

Libya: The Coming Peace

Written by Daryl Morini

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DARYL MORINI, JUN 6 2011

With coalition air strikes intensifying in Tripoli, and the war still raging in the suburbs, deserts and mountains of Libya, talk of peace may seem elusive if not misplaced. But it is not so. As Basil Liddell Hart put it, the object of war is to obtain a better peace.[1] Recent history suggests that many of the chronic problems in the wake of Western-led interventions in Africa, the Middle East and Central Asia did not stem from a lack of adequate military firepower or fighting abilities, but from a failure in the political and diplomatic implementation of a post-war peace settlement. When war ends, those imposing the peace must plan and implement it with utmost caution and foresight, lest they risk losing it altogether.

Based on the (mainly negative) lessons learned from unilateral and United Nations-sanctioned military interventions since 2001, I propose five key recommendations directed at the intervening powers, organisations and other international actors involved diplomatically or militarily in the Libyan “no-fly zone”, mandated by UN Security Council resolution 1973 and enforced by NATO. These scenarios basically assume that major military operations and fighting come to an end through either: a) Muammar Gaddafi fleeing from Libya, resulting from a clear rebel victory; b) Gaddafi eventually conceding defeat to NATO, but not the rebel leadership and, as a result of internal division, the Western powers agree to negotiate a bilateral settlement for the regime’s peaceful transition to democracy; or c) the Libyan civil war grinding on for the months to come, resulting in general exhaustion and a mutually-hurting stalemate between government forces and the rebels; the Gaddafi regime and rebels are forced to negotiate an end to the conflict, with international observers and mediators. This order does not imply a ranking of each scenario in terms of likelihood. The recommendations are irrelevant if NATO and the UN withdraw the no-fly zone while Gaddafi is still in power, conceding that the benefits of the intervention are not worth the costs, or if Gaddafi is able to defeat the rebels and his regime withstands international pressure.

Policy Recommendations

1. *Privilege* the African Union (AU) and Arab League, in coordination with the United Nations, in leading the peace process.
2. *Employ* the comprehensive approach in international post-war planning and burden-sharing.
3. *Do not* lose an opportunity to link regional states and problems to negotiations.
4. *Do not* punish Gaddafi’s supporters, reintegrate them. Keep the rebel leadership accountable, and do not take tribal allegiances in Libya lightly.
5. *Deploy* UN blue helmets on the ground.

The AU can be successful in negotiating a peaceful transition to democracy in Libya with Gaddafi’s exit from power, and/or a negotiated settlement between Tripoli and the rebels *if* it takes the following five steps:

- i) *Reaffirm* its clear support for the UN’s coercive measures in Libya.
- ii) *Repeal* publically its earlier rejection of the rebels’ precondition for negotiations that Gaddafi leave power, if only as a tactic to pressure him.
- iii) *Exercise* strategic ambiguity and warn of the international community’s thinning patience in conversations with

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Gaddafi, hinting that the Libyan leader's unwillingness to arrange a *peaceful, democratic and legal* transition to democracy was risking his government's survival—and, again using vague diplomatic speak—perhaps his own personal safety. This transition, the AU should emphasise, may involve him giving up his (and his family's) hold on power for his people's own good, if that is their wish—i.e. in forthcoming elections.

iv) *Threaten* that the African Union could, if it gave in to internal or external pressure by the UN, NATO and Arab League, endorse the precedent of its member, The Gambia, in recognising the rebels as the legitimate rulers of Libya, thereby withdrawing the AU's "solidarity" with the present Libyan regime. The AU can also threaten Tripoli with the highly-symbolic move of Libya's expulsion from the organisation.

v) *Offer* Gaddafi a safe exit from power as a clear alternative to the war, and (privately) guarantee that he will not be delivered to the International Criminal Court by the authorities of the state welcoming him. This promise cannot be given if he decides to remain in post-war Libya.

Conditions i) and ii) are needed for the AU to reclaim the goodwill of the international community and the rebels' National Transitional Council (NTC) respectively, who both look with suspicion upon AU mediations because of the Libyan regime's strong ties with the African body. Conditions iii), iv) and v) are the threats and incentives which the AU can credibly leverage to bring about a negotiated end to the war. These reveal that the African Union is actually in a prime position to force concessions from Gaddafi, precisely due to its close relationship with the Libyan regime, a fact critics have failed to acknowledge. The AU, UN and NATO should also exercise their collective influence to moderate the rebels' ambitions and keep them accountable by exacting the following concessions from the NTC:

i) *Reiterate* that international support and recognition is conditional upon the rebels' conduct on the battlefield, and on their own human rights record, which will not go unaccounted for.

ii) *Obtain* a formal statement from the rebel leadership that their movement does not seek to persecute, kill or otherwise harm Gaddafi government officials, political supporters, former Gaddafi soldiers, and the leader himself. This should be accompanied by a written and public promise that the NTC is interested in national reconciliation and the reintegration of Gaddafi supporters, à la Alassane Ouattara after the Ivorian civil war recently, rather than seeking revenge by punishing former foes. To strengthen their international and internal democratic credibility, the rebels should announce a positive, forward-looking political programme for post-Gaddafi Libya, focussing on national reconciliation and domestic reform.

iii) *Demand* the NTC's private acceptance that, without direct international military intervention on the ground (which they oppose) the rebels' chances of overrunning the Gaddafi regime by force are slim to nil. By agreeing with this assessment, the rebel leadership will be more receptive to the idea of securing an agreement with Gaddafi on the formula of his government's *peaceful, democratic and legal* transition. This is a face-saving formula for the rebels and Gaddafi, who can both claim limited victory in this agreement by: 1) phasing out the Gaddafi regime's hold on power through a National Unity Government and/or free and fair elections, in which he would not be able to participate; 2) guaranteeing his safety in the African Union country which should host him, perhaps Uganda; and 3) granting the rebels' principal demands of a transition to democracy and the end of the dictator's hold on power.

The international community is missing an opportunity to force an early negotiated peace settlement if it does not embrace the AU's leading role in this conflict. On the other hand, the AU risks its very relevance if it fails to lend its good offices to mediating impartially, with UN coordination and NATO's behind-the-scenes support. The UN, NATO, AU, Arab League and other international organisations concerned should use the comprehensive approach to arrange an international division of labour. Without a clear arrangement for comprehensive information-sharing and cooperation between the main international governmental organisations, key states, and non-governmental organisations, the confusion of policy may undermine any international peace effort, no matter how well-intentioned. The UN is acutely aware that a lack of coordination between international and regional players will not only spell operational disaster—it could also jeopardise the peace itself. The international community should go in comprehensively, or not go in at all.

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One of the diplomatic lessons from the post-9/11 intervention in Afghanistan was not to waste the unintended opportunities which crises present. The international community should not shy away from linking issues to solve multiple inter-dependent problems. During the 2001 international negotiations for the Bonn Agreement, according to several sources, Iranian representatives were among the most constructive participants in planning the composition of post-Taliban Afghanistan. Moreover, around the time of the U.S. invasion of Iraq in 2003, Iran may have once more shown good faith in sending a secret letter endorsed by high-level Iranian officials, which proposed a comprehensive peace plan to the George W. Bush administration via Swiss diplomats, according to some (but not all) sources. If substantiated, this story would provide damning evidence that the U.S.' lack of strategic foresight, misplaced belief in its own power, and blind ideological faith contributed to dashing a potential détente in Iran-U.S. relations—which may have neutralised the chance of yet another Middle Eastern war breaking out within the next 18 months. This demonstrates the importance of linking issues in international affairs. For example, if post-revolutionary Egypt is turning out to be less cooperative towards the U.S. and Israel, by mediating a deal between Palestinian factions Hamas and Fatah and by opening its border with the Gaza strip, then those states should associate Egypt to a post-war settlement in Libya.

After an initial peace agreement is signed, the AU and UN will have to ensure that the rebels announce a general amnesty, and adhere to their programme of peaceful reintegration of the former Gaddafi supporters—modelled on South African Truth and Reconciliation Commissions, rather than punitive justice-seeking measures, which would only increase the centrifugal forces driving Libyan society apart. These commissions will evidently have to investigate the alleged systematic rape campaign by Gaddafi forces during the siege of Misrata, as well as claims of rebels' mob violence and execution-style killings of African migrant workers in eastern Libya, including the purported killings of African students accused of being mercenaries. But the commissions cannot be punitive kangaroo courts. This recommendation heeds the example of Iraq, where the "de-Baathification" of the post-Saddam Hussein regime was widely acknowledged, in hindsight, to have only succeeded in fanning the insurgency and the embers of violence to this day. Reconciliation is also a matter of the survival of the Libyan state—as Afghanistan exemplifies—because of the ethno-political and tribal aspects of that conflict. Libya's tribal, ethnic and linguistic composition may be less overwhelmingly complex than Afghanistan's, but that still does not change the reality that tribes and clans matter in North African politics. Unlike in the case of the Afghan Compact, the international community should meditate long and hard before giving power ministries to Libyan warlords, by weighing up their ethnic, sectarian and tribal allegiances—and their human rights record—before rewarding them with positions of power in a major North African state. The history of post-2001 Afghanistan provides a wealth of negative lessons learned, the first of which is simply *not* to alienate the majority ethnic group.

The UN is uniquely placed and experienced to facilitate the mid- to long-term transition of Libya from nepotistic dictatorship to democracy. It can follow the successful Cambodian example of first setting up a UN Advance Mission in Libya to keep the peace, followed by a UN Transitional Authority in Libya. This mission would be clearly limited and well-defined in scope and authority, based on Libya's needs, and would be based on a negotiated agreement affirming the sovereignty, independence, territorial integrity, inviolability and national unity of Libya. Similarly to the Agreements on a Comprehensive Settlement of the Cambodian Conflict (see the full document [here](#)), this peace settlement would be clearly stated as ending as soon as "a Constituent Assembly, elected in conformity with the Agreements, approved the new [Libyan] Constitution and transformed itself into a legislative assembly, creating a new [Libyan] Government." In order to keep a fragile peace settlement, if and when it arrives, the UN will require peacekeepers on the ground.

It is of utmost importance that international troops—preferably blue helmets not from NATO or Western countries—be deployed to Libya as soon as a credible ceasefire or peace agreement is announced. The UN's role in managing the post-war transition in Libya is paramount, as argued by Bruce Jones, because a NATO troop presence on the ground would give fodder to conspiracy theories about Western neo-imperialism, etc. etc. (If there is one region of the world where conspiracy theories can have a direct, negative impact upon high politics and foreign policy, it is the Middle East). It is also extremely unlikely that President Obama would approve a new commitment of American troops to the Middle East, a model which he has explicitly rejected from the outset. The European Union has drafted up plans for a 1,000-strong non-combat humanitarian deployment to the previously-besieged city of Misrata, but this idea necessitated UN approval. Furthermore, UN resolution 1973 excluded the possibility of "a

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foreign occupation force of any form on any part of Libyan territory.” Therefore, any international peacekeeping mission or peace-enforcement mission will require another UN resolution to give it international legal and political legitimacy.

Any peace operations must centre on the UN. The world organisation will be called upon to deliver in one of its (debatably) most efficient roles—international peacekeeping. Jones calls on Ban Ki Moon to begin planning blue helmet deployments to Libya, nominating the EU, Arab militaries and Brazil as potential troop-supplying states, and also calls for the deployment of particularly capabilities important to peace-keeping in large cities, such as riot police and civilian experts.

I would only add in detail to these sound recommendations. Firstly, the UN Department of Political Affairs will need to plan deployments of its esteemed Standby Team of Mediation Experts, specifically those with area expertise or experience in the thematic attributes of the Libyan case—i.e. political transition, power sharing, oil and resource conflicts, mediating between political groups as well as with public crowds in street protests, etc.

Secondly, amid potential troop contributions, I would add the specific nominations of Australia, India, Russia, Brazil, Egypt, and perhaps Indonesia. Australia because it was one of the leading non-NATO proponents of the no-fly zone in Libya; and because Foreign Minister Kevin Rudd may have already signalled that Australia was prepared to take the mantle of a post-war peace-keeping mission. Brazil, Russia and India because, as the BRIs in BRIC—China cannot be expected to participate because of its clear stance against foreign intervention in Libya—they may be interested in asserting their growing economic and political place in the world. Russia seems particularly interested in playing an active role in the conflict, by offering to mediate Gaddafi’s exit from power and advocating for the deployment of UN and African Union (AU) peacekeepers in Libya. Richard Gowan has argued (here, here and here) that the BRICs may be “wasting a good crisis” to become involved in managing the Libyan conflict by a committed a “light-weight” peacekeeping presence.

Finally, another idea is for the UN to deploy an all-Muslim peacekeeping force in Libya, for legitimacy and operational purposes—legitimacy because Libyans would not perceive the foreign presence as Western imperialism, and operational because *jihadi* insurgents could less easily justify targeting Muslims than Westerners with Improvised Explosive Devices. Of all the potential ironies, the idea of a Muslim peacekeeping force was propounded by none other than the Brother Leader, Gaddafi himself. As Gowan argues, the major contributing states would include Egypt, Turkey, Morocco, Jordan, the United Arab Emirates, Pakistan, Bangladesh, and Indonesia. Importantly, such a peacekeeping force should be placed under UN command, for logistical reasons as well as for political reasons—namely that contributing states could plausibly deny responsibility if the operation goes wrong.

These are the viable contributors to a UN-mandated peacekeeping force to Libya: the EU, Australia, Russia, India, Brazil, Turkey, Egypt and other Middle Eastern and Asian Muslim countries. Plan A should be to assemble a broad coalition drawn from these potential candidates, because some are bound to decline politely. Plan B, failing the approval of the BRICs, is to draw the peacekeepers from an all-Muslim force. Plan C is an African Union force, but this would probably require some form of hybrid AU-UN peacekeeping command. Plan D would require an EU-centric force, with the collaboration of the AU and regional partners in supporting roles. The EU has the suitable experience and capabilities in peacekeeping cooperation in Africa, and could build on the relative success of such non-NATO missions as Operation Artemis. If these possibilities should fail, most likely because UN approval is needed to make the EU plan a reality, Plan E would see the onus shift back on to NATO and the U.S. to enforce and keep the peace in post-war Libya. Because of the near impossibility of this plan politically, and the low feasibility even logistically due to the over-extension of allied forces in Afghanistan, Plan E would probably lead to Plan F: No peacekeepers in Libya at all

In conclusion, no peace is perfect. But a flawed peace is probably better than no peace at all. I have not argued that a negotiated, peaceful, happy ending to the Libyan civil war is likely. Nor can I claim to predict that such a scenario, if it arrives, can go entirely to plan. However, the point of this paper was to force considerations of post-war planning in Libya. The lessons of Afghanistan and Iraq were especially poignant, in that they demonstrated how militarily removing an entrenched regime is the relatively easy part of interventions. What follows, and how the post-conflict

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reconstruction of a state is handled, is usually the part in which international players and organisations lose opportunities or fail entirely in their aims of securing a better peace. Contingency planning and potential peace plans are not guarantees of success, but neither are they idle dreams. They provide a strategy and logic for policy-makers and diplomats wrestling with some of the most complicated problems of contemporary diplomacy. As such, it is fitting to conclude by once more quoting Basil Liddell Hart's words of warning, with which we began: "If you concentrate exclusively on victory, with no thoughts for the after-effect, you may be too exhausted to profit by the peace, while it is almost certain that the peace will be a bad one, containing the germs of another war."

Daryl Morini is Deputy Editor on e-IR. Read the extended version of this piece [here](#).

[1] Cited in Chas W. Freeman, Jr., *The Diplomat's Dictionary* (Washington, D.C.: United States Institute of Peace Press, 1997), 405.

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