

NATO War on Libya in an Impasse: Another take on Libya Hubris for China

By [Peter Lee](#)

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Western self-regard was on full display in a United States headline describing the Libya Contact Group confab in Istanbul over the weekend. It read: World leaders open Libya talks in Turkey. [1]

Well, US Secretary of State Hillary Clinton was there. Much-diminished leaders of 19th-century world powers Britain and France – and first millennium world power Italy – were there, too.

But attendance from the BRICS countries was patchy: Nobody was there from Russia, which boycotted the talks. China declined to send a representative. Brazil and India only sent observers, which meant they had no vote in the proceedings. South Africa didn't attend, and blasted the outcome of the meeting. [2]

It is an indication of the altogether ghastly reporting on Libya that there has been little effort to determine the Libya Contact Group's constituting authority, its decision-making processes, or even its membership, let alone the legitimacy of its pretensions to set international policy on Libya.

The LCG was formed in London on March 29 under the auspices of the United Kingdom, at a conference attended by 40 foreign ministers and a smattering of international organizations. Its declared mission was to “support and be a focal point of contact with the Libyan people, coordinate international policy and be a forum for discussion of humanitarian and post-conflict support”. [3]

Since then, the group has met three times and its attendance seems to have stabilized around a core of 20 or 30 countries, mostly drawn from members of the North Atlantic Treaty Organization (NATO), conservative oil-rich states in the Gulf Cooperation Council (GCC), and GCC cadets Jordan, Lebanon and Morocco. Dutiful ally Japan has also tagged along.

The unambiguous American template for Libya – and the LCG – is Kosovo, another humanitarian bombing campaign cum regime change exercise conducted by NATO in disregard of the United Nations.

United States Deputy Secretary of State James Steinberg invoked the Kosovo precedent – and a prolonged diplomatic and sanctions campaign that grew out of a “humanitarian military action” – in testimony before the US Congress on Libya:

Our approach is one that has succeeded before. In Kosovo, we built an international

coalition around a narrow civilian protection mission. Even after Milosevic withdrew his forces and the bombing stopped, the political and economic pressure continued. Within two years, Milosevic was thrown out of office and turned over to The Hague. [4]

NATO decision-making is a rather fraught exercise in consensus-building, especially when it involves political as well as military issues. NATO's military command draws its legitimacy in Libya from UN resolution 1973 (the infamous no-fly + protect civilians undertaking), which it obviously interprets as it sees fit. Political undertakings like the LCG appear to be adjuncts to the military operation, a state of affairs that has not served NATO particularly well in Afghanistan.

NATO's political policy on Libya is in the hands of the "North Atlantic Council" or NAC; for obvious reasons this crusaderish piece of nomenclature is not often invoked in the Libyan situation.

A 2003 paper by the Congressional Research Service described the decision-making process and applied it to the Barack Obama administration's explicit template for bombing people into freedom, the Kosovo air war:

The NAC achieves consensus through a process in which no government states its objection. A formal vote in which governments state their position is not taken. During the Kosovo conflict, for example, it was clear to all governments that Greece was immensely uncomfortable with a decision to go to war. NATO does not require a government to vote in favor of a conflict, but rather to object explicitly if it opposes such a decision. Athens chose not to object, knowing its allies wished to take military action against Serbia. In contrast to NATO, the EU seeks unanimity on key issues. [5]

In other words, the dominant powers decide the policy; then it is up to the other guys to decide if they wish to undermine NATO's unity, credibility and image by obstructing the mission.

Inside NATO, it appears that most countries choose to opt out in order to affirm their diplomatic, doctrinal or political concerns, but not raise a formal, explicit objection.

For instance, when NATO took over the Libya mission, a US State Department official noted: With respect to the Germans, Germans have made from the very beginning a very clear - a clear statement that they would not participate militarily with their own troops in any operation. But they've also made clear that they would not block any activity by NATO to move forward. [6]

Long story short: it's likely that NATO countries vote as a bloc when it comes to LCG matters.

GCC decision-making is even more opaque, but it is not unreasonable to assume that the smaller states are voting in a bloc with lead member Saudi Arabia on the Libya issue.

In other words, NATO and the GCC get their ducks in a row before the LCG meetings, which appear to be political window-dressing to convince Western opinion, at least, that a legitimate international process - well, maybe not quite as legitimate as UN debate - is going on.

China and Russia recognize the LCG as an effort by the proponents of military intervention in Libya to take the political bit in their teeth as well, in order to keep any further Libya

discussions out of the UN Security Council where China and Russia - which were spectacularly burned by Resolution 1973 - would undoubtedly wield their veto power to the fullest to sidetrack the NATO/GCC-led campaign.

China has been relatively circumspect in its criticisms of the LCG, politely declining Turkey's invitation to join the Istanbul meeting - and thereby adding a further veneer of political legitimacy to the exercise - with the statement that it would skip the meeting "because the function and method of operation of this contact group need further study". [7]

The Russians have been much more blunt. In May, Russian Foreign Minister Sergey Lavrov declared that it was the LCG, and not Muammar Gaddafi, that had a legitimacy problem:

"The contact group is a self-appointed organizational structure that somehow made itself responsible for how the (UN) resolution is carried out," Mr Lavrov said ...

"From the point of view of international law this group has no legitimacy." [8]

In rejecting the Turkish invitation to join the meeting in Istanbul, the Russian Foreign Ministry reiterated its objections:

[W]e were called upon many times to join this Group by our other partners through various channels ... At the same time, the Russian approach to this issue has not changed. We are not a member of the Group and do not participate in its work. This applies to the upcoming meeting in Istanbul as well. [9]

In the most unflattering construction, therefore, the LCG is not a united effort by "the leaders of the world"; it is an effort to circumvent the UN Security Council, largely coordinated by Atlantic ex-colonial powers and anxious Arab autocrats who are most deeply committed to the bombing campaign against Gaddafi.

That effort is not going particularly well. NATO has strayed well beyond its "protect civilians" UN mandate - or, at the very least, creatively interpreted the mandate so as to render its intent and limitations meaningless - to conduct air operations against Gaddafi's forces for the past four months.

Nevertheless, the Libyan rebels have been unable to drive Gaddafi from power and thereby demonstrate the potency of Western arms and self-righteous bluster, even when exercised at safe distance and through enthusiastic proxies against an isolated Third World potentate.

At Counterpunch, Alexander Cockburn excoriated the rebels, the media and Western delusions that this would be a quick and politically advantageous war: He wrote:

In a hilarious inside account of the NATO debacle, Vincent Jauvert of Le Nouvel Observateur has recently disclosed that French intelligence services assured [President Nicolas] Sarkozy and foreign minister [Alain] Juppe "from the first [air] strike, thousands of soldiers would defect from Gaddafi". They also predicted that the rebels would move quickly to Sirte, the hometown of the Qaddafi and force him to flee the country. This was triumphantly and erroneously trumpeted by the NATO powers which even proclaimed that he had flown to Venezuela. By all means opt for the Big Lie as a propaganda ploy, but not if it is inevitably going to be discredited 24 hours later.

“We underestimated al-Gaddafi,” one French officer told Jauvert. “He was preparing for forty-one years for an invasion. We did not imagine he would adapt as quickly. No one expects, for example, to transport its troops and missile batteries, Gaddafi will go out and buy hundreds of Toyota pick-up in Niger and Mali. It is a stroke of genius: the trucks are identical to those used by the rebels. NATO is paralyzed. It delays its strikes. Before bombing the vehicles, drivers need to be sure they are whose forces are Gaddafi’s. ‘We asked the rebels to a particular signal on the roof of their pickup truck, said a soldier, but we were never sure. They are so disorganized ...’ ” [10]

In fact, it appears that an important purpose of the Istanbul meeting was to jumpstart the ineffectual efforts by the Libyan rebels and, in particular, deal with calls by Turkey and the Organization of the Islamic Conference (OIC) for a ceasefire during the Muslim holy month of Ramadan (approximately August 1 to August 29 this year).

Ramadan is traditionally a time of fasting and peaceful reflection. In Libya, it would also undoubtedly be an opportunity for Gaddafi to regroup his forces and engage with the myriad interlocutors and negotiators - in addition to African Union, France and Italy were also reportedly meeting with Gaddafi’s representatives - who were trying to end the embarrassing mess.

Both Turkey and the OIC - as well as otherwise disengaged Islamic power Indonesia - have warned NATO that continuing the bombing campaign during Ramadan would be a dangerous political miscue.

Therefore, to guard against the dread prospect of peace breaking out in unwelcome ways post Ramadan - and Gaddafi remaining in Tripoli without having received the necessary chastisement by the righteous democratic powers - the LCG made two important decisions:

First, it recognized the Transitional National Council (TNC) headquartered in Benghazi as the legitimate government of Libya, declared that Gaddafi’s regime had lost its legitimacy, thereby pre-emptively taking Gaddafi’s political survival off the table.

This was despite the fact that the TNC probably controls less than half of Libya’s sparse population and vast territory while Gaddafi is still in firm control of the western half of the country, most of the population, and the capital.

Foreign Policy’s Joshua Keating noted that, before Libya, only twice has the United States declined to acknowledge the legitimacy of a nation’s ruling power.

First, in 1913, president Woodrow Wilson, who objected to the unsavory (and suspected anti-US business) tendencies of Mexico’s strongman of the moment, Vicotriano Huerta, and refused to recognize his government until it collapsed, courtesy of Pancho Villa and the US occupation of Veracruz.

The second was China; the United States quixotically not only refused to recognize the communist conquest of the mainland for 50 years; it also countenanced Chiang Kai-shek’s pretensions to rule all of China, even as he exercised sway over only the formerly marginal province of Taiwan. [11]

The recognition of the TNC supposedly served the purpose of unlocking the frozen-asset goodie room for the Benghazi forces, which were officially blessed as freedom-loving, not riddled with al-Qaeda sympathizers, and committed to the honoring of previous foreign

contracts in Libya, thereby reducing the cash-strapped Western forces' financial exposure to the Libyan imbroglio in general and the TNC in particular.

It is a rather amusing sidelight to the conflict that the Western powers, laboring through recessions, cutbacks in government services, and overall political disgruntlement, have taken certain steps to minimize the stated cost of the Libya intervention.

Brad Sherman, a US Congressman from California - and an accountant - pointed out that the US has decided to count only marginal expenditures as costs of the Libyan conflict: that means direct costs such as munitions and fuel consumed and combat pay disbursed, giving a misleading idea of how much it costs to pound even a third-rate power into submission.

Nevertheless, a hitch remains: countries such as Canada have laws on their books that prevent them from unfreezing Libyan assets until the UN Security Council gives its OK - a virtual impossibility given Russian and Chinese disgust with the West's adventurism. [13]

In an amusing reprise of the enthusiasm for financial derivatives that plunged the world into the Great Recession, the LCG is encouraging interested states to evade the UN process by lending cash to the TNC, with the loans collateralized by frozen assets.

In a further sign that the US is not confident that the TNC can run its finances any better than it runs its war (and perhaps has achieved a belated awareness of the risks involve in lending ready cash against illiquid assets) it declared that most of the \$30 billion in Gaddafi assets in the US were illiquid ie real estate, and a mere \$3.5 billion - could possibly be funneled to the TNC. [14]

Nevertheless, Western financial creativity, once again deployed in the absence of Western hard cash, will undoubtedly succeed in forestalling the collapse of the Benghazi authority for the foreseeable future.

The second purpose of the Istanbul meeting was to cut the legs out from under other negotiators - such as the Gaddafi-friendly African Union, which was holding talks with regime representatives in Ethiopia and, for that matter, the French, who were sowing epic confusion through equivocal secret contacts with Gaddafi's representatives - by setting up a single, publicly-endorsed channel.

Apparently, despite its new-found ascendancy as Libya's legitimate ruling authority, the Transitional National Council does not, in the opinion of the LCG, have the wherewithal to engage in direct negotiations with Gaddafi's rebel bastion in Tripoli.

But the TNC was not the only organization to receive the back of the hand treatment from the Libya Contact Group.

The UN also got a slap.

Initial reports indicated that the UN's special envoy for Libya, Abdul Elah al-Khatib, would be the sole designated interlocutor for the LCG. Franco Frattini, Italy's loquacious foreign minister, told reporters in Istanbul:

Mr Khatib is entitled to present a political package. This political package is a political offer including a ceasefire. [15]

His remarks on the “authorized” status of Khatib were echoed by Frattini’s British counterpart, William Hague.

This raises the interesting question of how the LCG, an ad hoc organization with no legal standing, can order around the UN’s Khatib as its errand boy.

The problem has apparently been rectified.

It seems that Ban Ki-moon, the ever-pliant UN secretary general, has agreed to put the LCG program into execution – per the “authorization” of the seemingly all-powerful LCG – without the inconvenience and embarrassment of a UN Security Council discussion or vote, as Bloomberg reports:

UN Secretary-General Ban Ki-moon will be the only person authorized by the contact group to negotiate with both sides in Libya. Ban will set up a board of two to three interlocutors from Tripoli and the rebel-held town of Benghazi, Frattini said. [16]

According to a Financial Times report, it appears that the passion to claim Gaddafi’s scalp has evaporated in France and Italy and the Western powers will accept anything short of Gaddafi taunting them from his presidential throne in order to end the embarrassing conflict:

On Thursday it emerged that the western-led coalition confronting Colonel Muammer Gaddafi was beginning to examine the possibility of offering him a face-saving deal that removes him from power in Tripoli but allows him to stay inside Libya as a means of bringing a swift end to the conflict.

As some 40 nations prepare to meet in Istanbul on Friday to discuss progress in the Nato-led operation against the Libyan leader, Britain, France and the US continue to state publicly that the war can only end with Col Gaddafi’s physical departure from Libya.

But behind the scenes in Paris and London, senior officials are discussing whether the international community and the Libyan opposition could offer a deal that sees Col Gaddafi surrendering all power while going into internal exile in Libya.

For several days, French officials have made clear that Col Gaddafi could stay in Libya if he makes a clear statement that he will abdicate all military and political power. [17]

In the best tradition of Western peacemaking, it appears that a Ramadan ceasefire will be preceded by a two-week barrage of bombs and missiles that will demonstrate both to the Gaddafi regime and world opinion that, despite its abject and obvious desperation to disengage, the NATO/GCC coalition is still rough, tough and a force to be reckoned with, even as it hastens to fulfill its publicly-stated ambition to be “outta here” by September.

The most plausible roadmap for Libya’s post-conflict (or perhaps more accurately, mid-conflict) future is Turkey’s roadmap, which foresees a Ramadan ceasefire, Gaddafi leaving power but not the country, and a constitutional commission.

As floated in the Turkish media, “the core of the commission would consist of five people: Two from Tripoli who would be accepted to Benghazi, two from Benghazi who would be acceptable to Tripoli and a fifth who would be named by those four who would set up the

basis for a new constitution in Libya.” [18]

Good luck with that.

A prompt ceasefire and a negotiated settlement do not leave the TNC with a very attractive hand. It controls less than half the country (albeit the predominantly oily half).

Furthermore, it is unlikely to perform outstandingly in any nationwide democratic contest that would involve the TNC canvassing for votes among the inhabitants of western Libya, a certain number of whom are likely to regard the TNC as venal and incompetent eastern adventurers who conspired with foreign powers to bomb and sanction the residents of Tripoli into misery and poverty.

No wonder the TNC spokesperson, Mahmoud Shamam, harrumphed to journalists in Istanbul that the TNC would ignore a ceasefire, saying “Even the Prophet Mohammed fought during Ramadan. We will continue to fight for our lives.” [19]

However, if the West’s Libya fatigue holds and the war doesn’t re-ignite, the TNC may find itself lording itself over Benghazi in a de facto partitioned Libya, using its advantageous location vis-a-vis Libya’s oil reserves to sustain its economy and its diplomatic standing.

In an indication of the world’s resignation to a divided Libya, even China and Russia, who regard the TNC as a travesty and calamity, have pledged money for “humanitarian assistance” to “the Libyan people”.

On the heels of a Russian announcement that it was sending 36 tons of aid to Benghazi, a terse announcement from China’s Ministry of Foreign Affairs stated on July 11:

Q: The prolonged war in Libya deteriorates the humanitarian situation there. Will China consider providing humanitarian assistance to Libya?

A: In a bid to alleviate the humanitarian disaster faced by the Libyan people, China has decided to provide 50 million RMB [US\$8 million] worth of humanitarian assistance to them. [20]

This is something, but – considering that the TNC has consistently declared it needs \$3 billion in cash to keep the doors open in Benghazi – not a great deal.

As for the West, it can content itself with the observation that, if it wasn’t able to save Libya, at least it was able to cripple it.

It is a pattern that has served the West reasonably well as its diplomacy engineered partition instead of national reconciliation in Kosovo and Sudan, and expedited the fragmentation of the Soviet Union into a suspicious Russia and a host of new NATO members.

It is another lesson in US “nation-building” – born of a casual disregard for sovereignty, circumvention of the United Nations, a cavalier attitude toward international law and a reckless deployment of military power – that China, one of the last great multinational empires left standing, is likely to take to heart.

Notes

1. World leaders open Libya talks in Turkey, The Raw Story, Jul 15, 2011.
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3. Libya Contact Group: Chair's statement, UK Foreign and Commonwealth Office, Apr 13, 2011.
4. Assessing the Situation in Libya, US Department of State, May 12, 2011.
5. NATO's Decision-Making Procedure, CRS Report for Congress, May 5, 2003.
6. Teleconference Background Briefing on North Atlantic Council (NAC) Discussions on Libya, US Department of State, Mar 24, 2011.
7. Russia not to attend Libya Contact Group meeting July 15, ITAR-TASS News Agency, Jul 13, 2011.
8. Russia denounces Libya contact group as 'illegitimate' , Telegraph, May 13, 2011.
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10. NATO's Debacle in Libya, Counter Punch, Jul 15, 2011.
11. A Wilsonian move by the White House in Libya, Foreign Policy, Jul 15, 2011.
12. Democrat says Libya costs run much higher, Washington Times, Apr 7, 2011.
13. Canada mulls ways to fund Libyan rebels with frozen Gadhafi assets, Jul 16, 2011.
14. Summary of the American and International Press on the Libyan Revolution - Morgan Strong, Tripoli Post, Jul 17, 2011.
15. UN Envoy to Lead Libya Talks, Al Arabiya News, Jul 16, 2011.
16. Libyan Rebels Get U.S. Recognition Without Keys to Qaddafi's Frozen Cash, Bloomberg, Jul 15, 2011.
17. Click here for text.
18. Turkey seeks Libyan truce before Ramadan, Hurriyet Daily News, Jul 14, 2011.
19. Libyan TNC vows to continue military action in Ramadan, People's Daily, Jul 16, 2011.
20. Foreign Ministry Spokesperson Hong Lei's Remarks on China Providing Humanitarian Assistance to Libya, Chinese Foreign Ministry, Jul 11, 2011.

***Peter Lee** writes on East and South Asian affairs and their intersection with US foreign policy.*

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