a future for Libya with Gaddafi in power.”¹¹⁰ The flurry of diplomatic maneuvering was in response to what had largely devolved into a stalemate in Libya: Gaddafi's forces dominated western Libya, and the rebels clung to footholds in the east. By 19 April, with Gaddafi's forces shelling rebel-held Misurata, at a cost of hundreds of civilian lives, NATO's critics took it to task for being ineffective, particularly in comparison with the US-led operations at the mission's outset.

NATO's critics also raised questions about how effectively it enforced the UNSC Resolution 1970-mandated arms embargo in Libya. On 19 April, a NATO brigadier general said “no violation of the arms embargo has been reported,” one of many statements to this effect. In contrast, there were numerous reports of rebels smuggling arms into Libya. Commentators indicated that the issue of illegal arms smuggling presented a thorny problem for NATO. The flow of arms to rebels increased the chances of Gaddafi's ouster, and was therefore in NATO's interest. NATO's approach seems to have been to quietly allow arms to flow to rebels, while publicly stating that it was effectively enforcing the embargo. Its other two options would have been to either openly act in contradiction to UNSC Resolution 1970, or implement an effective embargo. Neither was seen as a desirable option for the alliance.¹¹¹

On 20 April, the Office of the Coordination of Humanitarian Affairs (OCHA) said it had established a humanitarian presence in Tripoli. On the same day, in an effort to buttress the rebel forces in Libya, France and Italy announced that they would join Britain in sending liaison officers to assist the rebel army. On 21 April, Obama authorized the use of armed drones against Gaddafi forces. That same day Gambia recognized the TNC “as the only legitimate body that represents the interest and affairs of the people of Libya.”¹¹² On 22 April, Admiral Mike Mullen, the chairman of the Joint Chiefs of Staff, described the situation in Libya as “very much stalemate-like.” On 25 April, Italy announced that it would begin attacking select military targets in Libya, after weeks of refusing to participate in direct military actions.

Ratcheting up the pressure against Gaddafi and signaling an expansion of alliance targets, NATO struck his compound in Tripoli on 25 April. According to a senior NATO diplomat speaking to *The New York Times*, “We don't want to kill him or make a martyr out of him in the Arab world...but if he sees the bombing happening all around him, we think it could change his calculus.”¹¹³ Meanwhile Russian prime minister Vladimir Putin harshly criticized the coalition effort in Libya, charging that it had far exceeded the UN mandate. On 27 April a three-person panel, ordered by the HRC to investigate human rights abuses in Libya, began its investigation.¹¹⁴

On 30 April, Gaddafi survived an airstrike in Tripoli that killed one of his sons, among others. The airstrike forced NATO and Western leaders to explain their tactics in Libya, as other members of the international community voiced doubts. Russia, for example, said on 1 May that the NATO attack raised “serious doubts about coalition members' statement that the strikes in Libya do not have the goal of physically annihilating Mr. Gaddafi and members of his family.” Ban Ki-moon, for his part, did not comment on the airstrikes.¹¹⁵

Mob violence in Tripoli damaged American, British and Italian embassies, as well as UN offices, in a violent retaliation to NATO's 30 April airstrike. Both Britain and Italy reported damage to their diplomatic missions in

Tripoli, but no injuries, as both countries had withdrawn their diplomatic staff months earlier.¹¹⁶ As a result of the attacks, Britain demanded that Libya's ambassador depart the UK.¹¹⁷

May

Turkey took the decision to close its embassy in Tripoli on 2 May, which was perceived to hurt its efforts to mediate an end to the conflict in Libya. Turkey's efforts as an intermediary had led to charges by both sides of favoring the other. In particular, it led to charges that it was hindering NATO's bombing campaign. But on 3 May, Turkey's stance shifted; Erdogan stated that Gaddafi must "immediately step down."

In New York, the secretary-general's special envoy for Libya, Abdel-Elah Al-Khatib, briefed the Security Council on 3 May on his mediation efforts, and the difficulties in linking a cease-fire to a meaningful political process. He said that although both the Libyan authorities and the rebels were "ready and willing" to implement a ceasefire, they disagreed on the terms. The Libyan government said that a ceasefire must be accompanied by a halt to the NATO bombings, while the TNC said that a ceasefire would not end the conflict if it were not directly linked to the departure of Gaddafi.¹¹⁸

Luis Moreno-Ocampo, the prosecutor of the International Criminal Court in The Hague, announced on 4 May that he would seek arrest warrants on charges of crimes against humanity for three senior officials in Libya, without giving specific names. And the Libya Contact Group, which brought together two-dozen Arab and Western states and international organizations hosted by Italy and Qatar in Rome, announced that it would set up a temporary fund to assist the TNC. The US also said that it intended to free up some \$30 billion in assets seized from Gaddafi, and channel those assets to the Libyan rebels.¹¹⁹ The goal of the meeting was to ratchet up diplomatic and financial pressure on Gaddafi's government.

Several nations had pledged humanitarian aid to the rebel leadership, but only France, Italy, Qatar and Kuwait had

officially recognized them as the Libyan people's legitimate representatives. That made financial support to a country that remained under the United Nations sanctions difficult. The new fund in Rome was meant to work around the sanctions, but no specific explanations were given as to by what process such circumvention would occur.¹²⁰

On 16 May ICC prosecutor Luis Moreno-Ocampo requested ICC judges to issue arrest warrants against Muammar Gaddafi, Saif Al Islam Gaddafi and the Head of the Intelligence Abdullah Al Sanousi from crimes against humanity committed in Libya since February 2011.¹²¹ This raised questions along two main fronts: first, how would Moreno-Ocampo's request impact the calculus of Gaddafi, and other actors involved in the Libyan conflict? And second, how would the ICC go about apprehending and transferring Gaddafi from Libya to The Hague?¹²² On the first question, according to the *International Crisis Group*, "To insist that [Gaddafi] both leave the country [as much of the NATO alliance demands he must do] and face trial in the International Criminal Court is virtually to ensure that he will stay in Libya to the bitter end and go down fighting."¹²³

On the second question, Gaddafi was thought by many to be unlikely to surrender. Perhaps Gaddafi's own security forces would arrest him, but barring that, the ICC was understood to depend on the collective will of other states and international organizations. Analysts wondered how the UNSC and NATO would address the ICC's requests to enforce Gaddafi's warrant. The Security Council has not passed a resolution requiring all states to enforce the ICC arrest warrants. As such, only member states of the ICC are obligated to take a person subject to an arrest warrant into custody. Thus a number of different states could take Gaddafi in without being in violation of UNSC Resolutions 1970 and 1973.¹²⁴

While NATO seemed pleased for the political cover the ICC gave its military actions in Libya, with its spokesperson stating that "the evidence that the prosecutor has gathered is a stark reminder of why NATO is conducting operations in Libya," it was not clear that NATO would be able to arrest Gaddafi without putting "boots on the ground."¹²⁵ A failure to arrest Gaddafi would reflect extremely poorly on the ICC,

which already has trouble compelling states to cooperate with its work.¹²⁶

In an effort to provide humanitarian relief to Libyans, on 18 May the humanitarian coordinator for Libya said the UN was negotiating with Libya's government, rebels and NATO to stop fighting for 24 to 72 hours to allow food and medical supplies to reach civilians, especially in the west.¹²⁷ That same day the UN also issued an appeal for emergency funding of \$407 million to provide aid to 1.6 million people in Libya from June through August. It follows an initial appeal of \$310 million, which is less than 50 percent funded.¹²⁸

NATO officials spoke in more confident tones about Gaddafi's weakening position in Libya on 20 May. Zimbabwean president Robert Mugabe pushed back saying that South Africa, Nigeria and Gabon were "naive" to vote for Resolution 1973, which he said has been used by Western countries to carry out a sustained bombardment of Libya.¹²⁹

The Obama administration seemed to ignore a statute that requires the US to cease military operations after two months if Congress has not authorized them. In turn, the US House of Representatives voted to reprimand Obama for continuing US operations in Libya without Congress's explicit consent on 3 June.¹³⁰ While the legal debate played out in the US, NATO's spokesperson described the situation in Libya, saying "NATO nations and partners agree we have taken the initiative; we have the momentum."¹³¹

On 22 May, Catherine Ashton, the EU's foreign policy chief, visited Benghazi, where she officially opened an EU diplomatic office, though she did not extend formal recognition to the Libyan rebels' governing body, the TNC. Only France, Italy, Qatar, Gambia and the Maldives had extended formal recognition to the rebels. The US and Britain had both sent envoys to Benghazi, but did not offer recognition. And on 23 May, NATO struck at least 15 targets in Tripoli, in its heaviest bombing attack on the capital since the military campaign began.

On 25 May speaking with UK prime minister David Cameron, US president Barack Obama said, "I do think it is going to be difficult to meet the UN mandate for security for the Libyan people as long as Gaddafi and his regime are still attacking them."¹³² Obama also said that "time is working against Gaddafi," although there was evidence that coalition members did not share Obama's sense of patience. Some members of NATO planned to reduce their forces in June. Others, like Britain and France, wanted NATO to escalate pressure, fearing that NATO partners – and their publics – were losing patience.¹³³

At the G8 summit in Deauville, France on 26 May Libya figured prominently on the agenda. While US president Barack Obama tried to marshal economic support for Tunisia and Egypt, French president Nicolas Sarkozy in particular pressured the US to commit more military hardware to Libyan operations.¹³⁴ Meanwhile, in a noticeable shift in Russia's policy on Libya, it announced during the G8 summit that it would use its relationships with Libyan government officials to hasten Gaddafi's departure. Russia's pivot on Libya came after in-depth talks between Russian president Dmitri Medvedev and US president Barack Obama. According to Obama's deputy national security adviser Benjamin Rhodes, "The way I would characterize it is there was agreement about what needs to happen in Libya and that we believe that Russia has a role to play going forward as a close partner of ours who also has discussions with the Libyan people."¹³⁵

On 28 May Senegal offered recognition to the TNC, after Senegalese president Abdoulaye Wade met with Ali Zeidan, a special envoy of the TNC's leader Mustafa Abdul Jalil in Paris. Gambia was the first African nation to recognize the TNC.¹³⁶

After meeting with Gaddafi in Tripoli on 30 May, South African president Jacob Zuma indicated that the Libyan leader was not willing to step down, but evinced interest in negotiating a political solution to the crisis, stating that Qaddafi "called for an end to the bombings to enable a

text continues on page 20

Syria

The international community's behavior toward Syria during this period puts its actions on Libya in perspective, and will be briefly examined here. Seemingly immune at first to the large-scale demonstrations sweeping across the Middle East, by mid-March protests broke out in several Syrian cities, growing in numbers and spreading across the country, particularly after Bashar al-Assad's security forces opened fire on demonstrators. In the face of an ongoing violent crackdown in Syria, the US imposed sanctions against Assad and other top Syrian officials on 18 May, and the EU followed in suit on 23 May, despite internal disagreement initially among member countries about whether to single out the Syrian regime for rebuke. Both the US and EU condemned the ongoing violence perpetrated by the Syrian regime in unequivocal terms, but stopped short of demanding that Assad step down. The Syrian leader was once seen as something of a reformer in the region, which news reports suggested was part of the reason that the international community took a considered approach to the political crisis there, in the hopes that Assad would retreat from his decision to unleash his security forces on Syrian demonstrators.¹³⁷

On 11 May Kuwait assumed Syria's former seat on the UNHRC, in light of the international condemnation of the Assad regime's behavior. But a draft resolution at the UNSC that condemned the regime's violent crackdown circulated by Britain, France, Germany and Portugal, with support from the US, met with resistance from China, among other states. On 31 May, China suggested that it would block the resolution, as Chinese Foreign Ministry spokesperson Jiang Yu said, "In the current circumstances, we believe that the adoption of the UN Security Council resolution would do no good for the easing of tensions and stability in Syria."¹³⁸ Russia indicated that it shared China's attitude.¹³⁹

But Britain and France seemed determined to press ahead with a UNSC resolution rebuking the Syrian regime, and calling for humanitarian action. British foreign secretary William Hague said on 7 June that the Security Council had "a responsibility to speak out" and threatened EU sanctions against Syria unless the UNSC took action. Likewise, French foreign minister Alain Juppé believed it was "inconceivable" that the UN would not address the crackdown in Syria. But speaking at the Brookings Institution on 6 June, Juppé expressed concern that Russia, long an ally of Syria, "will veto any resolution...even if it's a mild one." Juppé's comments marked the first time during the crackdown in Syria that an international figure said that Russia would employ its veto on the SC on matters pertaining to Syria.¹⁴⁰ With little success in securing a resolution in the UNSC condemning the Syrian regime, the EU states extended sanctions against the Syrian regime on 21 June.¹⁴¹

Reports indicated that of the Security Council's 15 members, nine were lined up behind a resolution condemning the Syrian regime's violent

crackdown: France, Britain, the US, Germany, Bosnia and Herzegovina, Gabon, Nigeria, Colombia and Portugal. Brazil and South Africa were said to be undecided, with Brazil seen as more amenable to the resolution.¹⁴² The increased diplomatic maneuvering came as the security situation in Syria continued to deteriorate, and many feared the response of Assad's security forces after more than 120 Syrian troops were reported killed in Jisr al-Shughour over 4-5 June.¹⁴³ On 8 June, Britain introduced a draft resolution to the UNSC rebuking Syria for its "systematic" violations of human rights, and calling for an investigation into the Syrian regime's abuses. The draft was co-sponsored by France, Germany and Portugal; the US indicated that it favored the resolution. UN diplomats were prepared to risk a veto by China or Russia. UK prime minister David Cameron said, "If anyone votes against that resolution or tries to veto it, that should be on their conscience."¹⁴⁴

In a shift in policy on 9 June, the Turkish government came out against the Assad regime, as Syrian refugees streamed across the Syrian-Turkish border and Ankara sought to address head-on the burgeoning humanitarian and diplomatic crisis. Turkey's prime minister Recep Tayyip Erdogan also said that the crisis in Syria must be put on the UN Security Council's agenda.¹⁴⁵ But when the European drafters of a resolution condemning the Syrian regime's behavior convened talks on 11 June with other Security Council members, they met with opposition on moving the draft forward from Russia and China, as well as Lebanon, India, Brazil and South Africa.¹⁴⁶

On 1 July, in what some new agencies reported as being the largest demonstrations since the unrest in Syria began, tens of thousands of Syrians protested in Hama. The city in central Syria quickly developed into an important site of struggle between the Assad regime and Syrian protestors. On 31 July, in an effort to quell the unrest, the regime perpetrated its worst crackdown of the uprising, killing at least 75 Syrians in Hama and other cities. The regime's violent efforts to crush dissent further rallied international opinion against the government. On 3 August the UN Security Council issue a presidential statement denouncing the Syrian regime's violent behavior and human rights abuses. While some Western nations had sought a UN Security Council resolution, Russia continued to make clear that it would oppose one.¹⁴⁷ Seemingly in response, the Syrian regime occupied Hama's central square, and killed more than 100 people in the 24 hours following the statement.

On 8 August, Saudi Arabia, Bahrain and Kuwait removed their ambassadors from Damascus, as the Assad regime expanded its military assaults on Syrian towns and cities. And on 18 August, in a move coordinated amongst the capitals, the US issued a statement calling for Assad to give up power, Germany, France and the UK issued a joint statement, and the EU's foreign policy chief similarly put out a statement calling for him to resign.¹⁴⁸ Assad responded defiantly, ignoring calls to step down, and continuing to pay lip service to future reform.¹⁴⁹

Libyan dialogue.”¹⁵⁰ Zuma traveled to Libya in an effort to revive the AU “roadmap” for terminating the conflict, but the talks did not produce a breakthrough. The Libyan rebels and NATO have both set Gaddafi’s giving up power as a precondition for any ceasefire. South Africa, in contrast, advocated for an immediate ceasefire, and Zuma advised NATO to “respect the AU’s role in searching for a solution in the matter.”¹⁵¹ Meanwhile, NATO’s secretary-general said on 30 May that Gaddafi’s “reign of terror” was nearing its end, reiterating the coalition’s goal of removing him from power.¹⁵²

June

On 1 June, Russian foreign minister Sergei Lavrov renewed his criticism of NATO, arguing that the coalition’s military operations had far exceeded the UNSC’s mandate. In the future, he said, “if somebody would like to get authorization to use force to achieve a shared goal by all of us, they would have to specify in the resolution who this somebody is, who is going to use this authorization, what the rules of engagement are and the limits on the use of force.”¹⁵³

In a bid to ratchet up pressure on Gaddafi, NATO added attack helicopters to its campaign against the Libyan regime on 4 June. The same day, Britain’s foreign secretary William Hague arrived in Benghazi to meet with rebel leaders, in order to “show support for citizens fighting to rule” of Gaddafi, according to a British Foreign Office statement.¹⁵⁴ Upon return from Libya, Hague described how he had encouraged rebel leaders to put together a concrete plan for a post-Gaddafi government, though he acknowledged that there was no way of knowing when the anti-Gaddafi campaign would be successful. “We’re not going to set a deadline,” he said, it “could be days or weeks or months.”¹⁵⁵

Abandoning the AU’s position of not calling for Gaddafi’s departure, Head of the AU High Level ad hoc Committee on Libya, Mauritanian president Mohamed Ould Abdel Aziz, said on 6 June that Gaddafi could no longer lead the Libyan people and needed to step down.¹⁵⁶ Privately, many African countries, many of whom are beneficiaries

of Libyan aid, had admitted that Gaddafi must go, but had refrained from stating this publically. This abrupt about-face signaled that “the facade of unity that the AU often likes to show on such issues [was] cracking.”¹⁵⁷

On 7 June, NATO conducted unusual daytime raids over Tripoli, bombing Gaddafi’s Bab al-Aziziya command compound in an apparent escalation of its air campaign.¹⁵⁸ During a joint press conference in Washington, DC, US president Barack Obama reiterated calls for Gaddafi to go, and German chancellor Angela Merkel expressed her agreement. While Germany declined to take part in the NATO air campaign in Libya, Merkel indicated that Germany would be willing to play a role once Gaddafi departed.¹⁵⁹ But on 8 June, US secretary of defense Robert Gates pressured Germany, among other NATO allies, to put more military weight behind NATO’s efforts to force Gaddafi from power. In a behind-closed-doors two-day session of NATO defense ministers, Gates singled out the Netherlands, Spain and Turkey to commit more military forces, and called out Germany and Poland for not committing any military forces to the coalition effort. In response, Germany’s deputy defense minister Christian Schmidt offered that “Germany sticks to its position: no military engagement.”¹⁶⁰ Speaking at the NATO summit in Brussels, German defense minister Thomas de Maizière said he could envision Germany deploying peacekeepers to Libya after the fighting was over.¹⁶¹

NATO’s defense ministers issued a statement following their meeting in Brussels, which stressed NATO’s desire to continue to work closely with other international organizations such as the UN, EU, LAS and AU. The statement went on to say, “NATO stands ready to play a role, if requested and necessary, in support of post-conflict efforts that should be initiated by the United Nations and the Contact Group on Libya.”¹⁶² The statement raised questions about NATO’s role in a post-Gaddafi Libya, though there was no indication that NATO had drawn up plans for its involvement in a post-conflict Libya. Moreover, NATO’s assertion that it would play a role “if requested and necessary” raised questions about what other international organization would be able to play a stabilizing role in post-conflict Libya.¹⁶³

On 8 June, in an audio address on state-run television, Gaddafi vowed to remain in Libya saying, “We only have one choice. This is our country and we shall stay here till the end—dead, alive, victorious. It doesn’t matter.” He also said, “We welcome death. Martyrdom is a million times better.”¹⁶⁴

On 9 June Senegalese president Abdoulaye Wade said during a visit to Benghazi that “It is in [Gaddafi’s] own interest and the interest of all the Libyan people that [Gaddafi] leave power in Libya and never dream of coming back to power.”¹⁶⁵ President Wade was the second African leader to call for Gaddafi’s departure. ICC prosecutor Luis Moreno-Ocampo announced that he had evidence that Gaddafi ordered his soldiers to use rape as a weapon of war.¹⁶⁶ However, UN human rights investigator Cherif Bassiouni expressed doubts over the claims, saying that it was the result of “mass hysteria.”¹⁶⁷

Meeting in Abu Dhabi, the Contact Group on Libya pledged more than \$1.3 billion to assist Libya’s opposition in planning for a post-Gaddafi Libya, responding to the TNC’s urgent appeals for assistance.¹⁶⁸ The US and Australia also recognized the TNC as “the legitimate interlocutor” of the Libyan people, moving another step toward formal diplomatic recognition of the TNC.¹⁶⁹ On 17 June, Italy reached an agreement with the TNC designed to staunch the flow of immigrants fleeing the conflict. The accord raised flags at the UN High Commissioner for Refugees, the UN’s refugee agency, about its implications for migrants seeking asylum.¹⁷⁰

On 10 June, US secretary of defense Robert Gates harshly criticized NATO in a speech in Brussels, refocusing attention on NATO’s operational woes. He offered a pointed critique of NATO’s operations in Libya, arguing that the US was being forced to prop up coalition operations. Gates said that “the mightiest military alliance in history is only eleven weeks into an operation against a poorly armed regime in a sparsely populated country – yet many allies are beginning to run short of munitions, requiring the US, once more, to make up the difference.” He indicated that in the future, the US would not be willing to play a similar role. Moreover, he argued that if NATO members did not

make a commitment to improve their military capabilities, the alliance risked a slide toward irrelevance.¹⁷¹

Meanwhile, on 12 June, Gaddafi defiantly criticized NATO. And in what appeared to be an effort to emphasize his firm grip on power, the Libyan regime released video footage of Gaddafi playing chess in Tripoli with the Russian president of FIDE, the international chess federation.¹⁷² Then on 13 June, Germany announced that it recognized the TNC as the legitimate representative of the Libyan people. Joining the US, the EU, the UN, Britain, France, Spain, Malta and Qatar, Germany also indicated that it would establish a mission in Benghazi.¹⁷³

Meanwhile, in Addis Ababa, US secretary of state Hillary Clinton issued a strong statement to the AU, urging it to cut ties with Gaddafi, reflecting the Obama administration’s dissatisfaction with the AU’s efforts to mediate on Gaddafi’s behalf. While she noted that many AU members opposed the intervention in Libya, she encouraged the AU to call for a cease-fire, and Gaddafi’s departure, advising AU member states that “your words and your actions could make the difference in bringing this situation to a close.”¹⁷⁴

On 15 June the Obama administration issued a statement that the US military’s actions in Libya did not amount to “hostilities,” and as such the executive branch was not in violation of the War Powers Resolution. Only a few days later, the debate about the legal issues associated with the Obama administration’s prosecution of the military intervention in Libya began anew, with revelations that senior lawyers at the Pentagon and Justice department had opposed the position eventually adopted by the Obama administration on the US military’s role in the military intervention in Libya.¹⁷⁵ This added further fuel to the already intense frustration in Congress over the Obama administration’s handling of the Libya campaign.

It appeared likely that Congress would shortly vote on a measure to use the body’s appropriations power to reduce financing for the US military campaign, responding to the White House’s argument that it did not need Congressional approval to continue a mission that did not amount to “hostilities.”¹⁷⁶ On 21 June, Senators John Kerry and John

McCain announced a bipartisan resolution endorsing the Obama administration's military operations in Libya, highlighting divisions in both parties on the issue of the Libyan intervention.¹⁷⁷ The resolution, among others proposed on the topic, was not expected to come up for vote for several weeks, ensuring a drawn-out debate on the topic.¹⁷⁸ On 24 June the US House of Representatives pushed back against the Obama administration by voting down a bill authorizing military operations in Libya, but it also rejected a proposal to limit financing for operations.¹⁷⁹

Meanwhile, in an address to parliament on 15 June, South African president Jacob Zuma again condemned the NATO operation proclaiming that it was a "misuse of the good intentions in Resolution 1973."¹⁸⁰ On 16 June, Gaddafi's son Saif al-Islam said that internationally monitored elections could be held within the next three months and that Gaddafi would be ready to give up power if he lost the election.¹⁸¹

Over the course of just a few days, 18-19 June, NATO mistakenly hit a rebel convoy in Brega and a civilian home in Tripoli. The mistakes, coupled with the strained environment in Washington, Gates's recent criticisms of NATO and ongoing discord within the alliance raised new questions about the alliance's ability to carry out operations effectively in Libya.¹⁸² Then, on 22 June, Italian foreign minister Franco Frattini called for the cessation of hostilities in Libya, a position at odds with the other members of NATO carrying out military operations there.¹⁸³ Former secretary-general of the LAS, Amr Moussa, also once again expressed misgivings about the military operations. In an interview with the *Guardian* Moussa argued, "Now is the time to do whatever we can to reach a political solution."¹⁸⁴

On 21 June, the chairman of TNC, Mahmoud Jibril, visited Beijing, indicating that China was contemplating a post-Gaddafi Libya. A Chinese foreign ministry spokesman characterized the Libyan opposition as "an important political power in Libya." During his two-day visit, Jibril met with Chinese foreign minister Yang Jiechi, who called the TNC "an important dialogue partner."¹⁸⁵ It is uncommon for China to meet with political opposition groups from

other countries, as it has traditionally been a forceful proponent of states' sovereign rights and the principle of non-interference.¹⁸⁶ The logic behind the exception China made in this case may mirror its decision to vote for UNSC Resolution 1970, and not to veto UNSC Resolution 1973: it has significant commercial interests in Libya, and has interests in North Africa more broadly, making it difficult to ignore entirely the international dialogue over Libya's future.¹⁸⁷ China encouraged political dialogue to end the Libyan conflict.¹⁸⁸ And in a move that shocked oil markets, the International Energy Agency (IEA) opted to release 60m barrels of oil in the month to come, ostensibly to offset the daily production loss of 1.5m barrels from Libya as a result of the conflict there.¹⁸⁹

Meanwhile, reports indicated that diplomats from a range of coalition countries were actively planning in coordination with the TNC for a post-Gaddafi Libya. The draft proposals circulating were meant to inform UN post-conflict planning, and reflect the conditions outlined by the Libyan people. At the EU summit in Brussels on 23-24 June, French president Nicolas Sarkozy and British prime minister David Cameron defended NATO operations in Libya, while other European diplomats expressed doubts, particularly about the mounting costs of the campaign in a time of financial crisis and uncertainty about the future in Europe.¹⁹⁰ For his part, Sarkozy pushed back against Gates's recent criticism of Europe's role in NATO operations in Libya.¹⁹¹

Speaking at the opening of a meeting of the AU High Level Ad Hoc Committee on Libya in Pretoria on 26 June, South African president Jacob Zuma said that in spite of all of their efforts, the situation in Libya continued to escalate with "horrendous cost to civilian lives" and "the potential to destabilize the entire sub-region." Zuma went on to say, "The intention [of the no-fly zone] was not to authorize a campaign for regime change or political assassination."¹⁹² Meanwhile the TNC leadership indicated that through French and South African intermediaries they were expecting an offer "very soon" from the Gaddafi regime to end the fighting.¹⁹³ However, Abdel Hafiz Ghoga, vice chairman of the TNC, stressed that they would take a "serious look at it so long as [the proposal] guarantees

that Gaddafi and his regime, his inner circle, do not remain in power.”¹⁹⁴ The AU High Level Ad Hoc Committee also welcomed Gaddafi’s acceptance of not being part of the negotiation process. However, it was unclear when the negotiations would occur or who would represent the Libyan government.¹⁹⁵

On 27 June, the ICC issued arrest warrants for Gaddafi, one of his sons and his intelligence chief, charging them with crimes against humanity. The order raised questions anew about how the ICC would apprehend Gaddafi. ICC prosecutor Luis Moreno-Ocampo implored Gaddafi’s Libyan allies to arrest him, stating that they “can be part of the problem and be prosecuted or they can be part of the solution – work together with other Libyans and stop the crimes.” Additionally, he said that NATO forces had no mandate to arrest Gaddafi.¹⁹⁶

As part of the ongoing planning for post-Gaddafi Libya, Britain called for a “politically inclusive settlement” in a “stabilisation document” prepared by the UK Department for International Development and submitted to the Libyan opposition based in Benghazi, according to 28 June reports. It was thought that the recommendations contained in the report would be embraced by the Libyan opposition, and also would garner international and Arab approval at a meeting of the Libya Contact Group scheduled to be held in Istanbul in mid-July.¹⁹⁷

France acknowledged on 29 June that it had furnished the Libyan rebels with weapons, the first case of a NATO member providing military hardware to the Libyans endeavoring to remove Gaddafi from power. The French airdropped the military aid in early June, in what was reported to be an effort to end the stalemate in Libya. During the same period, the Libyan rebels made surprising and rapid gains against Gaddafi forces. According to some analysts, the confirmation of French assistance explained how the rebels were able to press Gaddafi forces and establish control over much of the previously contested Nafusah region.¹⁹⁸

Divergent interpretations of what actions were authorized to protect civilians in UN Resolution 1973 resulted in

discord and disagreement within NATO and at the UN.¹⁹⁹ While France argued that arming rebels was consistent with the resolution, NATO secretary-general Anders Fogh Rasmussen said, “As regards compliance with the UN Security Council resolution, it is for the UN sanctions committee to determine that.” He added that NATO was unaware of the French military aid to the rebels.²⁰⁰ Russia, for its part, suggested on 30 June that France committed a “crude violation” of UN Resolution 1970, which imposed a weapons embargo on Libya.²⁰¹

In the wake of a French admission that it had airdropped arms into rebel-controlled areas of Libya, AU Commissioner Jean Ping said on 30 June that the distribution of weapons would lead to the “destabilization” of African states. Ping also said, “What worries us is not who is giving what, but simply that weapons are being distributed by all parties and to all parties. We already have proof that these weapons are in the hands of al-Qaeda, of traffickers.”²⁰² Ping also criticized the ICC arrest warrants saying that it “pours oil on the fire” instead of helping to end the war.²⁰³

During the 30 June-1 July AU summit in Equatorial Guinea—in which both representatives from Gaddafi’s government and the TNC were present—African leaders were unable to come to an agreement on Libya after a series of closed door sessions. Reports indicated that while some member states thought that Gaddafi should step down immediately, others believed that he should be part of any negotiated solution to the crisis.²⁰⁴ The precondition of an end to Gaddafi’s rule not only split consensus among African states, but appeared to be the main obstacle in securing a cease-fire to end the fighting in Libya. The AU also advised its members to ignore the ICC’s arrest warrant for Gaddafi, arguing that it would impede any potential settlement to the Libya conflict that involved Gaddafi departing Libya to seek asylum.²⁰⁵

While the AU agreed to play host to any potential talks between the Libyan rebels and the Gaddafi regime on a ceasefire and transition process, it did not take a definitive position on Gaddafi’s prospects for remaining in Libya. In response, Libyan rebel leaders welcomed the AU’s proposal, interpreting it to mean that Gaddafi should relinquish power.²⁰⁶

July

By early July there was no indication that the gap between the supporters and critics of the NATO-led operation had been bridged. Even as a growing number of African states began calling for Gaddafi's departure, much uncertainty remained about how this would impact his calculations to remain in power. The ongoing discord within the AU mirrored that of other multilateral organizations such as NATO. Not only did it highlight broad, on-going disagreements in the international community about the use of force in Libya and how to deal with Gaddafi, it raised serious questions about the effectiveness of the multilateral institutions most closely involved in the Libya crisis.

Meanwhile, Russia pressed forward with its negotiation efforts, with Russian officials including Medvedev meeting in the beginning of July with South African president Jacob Zuma, as well as NATO's secretary-general Anders Fogh Rasmussen.²⁰⁷ On 7 July, UN secretary-general Ban Ki-moon described the negotiating process as 'ongoing' and urged Gaddafi to listen to the will of the Libyan people.²⁰⁸ On 12 July French lawmakers reauthorized France's role in the NATO-led military operations. While NATO members like France and Britain had seemed eager to hasten an end to the military campaign either by arming the Libyan rebels or killing Gaddafi during the air campaign, French officials spoke confidently about a negotiated end to the conflict. According to French prime minister Francois Fillon, "A political solution is more than ever indispensable and is beginning to take shape."²⁰⁹ The same day, French foreign minister Alain Juppé confirmed that the NATO-led coalition was engaged in unofficial talks with the Gaddafi government.²¹⁰ Previously, on 10 July, French officials urged the TNC to negotiate with the Gaddafi regime.²¹¹

But further cracks within the NATO alliance were also apparent: on 7 July Italian prime minister Silvio Berlusconi stated that he had been against the NATO campaign from the outset but had gone along with it because of political pressure. "I was against this measure," he said. "I had my hands tied by the vote of the parliament of my country. But I was against and I am against this intervention which will end in a way that no-one knows."²¹²

Also on 7 July the head of China's foreign ministry for North African affairs, Chen Xiaodong, visited with TNC representatives in Benghazi. Back in Beijing, a Chinese foreign ministry spokesperson reiterated China's focus on finding a political solution to the Libya crisis.²¹³

On the ground in Libya, by early July there was a focus on the fighting in western Libya, particularly the Nafusah region, which is populated by both Arabs and Berbers. Many military analysts argued that the new role in the uprising by Berbers in the western region was a major – in fact a crucial – development, as it would draw Gaddafi forces out of Tripoli, weakening the regime's grip on the capital.²¹⁴

On 15 July, the United States formally recognized the TNC as the legitimate representative of the Libyan people, a move that, among other things, allowed the TNC access to \$30 billion in Libyan assets frozen by the United States.²¹⁵ The shift in policy was announced at the fourth Contact Group on Libya meeting in Istanbul, where the decision was also taken by all members of the Libyan Contact Group to officially recognize the TNC.²¹⁶ Meanwhile, Britain's foreign secretary William Hague said that NATO would intensify its military efforts, and would also authorize the UN secretary-general's special envoy to Libya, Abdel-Elah Al-Khatib, to offer Gaddafi terms to relinquish power. Around the meeting in Istanbul, officials and commentators questioned whether a deal could be reached with Gaddafi that would result in his surrendering power, but remaining in Libya.²¹⁷

French foreign minister Alain Juppé then stated on 20 July that Gaddafi could potentially remain in Libya, if he agreed to give up power. Juppé did, however, state that Gaddafi's renouncing power was a precondition for a ceasefire in Libya. "One of the scenarios effectively envisaged is that he stays in Libya on one condition, which I repeat: that he very clearly steps aside from Libyan political life," Mr. Juppé said on the French television channel LCI. "A ceasefire comes about by a formal and clear commitment by Qaddafi to give up his civil and military responsibilities." In Washington, White House spokesperson Jay Carney agreed with the French, noting that Gaddafi "needs to

remove himself from power – and then it's up to the Libyan people to decide."²¹⁸

These statements seemed to reflect a new tactical approach on the part of the United States, France and Great Britain to entice Gaddafi to hand over power. In a 16 July meeting in Tunis with Libyan regime officials, American diplomats communicated the change in approach, with the qualification that the Libyan rebels would have to agree to such an arrangement. In turn, the TNC did not seem to be in support of any settlement that involved Gaddafi remaining in Libya.²¹⁹

Meanwhile, Britain asked the US to deepen its backing of NATO's military operations in Libya. The request highlighted ongoing concern in the coalition about the protracted nature of the military operations in Libya. And on 27 July, the UK formally recognized the TNC as Libya's legitimate government, giving it the flexibility to unfreeze £91m in assets from Libya's Arabian Gulf Oil Company (Agoco) for the TNC's use.²²⁰ Despite gains by rebels, particularly in west Libya, doubts remained among officials and analysts as to whether the rebels would be able to push on into Tripoli.²²¹

On 23 July the Libyan prime minister Al-Baghdadi al-Mahmoudi declined terms set out by the UN's special envoy to Libya, Abdel-Elah Al-Khatib, for Gaddafi to relinquish power, but remain in Libya as part of a negotiated settlement.²²² Previously, the TNC appeared to shift its position, with Libyan opposition leader Mustafa Abdel Jalil stating on 21 July that Gaddafi could potentially remain in Libya, with certain conditions, if he agreed to give up power.²²³ Separately, on 10 August, UN secretary-general Ban Ki-moon encouraged all sides to embrace a political process to end the conflict, and lamented the lack of progress toward such a goal.²²⁴

August

In early August Gene Cretz, the US ambassador to Tripoli, visited a series of African countries, as part of an American effort to persuade the AU to call on Gaddafi to quit power. Cretz spent 9 August in Addis Ababa, lobbying AU officials to reassess the peace plan the organization has previously put forward. This followed on from Cretz's July conversations with the Libyan regime about Gaddafi's giving up power.²²⁵

Gen. Abdul Fattah Younes, the Libyan rebels' top commander, was killed on 28 July. His death prompted recriminations and discord within the TNC, and stoked concerns among Western nations about the unity of the TNC. A political fracas ensued, culminating with the Libyan rebels dissolving their cabinet on 8 August. Prime minister Mahmoud Jibril was the only cabinet member to remain, and it fell to him to offer a new roster of cabinet officials to the Transitional National Council in short order.²²⁶ According to some analysts, this series of events seemed to expose the fault lines of factionalism and tribalism beneath the surface of the Libyan rebel movement, a cause for concern among members of the TNC, as well as Western backers of military operations in Libya.

On 5 August, Gaddafi's son Khamis was reported killed in a NATO airstrike on loyalist forces in Zlitan.²²⁷ And by early August, the TNC was close to organizing an oil-protection force as part of its efforts to restart Libya's oil production, which would provide funds for the cash-strapped rebel forces.²²⁸ A top security official in the Gaddafi regime defected on 15 August, as the Libyan rebels fought to take control of a strategic port, Zawiyah, only thirty miles from Tripoli. The rebels took control of Zawiyah's oil refinery on 18 August, as commentators began to wonder anew if the tide had finally turned decisively in the rebels' favor.

After taking a series of strategic towns near Tripoli, including Zawiyah, rebel forces continued to the capital in a rapid advance. They entered the city with little resistance from Gaddafi loyalists. By 22 August, with Gaddafi's whereabouts unknown, clashes between loyalist forces and the Libyan rebels were ongoing in Tripoli. Despite

uncertainty about whether rebel gains in securing Tripoli would be transformed swiftly into a decisive victory, Libyans and the international community perceived Gaddafi's fall from power to be imminent.

World capitals issued a flurry of statements on 22 August, with many – but not all – calling for Gaddafi to surrender power immediately. UN secretary-general Ban Ki-moon called for a peaceful hand-off of power in Libya.²²⁹ Additionally, he announced that he would hold a meeting on Libya's prospects with diplomats from the AU, LAS, EU and a coalition of Islamic nations. He also planned to call a meeting of the UN Security Council to agree a mandate to facilitate Libya's post-Gaddafi transition.²³⁰ NATO secretary-general Anders Fogh Rasmussen said that the organization would continue to fly air patrols over Libya until all pro-Gaddafi forces halted their combat operations and returned to their barracks.²³¹ The EU said in a statement that it was had begun planning for post-Gaddafi Libya and called on Gaddafi to "step down immediately."²³²

Other states and international organizations also issued responses that varied across a wide spectrum. China's foreign ministry spokesperson Ma Zhaoxu stated that China "is willing to work with the international community to play a positive role in rebuilding Libya." The ICC announced that it was in discussions with the Libyan transitional government about the status of Gaddafi's son, captured in Tripoli by rebel forces. South Africa's foreign minister Maite Nkoana-Mashabane said that reports that South Africa was trying to arrange for Gaddafi's exit from Libya were false. But she also said that South Africa would not recognize the rebel government, stating, "As far as we are concerned, if this government falls, there is no government." The AU announced that it would hold an emergency summit on 26 August.²³³ The Arab League, which had not formally recognized the Libyan rebels, issued a statement of full-throated support for Libya's National Transitional Council, calling the turn of events in Tripoli a "historic moment."²³⁴

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