

# ***Peace & Progress***

## ***Bringing Down Qaddafi***

*briefing paper*

*“Our duty and our mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Qaddafi by force. But it is impossible to imagine a future for Libya with Qaddafi in power. The International Criminal Court is rightly investigating the crimes committed against civilians and the grievous violations of international law. It is unthinkable that someone who has tried to massacre his own people can play a part in their future government. The brave citizens of those towns that have held out against forces that have been mercilessly targeting them would face a fearful vengeance if the world accepted such an arrangement. It would be an unconscionable betrayal”*

David Cameron, Nicholas Sarkozy and Barack Obama: “Libya’s Pathway to Peace”, 15 April 2011

After 3 days of talks in Doha, Qatar, which concluded on 14 April 2011, the Libya Contact Group (the LCG)<sup>1</sup> made no progress in seeking to end the stalemate in Libya. This was the first meeting of the LCG following the international gathering in London on the 29 March 2011. In announcing the formation of the LCG, William Hague, the British Foreign Minister, said that the Group would *“provide leadership and overall political direction to the international effort, in close co-operation with the United Nations, the African Union, the Arab League, the Organisation of the Islamic Conference and the European Union to support Libya”*.

In the light of the failure to reach agreement in Doha on the way forward, a joint statement was issued by the leaders of the UK, France and the USA. Its sentiment, like that of UN Security Resolution 1973 itself, is difficult to contest. But crucial questions remain to be answered. These include ‘why now?’ and ‘if and how should the international community ensure that Qaddafi is forced out of Libya?’ The answers to these questions inform our position on the international intervention in Libya and underline the difference between the present situation and the intervention in Afghanistan and Iraq which Peace & Progress has consistently opposed.

Why does the West think that now is the time to force Qaddafi from power?

Colonel Qaddafi came to power in a military coup in September 1969. For years, he was considered to be an international pariah by the West, sponsoring terrorist attacks that

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<sup>1</sup> The LCG consists of 40 countries or entities including the Arab states of Qatar and the UAE, as well as the UK, France, Italy, Germany and the USA.

have killed UK, French and USA citizens.<sup>2</sup> But he was brought in from the cold when, in the light of the invasion of Iraq and the humiliation of Saddam Hussein, he allegedly gave up weapons of mass destruction<sup>3</sup>. The regime was then considered 'fit for purpose' and open for business. The ban on the sale of arms to Libya was lifted, a step that has led to the European Union granting €834.5m (over £735m) in arms export licences between 2005 and 2009. The three countries which took most advantage of this were Italy, France and the UK which were granted licences worth €276.60m, €210.15m and €119.35m respectively (totalling an equivalent of £606.2m, over 70% of the EU licence total)<sup>4</sup>. On 16 April 2011 it was reported that the Qaddafi regime was using cluster bombs against civilians in Misrate, Libya's third largest city which has been under attack for several weeks<sup>5</sup>. Presumably, none of the EU countries would lay claim to providing cluster bombs but the fact remains that they have armed one of the most brutal regimes, enabling him to use those arms against his own people.

So the sale of arms to Qaddafi by the UK, France and Italy amongst others, raises questions about the phrase in the joint statement that someone who has tried to massacre the Libyan people should not be allowed to play a part in their future government. Are we to assume that the main sponsors of the UN motion have clean hands and are therefore entitled to play a part in determining the future of Libya?

The question becomes even more pertinent when you examine the evidence that Qaddafi has long held terror over his own people and that the international community has long known him to be guilty of a massacre in Tripoli many years ago, a crime that has gone unpunished.

In June 1996, over the course of a few days, 1200 political prisoners were killed in Abu Salim prison in Tripoli, gunned down on the instructions of Abdullah Senussi<sup>6</sup>, Qaddafi's brother in law, who had gone to the prison to quash a protest about prison conditions. The massacre notwithstanding, the conditions in Abu Salim prison have been condemned as inhuman and degrading and therefore a violation of the prohibition on torture. For many years, the families of the victims had no information about their fate, holding on to the belief that they may still be alive. But in recent years, they have been receiving death certificates and the authorities have acknowledged that the men are dead, claiming also that prison guards were killed by rioting prisoners and that those responsible for the

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<sup>2</sup> In December 1988, a US airplane (Pan Am Flight 103) blew up over Lockerbie in Scotland killing all 259 passengers and crew on board and 101 people on the ground. There is extreme doubt about Libya's role in the bombing but nevertheless in the eyes of the world Libya was responsible. In September 1989 a French airplane (UTA Flight 772) blew up over Niger leading to the death of 170 people. Libya was held responsible for both and Libyan citizens close to Qaddafi were convicted of mass murder.

<sup>3</sup> There was no independent verification that, if he had such weapons, they were in fact disposed of. A recent news report included information that Libya's stocks of mustard gas were being closely monitored to ensure that NATO airstrikes did not inadvertently hit the stocks and thereby release the gas.

<sup>4</sup> The figures are quoted in an article by Simon Rogers, 'EU arms exports to Libya: who armed Gaddafi?', guardian.co.uk, 1 March 2011.

<sup>5</sup> Cluster bombs cause indiscriminate damage and their use is banned by many governments. 108 countries have signed the Convention on Cluster Munitions which became binding in August 2010. Libya is not a signatory.

<sup>6</sup> Abdullah Senussi was convicted in his absence of the French airline bombing in Niger in September 1989.

massacre have since died. Derisory compensation has been offered<sup>7</sup> and rejected. This crime against humanity remains central to Libya's struggle for freedom. Resolution 1973 was preceded by Resolution 1970 which authorised a criminal investigation at the international criminal court *"the investigation has focused on events relating to the mass killing of the prisoners at Abu Salim prison which have been a catalyst for the current uprising: the arrest of Fathi Terbil, one of the lawyers for Abu Salim victims, on 15 February; the ensuing protests in the square outside the Benghazi high court; and the systematic killing of civilians there"* (Phillipe Sands, *The Guardian* 9 May 2011).

So whether it is Qaddafi's violation of human rights against his own people or against civilians from the UK, France or the USA that has led some countries to conclude that he cannot be allowed to remain in power, the fact remains that there is nothing new in what Qaddafi has said or done since the middle of February 2011 that can lead to the conclusion that he is now beyond the pale. He stepped way over it a very long time ago and no one has been able to point to a time when he has been a 'benevolent dictator'.

So we come back to the question of 'why now?' Are we to accept that the UK, France and the USA have suddenly gained a conscience that they didn't have before? That they have been so enlightened by the horrific possibility that Qaddafi would, without hesitation, do anything to stay in power, including using superior arms power against unarmed civilians, that they must now repent of their past failures to act and, more, their support for his brutality, and call an end to it? Perhaps the only thing you can say in Qaddafi's favour is that he, at least, has always been consistent, he is a leopard that will not and cannot change his spots.

There are of course two main motivating factors between the need for UN sponsored intervention now. The first is the people of North Africa and the Middle East themselves. The popular uprisings across the region is an extraordinary struggle to throw off the yoke of dictatorship sponsored by both 'east' and 'west' during the cold war and latterly by the US. The question posed is who will take power?

On 22 March shortly before the first gathering of the LCG the Home Secretary speaking at a conference of African leaders and businessmen in London stated that:

*"what had happened in Egypt, Tunisia and elsewhere were potentially the most significant global events of the 21st Century so far".*

*"We are only in the early stages of what is happening in North Africa and the Middle East. It is already set to overtake the 2008 financial crisis and 9/11 as the most important development of the early 21st century, and is likely to bring some degree of political change in all countries in the Arab world".*

*"This is a historic shift of massive importance, presenting the international community as a whole with an immense opportunity."*

Mr Hague added that the West's response should be *"generous, bold and ambitious"*.

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<sup>7</sup> Libya paid more for a dog killed on the Pan Am flight over Lockerbie than it has offered to the families of the victims of the prison massacre.

But in a stark warning to other undemocratic African regimes Mr Hague said such events did “*not stop at the borders of the Arab world*”.

*“One of the emerging lessons of the crises in the Middle East is that the demands for freedom will spread, and that undemocratic governments elsewhere should take heed.”*  
(*The Independent*)

Mr Hague is incapable of drawing a connection between the recent revolutions and 9/11, the wars in Iraq and Afghanistan and the recession, and while the hypocrisy is staggering it is clear that his government sees the struggle for freedom in Libya and elsewhere as an “immense opportunity.”

Which brings us to the second, connected, motivating force. Mr Hague was speaking at a conference of African leaders and businessmen. For a number of years the EU has developed a policy towards those countries in close proximity to Europe which would be of benefit to Europe. The lifting of the ban on arms sales conforms with this approach. In addition, Europe has sought to protect and develop its energy supplies. In Libya, this has so far been through individual companies based in EU countries, the most notable of which is BP Global.

In May 2007, BP signed a major exploration and production agreement with Libya’s National Oil Company. The deal, secured during a visit by Tony Blair to Libya, included an initial exploration commitment worth \$900 million, BP’s largest single exploration commitment.

It is difficult, therefore, to see that the posturing of the UK, France and the USA has credibility when they have blood on their hands and are guilty of both sustaining the Libyan regime and re-enforcing Qaddafi’s ruthlessness. So when you have sustained a dictator, even if you didn’t create him, what authority do you have to bring about his demise? More importantly, what right do you have to dictate the terms under which those leading the uprising against him are allowed to participate in the fulfilment of their hope to be free? Having taken the step of preventing their annihilation, giving them freedom to move forward, what right does the international community now have to decide the ultimate outcome? In truth, the question ‘why now?’ actually becomes redundant. If, for whatever reason, the action to intervene is legitimate, then the reality is that past culpability should play a part in determining who should control the future. It is at this point that the France, UK and USA will struggle to give up the right to dictate or control the outcome and this is therefore where our battle to convince will lie.

Should the international community ensure that Qaddafi and his regime is forced out of power and if so how?

UN Security Council Resolution 1973 of 17 March 2011 was unprecedented. Whilst not all members of the Security Council endorsed it, no one opposed it. It seems clear that the purpose of the resolution, to take “all necessary measures” to protect civilians, leading to the imposition of a no-fly zone, was welcomed by the vast majority of Libyan people. So unlike Afghanistan, when the USA and a few allies, took revenge for the events on 9/11 and, unlike Iraq, when a UN resolution was not obtained and the USA and the UK in particular went ahead with an illegal war on the basis of information they knew to be

false, the intervention in Libya had widespread international support, including from the Arab League, and was requested and welcomed by the Libyan people who feared they would be massacred. For the people of Benghazi in particular, Libya's second city, the intervention came just in time. It disarmed the Qaddafi war machine to the extent that it couldn't terrorise its own citizens on the scale that it planned.

In its wake, the people of Benghazi began to organise and to plan for a different future for themselves, something that they had not been allowed to do for over 40 years. They formed the Transitional National Council (the TNC) which has since been recognised as the legitimate government of Libya by France, Italy and Qatar (even though it has no mandate as such or indeed ability to rule the country). But, in a country which has been denied the opportunity to organise and prepare for an alternative form of government, it is the TNC which appears to be the only legitimate and credible alternative to the Qaddafi regime. But we hear very little from it. Why? One reason is that just before Qaddafi's troops started to move on Benghazi in February, the lines of communication from Libya to the outside world were cut. They have not yet been re-established. Not even those with family in Benghazi have direct contact with them.

But when representatives of the TNC have travelled outside of Libya, very little has been heard from them. They were not allowed to attend the LGC meeting in London and, although they addressed the LGC in Doha, they were not a participant in it. At the same time, a former member of the regime, Moussa Koussa, was in Qatar to "offer insights" to the Qataris. This is a man responsible for the assassination of Libyan opponents abroad over many years whilst in charge of the External Security Agency, a man linked to the sale of arms to the IRA and a man accused of connections to the Lockerbie bombing!

The sentiment of the statement made by David Cameron, Nicholas Sarkozy and Barack Obama has merit. If it was right to stop the bloodshed and prevent a massacre, how can it now be right to step back and let it happen? But the Libyan people have the right to prevent that themselves. They needed and still require the fire power of Qaddafi to be halted but then they need and want to be in control of their own destiny. In very simple terms, if you stop a bully from beating up a defenceless victim, the only way to prevent it from happening again is to empower the victim so that they have the means to stand up for themselves. If they don't have the means of self-determination, they will always be dependent upon the intervention of a third party. The life and death struggle unfolding in Mistrata points to the urgency of the situation.

The problem cannot be resolved by a Bin Laden style assassination of Qaddafi. There will be opposition to ongoing intervention from countries like Russia and China, and this requires the ongoing support of the UN and the Arab countries in particular, but the fate of the Libyan people, their basic rights, must not become a commodity in the market place of realpolitik.

The prime movers of Resolution 1973 must temper rhetoric and deliver the support for the opposition and help for those seeking to escape the bloodshed. Sarkozy's bid to control internal EU migration shortly after the bombing campaign started is aimed at preventing Libyans from gaining sanctuary if and when they fled. And now shameful reports are emerging of the fate of a boat which ran into trouble in late March en route to the Italian island of Lampedusa. The Guardian reported "*that the boat encountered a number of*

*European military units including a helicopter and an aircraft carrier after losing fuel and drifting, but no rescue attempt was made and most of the 72 people on board eventually died of thirst and hunger” (9 May 2011).*

Action in support of the anti-Qaddafi opposition in Libya remains critical to all those struggling for freedom and human rights against bloody dictatorship in Syria and Bahrain. It will sustain the struggle on the ground in Libya and in other countries. And principled action requires letting the people of Libya determine their own future and if that includes arming them to do so, then surely that is the only legitimate course of action? Yes it is risky but surely it is more in keeping with ‘generous, bold and ambitious response’ called for by William Hague and far better than either tolerating the corrupt vestiges of the Qaddafi regime remaining in place, as has happened in Egypt, or continuing to intervene, or worse still maintaining a military presence in another sovereign state? This is the only credible option open to the international community and the fate of the Arab revolutions depend upon it.

16th May 2011