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Did Diplomacy Succeed or Fail in Libya?

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DARYL MORINI, APR 12 2011

Due to the fast-changing nature of events in Libya, one aspect of the following analysis was outpaced by a new development before the article's published: the Libyan government accepted an African Union-mediated peace plan. For the sake of intellectual accountability, the section of this article dealing with the African Union (AU) mediations—and the Gaddafi regime's conduct towards these—has not been substantively altered following this news. However, this AU peace plan cannot yet be assumed to form the basis of a durable peace treaty, because Libyan opposition leaders are insisting on the condition that Gaddafi and his sons step down from power. The rebels have thus refused the AU peace proposal, on the grounds that it does not meet this basic demand.[1] Additionally, as noted by BBC news correspondent Jon Leyne, "neither government nor opposition appear under enough pressure yet to sue for peace."[2]

Since the Libyan crisis began, a storm of commentary has questioned the legality, legitimacy, desirability, necessity, and morality of the international intervention in the North African country.[3] A question that is less frequently asked is that of preventability. While recriminations over the present international intervention in Libya have only begun, it may help to clarify the parameters of the debate to focus on what alternative options were available to the international community in response to events in Libya. What were the alternatives to an international show of force? Were softpower tools exhausted before resorting to hard-power sticks? Could the United Nations have successfully practiced preventive, as opposed to reactive and coercive, diplomacy? Could—or should—the world have negotiated with Gaddafi? These are important questions, insofar as they may help us to make sense of the ongoing Libyan war.

Alternatives?

Firstly, could the international community have avoided the use of force in Libya via alternative diplomatic means?[4] If diplomacy is to be understood as "the management of international relations by negotiation", then a failure of negotiations to find a peaceful solution to conflicts of interest qualifies as a failure of diplomacy.[5] But if diplomacy is defined in realist terms as "peaceable coercion" in pursuit of states' self-interested objectives,[6] or in the more explicitly zero-sum and militaristic view of the "continuation of war by other means," then we can arrive at divergent explanations of whether diplomacy has succeeded or failed.[7] To get around this problem, we will judge the success or failure of UN-sanctioned (multilateral and coercive) diplomacy, in the lead-up to the use of force in Libya, first and foremost in relation to the alternatives available to policy-makers, and their credibility and cost-benefit trade-offs.

There were certainly other options at hand for the United States, the United Kingdom and France—buttressed by an Arab coalition—short of the use of force. One of these, the weapon of choice in many contentious international issues, was to enact a policy of "strategic patience". This approach, practised in international conflicts on the Korean peninsula[8] and in Georgia,[9] may mean nothing more than condemning belligerents, calling for international engagement, and observing how the situation develops. This was a possible alternative to international intervention in Libya. Strategic patience may have stood a chance in the Security Council, were it not for the ghosts of international failures past—most notably the world's bystander role in Rwanda.[10] It was indeed the ghost of Rwanda which reduced the appeal of strategic patience, at least for key U.S. actors such as UN Ambassador Susan Rice and Samantha Power.[11] Theoretically, the Permanent Five members of the UNSC *could* have avoided the

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dangers of military involvement in the Libyan conflict by staging a stereotypical show of disunity, or else a symbolic joint declaration expressing the Security Council's "grave concern" at events in Libya. This was a distinct possibility. As is well known, however, on 17 March the UNSC approved a No-Fly Zone to protect Libyan civilians by "all necessary measures".[12] The logic of resolution 1973 can be seen to support the view, expressed by Jim Murphy on *e-IR*, that international anger about Iraq did not trump the shame of Rwanda.

As we saw, a policy of doing nothing was a clear alternative. Short of this extreme policy of inaction, however, we may question whether the United Nations was too quick to approve violence to combat violence. Sending a UN-led buffer force to separate the rebels and government soldiers was a possible alternative, but the three pressing constraints of UN peacekeeping shortfalls in military assets,[13] the political horse-trading and quiet diplomacy Ban Ki-moon needed to engage in to secure troop commitments and another UNSC resolution,[14] as well as the sharp time constraints meant that the Libyan crisis would have been 'solved' militarily before the UN could have formulated a coherent peacekeeping strategy. Additionally, even if it had been deployed on time, it is unlikely that such a UN force could have kept out of the fray. As in Ivory Coast, where UN and French forces engaged in a coercive peace enforcement mission,[15] UN troops on the ground would have been compelled to impose the peace by force. The result would have still been the international community's use of force in Libya, only via troops on the ground rather than a No-Fly Zone. Nevertheless, did the UN miss a chance to negotiate with Colonel Gaddafi? Empirical facts suggest that Gaddafi was less interested in a peaceful compromise with his domestic challengers than their total submission.

Negotiations?

Uganda's president Yoweri Museveni, for one, critiqued the intervention of Western powers in the Libyan conflict for undercutting an eleventh-hour African Union (AU) mediation attempt between Tripoli and the rebel movement—a mission which was called off when French and British missiles began raining down on Libyan military targets.[16] According to Jean Ping, the head of the Commission of the AU, the diplomatic intervention had been over-ruled by the UN Security Council, on the grounds that it was too dangerous for the mediators.[17] But how successful the AU mission would have been is questionable. The UN (resolution 1970) had already employed the alternative sanctions of an arms embargo, a travel ban and assets freeze of Libyan officials, and a referral of Libya to the International Criminal Court. Despite these punitive measures—and irrespective of the condemnation of the Arab League, the AU, the Organization of the Islamic Conference, and Western powers[18]—Gaddafi's troops marched on Benghazi.

If Western media and intelligence reports were accurate, [19] then Libya's unilateral cease-fire declaration (on 18 March) was an attempt to gain time, complicate the enforcement of a UN-sanctioned no-fly zone, and potentially present the world with a classic fait accompli in Benghazi. Gaddafi said as much in his speech. The Libyan leader warned of a house-to-house "slaughter" in rebel-held communities, and called for his people to "capture the rats", and "cockroaches", and "sick" groups rebelling against his rule-who were allegedly drugged by evil Western powers spiking their Nescafé (!). According to early warning systems designed to avoid the repetition of a Rwanda, Gaddafi's use of dehumanising rhetoric to vilify target groups by likening them to animals or a disease-"vermin or rats, cancer or plagues, or...cockroaches", in the case of Rwanda[20]-triggered alarm bells of potential large-scale massacres to come. Moreover, Gaddafi explicitly stated his intention to imitate the Russian (Yeltsin's shelling of the Duma in 1993) and Chinese precedents (1989 Tiananmen massacre), which had successfully "snuffed the rats out" before the world could effectively react.[21] What exactly would have occurred to Libyan rebels in Benghazi in the absence of coalition airstrikes—and precisely what Gaddafi had in mind when warning that his troops would "find you even in your closets"—is a counter-factual question that no historian will ever be able to answer. But there was a clear intention behind the government military advance on eastern rebel strongholds, which aimed to change the military facts on the ground by killing rebels en masse, banking on international disunity and Western rhetoric and diplomacy not being backed by the credible threat of the use of force. Gaddafi miscalculated. The UN Security Council served its stated purpose: "to take effective collective measures for the prevention and removal of threats to the peace..."[22]

Which brings us back to the question: How successful could the AU peace-making mission have been? The AU mediation mission, backed by Gaddafi's few international friends, Venezuelan President Hugo Chavez and Cuba's

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Fidel Castro,[23] and potentially funded by the European Union,[24] seems to have been pushed by Tripoli at two precise moments: On the 5th of March, and twenty days later. These dates are interesting, as they correlated with two reversals of fortune for pro-Gaddafi forces, including a large-scale rebel counter-attack (the battles of Ras Lanuf and Bin Jawad, 4-5 march), after resolution 1973 was implemented in Libya, and the intensification of coalition air strikes against government military targets, and NATO taking control of the air and naval missions (24-25 March).[25] If we can deduce anything from these dates,[26] without making exaggerated causal claims, it is that Muammar Gaddafi has supported the idea of AU mediations only when the tide of battle turned against government forces.

Hence, we can see that Gaddafi did not seriously commit to third-party mediation as a matter of policy, but instead as a form of tactical retreat—only after events on the ground had begun shifting against the Libyan regime. This suggests that Colonel Gaddafi, in the time-honoured tradition of military strategists, perceived dialogue and negotiations in utilitarian terms as a cover for military plans and manoeuvres, [27] rather than the means to finding a mutually-acceptable solution to the Libyan civil war. Like Spartan leaders before him, Gaddafi sought negotiations out of tactical considerations, "meanwhile we can employ the time gained in perfecting our preparations..."[28] Dialogue could be used to gain relative gains and military leverage over the enemy. This also implies that Tripoli's offers of "conditional compromises" [29] to the rebels and foreign powers are signs that Gaddafi is bargaining from a weak—and weakening—position.[30] This can also be seen in Gaddafi's (5 April) letter to President Obama (whom Gaddafi refers to as his "son"), in which he boils down the two problems facing Libya to: 1. NATO's military involvement in the conflict; and 2. the presence of Al Qaeda operatives among Libyan rebels. If this letter, conveniently leaked to the media, is the original and whole correspondence, then Gaddafi seems to be suggesting that problem #1, with Obama's help, can be traded for an end to problem #2: i.e. an end to NATO operations in exchange for an end to Al Qaeda's (alleged) activities in Libya.[31] This tacit quid-pro-quo, which the U.S. has publicly rejected, demonstrates the limited leverage of the Gaddafi regime, exhausted after Libya's defiant return to pariah status, despite having re-emerged from international isolation to become a de facto U.S. ally in the war on terror in the early 2000s. Hence, the regime is now isolated and bargaining for its very survival.

This does not mean that the African Union's ongoing attempt to broker peace talks between Gaddafi and the rebels are worthless or doomed to fail. To the contrary, they should be sustained to encourage the Libyan leadership to perceive negotiations as a viable alternative to the continued use of military force against their own people. The AU can continue to offer Gaddafi a way out. But the fact remains that the escalation of internationally-sanctioned military force on the Libyan battlefield, which halted the pro-government advance on Benghazi and induced a stalemate—rather than an all-out victory by Gaddafi forces—was a necessary precondition for the Gaddafi regime to be persuaded of the need for negotiations. Western commentators have expressed concerns over a protracted Libyan stalemate,[32] which may risk draining domestic support for the military intervention. Unfortunately, however, mutually-hurting stalemates are often required to bring about a mediated solution to violent conflicts.[33]

In other words, although China and other international observers may criticise the intervening powers, and urge them to "give peace a chance", [34] a stable peace in Libya would have had no chance of surviving without the Security Council's diplomatic backing and military enforcement. The possibility of genuine and lasting peace for Libyan civilians—as opposed to a Tiananmen-inspired Carthaginian peace which Gaddafi openly intended—was only made possible by the diplomatic battle leading to resolution 1973 and the subsequent UN-mandated intervention in Libya, both of which China and Russia passively approved by withholding their veto power. This is the paradox of Libya, and humanitarian intervention broadly speaking. Although all wars may represent a failure of diplomacy, war is often the last resort of diplomacy.[35] This paradox results from two competing ideas of what the supreme objective of diplomacy should be: peace at any cost, or peace by any means. More than a definitional paradox, this is a moral dilemma.

The Paradox of Diplomacy

Did diplomacy succeed or fail in Libya? The international military intervention resulted from a mixture of an arguably 'successful' strategy of coercive diplomacy at the UN, framed as a case of preventing democide—a government's mass murder of its own citizens—and a failure of third-party mediations. This crisis demonstrated the tension at the heart of international initiatives to prevent violent conflicts and massacres, namely that the multilateral and UN-

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sanctioned use of force is a legitimate tool of conflict prevention.[36] At this point, our consideration of diplomacy can no longer remain divorced from the broader debate about the role of morality in international affairs, which has been reignited by the Libyan crisis. Diplomacy itself is a paradox: although it has historically been idealised as an antidote to power, it may more accurately be conceived of as an instrument of power.[37] Like any instrument, diplomacy is morally neutral. It is neither good nor bad, and the morality or immorality of its outcome ultimately depends on who is wielding it, when, why, and how. One may agree, with Benjamin Franklin, that there never was a good war or a bad peace. But what of the grey areas between both moral absolutes? There is scarcely anything inherently good about the kind of peace which Tacitus described: "they make a wasteland and call it peace". Just as there may be nothing inherently bad about the targeted use of military force to stop large-scale massacres of unarmed civilians by their own governments, or to enforce peace between warring factions.[38] Similarly, diplomats are neither messengers of the Gods, in the image of their Greek patron Hermes, nor are they necessarily "just as essential to starting a war as soldiers for finishing it," as Will Rogers joked.[39]

The present debate about whether President Obama's backing of the intervention in Libya vindicated the amoral theory of realism, or the values-based worldview of Wilsonian idealism, is overly reductionist.[40] The tensions between interests and values, between peace and justice, and between national and global priorities routinely confront heads of state and policy-makers every waking and working hour-particularly the representatives of democratic polities, who must worry about such things as opinion polls, popular opinion, and elections.[41] Simplifying the complexity of the Libyan crisis to two moral poles exposes us to what Harold Nicolson saw as the terrible danger of self-righteousness. "Diplomacy is not a system of moral philosophy," warned Nicolson.[42] The conduct of diplomacy must not be judged by the moral beliefs it confirms, but by the crises it avoids, the conflicts it manages, and the lives it saves. To the extent that these can ever definitely be known, as in the case of Benghazi, successful diplomacy must be benchmarked against the internal and external validity of intentions, the legal and political legitimacy of actions, the correspondence between rhetoric and reality, the existence or lack of credible alternatives and, ultimately, by its outcomes. By these measures, it is too early to provide a definitive post-mortem of the Libyan operation. But we can see that the use of multilateral coercive diplomacy, through the UN Security Council system—in distinction to unilateralism—was surprisingly effective in providing the legal and political legitimacy for international intervention in Libya. Whether this was good or bad, smart or stupid, desirable or mistaken, and exactly what NATO will now do with the UN-sanctioned legitimacy it has inherited (i.e. use it or lose it) are important questions, but they will only be answerable once the dust of the Libyan mission settles.

Those who argue that, to the contrary, the Libyan intervention has "weakened the UN as a body operating within the constitutional framework of the UN Charter," are right to point to the contradicting imperatives at the heart of the UN system: saving succeeding generations from the scourge of war, whilst uniting in strength to suppress, contain and remove acts of aggression and threats to international peace and security; the self-determination of peoples vs. the sovereign integrity and equality of member-states.[43] But resolutions 1970 and 1973 were not the final nail in the coffin of the United Nations; they demonstrated the relevance and necessity of multilateral diplomacy in the Twenty-First Century. Whether the international use of force, legitimised by the UN and enforced by NATO, ultimately succeeds in bringing about a peaceful and stable political settlement in Libya (and indeed in Afghanistan) remains very much to be seen. At minimum, multilateral diplomacy was efficiently employed by the intervening powers. Libya does not belong in the same category as the U.S. invasion of Iraq in 2003, but is comparable to the UN-backed use of force during the First Gulf War (1990) and in Korea (1950).

In conclusion, analysing the role of diplomacy in the present Libyan crisis may help to ground the debates about morality versus *Realpolitik*, and humanitarian intervention versus the principle of non-intervention in the civil wars and massacres of other states. If politics is the art of the possible, diplomacy is the art of taking the possible to a global scale.[44] Hence, proponents of intervention in Libya under the umbrella of the Responsibility to Protect (R2P) must weigh up the long-term limitations and diplomatic constraints of the UN engaging in humanitarian interventions in every crisis, from Yemen to Bahrain, and from Côte d'Ivoire to the Democratic Republic of Congo. The critique that R2P represents Western double-standards in humanitarian garments and the realist point that might makes right is a vexing one, which R2P advocates have not yet answered satisfactorily. Proponents of the increasing use of R2P in world affairs must respond to the question: 'could R2P ever be used in Iran, or China, or Russia?' But those who argue for inaction, strategic patience and not meddling in tyrants' internal affairs, must also assess the costs of these

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choices—because choices they are—relative to the short-term safety of doing nothing. Critics who argue against Western military interventions as a matter of principle must begin by recognising that interventions in the affairs of other states out of perceived or alleged humanitarian concerns is not a neo-colonial policy, but has been practised by such diverse states as Iran (support of Kurds in Iraq until 1975), Cuba (1975-1991, in Angola), Vietnam (1978 intervention in Cambodia), arguably Tanzania (1979 intervention in Uganda), Rwanda (1998, in the DRC), Ethiopia (2006) and Kenya (2011) in Somalia, Russia (2008, in Georgia; 2010 in Kyrgyzstan), and more. Finally, those who argue that the Libyan intervention was a strategic and political mistake, no matter the initial humanitarian necessity and UN-sanctioned legitimacy, must consider the question: What were the credible alternatives?

Daryl Morini is a doctoral candidate, studying International Relations at the University of Queensland, Australia. He specialises in preventive diplomacy, crisis management and international negotiation, and has worked as an editor on e-IR since April 2010.

Notes

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[4] For the importance of the delineation and elimination of alternatives in diplomatic negotiation, see I. William Zartman, 'The study of negotiation', in *Negotiation and Conflict Management: Essays on theory and practice* (London and New York: Routledge, 2008), 17.

[5] Harold Nicolson, *Diplomacy* (London: Thornton Butterworth Ltd, 1939), 15.

[6] Chas W. Freeman, Jr., *The Diplomat's Dictionary* (Washington, D.C.: United States Institute of Peace Press, 1997), 105.

[7] Zhou Enali, cited in *Ibid.* 102.

[8] See Ian Rinehart, 'The Value of Strategic Patience', *International Affairs Review*, 28 March 2011, available at: http://www.iar-gwu.org/node/290

[9] Rebecca Weisser, 'Georgia uses "strategic patience", *The Australian*, 20 November 2010, available at: http://www.theaustralian.com.au/news/opinion/georgia-uses-strategic-patience/story-e6frg6zo-1225956758782

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see Fred Grünfeld and Anke Huijboom, *The Failure to Prevent Genocide: The Role of Bystanders* (Leiden, The Netherlands: Koninklijke Brill NV, 2007).

[11] See 'Susan Rice, Samantha Power, Rwanda and Libya', in *Time*, 24 March 2011, available at: http://swampland.blogs.time.com/2011/03/24/susan-rice-samantha-power-rwanda-and-libya/

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[13] UN News Centre, 'UN peacekeeping missions face shortfall of over a third in vital military helicopters', 22 February 2011, available at: http://www.un.org/apps/news/story.asp?NewsID=37594&Cr=peacekeeping&Cr1=

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[16] See Yoweri Musevini, 'The Qaddafi I Know', *Foreign Policy*, available at: http://www.foreignpolicy.com/articles/2011/03/24/the_qaddafi_I_know?page=0,3

[17] See 'Head of African Union: UN blocked mediation efforts in Libya', available at: http://pajamasmedia.com/tatler/2011/03/29/head-of-african-union-un-blocked-mediation-efforts-in-libya/

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[20] See Dr. Gregory H. Stanton, 'Could the Rwandan Genocide Have Been Prevented?', 2002: 3.

[21] According to 'Raging Gaddafi orders forces to "capture the rats"', *ABC News*, 23 February 2011, available at: http://www.abc.net.au/news/stories/2011/02/23/3146123.htm

[22] See Charter of the United Nations: http://www.un.org/en/documents/charter/chapter1.shtml

[23] See Ian James, 'Chavez, allies lead push for Libya mediation', *Yahoo News*, 15 March 2011, available at: http://news.yahoo.com/s/ap/20110315/ap_on_re_la_am_ca/lt_libya_latin_american_allies

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[27] See Ronald Asmus, A Little War that Shook the World: Georgia, Russia and the Future of the West (New York: Palgrave Macmillan, 2010), 144.

[28] King Archidamus, cited in Nicolson, Diplomacy, 39.

[29] Timothy McDonald, 'Gaddafi regime offers conditional compromise, *ABC News*, 5 April 2011, available at http://www.abc.net.au/news/stories/2011/04/05/3183161.htm; and 'Your Views: Negotiating Gaddafi's Exit', *AI Jazeera*, 5 April 2011, available at: http://english.aljazeera.net/your_views/africa/2011/04/20114512594369402.html

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[31] See BBC, *Libya: Text of Muammar Gaddafi's letter to Barack Obama*, 7 April 2011, available at: http://www.bbc.co.uk/news/world-africa-12997175

[32] 'Stalemate in Libya is the greatest danger', *The Telegraph*, 25 March 2011, available at: http://www.telegraph.co .uk/news/worldnews/africaandindianocean/libya/8407632/Stalemate-in-Libya-is-the-greatest-danger.html

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[34] 'China's Attitude on Libya: Give peace a chance', *People's Daily Online*, 31 March 2011, available at: http://english.peopledaily.com.cn/90001/90776/90883/7335771.html

[35] The first proposition is attributed to Tony Benn, and the second to Carl Friedrich.

[36] See 'Executive Summary', *Preventing Deadly Conflicts: Final Report by Carnegie Commission on Preventing Deadly Conflict* (Washington, D.C.: Carnegie Commission on Preventing Deadly Conflict, 1997), xxv.

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[38] For a discussion of this topic, including historical case studies, see Kristen Eichensehr and W. Michael Reisman (eds.), *Stopping Wars and Making Peace: Studies in International Intervention* (Leiden; Boston: Martinus Nijhoff Publishers, 2009).

[39] He continued: "You take diplomacy out of war, and the thing would fall flat in a week."

[40] See for example James Traub, 'A Moral Adventure', *Foreign Policy*, 31 March 2011, available at: http://www.foreignpolicy.com/articles/2011/03/31/a_moral_adventure

[41] Obama confronted the paradoxical nature of diplomacy and morality in world affairs during his 2009 Nobel Peace Prize speech. See Full text of Obama's Nobel Peace Prize speech, *MSNBC*, 10 December 2009, available at: http://www.msnbc.msn.com/id/34360743/ns/politics-white_house/

[42] Nicolson, *Diplomacy*, 50.

[43] For this critique, see Richard Falk, 'Obama's Libya folly', *Al Jazeera*, 4 April 2011, available at: http://english.aljazeera.net/indepth/opinion/2011/04/20114410410950151.html

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[44] This idea is adapted from quotation by Robert J. Moore. Cited in Freeman, *The Diplomat's Dictionary*, 101.

About the author:

Daryl Morini is an editor-at-large of E-IR. He is pursuing a PhD in preventive diplomacy at the University of Queensland, Australia. Follow him on Twitter @DarylMorini