Ending the Odyssey: A Necessary if Imperfect Proposal for Restoring the Peace in Libya

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This article examines the ongoing humanitarian crisis in Libya, arguing that the violence and adverse conditions experienced by civilians in the three weeks since the foreign intervention has increased substantially. Recognizing this, the priority of the international community must be to focus on UN Security Council Resolution 1973's essential humanitarian purpose and bring an immediate end to hostilities. The strategy which can most quickly and decisively achieve this – the facilitation of head of state Moammar Gadhafi's abdication of power, by force if necessary – may not be ethically ideal, but it is necessary to bring an end to the rising human cost of the war. Otherwise, the tragedy which the intervening coalition sought to prevent in Benghazi may well be replicated across the country, a process which is already unfolding. While the lessons of the Libyan crisis for international relations are many, this work concludes by suggesting that the most important of them is the need to change the way that humanitarian interventions are conducted. The exacerbation of violence towards civilians as a result of the current stalemate in Libya is an urgent example of this need.

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Lest we forget, the essential purpose of the United Nations' Security Council Resolution 1973 is humanitarian. In response to the killing of dozens of peaceful protesters during Libya's 'Day of Rage' marches on February 17th to 18th and throughout the following month, the Security Council (absent China and Russia) called for, among other things, an immediate ceasefire on the part of head of state Moammar Gadhafi's military, the protection of civilians from violence and the intensification of efforts to "find a solution to the crisis which responds to the legitimate demands of the Libyan people"[i]. While critics are quick to point out that it is unclear how these "legitimate" demands may be defined[ii], what is clear from reports emerging from the war-torn country is that there is no greater demand than for the absence of immediate mortal threats to the lives of Libyan civilians. The protracted stalemate which has primarily gripped the vast coastal north has made starvation, homelessness, and the threat of imminent assaults from loyalist forces daily realities for tens of thousands of civilians in cities such as Benghazi, Misrata, Ajdabiya, and Brega. The town of Bin Jawad, 160 kilometres from Gadhafi's birthplace Sirte, was home to 150,000 people as little as a month ago. Today, it is largely deserted – its residents having fled in desperation, unwittingly compacting the misery of the places in which they sought refuge due to a national shortage of food, clean water and basic medical supplies[iii].

The international forces now operating in Libya face a dilemma in the truest sense, for no solution can possibly satisfy all parties; indeed, every proposed course of action is certain to provoke severe condemnations from various domestic and international actors alike. An expansion of NATO's military role would provoke the deep ire of countries committed to the maintenance of the legal sovereign equality of states, such as China, Russia or Brazil. On the other hand, a retracting of international support for the rebel forces would challenge both the post-industrialized world's rhetorical commitment to the project of democracy and its ability to use such reasoning for future imperial undertakings[iv]. Taking this as a given, this work proposes that the humanitarian purpose of Resolution 1973 must not be lost in broader geopolitical concerns. Now that the intervention is a reality, and acknowledging that its withdrawal would almost certainly result in an unequivocal humanitarian catastrophe, the question must be, 'what strategy of reconciliation in Libya will most effectively guarantee the personal security of those civilians whose lives

are now mortally imperilled'? The answer may not be very palatable for some of the actors involved, but the justification for intervention in the first place will be utterly nullified if all available options are not examined with a mind to the human cost of the international community's geopolitical calculations.

Notes on Timing and Perspective

Because the issue being written of is 'live' in an especially dynamic way, and therefore subject to sudden and dramatic change, it is appropriate before beginning to offer a note on several major events which have occurred thus far to shape the humanitarian approach to the Libyan crisis. As of the time of writing, the following major events had unfolded which guided the disposition and ultimate conclusion of this work. On February 23rd, 2011 anti-Gadhafi forces, which had become decidedly militarized during the week following the 'Day of Rage' marches, occupied the eastern coastal city of Benghazi, which would serve as the locus of rebel organizing. This action, precipitated by the extreme repression and violence against the protesters by committed by Gadhafi's forces, definitively put the country into a state of civil war, with two clearly identifiable – if not internally unanimous – sides in the conflict[1]. In turn, the state intensified its military efforts against rebel-held civilian centres and deployed its forces in much the same way as in a conventional war. Columns of tanks, armoured personnel carriers and supply trucks loyal to Gadhafi rumbled across the Libyan desert, shadowing the burned out spectres of the Desert Fox's best laid plans of three quarters of a century ago.

On March 17th, the United Nations Security Council passed Resolution 1973, which provided for the instalment of a no-fly zone over eastern Libya for the immediate purpose of preventing the overrunning of Benghazi by Gadhafi's forces, whose tanks and mobile artillery had reportedly begun an indiscriminate shelling of the city[v]. The initial days of "Operation Odyssey Dawn", the codename given to the multilateral military operation presently underway, saw the most massive combined air strikes since the "Shock and Awe" campaign which opened the US invasion of Iraq. Within the first forty-eight hours, the United States had launched 110 cruise missiles against ground targets both outside of Benghazi and within Gadhafi's command centre in Tripoli[vi]. Many argued that the latter target was an illegitimate extension of the UN mandate to protect civilians and constituted an offensive action against the Libyan state, while NATO officials responded that disabling Gadhafi's command and control capabilities was a necessary element of that mandate[vii]. Such ambiguities have hitherto been the hallmark of the intervention, and serve as examples of the various political dispositions at play in judging its legitimacy.

By March 29th, all romanticized notions of a swift rebel victory under the protective guidance of coalition air power had faded into the grim reality of a protracted civil war. On this day, rebel forces had approached within 50 kilometres of Sirte following a tide of momentum which had seen half a dozen coastal cities fall into opposition hands, but had been forced to retreat when they came under fire from Gadhafi's troops – perhaps expecting, contrary to the provisions of Resolution 1973, that the coalition would provide offensive support for rebel manoeuvres on the ground[viii]. Such events, which had by then come to emerge as a sort of pattern, have caused much frustration among the rebels, who with each day that the stalemate persists grow increasingly sceptical of the coalition's motivations for intervening. "In fact" notes *The Economist*, "the only emerging pattern is one of wildly see-sawing fortunes, as coastal towns change hands with almost metronomic regularity"[ix].

An especially intriguing development emerged on April 11th, when Gadhafi appeared to have accepted a tentative "road map to peace" offered by a delegation of the African Union headed by South African President Jacob Zuma[x]. The proposal was unambiguous about the need for an immediate ceasefire from both sides, but fell far short of the rebel's expectations. For one, it did not require a withdrawal of Gadhafi's military from urban centres in spite of the ceasefire, a non-starter for the rebel Transitional National Council (TNC)[xi]. Secondly, the rebels had seen this happen before, when Gadhafi agreed to a ceasefire on March 18th upon commencement of 'Odyssey Dawn' only to unflinchingly continue the march of his armoured columns towards Benghazi and lay siege to it. Reports within the preceding forty-eight hours of Gadhafi's agreement to the AU proposal had confirmed the destruction of as many as twenty five of his military vehicles, including tanks, by a series of heavy NATO air strikes – perhaps making the Colonel more willing to negotiate if only as a short-term tactic of damage reduction[xii]. Gadhafi's willingness to abide by the African Union's terms is, as many have observed, complicated by the political influence of Libya in the Union, with the state providing as much as fifteen percent of the international body's funding and holding significant

investments in many of Africa's poorest countries[xiii]. However, all the 'what ifs' surrounding this development were soon rendered moot, as only hours later the leadership of the TNC rejected the AU plan, with spokesman Mustafa Jabril calling it "outdated" and stating that "the demand of our people from day one was that Gaddafi [sic] must step down … any initiative which does not include this key popular demand will not be regarded"[xiv]. That, it seems, is the bottom line, for distrust now runs too deep among the rebels for an option which allows Gadhafi or members of his direct family to retain power. "The world has seen these offers of ceasefires before" said Shamsiddin Abdulmolah, another TNC spokesperson, "and within 15 minutes [Gadhafi] starts shooting again"[xv]. Significantly, however, the TNC has expressed a willingness to negotiate peaceful, democratic reforms with other senior members of the Gadhafi regime, on the strict condition that Gadhafi and his sons leave the country.

With these developments in mind, let us now consider the justifications for the foreign intervention in Libya, and question whether or not this action has achieved the intended result of protecting civilians and facilitating a peace process.

'Pragmatic Pacifism' and the Case for Intervention in Libya

Most people, observes David Cortright, are inclined towards a relatively pacifist world view, defined as the reluctance or refusal to acknowledge the use of military force as a legitimate tool of international and social relations. However, he also observes that there are certain circumstances wherein only the staunchest of pacifists, a tiny minority, could conscientiously object to some kind of application of force to prevent a humanitarian catastrophe, such as a looming genocide or the massive application of indiscriminate, state-orchestrated violence against civilian populations[xvi]. In this way, the use of military force becomes "a moral act of supreme importance that must be judged according to the strictest ethical standards", for it is the most extreme of actions for only the most extreme of circumstances[xvii]. This understanding of the application of force is variously referred to by terms such as 'just war theory' or 'pragmatic pacifism', and its proponents argue that it is the most 'genuine' kind of peace theory because of the alleged stringency of its criteria[xviii]. Could, after all, someone wishing to call themselves a 'humanitarian' have denied the extension of a UN Resolution to intervene in Rwanda before the terrible events of 1994? Indeed, when presented with such a rightfully haunting example, it is hard to deny the position of the pragmatic pacifist. The argument may be made in turn that the question of who establishes these criteria is just as important, if not more so, for the realization of humanitarian ideals as the criteria themselves. However, let us leave aside this (much needed) critical theoretical analysis and consider the pragmatic pacifists' case for intervention in Libya.

It is likely that the spectre of non-intervention in Rwanda did in part compel the international community to respond to the increasingly brutal repression of civilians by Gadhafi's military. The urgency of the threat to the de facto rebel capital of Benghazi could not be understated, as armoured vehicles had begun to enter the city and, according to multiple reports, begun firing indiscriminately at people as well as buildings. Statements issued by Gadhafi in the days leading up to the siege of Benghazi alluded to the extreme violence potentially awaiting the city's residents, with Gadhafi promising to root out the opposition like "rats" and – although such reports emerge from the inevitable confusion and subjectivity of war and must therefore be questioned – issuing orders for the execution of all men between the ages of ten to sixty years old[xix]. Confronted with such a possibility, Roland Paris invites us to consider the "anguished debate" that would have erupted had such threats been followed through upon in the absence of international action[xx]. This led to a peculiar ethical dilemma for those opposed to the idea of intervention but compelled to prevent a potential humanitarian disaster. On the one hand, the ambiguities left open by Resolution 1973 regarding the precise role of intervening forces and the resultant potential for 'mission creep' rendered the document flawed to the point where any sensible observer of events of the past twenty years would reject it out of hand. Yet as Gilbert Achcar of *Le Monde Diplomatique* argues, any sincere humanitarian could not do so, for it would amount to allowing potentially thousands of civilians to be killed and even more to be denied in their struggle for a more just and equitable system[xxi].

While the reasons for intervention in Libya are therefore categorically few, they are nonetheless extremely compelling, as it is difficult to present a convincing case which denies assistance to those whose lives may very well depend upon it. Cortright in this instance is likely correct, in that even the staunchest of non-interventionists, when pressed, would be unlikely to shrug off the looming massacre of civilians in Benghazi. The diplomatic solution which

all parties (excluding Gadhafi's) would have preferred would not have been sufficient to address the imminent threat facing the civilians under siege from loyalist forces. By the time Benghazi was surrounded, Gadhafi was simply too close to his goal to settle for anything less than the total destruction of his opposition. While the fate of Benghazi's civilian population was less certain, all rebel fighters and those found to be directly assisting them would undoubtedly have been executed, a group likely numbering between 500 to 1,500 people[2]. In addition, the number of people killed by Gadhafi's forces during the protests of late February and early March is estimated to be at least 1,000. There was indeed a compelling case for intervention on the grounds of systemic violence on the part of the Libyan state against its people, one obviously convincing enough to have resulted in the coalition that is active there today. However, a later statement in the same article by Paris exposes a problem which must be addressed if we are to consider the best course of action in Libya from a humanitarian perspective. "Although we'll never know with certainty" he writes, "it could have been worse – much worse"[xxii]. Why is this statement problematic? Because now, in fact, 'it' is.

From Just War to an Unjust Stalemate

Among the voices who protested against the international intervention in Libya during and after the drafting of Resolution 1973, Brazil's Permanent Representative to the United Nations, Maria Luiza Riberio Viotta, forewarned that the military option could result in "more harm than good to the very civilians we are committed to protecting"[xxiii]. Such reservations are the understandable product of the previous decade, which saw such a gross distortion of the concept of humanitarian intervention in the form of the Afghan and Iraq wars that many have come to intuitively associate it with imperialism. The aforementioned cases do not, after all, offer inspiring conclusions. In the years following their respective occupation by foreign militaries both countries experienced substantial drops across the board in social and human development indicators[3], with Baghdad remaining the single most dangerous city on earth as of 2009[xxiv].

While NATO officials and policymakers at home in the intervening countries have tried to assuage fears of a protracted, Iraq-style military engagement in Libya, the persistent conditions which have now gripped nearly every city on the more than 600 kilometre road from Trioli to Benghazi are now distinctly those of war zones. The reports, admitted across the board to be almost certainly conservative, paint a grim picture. Several hundred people have been confirmed dead in the repeatedly besieged city of Misrata, 150 kilometres east of Tripoli, with one survivor attesting to "about 30 to 35 casualties, dead, daily…most of them are civilians – women, children, old people, sitting in their houses – and tanks have been shooting them in their houses"[xxv]. Chronic water and electricity scarcities have been confirmed in most coastal cities, along with a lack of supplies such as baby formula and medicines exacerbated by the withdrawal of aid groups in Misrata and elsewhere due to the extreme danger posed by the continuous shelling. Even where aid agencies such as Doctors Without Borders are attempting to gain access they are turned away by the Libyan state on the basis that there are "no medical needs"[xxvi]. The city of Brega, exemplifying the back-and-forth nature of the war thus far, has been taken and subsequently lost no less then five times in the month of March, with other cities such as Ajdabiya having fallen to Gadhafi forces only to be retaken and lost again two, three, four times – each turnover being the result of a freshly destructive siege[xxvii].

The cumulative effects of these waves of violence are only beginning to be appreciated by the international community, while they are immediately evident for those subjected to them. The unfortunate reality is that the stalemate upheld by the intervening coalition has contributed to the multiplication of the crisis which faced Benghazi circa march 17th into nearly every major population centre in the country. Going forward, the intervening coalition must concentrate its efforts upon decisively ceasing this unfolding humanitarian catastrophe. Now that the intervention is a reality in the unfolding of the Libyan civil war, its central mandate must come into focus: the protection of civilians against troops loyal to Gadhafi through force, so long as a diplomatic option for reconciliation is refused. But what, exactly, does that entail at this point in the war? Admittedly, and as previously mentioned, the option most consistent with the humanitarian purpose of Resolution 1973 is not for many the politically or ethically optimal one, depending on one's normative approach to international relations. However, this work is strictly concerned with the preservation of the lives of Libyan civilians, and as such its approach can be described as a kind of 'utilitarian humanitarianism'[4]. Let critics of utilitarianism not decry that this infers the protecting of the personal safety of the many over that of the few, for that is not at all what is meant. Rather, the central question of this

approach is, 'what strategy of attaining peace – regardless of the strategy's political, national or normative biases – would most effectively limit the violence afflicted upon Libyan civilians under the present circumstances'? That is, what strategy of reconciliation is of the greatest *utility* to the realization of the fundamentally humanitarian mandate of UN Security Council Resolution 1973?

Putting the People First: The Necessary Way Forward in Libya

The premise of international relations which must be respected above all others is the exhaustion of every available diplomatic means to resolve conflicts before considering the use of force. Moammar Gadhafi has made resoundingly clear that the only diplomatic solution which he is willing to accept is one which sees himself or his direct family retain absolute political power and affirms Tripoli's authority over the entire country, which is irreconcilable with the goals of the opposition and the sentiments of the vast majority of the Libyan populace. Gadhafi has demonstrated his willingness to abuse the declaration or prospect of a ceasefire in the past, using the cover which international law provided him after the self-proclaimed March 18th ceasefire to advance his forces onto the doorstep of Benghazi for a decisive assault. The proposal for a ceasefire offered by the African Union was rejected out of hand by the rebels on April 11th, as the increasingly bloody bombardment of the city of Misrata continues at the time of writing to make it difficult to take any offer of peace from the ruling regime seriously[xxviii]. Reports emerging as of April 12th reinforce the urgency of some manner of decisive action in ending the conflict in Libya. At an EU meeting in Luxembourg, Transitional National Council representative Ali Al Isawi informed reporters that his organization could account for 10,000 civilians killed by Gadhafi forces, with upwards of 20,000 people missing and an even greater number suffering injuries. Above all, he declared, the TNC desired "more efforts regarding protection of civilians against this aggression"[xxix]. Even if these numbers are inflated to muster support for the rebels, the lives of thousands have undoubtedly been lost because of the stalemate which has emerged. The international community in its act of intervening has assumed a fiduciary responsibility of the most urgent nature for the protection of civilian lives in Libya, and above all other concerns it must recognize the imperative of fulfilling that responsibility.

To this end, and with a mind that it is absolutely a choice between the lesser among many moral reservations, it is apparent that the only way to bring an immediate and decisive end to the massive human suffering abounding in Libya is to remove Moammar Gadhafi from power. The extraordinarily delicate parameters of this proposal require that the international community must guarantee that the following three conditions are met if this course of action is to be taken. Firstly, the operation to physically remove Gadhafi must be an extraordinarily precise and targeted one upon his command and control compound in Tripoli, and the use of lethal force against him must be explicitly forbidden. Secondly, because the TNC has agreed to a peaceful resolution and to allow Gadhafi and his family to leave if they do so entirely, this must become the avenue for dealing with him in the immediate follow-up to his seizure. Any action to be taken against Gadhafi should be under the auspices of the International Criminal Court, being reminded that Resolution 1973 specifically makes mention of the potential for charges of crimes against humanity to be levied against him[xxx]. Thirdly, following Gadhafi's removal from power, international militaries must immediately and unconditionally withdraw from Libya, with further international involvement limited to transnational non-governmental organizations such as Doctors Without Borders and similar politically neutral aid initiatives. As well, the United Nations must hasten to recognize the official governmental status of either the Transitional National Council, a substantially reformulated government in Tripoli, or some combination thereof resulting from negotiations between Tripoli and Benghazi. Keeping in mind the essential humanitarian purpose of the intervention, let us briefly consider alternative strategies which have been suggested so that we may see why a definitive move against Moammar Gadhafi is the optimal, if uncomfortable, course of action.

A withdrawal of international military support for the rebels is both politically and ethically unthinkable, as the rebels would almost certainly be overrun within a matter of days by vengeful Gadhafi loyalists. What would unfold if such an action were taken would almost certainly be an utter purging of opposition fighters and sympathetic civilians, through which death tolls could easily reach into the tens, even hundreds, of thousands. The "anguished debate" described by Roland Paris would indeed follow and devastate the international psyche, in the order of the Rwandan genocide of 1994[xxxi]. A withdrawal, this late in the conflict, is not an option.

And what of the 'armament option' proposed by some analysts, which envisions a withdrawal of coalition military

forces supplanted by the massive supplying of arms to the rebels in order to tip the balance? While this would seem a sound strategy, a kind of compromise between anti-imperialists and interventionists, there are two great flaws to it. Firstly, as Gilbert Achcar points out, such a strategy would not have been swift enough to prevent the takeover of Benghazi by loyalist forces[xxxii]. The armament option is sound as a sustained tactic within a larger operation, but not as a decisive factor in achieving the peace. This leads to the second flaw of the armament option, which is that it would necessarily result in the greater potential for the perpetration of immediate and future violence in the region. Not only would it lead to more intensified, and therefore more lethal, confrontations between the opposed sides in the current Libyan civil war, but these arms would be more than likely to make their way through the regional black market upon the war's conclusion. The historical precedents of supplying arms to various civil factions in the North African-Middle Eastern region decidedly warns against such an approach. The arming of Afghanistan's *mujahedin* by the United States during the Cold War serves as an especially poignant example of the armament option's potential for geopolitical and humanitarian blowback. But on a very basic level, is it really in anybody's interest, especially the humanitarian's, to actively increase the number of arms flowing through a region experiencing such brutal conflicts as those in the Sudan, Somalia and Gaza strip? As a strategy for ceasing the violence against civilians in Libya, and in the broader interest of reducing violence in the region, the armament option is unacceptable.

Let us not elaborate any further upon the diplomatic option for reconciliation. Gadhafi's terms are irreconcilable with the protection of civilians as mandated by Resolution 1973, attested to by his actions of March 19th, persistent desire to retain absolute power and unwavering assault on civilian populations in Libya's coastal cities. As this is being written, shells are falling upon Misrata, just as they did throughout the entire ceasefire negotiation process with the African Union. At this point, unless Gadhafi commits to a total and immediate ceasefire, agrees to cede power peacefully to actors outside of his family[5] and leave the country, the matter is settled.

As Mahmood Mamdani succinctly and accurately observes of the unfolding situation,

For the people of Libya, there can be no quick fix … a post-invasion Libyan government will need to accommodate a highly fractured society through patient coalition-building, if Libyan society is not to disintegrate into an Afghan-style civil war … That necessary work will have to be political, not military. For that work to begin, the first prerequisite is an end to the NATO invasion and a ceasefire.[xxxiii]

Although Mamdani is writing from a perspective which views the foreign intervention as perhaps the greatest potential security threat in the conflict, a point of view in stark contrast to every emerging report from the front lines, he is correct regarding the need for demilitarization to occur before meaningful peacebuilding can begin. This point leads us to what in fact amounts a fourth, and perhaps the most important, condition for the application the recommended strategy: there must be afterwards be fundamental re-evaluation of the international community's strategies in preventing and mediating man-made humanitarian crises. The current order, which is focused on humanitarian intervention under the theoretical framework of pragmatic pacifism, results in a tragic paradox – such interventions are seen as necessary to prevent imminent catastrophes in cases of organized violence against civilians, and yet, as has occurred in Libya, the resultant long-term engagement of such forces can actually prolong the threat of violence to those they had set out to protect. The structure of humanitarian interventionism currently in place and legally reinforced by the United Nations made the ultimatum of prolonged disaster or regime change an inevitable one. Of course, Resolution 1973 did not provide or call for the removal of Gadhafi, but what is being argued here is that the manner by which it was enforces meant that such an action would eventually become a humanitarian obligation.

What does that say about the state of the international peacebuilding agenda? Perhaps its central tenets need to be reconsidered, if the results of its current operational orthodoxy are to be observed in the case of Libya. Let this be the most important subject of future reflections on this event, so that the international community does not have to make a choice between the preservation of human life and the spectre of humanitarian imperialism.

[1] Let it be clear that this statement is not meant to lay responsibility for the resultant crisis on the rebels, only to observe an important point in the development of the conflict

[2] These numbers are based upon reports that approximately 200-300 rebel fighters remained in defence of Benghazi in the final hours before the foreign intervention, inflated to include a civilian support network of approximately two to five times that size.

[3] With the exception, of course, of Afghanistan's aberrantly high rate of GDP. This is attributable to the massively increased rate of poppy production for opium following the occupation of 2001, which as of 2003 accounted for half of the country's GDP (The Economist, 2003).

[4] Author's term.

[5] Recalling that the TNC has demonstrated a willingness to negotiate a peaceful settlement with other senior members of the regime, just not a member of Gadhafi's family.

Endnotes

[i] "United Nations Security Council Resolution 1973 (2011): Adopted by the Security Council at its 6498th meeting, on 17 March 2011". *un.org/Docs*. United Nations Security Council. Mar. 17th, 2011. Web. Viewed on Mar. 30th, 2011.

[ii] See, for example, Jonas (Mar.30th, 2011), Wente (Mar. 26th, 2011) and Wood (Mar. 30th, 2011).

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[iv] Achcar, Gilbert. "Libya: a legitimate and necessary debate from an anti-imperialist perspective". *Le Monde Diplomatique* Mar. 28th, 2011. Web. Viewed on Apr. 10th, 2011.

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[xvii] Ibid, 16.

[xviii] See, for example, Cortright (2008) and Mayall (2007).

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[xxvii] "Pro-Gadhafi forces shell rebel front line". c*bc.ca*. Apr. 9th, 2011. Web. Viewed on Apr. 10th, 2011

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